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HOUSE OF REPRESENTATIVES—*Thursday, July 11, 1985*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Gracious God, we pray that our words and deeds will be received as instruments of understanding and not to hurt or cause pain. May the spirit of forgiveness be our constant companion and may we remember that we are members of the human community, all created by Your grace. Help us to live together so that our words and deeds remind us of our common heritage and allow every person to live in peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate passed a bill of the following title, in which the concurrence of the House is requested:

S. 49. An act to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 124) an act entitled the "Safe Drinking Water Amendments of 1985," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STAFFORD, Mr. DURENBERGER, Mr. SIMPSON, Mr. BENTSEN, and Mr. BAUCUS to be the conferees on the part of the Senate.

THE QUESTION OF PRIVILEGE

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, this week this House was offered the opportunity to examine what appeared to be a possible conflict between the rules of the House and the conduct of partisan activity on Federal premises. Our opportunity, Mr. Speaker, was to refer this matter to the Committee on Official Standards of Conduct. Nothing less, Mr. Speaker, should have been expected by the American people or indeed by us, the elected Members of this body.

To sweep this grave matter under the partisan carpet can serve only to reinforce the lurking suspicion that this body does not intend to abide by the rules or by law either here or in the sovereign State of Indiana.

APPOINTMENT OF CONFEREES ON S. 1160, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1986

Mr. ASPIN. Mr. Speaker, pursuant to the rule, I move that the House insist on its amendments to the Senate bill (S. 1160) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes, and request a conference with the Senate thereon.

The Clerk read the title of the Senate bill.

The SPEAKER. Without objection, the motion is agreed to.

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Speaker, I offer a motion to instruct the conferees.

The Clerk read as follows:

Mr. MCCOLLUM moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill S. 1160, be instructed to insist on the House position on the McCollum amendment relating to the creation of a peacetime espionage offense with a death penalty in the Uniform Code of Military Justice.

The SPEAKER. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 1 hour.

Mr. McCOLLUM. Mr. Speaker, the motion to instruct in this case is being offered for two primary reasons; one, it has been my feeling since we did not get a recorded vote on this issue on the floor when the amendment was adopted on the Department of Defense authorization bill that it would be wise to give the conferees, the managers, the full force of the House on this very vital subject; but it is also being offered, and frankly the primary reason for it being offered, is because Members on our side who wanted that recorded vote were very concerned about not getting it and some of the procedures involved in that process.

I want to first of all pay good respect to the chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. ASPIN], who has I think admirably conducted the proceedings of the bill that is before us today again. This motion is no reflection on him or on the minority ranking member of our committee or any of the other members of the Armed Services Committee. It is strictly in order to avail ourselves, at least on this side, of the opportunity to discuss the issue a little bit more and to get that opportunity for the vote which, as I said, some of our Members felt very badly they did not have a chance to have.

To refresh the Members' recollection on what this amendment was and what we would be instructing the conferees on today, I would say this about the amendment. The amendment was specifically to establish for the first time a peacetime crime, a peacetime offense, for espionage under the Uniform Code of Military Justice. At the present time there is no specific crime of espionage in peacetime under the UCMJ.

Included in the amendment and included in this new crime would be a constitutionally valid death penalty

that could be given by the court members under the Uniform Code of Military Justice and under the regulations established by the Manual for Courts Martial.

I think this is an exceedingly important issue which is why many Members were disappointed they did not have an opportunity to be recorded individually on this issue which passed by voice vote during the debate 2 weeks ago.

The fact of the matter is that under our law system today we have a peacetime espionage crime in the civilian world but we do not have it in the Uniform Code of Military Justice, unless you go the circuitous route of bringing in article 134, which allows for the other Federal criminal laws to be incorporated in military law and charges brought under them. If you do that, though, the sentencing is limited to a maximum of 10 years' confinement for whoever might be convicted, so that is, as a practical matter, not sufficient.

If, for example, John Walker had been brought to trial, which he could have been, under the Uniform Code of Military Justice, for espionage instead of out in the civilian world, and by the way, under the laws of our country, since he committed these offenses back when he was, or some of them back when he was on active duty, and they were connected with his military service as a retired warrant officer, John Walker could have been recalled for trial under the UCMJ. If he had been tried under the UCMJ, under the provisions of existing law, the maximum sentence he could have been given would have been 10 years.

As it is, the peacetime crime of espionage under which he may well be tried on the civilian side of the ledger, under Federal law, has a maximum sentence of life imprisonment and a much more severe possibility for confinement.

However, I might point out to the Members that not only do we need a peacetime espionage crime under the Military Code, we also need to address the question of the death penalty itself. Since 1972 when the Supreme Court ruled that the death penalty statutes in this country generally were unconstitutional, because the procedures and the guidelines for instructing juries and court members on how they would find or not find the death penalty were vague or nonexistent, and the specific safeguards to make sure they considered matters in mitigation and matters in aggravation were not present, since that time we have not had a full death penalty visit by this Congress to reenact or to make constitutionally valid a death penalty.

Many of the States, some 30 or so, have in fact, since then, revisited that issue and have established what have been upheld in many cases by the Supreme Court valid death penalty procedures. We have one time, one time since 1972, enacted what is believed to be a constitutionally valid death penalty and that was in 1974 in the case of air piracy and skyjacking, but we have not done it with regard to any other Federal criminal laws, so that today, with regard to espionage, for example, spying on the civilian side, as well as in the military, there is no statutorily enacted, constitutionally valid death penalty and it seems to me that this is long overdue, as it does to many other Members of this body, that the Judiciary Committee revisit and bring out to the floor a bill which gives an opportunity for us to have a constitutionally valid death penalty vote on the other crimes, not just the one involving spying and espionage, but those such as assassination of the President and certain murder cases and others that involve very serious and heinous crimes.

But it also occurs to me that we specifically find the most egregious possible crime against the American people, threatening lives, threatening the very liberty of our Nation when we talk about spying and treason and, above all else, I think the Members, when they voted by the voice vote earlier on this action were saying "We understand that, we want to see a correct peacetime espionage crime in the military, but we also want to see an opportunity for the death penalty to be imposed in this situation and under those conditions"

Now, it is also true that there are currently in existence under the present system of the President's orders in the Manual For Court Martial, in other areas related not to this peacetime crime, but to certain existing military crimes, provisions which would presumably set forth a constitutionally valid mechanism for imposing the death penalty. It appears that this is approved by the Court of Military Appeals and hopefully it would be approved as a procedure for establishing this by the Supreme Court if and when a case is reviewed under those procedures sometime in the future. But this statute does what I think is an important and consistent thing; that is, the amendment that is being discussed today for the purposes of instructing the conferees that was adopted a week ago sets forth a legislative, clearly constitutionally valid procedure so that regardless of the ultimate decision on the constitutionality of the Manual For Courts Martial procedure, this would be a death penalty that would be upheld by the courts ultimately for the crime of spying or peacetime espionage.

So it is for those reasons that I offered the amendment to begin with. It is for those reasons, to establish a peacetime espionage crime under the UCMJ with a death penalty that I believe the Members of this body, by voice vote, so willingly adopted that amendment. And today what we are attempting to do, and why I am offering this motion to instruct, is to give force to the views of the House in the conference by a vote affirmatively instructing and to allow us the opportunity here today to get a recorded vote on that issue that Members wanted, many Members did, but did not have the opportunity to get.

Some were aggrieved because they felt there might have been a quick gavel or whatever involved in that. But whatever that issue is today, the key reason for offering it is to have the opportunity to get that vote, to clearly state the will of the House on the record and to let Members say their will in this particular case.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. For purposes of debate only, I will be glad to yield to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Speaker, I thank the gentleman from Florida for yielding, and I would tell the gentleman from Florida that we would defend his position in the conference anyway. I think that the gentleman's amendment had strong support in the House and there is no reason why we would not support it.

However, I understand the gentleman's concern about getting a vote on it and I have no problem with this vote and in fact I plan to vote for the gentleman's motion to instruct.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield to me?

Mr. McCOLLUM. For the purposes of debate only I yield to the gentleman from California.

Mr. ANDERSON. Mr. Speaker, I want to direct a question to the chairman of the Armed Services Committee.

Mr. Speaker, 2 weeks ago, when the House debated H.R. 1872, the DOD fiscal year 1986 authorization bill, many hours were devoted to making reforms in the procurement system of the Defense Department. Through all of those debates ran one common thread—buying the most defense for the least expenditure of the taxpayer's dollar. That central theme was supported by every speaker in the well, even if he or she opposed the particular scheme being discussed at the time. Every speaker also supported the ideal of bringing more competition into the Defense Department procurement system, and we passed a number of amendments aimed at doing just that.

One point that was not debated, however, was the language that directly brings competition into the U.S. Air Force's procurement of fighter aircraft. I suspect this is because your committee had already included it in their reported bill, and no Member

took issue with it on the floor. I refer to section 103(C), which states:

In the procurement of tactical fighter aircraft for fiscal year 1986, the Secretary of the Air Force shall establish an ongoing annual competition for procurement of aircraft to meet the requirements of the Air Force above the minimum number of F-16 and F-20 aircraft that the Secretary determines necessary to procure for meeting the requirements of the active and reserve components. Such competition shall be among all suitable aircraft, including the F-16 and F-20.

This issue, which I understand passed the House Armed Services Committee on a vote of 29 to 15, was stimulated by the Northrop Corp.'s unsolicited proposal to the Air Force to provide the F-20 on a firm fixed price basis in competition with the General Dynamics F-16. Since the committee reported out their bill, General Dynamics has already responded by submitting their own unsolicited proposal to the Air Force for a lower cost F-16.

Mr. Speaker, I am greatly concerned by the fact that the Senate's DOD authorization bill for fiscal year 1986 does not address this F-16/F-20 competition. I am aware that Northrop's proposal was not made until after the Senate Armed Services Committee reported out their bill. However, the subject was not raised by any Senator during the debate of this bill and thus the Senate does not have a recorded position on the issue.

Mr. Speaker, I have heard all the arguments for maintaining the status quo, that is, sole procurement of F-16's from General Dynamics, including their claim that price will go up if they build fewer aircraft. I believe history and experience tell us that will not necessarily be the case in a competitive situation. I would only point out that the House language provides the Air Force Secretary authority to hold the competition, an authority the Secretary has stated he would like to have. Therefore, Mr. Chairman, I believe it would be useful for the House to have your assurance that you intend to support the desires of the House concerning competition within DOD programs, and that you will personally involve yourself in this issue in conference and do everything possible to ensure that the House's position on this issue prevails.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I will be glad to yield to the gentleman from Wisconsin.

Mr. ASPIN. I would like to assure the gentleman that I agree completely with his statement. I would tell the gentleman that I did vote for the amendment that he refers to in the committee and the committee amendment which did pass in the committee.

□ 1020

Personally I think it is the right thing to be doing and I am going to be very much supportive of the House position in the conference.

Mr. ANDERSON. I thank the chairman very much.

Mr. Speaker, I thank the gentleman [Mr. McCOLLUM] very much for yielding.

Mr. McCOLLUM. The gentleman is quite welcome.

Reclaiming my time, Mr. Speaker, the issue we are debating at this point is on the question of the McCollum amendment and instructing conferees on peacetime espionage and the death penalty.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California [Mr. LUNGREN] for purposes of debate.

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think it is important to focus on the nature of the gentleman's amendment and the vote we are going to have on it. In essence what this is going to be is the first vote the House of Representatives has had up or down on the question of the death penalty since at least 1977.

Some may wonder why we do it in this manner. The problem is we attempted at least on two prior occasions, just in the last 2 weeks, just to get this vote.

Unfortunately we were not allowed the opportunity to have those votes. It would not be our intention to do this under any other circumstances. The fact of the matter further is that we are denied the opportunity to have a vote on the death penalty because the death penalty is within the jurisdiction, primarily, of the Committee on the Judiciary. And the Committee on the Judiciary is so ideologically established that it has no chance of breathing any life, much less getting the legislation to the floor for a serious vote.

We hope that Members here will understand that this is a vote up or down on the death penalty, the first vote they have had since 1977 to register their feelings one way or another.

It is also our hope that in this way we can gauge the mood of the House of Representatives on the question of the death penalty, so that when we go, in the future, to the Committee on the Judiciary, we will have an accurate reflection that is current of the attitude of the collective judgment of the body here in the House of Representatives. It is important that we have this in terms of its substance. That is that the death penalty ought to be applied to those who engage in espionage even in peacetime. But this is limited just to those who are in uniform. It does not go to the question of whether we ought to have the death penalty with respect to murdering the President.

As I have said many times on this floor, it is incongruous that under the Federal statutes at the present time a Mr. John A. Hinckley, had he murdered someone in the course of skyjacking an airplane for purposes of getting to Washington, DC, to attempt to assassinate the President, and had been successful in assassinating the President, he could have the death penalty imposed upon him for the skyjacking incident but not for murdering the President of the United States. It is absolutely incongruous, I say. It makes a mockery of justice on the Federal level. There are many of us who think that this House being the deliberative body for the Nation ought to have the opportunity to debate fullsquare right here on the floor the question of whether or not we ought to have the death penalty for those who murder the President or Vice President of the United States, the question of whether we ought to have the death penalty for those who are involved in treason, the question of whether we ought to have the death penalty for those who are involved in certain heinous crimes, the question of whether we ought to have the death penalty for those who murder other inmates while they are in a Federal correctional institution, the question of whether we ought to have the death penalty for those who murder prison guards, because in those last two cases there is a very serious question.

If someone is serving a life term in a Federal institution, what sanction is there that that person respects to stop him or her from murdering a fellow inmate, or stop him or her from murdering a prison guard when they already have a life imprisonment hanging over their head? Should we give them another life imprisonment, and another life imprisonment?

Last year, just last year we had a terrible situation in a maximum security prison on the Federal level in Marion, IL. In that particular instance we had two murders within a very, very short period of time, one that seemed to be in response to the first one. There was actual mayhem there.

Frankly, when you are dealing with people who are hardened criminals who have committed murder before, there is no sanction that means anything to them unless it is the death penalty.

The problem is that Members of Congress have differing views on that issue but they are denied the opportunity to debate those issues here on the floor with an opportunity to vote on those issues here on the floor because we can never get the issue through the Judiciary Committee, we can never get it here on the floor. It you cannot get it through the committee you have one other route and it is called a dis-

charge petition; 218 Members have to sign the discharge petition which by tradition and rule we keep secret. It is a violation of the rules to take that discharge petition from the table there [indicating] and show it to the press or show it to anybody else. It is a violation of the rule to let the American people know, who are so concerned about the death penalty, that they would put their name on a discharge petition to discharge the relevant committee of jurisdiction, the Judiciary Committee, from further consideration and bring it here to the floor.

What happens if you use a discharge petition? The argument is that is not the way to deal with serious legislation. You do not have the amendment process. So we are caught betwixt and between. We are caught because of the committee not allowing it ever to get out on the one hand and if we use the other available route we are then criticized for bringing it to the floor because it is too serious a matter to handle it in that way.

So here we have an opportunity on a death penalty which deals with espionage to vote. It has already been accepted. There does not seem to be a disagreement on the leadership on the two committees—on the committee with respect to this but we need to have a vote so the American people will know where their elected Representatives stand on the question of the death penalty.

We have tried twice in the last 2 weeks, twice previously, to have this vote. We were denied the opportunity to have those votes by what some would consider very questionable rulings by the Chair. Here we have an open-and-shut case and unless 100 or 218 bodies strangely materialize in a few short minutes when we object to the vote on the grounds that a quorum is not present, we expect we will have a vote, every Member will have the opportunity to register his or her feeling and the position of the people that he or she represents on the floor of the House of Representatives on the question of the death penalty, the first time since 1977. I hope all Members will understand that they ought not to hide behind the procedural question of saying, "I do not like to instruct conferees."

We have here the chairman of the subcommittee telling us that he does not mind being instructed and in fact will vote for it. So no one can hide behind the argument that this is a procedural matter and I do not want to set the precedent for instructing conferees.

The conferees wish to be instructed. Let us instruct them and let us take this as our first and only up-or-down vote on the question of a death penalty, constitutionally required, with the proper procedure as established by the enunciations of the Supreme Court with respect to espionage. Let us have a vote on it up or down. Let us have a clear, clear record of where the American people stand on this as reflected by the views of their elected Representatives in the House.

Mr. Speaker, I not only thank the gentleman for yielding to me but I congratulate him, Mr. McCOLLUM, for fashioning this particular amendment to this bill and making sure, and insisting that we would have a vote on this very, very important subject.

Mr. McCOLLUM. I reclaim my time and I really want to thank the gentleman. I think he does deserve a round of applause for that. But the fact of the matter is we both serve, my colleague and I, on the Committee on the Judiciary. We do need the opportunity to have the votes on the death penalty, as he says.

I have had the privilege of being the ranking minority member on the Subcommittee on Crime and I feel very strongly about getting votes on reinstating the death penalty for a number of Federal crimes.

I am about to yield now to my good friend, the gentleman from Pennsylvania [Mr. GEKAS], who is the ranking minority member on the Subcommittee on Criminal Justice, who has that burden of carrying the issue of restoring the death penalty on the Criminal Justice Subcommittee, and I am very honored to yield to the gentleman from Pennsylvania [Mr. GEKAS], at this time.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, I view this particular phenomenon at this moment as a breakthrough. It is a breakthrough toward the day when we will eventually be voting and accepting the death penalty as a deterrent tool in the fight against all sorts of crimes, not just the ones that pertain to military justice. There is a large body of opinion in this country of ours that favors the imposition of the death penalty as a deterrent.

No one need have repeated for him or her the statistics that are overwhelmingly in favor of the death penalty in every poll taken to the American public in the last generation.

The only statistical change that has occurred over the last 5 years in the public opinion poll as to whether or not the death penalty is a proper tool of law enforcement is that it has increased in public favor as a proper tool.

In the stage of development in our country now where there is a get-tougher mentality, and properly so, it is important that we take this first step to incorporate the death penalty at least in the military justice system and then, step by step, with the cooperation of the chairman of the Criminal Justice Subcommittee, begin to have proceedings to implement the death penalty across the board.

□ 1030

I have written to the gentleman concerning that subject, and hope that he will convene the Criminal Justice Committee specifically for the purpose of reinstating the death penalty across the board. That is why this vote is so important; it will register the House's approval of embedding the death penalty in the remedial section of our criminal justice system and lead us inexorably to the point where we will have it as a tool across the board.

Mr. CONYERS. Will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding to me.

I am very interested in this subject, and I appreciate both members of my subcommittee being here today. I want to assure the gentleman that I will move expeditiously on this matter.

Did I hear the gentleman from Pennsylvania say that the death penalty is a deterrent to crime?

Mr. GEKAS. Absolutely.

Mr. CONYERS. That is what I heard the gentleman say.

Mr. GEKAS. Oh, yes. If the gentleman wants to debate that, I am willing to.

Mr. CONYERS. I just wanted to make sure. We will hold hearings on the subject; we will not try to resolve it here.

Mr. GEKAS. On that question, will the gentleman yield further?

Mr. McCOLLUM. I will be glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. On the question of hearings, Mr. Chairman, it disturbs me a little bit, because the statistics that I have just related to you, plus the fact that in sessions past we have had countless hearings, according to the record. I was not here; the gentleman was here; and that the subject has been exhausted ad infinitum. Is it really necessary to have hearings on whether or not first, the people of the United States want the death penalty; two, on the constitutionality of the provisions that we would be presenting?

Those are moot by now, and I would ask the gentleman to consider strongly waiving the necessity for hearings for the purpose of expediting what now the House is approving finally in at least one section of its duties, on military justice, the death penalty.

I would ask the gentleman to seriously consider not even having hearings, but moving to the point of markup on the bill.

Mr. McCOLLUM. I yield to the gentleman from Michigan for a response.

Mr. CONYERS. This is exciting. The gentleman wants hearings or the gentleman does not want hearings?

Mr. GEKAS. I want markup.

Mr. CONYERS. Oh, you want markup.

Mr. GEKAS. Yes.

Mr. CONYERS. This morning?

Mr. GEKAS. This afternoon.

Mr. CONYERS. The subcommittee is meeting.

Mr. McCOLLUM. If I may reclaim the time here now, I would be glad to yield to the gentleman.

Mr. CONYERS. If I may point out, the subcommittee is meeting now, sir. The Subcommittee on Criminal Justice is meeting now. If we all repair to the subcommittee, we might be able to report a bill out before the conferees can even do their work.

Mr. LUNGREN. Will the gentleman yield?

Mr. McCOLLUM. Reclaiming my time, I will yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I am happy to hear this, because I have been here 7 years; the last vote we had on this was 1977; I think we have had sufficient time for hearings in the subcommittee and the full committee; votes on the floor, votes here on the House floor.

If the gentleman is telling me that he was waiting, he was waiting for this moment to find time to have hearings, well, I will yell hallelujah. The point is, I have been here 7 years and have never had a chance to vote on it.

The people of my State constantly say, "Why haven't you done something about it?" I have to tell them, "Because we can't get it out of the committee."

The gentleman has the right to his view; I have the right to my view. All I am saying is, treat us fairly; give us a chance to have it on the floor, and we will determine it. We will determine it.

Mr. CONYERS. Will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman.

Mr. CONYERS. I was going to respond to the letter, but I came on the floor in person. This is faster than the U.S. mail, fellows.

Mr. GEKAS. Good. It is about time.

Mr. CONYERS. I am sorry it took so long.

Mr. McCOLLUM. Reclaiming my time to make a couple of comments.

Mr. GEKAS. Would the gentleman yield just a moment on that point.

Mr. McCOLLUM. All right, certainly. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. The chairman says that, and he duly acknowledged before, that he had received my letter requesting expeditious action on the death penalty.

Mr. CONYERS. That is correct.

Mr. GEKAS. I hope now, as we walk together to the Criminal Justice Subcommittee hearing on another matter, that we resolve the answer to my letter and to proceed on this matter.

Mr. McCOLLUM. Reclaiming my time, I want to make one point. The distinguished gentleman from Michigan; I had the privilege of serving on his subcommittee and once before the gentleman from Pennsylvania I served as ranking minority member on the Criminal Justice Subcommittee, and then for 2 more years as a member, and I understand that he does conduct hearings and he is very considerate, and I appreciate that.

In the 4 years I served on the subcommittee, while we did have hearings on the death penalty as a party of the omnibus crime discussion, we never did, for various reasons, get to move on legislation or if we did, it was very late and it never went anywhere.

I would hope that the gentleman for Michigan could assure us that the hearings would not be dragged out too long, and that actual legislation, specifically on the death penalty and specifically on the issues discussed here today, could be marked up early enough; preferably this year, so we could vote on it in this Congress.

Mr. CONYERS. Would the gentleman yield to me?

Mr. McCOLLUM. I yield to the gentleman.

Mr. CONYERS. This is the most exciting and expeditious activity I have ever engaged in. I may report this bill out before you can get back to the subcommittee.

Mr. GEKAS. Do not do it without me.

Mr. LUNGREN. Will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California.

Mr. LUNGREN. I am sorry the gentleman brought up the Post Office. I mean, we blame the Post Office for a lot. I have not received mail so late that it took from 1977 until 1985 to get on my desk; maybe the gentleman has found those sorts of things, but the fact of the matter is it is an extremely important issue.

The Senate has passed the death penalty in previous Congresses. Last time, the Senate took the death penalty part out of the total package from the President and passed it by a 2-to-1 margin or 3-to-1 margin, and sent it over here, and it sat and it sat it sat.

So I hope the gentleman does not believe we are too sensitive about the fact that, from 1977 to 1985 we never even got one vote. You know the dispatch with which the Committee on the Judiciary can move. The gentleman has heard the Speaker say before: "I am the one who has the power of scheduling here."

The gentleman remembers what we did with the ERA: We had the ERA on the floor before the committee report came out. As a matter of fact, as the gentleman knows, we have never had the committee report printed on the ERA to this moment?

We left on a Friday, assured that it would not come up for 10 days, and we learned the next Monday when we got back it was going to be put on the suspension calendar—for noncontroversial items.

Now, if the ERA, an amendment to the Constitution, in noncontroversial, why do not—I do not want to suggest what the Chairman might do, but he might ask that we put the death penalty on the suspension calendar and see if we can really move it, since it is certainly not any more controversial than the ERA.

Mr. CONYERS. Will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman.

Mr. CONYERS. I am the chairman of the Subcommittee on Criminal Justice, I am not the Speaker of the House, but I would be delighted to take this up with him immediately.

Mr. McCOLLUM. We are delighted to hear that.

For purposes of debate only, I yield to the gentleman from Wisconsin.

Mr. ASPIN. I appreciate the gentleman from Florida [Mr. McCOLLUM] for yielding, and I appreciate the members of the subcommittee of the Judiciary Committee allowing the Committee of the Whole to particiate in their debate this morning, but I would like to get back to the defense bill, which of course is the issue before us.

Let me just make correction on two points. One is the issue about the vote that the gentleman wanted last—well, in the week before we had our recess on the issue. I do not believe that there was a conspiracy to deny the gentleman a vote.

It was the chairman of the committee that was holding the bill, and I think I would have known it. The gentleman did try to get a vote twice. There were two different people in the chair; there was no conspiracy on our part to deny the gentleman a vote. It was late at night. The gentleman had clearly won the issue on a voice, and I think we were trying to move the process along very quickly.

For that reason, as I say, I have got no objection to the gentleman having his vote, and let us do it. If the gentleman thinks a recorded vote is important, let us do it.

The second point, and that is I do not read too much into the issue here as being the wave of the future on other votes in the matter of the death penalty. I think that the gentleman's amendment here is clearly going to win, and I am going to vote for it, but I do not know whether I would vote for the death penalty in other cases.

So again, I think that we will have to see how it turns out, but I would

just like to at least make those two points before we do have this vote.

Mr. McCOLLUM. I thank the gentleman.

Reclaiming my time, I want to state that there was an understanding on my part; I know the gentleman from Wisconsin was not party to any quote: "Conspiracy to deny a vote" here on the floor on this issue 2 weeks ago, and I understand that, and I respect him for that.

There were some Members who felt that the gavels fell a little too quickly up there, and I think we did have some serious misunderstandings, disagreements, problems with the count, especially on the second one which the other gentleman from Pennsylvania requested a vote on later.

But I for no moment have any question of the motives or impugn the integrity of the gentleman from Wisconsin; he was a perfect gentleman throughout all of this, and I appreciate that fact, and I appreciate his support for this particular amendment on peacetime espionage and the death penalty.

□ 1040

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. For the chairman's edification, I wish he would not foreclose his position on the death penalty so quickly. We are talking about the possibility of cases of the assassination of the President of the United States, God forbid, other instances of espionage and treason that would not come under the cover of the Military Justice Code. Please, I ask the chairman, to consider carefully obviating himself from the debate that is yet to come on whether or not the death penalty should be imposed for those kinds of serious crimes.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California.

Mr. LUNGREN. I appreciate the remarks of the gentleman from Wisconsin, and I do not attribute any conspiracy to him or to anybody else. I will state emphatically, however, I was on the floor when we made the second attempt on a separate vote on the gentleman's amendment, and I will tell him that I believe absolutely there were more than 44 people standing. I know one Member did a quick count on our side and counted 50, at least 50; our staff counted 60 back there.

I understand what the gentleman is saying. But I will not take lightly what occurred to us on our side. When our side feels that we cannot get a proper vote, it goes to the very fundamental questions of this House, because, frankly, there is a certain amount of comity that is necessary in this House.

POINT OF ORDER

Mr. WEISS. Mr. Speaker, I wish to make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WEISS. Mr. Speaker, I think that this last statement of the gentleman impugns the motives of the Members of this body. I do not want to ask for the words to be taken down, but I think that maybe the gentleman would want to withdraw whatever insinuation along those lines that he has made.

Mr. McCOLLUM. I yield to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. I will not——

The SPEAKER pro tempore. Will the gentleman suspend?

Does the gentleman from New York [Mr. WEISS] state a point of order?

Mr. WEISS. Mr. Speaker, I raise a point of order that motives of a Member of this body have been impugned by the suggestion that there was a deliberate miscount of votes by the Chair.

The SPEAKER pro tempore. The Chair will make a general response to the point of order. Under the precedents of the House, it is not in order in debate to speak disrespectfully of the Chair, to charge dishonesty or disregard of the rules. May 31, 1934, Speaker pro tempore Burns; February 7, 1935, Speaker pro tempore O'Connor; Hind's Volume V, 5192, 5188; Cannon's Volume VIII, 2531.

The Chair believes that any Member assigned to perform the duties of the Chair does so in a nonpartisan and forthright way, and the Chair will not permit to go unchallenged any improper references to the performance or motives of the Chair.

Mr. WEISS. I thank the Speaker.

The SPEAKER pro tempore. The Chair is making this as a general admonition.

The point of order is withdrawn.

The Chair recognizes the gentleman from California.

Mr. LUNGREN. I respect the gentleman's statement, because I would not withdraw those words even if a point of order were raised against me. I tried to state a fact as to what occurred, which I believe, and I said I believed there were, and I cited the number of people that were standing. I will be glad to stand on that at any point in time. I do not think the rules of the House prevent me from saying what I believe actually occurred or stating the truth.

Be that as it may, I still——

POINT OF ORDER

Mr. WEISS. Mr. Speaker, I wish to state a point of order.

The SPEAKER pro tempore. The gentleman from New York [Mr. WEISS] will state his point of order.

Mr. WEISS. Mr. Speaker, my point of order is that once again the distinguished gentleman from California has, in fact, impugned the motives and behavior of a Member of this body, particularly the Member sitting in the chair at the time that that vote was taken.

Mr. LUNGREN. Mr. Speaker, if I might be heard on the point of order——

The SPEAKER pro tempore. The Chair will state that he has read a general statement. The Chair would hope that the gentleman from California would adhere to the principles as contained within that general admonition to the House.

Mr. LUNGREN. Mr. Speaker, if the Speaker would look at the words that I said, he would see that I spoke very carefully about what I said I observed occurred, what I thought occurred, from my perception. And I do not appreciate the fact that on our side of the aisle we are told that we are to accept everything that happens in this House and if we bring to the attention of our other Members what we believe occurred that somehow rules will be interpreted such that we are not even allowed to utter what we thought occurred.

I did not cast aspersions on anybody's motivations. I stated what I thought occurred. I stated facts as I saw them. I said that I believe there were more than 44 people standing. I stated that a Member on our side counted at least 50. I stated that several members of our staff counted 60 Members. That is what I stated.

The SPEAKER pro tempore. The Chair cannot comment on something that occurred previously. The Chair has the ability to regulate the debate as it occurs today. The gentleman from New York [Mr. WEISS] should consider the comment of the gentleman from California [Mr. LUNGREN] at the present time.

Mr. WEISS. If the Speaker will allow, I have no problem with what the gentleman believes. I have a problem that he states as a matter of fact that there were x number of people standing when the Speaker, the Member who was in the chair, ruled otherwise and counted otherwise. That is not belief. That is in fact questioning the honesty of the vote count. That is what I am objecting to.

The SPEAKER pro tempore. It is the opinion of the Chair that while the gentleman from California [Mr. LUNGREN] may not in debate charge the Chair with disregard of the rules, he has only stated his personal belief as to something that may have occurred factually.

Mr. LUNGREN. I thank the Chair.

Mr. McCOLLUM. I yield to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. I might just say what may happen, what may be re-

quired to occur here on our side of the aisle, is that we may be required to hold numbers up, all the way from 1 to 44, so that there will be no question as to how many people are here. And if we want to have this run like a little league baseball game at the "A" level or a kindergarten, I guess we can do that. All I am saying is that Members on both sides of the aisle ought to understand that there is a modicum of respect, a modicum of mutual comity that is necessary to have this House operate. And if that is gone, the ability to operate in this House is gone. And to suggest that if in fact Members feel that they have been taken advantage of that they have no right to even take the floor and express that belief because they will then be called to task and have their words taken down, frankly, that is unacceptable on this side of the aisle. And if the gentleman listened to my words, he would see that I was very careful to say what I believe I saw occur and what others saw occur. If there is a question of perception, that question of perception can lie. This is not a courtroom in which we can be examined and cross-examined. Frankly, I wish it were, because I would love to bring forth the evidence.

Mr. McCOLLUM. Mr. Chairman, if I may reclaim my time, I think there is a very important point that is being made, and I certainly will yield, but I would like to yield first to the gentleman from Wisconsin [Mr. ASPIN] and, hopefully, we can go on to a vote.

Mr. ASPIN. I thank the gentleman for yielding. I appreciate the concern of the gentleman from California. We all know that on these count issues there is a modicum of discretion involved and the discretion concerns the amount of time that you allow between the question of a vote and how much you wait before you count the House. If you stood there for 5 minutes waiting, you could probably get a vote on every time. If you waited for 2 seconds, you probably would not get a vote on any. It is a judgment call, and the gentleman from California is, I think, within his rights to question whether there was some fast gavels on those votes. The point is that we are now going to have a vote on it, let us have a vote, let us not waste the time of the House, let us go ahead with the vote if we can.

Mr. McCOLLUM. Reclaiming my time, I yield strictly for the purposes of debate to the gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank my friend for yielding.

Mr. Speaker, again, I fully share the sentiments expressed by my friend, the gentleman from California [Mr. LUNGREN], as to the comity that is required in this body and the respect with which we ought to hold one another. And what I have suggested really follows right in path of that.

The gentleman from Wisconsin is quite right. Perceptions may vary. To turn that perception into an absolute statement of act I think is what is inappropriate, and that is what I was taking my objections to.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California.

Mr. LUNGREN. I understand what the gentleman is saying, but I want it to be fully understood we will not trivialize the incident nor will we trivialize the significance of what it represents.

What I am suggesting is that Members on this side of the aisle are putting people on notice that we will expect that we are treated the same. That is all we are asking. All we are asking for is respect Member to Member, district to district. And, unfortunately, a number of us feel, this body on this side of the aisle feels, that we have not been accorded that in each and every instance.

Mr. WEISS. I am sorry the gentleman feels that way.

Mr. McCOLLUM. Reclaiming my time, I want to restate the proposition that is before us before I move the previous question.

The proposition is, notwithstanding the importance of the debate that has gone on here today—and I think it has been very important—a motion to instruct the conferees on the defense authorization bill to support and to uphold the McCollum amendment which sets forth in the bill a new peacetime espionage crime under the Uniform Code of Military Justice and imposes the possibility of a constitutionally valid death penalty upon conviction for that crime.

I think it is an important issue, as has been discussed here earlier, both from the standpoint of the merits and the need for the military crime that does not now exist for peacetime spying and from the standpoint of a demonstration of support for the reinstatement of the death penalty generally, and I think the vote needs to be taken in that context on the motion to instruct.

Mr. RUDD. Mr. Speaker, I urge the passage of the motion to instruct the House conferees to stand firm on the House position in favor of restoring the death penalty for military personnel convicted of espionage.

The death penalty for espionage, a crime which puts the lives of our military and indeed every single American in jeopardy, is one of the most despicable that can be committed. The death penalty is the only just and fitting punishment for this crime.

I hope this motion will pass. But I also hope that the appropriate committees will then take up legislation at an early date to reinstate the death penalty for civilians convicted of espionage. Early this year, I introduced legislation, H.R. 704, to establish constitutional guidelines for the imposition of the death penalty in such cases. That measure has gained the support of 53 of my colleagues.

The Walker case is a prime example of why we need a death penalty for espionage. But the fact is that we have also had more people charged with the crime in the last year and a half than over any similar 18-month period in our Nation's history. The current maximum penalties are obviously not sufficient to deter the crime.

I urge the passage of this motion and early action on my legislation to reinstate the death penalty for civilians convicted of espionage.

Mr. McCOLLUM. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Florida [Mr. MCCOLLUM].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 320, nays 101, answered "present" 3, not voting 9, as follows:

[Roll No. 219]

YEAS—320

Akaka	Bryant	DeWine
Alexander	Burton (IN)	Dickinson
Anderson	Bustamante	Dicks
Andrews	Byron	Dingell
Anthony	Callahan	DioGuardi
Applegate	Campbell	Donnelly
Archer	Carney	Dornan (CA)
Armey	Carper	Dowdy
Aspin	Carr	Dreier
Badham	Chandler	Duncan
Barnard	Chappell	Durbin
Bartlett	Chappie	Dwyer
Barton	Cheney	Dyson
Bateman	Clinger	Eckart (OH)
Bellenson	Cobey	Eckert (NY)
Bennett	Coble	Edwards (OK)
Bentley	Coelho	Emerson
Bereuter	Coleman (MO)	English
Bevill	Coleman (TX)	Erdreich
Biaggi	Combest	Evans (IA)
Bilirakis	Conte	Fascell
Bliley	Cooper	Fawell
Boehlert	Coughlin	Fiedler
Boland	Courter	Fields
Boner (TN)	Craig	Fish
Borski	Crane	Flippo
Bosco	Daniel	Florio
Boucher	Dannemeyer	Foglietta
Breaux	Darden	Foley
Brooks	Daub	Fowler
Broomfield	Davis	Franklin
Brown (CO)	de la Garza	Frenzel
Broyhill	DeLay	Frost
Bruce	Derrick	Fuqua

Gallo	Manton	Russo
Gaydos	Marlenee	Saxton
Gekas	Martin (IL)	Schaefer
Gephardt	Martin (NY)	Scheuer
Gibbons	Martinez	Schneider
Gilman	Matsui	Schroeder
Gingrich	Mavroules	Schuette
Glickman	Mazzoli	Schulze
Gradison	McCain	Seiberling
Gray (IL)	McCandless	Sensenbrenner
Green	McCollum	Shaw
Gregg	McCurdy	Shelby
Grotberg	McDade	Shumway
Guarini	McEwen	Shuster
Gunderson	McGrath	Siljander
Hall (OH)	McHugh	Sisisky
Hammerschmidt	McKernan	Skeen
Hansen	McMillan	Skelton
Hartnett	Meyers	Slattery
Hatcher	Mica	Slaughter
Heftel	Michel	Smith (NE)
Hendon	Mikulski	Smith (NH)
Hiler	Miller (OH)	Smith, Denny
Hillis	Moakley	Smith, Robert
Holt	Molinari	Snowe
Hopkins	Monson	Snyder
Horton	Montgomery	Solomon
Howard	Moore	Spence
Hubbard	Moorhead	Spratt
Huckaby	Morrison (WA)	St Germain
Hughes	Murphy	Stallings
Hunter	Murtha	Stangeland
Hutto	Myers	Stenholm
Hyde	Neal	Strang
Ireland	Nelson	Stratton
Jeffords	Nichols	Stump
Jenkins	Nielson	Sundquist
Johnson	Nowak	Sweeney
Jones (NC)	O'Brien	Swift
Jones (OK)	Oakar	Swindall
Jones (TN)	Olin	Tallon
Kanjorski	Ortiz	Tauzin
Kaptur	Oxley	Taylor
Kasich	Packard	Thomas (CA)
Kemp	Panetta	Thomas (GA)
Kennelly	Parris	Torres
Kindness	Pashayan	Torricelli
Kolbe	Pease	Traficant
Kolter	Pepper	Valentine
Kramer	Petri	Vander Jagt
LaFalce	Pickle	Volkmer
Lagomarsino	Porter	Vucanovich
Lantos	Price	Walker
Latta	Pursell	Watkins
Leath (TX)	Quillen	Weber
Lehman (CA)	Rahall	Whitehurst
Lent	Ray	Whitley
Lewis (CA)	Regula	Whittaker
Lewis (FL)	Reid	Whitten
Lightfoot	Richardson	Wilson
Lipinski	Ridge	Wirth
Livingston	Rinaldo	Wise
Lloyd	Ritter	Wolf
Loeffler	Roberts	Wortley
Long	Robinson	Wright
Lott	Roe	Wyden
Lowery (CA)	Roemer	Wylie
Lujan	Rogers	Yatron
Lundine	Rose	Young (AK)
Lungren	Roth	Young (FL)
Mack	Rowland (CT)	Young (MO)
MacKay	Rowland (GA)	Zschau
Madigan	Rudd	

NAYS—101

Ackerman	Dellums	Hayes
Addabbo	Dixon	Henry
Atkins	Dorgan (ND)	Hertel
AuCoin	Downey	Hoyer
Barnes	Dymally	Jacobs
Bates	Early	Kastenmeier
Bedell	Edgar	Kildee
Berman	Edwards (CA)	Kleczka
Bonior (MI)	Evans (IL)	Kostmayer
Bonker	Fazio	Leach (IA)
Boxer	Feighan	Lehman (FL)
Brown (CA)	Frank	Leland
Burton (CA)	Garcia	Levin (MI)
Clay	Gejdenson	Levine (CA)
Coats	Gonzalez	Lowry (WA)
Collins	Goodling	Luken
Conyers	Gordon	Markey
Coyne	Gray (PA)	McCloskey
Crockett	Hamilton	McKinney
Daschle	Hawkins	Miller (CA)
Miller (WA)	Rostenkowski	Studds
Mineta	Roukema	Tauke
Mitchell	Roybal	Towns
Mollohan	Sabo	Udall
Morrison (CT)	Savage	Vento
Mrazek	Schumer	Visclosky
Natcher	Sharp	Waxman
Oberstar	Sikorski	Weaver
Obey	Smith (IA)	Weiss
Owens	Smith (NJ)	Wheat
Penny	Solarz	Williams
Perkins	Staggers	Wolpe
Rangel	Stark	Yates
Rodino	Stokes	

ANSWERED "PRESENT"—3

Ford (TN)	Synar	Walgren

NOT VOTING—9

Annunzio	Ford (MI)	Moody
Boggs	Hall, Ralph	Smith (FL)
Boulter	Hefner	Traxler

PERSONAL EXPLANATION

Mr. SMITH of Florida. Mr. Speaker, I was unavoidably absent for the motion on Senate 1160.

Had I been present, I would have voted "aye."

□ 1110

The Clerk announced the following pair:

On this vote:

Mr. Smith of Florida for, with Mr. Moody against.

Mrs. ROUKEMA and Mr. GONZALEZ changed their votes from "yea" to "nay."

Mr. FRANKLIN and Mr. FOGLIETTA changed their votes from "nay" to "yea."

Mr. SYNAR changed his vote from "nay" to "present."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees on S. 1160:

From the Committee on Armed Services on all provisions: Messrs. ASPIN, PRICE, and DICKINSON.

From the Committee on Armed Services on all provisions except sections 711, 713, 933, and 949 of the Senate bill and modifications committed to conference: Messrs. BENNETT, STRATTON, NICHOLS, DANIEL, MONTGOMERY, and DELLUMS, Mrs. SCHROEDER, Mrs. BYRON, Messrs. MAVROULES, HUTTO, WHITEHURST, and SPENCE, Mrs. HOLT, and Messrs. HILLIS, BADHAM, STUMP, and COURTER.

As additional conferees:

From the Permanent Select Committee on Intelligence, solely when differences regarding intelligence-related activities are under consideration: Messrs. HAMILTON, STOKES, and CHENEY.

From the Committee on Education and Labor, solely for the consideration of sections 711, 713, 910, 919, 933, 949, 2136, and 2137 of the Senate bill and section 1190 of the House amendment and modifications committed to conference: Messrs. HAWKINS, FORD of Michigan, KILDEE, MURPHY, CLAY, WILLIAMS, JEFFORDS, GOODLING, PETRI, and BARTLETT.

MOTION TO CLOSE CONFERENCE MEETINGS OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. ASPIN moves that pursuant to rule XXVIII 6(a) of the House Rules, the conference committee meetings between the House and the Senate on S. 1160, the fiscal year 1986 Department of Defense authorization bill, be closed to the public at such times as classified national security information is under consideration, *Provided however,* That any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER. The chairman of the committee has offered a motion that the conference be closed. Under clause 6(a), rule XXVIII, a rollcall vote is required on this motion.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 10, as follows:

[Roll No. 220]

YEAS—421

Ackerman	Chandler	Evans (IL)
Addabbo	Chappell	Fascell
Akaka	Cheney	Fawell
Alexander	Clay	Fazio
Anderson	Clinger	Feighan
Andrews	Coats	Fiedler
Annunzio	Coble	Fields
Anthony	Coelho	Fish
Applegate	Coleman (MO)	Flippo
Archer	Coleman (TX)	Florio
Armey	Collins	Foglietta
Aspin	Combest	Foley
Atkins	Conte	Ford (TN)
AuCoin	Conyers	Fowler
Badham	Cooper	Frank
Barnard	Coughlin	Franklin
Barnes	Courter	Frenzel
Bartlett	Coyne	Frost
Barton	Craig	Fuqua
Bateman	Crane	Gallo
Bates	Crockett	Garcia
Bedell	Daniel	Gaydos
Beilenson	Dannemeyer	Gejdenson
Bennett	Darden	Gekas
Bentley	Daschle	Gephardt
Bereuter	Daub	Gibbons
Berman	Davis	Gilman
Bevill	de la Garza	Gingrich
Biaggi	DeLay	Glickman
Bilirakis	Dellums	Goodling
Billey	Derrick	Gradison
Boehlert	DeWine	Gray (IL)
Boggs	Dickinson	Gray (PA)
Boland	Dicks	Green
Boner (TN)	Dingell	Gregg
Bonior (MI)	DioGuardi	Grotberg
Bonker	Dixon	Guarini
Borski	Donnelly	Gunderson
Bosco	Dorgan (ND)	Hall (OH)
Boucher	Dornan (CA)	Hamilton
Boxer	Dowdy	Hammerschmidt
Breaux	Downey	Hansen
Brooks	Dreier	Hartnett
Broomfield	Duncan	Hatcher
Brown (CA)	Durbin	Hawkins
Brown (CO)	Dwyer	Hayes
Broyhill	Dymally	Heftel
Bruce	Dyson	Hendon
Bryant	Early	Henry
Burton (CA)	Eckart (OH)	Hertel
Burton (IN)	Eckert (NY)	Hiler
Bustamante	Edgar	Hillis
Byron	Edwards (CA)	Holt
Callahan	Edwards (OK)	Hopkins
Campbell	Emerson	Horton
Carney	English	Howard
Carper	Erdreich	Hoyer
Carr	Evans (IA)	Hubbard

Huckaby	Moakley	Siljander
Hughes	Molinari	Sisisky
Hunter	Mollohan	Skeen
Hutto	Monson	Skelton
Hyde	Montgomery	Slattery
Ireland	Moore	Slaughter
Jacobs	Moorhead	Smith (FL)
Jeffords	Morrison (CT)	Smith (IA)
Jenkins	Morrison (WA)	Smith (NE)
Johnson	Mrazek	Smith (NH)
Jones (NC)	Murphy	Smith (NJ)
Jones (OK)	Murtha	Smith, Denny
Jones (TN)	Myers	Smith, Robert
Kanjorski	Natcher	Snowe
Kaptur	Neal	Snyder
Kasich	Nelson	Solarz
Kastenmeier	Nichols	Solomon
Kennelly	Nielson	Spence
Kildee	Nowak	Spratt
Kindness	O'Brien	St Germain
Kleczka	Oakar	Staggers
Kolbe	Oberstar	Stallings
Kolter	Obey	Stangeland
Kostmayer	Olin	Stark
Kramer	Ortiz	Stenholm
LaFalce	Owens	Stokes
Lagomarsino	Oxley	Strang
Lantos	Packard	Stratton
Latta	Panetta	Studds
Leach (IA)	Parris	Stump
Leath (TX)	Pashayan	Sundquist
Lehman (CA)	Pease	Sweeney
Lehman (FL)	Penny	Swift
Leland	Pepper	Swindall
Lent	Perkins	Synar
Levin (MI)	Petri	Tallon
Levine (CA)	Pickle	Tauke
Lewis (CA)	Porter	Tauzin
Lewis (FL)	Price	Taylor
Lightfoot	Pursell	Thomas (CA)
Lipinski	Quillen	Thomas (GA)
Livingston	Rahall	Torres
Lloyd	Rangel	Torricelli
Loeffler	Ray	Towns
Long	Regula	Traficant
Lott	Reid	Traxler
Lowery (CA)	Richardson	Udall
Lujan	Ridge	Valentine
Luken	Rinaldo	Vander Jagt
Lundine	Ritter	Vento
Lungren	Roberts	Visclosky
Mack	Robinson	Volkmer
MacKay	Rodino	Vucanovich
Madigan	Roe	Walgren
Manton	Roemer	Walker
Marlenee	Rogers	Watkins
Martin (IL)	Rose	Waxman
Martin (NY)	Rostenkowski	Weaver
Martinez	Roth	Weber
Matsui	Roukema	Weiss
Mavroules	Rowland (CT)	Wheat
Mazzoli	Rowland (GA)	Whitehurst
McCain	Roybal	Whitley
McCandless	Rudd	Whittaker
McCloskey	Russo	Whitten
McCollum	Sabo	Williams
McCurdy	Savage	Wilson
McDade	Saxton	Wirth
McEwen	Schaefer	Wise
McGrath	Scheuer	Wolf
McHugh	Schneider	Wolpe
McKernan	Schroeder	Wortley
McKinney	Schuette	Wright
McMillan	Schulze	Wyden
Meyers	Schumer	Wylie
Mica	Seiberling	Yates
Michel	Sensenbrenner	Yatron
Mikulski	Sharp	Young (AK)
Miller (CA)	Shaw	Young (FL)
Miller (OH)	Shelby	Young (MO)
Miller (WA)	Shumway	Zschau
Mineta	Shuster	
Mitchell	Sikorski	

NAYS—2

Gonzalez	Lowry (WA)

NOT VOTING—10

Boulter	Gordon	Markey
Chappie	Hall, Ralph	Moody
Cobey	Hefner	
Ford (MI)	Kemp	

□ 1130

So the motion to close conference meetings was agreed to.

The result of the vote was announced as above recorded.

ALLOWING FURTHER TIME FOR DEBATE ON REMAINING AMENDMENTS TO H.R. 1555, INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

Mr. FASCELL. Mr. Speaker, I ask unanimous consent, with my Republican colleague, that on the consideration of H.R. 1555, when the debate time fixed by the rule has concluded, on those amendments pending, which would have no debate time normally, we have 2 minutes per side on the remaining amendments.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

The SPEAKER. Pursuant to House Resolution 140 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the Union for the further consideration of the bill, H.R. 1555.

□ 1133

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1555), to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes, with Mr. AuCoin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 10, 1985, title VIII was open to amendment at any point.

There is 1 hour remaining for debate on the bill and the committee substitute under the 5-minute rule.

Are there further amendments to title VIII?

MODIFICATION OFFERED BY MRS. ROUKEMA TO AMENDMENT OFFERED BY MR. MINETA TO TITLE IV, OTHER FOREIGN ASSISTANCE PROGRAMS AND INTERNATIONAL AIRPORT SECURITY

Mrs. ROUKEMA. Mr. Chairman, I ask unanimous consent to present a modification to section 406 relating to the hijacking of the TWA flight 847.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Mrs. ROUKEMA asks unanimous consent that section 460 of H.R. 1555 (relating to the hijacking of TWA flight 847 and other acts of terrorism), which is contained in the amendment by Mr. Mineta of California adopted on July 10, 1985, be amended in paragraph (1) by striking out "Uli Derickson, among others," and inserting in lieu thereof "purser Uli Derickson, pilot John Testrake, co-pilot Philip Maresca, flight engineer Benjamin Zimmerman, and the rest of the crew of Trans World Airlines flight 847".

Mrs. ROUKEMA [during the reading]. Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The CHAIRMAN. Is there objection to the other unanimous consent request of the gentlewoman from New Jersey?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. MINETA, as modified: Page 47, strike out lines 19 and 20 and insert in lieu thereof the following:

TITLE IV—OTHER FOREIGN ASSISTANCE PROGRAMS AND INTERNATIONAL AIRPORT SECURITY

Subtitle 1—Other Foreign Assistance Programs

Page 56, after line 7, add the following new subtitle:

Subtitle 2—International Airport Security

SEC. 451. SECURITY STANDARDS FOR FOREIGN AIR TRANSPORTATION.

(a) SECURITY AT FOREIGN AIRPORTS.—Section 1115 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1515) is amended to read as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"ASSESSMENT OF SECURITY MEASURES

"SEC. 1115. (a)(1) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, those foreign airports which are not under the de facto control of the government and pose a high risk of introducing danger to international air travel, and at such other foreign airports as the Secretary may deem appropriate.

"(2) Each such assessment shall be made by the Secretary of Transportation in consultation with the appropriate aeronautic authorities of the foreign government concerned and each air carrier serving the foreign airport at which the Secretary is conducting such assessment.

"(3) The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards and recommendations contained in Annex 17 to the Convention on International Civil Aviation,

as such standards and recommendations are in effect on the date of such assessment.

"CONSULTATION WITH THE SECRETARY OF STATE

"(b) In carrying out subsection (a), the Secretary of Transportation snall consult the Secretary of State with respect to the terrorist threat which exists in each country. The Secretary of Transportation shall also consult with the Secretary of State in order to determine which foreign airports are not under the de facto control of the government of the country in which they are located and pose a high risk of introducing danger to international air travel.

"REPORT OF ASSESSMENTS

"(c) Each report to the Congress required by section 315 of this Act shall contain—

"(1) a summary of the assessments conducted pursuant to subsection (a) of this section; and

"(2) a description of the extent to which identified security deficiencies have been eliminated.

"NOTIFICATION TO FOREIGN COUNTRY OF DETERMINATION

"(d) Whenever, after an assessment in accordance with subsection (a) of this section, the Secretary of Transportation determines that an airport does not maintain and administer effective security measures, the Secretary shall notify the appropriate authorities of such foreign government of such determination, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

"SANCTIONS

"(e)(1) Paragraph (2) of this subsection shall become effective 120 days after the notification required in subsection (d) of this section of the determination by the Secretary of Transportation, if the Secretary of Transportation finds that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a) of this section, except that paragraph (2) shall become effective immediately upon the Secretary's determination if—

"(A) the Secretary of State determines that the country in which such airport is located is a high terrorist threat country, and

"(B) the Secretary of Transportation determines that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from such airport.

"(2) Subject to paragraph (1), if the Secretary of Transportation determines pursuant to this section that an airport does not maintain and administer effective security measures—

"(A) the Secretary of Transportation shall publish in the Federal Register, and shall cause to be posted and prominently displayed at all United States airports regularly being served by scheduled air carrier operations, the identification of such airport;

"(B) each air carrier and foreign air carrier providing service between the United States and such airport shall provide notice of such determination by the Secretary to any passenger purchasing a ticket for transportation between the United States and such airport, with such notice to be made by written material included on or with such ticket;

"(C) the Secretary of Transportation, after consultation with the appropriate aeronautical authorities of the foreign government concerned and each air carrier serving such airport, may, notwithstanding section 1102 of this Act and with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any air carrier or foreign air carrier to engage in foreign air transportation utilizing such airport; and

"(D) the President may prohibit air carriers and foreign air carriers from providing service between the United States and any other foreign airport which is directly or indirectly served by aircraft flying to or from the airport with respect to which the determination is made under this section.

"(3) The Secretary of Transportation shall promptly report to the Congress any action taken under this subsection, setting forth information concerning the attempts made to secure the cooperation of the foreign government in meeting the standard used by the Secretary in making the assessment of such airport under subsection (a) of this section.

"AUTHORITY FOR IMMEDIATE SUSPENSION OF AIR SERVICE

"(f) Notwithstanding sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that—

"(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport, and

"(2) the public interest requires an immediate suspension of services between the United States and the identified airport,

the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any person to operate aircraft in foreign air commerce to or from that foreign airport.

"CONDITIONS OF AUTHORITY

"(g) The provisions of this section shall be deemed to be a condition to any authority granted under title IV or title VI of this Act to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation.".

(b) CONFORMING AMENDMENTS.—

(1) INFORMATION IN SEMIANNUAL REPORTS.—Section 315(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356(a)) is amended by adding at the end thereof the following new sentence: "Each semiannual report submitted by the Administrator pursuant to the preceding sentence shall include the information described in section 1115(c) of this Act.".

(2) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1471(a)(1)) is amended by inserting "or 1115(e)(2)(B)" after "1114".

(3) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1115. Security standards in foreign air transportation.".

and inserting in lieu thereof

"Sec. 1115. Security standards in foreign air transportation.

"(a) Assessment of security measures.

"(b) Consultation with the Secretary of State.

"(c) Report of assessments.

"(d) Notification to foreign country of determination.

"(e) Sanctions.

"(f) Authority for immediate suspension of air service.

"(g) Conditions of authority.".

(c) CLOSING OF BEIRUT INTERNATIONAL AIRPORT.—It is the sense of the Congress that the President is urged and encouraged to take all appropriate steps to carry forward his announced policy of seeking the effective closing of the international airport in Beirut, Lebanon, at least until such time as the Government of Lebanon has instituted measures and procedures designed to prevent the use of that airport by aircraft hijackers and other terrorists in attacking civilian airlines or their passengers, hijacking their aircraft, or taking or holding their passengers hostage.

SEC. 452. TRAVEL ADVISORY AND SUSPENSION OF FOREIGN ASSISTANCE.

(a) TRAVEL ADVISORY.—When section 1115(e)(2) of the Federal Aviation Act of 1958 becomes effective with respect to an airport because of a determination by the Secretary of Transportation that such airport does not maintain and administer effective security measures, the Secretary of State shall issue a travel advisory with respect to that airport. Any travel advisory issued under this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) SUSPENSION OF FOREIGN ASSISTANCE.—The President shall suspend all assistance under the Foreign Assistance Act of 1961 or the Arms Export Control Act to any country in which is located an airport with respect to which section 1115(e)(2) of the Federal Aviation Act of 1958 becomes effective. The President may waive the requirements of this subsection if the President determines and reports to the Congress that there is a national security or humanitarian emergency which requires such waiver.

(c) LIFTING OF SANCTIONS.—The sanctions required to be imposed with respect to a country pursuant to this section and section 1115(e)(2) (A) and (B) of the Federal Aviation Act of 1958 may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the airport in that country with respect to which the Secretary had made the determination described in section 1115 of the Federal Aviation Act of 1985.

SEC. 453. NOTIFICATION TO CONGRESS OF LIFTING OF SANCTIONS.

The Congress shall be notified if any sanction imposed pursuant to section 452 of this Act or section 1115(e) of the Federal Aviation Act of 1958 is lifted.

SEC. 454. SKY MARSHAL PROGRAMS.

(a) UNITED STATES AIRMARSHALS.—

(1) STUDY OF NEED FOR EXPANSION OF PROGRAM.—The Secretary of Transportation, in coordination with the Secretary of State, shall study the need for an expanded airmarshal program on international flights of United States air carriers. The Secretary of Transportation shall report the results of this study to the Congress within 6 months after the date of enactment of this Act.

(2) AUTHORITY TO CARRY FIREARMS AND MAKE ARRESTS.—The Secretary of Transportation, with the approval of the Attorney General and the Secretary of State, may authorize persons, in connection with the performance of their air transportation security duties, to carry firearms and to make ar-

rests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(b) INTERNATIONAL SKY MARSHAL PROGRAM.—The Secretary of State, in cooperation with the Secretary of Transportation, shall study the feasibility of establishing an international sky marshal program. The Secretary of State shall report the results of this study to the Congress within 6 months after the date of enactment of this Act.

SEC. 455. MEETING OF INTERNATIONAL CIVIL AVIATION ORGANIZATION; INTERNATIONAL MORATORIUM ON USE OF CERTAIN AIRPORTS.

The Secretary of State and the Secretary of Transportation, jointly, shall—

(1) call for an immediate convening of a meeting of the International Civil Aviation Organization to—

(A) discuss the current status of international airport compliance with existing international security standards; and

(B) upgrade the security standards for international airports; and

(a) call on the member countries of the International Civil Aviation Organization to enforce that Organization's existing standards and impose a moratorium on the use of any international airport which is not in compliance with such standards.

SEC. 456. MULTILATERAL AND BILATERAL AGREEMENTS WITH RESPECT TO AIRCRAFT SABOTAGE, AIRCRAFT HIJACKING, AND AIRPORT SECURITY.

The Secretary of State shall seek formal multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance with respect to aircraft sabotage, aircraft hijacking, and airport security.

SEC. 457. ANTI-TERRORISM ASSISTANCE PROGRAM.

In addition to amounts otherwise authorized to be appropriated for such purpose, there are authorized to be appropriated to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (relating to the anti-terrorism assistance program) $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987.

SEC. 458. RESEARCH ON AIRPORT SECURITY TECHNIQUES FOR DETECTING EXPLOSIVES.

In order to improve security at international aiports, there are authorized to be appropriated to the Secretary of Transportation from the Airport and Airway Trust Fund (in addition to amounts otherwise available for such purpose) $5,000,000, without fiscal year limitation, to be used for research on and the development of airport security devices or techniques for detecting explosives.

SEC. 459. INTERNATIONAL ANTI-TERRORISM COMMITTEE.

The Congress calls upon the President to seek the establishment of an international committee, to be known as the International Anti-Terrorism Committee, consisting of representatives of the member countries of the North Atlantic Treaty Organization, Japan, and such other countries as may be invited and may choose to participate. The purpose of the Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries, and of the governments and the public of other countries, on the problems and responses to international terrorism, by serving as a forum at both the political and law enforcement levels.

SEC. 460. HIJACKING OF TWA FLIGHT 847 AND OTHER ACTS OF TERRORISM.

The Congress joins with all Americans in celebrating the release of the hostages taken from Trans World Airlines flight 847. It is the sense of the Congress that—

(1) purser Uli Derickson, pilot John Testrake, copilot Philip Maresca, flight engineer Benjamin Zimmermann, and the rest of the crew of Trans World Airlines flight 847 displayed extraordinary valor and heroism during the hostages' ordeal and therefore should be commended;

(2) the hijackers who murdered United States Navy Petty Officer Stethem should be immediately brought to justice;

(3) all diplomatic means should continue to be employed to obtain the release of the 7 United States citizens previously kidnapped and still held in Lebanon;

(4) acts of international terrorism should be universally condemned; and

(5) the Secretary of State should be supported in his efforts to gain international cooperation to prevent future acts of terrorism.

SEC. 461. INTERNATIONAL TERRORISM CONTROL TREATY.

It is the sense of the Congress that the President should establish a process by which democratic and open societies of the world, which are those most plagued by terrorism, negotiate a viable treaty to effectively prevent and repond to terrorist attacks. Such a treaty should incorporate an operative definition of terrorism, and should establish effective close intelligence-sharing, joint counterterrorist training, and uniform laws on asylum, extradition, and swift punishment for perpetrators of terrorism. Parties to such a treaty should include, but not be limited to, those democratic nations who are most victimized by terrorism.

SEC. 462. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this modification is a technical amendment to the Fascell-Mineta compromise on international airport security which passed the House yesterday during consideration of H.R. 1555.

Mr. Chairman, my original amendment, which was incorporated into the Fascell-Mineta compromise, inadvertently omitted our deep appreciation and commendation for the pilots of hijacked TWA flight 847, pilot John Testrake, copilot Philip Maresca, and flight engineer Benjamin Zimmermann, as well as the rest of the TWA 847 crew.

We all recognize the herosim of these brave dedicated professionals, especially John Testrake, who was "literally under the gun" during the siege of TWA flight 847.

Captain Testrake's intelligence, composure, and courage during the tension of the ongoing hijacking crisis, when his life and the lives of his passengers and crew were at risk, should be specifically commended by the U.S. Congress.

We owe each and every member of the crew the gratitude of the American people.

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to my colleague, the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of the unanimous-consent request to include in her amendment a commendation for the entire flight crew of TWA flight 847, including Capt. John Testrate, copilot Philip Maresca, flight engineer Benjamin Zimmermann, and purser Uli Derickson, all of whom displayed exemplary courage and devotion to duty.

I commend the gentlelady from New Jersey [Mrs. ROUKEMA] for this unanimous-consent request enabling the Congress to commend the entire TWA 847 crew, as well as for her original amendment, which initially brought this matter to the attention of our committee.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for his comments.

I yield back the balance of my time.

MODIFICATION OFFERED BY MR. KOLBE TO THE KOLBE AMENDMENT RELATING TO RELEASE OF AMERICAN CITIZENS TAKEN HOSTAGE IN LEBANON

Mr. KOLBE. Mr. Chairman. I ask unanimous consent that section 204(d)(2) of H.R. 1555 (relating to the release of American citizens taken hostage in Lebanon), which was contained in the amendment I offered and which was adopted on July 9, 1985, be modified to read as follows:

(2) RELEASE OF AMERICAN HOSTAGES.—None of these funds may be used for assistance for Lebanon unless all United States citizens hostage in that country have been released, except that this condition does not apply with respect to humanitarian assistance provided for institutional support or for emergency purposes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. FASCELL. Mr. Chairman, reserving the right to object, I would ask the gentleman from Arizona if this is to correct the inadvertent error in the language which was left out of his original amendment.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. FASCELL, I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, the gentleman is correct. The revised language was not printed in the CONGRESSIONAL RECORD. They printed the original language. This corrects that error.

Mr. FASCELL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. KOLBE, as modified: Page 35, after line 2, insert the following new paragraph (2):

(2) RELEASE OF AMERICAN HOSTAGES.—None of these funds may be used for assistance for Lebanon unless all United States citizens taken hostage in that country have been released, except that this condition does not apply with respect to humanitarian assistance provided for institutional support or for emergency purposes.

Page 35, line 3, strike out "(2)" and insert in lieu thereof "(3)"; and line 5, after "because" insert "the condition specified in paragraph (2) is not met or because".

Mr. HYDE. Mr. Chairman, I move to strike the last word for the purpose of engaging the chairman of the Foreign Affairs Committee in a colloquy.

Mr. Chairman, I note that certain concerns have been expressed to me regarding the scope of section 1104 of H.R. 1555. That provision requires the President to certify that Pakistan does not possess a nuclear device before assistance can be provided to that country. I understand that the committee intends for this provision to act as a signal to Pakistan that development of a nuclear device will lead to the termination of all military or economic assistance provided under the Foreign Assistance Act or the Arms Export Control Act. The concern that has been raised is that this provision could also inadvertently prevent aid to the Afghan people, which is provided for in this bill, since such aid would have to be distributed through Pakistan. It is my understanding that the committee did not intend for this provision to prevent aid to the Afghan people.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Florida.

Mr. FASCELL. I am glad that my colleague has brought this subject up. The committee certainly did not intend that this provision restrict aid for the benefit of the Afghan people. Further, I note for example that provision of $15 million in section 1111 of this bill for humanitarian aid to the Afghan people is provided "Nothwithstanding any other provision of law."

It is clear that section 1104 of the bill does not restrict assistance under laws which provide for the expenditure of funds "Notwithstanding any other provision of law."

Mr. HYDE. I thank my colleague for that clarification.

AMENDMENT OFFERED BY MR. MILLER OF WASHINGTON

Mr. MILLER of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Washington. Page 121, after line 3, insert the following new section 803 and redesignate subsequent sections accordingly:

SEC. 803. PROMOTING DEMOCRACY AND AN END TO THE APARTHEID POLICIES IN SOUTH AFRICA.

(a) PURPOSE.—It is the purpose of this section to encourage funding for programs that would promote democracy and seek to end the apartheid policies in South Africa, and that would be in addition to the programs funded in accordance with section 802(b) and (c).

(b) USIA GRANTS TO THE NATIONAL ENDOWMENT FOR DEMOCRACY.—It is the sense of the Congress that the Director of the United States Information Agency should make a grant of up to $500,000 for each of the fiscal years 1986 and 1987 to the National Endowment for Democracy (in addition to grants otherwise made by the Director to the Endowment) for use by the Endowment in providing financing for programs that are designed to promote democracy and that seek to end the apartheid policies in South Africa.

(c) PROGRAMS DESIGNED TO END THE APARTHEID POLICIES.—The programs funded pursuant to this section shall be programs of support for actions of non-white led community organizations in South Africa to terminate apartheid policies such as those listed in Section 802(c).

(d) ELIGIBLE ORGANIZATIONS IN SOUTH AFRICA.—Any program funded in accordance with this section, which is to be carried out within South Africa, should be a program which in both its character and organizational sponsorship in South Africa clearly reflects the aspirations of the indigenous majority of South Africans for the establishment of democratic institutions and for an end to the apartheid system of separate development, and should not be a program which is financed or controlled by the Government of South Africa.

Mr. MILLER of Washington (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MILLER of Washington. Mr. Chairman, I am proposing to provide up to $500,000 for help to South African groups seeking to end apartheid and promote democracy.

I propose this amendment because the question is no longer if the hated apartheid system will be dismantled. The question is when, and even more important, how will the inevitable power sharing occur in South Africa. Will the change come peacefully, resulting in a free society based upon the principles of democracy and free enterprise? Or instead, will change come violently, dominated by Soviet-sponsored radical elements and resulting in yet another totalitarian regime.

I believe a democratic government, which protects the rights of all is possible in postapartheid South Africa. Thousands of South Africans of every color work now toward this goal. These individuals who seek nonviolent democratic change deserve the support of the majority of their fellow South Africans and they deserve the support of free people around the world.

I believe that our South African policy along with the sanctions set out in the Antiapartheid Act, must have a positive thrust—a thrust which links the United States with democratic groups in South Africa seeking the end of apartheid. Toward this end, the amendment I propose today states that it is the sense of Congress that the U.S. Information Agency should make a grant of up to $500,000 for each of the fiscal years 1986 and 1987 to the National Endowment for Democracy. The endowment shall use this grant for community based programs that promote democracy and that seek a peaceful end to apartheid in South Africa. Any program funded by the endowment must reflect the aspirations of the majority of South Africans and should not be financed or controlled by the Government of South Africa.

This proposal of very modest support for antiapartheid democratic groups in South Africa shows our support for democratic ideals. I believe it will hasten the day when a South Africa, whole and at peace can assume its place in the family of democratic nations.

□ 1140

Mr. WOLPE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to indicate my acceptance of the amendment that has been offered by the distinguished gentleman in the well, Mr. MILLER of Washington.

Mr. Chairman, I want to express my appreciation to the gentleman from Washington for working with me and with members of my staff to address some of the apprehensions that I have expressed to him about the substance of the amendment. I do have some apprehensions, though I think that the modifications that have been made and the form in which the amendment is now being offered address some of those concerns.

What are these reservations? Well, a number of Members, wanting to see the United States making a constructive contribution to the process of change in South Africa, are advocating a variety of aid programs ranging from proposals that would involve OPIC, scholarships, human rights funding, and other such efforts.

The problem is that it is very difficult in the context of the apartheid system to always maintain effective control over how those moneys get spent, to whom they are directed and so on.

There are a number of political organizations in South Africa which do not have a need for political training or education. They have their agenda and they certainly are mobilizing their population effectively in opposition to apartheid.

They have some resources, whether it is the African National Congress or whether it is the United Democratic

Front. I think we need to think through very clearly the criteria under which we decide how money is spent, to whom it flows, and the purposes for which it is being spent. I think there are times that the effort of the United States to provide what we believe would be constructive assistance can appear to be very paternalistic, unintentionally, from the standpoint of those who are the recipients of such assistance.

Sometimes the offer of assistance can appear to be an effort to interfere in the internal process itself, the process of change, the process of opposition.

So we have been concerned to try to establish some criteria which have been done now in the sense of Congress' amendment that the gentleman from Washington [Mr. MILLER] has offered.

But I simply want to kind of highlight for the membership that I think we need to proceed very cautiously as we embark upon this particular approach. I thank the gentleman for his assistance.

Mr. Chairman, as I indicated earlier, I intend to support the gentleman's amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I would be pleased to yield to the gentleman from Illinois.

Mr. HYDE. I salute the gentleman in the well, Mr. MILLER of Washington, for a very thoughtful, constructive amendment on a very difficult problem, and I am very pleased to support it.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield to me?

Mr. WOLPE. I would be pleased to yield to the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to tell the gentleman in the well, Mr. MILLER, that this is something that this gentleman certainly supports and was part of a package that we attempted on the floor during the apartheid debate. This is one element that is very important, that contributes directly to the assistance of blacks in South Africa and the promotion of democracy. We should stand firm and proud that we are willing to engage in these types of endeavors.

Mr. Chairman, I thank the gentleman for his leadership in this area.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I would be pleased to yield to the gentleman from Washington.

Mr. MILLER of Washington. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wanted to express my appreciation for the work of the gentleman from Michigan [Mr. WOLPE], and also that of the chairman of the full Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] and the staff as well as the ranking Republican member on that subcommittee and the gentleman from Illinois [Mr. HYDE], who just spoke.

I think that it is very important that with all the concerns we have, that we have a positive thrust to our policy in South Africa and that we work constructively to establish links and to promote constructively both democracy and the end of apartheid.

Mr. WOLPE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SILJANDER

Mr. SILJANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SILJANDER: Page 125, after line 15, insert the following new section:

SEC. 810. PROHIBITION ON ECONOMIC ASSISTANCE FOR MOZAMBIQUE.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be used for assistance for Mozambique under chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961, including assistance provided through regional programs for projects or activities in Mozambique.

(b) TERMINATION OF PROHIBITION.—The prohibition contained in subsection (a) shall cease to be effective if the President certifies to the Congress, not later than September 30, 1986, that the number of foreign military advisers and troops in Mozambique does not exceed 55.

Mr. SILJANDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SILJANDER. Mr. Chairman, this amendment is very simple and straightforward. We talked the other day regarding military aid to the Marxist regime in Mozambique. The arguments went along the line that Machel and his government are being weaned away from the Soviets and they are coming our way.

While I discount that notion I think the evidence is abundantly clear that that weaning away from the East toward the West is not in fact happening. I still will offer an amendment that would essentially ban economic aid, nonfood economic aid, unless the foreign military advisers in Mozambique are limited to 55, the same number, Mr. Chairman, that we have a self-imposed limit on U.S. advisers in El Salvador.

Mr. Chairman, I visited Mozambique not too many months ago. I went to the market in Mozambique. I saw in the faces of those people fear and frustration. I saw the empty shelves and the formerly abundant markets, formerly overflowing with products.

The Soviets control the Mozambican economy with an iron fist.

□ 1150

For us to contribute $15 million in nonfood economic support funds to subsidize a Soviet-based economy is ludicrous. There is absolutely no logical reason why this country ought to be supporting with nonfood aid a Soviet-dominated economy.

Mozambique called the East Germans, the Soviets and Bulgarians, to assist them in running their economy. The East Germans took over the trucking, and the Soviets took over just about everything else.

The Bulgarians came in with fertilizer far too potent for their soil and burned their soil so badly crops can no longer grow.

Now I am saying that if it is true that they want to wean away from the Soviet-domination to let that be demonstrated clearly and finally and firmly; and if that demonstration is clear enough, namely, their numbers of foreign advisers is reduced to 55, then let the economic support funds flow to Mozambique, because that would be a clear indicator to this gentleman that Mozambique is serious about weaning away from the West.

David Lamb, the noted African expert, wrote in Reader's Digest that, "If hospitalized, the average Mozambiquan is not adequately fed unless his family brings him food."

On that concern, Mr. Chairman, this gentleman would not attempt to reduce the $10 million, title I, Public Law 480 Food Program for Mozambique.

We do send food aid to another Marxist country in Africa, Ethiopia. And we should have concern for all of those starving in Africa.

All I am saying is, pouring tax dollars down a Soviet-constructed rathole and subsidizing their mismanagement of government economy is not a wise move, indeed. Mozambique should have to make a decision against tyranny and domination versus freedom and democracy.

Providing these funds will send the wrong message. It will send the message that we are willing to help pay and help subsidize the Soviet's experiment in repression and economic slavery.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. SILJANDER. I reserve the balance of my time.

The CHAIRMAN. The gentleman may not reserve his time, but he may yield it back, or he may use it.

Mr. SILJANDER. How much time do I have?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. HYDE. Will the gentleman yield to me?

Mr. SILJANDER. I yield to the gentleman.

Mr. HYDE. I thank my friend for yielding. It amazes me that we have a couple of pages of qualifications for El Salvador to meet for them to receive any money under this bill. They have to pursue a dialog with the armed opposition forces; they have to control their military; they have to have progress in ending death squads; they have to have progress establishing an effective judicial system. All sorts of purity tests that must be met by El Salvador in our hemisphere, but Mozambique does not have to meet any tests at all to get $15 million.

Why the double standard?

Mr. CONYERS. Will the gentleman yield?

Mr. SILJANDER. I will yield to the gentleman.

Mr. CONYERS. I thank my friend for yielding. I went to Mozambique, also, and they were begging for American investors to come in, businesses are already there.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am opposed to this amendment. The affected funds were requested by the administration, but I really rose to say this: We are running short of time, and we have not tried to cut off anybody; we have reached agreements where it is sensible to reach agreements on this bill, and we have proceeded very well so far. However, we only have a short time left and I just think that in all fairness that I would have to object to any extensions of time beyond the normal amount a Member would be entitled to.

I would hope that we would use good judgment on the use of the remaining time. This issue has been debated, redebated, and will be debated again, if I understand what the gentleman from Michigan [Mr. SILJANDER] intends to do later on in the bill. He will have had at least three opportunities to debate this issue in other amendments, and I hope, therefore, that we could finish this amendment, and vote one way or the other so that we can give everybody a chance to offer their amendments and discuss them.

Mr. WOLPE. Mr. Chairman, I rise in opposition to the amendment.

[Mr. WOLPE addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has expired.

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. WOLPE] be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FASCELL. I object, Mr. Chairman. I suggest the gentleman take his own time.

The CHAIRMAN. Objection is heard.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I continue to quote:

* * * The United States is receiving even-handed treatment in the Mozambican press, and our assistance efforts are highlighted favorably.

Mozambique has joined the IMF and World Bank, signed an agreement with the U.S. Overseas Private Investment Corporation and published a business code designed to attract Western investment. Collective farms are being turned over to private farmers and some industries, formerly state-run, are being sold to private entrepreneurs.

These are not the words of some mushy headed liberal Congressman who has not been involved in the issue. These are the words of the tough-minded former Secretary of Defense and Republican Representative from Wisconsin, Melvin Laird.

The fact is that this amendment is an ill-considered setback to an American policy formulated by this administration which is working.

I urge that the Members of this body join with the administration and with the chairman of the Africa Subcommittee and defeat this amendment overwhelmingly.

Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find it strange that some of my colleagues on the other side of the aisle say that we really ought to give Mozambique a break. It is a Communist government that has been repressing its people severely. There are 200,000 to 300,000 people in that country that are in reeducation camps right now. Why should we give a Communist government that is that repressive a break? I do not understand the logic of that.

My colleague from Michigan I think has an excellent amendment here.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding so that I might make a quick point. My colleague from Michigan said, "Let's give the Mozambicans a break." Let's give the Cubans, the Russians, East Germans, Zimbabweans, Tanzanians, North Koreans a break. Let's give those same entities who run their economies a break. Is that the type of break we are willing to give?

And the other point dealing with South Africa and the racist system regarding Mozambique, the truth is—as I said this 2 days ago—I met with Mr. Botha, the Foreign Minister, in South Africa several months ago in South Africa. He told us he would support the United States assisting the Mozambican Government militarily and economically. Why this dichotomy? It is very clear. They signed an accord with the Mozambican Government. The Mozambicans stopped giving haven to the ANC and South Africa ceases assisting RENAMO. It is an agreement that is to the advantage of the Mozambicans and the South African Government.

So by voting against this amendment, you are supporting a policy of the racist South African Government, not opposing that Government.

I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. SOLOMON. I have already spoken on this subject when it was debated before, and I will not take up the time of the House, but it is very, very interesting to see my good friend, the gentleman from Michigan [Mr. WOLPE], and my good friend, the gentleman from New York [Mr. SOLARZ], and a lot of Members on that side of the aisle standing up here and defending the Reagan administration foreign policy. It shows that for the last 5 years we have finally turned things around and things are working.

But let me qualify that. I just do not want to give the idea that the Reagan administration is right on this one. They are only right 99 percent of the time. They are wrong on this issue, and we should support the gentleman's amendment.

Mr. BURTON of Indiana. I thank the gentleman for his comments.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Michigan.

Mr. WOLPE. I would just like to make the point that, first of all, no one can be absolutely wrong 100 percent of the time, and I take great delight in being able to identify with an accomplishment of the administration that really has been significant.

The point that I was making earlier, I do not think the Reagan administration really wants to take it easy or give a break to the Soviets or to the Cubans or to all the other Eastern Europeans that were mentioned by my distinguished colleague from Michi-

gan. I think that they understand that the Mozambican Government is trying desperately to move away from dependence upon those people and that their policy has been working.

Mr. BURTON of Indiana. If I may reclaim my time, I would like to make a point on that issue, and that is that if they are anxious to move away from the Soviet sphere of influence and the Communist bloc, then why do they not tell them to get the heck out of there and really show us that they want the Communist influence out of their country, and then I will support legislation and sponsor it to go in there and really help them. But until they make a conscious effort, an obvious effort to the rest of the world to get the Communists out of there, why should the free world go in and support them.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Michigan.

Mr. SILJANDER. I agree with that point. If the Mozambican Government of Machel is willing to wean away from the East, our amendment allows them to demonstrate that by reducing their foreign military advisers to 55, the same self imposed limit that we have in El Salvador. If they comply then economic support funds may flow. Secondly, I want to reemphasize this does not affect food aid for the starving and hungry. So it is very clear that if they are weaning away from the East and toward us, then in fact economic support funds under this amendment could be released.

I thank the gentleman for yielding.

Mr. BURTON of Indiana. I would just like to conclude by mentioning some other information that was brought to my attention when this debate began on the other amendment that the gentleman from Michigan sponsored, and that is that it was reported in a local Washington newspaper that as many as 12,000 children have been sent by this Government to work as slave labor in mines and factories in East Germany. When you just read one article like that from a reputable newspaper, it leads you to believe that you ought to look very, very closely at that Government before you start doing business with them. I do not think we ought to do business with Communists that are mistreating their people until we are sure that they are going to change their ways and start heading in the direction of freedom.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SILJANDER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SILJANDER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 221]

ANSWERED "PRESENT"—418

Ackerman	Combest	Gingrich
Addabbo	Conte	Glickman
Akaka	Conyers	Gonzalez
Alexander	Cooper	Goodling
Anderson	Coughlin	Gordon
Andrews	Courter	Gradison
Annunzio	Coyne	Gray (IL)
Anthony	Craig	Gray (PA)
Applegate	Crane	Green
Armey	Crockett	Gregg
Aspin	Daniel	Grotberg
Atkins	Dannemeyer	Guarini
AuCoin	Darden	Gunderson
Badham	Daschle	Hall (OH)
Barnard	Daub	Hamilton
Barnes	Davis	Hammerschmidt
Bartlett	de la Garza	Hansen
Barton	DeLay	Hartnett
Bateman	Dellums	Hatcher
Bates	DeWine	Hawkins
Bedell	Dickinson	Hayes
Bellenson	Dicks	Heftel
Bennett	DioGuardi	Hendon
Bentley	Dixon	Henry
Bereuter	Donnelly	Hertel
Berman	Dorgan (ND)	Hiler
Bevill	Dornan (CA)	Hillis
Biaggi	Dowdy	Holt
Bilirakis	Downey	Hopkins
Bliley	Dreier	Horton
Boehlert	Duncan	Howard
Boggs	Durbin	Hoyer
Boland	Dwyer	Hubbard
Boner (TN)	Dymally	Huckaby
Bonior (MI)	Early	Hughes
Bonker	Eckart (OH)	Hunter
Borski	Eckert (NY)	Hutto
Bosco	Edgar	Hyde
Boucher	Edwards (CA)	Ireland
Boulter	Edwards (OK)	Jacobs
Boxer	Emerson	Jeffords
Breaux	English	Jenkins
Brooks	Erdreich	Johnson
Broomfield	Evans (IA)	Jones (NC)
Brown (CA)	Evans (IL)	Jones (OK)
Brown (CO)	Fascell	Jones (TN)
Broyhill	Fawell	Kanjorski
Bruce	Fazio	Kaptur
Bryant	Feighan	Kasich
Burton (CA)	Fiedler	Kemp
Burton (IN)	Fields	Kennelly
Bustamante	Fish	Kildee
Byron	Flippo	Kindness
Callahan	Florio	Kleczka
Campbell	Foglietta	Kolbe
Carney	Foley	Kolter
Carper	Ford (MI)	Kostmayer
Carr	Ford (TN)	Kramer
Chandler	Fowler	LaFalce
Chappell	Frank	Lagomarsino
Cheney	Franklin	Lantos
Clay	Frenzel	Latta
Clinger	Fuqua	Leach (IA)
Coats	Gallo	Leath (TX)
Cobey	Gaydos	Lehman (CA)
Coble	Gejdenson	Lehman (FL)
Coelho	Gekas	Leland
Coleman (MO)	Gephardt	Lent
Coleman (TX)	Gibbons	Levin (MI)
Collins	Gilman	Levine (CA)
Lewis (CA)	Oberstar	Smith (NJ)
Lewis (FL)	Obey	Smith, Denny
Lightfoot	Olin	Smith, Robert
Lipinski	Ortiz	Snowe
Livingston	Oxley	Snyder
Lloyd	Packard	Solomon
Loeffler	Panetta	Spence
Long	Parris	Spratt
Lott	Pashayan	St Germain
Lowery (CA)	Pease	Staggers
Lowry (WA)	Penny	Stallings
Lujan	Pepper	Stangeland
Luken	Perkins	Stark
Lundine	Petri	Stenholm
Lungren	Pickle	Stokes
Mack	Porter	Strang
MacKay	Price	Stratton
Madigan	Pursell	Studds
Manton	Quillen	Stump
Markey	Rahall	Sundquist
Marlenee	Rangel	Sweeney
Martin (IL)	Ray	Swift
Martin (NY)	Regula	Swindall
Martinez	Reid	Synar
Matsui	Richardson	Tallon
Mavroules	Ridge	Tauke
Mazzoli	Rinaldo	Tauzin
McCain	Ritter	Taylor
McCandless	Roberts	Thomas (CA)
McCloskey	Robinson	Thomas (GA)
McCollum	Rodino	Torres
McCurdy	Roe	Torricelli
McDade	Roemer	Towns
McEwen	Rogers	Traficant
McGrath	Rose	Traxler
McHugh	Rostenkowski	Udall
McKernan	Roth	Valentine
McKinney	Roukema	Vander Jagt
McMillan	Rowland (CT)	Vento
Meyers	Rowland (GA)	Visclosky
Mica	Roybal	Volkmer
Michel	Rudd	Vucanovich
Mikulski	Russo	Walgren
Miller (CA)	Sabo	Walker
Miller (OH)	Savage	Watkins
Miller (WA)	Saxton	Waxman
Mineta	Schaefer	Weaver
Mitchell	Schneider	Weber
Moakley	Schroeder	Weiss
Molinari	Schuette	Wheat
Mollohan	Schulze	Whitehurst
Monson	Schumer	Whitley
Montgomery	Seiberling	Whittaker
Moody	Sensenbrenner	Williams
Moore	Sharp	Wirth
Moorhead	Shaw	Wise
Morrison (CT)	Shelby	Wolf
Morrison (WA)	Shumway	Wolpe
Mrazek	Shuster	Wortley
Murphy	Sikorski	Wright
Murtha	Siljander	Wyden
Myers	Sisisky	Wylie
Natcher	Skeen	Yates
Neal	Skelton	Yatron
Nelson	Slattery	Young (AK)
Nichols	Slaughter	Young (FL)
Nielson	Smith (FL)	Young (MO)
Nowak	Smith (IA)	Zschau
O'Brien	Smith (NE)	
Oakar	Smith (NH)	

□ 1220

The CHAIRMAN. Four hundred eighteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Michigan [Mr. SILJANDER] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 177, answered "present" 1, not voting 8, as follows:

[Roll No. 222]

AYES—247

Anderson	Grotberg	Petri
Andrews	Hammerschmidt	Pickle
Anthony	Hansen	Porter
Applegate	Hartnett	Pursell
Archer	Hendon	Quillen
Armey	Henry	Rahall
AuCoin	Hiler	Ray
Badham	Hillis	Regula
Barnard	Holt	Ridge
Bartlett	Hopkins	Rinaldo
Barton	Horton	Ritter
Bateman	Hubbard	Roberts
Bates	Huckaby	Robinson
Bennett	Hughes	Roe
Bentley	Hunter	Roemer
Bereuter	Hutto	Rogers
Bevill	Hyde	Rose
Biaggi	Ireland	Roth
Bilirakis	Jacobs	Rowland (CT)
Bliley	Jenkins	Rowland (GA)
Boehlert	Jones (TN)	Rudd
Boner (TN)	Kanjorski	Russo
Boulter	Kasich	Saxton
Breaux	Kemp	Schaefer
Brooks	Kindness	Schuette
Broomfield	Kolbe	Schulze
Brown (CO)	Kolter	Sensenbrenner
Broyhill	Kramer	Sharp
Burton (IN)	Lagomarsino	Shaw
Byron	Latta	Shelby
Callahan	Leath (TX)	Shumway
Campbell	Lent	Shuster
Carney	Lewis (CA)	Siljander
Carr	Lewis (FL)	Sisisky
Chappell	Lightfoot	Skeen
Cheney	Lipinski	Skelton
Clinger	Livingston	Slaughter
Coats	Lloyd	Smith (NE)
Cobey	Loeffler	Smith (NH)
Coble	Lott	Smith (NJ)
Coleman (MO)	Lowery (CA)	Smith, Denny
Combest	Lujan	Smith, Robert
Courter	Luken	Snowe
Craig	Lungren	Snyder
Crane	Mack	Solomon
Daniel	Madigan	Spence
Dannemeyer	Marlenee	Staggers
Darden	Martin (IL)	Stallings
Daub	Martin (NY)	Stangeland
Davis	Mazzoli	Stenholm
DeLay	McCain	Strang
DeWine	McCandless	Stratton
Dickinson	McCollum	Stump
Dingell	McDade	Sundquist
DioGuardi	McEwen	Sweeney
Dornan (CA)	McGrath	Swindall
Dowdy	McMillan	Tallon
Dreier	Meyers	Tauke
Duncan	Mica	Tauzin
Eckart (OH)	Michel	Taylor
Eckert (NY)	Miller (OH)	Thomas (CA)
Edwards (OK)	Miller (WA)	Thomas (GA)
Emerson	Molinari	Valentine
English	Mollohan	Vander Jagt
Erdreich	Monson	Volkmer
Fawell	Montgomery	Vucanovich
Fiedler	Moore	Walker
Fields	Moorhead	Watkins
Flippo	Murphy	Weber
Florio	Murtha	Whitehurst
Franklin	Myers	Whitley
Frenzel	Natcher	Whittaker
Fuqua	Neal	Wilson
Gallo	Nelson	Wise
Gaydos	Nichols	Wolf
Gekas	Nielson	Wortley
Gilman	O'Brien	Wyden
Gingrich	Ortiz	Wylie
Goodling	Oxley	Yatron
Gordon	Packard	Young (AK)
Gradison	Parris	Young (FL)
Gray (IL)	Pashayan	
Gregg	Perkins	

NOES—177

Ackerman	Bedell	Borski
Addabbo	Beilenson	Bosco
Akaka	Berman	Boucher
Annunzio	Boggs	Boxer
Aspin	Boland	Brown (CA)
Atkins	Bonior (MI)	Bruce
Barnes	Bonker	Bryant
Burton (CA)	Hatcher	Olin
Bustamante	Hawkins	Owens
Carper	Hayes	Panetta
Chandler	Heftel	Pease
Clay	Hertel	Penny
Coelho	Howard	Pepper
Coleman (TX)	Hoyer	Price
Collins	Jeffords	Rangel
Conte	Johnson	Reid
Conyers	Jones (NC)	Richardson
Cooper	Jones (OK)	Rodino
Coughlin	Kaptur	Rostenkowski
Coyne	Kastenmeier	Roukema
Crockett	Kennelly	Roybal
Daschle	Kildee	Sabo
de la Garza	Kleczka	Savage
Dellums	Kostmayer	Scheuer
Dicks	LaFalce	Schneider
Dixon	Lantos	Schroeder
Donnelly	Leach (IA)	Schumer
Dorgan (ND)	Lehman (CA)	Seiberling
Downey	Lehman (FL)	Sikorski
Durbin	Leland	Slattery
Dwyer	Levin (MI)	Smith (FL)
Dymally	Levine (CA)	Smith (IA)
Early	Long	Solarz
Edgar	Lowry (WA)	Spratt
Edwards (CA)	Lundine	St Germain
Evans (IA)	MacKay	Stark
Evans (IL)	Manton	Stokes
Fascell	Markey	Studds
Fazio	Martinez	Swift
Feighan	Matsui	Synar
Fish	Mavroules	Torres
Foglietta	McCloskey	Torricelli
Foley	McCurdy	Towns
Ford (MI)	McHugh	Traficant
Ford (TN)	McKernan	Traxler
Fowler	McKinney	Udall
Frank	Mikulski	Vento
Frost	Miller (CA)	Visclosky
Garcia	Mineta	Walgren
Gejdenson	Mitchell	Waxman
Gephardt	Moakley	Weaver
Gibbons	Moody	Weiss
Glickman	Morrison (CT)	Wheat
Gray (PA)	Morrison (WA)	Williams
Green	Mrazek	Wirth
Guarini	Nowak	Wolpe
Gunderson	Oakar	Yates
Hall (OH)	Oberstar	Young (MO)
Hamilton	Obey	Zschau

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—8

Alexander	Dyson	Whitten
Chappie	Hall, Ralph	Wright
Derrick	Hefner	

□ 1230

Mr. STRATTON changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. For what purpose does the gentleman from Florida [Mr. FASCELL], the chairman of the committee, rise?

Mr. FASCELL. Mr. Chairman, I move to strike the last word to inquire how much time we have left?

The CHAIRMAN. The Chair will state that there are 32 minutes remaining under the limitation.

Mr. FASCELL. I guess I am grateful for that, Mr. Chairman. I detect an increasing restlessness among Members if time does not run out pretty soon.

The CHAIRMAN. The gentleman from Florida [Mr. FASCELL] yields back his time.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH: Page 125, after line 15, insert the following new section:

SEC. 810 OPPOSITION TO GENOCIDE POLICIES OF THE COMMUNIST REGIME IN ETHIOPIA.

(a) FINDINGS.—The Congress finds that—

(1) a policy and practice of genocide exists in Ethiopia, which rules by terror through a secret police apparatus, the armed forces, and death squads;

(2) the dictatorship of chairman Mengistu systematically denies domestically produced and donated food to the people of Ethiopia, while hoarding and using it for payment to the armed forces and secret police as well as allowing Ethiopian officers to sell pilfered food aid for profit;

(3) the Ethiopian regime has seized internationally donated relief supplies of its own military purposes;

(4) the Ethiopian regime consistently claims that food shortages and mass starvation results solely from ungenerous foreign donors and drought conditions;

(5) the Ethiopian regime has regularly withheld donated food and other humanitarian shipments from needy people based on their place of residency and political opinions;

(6) The Ethiopian regime has systematically destroyed donated food supplies distributed by nongovernmental and multilateral organizations, killing, in the process, hundreds of Ethiopian victims;

(7) in furtherance of its policy of genocide, the Ethiopian regime has destroyed internationally recognized refugee and feeding camps (for example, brutally forcing some 60,000 Ethiopians to evacuate the Ibnet refugee camp, leaving at least 20 dead);

(8) the Ethiopian regime recently spent $200 million to celebrate the nation's 10th anniversary of Ethiopia's Communist Revolution while 8 million of its people face imminent starvation;

(9) the Ethiopian regime systematically tortures and brutalizes its citizens, including two Ethiopian escorts of a United States congressional delegation which traveled to Ethiopia in February of 1985;

(10) the Ethiopian regime is spending millions for military equipment purchases from the Soviet Union and is engaged in the indiscriminate napalm bombing of villages believed to harbor resistance forces;

(11) Chairman Mengistu has amassed the largest standing army in Africa, consuming half the national budget for military purposes;

(12) the Ethiopian regime denies basic freedoms of religion, assembly, free speech, free press, and elections;

(13) two million Ethiopians have been driven into exile;

(14) the policy and practice of genocide is repugnant to the moral and ethical values of the United States;

(15) the United Nations has called for an immediate ceasefire in Ethiopia;

(16) the Ethiopian regime's violation of basic civil and political rights (outlined in the State Department's Country Reports on Human Rights Practices for 1984) are among the worst in the world and run counter to United States policies to promote basic human rights and democratic freedoms throughout the world;

(17) it is the policy of the United States to respect democratic pluralism and observance of full political and human rights in Ethiopia; and

(18) it is the policy of the United States to promote peaceful change and an end to the genocide in Ethiopia.

(b) CESSATION OF GENOCIDE AND CIVIL WAR.—The Congress—

(1) supports the Ethiopian people in their efforts to end the cruel policy of genocide conducted by the Government of Ethiopia;

(2) calls upon the Government of Ethiopia to agree to an immediate ceasefire and to begin a process of negotiation with the opposition, leading to the establishment of a government of national reconciliation.

(c) PROHIBITION ON IMPORTS AND EXPORTS.—

(1) DETERMINATION OF HUMAN RIGHTS.—If the President determines that the Ethiopian regime has ceased to conduct a deliberate policy of starvation of its people and has granted fundamental human rights to its citizens, the President may submit that determination, and the basis for that determination, to the Congress.

(2) JOINT RESOLUTION APPROVING DETERMINATION.—The prohibition described in paragraph (3) shall remain in effect until the Congress enacts a joint resolution approving a determination of the President submitted to the Congress under paragraph (1).

(3) PROHIBITION.—Until the conditions specified in paragraphs (1) and (2) are met—

(A) goods and services of Ethiopian origin may not be imported into the United States; and

(B) except for emergency relief assistance, goods and services of United States origin may not be exported (directly or indirectly) to Ethiopia.

(d) PROHIBITION ON ECONOMIC ASSISTANCE.—The President shall suspend all forms of economic assistance to the Government of Ethiopia. This section shall not be construed to prevent the furnishing of international disaster assistance under section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) or economic assistance which will directly benefit needy people in accordance with section 116 (22 U.S.C. 2151n) of that Act).

(e) SECURITY ASSISTANCE.—The United States should continue to deny any and all direct and indirect security assistance to the Government of Ethiopia.

(f) REPORT.—Every six months, beginning six months after the date of the enactment of this Act, the President shall submit a report to the Congress on the progress by the Ethiopian regime to end its policy of genocide and abide by internationally recognized human rights.

Mr. ROTH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I am happy to yield to the chairman of the committee.

Mr. FASCELL. Mr. Chairman, I just wanted to restate again for the benefit of my colleagues who are now present that because of the shortness of time, I am constrained to object to any requests for extensions of time. We only have a little time left.

Mr. ROTH. Mr. Chairman, in response to that, I would just say as a member of the committee that this is the first time I have gotten to speak on this legislation. This is a very important amendment, and I think we should have a chance to express ourselves.

Mr. WOLPE. Mr. Chairman, I wish to reserve a point of order on the amendment. We have not had an opportunity yet to see the amendment.

The CHAIRMAN. The Chair will have to state to the gentleman from Michigan that his reservation comes too late. The debate has already begun on the amendment.

Mr. ROTH. Mr. Chairman, this is an important amendment if we consider that 7 to 8 million men, women, and children are dying of starvation. This amendment does have a few teeth in it—not many, but it does have a few. I introduce this amendment today because I think you and I are concerned about stopping the genocide that is taking place in Ethiopia.

Over 2 million people have been expelled from Ethiopia. Over 1.3 million have been relocated for political reasons in the southern part of the country. The Ethiopian regime is destroying refugee camps. For example, in Ibnet, some 60,000 people were driven out of that refugee camp, and many of the huts were burned while people were still in the huts. Over 30,000 people are still missing. As one nurse put it:

> Even the daily preparation of bread for the people is a wrenching experience. They suck your fingers to show you how hungry they are.

The United States, since December, has given over 400,000 tons of food to Ethiopia, over 2 million tons since the relief efforts began. Yet, while Ethiopia is a client state of the Soviet Union, the Soviet Union has only given 3,500 tons of rice. The European countries have given 1.3 million metric tons of food.

The Soviet Union has given the Ethiopians trucks, and in each truck they have three drivers. And how are the drivers paid for their per diem? For every ton of food that we unload at the docks in Ethiopia, it costs the U.S. Government $12.60 in fees extracted by the Ethiopian Government. That's $12.60 for every ton! What happens with this money? It's turned over to the Soviet Union to pay for Soviet truck drivers—three men to each truck.

The hearts of all Americans go out to the hungry throughout the world. This is most especially the case with the people of Ethiopia. Ethiopia used to be able to feed itself and export food to its neighbors. But that was before Col. Haile Mengistu Mariam came to power more than 10 years ago.

In that decade, the Ethiopian strongman has built the largest armed force in Africa. Thousands of opponents have been relegated to fighting the regime in a relentless civil war. One of Colonel Mengistu's first steps on seizing power was to institute a rigid centralization of agriculture at every level. The Government determines who farms and who doesn't. It determines who can get seed, fertilizer, and farm tools. It sets the price for all farm products. It steers locally produced foodstuffs to friends of the dictator—most especially his huge army and people living in the cities. At the same time the regime denies food, whether from Ethiopean or outside sources, to political dissidents fighting against it.

The Ethiopian Government blames hunger on a drought in the north. This won't stand the test of examination. The drought has mainly brought to light the policies of Colonel Mengistu's regime. Clearly, the Ethiopian Government has shown little or no willingness to use Western-donated food and emergency supplies to relieve the hunger of all of its people.

There are many aspects of this problem. Kurt Jansson, Deputy Secretary General of the United Nations, recently called for a pause in the donation of emergency supplies from the West. He noted that the Ethiopian regime has been allowing hundreds of thousands of tons of grains and other supplies to pile up at the docks while diverting trucks to smashing dissidents or moving Ethiopians out of conflict areas so as to prevent them from joining opponents of the dictatorship.

M. Peter McPherson, Administrator of our own Agency for International Development, has confirmed Mr. Jansson's dismal discovery. According to him, the Ethiopian regime is not serious about moving food and other supplies from the ports or out of the garrison towns inland which are used to feed only certified friends of Colonel Mengistu.

A growing concern on Capitol Hill is that the United States is allowing itself to be manipulated by the Ethiopian Government. In the past few years, policymakers have been well aware of the intentional policy of Colonel Mengistu to quell internal dissent through enforced hunger. We have responded by trying to seduce him through additional trade, aid, and other benefits. He has responded by buying planes for the Government airline and even selling donated food on the open market.

I think that this Congress has a responsibility to stop the genocide that is taking place. Where are the outcries for human rights? Where are the guardians of human rights? There are countless people in Ethiopia starving today. It takes place every day. Even the United Nations. Kurt Jansson, Deputy Secretary General of the United Nations, recently criticized severely the Ethiopian regime for not cooperating in distributing the donat-

ed food. We bring the food to Ethiopia, but it is rotting on the docks because the trucks that are supposed to distribute the food are relocating people for political reasons.

We thank the media for bringing this tremendous tragedy, this terrible tragedy, to the attention of the rest of the world, but we want the media to followup to show what is taking place with the food that we have donated.

Our hearts must go out to these people. The only thing the Government over there thinks about and works for is its military establishment. They have the largest army in the sub-Sahara, and yet they have no enemies from the outside. If democracy is good enough for European countries, if human rights is something we are concerned about in Central America, why are we not concerned about democracy and human rights in Africa?

□ 1240

I think it is time for this Congress to speak out. My amendment would do the following: Until the Government of Ethiopia stops its deliberate policy of genocide, we would not allow goods and services to go to Ethiopia except for emergency relief. We want to do everything we can to aid and feed the starving people in Ethiopia. Disaster assistance would continue, but we would not buy or sell products to the Government.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I will be happy to yield to my friend, the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want the gentleman from Wisconsin to know that I feel his deep concern about feeding the starving in Africa and the gentleman's genuine outrage about the Ethiopian Government and the complications that ensue from them.

I would warn the gentleman, though, to proceed with caution, extreme caution, because the Ethiopian Government is very difficult to deal with.

Mr. SILJANDER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

I yield to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend from Michigan [Mr. SILJANDER] for yielding.

Mr. Chairman, in summation, I just want to say that I hope that the Members of this House give this amendment some serious consideration.

There are not 1, 2, or 3 people starving, there are 7 to 8 million people, little kids, starving in Ethiopia, and the principal reason is because the Government is standing in the way.

Last year when we had within a 15-minute drive from the capital a sea of starving people, the Government spent $200 million for a ceremony to recognize their 10-year-old Marxist government. They imported not 40 bottles, not 400 bottles, not 1,000 or 4,000 bottles, but 480,000 bottles of Scotch, when a stone's throw from the capital millions were starving. And this Congress says nothing about human rights or democracy. If human rights and democracy are good enough for Europe and Central America, why is it not good enough for the blacks in Africa?

Mr. SILJANDER. Mr. Chairman, I thank the gentleman for his eloquent remarks.

Mr. Chairman, as the ranking member of the Africa Subcommittee, I would consider millions of taxpayers——

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind the visitors in the gallery that no demonstrations under the rule are allowed.

The Chair recognizes the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. That I along with millions of taxpayers in this country who have a heart and compassion for those who are starving in Ethiopia, are more than willing to send our tax dollars to help those in such desperate conditions; but I must say, Mr. Chairman, that I do not feel that concern overlaps in terms of the Government, the Marxist government of Ethiopia, who has systematically engaged in genocide of those people they consider political enemies of their regime.

Now, some argue to the numbers. Is it tens of thousands or is it hundreds?

Mr. Chairman, if it is even one human being that is starved by the Government of Ethiopia, our hearts ought to go out to them. And this is a small step in the right direction that the American taxpayers' voice can be heard in this Congress so that we will not stand for a regime systematically starving its own people, men, women and children for political purposes.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Michigan for yielding, because I think it goes even further than the taxpayers. I would be willing to bet that most if not every Member of this body has probably donated of their own moneys to try to help the situation in Ethiopia.

I would also guess that there are literally millions of Americans who have donated of their own resources to try to help the starving in Ethiopia.

I think what we have found is the Government of Ethiopia is standing in the way of getting the help to help people who are truly starving.

It seems to me what this amendment addresses is that part of the problem, that the American people have reached out in great compassion in huge numbers to try to solve that situation there, and it is not just in their role as taxpayers, it is in their role as compassionate people that we have reached out to that situation. And yet the Government of Ethiopia stands in the way of delivering that kind of help.

Mr. Chairman, if this amendment can in any way bring the message to the Government of Ethiopia that we intend to see the aid that we are providing gets to the people who are starving, then I think that every Member of the House should be in support of what the gentleman from Wisconsin [Mr. ROTH] is trying to do.

Mr. ROTH. Mr. Chairman, I thank the gentleman from Pennsylvania for his comments.

Mr. Chairman, I think there are two other important points that need to be made. One, this does not deal with humanitarian food aid, obviously; two, if the President certifies that the genocidal policies perpetrated by that government stop, then we can maintain our trade relationships. These are two very logical and reasonable escape clauses, but yet it sends, as the gentleman from Pennsylvania [Mr. WALKER] clearly articulated, a message to the Mengistu government that we will no longer tolerate starvation of men, women, and children for their own personal ambitions.

Mr. DORNAN of California. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Roth amendment.

Mr. Chairman, our distinguished colleague from Michigan has said that we must go very carefully here, because the Government in Ethiopia is very difficult to deal with. I agree with that sentiment. We must proceed carefully in debate, and as we present this amendment to the Government in Ethiopia we do not want children to die as a result of our strong position against the Ethiopian Government.

I went to Ethiopia last month, alone, with my administrative assistant, who was so moved by some of the television documentaries that he paid his own way to accompany me. I was inspired to go, frankly, not only by those same documentaries, but also by the excellent "20/20" broadcast of our distinguished colleague, the gentleman from New York [Mr. GARY ACKERMAN] and his Valentines Day trip to Ethiopia with a group of students from New York City.

I was moved exceedingly when the gentleman from New York [Mr. ACKERMAN] began to sing with the children and chant back and forth. I said, "Here is a place where people are dying in the same numbers as in the

concentration camps of Nazi Germany, and here is a chance through the miracle of jet travel to be there in a day or a little more. I can see for myself what is happening with our aid program, and what is happening with the Marxist, government of Colonel Mengestu, and how it takes care of its people."

Now, I went out to two of the camps. One of our Members, the gentleman from Virginia [Mr. FRANK WOLF] had been in one of the major camps, Ansakio, and witnessed what is happening. I went out to Ibnat and to another camp not far from the city. I have never seen more beautiful children in my life, more filled with love. Five or six will hold your hand at one time. They rub their heads up against you. They look up at you with their large eyes begging for some sort of help.

I talked to some of the young American and Canadian nurses there. There was one child with its whole upper lip gone, from the nose across its face. I asked the young Canadian nurse there if this was a birth deformity and before she could utter a sentence, her throat closed and she began to cry. When she regained her composure she told us that the little child had come in with an infection in the corner of its mouth, the infection turned to gangrene and before they could help it, it spread, and the child's whole upper lip fell off. Now that little child can only be helped, somehow, some way, by plastic surgery.

In stark, almost obscene contrast, and this was something I was not prepared for, was the Hilton Hotel in Addis Abba. That hotel has the largest swimming pool I have ever seen at a hotel along with open barbecues and a pizzeria. You can see the pilots from most of the free world nations there. All of us who stayed there were eating well in this hotel. A 20-minute plane flight away, or 1½ hours by car—I understand that the gentleman from New York [Mr. ACKERMAN] traveled 6 or 7 hours by car to get to one of the camps—is this utter starvation. Just a stone's throw from a typical Hilton Hotel with its abundance of food, people are struggling against the effects of prolonged starvation.

The most difficult thing to accept was when our AID representative told us that this country of ours is putting in more aid than anybody else, $325 million. Then he said, "How do you convey to our Congress that Ethiopia can only absorb $200 million?"

At all three major Ethiopian ports, some of which were built quickly in the last 6 months, there is food rotting, because of a sudden quick rainstorm, at one of the ports, rains that they had not had in 10 years.

To be just, there is one thing that we cannot blame on the Government of Ethiopia. I call it God's will, or as some would say, the act of Mother Nature, that Ethiopia has had 4 horrible drought years in a row. The Government cannot be blamed for that drought, or the fact that there is no infrastructure of roads. But they can be blamed, severely blamed, and I am weighing my words so that they will listen carefully, if they stand in the way of generous nations, irrespective of ideology, who are trying to get food to those little kids, and to those mothers who are so pitiful and so desperate for help.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Michigan.

□ 1250

Mr. CONYERS. I thank the gentleman for his very descriptive and passionate feelings about this matter.

Now the problem that we have with the Ethiopian Government, and the gentleman is aware of this I know, is that there is also among this mix of wealth and poverty and abundance and starvation, there is also an internal struggle going on. And I think we have to weigh that in. And there has been intransigence in some of the deliveries of food supplies, negligence, delays, and it has cost lives.

The State Department has worked diligently to control those and to get us on track, but I do not think that this amendment will work.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN of California. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FASCELL. Mr. Chairman, I am constrained to object.

The CHAIRMAN. Objection is heard.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank my friend.

I just wanted to add one more thought about what can be learned from watching a Marxist government as it stands in the way of feeding its own people.

The Mercado, the marketplace in Addis Abbaba, has more goods to offer than the market in Leningrad or Moscow. Things can get into Ethiopia quite easily when the Marxist government averts its eyes and permits the free enterprise black market to operate.

I have coined an axiom that I am going to remember for the rest of my life, which I submit to you. When a gang of people takes over a government at the point of a gun and executes 1,000 people of their opposition to cement their control, how do they establish their legitimacy in the eyes of the world? And here is the axiom: these thugs merely call themselves Marxists. They do not have to have read Engels or Marx or Lenin; they just put up big posters in the town square. They know they will never have to have an election again. They will get a certain amount of respect, even from some Members in this body, not to mention Western Europe, by declaring themselves Marxists. No elections, but rule by gun; they pick up their Mercedez-Benzes and start driving around. They eat well, and do not let starvation stand in the way of their $200 million celebration of the 10th anniversary of Marxism in their country.

It is ironic that the Italian language was once forced on the Ethiopians, but when Colonel Mengistu's henchmen put up their propaganda signs around the cities, the signs are in English. Presumably the Ethiopians are grateful to the English for having liberated them from the facism of Mussolini. But English, the language of freedom, is the language that they have to use to show the world that they are legitimate Marxists, and as such do not have to have elections and can rule by the gun.

We must feed those beautiful Ethiopian children, but this government must get out of the way.

I did meet decent people in that government who are not hard core ideologues, they understand America provides most of the food and air power to deliver it. They know that many Americans, particularly from our Christian groups, are there in the camps giving their time, while other people live in luxury in Addis Abbaba.

I thank the gentleman.

Mr. HYDE. I thank the gentleman from California.

I just simply want to comment that it is incredible that we find it so difficult to condemn Ethiopia for its practices of genocide. And anyone who denies that that is going on really has a problem of attention span, I would say. We have seen the films and the movies. They have wrenched our souls, and then we hear that that Government, from unimpeachable sources, is using food as a weapon, starving people, and burning their refugee camps.

Now if we cannot bring ourselves to condemn that here today then this body really has no reason for existence, or we have lost our soul.

Now we condemn the obscenity of apartheid and rightly so. Why can we not equally condemn the obscenity of starvation as a state sponsored policy? It is incredible.

I asked the gentleman who is the chairman of the subcommittee for his response to this, and he said, and I

quote him: "We sent a letter to Colonel Mengistu."

Well, that is great, and I know how letters are favored around here. We send them to Commandante Ortega and we send them to Colonel Mengistu.

But I submit that letters are not enough. I submit we have to do something concrete.

This is mild. This is a mild response in the face of the systematic starvation of people who are just as important in Eritrea and Tigre as they are in Soweto.

So I suggest that this amendment be adopted quickly and expeditiously and we can leave this Chamber saying we have done something to help the starving people of Ethiopia.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend from Detroit, Mr. CONYERS.

Mr. CONYERS. I thank the gentleman for yielding. I support his view of condemnation and speaking out on this. There have been difficulties.

But what does this amendment do beyond condemnation?

Mr. HYDE. The amendment requires Presidential findings. The gentleman has read the amendment and it speaks for itself.

Mr. CONYERS. No; the amendment was printed in the RECORD and I did not hear it.

Mr. HYDE. It focuses public attention, and we have spent a lot of attention picketing the Embassy of South Africa, and rightly so, but now let us focus attention, or let us show the world that we are capable of two thoughts simultaneously and focus some attention on this obscenity of state-sponsored starvation in Etheopia which is going on as we speak. That is the least that this resolution does.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, let me say first of all that there is no issue that has commanded greater attention of the Subcommittee on Africa and the Foreign Affairs Committee over the past couple of years than the subject of starvation in Ethiopia and more broadly, of course, the famine throughout the breadth of Africa. In fact, it was a delegation that I led to Ethiopia back over 2 years ago, 3 years ago now, that was the first congressional delegation to draw attention to the enormity of the starvation that was occurring at a time when the governments of this world and the international community were oblivious to what was happening.

The Ethiopian Government in fact had actually come to the international community somewhat earlier pleading for international assistance. The Catholic Relief Service had come to the American Government pleading for American Government support.

But up until the point of our arrival in Ethiopia, and I was accompanied by my distinguished ranking member at that time from New York, Mr. SOLOMON, there was very little attention being paid to what was happening in Ethiopia.

Let me say secondly our committee not only by letter but on a continuing basis through direct conversation with Ethiopian Government officials, with American Government officials, the international relief agencies has been doing everything within our power to make clear to the Ethiopian Government our absolute abhorrence of what at times has seemed like gross insensitivity to people starving within their own country.

Previous speakers have spoken to such incidents as the kind of time and attention that was given to the Communist celebration when shipments of food were held up at the port, compounding the starvation and the misery of the people. We have addressed those issues and we have put and helped to orchestrate all sorts of measures, and entreaties, initiatives with respect to the problem of starvation in Ethiopia.

The bottom line of all of our initiatives has been to try to keep people alive. And the reason that I believe that the amendment, as it has been constructed, though certainly well intended, may actually complicate the effort of keeping people alive, is because for better or for worse, no matter how much we abhor the policies of this Government politically, no matter how much we abhor the resistance to facilitating free passage at different points into areas that have been the most hard hit by starvation, the fact of the matter is that is the Government that we have got, and the other members of the international community must deal with if we are going to try to see to it that that assistance gets to the people of Ethiopia.

The tragedy is that a lot of innocent people are being used as political pawns, but are parties to this conflict. It is time to make certain as we approach this issue that unintentionally we are not actually adding to the deaths that are occurring in Ethiopia.

Now because of the concern I and the gentleman from California [Mr. LOWERY] were involved in discussions of an amendment that the gentleman from California [Mr. LOWERY] originally intended to introduce that would have expressed in the strongest possible terms our condemnation of the approach that has been taken by the Government to the problem of starvation at a number of different points.

The administration, I might say, Mr. McPherson and others have been working with the Ethiopian Government, and through diplomacy we have received some concessions by that Government that is now permitting the operation of relief agencies in areas where they previously were hindered from operating. That has been some movement and some progress in the ability to get food into the areas of greatest starvation.

People are still dying at an enormous rate. Recently I had the opportunity to talk with one relief official that said there has been great improvement in Ethiopia. And I asked him what he meant and he said, "Well, now, instead of 125 people dying every day we only have in one particular relief camp," and he only knew about one camp, "we only have somewhere about 25 people dying."

□ 1300

I could not believe what he was saying, that that was progress. The fact of the matter is there are already in the neighborhood of half a million people that have died, there are over 2 million people on the verge of starvation within Ethiopia itself; 6 million people we are told are at potential risk of starvation.

So what we need to be attentive to at this point is keeping people alive.

The concern that I have with respect to the amendment as it has been propounded is it does not only make our condemnation of Ethiopian action clear, but it also goes so far as to impose an economic embargo vis-a-vis the United States and Ethiopia. It is going to complicate seriously our ability to work with that Government that has got to be worked with in order to see to it that people receive relief supplies and assistance.

Mr. SOLOMON. Mr. Chairman, I move to strike the last word.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to support this amendment.

Mr. SOLOMON. My colleagues, let me just say this to the distinguished chairman of the Subcommittee on Africa, Mr. WOLPE. I served as his ranking Republican Member for a number of years and we did travel to Ethiopia 2 years ago.

I give the gentleman a great deal of credit for initially calling attention to what was happening in Ethiopia and southern Africa. But let me say this, there is no question in anyone's mind that there is a forced genocide going on today. I have, in Saratoga Springs, NY, two little twins, 1½ years old, whom we just brought to the United States. They were adopted. We managed to get them out of the northern provinces.

If they had not been brought out about 4 months ago, they would be dead today. They are the cutest little children you have ever seen in your life, two little twins.

The stories that came with them of the forced genocide that was taking place were just so heart-breaking.

Mr. Chairman, here is an article from Life magazine of the May 1985 issue. Just look at these people, look at them. The article starts off by saying "that they showed no mercy."

Mr. Chairman, let me read you a statement from a nurse, from a private voluntary organization which is serving those people. She says, "It is easy to see that the government doesn't care," says 30-year-old Marcedes Hernandez. "We have tents, we can put everybody inside these tents at night but they have forbidden us from doing. Lt. Col. Mengistu Haile-Mariam, his 10-year-old military regime is intentionally supporting the relief efforts and withholding the aid from those who most desperately need it. It is cruelty. They pick the young for resettlement and they leave the others to die."

Ladies and gentlemen, I have seen this House act on amendments on this floor and say "Let's send it over to the other House, the Senate, and we will argue it out there." Here is your chance to focus with the world's press on what is happening with forced genocide that is killing more people than previously when the Soviets starved so many Ukraines so many years ago.

Let us send the message, let us adopt this amendment and I guarantee you it is going to help save some of those people. It will send a message to Colonel Mengistu that we are not going to stand by and see this kind of genocide happening in the 20th century.

● Mr. LOWERY of California. Mr. Chairman, first, I want to thank the chairman, the distinguished gentleman from Florida, and the distinguished ranking minority member, the gentleman from Michigan, for working with me to bring this amendment to consideration before the full House.

While I commend this body for its statesmanship and compassion in considering aid for the estimated 20 to 30 million people in danger of starvation in Africa, there has been little or no mention of Ethiopia's failing in its responsibility to sufficiently ameliorate famine conditions in its own countryside. As a matter of fact, Congress has yet to make any statement at all about this systematic denial of food and relief by the Ethiopian Government to certain areas of civil contention. To this end, I applaud the efforts of my colleague from Michigan to incorporate my resolution in his substitute bringing to the attention of the Dergue and the American people that we will not tolerate such blatant abuses.

We must all recognize that the Ethiopian Government has not only been irresponsible in failing to aid starvation victims effectively, but it has also actually hindered relief efforts. Instead of diverting important resources toward the reclamation and rehabilitation of its agrarian lands, it has chosen instead to equip its five hundred thousand-person military organization. Under the dictatorship of Marxist Chairman Mengistu, the Ethiopian Government has systematically withheld donated food and other humanitarian shipments from needy people based on their place of residence and political opinions. Moreover, the Dergue, with considerable assistance from the Soviet Union, has built the second largest standing army in Africa, consuming one half of its national budget for military purposes. A strong statement by this body will send a clear message to the Government of Ethiopia that it is on notice for its irresponsible behavior and reckless military build-up.

Mr. Chairman, in considering any form of foreign emergency assistance, we must address preventive as well as immediate needs. The present famine conditions in Africa are not, as many believe, a completely natural disaster, but are largely attributable to a foolish and unsound agricultural policy. The African drought was the mechanism through which famine was triggered, but the resulting human disaster was an act of man, not God—an act stemming from sheer human mismanagement of environmental resources and agricultural policies by Colonel Mengistu and the Dergue. Haphazard use of land and an inefficient Marxist system have all contributed heavily to the massive starvation in Ethiopia.

In addition, the Soviet Union, although in a firm alliance with Ethiopia, has responded to aid needs with little more than symbolic gestures, sending last year approximately 10,000 metric tons of rice and several tons of salt, even though Ethiopia is an exporter of salt. For fiscal year 1984, Soviet aid totaled only $7 million. They supposedly supplied logistical support, including the use of some trucks. However, the trucks were used mainly for the resettlement of indigenous population in areas of civil contention. Most importantly, the Soviet Union has provided absolutely no preventive funding, environmentally or agriculturally, choosing instead to target the Ethiopian military for assistance.

In conclusion, Mr. Chairman, while I strongly support the efforts of this legislative body to alleviate the suffering taking place in Ethiopia and other parts of Africa, I believe our foreign assistance must be tempered with the responsibility and commitment of our beneficiary toward self sufficiency and a full recovery from famine—irrespective of political or regional differences. Changes must be made in the Dergue's ineffectual Marxist system and their unacceptable military priorities. We must make concerted efforts to combine emergency relief with preventive measures to ensure that more disasters of this nature do not occur. This amendment will give a stern warning to Colonel Mengistu and the Dergue that if they do not straighten out their economic and militaristic policies, we will take even stronger action.

I urge all my colleagues to support this important and necessary effort.●

AMENDMENT OFFERED BY MR. SOLARZ AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ROTH

Mr. SOLARZ. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ as a substitute for the amendment offered by Mr. ROTH:

Page 125, after line 15, insert the following new section:

SEC. 810. FAILURE OF THE ETHIOPIAN GOVERNMENT TO RESPONSIBLY AMELIORATE FAMINE CONDITIONS.

(a) FINDINGS.—The Congress finds that—

(1) many thousands of Ethiopian people have suffered and died, and an additional ten million people are in danger of death, through starvation caused by prolonged drought;

(2) it has been suggested that the United States Government has been negligent in its efforts to ameliorate the tragic conditions present in Ethiopia;

(3) the Government of the United States has a continuing commitment to the emergency fund under title II of the Agricultural Trade Development and Assistance Act of 1954 (the Food For Peace Act);

(4) United States emergency food assistance for Africa in fiscal year 1985 is more than twice the amount provided in fiscal year 1984, and is the largest amount contributed by any single donor;

(5) the Ethiopian Government, as a client state of the Soviet Union, has considered the equipage and modernization of its five hundred thousand-person military organization more vital than alleviating the suffering of its people caused by drought;

(6) the Ethiopian Government has considered the funding of its military organization more vital than promoting a viable national agrarian policy;

(7) there is evidence that the Government of Ethiopia has used the drought-caused famine to induce cooperation from certain dedicated Ethiopians who seek to bring about fundamental changes in their country;

(8) the United States Government is concerned about the seizure by the Ethiopian Government of an Australian aid ship in an attempt to cut off food to its citizens in the northern regions, an area most severely stricken by famine; and

(9) the Ethiopian Government deems the appearance and status of its socialist system more worthy of attention than its citizens and agricultural policies in need.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the Government of Ethiopia should be condemned for failing in its responsibility to sufficiently ameliorate the severe drought and famine conditions throughout its agrarian countryside;

(2) the Government of Ethiopia should allocate more of its resources toward the development of a more balanced and effective agrarian system;

(3) human rights monitoring groups can be a positive force for human rights in Ethiopia and should be allowed to function and should be supported;

(4) the Government of Ethiopia should initiate a genuine policy of national reconciliation;

(5) the continued improvement of Ethiopia's treatment of the Ethiopian people and respect for human rights would better relations between the United States and Ethiopia;

(6) the President or his representatives should convey to Ethiopian officials the concerns of the Congress expressed in this section at every opportunity; and

(7) the President or his representatives should also convey these concerns of the Congress to the governments of United Staters allies and urge the cooperation of those governments in efforts to ensure a more responsible Ethiopian Government.

(c) PROHIBITION ON IMPORTS AND EXPORTS.

(1) DETERMINATION OF HUMAN RIGHTS.—The President shall determine within 30 days after the enactment of this Act whether the Ethiopian regime is conducting a deliberate policy of starvation of its people and has not granted fundamental human rights to its citizens. The President shall submit that determination, and the basis for that determination, to the Congress.

(2) JOINT RESOLUTION APPROVING DETERMINATION.—The prohibition described in paragraph (3) shall take effect if the Congress enacts a joint resolution approving the determination of the President submitted to the Congress under paragraph (1).

Prohibition.—If the conditions specified in paragraphs (1) and (2) are met—

(A) goods and services of Ethiopian origin may not be imported into the United States; and

(B) except for emergency relief assistance, goods and services of United States origin may not be exported (directly or indirectly) to Ethiopia.

(d) PROHIBITION ON ECONOMIC ASSISTANCE.—The President shall suspend all forms of economic assistance to the Government of Ethiopia. This section shall not be construed to prevent the furnishing of international disaster assistance under section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) or economic assistance which will directly benefit needy people in accordance with section 116 (22 U.S.C. 2151n) of that Act).

□ 1310

The CHAIRMAN. The gentleman from New York [Mr. SOLARZ] is recognized for 4 minutes.

Mr. SOLARZ. Mr. Chairman, I think my friends on the other side of the aisle, in a very constructive fashion, have focused attention on the seriousness of the situation in Ethiopia. All of us, on both sides, are concened about the problem of starvation in that country.

To the extent that the problem of hunger is being exacerbated by a deliberate policy on the part of the Government which has the consequence of forcing additional Ethiopians to starve, that is even more deplorable and all of us, I think, would share the concerns that have been expressed.

What this substitute attempts to do, however, is to somewhat alter the formula contained in the amendment that was originally offered, which provides for the termination of all American trade with Ethiopia.

Under the amendment that was put before the House, upon enactment of this legislation, all trade is suspended unless the President reports to the Congress that the Government of Ethiopia is no longer engaged in a deliberate policy of starvation and the violation of the human rights of its people.

If the President makes the determination that they are no longer doing that, and the Congress approves it with a joint resolution, the prohibition on trade is eliminated.

Under the substitute, we provide that within 30 days of the enactment of the legislation, the President must submit a determination to the Congress as to whether the Government of Ethiopia is engaged in an effort to deliberately starve their people and is engaged in a fundamental violation of the human rights of the Ethiopian people.

If the President makes that determination, and if it is approved by a joint resolution of the Congress, then all trade is prohibited. In essence, the difference between the two approaches is this: Under the original amendment, the trade between our two countries is automatically prohibited unless the President finds that they are no longer engaged in the objectionable behavior.

Under our amendment, once the bill is enacted, trade continues, but within 30 days the President is obligated to make a finding as to whether the Ethiopian Government is engaged in these objectionable practices.

Now the fact of the matter is that by the time this bill passes, either the Government of Ethiopia will be engaged in efforts to starve its own people or it won't be. If it is, the President will undoubtedly, under our substitute, submit the determination and trade will be cut off. If they are not engaged in a deliberate effort at starvation, then even under the original amendment, the President would submit that determination to the Congress.

Why then is the substitute preferable to the original amendment? It is preferable because it is simply a more diplomatic way of going about it. The determination will be made one way or the other.

The gentlemen on the other side of the aisle, if they can accept this amendment, will have won a fundamental point: They will have established as U.S. policy that if, following the enactment of this legislation, the Government of Ethiopia is engaged in deliberate efforts to starve its own people, all trade between our two countries will be cut off. But let us not require a cutoff in trade even if it is entirely possible that by the time this is enacted, the Government of Ethiopia will no longer be engaged in that kind of activity.

So I think we have come a long way toward a reasonable compromise on this. I would hope our friends on the other side of the aisle could accept the substitute. The President will be obligated to make a determination within 30 days. He is not going to fake it. If they are deliberately engaged in efforts to starve their own people, he will submit the determination, as he is obligated to by law to the Congress, and it will be approved.

The CHAIRMAN. All time has expired under the time limitation.

Under the unanimous-consent request, the Chair recognizes the gentleman from Wisconsin for 2 minutes.

Mr. ROTH. I thank the Chair.

I think the original amendment was desirable, but I also realize that we need 217 votes, 215, 212—it all depends on how many Members are present—to have the amendment adopted.

I feel so strongly, as do the Members on this side of the aisle, that this genocide in Ethiopia must stop, that I will be willing to accept this watered down version of the amendment, if it is going to get the chairman and others to accept the amendment.

Also, although this amendment now shifts the certification burden to the President, I think the President has wide shoulders. I think to save the starving in Ethiopia, the President will be able to go along with it, too.

So I ask that we accept this amendment.

Mr. FASCELL. Will the gentleman yield?

Mr. ROTH. I yield to the gentleman.

Mr. FASCELL. I just want to say that we are very happy to accept the amendment, and I commend the gentleman for his willingness to cooperate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLARZ] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title VIII?

MODIFICATION OFFERED BY MR. MILLER OF WASHINGTON TO THE AMENDMENT OFFERED BY MR. MILLER OF WASHINGTON, AS AMENDED, RELATING TO INTERNATIONAL CIVIL AVIATION BOYCOTTS

Mr. MILLER of Washington. Mr. Chairman, I ask unanimous consent that section 409 of H.R. 1555 (relating to international civil aviation boycotts), which is contained in the amendment which I offered and which was adopted on July 10, 1985, be amended to read as follows:

SEC. 409. INTERNATIONAL CIVIL AVIATION BOYCOTT OF COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

It is the sense of the Congress that the President—

(1) should call for an international civil aviation boycott with respect to those countries which the President determines—

(A) grant sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(B) otherwise support international terrorism; and

(2) should take steps, both bilateral and multilateral, to achieve a total international civil aviation boycott with respect to those countries.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The amendment is modified.

The text of the amendment, as modified, as amended, is as follows:

Amendment offered by Mr. Miller of Washington, as modified, as amended: Page 55, after line 17, insert the following new sections 408 and 409 and redesignate existing sections 408 and 409 as sections 410 and 411, respectively:

SEC. 408. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

(a) PROHIBITION.—Section 620A of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 620A. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

"(a) PROHIBITION.—The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the Arms Export Control Act, to any country which the President determines—

"(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

"(2) otherwise supports international terrorism.

"(b) PRESIDENTIAL WAIVER.—The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the waiver (including the justification for the waiver) in accordance with the procedures applicable to reprograming notifications pursuant to section 634A of this Act.

"(c) INTERNATIONAL COOPERATION.—If sanctions are imposed on a country pursuant to subsection (a) because of its support for international terrorism, the President should call upon other countries to impose similar sanctions on that country.".

(b) CONFORMING AMENDMENT.—Section 3(f) of the Arms Export Control Act is amended by striking out ", credits, and guaranties" and ", credits, or guarantics" each place they appear.

SEC. 409. INTERNATIONAL CIVIL AVIATION BOYCOTT OF COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

It is the sense of the Congress that the President—

(1) should call for an international civil aviation boycott with respect to those countries which the President determines—

(A) grant sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(B) otherwise support international terrorism; and

(2) should take steps, both bilateral and multilateral, to achieve a total international civil aviation boycott with respect to those countries.

● Mr. GROTBERG. Mr. Chairman, yesterday I strongly supported the amendment introduced by the gentleman from Washington [Mr. MILLER]. I have a very personal interest in the issue of international terrorism which this country and the rest of the world witnessed with the hijacking of the TWA flight 847. When the American flight was brutally hijacked, 35 residents of my Illinois district and the surrounding area were aboard. Many of these people were returning from a church trip to the Holy Land.

We have never been able to assure U.S. citizens that domestic and international travel, residence in foreign countries, or service in the military overseas was always safe. However, barbarous acts of terrorism which have been committed against innocent people aboard the TWA flight, in American embassies, and military installations have only served to roughly push this Congress into acting in some legislative manner. The Miller amendment would send a very strong message to countries entertaining any thoughts of harboring terrorists. The United States would not under any circumstances give foreign aid to countries who engage in terrorism or shelter terrorists.

In addition, as I understand the gentleman's amendment, the second section would urge the President to work with other countries in adopting an international civil aviation boycott of Iran and Libya. It's unfortunate that steps must be taken to develop an antiterrorism policy; however, U.S. posture in crisis situations is extremely important. The TWA incident served to test our resolve, and we must move to shut off any airport which has been a safe harbor for terrorists. I've introduced a bill which would give the Secretary of Transportation the authority to restrict air travel to the United States from foreign airports considered to have security problems. Periodic assessments of the effectiveness of security measures at foreign airports coupled with a posting of all foreign security-deficient airports at all U.S. airports would be required. A similar bill has been introduced by my Illinois colleague in the other body, Mr. DIXON.

The President has recently discussed two things that I have talked about since the first stages of the hostage crisis: One, increase sky marshals on foreign flights, and two, move to bring these terrorists to justice for their acts of savagery, even if it takes one or two generations. I support the approach of hunting these international criminals to their graves.

Mr. Chairman, I was encouraged by the passage of the Miller amendment. I don't think this country should have to helplessly watch any more Americans suffer at the hands of maniacs.●

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 125, after line 15, insert the following new section:

SEC. 810. PROHIBITION ON ASSISTANCE TO COUNTRIES PROVIDING NUCLEAR ASSISTANCE TO SOUTH AFRICA.

(a) PROHIBITION.—United States foreign assistance may not be provided to any country having a nuclear relationship with South Africa.

(b) DEFINITIONS.—As used in this section—

(1) the term "nuclear relationship" means any relationship between countries which is subject to the Treaty on the Non-Proliferation of Nuclear Weapons (without regard to whether the countries in question are parties to that Treaty); and

(2) the term "United States foreign assistance" means any assistance under the Foreign Assistance Act of 1961, the Arms Export Control Act (including cash sales under that Act), the Agricultural Trade Development and Assistance Act of 1954, the African Development Foundation Act, section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Development Foundation), or the Peace Corps Act.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 2 minutes.

Mr. CONYERS. Mr. Chairman, this is a very simple prohibition that provides that no foreign assistance, military or economic, may be provided to any country having a nuclear relationship with South Africa.

By "nuclear relationship" we define, by definition in section (b), means any relationship between countries which is subject to the treaty on the nonproliferation of nuclear weapons.

Now, Senator Symington, in 1977, offered an amendment on the foreign aid bill which prohibits U.S. foreign aid for recipients who violate the nuclear nonproliferation treaty. All this amendment does, and it names no countries and it indicts no nations, is that we say that, any nation from this point on, dealing with nuclear relationship—by that, having anything to do with developing nuclear capability with South Africa could be prohibited from receiving assistance from the United States.

I think this is an important adjunct to the amendment similar to this that I offered on the Anti-Apartheid Act which prohibits any nuclear collaboration with South Africa.

It is simple, straight ahead amendment, and I hope it will be accepted.

I yield to the chairman of the Subcommittee on Africa [Mr. WOLPE].

Mr. WOLPE. I thank the gentleman for yielding, and first of all I want to commend the gentleman for the leadership he has taken, not only today but in other forms, at addressing the issue of the nuclear development that is occurring in South Africa, and which we in the United States, ourselves, participated.

I have some concerns about the amendment as it has been drafted, if I understand it correctly it could result in the cutoff of cash sales, military equipment to some U.S. allies and NATO, for example, France, for example, if they have a nuclear relationship.

□ 1320

I think, though, this is an issue that needs to be explored. I would suggest that this matter be further explored in committee hearings. I have, as you know, legislation pending and would intend to pursue that in the committee process.

Mr. SILJANDER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield to the chairman, the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. I thank my colleague, the gentleman from Michigan, for yielding, to allow me to complete my statement, which is that this is a subject that should be explored. It is important that the gentleman has raised it at this point. We will have an opportunity in our committee hearings that are to be taking place on the Nuclear Control Act this year to explore the ramifications of the gentleman's suggestion in greater depth.

Mr. SILJANDER. I thank the chairman for his comments. As the ranking minority member of the subcommittee, I would also agree that this should be looked at, it should be explored. I would encourage the gentleman to withdraw his amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, on the generous and unsolicited advice of the ranking minority leader of the subcommittee and the chairman of the subcommittee, I ask unanimous consent to withdraw this amendment and pursue the suggestions that have been made.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there further amendments to this title?

AMENDMENT OFFERED BY MR. SILJANDER

Mr. SILJANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SILJANDER: Page 125, after line 15, insert the following new section:

SEC. 810. ASSISTANCE FOR SOUTH AFRICAN PROJECTS.

(a) ELIGIBILITY OF CERTAIN PROJECTS IN SOUTH AFRICA.—Section 237(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(a)) is amended—

(1) by striking out "(a) Insurance" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2), insurance"; and

(2) by adding at the end thereof the following:

"(2) Insurance, reinsurance, and guaranties of loans may be issued to cover an investment made in connection with a project in South Africa, notwithstanding the absence of an agreement with the Government of South Africa, except that—

"(A) the issuance of any such insurance, reinsurance, or guaranty may only be made to joint ventures between business enterprises controlled or owned by South African blacks or other nonwhite South Africans and business enterprises controlled or owned by United States nationals; and

"(B) with respect to such a joint venture, the national or nationals of the United States hold a minority interest or agree to relinquish its majority interest during the course of the joint venture.".

(b) NATIONAL OF THE UNITED STATES DEFINED.—Section 238 of the Foreign Assistance Act of 1961 (22 U.S.C. 2198) is amended—

(1) in subsection (c) by striking out "and" at the end thereof;

(2) in subsection (d) by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(e) the term "national of the United States" means—

"(1) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; or

"(2) a corporation, partnership, or other enterprise if—

"(A) natural persons who are nationals of the United States own or control, directly or indirectly, more than 50 percent of the outstanding voting securities;

"(B) natural persons who are nationals of the United States own or control, directly or indirectly, 25 percent or more of the voting securities, and natural persons of another nationality do not own or control an equal or larger percentage;

"(C) any natural person who is a national of the United States operates the corporation, partnership, or enterprise pursuant to the provisions of an exclusive management contract;

"(D) a majority of the members of the board of directors are also members of the comparable governing body of a corporation or legal entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia; or

"(E) natural persons who are nationals of the United States have authority to appoint the chief operating officer.".

Mr. SILJANDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] is recognized for 2 minutes in support of his amendment.

Mr. SILJANDER. Mr. Chairman, in the 2 minutes I have, an amendment that would allow OPIC to operate with black joint ventures in South Africa. Black businesses in South Africa are emerging as a powerful political force for change in that country. I recognize that this Congress has passed a sanctions bill over this Member's objection. This amendment is not in conflict with the sanctions bill against the Government. After all, was not that bill a sanction against the white racist government of South Africa? And that being the case, this amendment has nothing to do with the Government of South Africa. What it has to do with is assisting U.S. business coordinating with blacks in South Africa and blacks only. This is a source for change in the country, by encouraging blacks with opportunities for upward mobility and opportunities in business. This amendment would help provide business expertise to blacks in South Africa and it would send the right signal that we are concerned about development of leadership capabilities both in economic and private sectors.

So, Mr. Chairman, I urge adoption of this amendment.

Mr. WOLPE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this issue is one that was really debated at length in the course of the debate over the antiapartheid legislation. This House made a policy decision at that point that it made sense to begin to impose some serious pressures on the Government of South Africa, and that the alternative version that was offered by my distinguished colleague from Michigan that would countenance and expand an economic relationship with South Africa would be counterproductive because it would signal the South African Government the same ambiguity

and would actually increase the repression and increase the violence.

Moreover, the formulation of this amendment would totally violate precedent with respect to the operation of OPIC. That is a subject that the distinguished chairman of the Economic Policy Trade Subcommittee is very conversant with. I will yield the remainder of my time to him to explain his concerns in that regard.

Mr. BONKER. I thank the gentleman for yielding.

Mr. Chairman, I would only point out that the Foreign Affairs Subcommittee on International Economic Policy is presently conducting hearings on OPIC, and that is the proper place to offer this amendment.

I would also point out that section 231 of the statute mandates that all OPIC projects be to less developed countries with per capita incomes of less than $680. In South Africa, the per capita income is over $2,000. And also that the projects must be compatible with other development assistance programs. Presently, we have no development assistance programs in South Africa. There is no agreement in place, which is also required by the law.

So however you measure, this OPIC program does not qualify in any form for application in South Africa.

In view of the foregoing reasons, I would strongly urge that we oppose the amendment offered by the gentleman from Michigan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SILJANDER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SILJANDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 337, not voting 8, as follows:

[Roll No. 223]

AYES—88

Archer	Emerson	Miller (WA)
Armey	Fawell	Monson
Badham	Fields	Moore
Bartlett	Goodling	Nielson
Barton	Grotberg	O'Brien
Bateman	Gunderson	Parris
Bentley	Hansen	Petri
Bereuter	Hillis	Ritter
Bilirakis	Holt	Roberts
Boulter	Hunter	Rogers
Burton (IN)	Hyde	Rowland (CT)
Chandler	Ireland	Rudd
Cheney	Johnson	Saxton
Cobey	Kasich	Schaefer
Coble	Kemp	Sensenbrenner
Combest	Kramer	Shaw
Courter	Lewis (FL)	Shumway
Craig	Livingston	Shuster
Crane	Loeffler	Siljander
Daniel	Lungren	Smith (NE)
Dannemeyer	Mack	Smith (NH)
DeLay	Marlenee	Smith, Denny
DeWine	McCollum	Smith, Robert
Dornan (CA)	McEwen	Snyder
Dreier	McMillan	Strang
Eckert (NY)	Michel	Stump
Sundquist	Vucanovich	Young (FL)
Sweeney	Wolf	Zschau
Swindall	Wortley	
Taylor	Young (AK)	

NOES—337

Ackerman	Evans (IL)	Lowery (CA)
Addabbo	Fascell	Lowry (WA)
Akaka	Fazio	Lujan
Alexander	Feighan	Luken
Anderson	Fiedler	Lundine
Andrews	Fish	MacKay
Annunzio	Flippo	Madigan
Anthony	Florio	Manton
Applegate	Foglietta	Markey
Aspin	Foley	Martin (IL)
Atkins	Ford (MI)	Martin (NY)
AuCoin	Ford (TN)	Martinez
Barnard	Fowler	Matsui
Barnes	Frank	Mavroules
Bates	Franklin	Mazzoli
Bedell	Frenzel	McCain
Beilenson	Frost	McCandless
Bennett	Fuqua	McCloskey
Berman	Gallo	McCurdy
Bevill	Garcia	McDade
Biaggi	Gaydos	McGrath
Bliley	Gejdenson	McHugh
Boehlert	Gekas	McKernan
Boggs	Gephardt	McKinney
Boland	Gibbons	Meyers
Boner (TN)	Gilman	Mica
Bonker	Gingrich	Mikulski
Borski	Glickman	Miller (CA)
Bosco	Gonzalez	Miller (OH)
Boucher	Gordon	Mineta
Boxer	Gradison	Mitchell
Breaux	Gray (IL)	Moakley
Brooks	Gray (PA)	Molinari
Broomfield	Green	Mollohan
Brown (CA)	Gregg	Montgomery
Brown (CO)	Guarini	Moody
Broyhill	Hall (OH)	Moorhead
Bruce	Hamilton	Morrison (CT)
Bryant	Hammerschmidt	Morrison (WA)
Burton (CA)	Hartnett	Mrazek
Bustamante	Hawkins	Murphy
Byron	Hayes	Murtha
Callahan	Heftel	Myers
Campbell	Hendon	Natcher
Carney	Henry	Neal
Carper	Hertel	Nelson
Carr	Hiler	Nowak
Chappell	Hopkins	Oakar
Clay	Horton	Oberstar
Clinger	Howard	Obey
Coats	Hoyer	Olin
Coelho	Hubbard	Ortiz
Coleman (MO)	Huckaby	Owens
Coleman (TX)	Hughes	Oxley
Conte	Hutto	Packard
Conyers	Jacobs	Panetta
Cooper	Jeffords	Pashayan
Coughlin	Jenkins	Pease
Coyne	Jones (NC)	Penny
Crockett	Jones (OK)	Pepper
Darden	Jones (TN)	Perkins
Daschle	Kanjorski	Pickle
Daub	Kaptur	Price
Davis	Kastenmeier	Pursell
de la Garza	Kennelly	Quillen
Dellums	Kildee	Rahall
Derrick	Kindness	Rangel
Dickinson	Kleczka	Ray
Dicks	Kolbe	Regula
Dingell	Kolter	Reid
DioGuardi	Kostmayer	Richardson
Dixon	LaFalce	Ridge
Donnelly	Lagomarsino	Rinaldo
Dorgan (ND)	Lantos	Robinson
Dowdy	Latta	Rodino
Downey	Leach (IA)	Roe
Duncan	Leath (TX)	Roemer
Durbin	Lehman (CA)	Rose
Dwyer	Lehman (FL)	Rostenkowski
Dymally	Leland	Roth
Dyson	Lent	Roukema
Early	Levin (MI)	Rowland (GA)
Eckart (OH)	Levine (CA)	Roybal
Edgar	Lewis (CA)	Russo
Edwards (CA)	Lightfoot	Sabo
Edwards (OK)	Lipinski	Savage
English	Lloyd	Scheuer
Erdreich	Long	Schneider
Evans (IA)	Lott	Schroeder
Schuette	Stark	Walker
Schulze	Stenholm	Watkins
Schumer	Stokes	Waxman
Seiberling	Stratton	Weaver
Sharp	Studds	Weber
Shelby	Swift	Weiss
Sikorski	Synar	Wheat
Sisisky	Tallon	Whitehurst
Skeen	Tauke	Whitley
Skelton	Tauzin	Whittaker
Slattery	Thomas (CA)	Whitten
Slaughter	Thomas (GA)	Williams
Smith (FL)	Torres	Wilson
Smith (IA)	Torricelli	Wirth
Smith (NJ)	Towns	Wise
Snowe	Traficant	Wolpe
Solarz	Traxler	Wright
Solomon	Udall	Wyden
Spence	Valentine	Wylie
Spratt	Vander Jagt	Yates
St Germain	Vento	Yatron
Staggers	Visclosky	Young (MO)
Stallings	Volkmer	
Stangeland	Walgren	

NOT VOTING—8

Bonior (MI)	Hall, Ralph	Nichols
Chappie	Hatcher	Porter
Collins	Hefner	

□ 1340

Messrs. STENHOLM, SKELTON, and McCANDLESS changed their votes from "aye" to "no."

Mr. BARTLETT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LOWRY of Washington. Mr. Chairman, yesterday when the vote was taken on the Fascell amendment to the Smith amendment, I was detained at the White House on the budget conference and missed the vote.

Had I been present, I would have voted for the Fascell amendment.

WITHDRAWAL OF AMENDMENT

Mr. FORD of Tennessee. Mr. Chairman, I would like to withdraw an amendment that I had to title XI or XII of the bill before the Committee today calling for a 10-percent reduction across the board in the $13.1 billion foreign aid assistance bill. The amendment is at the Clerk's desk. It would not be in order until title XI or XII, but I would like to withdraw the amendment at this time.

The CHAIRMAN. Are there further amendments to title VIII? If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—FOOD AND AGRICULTURAL ASSISTANCE

SEC. 901. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

Section 103(g) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(g)(1) In order to carry out the purposes of this section, the President may continue United States participation in and make contributions to the International Fund for Agricultural Development.

"(2) There are authorized to be appropriated such sums as may be necessary to meet the United States pledge for the second replenishment for the International Fund for Agricultural Development.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 902. PUBLIC LAW 480 TITLE II MINIMUMS.

(a) MINIMUM AND SUBMINIMUM DISTRIBUTION REQUIREMENTS.—Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out paragraphs (1) through (3) and inserting in lieu thereof the following:

"(1) for fiscal year 1987 shall be 1,800,000 metric tons, of which not less than 1,300,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;

"(2) for fiscal year 1988 shall be 1,900,000 metric tons, of which not less than 1,400,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program; and

"(3) for fiscal year 1989 and each fiscal year thereafter shall be 2,000,000 metric tons, of which not less than 1,500,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1986.

SEC. 903. EXPRESS AUTHORITY FOR TITLE II DIRECT DISTRIBUTION, SALE, AND BARTER.

Section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after the first sentence the following new sentence: "Such commodities may be furnished for direct distribution, sale, barter, or other appropriate disposition in carrying out the purposes set forth in section 201.".

SEC. 904. ROLE OF PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

(a) NUTRITIONAL AND DEVELOPMENT OBJECTIVES.—Section 202(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new paragraph:

"(4) In the case of commodities distributed under this title by nonprofit voluntary agencies, consideration shall be given to nutritional and development objectives as established by those agencies in light of their assessment of the needs of the people assisted.".

(b) FOOD FOR DEVELOPMENT PROGRAMS.—Section 302(c)(4) of such Act is amended by inserting "and of United States nonprofit voluntary agencies and cooperatives" immediately after "agriculture".

SEC. 905. MULTIYEAR AGREEMENTS WITH PVOS.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following:

"(c)(1) In agreements with nonprofit voluntary agencies for nonemergency assistance under this title, the President is encouraged, if requested by the nonprofit voluntary agency, to approve multiyear commitments to make agricultural commodities available for distribution by that agency. Such commitment shall be subject to the availability each fiscal year of the necessary appropriations and agricultural commodities.

"(2) Paragraph (1) does not apply to an agreement which the President determines should be limited to a single year because of the past performance of the nonprofit voluntary agency or because the agreement involves a new program of assistance.

"(3) In carrying out a multiyear agreement pursuant to this subsection, a nonprofit voluntary agency shall not be required to obtain annual approval from the United States Government in order to continue its assistance program pursuant to the agreement, unless exceptional and unforeseen circumstances have occurred which the President determines require such approval.".

SEC. 906. CHILD IMMUNIZATION.

(a) AMENDMENTS TO PUBLIC LAW 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (11) of section 109 by inserting immediately before the period at the end thereof ", including the immunization of children";

(2) in the first sentence of section 206 by striking out "or" before "(B)", and by inserting immediately before the period at the end thereof ", or (C) health programs and projects, including immunization of children"; and

(3) in the second sentence of section 301(b) by inserting "(including immunization of children)" immediately after "health services".

(b) IMMUNIZATION TARGET.—In the implementation of health programs undertaken in relation to assistance provided under the Agricultural Trade Development and Assistance Act of 1954, it shall be the target for the organizations and agencies involved to provide for the immunization by fiscal year 1987 of at least three million more children annually than receive immunizations under such programs in fiscal year 1985. Such increased immunization activities should be taken in coordination with similar efforts of other organizations and in keeping with any national plans for expanded programs of immunization. The President shall include information concerning such immunization activities in the annual reports required by section 634 of the Foreign Assistance Act of 1961, including a report on the estimated number of immunizations provided each year pursuant to this subsection.

SEC. 907. USE OF LOCAL CURRENCIES FOR EDUCATION PROGRAMS UNDER TITLE III.

Section 301(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "education," immediately after "nutrition," in the second sentence.

SEC. 908. FARMER-TO-FARMER PROGRAM.

(a) MINIMUM FUNDING LEVEL.—Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years 1986 and 1987 to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of such section 406(a) shall not constitute more than one-fourth of the funds used pursuant to this subsection, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of such section, and shall be administered wherever possible in conjunction with programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961.

(b) REPORT.—Not later than 120 days after the enactment of this Act, the Administrator of the Agency for International Development, in conjunction with the Secretary of Agriculture, shall submit to the Congress a report indicating the manner in which the Agency intends to implement the provisions of section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 with the funds made available pursuant to subsection (a) of this section.

SEC. 909. TITLE II PROGRAMMING REPORTS.

Section 408(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "title I" both places it appears and inserting in lieu thereof "titles I and II".

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN: Page 131, after line 14, insert the following new section:

SEC. 910. FOOD FOR PROGRESS PROGRAM AND PRIVATE ENTERPRISE PROMOTION.

Title III of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new sections:

"SEC. 311. (a) The President is authorized to negotiate and carry out agreements with developing countries, that have made commitments to agricultural policy reforms, providing for the furnishing of agricultural commodities to such countries, on a loan or grant basis, to support reform and implementation of agricultural policy decision based on free market principles. Such agreements may provide for commodities to be furnished on a multiyear basis. The agreement between the United States Government and a recipient country which provide for the furnishing of commodities under this section shall be called a Food for Progress Program.

"(b) Before entering into an agreement with a developing country for the furnishing of agricultural commodities under this section, the President shall be satisfied that such country is committed to carry out, or is carrying out, policies that promote economic freedom, private production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of such commodities. Such policies may provide for, among other things—

"(1) access, on the part of farmers in such country, to private, competitive markets for their products;

"(2) market pricing of commodities to foster adequate private sector incentives to individual farmers to produce food on a regular basis for the country's domestic needs;

"(3) establishment of market-determined foreign exchange rates;

"(4) timely availability of production inputs, such as seed, fertilizer, or pesticides, to farmers; and

"(5) access to technologies appropriate to the level of agricultural development in such country.

"SEC. 312. (a) The purpose of this section is to make United States agricultural commodities available in a manner which will generate local currency loans for economically productive activities by private enterprise, particularly in agriculture and agriculture-related fields. The President is authorized to negotiate and carry out agreements with friendly countries for the sale of agricultural commodities for foreign currencies for the uses specified in subsection (b).

"(b) Foreign currencies received from the sale of agricultural commodities under this section (and any proceeds from the use of those currencies) shall be used, under such terms and conditions as the President may determine, for the following purposes:

"(1) Loans to financial intermediaries within the recipient countries, for use for loans to private individuals, cooperatives,

corporations, or other nongovernmental entities for economically productive activities within those countries. To the maximum extent practicable, the intermediaries shall give preference to the financing of agricultural and agriculturally related activities by the loan recipients.

"(2) Payment of United States obligations (including obligations entered into pursuant to other laws of the United States).

"(c) Before entering into agreements under this section, the President shall be assured that the recipient country is pursuing policies to encourage increased agricultural production in that country

"(d) Section 105 of this Act and section 1306 of title 31, United States, shall not apply with respect to foreign currency received and used pursuant to this section.

"SEC. 313. (a) Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to use funds appropriated to carry out title I of this Act in carrying out sections 311 and 312. The Commodity Credit Corporation shall make available to the President such agricultural commodities determined to be available under section 401 as the President may request for purposes of sections 311 and 312.

"(b) Any new spending authority provided by sections 311 and 312 shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(c) Any reference to 'this title' in section 301 through 307 of this title shall not apply with respect to sections 311 and 312.".

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanious consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

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Mr. GILMAN. Mr. Chairman, this amendment adds two sections to Public Law 480, the food-for-peace law, to achieve the following:

First, it authorizes the President to provide food-for-peace commodities on a loan or grant basis in order to encourage agricultural reforms by those countries based on free market principles; and

Second, it authorizes sale of food-for-peace commodities for local currencies abroad with the local currency proceeds to be used for loans in the private sector for economically productive activities, particularly for agriculture and agriculture-related private enterprise.

The Public Law 480 law already authorizes the use of local currency proceeds from the U.S. food shipments for a wide variety of purposes, and it encourages self-help by the aid-receiving countries so that they can improve their own agricultural production. One of the areas in which we can be most helpful is encouraging them to remove artificial obstacles and disincentives to farm production. We need to encourage free enterprise.

The Presidential Commission on World Hunger cites the case of one firm that not only raised the incomes of small farmers in a heavily populated region in Kenya but also reduced that country's dependence on sugar imports in the process.

Instead of organizing sugar production on the traditional plantation basis, the firm works with small-scale farmers. In addition to the 5,000 farmers, the refinery employs 2,500 local workers who are gradually replacing the foreigners hired to supervise them. The success of this venture had led to additional management contracts for similar projects.

The President's food-for-progress proposal recognizes this need. My amendment incorporates essential elements of his proposal.

Also, the Senate Agriculture Committee has adopted some provisions in its farm bill markup which deals with this matter. We should have a relevant provision in H.R. 1555 to take to conference.

When we see the chronic food deficits in many developing countries today, most tragically being demonstrated in Africa, we know we must do all we can to attack the hunger problem and help these countries to help themselves. One means is to help stimulate free market systems for their farmers and the natural productive impetus of private enterprise.

This amendment broadens our Public Law 480 authorities to allow more encouragement of free market systems and productive private enterprise activities in the countries receiving our food aid. We should take the amendment to conference.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from Wisconsin.

Mr. FASCELL. Mr. Chairman, may I ask, is this the gentleman's amendment on Food-for-Progress Program and private enterprise promotion?

Mr. GILMAN. This is the food-for-progress amendment under title IX.

Mr. FASCELL. On page 131?

Mr. GILMAN. Yes, on page 131.

Mr. FASCELL. Mr. Chairman, I thank the gentleman.

I want to commend the gentleman from New York [Mr. GILMAN] for his leadership in this area and say that we have examined the amendment and are happy to accept it.

Mr. GILMAN. Mr. Chairman, I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, if the gentleman will yield, I am also happy to accept the amendment.

Mr. GILMAN. Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: On page 131, after line 14, insert the following new section:

"SEC. 910. Subsection (b) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431(b)) is amended by inserting ', rice,' after 'Dairy products' in the first sentence thereof and by inserting ', rice,' after 'dairy products' in the third and eighth sentences thereof.".

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana [Mr. BREAUX] is recognized for 2 minutes in support of his amendment.

Mr. BREAUX. Mr. Chairman, I offer, today, an amendment which would allow the U.S. Government another option for donating its surplus rice commodities to feed needy and hungry people overseas through the section 416 Food Donation Program. Two similar surplus food donation programs have been authorized by Congress in recent years for use overseas, under the section 416 authority.

In 1982, Congress authorized the overseas donation of surplus dairy products. Last year, 1984, Congress approved donation of surplus wheat for foreign feeding programs.

It should be noted that our Government uses the section 416 Food Donation program for domestic feeding programs, as well as for foreign assistance. The School Lunch Program, the Child Care Food Program—for day care centers, the Elderly Feeding Program, and the temporary Emergency Food Assistance Program are some of the domestic programs which receive commodity donations from the Government under section 416 authority.

Government-owned rice stocks are at levels, today, which enable us to provide food assistance both domestically and abroad to feed those in need. Current estimates are that the Commodity Credit Corporation will have title to about 2 million metric tons of rice by July 31, 1985, the end of the 1984 rice crop year.

Government-owned stocks are reduced further, export market development is fostered, and hungry people in poor nations can receive food assistance through use of the section 416 Food Donation Program.

I urge the Members to accept the amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I am glad to yield to the distinguished chairman of the committee.

Mr. FASCELL. Mr. Chairman, we have examined the amendment on this side, and we are prepared to accept it.

Mr. BREAUX. Mr. Chairman, I would yield to other Members for any comments or questions they might have.

Mr. BROOMFIELD. Mr. Chairman, if the gentleman will yield, on this side we also accept the amendment.

Mr. BREAUX. Mr. Chairman, I thank the committee chairman and the ranking minority member, and I ask for an aye vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BREAUX].

The amendment was agreed to.

REQUEST FOR PERMISSION TO RETURN TO TITLE VIII FOR THE PURPOSE OF OFFERING AN AMENDMENT

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk that occurs in title VIII, and I ask unanimous consent that I may be allowed to introduce the amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. FASCELL. Mr. Chairman, reserving the right to object, may I have the attention of the gentleman from New York [Mr. GILMAN]? I have reserved the right to object with respect to this amendment, and I want to be sure that the gentleman has it and that it has been approved.

Mr. GILMAN. Mr. Chairman, if the gentleman will yield, we do not have a copy. May we have a copy of it?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, it is on the Presidential study of the African National Congress.

Mr. GILMAN. Mr. Chairman, we now have a copy of the amendment.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. Further reserving the right to object, Mr. Chairman, I am glad to yield to the gentleman from Michigan.

Mr. SILJANDER. Mr. Chairman, I thank the gentleman for yielding.

This side objects to the amendment.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 131, after line 14, insert the following new section:

SEC. 910. SUPPORT FOR ADEQUATE FUNDING FOR FOOD AND AGRICULTURAL ASSISTANCE PROGRAMS.

It is the sense of the Congress that the programs carried out by the International Fund for Agricultural Development and the programs carried out pursuant to the Agricultural Trade Development and Assistance Act of 1954 are valuable programs, and that those programs should receive adequate funding to carry out their purposes.

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The CHAIRMAN. The gentleman from North Dakota [Mr. DORGAN] is recognized for 2 minutes in support of his amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment in support of adequate funding for the Food for Peace Program and the International Fund for Agricultural Development [IFAD].

An effective foreign policy requires the right kind of food policy. Food and agricultural aid serve as the main instruments of relief and economic growth in developing nations, but I feel that they have received inadequate attention in our recent foreign policy strategy. My amendment seeks to call attention to this weakness in our present Foreign Aid Program.

For example, in 1981 the U.S. Food-for-Peace Program made up 12 percent of our total foreign aid package. The administration request for 1986 allots only 8 percent of the foreign aid budget to the vital Food for Peace Program. This relatively skimpy request occurs in the face of Africa's worst drought of the century and the growing possibility of large food aid needs in Cambodia and Bangladesh.

Similarly, the administration has failed to break a deadlock in the replenishment negotiations on new funding for IFAD. There is no question of support for IFAD in this country, since 125 Members of Congress signed a letter to Secretary of State Shultz urging that we promptly accept a new funding formula which all 32 IFAD members agreed to—with the sole exception of the United States. While the administration resists on the principle of fair burden sharing of a few million dollars in costs, it winks at NATO members' failure to share fairly in the hundreds of billions of dollars at stake in the common defense of Western Europe.

Instead of dragging our feet on the IFAD replenishment and cutting funds for Food for Peace in real terms, we should press to renew funding for IFAD and provide a realistic budget for the Food for Peace Program.

The International Fund for Agricultural Development is a small U.N. agency which has successfully targeted aid to the poorest of the world's landless and subsistence farmers. A recent AID review showed how effectively IFAD has increased agricultural productivity. A Gambian rice project has yielded a sevenfold increase in production to cite one example. Overall, IFAD's 152 projects in 83 countries will increase grain yields by 20 million tons per year when completed.

The Office of Technology Assessment recently concluded that the key to expanding Africa's insufficient grain output lies in increasing productivity of small, subsistence-level farmers. It is precisely these farmers which IFAD aids, and the reason why I support a special IFAD program for Africa. Even more remarkable, IFAD has achieved a repayment record of as much as 99 percent—which would be the envy of any Wall Street corporate lender. IFAD has also successfully spurred production by small, individual producers as opposed to big, government enterprises. IFAD has been promoting the Reagan revolution with the indifference or opposition of the Reagan administration. We need to reverse course and keep IFAD on the job.

Likewise, the most recent report of the U.N. Food and Agriculture Organization estimates that 21 famine-affected African nations will still need 7 million tons of food aid in the coming months. A realistic assessment by the Select Committee on Hunger is that the U.S. share in meeting this need will be twice what the administration requested. According to FAO, further emergency efforts are needed to "expedite the delivery of food to the needy populations."

In a time of tight budgets, IFAD and Food for Peace make all the more sense. For half of the cost of food aid, IFAD projects can enable farmers to grow the same amount of food indefinitely. Likewise, a Congressional Research Service study has shown that there is virtually no net cost for the Food for Peace Program due to increased farm income and the long-term benefits of rising U.S. farm exports to aid partners.

The United States has a unique opportunity to advance foreign policy goals with the right kinds of foreign aid. We shouldn't lock the door on well-targeted security aid, but it has grown by 100 percent in the past 5 years, while food aid has actually declined in real terms. The Soviet Union cannot even feed its own population, yet we seem bent on trying to beat the Soviets at their own militaristic game. We should stop trying to outgun them and start working to outrun them by using food as food and food production know-how, in the struggle for partners in the Third World.

Consequently, I urge my colleagues and the conferees on the foreign assistance authorization bill to support adequate funding and program levels for the International Fund for Agricultural Development and the Food-for-Peace Program. These two worthy foreign aid tools merit the wholehearted support of the Congress and the President.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am glad to yield to the chairman of the committee.

Mr. FASCELL. Mr. Chairman, I just wanted to be clear for the record that it is not the U.S. Congress that is the roadblock on this because the authorization exists and the funding has been there; it has simply been the fact that in the negotiations in the multilateral forum they have not been provided the necessary funds, and it is that to which the gentleman addresses himself. Am I correct?

Mr. DORGAN of North Dakota. Mr. Chairman, if the gentleman will yield, the chairman of the committee is correct. This simply expresses the sense of the Congress of the need for that negotiation to proceed and of the importance of IFAD funding.

Mr. FASCELL. Mr. Chairman, I thank the gentleman, and we have no objection to this amendment.

Mr. BROOMFIELD. Mr. Chairman, if the gentleman will yield, we also accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

Mr. BEREUTER. Mr. Chairman, the gentleman from Connecticut [Mr. GEJDENSON], and this Member are responsible for changes in the Food-for-Peace Program (Public Law 480) in this bill related to an increase in minimum tonnage expanded use of monetization, and increased use of multiyear contracting between AID and private voluntary organizations. This statement is a representation of our legislative intent in making the amendments incorporated in the bill reported.

The purpose of Public Law 480, the Food-for-Peace Program, is to utilize our agricultural abundance to combat hunger and to promote nutritional improvements and development in poor countries. Title II provides 1.2 million tons of food and ocean freight costs primarily to meet the needs of infants, mothers and unemployed laborers in poor countries through Private Voluntary Organizations [PVO's] operating abroad. In addition, title II contains a reserve to provide 500,000 tons of commodities per year for emergency relief. This is the minimum level of support required by law.

The share of food aid in total U.S. foreign economic aid actually declined from 33 percent in 1968–72 to 16 percent in 1983–84 (from the report of the Commission on Security and Economic Assistance).

For the past 4 years, the United States has only donated the minimum tonnage called for in law—thus, the floor has become the ceiling. Despite our enormous and unique capacity to use food to eradicate misery, we have not increased the tonnage donated to the neediest countries and poorest people. H.R. 1555 takes an important first step to rectify this imbalance. First, over a 4-year period, the minimum tonnage requirement for humanitarian feeding programs and attendant development activities will be increased by 300,000 tons. Although this gradual increase will not meet the U.S. share of the projected needs of the poorest nations, it is a statement of support which will strengthen our Food-for-Peace Program.

Second, H.R. 1555 encourages the President to approve multiyear commitments if requested by the Private Voluntary Organization, subject to commodity availability and necessary funding. Multiyear agreements will allow these PVO's to plan staffing and resource requirements more effectively, operate more efficiently, and obtain increased commitments from developing countries themselves.

Third, there are provisions on monetization which the gentleman from Connecticut was very involved with.

Public Law 480 confers upon the President the right to furnish commodities in such a manner and on such terms as he deems appropriate. This includes not only the direct distribution of commodities, but sale and barter as well. Monetization is a vital facet of the Public Law 480 program, for it provides us with the flexibility we need to allow the food we provide to have a development impact that goes beyond simple humanitarian food aid. It seems, however, that there has been unnecessary slowness on the part of the executive branch in granting approval for monetization projects and in issuing general guidelines on monetization policy.

H.R. 1555 clarifies that barter and sale, as well as direct distribution, are appropriate uses of Public Law 480 commodities. The committee also states, in its report accompanying the bill, that it favors the use of monetization authority whenever such activities prove most effective for the achievement of the goals of Public Law 480. The committee also expresses concern over the excessive delays which have occurred in this program and states that it will be exercising its oversight authority to press for faster processing of project requests and issuance of guidelines.

The CHAIRMAN. Are there further amendments to title IX? If not, the Clerk will designate title X.

The text of title X is as follows.

TITLE X—PEACE CORPS

SEC. 1001. AUTHORIZATIONS OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act $136,100,000 for fiscal year 1986 and $136,100,000 for fiscal year 1987.".

SEC. 1002. INCREASE IN NUMBER OF PEACE CORPS VOLUNTEERS.

(a) STATEMENT OF POLICY.—Section 2 of the Peace Corps Act (22 U.S.C. 2501) is amended—

(1) by inserting "(a)" immediately after "SEC. 2."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Congress declares that it is the policy of the United States and a purpose of the Peace Corps to provide, to the maximum extent possible, opportunities for service in the Peace Corps to at least 10,000 individuals by the end of the fiscal year 1989 and thereafter.".

(b) ANNUAL REPORT.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by adding at the end thereof the following new sentence: "The President shall also include in the report a description of the plans developed and implemented to carry out the policy set forth in section 2(b) of this Act.".

SEC. 1003. LIMITATION ON SERVICE.

Section 7(a)(2) of the Peace Corps Act (22 U.S.C. 2506(a)(2)) is amended—

(1) in subparagraph (A) by striking out "five" and inserting in lieu thereof "seven and a half"; and

(2) in the third sentence by inserting "(other than the provisions of section 309)" after "1980".

SEC. 1004. PEACE CORPS PUBLICATIONS.

Section 15 of the Peace Corps Act is amended by adding at the end thereof the following new subsection:

"(e) Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purposes of this Act. Up to $200,000 of the proceeds of such sales in each fiscal year may, to such extent as may be provided in advance in appropriation Acts, be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31, United States Code.".

The CHAIRMAN. Are there amendments to title X?

If not, the Clerk will designate title XI.

The text of title XI is as follows:

TITLE XI—OTHER POLICY PROVISIONS RELATING TO UNITED STATES ASSISTANCE

SEC. 1101. NOTICE TO CONGRESS OF USE OF CERTAIN AUTHORITIES RELATING TO HUMAN RIGHTS CONDITIONS.

Section 502B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(g) Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.".

SEC. 1102. PROHIBITIONS AGAINST ASSISTANCE.

Section 620(f) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" immediately after "(f)";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the Presi-

dent may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.".

SEC. 1103. LAND REFORM PROGRAMS.

Section 620(g) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.".

SEC. 1104. NUCLEAR NON-PROLIFERATION CONDITIONS ON ASSISTANCE FOR PAKISTAN.

Section 620E of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(e) No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.".

SEC. 1105. SUSPENSION OF ASSISTANCE TO COUNTRIES VIOLATING U.S. EXPORT LAWS IN ORDER TO MANUFACTURE A NUCLEAR EXPLOSIVE DEVICE.

(a) SUSPENSION OF ASSISTANCE BECAUSE OF ILLEGAL EXPORTS.—Subsection (a)(1) of section 670 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(A)" after "country which";

(2) by inserting immediately before the period at the end thereof ", or (B) is a non-nuclear-weapon state which, on or after the date of enactment of the International Security and Development Cooperation Act of 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device"; and

(3) by adding at the end thereof the following: "For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.".

(b) CONFORMING AMENDMENTS.—Such section 670 is amended—

(1) in the section caption by inserting "ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES," after "TRANSFERS,"; and

(2) by striking out "(5) As used in this subsection" and inserting in lieu thereof "(c) As used in this section".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 1106. REPORTS ON ECONOMIC CONDITIONS IN CERTAIN COUNTRIES.

(a) EXTERNAL DEBT BURDEN OF CERTAIN COUNTRIES RECEIVING UNITED STATES ASSISTANCE.—The Congress finds that the Governments of Egypt, Israel, Turkey, and Portugal each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs.

(b) ANNUAL REPORTS ON ECONOMIC CONDITIONS.—

(1) REQUIREMENT FOR REPORTS.—In order to assist the Congress in examining United States assistance for these countries, the President shall report to the Congress annually regarding economic conditions prevailing in Egypt, Israel, Turkey, and Portugal which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

(2) SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not later than January 15 of each year.

SEC. 1107. EGYPTIAN-ISRAELI RELATIONS.

The Congress notes the recent effort of Egypt to move the peace process forward. However, the Congress continues to be concerned about the less than normal relations between Egypt and Israel. It is the sense of the Congress that all United States foreign assistance to Egypt is provided in the expectation that the Egyptian Government will continue in its efforts to bring peace to the region and that it will continue to support and fulfill the provisions of the Camp David Accords and the Egyptian-Israeli Peace Treaty, including the return of the Egyptian ambassador to Israel.

SEC. 1108. UNITED STATES POLICY TOWARD THE REPUBLIC OF KOREA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Republic of Korea has taken several significant and encouraging steps in liberalizing the political system in that country;

(2) among the steps which have facilitated a more democratic environment are the release of hundreds of student demonstrators, the lifting of a political ban on more than 300 opposition leaders, and the holding of a vigorously contested election for the National Assembly in which the opposition made substantial gains;

(3) despite these steps, the people of the Republic of Korea, who have become increasingly better educated and prosperous as a result of Korea's extraordinarily rapid economic development, have the desire and the capability to participate more fully and effectively in the government of their own country; and

(4) while internationally recognized human rights are clearly respected much more in the Republic of Korea than in the Democratic People's Republic of Korea, continued progress toward democratization in the south is in the interests of both the Republic of Korea and the United States, inasmuch as long-term political stability cannot be assured in the absence of further progress towards democratic government.

(b) UNITED STATES POLICY.—It is the policy of the United States to provide assistance to the Republic of Korea in order to help that country defend itself against external aggression. It is the hope of the United States that the continuing close relations between our two countries, including such assistance, will encourage the establishment of a genuinely democratic system in the Republic of Korea, in which internationally recognized human rights, including freedom of the press, freedom of association, and freedom of assembly are observed.

SEC. 1109. ASSISTANCE FOR THE PHILIPPINES.

(a) UNITED STATES POLICY.—It is the sense of the Congress that the United States should use all appropriate means to ensure that the people of the Philippines and the entire East Asia region understand that United States assistance to the Philippines—

(1) is provided to support democracy, to encourage an effective effort against the communist insurgency, and to maintain and foster friendly relations between the people of the United States and the people of the Philippines; and

(2) is not intended to imply support for any particular Philippine regime.

(b) OBJECTIVES.—To that end, United States foreign assistance furnished to the Philippines each fiscal year should be used to encourage and promote objectives such as—

(1) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961, including an end to "salvagings" and torture, as well as full respect for other fundamental human rights, including freedom of speech, freedom of the press, and freedom of assembly;

(2) the revitalization of democratic institutions in the Philippines, including—

(A) the process of free, fair, and open elections, one element of such process being the existence of a genuinely independent and respected electoral commission, and

(B) limiting the use of the President's emergency decree-making power to genuine emergencies;

(3) maintenance of an independent judiciary and legal due process;

(4) accountability and a fair judicial process in the Aquino assassination trial;

(5) progress toward implementation of structural economic reforms and a strengthening of the private sector, including the elimination of corruption and monopolies and an improvement in the social conditions of the poorest Filipinos and in the distribution of income and wealth;

(6) the increased professional capability of the Philippine armed forces in order to instill a greater respect for human rights on their part, to enhance the military effectiveness of these forces in dealing with the growing communist insurgency, and to facilitate a process of peaceful national reconciliation;

(7) efforts of Filipinos to deal with the political, economic, and social root causes of the growing communist movement and insurgency, as well as the appropriate military measures to stem the insurgency; and

(8) the maintenance of the common security objectives of the United States and the Philippines, including United States access to the facilities at Clark Field and Subic Bay.

(c) REPORTS TO THE CONGRESS.—

(1) PROGRESS TOWARDS OBJECTIVES.—The President shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the extent to which the Government of the Philippines has made progress in the objectives identified in subsection (b), including the extent to which those objectives have been agreed to by the Government of the Philippines and concrete steps taken to achieve those objectives.

(2) ASSISTANCE TRANSFERRED.—Each report pursuant to this subsection shall also describe the amount of assistance actually transferred by the United States to the Philippines during the preceding 6 months, the purposes for which it is to be used, the beneficiaries of the assistance, and the specific steps the United States has taken to publicize the various programs and projects for which our assistance has been utilized. Such reports shall also include the text of any memorandum or agreement between the United States Government and the Government of the Philippines regarding the use of local currencies generated from assistance furnished to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) or generated from the sale of agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954.

(3) DISTRIBUTION OF ASSISTANCE THROUGH THE CATHOLIC CHURCH, PVO'S, AND COOPERATIVES.—The first report pursuant to this subsection shall include an analysis of the feasibility of distributing as much United States economic assistance to the Philippines as possible through the Catholic Church, private and voluntary organizations, and cooperatives, rather than through government agencies.

(4) TIME FOR SUBMISSION OF REPORTS.—Reports pursuant to this subsection shall be submitted semi-annually, beginning on October 1, 1985, and every six months thereafter until October 1, 1987.

SEC. 1110. POLITICAL SETTLEMENT IN SRI LANKA.

(a) FINDINGS.—The Congress finds that—

(1) the Government and people of Sri Lanka and the Government and people of the United States share a common devotion to independence, democracy, and human rights;

(2) the United States is concerned over the armed clashes between the security forces of the Government of Sri Lanka and some Sri Lankans who seek through violent means, including terrorist attacks, to divide that nation;

(3) there have been acts of terrorism committed against members of the Sri Lankan security forces, as well as against civilians, and there have been human rights abuses by members of the security forces against civilians, particularly Tamils, despite the efforts of the Government to put an end to those abuses;

(4) the differences and grievances in Sri Lanka cannot be resolved through the use of force; and

(5) the United States is a proud participant through its economic assistance programs in Sri Lanka's highly regarded development efforts and looks forward to enhanced cooperation and assistance in the context of a political settlement in Sri Lanka leading to the kind of peaceful climate in which additional aid could be effectively utilized.

(b) POLITICAL SETTLEMENT.—It is, therefore, the sense of the Congress that—

(1) all parties in Sri Lanka, from all communities in and out of government, should renew their efforts to achieve a joint political settlement which meets the legitimate concerns of all the people of Sri Lanka, while preserving the territorial integrity of Sri Lanka; and

(2) all parties outside Sri Lanka should do nothing which would impede progress toward such a settlement.

SEC. 1111. ASSISTANCE FOR AFGHANISTAN.

(a) AUTHORIZATION.—The President may make available funds authorized to be appropriated to carry out the provisions of chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

(b) FUNDING TARGET.—It is the sense of the Congress that the President is strongly urged to use not less than $15,000,000 in fiscal years 1985 and 1986 for the purpose of carrying out the provisions of this section.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL of Ohio: Page 141, line 14, before the semicolon, insert the following: ", including the release of prisoners held without charge and an end to arrests by presidential order without court warrants and bail".

Page 141, line 24, insert "and security forces (including the Philippine Constabulary and the Civilian Home Defense Forces)" after "forces".

Page 144, after line 2, add the following:

(d) CONGRESSIONAL OVERSIGHT.—The Congress, in determining future aid levels for the Philippines, will take into account not only our military bases agreement with that country, but also the extent to which the objectives identified in subsection (b) have been implemented. The Congress may defer assistance for the Philippines under both chapter 2 of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act if—

(1) significant progress is not achieved with respect to the objectives identified in subsection (b), or

(2) the Congress finds that such assistance is used to violate the internationally recognized human rights of the Filipino people.

Mr. HALL of Ohio (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HALL of Ohio. Mr. Chairman, the amendment I am offering states that Congress may defer future military aid to the Philippines if significant progress is not achieved with respect to the policy objectives outlined in the committee bill concerning the Philippines or if the Congress finds that the aid is used to violate the internationally recognized human rights of the Filipino people.

My amendment is intended to strengthen the sense of Congress language in the bill concerning assistance for the Philippines.

Subsection (b) of section 1109 of the committee bill sets forth a number of important objectives intended to be promoted in the Philippines. The intention of my amendment is to make it clear both to the Marcos government and to the democratic opposition in the Philippines that the U.S. Congress will be following the implementation of these objectives very carefully. We will be looking for action and results, not empty promises. If significant progress is not achieved, then we reserve the right to make further reductions in any military aid requested for the Philippines.

On May 31, 1983, President Reagan sent a letter to President Marcos in which he pledged the "best effort" of the administration to obtain a $900 million security assistance package for the Philippines over 5 fiscal years. The aid package was in response to the successful extension of the Military Bases Agreement between our two countries.

The President warned Marcos that the U.S. Congress would have the final say on the funds appropriated. In his letter, he reminded the Filipino leader:

As you are aware, under our constitutional system, the Congress has sole authority to appropriate funds.

No matter what the administration requests, it is up to the Congress to fix the aid levels for specific fiscal years. My amendment establishes the criteria for the military aid levels that the Congress will be applying. In addition to the bases agreement, Congress will be considering the extent to which the objectives in the committee bill have been implemented. If significant progress has not been achieved, or if the aid is used to violate human rights, Congress has the option to make additional deferrals of MAP and FMS funding. We are reasserting our right, acknowledged in President Reagan's letter to Marcos, to decide which military aid levels are appropriate for promoting good relations with the Filipino people.

Although the administration requested $100 million in military aid for the Philippines in fiscal 1986, all of which was provided in the foreign aid authorization passed by the other body, the House Foreign Affairs Committee determined that $25 million was sufficient for fiscal 1986. Quite frankly, I believe even this amount is too much. I sought to cut a similar funding level from the authorization for fiscal 1985. I have seen no evidence that civil liberties and human rights conditions have improved enough to justify another $25 million for the Marcos government.

However, given the 150-percent increase in military aid voted by the other body, it is evident that a certain amount of military aid will be ap-

proved for the Marcos government this year. In view of this reality, it is imperative that certain reforms by the Marcos government accompany this aid so that democracy and respect for human rights can be encouraged in the Philippines.

The House Foreign Affairs Committee has described eight major objectives in section 1109(b) which are to be encouraged and promoted by U.S. assistance to the Philippines. Most of these objectives concern the urgent need to revitalize democracy in the Philippines and to guarantee respect for human rights.

Unfortunately, U.S. policy has stressed short-term support for Marcos and the Philippine military, rather than long-term relations with the Filipino people. Violations of human rights and the suspension of civil and political liberties by the Marcos regime have been overlooked or downplayed in the interest of securing access to the bases in the Philippines.

As the Marcos era draws to a close, it is essential for U.S. policymakers to reassess their approach to the Philippines. It is not yet too late for the United States to lend visible, vigorous support to the cause of restoring democracy, respect for human rights, and the fulfillment of basic human needs in the Philippines.

Of course, it is up to the Filipino people to determine their own destiny and to choose their own leaders. But the United States can make a positive contribution to this process by encouraging democracy and rejecting military solutions for the problems facing the Filipino people.

There is more concern now than ever before in this country about the alarming growth of the Communist New People's Army [NPA]. Yet the rise of the NPA parallels the increase in human rights violations under Marcos and the increased suppression of democratic alternatives for the Philippines. A vigorous democracy responding to the needs of the Filipino people would be the best answer to the Communist threat. Without fundamental reforms, increased military aid to the Marcos military will be ineffective. Indeed, the strength of the NPA has continued to grow at the same time that military aid to Marcos has increased.

To assert, as the President has, that the alternative to Marcos is a Communist takeover does a great disservice to the democratic opposition that already exists in the Philippines. While most of the opposition leaders are not anti-American, they are hurt by the lack of evidence of strong U.S. support for genuine democracy in their country. They admire the values proclaimed by the United States, but they are disappointed that our actions have failed to encourage those same values in the Philippines.

The committee has set forth several objectives with respect to encouraging democracy in the Philippines. The committee cites the goals of free, fair, and open elections, and the limitation of the use of the President's emergency decreemaking power to genuine emergencies. A truly independent and respected electoral commission, along with freedom of speech, freedom of the press, and unrestricted access to the media on the part of candidates for public office are all vital elements for permitting democracy to flourish in the Philippines.

The bill further encourages the promotion of civil liberties by calling for the maintenance of an independent judiciary and legal due process. My amendment clarifies these objectives by adding the language "including the release of prisoners held without charge and an end to arrests by presidential order without court warrants and bail." This additional language is intended to address the following problem mentioned in the State Department's Country reports on Human Rights Practices for 1984:

> Arrests in national security cases are frequently made under "preventive detention actions," which authorizes arrests by presidential order without court warrant, and which allow persons to be held without bail until the President authorizes their release. The 1983 presidential decree which created the preventive detention action, however, provides for a yearly review of the case of each accused person held without bail. Despite this provision, President Marcos still retains the power to order anyone's detention for an indefinite period of time.

The Country Reports for the Philippines also notes that:

> • • • persons are sometimes held incommunicado by military intelligence units for days or weeks before the Government presents charges or acknowledges that it is holding them. Arrests by military security groups are sometimes made without warrants or orders of any kind.

In addition, general charges of subversion and rebellion are routinely leveled against those whom the government considers a threat.

In response to these abuses of the judicial process, Michael H. Posner, the executive director of the Lawyers Committee for International Human Rights, has made the following recommendation to Congress:

> Future U.S. aid provisions should require the government of the Philippines to restore traditional due process rights, including the restoration of the right to petition for habeas corpus and the abolition of the PDA. Persons detained pursuant to these presidential orders should be released immediately unless their arrest and detention is authorized by independent judicial authorities.

Coupled with these abuses is a new effort by the Marcos government to intimidate the legal profession. There is a coordinated campaign to arrest and harass lawyers who are working within the legal system of the Philippines to provide legal aid in human rights cases.

On April 3, 1985, Romaflo Taoja, a defense lawyer affiliated with the Free Legal Assistance Group [FLAG], was killed in his home by armed men. A number of FLAG lawyers were also arrested in April and May of this year, including Romeo Astudillo, Alberto Benesa, Antonio Arellano, Laurente Ilagan, and Marcos Risonar. In addition, charges have been brought against Manila attorneys Jejomar Binay and Vladimir Sampang. There are continuing reports that PDA's have been prepared and are about to be served on other human rights lawyers and workers. It is even more alarming that military authorities in Manila refused to obey a Philippines Supreme Court order to release three FLAG lawyers.

These are all very disturbing developments. If lawyers fear for their safety and liberty in providing legal assistance in human rights cases, then the entire legal system in the Philippines is in danger of breaking down. There can be no freedom where the rule of law is abandoned.

In the past few years, we have seen various waves of repression by the Marcos government. We have seen coordinated attacks on labor leaders, clergy and church workers, opposition leaders, and the press. Lawyers now are the latest victims.

In addition to the violation of civil liberties, there continue to be violations of basic human rights. As State Department's Country Reports for the Philippines states:

> There continued to be serious human rights violations in 1984 . . . There were frequent reports, many of them well-founded, of human rights abuses by government security forces. These included harassment of civilians; arbitrary arrests, detentions, and disappearances; instances of torture; unlawful searches and seizures; and summary executions of "salvagings" of suspected insurgents and insurgent sympathizers. The Government has conducted investigations of abuses by the military, and senior officials have made public statements on the need for discipline and respect in military dealings with civilians. However, in practice, few within the military are seriously punished for abusive actions.

The committee bill cites the goal of greater respect for human rights on the part of the Philippine "armed forces." My amendment adds the words "and security forces (including the Philippine Constabulary and the Civilian Home Defense Forces)." This language clarifies that the Congress is concerned not only with abuses by the regular army, but by the police and paramilitary groups whose actions are the ultimate responsibility of the Marcos government.

Sometimes a specific example is needed to illustrate the barbaric

crimes committed by the Marcos security forces. On April 11, 1985, Fr. Tullio Favali, an Italian missionary priest, was shot 22 times in Tulunan by members of the Civilian Home Defense Forces. He had come to that village in response to a call from frightened families who sought his help and protection. Pope John Paul II said that Father Favali had been carrying out "his mission of reconciliation and peace." Jaime Cardinal Sin, the leading prelate in the Philippines, said of this incident:

What explanations can we give our children to lessen their disillusionment as they come to know that the guns that shattered the body of Fr. Tullio were wielded by Filipinos whose bizarre laughter made a mockery of his death and whose uniforms proclaimed them to be protectors of our homes?

There must be an end to extrajudicial killings by the Philippine military and security forces, and the prosecution of those responsible for such killings in the past. Moreover, U.S. weapons and supplies must not be used to perpetrate such crimes. The Congress will continue to follow this situation with a keen eye to the use of U.S. military aid in human rights violations. We must not allow our country to become even indirectly involved in these immoral acts. We must not act like helpless bystanders.

Without a strong signal of U.S. concern about these human rights violations, it is unlikely that the Marcos government will feel compelled to reform these practices. Indeed, absent such a signal, Marcos may perceive that he has tacit U.S. support to do whatever he wishes as a means of internal control and suppression of dissent.

My amendment will help to fortify the concern expressed in this legislation by the Foreign Affairs Committee. We mean what we say in this legislation about the Philippines, and we are prepared to take stronger action against the Marcos government in the future if the urgent reforms required are not forthcoming.

I urge my colleagues to vote in favor of my amendment to put the House of Representatives on record in support of a firm policy to promote democracy and respect for human rights in the Philippines.

PARLIAMENTARY INQUIRY

Mr. SOLARZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SOLARZ. Mr. Chairman, under the rules that are now in operation, could the Chair tell us how much time is available for debate on these amendments?

The CHAIRMAN. The Chair will respond to the gentleman and would appreciate if Members would listen. Under today's unanimous-consent order of the House, once the 10 hours elapsed, 2 minutes are accorded to the advocate of the amendment and 2 minutes to an opponent, 2 minutes on each side.

Mr. SOLARZ. Mr. Chairman, if the Chair would permit a further parliamentary inquiry, in other words, the advocate, the proponent of the amendment, has 2 minutes to explain his amendment.

The CHAIRMAN. That is correct.

Mr. SOLARZ. Then are 2 minutes available to the majority and the minority managers of the bill each, or only to the opponents?

The CHAIRMAN. No; the Chair will state to the gentleman that under the unanimous-consent request, 2 minutes are accorded to the affirmative side of the proposition and 2 minutes to the negative side.

Mr. SOLOMON. Mr. Chairman, if I could reclaim my time and use 1 minute, out of courtesy I will give another minute to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is propounding a parliamentary inquiry. The Chair is attempting to answer the gentleman's question and is not charging the gentleman's time.

Mr. SOLARZ. Mr. Chairman, I appreciate the gentleman's very gracious offer, but it may not be necessary.

The CHAIRMAN. Does the gentleman from New York understand the answer to his question?

Mr. SOLARZ. Yes, I do, Mr. Chairman, but I have one further inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLARZ. Mr. Chairman, how much time does the distinguished proponent of the amendment have left, under his generous allotment of 2 minutes?

The CHAIRMAN. The gentleman from Ohio [Mr. HALL] has no time remaining. He has consumed his 2 minutes.

Mr. SOLARZ. Mr. Chairman, if in the due course of time, my good friend, the gentleman from New York, having finished his observation, has a few seconds left over, I would appreciate if he would yield to me.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, even though I know the chairman will be in favor of the amendment and the gentleman is opposing my position, I still will grant the gentleman from New York some time.

Mr. Chairman, let me just say I am getting sick and tired of seeing people in this body pick on our friends throughout the world. If it were not for the Philippines and Filipino people, there would be no United States of America today. We would probably have lost the Second World War and yet we see amendment after amendment coming down here picking on our friends. It is about time we cease doing it.

We have a base called Subic Bay in the Philippines. We have the Clark Air Force Base. We have a treaty obligation to pay them $180 million to allow us to help them defend the free world, and here we are slapping them in the face again.

I think amendments like this ought to be defeated. Let the Secretary of State and the President of this country run foreign policy. Let them deal with this, instead of trying to do it here. We do not need 535 Secretaries of State running around Washington setting foreign policy.

Mr. Chairman, I would be glad to yield the remainder of my time to my opponent over here, the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, let me just say that I think this amendment in effect restates a truism. It simply says that in determining future aid levels to the Philippines, the Congress will take into account a variety of factors, among which are our base agreements and our military facilities in the Philippines.

With or without this amendment, the reality remains the same, which is that in the future the Congress has the constitutional right in its own wisdom to determine the level of our aid to the Philippines. Consequently, I think this amendment is acceptable.

I share my friend's love and gratitude to the Filipino people, but I do not think this is a slap in the face to the people of the Philippines. It is a reassertion of our congressional philosophy.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I support the statements of the gentleman in the well totally. I agree with the gentleman.

● Mr. ACKERMAN. Mr. Chairman, I rise in strong support of the Hall amendment, and to compliment the gentleman from Ohio for bringing this issue before the Congress today.

I am afraid that the short-memory syndrome has once again overtaken this body. The brief period of enlightenment concerning United States-Philippine relations that followed the Aquino assassination has now become a time of prolonged confusion and retrenchment. At one point, as resistance intensified in all segments of Philippine society, it appeared that the corrupt Marcos regime was finally being held accountable for its despicable human-rights policies. However, the Reagan administration has once again chosen to ignore the reality of

emerging change and to slavishly support the Marcos government.

The question before the Congress is this: What kind of change will take place? Will our Government support a democratic and peaceful change, or will the United States remain until the bitter end with the losing side in a violent transition which invites outside intervention?

Mr. Chairman, it is my fervent hope that the United States will not once again back the wrong side as the people clamor for relief from autocratic control. Rather, we should formulate a policy that will result in progress toward democratization, and that will allow the people of the Philippines to determine their future in an orderly and nonviolent fashion. Sadly, this is not the direction our policy is moving in today.

Mr. Chairman, the Hall amendment is an important policy statement which should be adopted by this House. In fact, while I wholeheartedly support this amendment, I had hoped that we might see some tougher action from this Congress. An examination of recent events in the Philippines mandates that we carefully examine the implications of the sustained growth of American military assistance in a rapidly deteriorating political, economic and military situation.

Some recent developments in the Philippines indicate that regression, not progress, is taking place. For example:

The trial of the Filipino military officials involved in the murder of Benigno Aquino has clearly turned into a political circus. Let us not forget the outrage our country felt when Aquino was assassinated. But now, 2 years later, this trial drags on and on, and it is difficult to take it seriously. As the New York Times reported on March 27, 1985, the soldiers charged in the plot are housed in luxury quarters, while key witnesses in this trial have inexplicably disappeared. Is it any wonder that Filipinos are unable or unwilling to testify at the trial? Obviously, fear and intimidation have had a chilling effect on many individuals who could offer some clear insights into the events that transpired in Manila on the day of the Aquino murder.

Another form of Philippine justice has been demonstrated by a string of assassinations and arrests of human-rights lawyers who are members of the free legal assistance group, know as FLAG. This is an organization of 290 attorneys who handle human-rights and national-security cases. The arrested lawyers are being held under preventive detention actions that permit President Marcos to lock up citizens without a warrant or trial for up to 1 year. The Members of the House should have no illusions about the origin of the harassment campaign against these legal defenders. Under the terms of the preventive-detention order, the Philippine President himself must give his personal approval for the use of this system.

If it is not clear already, we are witnessing today in the Philippines a cycle of violence, directed against innocent civilians, sanctioned directly by the Philippine Government. Yet this further deterioration in human rights seems to be viewed with a degree of disinterest in this House. It is impossible to ignore the ready comparisons to the death squads whose brutality in El Salvador sickened the American people only a few years ago. We can ill afford to shrug our shoulders at this gratuitous use of violence against innocent civilians. We do ourselves no favor by continuously pumping up the levels of military aid to the Marcos regime while ignoring the gross violations of human rights that occur every day in that country.

Let us remember the spirit of peaceful change which Benigno Aquino so eloquently advocated. It is time for the Congress to fully reevaluate our Military Assistance Program with the Philippines. The adoption of the Hall amendment would be a firm statement that this body is prepared to take that process seriously.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HALL].

The question was taken; and on a division (demanded by Mr. HALL of Ohio) there were—ayes 24, noes 28.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 10, as follows:

[Roll No. 224]

AYES—254

Ackerman	Bryant	Eckart (OH)
Alexander	Burton (CA)	Edgar
Anderson	Bustamante	Edwards (CA)
Annunzio	Carper	Edwards (OK)
Anthony	Carr	English
Applegate	Chandler	Evans (IA)
Aspin	Clay	Evans (IL)
Atkins	Coats	Fascell
AuCoin	Coelho	Fawell
Barnes	Coleman (TX)	Fazio
Bates	Conte	Feighan
Bedell	Conyers	Florio
Bellenson	Cooper	Foglietta
Bennett	Coughlin	Foley
Bereuter	Coyne	Ford (TN)
Berman	Darden	Fowler
Biaggi	Daschle	Frank
Bliley	Dellums	Frenzel
Boehlert	Derrick	Frost
Boggs	Dickinson	Garcia
Boland	Dicks	Gaydos
Boner (TN)	Dingell	Gejdenson
Bonior (MI)	Dixon	Gephardt
Bonker	Donnelly	Gibbons
Borski	Dorgan (ND)	Glickman
Bosco	Dowdy	Gonzalez
Boucher	Downey	Goodling
Boxer	Durbin	Gordon
Brooks	Dwyer	Gradison
Brown (CA)	Dymally	Gray (IL)
Brown (CO)	Dyson	Gray (PA)
Bruce	Early	Green
Guarini	McKernan	Seiberling
Gunderson	Mikulski	Sharp
Hall (OH)	Miller (CA)	Sikorski
Hamilton	Miller (WA)	Skelton
Hatcher	Mineta	Slattery
Hawkins	Mitchell	Smith (FL)
Hayes	Moakley	Smith (IA)
Henry	Mollohan	Smith (NJ)
Hertel	Moody	Snowe
Horton	Morrison (CT)	Solarz
Howard	Mrazek	Spratt
Hoyer	Murphy	St Germain
Huckaby	Natcher	Staggers
Hughes	Neal	Stallings
Jacobs	Nelson	Stark
Jeffords	Nowak	Stokes
Jones (NC)	Oakar	Studds
Jones (OK)	Oberstar	Swift
Jones (TN)	Obey	Synar
Kaptur	Olin	Tallon
Kastenmeier	Ortiz	Tauke
Kennelly	Owens	Tauzin
Kildee	Oxley	Thomas (CA)
Kleczka	Panetta	Torres
Kolter	Pease	Torricelli
Kostmayer	Penny	Towns
Kramer	Pepper	Traficant
Lantos	Perkins	Traxler
Leach (IA)	Pickle	Udall
Lehman (CA)	Porter	Vento
Lehman (FL)	Price	Visclosky
Leland	Pursell	Volkmer
Levin (MI)	Rahall	Walgren
Levine (CA)	Rangel	Watkins
Lipinski	Regula	Waxman
Long	Reid	Weaver
Lowry (WA)	Richardson	Weiss
Luken	Ridge	Wheat
Lundine	Rinaldo	Whitten
MacKay	Rodino	Williams
Madigan	Roe	Wilson
Manton	Roemer	Wirth
Markey	Rostenkowski	Wise
Martinez	Roukema	Wolf
Matsui	Roybal	Wolpe
Mavroules	Russo	Wright
Mazzoli	Sabo	Wyden
McCloskey	Savage	Yates
McCurdy	Scheuer	Yatron
McDade	Schneider	Young (AK)
McEwen	Schroeder	Young (MO)
McGrath	Schulze	Zschau
McHugh	Schumer	

NOES—169

Akaka	Dreier	Latta
Andrews	Duncan	Leath (TX)
Archer	Eckert (NY)	Lent
Armey	Emerson	Lewis (CA)
Badham	Erdreich	Lewis (FL)
Barnard	Fiedler	Lightfoot
Bartlett	Fields	Livingston
Barton	Fish	Lloyd
Bateman	Flippo	Lott
Bentley	Franklin	Lowery (CA)
Bevill	Fuqua	Lujan
Bilirakis	Gallo	Lungren
Boulter	Gekas	Mack
Breaux	Gilman	Marlenee
Broomfield	Gingrich	Martin (IL)
Broyhill	Gregg	Martin (NY)
Burton (IN)	Grotberg	McCain
Byron	Hammerschmidt	McCandless
Callahan	Hansen	McCollum
Campbell	Hartnett	McKinney
Carney	Heftel	McMillan
Chappell	Hendon	Meyers
Cheney	Hiler	Mica
Clinger	Hillis	Michel
Cobey	Holt	Miller (OH)
Coble	Hopkins	Molinari
Coleman (MO)	Hubbard	Monson
Combest	Hunter	Montgomery
Courter	Hutto	Moore
Craig	Hyde	Moorhead
Crane	Ireland	Morrison (WA)
Daniel	Jenkins	Murtha
Dannemeyer	Johnson	Myers
Daub	Kanjorski	Nielson
Davis	Kasich	O'Brien
de la Garza	Kemp	Packard
DeLay	Kindness	Parris
DeWine	Kolbe	Pashayan
DioGuardi	LaFalce	Petri
Dornan (CA)	Lagomarsino	Quillen

Ray	Siljander	Sweeney
Roberts	Sisisky	Swindall
Robinson	Skeen	Taylor
Rogers	Slaughter	Thomas (GA)
Rose	Smith (NE)	Valentine
Roth	Smith (NH)	Vander Jagt
Rowland (CT)	Smith, Denny	Vucanovich
Rowland (GA)	Smith, Robert	Walker
Rudd	Snyder	Weber
Saxton	Solomon	Whitehurst
Schaefer	Spence	Whitley
Schuette	Stangeland	Whittaker
Sensenbrenner	Stenholm	Wortley
Shaw	Strang	Wylie
Shelby	Stratton	Young (FL)
Shumway	Stump	
Shuster	Sundquist	

NOT VOTING—10

Addabbo	Ford (MI)	Nichols
Chappie	Hall, Ralph	Ritter
Collins	Hefner	
Crockett	Loeffler	

□ 1420

Mr. THOMAS of California and Mrs. BOGGS changed their votes from "no" to "aye."

Mr. LIVINGSTON changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 145, strike out line 24 and all that follows through line 4 on page 146 and insert in lieu thereof the following:

(b) EARMARKING OF FUNDS.—Each fiscal year, not less than $15,000,000 of the aggregate amount of funds available to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only for humanitarian assistance to the Afghan people pursuant to subsection (a) of this section.

(c) EFFECTIVE DATES.—This section shall take effect on the date of enactment of this Act, except that subsection (b) does not apply to fiscal year 1985.

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FASCELL. Mr. Chairman, reserving the right to object, I do so to ask the gentleman, Mr. LAGOMARSINO, is this his amendment that goes on page 145 of the bill?

Mr. LAGOMARSINO. Yes, it is, Mr. Chairman.

Mr. FASCELL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LAGOMARSINO. Mr. Chairman, all available evidence suggests that for the Afghan population the situation is quite grim. Consider these figures: The Soviet invasion in 1979 has resulted in 3 to 4 million refugees—equal to 50 to 60 million Americans, were we the victims of such a holocaust—and perhaps 750,000 to 1 million dead—about 10 to 20 million Americans—200 times the American dead we suffered in Vietnam. Far from meeting crippling social, political and military complications in their Vietnam, the Soviets, although still not victorious after 5 years of fighting, are steadily draining Afghanistan of its population and preparing to add the country—a Texas-sized chunk of Southwest Asia tilted toward the Persian Gulf—to their empire. As one newspaper monitoring the Afghan war put it, "if guerrillas move among the population, in Mao's words 'like fish in the water,' then the Soviet response—in Afghanistan—is to boil the ocean."

In their conquest of Afghanistan, the Soviets are crushing the Afghan people in three ways: Driving them from their homes through indiscriminate or high-level carpet bombings, the intentional destruction of certain villages, and starving them into neighboring countries; killing them in battle—and in the most brutal and indescribable means, I might add—with the approximately 115,000 Soviet troops which prop up the Soviet-installed puppet regime of Babrak Karmal; or recasting them in the Soviet mold of the so-called new Soviet man—these are taken to schools in the Soviet Union and indoctrinated in Marxism-Leninism and are taught the benefits of being subservient to Soviet designs. Employing such a policy of divide and conquer, the Soviets are almost leisurely exiling, killing, or reeducating the entire Afghan population, all while testing their murderous tactics and equipment on battlefields largely hidden from Western eyes.

Mr. Chairman, I am cochairman of the Congressional Task Force on Afghanistan, an informal bipartisan, bicameral group of legislators interested in implementing an effective Afghan Aid Program, and dedicated to bringing more detailed information about the tragic plight of these people to congressional and world attention. The task force has held several substantive hearings to date on different aspects of the Soviets' Afghan war: The lack of food and the Soviet policy of migratory genocide; the lack of adequate emergency medical assistance; and the long-term Soviet strategy for rushing the brave Afghan resistance, called Mujahideen or Holy Warriors, and others.

The task force heard testimony from all the major PVO's—including the International Committee of the Red Cross, the International Rescue Committee, the Medecins Sans Frontieres or Doctors Without Frontiers, the International Medical Corps—American doctors and surgeons with teams presently operating inside Afghanistan, and others—on a wide range of topics, including the internal situation, the need for more humanitarian assistance and plans for future humanitarian efforts. All were in agreement that more needs to be done and that the U.S. Government should be assisting more than it has to date. Efforts to coordinate all the various groups—either distributing food aid, medical equipment and supplies or other nonmilitary aid—were encouraged.

We also heard of the campaign of terrorism against the Afghan people which is underway in that once peaceful and unrulable land. These terror tactics aimed at destroying the guerrillas' base of support among the populace including beheadings; the use of chemical weapons; the intentional destruction of agricultural products and irrigation systems; salting of land and slaughtering of farm animals; torture and unjustified imprisonment; intentional destruction of hospitals; and so forth. We saw pictures of children whose arms had been blown off by Soviet booby trapped toys; it is unspeakable that any nation can conceive of weapons designed only for the purpose of maiming children. Unfortunately, these tactics have by and large been ignored by the Western media.

The United Nations has focused on the brutal and widespread human rights violations, however. A year ago, the U.N. Human Rights Commission named a special observer, Felix Ermacora, to investigate the atrocities being committed against civilians in Afghanistan. Over the fierce opposition of the Soviets—they even called Ermacora, an international civil servant who could not defend himself, a neo-Nazi—the report was released. The report's findings? "We express profound concern at the grave and massive violation of human rights in Afghanistan" and "distress * * * at the widespread violations of the right to liberty and security of person, including the commonplace practice of torture against the regime's opponents, indiscriminate bombardments of the civilian population and the deliberate destruction of crops." As the Washington Post commented in a recent editorial on the findings of the UNHCR Report: "These are the facts in Afghanistan. It is necessary for everyone to know them." Mr. Chairman, I would take it one step further. It is necessary for this body to act upon this knowledge by supporting my amendment to earmark $15 million in fiscal year 1986 for Afghan humanitarian aid.

Let me also explain how these funds will be spent, and who will be administering the program. There are several private voluntary organizations [PVO's] that have an established track record in providing humanitarian relief to the Afghan people: These include the International Medical

Corps, the International Rescue Committee, the International Committee of the Red Cross [ICRC], Americares, and others. There are also several European groups that have performed admirably inside Afghanistan and in the refugee camps in Pakistan, they include the Medecins Sans Frontieres—the French doctors—the Swedish Doctors Committee, and others. These are the most likely recipients of such aid.

These groups in turn would distribute food, cash grants for food, medicine, clothing, and so forth, to the needy Afghan people. Operations could be conducted both inside the country and in neighboring Pakistani refugee camps on the border provinces.

Let me also praise the Pakistani Government for the considerable burden they have borne since the Soviet invasion and occupation in 1979. They have done an exemplary job of housing and feeding the massive influx of Afghan refugees—indeed, the largest number of refugees in the world today. They have done a marvelous job in the face of repeated threats—not veiled threats I might add—of Soviet reprisals if they continue to assist the downtrodden Afghan refugees, or as the Soviets prefer to call them, the Afghan "bandits."

Mr. Chairman, this amendment can and should be supported by every Member of the body. There are no Republicans or Democrats on this issue; there are only interested, concerned and helpful Americans. In no small sense, by passing this amendment, we may be preventing genocide in Afghanistan, Mr. Chairman, We cannot allow the Soviets to succeed in destroying the courageous people of that land. I urge my colleagues to support this amendment, and look forward to working closely with them in the future on the issue of providing effective humanitarian aid to the people of Afghanistan.

The following is a list of possible programs, or an example of how the President and Secretary of State might spend the money in my amendment:

Direct grants of foodstuffs and grain to Afghan villagers, through one or more of the various private voluntary organizations (PVO's) now operating inside the country. These include the International Rescue Committee (IRC), the International Committee of the Red Cross (ICRC), the International Medical Corps (IMC), the Medecins Sans Frontieres, or "Doctors Without Frontiers" (a group of over 250 French and other European doctors), the Swedish Committee, and others. Our task force also heard from a British member of Parliament, who has personally set up a large humanitarian aid program for the Afghan people.

Cash grants to reliable and trustworthy village leaders, solely for the purchase of foods, clothing, drugs, etc.

To establish in Peshawar, Pakistan, an emergency medical training facility. This center would teach male and female Afghans the basics in health care, prenatal care, emergency surgery, child nutrition, etc. The center would be staffed by professional doctors from across the globe.

To fund European and other emergency medical treatment and surgical teams to operate inside Afghanistan. For the past several years, the Soviets have bombed every hospital in the countryside which they do not directly control. It is vital for such emergency medical and surgical teams be mobile as to escape detection by the Soviets. Those several hundred brave doctors, from the United States, Europe, and elsewhere, who have been operating inside Afghanistan since the 1979 invasion have an outstanding track record of serving the people of that war-torn nation. Repeatedly, during our task force hearings—and each of you should have in front of you highlights of those three hearings—we heard of a profound need for both the number and effectiveness of these emergency medical groups to be dramatically increased.

This, Mr. Chairman, is just a brief overview of how the money could be spent and how an effective program might be implemented. I might add that I think it would be a good idea to strengthen the report language to urge the State Department to report back to us within, say, 2 months or so on how they might structure such a plan—at the classified or unclassified level. Obviously, the committee will carefully review such a plan, and will continue to work closely with State on this.

I might also add, Mr. Chairman, that we have worked closely with the State Department in the preparation of this amendment, and I have received assurances that the Department is in favor of it. I urge my colleagues to support the amendment.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. Mr. Chairman, I yield to the chairman of the Subcommittee on Asian and Pacific Affairs, the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I simply want to say that the committee supports the gentleman's amendment. The gentleman has been very concerned about this issue as we all have for some time. I think this is a constructive development and merits the broad bipartisan support of the House.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. Mr. Chairman, I yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I join in providing very strong support of this superb amendment. It is very unfortunate that the American media has not focused enough attention on the plight of the freedom fighters in Afghanistan. I hope that what the chairman of the subcommittee said is in fact true, that we have strong bipartisan support and that attention is focused on the Soviet Union's atrocities against the people of Afghanistan.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LEVIN of Michigan. Mr. Chairman, will the gentleman from California [Mr. LAGOMARSINO] yield to me?

Mr. LAGOMARSINO. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, these are grave times for the people of Afghanistan. Five million of them serve a tenuous existence in refugee camps in Pakistan and Iran. Many millions more face the daily terror of Soviet Army atrocities on their native soil. The amendment offered by the gentleman from California is well considered and I offer my support for its passage today.

Since November 1984 the United States has provided $6 million for humanitarian assistance, while the need for medical and food assistance has become more critical. There is danger of a famine of horrendous proportions this winter in Afghanistan. Every bit of aid that we can provide is critical to avoid mass starvation in Afghanistan.

Although we cannot consider the most-favored-nation status of Afghanistan at this time, I do hope that MFN status will eventually be considered by this body and that we will deny the Karmal regime MFN trading status. Actions which affect our trade policy should always be carefully considered on a case-by-case basis, and upon close examination it is clear that MFN status should be denied to the present Government of Afghanistan. The Soviet Army of occupation and the actions of the Karmal regime are perpetrating a massive war against civilians. The current trade of $20 million per year with MFN status accorded to the Karmal regime can be read as the United States pulling its punches regarding its concern about the plight of the Afghan people. If we do not extend most-favored-nation status to the Soviet Union, how can we do so to a nation occupied by 115,000 Soviet Army troops?

I again urge this Congress to adopt this amendment dealing with humanitarian assistance for Afghanistan. It is a policy long overdue. And I urge my colleagues to take a more serious and sustained examination of this tragic war.

Mr. LAGOMARSINO. Mr. Chairman, I yield back the balance of my time.

● Mr. LOWERY of California. Mr. Chairman, I rise in support of the amendment being offered by my colleague, Mr. LAGOMARSINO, a member of the Foreign Affairs Committee, which

would allocate $15 million in humanitarian assistance for the people of Afghanistan included in the Foreign Assistance Authorization Act for fiscal year 1986, H.R. 1555.

More than 5 years ago, the U.S.S.R. invaded Afghanistan with the intent to subjugate this small strategically located country and the people living there. The Soviet Army descended upon Kabul to place in power a government that would carry out the will of the Soviet Union. Instead of a willing population, the Soviets faced a massive popular resistance and a viable force of freedom fighters, thus forcing the Soviets to fight in Afghanistan longer than it took to defeat the Germans in World War II.

Over a half a million citizens of Afghanistan have perished as a result of the war. Over 3 million refugees have fled into neighboring Pakistan. The Soviets regularly bomb the refugee camps across the border in Pakistan. Their military relies on a scorched-earth policy of destroying crops that could feed the freedom fighters. This policy is creating a famine of astronomical proportions.

Mr. Chairman, it is for these reasons, and many more, that I introduced House Resolution 141, condemning the Government of the U.S.S.R. for its more than 5 years of forced and oppressive military occupation of Afghanistan in the face of popular resistance to Soviet imperialism.

Although we must continue to admonish the Soviet leadership to end its Communist tyranny, we must also do something now to aid the innocent women and children of Afghanistan. I believe, the amendment offered by Mr. LAGOMARSINO would serve both of these purposes. By standing behind the people of Afghanistan when they need our help the most, we send a message to the world of our continued commitment to freedom and the ideal that all people have the right to the necessities of life.

I urge my colleagues to lend their support to this nonpartisan, noncontroversial, and humanitarian amendment to H.R. 1555.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LAGOMARSINO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I ask unanimous consent that I be permitted to return to title IX for purposes of offering an amendment which has been cleared with the minority and the majority.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: In section 903, on page 27 on line 12, immediately following the end of the paragraph, insert the following sentence:

"It is the sense of the Congress that the general categories for sale and barter of commodities under this section are: sale and barter during emergency food aid situations when the local currency proceeds are needed to pay for in-country distribution and related costs; partial sale to finance education, health, nutrition, income generating food for work materials, and other developmental activities; and full monetization for economic and community and agricultural cooperation development projects."

Mr. PENNY (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FASCELL. Mr. Chairman, will the gentleman yield to me?

Mr. PENNY. Mr. Chairman, I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has discussed this amendment with us. We have examined the amendment. It is a corrective amendment, and we certainly have no objection to it.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman from Minnesota yield to me?

Mr. PENNY. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we also have looked this over. The gentleman has cleared it with us.

Mr. Chairman, we accept the amendment.

Mr. PENNY. I thank the gentlemen for their comments.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The amendment was agreed to.

□ 1430

The CHAIRMAN. Are there further amendments to title XI?

AMENDMENT OFFERED BY MR. ROBERT F. SMITH

Mr. ROBERT F. SMITH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERT F. SMITH: Page 146, after line 4, add the following:

SEC. 1112. PROHIBITION ON ASSISTANCE TO COUNTRIES WHICH OPPOSE THE UNITED STATES POSITION IN THE UNITED NATIONS GENERAL ASSEMBLY MORE OFTEN THAN THE SOVIET UNION.

Assistance may not be provided under the Foreign Assistance Act of 1961 or the Arms Export Control Act to the government of any country whose votes in the most recent session of the United Nations General Assembly coincided with the United States position less frequently on a percentage basis than the votes of the Soviet Union coincided with the United States position, using for this purpose the percentage-of-voting-coincidences compiled by the Permanent Representative of the United States to the United Nations and set forth in the annual report to Congress on the degree of support being provided by each foreign country for the foreign policy of the United States.

Mr. ROBERT F. SMITH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The gentleman from Oregon is recognized for 2 minutes in support of his amendment.

Mr. ROBERT F. SMITH. Mr. Chairman, I believe that America's aid should be reserved for America's friends, or at least to those nations participating in the United Nations which show some indication that they are willing to support U.S. causes and positions in the votes of the General Assembly.

My amendment would tie U.S. foreign aid to U.N. support for the United States.

We have recently completed a difficult and sensitive hostage exchange in the Middle East. Thankfully, that's over, but the experience should serve as steel-girded proof that today there is a way of doing business in this world that the United States continues to ignore.

Simply stated, it means "to get, you gotta' give." Yet today the United States is perceived in the U.N. General Assembly as the world's patsy.

We send our delegates to the floor to make passionate appeals for votes to broaden the most basis American ideals of human rights, liberty, universal justice and equal opportunity. Time after time, our ears are boxed by the adversaries of freedom.

Yet win or lose, when the votes are counted, and we've lost, we walk directly to the U.S. Treasury, pull out billions of American taxpayer dollars—including $1 billion for the United Nations itself—and then go right back into the General Assembly and give $4½ billion to the very countries that vote against us.

As a matter of fact, that money went to nations that voted against the United States more often than the Soviet Union. Last year, the Soviets voted with the United States 13.2 percent of the time in the General Assembly's 153 votes—only 20 times. Of the U.N.'s 159 member nations, 67 of them had worse voting records than that.

We never tell our U.N. representatives that the money should go to friends. We don't suggest that they might stop getting it unless they vote

with us. We just smile and say "That's all right. We understand."

Well, my constituents don't understand and I don't believe yours understand either.

We ought to be just as interested as the Soviet Union in seeing to it that we get the votes we need.

My amendment would restrict the distribution of any U.S. aid—with the exception of humanitarian or hunger-related programs—to nations whose U.N. voting record shows support for the United States more often than the Soviet Union; 13.2 percent is not a lofty goal.

That policy should hinge on the concept of correlation: America should be serious enough about the United Nations to demand a minimum level of pro-American U.N. votes as the gateway to its hard-earned foreign aid cash.

Our adversaries aren't shy about setting conditions in the United Nations to bolster their positions. Nor should we be embarrassed about who will get our money and why.

We can, today, set the criteria for all nations of the world by declaring that our money is linked to voting percentages.

The United Nations is the right place to fight the human dignity campaigns which the United States and the American people care about. Let's be serious and effective about the campaigns for human rights, for freedom and national self-determination, for arms control and energy development.

But once we've made the decision to conduct a General Assembly battle for the things we believe to be right and just, we must also demonstrate a willingness to fight under the prevailing rules of conduct.

Under those rules, it isn't blackmail to declare that we want something for our money. It's simply a declaration that—in the future—we will be "more selectively generous."

From here on out, it should be clearly understood that blind, stupid, or devil-may-care voting policy has no place in an America that's overtaxed economically and under-supported internationally.

When moralistic-sounding silliness in our foreign aid program is replaced with genuine, meaningful generosity, all the nations of the world will realize that America's voice directs America's money.

We have a lot to gain by telling the international community that America respects both its money and its causes. And we have a lot to gain by demanding a degree of reciprocity for our foreign economic aid.

I urge you to join me in supporting this amendment.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment is fatally flawed.

First, the amendment would tie U.S. assistance to only one small aspect of our overall security, political, trade, and economic relations—votes at the United Nations.

Second, the amendment uses as a base for evaluating U.N. votes only a small number of such votes. Since most U.N. votes are by consensus, the actual percentage based on all votes would be much different and would reflect fuller support for U.S. policy. We have all had experience with such evaluations of our votes and how they can distort reality.

Third, the amendment concentrates only on short-term developments and not on long-term friendships. It cuts off aid based on only 1 year of U.N. votes.

Fourth, it ignores the need to discriminate in the real world between words and deeds.

Fifth, we provide aid and military assistance to countries basically for two purposes—because of humanitarian concerns or because such aid is in our interest. We ought not prevent our ability to achieve these purposes by setting some arbitrary standard.

Do we want to end humanitarian aid to the starving of Africa? Do we want to cut off our support to Egypt or Jordan—vital to the prospects for Middle East peace? Do we want to end aid to Pakistan with the Soviets in Afghanistan?

This amendment is ill advised though well intentioned. I urge its defeat.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Chairman, I oppose the amendment.

Mr. Chairman, this amendment would have a negative impact on U.S. effectiveness in the United Nations and would undermine our bilateral relations with many nations from a political, economic, and strategic standpoint.

I certainly share the gentleman's frustration over the unjustified attacks on the United States in the United Nations by countries which look to us for assistance. However, if this amendment is enacted into law, it would threaten our relations with countries which are of immense strategic importance to the United States. Egypt, Jordan, Sudan, Pakistan, Thailand, India, just to mention a few, would be automatically prohibited from receiving U.S. assistance under the terms of this amendment. Other countries on the borderline of failing to meet this criteria include the Philippines, Peru, and Zaire.

Mr. Chairman, the United Nations is a consensus organization and the United States receives support for many of its initiatives without votes. The amendment does not take this important fact into consideration. Further, if this amendment is adopted, it is conceivable that the Soviet Union would manipulate voting procedures at the United Nations. By insisting on recorded votes, the Soviet delegation would be in the position of determining which countries would be prohibited from receiving U.S. assistance. In a worse case scenario, the Soviet delegation, could force a cutoff of assistance to countries plagued by Communist insurgencies.

If we are to improve our posture in the United Nations, we need to do a better job at coordinating our bilateral policies in Washington with our policy toward this organization. In consulting with foreign dignataries and Ambassadors, does the State Department ever broach the subject of that respective country's voting record at the United Nations? I seriously doubt it.

Mr. Chairman, this year marks the 40th anniversary of the United Nations. In this connection, the Subcommittee on Human Rights and International Organizations, which I chair, and the Subcommittee on International Operations chaired by Congressman MICA, will be holding extensive hearings on U.S. policy toward the United Nations at that time, I can assure the gentleman, that his concerns will be given proper consideration.

In conclusion, this amendment will undermine U.S. interests worldwide and will in fact enhance Soviet influence in the United Nations. I urge my colleagues to defeat the amendment.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY TO THE AMENDMENT OFFERED BY MR. ROBERT F. SMITH

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey to the amendment offered by Mr. ROBERT F. SMITH: Strike out the period at the end of the section proposed to be added to the bill and insert in lieu thereof the following: ", unless the President determines, and reports to the Congress, that national security or humanitarian reasons justify furnishing such assistance to that country.".

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey is recognized for 2 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I offer this amendment to the pending amendment to provide the President with the flexibility to waive the proposal ban on funding to a country whose voting percentage dips below that of the U.S.S.R. in the U.N. General Assembly relative to U.S. positions.

The waiver would be triggered if the President determines and reports to the Congress that national security or humanitarian reasons justify assistance to that country.

Clearly, I share the gentlemen's frustration over the lack of solidarity with U.S. positions exhibited by many of our friends in the United Nations. And I associate myself with the cogent remarks of the distinguished chairman of my subcommittee, Mr. YATRON.

But I believe that the gentleman's amendment will have an unintentioned negative effect on U.S. foreign policy if passed in its present form and will actually undermine vital relations with several nations of the world. On the other hand, the gentleman's amendment even as amended by my language is bound to get their attention.

I would point out to my colleagues, that without my language, countries such as Egypt, Thailand, India, Kenya, Pakistan, Indonesia, Mexico, Sudan, Jordan, Kuwait, Saudi Arabia, Oman Cypress, and others are likely to lose all U.S. assistance—military and humanitarian—based on previous voting percentages that were below that of the Soviet Union in relation to the United States.

Frankly, I don't believe it is in our own interest or that of our allies to preclude funding solely based on a U.N. scorecard.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida.

Mr. FASCELL. Does the original sponsor of the amendment accept this amendment?

Mr. ROBERT F. SMITH. Mr. Chairman, if the gentleman will yield, I accept the amendment.

Mr. FASCELL. Mr. Chairman, certainly with this amendment, it is a lot better than it was, because I think otherwise it would be extremely ill-advised, and we are prepared to take this for conference.

Mr. BROOMFIELD. Mr. Chairman, if the gentleman will yield, we on the minority side will accept the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Oregon [Mr. ROBERT F. SMITH].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. ROBERT F. SMITH], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SILJANDER

Mr. SILJANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SILJANDER: Page 146, after line 4, insert the following new section:

SEC. 1112. REAFFIRMATION OF UNITED STATES POLICY TOWARDS TAIWAN.

The United States reaffirms the findings and declarations of policy found in sections 2 and 3 of Public Law 96-8 (Taiwan Relations Act). It is the policy of the United States to implement fully all provisions of Public Law 96-8.

(1) REPORTS.—The Secretary of State shall transmit to both Houses of Congress an annual report on the implementation of Public Law 96-8.

(2) CONGRESSIONAL HEARINGS.—To fulfill the oversight responsibilities given to Congress in section 14 of Public Law 96-8 the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate shall conduct annual public oversight hearings on the implementation of the Taiwan Relations Act (Public Law 96-8).

Mr. SILJANDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. SILJANDER. Mr. Chairman, I yield to Mr. SOLARZ, the chairman of the subcommittee, regarding my amendment dealing with Taiwan.

Mr. SOLARZ. Mr. Chairman, let me say to the gentleman that I understand and share his concerns about the implementation of the Taiwan Relations Act. Our subcommittee has held hearings on Taiwan in the past. It will hold hearings on Taiwan in the future, and I can assure the gentleman, in the context of those hearings, that it would certainly be our intention to take into consideration the implementation of the Taiwan Relations Act.

Mr. SILJANDER. That would be this year?

Mr. SOLARZ. I would anticipate that we would have hearings on this subject sometime this year. That certainly is my intention.

Mr. SILJANDER. I would like to insert into the RECORD this study done by the Heritage Foundation assessing the Taiwan Relations Act.

ASSESSING THE TAIWAN RELATIONS ACT

INTRODUCTION

Six years ago on December 15, President Jimmy Carter startled the nation and the world with a surprise televised announcement that, as of January 1, 1979, he would establish diplomatic relations with the People's Republic of China (PRC) and break relations and end the Mutual Defense Treaty with the Republic of China on Taiwan (ROC). The ROC and the U.S. Congress were kept in the dark.

The announcement was made during Christmas recess to avoid a likely congressional uproar. The few Members told of Carter's pending announcement were notified only hours before the speech. Complained Senator Robert Dole, the Kansas Republican, "Mr. Carter found it expedient to abandon Taiwan without a warning to its government or consultation with our own." Added Arizona Republican Senator Barry Goldwater: "The President downgraded, humiliated, and victimized the Republic of China on Taiwan, one of this nation's most faithful and valuable allies."[1]

What prompted Carter's action in part was his conviction that closer U.S. ties with mainland China would strengthen Washington's hand in dealings with Moscow. But it also seemed that Carter was grasping for a diplomatic triple coup. He was hoping to (1) establish diplomatic relations with the PRC, (2) obtain an agreement in the Middle East, and (3) initial an arms control pact with the USSR.

He failed that December in the Middle East and on arms talks, but nonetheless pushed ahead on the China issue. So determined was he to reach an agreement with the PRC that he accepted all of Beijing's terms. This meant not only breaking more than a half century of diplomatic relations with the ROC and tearing up the 1954 U.S.-ROC Mutual Defense Treaty, but also withdrawing all American troops from the ROC, removing American installations on Taiwan, shutting the U.S. embassy and hauling down the Stars and Stripes in Taipei, and forcing ROC diplomats to vacate their embassy and retire their flag in Washington. ROC official representatives, once regarded as among America's closest friends, suddenly lost their diplomatic status and became merely private citizens. To make matters worse, Carter did not even obtain Beijing's promise not to use force against Taiwan in the future.

Carter's action ignited a firestorm of protests across the U.S. and in Congress. They forced the White House to make formal assurances to the ROC that it was not being abandoned by the U.S. These guarantees are embodied in what is called the Taiwan Relations Act (TRA), which became law on April 10, 1979. In this Act, the U.S. in general promises to help the ROC defend itself and to maintain U.S.-ROC commercial, cultural, and other relations.

For a half dozen years, the TRA has governed U.S.-ROC relations. In most respects, the TRA has worked exceptionally well. Trade and investment between the two nations, for example, have increased substantially since 1979. Today the ROC is the sixth largest trading partner of the U.S. and hosts more than $6 billion in U.S. investments and loans. In certain critical aspects, however, the spirit and substance of the TRA have not been honored fully—even by the Reagan Administration, which values U.S. ties with the ROC. Too often U.S. policy and officials seem to keep the ROC at arms length. In fulfilling agreements reached with Beijing during normalization, State Department officials routinely turn down ROC invitations, the ROC flag is not permitted to fly in the U.S., and ROC commercial officials are not allowed to open consular offices in U.S. business centers.

[1] John Tierney, Jr., ed., "About Face: The China Decision and Its Consequences" (New Rochelle, New York: Arlington House, 1979), pp. 15, 23.

When the TRA was enacted, Congress promised to monitor its enforcement. But a comprehensive oversight hearing on the TRA has not been held since 1980. Since so many Americans are concerned that the TRA is not being fully enforced, it is time for Congress and the White House to assess the TRA to ensure that it is being carried out in the manner demanded by Congress in 1979. It also is time for Congress and the White House to explore ways for the U.S. to upgrade its ties with the ROC to the extent permitted by the TRA.

THE TAIWAN RELATIONS ACT

The TRA is a unique piece of legislation. It seeks to ensure that, even if the form of U.S.-ROC relations were to change, the substance would not. Included in its provisions were: a general declaration of U.S. policy; a statement that the U.S. would continue selling the ROC defense articles and services; procedures by which the White House must notify Congress in case of a threat to Taiwan; a declaration that existing agreements between the U.S. and the ROC would remain in force (except the Mutual Defense Pact); authorization for establishment of nongovernmental entities through which the U.S. and the ROC would conduct relations with each other; reporting requirements for the Secretary of State in respect to the implementation of the TRA; authorization for the President to prescribe rules and regulations to implement the TRA; and an obligation for Congress to provide oversight for fulfillment of the TRA.

Very significantly, the TRA linked U.S. national security interests with peace in the Taiwan straits and authorized American intervention should the ROC security or social and economic system be threatened.

In specifying the extent to which a threat to Taiwan and certain offshore islands would endanger U.S. interests, the TRA goes further in some respects than did the 1954 Mutual Defense Treaty. The TRA requires the U.S. to consider any threat to the ROC "of grave concern to the United States," necessitating "appropriate action" by the President and the Congress.

Section 14 of the TRA requires the House Foreign Affairs Committee and the Senate Foreign Relations Committee and other appropriate congressional committees to monitor:

(1) the implemenation of the provisions of the TRA;

(2) the operation and procedures of the American Institute in Taiwan;

(3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and

(4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

Although numerous hearings on related subjects have been held and monitoring continues as part of the day-to-day activities of the responsible committees, Congress has not held hearings specifically on the implementation of the TRA since 1980.

Today, most Americans apparently feel that Carter made a mistake in breaking relations with the ROC. While many believe that U.S. interests were served by establishing diplomatic relations with the People's Republic of China, they also think that some type of official relationship should have been preserved with the Republic of China. This is reflected in a nationwide poll conducted this fall by Sindlinger & Company for the Heritage Foundation. An overwhelming 87.3 percent of the respondents said that the U.S. should have diplomatic relations with Taiwan. At the same time, 18.5 percent see the PRC as a friend of the U.S., while 5.6 percent see it as an enemy.

ERASTZ EMBASSIES

To replace the U.S. and ROC embassies closed down by Carter's breaking relations with the ROC, the Taiwan Relations Act calls for the creation of a diplomatic hybrid—an "instrumentality" that would allow the two nations to carry on unofficial contact with each other. The U.S. calls its ersatz embassy on Taiwan the American Institute in Taiwan (AIT), while the substitute ROC embassy in the U.S. is the Coordination Council for Nation American Affairs (CCNAA).

Both the AIT and the CCNAA keep low profiles in each other's country. The AIT office in Taipei, for example, is entered from a back alley and flies no U.S. flag. Though such self-effacement is not required by the TRA, it does coincide with the 1978 normalization agreement with the PRC, in which the U.S. recognized "the government of the PRC as the sole legal government of China" and acknowleged "the Chinese position that there is but one China and Taiwan is a part of China." In part also, the low-key posture is designed to enable Washington and Taipei to pursue more substantive aspects of their relationship without fanfare. But here again, fanfare is shunned only because it may anger Beijing. AIT has offices in Taipei and Kaohsiung, Taiwan's two largest cities. CCNAA maintains offices in Washington, Atlanta, Chicago, Houston, New York, Boston, Honolulu, Los Angeles, San Francisco, and Seattle.

AIT and CCNAA have signed more than twenty accords dealing with specific areas of concern. Among them are air transport, education and cultural exchanges, privileges and immunities of AIT and CCNAA employees, trade and commerce, and scientific cooperation. Washington and Taipei and attempting to institutionalize their relations through such bilateral agreements.

FULFILLMENT OF THE TRA

Important aspects of U.S.-ROC relations have continued improving despite derecognition.

In addition to being the sixth largest U.S. trading partner, the ROC remains the third largest recipient of U.S. Export-Import Bank funds. It could become number one if it accepted large-scale American participation in such major infrastructure projects as the Taipei subway system and the island's new nuclear power plant. (The ROC complains, however, that Ex-Im interest rates are too high.)

U.S. security assistance to the ROC remains at high levels. The Reagan Administration has interpreted the TRA as a mandate to ensure that the ROC arsenal does not deteriorate because of the decline of outdated equipment and that it is sufficient to deter and repeal attack from the mainland.

UNITED STATES-TAIWAN TRADE

[Amount: U.S. $1,000 not adjusted for inflation]

Year	U.S. exports to Taiwan	Taiwan exports to U.S.	Total
1975	1,652,129	1,822,737	3,474,866
1976	1,797,540	3,038,699	4,836,239
1977	1,963,852	3,636,250	5,603,102
1978	2,376,063	5,010,378	7,386,441
1979	3,380,797	5,652,243	9,033,040
1980	4,673,486	6,760,300	11,433,786
1981	4,765,671	8,163,099	12,928,770
1982	4,563,000	8,758,000	13,321,000
1983	4,646,000	11,333,000	15,979,000

ANNUAL U.S. MILITARY SALES TO TAIWAN

[In U.S. $1,000, not adjusted for inflation]

Fiscal year	Foreign military sales	Commericial export licensed	Total
1975	136,094	44,982	181,076
1976	344,662	42,531	387,193
1977	148,407	46,140	194,547
1978	353,154	73,637	426,791
1979	542,627	44,547	587,174
1980	486,756	57,770	544,526
1981	263,482	66,731	330,213
1982	504,412	[1] 75,000	579,412
1983	698,646	[1] 85,000	783,646

[1] Estimated.

U.S. visitors to Taiwan

1975	123,550
1976	137,488
1977	141,837
1978	150,432
1979	113,596
1980	122,673
1981	131,358
1982	137,531
1983	157,715

TAIWAN VISITORS/STUDENTS TO UNITED STATES

Calendar year	Total visits	Newly issued visas	Of which students
1979		48,336	7,267
1980		57,646	5,885
1981	76,599	61,796	5,171
1982	98,995	84,921	5,736
1983	110,148	81,289	6,050

U.S.-ROC CULTURAL/EDUCATIONAL EXCHANGES

1. Total ROC Students in USA: 21,960 in 1984, ranking No. 1 among all foreign countries.

2. U.S. Students Studying in Taiwan: 883 in school year 1983-84.

3. U.S. Scholars Visiting Taiwan (1981-83): 253 including 96 university presidents.

4. U.S. Professors Attending Summer Seminars in Taiwan (1981-83): 40.

5. Chinese-American Youth Attending Summer Courses in Taiwan (1981-83): 1,200.

6. Cooperation Projects: Since 1971, a total of 41 ROC colleges have signed cultural/educational cooperation agreements with 127 U.S. colleges.

The numerous agreements signed by Washington and Taipei since 1979 have built a strong network of relationships designed to withstand future shocks. This structural building process, although quiet and incremental, is viewed as extremely important to the continued close relationship between the two countries.

PROBLEMS IN THE RELATIONSHIP

There are, however, problems in the U.S.-ROC relationship. For its part, Washington is concerned about the U.S. trade deficit with the ROC and the Chinese on Taiwan's practice of counterfeiting American copyrighted products. In 1983 the U.S. trade deficit with the ROC was $6.7 billion, up $2.7 billion from 1982. Many trade practices and regulations on Taiwan present obstacles to U.S. exports. These include high tariffs; restrictive banking regulations that affect U.S. bank operations on Taiwan; denial of investment opportunities to certain U.S. manufacturers to protect Taiwan producers; infringement of U.S. intellectual property rights such as patents and copyrights; and general nontariff barriers that prevent equal access to Taiwan's domestic market.

Of considerable concern to Washington is the counterfeiting issue. Taiwan has a reputation as home port for patent and trademark pirates. Although the ROC government has begun taking steps to control this, U.S. companies continue to complain of Taiwan-based copying of copyrighted, trademarked, and patented products.

DIPLOMATIC PROBLEMS

More difficult are problems arising from the fact that the ROC is no longer officially recognized by the United States. This has resulted in numerous American affronts to ROC national pride and remains a constant irritation to its government and people. Taipei maintains that it is the legitimate government of China and that its citizens are "Chinese." Yet as part of the derecognition process, Carter barred the U.S. from using the names "Republic of China" and "Chinese." A January 9, 1979, State Department memorandum decrees:

(1) The term "Republic of China" is not to be used in referring to Taiwan.

(2) The adjectival form is "Taiwan," not "Taiwanese." People should be referred to as "from Taiwan," "on Taiwan," "of Taiwan," etc., rather than as Taiwanese. The adjective "Chinese" should not be applied to the government or institutions on Taiwan. (The ethnic groups on Taiwan are, however, Chinese; the language spoken there is Chinese, and one of its dialects is Taiwanese. There terms should continue to be used in appropriate instances.)

One of the ROC's greatest concerns is that, if the U.S. and other nations cease using its proper name, then its legitimacy as an independent, sovereign political entity will be challenged. Eventually, it is feared, the ROC will lose all standing in the international community.

The ROC maintains diplomatic relations with 24 countries: Bolivia, Costa Rica, Dominican Republic, Dominica, El Salvador, Guatemala, Haiti, the Holy See, Honduras, Malawi, Nauru, Nicaragua, Panama, Paraguay, the Republic of Korea, St. Christopher and Nevis, St. Vincent and the Grenadines, Saudi Arabia, Solomon Islands, South Africa, Swaziland, Tonga, Tuvalu, and Uruguay. So-called substantive relations, however, are maintained with most noncommunist countries.

In addition, the ROC participates as a full member in nine intergovernmental organizations and some 280 private international organizations. Taipei's continued participation in these organizations may depend on the resolution of the critical issue of the ROC's name. Since Washington has formal diplomatic relations with the PRC, it does not support Taipei's position on the use of the name "Republic of China." The United States does, however, maintain that Taiwan should participate as a full member in international organizations.

The ROC also has been offended by the extent to which its access to U.S. officials has been restricted since 1979. During the Carter Administration, communications between the two governments were poor. In a definitive statement of his prospective policy toward the ROC on August 25, 1980, Ronald Reagan listed several "petty practices" adopted by Carter. Reagan said:

"It is absurd and not required by the Act that our representatives are not permitted to meet with Taiwanese officials in their offices and ours. I will treat all Chinese officials with fairness and dignity.

"I would not impose restrictions which are not required by the Taiwan Relations Act and which contravene its spirit and purpose. Here are other examples of how Carter has gone out of his way to humiliate our friends on Taiwan:

"Taiwanese officials are ignored at senior levels of the U.S. government. . . .

"The Taiwan Relations Act specifically requires that the Taiwanese be permitted to keep the same number of offices in this country as they had before. Previously, Taiwan had 14 such offices. Today there are but nine. . . .

"Recently the Carter Administration attempted to ban all imports from Taiwan labeled "Made in the Republic of China," but was forced to rescind the order after opposition began to mount in the Congress.

"The Carter Administration unilaterally imposed a one-year moratorium on arms supplies even though the Act specifies that Taiwan shall be provided with arms of a defense character.

"The Carter Administration abrogated the Civil Aviation Agreement with Taiwan, which had been in effect since 1947, in response to demands from the People's Republic of China."

Despite Reagan's tough words, there was little improvement in U.S.-ROC communications after Alexander Haig, Reagan's first Secretary of State, moved into the State Department. The ROC, for instance, was not adequately consulted on three important letters sent by Reagan to Chinese leaders in April and May 1982. Once Haig left in mid-1982, however, U.S.-Taiwan relations gradually improved. Channels of communication have opened and both governments sense a better atmosphere of trust and cooperation. An additional CCNAA office was opened in Boston, for example, although none yet has been established in Portland, Kansas City, Calexico, Guam, or Samoa. The Boston office brings to ten the total of ROC installations in the U.S. and its territories.

Representatives of the American Institute in Taiwan and CCNAA are still restricted in their social activities. They have limited access to government officials, must maintain a low public profile on controversial issues, and function in a rather cloistered environment. Although certain properties in the U.S. previously owned by the ROC government have been turned over to CCNAA, the present location of CCNAA offices in Washington reflects the awkwardness with which the U.S. government views its relations with Taiwan. Its main office, equivalent to an embassy, is not anywhere near Washington's elegant embassy row or even in the nation's capital. It is in suburban Maryland, although the office will move into the District of Columbia within two years. AIT offices in Taipei are located in a drab complex down a small alley, far removed from the center of town.

Taken together, these intangibles create the impression that the ROC is a problem for the U.S., rather than a nation with which Americans have been allied with for decades.

THE "TAIWAN ISSUE"

More difficult still have been problems arising from the ROC's role in overall Sino-American relations. Relations with the People's Republic of China are seen as vital to U.S. national security interests. But Beijing frequently points to continued unofficial U.S. relations with the ROC as the principal obstacle to improved Sino-American ties. At times, the PRC has threatened to downgrade Sino-American relations unless Washington reduces the level of its support of Taipei.[2]

On two important matters, in fact, the Reagan Administration buckled under Beijing pressure. The first was the January 11, 1982, decision regarding the possible sale to the ROC of a U.S.-made warplane known as the FX. In this case, the Administration, under heavy pressure from Secretary of State Haig and the "China hands" in the Department of State, decided not to sell the FX aircraft to the ROC.

The second instance was the signing of the August 17, 1982, Joint Comminiqué between the U.S. and PRC. This Communiqué violates the intent of the Taiwan Relations Act. Paragraph 6 of the Communiqué declares:

"Having in mind the foregoing statements of both sides [referring to China's 'fundamental policy of striving for peaceful reunification of the Motherland'], the United States government states that it does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution."

This is in stark contrast to Section 3 of the TRA, which requires the U.S. to "make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." Obviously, as Beijing increases its capabilities to utilize force against the ROC, Taipei's defense needs will increase as well. The TRA permits—possibly even obliges—the U.S. to increase quantitatively and qualitatively arms sales to the ROC to match any increased threat from the mainland. The August 17 Communiqué, however, seems to preclude this.

It should be noted, however, that President Reagan vehemently denies this interpretation of the August 17 Communiqué and has on several occasions dictated his own understanding of the agreement. In a Human Events interview in February 1983, for instance, the President stated that the TRA is the law of the land and that "we will help maintain Taiwan's defensive posture and capability" until the two sides "find that they can get together and become one China in a peaceful manner."[3]

TAIWAN'S SECURITY

Arms sales permitted by the TRA are critical not only to the ROC's defense, but also as a symbol of continuing American concern for the ROC's fate. So far, Taiwan is marginally safe from attack. While the PRC enjoys overwhelming superiority to the ROC in strategicc missiles, bombers, fighters, submarines, fast attack craft, and total manpower in all branches, forces deployed in the three military regions (Guangzhou, Fuzhou, and Nanking) opposite Taiwan and in the East China Sea are not sufficient for an invasion of the ROC. A blockade could be enforced, however.

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[2] For a discussion of PRC attempts to link Sino-American strategic cooperation with U.S. unofficial policy toward Taiwan, see Martin L. Lasater, "The Taiwan Issue in Sino-American Strategic Relations" (Boulder, Colorado: Westview Press, 1984).

[3] Human Events, February 26, 1983, p. 19.

Assessments of the PRC threat must also take into consideration Beijing's intentions. The PRC often has vowed to gain control of Taiwan. Beijing's strategic objectives are elimination of the Nationalists' autonomy on Taiwan, erasing the Republic of China as a viable political entity, and the eventual socialization of the island.[4]

One high-ranking Chinese official said in February 1979, "After China has achieved peaceful reunification the long-term road for Taiwan will be the socialist road." [5] One could also point to Tibet as an example of how the PRC might treat Taiwan. Even the recently concluded London-Beijing accord only guarantees Hong Kong's capitalist system for 50 years following the PRC's assumption of control in 1997.

Official U.S. assessments of the PRC threat to Taiwan have been consistently low, because they tend to emphasize the short-term intentions side of the equation rather than Beijing's growing military capabilities or its long-term objectives. Many American officials, however, privately voice concern over the growing disparity between the military capabilities of the PRC and the ROC. The recent deployment by Beijing of a new generation of fighters, the F-8, increases these concerns.

It is reassuring to Taipei that U.S. arms sales and scheduled sales to the ROC since the August 17 Comminiqué have been relatively high. The Administration has approved the continued coproduction of 30 F-5E and 30 F-5F fighters valued at $622 million and the sale of armored vehicles worth $97 million; 66 used F-104G fighters for $31 millon; $530 million in air defense missiles and various other arms; and 12 C-130H military transport aircraft valued at $325 million. Some of this equipment suggests that Washington may be at least partially upgrading the ROC arsenal to counter Beijing's rapid military modernization.

Meanwhile, in March 1983, the State Department began applying an inflationary index to arms sales to the ROC. This meant that rising prices would not necessarily force the ROC to buy fewer weapons from the U.S. Taken together, these actions imply that the Reagan Administration is trying to ensure that Taipei's defense needs are met under the terms of the TRA. These needs will not be met completely, however, until the ROC is allowed to buy an advanced fighter, such as the F-20 or the F-16-79, and the Harpoon antiship missile. So far, the Administration has refused to sell these advanced weapons systems to Taipei.

If the ROC can design and produce its own advanced fighter, of course, the need for the FX from the U.S. diminishes. Taipei, however, is not able to do so at present. There is one option that Taipei does not seem to have—buying an advanced fighter from abroad. Other nations are very reluctant to sell Taipei such aircraft and risk Beijing's displeasure. As such, the TRA gives Washington the major responsibility for ensuring that the ROC's air force can counter the threat from the mainland.

A U.S.-ROC-PRC TRIANGLE

The TRA enables the U.S. to pursue friendly relations with Beijing and Taipei simultaneously. By and large, this should prompt Washington to assess the first six years of the TRA positively. Further, the Reagan Administration has assured Taipei that it will not revise the TRA.

From Taipei's perspective, the TRA has permitted the ROC to expand tremendously its commercial, cultural, scientific, and technological ties with the U.S. In the area of national security, the ROC has been served fairly well. There is no absolute guarantee of future military sales, however, because the White House has wide discretionary powers in interpreting the ROC's defense needs. If a President decides to reduce arms sales to Taipei, he need only declare that the ROC does not need them. What makes the matter even more uncertain are the contradictions between the TRA arms sale provisions and the limitations imposed by the August 17 Communiqué.

Politically, the TRA has had both positive and negative effects on the ROC's interests. On the one hand, the TRA serves as a model for other countries to emulate in their relations with Taipei while they pursue diplomatic relations with Beijing. In this sense, the TRA may have prevented a potentially complete erosion of Taipei's diplomatic status in the world. On the other hand, the TRA does not allow the use of the name "Republic of China," the name by which Taipei wants to be recognized. The use of any other name weakens the ROC's most cherished mission: the democratization of all of China.

The PRC is well aware that the TRA permits a wide range of U.S. contacts with Taiwan, which could strengthen the ROC over time. Since it is in Beijing's interests to gain control over the island, it is near certain that the PRC periodically will try to nullify, alter, or eliminate the TRA.

In the face of PRC pressure to change or abolish the TRA, will a future administration or Congress interpret its provisions in a more restrictive way? This is a question with major implications for the ROC's future. At best, the Reagan Administration can use bilateral agreement and arms sales to cement the U.S.-ROC relationship in ways that will make it difficult for future administrations to dilute the U.S. guarantees to Taipei.

RECOMMENDATIONS

High-level PRC officials recently warned that what they call the "Taiwan issue" may heat up again. Deng Xiaoping on at least two occasions has spoken of a blockade of Taiwan. Beijing continues to be angered by U.S. sales of defensive weapons to the ROC. Since the PRC is likely once again to push the Taiwan issue to the forefront of Sino-American relations, the Administration needs to draw up contingency plans to ensure that U.S. interests are protected. The PRC must realize that the quickest path to Taipei is not through Washington. If Beijing wants Taipei to negotiate, then the PRC must offer terms acceptable to the government and the people of the ROC. Until then, the U.S. must continue the close relations with the ROC mandated by the TRA. This appears to be the current view of the Reagan Administration, of both sides of the aisle in the House and the Senate, and of the U.S. public.

Both Chinese governments must understand that the U.S. will not be forced into an "either/or" choice in its China policy. Washington wants relations with Beijing and with Taipei. Given the importance of the U.S. to both governments, this fundamental U.S. position, if conveyed forcefully, may prevent the reemergence of the "Taiwan issue."

In addition, the Reagan Administration should ensure that Beijing's military capabilities and intentions are monitored accurately and that assessments are not shaded by political motivations. It thus would be wise to request threat assessments prepared by qualified nongovernmental as well as governmental experts.

If Taipei, moreover, does not appear capable of purchasing advanced fighters from other sources or of producing its own fighters within the next few years, then the U.S. must remedy this serious deficiency in the ROC's defense capability. Specifically, Washington soon should reconsider the sale to the ROC of such weapons as the FX fighter, the Harpoon missile, and sophisticated anti-submarine warfare equipment.

Given the Chinese on Taiwan's sensitivity over their future, the TRA should be implemented in ways more publicly perceptible. Washington should encourage Taipei's representatives in the U.S. to express their views freely to counter the feeling that the ROC will fade from view after some sort of "decent interval." Furthermore, the spirit and the letter of the TRA would be more faithfully honored if the Reagan Administration were to:

Increase opportunities for U.S. officials to meet with CCNAA representatives and visiting ROC officials;

Relax travel restraints so that U.S. officials can travel to Taiwan in the course of their responsibilities;

Permit CCNAA representatives to visit the State Department, a public building open to virtually everyone else;

More forcefully support the ROC's participation in international organizations;

Move the American Institute in Taiwan to new, more attractive and accessible quarters in Taipei and fly the American flag over it;

Allow the CCNAA to increase its offices to the number requested in the TRA.

In addition, the Reagan Administration should consider the opening of consular offices in Taiwan and permitting similar commercial offices of Taipei to be opened in major trading centers in the United States. Such offices are not considered diplomatic and thus would not violate the U.S.-PRC Communiqué on normalization.

For its part, Congress should convene a new round of oversight hearings on the fulfillment of the TRA, taking into account the London-Beijing pact on Hong Kong, the debate over the extent of U.S-PRC military cooperation, and the new maturity in Sino-American relations.

Such steps would not be intended to offend the PRC or to create a permanent division between the mainland and Taiwan. They would be intended to carry out the requirements of the Taiwan Relations Act and to give the Chinese on Taiwan greater confidence in their future, which could head off potentially troublesome political developments on Taiwan itself.

CONCLUSION

During the past two years, the Taiwan Relations Act has been handled in ways generally consistent with the letter and intent of the Congress. Much of substance is being accomplished quietly and efficiently by U.S. officials. The Administration prefers this low-key approach and argues that a higher profile might result in a strong PRC reaction. This, in turn, may make it more difficult for the Administration to carry out some of the more sensitive substantive ar-

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[4] See Martin L. Lasater, "Taiwan: Facing Mounting Threats" (Washington, D.C.: The Heritage Foundation, 1984).

[5] Liao Chengzhi in speech before the National Association of Overseas Chinese, February 28, 1979, reprinted in "Inside China Mainland" (Taipei), November 1981, p. 12.

rangements currently in place or being contemplated.

On the other hand, there are those in Washington and Taipei who feel that important aspects of the TRA are not being carried out because of hypersensitivity to possible PRC reactions. They feel that Sino-American relations have matured to the point where Washington and Beijing can disagree over Taiwan without disrupting the wide range of their mutual interests. This group advocates a higher-profile U.S. policy toward Taiwan, including the sale of advanced weapons and the elimination of restrictions on contact between U.S. and ROC officials.

Both groups agree, however, that the TRA is the law of the land and that the ROC's substantive needs—with the possible exception of the FX fighter and other advanced weapons—are being met. There is further agreement that the "Taiwan issue" will not soon disappear as a disruptive element in Sino-American relations. What is needed, both agree, is a U.S. consensus on its own interests and policy, so that the PRC cannot take advantage of polarized American opinion to gain further concessions over Taiwan.

The eve of the second Reagan Administration is an appropriate time to reassess the implementation of the TRA. Early congressional hearings on this subject would contribute to a unified U.S. policy toward the ROC during the next four years and beyond.

MARTIN L. LASATER,
Policy Analyst.

Mr. SILJANDER. Mr. Chairman, I ask unanimous consent that I may withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was not objection.

□ 1440

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

Mr. Clerk read as follows:

Amendment offered by Mr. SCHUMER: Page 143, strike out lines 15 through 22 and insert in lieu thereof the following:

(3) DISTRIBUTION OF ASSISTANCE THROUGH PVO'S, COOPERATIVES, AND OTHER NONGOVERNMENTAL ENTITIES.—The reports pursuant to this subsection shall include an analysis of the effectiveness of the private distribution of United States food and development assistance to the Philippines and of efforts to increase the use of private distribution pursuant to subsection (d).

Page 144, after line 2, insert the following:

(d) DISTRIBUTION OF DEVELOPMENT AND PUBLIC LAW 480 ASSISTANCE THROUGH PVO'S, COOPERATIVE, AND OTHER NONGOVERNMENTAL ENTITIES.—

(1) MINIMUM DISTRIBUTION REQUIREMENTS.—Except as provided in pararagraph (2), for each of the fiscal years 1986 and 1987—

(A) not less than one-fourth of the assistance provided for the Philippines under chapter 1 of part I of the Foreign Assistance Act of 1961, and

(B) not less than one-fourth of the total amount of assistance provided for the Philippines under title I (including title III) and title II of the Agricultural Trade Development and Assistance Act of 1954,

shall be provided through private and voluntary organizations, cooperatives, and other nongrovemental entities.

(2) DISTRIBUTION OF LESSER AMOUNTS.—The amount of assistance distributed through private and voluntary organizations, cooperatives, and other nongovernmental entities for fiscal year 1986 or for fiscal year 1987 may be an amount which is less than the amount specified in subparagraph (A) or (B) of paragraph (1) if the Administrator of the Agency for International Development reports to the Congress, during the first 60 days of that fiscal year, that such lesser amount is the maximum amount which those entities can distribute effectively in that fiscal year.

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, is this an amendment that has been printed?

Mr. SCHUMER. Yes, it is, Mr. Chairman.

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHUMER. Mr. Chairman, this amendment pertains to the Philippines and it sets a middle course in our dealings with the Philippines. There are, as we know, two sides fighting one another. There is the Marcos government on the one side and there is the Communist insurgency on the other side. There are literally millions of Filipinos who at this point wish to reject communism but cannot cozy up to the Marcos government for a variety of reasons. These include many middle-class business people, these include many educators, these include many of the mainstream of the Philippine middle class.

Mr. Chairman, it is my belief, as it is the belief of so many Members of this House, that we cannot abandon the Philippines, that we have military interests in the Philippines, and this amendment does not cut any of those interests, but in terms of our economic and developmental aid, we ought to show that middle ground in the Philippines that there is United States support for their way.

I yield briefly for a statement of support from the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I just wanted to respond by saying that I endorse the gentleman's efforts. I think he has made a very good effort, and I hope my colleagues will support it.

Mr. SCHUMER. Mr. Chairman, I yield to the gentleman from New York [Mr. SOLARZ], the chairman of the subcommittee, to show the committee support.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Chairman, I would just point out that this amendment does not relate to the base agreement. It only relates to our development assistance in the Philippines outside the context of the base agreement. It provides not less than 25 percent of it should be provided through nongovernmental organizations. But it does provide for a Presidential waiver if it should turn out that it is not possible to effectively spend and utilize that much money in our development assistance program outside of the mechanism of the Government.

So I do think it strikes a healthy balance. The more of our aid we can provide in the Philippines through nongovernmental mechanisms, such as the Catholic Church, the better the chances are the aid would be effectively utilized. But if it turns out that up to that much cannot be spent through the private mechanisms, the President can waive the requirement and the money would be spent through AID itself.

Mr. SCHUMER. Mr. Chairman, I am inserting into the RECORD an article from the San Jose Mercury News that details the capital flight that is currently plaguing the Philippines. The article describes how President Marcos himself is believed to be leading the capital flight and facilitating the export of capital by his cronies. The article further suggests that the capital flight is directly fueling the growing Communist insurgency that threatens U.S. security interests in the Philippines.

I also want to submit statements of support for my amendment by the Friends of the Filipino People; the Philippines Human Rights Lobby; the Movement for a Free Philippines; a group of Filipino professionals, business groups and others called Manindigan; and Marcelo Fernan, the assistant minority floor leader of the Philippine Parliament.

[From the San Jose Mercury News, June 25, 1985]

DOLLAR DRAIN'S LINK TO UNREST IN PHILIPPINES

(By Lewis M. Simons)

MANILA, Philippines—The Philippine economy has been gouged so deeply and for so long that most people here have grown apathetic about the practice they call "dollar-salting."

To the man and woman on the street, reports that their impoverished nation's political and business leaders are sending billions of dollars abroad to establish nest eggs are met with acceptance.

"I guess it's one of the main advantages of being in power." Alfredo San Angelo, an unemployed electrician, said in a conversation that was typical of several held in the Metro Manila area. "Why else be in power if you can enrich yourself and you family?"

But there is less apathy among a number of Filipino and Western experts, who say that the flow of funds out of the country—estimated as high as $30 billion since the 1950s—has done enormous damage to the economy of the country and threatens its security.

The Philippines now is plagued by an increasingly challenging communist insurgency. To some analysts, the connection between the drainage of dollars and the rising tide of guerrilla war is not coincidental.

"There is not the slightest doubt that the mind-boggling manipulation of the economy by less than 1 percent of the population has created fertile ground for the communists' appeal among the 99 percent who are havenots," said a Western diplomat here.

The spreading insurgency is of grave concern to the United States, which views it as a direct threat to its vital military bases in the Philippines—bases that most U.S. officers believe are irreplaceable in the Pacific.

Western diplomats in Manila and political opponents of the Marcos regime trace a direct line from peasants exploited by those with wealth and power in such traditional Philippine economic fields as sugar and logging to the spreading insurgency.

CONTRIBUTING FACTOR

"The exploitation of the vast underclass by the handful of rich with political and military connections—the very people who are investing huge fortunes overseas—must be viewed as a fundamental contributing factor to the insurgency," a Western economic analyst said.

A senior Filipino corporate executive put it this way: "The poor have lost all hope. They're ripe for anything that offers change. The insurgency is a direct reflection of the maldistribution of wealth and the salting of dollars overseas is but one example of how horribly twisted things are.

"Unfortunately, we have no one to blame but ourselves. We've slept too long, lulled by a corrupt judiciary and a shackled press. I don't know if we're waking up yet. But, even if we are, it may be too late."

Defense Minister Juan Ponce Enrile dismisses such claims.

"Drainage of dollars out of the country has not been raised as an issue by opponents of the regime," Enrile said. "We cannot yet say whether or not this supposed drain contributes in any way to the rising strength of the communists."

MARCOS ALLEGEDLY AT CENTER

According to a number of political and economic analysts, the system of sending money out of the country revolves around President Ferdinand E. Marcos and his wife, Imelda, herself a powerful force in the national government.

In the last 20 years of their rule, the Marcoses, these analysts allege, have surrounded themselves with a coterie of Cabinet ministers and business people who have amassed huge fortunes through privileges and favors granted them by the first couple.

In Manila, their stunning wealth is seen in vast mansions, superb art collections, huge staffs of servants, fleets of imported cars and private aircraft. Hedging against the day when all this falls apart, these same people also invest their wealth in the United States and elsewhere.

In return for their gain, the privileged few have contributed to the Marcoses' own personal fortunes as well as their political war chests.

"The main characteristic distinguishing the Marcos years from other periods in our economic history has been the trend toward the concentration of powers in the hands of the government, and the use of governmental functions to dispense economic privileges to some small factors in the private sector," stated a controversial report published last year by the University of the Philippines.

COMMISSION APPOINTED

So common and widespread has capital flight become particularly in the past few years, that President Marcos last year appointed a commission headed by Trade and Industry Minister Roberto V. Organ to investigate the dollar-salting.

The commission has reported that an estimated $1 billion was drained out of the Philippines in 1983 and claim $2 billion last year. But because Marcos and his so-called cronies are widely believed to profit most from the system, few Filipinos have confidence that the commission's net will catch any big fish.

Opposition member of parliament Eva Kelaw has taken preliminary steps toward forming a panel similar to the one that probed the August 1983 assassination of former Sen. Benigno S. Aquino Jr.

The political trauma triggered by the Aquino killing heightened the torrent of dollars and altered the character of overseas investments.

"Ever since the 1950s dollars would ebb and flow in and out of the Philippines," said an internationally respected Manila banker. "But, after the assassination, the money has stayed overseas and there's little or no hope that it will even return."

FRIENDS OF THE FILIPINO PEOPLE STATEMENT IN SUPPORT OF THE PROPOSED SCHUMER AMENDMENT

Friends of the Filipino People, a nationwide organization of Americans and Filipino-Americans, is in favor of the amendment being offered by Representative Charles Schumer.

There is a quiet violence taking place in the Philippines. So quiet it is literally silent. It is the violence of row after row of tiny coffins throughout the country waiting for their occupants. In 1979 the World Bank cited a study by the Food and Nutrition Institute of the Philippines that estimated that malnutrition was the root cause of 40 percent of all deaths in the Philippines. Well more than a hundred thousand deaths a year; most of those deaths are children. The situation is surely worse now given the economic crisis the country now faces: more tiny coffins, more small graves, and more families turning their grief into hatred for the conditions that could create such violence.

The Philippines was supposed to be the showcase for democracy in Asia. As the center of the Green Revolution in rice, it was also supposed to be the showcase for development. It is neither. Instead it is the showcase for greed, brutality, and the use of raw power to enrich the few at the expense of the many.

Representative Charles Schumer's efforts is a small but very welcome and hopefully significant step away from past U.S. policies towards the Philippines. Those policies of the past continue to contribute to a future for the Philippines that ensures more silent deaths, hundreds of thousands more, and very likely hundreds of thousands if not millions of noisy, bloody, violent deaths as well.

If shifting 25 percent of the food aid and development assistance for the Philippines to Private Voluntary Organizations can do some immediate good and help disengage the U.S. from a foreign policy leading to disaster, we support it and urge members of Congress to pass the amendment.

PHILIPPINE HUMAN RIGHTS LOBBY STATEMENT OF SUPPORT FOR THE AMENDMENT TO H.R. 1555 INTRODUCED BY THE HON. CHARLES E. SCHUMER

The Philippine Human Rights Lobby is a coalition of American and Filipino church and human rights organizations which believes that U.S. foreign policy towards the Philippines should be based upon human rights considerations and the principle of mutual respect for the sovereign rights of both nations.

As an organization which is concerned about the impact of U.S. economic aid to the Philippines, the Philippine Human Rights Lobby supports the amendment introduced by the Hon. Charles Schumer of New York which would require that one quarter of all developmental and food aid be distributed through non-governmental organizations. Such a move would be a first step to insure that economic assistance does not support the Marcos regime and would not be used for partisan political purposes.

The amendment would also help to insure that economic aid to the Philippines truly benefits the majority of the Filipino people and not a select few. For too long economic assistance has financed disastrously misguided development projects which have been detrimental to the majority of Filipinos, or has gone to line the pockets of Marcos and his cronies. The recent case in which $18 million in U.S. aid earmarked for school construction was instead invested by the Marcos government in the money market is merely the latest example.

A series of articles in the San Jose Mercury News documents the extent to which Marcos and his cronies have invested tens of millions of dollars in the U.S. A significant portion of these monies may have come either directly or indirectly from U.S. economic assistance since Imeldo Marcos heads the Ministry of Human Settlements which handles most of the ESF funds. When will American tax dollars stop going to buy condominiums in California for Marcos and his cronies?

The Philippine Human Rights Lobby would like to thank Congressman Schumer for his amendment which, if successful, would be an important step towards insuring that economic assistance to the Philippines truly benefits the Filipino people, not just a few in the Marcos regime. We hope that Congress passes the amendment and will in future years take whatever action is necessary to insure that economic assistance is not merely aid for Marcos, nor for a particular political faction or group, but is intended to benefit the entire Filipino people.

MOVEMENT FOR A FREE PHILIPPINES,
Washington, DC, July 9, 1985.

Hon. CHARLES E. SCHUMER,
U.S. House of Representatives, 126 Cannon H.O.B., Washington, DC.

DEAR CONGRESSMAN SCHUMER: The Movement for a Free Philippines applauds your proposed amendment to H.R. 1555 requiring at least 25% of U.S. food aid (mainly P.L. 480) and non-bases economic development aid to the Philippines be channeled to the Filipino people through private voluntary organizations, cooperatives and other non-governmental organizations. Such a require-

ment is in the best interests of both the American and Filipinio peoples.

The American people gain by more direct assistance to Filipinos through organizations which Filipinos have learned to trust. By developing contacts with many national and regional voluntary organizations, and providing Filipinos tangible reasons for maintaining constructive contacts, the aid will be more productively utilized and will foster greater realization that American aid is intended for the Filipino people, and not to keep Marcos in power against their will.

The interests of the Filipino people are served by not giving the Marcos government further means to sway the upcoming 1986 local elections. Cases have been reported to us of U.S. aid repackaged with Ferdinand and Imelda Marcos' pictures on the wrapping and with words indicating it comes from the generosity of the Philippine First Family. Philippine democracy would not be advanced by Marcos doling out U.S. aid to favored barrios or through favored politicians running for re-election.

We hope every Member of Congress will join with the Movement for a Free Philippines in supporting your amendment. We also hope this step would lead ultimately to disengagement of the U.S. from the Marcos dictatorsip, thus paving the way for a peaceful transition to democracy in our country.

Sincerely,

RAUL S. MANGLAPUS,
Director, Washington Office.

BATASANG PAMBANSA,
Quezon City, Philippines, July 9, 1985.

Congressman CHARLES SCHUMER,
Cannon Building, Washington, DC.

DEAR CONGRESSMAN SCHUMER: I strongly support and endorse the amendment to H.R. 1555 offered by your goodself to the effect that the distribution of United States food and development assistance to the Philippines be coursed through the Catholic church, private and voluntary organizations and cooperatives to ensure an effective and fair distribution of the same.

From my personal knowledge, experience and observation, the present Marcos administration has been using the United States food and development assistance to promote and enhance its dictatorial and repressive regime. Rather than give credit to the source of such assistance, often times it is made to appear to the Filipino people that these assistance are the personal gifts of the Marcoses.

May I, therefore, reiterate my unqualified support for such amendent.

With all good wishes.

Sincerely yours,

MARCELO B. FERNAN,
Assistant Minority Floor Leader,
Philippines Parliament.

MANINDIGAN!
Manila, July 9, 1985.

We, the undersigned group send our best wishes to Congressman Charles Schumer of New York and strongly support the amendment he is proposing to H.R. 1555 which provides that the developmental and food assistance aid authorized for the Philippines be provided through non-government sources.

This proposed amendment would show that the U.S. Congress is aware that the foreign assistance for the U.S. is meant for the Filipino nation and not for a particular regime or individuals close to that regime.

Manindigan!

JAIME ONGPIN,
Chairman.

RAMON DEL ROSARIO,
President.

DETTE PASCUAL,
U.S. Representative.

NOTE.—Manindigan! (English translation: "Make a Stand!") is composed of professionals, business groups and concerned individuals who have decided to make a stand on political, economic and social reform affecting the Philippines today.

Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the ranking minority Member for yielding.

Mr. Chairman, here we go again. We do it time and time and time again. I do not think any of the Members in this Chamber would like another country telling the United States that we have to raise our interest rates because they are too low, that we have to do away with the tariffs in this country. Right now the Philippines are in serious straits. What hardly any of the Members in this Chamber know is the fact that they have reduced their military budget by almost one-third because there are serious economic problems in the Philippines, serious problems. And President Marcos and his government, realizing this, have tried to spend less money on military and still provide freedom to the free world the way we are, in conjunction with us, and yet here we go again, telling them what they need to do with these funds that are badly needed to furnish water, to furnish crops for the people of the Philippines, and we have no business doing this. I just do not understand our continuing to stick out our noses in other people's business like this.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, why do we write this bill on the floor?

The gentleman from New York [Mr. SOLARZ] chairs a committee that deals with this subject. They have hearings. The full committee has hearings. And now, with 2 minutes debate on each side, we are going to change the economic structure of our aid to the Philippines. Why do we do it that way?

Mr. SCHUMER. If the gentleman will yield, I would say to the gentleman that this amendment has changed dramatically and it has been done in great cooperation with the chairman of the subcommittee and that is why they have supported the amendment, as well as other members of the Foreign Affairs Committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this title?

The Clerk will designate title XII.

The text of title XII is as follows:

TITLE XII—MISCELLANEOUS PROVISIONS

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on October 1, 1985.

SEC. 1202. PROCUREMENT OF CONSTRUCTION AND ENGINEERING SERVICES.

Section 604(g) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) does not apply with respect to an advanced developing country which—

"(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

"(B) if the country has its own foreign assistance programs which finance the procurement of construction or engineering services, permits United States firms to compete for those services.".

SEC. 1203. COMPLETION OF PLANS AND COST ESTIMATES.

Section 611 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a) by striking out "$100,000" and inserting in lieu thereof "$500,000"; and

(2) in subsection (b) by striking out "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations" and inserting in lieu thereof "the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto".

SEC. 1204. REPROGRAMMING NOTIFICATIONS TO CONGRESS.

Section 634A of the Foreign Assistance Act of 1961, as amended by title I of this Act, is further amended by adding at the end thereof the following new subsection:

"(c) The President shall notify the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives concerning any reprogramming of funds in the International Affairs Budget Function, the authorizations of appropriations for which are in their respective jurisdictions, to the same degree and with the same conditions as the President notifies the Committees on Appropriations. The requirements of this subsection are in addition to, and not in lieu of, other notification requirements.".

SEC. 1205. REPEAL OF OBSOLETE PROVISIONS AND CORRECTION OF TECHNICAL REFERENCES.

(a) REPEALS.—The Foreign Assistance Act of 1961 is amended as follows:

(1) The third sentence of section 105(a) is repealed.

(2) Section 106(b)(1) is amended by striking out "(A)" and by striking out subparagraph (B).

(3) Section 110 is amended by striking out "(a)" and by striking out subsection (b).

(4) Chapter 10 of part I is repealed.

(b) CORRECTION OF CROSS-REFERENCES.—

(1) FOREIGN SERVICE ACT.—Section 636(a)(14) of such Act is amended by striking out "the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting in lieu thereof "the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

(2) TITLE 31 OF THE U.S. CODE.—Section 611(a) of such Act is amended by striking

out "section 1311 of the Supplemental Appropriation Act, 1955 as amended (31 U.S.C. 200)" and inserting in lieu thereof "section 1501 of title 31, United States Code".

(3) ITAR REGULATIONS.—Section 47(6) of the Arms Export Control Act is amended by striking out "combat" and inserting in lieu thereof "military".

SEC. 1206. CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION.

(a) UNITED STATES POLICY.—The United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.".

(b) REAFFIRMATION AND CODIFICATION OF POLICY.—The United States hereby reaffirms that policy. In accordance with that policy—

(1) no officer or employee of the United States Government, and no agent or other individual acting on behalf of the United States Government, shall negotiate with the Palestine Liberation Organization or any representatives thereof, and

(2) the United States shall not recognize the Palestine Liberation Organization,

unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism.

SEC. 1207. COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) PURPOSE.—Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) DUTIES.—The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

(d) MEMBERSHIP.—

(1) The Commission shall consist of 21 members, of whom 7 shall be appointed by the President, 7 shall be appointed by the Speaker of the House of Representatives, and 7 shall be appointed by the President pro tempore of the Senate.

(2)(A) Except as provided in subparagraphs (B), (C), and (D), members shall be appointed for terms of 3 years.

(B) Of the members first appointed by the Speaker of the House of Representatives, 5 shall be appointed for a term of 2 years. Of the members first appointed by the President pro tempore of the Senate, 5 shall be appointed for 2 years.

(C) A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(D) A member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every three months.

(f) COMPENSATION AND PER DIEM.—

(1) Members of the Commission shall receive no pay on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(g) AUTHORITIES.—

(1) The Commission or any member it authorizes may, for the purposes of carrying out this section, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(3) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(4) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(5) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(6) The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(8) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS.—The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

The CHAIRMAN. Are there amendments to title XII?

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 154, after line 24, insert the following new section:

SEC. 1208. DENIAL OF TRADE BENEFITS TO AFGHANISTAN.

(a) AMENDMENT TO TARIFF SCHEDULES.—The General Headnotes and Rules of Interpretation to the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by inserting "Afghanistan" before "Albania" in headnote 3(f).

(b) DENIAL OF MOST-FAVORED-NATION STATUS.—

(1) Notwithstanding any other provision of law, the products of Afghanistan shall not receive nondiscriminatory (most-favored-nation) trade treatment.

(2) No agreement may be entered into with Afghanistan under section 405 of the Trade Act of 1974 (19 U.S.C. 2435).

(c) DENIAL OF TRADE CREDITS.—Notwithstanding any other provision of law, Afghanistan may not participate, directly or indirectly, in any program under which the United States extends credit, credit guarantees, or investment guarantees.

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FRENZEL. Mr. Chairman, I reserve a point of order against the amendment.

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Chairman, I have offered this amendment on behalf of myself and the gentleman from California [Mr. DREIER] and the gentleman from New Jersey [Mr. COURTER] to clear up a glaring oversight in our policy toward the Soviet-puppet regime of Babrak Karmal in Afghanistan; that is, that ruthless Communist puppet regime is listed as a country benefiting from most-favored nation trade status with the United States.

Mr. Chairman, I do not believe that this body wishes to grant even the negligible trade benefits that accrue to the puppet Afghan regime in Kabul, which is carrying out what can only be considered a policy of forced famine and terror against its people. The Con-

gressional Task Force on Afghanistan, which I have had the pleasure of cochairing, has heard countless stories of torture, terrorism, flagrant human rights abuses, crop destruction, and other atrocities against the innocent people of Afghanistan at the hands of the Soviet and Afghan armies in the almost 6 years since the Soviets invaded that once peaceful nation. To grant that brutal dictatorship most-favored nation trade status is not only an oversight; it is behavior which would inadvertantly signal our acceptance of that regime's criminal and genocidal human rights violations.

There are now numerous nations which have been removed from the MFN trade status category. Certainly, Afghanistan's human rights record is if anything far worse compared to many of these countries. It is time that this Congress recognized that the Afghan puppet regime is brutally subjugating its people; is destroying that nation's cultural and spiritual heritage; is promoting policies which are tantamount to what one analyst has termed "migratory genocide"; is refusing to cooperate in United Nations efforts to obtain a peaceful solution to the current conflict underway; and is totally subservient to the will and aims of the Soviet Communists. This Congress cannot and must not be a party to that terror.

Mr. Chairman, I yield to my friend and colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank the gentleman for yielding, and, Mr. Chairman, I would again like to compliment him on his superb job of focusing attention on the plight of the people in Afghanistan.

Mr. Chairman, the list of countries that do not receive most-favored-nations status from the United States is a short one, but it is definitely one that should include the Government of Afghanistan. Just as we've forgotten to remove Afghanistan from our most-favored-nation list until now, we sometimes seem to forget the atrocities that have taken place and continue to take place against the people of Afghanistan.

Maybe we forget because it's not a war that's played out each night on our television screen. We don't see the unforgettable pictures we saw from the Vietnam war, such as the little Vietnamese girl trying to escape napalm. We don't see children rounded up and sent off to the Soviet Union, never to see their parents again. There are no pictures of bombed out villages, or people wandering aimlessly with their few remaining possessions strapped to their backs.

The Soviet bombers, the Soviet troops, and the Soviet-made destruction of a country and a people are missing from our television screens. But it's there. It's just hard to remember it's real.

We do hear reports from Afghan refugees and health officials who have been in Afghanistan. But the reports are almost too painful to hear. We'd rather not hear about booby-trapped toys planted by the Soviets, or animals tortured rather than killed.

In other words, we're doing just what the Soviets want us to do—forget about Afghanistan.

Mr. Chairman, it's time we remember and talk about what's going on in Afghanistan. This amendment removing most-favored-nation status is the very least we can do. The $15 million in aid we're providing in this bill is also the least we can do for the people of Afghanistan. We need to regain our sense of moral outrage over these atrocities. Just as we hear a great hue and cry over human rights violations in El Salvador and South Africa, we need to pay more attention and take action to stop the crimes taking place every day against the people of Afghanistan.

If we don't, in the future, we'll only be able to talk about the genocide of the Afghan people.

Mr. LAGOMARSINO. Mr. Chairman, I yield to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Chairman, I would like to say that the committee fully supports this brilliant amendment. It literally boggles the imagination that 6 years after the Soviet invasion of Afghanistan that Afghanistan still enjoys most-favored-nation status in terms of their trading relationship with the United States. I cannot figure out why nobody discovered this anomaly in our trading law before. So I pay tribute to my very good friend, the gentleman from California [Mr. LAGOMARSINO], for having noticed this oversight and for having attempted to deal with it through the introduction of this amendment which I strongly support.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Minnesota [Mr. FRENZEL] insist upon his point of order?

Mr. FRENZEL. Yes, Mr. Chairman.

Mr. Chairman, I make a point of order that the amendment offered by the gentleman from California [Mr. LAGOMARSINO] is in violation of clause 5(b) of rule XXI, which prohibits amendments carrying a tax or tariff measure from being offered during consideration of a bill not reported by the committee having jurisdiction over such tax and tariff measures.

Mr. Chairman, there is no doubt but what that bill offered in the proper committee would be passed promptly, and the committee would love to have their recommendation. However, I must ask that the point of order be sustained.

The CHAIRMAN. Does the gentleman from California [Mr. LAGOMARSINO] desire to be heard on the point of order?

Mr. LAGOMARSINO. Yes, Mr. Chairman.

I would point out that the bill has been widely expanded. It does now include trade restrictions on Libya and Ethiopia, among others, and I think, therefore, the point of order should be overruled.

The CHAIRMAN (Mr. AUCOIN). The Chair is prepared to rule.

The Chair rules that this is not a question of germaneness. The Chair is of the belief that the amendment does violate clause 5(b), rule XXI, because it does constitute a tariff measure to a bill reported from a committee—in this case Foreign Affairs—which does not have jurisdiction over tariffs.

Therefore, the point of order is sustained; and the amendment is ruled out of order.

Are there further amendments to title XII?

□ 1450

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Page 154, after line 24, insert the following new section:

SEC. 1208. SOVIET POLICY REGARDING SOVIET JEWRY.

(a) FINDING.—The Congress finds that President Reagan recently stated that "Soviet Jewry . . . suffers from persecution, intimidation, and imprisonment within Soviet borders", that "We will never relinquish our hope for their freedom and we will never cease to work for it", and that "If the Soviet Union truly wants peace, truly wants friendship, then let them release Anatoly Shcharansky and free Soviet Jewry".

(b) POLICY.—Therefore, in support of the President's position, the Congress calls on the Soviet Union, as an initial gesture—

(1) to release immediately Anatoly Shcharansky, Yosef Begun, and all other prisoners of conscience, and allow them to leave the Soviet Union;

(2) to issue immediately exit permits to the many known long-term "refuseniks" such as Ida Nudel and Vladimir Slepak; and

(3) to allow those thousands of Jews, who wish to join their relatives abroad, to leave the Soviet Union this year and to pledge that such cases will be dealt with expeditiously and in a humanitarian way during the next three years, thus enabling those who have requested exit permits to leave.

Mr. FASCELL. Mr. Chairman, this amendment on behalf of Mr. BROOMFIELD, myself, and many others, reaffirms the policy of this Congress stated time and time again, and strongly supports the stated policy of the President of the United States.

Mr. Chairman, I yield 40 seconds to the distinguished cochairman of the Helsinki Commission [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in very strong support of the amendment offered by Chairman FASCELL and Mr. BROOMFIELD. We recently had the opportunity to participate in a conference in Ottawa of human rights experts which was a continuation of the Helsinki process. It was clear that the Soviets are not being cooperative, responsive, or adhering to their undertakings in Helsinki.

This is a minimal step that this amendment urges the Soviets to take to show that they in fact share the views of the other 34 signatory nations in Helsinki that they will recognize the human rights of their citizens. This is a small step that we urge; an important step. I congratulate Mr. FASCELL and Mr. BROOMFIELD on the sponsorship of this amendment.

Mr. Chairman, in 1979, more than 51,000 Soviet Jews were allowed to emigrate from the Soviet Union. In 1984, that number drastically declined to a mere 896. This number collapsed further this year so that only 499 have been allowed to emigrate. This deplorable trend does not appear to have been reversed under Mr. Gorbachev, in that only 36 Soviet Jews were allowed to leave the Soviet Union in June.

The denial of emigration is only one of the continued violations by the Soviets in the area of basic human rights. Active religious persecution continues. People who choose to exercise their religious beliefs are subjected to harassment, physical abuse, and criminal sentences which often include hard labor.

Mr. Chairman, the Fascell-Broomfield amendment appreciates the urgency of this problem and seizes the opportunity to communicate a strong, unified national policy for human rights to the new administration in the Soviet Union. I strongly urge support for the Fascell-Broomfield amendment which urges the release of prisoners of conscience and freedom for the thousands of Soviet Jews who seek to join their relatives abroad.

Mr. FASCELL. Mr. Chairman, I yield to the distinguished cochairman of the Congressional Caucus on Soviet Jewry, the gentleman from Georgia [Mr. FOWLER].

Mr. FOWLER. I thank the gentleman for yielding to me.

Mr. Chairman, I rise along with my cochairman, the gentleman from New York [Mr. KEMP] in strong support of this statement of American policy concerning Soviet Jewry. It has the full backing of the President of the United States. His language is incorporated in this amendment, and I agree with my friend from Maryland, that it is an extremely important step to highlight the plight of thousands of Soviet citizens who are denied the right to emigrate.

Mr. FASCELL. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. BROOMFIELD] may be entitled to 2 minutes, even through he rises not in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BROOMFIELD. Mr. Chairman, I appreciate the request by the chairman of the committee very much. I rise in strong support of this amendment.

Mr. Chairman, this amendment gives our support to the President's condemning the Soviet Union for its treatment of Soviet Jewry. It also calls upon Soviet leaders to release a number of prominent Soviet Jews and refuseniks as an initial gesture of good faith.

As we all know, many Soviet Jews are suffering from imprisonment and persecution. The whole world knows of the tragic abuse of Anatoly Shcharansky and Iosef Begun. How long has Ida Nudel and Vladimir Slepak been trying to leave that country?

Why not allow these people to leave? Why not permit them to join their loved ones overseas? Why continue this cruel program of denying them their human rights? How can the Soviets continue to ignore the Helsinki agreement which they pledged to support?

This amendment gives the Soviets an opportunity to take the first step by immediately releasing a number of Soviet Jews. I urge my colleagues to support this amendment.

Mr. Chairman, I yield to the gentleman from New York [Mr. KEMP].

Mr. KEMP. I thank the gentleman for yielding to me.

Mr. Chairman, I congratulate the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from Florida [Mr. FASCELL] and Cochairman HOYER of the Helsinki Commission with whom I am honored to serve for their efforts in this regard.

There is a very important reason for this amendment, and that is to tell the Soviet Union that if they want a better relationship with the United States in other areas they must honor their human rights commitments. In short, we believe in linkage; and this amendment establishes the linkage. That the Soviets should, as an act of good faith, allow Jewish refuseniks to be free to emigrate. It seems to me this is, the proper thing to do at this time and I rise in strong support of it.

Mr. BROOMFIELD. Mr. Chairman, I yield to the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, I too stand in strong support of the amendment and I would like to congratulate all the chairmen that are involved. As one who has been deeply interested in the Soviet Jewry movement and whose resolution did pass the House and the Senate last year, I am very excited to see that Congress is taking action again in this session.

● Mr. GILMAN. Mr. Chairman, I rise in strong support of the Soviet human rights amendment now being offered by the chairman of our Foreign Affairs Committee, Mr. FASCELL. As he so aptly stated, this Congress continues to be vitally concerned with the treatment and welfare of the thousands of Soviet Jews who hold refusenik and prisoner of conscience status. Unfortunately, however, the situation in the Soviet Union has deteriorated in the past several years to such an extent that even the most pessimistic among us are surprised.

It was anticipated that with the advent of new leadership in Moscow, perhaps new discussions would lead to the correct implementation of the many international treaties, such as the Helsinki Final Act, to which the Soviet Union is signatory. Human rights abuses continue to mount in the U.S.S.R., and Soviet Jewish emigration and arrests are so dismal that this outcry from the House of Representatives is indeed sorely needed. Last month, only 36 individuals received their emigration vizovs for Israel, bringing this year's total emigration to only 499 men, women, and children. This parallels last year's emigration figure of under 900, and is in stark contrast to the over 51,000 people who were allowed to leave in 1979.

The Fascell human rights amendment calls for the release from imprisonment of Anatoly Shcharansky, Iosef Begun and all others suffering in Soviet prisons and labor camps, who have not committed any crime other than love for their religious heritage. Recently, arrests have mounted, and the charges with which these individuals are now being accused of include patently false drug possession allegations. The amendment further goes on to urge the granting of exit visas to these men and women, as well as the thousands of others who know they are but one short step away from being arrested on false grounds themselves. Just last week we heard of the arrests of Isay Goldshtein, a long-term refusenik from Tbilisi, and Leonid Volvovsky of Gorky, as well as the detention of Yevgeny Koifman of Dniepropetrovsk. These three men are guilty of nothing more than of studying Hebrew and of sharing their Jewish heritage with their families and friends. The amendment is needed to emphasize to the American people as well as the Soviet Government our deep commitment to the many thousands of Soviet Jews who live courageously in their pursuit of their religious beliefs and traditions.

Mr. Chairman, without our continued concern and action on their

behalf, this dire situation will be perceived to be unimportant by Soviet leader Mikhail Gorbachev; something which we must not allow to happen. For we all know too well the consequences of inaction.

Accordingly, I urge my colleagues to support this important amendment, and commend the gentleman from Florida for keeping this issue in the forefront of our legislative agenda.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FASCELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON: Page 154, after line 24, insert the following new section:

SEC. 1208. EFFORTS BY JAPAN TO FULFILL SELF-DEFENSE RESPONSIBILITIES.

(a) FINDINGS.—The Congress finds that—

(1) the Japan-United States security relationship is the foundation of the peace and security of Japan and the Far East, as well as a major contributor to the protection of the United States and to the democratic freedoms and economic prosperity enjoyed by both the United States and Japan;

(2) the threats to our two democracies have increased significantly since 1976, principally through the Soviet invasion of Afghanistan, the expansion of Soviet armed forces in the Far East, the invasion of Cambodia by Vietnam, and the instability in the Persian Gulf region as signified by the continuing Iran-Iraq conflict;

(3) in recognition of these and other threats, the United States has greatly increased its annual defense spending through sustained real growth averaging 8.8 percent yearly between fiscal years 1981 and 1985, and cumulative real growth of 50 percent in that period;

(4) the United States Government appreciates the May 1981 statement by the Prime Minister of Japan that, pursuant to the Treaty of Mutual Cooperation and Security between his country and the United States and pursuant to Japan's own Constitution, it was national policy for his country to acquire and maintain the self-defense forces adequate for the defense of its land area and surrounding airspace and sea lanes, out to a distance of 1,000 miles;

(5) the United States Government applauds the policy of Japan to obtain the capabilities to defend its sea and air lanes out to 1,000 miles and expects that these capabilities should be acquired by the end of the decade, and recognizes that achieving those capabilities would significantly improve the national security of both Japan and the United States;

(6) the United States Government appreciates the contribution already made by Japan through the Host Nation Support Program and its recent efforts to increase its defense spending; and

(7) thus far, Japan has not provided sufficient funding to enable Japan, in cooperation with the United States, to be in a position to make a sufficiently effective contribution to common defense objectives.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that Japan, in order to make a more effective contribution to its own defense in cooperation with the United States, which would include among other efforts the development of a 1,000 mile airspace and sea lanes defense capability, should be strongly encouraged in its plans to develop and implement a 1986–1990 Mid-Term Defense Plan containing sufficient funding, program acquisition, and force development resources to achieve 1,000 mile self-defense capabilities by the end of the decade, including the allocation of sufficient budgetary resources annually to reduce substantially the ammunition, logistics, and sustainability shortfalls of Japan's forces.

Mr. GEJDENSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I yield to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding to me.

Mr. Chairman, I want to commend the gentleman for a very thoughtful and constructive amendment which is entirely acceptable to the committee. It has been very carefully drafted; it expresses the view that Japan should increase its defense spending, so that in cooperation with the United States it can do a better job in defending itself in the event of aggression.

It also takes note of the fact that the Japanese Government has committed itself to achieving certain objectives with respect to its ability to defend itself up to 1,000 miles from the home islands, and it simply asks the Government of Japan to accomplish the very self defense tasks which the Government of Japan has already set for itself.

At a time when we are spending so much more on defense than they are, I think the time has come for Japan to increase its defense spending, and the gentleman's amendment, in a thoughtful and statesmanlike fashion, would urge our Japanese friends to do so.

Mr. GEJDENSON. I thank the gentleman for his kind remarks. What the amendment does do is ask the Japanese who have been cooperating and forthcoming in their efforts to increase their share of the defense of the free world in that region to simply fulfill the commitments they have made.

Mr. Chairman, I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, we have no objection to the amendment.

Mr. GEJDENSON. Mr. Chairman, I yield to the ranking member of the committee, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment before us.

For years, the value of the United States-Japanese security relationship has been the focus of attention in both countries. In particular, there have been positive efforts to improve this important relationship by strengthening the mutual defense of both the United States and Japan. Japanese efforts to enhance sea-lane security, air defense, and early warning capability with the cooperation of the U.S. military, not only contribute to Japan's security but also the regional security of the Western Pacific. Moreover, the United States is committed to the security of Japan through a bilateral treaty, which was signed in January 1960.

The United States appreciates the contribution already made by Japan through host nation support as well as Japan's recent efforts to increase its defense spending. Over the years, these mutual security efforts have helped to counter the increased threat of Soviet military aggression, as well as the possible diversion of U.S. forces from the Pacific to meet possible crises in the Persian Gulf. At the same time, however, there are many in the United States and in particular, the U.S. Congress, who believe that Japan should play an increasingly responsible role in security areas. The amendment before us would encourage greater efforts on this regard, and I urge my colleagues to support it.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment has been sanitized considerably, but I just think it ought to be said on the floor of this Chamber that we are here singling out only one of our allies, Japan. I would like to point out that the Japanese defense spending for fiscal year 1984 increased 4.5 percent in real terms, far above the 3 percent we have asked the NATO countries to increase theirs. In fiscal year 1985 their defense budget increased by 5.3 percent in real terms. Japan contributes an estimated $1.4 billion each year to support the maintenance for our forces in Japan.

Japan has been supportive of our home port 7th Fleet ships visiting there, being based there, and, in addition, this amendment does not recognize Prime Minister Nakasone's sincere and effective efforts to bring that country forward in increasing its defense capability.

Now remember, Japan is the only country in the world that has been struck by two nuclear bombs. We helped them to write a constitution that they have adopted, and if you were to read it, it embraces total pacifism. They have renounced all military forces. Now, we are publicly prodding them to do more, and I just think it is unwise. Japan is doing more, and if ever there was an appropriate time for quiet diplomacy, recognizing the political nuances of this effort it is here and now.

Japan does not like to be told by the United States what to do. We can suggest but not in this inappropriate manner. I think this is an unfortunate amendment and I do not intend to support it even though some others do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOMFIELD: Page 154, after line 24, insert the following new section:

SEC. 1208. STATE TERRORISM.

It is the sense of the Congress that all civilized nations should firmly condemn the increasing use of terrorism by certain states as an official instrument for promoting their policy goals, as evidenced by such examples as the brutal assassination of Maj. Arthur D. Nicholson, Jr., by a member of the Soviet armed forces.

Mr. BROOMFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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Mr. BROOMFIELD. Mr. Chairman, this amendment is a simple one. It expresses by deep and continuing concern about the use of terrorism by the Soviet Union to take the life of Major Arthur D. Nicholson, Jr.

As all of you know, a member of the Soviet Armed Forces took the life of Major Nicholson while he was performing his duties in East Germany. Soviet personnel denied the gravely wounded American officer medical attention which may have saved his life.

Much has been said in recent months about terrorism. This is a classic case of state-sponsored terrorism directed against an innocent human being. This and other acts of state-sponsored terrorism must stop. They must be condemned by civilized nations everywhere.

I urge you to support my amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, all Members on this side join the gentleman in the strong condemnation expressed in his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON: At the end of title XII (on page 146, after line 5) insert the following new section:

SEC. . STUDY OF MEASURES TO ENHANCE CRISIS STABILITY AND CONTROL.—

(a) The Secretary of State and the Director of the Arms Control and Disarmament Agency shall conduct a detailed and complete study and evaluation of additional measures which both enhance the security of the United States and reduce the likelihood of nuclear weapons use by contributing to crisis stablility and/or crisis control capabilities, including specific consideration of the following measures:

(1) Increased redundancy of direct communications link circuits, including the creation of new survivable circuits and terminals, located outside the national capitals which have access to the command and control system of the country in which they are located.

(2) Establishment of redundant, survivable direct communications links between and among all nuclear-armed states.

(3) Conclusion of an agreement creating "nontarget" sanctuaries only for certain direct communications link circuits to enhance survivability of communications.

(4) Creation in advance of standard operating procedures for communicating, and possibly cooperating, with the Soviet Union and other states in the event of nuclear attacks by third parties on either the United States or Soviet Union.

(5) Addition to the Incidents at Sea agreement of a prohibition on the "locking on" of fire control radars on ships and planes of the other side, an agreement on the separation of naval forces during specified periods of crisis, and other such measures relevant to the Incidents at Sea agreement.

(6) Placement by the United States and the Soviet Union of unmanned launch sensors in the land-based missile fields of both countries.

(7) Establishment of antisubmarine operations free zones designed to enhance the security of ballistic missile submarines.

(8) Installation of permissive actioan links aboard the ballistic missile submarines of the United States, which might possibly be activated or deactivated at various levels of alert, and encouragement of the Soviet Union to do the same.

(9) Establishment of training programs for National Command Authority officials to familiarize them with alert procedures, communications capabilities, nuclear weapons release authority procedures, and the crisis control and stability implications thereof.

(10) Include in standard operating procedure the relocation in a crisis of a National Command Authority official outside Washington, DC, to a secure location with access to the strategic command and control system, and announce the institution of this procedure to relevant foreign governments.

(b) The Secretary of State and the Director of the Arms Control and Disarmament Agency shall submit a report of the study and evaluation under subsection (a) to the Committees on Armed Services and Foreign relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by January 1, 1986. Such report should be available in both a classified, if necessary, and unclassified format.

Mr. GEJDENSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I believe this amendment has been approved by both the minority and the majority of the committee, the gentleman from Florida [Mr. FASCELL], and the gentleman from Michigan [Mr. BROOMFIELD].

● Mr. STARK. Mr. Chairman, my amendment, offered by Mr. GEJDENSON, is a simple but important one. My amendment requires a report from the State Department and the Arms Control and Disarmament Agency on the usefulness of a variety of measures which could enhance our security by increasing crisis stability, and our ability to control escalation in a crisis.

The measures I would like to see specifically studied are designed to reduce the frightening possibility of a nuclear Sarajevo, a crisis in which neither superpower desires nor expects escalation, but which runs out of control despite efforts to contain it.

I want to commend the President on taking one key step in the right direction by concluding the Hotline Upgrade Agreement with the Soviets. I hope that the study the State Department and ACDA will undertake yields administration support for further such measures, including both those specifically outlined in my amendment, and other which arise during the course of their work on this crucial issue.●

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I would be happy to yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, we have held hearings and we intend to study the matter very carefully, and this study certainly will be useful.

Mr. Chairman, we accept the amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, we accept the amendment on this side, also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LOTT

Mr. LOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOTT: Page 154, after line 24, insert the following new section:

SEC. 1208. DAMAGES RESULTING FROM DELAYS IN THE CONSTRUCTION OF THE UNITED STATES EMBASSY IN MOSCOW

(a) Within 30 days after the enactment of this Act the Secretary of State shall initiate actions to begin the international arbitration process, which is provided for in the embassy construction agreement between the United States and the Union of Soviet Socialist Republics, in order to resolve all United States claims against the Soviet Union for damages arising from delays in the construction of the new United States Embassy complex in Moscow.

(b) Within one year after the enactment of this Act the Secretary of State shall submit to the Congress of the United States a report on the final resolution of claims as described in subsection (a).

(c) In the event that the Soviet Union refuses to participate in or abide by the results of the arbitration process in subsection (a), the Secretary of State shall not permit the Soviet Union to occupy the chancery building at its new Embassy complex in Washington, D.C. (or to occupy any other new facilities in the Washington, D.C. metropolitan area), until such arbitration is completed and until any damages determined in such arbitration are paid in full.

(d) The President of the United States may suspend the restrictions in subsection (c) in the national security interest of the United States in the event that a substantial number of the claims described in subsection (a) are settled and that resolution of any remaining claims is proceeding in a satisfactory manner.

Mr. LOTT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. LOTT. Mr. Chairman, this amendment was described by one of our Democratic colleagues in the other body as the "antichump" amendment, and I believe it is an amendment that all of us will be able to support. It requires the Soviet Union to submit to arbitration regarding U.S. claims for damages in the construction of the new U.S. Embassy in Moscow before the Soviet Union occupies their own new Embassy in Washington. I have discussed this amendment with the committee leadership on both sides and it has been accepted by both sides.

To explain further, Mr. Chairman, the United States has for several years been attempting to collect from the Soviet Union over $20 million in damages incurred due to Soviet-imposed delays in the construction of the new U.S. Embassy in Moscow. That Embassy is being built under an agreement with the Soviet Union allowing a new U.S. Embassy here in Washington. From the start the bargain was unequal. The Soviets got the highest point of land in Washington, DC, an ideal listening post for various communications here in the Nation's Capital. The new U.S. Embassy in Moscow on the other hand is in a virtual swamp, in a very low-lying area.

In addition, the United States agreed that the new U.S. Embassy would be built by Soviet workers while their Embassy here was also built by Soviets, giving rise to security problems for the United States not faced by the Soviets.

In that agreement, we also consented to paying the Russians based on the costs of similar construction in Washington, DC, though construction costs are certainly lower in Moscow.

Other elements of this rotten deal include provisions which have allowed the Soviets to move into their new housing facilities in Washington while our own facilities in Moscow have not yet been completed.

The Soviets, however, have not even kept up their end of so one-sided a deal. In 1978, the State Department estimated that the new U.S. Embassy in Moscow would cost $75 million and would be completed in July of 1982. Since that time, the State Department has come back to Congress five times for an additional $72.2 million. This year they are coming back for another $20.1 million, meaning that the project will cost well over twice the amount originally estimated.

Much of this additional cost is due to Soviet-caused delays in construction of the Embassy. Under the provisions of this agreement signed by both countries, claims for damages such as these I have described are to be submitted to international arbitration. Unfortunately, our own State Department has delayed in beginning the process of international arbitration, and, of course, the Soviets themselves have been in no hurry to settle the damage claims. My amendment, therefore, does two things: First, it orders our own State Department to immediately begin the international arbitration process and it requires a report on the results of that process in 1 year. I would add that I fully expect that the arbitration process would be complete within 1 year and I will expect an extraordinary explanation in the report if the process is not completed.

The second thing my amendment does is to prohibit the Soviet Union from occupying their new chancery or any other new facilities in Washington until the damage claims have been settled and paid. If the Soviets want to occupy their new listening post in Washington they ought to at least adhere to the bargain they made to get it.

The amendment does allow the President to waive this no-move requirement if the waiver is in the national security interests of the United States and if most of the claims have been settled and satisfactory progress is being made on any remaining claims.

Mr. Chairman, if we can't hold the Soviets to their word on a simple agreement like this, its no wonder that they flagrantly ignore arms limitation treaties and other agreements. This is one instance in which we have the leverage to force the Russians to live up to their promises, and we ought to do so.

I urge the adoption of this amendment.

HISTORY OF THE NEW MOSCOW EMBASSY COMPLEX

1969: Agreement reached between the United States and the Soviet Union to provide for an exchange of sites to construct new diplomatic complexes in Washington, D.C. and Moscow. This agreement gave the Soviets property at one of the highest points in Washington, D.C.—a spot ideal for intelligence collection. The Soviets, in turn, gave us a plot in a swamp at one of the lowest points in the Moscow area.

1972: Agreement reached between the United States and the Soviet Union on the conditions of construction of the new embassy complexes.

1977: Protocol with the Soviet Union was signed, calling for a fixed price contract with the Soviet Union for their portion of the construction. The United States agreed to accept Washington, D.C. construction costs as the basis for unit costs of our complex in Moscow. The protocol called for construction to begin by May 15, 1978 and work to be completed by July 1, 1982. At this point in time, the estimated cost of the project was $75 million.

1978: Contract negotiated with the Soviet Union. In return for the Soviets reducing their contract bid to levels comparable to Washington, D.C. construction costs (as they had agreed to in the 1977 Protocol), the State Department allows the Soviets to occupy new housing at the Washington, D.C. site in 1979. Additional housing for U.S. diplomats in Moscow will not be completed until late 1986. The State Department maintained that total cost of the project would be around $75 million and completion was projected for July 1982.

1979: Cumulative appropriations reach $91.5 million.

1981: Cumulative appropriations reach $103.5 million.

1982: Cumulative appropriations reach $135.2 milion. State Department estimates completion in 1984.

1983: Cumulative appropriations reach $139.8 million.

1984: Cumulative appropriations reach $147.0 million—the Department of State claims project will be completed in 1984.

1985: State Department requests $20.1 million supplemental. Complex expected to be completed in 1988. Total cost expected to exceed $167 million.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from Florida.

Mr. MICA. I thank the gentleman for yielding.

Mr. Chairman, I would just like to rise in support of this amendment and say that the committee and the sub-

committee have looked very closely at this. I agree fully with the intent.

I think every Member of this House is sick and tired of the delays that we have had and the problems we have had with the Soviet Union, and we are going to try to require them to submit to arbitration. I hope it is successful, but at least this is a solid intent, well written, by the House of Representatives as to our concern about what is going on; that we want our Embassy; that we want to move in, and we want the Soviets to pay for the increased cost that they have caused against us by the delay.

I commend the gentleman and I thank the gentleman for working with the subcomittee and the full committee in the writing of this amendment.

Mr. LOTT. I thank the gentleman for his cooperation and for his support.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I am glad to yield to the ranking member on this side, the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, we also, on this side, strongly support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. LOTT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: Page 154, after line 24, insert the following new section:

SEC. 1208. FEDERAL COAL EXPORT COMMISSION.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish, within ninety days after the date of enactment of this Act, a Federal Coal Export Commission (hereafter in this section referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of thirty members appointed by the Secretary of Commerce, as follows:

(1) FEDERAL GOVERNMENT REPRESENTATIVES.—Ten members shall be representatives of the International Trade Administration, the Department of Energy, the Department of State, the Department of Transportation, the Office of the United States Trade Representative, and a Federal institution involved in export financing.

(2) PRIVATE SECTOR REPRESENTATIVES.—

(A) Five members shall be representatives of export coal producers, including traders and brokers.

(B) Five members shall be representatives of coal labor.

(C) Five members shall be representatives of transporters of export coal, including representatives of rail and barge carriers and port authorities.

(D) Five members shall be representatives of institutions having a substantial interest in United States export coal financing.

(c) EXPENSES.—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) COOPERATION.—All Federal departments and agencies are authorized to cooperate with the Commission and to furnish information, appropriate personnel, and such assistance as may be agreed upon by the Commission and the Federal department or agency involved.

(e) ACTIVITIES.—The Commission shall convene not less than four times a year for consultation on activities leading to increased cooperation among entities involved in United States coal exports, with the goal of expanding the United States share of the international coal market. Activities of the Commission shall include, but are not limited to, the identification of—

(1) diplomatic channels to facilitate the exportation of United States coal and methods to increase the coordination of diplomatic efforts relating to such exports;

(2) domestic and international impediments to coal exports;

(3) foreign markets for United States export coal, with emphasis on increasing United States coal sales to developing nations and expanding the participation of the United States International Development Cooperation Agency in such an effort;

(4) availability of, and methods of, financing United States coal exports, including the feasibility of increasing Federal export financial and economic assistance; and

(5) methods to promote, market, and coordinate United States coal on the international market.

The Commission shall also examine the potential for small- and medium-sized coal companies to enter the export coal trade through export trading companies with respect to the marketing, transportation, and financial services which such trading companies may provide pursuant to the Export Trading Company Act of 1982 (Public Law 97-290).

(f) REPORT.—The Commission shall submit to the President and the Congress, within two years after its first meeting, a report which details its findings pursuant to subsection (e) and, based upon such findings, makes recommendations which would lead to the expansion of the United States share of the international metallurgical and steam coal market.

(g) TERMINATION.—The Commission shall cease to exist upon submission of its report pursuant to subsection (f).

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Chairman, the amendment I am offering is noncontroversial and simply seeks to establish under the auspices of the Commerce Secretary a Federal Coal Export Commission.

The goal of this Commission would be to increase the cooperation and coordination of those parties involved with U.S. coal exports. Among the Commission's mandates would be the identification of diplomatic channels to increase coal exports, impediments to these exports and foreign markets for U.S. coal with an emphasis on those in developing nations.

Further, the Commission would seek to identify innovative methods of financing U.S. coal exports.

The importance of creating such a commission, which would be authorized for a 2-year period and consist of representatives from both the Federal Government and the private sector, is due to the nature of the international coal trade with many foreign buyers being governmental entities.

The U.S. Federal Government must show these foreign buyers that it is committed to maintaining and increasing the U.S. market share of international coal demand. It can only be through such a joint Government-private sector effort that many of the impediments to the coal export trade will be resolved.

Of special importance, and I would like to highlight this portion of the amendment, is the work the Commission would do with respect to examining areas of coal export financing, insurance and the U.S. foreign aid program to developing nations who have growing coal requirements as they further their efforts to industrialize.

The Agency for International Development has undertaken activities to help developing nations reduce their dependence on imported oil while also assisting these nations to increase their use of coal.

The Agency has stated that one of its principal objectives in this effort is to assist countries to develop methods to increase their use of coal in such a way so as to increase opportunities for U.S. coal exporters. I would submit that AID's efforts in this regard have not been overly successful to date and would be enhanced by its participation in the Federal Coal Export Commission.

The same benefit would be enjoyed by the U.S. Export-Import Bank which has sent millions of dollars overseas to coal projects which will compete with U.S. coal on the world market and even in this country itself, but has only seen fit to expend a paltry $250 million last year through its Export Credit Insurance Program to assist U.S. coal exports.

Problems such as these—which are basically due to lack of cooperation and coordination among Federal agencies and the private sector—are those which would be addressed by the Commission established by this amendment. I ask for its adoption.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am glad to yield to the chairman of the full committee, the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, we have examined this amendment on this side. We agree with the gentleman on the need for this, and we accept the amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the ranking minority member, the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has also explained the amendment to us, and we accept it, too, on this side.

Mr. RAHALL. I thank both gentlemen for their agreement to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAY OF PENNSYLVANIA

Mr. GRAY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAY of Pennsylvania: Page 154, after line 24, insert the following new section:

SEC. 1208. REPRESENTATION OF MINORITIES AND WOMEN IN THE FOREIGN SERVICE

(a) DEVELOPMENT OF PROGRAM.—The head of an agency using the Foreign Service personnel system shall develop, to the extent practicable, an affirmative action effort designed to increase significantly the number of members of minority groups and women in the Foreign Service in that agency.

(b) EMPHASIS ON MID- AND SENIOR-LEVELS.—The affirmative action efforts developed pursuant to this section shall place particular emphasis on achieving significant increases in the numbers of minority group members and women who are in the mid-levels and senior-levels of the Foreign Service.

(c) GOAL.—The goal of the program developed pursuant to this section shall be to have the representation of minority groups and women in the Foreign Service at least equivalent to those groups' respective proportions within the labor force of the United States.

(d) REPORTS TO CONGRESS.—The head of an agency shall report annually to the Congress on the affirmative action effort developed pursuant to this section as part of the report required to be submitted pursuant to section 105(d)(2) of the Foreign Service Act of 1980. Subsequent reports pursuant to that section shall include reports on the implementation of these efforts, giving particular attention to the progress being made in increasing, through advancement and promotion, the numbers of members of minority groups and women in the mid-levels and senior-levels of the Foreign Service.

Mr. GRAY of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Chairman, I rise to offer an amendment to H.R. 1555. My amendment would simply increase the representation of minorities and women within our Foreign Service.

Under this amendment, the head of those agencies using the Foreign Service personnel system would develop an affirmative action effort designed to increase minority and female representation within the Foreign Service to a level of at least equivalent to those groups' respective proportion within the labor force of the United States. Under the requirements of section 105(d)(2) of the Foreign Service Act of 1980, the Secretary of State now reports annually on the State Department's minority recruitment effort.

The amendment now under consideration would simply strengthen the existing provision, with the expanded report addressing itself to the progress being made in increasing the members of mid- and senior-level minority and female personnel in the Foreign Service. I have paid particular attention to mid- and senior-level positions because it is at these levels that the imbalance which now exists is most apparent. It is also at these levels that there is the greatest scope for impact and involvement.

Mr. Chairman, the Foreign Service needs to embody a balance and realistic reflection of our Nation's best minds. There are many minorities, many women, who are equipped to serve and pursue this country's best interests abroad but who, by dent of tradition and bias have been effectively locked out of the Service. There is no reason to delay correcting this imbalance and this amendment is a significant step and new direction.

Mr. Chairman, I urge my colleagues to join me on this issue.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield to the distinguished subcommittee Chair of jurisdiction, the gentleman from Florida.

Mr. MICA. I thank the gentleman for yielding.

Mr. Chairman, I would just like to take a moment to commend the gentleman for the very sensitive and delicate wording that has been put forth in this amendment. I think it addresses the problem responsibly, addresses it in an appropriate manner, and we appreciate the gentleman working with the subcommittee and the full committee on this language.

Mr. GRAY of Pennsylvania. I want to thank the gentleman from Florida, the distinguished Chair of the subcommittee, for his efforts in drawing up this language, which effectively just strengthens what the Congress decided in the Foreign Service Personnel Reform Act of 1980.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, I have been advised by the State Department that they have no objection to the gentleman's amendment and I am happy to endorse his amendment.

Mr. GRAY of Pennsylvania. I thank the ranking member very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GRAY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SUNDQUIST

Mr. SUNDQUIST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SUNDQUIST: Page 154, after line 24, insert the following new section:

SEC. 1208. EMPLOYEES OF THE UNITED NATIONS.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Congress on whether, and the extent to which, international civil servants employed by the United Nations, including those seconded to the United Nations, are required to return all or part of their salaries to their respective governments. The Secretary shall also include in this report a description of the steps taken by the Department of State and by the United States Representative to the United Nations to correct this practice.

(b) REPORT ON STEPS TO CORRECT PRACTICE.—The Secretary of State shall determine and report to the Congress on whether substantial progress has been made by January 1, 1987, in correcting the practice of international civil servants employed by the United Nations being required to return all or part of their salaries to their respective governments.

(c) REDUCTION IN CONTRIBUTION IF SUBSTANTIAL PROGRESS NOT MADE.—If the Secretary of State determines pursuant to substantial progress has not been made in correcting this practice, the United States shall thereafter reduce the amount of its annual assessed contribution to the United States proportionate share of the salaries of those international civil servants employed by the United States Nations who are returning any portion of their salaries to their respective governments.

Mr. SUNDQUIST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. SUNDQUIST. Mr. Chairman, there are 773 Soviet nationals employed by the United Nations and its specialized agencies. There are another 200 Eastern bloc employees over which the Soviet Union exercises some degree of influence.

The U.S. intelligence community estimates that one-fourth of the Soviets in the U.N. Secretariat are intelligence officers. That means some 200 Soviets who receive U.N. salaries do not have

U.N. duties as their primary function; rather, their primary function is espionage and activities in support of Soviet objectives.

This should not be news to my colleagues. There are numerous public sources which discuss espionage by Soviet employees of the United Nations.

For example, former U.N. Under Secretary General, Arkady Shevchenko, who defected to the United States, reveals the workings of the KGB within the United Nations in his best-selling book, "Breaking With Moscow." Shevchenko says a key duty was to find jobs for KGB agents.

In the June 17 issue of U.S. News & World Report, James Fox of the FBI's Soviet counterintelligence section stated: "They have KGB meetings right in the halls of the U.N."

In a recent public report by the Senate Select Committee on Intelligence, the U.S. intelligence community concluded, "The Soviet Union is effectively using the U.N. Secretariat in the conduct of its foreign relations, and the West is paying for most of it."

The Intelligence Committee report went on to note that some 90 percent of the salaries of Soviet U.N. employees are paid for by contributions from other member states.

This information should be of concern to my colleagues.

Mr. Chairman, we are helping the Soviets in their efforts to subvert the United Nations and to undermine our society through propaganda and espionage. We are, in fact, subsidizing activities against ourselves to the tune of $20 million a year.

How does this occur?

Soviet employees of the United Nations are loaned, or "seconded," to the Secretariat. They are given the salary, status, and privileges of international civil servants. But, in reality, they maintain their position within the Soviet bureaucracy. They are required to turn their U.N. paycheck over to the Soviet mission, which then pays them at the rate of a Soviet employee of the mission. The balance is kept by the Soviet mission.

As I said, this kickback system nets the Soviets $20 million a year.

The Soviets receive a further subsidy when the seconded employee leaves the United Nations. The hard currency contribution to the U.N. pension fund is turned over to the Soviet mission.

The American taxpayer's contribution to the United Nations is thus used to finance activities against our freedoms. Further, we are forced to pay for increased counterintelligence costs. Thus the current system penalizes the taxpayer twice: Once in the amount we pay to the United Nations, and again in what goes to our counterintelligence efforts.

I must ask my colleagues: How would our constituents feel if they knew taxpayers' dollars authorized by this body were used to finance KGB activities in the United States?

I know the American people would be opposed to the use of their taxpayer dollars for Soviet espionage.

My amendment would end the U.S. subsidy for Soviet spying operating from United Nations. It requires the Secretary of State to report on the extent of the kickback system, take measures through the U.S. Representative to the United Nations to correct the situation, and, failing reform, to reduce our assessed contribution by the proportionate share of the amount lost through the kickback system. The burden is placed on the U.N. Secretariat to put its house in order.

It is not the job of the Congress to promote the KGB's use of the United Nations. That is what our contribution indirectly does.

In short, Mr. Chairman, what we are talking about is ending our support for this espionage activity by a foreign national government and its employees in the United Nations. We do not reward, or condone, such behavior by our own citizens.

At a time when the Soviets are nearly $200 million in arrears on their payment to the United Nations, it is outrageous that we are subsidizing them with our U.N. contribution, which accounts for 25 percent of the U.N. budget.

Mr. Chairman, my amendment is very simple. It is the first step in ending our financing of Soviet espionage activities against this country originating from the United Nations. There is no reason the U.S. taxpayer should subsidize this.

It is time that the practice of kickbacks was stopped. This amendment will send an important message to all that this Congress is serious about the problem of Soviet spying.

I urge my colleagues to support this important amendment.

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Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SUNDQUIST. I am delighted to yield to the committee chairman.

Mr. FASCELL. Mr. Chairman, I want to commend the gentleman for calling this matter to the attention of the committee. We agree with the gentleman that we need some way to deal with this problem, and we are ready to accept his amendment.

Mr. SUNDQUIST. Mr. Chairman, I thank the distinguished chairman of the committee.

Mr. GILMAN. Mr. Chairman, if the gentleman will yield, the minority has no objection, and we accept the amendment.

Mr. SUNDQUIST. Mr. Chairman, I thank the gentleman.

Mr. WORTLEY. Mr. Chairman, I would like to express my support for the amendment offered today by Mr. SUNDQUIST of Tennessee to the foreign assistance authorization bill.

The Soviets' U.N. "kickback" scheme described by my friend from Tennessee would be ludicrous if it weren't so disgusting. The United Nations was not established as an income-generating venture for the Soviet Union. It was not established to provide the Soviet Union with a convenient—and lucrative—means of placing hundreds of spies in the United States. It was established to promote world understanding and peace.

It is ironic that the Soviet Union—that "bastion" of socialism—has turned the United Nations into a profitmaking venture. The Soviets are nearly $200 million in arrears on their contribution to the United Nations, yet they are raking in $20 million per year in hard currency.

At the same time, the United States—this model of capitalism—is contributing 25 percent of the total U.N. budget. In effect, we are financing the Soviets' perversion of the U.N. system.

Mr. Chairman, we should not continue to do so.

The United Nations has so far failed to fulfill its responsibility to address Soviet abuse of the organization. Mr. SUNDQUIST's amendment will send a very clear message to the United Nations that the United States will not continue to finance this failure. If the United Nations has not made significant progress in correcting this situation within a year, the United States will reduce its contribution by an amount equal to the Soviet kickbacks.

I congratulate my colleagues for supporting the Sundquist amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SUNDQUIST].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLF. Page 154, after line 24, insert the following new section:

SEC. 1208. REFUGEES IN THAILAND.

(a) APPRECIATION FOR THE RESPONSE OF THE GOVERNMENT OF THAILAND.—The Congress recognizes and expresses appreciation for the extraordinary willingness of the Government of Thailand to respond in a humanitarian way to the influx of refugees fleeing Vietnamese Communist oppression.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Cambodians, Laotians, and Vietnamese seeking asylum and refuge in Thailand should not be involuntarily repatriated or otherwise put at risk; and

(2) every effort should be made to provide increased security for refugees in camps in Thailand which should include an increased

presence by international humanitarian organizations.

(c) REVIEW OF CERTAIN CAMBODIAN REFUGEES.—

(1) The Secretary of State should—

(A) work with the Government of Thailand and the United Nations High Commissioner for Refugees to conduct a review of the status of Cambodians who have not been permitted to register at refugee camps in Thailand; and

(B) implement a humanitarian solution to their plight.

(2) The Secretary of State, with the assistance of appropriate agencies, should conduct a review of those Cambodians who have been rejected for admission to the U.S. to ensure such decisions are consistent with the letter and spirit of United States refugee and immigration law.

(3) The Secretary of State, with the assistance of appropriate agencies, should institute as expeditiously as possible a family reunification program for those refugees in Thailand, including those at the border who have family members in the United States.

(4) The Secretary of State should provide for a program of educational assistance for Cambodians in the border camps and for improved literacy training in all camps.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. Mr. Chairman, I rise today to bring to the attention of my colleagues the plight of Cambodian, Vietnamese and Laotian refugees in Thailand and urge support of an amendment I am offering with the support of my colleagues Congressman JIM LEACH and Congressman STEPHEN SOLARZ.

We are concerned about the humanitarian needs of thousands of people who have been displaced as a result of the Vietnamese occupation of Cambodia. I recently met with members of Concerned Virginians for Cambodian Families who told me of their personal experiences in Thailand. During this meeting I heard accounts of the tragic crimes which occur against Cambodians in Khao I Dang refugee camp.

They described grotesque crimes, including rape, torture, and murder. These Virginians receive news from their relatives who have remained in Thailand indicating that the crimes continue to occur. However, the Western World does not receive news of these crimes because foreign observers are not present in the camps at night, when most of the crimes take place. My amendment expresses the sense of Congress that the protection be provided to the refugees. Additionally, representatives from international humanitarian relief organizations should be allowed to remain in these camps 24 hours a day as witnesses to offer some assurance to the western world that protection is provided to those seeking refuge in the camps.

Residence aspects of the camps is also of great concern. It is vital that camps, such as Khao I Dang, remain open as a camp qualifying under United Nations High Commission on Refugee requirements. Cambodians and Laotians currently in these camps, both registered and unregistered, should be permitted to remain there. Those who are unwilling and afraid to go back to the border or to Cambodia should not be involuntarily repatriated or otherwise put at risk.

Additionally, my amendment would provide for a comprehensive review of all displaced persons who have not been allowed to register at refugee camps. it is my hope that this review would result in registration of all of those people in need of medical and nutritional assistance. Without this reevaluation, denial of registration privileges, which is vital in obtaining food from camp authorities, may continue.

A review of the Cambodian cases which have been rejected for admission to the United States is also appropriate in light of concerns raised that previous review of some cases was inadequate. In the climate of fear in which most Cambodians lived during 1975–79, many learned that authorities could not be trusted. Later, when interviewed by U.S. Immigration personnel, fear was foremost in the minds of these same Cambodians. They were easily intimidated by authority figures and often could not adequately present their cases, resulting in their rejection.

Equally important is the repeated consideration of family reunification cases. I frequently talk to residents of the 10th Congressional District of Virginia who plead for assistance in bringing their families to the United States to join them. Many indicate that if their cases were reconsidered, they believe that their families would be permitted to join them.

Finally, to assist the youth and adults who were not afforded the benefits of an education during the turbulence of the 1975–79, era my amendment would provide that educational programs be initiated to improve literacy training in all camps. I believe that this education would be especially beneficial in presenting the principles of democratic governments. During their stay in the camps many of those seeking refuge would welcome and profit greatly from the opportunity to receive an education.

I sincerely urge my colleagues to join me in support of these recommendations. For the RECORD, I would like to submit an article which recently appeared in the New York Times. The examples of life in Thailand described in this article are heartbreaking and depict the harsh daily reality of the displaced people from Cambodia, Vietnam, and Laos.

[From the New York Times, Mar. 24, 1985]

CAMBODIA REFUGEES HAVE A NEW PROBLEM: BANDITS

(By Barbara Crossette)

ARANYAPRATHET, THAILAND.—Well-armed and organized bandit gangs from the volatile Cambodian war zone are breaking into a lightly guarded Cambodian refugee settlement at night to rob and sometimes kill its unarmed inhabitants, according to residents and international aid officials.

Banditry in this border area is not new. Travelers are periodically attacked and refugee settlements, including the camp of Khao I Dang north of Aranyaprathet; have been robbed in the past.

But what concerns the refugees as well as Thai and international aid workers who administer Khao I Dang and its humanitarian services are the increasing frequency, size and violence of the attacks on the camp.

IN 2 MONTHS 5 ATTACKS

On March 10, Khao I Dang, a thatch and bamboo settlement of more than 30,000 people, was attacked for the fifth time since mid-January. This time, residents said in interviews during a recent visit to the camp, they were the prey of a large Cambodian gang that entered the camp at about 7:30 p.m. and went on a rampage of robbery and terror lasting until about 1 a.m.

And this time, for the first time, residents said, people who could not meet extortion demands were killed. Two women and two children, one 8 months old and the other 4 years old, were shot to death, relatives said, and then blown apart by what was believed to be a grenade.

"Cambodians are again killing Cambodians," said Sou Gaing, the neighborhood section leader.

INTERNATIONAL DONORS CONTACTED

Alarmed by the violence, refugee leaders and international aid workers have relayed their fears to foreign embassies that support relief work. They have also expressed concern to the Bangkok office of the United Nations High Commissioner for Refugees, which is responsible for running the camp, and to local officers of the Thai military-civilian border patrol that provides camp security.

One French aid organization, the Doctors Without Borders, withdrew its night staff for a short period.

Every evening frightened residents, particularly those with homes at the edge of the camp, come to the open area around the compound's offices, hospital and warehouse to sleep huddled together on the ground.

"A PLACE OF TERRORS"

"This place of refuge has become a place of terror," a volunteer worker said, echoing comments heard in many parts of the sprawling camp.

"They came down from the mountain, more than a hundred of them," said Nan Pich, describing the March 10 attack. "First we heard the shooting; then they were here, everywhere in our houses."

Mr. Nan Pich, 28, was squatting by a homemade foxhole as he told of the raid, in which his mother, Sok Hoeum, and his sister Pich Kola died.

He said his mother and her neighbor, Sroy Chborn, had run to hide in the foxhole and were shot "because the women did not have 600 baht"—about $21. Residents of the camp say the standard bandit "fee" per family is 300 baht.

LITTLE SHELTER FROM CROSSFIRE

Sroy Khoeung, Mrs. Sroy Chborn's husband, said the bandits had come to his home three times before killing his wife, who had nothing left to give them. Not having any money himself, Mr. Sroy Khoeug said, he had fled the area at the advice of neighbors who assumed the intruders would not hurt women.

His head shaved in mourning, he sat on his bamboo bed over the foxhole where his wife had sought safety. He said the camp's security force had ordered him to dig the pit in February, when he moved from another part of the camp to the small thatch and bamboo hut. Khao I Dang's houses offer no protection from a cross fire between bandits and troops.

The residents of the camp, some of whom have been here for four or five years and many of whom have repeatedly been rejected for resettlement by Western countries, are classified as political refugees who will not or cannot return to Cambodia.

Their status differs from that of the quarter of a million Cambodians who were pushed into Thailand by recent Vietnamese attacks on rebel bases inside Cambodia. These people are expected to return to Cambodian territory sooner or later.

In the last five years, the population of Khao I Dang has shrunk through emigration from more than 130,000 to just over 30,000, in addition to as many as 5,000 illegal residents—people who steal into the compound hoping to be declared refugees and thus to reach the West.

PERMANENCE SAID TO LURE BANDITS

Resettlement of Cambodians in the United States and other nations has slowed in the last year, however, and the camp's permanence and appearance of relative prosperity increase the temptation for thieves, the refugees and aid workers suggest. Thai officials say they would like to empty this holding center, and they have repeatedly asked Western nations to speed up immigration of the residents.

The camp is not heavily fortified. The single, shoulder-high barbed-wire fence can be easily penetrated from outside, as it is regularly by smugglers who supply the camp's black market.

Residents of the camp say that poorly paid Thai guards occasionally accept money to let the smugglers and would-be refugees enter. But residents interviewed about the growing bandit menace say they do not believe the thugs are gaining access the same way.

Col. Pradab Sangkaew, the Thai camp commander, said in an interview that the bandits "need only wire cutters to get in," and that the area needed stronger defenses against intruders.

The commander said the pattern of armed robberies indicated that the bandits know when a group of refugees is about to be moved to a resettlement processing center. The bandits strike then, apparently believing that the refugees may have some extra money on hand for the move.

He said he thought some camp residents might have an idea who the bandits are, but were reluctant to identify them. Residents who had seen the intruders said only that they were Cambodian-speaking and appeared to be ethnic Cambodians. One bandit was killed on March 10, but he has not been identified.

A spokesman for the Kmer People's National Liberation Front denied suggestions that the armed men could be irregular troops loosely attached to the front's army, the anti-Vietnamese, Cambodian guerrilla force that is predominant in the area. The spokesman added that the front's officers always investigated such charges.

Refugees were asked in interviews where they thought the robbers got their weapons—AK-47 rifles, M-79 grenade launchers and rocket-propelled grenades, according to Colonel Pradab. The refugees said some of the weapons could have come from Liberation Front stocks at bases recently overrun by the Vietnamese, and one said he thought some weapons had been bought from Thai troops.

Thai officials say Khao I Dang has had a small security force because resources are limited at a time when the armed forces have been facing intrusions by Vietnamese troops along the boarder, and when they have also been called on to oversee more than half a dozen major Cambodian evacuation sites.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding.

On behalf of the committee, let me say that we consider this an extraordinarily constructive amendment. It embodies the best instincts of the American people. The continuing tragedy which has befallen Cambodia and the people of that country requires a continuing humanitarian response on the part of the United States. That is what the gentleman's amendment calls for, and I applaud him for his initiative in bringing this proposal before the House.

Mr. WOLF. Mr. Chairman, I want to thank the gentleman for his comments, and I also thank him for his help.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, the moniority has examined the amendment. We commend the gentleman for offering this amendment, and we have no objection to it.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much, and I also wish to thank the chairman of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. WOLF].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title XII?

AMENDMENT OFFERED BY MR. SILJANDER

Mr. SILJANDER. Mr. Chairman, I offer an amendment adding a new title.

The CHAIRMAN. If there are no further amendments to title XII, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SILJANDER: Page 154, after line 24, insert the following new title:

TITLE XIII

SEC. 1301. PROHIBITION ON MILITARY ASSISTANCE FOR MOZAMBIQUE.

None of the funds authorized to be appropriated by this act may be used for military assistance for Mozambique.

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] is recognized for 2 minutes in support of his amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I am happy to yield to the chairman of the committee.

Mr. FASCELL. Mr. Chairman, let me ask the gentleman, is this the same amendment that the gentleman offered in title I?

Mr. SILJANDER. It is similar, but not identically the same, no.

Mr. FASCELL. It would not be out of order in any event, but I just wanted to know.

Mr. SILJANDER. The concept is the same because it bans U.S. military aid to Mozambique. It is the same in that respect.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. SILJANDER] in support of his amendment.

Mr. SILJANDER. Mr. Chairman, we have debated this issue several times today. We recently passed by a vote of 247–177 an amendment banning nonfood economic aid to the Communist regime in Mozambique.

What this amendment does is it goes a step further. It simply bans U.S. direct military aid to the Marxist regime in that country. There is absolutely no reason that this Nation should be involved in military assistance to a Communist nation. They have as yet not been weaned away, as they say, from the East toward the West, so until that happens, Mr. Chairman, I believe very strongly that this Congress obviously supports this concept that we should ban U.S. military aid to a Communist country.

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. WOLPE] rise?

Mr. WOLPE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] is recognized for 2 minutes.

Mr. WOLPE. Mr. Chairman, the House in fact has debated this issue previously. In fact, we even had one previous vote on the subject. The administration is opposed to the amendment, the committee is opposed to the amendment, and I urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SILJANDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment that would create a new title, title XIV.

Mr. FRENZEL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. FRENZEL] reserves a point of order on the amendment, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 154, after line 24, insert the following new section:

TITLE XIII.—BAN ON IMPORTING URANIUM AND COAL FROM SOUTH AFRICA AND NAMIBIA

(a) PROHIBITION.—Notwithstanding any other provision of law, the following products of South Africa and Namibia may not be imported into the customs territory of the United States: coal, uranium ore, and uranium oxide.

(b) EFFECTIVE DATE.—The prohibition contained in subsection (a) shall not apply to a contract or agreement entered into before the date of the enactment of this Act.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There as no objection.

The CHAIRMAN. The gentleman from New Mexico [Mr. RICHARDSON] is recognized for 2 minutes in support of his amendment.

Mr. RICHARDSON. Mr. Chairman, this amendment sends two signals. First of all, it sends a signal to American miners and workers who have been displaced by imports in the areas of coal and uranium throughout this country, especially uranium, that the United States stands behind them. This is a jobs amendment, protecting American jobs from imports.

Second, it also sends a signal to the Government of South Africa that continues to practice its reprehensible apartheid policies and that the United States will not tolerate this racism. It also sends another signal that we disapprove of South Africa's recent incursions that are detrimental to the peace in the area.

Mr. Chairman, I would like to add that this amendment does not in any way include any tariffs, duties, or import fees. According to the tariff schedule of the United States for 1985, there are none of these duties, fees or tariffs on coal and uranium.

I would also like to point out that this bill contains other important restrictions. The gentleman from California [Mr. HUNTER] and the gentleman from New York [Mr. GILMAN] offered those amendments. I ask for support of this amendment.

Mr. Chairman, this amendment would prohibit the imports into the United States of coal, uranium oxide, and uranium ore.

This amendment will not cost the Treasury any money in duties or tariffs—there are no duties, tariffs, or import fees on coal, uranium ore, or uranium oxide (this is according to the tariff schedules of the United States for 1985). The Richardson amendment would not affect existing contracts.

ON SOUTH AFRICAN/NAMIBIAN URANIUM COMING INTO THE UNITED STATES

From 1953 to 1971, the United States imported 43,250 tons of South African uranium worth $450 million for its weapons program.

Since 1971, imports have been from enrichment and reexport and for use in domestic nuclear power plants. DOE estimates of import amounts are as follows:

1978: 552,493 kg raw uranium and 5.28 kg spent fuel; 1979: 373,517 kg raw uranium; 1980: 546,873 kg raw uranium; 1981: 1,015,142 kg raw uranium; 1982: 2,200,000 kg raw uranium; and 1983: 2,500,000 kg raw uranium.

Out of 362 U.S. uranium mines, 347 are not operating today. Uranium industry representatives inform us that U.S. domestic producers could make up the shortfall. While we would prefer domestic producers to make up the shortfall, Canada also has huge uranium reserves. Canada is now the largest producer of uranium in the world—one Canadian field has enough uranium to fuel every U.S. reactor for more than 5 years (Key Lake, Saskatchewan).

In 1983, a total of 2,038,000 pounds of uranium (U^{308}) were delivered to DOE enrichment plants, some 46 percent of the total foreign uranium.

Between 1981 and 1983, uranium imports from South Africa increased by 350 percent.

Eighteen U.S. utilities used over 2,500 tons of South African and Namibian uranium in 1983.

Bob Wolcott of UNEXCO, a top uranium broker, estimates the U.S. could be buying as much as 10 million pounds of South African uranium by 1995.

Today, only 4,000 uranium miners are working in the U.S. in addition, the number of uranium mines have shrunk from 362 to only 15 today.

ON SOUTH AFRICAN COAL COMING INTO THE UNITED STATES

Despite the fact that our country has among the largest coal deposits in the world, we still continue to increase our coal imports from South Africa. Our electric utility companies have imported almost 7 million tons of South African coal.

The American coal industry is stagnating—between 60,000 to 100,000 coal miners are out of work.

The U.S. coal industry can make up for loss of South African coal. According to Courier Journal, dated May 1, 1985—"Coal excesses range from 200-220 million tons despite 81.3 million in exports in 1983."

South Africa is the largest importer of coal into the United States. We imported 612,447 tons of coal from South Africa in 1984.

During the last 2 years South Africa has obtained almost $43 million in foreign exchange from coal exports to the United States.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to my colleague, the chairman of the Subcommittee on Africa.

Mr. WOLPE. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman for offering his amendment. I would like to have been able to give him my support on another bill earlier, but because it was an inappropriate vehicle I could not do so. Now I can.

This is an important amendment. I might point out that Sweden has recently imposed a very similar coal ban to that which is contemplated in this amendment. So the United States would not be the first to take this kind of initiative.

The uranium import sanction would strike at the fourth largest South African import to the United States. While U.S. jobs in the uranium industry are disappearing, uranium produced by cheap labor in South Africa and South Africa-occupied Namibia is being exported to the United States in increasing amounts.

Mr. Chairman, this amendment makes sense both in terms of American jobs and in terms of American policy toward South Africa. I thank the gentleman for offering it.

Mr. GRAY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to my colleague, the gentleman from Illinois.

Mr. GRAY of Illinois. Mr. Chairman, I thank my distinguished friend for yielding.

I rise in support of the amendment offered by my friend, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. Chairman, we have thousands of unemployed coal miners in southern Illinois and throughout the Nation, and I think it is inexcusable that we allow foreign countries to export coal to the United States at the expense of our American coal miners.

This is a forthright and important amendment, and I urge all my colleagues to support it.

POINT OF ORDER

The CHAIRMAN. The Chair will inquire, does the gentleman from Minnesota [Mr. FRENZEL] insist on his point of order?

Mr. FRENZEL. I do, Mr. Chairman. May I be heard?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FRENZEL. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] on the ground that it violates clause 7 of rule XVI of the rules of the House and is not germane to the bill. Clause 7 of rule XVI provides that no motion or proposition on a subject different from that under consideration shall be considered under color of amendment. One test of germaneness is whether the fundamental purpose of the amendment is germane to the fundamental purpose of the bill or title.

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Another test of germaneness of whether the amendment is within the jurisdiction of the committee reporting the bill.

The sole purpose of the amendment is to prohibit the importation of uranium and coal from South Africa. Clearly this is a measure within the jurisdiction of the Committee on Ways and Means.

The bill as reported amends various acts within the jurisdiction of the Committee on Foreign Affairs. The fundamental purpose of the bill is to authorize appropriations for foreign development and security assistance programs for the fiscal year 1986.

The bill as reported contains no provisions to impose import prohibitions or other restrictions or sanctions on any product from South Africa or from any other country.

There were two amendments added yesterday which have already been referenced.

The only limitations in the bill as reported, however, relate to the use of foreign aid funds.

The amendment clearly does not relate to the subject matter or to the fundamental purpose of the bill or the title, since there is no fundamental purpose of the title pending.

The subject matter of the amendment, or rather the current title, now includes a matter relating to Mozambique, not to any import restrictions.

The subject matter of the amendment is also not within the jurisdiction of the committee reporting the bill.

Mr. Chairman, in my judgment, for all these reasons, the amendment fails every test of germaneness and I urge that the point of order be sustained.

The CHAIRMAN. Does the gentleman from New Mexico wish to be heard on the point of order?

Mr. RICHARDSON. Yes, I do, Mr. Chairman.

First of all, let me state that this is an issue of foreign relations between the Governments of the United States and South Africa.

Second, in this bill there have been import restrictions imposed on terrorist countries; Libya, Ethiopia, the Gilman amendment, the Hunter amendment.

Let me also make the case that this bill does not affect any tariffs, any duties or import fees, according to the tariff schedules of the United States for 1985.

This is a foreign relations matter. It is an important foreign policy statement between the United States and South Africa and it does not affect the jurisdiction of the Ways and Means Committee.

The CHAIRMAN (Mr. AUCOIN). The Chair is prepared to rule.

The pending amendment is not an amendment to the Mozambique amendment which just inserted a new title XIII, but rather a new title XIV. As a new title to the bill at the end of the bill, the test of germaneness is whether it is germane to the bill as a whole.

Title IV of the bill has been amended to include several import restrictions, specifically the Hunter amendment regarding imports from countries which harbor terrorists, and the Gilman amendment to the Miller amendment relating to imports from Libya.

Therefore, the Chair finds that the amendment is germane to the bill as a whole in its amended form and the point of order is overruled.

Does any Member wish to speak in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment was agreed to.

● Mr. CRANE. Mr. Chairman, H.R. 1555, the Foreign Assistance Act authorization, contains a provision in title VII that is in many ways a radical departure from previous U.S. policy. This section recommends that the President pursue expanded use of employee stock ownership plans in Central America and the Caribbean as a means of promoting political and economic pluralism and strengthening democratic institutions. The entire concept of expanded capital ownership is one that deserves our fullest attention and our careful consideration, for it could turn the tide of socialism that has plagued our neighbors to the south for the past decade.

Karl Marx's answer to economic injustice caused by the concentration of wealth in the hands of the few was to wage class warfare and abolish all private ownership of the means of production. For years capitalism has seemed unable to provide a convincing rejoinder to this Marxist siren's call of common ownership by all, even though socialism as an economic system has failed miserably at every turn. The slogans were too appealing and the lure was too great for those who did not hold power, and many underdeveloped countries turned to socialism to solve their problems and correct the inequities that had existed for centuries. More often than not, however, the adoption of socialism was accompanied by violence, oppression, economic chaos, and tremendous suffering. And yet, lemming-like, one underdeveloped country after another has embraced Marx's erroneous ideas and theories and begun to suffer like those before them.

But now, for the first time, there has begun to appear a convincing and workable alternative to Marx's plan. This alternative, which is called expanded capital ownership, provides a tangible option to the world's underdeveloped countries, one which promises true economic democracy as well as increased productivity. The beauty of expanded capital ownership lies in its simplicity: The employees of corporations gain an ownership stake in the corporation for which they work. This is capitalism in its purest form.

If we are to prevent the Soviets and their proxies from achieving success in Central and South America, as well in other parts of the world, it is imperative that we seize the high ground in the ideological battle being waged. Expanded capital ownership provides us with a weapon that will put us on that high ground. I hope that my colleagues will enthusiastically support this important provision of H.R. 1555, and thereby implement our best tool in our struggle against socialism—capitalism itself.●

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BROOMFIELD: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Security and Development Cooperation Act of 1985".

TITLE I—MILITARY SALES AND RELATED PROGRAMS

SEC. 101. FOREIGN MILITARY SALES CREDIT AUTHORIZATIONS AND AGGREGATE CEILINGS.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The first sentence of section 31(a) of the Arms Export Control Act is amended to read as follows: "There are authorized to be appropriated to the President to carry out this Act $5,463,414,000 for fiscal year 1986 and $5,463,414,000 for fiscal year 1987.".

(b) FY 1986 AND FY 1987 FMS PROGRAMS.—Sections 31(b) and (c) of such Act are amended to read as follows:

"(b) AGGREGATE CEILING AND TERMS FOR FMS CREDITS.—

"(1) ANNUAL AGGREGATE CEILING.—The total amount of credits extended under section 23 of this Act shall not exceed $5,463,414,000 for fiscal year 1986 and $5,463,414,000 for fiscal year 1987.

"(2) AGGREGATE CEILING ON CONGRESSIONAL FINANCING.—Of the aggregate amount of financing provided under this section, not more than $553,900,000 for fiscal year 1986 and not more than $553,900,000 for fiscal year 1987 may be made available at concessional rates of interest. If a country is released from its contractual liability to repay the United States Government with respect to financing provided under this section, such financing shall not be considered to be financing provided at concessional rates of interest for purposes of the limitation established by this paragraph.

"(3) AUTHORIZATION FOR EXTENDED REPAYMENT TERMS.—For fiscal year 1986 and fiscal year 1987, the principal amount of credits provided under this section at market rates of interest with respect to Greece, the Republic of Korea, Portugal, Spain, Thailand, and Turkey shall (if and to the extent each country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.

"(c) COUNTRY-SPECIFIC PROVISIONS.—

"(1) ISRAEL.—

"(A) EARMARKING.—Of the aggregate total of credits extended under section 23 of this Act, not less than $1,800,000,000 for fiscal year 1986 and not less than $1,800,000,000 for fiscal year 1987 shall be available only for Israel.

"(B) FORGIVENESS.—Israel shall be released from its contractual liability to repay the United States Government with respect to the credits provided pursuant to subparagraph (A).

"(C) LAVI PROGRAM.—Of the amounts made available for Israel under section 23 of this Act—

"(i) up to $150,000,000 for fiscal year 1986 and up to $150,000,000 for fiscal year 1987 shall be for research and development in the United States for the Lavi program, and

"(ii) not less than $250,000,000 for fiscal year 1986 and not less than $250,000,000 for fiscal year 1987 shall be made available for the procurement in Israel of defense articles and defense services (including research and development) for the Lavi program, if Israel wishes to use those funds for that purpose.

"(2) EGYPT.—

"(A) EARMARKING.—Of the total amount of credits extended under section 23 of this Act, not less than $1,300,000,000 for fiscal year 1986 and not less than $1,300,000,000 for fiscal year 1987 shall be available only for Egypt.

"(B) FORGIVENESS.—Egypt shall be released from its contractual liability to repay the United States Government with respect to the credits extended pursuant to subparagraph (A).

"(3) GREECE.—

"(A) TERMS OF CONCESSIONAL CREDITS.—For each of the fiscal years 1986 and 1987, of the total amount of credits extended for Greece under section 23 of this Act, Greece shall receive the same proportion of credits extended at concessional rates of interest as the proportion of credits extended at concessional rates of interest which Turkey receives from the total amount of credits extended for Turkey under section 23 of this Act, and the average annual rate of interest on the credits extended for Greece at concessional rates of interest shall be comparable to the average annual rate of interest on the credits extended for Turkey at concessional rates of interests.

"(B) INAPPLICABILITY OF CEILING ON CONCESSIONAL CREDITS.—Credits extended for Greece for each of the fiscal years 1986 and 1987 at concessional rates of interest shall not be counted toward any ceiling established by law on concessional financing under this Act.".

SEC. 102. TERMS OF FOREIGN MILITARY SALES CREDITS.

Section 23 of the Arms Export Control Act is amended to read as follows:

SEC. 23. FOREIGN MILITARY SALES CREDITS.

"(a) AUTHORITY TO FINANCE PROCUREMENT.—The President is authorized to finance the procurement of defense articles, defense services, and design and construction services by friendly foreign countries and international organizations, on such terms and conditions as he may determine consistent with the requirements of this section.

"(b) REPAYMENT PERIOD.—The President shall require repayment in United States dollars within a period not to exceed twelve years after the loan agreement with the country or international organization is signed on behalf of the United States Government, unless a longer period is specifically authorized by statute for that country or international organization.

"(c) INTEREST RATES.—

"(1) GENERAL AUTHORITY.—The President shall charge interest under this section at such rate as he may determine, subject to the limitations contained in paragraph (2) and other provisions of law.

"(2) MINIMUM INTEREST RATES.—The interest rate charged under this section may not be less than—

"(A) 5 percent per year, or

"(B) the rate which is 7 percentage points less than the current average interest rate (as of the last day of the month preceding the financing of the procurement) that the United States Government pays on outstanding marketable obligations of comparable maturity,

whichever is greater.

"(3) DEFINITIONS OF CONCESSIONAL AND MARKET RATES.—For purposes of financing provided under this section—

"(A) the term 'concessional rate of interest' means any rate of interest which is less than market rates of interest; and

"(B) the term 'market rate of interest' means any rate of interest which is equal to or greater than the current average interest rate (as of the last day of the month preceding the financing of the procurement under this section) that the United States Government pays on outstanding marketable obligations of comparable maturity.

"(d) PARTICIPATIONS IN CREDITS.—References in any law to credits extended under this section shall be deemed to include reference to participations in credits.".

SEC. 103. MILITARY ASSISTANCE.

Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $805,100,000 for fiscal year 1986 and $805,100,000 for fiscal year 1987.".

SEC. 104. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 542 of the Foreign Assistance Act of 1961 is amended to read as follows:

SEC. 542. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out the purposes of this chapter $56,221,000 for fiscal year 1986 and $56,221,000 for fiscal year 1987.".

SEC. 105. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $37,000,000 for fiscal year 1986 and $37,000,000 for fiscal year 1987.".

SEC. 106. GUARANTEE RESERVE.

The second sentence of section 24(c) of the Arms Export Control Act is amended to read as follows: "Funds authorized to be appropriated by section 31(a) to carry out this Act, which are allocated for credits at market rates of interest, may be used to pay claims under such guarantees to the extent funds in the single reserve are inadequate for that purpose.".

SEC. 107. FULL COSTING OF FMS SALES OF TRAINING AND IMET PROGRAMS.

(a) FMS SALES.—Section 21(a)(3) of the Arms Export Control Act is amended to read as follows:

"(3) in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service.".

(b) IMET.—Section 644(m) of the Foreign Assistance Act of 1961 is amended—

(1) by amending paragraph (4) to read as follows:

"(4) with respect to a defense service or military education and training, the full cost to the United States Government of furnishing such assistance; and"; and

(2) in paragraph (5) by striking out "military education and training or" and by striking out "assistance" and inserting in lieu thereof "services".

SEC. 108. ADMINISTRATIVE SURCHARGE.

Subparagraph (A) of section 21(e)(1) of the Arms Export Control Act is amended by inserting "(excluding a pro rata share of fixed base operation costs)" immediately after "full estimated costs".

SEC. 109. CONTRACT ADMINISTRATION SERVICES.

Section 21(h) of the Arms Export Control Act is amended by inserting "contract administration services," immediately after "inspection," in the text preceding paragraph (1).

SEC. 110. CATALOG DATA AND SERVICES.

Section 21(h) of the Arms Export Control Act is further amended—

(1) by inserting "(1)" immediately after "(h)";

(2) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) by adding at the end thereof the following:

"(2) In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.".

SEC. 111. REPORT ON INTERNATIONAL VOLUME OF ARMS TRAFFIC.

Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a) by striking out "No later than February 1" and inserting in lieu thereof "Except as provided in subsection (d) of this section, no later than February 1"; and

(2) by adding at the end thereof the following new subsection:

"(d) The information required by subsection (a)(4) of this section shall be transmitted to the Congress no later than April 1 of each year.".

SEC. 112. SECURITY ASSISTANCE SURVEYS.

(a) SURVEYS SUBJECT TO REQUIREMENTS.—Section 26 of the Arms Export Control Act is amended—

(1) in the section caption, by striking out "DEFENSE REQUIREMENT" and inserting in lieu thereof "SECURITY ASSISTANCE";

(2) by striking out "defense requirement" each place it appears in the section and inserting in lieu thereof "security assistance"; and

(3) by adding at the end of the section the following new subsection:

"(d) As used in this section, the term 'security assistance surveys' means any survey or study conducted in a foreign country by United States Government personnel for the purpose of assessing the needs of that country for security assistance, and includes defense requirement surveys, site surveys, general surveys or studies, and engineering assessment surveys.".

(b) SUBMISSION OF SURVEYS TO CONGRESS.—Section 26(c) of such Act is amended by striking out "grant that committee access to" and inserting in lieu thereof "submit to that committee copies of".

SEC. 113. QUARTERLY REPORTS ON UNITED STATES MILITARY ADVISORS ABROAD.

Section 36(a)(7) of the Arms Export Control Act is amended to read as follows:

"(7) an estimate of—

"(A) the number of United States military personnel, the number of United States Government civilian personnel, and the number of United States civilian contract personnel, who were in each foreign country at the end of that quarter, and

"(B) the number of members of each such category of personnel who were in each country in Central America for longer than 29 days during that quarter,

in implementation of sales and commercial exports under this Act or of assistance under chapter 2, 5, 6, or 8 of part II of the Foreign Assistance Act of 1961, including both personnel assigned to the country and personnel temporarily in the country by detail or otherwise;".

SEC. 114. INCREASE IN CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS OF THE ARMS EXPORT CONTROL ACT.

(a) CRIMINAL PENALTIES.—Section 38(c) of the Arms Export Control Act is amended by striking out "not more than $100,000 or imprisoned not more than two years, or both" and inserting in lieu thereof "for each violation not more than $1,000,000 or imprisoned not more than ten years, or both".

(b) CIVIL PENALTIES.—Section 38(e) of such Act is amended by adding at the end thereof the following: "Notwithstanding section 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services under this section may not exceed $500,000.".

(c) EFFECTIVE DATE.—This section shall take effect upon the date of enactment of this Act or October 1, 1985, whichever date is later. The amendments made by this section apply with respect to violations occurring after the effective date of this section.

SEC. 115. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.

Section 43 of the Arms Export Control Act is amended—

(1) in subsection (b) by inserting "and official reception and representation expenses" immediately after "administrative expenses"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not more than $72,500 of the funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of this Act may be used each fiscal year for official reception and representation expenses.".

SEC. 116. SPECIAL DEFENSE ACQUISITION FUND.

(a) CONTINUOUS ORDERS FOR CERTAIN ARTICLES AND SERVICES.—Section 51(a) of the Arms Export Control Act is amended by adding at the end thereof the following new paragraph:

"(3) The Fund may be used to keep on continuous order such defense articles and defense services as are assigned by the Department of Defense for integrated management by a single agency thereof for the common use of all Military Departments in anticipation of the transfer of similar defense articles and defense services to foreign countries and international organizations pursuant to this Act, the Foreign Assistance Act of 1961, or other law.".

(b) LIMITATIONS ON DEPOSITS IN THE FUND.—Section 51(b) of such Act is amended to read as follows:

"(b)(1) Subject to paragraph (2) of this subsection, the Fund shall consist of collections from sales made under letters of offer, or transfers made under the Foreign Assistance Act of 1961, of defense articles and defense services acquired under this chapter (representing the value of such items calculated in accordance with paragraph (2) or (3) of section 21(a) or section 22 of this Act or section 644(m) of the Foreign Assistance Act of 1961, as appropriate), together with such funds as may be authorized and appropriated or otherwise made available for the purposes of the Fund.

"(2) Whenever—

"(A) the value (in terms of acquisition cost) of the defense articles and defense services acquired under this chapter which have not been transferred from the Fund in accordance with this chapter, plus

"(B) the amount of contracts to acquire defense articles and defense services under this chapter,

exceeds $500,000,000, the collections described in paragraph (1) shall be deposited in the Treasury as miscellaneous receipts.".

SEC. 117. WAIVER OF NET PROCEEDS FOR SALE OF MAP ITEMS.

Section 505(f) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "In the case of items which were delivered prior to 1975, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so in the national interest of the United States.".

SEC. 118. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $360,000,000 for fiscal year 1986 and shall not exceed $125,000,000 for fiscal year 1987.".

SEC. 119. SECURITY ASSISTANCE ORGANIZATIONS.

Section 515(c)(1) of the Foreign Assistance Act of 1961 is amended in the last sentence by striking out "For the fiscal year 1982 and the fiscal year 1983" and inserting in lieu thereof "Pakistan, Tunisia, El Salvador, Honduras, Venezuela".

SEC. 120. EXCHANGE TRAINING.

Chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 544. EXCHANGE TRAINING.

"In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.".

SEC. 121. TRAINING IN MARITIME SKILLS.

(a) AUTHORIZATION.—Chapter 5 of part II of the Foreign Assistance Act of 1961 is further amended by adding at the end thereof the following new section:

"SEC. 545. TRAINING IN MARITIME SKILLS.

"The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this chapter for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills.".

(b) EXEMPTION.—Section 660(b) of such Act is amended—

(1) by striking out "or" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by adding the following new clause after clause (2):

"(3) with respect to assistance, including training, in maritime law enforcement and other maritime skills.".

SEC. 122. SPECIAL WAIVER AUTHORITY.

Section 614(a)(4) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(4)(A) The authority of this subsection may not be used in any fiscal year to authorize—

"(i) more than $750,000,000 in sales to be made under the Arms Export Control Act;

"(ii) the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act; and

"(iii) the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law.

"(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this Act with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

"(C) Not more than $50,000,000 of the $250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active Communist or Communist-supported aggression, and not more than $500,000,000 of the aggregate limitation of $1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.".

SEC. 123. REPROGRAMMING REQUIREMENTS.

(a) REPROGRAMING NOTIFICATIONS.—Section 63A of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "None";

(2) by inserting "or the Arms Export Control Act" immediately after "disaster relief and rehabilitation)" and immediately after "this Act" the second place it appears; and

(3) by adding at the end of the section the following new subsection:

"(b) The notification requirement of this section does not apply to the reprograming of less than $25,000 for use under chapter 8 of part I, or for use under chapter 5 of part II, for a country for which a program under that chapter for that fiscal year was justified to the Congress.".

(b) ALLOCATION REPORTS.—Section 653 of such Act is amended—

(1) by inserting in subsection (a) "or the Arms Export Control Act" immediately after "sections 451 or 637)";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(c) QUARTERLY REPORTS.—Section 36(a) of the Arms Export Control Act is amended—

(1) in paragraph (5) by striking out "cash" and by striking out ", credits to be extended under section 23, and guaranty agreements to be made under section 24"; and

(2) in paragraph (6) by striking out "cash" and by striking out "and credits expected to be extended".

SEC. 124. CONVENTIONAL ARMS TRANSFERS.

The President shall submit to the Congress a report which examines and analyzes United States policies concerning the export of conventional arms, especially sophisticated weapons, and possible approaches to developing multilateral limitations on conventional arms sales. This report shall examine and analyze—

(1) the lessons of earlier offorts to negotiate restraints on the export of conventional arms;

(2) the evolution of recipient country attitudes regarding conventional arms transfers;

(3) the prospects for engaging the Soviet Union in serious discussions concerning arms transfers, both globally and as they relate to regional security problems;

(4) possible measures by the United States and Western European supplies to control levels of sophisticated weapons sales, both regionally and globally;

(5) the relationship between arms exports by Western European countries and the needs of those countries to support their domestic procurement programs; and

(6) the timing and phasing of international conventional arms control negotiations. This report should be unclassified to the extent possible, with classified addenda if necessary.

SEC. 125. FOREIGN MILITARY SALES FOR JORDAN.

(a) MIDDLE EAST PEACE.—The foreign military sales financing authorized by this Act for Jordan is provided and increased in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 and the Camp David Accords in order to resolve the state of war between those two countries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that no sales of sophisticated weaponry—specifically advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems—be made to Jordan unless the Government of Jordan is publicly committed to the recognition of Israel and to prompt entry into direct peace negotiation with Israel.

SEC. 126. CERTIFICATION CONCERNING AWACS SOLD TO SAUDI ARABIA.

(a) THE PRESIDENT'S 1981 AWACS, COMMUNICATION TO THE SENATE.—(1) The Congress finds that in his October 28, 1981, communication to the Senate concerning the proposed sale of AWACS aircraft and F-15 enhancement items to Saudi Arabia which was then being reviewed by the Congress (hereafter in this section referred to as the "1981 AWACS communication"), the President stated the following:

"Transfer of the AWACS will take place . . . only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that the following conditions have been met:

"1. Security of Technology

"A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and

"B. The security provisions are no less stringent than measures employed by the U.S. for protection and control of its equipment of like kind outside the continental U.S.; and

"C. The U.S. has the right of continual on-site inspection and surveillance by U.S. personal of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties; and

"D. Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and

"E. Computer software, as designated by the U.S. Government, will remain the property of the USG.

"2. Access to Information

"That Saudi Arabia has agreed to share with the United States continuously and completely the information that it acquires from use of the AWACS.

"3. Control Over Third-Country Participation

"A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the U.S. without the prior, explicit mutual consent of both governments; and

"B. There are in place adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutal consent of the two governments.

"4. AWACS Flight Operations

"That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for defensive purposes as defined by the United States, in order to maintain security and regional stability.

"5. Command Structure

"That agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

"6. Regional Peace and Security

"That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.".

(2) The Congress finds that the President also stated in the 1981 AWACS communication that should circumstances arise that might require changes in the arrangements described in that communication, "they would be made only with Congressional participation".

(b) REQUIREMENT FOR PRESIDENTIAL CERTIFICATION.—As provided in the 1981 AWACS communication, before the E-3A airborne warning and control system (AWACS) aircraft which were the subject of that communication are transferred to Saudi Arabia, the President shall submit to the Congress a written Presidential certification, containing agreements with Saudi Arabia, that the conditions set forth in that communication have been met.

(c) CONGRESSIONAL PARTICIPATION IN CHANGES IN AWACS ARRANGEMENTS.—In order to facilitate the congressional participation provided for in the 1981 AWACS communication, the President shall notify the Congress promptly of any changes being considered by the United States in the arrangements described in that communication.

SEC. 127. COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense may carry out the European air defense agreements. In carrying out those agreements, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) SPECIAL AUTHORITIES.—In connection with the administration of the European air defense agreements, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act;

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency—

(A) for the supply of logistical support in Europe for the Patriot missile system, and

(B) for the acquisition of such logistical support,

to the extent that the Secretary determines that the procedures of that Agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of set-up charges of facilities for use by that Agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) deliver to the Federal Republic of Germany one Patriot missile fire unit config-

ured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the requirement in section 22 of that Act for payment in advance of delivery for any purchase under that Act.

(c) RATE CHARGED FOR CERTAIN SERVICES.—Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act for services furnished by the United States, in the case of 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under the Arms Export Control Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

(d) LIMITATION ON CONTRACT AUTHORITY.—The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds, other than those made available under section 31 of the Arms Export Control Act, are available for that purpose.

(e) RELATION TO FY 1985 AUTHORIZATION.—The authorities provided by this section are an extension of, and not in addition to, the authorities provided by section 1007 of the Department of Defense Authorization Act, 1985 (98 Stat. 2579), relating to the authority of the Secretary of Defense to carry out the European air defense agreements during fiscal year 1985.

(f) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENTS.—For the purposes of this section, the term "European air defense agreements" means—

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe," signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe," signed on July 12, 1984.

SEC. 128. CEILING ON MILITARY ASSISTANCE FOR TURKEY.

For each of the fiscal years 1986 and 1987, the aggregate total of assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 and financing under the Arms Export Control Act provided for Turkey may not exceed $711,428,570.

TITLE II—ECONOMIC SUPPORT FUND

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $3,830,400,000 for fiscal year 1986 and $3,830,400,000 for fiscal year 1987. In addition to the amount appropriated by Public Law 98-473, there are authorized to be appropriated to the President to carry out this chapter $1,500,000,000 for fiscal year 1985, which shall be available only for Israel.".

(b) REPEAL OF PRIOR YEAR PROVISIONS.—Chapter 4 of part II of such Act is amended by repealing existing sections 532, 533, 534, 536, 537, 538, 539, and 540.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 202. EMERGENCY ASSISTANCE.

Section 535 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1982" and "1983" inserting in lieu thereof "1986" and "1987", respectively; and

(2) by redesignating that section as section 532.

SEC. 203. ASSISTANCE FOR THE MIDDLE EAST.

(a) ISRAEL.—

(1) EARMARKINGS FOR ISRAEL.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $1,200,000,000 for fiscal year 1986 and not less than $1,200,000,000 for fiscal year 1987 shall be available only for Israel.

(2) CASH TRANSFERS TO ISRAEL.—The total amounts of funds allocated for Israel under chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and fiscal year 1987 shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis in the first 30 days of the respective fiscal year or within 30 days after the date of enactment of this Act, whichever date is later. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

(b) EGYPT.—

(1) EARMARKINGS FOR EGYPT.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $815,000,000 for fiscal year 1986 and not less than $815,000,000 for fiscal year 1987 shall be available only for Egypt.

(2) CASH TRANSFERS TO EGYPT.—Amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated for assistance for Egypt for fiscal year 1986 and fiscal year 1987 may be provided as a cash transfer only if—

(A) the President determines that Egypt will undertake economic reforms or development activities which are additional to those which would be undertaken in the absence of the cash transfer, and

(B) at least 15 days before the cash transfer occurs, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprograming notifications pursuant to section 634A of the Foreign Assistance Act of 1961, such notification to include a description of the additional economic reforms or development activities Egypt will undertake.

(c) COOPERATIVE SCIENTIFIC AND TECHNOLOGICAL PROJECTS.—It is the sense of the Congress that, in order to continue to build the structure of peace in the Middle East, the United States should finance, and where appropriate participate in, cooperative projects of a scientific and technological nature involving Israel and Egypt and other Middle East countries wishing to participate. These cooperative projects should include projects in the fields of agriculture, health, energy, the environment, education, water resources, and the social sciences.

SEC. 204. ASSISTANCE FOR CYPRUS.

(a) FISCAL YEARS 1986 AND 1987.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $15,000,000 for fiscal year 1986 and not less than $15,000,000 for fiscal year 1987 shall be available only for Cyprus.

(b) CYPRUS PEACE AND RECONSTRUCTION FUND.—

(1) AUTHORIZATION.—In addition to amounts otherwise available for assistance for Cyprus under chapter 4 of part II of the Foreign Assistance Act of 1961, there is authorized to be appropriated $250,000,000 for fiscal year 1985 to provide assistance for Cyprus, subject to paragraph (2).

(2) CERTIFICATION REQUIRED.—The additional assistance for Cyprus authorized by paragraph (1) may be provided only if the President certifies to the Congress that an agreement has been concluded by the Greek and Turkish Cypriots which is supported by Greece and Turkey and which achieves substantial progress toward settlement of the Cyprus dispute. Such an agreement should include an agreement on Varosha/Famagusta, foreign troop levels in the Republic of Cyprus, the disposition of the international airport on Cyprus, or other significant steps which are evidence of substantial progress toward an overall settlement of the Cyprus dispute.

(3) EXTENDED AVAILABILITY OF FUNDS.—Funds authorized to be appropriated by paragraph (1) may be appropriated in subsequent fiscal years if not appropriated for fiscal year 1985, and when appropriated shall remain available until expended.

SEC. 205. RESTRICTION ON USE OF FUNDS FOR NUCLEAR FACILITIES.

Funds authorized to be appropriated to carry out chapter of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 or fiscal year 1987 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that such country is a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America (the "Treaty of Tlatelolco"), cooperates fully with the International Atomic Energy Agency, and pursues nonproliferation policies consistent with those of the United States.

TITLE III—DEVELOPMENT ASSISTANCE

SEC. 301. DEVELOPMENT ASSISTANCE POLICY.

Section 102(b) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraphs:

"(13) United States encouragement of policy reforms is necessary if developing countries are to achieve economic growth with equity.

"(14) Development assistance should, as a fundamental objective, promote private sector activity in open and competitive markets in developing countries, recognizing such activity to be a productive and efficient means of achieving equitable and long term economic growth.

"(15) United States cooperation in development should recognize as essential the need of developing countries to have access to appropriate technology in order to improve food and water, health and housing, education and employment, and agriculture and industry.

"(16) United States assistance should focus on establishing and upgrading the in-

stitutional capacities of developing countries in order to promote long term development. An important component of institution building involves training to expand the human resource potential of people in developing countries.".

SEC. 302. AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.

Section 103(a)(2) of the Foreign Assistance Act of 1961 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $760,551,000 for fiscal year 1986 and $760,551,000 for fiscal year 1987. Of these amounts, the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980.".

SEC. 303. POPULATION AND HEALTH.

Section 104(g) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(g) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(A) $250,017,000 for fiscal year 1986 and $250,017,000 for fiscal year 1987 to carry out subsection (b) of this section; and

"(B) $146,427,000 for fiscal year 1986 and $146,427,000 for fiscal year 1987 to carry out subsection (c) of this section.

"(2) Funds appropriated under this subsection are authorized to remain available until expended.".

SEC. 304. LIMITATIONS ON USE OF POPULATION PLANNING FUNDS.

(a) LIMITATIONS.—Section 104(f) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"(4)(A) In view of reports of infanticide and coerced abortion, none of the funds made available to carry out this part may be used to carry out population planning programs in the People's Republic of China, including through contribution to any international organization or any private and voluntary organization which would use those funds for population planning programs in that country.

"(B) The President shall instruct the United States representative to any international organization which receives population planning funds under subsection (b) to oppose the extension of assistance by that organization for population planning purposes to the People's Republic of China, so long as the President determines that there are valid reports of infanticide and coerced abortion in that country's population planning programs.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 305. CHILD SURVIVAL FUND.

Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000" and inserting in lieu thereof "$45,000,000 for fiscal year 1986 and $45,000,000 for fiscal year 1987".

SEC. 306. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.

The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $183,533,000 for fiscal year 1986 and $183,533,000 for fiscal year 1987, which are authorized to remain available until expended.".

SEC. 307. ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.

(a) AUTHORIZATIONS.—Section 106(e)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1986 and $200,000,000 for fiscal year 1987.".

(b) COOPERATIVE DEVELOPMENT PROGRAM.—Section 106 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Of the amounts authorized to be appropriated to carry out this chapter, $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987 shall be used to finance cooperative projects among the United States, Israel, and developing countries.".

SEC. 308. PRIVATE SECTOR REVOLVING FUND.

Section 108(b) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1984" in the first sentence and inserting in lieu thereof "each of the fiscal years 1986 and 1987".

SEC. 309. PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES IN OVERSEAS DEVELOPMENT.

(a) *Notification Date.*—Section 123(e) of the Foreign Assistance Act of 1961 is amended by striking out "thirty" in the third sentence and inserting in lieu thereof "ninety".

(b) *Earmarking for PVOs.*—Section 123(f) of such Act is amended by striking out "and 1984" and inserting in lieu thereof "1984, 1986, and 1987".

SEC. 310. PROMOTION OF DEMOCRATIC COOPERATIVES.

Section 123 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(h) The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decisionmaking. Therefore, assistance under this chapter shall be provided to rural and urban cooperatives which offer large numbers of low- and middle-income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.".

SEC. 311. TARGETED ASSISTANCE.

(a) REQUIREMENTS.—Section 128 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 128. TARGETED ASSISTANCE.

"(a) DIRECTLY IMPROVING LIVES OF THE POOR MAJORITY.—The President shall use poverty measurement standards, such as those developed by the International Bank for Reconstruction and Development, and other appropriate measurements in determining target populations for United States development assistance, and shall strengthen United States efforts to assure that a substantial percentage of development assistance under this chapter directly improves the lives of the poor majority, with special emphasis on those individuals living in absolute poverty.

"(b) ENSURING THAT THE POOR MAJORITY BENEFIT.—To the maximum extent possible, activities under this chapter that attempt to increase the institutional capabilities of private organizations or governments, or that attempt to stimulate scientific and technological research, shall be designed and monitored to ensure that the ultimate beneficiaries of these activities are the poor majority.".

(b) ANNUAL REPORTS.—Section 634(a)(1)(B) of such Act is amended by inserting immediately before the semicolon the following: ", such assessment to include an evaluation of the extent to which programs under chapter 1 of part I directly benefit the poor majority".

SEC. 312. HOUSING AND OTHER GUARANTY PROGRAMS.

(a) INCREASING AUTHORIZED HIG PROGRAM LEVEL.—Section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "$1,958,000,000" in the second sentence and inserting in lieu thereof "$2,278,000,000".

(b) EXTENDING HIG PROGRAM AUTHORITY.—Such section is further amended by striking out "1986" in the third sentence and inserting in lieu thereof "1988".

(c) MINIMUM ANNUAL HIG PROGRAM LEVELS.—Section 222 of such Act is amended by adding at the end thereof the following:

"(k) The total principal amount of guaranties issued under this section for each of the fiscal years 1986 and 1987 shall be comparable to the total principal amount of such guaranties issued for fiscal year 1984.".

(d) AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS.—Section 222A(h) of such Act is amended by striking out "1986" and inserting in lieu thereof "1988".

SEC. 313. TRADE CREDIT INSURANCE PROGRAM.

Section 224(e) of the Foreign Assistance Act of 1961 is amended by striking out "not to exceed $300,000,000 in the fiscal year 1985" and inserting in lieu therof "except that the aggregate amount of outstanding commitments under subsection (a) may not exceed $500,000,000 of contingent liability for loan principal during fiscal years 1986 and 1987".

SEC. 314. DISADVANTAGED CHILDREN IN ASIA.

(a) AUTHORIZATION OF ADDITIONAL ASSISTANCE.—Section 241(b) of the Foreign Assistance Act of 1961 is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

(b) ADDITIONAL STEPS TO HELP AMERASIAN CHILDREN.—The Congress finds that Amerasian children are currently the object of discrimination in the countries in Asia where they now reside. Therefore the President shall report to the Congress on the quality of life of these children and on what additional steps, such as facilitating adoptions, the United States could take to enhance the lives of these children.

SEC. 315. MINORITY SET-ASIDE.

Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for each of the fiscal year 1986 and 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically Black colleges and universities, and private and voluntary organizations which are controlled by individuals who are Black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of

section 133(c)(5)(B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

TITLE IV—OTHER FOREIGN ASSISTANCE ACT PROGRAMS

SEC. 401. AMERICAN SCHOOLS AND HOSPITALS ABROAD.

Section 214(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $30,000,000 for fiscal year 1986 and $30,000,000 for fiscal year 1987.

"(2) Amounts appropriated under paragraph (1) are authorized to remain available until expended.".

SEC. 402. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a)(1) There are authorized to be appropriated to the President $212,454,000 for fiscal year 1986 and $212,454,000 for fiscal year 1987 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes. Of these amounts—

"(A) $53,500,000 for fiscal year 1986 and $53,500,000 for fiscal year 1987 shall be for the United Nations Children's Fund;

"(B) funds for fiscal year 1986 and for fiscal year 1987 may be contributed to the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its rights to participate in the activities of that Agency; and

"(C) $343,000 for fiscal year 1986 and $343,000 for fiscal year 1987 shall be for the United Nations Trust Fund for South Africa.".

SEC. 403. PALESTINE LIBERATION ORGANIZATION.

Chapter 3 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 307. PALESTINE LIBERATION ORGANIZATION.

"(a) PROHIBITION ON FUNDING.—Funds authorized to be appropriated by this chapter may not be made available for the United States proportionate share for programs for the Palestine Liberation Organization or for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

"(b) ANNUAL REVIEW.—The Secretary of State—

"(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds; and

"(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

SEC. 404. SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION.

Chapter 3 of part I of the Foreign Assistance Act of 1961 is further amended by adding at the end thereof the following new section:

"SEC. 308. SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION.

"(a) LIMITATION ON FUNDING.—Funds authorized to be appropriated by this chapter may not be made available for the United States proportionate share for programs for the South-West Africa People's Organization, except that funds may be made available for the United States proportionate share of programs for the South-West Africa People's Organization if the President certifies to the Congress that such funds would not be used to support the military or paramilitary activities of the South-West Africa People's Organization.

"(b) ANNUAL REVIEW.—The Secretary of State—

"(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds; and

"(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

SEC. 405. INTERNATIONAL DISASTER ASSISTANCE.

The first sentence of section 492(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 491, $25,000,000 for fiscal year 1986 and $25,000,000 for fiscal year 1987.".

SEC. 406. ANTI-TERRORISM ASSISTANCE PROGRAM.

(a) AUTHORIZATIONS.—Section 575 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 575. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) AUTHORIZATIONS.—There are authorized to be appropriated to the President to carry out this chapter $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987.

"(b) EXTENDED OBLIGATIONAL AVAILABILITY.—Amounts appropriated under this section are authorized to remain available until expended.".

(b) ITEMS ON THE MUNITIONS LIST.—Section 573(d)(4) of such Act is amended to read as follows:

"(4)(A) Except as provided in subparagraph (B), articles on the United States Munitions List established pursuant to the Arms Export Control Act may not be made available under this chapter.

"(B) For fiscal years 1986 and 1987, articles on the United States Munitions List may be made available under this chapter if—

"(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, or articles in category X (relating to protective personnel equipment), and they are directly related to anti-terrorism training being provided under this chapter;

"(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part, chapter 5 of this part, or the Arms Export Control Act; and

"(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprograming notifications pursuant to section 634A of this Act.

"(C) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) of this section, including articles described in subparagraph (B)(i) of this paragraph, may not exceed $325,000 in fiscal year 1986 or $325,000 in fiscal year 1987.".

(c) Section 573 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Funds made available to carry out this chapter may not be used for personnel compensation and benefits.".

(d) EXPIRATION OF AUTHORITY.—Section 577 of such Act is repealed.

SEC. 407. COORDINATION OF ALL U.S. ANTI-TERRORISM ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—The Secretary of State shall be responsible for coordinating all anti-terrorism assistance to foreign countries provided by the United States Government.

(b) REPORTS.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the anti-terrorism assistance provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

SEC. 408. TRADE AND DEVELOPMENT PROGRAM.

The first sentence of section 661(b) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $20,000,000 for fiscal year 1986 and $20,000,000 for fiscal year 1987.".

SEC. 409. OPERATING EXPENSES.

Section 667(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) $387,000,000 for fiscal year 1986 and $387,000,000 for fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

TITLE V—INTERNATIONAL NARCOTICS CONTROL

SEC. 501. AUTHORIZATIONS FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Subsection (a)(1) of section 482 of the Foreign Assistance Act of 1961 is amended to read as follows: "(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $50,344,000 for fiscal year 1986 and $50,344,000 for fiscal year 1987,".

SEC. 502. DEVELOPMENT AND ILLICIT NARCOTICS PRODUCTION.

Section 126(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "and under chapter 4 of part II" immediately after "this chapter"; and

(2) by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) The agency primarily responsible for administering this part may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.".

SEC. 503. REPORTS ON INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Section 481(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) Not later than 45 days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include

the aggregate obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to end of that fiscal year—

"(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of the United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.

"(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries carry out the purposes of this chapter.".

SEC. 504. EXEMPTION FROM BAN ON INVOLVEMENT OF UNITED STATES PERSONNEL IN ARREST ACTIONS IN NARCOTICS CONTROL EFFORTS ABROAD.

Section 481(c) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) of this subsection shall not prohibit officers and employees of the United States from being present during direct police arrest actions with respect to narcotic control efforts in a foreign country to the extent that the Secretary of State and the government of that country agree to such an exemption. The Secretary of State shall report any such agreement to the Congress before the agreement takes effect.".

SEC. 505. ANNUAL REPORTS ON INVOLVEMENT OF OTHER COUNTRIES IN ILLICIT DRUG TRAFFIC.

Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(6) Each report pursuant to this subsection shall describe the involvement, during the preceding fiscal year, of any foreign government in illicit drug trafficking, including—

"(A) the direct or indirect involvement of such government (or any official thereof) in the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, and

"(B) any other activities of such government (or any official thereof) which have facilitated illicit drug trafficking.".

SEC. 506. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), not less than $1,000,000 for each of the fiscal years 1986 and 1987 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

SEC. 507. REQUIREMENT FOR COST-SHARING IN INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAMS.

Section 482 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(d) Assistance may be provided under this chapter to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 percent of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include 'in-kind' contributions.".

SEC. 508. PROHIBITION ON USE OF FOREIGN ASSISTANCE FOR REIMBURSEMENTS FOR DRUG CROP ERADICATIONS.

Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 483. PROHIBITION ON USE OF FOREIGN ASSISTANCE FOR REIMBURSEMENTS FOR DRUG CROP ERADICATIONS."

"Funds made available to carry out this Act may not be used to reimburse persons whose illicit drug crops are eradicated.".

SEC. 509. CONDITIONS ON ASSISTANCE TO BOLIVIA.

Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may be provided to Bolivia for fiscal years 1986 and 1987 only under the following conditions:

(1) Of the amount of assistance allocated for Bolivia for fiscal year 1986—

(A) up to 25 percent may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation which prohibits more than two hectares of coca production per family; and

(B) the remaining 75 percent may be provided at any time subsequent to a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its August 1983 narcotics control agreements with the United States.

(2) Of the amount of assistance allocated for Bolivia for fiscal year 1987—

(A) up to 50 percent may be provided at any time after the President certifies to the Congress that during the first six months of calendar year 1986 the Government of Bolivia achieved at least half of the eradication targets for the calendar year 1986 contained in its August 1983 narcotics control agreements with the United States; and

(B) the remaining 50 percent may be provided at any time after the President certifies to the Congress that the Government of Bolivia fully achieved the eradication targets for the calendar year 1986 contained in its August 1983 narcotics control agreements with the United States.

SEC. 510. UPPER HUALLAGA VALLEY PROJECT IN PERU.

Funds authorized to be appropriated for fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Administrator of that Agency, after consultation with the Congress, determines that a comprehensive review of that project has been completed which establishes the effectiveness of that project in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 511. CONDITIONS ON ESF ASSISTANCE TO JAMAICA.

Of the funds allocated for Jamaica for fiscal year 1986 under chapter 4 of part II of the Foreign Assistance Act of 1961, $5,000,000 shall be withheld from obligation until the President certifies to the Congress that the Government of Jamaica has prepared, presented, and committed itself to a comprehensive plan or strategy for the control and reduction of illicit cultivation, production, processing, transportation, and distribution of marijuana within a specifically stated period of time.

SEC. 512. REALLOCATION OF FUNDS IF CONDITIONS NOT MET.

If any of the funds described in sections 509, 510, and 511 are not used for the country for which they were allocated because the conditions specified in those sections are not met, the President shall reprogram those funds in order to provide additional assistance to countries which have taken significant steps to halt illicit drug production or trafficking.

SEC. 513. CONDITIONS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS FUND FOR DRUG ABUSE CONTROL.

Funds authorized to be appropriated by section 482(a) of the Foreign Assistance Act of 1961 (relating to international narcotics control assistance) for fiscal year 1986 and for fiscal year 1987 may be used for a contribution to the United Nations Fund for Drug Abuse Control only if that organization includes in its crop substitution projects a plan for cooperation with the law enforcement forces of the host country.

SEC. 514. NARCOTICS CONTROL EFFORTS IN BRAZIL.

It is the sense of the Congress that the Secretary of State should enter into negotiations with the Government of Brazil in order to establish a bilateral narcotics control agreement. Such agreement should have as a goal a 10 percent reduction in illicit coca production in Brazil in calendar year 1986.

SEC. 515. LATIN AMERICAN REGIONAL NARCOTICS CONTROL ORGANIZATION.

(a) FEASIBILITY STUDY.—The Secretary of State, acting through the Assistant Secretary of State for International Narcotics Matters, shall conduct a study of the feasibility of establishing a regional organization in Latin America which would combat narcotics production and trafficking through regional information-sharing and a regional enforcement unit.

(b) REPORT.—No later than six months after the date of enactment of this Act, the Secretary shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the advisability of encouraging the establishment of such an organization.

SEC. 516. GREATER EFFORT BY UNITED STATES ARMED FORCES TO SUPPORT NARCOTICS CONTROL EFFORTS ABROAD.

No later than 60 days after the date of enactment of this Act, the President shall report to the Congress on why the United States Armed Forces should not exert greater effort in facilitating and supporting interception of narcotics traffickers, and in gathering narcotics-related intelligence, outside the United States.

SEC. 517. CUBAN DRUG TRAFFICKING.

(a) FINDINGS.—The Congress finds that—

(1) the subject of the flow, use, and control of narcotic and psychotropic substances is a matter of great international importance;

(2) the problem of drug abuse and drug trafficking continues to worsen throughout most parts of the world;

(3) the concerns of the governments of many countries have become manifest in several bilateral and multilateral narcotics control projects;

(4) United Nations agencies monitor and apply controls on the flow and use of drugs and coordinate multilateral efforts to control production, trafficking, and abuse of drugs;

(5) the United Nations Fund for Drug Abuse Control funds narcotics projects throughout the world and has been a vehicle since 1971 for multilateral implementation of narcotics control and reduction programs;

(6) the International Narcotics Control Board is charged with monitoring compliance with the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, and Cuba is a party to both Conventions;

(7) the United Nations Commission on Narcotic Drugs is responsible for formulating policies, coordinating activities, supervising the implementation of international conventions, and making recommendations to governments for international drug control;

(8) the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

(9) a Federal grand jury of the United States has indicted four prominent Cuban officials on charges of conspiring to smuggle drugs into the United States;

(10) United States Government officials have testified at several congressional hearings that the Government of Cuba is facilitating the flow of illicit drugs into the United States in order to obtain hard currency, support guerrilla/terrorist activities, and undermine United States society; and

(11) such alleged conduct on the part of the Government of Cuba would be injurious to the world community and counter to the general principle of international law that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein.

(b) RECOMMENDED ACTIONS.—It is the sense of the Congress that the President should—

(1) acting through the Permanent Representative of the United States to the United Nations, take such steps as may be necessary to place the question of the involvement by the Government of Cuba in illicit drug trafficking on the agenda of the United Nations;

(2) acting through the Representative of the United States to the Organization of American States, request the Organization of American States to consider this question as soon as possible; and

(3) request other appropriate international organizations and international forums to consider this question.

(c) REPORT.—The President shall report to the Congress on the actions taken pursuant to this section.

TITLE VI—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES

SEC. 601. STATEMENT OF PURPOSE.

The purpose of this title is to establish an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for study at United States institutions of higher education.

SEC. 602. FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide a stable source of financial support to give students in developing countries the opportunity to study in the United States, in order to improve the range and quality of educational alternatives; increase mutual understanding, and build lasting links between those countries and the United States;

(2) providing scholarships to foreign students to study in the United States has proven over time to be an effective means of creating strong bonds between the United States and the future leadership of developing countries and, at the same time, assists countries substantially in their development efforts;

(3) study in United States institutions by foreign students enhances trade and economic relationships by providing strong English language skills and establishing professional and business contacts;

(4) students from families of limited financial means have, in the past, largely not had the opportunity to study in the United States, and scholarship programs sponsored by the United States have made no provision for identifying, preparing, or supporting such students for study in the United States;

(5) it is essential that the United States citizenry develop its knowledge and understanding of the developing countries and their languages, cultures, and socio-economic composition as these areas assume an ever larger role in the world community;

(6) the number of United States Government-sponsored scholarships for students in developing countries has been exceeded as much as twelve times in a given year by the number of scholarships offered by Soviet-bloc governments to students in developing countries, and this disparity entails the serious long-run cost of having so many of the potential future leaders of the developing world educated in Soviet-bloc countries;

(7) an undergraduate scholarship program for students of limited financial means from developing countries to study in the United States would complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities; and

(8) the National Bipartisan Commission on Central America has recommended a program of 10,000 United States Government-sponsored scholarships to bring Central American students to the United States, which program would involve careful targeting to encourage participation by young people from all social and economic classes, would maintain existing admission standards by providing intensive English and other training, and would encourage graduates to return to their home countries after completing their education.

SEC. 603. SCHOLARSHIP PROGRAM AUTHORITY.

(a) IN GENERAL.—The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for undergraduate study at United States institutions of higher education by citizens and nationals of developing countries who have completed their secondary education and who would not otherwise have an opportunity to study in the United States due to financial limitations.

(b) FORM OF SCHOLARSHIP: FORGIVENESS OF LOAN REPAYMENT.—Scholarships pursuant to this title shall be in the form of grants and loans. To encourage students to use their training in their countries of origin, half of each payment to a student shall be in the form of a loan with repayment to be forgiven upon the student's prompt return to his or her country of origin for a period which is at least one year longer than the period spent studying in the United States.

(c) CONSULTATION.—Before allocating any of the funds made available to carry out this title, the President shall consult with United States institutions of higher education, educational exchange organizations, United States missions in developing countries, and the governments of participating countries on how to implement the guidelines specified in section 604.

(d) DEFINITION.—For purposes of this title, the term "institution of higher education" has the same meaning as given to such term by section 1201(a) of the Higher Education Act of 1965.

SEC. 604. GUIDELINES.

The scholarship program under this title shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961, all programs created pursuant to this title shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity.

(2) United States missions shall design ways to identify promising students who are in secondary educational institutions, or who have completed their secondary education, for study in the United States. In carrying out this paragraph, the United States mission in a country shall consult with Peace Corps volunteers and staff assigned to that country and with private and voluntary organizations with a proven record of providing development assistance to developing countries.

(3) United States missions shall develop and strictly implement specific economic need criteria. Scholarships under this title may only be provided to students who meet the economic need criteria.

(4) The program shall utilize educational institutions in the United States and in developing countries to help participants in the programs acquire necessary skills in English and other appropriate education training.

(5) Each participant from a developing country shall be selected on the basis of academic and leadership potential and the economic, political, and social development needs of such country. Such needs shall be determined by each United States mission in consultation with the government of the respective country. Scholarship opportunities shall emphasize fields that are critical to the development of the participant's country, including agriculture, civil engineering, communications, social science,

education, public and business administration, health, nutrition, environmental studies, population and family planning, and energy.

(6) The program shall be flexible in order to take advantage of different training and educational opportunities offered by universities, postsecondary vocational training schools, and community colleges in the United States.

(7) The program shall be flexible with respect to the number of years of undergraduate education financed but in no case shall students be brought to the United States for a period less than one year.

(8) Adequate allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide adequate opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

SEC. 605. AUTHORITY TO ENTER INTO AGREEMENTS.

The President may enter into agreements with foreign governments in furtherance of the purposes of this title. Such agreements may provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purposes of administering programs under this title.

SEC. 606. POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.

(a) AID-FUNDED PROGRAMS.—The Congress urges the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to study in the United States at United States institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 604 of this title.

(b) USIA-FUNDED POSTGRADUATE STUDY IN THE UNITED STATES.—The Congress urges the Director of the United States Information Agency to expand opportunities for students of limited financial means from developing countries to receive financial assistance for postgraduate study at United States institutions of higher education.

(c) STUDY BY AMERICANS IN DEVELOPING COUNTRIES.—The Congress urges the President to take such steps as are necessary to expand the opportunities for Americans from all economic classes to study in developing countries.

SEC. 607. ESTABLISHMENT AND MAINTENANCE OF COUNSELING SERVICES.

(a) COUNSELING SERVICES ABROAD.—From the purpose of assisting foreign students in choosing fields of study, selecting appropriate institutions of higher education, and preparing for their stay in the United States, the President may make suitable arrangements for counseling and orientation services abroad.

(b) COUNSELING SERVICES IN THE UNITED STATES.—For the purposes of assisting foreign students in making the best use of their opportunities while attending United States institutions of higher education, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements (by contract or otherwise) for the establishment and maintenance of adequate counseling services at United States institutions of higher education which are attended by foreign students.

SEC. 608. BOARD OF FOREIGN SCHOLARSHIPS.

The Board of Foreign Scholarships shall advise and assist the President in the discharge of the scholarship program carried out pursuant to this title, in accordance with the guidelines set forth in section 604. The President may provide for such additional secretarial and staff assistance for the Board as may be required to carry out this title.

SEC. 609. GENERAL AUTHORITIES.

(a) PUBLIC AND PRIVATE SECTOR CONTRIBUTIONS.—The public and private sectors in the United States and in the developing countries shall be encourged to contribute to the costs of the scholarship program financed under this title.

(b) UTILIZATION OF RETURNING PROGRAM PARTICIPANTS.—The President shall seek to engage the public and private sectors of developing countries in programs to maximize the utilization of recipients of scholarships under this title upon their return to their own countries.

(c) PROMOTION ABROAD OF SCHOLARSHIP PROGRAM.—The President may provide for publicity and promotion abroad of the scholarship program provided for in this title.

(d) INCREASING UNITED STATES UNDERSTANDING OF DEVELOPING COUNTRIES.—The President shall encourage United States institutions of higher education, which are attended by students from developing countries who receive scholarships under this title, to provide opportunities for United States citizens attending those institutions to develop their knowledge and understanding of the developing countries, and the languages and cultures of those countries, represented by those foreign students.

(e) OTHER ACTIVITIES TO PROMOTE IMPROVED UNDERSTANDING.—Funds allocated by the United States Information Agency, or the agency primarily responsible for carrying out part I of the Foreign Assistance Act of 1961, for scholarships in accordance with this title shall be available to enhance the educational training and capabilities of the people of Latin America and the Caribbean and to promote better understanding between the United States and Latin America and the Caribbean through programs of cooperation, study, training, and research. Such funds may be used for programs and administrative costs for institutions carrying out such programs.

SEC. 610. ENGLISH TEACHING, TEXTBOOKS, AND OTHER TEACHING MATERIALS.

Wherever adequate facilities or materials are not available to carry out the purposes of paragraph (4) of section 604 in the participant's country and the President determines that the purposes of this title are best served by providing the preliminary training in the participant's country, the President may (by purchase, contract, or other appropriate means) provide the necessary materials and instructors to achieve such purpose.

SEC. 611. REPORTING REQUIREMENT.

Not later than February 1 each year, the President shall submit to the Congress a report on the activities carried on and expenditures made pursuant to this title during the preceding fiscal year.

SEC. 612. FUNDING OF SCHOLARSHIPS FOR FY 1986 AND FY 1987.

(a) CENTRAL AMERICAN UNDERGRADUATE SCHOLARSHIP PROGRAM.—The undergraduate scholarship program financed by the United States Information Agency for students from Central America for fiscal year 1986 and fiscal year 1987 shall be conducted in accordance with this title.

(b) SCHOLARSHIPS FOR STUDENTS FROM OTHER DEVELOPING COUNTRIES.—Any funds appropriated to the United States Information Agency for fiscal year 1986 or fiscal year 1987 for any purpose (other than funds appropriated for educational exchange programs under section 102(a)(1) of the Mutual Educational and Cultural Exchange Act of 1961) may be used to carry out this title with respect to students from developing countries outside Central America.

SEC. 613. COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.

Any authority provided by this title to enter into contracts shall be effective only—

(1) to the extent that the budget authority for the obligation to make outlays, which is created by the contract, has been provided in advance by an appropriation Act; or

(2) to the extent or in such amounts as are provided in advance in appropriation Acts.

TITLE VII—LATIN AMERICA AND THE CARIBBEAN

SEC. 701. STATEMENTS OF POLICY CONCERNING CENTRAL AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States; and

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

(b) PRIMARY ROLE OF THE PEOPLE AND GOVERNMENTS OF CENTRAL AMERICA.—The achievement of democracy, respect for human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America.

(c) UNITED STATES POLICY.—The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively—

(1) democracy and political reform, including opening the political process to all members of society;

(2) full observance of internationally recognized human rights, including free elections, freedom of the press, freedom of association, and the elimination of all human rights abuses;

(3) leadership development, including training and educational programs to improve public administration and the administration of justice;

(4) land reform, reform in tax systems, encouragement of private enterprise and individual initiative, creation of favorable investment climates, curbing corruption where it exists, and spurring balanced trade;

(5) the establishment of the rule of law and an effective judicial system; and

(6) the termination of extremist violence by both the left and the right, as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders.

This policy should also promote equitable economic growth and development, including controlling the flight of capital and the effective use of foreign assistance and adhering to approved programs for economic stabilization and fiscal responsibility. Finally, this policy should foster dialogue and negotiations (A) to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the withdrawal of foreign military forces and advisers, and (B) to provide a security shield against violence and intimidation.

(d) UNITED STATES ASSISTANCE PROGRAMS.—The Congress finds, therefore, that the people of the United States are willing to sustain and expand a program of economic and military assistance in Central America if the recipient countries can demonstrate progress toward and a commitment to these goals.

(e) PEACE PROCESS IN CENTRAL AMERICA.—The Congress—

(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region;

(2) finds that the United States should provide such assistance and support as may be appropriate in helping to reach comprehensive and verifiable final agreements, based on the Document of Objectives, which will ensure peaceful and enduring solutions to the Central American conflicts;

(3) strongly supports national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful settlement to the Nicaraguan conflict; and

(4) finds that the United States should, in assisting efforts to reach comprehensive and verifiable final agreements based on the Contadora Document of Objectives, encourage the Government of Nicaragua to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

SEC. 702. ASSISTANCE FOR EL SALVADOR.

(a) PRESIDENTIAL REPORTS.—The President may provide military assistance for El Salvador in accordance with subsection (c) if he reports to the Congress the extent to which:

(1) The Government of El Salvador is willing to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

(2) The elected civilian government is in control of the Salvadoran military and security forces, and those forces are complying with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support).

(3) The Government of El Salvador made demonstrated progress during the preceding 6 months in ending the activities of the death squads.

(4) The Government of El Salvador made demonstrated progress during the proceding 6 months in establishing an effective judicial system. Among the criteria the President shall use in making this determination are—

(A) whether the commission proposed by the President of El Salvador to investigate human rights cases has been established, funded, and given sufficient investigative powers, and whether the evidence that commission collects may be used in the Salvadoran judicial process; and

(B) whether that commission has issued a comprehensive report with regard to its investigation of all Americans murdered in El Salvador.

(5) The Government of El Salvador made demonstrated progress during the preceding 6 months in implementing the land reform program.

(b) REPORTING DATES.—The first report pursuant to subsection (a) shall be submitted on or after October 1, 1985, the second on or after April 1, 1986, the third on or after October 1, 1986, and the fourth on or after April 1, 1987. The reporting requirements pursuant to subsection (a) supersede the reporting requirements with respect to El Salvador contained in the last proviso in the paragraph under the heading "Military Assistance" in Public Law 98-332.

(c) ALLOCATIONS OF MILITARY ASSISTANCE.—Of the aggregate amount of military assistance allocated for El Salvador—

(1) half for fiscal year 1986 may be provided only after the first report pursuant to this section;

(2) the other half for the fiscal year 1986 may be provided only after the second such report;

(3) half for fiscal year 1987 may be provided only after the third such report; and

(4) the other half for fiscal year 1987 may be provided only after the fourth such report.

(d) PROVISION OF ASSISTANCE IN AN EMERGENCY.—Notwithstanding subsection (c), in the event of an emergency certified by the President, funds for military assistance for El Salvador for the second half of fiscal year 1986 or 1987 may be provided in the first half of that fiscal year only if the Congress is notified at least 15 days in advance of the proposed obligation of such funds.

(e) AIRCRAFT FOR AERIAL WARFARE.—

(1) NOTIFICATION TO THE CONGRESS.—The authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of enactment of this Act and shall remain in effect until October 1, 1987.

(f) ECONOMIC SUPPORT ASSISTANCE.—

(1) CENTRAL RESERVE BANK REFORMS.—Before disbursing any assistance to the Government of El Salvador under chapter 4 of part II of the Foreign Assistance Act of 1981 for balance-of-payments support, the President shall be satisfied that the Central Reserve Bank of El Salvador has implemented or has taken appropriate steps toward implementing the major recommendations which are contained in the study entitled "Foreign Exchange: Policy and Management within the Central Reserve Bank of El Salvador", relating to management, allocation, and controls on the use of official foreign exchange.

(2) BALANCE-OF-PAYMENTS SUPPORT.—Funds authorized to be appropriated for fiscal years 1986 and 1987 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 which are provided to El Salvador for balance-of-payments support—

(A) shall be used solely for the purchase of materials essential for productive economic activity and development, with particular emphasis and priority on the import needs of agrarian reform and the agricultural sector; and

(B) shall be maintained in a separate account in the Central Reserve Bank of El Salvador and not commingled with any other funds.

Those funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of the assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 of the 98th Congress (House Report 98-1159).

(3) SPECIAL ACCOUNT FOR LOCAL CURRENCIES.—All local currencies generated with the funds described in paragraph (2) shall be deposited in accordance with section 609 of the Foreign Assistance Act of 1961 in a special account established by the Government of El Salvador. Those local currencies shall be used for projects assisting agrarian reform and the agricultural sector (and particular emphasis shall be placed on projects for these purposes); judicial reform; employment generation; health, education, and other social services; infrastructure repair; and credits and other support for the private sector (principally for small and medium sized businesses).

(g) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for El Salvador shall be suspended if the elected President of that country is deposed by military coup or decree.

(h) DEFINITIONS.—For purposes of this section—

(1) the term "military assistance" means any assistance under chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 or under the Arms Export Control Act (relating to foreign military sales financing);

(2) the term "agrarian reform" means projects assisting or enhancing the abilities of agencies, cooperatives, and farms to implement land reform decrees in El Salvador, notwithstanding section 620(g) of the Foreign Assistance Act of 1961; and

(3) the term "judicial reform" means projects assisting or enhancing the abilities of agencies of the Salvadoran Government to investigate and prosecute politically motivated violence.

SEC. 703. ASSISTANCE FOR GUATEMALA.

(a) CONDITIONS ON MILITARY ASSISTANCE AND SALES.—For fiscal years 1986 and 1987, assistance may be provided for Guatemala under chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and sales may be made and financing may be provided for Guatemala under the Arms Export Control Act (relating to foreign mili-

tary sales) only if the President makes the following certifications to the Congress:

(1) For fiscal year 1986, an elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) For both fiscal year 1986 and fiscal year 1987, the Government of Guatemala made demonstrated progress during the preceding year (A) in achieving control over its military and security forces, and (B) toward eliminating kidnapings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces of internationally recognized human rights.

(b) CONTINUATION OF IMET PROGRAMS UPON ELECTION.—Notwithstanding subsection (a), up to 30 percent of the amount allocated for Guatemala for fiscal year 1986 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 may be provided, upon the election of a civilian government in Guatemala, for the continuation of existing programs under that chapter.

(c) CONSTRUCTION EQUIPMENT AND MOBILE MEDICAL FACILITIES AND RELATED TRAINING.—If the conditions specified in subsection (a) are met, Guatemala may be provided with the following for fiscal years 1986 and 1987 (in addition to such other assistance, sales, or financing as may be provided for Guatemala):

(1) Sales of construction equipment and mobile medical facilities to assist in development programs that will directly assist the poor in Guatemala.

(2) Sales of training, to be provided outside of Guatemala, which is related to the sales described in paragraph (1).

(3) A total for both fiscal years 1986 and 1987 of no more than $10,000,000 in credits under the Arms Export Control Act for sales described in paragraphs (1) and (2).

Such sales and credits shall be provided only to enable the military forces of Guatemala to obtain equipment and training for civilian engineering and construction projects and mobile medical teams, which would not be used in the rural resettlement program.

(d) PROHIBITION OF FURNISHING WEAPONS—Funds authorized to be appropriated by title I of this Act may not be used for the procurement by Guatemala of any weapons or ammunition.

(e) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS—All assistance authorized by this Act which is allocated for Guatemala shall be suspended if the elected civilian government of that country is deposed by military coup or decree.

(f) RURAL RESETTLEMENT PROGRAM.—Assistance provided for Guatemala for the fiscal year 1986 and fiscal year 1987 under chapter 1 of part I (relating to development assistance) or under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961—

(1) may not be provided to the Government of Guatemala for use in its rural resettlement program; and

(2) shall be provided through private and voluntary organizations to the maximum extent possible.

(g) INVITATION FOR ICRC TO VISIT GUATEMALA.—The Congress calls upon the President to urge the Government of Guatemala to allow the International Committee of the Red Cross—

(1) to conduct an unimpeded visit to Guatemala in order to investigate humanitarian needs in that country, and

(2) to investigate the possibilities of its providing humanitarian services in that country.

(h) RELATIONS BETWEEN BELIZE AND GUATEMALA.—It is the sense of the Congress that the United States should use its good offices and influence to encourage the Government of Guatemala to recognize the independence of Belize and to enter into a mutual nonaggression treaty with Belize.

SEC. 704. PROHIBITION RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

Funds authorized to be appropriated by this Act may not be obligated or expended for the purpose of supporting military or paramilitary operations in Nicaragua by any group, organization, movement, or individual.

SEC. 705. REFUGEES IN HONDURAS.

Funds authorized to be appropriated by this Act or authorized to be appropriated for "Migration and Refugee Assistance" by the Department of State Authorization Act, Fiscal Years 1986 and 1987—

(1) which are to be used for refugee assistance or other assistance for Nicaraguan Indian refugees in Honduras, shall be channelled through the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the Intergovernmental Committee for Migration, or other established and recognized international refugee relief organizations; and

(2) may not be used to facilitate the involuntary repatriation of Salvadoran refugees who are in Honduras.

To ensure compliance with paragraph (2), any such funds used to assist in the repatriation of Salvadoran refugees in Honduras shall be made available only for voluntary repatriation activities which are administered or supervised by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the Intergovernmental Committee for Migration, or other established and recognized international refugee relief organizations.

SEC. 706. PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI.

(a) USE OF PVO's.—To the maximum extent practicable, assistance for Haiti under chapter 1 of part I (relating to development assistance) and under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) CONDITIONS ON ASSISTANCE.—Funds available for fiscal year 1986 and for fiscal year 1987 to carry out chapter 1 of part I (relating to development assistance), chapter 4 of part II (relating to the economic support fund), or chapter 5 of part II (relating to international military education and training) of the Foreign Assistance Act of 1961 may be obligated for Haiti only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years); and

(3) is making progress toward improving the human rights situation in Haiti and progress toward implementing political reforms which are essential to the development of democracy in Haiti, such as progress toward the establishment of political parties, free elections, free labor unions, and freedom of the press.

(c) REPORTS TO THE CONGRESS.—Not later than 6 months after the date of the enactment of this Act and each 6 months thereafter through fiscal year 1987, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) ASSISTANCE IN HALTING ILLEGAL EMIGRATION FROM HAITI.—Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961 (relating to police training), funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

(e) LIMITATION ON MAP AND FMS FINANCING.—Assistance may not be provided for Haiti for fiscal year 1986 or fiscal year 1987 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or under the Arms Export Control Act (relating to foreign military sales financing), except for necessary transportation, maintenance, communications, and related articles and services to enable the continuation of migrant and narcotics interdiction operations.

(f) FUNDING FOR LITERACY PROGRAMS.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) which are allocated for Haiti, $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be available only for literacy programs in Haiti.

SEC. 707. CONDITIONS ON MILITARY ASSISTANCE FOR PARAGUAY.

None of the funds authorized to be appropriated by title I of this Act may be used for assistance for Paraguay unless the President certifies to the Congress the following:

(1) The Government of Paraguay is cooperating with other governments to determine the whereabouts of Nazi criminal Doctor Joseph Mengele and bring him to justice.

(2) The Government of Paraguay has made demonstrated progress in ending the practice of torture and abuse of individuals held in detention by its military and security forces and has instituted procedures to ensure that those arrested are promptly charged and brought to trial.

SEC. 708. ASSISTANCE FOR PERU.

(a) REPORTS ON HUMAN RIGHTS CONDITIONS.—Upon obligating any funds for assistance for Peru for fiscal year 1986 and fiscal year 1987 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or the Arms Export Control Act (relating to foreign military sales financing), the President shall report to the Congress on the steps that the Government of Peru has taken to—

(1) curtail killings, torture, and "disappearances" of civilian noncombatants by the the military and security forces of Peru;

(2) strengthen the ability of the judiciary to investigate such killings, torture, and disappearances;

(3) comply with established procedures to ensure that arrests and detentions by the military and security forces of Peru are immediately acknowledged; and

(4) account for "disappeared persons" in Peru.

(b) HUMAN RIGHTS TRAINING IN IMET PROGRAM.—Respect for internationally recognized human rights shall be an important component of the training provided for Peru under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) for fiscal year 1986 and for fiscal year 1987.

(c) STRENGTHENING THE PERUVIAN JUDICIAL SYSTEM.—Of the amount authorized to be appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be used to strengthen the judicial system in Peru under section 534 of the Foreign Assistance Act of 1961 (relating to administration of justice).

SEC. 709. INTER-AMERICAN FOUNDATION.

The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $12,000,000 for fiscal year 1986 and $12,000,000 for fiscal year 1987 to carry out the purposes of this section.".

SEC. 710. COMPREHENSIVE REPORTS ON ASSISTANCE FOR LATIN AMERICA AND THE CARIBBEAN.

(a) REQUIREMENT FOR COMPREHENSIVE ACCOUNTING OF ASSISTANCE.—In the annual reports required by section 634 of the Foreign Assistance Act of 1961, the President shall provide to the Congress a full, complete, and detailed accounting of all assistance provided during the fiscal years 1986 and 1987 for Latin America and the Caribbean under the Foreign Assistance Act of 1961 and the Arms Export Control Act.

(b) INFORMATION TO BE INCLUDED.—The report provided pursuant to subsection (a) shall include for each fiscal year, among other things, the following with respect to each authorization account:

(1) The specific projects and other activities carried out in each country.

(2) The number of persons from each country who were provided with training, and the types of training provided.

(3) The defense articles and defense services provided for each country.

(4) The types of goods and commodities provided to each country for economic stabilization purposes under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), and a copy of each agreement for the furnishing of any assistance under that chapter.

(5) The amounts of local currency generated by United States assistance to each country, the uses of those currencies, and the total amount of those currencies still available for use as of the time of the report.

(6) A report on any transfers or reprogrammings of funds, and a description of how transferred or reprogrammed funds modified the amounts requested for each account.

(7) A report on the funds which have been obligated but remain unexpended for each country in each account.

(8) An analysis of the amount of funds and programs provided through nongovernmental as contrasted to governmental channles.

SEC. 711. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

Section 660 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Subsection (a) shall not apply with respect to a country which has a long-standing democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.".

SEC. 712. USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS.

To the maximum extent practicable, assistance under chapter 1 of part I (relating to development assistance) and chapter 4 of Part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for countries in Latin America and the Caribbean should be provided through private and voluntary organizations which have a proven record of development assistance efforts overseas.

SEC. 713. ADMINISTRATION OF JUSTICE.

Chapter 4 of Part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), as amended by title II of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 533. ADMINISTRATION OF JUSTICE.

"(a) AUTHORIZATION OF ASSISTANCE.—The President may furnish assistance under this chapter to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean.

"(b) LIMITATIONS ON TYPES OF ASSISTANCE.—Assistance under this section may only include—

"(1) support for specialized professional training, scholarships, and exchanges for continuing legal education;

"(2) programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;

"(3) notwithstanding section 660 of this Act, programs to enhance investigative capabilities, conducted under judicial or prosecutorial control;

"(4) strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;

"(5) increasing the availability of legal materials and publications;

"(6) seminars, conferences, and training and educational programs to improve the administration of justice and to strenghen respect for the rule of law and internationally recognized human rights; and

"(7) revision and modernization of legal codes and procedures.

"(c) AMOUNTS AVAILABLE FOR ASSISTANCE.—Not more than $20,000,000 of the funds made available to carry out this chapter for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes."

(d) NOTIFICATION TO CONGRESS.—Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this Act.

"(e) EXPIRATION OF AUTHORITIES.—The authority of this section shall expire on September 30, 1987.".

SEC. 714. CENTRAL AMERICAN DEVELOPMENT ORGANIZATION.

(a) FINDINGS.—The Congress finds that participation by Central American countries in an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) ESTABLISHMENT OF CADO.—It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization (hereafter in this section referred to as the "Organization"); and

(2) the establishment of the Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, respecting internationally recognized human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of internationally recognized human rights;

(ii) mobilization of resources and external assistance needs; and

(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on the recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress toward meeting such country objectives.

(F) To the maximum extent practicable, the United States should follow the recommendations of the Organization in disbursing bilateral economic assistance for any Central American country; and no more than 75 percent of such United States assistance in any fiscal year should be disbursed until the recommendations of the Organization for that fiscal year have been made final and communicated to the donor countries, but this limitation should apply only to recommendations made final and communicated prior to the fourth quarter of such fiscal year.

(G) The President should encourage other donors similarly to implement the recommendations of the Organization.

(H) The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, or his designee, should be chairman of the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) UNITED STATES PARTICIPATION IN CADO.—Subject to subsection (d)(3), the President is authorized to participate in the Organization.

(d) CONGRESSIONAL OVERSIGHT.—

(1) DEVELOPMENT OF PROPOSAL—The Administrator of the Agency for International Development, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on

Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of the proposal.

(2) FACILITATING CONGRESSIONAL INVOLVEMENT.—To facilitate full congresssional involvement in the establishment of the Organization, the Chairman of the Committee on Foreign Affairs of the House of Representatives shall designate at least three members of that committee, and the Chairman of the Committee on Foreign Relations of the Senate shall designate at least three members of that committee, who shall be kept fully and currently informed by the executive branch of all negotiations or discussions with donor countries and recipient countries concerning the establishment of the Organization.

(3) CONGRESSIONAL REVIEW OF AGREEMENT.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement which he proposes to sign providing for the establishment of and United States participation in the Organization no less than 60 days prior to his signature. The United States shall not participate in the implementation of any such agreement for at least 60 days after such transmittal. During that 60-day period, there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

SEC. 715. LIMITATION ON INTRODUCTION OF ARMED FORCES INTO CENTRAL AMERICA FOR COMBAT.

(a) FINDINGS.—The Congress makes the following findings:

(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

(b) POLICY.—It is the sense of Congress that—

(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces, and any such introduction of United States Armed Forces must comply with the War Powers Resolution.

SEC. 716. MILITARY EXERCISES IN CENTRAL AMERICA.

For fiscal years 1986 and 1987, the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days in advance of assigning or detailing members of the United States Armed Forces to, or otherwise introducing members of the United States Armed Forces into, any country in Central America for the purpose of commencing joint military exercises with the armed forces of any Central American country.

SEC. 717. INTERNATIONAL ADVISORY COMMISSION FOR THE CARIBBEAN REGION.

(a) FINDINGS.—The Congress finds that—

(1) many of the social, agricultural, educational, and economic problems which confront nations in the Caribbean Region result primarily from social and economic injustice and inadequate economic and agricultural development;

(2) such problems are not addressed sufficiently by current United States policies toward that region;

(3) the development of the Caribbean Region is of vital importance to the economic and strategic interests of the United States and its allies; and

(4) for purposes of defining development plans, providing an international forum for Caribbean Region development issues, and providing expert advice to donor-aid countries, an international commission is needed as the prime institution for promoting economic cooperation and development in the Caribbean Region.

(b) INVITATIONS TO PARTICIPATE IN COMMISSION.—

(1) INVITATION TO CARIBBEAN COUNTRIES.—The President is requested to invite the countries which comprise the Caribbean Region to participate with the United States in a commission to be known as the International Advisory Commission for the Caribbean Region (hereafter in this section referred to as the "Commission").

(2) INVITATION TO CERTAIN OTHER COUNTRIES.—The President is also requested to invite the Netherlands, the United Kingdom, France, Canada, the Commonwealth of Puerto Rico, and the Virgin Islands to participate in the Commission.

(c) FUNCTIONS OF COMMISSION.—It is the sense of the Congress that the Commission should—

(1) examine social, agricultural, educational, and economic issues which affect the Caribbean Region; and

(2) consult with leaders of the countries in the Caribbean Region and with representatives from public and private organizations involved in matters related to the Caribbean Region in order to evaluate the problems and needs of such countries.

(d) REQUEST TO CONGRESS RELATING TO UNITED STATES PARTICIPATION IN THE COMMISSION.—It is the sense of the Congress that, after conducting preliminary consultations with countries described in subsection (b), the President should provide cost estimates and request authorization from the Congress in order to—

(1) provide for the participation of the United States in the Commission,

(2) pay reasonable administrative expenses associated with the first meeting of the Commission, and

(3) pay reasonable travel and lodging expenses incurred by commissioners from other participant governments incident to their attendance at the first meeting.

(e) APPOINTMENT OF U.S. REPRESENTATIVE AND OBSERVERS.—Upon the creation of the Commission—

(1) the President should consider appointing one individual as the United States representative to the Commission;

(2) the Speaker of the House of Representatives should consider appointing two Members of the House, one from each major political party, as observers at the Commission; and

(3) the Majority Leader of the Senate should consider appointing two Members of the Senate, one for each major political party, as observers at the Commission.

SEC. 718. EXEMPTION OF CERTAIN SAFETY-RELATED EQUIPMENT FROM PROHIBITION ON MILITARY SALES TO CHILE.

Section 726 of the International Security and Development Cooperation Act of 1981 is amended by adding at the end thereof the following new subsection:

"(c) The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge actuated devices, propellant actuated devices, and technical manuals for the F-5E/F and A/T-37 aircraft supplied to the Chilean Air Force by the United States before 1974, so long as the items are provided only for purposes of enhancing the safety of the aircraft crew.".

SEC. 719. RURAL ELECTRIFICATION.

It is the sense of the Congress that funds appropriated for the fiscal years 1986 and 1987 under section 103(a)(2) of the Foreign Assistance Act of 1961 should be used for a comprehensive rural electrification program in Central America in order to establish conditions of stability and a foundation for economic development.

SEC. 720. FACILITATING INTERNATIONAL COMMERCE THROUGH MEXICO.

(a) FINDING.—Recognizing that increased levels of balanced international trade are an essential component in an economic development program for the region and that the United States has traditionally been the most important trading partner for each of the nations of Latin America, it is the sense of the Congress that current procedures and laws of the Government of Mexico, and practices of its officials, constitute a significant impediment to the transit of vehicles carrying the commodities of international trade through Mexican territory.

(b) NEGOTIATIONS AND COOPERATIVE STEPS CONCERNING TRANSIT.—As the Government of Mexico has played a valuable role in assisting and encouraging the economic and political development of the region, and in offering advice to the United States as to constructive policies this nation might pursue with respect to peace and prosperity in the area, it is the sense of the Congress that the Secretary of State, acting independently or with representatives of other Latin America nations, should initiate negotiations with the Government of Mexico aimed at eliminating or reducing those impediments to international trade. The agenda for such negotiation should include discussions to encourage the Government of Mexico to accede to existing international custom conventions on international in-transit shipments. Such actions are to be taken in concert with the institution by the United States, and the nations of the region where the transiting shipments originate, of appropriate and cooperative steps to make sealed-truck, no-inspection transit administratively acceptable to the Government of Mexico and other transited countries. Similar bilateral or multilateral negotiations by the Secretary of State with nations respecting the same international customs conventions is also encouraged.

(c) REPORT.—Not later than January 1, 1986, the Secretary of State shall report to the Congress the status of actions taken to carry out the sense of the Congress expressed in subsection (b).

TITLE VIII—AFRICA

SEC. 801. BALANCE-OF-PAYMENTS SUPPORT FOR COUNTRIES IN AFRICA.

(a) ESF COMMODITY IMPORT AND SECTOR PROGRAMS.—Agreements with countries in Africa which provide for the use of funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for the fiscal years 1986 and 1987 to finance imports by those countries (under commodity import programs or sector programs) shall require, to the maximum extent practicable, that those imports be used to meet long-term development needs in those countries in accordance with the following criteria:

(1) Spare parts and other imports shall be allocated on the basis of evaluations, by the agency primarily responsible for administering part I of that Act, of the ability of likely recipients to use such spare parts and imports in a maximally productive, employment generating, and cost effective way.

(2) Imports shall be coordinated with investments in accordance with the recipient country's plans for promoting economic development. The agency primarily responsible for administering part I of that Act shall asssess such plans to determine whether they will effectively promote economic development.

(3) Emphasis shall be placed on imports for agricultural activities which will expand agricultural production, particularly activities which expand production for export or to reduce reliance on imported agricultural products.

(4) Emphasis shall also be placed on a distribution of imports having a broad development impact in terms of economic sectors and geographic regions.

(5) In order to maximize the likelihood that the imports financed by the United States under such chapter are in addition to imports which would otherwise occur, consideration shall be given to historical patterns of foreign exchange uses.

(6)(A) Foreign currencies generated by the sale of such imports by the government of the country shall be deposited in a special account established by that government and, except as provided in subparagraph (B), shall be available only for use in accordance with the agreement for economic development activities which are consistent with the policy directions of section 102 of the Foreign Assistance Act of 1961 and which are the types of activities for which asssitance may be provided under section 103 through 106 of that Act.

(B) The agreement shall require that the government of the country make available to the United States Government such portion of the amount deposited in the special account as may be determined by the President to be necessary for requirements of the United States Government.

(b) ANNUAL EVALUATIONS.—The agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct annual evaluations of the extent to which the criteria set forth in this subsection have been met.

SEC. 802. ECONOMIC SUPPORT ASSISTANCE FOR SOUTHERN AFRICA.

(a) SOUTHERN AFRICA REGIONAL PROGRAM.—

(1) FUNDS FOR REGIONAL PROGRAMS.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $40,000,000 for fiscal year 1986 and $40,000,000 for fiscal year 1987 shall be available only for regional programs in southern Africa. Not less than 50 percent of each of these amounts shall be allocated to assist sector projects supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the nine member states forming this important regional institution, especially in the following sectors: transportation, agricultural research and training, manpower development, and institutional support for the SADCC secretariat.

(2) STUDIES.—

(A) EVALUATION OF ASSISTANCE.—The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct a study which evaluates (i) the assistance which that agency provides to the Southern Africa Development Coordination Conference and other African regional institutions and economic development organizations, and (ii) ways to improve such assistance.

(B) COORDINATING MECHANISM IN AID FOR ASSISTANCE.—The administrator shall also conduct a study which assesses what type of bureaucratic mechanism within that agency might be established to coordinate assistance to all African regional institutions.

(C) SUBMISSION TO CONGRESS.—The administrator shall submit the results of the studies conducted pursuant to this paragraph to the Congress within 3 months after the date of enactment of this Act.

(b) SOUTH AFRICA EDUCATIONAL TRAINING PROGRAMS.—Funds available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and fiscal year 1987 which are used for education or training programs in South Africa may not be used for programs conducted by or through organizations in South Africa which are financed or controlled by the Government of South Africa, such as the "homeland" and "urban council" authorities. Such funds may only be used for programs which in both their character and organizational sponsorship in South Africa clearly reflect the objective of a majority of South Africans for an end to the apartheid system of separate development. Nothing in this subsection shall be construed to prohibit programs which are consistent with this subsection and which award university scholarships to students who choose to attend a South African-supported university.

(c) HUMAN RIGHTS FUND FOR SOUTH AFRICA.—Of the amount allocated for the Human Rights Fund for South Africa under chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987, a significant proportion shall be used for assistance for the benefit of political detainees and prisoners and their families and for support for actions of black-led community organizations to resist the implementation of apartheid policies such as—

(1) removal of black populations from certain geographic areas on account of race or ethnic origin,

(2) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

(3) residence restrictions based on race or ethnic origin,

(4) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

(5) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

SEC. 803. ECONOMIC ASSISTANCE FOR ZAIRE.

Funds allocated for assistance for Zaire under chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987 shall be used only for assistance which is provided in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961. Such assistance shall be provided, to the maximum extent practicable, through private and voluntary organizations.

SEC. 804. ASSISTANCE FOR TUNISIA.

(a) POLICY CONCERNING SECURITY ASSISTANCE.—The United States provides security assistance to Tunisia in recognition of the traditional friendship between the United States and Tunisia and our common interests in the region. The provision of such assistance is also based on the expectation that political stability and development in Tunisia will be best advanced through continued growth of democratic institutions.

(b) EARMARKING OF ESF.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $20,000,000 for fiscal year 1986 and $20,000,000 for fiscal year 1987 shall be available only for Tunisia.

SEC. 805. POLITICAL SETTLEMENT IN SUDAN.

(a) FINDINGS.—The Congress finds that—

(1) friendship and mutual interests bind the United States and Sudan; and

(2) the peace, security, and economic development of Sudan depend in large part on addressing the problems associated with the traditional north-south division in that country through political rather than military means.

(b) UNITED STATES POLICY.—It is, therefore, the policy of the United States that the provision of security assistance to Sudan shall be based on the expectation that the Government of Sudan will make progress toward reaching a political settlement with all parties to the conflict in the south of Sudan.

SEC. 806. ELECTIONS IN LIBERIA.

In recognition of the special relationship that the United States has with Liberia and of the wide variety of interests that the United States has in Liberia, security assistance for Liberia for fiscal years 1986 and 1987 is based on the expectation of a successful completion of free and fair elections, on a multiparty basis, in October 1985 as proposed by the Government of Liberia and on a return to full civilian, constitutional rule as a consequence of those elections.

SEC. 807. WESTERN SAHARA.

(a) UNITED STATES POLICY.—The policy of the United States shall be to support a negotiated political solution to the conflict in the Western Sahara taking into account the principle of self-determination as outlined in the 1981 Nairobi resolution, to encourage a peaceful internationally recognized settlement, and to maintain direct contacts with all the parties to the conflict. As part of this policy, the United States should carefully consider each type of military assistance it furnishes to any of the parties to the conflict and should seek to insure that the furnishing of such military assistance is consistent with United States policy which seeks a negotiated settlement.

(b) FURTHER STATEMENT OF POLICY.—It is the further policy of the United States to support Morocco's legitimate defense needs and to discourage aggression by any country in North Africa against another.

(c) LIMITATION ON ACTIVITIES OF U.S. MILITARY PERSONNEL IN THE WESTERN

SAHARA.—Members of the United States Armed Forces may not perform defense services under the Foreign Assistance Act of 1961 or the Arms Export Control Act or conduct international military education and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961 in the Western Sahara so long as there is not an internationally recognized settlement in the Western Sahara.

SEC. 808. SAHEL DEVELOPMENT PROGRAM.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The third sentence of section 121(c) of the Foreign Assistance Act of 1961 is amended to read as follows: "In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $80,500,000 for fiscal year 1986 and $80,500,000 for fiscal year 1987.".

(b) IMPROVING ADMINISTRATIVE CAPABILITIES OF HOST GOVERNMENTS.—Section 121 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Grants shall be made under this section to Sahel Development Program host governments in order to help them enhance their administrative capabilities to meet the administrative requirements resulting from donor country projects and activities.".

SEC. 809. AFRICAN DEVELOPMENT FOUNDATION.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Section 510 of the African Development Foundation Act is amended to read as follows:

"SEC. 510. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title, in addition to amounts otherwise available for that purpose, $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987. Funds appropriated under this section are authorized to remain available until expended.".

(b) EXTENSION OF AUTHORITIES.—Section 511 of such Act is amended by striking out "1985" and inserting in lieu thereof "1990".

TITLE IX—FOOD AND AGRICULTURAL ASSISTANCE

SEC. 901. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

Section 103(g) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(g)(1) In order to carry out the purposes of this section, the President may continue United States participation in and make contributions to the International Fund for Agricultural Development.

"(2) There are authorized to be appropriated such sums as may be necessary to meet the United States pledge for the second replenishment for the International Fund for Agricultural Development.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 902. PUBLIC LAW 480 TITLE II MINIMUMS.

(a) MINIMUM AND SUBMINIMUM DISTRIBUTION REQUIREMENTS.—Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out paragraphs (1) through (3) and inserting in lieu thereof the following:

"(1) for fiscal year 1987 shall be 1,800,000 metric tons, of which not less than 1,300,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;

"(2) for fiscal year 1988 shall be 1,900,000 metric tons, of which not less than 1,400,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program; and

"(3) for fiscal year 1989 and each fiscal year thereafter shall be 2,000,000 metric tons, of which not less than 1,500,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1986.

SEC. 903. EXPRESS AUTHORITY FOR TITLE II DIRECT DISTRIBUTION, SALE, AND BARTER.

Section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after the first sentence the following new sentence: "Such commodities may be furnished for direct distribution, sale, barter, or other appropriate disposition in carrying out the purposes set forth in section 201.".

SEC. 904. ROLE OF PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

(a) NUTRITIONAL AND DEVELOPMENT OBJECTIVES.—Section 202(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new paragraph:

"(4) In the case of commodities distributed under this title by nonprofit voluntary agencies, consideration shall be given to nutritional and development objectives as established by those agencies in light of their assessment of the needs of the people assisted.".

(b) FOOD FOR DEVELOPMENT PROGRAMS.—Section 302(c)(4) of such Act is amended by inserting "and of United States nonprofit voluntary agencies and cooperatives" immediately after "agriculture".

SEC. 905. MULTI-YEAR AGREEMENTS WITH PVOS.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following:

"(c)(1) In agreements with nonprofit voluntary agencies for nonemergency assistance under this title, the President is encouraged, if requested by the nonprofit voluntary agency, to approve multi-year commitments to make agricultural commodities available for distribution by that agency. Such commitment shall be subject to the availability each fiscal year of the necessary appropriations and agricultural commodities.

"(2) Paragraph (1) does not apply to an agreement which the President determines should be limited to a single year because of the past performance of the nonprofit voluntary agency or because the agreement involves a new program of assistance.

"(3) In carrying out a multi-year agreement pursuant to this subsection, a nonprofit voluntary agency shall not be required to obtain annual approval from the United States Government in order to continue its assistance program pursuant to the agreement, unless exceptional and unforeseen circumstances have occurred which the President determines require such approval.".

SEC. 906. CHILD IMMUNIZATION.

(a) AMENDMENTS TO PUBLIC LAW 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (11) of section 109 by inserting immediately before the period at the end thereof ", including the immunization of children";

(2) in the first sentence of section 206 by striking out "or" before "(B)", and by inserting immediately before the period at the end thereof ", or (C) health programs and projects, including immunization of children"; and

(3) in the second sentence of section 301(b) by inserting "(including immunization of children)" immediately after "health services".

(b) IMMUNIZATION TARGET.—In the implementation of health programs undertaken in relation to assistance provided under the Agricultural Trade Development and Assistance Act of 1954, it shall be the target for the organizations and agencies involved to provide for the immunization by fiscal year 1987 of at least three million more children annually than receive immunizations under such programs in fiscal year 1985. Such increased immunization activities should be taken in coordination with similar efforts of other organizations and in keeping with any national plans for expanded programs of immunization. The President shall include information concerning such immunization activities in the annual reports required by section 634 of the Foreign Assistance Act of 1961, including a report on the estimated number of immunizations provided each year pursuant to this subsection.

SEC. 907. USE OF LOCAL CURRENCIES FOR EDUCATION PROGRAMS UNDER TITLE III.

Section 301(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "education," immediately after "nutrition," in the second sentence.

SEC. 908. FARMER-TO-FARMER PROGRAM.

(a) MINIMUM FUNDING LEVEL.—Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years 1986 and 1987 to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of such section 406(a) shall not constitute more than one-fourth of the funds used pursuant to this subsection, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of such section, and shall be administered wherever possible in conjunction with programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961.

(b) REPORT.—Not later than 120 days after the enactment of this Act, the Administrator of the agency for International Development, in conjunction with the Secretary of Agriculture, shall submit to the Congress a report indicating the manner in which the Agency intends to implement the provisions of section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 with the funds made available pursuant to subsection (a) of this section.

SEC. 909. TITLE II PROGRAMMING REPORTS.

Section 408(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking ot "title I" both places it appears and inserting in lieu thereof "titles I and II".

TITLE X—PEACE CORPS

SEC. 1001 AUTHORIZATIONS OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act $124,400,000 for fiscal year 1986 and $124,400,000 for fiscal year 1987.".

SEC. 1002. INCREASE IN NUMBER OF PEACE CORPS VOLUNTEERS.

(a) STATEMENT OF POLICY.—Section 2 of the Peace Corps Act (22 U.S.C. 2501) is amended—

(1) by inserting "(a)" immediately after "SEC. 2."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Congress declares that it is the policy of the United States and a purpose of the Peace Corps to provide, to the maximum extent possible, opportunities for service in the Peace Corps to at least 10,000 individuals by the end of the fiscal year 1989 and thereafter.".

(b) ANNUAL REPORT.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by adding at the end thereof the following new sentence: "The President shall also include in the report a description of the plans developed and implemented to carry out the policy set forth in section 2(b) of this Act.".

SEC. 1003. LIMITATION ON SERVICE.

Section 7(a)(2) of the Peace Corps Act (22 U.S.C. 2506(a)(2)) is amended

(1) in subparagraph (A) by striking out "five" and inserting in lieu thereof "seven and a half"; and

(2) in the third sentence by inserting "(other than the provisions of section 309)" after "1980".

SEC. 1004. PEACE CORPS PUBLICATIONS.

Section 15 of the Peace Corps Act is amended by adding at the end thereof the following new subsection:

"(e) Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purposes of this Act. Up to $200,000 of the proceeds of such sales in each fiscal year may, to such extent as may be provided in advance in appropriation Acts, be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31, United States Code.".

TITLE XI—OTHER POLICY PROVISIONS RELATING TO UNITED STATES ASSISTANCE

SEC. 1101. NOTICE TO CONGRESS OF USE OF CERTAIN AUTHORITIES RELATING TO HUMAN RIGHTS CONDITIONS.

Section 502B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(g) Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.".

SEC. 1102. PROHIBITIONS AGAINST ASSISTANCE.

Section 620(f) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" immediately after "(f)";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.".

SEC. 1103. LAND REFORM PROGRAMS.

Section 620(g) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.".

SEC. 1104. NUCLEAR NON-PROLIFERATION CONDITIONS ON ASSISTANCE FOR PAKISTAN.

Section 620E of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(e) No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.".

SEC. 1105. SUSPENSION OF ASSISTANCE TO COUNTRIES VIOLATING U.S. EXPORT LAWS IN ORDER TO MANUFACTURE A NUCLEAR EXPLOSIVE DEVICE.

(a) SUSPENSION OF ASSISTANCE BECAUSE OF ILLEGAL EXPORTS.—Subsection (a)(1) of section 670 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(A)" after "country which";

(2) by inserting immediately before the period at the end thereof ", or (B) is a non-nuclear-weapon state which, on or after the date of enactment of the International Security and Development Cooperation Act of 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device"; and

(3) by adding at the end thereof the following: "For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.".

(b) CONFORMING AMENDMENTS.—Such section 670 is amended—

(1) in the section caption by inserting "ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES," after "TRANSFERS,"; and

(2) by striking out "(5) As used in this subsection" and inserting in lieu thereof "(c) As used in this section".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 1106. REPORTS ON ECONOMIC CONDITIONS IN CERTAIN COUNTRIES.

(a) EXTERNAL DEBT BURDEN OF CERTAIN COUNTRIES RECEIVING U.S. ASSISTANCE.—The Congress finds that the Governments of Egypt, Israel, Turkey, and Portugal each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs.

(b) ANNUAL REPORTS ON ECONOMIC CONDITIONS.—

(1) REQUIREMENT FOR REPORTS.—In order to assist the Congress in examining United States assistance for these countries, the President shall report to the Congress annually regarding economic conditions prevailing in Egypt, Israel, Turkey, and Portugal which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

(2) SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not later than January 15 of each year.

SEC. 1107. EGYPTIAN-ISRAELI RELATIONS.

The Congress notes the recent effort of Egypt to move the peace process forward. However, the Congress continues to be concerned about the less than normal relations between Eygpt and Israel. It is the sense of the Congress that all United States foreign assistance to Egypt is provided in the expectation that the Egyptian Government will continue in its efforts to bring peace to the region and that it will continue to support and fulfill the provisions of the Camp David Accords and the Egyptian-Israeli Peace Treaty, including the return of the Egyptian ambassador to Israel.

SEC. 1108. UNITED STATES POLICY TOWARD THE REPUBLIC OF KOREA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Republic of Korea has taken several significant and encouraging steps in liberalizing the political system in that country;

(2) among the steps which have facilitated a more democratic environment are the release of hundreds of student demonstrators, the lifting of a political ban on more than 300 opposition leaders, and the holding of a vigorously contested election for the National Assembly in which the opposition made substantial gains;

(3) despite these steps, the people of the Republic of Korea, who have become increasingly better educated and prosperous as a result of Korea's extraordinarily rapid economic development, have the desire and the capability to participate more fully and effectively in the government of their own country; and

(4) while internationally recognized human rights are clearly respected much more in the Republic of Korea than in the Democratic People's Republic of Korea, continued progress toward democratization in the south is in the interests of both the Republic of Korea and the United States, inasmuch as long-term political stability cannot be assured in the absence of further progress toward democratic government.

(b) UNITED STATES POLICY.—It is the policy of the United States to provide assistance to the Republic of Korea in order to help that country defend itself against external aggression. It is the hope of the United States that the continuing close relations between our two countries, including such assistance, will encourage the establishment of a genuinely democratic system in the Republic of Korea, in which internationally recognized human rights, including freedom of the press, freedom of association, and freedom of assembly are observed.

SEC. 1109. ASSISTANCE FOR THE PHILIPPINES.

(a) UNITED STATES POLICY.—It is the sense of the Congress that the United States should use all appropriate means to ensure that the people of the Philippines and the entire East Asia region understand that United States assistance to the Philippines—

(1) is provided to support democracy, to encourage an effective effort against the communist insurgency, and to maintain and foster friendly relations between the people of the United States and the people of the Philippines; and

(2) is not intended to imply support for any particular Philippine regime.

(b) OBJECTIVES.—To that end, United States foreign assistance furnished to the Philippines each fiscal year should be used to encourage and promote objectives such as—

(1) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961, including an end to "salvagings" and torture, as well as full respect for other fundamental human rights, including freedom of speech, freedom of the press, and freedom of assembly;

(2) the revitalization of democratic institutions in the Philippines, including—

(A) the process of free, fair, and open elections, one element of such process being the existence of a genuinely independent and respected electoral commission, and

(B) limiting the use of the President's emergency decree-making power to genuine emergencies;

(3) maintenance of an independent judiciary and legal due process;

(4) accountability and a fair judicial process in the Aquino assassination trial;

(5) progress toward implementation of structural economic reforms and a strengthening of the private sector, including the elimination of corruption and monopolies and an improvement in the social conditions of the poorest Filipinos and in the distribution of income and wealth;

(6) the increased professional capability of the Philippine armed forces in order to instill a greater respect for human rights on their part, to enhance the military effectiveness of these forces in dealing with the growing communist insurgency, and to facilitate a process of peaceful national reconciliation;

(7) efforts of Filipinos to deal with the political, economic, and social root causes of the growing communist movement and insurgency, as well as the appropriate military measures to stem the insurgency; and

(8) the maintenance of the common security objectives of the United States and the Philippines, including United States access to the facilities at Clark Field and Subic Bay.

(c) REPORTS TO THE CONGRESS.—

(1) PROGRESS TOWARDS OBJECTIVES.—The President shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the extent to which the Government of the Philippines has made progress in the objectives identified in subsection (b), including the extent to which those objectives have been agreed to by the Government of the Philippines and concrete steps taken to achieve those objectives.

(2) ASSISTANCE TRANSFERRED.—Each report pursuant to this subsection shall also describe the amount of assistance actually transferred by the United States to the Philippines during the preceding 6 months, the purposes for which it is to be used, the beneficiaries of the assistance, and the specific steps the United States has taken to publicize the various programs and projects for which our assistance has been utilized. Such reports shall also include the text of any memorandum or agreement between the United States Government and the Government of the Philippines regarding the use of local currencies generated from assistance furnished to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) or generated from the sale of agricutural commodities under the Agricultural Trade Development and Assistance Act of 1954.

(3) DISTRIBUTION OF ASSISTANCE THROUGH THE CATHOLIC CHURCH, PVOS, AND COOPERATIVES.—The first report pursuant to this subsection shall include an analysis of the feasibility of distributing as much United States economic assistance to the Philippines as possible through the Catholic Church, private and voluntary organizations, and cooperatives, rather than through government agencies.

(4) TIME FOR SUBMISSION OF REPORTS.—Reports pursuant to this subsection shall be submitted semi-annually, beginning on October 1, 1985, and every six months thereafter until October 1, 1987.

SEC. 1110. POLITICAL SETTLEMENT IN SRI LANKA.

(a) FINDINGS.—The Congress finds that—

(1) the Government and people of Sri Lanka and the Government and people of the United States share a common devotion to independence, democracy, and human rights;

(2) the United States is concerned over the armed clashes between the security forces of the Government of Sri Lanka and some Sri Lankans who seek through violent means, including terrorist attacks, to divide that nation;

(3) there have been acts of terrorism committed against members of the Sri Lankan security forces, as well as against civilians, and there have been human rights abuses by members of the security forces against civilians, particularly Tamils, despite the efforts of the Government to put an end to those abuses;

(4) the differences and grievances in Sri Lanka cannot be resolved through the use of force; and

(5) the United States is a proud participant through its economic assistance programs in Sri Lanka's highly regarded development efforts and looks forward to enhanced cooperation and assistance in the context of a political settlement in Sri Lanka leading to the kind of peaceful climate in which additional aid could be effectively utilized.

(b) POLITICAL SETTLEMENT.—It is, therefore, the sense of the Congress that—

(1) all parties in Sri Lanka, from all communities in and out of government, should renew their efforts to achieve a joint political settlement which meets the legitimate concerns of all the people of Sri Lanka, while preserving the territorial integrity of Sri Lanka; and

(2) all parties outside Sri Lanka should do nothing which would impede progress toward such a settlement.

SEC. 1111. ASSISTANCE FOR AFGHANISTAN.

(a) AUTHORIZATION.—The President may make a available funds authorized to be appropriated to carry out the provisions of chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

(b) FUNDING TARGET.—It is the sense of the Congress that the President is strongly urged to use not less than $15,000,000 in fiscal years 1985 and 1986 for the purpose of carrying out the provisions of this section.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 1112. ASSISTANCE FOR THE CAMBODIAN PEOPLE.

The President may make available to the noncommunist resistance forces in Cambodia up to $5,000,000 for fiscal year 1986 and up to $5,000,000 for fiscal year 1987 of the funds authorized to be appropriated to carry out chapter 2 or chapter 4 of part II of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

TITLE XII—MISCELLANEOUS PROVISIONS

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on October 1, 1985.

SEC. 1202. PROCUREMENT OF CONSTRUCTION AND ENGINEERING SERVICES.

Section 604(g) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) does not apply with respect to an advanced developing country which—

"(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

"(B) if the country has its own foreign assistance programs which finance the procurement of construction or engineering services, permits United States firms to compete for those services.".

SEC. 1203. COMPLETION OF PLANS AND COST ESTIMATES.

Section 611 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a) by striking out "$100,000" and inserting in lieu thereof "$500,000"; and

(2) in subsection (b) by striking out "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations" and inserting in lieu thereof "the principles standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto".

SEC. 1204. REPROGRAMING NOTIFICATIONS TO CONGRESS.

Section 634A of the Foreign Assistance Act of 1961, as amended by title I of this Act, is further amended by adding at the end thereof the following new subsection:

"(c) The President shall notify the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives concerning any reprograming of funds in the International Affairs Budget Function, the authorizations of appropriations for which are in their respective jurisdictions, to the same degree and with the same conditions as the President notifies the Committees on Appropriations. The requirements of this subsection are in addition to, and not in lieu of, other notification requirements.".

SEC. 1205. REPEAL OF OBSOLETE PROVISIONS AND CORRECTION OF TECHNICAL REFERENCES.

(a) REPEALS.—The Foreign Assistance Act of 1961 is amended as follows:

(1) The third sentence of section 105(a) is repealed.

(2) Section 106(b)(1) is amended by striking out "(A)" and by striking out subparagraph (B).

(3) Section 110 is amended by striking out "(a) and by striking out subsection (b).

(4) Chapter 10 of part I is repealed.

(b) CORRECTION OF CROSS-REFERENCES.

(1) FOREIGN SERVICE ACT.—Section 636(a)(14) of such Act is amended by striking out "the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting in lieu thereof "the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

(2) TITLE 31 OF THE U.S. CODE.—Section 611(a) of such Act is amended by striking out "section 1311 of the Supplemental Appropriation Act, 1955, as amended (31 U.S.C. 200)" and inserting in lieu thereof "section 1501 of title 31, United States Code".

(3) ITAR REGULATIONS.—Section 47(6) of the Arms Export Control Act is amended by striking out "combat" and inserting in lieu thereof "military".

SEC. 1206. CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION.

(a) UNITED STATES POLICY.—The United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.".

(b) REAFFIRMATION AND CODIFICATION OF POLICY.—The United States hereby reaffirms that policy. In accordance with that policy—

(1) no officer or employee of the United States Government, and no agent or other individual acting on behalf of the United States Government, shall negotiate with the Palestine Liberation Organization or any representatives thereof, and

(2) the United States shall not recognize the Palestine Liberation Organization, unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism.

SEC. 1207. COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) PURPOSE.—Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) DUTIES.—The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

(d) MEMBERSHIP.—

(1) The Commission shall consist of 21 members, of whom 7 shall be appointed by the President, 7 shall be appointed by the Speaker of the House of Representatives, and 7 shall be appointed by the President pro tempore of the Senate.

(2)(A) Except as provided in subparagraphs (B), (C), and (D), members shall be appointed for terms of 3 years.

(B) Of the members first appointed by the Speaker of the House of Representatives, 5 shall be appointed for a term of 2 years. Of the members first appointed by the President pro tempore of the Senate, 5 shall be appointed for 2 years.

(C) A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(D) A member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every three months.

(f) COMPENSATION AND PER DIEM.—

(1) Members of the Commission shall receive no pay on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(g) AUTHORITIES.—

(1) The Commission or any member it authorizes may, for the purposes of carrying out this section, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(3) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(4) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(5) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(6) The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(8) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORT.—The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishment of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

The CHAIRMAN. Pursuant to House Resolution 140, the amendment in the nature of a substitute is considered as having been read.

The gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 1 hour, and the gentleman from Florida [Mr. FASCELL] will be recognized for 1 hour.

The Chair recognizes the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to congratulate the House for its thoughtful and constructive deliberations on this important bill during the past 3 days.

Given the budget problems we are facing and the size of the deficit, I am certainly pleased at the action we took to reduce the committee bill below the 1985 freeze level.

Over the years, I can't recall when I have seen this body work in a more responsible, bipartisan manner to give the administration the flexibility it needs to conduct an effective foreign policy. I am thinking particularly of the repeal of the Clark amendment and other important amendments which have been adopted.

At the same time, I regret that the administration has not fully appreciated the need to work together to develop a workable compromise and has been more concerned with merely achieving the funding level it seeks through a continuing appropriation.

In view of the present funding levels and the number of constructive amendments that have been added to this bill, we have accomplished most of the objectives that I sought to achieve with my substitute. Therefore, I will not offer it and will vote enthusiastically for the committee bill as amended.

I want to thank the chairman of the Rules Committee [Mr. PEPPER] for allowing me the opportunity to offer my substitute, which was a way of bridging the gap between the original committee bill and the administration position.

Finally, I would like to pay tribute to Chairman FASCELL for the skill and consideration he has displayed as manager of the bill. Not only has he worked cooperatively with the Members of both sides, but he has been especially considerate of the minority in our efforts to work out acceptable, bipartisan amendments.

Without his leadership, we could never have arrived at this juncture.

While there are still some remaining areas of major concern to the White House, I believe it is important that, notwithstanding those concerns, we pass the bill before us and send it to conference.

In view of the progress we have made in the last few days, I am optimistic that the conferees, continuing to work in a constructive, bipartisan manner, will be able to resolve those remaining concerns in a way that will be acceptable to the President and in the best interests of our country.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, first of all, I would like to commend the gentleman from Michigan [Mr. BROOMFIELD] for all his efforts in trying to arrive at a position that would gain bipartisan support. I submit that the Foreign Affairs Committee bill as it came out of the committee lacked the balance needed to pass in this House.

I also, of course, compliment the chairman of the full committee, the gentleman from Florida [Mr. FASCELL] for the fine work that he has done here in the last 3 days.

I know that some problems still remain, and as everyone is well aware, the administration is not satisfied with the bill as it stands, even with the considerable improvements that have been made; but as most everyone would admit, it is probably the best that can be achieved in this year of fiscal restraint and with the political realities that exist.

I find it regrettable, Mr. Chairman, that the administration did not support the substitute of the gentleman from Michigan [Mr. BROOMFIELD] earlier on. I think we could have done even better had they done so.

One of my concerns with the language in the committee bill, and it was a concern not just with the Western Hemisphere provisions, but also with other titles, was the restrictions and conditions which were added to the President's authority in conducting foreign policy. These had the effect of inhibiting the President's flexibility in dealing with serious and complex issues in many parts of the world. Given those increased restrictions and conditions, it did not make sense to pass the committee's version, particularly when the administration was not getting what it was asking for in the way of funding. As a matter of fact, it seemed in some ways that we would have been better off with simply another continuing resolution.

In some respects, the committee's bill seemed to take notice of the dramatic changes and the improvements in Central America, and the advances in strengthening the democratic process in El Salvador, Guatemala, and Honduras, much more so than ever before, but I believe that in too many ways the bill did not give enough credit for what was already accomplished and does not allow the United States to encourage continued, substantive progress.

For that reason, I urged the minor changes that were to be found in the substitute; however, I might say that the changes that have been made in the bill here today, yesterday, and the day before that, together with the assurance that we have from the chairman of the committee that further changes will be made in some of these titles, I think means that our concern has been resolved to a great extent and will be further resolved in the conference.

I was also concerned about some of the provisions in the committee bill that unduly restricted the authority of the President and raised serious constitutional questions or seemed to contradict the provisions of the War Powers Act.

They also raised serious questions about the strength and reliability of the U.S. commitment to the security of our allies. Those provisions are not acceptable to the majority of those on our side and have the potential for ultimately defeating the entire bill; however, once again, that problem has been largely resolved by amendments to the bill.

I sincerely hope that this House will act in such a way as to ensure the possibility of strong, bipartisan support for foreign assistance legislation that is responsible and responsive to the needs of our Nation and reflect the requests of the executive branch which is charged with carrying out a foreign policy that preserves and protects our national interest.

The bill does still suffer the defect of improper allocation of military and economic assistance. I hope that can be cleared up.

The gentleman from Michigan [Mr. BROOMFIELD] served a real purpose in offering his substitute. The funding in the bill has been cut, but not in the right way between military and economic aid, and many restrictions on the President have been eliminated or watered down. In fact, in some ways the bill in this regard, if I do say so to the gentleman who offered the substitute, is better than the substitute.

Mr. Chairman, the bill is a long way from what it should be, but it can be improved further in conference.

□ 1530

I think on balance the bill is worthy of our support, of our strong support, and I urge our colleagues to vote for it, as I will do.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield briefly to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding and want to commend our distinguished chairman, the gentleman from Florida [Mr. FASCELL] and our distinguished ranking members, the gentleman from Michigan [Mr. BROOMFIELD] for bringing this measure to the floor in such an expeditious and comprehensive manner, and for skillfully guiding it through the maze of 3 days of debate and the multitude of amendments in this measure. I also join in commending our committee staff for their outstanding work on this measure.

I want to extend to my colleagues our committees thanks for their patience as we made our way through the numerous, critical amendments. This is a measure that few of us will find wholly satisfactory. There have been a number of constructive amendments added to the measure. And I know that many of us will find one portion or another in this measure that we are unhappy with in this omnibus foreign assistance bill.

But I do urge my colleagues, let us be cautious and not throw out the baby with the bathwater as we consider those aspects of this bill that we do not agree with.

Please also bear in mind that this bill is below budget. It includes some very constructive passages with regard to some very important areas, particularly in attacking narcotics, helping us to fight terrorism, providing airport security, and adopting some significant anti-Communist initiatives.

Accordingly, I urge my colleagues to fully support the measure, and I thank the gentleman for yielding.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the distinguished gentleman from Michigan [Mr. BROOMFIELD] for yielding.

Some of my colleagues have asked me today, as they have previously, why we should vote for this foreign aid bill. I think there is one very important reason why the answer should be yes.

We hear considerable criticism about the State Department, the way our foreign policy is run. But we have not passed a foreign assistance bill for many years, and it is about time that the Members realized that the product of our efforts here really means something. We really get no alternative advice and direction to the running of our foreign policy in this country unless the legislative body of the Congress of the United States passes a foreign assistance bill in both bodies.

This is the opportunity for my colleagues who are critical of our foreign policy to have a part in having the Congress of the United States help set this foreign policy. For this reason and for many that have previously been mentioned, I urge my colleagues to take this opportunity to support this legislation, and to pass it, and to help set foreign policy in the United States.

I thank the gentleman for yielding.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. HYDE. I thank my friend for yielding.

I do not know when I started out disliking a bill as much as I did this one, and ending up with an almost sentimental attachment to it. This bill goes a long way toward accommodating a world view that I think is in touch with reality, and I do intend to vote for it.

But I want to say at this point that a word of tribute is due to DANTE FASCELL. If there was a bill I wanted desperately to get through this body, I would plead with DANTE FASCELL to be its chief sponsor and manager, and then I would ask BILL BROOMFIELD to take the lead in supporting it on our side.

When any Member of Congress sounds quasi-intelligible, not to say intelligent, the blame or praise goes to the staff. The majority and the minority staff have done a great job in answering the tough questions instantly, helping provide the guidance that is indispensable to making this a worthy piece of legislation, and I want to commend them. When we sound good it is their fault. When we sound dumb it is our fault. And so praise and commendation to the majority and the minority staff. If I knew all of their names and could pronounce them, then I would recite them here, and perhaps I will get that in the RECORD.

But I do want to commend the gentleman from Michigan [Mr. BROOMFIELD] for his leadership. This committee is one of the blue-ribbon committees in this Congress, in my chauvinistic view. We have almost become superfluous because we have not accomplished anything for some years in terms of an end product, a legislative product, although I do think the debate, even if legislation does not emanate from the debate, still is very useful in educating ourselves as well as the country.

But this year is different. We have a bill. It is worthy of support. It is not perfect. The perfect is the enemy of the good. But it is a very good product, and I will support it, and I am proud to have been associated in some miniscule way with this effort.

I thank the gentleman.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield briefly to the gentleman from Michigan.

Mr. PURSELL. I am not a member of this committee, but I too want to congratulate both leaders in terms of the debate here today.

But I want to be mindful also in a period of history that we should be very careful as we legislate foreign policy here in the House and the Senate. I think we need closer consultation with the State Department and the President of the United States.

I am mindful of the era in history of Senator Arthur Vandenberg who was the genesis of bipartisan foreign policy back after the war under Harry Truman, and so I just suggest that we be careful that each one of us not play a major role in deciding foreign policy here. I think we have a historic effort of putting a bill together, legislating with great debate, but I think there is a balance here and we should be mindful of that in the future.

I too want to congratulate the committee.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield briefly to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, I thank our Republican leader of this important committee. I am going to support this bill for several reasons. It is below budget, and ever since they computerized the printing of money at the Bureau of Engraving, anything under budget in this body is an absolute miracle.

This bill has made stronger statements against communism than any bill to come out of this House in a decade. It also hits hard the racism of apartheid.

It attacks narcotics trafficking in as tough a way as I have ever seen. It helps our fight against terrorism although we are barely starting the counterattack against that horror.

But there are three additional reasons, equally important, why I am supporting this bill, and I will leave the most important reason until last.

One is our chairman, the gentleman from Florida [Mr. FASCELL]. I have served under some great majority chairman in this House. The beloved former chairman of this committee Clem Zablocki, comes to mind immediately. So does Chairman Tiger Teague of the Science and Technology Committee, and although Chairman DON FUQUA is not yet beloved, he is heading in that direction. But I have never served under a fairer chairman than I have here on this committee; but with all due respect to the majority, I am as proud as I have ever been in 7 years of House service to serve under the gentleman from Michigan [Mr. BROOMFIELD]. What he has crafted here in this bill with the help of his Republican colleagues, and without any help from the outside, I think is a masterful achievement. And he has done it while reenforcing that comity and good will so necessary to bipartisan efforts in this House.

The third reason, I think is the most important. It is very simply this—that this bill ensures the survival, at least for 1 more year, of our finest ally in the United Nations, the only and still very strong democracy in the Middle East, the small nation of Israel. To be sure, we have to take a hard look at those areas still in the bill, and they are buried very deeply in some of the aid programs, where Israel's security is placed in jeopardy. The borders of the State of Israel still are the key to its survival.

I wish to thank the Members on both sides of the aisle for vigorous but fair debates. This area of foreign aid is every bit as sensitive and delicate as the defense of our country. We have managed to move with incredible speed today, and at the end of yesterday's session, and yet have really crafted something to support. I think this is a bill that the House can be well satisfied with, and I will be at the door strongly urging Members on our side to see if we cannot send solid advice and counsel to the conference committee.

In closing I observe that the near fatal fever of the Vietnam syndrome, which has plagued us for 10 years, was lowered at least 10 degrees through what we have accomplished in this bill this year, particularly the acceptance of my amendment, introduced by my good friend Mr. STRATTON, to remove the infamous Clark amendment which crushed the freedom fighters in Angola.

Again I thank my leader, Mr. BROOMFIELD. Well done.

Mr. BROOMFIELD. I thank the gentleman very much. I want to conclude by paying tribute to the staff on both sides of the aisle. We worked very closely together, and I think it has produced an excellent bill.

I also want to say thanks, DANTE, for all of your help in bringing this about. And to the chairman of the committee, I again want to congratulate him on the excellent job of presiding. You have been most fair in your conduct in performing your duties.

□ 1540

I appreciate it. I know all the Members do. This has been a great debate and I think it is one of the most important bills that we have had before Congress in a long time. Again I am very proud to be a part of it. Thank you very much.

Mr. FASCELL. Mr. Chairman, I will not take too much time on this. First I want to express my appreciation to you for the way that you performed as chairman of the committee over the last 3 days. It was a difficult job and you did an outstanding job. You were eminently fair and expedited the work that had to be done. Likewise, I extend to my colleagues on both sides of the aisle my appreciation to them for all of the hard work, the seriousness, and sensitivity with which they have approached consideration of this bill and the hard work that has been put in by both sides.

We have been at this bill now for 6 months, Mr. Chairman. I just want the members of this committee to understand that we take this matter very seriously. I cannot begin to describe the amount of work that has been done by staff, by subcommittees, by individual members, and by many others on both the majority and the minority side of the Foreign Affairs Committee.

We all had sincere and very deeply held opinions and feelings running the entire spectrum of the political system of the United States. We resolved our differences in the best tradition of any democratic body. We worked to bring together some kind of a consensus to achieve the will of the House on this bill, and we succeeded.

Now that does not mean, of course, that we could have satisfied everyone. That is not possible. I could do anything I want if I had all the votes. I do not. Anybody else could do it, there is no trick to it at all if they have the votes. But all of us, whether we are Republicans, Democrats, left or right, must give each other credit for sincerity and intelligence and a willingness to grapple with the issues. There has been a willingness to understand the views of the other person. That is what these last 6 months and these 3 days have demonstrated to the American people. In my judgment, all of us, regardless of our positions on an issue, have grappled directly with the issue trying to do something that we sincerely believe is in the best interests of the country. Out of that we have forged a good piece of legislation to guide us. After 6 months the work is still not yet finished. So we will continue our work.

I am grateful to all those people who have labored so hard to help shape this bill. And I say to my colleagues that I trust we will continue to support the legislative process, regardless of any frustrations or disappointments because a particular idea or policy or amendment was not agreed to by the Committee of the Whole. And I say that, if we do not sustain the legislative process, what we do, is to turn the whole issue of policy formulation and its implementation to a negotiation between the Appropriations Committee and the administration. We remove the authorizing committees from the legislative process.

I do not think that that is a good way for us to do it. We have climbed more pillars and obstacles in getting this legislation to the floor and possibly getting it adopted than the Perils of Pauline. And it is primarily in the interest of preserving the legislative prerogatives of the House of Representatives that we have worked so hard to do that. It would be so easy to get frustrated and throw our hands up in disgust and say, "Let them go ahead and do it, they deserve it, and just let them negotiate something out." I am glad we have not done that. I urge my colleagues on both sides to support this bill.

We have given it our best effort. It has been an honest and thorough debate. Everybody has had an opportunity to be heard. We have had fair discussion and decisionmaking and I want to thank my Republican colleague, the ranking member, Mr. BROOMFIELD, for working with me, the subcommittee chairmen, the ranking members, all of you for doing this job.

Now I yield to the distinguished chairman of the Intelligence Committee, the ranking member of the Committee on Foreign Affairs, Mr. HAMILTON of Indiana.

Mr. HAMILTON. I thank the gentleman for yielding.

Let me add a word of commendation to the chairman, Mr. FASCELL, and the ranking member, Mr. BROOMFIELD. We have seen an example of legislative craftsmanship and virtuosity by these two gentlemen and all of us who are interested in this bill are deeply grateful to them for their work.

In view of the concerns that have been expressed, primarily on this side of the aisle, about the repeal in this bill of section 118 of the International Security and Development Cooperation Act of 1980, commonly referred to as the Clark amendment, I just wanted to state my own view that the repeal should not be construed as an endorsement by the Congress of the provision of assistance for military or paramilitary assistance or paramilitary operations in Angola.

Whether or not we provide that assistance is a separate and a future question. And whether or not that assistance is provided will depend upon normal legislative procedures, the authorization and appropriation bills or presentment by the President of a finding to the Select Committee on Intelligence. I think it is quite important to make a distinction between repealing of the Clark amendment and the separate question of providing some assistance in that area.

Mr. Chairman, may I extend my congratulations to you, to Mr. BROOMFIELD, to the staff, and to Members who have worked on the bill, and urge Members to vote for the bill.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank our chairman for yielding.

I rise in strong support of the bill that we will be voting on shortly. There are undoubtedly people on my own side of the aisle who are asking, after seeing the array of legislative supporters from the minority side who have spoken in favor of the bill, and after seeing what has happened to this legislation on the floor in recent days, is this a bill that should still be supported? And I say to those colleagues, whom I respect and whose views I share that there is no question that on balance this is a piece of legislation that deserves your strong support.

There is no doubt that just as the amendments that have been passed have enhanced the enthusiasm of the minority, they have diminished my own enthusiasm. But we are voting on a total piece of legislation, a piece of legislation that though it comes in below a freeze, below last year's continuing resolution level, significantly below the administration's proposed level still makes important changes. It increases the very critical area of development assistance and deemphasizes the area of military assistance, provides critical assistance to Israel, and codifies important language with respect to U.S. policy on negotiations with the PLO, increases economic aid and reduces military aid to the Philippines, provides meaningful human rights restrictions on aid to a number of countries, and most particularly in Central America, and significantly increases population assistance, all in the context of a total package that comes in at or below the freeze level.

□ 1550

Perhaps most importantly, this bill will be going to a conference committee, and I think my colleagues on this side of the aisle can have confidence in the fact that that will be a conference committee headed by our distinguished chairman, DANTE FASCELL, and will contain experts and people coming from a perspective that I think represents the view of our party; people like Mr. HAMILTON, Mr. WOLPE, Mr. SOLARZ, and Mr. BARNES, and a number of the other conferees from the different geographical subcommittees of Foreign Affairs. In that conference committee, they will be fighting to enhance and support our positions and the committee's positions on these issues.

I believe that this is a bill which should be supported; I think institutionally it is wrong to simply rely on the continuing resolution process, and I suggest to the colleagues on my side of the aisle that nothing that you are concerned about will be treated any better in the continuing resolution process. You will simply be abandoning and abdicating a congressional role in this legislation, and giving the administration a freer hand, and I join the chairman, who has done such a fabulous job of shepherding this bill in and urging an "aye" vote.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding. I think he has made an extraordinarily skillful summation of the reasons why this legislation deserves the support of Members on both sides of the aisle.

I want to join in the tribute that was paid to our very distinguished chairman, who in my judgment and I think the judgment of virtually everyone here, is one of the most skillful, one of the most able, one of the most dedicated and clearly one of the most respected Members of the House, for the leadership he has provided in facilitating the consideration of this legislation.

When one looks at what has happened during the 3 days of debate that we have had on this bill, one notices that our friends on the other side won on Angola and on Mozambique. On this side of the aisle, we won on the Philippines and on South Africa.

All Americans won when we included substantial aid for Israel and for hundreds of millions of starving people around the world who depend on our humanitarian assistance.

Let me just say to those who may have some reservations about voting for the bill because of a provision here or there they do not like. There is not a single authorization bill which, in the history of this Republic, has ever been adopted which did not have some provisions which some of the Members did not find objectionable, but if at the end of the day we were to reject authorization bills simply because there were some elements we did not like, the machinery of government would grind to a halt.

I think we have done some good work on this bill; there are some provisions which nobody likes, but there are many provisions which all of us support, and I think we ought to join hands on behalf of America.

We cannot have a credible foreign policy without a foreign aid authorization bill, and I urge support for this measure.

Mr. FASCELL. Mr. Chairman, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, at this time I ask unanimous consent to withdraw my amendment in the nature of a substitute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. AUCOIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555) to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes, pursuant to House Resolution 140, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SOLOMON. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SOLOMON moves to recommit the bill, H.R. 1555, to the Committee on Foreign Affairs with instructions to report it back forthwith with the following amendment:

Page 8, line 13, strike out "$736,648,000" and in lieu thereof insert "$805,100,000"; and

Page 8, line 14, strike out "$736,648,000" and in lieu thereof insert "$805,100,000".

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, let me be as brief as possible. First, since I did not have time to compliment the chairman of the committee, I would like to do so.

You know, it is a pleasure to be a Member of this Congress and I am very proud to be a Member of this Congress; to see the Congress, on this floor, work its will. It could not have done it without the gentleman from Oregon [Mr. AUCOIN], who was an outstanding committee chairman; it could not have done it without DANTE FASCELL and without BILL BROOMFIELD, and it certainly could not have done it without all of the staffs.

The committee has worked its will, and we have a bill that many of us can live with.

However, I still have a very major concern. I was a part of the agreement to freeze the spending levels at last year's continuing resolution; and in doing so, I think that we have really jeopardized much of our defense treaty obligations to many countries.

What this motion does is to recommit with instructions to restore about $68.5 million to the Military Assistance Program account, to bring that account back to the fiscal year 1985 enacted appropriations freeze level of $805 million. This committee bill is far too low, in my opinion, in this account to really meet our minimum security commitments, and adoption of this motion to recommit would still lead the total dollar amount of the bill nearly $74 million below the enacted fiscal year 1985 appropriations freeze level, including supplements, and far below the administration request.

I think the restored military assistance will help American friends and allies throughout the world to obtain the necessary military equipment and training that they need to strengthen their own defense as well as protect our own national security.

This assistance would be provided to such countries as Portugal and Turkey which allow U.S. armed forces the use of important military facilities, and more importantly, it would allow us to

meet our defense treaty obligations with those countries.

There are such other assistances that would also be valuable in helping friends in Africa, which we have all been very much concerned about; in Morocco, in Tunisia, in Kenya, and Somalia; and finally, the restored military assistance that I propose would be important to our friends in Central America such as El Salvador and Honduras, all of which were severely frozen at levels that are far beyond our defense authorization and military treaty obligations.

So with that, Mr. Speaker, I would ask that the committee support this motion to recommit, which would bring up the levels but keep it at the freeze level that was proposed earlier in the day.

Mr. FASCELL. Mr. Speaker, I rise in opposition to the motion to recommit. I just do not think we ought to add any money to the bill.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes.".

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 99, AMERICAN CONSERVATION CORPS ACT

Mrs. BURTON of California. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 99) to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Interior and Insular Affairs, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill in boldface roman as an original bill for the purpose of amendment under the five-minute rule. Each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1600

The SPEAKER pro tempore. (Mr. MURTHA). The gentlewoman from California [Mrs. BURTON] is recognized for 1 hour.

Mrs. BURTON of California. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. FASCELL. Mr. Speaker, will the gentlewoman yield?

Mrs. BURTON of California. I yield to the gentleman from Florida.

AUTHORIZING THE CLERK TO CORRECT SECTION NUMBERS, PUNCTUATION, AND CROSS REFERENCES IN ENGROSSMENT OF H.R. 1555, INTERNAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill H.R. 1555, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1555, the bill previously passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mrs. BURTON of California. Mr. Speaker, House Resolution 195 is an open rule providing for the consideration of H.R. 99, the American Conservation Corps Act of 1985. That rule allows 1 hour of general debate with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule also makes in order consideration of the Education and Labor Committee amendment in the nature of a substitute now printed in the bill as the original text for the purposes of amendment, in lieu of the Interior and Insular Affairs Committee amendment. Each section of that substitute shall be considered as read.

This rule waives section 402(a) of the Congressional Budget Act of 1974 against consideration of the bill. Section 402(a) prohibits consideration of legislation authorizing appropriations not reported on or before May 15 prior to the fiscal year in which the authorization becomes effective. That waiver is necessary because the bill, as introduced, authorized appropriations for fiscal year 1985. The substitute made in order by this rule cures the Budget Act violation by deleting the authorization for fiscal year 1985, but a waiver is still necessary to allow consideration of this bill.

In addition, the rule waives clause 5(a) of Rule XXI, which prohibits appropriations in a legislative bill, against the substitute made in order by the rule. This waiver is necessary since a provision of that substitute provides that funds collected from conservation corps enrollees to defray the costs of room and board shall be expended for that purpose.

Finally, Mr. Speaker, this rule provides for one motion to recommit, with or without instructions.

H.R. 99 supplies an important piece of the whole fabric that prepares our young people for the future—especially at a time when youth and young adult employment, most noticeably among minorities, has declined and left many without hope for acquiring needed training and employment. Even at this modest level of funding, the door is opened for many.

San Francisco is the home of the first municipal conservation corps in the Nation. For years, this program has served to enhance the quality of our city's environment and at the same time it has created opportunities for disadvantaged youth in our area to cultivate basic work skills. This measure would complement similar State and local programs across the Nation and allow young people to benefit from this type of practical, cost-effective training.

I urge my colleagues to support this rule and the passage of H.R. 99.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have spent months in the Budget Committee this spring trying to figure out ways to cut spending. The bottom line is that we can't afford to fund all the programs we now have on the books.

And so what are we being asked to consider today? A new program to spend more money we don't have.

Mr. Speaker, we have got to make up our minds. Either we want to reduce the deficit or we don't. If we are serious about cutting the deficit, then we are going to have to have the courage to forego new spending programs regardless of their merit.

The bill made in order by this rule would establish a youth conservation work program.

Mr. Speaker, the version of this bill reported by the Committee on Interior and Insular Affairs would cost $225 million over 3 years. The Education and Labor Committee amendment provides such sums as may be necessary. The Congressional Budget Office has noted that because the Education and Labor Committee amendment does not mandate a particular size or scope for the program. It is not possible to determine its costs to Federal, State, or local governments.

Mr. Speaker, there are also a couple of points about this rule which should be noted.

First, like so many rules in recent years, this rule includes a waiver of the Budget Act. In this case it is a waiver of the requirement that authorization bills be reported by May 15. The introduced version of this bill contains fiscal year 1985 authorization and since it was not reported by May 15, 1984, it would be subject to a point of order. It is true that the offending portions of the bill are supposed to be taken out by amendment, Mr. Speaker. But it seems to me that it would be much better to report bills which do not violate Budget Act requirements in the first place.

Mr. Speaker, this rule also includes a waiver of the rule prohibiting appropriations on a legislative bill. There is one provision which technically constitutes an appropriation in this bill.

Mr. Speaker, the bill made in order by this rule is very similar to H.R. 999 of the 98th Congress, which the President pocket-vetoed on October 30, 1984.

According to information provided by the administration at the time of the Rules Committee meeting, if this bill reaches the President's desk, a veto will be recommended.

Mr. Speaker, if we are serious about reducing deficits, then this bill will be defeated.

Mr. CONTE. Mr. Speaker, will the gentleman yield so that our chairman can submit a privileged report.

Mr. LATTA. I yield to the gentleman from Iowa [Mr. SMITH].

REPORT ON H.R. 2965, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1986

Mr. SMITH of Iowa, from the Committee on Appropriations, submitted a privileged report (Rept. No. 99-197) on the bill (H.R. 2965) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year 1986, which was referred to the Union Calendar and ordered to be printed.

Mr. CONTE reserved all points of order on the bill.

Mr. LATTA. Mr. Speaker, I reserve the balance of my time.

Mrs. BURTON of California. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. SEIBERLING], the distinguished chairman of the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, a major author of this bill.

□ 1610

Mr. SEIBERLING. I thank the gentlewoman from California for yielding to me.

Mr. Chairman, I will reserve my general comments on this legislation for the general debate on the bill. Let me simply say that I rise in strong support of the rule; it is an open rule, and anybody who feels that this bill has not been worked over sufficiently after passing the House twice in two successive Congresses, I am sure will have that opportunity and make use of it.

This bill, however, addresses a problem, which, despite the increase in employment in recent years in our country, is still a very serious one, and that is the unemployment that is very widespread among youth in the United States. More than 8.4 million Americans are still unemployed as of June 1985. Over 37 percent of them are under 25 years old. The technical unemployment rate for 16- to 19-year olds dropped between May and June from 18.9 percent to 18.3 percent. Eighteen point three-percent unemployment for teenagers. However, there were 590,000 fewer people working in June, and 72 percent of them or 423,000 of them were teenagers.

We worry about crime in the streets and dropouts from school, and yet we are told that we cannot afford to do something about it. Do something at a time when we just have reported out a defense appropriations bill for almost $300 billion.

This very modest bill would provide authority, no appropriation, authority for the United States to undertake a program geared at solving two problems. One is the unemployment problem among youth, and the other is the shortage of workers to work in conservation work in our Federal lands, on State lands, on private lands where there is a public interest, and in our local communities.

Unemployment is particularly serious among minorities. The percentage of employed teenagers actually dropped last year among all teenagers to only 42 percent. And for whites, the drop was to 46 percent; for blacks, a drop to 23.8 percent. Only 23.8 percent of black teenagers are employed. Only 46 percent of white teenages are employed.

The unemployment rate of black teenagers is 38 percent. That is, those who are looking for work and are not employed. The unemployment rate among white teenagers is 16 percent, which indicates a substantial gap between these two groups. This bill would require special efforts to be made to employ economically disadvantaged youths, and certainly many of them are found in our inner cities, as well as in our smaller communities.

I think I said enough, my colleagues, to indicate the importance of this legislation and to indicate why the rule, which is an open rule, should be supported.

Mrs. BURTON of California. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from California [Mr. MARTINEZ] the chairman of the Education and Labor Subcommittee on Employment Opportunities.

[Mr. MARTINEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. LATTA. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let me say to the House that this might be a good bill if we could pay for it. The question is how are we going to pay for it. Talk about our young people, we are saddling them with this debt.

In another day, perhaps we could afford it; but today, we cannot.

Mrs. BURTON of California. Mr. Speaker, I have no further requests for time; I hope the rule is supported.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 960) to amend the Foreign Assistance Act of 1961, the Arms Exports Control Act, and other Acts to authorize appropriations for the fiscal year 1986 for international security and development assistance, the Peace Corps, the Inter-American Foundation, and the African Development Foundation, and

for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the Senate bill is as follows:

S. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security and Development Cooperation Act of 1985".

TITLE I—MILITARY SALES AND RELATED PROGRAMS

FOREIGN MILITARY SALES CREDIT AUTHORIZATION AND AGGREGATE CEILINGS

SEC. 101. (a) The first sentence of section 31(a) of the Arms Export Control Act (22 U.S.C. 2771(a)) is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 23 of this Act $5,464,500,000 for the fiscal year 1986.".

(b) Section 31(b)(1) of such Act (22 U.S.C. 2771(b)(1)) is amended to read as follows:

"(b)(1) The total amount of credits extended under section 23 of this Act shall not exceed $5,464,500,000 for the fiscal year 1986.".

(c) Section 31(b)(3) of such Act (22 U.S.C. 2771(b)(3)) is amended to read as follows:

"(3)(A) Of the total amount of credits extended under section 23 of this Act, not less than $1,800,000,000 for the fiscal year 1986 shall be available only for Israel, and Israel shall be released from its contractual liability to repay the United States Government with respect to such credits.

"(B) If the Government of Israel requests that funds be used for such purposes, up to $150,000,000 of the amount of credits available only for Israel under subparagraph (A) shall be available for research and development activities in the United States for the Lavi program and not less than $250,000,000 of such credits shall be available for the procurement in Israel of defense articles and defense services, including research and development.".

(d) Section 31(b)(5) of such Act (22 U.S.C. 2771(b)(5)) is amended to read as follows:

"(5) The principal amount of credits provided under section 23 at interest rates equivalent to the current average interest rate for United States Government obligations of comparable maturity, or under section 24(a) if provided by the Federal Financing Bank, with respect to Greece, Korea, the Philippines, Portugal, Spain, Thailand, and Turkey, shall (if and to the extent each country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.".

(e) Section 31(b)(6) of such Act (22 U.S.C. 2771(b)(6)) is amended to read as follows:

"(6) Of the total amount of credits extended under section 23 of this Act, not less than $1,300,000,000 for the fiscal year 1986 shall be available only for Egypt, and Egypt shall be released from its contractual liability to repay the United States Government with respect to such credits.".

(f) Sections 31(b)(7) and 31(c) of such Act (22 U.S.C. 2771 (b)(7) and (c)) are repealed.

VALUATION OF CERTAIN DEFENSE ARTICLES

SEC. 102. (a) Section 21(a) of the Arms Export Control Act (22 U.S.C. 2761(a)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(2) by inserting "(1)" immediately after "(a)"; and

(3) by adding at the end thereof the following new paragraph:

"(2) For purposes of clause (A) of paragraph (1), the actual value of a naval vessel of 3,000 tons or less and 20 years or more of age shall be considered to be not less than the greater of the scrap value or fair value (including conversion costs) of such vessel, as determined by the Secretary of Defense.".

(b) Section 47 of such Act (22 U.S.C. 2794) is amended in paragraph (2) by inserting "except as otherwise provided in section 21(a)" after "excess defense articles".

ADMINISTRATIVE SURCHARGE

SEC. 103. Clause (A) of section 21(e)(1) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)) is amended by inserting "(excluding a pro rata share of fixed base operation costs)" immediately after "full estimated costs".

CATALOG DATA AND SERVICES

SEC. 104. Section 21(h) of the Arms Export Control Act (22 U.S.C. 2761(h)) is amended—

(1) by inserting "(1)" immediately after "(h)";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(3) by adding at the end thereof the following:

"(2) In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization or to any member government thereof, if such Organization or member government provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.".

CONTRACT ADMINISTRATION SERVICES

SEC. 105. Section 21(h)(1) of the Arms Export Control Act (22 U.S.C. 2761(h)(1)) is amended by inserting "contract administration services," immediately after "inspection," in the text above clause (A).

SALES CREDITS

SEC. 106. Section 23 of the Arms Export Control Act (22 U.S.C. 2763) is amended to read as follows:

"SEC. 23. SALES CREDITS.—The President is authorized to finance procurement of defense articles, defense services, and design and construction services by friendly foreign countries and international organizations, on such terms and conditions as he may determine. The President shall charge interest at a rate determined by the Secretary of the Treasury taking into consideration the current market yields on outstanding marketable obligations of the United States of comparable maturities. Notwithstanding the preceding sentence, the President may charge a lesser rate of interest if he determines that the national interest requires a lesser rate. Loan agreements under this section shall require repayment in United States dollars within a period of not to exceed twelve years after the loan agreement is signed on behalf of the United States Government, unless a longer period is specifically authorized by law for such country or international organization.".

REPORT ON REPLENISHMENT OF THE GUARANTY RESERVE FUND

SEC. 107. (a) For the purpose of providing recommendations for improving the security interests of the United States and the friends and allies of the United States, the President shall prepare and transmit to the Congress within ninety days of the date of enactment of this Act a report which sets forth the history of United States financing under the Foreign Assistance Act and the Arms Export Control Act. Such report shall include recommendations on replenishing the Guaranty Reserve Fund under section 24 of the Arms Export Control Act and recommendations on other matters agreed to in consultation with the chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(b) Section 24(c) of the Arms Export Control Act (22 U.S.C. 2764(c)) is amended by adding at the end thereof the following: "The single reserve described in this subsection may, on and after the date of enactment of the International Security and Development Cooperation Act of 1985, be referred to as the 'Guaranty Reserve Fund'.".

REPORTING REQUIREMENT

SEC. 108. (a) Section 25(a) of the Arms Export Control Act (22 U.S.C. 2765(a)) is amended in the text preceding paragraph (1) by inserting "or, in the case of paragraph (4), no later than April 1 of each year" immediately after "each year".

(b) Section 25(a) of such Act (22 U.S.C. 2765(a)) is amended by amending paragraph (4) to read as follows:

"(4) an estimate of the amount of sales and deliveries of weapons and weapons-related defense equipment by all major arms suppliers to all major recipient countries in the developing world during the preceding calendar year;".

REPORT ON CASH FLOW FINANCING

SEC. 109. Section 25(a) of the Arms Export Control Act (22 U.S.C. 2765(a)), as amended by section 108, is further amended by—

(1) inserting "(A)" immediately after "(5)";

(2) adding "and" after the semicolon in paragraph (5); and

(3) adding at the end of paragraph (5) the following new subparagraphs:

"(B) for each country that is proposed to be furnished credits or guaranties under this Act in the next fiscal year and that has been approved for cash flow financing, as defined in subparagraph (C) of this paragraph, in excess of $100,000,000 as of October 1 of the current fiscal year—

"(i) the amount of such approved cash flow financing;

"(ii) a description of administrative ceilings and controls applied; and

"(iii) a description of the financial resources otherwise available to such country to pay such approved cash flow financing; and

"(C) the term 'cash flow financing' means, for the purposes of subparagraph (B) of this paragraph, the dollar amount of the difference between the total estimated price of a Letter of Offer and Acceptance or other purchase agreement that has been approved for financing under this Act or under section 503(a)(3) of the Foreign Assistance Act of 1961 and the amount of the financing that has been approved therefor;".

COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE

SEC. 110. (a) The Secretary of Defense is authorized to carry out the European air de-

fense agreements. In carrying out those agreements, the Secretary—

(1) may provide, without monetary charge, to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) In connection with the administration of the European air defense agreements, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A));

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency—

(A) for the supply of logistical support in Europe for the Patriot missile system; and

(B) for the acquisition of such logistical support, to the extent that the Secretary determines that the procedures of that Agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of set-up charges of facilities for use by that Agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) deliver to the Federal Republic of Germany one Patriot missile fire unit configured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the requirement in section 22 of that Act for payment in advance of delivery for any purchase under that Act.

(c) Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act (22 U.S.C. 2761) for services furnished by the United States, in the case of 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under the Arms Export Control Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

(d) For the purposes of this section, the term "European air defense agreements" means—

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

(e) The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds, other than those made available under section 31 of the Arms Export Control Act (22 U.S.C. 2771), are available for that purpose.

INCREASE IN CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS OF THE ARMS EXPORT CONTROL ACT

SEC. 111. (a) Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended by striking out "not more than $100,000 or imprisoned not more than two years, or both" and inserting in lieu thereof "for each violation not more than $1,000,000 or imprisoned not more than ten years, or both".

(b) Section 38(e) of such Act (22 U.S.C. 2778(e)) is amended by adding at the end thereof the following: "Notwithstanding section 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services under this section may not exceed $500,000.".

(c) This section shall take effect upon the date of enactment of this Act or October 1, 1985, whichever is later. The amendments made by this section shall apply to violations occurring after the effective date of this section.

OFFICIAL RECEPTION AND REPRESENTATION EXPENSES

SEC. 112. Section 43 of the Arms Export Control Act (22 U.S.C. 2792) is amended—

(1) in subsection (b) by inserting "and official reception and representation expenses" immediately after "administrative expenses"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not more than $72,500 of the funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of this Act may be used each fiscal year for official reception and representation expenses.".

SPECIAL DEFENSE ACQUISITION FUND

SEC. 113. Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended by adding at the end thereof the following new paragraphs:

"(3) In order to maintain the readiness of the Armed Forces of the United States while facilitating the transfer of less advanced weapons systems in the inventory of the Department of Defense to foreign countries and international organizations in accordance with the provisions of this Act, the Foreign Assistance Act of 1961, or as otherwise authorized by law, instead of the transfer of more advanced weapons systems from procurement, the Fund may be used to acquire defense articles and defense services in anticipation of their transfer, on a reimbursable basis, to the Department of Defense to replace items transferred from the inventory of that Department to foreign countries and international organizations if such items are no longer in production for use by the Armed Forces of the United States.

"(4) The Fund may be used to keep on continuous order such defense articles and defense services as are assigned by the Department of Defense for integrated management by a single agency thereof for the common use of all military departments in anticipation of the transfer of similar defense articles and defense services to foreign countries and international organizations authorized by this Act, the Foreign Assistance Act of 1961, or other law.".

MILITARY ASSISTANCE COSTS

SEC. 114. Section 503(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2311(a)) is amended by adding the following sentence at the end of paragraph (3) thereof: "Sales which are wholly paid from funds so transferred shall be priced to exclude the costs of salaries of members of the Armed Forces of the United States.".

MILITARY ASSISTANCE

SEC. 115. Section 504(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2312(a)(1)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $805,100,000 for the fiscal year 1986, of which amount not less than $15,000,000 shall be available only for Tunisia.".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 116. Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $360,000,000 for the fiscal year 1986.".

SECURITY ASSISTANCE ORGANIZATIONS

SEC. 117. Section 515(c)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i(c)(1)) is amended by striking out "For the fiscal year 1982 and the fiscal year 1983" and inserting in lieu thereof "For the fiscal year 1986, Pakistan, Tunisia, Sudan, El Salvador, Honduras".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 118. Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended to read as follows:

"SEC. 542. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter $56,221,000 for the fiscal year 1986.".

EXCHANGE TRAINING

SEC. 119. Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 544. EXCHANGE TRAINING.—In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than Service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.".

TRAINING IN MARITIME SKILLS

SEC. 120. (a) Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), as amended by section 119, is further amended by adding at the end thereof the following new section:

"SEC. 545. TRAINING IN MARITIME SKILLS.—The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this chapter for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills."

(b) Section 660(b) of such Act (22 U.S.C. 2420(b)) is amended—

(1) by striking out "or" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by adding the following new clause after clause (2);

"(3) with respect to assistance, including training, in maritime law enforcement.".

AUTHORIZATION FOR PEACEKEEPING OPERATIONS

SEC. 121. Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $37,000,000 for the fiscal year 1986.".

PEACEKEEPING OPERATIONS EMERGENCIES

SEC. 122. (a) Section 552 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), as amended by section 121, is further amended—

(1) by inserting in subsection (c) "(1)" immediately after "the President may";

(2) by inserting in subsection (c) immediately before the period at the end of the subsection "; and (2) in the event the President also determines that such unforeseen emergency requires the immediate provision of assistance under this chapter, direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government of an aggregate value not to exceed $25,000,000 in any fiscal year"; and

(3) by inserting at the end thereof the following new subsection:

"(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for commodities and services provided under subsection (c)(2).".

(b) Section 652 of such Act (22 U.S.C. 2411) is amended by inserting ", 552(c)(2)," immediately after "under section 506(a)".

SECURITY ASSISTANCE FOR TURKEY AND GREECE

SEC. 123. (a) Of the amounts provided to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) for the fiscal year 1986, up to $215,000,000 may be made available for Turkey with the understanding that the United States Government is acting with urgency and determination to oppose any actions aimed at effecting a permanent bifurcation of Cyprus.

(b) Of the amounts provided for credits under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the fiscal year 1986, up to $500,000,000 may be extended to Turkey, and $500,000,000 shall be available only for Greece.

(c)(1) The amount of credits under the Arms Export Control Act for Greece for the fiscal year 1986 which shall be extended at a rate described in paragraph (2) is the amount which bears the same proportion to the aggregate amount of credits extended under such Act for Greece for such fiscal year as the amount of credits extended under such Act at such a rate for Turkey for such fiscal year bears to the aggregate amount of credits extended under such Act for Turkey for such fiscal year.

(2) The rate described in paragraph (1) is any rate less than the current average interest rate (as of the last day of the month preceding the financing of the procurement) that the United States pays on outstanding marketable obligations of comparable maturity.

PROHIBITION ON THE PROVISION OF FOREIGN MILITARY SALES CREDITS FOR LEBANON

SEC. 124. For the fiscal year 1986, no credits may be extended under section 23 of the Arms Export Control Act (22 U.S.C. 2763) with respect to Lebanon.

EXEMPTION OF CERTAIN SAFETY-RELATED EQUIPMENT FROM PROHIBITION ON MILITARY SALES TO CHILE

SEC. 125. Section 726 of the International Security and Development Cooperation Act of 1981 is amended by adding at the end thereof the following new subsection:

"(c) The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge-actuated devices, propellant-actuated devices, or technical manuals for aircraft of the F-5E/F or A/T-37 type which were sold to the Chilean Air Force by the United States before January 1, 1976, so long as the devices or manuals are provided only for purposes of enhancing the safety of the aircraft crew.".

LEASING AUTHORITY

SEC. 126. Section 7307(b)(1) of title 10, United States Code, is amended by inserting before the period at the end thereof a comma and the following: "except that any lease or loan of such a vessel under such a law shall be made only in accordance with the provisions of chapter 6 of the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961".

CERTIFICATION CONCERNING AWACS SOLD TO SAUDI ARABIA

SEC. 127. (a)(1) The Congress finds that in his October 28, 1981, communication to the Senate concerning the proposed sale of AWACS aircraft and F-15 enhancement items to Saudi Arabia which was then being reviewed by the Congress (hereafter in this section referred to as the "1981 AWACS communication"), the President stated the following:

"Transfer of the AWACS will take place . . . only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that the following conditions have been met:

"1. SECURITY OF TECHNOLOGY

"A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and

"B. The security provisions are no less stringent than measures employed by the United States for protection and control of its equipment of like kind outside the continental United States; and

"C. The United States has the right of continual on-site inspection and surveillance by United States personnel of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional United States personnel if it is deemed necessary by the two parties; and

"D. Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and

"E. Computer software, as designated by the United States Government, will remain the property of the United States Government.

"2. ACCESS TO INFORMATION

"That Saudi Arabia has agreed to share with the United States continuously and completely the information that it acquires from use of the AWACS.

"3. CONTROL OVER THIRD-COUNTRY PARTICIPATION

"A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the United States without the prior, explicit mutual consent of both governments; and

"B. There are in place adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared United States nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutual consent of the two governments.

"4. AWACS FLIGHT OPERATIONS

"That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for defensive purposes as defined by the United States, in order to maintain security and regional stability.

"5. COMMAND STRUCTURED

"That agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

"6. REGIONAL PEACE AND SECURITY

"That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.".

(2) The Congress finds that the President also stated in the 1981 AWACS communication that should circumstances arise that might require changes in the arrangements described in that communication "they would be made only with Congressional participation".

(b) As provided in the 1981 AWACS communication, before the E-3A airborne warning and control system (AWACS) aircraft which were the subject of that communication are transferred to Saudi Arabia, the President shall submit to the Congress a written Presidential certification, containing agreements with Saudi Arabia, that the conditions set forth in that communication have been met.

(c) In order to facilitate the congressional participation provided for in the 1981 AWACS communication, the President shall notify the Congress promptly of any changes being considered by the United States in the arrangements described in that communication.

SENSITIVE TECHNOLOGY

SEC. 128. Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(1) by inserting before the period at the end of the second sentence of paragraph (1) the following: "and a detailed justification of the reasons necessitating the sale of such articles or services in view of the sensitivity of such technology"; and

(2) by adding at the end thereof the following new paragraph:

"(5)(A) If, before the delivery of any major defense article or major defense equipment, or the furnishing of any defense service or design and construction service, sold pursuant to a letter of offer described

in paragraph (1), the sensitivity of technology or the capability of the article, equipment, or service is enhanced or upgraded from the level of sensitivity or capability described in the numbered certification with respect to an offer to sell such article, equipment, or service, then, at least forty-five days before the delivery of such article or equipment or the furnishing of such service, the President shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report—

"(i) describing the manner in which the technology or capability has been enhanced or upgraded and describing the significance of such enhancement or upgrade; and

"(ii) setting forth a detailed justification for such enhancement or upgrade.

"(B) The provisions of subparagraph (A) apply to an article or equipment delivered, or a service furnished, within ten years of the transmittal to the Congress of a numbered certification with respect to the sale of such article, equipment, or service.

"(C) If the enhancement or upgrade in the sensitivity of technology or the capability of major defense equipment, defense articles, defense services, or design and construction services described in a numbered certification submitted under this subsection costs $14,000,000 or more in the case of any major defense equipment, $50,000,000 or more in the case of defense articles or defense services, or $200,000,000 or more in the case of design or construction services, then the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a new numbered certification which relates to such enhancement or upgrade and which shall be considered for purposes of this subsection as if it were a separate letter of offer to sell defense equipment, articles, or services, subject to all of the requirements, restrictions, and conditions set forth in this subsection. For purposes of this subparagraph, references in this subsection to sales shall be deemed to be references to enhancements or upgrades in the sensitivity of technology or the capability of major defense equipment, articles, or services, as the case may be.

"(D) For the purposes of subsection (b)(5)(A), major defense article shall be construed to include electronic devices, which if upgraded, will enhance the mission capability of a weapons system.".

TITLE II—ECONOMIC SUPPORT FUND

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346) is amended to read as follows:

"SEC. 531. AUTHORITY.—(a)(1) The Congress recognizes that under special economic, political, or security conditions the national interests of the United States may require economic support for countries or in amounts which could not be justified solely under chapter 1 of part I. In such cases, the President is authorized to furnish assistance to countries and organizations, on such terms and conditions, as he may determine, in order to promote economic or political stability. To the maximum extent feasible, the President shall provide assistance under this chapter consistent with the policy directions, purposes, and programs of part I of this Act.

"(2) To the maximum extent feasible, funds made available pursuant to this chapter for commodity import programs or other program assistance shall be used to generate local currencies, not less than 50 per centum of which shall be available to support activities consistent with the objectives of sections 103 through 106 of this Act, and administered by the agency primarily responsible for administering part I of this Act.

"(3) The Secretary of State shall be responsible for policy decisions and justifications for economic support programs under this chapter, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. The Secretary shall exercise this responsibility in cooperation with the Administrator of the agency primarily responsible for administering part I.

"(4) As part of the annual presentation materials for foreign assistance submitted to the Congress, the agency primarily responsible for administering this chapter shall provide a detailed justification for the uses and the purposes of the funds provided under this chapter. Such material shall include, but not be limited to, information concerning the amounts and kinds of cash grant transfers, the amounts and kinds of budgetary and balance-of-payments support provided, and the amounts and kinds of projectized assistance provided with funds made available under this chapter.

"(b)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter—

"(A) $2,015,000,000 for the fiscal year 1986 for the following countries signing the Camp David agreement: Israel and Egypt, of which amount $1,200,000,000 shall be available only for Israel and $815,000,000 shall be available only for Egypt; and

"(B) $1,826,000,000 for the fiscal year 1986 for countries other than the countries referred to in clause (A), of which amount—

"(i) $15,000,000 shall be available only for Cyprus;

"(ii) not less than $20,000,000 shall be available only for Tunisia; and

"(iii) $80,000,000 shall be available only for Portugal.".

"(2) Amounts appropriated to carry out this chapter are authorized to remain available until expended.

"(c)(1) All of the funds made available to Israel and to Egypt under this chapter for the fiscal year 1986 shall be provided on a grant basis.

"(2) The total amount of funds allocated for Israel under this chapter for the fiscal year 1986 shall be made available as a cash transfer on an expedited basis within the first thirty days of the fiscal year.

"(3) Of the total amount of funds made available for Egypt under this chapter, up to $200,000,000 of such funds may be obligated, but not less than $165,000,000 shall be obligated, in the form of a cash transfer to help and encourage economic reforms and Egypt's own developmental efforts.

"(d) Amounts appropriated to carry out this chapter shall be available for economic programs only and may not be used for military or paramilitary purposes.

"(e) The President shall use an amount equal to not less than 20 percent of the funds which are appropriated to carry out this chapter and which are made available for commodity import programs for the purchase of agricultural commodities which are of United States origin.".

(b) Section 535(a) of such Act (22 U.S.C. 2346d(a)) is amended—

(1) by striking out "1982" and inserting in lieu thereof "1986"; and

(2) by striking out "and up to $75,000,000 for the fiscal year 1983".

(c) Chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.) is amended—

(1) by striking out sections 532, 533, 534, 536, 537, 538, 539, and 540; and

(2) by redesignating section 535, as amended by subsection (b), as section 532.

(d) Chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.), as amended by this section, is further amended by adding at the end thereof the following new sections:

"SEC. 533. PROHIBITION ON USE OF FUNDS FOR NUCLEAR FACILITIES.—Funds available to carry out this chapter for the fiscal year 1986 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that the country in question is a party to the Non-Proliferation Treaty, cooperates fully with the International Atomic Energy Agency, and pursues nuclear non-proliferation policies consistent with those of the United States.

"SEC. 534. PROHIBITION ON USE OF FUNDS FOR LEBANON.—None of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1986 may be available for Lebanon.".

SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

SEC. 202. (a) In addition to amounts otherwise authorized to be appropriated for the fiscal year 1985 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated $2,008,000,000, of which $1,500,000,000 shall be available only for Israel, $500,000,000 shall be available only for Egypt, and $8,000,000 shall be available only for the Middle East Regional Program.

(b) Amounts appropriated to carry out this section are authorized to remain available until September 30, 1986.

TITLE III—DEVELOPMENT ASSISTANCE

DEVELOPMENT ASSISTANCE POLICY

SEC. 301. Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-1(b)) is amended by adding at the end thereof the following new paragraphs:

"(13) United States encouragement of policy reforms is necessary if developing countries are to achieve economic growth with equity.

"(14) Development assistance should, as a fundamental objective, promote private sector activity in open and competitive markets in developing countries, recognizing such activity to be a productive and efficient means of achieving equitable and long-term economic growth.

"(15) United States cooperation in development should recognize as essential the need of developing countries to have access to appropriate technology in order to improve food and water, health and housing, education and employment, and agriculture and industry.

"(16) United States assistance should focus on establishing and upgrading the institutional capacities of developing countries in order to promote long-term development. An important component of institution building involves training to expand the human resource potential of people in developing countries.".

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

SEC. 302. (a) The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)(2)) is amended to

read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $755,551,000 for the fiscal year 1986, of which the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980.".

(b) Section 103(g) of such Act (22 U.S.C. 2151a(g)) is amended to read as follows:

"(g) It is the sense of the Congress that—

"(1) the President should continue United States participation in the International Fund for Agricultural Development, and that funds for the Second Replenishment for that organization will be authorized to be appropriated upon receipt of a recommendation from the President;

"(2) the United States should provide a special contribution to the International Fund for Agricultural Development for a special fund for Sub-Saharan African Countries affected by drought and decertification, and the United States should take a leadership role in the creation of such a special fund and should make a substantial contribution to this fund; and

"(3) such objectives should be accomplished through a reprogramming of existing appropriations or through some other such procedure designed to guarantee that overall funding levels for programs within the international affairs function of the budget are consistent with targets set by the applicable congressional budget resolution.".

POPULATION AND HEALTH

SEC. 303. (a)(1) Section 104(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(g)) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $270,017,000 for the fiscal year 1986 to carry out subsection (b) of this section; and

"(2) $186,427,000 for the fiscal year 1986 to carry out subsection (c) of this section.

Funds appropriated under this subsection are authorized to remain available until expended.".

(2) Section 104(c)(2)(B) of such Act (22 U.S.C. 2151b(c)(2)(B)) is amended in the first sentence by inserting "for the fiscal year 1986" after "$25,000,000".

(b) Section 104(b) of such Act (22 U.S.C. 2151b(b)) is amended by adding at the end thereof the following: "In determining eligibility for assistance under this subsection, the Administrator of the agency primarily responsible for administering this part shall not subject any nongovernmental or multilateral organization to any requirement more restrictive than any requirement applicable to a foreign government for such assistance.".

(c) Section 104(f) of such Act (22 U.S.C. 2151b(f)) is amended by adding at the end thereof the following:

"(4) None of the funds made available to carry out subsection (b) may be used, directly or indirectly—

"(A) in any country which permits, officially or in practice, infanticide or coerced abortion; or

"(B) by any organization which provides funds, directly or indirectly, with respect to such a country.".

(d) None of the funds made available to carry out part I of the Foreign Assistance Act of 1961 may be available to carry out any program for population planning in the People's Republic of China, including any of those funds provided for such a program through any private and voluntary organization or any international organization.

(e) The President shall instruct each United States representative to an international organization to which the United States makes a financial contribution to oppose the extension of assistance by such organization for any program for population planning in the People's Republic of China.

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 304. (a) The second sentence of section 105(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c(a)) is amended to read as follows: "There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $177,100,000 for the fiscal year 1986, which are authorized to remain available until expended.".

(b) The third sentence of such section is repealed.

ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES

SEC. 305. Section 106(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d(e)(1)) is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $200,000,000 for the fiscal year 1986.".

PRIVATE SECTOR REVOLVING FUND

SEC. 306. The first sentence of section 108(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f(b)) is amended by striking out "1984, up to $20,000,000" and inserting in lieu thereof "1986, up to $16,000,000".

SAHEL DEVELOPMENT PROGRAM

SEC. 307. The third sentence of section 121(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151s(c)) is amended to read as follows: "In addition to the amounts authorized to be appropriated by the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $80,500,000 for the fiscal year 1986.".

AFRICA FAMINE RECOVERY AND DEVELOPMENT FUND

SEC. 308. Chapter 1 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 129. AFRICA FAMINE RECOVERY AND DEVELOPMENT FUND.—(a) The Congress reaffirms the commitment of the American people to assist the countries of Sub-Saharan Africa in dealing with drought and famine conditions which threaten the lives of millions of its people. The Congress reaffirms the commitment of the United States Government to continue its support, in concert with other nations and in cooperation with the affected nations in Africa, of the international relief, rehabilitation, and recovery program to assist these nations in dealing more effectively with drought and achieving self-sufficiency in agricultural production, eliminating forever the threat of famine.

"(b) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the long-term agricultural recovery and development of the Sub-Saharan Africa region, particularly for support of policy reform and agricultural support and research for small farmers. Assistance furnished under this section shall be in accordance with a long-term, multidonor development plan which calls for equitable burdensharing with other donors and shall be furnished, whenever appropriate, in cooperation with an international coordinating mechanism or international agency.

"(c)(1) There are authorized to be appropriated to the President up to $100,000,000, which sums shall be derived from any funds authorized by this Act, to carry out the purposes of this section.

"(2) Amounts appropriated under this section are authorized to remain available until expended.".

PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES IN OVERSEAS DEVELOPMENT

SEC. 309. (a) Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended—

(1) in the first sentence by inserting "on which it is determined" immediately after "prior to the date"; and

(2) in the third sentence by striking out "such date" wherever it occurs and inserting in lieu thereof "the date on which a decision is made to continue such support".

(b) Section 123 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u) is amended by amending subsection (f) to read as follows:

"(f) In addition to funds otherwise available for such purposes, not less than 15 percent of the aggregate amount appropriated for any fiscal year to carry out sections 103(a), 104(b), 104(c), 105, 106, 121, and 491 of this Act shall be made available for the activities of private and voluntary organizations. Funds made available under section 531 of this Act for the activities of private and voluntary organizations may be considered in determining compliance with the requirements of the previous sentence.".

PROMOTION OF DEMOCRATIC COOPERATIVES

SEC. 310. Section 123 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u), as amended by section 309, is further amended by adding at the end thereof the following new subsection:

"(h) The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decision-making. Therefore, assistance under this chapter may be provided to rural and urban cooperatives which offer large numbers of low and middle income people in developing countries an opportunity to participate directly in democratic decision-making. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.".

DEVELOPMENT AND ILLICIT NARCOTICS PRODUCTION

SEC. 311. Section 126(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151x(b)) is amended—

(1) by inserting "and under chapter 4 of part II" immediately after "this chapter"; and

(2) by adding at the end thereof the following:

"The agency primarily responsible for administering this part may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.".

HOUSING GUARANTY PROGRAM

SEC. 312. (a) Section 222(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182(a)) is amended—

(1) in the second sentence, by striking out "$1,958,000,000" and inserting in lieu thereof "$2,003,000,000"; and

(2) in the third sentence, by striking out "1986" and inserting in lieu thereof "1987".

(b) Section 223(j) of such Act (22 U.S.C. 2183(j)) is amended in the third sentence by striking out ", and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000".

TRADE CREDIT INSURANCE PROGRAM

SEC. 313. Section 224(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2184(e)) is amended by striking out "fiscal year 1985" and inserting in lieu thereof "fiscal years 1985 and 1986".

DISADVANTAGED CHILDREN IN ASIA

SEC. 314. Section 241(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2201(b)) is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

PROMOTION OF IMMUNIZATION AND ORAL REHYDRATION

SEC. 315. (a) Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

(1) by inserting "(1)" before "In order"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Congress recognizes that the promotion of primary health care is a major objective of the foreign assistance program. The Congress further recognizes that simple, relatively low cost means already exist to reduce incidence of communicable diseases among children, mothers, and infants. The promotion of vaccines for immunization, and salts for oral rehydration, therefore, is an essential feature of the health assistance program. To this end, the Congress expects the agency primarily responsible for carrying out the provisions of this part to set as a goal the protection of not less than 80 percent of all children, in those countries in which such agency has established development programs, from immunizable diseases by January 1, 1991.".

(b) Not later than twelve months after the date of enactment of this section, and at intervals of twelve months thereafter, the Administrator of the agency primarily responsible for carrying out part I of the Foreign Assistance Act of 1961 shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations a report describing the progress achieved during the preceding twelve months in carrying out section 104(c)(2) of such Act.

TITLE IV—CENTRAL AMERICA DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE

SEC. 401. Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 5 the following new chapter:

"CHAPTER 6—CENTRAL AMERICA DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE

"SEC. 461. STATEMENT OF POLICY.—(a) The Congress finds that the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States. The Congress further finds that the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

"(b)(1) The achievement of democracy, human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America. The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively—

"(A) democracy and political reform, including opening the political process to all members of society;

"(B) human rights, including free elections, freedom of the press, freedom of association, and the elimination of the violent abuse of human rights;

"(C) leadership development, including training and educational programs to improve public administration and the administration of justice;

"(D) land reform;

"(E) the establishment of the rule of law and an effective judicial system; and

"(F) the termination of extremist violence by both the left and the right as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders.

"(2) The policy referred to in paragraph (1) should also promote equitable economic growth and development, including controlling the flight of capital and the effective use of foreign assistance and adherence to approved programs for economic stabilization and fiscal responsibility. Finally, this policy should foster dialog and negotiations to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the withdrawal of foreign military forces and advisers; and to provide a security shield against violence and intimidation. It is the purpose of this chapter to establish the statutory framework and to authorize the appropriations and financing necessary to carry out the policy described in this section.

"(c) The Congress finds therefore that the people of the United States are willing to sustain and expand a program of economic and military assistance in Central America if the recipient countries can demonstrate progress toward and a commitment to these goals.

"SEC. 462. CONDITIONS ON FURNISHING ASSISTANCE.—(a) The President shall ensure that assistance authorized by this Act and the Arms Export Control Act to Central American countries is furnished in a manner which fosters demonstrated progress toward and commitment to the objectives set forth in section 461. Where necessary to achieve this purpose, the President shall impose conditions on the furnishing of such assistance. In carrying out this section, the President shall consult with the Congress in regard to progress toward the objectives set forth in section 461, and any conditions imposed on the furnishing of assistance in furtherance of those objectives.

"(b) The reporting requirements with respect to El Salvador contained in—

"(1) the last proviso of the paragraph under the heading 'MILITARY ASSISTANCE' contained in the joint resolution entitled 'Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture', approved July 2, 1984 (Public Law 98-332); and

"(2) section 533 of the Foreign Assistance and Related Programs Appropriations Act, 1985, as enacted by the joint resolution entitled 'Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes', approved October 12, 1984 (Public Law 98-473; 98 Stat. 1837),

shall not apply after the date of enactment of this section.

"SEC. 463. PEACE PROCESS IN CENTRAL AMERICA.—The Congress—

"(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region; and

"(2) finds that the United States should provide such assistance and support as may be appropriate in helping to reach comprehensive and verifiable final agreements, based on the Document of Objectives, which will ensure peaceful and enduring solutions to the Central American conflicts.

"SEC. 464. ECONOMIC ASSISTANCE COORDINATION.—(a) The Congress finds that participation by Central American countries in an effective forum for dialog on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

"(b) It is the sense of the Congress that—

"(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization (hereafter in this section referred to as the 'Organization') to help provide a continuous and coherent approach to the development of the Central American region; and

"(2) the establishment of the Central American Development Organization should be based upon the following principles:

"(A) that participation in the Organization be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, progress on human rights, building democracy, and encouraging equitable economic growth through policy reforms;

"(B) that the Organization be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities;

"(C) that the Organization meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat;

"(D) that the Organization make recommendations affecting Central American countries on such matters as—

"(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of human rights;

"(ii) mobilization of resources and external assistance needs; and

"(iii) reform of economic policies and structures;

"(E) that the Organization have the capacity for monitoring country performance on recommendations issued in accordance with subparagraph (D) of this paragraph

and for evaluating progress toward meeting such country objectives;

"(F) that to the maximum extent practicable, the United States follow the recommendations of the Organization in disbursing bilateral economic assistance for any Central American country. No more than 75 per centum of such United States assistance in any fiscal year should be disbursed until the recommendations of the Organization for that fiscal year have been made final and communicated to the donor countries. The limitation on disbursements contained in the preceding sentence should apply only to recommendations made final and communicated to donor countries prior to the fourth quarter of such fiscal year. The United States representative to the Organization should urge other donor countries to similarly implement the recommendations of the Organization; and

"(G) that the administrator of the agency primarily responsible for administering part I of this Act, or his designee, represent the United States Government in the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

"(c) Subject to subsection (d)(2), the President is authorized to participate in the Organization.

"(d)(1) The administrator of the agency primarily responsible for administering part I of this Act, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of this proposal.

"(2) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement which he proposes to sign providing for the establishment of and United States participation in the Organization no less than sixty days prior to his signature. During that sixty-day period there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

"SEC. 465. AUTHORIZATIONS FOR FISCAL YEARS 1987 THROUGH 1989.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President, for the purpose of furnishing nonmilitary assistance for Central American countries, $1,200,000,000 for each of the fiscal years 1987 through 1989, to remain available until expended. For the purpose of providing the assistance described in the preceding sentence, funds appropriated under this section are authorized to be transferred by the President for obligation in accordance with the authorities of part I of this Act (including chapter 4 of part II of such Act), the Peace Corps Act, the Migration and Refugee Assistance Act of 1962, the United States Information and Education Exchange Act of 1984, the Mutual Educational and Cultural Exchange Act of 1961, the National Endowment for Democracy Act, and the State Department Basic Authorities Act of 1956.

"SEC. 466. DEFINITIONS.—For the purposes of this chapter, the term 'Central American countries' shall be deemed to include Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and regional programs which benefit such countries.".

ADMINISTRATION OF JUSTICE

SEC. 402. Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), as amended by section 201 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 535. ADMINISTRATION OF JUSTICE.—(a) The President may furnish assistance to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in Latin America and the Caribbean. Assistance under this section may include—

"(1) support for specialized professional training, scholarships, and exchanges for continuing legal education;

"(2) programs to enhance judicial, prosecutorial, investigative and enforcement capabilities, and to provide protection for participants in judicial cases;

"(3) strengthening professional organizations to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;

"(4) increasing the availability of legal materials and publications;

"(5) seminars, conferences, training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and human rights; and

"(6) revision and modernization of legal codes and procedures.

"(b) The assistance specified in this section may be provided notwithstanding section 660 of this Act. The President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not less than fifteen days in advance of obligating funds pursuant to this section for programs or activities under this section which would otherwise be subject to section 660 of this Act.".

LAND REFORM

SEC. 403. Section 620(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(g)) is amended by adding at the end thereof the following sentence: "The prohibition contained in this subsection shall not apply to monetary assistance made available for use by a government or political subdivision or agency of such government to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.".

USE OF EMPLOYEE STOCK OWNERSHIP PLANS IN DEVELOPMENT EFFORTS

SEC. 404. (a) The Congress declares that—

(1) employee stock ownership plans in industrial, farming, banking, and other enterprises in Central America and the Caribbean can be an important component in achieving United States goals in Central America and the Caribbean; and

(2) employee stock ownership plans should be used as an instrument in financing growth and transfers of equity in the region, in reorganizing State-owned enterprises into viable employee-owned businesses, in expanding political and economic pluralism, and in strengthening democratic institutions in the region.

(b) The President is urged to develop a plan for the expanded use of employee stock ownership plans in development efforts of the United States in Central America and the Caribbean, with an emphasis on policy and infrastructural changes needed to encourage voluntary employee stock ownership initiatives by multinational corporations and other private sector enterprises which have investments, are considering making new investments, or are interested in management contracts and joint ventures in the region.

(c)(1) To assist in this effort, there is established a Presidential Task Force on Project Economic Justice (hereafter in this subsection referred to as the "Task Force"), which shall consist of individuals appointed by the President who are distinguished leaders of the private sector of the United States, including significant representation of union representatives of workers in successful companies with employee stock ownership plans and of nationally recognized experts in all phases of design, implementation, and operation of employee stock ownership plans. The President shall designate one of the members of the Task Force to serve as Chairman. The Chairman of the Task Force shall appoint a volunteer fundraising committee, and all the expenses of the Task Force shall be paid without the use of public funds.

(2) Not later than December 31, 1985, the Task Force shall prepare and transmit to the President and the Congress a report on the expanded use of employee stock ownership plans in the development efforts of the United States in Central America and the Caribbean, including specific recommendations on strategies for using employee stock ownership plans as a means of accelerating the rate of private sector capital formation in Central America and the Caribbean that is systematically linked to expanding ownership and profit-sharing opportunities for all employees.

PROHIBITIONS RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 405. Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, by the Foreign Assistance Act of 1961, as amended, or by the Arms Export Control Act, as amended, shall be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the government of Nicaragua. The United States shall make no agreement and shall enter into no understanding, either formal or informal, under which a recipient of United States economic or military assistance or a purchaser of United States military equipment shall provide assistance of any kind to persons or groups engaging in an insurgency or other act of rebellion against the government of Nicaragua.

TITLE V—OTHER ASSISTANCE PROGRAMS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 501. Section 214(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2174(c)) is amended to read as follows:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President $30,000,000 for the fiscal year 1986, which are authorized to remain available until expended.".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 502. (a) Section 302(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)(1)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President for grants to carry

out the purposes of this chapter, in addition to funds available under any other Acts for such purposes, $267,675,500 for the fiscal year 1986. Of the funds authorized to be appropriated under this paragraph for the fiscal year 1986—

"(A) $165,000,000 shall be available only for the United Nations Development Program;

"(B) $53,500,000 shall be available only for the United Nations Children's Fund (UNICEF); and

"(C) $10,000,000 shall be available only for the United Nations Environment Program.".

(b) Section 302 of such Act (22 U.S.C. 2222), as amended by subsection (a), is further amended by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this section shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the Southwest Africa Peoples Organization, Libya, Iran, or Cuba.".

(c)(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) or any other provision of law, of the funds appropriated to carry out chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.) for the fiscal year 1985, $10,000,000 shall be available only for the United Nations Environment Program.

(2) The provisions of paragraph (1) shall take effect on the date of enactment of this Act.

NARCOTICS REPORTING REQUIREMENT

SEC. 503. Section 481(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(b)) is amended to read as follows:

"(b)(1) Not later than forty-five days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include the aggregate obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to the end of that fiscal year—

"(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of the United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.

"(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 504. Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)(1)) is amended to read as follows:

"(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $50,217,000 for the fiscal year 1986.".

INTERNATIONAL DISASTER ASSISTANCE

SEC. 505. The first sentence of section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 491, $25,000,000 for the fiscal year 1986.".

ANTI-TERRORISM ASSISTANCE PROGRAM

SEC. 506. (a) The first sentence of section 575 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-4) is amended to read as follows: "There are authorized to be appropriated to the President to carry out this chapter $5,000,000 for the fiscal year 1986.".

(b) Section 577 of such Act (22 U.S.C. 2349aa-6) is amended by striking out "1985" and inserting in lieu thereof "1987".

TRADE AND DEVELOPMENT PROGRAM

SEC. 507. The first sentence of section 661(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(b)) is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $20,000,000 for the fiscal year 1986.".

OPERATING EXPENSES

SEC. 508. Section 667(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)(1)) is amended to read as follows:

"(1) $387,000,000 for the fiscal year 1986 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

PARTICIPATION IN FOREIGN POLICE ARREST ACTION AND INTERROGATION

SEC. 509. Section 481(c)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c)(1)) is amended to read as follows:

"(c) The head of any department or agency of the United States employing individuals who are authorized to engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts, or any interrogation in connection with such efforts, shall prescribe regulations for the conduct of, and the procedures used by, such individuals.".

RESTRICTION ON ASSISTANCE TO PERU

SEC. 510. United States assistance, as defined by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4), may be provided to Peru for the fiscal year 1986 only if the President certifies to Congress that the Government of Peru has demonstrated substantive progress in developing a plan, in accordance with the Single Convention on Narcotic Drugs of 1961, that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirement, and eliminate illicit and unlicensed coca production.

TITLE VI—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

SEC. 601. Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act not to exceed $128,600,000 for the fiscal year 1986.".

PEACE CORPS NATIONAL ADVISORY COUNCIL

SEC. 602 (a) The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 11 the following new section:

"PEACE CORPS NATIONAL ADVISORY COUNCIL

"SEC. 12. (a) A Peace Corps National Advisory Council (hereinafter in this section referred to as the 'Council') shall be established in accordance with the provisions of this section.

"(b)(1) The Council shall advise and consult with the President and the Director of the Peace Corps with regard to policies and programs designed to further the purposes of this Act and shall periodically report to the Congress.

"(2) Members of the Council shall visit, examine, and inspect the Peace Corps' activities in the United States and in other countries in order to, among other things—

"(A) evaluate the accomplishments of the Peace Corps;

"(B) assess the potential capabilities and the future role of the Peace Corps; and

"(C) make recommendations to the President, the Director of the Peace Corps, and the Congress to guide the future direction of the Peace Corps and to help ensure that the purposes and programs of the Peace Corps are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law.

"(3) The Council may provide for public participation in its activities.

"(c)(1) Persons appointed as members of the Council shall be broadly representative, including representation of educational institutions, private volunteer agencies, private industry, farm organizations, labor unions, different regions of the United States, different educational, economic, racial, and national backgrounds and age groupings, and both sexes.

"(2)(A) Subject to the succeeding sentence, fifteen members of the Council shall be appointed by the President by and with the advice and consent of the Senate. At least seven of such members shall be former Peace Corps volunteers, and no more than eight of such members shall be members of the same political party.

"(B) The first appointments of members of the Council under this paragraph shall be made not more than sixty days after the date of the enactment of this section and, solely for purposes of determining the expiration of their terms, shall be deemed to take effect on the sixtieth day after such enactment date.

"(C) No member appointed under this paragraph shall be an officer or employee of the United States Government.

"(D) Of the members initially appointed under this paragraph, eight shall be appointed to one-year terms and seven to two-year terms. Thereafter, all appointed members shall be appointed to two-year terms.

"(E) A member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

"(F) No member of the Council may serve for more than two consecutive two-year terms.

"(G) Members of the Council shall serve at the pleasure of the President.

"(H) An appointed member of the Council may be removed by a vote of nine members for malfeasance in office, for persistent neglect of or inability to discharge duties, or

for offenses involving moral turpitude, and for no other cause.

"(I) any vacancy in the office of an appointed member of the Council shall be filled by the President within thirty days after such vacancy occurs.

"(3) The Secretary of State shall be a voting member, ex officio, of the Council. The Secretary may designate any officer in the Department of State compensated at level II or III of the Executive Schedule under section 5313 or 5314 of title 5, United States Code, to act for the Secretary under this section.

"(4) The Director and Deputy Director of the Peace Corps shall be non-voting members, ex officio, of the Council.

"(d)(1) Except as provided in paragraph (2), a member of the Council who is not an officer or employee of the United States Government shall be (a) paid compensation out of funds made available for the purposes of this Act at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel-time) during which the member is engaged in the actual performance of duties as a Council member, and (b) while away from his or her home or regular place of business on necessary travel, as determined by the Director of the Peace Corps, for actual performance of such duties, paid per diem, travel, and transportation expenses in the same manner as provided for under subchapter I of chapter 57 of title 5, United States Code.

"(2) A member of the Council may not be paid compensation under paragraph (1)(A) for more than twenty days in any calendar year.

"(e) A majority of the voting members of the Council shall constitute a quorum for the purposes of transacting any business.

"(f) A member of the Council shall disclose to the Council the existence of any direct or indirect financial interest of that member in any particular matter before the Council and shall not vote or otherwise participate as a Council member with respect to that particular matter.

"(g) at its first meeting and at its first regular meeting in each calendar year thereafter, the council shall elect a Chair and Vice Chair from among its appointed members who are citizens of the United States. The Chair and Vice Chair shall not both be members of the same political party.

"(h)(1) The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Director of the Peace Corps, the Council's Chair, or one-fourth of its members.

"(2) The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

"(i) Not later than January 1, 1988, and not later than January 1 of each second year thereafter, the Council shall submit to the President and the Director of the Peace Corps a report of its views on the programs and activities of the Peace Corps. Each report shall contain a summary of the advice and recommendations provided by the Council to the President and the Director during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress. Within 90 days after receiving each such report, the President shall submit to the Congress a copy of the report, together with any comments concerning the report that the President or the Director considers appropriate.

"(j) The Director of the Peace Corps shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out effectively its functions.".

(b) Sixty days after the date of the enactment of this Act, any advisory body carrying out functions similar to those assigned to the Peace Corps National Advisory Council provided for by subsection (a) shall cease to operate and shall become defunct.

NONPARTISAN APPOINTMENTS

SEC. 603. The Peace Corps Act is amended—

(1) by redesignating sections 25, 26, and 27 as sections 26, 27, and 28, respectively; and

(2) by inserting after section 24 the following new section:

"NONPARTISAN APPOINTMENTS

"SEC. 25. In carrying out this Act, there shall be no political test or political qualification used in (1) selecting any person for enrollment as a volunteer or for appointment to a position at, or for assignment to (or for employment for assignment to), a duty station located abroad, or (2) promoting or taking any other action with respect to any volunteer or any person assigned to such a station."; and

(3) in subsection (a) of section 5, by amending the final sentence to read as follows: "In carrying out this subsection, there shall be no discrimination against any person on account of race, sex, creed, or color.".

TITLE VII—AFRICAN DEVELOPMENT FOUNDATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. Section 510 of the African Development Foundation Act (22 U.S.C. 290h-8) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 510. There are authorized to be appropriated to the President to carry out this title, in addition to funds otherwise available for such purpose, $1,000,000 for the fiscal year 1986. Amounts appropriated under this section are authorized to remain available until expended.".

EXTENSION OF AUTHORITIES

SEC. 702. Section 511 of the African Development Foundation Act (22 U.S.C. 290h-9) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1990".

TITLE VIII—INTER-AMERICAN FOUNDATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 801. Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)) is amended by striking out "$16,000,000 for the fiscal year 1984 and $16,000,000 for the fiscal year 1985" and inserting in lieu thereof "$11,969,000 for the fiscal year 1986".

TITLE IX—GENERAL PROVISIONS

PROCUREMENT OF CONSTRUCTION AND ENGINEERING SERVICES

SEC. 901. Section 604(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2354(g)) is amended by inserting immediately before the period at the end thereof "and which are not receiving any direct assistance under chapter 1 of part I or chapter 4 of part II of this Act".

COMPLETION OF PLANS AND COST ESTIMATES

SEC. 902. (a) Section 611(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2361(a)) is amended—

(1) by striking out "$100,000" and inserting in lieu thereof "$500,000"; and

(2) by striking out "section 1311 of the Supplemental Appropriation Act, 1955 as amended (31 U.S.C. 200)" and inserting in lieu thereof "section 1501 of title 31, United States Code".

(b) Section 611(b) of such Act (22 U.S.C. 2361(b)) is amended by striking out "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations" and inserting in lieu thereof "the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962 et seq.) or Acts amendatory or supplementary thereto".

PROHIBITIONS AGAINST ASSISTANCE

SEC. 903. Section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended—

(1) by inserting "(1)" immediately after "(f)";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States.".

NUCLEAR NON-PROLIFERATION CONDITIONS ON ASSISTANCE FOR PAKISTAN

SEC. 904. Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended by adding at the end thereof the following new subsection:

"(e) No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan pursuant to the authorities contained in this Act or any other Act unless the President shall have certified in writing to the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.".

STREAMLINING OF REPROGRAMMING REQUIREMENTS

SEC. 905. (a) Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) is amended—

(1) by inserting "(a)" immediately before "None";

(2) by inserting "or the Arms Export Control Act" after "disaster relief and rehabilitation)" and after "this Act" the second place it appears;

(3) by inserting before the period at the end of the first sentence a comma and the following: "except that such notification shall not be required for funds appropriated to carry out the purposes of chapter 1 of part I if the obligation for an activity, pro-

gram, or project would be in excess of the amount justified for such activity, program, or project for a fiscal year by not more than 10 per centum"; and

(4) by adding at the end thereof the following new subsection:

"(b) The notification requirement of this section does not apply to the reprogramming of less than $25,000 for use under chapter 8 of part I or for use under chapter 5 of part II, for a country for which a program under that chapter for that fiscal year was justified to the Congress.".

(b) Section 653 of the Foreign Assistance Act of 1961 (22 U.S.C. 2413) is amended—

(1) by inserting in subsection (a) "or the Arms Export Control Act" immediately after "sections 451 or 637)";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(c) Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) in paragraph (5) by striking out "cash sales expected to be made under sections 21 and 22, credits to be extended under section 23, and guaranty agreements to be made under section 24" and inserting in lieu thereof "sales expected to be made under sections 21 and 22"; and

(2) in paragraph (6) by striking out "cash sales expected to be made and credits expected to be extended" and inserting in lieu thereof "sales expected to be made".

TRAINING ASSISTANCE

SEC. 906. Section 638 of the Foreign Assistance Act of 1961 (22 U.S.C. 2398) is amended—

(1) by inserting "(a)" before "No"; and

(2) by adding at the end thereof the following:

"(b) No provision of this Act or any other provision of law shall be construed to prohibit assistance for any training activity which is funded under this Act for Brazil or Argentina as long as such country continues to have a democratically elected government and which is consistent with sections 116, 502B, and 660 of this Act.".

SUSPENSION OF ASSISTANCE TO COUNTRIES VIOLATING UNITED STATES EXPORT LAWS IN ORDER TO MANUFACTURE A NUCLEAR EXPLOSIVE DEVICE

SEC. 907. (a) Subsection (a)(1) of section 670 of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(a)(1)) is amended—

(1) by inserting "(A)" after "country which";

(2) by inserting immediately before the period at the end thereof ", or (B) is a non-nuclear-weapon state which, on or after the date of enactment of the International Security and Development Cooperation Act of 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device"; and

(3) by adding at the end thereof the following: "For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.".

(b) Such section 670 (22 U.S.C. 2429a) is amended—

(1) in the section caption, by inserting ", ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES," after "TRANSFERS";

(2) by redesignating paragraph (5) of subsection (b) as subsection (c); and

(3) by striking out in subsection (c), as redesignated by paragraph (2), "As used in this subsection" and inserting in lieu thereof "For purposes of this section".

ILLEGAL EMIGRATION FROM HAITI

SEC. 908. Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

PARTICIPANT TRAINEE GRANTS

SEC. 909. Section 1441(c) of the Internal Revenue Code of 1954 (26 U.S.C. 1441(c)(6)) is amended by amending paragraph (6) to read as follows:

"(6) SCHOLARSHIPS, PER DIEM, ETC. OF CERTAIN ALIENS.—No deduction or withholding under subsection (a) shall be required in the case of amounts of scholarships or fellowship grants, or per diem for subsistence paid by the United States Government (directly or by contract) to any nonresident alien individual who is engaged in any program of training in the United States under the Foreign Assistance Act of 1961.".

ASSISTANCE FOR AFGHANISTAN

SEC. 910. (a) Of the funds authorized to be appropriated to carry out the provisions of chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961, not less than $15,000,000 in each fiscal year shall be available only to the President for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

(b) This section shall take effect on the date of enactment of this Act.

REPEAL OF PROVISIONS; TECHNICAL AMENDMENTS

SEC. 911. (a)(1) The Foreign Assistance Act of 1961 is amended—

(A) in section 106(b)(1), by striking out "(A)" and by striking out subparagraph (B);

(B) in section 110, by striking out "(a)" and by striking out subsection (b); and

(C) in section 306, by striking out "(a)" and by striking out subsection (b).

(2) Chapter 10 of part I of such Act (22 U.S.C. 2293 et seq.) is repealed.

(b) Section 636(a)(14) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(14)) is amended by striking out "the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting in lieu thereof "the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

(c) Section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)) is amended by striking out "combat" and inserting in lieu thereof "military".

CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION

SEC. 912. (a) The Congress finds that the United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.".

(b) The United States hereby reaffirms that policy. In accordance with that policy, no officer or employee of the United States Government and no agent or other individual acting on behalf of the United States Government shall negotiate with the Palestine Liberation Organization, except in emergency or humanitarian situations, unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts Security Council Resolutions 242 and 338, and renounces the use of terrorism.

LONG-TERM AGRICULTURAL COMMODITY AGREEMENTS WITH FOOD DEFICIT COUNTRIES

SEC. 913. As part of the United States foreign assistance program, the President should explore the possibility of concluding long-term agricultural commodity agreements to help stabilize and increase the flow of concessional and commercial food stuffs with food deficit countries. The President shall prepare and transmit to the Congress a report on his efforts to achieve such long-term agreements by June 1, 1986.

PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE IN KAMPUCHEA

SEC. 914. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b) All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated and shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) This section shall not be construed as limiting the provision of food, medicine, or other humanitarian assistance to the Kampuchean people.

NEW BUILDING IN GENEVA FOR THE USE OF THE UNITED STATES ARMS CONTROL NEGOTIATING TEAMS

SEC. 915. Since the United States is party to vital talks on arms control in Geneva, Switzerland;

Since these talks include negotiations on strategic nuclear weapons, intermediate range nuclear weapons, space and defense systems, a bilateral United States-Soviet forum, called the Standing Consultative Commission, and a multilateral forum, called the Conference on Disarmament;

Since the United States delegations to these talks occupy buildings and spaces insufficiently secure, modernized or large enough to permit those delegations to conduct their work efficiently;

Since the United States delegations to the strategic, intermediate and space and defense talks in particular occupy space in the Botanic Building that is also occupied by offices of numerous other, non-United States organizations, and shares common walls and parking facilities with these delegations;

Since arms control negotiations require sophisticated security facilities, telecommunications equipment, simultaneous translation capabilities and other specialized services;

Since the Soviet Union, for its part, has made available for its negotiating team a modern, secure, well-equipped building dedicated for the use of its arms control negotiating teams: Now, therefore, it is the sense of the Senate that—

(a) In order to facilitate the effective work of the United States arms control negotiating teams, and to provide for them a dedicated structure capable of supporting their vital tasks on a permanent basis, it is the sense of the Senate that the Secretary of State should submit to the Congress a report on the feasibility, cost, location, and requirements of a structure to house the United States arms control negotiating teams in Geneva.

(b) It is further the sense of the Senate that this report should be submitted as soon as possible.

(c) It is further the sense of the Senate that, this matter be included in the consideration of the 1985 supplemental appropriation process.

PURCHASE OF AMERICAN WHEAT BY THE GOVERNMENT OF THE PHILIPPINES

SEC. 916. Since the Government of the Philippines has purchased American wheat for a number of years; and

Since the Government of the Philippines has purchased wheat from no other country for at least seven years; and

Since the Government of the Philippines has agreed to the State Department's suggestion to both mill the wheat and distribute the flour under private enterprise; and

Since the Government of the Philippines has stated that they cannot acquiesce to the suggestion of the State Department that the Government of the Philippines not act as the purchasing entity of American wheat; and

Since most if not all American wheat sales are to government entities of the country purchasing the wheat: therefore

It is the sense of the Senate that the State Department should not prevent United States wheat sales to the Government of the Philippines.

DEMOCRACY IN THE PHILIPPINES

SEC. 917. (a) It is the sense of the Senate that Congress should encourage the revitalization of democracy in the Philippines. To that end, the Congress affirms its intention to grant future aid to the Philippines according to the determination of the Congress that United States security interests are enhanced and sufficient progress is made by the Government of the Philippines in—

(1) guaranteeing free, fair and honest elections in 1986 and 1987, or sooner should any such elections occur;

(2) ensuring the full, fair and open prosecution of the murder of Benigno Aquino, including those involved in the coverup;

(3) ensuring freedom of speech and freedom of the press, and unrestricted access to the media on the part of all candidates for public office in the municipal elections of 1986 and the Presidential election of 1987;

(4) establishing the writ of habeas corpus and the termination of the Presidential Detention Action and all other forms of detention without charge or trial;

(5) releasing all individuals detained or imprisoned for peaceful political activities; and

(6) making substantial progress in terminating extrajudicial killings by the Philippine military and security forces and the prosecution of those responsible for such killings in the past.

(b) It is further the sense of the Senate that Congress finds and declares that the primary purpose of United States assistance to the Philippines should be to maintain and foster friendly relations between the people of the Philippines and the people of the United States, and to encourage the restoration of internal security—both of which goals can be best served by the achievement of an open and stable democracy.

USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS, COOPERATIVES, AND THE PRIVATE SECTOR

SEC. 918. (a) The Administrator of the Agency for International Development is directed to undertake a comprehensive study of additional ways to provide development assistance through nongovernmental organizations (including United States and indigenous private and voluntary organizations, cooperatives, and other private entities). Such study shall include—

(1) an analysis of the percentage of development assistance allocated to governmental and nongovernmental programs;

(2) an analysis of structural impediments, within both the United States and foreign governments, to additional use of nongovernmental programs; and

(3) an analysis of the comparative economic benefits of governmental and nongovernmental programs.

(b) The administrator is directed to conduct the study using available funds and to prepare a final report to the Congress no later than September 30, 1986.

RESTRICTIONS ON ASSISTANCE FOR BOLIVIA

SEC. 919. (a) The Congress finds that—

(1) cocaine has had a severe negative impact on productivity, public health, education, and the quality of life in the United States and on the national security of the United States;

(2) Bolivia is the source of more than 50 per centum of the world's cocaine, and Bolivian production of cocaine continues to rise;

(3) 50 per centum of the population of Bolivia is under 19 years of age, and cocaine production has had a severe, negative impact on the youth of Bolivia;

(4) the production of, and trafficking in, cocaine by Bolivia has contributed significantly to Bolivia's 1,000 per centum rate of inflation;

(5) the failure of the Government of Bolivia to take steps to curb the production of coca in Bolivia during 1984 was cited in the report of the Department of State entitled "International Narcotics Control Strategy Report" as a major disappointment in its review of drug producing countries; and

(6) Bolivia received more than $37,000,000 in United States assistance during the fiscal year 1984 and during such fiscal year did not eradicate a single coca bush.

(b)(1) Beginning with the fiscal year 1986 and for each fiscal year thereafter, no United States assistance may be provided Bolivia unless the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the amount of coca that was produced in Bolivia during the preceding fiscal year is at least 10 per centum less than the amount produced in Bolivia during the fiscal year which preceded such preceding fiscal year.

(2) Whenever the President certifies under paragraph (1) that the amount of coca that is produced in Bolivia is reduced by more than 10 per centum from one fiscal year to the next, the amount of any such additional reduction shall be carried over and counted as if it had occurred in the fiscal year following the year in which it actually occurred.

(3) The Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Inter-American Development Bank to oppose actively the extension of any loan or the furnishing of any financial assistance or technical assistance during the fiscal year 1986 or any fiscal year thereafter by the respective international financial institution to Bolivia, unless the President certifies under paragraph (1) that the amount of coca that was produced in Bolivia during the preceding fiscal year is at least 10 percent less than the amount produced in Bolivia during the fiscal year which preceded such fiscal year.

(4) In carrying out this section, coca produced solely for pharmaceutical purposes shall not be counted in determining amounts of production.

(5) As used in this section—

(A) the term "coca" means cocaine hydrochloride; and

(B) the term "United States assistance" includes any assistance of any kind (other than assistance involving only the provision of food or medicine) which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to or for the benefit of any foreign country, including—

(i) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 8 of part I, relating to international narcotic control assistance);

(ii) sales, credits, and guaranties under the Arms Export Control Act;

(iii) sales under title I (including title III) of the Agricultural Trade Development and Assistance Act of 1954 and donations under title II of such Act of nonfood commodities;

(iv) financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(v) financing under the Export-Import Bank Act of 1945;

(vi) assistance under the Migration and Refugee Assistance Act of 1962;

(vii) programs under the Peace Corps Act;

(viii) assistance under the Inter-American Foundation Act;

(ix) assistance under the African Development Foundation Act;

(x) financial assistance for foreign persons or groups under the Mutual Educational and Cultural Exchange Act of 1961; and

(xi) assistance of any kind under any other Act.

CONDITIONS ON ECONOMIC SUPPORT FUND ASSISTANCE TO JAMAICA

SEC. 920. Of the funds allocated for Jamaica for fiscal year 1987 under chapter 4 of part II of Foreign Assistance Act of 1961, $5,000,000 shall be withheld from obligation until the President certifies to the Congress that the Government of Jamaica has prepared, presented, and committed itself to a comprehensive plan or strategy for the control and reduction of illicit cultivation, production, processing, transportation, and distribution of marijuana within a specifically stated period of time.

POLICY REGARDING FOREIGN EXCHANGE INTERVENTION

SEC. 921. (a) The Congress finds and declares that—

(1) the trade deficit looms larger than any other threat to the ability of the United

States to generate jobs and create economic well-being;

(2) the trade deficit continues to deteriorate even from the 1984 level of $123,000,000,000;

(3) the trade deficit will continue to deteriorate until the value of the dollar declines on foreign exchange markets;

(4) the dollar's rise may slow down but is unlikely to fall sufficiently as a result of Congress' contemplated budget deficit reduction measures;

(5) the dollar would probably fall under a number of tax reform proposals but industries losing market share due to the exchange rate may not be able to wait for a complete tax package;

(6) the only remaining timely option for lowering the dollar is intervention in foreign exchange markets by the Treasury or the Federal Reserve;

(7) any such intervention must be strong enough to achieve the Congress' intent of lowering the dollar's value but sufficiently moderate to prevent a sudden drop in its value;

(8) any such intervention in order to assure a gradual decline and protect against too large a drop in the value of the dollar, will require coordinated action by the central banks of Europe and Japan as well as the United States; and

(9) such coordination is especially important to strengthen economic and political ties with the allies of the United States and to promote consistent macroeconomic policies to the mutual benefit of all.

(b) Therefore, it is the sense of the Congress that—

(1) the Secretary of the Treasury and the Chairman of the Federal Reserve Board, in concert with our allies and coordinated with the central banks of the Group of Five or other major central banks, should take steps as are necessary to lower gradually the value of the dollar;

(2) such steps should not exclude intervention in the foreign exchange markets;

(3) the Secretary of the Treasury and the Chairman of the Federal Reserve Board should work to ensure that the domestic macroeconomic policies of the United States and its allies are forged to reinforce rather than oppose one another.

INTERNATIONAL NARCOTICS CONTROL COMMISSION

SEC. 922. (a) There is established the International Narcotics Control Commission (hereafter in this section referred to as the "Commission").

(b) The Commission is authorized and directed—

(1) to monitor and promote international compliance with narcotics control treaties, including eradication, money laundering, and narco-terrorism; and

(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

(c)(1) The Commission shall be composed of twenty-two members as follows:

(A) Seven Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and three shall be selected, after consultation with the minority leader of the House, from the minority party.

(B) Seven Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party of the Senate, after consultation with the majority leader, and three shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(C) One member of the Department of State appointed by the President.

(D) One member of the Department of Justice appointed by the President.

(E) One member of the Department of the Treasury appointed by the President.

(F) Five members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

(2) There shall be a Chairman and a Cochairman of the Commission.

(3) On the date of enactment of this section and at the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

(4) At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.

(d) In carrying out this section, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

(e) In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report regarding the status of compliance with narcotics control treaties, the first one to be submitted six months after the date of enactment of this section.

(f) The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the House of Representatives and the Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to the Congress a report on its expenditures under such appropriation.

(g)(1) There are authorized to be appropriated to the Commission for each fiscal year and to remain available until expended $550,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this section, such appropriation to be disbursed on a voucher to be approved by the Chairman of the Commission.

(2) For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to the use of funds in accordance with such sections.

(3) Not to exceed $6,000 of the funds appropriated to the Commission for each fiscal year may be used for official reception and representational expenses.

(h) The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SUPPORT FOR EL SALVADOR

SEC. 923. The Senate finds that:

A free and democratic El Salvador is in the security interest of the United States; and

Jose Napoleon Duarte was elected President of El Salvador last year in the most democratic election held in El Salvador in many years; and

Political violence in El Salvador has declined dramatically under President Duarte's leadership; and

President Duarte's policies of respect for human rights, political pluralism, dialogue and reconciliation with the Salvadoran guerrilla forces, legal and social reform, and effective defense against the violent overthrow of the Salvadoran government are deserving of praise from all who believe in a democratic form of government; and

The March 31 legislative and municipal elections were successfully carried out, with 64 per centum of the electorate defying guerrilla attacks to vote; and

The victory of President Duarte's Christian Democratic Party reaffirms the support for these policies by his fellow citizens, the essential test of any government or movement; and

In spite of the state of seige technically in effect due to the insurgent threat, observance of free speech, free press, and free assembly are widely enjoyed in El Salvador and permit public airing of opposing political views; and

President Duarte is firmly committed to judicial reform and prosecution of cases involving "death squads"; and

His leadership and popular support has notably weakened the popular support given the guerrillas, as evidenced by the high levels of voter participation in the free elections held in El Salvador since 1982, the reduction in territory in which the guerrillas can freely operate, their inability to mount frontal military attacks, and their resort to economic sabotage, ambushes, political assassination, and urban terrorism with blatant disregard for basic human rights; and

He has succeeded in reversing the decline in his country's economy which, though still weak, has better prospects than in recent years.

Based upon the above findings, it is the sense of the Senate that:

President Duarte is to be congratulated for his outstanding leadership under difficult circumstances and for his efforts to foster democratic government and institutions in his country, and he is encouraged to continue his efforts to promote political pluralism, democratic institutions, and respect for human rights in his country; and

The armed services of El Salvador are to be congratulated for their improved performance and professionalism in defending Salvadoran citizens and their democratically elected government from attack by armed insurgents, and especially for their role in helping to protect and uphold the electoral process; and

The Senate reaffirms the importance of continued support for democratic principles and institutions and respect for human rights by the various sectors of Salvadoran society, which is a major factor in United States support for El Salvador.

FUNDS TO NONCOMMUNIST RESISTANCE FORCES IN CAMBODIA

SEC. 924. Of the funds authorized to be appropriated in this Act to carry out chapter 2 or chapter 4 of part II of the Foreign Assistance Act of 1961, up to $5,000,000 for fiscal year 1986 may be made available to noncommunist resistance forces in Cambodia, provided that the Secretary of State finds that the Association of Southeast Asian Nations has acknowledged that material assistance to the noncommunist resistance is also being supplied by members of that Association.

TRADE PROHIBITION WITH LIBYA AND COUNTRIES ENGAGED IN TERRORISM

SEC. 925. (a) Notwithstanding any other provision of law, the President may prohibit any article grown, produced, extracted, or manufactured in Libya or in any other country determined by joint resolution of Congress to be engaged in terrorism, from being imported into the United States.

(b) Notwithstanding any other provision of law, the President may prohibit any goods or technology, including technical data or other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, from being exported to Libya, or to any other country determined by a joint resolution of Congress to be engaged in terrorism.

(c) For purposes of this section, the term "United States" includes territories and possessions of the United States.

(d) In exercising the authorities granted by this section, the President shall adhere to the consultation and reporting requirements contained in section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703).

POLICY TOWARD SOUTH AFRICAN "HOMELANDS"

SEC. 926. (a) The Congress finds that—

(1) the sanctity of the family, individual liberty, maximum freedom of choice, ownership of private property, and equal treatment of all citizens, regardless of race, are principles which are fully supported by the American people;

(2) the forced relocation of blacks by the Government of the Republic of South Africa to designated "homelands" divides families, as families are required to remain in the "homelands" while fathers seek work in the so-called "white areas";

(3) the forced removal of persons living in so-called "black spots" in "white" rural areas in South Africa denies them the fundamental right to live and to farm on land they have legally occupied for years, and subjects them to arbitrary arrest and detention when they seek these rights;

(4) compared to "white" South Africa, the designated "homelands", which are meant to accommodate the largest South African population group on a fraction of South African territory and were established without the consent of the vast majority of the governed, are characterized by high rates of infant mortality, unemployment, and malnutrition and by a severe shortage of medical services;

(5) the policy of the Government of the Republic of South Africa denies blacks their rightful claim to full South African citizenship; and

(6) the recent violence in South Africa must be seen as an inevitable result of the denial of the full rights of citizenship.

(b) It is the sense of the Congress that—

(1) the policy of separate development and the forced relocation of the people of the Government of the Republic of South Africa are inconsistent with fundamental American values and internationally recognized principles of human rights;

(2) the Government of the United States should continue to regard as citizens of South Africa all persons born within the internationally recognized boundaries of the Republic of South Africa, and not differentiate among these citizens on the basis of the South African Government's claim to have granted independence to various "homelands";

(3) at such times that any "homeland" official applies for a visa for travel to the United States, no such visa should be granted to such official unless such official holds a passport which is recognized as valid by the Government of the United States; and

(4) the Government of the United States should urge that the forced relocation of South African citizens be discontinued and that policies be adopted for all South Africa's citizens which protect the sanctity of the family, individual liberty, maximum freedom of choice, ownership of private property, and equal treatment of all citizens, regardless of race.

REPORTS ON FOREIGN DEBT IN LATIN AMERICA

SEC. 927. (a) The Congress finds that—

(1) the foreign debt of Latin American countries has soared from $27,000,000,000 in 1970 to over $350,000,000,000 in 1983;

(2) the foreign debt of Latin American countries is a serious obstacle to their economic progress, threatens their stability, and endangers the democratic processes in those nations;

(3) the economic and political futures of many of the Latin American countries hang in the balance and depend upon a successful resolution of the foreign debt crisis; and

(4) the confidence of the American people in the United States system of banking is also involved in a successful resolution of the foreign debt crisis.

(b)(1) Not later than October 1, 1985, the Secretary of State shall prepare and transmit to the Congress a report on—

(A) the magnitude of the foreign debt crisis in this hemisphere;

(B) the impact of the foreign debt crisis on the economies of the nations of Latin America;

(C) the degree to which the national security interests of the United States are implicated in this crisis; and

(D) the steps being taken and the policy being pursued by the United States aimed at dealing with this crisis.

(2) Not later than October 1, 1985, the Secretary of the Treasury shall prepare and transmit to the Congress a report on—

(A) the degree to which the foreign debt crisis affects the system of banking in the United States; and

(B) the steps being taken and the policy being pursued by the Department of the Treasury aimed at dealing with this crisis.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SEC. 928. (a) Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to preserve and protect the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic building located abroad which are associated with the foreign heritage of United States citizens, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, where appropriate and in concurrence with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected;

(3) sponsor or otherwise support demonstration projects to help preserve and protect such cemeteries, monuments, and historic buildings;

(4) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings; and

(5) coordinate its efforts with the United States International Council on Monuments and Sites.

(d)(1) The Commission shall consist of five members appointed by the President.

(2) Members shall be appointed for terms of three years except—

(A) of such members first appointed—

(i) two shall be appointed for two years; and

(ii) three shall be appointed for three years;

(B) a member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed; and

(C) a member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(4) The Commission shall meet at least once every three months.

(e)(1) Members of the Commission shall receive no pay on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(f)(1) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(2) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of

basic pay then in effect for grade GS-13 of the General Schedule (5 U.S.C. 5332(a)).

(3) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, is authorized to detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(g)(1) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) The Commission may accept, use, and dispose of gifts or donations of money or property.

(3) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

(i) This section shall take effect on October 1, 1985.

THE CONTROL OF CONVENTIONAL ARMS TRANSFERS

SEC. 929. (a) The Congress recognizes that conventional arms transfer agreements with the Third World by all suppliers from 1981-1984 totaled $153,200,000,000 (in constant 1984 dollars); in which noncommunist suppliers accounted for $94,100,000,000 and communist suppliers accounted for $59,100,000,000. The United States, the Soviet Union and France have been the three predominant arms suppliers to the Third World from 1977-1984 and collectively accounted for 83 per centum of all conventional arms transfer agreements with the Third World in 1984. There is grave concern for the effect conventional arms transfers may have on regional stability, arms races and the economic needs of Third World nations, including their development, and ability to meet basic human needs. There is further concern about the effect of conventional arms transfers on regional stability, and ultimately on United States and Soviet security. Conventional arms transfer agreements made by the United States, the Soviet Union and France are at levels closer to rough equivalence than at any time in history. This could be a significant factor in facilitating progress to limit and control arms transfers. Since new arms transfers are unpredictable, and, since new cycles of arms purchases by the less developed nations could occur at any time, the United States should reevaluate its conventional arms transfer policies and practices and seek to achieve negotiated conventional arms control agreements which enhance the national interest at the earliest possible date.

(b) Therefore—

(1) The President should, at the earliest possible date, in consultation with our allies, initiate discussions with the Soviet Union and France aimed at beginning multilateral negotiations to limit and control the transfer of conventional arms to the less developed world.

(2) Within one year of the date of enactment of this section, the President shall submit to Congress a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations which examines and analyzes United States policies concerning the transfer of conventional arms, especially sophisticated weapons, and including a review of measures being taken to fulfill the objectives stated above. This report shall also examine and analyze—

(A) the lessons of earlier efforts to negotiate restraints on the export of conventional arms;

(B) the evolution of supplier practices and policies;

(C) the evolution of recipient country attitudes regarding conventional arms transfers;

(D) the effect upon regional stability and security of conventional arms transfers by the United States and its allies and the Soviet Union and its allies in recent years;

(E) the relationship between arms exports by major suppliers and the needs of those countries to support their domestic military procurement programs;

(F) the relationship between arms imports and the external debt of recipient countries, allocation of internal resources, and their economic well-being.

(G) the relationship between arms transfers and regional military stability.

(3) The report provided for in subsection (2) shall be submitted in unclassified form, with an unclassified summary and with classified appendices, as appropriate and necessary.

REPUBLIC OF CHINA (TAIWAN) RETAINING FULL MEMBERSHIP IN THE ASIAN DEVELOPMENT BANK

SEC. 930. Since the People's Republic of China is seeking to apply for admission to the Asian Development Bank, conditioning its application upon administrative changes affecting the status and designation of the Republic of China (Taiwan) within that body;

Since the Republic of China (Taiwan) is a founding member of the Asian Development Bank, actively participating in the Bank's activities and faithfully fulfilling its obligations since the Bank's establishment in December 1966;

Since the Republic of China's (Taiwan's) subscription to the initial capital stock of the Bank was determined on the basis of the area, population, and economic condition of the island of Taiwan;

Since neither the relationship between the Republic of China (Taiwan) and the Bank, nor the circumstances under which these relations were established, have changed since 1966;

Since the Asian Development Bank agreement specifically prohibits the Bank from being influenced in its decision by politics;

Since it was the strong conviction of the founders of the Asian Development Bank that the introduction of political considerations would undermine the ability of the Bank to carry out its mission, namely to further economic growth and cooperation in the region; and

Since the Republic of China (Taiwan) has assisted in carrying out the mission of the Asian Development Bank over the years, moving from borrower to donor: Now, therefore,

It is the sense of the Senate that—

(1) Republic of China (Taiwan) should remain a full member of the Asian Development Bank, and that its status and designation within that body should remain unaltered no matter how the issue of the People's Republic of China's application for membership is disposed of; and

(2) the President and the Secretary of State should express support of the Republic of China (Taiwan), making it clear that the United States will not countenance attempts to make administrative changes affecting the status and designation of another member without that member's full knowledge and consent.

AID TO THE PEOPLE'S REPUBLIC OF MOZAMBIQUE

SEC. 931. (a) None of the funds authorized to be appropriated for fiscal year 1986 under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 shall be made available to the People's Republic of Mozambique unless the President makes a certification in accordance with subsection (a) within thirty days of the enactment of this section and every one hundred and eighty days thereafter.

(b) The certification required by subsection (a) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Senate Committee on Foreign Relations that the Government of the People's Republic of Mozambique—

(1) is making a concerted and significant effort to comply with internationally recognized human rights;

(2) is making continued progress in implementing essential economic and political reforms, including the restoration of private property and respect for the right to engage in free enterprise in all sectors of the economy;

(3) has implemented a plan by September 30, 1986, to reduce the number of foreign military personnel to no more than 55.

(4) is committed to holding free elections at a date no later than September 30, 1986, and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in Mozambique which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to—

(A) the electoral process with internationally recognized observers; and

(B) the elimination of all restrictions on the formation and activities of opposition political parties.

CANADIAN CATTLE AND HOGS EXPORTS

SEC. 932. Since, livestock prices have been in decline for some time due to excessive supply partially caused by dramatic increases in importation of live cattle and hogs from Canada, which has increased by 1,000 per centum in the last decade in the case of hogs alone; and

Since, American livestock producers are suffering from the same general economic crisis affecting all of agriculture, and many will face liquidation or foreclosure in the near future; and

Since, the disparity between the United States and the Canadian dollar amounts to 32 per centum to 34 per centum and results in even further increases in Canadian hogs and cattle being imported into the United States: Therefore,

It is the sense of the Congress that the President should direct appropriate members of the Administration, including the United States Trade Representative, the

Secretary of Agriculture, and the Secretary of Commerce, to aggressively pursue discussions with the Canadian Government directed toward immediate reduction in the Canadian export of cattle and hogs to the United States.

ASSISTANCE FOR THE CAMBODIAN PEOPLE

SEC. 933. The President may make available to the noncommunist resistance forces in Cambodia up to $5,000,000 for fiscal year 1986 of the funds authorized to be appropriated to carry out chapter 2 or chapter 4 of part II of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

JOSEF MENGELE

SEC. 934. (a)(1) The Congress finds that—

(A) Josef Mengele was the selecting physician at the Nazi concentration camp of Auschwitz-Birkenau during the Second World War where he personally sent more than four hundred thousand Jews, including close to two hundred thousand children, to the gas chambers and conducted unspeakable pseudo-scientific experiments on many of the inmates of Auschwitz;

(B) Josef Mengele has lived in freedom since the end of the Second World War, initially, it is thought, in Germany and, thereafter, for the past thirty-five years, in South America;

(C) Josef Mengele became a naturalized citizen of Paraguay in 1959, and is believed still to be living in the region; and

(D) the Minister of the Interior of Paraguay has promised that the Paraguayan Government would undertake a nationwide investigation to locate Josef Mengele and allow foreign observers to participate in such investigation.

(2) It is therefore the sense of Congress that—

(A) the United States Government should undertake all possible efforts to ensure that Josef Mengele is brought to justice;

(B) the Government of Paraguay should, consistent with its previous commitments, carry out an immediate investigation to locate Josef Mengele and, if he is to be found in that country, arrest him and extradite him to a country where a warrant is outstanding for the arrest of Josef Mengele for crimes against humanity;

(C) the United States Government should seek to enlist similar efforts on the part of other regional governments; and

(D) in pursuance of these ends, the United States Government should send representatives to Paraguay and such other regional states as appropriate to participate in these investigations;

(3) Report to Congress on efforts of the Government of Paraguay to apprehend Josef Mengele.

(b) The President shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate on the efforts made by the Government of Paraguay to apprehend Josef Mengele. Such report shall be submitted no later than October 1, 1985, and shall include—

(1) a detailing of the efforts made by the Government of Paraguay to locate Josef Mengele;

(2) the degree to which other countries have cooperated with the investigation; and

(3) the results of the Government of Paraguay's efforts to locate and apprehend Josef Mengele.

SOFTWOOD TIMBER

SEC. 935. Since, softwood timber prices have been in decline for some time due to excessive supply partially caused by dramatic increases in importation of processed softwood timber from Canada, which has increased from 18 per centum of the United States market in the last two years to 35 to 40 per centum today;

Since, American timber producers are suffering from this economic crisis, and the difficulty in acquiring timber from the National Forest System;

Since, the disparity between the United States and the Canadian dollar amounts to 32 to 34 per centum and results in even further increases in processed softwood timber being imported into the United States: Therefore,

It is the sense of the Congress that the President should direct appropriate members of the Administration, including the United States Trade Representative, the Secretary of Agriculture, and the Secretary of Commerce, to aggressively pursue discussions with the Canadian Government directed toward immediate reduction in the Canadian export of softwood timber to the United States.

EFFECTIVE DATE

SEC. 936. Except where otherwise stated in this Act or in the amendments made by this Act, this Act and the amendments made by this Act, shall take effect on October 1, 1985.

TITLE X—INTERNATIONAL NARCOTICS CONTROL ACT OF 1985

SHORT TITLE

SEC. 1001. This title may be cited as the "International Narcotics Control Act of 1985".

LATIN AMERICAN REGIONAL NARCOTICS CONTROL ORGANIZATION

SEC. 1002. (a) The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall conduct a study of the feasibility of establishing a regional organization in Latin America which would combat narcotics production and trafficking through regional information-sharing and a regional enforcement unit.

(b) No later than six months after the date of enactment of this title, the Chairman of the National Drug Enforcement Policy Board shall report to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate on the advisability of encouraging the establishment of such an organization.

ANNUAL REPORTS ON INVOLVEMENT OF COMMUNIST COUNTRIES IN ILLICIT DRUG TRAFFIC

SEC. 1003. Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(6) Each report pursuant to this subsection shall describe the involvement, during the preceding fiscal year, of the governments of Communist countries (as defined for purposes of section 620(f) of this Act) in illicit drug trafficking, including—

"(A) the direct or indirect involvement of Communist governments in the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, and

"(B) any other activities of Communist governments which have facilitated illicit drug trafficking.".

NARCOTICS CONTROL EFFORTS IN BRAZIL

SEC. 1004. The Secretary of State shall enter into negotiations with the Government of Brazil in order to establish a bilateral narcotics control agreement. Such agreement shall have as a goal a 10 per centum reduction in illicit coca production in Brazil in calendar year 1986.

CONDITIONS ON ASSISTANCE TO BOLIVIA

SEC. 1005. United States assistance (as defined in section 481(i)(4) of the Foreign Assistance Act of 1961) may be provided to Bolivia for fiscal years 1986 and 1987 only under the following conditions:

(1) Of the aggregate amount of assistance allocated for Bolivia for fiscal year 1986—

(A) up to 25 per centum may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation which prohibits more than two hectares of coca production per family; and

(B) the remaining 75 per centum may be provided at any time subsequent to a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its August 1983 narcotics control agreements with the United States.

(2) Of the aggregate amount of assistance allocated for Bolivia for fiscal year 1987—

(A) up to 50 per centum may be provided at any time after the President certifies to the Congress that during the first six months of calendar year 1986 the Government of Bolivia achieved at least half of the eradication targets for the calendar year 1986 contained in its August 1983 narcotics control agreements with the United States; and

(B) the remaining 50 per centum may be provided at any time after the President certifies to the Congress that the Government of Bolivia fully achieved the eradication targets for the calendar year 1986 contained in its August 1983 narcotics control agreements with the United States.

UPPER HUALLAGA VALLEY PROJECT IN PERU

SEC. 1006. Funds authorized to be appropriated for fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 for the project of the Agency for International Development in the Upper Huallaga Valley of Peru may be made available for that project only if the Administrator of that Agency, after consultation with the Congress, determines that a comprehensive review of that project has been completed which establishes the effectiveness of that project in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

REALLOCATION OF FUNDS IF CONDITIONS NOT MET

SEC. 1007. If any of the funds described in sections 1005 and 1006 of this title are not used for the country for which they were allocated because the conditions specified in those sections are not met, the President shall reprogram those funds in order to provide additional assistance to countries which have taken significant steps to halt illicit drug production or trafficking.

CONDITIONS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS FUND FOR DRUG ABUSE CONTROL

SEC. 1008. Section 482(a) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(3) Funds authorized to be appropriated by this section for fiscal year 1986 and for fiscal year 1987 may be used for a contribution to the United Nations Fund for Drug

Abuse control only if that organization includes in its crop substitution projects a plan for cooperation with the law enforcement forces of the host country.".

PROHIBITION ON USE OF FOREIGN ASSISTANCE FOR REIMBURSEMENTS FOR DRUG CROP ERADICATIONS

SEC. 1009. Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 483. PROHIBITION ON USE OF FOREIGN ASSISTANCE FOR REIMBURSEMENTS FOR DRUG CROP ERADICATIONS.—Funds made available to carry out this Act may not be used to reimburse persons whose illicit drug crops are eradicated.".

REQUIREMENT FOR COST-SHARING IN INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAMS

SEC. 1010. (a) Section 482 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(d) Assistance may be provided under this chapter to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 per centum of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include 'in-kind' contributions.".

(b) The amendment made by this section shall take effect on October 1, 1985.

EXTRADITION TREATIES

SEC. 1011. The Secretary of State with the assistance of the National Drug Enforcement Policy Board shall increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country, particularly those in Latin America.

MOTION OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FASCELL moves that the Senate bill S. 960 be amended by striking out all after the enacting clause and inserting in lieu thereof the text of the bill, H.R. 1555, as passed the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Security and Development Cooperation Act of 1985".

TITLE I—MILITARY SALES AND RELATED PROGRAMS

SEC. 101. FOREIGN MILITARY SALES CREDIT AUTHORIZATIONS AND AGGREGATE CEILINGS.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The first sentence of section 31(a) of the Arms Export Control Act is amended to read as follows: "There are authorized to be appropriated to the President to carry out this Act $5,228,384,400 for fiscal year 1986 and $5,228,384,400 for fiscal year 1987.".

(b) FISCAL YEAR 1986 AND FISCAL YEAR 1987 FMS PROGRAMS.—Sections 31(b) and (c) of such Act are amended to read as follows:

"(b) AGGREGATE CEILING AND TERMS FOR FMS CREDITS.—

"(1) ANNUAL AGGREGATE CEILING.—The total amount of credits extended under section 23 of this Act shall not exceed $5,228,384,400 for fiscal year 1986 and $5,228,384,400 for fiscal year 1987.

"(2) AGGREGATE CEILING ON CONCESSIONAL FINANCING.—Of the aggregate amount of financing provided under this section, not more than $553,900,000 for fiscal year 1986 and not more than $553,900,000 for fiscal year 1987 may be made available at concessional rates of interest. If a country is released from its contractual liability to repay the United States Government with respect to financing provided under this section, such financing shall not be considered to be financing provided at concessional rates of interest for purposes of the limitation established by this paragraph.

"(3) AUTHORIZATIONS FOR EXTENDED REPAYMENT TERMS.—For fiscal year 1986 and fiscal year 1987, the principal amount of credits provided under this section at market rates of interest with respect to Greece, the Republic of Korea, Portugal, Spain, Thailand, and Turkey shall (if and to the extent each country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.

"(c) COUNTRY-SPECIFIC PROVISIONS.—

(1) ISRAEL.—

"(A) EARMARKING.—Of the aggregate total of credits extended under section 23 of this Act, not less than $1,800,000,000 for fiscal year 1986 and not less than $1,800,000,000 for fiscal year 1987 shall be available only for Israel.

"(B) FORGIVENESS.—Israel shall be released from its contractual liability to repay the United States Government with respect to the credits provided pursuant to subparagraph (A).

"(C) LAVI PROGRAM.—Of the amounts made available for Israel under section 23 of this Act—

"(i) up to $150,000,000 for fiscal year 1986 and up to $150,000,000 for fiscal year 1987 shall be for research and development in the United States for the Lavi program, and

(ii) not less than $250,000,000 for fiscal year 1986 and not less than $250,000,000 for fiscal year 1987 shall be made available for the procurement in Israel of defense articles and defense services (including research and development) for the Lavi program, if Israel wishes to use those funds for that purpose.

"(2) EGYPT.—

"(A) EARMARKING.—Of the total amount of credits extended under section 23 of this Act, not less than $1,300,000,000 for fiscal year 1986 and not less than $1,300,000,000 for fiscal year 1987 shall be available only for Egypt.

"(B) FORGIVENESS.—Egypt shall be released from its contractual liability to repay the United States Government with respect to the credits extended pursuant to subparagraph (A).

"(3) GREECE.—

"(A) TERMS OF CONCESSIONAL CREDITS.—For each of the fiscal years 1986 and 1987, of the total amount of credits extended for Greece under section 23 of this Act, Greece shall receive the same proportion of credits extended at concessional rates of interest as the proportion of credits extended at concessional rates of interest which Turkey receives from the total amount of credits extended for Turkey under section 23 of this Act, and the average annual rate of interest on the credits extended for Greece at concessional rates of interest shall be comparable to the average annual rate of interest on the credits extended for Turkey at concessional rates of interests.

"(B) INAPPLICABILITY OF CEILING ON CONCESSIONAL CREDITS.—Credits extended for Greece for each of the fiscal years 1986 and 1987 at concessional rates of interest shall not be counted toward any ceiling established by law on concessional financing under this Act.

"(4) THE PHILIPPINES.—Financing may not be provided under this Act for the Philippines for the fiscal years 1986 and 1987.".

SEC. 102. TERMS OF FOREIGN MILITARY SALES CREDITS.

Section 23 of the Arms Export Control Act is amended to read as follows:

"SEC. 23. FOREIGN MILITARY SALES CREDITS.

"(a) AUTHORITY TO FINANCE PROCUREMENT.—The President is authorized to finance the procurement of defense articles, defense services, and design and construction services by friendly foreign countries and international organizations, on such terms and conditions as he may determine consistent with the requirements of this section.

"(b) REPAYMENT PERIOD.—The President shall require repayment in United States dollars within a period not to exceed twelve years after the loan agreement with the country or international organization is signed on behalf of the United States Government, unless a longer period is specifically authorized by statute for that country or international organization.

"(c) INTEREST RATES.—

"(1) GENERAL AUTHORITY.—The President shall charge interest under this section at such rate as he may determine, subject to the limitations contained in paragraph (2) and other provisions of law.

"(2) MINIMUM INTEREST RATES.—The interest rate charged under this section may not be less than—

"(A) 5 percent per year, or

"(B) the rate which is 7 percentage points less than the current average interest rate (as of the last day of the month preceding the financing of the procurement) that the United States Government pays on outstanding marketable obligations of comparable maturity,

whichever is greater.

"(3) DEFINITIONS OF CONCESSIONAL AND MARKET RATES.—For purposes of financing provided under this section—

"(A) the term 'concessional rate of interest' means any rate of interest which is less than market rates of interest; and

"(B) the term 'market rate of interest' means any rate of interest which is equal to or greater than the current average interest rate (as of the last day of the month preceding the financing of the procurement under this section) that the United States Government pays on outstanding marketable obligations of comparable maturity.

"(d) PARTICIPATIONS IN CREDITS.—References in any law to credits extended under this section shall be deemed to include reference to participations in credits.".

SEC. 103. MILITARY ASSISTANCE.

(a) AUTHORIZATIONS—Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $761,648,000 for fiscal year 1986 and $761,648,000 for fiscal year 1987.".

(b) THE PHILIPPINES.—Of the amounts available to carry out chapter 2 of part II of such Act, not to exceed $25,000,000 for fiscal year 1986 and not to exceed $25,000,000 for fiscal year 1987 shall be used for assistance for the Philippines.

SEC. 104. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 542 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 542. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out the purposes of

this chapter $54,421,900 for fiscal year 1986 and $54,421,900 for fiscal year 1987.".

SEC. 105. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $35,816,000 for fiscal year 1986 and $35,816,000 for fiscal year 1987.".

SEC. 106. GUARANTEE RESERVE.

The second sentence of section 24(c) of the Arms Export Control Act is amended to read as follows: "Funds authorized to be appropriated by section 31(a) to carry out this Act, which are allocated for credits at market rates of interest, may be used to pay claims under such guarantees to the extent funds in the single reserve are inadequate for that purpose.".

SEC. 107. FULL COSTING OF FMS SALES OF TRAINING AND IMET PROGRAMS.

(a) FMS SALES.—Section 21(a)(3) of the Arms Export Control Act is amended to read as follows:

"(3) in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service.".

(b) IMET.—Section 644(m) of the Foreign Assistance Act of 1961 is amended—

(1) by amending paragraph (4) to read as follows:

"(4) with respect to a defense service or military education and training, the full cost to the United States Government of furnishing such assistance; and"; and

(2) in paragraph (5) by striking out "military education and training or" and by striking out "assistance" and inserting in lieu thereof "services".

SEC. 108. ADMINISTRATIVE SURCHARGE.

Subparagraph (A) of section 21(e)(1) of the Arms Export Control Act is amended by inserting "(excluding a pro rata share of fixed base operation costs)" immediately after "full estimated costs".

SEC. 109. CONTRACT ADMINISTRATION SERVICES.

Section 21(h) of the Arms Export Control Act is amended by inserting "contract administration services," immediately after "inspection," in the text preceding paragraph (1).

SEC. 110. CATALOG DATA AND SERVICES.

Section 21(h) of the Arms Export Control Act is further amended—

(1) by inserting "(1)" immediately after "(h)";

(2) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) by adding at the end thereof the following:

"(2) In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.".

SEC. 111. REPORT ON INTERNATIONAL VOLUME OF ARMS TRAFFIC.

Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a) by striking out "No later than February 1" and inserting in lieu thereof "Except as provided in subsection (d) of this section, no later than February 1"; and

(2) by adding at the end thereof the following new subsection:

"(d) The information required by subsection (a)(4) of this section shall be transmitted to the Congress no later than April 1 of each year.".

SEC. 112. SECURITY ASSISTANCE SURVEYS.

(a) SURVEYS SUBJECT TO REQUIREMENTS.—Section 26 of the Arms Export Control Act is amended—

(1) in the section caption, by striking out "DEFENSE REQUIREMENT" and inserting in lieu thereof "SECURITY ASSISTANCE";

(2) by striking out "defense requirement" each place it appears in the section and inserting in lieu thereof "security assistance"; and

(3) by adding at the end of the section the following new subsection:

"(d) As used in this section, the term 'security assistance surveys' means any survey or study conducted in a foreign country by United States Government personnel for the purpose of assessing the needs of that country for security assistance, and includes defense requirement surveys, site surveys, general surveys or studies, and engineering assessment surveys.".

(b) SUBMISSION OF SURVEYS TO CONGRESS.—Section 26(c) of such Act is amended by striking out "grant that committee access to" and inserting in lieu thereof "submit to that committee copies of".

SEC. 113. QUARTERLY REPORTS ON UNITED STATES MILITARY ADVISORS ABROAD.

Section 36(a)(7) of the Arms Export Control Act is amended to read as follows:

"(7) an estimate of—

"(A) the number of United States military personnel, the number of United States Government civilian personnel, and the number of United States civilian contract personnel, who were in each foreign country at the end of that quarter, and

"(B) the number of members of each such category of personnel who were in each foreign country at any time during that quarter,

in implementation of sales and commercial exports under this Act or of assistance under chapter 2, 5, 6, or 8 of part II of the Foreign Assistance Act of 1961, including both personnel assigned to the country and personnel temporarily in the country by detail or otherwise;".

SEC. 114. INCREASE IN CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS OF THE ARMS EXPORT CONTROL ACT.

(a) CRIMINAL PENALTIES.—Section 38(c) of the Arms Export Control Act is amended by striking out "not more than $100,000 or imprisoned not more than two years, or both" and inserting in lieu thereof "for each violation not more than $1,000,000 or imprisoned not more than ten years, or both".

(b) CIVIL PENALTIES.—Section 38(e) of such Act is amended by adding at the end thereof the following: "Notwithstanding section 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services under this section may not exceed $500,000.".

(c) EFFECTIVE DATE.—This section shall take effect upon the date of enactment of this Act or October 1, 1985, whichever date is later. The amendments made by this section apply with respect to violations occurring after the effective date of this section.

SEC. 115. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.

Section 43 of the Arms Export Control Act is amended—

(1) in subsection (b) by inserting "and official reception and representation expenses" immediately after "administrative expenses"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not more than $72,500 of the funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of this Act may be used each fiscal year for official reception and representation expenses.".

SEC. 116. SPECIAL DEFENSE ACQUISITION FUND.

(a) CONTINUOUS ORDERS FOR CERTAIN ARTICLES AND SERVICES.—Section 51(a) of the Arms Export Control Act is amended by adding at the end thereof the following new paragraph:

"(3) The Fund may be used to keep on continuous order such defense articles and defense services as are assigned by the Department of Defense for integrated management by a single agency thereof for the common use of all military departments in anticipation of the transfer of similar defense articles and defense services to foreign countries and international organizations pursuant to this Act, the Foreign Assistance Act of 1961, or other law.".

(b) LIMITATIONS ON DEPOSITS IN THE FUND.—Section 51(b) of such Act is amended to read as follows:

"(b)(1) Subject to paragraph (2) of this subsection, the Fund shall consist of collections from sales made under letters of offer, or transfers made under the Foreign Assistance Act of 1961, of defense articles and defense services acquired under this chapter (representing the value of such items calculated in accordance with paragraph (2) or (3) of section 21(a) or section 22 of this Act or section 644(m) of the Foreign Assistance Act of 1961, as appropriate), together with such funds as may be authorized and appropriated or otherwise made available for the purposes of the Fund.

"(2) Whenever—

"(A) the value (in terms of acquisition cost) of the defense articles and defense services acquired under this chapter which have not been transferred from the Fund in accordance with this chapter, plus

"(B) the amount of contracts to acquire defense articles and defense services under this chapter,

exceeds $500,000,000, the collections described in paragraph (1) shall be deposited in the Treasury as miscellaneous receipts.".

SEC. 117. WAIVER OF NET PROCEEDS FOR SALE OF MAP ITEMS.

Section 505(f) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "In the case of items which were delivered prior to 1975, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.".

SEC. 118. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $360,000,000 for fiscal year 1986 and shall not exceed $125,000,000 for fiscal year 1987.".

SEC. 119. SECURITY ASSISTANCE ORGANIZATIONS.

Section 515(c)(1) of the Foreign Assistance Act of 1961 is amended in the last sentence by striking out "For the fiscal year 1982 and the fiscal year 1983" and inserting in lieu thereof "Pakistan, Tunisia, El Salvador, Honduras, Venezuela".

SEC. 120. EXCHANGE TRAINING.

Chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 544. EXCHANGE TRAINING.

"In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.".

SEC. 121. TRAINING IN MARITIME SKILLS.

(a) AUTHORIZATION.—Chapter 5 of part II of the Foreign Assistance Act of 1961 is further amended by adding at the end thereof the following new section:

"SEC. 545. TRAINING IN MARITIME SKILLS.

"The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this chapter for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills.".

(b) EXEMPTION.—Section 660(b) of such Act is amended—

(1) by striking out "or" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by adding the following new clause after clause (2):

"(3) with respect to assistance, including training, in maritime law enforcement and other maritime skills.".

SEC. 122. SPECIAL WAIVER AUTHORITY.

Section 614(a)(4) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(4)(A) The authority of this subsection may not be used in any fiscal year to authorize—

"(i) more than $750,000,000 in sales to be made under the Arms Export Control Act;

"(ii) the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act; and

"(iii) the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law.

"(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this Act with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

"(C) Not more than $50,000,000 of the $250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active Communist or Communist-supported aggression, and not more than $500,000,000 of the aggregate limitation of $1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.".

SEC. 123. REPROGRAMMING REQUIREMENTS.

(a) REPROGRAMING NOTIFICATIONS.—Section 634A of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "None";

(2) by inserting "or the Arms Export Control Act" immediately after "disaster relief and rehabilitation)" and immediately after "this Act" the second place it appears; and

(3) by adding at the end of the section the following new subsection:

"(b) The notification requirement of this section does not apply to the reprogramming of less than $25,000 for use under chapter 8 of part I, or for use under chapter 5 of part II, for a country for which a program under that chapter for that fiscal year was justified to the Congress.".

(b) ALLOCATION REPORTS.—Section 653 of such Act is amended—

(1) by inserting in subsection (a) "or the Arms Export Control Act" immediately after "sections 451 or 637)";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(c) QUARTERLY REPORTS.—Section 36(a) of the Arms Export Control Act is amended—

(1) in paragraph (5) by striking out "cash" and by striking out ", credits to be extended under section 23, and guaranty agreements to be made under section 24"; and

(2) in paragraph (6) by striking out "cash" and by striking out "and credits expected to be extended".

SEC. 124. CONVENTIONAL ARMS TRANSFERS.

The President shall submit to the Congress a report which examines and analyzes United States policies concerning the export of conventional arms, especially sophisticated weapons, and possible approaches to developing multilateral limitations on conventional arms sales. This report shall examine and analyze—

(1) the lessons of earlier efforts to negotiate restraints on the export of conventional arms;

(2) the evolution of recipient country attitudes regarding conventional arms transfers;

(3) the prospects for engaging the Soviet Union in serious discussions concerning arms transfers, both globally and as they relate to regional security problems;

(4) possible measures by the United States and Western European suppliers to control levels of sophisticated weapons sales, both regionally and globally;

(5) the relationship between arms exports by Western European countries and the needs of those countries to support their domestic military procurement programs; and

(6) the timing and phasing of international conventional arms control negotiations.

This report should be unclassified to the extent possible, with classified addenda if necessary.

SEC. 125. FOREIGN MILITARY SALES FOR JORDAN.

(a) MIDDLE EAST PEACE.—The foreign military sales financing authorized by this Act for Jordan is provided and increased in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 and the Camp David Accords in order to resolve the state of war between those two countries.

(b) CERTIFICATION.—No foreign military sales financing authorized by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no certification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advance aircraft, new air defense systems, or other new advanced military weapons systems, unless the President has certified to the Congress that Jordan is publicly committed to the recognition of Israel and to prompt entry into direct peace negotiations with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338 and the Camp David Accords.

SEC. 126. CERTIFICATION CONCERNING AWACS SOLD TO SAUDI ARABIA.

(a) THE PRESIDENT'S 1981 AWACS COMMUNICATION TO THE SENATE.—(1) The Congress finds that in his October 28, 1981, communication to the Senate concerning the proposed sale of AWACS aircraft and F-15 enhancement items to Saudi Arabia which was then being reviewed by the Congress (hereafter in this section referred to as the "1981 AWACS communication"), the President stated the following:

"Transfer of the AWACS will take place . . . only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that the following conditions have been met:

"1. Security of Technology

"A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and

"B. The security provisions are no less stringent than measures employed by the U.S. for protection and control of its equipment of like kind outside the continental U.S.; and

"C. The U.S. has the right of continual on-site inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties; and

"D. Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and

"E. Computer software, as designated by the U.S. Government, will remain the property of the USG.

"2. Access to Information

"That Saudi Arabia has agreed to share with the United States continuously and completely the information that it acquires from use of the AWACS.

"3. Control Over Third-Country Participation

"A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the U.S. without the prior, explicit mutual consent of both governments; and

"B. There are in place adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutual consent of the two governments.

"4. AWACS Flight Operations

"That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for defensive purposes as defined by the United States, in order to maintain security and regional stability.

"5. Command Structure

"That agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

"6. Regional Peace and Security

"That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.".

(2) The Congress finds that the President also stated in the 1981 AWACS communication that should circumstances arise that might require changes in the arrangements described in that communication, "they would be made only with Congressional participation".

(b) REQUIREMENT FOR PRESIDENTIAL CERTIFICATION.—As provided in the 1981 AWACS communication, before the E-3A airborne warning and control system (AWACS) aircraft which were the subject of that communication are transferred to Saudi Arabia, the President shall submit to the Congress a written Presidential certification, containing agreements with Saudi Arabia, that the conditions set forth in that communication have been met.

(c) CONGRESSIONAL PARTICIPATION IN CHANGES IN AWACS ARRANGEMENTS.—In order to facilitate the congressional participation provided for in the 1981 AWACS communication, the President shall notify the Congress promptly of any changes being considered by the United States in the arrangements described in that communication.

SEC. 127. COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense may carry out the European air defense agreements. In carrying out those agreements, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) SPECIAL AUTHORITIES.—In connection with the administration of the European air defense agreements, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act;

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency—

(A) for the supply of logistical support in Europe for the Patriot missile system, and

(B) for the acquisition of such logistical support,

to the extent that the Secretary determines that the procedures of that Agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of setup charges of facilities for use by that Agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) deliver to the Federal Republic of Germany one Patriot missile fire unit configured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the requirement in section 22 of that Act for payment in advance of delivery for any purchase under that Act.

(c) RATE CHARGED FOR CERTAIN SERVICES.—Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act for services furnished by the United States, in the case of 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under the Arms Export Control Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

(d) LIMITATION ON CONTRACT AUTHORITY.—The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds, other than those made available under section 31 of the Arms Export Control Act, are available for that purpose.

(e) RELATION TO FISCAL YEAR 1985 AUTHORIZATION.—The authorities provided by this section are an extension of, and not in addition to, the authorities provided by section 1007 of the Department of Defense Authorization Act, 1985 (98 Stat. 2579), relating to the authority of the Secretary of Defense to carry out the European air defense agreements during fiscal year 1985.

(f) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENTS.—For the purposes of this section, the term "European air defense agreements" means—

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

SEC. 128. CEILING ON MILITARY ASSISTANCE FOR TURKEY.

For each of the fiscal years 1986 and 1987, the aggregate total of assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 and financing under the Arms Export Control Act provided for Turkey may not exceed $711,428,570.

SEC. 129. EXCHANGE OF TRAINING AND RELATED SUPPORT.

The Arms Export Control Act is amended by inserting the following new chapter after chapter 2B:

"CHAPTER 2C—EXCHANGE OF TRAINING AND RELATED SUPPORT

"SEC. 30A. EXCHANGE OF TRAINING AND RELATED SUPPORT.

"(a) AUTHORITY TO PROVIDE TRAINING AND RELATED SUPPORT.—Subject to subsection (b), the President may provide training and related support to military and civilian defense personnel of a friendly foreign country or an international organization. Such training and related support shall be provided by a Secretary of a military department and may include the provision of transportation, food services, health services, and logistics and the use of facilities and equipment.

"(b) REQUIREMENT FOR RECIPROCITY.—Training and related support may be provided under this section only pursuant to an agreement or other arrangement providing for the provision by the recipient foreign country or international organization, on a reciprocal basis, of comparable training and related support to military and civilian personnel under the jurisdiction of the Secretary of the military department providing the training and related support under this section. Such reciprocal training and related support must be provided within a reasonable period of time (which may not be more than one year) of the provision of training and related support by the United States. To the extent that a foreign country or international organization to which training and related support is provided under this section does not provide such comparable training and related support to the United States within a reasonable period of time, that country or international organization shall be required to reimburse the United States for the full costs of the training and related support provided by the United States.

"(c) REGULATIONS.—Training and related support under this section shall be provided under regulations prescribed by the President.

"(d) REPORTS.—Not later than February 1 of each year, the President shall submit to the Congress a report on the activities conducted pursuant to this section during the preceding fiscal year, including the estimated full costs of the training and related support provided by the United States to each country and international organization and the estimated value of the training and related support provided to the United States by that country or international organization.".

SEC. 130. NORTH ATLANTIC TREATY ORGANIZATION COOPERATIVE PROJECTS.

(a) REVISION OF AUTHORITY.—Section 27 of the Arms Export Control Act is amended to read as follows:

"SEC. 27. NORTH ATLANTIC TREATY ORGANIZATION COOPERATIVE PROJECTS.

"(a) GENERAL AUTHORITY.—The President may enter into a cooperative project agreement with the North Atlantic Treaty Organization or with one or more member countries of that Organization.

"(b) DEFINITIONS.—As used in this section—

"(1) the term 'cooperative project' means a jointly managed arrangement, described in a written agreement among the parties, which is undertaken in order to further the objectives of standardization, rationalization, and interoperability of the armed forces of North Atlantic Treaty Organization member countries and which provides—

"(A) for one or more of the other participants to share with the United States the costs of research on and development, test-

ing, evaluation, or joint production (including follow-on support) of certain defense articles;

"(B) for concurrent production in the United States and in another member country of a defense article jointly developed in accordance with subparagraph (A); or

"(C) for procurement by the United States of a defense article or defense service from another member country; and

"(2) the term 'other participant' means a participant in a cooperative project other than the United States.

"(c) TERMS OF AGREEMENTS.—Each agreement for a cooperative project shall provide that the United States and each of the other participants will contribute to the cooperative project its equitable share of the full cost of such cooperative project and will receive an equitable share of the results of such cooperative project. The full costs of such cooperative project shall include overhead and administrative costs. The United States and the other participants may contribute their equitable shares of the full cost of such cooperative project in funds or in defense articles or defense services needed for such cooperative project. Military assistance and financing received from the United States Government may not be used by any other participant to provide its share of the cost of such cooperative project. Such agreements shall provide that no requirement shall be imposed by a participant for worksharing or other industrial or commercial compensation in connection with such agreement that is not in accordance with such agreement.

"(d) AUTHORITY TO INCUR OBLIGATIONS.—The President may (to such extent as is provided in advance in appropriations Acts) enter into contracts or incur other obligations for a cooperative project on behalf of the other participants, without charge to any appropriation or contract authorization, if each of the other participants in the cooperative project agrees (1) to pay its equitable share of the contract or other obligation, and (2) to make such funds available in such amounts and at such times as may be required by the contract or other obligation and to pay any damages and costs that may accrue from the performance of or cancellation of the contract or other obligation in advance of the time such payments, damages, or costs are due.

"(e) ADMINISTRATIVE SURCHARGES.—

"(1) AUTHORITY TO WAIVE OR REDUCE.—For those cooperative projects entered into on or after the effective date of the International Security and Development Cooperation Act of 1985, the President may reduce or waive the charge or charges which would otherwise be considered appropriate under section 21(e) of this Act in connection with sales under sections 21 and 22 of this Act when such sales are made as part of such cooperative project. However, the President may reduce or waive such charge or charges only if the other participants agree to reduce or waive corresponding charges.

"(2) IMPACT ON OTHER SURCHARGES.—Notwithstanding provisions of section 21(e)(1)(A) and section 43(b) of this Act, administrative surcharges shall not be increased on other sales made under this Act in order to compensate for reductions or waivers of such surcharges under this section. Funds received pursuant to such other sales shall not be available to reimburse the costs incurred by the United States Government for which reduction or waiver is approved by the President under this section.

"(f) NOTICE TO CONGRESS.—Not less than 30 days before a cooperative project agreement is signed on behalf of the United States, the President shall transmit to the Speaker of the House of Representatives, the Chairman of the Committee on Foreign Relations of the Senate, and the Chairman of the Committee on Armed Services of the Senate, a numbered certification with respect to such proposed agreement, setting forth—

"(1) a detailed description of the cooperative project with respect to which the certification is made;

"(2) an estimate of the quantity of the defense articles expected to be produced in furtherance of such cooperative project;

"(3) an estimate of the full cost of the cooperative project, with an estimate of the part of the full cost to be incurred by the United States Government for its participation in such cooperative project and an estimate of that part of the full costs to be incurred by the other participants;

"(4) an estimate of the dollar value of the funds to be contributed by the United States and each of the other participants on behalf of such cooperative project;

"(5) a description of the defense articles and defense services expected to be contributed by the United States and each of the other participants on behalf of such cooperative project;

"(6) a statement of the foreign policy and national security benefits anticipated to be derived from such cooperative projects; and

"(7) to the extent known, whether it is likely that prime contracts will be awarded to particular prime contractors or that subcontracts will be awarded to particular subcontractors to comply with the proposed agreement.

"(g) OTHER NOTICE REQUIREMENTS.—Section 36(b) of this Act shall not apply to sales made under section 21 or 22 of this Act and to production and exports made pursuant to cooperative projects under this section, and section 36(b) of this Act shall not apply to the issuance of licenses or other approvals under section 38 of this Act, if such sales are made, such production and exports ensue, or such licenses or approvals are issued, as part of a cooperative project.

"(h) ADDITIONALITY OF AUTHORITY.—The authority under this section is in addition to the authority under sections 21 and 22 of this Act and under any other provisions of law.

"(i) EXISTING COOPERATIVE PROJECT AGREEMENTS.—

"(1) APPLICATION OF NEW AUTHORITIES.—With the approval of the Secretary of State and the Secretary of Defense, a cooperative agreement which was entered into by the United States before the effective date of the amendment to this section made by the International Security and Development Cooperation Act of 1985 and which meets the requirements of this section as so amended may be treated on and after such date as having been made under this section as so amended.

"(2) USE OF OLD AUTHORITIES.—Notwithstanding the amendment made to this section by the International Security and Development Cooperation Act of 1985, projects entered into under the authority of this section before the effective date of that amendment may be carried through to conclusion in accordance with the terms of this section as in effect immediately before the effective date of that amendment.".

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH FOREIGN POLICY.—Section 2(b) of such Act is amended to read as follows:

"(b) Under the direction of the President, the Secretary of State (taking into account other United States activities abroad, such as military assistance, economic assistance, and the food for peace program) shall be responsible for the continuous supervision and general direction of sales, leases, financing, cooperative projects, and exports under this Act, including but not limited to determining—

"(1) whether there will be a sale to or financing for a country and the amount thereof,

"(2) whether there will be a lease to a country,

"(3) whether there will be a cooperative project and the scope thereof, and

"(4) whether there will be a delivery or other performance under such sale, lease, cooperative project, or export,

to the end that sales, financing, leases, cooperative projects, and exports will be integrated with other United States activities and to the end that the foreign policy of the United States would be best served thereby.".

(2) CONDITIONS OF ELIGIBILITY.—Section 3(a) of such Act is amended—

(A) in the text preceding paragraph (1), by inserting ", and no agreement shall be entered into for a cooperative project (as defined in section 27 of this Act)," after "international organization,";

(B) in paragraph (2)—

(i) by inserting ", or produced in a cooperative project (as defined in section 27 of this Act)," after "so furnished to it"; and

(ii) by inserting "(or the North Atlantic Treaty Organization or the specified member countries (other than the United States) in the case of a cooperative project)" after "international organization" the second place it appears; and

(C) in paragraph (3) by inserting "or service" after "such article" both places it appears.

(3) CANCELLATION OF CONTRACTS.—Section 42(e) of such Act is amended—

(A) in paragraph (1) by inserting ", and each contract entered into under section 27(d) of this Act," after "of this Act"; and

(B) in paragraph (3) by inserting ", or under contracts entered into under section 27(d) of this Act," after "of this Act".

TITLE II—ECONOMIC SUPPORT FUND

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $3,775,587,200 for fiscal year 1986 and $3,775,587,200 for fiscal year 1987: Provided, That of the amounts available under this paragraph, not less than $195,000,000 for fiscal year 1986 and not less than $195,000,000 for fiscal year 1987 shall be available only for El Salvador. In addition to the amount appropriated by Public Law 98-473, there are authorized to be appropriated to the President to carry out this chapter $1,500,000,000 for fiscal year 1985, which shall be available only for Israel.".

(b) REPEAL OF PRIOR YEAR PROVISIONS.—Chapter 4 of part II of such Act is amended by repealing existing sections 532, 533, 534, 536, 537, 538, 539, and 540.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 202. EMERGENCY ASSISTANCE.

Section 535 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1982" and "1983" and inserting in lieu thereof "1986" and "1987", respectively; and

(2) by redesignating that section as section 532.

SEC. 203. TIED AID CREDIT PROGRAM.

Chapter 4 of part II of the Foreign Assistance Act of 1961, as amended by the preceding sections of this title, is further amended by adding at the end thereof the following new section:

"SEC. 533. TIED AID CREDIT PROGRAM.

"(a) REQUIREMENT FOR ALLOCATION OF FUNDS.—The amounts specified in subsection (b) of this section shall be deposited in the fund authorized by subsection (c)(2) of section 645 of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635r) and shall be used by the Agency for International Development in carrying out the program of tied aid credits for United States exports which is provided for in that section.

"(b) AMOUNTS TO BE ALLOCATED.—Of the amounts authorized to be appropriated to carry out this chapter which are allocated for Commodity Import Programs—

"(1) not less than $50,000,000 for fiscal year 1986, and

"(2) an aggregate of not less than $100,000,000 for both fiscal years 1986 and 1987,

shall be deposited pursuant to subsection (a) of this section. Amounts deposited pursuant to paragraph (1) of this subsection in the fund authorized by section 645(c)(2) of the Trade and Development Enhancement Act of 1983 shall remain available for obligation through September 30, 1987.".

SEC. 204. ASSISTANCE FOR THE MIDDLE EAST.

(a) ISRAEL.—

(1) EARMARKINGS FOR ISRAEL.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $1,200,000,000 for fiscal year 1986 and not less than $1,200,000,000 for fiscal year 1987 shall be available only for Israel.

(2) CASH TRANSFERS TO ISRAEL.—The total amounts of funds allocated for Israel under chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and fiscal year 1987 shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis in the first 30 days of the respective fiscal year. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

(b) EGYPT.—

(1) EARMARKINGS FOR EGYPT.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $815,000,000 for fiscal year 1986 and not less than $815,000,000 for fiscal year 1987 shall be available only for Egypt.

(2) CASH TRANSFERS TO EGYPT.—Amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated for assistance for Egypt for fiscal year 1986 and fiscal year 1987 may be provided as a cash transfer only if—

(A) the President determines that Egypt will undertake economic reforms or development activities which are additional to those which would be undertaken in the absence of the cash transfer, and

(B) at least 15 days before the cash transfer occurs, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprograming notifications pursuant to section 634A of the Foreign Assistance Act of 1961, such notification to include a description of the additional economic reforms or development activities Egypt will undertake.

(c) COOPERATIVE SCIENTIFIC AND TECHNOLOGICAL PROJECTS.—It is the sense of the Congress that, in order to continue to build the structure of peace in the Middle East, the United States should finance, and where appropriate participate in, cooperative projects of a scientific and technological nature involving Israel and Egypt and other Middle East countries wishing to participate. These cooperative projects should include projects in the fields of agriculture, health, energy, the environment, education, water resources, and the social sciences.

(d) LEBANON.—

(1) EARMARKINGS FOR LEBANON.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $2,500,000 for fiscal year 1986 and $2,500,000 for fiscal year 1987 shall be available only for Lebanon.

(2) RELEASE OF AMERICAN HOSTAGES.—None of these funds may be used for assistance for Lebanon unless all United States citizens taken hostage in that country have been released, except that this condition does not apply with respect to humanitarian assistance provided for institutional support or for emergency purposes.

(3) REVERSION OF FUNDS TO TREASURY.—To the extent that these funds cannot be used to provide assistance to Lebanon because the condition specified in paragraph (2) is not met or because of conditions in that country, they shall revert to the Treasury as miscellaneous receipts.

SEC. 205. ASSISTANCE FOR CYPRUS.

(a) FISCAL YEARS 1986 AND 1987.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $15,000,000 for fiscal year 1986 and not less than $15,000,000 for fiscal year 1987 shall be available only for Cyprus.

(b) CYPRUS PEACE AND RECONSTRUCTION FUND.—

(1) AUTHORIZATION.—In addition to amounts otherwise available for assistance for Cyprus under chapter 4 of part II of the Foreign Assistance Act of 1961, there is authorized to be appropriated $250,000,000 for fiscal year 1985 to provide assistance for Cyprus, subject to paragraph (2).

(2) CERTIFICATION REQUIRED.—The additional assistance for Cyprus authorized by paragraph (1) may be provided only if the President certifies to the Congress that an agreement has been concluded by the Greek and Turkish Cypriots which is supported by Greece and Turkey and which achieves substantial progress toward settlement of the Cyprus dispute. Such an agreement should include an agreement on Varosha/Famagusta, foreign troop levels in the Republic of Cyprus, the disposition of the international airport on Cyprus, or other significant steps which are evidence of substantial progress toward an overall settlement of the Cyprus dispute.

(3) EXTENDED AVAILABILITY OF FUNDS.—Funds authorized to be appropriated by paragraph (1) may be appropriated in subsequent fiscal years if not appropriated for fiscal year 1985, and when appropriated shall remain available until expended.

SEC. 206. ASSISTANCE FOR THE CAMBODIAN PEOPLE.

The President may make available to the noncommunist resistance forces in Cambodia up to $5,000,000 for fiscal year 1986, and up to $5,000,000 for fiscal year 1987, of the funds authorized to be appropriated to carry out chapter 2 (relating to grant military assistance) or chapter 4 (relating to the economic support fund) of part II of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

SEC. 207. PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE.

(a) PROHIBITION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Cambodia or elsewhere in Indochina.

(b) DEOBLIGATION OF CERTAIN FUNDS.—All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated and shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) EXCEPTION FOR HUMANITARIAN ASSISTANCE.—This section shall not be construed as limiting the provision of food, medicine, or other humanitarian assistance to the Cambodian people.

SEC. 208. ASSISTANCE FOR THE PHILIPPINES.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $155,000,000 for fiscal year 1986 and $155,000,000 for fiscal year 1987 shall be available only for the Philippines.

SEC. 209. RESTRICTION ON USE OF FUNDS FOR NUCLEAR FACILITIES.

Funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 or fiscal year 1987 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that such country is a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America (the "Treaty of Tlatelolco"), cooperates fully with the International Atomic Energy Agency, and pursues nonproliferation policies consistent with those of the United States.

TITLE III—DEVELOPMENT ASSISTANCE

SEC. 301. DEVELOPMENT ASSISTANCE POLICY.

Section 102(b) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraphs:

"(13) United States encouragement of policy reforms is necessary if developing countries are to achieve economic growth with equity.

"(14) Development assistance should, as a fundamental objective, promote private sector activity in open and competitive markets in developing countries, recognizing such activity to be a productive and efficient means of achieving equitable and long term economic growth.

"(15) United States cooperation in development should recognize as essential the need of developing countries to have access to appropriate technology in order to improve food and water, health and housing, education and employment, and agriculture and industry.

"(16) United States assistance should focus on establishing and upgrading the institutional capacities of developing countries in order to promote long term development. An important component of institution building involves training to expand the human resource potential of people in developing countries.".

SEC. 302. AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.

Section 103(a)(2) of the Foreign Assistance Act of 1961 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $776,996,700 for fiscal year 1986 and $776,996,700 for fiscal year 1987. Of these amounts, the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980.".

SEC. 303. POPULATION AND HEALTH.

Section 104(g) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(g) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(A) $309,760,000 for fiscal year 1986 and $309,760,000 for fiscal year 1987 to carry out subsection (b) of this section; and

"(B) $215,997,600 for fiscal year 1986 and $215,997,600 for fiscal year 1987 to carry out subsection (c) of this section.

"(2) Not less than 50 percent of the amount by which the funds appropriated for each of the fiscal years 1986 and 1987 pursuant to the authorizations contained in paragraph (1)(A) exceed $250,000,000 shall be administered by the Office of Population in the Agency for International Development.

"(3) Funds appropriated under this subsection are authorized to remain available until expended.".

SEC. 304. LIMITATIONS ON USE OF POPULATION PLANNING FUNDS.

(a) LIMITATIONS.—Section 104(f) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"(4) The President—

"(A) shall not deny funds for population planning purposes under this part to a foreign country, an international organization, or a nongovernmental organization, and

"(B) shall not deny or require denial of funds (or goods or services financed with such funds) to any direct or indirect recipient of funds, goods, or services from a foreign country, an international organization, or a nongovernmental organization which receives those funds under this part for population planning purposes,

because of the types of voluntary and noncoercive family planning programs which it carries out or promotes, or for which it provides funds, goods, or services (directly or through another entity), so long as it does so entirely with funds other than the funds made available by the United States under this part. Nothing in this paragraph shall be construed to allow funds made available to carry out this part to be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. The President, if he determines that to do so would promote voluntary family planning goals—notwithstanding paragraphs (A) and (B), may deny funds for population planning purposes under this part to a foreign country, an international organization, or a nongovernmental organization, and he may deny or require denial of funds (or goods or services financed with such funds) to any direct or indirect recipient of funds, goods, or services from a foreign country, an international organization, or a nongovernmental organization which receives those funds under this part for population planning purposes, because of the types of voluntary and noncoercive family planning programs which it carries out or promotes, or for which it provides funds, goods, or services (directly or through another entity), even if it does so entirely with funds other than the funds made available by the United States under this part.

"(5)(A) AFFIRMATION OF UNITED STATES SUPPORT FOR VOLUNTARY FAMILY PLANNING.—The Congress finds the following:

"(i) In most countries of the developing world, efforts to moderate very high rates of population growth through voluntary family planning can make substantial contributions to the health and nutritional status of the population (particularly that of mothers and children), to efforts to achieve social and economic progress, and to the reduction of political tensions within and between countries.

"(ii) There has been strong bipartisan congressional support over the past 25 years through six administrations for voluntary family planning activities as effective measures to deal with the economic, social, and political problems arising from rapid population growth among the world's poorest countries.

"(iii) A central tenet of United States population assistance, and of the international and nongovernmental organizations receiving such assistance, is that individuals and couples should have the information and the means to make informed, voluntary, and responsible choices about childbearing. Coercion in family planning programs is unacceptable, and abortion should not be promoted as a method of family planning.

"(iv) The Government of the People's Republic of China has systematically employed coercive abortion and coercive sterilization as a means of enforcing that Government's 'one-child-per-couple' policy. The rigid application of the 'one-child' policy has also led to large-scale infanticide.

The Congress condemns these practices as crimes against humanity and calls upon the Government of the People's Republic of China to cease these human rights abuses.

"(B) RESTRICTIONS ON FUNDING FOR POPULATION PROGRAMS IN THE PEOPLE'S REPUBLIC OF CHINA.—In view of the use of coerced abortion, coerced sterilization, and infanticide in the People's Republic of China, none of the funds made available to carry out this part may be used to carry out population planning programs in the People's Republic of China, including through contributions to any international organization or any private and voluntary organization which would use the funds for population programs in that country. None of these funds may be made available to be used to carry out population planning programs in any other country in which there are valid and consistent reports of coerced abortion or coerced sterilization.

"(C) UNITED STATES GOVERNMENT EFFORTS TO CHANGE THE PEOPLE'S REPUBLIC OF CHINA'S POPULATION PROGRAM.—The President shall annually determine whether there are valid reports of coerced abortion, coerced sterilization, or infanticide as part of or in direct consequence of the population planning programs of the People's Republic of China. If the President determines that there are valid reports of such practices as part of or in direct consequence of the population planning programs of the People's Republic of China, he shall instruct his representatives to raise with representatives of the Government of the People's Republic of China the humanitarian concern with which the people of the United States view these reports and the negative impact which they have on the continued development of United States-China relations. The President shall also review other aspects of United States-China bilateral relations and programs to consider what further steps could be taken to deter such coercive practices.

"(D) UNITED STATES GOVERNMENT EFFORTS TO END UNFPA'S PROGRAM IN THE PEOPLE'S REPUBLIC OF CHINA.—If at any time the President determines that there are valid reports of coerced abortion, coerced sterilization, or infanticide as part of or in direct consequence of the population planning programs of the People's Republic of China, the President shall instruct the United States representative to any international organization which receives population planning funds under this part to reopen consideration, in the appropriate decisionmaking bodies of that organization, of that organization's programs in the People's Republic of China and to oppose the extension of assistance by that organization to the People's Republic of China for population planning purposes.

"(E) PRESIDENTIAL AUTHORITY TO WITHHOLD UNITED STATES CONTRIBUTION TO THE UNITED NATIONS FUND FOR POPULATION ACTIVITIES.—(i) If the President determines, under subparagraph (D), that there are valid reports of coerced abortion, coerced sterilization, or infanticide as part of or in direct consequence of the population planning programs of the People's Republic of China, and if he determines that the United Nations Fund for Population Activities is funding, directly or indirectly, population planning programs in the People's Republic of China, then the President shall, on the basis of those determinations, decide on the amount of funds authorized under this part which shall be contributed to the United Nations Fund for Population Activities during that fiscal year. In making this decision, the President shall take into consideration whether the People's Republic of China has made significant and sustained progress in eliminating coerced abortion, coerced sterilization, and infanticide.

"(ii) Any funds withheld from the United Nations Fund for Population Activities shall remain available for obligation for other United States population assistance programs.

"(iii) The President shall report on his determinations as required by this paragraph, including his decision regarding the amount of the United States contribution to the United Nations Fund for Population Activities, to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Commitee on Foreign Relations of the Senate. The President's report shall include the steps the United States has taken to address concerns relating to population planning policies of the People's Republic of China in the appropriate international bodies and bilaterally. The President's report must be transmitted by July 1 of any fiscal year in order to allow opportunity for consideration of a joint resolution of disapproval.".

SEC. 305. CHILD SURVIVAL FUND.

Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000" and inserting in lieu thereof "$48,400,000 for fiscal year 1986 and $48,400,000 for fiscal year 1987".

SEC. 306. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.

The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $182,790,000 for fiscal year 1987, which are authorized to remain available until expended.".

SEC. 307. ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.

(a) AUTHORIZATIONS.—Section 106(e)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $215,932,700 for fiscal year 1986 and $215,932,700 for fiscal year 1987.".

(b) COOPERATIVE DEVELOPMENT PROGRAM.—Section 106 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Of the amounts authorized to be appropriated to carry out this chapter, $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987 shall be used to finance cooperative projects among the United States, Israel, and developing countries.".

SEC. 308. PRIVATE SECTOR REVOLVING FUND.

Section 108(b) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1984" in the first sentence and inserting lieu thereof "each of the fiscal years 1986 and 1987".

SEC. 309. PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES IN OVERSEAS DEVELOPMENT.

(a) NOTIFICATION DATE.—Section 123(e) of the Foreign Assistance Act of 1961 is amended by striking out "thirty" in the third sentence and inserting in lieu thereof "ninety".

(b) EARMARKING FOR PVO'S.—Section 123(f) of such Act is amended by striking out "and 1984" and inserting in lieu thereof "1984, 1986, and 1987".

SEC. 310. PROMOTION OF DEMOCRATIC COOPERATIVES.

Section 123 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(h) The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decisionmaking. Therefore, assistance under this chapter shall be provided to rural and urban cooperatives which offer large numbers of low- and middle-income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.".

SEC. 311. TARGETED ASSISTANCE.

(a) REQUIREMENTS.—Section 128 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 128. TARGETED ASSISTANCE.

"(a) DIRECTLY IMPROVING LIVES OF THE POOR MAJORITY.—The President shall use poverty measurement standards, such as those developed by the International Bank for Reconstruction and Development, and other appropriate measurements in determining target populations for United States development assistance, and shall strengthen United States efforts to assure that a substantial percentage of development assistance under this chapter directly improves the lives of the poor majority, with special emphasis on those individuals living in absolute poverty.

"(b) ENSURING THAT THE POOR MAJORITY BENEFIT.—To the maximum extent possible, activities under this chapter that attempt to increase the institutional capabilities of private organizations or governments, or that attempt to stimulate scientific and technological research, shall be designed and monitored to ensure that the ultimate beneficiaries of these activities are the poor majority.".

(b) ANNUAL REPORTS.—Section 634(a)(1)(B) of such Act is amended by inserting immediately before the semicolon the following: ", such assessment to include an evaluation of the extent to which programs under chapter 1 of part I directly benefit the poor majority".

SEC. 312. HOUSING AND OTHER GUARANTY PROGRAMS.

(a) INCREASING AUTHORIZED HIG PROGRAM LEVEL.—Section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "$1,958,000,000" in the second sentence and inserting in lieu thereof "$2,278,000,000".

(b) EXTENDING HIG PROGRAM AUTHORITY.—Such section is further amended by striking out "1986" in the third sentence and inserting in lieu thereof "1988".

(c) MINIMUM ANNUAL HIG PROGRAM LEVELS.—Section 222 of such Act is amended by adding at the end thereof the following:

"(k) The total principal amount of guaranties issued under this section for each of the fiscal years 1986 and 1987 shall be comparable to the total principal amount of such guaranties issued for fiscal year 1984.".

(d) AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS.—Section 222A(h) of such Act is amended by striking out "1986" and inserting in lieu thereof "1988".

SEC. 313. TRADE CREDIT INSURANCE PROGRAM.

Section 224(e) of the Foreign Assistance Act of 1961 is amended by striking out "not to exceed $300,000,000 in the fiscal year 1985" and inserting in lieu therof "except that the aggregate amount of outstanding commitments under subsection (a) may not exceed $500,000,000 of contingent liability for loan principal during fiscal years 1986 and 1987".

SEC. 314. DISADVANTAGED CHILDREN IN ASIA.

(a) AUTHORIZATION OF ADDITIONAL ASSISTANCE.—Section 241(b) of the Foreign Assistance Act of 1961 is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

(b) ADDITIONAL STEPS TO HELP AMERASIAN CHILDREN.—The Congress finds that Amerasian children are currently the object of discrimination in the countries in Asia where they now reside. Therefore the President shall report to the Congress on the quality of life of these children and on what additional steps, such as facilitating adoptions, the United States could take to enhance the lives of these children.

SEC. 315. MINORITY SET-ASIDE.

Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for each of the fiscal years 1986 and 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5)(B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

SEC. 316. USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS, COOPERATIVES, AND THE PRIVATE SECTOR.

(a) STUDY.—The Administrator of the Agency for International Development shall undertake a comprehensive study of additional ways to provide development assistance through nongovernmental organizations, including United States and indigenous private and voluntary organizations, cooperatives, the business community, and other private entities. Such study shall include—

(1) an analysis of the percentage of development assistance allocated to governmental and nongovernmental programs;

(2) an analysis of structural impediments, within both the United States and foreign governments, to additional use of nongovernmental programs; and

(3) an analysis of the comparative economic benefits of governmental and nongovernmental programs.

(b) REPORT.—The Administrator shall report the results of this study to the Congress no later than September 30, 1986.

TITLE IV—OTHER FOREIGN ASSISTANCE PROGRAMS AND INTERNATIONAL AIRPORT SECURITY

Subtitle 1—Other Foreign Assistance Programs

SEC. 401. AMERICAN SCHOOLS AND HOSPITALS ABROAD.

Section 214(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $38,720,000 for fiscal year 1986 and $38,720,000 for fiscal year 1987.

"(2) Amounts appropriated under paragraph (1) are authorized to remain available until expended.".

SEC. 402. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President $275,787,572 for fiscal year 1986 and $275,787,572 for fiscal year 1987 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes. Of these amounts—

"(A) $164,560,000 for fiscal year 1986 and $164,560,000 for fiscal year 1987 shall be for the United Nations Development Program;

"(B) $53,240,000 for fiscal year 1986 and $53,240,000 for fiscal year 1987 shall be for the United Nations Children's Fund;

"(C) $19,844,000 for fiscal year 1986 and $19,844,000 for fiscal year 1987 shall be for the International Atomic Energy Agency,

except that these funds may be contributed to that Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency;

"(D) $15,004,000 for fiscal year 1986 and $15,004,000 for fiscal year 1987 shall be for Organization of American States development assistance programs;

"(E) $9,680,000 for fiscal year 1986 and $9,680,000 for fiscal year 1987 shall be for the United Nations Environment Program;

"(F) $1,936,000 for fiscal year 1986 and $1,936,000 for fiscal year 1987 shall be for the World Meteorological Organization;

"(G) $1,936,000 for fiscal year 1986 and $1,936,000 for fiscal year 1987 shall be for the United Nations Capital Development Fund;

"(H) $1,968,000 for fiscal year 1986 and $1,968,000 for fiscal year 1987 shall be for the United Nations Education and Training Program for Southern Africa;

"(I) $484,000 for fiscal year 1986 and $484,000 for fiscal year 1987 shall be for the United Nations Voluntary Fund for the Decade for Women;

"(J) $193,600 for fiscal year 1986 and $193,600 for fiscal year 1987 shall be for the Convention on International Trade in Endangered Species;

"(K) $1,936,000 for fiscal year 1986 and $1,936,000 for fiscal year 1987 shall be for the World Food Program;

"(L) $484,000 for fiscal year 1986 and $484,000 for fiscal year 1987 shall be for the United Nations Institute for Namibia;

"(M) $332,024 for fiscal year 1986 and $332,024 for fiscal year 1987 shall be for the United Nations Trust Fund for South Africa;

"(N) $96,800 for fiscal year 1986 and $96,800 for fiscal year 1987 shall be for the United Nations Voluntary Fund for Victims of Torture;

"(O) $193,600 for fiscal year 1986 and $193,600 for fiscal year 1987 shall be for the United Nations Industrial Development Organization;

"(P) $1,511,048 for fiscal year 1986 and $1,511,048 for fiscal year 1987 shall be for the United Nations Development Program Trust Fund to Combat Poverty and Hunger in Africa;

"(Q) $2,662,000 for fiscal year 1986 and $2,662,000 for fiscal year 1987 shall be for contributions to international conventions and scientific organizations;

"(R) $484,000 for fiscal year 1986 and $484,000 for fiscal year 1987 for the United Nations Centre on Human Settlements (Habitat); and

"(S) $242,000 for fiscal year 1986 and $242,000 for fiscal year 1987 for the World Heritage Fund.".

SEC. 403. PALESTINE LIBERATION ORGANIZATION.

Chapter 3 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 307. PALESTINE LIBERATION ORGANIZATION.

"(a) PROHIBITION ON FUNDING.—Funds authorized to be appropriated by this chapter may not be made available for the United States proportionate share for programs for the Palestine Liberation Organization or for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

"(b) ANNUAL REVIEW.—The Secretary of State—

"(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds; and

"(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

SEC. 404. SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION.

Chapter 3 of part I of the Foreign Assistance Act of 1961 is further amended by adding at the end thereof the following new section:

"SEC. 308. SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION.

"(a) LIMITATION ON FUNDING.— Funds authorized to be appropriated by this chapter may not be made available for the United States proportionate share for programs for the South-West Africa People's Organization, except that funds may be made available for the United States proportionate share of programs for the South-West Africa People's Organization if the President certifies to the Congress that such funds would not be used to support the military or paramilitary activities of the South-West Africa People's Organization.

"(b) ANNUAL REVIEW.—The Secretary of State—

"(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds; and

"(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

SEC. 405. COMMUNIST COUNTRIES.

Chapter 3 of part I of the Foreign Assistance Act of 1961 is further amended by adding at the end thereof the following new section:

"SEC. 309. COMMUNIST COUNTRIES.

"(a) LIMITATION ON FUNDING.—Funds authorized to be appropriated by this chapter may not be made available for the United States proportionate share for programs for Communist countries listed in section 620(f) of this Act.

"(b) PRESIDENTIAL WAIVER.—Subsection (a) shall not apply to the extent that the President determines and reports to the Congress that it is in the national interest of the United States to provide funding for the United States proportionate share for programs for a particular Communist country or countries.

"(c) ANNUAL REVIEW.—The Secretary of State—

"(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds; and

"(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

SEC. 406. INTERNATIONAL DISASTER ASSISTANCE.

The first sentence of section 492(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 491, $24,200,000 for fiscal year 1986 and $24,200,000 for fiscal year 1987.".

SEC. 407. ANTI-TERRORISM ASSISTANCE PROGRAM.

(a) AUTHORIZATIONS.—Section 575 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 575. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) AUTHORIZATIONS.—There are authorized to be appropriated to the President to carry out this chapter $4,840,000 for fiscal year 1986 and $4,840,000 for fiscal year 1987.

"(b) EXTENDED OBLIGATIONAL AVAILABILITY.—Amounts appropriated under this section are authorized to remain available until expended.".

(b) ITEMS ON THE MUNITIONS LIST.—Section 573(d)(4) of such Act is amended to read as follows:

"(4)(A) Except as provided in subparagraph (B), articles on the United States Munitions List established pursuant to the Arms Export Control Act may not be made available under this chapter.

"(B) For fiscal years 1986 and 1987, articles on the United States Munitions List may be made available under this chapter if—

"(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, or articles in category X (relating to protective personnel equipment), and they are directly related to anti-terrorism training being provided under this chapter;

"(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part, chapter 5 of this part, or the Arms Export Control Act; and

"(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

"(C) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) of this section, including articles described in subparagraph (B)(i) of this paragraph, may not exceed $325,000 in fiscal year 1986 or $325,000 in fiscal year 1987.".

(c) Section 573 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Funds made available to carry out this chapter may not be used for personnel compensation and benefits.".

(d) EXPIRATION OF AUTHORITY.—Section 577 of such Act is repealed.

SEC. 408. COORDINATION OF ALL U.S. ANTI-TERRORISM ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—The Secretary of State shall be responsible for coordinating all anti-terrorism assistance to foreign countries provided by the United States Government.

(b) REPORTS.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the anti-terrorism assistance provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

SEC. 409. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

(a) PROHIBITION.—Section 620A of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 620A. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

"(a) PROHIBITION.—The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the Arms Export Control Act, to any country which the President determines—

"(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

"(2) otherwise supports international terrorism.

"(b) PRESIDENTIAL WAIVER.—The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the waiver (including the justification for the waiver) in accordance with the procedures applicable to reprograming notifications pursuant to section 634A of this Act.

"(c) INTERNATIONAL COOPERATION.—If sanctions are imposed on a country pursuant to subsection (a) because of its support for international terrorism, the President should call upon other countries to impose similar sanctions on that country.".

(b) CONFORMING AMENDMENT.—Section 3(f) of the Arms Export Control Act is amended by striking out ", credits, and guaranties" and ", credits, or guaranties" each place they appear.

SEC. 410. INTERNATIONAL CIVIL AVIATION BOYCOTT OF COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

It is the sense of the Congress that the President—

(1) should call for an international civil aviation boycott with respect to those countries which the President determines—

(A) grant sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(B) otherwise support international terrorism; and

(2) should take steps, both bilateral and multilateral, to achieve a total international civil aviation boycott with respect to those countries.

SEC. 411. PROHIBITION ON IMPORTS FROM AND EXPORTS TO COUNTRIES ENGAGED IN TERRORISM.

(a) PROHIBITION ON IMPORTS.—Notwithstanding any other provision of law, the President shall prohibit any article grown, produced, extracted, or manufactured in Libya from being imported into the United States.

(b) PROHIBITION ON EXPORTS.—Notwithstanding any other provision of law, the President shall prohibit any goods or technology, including technical data or other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, from being exported to Libya.

(c) DEFINITION.—For purposes of this section, the term "United States" includes territories and possessions of the United States.

SEC. 412. TRADE AND DEVELOPMENT PROGRAM.

The first sentence of section 661(b) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $20,328,000 for fiscal year 1986 and $20,328,000 for fiscal year 1987.".

SEC. 413. OPERATING EXPENSES.

Section 667(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) $379,004,100 for fiscal year 1986 and $379,004,100 for fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

Subtitle 2—International Airport Security

SEC. 451. SECURITY STANDARDS FOR FOREIGN AIR TRANSPORTATION.

(a) SECURITY AT FOREIGN AIRPORTS.—Section 1115 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1515) is amended to read as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"ASSESSMENT OF SECURITY MEASURES

"SEC. 1115. (a)(1) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, those foreign airports which are not under the de facto control of the government and pose a high risk of introducing danger to international air travel, and at such other foreign airports as the Secretary may deem appropriate.

"(2) Each such assessment shall be made by the Secretary of Transportation in consultation with the appropriate aeronautic authorities of the foreign government concerned and each air carrier serving the foreign airport at which the Secretary is conducting such assessment.

"(3) The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards and recommendations contained in Annex 17 to the Convention on International Civil Aviation, as such standards and recommendations are in effect on the date of such assessment.

"CONSULTATION WITH THE SECRETARY OF STATE

"(b) In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country. The Secretary of Transportation shall also consult with the Secretary of State in order to determine which foreign airports are not under the de facto control of the government of the country in which they are located and pose a high risk of introducing danger to international air travel.

"REPORT OF ASSESSMENTS

"(c) Each report to the Congress required by section 315 of this Act shall contain—

"(1) a summary of the assessments conducted pursuant to subsection (a) of this section; and

"(2) a description of the extent to which identified security deficiencies have been eliminated.

"NOTIFICATION TO FOREIGN COUNTRY OF DETERMINATION

"(d) Whenever, after an assessment in accordance with subsection (a) of this section, the Secretary of Transportation determines that an airport does not maintain and administer effective security measures, the Secretary shall notify the appropriate authorities of such foreign government of such determination, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

"SANCTIONS

"(e)(1) Paragraph (2) of this subsection shall become effective 120 days after the notification required in subsection (d) of this section of the determination by the Secretary of Transportation, if the Secretary of Transportation finds that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a) of this section, except that paragraph (2) shall become effective immediately upon the Secretary's determination if—

"(A) the Secretary of State determines that the country in which such airport is located is a high terrorist threat country, and

"(B) the Secretary of Transportation determines that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from such airport.

"(2) Subject to paragraph (1), if the Secretary of Transportation determines pursuant to this section that an airport does not maintain and administer effective security measures—

"(A) the Secretary of Transportation shall publish in the Federal Register, and shall cause to be posted and prominently displayed at all United States airports regularly being served by scheduled air carrier operations, the identification of such airport;

"(B) each air carrier and foreign air carrier providing service between the United States and such airport shall provide notice of such determination by the Secretary to any passenger purchasing a ticket for transportation between the United States and such airport, with such notice to be made by written material included on or with such ticket;

"(C) the Secretary of Transportation, after consultation with the appropriate aeronautical authorities of the foreign government concerned and each air carrier serving such airport, may, notwithstanding section 1102 of this Act and with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any air carrier or foreign air carrier to engage in foreign air transportation utilizing such airport; and

"(D) the President may prohibit air carriers and foreign air carriers from providing service between the United States and any other foreign airport which is directly or indirectly served by aircraft flying to or from the airport with respect to which the determination is made under this section.

"(3) The Secretary of Transportation shall promptly report to the Congress any action taken under this subsection, setting forth information concerning the attempts made to secure the cooperation of the foreign government in meeting the standard used by the Secretary in making the assessment of such airport under subsection (a) of this section.

"AUTHORITY FOR IMMEDIATE SUSPENSION OF AIR SERVICE

"(f) Notwithstanding sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that—

"(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport, and

"(2) the public interest requires an immediate suspension of services between the United States and the identified airport,

the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any person to operate aircraft in foreign air commerce to or from that foreign airport.

"CONDITIONS OF AUTHORITY

"(g) The provisions of this section shall be deemed to be a condition to any authority granted under title IV or title VI of this Act to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation.".

(b) CONFORMING AMENDMENTS.—

(1) INFORMATION IN SEMIANNUAL REPORTS.—Section 315(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356(a)) is amended by adding at the end thereof the following new sentence: "Each semiannual report submitted by the Administrator pursuant to the preceding sentence shall include the information described in section 1115(c) of this Act.".

(2) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1471(a)(1)) is amended by inserting "or 1115(e)(2)(B)" after "1114".

(3) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1115. Security standards in foreign air transportation.".

and inserting in lieu thereof

"Sec. 1115. Security standards in foreign air transportation.
"(a) Assessment of security measures.
"(b) Consultation with the Secretary of State.
"(c) Report of assessments.
"(d) Notification to foreign country of determination.
"(e) Sanctions.
"(f) Authority for immediate suspension of air service.
"(g) Conditions of authority.".

(c) CLOSING OF BEIRUT INTERNATIONAL AIRPORT.—It is the sense of the Congress that the President is urged and encouraged to take all appropriate steps to carry forward his announced policy of seeking the effective closing of the international airport in Beirut, Lebanon, at least until such time as the Government of Lebanon has instituted measures and procedures designed to prevent the use of that airport by aircraft hijackers and other terrorists in attacking civilian airlines or their passengers, hijacking their aircraft, or taking or holding their passengers hostage.

SEC. 452. TRAVEL ADVISORY AND SUSPENSION OF FOREIGN ASSISTANCE.

(a) TRAVEL ADVISORY.—When section 1115(e)(2) of the Federal Aviation Act of 1958 becomes effective with respect to an airport because of a determination by the Secretary of Transportation that such airport does not maintain and administer effective measures, the Secretary of State shall issue a travel advisory with respect to that airport. Any travel advisory issued under this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) SUSPENSION OF FOREIGN ASSISTANCE.—The President shall suspend all assistance under the Foreign Assistance Act of 1961 or the Arms Export Control Act to any country in which is located an airport with respect to which section 1115(e)(2) of the Federal Aviation Act of 1958 becomes effective. The President may waive the requirements of this subsection if the President determines and reports to the Congress that there is a national security humanitarian emergency which requires such waiver.

(c) LIFTING OF SANCTIONS.—The sanctions required to be imposed with respect to a country pursuant to this section and section 1115(e)(2)(A) and (B) of the Federal Aviation Act of 1958 may be lifted only if the Secretary of Transportation, in consultation with the Secretay of State, has determined that effective security measures are maintained and administered at the airport in that country with respect to which the Secretary had made the determination described in section 1115 of the Federal Aviation Act of 1985.

SEC. 453. NOTIFICATIONS TO CONGRESS OF LIFTING OF SANCTIONS.

The Congress shall be notified if any sanction imposed pursuant to section 452 of this Act or section 1115(e) of the Federal Aviation Act of 1958 is lifted.

SEC. 454. SKY MARSHALL PROGRAMS.

(1) (a) UNITED STATES AIRMARSHALLS.—STUDY OF NEED FOR EXPANSION OF PROGRAM.—The Secretary of Transportation, in coordination with the Secretary of State, shall study the need for an expanded airmarshall program on international flights of United States air carriers. The Secretary of Transportation shall report the results of this study to the Congress within 6 months after the date of enactment of this Act.

(2) AUTHORITY TO CARRY FIREARMS AND MAKE ARRESTS.—The Secretary of Transportation, with the approval of the Attorney General and the Secretary of State, may authorize persons, in connection with the performance of their air transportation security duties, to carry firearms and to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(b) INTERNATIONAL SKY MARSHALL PROGRAM.—The Secretary of State, in cooperation with the Secretary of Transportation, shall study the feasiability of establishing an international sky marshall program. The Secretary of State shall report the results of this study to the Congress within 6 months after the date of enactment of this Act.

SEC. 455. MEETING OF INTERNATIONAL CIVIL AVIATION ORGANIZATION; INTERNATIONAL MORATORIUM ON USE OF CERTAIN AIRPORTS.

The Secretary of State and the Secretary of Transportation, jointly, shall—

(1) call for an immediate convening of a meeting of the International Civil Aviation Organization to—

(A) discuss the current status of international airport compliance with existing international security standards; and

(B) upgrade the security standards for international airports; and

(2) call on the member countries of the International Civil Aviation Organization to enforce that Organization's existing standards and impose a moratorium on the use of any international airport which is not in compliance with such standards.

SEC. 456. MULTILATERAL AND BILATERAL AGREEMENTS WITH RESPECT TO AIRCRAFT SABOTAGE, AIRCRAFT HIJACKING, AND AIRPORT SECURITY.

The Secretary of State shall seek formal multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance with respect to aircraft sabotage, aircraft hijacking, and airport security.

SEC. 457. ANTITERRORISM ASSISTANCE PROGRAM.

In addition to amounts otherwise authorized to be appropriated for such purpose, there are authorized to be appropriated to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (relating to the antiterrorism assistance program) $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987.

SEC. 458. RESEARCH ON AIRPORT SECURITY TECHNIQUES FOR DETECTING EXPLOSIVES.

In order to improve security at international airports, there are authorized to be appropriated to the Secretary of Transportation from the Airport and Airway Trust Fund (in addition to amounts otherwise available for such purpose) $5,000,000, without fiscal year limitation, to be used for research on and the development of airport security devices or techniques for detecting explosives.

SEC. 459. INTERNATIONAL ANTITERRORISM COMMITTEE.

The Congress calls upon the President to seek the establishment of an international committee, to be known as the International Anti-Terrorism Committee, consisting of representatives of the member countries of the North Atlantic Treaty Organization, Japan, and such other countries as may be invited and may chose to participate. The purpose of the Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries, and of the governments and the public of other countries, on the problems and responses to international terrorism, by serving as a forum at both the political and law enforcement levels.

SEC. 460. HIJACKING OF TWA FLIGHT 847 AND OTHER ACTS OF TERRORISM.

The Congress joins with all Americans in celebrating the release of the hostages taken from Trans World Airlines flight 847. It is the sense of the Congress that—

(1) purser Uli Derickson, pilot John Testrake, co-pilot Philip Maresca, flight engineer Benjamin Zimmermann, and the rest of the crew of Trans World Airlines flight 847 displayed extraordinary valor and heroism during the hostages ordeal and therefore should be commended;

(2) the hijackers who murdered United States Navy Petty Officer Stethem should be immediately brought to justice;

(3) all diplomatic means should continue to be employed to obtain the release of the 7 United States citizens previously kidnapped and still held in Lebanon;

(4) acts of international terrorism should be universally condemned; and

(5) the Secretary of State should be supported in his efforts to gain international cooperation to prevent future acts of terrorism.

SEC. 461. INTERNATIONAL TERRORISM CONTROL TREATY.

It is the sense of the Congress that the President should establish a process by which democratic and open societies of the world, which are those most plagued by ter-

rorism, negotiate a viable treaty to effectively prevent and respond to terrorist attacks. Such a treaty should incorporate an operative definition of terrorism, and should establish effective close intelligence-sharing, joint counterterrorist training, and uniform laws on asylum, extradition, and swift punishment for perpetrators of terrorism. Parties to such a treaty should include, but not be limited to, those democratic nations who are most victimized by terrorism.

SEC. 462. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act.

SEC. 414. BAN ON IMPORTING GOODS AND SERVICES FROM COUNTRIES SUPPORTING TERRORISM.

(a) AUTHORITY.—The President may ban the importation into the United States of any good or service from any country which supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations.

(b) DEFINITION.—For the purposes of subsection (a), the terms "terrorist" and "terrorist organizations" mean an individual, group, or any combination thereof which is involved in terrorism.

TITLE V—INTERNATIONAL NARCOTICS CONTROL

SEC. 501. AUTHORIZATIONS FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Subsection (a)(1) of section 482 of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $55,688,100 for fiscal year 1986 and $55,688,100 for fiscal year 1987.".

SEC. 502. DEVELOPMENT AND ILLICIT NARCOTICS PRODUCTION.

Section 126(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "and under chapter 4 of part II" immediately after "this chapter"; and

(2) by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) The agency primarily responsible for administering this part may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.".

SEC. 503. REPORTS ON INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Section 481(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) Not later than 45 days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include the aggregate obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to end of that fiscal year—

"(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of the United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.

"(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries carry out the purposes of this chapter.".

SEC. 504. EXEMPTION FROM BAN ON INVOLVEMENT OF UNITED STATES PERSONNEL IN ARREST ACTIONS IN NARCOTICS CONTROL EFFORTS ABROAD.

Section 481(c) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) of this subsection shall not prohibit officers and employees of the United States from being present during direct police arrest actions with respect to narcotic control efforts in a foreign country to the extent that the Secretary of State and the government of that country agree to such an exemption. The Secretary of State shall report any such agreement to the Congress before the agreement takes effect.".

SEC. 505. ANNUAL REPORTS ON INVOLVEMENT OF OTHER COUNTRIES IN ILLICIT DRUG TRAFFIC.

Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(6) Each report pursuant to this subsection shall describe the involvement, during the preceding fiscal year, of any foreign government in illicit drug trafficking, including—

"(A) the direct or indirect involvement of such government (or any official thereof) in the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, and

"(B) any other activities of such government (or any official thereof) which have facilitated illicit drug trafficking.".

SEC. 506. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), not less than $1,000,000 for each of the fiscal years 1986 and 1987 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

SEC. 507. REQUIREMENT FOR COST-SHARING IN INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAMS.

Section 482 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(d) Assistance may be provided under this chapter to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 percent of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include 'in-kind' contributions.".

SEC. 508. PROHIBITION ON USE OF FOREIGN ASSISTANCE FOR REIMBURSEMENTS FOR DRUG CROP ERADICATIONS.

Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 483. PROHIBITION ON USE OF FOREIGN ASSISTANCE FOR REIMBURSEMENTS FOR DRUG CROP ERADICATIONS.

"Funds made available to carry out this Act may not be used to reimburse persons whose illicit drug crops are eradicated.".

SEC. 509. RESTRICTIONS ON ASSISTANCE TO BOLIVIA AND PERU.

(a) ASSISTANCE TO BOLIVIA.—Assistance may be provided for Bolivia for fiscal years 1986 and 1987 under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

(1) For fiscal year 1986—

(A) up to 25 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation, consistent with the Single Convention on Narcotic Drugs, 1961, that will establish its legal coca requirements, provide for the licensing of the number of hectares necessary to produce the legal requirement, and make illegal unlicensed coca production; and

(B) the remaining amount of such assistance may be provided at any time subsequent to a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia has made substantial progress toward achieving the eradication target for the calendar year 1985 contained in its August 1983 narcotics control agreements with the United States.

(2) For fiscal year 1987, such assistance may not be provided unless the President certifies to the Congress that the Government of Bolivia has developed a plan, consistent with the Single Convention on Narcotic Drugs, 1961, to eliminate illicit narcotics production countrywide and is prepared to enter into an agreement with the United States to implement that plan. If that certification is made, then—

(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has achieved at least half of the eradication target for the calendar year 1986 contained in its August 1983 narcotics control agreements with the United States; and

(B) the remaining amount of such assistance may be provided at any time after the President certifies to the Congress that the Government of Bolivia fully achieved that eradication target.

(b) ASSISTANCE FOR PERU.—United States assistance (as defined by section 481(i)(4) of the Foreign Assistance Act of 1961) may be provided for Peru—

(1) for fiscal year 1986, only if the President reports to the Congress that the Government of Peru has demonstrated substantial progress in developing a plan, consistent with the Single Convention on Narcotic Drugs, 1961, that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirement, and eliminate illicit and unlicensed coca production; and

(2) for fiscal year 1987, only if the President reports to the Congress that the Government of Peru has developed such a plan and is implementing it.

The assistance for Peru described in sections 510 and 708 of this Act may be provided only if the report required by paragraph (1) in the case of assistance for fiscal year 1986, or by paragraph (2) in the case of assistance for fiscal year 1987, has been made.

SEC. 510. UPPER HUALLAGA VALLEY PROJECT IN PERU.

Funds authorized to be appropriated for fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Administrator of that Agency, after consultation with the Congress, determines that a comprehensive review of that project has been completed which establishes the effectiveness of that project in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 511. CONDITIONS ON ESF ASSISTANCE TO JAMAICA.

Of the funds allocated for Jamaica for fiscal year 1986 under chapter 4 of part II of the Foreign Assistance Act of 1961, $5,000,000 shall be withheld from obligation until the President certifies to the Congress that the Government of Jamaica has prepared, presented, and committed itself to a comprehensive plan or strategy for the control and reduction of illicit cultivation, production, processing, transportation, and distribution of marijuana within a specifically stated period of time.

SEC. 512. REALLOCATION OF FUNDS IF CONDITIONS NOT MET.

If any of the funds described in sections 509, 510, and 511 are not used for the country for which they were allocated because the conditions specified in those sections are not met, the President shall reprogram those funds in order to provide additional assistance to countries which have taken significant steps to halt illicit drug production or trafficking.

SEC. 513. CONDITIONS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS FUND FOR DRUG ABUSE CONTROL.

Funds authorized to be appropriated by section 482(a) of the Foreign Assistance Act of 1961 (relating to international narcotics control assistance) for fiscal year 1986 and for fiscal year 1987 may be used for a contribution to the United Nations Fund for Drug Abuse Control only if that organization includes in its crop substitution projects a plan for cooperation with the law enforcement forces of the host country.

SEC. 514. NARCOTICS CONTROL EFFORTS IN BRAZIL.

The Secretary of State shall enter into negotiations with the Government of Brazil in order to establish a bilateral narcotics control agreement. Such agreement shall have as a goal a 10 percent reduction in illicit coca production in Brazil in calendar year 1986.

SEC. 515. LATIN AMERICAN REGIONAL NARCOTICS CONTROL ORGANIZATION.

(a) FEASIBILITY STUDY.—The Secretary of State, acting through the Assistant Secretary of State for International Narcotics Matters, shall conduct a study of the feasibility of establishing a regional organization in Latin America which would combat narcotics production and trafficking through regional information-sharing and a regional enforcement unit.

(b) REPORT.—No later than six months after the date of enactment of this Act, the Secretary shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the advisability of encouraging the establishment of such an organization.

SEC. 516. GREATER EFFORT BY UNITED STATES ARMED FORCES TO SUPPORT NARCOTICS CONTROL EFFORTS ABROAD.

No later than 60 days after the date of enactment of this Act, the President shall report to the Congress on why the United States Armed Forces should not exert greater effort in facilitating and supporting interception of narcotics traffickers, and in gathering narcotics-related intelligence, outside the United States.

SEC. 517. CUBAN DRUG TRAFFICKING.

(a) FINDINGS.—The Congress finds that—

(1) the subject of the flow, use, and control of narcotic and psychotropic substances is a matter of great international importance;

(2) the problem of drug abuse and drug trafficking continues to worsen throughout most parts of the world;

(3) the concerns of the governments of many countries have become manifest in several bilateral and multilateral narcotics control projects;

(4) United Nations agencies monitor and apply controls on the flow and use of drugs and coordinate multilateral efforts to control production, trafficking, and abuse of drugs;

(5) the United Nations Fund for Drug Abuse Control funds narcotics projects throughout the world and has been a vehicle since 1971 for multilateral implementation of narcotics control and reduction programs;

(6) the International Narcotics Control Board is charged with monitoring compliance with the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, and Cuba is a party to both Conventions;

(7) the United Nations Commission on Narcotic Drugs is responsible for formulating policies, coordinating activities, supervising the implementation of international conventions, and making recommendations to governments for international drug control;

(8) the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

(9) a Federal grand jury of the United States has indicted four prominent Cuban officials on charges of conspiring to smuggle drugs into the United States;

(10) United States Government officials have testified at several congressional hearings that the Government of Cuba is facilitating the flow of illicit drugs into the United States in order to obtain hard currency, support guerrilla/terrorist activities, and undermine United States society; and

(11) such alleged conduct on the part of the Government of Cuba would be injurious to the world community and counter to the general principle of international law that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein.

(b) RECOMMENDED ACTIONS.—It is the sense of the Congress that the President should—

(1) acting through the Permanent Representative of the United States to the United Nations, take such steps as may be necessary to place the question of the involvement by the Government of Cuba in illicit drug trafficking on the agenda of the United Nations;

(2) acting through the Representative of the United States to the Organization of American States, request the Organization of American States to consider this question as soon as possible; and

(3) request other appropriate international organizations and international forums to consider this question.

(c) REPORT.—The President shall report to the Congress on the actions taken pursuant to this section.

SEC. 518. PROHIBITION ON ASSISTANCE TO COUNTRIES WHICH DO NOT TAKE ADEQUATE STEPS TO HALT DRUG TRAFFICKING.

(a) PROHIBITION.—Section 481(h) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(4)(A) In addition to the requirements applicable to major illicit drug producing countries pursuant to paragraph (1), the President shall not provide any assistance under this Act or the Arms Export Control Act to any other country which the President determines has not taken adequate steps to prevent—

"(i) the processing (in whole or in part) in such country of narcotic and psychotropic drugs or other controlled substances,

"(ii) the transportation through such country of narcotic and psychotropic drugs or other controlled substances, and

"(iii) the use of such country as a refuge for illegal drug traffickers.

"(B) The President may waive the application of this paragraph to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and shall submit each waiver and the justification for the waiver to the Congress.".

(b) ANNUAL REPORTS.—Section 481(e) of scuh Act, as amended by section 505 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(7) Each report pursuant to this subsection shall also identify the steps being taken by countries, which are not major illicit drug producing countries, to prevent—

"(A) the processing (in whole or in part) in such country of narcotic and psychotropic drugs or other controlled substances,

"(B) the transportation through such country of narcotic and psychotropic drugs or other controlled substances, and

"(C) the use of such country as a refuge for illegal drug traffickers.".

SEC. 519. DRUG TRAFFICKING AND THE PROBLEM OF TOTAL CONFIDENTIALITY OF CERTAIN FOREIGN BANK ACCOUNTS.

(a) FINDINGS.—The Congress finds that—

(1) several banks in Latin America and the Caribbean are used by narcotics traffickers as depositories for money obtained in providing illicit drugs to the United States and other countries of the region;

(2) offshore banks which provide total confidentiality provide a service which materially assists the operations of illicit drug traffickers; and

(3) cooperation in gaining access to the bank accounts of such narcotics traffickers would materially assist United States authorities in controlling the activities of such traffickers.

(b) POLICY.—The Congress—

(1) requests the President to seek to negotiate treaties with all countries providing such confidential offshore banking, especially those in the Caribbean region, in order that the United States Government could obtain access to the bank accounts of known drug traffickers for the purpose of recovering illegally acquired funds;

(2) directs the President to include reports on the results of such efforts in the annual International Narcotics Control Strategy Report; and

(3) reaffirms its intention to obtain maximum cooperation on the part of all governments for the purpose of halting international drug trafficking, and constantly to evaluate the cooperation of those governments receiving assistance from the United States.

TITLE VI—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES

SEC. 601. STATEMENT OF PURPOSE.

The purpose of this title is to establish an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for study at United States institutions of higher education.

SEC. 602. FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide a stable source of financial support to give students in developing countries the opportunity to study in the United States, in order to improve the range and quality of educational alternatives, increase mutual understanding, and build lasting links between those countries and the United States;

(2) providing scholarships to foreign students to study in the United States has proven over time to be an effective means of creating strong bonds between the United States and the future leadership of developing countries and, at the same time, assists countries substantially in their development efforts;

(3) study in United States institutions by foreign students enhances trade and economic relationships by providing strong English language skills and establishing professional and business contacts;

(4) students from families of limited financial means have, in the past, largely not had the opportunity to study in the United States, and scholarship programs sponsored by the United States have made no provision for identifying, preparing, or supporting such students for study in the United States;

(5) it is essential that the United States citizenry develop its knowledge and understanding of the developing countries and their languages, cultures, and socioeconomic composition as these areas assume an ever larger role in the world community;

(6) the number of United States Government-sponsored scholarships for students in developing countries has been exceeded as much as twelve times in a given year by the number of scholarships offered by Soviet-bloc governments to students in developing countries, and this disparity entails the serious long-run cost of having so many of the potential future leaders of the developing world educated in Soviet-bloc countries;

(7) an undergraduate scholarship program for students of limited financial means from developing countries to study in the United States would complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities;

(8) the National Bipartisan Commission on Central America has recommended a program of 10,000 United States Government-sponsored scholarships to bring Central American students to the United States, which program would involve careful targeting to encourage participation by young people from all social and economic classes, would maintain existing admission standards by providing intensive English and other training, and would encourage graduates to return to their home countries after completing their education; and

(9) it is also in the interest of the United States, as well as peaceful cooperation in the Western Hemisphere, that particular attention be given to the students of the Caribbean region.

SEC. 603. SCHOLARSHIP PROGRAM AUTHORITY.

(a) IN GENERAL.—The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for undergraduate study at United States institutions of higher education by citizens and nationals of developing countries who have completed their secondary education and who would not otherwise have an opportunity to study in the United States due to financial limitations.

(b) FORM OF SCHOLARSHIP; FORGIVENESS OF LOAN REPAYMENT.—To encourage students to use their training in their countries of origin, each scholarship pursuant to this section shall be in the form of a loan with all repayment to be forgiven upon the student's prompt return to his or her country of origin for a period which is at least one year longer than the period spent studying in the United States. If the student is granted asylum in the United States pursuant to section 208 of the Immigration and Nationality Act or is admitted to the United States as a refugee pursuant to section 207 of that Act, half of the repayment shall be forgiven.

(c) CONSULTATION.—Before allocating any of the funds made available to carry out this title, the President shall consult with United States institutions of higher education, educational exchange organizations, United States missions in developing countries, and the governments of participating countries on how to implement the guidelines specified in section 604.

(d) DEFINITION.—For purposes of this title, the term "institution of higher education" has the same meaning as given to such term by section 1201(a) of the Higher Education Act of 1965.

SEC. 604. GUIDELINES.

The scholarship program under this title shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961, all programs created pursuant to this title shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity.

(2) United States missions shall design ways to identify promising students who are in secondary educational institutions, or who have completed their secondary education, for study in the United States. In carrying out this paragraph, the United States mission in a country shall consult with Peace Corps volunteers and staff assigned to that country and with private and voluntary organizations with a proven record of providing development assistance to developing countries.

(3) United States missions shall develop and strictly implement specific economic need criteria. Scholarships under this title may only be provided to students who meet the economic need criteria.

(4) The program shall utilize educational institutions in the United States and in developing countries to help participants in the programs acquire necessary skills in English and other appropriate education training.

(5) Each participant from a developing country shall be selected on the basis of academic and leadership potential and the economic, political, and social development needs of such country. Such needs shall be determined by each United States mission in consultation with the government of the respective country. Scholarship opportunities shall emphasize fields that are critical to the development of the participant's country, including agriculture, civil engineering, communications, social science, education, public and business administration, health, nutrition, environmental studies, population and family planning, and energy.

(6) The program shall be flexible in order to take advantage of different training and educational opportunities offered by universities, postsecondary vocational training schools, and community colleges in the United States.

(7) The program shall be flexible with respect to the number of years of undergraduate education financed but in no case shall students be brought to the United States for a period less than one year.

(8) Adequate allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide adequate opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The United States Information Agency shall explicitly recommend to each student, who receives a scholarship under this Act for study at a college or university, that the student enroll in and pass a course which studies the classics of American political thought or which otherwise emphasizes the ideas, principles, and documents upon which the United States was founded.

SEC. 605. AUTHORITY TO ENTER INTO AGREEMENTS.

The President may enter into agreements with foreign governments in furtherance of the purposes of this title. Such agreements may provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purposes of administering programs under this title.

SEC. 606. POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.

(a) AID-FUNDED PROGRAMS.—The Congress urges the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to

study in the United States at United States institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 604 of this title.

(b) USIA-FUNDED POSTGRADUATE STUDY IN THE UNITED STATES.—The Congress urges the Director of the United States Information Agency to expand opportunities for students of limited financial means from developing countries to receive financial assistance for postgraduate study at United States institution of higher education.

(c) STUDY BY AMERICANS IN DEVELOPING COUNTRIES.—The Congress urges the President to take such steps as are necessary to expand the opportunities for Americans from all economic classes to study in developing countries.

SEC. 607. ESTABLISHMENT AND MAINTENANCE OF COUNSELING SERVICES.

(a) COUNSELING SERVICES ABROAD.—For the purpose of assisting foreign students in choosing fields of study, selecting appropriate institutions of higher education, and preparing for their stay in the United States, the President may make suitable arrangements for counseling and orientation services abroad.

(b) COUNSELING SERVICES IN THE UNITED STATES.—For the purposes of assisting foreign students in making the best use of their opportunities while attending United States institutions of higher education, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements (by contract or otherwise) for the establishment and maintenance of adequate counseling services at United States institutions of higher education which are attended by foreign students.

SEC. 608. BOARD OF FOREIGN SCHOLARSHIPS.

The Board of Foreign Scholarships shall advise and assist the President in the discharge of the scholarship program carried out pursuant to this title, in accordance with the guidelines set forth in section 604. The President may provide for such additional secretarial and staff assistance for the Board as may be required to carry out this title.

SEC. 609. GENERAL AUTHORITIES.

(a) PUBLIC AND PRIVATE SECTOR CONTRIBUTIONS.—The public and private sectors in the United States and in the developing countries shall be encouraged to contribute to the costs of the scholarship program financed under this title.

(b) UTILIZATION OF RETURNING PROGRAM PARTICIPANTS.—The President shall seek to engage the public and private sectors of developing countries in programs to maximize the utilization of recipients of scholarships under this title upon their return to their own countries.

(c) PROMOTION ABROAD OF SCHOLARSHIP PROGRAM.—The President may provide for publicity and promotion abroad of the scholarship program provided for in this title.

(d) INCREASING UNITED STATES UNDERSTANDING OF DEVELOPING COUNTRIES.—The President shall encourage United States institutions of higher education, which are attended by students from developing countries who receive scholarships under this title, to provide opportunities for United States citizens attending those institutions to develop their knowledge and understanding of the developing countries, and the languages and cultures of those countries, represented by those foreign students.

(e) OTHER ACTIVITIES TO PROMOTE IMPROVED UNDERSTANDING.—Funds allocated by the United States Information Agency, or the agency primarily responsible for carrying out part I of the Foreign Assistance Act of 1961, for scholarships in accordance with this title shall be available to enhance the educational training and capabilities of the people of Latin America and the Caribbean and to promote better understanding between the United States and Latin America and the Caribbean through programs of cooperation, study, training, and research. Such funds may be used for program and administrative costs for institutions carrying out such programs.

SEC. 610. ENGLISH TEACHING, TEXTBOOKS, AND OTHER TEACHING MATERIALS.

Wherever adequate facilities or materials are not available to carry out the purposes of paragraph (4) of section 604 in the participant's country and the President determines that the purposes of this title are best served by providing the preliminary training in the participant's country, the President may (by purchase, contract, or other appropriate means) provide the necessary materials and instructors to achieve such purpose.

SEC. 611. REPORTING REQUIREMENT.

Not later than February 1 each year, the President shall submit to the Congress a report on the activities carried on and expenditures made pursuant to this title during the preceding fiscal year.

SEC. 612. FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1986 AND FISCAL YEAR 1987.

(a) CENTRAL AMERICAN UNDERGRADUATE SCHOLARSHIP PROGRAM.—The undergraduate scholarship program financed by the United States Information Agency for students from Central America for fiscal year 1986 and fiscal year 1987 shall be conducted in accordance with this title.

(b) SCHOLARSHIPS FOR STUDENTS FROM OTHER DEVELOPING COUNTRIES.—Any funds appropriated to the United States Information Agency for fiscal year 1986 or fiscal year 1987 for any purpose (other than funds appropriated for educational exchange programs under section 102(a)(1) of the Mutual Educational and Cultural Exchange Act of 1961) may be used to carry out this title with respect to students from developing countries outside Central America.

SEC. 613. COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.

Any authority provided by this title to enter into contracts shall be effective only—

(1) to the extent that the budget authority for the obligation to make outlays, which is created by the contract, has been provided in advance by an appropriation Act; or

(2) to the extent or in such amounts as are provided in advance in appropriation Acts.

TITLE VII—LATIN AMERICA AND THE CARIBBEAN

SEC. 701. STATEMENTS OF POLICY CONCERNING CENTRAL AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States; and

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

(b) PRIMARY ROLE OF THE PEOPLE AND GOVERNMENTS OF CENTRAL AMERICA.—The achievement of democracy, respect for human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America.

(c) UNITED STATES POLICY.—The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively—

(1) democracy and political reform, including opening the political process to all members of society;

(2) full observance of internationally recognized human rights, including free elections, freedom of the press, freedom of association, and the elimination of all human rights abuses;

(3) leadership development, including training and educational programs to improve public administration and the administration of justice;

(4) land reform, reform in tax systems, encouragement of private enterprise and individual initiative, creation of favorable investment climates, curbing corruption where it exists, and spurring balanced trade;

(5) the establishment of the rule of law and an effective judicial system; and

(6) the termination of extremist violence by both the left and the right, as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders.

This policy should also promote equitable economic growth and development, including controlling the flight of capital and the effective use of foreign assistance and adhering to approved programs for economic stabilization and fiscal responsibility. Finally, this policy should foster dialogue and negotiations (A) to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the withdrawal of foreign military forces and advisers, and (B) to provide a security shield against violence and intimidation.

(d) UNITED STATES ASSISTANCE PROGRAMS.—The Congress finds, therefore, that the people of the United States are willing to sustain and expand a program of economic and military assistance in Central America if the recipient countries can demonstrate progress toward and a commitment to these goals.

(e) PEACE PROCESS IN CENTRAL AMERICA.—The Congress—

(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region;

(2) finds that the United States should provide such assistance and support as may be appropriate in helping to reach comprehensive and verifiable final agreements, based on the Document of Objectives, which will ensure peaceful and enduring solutions to the Central American conflicts;

(3) strongly supports national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful settlement to the Nicaraguan conflict; and

(4) finds that the United States should, in assisting efforts to reach comprehensive and

verifiable final agreements based on the Contadora Document of Objectives, encourage the Government of Nicaragua to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

(f) UNITED STATES CONCERNS ABOUT NICARAGUAN FOREIGN AND DOMESTIC POLICIES.—The Congress finds and declares the following:

(1) Despite positive actions by the Congress signaling support for negotiated solutions to conflicts in Central America, there are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) President Daniel Ortega's April 1985 trip to the Soviet Union at a time when the Congress signaled its strong disapproval of increasing Nicaraguan-Soviet ties;

(B) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies; the disappointing and insufficient reduction of the number of Cuban advisors in Nicaragua by only 100 out of an approximately 2,500; and the continuing military buildup that Nicaragua's neighbors consider threatening;

(C) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(D) the subordination of military, judicial, and internal security functions to the ruling political party; and

(E) the Sandinista government's efforts to export its influence and ideology;

(2) Should Nicaragua not address the concerns described in paragraph (1), the United States has several options to address this challenge to peace and stability in the region, including political, diplomatic, and trade sanctions. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns; and

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization.

(3) In assessing whether or not progress is being made in addressing these concerns, the Congress will expect prompt and significant initiatives by the Government of Nicaragua such as—

(A) the removal of foreign military advisers from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system, including steps to liberalize institutions in order to allow the internal opposition in Nicaragua to become a viable partner in the Nicaraguan political process.

(g) RESOLUTION OF THE CONFLICT IN NICARAGUA.—

(1) BASIS FOR POLICY.—The Congress finds that—

(A) the people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, has thrown the country into a serious political, social, and economic upheaval, and is of serious concern to the nations of the region and to the United States;

(B) this conflict is fundamentally a continuation of efforts of the Nicaraguan people to attain a representative government at peace with its neighbors, efforts which began under the Somoza regime; and

(C) the United States recognized these noble aspirations of the Nicaraguan people in the June 23, 1979, resolution of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which reads as follows:

"WHEREAS:

"The people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, and has thrown the country into a serious political, social, and economic upheaval;

"The inhumane conduct of the dictatorial regime governing the country, as evidenced by the report of the Inter-American Commission on Human Rights, is the fundamental cause of the dramatic situation faced by the Nicaraguan people and;

"The spirit of solidarity that guides Hemisphere relations places an unavoidable obligation on the American countries to exert every effort within their power, to put an end to the bloodshed and to avoid the prolongation of this conflict which is disrupting the peace of the Hemisphere;

"THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

"DECLARES:

"That the solution of the serious problem is exclusively within the jurisdiction of the people of Nicaragua.

"That in the view of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs this solution should be arrived at on the basis of the following:

"1. Immediate and definitive replacement of the Somaza regime.

"2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.

"3. Guarantee of the respect for human rights of all Nicaraguans without exception.

"4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom, and justice.

"RESOLVES:

"1. To urge the member states to take steps that are within their reach to facilitate an enduring and peaceful solution of the Nicaraguan problem on the bases set forth above, scrupulously respecting the principle of nonintervention and abstaining from any action that might be in conflict with the above bases or be incompatible with a peaceful and enduring solution to the problem.

"2. To commit their efforts to promote humanitarian assistance to the people of Nicaragua and to contribute to the social and economic recovery of the country.

"3. To keep the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs open while the present situation continues."

(2) THE GOVERNMENT OF NICARAGUA.—The Congress further finds—

(A) the Government of National Reconstruction of Nicaragua formally accepted the June 23, 1979, resolution as a basis for resolving the Nicaraguan conflict in its "Plan to Achieve Peace" which was submitted to the Orgranization of American States on July 12, 1979;

(B) the June 23, 1979, resolution and its acceptance by the Government of National Reconstruction of Nicaragua was the formal basis for the removal of the Somoza regime and the installation of the Government of National Reconstruction;

(C) the Government of National Reconstruction, now known as the Government of Nicaragua and controlled by the Frente Sandinista (the FSLN), has flagrantly violated the provisions of the June 23, 1979, resolution, the rights of the Nicaraguan people, and the security of the nations in the region, in that it—

(i) no longer includes the democratic members of the Government of National Reconstruction in the political process;

(ii) is not a government freely elected under conditions of freedom of the press, assembly, and organization, and is not recognized as freely elected by its neighbors, Costa Rica, Honduras, and El Salvador;

(iii) has taken significant steps towards establishing a totalitarian Communist dictatorship, including the formation of FSLN neighborhood watch committees and the enactment of laws that violate human rights and grant undue executive power;

(iv) has committed atrocities against its citizens as documented in reports by the Inter-American Commission on Human Rights of the Organization of American States;

(v) has aligned itself with the Soviet Union and Soviet allies, including the German Democratic Republic, Bulgaria, Libya, and the Palestine Liberation Organization;

(vi) has committed and refuses to cease aggression in the form of armed subversion against its neighbors in violation of the Charter of the United Nations, the Charter of the Organization of American States, the Inter-American Treaty of Reciprocal Assistance, and the 1965 United Nations General Assembly Declaration on Intervention; and

(vii) has built up an army beyond the needs of immediate self-defense, at the expense of the needs of the Nicaraguan people and about which the nations of the region have expressed deepest concern.

(3) THE NICARAGUAN DEMOCRATIC OPPOSITION.—The Congress further finds that—

(A) as a result of these violations, the Government of Nicaragua has lost the support of virtually all independent sectors of Nicaraguan society who initially supported the removal of the Somoza regime (including democratic political parties of the left, center, and right; the leadership of the Church; free unions; and the business, farmer, and professional sectors) and who still seek democracy, reject the rule of the Frente Sandinista, and seek the free elections promised in 1979;

(B) the Nicaraguan political opposition has joined with the armed opposition groups in issuing the San Jose Manifesto of March 1, 1985, calling for a national dialogue under mediation by the Nicaraguan Bishops Conference to peacefully attain the fulfillment of the Government of Nicaragua's commitments to the Organization of American States, including "the democratization of Nicaragua, conscious that democracy is the only means to carry out an authentic revolution and secure our national identity and sovereignty";

(C) on June 12, 1985, in San Salvador, El Salvador, the political and armed opposition groups representing the entire democratic political spectrum of Nicaragua formed the Unified Nicaraguan Opposition and affirmed their "historical commitment to achieve for Nicaragua the reconciliation of her children, to establish the foundation

for democracy and the moral and material reconstruction of the nation"; and

(D) the Unified Nicaraguan Opposition further declared its intention to "give priority at all times to a political solution which will ease the suffering of our people".

(4) CONCERNS IN THE REGION AND UNITED STATES RESPONSIBILITIES.—The Congress further finds that—

(A) Nicaragua's neighbors, Costa Rica, El Salvador, and Honduras, have expressed, individually and through the Contradora process, their belief that their peace and freedom is not safe so long as the Government of Nicaragua excludes from power most of Nicaragua's political leadership and is controlled by a small sectarian party, without regard to the will of the majority of Nicaraguans; and

(B) the United States, given its role in the installation of the current Government of Nicaragua, has a special responsibility regarding the implementation of the commitments made by that Government in 1979, especially to those who fought against Somoza to bring democracy to Nicaragua with United States support.

(5) RESOLUTION OF THE CONFLICT.—The Congress—

(A) condemns the Government of Nicaragua for violating its solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(B) affirms that the Government of Nicaragua will be regarded as having achieved political legitimacy when it fulfills its 1979 commitment to the Organization of American States to implement genuinely democratic elections, under the supervision of the Organization of American States, in which all elements of the Nicaraguan resistance can peacefully participate under conditions recognized as necessary for free elections by international bodies;

(C) urges the Government of Nicaragua to enter a national dialogue, as proposed by the Nicaraguan democratic resistance in San Jose, Costa Rica, on March 1, 1985, under mediation by the Nicaragua Bishops Conference in order to peacefully resolve the current crisis through internationally recognized elections in which all elements of Nicaraguan society can freely participate;

(D) supports the Nicaraguan democratic resistance in its efforts to peacefully resolve the Nicaraguan conflict and to achieve the fulfillment of the Government of Nicaragua's solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(E) supports efforts by the Contadora nations, the Organization of American States, and other appropriate regional organizations to maintain multilateral pressure on Nicaragua to fulfill its commitments; and

(F) requests that the Secretary of State transmit the text of this subsection to the Foreign Ministers of the member states of the Organization of American States.

SEC. 702. ASSISTANCE FOR EL SALVADOR.

(a) PRESIDENTIAL REPORTS.—The President may provide military assistance for El Salvador in accordance with subsection (c) if he reports to the Congress the following:

(1) The Government of El Salvador is willing to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

(2) The elected civilian government is in control of the Salvadoran military and security forces, and those forces are complying with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support).

(3) The Government of El Salvador made demonstrated progress during the preceding 6 months in ending the activities of the death squads.

(4) The Government of El Salvador made demonstrated progress during the preceding 6 months in establishing an effective judicial system. Among the criteria the President shall use in making this determination are—

(A) whether the commission proposed by the President of El Salvador to investigate human rights cases has been established, funded, and given sufficient investigative powers, and whether the evidence that commission collects may be used in the Salvadoran judicial process;

(B) whether those responsible for the Las Hojas massacre are being prosecuted; and

(C) whether the commission proposed by the President of El Salvador to investigate human rights cases has issued a comprehensive report with regard to its investigation of all Americans murdered in El Salvador.

(5) The Government of El Salvador made demonstrated progress during the preceding 6 months in implementing the land reform program.

(b) REPORTING DATES.—The first report pursuant to subsection (a) shall be submitted on or after October 1, 1985, the second on or after April 1, 1986, the third on or after October 1, 1986, and the fourth on or after April 1, 1987. The reporting requirements pursuant to subsection (a) supersede the reporting requirements with respect to El Salvador contained in the last proviso in the paragraph under the heading "Military Assistance" in Public Law 98-332.

(c) ALLOCATIONS OF MILITARY ASSISTANCE.—Of the aggregate amount of military assistance allocated for El Salvador—

(1) half for fiscal year 1986 may be provided only after the first report pursuant to this section;

(2) the other half for the fiscal year 1986 may be provided only after the second such report;

(3) half for fiscal year 1987 may be provided only after the third such report; and

(4) the other half for fiscal year 1987 may be provided only after the fourth such report.

(d) PROVISION OF ASSISTANCE IN AN EMERGENCY.—Notwithstanding subsection (c), in the event of an emergency certified by the President, funds for military assistance for El Salvador for the second half of fiscal year 1986 or 1987 may be provided in the first half of that fiscal year only if the Congress is notified at least 15 days in advance of the proposed obligation of such funds.

(e) AIRCRAFT FOR AERIAL WARFARE.—

(1) NOTIFICATION TO THE CONGRESS.—The authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of enactment of this Act and shall remain in effect until October 1, 1987.

(f) ECONOMIC SUPPORT ASSISTANCE.—

(1) CENTRAL RESERVE BANK REFORMS.—Before disbursing any assistance to the Government of El Salvador under chapter 4 of part II of the Foreign Assistance Act of 1961 for balance-of-payments support, the President shall be satisfied that the Central Reserve Bank of El Salvador has implemented or has taken appropriate steps toward implementing the major recommendations which are contained in the study entitled "Foreign Exchange: Policy and Management within the Central Reserve Bank of El Salvador", relating to management, allocation, and controls on the use of official foreign exchange.

(2) BALANCE-OF-PAYMENTS SUPPORT.—Funds authorized to be appropriated for fiscal years 1986 and 1987 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 which are provided to El Salvador for balance-of-payments support—

(A) shall be used solely for the purchase of materials essential for productive economic activity and development, with particular emphasis and priority on the import needs of agrarian reform and the agricultural sector; and

(B) shall be maintained in a separate account in the Central Reserve Bank of El Salvador and not commingled with any other funds.

Those funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of the assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 of the Ninety-eight Congress (House Report 98-1159).

(3) SPECIAL ACCOUNT FOR LOCAL CURRENCIES.—All local currencies generated with the funds described in paragraph (2) shall be deposited in accordance with section 609 of the Foreign Assistance Act of 1961 in a special account established by the Government of El Salvador. Those local currencies shall be used for projects assisting agrarian reform and the agricultural sector (and particular emphasis shall be placed on projects for these purposes); judicial reform; employment generation; health, education, and other social services; infrastructure repair; and credits and other support for the private sector (principally for small and medium sized businesses).

(g) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for El Salvador shall be suspended if the elected President of that country is deposed by military coup or decree.

(h) DEFINITIONS.—For purposes of this section—

(1) the term "military assistance" means any assistance under chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 or under the Arms Export Control Act (relating to foreign military sales financing);

(2) the term "agrarian reform" means projects assisting or enhancing the abilities of agencies, cooperatives, and farms to implement land reform decrees in El Salvador, notwithstanding section 620(g) of the Foreign Assistance Act of 1961; and

(3) the term "judicial reform" means projects assisting or enhancing the abilities of agencies of the Salvadoran Government to investigate and prosecute politically motivated violence.

(i) DEVELOPMENT ASSISTANCE.—Of the amounts available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, $79,600,000 for fiscal year 1986 and $79,600,000 for fiscal year 1987 shall be available only for El Salvador.

SEC. 703. ASSISTANCE FOR GUATEMALA.

(a) CONDITIONS ON MILITARY ASSISTANCE AND SALES.—For fiscal years 1986 and 1987, assistance may be provided for Guatemala under chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and sales may be made and financing may be provided for Guatemala under the Arms Export Control Act (relating to foreign military sales) only if the President makes the following certifications to the Congress:

(1) For fiscal year 1986, an elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) For both fiscal years 1986 and 1987, the Government of Guatemala made demonstrated progress during the preceding year (A) in achieving control over its military and security forces, (B) toward eliminating kidnappings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces of internationally recognized human rights, and (C) in respecting the internationally recognized human rights of its indigenous Indian population.

(b) CONTINUATION OF IMET PROGRAMS UPON ELECTION.—Notwithstanding subsection (a), up to 30 percent of the amount allocated for Guatemala for fiscal year 1986 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 may be provided, upon the election of a civilian government in Guatemala, for the continuation of existing programs under that chapter.

(c) CONSTRUCTION EQUIPMENT AND MOBILE MEDICAL FACILITIES AND RELATED TRAINING.—If the conditions specified in subsection (a) are met, Guatemala may be provided with the following for fiscal years 1986 and 1987 (in addition to such other assistance, sales, or financing as may be provided for Guatemala):

(1) Sales of construction equipment and mobile medical facilities to assist in development programs that will directly assist the poor in Guatemala.

(2) Sales of training, to be provided outside of Guatemala, which is related to the sales described in paragraph (1).

(3) A total for both fiscal years 1986 and 1987 of no more than $10,000,000 in credits under the Arms Export Control Act for sales described in paragraphs (1) and (2).

Such sales and credits shall be provided only to enable the military forces of Guatemala to obtain equipment and training for civilian engineering and construction projects and mobile medical teams, which would not be used in the rural resettlement program.

(d) PROHIBITION ON FURNISHING WEAPONS.—Funds authorized to be appropriated by title I of this Act may not be used for the procurement by Guatemala of any weapons or ammunition.

(e) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for Guatemala shall be suspended if the elected civilian government of that country is deposed by military coup or decree.

(f) RURAL RESETTLEMENT PROGRAM.—Assistance provided for Guatemala for the fiscal year 1986 and fiscal year 1987 under chapter 1 of part I (relating to development assistance) or under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961—

(1) may not be provided to the Government of Guatemala for use in its rural resettlement program; and

(2) shall be provided through private and voluntary organizations to the maximum extent possible.

(g) INVITATION FOR ICRC TO VISIT GUATEMALA.—The Congress calls upon the President to urge the Government of Guatemala to allow the International Committee of the Red Cross—

(1) to conduct an unimpeded visit to Guatemala in order to investigate humanitarian needs in that country and to report on human rights abuses in that country, and

(2) to investigate the possibilities of its providing humanitarian services in that country.

(h) RELATIONS BETWEEN BELIZE AND GUATEMALA.—It is the sense of the Congress that the United States should use its good offices and influence to encourage the Government of Guatemala to recognize the independence of Belize and to enter into a mutual nonaggression treaty with Belize.

(i) HUMAN RIGHTS GROUPS IN GUATEMALA.—

(1) THE MUTUAL SUPPORT GROUP.—The Congress finds that—

(A) the Group for Mutual Support was formed in 1984 to protest the disappearances of Guatemalan civilians;

(B) the Group for Mutual Support has carried out its work in a peaceful, non-ideological manner, and is the only indigenous human rights group operating in Guatemala; and

(C) two of the Group's six steering committee members, Hector Gomez and Maria Rosario Godyo de Cuevas, were recently killed.

(2) SUPPORT FOR ACTIVITIES OF HUMAN RIGHTS GROUPS.—It is the sense of the Congress that—

(A) human rights groups in Guatemala, particularly the Group for Mutual Support, should be allowed to carry out their work against human rights abuses with the full cooperation, protection, and support of the Government of Guatemala; and

(B) whether the Government of Guatemala allows human rights groups, including the Group for Mutual Support, to carry out their work should be taken into account by the United States in determining whether there is human rights progress in Guatemala.

SEC. 704. PROHIBITION RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

Funds authorized to be appropriated by this Act may not be obligated or expended for the purpose of supporting or if the effect would be to support, directly or indirectly, military or paramilitary operations in Nicaragua by any group, organization, movement, or individual.

SEC. 705. REFUGEES IN HONDURAS.

Funds authorized to be appropriated by this Act or authorized to be appropriated for "Migration and Refugee Assistance" by the Department of State Authorization Act, Fiscal Years 1986 and 1987—

(1) which are to be used for refugee assistance or other assistance for Nicaraguan Indian refugees in Honduras, shall be channeled through the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the Intergovernmental Committee for Migration, or other established and recognized international refugee relief organizations; and

(2) may not be used to facilitate the involuntary repatriation of Salvadoran refugees who are in Honduras.

To ensure compliance with paragraph (2), any such funds used to assist in the repatriation of Salvadoran refugees in Honduras shall be made available only for voluntary repatriation activities which are administered or supervised by the United Nations High Commissioner for Refugees.

SEC. 706. PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI.

(a) USE OF PVO's.—To the maximum extent practicable, assistance for Haiti under chapter 1 of part I (relating to development assistance) and under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) CONDITIONS ON ASSISTANCE.—Funds available for fiscal year 1986 and for fiscal year 1987 to carry out chapter 1 of part I (relating to development assistance), chapter 4 of part II (relating to the economic support fund), or chapter 5 of part II (relating to international military education and training) of the Foreign Assistance Act of 1961 may be obligated for Haiti only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years); and

(3) is making progress toward improving the human rights situation in Haiti and progress toward implementing political reforms which are essential to the development of democracy in Haiti, such as progress toward the establishment of political parties, free elections, free labor unions, and freedom of the press.

(c) REPORTS TO THE CONGRESS.—Not later than 6 months after the date of the enactment of this Act and each 6 months thereafter through fiscal year 1987, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) ASSISTANCE IN HALTING ILLEGAL EMIGRATION FROM HAITI.—Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961 (relating to police training), funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

(e) LIMITATION ON MAP AND FMS FINANCING.—Assistance may not be provided for Haiti for fiscal year 1986 or fiscal year 1987 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or under the Arms Export Control Act (relating to foreign military sales financing), except for necessary transportation, maintenance, communications, and related articles and services to enable the continuation of migrant and narcotics interdiction operations.

(f) FUNDING FOR LITERACY PROGRAMS.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) which are allocated for Haiti, $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be available only for literacy programs in Haiti.

SEC. 707. CONDITIONS ON MILITARY ASSISTANCE FOR PARAGUAY.

None of the funds authorized to be appropriated by title I of this Act may be used for assistance for Paraguay unless the President certifies to the Congress the following:

(1) The Government of Paraguay has made a good faith effort, in cooperation with other governments, to determine whether Nazi criminal Doctor Joseph Mengele is in Paraguay. Such certification shall include a description of the efforts made by the Government of Paraguay to determine whether Joseph Mengele is in Paraguay.

(2) The Government of Paraguay—

(A) has determined either that—

(i) Joseph Mengele is not in Paraguay, or

(ii) Joseph Mengele was in Paraguay and has been extradited to a country where a warrant is outstanding for his arrest for crimes against humanity,

and the President has determined that such determination is valid; and

(B) has accepted the assistance of the Federal Bureau of Investigation, or such other law enforcement agencies of the United States as may be offered by the President, to reach such determinations.

(3) The Government of Paraguay has ended the practice of torture and abuse of individuals held in detention by its military and security forces and has instituted procedures to ensure that those arrested are promptly charged and brought to trial.

SEC. 708. ASSISTANCE FOR PERU.

(a) REPORTS ON HUMAN RIGHTS CONDITIONS.—Upon obligating any funds for assistance for Peru for fiscal year 1986 and fiscal year 1987 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or the Arms Export Control Act (relating to foreign military sales financing), the President shall report to the Congress on the steps that the Government of Peru has taken to—

(1) curtail killings, torture, and "disappearances" of civilian noncombatants by the the military and security forces of Peru;

(2) strengthen the ability of the judiciary to investigate such killings, torture, and disappearances;

(3) comply with established procedures to ensure that arrests and detentions by the military and security forces of Peru are immediately acknowledged; and

(4) account for "disappeared persons" in Peru.

(b) HUMAN RIGHTS TRAINING IN IMET PROGRAMS.—Respect for internationally recognized human rights shall be an important component of the training provided for Peru under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) for fiscal year 1986 and for fiscal year 1987.

(c) STRENGTHENING THE PERUVIAN JUDICIAL SYSTEM.—Of the amount authorized to be appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be used to strengthen the judicial system in Peru under section 534 of the Foreign Assistance Act of 1961 (relating to administration of justice).

SEC. 709. INTER-AMERICAN FOUNDATION.

The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $11,616,000 for fiscal year 1986 and $11,616,000 for fiscal year 1987 to carry out the purposes of this section.".

SEC. 710. COMPREHENSIVE REPORTS ON ASSISTANCE FOR LATIN AMERICA AND THE CARIBBEAN.

(a) REQUIREMENT FOR COMPREHENSIVE ACCOUNTING OF ASSISTANCE.—In the annual reports required by section 634 of the Foreign Assistance Act of 1961, the President shall provide to the Congress a full, complete, and detailed accounting of all assistance provided during the fiscal years 1986 and 1987 for Latin America and the Caribbean under the Foreign Assistance Act of 1961 and the Arms Export Control Act.

(b) INFORMATION TO BE INCLUDED.—The report provided pursuant to subsection (a) shall include for each fiscal year, among other things, the following with respect to each authorization account:

(1) The specific projects and other activities carried out in each country.

(2) The number of persons from each country who were provided with training, and the types of training provided.

(3) The defense articles and defense services provided for each country.

(4) The types of goods and commodities provided to each country for economic stabilization purposes under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), and a copy of each agreement for the furnishing of any assistance under that chapter.

(5) The amounts of local currency generated by United States assistance to each country, the uses of those currencies, and the total amount of those currency still available for use as of the time of the report.

(6) A report on any transfers or reprogrammings of funds, and a description of how transferred or reprogrammed funds modified the amounts requested for each account.

(7) A report on the funds which have been obligated but remain unexpended for each country in each account.

(8) An analysis of the amount of funds and programs provided through nongovernmental as contrasted to governmental channels.

SEC. 711. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

Section 660 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Subsection (a) shall not apply with respect to a country which has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

"(d) Notwithstanding the prohibition contained in subsection (a) assistance may be provided to Honduras or El Salvador for fiscal years 1986 and 1987 if, at least 30 days before providing assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act, that he has determined that the government of the recipient country has made significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. Any such notification shall include a description of the assistance which is proposed to be provided.".

SEC. 712. USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS.

To the maximum extent practicable, assistance under chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for countries in Latin America and the Caribbean should be provided through private and voluntary organizations which have a proven record of development assistance efforts overseas.

SEC. 713. ADMINISTRATION OF JUSTICE.

Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), as amended by title II of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 534. ADMINISTRATION OF JUSTICE.

"(a) AUTHORIZATION OF ASSISTANCE.—The President may furnish assistance under this chapter to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean.

"(b) LIMITATIONS ON TYPES OF ASSISTANCE.—Assistance under this section may only include—

"(1) support for specialized professional training, scholarships, and exchanges for continuing legal education;

"(2) programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;

"(3) notwithstanding section 660 of this Act, programs to enhance investigative capabilities, conducted under judicial or prosecutorial control;

"(4) strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;

"(5) increasing the availability of legal materials and publications;

"(6) seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights; and

"(7) revision and modernization of legal codes and procedures.

"(c) AMOUNTS AVAILABLE FOR ASSISTANCE.—Not more than $20,000,000 of the funds made available to carry out this chapter for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes.

"(d) NOTIFICATION TO CONGRESS.—Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this Act.

"(e) EXPIRATION OF AUTHORITIES.—The authority of this section shall expire on September 30, 1987.".

SEC. 714. CENTRAL AMERICAN DEVELOPMENT ORGANIZATION.

(a) FINDINGS.—The Congress finds that participation by Central American countries in an effective forum for dialog on, and

the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) ESTABLISHMENT OF CADO.—It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization (hereafter in this section referred to as the "Organization"); and

(2) the establishment of the Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, respecting internationally recognized human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of internationally recognized human rights;

(ii) mobilization of resources and external assistance needs; and

(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on the recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress toward meeting such country objectives.

(F) For each fiscal year after that in which the President has completed negotiations and agreed to participate in the Organization, the disbursement of 25 percent of the economic assistance funds allocated by the United States directly for each Central American country should be deferred until the United States and the Organization have both approved disbursement.

(G) The President should encourage other donors similarly to designate a percentage of their direct economic assistance for Central American countries for joint approval with the Organization.

(H) The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, or his designee, should be chairman of the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) UNITED STATES PARTICIPATION IN CADO.—Subject to subsection (d)(3), the President is authorized to participate in the Organization.

(d) CONGRESSIONAL OVERSIGHT.—

(1) DEVELOPMENT OF PROPOSAL.—The Administrator of the Agency for International Development, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of the proposal.

(2) FACILITATING CONGRESSIONAL INVOLVEMENT.—To facilitate full congressional involvement in the establishment of the Organization, the chairman of the Committee on Foreign Affairs of the House of Representatives shall designate at least three members of that committee, and the chairman of the Committee on Foreign Relations of the Senate shall designate at least three members of that committee, who shall be kept fully and currently informed by the executive branch of all negotiations or discussions with donor countries and recipient countries concerning the establishment of the Organization.

(3) CONGRESSIONAL REVIEW OF AGREEMENT.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement which he proposes to sign providing for the establishment of and United States participation in the Organization no less than 60 days prior to his signature. The United States shall not participate in the implementation of any such agreement for at least 60 days after such transmittal. During that 60-day period, there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

SEC. 715. MILITARY EXERCISES IN CENTRAL AMERICA.

For fiscal years 1986 and 1987, the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days in advance of assigning or detailing members of the United States Armed Forces to, or otherwise introducing members of the United States Armed Forces into, any country in Central America for the purpose of commencing joint military exercises with the armed forces of any Central American country.

SEC. 716. EXPANDED USE OF EMPLOYEE STOCK OWNERSHIP PLANS.

(a) FINDINGS.—The Congress finds that—

(1) employee stock ownership plans can be an important component in achieving United States goals in Central America and the Caribbean; and

(2) employee stock ownership plans should be used as an instrument in financing growth and transfers of equity in industrial, farming, banking, and other enterprises in the region, in reorganzing state-owned enterprises into viable employee-owned businesses, in expanding political and economic pluralism, and in strengthening democratic institutions in the region.

(b) PLAN FOR EXPANDED USE OF ESOP's.—The President is urged to develop a plan for the expanded use of employee stock ownership plans in all development efforts of the United States in Central America and the Caribbean, with an emphasis on policy and infrastructural changes needed to encourage voluntary employee stock ownership initiatives by multinational corporations and other private sector enterprises which have investments, are considering making new investments, or are interested in management contracts and joint ventures in the region.

(c) REPORT.—Within six months after the date of enactment of this Act, the President should submit a report to the Congress on the feasibility of expanding employee stock ownership plans in Central America and the Caribbean, with recommendations on how this can best be achieved.

SEC. 717. INTERNATIONAL ADVISORY COMMISSION FOR THE CARIBBEAN REGION.

(a) FINDINGS.—The Congress finds that—

(1) many of the social, agricultural, educational, and economic problems which confront nations in the Caribbean Region result primarily from social and economic injustice and inadequate economic and agricultural development;

(2) such problems are not addressed sufficiently by current United States policies toward that region;

(3) the development of the Caribbean Region is of vital importance to the economic and strategic interests of the United States and its allies; and

(4) for purposes of defining development plans, providing an international forum for Caribbean Region development issues, and providing expert advice to donor-aid countries, an international commission is needed as the prime institution for promoting economic cooperation and development in the Caribbean Region.

(b) INVITATIONS TO PARTICIPATE IN COMMISSION.—

(1) INVITATION TO CARIBBEAN COUNTRIES.—The President shall invite the countries which comprise the Caribbean Region to participate with the United States in a commission to be known as the International Advisory Commission for the Caribbean Region (hereafter in this section referred to as the "Commission").

(2) INVITATION TO CERTAIN OTHER COUNTRIES.—The President shall also invite the Netherlands, the United Kingdom, France, Canada, the Commonwealth of Puerto Rico, and the Virgin Islands to participate in the Commission.

(c) FUNCTIONS OF COMMISSION.—It is the sense of the Congress that the Commission should—

(1) examine social, agricultural, educational, and economic issues which affect the Caribbean Region; and

(2) consult with leaders of the countries in the Caribbean Region and with representatives from public and private organizations involved in matters related to the Caribbean Region in order to evaluate the problems and needs of such countries.

(d) FUNDING FOR ORGANIZATIONAL MEETING OF COMMISSION.—Of the funds authorized to be appropriated to carry out section 106 of the Foreign Assistance Act of 1961 (relating to development assistance for energy, private and voluntary organizations, and selected development activities), up to a total of $100,000 for fiscal years 1986 and 1987 shall be available to—

(1) pay reasonable administrative expenses associated with the organizational meeting of the Commission; and

(2) pay reasonable travel and lodging expenses incurred by commissioners from other participant governments incident to their attendance at the organizational meeting of the Commission.

(e) REQUEST TO CONGRESS RELATING TO UNITED STATES PARTICIPATION IN THE COMMISSION.—The President should provide cost estimates and request authorization from the Congress in order to provide for the participation of the United States in the Commission (other than United States participation associated with the organizational meeting).

(f) APPOINTMENT OF UNITED STATES REPRESENTATIVE AND OBSERVERS.—Upon the creation of the Commission—

(1) the President shall consider appointing one individual as the United States representative to the Commission;

(2) the Speaker of the House of Representatives shall consider appointing two Members of the House, one from each major political party, as observers at the Commission; and

(3) the majority leader of the Senate shall consider appointing two Members of the Senate, one from each major political party, as observers at the Commission.

SEC. 718. EXEMPTION OF CERTAIN SAFETY-RELATED EQUIPMENT FROM PROHIBITION ON MILITARY SALES TO CHILE.

Section 726 of the International Security and Development Cooperation Act of 1981 is amended by adding at the end thereof the following new subsection:

"(c) The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge actuated devices, propellant actuated devices, and technical manuals for the F-5E/F and A/T-37 aircraft supplied to the Chilean Air Force by the United States before 1974, so long as the items are provided only for purposes of enhancing the safety of the aircraft crew.".

SEC. 719. RURAL ELECTRIFICATION.

It is the sense of the Congress that funds appropriated for the fiscal years 1986 and 1987 under section 103(a)(2) of the Foreign Assistance Act of 1961 should be used for a comprehensive rural electrification program in Central America in order to establish conditions of stability and a foundation for economic development.

SEC. 720. FACILITATING INTERNATIONAL COMMERCE THROUGH MEXICO.

(a) FINDING.—Recognizing that increased levels of balanced international trade are an essential component in an economic development program for the region and that the United States has traditionally been the most important trading partner for each of the nations of Latin America, it is the sense of the Congress that current procedures and laws of the Government of Mexico, and practices of its officials, constitute a significant impediment to the transit of vehicles carrying the commodities of international trade through Mexican territory.

(b) NEGOTIATIONS AND COOPERATIVE STEPS CONCERNING TRANSIT.—As the Government of Mexico has played a valuable role in assisting and encouraging the economic and political development of the region, and in offering advice to the United States as to constructive policies this nation might pursue with respect to peace and prosperity in the area, the Secretary of State, acting independently or with representatives of other Latin America nations, shall initiate negotiations with the Government of Mexico aimed at eliminating or reducing those impediments to international trade. The agenda for such negotiations should include discussions to encourage the Government of Mexico to accede to existing international custom conventions on international in-transit shipments. Such actions are to be taken in concert with the institution by the United States, and the nations of the region where the transiting shipments originate, of appropriate and cooperative steps to make sealed-truck, no-inspection transit administratively acceptable to the Government of Mexico and other transited countries. Similar bilateral or multilateral negotiations by the Secretary of State with nations respecting the same international customs conventions is also encouraged.

(c) REPORT.—The Secretary of State shall report the status of these negotiations to Congress by January 1, 1986.

SEC. 71. CONFLICT IN NICARAGUA.

(a) HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—Effective upon the enactment of this Act, there is authorized to be appropriated $27,000,000 for humanitarian assistance to the Nicaraguan democratic resistance. Such assistance shall be provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense. The assistance authorized by this subsection is authorized to remain available for obligation until March 31, 1986. One-third of the assistance authorized by this subsection shall be available for obligation upon the enactment of this Act, an additional one-third shall be available for obligation upon submission of the first report required by subsection (e), and the remaining one-third shall be available for obligation upon submission of the second such report. As used in this subsection, the term "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles or material which can be used to inflict serious bodily harm or death.

(b) ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT.—Effective upon the enactment of this Act, there is authorized to be appropriated $2,000,000, to remain available until expended, for payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(c) PROHIBITIONS.—

(1) APPLICATION OF PROHIBITIONS.—The prohibitions contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) and section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall, without limitation as to fiscal year, apply with respect to funds authorized to be appropriated by subsections (a) and (b).

(2) CONSTRUCTION OF PROHIBITIONS.—Nothing in this section, section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) or section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall be construed to prohibit the United States Government from exchanging information with the Nicaraguan democratic resistance, or the obligation and expenditure, but only for the purposes for which they are expressly made available, of the funds authorized to be appropriated by subsections (a) and (b).

(d) POLICIES WITH RESPECT TO NICARAGUA.—The President is urged—

(1) to vigorously pursue the use of diplomatic and economic steps to resolve the conflict in Nicaragua, including negotiations to—

(A) implement the Contadora Document of Objectives of September 9, 1983; and

(B) at the same time, develop trade and economic measures in close consultation and cooperation with other nations which will encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend military maneuvers in Honduras and off Nicaragua's coast, and to lift the embargo on trade with Nicaragua, if the Government of Nicaragua agrees to a ceasefire, to open a dialog with the Nicaraguan democratic resistance and to suspend the state of emergency; and

(3) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialog between the Government of Nicaragua and the Nicaraguan democratic resistance in support of internal reconciliation, as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(e) REPORTS.—

(1) REQUIREMENT.—The President shall submit a report to the Congress every 90 days on the activities carried out in accordance with subsection (d) and on the assistance provided under subsections (a) and (b). Such reports shall describe the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate and the progress of efforts to achieve the objectives set out in paragraph (3) of subsection (d) and shall provide a detailed accounting of the disbursement of any such assistance.

(2) HUMAN RIGHTS ABUSES.—As part of each of the reports submitted pursuant to paragraph (1), the President shall submit to the Congress a report on alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua. With respect to the alleged violations the report shall include information on who is responsible for such human rights violations.

(f) SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have produced an agreement, or show promise of producing an agreement, or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region,

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherence of the Central America peace process.

(g) STATEMENT TO BE INCLUDED.—The President's request pursuant to subsection (f) shall include a detailed statement as to progress made to resolve the conflict in the region.

(h) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (f), the President shall consult with the Congress.

(i) CONGRESSIONAL ACTION.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (f).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (f)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America

peace process that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) at the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

(j) SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objections of September 9, 1983, have failed to produce an agreement, or

(2) other trade and economic measures have failed to resolve the conflict,

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(k) STATEMENT TO BE INCLUDED.—The President's request pursuant to subsection (j) shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(l) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (j), the President shall consult with the Congress.

(m) CONGRESSIONAL ACTION.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (j).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (j)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the Rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

SEC. 722. CONDEMNING HUMAN RIGHTS VIOLATIONS AND THE SUBVERSION OF OTHER GOVERNMENTS BY THE GOVERNMENT OF CUBA.

(a) CONDEMNATION OF CERTAIN ACTION BY THE GOVERNMENT OF CUBA.—The Congress condemns—

(1) the consistent pattern of gross violations of internationally recognized human rights by the Cuban Government, including—

(A) cruel, inhumane, and degrading treatment and punishment of prisoners;

(B) the suppression of free speech, press, and assembly; and

(C) restrictions on religious activity and the freedom to emigrate; and

(2) the provision by the Cuban government of material aid and personnel support for the purposes of subversion.

(b) CALL UPON THE GOVERNMENT OF CUBA.—The Congress calls upon the Government of Cuba to restore civil liberties and cease in the violation of human rights of the Cuban people and cease the subversion of other governments through material and personnel support.

SEC. 723. CONDITIONS ON HUMANITARIAN ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE.

(a) PREVENTING DIVERSION OF ASSISTANCE.—The President shall establish appropriate procedures to ensure that any humanitarian assistance provided by the United States Government to the Nicaraguan democratic resistance is used only for the intended purpose and is not diverted (through barter, exchange, or any other means) for acquisition of weapons, weapons systems, ammunition, or other equipment, vehicles or material which can be used to inflict serious bodily harm or death.

(b) RESPECT FOR HUMAN RIGHTS.—If the President determines that Nicaraguan democratic resistance forces are engaging in a consistent pattern of human rights violations, the President shall suspend all United States humanitarian assistance to those forces. The Secretary of State shall report to the Congress every six months on the human rights practices of the Nicaraguan democratic resistance forces.

SEC. 724. REPORTS ON FOREIGN DEBT IN LATIN AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) the foreign debt of Latin American countries has soared from $27,000,000,000 in 1970 to over $350,000,000,000 in 1983;

(2) the foreign debt of Latin American countries is a serious obstacle to their economic progress, threatens their stability, and endangers the democratic processes in those nations; and

(3) the economic and political futures of many of the Latin American countries hang in the balance and depend upon a successful resolution of the foreign debt crisis.

(b) REPORT.—Not later than January 1, 1986, the Secretary of State shall prepare and transmit to the Congress a report on—

(1) the magnitude of the foreign debt crisis in this hemisphere;

(2) the impact of the foreign debt crisis on the economies of the countries of Latin America;

(3) the degree to which the national security interests of the United States are implicated in this crisis; and

(4) the steps being taken and the policy being pursued by the United States aimed at dealing with this crisis.

SEC. 725. ECONOMIC ASSISTANCE FOR URUGUAY.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $15,000,000 for fiscal year 1986 and $15,000,000 for fiscal year 1987 shall be available only for Uruguay.

TITLE VIII—AFRICA

SEC. 801. BALANCE-OF-PAYMENTS SUPPORT FOR COUNTRIES IN AFRICA.

(a) ESF COMMODITY IMPORT AND SECTOR PROGRAMS.—Agreements with countries in Africa which provide for the use of funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for the fiscal years 1986 and 1987 to finance imports by those countries (under commodity import programs or sector programs) shall require that those imports be used to meet long-term development needs in those countries in accordance with the following criteria:

(1) Spare parts and other imports shall be allocated on the basis of evaluations, by the agency primarily responsible for administering part I of that Act, of the ability of likely recipients to use such spare parts and imports in a maximally productive, employment generating, and cost effective way.

(2) Imports shall be coordinated with investments in accordance with the recipient country's plans for promoting economic development. The agency primarily responsible for administering part I of that Act shall assess such plans to determine whether they will effectively promote economic development.

(3) Emphasis shall be placed on imports for agricultural activities which will expand agricultural production, particularly activities which expand production for export or to reduce reliance on imported agricultural products.

(4) Emphasis shall also be placed on a distribution of imports having a broad development impact in terms of economic sectors and geographic regions.

(5) In order to maximize the likelihood that the imports financed by the United States under such chapter are in addition to imports which would otherwise occur, consideration shall be given to historical patterns of foreign exchange uses.

(6)(A) Foreign currencies generated by the sale of such imports by the government of the country shall be deposited in a special account established by that government and, except as provided in subparagraph (B), shall be available only for use in accordance with the agreement for economic development activities which are consistent with the policy directions of section 102 of the Foreign Assistance Act of 1961 and which are the types of activities for which assistance may be provided under section 103 through 106 of that Act.

(B) The agreement shall require that the government of the country make available to the United States Government such portion of the amount deposited in the special account as may be determined by the President to be necessary for requirements of the United States Government.

(b) ANNUAL EVALUATIONS.—The agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct annual evaluations of the extent to which the criteria set forth in this subsection have been met.

SEC. 802. ECONOMIC SUPPORT ASSISTANCE FOR SOUTHERN AFRICA.

(a) SOUTHERN AFRICA REGIONAL PROGRAM.—

(1) FUNDS FOR REGIONAL PROGRAMS.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $40,000,000 for fiscal year 1986 and $40,000,000 for fiscal year 1987 shall be available only for regional programs in southern Africa. Not less than 50 percent of each of these amounts shall be allocated to assist sector projects supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the nine member states forming this important regional institution, especially in the following sectors: transportation, agricultural research and training, manpower development, and institutional support for the SADCC secretariat.

(2) STUDIES.—

(A) EVALUATION OF ASSISTANCE.—The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct a study which evaluates (i) the assistance which that agency provides to the Southern Africa Development Coordination Conference and other African regional institutions and economic development organizations, and (ii) ways to improve such assistance.

(B) COORDINATING MECHANISM IN AID FOR ASSISTANCE.—The administrator shall also conduct a study which assesses what type of bureaucratic mechanism within that agency might be established to coordinate assistance to all African regional institutions.

(C) SUBMISSION TO CONGRESS.—The administrator shall submit the results of the studies conducted pursuant to this paragraph to the Congress within 3 months after the date of enactment of this Act.

(b) SOUTH AFRICA EDUCATIONAL TRAINING PROGRAMS.—Funds available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and fiscal year 1987 which are used for education or training programs in South Africa may not be used for programs conducted by or through organizations in South Africa which are financed or controlled by the Government of South Africa, such as the "homeland" and "urban council" authorities. Such funds may only be used for programs which in both their character and organizational sponsorship in South Africa clearly reflect the objective of a majority of South Africans for an end to the apartheid system of separate development.

(c) HUMAN RIGHTS FUND FOR SOUTH AFRICA.—Of the amount allocated for the Human Rights Fund for South Africa under chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987, not less than 50 percent shall be used for direct legal and other assistance to political detainees and prisoners and their families and for support for actions of black-led community organizations to resist the implementation of apartheid policies such as—

(1) removal of black populations from certain geographic areas on account of race or ethnic origin,

(2) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

(3) residence restrictions based on race or ethnic origin,

(4) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

(5) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

SEC. 803. PROMOTING DEMOCRACY AND AN END TO THE APARTHEID POLICIES IN SOUTH AFRICA

(a) PURPOSE.—It is the purpose of this section to encourage funding for programs that would promote democracy and seek to end the apartheid policies in South Africa, and that would be in addition to the programs funded in accordance with sections 802 (b) and (c).

(b) USIA GRANTS TO THE NATIONAL ENDOWMENT FOR DEMOCRACY.—It is the sense of the Congress that the Director of the United States Information Agency should make a grant of up to $500,000 for each of the fiscal years 1986 and 1987 to the National Endowment for Democracy (in addition to grants otherwise made by the Director to the Endowment) for use by the Endowment in providing financing for programs that are designed to promote democracy and that seek to end the apartheid policies in South Africa.

(c) PROGRAMS DESIGNED TO END THE APARTHEID POLICIES.—The programs funded pursuant to this section shall be programs of support for actions of non-white led community organizations in South Africa to terminate apartheid policies such as those listed in Section 802(c).

(d) ELIGIBLE ORGANIZATIONS IN SOUTH AFRICA.—Any program funded in accordance with this section, which is to be carried out within South Africa, should be a program which in both its character and organizational sponsorship in South Africa clearly reflects the aspirations of the indigenous majority of South Africans for the establishment of democratic institutions and for an end to the apartheid system of separate development, and should not be a program which is financed or controlled by the Government of South Africa.

SEC. 804. ASSISTANCE FOR ZAIRE.

(a) ECONOMIC SUPPORT ASSISTANCE.—Funds allocated for assistance for Zaire under chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987 shall be used only for assistance which is provided in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961. Such assistance shall be provided, to the maximum extent practicable, through private and voluntary organizations.

(b) MILITARY ASSISTANCE.—For each of the fiscal years 1986 and 1987—

(1) the value of assistance provided under chapter 2 of part II of the Foreign Assistance Act of 1961 for Zaire may not exceed $4,000,000; and

(2) financing may not be provided under the Arms Export Control Act for Zaire.

SEC. 805. ASSISTANCE FOR TUNISIA.

(a) POLICY CONCERNING SECURITY ASSISTANCE.—The United States provides security assistance to Tunisia in recognition of the traditional friendship between the United States and Tunisia and our common interests in the region. The provision of such assistance is also based on the expectation that political stability and development in Tunisia will be best advanced through continued growth of democractic institutions.

(b) EARMARKING OF ESF.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $20,000,000 for fiscal year 1986 and $20,000,000 for fiscal year 1987 shall be available only for Tunisia.

SEC. 806. POLITICAL SETTLEMENT IN SUDAN.

(a) FINDINGS.—The Congress finds that—

(1) friendship and mutual interests bind the United States and Sudan; and

(2) the peace, security, and economic development of Sudan depend in large part on addressing the problems associated with the traditional north-south division in that country through political rather than military means.

(b) UNITED STATES POLICY.—It is, therefore, the policy of the United States that the provision of security assistance to Sudan shall be based on the expectation that the Government of Sudan will make progress toward reaching a political settlement with all parties to the conflict in the south of Sudan.

SEC. 807. ELECTIONS IN LIBERIA.

In recognition of the special relationship that the United States has with Liberia and of the wide variety of interests that the United States has in Liberia, security assistance for Liberia for fiscal years 1986 and 1987 is based on the expectation of a successful completion of free and fair elections, on a multiparty basis, in October 1985 as proposed by the Government of Liberia and on a return to full civilian, constitutional rule as a consequence of those elections.

SEC. 808. WESTERN SAHARA.

(a) UNITED STATES POLICY.—The policy of the United States shall be to support a negotiated political solution to the conflict in the Western Sahara taking into account the principle of self-determination as outlined in the 1981 Nairobi resolution, to encourage a peaceful internationally recognized settlement, and to maintain direct contacts with all the parties to the conflict. As part of this policy, the United States should carefully consider each type of military assistance it furnishes to any of the parties to the conflict and should seek to insure that the furnishing of such military assistance is consistent with United States policy which seeks a negotiated settlement.

(b) FURTHER STATEMENT OF POLICY.—It is the further policy of the United States to support Morocco's legitimate defense needs and to discourage aggression by any country in North Africa against another.

(c) LIMITATION ON ACTIVITIES OF UNITED STATES MILITARY PERSONNEL IN THE WESTERN SAHARA.—Members of the United States Armed Forces may not perform defense services under the Foreign Assistance Act of 1961 or the Arms Export Control Act or conduct international military education and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961 in the Western Sahara so long as there is not an internationally recognized settlement in the Western Sahara.

SEC. 809. SAHEL DEVELOPMENT PROGRAM.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The third sentence of section 121(c) of the Foreign Assistance Act of 1961 is amended to read as follows: "In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $91,476,000 for fiscal year 1986 and $91,476,000 for fiscal year 1987.".

(b) IMPROVING ADMINISTRATIVE CAPABILITIES OF HOST GOVERNMENTS.—Section 121 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Grants shall be made under this section to Sahel Development Program host governments in order to help them enhance their administrative capabilities to meet the administrative requirements resulting from donor country projects and activities.".

SEC. 810. AFRICAN DEVELOPMENT FOUNDATION.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Section 510 of the African Development Foundation Act is amended to read as follows:

"SEC. 510. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title, in addition to amounts otherwise available for that purpose, $3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987. Funds appropriated under this section are authorized to remain available until expended.".

(b) EXTENSION OF AUTHORITIES.—Section 511 of such Act is amended by striking out "1985" and inserting in lieu thereof "1990".

SEC. 811. REPEAL OF CLARK AMENDMENT.

Section 118 of the International Security and Development Cooperation Act of 1980 (prohibiting assistance for military or paramilitary operations in Angola) is repealed.

SEC. 812. PROHIBITION ON ECONOMIC ASSISTANCE FOR MOZAMBIQUE.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be used for assistance for Mozambique under chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961, including assistance provided through regional programs for projects or activities in Mozambique.

(b) TERMINATION OF PROHIBITION.—The prohibition contained in subsection (a) shall cease to be effective if the President certifies to the Congress, not later than September 30, 1986, that the number of foreign military advisers and troops in Mozambique does not exceed 55.

SEC. 813. FAILURE OF THE ETHIOPIAN GOVERNMENT TO RESPONSIBLY AMELIORATE FAMINE CONDITIONS.

(a) FINDINGS.—The Congress finds that—

(1) many thousands of Ethiopian people have suffered and died, and an additional ten million people are in danger of death, through starvation caused by prolonged drought;

(2) it has been suggested that the United States Government has been negligent in its efforts to ameliorate the tragic conditions present in Ethiopia;

(3) the Government of the United States has a continuing commitment to the emergency fund under title II of the Agricultural Trade Development and Assistance Act of 1954 (the Food For Peace Act);

(4) United States emergency food assistance for Africa in fiscal year 1985 is more than twice the amount provided in fiscal year 1984, and is the largest amount contributed by any single donor;

(5) the Ethiopian Government, as a client state of the Soviet Union, has considered the equipage and modernization of its five hundred thousand-person military organization more vital than alleviating the suffering of its people caused by drought;

(6) the Ethiopian Government has considered the funding of its military organization more vital than promoting a viable national agrarian policy;

(7) there is evidence that the Government of Ethiopia has used the drought-caused famine to induce cooperation from certain dedicated Ethiopians who seek to bring about fundamental changes in their country;

(8) the United States Government is concerned about the seizure by the Ethiopian Government of an Australian aid ship in an attempt to cut off food to its citizens in the northern regions, an area most severely stricken by famine; and

(9) the Ethiopian Government deems the appearance and status of its socialist system more worthy of attention than its citizens and agricultural policies in need.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the Government of Ethiopia should be condemned for failing in its responsibility to sufficiently ameliorate the severe drought and famine conditions throughout its agrarian countryside;

(2) the Government of Ethiopia should allocate more of its resources toward the development of a more balanced and effective agrarian system;

(3) human rights monitoring groups can be a positive force for human rights in Ethiopia and should be allowed to function and should be supported;

(4) the Government of Ethiopia should initiate a genuine policy of national reconciliation;

(5) the continued improvement of Ethiopia's treatment of the Ethiopian people and respect for human rights would better relations between the United States and Ethiopia;

(6) the President or his representatives should convey to Ethiopian officials the concerns of the Congress expressed in this section at every opportunity; and

(7) the President or his representatives should also convey these concerns of the Congress to the governments of United States allies and urge the cooperation of those governments in efforts to ensure a more responsible Ethiopian Government.

(c) PROHIBITION ON IMPORTS AND EXPORTS.—

(1) DETERMINATION OF HUMAN RIGHTS.—The President shall determine within 30 days after the enactment of this Act whether the Ethiopian regime is conducting a deliberate policy of starvation of its people and has not granted fundamental human rights to its citizens. The President shall submit that determination, and the basis for that determination, to the Congress.

(2) JOINT RESOLUTION APPROVING DETERMINATION.—The prohibition described in paragraph (3) shall take effect if the Congress enacts a joint resolution approving the determination of the President submitted to the Congress under paragraph (1).

(3) PROHIBITION.—If the conditions specified in paragraphs (1) and (2) are met—

(A) goods and services of Ethiopian origin may not be imported into the United States; and

(B) except for emergency relief assistance, goods and services of United States origin may not be exported (directly or indirectly) to Ethiopia.

(d) PROHIBITION ON ECONOMIC ASSISTANCE.—The President shall suspend all forms of economic assistance to the Government of Ethiopia. This section shall not be construed to prevent the furnishing of international disaster assistance under section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) or economic assistance which will directly benefit needy people in accordance with section 116 (22 U.S.C. 2151n) of that Act.

TITLE IX—FOOD AND AGRICULTURAL ASSISTANCE

SEC. 901. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

Section 103(g) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(g)(1) In order to carry out the purposes of this section, the President may continue United States participation in and make contributions to the International Fund for Agricultural Development.

"(2) There are authorized to be appropriated such sums as may be necessary to meet the United States pledge for the second replenishment for the International Fund for Agricultural Development.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 902. PUBLIC LAW 480 TITLE II MINIMUMS.

(a) MINIMUM AND SUBMINIMUM DISTRIBUTION REQUIREMENTS.—Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out paragraphs (1) through (3) and inserting in lieu thereof the following:

"(1) for fiscal year 1987 shall be 1,800,000 metric tons, of which not less than 1,300,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;

"(2) for fiscal year 1988 shall be 1,900,000 metric tons, of which not less than 1,400,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program; and

"(3) for fiscal year 1989 and each fiscal year thereafter shall be 2,000,000 metric tons, of which not less than 1,500,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1986.

SEC. 903. EXPRESS AUTHORITY FOR TITLE II DIRECT DISTRIBUTION, SALE, AND BARTER.

Section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after the first sentence the following new sentence: "Such commodities may be furnished for direct distribution, sale, barter, or other appropriate disposition in carrying out the purposes set forth in section 201.". It is the sense of the Congress that the general categories for sale and barter of commodities under this section are: sale and barter during emergency food aid situations when the local currency proceeds are needed to pay for in-country distribution and related costs; partial sale to finance education, health, nutrition, income generating food for work materials, and other developmental activities; and full monetization for economic and community and agricultural cooperative development projects.

SEC. 904. ROLE OF PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

(a) NUTRITIONAL AND DEVELOPMENT OBJECTIVES.—Section 202(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new paragraph:

"(4) In the case of commodities distributed under this title by nonprofit voluntary agencies, consideration shall be given to nutritional and development objectives as established by those agencies in light of their assessment of the needs of the people assisted.".

(b) FOOD FOR DEVELOPMENT PROGRAMS.—Section 302(c)(4) of such Act is amended by inserting "and of United States nonprofit voluntary agencies and cooperatives" immediately after "agriculture".

SEC. 905. MULTIYEAR AGREEMENTS WITH PVOS.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following:

"(c)(1) In agreements with nonprofit voluntary agencies for nonemergency assistance under this title, the President is encouraged, if requested by the nonprofit voluntary agency, to approve multiyear commitments to make agricultural commodities available for distribution by that agency. Such commitment shall be subject to the availability each fiscal year of the necessary appropriations and agricultural commodities.

"(2) Paragraph (1) does not apply to an agreement which the President determines should be limited to a single year because of the past performance of the nonprofit voluntary agency or because the agreement involves a new program of assistance.

"(3) In carrying out a multiyear agreement pursuant to this subsection, a nonprofit voluntary agency shall not be required to obtain annual approval from the United States Government in order to continue its assistance program pursuant to the agreement, unless exceptional and unforeseen circumstances have occurred which the President determines require such approval.".

SEC. 906. CHILD IMMUNIZATION.

(a) AMENDMENTS TO PUBLIC LAW 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (11) of section 109 by inserting immediately before the period at the end thereof ", including the immunization of children";

(2) in the first sentence of section 206 by striking out "or" before "(B)", and by inserting immediately before the period at the end thereof ", or (C) health programs and projects, including immunization of children"; and

(3) in the second sentence of section 301(b) by inserting "(including immunization of children)" immediately after "health services".

(b) IMMUNIZATION TARGET.—In the implementation of health programs undertaken in relation to assistance provided under the Agricultural Trade Development and Assistance Act of 1954, it shall be the target for the organizations and agencies involved to provide for the immunization by fiscal year 1987 of at least three million more children annually than receive immunizations under such programs in fiscal year 1985. Such increased immunization activities should be taken in coordination with similar efforts of other organizations and in keeping with any national plans for expanded programs of immunization. The President shall include information concerning such immunization activities in the annual reports required by section 634 of the Foreign Assistance Act of 1961, including a report on the estimated number of immunizations provided each year pursuant to this subsection.

SEC. 907. USE OF LOCAL CURRENCIES FOR EDUCATION PROGRAMS UNDER TITLE III.

Section 301(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "education," immediately after "nutrition," in the second sentence.

SEC. 908. FARMER-TO-FARMER PROGRAM.

(a) MINIMUM FUNDING LEVEL.—Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years 1986 and 1987 to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of such section 406(a) shall not constitute more than one-fourth of the funds used pursuant to this subsection, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of such section, and shall be administered wherever possible in conjunction with programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961.

(b) REPORT.—Not later than 120 days after the enactment of this Act, the Administrator of the Agency for International Development, in conjunction with the Secretary of Agriculture, shall submit to the Congress a report indicating the manner in which the Agency intends to implement the provisions of section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 with the funds made available pursuant to subsection (a) of this section.

SEC. 909. TITLE II PROGRAMMING REPORTS.

Section 408(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "title I" both places it appears and inserting in lieu thereof "titles I and II".

SEC. 910. FOOD FOR PROGRESS PROGRAM AND PRIVATE ENTERPRISE PROMOTION.

Title III of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new sections:

"SEC. 311. (a) The President is authorized to negotiate and carry out agreements with developing countries, that have made commitments to agricultural policy reforms, providing for the furnishing of agricultural commodities to such countries, on a loan or grant basis, to support reform and implementation of agricultural policy decisions based on free market principles. Such agreements may provide for commodities to be furnished on a multiyear basis. The agreement between the United States Government and a recipient country which provides for the furnishing of commodities under this section shall be called a Food for Progress Program.

"(b) Before entering into an agreement with a developing country for the furnishing of agricultural commodities under this section, the President shall be satisfied that such country is committed to carry out, or is carrying out, policies that promote economic freedom, private production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of such

commodities. Such policies may provide for, among other things—

"(1) access, on the part of farmers in such country, to private, competitive markets for their products;

"(2) market pricing of commodities to foster adequate private sector incentives to individual farmers to produce food on a regular basis for the country's domestic needs;

"(3) establishment of market-determined foreign exchange rates;

"(4) timely availability of production inputs, such as seed, fertilizer, or pesticides, to farmers; and

"(5) access to technologies appropriate to the level of agricultural development in such country.

"SEC. 312. (a) The purpose of this section is to make United States agricultural commodities available in a manner which will generate local currency loans for economically productive activities by private enterprise, particularly in agriculture and agriculture-related fields. The President is authorized to negotiate and carry out agreements with friendly countries for the sale of agricultural commodities for foreign currencies for the uses specified in subsection (b).

"(b) Foreign currencies received from the sale of agricultural commodities under this section (and any proceeds from the use of those currencies) shall be used, under such terms and conditions as the President may determine, for the following purposes:

"(1) Loans to financial intermediaries within the recipient countries, for use for loans to private individuals, cooperatives, corporations or other nongovernmental entities for economically productive activities within those countries. To the maximum extent practicable, the intermediaries shall give preference to the financing of agricultural and agriculturally related activities by the loan recipients.

"(2) Payment of United States obligations (including obligations entered into pursuant to other laws of the United States).

"(c) Before entering into agreements under this section, the President shall be assured that the recipient country is pursuing policies to encourage increased agricultural production in that country.

"(d) Section 105 of this Act and section 1306 of title 31, United States, shall not apply with respect to foreign currency received and used pursuant to this section.

"SEC. 313. (a) Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to use funds appropriated to carry out title I of this Act in carrying out sections 311 and 312. The Commodity Credit Corporation shall make available to the President such agricultural commodities determined to be available under section 401 as the President may request for purposes of section 311 and 312.

"(b) Any new spending authority provided by sections 311 and 312 shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(c) Any reference to 'this title' in section 301 through 307 of this title shall not apply with respect to sections 311 and 312.".

SEC. 911.

Subsection (b) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431(b)) is amended by inserting ", rice," after "Dairy products" in the first sentence thereof and by inserting ", rice," after "dairy products" in the third and eighth sentences thereof.

SEC. 912. SUPPORT FOR ADEQUATE FUNDING FOR FOOD AND AGRICULTURAL ASSISTANCE PROGRAMS.

It is the sense of the Congress that the programs carried out by the International Fund for Agricultural Development and the programs carried out pursuant to the Agricultural Trade Development and Assistance Act of 1954 are valuable programs, and that those programs should receive adequate funding to carry out their purposes.

TITLE X—PEACE CORPS

SEC. 1001. AUTHORIZATIONS OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act $131,744,800 for fiscal year 1986 and $131,744,800 for fiscal year 1987.".

SEC. 1002. INCREASE IN NUMBER OF PEACE CORPS VOLUNTEERS.

(a) STATEMENT OF POLICY.—Section 2 of the Peace Corps Act (22 U.S.C. 2501) is amended—

(1) by inserting "(a)" immediately after "SEC. 2."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Congress declares that it is the policy of the United States and a purpose of the Peace Corps to provide, to the maximum extent possible, opportunities for service in the Peace Corps to at least 10,000 individuals by the end of the fiscal year 1989 and thereafter.".

(b) ANNUAL REPORT.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by adding at the end thereof the following new sentence: "The President shall also include in the report a description of the plans developed and implemented to carry out the policy set forth in section 2(b) of this Act.".

SEC. 1003. LIMITATION ON SERVICE.

Section 7(a)(2) of the Peace Corps Act (22 U.S.C. 2506(a)(2)) is amended—

(1) in subparagraph (A) by striking out "five" and inserting in lieu thereof "seven and a half"; and

(2) in the third sentence by inserting "(other than the provisions of section 309)" after "1980".

SEC. 1004. PEACE CORPS PUBLICATIONS.

Section 15 of the Peace Corps Act is amended by adding at the end thereof the following new subsection:

"(e) Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purposes of this Act. Up to $200,000 of the proceeds of such sales in each fiscal year may, to such extent as may be provided in advance in appropriation Acts, be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31, United States Code.".

TITLE XI—OTHER POLICY PROVISIONS RELATING TO UNITED STATES ASSISTANCE

SEC. 1101. NOTICE TO CONGRESS OF USE OF CERTAIN AUTHORITIES RELATING TO HUMAN RIGHTS CONDITIONS.

Section 502B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(g) Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.".

SEC. 1102. PROHIBITIONS AGAINST ASSISTANCE.

Section 620(f) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" immediately after "(f)";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.".

SEC. 1103. LAND REFORM PROGRAMS.

Section 620(g) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.".

SEC. 1104. NUCLEAR NON-PROLIFERATION CONDITIONS ON ASSISTANCE FOR PAKISTAN.

Section 620E of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(e) No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.".

SEC. 1105. SUSPENSION OF ASSISTANCE TO COUNTRIES VIOLATING U.S. EXPORT LAWS IN ORDER TO MANUFACTURE A NUCLEAR EXPLOSIVE DEVICE.

(a) SUSPENSION OF ASSISTANCE BECAUSE OF ILLEGAL EXPORTS.—Subsection (a)(1) of section 670 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(A)" after "country which";

(2) by inserting immediately before the period at the end thereof ", or (B) is a non-nuclear-weapon state which, on or after the date of enactment of the International Security and Development Cooperation Act of 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear ex-

plosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device"; and

(3) by adding at the end thereof the following: "For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.".

(b) CONFORMING AMENDMENTS.—Such section 670 is amended—

(1) in the section caption by inserting "ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES," after "TRANSFERS,"; and

(2) by striking out "(5) As used in this subsection" and inserting in lieu thereof "(c) As used in this section".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 1106. REPORTS ON ECONOMIC CONDITIONS IN CERTAIN COUNTRIES.

(a) EXTERNAL DEBT BURDEN OF CERTAIN COUNTRIES RECEIVING UNITED STATES ASSISTANCE.—The Congress finds that the Governments of Egypt, Israel, Turkey, and Portugal each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs.

(b) ANNUAL REPORTS ON ECONOMIC CONDITIONS.—

(1) REQUIREMENT FOR REPORTS.—In order to assist the Congress in examining United States assistance for these countries, the President shall report to the Congress annually regarding economic conditions prevailing in Egypt, Israel, Turkey, and Portugal which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

(2) SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not later than January 15 of each year.

SEC. 1107. EGYPTIAN-ISRAELI RELATIONS.

The Congress notes the recent effort of Egypt to move the peace process forward. However, the Congress continues to be concerned about the less than normal relations between Egypt and Israel. It is the sense of the Congress that all United States foreign assistance to Egypt is provided in the expectation that the Egyptian Government will continue in its efforts to bring peace to the region and that it will continue to support and fulfill the provisions of the Camp David Accords and the Egyptian-Israeli Peace Treaty, including the return of the Egyptian ambassador to Israel.

SEC. 1108. UNITED STATES POLICY TOWARD THE REPUBLIC OF KOREA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Republic of Korea has taken several significant and encouraging steps in liberalizing the political system in that country;

(2) among the steps which have facilitated a more democratic environment are the release of hundreds of student demonstrators, the lifting of a political ban on more than 300 opposition leaders, and the holding of a vigorously contested election for the National Assembly in which the opposition made substantial gains;

(3) despite these steps, the people of the Republic of Korea, who have become increasingly better educated and prosperous as a result of Korea's extraordinarily rapid economic development, have the desire and the capability to participate more fully and effectively in the government of their own country; and

(4) while internationally recognized human rights are clearly respected much more in the Republic of Korea than in the Democratic People's Republic of Korea, continued progress toward democratization in the south is in the interests of both the Republic of Korea and the United States, inasmuch as long-term political stability cannot be assured in the absence of further progress towards democratic government.

(b) UNITED STATES POLICY.—It is the policy of the United States to provide assistance to the Republic of Korea in order to help that country defend itself against external aggression. It is the hope of the United States that the continuing close relations between our two countries, including such assistance, will encourage the establishment of a genuinely democratic system in the Republic of Korea, in which internationally recognized human rights, including freedom of the press, freedom of association, and freedom of assembly are observed.

SEC. 1109. ASSISTANCE FOR THE PHILIPPINES.

(a) UNITED STATES POLICY.—It is the sense of the Congress that the United States should use all appropriate means to ensure that the people of the Philippines and the entire East Asia region understand that United States assistance to the Philippines—

(1) is provided to support democracy, to encourage an effective effort against the communist insurgency, and to maintain and foster friendly relations between the people of the United States and the people of the Philippines; and

(2) is not intended to imply support for any particular Philippine regime.

(b) OBJECTIVES.—To that end, United States foreign assistance furnished to the Philippines each fiscal year should be used to encourage and promote objectives such as—

(1) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961, including an end to "salvagings" and torture, as well as full respect for other fundamental human rights, including freedom of speech, freedom of the press, and freedom of assembly;

(2) the revitalization of democratic institutions in the Philippines, including—

(A) the process of free, fair, and open elections, one element of such process being the existence of a genuinely independent and respected electoral commission, and

(B) limiting the use of the President's emergency decree-making power to genuine emergencies;

(3) maintenance of an independent judiciary and legal due process, including the release of prisoners held without charge and an end to arrests by presidential order without court warrants and bail;

(4) accountability and a fair judicial process in the Aquino assassination trial;

(5) progress toward implementation of structural economic reforms and a strengthening of the private sector, including the elimination of corruption and monopolies and an improvement in the social conditions of the poorest Filipinos and in the distribution of income and wealth;

(6) the increased professional capability of the Philippine armed forces and security forces (including the Philippine Constabulary and the Civilian Home Defense Forces) in order to instill a greater respect for human rights on their part, to enhance the military effectiveness of these forces in dealing with the growing communist insurgency, and to facilitate a process of peaceful national reconciliation;

(7) efforts of Filipinos to deal with the political, economic, and social root causes of the growing communist movement and insurgency, as well as the appropriate military measures to stem the insurgency; and

(8) the maintenance of the common security objectives of the United States and the Philippines, including United States access to the facilities at Clark Field and Subic Bay.

(c) REPORTS TO THE CONGRESS.—

(1) PROGRESS TOWARDS OBJECTIVES.—The President shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the extent to which the Government of the Philippines has made progress in the objectives identified in subsection (b), including the extent to which those objectives have been agreed to by the Government of the Philippines and concrete steps taken to achieve those objectives.

(2) ASSISTANCE TRANSFERRED.—Each report pursuant to this subsection shall also describe the amount of assistance actually transferred by the United States to the Philippines during the preceding 6 months, the purposes for which it is to be used, the beneficiaries of the assistance, and the specific steps the United States has taken to publicize the various programs and projects for which our assistance has been utilized. Such reports shall also include the text of any memorandum or agreement between the United States Government and the Government of the Philippines regarding the use of local currencies generated from assistance furnished to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) or generated from the sale of agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954.

(3) DISTRIBUTION OF ASSISTANCE THROUGH PVO'S, COOPERATIVES, AND OTHER NONGOVERNMENTAL ENTITIES.—The reports pursuant to this subsection shall include an analysis of the effectiveness of the private distribution of United States food and development assistance to the Philippines and of efforts to increase the use of private distribution pursuant to subsection (d).

(4) TIME FOR SUBMISSION OF REPORTS.—Reports pursuant to this subsection shall be submitted semi-annually, beginning on October 1, 1985, and every six months thereafter until October 1, 1987.

(d) CONGRESSIONAL OVERSIGHT.—The Congress, in determining future aid levels for the Philippines, will take into account not only our military bases agreement with that country, but also the extent to which the objectives identified in subsection (b) have been implemented. The Congress may defer assistance for the Philippines under both chapter 2 of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act if—

(1) significant progress is not achieved with respect to the objectives identified in subsection (b), or

(2) the Congress finds that such assistance is used to violate the internationally recognized human rights of the Filipino people.

(e) DISTRIBUTION OF DEVELOPMENT AND PUBLIC LAW 480 ASSISTANCE THROUGH PVO'S, COOPERATIVES, AND OTHER NONGOVERNMENTAL ENTITIES.—

(1) MINIMUM DISTRIBUTION REQUIREMENTS.—Except as provided in paragraph (2), for each of the fiscal years 1986 and 1987—

(A) not less than one-fourth of the assistance provided for the Philippines under chapter 1 of part I of the Foreign Assistance Act of 1961, and

(B) not less than one-fourth of the total amount of assistance provided for the Philippines under title I (including title III) and title II of the Agricultural Trade Development and Assistance Act of 1954,

shall be provided through private and voluntary organizations, cooperatives, and other nongovernmental entities.

(2) DISTRIBUTION OF LESSER AMOUNTS.—The amount of assistance distributed through private and voluntary organizations, cooperatives, and other nongovernmental entities for fiscal year 1986 or for fiscal year 1987 may be an amount which is less than the amount specified in subparagraph (A) or (B) of paragraph (1) if the Administrator of the Agency for International Development reports to the Congress, during the first 60 days of that fiscal year, that such lesser amount is the maximum amount which those entities can distribute effectively in that fiscal year.

SEC. 1110. POLITICAL SETTLEMENT IN SRI LANKA.

(a) FINDINGS.—The Congress finds that—

(1) the Government and people of Sri Lanka and the Government and people of the United States share a common devotion to independence, democracy, and human rights;

(2) the United States is concerned over the armed clashes between the security forces of the Government of Sri Lanka and some Sri Lankans who seek through violent means, including terrorist attacks, to divide that nation;

(3) there have been acts of terrorism committed against members of the Sri Lankan security forces, as well as against civilians, and there have been human rights abuses by members of the security forces against civilians, particularly Tamils, despite the efforts of the Government to put an end to those abuses;

(4) the differences and grievances in Sri Lanka cannot be resolved through the use of force; and

(5) the United States is a proud participant through its economic assistance programs in Sri Lanka's highly regarded development efforts and looks forward to enhanced cooperation and assistance in the context of a political settlement in Sri Lanka leading to the kind of peaceful climate in which additional aid could be effectively utilized.

(b) POLITICAL SETTLEMENT.—It is, therefore, the sense of the Congress that—

(1) all parties in Sri Lanka, from all communities in and out of government, should renew their efforts to achieve a joint political settlement which meets the legitimate concerns of all the people of Sri Lanka, while preserving the territorial integrity of Sri Lanka; and

(2) all parties outside Sri Lanka should do nothing which would impede progress toward such a settlement.

SEC. 1111. ASSISTANCE FOR AFGHANISTAN.

(a) AUTHORIZATION.—The President may make available funds authorized to be appropriated to carry out the provisions of chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

(b) EARMARKING OF FUNDS.—Each fiscal year, not less than $15,000,000 of the aggregate amount of funds available to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only for humanitarian assistance to the Afghan people pursuant to subsection (a) of this section.

(c) EFFECTIVE DATES.—This section shall take effect on the date of enactment of this Act, except that subsection (b) does not apply to fiscal year 1985.

SEC. 1112. PROHIBITION ON ASSISTANCE TO COUNTRIES WHICH OPPOSE THE UNITED STATES POSITION IN THE UNITED NATIONS GENERAL ASSEMBLY MORE OFTEN THAN THE SOVIET UNION.

Assistance may not be provided under the Foreign Assistance Act of 1961 or the Arms Export Control Act to the government of any country whose votes in the most recent session of the United Nations General Assembly coincided with the United States position less frequently on a percentage basis than the votes of the Soviet Union coincided with the United States position, using for this purpose the percentage-of-voting-coincidences compiled by the Permanent Representative of the United States to the United Nations and set forth in the annual report to Congress on the degree of support being provided by each foreign country for the foreign policy of the United States, unless the President determines, and reports to the Congress, that national security or humanitarian reasons justify furnishing such assistance to that country.

TITLE XII—MISCELLANEOUS PROVISIONS

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on October 1, 1985.

SEC. 1202. PROCUREMENT OF CONSTRUCTION AND ENGINEERING SERVICES.

Section 604(g) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) does not apply with respect to an advanced developing country which—

"(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

"(B) if the country has its own foreign assistance programs which finance the procurement of construction or engineering services, permits United States firms to compete for those services.".

SEC. 1203. COMPLETION OF PLANS AND COST ESTIMATES.

Section 611 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a) by striking out "$100,000" and inserting in lieu thereof "$500,000"; and

(2) in subsection (b) by striking out "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations" and inserting in lieu thereof "the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto".

SEC. 1204. REPROGRAMMING NOTIFICATIONS TO CONGRESS.

Section 634A of the Foreign Assistance Act of 1961, as amended by title I of this Act, is further amended by adding at the end thereof the following new subsection:

"(c) The President shall notify the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives concerning any reprogramming of funds in the International Affairs Budget Function, the authorizations of appropriations for which are in their respective jurisdictions, to the same degree and with the same conditions as the President notifies the Committees on Appropriations. The requirements of this subsection are in addition to, and not in lieu of, other notification requirements.".

SEC. 1205. REPEAL OF OBSOLETE PROVISIONS AND CORRECTION OF TECHNICAL REFERENCES.

(a) REPEALS.—The Foreign Assistance Act of 1961 is amended as follows:

(1) The third sentence of section 105(a) is repealed.

(2) Section 106(b)(1) is amended by striking out "(A)" and by striking out subparagraph (B).

(3) Section 110 is amended by striking out "(a)" and by striking out subsection (b).

(4) Chapter 10 of part I is repealed.

(b) CORRECTION OF CROSS-REFERENCES.—

(1) FOREIGN SERVICE ACT.—Section 636(a)(14) of such Act is amended by striking out "the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting in lieu thereof "the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

(2) TITLE 31 OF THE U.S. CODE.—Section 611(a) of such Act is amended by striking out "section 1311 of the Supplemental Appropriation Act, 1955 as amended (31 U.S.C. 200)" and inserting in lieu thereof "section 1501 of title 31, United States Code".

(3) ITAR REGULATIONS.—Section 47(6) of the Arms Export Control Act is amended by striking out "combat" and inserting in lieu thereof "military".

SEC. 1206. CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION.

(a) UNITED STATES POLICY.—The United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.".

(b) REAFFIRMATION AND CODIFICATION OF POLICY.—The United States hereby reaffirms that policy. In accordance with that policy—

(1) no officer or employee of the United States Government, and no agent or other individual acting on behalf of the United States Government, shall negotiate with the Palestine Liberation Organization or any representatives thereof, and

(2) the United States shall not recognize the Palestine Liberation Organization,

unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism.

SEC. 1207. COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) PURPOSE.—Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of

the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) DUTIES.—The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

(d) MEMBERSHIP.—

(1) The Commission shall consist of 21 members, of whom 7 shall be appointed by the President, 7 shall be appointed by the Speaker of the House of Representatives, and 7 shall be appointed by the President pro tempore of the Senate.

(2)(A) Except as provided in subparagraphs (B), (C), and (D), members shall be appointed for terms of 3 years.

(B) Of the members first appointed by the Speaker of the House of Representatives, 5 shall be appointed for a term of 2 years. Of the members first appointed by the President pro tempore of the Senate, 5 shall be appointed for 2 years.

(C) A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(D) A member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every 3 months.

(f) COMPENSATION AND PER DIEM.—

(1) Members of the Commission shall receive no pay on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(g) AUTHORITIES.—

(1) The Commission or any member it authorizes may, for the purposes of carrying out this section, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(3) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(4) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(5) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(6) The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(8) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS.—The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

SEC. 1208. SOVIET POLICY REGARDING SOVIET JEWRY.

(a) FINDING.—The Congress finds that President Reagan recently stated that "Soviet Jewry . . . suffers from persecution, intimidation, and imprisonment within Soviet borders", that "We will never relinquish our hope for their freedom and we will never cease to work for it", and that "If the Soviet Union truly wants peace, truly wants friendship, then let them release Anatoly Shcharansky and free Soviet Jewry".

(b) POLICY.—Therefore, in support of the President's position, the Congress calls on the Soviet Union, as an initial gesture—

(1) to release immediately Anatoly Shcharansky, Yosef Begun, and all other prisoners of conscience, and allow them to leave the Soviet Union;

(2) to issue immediately exit permits to the many known long-term "refuseniks" such as Ida Nudel and Vladimir Slepak; and

(3) to allow those thousands of Jews, who wish to join their relatives abroad, to leave the Soviet Union this year and to pledge that such cases will be dealt with expeditiously and in a humanitarian way during the next three years, thus enabling those who have requested exit permits to leave.

SEC. 1209. EFFORTS BY JAPAN TO FULFILL SELF-DEFENSE RESPONSIBILITIES.

(a) FINDINGS.—The Congress finds that—

(1) the Japan-United States security relationship is the foundation of the peace and security of Japan and the Far East, as well as a major contributor to the protection of the United States and to the democratic freedoms and economic prosperity enjoyed by both the United States and Japan;

(2) the threats to our two democracies have increased significantly since 1976, principally through the Soviet invasion of Afghanistan, the expansion of Soviet armed forces in the Far East, the invasion of Cambodia by Vietnam, and the instability in the Persian Gulf region as signified by the continuing Iran-Iraq conflict;

(3) in recognition of these and other threats, the United States has greatly increased its annual defense spending through sustained real growth averaging 8.8 percent yearly between fiscal years 1981 and 1985, and cumulative real growth of 50 percent in that period;

(4) the United States Government appreciates the May 1981 statement by the Prime Minister of Japan that, pursuant to the Treaty of Mutual Cooperation and Security between his country and the United States and pursuant to Japan's own Constitution, it was national policy for his country to acquire and maintain the self-defense forces adequate for the defense of its land area and surrounding airspace and sealanes, out to a distance of 1,000 miles;

(5) the United States Government applauds the policy of Japan to obtain the capabilities to defend its sea and air lanes out to 1,000 miles and expects that these capabilities should be acquired by the end of the decade, and recognizes that achieving those capabilities would significantly improve the national security of both Japan and the United States;

(6) the United States Government appreciates the contribution already made by Japan through the Host Nation Support Program and its recent efforts to increase its defense spending; and

(7) thus far, Japan has not provided sufficient funding to enable Japan, in cooperation with the United States, to be in a position to make a sufficiently effective contribution to common defense objectives.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that Japan, in order to make a more effective contribution to its own defense in cooperation with the United States, which would include among other efforts the development of a 1,000 mile airspace and sea lanes defense capability, should be strongly encouraged in its plans to develop and implement a 1986-1990 Mid-Term Defense Plan containing sufficient funding, program acquisition, and force development resources to achieve 1,000 mile self-defense capabilities by the end of the decade, including the allocation of sufficient budgetary resources annually to reduce substantially the ammunition, logistics, and sustainability shortfalls of Japan's forces.

SEC. 1210. STATE TERRORISM.

It is the sense of the Congress that all civilized nations should firmly condemn the increasing use of terrorism by certain states as an official instrument or promoting their policy goals, as evidenced by such examples as the brutal assassination of Major Arthur D. Nicholson, Jr., by a member of the Soviet armed forces.

SEC. 1211. STUDY OF MEASURES TO ENHANCE CRISIS STABILITY AND CONTROL.

(a) The Secretary of State and the Director of the Arms Control and Disarmament Agency shall conduct a detailed and complete study and evaluation of additional measures which both enhance the security of the United States and reduce the likelihood of nuclear weapons use by contributing to crisis stability and/or crisis control capabilities, including specific consideration of the following measures:

(1) Increased redundancy of direct communications link circuits, including the creation of new survivable circuits and terminals, located outside the national capitals which have access to the command and control system of the country in which they are located.

(2) Establishment of redundant, survivable direct communications links between and among all nuclear-armed states.

(3) Conclusion of an agreement creating "non-target" sanctuaries only for certain direct communications link circuits to enhance survivability of communications.

(4) Creation in advance of standard operating procedures for communicating, and possibly cooperating, with the Soviet Union and other states in the event of nuclear attacks by third parties on either the United States or Soviet Union.

(5) Addition to the Incidents At Sea agreement of a prohibition on the "locking on" of fire control radars on ships and planes of the other side, an agreement on the separation of naval forces during specified periods of crisis, and other such measures relevant to the Incidents At Sea agreement.

(6) Placement by the United States and the Soviet Union of unmanned launch sensors in the land-based missile fields of both countries.

(7) Establishment of anti-submarine operations free zones designed to enhance the security of ballistic missile submarines.

(8) Installation of permissive action links aboard the ballistic missile submarines of the United States, which might possibly be activated or deactivated at various levels of alert, and encouragement of the Soviet Union to do the same.

(9) Establishment of training programs for National Command Authority officials to familiarize them with alert procedures, communications capabilities, nuclear weapons release authority procedures, and the crisis control and stability implications thereof.

(10) Include in standard operating procedure the relocation in a crisis of a National Command Authority official outside Washington, D.C. to a secure location with access to the strategic command and control system, and announce the institution of this procedure to relevant foreign governments.

(b) The Secretary of State and the Director of the Arms Control and Disarmament Agency shall submit a report of the study and evaluation under subsection (a) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by January 1, 1986. Such report should be available in both a classified, if necessary, and unclassified format.

SEC. 1212. DAMAGES RESULTING FROM DELAYS IN THE CONSTRUCTION OF THE UNITED STATES EMBASSY IN MOSCOW

(a) Within 30 days after the enactment of this Act the Secretary of State shall initiate actions to begin the inter-national arbitration process, which is provided for in the embassy construction agreement between the United States and the Union of Soviet Socialist Republics, in order to resolve all United States claims against the Soviet Union for damages arising from delays in the construction of the new United States Embassy complex in Moscow.

(b) Within one year after the enactment of this act the Secretary of State shall submit to the Congress of the United States a report on the final resolution of claims as described in subsection (a).

(c) In the event that the Soviet Union refuses to participate in or abide by the results of the arbitration process in subsection (a), the Secretary of State shall not permit the Soviet Union to occupy the chancery building at its new Embassy complex in Washington, D.C. (or to occupy any other new facilities in the Washington, D.C. metropolitan area), until such arbitration is completed and until any damages determined in such arbitration are paid in full.

(d) The President of the United States may suspend the restrictions in subsection (c) in the national security interest of the United States in the event that a substantial number of the claims described in subsection (a) are settled and that resolution of any remaining claims is proceeding in a satisfactory manner.

SEC. 1213. FEDERAL COAL EXPORT COMMISSION.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish, within ninety days after the date of enactment of this Act, a Federal Coal Export Commission (hereafter in this section referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of thirty members appointed by the Secretary of Commerce, as follows:

(1) FEDERAL GOVERNMENT REPRESENTATIVES.—Ten members shall be representives of the International Trade Administration, the Department of Energy, the Department of State, the Department of Transportation, the Office of the United States Trade Representative, and a Federal institution involved in export financing.

(2) PRIVATE SECTOR REPRESENTATIVES.—

(A) Five members shall be representatives of export coal producers, including traders and brokers.

(B) Five members shall be representatives of coal labor.

(C) Five members shall be representatives of transporters of export coal, including representatives of rail and barge carriers and port authorities.

(D) Five members shall be representatives of institutions having a substantial interest in United States export coal financing.

(c) EXPENSES.—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) COOPERATION.—All Federal departments and agencies are authorized to cooperate with the Commission and to furnish information, appropriate personnel, and such assistance as may be agreed upon by the Commission and the Federal department or agency involved.

(e) ACTIVITIES.—The Commission shall convene not less than four times a year for consultation on activities leading to increased cooperation among entities involved in United States coal exports, with the goal of expanding the United States share of the international coal market. Activities of the Commission shall include, but are not limited to, the identification of—

(1) diplomatic channels to facilitate the exportation of United States coal and methods to increase the coordination of diplomatic efforts relating to such exports;

(2) domestic and international impediments to coal exports;

(3) foreign markets for United States export coal, with emphasis on increasing United States coal sales to developing nations and expanding the participation of the United States International Development Cooperation Agency in such an effort;

(4) availability of, and methods of, financing United States coal exports, including the feasibility of increasing Federal export financial and economic assistance; and

(5) methods to promote, market, and coordinate United States coal on the international market.

The Commission shall also examine the potential for small- and medium-sized coal companies to enter the export coal trade through export trading companies with respect to the marketing, transportation, and financial services which such trading companies may provide pursuant to the Export Trading Company Act of 1982 (Public Law 97-290).

(f) REPORT.—The Commission shall submit to the President and the Congress, within two years after its first meeting, a report which details its findings pursuant to subsection (e) and, based upon such findings, makes recommendations which would lead to the expansion of the United States share of the international metallurgical and steam coal market.

(g) TERMINATION.—The Commisison shall cease to exist upon submission of its report pursuant to subsection (f).

SEC. 1214. REPRESENTATION OF MINORITIES AND WOMEN IN THE FOREIGN SERVICE

(a) DEVELOPMENT OF PROGRAM.—The head of an agency using the Foreign Service personnel system shall develop, to the extent practicable, an affirmative action effort designed to increase significantly the number of members of minority groups and women in the Foreign Service in that agency.

(b) EMPHASIS ON MID- AND SENIOR-LEVELS.—The affirmative action efforts developed pursuant to this section shall place particular emphasis on achieving significant increases in the numbers of minority group members and women who are in the mid-levels and senior-levels of the Foreign Service.

(c) GOAL.—The goal of the program developed pursuant to this section shall be to have the representation of minority groups and women in the Foreign Service at least equivalent to those groups' respective proportions within the labor force of the United States.

(d) REPORTS TO CONGRESS.—The head of an agency shall report annually to the Congress on the affirmative action effort developed pursuant to this section as part of the report required to be submitted pursuant to section 105(d) (2) of the Foreign Service Act of 1980. Subsequent reports pursuant to that section shall include reports on the implementation of these efforts, giving particular attention to the progress being made in increasing, through advancement and promotion, the numbers of members of minority groups and women in the mid-levels and senior-levels of the Foreign Service.

SEC. 1215. EMPLOYEES OF THE UNITED NATIONS.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Congress on whether, and the extent to which, international civil servants employed by the United Nations, including those seconded to the United Nations, are required to return all or part of their salaries to their respective governments. The Secretary shall also include in this report a description of the steps taken by the Department of State and by the United States Representative to the United Nations to correct this practice.

(b) REPORT ON STEPS TO CORRECT PRACTICE.—The Secretary of State shall determine and report to the Congress on whether substantial progress has been made by January 1, 1987, in correcting the practice of international civil servants employed by the United Nations being required to return all or part of their salaries to their respective governments.

(c) REDUCTION IN CONTRIBUTION IF SUBSTANTIAL PROGESS NOT MADE.—If the Secretary of State determines pursuant to subsection (b) that substantial progress has not been made in correcting this practice, the United States shall thereafter reduce the amount of its annual assessed contribution to the United Nations by the amount of that contribution which is the United States proportionate share of the salaries of those international civil servants employed by the United Nations who are returning any portion of their salaries to their respective governments.

SEC. 1216. REFUGEES IN THAILAND.

(a) APPRECIATION FOR THE RESPONSE OF THE GOVERNMENT OF THAILAND.—The Congress recognizes and expresses appreciation for the extraordinary willingness of the Government of Thailand to respond in a humanitarian way to the influx of refugees fleeing Vietnamese communist oppression.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Cambodians, Laotians, and Vietnamese seeking asylum and refuge in Thailand should not be involuntarily repatriated or otherwise put at risk; and

(2) every effort should be made to provide increased security for refugees in camps in Thailand which should include an increased presence by international humanitarian organizations.

(c) REVIEW OF CERTAIN CAMBODIAN REFUGEES.—

(1) The Secretary of State should—

(A) work with the Government of Thailand and the United Nations High Commissioner for Refugees to conduct a review of the status of Cambodians who have not been permitted to register at refugee camps in Thailand; and

(B) implement a humanitarian solution to their plight.

(2) The Secretary of State, with the assistance of appropriate agencies, should conduct a review of those Cambodians who have been rejected for admission to the U.S. to ensure such decisions are consistent with the letter and spirit of United States refugee and immigration law.

(3) The Secretary of State, with the assistance of appropriate agencies, should institute as expeditiously as possible a family reunification program for those refugees in Thailand, including those at the border who have family members in the United States.

(4) The Secretary of State should provide for a program of educational assistance for Cambodians in the border camps and for improved literacy training in all camps.

TITLE III

SEC. 1301. PROHIBITION ON MILITARY ASSISTANCE FOR MOZAMBIQUE

None of the funds authorized to be appropriated by this act may be used for military assistance for Mozambique.

TITLE XIV. BAN ON IMPORTING URANIUM AND COAL FROM SOUTH AFRICA AND NAMIBIA

(a) PROHIBITION.—Notwithstanding any other provision of law, the following products of South Africa and Namibia may not be imported into the customs territory of the United States; coal, uranium ore, and uranium oxide.

(b) EFFECITVE DATE.—The prohibition contained in subsection (a) shall not apply to a contract or agreement entered into before the date of the enactment of this Act.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1555) was laid on the table.

PROVIDING FOR THE CONSIDERATION OF H.R. 1383, AGRICULTURE PRODUCTIVITY ACT OF 1985

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 201 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 201

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1383) to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], for purposes of debate only, pending which I yield myself such time as I may consume.

□ 1620

Mr. MOAKLEY. Mr. Speaker, House Resolution 201 is an open rule that provides for the consideration of H.R. 1383, the Agricultural Productivity Act of 1985. The rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

Mr. Speaker, House Resolution 201 waives all point of order against consideration of the bill for failure to comply with the provisions of section 401(a) of the Congressional Budget Act and also makes in order the Agriculture Committee amendment in the nature of a substitute to be considered as original text, with each section considered as read. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, section 401(a) of the Congressional Budget Act prohibits the consideration of legislation providing new contract authority unless such authority is limited to amounts provided in advance in appropriation acts. Since section 8 of the bill as introduced would provide new contract authority which is not limited to advance appropriations, the bill would violate section 401(a) of the Budget Act and thus the waiver was granted. However, the Agriculture Committee substitute which provides that any new spending authority granted in the bill be effective for any fiscal year only to the extent or in such amount as provided in appropriation acts, would cure the Budget Act violation.

Mr. Speaker, H.R. 1383, the Agricultural Productivity Act of 1985, would establish a research program to collect and analyze data from research projects over a 5-year period on the effects of a transition from energy intensive farming practices to systems which make use of organic type farming methods to reduce production costs, conserve water and energy, and control erosion.

H.R. 1383 would direct the Secretary of Agriculture to implement pilot research projects on working farms in order to improve productivity through the use of organic farming techniques. H.R. 1383 would address two problems. First, the environmental and health problems associated with the widespread use of chemical products. The use of these chemical products to kill weeds and insects has contaminated freshwater supplies and has had cancerous effects on some consumers that eat these treated foods. Second, the use of agricultural techniques that require the complete clearing of fields

for the planting of crops that result in the depletion of valuable soil.

The research programs authorized by H.R. 1383 would enhance agricultural productivity and would alleviate some of the problems that are associated with the energy and chemical intensive practices now widely used.

Mr. Speaker, during the 98th Congress the House passed a similar bill, H.R. 2714, which authorized $10.5 million for the enactment of the research programs. However, this measure was never considered by the other body. Mr. Speaker, H.R. 1383 would authorize such sums as may be necessary for the implementation of the research program. The Committee on Agriculture estimates that the cost would be no less than $7.2 million in fiscal years 1986 through 1990.

Mr. Speaker, this bill is not without controversy, but under this rule the issues of controversy can be thoroughly and fairly addressed. I urge adoption of House Resolution 201 so that the House may proceed on this legislation.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 201 is an open rule under which the House will consider establishing a 5-year research program to study whether organic-type farming can improve farm productivity.

The rule waives section 401(a) of the Budget Act for the bill. As introduced, H.R. 1383 violated the Budget Act because it contained new contract authority not limited to advance appropriations.

Mr. Speaker, the version of H.R. 1383 reported by the Committee on Agriculture made changes necessary to comply with the Budget Act, and this waiver is therefore technical in nature and is necessary to permit consideration of the bill and the committee amendment.

The rule makes in order an Agriculture Committee amendment as original text for the purpose of amendments, under the 5-minute rule. The amendment, which is printed in the bill, will be considered by sections.

Finally, the rule allows for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1383 authorizes an estimated $7.2 million over a 5-year period for the Department of Agriculture to conduct research projects on the effects of organic farming, such as the use of biological pest control, legume-based crop rotation, and the use of municipal sludge as fertilizer.

Mr. Speaker, several of the members of the Committee on Agriculture oppose the bill. There is no opposition to this rule, however, and I urge that it be adopted.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICAN CONSERVATION CORPS ACT OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 195 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 99.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 99) to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes with Mr. COLEMAN of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 15 minutes, the gentleman from Montana [Mr. MARLENEE] will be recognized for 15 minutes, the gentleman from California [Mr. MARTINEZ] will be recognized for 15 minutes, and the gentleman from Vermont [Mr. JEFFORDS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Chairman, I yield myself 8 minutes.

Mr. Speaker, I am pleased to bring to the floor H.R. 99, the American Conservation Corps Act of 1985.

This bill is nearly identical to the one which passed both the House and the Senate at the end of the 98th Congress, but was pocket-vetoed by the President after Congress had adjourned.

In the House, 145 Members have cosponsored H.R. 99 and companion legislation has been introduced in the Senate by Senators MOYNIHAN and MATHIAS (S. 27) with 17 cosponsors.

As with the previous legislation, H.R. 99 was jointly referred to both the Interior and Education and Labor Committees. Both committees reported it favorably with the recommendation that it pass the House.

To summarize briefly, the purpose of H.R. 99 is to authorize a program for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands by providing employment and training for young men and women.

H.R. 99 would establish a Youth Conservation Work Program modeled after the civilian Conservation Corps of the 1930's. Called the American Conservation Corps [ACC], the program would have both year-round (ages 16-25) and summer (ages 15-21) components. While open to all eligible youths, special efforts would be made to enroll and recruit youth who are economically disadvantage, as defined in the Job Training Partnership Act.

Regulations for the program would be developed by the Secretaries of Interior and Agriculture, in consultation with the Secretary of Labor and with public participation.

Corps work could include conservation of forests, fish, wildlife, rangelands and soils; revitalization of urban areas and preservation of historic and cultural sites; development and maintenance of recreational areas, roads and trails, erosion and pest control; energy conservation and production of renewable energy; and emergency rehabilitation services and other functions.

The bill also provides for educational and training opportunities. Appropriations, at such sums as may be necessary, would be authorized for fiscal years 1986 through 1988. Fifty percent of the funding would be shared by States and local governments and 5 percent by Indian tribes; the remainder would be used by the Departments of Agriculture and Interior and other Federal agencies; for example, TVA and the Corps of Engineers. Provisions are also included for evaluations to be made of the program.

The purpose of H.R. 99 is twofold—to provide jobs and training for unemployed youth and to rehabilitate and improve the Nation's public lands and community resources.

Youth unemployment stands out as one of our Nation's most troubling and intransigent social and economic problems. Even during times of general economic recovery, high rates of youth joblessness persist. Of the 8.4 million Americans who were unemployed in May, over 40 percent were under the age of 25. Unemployment among teenagers currently is 18.9 percent, more than twice the overall unemployment rate. Among minority youth, unemployment continues to hover at the inexcusably high level of around 40 percent. These are youth who are looking for, but unable to find, jobs. Tragically, many more have stopped looking.

Meanwhile, the amount of conservation work that needs to be done is enormous and growing. Recent reports have shown, for example, that on U.S. Forest Service lands alone there is a backlog of projects worth $1.25 billion over a 5-year period which could be carried out by a youth conservation work program such as the one in H.R. 99. Similar needs have been document-

ed by other Federal, State, and local land and resources-managing agencies.

The program authorized under H.R. 99 is expected to be a relatively modest one to provide over 85,000 youth with conservation-related jobs. Additional youth would be served as funds are leveraged at the State and local levels. There are presently 11 year-round State corps programs similar to the ACC; a total of 35 State and local corps, including summer programs. Other potential new ones would get inspiration and a signficiant boost from Federal support provided by H.R. 99.

Studies have shown that comparable programs have proven both productive and cost effective. The national average for a program like the ACC has been the equivalent of $1.20 in value for each dollar spent; many specific projects have produced even higher returns. These figures do not take into account the long-term increased value of the resources themselves nor the training benefits received by the young workers nor reductions in the other public costs that inevitably flow from high youth unemployment.

The version of H.R. 99 before the House today is the substitute which was reported by the Education and Labor Committee. The only change from the Interior Committee's bill relates to the funding authorization. The Interior Committee version would have contained a specific provision of $75 million a year for 3 years, fiscal 1986-88; the Education and Labor Committee version would change that to a provision of "such sums as may be necessary" for the same period of time.

While I authored and supported the initial $75 million funding levels, I believe that the new provision is also acceptable. This is only an authorization bill and our expectation is that the appropriations would not exceed those recommended in the budget—for which, I might add, the Interior Committee did recommend $75 million for fiscal 1986.

In closing, I would simply like to thank our colleagues MO UDALL and DON YOUNG, the chairman and ranking member, respectively, of the Interior Committee for their continuing support for this legislation. I would also like to thank Mr. AUGUSTUS HAWKINS and Mr. JIM JEFFORDS, chairman and ranking member of the Education and Labor Committee, and Mr. MATTHEW MARTINEZ, chairman of the Subcommittee on Employment Opportunities.

Several staff members have also been very helpful on this legislation, including Loretta Neumann and Janet Chisolm of the staff of the Interior Committee; Richard Johnson, Beth Buehlmann, and Eric Jensen of the staff of the Education and Labor Committee and Pope Barrow of the Office of Legislative Counsel.

I would also like to commend Mr. Syd Howe of the Human Environment Center and Mr. Frank Slobig of the Roosevelt Centennial Youth Project for their outstanding work on behalf of our Nation's young people and for sharing their knowledge and invaluable expertise with us. I intend to ask permission from the House to insert following my remarks a list of the many organizations who have supported the legislation, as well as a copy of the recent release of the Roosevelt Centennial Youth Project which analyzes the youth employment situation as of June 1985.

Mr. Chairman, H.R. 99 is a bill whose time has truly come. I urge all Members to vote for it.

□ 1630

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with all due respect to the author and cosponsors of this bill, I must say that I believe we are considering a special-interest bill which is cleverly disguised as "mom, pop, and the kids and apple pie." In closing, I am going to address the question of: Can we afford the apple pie, the dessert, when we are hard-pressed to prove a square meal for Social Security or even for the Job Corps which provides real training skills for the unemployed and for the youth of this Nation?

This bill is touted as "put the kids to work" legislation, but at its best it will temporarily employ 30,000 of the 3.4 million kids looking for work. I emphasize that it will temporarily put to work less than 1 percent of those seeking employment in the youth category.

This bill is touted as "give the kids some training," and in truth it has no mandatory training requirements and in truth provides merely "make-work," low-priority jobs.

This bill is touted as "help the kids" when in fact it teaches them no job-related skills but directs them toward special-interest work such as:

No. 1, wildlife habitat conservation, rehabilitation, and improvement;

No. 2, rangeland conservation, rehabilitation, and improvement;

No. 3, recreational area development, maintenance, and improvement;

No. 7, road and trail maintenance and improvement.

All this indicates a special interest in an environmental task force.

No. 9, for instance, stream, lake, and waterfront harbor and port improvement, and pollution control;

No. 13 of the goals listed in the bill for this program, recovery of biomass from public lands, particularly forestlands; and

No. 15, forestry, nursery, and silvicultural operations.

That is raking leaves and building outhouses, low-priority work for the youth of this Nation, when we could be spending the money for the Job Corps. Maybe we will have to cut it out of the Job Corps.

Well, it is all very nice to have a program like this, but the Forest Service and the Interior Department both testified that they are already spending $4 billion on land management programs, on the projects that need to be done and are being done. On top of that, 27 States and local and nonprofit youth conservation groups are spending a total of $108 million annually.

This so-called apple pie legislation is like dessert after a heavy meal of spending and is going to give the taxpayers of this country who have to pay for it a bad case of indigestion.

I would say to my colleagues and the people of America that this vote, this vote of yes or no, is an extremely important weathervane for every Member of this House of Representatives and will show whether he wants to go down the road of creating new Government programs and increasing spending or whether he truly wants to reduce the deficit and stop Government growth. It is that simple.

The cost of this program is estimated by testimony in the Committee on Interior and Insular Affairs to be a minimum of $75 million per year or $225 million for 3 years. But how can we estimate the cost of a bill that we are considering here when it is open-ended?

One source said it would cost $2,000 per kid with an estimated 3 million looking for work. We could spend a pile on this kind of legislation.

Let us pinpoint the cost that would be required if we vote for this dessert legislation. Now, these are taken from the bill, and I do this because I want to emphasize the point that these are the costs that we are going to vote for if we vote for this legislation.

Grants for construction of conservation centers, including residential housing for kids. That is section 4(g) of the bill.

□ 1640

Page 43 of the bill, purchase of equipment for the centers, hiring of supervisory staffs.

Page 49, section 5(b) of the bill, limited and emergency medical care, transportation from conservation centers to work sites. They have to purchase vans and transportation equipment.

Section 6(a) of the bill, non-Federal program agencies shall be required as a minimum to provide tort claims protection and work related injury benefits to enrollees and crew leaders.

Page 54, section 9, more costs of the bill. The rate of pay.

Page 56 of the bill, demonstrations, demonstration projects and research projects.

Finally, this is an excellent piece of legislation if you want to increase Federal employment. It might even be termed the Federal Employees Apprenticeship Act.

Let me cite chapter and verse from the committee report, on page 15 in reference to section 6 of the bill. Enrollees and crew leaders are exempted from Federal law relating to recruitment and hiring.

First we exempt the crew leaders from laws regarding recruitment and hiring and then we say, but would be considered Federal employees for the purposes of Federal provisions relating to liability, and if they later go to work for the Federal Government, their services would qualify for retirement credit.

Page 16, section 9 establishes the rate of pay for enrollees to be the equivalent of 95 percent of the rate for members of the armed forces in enlisted grade E-1 with 4 or more months on active duty.

Pay raises based on Government standards paid by the Federal Government, supervised by the Federal Government, doing Federal Government work, and finally, if they go to work for the Federal Government, they receive credits for the time served.

If by not all standards these are Federal employees, then they darn sure are apprentices, apprentices for Federal employment.

Mr. Chairman, I have shown beyond doubt that this new program increases spending, is duplicative and is unneeded and contributes to Government growth.

In closing I would quote the administration's opposition. The administration in a letter of June 3, 1985, wrote to me stating:

The administration strongly opposes the enactment of H.R. 99, the American Conservation Corps of 1985, because it is costly, ill-conceived and unnecessary for either employment training or for management of the Federal public lands. The administration urges a no vote on this legislation and threatens a veto.

The following is the full text of the letter:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 3, 1985.

Hon. RON MARLENEE,
House of Representatives,
Washington, DC.

DEAR RON: The Administration strongly opposes enactment of H.R. 99, The American Conservation Corps Act of 1985, because it is costly, ill-conceived and unnecessary for either employment training or for management of the Federal public lands. This bill is not substantially different from H.R. 999, the American Conservation Corps Act of 1984, which the President vetoed on October 30, 1984. Should H.R. 99 be passed by the Congress, the Office of Management and Budget together with the Departments of Agriculture, Interior, and Labor will recommend that the President again withhold his approval.

The proposed American Conservation Corps [ACC] would, in effect, reestablish the programs of the Youth Conservation Corps [YCC] and Young Adult Conservation Corps [YACC] which were terminated in 1981 by the Congress at the Administration's request. These programs have been opposed because they were expensive, not programmatically essential, and based on the discredited approach to youth employment that relies on temporary public sector employment in lieu of long term employment in the private sector.

The ACC is unnecessary for employment training because programs established under the Administration supported Job Training Partnership Act [JTPA] provide training for 1.2 million people (including 300-400 thousand persons 21 or under) per year at about one-tenth of the cost per trainee under the ACC program ($1,600 per trainee and about $7,000 per slot per year under the JTPA versus $14,000 per year of ACC employment).

In addition, the existing Job Training Partnership Act addresses the fundamental problem of employability, by providing training in skills identified by business as needed for jobs in the local area, while the ACC does not.

Finally, the JTPA provides training where the needy are and where the most jobs are to be found, which the ACC would not.

The ACC is also unnecessary to management of the Federal public lands. The Federal government already employs about 90,000 staff years annually to manage the Federal lands and present employment and contracting practices manage the public lands at a lower cost than would an ACC approach.

The ACC is, in short, a make-work program providing temporary jobs involving public sector skills not necessarily in demand by the private sector.

The Administration believes the best approach to expanding employment opportunity is to provide incentives for expansion of the private sector. A counterproductive and inefficient new Federal program potentially costing hundreds of millions of dollars per year cannot be supported at a time when we and the Congress are striving to reduce the current budget deficit.

Accordingly, we strongly urge that the House reject H.R. 99.

Sincerely,

DAVID A. STOCKMAN,
Director.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MARTINEZ] for 15 minutes.

Mr. MARTINEZ. Mr. Chairman, let me start off by saying that one of the first things that happened to me when I was elected to Congress, I was approached by people in the Forestry Service in part of the national forest that is in my district in Azusa and one of the things they asked me to do when I came to Washington was to look at the possibility of gaining legislation which would provide a pilot program in that part of the forest, to provide for maintenance service there on a user fee basis. People coming into the park and using the park would be charged a fee and this fee would contribute toward the maintenance of it.

When I asked the reasons why, they expressed to me a great consternation over the deterioration of the forest itself and the national grounds there, so when I speak today, I speak with that in mind.

As chairman of the Employment Opportunities Subcommittee, I rise today to ask support for H.R. 99, the American Conservation Corps Act. The purpose of this act is to establish a corps of teenagers and young adults to maintain and improve our Federal and non-Federal public lands. This legislation will offer thousands of our young unemployed workers, particularly the economically disadvantaged, the opportunity to gain employment and training and at the same time preserve and protect our Nation's most valuable and needed resources.

Mr. Chairman, our nation is facing a crisis of high unemployment, resulting in a tragedy of wasted future human potential. At the same time, our country's valuable natural and historical resources continue to deteriorate. This bill offers us, as policymaker, the rare opportunity to address both these major concerns in one comprehensive solution. The 98th Congress, both House and Senate, responded to a call for positive action by overwhelmingly passing legislation essentially identical to the current American Conservation Corps Act of 1985. Unfortunately, the President failed to heed the will of Congress and he pocket-vetoed the bill, terming it "costly", "unnecessary", and a "temporary make-work Federal job program". Using those misleading terms is indeed unfortunate. For they belie the fact that he championed and signed similar legislation in California as Governor. Further, ample available evidence underscores the fact that the act will be cost-effective, not only in achieving needed youth training and employment, but in restoring our previous natural resources. In recent OMB-approved evaluations of similar current programs, it was found that each $1 spent on the young adult conservation corps produced work that would have cost $1.20 by the cheapest alternative means. It's easy to recognize that the potential benefits of the ACC will far outweigh its costs.

The General Accounting Office, the American Forestry Association, and national conservation groups have all urged that our country's national forests, wildlife resources, historical and cultural sites receive vitally needed maintenance and rehabilitation. The American Forestry Association observed that "things will not get done without a youth conservation corps * * * without repair and maintenance, natural resources and parks will deteriorate." GAO has found that,

despite the $1.5 billion currently devoted to this problem many of the Federal facilities do not meet basic health and safety standards. An American conservation corps would have the capacity to deal effectively with these maintenance needs, allowing the Nation as a whole to profit from the efforts of youth workers.

In addition, the act will help to alleviate the crisis of high youth unemployment by placing thousands of teenagers and young adults in employment which develops a healthy, productive attitude toward work. The potential benefits of an ACC in combating double digit youth unemployment cannot be emphasized enough.

I urge my colleagues to join me in support of this legislation. Your vote for H.R. 99 is an investment in the protection of two of our most valuable national resources: Our land and our youth.

The CHAIRMAN. The Chair will now make a correction with respect to the Member to be recognized for 15 minutes.

Under the rule, the gentleman from Wisconsin [Mr. GUNDERSON] is now recognized for 15 minutes.

Mr. GUNDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, when this piece of legislation came before our committee, I used a phrase that has been heard around Washington recently. That phrase goes something like this: "There you go again."

My Education and Labor Committee should be doing one thing and that is trying to protect the programs that are presently on the books, that are now being debated in the Budget Committee. We may lose money on JPPA. We may lose money on the Job Corps. We may lose money on the WIN Program, all three programs which are proven programs, programs that prepare people for jobs that exist, programs that also have educational components to them, and here we are talking about some new program when we cannot even get funding for programs that we truly need.

You know, the most foolish thing I have read is a statement that says, "The bill establishes a youth conservation work program modeled after the Civilian Conservation Corps of 1933." That would be the most ridiculous thing we could possibly do. In 1933 we were in a worldwide depression. We were pretty much a rural area. We did not have unemployable youth. We did not have unemployable people. We had people that were unemployed. They had a skill. We are talking about people who do not have a skill. At that time these farm kids had a saw and a hammer and a chisel in their hands before they ever had a pacifier in their mouths. They knew how to do the jobs that were out there that had to be done.

So we certainly should not jeopardize programs that are proven programs, tried programs, programs that prepare people for things that exist by coming up with another program that we would all like to see, but we do not have money in order to do it.

So my hope is that we will defeat this bill and then put our efforts where they should be, making sure that those who are conferees—I am not fortunate enough to be one because I was not as gung ho for defense as other people probably thought I should have been, so I did not get to be a conferee. I am not there to protect the Job Corps. I am not there to protect WIN. I am not there to protect JPPA.

□ 1650

But we all sure had better be trying to protect all those programs that are worthy programs, that are workable programs rather than coming up with another program at this time when we cannot finance programs that we presently have on the books. Let us use our heads and be practical. Save what is good, and then we will talk about additions to the program, and we will talk about programs that are truly designed to take unemployable youth, not unemployed youth, unemployable youth and train them and educate them, as we are in the Job Corps, to do the kinds of things that are out there that have to be done.

Mr. SEIBERLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I rise in support of H.R. 99 and the American Conservation Corps [ACC] which this legislation will create. I am a member of both committees which have joint jurisdiction over this bill, the Education and Labor Committee and the Interior and Insular Affairs Committee. As a member of these committees I can appreciate the important benefits of H.R. 99, both for the disadvantaged youth who will participate in the program and for the improvement and preservation of our national lands. The program will instill in these young people an appreciation for the outdoors, a sense of public service and a work ethic while they perform necessary conservation work on Federal lands in a cost-effective manner. The Congressional Research Service estimates that in comparable programs the Federal Government received $1.20 in benefits for each dollar expended. For certain labor-intensive tasks, the benefits reached $5 to $6 for each dollar expended.

These are not leaf-raking jobs that we envision for the ACC. The types of projects include conservation of wildlife habitats, rangelands, and recreation areas; the clearing of roads and trails; erosion and flood control; energy conservation; strip mine reclamation; and reforestation. While programs exist to combat youth unemployment—State youth conservation employment programs, the Federal Job Training Partnership Act, and others—they do not afford the year-round work opportunity that would be provided by the American Conservation Corps. I urge my colleagues to give the ACC the same strong support they gave the program last year when it passed the House and Senate with overwhelming bipartisan support.

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN. I thank the gentleman for yielding.

Let me start off by saying that I am a cosponsor of this bill. I have worked with the gentleman from Ohio [Mr. SEIBERLING] over the years on this particular type of legislation.

But something happened at the beginning of this year as we brought from our Science and Technology Committee three biils. Those were the first three appropriations bills that were brought in which were NASA, National Science Foundation, and the National Bureau of Standards. Something happened in this House, we kind of adopted a policy of 1985 freeze.

So I took that very seriously, and so I have changed my mind about this particular piece of legislation, not because I do not like the bill or the purposes of the bill. Certainly everybody likes the purposes of the bill.

It says "For the conservation, rehabilitation and improvement of natural and cultural resources located on public or Indian lands." Everyone likes to have the kids working. I think it is very important that they have a source of income and that they keep busy.

The purposes of fixing up a trail and fixing up public lands in general, that is all excellent. To generally do conservation work, who could oppose that sort of thing? All are worthy goals.

However, things are different. Things are different because we have a $200 billion deficit.

We are now in conference on the budget, and between everything that is going on we are looking for $50 to $56 billion in savings in 1986, besides which we already have about $8.5 billion in general kinds of employment and training programs.

You know, the point has been made that this bill is going to be vetoed anyway, and probably will be. The Office of Management and Budget, the Secretary of Agriculture, the Secretary of Interior, the Secretary of Labor are all going to recommend to the President to veto the bill.

The argument will be made that last time it only got 87 votes against it. I

can tell you that this time it is going to get at least 88 because here is another one that is going to vote the other way.

And I am sure that what will happen is it will come close to 145 negative votes, and a veto can be sustained.

And even though, as I say, I like the objectives of the bill, I think that our No. 1 priority has got to be the economy of this country, and to try to do something to reduce Government spending and bring that budget into line as much as we can.

For that reason, that reason only, Mr. Chairman, I will have to reluctantly oppose this legislation.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I will be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I am disappointed in the gentleman's change of position because has has been a strong supporter of this.

I would like to point out that this bill does not appropriate one single cent. It does not authorize any particular level.

But it would be a bill in place if we should have an economic downturn in the next 3 years, and then we would have to waste time on more authorizations.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS, Mr. Chairman, I am please again this year to be an original cosponsor on this bill, as I have been at each time it has been introduced.

The opposition to this bill gives us an old tale. They want to do something about youth unemployment, but they do not want to do it just yet, and they do not want to do it this way. They want to do something about the rehabilitation that is necessary for America's public lands, but they do not want to do it this year, and they do not quite want to do it this way.

What this bill does is link together two great national problems and provide them with a solution. The first problem, of course, is youth unemployment. Last month youth unemployment remained at more than 18 percent, and during those 30 days, 590,000 jobs were lost in this country, and 72 percent of them were lost by young people.

The second problem this bill addresses is the necessary rehabilitation work, maintenance and repair work for our great national recreation areas. The Forest Service tells me that there are more than $300 million of labor-intensive maintenance and rehabilitation work needed on America's recreational facilities and trails. The Interior Department assures me that more than 5,000 youth could be effectively put to work in our national parks for maintenance and repair work.

This bill puts many of those young people to work, and thus joins two problems in a solution.

Now, let us understand something. This meets the compromise position that was inherited from last year's conference committee. I urge my colleagues on both sides of the aisle to support the joining of this solution to two American problems.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the distinguished ranking member of the Education and Labor Committee, the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, I rise in continuing support of this legislation. As was pointed out a minute ago, we are not talking here about an appropriation. We are talking about an authorization with no specific sums.

We are talking about putting on the books a program which would be available at such time as this Congress, with the administration's approval, would want to implement it.

My reasoning is that I know that to fund a new program right now is probably not something we should do. In my experience in dealing with the unemployment problems of this country though, what generally happens is that by the time we get around to doing something about the unemployment problem, and finally get a law in place, it is always too late.

□ 1700

What happens is we have a recession, unemployment rises, and Congress starts to act. We gnash our teeth and work around trying to find out how to put a program into place that will do something.

Very often in that real rush we end up with something that does not create any jobs, like the last time. With this bill we have an opportunity to put a meaningful program on the books. It is not a new program in the strictest sense. It is a combination of things that we have tried, and they have worked well.

H.R. 99 creates a Youth Conservation Work Program to carry out conservation and rehabilitation projects on public lands. The thrust of the program is twofold, to provide work experience and training for unemployed youth, with a particular emphasis on the disadvantaged, and to help with the vast backlog of work that needs to be done on public lands and communities throughout the Nation.

Youth unemployment rates continue to persist at unacceptably high levels, more than twice that for adults. Even though the economy has improved, with the creation of 4.18 million net new jobs created since the beginning of the economic recovery in 1982, fewer than 102,000, or 2.4 percent of those jobs went to youth.

Even fewer of these jobs went to minority or disadvantaged youth. Additionally, despite the estimated 5 to 6 million jobs that will become available this summer, this number still falls short of the demand and will have only a limited impact on the mounting year-round jobless rate for youth. If we expect our young people to become productive adults we have to provide them with the opportunity to participate in the work force during their teenage years.

Experience demonstrates that when the Congress faces the issue of seriously high unemployment rates, it turns to programs such as the one created in this bill to resolve the problem. Unfortunately, our actions usually turn out to be ill-timed. Before we have completed the legislation process, the problem will have passed us by and it will be too late. The potential benefits of such a program cannot be reaped. Rather, if programs such as the ACCA are on the books, we have the ability to respond quickly instead of being out of sync.

Without a timely response to this problem, there will be a cohort of young people who have little training and no work experience. They represent a vastly underused resource that should be encouraged to participate in serving our society in a constructive manner. Without such incentive, disadvantaged youth are more likely to become dependent on Government assistance and income support programs rather than becoming productive working adults. Such an outcome is not an acceptable resolution to the problem. The costs are too high.

H.R. 99 is one means by which youth unemployment can be addressed in a constructive manner. The program created under the bill would be labor intensive. Through participation in the program, youth might also develop values and attitudes that go with responsible adulthood. Further, language in this bill recognizes the importance of linking education, training, and work experience, especially for disadvantaged youth. This provision enhances the likelihood that participation in the program will have long-term effects on employment and earnings prospects.

My own feelings are that I would like to see this bill funded now. I enthusiastically support this bill because it has the potential of providing youth with meaningful jobs and skills which, in the long run, can benefit more than just the youth involved. It is important to have this kind of authorization in place whether or not the program is funded. I urge my colleagues to support and vote for this bill, not as a new program necessarily to be implemented this year, but rather to have it available in the event of an economic downturn. With this law in place, we have the capability of creating jobs for unemployed and disadvantaged youth

when the need arises, not after the fact. Our youth are our most important resource. We do not want today's unemployed youth to become tomorrow's unemployed adult. We have an opportunity to do something, to do something good for this country.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield to me?

Mr. JEFFORDS. I yield to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman on his position and on his very fine statement.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO], chairman of the Subcommittee on National Parks.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman from Ohio [Mr. SEIBERLING], the chairman of the Interior and Insular Affairs Subcommittee on Public Lands, and the gentleman from California [Mr. MARTINEZ], chairman of the Education and Labor Subcommittee on Employment Opportunities, for their fine work in bringing this important legislation to the House floor today. I rise in strong support of H.R. 99, a bill authorizing the American Conservation Corps.

Under this bill, such sums as may be necessary are authorized for this youth and young adult employment program. Persons between ages 15 and 21 would be eligible for summer employment and persons between ages 16 and 25 would be eligible for year-round jobs. Special consideration would be given to disadvantaged youths and young adults. The bill earmarks half of the amounts that may be appropriated for the States, which in turn must match Federal funding with 25 percent local funding. The U.S. Department of Agriculture and the Interior Department as well as other Federal agencies and Indian tribes would divide the remaining amounts of any future appropriation to further conservation projects.

Mr. Chairman, if there is one lesson that we should have learned by now it is that it pays to invest in people. The concept embodied in H.R. 99 comes from the Civilian Conservation Corps [CCC] of the 1930's which employed thousands of unemployed young men across the country to work in our national parks and forests on conservation projects. Much of the work of the CCC has been preserved to the present day in our national parks and at other locations. The Youth Conservation Corps is also a more current successor to the earlier CCC program. Thousands of young people across this country have developed a strong appreciation for our natural and cultural resources and have also developed self-confidence and improved basic work skills because of these programs. As our society has changed over the years, we find that young people have fewer opportunities to work in close contact with our natural resources and on the land. It is essential that we provide meaningful opportunities for our young people to develop a work ethic and to develop an appreciation for the importance of conservation through first-hand experience. This legislation will enable young people to work in conservation, by planting trees, by building or improving hiking trails, by clearing brush, and by doing numerous other tasks where they will be working to preserve our natural and cultural resources close to our land in our natural environment.

My State of Minnesota has had a Youth Conservation Corps since 1971 and a Young Adult Conservation Corps since 1978. Before the Reagan administration budget cuts, between 500 to 600 young Minnesotans participated in these programs every year. After the administration cut funding for these programs, in 1981–82, only about 200 young Minnesotans were able to participate. These Minnesota youth conservation programs were instrumental in renovating historic Fort Snelling near the Twin Cities, as well as Gooseberry Falls State Park in northeastern Minnesota which persist today as a prime tourist attraction on the North Shore of Lake Superior. Youth conservation programs have been very cost effective. In fact, for every dollar that we have invested in these programs, the return on the investment has been at least $1.20 in tangible benefit. The benefit in people would I'm certain multiply this investment many times over.

Mr. Chairman youth unemployment today stands at more than 18 percent. The unemployment rate for minority youth is estimated at an appalling 42 percent! While we have enacted other programs to deal with this difficult problem and while many States and local governments have also made valiant efforts to address youth unemployment, the current programs are far short of meeting the need. We should note that this legislation authorizing the American Conservation Corps would create a year-round employment opportunity for many young adults not just a seasonal experience. Furthermore, by helping these young adults to improve their work skills, they will ultimately be more employable in the private sector economy. By earmarking half of the funding for the States, we will also be helping the States to improve existing youth conservation programs and leveraging the national dollars with additional State resources providing a true Federal partnership.

As chairman of the Interior and Insular Affairs Subcommittee on National Parks, I have gained first-hand knowledge about the needs of our national parks. Many of our finest natural and cultural resources are in severe need of maintenance and repair. The American Conservation Corps would make a significant contribution to help renovate, restore, and preserve these natural resources.

Mr. Chairman, I urge my colleagues to vote for this important and needed legislation today. We have an opportunity before us to cast a vote of confidence in our youth and to cast a vote for the ethic of conservation of our natural cultural and historic resources.

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to my colleague and friend, the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, it has been very interesting, as we have listened to the debate on this in subcommittee and also in committee. It was patterned after the Civilian Conservation Corps boys that we all knew in the 1930's. Those people did a great job in those days. They used to refer to them as "mud, mules and men;" they straightened up the erosion, they cleaned up forests, they worked in the parks, they did a fantastic job, and I think we should be proud of it. But as we look at that era we see that it was a time of tremendous unemployment. We did not have what we have today in the 1980's.

Now we are standing here on the floor of this House trying to say that this is what happened in the 1930's and this is what we are doing in the 1980's. Let us compare these two as the chairman, Mr. SEIBERLING, for whom I have the greatest respect, has in all of these settings. We have talked about unemployment.

The Forest Service in 1937 had 25,923 employees; today the Forest Service has 41,667 that are dedicated to this work. The Park Service did not even have records in that day. But in 1960 they had 4,036 people and today they have 16,455 people.

Mr. Chairman, just let me say we have a number of dissenting viewpoints on this. The administration, as has been stated, is totally against this thing.

It is a price we cannot afford. It is interesting the Washington Post made an editorial about this. The Washington Post is hardly in my mind a very conservative paper that wants to give everything away. This is what they said:

> If your goal is to reduce the hardship of high unemployment, this is not a good approach. Youth unemployment is chronically high, but most of the young people seeking jobs are not in dire straits. The majority of unemployed people in real trouble right now are adults—especially those with families to support. Two years in the woods isn't going to do them much good.

I am afraid I would have to concur with this.

I think, as I look at this high price that we are paying, I heard one of the gentlemen not too long ago saying people want to do something for the youth, but not now, maybe another time. I think we should really reverse that kind of thinking and say people who want to cut the budget, who want to cut the size of government, want to really do something, but not now, possibly another time. If we are ever, when we took the pledge around here on the budget resolution, when both sides got up and berated each other by saying if we are going to do it now let's cut it now. This to me is a test case. This is one we should herald as the case we look at to see where our hearts really are; are we really sincere about cutting the size of the Federal deficit? This one is one where we should put our money where our mouth is because we have so many other sources.

I come from a State that has some of the largest pieces of Federal Government. More parks, more national monuments than any other State. I can hardly see where we are not doing the job now.

Mr. Chairman, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the honorable gentleman from Texas [Mr. PICKLE].

Mr. PANETTA. Mr. Chairman, would the gentleman yield to me briefly?

Mr. PICKLE. I am glad to yield to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in strong support of H.R. 99, the American Conservation Corps Act of 1985. I am pleased to be an original cosponsor of this legislation because it represents an important investment in the lands and young people of this country.

Today our generation enjoys the benefits from a similar investment made in the Great Depression through the Civilian Conservation Corps. My colleagues need only look as far as the magnificient Skyline Drive of Virginia's Shenandoahs to behold the benefits of the CCC. Much conservation work in our Nation's parks, forests and public lands continue to go neglected. In my own district along the Big Sur coast of California much conservation work remains to be done. Erosion control along coastal roads and trails, forestry management, fishery improvements, fire prevention efforts and essential park improvements are all needed.

This bill makes an investment not only in these needed conservation efforts but in the future of our country: Our Nation's young people. The Conservation Corps funded through this program will bring together young people of varying backgrounds in a common effort to better themselves and their environment. While this bill is in no way a panacea for the national tragedy of youth unemployment, it is an important step in the right direction by providing greater opportunities for our youth to serve.

I would also like to commend the gentleman from Ohio [Mr. SEIBERLING] and the senior Senator from New York [Mr. MOYNIHAN], for providing a greater share of this measures funding to State and local conservation corps efforts. It is indeed heartening to note that some 32 State and local youth conservation corps have sprung into existence over the last several years. These localities have recognized an important need in their communities and have devised innovative programs to meet them with scarce resources. Yet even with this local commitment, these programs are severely underfunded and have not achieved their full potential. These programs serve national needs and I believe deserve national help. Indeed, I have introduced legislation, H.R. 888, the Voluntary National Youth Service Act to expand upon this assistance to State and local service corps which provide community services ranging from care for the elderly to daycare for our preschool children to weatherization of the homes of low-income families to literacy tutoring for educationally disadvantaged adults. I believe the American Conservation Corps is one piece of a much larger program of voluntary national service.

I strongly believe that such an approach makes budgetary sense. Today, we spend over $10 billion on job training, drug enforcement, unemployment compensation, and compensatory education to deal with unemployed youth. Indeed, the President is proposing a $100 million program to setup enterprise zones to deal with this issue.

A modest Federal program to encourage local and State governments to provide service opportunities to our youth could greatly reduce spending in all these areas. In this time of budget restraint, there is a growing realization that Government alone cannot fulfill all the unmet social needs of this country. Yet, while these social needs go unfulfilled, there exists a great reservoir of young people looking to make a constructive contribution to their society. Youth unemployment is currently over 18 percent and minority youth unemployment is over 40 percent. A shocking 1.3 million of our youth (ages 20-24 with high school diplomas) are officially unemployed, with nearly 210,000 of these individuals looking for work having never had a job before. Economists have come to realize that much of this unemployment is of a structural nature; our economic recovery has simply passed by many of these young people.

Frankly, the cost of our not doing something to confront these problems is tremendous. The cost of youth crime, prisons, welfare dependency—not to mention the wasted potentials of these young people who could be constructively contributing to our society—far exceed the costs of these youth programs. A recent Justice Department study estimated that the costs of youth crime alone are more than $5 billion. More importantly, however, studies done on the cost-effectiveness of youth service programs have shown that for every dollar spent on these projects at least $1.20 worth of direct benefits are produced in terms of work performed and services provided by youth service participants.

Money spent on these youth service programs is an essential investment not only in the future of our youth but in need services for our local communities. Finally, I would call on President Reagan under who's Governorship the California Ecology Corps was founded—the predecessor of the California Conservation Corps—to support this measure. The California Conservation Corps in the President's home State has enjoyed tremendous bipartisan support and I believe an American Conservation Corps deserves his support. I thank my colleagues for their attention and urge a "yes" vote on H.R. 99.

Mr. PICKLE. Mr. Chairman, I speak in behalf of the authorization for the American Conservation Corps.

I have risen before this body many times in the past to speak on behalf of the Job Corps Program and other programs designed to aid young people in their efforts to find a job and get the training they need to become healthy, productive, taxpaying citizens. I believe the American Conservation Corps Program, as established in this bill, will do those things. It certainly will help.

Many of us in this country do not have to face the frustrations of being unemployed. Because of opportunities given to us we have been able to receive the training and education that enabled us to find a productive role in society and to make a worthwhile contribution. This is not true with many of our people. There are many persons between the ages of 15 and 21 who want to work, but just cannot find the opportunity. In our cities this problem has become particularly serious. We have to face it. Government has got to keep its priorties focused on helping these young people in some way.

Earlier in my career, I was fortunate to work with Lyndon Johnson during the period when he was the State director of the Texas branch of the National Youth Administration. The NYA, as it was called, gave young people, who could not find a job, a chance to work, earn some money for themselves and their families, and gain that feeling of self-respect so im-

portant to someone just starting out in life. The program was instrumental in teaching both young men and women the importance of getting the training and education needed to make it in this world. The accomplishments on behalf of the State of Texas were also great. If you have ever driven through Texas and made the use of a roadside park, you can thank the young people with the Texas NYA in those early days for developing and following through on the idea to start the roadside park program.

The measure before us is a great opportunity to provide today's unemployed or disadvantaged youth with the same opportunity the NYA, and other programs, have given so many young men and women. We can take these people out of the cities and put them in the vast wilderness of our national parks and put them to work preserving the natural beauties of our parklands that all of us cherish. They can learn the meaning of a hard day's work while contributing to our Nation's natural wealth. All this at a minimal cost of the American taxpayer.

Recently the Texas Conservation Corps was established in Texas to do the same kinds of projects the American Conservation Corps would do. I have talked to the people in Texas in charge of the project and they say that this measure will help them greatly in their efforts. By providing some Federal assistance we can be sure that the Texas Conservation Corps, and similar efforts across the country, will succeed in combating the rising tide of unemployment among the youth of this country.

□ 1710

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, the measure before us is laudable. I support its intent in terms of the kinds of opportunities it is trying to provide our young people. The reason our young people are unemployable is for too long they have been unemployed, and they develop patterns that make it hard for them to find meaningful work in their adult years.

I support the conservationist efforts and implications of this bill. They, too, are laudable and I am still proud to say I was an original cosponsor of this bill, but I came as a freshman and I began to realize the deficit estimate was not going down; it was going up.

Within several weeks of having put my name on this bill, and I am proud to have done so, I have become convinced that the deficit issue is the primary issue before this Nation and before this Congress.

The CBO estimates that an 8-week experience under this job will cost us roughly about $2,000. A little bit more than Youth Conservation Corps, because they suggest that the administration costs will be a little bit more, and it comes out to about $2,000 per 8 weeks of employment.

It may very well be that the public benefit in terms of service received, relative to the initial cost, is favorable. I do not know if that is the case, but I do know that at a time when we are borrowing interest to pay interest on the debt, the compounded effect of that $2,000 for every job amounts to an addition of the deficit of $128,000 for every $2,000 job you fund by the time that young person reaches the age of 65.

The simple rule of 72: At 9-percent interest compounded from the age of 20 to 65. We are adding $128,000 to the deficit burden that child will bear when he or she reaches retirement. To me, that is not a very good investment.

I voted to freeze defense, I am fighting to save WIM, but we do not have the money for this. Where is the dough?

Mr. SEIBERLING. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON], a member of our subcommittee.

Mr. RICHARDSON. Mr. Chairman, there are seven reasons why we need to support this legislation, H.R. 99, the American Conservation Corps.

First, it provides necessary youth employment program. Youth unemployment exceeds 18 percent, 42 percent of minority youth are unemployed.

Second, it preserves public lands. Due to recent cutbacks in funds, public lands are suffering from lack of maintenance. The ACC includes conservation of forests, fish, rangelands, historic and cultural sites, energy conservation, road and trail maintenance. ACC provides supplementary workers which help with backlog of work.

Third, it is cost effective. The value of work for programs like the ACC, on a national average, has been the equivalent of $1.20 for every $1 spent. This amount does not include long-term benefits received by workers and public expenditures avoided due to employment rather than unemployment of citizens.

Fourth, it has strong public support. Due to the success of program, public support has increased.

Fifth, it fills an unemployment gap the private sector cannot. Not only are participants paid but they also gain invaluable work experience and training. Private sector opportunities are limited, as employers are unwilling and unable to pay for the training of new workers.

Sixth, it provides year-round work. While other youth employment programs do exist, they do not provide opportunities for year-round employment as the ACC does.

Last, it is an investment in our young people, one that will pay off in national spirit as well as dollars and cents.

The CHAIRMAN. The Chair will advise the Members that the gentleman from Montana [Mr. MARLENEE] has 2 minutes remaining; the gentleman from Ohio [Mr. SEIBERLING] has 2 minutes remaining; the gentleman from Wisconsin [Mr. GUNDERSON] has 8 minutes remaining; and the gentleman from California [Mr. MARTINEZ] has 7 minutes remaining.

The Chair recognizes the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, I appreciate my colleague from Montana yielding. I stand in opposition to H.R. 99, the American Conservation Corps Act of 1985.

I question its goals; and I certainly question the economic impact that it will have, short term and long term. We have a deficit to deal with. Adding to that deficit is not the method that this Congress should approach in handling the problem.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Chairman, I listened to the gentleman from Texas [Mr. PICKLE] just a short time ago, and I could not help but reflect upon my youth, where he may be a few years older than I, but I remember the impact of the CCC's; the impact in the community was tremendous; it was salutary; it was the kind of thing that gave help and encouragement in a period of despair.

Sure, it has been properly said that times are not quite the same as today, and we are happy about that, but for some, the time is still the same, the conditions are still the same.

It has been said clearly we have more than 18 percent unemployment among the youth; and some 40 percent among the minority. Well, as far as they are concerned, they are still in a state of despair.

This is a proposal that has no one really speaking against it, as far as the concept and the purpose. It is amazing; and yet we find some resistance. I understand the concerns of the individuals who have stated their position in opposition to the legislation; but I think that is what legislation is about; that is why we are here. There is a crying need out there.

Clearly there is a need to provide some assistance in the conservation area. We know that the wildlife needs some assistance with trails and that whole panoply of concerns must be addressed; and we know there has been neglect, notwithstanding increased

employment in the Parks Department. We know that.

Then there is a need that is even more desperate: We have young men who are really looking somewhere for an opportunity, for a sign of hope so they can get involved, at least across the threshold of labor. For many of them, they have never worked, and this would give them an opportunity to get out there and provide some inspiration, some dignity.

It is aruged that we cannot afford this legislation. Let me respond: We cannot afford not to have this legislation. I clearly urge support of this legislation.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to my distinguished colleague on the committee, the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, it is with some amazement, given the enormity of the Federal deficit and particularly the impasse of the budget this particular week that we find ourselves on the floor with this bill at this time at all.

The term freeze, budget freeze, has been attached to almost everything in this session, as well it should be, from NASA, to Defense, to Job Corps, to food stamps, and yet here we find in the face of $200 billion deficits at an impasse at the deficit at the budget table a new Federal spending program with authorizations of such sums that we do not even know how much it is going to cost.

Leaving aside the deficit argument, although that is an enormous one, I think it is important that we also think about the merits and demerits of this proposal itself.

We have heard a lot of reference to nostalgia, and no doubt the nostalgia of the National Youth Administration and the Civilian Conservation Corps would make this a bill to bring a great deal of nostalgia to the debate.

No doubt nostalgia is there, but the fact is it is not very helpful to the young people of the 1980's. The fact is, we know in this Nation we have a youth unemployment problem; 18 percent of our young people are out of work, and unemployment among minority youth is even higher, but H.R. 99 has nothing to do with solving that youth unemployment problem. Our young people need training in employable skills, real world skills where they live, that will enable them to find permanent employment when they return in order to support themselves and their families.

Instead, the American Conservation Corps would teach those young people how to clear trails, to plant trees, to rake leaves, and enjoy the great outdoors.

□ 1720

Now, I enjoy the outdoors. I am an outdoorsman myself. I enjoy hiking and the outdoors and the wilderness areas, but suggesting that clearing trails or maintenance of park areas is going to solve our youth unemployment problem is just simply not reality. It would convert the unemployed young people to unemployed adults. The unemployment rate can be reduced. The youth employment opportunity wage would provide valuable summertime training in real jobs to thousands, tens of thousands, perhaps hundreds of thousands of young people, but that measure, which would solve the youth unemployment problem, has yet to have a hearing in this House, has yet to have a markup, has yet to be debated on the floor of this House. Millions of young people are asking this Congress to get a chance to get a job, to obtain skills to become employed adults. H.R. 99 would succeed at nostaligia but fails at solving their problems.

No. 1, as a statement of congressional intent to do nothing about the deficit, this bill is a disaster. And, No. 2, as a proposal to solve youth unemployment, it is at least unconsequential and is probably counterproductive.

Mr. SEIBERLING. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Chairman, I am pleased to rise in support of H.R. 99, the American Conservation Corps Act of 1985.

The act is a carefully drawn measure which addresses two of the most pressing problems in our Nation—unemployment among youth and the declining condition of our Nation's public lands. Every Member is well aware of the chronically high rate of youth unemployment. The jobless rate among those under the age of 25 stands at 18 percent, and among minorities, it exceeds 40 percent.

The legislation before us is designed to reduce youth unemployment through the provision of public service jobs to our Nation's most disadvantaged young people. The program is based on the highly successful Civilian Conservation Corps of the 1930's which provided thousands of depression era youth with jobs, job skills, and the pride which is associated with having a job. In the absence of a strong Federal commitment to putting young people back to work, we can expect thousands of young people to grow up lacking job skills and the hope for permanent employment. Such a result is unacceptable.

The American Conservation Corps Act of 1985 would also advance many badly needed conservation projects on Federal, State, and local public lands. Under the provisions of the bill, many long overdue projects, ranging from soil conservation in our parks to urban revitalization in our cities would be accomplished at a relatively low cost to the Federal Government.

Clearly, unemployment among young people is one of the largest challenges facing this Nation, and its solution requires a number of different approaches. Under the Job Training Partnership Act, disadvantaged youth may receive various forms of training, education, and assistance in finding a job. However, JTPA and similar Federal programs offer few year-round opportunities for youngsters to obtain actual on-the-job experience. If enacted and funded, the American Conservation Corps would supplement these useful, though limited, programs by giving young people the chance to work.

It represents a sound, time-tested approach to both reducing unemployment and improving our public lands, and I urge my colleagues to adopt it.

Mr. MARLENEE. Mr. Chairman, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Chairman, I yield 3 minutes to the illustrious gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I wish to thank my distinguished colleagues, Mr. MARTINEZ and Mr. SEIBERLING, for allowing me to speak briefly on H.R. 99.

At a time of high deficits and an uneven economic recovery, our Nation must prepare for the future. The national unemployment rate is currently at 7.1, for youth that rate is at 18 percent, and for minority youth that rate is at 45 percent.

What kind of a future are we providing our young when they are unable to get a job? This situation is intolerable.

The opponents of this bill claim that the best way to combat unemployment is to hold down Federal spending and reduce the deficit. They make this claim while ignoring the statistics and the special problems of youth unemployment:

What will happen if our economy takes a downturn, and the current situation becomes worse?

Where will that leave our young people?

The time to prepare for the future is now, before the economy slips and makes it even harder for teenagers to find work.

This bill provides new opportunities and support to such existing programs as the Job Training Partnership Act and State Youth Conservation Employment Programs.

In Los Angeles County, which includes my district, Hispanic teenage unemployment was approximately 26 percent in 1984. This mixture of minority youth combined with an unemployment rate above the national average highlights the need for this program—for the young in my district.

An excellent example of what can be accomplished with limited funds is the California Conservation Corp, an example of what can be done nationally.

We need to continue such successful efforts.

The Congressional Budget Office estimates that for every 1 percent increase in unemployment, about $25 billion more is added to the deficit. Our Nation cannot afford not to authorize H.R. 99.

I ask my colleagues, how many programs undertaken by the Federal Government address several unmet needs at the same time? Well this program does.

I'm disappointed that my colleague from New Mexico has withdrawn his support in spite of his acknowledgment that it is a positive and worthwhile national effort. We should vote for H.R. 99 and show our young people that their Nation cares enough to help them with a job and an opportunity for a bright future.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to my distinguished friend and colleague, the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I did not intend to rise and speak on this issue today, but I think it is important that at least one Democrat comes to the well of the House to say that we cannot afford this new program.

If we really want to help deal with the unemployment issue in our society among youth as well as among adults, we have got to get the Federal budget deficit down. And you do not get the Federal budget deficit down by creating new programs and spending more money.

There is some value to the kinds of things you want to accomplish with this program. But rather than creating a new program, maybe we ought to look at all of the job programs on the books and find a way to incorporate this kind of a principle into those programs within existing budgets.

I do not think that we do the future of the country any favor by telling them that the answer to every problem that faces society is to create a new Federal program. All of these programs start out with an authorization, and so we say, "Let's pass the authorization, that does not cost us any money." Then we spend a little money, and it always starts out small, and then we spend more and more and more. That is how we got into the deficit mess we are in, and we are never going to get out of it until we learn to say no.

At a time when we do not even have enough money to adequately fund existing job programs, we cannot go out and create a new one.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the gentleman for yielding.

Mr. Chairman, I just heard a talk about the deficit. This House passed today on voice vote $13 billion to go out of this country, and I did not hear any deficit rhetoric through the whole process.

I represent a district that lost 55,000 jobs in the last 8 years, has almost 60 percent minority unemployment. When we talk about aid to Americans, we talk about the budget deficit and the national debt. When we talk about billions of dollars going overseas, we talk about frugal peacekeeping.

One of the greatest threats in America today will rise up in America's streets because we have two types of concepts going on. Gentlemen, you either have welfare or you have jobs. And if you are going to keep knocking people for welfare, what else is there for them?

What other mechanism has been devised for the tragic problem that exists in unemployment for American youth? I am talking youth now, not even addressing ourselves to the growing poverty rate in this country and total unemployment. If this country does not need a total jobs bill, something is wrong. But if we are going to argue deficits, let us argue deficits when it appears here and counts in America, too, as well.

I just want to say this: I recommend the people who brought this bill forward and those people who will look at it very conscientiously in the House here today. Many of the Members have already left. We are talking about a program for America, and Members have left.

□ 1730

I think they should all be here and their vote should be recorded.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Yes; we can talk about deficits and about what we spend or need for programs, and there are sponsors on that side of the aisle who pay no heed to the amount of spending. There are also sponsors of this kind of legislation that say, yes, we have got to cut the deficit, we have got to cut the growth of Government, but not now, not in this kind of a program.

I would say if not now, then when are we going to make a stand for the taxpayers of the United States of America, for the economy of this country.

In closing, I would say the administration, again I would quote, "Strongly opposes the enactment of the American Conservation Corps Act." We recommend that the President again withhold his approval. The last sentence, "Accordingly, we strongly urge that the House reject H.R. 99."

I urge all of my colleagues to vote "no" on this particular piece of legislation.

Mr. GUNDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. GUNDERSON. Mr. Chairman, I think the first thing we better understand, if we are trying to be consistent, is that we should defeat this bill. My colleague from Ohio who preceded me here in the well suggested that we should not pass the foreign aid bill and then turn and say no to this.

The fact is, the distinguished chairman of the Foreign Affairs Committee and the distinguished ranking member came to this Congress with an amendment to freeze the foreign aid bill for 1986 at the 1985 level. They said we cannot spend new money. That is exactly what we are talking about here tonight. We have to ask ourselves the question, as the gentleman from Utah said earlier, Are we going to try to preserve and maintain the programs we have and fight the deficit or are we only going to continue on our merry way and say, "It sounds like a good program to me; I think I will vote for it."

The chart that I have here indicates exactly what I am talking about from an employment and training perspective, ladies and gentlemen. We have title IIA of the Job Training Partnership Act, training for disadvantaged youth and adults. The best we are going to get for that program this year is freezing it in fiscal year 1986 at the fiscal year 1985 level.

You take title IIB under JTPA, the Summer Youth Employment Program; the administration has asked for a significant cut of $160 million in this program; the other body has passed this $160 million cut. We would be very, very lucky to get in 1986 the same amount of money as we had in 1985.

You take a look at the Jobs Corps. The administration has zeroed that program out. The Senate has reduced it by 30 percent. We would be lucky to get anywhere close to fiscal year 1985 levels for that program. Now we are talking about introducing and authorizing new programs at as much as $75 million a year, possibly more.

You take a look at WIN; you take a look at vocational education; you take a look at adult education; on down the line, all are facing reductions. The challenge we face in 1985 is to No. 1, deal with the deficit, and No. 2, maintain the integrity of the employment and training programs that we have. Those who suggest this is the year to start Christmas presents and new programs do not understand the important needs of the economy in this country. We must deal responsibly with the deficit so that everyone, parents and children, can have jobs today and they can have a future tomorrow.

I encourage my colleagues, vote no on this well-intended piece of legislation. It is not the right time; it is not the right bill.

● Mr. LOWERY of California. Mr. Chairman, as a Member who support-

ed similar legislation last year, it is consistent that I again commend the spirit and intent of H.R. 99. Unfortunately, this year I cannot lend my support for this bill.

Youth unemployment, particularly among our minority population, is truly a national priority that deserves full congressional consideration. However, these times of staggering budget deficits dictate that the Congress refrain from establishing unproven programs, especially when budget conferees and others are desperately trying to save existing jobs programs.

Aside from the budgetary impact of at least $75 million and the likely Presidential veto, this bill has a greater flaw. Upgrading and revitalizing our public lands, although a worthy goal, will not provide our youths with marketable skills for their futures. Youth employment programs funded under the Job Training Partnership Act are much less costly per trainee, more likely to result in permanent private sector employment, and more tailored to today's needy youth. While I do not doubt that this program could instill a valuable work ethic for our young Americans, this justification alone is insufficient to support passage.

Finally, I am withholding support for H.R. 99 because similar projects already exist. There are currently in place over 27 State, local, or nonprofit youth conservation corps spending a total of $108 million annually. In addition, many of the jobs contemplated in this act are currently performed by U.S. Forest Service employees. A duplicative layer of Federal bureaucracy to these groups would only hinder their successes.

Again, while I wholeheartedly support the intent of this proposed legislation, I am regrettably constrained to oppose it due to the aforementioned circumstances.●

● Mr. DURBIN. Mr. Chairman, I rise in support of H.R. 99, the American Conservation Corps Act of 1985.

Teenage unemployment in the United States has reached an appalling level. It is a problem that erodes the confidence and dims the hopes of thousands of American youths. In the long term, it is a problem that will handicap our Nation's productivity.

Even during our most recent modest economic gains, joblessness among our youth persists. Youth unemployment is currently 18.2 percent, more than twice the overall unemployment rate. Among minority youth, unemployment stands at the inexcusable high level of 42 percent.

Concern for the problem of youth unemployment is abundent. Unfortunately, concrete action at the grassroots level is not. Today, we have an opportunity to support a program which will provide meaningful employment for unemployed youths.

The American Conservation Corps promotes a needed long-term investment in the future of hard-to-employ young adults. Unlike alternative approaches, such as the subminimum wage which provides only short-term summer relief, discriminates against youths who could be earning a higher wage and may displace older workers, the ACC is designed to address the fundamental causes of youth unemployment.

The ACC will provide year-round voluntary employment with the opportunity to advance to supervisory positions within the program, as well as protection for any displaced workers. In addition, it will teach responsibility, skills, and a work ethic necessary for economic advancement. The ACC will provide teenagers an atmosphere of hard work, and will reward those who perform well with an increased sense of accomplishment, civic pride, and above all, a renewed sense of confidence in their own ability.

Mr. Chairman, the ACC is an investment in the future of our country. It attacks the root causes of teen unemployment, especially minority unemployment, and offers hope and a special degree of training for the participant. We can no longer afford to benignly neglect the growing number of Americans who are offered no means of escape from perpetual unemployment and the social turmoil which that condition so often fosters.

It is my belief that enactment of the American Conservation Corps Act of 1985 would make a significant contribution to addressing the problem of youth unemployment in our country, and I urge my colleagues to support it.●

● Mr. MOLLOHAN. Mr. Chairman, I rise today in support of the American Conservation Corps Act of 1985 (H.R. 99), legislation to authorize programs for fiscal years 1986 through 1988.

This bill comes out of the Interior Committee, on which I serve, and I would like to congratulate the chairman of the full committee as well as the chairman of the subcommittee for their leadership regarding this legislation. The bill before us would authorize $75 million in funding for fiscal years 1986 through 1988 for establishment of a Youth Conservation Work Program modeled after the Civilian Conservation Corps of the 1930's. I frequently encounter people in my district who mention the success and benefits they received from the act. The 1980's version would distribute responsibility for funding among the States, local governments, Indian tribes, and other Federal agencies. The Federal Government will by no means have to bear the entire burden, ensuring responsible administration at the local level.

This bill would be of great benefit to youth in my State, West Virginia, and to young people across this great Nation.

Its enactment would provide both year round and summer employment for our youth. Not only would the act provide educational and training opportunities but it would also revitalize and conserve public lands. Special efforts would be made to recruit and enroll the economically disadvantaged.

The bill is practically identical to the one passed by both the House and Senate at the end of the 98th Congress. Contrary to the President's claims when he vetoed last year's bill, these types of programs have proven to be both productive and cost effective.

In the end, these programs are not only beneficial to the youths but also to the taxpayers.

I urge my colleagues to support the American Conservation Corps Act of 1985. Thank you.●

● Mr. ROYBAL. Mr. Chairman, I am proud to be able to speak in support of H.R. 99.

As we are all aware, both the House and Senate voted overwhelmingly during the last Congress to establish the American Conservation Corps, only to have the legislation pocket-vetoed by President Reagan. I was deeply disappointed that the President would ignore both the wishes of Congress and the extremely high youth unemployment rate in this Nation.

The passage of legislation to establish a program similar to the old Civilian Conservation Corps has been a very personal crusade for me, because I served in the original CCC. During the 1930's, I was a victim of the greatest period of unemployment this country has ever experienced: The Great Depression. The CCC provided work, something almost impossible for a minority youth in my circumstances to find during those economically desperate times. And, more importantly, it gave me a cause to which I could wholeheartedly commit myself. Instilling in me a deep sense of pride and dignity that so many around me had lost, the CCC provided the inspiration and the means for attending college. It also provided the impetus for my long career in public service.

How can we deny young people today the benefits of a similar experience, Many of our youth, particularly our minority youth, despair of ever finding steady employment. They desperately need a program like the ACC to take that first step from poverty, chronic unemployment and despair to job training, higher education and hope for the future. I have heard arguments that we cannot afford such a program during this period of record-high budget deficits. I say that if we really care about the future of this country, if we really care about a

strong America, we cannot afford not to establish the ACC.

In our mad scramble to spend billions for the very latest in super-weapons, we have been overlooking a vital measure of national strength—the condition of our civilian populace. Healthy, educated, employed, and committed Americans have made this country great. The prospect of a fair shake for everyone has kept Americans struggling to better themselves, rather than struggling to overthrow the Government. Every day, though, I hear from young Americans who no longer believe they can achieve the American dream. Isn't it worth the price of a missile to keep 85,000 American young people from sinking into despair and hopelessness?

I know what it feels like, because at one time, my future seemed very uncertain. Now here I am, a Member of the U.S. House of Representatives with a long career of public service behind me. And I have gotten countless letters from other ex-CCC'ers relating tales of successes small and large. The American Conservation Corps will also be a rich source of success stories. I am sure of it. I urge you all to join in passing H.R. 99.●

● Mr. MORRISON of Connecticut. Mr. Chairman, I rise in strong support of H.R. 99, the American Conservation Corps, which the House is considering today. This bill is almost identical to the bill which passed both the House and the other body at the end of the 98th Congress, but was pocket-vetoed by the President after Congress had adjourned. The program of conservation work established by this legislation would have significant benefits for both the youth involved in the program and for the Nation as a whole.

Disadvantaged youth, who have the highest rate of unemployment of any group in the country, would benefit from the program's year-round and summer components. And current workers would not be displaced because no grants would be made unless the program agency certifies that the project will not result in the displacement, including partial displacement, of individuals currently employed.

To ensure that deserving youth obtain the benefits of the program, the legislation requires that special efforts be made to enroll and recruit youth who are economically, socially, physicially, or educationally disadvantaged. Further, the bill provides for educational and training opportunities for the enrollees; up to 10 percent of the funds can be used to provide training and educational materials and educational services. Priority for these services would go to enrollees who have not graduated from high school or earned an equivalency diploma, and program agencies are directed to provide job guidance and placement information.

The Nation would clearly benefit from the work that these youth would perform. Corps work could include conservation of forests, fish, wildlife, rangelands, and soil; revitalization of urban areas and preservation of historic and cultural sites; development and maintenance of recreational areas, roads and trails; erosion and pest control; energy conservation and production of renewable energy; and emergency rehabilitation services.

This is important work that needs to be done. There have been numerous reports of deterioration in our national park and national forest facilities, caused, in part, by a policy of deferred maintenance. In 1980, the General Accounting Office reported that many Federal facilities did not meet health and safety standards, and estimated that $1.6 billion was needed to correct these deficiencies. The Forest Service recently estimated that it has a backlog of $1.25 billion in projects which could be undertaken by youth conservation program personnel. The Department of Interior estimates that it has a backlog of labor-intensive tasks of 460,000 work years.

Mr. Chairman, our experience with similar programs, which have been gutted by this administration, demonstrates that programs such as the American Conservation Corps are both cost-effective and have social benefits. For example, it is estimated that the value of work done by participants in the Young Adult Conservation Corps, which operated between 1978 and 1982 and provided year-round work to young adults, exceeded program expenditures by $12.3 million. A Library of Congress analysis estimates that, on the whole, the costs of both this program and the Youth Conservation Corps, which began operating in 1970 and continues to operate today at very curtailed levels, and provides summer employment for youth age 15 through 18, are less than the appraised value of the work accomplished.

Further, these benefit estimates are over and above the social value of the program, which have been demonstrated. A recent Congressional Research Service report summarizes the findings regarding the social benefits of these programs:

In addition to increased employability and earnings, these benefits could include certain direct savings to society through reduced welfare and unemployment insurance costs and lower crime rates. Further, less tangible but equally significant benefits could include greater appreciation for the work ethic, enhanced self-esteem, a sense of responsibility and discipline, the ability to work well with others, better health, development of positive social attitudes, and a sense of purpose.

Mr. Chairman, the American Conservation Corps is a worthwhile program—it helps our youth, it preserves the land we have deemed valuable enough to set aside from future development, and, in the long run, it saves us money in terms of future social costs. I strongly urge my colleagues in the House to vote for its passage.●

● Mr. OWENS. Mr. Chairman, I strongly support the passage of H.R. 99, the American Conservation Corps Act of 1985 which is being debated today. As an original cosponsor, I have followed its passage through the Committee on Interior and Insular Affairs and the Committee on Education and Labor on which I serve.

I was disappointed when this worthy, though minimal, effort to provide for the employment and training of our unemployed youth and the preservation of our lands received unfavorable Executive comment in April. The administration's continued opposition remains a disappointment.

The Civilian Conservation Corps represents a creative approach to the problem of youth unemployment. By utilizing funds which are already budgeted and providing for local matching funding, the program will expand the jobs available to youth and stimulate the States to participate in the process. The intergovernmental cooperation which results will help to make the Corps a success and stimulate additional programs in the States.

There are those who argue that we should not be creating job programs and that the unemployment problem will simply go away at some point. Unfortunately, the unemployed youth who are looking for work now and learning that there are no doors open to them will not be served by the creation of job opportunities at some time in the future. They need jobs now.

Every night we see the news and hear of the raging forest fires in California. Millions of acres totally stripped of vegetation which will become washed out when the rains come in the fall and spring. The only hope of avoiding this second disaster is to rapidly plant seeds and seedlings to hold the earth onto the hills. It is clear, that a Conservation Corps with its potential for this type of work would prove invaluable in the next few months. It would not be "make work" to provide the burned out areas with the labor that is needed to prevent the floods which follow massive fires. It would instill pride in the young people who could see the effects of their labor and know that they had helped to save a part of this land that can be both beautiful and demanding.

It is hard to imagine all of the uses to which a conservation corps could be put. And yet, I know that there is so much work to do and so many young people who desperately need jobs. It seems foolish to waste their talents and efforts instead of putting them to good use.

I urge all of my colleagues to support H.R. 99, the American Conservation Corps Act of 1985.●

● Mr. CONTE. Mr. Chairman, as an original sponsor of H.R. 99, I rise in support of this legislation. I want to commend Mr. SEIBERLING for introducing this bill to help resolve the terrible problems of high youth and minority unemployment.

Mr. Chairman, with an economic recovery underway, many may be tempted to ignore the needs of the unemployed. But the fact is that our Nation's unemployment rate is still 7.3 percent. When has there been a time in our Nation's history when 7.3 percent unemployment has been acceptable? There never has been.

Millions are out of work—millions more are underemployed—and countless people are too discouraged to look for work. Let's have truth in unemployment. In my own district in Massachusetts, the State with the lowest unemployment rate in the Nation, we have some towns with unemployment rates which exceed the national average. So the unemploymnent rate doesn't tell the whole story.

I've been saying for years that what we've got to do is go back to something like those old CCC camps back in the 1930's to help people through a trying time of unemployment. H.R. 99 would direct the Departments of Interior and Agriculture to administer American Conservation Corps programs to improve, maintain and conserve public lands and resources. The projects can include forestry, fish and wildlife habitat conservation, historical site preservation, urban revitalization and energy conservation. Eligibility for the program would be limited to those between 16-25 years old; summer employees must be between 15-21 years old.

This isn't a give-away. This is work that desperately needs to be done, and someone is going to have to do it. Just recently, one of the television networks did a documentary showing the sad shape that many of our national parks and forests are in. This bill would go a long way toward solving those problems.

To those who say we can't afford this program, I say we can't afford not to have it. Our Nation can't afford to have 18.2 percent of its young people out of work. Our Nation can't afford to have 41.9 percent of its minority youth out of work. Their suffering is untold, and we need this program to help these people. I urge its adoption.●

● Mr. MINETA. Mr. Chairman, I rise here today in support of the American Conservation Corps Act. This bill has the twofold benefit of giving our youth the opportunity to receive training, while offering our country a valuable service. Furthermore, this legislation not only benefits young people in general, but it provides for special efforts to be made in training those who are economically disadvantaged.

Mr. Chairman, the American Conservation Corps not only has the support of the entire Congress, but enjoys overwhelming popular support as well. This endorsement comes from a variety of people; the rangers who are in need of help in maintaining the park system, the parents who are eager to give their children an opportunity for growth, the young people themselves who have the opportunity to explore their limitations and capabilities.

I strongly endorse programs like the American Conservation Corps because I have seen from personal experience what can be achieved. In 1983, my son, David, had the opportunity to go to Yosemite as part of the Youth Conservation Corps. In David's own words, it was the best job he has ever had. He gained valuable training, he had the satisfaction of working on projects that were for the benefit of all, and he made great friends. But perhaps more importantly, this program helped him grow, gain self-confidence, and showed him the value of service to others.

Mr. Chairman, I urge my colleagues here today to vote in favor of the American Conservation Corps Act of 1985. In doing so we will establish a program that will benefit us all. It is money well spent and it is a solid investment in the youth of this country.●

● Mrs. BYRON. Mr. Chairman, I rise today in support of H.R. 99, the American Conservation Corps Act of 1985. As an original cosponsor, I feel strongly that this legislation will provide countless benefits to both the youth and natural resources of this Nation.

As my colleagues are well aware, this bill can be closely traced to such programs as the Youth Conservation Corps and the Civilian Conservation Corps, Depression-era programs which put millions of unemployed youths back to work. I can confidently say that this act's predecessors provided innumerable benefits for the six national parks within my district. At Mount Catoctin National Park alone, the Youth Conservation Corps constructed the salt storage shed, the wood storage shed, and countless other buildings which currently house park equipment. All trail maintenance at Catoctin was performed almost exclusively by the Youth Conservation Corps. Similar accomplishments were made in my five other parks as well.

While H.R. 99 is a more modest proposal, I believe that it will provide benefits similar to those which my parks and their visitors have reaped in the past. This bill would result in greater efforts to revitalize urban areas and preserve historic and cultural sites. It would contribute to the development of roads, trails, erosion and pest control; and it would provide for increased conservation of forests, fish, wildlife, rangelands, and soil.

Most important, however, this legislation would provide jobs for an estimated 18,500 youths in the first year of the program. The number would increase to 37,000 by the third year. Mr. Chairman, I can't think of a better goal than that of giving young Americans both an opportunity to work and to experience our Nation's invaluable natural resources. I urge my colleagues to support this worthwhile legislation.●

● Mr. BOSCO. Mr. Chairman, I have asked to speak in support of the American Conservation Corps Act of 1985 because of my firsthand knowledge of the California Conservation Corps [CCC]—a program that I believe serves as a model of what is possible nationwide, under Mr. SEIBERLING's H.R. 99.

If the existing programs in 13 other States are anything like the California program there are innumerable good reasons why we should support the creation of an American Conservation Corps. Since the CCC's inception in 1976, corps members have planted 13 million trees and cleared over 500 miles of salmon and steelhead streams. The corps has been instrumental in California park development, landscaping, trail building, and wildlife habitat restoration of all kinds. The corps also provides a lifesaving emergency response unit in times of fire, floods, earthquakes, and other natural disasters. Anyone who has been affected by a major natural disaster in the last 10 years in California will attest to the corps' value.

The benefits of establishing a program that employs thousands of young people, who perform much needed public services, are obvious. What is striking about the California program is that the work is performed in a cost-effective manner. A study I requested as a California legislator concluded that for each $1 of State funds spent on the CCC, $1.65 in benefits are returned.

H.R. 99 would make it possible for every State in the Union to establish a labor intensive, cost-effective, conservation corps employing the chronically unemployed—young people between the ages of 15 to 25. The $75 million expenditure called for in the 3 following fiscal years will reap substantial dividends for State participants. The 25-percent State match will foster a State-Federal partnership geared toward the development of effective programs. States such as California that already satisfy the match will be able to expand and substantially add to the total of over 17,000 young people that have successfully graduated from the CCC since its inception.

There is another kind of benefit from the corps' work that cannot be

measured as traditional economic benefits or evaluated in terms of cost-effectiveness. I am referring to the young minds and bodies that have been strengthened by the CCC. It is impossible to attach a dollar amount to the sense of usefulness and character building provided by the CCC experience in California. H.R. 99 will make it possible for young people throughout the country to benefit from this experience.●

The CHAIRMAN. All time under general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in boldface roman type in the bill will be considered as an original bill for the purpose of amendment under the 5-minute rule in lieu of the amendment recommended by the Committee on Interior and Insular Affairs. Each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "American Conservation Corps Act of 1985".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women, is beneficial not only to the youth of the Nation by providing them with education and work opportunities, but is also beneficial for the Nation's economy and its environment; and

(2) through this work experience opportunity, the Nation's youth will further their understanding and appreciation of the natural and cultural resources in addition to learning basic and fundamental work ethics including discipline, cooperation, understanding to live and work with others, and learning the value of a day's work for a day's wages.

(b) PURPOSE.—It is the purpose of this Act to—

(1) enhance and maintain conservation, rehabilitation, and improvement work on Federal and non-Federal public lands and Indian lands, improve and restore Federal and non-Federal public lands and Indian lands, resources, and facilities, conserve energy and restore and maintain community lands, resources, and facilities;

(2) establish an American Conservation Corps to carry out a program to improve, restore, maintain, and conserve these lands and resources in the most cost-effective manner;

(3) assist State and local governments in carrying out needed non-Federal public land and resource conservation, rehabilitation, and improvement projects;

(4) provide for implementation of the program in such manner as will foster conservation and the wise use of natural and cultural resources through the establishment of working relationships among the Federal, State, and local governments, Indian tribes, and other public and private organizations; and

(5) increase (by training and other means) employment opportunities for young men and women including, but not limited to, those who are economically, socially, physically, or educationally disadvantaged and who may not otherwise be productively employed.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "Federal public lands" means any lands or waters (or interest therein) owned or administered by the United States.

(2) The term "non-Federal public lands" means any lands or waters (or interest therein) owned or administered by any agency or instrumentality of a State or local government.

(3) The term "program" means the conservation, rehabilitation, and improvement program established by this Act.

(4) The term "program agency" means any Federal agency or instrumentality with responsibility for the management of any public or Indian lands, any State agency designated by the Governor to manage the program in that State, and the governing body of any Indian tribe.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior. Such term also includes any Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(6) The term "Indian" means a person who is a member of an Indian tribe.

(7) The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for Indian tribes, and any real property held by Indian tribes which is subject to restrictions on alienation imposed by the United States.

(8) The term "employment security service" means the agency in each of the several States with responsibility for the administration of unemployment and employment programs, and the oversight of local labor conditions.

(9) The term "chief administrator" means the head of any program agency as that term is defined in paragraph (4).

(10) The term "enrollee" means any individual enrolled in the American Conservation Corps in accordance with section 5.

(11) The term "crew leader" means an enrollee appointed under authority of this Act for the purpose of supervising other enrollees engaged in work projects pursuant to this Act.

(12) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(13) The term "economically disadvantaged" with respect to youths has the same meaning given such term in section 4(8) of the Job Training Partnership Act.

PUBLIC LANDS CONSERVATION, REHABILITATION, AND IMPROVEMENT PROGRAM

SEC. 4. (a) ESTABLISHMENT OF PROGRAMS.—There is hereby established within the Department of the Interior and the Department of Agriculture an American Conservation Corps.

(1) ESTABLISHMENT OF PROGRAM ON FEDERAL PUBLIC LANDS.—Not later than ninety days after the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, after consultation with the Secretary of Labor, shall establish and administer a conservation, rehabilitation, and improvement program on Federal public lands and shall establish a similar program on Indian lands with the consent of the respective tribe to carry out the purposes of this Act.

(2) ESTABLISHMENT OF PROGRAM ON NON-FEDERAL PUBLIC LANDS.—The Secretary of the Interior, after consultation with the Secretary of Agriculture and the Secretary of Labor, shall establish and administer a conservation, rehabilitation, and improvement program on non-Federal public lands to carry out the purposes of this Act.

(b) REGULATIONS AND ASSISTANCE.—The Secretary of the Interior and the Secretary of Agriculture, after consultation with the Secretary of Labor, shall jointly promulgate the regulations necessary to implement the programs established by subsection (a). Within thirty days after the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish procedures to give Federal and non-Federal program agencies and other interested parties, including the public, adequate notice and opportunity to comment upon and participate in the formulation of such regulations. The Secretary of the Interior and the Secretary of Agriculture shall provide assistance, consistent with the terms of this Act, to program agencies for the establishment and operation of residential and nonresidential American Conservation Corps centers and for the implementation by the American Conservation Corps of projects designed to carry out the purposes of this Act.

(c) PROJECTS INCLUDED.—The programs established under this section may include projects such as—

(1) wildlife habitat conservation, rehabilitation, and improvement;

(2) rangeland conservation, rehabilitation, and improvement;

(3) recreational area development, maintenance, and improvement;

(4) urban revitalization;

(5) historical and cultural site preservation and maintenance;

(6) fish culture and habitat maintenance and improvement and other fishery assistance;

(7) road and trail maintenance and improvement;

(8) erosion, flood, drought, and storm damage assistance and control;

(9) stream, lake, and waterfront harbor and port improvement, and pollution control;

(10) insect, disease, rodent, and fire prevention and control;

(11) improvement of abandoned railroad bed and right-of-way;

(12) energy conservation projects and renewable resource enhancement;

(13) recovery of biomass from public lands, particularly forestlands;

(14) reclamation and improvement of strip-mined land; and

(15) forestry, nursery, and silvicultural operations.

(d) PREFERENCE FOR CERTAIN PROJECTS.—The programs shall provide a preference for those projects which—

(1) will provide long-term benefits to the public;

(2) will instill in the enrollee involved a work ethic and a sense of public service;

(3) will be labor intensive; and

(4) can be planned and initiated promptly.

(e) LIMITATION TO FEDERAL AND NON-FEDERAL PUBLIC LANDS.—Projects to be carried out under the program shall be limited to projects on Federal and non-Federal public lands or Indian lands except where a project involving other lands will provide a documented public benefit as determined by the Secretary of the Interior or the Secretary of Agriculture. The regulations promulgated under subsection (b) shall establish the criteria necessary to make such determinations.

(f) CONSISTENCY.—All projects selected and carried out under this Act for conservation, rehabilitation, or improvement of any Federal or non-Federal public lands or Indian lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents which govern the administration of the area.

(g) CONSERVATION CENTERS.—(1) Each program agency may apply for approval of conservation centers to carry out projects under this Act.

(2) Applications for approval of conservation centers on Federal public lands shall be submitted to the Secretary of the Interior or the Secretary of Agriculture in such manner as is provided for by the regulations promulgated under subsection (b). Applications for the approval of conservation centers on non-Federal public lands or Indian lands shall be submitted to the Secretary of the Interior. No application may be submitted to the Secretary of the Interior or the Secretary of Agriculture before the 30-day period for review and comment by the appropriate State Job Training Coordinating Council (established under the Job Training Partnership Act), if any, which shall consult with the appropriate Private Industry Council, or Councils, in the area in which a project is carried out. Comments of the State Job Training Coordinating Council and Private Industry Council shall be forwarded to the Secretary at the time the grant application is submitted.

(3) No grant or other agreement may be entered into under this section unless an application is submitted to and approved by the Secretary of the Interior or the Secretary of Agriculture, as the case may be. Each application shall contain—

(A) a comprehensive description of the objectives and performance goals for the conservation center and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided;

(B) a plan to make arrangements for certification of the training skills acquired by enrollees under this Act;

(C) a plan to make arrangements for the award of academic credit by educational institutions and agencies to enrollees for competencies developed under training programs or from work experience under this Act;

(D) an estimate of the number of enrollees and crew leaders necessary for the proposed projects, the length of time for which the services of such personnel will be required and the services which will be required for their support;

(E) a description of the facilities and equipment to be available for use in the center;

(F) a plan for managing the conservation center, supplying the necessary equipment and material, and administering the payroll; and

(G) such other information as the Secretary of the Interior and the Secretary of Agriculture shall prescribe.

(4) In approving the location and type of conservation centers, the Secretary of the Interior and the Secretary of Agriculture shall give due consideration to—

(A) the proximity of the center to the work to be done;

(B) the cost and means of transportation available between the center and the homes of the enrollees who may be assigned to those centers;

(C) the access of economically, socially, physically, or educationally disadvantaged youths to the centers; and

(D) the cost of establishing the center.

Every effort shall be made to assign youths to residential or nonresidential centers as near to their homes as practicable.

(5)(A) Every conservation center shall have sufficient supervisory staff appointed by the chief administrator which may include enrollees who have displayed exceptional leadership qualities.

(B) No project shall be undertaken without the on-site presence of knowledgeable and competent supervision, and all projects undertaken shall be documented in advance in an approved written project plan.

(h) LOCAL GOVERNMENT PARTICIPATION.—Any State carrying out a program under this Act shall provide a mechanism under which local governments within the State may be approved by the State to participate in the program and to carry out projects in accordance with the requirements of this Act.

(i) AGREEMENTS.—Program agencies may enter into contracts and other appropriate arrangements with local government agencies and nonprofit organizations for the management of conservation centers under the program.

(j) JOINT PROJECTS.—

(1) DEPARTMENT OF LABOR.—The Secretary of the Interior and the Secretary of Agriculture are authorized to develop jointly with the Secretary of Labor regulations designed to allow, where appropriate, joint projects in which activities supported by funds authorized under this Act are coordinated with activities supported by funds authorized under employment and training statutes administered by the Department of Labor (including the Job Training Partnership Act). Such regulations shall provide standards for approval of joint projects which meet both the purposes of this Act and the purposes of such employment and training statutes under which funds are available to support the activities proposed for approval. Such regulations shall also establish a single mechanism for approval of joint projects developed at the State or local level.

"(2) DEPARTMENT OF DEFENSE.—The Secretary of the Interior and the Secretary of Agriculture may enter into agreements with the Secretary of Defense to assist the military by carrying out projects under this Act. Such projects may be carried out on a reimbursable basis or otherwise.

ENROLLMENT, FUNDING, AND MANAGEMENT

SEC. 5. (a) ENROLLMENT IN PROGRAM.—(1)(A) Enrollment in the American Conservation Corps shall be limited to individuals who, at the time of enrollment, are—

(i) unemployed;

(ii) not less than sixteen or more than twenty-five years of age (except that programs limited to the months of June, July, and August may include individuals not less than fifteen years and not more than twenty-one years of age at the time of their enrollment); and

(iii) citizens (including those citizens of the Northern Mariana Islands as defined in Public Law 98-213 (97 Stat. 1459)) or lawful permanent residents of the United States.

(B) Special efforts shall be made to recruit and enroll individuals who, at the time of enrollment, are economically disadvantaged.

(C) In addition to recruitment enrollment efforts required in subparagraph (B), the Secretary of the Interior and the Secretary of Agriculture shall make special efforts to recruit enrollees who are socially, physically, and educationally disadvantaged youths.

(D) Notwithstanding subparagraph (A), a limited number of special corps members may be enrolled without regard to their age so that the corps may draw upon their special skills which may contribute to the attainment of the purposes of the Act.

(2) Except in the case of a program limited to the months of June, July, and August, individuals who at the time of applying for enrollment have attained age sixteen but not attained age nineteen, and who are no longer enrolled in any secondary school shall not be enrolled unless they give adequate written assurances, under criteria to be established by the Secretary of the Interior and the Secretary of Agriculture, that they did not leave school for the express purpose of enrolling. The regulations promulgated under section 4(b) shall provide such criteria.

(3) The selection of enrollees to serve in the American Conservation Corps in any conservation center shall be the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified persons who have applied, to or been recruited by, the program agency, a State employment security service, a local school district with an employment referral service, an administrative entity under the Job Training Partnership Act, a community or community-based nonprofit organization, the sponsor of an Indian program, or the sponsor of a migrant or seasonal farmworker program.

(4)(A) Except for a program limited to the months of June, July, and August, any qualified individual selected for enrollment may be enrolled for a period not to exceed twenty-four months. When the term of enrollment does not consist of one continuous twenty-four-month term, the total of shorter terms may not exceed twenty-four months.

(B) No individual may remain enrolled in the American Conservation Corps after that individual has attained the age of twenty-six, except as provided in subsection (a)(1)(D) of this section.

(5) Within the American Conservation Corps the directors of centers shall establish and stringently enforce standards of conduct to promote proper moral and disciplinary conditions. Enrollees who violate these standards shall be transferred to other locations, or dismissed, if it is determined that their retention in that particular center, or in the Corps, will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees. Such disciplinary measures will be subject to expeditious appeal to the appropriate Secretary.

(b) SERVICES, FACILITIES, SUPPLIES, ET CETERA.—The program agency shall provide quarters, board, limited and emergency medical care, transportation from conservation centers to work sites, and other serv-

ices, facilities, supplies, and equipment. Whenever possible, the Secretary of the Interior and the Secretary of Agriculture shall make arrangements with the Secretary of Defense to have such logistical support provided by a military installation near the proposed center, including the provision of temporary tent centers where needed. Basic standards of work requirements, health, nutrition, sanitation, and safety for all conservation centers shall be established and enforced.

(c) REQUIREMENT OF PAYMENT FOR CERTAIN SERVICES.—Enrollees shall be required to pay a reasonable portion of the cost of room and board provided at conservation centers into rollover funds administered by the appropriate Secretary. Such payments and rates are to be established after evaluation of costs of providing the services. The rollover funds established pursuant to this section shall be used solely to defray the costs of room and board for enrollees. The Secretary of the Interior and the Secretary of Agriculture are authorized to make available to program agencies surplus food and equipment as may be available from Federal programs.

FEDERAL AND STATE EMPLOYEE STATUS

SEC. 6. (a) IN GENERAL.—Enrollees, crew leaders, and volunteers are deemed as being responsible to, or the responsibility of, the program agency administering the project on which they work. Non-Federal program agencies shall be required as a minimum to provide tort claims protection and work related injury benefits to enrollees and crew leaders. Except as otherwise specifically provided in the following paragraphs, enrollees and crew leaders in Federal projects for which funds have been authorized pursuant to paragraphs (2), (3), (4), and (5) of section 13(a) shall not be deemed Federal employees and should not be subject to the provisions of law relating to Federal employment:

(1) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, enrollees and crew leaders serving Federal program agencies shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provision of that subchapter shall apply, except—

(A) the term "performance of duty" shall not include any act of an enrollee or crew leader while absent from his or her assigned post of duty, except while participating in an activity authorized by or under the direction and supervision of the Secretary of the Interior or the Secretary of Agriculture or the conservation supervisory staff (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee's or crew leader's employment is terminated.

(2) For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, enrollees and crew leaders or Federal projects shall be deemed employees of the United States within the meaning of the term "employee of the Government" as defined in section 2671 of title 28, United States Code.

(3) For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee" as defined in that section.

(b) AMENDMENT OF TITLE 5.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (11);

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (12) the following new paragraph:

"(13) service as an enrollee or crew leader only if the enrollee or crew leader in the American Conservation Corps later becomes subject to this subchapter.".

USE OF VOLUNTEERS

SEC. 7. Where any program agency has authority to use volunteer services in carrying out functions of the agency, such agency may use volunteer services for purposes of assisting projects related to conservation centers established under this Act and may expend funds made available for those purposes to the agency, including funds made available under this Act, to provide for services or costs incidental to the utilization of such volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision. The use of volunteer services permitted by this section shall be subject to the condition that such use does not result in the displacement of any enrollee.

TENNESSEE VALLEY AUTHORITY

SEC. 8. The Board of Directors of the Tennessee Valley Authority may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Tennessee Valley Authority except policy-making or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government except for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work injuries, and shall not be deemed employees of the Tennessee Valley Authority except for the purposes of tort claims to the same extent as a regular employee of the Tennessee Valley Authority would be under identical circumstances.

SPECIAL RESPONSIBILITIES

SEC. 9. (a) PAY.—(1) The rate of pay for enrollees shall be the equivalent of 95 percent of the pay rate for members of the Armed Forces in the enlisted grade E-1 who have served for four months or more on active duty, from which a reasonable charge for enrollee room and board shall be deducted by the program agency.

(2) Enrollees shall receive $50 cash incentive stipends for every three months of enrollment in the program.

(3) The rate of pay for crew leaders shall be at a wage comparable to the compensation in effect for grades GS-3 to GS-7.

(b) COORDINATION.—The Secretary of the Interior and the Secretary of Agriculture and the chief administrators of other program agencies carrying out programs under this Act shall coordinate the programs with related Federal, State, local, and private activities.

(c) CERTIFICATION AND ACADEMIC CREDIT.—Pursuant to the provisions of paragraphs (B) and (C) of section 4(g)(3), the Secretary of the Interior and the Secretary of Agriculture shall provide guidance and assistance to program agencies in securing certification of training skills or academic credit for competencies developed under this Act.

(d) RESEARCH AND EVALUATION.—The Secretary of the Interior and the Secretary of Agriculture shall provide for research and evaluation to—

(1) determine costs and benefits, tangible and otherwise, of work performed under this Act and of training and employable skills and other benefits gained by enrollees, and

(2) identify options for improving program productivity and youth benefits, including improved alternatives for: organization, subjects, sponsorship, and funding of work projects; recruitment and personnel policies; siting and functions of conservation centers; work and training regimes for youth of various origins and needs; and cooperative arrangements with programs, persons, and institutions not covered under this Act.

(e) DEMONSTRATIONS.—The Secretary of the Interior and the Secretary of Agriculture may authorize pilot or experimental projects to demonstrate or test new or alternative arrangements or subjects of work and training for programs under this Act, which may include alternatives identified under subsection (d)(2).

(f) CCC SITES.—The Secretary of the Interior, after consultation with the Secretary of Agriculture, shall study sites at which Civilian Conservation Corps activities were undertaken for purposes of determining a suitable location and means to commemorate the Civilian Conservation Corps. Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Congress containing the results of the study carried out under this section. The report shall include cost estimates and recommendations for any legislative action.

(g) STUDY.—(1) Program agencies shall not use more than 10 per centum of the funds available to them to provide training and educational materials and services for enrollees and may enter into arrangements with academic institutions or education providers, to include local education agencies, community colleges, four-year colleges, area vocational-technical schools and community based organizations, for academic study by enrollees during nonworking hours to upgrade literacy skills, obtain a high school diploma or its equivalency, or college degrees, or enhance employable skills. Enrollees who have not obtained a high school diploma or its equivalency shall have priority to receive services under this subsection. Whenever possible, an enrollee seeking study or training not provided at his or her conservation center shall be offered assignment to a conservation center providing such study or training.

(2) Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in programs conducted under paragraph (1) shall be consistent with the requirement of applicable State and local law and regulations.

(h) GUIDANCE AND PLACEMENT.—Program agencies shall provide such job guidance and placement information and assistance for enrollees as may be necessary. Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

ANNUAL REPORT

SEC. 10. The Secretary of the Interior and the Secretary of Agriculture shall prepare and submit to the President and to the Congress at least once each year a report detailing the activities carried out under this Act. Such report shall be submitted not later than December 31 of each year following the date of enactment of this Act. The report shall describe (1) conservation work procedures, accomplishments, and benefits;

(2) the short-term post-program experience of enrollees, including data on the number of those terminating from the program who are unemployed, employed, have left the labor force, and are enrolled in further education and shall also report on the long-term impacts of the program on the employability of enrollees; (3) other youth benefits; and (4) problems and opportunities encountered in carrying out the Act which require attention. The Secretary of the Interior and the Secretary of Agriculture shall include in such report such recommendations as each considers appropriate.

LABOR MARKET INFORMATION

SEC. 11. The Secretary of Labor shall make available to the Secretary of the Interior and the Secretary of Agriculture and to any program agency under this Act such labor market information as is appropriate for use in carrying out the purposes of this Act.

EMPLOYEE APPEAL RIGHTS

SEC. 12. (a) FEDERAL EMPLOYEES.—In the case of—

(1) the displacement of a Federal employee (including any partial displacement through reduction of nonovertime hours, wages, or employment benefits) or the failure to reemploy an employee in a layoff status, contrary to a certification under section 13 (b) (1) or (2), or

(2) the displacement of such a Federal employee by reason of the use of one or more volunteers under section 7 of this Act,

such employee is entitled to appeal such action to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

(b) OTHER INDIVIDUALS.—In the case of—

(1) the displacement of any other individual employed (either directly or under contract with any private contractor) by a program agency or grantee, or the failure to reemploy an employee in layoff status, contrary to a certification under section 13(b) (1) or (2), or

(2) the displacement of such individual by reason of the use of one or more volunteers under section 7 of this Act,

the requirements contained in section 144 of the Job Training Partnership Act (Public Law 97-300) shall apply, and such individual shall be deemed an interested person for purposes of the application of such requirements.

(c) DEFINITION.—For purposes of this section, the term "displacement" includes, but is not limited to, any partial displacement through reduction of nonovertime hours, wages, or employment benefits.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a) DISTRIBUTION OF FUNDS.—Of the sums appropriated pursuant to subsection (g) to carry out this Act for any fiscal year—

(1) not less than 50 percent shall be made available to the Secretary of the Interior for expenditure by State program agencies;

(2) not less than 20 percent shall be made available to the Secretary of the Agriculture for expenditure by program agencies within the Department of Agriculture;

(3) not less than 5 percent shall be made available to the Secretary of Agriculture, under such terms as are provided for in regulations promulgated under section 4(b), for expenditure by other Federal program agencies and for demonstration projects or projects of special merit carried out by any program agency or by any nonprofit organization or local government which is undertaking or proposing to undertake projects consistent with the purposes of this Act.

(4) not less than 20 percent shall be made available to the Secretary of the Interior for expenditure by program agencies within the Department of Interior; and

(5) not less than 5 percent shall be made available to the Secretary of the Interior for expenditure by the governing bodies of participating Indian tribes.

Fifteen per centum of the amount disbursed to State program agencies under paragraph (1) (or to local governments within the State where subsection (c) applies) shall be divided equally among the States and 85 per centum of such amount shall be distributed among such States proportionately according to the total youth population of such States between the ages of fifteen and twenty-five (as determined on the basis of the most recent census). Any State receiving funds for the operation of any conservation center shall be required to provide not less than 25 per centum of the cost of operation of such center. Any State receiving funds for any fiscal year shall provide not less than 10 per centum of such funds to local governments approved by the State under section (4)(h) to carry out projects under this Act unless no such local government in that State is approved before the end of such fiscal year. In any case where no such local government is approved before the end of such fiscal year, such 10 per centum may be expended by the State in accordance with this Act.

(b) AWARDS OF GRANTS.—The Secretary of the Interior and the Secretary of Agriculture shall not fund any conservation center or enter into any agreement with any program agency for the funding of any conservation center under this Act unless the Secretary concerned or such agency certifies that projects carried out by the conservation center will not—

(1) result in the displacement of individuals currently employed (either directly or under contract with any private contractor) by the program agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);

(2) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the program agency concerned; or

(3) impair existing contracts for services.

(c) STATE SHARE TO LOCAL GOVERNMENTS.—If, at the commencement of any fiscal year, any State does not have a program agency designated by the Governor to manage the program in that State, then during such fiscal year each local government within such State may establish a program agency to carry out the program within the political subdivision which is under the jurisdiction of such local government. In any such case, the State share (or a reasonable portion thereof, including amounts authorized to be appropriated pursuant to subsection (f) for such State) may be made available by the Secretary of the Interior for expenditure by such local government program agencies to carry out the program within such political subdivisions. Such local government program agencies shall be in all respects subject to the same requirements as State program agencies. Where more than one local government within a State has established a program agency under this subsection, the Secretary of the Interior shall allocate funds between such agencies in such manner as he deems equitable.

(d) PAYMENT TERMS.—Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary of the Interior or the Secretary of Agriculture, as appropriate, finds necessary.

(e) USE OF FUNDS.—Contract authority under this Act shall be subject to the availability of appropriations. Funds provided under this Act shall only be used for activities which are in addition to those which would otherwise be carried out in the area in the absence of such funds. Not more than 10 per centum of the funds made available to any program agency for projects during each fiscal year may be used for the purchase of major capital equipment.

(f) ADMINISTRATIVE EXPENSES.—The regulations under section 4(b) shall establish appropriate limitations on the administrative expenses of Federal and non-Federal program agencies carrying out programs under this Act. Such limitations shall insure that administrative expenses of such programs shall be minimized to the extent practicable taking into consideration the purposes of this Act and the nature of the programs carried out under this Act.

(g) APPROPRIATION LEVELS.—There is authorized to be appropriated for the purposes of carrying out this Act such sums as may be necessary for each of the fiscal years 1986 through 1988. Funds appropriated under this Act shall remain available until expended.

Mr. SEIBERLING. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENTS OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer two technical amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. SEIBERLING: Page 61, line 8, strike out "(f)" and substitute "(g)".

Page 59, strike out line 19 and all that follows down through line 2 on page 60 and substitute:

(1) the displacement of a Federal employee (including any partial displacement through reduction of nonovertime hours, wages, or employment benefits) or the failure to reemploy an employee in a layoff status, contrary to a certification under section 13(b)(1) or (2), or

Mr. SEIBERLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman.

Mr. Chairman, we have examined both of the technical amendments and we find them acceptable and do accept the amendments.

Mr. SEIBERLING. I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. SEIBERLING].

The amendments were agreed to.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

Mr. WEAVER. Mr. Chairman, is it not the rule that a member of the committee is recognized first?

Mr. BARTON of Texas. Mr. Chairman, I am a member of the committee.

Mr. WEAVER. Mr. Chairman, I do not have my glasses on; forgive me.

The CHAIRMAN. The gentleman from Texas [Mr. BARTON] is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I would like to apologize to my distinguished colleague from Oregon for not identifying myself as a member of the committee.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman.

Mr. WEAVER. Mr. Chairman, my profuse apologies. I was going to send over for my glasses, and I thought I would not need them in this debate. I apologize profusely.

Mr. BARTON of Texas. No apology is needed.

Mr. Chairman, I must rise in opposition to my distinguished colleague, Mr. SEIBERLING, on this bill. I am a member of the committee; I have studied the bill. I am in total agreement with the purpose of the bill. We want to provide employment for our youth. We want to make sure that our national parklands and public lands are well maintained, but this is not the way to do that.

We are currently spending on youth educational programs, youth training programs, $1.4 billion in Federal funds. Certain other local and State nonprofit youth conservation corps are spending an additional $108 million per year. It is estimated that if we were to enact this legislation it would cost approximately $14,000 per person who is engaged in the program. Some of these other programs that we already have on the books can do the same job for as little as $1,600 per person per year.

We do have a deficit problem in this country; we are going to have to address that at some point in time. This bill, I do not think there is any debate about the fact that this bill would create an additional burden on our deficit. Since we are spending separate funds for the youth of this country, since we do have a deficit problem, I would suggest to this body and to the Speaker and to the chairman that we vote no on this bill to the extent that we need to address the youth employment problem. There are other ways to do so.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 63, in line 10, strike out the words "make any grant to," insert "fund any conservation center".

Page 63, in line 12, after "unless" insert "the Secretary concerned or".

Page 64, in line 2, strike out "or".

Page 64, in line 3, strike out the period and substitute "; or".

Page 64, after line 3, insert:

(4) result in the inability of persons who normally contract with the agency for carrying out projects involving forestry, nursery, or silvicultural operations on commercial forest land to continue to obtain contracts to carry out such projects.

For purposes of paragraph (4), the term "commercial forest land" means land in the National Forest System or public land administered by the Secretary of the Interior through the Bureau of Land Management which is producing, or is capable of producing, fifty cubic feet per acre per year of industrial wood and which is not withdrawn from timber utilization by statute or administrative decision.

Mr. WEAVER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

□ 1740

Mr. WEAVER. Mr. Chairman, I want to commend Chairman SEIBERLING and all others for their persevering efforts in bringing this bill to the floor. I support the bill strongly.

I believe, myself, in reference to the words of our friend, the gentleman from Ohio, who spoke earlier about the foreign aid bill, $13 billion, that we should be concerned with freedom fighters here at home, with our own freedom fighters, who are our youth.

If we cannot spend this small amount of money relative to the foreign aid billions on our own freedom fighters, the youth we depend upon for the strength of this Nation, and enhance our public lands to boot, I think that we would be in a severe situation in this Nation.

There are, however, two aspects of H.R. 99 that concern me. First, under the terms of the Service Contract Act, (41 U.S.C. 351 et. seq.), the Department of Labor sets a minimum wage that must be paid by a person who has contracted with a Federal agency. That minimum wage is based on the prevailing wage rate for persons doing similar work in the area where the contract is awarded.

It is my understanding that the wages paid to the youths employed under H.R. 99, which would be substantially lower than those paid to professional forestry workers, are not intended to be included in the prevailing wage rate determinations conducted by the Department of Labor. Is that correct?

Mr. SEIBERLING. If the gentleman will yield, the gentleman is correct. The wages paid to youths employed by ACC programs are not intended to be included in the Department of Labor's prevailing wage determinations. If this were to occur and the wages of regular, professional forestry workers who contract with the Government were lowered as a result, those workers would be displaced under the terms of the act. Under those circumstances, the antisubstitution and displacement provisions of H.R. 99 would be applicable.

Mr. WEAVER. My second concern relates to the issue the gentleman just raised: The possible displacement of forestry workers by H.R. 99. As I understand the bill, it would establish an American Conservation Corps youth employment program to supplement current efforts to conserve, rehabilitate and improve our public lands. It also is my understanding that the bill's antisubstitution and displacement provisions prevent persons employed under the ACC programs from replacing workers currently performing those activities on the public lands.

My particular concern involves forestry workers—the people who plant trees, thin young tree stands, and carry out the other silvicultural work needed to maintain our forests. The Forest Service and Bureau of Land Management meet the vast majority of their reforestation and timber stand improvement needs through contracts with independent contractors. In the Pacific Northwest in particular, where nearly one-third of all such work takes place, these contracts are the lifeblood of thousands of workers.

As the Chairman knows, these contractors operate under short-term contracts on many different national forests and BLM districts throughout a given region. Unlike Forest Service and BLM employees, these workers are not employed continuously by the Government. They work for several weeks at one location and move on to a contract at another location. As a result, I am concerned that the bill's antisubstitution and displacement provisions may not protect this particular group of workers.

Is it the chairman's understanding that the antisubstitution and displacement provisions of H.R. 99 are intended to protect these workers?

Mr. SEIBERLING. H.R. 99 is intended to protect against displacement of these workers. We do not propose to solve a youth employment problem by exacerbating an adult employment problem. In fact, the bill's safeguards were drafted in part to address specifically the unique situation of the forestry workers. However, I do understand the gentleman's concerns. Let me explain the relevant provisons of the bill.

First, as the gentleman pointed out, H.R. 99 contains an antisubstitution provision mandating that ACC Program funds can be used only to supplement existing programs. It would be contrary to the act, for example, to reduce funding for regular reforestation, timber stand improvement and other silvicultural activities, while using ACC funds to perform work that otherwise would have been done by professional forest workers.

Second, the bill does not permit ACC projects either to displace workers employed by the Government who do the same type of work or to impair contracts between the Government and independent contractors for that type of work. These provisions are intended to protect both Government personnel and those who, like the forestry contractors, enter into agreements with the Government to provide special services such as silvicultural work.

The fact that most of the forestry contractors' work with the Forest Service and BLM is conducted through a series of short-term contracts is not intended to exclude them from the bill's safeguards. On the contrary, because these workers form the backbone of the reforestation and TSI programs in many areas they are most in need of protection.

Finally, H.R. 99 provides a right of appeal to persons who believe they have been displaced by ACC projects. This right of appeal applies both to Federal employees and to other persons such as the forestry contractors we have been discussing. The fact that a forestry contractor may be between contracts with the Government is not intended to bar standing under the appellate rights section.

Mr. WEAVER. I thank the chairman for his explanation. While I understand the intent of these provisions, I still am concerned that a narrow interpretation of the current language would permit contracting officers to avoid the safeguards that have been built into the bill.

I have an amendment at the desk that I believe clarifies the bill's intent. It does two things: First, it makes a minor technical change to the provision restricting the funding of conservation centers. Second, it adds a provision prohibiting the use of ACC funds for silvicultural activities where it would cause displacement of workers who normally perform that type of work on commercial forest lands.

Mr. SEIBERLING. I have reviewed the gentleman's amendment and I believe it is a good one. It strengthens the bill by clarifying our intent and I support its adoption.

Mr. WEAVER. I thank the chairman and move adoption of the amendment.

Mr. MARLENEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize that there are legitimate concerns which the amendment addresses. However, I think that it could be further perfected by an amendment to the amendment, and I am wondering if the gentleman from Oregon would accept an amendment that says that anyone displaced in the forest products industry or a member of their family would receive priority consideration in enrollment in the ACC Program.

Would the gentleman accept that amendment?

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

Mr. Chairman, the situation is this: The bill actually already does the job that I am interested in here. I have thousands of people working in my congressional district in areas around, planting trees under contract with the Forest Service.

Mr. MARLENEE. I understand.

Mr. WEAVER. The problem is, these contracts are very short term. They last maybe 2 weeks. So after the contract is over, they are no longer working for the Forest Service and it would appear from the contents of the bill that they might not qualify for the displacement.

Mr. MARLENEE. Reclaiming my time, Mr. Chairman, is the gentleman saying that his amendment to this piece of legislation is targeted specifically for his district?

Mr. WEAVER. There are tree planters in Montana, a great number of them, in Washington State, in Idaho, and in Oregon and northern California, and that comprises only one-third in the Nation. The rest are in Mississippi, Georgia, North Carolina, and elsewhere.

Mr. MARLENEE. Mr Chairman, reclaiming my time, I did not need a recitation of all of the areas, but I do know that we have a lot of people in the forest products industry in Montana who are out of work because of various public lands being put into special-use designation, et cetera. I have some concern about their employment and urge everyone to vote no on this amendment unless it is amended to give them priority in hiring or enrollment, if they qualify, in the ACC program.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, do I understand this amendment correctly? Does it say that if you have worked for the American Conservation Corps and you have gained all this valuable experience, then you are prohibited from going to work for the Forest Service? Is that what it says?

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Oregon.

Mr. WEAVER. All this amendment says is that we cannot use American Conservation Corps youth employment to replace regular forest workers in the forest industry. That is all this says. Just exactly that.

In other words, we cannot throw the contract workers in Montana out of work and bring in American Conservation Corps workers to plant the trees and do the thinning instead.

Mr. LUJAN. What can they do? What would they be able to do, then? What would the American Conservation Corps member, once he gains this valuable experience, what could he do?

Mr. WEAVER. Obviously they are to build trails, campgrounds, clean up parks, work on public lands, and they can also plant trees in noncommercial forest lands.

Mr. MARLENEE. Mr. Chairman, reclaiming my time, they could also maintain campgrounds and build outhouses and build facilities along with the other work that they are considering doing.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, this, of course, goes to the point of the bill, as I am sure the gentleman knows. Where, when the youth go back to New York City, would they find the trails to clear and the outhouses to clean and the campgrounds to pick? What type of employment would the gentleman think that this would be training these youth for?

Mr. MARLENEE. I understand the concern of the gentleman from Texas.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Chairman, I just want to point out that whether the amendment has merit or does not have merit, the fact is that the Department of Labor does not, has not, nor has any intention of

displacing present contracts with workers of this type of personnel. They are very clear on that, so I am not sure that we are addressing a potential problem here. The present Department of Labor has never done such a thing and has indicated to us they have no intention of doing so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WEAVER].

The amendment was agreed to.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time, and not 5 minutes, just to once again appeal to my colleagues that if they have time to work day and night while our conferees are in conference on this budget to try to save Job Corps, to try to save WIN, to try to save JTPA, all those programs that are proven programs that teach young people to do things that are jobs that actually exist in our economy, and to educate them so that they are employable, then if we have taken that time and have gotten us to the point where we have at least maintained a freeze in those three programs, then I would appeal to my colleagues to work even harder to get increases in those three programs where we know we can truly do what the people who have offered this bill want to do.

□ 1750

Let us not take away the focus, which is exactly what we are doing by introducing new legislation. Our focus should be on those three programs and other programs that are presently in effect that are proven programs that will provide worthwhile experiences for the 1980's and 1990's. We are not talking about 1933.

So, please, again, let us defeat this bill and concentrate our efforts on saving existing programs that are doing a good job.

Mr. Chairman, I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have here what is probably the ultimate in "Potomac fever" bills. Out across the country people are worried about deficits, but in Washington, when we are faced with a time of escalating deficits, what we figure we really need is another new program.

That is what this is. This is another new program coming out of Washington supposedly for the good of the country that the country has recognized for a long time does not do much good when it adds to deficits and, therefore, adds to interest rates.

At least we are considering this particular bill out in the open this time. The last time we had this bill before us, it came at the end of the session. We had tried to sneak it through here as Congress was leaving town at the end of the session, and thank goodness, the President did pocket veto it.

What we are talking about here is $75 million worth of spending. We sometimes lose track here on the Potomac of what $75 million worth of spending in a year means. That is all of the taxes paid by 21,500 average American families; 21,500 American families will do nothing but pay taxes to pay for this program, if in fact it is paid for out of tax money and not borrowed on. And if it is borrowed on, then I would suggest the talk that we have heard on this floor about going back to 1935 to find solutions for 1985 leaves me a little cold, because we have heard talk about the fact that this bill will pay back $1.20 for every dollar invested.

Well, in the space program the new econometrics show that we get $21 of additional GNP growth for every dollar invested in space. Yet we decided on this floor to freeze the space program. We decided to submit it to a freeze. The ratio there is 21 to 1. And we are going to come back with a brandnew program here of $75 million, and maybe more, with a 1935 solution to 1985 problems?

In 1985 we would be far better off expanding the space program, which gives us a 21-to-1 ratio and employs real young people and employs them over the long haul and employs them for the future than to do this.

Now, I have got to say that I was not very enthusiastic when I came to the floor about this bill, but I heard some things on this floor today that are just absolutely astounding. Did I hear from the gentleman from Montana a few minutes ago, when he was relating to this particular bill, that this bill would be used, among other things, for outhouse construction?

Mr. MARLENEE. Mr. Chairman, if the gentleman will yield, the gentleman is correct.

Mr. WALKER. Can the gentleman tell me where in the bill that is?

Mr. MARLENEE. Under projects included on page 39, it says: "recreational area development," and "urban revitalization," and "historical and cultural site preservation."

Mr. WALKER. So, in other words, under those particular provisions, what the gentleman is saying is that we can spend $75 million a year for outhouse construction?

Mr. MARLENEE. Well, I could not quite say that. Let me say——

Mr. WALKER. What we have here is something we might better label, then, the National Outhouse Construction and Maintenance Act.

And as I go on down that page, good heavens, what we are going to do is, we are going to do insect, disease, and rodent control. So maybe we have the National Insect, Disease, and Rodent Control Act here at 75 million bucks. I really have some kind of a question as to whether or not that is what we really want to be doing.

Seventy-five million dollars is a lot of money. Seventy-five million bucks to construct outhouses is just too dogone much money.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. MARLENEE

Mr. MARLENEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARLENEE: On page 35, line 14, strike "individual Indians or" and on lines 15 and 16 strike "individual Indians or".

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, we have examined the amendment, and we have no objection to it.

Mr. MARLENEE. In that case, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. MARLENEE].

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SEIBERLING. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

Mr. SEIBERLING. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Ohio [Mr. SEIBERLING] withdraws his point of order, and a recorded vote is demanded. All those in favor of taking this by a recorded vote will please stand.

Obviously a sufficient number. A recorded vote is ordered.

PARLIAMENTARY INQUIRY

Mr. UDALL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Arizona will state it.

Mr. UDALL. Mr. Chairman, is not the issue pending the committee amendment in the nature of a substitute and not the passage of the bill?

The CHAIRMAN. The gentleman is correct.

Mr. UDALL. I did not think, Mr. Chairman, that any Member wanted a vote on the committee amendment in the nature of a substitute.

The CHAIRMAN. The Chair advises the Committee that if the gentleman from Ohio [Mr. SEIBERLING] will withdraw his demand for a recorded vote, he can ask for a division.

Mr. SEIBERLING. Mr. Chairman, I withdraw my demand for a recorded vote, and I ask for a division.

On a division (demanded by Mr. SEIBERLING) there were—ayes 39, noes 0.

So the committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. COLEMAN of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 99) to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes, pursuant to House Resolution 195, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SEIBERLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 191, not voting 49, as follows:

[Roll No. 225]

YEAS—193

Ackerman	Bonker	Derrick
Addabbo	Borski	Dicks
Akaka	Boucher	Dixon
Alexander	Brooks	Donnelly
Anderson	Bruce	Dorgan (ND)
Annunzio	Bryant	Downey
Anthony	Burton (CA)	Durbin
Applegate	Bustamante	Dwyer
Aspin	Byron	Dymally
Atkins	Carr	Early
AuCoin	Clay	Eckart (OH)
Barnes	Clinger	Edgar
Bates	Coelho	Edwards (CA)
Bedell	Coleman (TX)	Erdreich
Beilenson	Conte	Evans (IL)
Bennett	Conyers	Fascell
Bereuter	Cooper	Feighan
Berman	Coyne	Florio
Biaggi	Daniel	Foglietta
Boehlert	Darden	Foley
Boggs	Daschle	Ford (TN)
Boland	Davis	Fowler
Boner (TN)	de la Garza	Frank
Bonior (MI)	Dellums	Frost
Garcia	Matsui	Savage
Gaydos	Mavroules	Scheuer
Gejdenson	McCloskey	Schroeder
Gephardt	McHugh	Seiberling
Gibbons	McKinney	Shelby
Gilman	Mikulski	Sikorski
Gonzalez	Mineta	Smith (IA)
Gray (IL)	Mitchell	Smith (NJ)
Gray (PA)	Moakley	Snowe
Guarini	Mollohan	Solarz
Hall (OH)	Moody	Staggers
Hawkins	Morrison (CT)	Stark
Hayes	Mrazek	Stokes
Hertel	Murphy	Studds
Howard	Murtha	Swift
Hoyer	Natcher	Torres
Huckaby	Neal	Torricelli
Jeffords	Nelson	Traficant
Jenkins	Nowak	Traxler
Kanjorski	Oakar	Udall
Kaptur	Oberstar	Vento
Kastenmeier	Obey	Visclosky
Kennelly	Ortiz	Volkmer
Kildee	Owens	Walgren
Kostmayer	Panetta	Waxman
LaFalce	Pease	Weaver
Lagomarsino	Pepper	Weiss
Lantos	Perkins	Wheat
Leach (IA)	Petri	Whitten
Lehman (FL)	Pickle	Williams
Leland	Price	Wilson
Levin (MI)	Rahall	Wirth
Levine (CA)	Rangel	Wise
Lipinski	Regula	Wolpe
Long	Richardson	Wright
Lowry (WA)	Ridge	Wyden
Luken	Rinaldo	Yates
Lundine	Roe	Young (AK)
Manton	Roth	Young (MO)
Markey	Russo	
Martinez	Sabo	

NAYS—191

Archer	Frenzel	Martin (IL)
Armey	Gallo	Martin (NY)
Badham	Gekas	Mazzoli
Barnard	Gingrich	McCain
Bartlett	Glickman	McCandless
Barton	Goodling	McCollum
Bateman	Gordon	McCurdy
Bentley	Gradison	McDade
Bevill	Green	McEwen
Bilirakis	Gregg	McGrath
Bliley	Grotberg	McKernan
Boulter	Gunderson	McMillan
Breaux	Hamilton	Mica
Brown (CO)	Hammerschmidt	Michel
Broyhill	Hansen	Miller (OH)
Callahan	Heftel	Miller (WA)
Campbell	Hendon	Molinari
Carney	Henry	Monson
Carper	Hiler	Montgomery
Chandler	Holt	Moore
Chappell	Hopkins	Moorhead
Cheney	Hubbard	Morrison (WA)
Coats	Hughes	Myers
Cobey	Hunter	Nichols
Coble	Hyde	Nielson
Coleman (MO)	Ireland	Olin
Combest	Jacobs	Oxley
Coughlin	Johnson	Packard
Courter	Jones (NC)	Parris
Craig	Jones (OK)	Pashayan
Crane	Jones (TN)	Penny
Dannemeyer	Kasich	Porter
Daub	Kemp	Quillen
DeLay	Kindness	Ray
DeWine	Kleczka	Roberts
Dickinson	Kolbe	Rogers
DioGuardi	Kramer	Rose
Dornan (CA)	Latta	Roukema
Dreier	Leath (TX)	Rowland (CT)
Duncan	Lent	Rowland (GA)
Dyson	Lewis (CA)	Rudd
Eckert (NY)	Lewis (FL)	Saxton
Edwards (OK)	Lightfoot	Schaefer
Emerson	Livingston	Schneider
English	Lott	Schuette
Evans (IA)	Lowery (CA)	Schulze
Fawell	Lujan	Sensenbrenner
Fiedler	Lungren	Sharp
Fields	Mack	Shaw
Fish	MacKay	Shumway
Flippo	Madigan	Shuster
Franklin	Marlenee	Sisisky
Skeen	Stenholm	Thomas (GA)
Slattery	Strang	Valentine
Slaughter	Stratton	Vander Jagt
Smith (NE)	Stump	Walker
Smith (NH)	Sundquist	Watkins
Smith, Robert	Sweeney	Whittaker
Snyder	Swindall	Wolf
Solomon	Synar	Wortley
Spence	Tallon	Wylie
Spratt	Tauke	Young (FL)
Stallings	Taylor	Zschau
Stangeland	Thomas (CA)	

NOT VOTING—49

Andrews	Hefner	Rostenkowski
Bosco	Hillis	Roybal
Boxer	Horton	Schumer
Broomfield	Hutto	Siljander
Brown (CA)	Kolter	Skelton
Burton (IN)	Lehman (CA)	Smith (FL)
Chappie	Lloyd	Smith, Denny
Collins	Loeffler	St Germain
Crockett	Meyers	Tauzin
Dingell	Miller (CA)	Towns
Dowdy	O'Brien	Vucanovich
Fazio	Pursell	Weber
Ford (MI)	Reid	Whitehurst
Fuqua	Ritter	Whitley
Hall, Ralph	Robinson	Yatron
Hartnett	Rodino	
Hatcher	Roemer	

□ 1810

The Clerk announced the following pairs:

On this vote:

Mr. Dingell for, with Mr. Siljander against.

Mr. Reid for, with Mr. Loeffler against.

Mr. Ford of Michigan for, with Mr. Denny Smith against.

Mr. Fazio for, with Mr. Pursell against.

Mr. Horton for, with Mr. Hartnett against.

Mr. THOMAS of Georgia, Mrs. MARTIN of Illinois, and Mr. HEFTEL of Hawaii changed their votes from "yea" to "nay."

Messrs. GILMAN, JENKINS, and FOWLER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 20, 1985:

H.J. Res. 211. Joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

On June 26, 1985:

H.R. 14. An act to designate the Federal Building and U.S. Courthouse in Ashland, KY, as the "Carl D. Perkins Federal Building and United States Courthouse."

On July 2, 1985:

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes.

On July 3, 1985:

H.J. Res. 159. Joint resolution commemorating the 75th anniversary of the Boy Scouts of America.

On July 9, 1985:

H.R. 47. An act to authorize the minting of coins in commemoration of the centennial of the Statue of Liberty and to authorize the issuance of Liberty Coins.

On July 11, 1985:

H.R. 2800. An act to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984.

AGRICULTURAL PRODUCTIVITY ACT OF 1985

The SPEAKER. Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1383.

□ 1818

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1383) to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes, with Mr. BOUCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

□ 1820

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1383, the Agricultural Productivity Act of 1985, a bill to establish a research program to collect and analyze data from research projects over a 5-year period on the effects of a transition from energy-intensive farming practices to systems that use organic-type farming methods; that is, sod-based crop rotations, use of crop residues and organic waste, conservation tillage and irrigation, and nonchemical methods of weed and pest control to reduce production costs, conserve water and energy, and control erosion.

The Secretary of Agriculture, through the Federal Extension Service and the cooperative extension services of the States, would take the necessary steps to ensure that farmers are aware of these projects and that they are open for observation.

Congress would be authorized to appropriate such sums as necessary to carry out the program, and such funds would remain available until expended.

Mr. Chairman, to make sure that agriculture can meet the Nation's needs in future years, we must foster highly productive and efficient agricultural systems that conserve our soils and lessen our dependence on limited reserves of energy and fuels. This means we need a well planned and balanced development program, implemented through expanded agricultural research and extension efforts, to help farmers in key areas through demonstration projects and the dissemination of information.

In the past, Mr. Chairman, Congress and experts at the Department of Agriculture have recommended new research of this kind.

In the Food and Agriculture Act of 1977, Congress directed the U.S. Department of Agriculture to investigate and analyze the feasibility and practicability of using organic wastes such as manures, crop residues, and sewage sludge to improve soil fertility on American farms.

I would like to point out, Mr. Chairman, that Congress again expressed its opinion on these issues in the Agriculture and Food Act of 1981. The findings of the National Research, Extension, and Teaching Policy Act of 1977 were amended by the 1981 act to state that an expanded program of soil and water conservation research was needed and that a key objective of this research was establishing integrated multidisciplinary organic farming research projects designed to foster the implementation of the major recommendations of the Department of Agriculture Report and Recommendations on Organic Farming, July 1980.

The USDA's Agricultural Research Service 6-year plan, released in January 1983, advocated developing farming systems "characterized by less costly methods and by technologies that are safe, sustainable, and environmentally sound." The plan further recommended innovative research "to reduce farm production costs while maintaining a high level of sustainable productivity through the development of efficient and diversified crop- and animal-production systems," and "to insure the conservation of our natural resources."

In spite of these recommendations, Mr. Chairman, this type of research program has yet to be devised or implemented by the Department.

H.R. 1383, the Agricultural Productivity Act of 1985, would remedy this problem by establishing a research and extension program at USDA consistent with the foregoing recommendations.

I believe the Agricultural Productivity Act merits the support of Congress, and I ask all Members to join me in supporting enactment of H.R. 1383.

Mr. Chairman, I yield such time as he may consume to the author of the legislation, the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I am proud to be the sponsor of H.R. 1383, the Agricultural Productivity Act of 1985; 41 Members of both parties are cosponsors. A broad coalition of farm, conservation, scientific, and health organizations have endorsed the bill. I would like to thank all of the leadership of these organizations for the hard work they have done in organizing support for H.R. 1383. And in particular, I would like to thank the chairman of the Agriculture Committee for all he has done on behalf of H.R. 1383.

Mr. Chairman, H.R. 1383 is a small, but critical, first step to help our farmers to begin planning for a future when oil may be in short supply. In the decades to come there will be more billions of people to feed and present agricultural methods may not be realistic because of energy shortages. We must begin to prepare now for that day.

Numerous discussions were held with the Department of Agriculture, Members from both sides of the aisle, and farm organizations to draft a bill that would benefit all farmers. H.R. 1383 is a bipartisan effort to address the future needs of our agricultural producers.

Mr. Chairman, in a recent report to Congress entitled "Technologies to Benefit Agriculture and Wildlife," the Office of Technology Assessment recommended passage of H.R. 1383. The report stated that the Department of Agriculture has not adopted a concerted research effort on alternatives to conventional agriculture. The report also stated passage of the Agricultural Productivity Act would provide for practical on farm research as well as demonstration of alternative agricultural practices to reduce farming costs.

H.R. 1383 would help with research into methods to reduce soil erosion and losses of water and plant nutrients, to conserve energy and natural resources, and to maintain high quality yields with minimum reliance on energy-intensive agricultural practices.

H.R. 1383 will facilitate research projects to study the following types of agricultural production systems: (1) practices that rely on materials such as fertilizers and chemical pesticides; (2) practices such as legume and other sod-based crop rotations, the efficient use of crop residues, green manures, off-farm organic wastes, and the use of efficient practices such as conservation tillage, conservation irrigation, and nonchemical or biological methods of weed, insect, and pest management; and (3) practices that are necessitated by transition from the present methods in (1) to possible future methods in (2). Specific detailed stud-

ies on crops, soils, production methods, and weed, insect, and disease pests will be conducted.

The research projects should include small farms. The projects will be designed by an advisory board named by the Secretary of Agriculture. The projects will seek to provide information concerning the type, quantity, and cost of production involving such elements as capital, energy, fertilizers, pesticides, and water; the quantity of production outputs, information on crop yields, nutritional value of the crops produced, and rates of production in livestock operations. The projects will evaluate the rate of topsoil loss as a result of various farming systems, the level of organic matter in the soil, the water-holding capacity of the soil, and the rooting depth of plants in the soil. Information will be obtained to determine the net income received from each production method to assist farmers in making long-term decisions regarding which farming system to use.

Mr. Chairman, one of the most important elements of H.R. 1383 will require the Secretary to inventory and classify by subject matter all studies, reports, and other materials, developed by any person or government with the participation or financial assistance of the Department of Agriculture that could be used to further the purposes of this act. The Secretary will be required to identify gaps in the information and research reports and establish a plan to carry out a program of research and education to fill those gaps. The information obtained will be available to our farmers so they may plan for their future.

The Secretary will submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than 15 months after the effective date of the act, a report describing the results of the research projects. The Secretary will recommend new basic or applied research to carry out the purposes of the act.

The panel appointed by the Secretary will determine the exact nature and number of projects and component studies to be conducted. According to the Department each project will cost $135,000 per year. The exact costs will be determined once the panel has designed the studies.

Mr. Chairman, although the costs of the bill are nominal, the benefits to our farmers are substantial. I urge my colleagues to vote in favor of this important legislation today.

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I thank the gentleman.

Mr. Chairman, as chairman of the Subcommittee on Natural Resources, Agricultural Research of the Committee on Science and Technology, I rise strongly to support this bill. It is long overdue.

Mr. Chairman, in hearings held by my subcommittee over the last several years, we have looked at agricultural techniques in the Third World and examined the failed policies of exporting high-technology, environmentally threatening, capital intensive and energy intensive methods of farming.

For example, last year we examined a massive World Bank project in Brazil which was designed to clear irreplaceable rain forest at enormous cost and replace it with an unsustainable agricultural system of annual crops and cattle ranching.

The resulting failure of this project has resulted in tremendous economic and social upheaval.

Ironically, witnesses testified that agricultural techniques developed and practiced by the natives of the Brazilian forest would be likely to yield more valuable crops and products on a sustainable basis without degrading the environment.

It is about time that we put our heads together and do the same for our farmers here in the United States.

I commend the sponsor of 1383, Mr. WEAVER, and the chairman of the Agriculture Committee, Mr. DE LA GARZA, for bringing this fine bill to the floor.

The current crisis of American agriculture has demonstrated all too vividly the vicious cycle in which many farmers are caught.

To stay in business, farmers extend themselves further and further into debt, in order to buy the expensive fertilizers, pesticides, and equipment needed to create larger and larger yields.

Yet many farmers are losing the race just to keep in the same place.

Further, the short term focus on the bottom line has blinded us to the long range environmental consequences of our chemically dependent, energy-intensive method of agriculture.

Increasingly, the public has become concerned about the safety of their food and water, as reports of pesticide residues in food and in ground water come in from communities across the Nation.

Environmentalists, farmers, and consumers have come to the realization that our natural resources are being irreparably degraded. The degradation I am speaking of includes:

The loss of soil through erosion;

The loss of soil fertility;

The loss of nonrenewable energy sources used to make the expensive fertilizers and pesticides and the oil and gas needed to run the farm machinery; and

The contamination and squandering of the country's freshwater supplies.

Fortunately, the application of sustainable agricultural methods can offer solid solutions to these problems.

Alternative agriculture is based on the theory that soil fertility can be increased by wise management and care, with a minimum of artifical stimulation. Alternative agriculture also protects the soil by utilizing less water to cut down on the problem of erosion.

By reducing costly inputs, alternative agriculture offers farmers increased net profits. In addition, a reduction in the use of synthetic fertilizers and pesticides will reduce nonpoint source water pollution, and the contamination of ground water.

This reduction can drastically reduce human and wildlife exposure to toxic agricultural chemicals presently released freely and deliberately into the environment.

H.R. 1383 is a positive step toward reaching the solutions offered by alternative agriculture.

Despite the efforts of many in Congress, the administration has continued to manifest an almost hostile attitude toward sustainable agriculture, despite the clear potential for benefits.

We simply cannot expect this Nation's farmers to adopt alternative agriculture and its solutions to the previously mentioned problems without proving its worth.

The initial research done under H.R. 1383 will provide the information and the means by which farmers will be able to make informed choices concerning their present and future methods of farming.

The Department of Agriculture is the most appropriate source for producing and compiling additional data and for getting the information out to all interested farmers.

H.R. 1383 is a worthwhile step toward restoring balance in USDA's research programs, and providing sustainable agricultural techniques with the research funding it deserves.

I strongly urge my colleagues to support H.R. 1383.

Mr. DE LA GARZA. Mr. Chairman, I have no further request for time.

Mr. Chairman, I reserve the balance of my time.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a controversial bill that establishes a new program for agricultural production systems such as organic farming. A bipartisan group of members of the committee voted against reporting this bill; I was among them. With certain modifications, if is similar to a bill that passed the House by a narrow margin in the 98th Congress and not acted upon by the Senate.

The administration opposes the bill. I oppose the bill.

Mr. Chairman, this legislation dies hard, similar to that defeated on two prior occasions. A similar bill, H.R. 5618, was defeated in the 97th Congress on a vote of 189 to 198. We have the votes as carried in the CONGRESSIONAL RECORD for that date if you wish to verify how you voted.

The Department continues to strongly oppose enactment of this bill as they have in the past. They consider it unnecessary as I do. Now is certainly not the time to create new programs especially ones that require the use of the Department's limited personnel to conduct more information studies and make more reports to Congress on things that they already have authority to do and are doing.

Should the Department make available to farmers, at their request, detailed information about farming practices which by building natural soil fertility and developing systems of biological pest control, reduce dependence upon synthetic fertilizers and chemical pesticides, and thereby, the cost of production to farmers?

I would certainly say yes to that question as most of you would I'm sure. I know that the Department's extension agents are already making this information available.

I think the advocates of this bill were off base when they published the results of a survey asking agribusiness executives the above question inferring that the 64 percent who answered yes to that question would favor this bill. I wonder how they would have responded if asked if they would favor authorizing $7.2 million additional dollars over and above the substantial funds already being used to make a study and prepare reports on this subject.

I and others who opposed this bill yield to no one in our support of soil, water, energy, and natural resource conservation, but singling out a new program at this time for separate treatment by the Department, when nearly $500 million will be spent on all such programs in fiscal year 1985, redundant, unnecessary, and inappropriate.

I urge my colleagues to join me in saying no to H.R. 1383.

● Mr. LUNDINE. Mr. Chairman, I rise in support of the Agriculture Productivity Act, H.R. 1383. I would like to commend my colleague from Oregon, Mr. WEAVER, for reintroducing this legislation which passed the House last year. This measure would establish a research and extension program at the U.S. Department of Agriculture [USDA] which will help our Nation's farmers cut costs, increase productivity, and gain independence from energy-intensive farming methods.

The research programs which are authorized in this legislation would serve very important functions. USDA researchers would collect and analyze data over a 5-year period on the effects of a transition from energy-intensive farming practices to systems that use organic-type farming methods, including sod-based crop rotations, use of crop residues and organic waste, conservation tillage, irrigation, and nonchemical methods of weed and pest control. These new techniques will help to reduce production costs for family farmers, conserve water and energy, and control erosion. Information on these programs will be available to our constituents through the cooperative extension services in the States.

Developing organic farming methods is not a new idea. In the 1977 farm bill, Congress directed the USDA to investigate and analyze the feasibility and practicability of using organic wastes to improve soil fertility on American farms. Three years later, the USDA released a report entitled "Report and Recommendations on Organic Farming," which concluded that a partial shift away from energy intensive farming practices would help farmers improve their operations, and most importantly, reduce costs. In spite of these recommendations, this type of research program has yet to be devised or implemented by the Department. For this reason, I hope that my colleagues will join me in supporting the Agricultural Productivity Act of 1985 to ensure that a research and extension program is established at the USDA consistent with the earlier recommendation.

In times like these which require severe fiscal restraint on the part of the Federal Government, I am very cautious about supporting any new Federal expenditure. However, this legislation will cost less than $2 million a year, and will result in long-term savings, and energy independence for our Nation's family farmers. In light of the current crisis plaguing rural America, I believe that the passage of this legislation is in the interest of the survival of family farming as an institution. I hope my colleagues will agree, and will join me in supporting the Agricultural Productivity Act of 1985.●

Mr. MADIGAN. Mr. Chairman, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the substitute committee amendment now printed in the reported bill shall be considered as an original bill for the purpose of amendment and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Productivity Act of 1985".

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that the balance of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the remainder of the bill is as follows:

FINDINGS

SEC. 2. Congress finds that—

(1) highly productive and efficient agricultural systems that include sound conservation practices are essential to ensure long-term agricultural sustainability and profitability;

(2) agricultural research and technology transfer activities of the Department of Agriculture (including those of the Extension Service, the Agricultural Research Service, and the Cooperative State Research Service), cooperative extension services of the States, land-grant and other colleges and universities, and State agricultural experiment stations have contributed greatly to innovation in agriculture, and have a continuing role to play in fostering more efficient and sustainable agricultural production systems;

(3) the annual irretrievable loss of billions of tons of precious topsoil through wind and water erosion reduces agricultural productivity;

(4) many agricultural producers are highly dependent on off-farm energy intensive inputs that strain limited global reserves of oil and natural gas, heightening the economic vulnerability of the United States agricultural system;

(5) public funding of a properly planned and balanced agricultural research program is essential to improving efficiency of agricultural productivity and conservation practices; and

(6) expanded agricultural research and extension efforts in certain key areas are needed to assist farmers in improving agricultural productivity and implementing soil, water, and energy conservation practices.

PURPOSES OF ACT

SEC. 3. It is the purpose of this Act to—

(1) facilitate and promote, within the context of modern agricultural technologies, the scientific investigation and understanding of production systems, including the component parts of such systems, having the potential to enhance agricultural productivity without serious degradation of the land, to reduce soil erosion and losses of water and plant nutrients, to conserve energy and natural resources, and to maintain high quantity and quality of agricultural commodities with minimum reliance on energy-intensive agricultural practices; and

(2) facilitate the conduct of research projects to study the following types of agricultural production systems (in units that are so located, as much as is practical and while maintaining quality, as to represent several soil and climate physiographic areas):

(A) systems that have been and will continue to be managed using farm practices that rely on off-farm inputs such as synthetically compounded fertilizers, pesticides, growth regulators, and livestock feed additives;

(B) systems that have been and will continue to be managed using systems that rely largely on practices such as legume and other sod-based crop rotations, the efficient use of crop residues, green manures, off-farm organic wastes, mineral-bearing rocks, and the use of other efficient practices such as conservation tillage, conservation irrigation, and nonchemical or biological methods of weed, insect, and disease control; and

(C) systems that are subjected to a change from management as described in clause (A) to that in clause (B).

DEFINITIONS

SEC. 4. For the purposes of this Act—

(1) the term "extension" shall have the meaning given to such term by section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7));

(2) the term "land-grant colleges and universities" shall have the meaning given to such term by section 1404(10) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(10));

(3) the term "Secretary" means the Secretary of Agriculture;

(4) the term "State agricultural experiment stations" shall have the meaning given to such term by section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13)); and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

INFORMATION STUDY

SEC. 5. (a) The Secretary shall inventory and classify by subject matter all studies, reports, and other materials, developed by any person or government with the participation or financial assistance of the Department of Agriculture, that could be used to further the purposes of this Act.

(b) In carrying out such project, the Secretary shall—

(1) identify, assess, and classify existing information and research reports that will further the purposes of this Act, including, but not limited to, information and research report relating to legume-based crop rotations, the use of green manure, animal manures, and municipal wastes in agricultural production, soil acidity, liming in relation to nutrient release, intercropping, the role of organic matter in soil productivity and erosion control, the effect of topsoil loss on soil productivity, and nonchemical or biological methods of weed, disease, and insect control;

(2) identify currently useful information and research reports and make these available to further the purposes of this Act; and

(3) identify gaps in the information and research reports and establish a plan to carry out a program of research and education to fill those gaps.

RESEARCH PROJECTS

SEC. 6. (a) The Secretary shall, under agreements as provided for in section 9(b) of this Act and with the cooperation of willing agricultural producers and State and Federal research stations, conduct such research projects as needed to obtain data, draw conclusions, and demonstrate technologies to effectively carry out the purposes of this Act as stated in section 3. To evaluate a production system, it is recognized that a minimum of twelve projects and associated component studies are needed. A project shall contain three units, with each unit representing, respectively, the conditions set out in clauses (A), (B), and (C) of section 3(2) of this Act. Specific detailed studies on crops, soils, production methods, and weed, insect, and disease pests may be conducted on individual fields or parts of units under study, or on other lands.

(b)(1) Within one-hundred and eighty days after the effective date of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the progress made in designing the research projects and the selection of the units based on criteria developed by the panel of experts provided for in section 7(a) of this Act.

(2) The research projects selected should include, but not be exclusive to, small farms.

(3) The research projects shall be designed to obtain information that may include, but is not limited to—

(A) the type, quantity, and cost of production inputs used such as capital, energy, fertilizers, pesticides, and water;

(B) the quantity of production outputs including, as appropriate information on crop yields, nutritional value of such crops, and rates of production in livestock operations;

(C) the characteristics that are necessary for an evaluation of the soil productivity, including the rate of loss of topsoil as a result of such farming operations, the level of organic matter in the soil, the water-holding capacity of the soil, and the rooting depth of plans in the soil;

(D) the characteristics of other natural resources including water quantity and quality;

(E) the net income derived from such project units; and

(F) such factors as the panel of experts deems appropriate to fully assess the effects of the project.

(c) Each project involving cropping sequences shall extend for a minimum five-year period, but may extend for a longer period, of up to fifteen years, as determined appropriate by the panel of experts provided for in section 7(a) of this Act.

(d) The Secretary, in coordination with the Extension Service and the cooperative extension services of the States, shall take steps to ensure that farmers are aware of the research projects. The research projects shall be open for observation at selected times.

(e) The Secretary may indemnify operators of project units for damage or undue losses caused by requirements of research or demonstration use not experienced in normal farming operations. Such indemnity shall be subject to agreements entered into between the entities performing the research (the grantees under section 9(b) of this Act) and the farmer operators prior to initiation of the projects.

RESEARCH PROJECT DESIGN PROCEDURES

SEC. 7. (a) To fully effectuate the purposes of this Act, the Secretary shall take steps to ensure that the research projects under section 6 of this Act are designed after taking into consideration the views of a panel of experts consisting of representatives of the Agricultural Research Service, Cooperative State Research Service, Soil Conservation Service, Extension Service, cooperative extension services of the States, State agricultural experiment stations, and other specialists in agricultural research and technology transfer.

(b) The research projects shall be designed to—

(1) ensure that the data generated from the projects are statistically valid;

(2) maximize usefulness of such data; and

(3) effectively carry out the purposes of this Act.

REPORTS

SEC. 8. The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(1) not later than fifteen months after the effective date of this Act, a report describing the results of the program carried out under section 5 of the Act;

(2) not later than April 1 of each of the calendar years after the research projects established under section 6 of this Act are initiated, a report describing the progress of the research projects; and

(3) not later than April 1 of the calendar year following completion of the research projects, a report containing—

(A) a summary of the data collected under the research projects;

(B) analyses of, and conclusion drawn from, such data; and

(C) recommendations for new basic or applied research from such conclusions.

AGREEMENTS

SEC. 9. (a) The Secretary may carry out the programs described under sections 5 and 6 of this Act through any agency in the Department of Agriculture or through agreements with any land-grant college or university, any other university, nonprofit organization, or Federal or State governmental entity that has demonstrated appropriate expertise in the area of agricultural research and technology transfer.

(b) The Secretary shall conduct the research projects under section 6 of this Act through special grants administered by the Cooperative State Research Service of any land-grant college or university, any other university, nonprofit organization, or Federal or State governmental entity that has demonstrated appropriate expertise in the area of agricultural research and technology transfer.

DISSEMINATION OF DATA

SEC. 10. The Secretary shall make available through the Extension Service and the cooperative extension services of the States the information and research reports identified under section 5 of this Act and the information developed under the research projects under section 6 of this Act and conclusions drawn from such information, and shall otherwise take such steps as are necessary to ensure that such material is made available to the public.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. For purposes of carrying out this Act, there are authorized to be appopriated such sums as Congress may deem appropriate and that shall remain available until expended. Any new spending authority that is provided for in this Act shall be effective for any fiscal year only to the extent or in such amount as provided in appropriation Acts.

EFFECTIVE DATE

SEC. 12. This Act shall take effect October 1, 1985.

The CHAIRMAN. Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and then the Speaker having resumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1383), to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes, pursuant to House Resolution 201, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1383, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill previously passed, H.R. 99.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT REVIEWING PREPARATIONS FOR 1985 CONFERENCE TO REVIEW AND APPRAISE THE ACHIEVEMENTS OF THE UNITED NATIONS DECADE FOR WOMEN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SYNAR) laid before the House the following message from the President of the United States: which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, July 11, 1985.)

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask for this time so that we can learn what the schedule will be for the balance of the day today, tomorrow, and next week.

Mr. Speaker, I would be glad to yield to the gentleman from Oklahoma [Mr. WATKINS] who is the acting leader this afternoon for this purpose.

Mr. WATKINS. If the gentleman will yield, as you know this concludes the business for this week. Beginning Monday, July 15, the House will meet at noon on the Consent Calendar and we have suspensions, eight bills.

Mr. LOTT. If the gentleman would yield, I want to emphasize that that is all the business for today and there will not be a session on Friday; is that correct?

Mr. WATKINS. That is correct from my understanding.

Mr. LOTT. That is correct? OK.

Mr. WATKINS. It is.

We reconvene at noon on Monday with the consent calendar with eight suspensions as follows:

H.R. 1343, authorization for Maritime Museum at Golden Gate National Recreation Area;

H.R. 1390, authorize El Portal leases at Yosemite National Park;

H.R. 2370, nurse training amendments;

H.R. 2410, health manpower bill;

H.R. 48, Currency Design Act;

H.J. Res. 251, gold medals for George and Ira Gershwin;

H.R. 1890, equitable waiver amendments; and

H.R. 441, medical care recovery.

Also we have a conference report on H.R. 1617, National Bureau of Standards authorization.

Recorded votes on all bills, including the conference report, will be postponed until Tuesday, July 16. There will be no votes, those will be postponed until Tuesday, July 16.

On Tuesday, July 16, the House will meet at noon.

Mr. LOTT. If the gentleman will yield at that point, you have eight suspensions on the calendar for Monday, but all votes that may be requested will be deferred until Tuesday; is that correct?

Mr. WATKINS. That is correct, including the conference report on H.R. 1617.

Mr. LOTT. I thank the gentleman.

Mr. WATKINS. On Tuesday, the House will meet at noon. We will have the Private Calendar and suspensions, if we have recorded votes on any of the ones that went over from Monday, July 15, and we will also bring H.R. 2959, energy and water appropriations for fiscal year 1986. I believe that rule has been granted.

Then we will have on Wednesday and the balance of the week July 17, 18, and 19, when the House would meet at 10 a.m. and we would bring up the State-Justice-Commerce appropriations for fiscal year 1986 and the legislative appropriations for fiscal year 1986.

Conference reports may be brought up at any time and then a further program will be announced later.

Mr. LOTT. I thank the gentleman for that schedule.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, JULY 15, 1985

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 12 noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SUPPORT HOUSE JOINT RESOLUTION 284 TO SET UP A BIPARTISAN COMMISSION TO BREAK THE BUDGET DEADLOCK

(Mr. ROTH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the recent activity that involved the President with the deadlocked budget negotiations I think is auguring well. It is as welcome news as the new classic Coke will be on the shelves.

Business as usual with respect to the deficit is not working. The deficit remains stuck at about $200 billion, and the country is getting thirstier for a solution, and that is why my bill to set up a bipartisan commission to break the deadlock is I think the only viable solution.

Mr. Greenspan, Ms. Blumenthal, many others have told me in committee that a bipartisan commission is the route to take, and I ask all of you to join me with House Joint Resolution 284, which will set up a bipartisan commission, and will give us the balanced budget we need. The American people are calling for it; I have thousands of coupons in my office support-

ing my resolution, and I ask the Members of Congress to join me so we can do the work of the people and get this deficit down so we can keep our economy strong.

THE B-1B GOES ON ACTIVE DUTY

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I would like to tell my colleagues what a glorious day they missed on June 29 of last month in the beautiful district of my good friend, CHARLES STENHOLM, of the Great State of Texas.

At that thrilling moment when the first active duty B-1B aircraft came screaming across the horizon to take its place in the defense arsenal of the leading nation of the free world.

I knew that would be a moving moment; three great Texas freshmen joined Mr. STENHOLM and myself, both of the Texas Senators were there; and when the commander of the Strategic Air Command, 4-Star General Benny Davis, winged that beautiful aircraft over the Texas skies, I felt that peace had taken one step closer to being realized within our lifetimes.

The two predecessors to the B-1, the B-36 and the B-52, had never dropped a weapon in anger on a strategic mission. I know that will be the excellent service of the B-1B, and I think that those Members who were not there that morning, whether they voted for the system or not, can take pride in the fact that we no longer, in about 2 years, will have at least four Air Force wings with a Japanese warlord kamakaze suicide mission, if they are ever called upon to serve this Nation in returning peace. It is much easier to keep the peace.

Well done, House of Representatives and U.S. Congress!

POLISH AMERICAN HERITAGE MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 106) designating August 1985 as "Polish American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I would like to yield to the gentleman from New York [Mr. GILMAN], who is a sponsor of the bill

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 106, designating August 1985 as "Polish American Heritage Month." Our heritage and the ideals that we share with the Polish citizens both in America and in their native homeland draw attention to our close ties with the nation of Poland. I would like to thank the gentleman from Pennsylvania [Mr. BORSKI] for introducing this measure in commemoration of our longstanding friendship with Poland.

Designating August 1985 as Polish American Heritage Month is fitting because this August will mark the fifth anniversary of the movement to Solidarity by the independent Polish labor federation. Their struggle helps remind us of our own fight for the freedom around which we have since built our heritage.

The Poles have been our allies ever since the American Revolution when many of them fought side-by-side with Americans in the struggle for liberty and independence. Kazimierz Pulaski and Tadeusz Kosciuszko are only two of the many brave heroes who helped us win the Revolutionary War. We also remember World War II, when Poland and America fought together in combat in a worldwide struggle for freedom and independence.

As the fifth anniversary of the Solidarity Labor Federation draws near, we acknowledge the fight against oppression in Poland. Each of us should pause to consider the courage of those participating in the struggle. We honor Lech Walesa, a man whose name is synonomous with Solidarity. Walesa, acting as a cornerstone of Solidarity, won a Nobel Peace Prize for his valiant efforts on behalf of the entire labor movement. He represents man's will and capability to stand up for his beliefs, to fight for liberty, and to overcome any obstacles preventing the enjoyment of those ideals.

Truly, the spirit of the Polish people is something to be commended. Names, such as the above-mentioned are only a few of the famous Poles, who are joined by countless and nameless others fighting for the same purpose. These people are the backbone of Polish heritage. They have remained committed to the Polish ideals of a free and independent Poland.

As I contemplate this significant role of our Polish-Americans in our history and in our Nation's heritage, I am pleased and proud to be among those Congressmen seeking to designate August 1985 as Polish-American Heritage Month.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 106

Whereas since the first immigration of Polish settlers to Jamestown in the 17th Century, Poles and Americans of Polish descent have distinguished themselves by contributing to the development of the United States of America in the arts, sciences, government, military service, athletics, and education;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other sons of Poland came to our shores to fight in the American War of Independence and to give their lives and fortunes for the creation of the United States;

Whereas the Polish Constitution of May 3, 1791, was directly modeled after the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Americans of Polish descent and Americans sympathetic to the struggle of the Polish nation to regain its freedom remain committed to a free and independent Polish nation;

Whereas Poles and Americans of Polish descent take great pride in and honor Poland's greatest son, His Holiness Pope John Paul II;

Whereas Poles and Americans of Polish descent take great pride in and honor Nobel Peace laureate Lech Walesa, the founder of the Solidarity Labor Federation;

Whereas the solidarity Labor Federation was founded in August 1980 and is continuing its struggle against oppression by the Polish Government; and

Whereas the Polish American Congress is observing its forty-first anniversary this year and is celebrating August 1985 as Polish American Heritage Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 1985 is designated as "Polish American Heritage Month". The President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

● Mr. BORSKI. Mr. Speaker, I am very proud to have sponsored House Joint Resoultion 106, designating August 1985 as "Polish American Heritage Month." By introducing this resolution for the first time last year and again this year, it is my hope that this commemoration will become a tradition. I am very appreciative of the 230 Members who supported me in this effort by cosponsoring House Joint Resolution 106.

Mr. Speaker, our Nation is a land of immigrants. Our origins are different, but we have worked together to make America great. House Joint Resolution 106 serves as congressional recognition of the praiseworthy contributions made by one ethnic group that has long been an integral part of our Nation. Designating August 1985 as Polish American Heritage Month ac-

knowledges Americans of Polish descent and pays them the respect they are due for what they have given throughout our history.

This resolution recognizes the belief of the Polish and American peoples in the rights of all individuals and nations, in the freedoms of expression and belief, and in the laws that protect these rights and freedoms. The Polish Constitution of May 3, 1791—celebrated each year by Polish Americans—was directly modeled after the Constitution of the United States and is recognized as the second written constitution in history. Americans of Polish descent are the children of a great common heritage.

Mr. Speaker, Polish Americans can be proud of the contributions made to America and to the world by sons and daughters of Poland. They can be proud of what they have accomplished since the first immigration of Polish settlers to Jamestown in the 17th century. From the country which produced Copernicus and Chopin followed the descendants who would rise up to become leaders of American life in the arts, sciences, government, military service, business, athletics, and education.

Polish Americans can be proud of Lech Walesa, a recipient of the Nobel Peace Prize and the founder of the Solidarity labor federation. They can be proud of their shared lineage with Poland's greatest native son, His Holiness Pope Paul II. They can be proud of Solidarity, the Catholic Church, and the people of Poland who are continuing the struggle for a free and independent Poland.

Polish Americans can be proud of the Polish-American Congress which has distinguished itself during its 41 years as an organization dedicated to the best interest of the United States, devoted to the right of the Polish people to rule their land, and determined to provide assistance to those in need.

Polish American Heritage Month also provides a moment for reflection on the sacrifices that Poles have made to the cause of freedom. Poles such as Kazimierz Pulaski and Tadeusz Kosciuszko joined the fight in our War of Independence. Later, a great many Poles and Polish Americans gave their lives to rid the world of Nazi tyranny in World War II. Polish courage shone in the Battles of Britain and Monte Cassino, and in the Warsaw uprising. The Polish contribution to the Allied effort helped end the nightmare of Nazi persecution which claimed at least 6 million Polish lives in the death camps.

Mr. Speaker, August 1985 is an especially appropriate time to commemorate the bonds between the Polish and American peoples. This August will be the fifth anniversary of the founding of the Solidarity labor federation. Today, we in America are inspired by the struggle for freedom that Solidarity, the Catholic Church, and the Polish people are fighting. The passion for liberty which Poles and Americans share is still strong there despite a generation of totalitarian domination. We in America who are sympathetic to their struggle remain committed to a free and independent Polish nation.

Mr. Speaker, our Nation is enriched by the values and accomplishments of Polish Americans who have contributed so much to the development of the United States. We thank this community for their commitment to the United States and share their hope that Poland will soon be free.

His Holiness Pope John II stated in Nowy Targ, Poland, in June 1979:

> This beautiful land is * * * a difficult land, rocky and mountainous * * * where there was * * * sometimes great poverty, people emigrated far away * * * beyond the ocean * * *. May they not forget their own native land, family, church, prayer, and all that they brought from here.

Polish Americans have not forgotten. For this, America is truly grateful.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREEDOM OF THE PRESS DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 164) to designate August 4, 1985, as "Freedom of the Press Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object. I would simply like to inform the House the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I would like to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 164, legislation to designate August 4, 1985, Freedom of the Press Day. As a cosponsor of this resolution I would like to take the opportunity to thank my esteemed colleague and friend from California, Mr. LANTOS, for introducing this legislation and for bringing it before us today.

August 4, 1985 will commemorate the 250th anniversary of the acquittal of John Peter Zenger, a colonial newspaper publisher charged with sedition for printing reports of official corruption in the government of New York. The defense for John Peter Zenger centered on the right of the press to print the truth for the good of the public. The subsequent exoneration of Zenger laid the cornerstone to the foundation for freedom of the press as we now know it in this country.

The American concept of freedom of the press, based on the right of people to be truthfully informed about events affecting their lives, took root after the Zenger trial and flourished. This principle was later codified as the first amendment of the Bill of Rights and became one of the fundamental liberties ensured by the Constitution of the United States. This Government's commitment to a free press as a bedrock of our democratic society is without precedent.

As Americans observe this day, it is important that we remember that all of the world's citizens do not enjoy this freedom, but that many are, in fact, limited solely to government sponsored information. While we Americans have free access to thousands of newspapers and periodicals representative of every shade of political and religious thought, those in countries behind the Iron Curtain for instance, are allowed the benefit of only one view—that of the government in power. Our Nation serves as an inspiration to those throughout the world who continue to be denied this basic civil liberty. Let us continue to provide an example and in doing so continue our commitment to the development of human rights for all people. Indeed, I suggest that as we commemorate Freedom of the Press Day that we rededicate ourselves to the preservation of this great principle.

In recognizing the importance of this anniversary the American Bar Association has established committees of 42 State bar associations to hold appropriate observances on Freedom of the Press Day. I look forward to joining my colleagues, friends, and fellow Americans in commemorating this important anniversary. Accordingly, I urge my fellow colleagues to join in support of House Joint Resolution 164, paying tribute to the ideal and practice of the freedom of speech that has made our democratic system of government so enduring and inspiring to freedom loving people throughout the world.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

● Mr. LANTOS. Mr. Speaker, we commemorate many worthy events in the Congress, but today we are considering one of the most important—freedom of the press. August 4, 1985, marks the 250th anniversary of the trial of John Peter Zenger—the watershed court case which established the principle of freedom of the press in this land.

For me, freedom of the press has a special and a very personal meaning. I grew up under a repressive fascist dictatorship, where newspapers and radio were under control of the government. Criticism in the press of the regime's denial of human rights and its disastrous foreign policies was not permitted. Later, I saw a freely and democratically elected government subverted because the occupying Soviet Army and the Hungarian Communist Party controlled and manipulated the press.

Freedom of the press is indeed "one of the great bulwarks of liberty." Our support for freedom of the press represents our faith in the people. As Supreme Justice Hugo Black emphasized, "The press is to serve the governed, not the governors." This has been one of the guiding principles in our history as a people, and it is most appropriate and important that we acknowledge this by commemorating the anniversary of the important Zenger case.

I would like to acknowledge the assistance of my distinguished colleague and friend from Michigan [Mr. VANDER JAGT], the principal Republican cosponsor of this legislation. I also thank my friend and colleague from New York [Mr. GARCIA] for the committee's expeditious handing of this legislation, and I thank my distinguished colleague from Utah [Mr. HENSEN], the ranking minority member of the committee.

Mr. Speaker, history—or fate—often casts unlikely men in the role of heroes. As a symbol of freedom of the press in America, history chose not a sophisticated literary figure, but a German immigrant printer. Zenger was an unlikely hero. Nothing in his background suggested the crucial symbol he was to become in the story of America journalism.

The 13-year-old Zenger arrived in New York from Germany in 1710 and was apprenticed to a printer. He learned his trade reasonably well and in 1726 established his own printing business in New York City. The arrival in 1733 of a new governor of the colony, William Cosby, resulted in the alienation of many of his subjects because of his dictatorial, arbitrary, and often corrupt rule. However, Cosby's critics, who included the leading men of the colony, had no vehicle for expressing their opposition because the only existing newspaper supported the government. They turned to the colony's second printer, John Peter Zenger, and encouraged him to publish a new newspaper, the New York Weekly Journal.

The Weekly Journal was a small, four-page paper, with an unattractive format and crooked type. But from the beginning, it attracted an enthusiastic audience. It published sharp attacks on the colonial government. Its first issue reported corrupt election practices involving the governor and detailed the payment of a bribe to the governor. Governor Cosby condemned the "divers scandalous, rulent, false and seditious reflections" on his conduct of office. Cosby's patience soon came to an end. On November 17, 1734, Zenger was arrested, and 9 months later, was brought to trial on August 4, 1735.

There was little hope for Zenger. The court was dominated by appointees of Governor Cosby, and British law at the time held that seditious libel was "written censure upon public men for their conduct as such, or upon the law, or upon the institutions of the country." Truth or falsity of the alleged libel was irrelevant; the crime was the provocation, not the falsity, of what was published.

The outlook for Zenger was not promising when the court began its proceedings, but Zenger's defenders arranged for him to be represented by the most distinguished colonial lawyer of the time, 80-year-old Andrew Hamilton of Philadelphia. Hamilton carefully argued that the truth of Zenger's charges against the Cosby administration was the key issue in the case.

Hamilton's summation to the jury—which convinced them to return a verdict of not guilty—was prophetic:

The Question before the Court and you, Gentlemen of the Jury, is not of small nor private concern; it is not the cause of a poor Printer, nor of New York alone. It may in its consequence affect every Freeman that lives on the main of America. It is the best Cause. It is the cause of Liberty. The Liberty, both of exposing and opposing arbitrary Power in these Parts of the World by speaking and writing truth.

After his acquittal, Zenger returned to his profession. In 1736, he published the complete narrative of the trial, which became the key text throughout Colonial America on censorship and press freedom. It became one of the most widely-known sources of democratic thought in the English-speaking world during the 18th century.

Zenger, who might otherwise have quietly followed most other colonial printers into obscurity, became a symbol of the fundamental American principle of freedom of the press. Although the Zenger trial by no means brought an end to censorship and government efforts to control the press in the American colonies, it did inspire other editors to defy arbitrary English authorities. It was, as Andrew Hamilton said, "a noble foundation" on which to build a free press.

A half century after the trial, Gouverneur Morris, one of the leaders in the movement for American independence, said, "The trial of Zenger in 1735 was the germ of American freedom, the morning star of that liberty which subsequently revolutionized America."

Mr. Speaker, it is appropriate that this body adopt legislation to commemorate the 250th anniversary of the trial of John Peter Zenger. We should reiterate our commitment to one of the key liberties that has guided this Nation in its journey of freedom from the printshop of John Peter Zenger to the era of satellite communications.●

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 164

Whereas, August 4, 1985, marks the two hundred and fiftieth Anniversary of the court decision exonerating John Peter Zenger, a newspaper publisher charged with sedition for printing reports detailing official corruption in the colonial government of New York.

Whereas, the defense of John Peter Zenger centered on the right of people to be truthfully informed about events affecting their lives;

Whereas, the Zenger decision is honored as the first full expression in this land of the need for a free press, and the substantial role an unfettered press can and should play in the interaction of government and the public;

Whereas, the dedication of our Founding Fathers to freedom of the press was codified in the first amendment to the Constitution of the United States;

Whereas, a free press is vital and elemental to the maintenance of an informed public capable of expressing reasoned opinions on the great issues confronting a nation; and

Whereas, it is important for the people who have benefited from unprecedented liberties and freedoms to reiterate their deepest commitment to the principles which have distinguished our national experience: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 4, 1985, is hereby designated "Freedom of the Press Day", and the President of the United States is authorized and requested to issue a proclamation calling upon all public officials and the people of the United States to observe such day with appropriate ceremonies and activities, including the display of the flag of the United States at all appropriate places.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1840

NATIONAL DOWN'S SYNDROME MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 40) to designate the month of October 1985 as "National Down's Syndrome Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I will not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of House Joint Resolution 135, the resolution offered by the distinguished gentleman from New York [Mr. SOLARZ] to designate October 1985 as "National Down Syndrome Month." I commend the gentleman from New York [Mr. SOLARZ] for his effort to shed even more light upon the special needs of those with Down's syndrome and their value to our society.

Much progress has been made in recent years to uncover the mysteries of Down's syndrome and to reveal it as a disorder which can be effectively managed rather than feared. Modernized care, treatment, and education of Down's syndrome patients have resulted in astonishing successes that have uncovered a hope for these people and their families. Down's syndrome victims who less than a few decades ago would have been institutionalized are now finding employment and assuming their rightful roles in our society.

We cannot allow such amazing progress to lapse at this crucial point. While improvement is mounting, we acknowledge that a climax has not yet been reached. While public appreciation for the needs of these special people is increasing, we should take each opportunity to further enhance this appreciation. Last year, we believed in the potential of Down's syndrome victims enough to adopt a similar resolution to further the awareness of this disorder. I strongly urge my colleagues to once more act upon those beliefs by supporting House Joint Resolution 135, thereby promoting further awareness of this still widely misunderstood disorder.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 40

Whereas the past decade has brought a greater and more enlightened attitude in the care and training of the developmentally disabled;

Whereas one such condition which has undergone considerable reevaluation is that of Down syndrome—a problem which, just a short time ago, was often stigmatized as a mentally retarded condition which relegated its victims to live of passivity in institutions and back rooms;

Whereas, through the efforts of concerned physicians, teachers and parent groups such as the National Down Syndrome Congress, programs are being put in place to educate new parents of babies with Down syndrome; to develop special education classes within mainstreamed programs in schools; the provision for vocational training in preparation for competitive employment in the work force to prepare young adults with Down syndrome for independent living in the community;

Whereas the cost of such services designed to help individuals with Down syndrome move into their rightful place in our society is but a tiny fraction of the cost of institutionalization;

Whereas along with this improvement in educational opportunities for those with Down syndrome is the advancement in medical science which is adding to a more brightened outlook for individuals born with this chromosomal configuration; and

Whereas public awareness and acceptance of the capabilities of children with Down syndrome can greatly facilitate their being mainstreamed in our society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1985 is designated "National Down Syndrome Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated month with appropriate programs, cermonies and activities.

Mr. SOLARZ. Mr. Speaker, I rise today to urge this Congress to support House Joint Resolution 135, a bill I introduced, which designates the month of October 1985 as National Down Syndrome Awareness Month. Down syndrome is presently an incurable genetic condition characterized by mental retardation and a variety of often severe physical handicaps; 1 out of every 800 newborn babies suffers from Down's syndrome and 250,000 families in the United States are affected by this terrible unfortunate disease. In fact, as many as 600 Down's syndrome victims may live in each of our congressional districts.

A national awareness month, which I ask for your support today, would promote public and private sector concern for the welfare of our Nation's citizens with Down's syndrome. Hopefully, approval of this bill will also encourage Federal, State, and local governments, in cooperation with voluntary organizations, to make concerted efforts to provide desparately needed training, jobs, and support services for sufferers of Down's syndrome, and their families as well. By promoting public interest and clarifying understanding of this condition, Congress will help alleviate the past stigmas attached to Down's syndrome as well as help pave the way for a brighter future for this portion of our population, many of whom are willing and able to study and work independently.

Last year, a similar resolution was passed and, according to the president of the National Down Syndrome Congress, Mr. Tom O'Neill, the results were terrific:

The National Down Syndrome Congress parent groups, en masse, used the resolution as a tool to get out proper and correct information on Down Syndrome. The media coverage was next to phenomenal. Having that resolution was like a catalyst for people, it was like a license that spurred them on to get out the word. I also felt a sense of pride from our parents that they, in fact, had a resolution in the Congress. If we had a million dollar public relations budget, it would not have fared better than did this resolution.

The Senate recently passed a similar resolution. As Members of the House, we should view the Senate's action as a clear indication of the importance and severity of Down's syndrome. The concern for people who suffer from disabilities continues to grow in America and the onus remains on Congress to promote the public's increasing sensitivity. Offering citizens the opportunity to participate in commemorative activities concerning Down's syndrome would strengthen and enhance public support for additional research on preventing such genetic conditions and aiding victims of Down's syndrome and their families.

Passage of this resolution does not require any financial commitment from Congress. The resolution offers organizations and parent groups who are concerned about neorological and physical handicapping conditions, including the Chicago-based National Down's Syndrome Congress, an opportunity to increase and improve public education about Down's syndrome and about how many of those with this condition can live quite full and productive lives—provided the training and resources needed to assist them are made available.

Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Census and Population, Mr. GARCIA, and his able ranking minority member, Mr. GILMAN, for their assistance in bringing this resolution to the floor today.

This effort here in the House today will hopefully lift some of the misconceptions and fears about those with this handicapping condition. May it help open more doors for these men and women so that they may live fuller lives.

I commend the outstanding work being done by the National Down's Syndrome Congress and other voluntary organizations in public education support groups for families, advocacy for the rights of our handicapped citizens. These efforts should lead to the development of more compassionate, effective, and comprehensive programs for those with Down's syn-

drome and other handicapping conditions and their families.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ATOMIC VETERANS DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 295) to designate July 16, 1985 as "National Atomic Veterans Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I will not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Under my reservation of objection, Mr. Speaker, I yield to the gentleman from Georgia [Mr. ROWLAND], who is the chief sponsor of House Joint Resolution 295.

Mr. ROWLAND of Georgia. Mr. Speaker, I am proud to sponsor this legislation, and I want to thank and congratulate the many Members who through their support made this important resolution possible.

The resolution will recognize the estimated 250,000 Americans who participated in the testing of nuclear weapons between the years 1945 and 1963, and those who served in the U.S. occupation of Hiroshima and Nagasaki immediately following World War II.

Additionally, through this resolution we seek to keep attention focused on the issues that have arisen in connection with the effects that radiation exposure has had upon the health of these veterans.

Last year Congress enacted legislation which established an advisory committee within the Veterans' Affairs Committee to make recommendations for recognizing radiation related disorders. House Joint Resolution 295 will reassert the support of Congress for the resolution of these issues.

Mr. Speaker, July 16 will also mark the 40th anniversary of the first detonation of an atomic weapon, and members of the National Association of Atomic Veterans will be in Washington on the 16th for a rally and other activities. I am pleased that through this resolution we can now give added emphasis to this day and the patriotic men and women involved.

Mr. HANSEN. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I join my colleagues in support of House Joint Resolution 295, designating July 16, 1985, as "National Atomic Veterans Day." As a cosponsor, I would like to take this opportunity to express my gratitude to the gentleman from Georgia [Mr. ROWLAND] for introducing this measure and for keeping the public's attention focused on the very real dangers, and in many cases, subsequent hardships, and health hazards braved by our "Atomic Veterans."

Between 1945 and 1963 the United States detonated approximately 253 nuclear weapons in the atmosphere over the American southwest and the Pacific Ocean. When recounting the tests held in the Bikini Islands, U.S. seamen speak of standing shirtless on the open deck of U.S. naval vessels watching these mysterious tests and of how the fallout from these explosions peppered their bare chests. We have on record footage of U.S. infantrymen digging trenches in the desert and being instructed to shelter themselves in the trenches and to "not look directly at the explosion" during these atomic tests. At the time many suffered nausea and physical weakness, symptoms we now know to be the primary effects of radiation sickness. Clearly these men and women performed above and beyond the call of duty.

July 16, 1985, will mark the 40th anniversary of the first detonation of an atomic nuclear weapon. Nearly half a century later we are still coming to terms with the effects of these tests upon the health of these veterans and the many questions surrounding the compensation issue. As we join with the National Association of Atomic Veterans and other concerned individuals in recognition of National Atomic Veterans Day, let us in government reevaluate our efforts to aid these brave men and women who served their Nation without question during a critical period of our Nation's history. Accordingly, I urge my colleagues to support House Joint Resolution 295 designating July 16, 1985, as "National Atomic Veteran's Day."

Mr. HANSEN. Mr. Speaker, I join in the remarks made by the two distinguished gentlemen. My State is one who is a victim of down wind, and I appreciate their comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 295

Whereas approximately two hundred and fifty thousand veterans of the United States, while in military service from 1945 to 1963, witnessed and participated in at least two hundred and thirty-five atmospheric atomic and nuclear weapons tests conducted in the Pacific and the American Southwest, or served in the United States occupation of Hiroshima and Nagasaki immediately following World War II;

Whereas these "Atomic Veterans" patriotically served their country and the needs of national defense during a critical period in history;

Whereas the health of many of these veterans and their children may have been adversely affected by exposure to radiation resulting from the atomic and nuclear weapons detonations;

Whereas every effort should be made to locate all Atomic Veterans, assist them and their children in detecting medical problems related to radiation exposure, and assist those affected in obtaining medical treatment and care; and

Whereas July 16, 1985 is the fortieth anniversary of "Trinity," the first detonation of an atomic weapon, which took place at Alamogordo Air Force Base, New Mexico on July 16, 1945: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating July 16, 1985, as "National Atomic Veterans Day", in recognition of the patriotism and dedication to their country exhibited by this special group of veterans, and in recognition of the importance of resolving issues related to exposure of Atomic Veterans to ionizing radiation. Government agencies at the Federal, State, and local levels, and the people of the United States are called upon to observe this day with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIVE AID DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 325) to designate July 13, 1985, as "Live Aid Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, and I will not object, I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Michigan [Mr. CARR], who is the chief sponsor of House Joint Resolution 325.

Mr. CARR. Mr. Speaker, I'm proud to announce that more than 225 of my colleagues in the House have joined

me in cosponsoring a resolution which officially sets aside this Saturday, July 13, as "Live Aid Day."

This Saturday, folksingers and rock musicians from 63 bands will join in both Philadelphia and London in a special 17-hour long concert. But this isn't just another summer jam session. These wonderful musicians have agreed to perform and travel to the concert without reimbursement—and will donate all of the proceeds of the event to the battle to alleviate famine and hunger in Africa. The event, which will be broadcast live to some 1.5 billion people in 150 countries, will also feature messages on world hunger from Bishop Desmond Tutu, Mrs. Sadat, Leonard Bernstein, Coretta Scott King, Indian Prime Minister Ghandi, Prince Charles, Prime Minister Margaret Thatcher, and other international leaders. Leaders of all political persuasions, ages, races and backgrounds have joined in endorsing what is certain to be a truly unique event.

This event can have an important role in increasing awareness of world hunger. Because this event will be broadcast so widely—both on ABC-TV and MTV in the United States, and by satellite to countries all over the world—we have a unique change to bring people of many nationalities and backgrounds together out of concern for this very grave problem. Those who watch will learn more about the severe crisis that confronts millions of people who wake up every day without enough to eat. Right now, as we meet here on the House floor, it is 2 a.m. in Ethopia. Literally millions of people have gone to sleep hungry, not knowing where their next meal might come from. Many will not awake. Those that do will awake to wander the barren countryside, hoping to make it to refugee camps where they might find a meager serving of corn meal.

Emergency efforts to feed these people would not be possible without the efforts of international and private agencies, such as Oxfam, the International Red Cross, Africare, Save the Children, and Catholic Relief Services. Along with various U.N. agencies, these groups have played an enormous role in helping to alleviate hunger and poverty throughout the world, and have made a strong effort recently in Africa. All of the proceeds from the Live Aid concert will go to the ongoing work of private groups, and the U.N. High Commission on Refugees, in their work in Africa. Our official support of the Live Aid concern is one opportunity for us here in Congress to tell private relief groups how important their efforts are, and how necessary they are to the entire battle against world hunger.

Finally, those who are producing and participating in Live Aid Day deserve our congratulations and our thanks. Millions of Americans, especially the young, look up to performers and sports stars. They spend countless hours listening to records, going to concerts, and watching rock videos. It is heartening to hear that these influential musicians are willing to use their tremendous popularity in America and overseas to draw attention to famine and help end the hunger crisis. The entertainment industry has a great opportunity to share some of the fruits of its endeavors, and I know that my colleagues join me in saluting those who have taken this opportunity to benefit people who are desperately in need, and we encourage such efforts whenever possible in the future. Live Aid Day clearly represents a spirit of generosity and brotherhood which is essential, not only in the continuing battle against famine and hunger, but in all our efforts to live in peace together in the world. I thank my colleagues for their interest and support in this important endeavor.

Mr. Speaker, I want to conclude my statement with a personal note. I would like to publicly dedicate my personal efforts and that of my staff to the memory of a great lyricist and musician who had a great influence on my life and that of many here. His name is Harry Chapin. Harry was a personal friend of mine and of many in this body, but he was more than a personal friend—he was a conscience of us all. He was leading people and policy makers to the realization of world hunger long before we saw these TV pictures of starving children in Africa, long before we had United States of America for Africa or the Live Aid Day coming up on Saturday.

Harry Chapin was our conscience. He started us down this road, and Harry's prolific work lives on today and it will live on on Saturday night. I am deeply honored to be able to have a very small part on behalf of his memory.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, I would just like to take this moment, as one who has visited Ethiopia long before the publicity when the BBC in London sent that now famous telecast out to the world, to say to my colleague from Michigan that we do many of these commemoratives. I guess in the five terms that I have been here we have done several hundred. I think some are more worthy than others. There is no doubt that this one is probably the worthiest of them all. I just want to commend the gentleman in the well for taking the initiative for going out and getting the number of signatures from Members of the House, because I believe it is important that the viewing audience understand that this Saturday is going to be a very important day not only for those of us who live in the Western world but, more importantly, for those who live in those continents where very few people get to go and see the real problem.

I congratulate the gentleman.

Mr. CARR. I thank the gentleman for his remarks.

Mr. HANSEN. Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Michigan [Mr. CARR] for bringing this important measure to the floor, and I also wish to join with him in his remarks concerning Harry Chapin, who inspired many of us to become involved in our efforts to resolve world hunger. It was Harry Chapin who inspired this House to create a Select Committee on Hunger, a committee that is hard at work trying to find some solutions to the problem of world hunger.

In the coming weeks, the most serious outstanding challenge confronting the international community and the governments of the African nations facing severe food shortages must be to overcome the logistic constraints which are preventing food aid from reaching the needy population. More than one-third of the food aid pledged to the 10 countries for 1984-85 has not yet been received. In a number of countries, the already critical food supply situation has deteriorated further in the lean season leading up to the next harvest. Reports continue to be received of widespread malnutrition and deaths from starvation.

As stressed recently by F.A.O.'s global information and early warning system, new initiatives need to be undertaken as a matter of extreme urgency to increase port handling and internal distribution capacities in order to reduce the food backlogs in ports, to accelerate the delivery of aid and thus avoid the further deterioration of an already desperate situation. "Live Aid Day" is one such new initiative.

Through the concerted efforts of talented performers and artists all over the world, large amounts of critical resources will be routed to needy nations. Accordingly, it is appropriate that worthy efforts such as these should be commemorated. Therefore, I ask my colleagues to support House Joint Resolution 325.

□ 1850

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. GARCIA].

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 325

Whereas the lives of thirteen million Africans are currently in dire jeopardy and massive financial assistance is needed this year to quell the African famine and to save the lives of such people;

Whereas, on July 13, 1985, in both Philadelphia, Pennsylvania, and London, England, performers from all over the world will gather to broadcast the "Live Aid" benefit concert sponsored by the "Live Aid" organization to aid in the relief of this famine;

Whereas Live Aid provides a way to continue to meet such goal through unity and cooperation of concerned and caring performers, leaders, private voluntary organizations, corporations, Government agencies, and citizens of the United States in partnership with people from around the world;

Whereas the Live Aid broadcast will unite more than one billion people in learning about the hunger problems of the world and how each individual can take action to make a difference in moving from relief for Africans to recovery, and finally to self-reliance; and

Whereas the magnitude of human suffering in Africa is so enormous as to demand the most profound and immediate response possible: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 13, 1985, is designated as "Live Aid Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

(Mr. BOULTER asked and was given permission to address the House for 1 minute.)

Mr. BOULTER. Mr. Speaker, I was inadvertently detained for the two previous votes this morning on the McCollum motion to instruct the DOD authorization conferees to insist on the House position on the McCollum espionage death penalty amendment, and the Aspin motion to close the DOD conference for national security reasons, because of a speaking engagement with the National Association of Farm Broadcasters. Had I been present, I would have voted "yea" in both instances.

FOREIGN IMPORTS ATE UP MORE JOBS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute, to revise and extend her remarks and to include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, this morning I have a special message for President Reagan and his new Trade Representative Mr. Yeutter. In case you haven't noticed, it's official again! Last month, foreign imports ate up another 45,000 manufacturing jobs in America, bringing this year's total to a record-setting total, all-time high of 220,000 lost jobs for these first two quarters of 1985. The domestic downturn in manufacturing has indeed precipitated the notable halt in service sector growth that remained flat last month. No matter how you cut it, manufacturing still writes the tune of the American business cycle.

To make matters worse, why do some people keep selling off parts of America to foreign ownership and control? Just another example: While Japan is lulling some into inaction on the trade gap, Japan is playing a divide and conquer game here on our turf. Recently, a Japanese glass manufacturer announced that with the help of American taxpayer dollars in the amount of $1 million, the company will produce auto glass in Ohio for American-assembled Hondas. The company said, "we will create 240 new jobs." The truth is that existing Ohio jobs are being displaced, as clever firms play one part of my State off against another. Libbey-Owens-Ford in my district still has 1,100 laid-off glass workers. If Honda is serious about helping America, why couldn't they, at a minimum, have engaged in a joint venture with an American glass company? Why must their investment be exclusively a Japanese firm serving a Japanese-owned auto company? It is a sad state of affairs when a foreign country is calling an ever increasing number of shots in a vital sector of our economy like automobiles!

Mr. Speaker, I include the following article from the Toledo Blade of June 30, 1985:

LOF DISMAYED BY STATE'S DEAL WITH JAPANESE FIRM

(By Jon Chavez)

The $925,000 industrial incentive package the state of Ohio has granted to a Japanese auto safety-glass manufacturer was provided to lure even more of the company's business to the state, a department of development official said.

State officials said they hope that the decision announced Wednesday by Asahi Glass Co., Ltd., to establish two glass-fabricating plants in Bellefontaine, O., will bring results similar to Honda of America, which began small and has continued to expand its Ohio operations.

The $31.2 million Asahi plants are being built to supply glass parts to Honda's assembly plant in Marysville, about 21 miles to the southeast.

To help the $2.4 billion Asahi Co. locate in Ohio, the state has provided an incentive package that includes a $500,000 industrial inducement grant, a $225,000 community development block grant to Bellefontaine, and a $200,000 job-training grant.

The plants, which are expected to be in operation by January, 1987, will create only about 240 jobs.

The state is gambling that Asahi, which also supplies glass to Honda's plants in Japan, will want to expand.

"This is not just a parts supplier to Honda; they have the potential to move into other areas," said Howard Wise, manager for industrial development for the state development department.

Mr. Wise, who helped persuade Asahi to build in Ohio, said that in addition to being the world's largest supplier of auto-safety glass, Asahi is a leading producer of chemicals and ceramic products.

"They've said that the glass plants are phase one. They have not told us there will be a phase two, but they've hinted that there will be a phase two," Mr. Wise said. "We think it has the potential of being another Honda."

Honda began with a motorcycle plant in 1979 and hinted that it might expand, Mr. Wise recalled. Since then, Honda has invested nearly $600 million and created nearly 3,000 jobs through its Accord auto assembly plant. Recently, the auto maker announced that it will produce auto engines at its Marysville location.

The state initially invested $1 million—in job-training funds and other inducements—to lure Honda to Ohio, Mr. Wise said. "The state did not have to invest any more money after that," he said. "If Asahi goes ahead with phase two, we won't have to invest any more money. Their workers already will be trained.

The agreement between Asahi and Honda results in part from the company's role in Japan as the main supplier to Honda and three other Japanese auto manufacturers, he said.

As an auto-glass manufacturer, Asahi will be in direct competition with the Toledo-based LOF Glass Co., owned by Libbey-Owens-Ford Co.

The local firm has had to close two Toledo plants and lay off 1,100 employees because of reduced demand for auto glass.

Officials at LOF Glass, which has served as a supplier to Japanese firms, expressed dismay at the arrival of Asahi and said the Toledo company would take action to meet the competitive threat.

"It is ironic that, in this situation, nearly $1 million of taxpayer dollars are being used to assist in the construction of start-up facilities that will employ only about 240 people, while LOF Glass has nearly 1,100 glass workers laid off in the Toledo area, said Ronald Skeddle, LOF Glass president.

"The presence in Ohio of another glass competitor will mandate that we further reduce costs at our Toledo-area facilities. We know that LOF Glass has the technologies and production capabilities to serve as a sufficient supplier to Honda. LOF has worked with Japanese businesses around the world, and we respect them for their knowledge and competitiveness.

"We have an excellent partnership with a Japanese glass firm in another area, and we are also performing strongly as an auto-glass supplier to the GM/Toyota joint venture in Fremont, Calif. LOF Glass would have been a logical Ohio-based company to

service Honda's Marysville plant, Mr. Skeddle said."

Based on Asahi's plans in Bellefontaine, Jack Miles, vice president of the Aluminum, Brick, and Glass Workers union, said the Japanese firm is not much of a threat to LOF Glass. "If all they're going to do is service the Honda plant, they're not an immediate threat to anybody. But if Honda becomes a major force in this country, it could be important down the line," he said.

Bellefontaine was selected, according to Mr. Wise, because of its proximity to the Honda plant and because, like Honda, which has resisted large-scale organizing attempts by the United Auto Workers, the firm wanted to draw from a "small-town labor pool" that has little or no familiarity with unions. "I think it's fair to say Asahi prefers to be nonunion," he said.

Regardless of Asahi's preferences, Mr. Miles said his union would attempt to organize glass workers in Bellefontaine when the glass plants open. "I would imagine that we'll be looking around here. We were in Zanesville and in Lancaster [both west of Columbus] before those plants there shut down," he said.

He referred to the Lancaster glass plant owned by the Hordis brothers and to a small business in Zanesville that was closed in 1964.

MICHEL REFORM PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 5 minutes.

● Mrs. MEYERS of Kansas. Mr. Speaker, as chairman of the House Republican Task Force on Congressional Reform, today I am introducing a resolution to consider House Resolution 164, a package of rules reforms previously submitted by the House Republican Leader. A copy of the resolution is attached to my remarks.

Under the precedent set in the controversial election in Indiana's Eighth District, any Member could be subject to similar treatment by this body. However, that situation focused our attention on other institutional problems of committee ratios, abuse of the frank, proxy voting in committee, and the proliferation of subcommittees—none of which contribute to serious consideration of the people's business, and all of which cost the people a great deal of tax money.

The intent of this resolution is that we debate the Michel reform package. However, if the Rules Committee does not allow its consideration, I will file a discharge petition to do so.

We believe this package of reform measures will make the legislative process more open, accountable, representative, understandable, manageable, workable, and cost effective.

H. RES. 164

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 164) to amend the Rules of the House of Representatives to make the legislative process more open, accountable, representative, understandable, manageable, workable, and cost effective, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed ten hours, to be equally divided and controlled by the Republican Leader, Representative Michel of Illinois and the chairman of the Committee on Rules, the resolution shall be considered as having been read for amendment. No amendment shall be in order to the resolution except the one amendment in the nature of a substitute, by and if offered by a representative of the majority party leadership, and said amendment shall not be subject to amendment but shall be debatable for not to exceed two hours, to be equally divided and controlled by the proponent and a Member opposed thereto. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.●

INTERNATIONAL TERRORISM—NEUTRALIZING TELEVISION AS A TERRORIST TOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, [Mr. LUKEN] is recognized for 5 minutes.

Mr. LUKEN. Mr. Speaker, in the wake of the recent hostage crisis, the role of the media, and particularly the American television networks, is coming under increasing scrutiny by the American public and the television networks themselves.

The question causing greatest public interest, is whether American TV became a major part of making the events, rather the reporting on them.

When network news people become central actors, diplomats, and negotiators, as well as providing the forum the outlaw hijackers are seeking, the lives of the hostages and U.S. foreign policy become dependent on the commercial decisions of network personnel competing with each other in the ratings wars.

President Reagan has called the taking of American hostages "an act of war" under these circumstances. Apparently, a principal goal of the criminal hostage-taking was to secure coverage on national television to make their propaganda points. Future hijackers may conclude from the recent experience that all they have to do is kidnap Americans and they may get sympathetic national TV exposure.

Our Government authorities, charged with developing a plan for release of hostages consistent with carrying out other American policies, apparently had little control over American networks which may have been making news as well as reporting it.

Spokesmen for the networks have made various suggestions to meet future emergencies, including the July 7 call by Mr. Ron Powers on CBS, for a "summit meeting of network and broadcast industry executives to ask questions and come up with answers as to their proper role in reporting the news on acts of terrorism in the future."

As Mr. Powers and other media representatives have stated, voluntary guidelines could be put in place. These guidelines may include:

First, no cash payoffs for victims' families;

Second, no more on-air dialog between anchormen and spokesmen for the abductors, giving free campaign commercials to America's enemies;

Third, arranging network pools to restrict the terrorists' access to the airwaves; and

Fourth, in general finding ways to neutralize television as a tool of terrorism.

The American people have a stake in this, and that is why we believe the self-regulatory process should include discussions with the administration and Congress. We are proposing the Telecommunications Subcommittee of the House of Representatives as a forum for some of these discussions.

● Mr. BROYHILL. Mr. Speaker, I applaud my colleague from Ohio on his call for a summit conference of networks executives to develop ways to improve news coverage in hostage situations, and I give him my wholehearted support.

The behavior of the TV networks in covering the recent Beirut hostage crisis shows clearly that they should develop a precise new policy to govern future coverage of such events. In the Lebanese situation, the networks were unwittingly used as ransom for the safe return of nearly 40 American citizens. In the process, they were manipulated and exploited by the terrorists.

Network coverage of the crisis is replete with dramatic examples of manipulation. ABC's decision to broadcast live a spontaneous conversation between Nabih Berri and a hostage's wife is but one gross example. In that exchange, Berri, at the invitation of the ABC interviewer, offered words of condolence to the hostage's spouse—hardly presenting an accurate portrayal of the thugs that Berri represented, men who not only incarcerated Americans for more than 2 weeks, but also brutally murdered an American serviceman.

To their credit, many news media representatives have undergone serious introspection with respect to their performance in Lebanon and have publicly revealed a number of ideas for improved news coverage in the future. They recognize the need for substantial reform, as indicated in the attached articles.

But it has now been nearly 2 weeks since the Lebanese crisis ended. It is time to convert introspection into action.

I hope that the networks will seize this opportunity to improve their reporting in these hostage situations. I stand ready to offer whatever assistance is helpful.

[From the New York Times, July 2, 1985]

TV IN THE HOSTAGE CRISIS: REPORTER OR PARTICIPANT?

(By Alex S. Jones)

The role of television in the 17-day American hostage crisis promises to fuel debate that will be difficult to resolve. It is a matter that is troubling to many journalists because it appears to have set precedents for coverage of future such incidents.

Almost throughout the crisis, television-functioned not only as observer and reporter, the traditional journalistic capacity, but also at times as an actor in the unfolding events.

In effect, the sophisticated technological mechanism that had been developed in the West to serve a free press entered into a symbiotic relationship with those holding the hostages. Three captors were trading access to the principals in the drama for what they viewed as publicity, and interviews were conducted in the inhibiting presence of armed militiamen.

CONTROLLED INTERVIEWS

In their role as a participant, the nation's networks broadcast statements and interviews with representatives of Amal, the Shiite Moslem militia that took responsibility for the hostages, and also transmitted interviews with the hostages that were carefully controlled by the captors. In some cases the material was broadcast without being edited at all.

"You have journalism, which is thoughtful and considered, and you have what I call 'electronics,' which is the use of our facilities to transmit pictures and words, but does not have a lot to do with journalism," said John Chancellor, senior commentator at NBC News.

"If by some miracle all the world's television networks had magically agreed not to cover the crisis as they did," he said, "I suspect that one of the terrorists' demands would have been for a camera."

The episode has served to point up the problem of being an aggressive provider of news, long considered a virtue among both print and broadcast journalists, without being exploited by the subject of the reporting.

QUESTION OF MANIPULATION

Print journalism, which by its nature requires editing, does not suit the purposes of terrorists nearly so well and, hence, is less vulnerable to being used by them as a vehicle for propaganda. But, during the crisis, newspapers frequently published transcripts of exchanges that had been broadcast on the networks because the exchanges themselves were the news.

Journalists and others have raised questions regarding whether the television networks were manipulated by those holding the hostages. Statements by the captors were repeatedly broadcast, as were statements by hostages that seemed to cast the Shiite Moslem cause in a sympathetic light.

Mr. Chancellor and others have said that the networks should have delayed broadcasting the material until it could be edited and accompanied by informed commentary that explained the context of what was being shown and the influences the hostages and reporters were under.

Journalists in Beirut say there was great pressure not to inflame the situation by asking questions that might offend, for example by raising the issue of the murder of Robert Dean Stethem, a passenger who was an American Navy diver. The reporters, who were also interviewing people who were armed, realized that they themselves could have been seized by those holding the hostages.

Whether statements by Nabih Berri and the hostages had much influence on American public opinion is still uncertain. Such coverage prompted a storm of public self-examination within the nation's news organizations, calling attention to the role that television in particular was playing and feeding what many think is a broad public sense that news coverage aided those holding the hostages.

Some reporters and network executives speculated that the publicity given the situation may indeed have aided the hostages, in that it diminished the likelihood of harm coming to them.

INTENSE COMPETITION

Adding to the controversy was an atmosphere of frenzied competition in Beirut among news organizations, and especially among television networks.

All the networks committed enormous resources to the coverage, with dozens of reporters, platoons of drivers and translators, chartered airplanes to fly videotape to the nearest available transmission point, and intense pressure from network headquarters to produce something exclusive.

The intense competition was given a sinister twist because of the atmosphere of lawlessness, anarchy and danger in Beirut, which contributed to what one reporter described as a "jungle mentality where anything goes."

Rumors have circulated widely among the journalists in Beirut of news organizations paying those holding the hostages for interviews and favored treatment, such as opportunities for exclusive access, although all of the networks deny paying for news.

In addition, there has been a scramble for access to the families of the hostages that has prompted criticism from some journalists. "There is no doubt in my mind that there was some 'Don't tell me what you're going to do with it, just do it' money being spent this week," said Fred Friendly, Edward R. Murrow Professor Emeritus at the Columbia Graduate School of Journalism.

"NOT ONE PENNY"

When a going-away banquet was given for the hostages in the Beirut hotel where ABC had its headquarters, other journalists charged that ABC had contributed money toward the dinner. Joanna Bistany, an ABC spokesman, characterized the charge as "beyond the pale."

"We have not paid one penny toward paying any interviews," Miss Bistany said, and added that the charges were "an attempt to demean what was simply good, aggressive journalism."

So intense was the pressure to be competitive on any news involving the hostages that, when other journalists learned that the bizarre banquet was under way, some of them risked their lives to travel across Beirut late at night amid roaming bands of heavily-armed rival Lebanese who were exchanging fire with each other in a city where Americans have been singled out as targets.

On Monday, CBS and ABC criticized NBC for flying four families of hostages to West Germany and paying for their hotel accommodations in exchange for an interview. NBC responded by saying that it had beaten the other networks.

[From Broadcasting magazine, July 8, 1985]

HOSTAGE COVERAGE HINDSIGHT: COMPETITION, TECHNOLOGY SHAPE THE STORY

After 17 days, the second chapter of what seems a continuing saga ended on Tuesday (July 2), at Andrews Air Force Base, in Washington, with President Reagan greeting 30 Americans who had arrived on a TWA charter after being held hostage in Beirut. Whatever the trauma for the individuals and their families and U.S. government policy makers, it has been a "terrific story" for the media, as some journalists put it. America "was transfixed," said Ed Turner of Cable News Network. And network news executives generally looked back on the labors of their respective organizations with satisfaction. Richard Wald, senior vice president of ABC News, felt regret over nothing more than "an occasional error of grammar" on the part of an ABC correspondent or "a minor error of fact." But some observers, a step or two removed, had larger concerns, generally centering on whether the miracles of the technology available to the television journalists are more than they can handle.

The networks made an enormous investment, in money, personnel and time, in the hostage story. ABC, CBS and NBC filled the air with hostage stories on regularly scheduled news programs, in specials and in what even news executives concede may have been too many "interrupts." CNN, the 24-hour news service, devoted itself to practically nothing else. And the competition among the media—particularly the networks—was intense. "We all went after the story with a vengeance," Turner said. Inevitably, the competition bordered at times on the unseemly. As Wald noted, "The networks have been competing mightily, and talking ill of each other."

There were, for instance, the reactions of ABC and CBS to NBC *Today* show's coup in corralling six hostage families early in the drama, then flying them to Frankfurt, where they were put up in hotels, all for the sake of exclusive interviews when the captives were released. ABC and CBS spokespersons said their respective networks didn't do that sort of thing. Said Steve Friedman, *Today's* executive producer, in response: "They shouldn't complain when we beat them." And when Dan Rather went on *CBS Morning News*, on Friday (June 28), with an edited audio tape of a telephone interview with three of the hostages, after *Good Morning, America's* David Hartman had been chatting with the same three on ABC's air live, via telephone, Rather said CBS News chose an edited version because, in a situation controlled by the terrorists, "we have to keep control of . . . the air." The intense competition even gave rise to rumors in Beirut—now a lawless city, at best—that some news organizations were paying those holding the hostages large sums of money to ease the path to exclusive stories, but the networks deny such payments, and no proof has been made publicly to support the charges.

One clear consequence of competition was the inability of the three major networks to

agree on pool coverage. NBC News President Larry Grossman said that, in talks with ABC's Wald and CBS News vice president Howard Stringer, he had proposed that the three networks pool interviews with the hostages. "I thought we had an agreement, but then it turned out we didn't." CBS was prepared to participate, but ABC was not—and NBC and CBS realized there was no pool when ABC went on the air on June 28 with an interview it did not make available to NBC and CBS. Wald, who said he was, initially, "Sympathetic" to the idea of a pool, turned it down after talking to ABC people in New York and Beirut. Wald cited several reasons—among them the feeling "we were ahead of everyone else" on the story. But Grossman should not take the rebuff personally; a demand by the Amal—a street-fighting group turned media-event manager—that the networks pool their coverage was not effective either.

Grossman said he favors competition—contention among the media is likely to insure better service to the public, he said—and normally, he opposes pools. But, he added, in Beirut, "I think we would have been less subject to being jerked around and leveraged by [Amal leader Nabih Berri's forces]." CBS News, a spokesperson said, felt a pool would have made life safer for the correspondents on the scene; they were reported to have felt fierce competition among the media could create a dangerous situation for them.

While competition among the media runs like a dominant thread through the fabric of the main media story, that story, almost from the day that two terrorists hijacked TWA Flight 847 a few minutes after it took off from the Athens airport, focused on whether and to what degree the networks were manipulated and exploited by the terrorists. Satellites and television, combined with the sophistication of those holding the Americans in taking advantage of the technology, made for some extraordinary, even bizarre, television. (A special report on trends in satellite communications begins on page 43.) Hartman's conversation with the hostages, broadcast live, was a case in point. What had begun as a scheduled telephone interview with Nabih Berri turned into something else when Berri disclosed to Hartman and the *GMA* audience that three hostages—Allyn Conwell, the Rev. James McLoughlin and Simon Grossmayer—were with him in his headquarters and asked if Hartman would like to talk to them. Nor was that all. As it happened, *GMA* had flown Conwell's wife, Olga, from Corfu, Greece, to the nearest television uplink, in Larnaca, Cyprus, for an interview that was to be conducted later in the program. So nothing would do, of course, but for Olga, seen on camera, to speak by telephone to her captive husband, then speak to Berri, who offered the captive's wife words of comfort. A classic example of theater of the absurd.

Such coverage—including the interviews Berri gave to all of the anchors of the evening news shows and the interviews with hostages who spoke warmly of their guards—generated concerns regarding manipulation of the media. But generally, the news executives—in crediting all networks with, as Turner put it, "a pretty decent job"—brushed off such concerns. Of course, they know the Amal was attempting to "use" the networks—everyone does, from President Reagan down. Hostage families welcomed network interviews as a means of applying pressure on the government to work for the release of the hostages. And if the ubiquitous cameras offered the captors ready access to the American public, they may also have assured the safety of the captives. As Grossman said, "People behave better when the cameras are on them."

But beyond that, the news executives say the anchors and correspondents serving their respective networks were careful to put stories in perspective. Wald said critics who say that *they* are aware of attempts to propagandize them, but that the general audience is not aware, are "falling into a great elitist fallacy. The audience is sometimes unknowing," Wald said, "but it is never dumb." Friedman said viewers were aware of the pressure under which a hostage gives an interview; after all, they can see the guard's gun.

Grossman was one of the few executives who would concede his operation could have performed better. He said a *post mortem* NBC was conducting disclosed "a lot of things that should be done differently" in the event of another story like the one just ended. "But," he said, "basic principles remain. If it's a big story, cover it—and it's better to cover than not cover."

All of which sounds persuasive. But something was getting into the minds of Americans as they watched and read about the hijacking and taking of American hostages—and it did not take long. An ABC-*Washington Post* poll conducted among 1,016 men and women on June 17, three days after the hijacking, and on June 19, showed that 56% of the public wanted the government to negotiate the release of the hostages even if that meant giving in to terrorist demands—something President Reagan insisted the U.S. would not do. The poll also revealed that Americans were about equally divided on whether the administration should ask Israel to release the Shiite prisoners it is holding, as demanded by the terrorists—again, something the administration said it would not do. And by a margin of 54 to 24, Americans said Israel was not doing all it should to resolve the hostage situation. What's more, 37 percent of the public were found to favor having the U.S. reduce its ties to Israel—its closest ally in that part of the world—"in order to lessen the acts of terrorism against us in the Middle East."

That aside, there is a sharp difference of opinion among some interested observers as to whether the media learned anything from the first chapter of the story ABC once called *America Held Hostage*, a chapter that covered the 14 months of captivity for Americans in Teheran, five years ago. Friedman, for instance, said, "We learned a lot from Iran." This time, "it wasn't a case of the news programs being held hostage. We tried to present a balanced picture of all news stories."

But Fred Friendly, former president of CBS News and currently Edward R. Murrow Professor Emeritus at the Columbia School of Journalism, offers a different view. "After Iran, everyone said, 'We'll do it better next time,'" he said. "They didn't." The media, he added, have yet to learn how to avoid serving as the "ransom" that is now paid to terrorists who take hostages.

Friendly seemed reluctant to appear critical of those he still considers colleagues. He said the networks "did a pretty good job." And the pressure the coverage put on the President may have been a good thing, he said. "But," he continued, "there may be a day when all that pressure on the President is something to be avoided."

Don Oberdorfer, diplomatic correspondent for *The Washington Post*, is another who thinks what he sees as the main lesson of the Iranian hostage story—the danger of national obsession with an event—has not been learned. He had written articles for the *Post* and the *Washington Journalism Review* after the return of the Americans from Teheran, in January 1981, about the uneasiness he felt regarding the problem of saturation coverage of a gripping event overseas through satellite-delivered television signals. "The whole country was involved," he said last week. "Everybody was caught up in an intense experience to the exclusion of everything else." And the coverage of the Beirut hostage story persuades him that nothing had been learned by the media. "Things got worse," he said. "There was a no-holds-barred competition among the networks, and the captors were more sophisticated than the Iranians [in the use of the media], and played it for all it was worth."

Oberdorfer was not concerned about the content of the material churned out; the likelihood that American viewers would become converts to the Hezbollah Shiite movement was not great. "But," he said, "this country cannot afford to be taken captive by far-off events for weeks and months and longer." Focusing attention on a single event over a period of time "will have a profound impact on government," he said. And he noted Reagan, in greeting the former hostages at Andrews, indicated he had been consumed with the story: "In the days that you were away, our attention was never once distracted from your plight. And we wouldn't rest until you returned to us safe and whole." That from a President who had made an effort to maintain a business-as-usual schedule during the crisis.

And there were those who felt that the story may not have been worth all the time devoted to it over the 17 days. David Gergen, who was White House director of communications during the first three years of the Reagan presidency and who is now a columnist and consultant for U.S. News and World Report, for instance, said saturation coverage was justified during the first days of the crisis, when the hijacked plane was shuttling between Beirut and Algiers and when the Navy man, Robert Stethem, was killed, and the final days, when the hostages broke camp and headed for home. "In between, though, there was too much hype and repetition," an analysis with which viewers evidently agreed: Ratings for the network news programs dropped off in the second week of the coverage.

But with the former hostages returned, new criticisms of the coverage may be emerging—that for all the effort and time and money expended, the media may have missed an important ingredient of the story. Gergen noted that "we now know that Conwell didn't speak for all the hostages." Conwell, the oil company executive from Houston who was the articulate spokesman for the hostages, presented a picture of camaraderie with the Amal—on the final day of the hostages' captivity, he was seen on American television screens exchanging kisses with one of the militia. But former hostages last week began showing up on American television offering a different picture. Peter Hill, of Hoffman Estates, Ill., in an interview with CBS News that was shown on the day the former hostages returned, on the Morning News, and later on the Evening News, expressed a fury that was almost palpable. He felt, he said, "anger frustration, a sense of being raped, ravaged by these animals." And in another interview, on the net-

work's late-night Nightwatch, Hill directed fury almost as violent at Conwell's behavior. "It would have been helpful," Gergen said, "if we knew about Conwell's Middle East conections. We don't know his motivations."

All of the critics make it clear they consider abhorrent use of government regulations as a means of dealing, next time, with the problems they saw in the coverage of the Beirut story. Indeed, they express fear that the government might seek to impose some kind of regulation—Gergen seemed to take former Secretary of State Henry Kissinger's suggestion that the networks impose a blackout on interviews with terrorists as a possible signal of such intentions (although the White House was scrupulous in avoiding any comment on the coverage). But they all called on the networks to engage in what Gergen called "serious introspection on how these events are covered without the media being manipulated."

Friendly would take such "introspection" a step further. "I'd favor a meeting of all news organizations to consider what we have learned from Iran and Beirut and what we can do to avoid being manipulated," he said. "It may be nothing. But at least we can look at it, and try to figure out what we can do . . . when the roof falls in." He would hope such a conference could provide an answer to a network looking for an exclusive in a future hostage taking and being confronted with a demand from a terrorist saying, "I want to make a statement in prime time, unedited."

If intense competition and the technology available created a new kind of problem for television networks in Beirut looking for a scoop without paying an unacceptable ethical price, the pressures will be even greater "next time." In Beirut, the networks had to transport videotape by road to an uplink in Damascus or by air to Larnaca. The earth station in Beirut had long since been a casualty of the street fighting there. Next time, CNN's Turner indicated, that wouldn't matter. He noted the portable uplink being developed will be available. "You can go right from the tarmac," he said. "You can transport the equipment in an airplane and carry it in a station wagon." The competition, then, would be ratcheted up a few notches. But that might not be the only problem. Said Turner: "I can see the Amal taking the uplink hostage."●

□ 1900

GENERAL LEAVE

Mr. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRIBUTE TO ROBERT D. BUEHLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, I make these comments on behalf of my colleagues from Kansas, Mr. WHITTAKER and Mrs. MEYERS, and my colleague from Missouri, Mr. EMERSON.

It is with sadness and a keen sense of personal loss that I inform my colleagues of the untimely and sudden passing of one of our close and good friends, Mr. Bob Buehler, vice president of Government relations for the B.F. Goodrich Co.

Bob passed away this week, Tuesday, July 9, after a very brief illness. Our sense of loss, Mr. Speaker, is even more poignant due to the suddenness of his passing. In behalf of this many friends within this body, I extend our heartfelt sympathies to his wife Pat, his four daughters, and to his family. I would like to inform the House that the family will be holding "Celebration of Life" services Friday, July 12, at 2:30 p.m. at the St. Francis Episcopal Church in Potomac, MD. Burial will be in the Memorial Garden at the church following the service.

Mr. Speaker, Robert D. Buehler's obituary will follow my remarks. I would only add that when it comes to public service, there are no self-made men. It is your friends who make you what you are. In this regard, I speak for many of my colleagues, many in the other body, and many who have been and are in positions of leadership in our Nation's Capital and in my home State of Kansas when I say farewell, old friend, and thank you.

Robert D. Buehler was staff vice president, Government relations for The B.F. Goodrich Co.

Before joining B.F. Goodrich in March 1972, Mr. Buehler was vice president for public affairs and inter-association relations for the National Association of Manufacturers, Washington, D.C.

He received an A.B. degree from the University of Kansas in 1948 and a juris doctor law degree from the University's School of Law in 1950. He is admitted to practice before the Supreme Court of the United States, the Federal District courts and the Kansas State courts. Buehler practiced law in Atchison, Kansas until 1954, when he became administrative assistant to former Representative William H. Avery of Kansas. In 1963, he joined the National Association of Manufacturers as assistant director of public affairs.

During World War II, Buehler served with the Army in the European Theater of Operations. During the Korean conflict, he was with the Office of the Staff Judge Advocate, Walter Reed Medical Center, Washington, DC.

He served on the Government Relations Committee of the Rubber Manufacturers Association; was Chairman of the Government Relations Committee for the Society of Plastics Industry; and Chairman, the Budget Contol working Group.

Mr. Buehler was a member of the Business-Government Relations Council, Washington Representatives Research Group, the Washington Industrial Round Table. He was Eastern Vice President of the Kansas Alumni Association. He has served on the board of directors of the Girl Scout Council of the Nation's Capital.

He was a member of the Congressional Country Club, The International Club, the George Town Club, the Carlton Club, the Capitol Hill Club and the National Democratic Club.

He has served as a senior warden of the vestry of Holy Cross Episcopal Church and is a member of St. Francis Episcopal Church, Potomac, MD.

He was a member of Beta Theta Pi social fraternity, Phi Delta Phi legal fraternity, the Masonic Lodge and the Shrine.

Services will be Friday, July 12, 1985 at 2:30 p.m. at St. Francis Espiscopal Church, Potomac, MD. Burial will be in the Memorial Garden at the church following the service.

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I would be happy to yield to my friend and colleague, the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding.

Mr. Speaker, B.F. Goodrich has a large plant in the Fourth District of Indiana and, as such, I became acquainted with Bob Buehler when I first arrived in Washington.

Bob was a professional in every sense of the word, and certainly knew his business and knew how to convey and discuss issues of mutual concern, but he was much more than that, as the gentleman from Kansas knows.

He was someone who was a friend, and someone who was willing to go that extra mile to help out where help was needed, to give advice, to be there to discuss things on an objective basis. We are surely going to miss Bob.

Mr. ROBERTS. I thank my friend and colleague from Indiana for his contribution. I know that the Bob Buehler family will appreciate it very much.

● Mr. BROYHILL. Mr. Speaker, I was sad to learn of the passing of my good friend, Bob Buehler. When I first came to Congress, Bob was administrative assistant to then Congressman, later Gov., Bill Avery of Kansas. Representative Chet Mize succeeded Bill Avery in the House. Bob continued as assistant to Chet before leaving the Hill to enter the private sector. Bob, at that time, was a close friend of my former administrative assistant, the late Vince Monzel, who passed away in June 1971.

Bob was always most helpful to me with good advice and counsel through the years. While here on the Hill, his knowledge of Government, his wide knowledge of those who make the decisions in Government, were always at my disposal. He was ready to help solve a problem, cut through redtape any time he was called on for help.

In the private sector, Bob, from time to time, found it necessary to come into my office to lobby me on an issue. In every case the information he provided to me was accurate and reliable. Bob was never a high pressure type of person. He knew, because of his past experience on the Hill, that Members need the facts and that pressure doesn't work. As a result, Bob was a

most effective spokesman for those issues in which he was interested.

Bob loved to play golf. I had the pleasure of playing several rounds of golf with Bob. He was like me, not a very good golfer, but he sure loved the game and he could express his disappointment over a bad shot or voice his excitement and thrill over a good shot or a low score on a hole.

Bob made friends easily and he had a wide circle of friends. We who knew him will miss his warm, friendly greeting, his good humor, his willingness to help a friend. My wife, Louise, and I want to extend to Pat and the girls our deepest sympathy over their loss. Our prayers are with them during these hours and days of sorrow.●

● Mrs. MEYERS of Kansas. Mr. Speaker, I join with my colleagues from Kansas in expressing our sadness in the death of our fellow Kansan, Bob Buehler, and in extending our sympathy to his family.

While I knew Bob for only a relatively brief period of time, I am grateful for having had that opportunity. He represented his company with utmost integrity and honesty, and was one of the most respected and effective governmental affairs officers in Washington.

I know that my predecessor, Larry Winn, Jr., and Bob Buehler were very close friends. That, in itself, tells me that Bob Buehler was someone we all could admire.●

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

LEGISLATION TO PROHIBIT DISCHARGES OF AGRICULTURE WASTEWATERS INTO MORRO BAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which would protect two of the most environmentally sensitive and economically productive areas of the California coast from the contaminating effects of toxic wastewater drainage from the San Joaquin Valley. I am introducing this legislation in response to concerns that this contaminated water, which is the cause of the ecological disaster at the Kesterson Reservoir in Merced County, may be drained into the Pacific Ocean at Monterey Bay or Morro Bay. The U.S. Bureau of Reclamation is now in the process of considering options for the treatment and/or disposal of this polluted water. Among the alternatives being considered as a long-range solution to the problem of toxic agricultural wastewaters is the ocean disposal plan.

I know I speak for the citizens and officials of the coastal communities which I represent when I say that it is totally unacceptable to use Monterey Bay or Morro Bay as discharge sites for the valley's agricultural drainage water. It makes no sense to adddress the contamination of one sensitive aquatic environment with a multibillion-dollar construction effort which will ultimately lead to the pollution of another. These bays could not receive this drainage without irreparable damage being inflicted. The contamination of Monterey Bay or Morro Bay would pose serious economic, environmental, and public health problems for local communities, and could devastate locally and nationally important tourist, commercial fishing, and marine research activities. One needs only to consider the bays' unique physical and biological qualities, their economic productivity, and their national cultural and research significance to determine that they are totally inappropriate sites for the discharge of the San Joaquin Valley's toxic drainage water.

The Congress will soon be considering legislation to provide funds to the Bureau of Reclamation to study the various options for the treatment and/or disposal of this contaminated water. Rather than consider options which would extend the potential for ecological damage to aquatic environments sensitive and more vital than these drainage reservoirs, the search for a disposal solution should focus on a plan which would not threaten California's coastal environments, economies, and the health of our citizens. Land disposal, the use of evaporation ponds and treatment facilities, and other alternatives which dispose of the drainage closer to the source would seem to be more ecologically sound and cost effective than the ocean discharge option. And while I do not profess to hold the key to solving the drainage problem, it is my hope that Congress will direct State and Federal Officials to focus on these, more sensible alternatives for the disposal of the San Joaquin Valley's toxic drainage water.

Mr. Speaker, the Bureau's insistence on considering this ill-advised and costly proposal necessitates congressional action to focus Federal consideration on those disposal options which offer a more practical solution to this problem. This legislation would provide an insurance policy against action which could ultimately jeopardize the sensitive marine ecology of Monterey Bay and Morro Bay.

H.R. —

A bill to prohibit certain discharges of agriculture waste waters into Morro Bay or Monterey Bay, California

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION.

The Secretary of the Interior is prohibited from obligating or expending funds authorized or made available under any authority of law to study, or construct, facilities to discharge agricultural wastewaters from any unit of the Central Valley Project into the Pacific Ocean at Morro Bay or Monterey Bay, California.●

SEVEN AMERICANS STILL HELD HOSTAGE IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. O'BRIEN] is recognized for 5 minutes.

● Mr. O'BRIEN. Mr. Speaker, things are pretty much back to normal in Lebanon.

Seven persons were killed and 53 wounded as rival militias battled in the streets of Tripoli and Beirut yesterday.

Israeli warplanes and helicopter gunships rocketed three Palestinian guerrilla bases north of the capital, 1 day after two suicide car bomb attacks claimed 15 lives in south Lebanon.

A delegation of Lebanese leaders returned from Damascus with a 16-point agreement calling for political reforms.

And seven Americans continue to be held hostage in Lebanon.

Today is the 482d day of captivity for William Buckley of Medford, MA.

Today is the 429th day of captivity for Rev. Benjamin Weir of Berkeley, CA.

Today is the 117th day of captivity for Terry Anderson of Batavia, NY.

Today is the 45th day of captivity for David Jacobsen of Huntington Beach, CA.

Today is the 31st day of captivity for Thomas Sutherland of Fort Collins, CO.

My good friend and constituent Father Martin Jenco of Joliet, IL, has been held captive 184 days.

Today marks the 219th day of the disappearance of Peter Kilburn of San Francisco, CA.

Mr. Speaker, the hostage crisis is not over. Seven Americans are still being held hostage in Lebanon.●

STIFFER PENALTIES FOR ESPIONAGE URGED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RUDD] is recognized for 5 minutes.

Mr. RUDD. Mr. Speaker, earlier this week at a news conference, I announced that I was participating in the filing of a brief in Federal district court to urge the death penalty be imposed in the Walker case if they are convicted. That action was taken in an attempt to deter the treason and espionage problem which is growing at alarming proportions. It was also taken because this body has consistently refused to consider hearings or pass concrete legislation to punish the culprits and beef up our security measures.

On Tuesday, I explained that we now have more people charged with espionage than ever before in our history. There have been 19 arrests since January 1984, and I expressed my hope, at that time, that tough, but just, legal action and rulings in our courts would help to deter that 20th individual from committing this heinous crime, which can literally endanger the lives of all American citizens and endanger the peace of the world.

We are too late. Today, the FBI announced that it has apprehended two more individuals and charged them with espionage. Even worse, one a 29-year-old woman, Sharon Scranage, has been a CIA employee for the past 7 years and admitted to FBI officials that she passed on to her Ghanaian co-conspirator, Michael Soussoudis who claims to be related to Jerry Rawlings, head of the State of Ghana, an ally of the U.S.S.R. and the terrorist Qadhafi of Libya, the names of CIA agents in that country, including the CIA station chief, as well as classified CIA documents and "cable traffic" coming from the U.S. Embassy in Ghana.

When will this body wake up, and say, enough?

Our national security is being jeapordized daily and the lives of millions placed on-the-line because we are not taking quick and decisive steps to deter espionage in this country.

We need to stop the damage before it occurs and take immediate action to prevent another case like the Walkers or this CIA employee—just apprehended—from ever happening again. But the current maximum penalty of life in prison is obviously not enough. Deterrence is lacking and I urge this body to immediately take action to restore the death penalty for Federal crimes of treason and espionage and also hold hearings on H.R. 704, which I introduced in January this year and addresses this serious problem.

I include several AP and UPI stories that relate to this activity.

The articles follow:

WASHINGTON.—A woman employee of the Central Intelligence Agency and her contact, a Ghanaian man who said he was related to the head of state of Ghana, were formally charged Thursday with espionage.

The woman, who worked in the U.S. Embassy in Accra, Ghana, as an operations support assistant for the CIA, admitted to the FBI that she revealed the names of CIA agents in Ghana, including the station chief, to her Ghanaian friend. She said she also identified Ghanaian "assets"—the Ghana agents who report to the CIA—and passed along a CIA intelligence report involving Libyan military equipment.

The FBI identified the woman as Sharon Scranage, 29, a resident of King George, VA. Her Ghanaian friend was identified as Michael Agbotui Soussoudis, 39, who listed a New York City address. The FBI said they were charged with conspiracy to commit espionage and could face life in prison.

The woman was arrested by FBI agents in northern Virginia, near Washington, DC., early Thursday. Her friend, Soussoudis, was taken into custody Wednesday night at the Holiday Inn in Springfield, VA., another Washington suburb.

Soussoudis said he was related to the Ghana head of state but denied he worked for the government of the West African nation.

The Government complaint said Scranage worked for the CIA for 7 years. It said she was questioned from Monday through Wednesday this week and admitted to furnishing classified information to Soussoudis from December 1983 until May 1985 concerning her status as a CIA employee, the identity of the other CIA employees in Accra and "the true names and identities of Ghanaian assets."

In December 1984 and January 1985, "Scranage and Soussoudis met at her residence and she provided to him the names of CIA personnel in Ghana and people who were cooperating with the CIA," it said.

She also furnished Soussoudis information from classified CIA "cable traffic" and from a CIA intelligence report that contained information about military equipment that a Ghanaian group had requested from Libya, the complaint said.

FBI Director William Webster, who formally announced the arrests, said the investigation was conducted by the FBI based on information provided by the CIA and with the CIA's full cooperation.

The two were formally told of the charges at a bail hearing before U.S. Magistrate W. Harris Grimsley in Alexandria.

When the magistrate asked Soussoudis if he understood the charges, he replied, "No, sir, I don't believe a small little Ghana . . ."

Grimsley interrupted and Soussoudis said, yes, he did understand the charges.

Court documents say Soussoudis was arrested with about $2,700 in American money and pound sterling. He is described as being divorced with a 6-year-old daughter. He said he is a citizen of Ghana, born in that country's capital, Accra.

Grimsley ordered Soussoudis held without bond.

At the end of the hearing, Soussoudis said, "I am not associated with the government of Ghana. . . . I am just related to the head of state. That's all. I do not work for the state of Ghana.

Grimsley set a preliminary hearing for July 19.

RELATIVE OF GHANA LEADER AND CIA CLERK CHARGED WITH SPYING

(By Michael J. Sniffen)

WASHINGTON.—The FBI brought espionage charges Thursday against a relative of the leader of Ghana and a female CIA Clerk whom he allegedly wooed into turning over secrets about U.S. spy operations in the African nation.

FBI Director William H. Webster said the alleged spying over the past year and a half was unearthed by the CIA itself and that the CIA cooperated in the bureau's investigation.

In court papers, the FBI said the clerk, Sharon M. Scranage, 29, of King George, Va., confessed her role during interrogation by FBI agents at CIA headquarters Monday through Wednesday. She was arrested Thursday morning.

The Ghanaian man, Michael Asbotui Soussoudis, 39, was arrested Wednesday night at a hotel in suburban Springfield, Va., where he had been led to believe he would have another rendezvous with Miss Scranage, the FBI said.

According to Justice Department sources, Soussoudis, a married, self-employed business consultant, and Miss Scranage, a divorced, $22,000-a-year clerk, became lovers in Ghana's capital of Accra in 1983.

An FBI affidavit charged that the liaison allowed the Ghanaians to obtain the names of CIA agents stationed in their country and of Ghanaian dissidents who were secretly cooperating with the CIA.

The FBI said the Ghanaia obtained a CIA report on efforts by Ghanaia strongman Jerry J. Rawlings' military government to get weapons from the radical North African nation of Libya.

And the sources, who declined to be identified by name, said the U.S. government, based on the interrogation of Miss Scranage, believes that Rawlings, Soussoudis and Ghana's intelligence chief met with her recently in Accra and asked her to rifle classified files during her new assignment at CIA headquarters in this country.

Ghanaian Embassy spokesman Harry Marshall was away from his office and unreachable for comment.

The pair are charged with conspiracy to commit espionage, which carries a maximum penalty of life in prison.

In separate hearings in suburban Alexandria, Va., U.S. Magistrate W. Harris Grimsley ordered both held without bail pending detention hearings next week.

Assistant U.S. Attorney Justin Williams said, "There is strong evidence that he (Soussoudis) . . . is actively engaged in espionage against the United States." Later, he added that Soussoudis was "in effect, associated with and serving the intelligence apparatus of the government of Ghana."

Soussoudis said, "I am not associated with any intelligence service in Ghana; I am just related to the head of state, that's all."

The sources said he was either the nephew or cousin of strongman Rawlings, who took over Ghana in a military coup and now chairs its provisional national defense council.

In a court affidavit, FBI agent Julianne Slifco said the alleged spying began in December 1983 when Miss Scranage, then a seven-year CIA veteran, was assigned to the agency's station in Accra as an operations support assistant.

CIA spokeswoman Kathy Pherson said the agency would not comment on the case,

nor would she say whether Scranage had been suspended.

The FBI affidavit said that beginning in December 1983 and continuing until Wednesday night, Miss Scranage turned over to Soussoudis such information as:

The identities of all CIA personnel in Ghana, including the station chief.

The identities of Ghanaians who were cooperating with the CIA, including some who had turned over classified Ghanaian government documents.

Operational plans for CIA spying in Ghana.

The sources said some CIA personnel had to be recalled from Ghana after their covers were compromised.

The affidavit said Soussoudis actively sought the names of Ghanaian dissidents who were cooperating with the CIA, so he could have them arrested by the Ghanaian government.

Miss Scranage was stationed in Accra until this past May.

Agent Slifco said Miss Scranase admitted that on May 24 of this year, just before her departure from Accra, she met with Soussoudis and Ghanaian officials including a Ghanaian intelligence official.

The affidavit said Miss Scranase repeated the information she had earlier supplied to Soussoudis and saw the intelligence official had notes she had given Soussoudis.

At this meeting, the affidavit said, she was asked by the intelligence official to examine classified files at CIA headquarters here and learn the identities of three Ghanaians traveling abroad who had supplied information to the CIA. She was told to supply the information to Soussoudis, who would travel to this country to get it.

The FBI said Miss Scranase admitted she also has given Soussoudis information from classified CIA cables and from a CIA intelligence report on military equipment which a Ghanaian group has requested from Libya.

She also said she gave him information on CIA communications and radio equipment, the affidavit said.

Miss Scranase is the fourth CIA employee charged with spying against the United States.

At the hearing, Soussoudis said he had no money to hire a lawyer and Magistrate Grimsley said one would be appointed. Soussoudis said his only previous legal trouble was when "my wife accused me of trying to take my daughter to Ghana," but he said charges were dropped.

Prosecutor Williams said Soussoudis was likely to flee if released and that there would be virtually no way to get him back "given the status of our relations between the United States and Ghana.

CIA Employee Charged With Espionage

(By Henry J. Reske)

Washington.—A nine-year employee of the CIA, described by her mother as a "good girl, very industrious" was charged Thursday with passing government secrets to her lover, a relative of the leader of a West African nation with ties to Libya.

The FBI charged Sharon Scranage, 29, of King George, Va., and Michael Agbotui Soussoudis, 39, a resident of Ghana who was described as her lover, with conspiracy to commit espionage. Both were ordered held without bond and could face life in prison if convicted.

Scranage, who has worked for the intelligence agency for nine years, served as an operations support assistant for the CIA's office in Accra, Ghana. She was arrested by FBI agents in suburban McLean, Va., Thurday after admitting she furnished classified information to Soussoudis, Federal prosecutors said.

Soussoudis, related to Ghanaian leader Jerry Rawlings, apparently a cousin, was taken into custody Wednesday night at a motel in suburban Springfield, Va. Rawlings is a controversial leader with ties to anti-American Libyan leader Moammar Khadafy.

Scranage's mother, Mary Belle Scranage of King George, Va., told United Press International Thursday: "Yes, my goodness, she was a good girl, very industrious, from a baby right up through college. Anybody can tell you." She said her daughter sang in the church choir.

She called the arrest "a surprise" but said her daughter had told her last week "she had a little problem on her hands," without being specific.

At a hearing before U.S. Magistrate W. Harris Grimsley, Scranage, dressed in a skirt and blouse, answered questions in a quiet monotone.

When asked where she worked, she said: "The Central Intelligence Agency." She told the judge she made $22,000 a year and had savings totaling $8,000.

The divorcee was ordered held without bail pending a further hearing July 18. Her attorney said she would plead innocent to the charges.

Preceding her to the courtroom was her lover, Soussoudis, also divorced, who was carrying about $2,700 when arrested, documents showed.

When the magistrate asked Soussoudis if he understood the charges, he replied, "No, sir, I don't believe small little Ghana . . ." His attorney interrupted and Soussoudis said he did understand the charges.

Born in Ghana, Soussoudis listed his address as being in New York City. He told the judge he was self-employed and had started a business consulting firm in Accra, Ghana. He also said he saw a doctor Tuesday for high blood pressure and chest pains.

At the end of the hearing, he said, "I am not associated with the government of Ghana. . . . I am just related to the head of state. That's all. I do not work for the state of Ghana."

Scranage first was assigned to Ghana in December 1983, when the espionage allegedly began officials said. She returned to Washington this May and continued passing secret documents, they said.

A Justice Department official, who asked to remain nameless, said the two were lovers.

Scranage was alleged to have supplied Ghana intelligience in Accra and Washington with names of CIA agents in Ghana, several of whom had to be recalled, and details about CIA communications.

An affidavit attached to the criminal complaint against Scranage said she admitted to FBI agents July 8-10 that she had furnished "classified information to Michael Soussoudis from December 1983 until May of 1985 concerning her status as a CIA employee in Ghana."

The affidavit also said she admitted supplying information from classified CIA cable traffic and from a CIA intelligence report about military equipment that a Ghanaian group had requested from Libya.

In an earlier espionage case involving the CIA, David Henry Barnett, a former CIA employee, was sentenced in 1981 to 18 years in prison after he confessed to selling sensitive American intelligence information to the Soviet Union.

William Kampiles, another former CIA employee, was convicted in 1978 and sentenced to 40 years in prison on charges he stole a secret document relating to satellite surveillance and sold it to a Soviet agent.

Washington.—Sharon M. Scranager, a Central Intelligence Agency clerk charged Thursday with conspiracy to commit espionage, is the fourth CIA employee accused of spying against the United States. Some details about the other three:

The most famous case was brought against David Henry Barnett, a former covert CIA agent in Indonesia who was charged in 1980 with selling the Soviets the identities of CIA agents in Indonesia and the identities of Indonesians cooperating with the CIA for $93,000. Barnett, who had left the agency in 1970, had not begun spying for the Soviets until after he encountered financial problems in private life. He pleaded guilty and was sentenced to 18 years in prison.

In 1978, a former CIA clerk, William P. Kampiles, was arrested and charged with having sold the Soviets the top-secret manual for the U.S. KH-11 spy satellite for $3,000. Kampiles had spirited the manual out of CIA headquarters while employed as a clerk there. He was convicted and sentenced to 40 years in prison.

In 1984, Karl F. Koecher, a former contract translator for the CIA, was arrested in New York City on charges of supplying U.S. secrets to the Czechoslovakian intelligence service. He is still awaiting trial.

CIA Mother

(By Henry David Rosso)

Washington.—Mary Belle Scranese described her daughter Sharon Thursday as an industrious young woman and a churchgoer who told her last week "she had a little problem on her hands."

Sharon Scranese was arrested early Thursday on espionage charges for allegedly passing information to a native from Ghana, including the identities of CIA agents and those cooperating with the CIA covertly.

She and Michael Asbotui Soussoudis, from the west African nation of Ghana, face life in prison if convicted.

"Yes, it sure was a surprise," said Scranese, 61, of King George, Va., in a telephone interview after her daughter appeared before a federal magistrate in Alexandria, Va.

"I think I found out about it last week," Scranese said. "She was home with me for about a week last week and she said she had a little problem on her hands.

"She didn't say anything else, I said, 'What's the matter?' and she said she had a little problem. I've been looking for her."

She described her daughter as a good student and church-goer who sang in the choir.

"Yes, my goodness, she was a good girl, very industrious, from a baby right up through college," she said. "Anybody can tell you."

Scranese and her husband, Perry Lee, had not been notified by authorities of the arrest made by FBI agents in a Northern Virginia suburb.

About to leave for Alexandria, Va., where her daughter was being held, Scranese said, "I sure will be there to help."

Asked if her daughter had ever written to her about her job while employed as a CIA operation support assistant in the U.S. Embassy in Accra, Ghana, Scranase said, "No, my Lord, She's over there and she just says,

'I'm doing fine.' She never wrote me about her work."

GENERAL LEAVE

Mr. RUDD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

INADVERTENT OMISSION OF DEBATE FROM CONGRESSIONAL RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. McCANDLESS] is recognized for 5 minutes.

Mr. McCANDLESS. Mr. Speaker, I am taking this special order out to inform my colleagues of an unfortunate situation that occured in the preparation of yesterday's CONGRESSIONAL RECORD. Those who have looked at the debate that ensued following my raising of House Resolution 217 will notice that over half of the debate is missing from the RECORD.

I have looked into the matter and am convinced that the omission was inadvertent. Twenty-six pages of transcript were mistakenly delivered to the wrong office. I would like to stress that the Office of Official Reporters and various congressional offices involved have been extremely cooperative in tracing the missing transcript.

I have been informed by the Office of Official Reporters that the missing portion of yesterday's debate will appear elsewhere in today's RECORD. However, there is an inherent problem, Mr. Speaker, in the system, and one that I believe could be easily corrected. I have sent a letter outlining my suggestions to Senator MATHIAS, chairman of the Joint Committee on Printing, with copies to Chairman ANNUNZIO of the House Committee on Administration, and ranking minority member of that committee, BILL FRENZEL. I will include that letter for the RECORD immediately following these remarks.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 11, 1985.

Hon. CHARLES McC. MATHIAS,
Chairman, Joint Committee on Printing, Hart Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Through an unfortunate situation, of which I was the "victim," I became aware of the very disturbing manner in which the verbatim transcripts of the proceedings of the House of Representatives are handled prior to being transmitted to the Government Printing Office for printing in the form of the Congressional Record.

The incident to which I refer occurred on the morning of July 10, 1985. I had introduced and called up a privileged resolution before the House. The debate that ensured lasted approximately forty minutes. During the debate, I spoke, as did Representatives Foley, Walker, Gekas, and Lungren. I was shocked when I looked in the Congressional Record for July 10th and discovered that half of the debate on the resolution was not there. Where the debate should have been was a statement on page H5333 that said:

"[Mr. McCANDLESS addressed the Committee. His remarks will appear hereafter in the Extension of Remarks.]"

In short, twenty-six pages of transcript had been omitted, including the complete remarks of Representatives Walker, Gekas, and Lungren.

After investigating the matter diligently throughout the morning and afternoon of July 11th, I have learned that the missing pages had inadvertently been sent to the wrong Congressional office for revision and were not returned in time for transmittal to GPO for printing.

In the course of my investigation, I was again shocked to learn that the normal procedure is to either send to Members' offices or allow Members to take the original and only copy of the transcripts of the proceedings of the House. In fact, when a member of my staff posed the question to the Office of the Official Reporters, he was informed that it was indeed possible for a Member of Congress or even a staff member to intentionally or inadvertently prevent entire debates from being printed in the Record by pocketing the transcripts.

I find this to be an incredible practice. When I spoke with a number of our colleagues, including those with a fair amount of seniority, they, too, were appalled by this procedure. Therefore, I respectfully request that your Committee review this practice and consider alternatives to it.

Among the alternatives that come immediately to mind and which the Committee may wish to consider are: (1) photocopying the transcript and using the unaltered copy if the original is not returned within a specified time; or (2) establishing a location at which Members or their staffs could review the transcripts, but the originals would not be permitted to be removed from that location.

I came to Washington with a belief that most people beyond the banks of the Potomac share; that the Congressional Record is an accurate and complete reflection of the proceedings and debate of the House of Representatives and the Senate. I have since learned that while that belief is noble, it is not always true. The Record of July 10, 1985 is, I am sure, but one example.

Therefore, I appreciate your consideration and look forward to your review.

With best regards,

Sincerely,

AL McCANDLESS,
Member of Congress.

1910

ORDER OF BUSINESS

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. BEDELL] be allowed to precede me out of order in the taking of special orders.

The SPEAKER pro tempore (Mr. SYNAR). Is there objection to the request of the gentleman from Georgia?

There was no objection.

REPORT OF CONGRESSIONAL DELEGATION TO JAPAN ON TRADE PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. BEDELL] is recognized for 60 minutes.

Mr. BEDELL. Mr. Speaker, I thank the gentleman from Georgia [Mr. GINGRICH] very much. I am sorry for the confusion. The gentleman from Iowa was misinformed as to the order of special orders.

The purpose of this special order, Mr. Speaker, is that there were six Members of Congress who traveled to Japan last week under the auspices of the Northeast-Midwest Coalition. Our purpose was to learn more about our trade situation with Japan and try to advise them with regard to the problems we saw with this relationship.

I would like to yield to the different members of our delegation that made that trip. First of all, I will yield to the gentleman from Pennsylvania [Mr. GOODLING] so he can make his remarks in regard to our trip.

Mr. GOODLING. Mr. Speaker, I thank my leader for yielding. He was our very able leader.

Mr. Speaker, this was a great delegation to travel with because we all thought pretty much alike. We made our points together, and I might add that we went there with particularly two ideas in mind. First of all, we wanted to make sure that the Prime Minister, the Japanese business community, and the elected officials in Japan truly understood the situation in the Congress of the United States in relationship to the trade imbalance. I pleaded with them at every point not to allow us to shoot ourselves in one foot with protectionist legislation because if we did, we were going to shoot them in both feet, and I suggested that they could solve that problem among themselves.

Well, it was a great delegation. When I was there 39 years ago as a member of the occupation force in Japan, things were totally different than we found them now. In fact, you would have to see the difference to believe it. At that time, of course women were to be seen in Japan and not heard, and not very much of them was supposed to be seen either. They have come a long way along that line, but not far enough to realize what they were in for when Congresswoman JOHNSON and Congresswoman KAPTUR were turned loose among these gentlemen from Japan. Both gentlewomen had done their homework and had studied the issues very carefully, and they were unrelenting in making their points.

As I indicated, our chairman, of course, was very forceful in talking about the mood of the Congress, and he was backed up by the gentleman

from Michigan [Mr. LEVIN] and the gentleman from New York [Mr. ACKERMAN]. And then we were also accompanied by the president of MIT and the president of Cornell.

Basically, our message over and over and over again was: "Open your markets so that as a matter of fact in areas where we can compete we have that opportunity." They like to come back at us by saying, "Oh, some of our tariffs are lower than yours, and we are going to lower the rest of them. We are going to do away with a lot of them." But we were told by the American business community over there before we ever spoke to the Japanese, "Don't let them feed you that line because that isn't the problem. The problem is standards that we meet in every part of this world but can't meet when we deal with Japan. The problems are advertising, which we are not allowed to do. The problems are really the bureaucracy that conjures up every possible stumbling block that they can think of to prevent American businesses from getting a foothold in Japan."

So, Mr. Speaker, I think it was a very profitable trip. They heard our message. Whether they took it to heart or not, I am not sure, except last night on the news I noticed that they were really scurrying around to find ways to accommodate the American business people. And I was especially interested to hear them say, "And we are not going to allow the bureaucracy to interfere with what it is we want to do to open our markets."

The other purpose of our trip basically was to learn, and what I learned most of all was what I have preached for a long time, that in America business, labor, and all areas of government must work hand in glove if we are going to be competitive throughout this world. That is exactly the way it is done in Japan. They have long-range planning. They are planning together, and it is not the confrontation kind of thing that we have in the United States, and that helps them to be very successful.

Mr. Speaker, I thank our leader for taking this special order.

Mr. BEDELL. Mr. Speaker, I thank the gentleman very much.

I now yield to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I thank the gentleman from Iowa [Mr. BEDELL] very much.

I was pleased and honored to join the gentleman from Iowa as he led our delegation and to join BILL GOODLING, whose friendship I had the opportunity of benefiting from, and an old pal of mine, NANCY JOHNSON, the distinguished Congresswoman from Connecticut, who indeed gave our friends overseas a dose of her forcefulness, as well as the gentlewoman from Ohio, MARCY KAPTUR, who really worked hard and effectively to get across the message of urgency, and my friend, the gentleman from New York, GARY ACKERMAN.

I think we learned a number of things. One was the importance of the friendship between our two countries. We witnessed it in many respects, in our discussions with the leadership and on down to our meetings with individual Japanese at random, in restaurants and wherever.

We also saw, though, the importance of the significance of the ailment that is eating away at this friendship, the trade imbalance. While we were there, there were three different announcements that came from the United States. One was the May trade figures, and they are terrible. That was the worst month but one, I think, since the Second World War.

Also the automobile sales figures were released, and for domestic production they are not very good. They are down 12 percent. They are really bad. Imports are up 18 percent. That also helped to dramatize why we were in Japan.

Also the unemployment figures for the last month came out, and they showed another 20,000-plus industrial jobs had been lost, bringing the total for this year to over 200,000. That underlined, I think, for all of us how unbalanced this trade picture is and why something has to be done.

Our message essentially to the Japanese was: "Open up your doors or we are going to have to close some of ours."

We met with automobile companies. Their figures showed they sold 12 billion dollars' worth of automobiles last year in this country. We sold only 200 million dollars' worth of auto parts to them. So in a word, they are going to have to move.

I was pleased, as I am sure other members of the delegation were, to read this morning—or was it yesterday?—about the first further steps of the Japanese Government. They are going to announce their action program later in the month. But they had given a glimpse of what they were going to decree in a document that was issued the day before yesterday. I think it was issued because some of their emissaries, including the Prime Minister, are going forth, and they realize they are coming into a hornets' nest and they had better have a little bit of—is it honey? I do not know if that helps hornets. It helps bees maybe. But they know they had better come with something.

□ 1920

So these partial announcements were made and they are going to ease up on their technical standards. They are going to reduce the number of items covered by their certification systems. They are going to allow producers in the United States to do more self-certification. They are going to accept foreign test data.

You know, right now, companies that have adequately tested their products in this market have to go through endless hoops in Japan.

They also, and this has been mentioned, reform procurement procedures by Japanese Government agencies are being considered.

So there a few rays of hope amidst all the clouds that hover over our trade picture and our friendship.

We are also going to have to put our house in order. It has to be a two-way street. They have to be more forthcoming. We have to be more ready to take advantage of that.

You know, they are organized. We are disorganized. They have a policy. We do not have a trade policy. They have a partnership, and the gentleman from Pennsylvania [Mr. GOODLING] I thought was so effective in making this clear, they have a partnership between Government and the private sector, business, labor, and the universities. We have conflict.

I think we both have love-hate relationships among all these sectors, but in Japan there is a little more love than hate. Here, there has been a little more hate than love at times among the various sectors.

They have continuity. We met, as the chairman of our delegation will attest, with ministers who had been there for a long time. We have a revolving door within our Government as to who heads up our trade efforts.

We are going to have to pull ourselves together. We are going to have to have more commercial officers overseas. We are going to have to have people who speak foreign languages.

In a word, we are going to have to make it clear that America means business.

So to the gentleman from Iowa [Mr. BEDELL] I say congratulations to him for his leadership over there and his continuing leadership here, including the calling of this special order.

To my good friend, the gentlewoman from Ohio, MARCY KAPTUR, the so effective Congresswoman from south of the Michigan border, I welcome the opportunity to join her overseas as well as here in our common efforts to alert America, alert this House, alert the leadership on both sides as to the urgency of the problem.

And to the distinguished Congresswoman from Connecticut, we have had a chance to know each other for many decades and it was a real pleasure to join in a common effort on a bipartisan basis.

I think all of us on this six-person trade delegation, we were doing other things, but mainly talking about trade, have agreed, we were in fighting trim overseas. Sometimes we were afraid

maybe we were too hard, but we preferred to err on that side, making clear our message and we pledge to continue these joint efforts until there are some real dents in this horrible trade deficit that is threatening our friendship and that is not threatening, but is undoing the industrial base of America.

Mr. BEDELL. Mr. Speaker, I thank the gentleman.

I now yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON. Mr. Speaker, I thank the gentleman very much.

We certainly had a strong delegation in Japan. We were united in the message that we were trying to give. We were also united in our desire to learn from the Japanese how they do their business and how they manage the flow of goods in and out of their nation. Both their national trade policies and their intricate market system were of just as much interest to us as delivering a message that we felt very, very strongly about.

Others who have preceded me, the gentleman form Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. LEVIN] and our leader, the gentleman from Iowa [Mr. BEDELL] have made clear and will continue to make clear what our major message was. I think we did drive home our interest in seeing in that July action plan evidence of a willingness to move on to new terms of competitiveness, to provide new access to American products on the Japanese market and at least such future areas as telecommunications.

We are looking in the details of the action plan, and yesterday's announcement was encouraging, but insufficient, we are looking for a detailed plan in July that will show that they are willing to move toward the kind of standards that America lives by, general standards that protect public health, that protect consumers, that protect businessmen in their relationship, but do not use standards and specifications and tests and documentation and bureaucracy to in fact prevent new products from competing on a domestic market.

So we are looking to see whether or not that action plan will denote to us, will speak to us, will symbolize to us a commitment on the part of Japan to move in new directions and to truly open their markets to American products.

It is indeed tragic that in areas where in spite of the strong dollar, American products could compete at a reasonable price with strong quality, with great attractiveness on the market in Japan, that we are unable to enter and at the same time their products flood our markets over many years, creating increasingly great difficulties.

Our message I think was very clear and with each group that we met, the Keidanren, which is the organization of the most powerful businessmen in Japan, the meeting ministers, the Members of the Diet, our own colleagues in Japan, with each group that we met, they all more or less took the same line. They pointed to our deficit. They cited the strong dollar. They told us of instances where American business had been insensitive to the needs of the Japanese consumer, and we acknowledged all those things as causes, as contributors to our trade deficit; but we went beyond that and required them to answer our experience of barriers, or nontariff barriers to our products in their market.

A symbol of conversation with our Japanese friends on trade issues is the bulletin that Keidanren published on the issue of trade policy. On the first page they devoted considerable space to describing how open their markets were and how the problem clearly was merely the value of the American dollar, the American deficit and American businessmen's inadequacy.

Then in the next three pages they talked about the principles of solution and in those pages they did address or acknowledge the seriousness of the problems created by specifications, by procedures, by paperwork and the way all those things do serve to block out American products.

So while our discussions always in a sense started in the same way and evoked the same initial responses, in the end we did understand each other, because we pursued in detail some of the problems each of us have had in our own districts.

I am pleased to share with my colleagues who were on this trip with me that within 48 hours of returning to the United States, I had calls from a number of Japanese companies that are interested in considering buying American specialty bearings and will be contacting Connecticut companies to try to do more business and increase the flow of bearings from America to Japan. That was very interesting and I was pleased that they were willing to in a sense put their money where their mouths were, because they did tell us they wanted to make a change and they wanted to speak to our concerns.

Mr. BEDELL. Mr. Speaker, I hope the gentlewoman from Ohio is equally successful in getting them to call about sparkplugs.

Ms. KAPTUR. Not as yet. The gentlewoman can wait.

Mrs. JOHNSON. I told that story specifically so that the gentlewoman from Ohio would know that some of those things are happening and maybe we can as a group work closely with the gentlewoman from Ohio to follow up on her very, very powerful initiative and her very fine presentations that she made in Japan of the interests of her constituents, and the legitimacy of those interests.

None of us were asking for gifts. We were merely asking for the right to compete.

Let me conclude, since the gentlewoman from Ohio is here and others are waiting for special orders, let me just conclude by saying that American business does face a very great challenge in the Japanese market and in the Pacific rim countries and it is of enormous importance to us that we meet that challenge. We now trade in greater volume with the Pacific rim countries than we do with the European common market. I do not think most Americans realize that.

Furthermore, those nations are growing. Their GNP is growing at a rate from 4 to 8 percent annually. The European nations are not growing at that rate. We are not growing at that rate. We must be a part of the dynamic economy of the Pacific rim in the next few decades.

In addition to hard bargaining to achieve real access to their markets, American business, frankly, has got to shape up. We do have to be more willing to accommodate Japanese consumers.

One of the things that I did on our trip and spent a good deal of time on was meeting with individual businessmen who have businesses in my district and who do business in Japan.

□ 1930

And from that, I got a very clear insight into the fact that American business does not readily accommodate either in product or in process to Japanese consumers.

We must be willing to accommodate our product to individual consumer needs. We must be willing, for example, to participate in their process on their terms.

I was astounded to learn from one of my businessmen that a truck assembly plant that he does business with, that their inventory, their length of inventory for tires is 4 hours. The tire comes in, they go on the truck, and they go out. And this American businessman was telling me he now delivers to his Japanese customers every other day.

We must be flexible. We must be ready to meet those needs or we cannot expect to be the supplier of choice.

Last, I was most interested in the stories that he told to me about the importance that he, the American, attached to providing perfect products. His point to me was that his Japanese customers are looking for 100 percent; 95 percent will not do, 90 percent will not do. And so just as we have come to realize the importance of greater excellence in American education, so we have got to set our sights higher in

achieving quality of production so that we can deliver 100 percent. We have done it at times in our history. We can do it again.

One of our problems in Japan is a legitimate problem from their point of view. We have been unwilling to guarantee 100 percent quality.

But to remind us of all of those American companies, one of our really useful, one of the most useful aspects of our trip was meeting with American businessmen in the American chamber in Japan whose membership I believe has tripled in about 5 years. A small company in my district with only $1 million in sales went to Japan in 1972, has 28 competitors in his business in Japan, and yet he controls 50 percent of his market. So it can be done if American businessmen are somewhat more aggressive, make the effort to accommodate to consumer needs, and are more flexible in fitting into a production process that in many ways is quite different from our own.

We had a fruitful trip. I certainly learned an enormous amount and understand the challenge that faces America very much better.

On the other hand, we must be tough, we must be aggressive, we must succeed in bargaining access into the markets of other nations when we have provided such free access for so many years. And we must as well study their policies that manage the flow of imports into their nations, because we cannot do other than to manage the flow of imports into America when the strong dollar is putting our businessmen at an impossible competitive disadvantage.

So I look forward to working with the leader of our delegation, the gentleman from Iowa [Mr. BEDELL] on an initiative that he introduced this week that would help our businessmen compete in a world where the strong dollar has increased their prices 53 cents on the dollar, an impossible position to be in for sure.

I thank the gentleman, and I thank him for a very fine trip, and the comradeship, and the support, and the help of all of our delegation.

Mr. BEDELL. I thank the gentlewoman. If the Japanese had any questions about Americans being tough, certainly the two gentlewomen who were with us on this trip dispelled any impressions they might have had that we were not a tough country here as we address these problems. It was great to have them along.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. BEDELL. I yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the gentleman from Iowa for yielding me this time.

Recognizing that the hour is late, and that those whose staff us here in Congress are making a special effort this evening, I just must say initially that we would not be here tonight were it not for the fact that in our judgment there is no more important issue in America than this trade gap between the United States and the country of Japan. It certainly is an important element in our defense-based strength, and without question, after visiting Japan for the first time in my life, I can see the connection between their standard of living and our own in the trade gap that exists.

I thought it was interesting in the figures that were revealed, just as we left on our trip, that during the month of June an additional 45,000 manufacturing jobs in America disappeared, bringing it to a grand, all-time record total since January of this year of 220,000 more jobs in America lost as a result of the trade deficit.

This cannot continue. I found that our bipartisan trip together presented a single message not only to the Government of Japan, but to Members of the Diet, which is their Parliament, as well as the people in the bureaucracy there, which is extremely powerful, much more powerful than our own.

I want to commend the leader of our delegation, the gentleman from Iowa [Mr. BEDELL] for his full participation and real leadership in so many of those meetings and bringing us to a common purpose. I also want to recognize the gentleman from Pennsylvania [Mr. GOODLING] and the gentlewoman from Connecticut, NANCY JOHNSON, for their participation at all of the meetings, and for the excellent information that they were able to provide in order to strengthen our own position. In addition, and finally, the gentleman from New York [Mr. ACKERMAN] who was most diplomatic in his summaries at most of our meetings, and the gentleman from Michigan [Mr. LEVIN] who like myself represents an area that is heavily industrial, and we see our businesses and our people suffering from what is happening in our overland transportation in automobiles and trucks.

I think the fact that we were bipartisan, and that we were united was extremely important. I thought as we sat at meetings of Keidanren, the business community, major business community of Japan, and I asked the gentleman next to me, who was the president of Nippon Steel, how many times he had met with Members of the U.S. Congress and that, in fact, it was the first time. And I think in so many of the meetings that we did hold together, we found we were doing it for the first time as a bipartisan delegation of this body. And the coverage that we had in the media was extremely important in Japan, I think, in getting across the message to that country of how very serious we were, where we were, in fact, the first delegation to visit Japan since the bipartisan resolutions were passed here in the Congress regarding the unfairness of the trade deficit between our two nations.

I learned several things and will as well present the final report to my district, which I intend to do in the month of August, most likely. But there are some conclusions that I wanted to state emphatically this evening.

First of all, there was no question in my mind that our Embassy and Department of State are totally ill-equipped and unprepared to deal with this trade question. Not only are they understaffed on Japanese soil, and probably on American soil as well, but there were people who were obviously missing from the meetings that we attended. We received no trade briefing from the Embassy, nor were there any people on their staff, even though our trade deficit in automobiles with Japan accounts for half of the trade gap, there was no one competent or hired there in the area of automobiles and automobile parts, which said to me that we cannot even deal with that question on a systematic basis.

We were constantly told by members of the business community that our trade negotiators go over there for a few days; they have jet lag; then they come back home; then they go over again. We have no permanent staff there on a daily basis that deals with this trade question, and in some sort of comprehensive and concerted way.

That was quite a revealing lesson for me, and one which concerns me a great deal. I think our Government has a lot to do to put its own house in order. It takes more than elected officials going over there in a bipartisan delegation; it takes people committed and on the ground on a regular basis over a several year period of time.

Second, in terms of the country of Japan itself, the July action plan, as the gentlewoman from Connecticut [Mrs. JOHNSON], and the gentleman from Pennsylvania [Mr. GOODLING], and others so adequately stated, the July action plan will be absolutely critical as a straw in the wind as to where that country is going in its trade relations with our country.

I felt after dealing with all of the people that we met with there is truly a lack of market access to so many of our products, certainly in the area automobiles and automobile parts. I asked the common question at every meeting why companies in that country did not purchase Champion sparkplugs made in my district, which every other major world auto company does buy, Fiat, BMW, Mercedes-Benz, and Rolls Royce. And I was told that gosh, they really were not exactly sure why that was happening, but they would look into it.

□ 1940

And it was that kind of delaying tactic that I received at every single meeting which we attended where that question was asked. In the area of automobiles, and I will just enter a few of these in the RECORD this evening and I will look forward to a fuller report, for example we looked at Honda Motor Corp., which exported 400,000 automobiles to this country just last year and its share will increase this year. They assume a $1.6 billion share in sales of our U.S. auto market and purchase only $16 million worth of American automobile parts in those cars.

Mitsubishi sent to the United States 1,200,000 automobiles for a total sales volume of $3.2 billion. How many American parts did they buy in the cars that were sold in America? $21 million.

In most cases it is less than 2 percent. It was the same story with every company that we visited and a very frustrating experience for me.

I also learned that in terms of paid lobbyists here in the city of Washington, DC, who spend lots of time trying to influence Members of Congress that the companies from Japan spend an average of $300 for every $1 that we spend in that country trying to remedy that trade gap problem—300 to 1. And that is I think reflected in the trade gap as well.

Finally, as I thought about our two companies as we celebrated the Fourth of July on Japanese soil I looked at the U.S. flag and I looked at the Japanese flag. I look at the American flag that has 13 stripes and 50 stars and 3 colors, a flag of pluralism and diversity and inclusion, a flag that has changed over the years.

Then I looked at the flag of Japan, a beautiful flag with one symbol, the Sun on a white background and I understood some of the difficulties that Japan as a nation has in welcoming new businesses, new people, new ideas from other lands into its shores. I think that that particular image remains in my mind and is part of the challenge as we learn how to break down the barriers that separate us as nations.

Finally, I think I have to say something, as I move on here, to the U.S. business community and the 1,500 or so businesses that are represented in the American Chamber of Commerce of Japan, ably led by Mr. Hayde of the Burroughs Corp., there is no other word to describe their experience there than frustrating. The common opinion I believe of those that we met with was that the business community of the United States has to take a more active role in supporting the business community, the American business community which is trying to do business in Japan, so that there is greater understanding of the market challenges that exist in that nation. But we have to provide business people in our country who speak Japanese, who understand Japanese standards, who are willing to work on a longer term basis than just a few months in that country if they are to achieve success.

I look for three actions on the part of the Government of Japan. The first is the solid gold setting in the July action plan in order to meet objectives that we can agree upon.

Second, an exchange of marketing executives from our companies that do business on both sides of the Pacific in order that we can identify parts purchases and so forth and those kinds of exchanges would be extremely important.

Third, technical exchanges between engineers of our two nations to really get at this question of quality, if there is a question of quality, and design standards. I think that trips to Japan by members of our business and labor communities jointly in such areas as steel, automobiles, machine tools where I could see where we were in terms of the competitive edge by the Japanese, would be extremely valuable in helping our own people understand that the rest of the world has grown up and we really have a tremendous competitive challenge ahead of us in the next several years.

I want to end by saying to the chairman of our delegation, Mr. BEDELL of Iowa, who was so gracious with his time, and permitted each of the members to express their own views, what an excellent leader he was, totally bipartisan and he represented this Nation so very well in Japan.

I thank the gentleman for the opportunity to speak this evening and for sponsoring this special order on behalf of all the American people and our hopes for improving our relations in this trade area with Japan.

Mr. BEDELL. I thank the gentlewoman.

I want to let everyone know what a great privilege it was to have the gentlewoman as well as the other people of our delegation along on this great trip.

As has been mentioned several times, there was absolutely no partisanship, in my opinion, in our delegation. I thought one of the great things about the trip was the camaraderie that developed and the opportunity we had to get to know each other better and to work together.

As near as I could tell we had one message, the same message from all of us and that is that the current trade imbalance is simply not acceptable in this country and that we are going to do something about it. The Japanese can do something about it; or if they do not we are going to.

I tried to impress upon them that if it is important to any country that they should have trade with the rest of the world it is important to Japan.

What they are doing with what is happening is destroying that because they may well be winning this battle at this time, but as long as they are winning, if they are winning so much that we say we are not going to let it continue and we are going to stop it, then they are going to be the losers.

As a result of that trip to a great extent when I came back Tuesday I introduced H.R. 2934 which is the Fair Rate of Exchange Act.

Everywhere we went in Japan they told us that a large part of the problem had to do with the overvalued dollar, and that was our fault. And if that is our fault then I think we should do something about it. This legislation that I have introduced says that we will take the value of the dollar in 1973, prior to the deregulation of currencies, we will compute the difference between that and the current value of the dollar which the Federal Reserve does every month as a comparison to 10 major currencies and we would say that we are going to go halfway toward correcting the deficits and that we are going to institute a payment of half of the difference. The difference is now about 40 percent so it means it would be about 20 percent at this time, in terms of an extra charge on all imports into this country and we are going to do likewise for all exports out of this country. Not only will this go halfway in correcting the imbalance that exists between our two countries in terms of the currencies, it will also reduce our deficit in this country at this time by some $20 billion or more because of the imbalance that exists. That would be adjusted monthly so it is simply an effort to try to make that correction.

I might also say that while I was there I had an opportunity to meet with people who are importing our agricultural products. That was a great shock to me because they gave me samples of our grain, of the grain they are getting from China and of the grain they are getting from Argentina. And I have to tell you that their impression is that the quality of our grain is not as good as the others because of the foreign matter that is in our grain, and because of the moisture there, according to them. Those are things that can be corrected at our ports as they ship from our ports. It is no secret that many of our exporters simply add the foreign matter back into the grain before they ship it in order to get it up to the maximum standard that is permitted. There was a time when we could do that, Mr. Speaker. There was a time when we did not have that competition. But today we do.

If our competitors think that the quality of our product, be it automo-

bile parts, or be it grain, is not adequate for their needs, then we need to listen to them and we need to see that we do indeed provide the quality of product that we need.

So that I think we have a challenge ourselves, whether it be our manufacturers, our grain elevators or who it may be, to see that we furnish that quality product.

I would point out in terms of our agricultural products that quality problem is not there as it leaves the country elevators or as it leaves the farm. That problem is a problem that comes to be as it leaves the port.

So as we conclude this special order I want to thank those who participated in it.

I want to thank all of those who went on this trip. At least in my opinion it was productive.

Most of all, if I might, I want to thank the gentleman from Georgia [Mr. GINGRICH]. He has gone beyond what he needed to. My understanding was that indeed the gentleman from Texas was first and he had agreed to yield to us. There was certainly no need for him to do what he has done. He was most gracious in doing so and I cannot thank him enough.

□ 1950

Mr. GINGRICH. Will the gentleman yield?

Mr. BEDELL. I yield to the gentleman.

Mr. GINGRICH. Mr. Speaker, I just want to commend the gentleman and all of the folks who went with him on this trip and on the report you have made, because it seems to me that as we move from an era in which we fought for free trade, and we move under enormous pressures to go protectionist, that the kind of effort you have made to reach out to really understand the kind of global competition that we are going to face in the future, gives us a chance possibly to invent a new approach; something some people are calling mutual trade, and effort to make sure that while we are competitive, as are our friends across the water, and that we learn from them what we have to do to compete better, and we insist with them that they allow us to be competitive.

I appreciated and frankly enjoyed listening to this report, and I think you have all done a service to the country.

Mr. BEDELL. I thank the gentleman again, and I want to thank all of the people who have participated.

THE FAILURE OF THE U.S. STATE DEPARTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, the topic I am going to talk about tonight is the failure of the U.S. State Department.

If President Reagan wants to understand why he is having difficulties in his foreign policy, and in building public support for his foreign policy, he need only look at the contradictions of this week's events, and at the contradictions in today's newspapers.

This week, the American Government blustered, threatened, and was defeated. The American Government threatened severe steps against terrorism, then it backed off. It began saying that we would do something decisive; that we would really show that we are not going to accept terrorist behavior anymore.

For example, we were going to make sure that the airport in Beirut, Lebanon was not being used. We were going to quarantine the area from which terrorism had come to capture Americans to hold them hostage and to kill one of our sailors.

However, listen to this report of retreat from yesterday's Washington Post. Quote:

> The Reagan administration, defending itself against criticism of its attempt to organize an international boycott of Beirut Airport said yesterday that it was only trying to find an effective way to deal with the security problem there, and not seeking to harm Lebanon or its airline.

Quote:

> It should be clearly understood that the objectives in bringing the problem of Beirut Airport to the attention of the international community is not to try to punish Lebanon or Middle East Airlines, the White House, and State Department said in a prepared statement.

The report went on to say that, the quote:

> Despite escalating rhetoric denouncing terrorism, the boycott is the only concrete action the administration has taken so far in retaliation for the June 14 hijacking to Beirut of Trans World Airlines Flight 847, and the subsequent taking of 39 American passengers as hostages for 17 days. But the United States has had great difficulty in gaining support for its action from European and Arab allies.

Now the question has to be asked: What did the State Department think was going to happen? In the first place, if you say we are not going to allow Middle East Airlines to land in the United States, you are clearly hurting Middle East Airlines, and then to come back and say, Oh, we do not mean to hurt you, is disingenuous, self-deceiving, and no one believes it. It makes you look weak and foolish.

To suggest that sealing off the Beirut Airport is not going to hurt Lebanon is nonsense. To use the phrase, "The objectives in bringing the problem of Beirut Airport to the attention of the international community" the Beirut International Airport was brought to the attention of the international community when worldwide television covered the hostages.

Great powers do not move to seal off an airport, to close off an airline, and then squeamishly back up, apologetically, saying to the very people you are boycotting, "We are not trying to hurt you."

If in fact Lebanon is a sinkhole of terrorism, if there is no Lebanese Government capable of doing anything, if the Minister of Justice in Lebanon to whom we would pass an extradition notice is the very same Mr. Berri who was holding the hostages, clearly any actions designed to appease Lebanon are nonsense.

If none of our European allies will sustain us, why start the process? If in fact we are going to backup, why humiliate ourselves in public?

The Washington Post, a newspaper I do not often agree with, caught correctly yesterday just how bad the defeat is, in an editorial entitled, "The Fight Against Terrorism."

I quote two paragraphs:

> The Reagan administration has maneuvered itself into an awkward corner in its fight against terrorism. Even as the president delivers an extraordinary speech accusing five "outlaw" governments of "acts of war" against the United States, the administration finds itself unable to put into effect the single, relatively modest step—isolating Beirut airport—it actually took after the recent hijacking. This painful contrast between word and deed comes at a moment when the president is struggling to convince would-be hijackers and alarmed American citizens, not to speak of his aroused political constituency, that he is dead serious about the issue.

The editorial goes on, and I quote:

> The Beirut flap is a special embarrassment. The Lebanon government, which was nowhere to be seen during the hijacking, has found its voice and is mobilizing its Arab friends to oppose the airport boycott the administration was trying to organize. America's own allies, meanwhile, avert their gaze. The administration is being forced to give way to the Lebanese government—in its way a more cutting humiliation than the one extracted by the terrorists. That government's weakness has made Beirut a terrorist's playground; an airport boycott might have encouraged the nongovernmental powers-that-be in Lebanon to clamp down. For that to happen, however, the United States needed a lot more international cooperation than it was able to secure.

In other words, not only have we now had an American airplane seized, an American sailor killed, Americans held hostage, publicly paraded on world television; we now set ourselves up for our own failure. It is as though we went out of our way to weaken ourselves in public.

The question that has to be asked of the State Department is: What did they think would happen? Did they think any of our allies were going to support us? Did they think the terrorists and their friends in Lebanon were not going to react?

I never blame my opponents when they do what makes sense, but I do worry about my own side when it does not show reasonable prudence and reasonable professionalism in thinking things through.

The question has to be asked: What did the State Department think our opponents would do? What did the State Department think our allies would do?

I want to read a passage which I have twice before in the last 2 weeks quoted on the House floor, from "Karl von Clausewitz on War," the most famous modern book on the study of the art of war.

Clausewitz attempted to write so that politicians could understand the limits of power.

He said very clearly, quote:

No one starts a war, or rather, no one in his senses ought to do so without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it.

Notice the distinction. Clausewitz says "No one starts a war, or rather, no one in his senses ought to do so" close quote, leading one to ask if anyone in the State Department was in Clausewitz' sense "in their senses" in proposing the recent strategy.

The act of boycotting Middle East Airlines and sealing off the Beirut Airport is an act in effect of economic warfare. It is an act to apply economic pressure to a country which has become a geographic battlefield rather than a nation, and is a haven for terrorists.

The question that has to be asked is, did anyone in the State Department seriously walk through and think through the probable reaction of the terrorists and their allies who are opposed to us.

Clausewitz and the other book I will cite tonight, "The Art of War by Sun Tzu," the edition edited by James Clavelle, say over and over and over again, you have to think through what you are doing and what your opponents are doing. It is not just one or the other; that you in fact have to take the time, before you act, to think through both of yourself and of your opponents.

Sun Tzu wrote, quote: "If you know the enemy and know yourself, you need not fear the result of 100 battles."

He is suggesting self-knowledge. He is suggesting thinking it through. Something which has not been done by the great bureaucracies of national survival in this country.

One has to ask the question: How shortsighted and professionally incompetent did the State Department have to be to blunder so badly in the last week? Yet today we have an even more vivid example about how out of touch with current realities the State Department is.

□ 2000

On the same front page of today's Washington Post, almost as though it was there to highlight the contradiction, in a box called, "Inside," there are two articles of remarkably contradictory nature. The first article, entitled, "Angolan Rebel Aid Vote," reads as follows:

The Democratic-controlled House voted to repeal the Clark amendment, ending a decade-long ban on U.S. military assistance to guerrillas fighting the Marxist government of Angola.

In other words, in this article, it tells how this House, despite being led by the Democratic Party, dominated by the Democratic Party, passed by a large margin aid to the freedom fighters in Cambodia—I am sorry, the freedom fighters in Angola, the right to have that aid. I said "Cambodia" because the very next article, which is about the freedom fighters in Cambodia, says, "Secretary of State George Shultz, at a press conference yesterday in Malaysia, said he was opposed to giving U.S. military aid to Cambodian guerrillas. The House recently approved such aid." Notice in these two front-page stories, the Democratic controlled House is lifting an amendment, which was passed 10 years ago, which stopped the United States from helping freedom fighters in Angola, this House has voted to provide military aid for freedom fighters in Cambodia. Does the State Department say, "Good, we are finally getting support out of Congress, we are finally moving to a situation in which the Congress is going to be able and willing to help fight communism"? No. Instead, we have the Secretary of State, led and guided by his State Department officials, repudiating the very firmness, the very aggressiveness, the very willingness to take on communism that he should be applauding.

It is very important to recognize that the repeal of the Clark amendment is a decisive turning point in America's willingness to engage communism around the world.

Ten years ago, when left-wing ostrichism was at its peak, when the left wing in American politics was fleeing from responsibility around the world, we unilaterally crippled ourselves in Southern Africa, in Angola. We passed legislation in this Congress that said no one will be allowed in this country, in this Government, to help the freedom fighters in Angola.

The vote to repeal that amendment yesterday was a decisive turning point in the long process of America coming back and being reinvolved in a willingness to stop communism around the world. It was an important symbol, and the size of the victory was important. Yet that vote did not stand alone. The State Department did not have to worry only about one thing or one indicator. This week's vote on the foreign aid bill, the first vote on the death penalty in a decade, the McCollum motion to instruct conferees, which passed overwhelmingly and which said, flatly, that if you spy against the United States and you are in uniform, you can be executed, which is a major toughening up of our antispying and antiespionage laws, the fact that a few weeks ago over 300 Members voted to expel the Soviet Ambassador if the Soviet Union does not apologize for killing American Major Nicholson in East Germany, the vote recently on aid to the Nicaraguan freedom fighters, a very dramatic turnaround in the 6-week period in which the House decided decisively to provide help to the freedom fighters, the last 9 weeks have been the most decisive shift toward an anti-Communist, profreedom foreign policy since Harry Truman led a bipartisan majority in the late 1940's.

As a sign of the growing cultural and political climate of resisting communism and helping freedom fighters, consider the very distinguished Democratic Member of this House, STEVE SOLARZ, whose recent eloquent appeal in the New York Times made clear the case that for the Democratic Party to reemerge as a competitor for the White House, it has to reemphasize its commitment to understanding how dangerous the Soviet Union is and the importance of protecting freedom around the world. Mr. SOLARZ, a leading Democratic, himself offered a motion on aid to Cambodian freedom fighters, which passed by 288 to 122. Yet at a time when the State Department could be leading, arousing, encouraging, embracing the mood to a more effective and dynamic anti-Communist profreedom policy, what do we discover?

The State Department opposed defeating the left-wing ostrich position on Nicaragua in fighting for a stronger position. The State Department opposed threatening to expel the Soviet ambassador if there is no apology for killing an American major. And I would ask, in fact, if expelling the Soviet Ambassador is too strong a reaction to killing an unarmed American major for the State Department, then what would they consider reasonable retaliation when an unarmed American soldier is killed.

The State Department also opposes military aid to the freedom fighters in Cambodia.

Let me read from today's article in the Washington Post, entitled, "Shultz Opposes Military Aid for Guerrillas in Cambodia." that is the headline. We can differ about that. The following line is absolutely outrageous and hard to believe, except that he probably said it:

"Secretary indicates Congress unlikely to sustain such help."

When the Secretary of State tells us he is not sure we are going to be reliable while he opposes our efforts to help freedom fighters and stop communism, it is a little confusing.

Further down in the article, he says:

Congress is a very changeable operation," Shultz explained under questioning. "They're in favor of something at one time and then some things can happen and they change their mind, he said.

That is true.

Congress is a changeable operation. With good leadership over the last 9 weeks we have moved this House again and again to take a firm anti-Communist profreedom position. With good leadership from the State Department we might even be more effective, we might even take a more decisive, a more sophisticated, a more profreedom position. But for a member of the executive branch in appointed office, who has never won an election, to complain because "Congress is a very changeable operation" is to neglect all of American history. The American people are changeable, Congress has often been changeable, George Washington found Congress changeable, Jefferson found Congress changeable, Abraham Lincoln found Congress changeable, Theodore Roosevelt, Franklin Roosevelt, Harry Truman, Dwight Eisenhower, even Ronald Reagan finds Congress changeable. This is the nature of life. Now, to say we should not help Combodia because we behave like Americans does not make any sense. If the Secretary of State thinks we are only going to take a strong position when Congress ceases changing, then we are only going to take a strong position when we become a dictatorship.

Free societies have to be led. They have to be led every day, they have to be led firmly, they have to be led by someone willing to take risks. And the Secretary's choice is simple. He can take the risk of leading us into firmness in opposing communism or he can take the risk of leading us into weakness in opposing communism. But as Secretary of State, he is going to have to lead us one way or another. Sadly, yesterday he preferred leading us toward weakness, he preferred slowing down, confusing and disrupting the momentum of the anti-Communist profreedom forces in this Congress.

Let me make it clear that the brunt of my analysis is not personality. While the Secretary of State is the person in the headlines, it is not his fault. He is surrounded by, guided by and advised by a professional bureaucracy which is weak and ineffective. the State Department has been weak under Shultz as it was weak under Haig as it was under Muskie as it was weak under Vance.

In fact, if you go all way back to Franklin Roosevelt, you find a relatively systematic pattern that with but one or two exceptions the State Department has been seen by the President as a large cumbersone bureaucracy to be avoided and there has been a steady tendency to increase power in the White House precisely to be able to get the President's will instead of the bureaucrats' will.

A weak State Department is largely a function of three definitions: First, a misdefinition of the State Department's job; second, a misunderstanding of the nature of power and conflict in international relations by the State Department; and, third, a State Department cultural world view that is focused wrong and lacks the understanding of economic and military power and of the nature of Leninism, of international terrorism.

Let me explain. First, the State Department foreign service bureaucracy basically defines its job as representing the international community, explaining to Americans how we do not understand, explaining why we should be patient with Japan when the Japanese market is closed to us, explaining why we should be patient with the Russians when they make outrageous statements, explaining why we should be calm in the Middle East when an American sailor is killed and Americans are held hostage.

I would suggest that the real job of the American State Department is to represent our views and our goals. The real key to an effective American State Department is to emphasize the American part of the State Department, that in fact it is the State Department's job to explain to the world what we stand for, to explain to the world what our goals are, what our direction is. As the largest most powerful and most complex nation in the free world, we have a lot that we need to be saying to the world, and currently we have no agency. What we have is an international Department of State and no spokesman for the United States except the President. The President needs to figure out a way to reestablish the definition of the Ambassador's job, of the State Department's job, in being first and foremost to represent American interests rather than international interests.

Second, the cultural and intellectual background of the current foreign service includes a fundamental misunderstanding of the nature of power and conflict in international relations. The State Department view of legalism, of conflict avoidance, of negotiating to get a "yes" at virtually any cost, that view is fundamentally wrong.

Whether it is trade negotiations in which almost always the State Department is the most willing to eliminate American jobs in order to make other countries happy, whether it is military negotiations in which the State Department is almost always willing to be understanding of our competitors' viewpoints, whether it is in political, economic, or other kinds of negotations, all too often the State Department defines its job as trying to get a "yes," a successful negotiation involves an agreement even if it is a bad agreement.

□ 2010

Let me suggest that that is fundamentally wrong. That in fact we need a much more realistic understanding that politics and diplomacy in war are about power; about who gets their way. Often we can get our way only by tough, persistent, difficult, and long negotiations. Often we have to risk leaving the table. We have to risk using our economic or even military power to achieve our goals.

The fact is, there are times in the world when we are going to disagree with other countries. When we are going to disagree about trade relations, and we are going to disagree about political relations. On some occasions when we are going to disagree about their right to seize American hostages or kill American servicemen.

The correct answer at that point for the State Department is to pursue America's interests even at the risk of psychological, political, economic, or military conflict depending on the cause. It is a continuum. One of the great weaknesses of America in the twentieth century has been the inheritance of Woodrow Wilson who defined international relations as being either war or peace. Either we are totally friends, or we are going to kill each other. Yet the nature of political relations across the planet of international diplomacy is that there is a continuum from absolutely alliance with no disagreements, which almost never happens, to some disagreements, to severe disagreements, to political difficulties, to economic difficulties, to economic warfare, to some conflict, to a major but controlled war, to all-out war.

Somewhere in that continuum every day we exist with 100 countries. With Canada, with Mexico, with the Soviet Union, with Lebanon, with Syria, with Libya, and the problem for the State Department is that they have a passion for trying to find a solution that will make the world peaceful and pleasant and calm even if that solution is at the cost of American interests.

Third, the State Department cultural world view is focused wrong and lacks understanding of economic and military power and of the nature of Leninism and of international terrorism. Far too many people in the State Department focus on the process of negotiation rather than looking at the art of war and art of commerce. In fact, the culture of the Foreign Service guarantees that our career diplo-

mats lack the training to be professional masters of their real business.

The institutional failure of the State Department has three major impacts. Let me back up for a second and really emphasize this point. I suspect that the number of Foreign Service offices who are familiar with Sun Tzu and Clausewitz, who have read Lenin, who understand Adam Smith, who have really worked at the art of negotiations in terms of getting our economic interests represented is very, very tiny.

The number of people who really understand the Leninist drive behind any communist system, the number of people who understand the real power of fanatics and their willingness to be killed in order to achieve their ends, the number who understand at a sophisticated level the art of war, whether related by Sun Tzu or by Clausewitz, is very, very small. The result is that the institutional failure of the State Department has three major negative impacts that cripple President Reagan is his effort to develop a sound foreign policy and to rally American public opinion in the Congress to his beliefs and values.

First, the State Department confuses the U.S. public and Congress. Second, the State Department confuses our allies and enemies. Third, the State Department leads us to real losses. Let me explain each.

First, if the State Department cannot decide that we are against communism and for freedom fighters, and that means that we are against communism and for freedom fighters in Afghanistan, we are against communism and for freedom fighters in Nicaragua, we are against communism and for freedom fighters in Angola, we are against communism and for freedom fighters in Cambodia, if that is not clear, then it becomes almost impossible in a large, complex democracy to rally the Nation.

There is a fundamental reason for that. All human behavior exists basically at four levels, and they are a heirarchy. The bottom is what you do every day; tactics. We vote in the House, we make speeches. The next level up is operations or projects. What are you trying to accomplish by what you do every day. The level above that is a strategy. Where are you trying to go? What are you trying to get to? The very top level is a vision. In World War II, we had a clear vision: We wanted to defeat Germany; we wanted to defeat Japan.

Harry Truman gradually developed a vision. It was a vision that Russia was dangerous, that communism had to be stopped, that we had to build a bipartisan majority against the Communist threat. For the last 10 or 12 years, the vision of American in the world, our vision of the Soviet Union, our vision of the nature of Leninism, our vision of our role in the world has been very confused and very complicated.

Technicians in Washington, people who do not understand the art of democratic politics in a free society, people who do not understand the nature of leading a free people, people who are bureaucrats focus on tactics, and occasionally they get as high as an operation. But normally, they focus on daily tactical behavior. What is happening this week in this crisis at this minute. What was on the TV a half-hour ago, what will be in the morning newspaper.

This kind of bureaucratic, technocratic focus on the immediate tactical situation leads to massive confusion. You and I cannot possibly, as free people, understand the zig-zag of daily relations with 140 or 150 countries around the world. We cannot possibly rally a nation to a complex, difficult, and often changing foreign policy that had no real underlying moral and intellectual principles.

What we can do, what Franklin Roosevelt did, what Theodore Roosevelt did, what Abraham Lincoln did, what Thomas Jefferson and George Washington, what in more recent times Harry Truman, Dwight Eisenhower, John F. Kennedy did, what President Reagan is trying to do is we can rally the Nation to a vision of our role in the world. We can rally the Nation to a vision of who our competitors are. We can create a general framework that the American people will vote for.

When you go to the American people and you say, "Where do you stand on Cambodia? What is your position on Nicaragua and the Sandinistas and the Contras? How do you feel about Angola and Savimbi? Where are you on Afghanistan, Pakistan?" The simple and honest and frankly, not illegimate fact is that most Americans cannot give you answers to those questions. That is not their job in life. They go out, they work hard, they go home, they want to raise a family, they want to have some fun, they want to enjoy life; they do not think that it is their job to do the job of the State Department. They figure that they hire us, the elected Congressmen, the elected President and Vice President, that we then pay professionals to understand where Nicaragua is and where Cambodia is and where Afghanistan is and where Angola is, and to understand who the good guys are and who the bad guys are. They expect us to be for the good guys and against the bad guys.

That is not an illegitimate request in a free society. We do not all need to know enough to be Secretary of State. What we need is for the Secretary of State and the State Department to be clear, basic, fundamental, and principled in articulating a vision of where America should go. The vision Congress is beginning to rally to is a dramatic change from the ostrich, left-wing policies of the last 10 years.

For the last 10 years, the ostrich left has said, "The Russians are not bad; communism is not a threat; we should not get involved in the world." Now, we are beginning to remember the Soviets really are a threat to us. Communism really is dangerous. We really do have to have an ability to protect ourselves not just in Washington, not just in Georgia, not just in California, but we want to protect freedom everywhere, in Afghanistan, in Cambodia in Angola, in Nicaragua. Because only by being part of the free world can America be free and safe. That is a simple, clear-cut vision.

The Secretary of State today, in response to the State Department's complicated, tactical meanderings without any vision, without any strategy, simply said something which was destructive of public support and which weakened the ability of the State Department to build an anti-Communist majority in the Congress.

Second, the State Department confuses our allies and our enemies, these are both equally dangerous. We went to the Europeans and said, "We are really going to close down the Beirut Airport," and then we do nothing. Do you think that builds support and understanding in NATO? Do you think our Japanese allies feel calmer and more secure tonight resting their back on an American knowing that we are there to protect them?

□ 2020

We cannot even pressure Lebanon. Now, if we cannot get our act together well enough to pressure Lebanon, who really thinks we are going to be able to protect somebody in a real crisis?

Furthermore, what do we stand for? Do we stand for taking tough, decisive, vigorous action? Consider that our allies and our enemies have read President Reagan's speech. The very same day that the State Department was apologizing for boycotting Beirut Airport and Middle East Airlines, this is what President Reagan was doing and, in fact, it was funny, tragically funny, in the Washington Post yesterday, because the two articles were side by side. We can read the State Department apologizing and backing off, and we can read the President being tough.

President Reagan yesterday accused Iran, Libya, North Korea, Cuba and Nicaragua of forming an international terrorist network that he compared to Murder, Inc., and vowed that the United States would act unilaterally, if necessary, to ensure that terrorists have no sanctuary anywhere.

These terrorist states are now engaged in acts of war against the government and people of the United States, and under international law any state which is the victim of acts of war has the right to defend itself.

They go on to say:

The President did not specify action he intends to take against such nations or terrorism other than to repeat last week's declaration by Secretary of State George Shultz that Beirut International Airport "must be made safe or closed."

The point I want to make, and the point I hope the President appointees will consider is: It is extraordinarily dangerous for the survival of the United States and the survival of our allies for any agent, any embassy, to be able to pick up this newspaper and see side by side a column in which the President talks tough and his State Department acts weak. It sends a message of such confusion, a message of such indecision, a message of such weakness that we are in grave danger.

On the same front page of the Washington Post, there is a headline which tells us how real that danger is. The headline says, "Sudan Sets Arms Pact With Libya." In other words, during the same weeks that the President of the United States has been saying we are going to be tough, during the same weeks that the State Department has said we are going to be tough, the new military dictatorship of the Sudan watched how America behaved. We said Libya's Qadhafi is a terrorist, which he is. We said we are not going to tolerate terrorists. We said people like Libya and Qadhafi had better be careful.

What did we learn from the people of Sudan? That when they looked at the United States action versus the United States words, they decided Libya was a better gamble than the United States. What has been a pro-American country, the Sudan, the largest country in Africa, what has been a country of incredible importance to the United States, the Sudan, this week signed an agreement with Libya, the country most committed to supporting terrorists.

Every American should reflect on what it means. If the Sudanese leadership honestly believes that the United States is so weak, our State Department so incompetent, our will so uncertain that they are safer signing an alliance with Libya, the very week the President of the United States names Libya as one of the countries that we are out to get, it should warn all of us that there is a grave danger of a weak America becoming more isolated, of freedom becoming more at risk, of terrorists being even bolder.

The simple, plain fact is that this week the United States lost a battle in the war against terrorism. This week, even as the American news media, the American people and their representatives in Congress were rallying to help freedom and to oppose both terrorism and communism, on the world scene we lost ground.

President Reagan should not get involved in the operations or the tactics. Those are too low a level for the President of the United States. President Reagan must focus on vision and on strategy. What is his vision and strategy for overhauling the great bureaucracies of national security, the Defense Department, the State Department, and the National Security Council? What is President Reagan's vision and strategy for clearly defining his values, his beliefs, and for imposing on the Government his policies? What is his real strategy for proving to terrorists around the world that they will have no sanctuaries, for proving to the Sudan that it is America and not Libya upon which a prudent country relies?

What is his vision and strategy for helping the Cambodian freedom fighters, the Afghan freedom fighters, the Angolan freedom fighters, and the Nicaraguan freedom fighters?

How is the Pentagon to be reorganized so that we can have the most effective aid program for freedom fighters in history? How is the State Department to be reorganized so that we are able to reach out across the world and convince free people everywhere that the cause of freedom is worth protecting? How is the U.S. Information Service to be reorganized so that we become even more effective in reaching out? How is the Congress to be challenged? How are the American people to be educated? How, in short, are we to truly prepare for this long struggle against terrorism and against Leninism?

The fact is that the art of power, of politics, and of war require real professionalism. Again to refer to Clausewitz for a moment, he said on page 608:

No major proposal required for war can be worked out in ignorance of political factors, and when people talk, as they often do, about harmful political influence in the management of war, they are not really saying what they mean. Their quarrel should be with the policy itself; not with its influence.

If the policy is right, that is, successful, any intentional effect it has on the conduct of the war can only be to the good. If it has the opposite effect, the policy itself is wrong. Only if statesmen look to certain military moves and actions to produce effects that are foreign to their nature do political decisions influence operations for the worst.

In the same way, a man who has not fully mastered a foreign language sometimes fails to express himself correctly. So, statesmen often issue orders that defeat the purpose they are meant to serve. Time and again that has happened, which demonstrates that a certain grasp of military affairs is vital for those in charge of general policy. Before continuing, we must guard against the likely misinterpretation. We are far from believing that a minister of war immersed in his files, an erudite engineer, or even an experienced soldier would simply, on the basis of their particular experience, make the best director of policy, always assuming that the prince himself is not in control.

Far from it, what is needed in the post is a distinguished intellect and strength of character. He can always get the necessary military information somehow or another.

He goes on to say, and I quote:

If war is to be fully consonant with political objectives and policy suited to the means available for war, then unless statesman and soldier are combined in one person, the only sound expedient is to make the Commander-in-Chief a member of the Cabinet so that the Cabinet can share in the major aspects of his activities.

He goes on to say on page 607:

We can now see that the assertion that a major military development or the plan for one should be a matter for purely military opinion is unacceptable and can be damaging. Nor is it sensible to summon soldiers, as many governments do, when they are planning a war and ask them for purely military advice. But it makes even less sense for theoreticians to assert that all available military resources should be put at the disposal of the commander so that on their basis he can draw up purely military plans for a war or a campaign. It is, in any case, a matter of common experience that despite the great variety and development of modern war, its major lines are still laid down by governments; in other words, if we are to be technical about it by a purely political and not a military body.

Finally, on page 607, Clausewitz asserts:

The probable character and general shape of any war should mainly be assessed in the light of political factors and conditions, and that war should often, indeed today one might say normally, be conceived as an organic whole whose parts cannot be separated, so that each individual act contributes to the whole and itself originates in the central concept.

The point Clausewitz was making 150 years ago is that war is an extension of policy, of politics; that in fact the statesmen, the politicians, the State Department civil servant, must understand enough in order to be in a position that they can decide what should be done.

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Sun Tzu, writing 2,500 years ago, said—this is the very beginning line, by the way: "The art of war is of vital importance to the state. It is a matter of life and death, a road either to safety or to ruin, hence under no circumstance can it be neglected."

What Sun Tzu is saying is this. In a free society every citizen has to know enough to decide if the vision level and the strategy level is that what we want America to do. Then you hire the professionals. Then you turn to the generals or the admirals or the State Department Ambassadors or others; but first you have to have a vision and strategy level, a clear general sense and the technicians have to understand the art of war within that framework.

Yet recently, just yesterday, I had a reporter friend from back home joking about the fact that I would quote such strange names as Sun Tzu, the Chinese general who 2,500 years ago wrote "The Art of War," probably the best short book ever written on the

topic, or that I would quote an unusual name like Carl Von Clausenwitz who wrote "On War," the best modern book on that topic; but I would return just the opposite. Far from being laughable, that a politician or a college teacher would talk about Clausewitz and Sun Tzu, if they are the two best books on the art of war ever written, I would insist on just the opposite, that as a news man or woman it is the State Department bureaucrats, it is the elected officials who need to study.

We would not expect medical doctors to be laughed at because they studied the books which taught them how to operate in the operating room. Why then should we laugh at studying the art of power, learning how to survive in a dangerous world?

Far from cynically laughing about studying serious books, reporters, editors, politicians and Government officials must study precisely these works.

This is not un-American. It is James Madison, coauthor of the Constitution and the Federalist Papers, Member of the First Congress, member of the First Constitutional Convention, President of the United States, Secretary of State, James Madison in the very founding days of our country who said: "Knowledge shall forever govern ignorance and a people who mean to be their own governors must arm themselves with power which only knowledge gives."

Jefferson studied a lot. In fact, he founded the Library of Congress by giving us his personal library so we Congressmen could read. Madison studied a lot. Washington studied a surprising amount. Benjamin Franklin wrote books, discovered electricity and studied a lot.

You do not have to be ignorant to be a politician nor do you have to be ignorant to be a newspaper reporter or television reporter, nor do you have to be ignorant to serve in the State Department or the Pentagon.

Studying the professional trade, the trade of power, of security, of survival for freedom, should be the duty of precisely those figures.

President Reagan must insist on his officials being truly studied and he must teach the basic facts and basic principles to the American people. Then the American people will teach the politicians.

Let me close by reminding everyone who is listening of what is at stake. This is not a matter of partisan politics. This is not a question frankly, since I am a Republican and this is a Republican administration, since I am a conservative and this is a conservative administration, this is not a matter of ideology or partisanship. It is not a matter of personality. What is at stake is the institutional and cultural incapacity of the American State Department in its current form to deal with the realities of power in an effective manner. What is at stake is the survival of freedom.

How many Sudans have to decide to ally themselves with Libya and cut off their relations with the United States? How many terrorists have to seize airplanes? How many risks do we have to run? How close does the war against communism have to get to our own borders before we recognize that reforming the State Department is not an option. Rebuilding our ability to negotiate, to understand, to compete, is not an option, that survival itself for our children, for ourselves and for our freedoms require that we seriously and calmly and systematically rethink, reorganize, restructure our national security bureaucracies until it is freedom which is capable of winning across this planet.

In the last few weeks this House has proven that in response to reality, in response to the urging of the American people, in response to President Reagan, this House will sustain a strategy and a vision that is clearly articulated.

The challenge is to the Secretary of State, to the Secretary of Defense, to the National Security Adviser, to give the President a plan by which the President can challenge this country and this Congress to follow him toward a vision and strategy of success for freedom across this planet.

INTRODUCTION OF RICO REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 20 minutes.

● Mr BOUCHER. Mr. Speaker, yesterday, along with our colleagues Mr. FISH, Mr. GEKAS, and Mr. HYDE, I introduced H.R. 2943, which would reform the private civil treble-damage provisions of the Racketeer Influenced and Corrupt Organizations Act [RICO]. The purpose of this bill is to limit the growing and unintended use of civil RICO as a weapon against legitimate businessmen in ordinary commercial disputes. By a 5-to-4 decision a few weeks ago, the Supreme Court decided that it is up to Congress, rather than the courts, to correct the overbreadth in this statute.

In 1970, Congress enacted RICO with one laudatory purpose in mind—to create a potent, new law enforcement weapon against organized crime. RICO is title IX of the Organized Crime Control Act of 1970. The RICO title made it a special Federal crime to engage in various kinds of activity through a "pattern of racketeering activity." The legislation broadly defined "racketeering activity" to include a variety of State and Federal offenses, including not only murder, arson and extortion, but also mail fraud, wire fraud, and "fraud in the sale of securities."

At the time the other house added the fraud provisions to the original list of so-called predicate acts, the bill provided for enforcement only by the Federal Government, principally by criminal prosecution. The other body recognized that the bill as amended would sweep broadly, but assumed that the Justice Department, through the exercise of prosecutorial discretion, would apply the Act only to cases that truly involved organized criminal activity, as experienced prosecutors identify such conduct.

After the version passed by the other body reached this chamber, the Judiciary Committee added a provision authorizing private civil suits for treble damages and attorneys' fees. The addition of the private treble damage provision, when combined with the fraud predicate acts, has had an effect wholly unintended by Congress. As Supreme Court Justice Thurgood Marshall recently wrote in an opinion for four Justices in the case of *Sedima, S.P.R.L.* v. *Imrex Co.* (decided on July 1, 1985), the treble damage provision of RICO "quite simply revolutionizes private litigation; it validates the federalization of broad areas of State common law of frauds, and its approves the displacement of well-established Federal remedial provisions," "without any indication that Congress intended to cause such a revolution.

Even the five Justices in the majority of the *Sedima* decision agreed that, "in its private civil version, RICO is evolving into something quite different from the original conception of its enactors." As the Court's opinion explained, private treble damage actions under RICO "are being brought almost solely against" what the Supreme Court described as "respected businesses" rather than against "the archetypal, intimidating mobster," the expected target of these special, new law-enforcement weapons.

The reason for this distortion is easily understood and easily remedied. Private parties, who are not bound by the special responsibilities of public prosecutors, are able to convert almost any common commercial dispute into a claim under RICO because of the broad reach of the mail fraud and wire fraud statutes. Private claimants are easily able to allege that almost any commercial transaction with which they are, in retrospect, unhappy involved improper or fraudulent conduct by the other party and that the other party used the mails or the telephone to conduct the transaction. As the Supreme Court now has construed RICO, this is basically all a private claimant needs to allege to order to demand treble damages under RICO.

Because of this interpretation, which some though not all lower courts had earlier adopted, civil RICO has been used primarily against the people it was supposed to protect, legitimate businessmen, not racketeers. As a special RICO Task Force of the American Bar Association recently found, 40 percent of the reported civil RICO cases involved allegations of securities fraud, and another 37 percent involved allegations of common-law fraud in a commercial or business setting. The task force found that only 9 percent of the cases involved allegations of criminal activity normally associated with professional criminals. The Supreme Court in Sedima accepted those figures as accurate.

The results are disasterous both for the defendants and for the law. Ordinary businessmen are suddenly faced in run-of-the-mill commercial disputes with exposure to treble damages, an award of attorney's fees, and the adverse publicity of being labeled racketeers in court proceedings simply by virtue of the filing of the claims. As a result, as Justice Marshall realized:

> Many a prudent defendant, facing ruinous exposure, will decide to settle a case with no merit. It is thus not surprising that civil RICO has been used for extortive purposes, giving rise to the very evils that it was designed to combat.

In addition, this tool in private hands enables claimants to evade the carefully constructed federal system of civil remedies in such areas as the securities laws. Moreover, large areas of commercial law traditionally governed by State law and litigated in State courts have unwittingly been converted into Federal cases to be litigated in the already overburdened Federal courts.

Any hope that these problems with civil RICO would be eliminated by a narrow judicial construction of the civil remedy provisions of RICO was put to rest by the Supreme Court in its recent Sedima decision. The Court unanimously recognized that civil RICO had unexpectedly become a potent weapon against ordinary businessmen in a way not envisioned by Congress. However, by a bare majority, the Supreme Court felt constrained by the language of the statute to allow these suits to continue, unless Congress acts. The "defect," the majority wrote, "is inherent in the statute as written, and its correction must lie with Congress."

The bill I introduced this week is designed to accept the Supreme Court's invitation to make that correction. It would limit the private civil remedy by allowing a private plaintiff to bring suit only when the private suit rests on injury caused by conduct that led to the defendant's conviction either of one of the predicate offenses listed in the statute or of a criminal violation of RICO itself. That was the way the Court of Appeals for the Second Circuit in the Sedima case had read the existing statute, but the Supreme Court disagreed. The amendment would thus make it clear that the civil provisions of RICO are to be used only against persons whom prosecutors have decided to charge and whom juries have decided to convict of criminal violations of RICO or the underlying predicate offenses. The bill would thus recognize the critical role that Federal and local prosecutors and juries should play in determining whether a person has actually engaged in criminal activity and, as a consequence, whether he is properly subject to the special treble damage liabilities created by RICO.

If this amendment of RICO is adopted, a civil plantiff would have to prove several elements in order to obtain treble damages and attorneys' fees under RICO.

First, the plaintiff would have to allege and prove that the defendant violated the provisions of RICO by engaging in conduct that violated 18 U.S.C. 1962. That conduct includes engaging in a pattern of racketeering activity. This element requires that the plaintiff allege and prove that the defendant engaged in at least two, distinct predicate acts within a 10-year period. Of course, as the Supreme Court suggested in its Sedima opinion, the concept of a pattern ordinarily requires proving more about the nature of the defendant's activities than just two distinct, unrelated predicate acts falling within the necessary time period.

Second, the plaintiff would be required to allege and provide that the defendant had been convicted either of a RICO violation or of one of the predicate acts involving the conduct upon which the plaintiff bases his damage claim.

Third, plaintiff would have to allege and prove that he was injured by the defendant's violation of section 1962.

Fourth and finally, the plaintiff would have to bring his action within 1 year after the date of the latest conviction of the defendant either under RICO or for the predicate offense on which the plaintiff relies as satisfying the prior-criminal-conviction requirement.

I believe that this amendment will sharpen the statute so that RICO will continue to serve the law-enforcement purposes that Congress originally intended while freeing legitimate businessmen and the courts from the unintended uses to which the statute has instead been put. By explicitly imposing this prior-criminal-conviction requirement, Congress would make clear that civil RICO is to deal only with those persons who may fairly be viewed as engaged in the business of crime as an ongoing and integral part of the person's operations.

I emphasize that this amendment would not have any effect on the Justice Department's authority to maintain criminal prosecutions under RICO. Nor would the amendment have any effect on the extensive array of Federal and State remedies that private claimants already have available to them to deal with tort claims, commercial disputes, or controversies under the securities, commodities, and antitrust laws.

I hope that this amendment will be adopted quickly so that Congress will bring to an end the problems that we inadvertently created in 1970 when, with intentions that I fully endorse, we enacted a crime control statute that has lent itself to serious abuse by private civil plaintiffs.●

IMPROVED AIR QUALITY

(Mr. WAXMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. WAXMAN. Mr. Speaker, sometimes our national goals of environmental protection and economic efficiency coincide. We should be alert to recognize and reap the benefit of such opportunities to pursue both hand in hand.

Our Nation's drive for improved air quality has always recognized natural gas as a clean fuel. In other countries, such as Japan, combined air quality and efficiency considerations lead electric utilities to build gas-fired powerplants today. In America, however, because of the gas shortages of the 1970's, Federal legislation restricted gas use by electric powerplants and other large installations. Recently, in light of more abundant gas supplies and especially in light of increasing concern about air pollution and related environmental problems, questions have been raised about the impact of that Federal legislation, the Fuel Use Act, particularly with respect to electric utilities.

A recent article presents an interesting overview of this timely topic. Its author, David J. Bardin, himself combines an interesting energy and environmental perspective. Mr. Bardin was the first Administrator of the Economic Regulatory Administration in the Department of Energy, and as such responsible for implementing the Fuel Use Act. He also is a former State commissioner of environmental protection. Mr. Bardin's analysis, entitled "Real and Imagined Restrictions on Electric Utility Fuel Use of Natural Gas" starts from two basic points:

Most of the older electric powerplants throughout the country are perfectly free to use natural gas in order to reduce pollution or for any other reason the utility sees fit to pursue.

New electric powerplants, constructed after 1978, are prohibited from using natural gas as their principal fuel unless they can secure an administrative exemption.

Mr. Bardin argues that gas supplies are now abudant and will last well into the future, that electric generation with gas is efficient and environmentally benign and that the Fuel Use Act prohibition impedes attainment of environmental goals. He therefore urges repeal of the prohibition on gas use by new electric powerplants, both for environmental and for economic efficiency reasons. This is a complex area involving a variety of considerations which the Congress must take into account and balance in the national interest. but I believe that we should examine carefully the possibility that the interests of environmental quality and economic efficiency now coincide with direct implications for our national energy policy. In that context, I believe Mr. Bardin's views deserve attention.

Mr. Bardin's article follows:

REAL AND IMAGINED RESTRICTIONS ON ELECTRIC UTILITY FUEL USE OF NATURAL GAS

(By David J. Bardin)

Freedom to consider different fuel options—among them, use of natural gas—is valuable to managers and planners. However federal policy—or at least a perception of policy—inhibits choice. A widespread belief persists that federal laws prohibit or discourage most uses of natural gas by electric utilities. Doubt or error about these laws distorts effective decision making. Some restrictions on gas use by electric utilities do exist. Others are imaginary. This article addresses two questions from the standpoint of electric utilities:

How free are electric utilities to select a natural gas option for operations today?

How free are utilities to select a natural gas option for the capacity construction program?

The article also touches on potential changes over the horizon, including the desirability of repealing existing restrictions.

REASONS FOR ELECTRIC UTILITY INTEREST IN GAS

Interest has risen now that natural gas supplies are generally abundant once more. With this year's deregulation of most first sales (producer sales) of gas, there is every reason to hope that the availability and price behavior of this commodity will resemble that of competing fuels over the long run in the United States. Moreover, the magnitude of new discoveries in recent years suggest that gas could play a large role in the United States energy economy for many decades—perhaps more than a century. New conventional sources of natural gas are becoming available in the United States and Canada both from traditional production areas and from newly developed producing provinces—even apart from vast unconventional sources yet to be tapped![1]

Natural gas satisfies about a quarter of America's total energy needs, and an even larger fraction of stationary (nontransportation) fuel needs, but less than 15 per cent of electric utility consumption. Without the restraint of governmental policies, one might expect increased use of natural gas, if reasonably priced, both for existing electric utility boilers and for new power plants.

Existing powerplants

Natural gas can fuel many existing boilers. That potential could expand dramatically with only minor investments in gas burners and in local mains to serve single-fuel power plants, particularly in regions of the country where long-distance pipelines are underutilized (for instance where they have permanently lost load due to closure of gas using "smokestack industries"). Passage of acid rain legislation, requiring reduction of sulfur dioxide emissions from existing power plants, might make a gas option valuable to electric utilities. Indeed, recent research at the Massachusetts Institute of Technology strongly suggests that summertime use of natural gas could be more cost effective than installation and all-year use of scrubbers to reduce the deposition of sulfates in areas believed sensitive to acid rain.[2] Similarly, the revised stack height regulation currently proposed by the Environmental Protection Agency might be satisfied at less cost, in many instances, by a natural gas option than by a scrubber option.[3]

Even apart from any new federal or state environmental legislation, the clean burning characteristics of natural gas, its ease of handling, and the absence of solid-waste products requiring disposal combine to make the natural gas option worthy of attention for existing power plants. Interest in natural gas is particularly timely when aging emission-control equipment performs poorly or imposes inordinate maintenance costs. Moreover, gas may offer a good transitional means of achieving environmental compliance while implementing a different long-range solution.

New powerplants

New gas burning power plants might also be attractive to electric utilities. For example, the combined-cycle gas technology is now preferred for numerous large-scale industrial cogeneration plants in the United States. It could also offer much to electric utilities. With short lead times and relatively low capital costs, combined-cycle units can be built in modest modules with construction sequences (first, gas turbines, then waste-heat recovery boiler), module after module, that closely follow short-term load-growth projections. That technology does not call for large units, sized to achieve economies of scale.

For many utilities, turning to modular combined-cycle units, would ensure against a disastrous price for guessing wrong about long-range demand. Moreover, as demands for electric utility power accelerate, it may prove too late to build any other kind of units for base load. Needless to say, natural gas is an ideal fuel for the combined-cycle units. The same can be said for some of the future modular electric generating technologies now being developed, such as the fuel cell.[4]

In Japan, major new power plants consist of several 100-megawatt modules of combined-cycle units, fueled by natural gas (delivered to Japan in liquefied form and regassified there). These plants are designed for effeciencies better than 40 per cent. In the United States only the Kissimmee, Florida, municipal electric utility has yet installed that technology (although some large utilities have expressed real interest). At least part of the difference between practice here and in Japan stems from uncertainties of American utilities about governmental restrictions on electric utilty use of natural gas.

SOURCE OF RESTRICTIONS

This article considers the foremost restrictions on electric utility use of natural gas, imposed by the federal Powerplant and Industrial Fuel Use Act of 1978.[5] PIFUA was part of the National Energy Act signed into law by President Carter on November 9, 1978. As enacted, PIFUA restriction applied to both new and existing power plants. In 1981, however, PIFUA was sharply cut back by the Omnibus Budget Reconciliation Act signed into law by President Reagan on August 13, 1981. PIFUA gas restrictions no longer apply to pre-1978 power plants. The scope and applicability of PIFUA is explained below. The act is implemented by the Economic Regulatory Administration in the Department of Energy.

Other federal laws do not actually restrict gas use. The federal Clean Air Act,[6] administered by the Environmental Protection Agency, fails, on occasion, fully to credit the clean burning characteristics of natural gas as a solution to clean air problems.[7] Although the CAA is sometimes incorrectly thought to forbid certain uses of gas (such as intermittent uses), it does not in fact directly restrict gas use.

Various state laws and policies bear on electric utility fuel choices—either independently or in reaction to federal policy. Most notably state public utility regulation may question the prudence of costs incurred for fuel acquisition, as well as other costs incurred by the utility. Some states also require a permit or certificate before construction of a new power plant. Implementation of such laws as well as state air pollution controls, may influence fuel selection by electric utilities. However no state laws have an impact comparable to the federal PIFUA.

GENERAL OUTLINE OF FUEL USE ACT

PIFUA prohibits the use of oil or natural gas fuel in certain combustion equipment unless the owner or operator has qualified for an exemption from the prohibition. PIFUA makes no distinction between investor-owned, municipal, and REA-cooperative plants.

Powerplants versus cogenerators and other MFBIs

PIFUA does distinguish industrial facilities (including certain cogeneration facilities) from electric utility facilities. More specifically, its coverage differs as between "major fuel burning installations" (MFBIs) and "electric power plants" (that are owned by electric utilities and, alone, concern us in this article). The general PIFUA distinction is that a "power plant" produces power for "sale or exchange" and an MFBI does not. However, the act defines must cogeneration facilities as "MFBIs" rather than "power plants"—so long as the sales for resale (on a net basis) account for less than half the generation. The vast majority of the cogeneration units being built fall into the "MFBI" category and only a handful into

[1] Footnotes at end of article.

the "power plant" class. In contrast, electric utility units being built are generally "power plants"—except that a licensed nuclear unit comprises neither a "power plant" nor an "MFBI."

PIFUA does apply to MFBIs, but not to the same extent as it does to power plants. Accordingly, one cannot assume equal regulatory treatment for a unit to be built by an electric utility and a unit built by a cogenerator—unless the cogenerator will sell half or more of the generation (thereby putting the unit into the "power plant" category). For example, under the PIFUA regulations[8] there are no restrictions on new MFBI combined-cycle units, whereas restrictions do apply to new, combined-cycle power plants.

Types of generating units covered

As used in PIFUA, "power plant" generally means a generating unit. It includes a boiler, a peaking turbine, and a combined-cycle unit but does not include an internal combustion engine, such as a diesel.

Exclusions based on unit construction date and size

Even where PIFUA applies, it may not prohibit the desired use of gas either because of a statutory right to an exemption or because of a regulation that eases the impact of PIFUA. However, in several circumstances, the act does not apply at all and cannot be made applicable by a change of the regulations:

PIFUA gas restrictions do not apply to "existing" power plants—those already in existence or under construction before November 9, 1978.

PIFUA does not apply to power plants with a rated heat input of less than 100,000 Btus per hour.

The first point is crucial, since most electric utility generating units were built before 1978 and the proportion of post-1978 units is growing only gradually.

EXISTING POWER PLANTS NOT SUBJECT TO PIFUA

Since the 1981 amendment, the PIFUA restrictions on natural gas use do not apply to "existing" power plants at all. An "existing" power plant was either in service or under construction at the determining date: November 9, 1978.

Freedom to switch to partial, seasonal, or total use of gas

Such "existing" power plants may continue to burn gas indefinitely without anyone's permission under PIFUA. They may also be switched from oil or coal to natural gas—whether they ever burned gas before or not—according to the operator's best judgment. There is no limit on the amount of gas such "existing" power plant may burn.[9]

Note that a "power plant" is really a generating unit. Therefore, a multiunit generating station may include a "new" power plant as well as "existing" power plants. For example, assume a plant consists of a 200-megawatt unit constructed in 1958, a 200-megawatt unit constructed in 1961, a 400-megawatt unit constructed in 1975, and a 400-megawatt unit constructed after 1978. The last unit is a "new electric power plant" for purposes of PIFUA whereas the first three units are "existing" power plants. The first three units are entirely free to use gas, to switch from another fuel to gas, and to switch back and forth between gas and another fuel (or fuels).

Repowering: does modification amount to "reconstruction"?

A question will arise whether repowering or other modification of a generating unit that has been an "existing" power plant could convert it into a "new" power plant. Under PIFUA, post-1978 "reconstruction" would convert an existing power plant into a new power plant. However, the law left the definition of "reconstruction" to administrative regulations.

The PIFUA regulations were modeled on the regulatory definition of "major modification" under the CAA. These PIFUA rules prescribe a series of tests which, generally, include comparison of certain capital expenditures for refurbishment or modification with the capital costs of a replacement unit, of the same capacity as the modified unit, and capable of burning the same fuels. (In some instances, the modification expenditures may reach 80 per cent of total replacement costs without crossing the threshold of "reconstruction." In most instances a 50 per cent test applies.)

The minor capital expenditures for adding gas burning capability to an existing coal or oil-burning unit would certainly fall far below the applicable threshold and could not constitute "reconstruction" of an existing power plant. Therefore, even if the gas burner were regarded as a "refurbishment" or "modification" of the power plant unit (rather than merely an ancillary piece of equipment), the PIFUA prohibition would not even come into play.

However, repowering may well be treated as a reconstruction or as a new power plant matter under the act. For example, repowering might either convert existing peaking turbines to a combined cycle unit by adding a waste-heat recovery boiler and steam turbine or, conversely, add gas turbines and waste heat recovery before an existing gas fired steam turbine. In either event, the resulting combined cycle unit might be regarded as "new" simply because there had not previously existed a combined cycle unit—even if the changes, viewed as "modifications" of the preexisting peaker or baseload unit, seemed to fall below the reconstruction threshold. No single answer necessarily covers every potential repowering situation. In general, the PIFUA provisions do impinge upon a utility's options to use natural gas in the context of repowering or life extension programs for existing power plants.

NEW POWER PLANTS UNDER PIFUA—GENERAL OUTLINE

New (or reconstructed) electric power plants may not use natural gas as a primary energy source—and may not even be constructed without capability to use coal or any other alternate fuel as a primary energy source—unless they qualify for a statutory exemption. Before turning to the exemption process, it is worth noting that the prohibitions themselves do not apply in several cases.

Exclusion of synthetic gas and unconventional natural gas

Several forms of gaseous fuel are excluded, by the statute or by the regulations, from the definition of natural gas. New power plants may use, and may be constructed or converted to use such fuels. They include:

Synthetic gas produced from coal, wood, or wastes.

Gas produced from geopressurized brine from wells spudded before 1990.

Gas produced from Devonian shale from wells spudded before 1990.

Gas produced from FERC-designated tight sands from wells spudded before 1990.

All of the foregoing qualify as "alternate fuels" rather than "natural gas" under PIFUA. The synthetic gas exclusions are statutory. The exclusions of certain unconventional natural gas, produced from wells where drilling commenced prior to January 1, 1990, are prescribed by the PIFUA regulations and have yet to be used much, if at all. The 1990 date could be extended by amendment of the regulations.

Latitude of "primary energy source" concept

Moreover, the *primary energy source* concept allows for a substantial use of natural gas in combination with coal (or other alternate fuel). Under the PIFUA regulations, currently in effect, a "secondary" use of gas may go up as high as 25 per cent without requiring any exemption. The regulations automatically presume that 25 per cent gas use is needed, at the discretion of the electric utility, for unit ignition, start-up, testing, flame-stabilization, and control uses. (Consequently, under the current regulations, a combination of no more than 25 per cent conventional natural gas with 75 per cent synthetic gas or unconventional natural gas could be used, in an all-gas new power plant, without PIFUA coming into play at all.) The 25 per cent test is an annual test under the regulations and may, therefore, conceivably allow a seasonal use of gas.[10]

Exemptions: self-certification or application

The act provides for a number of temporary or permanent exemptions. Once granted, an exemption may not be revoked (even if the PIFUA regulations are subsequently changed, as a matter of discretion, to make them less lenient.)

One has to determine, case by case, which exemptions may be available to allow an otherwise-prohibited use of gas. Exemptions for gas fired peak load units (to generate no more than 1,500 hours' worth of full capacity per year) are readily available. Other permanent exemptions for which a new gas fired unit might qualify include economic feasibility over coal, emergency use, environmental, mixture of fuels, and site limitations. Qualification for one or more such exemptions requires a plant-specific analysis.

The Reagan administration has gone about as far as it believes the law allows to liberalize the availability of exemptions. In the case of cogenerators and other NFBIs, for example, the current PIFUA regulations often provide a full exemption simply on the basis of self-certification, rather than requiring full-scale application-and-decision procedures. However, some of the regulations governing power plants are not as liberal.

Moreover, the statute itself establishes some curious tests. For example, the economic feasibility exemption for use of natural gas does not consider the price of the gas! Instead, it must substitute a different price—the price per Btu of imported oil. (In context, it is easy to understand what Congress had in mind in 1978: Prices of gas and domestic oil were then regulated, so Congress wanted to use an unregulated market price for comparison with unregulated coal. Omission of any comparative gas price did not seem anomalous, at the time, because curtailments of gas had habituated many to believe that an intrinsic short supply of gas made new gas power plants unimaginable. Of course, the "shortage" of natural gas at that time was a function of the demand generated by regulated prices set far below post-1973 oil prices.)

The act and regulations do provide for an exemption to use gas when gas (valued at

the Btu price of imported oil but with lower capital costs than coal) is more economic than coal. It may sometimes be possible to show that a new gas fired power plant would be more economical. For repowering, for example, an internal Economic Regulatory Administration study shows that adding a combustion turbine generator and using the waste heat in an existing power plant could be more economic than building a new coal-fired power plant to produce the same increment of electricity.

The fact remains that at least one electric utility, the city of Kissimmee Municipal Electric System in Florida, has secured exemptions allowing it to proceed with a 51-megawatt, all-gas, combined-cycle power plant. Moreover, it is fair to surmise that the Reagan administration and personnel administering the PIFUA program in the Department of Energy would welcome additional exemption attempts to qualify gas use in electric power plants.

The Department's Economic Regulatory Administration receives about 30 PIFUA exemption petitions a year. Most of the petitions have been self-certifications by cogenerators for "power plants." Administrative processing time averages 120 days.[11]

FORTHCOMING CHANGES

President Reagan, the American Gas Association, and many gas producers have advocated repeal of the remaining PIFUA prohibitions (regarding new facilities, both power plants and MFBIs, including reconstructed facilities). As the 1978 boundary between "existing" and "new" facilities recedes into history, the new facility prohibitions increasingly stifle freedom to choose.

Electric utilities have taken no position on the proposed repeal. One wonders why. Not every utility would choose gas, even if free to do so for new construction.[12] Yet freedom to choose among competing alternatives should benefit utilities generally.

In my judgment, there are at least four reasons for electric utilities to support repeal of the PIFUA restrictions on their freedom to consider a natural gas option and to implement it where sensible:

A subsequent administration might reverse the current, liberal regulations and administration of PIFUA.

When confronted with rapid load growth and shrinking reserve margins, a utility will want full freedom to move quickly to a combined-cycle gas solution on a timely basis—without a federal regulatory threshold of any kind—either for new installations or for any repowering decision.

The discrimination in favor of combined-cycle cogeneration is inequitable.

The PIFUA prohibition on natural gas usage denies electric utilities the flexibility to reduce sulfur dioxide emissions in the most practical and cost-effective way—whether to meet CAA or state air pollution requirements, to take advantage of EPA "bubble" policy or emission trading[13] opportunities, or to satisfy state or federal acid rain requirements.

Repeal of the PIFUA restrictions also bears on a responsible resolution of the acid rain controversy. Repeal would tend to reduce sulfur dioxide emissions (and to a lesser extent nitrogen oxide emissions) by operation of market forces for both power plants and industrial facilities.[14] If Congress decides to move in the direction of lower sulfur emissions, it would seem only logical to remove the PIFUA obstacle. Indeed, electric utilities might question the logic of impoing new regulatory requirements on them and others before removing that obstacle.

During the 98th Congress (1983-84), proposals to repeal PIFUA were included in various bills concerning natural gas prices (including old-gas decontrol and mandatory contract carriage, both of which proved controversial). These natural gas pricing disputes do not seem to have a high legislative priority in the new, 99th Congress. if the fuel use prohibition are to be addressed, a better vehicle may have to be created.

AUTHOR'S NOTE: For stimulating discussions, prompting this article and shaping some of its contents, I have to thank Douglas C. Bauer, senior vice president, Edison Electric Institute; Robert L. Davies, director, coal and electric division, Economic Regulatory Administration, U.S. Department of Energy; and Duane Spencer, vice president, advanced power systems division, Electric Power Research Institute. Some of my work was done in the course of coauthoring the forthcoming AGA *"Select Use Handbook: Natural Gas for Environmental Control."*

FOOTNOTES

[1] "U.S. Research Priorities and Natural Gas," by George H. Lawrence, 114 PUBLIC UTILITIES FORTNIGHTLY 15, December 20, 1984. After 1978, additions to *proven, conventional* reserves of natural gas have roughly matched production in the lower-48 United States. The inventory of proven reserves is over ten times total annual production and about 25 times the household and commercial use. Adding the *potential, conventional* reserves yet to be proven (as published by the Potential Gas Committee) brings the lower-48 resource to about 50 times total production and over 100 times household and commercial use. That omits estimates of the known and larger 48-state *unconventional* reserves (in eastern Devonian shales, western tight sands, Gulf Coast geopressurized brines), as well as conventional reserves in Canada, Mexico, and Alaska. No one can guaranty how much of the vast gas resource base will ultimately be exploited. In the author's opinion, other energy resources face at least equal political, economic, and technological uncertainties.

[2] "Controlling Acid Rain without Scrubbers," *e-lab*, July-September, 1984, p. 1.

[3] EPA Docket No. A-83-49, comments of American Gas Association filed December 10, 1984.

[4] Work now being done on phosphoric acid fuel cells, nominally of 11 megawatts capacity, suggests a fuel sensitivity constraint that may require natural gas. In contrast, pressurized fluidized bed would offer a modular technology, perhaps at the 150-megawatt scale, based on solid fuel alone (except, perhaps, for start-up). An interesting hybrid is the "phased introduction of coal gassification combined cycle plants"—using the same combined-cycle plant initially as a natural gas burner and some years later as a burner of synthetic gas ("syngas").

[5] USC § 8301 et seq.

[6] USC § 7401 et seq.

[7] "Combined Gas-Coal Burning—A New Way to Satisfy Both Environmental and Fuel Use Regulation," by David J. Bardin, *Energy Economics, Policy, and Management*, Vol. 2, No. 4, Spring, 1983, pp. 19-39.

[8] The PIFUA regulations appear at 10 CFR 500 et seq.

[9] There is one exception, which restricts gas use in a few "existing" power plants. Coal conversion orders issued under PIFUA or its predecessor statute (the Energy Supply and Environmental Coordination Act of 1974) may prohibit gas use so long as they remain in effect. Such orders may similarly prohibit oil use. However, additional restrictions apply to oil use. PIFUA and the regulations generally prohibit "existing" power plants that did not use petroleum in 1977 from switching to oil, even though not the subjects of a coal conversion order.

[10] Moreover, on petition, the ERA may approve a mixtures exemption allowing a power plant to burn additional gas as a "primary energy source" up to annual total of 43 percent of total fuel use —"primary" and "secondary" energy sources combined.

[11] Apart from the peak load unit exemption, electric utilities have scarcely availed themselves of the exemption opportunities under the current regulations. Most of the petitions now being received are self-certifications for cogeneration units classified as "power plants"— owned by others than electric utilities.

[12] Choices will turn both on plant-specific fuel selection issues and on an overall assessment of long-term gas supply prospects that bear on a specific utility. If one expected natural gas to run out a few years after construction, one might consider a combined-cycle power plant planned to run on synthetic gas from coal but temporarily granted a PIFUA exemption to use natural gas for five years with a, possibility for extension up to ten years (the maximum extended period allowed under PIFUA). If one were a gas supply optimist, one might strongly prefer to plan only for natural gas. If one is still uncertain, would not it make better sense to investigate gas supply prospects at the time of the planning process rather than having the 1978 PIFUA resolve one's uncertainty by decreeing a short supply?

[13] "Emissions Trading and What It Might Mean for Acid Rain Deposition Control," by Roger K. Raufer and Stephen L. Feldman, 114 PUBLIC UTILITIES FORTNIGHTLY 17, August 16, 1984.

[14] A recent AGA study indicates that repeal of PIFUA gas restrictions might eventually increase gas use by 3 quadrillion Btu a year in post-1978 electric utility and industrial facilities (with about one-third of the increase in the former). That increased gas use could cut sulfur dioxide emissions by over one million tons, a significant contribution to the goals of the acid rain proposals, as well as cutting nitrogen oxides, particulates, and solid waste. "Project Economic and Environmental Impacts of Retaining the Fuel Use Act Through the Year 2000," by Wilkinson, Hay & German.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL (at the request of Mr. WRIGHT), for today, on account of necessary absence.

Mrs. SCHNEIDER (at the request of Mr. MICHEL), through July 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes, July 15.

Mr. GONZALEZ, for 60 minutes, July 18.

(The following Members (at the request of Mr. DIOGUARDI) to revise and extend their remarks and include extraneous material:)

Mrs. MEYERS of Kansas, for 5 minutes, today.

Mr. ROBERTS, for 5 minutes, today.

Mr. O'BRIEN, for 5 minutes, today.

Mr. RUDD, for 5 minutes, today.

Mr. MCCANDLESS, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. LUKEN, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BOUCHER, for 20 minutes, today.

Mr. ALEXANDER, for 30 minutes, today.

Mr. STOKES, for 60 minutes, July 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RUDD, prior to vote on the McCollum motion to instruct conferees in the House today.

Mr. SMITH of Florida, following the vote on the McCollum motion to instruct conferees in the House today.

Mr. LOWERY of California, prior to the vote on the Roth amendment to H.R. 1555 in the Committee of the Whole today.

Mr. BEREUTER, on Food for Peace Program, following debate on title IX of H.R. 1555 in the Committee of the Whole today.

Mr. WAXMAN, and to include extraneous matter notwithstanding the fact that it exceeds 2¼ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,673.75.

Mr. WORTLEY, on the Sundquist amendment during debate on H.R. 1555 in the Committee of the Whole today.

(The following Members (at the request of Mr. DIOGUARDI) and to include extraneous matter:)

Mr. BARTON of Texas in two instances.
Mr. DAVIS.
Mr. SHUMWAY in two instances.
Mr. COUGHLIN.
Mr. EDWARDS of Oklahoma.
Mr. LENT.
Mr. SAXTON.
Mr. CONTE.
Mr. SHAW.
Mr. CRANE.
Mr. O'BRIEN.
Mr. GALLO.
Mr. LUNGREN.
Ms. SNOWE.
Mr. GEKAS.
Mr. MICHEL in two instances.
Mr. KOLBE in two instances.
Mr. MCCOLLUM.
Mr. WORTLEY.

The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. TRAXLER.
Mr. UDALL.
Mr. CARR.
Mr. ADDABBO.
Mr. MORRISON of Connecticut.
Mr. APPLEGATE.
Mr. RANGEL.
Mr. HUBBARD.
Mr. RAY.
Mr. DYSON.
Mr. VENTO.
Mr. SOLARZ.
Mr. RALPH M. HALL.
Mrs. LLOYD.
Mr. MARKEY.
Mr. TRAFICANT.
Mr. DYMALLY.
Mr. WEISS.
Mr. SOLARZ.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 49. An act to protect firearms owners' constitutional rights, civil liberties, and rights to privacy; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1373. An act to designate the wilderness in the Point Reyes National Seashore in California as the Phillip Burton Wilderness.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, July 15, 1985, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 935. A bill to abolish the United States Synthetic Fuels Corporation, to reduce Federal deficits, and for other purposes; with an amendment (Rept. No. 99-196, Pt. 1) and ordered to be printed.

Mr. SMITH of Iowa: Committee on Appropriations. H.R. 2965. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes (Rept. No. 99-197). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Iowa:

H.R. 2965. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

By Mr. CONYERS:

H.R. 2966. A bill to amend chapter 89 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 2967. A bill to amend the Fair Credit Reporting Act to reduce the period of time that certain adverse information is retained in consumer credit files; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EDWARDS of Oklahoma:

H.R. 2968. A bill to amend title 5, United States Code, to improve and reform the administrative procedures of Federal agencies, and for other purposes; jointly, to the Committees on the Judiciary and Government Operations.

By Mr. GALLO:

H.R. 2969. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish regional emergency response committees which will plan and coordinate local response to hazardous substance emergencies and to provide members of the community with information about hazardous substances that are located within the community, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. GEKAS:

H.R. 2970. A bill to amend the Packers and Stockyards Act, 1921, to remedy burdens on commerce in poultry and poultry products and protect poultry sellers and growers, and for other purposes; to the Committee on Agriculture.

By Mr. GEKAS (for himself and Mr. MCDADE):

H.R. 2971. A bill granting the consent of the Congress to the amendments to the Susquehanna River Basin Compact; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Mr. VANDER JAGT):

H.R. 2972. A bill to extend for 3 years the existing duty-free treatment of certain needlecraft display models, and for other purposes; to the Committee on Ways and Means.

By Mr. GRADISON (for himself and Mr. PANETTA):

H.R. 2973. A bill to eliminate the sunset for hospice benefits under the Medicare Program; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself, Mr. LELAND, and Mr. WOLF):

H.R. 2974. A bill making appropriations for foreign assistance for the fiscal year ending September 30, 1986; to the Committee on Appropriations.

By Mr. KANJORSKI:

H.R. 2975. A bill to restrict the closing and downgrading of field officer of the Social Security Administration; to the Committee on Ways and Means.

By Mr. LUNDINE:

H.R. 2976. A bill to direct the Secretary of Agriculture to release the condition requiring that a parcel of land conveyed to New York State be used for public purposes and to convey U.S. mineral interests in the parcel to New York State; to the Committee on Agriculture.

By Mr. LUNGREN (for himself, Mr. FISH, Mr. MCCOLLUM, and Mr. GEKAS):

H.R. 2977. A bill to amend the Controlled Substances Act to create new penalties for the manufacturing with intent to distribute, the possession with intent to distribute, or the distribution of designer drugs, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. MCEWEN:

H.R. 2978. A bill to amend and extend the provisions of chapter 67 of title 31, United States Code, relating to the General Revenue Sharing Program; to the Committee on Government Operations.

H.R. 2979. A bill to amend title 23, United States Code, to extend the authorization for appropriations for the Minimum Allocation Highway Program through fiscal year 1990; to the Committee on Public Works and Transporation.

By Mr. MONTGOMERY (by request):

H.R. 2980. A bill to amend title 38, United States Code, to authorize the Veterans' Administration to make tempory and part-time appointments of certain health care personnel for periods in excess of 1 year; to the Committee on Veterans' Affairs.

By Mr. NEAL:

H.R. 2981. A bill entitled "Tobacco Program Amendments of 1985"; to the Committee on Agriculture.

By Mr. PANETTA:

H.R. 2982. A bill to prohibit certain discharges of agriculture waste waters into Morro Bay or Monterey Bay, CA; to the Committee on Interior and Insular Affairs.

By Mr. SCHUETTE:

H.R. 2983. A bill to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in Dockets Numbered 57, 59, and 13E of the Indian Claims Commission and Docket Numbered 13F of the U.S. Claims Court, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENNY SMITH (for himself, Mr. SHARP, Mr. CHANDLER, Mr. FRENZEL, Mr. HANSEN, Mr. BARTLETT, Mr. ZSCHAU, Mr. DAUB, Mr. DELAY, and Mr. MILLER of Washington):

H.R. 2984. A bill to amend section 2687 of title 10, United States Code, to provide greater flexibility and efficiency in existing procedures for the closure and realignment of military installations and in the disposal of excess Federal real property under the jurisdiction of the Department of Defense; to the Committee on Armed Services.

By Mr. TRAFICANT:

H.R. 2985. A bill to amend title 23, United States Code, to increase the Federal share payable for highway projects for installation of guardrails and other safety appurtenances; to the Committee on Public Works and Transportation.

By Mr. BLILEY (for himself, Mr. MCKINNEY, and Mr. PARRIS):

H.R. 2986. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to facilitate the issuance of bonds and notes by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GREEN:

H.J. Res. 337. Joint resolution to amend the Constitution of the United States to provide for congressional disapproval of executive actions and to allow the President to veto items contained in appropriations bill, to the Committee on the Judiciary.

By Mr. OWENS:

H. Con. Res. 175. Concurrent resolution calling upon the President to great asylum to those individuals who seek asylum in the United States rather than serve in the South African Armed Forces in support of apartheid; to the Committee on the Judiciary.

By Mr. SOLARZ (for himself and Mr. LEACH of Iowa):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that the continued expansion of Soviet offensive nuclear forces and the possible development by the United States of defensive systems to counter that expansion are directly linked and threaten the achievement of a comprehensive arms control agreement; and that, if the Soviet Union agrees to mutual, verifiable and significant reductions in the overall number of offensive nuclear weapon launchers and warheads, the United States should agree to mutual, verifiable and significant restrictions, consistent with and complementary to the 1972 treaty on the limitation of antiballistic missile systems, on the development, testing, and deployment of components, weapons, supporting systems, and technologies for strategic defensive purposes; to the Committee on Foreign Affairs.

By Mr. GRAY of Illinois:

H. Res. 218. Resolution expressing the sense of the House of Representatives that the Reagan administration should fulfill its promise to renovate the homeless shelter at 425 Second Street NW., in the District of Columbia and find ways to resolve the growing problem of homeless persons in the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MANTON (for himself, Mr. ROYBAL, MR. GORDON, and Mr. KANJORSKI):

H. Res. 219. Resolution expressing the sense of the House with respect to the potential closing and downgrading of hundreds of local offices of the Social Security Administration; to the Committee on Ways and Means.

By Mrs. MEYERS of Kansas:

H. Res. 220. Resolution providing for the consideration of the resolution (H. Res. 164) to amend the Rules of the House of Representatives to make the legislative process more open, accountable, representative, understandable, manageable, workable, and cost effective, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYMALLY:

H.R. 2987. A bill for the relief of Whiteworth Inc. of Gardens, CA; to the Committee on the Judiciary.

H.R. 2988. A bill for the relief of Thomas Nelson Flanagan; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 2989. A bill for the relief of the Washington Welfare Association, Inc. of Washington, DC, which operates the Southeast Neighborhood House; to the Committee on the Judiciary.

By Mr. FOGLIETTA:

H.R. 2990. A bill for the relief of Wak Hui Tsang; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.R. 2991. A bill for the relief of Betsy L. Randall; to the Committee on the Judiciary.

By Mr. RICHARDSON:

H.R. 2992. A bill for the relief of Maria Del Refugio (Alvarez) Ramirez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 237: Mr. CARPER, Mr. CHAPPELL, Mr. COOPER, Mr. LEHMAN of Florida, and Mr. STUMP.

H.R. 343: Mr. MCEWEN and Mr. VALENTINE.

H.R. 347: Mr. SABO.

H.R. 580: Mr. DELLUMS, Mr. BROWN of California, Mr. MATSUI, Mr. GEJDENSON, Mr. LANTOS, Mr. MOAKLEY, Mr. DICKINSON, Mr. BONER of Tennessee, Mr. DE LUGO, Mr. GINGRICH, Mr. LUNGREN, Mr. MCGRATH, and Mr. GUARINI.

H.R. 773: Mr. GONZALEZ, Mr. LUNDINE, Mrs. BENTLEY, Mr. HAYES, Mr. WILLIAMS, and Mr. MRAZEK.

H.R. 776: Mr. MINETA.

H.R. 871: Mr. BEREUTER.

H.R. 877: Mr. MONTGOMERY.

H.R. 883: Mr. DELAY and Mr. FIELDS.

H.R. 972: Mrs. BENTLEY, Mr. GRAY of Pennsylvania, Mr. COURTER, and Mr. KRAMER.

H.R. 1029: Mr. EMERSON, Mr. STUMP, and Mr. VALENTINE.

H.R. 1068: Mr. DASCHLE and Mr. STARK.

H.R. 1294: Mr. STANGELAND.

H.R. 1524: Mrs. HOLT, Mr. MINETA, Mr. AUCOIN, Ms. SNOWE, and Mr. TRAFICANT.

H.R. 1619: Mr. LEWIS of Florida.

H.R. 1623: Mr. GOODLING.

H.R. 1626: Mr. SMITH of New Jersey, Mr. MOODY, Mrs. JOHNSON, Mr. THOMAS of California, and Mr. LOWRY of Washington.

H.R. 1666: Mr. CHAPPIE, Mr. FAZIO, Mr. GREGG, Mr. KOLTER, Mr. MCGRATH, Mr. ROWLAND of Georgia, Mr. SOLARZ, Mr. WHITEHURST, Mr. HORTON, Mr. FRENZEL, Mr. HENRY, Mr. MOLINARI, Mr. SAXTON, Mr. OWENS, Mr. THOMAS of California, Mr. ZSCHAU, and Mr. COUGHLIN.

H.R. 1746: Mr. FAZIO and Mrs. MEYERS of Kansas.

H.R. 1769: Mr. STUMP.

H.R. 1776: Mrs. ROUKEMA.

H.R. 1840: Mr. HUBBARD, Mr. WISE, Mr. STUMP, Mr. SHUMWAY, Mr. COOPER, and Mr. WILLIAMS.

H.R. 1875: Mr. MCEWEN and Mr. MOODY.

H.R. 1893: Mr. KOLBE.

H.R. 1953: Mr. WAXMAN, Mr. RUSSO, Mr. SEIBERLING, Mr. FAZIO, Mr. DANNEMEYER, Ms. KAPTUR, Mr. HYDE, Mr. HAYES, Mr. LIPINSKI, Mr. PORTER, Mr. GROTBERG, Mr. GRAY of Illinois, Mr. FAWELL, Mr. EVANS of Illinois, Mr. MADIGAN, Mr. BROWN of California, Mr. TORRES, and Mr. BRUCE.

H.R. 1977: Mr. SUNDQUIST.

H.R. 1993: Mrs. BOGGS, Mr. BLILEY, Mr. PORTER, Mr. DREIER of California, Mr. NIELSON OF UTAH, and Mr. MILLER of Washington.

H.R. 2069: Mr. ADDABBO.

H.R. 2080: Mr. ADDABBO, Mr. EDGAR, Mr. MCKERNAN, Mrs. MEYERS of Kansas, Mr. TORRES, Mr. WEAVER, and Mr. WYLIE.

H.R. 2114: Mr. ECKART of Ohio.

H.R. 2158: Mr. SMITH of Florida, Mr. SAXTON, Mr. BLILEY, and Mr. BEREUTER.

H.R. 2255: Mr. EVANS of Illinois, Mr. GRAY of Pennsylvania, Mr. SEIBERLING, Ms. KAPTUR, Mr. MCKERNAN, Mr. MARTINEZ, and Mr. WEISS.

H.R. 2263: Mr. ANTHONY, Mr. BLILEY, Mr. FOGLIETTA, Mrs. JOHNSON, Mr. ORTIZ, Mr. RINALDO, Mr. SABO, Mr. STUDDS, Mr. WEISS, and Mr. HOWARD.

H.R. 2349: Mr. HORTON, Mr. KANJORSKI, and Mr. WYLIE.

H.R. 2383: Mr. MITCHELL and Mr. TALLON.

H.R. 2451: Mr. DERRICK, Mr. SOLOMON, Mr. SHAW, and Mr. WATKINS.

H.R. 2543: Mr. JONES of Oklahoma, Mr. RODINO, Mr. YOUNG of Alaska, Mr. DYMALLY, Mr. SAVAGE, Mr. LIGHTFOOT, Mr. HARTNETT, Mr. DEWINE, Mr. HOYER, Mr. SENSENBRENNER, Mr. ROE, Mr. WORTLEY, Mr. BARNARD, Mr. CONYERS, Mr. LAFALCE, Mr. MURPHY, Mr. BILIRAKIS, Mr. BORSKI, Mr. FISH, Mr. MRAZEK, Mrs. SMITH of Nebraska, and Mr. BATEMAN.

H.R. 2564: Mr. STANGELAND and Mr. FIELDS.

H.R. 2565: Mr. STANGELAND and Mr. FIELDS.

H.R. 2566: Mr. STANGELAND and Mr. FIELDS.

H.R. 2567: Mr. COYNE, Mrs. BURTON of California, Mr. SEIBERLING, Mr. HOYER, and Mr. RODINO.

H.R. 2581: Mr. STENHOLM, Mr. DASCHLE, and Ms. KAPTUR.

H.R. 2617: Mr. SENSENBRENNER.

H.R. 2621: Mr. CLINGER, Mr. CROCKETT, Mr. FORD of Michigan, Mr. HENRY, Mr. KLECZKA, Mr. MCKERNAN, Mr. MCKINNEY, Mr. MATSUI, Mr. RANGEL, Mr. STUDDS, Mr. TOWNS, Mr. VENTO, Mr. WOLPE, and Mr. YOUNG of Alaska.

H.R. 2687: Mr. PENNY, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. MORRISON of Connecticut, Mr. ROSE, Mrs. COLLINS, Mr. GRAY of Illinois, Mr. O'BRIEN, Mr. SMITH of Florida, Mr. ROBINSON, Mr. TRAFICANT, Mr. DE LUGO, Mr. SENSENBRENNER, Mr. LIPINSKI, and Mr. DORGAN of North Dakota.

H.R. 2712: Mr. SMITH of New Jersey, Mr. DELLUMS, Mr. MITCHELL, Mrs. COLLINS, and Mr. CONYERS.

H.R. 2741: Mr. HUGHES, Mr. LEHMAN of California, and Mr. NEAL.

H.R. 2743. Mr. OWENS.

H.R. 2768: Mr. BARTON of Texas, Mr. BEREUTER, Mr. MCGRATH, Mrs. MARTIN of Illinois, Mr. DIOGUARDI, and Mr. TRAFICANT.

H.R. 2779: Mr. KILDEE, Mr. CROCKETT, Mr. FORD of Michigan, Mr. PURSELL, Mr. CARR, Mr. SCHUETTE, Mr. BONIOR of Michigan, Mr. HERTEL of Michigan, Mr. DINGELL, Mr. BROOMFIELD, and Mr. SILJANDER.

H.R. 2781: Mr. NIELSON of Utah.

H.R. 2791: Mr. DIOGUARDI, Mr. CLINGER, Mr. BIAGGI, Mr. ADDABBO, Mr. BATES, Mr. FUSTER, Mr. BOSCO, Mr. KINDNESS, Mr. SMITH of Florida, Mr. MRAZEK, Mr. KASTENMEIER, Mr. MINETA, Mr. MORRISON of Connecticut, Mr. EVANS of Illinois, Mr. PORTER, Mr. BEDELL, Mr. LEACH of Iowa, Mr. ROSE, Mr. TORRES, Mr. STARK, Mrs. COLLINS, Mr. STOKES, Mr. BERMAN, Mr. BONER of Tennessee, Mr. WEAVER, Mr. LEVIN of Michigan, Mr. TOWNS, Mr. HAYES, Mr. SIKORSKI, Mr. VENTO, Mr. RANGEL, Mr. WEISS, Mr. WOLPE, Mrs. BURTON of California, Mr. SAXTON, Mr. BATEMAN, Mr. MITCHELL, Mr. VALENTINE, Mr. MARTINEZ, Mr. DICKS, Mr. JONES of Oklahoma, Mr. MCGRATH, Mr. NEAL, Mr. CROCKETT, and Ms. KAPTUR.

H.R. 2797: Mr. WILSON and Mr. NIELSON of Utah.

H.R. 2817: Mr. BREAUX, Mr. ANDREWS, Mr. BATEMAN, Mr. MRAZEK, Mr. EVANS of Illinois, Mr. WORTLEY, Mr. SMITH of New Hampshire, Mrs. ROUKEMA, Mr. BOULTER, and Mr. GREGG.

H.R. 2866: Mrs. COLLINS, Mr. OBERSTAR, Mr. ROBERT F. SMITH, Mr. MONTGOMERY, Mr. MARTINEZ, and Mr. DELLUMS.

H.R. 2900: Mr. BOEHLERT.

H.R. 2948: Mr. TAUZIN and Mr. BREAUX.

H.J. Res. 3: Mr. BUSTAMANTE.

H.J. Res. 36: Mr. GRAY of Pennsylvania.

H.J. Res. 41: Mr. MARTIN of New York.

H.J. Res. 76: Mr. BORSKI, Mr. MACKAY, Mr. BENNETT, Mr. FAUNTROY, Mr. RINALDO, Mr. CHANDLER, Mr. CRANE, Mr. DORNAN of California, Mr. MCCANDLESS, Mr. MCMILLAN, Mr. TAYLOR, Mr. ANNUNZIO, Mr. BEILENSON, Mr. BERMAN, Mr. BOUCHER, Mrs. BURTON of California, Mr. CLAY, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DINGELL, Mr. DORGAN of North Dakota, Mr. DOWNEY of New York, Mr. EARLY, Mr. GEPHARDT, Mr. GIBBONS, Mr. RALPH M. HALL, Mr. HAYES, Mr. IRELAND, Mr. JACOBS, Mr. KANJORSKI, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. LEVINE of California, Mr. LIPINSKI, Mr. MAVROULES, Mr. MILLER of California, Mr. NICHOLS, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS, Mr. RODINO, Mr. ROYBAL, Mr. SCHUMER, Mr. SHELBY, Mr. STAGGERS, Mr. STENHOLM, Mr. TORRICELLI, Mr. TRAFICANT, Mr. UDALL, Mr. VENTO, Mr. WALGREN, Mr. WYDEN, Mr. WHITTEN, Mr. DICKS, Mr. DURBIN, Mr. SKELTON, Mr. MONSON, Mr. PARRIS, Mr. BREAUX, Mr. SOLOMON, and Mr. BRUCE.

H.J. Res. 106: Mr. SOLOMON.

H.J. Res. 122: Mr. STOKES, Mr. RANGEL, Mrs. BOXER, Mr. VALENTINE, Mr. KINDNESS, Mr. GRAY of Pennsylvania, Mr. STUMP, Mr. RINALDO, Mrs. ROUKEMA, and Mr. PURSELL.

H.J. Res. 135: Mr. TRAFICANT.

H.J. Res. 156: Mr. DEWINE.

H.J. Res. 171: Mr. VOLKMER, Mr. DANIEL, Mr. DE LUGO, Mr. WOLPE, Mr. VANDER JAGT, Mr. FAUNTROY, Mr. COURTER, Mr. HUBBARD, Mr. MONTGOMERY, Mr. PURSELL, Mr. TAYLOR, Mr. WALKER, Mr. BEVILL, Mr. RANGEL, Mr. CAMPBELL, Mr. CHAPPIE, Mr. BEDELL, Mr. O'BRIEN, Mr. FLORIO, Mr. BIAGGI, Mr. MCEWEN, Mr. DERRICK, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. FISH, Mr. FEIGHAN, Mr. COBEY, Mr. GREGG, and Mr. CARR.

H.J. Res 218: Mr. DINGELL, Mr. BROYHILL, Mr. BATES, Mr. ROSE, Mr. PERKINS, Mr. MURPHY, Mr. BREAUX, Mr. BONIOR of Michigan, Mr. SUNIA, Mr. SKEEN, Mr. HENDON, Mr. MCCAIN, and Mr. STUMP.

H.J. Res 222: Mr. BROYHILL, Mr. CAMPBELL, Mr. DIXON, Mr. FRANK, Mr. NEAL, Mr. NICHOLS, Mr. WALGREN, and Mr. YATRON.

H.J. Res. 254: Mr. BROWN of California, Mr. VOLKMER, Mr. BARNES, Mr. DIXON, Mr. BERMAN, Ms. OAKAR, Mr. DYMALLY, Mr. ROE, Mr. MAZZOLI, Mr. MCGRATH, Mr. HUGHES, Mr. WORTLEY, Mrs. BOXER, Mr. WEISS, Mr. SOLOMON, Mr. HEFTEL of Hawaii, Mr. KOLTER, Mr. FROST, Mr. LAFALCE, Mr. HOYER, Mr. DEWINE, Mr. ROSE, Mr. LAGOMARSINO, Mr. FLORIO, Mrs. HOLT, Mr. MARTINEZ, Mr. MURPHY, Mr. DWYER of New Jersey, Mr. ROWLAND of Georgia, Mr. CHAPPIE, Mr. TOWNS, Mr. AKAKA, Mr. BONER of Tennessee, Mrs. BENTLEY, Mrs. BURTON of California, Mr. CARPER, Mr. DANIEL, Mr. DARDEN, Mr. DIOGUARDI, Mr. EMERSON, Mr. FEIGHAN, Mr. FAZIO, Mr. EARLY, Mr. HAYES, Mr. ADDABBO, Mr. CHANDLER, Mr. REID, Mr. DE LA GARZA, Mr. OWENS, Mr. CARR, Mr. HUTTO, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. DONNELLY, Mrs. COLLINS, Mr. LEACH of Iowa, Mr. VALENTINE, Ms. KAPTUR, Mr. CONTE, Mr. COATS, Mr. NEAL, Mrs. ROUKEMA, Mr. WYDEN, Mrs. KENNELLY, Mr. MCEWEN, Mr. MRAZEK, Mr. RINALDO, Mr. O'BRIEN, Mr. RODINO, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAXLER, Mr. WHITLEY, Mr. WIRTH, and Mr. WOLPE.

H.J. Res. 275: Mr. ROE, Mr. DORNAN of California, Mr. KANJORSKI, Mr. HORTON, Mr. DIOGUARDI, Mr. VOLKMER, Mr. FEIGHAN, Mr. DEWINE, Mr. CLINGER, Mr. MURPHY, Mr. PRICE, Mr. MORRISON of Connecticut, Mr. ANNUNZIO, Mr. ADDABBO, Mr. NELSON of Florida, Mr. CARNEY, Mr. BONIOR of Michigan, Ms. KAPTUR, Mr. GILMAN, Mr. DE LA GARZA, Mr. GALLO, Mr. LAFALCE, Mr. MOLLOHAN, and Mr. DANNEMEYER.

H.J. Res. 295: Mr. HUCKABY, Mr. PANETTA, Mr. WOLPE, and Mr. BARNES.

H.J. Res. 296: Mr. LEWIS of California, Mr. RAHALL, Ms. SNOWE, Mr. CHAPPELL, Mr. MAVROULES, Mr. ROE, Mr. YOUNG of Alaska, Mr. THOMAS of Georgia, Mr. WIRTH, Mr. PEPPER, Mr. ROSE, and Mrs. VUCANOVICH.

H.J. Res. 308: Mr. ANDREWS, Mr. BERMAN, Mr. BROOMFIELD, Mr. BRYANT, Mr. CHAPPIE, Mr. COELHO, Mrs. COLLINS, Mr. DAVIS, Mr. FAZIO, Mr. GONZALEZ, Mr. HEFTEL of Hawaii, Mrs. HOLT, Mr. HORTON, Mr. HUGHES, Ms. KAPTUR, Mr. LAFALCE, Mr. LANTOS, Mr. MCCLOSKEY, Mr. O'BRIEN, Mr. OWENS, Mr. ROE, Mr. SKELTON, Mr. SUNIA, Mr. WEISS, and Mr. WILSON.

H.J. Res. 312: Mr. MACKAY, Mr. LEHMAN of Florida, Mr. FASCELL, Mr. WOLF, Mr. GREEN, Ms. KAPTUR, Mr. MURPHY, Mr. DORNAN of California, Mr. SCHULZE, Mrs. COLLINS, Mr. SMITH of Florida, Mr. LAGOMARSINO, Mr. YOUNG of Florida, Mr. SAXTON, Mr. WORTLEY, Mr. FROST, Mr. WOLPE, Mr. IRELAND, Mr. HUTTO, Mr. ROE, Mr. DE LUGO, Mr. MARTINEZ, Mr. BENNETT, Mr. VALENTINE, Mr. BORSKI, Mr. FRENZEL, Mr. HUGHES, Mr. OWENS, Mr. BLILEY, Mr. DARDEN, Mr. GRAY of Pennsylvania, Mrs. HOLT, Mr. MRAZEK, Mr. STANGELAND, Mr. FAZIO, Mr. NOWAK, Mr. WEISS, and Mr. COATS.

H.J. Res. 318: Mr. NELSON of Florida, Mr. WALKER, Mr. LUJAN, Mr. MONSON, Mr. LANTOS, Mr. BATEMAN, Mr. O'BRIEN, Mr. BOEHLERT, Mr. CHANDLER, Mr. TOWNS, Mr. BOLAND, Mr. LEWIS of Florida, Mr. COOPER, Mr. YOUNG of Missouri, Mr. REID, Mr. DORNAN of California, Mr. EVANS of Illinois, Mr. STALLINGS, Mr. KOSTMAYER, Mr. KRAMER, Mr. ANDREWS, Mr. BROOKS, Mr. BARNES, Mr. WORTLEY, Mr. FRENZEL, Mr. EMERSON, Mr. FLIPPO, Mr. LEVINE of California, Mr. FAUNTROY, Mr. LAGOMARSINO, Mr. SKELTON, Mr. WOLF, Mr. MRAZEK, Mr. BROWN of California, Mr. CARNEY, Mr. FOWLER, Mr. HANSEN, Mr. LEWIS of California, Mr. MOAKLEY, Mr. NIELSON of Utah, Ms. OAKAR, Mr. UDALL, Mr. DYMALLY, Mr. GINGRICH, Mr. GREEN, Mr. MCGRATH, Mr. BLILEY, Mr. CHAPPIE, Mr. DARDEN, Mr. HORTON, Mr. HALL of Texas, Mr. BONER of Tennessee, Mr. DANIEL, Mr. DERRICK, Mr. TORRICELLI, Mr. DIXON, Mr. RODINO, Mr. CAMPBELL, Mr. MURPHY, Mrs. HOLT, Mr. ALEXANDER, Ms. FIEDLER, Mr. HENRY, Mr. COBEY, Mr. MARTIN of New York, Mr. HYDE, Mr. SLAUGHTER, Mr. SCHEUER, Mr. LUNGREN, Mr. LOEFFLER, Mr. KOLTER, Mr. CONYERS, Mr. MACK, Mr. STENHOLM, Mr. SHAW, Mr. DE LUGO, Mr. MARTINEZ, Mr. RICHARDSON, Mr. HUTTO, Mr. ROWLAND of Georgia, Mr. MCHUGH, Mr. DASCHLE, Mr. WOLPE, Mr. LUNDINE, Mr. RITTER, Mr. KASICH, Mr. DICKINSON, Mr. SMITH of New Hampshire, Mr. WYDEN, Mr. YOUNG of Florida, Mr. SILJANDER, Mr. BARTON of Texas, Mr. MOORHEAD, Mr. HEFNER, Mr. PRICE, Mr. BIAGGI, Mr. BREAUX, Mr. AKAKA, Mr. BORSKI, Mr. APPLEGATE, Mr. BEVILL, Mr. HEFTEL of Hawaii, Mr. FAZIO, Mr. MATSUI, Mr. TALLON, Mr. HAMMERSCHMIDT, Mr. SKEEN, Mr. DORGAN of North Dakota, Mr. MCCAIN, Mr. MACKAY, Mr. GUNDERSON, Mr. ROSE, Mr. JENKINS, Mr. GORDON, Mr. DELAY, Mr. MORRISON of Connecticut, Mr. BLAZ, Mr. FOLEY, Mr. CARR, Mr. BRYANT, Mr. BRUCE, Mr. JEFFORDS, Mr. LELAND, Mr. TRAXLER, Mr. ANTHONY, Mr. FROST, Mr. ADDABBO, Mr. BOUCHER, Mrs. LLOYD, Mr. VOLKMER, Mr. PERKINS, Mr. ROE, Mr. MOODY, Mrs. BURTON of California, Mrs. BENTLEY, Mr. MINETA, Mr. GEPHARDT, Mrs. BYRON, Mr. THOMAS of Georgia, Mr. ANDERSON, Mr. CARPER, Mr. FLORIO, Mr. SNYDER, Mr. VALENTINE, Mr. LIVINGSTON, Mr. DIOGUARDI, Mr. FISH, Mr. CROCKETT, Mr. YOUNG of Alaska, Mr. TAUKE, Mr. BONIOR of Michigan, Mr. PACKARD, Mr. ACKERMAN, Mr. COATS, and Mr. DAUB.

H. Con. Res. 69: Mr. DAVIS, Mr. CRANE, and Mr. ROSE.

H. Con. Res. 71: Ms. SNOWE.

H. Con. Res. 120: Mr. SOLARZ and Mr. FOGLIETTA.

H. Con. Res. 129: Mr. RUDD and Mr. SLATTERY.

H. Con. Res. 133: Mr. TORRICELLI.

H. Con. Res. 167: Mr. MOAKLEY, Mr. JONES of Tennessee, Mr. MCGRATH, Mr. LUJAN, Mr. BROWN of California, Mr. KOLTER, and Mrs. SCHNEIDER.

H. Con. Res. 173: Mr. TOWNS, Mr. GRAY of Illinois, Mr. KEMP, and Mr. HOWARD.

H. Res. 107: Mr. ATKINS.

H. Res. 154: Mr. PACKARD, Mr. THOMAS of California, Mr. BEREUTER, Mr. WOLF, Mr. MCMILLAN, Mr. WHITEHURST, Mr. LAGOMARSINO, Mr. MCKINNEY, and Mr. GROTBERG.

H. Res. 208: Mr. CAMPBELL, Mr. BILIRAKIS, Mr. BLILEY, Mr. ROGERS, Mr. Denny SMITH, Mr. WILSON, and Mr. BARTON of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10

By Mr. HOWARD:

—Page 18, strike out line 8 and all that follows through "1986," on line 9 and insert in lieu thereof the following:

$140,000,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending

Page 25, strike out line 4 and all that follows through "1986" on line 5 and insert in lieu thereof the following:

$40,000,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending

Page 35, line 14, strike out "$30,000,000" and all that follows through the period of line 17 and insert in lieu thereof the following:

$26,000,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending September 30, 1987, and September 30, 1988.

Page 36, line 14, strike out "$5,800,000" and all that follows through "not to exceed" on line 23 and insert in lieu thereof the following:

$2,500,000 for the fiscal year ending September 30, 1986 (of such amount not to exceed $500,000 shall be available for the expenses of the Federal cochairman, his alternate, and his staff), and such sums as may be necessary for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990. Of amounts appropriated pursuant to the preceding sentence for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, not to exceed

Page 36, line 25, strike out the closing parenthesis.

Page 37, line 7, strike out "$234,000,000" and all that follows through the second period on line 12 and insert in lieu thereof the following:

$90,000,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, September 30, 1991, and September 30, 1992.".

Page 39, line 16, strike out "$166,000,000" and all that follows through the second period on line 20 and insert in lieu thereof the following:

$43,670,000 for the fiscal year ending September 30, 1986, and such sums as may be necessary for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990.".

SENATE—*Thursday, July 11, 1985*

(Legislative day of Monday, July 8, 1985)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable MARK O. HATFIELD, a Senator from the State of Oregon.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Almighty God, we call upon You for a special manifestation of Your wisdom and grace upon the Senate in its struggle with imponderables which do not easily yield to solution. Having faced gun control, it is now South Africa, and the ever-present milieu of budget, deficit, and tax reform. You know, Lord, that it is not just a simple matter of numbers which in themselves can be confusing at best, but conflict of loyalties which complicate and frustrate: White House versus Congress, Senate versus House, Democrat versus Republican, plus all the special interests which impose unbearable pressure on the issues. And then, Father, there are always those who seem to know what to do but do not have to do it who add to confusion with rhetoric. Meanwhile the Senators are stuck with the decisions.

Gracious God, the Senators are not playing games, they seek just solutions that are in the interest of all the people for all the future. Help them to be aware of the mighty resources of God which are available and which transcend all conflicting interests and loyalties and which can lead out of confusion and frustration to resolution and satisfaction. Thy will be done in the Senate as in Heaven. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 1985.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK O. HATFIELD, a Senator from the State of Oregon, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HATFIELD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by special orders in favor of Senators PROXMIRE, MOYNIHAN, and BYRD. Then there will be a period for routine morning business not to extend beyond the hour of 11 a.m., with statements limited therein to 5 minutes each.

Following routine morning business, the Senate will resume the motion to proceed on S. 995, the South Africa legislation. I can safely say that rollcall votes can be expected throughout today's session, and there is about a 99-percent chance that we will have votes tomorrow during a Friday session.

If we can complete the South Africa legislation today, we still need to take up the State Department nominations. I understand some Members want rollcall votes on at least three or four of those nominations, which we hope will be completed tomorrow. If we come in early tomorrow morning, we can finish early in the afternoon.

Mr. President, I would hope we would be able to proceed to S. 995 and that we could vitiate the order for the yeas and nays on the motion to proceed. I will be visiting with the distinguished Senator from North Carolina, Senator HELMS, about that in the next few moments.

Mr. President, I believe on Monday we might be prepared to take up the line item veto legislation.

We still hope that in the week of July 22 we will have the farm legislation on the floor as well as maybe four appropriations bills. I hope that will be approved by the present Presiding Officer.

TRANSFER OF SPECIAL ORDER TIME TO SENATOR MOYNIHAN

Mr. DOLE. Mr. President, I ask unanimous consent that the time of the special order in favor of Senator BYRD be transferred to the Senator from New York, Senator MOYNIHAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I yield back my time.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

CAVE IN ON BUDGET RESTRAINT—THE SUPER MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, for the super myth of the day, I propose the agreement reported in Wednesday's New York Times between the White House, the Senate, and the House on the budget for 1986. Here is a development that shatters that already weary and tattered myth that this year at long last the Government would do something truly effective about the deficit. Two sentences in the report of this agreement tell it all:

Listen:

> Mr. Reagan's plan envisions no new taxes, but would accept the higher of the two Chambers' figures for both Social Security and the military. He also called for a bipartisan agreement on unspecified savings to reduce the deficit, now running about $200 billion a year.

There you have it, Mr. President. If any naive soul in this country believes that this kind of agreement will begin to bring the deficit under control, he can forget it. Put it together: "No new taxes; the higher House figure for Social Security; the higher Senate figure for military spending."

And where would the savings come from? A politician's dream—"a bipartisan agreement on unspecified savings to reduce the deficit."

On Tuesday, the administration announced David Stockman's departure. On Wednesday, we get the news that both sides caved in on doing anything effective on the budget deficit. This great economy of ours is on a one-way ride to bankruptcy.

WHY THE ARMS CONTROL TALKS AT GENEVA ARE GOING NOWHERE

Mr. PROXMIRE. Mr. President, no Federal policy is more widely supported in this country than nuclear arms control. Arms control is the one major issue that is overwhelmingly supported by the American people. Democratic or Republican, conservative or liberal, east, west, north, or south, male or female, young or old, this country wants arms control. Every person who wins election to Federal office finds a way to say he or she favors it, even those who have the longest and clearest and most emphatic record in opposition to arms control. Members of the Senate and House, no matter how hawkish, no matter how loudly they shout that arms control is not working and that the Soviets are cheating, claim to be friends of arms control.

Who is the preeminent example in our time of a powerful elected figure who claims to be on the side of the people in favoring arms control in spite of a long record of opposition? Answer: President Ronald Reagan. Until he was well into his first administration in the spring of 1982, the President appeared to be a stalwart and consistent fore of arms control. He had opposed every nuclear weapons arms control treaty negotiated by every President—Republican and Democratic—since the initial 1963 limited test ban treaty.

But the President's efficient polling service was telling him of the clear and decisive public support for arms control. On May 9, 1982, speaking at his old alma mater, Eureka College, the President spoke out in favor of arms control in a speech that foreshadowed the 1982-83 START and INF negotiations between the United States and the U.S.S.R., and the present negotiatons in Geneva. That speech and those negotiations have convinced many Americans that the President is on their side, that he also favors arms control. Many Americans now believe that the President is sincerely pushing for an arms control agreement with the Soviets. They believe it is only the stubbornness and unreasonableness of the Russian Communists that stands in the way.

Now, how about that? In all of the President's 4½ years in office, how often have the two superpowers come close to achieving any kind of arms control agreement? The answer, Mr. President, is exactly once. And when did that happen? It happened when our senior arms control negotiator, Paul Nitze, took the famous walk in the woods with his Soviet counterpart on July 16, 1982. Nitze has a long reputation as a veteran, expert, hard-line negotiator. He tentatively, subject of course to approval by both U.S. and Soviet leadership, agreed to the following understanding: The Soviet Union would cease to include nuclear weapons deployed in the United Kingdom and France as a consideration in reaching an agreement. The Soviets would stop any further deployment of the Soviets' intermediate range nuclear SS-20 missiles in the Far East. The United States could proceed with its deployment of the cruise missiles in Europe. The Soviets would reduce their SS-20's in Eastern Europe by two-thirds. The one concession by the United States was to cancel its planned deployment of Pershing II intermediate missiles in Europe.

This seemed to Nitze and to many observers as a reasonable and balanced basis for slowing down the arms race in Europe. The concessions on both sides appeared to be substantial. They were reasonably comparable. The agreement was confined strictly to intermediate forces in Europe.

Keep in mind that this July 1982 proposal has been the closest this administration has come in 4½ years to any agreement. So what happened to this agreement? The President flatly rejected it. After the rejection, the negotiations continued until November 23, 1983. At that point, they were broken off without any agreement for about a year and a half. Superpower nuclear arms control negotiations were begun again on March 12, 1985.

How about these current negotiations at Geneva? Why can we not expect those negotiations to achieve an effective nuclear arms control agreement? Mr. President, unless there is a d:amatic and totally unexpected change by one of the two superpowers, those negotiations are going nowhere.

Why? Why is it that it is so difficult to reach an agreement ending or at least sharply curtailing an arms race that is such a burdensome nightmare to both superpowers? Both countries not only suffer from the heavy economic cost of this headlong nuclear arms race; both superpowers, with each passing year and with each addition of colossal and unstable nuclear weapon power, increase the prospect of a nuclear war that would destroy both countries. Why is the prospect of an agreement at Geneva so dismal and unlikely?

The answer is that the President has called for one clear objective in the present arms control negotiations. That is a sharp reduction by both sides of offensive nuclear weapons. Is not that a reasonable and desirable goal? Of course it is. Why is it so obvious that the two superpowers will not agree to it? Answer: The President has also announced our determination to devote hundreds of billions of dollars, perhaps as much as a trillion dollars, to the creation of an antimissile defense or star wars.

And that, Mr. President, is the problem. Today, this prospect of star wars constitutes the clearest and most conspicuous roadblock against persuading the Soviets to reduce their strategic missiles.

Just put yourself, Mr. President, in the position of a superpower leader facing an opponent who was just beginning to pour massive resources into a defensive missile system. Assume that you agree with most nuclear weapons experts that the defensive missile system can probably only protect the other superpower if you do not add to your offensive missiles. Assume further that your experts advise you that, if you reduce your missiles as the rival superpower proposes, you will run the risk of losing your nuclear deterrent capability. What do you do? Do you agree to reduce your offensive missiles? If you do so, you may be validating the effectiveness of the other superpower's ability to destroy your deterrent. So you say no way; you say nyet. The plain fact is star wars blocks any real prospect for arms control progress at Geneva.

Mr. President, in the view of this Senator, star wars very probably will not work under any circumstances. Its one sure and certain consequence is to kill any prospect of a successful nuclear arms control agreement at Geneva.

THE CHIEF OF NAVAL OPERATIONS SPEAKS OUT ON ADMIRAL RICKOVER

Mr. PROXMIRE. Mr. President, 2 days ago, I received a letter from Adm. James D. Watkins, Chief of Naval Operations.

The letter informed me that Adm. H.G. Rickover recently suffered a stroke but is doing well at the Bethesda Naval Hospital and is on the road to recovery.

I feel confident that all my colleagues in the Senate join me in wishing Admiral Rickover a speedy and full recovery.

The letter from Admiral Watkins also referred to a statement he made about Admiral Rickover in February before the Navy's Gratuities Board. In his statement, Admiral Watkins discussed his experiences with Admiral Rickover going back over 25 years, emphasizing the accomplishments and sacrifices Admiral Rickover made in his many years of service to the Navy and the country.

The statement stresses the long hours in spartan surroundings that Admiral Rickover put in 6 and sometimes 7 days a week, the fact that he had no stewards, traveled tourist class, scheduled out of town meetings at night to minimize his time away from the office, and almost never took leave.

Perhaps Admiral Rickover's preeminent achievement was when he de-

signed and built the nuclear propulsion plant for *Nautilus*, the first nuclear-powered submarine.

He was also, as Admiral Watkins points out, a crusader against poor procurement practices, inefficiency, high overhead, inadequate cost control, excessive profits, and questionable if not illegal claims.

Admiral Watkins goes on to say:

Admiral Rickover saved vast sums for the U.S. taxpayer through frugality, strict rules, hard bargaining, and procurement reforms—probably billions of dollars. The greatest savings, however, came from his vision and his talent in designing and building the marvelously reliable nuclear propulsion plants upon which so much of our national security depends.

I am very pleased to know that Admiral Watkins feels strongly about the many services that Admiral Rickover has rendered to his country, and that he took the trouble to put his views in writing and present them formally to the Navy Gratuities Board.

Admiral Watkins might agree with me that Admiral Rickover's works overshadow by far the gratuities mole hill that some have tried to make into a mountain, and that his reputation as father of the nuclear Navy and enemy of procurement waste and fraud will remain secure in the Nation's history.

Mr. President, I ask unanimous consent that the letter from Admiral Watkins, dated July 8, 1985, together with his statement to the Gratuities Board, dated February 15, 1985, be inserted in the RECORD at the close of my remarks.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

CHIEF OF NAVAL OPERATIONS,
July 8, 1985.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, DC.

DEAR SENATOR PROXMIRE: I know from previous comments you made that you share my views concerning Admiral Rickover's tremendous contributions to our Navy and Nation. You may not know that he has suffered a stroke and is presently in Bethesda Naval Hospital. He is doing well and appears on the road to recovery.

In February, before the Secretary of the Navy's Gratuities Board reported their findings, I prepared a statement entitled "Statement on Rickover Gifts." In that statement, in what I readily admit was very much a summary review of over six decades of service, I tried to place emphasis on what Admiral Rickover accomplished. While the Gratuities Board Report is now out and Secretary Lehman has signed a letter to Admiral Rickover, my statement is still an accurate reflection of my views. I agree with the Secretary's action, it was most appropriate. At the same time, we should not forget what this man has accomplished and the many sacrifices he made.

I hope the attached statement will be of some use to you.

With respect,

JAMES D. WATKINS,
Admiral, U.S. Navy.

STATEMENT ON RICKOVER GIFTS

In recent months, there has been a lot of media attention on the subject of gift giving and Admiral Rickover. The focus of this attention has been our standards of conduct rules—rules established by Presidential Executive Order and agency regulations which prohibit Government officials from accepting gifts from firms with which they do business. In this statement, I will neither discuss these rules nor the allegations against Admiral Rickover, for the rules are sound and allegations are the subject of investigation by the Gratuities Board appointed by Secretary of the Navy, John Lehman. But, what I would like to do, on the other hand, is share my personal perception of Admiral Rickover gained during my long association with him—going back to the day he interviewed me for service in the Naval Nuclear Propulsion Program over 25 years ago.

I have never met a man who worked harder or evidenced less interest in material possessions than Admiral Rickover. His life was devoted to the job.

He worked long hours in spartan surroundings, shunning fancy clothes, cars and furniture. He had no stewards. He traveled tourist class.

Admiral Rickover could have retired in 1952 at three-quarters pay and made a fortune in the private sector. But he stayed on serving his country for another 30 years. That's when he designed and built the nuclear propulsion plant for NAUTILUS and for all the ships that today comprise forty percent of our major combatants.

Not many Government officials have been willing to forego lucrative second careers once they are entitled to full retirement benefits. At a time when many senior officials viewed a few years of Government service as a "sacrifice", Admiral Rickover gave two full careers to public service.

On one of my tours, I worked very closely with Admiral Rickover on his headquarters staff. He was among the very first to work every morning and the very last to leave at night. For him Saturdays were regular work days—often Sundays too.

He scheduled out-of-town meetings at night to minimize his time away from the office. He insisted that initial sea trials for nuclear powered ships start on Sundays for the same reason.

He almost never took leave. We only have leave records for the last 9 years before Admiral Rickover's retirement, but in that period alone he forfeited annual leave worth almost $35,000.

Over the years, in his spare time, Admiral Rickover wrote books on education and gave numerous speeches—and the revenue went straight to charity. I understand this totalled more than a quarter million dollars by the time he retired.

I doubt that any contractor who knows Admiral Rickover thought he could be influenced with a gift. Defense contractors have never had a tougher taskmaster than Admiral Rickover. Ironically, the shipyards named in the gifts-giving inquiry were the targets of his sharpest criticism for poor procurement practices, inefficiency, high overhead, and inadequate cost control. When they submitted huge claims that he considered fraudulent, he launched a Department of Justice investigation and testified that the responsible corporate officials should be prosecuted. I wouldn't characterize this as a "cozy relationship."

General Electric and Westinghouse, also mentioned in connection with gift-giving, did not escape the Admiral's spotlight, either. He spent eighteen years fighting Westinghouse to recover what he considered excessive profits on an order placed in the late 1950's—probably a record for tenacity.

He conducted a one-man crusade to disallow Westinghouse selling expenses and R&D costs that he considered should be charged only to commercial work. General Electric also felt the Rickover sting some years ago when they tried to turn down important defense work in preference for commercial orders.

Long before the terms "waste, fraud, and abuse" became fashionable, Admiral Rickover was on his own campaign. This stemmed not only from his sense of duty to country but also from his conviction that technical discipline and financial discipline go hand-in-hand.

Over the years, members of Congress looked to Admiral Rickover for advice on procurement matters. He responded with first hand examples of problems he encountered and specific recommendations for reform. He was the champion for stricter standards in the accounting and legal professions; certification of contractor claims; cost accounting standards; strict time limits on claims, preserving public rights to Government developed technology; prohibitions against reimbursement of advertising costs; stiffer penalties for false claims.

Congress often heeded his advice and the reforms that grew out of Admiral Rickover's efforts are impressive.

a. Advertising expenses may no longer be charged to defense contracts.

b. Contractors must calculate costs under defense contracts in strict accordance with accounting standards set by the Cost Accounting Standards Board—the brain child of Admiral Rickover.

c. Defense contractors are now required by law to certify claims they make against the Government.

d. There is now an 18-month statute of limitation for submission of shipbuilding claims.

e. Stiffer sanctions for fraudulent claims have been incorporated in the Contract Disputes Act.

f. Contractors must now demonstrate the potential military relevance of independently funded research and development projects for these costs to be borne by the Government.

g. Profit guidelines have been revised to put added emphasis on contractor investment.

Admiral Rickover saved vast sums for the U.S. taxpayer through frugality, strict rules, hard bargaining, and procurement reforms—probably billions of dollars. The greatest savings, however, came from his vision and his talent in designing and building the marvelously reliable nuclear propulsion plants upon which so much of our national security depends. These plans always work and work well.

Upon Admiral Rickover's retirement, the Joint Economic Committee published six volumes of his testimony, correspondence, and speeches going back to the mid 60's. I have extracted the Table of Contents for each of these six volumes so that those who are interested can get the flavor of his wide ranging contributions.

As I stated at the outset, I firmly support our standards of conduct rules and my statement is not intended as a comment on issues pending before the Gratuities Board—those issues are properly matters for the Board to address. What I am con-

cerned with is that we not lose sight of Admiral Rickover's many contributions to this country and the man's selfless service. In Admiral Rickover, the American public got a great bargain!

Mr. MOYNIHAN. Mr. President, will the Senator yield for a comment?

Mr. PROXMIRE. I am happy to yield to my distinguished friend.

Mr. MOYNIHAN. I listened with great pleasure to his remarks about Admiral Rickover and his role in American history. I wonder if I may add a detail.

Admiral Rickover, as the Senator has said, designed and oversaw construction of the nuclear propulsion plant for the submarine Nautilus some 25 years ago. It is just now being decommissioned, having used up its lifetime as a machine. He did it with great care, great attention to detail and to methods and also to the training and supervision of the personnel involved. It worked flawlessly for a quarter of a century.

Had we followed Admiral Rickover's direction in the rest of the nuclear industry, the Nation would not find itself in the crisis of confidence with respect to nuclear technology we see throughout the country today. That may be an aspect of his career which will be even more of a guide to us. We have learned to follow him in submarines. If we had paid more attention to him in the area of nuclear power, we might be in a much better position that we are today.

Mr. PROXMIRE. Mr. President, I thank my friend from New York. He is absolutely right. Admiral Rickover's meticulous attention to detail, the absolute perfection that he insisted upon are extremely important in the use of nuclear energy and our defense effort. Certainly Admiral Rickover set a superb example. That is why it is so ridiculous that people made an example of the fact that he did accept some gifts at ship launchings, instead of looking to his example of scrupulousness in dealing with defense contractors and waste and inefficiency in the Navy and elsewhere.

I thank my friend.

SEARCH FOR NAZIS CONTINUES WITH NEW TOP TARGETS

Mr. PROXMIRE. Mr. President, the recognition of Josef Mengele's death has ended the search for the world's most wanted Nazi war criminal. But the quest for justice continues as leading Nazi hunters have chosen new top targets for their pursuits.

Among these new targets are Alois Brunner, a former deputy of Adolf Eichmann who reportedly is living in Syria, and Walter Kutschmann, a former gestapo leader seen recently in Argentina.

The long and fruitless search for Mengele demonstrates the difficulty of bringing war criminals to justice without a concerted and coordinated international effort.

Many of the Nazi hunters believe that government collaboration prevented them from tracking down Mengele. They claimed that it was only their constant pressure that finally resolved the Mengele case.

Simon Wiesenthal, head of the documentation center that tracks down Nazi war criminals, feels that the Nazi hunters may have been supplied with deliberate disinformation in some instances to interfere with their efforts.

Rabbi Marvin Hier, dean of the Simon Wiesenthal Center for Holocaust Studies, attacked the indifference of governments to the quest to bring the Nazi fugitives to justice. Rabbi Hier said in a June 26 New York Times article, "it just shows you that without resources of major intelligence agencies and governments involved, that's what happens."

Hier denounced the effort of the West German Government as "just public relations" and added that "America and Israel just weren't interested."

Mr. Wiesenthal was obviously disappointed to find out that Mengele had been living in Brazil rather than in Paraguay, which had been the locus of the Nazi hunters' search for Mengele over the last 20 years. Wiesenthal, however, stressed in the same New York Times article that "The Mengele case is only one of many cases. For the people who followed only one case, they should be embarrassed."

Wiesenthal, rather, pointed out the discoveries that his organization did make. Wiesenthal, for example, helped to bring to justice two major war criminals from the Sao Paulo area other than Mengele. These two were Franz Stangl, the former commandant of the Treblinka death camp, and Gustav Franz Wagner, the former deputy commandant of the Sobibor death camp.

Stangl was extradited to West Germany in 1967 and died 3 years later while serving a life sentence. Wagner died amid extradition proceedings in 1980.

Wiesenthal said that along with Dr. Mengele, these two Nazis found in Sao Paulo accounted for the deaths of nearly 1.7 million persons in the Holocaust.

Wiesenthal reported that as far back as 1963, he had learned of contacts between Dr. Mengele in South America and Hans Sedlmeier, manager of the Mengele family factory in Gunzburg, West Germany. Wiesenthal passed this information to the prosecutor's office in Frankfurt, but nothing came of it. Wiesenthal remarked to the Times in frustration, "When the prosecutor is not observing Sedlmeier, it's not my guilt."

Mr. President, the failure of governments around the world to help the Nazi hunters' efforts has been extremely frustrating.

A spokesman for the West German Embassy could not answer a reporter's question of why the authorities had not searched the Sedlmeier house or monitored the mail of the Mengele family in Germany. The Israelis, it turns out, came closest to capturing Mengele, barely missing him when they caputred Adolf Eichmann in Buenos Aires in 1960.

The failure of a united world effort to bring Nazi war criminals to justice highlights the need for an international legal agreement committed to enforcing justice against those perpetrating crimes of genocide.

The addition of the United States to the list of nations ratifying the Genocide Convention would greatly enhance the ability of the world community to battle those guilty of genocidal crimes.

RECOGNITION OF SENATOR MOYNIHAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York [Mr. MOYNIHAN] is recognized for not to exceed 30 minutes.

Mr. MOYNIHAN. I thank the distinguished Presiding Officer.

TERRORISM AND INTERNATIONAL LAW

Mr. MOYNIHAN. Mr. President, I should like to speak this morning at some length, asking the indulgence of the Senate in that regard, to the question of terrorism and international law—a subject which has been addressed by the President this week and which, in the aftermath of the hijacking of the American TWA plane and the murder of an American naval diver in the course of that hijacking, is one of increasing attention at very specific operational levels in the Department of State and the Department of Justice.

That the issue of terrorism should raise question of international law seems obvious. Yet, in the way it emerges this week in our city, it seems to me once more to illustrate the difficulties which our Nation and our Government in particular—and not just this administration, but our Government—continues to have with the question of adherence to international legal standards as a principle of American policy.

International law as a foundation of U.S. foreign policies is to be associated with the history of American involvement in the world. Just a few days ago, we marked the 75th anniversary of the occasion on which Secretary of State Knox proposed, for example, that the United States lead the world

in committing ourselves to the arbitration of disputes that might arise in international arenas as a way to avoid violence and the general establishment of a regime of litigation and adjudication, in place of an international order in which disputes be settled only through resort to force.

In the course of the late seventies, I had occasion to offer comments on what seemed to me then to be a retreat from an earlier understanding on our Nation's part that international law, embodied in part in international conventions, would be central to our view of state conduct in world affairs. Where once we thought international law would guide us in these matters, we seemed to have embarked on a retreat from that conviction—a retreat which I would say was not accompanied by any very consistent realization that we were in fact changing our minds. That is, we have abandoned international law not because we devised a better guide to how nations should conduct themselves in the world, but apparently because we have forgotten that we ever did believe in law.

I would ask the simple question: if we no longer believe what we clearly once did believe, then what do we believe?

The occasion arose in a very specific setting in 1979 when our Embassy and two consulates were seized in Iran, and the U.S. Government took all manner of measures—many sensible, good, and internally defensible and certainly intelligent. The one thing that never occurred to the American Government in that crisis, however, was to take the matter to the International Court of Justice as a clear violation of the most elemental of tenets of international law, which is the inviolability of diplomatic envoys. International law practically begins with that proposition.

I came to the floor then, in November 1979, and spoke to this matter, and I understand that it was in some measure a response to questions and suggestions which I raised then that, indeed, very shortly thereafter the U.S. Government did go to the World Court. In very short order the World Court responded to our address by issuing a unanimous decision establishing the proposition that the United States was in the right in protesting Iran's actions, citing clear evidence that the law had been violated by the Government of Iran. An interim order said no party was to do anything that would worsen the position on the ground and that a final decision would be handed down in due time. The ruling was handed down by vote of 14 to 1, the Soviet judge only dissenting. The Government of Iran was declared to be in violation of both customary and treaty law. And the United States would have been, had it waited for that judgment to be rendered, in a position to act not just in its own self-defense, as it had the right to do, but to act under the auspices of a court adjudication to that effect.

Well, that time, and that episode, passed and yet the issue did not. Violations of international law recurred into the 1980's. In December 1983, I spoke in a symposium at the Graduate Center of the City University of New York on the subject of terrorism and international law. This was, Mr. President, shortly after a terrorist bomb had exploded just 20 feet from where I speak today and at an hour which, had we been in session as had been expected, would have decimated the ranks, if I may say, of the Republican cloakroom, a crime that has to this day not been resolved.

I spoke at that time of the question of whether law provided a basis for our response to terrorism and our claim on other nations to join in that response, a claim which would be made not necessarily to side with the United States, shall we say, on any particular issue but, rather, to side with international standards of law. The point is that this latter is much more readily managed by some governments than simply taking a side with the United States or a particular nation. In December 1983, I asked:

> Is it possible that in a world where international law is increasingly thought to be irrelevant, or at least is so treated by those who conduct U.S. foreign policy, terrorism will flourish?
>
> Could it be that the inattentiveness of the West, and of the United States in particular, to considerations of law has contributed to an international climate that allows other states to believe that we will not hold them accountable to standards of civilized and peaceable behavior such as might be embodied in a tradition of international law?

On March 23, 1984, the New York Times in an editorial reiterated this question, and responded:

> The honest answer is, yes, it could.

That brings me to the President's address early this week, on July 8, 1985, to the American Bar Association's annual meeting here in Washington. The President gave a fine address, one with which I would certainly like to be associated, and I cannot but suppose that this would be the wish of every Member of the Senate.

He invoked international law in the fight against international terrorism. He specified five states in particular as, in his words, "outlaw states" which refuse to abide by the standards of civilized behavior and legal standards long since established in the world.

He recalled that the earliest appearance of the United States in international affairs, save in its defensive actions in the British and French wars in the 1790's, the first initiative the United States can be said to have taken in foreign affairs, was to help suppress piracy in the Mediterranean—a matter, an obstinate and seemingly intractable violation of international law. There were many incidents of American ships seized, American warships grounded, American crews imprisoned and enslaved, and it was not a small matter. At no small cost the United States engaged itself in this matter—and to this day the U.S. Marine Corps hymn recalls the Marines mission "to the shores of Tripoli." We did persist, and in time the piracy disappeared from the Mediterranean—and a measure of international order was established.

I might note that piracy has reappeared in the China Sea in our time. Like any issue of law enforcement, it never goes away.

The President said of that time, some 180 years ago, about the international response, "We acted together to rid the seas of piracy at the turn of the last century," and he issued a call for international cooperation in 1985 to combat terrorists and their patrons.

President Reagan asked that this be done—

> By all of us in the community of civilized nations. We must act against the criminal menace of terrorism with the full weight of the law—both domestic and international. We will act to indict, apprehend, and prosecute those who commit the kind of atrocities the world has witnessed in recent weeks.

He said that, and he was right to do it, and he was right to declare adherence to a standard that, once raised, other nations in the world can equally repair to—the standard of law.

In this vein, it was reported that the officials of the Department of State and the Justice Department are now preparing the legal groundwork for apprehending and prosecuting those individuals who are thought to be responsible for having hijacked TWA flight 847.

Two Federal statutes are involved here: The Antihijacking Act of 1974 and the Aircraft Sabotage Act of 1984. As TWA flight 847 is an American flag vessel, U.S. law is applicable.

However, more important, there are treaties involved, international conventions drawn up for the purpose of establishing global standards of national conduct—standards which would wholly condemn the behavior of the hijackers and which would require action by the State of Lebanon, and any other state involved, to bring them to justice and, indeed, would raise the question of whether the conduct of those states ought not be the subject of some retaliation.

There are three such treaties. The first is the 1963 Tokyo convention on "Offenses and Certain Other Acts Committed on Board Aircraft." This treaty established, among other things, that acts which may or do jeopardize the safety of aircraft or persons or property therein shall be treated, for the purpose of extradition,

as if they had been committed not only in the states in which they occurred, but also in the territory of registration of the aircraft, which is an important statement of extradition, of responsibilities by states which might be hosts to terrorists and be sponsors of terrorism, as the President described the five outlaw states in his speech to the ABA.

Another is the 1970 Hague convention on "Supression of Unlawful Seizure of Aircraft," which obligates all signatory states, without exception, either to prosecute or to extradite terorists to the requesting states.

The 1971 Montreal convention on "Suppression of Unlawful Acts Against the Safety of Civil Aviation" is directed more specifically against sabotage, such as may have occurred in the two recent events with Air India, and establishes a basis for extradition between the contracting parties.

So the administration proceeds as it should, and as we wish it would, appealing to nations to abide by standards they have established voluntarily and collectively, in a tradition that goes back centuries. As in the matter of combating piracy, these standards are based on respect for law.

The Supreme Court, itself, has said, in Pacquette Habana, handed down in 1900, that "international law is part of of our law * * *"

Mr. President, it is in that context that I unhappily take note of a seeming wholly contradictory or opposed tendency in American policy which was also exhibited this week, on the very day the President delivered his address to the ABA—a fine and appropriate address, as I have said. At the time of the President's address, in which he appealed to the standards of international law and asked the world to repair to that standard, officials of the Department of State were asking the ABA not to consider a resolution urging American attachment to those very standards.

Mr. Stuart Taylor, in the New York Times, reported that Reagan administration officials had in recent days persuaded the American Bar Association to remove from its agenda three resolutions regarding foreign affairs. One such resolved:

> That the American Bar Association reiterates its longstanding support for the U.S. participation in the International Court of Justice and strongly urges that the United States take steps to strengthen and not diminish its acceptance of the jurisdiction of the International Court of Justice.

This resolution, which had been proposed to the house of delegates of the ABA jointly by their standing committee on world order under law and the section on individual rights and responsibilities, would have been voted on today at the annual meeting, along with one regarding the manner in which visas are granted to foreign visitors to the United States, and another urging the United States to negotiate a treaty with the U.S.S.R. regarding the first use of nuclear weapons.

The first resolution addressed the announcement by the U.S. Government on January 18 that it would not participate further in a proceeding at the World Court that had been brought by Nicaragua against the United States.

The American Society of International Law had earlier expressed its concern about this matter in a 1984 political resolution, only the second such in its almost century long history, which deplored the American efforts to withdraw from the jurisdiction of the court in clear violation of the terms set down on this floor—on this floor—when we accepted the jurisdiction in 1946.

Indeed, it was the president of the American Bar Association, Mr. John C. Shepherd, who said on January 28 that he was

> Troubled by the decision to withdraw our participation in the dispute with Nicaragua before the International Court of Justice. . . . One of the major goals of the American Bar Association is to advance the rule of law in the world. Since 1947, the ABA has consistently advocated referral of all international legal questions or disputes which cannot be settled by direct negotiations to the International Court of Justice or to arbitral tribunals to assure third-party determination.

Nevertheless, a decision to withdraw the resolution from consideration at this week's meeting was taken at the request of the administration, and after, apparently, a briefing of bar association officials with the State Department and the National Security accounts tribunal.

I must say, Mr. President, that I was surprised by this and disappointed that the bar association would agree not to consider a proposed resolution urging the United States to participate in the principal forum for the consideration of international—at the very time the President is insisting that international law be upheld and enforced and pursued!

For international law does not simply bind us. It authorizes us to act in defense of our interests. Adherence to law is not a form of renounciation of force. It is a form of the legalizing of force, where force is necessary to uphold the law.

The idea that we could at one and the same time ask that international law be upheld and persuade the bar association not to pass a resolution asking that we abide by our own commitments to the court is a contradiction this administration will have to address and resolve.

According to the press accounts, officials of the State Department had said that for the bar association to express an attachment to the jurisdiction of the court would be, I quote the New York Times:

> The ABA was told that to express support for the institution of the World Court is in effect to endorse Nicaragua's allegations against the United States.

Mr. President, that is a statement which I happen to know was in fact made and which is appalling.

Would it be the case, sir, that if anyone were to express support for the authority of the Supreme Court, across the street from the Senate here, that that implied that one had taken a position on a particular case pending before the Supreme Court? Of course it does not. The matters are so clearly distinguished. It is indeed a first principle of the bar that all plaintiffs, all defendants, are entitled to defense and attorneys; officers of the Court will defend them and their defense in no way involves their personal commitment to or concurrence with a proposition advocated by one of the parties to the case, whether ideological, political, or otherwise. Their commitment is to the law and process of the law and the authority of the Court.

But that is exactly what the Department of State said to the bar association, that is, that the ABA should not reaffirm so basic a principle.

Mr. President, I am disappointed at this. I recognize there are difficulties with the present Court. I recognize, on the other hand, that there has emerged a practice of creating special chambers as possible ways around some of those difficulties.

It happens not long ago I addressed a meeting of the bar association on this very matter, and I will ask that I might include that address in my remarks here today.

It was, I thought, well received by the group of thoughtful and concerned members of the association, the American Bar Association Conference on Restoring Bipartisanship in Foreign Affairs.

Mr. President, I wish to close with the thought that Americans need to come together in these matters, and we need to let the world know that not only are we serious but we are consistent. We who helped suppress piracy in the Mediterranean in the age of the sail two centuries ago are just as concerned with piracy in the Mediterranean in the age of the jumbo jet. We have a tradition of abiding by law and of helping to enforce the law, and it applies to us as well as to others, and we do not fear that.

Yet with regard to Nicaragua's present case in the World Court, we somehow seem to dread meeting the Nicaraguans in court. I would have thought we would have much to talk about in court where it concerns the behavior of the Sandinista regime in Central America. The President on

Monday labeled the Sandinista government in Managua an outlaw regime. What is an outlaw regime? It is a regime that violates international law.

If we believe it to be an outlaw regime why are we not willing to go to court and say why and give facts, numbers and dates. What has come over us? Have we no attorneys who can face the Nicaraguans at The Hague? Have we no case? Of course, we have a case.

The President was not wrong to describe the Nicaraguans as an outlaw nation. Their involvement in the internal affairs of El Salvador was flagrant and wrong. And 3 years running I came to the floor of this Senate as vice chairman of the Senate Select Committee on Intelligence and proposed the authorization of funds to support activities against the Nicaraguan Government—on the grounds stated here at this desk in this Senate—that the Nicaraguan Government was in flagrant violation of international law. And on that basis these funds were unanimously adopted and provided, 3 years running.

It was law that was the basis of our action then, and law should be the basis of our action now. Had it continued to be, there would not have been the great divisions that have divided the Senate and Congress itself from the administration.

Mr. President, this is not a small subject. We are frittering away a two-century-old tradition. The President spoke well about it on Monday. I could wish that his own administration would have acted in the spirit in which he spoke. I hope this may yet be the case.

The world did not stop on Monday or Tuesday, and I hope that the contradictions in our behavior and in our policies will be better understood—at least to the degree that the current inconsistencies limit our possibilities and impede any progress we make in the matter of dealing with terrorism.

Mr. President, I have a number of texts with respect to the remarks I have made which I ask unanimous consent to have printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 9, 1985]

EXCERPTS FROM PRESIDENT REAGAN'S ADDRESS

WASHINGTON, July 8—Following are excerpts from President Reagan's address today to the American Bar Association, as distributed by the White House:

My purpose today goes even beyond our concern over the recent outrages in Beirut, El Salvador—or the Air-India tragedy, the Narita bombing or the Jordanian Airlines hijacking. We must look beyond these events because I feel it is vital not to allow them, as terrible as they are, to obscure an even larger and darker terrorist menace.

There ia a temptation to see the terrorist act as simply as erratic work of a small group of fanatics. We make this mistake at great peril; for the attacks on America, her citizens, her allies and other democratic nations in recent years do form a pattern of terrorism that has strategic implications and political goals. And only by moving our focus from the tactical to the strategic perspective, only by identifying the pattern of terror and those behind it, can we hope to put into force a strategy to deal with it.

* * * * *

I submit to you that the growth in terrorism in recent years results from the increasing involvement of these states in terrorism in every region of the world. This is terrorism that is part of a pattern—the work of a confederation of terrorist states.

Most of the terrorists who are kidnapping and murdering American citizens and attacking American installations are being trained, financed and directly or indirectly controlled by a core group of radical and totalitarian governments, a new, international version of Murder Inc.—and all of these states are united by one simple, criminal phenomenon—their fanatical hatred of the United States, our people, our way of life, our international stature.

And the strategic purpose behind the terrorism sponsored by these outlaw states is clear: to disorient the United States, to disrupt or alter our foreign policy, to sow discord between ourselves and our allies, to frighten friendly third world nations working with us for peaceful settlements of regional conflicts and, finally, to remove American influence from those areas of the world where we are working to bring stable and democratic government.

In short, to cause us to retreat, retrench, to become "Fortress America." Yes, their real goal is to expel America from the world.

That is the real reason these terrorist nations are arming, training, and supporting attacks against this nation. And that is why we can be clear on one point: these terrorist states are now engaged in acts of war against the Government and people of the United States. And under international law, any state which is the victim of acts of war has the right to defend itself.

The American people are not—I repeat, not—going to tolerate intimidation, terror and outright acts of war against this nation and its people. And we are especially not going to tolerate these attacks from outlaw states run by the strangest collection of misfits, Looney Tunes and squalid criminals since the advent of the Third Reich.

* * * * *

Now much needs to be done by all of us in the community of civilized nations. We must act against the criminal menace of terrorism with the full weight of the law—both domestic and international. We will act to indict, apprehend and prosecute those who commit the kind of artocities the world has witnessed in recent weeks.

We can act together as free peoples who wish not to see our citizens kidnapped, or shot, or blown out of the skies—just as we acted together to rid the seas of piracy at the turn of the last century." There can be no place on Earth left where it is safe for these monsters to rest, or train, or practice their cruel and deadly skills. We must act together, or unilaterally if necessary, to ensure that terrorists have no sanctuary—anywhere.

[From the New York Times, July 9, 1985]

LAWYERS FOR U.S. LAY PLANS FOR HUNTING BEIRUT HIJACKERS

(By Stuart Taylor, Jr.)

WASHINGTON, July 8—Justice and State Department lawyers are preparing the legal groundwork for criminally charging and seeking extradition of the two hijackers who killed an American hostage in Beirut, Lebanon, last month, Administration sources said today.

Officials refused to comment on their plans, and it was not clear today whether a definite decision had been made to bring criminal charges or to offer a reward for information leading to the arrest of the hijackers and any accomplices.

Asked whether criminal charges were being prepared against the hijackers, Terry H. Eastland, a Justice Department spokesman, said today, "No, that's one of the things down the road, but we don't have anything in sight in the near future."

Other officials pointed out that the Government could keep secret any criminal charges and moves to apprehend the hijackers lest the publicity prompt them to flee Beirut, where they were last seen, or go into hiding.

President Reagan said today that "we will act to indict, apprehend, and prosecute those who commit the kind of atrocities the world has witnessed in recent weeks." He did not suggest a timetable or name any specific cases in which indictments should be brought.

Administration lawyers have said the most likely course would be to bring criminal charges against the hijackers and accomplices as a basis for asking Lebanon to extradite them, as provided in an antihijacking convention.

A State Department spokesman said last week that unspecified actions could be carried out if Lebanon was unable or unwilling to comply with an extradition request.

Secretary of State George P. Shultz said last week that the F.B.I. has identified the two hijackers, and law enforcement officials confirmed that today. Some State Department officials expressed skepticism about whether the Government knows their identities.

Government lawyers have been considering, among other things, the legal implications of possible actions including offering a reward and sending agents to Beirut to hunt the hijackers.

A grand jury indictment would be one way in which charges could be brought. An arrest warrant issued by a Federal judge or magistrate could also serve as the basis for an extradition request, legal experts said. Grand jury indictments, arrest warrants and extradition requests could all be processed secretly, they noted.

The hijackers could be charged under a 1974 Federal law that makes hijacking a Federal crime. The law provides the death penalty or life imprisonment for hijackers who kill a hostage, and authorizes Federal prosecution of crimes including murder, robbery and theft that are committed on hijacked American aircraft overseas.

A new law enacted last year also provides a maximum penalty of life imprisonment for taking Americans hostage anywhere in the world.

[From the New York Times, July 9, 1985]

BAR ASSOCIATION DROPS 3 PROPOSALS URGING U.S. FOREIGN POLICY MOVES

WASHINGTON, July 7—Three resolutions pending before the American Bar Association's House of Delegates concerning American foreign policy have been removed from the agenda.

The deleted motions urged the Government to reduce restrictions on visas for foreign citizens and on travel abroad by United States citizens, to express support for the International Court of Justice, and to begin negotiations with the Soviet Union aimed at a treaty to prohibit first use of nuclear weapons.

The resolutions would have been voted upon this week at the bar association's annual meeting. The decision to withdraw them came a few days after officials of the State Department and the National Security Council held a private briefing for the association's Board of Governors, primarily devoted to the problem of international terrorism. At that meeting or shortly afterward, Government officials reiterated oppositon to each of the proposed resolutions.

ADMINISTRATION PRESSURE DENIED

But sponsors of the resolutions said they were dropped for tactical reasons, not because of any direct pressure from the Reagan Administration.

On Saturday, the association's section on individual rights and responsibilities withdrew its motion urging Congress to reduce the Government's power to deny visas to foreign nationals solely on the basis of their political beliefs or associations, and to ease passport regulations for Americans.

The State Department has opposed changes in the visa law, contending that any change in the law would hamper efforts to keep out terrorists.

Philip A. Lacovara of the individual rights section called such fears "unjustifed" but said they helped persuade the group to postpone consideration of the proposal until the bar association's next meeting, in February 1986.

"The invocation at the meeting of the terrorist specter only two weeks after the Beirut hijacking made this the kind of issue we didn't think should come before the House of Delegates," Mr. Lacovara said.

The individual rights section was cosponsor or a proposal calling on the United States to reiterate its "long-standing support" for the International Court of Justice and to take steps to "strengthen and not diminish" American acceptance of its jurisdiction.

Earlier this year, President Reagan announced that the United States would no longer participate in proceedings brought against it at the World Court by the Government of Nicaragua . . . the State Department's lawyer, told the gathering that for the bar association to express its support for the Court would be read as implicit endorsement of Nicaragua's case, which charges that the American mining of Nicaragua's water violated international law.

The bar group has supported the World Court since it's establishment in 1946, and sponsors of the resolution said it was withdrawn because it was viewed as redundant.

A third resolution urging the United States and the Soviet Union to begin negotiations aimed at a treaty prohibiting the first use of nuclear weapons was withdrawn, its sponsors said, because they felt it was unlikely to pass. . . .

AMERICAN BAR ASSOCIATION—STANDING COMMITTEE ON WORLD ORDER UNDER LAW AND SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES—REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

Be it resolved, that the American Bar Association reiterates its long-standing support for the United States' participation in the International Court of Justice and strongly urges that the United States take steps to strengthen and not diminish its acceptance of the jurisdiction of the International Court of Justice.

REPORT

On January 18, 1985 the United States Department of State issued a statement announcing a decision by the President not to participate in further proceedings in the case brought by Nicaragua in the International Court of Justice.[1] The accompanying Announcement noted that "Last November 26, the Court determined that it has jurisdiction over Nicaragua's claims and will now proceed to a full hearing. We believe this decision was clearly erroneous". In the formal notification to the Court of the U.S. withdrawal transmitted by telegram on the same day,[2] the Legal Adviser of the Department referred to the United States' careful consideration of the Court's judgment "on the questions of the jurisdiction of the Court to entertain the dispute and of the admissibility of Nicaragua's application" and stated that:

"On the basis of that examination, the United States is constrained to conclude that the judgment of the Court was clearly and manifestly erroneous as to both fact and law. The United States remains firmly of the view, for the reasons given in its written and oral pleadings, that the Court is without jurisdiction to entertain the dispute, and that the Nicaraguan application of 9 April 1984 is inadmissible. Accordingly, it is my duty to inform you that the United States intends not to participate in any further proceedings in connection with this case, and reserves its rights in respect of any decision by the Court regarding Nicaragua's claims."

The Department Statement indicates that the reason for the decision to withdraw from the case was the Administration's conviction that the Court's decision, "a marked departure from its past, cautious approach to jurisdictional questions", and the unusual haste with which it was reached, showed that "the Court is determined to find in favor of Nicaragua" on the merits.

Further, as a result of these developments, the statement declared, the United States found itself compelled to clarify its acceptance of the Court's compulsory jurisdiction "in order to make explicit . . . that cases of this nature [3] are not proper for adjudication by the Court". While the precise result of this "clarification" is not yet determined, it is clear that a major change in the United States' acceptance of the compulsory jurisdiction of the Court is contemplated.[4] The statement implies that a reservation excepting cases involving ongoing armed hostilities may be one of the changes under review; others may include removal of the 6-months notice for termination requirement in the Declaration.

In addition to the effect on United States actions in relation to this particular case, the statement also expressed concern about the long-term implications for the Court itself of the Court's decision. The statement deplored what it described as the increasing politicization of international organizations against the interests of the Western democracies in the last decade, and expressed the hope that these trends would not affect the Court, "because a politicized Court would mean the end of the Court as a serious, respected institution. Such a result would do grievous harm to the rule of law".

The statement concluded:

"We will continue to support the International Court of Justice where it acts within its competence—as, for example, where specific disputes are brought before it by special agreements of the parties [citing the recent U.S.-Canada Gulf of Maine maritime boundary case.] Nonetheless, because of our commitment to the rule of law, we must declare our firm conviction that the course on which the Court may now be embarked could do enormous harm to it as an institution and to the cause of international law."

It is the contention of the sponsors of this resolution that the decision to withdraw from the case in itself does great harm to the Court, to the principle of international adjudication and peaceful settlement of disputes, and to the rule of law, and adversely affects the international standing and repu-

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[1] January 18, 1985, Dept. of State File No. P85 0009-2151, reproduced in 79 Am. Jnl. Int'l L., No. 2, April 1985, pp. 438.

[2] *Id.*, at 439.

[3] The United States argued that this case involved issues of collective self defense, the use of force, and ongoing armed conflict, issues which, according to the State Department, under the United Nations Charter were within the exclusive competence of the Security Council. It should be noted that the Court rejected this argument, pointing out that Article 24 of the Charter conferred primary, not exclusive, responsibility on the Council for the maintenance of international peace and security.

[4] The United States' Declaration of August 26, 1946 accepting the compulsory jurisdiction of the Court is as follows:

I, Harry S. Truman, President of the United States of America, declare on behalf of the United States of America, under Article 36, paragraph 2, of the Statute of the International Court of Justice, and in accordance with the Resolution of 2 August 1946 of the Senate of the United States of America (two-thirds of the Senators present concurring therein), that the United States of America recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that this declaration shall not apply to—

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

(b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America; or

(c) disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States of America specially agrees to jurisdiction; and

Provided further, that this declaration shall remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate this declaration.

tation of the United States as a long-standing supporter of the Court and of these principles. As pointed out by a prominent international legal scholar,[5] with this decision "the U.S. Government turned its back not only on the International Court of Justice but on 40 years of leadership in the cause of world peace through law." Another international lawyer of distinction, while expressing his opinion that the State Department "was given strong provocation for its unprecedented action" by the Court's "preposterous" reasoning in finding that Nicaragua had accepted its compulsory jurisdiction, notes that "[N]evertheless, this action is fraught with possibilities for undermining the authority of the Court and the progressive unraveling of the commitment to international adjudication." [6]

These concerns were eloquently stated by ABA President John C. Shepherd on January 28, 1985:

"I am troubled by the decision to withdraw our participation in the dispute with Nicaragua before the International Court of Justice and by what the decision might mean for the future of the Court. One of the major goals of the American Bar Association is to advance the rule of law in the world. Since 1947 the ABA has consistently advocated referral of all international legal questions or disputes which cannot be settled by direct negotiations to the International Court of Justice or to arbitral tribunals to assure third party determination."

The sponsors of this resolution recommend that the American Bar Association reiterate its long-standing support for the United States' participation in the International Court of Justice and strongly urge that the United States take steps to strengthen and not diminish its acceptance of the jurisdiction of the Court.

The American Bar Association has consistently supported the International Court, the principle of international adjudication and the rule of law. In December 1945 the House of Delegates unanimously passed a resolution urging the President and the Senate to take action "at the earliest practicable time" to accept the compulsory jurisdiction of the Court. In 1947, reaffirmed in 1960 and 1973, the House passed a resolution urging elimination of the Connally reservation to the U.S. Declaration of acceptance of the compulsory jurisdiction (the reservation excepts from the jurisdiction of the Court matters within the domestic jurisdiction of the United States as determined by the United States), on the grounds that it undermines the United States' adherence to the Court's jurisdiction. In February 1980 the House adopted a resolution expressing the ABA's full support for the United States' claim in the Iranian Hostages case, and for the ICJ decision ordering the release of the hostages. In February 1982 the House adopted a resolution in favor of expanding the advisory jurisdiction of the Court by allowing national courts to refer international law questions to the Court for an advisory opinion. As recently as March 1984, then President Wallace Riley wrote to the presidents of the bar associations of 33 countries which have accepted the compulsory jurisdiction of the ICJ urging similar action in supporting the Court's advisory jurisdiction.

Moreover, in August 1983 the Association adopted Goal VIII, committing the ABA to action to advance the rule of law in the world, and to provide leadership for the development of the rule of law in dispute avoidance and the resolution of conflict between nations.

President Shepherd's statement of January 28, 1985, is a further unequivocal expression of the Association's support for the Court and international adjudication. It is therefore particularly appropriate and important that the Association reiterate its support for the United States' participation in the Court at this time.

It is of particular importance that the United States not allow its perception of the Court's bias in favor of Nicaragua [7] to impel a hasty and ill-conceived radical restructuring of its acceptance of the compulsory jurisdiction of the Court, which may be against the nation's long term interest. Certain changes in the Declaration have strong arguments in their favor: the six-months notice of termination provision, for example, can put the United States at an unfair disadvantage viz-a-viz another state whose declaration contains no notice period. Nevertheless, the United States has firmly supported the International Court of Justice since its establishment, and was among the first States to declare its acceptance of the compulsory jurisdiction of the Court, in 1946. Most recently, the U.S. submitted its maritime boundary dispute with Canada in the Gulf of Maine area to a panel of the Court by special agreement and the matter was successfully resolved. Even more significantly, the Court overwhelmingly supported the United States case against Iran in the *Hostages Case* of 1980 (the only exception being the Soviet judge) and ordered the release of the hostages and reparations; the U.S.-Iran Claims Tribunal was established as a result. The latter case is particularly interesting because Iran attempted to deny the jurisdiction of the Court on the grounds that the dispute was but one aspect of the whole complex of social, economic, cultural and political relations between the two countries over 25 years and could not be adjudicated independently from them. The Court dismissed this argument, noting that there was no reason why, "because a legal dispute submitted to the Court is only one aspect of a political dispute, the Court should decline to resolve for the parties the legal questions at issue between them."

One of the options being discussed is confining United States participation in the Court to cases submitted by special agreement only: in other words, withdrawing from acceptance of the Court's compulsory jurisdiction. Such a course would be a serious retrograde step, undermining the principle of international adjudication as well as the authority of the Court. A comment made by the Senate Foreign Relations Committee in its 1946 Report on the Declaration accepting the compulsory jurisdiction of the Court is of continuing, and even more compelling, relevance today:

"The ultimate purpose of the resolution is to lead to general worldwide acceptance of the jurisdiction of the International Court of Justice in legal cases. The accomplishment of this result would, in a substantial sense, place international relations on a legal bases, in contrast to the present situation, in which states may be their own judge of the law."

Rather than diminishing its acceptance of the jurisdiction of the Court by participating only by special agreement, it is suggested that the United States could increase its support of the Court while making those adjustments to its Declaration as are considered reasonable and necessary at the present time. For example, many treaties to which the United States is a party contain provisions for the referral of disputes arising from the treaty to the ICJ for resolution. The United States could increase the Court's jurisdiction by ensuring that existing treaties' provisions are adhered to, and including similar provisions in future international agreements.

The argument is made that one of the original purposes of the United States' acceptance of the compulsory jurisdiction was to "set a good example" to other States, and that purpose has evidently failed since the United States is one of only 44 of the 159 United Nations member States to have accepted the compulsory jurisdiction at all, and most acceptances are hedged with reservations. However, as pointed out by Mr. Franck,

"The United States does not adhere to the Court primarily to 'set a good example', but, rather, because, as a richly endowed but not ominpotent member of the international community, it tends—as a matter both of principle and of self-interest—to conduct itself in accordance with those neutral reciprocal principles to which it has voluntarily committed itself. When others fail to live up to those commitments, it is useful to be able to demonstrate this, credibly, in open court." [8]

Respectfully submitted,

ROBERT F. DRINAN,
Chairperson, Standing Committee on World Order Under Law.
J. DAVID ELLWANGER,
Chairperson, Section of Individual Rights and Responsibilities.

THE ROLE OF INTERNATIONAL LAW IN RESTORING BIPARTISANSHIP IN FOREIGN AFFAIRS

(An Address by Senator Daniel Patrick Moynihan)

I propose the thesis that adherence to the idea of international law as the foundation of foreign policy was in turn the basis for bipartisanship in foreign policy.

The idea is simple enough, and I think there is at least a reasonable match with experience. When policies, especially those requiring the use of force, are seen to be based on rights and responsibilities under international law, an opposing party can support the policy without necessarily supporting its proponents. This is the first principle of civil order, and the international analogy is valid, or so it appears to me.

From the late 1970's I have been suggesting that the erosion of our commitment to international law, at times even our awareness of it, was making foreign policy ever more problematic, even erratic. I believe we can see this today with respect to Central America.

Lest what I say appear partisan itself, may I repeat that this is an impression that formed some time ago, during the previous administration, and has only strengthened with time.

The bipartisanship we recall with nostalgia, and whose disappearance we seemingly regret, emerged from the debris of World War II, an extension of wartime arrangements. More precisely, bipartisanship was the result of a judgment made—by Presi-

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[5] Thomas M. Franck, Editorial Comment, 79 Am. Jnl Int'l L. (2), April 1985, p. 379

[6] Monroe Leigh, Commentary on Judicial Decisions, *Id.*, p. 442 at 446.

[7] See State Department statement at p.2, *supra.*

[8] See note 5, *supra.*

dent Roosevelt—that the failure of President Wilson to pursue such arrangements after World War I had been calamitous. Failure to pursue bipartisanship at home had made it impossible to arrange international order abroad.

In 1919 Woodrow Wilson, a Democrat, had brought a package of treaties back to Washington, where they were submitted to a Republican-controlled Senate. The Senate said no. Wilson was so convinced that his League of Nations scheme was the correct one, (and that only lack of awareness among the people and mean-spiritedness in the Capital caused the Senate to balk) that he went directly to the people, travelling the country by rail until the effort brought him to physical collapse. And to no avail.

The United States thereupon entered the postwar world quite outside the institutions we ourselves had helped to contrive in order to preserve principles of international law—the violation of which (by the Central Powers) had been the grounds on which we had entered that war in the first place.

Twenty-five years later, in the aftermath of a second war which many thought had been brought about by the earlier failure of the U.S. to join in the management of the international order, Franklin D. Roosevelt (who had been in Wilson's subcabinet, as Assistant Secretary of the Navy) undertook to avoid Wilson's mistake. He set out to construct an international order almost identical to that which Wilson had envisioned: an international assembly, with special provisions for great powers; an international court; specialized agencies (for health, labor, education . . .). Like Wilson, what FDR envisioned, and what many of us who came of age at the end of the war expected, was the emergence of a world resembling nothing so much as the United States enlarged.

But he did one wholly different thing: Roosevelt saw to it that Republican legislators were involved in the planning and negotiation, and that the U.N. Charter was presented to the Senate as a bipartisan expression of an American commitment to the rule of law in international affairs.

The American leaders of 1944, '45, '46 attempted a world order of extraordinary sweep, with systems in place for the orderly conduct of world trade and finance, and for democratization (which in those days meant decolonialization). The use of force would assume a collective aspect. And all these arrangements would derive their authority from a great charter that began: "We, the Peoples of the United Nations . . ."

Our own Constitution, of course, begins, "We the people of the United States . . ."

The Charter was not the only document on which world order would rest. It was a statement of contractual law—voluntarily entered into by those countries that desired so to do—derived from a larger common law: international law. (The parallels with the American system recur.) The connection between law and organization is demonstrated by the cover of the standard edition of the Charter distributed by the Office of Public Information of the U.N. The document is titled: "Charter of the United Nations and Statute of the International Court of Justice." They are two parts of one system.

The era that followed—when we believed so ardently in the utility of international law as a guide for how we would try to shape the world, and how we would conduct ourselves (and expect others to conduct themselves)—was also the period when bipartisanship reigned in American foreign policy.

The United States was so optimistic about international organization that we offered the atomic bomb to the U.N., when we alone in the world were a nuclear power. We fought in Korea under the U.N. flag. We saw to decolonialization, established a world bank, put a trade system into effect (not the full-fledged trade organization some contemplated, but the less formal General Agreement on Tariffs and Trade, which may have been the better idea anyway).

Bipartisanship in foreign affairs was so firmly established that at the Senate Committee on Foreign Relations, from the time professional staffs were crated (in the Legislative Reorganization Act of 1946), there was but one staff—neither Democratic nor Republican; neither majority nor minority; just the one set of professional staff members, available equally to assist and advise senators of either party. The first staff director, Francis O. Wilcox (later to be Assistant Secretary of State for International Organization Affairs), served under four chairmen; two Democrats, two Republicans.

And then of course it all went to hell. We lost faith in the future of many of the institutions we had created; especially in the General Assembly, where we had lost our majority by the middle of the 1960s. More recently, though, we seem to be giving up on something far more fundamental: the idea of international law, which the U.N. Charter merely reflected. And with it, or so it seems to me, we lost our bipartisanship.

Though they began to fade in the 1960's, it was really during the 1970's that both so thoroughly disappeared. By the end of the last decade, America had altogether forgotten that we had once even envisioned a world ruled by law.

I suppose it was due to the Vietnam experience: everything seems attributable to that; perhaps these, too, are casualties of the war. Many could not see our involvement there as lawful; others saw the pursuit of legality as the fateful commitment that had led us there in the first place. Throughout the lengthy history of our involvement in southeast Asia, as far as I know, the United States never considered taking the matter of the Communist aggression there to the U.N. or to the World Court.

I came to the Senate in January 1977, along with a new president of my own party. I arrived in a Senate very different from the one in which Vandenberg and Connally debated the U.N. Participation Act in 1946. Certainly bipartisanship was no longer a word heard very often. (Things happen in steps: it was 1971 when the first minority staff member was appointed informally at the Foreign Relations Committee; by 1977, the Senate had written into its rules that there would be two partisan staffs.)

I have now served in the Senate during two different presidencies, from as close and interested a perch as can a senator who has not been a particular favorite of either. There are not very many ways in which Presidents Carter and Reagan can be said to be similar, but they have been, to my mind, equally parties to (for having presided over) the continuing dissolution of America's commitment to international law. Both have seen their policies suffer from an accompanying divisiveness in our foreign policy deliberations, division that occurs increasingly on the basis of party, and that has become so pervasive that it becomes difficult to remember that it ever was any other way.

There are two strains to this slow but steady disengagement from the idea of law. On the one hand, there are those who do not think we are good enough for the world. On the other hand, there are some who think the world is not good enough for us. For all I know, both schools are correct. But each ignores the question of whether international law exists regardless of how erring nations may be, and regardless of which one err the most.

In the aftermath of the Vietnam experience some seem to have decided that there is no room in our foreign policy for normative considerations such as law as a basis for relations among nations. We will no longer pretend to tell the world—urge the world—how to organize itself. How far a cry from 1945, from Inauguration Day 1961!

A noteable renunciation was that of George Kennan, who said in an interview published in Encounter, in 1976:

"My main reason for advocating a gradual and qualified withdrawal from far-flung foreign involvements is that we have nothing to teach the world. We have to confess that we have not got the answers to the problems of human society in the modern age. Moreover, every society has specific qualities of its own that we in America do not understand very well; therefore I don't want to see us put in a position of taking responsibility for the affairs of people we do not understand."

Note the retreat from the idea of international toward relative standards.

The alternative perspective—I am not seeking anything here more than illustrations of these general opposites—may be found in a recent statement by my distinguished colleague from Idaho, Senator Steve Symms. In a letter to the New York Times opposing ratification of the Genocide Treaty, he writes:

"If an international penal tribunal is established, you can expect it to be as anti-American and anti-Israel as the World Court and the U.N. are today."

That the U.N. may be so characterized is surely a defensible position. But the Court? I do not know any action by the Court that could be described as "anti-American." It stood solidly with us after the seizure of our embassy in Iran; a Special Chamber handed down a major decision settling the Gulf of Maine dispute between United States and Canada to our mutual satisfaction.

But there is a contrary perception, and in the Senate it is widespread and deeply felt.

In 1979 I took these musings to the Council on Foreign Relations. I put the matter as simply as I could in an address at the Harold Pratt House. It seemed to me, I said:

"That the United States has moved . . . away from an earlier conception of a world order, which if arguable was nonetheless coherent, and not replaced it with any other conception. No normative conception, that is. If we don't believe in law, then what do we believe in?"

Increasingly, it seems that we are settling into a normless Realpolitik that ignores law, demolishes consensus, embarrasses the United States abroad—and makes it difficult for our friends and allies to join us when we need them.

Central America provides an illustration. The United States recently imposed an economic boycott on Nicaragua for reasons we consider sufficient, and appropriate under law. Yet none of our allies has joined us, nor indeed any friendly nation. A great range of concerns could explain this abstention, but I dare to think that one factor is that our conduct towards Nicaragua is not seen as sufficiently informed by consideration of law.

That is a convolute statement, but, well, it is a convolute situation. Let me suggest that the legislative record establishes a clear determination by Congress that we should keep well within the confines of law in our dealing with Nicaragua, and that we could do just that.

On November 18, 1983 it fell to me as Vice Chairman of the Senate Select Committee on Intelligence to bring to the floor of the Senate (Senator Goldwater being necessarily absent) the report of the Conference Committee on the Intelligence Authorization Act for fiscal year 1984. This was the bill agreed to by the House-Senate conferees, and was promptly enacted by both bodies and became law. It was the last time the Committee would propose and Congress authorized a bipartisan aid measure for the "contras." At the risk of being tedious, but because it appears to me that this record is not sufficiently known, let me cite my remarks that day.

As I noted on the floor the day the Senate passed the Intelligence Authorization Act (November 3), the distance between the House and the Senate was not as large as many might have thought. Both committees understood the Government of Nicaragua to be in violation of international law. This was recognized by an express finding in the Intelligence Authorization bill passed by the House. The finding states:

By providing military support (including arms, training and logistical command and control, and communications facilities) to groups seeking to overthrow the government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state.

The United States, in upholding these covenants, has a duty to respond to these violations of law. Our response, however, must be both proportional and prudent.

With such standards in mind, it was the Senate committee's judgment that the means chosen by the House to halt these violations—fences, radar planes, and so forth—would be ineffective and present an unacceptably high risk to U.S. forces who would almost surely become involved in putting such arrangements in place. On the other hand, it was also the committee's judgment that the previous finding had been too broad and not sufficiently specific with respect to the program's goals.

Along with my colleagues, I pressed the administration to redefine its covert program to assure that it was in accord with our obligations under international law. I believe the new Presidential finding reflects this counsel. Thus, the goal with this program is as it should be—to bring the Government of Nicaragua into conformity with accepted norms of international behavior.

(John Norton Moore, who invited me to speak to you today, wrote in Foreign Affairs some years ago about the "misleading image of law as a system of negative restraint." It is much the vogue in Washington these days to say this business of law is for weaklings. But of course it need not be a restraint only on the law-abiding; it provides a structure for organizing action, for responding to violations of the law. A commitment to law ought not to be understood as a commitment never to use force. Domestic analogies are valid here. A commitment to law is precisely the basis on which law enforcement agencies use force, and often a great deal of force. And the fact that a great many persons do not abide by the law only increases the necessity of force—as an instrument of law.

That is where the bipartisan support in Congress for the administration's Central America policy broke. Recall that the Senate passed the Intelligence Authorization Act to which I have referred on November 18, 1983. Some eight or nine or ten weeks later, using funds authorized by that Act with its specific statutory language regarding international law, the United States government commenced secretly to mine certain harbors in Nicaragua. I am not here to argue either the merits or the legality of the act. I simply cite our concern for legality, and the fact that when the mining became known—to the Intelligence Committees and to the public—Senator Goldwater wrote to the Director of the CIA stating that "this is an act violating international law".

Is it too much to claim from this record that the Congress was concerned and the executive either didn't understand or didn't think it mattered? This seems to me to reflect the erosion of our awareness of international law which began to concern me in the late 1970's.

The Administration was evidently stunned to learn in April last year that Nicaragua was planning to go to the World Court to complain about the CIA mining of its harbors. (One hears that the Sandinistas were planning to go to the Court anyway, and simply added the mining charge. But we had helped them to make a seemingly better case.)

The State Department thereupon cobbled together a series of evasions and avoidances, and announced that the U.S. would not accept the compulsory jurisdiction of that court with respect to "any dispute with any Central American state" for two years. No one seemed to know or wish to acknowledge that when the U.S. accepted the complusory jurisdiction of the Court in 1946, we explicitly committed ourselves, by the six month notice provision not to do precisely what the Administration now sought, which was to evade the jurisdiction of the court when a suit was about to be filed against us.

The U.S. argued at The Hague that we were not bound to reply to Nicaragua. The Court considered this and ruled, on November 24, 1984—by vote of 16 to 0—that Nicaragua's claims were admissible, according to the terms of the acceptance the U.S. had originally filed with the Court.

In January, as the Court was drafting the terms and timetable according to which it would hear the merits of Nicaragua's complaint against the U.S., the Administration announced that it would simply not participate further. That we would do, in effect, what Iran had done in the hostage case.

As he was bound to do, the President of the Court, on January 22 issued an Order outlining a timetable for the proceedings of the case ". . . on the merits":

The time limits fixed are as follows: 30 April 1985 for the Memorial of the Republic of Nicaragua; 31 May 1985 for the Counter-Memorial of the United States of America. Oral arguments will be scheduled for later in the year. The United States does not plan to participate.

The policy seems to me to risk assuming a position of moral equivalence with those very nations who are least abiding of international law. The idea has been summed up by one of the architects of the Administration policy in a recent op-ed in the Wall Street Journal titled: "Why Bow to the World Court When Few Others Do?"

This is a long way from the position of political leadership the United States assumed for itself 40 years ago. Are we now to be content to measure the acceptibility of our policies according to whether they are equally acceptable to the likes of the Soviet Union, or Iran. Or Nicaragua.

I would hope not. But most of all I would hope that we not lose the sense that our national interests reside in upholding a regime of law in international affairs. Jon Van Dyke has recently written that the scuttling of the law of the sea pact jeopardizes U.S. passage through strategic straits, and sends up a flare signaling American reluctance to participate in multinational resolution of disputes.

I tend to agree. At minimum it seems to me this question needs to be addressed. I have enough of the Navy left in me to think it a matter of great consequence whether the right of free passage in the narrows of the ocean seas is recognized and upheld. Of course there is the separate and troublesome issue of mineral and mining rights. But need we simply withdraw from the process?

Are we to be content with this posture?

The American Society of International Law has involved itself. Responding to the U.S. announcement of refusal to participate in the Court proceedings, the Society has adopted only the second "political" resolution in its 80-year existence.

I quote a portion of that resolution: The Society . . . deplores, and strongly favors rescission of, the recent action of the United States Government in attempting to withdraw from the jurisdiction of the International Court of Justice "disputes with any Central American state."

Can the American Bar Association help encourage a greater sensitivity to considerations of law, too?

I believe it is the only way back to a consensus approach to foreign policy—a bipartisan approach to foreign affairs, if you will.

To the degree that law—the Law of the Charter included—is seen to be, and is, the basis of our international conduct, a bipartisan foreign policy does not require a party out of office to agree with policies of the party in power, but rather simply to agree with the principles of law on which those policies are based. Principles prior, as you might say, to whatever is the present emergency, the incumbent president, the prospects for the next election. The same principle applies to allied and non-aligned nations, who can for more readily support (or at least accept) American policies if our conduct is seen to be based on law that binds them as well as us.

It also encourages, I dare say, a certain litigiousness to which the American bar is especially suited or at least much inclined. It would seem to me that we should welcome the chance to meet Nicaragua in Court. It would be our kind of forum. And there is lots we have to talk about. How I would love to see William P. Rogers at The Hague leading an American team of international lawyers—John Norton Moore, Alfred P. Rubin, L.F.E. Goldie. With plain instructions, from the Secretary of State to the former: "Win."

It may be too late (31 May 1985 is a week from tomorrow), but there are signs that our recent losing streak has not been universally approved. Not long ago our respected Secretary of State, George P. Shultz, an-

nounced that he had asked Federal District Court Judge Abraham D. Sofaer to leave the bench in the Southern District of New York to become the Legal Adviser to the Department of State. I had the honor to recommend Judge Sofaer's appointment to the Judiciary in the first instance and, much as he will be missed in New York, he will certainly be welcome in Washington.

Just a month ago I addressed the annual meeting of the American Society of International Law, and spoke to the more general question of our continued adherence to those ideas which seemed so settled a generation ago, and even more so three generations ago. The law is there, I said. In 1900 the Supreme Court put the matter plainly enough in Pacquette Habana: "International law is part of our law. . ." It does not cease to become law because it is disobeyed, nor yet if it has been forgotten. To conservatives and liberal alike, ignorance of the law is no excuse.

Now clearly the World Court is no longer an ideal instrument for the adjudication of law. As I count, some nine of its fifteen members come from countries where there is an independent judiciary and a secure legal system. As this is true for perhaps a third, at most half of the members of the United Nations, we may judge that the Court is not all that imbalanced. Still, obviously, we cannot accept that legal judgment will be passed on us by persons who, whatever their individual dispositions, come from and unavoidably represent societies where legality has a wholly different meaning from that which we assume. We have to think of new terms of submission to the court's jurisdiction. The Court's statute provides for Special Chambers, wherein the parties to the dispute pick the judges: a viable arrangement. Obviously however we cannot indefinitely prolong the situation which Nicaragua is now exploiting, which is to say that of a near-as-makes-no-matter Marxist-Leninist regime dragging the United States before the world tribunal, with the United States unprepared, unwilling, almost uncomprehending. There is a remedy for this, however. It is called, attention, and that is what I hope the subject will receive.

TO PRESIDENT REAGAN'S HEALTH

Mr. MOYNIHAN. Mr. President, may I note that we learn in this morning's press that the President will undergo a minor surgical operation shortly, and say that this Senator would only wish him well. To his family I would say that we have every confidence that if there ever was an indestructible President it is Ronald Reagan. Nevertheless we wish him a cheerful encounter with what is always a difficult event. He has shown his surpassing qualities in these matters more often than I need mention. I wish him well even so.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes each.

IT IS TIME FOR THE DEMOCRATS TO BE TOUGH-MINDED

Mr. MOYNIHAN. Mr. President, on June 20, the New York Times published an op-ed column entitled "It Is Time for the Democrats To Be Tough-Minded." The column was written by Representative STEPHEN J. SOLARZ, a senior member of the Committee on Foreign Affairs, chairman of the Subcommittee on Asian and Pacific Affairs, and one of the rising stars of the House of Representatives; indeed, of American public life.

It is hardly coincidence, Mr. President, that on the day I come to the floor to introduce a thoughtful and thought-provoking statement which he published sometime ago in the Times, this very morning, on the front page of the Times, we learned of a very serious conversation which Mr. SOLARZ had with a ranking Soviet general involved with arms control in Moscow a few days ago.

Mr. SOLARZ returns to the United States with the quite exceptional proposition that the Soviets appear willing and for the first time have indicated a possible and not incompatible approach to the matter of limiting not just ballistic missiles but actual nuclear warheads. This is a proposal which, of course, has been central to President Reagan's thinking in the matter of arms control from the very beginning and is one of the measures which we have tabled in the present talks in Geneva.

Mr. SOLARZ seems to travel everywhere, and everywhere he goes he represents the United States with great clarity, force, and brings back information. I recall that he was the first American official to visit North Korea and returned with quite remarkably important insights into that regime and into prospects for that peninsula.

Representative SOLARZ suggests that Democrats need to reassert our tradition of antitotalitarianism and "understand that our traditional human rights concerns are by no means incompatible with a realistic and resolute approach to communism."

So, characteristic of him, he has made an argument that will be heard and, in my view, ought to be accepted.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 20, 1985]

IT'S TIME FOR THE DEMOCRATS TO BE TOUGH-MINDED

(By Stephen J. Solarz)

WASHINGTON—For much of the last decade, the Democratic Party has spoken with a multitude of conflicting voices on foreign policy. Unable to reconcile the differences between the left and right wings of our own party, we have created the impression that we are too divided to govern. If Democrats are going to regain the confidence of the American people and recapture the White House, we will have to develop a new—and more tough-minded—consensus on foreign policy.

The beginning of wisdom here would be for the Democrats to recognize that it is the Soviet Union that poses the most serious threat to our values and interests. Combined with a reaffirmation of our historic commitment to human rights in non-Communist countries, this can provide the foundation for a credible and responsible foreign policy.

Despite our long and honorable tradition of anti-Communism, Democrats have tended in recent years to refrain from forthrightly expressing our view of the inherent immorality of the Soviet system. Perhaps because we thought that Communism was so obviously repugnant, we felt there was little reason to engage in detailed denunciations of Soviet oppression. Perhaps because we feared undermining the prospects for future arms control agreements, we refrained from criticizing Moscow for violating existing accords.

Whatever the reasons for our reticence, we have enabled our opponents to contend that our proposals to reduce East-West tensions are based on illusions about the Soviet Union. By appearing to yield the moral high ground, we have lost political ground as well.

Democrats need to recognize that Soviet repression and Communist tyranny are not a distant memory but a living nightmare. It is a nightmare in the valleys of Afghanistan, for the peasants who have seen their loved ones murdered and land destroyed; in the jungles of Southeast Asia, to the villagers killed or crippled by yellow rain; in the prisons and labor camps of the Soviet Union, for the dissidents and refusniks yearning for freedom; in the streets of Poland, to the supporters of Solidarity, whose dreams of democracy were crushed by martial law.

But a resolute anti-Communist policy for the Democrats requires more than simply denouncing Communist tyranny. It means, for a start, being just as vigorous in advocating legitimate defense spending as we are denouncing Pentagon waste.

It means making clear which weapons systems, such as the Stealth bomber and Midgetman missile, we support, as well as which systems, such as the MX missile and the B-1 bomber, we oppose. It means telling Soviet leaders that if they do not abide by existing arms control agreements, the American people will correctly refuse to support new accords.

It means pointing out to the Kremlin that a prohibition on research into strategic defense systems—a ban that the Russians are insisting upon as a condition for an arms control agreement—is neither feasible nor verifiable.

It means resisting Communist expansionism in the third world by providing arms and aid to non-Communist forces, such as those in Afghanistan and Cambodia, resisting Communist invasion and occupation of their countries.

Of course, the Soviet Union and its surrogates are not the only threat we face. They may be the major threat, but if single-minded anti-Communism were to become the totality of our party's foreign policy, we

would have done little more than substitute the simplicities of the far right for the illusions of the extreme left.

Our party need not, and should not, be an echo chamber for President Reagan's foreign policy. Even with a stronger stance against internal repression and external aggression by Communist states, profound differences would still separate us from the Republicans on foreign policy.

On arms control, we must proceed from the premise that the pursuit of agreements is a moral and political imperative. Recognizing that President Reagan's refusal to accept any limitations on his "Star Wars" initiative will doom the arms control talks in Geneva, Democrats should call for significant restrictions on development, testing and deployment of strategic defense systems in exchange for a Soviet willingness to accept meaningful and mutual reductions in offensive nuclear weapons.

In the third world, we must distinguish between wars of national liberation—as in Afghanistan and Cambodia, where it is appropriate for us to aid indigenous resistance forces—and civil wars—as in Nicaragua, where it is inappropriate for us to engage in efforts to overthrow internationally recognized governments.

We should firmly reject the Administration's policy toward Nicaragua, which is leading ineluctably toward the militarily dangerous and politically disastrous introduction of American combat forces into that country. But we must also make clear that opposing aid to the "contras" in no way signals sympathy for the Sandinistas. Our differences with Nicaragua must be resolved not on the battlefield but at the bargaining table; not through unilateral American action but through the multilateral diplomacy of the Contadora peace process.

The Democrats also differ from the Administration on human rights: We must make clear our opposition to tyranny on the left but also continue to oppose repression on the right. Democrats should reject the values of an Administration that stands up for pluralism and democracy in Central America but stands still for racism and repression in southern Africa; that denounced martial law in Poland but stays silent about martial law in Taiwan; that condemns the elections in Nicaragua but praises the even more fraudulent elections in the Philippines. We need to oppose both Soviet tyranny in Afghanistan and the tyranny of apartheid.

Indeed, in many third world countries, such as the Philippines and South Africa, it is the existence of repression that creates the greatest opportunities for Soviet expansionism. In repressive regimes, the best way for us to contain Communism is not to embrace authoritarianism but to promote democracy.

What the Democrats must understand is that our traditional human rights concerns are by no means incompatible with a realistic and resolute approach to Communism. A new Democratic foreign policy that combined the two would serve our country's interests by facilitating a bipartisan consensus to resist Soviet expansionism and Communist tyranny. It would also shift the foreign policy debate from a discussion of which party was more anti-Communist to which party could best promote peace through arms control and promote freedom by advancing human rights.

With the debate framed in this fashion, the Democrats would be positioned not only to regain the support of the American people but to effectively promote the interests and ideals of our nation.

AN ALL-AMERICAN CRUSADE

Mr. THURMOND. Mr. President, I would like to call to the attention of my colleagues an editorial printed in the May 31, 1985, issue of the Charleston, SC, News and Courier entitled "An All-American Crusade." It is an affirmative response to the positive actions taken by President Reagan to initiate a fairer and simpler Federal income tax system in our country.

The American public overwhelmingly supports reform of the currently inequitable and complicated tax system, although there remains considerable disagreement about how this should be accomplished. The current code allows some wealthy Americans and profitable corporations to structure their affairs in such a way that they bear less than their fair share of the tax burden. Our tax laws should be revised so that they apply more equitably to all Americans.

Similarly, current income tax reporting is also in desperate need of revision. Filing a return is an unduly complicated and burdensome task for most Americans. Unfamiliarity with the current maze of tax laws causes many to feel that they are cheating themselves. Simpler forms and a more straightforward system would encourage broader compliance with the Nation's tax laws.

President Reagan has offered a reform package that proposes to correct many of the unfair tax laws and simplify the filing process. While I do not necessarily agree with all of the elements in the President's proposal, I believe he should be commended for his initiative in offering it.

Mr. President, I recommend that all my colleagues read this editorial, and I ask unanimous consent that a copy be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN ALL-AMERICAN CRUSADE

President Reagan had a stirring slogan during his first term when he was—somewhat quixotically as it turns out—crusading against government spending and deficit financing. He asked, "If not us, who? If not now, when?" It is a pity that congressional confabulations and political realities, international as well as domestic, have given those brave words a hollow ring. That slogan does have a cutting edge, however, when applied to the president's latest bold initiative. Who else indeed, would have dared tackle tax reform? And when, other than in a second-term under a president thinking more about the verdict of history than the results of the 1988 elections, would it stand a chance of success?

It just won't wash for Rep. Dan Rostenkowski to claim that the Reagan administration has appropriated a Democratic Party idea. Tax reforms makes demands on the kind of political courage that the Democrats have shown themselves to be lacking. But they have paid a political price for irresolution and they seem to have learned a lesson. Mr. Rostenkowski most certainly knows that when it comes to tax reform, it is better to jump on the Reagan bandwagon than try and stand in its way.

That does not mean that tax reform is popular. The political manipulation that has so distorted the tax system over the years has resulted in a myriad of special interests. Every single taxpayer in the United States has some cherished (some might say, sacred) break, dodge, or loophole to protect. But as Donald Regan's initial Treasury proposal recognized, it is possible to appeal to common objectives. The main objectives are fairness and simplicity.

The complex system that we call a tax system is correctly seen to be unfair. It provides patronage for a few at the expense of the pocket books of the many and it is because of its manifest unfairness that tax-dodging has become a way of life, to the point where almost every transaction seems to revolve around securing some tax advantage. It is questionable whether any reform can cut deep enough to remove totally the impression of unfairness; but even if the president's tax plan is only partially adopted, we will have made some progress. It will be progress if the forms are simplified, because time will be saved; but that move will also be a step toward fairness. People will be able to fill out their own tax returns without feeling that, because they are not familiar with all the ins and outs of tax laws, they may be cheating themselves.

In wholeheartedly embracing tax reform, President Reagan has also revived another of his first-term slogans. He is Bringing America Back. The tax system is something that is rotten in the United States. As the three columns on this page which deal with the tax reform indicate, the president faces a succession of battles. He will lose some of them, but he should win the war because he has the vast majority of Americans with him. Mr. Rostenkowski's recognition of the fact that tax reform is not a partisan issue, indicates that Congress is aware of the overall popularity of the president's all-American crusade for tax reform and against un-American unfairness. It had to be Ronald Reagan and the time had to be now.

TOBACCO INDUSTRY VITAL TO ECONOMY

Mr. THURMOND. Mr. President, I rise in support of the compromise Tobacco Program legislation introduced yesterday by the distinguished Senator from North Carolina, Mr. HELMS, and am pleased to be an original cosponsor of it.

The tobacco industry is vital to the economy of this country. Two million jobs, from the farm to the sales counter, depend on the tobacco industry. In 1984, the Federal Government received approximately $5 billion from excise taxes on tobacco products. In addition, State treasuries received $4.5 billion in revenues from tobacco. The tobacco industry also contributes favorably to our balance of payments. In 1983, the United States had a triple surplus in tobacco of approximately $1.8 billion.

Although important to the country as a whole, the tobacco industry is especially important to the Southeastern United States where it is a crucial component of the economic infrastructure. For instance, in my home State of South Carolina, tobacco accounts for 27 percent of the total farm income. Tobacco yields $2 million in receipts to South Carolina farmers alone. Typically, almost every individual in the small tobacco towns of South Carolina and across the Southeast is involved with tobacco in one way or another. The farmer, the warehouseman, the trucker, the buyer, distributor and many others are all directly or indirectly involved in this industry. Insurance agents, farm implement and fertilizer dealers, and others in the community are also greatly effected by tobacco. Furthermore, tobacco farming is labor intensive, especially during harvest. During the summer months, many teenagers depend upon tobacco for summer employment.

Failure to pass this legislation will create chaos in a farming sector where stability has prevailed. The ultimate victims will be thousands of small family farmers who depend on income from tobacco or tobacco allotments for a substantial portion of their livelihood. It would reduce revenues to the Federal and State treasuries, and adversely affect our trade balance.

Mr. President, the tobacco program has reached a critical point and is in great need of reform. The legislation introduced yesterday is the result of a cooperative, bipartisan effort on the part of tobacco growers, manufacturers, various farmer organizations, Members of Congress, and administration officials. The legislation proposes a workable program that, while not wholly satisfactory to any of the various affected groups, nevertheless appears to be generally acceptable to all those involved. I urge my colleagues to support this legislation which is crucial to the livelihoods of thousands of farmers and their families.

HAMPTON, VA, CELEBRATES ANNIVERSARY

Mr. TRIBLE. Mr. President, I wish to call attention to a significant anniversary that Virginia and the Nation celebrate this week. The city of Hampton, VA, was founded on July 9, 1610, and today Hampton thrives as the oldest continuous English-speaking community in the United States.

Hampton was established by some of the original Jamestown settlers, and the city's rich history parallels that of our country from its earliest days, through the Revolutionary and Civil Wars, to manned space flights, Moon landings and space shuttles. It is appropriate that the city's 375th anniversary theme is, "Hampton: First From the Sea, First to the Stars."

During those 375 years, Hampton has been occupied by hostile troops, been burned to the ground, grown again and prospered. And the city has been the site of numerous milestones of our American heritage—milestones that have affected not just the people of Hampton, but all Americans, including:

In 1609 the first American outpost was established at Fort Algernourne, now Fort Monroe.

In 1610 the first and oldest Anglican parish, now St. John's was established.

In 1610 the first formal trading post in America was established at Hampton.

In 1625 the first Anglican marriage ceremony in America was performed in Hampton.

In 1635 the first free school in America was established in Hampton by Benjamin Syms.

In 1775 the first engagement of the Revolutionary War in Virginia occurred in Hampton.

In 1775 the first shipyard in America was established in Hampton.

In 1861 the first land battle of the Civil War occurred at Big Bethel in Hampton.

In 1862 the first battle of ironclad warships, the *Monitor* and the *Merrimack*, fought off Hampton.

In 1868 Hampton Institute, the Nation's second school for higher education for blacks, was founded.

In 1907 Hampton was the departure site of the worldwide voyage of President Theodore Roosevelt's "Great White Fleet."

In 1917 Langley field became the first home of the National Advisory Committee for Aeronautics.

In 1961 the Nation's first astronauts, the seven Mercury pilots, arrived in Hampton to train at NASA's Langley Research Center.

It has been my privilege to represent the city of Hampton in both Houses of the Congress, so it is with a great deal of personal pride that I note this celebration. Hampton is a hardworking, progressive community that embodies all that is good about America.

Today, the citizens of Hampton continue to make major contributions to the Commonwealth of Virginia and to our Nation. And, if what's past is prologue, Hampton will remain a leader for centuries to come. I ask my colleagues to join me in congratulating the city of Hampton and all her citizens on this momentous occasion.

TRIBUTE TO TERRY SANFORD

Mr. HOLLINGS. Mr. President, over the last three decades I have spent as a public servant at the State and national level, I have met very few individuals who honestly qualify as truly great Americans. Terry Sanford heads this list.

Terry and I served together in the early 1960's as Governors of our respective Carolinas, he of North and I of South. He constantly impressed me as a man of wisdom, foresight and the courage to do what was right. Under his progressive leadership, North Carolina set out on an era of economic and social growth. His biggest impact was in the field of education, both as a Governor and later as president of Duke University. His tenure at Duke marked a giant leap forward in that university's reputation and quality of education.

As Terry leaves his post at Duke, we should all take note of his outstanding contributions, both of American education and to the level of discourse in our national politics. He's an outstanding leader, a great educator and a true statesman. I am sure he will continue adding to his record of achievement—a record best described in Jonathan Yardley's excellent column from last week's Washington Post and Bill Arthur's article in the May–June 1985 issue of Duke Magazine. I ask unanimous consent that both of these be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Duke Magazine, May–June 1985]

FROM CRISIS TO CONSENSUS

(By Bill Arthur)

Rock music thundered through Card Gymnasium in a roar that hurt Terry Sanford's ears. But Sanford plunged in anyway, buying his own beer and talking ear-to-mouth with students. It was, he figured, the proper thing to do, for this Friday night party last February was the students' "Farewell Uncle Terry" party, their tribute to him in his last months as Duke's president.

Some wanted to talk about his unsuccessful campaign, ended the week before, to become chairman of the Democratic National Committee. Others asked about his plans after Duke. They seemed glad to see him and genuinely sorry he is leaving Duke at the end of June after fifteen years as university president.

They have been fifteen years of dramatic change at Duke. The story of the marble and mortar is simple. While Sanford presided, Duke built the $16-million Fuqua School of Business, the $16-million Bryan University Center. It expanded the medical center with Duke Hospital North, and the engineering school with the Nello L. Teer Engineering Library Building. It built a music building designed by Edward Durell Stone, and installed a new Flentrop organ at the Duke Chapel. It renovated Cameron Indoor Stadium and Wallace Wade Stadium. But Sanford did more than put up buildings.

"This has always been an ambitious, itchy sort of institution," says history professor Robert Durden. Less settled, perhaps less confident than a Harvard or Yale, Duke has constantly striven to keep up with its aspirations, a university "on the make," as one professor described it. "We wanted to be a better place," says Durden. Sanford responded to Duke's itch.

Since Sanford's arrival, Duke created the Institute of Policy Sciences and Public Af-

fairs to train students for public service, journalism, and other roles in the public-policy area. Within the institute, it set up a range of specialized research centers, and began the Duke Fellows in Communications program to bring leading journalists to campus. Says one prominent public-policy professor, James David Barbar: "There were a number of us who came to Duke because places we were at were not as amenable to experiment or innovative arrangements as we would like, and Duke was."

Sanford recruited the American Dance Festival, which summers at Duke. During his administration, the university established the Institute of the Arts, which sponsors visits by distinguished artist, offers yearly theme festivals, directs the popular Duke in New York Arts Program, and administers an expanded dance program. The university has, also, deepened its international orientation: Through a Trinity College program, 460 students were studying in twenty-seven countries during the academic year, and another 170 will be abroad this summer. A separate Duke Oxford summer program involves about sixty students annually. And, in a typical year, some 375 international students are enrolled at Duke. Under Sanford, says vice chancellor Joel Fleishman, "Duke has opened up to the outside world."

Active in developing downtown Durham, Sanford is given credit by many for creating the best town-grown relationship at Duke in many years. Robert H. Booth 54, executive vice president of the Greater Durham Chamber of Commerce, agrees. "Terry Sanford just has the facility of bringing people together, and he has used that talent to help the city as well as the university." Sanford is chairman of Durham Research Associates, a development company. His "retirement" plans after Duke include playing a central role in the development of Treyburn, an industrial, commerical, and residential project in northern Durham.

Sanford guided the university through tough economic times. In 1981, the trustees adopted then-chancellor Kenneth Pye's "retrenchment" proposals. As part of a two year process, Pye and various study groups looked at whether nursing, education, forestry, physical education, sociology, or the marine lab should be eliminated or cut back. The legacy of Duke's retrenchment period includes discontinuation of the baccalaureate program in nursing, the phasing out of the education department, and reorganization of the physical education department into a non-academic unit under the vice president for student affairs. While nursing is now starting up a new graduate program, elimination of the undergraduate degree brought an emotional response. Last year, right before the commencement ceremony that included the last class of undergraduate nurses, Sanford told the student Chronicle: "It had been obvious for a good while that the trend was that this kind of baccalaureate degree was not going to hold up, given the competition for bright women in so many fields."

Those tough economic times seem less in evidence now. Since Sanford took office, contributions to Duke have more than tripled. In one of his last and potentially most enduring initiatives as president, he kicked off a $200-million capital campaign—an effort that not only represents a daunting dollar goal for Duke, but that Duke officials call unprecedented for any university because of its focus on arts and sciences endowment.

Building on actions by his predecessor, Douglas Knight, Sanford helped wrench Duke into the 20th century, positioning the school as a truly national university: The New York Times recently called it one of the nation's "hot colleges," a place where students want to go. In 1973, just a few years after Sanford came, Duke handled 7,112 applications for 1,169 places. In 1983, Duke had 10,296 applications for 1,403 places. Even in the midst of a declining college-age population, applications for the class entering this coming fall jumped 10 percent over last year's figure to 11,930.

"Spectacular is the best word that comes to mind," says J. Alex McMahon '42, chairman emeritus of the board of trustees, of Sanford's tenure. "He put Duke University on the map," says business school professor Arie Lewin, chairman of the Academic Council, the faculty representative body. "I think most of the credit goes to his style of leadership. He has tremendous flair for getting publicity and putting Duke in the center of things." At last year's Founders' Society Dinner, history professor Anne Firor Scott said Duke's situation reminds her of the "tide in the affairs of men, which taken at the flood leads on to fortune," that Shakespeare described in *Julius Caesar.* Duke, she said, is ready to "take the tide, and become not the Southern part of heaven, but the Southern center of the intellectual world—a magnet for talent and place where the leaders of the future will grow and develop."

Terry Sanford came to Duke during a difficult period. The Vietnam War was producing student protest at campuses around the country, including Duke. Knight had left under a cloud in 1969 after black students occupied Allen Building, and police had used tear gas on campus to combat rebellious students. Many students considered Knight the henchman of an authoritarian society. As one writer put it at the time, "The groves of academe . . . have become a forest of buzz saws" Still others felt that the social unrest of the period demanded less intellectual leadership and more political savvy from university presidents.

As a former North Carolina governor (from 1961 to 1965), Sanford was sure of his political skills. But running a university was something different. Concerned he might meet Knight's fate, Sanford obtained permission from the Duke trustees for an early paid sabatical leave if he struck out. "I wouldn't have come here without any sense of protection," he says, "because I didn't know I could make it in this kind of atmosphere, and I didn't have the financial resources just to walk off the job."

While many students welcomed Sanford as president, key leaders were wary. The student body president refused to participate in Sanford's inauguration ceremony. The editor of *The Chronicle,* fearing "co-option," avoided meetings with Sanford.

Instead of a party in his honor, Sanford faced a crisis almost as soon as he began work. His cool handling of it pleased the faculty and trustees and was an important step in building his close relationship with the students. Protesting President Nixon's invasion of Cambodia and the National Guard shootings at Kent State University, Duke students blocked the traffic circle on West Campus. Sanford faced the possibility of calling the police to the campus for the second year in a row, which he was determined not to do. Seizing a bullhorn, Sanford told the students they had reason to protest. But, he said, "Don't fight us. Let us all fight Washington together." When the students said they were going to occupy Allen Building, Sanford responded, "Great. If you're going to occupy Allen Building, take me with you because I've been trying to occupy it for a month." Sanford persuaded the students to go to Page Auditorium, "where I'd tell them what I thought we ought to do," he remembered in a 1978 *Alumni Register* interview with James David Barber. "Not that I knew. But they did come."

Sanford built the confidence of the university community enough to make changes that would have been unheard of just a few years earlier—notably the merging of Duke's men's and women's colleges. How Sanford managed it is not easy to define. "It's easier for me to describe his results than for me to know how he does it," admits former trustee chairman Charles Wade Jr. '38. "He has great instincts, tremendous instinct to know which way to do." Using his political skills, Sanford can be persuasive, and he knows how to avoid roadblocks. "To exercise leadership," says Alex McMahon, "to make sure it's successful, you have to know how to achieve consensus." So when Sanford wanted to merge the Woman's College and Trinity—a troubling proposal to many alumnae—he prepared the trustees, alumni, and others ahead of time. "I made a number of visits around, and we wrote letters and articles in the alumni publications," Sanford says. "Doing away with the Woman's College meant some other things, too: It meant women living on both campuses, men living on both campuses. It meant what's been inappropriately designated as coed dorms. They're not coed dorms. They are dorms where one wing or section might be male and the other female."

The merger of the two campuses took place in 1972. Joel Fleishman says Sanford's timing was right, as other prominent universities were going coed at the time. In the end, he says, many people strongly supported the change and few intensely opposed it. "I believe," says Sanford, "if you're doing what is an appropriate course of action, by taking the time to explain it and answer questions, there's less likelihood of a problem."

Sanford's campaigns for the presidency in 1972 and 1976 and this year for the Democratic Party chairmanship produced mixed reactions on campus. "I'm jealous enough about Duke that I think it deserves top priority always from its president," says Robert Durden. To some people, Sanford appeared too interested in personal advancement; but others believe the resulting publicity was good for Duke and say Sanford never short-changed the university. Marty November, president of the Associated Students of Duke University, says Sanford's political activities helped give Duke a national, rather than a regional reputation. Sanford creates a good impression, November believes, causing people to conclude that "if this is Duke University, then Duke University must be all right."

As Sanford sees the 1976 campaign, he didn't hurt Duke; it was the other way around. "I didn't use Duke because I could have left Duke. Duke defeated me, if you want to know the truth of it. If I had been willing to leave Duke in the summer of '75, I would have taken the nomination away from [Jimmy] Carter. No question. I'm a better campaigner than Carter is. I have a far better record. I knew far more people." But Sanford says he didn't want to leave Duke. "We had the [Epoch] fund-raising

campaign going. I wanted to devote full time to Duke and as much time as I could to the primary."

For Sanford, his first campaign, in 1972, is a list of "if onlys." "If [then Governor] Bob Scott hadn't insisted on knocking me down in order to support [Senator Edmund] Muskie, who was a lost cause in my opinion. If Muskie hadn't been reluctant to release Bob Scott and North Carolina to me. And [Representative] Shirley Chisholm, of course, messed up the black vote and [lieutenant-governor candidate Jim] Hunt and [adviser and strategist Bert] Bennett thought I'd gone over on some ego trip. In other words, I didn't get home support." George Wallace took the North Carolina presidential primary with 50 percent of the vote. Sanford was second with 37 percent.

"The exercise of leadership is a risk-taking adventure," says Alex McMahon. "Risk-taking means the chance for error." Terry Sanford was willing to take risks, says McMahon, and occasionally, "Terry would get a little far ahead." The best example of that was Sanford's suggestion in 1981 that Duke consider becoming the site for the Richard Nixon presidential library. Nixon is a 1937 graduate of Duke's law school. Bitterly dividing the university community, the library proposal was Sanford's most controversial act at Duke. "He didn't perceive, and I didn't, says McMahon, trustee chairman at the time, "the great furor that idea was going to raise."

Students, faculty members, alumni, and trustees all debated whether the library would be a good idea. Faculty members also debated whether Sanford was trying to push something through without consulting them. "We've been snookered and dealt with heavy-handedly by a very shrewd politician," said biochemistry professor Samson Gross at the time. Today, Sanford agrees he proposed it in the wrong way. "The mistake was made in not proceeding more slowly," he says. The proposal came in August, when professors and students were on vacation, but Sanford seemed in a rush for a decision. "We were somewhat misled by Mr. Nixon's lawyer in thinking that we needed to give to them an indication of whether we wanted to discuss this, and under what terms, before the end of September." Nixon's lawyer left Sanford with the impression that the University of Southern California was pressuring Nixon to say if he wanted the library there. That turned out not to be true.

In retrospect, Sanford says, "I would have said, 'We just can't do business in the summertime, and if it's got to be decided before we get back with everybody in place to talk about it, then we can't discuss it.' But not realizing that as fully as I should have, I did prematurely pose the question."

After the initial furor, Sanford was quick to endorse a faculty resolution banning a museum at the library. That provision drew a chilly response from Nixon, and the idea died. So have many of the hard feelings. Still, to some professors, the episode showed that their position in the university is fragile and must be protected. Sanford, says James David Barber, "for the moment forgot that it's a community based on consent." Academic Council chairman Lewin sees some good fallout from the controversy: "Since the Nixon library, the role of the faculty has become much more important in the governance of the university."

Sanford still believes the library would have been good for Duke, with the restrictions the university would have imposed. And he doesn't think he was wrong to propose it. "Those are the most valuable presidential papers ever. Historians can't consider the Eisenhower administration without looking at the Nixon papers. They can't consider the McCarthy episode without looking at the Nixon papers. They can't consider the Kennedy administration without looking at the Nixon papers. And they certainly can't consider the opening of China and all of the important things that happened in Nixon's administration without looking at the Nixon papers, so say nothing of looking at this gigantic episode of a president resigning in the face of impeachment."

Whatever else Terry Sanford has done at Duke, the close relationship he has developed with the students, and the loyalty they return, is perhaps his most outstanding achievement. "His approach to dealing with students must be a model to every other university," says Arie Lewin. Duke students have called Sanford "Uncle Terry" for years. And their affection for him means he departs as an honored guest at student parties rather than an ignored administrator. He has put students on the university board of trustees and turned over to them disposition of the half-million dollars a year the university collects in student fees. He has tried to be available to them, offering to meet students for 7:30 breakfasts on campus—an hour that discourages frivolous complaints. Once a month he meets with student government leaders, and he invites every freshman to a reception at the president's house.

"He has one of the most open of open-door policies I've ever heard of in a university president," according to ASDU president November. November says Sanford has been especially effective in helping students gauge the trustees. But he has not given away the store. In 1971, he flatly rejected a student proposal that marijuana use on campus be treated the same as alcohol. And this year, he wouldn't agree to cancel classes when 683 students, faculty members, and alumni suggested that step would be appropriate if the United States increased its military involvement in Central America.

Sanford is sometimes chastiser, too. When Duke students received unfavorable publicity last year for their conduct at basketball games, he sent them "An Avuncular Letter" urging them to clean up their act. "I don't think we need to be crude and obscene to be effectively enthusiastic," he wrote. Then, "sort of on impulse," he signed it "Uncle Terry." That was the first time anyone could remember Sanford calling himself Uncle Terry; and many people, including Sanford's wife, Margaret Rose, wondered if that was wise. But students say it worked better than a standard admonishment. Game conduct improved right away: At the very next game, some students unfurled a banner that said, "Uncle Terry, We're sorry. The devil made us do it."

Sanford pays close attention to his relationship with the undergraduates, but says, "I don't think I've catered to anybody. I have always tried to be open, and I think by being open people begin to trust you and maybe excuse your mistakes and apologize for you and maybe support you." When he has given power to students, it's because they have deserved it. "They can make almost any decision as wisely as it can be made anywhere else if they stop and think about it." And even if they make a mistake, he says, that can be beneficial. "I thoroughly believe that the education process includes making mistakes."

Putting students on the board of trustees has worked very well, Sanford, says. "All of the things we have done I wouldn't describe as permissive. I would describe as the kind of freedom that ought to be afforded people in a setting when they are reaching adulthood. The theory of education is that people—to do the things that they must do as adults—have got to learn to discipline themselves, to set their own standards, to conduct their own behavior." Sanford, however, calls the students on the board "young trustees," rather than student trustees, because he wants to erase any notion that they represent a constituency.

"The very definition 'trustee' means that the person is a trustee for the broad interests of the institution," he says. Nevertheless, "the biggest complaint about the trustees when I got here was they were old, racist, imperialist, and capitalist, meeting in secrecy to do in the students and faculty." To try to disprove that notion, he shortly opened meetings to students, faculty members and the press. But he agreed with some critics that the board had too many people with similar backgrounds and outlooks. One cure would be young trustees; and "the best place to get the young trustee obviously is from the student body."

Douglas Knight, Sanford's predecessor, once said that being president of Duke was like being a "supplicant with beggar bowl and loincloth standing at a crossroads while buffalo, an army, and a herd of armadillos converge upon him." To Knight, the buffalo, army, and armadillos represented students, alumni, and trustees. Asked about Knight's metaphor, Sanford immediately asks, "Where was the faculty?"

To be sure, many faculty members believe, as James David Barber puts it, that Sanford "has fostered a kind of excellence at the place. He has a talent for letting people do their thing under his rather loose umbrella." In addition, says Barber, "Despite our disagreements with Sanford, he has been ready to include in the community people who were very different from himself." Joel Fleishman says some faculty members "have never forgiven Terry Sanford for being a political president." As Sanford sees it, some tension between the faculty and the university president is natural. "Certainly, I expect to be seen to some extent as the enemy. After all, I allocate the resources. I've tried to acknowledge in the allocation of all resources that the most important thing Duke can do is to build a faculty ever increasing in excellence. The kind of faculty you have is the kind of university you're going to have."

When he came to Duke in 1970, Terry Sanford said a person should be a university president for only about five years. He stayed fifteen. "At the end of five years," Sanford says, "I'd done about what most people perceived I'd come here to do. You know, we had everything running smoothly and alumni fairly happy again. Well, five became six, and of course there was another challenge—that we hadn't yet proven that we could raise money." So he stayed a little longer, thinking he would quit when he was 65. But that came in 1982, and "it wasn't a good time to turn over the reins. So I said three more years. So that's how it got to be closer to sixteen instead of five. You might also read into that that I liked it."

Sanford leaves a university that seems more sure of itself than when he came, and certainly a lot less turbulent. But he recognizes problems. For example, the number of North Carolina students at Duke is down from 20 percent of the student body in 1967 to 12 percent today. One reason for the drop

is the rising cost of a Duke education. "The private universities and private colleges have suffered greatly by the rising span between their tuition and state tuition, all of which has been caused by forces beyond the control of the private institutions." State legislatures, Sanford says, have been picking up the inflation cost for state schools. Duke does not suffer as much as other schools from the cost differential because it has nationwide appeal, he says. "A Duke degree means a great deal in the state of Washington, just as it means a great deal in the state of Virginia." Duke's applications have increased, but not from North Carolina, "because North Carolina has a number of good schools." For a North Carolinian, says Sanford, a degree from Duke or the state university at Chapel Hill may mean about the same; and as the school with lower tuition, Chapel Hill is very attractive—particularly for "the very cream of North Carolina students," who can compete for the Morehead scholarships.

Last fall, Duke began an effort to recruit North Carolina students aggressively, relying to a considerable extent on the network of alumni. "We need to protect our home base," Sanford says. "We simply can't cut ourselves off and be an alien where we live."

Sanford believes Duke has done as well as anyone else in attracting minority students, but needs to keep striving. "I would consider race relations in the category of an improving situation, not a success. This battle is never-ending and certainly hasn't been won yet. People still come with racial prejudice, and somehow liberal education is supposed to diminish your pre-existing prejudices." To help change such attitudes, Sanford has written letters and booklets on prejudice and sent them to the student body. This spring he received the C. Eric Lincoln Award, given by the campus chapter of Kappa Alpha Psi, a historically black fraternity, to honor his work as a "role model for aspiring human citizens." In his address at the award ceremony, St. Augustine's College President Prezell Robinson noted that "a president of a university is seldom recognized in this area." Sanford, said Robinson, "took his stand facing the future, when others moaned the past."

In the minds of many, the athletic program has been only a qualified success under Sanford. Despite some ups and downs, basketball seems healthy, and the university has been almost entirely free of recruiting scandal. But sports victories are hard won at Duke, especially on the football field. And under Sanford, Duke has fired two football coaches. Recruiting enough quality athletes has been a major problem.

Says Sanford: "I've had this philosophy about Duke University's academic standards in recruiting and fielding winning teams. And I'm right. Now, I haven't been proven right in football, but that's not because the policy's not right. The policy is that we recruit nationwide, that we recruit only students who can make it at Duke." Good athletes do get special consideration in the admissions competition, says Sanford, but admissions officials make the final decisions. "It's professional decision, and the coach can't interfere with it and nobody else will interfere with it." The policy significantly reduces the recruiting pool for football players. But Sanford sees a virtue in it where others see a drawback. "We've got the best recruiting situation in the country. There are plenty of people out there who can make it at Duke who are very good athletes. Because they're outstanding athletes with interests in the athletic and academic strengths alike of a campus, Yale and Brown and Harvard can't compete for them. In attracting student-athletes, the only schools we really compete with—now this may not be literally true—are Notre Dame and Stanford. Well, there are plenty for all three of us."

Sanford attends many games, and sees extracurricular life as a legitimate part of university life. In his earlier Alumni Register interview with James David Barber, he said, "I don't think we have the right degree of intellectual community here." Somehow, he went on, "the community is not quite of the scholars and the scholars aren't quite into the university community." but Sanford feels much better about that community today, and is wary of emphasizing scholarship to the point where extracurricular life all but vanishes: "I don't want people walking across the campus all the time talking about Chaucer when they could be talking about the Maryland game. I mean that it's artificial, and we don't want a bunch of nerds. We want a bunch of well-educated citizens. I think we've got a very wholesome, healthy intellectual atmosphere here."

Because of overcrowded dorms, students have noted a need for improvement in Duke's residential atmosphere. Duke has been admitting more students than it can comfortably house, says ASDU president Marty November, despite administration promises to limit the numbers. A new residential college for East Campus—with housing for about 400 students and for some professors, a cafeteria, and seminar and lounge areas—is under discussion. November credits Sanford with pushing the idea.

As Sanford sees it, the next big push for Duke—and the challenge to his successor, Duke chancellor H. Keith H. Brodie—is to enhance the academic base. Within the next ten years, retirements will create numerous faculty openings. "We are going to have more vacancies in the faculty than at any time since Duke became a university," Sanford says. "We've got an outstanding faculty. But here we could have one the equal of any, and so that's the big test." To replace retiring professors with the best and brightest candidates available, and to nourish the arts and sciences generally, the university has launched a $200-million capital campaign. Joel Fleishman is the campaign chairman.

To Sanford, this boost for the arts and sciences is fundamental. "It's so easy, comparatively, to get money for the professional schools." The challenge is greater with the arts and sciences. "They aren't as glamorous as a business school, but they're far more important. The reason for our having a medical school, the reason for our having a hospital, is the fact that we've got a university here." And the heart of the university, he says, is the arts and sciences. "We need gentleness and compassion and tolerance and sensitivity more than ever," Sanford has said. "And so all of these civilizing influences of the humanities and the arts are more important now than they've ever been.

"I would like to think that when people graduate from Duke, that they not only have the intellectual capacity to be called graduates of Duke, that they not only have the inquiring critical mind that ought to come from that, that they not only have the discipline of precise work, that they not only have sharpened whatever creative talents they may have possessed, that they not only have learned to deal with people and exert a degree of leadership that ought to come with being a Duke graduate—but beyond all those intellectual things, that they have a soul and compassion and concern to make creativity and leadership worthwhile."

Despite occasional student demonstrations, angry alumni who draw no consolation from sports results, the Nixon library that never was, and faculty members furious at perceived power grabs, Sanford says, "I barely had an unpleasant moment here." Being president of Duke is "one of the most pleasant jobs in the world, and one of the most satisfying."

[From the Washington Post, July 1, 1985]

TERRY SANFORD: IN PURSUIT OF EXCELLENCE

(By Jonathan Yardley)

Terry Sanford's tenure as president of Duke University ended the other day, and with it one of the most remarkable careers in contemporary American public life. This is not, to be sure, intended as a premature obituary; Sanford is youthful and vigorous at 68, and the possibility that the political itch will once again strike him cannot be discounted. But his departure from Duke closes out a significant chapter of his life, and provides a suitable opportunity to pay tribute both to his accomplishments and to the man himself.

To do so at this particular moment is especially appropriate, for Sanford's entire career has been spent in service to the educational causes to which the nation now seems determined to recommit itself. From his term as governor of North Carolina in the early '60s through his decade and a half at Duke, Sanford has worked—perhaps more successfully than any other individual in the country—to improve education at every level from kindergarten through graduate school. He lifted North Carolina's public schools off the bottom of the heap, then guided Duke into the elite of higher education; more important than either, perhaps, he set an example that has been widely emulated in many other states and the federal government as well.

Not many would have predicted such a record for Sanford when he entered the 1960 governor's race in North Carolina. He was then widely viewed as a callow and perhaps opportunistic professional politician; for that matter his eventual victory was something of a fluke that owed much to a three-way split of the "moderate" vote in the first Democratic primary. When he became an early supporter of John F. Kennedy, he alienated many conservative North Carolinians and raised further doubts about opportunism; his victory in the general election was by a margin relatively narrow for what was then still a solidly Democratic state.

Yet if his critics (among whom I, as a student editor at Chapel Hill, was numbered) had looked more objectively at Sanford's endorsement of Kennedy, they would have recognized it as a sign of the independence and courage he subsequently exercised with impressive frequency. Immediately upon taking office he presented a major education program to the General Assembly—a body noted primarily for its rigid conservatism and provincialism—and guided it to enactment. Teacher salaries went up 22 percent, a statewide system of community colleges was established, the North Carolina School of the Arts was created; the foundation was laid by Sanford for the more sophisticated and expensive educational im-

provements that may prove to be the chief legacy of the state's most recent ex-governor, James B. Hunt, Jr.

Sanford was similarly enlightened on matters of race. In his inaugural address he said that "no group of our citizens can he denied the right to participate in the opportunities of first-class citizenship"—fighting words, in the North Carolina of 1961— and then went about doing as much as to guarantee that right as the political climate permitted. This was well before it has become established in law that government had a responsibility to take affirmative action to ensure civil rights, so Sanford's principal recourse was to encourage voluntary action, primarily through a series of Good Neighbor Councils that he set up around the state. The effect of his efforts was not so much to alter institutions—that awaited the Civil Rights Act of 1964 and the Voting Rights Act of 1965—as to change the climate of opinion, to ease the way for white North Carolinians to accept desegregation without violence.

When his term expired in 1965—North Carolina's governor could not then succeed himself—Sanford returned to the practice of law, though not with much evident enthusiasm. His real energies were reserved for the promotion of causes that interested him; he directed a major study of state governments, he became involved in educational television, he wrote a couple of intelligent if turgidly statesmanlike books. When Duke came calling in 1969, he leaped at the opportunity to reenter the educational wars, even as president of the archrival of his own alma mater, the University of North Carolina.

The wars at Duke were particularly bloody in 1969. The student protests had hit the campus so hard that the previous president had been driven away; there was immediate hostility toward Sanford, whom students were quick to dismiss as a mere "politician." But he handled the protests with humor and patience; recently he recalled, in an interview with The Chronical of Higher Education, that when a student leader angrily threatened to take over the administration building, he replied, "Well, if you take over Allen Building, take me with you, because I've been here for a month trying to take it over, and I haven't succeeded yet."

After that the students were Sanford's most ardent supporters, and he was freed to undertake the more difficult task of making Duke a first-class university. Though it already had many excellent faculty members and other assets purchased by the Duke tobacco fortune, it also had a reputation as a second-rate imitation (both academic and architectural) of an Ivy League school—a place where Princeton's rejects went, where the principal business was partying. That business still goes on, but Duke after 16 years of Sanford is a very different place: an internationally respected university with strong connections in the corporate and political worlds, connections made in large measure through the sheer force of Sanford's reputation. Duke now even has the dubious distinction of being one of the country's "hot" universities, one that this year turned down seven applicants for each one accepted.

Duke has been Sanford's principal business since 1969, but not his only one. In 1972 and again in 1976 he sought the Democratic nomination for the presidency, though he never got close and indeed the second time around was widely ridiculed in the political press as a perpetual candidate, an heir to the tradition of Harold Stassen. This said more about the insularity and myopia of the press than about Sanford, who in both 1972 and 1976 was by far the most distinguished, experienced, thoughtful candidate in either party. He should have gotten the job—he *deserved* it—and it is our loss that he did not.

This is because throughout his career Terry Sanford has been that greatest of rarities, a genuinely serious public man. Like many others he loves the arena of politics, with its fireworks and schemes, but more than anything else he has been deeply engaged with the real issues of the day. By contrast with the lightweights, charlatans and mountebanks who have been wished upon us as public figures in recent experience, Sanford has committed his career not to obfuscation and duplicity but to the pursuit of excellence. He has achieved about as much of it as anyone could reasonably hope for; if the fishing hole is really where he's headed, he deserves nothing but whoppers.

THE CALIFORNIA FIRES

Mr. WILSON. Mr. President, I rise to call the attention to this body to the courageous efforts that are being taken in my State and many Western States to battle hundreds of fires which have been burning for nearly 2 weeks and continue to rage out of control or would have but for their efforts. Mr. President, the news is grim. The facts highlight both the severity of the crisis and the heroic actions of the thousands that are trying to bring the fires under control.

In my State alone, there have been more than 1,009 fires, since the 28th of June. To date more than 292,000 acres of land have been destroyed and today, another 200,000 acres continue to burn. More than 225 homes have been destroyed and many more damaged, dozens of outbuildings have burnt as have numerous vehicles. In addition, 5 individuals have died in the fires and 142 have been injured. The total damage estimates presently range between $30 and $50 million.

To make matters worse, California and the Western region of the country have been experiencing continued 100 percent weather. Just when many of these fires have been contained, winds have picked up, at times exceeding 40 miles per hour, causing the fires to jump the fire lines and start anew.

Despite these devastating facts and conditions, the real story here is the selfless giving of thousands of individuals throughout the country to battle these fires. Given the exasperating facts it is indeed remarkable that so few lives have been lost and that hundreds of threatened homes have been saved.

Mr. President, the reason that the casualties have been few and the loss of homes low is the around the clock efforts offered by more than 10,300 firefighters—including personnel from 48 of the 50 States—and thousands of volunteers for almost 2 weeks.

These courageous actions are a tribute to the nature of our country—that when faced with a crisis, we come together as one to tackle a difficult situation. The fires have again fostered this reaction as many groups, from all over the country are integrally involved in the efforts to control the fires. Participating groups include: The U.S. Forest Service, the Bureau of Land Management, the California Department of Forestry, the Office of Emergency Services, the California Department of Corrections, the California Conservation Corps, city and county fire departments throughout the State of California, the California Highway Patrol, the Coast Guard, Caltrans, the American Red Cross, the Federal Emergency Management Agency, and thousands of other volunteers. Together these individuals have not only fought the fires, but helped to evacuate areas, feed and provide shelter for the victims, and meet any need that has arisen.

Mr. President, although the fires continue to burn and can be expected to last for at least several more days, I do want to take this opportunity to recognize and pay tribute to the thousands of individuals who have pulled together as one to fight the Nation's fire. The net result is a devastating situation that could have been far worse. The firefighters and other volunteers have had a tremendous impact, and we are indebted to them.

We pray that these fires will be brought under control and extinguished as quickly as possible. In the meantime, we can take solace in the fact that the gallant efforts of thousands of firefighters and volunteers have prevented this situation from being much worse. These individuals are modern-day heroes that have earned our respect, gratitude, and heart-felt thanks.

Mr. President, no words can describe the devastation of these fires, and I do not think any words can do justice to the heroism and the dedication of the firefighters who have been involved in seeing to it that the damage is contained at least insofar as they have been able to do it. It is an effort that excites not only admiration but tremendous gratitude. I am sure that my colleagues feel the same way. I know from conversations with my colleagues from the Western States where these fires are raging that we are deeply in the debt of those who have risked their lives making this heroic effort.

I do not know how many of my colleagues wish to be included in this statement. I would be delighted to have them do so. I am sure that virtually everyone on the floor joins me in extending our gratitude to these firefighters for their effort.

Mr. SYMMS. Mr. President, I thank the Senator from California for his comments and I join him in commending these brave people.

YOUNG AND GIFTED

Mr. BRADLEY. Mr. President, on February 7, I introduced the Jacob K. Javits Gifted and Talented Children's Education Act in an effort to provide funding for the identification and development of talented youth. Since that time, S. 452 has been referred to the Subcommittee on Education and is awaiting hearings which I anticipate will highlight the need for this funding.

I would like to take this opportunity to share an op-ed article recently appearing in the New York Times which was written by a gifted young man from Midland Park, NJ. David Cooke is a 15-year-old freshman at his local high school. Early in his educational career he was misdiagnosed as nearly retarded. He was, in fact, highly gifted and misunderstood. Fortunately for David, his family, and his community, he was reevaluated by a team of public school psychologists who recognized the special gifts he possessed. As a result, David receives more of the moral support and academic nurturing he needs to achieve his full potential as a person. Had this not occurred, David's special talents might never have been developed—to his detriment and society's.

Unfortunately, for every David Cooke there are two to three times as many American youth whose talents are wasted through misunderstanding and misdirection. There are nearly 2.5 million gifted and talented elementary and secondary students in the country, yet an estimated 40 to 60 percent of this population remain unidentified and 50 percent of the identified population is performing below its ability level. I believe the primary Federal role in aid to education is to help students with special needs achieve their full potential—both the educationally disadvantaged and the gifted and talented. The development of the gifted and talented among American youth calls out for our attention.

I submit the article by Mr. Cooke and request that it be printed in the RECORD. I commend it to my colleagues and hope that it will encourage them to support assistance to gifted and talented students.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUNG AND GIFTED

(By David Cooke)

MIDLAND PARK, NJ.—How vividly I remember my days at the playground in grade school. I was known as "El Stupido," and I used to crouch behind the garbage can to hide my shame. I was the teachers' woe, and was thought to be a lost cause. This went on until my parents transferred me from private school to a public school with an active child-study team. The psychologists discovered I was gifted, and so I moved from the ranks of the near-retarded to those of the highly regarded.

I moved quickly and naturally from being a failure to my present rank as intellectual superstar. Now that I am secure in my "giftee" status, I have been able to think about whether it is worth having. It is a mixed blessing, but honors courses are more fun than the more plebian type.

The advantages of giftedness are many. One normally gains a great deal of respect. The giftee is considered an authority on all matters, and his advice is rarely doubted. Being able to think more clearly, accurately and quickly is a great advantage, and I greatly enjoy thinking circles around my peers. I see the world in a different perspective than "normal" people. When someone else sees the Big Dipper, they see a nice pattern of stars. When I look at it though, I see Mizar, Alcor, Dubbe, Merek, Megrez, Phecda and Alkaid, and contemplate their three-dimensional spatial relations as well as their orientation to the northern celestial pole.

Advantages do not come without a price. Teachers, parents and friends expect much more of you, and it becomes a mortal sin to be mistaken. You are expected, at least by your peers, to know everything from pi calculated to 20 decimal places to the current price of National Medical Enterprises on the stock exchange. You are asked nonsensical questions about everything.

In addition to the standard problems, I have an unusually large vocabulary and a formal manner of speaking that I cannot seem to shake. This often causes me problems socially, because all my fellow students think of me as being the stereotype of the college professor who cannot "come down" and communicate on "human terms." I am often referred to as "the Resident Scientist" (which I do not at all mind), but more often I am called "egghead."

I look like a normal ninth grader (well, I could stand to lose a few pounds), but I am not treated like one. I am instead treated like something other than human, as if I had just beamed down from Mars. My quirky personality may have nothing to do with my intellectual interests, but somehow I just can't seem to fit into the crowd easily

My best social relations are with my Dungeons and Dragons Club, with the Chess Team and with the Future Scientists Club. Unfortunately, I find that the girls are not exactly charmed by a chess jock and have no faith in my future as a scientist. They want red-blooded football players, even if fat, ugly and stupid.

I tend to create a stir among adults as well as with people my age, though the reactions usually differ. While I am usually abused by people my age, adults are often shocked to hear me speak. They do not expect well-formed sentences with carefully chosen words. I will never forget the look on my doctor's face when I told him that I had what I suspected to be a fungal infection in the intercrural fold.

Loneliness is the price I seem to pay for my gifts. I have never had enough close friends who think as I do. In early childhood, I even created an imaginary playmate to try to cope with my loneliness. I do have several wonderful friends, extraordinarily gifted in math and other subjects. Sadly, I sense that they, too, are outsiders who spend a lot of time locked alone in their rooms. They don't go often to school dances, are rarely or never invited to parties and stay away from school sports events because they are also different from the crowd.

We are not sick, we are not neurotic: We are just different, lonely and acutely aware and regretful of our outsider status.

THE CONDITION OF THE INTERNATIONAL SYSTEM OF TRADE

Mr. DECONCINI. Mr. President, the April trade figures documenting the continued worsening trend in U.S. trade balances underscore the urgent need to develop a comprehensive, coordinated, and effective trade strategy. The rhetoric is stale, bilateral agreements have failed, and U.S. industries are continuing to hemorrhage as a result of unfair trading practices. It is time to end the war of words. It is time to act.

The 1980's have seen trade deficits skyrocket, climbing from $36 billion in 1980 to $109 billion in 1985. While the volume of oil imports was the primary cause for the deficits of the early 1980's, the trade imbalances which the United States faces today have resulted from the sharp reduction in the trading of manufactured and nonpetroleum products.

As the administration's fiscal policy took hold in 1981, the U.S. economy experienced a minirecovery and consumer demand in America grew by approximately 4 percent. Yet much of this growth in demand went to cheap imports. At the same time, other nations were experiencing recessions which depressed foreign demand for American products. This trend, coupled with an American dollar overvalued by 30 percent and the unfair trade barriers erected by foreign competitors, have had a devastating impact on our foreign trade posture. A large portion of our potential economic growth has been transferred abroad, resulting in the loss of hundreds of thousands of American jobs.

Despite the repeated assurances of the administration on the apparent strength of the U.S. economy, international trade imbalances continue to escalate and weaken the status of the United States in the world economy. The administration has paid lipservice to pleas for action from domestic industries and their employees. President Reagan stated: "It's time to start increasing American exports and to stop exporting American jobs." But the reality is that the administration's inaction on foreign predatory trade practices has left U.S. markets vulnerable and has induced U.S. industries to relocate, or purchase, or produce components abroad. Even under favorable trade conditions, there is little incentive for U.S. industries to return; under current conditions, there is almost no hope of luring these industries back to our shores. Equally distrubing to this Senator is the fact that what little effort the administration has exerted has been performed so perfunctorily that they have, as a

matter of course, failed to induce our competitors to remove trade barriers and open their markets to American products. So, the U.S. trade imbalances continue to escalate and no resolution is in sight.

Mr. President, current trade practices have had a devastating impact in three vital Arizona industries: the semiconductor, agriculture, and copper industries. Japan has proven to be the most formidable and predatory, yet by no means the only competitior in the semiconductor industry. The American semiconductor industry produces an excellent product and has always been on the cutting edge of technological advancements in this field. But let's take a look at what has happened to the semiconductor market over the past few years. In 1972, the value of foreign semiconductor imports as a percentage of the U.S. domestic market was 14.8 percent. By 1975, the value of these imports had almost doubled, reaching 28.8 percent of the domestic market. Estimates for 1984 show a 39.1-percent penetration of our market. This dramatic change has not occurred because our competitors produce a superior product. It is a pure and simple result of unfair trading practices on the part of foreign competitors.

In order to illustrate my point, I would like to bring to your attention a few facts on U.S. trade with Japan in the semiconductor industry. During the mid-1970's the Japanese Government decided to give the infant Japanese semiconductor industry a significant advantage in their own domestic market. They accomplished this by invoking a number of import quotas and by establishing foreign investment barriers designed to sharply reduce American manufacturers' share of the Japanese market. U.S. manufacturers' percentage of the Japanese market quickly dropped below 15 percent. By 1979, with their market share percentage remaining at the 14-percent level, American producers began to claim that unfair trade conditions existed. The United States and Japan entered into trade negotiations, and American semiconductor producers were told that strides had been made. Yet, by 1984, U.S. producers' share of the Japanese market had dropped to approximately 10 percent, even though the restrictions had supposedly been eased. In neutral markets, U.S. producers' control rests at about 47 percent. Researchers have estimated that an incremental increase in U.S. companies' sales to Japan would boost the U.S. share of the Japanese market from its current level of 10 percent to a more normal level of 20 percent. In the State of Arizona alone, this would create approximately 2,000 jobs, which in turn would generate about $50 million in wages. A $2 billion increase in sales would create 3,000 jobs and generate $78 million in wages.

I believe these figures speak for themselves. Something must be done to increase U.S. producers' access to Japanese markets. With domestic markets shrinking as a result of cheap imports and foreign markets closed by trade barriers, U.S. semiconductor firms are being forced to scale back operations or close their doors. Under current conditions, they have little hope of competing successfully. Finally, the industry is fighting back. Recently, the semiconductor industry filed a petition for relief under section 301 of the 1974 Trade Act. I support that action and urge the International Trade Commission to expedite the consideration of the petition. The semiconductor industry is critical not only to the State of Arizona, but to our national security interests as well. We simply cannot afford to stand idly by while foreign trading partners virtually lock their doors to our products.

In the agriculture industry, a slightly different problem exists. Though U.S. farmers have been able to maintain a positive trade balance, it is in fact a diminishing positive balance. Highly subsidized foreign agricultural products, particularly those of the European Economic Community [EEC], have resulted in huge international surpluses and the value of American commodities has all but bottomed out. In 1977, U.S. agricultural exports reached 112 million metric tons, totaling $24 billion. This means that each metric ton was valued at $210 million, with concessional Government programs and commercial exports financed under CCC export credit programs accounting for only 9 percent of this total value. By 1981, each of the 162 million metric tons was valued at $270 million, totaling $44 billion for the year. By 1983, this positive situation had been totally reversed. Agricultural exports dropped by 17.5 million metric tons and the value of these commodities decreased by $30 million to the level of $240 million per metric ton. Meanwhile, the percentage of total agricultural exports under Government concession programs and commercial exports financed under CCC export programs rose to 15.7 percent.

Again, an example can be taken from an industry in the State of Arizona to prove my point. Cotton is a major Arizona industry. In 1979, 34,641,487 pounds of Arizona cotton was produced for export. The dollar value of the cash receipts in 1979 dollars was $433 million. By 1983, just 4 years later, Arizona cotton exports had dropped to 23,540,824 pounds, bringing in only $423 million in 1983 dollars—a drop of more than $10 million. This drop has meant not only lost revenue to my home State, but also lost jobs.

American agriculture is facing its worst recession since the Great Depression. A significant portion of that depression can be traced directly to highly subsidized EEC products. The American Government has repeatedly sought relief under the general agreement on tariff and trade [GATT]. Some of these cases remain unresolved years after they have been filed. If the GATT process is ineffective in dealing with unfair trade practices, then we must take retaliatory actions to protect our domestic producers. to do nothing would be to succumb to a form of terrorism—trade terrorism.

The third Arizona industry that has been severely affected by unfair trading practices is the copper industry, with Chile being the biggest offender. In 1978, copper imports comprised 18.7 percent of the U.S. copper consumption. By 1980, they commanded a 21.9-percent share of the U.S. market. Foreign imports had risen to 22.8 percent of the U.S. market, while U.S. producers' share of foreign markets plummeted from a level of 18 percent in 1978 to 12.9 percent in 1983. Let me spell out what this has meant to the copper industry in Arizona.

Since 1979, 16 of the 20 copper mines in Arizona have been forced to shut down. In addition, two of the seven smelters have been forced to close. This has resulted in a cutback in the work force from 26,000 workers in 1979, to a low of 13,166 workers today. Over 50 percent of the Arizona copper workers are left unemployed.

Looking beyond the cost these closures have meant in human terms, this cost can also be seen through lost revenues. Copper production within the State of Arizona in 1979 was at a level of 1,043,000 short tons, valued at approximately $1.9 billion. By 1983, production levels had dropped by almost 25 percent, reaching only 748,000 short tons. The reduction in the monetary value is even more dramatic, with revenues coming to a mere $1.1 billion.

Losses of this magnitude significantly affect State revenues and both business and personal incomes. In 1980, the copper industry was responsible for $2.1 billion in personal income. By 1984, this figure had fallen to a level of only $1.5 billion—a decrease of more than half a billion dollars. This industry was responsible for $5.1 billion in business income in 1980, while in 1984, only $3.9 billion in revenues were produced—a loss of more than $1.2 billion. State and local governments experienced equally significant losses as a result of the decline of the copper industry. While Arizona governments collected $606 million in 1980, the amount generated in 1984 was only $412 million. This decline represents $194 million in lost revenues.

Mr. President, the State of Arizona cannot continue to absorb such monstrous losses within her industries. An organized effort must be adopted to face the challenges of today's economic realities. The lack of a comprehensive and cohesive trade policy has resulted in the United States becoming a debtor nation. In addition, it will soon have the dubious distinction of becoming the leading debtor nation in the world.

The enormous deficits of a principal trading nation, combined with huge surpluses in other nations, create a basic imbalance in the system of international trade. While a certain level of imbalance may be required to offset the debts arising in the developing world, import barriers and unfair export promotion policies have inhibited our ability to trade in the world marketplace. As the free market system, which generates growth, becomes more and more constrained, unemployment and the competitive status of the United States will continue to deteriorate.

If the free market system is not operating openly, then U.S. law must be adjusted to provide prompt relief to adversely impacted domestic industries. We cannot and should not have to wait 10 years or more for a GATT decision to rectify unfair trade practices which are hurting us now.

If foreign import controls cannot be loosened, then U.S. export incentives must be developed. The current administration must engage in efficient, aggressive strategies to offset U.S. trade deficits. It must take the lead and actively pursue a comprehensive, domestic, economic recovery program while promoting responsible international trade practices and a return to a truly free market system of trade. Substantive bilateral agreements could greatly assist in the attainment of new, realistic goals. International conferences, such as those recently proposed by President Reagan, are an important means for focusing international attention on the problem. Special credits or incentives could be granted to a nation for increasing imports of U.S. products. Careful, purposeful retaliation against trade barriers also should be pursued.

Ultimately, the obligation to develop responsible import-export strategies rests with the individual nations and their leaders. However, the United States is fully capable of taking the lead in reorienting the international trade system back to one which follows the principles of the free market. International cooperation in conjunction with wise domestic economic policies can lead to an expanded world growth of unlimited proportion.

CONGRESSIONAL CALL TO CONSCIENCE

Mr. LAXALT. Mr. President, as a participant in the 1985 Congressional Call to Consicence, I rise today to bring attention to the plight of Soviet Jews. I thank my esteemed colleague from the State of Minnesota, RUDY BOSCHWITZ, for his continuing efforts in this most humanitarian concern.

All of us in this Chamber today realize that we are very fortunate to live in a society of liberty, freedom, and justice. And while we enjoy the principles established by our Founding Fathers 209 years ago, we must not forget or overlook the fact that today in the Soviet Union some 10,000 people are being held as hostages in their own land. It is appaling to me as a citizen of the free world that innocent people are imprisoned and tortured, both physically and emotionally, in a modern day inquisition. Their only crime is that they were born Jewish.

Countless Soviet Jews apply for emigration visas each day. The Soviet Government, however, has continued to deny exit visas to the majority of applicants despite its endorsement of the Helsinki accords on international human rights. In fact, emigration figures dropped from a high of 51,000 in 1979 to a frightening 464 this year. The Iron Curtain has been drawn and we must raise our voice in outrage.

Let me now relay a story to you of a Jew caught in the web of the Soviet emigration process. This story is not atypical: it is representative of 10,000 Soviet refusniks.

Dan Shapira, a 24-year-old computer programmer applied for an emigration visa in 1980. He attended the prestigious Institute of Foreign Languages in Moscow where he experienced a great deal of anti-Semitic discrimination and ultimately decided to seek repartriation to Israel where he could live freely as a Jew. Shortly after filing an application, his father was dismissed from his professional position.

Dan's plight became serious due to his involvement with a well-known Soviet refusenik, Yuli Edelshtein. Mr. Edelshtein is a Hebrew teacher in the Soviet Union who is being held in prison and brutalized daily until "the religious ideas are beaten out of this head," according to one Soviet official. He is recognized by many of us here in Congress as a courageous individual, daring to defy Soviet tyranny. Dan, a student of Yuli Edelshtein was implicated in the investigations of this teacher, and the Soviets arrested and charged him with refusing to identify himself outside the courtroom during Edelshtein's trial.

Dan was arrested a second time in January 1985. Based upon letters of appeal he sent to Soviet officials requesting reconsideration of his visa application, Dan was charged with allegedly "defaming the Soviet state and social system," a charge which carries a maximum 3-year sentence. He was being held in Butyrka Prison pending further investigation and trial.

Dan is in poor health, suffering from a severe heart ailment and diabetes. His mother, Aleksandra, wrote to British Prime Minister Margaret Thatcher seeking intervention on Dan's behalf. Aleksandra appealed to the Prime Minister "both as a mother and as a leader of a nation."

In February 1985, it was reported that Soviet authorities had requested that Dan be hospitalized and tested for psychological disorders. On June 27, the Washington Post reported that Dan Shapira received a 2-year suspended jail sentence on charges of defaming the state.

In his book, "Abandonment of the Jews," David Wyman wrote of the world's indifference to the destruction of European Jewry in the horrors of Nazi death camps. Today we have the opportunity to atone for yesterday's inaction. We, as free citizens of the United States, have the responsibility to protest oppression and to demand freedom for the 10,000 Soviet refusniks.

Our voices together can save Soviet Jewry. I call today on the Soviet Union to abide by the Helsinki accords. I call for freedom for Soviet Jews.

SPACE TECHNOLOGY AND THE DISABLED

Mr. EXON. Mr. President, our space program has generated an amazing number of spinoff products. The solutions to the massive engineering problems required to conquer space have provided advances in miniaturization and materials. I want to bring to my colleagues' attention an example, one which was highlighted at the recent Paris air show, of how these advances are being spun off in order to meet the needs of the most vulnerable in our society.

There along with other Members of Congress who attended I saw some of the fruits of a joint effort of the public and private sector. This effort, the national initiative on technology and the disabled, will bring the liberating potential of advances in aerospace technology to individuals with disabilities. In the same way which we have conquered the frontier of space, through the application of technology, we can free the disabled from the constraints that confine them here on Earth. This is the focus of the national initiative on technology and the disabled, which is a collaborative activity between the private sector and several Federal agencies. The National Aeronautics and Space Administration [NASA] and the Department of De-

fense [DOD]—and the agency with leadership responsibility for assisting the disabled, the Department of Health and Human Services [HHS] are all involved in this effort. I understand the agencies currently involved plan to seek the cooperation of other Federal agencies which have a contribution to make.

Let me describe several devices displayed in Paris that demonstrated what aerospace technology has made possible: An advanced hearing device, a robotic arm and two wheelchairs. The hearing device, one which makes hearing possible for some who otherwise could not hear, is an implant with compact chips similar to ones developed in NASA and a silicone developed for aerospace. The lightweight robotic arm is made possible by circuits, batteries, and concepts that can be traced to the aerospace industry. There were two wheelchairs. One had longer charged batteries and variable speed control, both spinoffs from the lunar rover. The other was made from composite materials, strong, lightweight and noncorrosive materials developed originally to meet the needs of aerospace applications.

All these pieces of technology have the goal of making the disabled independent. But all this technology, ripe for transfer to meet the needs of the disabled, will be for naught if it does not reach individuals with disabilities. Thus I am pleased to see the initiative envisions a national network to link State or regional information systems through a central toll-free number. The network will make the benefits of technology available to all the disabled, even in the most rural parts of Nebraska. Its planners see it as a source of information for both individuals with disabilities and those who have skills and knowledge they are willing to share.

The network will also help to link individuals to TECH teams. Here "TECH" is not short for "technology" but rather an acronym for technology enlisted to conquer handicaps. TECH teams will include computer scientists, engineers, and other high-tech professionals. They will be local in organization and aided by sponsoring organizations, associations and businesses in high-tech fields which will encourage their members or employees to take active roles.

From our efforts to conquer the heavens we are enhancing the lives of those who suffer from physical disabilities on Earth. This is not an inevitable outcome. Together with the talent in the private sector we can hope to create technological miracles for our physically disabled citizens.

STRATEGIC DEFENSE

Mr. SYMMS. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Frank Hoeber. Mr. Hoeber is a noted analyst of strategic force requirements and is presently a member of the President's Advisory Committee on Arms Control to the Arms Control and Disarmament Agency. In his article, appearing in the July 5 Baltimore Sun, Mr. Hoeber raises issues that are central to any debate on national security affairs.

Mr. Hoeber points out as a central theme that nearly every element of our strategic modernization program is either late in becoming operational or reduced in quantity from the original planning figure, or both. As one example, Mr. Hoeber cites our diminished MX Program. Originally, we were going to have 200 MX's in a mobile basing mode. Now we will be lucky to have 40 or 50 in vulnerable Minuteman silos.

As another example, Mr. Hoeber brings up the B-1 bomber. The B-1A Program canceled by President Carter called for 244 B-1's. Now, even though we are building B-1's below cost and ahead of schedule, we are reducing the force to only 100 airplanes.

Mr. Hoeber forces us to take a wider perspective of where we stand in terms of our national security. And that security depends largely on American credibility. The world watches and asks, "Do the Americans do what they say they are going to do?"

Setting goals for maintaining effective armed forces is, of itself, not enough. We must systematically meet those goals that we pronounce to the world. Tough talk without action is empty talk. It is dangerous talk. It is talk that creates contempt for America among our enemies.

In this respect, the hostage crisis and the sudden Soviet willingness to meet in Geneva may be related. After all, a nation that says it is going to build its armed forces to meet new threats and then neglects doing so is a chicken ripe for the plucking. And vultures such as the Soviets and their clients, the international terrorists, are quick to take advantage of any opportunity.

The picture Mr. Hoeber paints is a grim one, but it is reality. I commend it to all my colleagues.

The article follows:

[From the Baltimore Sun, July 5, 1985]

STRATEGIC DEFENSE

(By Francis P. Hoeber)

The most serious problem in America's strategic nuclear posture is many over-aged weapons. To allow things to remain the same is to let them slip backward, since the Soviets continue to modernize their strategic forces.

The administration has a program to modernize U.S. strategic forces. Its main components are: (1) the MX missile, to increase the accuracy and number of warheads in our ICBM force; (2) the Trident submarines, with Trident I (C-4) missiles, to be replaced with the Trident II, or D-5 missiles, to improve the range, survivability and accuracy of the fleet ballistic missile force; (3) the B-1B bomber, plus research and development on the Stealth bomber, to start replacement of the over-age B-52s; and (4) the Strategic Defense Initiative (SDI), to explore the possibilities of an effective defense of our silos and other hard targets, our allies, and, in perhaps 15 to 20 years, the national territory.

This is a worthwhile, if belated, program. But as new weapons appear and could be deployed, plans and appropriations for their deployment are cut or eliminated because there always seems to be some newer technology on the horizon which will make the current model obsolescent.

Congress and its advisers dither about weapons being too expensive, about giving the executive too much power, and about how much faith to have in arms control. As a result, almost every key element of the modernization program is coming too little and too late. Let us consider each of the major programs.

1. The MX. After abandoning a long succession of schemes to give the MX mobility for greater survivability than the Minuteman, plus visibility for arms control verification (an assignment for Rube Goldberg, and the resultant schemes all looked it), a decision was made to put the MX in vulnerable Minuteman silos (while the Soviet "MX," the SS-24, goes on camouflaged railroad cars). The original planning number of 200 MXs, with 2,000 warheads (as compared with 1,650 warheads in the entire Minuteman force), has been reduced by the administration to 100, with 1,000 warheads in 100 Minuteman II silos (replacing 300 of the less accurate warheads, for a net increase of only 700). Congress, flexing its muscles, is arguing about whether the maximum number of MXs should be 40 or 50, with the smart money now on 40. Congress wants to wait on the hoped-for Midgetman small ICBM, some or all in a mobile deployment.

2. The Trident program has been stretched out by several years. Originally planned for three submarines a year, beginning in 1978, it was cut to less than half that rate, beginning 1981. When the seventh boat goes into service this fall, its missiles would put us 14 over the limit of 1,200 in the unratified SALT II Treaty. The president has decided to dismantle one Poseidon submarine with 16 missiles in order not to "undercut" the treaty. The treaty expires at the end of the year, but the United States could decide to continue "not undercutting" it, despite accumulating official evidence of Soviet non-compliance with it.

3. The B-1B program continues. However, the original program of 240 B-1As, cancelled in 1977, was cut to 100 B-1Bs when President Reagan restarted the program in 1981. This cut is reflected in the B-1B cost of $200 million each. Yet, all proposals to extend the program at 20-30 percent lower unit costs have been scotched by the Air Force, the administration, and the Congress, in the expectation of a follow-on "stealthy" bomber. The latter's cost is still unknown, but available guesses are that it will be well over $300 million a copy, and the capacity and successful performance of the plane have yet to be demonstrated. Its availability date "in the 1990s" has not been fixed. There are reports of production money for the aircraft being stealthily put in the Fiscal 1986 Defense budget under a secret, or "black," program named Aurora, at a cost not shown in the budget. If true, this is a horror case of procuring an untested weapon. Nevertheless, even modest funds

to keep the B-1 production line alive as a hedge against failures or delays in the Stealth bomber program have not been made available, and seem unlikely to be. This appears to be a replay of the 1977 cancellation of the B-1 on the ground that the untested cruise missile was coming down the pike (making the B-52s almost immortal). As we now know, the paper cruise missile of 1977 showed deficiencies when it was flight tested, escalated in cost, and has already necessitated a forthcoming successor, the Advanced Cruise Missile (ACM).

4. Finally, there is the SDI with its potential for increasing deterrence by moving us from a punishment-only mutual assured destruction (MAD) doctrine to effective denial of enemy objectives. This initiative is about to be severely cut back by an economy-minded Congress. Even this new (1983) program has a distressing tendency to put off for the future what could be done today, or at least tomorrow. It focuses on future programs for near-perfect defenses to be procured by some future president instead of starting soon with what can be done with current technology across the board, including air and civil defenses, and anti-tactical and intermediate-range ballistic missile defenses for our NATO allies. This is so despite vast Soviet air and civil defenses, and growing ballistic missile defense potential, accompanied by ABM Treaty violations and a treaty "breakout" or "creep-out potential.

All of this adds up to a half-hearted, marginal modernization program. It seems to represent what Senator John Glenn has accurately called a "technological filibuster" by those opposed to new weapons: There is always a "better" weapon on the drawing board. It also means complacency in the face of continuing, vigorous Soviet modernization of their strategic forces, which already exceed ours in virtually all key aspects. The Soviets are also pressing vigorous ABM research, violating the ABM Treaty, and waging an all-out campaign to stop the U.S. SDI both in arms negotiations and in widespread propaganda attacks.

The Reagan buildup of U.S. defense capabilities and budget, in accordance with his platforms and clear mandates in two elections, seems to be over. The Congress seems set on ending real growth in the defense budget, after inflation, or even cutting it. The United States spent 9 to 10 percent of its GNP on defenses for over two peacetime decades—and prospered. Surely the current 6 percent can be sustained, or, if necessary, increased, as long as the Soviet threat keeps growing.

Congress, increasingly bent on curbing the executive since the War Powers Act of 1973, makes the MX, the SDI and other programs hostage to "progress" in arms control negotiations. The meager achievements of arms control in the past suggest that what we can accomplish through negotiations requires political will, demonstrated by actual deployments, not just "bargaining chips" (too often given away). It is not bargaining chips but the over-all position from which we bargain that counts.

Have we lost out common business sense, in a frenzy of budget cutting, forgetting that stop-and-go planning is costly, and conventional arms parity far costlier than maintaining our nuclear deterrent? Have we lost our nerve? Our political will? Are we bent on weakening both national security and arms control efforts further and on subjecting ourselves to increasing diplomatic coercion, with unavoidable appeasement?

The president's recent announcement that he would adhere to the SALT II limits may buy time for further pressure on the Soviets to reverse their violations of the treaty. Dare we hope that the Congress will cooperate by sustaining the force modernization program in order to strengthen our position for both bargaining and deterrence?

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTI-APARTHEID ACTION ACT OF 1985

Mr. DOLE. Mr. President, I understand we may be able to move to S. 995. I ask unanimous consent that the order for the yeas and nays on the motion to proceed to S. 995 be vitiated.

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, I just hope that we can have a rollcall vote on the motion to proceed.

Mr. DOLE. Mr. President, what we are trying to do is to avoid interrupting about 11 committees that are in session.

Mr. KENNEDY. Mr. President, I do wish to accommodate the other functions of the Senate. I would think that we could set a time that would accommodate Senators. I would expect that the floor manager, the ranking member, and others could speak and maybe make opening statements at this time which could be placed into the RECORD after the vote. The chairman of the committee, the ranking minority member, and others could have the opportunity to speak on the issue.

Mr. President, I will be glad to see us establish a time to accommodate Members for that vote.

Mr. DOLE. Mr. President, I do not want others coming back and saying if we have a rollcall vote, it will have to be tomorrow.

Mr. President, I might say that we believe we can complete action on this bill today. We would also like to complete action on the State Department nominees today. There are a lot of other things we would like to do today, but if we can do those two things, we probably would not be in tomorrow.

Mr. KENNEDY. Mr. President, I want to give assurance to the leader that I am quite willing to have a time set. I would certainly support his efforts. We were prepared yesterday for a long period of time, and we are prepared today.

Mr. DOLE. Mr. President, the leader has another problem, a cloture motion on the bill, which is a substitute. Amendments on both sides, however, would not be germane. It would seem to me that one way to dispose of the bill might be that once we get on the bill, to make some judgment whether we are going to have all these amendments or whether we should file a cloture motion and have that vote maybe sometime next week.

In any event, I think most of it could be worked out. Let me check and see if we can agree to a vote at noon on the motion to proceed. In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the vote on the motion to proceed occur at 12 noon.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

RECESS UNTIL 12 NOON

Mr. DOLE. Mr. President, I move the Senate stand in recess until 12 noon.

The motion was agreed to, and at 11:29 a.m., the Senate recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STAFFORD).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANTI-APARTHEID ACTION ACT OF 1985

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the yeas and nays on the motion to proceed to S. 995 be vitiated.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The question now is on agreeing to the motion to proceed to S. 995, the Anti-Apartheid Action Act of 1985.

The motion was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 995) to express the opposition of the United States to the apartheid policies

of the Government of South Africa and to encourage South Africa to abandon such policies.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Anti-Apartheid Action Act of 1985".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) the policy and practice of apartheid—

(A) deliberately separates millions of South African "migrant" workers from their families;

(B) denies meaningful, democratic participation in the political process to the majority of the South African population;

(C) consigns the mass of South African citizenry to lives of economic and educational deprivation;

(D) denies black citizens of South Africa the right to travel freely within their own country;

(E) leads to the arbitrary government confiscation of the private property legally owned by black South African nationals;

(F) tries to deprive many South African citizens of South African citizenship;

(2) the policy and practice of apartheid is repugnant to the moral and political values of democratic and free societies, and runs counter to United States policies to promote democratic governments throughout the world and respect for human rights; and

(3) it is the policy of the United States to promote peaceful change in South Africa through diplomatic means, but also, where necessary and appropriate, through the adoption of other measures, in conjunction with our allies, in order to reinforce United States opposition to apartheid.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; or

(B) a corporation, partnership, or other enterprise if—

(i) natural persons who are nationals of the United States own or control, directly or indirectly, more than 50 per centum of the outstanding voting securities;

(ii) natural persons who are nationals of the United States own or control, directly or indirectly 25 per centum or more of the voting securities, and natural persons of another nationality do not own or control an equal or larger percentage;

(iii) any natural person who is a national of the United States operates the corporation, partnership, or enterprise pursuant to the provisions of an exclusive management contract;

(iv) a majority of the members of the board of directors are also members of the comparable governing body of a corporation or legal entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(v) natural persons who are nationals of the United States have authority to appoint the chief operating officer; and

(2) the term "South Africa" refers to the territory that constituted the Republic of South Africa on May 31, 1961.

SCHOLARSHIPS FOR BLACK SOUTH AFRICANS

SEC. 4. Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Beginning with the fiscal year 1986, and for each fiscal year thereafter, $15,000,000 of assistance provided under this section by the Administrator of the agency primarily responsible for administering this part of this Act shall be used to finance scholarships for black South Africans who are attending universities, colleges, and secondary schools in South Africa and who are selected in accordance with subparagraph (B). Of the funds available under the preceding sentence to carry out this subparagraph, not less than $5,000,000 shall be available only for assistance to full-time teachers or other educational professionals pursuing studies toward the improvement of their professional credentials.

"(B) Individuals for whom scholarships are financed under subparagraph (A) shall be selected by a national panel or by regional panels composed solely of members of the teaching profession appointed by the United States chief of diplomatic mission to South Africa. No such individual may be selected through any contract entered into with the agency primarily responsible for administering this part of this Act.".

HUMAN RIGHTS FUND

SEC. 5. (a) Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1984 and" and inserting in lieu thereof "1984,";

(2) by inserting after "1985" a comma and the following: "and $1,500,000 for the fiscal year 1986, and for each fiscal year thereafter"; and

(3) by adding at the end thereof the following: "Grants under this paragraph shall be made by the Assistant Secretary for Human Rights and Humanitarian Affairs.".

(b) Section 116 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Not less than 20 percent of the funds authorized to be appropriated by this section shall be used specifically to support human rights activities including, but not limited to, the investigation of the killing of protesters and prisoners in South Africa, legal assistance to persons prosecuted for fundamentally political reasons in South Africa, and church and legal assistance activities for the betterment of human rights in South Africa for disadvantaged persons. Such assistance shall be made available through the Legal Resources Center, the South African Council of Churches, the Black Sash, and other similar organizations determined to be appropriate by the Secretary of State in consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.".

EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

SEC. 6. (a) The Congress declares—

(1) that the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses,

is an affront to the values of a free society.

(b) The Congress hereby—

(1) applauds the commitment of nationals of the United States adhering to the principles set forth in section 11 to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

(c) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 per centum beneficial ownership by South African blacks or other nonwhite South Africans.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7. Section 237(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "(a) Insurance" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2), insurance"; and

(2) by adding at the end thereof the following:

"(2) Insurance, reinsurance, and guaranties of loans may be issued to cover an investment made in connection with a project in South Africa, notwithstanding the absence of an agreement with the Government of South Africa, if such investment is otherwise eligible under this title, except that—

"(A) the issuance of any such insurance, reinsurance, or guaranty shall only be made to promote joint ventures between business enterprises controlled or owned by South African blacks or other nonwhite South Africans and business enterprises controlled or owned by United States nationals; and

"(B) the national of the United States holds a minority interest or agrees to relinquish its majority interest during the course of the joint venture.".

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 8. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

(1) by striking out "(9) In" and inserting in lieu thereof "(9)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end thereof the following:

"(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (c) of subparagraph (A) shall not apply to exports to or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans.".

LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

SEC. 9. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans,

(2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their long-term employment services on behalf of the United States Government, and

(3) for the employment services of South Africans arranged by contract,

should represent the best of American labor practices and should serve as a model for the labor practices of nationals of the United States in South Africa.

(b) Notwithstanding any other law, the Secretary of State and any other head of a

department or agency of the United States carrying out activities in South Africa shall promptly take the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the principles set forth in section 11.

EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA

SEC. 10. (a) Any national of the United States that employs more than 25 persons in South Africa shall take the necessary steps to insure that those principles relating to employment practices set forth in section 11 are implemented.

(b) No department or agency of the United States may intercede with any foreign government or any national regarding the export marketing activities in any country of any national of the United States employing more than twenty-five persons in South Africa that is not implementing the principles relating to employment practices in South Africa set forth in section 11. The Secretary of State shall promulgate such regulations as are necessary to implement this section.

STATEMENT OF PRINCIPLES

SEC. 11. (a) The principles referred to in sections 9 and 10 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees without regard to race or ethnic origin, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees without regard to race or ethnic origin; and

(B)(i) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and (ii) abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Assuring that the pay system is equitably applied to all employees without regard to race or ethnic origin, including—

(A) assuring that any wage and salary structure that is implemented is applied equally to all employees without regard to race or ethnic origin;

(B) eliminating any distinctions between hourly and salaried job classifications on the basis of race or ethnic origin; and

(C) eliminating any inequities in seniority and ingrade benefits which are based on race or ethnic origin.

(4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, including establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs; and

(D) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization or sponsoring, controlling, or contributing financial or other assistance to it, except that an employer may permit employees to confer with the employer during working hours without loss of time or pay,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph; and

(C)(i) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, (ii) allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and (iii) allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times where there are no other available channels which will enable the labor organization to communicate with employees through reasonable efforts.

(b) The Secretary of State may issue guidelines and criteria to assist persons who are or may be subject to this section in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

(c) The Secretary of State may promulgate such regulations as the Secretary may deem necessary to implement the provisions of this Act. The Secretary may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation. The Secretary may require all persons referred to in subsection (a) to register with the Department of State.

(d) Any person who willfully violates any rule or regulation issued under this section or who willfully, in a registration statement or report required by the Secretary, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $1,000,000 or imprisoned not more than two years, or both.

(e) In carrying out functions under this section, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act, subject to the same terms and conditions as are applicable to such powers under such Act. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress.

(f) Notwithstanding any other provision of law, the Secretary may enter into contracts with one or more private organizations or individuals to assist the Secretary on implementing this section.

NUCLEAR TRADE BETWEEN THE UNITED STATES AND SOUTH AFRICA

SEC. 12. (a) Except as provided in subsection (b) and notwithstanding any other provision of law—

(1) no license may be issued for the export to South Africa of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary of State, are likely to be diverted for use in such a facility;

(2) no authorization to engage, directly or indirectly, in the production of any special nuclear material in South Africa may be given;

(3) no license may be issued for the export to South Africa of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and

(4) no retransfer to South Africa of any goods, technology, special nuclear material, components, items or substances described in paragraph (1), (2), or (3) may be approved.

(b) The provisions of subsection (a) shall not apply if the Secretary of State determines and certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of South Africa is a party to the Treaty on the Non-

Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968.

EXPORTS TO SOUTH AFRICAN GOVERNMENT

SEC. 13. Section 6 of the Export Administration Act of 1979 (10 U.S.C. App. 2405) is amended by adding at the end the following:

"(l) EXPORTS TO SOUTH AFRICA.—(1) No computers, computer software, or goods or technology intended to service computers may be exported, directly or indirectly, to the following entities of the Government of South Africa:

"(A) the military,

"(B) the police,

"(C) the prison system,

"(D) the national security agencies,

"(E) the administering authority for the black passbook and the book of life systems,

"(F) the administering authority for the production and procurement of military equipment, and

"(G) any other entity of the Government of South Africa that administers programs which directly discriminate against nonwhites.

"(2) For purposes of paragraph (1), the term 'computer' includes any computer that is the direct product of technology of United States origin.

"(3) The termination provisions contained in section 20 of this Act shall not apply to this subsection, or to sections 11 and 12 of this Act to the extent such sections apply to violations of, and the enforcement of, this subsection.".

PROHIBITION ON LOANS TO THE SOUTH AFRICAN GOVERNMENT

SEC. 14. (a) No national of the United States may make any loan or other extension of credit, directly or through a foreign affiliate of that United States national, to the Government of South Africa or to any corporation, partnership or other organization which is owned or controlled by the Government of South Africa, as determined under regulations which the President shall issue.

(b) The prohibition contained in subsection (a) shall not apply to—

(1) a loan or extension of credit for any educational, housing, or health facility which—

(A) is available to all persons on a nondiscriminatory basis; and

(B) is located in a geographic area accessible to all population groups without any legal or administrative restriction; or

(2) a loan or extension of credit for which an agreement is entered into before the date of enactment of this Act.

(c) The President shall issue the regulations referred to in subsection (a) not later than ninety days after the date of enactment of this Act.

REPORT AND POLICY ON ECONOMIC SANCTIONS

SEC. 15. (a) It shall be the policy of the United States to impose economic sanctions against the Government of South Africa if, within eighteen months of the date of enactment of this Act, but not later than March 1, 1987, significant progress has not been made toward ending the policy of apartheid.

(b) The President shall, by means of both bilateral and multilateral negotiations with other nations, develop appropriate multilateral economic sanctions against the Government of South Africa. Not later than twelve months after the date of enactment of this Act, and at intervals of twelve months thereafter, the President shall submit to the Congress a report on the status of such negotiations.

(c) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within eighteen months of the date of enactment of this Act, but not later than March 1, 1987, and every twelve months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—

(1) a detailed assessment of the extent to which the Government of South Africa has made progress in—

(A) housing black workers with their families;

(B) abolishing the pass laws which prevent blacks from moving freely into the cities;

(C) terminating the migrant labor system;

(D) allowing unrestricted labor union rights for all; and

(E) increasing local investment in black education and training;

(2) a determination by the President as to whether significant progress has been made in achieving the purposes described in clauses (A) through (E) of paragraph (1); and

(3) if the President determines under paragraph (2) that significant progress has not been made, a recommendation as to which of the following sanctions should be imposed:

(A) A ban on new commercial investment in South Africa.

(B) A ban on the importation of South African Krugerrands.

(C) A denial of most-favored-nation status to South Africa.

(D) Other economic or political sanctions.

(d)(1) Any joint resolution which—

(A) would enact part or all of the sanctions described in clauses (A) through (D) of subsection (c)(3), and

(B) is introduced in the Senate after the date of receipt of the report required by subsection (c), shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that, for purposes of section 601(b)(3)(A) of such Act, a reference to the "same certification" shall be deemed to be a reference to the report required by subsection (c).

(2) For the purpose of expediting the consideration and enactment of a joint resolution which is described in paragraph (1) and which is introduced in the House of Representatives after the date of receipt of the report required by subsection (c), a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, this legislation, S. 995, has been placed before the Senate as a product of careful consideration by the Foreign Relations Committee. We held three hearings on American policy toward South Africa to hear from the administration, from members of former administrations, and experts in the private sector. On June 4, we met to mark up the legislation on South Africa.

I am pleased to note that this legislation was reported out of committee by a vote of 16 to 1. I am certain that my distinguished colleague from Rhode Island [Mr. PELL], the ranking minority member of the committee, and the distinguished Senator from California [Mr. CRANSTON], the manager of the bill, are as pleased as I am that we were able to address a very controversial issue without rancor or partisanship. With the able assistance of all members, we were able to craft a bill that has received genuine bipartisan support in the committee and we believe it merits bipartisan support by the full Senate.

The bill provides for direct, tangible assistance to the black population of South Africa in three important areas: education, human rights, and economic rights. It provides $15 million for scholarships to black South Africans to complete their schooling in South Africa. Because of the legacy of apartheid, millions of capable, eager black youths drop out of school each year. They are thus denied the ability to contribute to the economic and social betterment of their own country. For all South Africans, white and black, this is a tragedy since there is so much that could be accomplished if only black citizens were allowed to make the full contribution they can make to the economic and political systems of their country.

The bill also provides for a permanent Kassebaum human rights grant program. This program was established in 1983 at the initiative of the Senator of Kansas, NANCY KASSEBAUM, the chairman of the African Affairs Subcommittee. The program provides direct grants of up to $10,000 to organizations in South Africa promoting a more just society or aiding victims of apartheid. It had been in operation for 18 months and is considered by our diplomatic representatives in South Africa and by South Africans themselves to be a very positive contribution to the evolution of their society away from apartheid.

Further, the bill provides for a concerted U.S. Government effort to promote black-owned enterprises in South Africa, through U.S. Government programs such as the Eximbank and the Overseas Private Investment Corporation. Black South Africans—80 percent of the population—have been systematically denied the right to participate fully in the South African political and economic activities. One of the longstanding principles of apartheid has been to deny blacks the right to compete with whites as entrepreneurs, owners, and managers in business enterprises. Because of a host of restrictions on black businesses, many South

Africans have come to identify free enterprise with the apartheid system. In fact, nothing could be more contrary to the free enterprise system than the concept of apartheid. Our bill seeks to assist black South Africans to overcome the legacy of apartheid in this important area.

The bill also provides for the mandating of the Sullivan principles for all American firms operating in South Africa who employ more than 25 employees. We also make mandatory those same principles for the U.S. Government since we employ 181 South Africans in the conduct of our diplomatic and consular missions in that country. What we demand from the American business community, we demand from ourselves. That is only fair. The penalty for noncompliance with the Sullivan principles is specified in the bill as a cutoff of American Government assistance for the export activities of noncomplying firms throughout the world.

Companies that are not good corporate citizens in South Africa should not benefit from the prestige and activities of the U.S. Government and U.S. embassies in other countries. For many companies which are engaged in large-scale projects, this provision is onerous and they have complained. But the mandating of the principles requires some teeth to show that we are serious about this provision.

There has been some confusion over the wording in section 10(d) of the bill. This section imposes criminal penalties on persons who willfully violate any rule or regulation issued under this section or who willfully * * * et cetera.

These regulations will establish procedures for reporting on compliance by U.S. persons with the principles listed in section 10.

The penalties in section 10(d) thus apply to the reporting and registration procedures which may be required by the Secretary of State.

Penalties for failure of a company to implement the principles in section 10 are spelled out in section 9(b) of the bill.

The bill makes it American policy to impose economic sanctions against South Africa in 18 months if there is not significant progress in the elimination of apartheid. This is not a sanctions bill, I would like to emphasize. But it is a bill that places the South African Government on notice that good relations with the United States requires real reform. If they make progress on apartheid, there will be no need for sanctions in 18 months.

The bill also makes clear to the South African Government that we disapprove strongly of their system of racial segregation. It prohibits a variety of U.S. relations with the Government of South Africa. It forbids, for instance, the extension of loans to the South African Government agencies that are responsible for enforcing apartheid. It prohibits the sale of technology or goods for the South African Government-controlled nuclear industry.

The purpose of this bill is thus twofold. To assist black South Africans gain their legitimate rights in their own country and to distance the United States from the evils of the apartheid system.

If I may return to the 16-to-1 vote, I would like to note that this level of bipartisanship is rare on such a sensitive political topic. The bill, as reported out of the committee, represents a carefully crafted effort to achieve a consensus in the Senate to send a unanimous message to South Africa.

Apartheid is a system of ordering society that is very much counter to American concepts of democracy and justice. We have to seek to combat apartheid in effective ways.

American influence in South Africa is limited, but not non-existent. We have to seek ways to channel our influence to promote an end to apartheid. We have worked hard in committee on this issue and have reported out a bill that makes a positive contribution toward promoting an end to apartheid.

Mr. President, if I could have the attention of Senators for a moment both on the floor and in their offices, I have consulted with the leadership on our side, and with the distinguished leadership on the Democratic side with regard to the handling of this bill. We have already had a full day of debate on the motion to proceed. It is obvious that we are dealing with an issue that is very important and also sensitive and controversial. In the committee we had a day of hearings, as I mentioned, a constructive markup, and a remarkably good consensus on an issue that is important in our foreign policy, and likewise a statement of our domestic intent. We have come to a piece of legislation which in my judgment is a reasonable statement for the whole Senate. I grant from the amendments that have been suggested by Members that many Members would like to add additional aspects to this debate, and to this legislation. That is certainly the right of all Members to entertain those options. Mr. President, I state as a matter of the public debate that I have encouraged Members on both sides of the aisle not to offer amendments, not to engage in debate and statements with regard to those amendments that could complicate our ability to come forward with a strong statement in this legislation, and to proceed to conference.

Mr. President, it is my understanding that many Members, although they would like to pursue and have very strong reasons across the political spectrum for making additions to this legislation, have agreed not to do so. I appreciate that and want to state that at the outset. I state for my part on that basis, and on these consultations, that it would be my privilege as manager of the bill on this side of the aisle to suggest to Members who offer substantive amendments that are controversial that after a suitable amount of debate I will move to table those amendments, would ask a majority of the Senate follow that lead so we could proceed to conference with the legislation substantially as we have it now.

I do not mean to be arbitrary in that. There may be technical amendments in which there is a broad agreement with the managers of the bill, the distinguished members of the committees, and others on all sides that could be accepted. I want to reserve the privilege of doing that. But at the same time, I am hopeful that the strong consensus, and the strong bipartisan feeling that we had in committee might be replicated on the floor. If this is so, I would advise Members that we might be able to proceed rapidly to the conclusion of the passage of the legislation in the next few hours, I hope. That might give Members some hope of seeing this particular issue resolved today. I know the majority leader shares that hope, and would encourage we do that. He has, of course, the substantial number of nominations in which members of our committees and the Senate are deeply interested and would like to see action on those today.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, for nearly 40 years South African blacks have been forced to live under an institutionalized system of racism known as apartheid. Apartheid has denied blacks fundamental political, social and economic rights in South Africa, the land of their birth. It has placed restraints on their movements and forced the majority of them to live in desolate "homelands." It has deprived black children of an education equal to that of their white counterparts. Perhaps saddest of all, it has torn black families apart.

Apartheid is a normally repugnant and evil system for which there is no justification. The central question is: What can the United States do to bring about its end?

For the last 4½ years, the administration has tried to encourage peaceful change in South Africa through a policy of "constructive engagement." Under this policy, the United States has tempered its criticism, public if not private, of unacceptable actions by the South African Government, lowered its voice about the moral unacceptability of apartheid, and

praised the South African Government for reforms that are modest at best.

I believe that constructive engagement is a failed policy. The basic structures of apartheid, such as influx control, the homelands policy, segregated schools and living areas, and the withholding of South African citizenship from blacks, are still in place. The recent constitutional reform deliberately denies parliamentary representation to the black majority. The South African Government continues to use force against antiapartheid protesters at home and against neighboring states on the grounds that they provide sanctuary to antiapartheid groups. Moreover, constructive engagement has seriously damaged our humanitarian image and our long-term interests in South Africa and the region because it is perceived by many blacks as U.S. support for the white minority government.

The time has come for the United States to demonstrate its opposition to apartheid clearly and unequivocally and to take concrete steps to prod the South African Government to dismantle this inhumane and unjust system. I believe that the bill now before us, S. 995, as amended, will achieve these objectives.

This is a bipartisan bill adopted by the Foreign Relations Committee on a strong 16-to-1 vote. The sanctions in the bill—prohibitions on nuclear trade, computer sales and loans to the South African Government—are modest. They do not cut the United States off from South Africa, but they do make it clear that the United States is committed to ending apartheid.

These provisions, combined with a threat of additional sanctions in 18 months, including the possible change of status with the loss of favored nation status, and immediate assistance to blacks, make S. 995 a balanced bill that brings pressure to bear on the South African Government. It sends a long overdue message of American support to South African blacks.

I urge my colleagues to support this bill, which is being ably managed by the senior Senator from California [Mr. CRANSTON].

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I thank the Senator from Rhode Island for allowing me to handle this bill on the floor.

I want to pay tribute to the leadership on the Republican side, the majority leader, Senator DOLE; the chairman of the committee, Senator LUGAR; Senator WEICKER, of Connecticut, and others who have worked together with those of us on our side, principally Senator PELL, Senator KENNEDY and Senator DODD, along with myself, to work out the agreement we now have that should lead to a rather swift passage of a very, very fine measure.

There are those of us on our side who would like certain strenthening amendments and there are those on the other side who would like certain strengthening or weakening amendments. But I believe we have an agreement that will lead to the passage of a clean bill reported by the Foreign Relations Committee that does not meet all the desires of many of us but does meet the need of the time for strong action by the Senate making plain our feelings of total antipathy toward apartheid and our desire to do more than engage in rhetoric; to make plain we are prepared to take actions to help persuade the Government of South Africa to begin the dismantling of apartheid which must come, and which we are determined to do what we can do to bring about.

I would like to speak very briefly on a few of the main points raised by opponents of this legislation in the course of the discussion.

One argument has been that blacks in South Africa have the highest living standards on the continent, that things are not really that bad in South Africa.

How do you measure living standards? Blacks in South Africa have no right to vote for national leadership, no freedom to travel, no representation in parliament. Many black workers are forced to give up their right to live with their families. According to the authoritative 1984 Carnegie study of poverty in South Africa:

First. Eighty percent of the blacks in so-called homelands live below the poverty line;

Second. One-third of nonwhite children in South Africa are malnourished and suffer from stunted growth;

Third. The infant mortality rate in Soweto is three times higher than that of whites.

One of the most dramatic moments in the hearings we had on this measure in the Foreign Relations Committee came when the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Connecticut [Mr. WEICKER] appeared together. Senator KENNEDY spoke with great emotion of what he had personally witnessed in South Africa. He described visiting one place where 50 percent of the infants die before they have lived 1 year.

He described a conversation with a worker who had been forcibly removed from his family and had lived for many, many years in a workers' barracks. He saved, in the course of this approximately 20 years of work, something like $300.

These are absolutely intolerable and unacceptable conditions.

The Carnegie Foundation study concluded:

> There has been a great increase in poverty in South Africa over the past 20 years, largely as a result of the accelerated implementation of "grand apartheid."

So things are getting worse and worse economically, as well as worse and worse in terms of the treatment of blacks in matters beyond economy, related to freedom, to democracy, and to justice.

Another argument raised in the course of this discussion and debate has been that we should not undermine a so-called stable ally.

Well, I would say in response to that that South Africa, so long as it oppresses its majority and is ruled by a despotic regime, is not a stable ally. It can never be stable as long as it is ruled by the heel of a boot.

This legislation is not intended to undermine it. To the contrary, it is designed to encourage those reforms essential to inoculate the country against Communist advances.

The United States should offer an avenue for peaceful change as an alternative to violent revolution. We must help build a strong, popular base for democratic development in South Africa so it is clear we stand with the oppressed and not the oppressors, that it is the United States and not the Soviet Union which truly cares for opportunity for all.

Another argument made on the floor of the Senate yesterday was that disinvestment would be a very bad thing for us to promote or demand or seek in South Africa.

Well, the fact is, Mr. President, that there is nothing in this bill about disinvestment. There is nothing in this bill banning new investments. So that argument has nothing to do with the merits of the measure now before the Senate.

It is plain that the time has come for the Senate to take action, significant action, against the repugnant apartheid system. My belief in this point mirrors closely that of the head of the landmark 1981 Rockefeller Commission study, Mr. Clifton Wharton, who recently wrote:

> Finally, there comes a point so incompatible with one's respect for humanity itself that compromises with conscience can no longer be rationalized. When a human situation so fundamentally affronts every tenet of human values, a public expression of personal opposition is a moral obligation.

There are those among us who have set themselves up as bitter-end defenders of the status quo in South Africa and U.S. relations, who say that things are getting better and better in South Africa.

The fact is that the status quo is not stable. The situation is getting worse and worse.

Let us briefly consider the following chronology of events:

On February 18 of this year, 5 blacks were killed and at least 60 injured at the Crossroads squatters' camp outside of Capetown.

March 13—U.N. Security Council Resolution 560 condemns the South

African Government for killing blacks protesting forced removal from Crossroads squatters' camp and for the arrest of United Democratic Front and other organizations' members for opposing apartheid.

March 18—South African Government makes clear that black communities will continue to be forcibly relocated.

March 23—19 blacks killed and 23 wounded by South African forces while marching in a funeral procession toward Uitenhage.

March 26—Arrest of 239 demonstrators marching on Parliament to protest killings at Uitenhage in eastern Cape Province.

March 27—Opening of judicial inquiry into killings at Uitenhage.

March 29—UDF and allied organizations banned from meeting for 3 months by South African Government. The State Department comments:

Measures aimed at silencing legitimate and peaceful opposition to apartheid are not conducive to finding a solution to the country's major problem.

April 6—Clashes between South African police and black township residents in eastern Cape Province, with at least 1 killed; 15,000 mourners barred from cemetery by tear gas.

May 20—16 UDF leaders, previously arrested, were charged with treason and terrorism for publications and for speeches made at rallies.

May 21—South African attempt to sabotage the Gulf Oil Cabinda refinery in northern Angola foiled. Sabotage objective of the South African mission confirmed by captured South African commando.

June 12—Judge's report finds no one responsible for shooting deaths of 20 blacks at Uitenhage but notes that 35 of the 47 killed and wounded were shot in the back, that the police had been equipped prior to the incident with legal ammunition only, and that the funeral process would probably have passed "without incident" had it not been "unnecessarily prohibited on doubtful grounds."

June 14—South African military raid on Gaborone, the capital of Botswana, killing 16 persons. U.S. Ambassador Nickel called home for consultations.

June 19—South West Africa/Namibia Government of National Unity, established by South Africa in contravention of U.N. Resolution 435, assumes office.

July 6—South African medical panel rules that two white physicians who examined Black Consciousness leader Steve Biko prior to his death in detention were guilty of improper conduct. Biko died 8 years ago. The two doctors were charged with permitting Biko's transport over 800 miles despite his physical condition. The investigation did not even address the question of how that condition came about while he was under police detention.

July 8, just a few days ago—South African police acknowledge killing of four black South Africans on July 8. Police refused comment over the weekend. Police say three men were killed with birdshot and one woman was killed in an automobile accident involving a police vehicle. Black papers say police wearing "hoodlike knitted caps" conducted house-to-house search.

Finally, Mr. President, I wish to read from a July 5 New York Times article entitled "Opposition Says Death Squads Roam South Africa":

South Africa's principal nonparliamentary opposition group accused the Government "or its agents" today of starting campaign of political assassinations against its enemies.

Opposition activists in the Eastern Cape said they feared the advent of officially sanctioned "disappearances" of the kind that take place in some parts of Latin America.

The charges followed the killings of four Eastern Cape black leaders last week. Their bodies were found mutilated and burned near Port Elizabeth after their car was apparently hijacked a week ago last Thursday. The men came from a black township near the town of Cradock, which has a history of resistence to the policies of apartheid.

In a rare denial, the South African Government issued a statement today that was evidently intended to rebut the widely held view in black townships that the authorities were behind the slayings.

INTERNECINE POWER STRUGGLE

The thrust of the Government statement seemed to be to attribute the killings to the rivalries between black political groups.

BLACKS BLAME WHITES

Despite the Government statement, opposition activists—both blacks and whites—said that in black townships in the Eastern Cape and elsewhere the view had taken root that extreme right-wing groups of whites, or the authorities themselves, were to blame for the killings last week.

At a news conference here today, however, representatives of the United Democratic Front said 27 people had disappeared in the Eastern Cape, the Transvaal and Orange Free State and that 20 others were on "hit lists" of targets drawn up by unspecified persons.

The circumstances, one official of the organization said, "only allow us to believe that they have been victims of political assassinations or abductions created either by the regime or its agents."

The victim's car, it appeared, did not show signs of a forcible struggle. They had told others before they left Port Elizabeth for Cradock, 120 miles to the north, that they would not stop on the road for anything except a police roadblock.

When their bodies were found, away from their car and in three separate locations, some in sand dunes, the activist said, it seemed that there was blood near the places where they were burned to death, and their bodies seemed to have been stabbed and mutilated before they were incinerated.

Mr. President, that is the status quo in South Africa. That is the status quo that some of us condemn, that some of us are seeking to change for the better.

Compelling reasons for adopting the compromise moderate measure before us existed before any of these recent events occurred. But I believe recent actions make the case for the bill before us all the more compelling.

Mrs. KASSEBAUM and Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I wish to comment at this time that in following the affairs of South Africa, one has to use one's head as well as one's heart. The bill that we have before us now comes at a crucial time in our relations with South Africa. I would like to offer some general comments at this time not only on this bill but on the situation as it currently exists.

First, I want to say that I am one who questions whether it is wise for Congress to become involved in legislating policy toward South Africa at this time. As an institution, we are not particularly well-suited to managing the kind of complex and difficult situation that exists in South Africa.

Undoubtedly, it would be better if the administration recognized the need for changes in our policy and took new initiatives on its own. However, that has not occurred and the Congress now is taking on the task of setting a new direction.

In doing so, we should not delude ourselves into thinking that the bill before us, or any other action we can take, will produce any immediate, fundamental change in South Africa.

Our experience in South Africa makes clear that forcing a foreign government to accept our way of thinking and acting is a difficult business. It is a task that requires a long attention span and an ability to persist where our efforts are not entirely welcome.

Many Americans seem to assume that, if the outside world just applied enough pressure, apartheid could be ended in a short time. But this idea has no basis in the reality of South Africa. Fundamental change, if it is to be nonviolent, will be an extended process and will have no magic "end point."

We in Washington cannot dictate the terms or the timing of such change. To be both genuine and lasting, it must come from South Africans themselves—both black and white.

For the United States to be an effective part of that process, we must exert a steady, persistent presence in South Africa. Our words and our actions must convey a consistent message to all South Africans, black and white, or our absolute opposition to apartheid and our total commitment to the process of peaceful change that is South Africa's only real hope.

One of the difficulties of such a role is that it is seldom clearcut either in actions we can take our in results we can see. This is a frustrating role for Americans to assume, as is clear by our present impatience with administration policy and with the South African Government.

There is always a danger in times like this that frustration will override thoughtful action, that impatience will obscure long-term consequences. I am concerned by this because I think there is some feeling that if the South African Government will not share our goals, then it should at least feel our wrath.

Such action might satisfy our feelings of frustration and anger but, as is so often the case in foreign affairs, the punishment we mete out to the guilty also will fall on many who are innocent. Indeed, in South Africa, the innocent far outnumber the guilty and yet they are most vulnerable.

I am referring specifically to the calls for economic sanctions against South Africa. I do not question the goals or the motives of those who support disinvestment or other sanctions, but I do question the wisdom of such actions.

I oppose economic sanctions for one simple reason—they will not work and, in fact, could be highly counterproductive to the long-term goals we seek.

For one thing, the South African Government has too many tools available to either blunt or avoid the most serious effects of unilateral American actions and sanctions. The result could be that American companies, which operate under the Sullivan principles, could soon be replaced by other foreign companies, or South African ones, with little or no concern for improving the status of blacks.

For another, there is nothing in South Africa's history to suggest that the white minority will respond any better to anger and frustration than it has to hope and cooperation.

The more likely response will be defiance and an erosion, not of apartheid, but of American influence throughout the region. We might end up replacing constructive engagement with a form of destructive disengagement—with no change in results.

Proponents of economic sanctions argue that by aiding the South African economy, we are effectively aiding apartheid. That certainly is one way to look at U.S. investments there, if one simply ignores the fact that American companies operating under the Sullivan principles are one of the few sources of evolutionary change in South Africa.

These companies are providing good jobs at fair pay for thousands of blacks who might otherwise have no hope at all. In a real sense, we should do everything possible to provide more such jobs, more education, better housing and more hope for black South Africans, not less.

Mr. President, the bill before us has a number of worthwhile features. I commend the chairman of the Foreign Relations Committee [Mr. LUGAR] for doing an extremely invaluable piece of work in guiding this enormously complex legislation through the committee. It offers increased funding for black scholarships and for human rights efforts in South Africa. It seeks to support black-owned businesses. It also makes clear our impatience with the lack of progress by calling for selective sanctions focused on the Government of South Africa.

This legislation is not perfect. There are parts of it I do not particularly like—such as the call for additional sanctions within 18 months. But, as a whole, this bill moves in the right direction. It supports forces of internal change in South Africa while taking a more assertive approach toward the South African Government.

This is a necessary change, particularly if the South African Government has in fact shifted toward a harder line, both internally and externally, as some of its recent actions would suggest.

Events in South Africa over the past few months indicate that the situation there is becoming increasingly polarized. Extremism and an all-or-nothing mentality seem to be growing among both whites and blacks.

If this trend continues, it poses severe danger for all South Africans. I believe the United States must actively and aggressively work to reverse this trend. We must object to extremism and violence, whether it comes from the Government or from its opposition.

We must not be placed in the position either of defending the status quo—which is indefensible—or of supporting its immediate overthrow—which could only occur through violence and extraordinary upheaval and suffering.

Instead, we must support every effort to build a middle ground where peaceful change can take root and grow, to the lasting benefit of all South Africans.

Mr. GOLDWATER. Mr. President, the bill that the distinguished chairman of the Foreign Relations Committee has just described to us is a much better bill, I must admit, than the bill that has come to us from the House or the bill that might have been created by the Senate. I do not want to repeat what I said yesterday in its entirety, but what we are doing, as the lady from Kansas said, is an ineffective way of dealing with a problem that we see existing in the country of South Africa—ineffective in that she does not think it will work, and I do not think it will work either.

As I related yesterday, I visited South Africa, I think, six different times during my life. I do not like apartheid any more than anyone in this room, and I told the leaders of that country that fact. I told their legislative body that fact. I recognize the situation in South Africa is not different than our own. Our non-Indian ancestors came to this country 300 years ago and, while not through a constant barrage of abuses similar to what is being experienced by the black man in South Africa, we acquired the lands that we now occupy. I believe that is a little different because when the white man came to South Africa, there was only one group of blacks. We call them the Hottentots. They live separately. They have no desire to be a part of the Government of South Africa. And they do not participate in the demonstrations. The rest of the blacks, the Indians, those people from other countries, came for the same reason they came to our country. They needed a place to work and the whites had to have people to work their lands.

Now, the fact that the African Government has disallowed them the right to vote is not unlike we did in this country when we denied the Indian the right to vote for many, many, many years, and in many parts of our country denied the black man the right to vote. But I do not believe, Mr. President, that this action on the part of the Congress of our country is going to achieve what everybody who votes for it hopes it will achieve, to end apartheid in South Africa.

South Africa still has a division very few people understand, the division between the whites, those people who have been there the longest, the Dutch descendants, and the latecomers, the English, whites who do not speak the same language, who do not get along, who cause problems in their Parliament than the problem between black and white.

But, Mr. President, what constantly disturbs me is that human rights bill after human rights bill, whether it comes from Foreign Relations or any other committee of this body or the other body, never mentions the Soviet Union, never mentions Red China.

Here we are looking at a couple of countries, each of which has murdered roughly 50 million people, or a total of 100 million. I cannot give the exact number; I do not think anybody can. The practice has not disappeared.

We are witnessing the abuse of Afghanistan, not for the usual reasons of economics, but for the total desire of Russia to have ports on the Indian Ocean, and Russia is trying to force her way through Afghanistan in order to acquire those ports. That would be very detrimental to the cause of freedom around the world.

I remind my colleagues that the idea of the Soviet—whether you call it communism or nonfreedom; I do not care what it is—has been adopted by only one country in the world. At the moment, I cannot even remember the name of it, it is so small.

Communism has been forced down the throats of countries by the same kind of action we are engaging in here—not entirely, but it has been extremely helpful.

We are watching it happen in Central America. American after American serving in the House and in the Senate says that we should never do anything in Central America to stop the spread of the Soviet gospel. Those of us who live along the Mexican border want to see it stopped, because it is only 800 miles from my living room to Central America, and it is a lot farther to Chicago, IL. We do not want to see Mexico become the next country that is subjected to verbal attacks by the nonfreedom believers, or the Soviets, and overcome that government, which I hope and pray will never happen.

Mr. President, I submitted an amendment yesterday that I thought would take care of this or at least would call the attention of the world to an attitude that does not prevail among the majority in Congress but prevails in big members. I have been asked not to call up that amendment, and in the interest of coming up with a bill that makes a lot more sense than the bill we were threatened with from the House, I agreed not to call it up.

I can make a warning: If one amendment is offered and adopted, that amendment of mine is going to be offered, whether it is defeated or not.

Mr. President, I spoke about Red China yesterday, and I have a further statement on that subject.

Although it is claimed that the Soviet Union and Red China are taking steps toward decentralization and modern societies, they each remain a total police state maintaining control over how its population thinks and behaves. The record on human rights is as bad in one country as it is in the other.

Nothing can wipe away the millions of executions of political prisoners throughout the Soviet Union, which Alexandr Solzhenitsyn reminds us far exceeded the atrocities of even the Spanish inquisition at its peak. Nothing can change the perishing of tens of millions of Russian farmers who were stripped of their possessions and driven into the northern wastelands after having been promised an equitable share of the land they had wrested for themselves in the October revolution. In the Soviet Union, the heart of a criminal trial is not personal guilt on the accused, but whether or not the person represents a social danger to the party and central government.

After 4 years of living in Russia, New York Times reporter Hedrick Smith, in his book "The Russians," concludes his observations on Soviet society with these words:

> The bloody purges have ended but not the system of coercion with its Siberian camps and secret police . . . rather than alter the centralized authoritarian system of rule inherited from the czars, the Communists have strengthened it, made it more pervasive and efficient.

What about Red China? We not only have the waves of human slaughter that followed on the heels of the Chinese Civil War, when some 50 million persons were killed arbitrarily, but new information has come to light proving that 30 million additional persons died directly as a result of Chinese Communist policies during the wrongly named "Great Leap Forward" years of 1958 to 1961.

This information is derived from official data released by Communist China itself and interpreted by the China branch of the U.S. Bureau of the Census and by the National Research Council.

In this connection, I remind my colleagues that Red China has been officially condemned and found guilty of committing genocide by the International Commission of Jurists. In 1959, the Commission made a preliminary finding of wanton and widespread violations of basic human rights amounting to genocide against the people of Tibet. In 1960 the Legal Inquiry Committee of the Commission issued a 345-page report documenting with convincing evidence that the Chinese Communists in Tibet intended to destroy as such, the entire group of Buddhists, by widespread killings and the forcible transfer of children simply because they were Tibetans who would not give up their religion.

Last year, Amnesty International released a 129-page report condemning violations of human rights in Red China. This report specifically detailed case after case of atrocities committed by the present Chinese Communist rulers against prisoners of conscience. In addition to discussing political prisoners, this report tells of millions of persons who are detained without trial in labor camps or are being detained in penal institutions without ever being brought to trial.

The new criminal codes in Red China were all but cast aside when the anticrime campaign was instituted in the fall 1983. Six new categories of capital offense have been added bringing the categories of crime punishable by death up to 29 in Red China. Some 60,000 persons appear to have been executed between August and November of 1983 alone, during the mass arrests of the anticrime campaign.

Mr. President, the atrocities in the Soviet Union and Red China will never cease as long as they retain Communist, on party governments. The only answer to halting the savageries committed in these nations is dismantlement of the Communist system.

The systematic abuses of human rights that occur in the Soviet Union and Communist China every hour of every day should give the Congress as much concern as it is showing over the practice of apartheid in South Africa. If the proponents of the pending bill believe that economic sanctions against doing business in another country will change policies and practices in that nation, then let us apply these same sanctions and penalties against business in Russia and Red China. That is simply and exactly what my amendment would have done.

Mr. President, one of the most amazing things done by this administration, which I support—by this President, whom I support, and very proudly support—has been the almost total disregard of the little country of Taiwan, which has been our only real ally in the entire Pacific. Finally, after years and years of its existence, people in the field of foreign relations are beginning to admit that the periphery of the Pacific is the entire future of the free world, the economic free world.

Yet, here we are, in effect, saying to Taiwan:

> Well, we are not going to sell you any new equipment to defend yourselves. You are going to be a good friend of ours, and maybe when the time comes and the chips are down, we might come over and help you.

This is something that has been very disturbing to me, because Red China is only 100 miles from the largest population in the world, one of the largest countries in the world, a country we now recognize, in spite of the fact that they do not believe in one thing we believe in.

Oh, yes, we read stories in the New York Times and the Washington Post and other papers not too well organized to the effect that Red China is changing, Red China is going to become a free-enterprise country. I am willing to wager that not even the youngest Senate page will be alive when Red China has a free-enterprise system.

They say they are going to take Hong Kong. That is not true. Hong Kong is not going to become subject to Red China. They are not going to stand still for it. What we are watching there is a country that has a great potential, in my belief, to be the greatest economic power in the world, a world leader, but as long as they come under Communist government, that will never happen.

I have fought in that country and I have lived in that country, and I have great affection for the Chinese people, and I do not believe for one moment that this effort we see described in the

papers even exists. I do not think it is going to happen.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Human Rights Violations in China."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS VIOLATIONS IN CHINA

In prisons, detention centres and labour camps throughout China are held prisoners of conscience, detained solely for the non-violent exercise of basic human rights.

Some have been convicted of "counter-revolutionary offences" under articles of the Chinese law that can be—and have been—applied to suppress non-violent dissent. Others have been detained without charge or trial, sometimes for periods of years, by being assigned to "re-education through labour" camps.

They include workers and students active in the "democracy movement" that emerged in China in 1978, Roman Catholic priests loyal to the Vatican, Tibetans accused of supporting regional independence and others.

Political trials have been held behind closed doors, with only a selected audience allowed to attend. The families of prisoners have in some cases not even been informed that the trial was taking place. The rights of the defence and other procedures do not conform to internationally accepted standards.

Reports that prisoners have been ill-treated in police detention centres have also reached Amnesty International.

The death penalty has been used extensively: in late 1983 a wave of mass executions took place as part of a clampdown on crime in which several thousand people are believed to have been executed in less than three months. Many of those executed were young unemployed people, often in groups of 15 to 40, who were paraded through the streets or before mass rallies before being shot later in the day.

In September 1983 the number of offences punishable by the death penalty was increased; the number has doubled since 1981. The procedures for trial, appeal, review of sentence and execution have also been accelerated.

PRISONERS OF CONSCIENCE

Among the prisoners of conscience adopted by Amnesty International in China are many young workers and students who took part in a "democracy movement" which started in late 1978.

Following a relaxation in official policy, a "free speech" or "democracy movement" started in Beijing (Peking) in late 1978 and spread rapidly. Many wallposters calling for democratic reforms and respect for human rights appeared in the main Chinese cities. Young people gathered in small groups and started publishing unofficial journals on political and literary matters.

In March 1979, however the authorities banned all wall-posters and publications considered by them to be "opposed to socialism and to the leadership of the Chinese Communist Party".

Several "democracy movement" activists were arrested in late March and April 1979. Despite the ban and the arrests, some of the unofficial journals continued to publish for a time.

Some contributors to the journals also organized study groups and circulated newsletters which—unlike the journals—were not sold publicly.

The authorities issued new warnings in mid-1980, stating that every publication had to be backed by a recognized organization responsible for it. In response, some 29 unofficial organizations formed the "National Association of Democratic Journals" in Guangzhou in October 1980, with its own publication Zeren (Responsibility).

The 20 main editors of unofficial journals were arrested in April 1981 and others were arrested later in the year.

Most of the "democracy movement" activists now in prison are workers in their early thirties who had been students when the Cultural Revolution started in 1966. Some have been imprisoned before for expressing their opinions.

A few are reported to have been tried secretly in 1982 and sentenced to terms ranging from 10 to 15 years' imprisonment on "counter-revolutionary" charges. Others may also have been convicted in closed trials.

PETITIONERS

By the end of 1978 hundreds of "petitioners" had come to Beijing from various places in China—particularly from rural areas.

Many were poor peasants who had come to present their grievances to the central authorities. Others were unemployed people who claimed to have suffered injustice.

The most outspoken "petitioners" who organized public protests or demonstrations are reported to have been arrested in early 1979.

The majority were sent back to their original areas or to state farms near the capital. Some may also have been sent to "re-education-through-labour" farms or camps.

Those arrested were usually sentenced to short-term imprisonment or assigned to carry out "re-education through labour" for up to four years.

ROMAN CATHOLIC PRIESTS

Soon after the establishment of the People's Republic of China in 1949, the government invited church leaders to purge their churches of "foreign imperialist" influence.

Over the following years the authorities put pressure on the Chinese churches to sever their links with churches abroad.

The Chinese Patriotic Catholic Association was created independent of the Vatican, and priests and bishops were pressed to join it. The official Chinese Catholic Church did sever its links with the Vatican and refused to recognize the authority of the Pope.

Some priests, however, opposed these changes; many were arrested in 1955 and subsequently spent more than 20 years in prisons and labour camps.

Some were arrested again in 1981 after a brief period of freedom for persisting in their refusal to cooperate with the Patriotic Catholic Association and for carrying out religious activities independently from the official Church.

Several of the priests are reported to have been brought to trial in 1983 and sentenced once again to long prison terms in spite of being in their sixties, seventies or even eighties.

TIBETAN NATIONALS

At the time of the Cultural Revolution, people were reported to have been arrested merely for possessing photographs of the Dalai Lama—the exiled spiritual leader of Tibetan Buddhists—or religious scriptures and paintings.

Some people arrested on such grounds were still detained or restricted in the late 1970s. Recently, foreign journalists have reported that a more relaxed policy towards religion has been followed by the Chinese authorities in Tibet.

Most arrests reported to Amnesty International in recent years have appeared to be made on political grounds, although religious feelings in Tibet are often connected with aspirations to independence; those who advocate the return of the Dalai Lama to Tibet see him as both a religious and political leader.

Some of the recent arrests were of people accused of shouting slogans in favour of the independence of Tibet. Others were suspected of connections with underground groups advocating independence.

STATE SECRETS

Although there is no strict definition of what constitutes a "state secret" in China, this term appears to be given a much broader meaning than in many other countries.

It may cover, for instance, information published in magazines which, although not on sale to the general public, are available to many specialists or political cadres. It may also refer to party documents which despite not being publicly available have a very wide circulation.

Some people accused of "divulging state secrets", "collecting intelligence" information, or "passing secret information to foreigners" have in fact been detained for expressing opinions critical of official policies.

LEFTIST

Some officials have reportedly been arrested because of their political opinions or activities since the Cultural Revolution, and have been officially stigmatized as "leftists" during a campaign of "rectification" within the Chinese Communist Party which started in mid-1983.

For example, Xu Guancheng, a former official in a Shanghai corporation, was reported to have been arrested for organizing a protest against his expulsion in 1982 from the Communist Party. Shanghai radio was reported to have said that he had been arrested following the discovery of a diary in which he had written "reactionary words and sentences to vent his dissatisfaction with the party organization and to attempt to reverse the verdict and state a comback".

FU YUEHUA

Fu Yuehua, a 37-year-old unemployed woman, was arrested in Beijing in 1979 for helping to organize a peasant demonstration. After serving a two-year prison sentence she was sent to a labour camp. It is believed that she is still being denied her freedom.

Fu Yuehua was assigned in 1971 to a job as a construction worker in Beijing. Her husband had been sent to work away from home.

Shortly afterwards, the Party Secretary of her work unit, Geng Yutian, made advances to her which she rebuffed, according to her family. A few months later he accused her of being a "counter-revolutionary" during a political campaign. He then reportedly raped her on several occasions over a period of weeks. Fu suffered a nervous breakdown as a result, her family said.

She was later unable to get her job back, to be transferred elsewhere or to find another job, her family stated, and her husband divorced her after being told that she had seduced the Party Secretary.

Fu Yuehua petitioned the authorities about her case for several years after this but without success. In late 1978 she came to know other petitioners who had come to Beijing from rural areas.

She took an interest in their cases and, with her experience of the administration in Beijing, helped them to present their demands and to write wall-posters.

When poor peasants marched through the streets of Beijing on 8 January 1979, Fu was among the demonstrators—many of them in rags—who were carrying banners calling for an end to "hunger and persecution" and demanding "democracy and human rights".

She reportedly participated in another peasant demonstration on 14 January 1979.

She was arrested by the police on 18 January 1979. Official sources later revealed that she was charged only on 3 April 1979—two and a half months after her arrest.

In March 1979 the unofficial journal Exploration published a testimony alleging that Fu Yuehua had been ill-treated in detention; that she had been badly beaten by the police to make her "confess" and forced to take food when she went on a protest hunger-strike.

On 31 August 1979 Fu Yuehua was sentenced to one year's imprisonment for "disrupting public order." She appealed to Beijing High People's Court which ordered a retrial.

She was brought to trial again on 17 October, and this time faced one more charge: libel. The charge of libel referred to her "continuing allegation" that she had been raped in 1972 by the Party Secretary of her work unit.

The prosecution told the court that investigation had found that allegation to be "entirely false". However, at the end of one day the trial was adjourned when the court decided to investigate further.

According to unofficial Chinese sources, Fu Yuehua had revealed details of Geng Yutian's anatomy and had described the attack, and the selected audience, which included a number of jurists from outside Beijing, openly sympathized with her.

Her trial resumed on 24 December 1979 and Fu Yuehua was sentenced to two years' imprisonment for "disrupting public order". The charge of libel was dropped.

Fu Yuehua served her sentence in Beijing Prison No. 1.

It was reported several months after her release in 1981 that she had been sent to a labour camp some 19 miles from Beijing, to keep her away from the capital. As far as is known, there had been no further legal proceedings against her. She is believed to have been sent in mid-1983 to a place of exile or detention in a remote province.

ILL-TREATMENT OF PRISONERS

The ill-treatment of prisoners is prohibited by Chinese law. However, prisoners can be subjected to punishments which constitute ill-treatment according to international standards. Officials have acknowledged that there is a system of punishments—including solitary confinement—for prisoners who break prison rules.

Prisoners are sometimes harshly punished just because they are considered "resistant" or because they complain about their treatment, according to former prisoners.

This is particularly frequent during detention before trial, when prisoners are held in isolation, usually for several months, and repeatedly interrogated without being allowed to see their family, friends or a legal representative.

Prisoners have been held in solitary confinement over prolonged periods, manacled—sometimes with their hands behind their backs—day and night for days or weeks, and beaten or made to stand without moving for 24 hours without food.

Several prisoners of conscience adopted by Amnesty International are reported to have been ill-treated, usually during the first few months of their detention.

Lobsang Chodag, a worker in a truck-repair shop in Lhasa, was arrested in 1980 accused of putting up political wall-posters in the streets: he is reported to have been brutally treated shortly after his arrest and his jaw broken.

Wei Jingsheng, arrested in 1979 in connection with his writings and publishing activities, is reported to have been held in solitary confinement since his trial in 1979 and to have become mentally unbalanced as a result of the isolation. By mid-1983 he was still reported to be confined in isolation to his cell, being allowed out for exercise only once a month and not allowed to meet other prisoners or to receive visits from his family. In May 1984 it was reported that he had twice been transferred to the Fuxing hospital in Beijing for treatment for schizophrenia.

Prisoner of conscience Liu Qing, former editor of an unofficial magazine who was arrested for selling the unofficial transcript of the trial of Wei Jingsheng, wrote a long account of his detention which was published outside China. In it Liu Qing said that throughout his detention in Beijing, which lasted several months, his family was not allowed to visit him or exchange correspondence with him, nor were they informed of the reason for his arrest.

According to his account, he was held in solitary confinement for several months in a cold and wet cell; his hair began to fall out and his eyesight to deteriorate. Later, he says, when he was transferred to a shared cell, he was punished for not maintaining a proper attitude of humility towards the guards, was beaten, forced to wear a gas mask which restricted his breathing and had his arms tightly manacled behind his body.

Fu Shenqi, a factory worker in Shanghai and editor of two unofficial journals, has been detained since his arrest in Beijing in early April 1981 during a wave of arrests of supporters of the "democracy movement". He was arrested in Beijing when he went there to discuss with the authorities citizens' rights to publish unofficial magazines.

In 1978 Fu Shenqi became active in the "democracy movement". A year later he helped found the unofficial journal Voice of Democracy in Shanghai. The authorities declared the journal to be "anti-Party" and "anti-socialist" when it came out in support of Polish workers "fighting for democracy and against bureaucratic tyranny".

In October 1980 he became the chief editor of Responsibility, the journal of the "National Association of Democratic Journals" founded in October 1980 to represent unofficial publications throughout China.

In 1980 members of the "democracy movement" stood in several cities as candidates in the election of People's Representatives—this was the first time since the early 1960s that there had been competition for the election of Representatives.

Fu Shenqi was a candidate in Shanghai but was not elected, reportedly because officials in his factory had opposed his candidacy.

Little has been heard of Fu Shenqi since his arrest although he is believed to have been brought to trial and sentenced.

It has also been reported that Fu Shenqi was ill-treated in detention, but few details are available.

Ignatius Gong Pinmei, the 84-year-old Roman Catholic Bishop of Shanghai, has spent nearly 30 years in prison since his arrest on 8 September 1955. He was sentenced to life imprisonment in 1960 on charges of leading a "counterrevolutionary clique under the cloak of religion". It is believed that he was arrested because of his uncompromising stand on the independence of the Church from the government. He is reported to be still detained in Shanghai's main prison.

Thubten Kelsang Thalutsogentsang, a 40-year-old former Tibetan monk and horse-cart driver, is reported to have been detained since December 1981 for shouting slogans in favour of the independence of Tibet. He is reportedly held in Sangyip prison in Lhasa, in the Autonomous Region of Tibet.

He was first arrested in 1959, after training as a monk. Thousands of Tibetans were arrested at that time, following a rebellion against the occupation of Tibet by Chinese troops.

How long he was imprisoned at that time is not known, but he is said to have been assigned to the Nachen corrective labour unit.

He was reportedly kept under surveillance after his release, presumably because of his background as a monk, as in Tibet religion is often equated with nationalist and anti-Chinese feelings.

Work "under surveillance" is a common form of punishment in China. It usually involves deprivation of certain rights, restriction of freedom of movement and a requirement to report regularly to the police or other local authorities.

LEGISLATION

Since 1979 the People's Republic of China has adopted a number of laws in an effort both to build up the legal system and to put an end to the "lawlessness" which has prevailed during the Cultural Revolution.

The most important of the new laws relevant to political imprisonment were the Criminal Law and the Law of Criminal Procedure. Both were adopted in July 1979 and came into force in January 1980. Drafted during a period of "liberalization", the new legislation provides in principle greater protection for individual rights than previous legislation.

However, it also contains provisions which can be used to imprison people for the peaceful exercise of fundamental human rights.

Most of these are included in a section of the Criminal Law dealing with "counter-revolutionary" offenses. In particular, Articles 98 and 102 of the Criminal Law deal with "counter-revolutionary propaganda and agitation", organizing or taking part in a "counter-revolutionary group", and incitement "to resist arrest and violate the law and statutes of the State".

Prisoners of conscience detained in the past few years have most often been held under these articles.

Prisoners of conscience are also held under a law which allows detention without charge or trial. This law, on "rehabilitation through labour", institutes administrative detention for people considered to have "anti-socialist views" or to be "hooligans". They can be detained for up to four years on simple police order, without being charged or having access to any judicial

process. Special labour camps exist for those held under this legislation.

MISSING SAFEGUARDS

The new laws adopted in 1979 also fail to guarantee some of the minimum safeguards spelled out in international human rights conventions.

They give insufficient protection against arbitrary arrest and unfair trial. For example, they do not guarantee the right to receive visits from relatives and legal counsel shortly after arrest and regularly thereafter, the right to adequate time and facilities for preparation of the defence, and the right to be presumed innocent until proved guilty in a court of law.

Some of the rights which are guaranteed by the legislation have been violated in a number of cases.

According to the law, for instance, a person is formally "arrested" on when charges are brought, and preliminary detention should not last more than a maximum of 10 days. Within 24 hours the family of the detainee should be notified of the reason and the place of detention.

However, many prisoners of conscience have been held without charge for several months and their relatives refused information about their case and permission to visit for long periods.

Many political trials have been held in closed session without any advance notification given to the prisoner's family. Despite this, it was officially claimed in some cases that the prisoners had been given a "public" trial, apparently because a selected audience (which did not include relatives) had been invited to attend.

Under Chinese law the death penalty can be imposed for a number of political offences as well as for ordinary criminal offences. The crimes most often punished by death are murder, rape and robbery resulting in death or serious injury.

The "counter-revolutionary" offences which carry the death penalty include colluding with foreign countries to jeopardize the security of the motherland, plotting to overthrow the government and spilt the country, incitement to defection or rebellion, organizing armed rebellious assemblies or jailbreaks, espionage, sabotage, hijacking and stealing weapons and ammunition.

Since 1981 the number of offences carrying the death penalty has doubled. The procedures for trial, appeal, review of sentence and execution have also been accelerated. In 1981 there was a marked increase in the number of death sentences and executions after a decree was adopted which ended the review of all death sentences by the Supreme People's Court.

When it came into force on 1 January 1980 the Criminal Law listed seven ordinary offences and 14 "counter-revolutionary" offences punishable by death, the latter when they are "of a particularly heinous nature causing grave harm to the people and state".

New legislation has since been adopted introducing the death penalty for a further 23 offences. This legislation includes the following measures:

Provisional Regulations adopted on 10 June 1981 provide the death penalty as an alternative punishment for 10 categories of military offence. These include providing military secrets to enemies or foreigners; threats or violence against army personnel on duty; theft of weapons or equipment; sabotage; spreading rumours undermining army morale; desertion; disobedience; false reports; assisting the enemy after surrender; harming civilians.

An amendment to the Criminal Law adopted on 8 March 1982 provides heavier punishments, including the death penalty, for economic crimes such as smuggling, bribery, theft, drug trafficking, speculation and the illegal export of valuable cultural relics. The adoption of this measure was part of a campaign to eradicate corruption among state officials.

Further amendments to the Criminal Law were introduced on 2 September 1983. Seven new categories of offence were made liable to the death penalty, bringing to over 40 the total number of offences now punishable by death. The officially stated aim of this measure was to clamp down on criminal gangs, "hardened hooligans" and habitual offenders.

People can now be executed in China for theft, embezzlement, gang fighting, pimping, organizing a secret society, molesting women and "passing on methods of committing crimes".

Wang Xizhe, a factory worker from Guangzhou and editor of an unofficial journal, was arrested for the third time since the Cultural Revolution on 20 April 1981. He was sentenced to 14 years' imprisonment in May 1982 for "counter-revoluntionary" activities.

Wang Xizhe, aged 35, is well known in China as one of the authors of a wall-poster which was displayed in the streets of Guangzhou in 1974 and immediately attracted enormous attention.

Signed Li Yizhe, a pseudonym formed from the names of its three authors, the poster raised issues relating to repression. democracy and the legal system in China.

In March 1977 the "Li Yizhe" group was declared "counter-revolutionary", and its authors, who had been under surveillance, were imprisoned. They were released and rehabilitated in January 1979, just as the "democracy movement" was beginning in China.

After his release from prison Wang Xizhe became a prominent member of the "democracy movement" contributing to and editing unofficial journals, and joining committees of activists.

He was arrested on 20 April 1981 at his factory; it is reported that the police seized some 350 documents and other items belonging to him.

Despite repeated requests his family was refused permission to visit him in prison for over a year.

His relatives were not notified in advance of his trial and were unable to attend it. However, officials reportedly claimed that Wang Xizhe had been granted a "public trial" attended by some 40 people.

No news of him has been received by Amnesty International since his trial and his present whereabouts are unknown. .

WAVE OF MASS EXECUTIONS

In August 1983 the authorities launched a nationwide campaign against crime. During the first three months of the campaign, tens of thousands of arrests and several thousand executions are believed to have been carried out.

Amnesty International recorded more than 600 executions in only a few places in China during that period, and it believes that the total number of executions carried out throughout the country was far higher. Foreign press reports estimated the number during the three months at over 5,000.

In many cases groups of convicted offenders were paraded in public in the streets or during mass rallies. They were all shot later the same day.

One of the first groups to be executed was 30 people put to death in Beijing following a mass rally of an estimated 100,000 people in a city workers' stadium on 23 August 1983. The mayor of Beijing gave a speech on the need to preserve public order to the crowd which had been brought there by fleets of buses and trucks. The 29 men and one woman were said to be between 18 and 24 years old. They had been sentenced by Beijing High People's Court: 19 for murder, 10 for rape and one for theft. After their execution, their photographs were displayed publicly in the capital.

Executions of groups of 15 to 40 people continued during the following months throughout the country. Many of those executed were reported to have been unemployed young people aged between 18 and 40.

Most of those executed appeared to have been convicted of murder, rape or robbery, but people were also executed for a wide range of other offences. For example, two men were executed in Guangzhou on 5 September 1983 after being convicted of hanging a banner with a "counter-revolutionary" slogan from a hotel window and of plotting to set up a radio station and two subversive organizations.

THE DEATH PENALTY: TRIAL PROCEDURE

Little is known about the procedure followed at the trials of people sentenced to death.

Public notices summarizing the cases of condemned offenders are usually posted outside the courts which passed the sentences. These notices usually give no information about the procedures followed at the trials.

Various forms of "mass public trials" are also organized by the courts and local officials. However, these are large gatherings—often involving thousands of participants—rather than trials, and they are aimed at publicizing the cases and at inviting the public to participate in denouncing the accused.

There is, therefore, little official information on the actual proceedings followed. According to private sources, however, such proceedings are very summary when a "law and order" campaign is under way.

Although the right to defence is in principle guaranteed by law, in practice the possibilities of exercising this right effectively are small.

Several internationally recognized minimum guarantees for a fair trial appear not to be respected. These include the right to adequate time and facilities to prepare the defence and the right to cross-examine prosecution witnesses and to call witnesses for the defence.

Furthermore, there is no recognition—either in law or in practice—of the right to be presumed innocent before being proved guilty in a court of law.

A decision adopted in September 1983 specified that certain "criminals" accused of offences such as murder and rape "who warrant the death penalty should be tried swiftly if the major facts of the crime are clear, the evidence is conclusive and they have incurred great popular indignation"—in other words, if there is a presumption of guilt before the trial.

In order to speed up trial procedures in such cases, this decision allowed the courts to bring defendants to trial without giving them a copy of the indictment in advance, and without giving advance notice of the

trial or serving summonses in advance to all parties involved.

Cases where sentences are reduced on apeal are very rare and the trend in recent years has been towards curtailing the procedures for appeal and review.

In September 1983 the time limit for appeals was reduced from 10 to three days. At the same time the Supreme People's Court was allowed to delegate its power to approve death sentences in some cases to high courts of provinces or courts of the equivalent level.

Wang Hanbin, Secretary General of the National People's Congress Standing Committee, explained that these changes were necessary because otherwise

". . . we shall not be able to try swiftly some cases that need to be tried right away thus hindering our efforts to frighten the criminals, frustrate their arrogance, maintain public order and protect the life and property of the people".

During the wave of mass executions which started in August 1983, people were summarily tried and executed within a very short time. For example, two young men—Cao Guorong and Xu Xianping—were executed within six days of the crime for which they were condemned to death. It is therefore unlikely that proper appeal procedures could have been carried out in every case.

Amnesty International wrote to President Li Xiannian calling for a halt to the waive of executions on 21 October 1983. The organization expressed concern about the repeated increases in the use of the death penalty over the previous few years. It said that the speed with which trials and executions were being carried out did not allow for the procedural safeguards for the death penalty to which the United Nations General Assembly had drawn attention several times. It also pointed out that the increased use of the death penalty contradicted the aim of rehabilitation acknowledged in Chinese law.

No direct reply was received from the Chinese authorities. However, on 2 November 1982, a spokesperson of the Chinese Foreign Ministry is reported to have acknowledged receipt of the letter and to have said:

"Criminals must receive the punishment they deserve according to the law. This is a normal measure and routine work to maintain the public security of a country. It is the internal affair of a country."

Since 1979 most official statements have tended to justify the increased use of the death penalty rather than caution against it. Officials now rarely quote Mao Zedong's statement: "if you cut off a head by mistake, there is no way to rectify the mistake".

Officials usually justifiy the death penalty on the grounds that it is an exemplary punishment and a deterrent against crime, needed to safeguard social order and enforce the law.

Most such official statements are based on a supposition that Amnesty International believes to be incorrect: the belief that the death penalty is a more effective deterrent to certain types of crime than other punishments.

In its letter to President Li Xiannian on 21 October 1983, Amnesty International stated that the death penalty cannot be justified as a fitting response to crimes, however violent or repugnant these may be. Referring to research on the effectiveness of the death penalty as a deterrent it said:

". . . no studies have ever established the efficacy of the death penalty in comparison with other punishments . . . It is difficult to see how the use of the death penalty can be justified in the absence of any evidence of this effect".

Mr. GOLDWATER. Mr. President, I will vote against this bill. I think it is a blight on the United States for us to take this action against a friend who has been our ally in every war, a friend that mines almost 30 percent of all the gold in the world; a country that, if she wants to play dirty tricks on us, is in a position to do it; a country that provides us with more access on intelligence of what is happening in the land of our real potential enemy than any other country; a country that has always been friendly to us, even though they practice apartheid, which I said at the beginning of my remarks that I do not like, never have liked, and never will like.

I would not like some other country to come into our country and try to work the same processes on us because our children use narcotics, because our adults are generally white, a group of drunken people. In other words, I do not want somebody else telling us how to correct our mistakes, and God knows we have a lot of them.

Mr. KENNEDY. Mr. President, the legislation that we take up today may well be the most important moral issue that will come before this Congress. It is a moment of history for the Senate and a time of testing for us all.

The question before us is not whether apartheid is wrong. On that point, there can be no dispute. No argument can alter the truths which we should hold to be self-evident—that freedom is indivisible and racism is always wrong. Surely we have learned by now, from the long pilgrimage of human history with all its advances and travails, that torture is never right and that no group has a right in any country to function as a master race.

The question before us today is much more profound: Will the United States be true to its best traditions and ideals? Will the United States match its words with deeds and join the struggle of 23 million black people to be free from the oppression of apartheid?

We are not alone as we stand in this Chamber today. The eyes of millions of Americans are on us. Over the past 8 months, our fellow citizens have enlisted in the struggle to end apartheid, and as they have marched and petitioned and protested, they have given new life to our democracy and new meaning to the ideals of our Nation. The American people have stood up almost as one—in the churches, in the universities, in the labor unions, in the business community, in the towns and villages throughout the United States. Today they ask us to follow their lead, to join them in the struggle, to let the word go forth throughout our land and through-out the world that the Representatives of the American people in Congress assembled have taken action for justice.

There was a time when the world looked to the United States for leadership—not only because we were stronger than other nations, not only because we were richer than other peoples, not only because we had more men under arms and more missiles with more warheads—but because the United States was the beacon of hope for freedom-loving people throughout the globe. Today we have traded our moral leadership on the issue of apartheid for a false promise from the architects of apartheid. We have become identified as apologists for apartheid, as collaborators in the oppression of the black people of South Africa, as South Africa's last best friend in the community of nations.

We should recognize that, in fact, the United States is implicated in the apartheid system. Every time a U.S. bank extends credit to the Government of South Africa, we are financing apartheid. Every time we sell a computer to the Government of South Africa, we are aiding in the administration and enforcement of apartheid. Every time an American citizen buys a South African Gold Coin—the Krugerrand—we are funding apartheid.

Every new dollar that flows from the United States to South Africa is a new brick in the wall of apartheid.

So, as we stand here today, the United States has unclean hands, and if we do nothing today, our Nation will remain implicated in the system of apartheid.

That is why strong, vigorous, and visible action against apartheid is necessary. To do nothing today is tantamount to a vote of approval for the apartheid system.

There is a choice for South Africa, for America, for all of us. One way lies the dawn of freedom; the other is the prolonged twilight of apartheid to be followed by the bitter night of affliction and despair. There are those in this Chamber who fear change and would hold to the past. History will pass you by. For our part, we are convinced that, by our own efforts, with our own acts and peaceful witness, human beings can hurry a history that has been stopped too long. And we know that we must try, for we also know the price of failure.

More than a century ago, our country passed through the same storm that now rages over South Africa. The forces of slavery thought they could stand fast, perhaps forever—and finally, irrepressibly, the Civil War came. Caring and decent men, who loved their families and their country, fought each other for 4 terrible years—and hundreds of thousands of them perished. It is, of course, our deepest and most fervent hope that

the people of South Africa will be spared that suffering. But I believe that peace can be kept in that land only through the triumph of justice. Let us then do what we can to advance the cause of justice in the hope that, what we do and say here today will sound and resound throughout South Africa, and that the peoples of that sad and tormented land will finally join hands and walk together at last as all members of the same human family.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, today we are in the second day and for all practical matters really the first day of debate on an issue of importance to a growing number of Americans and to many of us in this body, and that is the American policy toward the Republic of South Africa. The complexity of the South African situation and the heinousness of South Africa's system of apartheid make this a difficult and emotional issue. Nevertheless, it is one that must be addressed because the consensus behind the present U.S. policy of "constructive engagement" with South Africa clearly is eroding.

South Africa's Nobel Prize-winning bishop, Desmond Tutu, has called apartheid "evil, immoral and un-Christian." No one can doubt that he is right. Apartheid separates the people of South Africa into groups according to the color of their skin and assigns each group a distinct and different position within the South African community. At the top of this racial hierarchy are some 5.7 million whites, which comprise 18 percent of South Africa's population. At the bottom are 22 million Africans, the majority of the population, who are deprived of fundamental civil and political rights in their own country, the land where they were born. In between are approximately 3 million people of mixed race, known as Coloureds, and 650,000 Asians, mostly Indians, who are forced to live in a kind of limbo, more privileged than the Africans yet inferior to the whites who regard them as part of the "black" community. Theoretically, apartheid is designed to preserve the cultural identity of all the population groups in South Africa. In practice, it is nothing more than maintaining the political and economic dominance of the white minority.

Apartheid is an inhumane and unjust system which reflects man's bigotry and capacity to be indifferent to the fate of his fellow man. It dictates every aspect of a black South African's life—where he may live and work, whether and where he can own land, with whom he can go to school, where he can shop or socialize, who can be his friends. It reserves the most fertile and mineral rich areas of South Africa, 87 percent of the land, for whites while relegating the African majority to a life of poverty and disease in barren, undeveloped areas designated as "homelands."

Under apartheid, Coloureds and Indians can own property in South Africa but they are confined to specified residential and business areas. Africans, on the other hand, are denied the right to own land or to hold citizenship in South Africa. Since 1960, 3.5 million blacks have been forcibly removed from "white" areas. Nearly 1 million more Africans have been forcibly relocated in the homelands. The South African Government's policy of giving Africans citizenship in the homelands, four of which have already been granted "independence," has resulted since 1976 in the denationalization of more than 8 million black South Africans. Because jobs are scarce in the homelands, many black men return to South Africa as so-called migrant workers. As such, they are required to live in single-sex hostels in the urban townships and to work for 11 months out of the year without seeing their families.

Africans are allowed to stay in South Africa only if they are employed. They receive wages less than those of their white counterparts and reside in overcrowded townships which have services, health care, and schools vastly inferior to those of whites. Their movement in white areas is restricted and those who violate the "pass laws" are subject to fines and imprisonment. In 1983 alone, more than 140,000 were convicted under these specious laws.

To sustain apartheid, the South African Government has adopted a variety of legal and administrative instruments including bannings, detention without trial, limitations on freedom of speech and assembly, and surveillance by the security police. It has also resorted to torture, the imprisonment of antiapartheid leaders and activists, and the use of force against blacks who have courageously protested against the system. Since last September, over 300 black South Africans have been killed at the hands of South African Government forces, largely in response to antiapartheid protests; 16 leaders of the United Democratic Front, the major antiapartheid movement, have been indicted on the charge of treason; and the South African military has conducted raids into neighboring Bostwana and Angola allegedly to destroy sympathizers of the "banned" African National Congress.

The fundamental goal of American policy must be to hasten the peaceful demise of apartheid and to encourage the development of a just and free society for all South Africans without reference to race. The elimination of apartheid is vital not ony for black South Africans but also for peace and stability in southern Africa, a region of political and economic interest to this country.

In April and May, the Foreign Relations Committee held a series of hearings to determine whether the administration's policy of constructive engagement is achieving this very goal. After much discussion and some disagreement, the committee amended and adopted S. 995, a bill originally introduced by the chairman of the committee, by an overwhelming vote of 16 to 1. That bill, which is now before the Senate, reflects I believe the committee's tradition of bipartisanship. It represents a concerted effort on the part of Democrats and Republicans alike to forge a policy around which consensus can develop and a job well done, I might add, by the committee.

Undoubtely this bill does not go as far in the area of sanctions against the South African Government as some members of the committee and of the Senate would like. However, I believe that it is a balanced piece of legislation which addresses many of the glaring weaknesses of constructive engagement. Its prohibitions on nuclear trade, computer sales and bank loans to the South African Government are an overt form of pressure, heretofore absent under constructive engagement. By demonstrating that the United States will take action to foster change in South Africa, these sanctions send a much-needed and long-overdue signal to South African blacks that the United States supports their struggle against apartheid. One of the greatest failures of constructive engagement is that it has led many black South Africans and many Americans to conclude that the United States is as the distinguished Senator from Massachusetts just noted, "on the side" of the white minority in South Africa—a situation which contradicts our humanitarian tradition and undermines our long-term interests in South Africa and the region.

By mandating the Sullivan principles for U.S. firms in South Africa, S. 995 makes it clear that American companies must join in the effort to combat the evils of apartheid. The provisions in the bill which provide assistance in the form of human rights grants and educational scholarships are designed to help South African blacks. Finally, the bill puts the South African Government on notice that the United States will impose additional sanctions, both economic and political, unless significant progress is made in dismantling apartheid within 18 months. Thus, this bill leaves no doubt that the American campaign against apartheid—the campaign to "free South Africa"—will continue.

Mr. President, I believe that the bill before us is a good piece of legislation that sends the appropriate signals to the South African Government and to

the black community in South Africa. I strongly urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. SARBANES. Mr. President, I rise in very strong support of S. 995, the Anti-Apartheid Action Act of 1985.

This legislation commands vigorous bipartisan support: it was approved in the Senate Foreign Relations Committee on a vote of 16 to 1. And, in terms of its consideration by this body, it clearly has also commanded very strong bipartisan support. With an 88 to 8 vote yesterday on cloture on the motion to proceed to the legislation.

I commend the leadership in the committee and on the floor of the Senate for moving expeditiously to consider this legislation—to schedule hearings in the committee, to move the legislation to markup, and then to schedule its consideration in the full Senate within a very reasonable period of time after committee action.

By sending a direct signal to the South African Government, this legislation makes clear that the apartheid policy pursued by that Government must be abandoned.

Apartheid, Mr. President, is a system of maintaining at any cost the political and economic domination of a small white minority in South Africa over the vast black majority of the population of that country. As such, the apartheid policy violates the most fundamental principles and values of our own society and Nation. Apartheid runs counter to the very principles which should be at the basis of American foreign policy, and the goals which should be the objective of American foreign policy.

It is important to remember, in considering this issue, that apartheid is not just a theory of social relations or a theory of government. On a daily basis, it involves innumerable appalling acts of inhumanity—the breaking up of families, the forced relocation to distant territories, arbitrary detention, violence, constant abuse, fear of death. Above all, it involves the constant denial of any measure of human dignity and respect. It is abhorrent to us, as self-respecting citizens of a free nation, and it is time, indeed long past time, to make clear to the Government of South Africa that the system of apartheid must be dismantled.

Our Government has followed in recent years the policy of so-called constructive engagement. That policy, however, Mr. President, has come to be seen as indulging, indeed condoning, the aparthied policy of the Government of South Africa. The legislation before us today is designed to put the United States on a different course, to send a different signal to South Africa and elsewhere in the world—a different message to black South Africans; to white South Africans, both those directing and supporting aparatheid and those courageous ones seeking to change apartheid in their own society; to Americans, black and white alike; and to citizens and governments throughout Africa and around the world.

In fact, the recent actions of the Government of South Africa have made it crystal clear that the U.S. policy of constructive engagement is an empty facade, a policy in fact not producing results. On the contrary, the actions of the South African Government have undercut any confidence which anyone may still have had in their intention or good faith.

Let me give just a few examples. First, on the international front: on April 18 South Africa announced the unilateral establishment of an interim administration in Namibia, in contravention of U.S. Resolution 435 which South Africa itself had pledged to respect, and in contravention of the efforts of the contact group of nations to resolve the Namibian issue on a peaceful and multilateral basis, and to move that nation toward independence.

On May 21 South African commandos attempted to sabotage the Gulf Oil operation, an enterprise involving Americans, in Cabinda in northern Angola, in violation, on the part of South Africa, of the Lusaka agreement, which had been negoitated between Angola and South Africa under the auspices of the United States.

On June 16 South African military forces raided Gaborone the capital of Botswana, killing more than a dozen civilians.

And earlier this year the South African Government acknowledged that forces attempting to overthrow the Government of Mozambique continue to operate out of South Africa, in violation of the Nkomati accord, a final agreement between the Government of South Africa and the Government of Mozambique under which the Government of Mozambique has met its obligations.

On the internal front, as my distinguished colleague from California earlier detailed, there have been a series of killings which have shocked civilized people around the world. Unarmed civilians marching in funeral processions have been shot by the police. South African blacks protesting forced removal from the crossroads squatters' camps have been killed. Demonstrators peacefully protesting the Uitenhage shootings have been arrested. Leaders of the United Democratic Front, an umbrella organization of groups committed to seeming peaceful change, were arrested for participating in the boycott of the 1984 elections, were held for months without charges and are now on trial charged with treason and terrorism simply for publications and for speech making.

In addition, the Government banned the United Democratic Front from meeting for a period of 3 months, a measure which prompted our own State Department to comment:

> Measures aimed at silencing legitimate and peaceful opposition to apartheid are not conducive to finding a solution to the country's major problems.

Constructive engagement has not worked and has indeed been discredited. Our Nation must move on to a different course.

S. 995 is designed precisely for that purpose. It is intended to demonstrate effectively U.S. opposition to apartheid by providing certain measures to restrict dealings with the Government of South Africa and by providing certain forms of assistance to black South Africans. This legislation prohibits loans to the South African Government and its parastatals, prohibits sales of computers and computer-related technology and equipment to South African Government agencies enforcing apartheid, prohibits nuclear trade between the United States and South Africa, and finally declares U.S. policy to be the imposition of further economic and political sanctions if in the next 18 months there has been no significant progress toward ending apartheid.

At the same time the legislation seeks to encourage the kind of development within South African society that can help to move that nation toward a peaceful resolution of the apartheid questions. It therefore authorizes money for scholarships for South African blacks and money for human rights programs in South Africa, reserving certain moneys for the legal defense of persons prosecuted for political reasons. It seeks to encourage black-owned businesses and operations in South Africa, and it makes the Sullivan principles mandatory for U.S. companies operating in South Africa.

Mr. President, I believe that S. 995 is a reasonable and coherent effort at implementing an antiapartheid policy. This legislation makes clear where the United States stands on this pressing moral issue, makes it clear beyond any shadow of doubt. It begins the process, the essential and necessary process, of saying to the Government of South Africa that the abhorrent system of apartheid must be dismantled.

The policy of apartheid denies the most elemental rights of human dignity and respect it can no longer be tolerated in a civilized world. The Anti-Apartheid Action Act of 1985 is designed to move us down the path of bringing that policy to an end and bringing decency and peace to South Africa.

I yield the floor.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Thank you, Mr. President.

Mr. President, I rise to express my strong support along with my colleagues who have spoken before me for S. 995, the Anti-Apartheid Action Act of 1985. I think it is a good bill. It is a well-reasoned and comprehensive package condemning the apartheid policies of South Africa plus redefining the United States relationships with that country. I have been asked the question in the last 24 hours as to whether this proposed Senate bill is as strong a bill as passed the House of Representatives. I think that is really the wrong question. The real question is, Is this a more effective bill than the one passed by the House of Representatives, or other bills and amendments which have been proposed? I believe that it is. I think we also have to ask ourselves the most fundamental question of all which too often we fail to do; that is, in relation to any foreign policy question is what we are about to do in the best interests of the United States? We obviously have concerns and should heed those concerns as to the effect of our actions on other nations. But it is ultimately in the carrying out of the American foreign policy the answer to the question: Is it in the best interests of the United States? I believe S. 995 responds splendidly to that question. It is in the best interests of the United States.

It sends a twofold message to the people of South Africa. First, that the United States does not support the apartheid system and will no longer conduct simply business as usual until the Government's actions and policies for its black majority change.

There has been an increase in violent police actions against black South Africans: Over the past 10 months, approximately 400 people have been killed by acts of violence in South Africa. Transfers to "black homelands" have increased and are strictly enforced. Pass checks continue, often pursued with unnecessary vigor and force. S. 995 lets the Government of South Africa know such actions cannot and will not be tolerated.

But I think perhaps even more importantly, the bill sends a message of support to the black citizens of South Africa by providing positive steps to assist them in the current situation of political and economic deprivation. The past months have seen unprecedented pressure from blacks within South Africa for change. Real change in the policies of the Government of South Africa can only come from within and we must do everything we can to let those who are striving for change know that we support their struggle and stand ready to help. This bill offers a good beginning.

S. 995 offers a phased approach for economic sanctions: Some would take effect immediately—and I believe are necessary—and the rest within a specific time but no later than March 1987, if significant progress for the abolition of apartheid is not made. I favor this phased approach as it allows us to hold in reserve further punitive actions if our initial actions ellicit no or an insufficient response. It also gives us time to evaluate the effectiveness of our initial actions which I hope we will take today and to make changes accordingly. Most importantly, however, it gives us time to coordinate our efforts with other countries.

We have seen the example too many times over the past decade of American attempts to influence actions of other nations by carrying out unilateral economic sanctions. They have never worked.

I firmly believe that economic sanctions imposed by one country do little more than send a signal. Such signals clearly have merit but some situations warrant stronger action. This is such a case. If our sanctions are to be effective and if we come to the point where they believe they must be applied, we simply must have coordinated efforts involving many countries. During the Foreign Relations Committee markup, I offered and the committee accepted an amendment concerning multilateral trade sanctions. The language requires the President to begin negotiations with other nations to develop multilateral economic sanctions to bring about an end to apartheid.

If we are successful in that effort, then I believe economic sanctions may well have strong influence. If we are unsuccessful, we ought to think about unilateral sanctions from the United States alone.

S. 995 also sets out clear standards for labor practices to be met by American companies operating in South Africa. This code is similar to the Sullivan principles, which have come under attack by some of late. While application of the Sullivan principles may not change the apartheid system, it has made a tremendous difference to those black South Africans fortunate enough to enjoy the benefits. All too frequently, we ignore or overlook small victories such as these. The principles have made a difference in the lives of some and we should not casually cast them aside as long as they continue to make a difference.

This legislation does more than assuage the consciences of the Senate and the American public—it is a strong statement of our determination to see the end of apartheid in South Africa. It is a reasoned, phased, comprehensive approach and I urge my colleagues to join with me in supporting this legislation.

I know there are many who will seek amendments both to strengthen and to weaken this legislation. I believe the chairman has acted extremely well and has provided enormous leadership in bringing us to this point. I hope we will be able to move, move promptly to send the necessary signals to the rest of this country, to South Africa, and to clearly get on with the business at hand.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

Mr. LUGAR. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1160.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 1160) entitled "An Act to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following are appointed as conferees.

From the Committee on Armed Services, for consideration of all provisions: Mr. Aspin, Mr. Price, and Mr. Dickinson.

From the Committee on Armed Services, for consideration of all provisions except sections 711, 713, 933, and 949 of the Senate bill and modifications thereof committed to conference: Mr. Bennett, Mr. Stratton, Mr. Nichols, Mr. Daniel, Mr. Montgomery, Mr. Dellums, Mrs. Schroeder, Mrs. Byron, Mr. Mavroules, Mr. Hutto, Mr. Whitehurst, Mr. Spence, Mrs. Holt, Mr. Hillis, Mr. Badham, Mr. Stump, and Mr. Courter.

From the Permanent Select Committee on Intelligence, solely for consideration of differences regarding intelligence-related activities: Mr. Hamilton, Mr. Stokes, and Mr. Cheney.

From the Committee on Education and Labor, solely for consideration of sections 711, 713, 910, 919, 933, 949, 2136, and 2137 of the Senate bill, and section 1190 of the House amendments and modifications thereof committed to conference: Mr. Hawkins, Mr. Ford of Michigan, Mr. Kildee, Mr. Murphy, Mr. Clay, Mr. Williams, Mr. Jeffords, Mr. Goodling, Mr. Petri, and Mr. Bartlett.

Mr. LUGAR. Mr. President, I move that the Senate disagree to the House amendments and agree to the conference requested by the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

Mr. PELL. Mr. President, this matter has been cleared with the minority.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to and the Presiding Officer [Mr. DANFORTH] ap-

pointed Mr. GOLDWATER, Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. COHEN, Mr. QUAYLE, Mr. EAST, Mr. WILSON, Mr. DENTON, Mr. GRAMM, Mr. NUNN, Mr. STENNIS, Mr. HART, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, and Mr. GLENN, conferees on the part of the Senate.

ANTI-APARTHEID ACTION ACT OF 1985

The Senate continued with the consideration of the bill (S. 995).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in support of S. 995. I think a few statements are in order, aside from those in my prepared remarks.

First of all, I would like to compliment Senator LUGAR on taking a matter that nobody thought would be before us this year and bringing it before this body for its deliberation and action.

There are some strongly held feelings on this matter. I think it is a great credit to the chairman that he got it out of the committee, he got it on the floor, and we are going to act.

I also want to give credit to my friend ALAN CRANSTON, of California, who has followed this issue from its beginning, and to my good friend, Senator KENNEDY, with whom I sat down on this legislation many months ago and without whose help I do not feel we would be at this point today.

The individual who I think deserves the most credit is not even on the floor of the Senate. That is Randall Robinson.

Randall has been the manager, if you will, of the ad hoc expressions of revulsion toward the policy of apartheid as evidenced by hundreds of American citizens, known and unknown. Every day—in heat, cold, snow, rain—Randall managed that manifestation there on Massachusetts Avenue in front of the South Africa Embassy, the manifestation of revulsion for the policy of apartheid.

When the inauguration was going on, nobody cared what was going on on Massachusetts Avenue, but attention was focused on Pennsylvania Avenue. But there was Randall Robinson and those who assisted him.

This is a terribly important day for the people of the United States and the Senate of the United States, but it can be no more important to anyone than it is to Randall and those members of his coalition who long before this became a political issue, long before it was in the limelight, were the few who evidenced the best of what resides in each one of us as American citizens.

So, as I say, great credit goes to the chairman and the various people who had input into the bill and those Senators who will vote here today, but there are those outside the Chamber who evidenced their feeling in protest both on Massachusetts Avenue and in cities around this Nation. They are the true Paul Reveres of our generation. It is to them that I think recognition should go.

When I, as one of Randall Robinson's Indians—he was the chief—came out of the D.C. jail back in January of this year, I never dreamed that this moment would occur as early as July 1985. But it is going to occur.

We have abandoned the policy of silence. It is not a question of constructive engagement by the Reagan administration. This has been silence by the American people, all of us, Republicans and Democrats, all of us, for decades.

That is what goes by the boards here today. That is what went by the boards when the House passed its version and hopefully it will go by the boards when the President signs this into law.

This is our statement as a people. This is not a conservative or liberal issue, Democrat or Republican issue, but it is an issue for all Americans, a reaffirmation of what we believe in.

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life liberty and the pursuit of happiness.

With those noble words, our forefathers severed their ties with an oppressive, colonial regime and began the greatest social experiment in human history. It was an experiment born of and sustained by the ideal that human beings have rights that transcended systems of government or economics. And for that ideal we have been respected and emulated by people around the world.

That ideal carried us to Yorktown, to Gettysburg, to the Marne, and Normandy. It has carried us likewise from Selma, AL, to Washington, DC. It is our raisonné d'etre, the bedrock of values long considered uniquely American.

It is with that spirit that I believe we as a nation have stirred ourselves to act on behalf of the millions of blacks in South Africa for whom our ideal is only a distant dream. The conscience of America has begun to speak: we have been silent too long.

We already knew what Bishop Desmond Tutu was saying when he told us, "You are either for or against apartheid. You are either on the side of the oppressed or the oppressor. You cannot be neutral."

And yet that is what we have attempted to do; by virtue of indifference or self-deception we have been a silent ally of apartheid, not for the last 4 years only, but for decades. For the first time, the United States, as a matter of substantive law, is about to take sides in the struggle for equality in South Africa.

Mr. President, this is no longer some marchers on Massachusetts Avenue. This is no longer a protest before the United Nations, in Boston, or wherever. This is not an ad hoc effort. This is the Government of the United States that is speaking. It is evidencing its conscience.

And, Mr. President, I believe we will do so in a manner consistent with our best traditions.

When Elie Wiesel, the eloquent scholar and survivor of the Nazi Holocaust, returned from South Africa he wrote:

> What I understood in Soweto is that racial laws are wrong, not only because they result in collective and individual oppression, but also, and especially because they are laws. Racism itself is dreadful, but when it pretends to be legal, and therefore just, it becomes altogether repugnant. Without comparing apartheid and Nazüsm and to its "Final Solution"—for that defies all comparison—one cannot but assign the two systems, in their supposed legality, to the same camp.

Apartheid in South Africa is, as National Socialism was, a creature of law. Racial separation was built brick by brick, law by law in both societies over a number of years. In their first 3 years in power in Germany, the Nazis banned "non-Aryans" from the civil service, required the classification of the population by race and finally declared Jews to be noncitizens within their own country. Between 1948 and 1951, the newly elected National Party in South Africa required registration by race, banned mixed marriages, and moved toward denying blacks any legal, economic, or political rights. National Socialism plunged the world into war and was ended at the cost of millions of lives. We must act now in order that apartheid will end without such a staggering cost in bloodshed.

In the 1950's, Chief Albert Luthuli, a Nobel Prize winner, urged peaceful protest in order to win concessions from the apartheid government of South Africa. Nothing happened. Leadership passed to Nelson Mandela, who advocated violence against inanimate objects, such as government buildings, in order to bring about change. It did not happen and Mandela has been imprisoned for many years. Given that history, who will be the new leaders of the black majority and what methods will they advocate?

Will it be men of peace and principle like Bishop Tutu or those who are identified with and who receive support from totalitarians? We must add our voice and active support to those who still believe in a process of nonviolent negotiation. With concerted U.S. efforts, such a course of action becomes a live option; without it the cycle of violence and death appears inevitable.

Mr. President, with the measure before us, the United States is using

legitimate tools of foreign policy to convey a strong message to our supposed allies in South Africa. The message must be a manifestation of our sincerity and depth of interest in reform in South Africa. I applaud the Committee on Foreign Relations for reporting to this floor a bill containing genuine economic sanctions against South Africa. There can be no doubt, once this bill passes the Senate, that the course of U.S. policy has changed. We will continue on that course until we can see expeditious and genuine change in South Africa.

In this historic debate, there are three objectives to which we strive. One, that we would fashion a response to the situation in South Africa which is worthy of the idealism and courage of the United States past, present, and future. Second, that we would demonstrate to oppressed people within South Africa and around the world that the United States shares their aspirations and is willing to be involved in their struggle to achieve them. And, finally, to communicate that we value and guard the rule of law and the system of democracy and we will not embrace those who prostitute them to cover their injustice.

Mr. President, the choices we are about to make are not easy ones. They do not come cheap. With a greater degree of involvement comes a higher degree of responsibility for the United States. We will no doubt hear the time-worn appeal to profit, to anticommunism, to support for World War II allies. I do not believe such arguments are valid nor do they offer any prospect of a genuinely constructive role for the United States in preventing an imminent African holocaust. I believe we must act. I think this measure is, indeed, that action.

To be true to our ideals is a realism that the world has been waiting for.

I yield the floor.

Mr. CRANSTON. Mr. President, will the Senator yield for a question?

Mr. WEICKER. I yield to the distinguished Senator from California.

Mr. CRANSTON. I simply wish to state that the Senator has made a very eloquent and very compelling statement. I applaud it. The Senator was very modest about his own role in all of the developments that led to this moment in the Senate, a very proud moment for the Senate and for our country. In behalf of many people, I thank him for that.

I agree with all he said about Randall Robinson and all the others outside this Chamber who have contributed so much in so many ways. Randall has been a very forceful and effective leader, also very pragmatic in terms of the realities of the way we work things out in this body. I have agreed with all the Senator said about him and the others who have done so much and sacrificed so much in behalf of people in that distant place, South Africa.

Mr. WEICKER. Mr. President, I thank my distinguished colleague from California for his kind remarks. Most importantly, I thank him for making this day come to pass through his efforts.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise today to commend the majority leader, Senator DOLE, and the chairman of the Foreign Relations Committee, Senator LUGAR, for bringing S. 995, the Anti-Apartheid Action Act to the floor of the Senate in such a timely fashion. The demands upon the time of the Senate are many and that time is scarce. Consequently, I believe they should be both commended for perceiving the need to legislate on this issue at this time.

Mr. President, the issue of United States-South Africa relations has been of considerable interest to me ever since I visited South Africa in January 1984. During the course of that visit I became increasingly aware that U.S. policy toward that country, while well intentioned, was poorly perceived both by the black community and by pro-reform elements in the white minority. The Reagan administration's policy of constructive engagement, while designed to foster racial reform in South Africa, was perceived by many as fundamentally endorsing the current South African political dispensation. That misperception was even shared by members of the minority government, many of whom mistook a change of U.S. strategy toward South Africa for a substantive change in U.S. policy toward that country. In fact, the goal of policy remained the same, the achievement of meaningful, peaceful racial reform in South Africa.

Consequently, I felt it to be necessary that the United States should, at the very least, modify its policy toward South Africa with a view to clarifying, for all concerned parties, the fundamental goals and assumptions of that policy. We required legislation which would communicate to the South African black community our fundamental support for their political and economic aspirations while similarly communicating to the white minority our rising exasperation at South Africa's failure to follow a path of committed racial reform. This legislation, ultimately, took shape in the form of the Roth-McConnell-Dodd United States-South Africa Relations Bill of 1985.

I want publicly to express my great appreciation to both Senator MCCONNELL and Senator DODD for their leadership in helping develop this legislation. I think the fact that this proposal had liberal and conservative support from both sides of the aisle proved a key factor in enabling, or hopefully enabling, meaningful legislation to be adopted in this area.

Our bill advocated the adoption of a two-track policy toward the Republic of South Africa. On the one hand, it greatly increased U.S. educational assistance to black South Africans, made black-owned businesses in South Africa eligible for OPIC and Eximbank assistance, and legislated a mandatory code of labor practices, along the lines of the Sullivan Code, for U.S. businesses operating in South Africa. With an eye to South Africa's white community, the bill called for the termination of United States-South Africa nuclear trade, the termination of South African Airways landing rights in this country, the termination of U.S. bank loans to the South African Government, the closing of a South African consulate in this country and the prohibition of U.S. computer sales to the South African military, police, security, and apartheid-enforcing agencies.

I am happy to say that the Foreign Relations Committee saw fit to adopt the vast majority of those proposals. The chairman of the committee and I were in complete agreement as to the need to reach out and make positive gestures toward South Africa's black community. The committee also chose to adopt our proposals to terminate United States-South Africa nuclear trade, U.S. bank loans to the South African Government and U.S. computer sales to the South African military, security, and apartheid-enforcing agencies. Our proposal to close a South African consulate has been dropped in the face of concern that such an initiative could be viewed as downgrading our diplomatic effort to achieve racial reform in South Africa.

Mr. President, it is my opinion that this legislation, taken as a whole, will greatly assist the process of reform in South Africa. Currently, both black and white, reform groups in South Africa are in sorry need of some manifestation of meaningful outside support. The frustration of the black community in this regard may be, in part, responsible for the rising tide of violence in South Africa's black townships. White supporters of reform have assured me of the need for this country to take a more public stand on the issue of apartheid.

Finally, I believe that this legislation will be good for the South African Government itself. That Government frequently displays a woeful ignorance of this country and of the impact of its domestic and regional policies upon the course of United States-South Africa relations. This legislation will serve both to clarify that current low status of our relations and to highlight the need for South Africa to modify its conduct in many regards.

Mr. President, during the past 3 months, I have been interviewed by the press on several occasions on the subject of United States-South Africa relations. I was frequently asked a question which, personally, I found to be extremely puzzling, namely, "Why are you, a Republican, a commonly perceived conservative Republican, legislating on the subject of South Africa?" As I said, I found the question odd because I perceive no apparent contradiction. On the contrary, as a Republican, I perceive myself as a loyalist to the political principle of multiparty democracy and the economic principle of free enterprise.

The Republic of South Africa, as currently constituted, is offensive to both principles. It forbids meaningful political participation to the vast majority of its citizens and, through a plethora of overt and covert measures, prevents them from achieving their economic potential within their own society. It even commits the primary sin against democracy. It attempts to assert that many of its citizens are not, in fact, citizens and that they can be treated as aliens in their own land.

Perhaps, though, I am supposed to swallow my distaste for apartheid on the grounds that the South African Government is pro-Western in its sympathies, an anti-Marxist state battling Soviet expansionism in southern Africa. I think not. Western societies do not attempt to rob their citizens of their citizenship. They do not shoot peaceful demonstrators in the back. They do not imprison without some attempt to show cause.

Moreover, we should ask ourselves, what evidence do we have that South Africa is, indeed, anti-Marxist in inclination. The assertion is often made but seldom seriously examined. Personally, I can imagine nothing more likely to be conducive to marxism among South Africa's black youth than the current conduct of South Africa's police and security forces. How can one reasonably expect any youth to hold firm to a belief in peaceful change when he sees his community's leadership imprisoned without cause?

Similarly, what evidence do we have that South Africa's regional conduct is anti-Marxist? The evidence suggests that that conduct is antiblack rather than anti-Marxist. South Africa's security forces have proved just as eager to enter into non-Marxist Botswana as well as Marxist Mozambique. The former operation was, of course, supposedly in search of the ANC, whose presence proved surprisingly illusory, as it had done just a few weeks before in Cabinda. In fact, the evidence suggests that South Africa enjoys quite a fondness for its Marxist neighbors. Above all else, South Africa does not wish its neighbors to be strong, regardless of their political inclinations. Marxist governments, particularly in Africa, are weak, corrupt and ineffectual. So far as South Africa is concerned, they make for an ideal neighbor.

Those Members who doubt this would do well to consider that, when I was in South Africa in 1984, members of the South African Government repeatedly urged me to be a strong supporter of economic and military assistance to the Marxist government of Mozambique. Mozambique had been reduced to servile status through cross border and subversion operations and, having been so reduced, political considerations were, apparently, no longer of any importance. Thus we were faced with the somewhat anomalous picture of a supposedly anti-Marxist government urging this country to fund a Marxist government in its efforts to fight an anti-Marxist guerrilla movement. I think that example, at the very least, should cause us to pause before we categorize South Africa as a member of the anti-Marxist camp.

South Africa is not a bastion of free enterprise or of Western political values. Hopefully, it can become so, but that will require considerable reform of its governmental structure. Today, we are debating how best this country can encourage that process of reform. We cannot simply turn our backs on the situation and hope that all will turn out well. Moral concerns dictate that we must become involved. Political and security concerns for our position in southern Africa, a region of considerable importance to this country, similarly dictate that we must be involved. We must now move ahead to formulate a farsighted policy which will fulfill our moral obligations and protect our political interests.

If our South African diplomacy ever is to achieve the results to which we aspire, that white South African perception must be altered drastically. I believe that that alteration can best be effectuated by a clear and incontrovertible message of congressional displeasure with both South African regional and domestic behavior, a message which I hope the Senate, over the next few days, will show no hesitation in formulating and sending.

I again express my appreciation to Senator McCONNELL and Senator DODD, and particularly to the chairman of the Foreign Relations Committee for the usual leadership we have come to expect from him in this kind of matter.

Mr. PRESSLER. Mr. President, this bill, which I support, will generate an immediate reaction in South Africa. It is consistent with our longstanding and widespread concern over apartheid, but it also begins to chart a new path. A new path which both black and white will watch with great interest in South Africa. A new path that will significantly alter the U.S. Congress' approach, and a new path that can alter events in Southern Africa.

Because this proposed path is new, and because we are unsure of its effect—both upon South Africa and upon the region—we must strive for a balanced and moderate approach.

As Senator KASSEBAUM has said so eloquently, this is not a perfect bill, but it is a workable one. It is the product of a concerted attempt to balance many competing concerns.

I am proud to have participated in an effort that has been such a careful blending of initiative and caution. As we all know, any economic action the United States may take entails some risk of doing grave damage to those we intend to help.

Thus, we need to keep in mind today, and in the future, the need to balance the threat inherent in U.S. actions with forceful steps to register our concern with the Government, without making the individual nonwhite suffer in an economic or political sense.

I support the bill for four major reasons:

First, I am convinced that this balanced and nuanced approach will not provoke the South African Government into a posture of defiance, increased coercion, or repression; but it will register our concern in an unequivocal fashion.

Second, this bill emphasizes the carrot as well as the stick: most importantly, it emphasizes the importance of investing in black education.

This area is of critical concern because a full 50 percent of black South Africans are 15 years and younger and will be bursting upon the marketplace in 3 to 10 years.

They will severely strain an economy which already suffers more than 20 percent black unemployment in urban areas, with over 70 percent black unemployment in many rural areas.

Since educational investments often take 10 to 20 years to bear fruit, I hope that we will continue to make this a major priority.

Third, this bill aggressively moves to develop the prospects for black employment by directing the Export-Import Bank and the Overseas Private Investment Corporation to help develop and promote black business.

It is important for us to put our focus on these agencies because the Ex-Im Bank has been essentially prohibited from financing U.S. sales to South Africa except under very restrictive circumstances in the past; and because OPIC does not provide guarantees for investment in South Africa.

Such encouragement of black business development will provide indigenous support for those millions of unemployed and underemployed non-

whites in South Africa who so desperately need a helping hand.

Finally, I support this bill because it is a signal to the President that we want more official U.S. Government aid directed toward the individual black in South Africa. The United States has already developed more than $30 million worth of training programs intended to improve black skills, but the United States, and its Government, must do more. This bill is part of an important new path that emphasizes the positive and constructive, but holds forth the threat of tougher action if change is not forthcoming.

In summary, for these reasons, I enthusiastically support this new path that the U.S. Senate has set for itself, a new path that will be watched carefully—both here and abroad.

Mr. President, I might add in conclusion, as chairman of the European Subcommittee, that I have been concerned that U.S. actions toward South Africa be matched with those of our allies to maximize their impact.

We as Americans have reason to be proud of the Sullivan Principles, and the 135 or so U.S. firms that adhere to them. The Sullivan Principles are a common set of principles intended to guide U.S. business toward humane and equitable treatment of their employees in South Africa. The six principles provide for integrated workplaces and eating facilities, equal pay, fair employment practices, and special educational, training, housing, and health programs for nonwhite employees.

Unfortunately, some of our allies are not equally zealous in providing for such humane and fair treatment. In fact, not only was the EEC Code of Conduct prompted, in part, by the American example, but its provisions are not as strict as the Sullivan Principles, and a smaller percentage of EEC firms adhere to them.

I am convinced that our efforts here today would be strengthened greatly if the EEC and Japan would join us. Thus, I urge that the President and the State Department consult with the EEC and other countries such as Japan and Taiwan subsequent to the passage of that legislation.

I hope that their policies can be brought more in line with ours. If they don't, and if their investors supplant American firms that pull out of South Africa, our actions today may be ironic and shortsighted.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Kentucky is recognized.

Mr. McCONNELL Mr. President, before I begin my remarks, I should like to express my respect and appreciation to the majority leader, Senator DOLE, and to the chairman of the Foreign Relations Committee, Senator LUGAR. Without their dedicated, thoughtful leadership, we would not have been provided this opportunity to debate the important issues of apartheid and legislation regarding South Africa.

I also express my appreciation to the Senator from Delaware [Mr. ROTH], with whom I have had the pleasure of working on the so-called Roth-McConnell bill, many provisions of which are in the measure before us. It was a pleasure to work with him in developing this legislation.

Mr. President, in a commencement address this May at the University of Kentucky, Bishop Tutu emotionally illustrated the harsh realities and meaning of apartheid. He told us that the Government spends eight times more for the education of a white child than for a black. He reminded us that last year over 160,000 blacks were arrested for violations of the pass laws, which was one arrest every 7 minutes. The bishop vividly described the squalid urban ghettos, the poverty-stricken, isolated homelands, and the emotional decay of families separated 11 months of the year from a migrant-working father. Bishop Tutu's picture of apartheid in South Africa is shocking; and, as he said, "apartheid is not accidental."

Apartheid is unique. It is a legislated, legally enforced system of racial segregation imposed on 21 million people by a member of the family of democratic, Western nations. As with all families, membership has its responsibilities. We have justifiably different expectations of South Africa than we do of an adversary like the Soviet Union. We do not expect South Africa to sabotage a U.S. oil facility and jeopardize American lives as it did in Cabinda, Angola. We do not expect political activists involved in a nonviolent, multiracial opposition movement to die of head injuries sustained while in police custody, as was recently the case with Andries Raditsela and Sipho Mutsi.

I might add that these violations continue, with seven killings yesterday.

These examples illustrate that the nation of South Africa may, in principle, be a member of the Western family, but its government has a moral, political and security agenda which diverges markedly from our own. I believe it is the dangerously misguided agenda of a minority which, if pursued over time, will result in the collapse of a nation.

South Africa is separated from the United States by 8,199 miles. Historically, it is one of the few nations on the continent which has not suffered debilitating economic or political coups. These factors make it easier to understand why many people might overlook or discount the significant internal political turbulence which has scarred the last decade of South African history.

But apartheid and the severity of life under its discriminatory weight, is not a problem we can continue to wish 8,199 miles away. Apartheid is not only an issue facing South Africa. It is not only a black, student, Democrat, liberal or civil rights activist issue. The South African Government's policy of apartheid has summoned a strong consensus of angry criticism because it wounds the core of American and Western values. We are a nation and international community bound together by principles of freedom, equality, and justice. As a conservative southern Member of the Senate, I share a commitment to those values and I am troubled by the inevitable damaging consequences of their betrayal.

All members of the Western community share an interest in assuring that South Africa is a stable, capitalist state with full political participation and representation of all of the population. To deny the achievement of any part of this goal—which is to sustain apartheid—is a prescription for continued deterioration. If South Africa continues to bleed this slow political death, we cannot be certain the final outcome will produce a government friendly to our interests. We cannot be certain of continued access to minerals, sea routes, nor can we have confidence in South Africa's willingness or ability to oppose aggressive Marxist expansionism in the region.

The question is how U.S. policy can influence necessary reforms in the South African Government's agenda. It is evident our policy of constructive engagement has not achieved any success in reducing violence or increasing the black majority's political role. Constructive engagement has not changed the deplorable quality of health care and education, property rights, influx control, pass law restrictions, and the homelands policy for blacks.

It is also apparent that economic sanctions will not be effective. In all likelihood, banning Krugerrand sales or limiting investment opportunities will have an adverse impact on the black majority struggling to escape economic deprivation. Evidence indicates the number of employees in Swedish businesses has declined by 50 percent since Sweden announced its prohibition on new investment. Unemployment is not a lever which can press the South African Government to initiate reform.

Economic sanctions are an effort to impose solutions from the outside. We must craft a policy which strengthens internal forces for change as we apply pressure to accelerate the process.

Consistent with principles of international diplomacy, the United States

should take government-to-government actions which will pressure this policy change. It is the government which is in the primary position to institute and assure reforms are carried out with the maximum of speed and minimum of violence.

U.S. policy must also build a relationship with the black majority as we diminish the South African Government's ability and incentive to enforce apartheid. Our policy must combine measures which strengthen the social, political, and economic opportunities for the majority as we apply pinpoint pressures on the Government which reflect our concern with their failure to expedite reforms. I believe the bill we are considering today goes a long way toward achieving this balance. Scholarships, targeted financial assistance, and mandatory U.S. corporate fair labor practices are balanced with a number of punitive measures. These include a ban on computer sales to Government agencies, including the police, military, security forces, and agencies administering the pass laws, as well as termination of all nuclear trade and a prohibition on new bank loans to the South African Government.

In conclusion, I note that the House of Representatives has already acted on legislation. I believe this bill is exceedingly broad in its punitive consequences for the black majority in South Africa, American business interests, and the South African Government. However, it does represent a momentum and congressional will to act in the absence of a successful administration policy.

More than ever before, South Africa seems to be at a crossroads, poised between peaceful change and violent revolution. The situation is more volatile than at any other time. Widespread unrest has understandably erupted from the frustration and anger of 21 million people denied meaningful access to decisionmaking structures, harassed by influx control regulations, subjected to miserable living conditions, and limited in their educational and economic opportunities.

We now have the opportunity to contribute to meaningful change in South Africa. To fail to act in support of this legislation, will inevitably jeopardize our national security interests as surely as it dooms South Africa to civil war.

Mr. KERRY. Mr. President, as a member of the Committee on Foreign Relations, I am pleased that this bill is on the floor today, and I join my colleagues in extending my sincere personal congratulations to the chairman of the committee for his leadership.

In many ways, for various reasons, this is as difficult an issue as one could bring to the floor. It has been fraught with obvious and well-known pitfalls these last days. I think the fact that we are here and are able to consider it and are at this point in the deliberations is a tribute to the leadership of Senator LUGAR, Senator KENNEDY, Senator WEICKER, Senator CRANSTON, and the others who have been involved in this issue.

I believe that all the comments we have heard today thus far on the floor of the Senate underscore the perception of many in this institution, which is a reflection of more in this country and in the world, that it is long past time that the United States abandon a policy of constructive engagement and replace it with policies that put us on the side of the people of South Africa, in its broadest terms, instead of on the side of a repressive and unjust Government.

I think that all who have spoken thus far today and Senators who have spoken with eloquence would agree that constructive engagement has been a failure, not merely a failure because it has not achieved its supposed goals promoting change in South Africa, but a moral failure and a serious foreign policy failure which even threatens the long-term security and credibility of the United States.

I think that of all those who have spoken about this tragic and moving situation none have spoken more eloquently about these matters than Nobel Peace Prize Laureate Bishop Desmond Tutu. I wish to just quote a couple of things that he has said about the effect of constructive engagement and what it has done for the black population of South Africa, because Bishop Tutu obviously lives that on a day-to-day basis and, as a result of living with it, I think steps out of either liberal or conservative ideology which causes him to have the beliefs he does about basic desires of human dignity and freedom which I believe transcend ideology.

Bishop Tutu said:

> We are being turned into aliens in our fatherland because an alien cannot claim any rights, least of all political rights.

And when he testified 6 months ago before the House Foreign Affairs Committee he said:

> They don't know that I am a South African for I travel on a travel document that describes my nationality as undeterminable at present.

The bishop told the subcommittee that he was 53 years of age and yet he could not vote. He described the mass movement of families from their loved ones caused by the homelands resettlement policies. He described the police, the dogs, the tear gas, the guns, the death, the detention, and the exile that met those who sought peaceful change.

He said this is the kind of system that those who invest in South Africa are purchasing. This is the kind of system that the Reagan administration's constructive engagement is encouraging and supporting and encouraging the white racist into an escalating intransigence and repression, and according to Bishop Tutu it is U.S. policies that have actually helped the South African Government to drag its feet on reforms, giving it a reason to delay the Namibia independence by linking that independence with the withdrawal of Cuban troops from Angola.

And as the bishop says, "In the meantime, people are dying, people are suffering needlessly."

The bishop could not have been more explicit in his assessment of the effects of this policy of what I would call trickle-down human rights.

"Constructive engagement has worsened our situation under apartheid, he said 4 years ago." He said, "This policy was an unmitigated disaster for us blacks. Four years later I have no reason to alter my original assessment. It is giving democracy a bad name, just as apartheid has given free enterprise a bad name."

The bishop then unequivocally warned us that if the United States persists in helping the South African Government by being it ally in the world the black people of South Africa and the coloreds and the Asians and all the oppressed will rise up against us and look to the Soviet Union for help.

I quote him again:

"Blacks deplore communism as being atheistic and materialistic," said the bishop, "but they would regard the Russians as their saviors were they to come to South Africa because everything in their view would be better than apartheid, for the enemy of my enemy is my friend. When you are in a dungeon and a hand is put out to unlock the door and get you out you don't ask for the credentials for the owner of the hand."

The bishop has also said that "collaboration with an evil system carries over to the collaborator," and I think that is something which we know as a consequence of World War II is a principle that we have tried to espouse in our own policy as well as in the law itself.

So, Mr. President, it is time for the United States to stop collaborating with an evil system.

On January 2 of this year, the bishop, despite a South African law that makes support for economic sanctions against South Africa an indictable offense, called for the United States to begin a campaign of economic pressure against the South African Government.

As of today, we have not yet done so. Instead, we have watched event unfold in South Africa that have demonstrated further, if any demonstration were needed, how urgent it is that the United States stop supporting a policy

of constructive engagement, and I think that as a result of the efforts of Randall Robinson and so many others across this country as well as the difficult, and I think courageous, trip of Senator KENNEDY who toured South Africa in January as the bishop's guest, that only then has the spotlight begun to really been shifted as a result of those efforts onto South Africa, and our Nation's policies toward that country have now been viewed in a way that, at least recently, policy has not been examined.

We have seen firsthand how American support for apartheid had weakened the traditional ties between the United States and the people of South Africa.

A month later, in February, after those visits and after Randall Robinson and others had begun their efforts, riots broke out near Capetown in which 5 persons were killed and 60 or more injured. As the violence continued more people died and the South African security police arrested leading black activists on pretended charges.

In March, the United Nations condemned the South African Government for killing blacks who were protesting their forced removal from squatter camps. Ten days later, South African police opened fire on a funeral procession of 4,000 blacks, killing at least 19. A few days later, the South African police arrested 239 demonstrators during a march on parliament in Johannesburg to protect the police killing of the 19. By the end of the month the South African Government banned meetings by the United Democratic Front and 28 allied organizations, each of which were peaceful opposition groups.

It ordered army units into black townships in the eastern cape region to assist police patrolling areas of unrest. In early April the police dispersed 15,000 mouners at another funeral with tear gas and rubber bullets.

More political arrests followed throughout the months of April; forced relocation of blacks continued as well.

The Anglo-American Mining Corp., owner of the world's largest gold mines, fired some 15,000 black miners for participating in a strike for higher wages.

In May, 1,000 South African troops and police sealed off a black township in Eastern Cape Province and conducted house-to-house searches in response to violence in the township, and Selse, a black South African labor leader, died after being detained by police, and an autopsy showed he died of brain damage consistent with a blow or fall.

Student activist Seponusi also died following detainment and he, too, died of brain damage consistent with a blow to the head.

By the end of May more black political and labor leaders were charged with treason and terrorism and for speeches they had made at rallies and publications that they had distributed. Now, mere words were enough in Africa to commit treason.

Then finally on June 4 the Senate Foreign Relations Committee reported out the Anti-Apartheid Action Act of 1985, legislation which would at least begin to put this country on the side of a free South Africa.

And I believe it is time if we really are serious about wanting free South Africa, if we are sincere about wanting a South Africa that respects us for not just words but for actions, and if we are sincere in wanting change in South Africa.

This legislation, as my colleagues have said, is not perfect, as most legislation probably is not, but it is the minimum necessary to begin the process of distancing our Government from this policy.

Each of the steps that it takes are positive steps, ones which I think few can disagree with. Fifteen million dollars for scholarhips; $1.5 million for human rights for South Africans, including a legal defense against political persecution, mandating adherence to the Sullivan principle for U.S. companies, and a ban on the sale of computers.

These are small steps but important steps and steps in the right direction as much I think perhaps a symbol of our own position as anything else.

Section 14 of the bill, though an important statement about the future and that future is important, says that if significant progress has not been made toward ending apartheid by March 1, 1987, the President shall develop economic sanctions with other nations against the Government of South Africa.

I think that it is wise that the Senate look to that future with the best possible broad opportunity for sanctions, because there is no country in the world, Communist or non-Communist, with a worse record of human rights violations than South Africa. State control in South Africa permeates as deep into the personal spheres as one can imagine. Rules of the state determine with whom you can socialize, marry, or even invite into your home; where you can live, work, or appear in public. Families are broken up by residency requirements. Millions are uprooted from their homes and packed off to the barren wastelands known as bantustans, all this in the services of well being ideology that governs far more of South African everyday life than any government we know on the face of this planet.

There is an elaborate apparatus of social security involved, all crucial to the totalitarian regime: internal passwords, secret police, censorship, political arrest, and detainment. The government has protected its own sections of Gulags, stripping black laborers of any human dignity by consigning the men to tightly controlled townships and separated from their families. It is as dehumanizing a system as any to be found anywhere in the Communist world.

These are the reasons why the American people are outraged morally over South African policy and a growing number of Americans believe that their Government is betraying the very values of morality which we cherish so deeply as we continue to maintain the status quo in our relations and even to maintain, as some of my colleagues have said, silence.

If the United States is indeed the leader of the Western World and the defender of democratic values, then the least our foreign policy can do is reflect those values, not contradict them. Repression—political, social, and economic—whether under totalitarian or authoritarian regimes, is obviously contrary to those fundamental values.

This legislation represents a small step in bringing our values back into the reconciliation with our policy. Therefore, I hope that Senate 995 receives the overwhelming support of our colleagues today as a clear signal to the Government of South Africa that we intend to make that kind of statement.

I said earlier in my remarks, Mr. President, that this may be something of a symbol in some ways, and some have questioned the value of those symbols. But I think it is more than that.

I would like simply to paraphrase the comments, in closing, of a former colleague of this body and a great son of Massachusetts, Robert Kennedy, who went to South Africa and there made what is now recognized, I think, as one of greatest speeches and as one of our most courageous ones.

He summarized for people the need to continue the struggle and said at that time that the greatest of all dangers is futility; the belief that there is nothing that one man or woman can do against the enormous array of the world's ills against misery or ignorance, violence or injustice. But each of us, he said, can work to change a small portion of these events and in that effort will write the history of our own generation.

Each time that a man or a woman stands up against injustice or strikes out against violence or works to change the lot of others, he or she sends forth a tiny ripple of hope and crossing each other the millions will sense the energy and daring possible bring down the walls of misery, oppression, resistance.

That is what the U.S. Senate has an opportunity to do, not just to create a ripple, but I believe to create a wave and to assist in a process that is long overdue.

I yield the floor.

Mr. LEVIN. Mr. President, the legislation currently before us, S. 995, expresses abhorrence of the apartheid policies of the Government of South Africa and seeks to press the Government to abandon such policies.

Apartheid is an evil. I am proud that the Senate of the United States is determined not to stand silently by while that evil continues. I am proud of our Foreign Relations Committee, under the leadership of Senators LUGAR and PELL, and I am proud of the other Members of the Senate who have spearheaded this effort.

Implementation of the sanctions contained in this bill will demonstrate to South African blacks that the United States is prepared to exert new pressures for their political enfranchisement. These restrictions will indicate to the world that the United States does not have a double standard for human rights by race and that it is prepared to adopt sanctions against South Africa as well as against the Soviet Union.

Mr. President our national interests require firm measures to disassociate the U.S. Government from the repugnant practice of apartheid. This is not simply a moral obligation. It is a strategic imperative, as well, for future U.S. relations with the emerging nations of black Africa and the black majority of South Africa.

We must continually reaffirm the legitimacy of the struggle of the majority of South Africans for a united, nonracial and democratic South Africa.

Passage of this legislation is a step in that direction. I had intended to offer an amendment to this legislation which would express the sense of the Congress that the President should urge the Government of South Africa to implement a system of political representation for all South Africans which is based on the principle of "one person, one vote."

The elections of August 1984—the so-called colored elections—were a mockery of the democratic process. They have not brought peace or justice to South Africa for the simple reason that they still denied the right to vote to the majority of South Africans. As Randall Robinson of the Free South Africa Movement so aptly put it:

These people did not begin these protests because they had nothing better to do, but rather because the government of South Africa promulgated a constitution that it advertized as a human rights advance, but that, in fact, continued the total political disenfranchisement of blacks and actually heralded the government's intention to press on relentlessly with its program of denying all political rights to blacks, stripping them of their South African citizenship and shipping many of them off to "homelands." Black leaders who protested this new constitutional enshrinement of racism were immediately slapped into jail and held incommunicado without specified charges being brought against them.

I wanted to offer this amendment because I think that it is important for the Congress to send a clear message to the South African Government that the United States believes that the continuation of the policy of disenfranchisement of the black majority should be ended and should be replaced by a system of one person, one vote.

Our own history has taught us the basic fairness of this proposition—a proposition that recognizes the basic dignity of each individual and allows each individual to express that dignity through participation in the political process in the form of exercising the right to vote.

It is impossible to speak of the value of individual freedom and of democracy and ignore the blatant and massive denial of the most fundamental method of expressing that freedom and protecting that democracy. Yet this denial occurs in South Africa day after day through the continued refusal of the Government of South Africa to adhere to a policy of full voting participation.

We all know of the President's continued exhortations of the values of freedom and democracy, and, therefore, it should be natural for him to urge upon the South African Government that it establish and abide with the principle of one person, one vote. Together, the President and the Congress, could send a message to the Government of South Africa that the time is now—that the time is, in fact, long past due—for it to adhere to the principle of one person, one vote.

However, it is clear that if amendments are offered at this time, it will slow down and perhaps endanger the passage of a strong bill. That is why I will not offer my amendment at this time. But it should also be clear to all that the passage of this bill is fundamentally motivated by the sentiment which also supports the principle of one person, one vote.

I ask unanimous consent that the text of this amendment I had intended to offer be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

(Purpose: To express the sense of the Congress regarding the system of political representation in South Africa)

On page 41, after line 10, add the following:

POLICY ON POLITICAL REPRESENTATION

SEC. 16. (a) The Congress finds that—

(1) South Africa has implemented a new three-tiered Parliament where South African whites share power with mixed race and Indian South Africans, but blacks are still excluded from the Parliament;

(2) approximately 450 persons have been killed in unrest in South Africa since the August 1984 elections for new members of Parliament;

(3) numerous persons have been detained for publicly protesting against government policies or actions in 1984 and 1985;

(4) in 1984 South Africa prohibited all indoor political gatherings, and in September at least 130 persons were arrested for violating this law; and

(5) forty-five political prisoners died in detention in South Africa between 1976 and 1985, and two of these died in detention in 1985.

(b) It is the sense of the Congress that the President should strongly urge the Government of South Africa to implement a system of political representation for all South Africans which is based on the principle of "one person, one vote".

Mr. MATHIAS. Mr. President, this is the beginning of a very serious debate. I think that, at the outset, we have to recognize that it may have very serious consequences. Some will say—in fact, some in this Chamber have said—that we are meddling in other people's business and, as a result, we shall be responsible for whatever may follow. I would not agree with the premise that it is not our business, but I fully agree that once the debate begins we shall bear a heavy burden of responsibility. That is because it is our business as human beings to be concerned with human rights and with a persistent pattern of inhumanity. It is this concern that makes us responsible, but without it we should be irresponsible indeed.

Senate bill 995 is the product of many minds, many hands, and many long hours of deliberation and debate in the Foreign Relations Committee. A major part of this bill represents legislation approved by the Committee on Foreign Relations in March in an effort to address the spreading violence and mounting tensions in South Africa. Other key sections were added later after extensive committee hearings and discussion.

I would like to join with the Senator from Michigan in congratulating the chairman of the committee for the leadership that he has exercised in bringing this bill to the floor and for the kind of judgment and guidance that he has provided in bringing us to the point where we can actually anticipate adoption of this measure.

The majority leader has played a positive and constructive role and the Senator from Rhode Island [Mr. PELL] has been fully supportive and has been helpful in bringing us to the point that we can expect some positive action.

It was about a month after I had introduced the original bill on this subject that Secretary of State George Shultz challenged us to develop a national consensus toward the complex developments in South Africa. I agree

with the Secretary's sense of urgency that we need a national policy that is coherent, that is considered, and that is, above all, effective. As a matter of fact we in the Senate were already in the middle of developing just that, and I am proud that the final product, S. 995, drew such broad enthusiastic—and bipartisan—support in the committee. The final vote to bring it to the floor was 16 to 1.

The entire thrust of S. 995 is aimed at what Secretary Shultz said is the only course consistent with our values and our interests: To promote "constructive peaceful change."

But it is quite clear from recent tragic developments in South Africa that we need to go beyond "constructive engagement," or at least constructive engagement as it has been practiced by this administration and interpreted by the Government of South Africa.

I have no doubt that the Secretary shares our repugnance for the system of apartheid; that he does reject, as he told the National Press Club on April 16, "this unjust, anachronistic and untenable system."

Yet events and circumstances in South Africa have outpaced the administration's policies and they really have torn up the administration's timetable for peaceful change. The results of constructive engagement are painfully few, and the hour for results that point to real change, fundamental change, enduring change, is very late.

Yes, some significant steps have been taken in the last year or two. Yet they tend to be tentative, sometimes cosmetic, and perhaps even illusionary—a promise of change, but a commitment to carry it out perhaps often half-hearted but not necessarily without sincerity.

Yes, the Government has created a parliament for its Indian and colored population. But the South African Government continues to exclude over 70 percent of its population from any participation whatsoever in the Government of the nation of South Africa. The "homelands"—what an irony, Mr. President—an ironic contradiction in terms since few blacks consider them to be home.

Yes, the Government of South Africa has done away with the Mixed Marriages Act. Yes, blacks and whites can go to the same hotel or play soccer together but the basic structure of apartheid remains unchanged. The pass laws—one of the key problems in South Africa—the pass laws—the dehumanizing process by which every black person in the country effectively wears a brand on his forehead—continue to be enforced against blacks.

Yes, it is true that a few court decisions in South Africa have aided union reforms and helped black wage earners. Yet, the overall structure of law in South Africa remains a monument to injustice and cruelty. Policies of detention and beatings—and cold-blooded police murder as the world witnessed this spring—continue.

And the same pattern prevails in a broad region.

For the last 4 years we have read the promising headlines about the imminent settlements of the Namibia question, reconciliation with Mozambique, possible peace with Angola. And yet time and again we hear also of more violent acts, a raid in Angola, which seems to have been aimed at blowing up an American oil company's facilities, possibly killing many Americans, and invasion of peaceful Botswana leaving 10 dead.

I applaud President Reagan's decision to recall our Ambassador to South Africa in response to the attack on Botswana. We should have taken the step more often in the past, but that step can only be a short-term response to a complex situation, and a specific action that demonstrates American opposition to those developments. But it cannot give full expression of our abhorrence for the system of apartheid and the policies—internal and external—that it spawns.

I believe it is not incumbent upon the Senate and upon the entire Congress to enact legislation that will give the fullest, clearest, and most effective expression to that widespread opposition. Our indignation is obviously not enough. Our rhetoric which has gone on now for some time is not making much of a dent. To go beyond polemics and democratic pressure is admittedly a tricky step.

That is why I turned to the reported views of one of the truly respected leaders in South Africa, Bishop Desmond Tutu, for some guidance in framing the initial legislation. Bishop Tutu, as no Senator needs to be reminded, is a man of courage, and of undoubted vision. We were honored by his presence here in the Senate last fall shortly before he received the Nobel Prize for Peace. But in this context it is important that he is a man who knows his country, and a man who loves his country even though he is not allowed to vote in it or carry his passport. He is a man who we saw on the news as recently as last night dressed in his Episcopal robes and throwing himself into the middle of a howling mob to save the life of a man whose views he may not necessarily approve or with whom he may not necessarily agree.

Bishop Tutu's reported views counsel that a time should be set within which reform should be accomplished, perhaps 18 months to 2 years, combining specific encouragement and rewards for reform with specific economic sanctions, if significant progress towards abolition of apartheid were not achieved. Relying on the criteria suggested by the bishop, which have been called in the press the Tutu principles, we urge progress in housing black workers in the locations where their families live, and the abolition of the pass laws, in ending the migrant labor system, in increasing local investment in black education and training, and in allowing unrestricted labor rights.

My original bill proposed several specific sanctions for the President to consider if progress were not forthcoming. They included a bar to new investment, a ban on the import of Krugerrands into the United States and other measures. During the Foreign Relations Committee hearings, however, other Senators called for the inclusion of some immediate sanctions, and while I have some doubts about the efficacy of sanctions in general, I believe that those that would add strength to the measure, especially the stipulation that bars the sale of any computers that can be used to implement the policies of apartheid. Others wanted to impose a fuller range of sanctions to meet. I am sympathetic to the appeal of that step. But I believe that we must consider two critical matters. First, we cannot expend all of our energy in one flash. We have to keep some in reserve to press the attack further if the initial volley goes unheeded.

But second, we must keep in mind the nature of the problem in this case. It is not the people of South Africa. It is not in every sense the Government of South Africa. It is the system of apartheid, and its supporters, and their policies with which we are concerned. We do not want to hurt the very people that we are trying to help, and a broad range of South Africans who are staunchly opposed to apartheid feel that a barrage of sanctions would undermine an already troubled economy. In fact, Senate bill 995 contains as many positive as punitive measures. It authorizes a $15 million scholarship program for black South Africans to help compensate for the inexcusably poorer quality of education in the black community of South Africa which is a necessary step if self-government is someday to succeed and to produce the kind of leadership that it will require. The bill would create a $1.5 million human rights fund. It would grant authority to the overseas private investment and Export-Import Bank to encourage black-owned businesses. It would mandate adoption of the exemplary Sullivan principles.

The legislation may not convince the Government of South Africa that we are serious about what we are doing, but I believe that the second tier of sanctions, which would include the far more disruptive ban on the commercial investment, and the restriction on Krugerrands, South Africa's largest single import item to the United

States, would send the appropriate kind of followup message, and that ultimately is what we want to do.

Perhaps we cannot adopt the perfect package of sanctions that will persuade the Government of South Africa to change its degrading and ultimately destabilizing system of government. Perhaps we cannot find the right rhetorical pitch and protest methods to convince them to change course. But what we can do is make a clear, compelling, unmistakable statement that will get through in Pretoria, Johannesburg, Cape Town, Durban—in all of the centers of government and business that are dominated by white Afrikaners who persist in deluding themselves.

They delude themselves that they can continue to live in a dreamworld where one-tenth of the population exercises all the power and enjoys all the profits, where 80 to 85 percent of the population is given only the poorest land an no citizenship, where critical differences with neighboring states tend to be subject to military forces as often as diplomacy.

What we can do is make a clear statement that tells South Africa that it can no longer lay claim to being an intergral part of the West, to being a part of the free world if it continues to operate a system that is so violently, so basically, at odds with all the essential values and traditions of law and social justice and freedom that the West holds dear.

What we can do is make a statement that disabuses the Government of South Africa of any notion that it is a bastion of anticommunism. If it persists in its current course, I dare say it will radicalize its opposition and help create the very bogey that it now prefers to brandish.

Mr. President, I urge adoption of S. 995 as passed by the Foreign Relations Committee. It contains limited but meaningful immediate sanctions. It contains a second round of tougher sanctions if the first are ignored. It contains many constructive programs. It contains important symbolic and moral commitments.

Without dictating the terms of reform, it suggests a steadier pace. Without dismissing the path of diplomacy, it aims to use our influence more effectively.

Above all, it holds out a high but realistically attainable standard for an important nation to reach. It holds out, in sum, a message of reconciliation—a real cry from the heart, for a bolder, nobler vision of government and community and human rights.

Let me recall the appeal of Bishop Desmond Tutu after his return to his native land last February, after passing through an airport where he was treated more like a returning criminal rather than a brave and visionary man who had just been awarded the Nobel Peace Prize.

"Please dear white fellow South Africans, hear the cri de coeur we utter," the Bishop said. And he went on:

> It is that we too are just ordinary human beings. We too love to be with our wives everyday; we too want our children to rush out to meet us as we come back from work; we too would like to live where we can afford it.
>
> We too want to be able to move freely everywhere in the land of our birth, we too want to have security of tenure. We too want to participate in the decisions that affect our lives. These are not extravagant demands. They are the expectations of any human being. We want to have a new kind of South Africa. Where we all, black and white, can walk tall together, black and white, into the glorious future which God is opening before us, black and white together.

Mr. President, I believe that the bill before us will help to achieve that goal.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I am honored to join the distinguished Senator from Maryland and others in supporting the pending legislation. I wish to congratulate the distinguished Senator from Maryland on his usual eloquent statement, in this case more eloquent than usual, based not only upon law and justice but also upon morality.

Mr. President, clearly, the time for the U.S. Senate to enact strong, nononsense legislation in opposition to the apartheid policies of the Republic of South Africa is upon us.

There can be no question that the evils of apartheid encompass the most serious human rights abuses known today. Apartheid—the legally mandated union of racial segregation and economic exploitation—allows a minority of 4½ million whites to deny to 22 million blacks every basic right of citizenship.

It is particularly appropriate that this debate occurs as we return from a recess in celebration of this Nation's freedom and independence. Black, colored, and Indian South Africans partake in no similar celebrations. I ask my colleagues, Mr. President, to join me in considering several basic truths:

It is a fact that black South Africans are prevented by law from voting. They cannot seek political office and they have no voice in guiding their destiny.

It is a fact that the South African Government's "homelands" policy has resulted in over 9 million blacks being stripped of citizenship in the land of their birth. They have been forcefully removed—without their consent—to Government-selected, so-called independent homelands, lands which are barren, isolated; and totally incapable of supporting meaningful agriculture, housing, or industry.

It is a fact that South Africa is a virtual police state. Who among us can conclude otherwise when 17 unarmed mourners can be shot in the back and killed by security forces en route to a funeral? Who among us can conclude otherwise, when the standard price for peaceful protest is often harassment, intimidation, detention without trial—and all too frequently, outright murder?

It is neither overstatement nor cliche to call apartheid a crime against humanity. This system, Mr. President, intentionally and maliciously destroys the family and the community—the two most cherished institutions of African society.

Husbands and fathers are separated from their homes and families, by law, up to 11 months a year. They are forced to live in the squalor of overcrowded hostels adjacent to major urban areas, solely for the purpose of maintaining the cheap labor supply off of which the South African economy thrives.

Apartheid requires every black in South Africa to have in their possession a domestic passport—the infamous pass book—to prove that their very presence in certain areas of their own country has the approval of the Pretoria regime.

As the world's foremost beacon of freedom, justice, and equality the United States can no longer afford to remain silent in the face of such oppression.

The obvious question then becomes, "what is it that we can do?"

I suggest that there are several actions we can and must take.

First, we can be intellectually honest in our use of language. It is absurd to cast this debate in terms of an alturistic desire for "peaceful change". South Africa is neither. When over 400 blacks have died violently this year alone, no one can seriously maintain that South Africa is at peace. It is equally clear that South Africa has yet to change.

Second, Mr. President, we can speak to the Reagan administration and demand that it abandon its insistence on the morally bankrupt and indefensible policy of constructive engagement. The fact is that constructive engagement is "de-structive." Not only does it help destroy the lives and aspiration of black South Africans—it also reduces United States credibility and influence with those who will ultimately lead a post-apartheid South Africa.

Most significantly, constructive engagement indirectly subsidizes apartheid. It gives the South African Government access to the means by which it acquires the armaments and technology through which its reign of terror is enforced.

Anything less than total rejection of constructive engagement places us on the wrong side of history; and on the

wrong side of change which is inevitable.

Third, Mr. President, we can fashion a package of economic and political sanctions to persuade the South African Government to dismantle apartheid and convene an "all-parties" conference at which the legitimate representatives of all segments of South African society can sit together and rationally negotiate a new constitutional arrangement.

Specifically, we must end all United States bank loans to the South African Government. We must ban the sale of computers and computer technology to the South African Government and its entities which enforce apartheid. We must immediately end all nuclear trade and cooperation between the United States and South Africa until such time as the South Africans see fit to sign the Nuclear Nonproliferation Treaty.

And most important of all, we must vote to withdraw our symbolic and actual financial support of apartheid by banning the importation and sale of Krugerrands.

Mr. President, Members of this body have questioned the wisdom of such tactics. There are several observations I am compelled to make in this regard.

There is the argument that economic sanctions would harm the very people they are intended to help. The fact is, less than 1 percent of South Africa's 22 million blacks are employed by United States industry and corporations. The number of individuals who would suffer directly from economic sanctions, therefore, is relatively small. The much more compelling argument is that growing numbers of blacks demonstrate by daily acts of courageous resistance, that they have concluded that their overall political, social, and economic condition has grown so intolerable, they are willing to suffer whatever consequences are required to achieve the ultimate goal of freedom.

Was that not the courageous step taken by those who founded this Nation?

There is the argument that few black South Africans have themselves advocated a strategy of sanctions. I respectfully suggest to my colleagues that the explanation for this is the fact that South African law makes it a crime—punishable by 5 to 25 years imprisonment for treason—to advocate economic sanctions. This being the case, it is no surprise that the black majority has not publicly endorsed such an approach.

Brave, individual leaders have spoken on this subject, Mr. President, and I submit for my colleagues two of their representative statements.

Steve Biko, the black consciousness spokesman murdered by South African security forces, said in 1976 that—

> If Washington is really interested in contributing to the development of a just society in South Africa, it would discourage investment . . . We blacks are perfectly willing to suffer the consequences! We are quite accustomed to suffering.

In addition, Mr. President, Chief Albert J. Luthuli, himself a Nobel Prize winner and former President of the African National Congress, said in 1964 that:

> In the name of want we have come to believe . . . America stand[s] for, I appeal to . . . America to take full-scale action for sanctions that would precipitate the end of the hateful system of apartheid.

Mr. President, we must be clear about the need for the moderate sanctions I have advocated. The purpose of these sanctions is not to bring South Africa to its knees. Rather, it is to bring it to its senses.

The South African Government, through its continued intransigence, has demonstrated time and again that it has absolutely no intention of moderating its policies in the absence of concerted economic pressure.

As abolitionist Frederick Douglass correctly observed more than a century ago, "power concedes nothing without a demand. It never did and it never will. The limits of tyrants are proscribed by the endurance of those whom they oppress".

Mr. President, the oppressed majority of South Africa is making its stand, Like Patrick Henry, they are choosing liberty—or death. Clearly, they have rejected life as usual under apartheid, which is nothing more than a new form of slavery, covered up with certain niceties of complexity.

Mr. President, I must speak bluntly. People die every day in South Africa. They will continue to die each and every day until South Africa changes. The only change which will matter is absolute freedom for the black majority.

I believe that the legislation before us, gives us a vehicle with which to assist in bringing about that change.

Finally, Mr. President, if the United States and this body, are to remain true to our national heritage and ideals, we have no alternative but to support strong and effective antiapartheid legislation. For as Dr. Martin Luther King, Jr. taught us, "non-cooperation with evil is as much a moral obligation as is cooperation with good".

Mr. President, I join my colleagues who support this legislation and I urge the Senate to join us in this noble effort.

Mr. TRIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. DOLE. Mr. President, will the Senator yield to me?

Mr. TRIBLE. I am happy to yield to the majority leader.

Mr. DOLE. Mr. President, today the Senate is considering S. 995, the Anti-Apartheid Act of 1985. I have joined Senators LUGAR and MATHIAS in sponsoring this legislation because I believe it is the most effective and responsible way to articulate the deep revulsion which we all share to the apartheid system in South Africa and because I think the approach mandated by the bill offers the best chance of getting the South African Government to change that system.

Let me briefly review the main provisions of S. 995.

CONDEMNS APARTHEID

First, the bill condemns apartheid, strongly and unequivocally. It makes clear that the United States regards apartheid as totally unacceptable on ethical, moral, legal, and political grounds. It makes clear that apartheid must go, if we are to continue to maintain normal relations with the South African Government. And it makes clear that the system must be dismantled soon—our patience and the tolerance of the oppressed in South Africa have been exhausted.

CONSTRUCTIVE AMERICAN PRESENCE

Second, the bill seeks to reinforce the largely positive impact of the American official and private-sector presence in South Africa. The other sponsors of the bill and I reject the notion that the American presence "props up" the apartheid system. We reject the notion that South Africa would be a better place for blacks and other nonwhites if we all packed up and went home. We reject the notion that the best way to handle this complex and tragic problem is to "cut and run."

On the contrary, we are convinced that American official and private-sector activities, as presently structured, are already powerful forces for constructive economic, social, and even political change in South Africa. And we believe the provisions of our bill will make future American activities even more effective.

U.S. GOVERNMENT PROGRAMS

To that end, the bill earmarks additional funds within aid's budget for scholarships for blacks and for human rights related activities. It directs that U.S. agencies in South Africa, to the extent feasible, procure the goods and services they need from black and other nonwhite owned firms. And it encourages the Overseas Private Investment Corp.—OPIC—and the Export-Import Bank—Exim—to increase their involvement with and support of such firms. These steps directly and concretely will reflect our wish to see South Africa become a land of more equitable opportunity and political freedom.

MANDATORY SULLIVAN PRINCIPLES

Even more important, on the private-sector level, the bill makes adherence to the so-called Sullivan princi-

ples mandatory for all American firms of substantial size in South Africa. Our companies are not, and should not, be in South Africa just to make money. They are there, and should remain there, only so long as they serve to make South Africa a more open, equitable, and just society. The principles have proven an effective guide for American firms that want to be a constructive force in South Africa, and it is time that all U.S. companies adhered to them.

ECONOMIC SANCTIONS

Third, the bill contains some immediate economic sanctions added during Foreign Relations Committee markup. Frankly, I have mixed emotions about the wisdom of sanctions. I am not convinced they are a very effective way to get the South African Government to change its ways. I think the real effect could be to discourage the kind of U.S. private-sector presence that, as I have said, is a constructive force in South Africa. Overall, sanctions could reduce, not increase, our leverage over events. Moreover, as such distinguished commentators and foes of apartheid as Alan Paton have pointed out, sanctions which lead to disinvestment will hurt South African blacks more than anyone else.

Nonetheless, the sanctions adopted during markup have the advantage of being targeted at the apartheid system itself and not at the whole of South African society. The computer provisions, for example, reflect the intention to end any American private-sector involvement which might be construed to support the apartheid system; but these provisions do not aim to eliminate all the activities of U.S. computer firms, whose overall record on Sullivan principles adherence is very good and whose products in fact improve the living standards of all South Africans and, for that matter, of black Africans throughout the region.

So I have accepted these sanctions, in the hope that they can help us surgically remove some small elements of our economic presence which are not appropriate or helpful and that they will serve even stronger notice on the South African Government of the firmness of our resolve to see the end of apartheid. But I would strongly oppose any additional sanctions, especially the kind of sweeping, battleax sanctions some have suggested, which would be counterproductive and would do most of their damage on two parties—the United States and the blacks of South Africa.

REPORTING REQUIREMENTS

Finally, our bill has stringent reporting requirements. These requirements will ensure two things: One, that the Congress is kept fully informed, on a timely basis, of developments in South Africa and of the administration's policy for dealing with evolving events and situations; and two, that the administration and the Congress can respond promptly with even tougher measures should conditions not improve. It is my hope that we will not need further action. It is my conviction that passage of this bill will improve the chances that we will not. But it is one of the strengths of this bill that it will allow us to act quickly if we have to.

So, Mr. President, I strongly and wholeheartedly urge passage of this legislation. S. 995 is a strong bill. It is a realistic bill. It will be an effective law, for the United States, for the blacks of South Africa, and for men of good will everywhere, who want to see the end of apartheid.

ORDER OF BUSINESS

Mr. President, I urge my colleagues—I think we may be on the verge of making progress on this bill, progress meaning completion. I notice that there are a number of statements that should be made and will be made, but I hope that if there is anybody who does not agree that we should complete action on this bill in the early afternoon, they would make that known to the managers, because we need to plan for tomorrow and other things. So, if there is someone who has a different view of what we believe may be the prevailing view, we hope the managers will be informed.

Second, it is my hope that if we can complete action on this bill today and complete action on the State Department nominations, we will not be in session tomorrow. I think it is safe to say that on Monday, whatever we may do, there will probably not be votes before 3 p.m. on Monday afternoon, if that is of any help to any of my colleagues.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. TRIBLE. Mr. President, the legislation under consideration today addresses issues which are at the heart of our purpose as a nation and our proper role in the world. Central to our national purpose and our policies are certain fundamental principles: The equality of all men, their inalienable rights to life and liberty and to a government to which they give their consent. These are the tenets of what Abraham Lincoln called our ancient faith. It is with this ancient faith in mind that we ought to consider and approve the Anti-Apartheid Act of 1985.

As a nation, we must condemn South Africa's policies of apartheid. Based on the proposition that all men are not created equal, these policies are repugnant to the principles on which this Nation was founded and to what we believe ought to be the basis of decent politics around the world.

We must acknowledge there have been constructive changes in South Africa, but we must also recognize that these do not go far enough. In recent days, we have witnessed continuing unrest and mounting protests against the Government of South Africa. In August and September of 1984, violence broke out in the townships leading to the deaths of nearly 200 South African blacks. In March of this year, at least 19 blacks en route to a funeral were killed by South African police outside the city of Uitenhage.

The response of the South African Government has been an effort to supress the antiapartheid movement. Detention of labor leaders and indictments for treason of political leaders have become far too frequent.

These unfortunate events have spurred the Senate to act to express its opposition to apartheid.

Our expression must be unequivocal and unambiguous. Both the Government of South Africa and the black community in that nation must understand our aims.

We seek to foster peaceful change in South Africa. We seek the establishment of a system that permits black South Africans to exercise political, economic, and social rights equal to those of the white population. We seek these goals in order to avoid the violence and bloodshed that would accompany either extreme repression or revolution.

I believe the legislation before the Senate today will allow us to achieve those goals. S. 995 makes clear our willingness to assist black South Africans in their quest for political freedom and our unwillingness to conduct business as usual with the South African Government until it acts to change the suffocating system of apartheid.

S. 995 places the Government of the United States firmly on the side of those who seek peaceful change. The bill will provide assistance to the black community to lay the groundwork for full participation. The bill includes funding for scholarships to allow black South Africans to study at American universities, as well as funding secondary school and university study in South Africa.

This extensive program addresses one of the central injustices of apartheid—inferior education for blacks.

Second, the bill authorizes continuation of a program seeking grants directly to organizations in South Africa which work for a more just society or assists victims of apartheid. The groups who seek peaceful change must be a pillar of American policy and this aid will ensure they have the resources to continue their efforts.

Third, the legislation attacks one of the underlying principles of apartheid, the relegation of blacks to mere employees of the white minority. The Government of South Africa systematically denies blacks the freedom to

own or manage businesses in white areas and imposes severe restrictions in black businesses in other regions. The unfortunate result is the identification of capitalism and racism in the minds of many blacks.

S. 995 provides a variety of means for increased economic participation by black-owned businesses. The Department of State and the Overseas Private Investment Corporation are instructed to offer opportunities for maximum feasible participation by black firms.

Moreover, S. 995 mandates a code of conduct for American firms doing business in South Africa. The examples of nonsegregated workplaces which provide opportunities for advancement for blacks is a powerful lesson in the real meaning of equality.

Finally, the legislation makes explicit to the Government of South Africa our dissatisfaction with the pace of reform and takes concrete and decisive action to limit our intercourse with the government.

In the first place, the bill bans any cooperation by the United States in South Africa's nuclear program, until South Africa becomes a signatory to the nuclear nonproliferation treaty.

Second, computer sales to any agency of the South African Government involved in the enforcement of apartheid are forbidden. It should be emphasized that this provision is not an attempt to place sanctions on the economy of South Africa; it does, however, deny American technology to the agents of racial repression.

Finally, the legislation envisions the use of economic and other sanctions unless South Africa makes significant progress toward the elimination of apartheid within 18 months.

Like many of my colleagues I have reservations regarding a policy of economic sanctions of disinvestment. Economic participation is a powerful engine for political change and we do not want to act in ways that will frustrate the attainment of a fairer and freer society. Still, the South African Government must be put on notice that we cannot and will not tolerate its practices indefinitely, and S. 995 conveys this message clearly.

In sum Mr. President, I believe the Anti-Apartheid Act of 1985 will promote the cause of political freedom and equality in South Africa. I urge my colleagues to support this historic step to advance the cause of human freedom.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to take a moment or so, if I may here, in the midst of these statements being made. I have already delivered a statement regarding my general feelings about the legislation, but I would not want the day to pass without giving proper recognition to those Members of this body who have really made possible what appears—I hope—now to be a successful conclusion to what I thought would be a long and acrimonious debate on the entire question of economic sanctions against South Africa.

I commend first of all my distinguished colleague from my home State of Connecticut [Mr. WEICKER] and the distinguished senior Senator from Massachusetts [Mr. KENNEDY]. They offered a proposition, S. 635, which I supported in the Foreign Relations Committee and which was offered in a very impassioned and eloquent way by the Senator from California [Mr. CRANSTON]. Regrettably, that proposition failed in the committee by a vote of 7 to 9. It was, nonetheless, a very noble and worthwhile effort. Without that particular movement, I am not convinced that we would even be here today at this juncture.

When that proposition failed in the committee, I proposed a substitute that had been originally proposed by the distinguished Senator from Delaware [Mr. ROTH] and Mr. MCCONNELL, the distinguished Senator from Kentucky that did not go as far as the Kennedy-Weicker proposal. But I felt it was a substantial improvement over what would have amounted, it seemed to me, to a postponement for yet another few years of taking any specific action with regard to the abhorrent policy of apartheid which has been discussed at great length today. I think all would agree without exception, it is a policy which none of us in this body would ever want to be identified with at all.

As a result of that particular effort and the effort on the part of the chairman of the committee, Mr. LUGAR, who, while he disagreed with certain provisions, I think, of that proposal for reasons which he has outlined already, nonetheless acted, in my mind, in the way a chairman of the Foreign Relations Committee ought to act—that is, to try to bring together some consensus out of the committee and then bring to the full body of the Senate a proposition which would enjoy as much bipartisan support as possible.

The final vote in that committee, once the amendment that I had offered was adopted, was 16 to 1. That is the way the Foreign Relations Committee, it seems to me, ought to act. We have, on numerous occasions already in the last year, moved legislation with that kind of support. I commend the chairman of the committee for his efforts.

Senator MCCONNELL, as I mentioned, and Senator ROTH did an excellent job in reaching out and trying to build consensus as well. As a result of that, I believe that we have fashioned a piece of legislation which is not perfect by any stretch of the imagination. But certainly, we will note over the next several months how the specific provisions of this proposal will work.

As everyone has noted this afternoon and this morning, this is not the end of the effort. I would like to think such is the case, that the Government of South Africa would recognize it is proceeding down a path which is not only detrimental to its own interests but to the interests of its allies as well and that would be the end of it. Regrettably, that is not the case, and the legislation we have drafted allows for this Congress to come back and consider sanctions which would even go further than those which we are apt to adopt today.

So my congratulations, indeed, go to Senators KENNEDY, WEICKER, MCCONNELL, ROTH, and CRANSTON for their leadership, and the chairman of the committee, Senator LUGAR, for his fine leadership of the committee in this particular effort.

Mr. MCCONNELL. Will the Senator yield?

Mr. DODD. I yield to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut for his cooperation.

The Senator from Delaware and I, as two nonmembers of the committee, appreciate the cooperation we received. I say to the Senator from Connecticut, without his embrace, that concept certainly would not have gained the life it gained in the committee. I thank the Senator for his kind words and courageous leadership in the committee, as well as the chairman, who I have already thanked, for the opportunity to play a small role in this most important issue.

Mr. DODD. Mr. President, I thank the Senator.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. DODD. I will be glad to yield to my colleague from California.

Mr. CRANSTON. Mr. President, I thank the Senator from Connecticut most of all for his very effective work, starting early in the struggle and staying with it all the way, contributing a great deal to the product that we now have before us, which will be a very significant step for this country to take in relationship to apartheid.

I thank the Senator for his kind words about my interest.

Mr. DODD. I thank the Senator.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, I support the measure that is before us today. As a violator of human rights, South Africa is unique. Other nations may tolerate gross human rights violations or even encourage them, but South Africa is the only country in the world that legally enshrines racism as official state policy. South Africa denies more than 80 percent of

its population the most basic of human rights—freedom of speech, freedom of assembly, due process of law—systematically denied to blacks. In South Africa, dissent is forcibly put down through constant arrests, forced removel of blacks to homelands, detention without trial, bannings, and police repression of the harshest type.

The argument is often made that if the United States imposes economic sanctions against South Africa, those who will suffer the most are the blacks.

Jobs and investment provided by American firms, the argument goes, benefit blacks, especially when U.S. firms adhere to the so-called Sullivan principles, a voluntary set of guidelines which call for equal employment opportunities for blacks and other minorities hired by firms doing business in South Africa. While this argument has an appeal, I believe the time has come for the United States to put muscle behind its demands that South Africa abandon its institutionalized policy of racial separation. While a few persons might suffer if we impose sanctions, thousands more will benefit if apartheid were abolished. This administration's policy of constructive engagement, a euphemism for persuasion by talk, has not worked. It is time for a new approach. The Kennedy-Weicker bill would have imposed a ban on new loans and investment in South Africa, would have halted the sale of American computers to the South African Government, and stopped the import of South African Krugerrand gold coins to this country.

Mr. President, I supported the Kennedy-Weicker proposal, but that is not being adopted, and I can understand the reasons why.

Now, Mr. President, there is a legitimate argument as to whether the United States should attempt to mold the world in its own image. Under most circumstances, I do not think we ought to, nor should we try. Normally, the best way for the United States to encourage other nations to have free elections, free press, free assembly, and free enterprise is by the influence and example which takes place within our own country.

It seems to me there is no better way for us to persuade others than for ourselves to adhere to those principles and show what the benefits are to our people. However, there does come a time when a nation's actions are so vile, so reprehensible toward a portion of its people that we should do more than just stand aside, and South Africa is such a case. Economic leverage carefully applied is the best tool at our disposal to bring about change in South Africa and to do it peacefully before violence becomes the only recourse available for black South Africans in their very legitimate quest for justice.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAXALT). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I rise to commend the Foreign Relations Committee for reporting out by a 16-to-1 vote the bill S. 995, which is designed to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies. I think the bill makes a good start in demonstrating American opposition to apartheid through assistance to black South Africans and the imposition of sanctions against the Government of South Africa.

S. 995 provides $15 million per year for scholarships for black South Africans, $5 million of which is designated for black educators, to attend schools in South Africa; and $1.5 million annually for the U.S. Human Rights Program in South Africa, 20 percent of which is reserved for legal defense of those prosecuted for political reasons; directs all U.S. Government agencies to assist businesses majority owned by black South Africans; authorizes the Overseas Private Investment Corporation [OPIC] to operate in South Africa; directs the Export-Import Bank to encourage the use of its facilities by black majority owned businesses in South Africa; and makes the Sullivan Principles mandatory for the U.S. Embassy and U.S. companies operating in South Africa; places an immediate ban on loans to the Government of South Africa and its parastatals, on the sale of computers and computer-related goods and technology to South African Government agencies enforcing apartheid, and on nuclear trade between the United States and South Africa; and states that it shall be American policy to impose additional economic and political sanctions against the Government of South Africa within 18 months if the President determines that significant progress has not been made toward ending apartheid.

Let me note that on January 3, 1985, the first day of this session of Congress, I introduced S. 147, the South African Human Rights Act of 1985. That bill was referred to the Foreign Relations Committee and I am pleased that four of the key provisions in my bill: First, mandatory Sullivan Principles for U.S. companies operating in South Africa; second, a ban on nuclear trade with South Africa; third, a ban on loans to the Government of South Africa; and fourth, restrictions on sales of computers to the Government of South Africa are in the compromise bill reported out of the Foreign Relations Committee.

On March 7, 1985, I joined Senators KENNEDY, WEICKER, and several other of our colleagues in introducing S. 635, the Anti-Apartheid Act of 1985. That bill, like S. 147, was designed to make very clear to the South African Government that its unjust and immoral policy of apartheid is unacceptable and must be changed if American corporations and banks are going to continue to play a growing role in South Africa's economy. Both S. 635 and S. 147 have three provisions, not found in S. 995, that I believe should be added to it.

First, both S. 147 and S. 635 ban new American investment in South Africa—but the present bill does not. U.S. corporations now have approximately $2.3 billion invested in South Africa. While I do not believe American corporations should disinvest from that country at this time, I do not think they should be putting new money into South Africa until its Government begins dismantling its apartheid system.

Second, both S. 147 and S. 635 ban new loans by American banks to private enterprises in South Africa, while S. 995, the Lugar bill, only bans loans to the South African Government. In 1984 loans by American banks to the private sector swelled to $4.5 billion—while loans to the Government itself had decreased to $400 million. In the 3 days of hearings we had on S. 635 in the Senate Banking Committee numerous witnesses, including Derek Bok, the president of Harvard University, said that if we want to send a clear signal of America's opposition to apartheid—we must ban bank loans to the private sector and not just to the Government. Finally, both S. 147 and S. 635 ban further imports of the South African gold coin—the Krugerrand while S. 995 does not. Last year our citizens imported 600 million dollars worth of these gold coins which are named after a founder of the apartheid philosophy. These sales here help the South African Government dramatically increase its foreign exchange earnings. There is no reason why we should permit this symbol of apartheid to be imported into our country and I believe the Senate should add a provision banning Krugerrand imports to the Foreign Relations Committee bill.

Certainly, Krugerrands are not essential imports in any way, shape, or form. They are a trinket, a toy. This is precisely the kind of prohibition which seems to this Senator we can adopt without having a perverse effect either on our country or having an adverse effect in the long run on the

ability of South Africa to recover once it reforms its policy.

Let me make clear that I fully support the right of American citizens to hold gold coins and my support for a ban on Krugerrand imports is in no way designed to prohibit our citizens from owning gold. I am supporting legislation to have our own Government mint a new gold coin and I also note that the Canadian and Mexican Governments market gold coins similar to the Krugerrand. The provision in S. 635 and S. 147 does not make it illegal to own Krugerrands nor does it lower their value. It only prohibits the new importation of such coins from South Africa. I believe we should add such a provision to S. 995.

So these are the three areas where I think we should strengthen the Lugar bill. But there are people in this country, and even in the Senate, who are opposed to enacting any legislation to signal our country's opposition to apartheid. Let me explain very briefly what apartheid is, why it should concern our country, and why we must pass a strengthened Lugar bill.

Apartheid is the system in South Africa designed by the white community in 1948 to ensure their absolute rule over the black majority. The 4½ million whites maintain their rule over 22 million blacks by denying blacks the right to vote, denying them educational opportunities, denying them economic and social opportunities, and by requiring them to live in separate, segregated areas. In many instances black males are permitted to take jobs in urban areas but they must leave their wives and children behind in rural homelands, while the males live in barracks type, all-male housing. In effect, the whites have adopted a system of dehumanizing the black population in order to maintain their own privileged rule. The minority whites enforce their system through reliance on a harsh and repressive police rule backed up by the strongest military force on the African continent. That force very possibly has a nuclear capability.

Why is it any business of the United States to try to change this abhorrent system in South Africa? First, our history, values, and institutions place Americans in basic sympathy with people seeking political freedom and civil liberties throughout the world. Such a policy is not only right but it helps strengthen our own national security by ensuring that our relations with other countries are not based solely on accommodating values of repressive regimes but rather on the enhancement of democratic values. American participation in both World Wars I and II was to help ensure the survival of such values in this world. After World War II our country, in framing and urging adoption of the U.N. Charter and the Declaration of Human Rights, formally committed itself to the advancement of political freedom and human rights beyond its shores. Secretary of State Shultz reemphasized this administration's continuing belief in this policy when he stated in a recent speech that:

> Throughout our own history we have always believed that freedom is the birthright of all peoples and that we could not be true to ourselves or our principles unless we stand for freedom and democracy, not only for ourselves but for others. And so, time and again in the last 200 years, we have lent our support—moral and otherwise—to those around the world struggling for freedom and independence.

Second, it is in America's national interest to promote peaceful change in South Africa. Presently political rights in that country are based solely on race, and black people, no matter how accomplished they are have none. Since blacks have no political rights, it makes it difficult for them to achieve a gradual, peaceful change in that country's race policies and Soviet-preached violent change becomes an attractive alternative.

President Kennedy once said: "Those who make peaceful change impossible make violent change inevitable." Violence would not benefit white or black South Africans or U.S. interests in Africa.

Over a quarter of a century ago, after the true nature of South Africa's ugly apartheid policy became clear, President Eisenhower denounced it and his administration voted in the U.N. for a resolution condemning that policy.

All American Presidents since President Eisenhower have spoken against South Africa's repugnant racial policies. Our Government has attempted time after time to encourage dialog between the races and changes that will result in government by the consent of the governed. Yet that regime has persisted in making its immoral system even more impervious to peaceful change despite cajoling by us and international condemnation by others.

And what have we done about this apartheid system our Presidents have deplored as an affront to human dignity for over 30 years? We have increased our investment there by more than twentyfold. Our banks have used the deposits of U.S. citizens to make huge loans to that racist Government and to private companies that discriminate against blacks. We have become South Africa's most important trading partner and our citizens last year imported $600 million worth of gold coins minted by that Government to help its foreign exchange earnings. These actions speak louder than any words of condemnation our Presidents may utter. Since this administration like others before it will not act, it is time for Congress to take the lead and move beyond rhetoric in dealing with the white ruling class.

That is why I support S. 995 and believe it should be strengthened by adding the provisions from S. 147 and S. 635 that I have discussed above.

S. 995, even if it is strengthened by adding the provisions from S. 147 and S. 635 not presently in it, will not be a radical bill. The economic sanctions even in a strengthened bill are far less stringent than those our Government now has in place against the Soviet Union, Vietnam, Cuba, North Korea, Cambodia, Libya, Poland, and other human rights violators. Their adoption however, will send a strong signal to South Africa's white regime that unless its benighted racial policies are changed, the country's economic isolation will worsen.

Some will argue that such economic pressures will not work and it is best to work with the existing regime and persuade it by words to change its unjust policies. We heard these same "go slow and try and coax the whites to change" arguments prior to our own civil rights revolution. That revolution was won, however, only after laws were enacted making fair treatment of all our citizens compulsory. In the same way we, and other Western nations, have tried a moderate, coaxing effort with South Africa for over a quarter of a century. This administration in particular has totally emphasized friendship and winning the confidence of the white elite through a policy it calls constructive engagement—with no success. Repression of blacks has gotten worse. Last year the South African Government adopted a new constitution granting certain minimal rights to coloreds and Asians—but giving nothing to blacks. This was a heavy blow to moderate blacks who had talked of the possibility of peaceful change. It is time for Congress to let the South African Government know that change must begin. I do not favor ending all economic or trade relations with South Africa but there is a need to send a clear, implied threat that further action can and will be taken if true reform does not begin. The moderate measures in S. 995, particularly if strengthened, will help those white South Africans who are arguing for change and there are many of them.

I also want to point out that S. 995 directs the President to undertake international negotiations to persuade other nations to adopt restrictions on new investment in and bank loans to South Africa. This provision was originally in my bill S. 147, and I am glad to see it in the Lugar bill. Sweden, Denmark, and Japan already restrict investment there, and a growing number of European legislators favor such restrictions. The annual reports of the President will help Congress to learn just which nations in the world are working with us to get rid of a

moral wrong which has been tolerated far too long.

As my colleagues know many State and local governments have taken their own actions on South Africa—some by disinvesting State funds from companies operating in that country. As an author and key supporter of Federal legislation on this matter, I want to make clear that we are not attempting to preempt such actions by State and local governments. When Congress wants to preempt an area from State and local jurisdiction it knows how to do so. The fact that there is no preemption clause in this bill makes very clear that we are not out to occupy the field on this issue—and want to allow our citizens, acting through their State and local governments, to refrain from investing in apartheid if they wish to do so.

There is nothing illegal or unconstitutional with actions by State and local governments to disinvest their State funds from companies that are doing business in South Africa. Such actions do not conflict with the supremacy clause, the commerce clause or the Federal Government's foreign affairs powers. While Congress could preempt such State actions, there is nothing inherently illegal about them and we are not preempting them by passing this bill. It would not be wise public policy to do so. Here's why.

The Federal Government should not compel a sovereign State to keep its investment funds in companies that the State, acting pursuant to its own constitutional procedures, has decided it does not wish to invest in. Several States, including Connecticut, Iowa, Maryland, Massachusetts, Michigan, Nebraska, and Rhode Island have in some manner divested State funds from corporations doing business in South Africa. Congress, by passing this bill, does not intend to invalidate such State actions. Otherwise Congress would be requiring these States and other States that might adopt such legislation to be a party, against their will, to the perpetuation of a government in South Africa that by law mandates the majority of its citizens to be deprived of basic political, social, and human rights solely on the basis of race. We have no intention of doing that and I want the courts to note that, if any case is ever brought contending that we did have such an intention.

The courts in considering preemption cases have always recognized the distinction between the States as market participants and States as market regulators. While States should not be permitted to compel companies to get out of South Africa, they should not be prohibited from taking their own investments out of companies doing business there. It is in the interest of the State as a financier to insure that its investments are conducted in a socially responsible manner. An investor is normally responsible for the use to which his funds are put and Congress does not intend to prevent the States from acting like other investors in that regard.

This is not a matter of having our country speak with one voice on foreign policy issues. Congress by enacting legislation on South Africa will set forth our overall policy. In doing so it does not intend to interfere with the rights of our States to determine where they want State pension funds invested. Such State actions do not conflict with the overall policy being adopted by Congress. Therefore we are not putting a provision in this bill to preempt such State actions.

I note that the American Bar Association, which just recently held its annual meeting here in Washington, has endorsed legislation to impose economic sanctions against the Government of South Africa. At the Banking Committee's June 13, 1985, hearing on South Africa, a spokesman for the ABA stated that while his organization was not endorsing any particular bill, it did note "that many of the features of S. 635 are consistent with the basic principles" on sanctions adopted by the ABA.

Let me note as well that another group of around 3,500 lawyers called Lawyers Against Apartheid has called upon our Government to ban the importation of the Krugerrand and to prohibit new investment in, any private bank loans to South Africa. So lawyers, who are concerned with the rule of law in society, are calling for strengthening the Lugar bill.

Lest my colleagues think that only those outside of South Africa want stronger sanctions, let me emphasize that at the Banking Committee's May 24, 1985, hearing on South Africa, we learned from the AFL-CIO that the leadership of the independent black trade union movement of South Africa supports the provisions of S. 147 and S. 635 banning new investment and Krugerrand imports. This was a courageous move on the part of these black leaders, particularly when we remember that in South Africa such advocacy is illegal.

I also wish to note that I recently received a letter from the Lutheran Council in the U.S.A. It notes that only 2 weeks ago, on June 28, the National Conference of the South African Council of Churches, passed a resolution calling for economic sanctions against the South African Government, and the council's letter calls for strengthening the bill S. 995, reported out of the Senate Foreign Relations Committee. So white and black church leaders in South Africa also want the Lugar bill strengthened.

I am convinced that the adoption of S. 995, particularly if strengthened, as noted above, is the right thing to do and will serve our long-term national interest. I urge my colleagues to support its passage.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I rise in support of S. 995, the Anti-Apartheid Action Act of 1985. Although I would prefer that this body approved the stronger sanctions contained in Senators KENNEDY and WEICKER's bill, S. 635, I believe that S. 995 presents a powerful and bipartisan message to the South African Government that the United States stands firmly opposed to apartheid.

In adopting the Anti-Apartheid Act of 1985, Democrats and Republicans have joined together in opposing apartheid, a system that reaps profits from the enslavement of others, that denies a person fundamental rights because of the color of his or her skin. Our action today demonstrates America's passionate commitment to racial equality, civil and human rights.

Passage of this bill represents the best of American values by affirming for black South Africans the same freedoms embodied in the Declaration of Independence.

Reverend Martin Luther King, Jr. once wrote that the problem of race is not a political but a moral issue. Today, we affirm the principle that the moral imperative which drove Martin Luther King, and Abraham Lincoln a century before him, must drive our Nation's foreign policy. We recognize that the moral force which led to the dissolution of slavery in the 1860's and segregation a generation ago is inseparable from a foreign policy which promotes human rights and individual freedom.

Today, we make the statement that America will not remain neutral in the struggle for freedom and human dignity.

Apartheid codifies injustice and the deliberate disregard for human rights. What makes apartheid more egregious and intolerable is the fact that under this system, injustice is the law of the land. The system of apartheid in South Africa separates workers from their families. It denies democratic rule to a legitimate majority. It denies blacks freedom on internal travel, and it provides for the forcible removal of blacks from their homes.

The Reagan administration's policy of "constructive engagement" is, in fact, a destructive policy. It has contributed to a worsening of conditions in South Africa over the past 4 years. According to Bishop Desmond Tutu, "constructive engagement" has been an unmitigated disaster.

Since August 1984, more than 300 blacks have been killed and nearly 1,000 injured at the hands of South African police.

In 1984, there were more detentions without charges under South African security laws—over 1,100—than in any year since 1976-1977 Soweto uprising.

And last year, the South African Government renewed its ban on outdoor meetings, expanded restrictions on indoor meetings, banned the nonviolent United Democratic Front and nearly 30 other organizations from holding meetings in certain areas, and charged 17 UDF leaders with high treason.

In addition to represssing its own population, South Africa has engaged in terrorism and aggression against its neighbors. In the past month, the South African Government has sent armed men on raids into Angola—where one of its potential targets was an American Gulf Oil Plant—and into Botswana—where its forces ruthlessly killed antiapartheid activists. Moreover, South Africa has imposed a government in Namibia, in open defiance of the United Nations, international law, and our own Government.

However sincere the goals of constructive engagement may be, the effect of this policy has been to give a green light to the South African Government. In the past 4 years, as the administration's policy has drawn us closer to Pretoria, we have distanced ourselves from the aspirations of the black majority in South Africa. The consequences of this development portend disaster for our long-term interests in South Africa and on the entire continent.

The general secretary of the South African Council of Churches, Reverend Beyers-Naude has already warned, "Do not be surprised if the anger of black South Africans eventually turns to hatred or rejection of an American presence in Africa."

By adopting S. 995, and by alining ourselves with the goals of the black majority in South Africa, we are taking the first crucial step in removing the historic blinders that heretofore have prevented us from seeing that support for repressive regimes—just because they are anti-Communist—is contrary to our moral principles and our long-term global interests.

We must take the lessons learned from South Africa and apply them to other repressive regimes—in Chile, the Philippines, South Korea, and elsewhere. We must take these lessons, and the consensus represented here today, and shape a foreign policy based on the principle that any kind of tyranny against individual freedoms is unacceptable.

In our defense of individual freedom, we must be as vocal in our defense of Gabriel Valdez in Chile and Kim Dae Jung in South Korea, as we now are of Lech Walensa in Poland. We must be just as vigorous in promoting democracy in Chile and racial justice in South Africa as we are in condemning Soviet aggression in Afghanistan and Communist repression in Poland.

A moral and enlightened foreign policy must not just condemn Communist aggression and repression while tolerating the abuses of right-wing regimes. Over the past 30 years, we should have learned from our ill-fated support of Anastasio Somoza in Nicaragua and Fulgencio Batista in Cuba that in the absence of democracy, the most likely alternative to repression is communism.

How long will it take us to learn that there is an alternative to Communist repression and right-wing repression? That course is the energetic pursuit of the establishment of genuinely democratic institutions.

Today, this body has taken an historic step in bringing together our commitment to human rights and the pursuit of our strategic interests in shaping a realistic and moral South Africa policy.

Twenty years ago, Robert Kennedy proclaimed during his visit to South Africa, "The golden rule is not sentimentality, but the deepest political wisdom."

For future American foreign policy, human rights is, as well, the deepest political wisdom.

Mr. DURENBERGER. Mr. President, I am happy to support the legislation offered by my distinguished colleagues as an expression of this Nation's opposition to the apartheid policies of South Africa. I believe it is time that the United States begin sending stronger signals of opposition to apartheid both to the black majority and to the minority-controlled white Government. This bill serves both purposes by providing funds for the educational and economic development of the black majority, and by the imposition of sanctions aimed at the South African Government. These sanctions would act to signal the gradual withdrawal of U.S. support if the Government of South Africa remains adamant in denying the majority of its citizens the opportunity for meaningful participation in the political, economic, and educational systems of that country.

By now, I am certain that all of us are aware of the main tenets of apartheid. Basically, apartheid is a system of laws designed to separate people along racial lines alone, and keep the nonwhites under the thumb of the white minority government. Apartheid permeates all aspects of South African life. The pass laws, the resettlement plans, denial of basic human rights, and the general overall segregation of society all determine where nonwhites may live, work, go to school, and almost every other major decision in life. The large majority of South African blacks live in poverty, face continual separation from their families, receive an inferior education compared to that available to whites, and suffer a wide variety of indignities. Is it any wonder then, that riots continue to break out as frustrations surface among the black majority?

Looking at this system, and looking at the behavior of the South African Government over the tenure of the Reagan administration, I do not believe that maintaining the current policy of constructive engagement as it is presently formulated will ameliorate the situation in South Africa. For every small step forward that the South African Government takes, it moves another two or three backward. As the Government announced its intention to ease the laws prohibiting interracial marriage, the South African authorities stepped up arrests and the brutal treatment of those voicing opposition to the system of apartheid. I believe that it is time that the United States begin to support its antiapartheid rhetoric with action.

As alluded to before, the legislation before us today takes a two-pronged approach. On the one hand, it contains positive measures to help the black majority. It provides $15 million for scholarships to black South Africans attending universities and secondary schools within South Africa, and adds $1.5 million to the Kassebaum Human Rights Fund to aid the victims of apartheid. The amendment also mandates the adoption of the Sullivan principles, both by the U.S. Government and the U.S. companies doing business in South Africa. These provisions can work to help nonwhites become fully integrated into the economic infrastructure of their country and to further the dismantling of the system of apartheid.

In addition to these positive provisions, the amendment adopts a number of sanctions to signal our support for certain basic human rights for all South Africans, regardless of color, and to express our abhorrence of the application of apartheid. Some of these sanctions take effect immediately in an effort to distance the United States from direct support of apartheid. Other sanctions will take effect after 18 months if the South African Government cannot demonstrate that improvements have been made which will lead to the dismantling of this repugnant system. Although the immediate imposition of these latter sanctions might send a stronger signal to the black majority and the South African Government, the delay mechanism may provide the necessary positive incentive for the South African Government to ease some of the apartheid restrictions.

Mr. President, I have chosen to support this legislation only after a good deal of thought and consultation with many who have personal contact with

this situation. For the life of me, I remain perplexed why such an ethnically, politically, and culturally diverse society as that of South Africa could maintain a system as alien to the Western culture as apartheid. Prior to the imposition of apartheid in 1948, South Africa had a long and impressive history of participation among the democracies. South Africans fought alongside Americans in the First World War, the Second World War, and the Korean War. It is difficult to take measures against a longstanding ally, yet I believe that the human rights situation in that country has deteriorated to a point where the United States must act forcefully to support groups and institutions advocating peaceful change.

People throughout the world, across the United States, and in my own State of Minnesota are becoming increasingly concerned about the ties of the United States with a nation that has institutionalized racism. This has been brought home to Minnesotans by visits of members of the South African religious community who have endured imprisonment and torture for the espousal of their beliefs. One of these is Pastor Ndaganeni Phaswana, a Lutheran minister from the South African homeland state of Venda. Pastor Phaswana just completed a year at the campus ministry at St. Olaf's College in Northfield and recently returned to South Africa. Nevertheless, he expressed to me his fear of harassment and further abuse from the South African authorities for having criticized apartheid. Reverend Phaswana is not a Marxist, nor is he a subversive. He simply speaks out against a system which denies basic freedoms and rights to him purely on the basis of his race. He indicated to me that he intends to pursue peaceful efforts to promote human rights and social justice in South Africa. I strongly believe that the United States must stand with such efforts at peace and conciliation.

Change will come to South Africa; it is simply a matter of when and how. I hope that this legislation will be a positive step toward peaceful and constructive change in that beleaguered nation, and I thank the sponsors of this bill and the Senate Foreign Relations Committee for their efforts to devise a balanced and thoughtful approach to this issue.

Mr. DANFORTH. Mr. President, let me begin by emphasizing the most important aspect of this legislation: Our absolute and unstinting condemnation of the system of apartheid in South Africa. Whatever arguments we may have over the proper tactical response to that very real evil, let us put to rest any doubt about where the U.S. Senate and the people of this country stand with regard to the systematic racial oppression carried out by the Government of South Africa.

There can be no justification, no tolerance of the cruelties this system inflicts on the people of South Africa. It is abhorrent to all civilized peoples. Its human costs are incalculable.

The question before us is not whether to side with the oppressed or with the oppressor. Support for those who are deprived of their basic human rights is rooted deeply in the American character. Rather, we face the far more complex question of how the United States can best promote freedom and opportunity for those who strain against the chains of apartheid.

Many opponents of apartheid argue that the very presence of American investment in South Africa legitimitizes and supports both apartheid and the regime that enforces it. In their view, it is time for America to take an unambiguous moral stand against the horrors of this system and refuse to have anything to do with it. They argue that the withdrawal of American investment would create economic pressure on South Africa that would force the Government to begin to dismantle apartheid.

So the first choice we face is fundamental: Do we confront apartheid through engagement or disengagement? Can U.S. investment play a positive role in bettering the condition of blacks in South Africa?

An end to U.S. investment in South Africa would send a signal of our disapproval and condemnation of apartheid to the people of South Africa, both black and white, and to the world. But to claim that it would be a strong and effective measure against apartheid is to ignore the real results of such an action.

Any economic pressure created by divestment would dissipate rapidly. Other investors, whether from other nations or South Africa itself, would quickly move to fill the vacuum. We would lose whatever limited ability we now have to influence affairs there.

It is my view that change in South Africa is inevitable. Our role in this process must be to support those who seek peaceful movement away from apartheid and toward a policy which establishes the rights of all South Africans. American investment policies—especially, strict enforcement of racially neutral employment practices—can be a powerful, economic, and social force toward this goal.

American corporations and their employment practices will not by themselves bring about the end of apartheid. They can, however, be a force for good and a model for the rest of South Africa and the world.

Our policy must be to take an involved and active role in promoting the end of apartheid. We cannot simply walk away and hope that things will get better.

The bill before us takes several specific, meaningful steps to better the situation of blacks in South Africa. These include scholarships for black South Africans, the permanent establishment of the Kassebaum human rights fund, and directives for U.S. Government agencies and the Overseas Private Investment Corporation to encourage and support black-owned and managed enterprise in South Africa.

The bill would also make observance of the Sullivan Principles, a code of ethical corporate behavior, mandatory for American corporations employing more than 25 people in South Africa. By requiring these businesses to provide equal pay, integrated workplaces, and enhanced educational and housing opportunities, the United States can set an example in South Africa of how a multiracial work force should be treated.

American involvement can be a catalyst to freedom and opportunity in South Africa. It must not simply reinforce the exploitation of the oppressed. America can do better than that.

Mr. President, this choice between engagement and disengagement applies equally to the question of economic sanctions. The United States has applied economic sanctions in pursuit of foreign policy goals repeatedly in recent years, with remarkably little success.

It is my view that we should begin any debate of economic sanctions with a strong presumption against their use. They do not force other nations to alter their behavior. They are harmful to our foreign policy interests and to our economic interests both at home and abroad.

Unless the target country can be effectively isolated and sanctions applied with equal vigor by the major trading partners of that country, economic sanctions have little real impact on the target. In addition, they have an impact far beyond whatever economic distress they may cause the target country.

When Poland declared martial law in 1981, for example, the United States responded with sanctions against both Poland and the Soviet Union. These included broad prohibitions on the use of American equipment or technology in the construction of the natural gas pipeline between Western Europe and the Soviet Union. These sanctions created a deep rift with our allies and had no discernible impact on the conditions inside Poland.

Sanctions can hurt American interests in a variety of ways. The grain embargo against the Soviet Union was harmful to American farmers, generated worldwide skepticism about our ability to function as a reliable suppli-

er of goods, and allowed other nations to establish themselves as alternate suppliers.

Sanctions against smaller countries have been equally ineffective. The reduction of Nicaragua's sugar quota in 1983 and the recent imposition of a total trade ban have served only to cement the ties between Nicaragua and the Soviet bloc. In addition, they will provide the Sandinista regime with an anti-American rallying point and an easy scapegoat on which to blame their country's economic problems.

In sum, Mr. President, we should be skeptical of economic sanctions as foreign policy tools. Only under limited and infrequent circumstances have they achieved their goals. More often they end up harming our own interests.

The brutal repression of black South Africans, however, cannot go unanswered. The bill offered by Senators LUGAR, MATHIAS and DOLE provides a useful expression of our condemnation of apartheid. It presents a strong program to promote economic and social progress for blacks, progress that is essential to a peaceful transition to majority rule.

It is time for the Senate to act.

Mr. HART. Mr. President, I rise to voice my strong objection and opposition to the attempt to add a preemption amendment to the legislation before us. I believe adoption of such an amendment would be both unwise and counterproductive to our efforts to persuade South Africa to abandon its racist apartheid policy.

Mr. President, my objection to such an amendment is twofold. First, I believe that its adoption would constitute an unwarranted and unnecessary intrusion into the realm of State, local and municipal public policymaking.

In short, Mr. President, the underlying issue here is the question of States rights. I believe that local governments must have the unfettered right and power to make broad decisions concerning their financial investment strategy. These local governmental entities must remain free to pursue their individual investment strategies without the specter of Federal legislative preemption.

Mr. President, in recent months, numerous local governments have concluded for a wide variety of reasons, that it is in the interest of the constituents whom they represent, to withdraw public funds from business enterprises operating in South Africa. We should not override and nullify those decisions now, by Federal legislative fiat.

Second, Mr. President, I believe that this issue goes to the very essence of our concepts of representative democracy and the power and obligation of individual citizens to influence the decisions of their government.

Let us be realistic, Mr. President. Just as the grassroots activism of the 1960's put the issue of civil rights before the Congress and on the national agenda—so, too, has local protest and initiative raised our collective conscience about the cancer of apartheid.

It is because of the efforts of dedicated citizens that national attention has been focused on apartheid. It is precisely because of the courageous efforts of these individuals that we have concluded that apartheid must be removed from the South African body politic before its true democratic health can be realized.

Antiapartheid actions have been taken by 7 State legislatures, 29 city governments and several State universities. Additional legislation is currently pending before the legislatures of at least 28 additional States and several more municipalities.

To override and frustrate the will of the citizenry, as expressed through their elected representatives, by preempting local antiapartheid legislation, would fly squarely in the face of all that we believe representative democracy means.

Clearly, Mr. President, the intent of this body is not to override and preempt local legislative initiatives with respect to the Republic of South Africa.

No matter how innocent and well-intentioned, a vote to preempt local antiapartheid legislation is, in fact, a vote for derailing the nationwide movement against apartheid.

I urge my colleagues to oppose all preemption language in connection with the legislation before us. On the contrary, we can and must support much more activism for positive change in South Africa.

Mr. HEINZ. Mr. President, by including the Sullivan principles in this bill the committee and the Senate are saying clearly that American business can and should play a constructive role in South Africa. It was the initial hope of Reverend Sullivan and those who supported his effort that through this voluntary system American companies would bring economic change to South Africa—would increase the economic power of the black majority—which would in turn inevitably be followed by the political change necessary to rid the country of apartheid.

Our years of experience with the Sullivan principles, however, has tempered this view somewhat. Clearly they have had an economic impact at least on those directly employed by subscribing companies. Admittedly, that is a small percentage of the black work force in South Africa. Even if the principles were made mandatory and all U.S. companies complied, the direct benefit would be limited. Clearly others benefit by force of example, but that is difficult to quantify and also misses the point.

The point, Mr. President, is whether the principles are in fact leading to the kind of political change that is their ultimate objective, and the evidence for that is admittedly scant. While one could argue that the South African Government has begun to undertake some changes, they appear at best to be too little too late, and clearly not intended to lead to meaningful political power for the black majority in our lifetimes.

That apparent fact raises the question that divides us today. Is the appropriate response a severing of our economic relations with South Africa, a withdrawal of the American corporate presence there in an act of symbolism in the hope that will shock them into change? No one I am aware of seriously claims our unilateral action will cripple them economically. Or is the appropriate response the continued, more forceful exercise of our leverage inside the country and, for the first time, use of our power to influence other countries to join in the pressure?

In my judgment the proper policy response is the latter. However satisfying a moral statement it might be to separate ourselves from any involvement with a country whose racial policy we abhor, such a policy is also one which abdicates for the future any international or moral responsibility we might possess and forces American companies and their black workers to pay the price of apartheid. It is a better thing to meet the issue head on, to retain an effective presence in South Africa and to use it as a force for meaningful economic and political change aimed foursquare at the abolition of apartheid.

Such a policy, however, does not mean no change either in the status quo or in the operation of the Sullivan principles. The status quo, of course, is constructive engagement, and virtually everybody has repudiated that, so I will waste no additional time on it.

With respect to the principles, Leon Sullivan himself has understood their limitations in their present form and has proposed two kinds of changes to address the problems I have described. Both his proposals are embodied in amendments I am offering.

First, to create a firm link between the U.S. presence and the need for political change, Reverend Sullivan has added an additional principle which includes opposing apartheid laws as one of the responsibilities of subscribing companies. It will have the effect of moving U.S. companies more directly into the political sphere and insuring they use their economic influence to achieve the political objective of an end to apartheid.

The committee bill before us, Mr. President, does not contain this additional principle, which Reverend Sullivan added in his fourth amplification of the principles late last year. My amendment would add it as a goal that U.S. companies should seek to comply with. Because the principle is new and because it mandates an entry into the political field in South Africa, I believe it is a bit premature to make it a legal requirement, although that should be seriously considered once we have more experience with it. Instead the amendment would make it a goal that is encouraged and subject to reporting and evaluation but not legally required.

Reverend Sullivan's second proposal, made in hearings before my Subcommittee on International Finance and Monetary Policy, was to use the influence and pressure of American law and policy to internationalize subscription to the Sullivan principles. In his testimony, Reverend Sullivan pointed out that the impact of his efforts is inevitably limited if only one nation's companies are participants. If all companies doing business in South Africa were to subscribe, however, the immediate impact on black workers in South Africa would be significantly multiplied, and the long-term effect of a unified multilateral position would be greater on the South African Government.

Reverend Sullivan has already done some work overseas to encourage activities similar to what he has started here. Other countries, like Sweden, have led the way with respect to their own companies. Other nations have done nothing or in some cases have taken advantage of the situation to fill gaps left by departing businesses. Clearly a greater effort to sensitize all companies, American and foreign, to the need to adhere to a code of corporate behavior in South Africa that repudiates apartheid is needed. One element of such an effort is greater publicity of the activities of companies that are presently in South Africa.

In addition, it is apparent that a persausive private sector voluntary effort will only achieve so much. A broad scale multilateral effort demands some additional pressure from the United States. Accordingly, my second amendment would apply that pressure by providing for an annual report by the Secretary of State on United States and foreign company implementation of the principles. The reporting requirement with respect to U.S. nationals is similar to that contained in last year's uncompleted conference report on the Export Administration Act amendments. But the amendment I will offer today goes beyond that to require the Secretary to include in his annual report the implementation progress made by major foreign, non-American investors. For the first 5 reports the Secretary would cover the 100 largest foreign investors in South Africa. Subsequent reports would include the largest 200 investors, since 5 years into the process the State Department can be expected to be better equipped to deal with that magnitude of analysis.

In addition, the report would have to include recommendations as to what action, if any, the President or the Congress could take to encourage further implementation of the principles, and the reports would have to assess specifically the extent to which restraints on imports into the United States of products of nonimplementing foreign investors in South Africa would be an incentive for further multilateralization of the principles.

The purpose of this requirement, Mr. President, is to help bring the full weight of public opinion behind these principles and the abolition of apartheid in South Africa. The report will serve to make widely known who is cooperating and who is not in that regard, and that information will be analyzed, evaluated, and reflected in the marketplace. Those Americans—and others throughout the world—concerned about apartheid will know who is in South Africa working for its abolition and who is in South Africa furthering the interests of the existing government, and they will be able to make their own consumer decisions with that information in mind.

This is not an inflexible approach, but it is one that will apply meaningful pressure on other companies to cooperate in pressing the South African Government to end apartheid. And, since it would also apply to indigenous South African companies, it would stimulate their subscription to the principles as well.

Mr. President, I do not propose a measure like this lightly. It represents a modest extraterritorial intrusion of U.S. standards into other countries' policies. Yet it is clear to me that the only way to achieve the result we all seek is to multilateralize the Sullivan principles and use the combined pressures of all companies and nations with a presence in South Africa to push for an end to apartheid.

Mr. MURKOWSKI. Mr. President, today the Senate considers a most important piece of legislation, S. 995, the Anti-Apartheid Action Act of 1985. It was my privilege, as a member of the Senate Foreign Relations Committee, to participate in the committee's deliberations on this bill and to join the 16 to 1 majority in voting to send it to the Senate floor; and I hope the Senate will give it the support it deserves.

Mr. President, the action by the Foreign Relations Committee reflects the growing consensus in Congress today that recent events in South Africa, including the growing internal violence and repression, and the lack of sufficient progress toward opening that society and moving away from grand apartheid, justify some congressional action to signal to the South African Government our dissatisfaction with the current situation. Just as importantly, such action can signal to that government that the way remains open for it to take steps to improve relations with the United States by reforming its society—and S. 995 is just such a signal.

At the same time, and it is only fair to state this, it is ironic to note that the last 10 years have seen more movement in South Africa toward the reform of apartheid and the opening of the government to nonwhites than ever before.

The creation of the three parliament system—one each for whites, mixed-race, and Asians—while admittedly flawed because of a lack of true power-sharing and, most importantly, the exclusion of blacks from the central government, opened the South African Government to participation by nonwhites for the first time. For a South Africa which many times in the past committed itself again and again to excluding all nonwhites from the government, this was a major step.

Other actions, for example allowing South Africans of all races to open businesses in most major cities, abolishing the law against mixed marriage, and opening restaurants, hotels, and other establishments to all races, all of which would have been unheard of only 10 years ago, have eased the pain of apartheid.

Further, South Africa's President Botha has announced his government's willingness to discuss with black leaders a future political dispensation in which they too will be involved in all levels of government; though he has regrettably yet to agree that power-sharing will be the inevitable result of such discussions.

At the same time, we cannot and must not forget that while these positive events have been taking place, the level of internal unrest and repression in South Africa is also at a level never before reached in South African history. Further, the South African Government's suppression of dissent, both inside and outside its borders, has also reached unprecedented heights. That government's recent planned attack on a Gulf Oil Co. facility in neighboring Angola and its foray into neighboring Botswana were such extreme actions that the administration felt constrained to recall our Ambassador for consultations in protest.

Mr. President, what these seemingly contradictory events really mean is something future historians will have to determine. However, it seems possible that what we are seeing in that troubled nation may be a classic exam-

ple of a revolution of rising expectations, that is, the theory that revolutions do not start when a situation is at its worst, but when it appears there is some possibility of improvement. At that time, the theory goes, the appetite for change accelerates and feeds upon itself, pushing the impetus for change to unforeseen ends.

But whatever is happening, I think everyone can agree that in South Africa today we are seeing a mixed bag of developments, some positive, some negative.

Some, including the administration, conclude that the best approach is to emphasize the positive and, through quiet, behind-the-scenes negotiations, work with South Africa to help resolve both its internal problems and the various important regional issues, including the independence of Namibia. Their view is that the policy of constructive engagement is the best approach since things are moving in a generally positive direction and to push too hard or implement sanctions could drive the whites into a corner and unintentionally hurt those least able to help themselves.

Others conclude that the South African whites will inevitably lose power in some way. Thus, they believe it is in our interest to impose strict sanctions, including a ban on all American investment in South Africa.

All of the above and other developments both in South Africa and in the southern African region have led me to conclude that S. 995 as voted out by the committee is a wise compromise which takes both positive and negative actions relating to South Africa. It will actively encourage those positive trends which everyone admits are most welcome, while also putting the South African Government on notice that we are unhappy with its actions in repressing dissent and not giving nonwhites a more meaningful role in governing their own and the nation's affairs.

The bill goes far in increasing our support for black education and for black advancement in the economic sphere through free enterprise. It will put the U.S. Government and American businesses in the position of setting the best possible example of fair business and labor practices through implementation of the Sullivan codes. Further, this bill will support human rights programs which help protect the rights of all South Africans.

At the same time, this bill will reduce government-to-government contacts in the nuclear sphere and will restrict loans and computer sales to South African Government agencies which implement apartheid. Further, the bill holds out the threat of future negative actions if the reforms we all are seeking are not implemented in the not too distant future.

Mr. President, I might also note at this time that I was pleased to see the addition to S. 995 by Senator DOLE of the gold bullion coin amendment of which I am a cosponsor. The American gold mining industry is in distress today, through no fault of its own. The United States of America has a trade deficit which can best be described as extraordinarily large and growing, and a domestic budget deficit which can be fairly described as staggering. The bullion coin measure will provide small but significant relief in each of these areas.

For years, Americans have purchased South African Krugerrands. They could not buy an American-made U.S. bullion coin if they wanted to, because such coins have simply not been made. This amendment will change that by giving American citizens the opportunity for the first time to purchase American bullion coins minted by the U.S. mint.

The gold bullion coins to be minted under this bill will compete directly with the Krugerrand and the gold bullion coins produced by other countries. Since these coins will be legal tender currency of the United States, I expect that they will have sales which will match the combined gold bullion sales of all foreign countries combined, and that will make a positive contribution to the reduction in both our trade and budget deficits.

Mr. President, in conclusion, I would note my belief that S. 995 uses both the carrot and the stick, the classic tools of diplomacy, to nudge the South African Government toward reforms toward which it states it is already moving. At the same time, the bill reflects the committee's conscious decision not to use the most powerful stick available, disinvestment, to try to force changes in South African society. I believe that American business has an important role to play in implementing and encouraging changes in South African society through its investment and fair labor practices there. Disinvestment would have removed that positive tool from their hands. I, for one, am pleased that we did not take that step, although it remains a possibility in the future should insufficient progress toward change not take place, in the President's judgment, in the next 18 months.

Mr. President, I very frankly believe it is unfortunate that we had to take this or any other action since it appears the momentum for change in South Africa is going in the right direction and there remains the real possibility for significant improvement in the living standards and political rights of all South Africans. And I truly hope that that happens.

But at the same time it is clear that internal repression in South Africa as well as that nation's unacceptable racial policies are retarding that process significantly. Further, it also remains clear that the Congress must take some steps to signal to the South Africans and the world that we continue to uphold our principles of not approving of the policies of the only nation in the world which, by law, discriminates by race.

This moderate legislation makes that statement and sends that signal. I trust the South African Government will hear us and understand that we are taking this action not as an enemy, but as a potential friend which acts not out of anger, but concern for all the citizens of that nation and a deeply held desire to help South Africa resolve its racial problems in a peaceful way.

Mr. President, our national interest and our national heritage demand no less.

The PRESIDING OFFICER. Who yields time? Who wishes to be recognized? Does anyone suggest the absence of a quorum?

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, during consideration of S. 995 by the Foreign Relations Committee, I offered an amendment denying most-favored-nation tariff treatment [MFN] to South Africa as a signal of our opposition to apartheid.

That amendment would have directed the President to suspend most-favored-nation tariff treatment for South Africa until its system of apartheid is dismantled. On several occasions in the past we have deprived nations that deny their citizens basic human rights and freedoms of MFN. In 1911 we terminated a bilateral trade agreement providing most-favored-nation tariff treatment to Russia because of the programs there. In 1982, some 70 years later, the administration suspended MFN to Poland after the Polish regime outlawed Solidarity and justified this action on the grounds that Poland failed to meet its special obligation under the GATT to increase imports in quantitative terms.

Since 1974, the United States has denied MFN to the Soviet Union and other Communist countries that prohibit free emigration. The economic impact on South Africa of suspending MFN would probably be marginal because 50 percent of South Africa's exports to the United States are goods on which the duty is zero, with or without MFN. It is estimated that a

change in MFN status would affect about 20 percent of the South African exports to the United States. However, the political and psychological impact of suspending MFN would be great because it would show that the United States does not condone or accept apartheid any more than we accept the way in which the Soviet Union and its allies treat their citizens. In short it would group South Africa with other flagrant abusers of human rights and freedom and convey our unwillingness to do business with it as usual.

My amendment was incorporated in section 15 of S. 995 as a sanction to be imposed against South Africa in 18 months if significant progress has not been made on ending apartheid.

I am very glad indeed that this concept is included in section 15 of this act. I hope that the actions of the South African Government will be such that MFN treatment may never be withdrawn. But if the situation does not improve, then I would very much trust that MFN treatment would be withdrawn, and for this reason I want to make this statement at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 516

(Purpose: to expand the statement of principles in section 11 of the bill)

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself and Mr. CRANSTON, proposes an amendment numbered 516.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 10, strike "11" and insert in lieu thereof, "11(a)".

On page 33, after line 23, add the following new subsection:

"(b) It is the sense of Congress that in addition to the principles enumerated in subsection (a), persons subject to section 10 should seek to comply with the following principle: Taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

(1) supporting the unrestricted rights of black businesses to locate in urban areas;

(2) influencing other companies in South Africa to follow the standards of equal rights principles;

(3) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and make provision for adequate housing for families of employees within the proximity of workers' employment;

(4) supporting the rescission of all apartheid laws." Redesignate succeeding subsections accordingly.

On page 35, after line 14, insert the following new section:

IMPLEMENTATION

SEC. 12. (a) The Secretary of State (hereafter referred to as the "Secretary") shall submit an annual report to the Congress describing—

(1) the extent to which each national of the United States referred to in section 10 of this Act has implemented each of the principles set forth in section 11 of this Act;

(2) the progress each national of the United States referred to in section 10 of this Act has made since the previous annual report in implementing each of those principles;

(3) the actions the Secretary has taken to encourage implementation of those principles, by nationals of the United States as well as any person who is not a national of the United States and who employs at least 25 individuals in South Africa, as well as any related actions taken by other departments or agencies of the United States Government;

(4) any other information relating to the implementation by nationals of the United States as well as any person who is not a national of the United States and who employs at least 25 individuals in South Africa, of those principles that the Secretary believes is appropriate;

(5) in the first five annual reports issued pursuant to this section, the extent to which each of the 100 largest foreign investors in South Africa who are not nationals of the United States have implemented the principles set forth in section 11,

(6) in the sixth and subsequent annual reports issued pursuant to this section, the extent to which each of the 200 largest foreign investors in South Africa who are not nationals of the United States have implemented the principles set forth in section 11; and

(7) recommendations by the Secretary for action the Congress or the President could take to encourage implementation of those principles by persons who are not nationals of the United States and who employ at least 25 individuals in South Africa; including an analysis of the extent to which the imposition of restraints on imports into the United States from such persons would encourage implementaion of those principles.

(b) The Secretary shall publish and make generally available to the public each annual report submitted pursuant to subsection (a).

(c) The Secretary may, to such extent or in such amounts as are provided in appropriation Acts, enter into contracts with one or more private organizations to assist the Secretary in preparing the report required by subsection (a).

(d) Each national of the United States referred to in section 10 of this Act shall submit directly to the Secretary, or through an organization with which the Secretary has a contract under subsection (c)—

(1) a detailed and fully documented annual report on the progress of that person in implementing the principles set forth in section 11 of this Act; and

(2) such other information relating to implementation of the principles set forth in section 11 of this Act as the Secretary shall by regulation direct.

The reports and information required by this subsection shall be submitted at such times as the Secretary shall by regulation require.

(e) There are authorized to be appropriated such sums as may be necessary to the Department of State to carry out the provisions of this section. The Secretary may establish an office to carry out such provisions.

(f) Upon the request of any national of the United States subject to the provisions of this section and section 10 which is made within 60 days after the publication of the Secretary's report pursuant to subsection (b) of this section, the Secretary shall, afford an opportunity for a hearing, within 90 days after such publication, in which such person may comment on the contents of such report.

Renumber succeeding sections accordingly.

MINTING GOLD BULLION COINS

SEC. . (a) Section 5112(a) of title 31, United States Code, is amended by adding at the end thereof the following:

"(7) a gold coin that is 32.6 millimeters in diameter, weighs 33.931 grams, and contains one troy ounce of fine gold.

"(8) a gold coin that is 27.0 millimeters in diameter, weighs 16.966 grams, and contains one-half troy ounce of fine gold.

"(9) a gold coin that is 22.0 millimeters in diameter, weights 8.483 grams, and contains one-fourth troy ounce of fine gold.

"(10) a gold coin that is 16.5 millimeters in diameter, weighs 3.393 grams, and contains one-tenth troy ounce of fine gold.".

(b) Section 5112 of such title is amended by adding at the end thereof the following:

"(i)(1) Notwithstanding section 5111(a)(1), the Secretary shall mint and issue the gold coins specified in section 5112(a), in quantities sufficient to meet public demand, that—

"(A) have a design determined by the Secretary, except that the one ounce gold coin shall have a design—

"(i) symbolic of Liberty on the obverse side; and

"(ii) on the reverse, a design representing a family of eagles, with the male carrying an olive branch and flying above a nest containing a female eagle and hatchlings;

"(B) have, in lieu of the designation of the value of the coin as provided in subsection (d), the designation of the weight of the fine gold content;

"(C) have inscriptions of the year of minting or issuance and the words 'Liberty', 'In God We Trust', 'United States of America', and 'E Pluribus Unum'; and

"(D) have reeded edges.

"(2)(A) The Secretary shall sell the coins minted under this subsection to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

"(B) The Secretary is authorized to enter into such bulk distribution arrangements as may be in the best interests of the United States with wholesalers and distributors of coins and bullion and to permit discounts from the costs as determined under subparagraph (3).

"(3) For purposes of section 5132(a)(1) of this title, all coins minted under this subsection shall be considered to be numismatic items.".

(c)(1) Section 5116(a) of title 31, United States Code, is amended by inserting after the first sentence of paragraph (2) the following new sentence: "The Secretary shall acquire the gold for the coins authorized under section 5112(i) of this title by purchase only from natural deposits in the United States or in a territory or possession of the United States.".

(2) Section 5116(b) of title 31, United States Code, is amended in the first sentence of paragraph (1), by striking out "The Secretary shall" and inserting in lieu thereof "The Secretary may".

(d) Section 5118(d) of title 31, United States Code, is amended by inserting at the end thereof the following:

"(3) An obligation denominated only in ounces of gold is discharged on payment in coins authorized under section 5112(i) of this title unless a gold clause calls for payment in dollars. An obligation denominated in dollars is not discharged by payment in gold coin authorized under section 5112(i) of this title.".

(e) The third sentence of section 5132(a)(1) of title 31, United States Code, is amended by inserting "minted under paragraphs (1) through (6) of section 5112(a) of this title" after "proof coins".

(f) No provision of law governing procurement, printing, or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this section or the amendments made by this section. Nothing in this subsection shall relieve any person entering into a contract under the authority of this section or the amendments made by this section from complying with any law relating to equal employment opportunity.

(g) Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this section or the amendments made by this section shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this section or the amendments made by this section from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this section or the amendments made by this section.

(h) This section shall take effect on October 1, 1985, except that no coins may be issued or sold under this section before October 1, 1986.

At the appropriate place in the bill, insert the following:

SEC. . The Secretary of State shall conduct a study to examine the state of health conditions and to determine the extent of starvation and malnutrition now prevalent in the "homelands" areas of South Africa and shall, not later than December 1, 1985, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of such study.

On page 24, delete lines 1 through 15, and substitute in lieu thereof the following:

"'(f) Not less than 20 percent of the funds made available to carry out subsection (e)(2)(A) shall be used specifically to support human rights activities including, but not limited to, the investigation of the killing of protestors and prisoners in South Africa, legal assistance to persons prosecuted for fundamentally political reasons in South Africa, and church and legal assistance activities for the betterment of human rights in South Africa for disadvantaged persons. Such assistance may be made available through the Legal Resources Center, the South African Council of Churches, the Black Sash and other similar organizations determined to be appropriate by the Secretary of State.'."

On page 39, line 3, after the period, add the following:

"Each such report shall contain a detailed assessment of exports to South Africa from other countries of computers and other technology the export of which from the United States is prohibited under section 12 of this Act or section 6(1) of the Export Administration Act of 1979, as added by section 13 of this Act.".

Mr. LUGAR. Mr. President, I am offering on behalf of myself and the distinguished Senator from California [Mr. CRANSTON] an amendment which brings together several technical changes, principally those of the members of the Banking Committee.

The Banking Committee could have demanded referral of this legislation through cooperation of the distinguished chairman and ranking member of the Banking Committee. They have not decided to do that but have asked that the conferees be appointed from the Banking Committee as joint conferees with the Foreign Relations Committee in the event that this legislation goes to conference. The Foreign Relations Committee, by a formal vote, agreed to that procedure. The amendment that the Senate has before it calls for a sense-of-the-Congress resolution involving definition of the Sullivan principles in South Africa, a report of progress of this legislation. It has the provisions for the production of a gold coin on the part of our Government. This is relevant in our judgment because it would offer Americans an opportunity to buy American gold coins as opposed to other sorts of gold coins. There is a Kassebaum revision of her program in this amendment, and a requirement that the Secretary of State conduct a study on the state of health conditions and determine the degree of starvation and malnutrition in the homelands. That comes from Senator DANFORTH who has had a longtime interest in those issues.

In addition, there is a suggestion by Senator RIEGLE which requires a detailed assessment of exports to South Africa of computers and other technology from other countries. This amendment has been compiled and put together by staff on the majority and minority side of the Foreign Relations Committee and I know of other Senators who are vitally interested in this legislation. I know of no objection to the amendment.

Mr. PROXMIRE. Mr. President, I am pleased to support my distinguished colleague's amendment providing for the minting of gold coins to directly compete with Krugerrand sales in this country. I have been a strong advocate of a ban on the importation of the South African gold coin—named after the Afrikaner leader Paul Kruger, often referred to as the father of apartheid. I want to make it clear that this amendment is in no way a substitution for a ban on the importation of Krugerrands. Rather, it strengthens the argument in favor of such a ban because people are not prohibited from purchasing or owning gold coins. This amendment provides an alternative to the Krugerrand. I would not want to deny to those Americans who want to own gold coins the option of doing so.

Some of my colleagues had hoped to be able to pass this amendment with the Statue of Liberty commemorative coin bill when it came up last month. This combination would have made a strong statement as to this country's commitment to the ideals and values that millions of us share—a love of liberty and a keen sense of justice. It is just as appropriate that this amendment be introduced at this time, when we have just returned from celebrating our country's birthday. Just as we would not want to forget what our country stands for, we must not be oblivious to the plight of others who seek these same liberties. It is only fitting that we, as a country and as freedom-loving individuals, try to effect change in the apartheid system that is legislated and practiced in South Africa. We have the opportunity to show our support to those seeking political and civil liberties by offering Americans an alternative to buying the South African Krugerrand, the very symbol of apartheid.

The United States has been the largest Krugerrand market worldwide, accounting for 20 to 50 percent of all sales since 1975, when it became legal for Americans to own gold. The enormous success of Krugerrand sales in the United States sent other foreign governments scurrying for their share of the American gold coin market. While it is true that Krugerrands have been an attractive gold coin, the market is fading. The trend among buyers and sellers has been to shift to other sources of gold coins, as momentum builds to pressure the South African Government to change its apartheid policies. Governments such as Mexico, Canada, Great Britain, China, and now even the Isle of Man, all have made gold coins to compete in this lucrative market. There is clearly a demand for a U.S. gold coin, and this amendment answers that demand.

The Krugerrand accounted for almost a quarter of the value of all U.S. imports from South Africa in 1983 and 1984. Krugerrand imports in 1983 were valued at $450 million and totaled almost $600 million in 1984. Anyone who looks at the U.S. balances of trade and foreign debt situation surely can see the wisdom in an Ameri-

can gold coin. Money that is currently flowing abroad into foreign gold coin investments could be kept in the United States and help reduce the trade deficit.

The Krugerrand has financed stability for South Africa—a stability characterized by extraordinary wealth and privilege for a white minority and injustice and poverty for the majority of South Africans. Stability for the current South African Government means the continuation of the apartheid system, which is abhorrent to the United States.

Offering Americans, as well as others, the opportunity to buy U.S. gold coins instead of Krugerrands allows them the chance to signal, individually and collectively, their opposition to the immoral policy of apartheid. It will let the South African Government know that change must go forward. It cannot continue its repressive policies and profit from them.

Mr. RIEGLE. Mr. President, major provisions of the legislation, which we are now considering, among other things, place bans on the sale of computers and computer-related goods and technology to the South African Government agencies enforcing apartheid and the export to South Africa of goods and technology which are to be used in a nuclear production or utilization facility. These provisions are contained in sections 11 and 12 of S. 995 and I support them.

Nonetheless, I believe that it is extremely important that, as we restrict the sale of these high technology goods by American corporations to South Africa, we at the same time monitor extremely carefully the foreign availability and sale of these products by other countries.

I was struck for instance by the statement made by Rev. Leon H. Sullivan at our Banking Committee hearings recently to the effect that where America leaves off others step in. When he appeared before our Subcommittee on International Finance and Monetary Policy as a witness on June 13, 1985, Reverend Sullivan pointed out that with respect to combating apartheid:

> There is more patience with South Africa in Europe than there is in America. There is not the desire for change in Europe as there is in America. And America must take the lead. And what the United States Congress does will have an effect on every parliament of the world and I am hoping, too, that it will have an effect on the Japanese parliament because the Japanese take up where others leave, and if they take up where others leave, I say either they must practice equal rights in South Africa when they take up or we should not have their commodities in America. I think we should get tough with the Japanese, too.

I believe that Reverend Sullivan has a point. Therefore, I am introducing an amendment which would simply require that the President of the United States in his report to Congress on apartheid, which is already mandated by this legislation under section 14, include a detailed assessment of countries exporting computers and other technology to South Africa which are forbidden for export by U.S. exporters under sections 11 and 12 of this act.

In this manner we can help spotlight the attention of the world on those industrial and other countries which by their actions and export policies support, to the detriment of the United States, racial discrimination and prejudice.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the gold rush of 1985 is on. As the first Member of Congress to introduce a bill to mint gold coins which directly and completely compete with the South African Krugerrand, I am pleased that the leadership has incorporated the Exon-Dole-Cranston gold coin amendment into the package of noncontroversial amendments.

On March 6 of this year, I introduced S. 599, the American Gold Bullion Coin Act. This legislation would authorize the Treasury Department to mint four coins in the same weights, sizes, and purities as the popular South African Krugerrand. The compromise amendment before the Senate incorporates the substance of S. 599.

The Government-sponsored oppression of the black majority in South Africa is a shameful violation of human rights. Americans provide at least $400 million a year in support to the South African Government through the purchase of Krugerrands.

With one vote the U.S. Senate can bring gold back into American currency, and make a bold statement against apartheid. If given a viable alternative, I believe that most gold investors would choose an American gold coin over a South African coin.

Just recently, the Canadian maple leaf gold coin surpassed the South African Krugerrand in American sales. An equivalent American investment would give South Africa unparalleled competition.

The South African Government produces four gold coins which are widely held in the United States. South African Krugerrands are available in one ounce, one-half ounce, one-quarter ounce, and one-tenth ounce sizes. In 1967, the South African Government introducted the Krugerrand. The Krugerrand was the first gold coin to contain exactly one troy ounce of fine gold. The popularity of the coin led to mass production in 1970 and the introduction of fractional Krugerrand coins in one-half, one-fourth, and one-tenth ounce sizes in 1980.

The smaller coins were in part a response to rising gold prices and an effort to expand the appeal of the South African coins. Not only are smaller coins accessible to investors of average means, they have found their way into gift items such as jewelry, cuff links, and paper weights.

The amendment which Senators DOLE, CRANSTON, and I authored would authorize the Treasury to mint four gold coins in the same weights, sizes, and purities as the popular South African coins.

If enacted, this legislation would also reinstitute an American tradition. From 1792 to 1933, the United States issued legal tender gold coins. When the United States left the gold standard in 1933, the private ownership of gold bullion was also prohibited. Since 1974, when Congress lifted the gold bullion ownership prohibition, the American people have enthusiastically exercised their option to own gold bullion and gold coins.

Mr. President, the legislation before the Senate today is historic for another reason. It implements the recommendations of the 1982 Gold Commission. Senators DOLE, CRANSTON, and I have fashioned a program which builds on past successful efforts by the Congress and the Treasury Department to make American investments available to the public. The 1980-84 Fine Arts Gold Medallion Program and the 1982-84 Olympic Coin Program have both enjoyed wide public acceptance.

In addition, passage of this legislation will help reduce the U.S. balance-of-trade deficit. Last year, Americans imported over 3 million foreign gold coins adding over $1 billion to the Nation's trade deficit. Almost one-half of that money went to the Government of South Africa. American gold bullion coins will rapidly become the world leader in gold investment.

I hope that my colleagues will join me and my fellow cosponsors in this strong statement against the South African policies of apartheid.

Mr. President, so that the legislative history may be complete, I ask unanimous consent that an Allen D. Strunk editorial published in the May 4 edition of the McCook Daily Gazette, an article published in the March 26 edition of Numismatic News, a Gabriella Stern article published in the March 8 edition of the Omaha World Herald and a David Lynch article published in the Lincoln Journal appear in the RECORD at this time. I also ask unanimous consent that a letter from Luis Vigdor, vice president of MTB appear in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXON'S GOLD COIN IDEA SOUNDS GOOD

Among the good ideas coming recently from Nebraska Sen. Jim Exon was his suggestion that the U.S. Treasury be allowed to

issue gold coins to compete with the South African Krugerrand.

Why not?

The suggestion is not a big deal by itself, but we can think of no reason not to approve the legislation he is proposing.

Gold investment is a common practice in some quarters and South African Krugerrands tend to draw dollars out of the United States. An American gold piece would tend to slow this outflow.

Krugerrands, in addition to being used as investment, are also used for jewelry pieces such as rings and other items. This too might be replaced with U.S. gold pieces.

Last year the South African government earned more than $400 million from U.S. investors purchasing the South African Krugerrand. Reportedly about three million foreign gold coins a year are imported into the United States adding almost $1 billion a year to the U.S. trade deficit.

"I am convinced that most Americans investing in gold would choose an American gold coin over a South African gold coin, if they were given the option," Exon recently said,

"In my opinion, the vast majority of American gold investors who have purchased the South African coin are neither supporters of the South African government nor their racist system of apartheid," he said adding "they have chosen the South African coin simply because it is the market leader in the area of gold coin investments."

Exon's legislation would allow the treasury to issue gold coins in one ounce, one-half ounce, one-quarter ounce and one-tenth ounce sizes. The coins would be legal tender.

It appears Exon has a good idea! Hopefully Congress will agree.

Gold Bullion Coin Bills Introduced

Two additional bills providing for U.S. gold bullion coinage were introduced in Congress the second week of March. One was put forward by Senate Majority Leader Robert J. Dole, R-Kan., and a prestigious bipartisan list of co-sponsors.

The other measure is the work of Sen. J. James Exon, D-Neb., and, of the four proposals now before the House and Senate, it is the first to compete across the board with the South African Krugerrand, in size, weight, fineness and four denominations (by weight), from an ounce down to a tenth of an ounce.

Exon said his bill was stimulated by a letter last year from a young Nebraskan constituent, who said the federal government should resume gold coinage because of the great number of Americans interested in owning gold.

Exon said that he told the young man about the gold Olympic coins and the American Arts gold medallions, but that these programs have since ended and the United States is not now minting a gold coin.

Although both the Olympic and medallion programs were a success, Exon said, his correspondence with the young Nebraskan "made me realize that both gold investments available through the Treasury department were not accessible to most Americans."

The Olympic gold coins sold for more than $350 each, he said, and the one-ounce and half-ounce medallions sold at the market value of gold plus a service charge.

Because his bill provides for denominations by weight of one-half, one-quarter, and one-tenth ounces as well as one-ounce, Exon said, "gold investment would be accessible to all Americans. At the current rates, a tenth-ounce gold coin could be purchased for well under $50.

"It is indeed no coincidence that specifications for the new American bullion coins exactly mirror the size, purities, shapes, and weights of the South African Krugerrand," he said.

Dole's bill is a companion measure to a bill introduced in the House on Feb. 7 by Reps. Julian Dixon, D-Cal., and Jerry Lewis, R-Cal., with more than a hundred co-sponsors from both sides of the aisle.

Joining Dole as co-sponsors were Sens. Alan Cranston, D-Calif., Steve Symms, R-Idaho, James A. McClure, R-Idaho, Daniel K. Inouye, D-Hawaii, and Chic Hecht, R-Nev.

Sponsors of both measures emphasized the desirability of competing with the Krugerrand and other foreign gold coins.

Exon said that "about three million foreign gold coins a year are imported into the U.S., adding almost $1 billion a year to the nation's trade deficit. Money that is currently flowing abroad into world gold coin investments could be kept in the U.S. and used to reduce the budget and trade deficits."

Because the Krugerrand is 22 karats, or .9167 fine, Exon's bill would return to a standard of fineness used for some early U.S. gold coins which, in later years, were all .900 fine.

Dole's one-ounce coin would be the same diameter as the traditional U.S. double eagle, but, at 34.559 grams, slightly heavier because it would contain a full troy ounce of gold. The old U.S. double eagle contains .9675 ounces.

What may be the most important bill for gold coinage, one being written by Chairman Frank Annunzio, D-Ill., of the House Subcommittee on Consumer Affairs and Coinage, is still in the drafting stage. Annunzio is the most influential member of Congress in coinage matters.

None of the bills introduced so far specifies the number of coins to be issued, but Exon's says they should be "in quantities sufficient to meet public demand without depressing the market price of gold."

Dole said that although his bill does not discuss mintages, "there should be no doubt that the sponsors intend that the coin be produced in significant quantities so as to have a real impact.

"If that requires setting minimum production levels, that is something we can work out as we move through the legislative process."

No hearings on gold coinage have been scheduled in either the House or Senate.

All four measures introduced to date would make the gold coins legal tender, but how this status would be applied, whether some face value expressed in dollars would be attached, whether the coins will be redeemable from the Treasury against paper currency, etc., will presumably be dealt with in committee.

Exon Wants United States to Mint Gold Coins

(By Gabriella Stern)

WASHINGTON.—Sen. J.J. Exon wants Americans to go for the gold.

Gold coins, that is.

Exon has introduced a bill that would allow the government to mint a gold coin to compete against the South African Krugerrand.

"It would allow Americans to buy a gold coin without going out to another country to buy a South African apartheid gold-minted coin," Exon aide Mark Bowen said.

It also would fill a void left by the expiration of two similar programs: U.S. Olympic coins and gold medallions, Bowens said.

Exon has been toying with the coin idea for some time after receiving numerous constitutent inquires about investing in gold, Bowen said.

The coins would come in small, affordable denominations. As legal tender, they would not be subject to a sales tax, Bowen said.

They would enhance the United States' foreign trade standing, Bowen said.

Last year, U.S. investors purchasing Krugerrands brought South Africa more than $400 million. The U.S. imports about 3 million foreign gold coins a year, adding about $1 billion annually to the trade deficit, Bowen said.

As for what the gold coins would commemorate, Bowen said, "I don't think that's even been discussed."

The proposed coin, to be issued by the Treasury Department in one-ounce, one-half ounce, one-quarter ounce and one-tenth ounce sizes, "would mirror the sizes, purities, shapes and weights of the South African Krugerrand coin," the Nebraska Democrat said.

"I am convinced that most Americans investing in gold would choose an American gold coin over a South African gold coin, if they were given the option. . . . In my opinion, the vast majority of American gold investors who have purchased the South African coin are neither supporters of the South African government nor their racist system of apartheid," Exon said.

"They have chosen the South African coin simply because it is the market leader in the area of gold coin investments."

Exon: Mint Gold Coin, Vie With Krugerrand

(By David E. Lynch)

WASHINGTON.—Legislation authored by Sen. J.J. Exon, D-Neb., is expected to be considered by the Senate this week during debate on the South African anti-apartheid bill.

Exon's proposal would authorize the Treasury Department to issue a gold coin that would be in direct competition with the South African Krugerrand.

The anti-apartheid legislation would impose sanctions on new investments, loans and computer sales to the racially torn South African government. The House last month approved a bill that would impose stronger sanctions on that government.

Exon said Tuesday that he is encouraged by the prospects for passage of his proposal as an amendment to the anti-apartheid bill.

"I am convinced that most Americans investing in gold would choose an American gold coin over a South African gold coin, if they were given the option," he said. "The American gold coin would mirror the sizes, purities, shapes and weights of the South African Krugerrand."

The bill would authorize the minting of gold coins in 1-ounce, ½-ounce, ¼-ounce and one-tenth ounce sizes.

"In my opinion, the vast majority of American gold investors who have purchased the South African coin are neither supporters of the South African government nor their racist system of apartheid," Exon said. "They have chosen the South African coin simply because it is the market leader in the area of gold coin investments."

The South African government last year earned more than $400 million from U.S. investors who bought the South African Krugerrand. About three million foreign gold coins are imported into the United States each year, adding almost $1 billion a year to the trade deficit, Exon said.

Sen. Jesse Helms, R-N.C., is leading a filibuster against the bill, which has suspended debate until Wednesday when a cloture petition forcing consideration of the measure will be voted on.

MANFRA, TORDELLA & BROOKES, INC.,
New York, NY., June 12, 1985.

Senator J. JAMES EXON,
U.S. Senate, Committee on the Budget, Washington, DC.

RE: Senate Bill S. 599

DEAR SENATOR EXON: We are in receipt of your letter of June 7, 1985 informing us that you have introduced Senate bill S. 599, covering the American Gold Bullion Coin Act.

We feel that there is a tremendous market for smaller denomination coins. Our own in-house statistics show us that all small denominations bullion coins, for instance, the ¼ oz. and 1/10 oz. China Panda, the ¼ oz. and 1/10 oz. from South Africa, and the ¼ oz. and 1/10 oz. from Canada have consequently sold well since their introduction into the U.S. market.

Many of these coins are also distributed by the Jewelry industry in our country. In addition, we feel an American coin in smaller denomination will prove a firm popularity than the smaller denomination foreign coins. Finally, it is our strong belief that gold should be accessible to people from all income levels and not be limited to people who can afford to pay for a 1 oz. of gold. The reality of producing a smaller denomination gold coin is fully justified by this fact alone in a democratic society such as ours.

In the past, our firm has supported the American Gold Eagle Act of 1982. In fact, we testified in favor of the creation of the American Gold Eagle as a bullion coin for the American public. For the above mentioned reasons, we would be willing to give you maximum support at this time, and congratulate you for having the foresight to see that the smaller denomination gold coins are created at the same time as the 1 oz. gold coins.

Should you need additional information as statisitcs on sale of foreign gold coins from our firm, we would be most happy to supply to you upon request.

Sincerely,

LUIS VIGDOR,
Senior Vice President.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I want to speak on behalf of the amendments. They are amendments that, so far as we have been able to ascertain, are not controversial. They all improve the measure that is before us, some in technical ways, some in more meaningful ways.

I am particularly pleased that the gold coin provision is there because it would be a very appropriate way to compete with the South African Krugerrands.

I want to thank the distinguished chairman of the committee for his input once again in working to bring about this agreement. I thank all Senators who have been involved in the effort, including the Senator from Massachusetts, the Senator from Rhode Island, and others on the Republican side, and, again, the Republican leader, Senator DOLE.

Mr. LUGAR. I thank the distinguished Senator from California for his commendation. I would certainly reciprocate.

A U.S. GOLD COIN: LET THE FREE MARKET SPEAK ON SOUTH AFRICA

Mr. DOLE. Mr. President, today I am pleased to join with Senators CRANSTON, EXON, MURKOWSKI, MCCLURE, and others to offer an amendment to S. 995, the South Africa sanctions bill. This amendment would authorize new U.S. gold coins that will be comparable to the South African Krugerrand series and which would be a strong competitor with the Krugerrand for investors. I believe this is an appropriate and important free-market alternative for those who are concerned about the tragedy of apartheid but who want to adopt a sensible strategy for influencing the South African Government in a way that helps, rather than hurts, the people of that troubled nation.

These coins would not compete with the project to raise funds for the Statue of Liberty with the sale of gold coins because they would lag about a year behind the Statue of Liberty set.

AN APPROPRIATE GESTURE

Mr. President, this amendment is based on my bill S. 636 and on H.R. 1123. H.R. 1123 was introduced in the House on February 7 by Congressmen JERRY LEWIS, JULIAN DIXON, and many others, and now has over 230 cosponsors, including the members of the Black Caucus in the House and most of the Republican leadership. As my distinguished colleagues in the House have pointed out, this legislation is highly appropriate for two reasons. First, with about 3 million foreign gold coins imported into the United States every year, there is no reason why the U.S. mint cannot compete in that market and produce a coin that will win a fair share of those sales for a U.S. product. Foreign gold coin sales add almost $1 billion yearly to our balance-of-payments deficit.

Second, many Americans view the Krugerrand—which accounts for $400 million of that $1 billion trade imbalance—as a symbol of apartheid, a representation of the way of the past in southern Africa—a past that President Reagan has sought to help South Africa escape with his policy of constructive engagement. An American alternative to the Krugerrand attacks this problem in the fairest, most direct way: through free-market competition. Those who oppose Krugerrand sales as a statement against apartheid should, and I believe will, be glad to embrace this proposal for comparable U.S. gold coin series.

OTHER VIEWS

Mr. President, I know that many of my colleagues support stronger measures against the Krugerrand and against commercial relations with South Africa, including a possible ban on Krugerrand sales in this country. I appreciate their point of view, and I urge them to support what they think is right. But while I do not share that view, I urge all Members who are concerned about the dilemma of apartheid to join me in supporting this bill. It is something we can agree on, even if we differ on other possible measures.

As Congressman DIXON stated in the House, this bill authorizes a U.S.-gold coin to stand as a symbol of liberty—and in the marketplace of ideas, liberty must always prevail over injustice and invidious racial classifications. Our coin should prevail in the free market as well, as an appropriate symbol of our ideals and of our leadership of the world economy.

DESCRIPTION OF PROPOSAL

Mr. President, let me conclude by briefly describing just how this legislation would work. The bill authorizes the Secretary of the Treasury to mint and issue gold coins of 1 troy ounce of fine gold, one-half troy ounce, one-fourth troy ounce, and one-tenth troy ounce. The 1-ounce coin would have dimensions similar to the double eagles we minted up until 1933. Composition would be essentially the same as the Krugerrand, and the design would be "traditional American"—symbols of Liberty and American eagles. The coin would be legal tender to expedite marketing, but the Treasury would not be obligated to disburse the coins into circulation except as part of the sales program. Nor would private parties be obligated to accept the coins in payment unless they agreed on payment in gold.

Finally, Treasury would produce the coins to meet public demand and would be able to recover all costs and sell the coins at fair market value. We intend that the coins be produced in significant quantities so as to have a real impact.

I urge my colleagues to join me in sponsoring this proposal. It has strong bipartisan support because it stands for the best American values: freedom and fair play.

I would add that a lot of people have contributed to this amendment and deserve credit. We have had valuable advice from the Banking Committee staff and from Members' offices on both sides of the aisle. Senator MURKOWSKI has provided outstanding support for this proposal. I also want to commend Senator EXON for his leader-

ship on this issue; he was first in line with a proposal for an American alternative to the Krugerrand, and it was his recommendation to duplicate the entire Krugerrand series so that our citizens would be able to buy smaller-denomination American gold coins. We are glad to have his support.

Mr. President, let me also pay tribute to a gentleman without whom we would not have had this opportunity. Congressman FRANK ANNUNZIO of Illinois, chairman of the Subcommittee on Consumer Affairs and Coinage. I know that Chairman ANNUNZIO has his own views about the form this coin should take, and he has agreed to hold early hearings on an American alternative to the Kruggerand. We have done our best in this amendment to accommodate concerns he and his staff have expressed, and I think we have done a good job.

We are, of course, very grateful for the input of Congressman ANNUNZIO and his staff. They have made this a better proposal. He, of course, is the principal architect of coinage legislation in Congress, and we hope he will respond favorably to Senate approval of this amendment, given the very strong, bipartisan support for an American answer to the Krugerrand.

Let me also add that Treasury has reviewed this proposal and we have incorporated changes they suggested. Treasury would, as always, prefer not to have additonal coinage obligations. But I believe they can live with this proposal, and as I understand it, they will not have any objection.

Mr. CRANSTON. Mr. President, I am a cosponsor of the section of this amendment that will cause the Treasury to mint legal tender U.S. gold coins to compete with the South African Krugerrand. This section incorporates two bills previously introduced by Senator EXON, Senator DOLE, and myself. The Krugerrand has become a symbol of the abomination called apartheid and the abominable Government of South Africa that practices it. U.S. gold coins with the same features as the Krugerrand will give American gold investors and coin collectors a free choice between a symbol of liberty and a symbol of race hatred. I have no doubt which they will choose.

These American gold coins will be minted by the U.S. Mint from existing gold stockpiled at Fort Knox. If other gold is used, it can only be purchased from natural deposits in the United States. No South African gold can be imported to be used in these coins. About 3 million foreign gold coins are imported and sold in the U.S. every year. That represents almost $1 billion annually in our balance of payments deficit; $400 million of that deficit comes from the African Krugerrand coin sales. If the U.S. Mint produces the gold coins American buyers desire, the money that today is adding to our trade deficit could help instead to make our Federal budget deficit smaller.

It has been estimated by industry spokesmen that over 3,000 U.S. coin and stamp dealers—mostly small businesses in every community in this Nation—employ over 15,000 people, making a market for the gold coins of foreign governments. Over 5 million Americans participate in the gold coin market as investors.

The provision in this amendment for American gold coins is a positive free market approach to the problem of the Krugerrand. Starting the production of American gold coins will also help create jobs while providing consumers and investors with a superior coin product in the true spirit of American business.

There has been some concern voiced that legal tender gold coins could cause confusion in the marketplace if storekeepers, and others were forced to accept the coins at market value because of their legal tender status. The market value of the coins would fluctuate on a daily basis with the market price of the precious metal in the coins. This concern is resolved by the language in the amendment making clear that an obligation denominated in dollars is not automatically discharged by payment in gold coins authorized under this amendment. Obviously those parties who wish to voluntarily accept these coins to discharge dollar denominated debts may do so. The voluntary nature of such agreements will not affect the legal tender status of the coins.

These four gold coins will possess similarities to the Krugerrand important to investors and coin buyers. Already, the Krugerrand is losing market share around the world from competition with gold coins of other countries. These gold coins will give Americans an opportunity to express their preference for comparable American gold coins as a symbol of freedom around the world.

Mr. McCLURE. Mr. President, I rise in support of the amendment offered by Senator CRANSTON and Senator LUGAR to the extent that it calls for the mining of gold bullion coins. This amendment is long overdue and will prove to be a positive step toward competing in the international market with other countries who presently produce such coins. Bullion coins have been a source of revenue for other countries for some time now. I support the efforts of my colleagues to provide U.S. minted gold coins to the American public.

These legal tender coins will follow close on the heels of a recent amendment I added to the Statute of Liberty coin bill which provided for minting of silver bullion coins. Both the gold and silver coins will fill the great demand which exists in America. Investors and collectors will buy these coins instead of competing coins from other countries.

Mr. President, I have worked for many years to mint gold and silver bullion coins. I was pleased when the President signed the liberty bullion coin bill and look forward to the time when he will sign the gold bullion bill into law.

Mr. LUGAR. Mr. President, I know of no further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 516) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COHEN). The Senator from New Hampshire is recognized.

AMENDMENT NO. 517

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. QUAYLE). The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 517.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

To amend S. 995 by adding at the end thereof the following new section:

SEC. 16. (a) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within eighteen months of the date of enactment of this Act, but not later than March 1, 1987, and every twelve months thereafter, a report—

(1) naming any signatory country of the Final Act of the Conference on Security and Cooperation in Europe, also known as the "Helsinki Final Act", which is not in substantial compliance with the provisions of that Act, particularly the human rights and humanitarian affairs provisions, and

(2) recommending which of the following sanctions should be imposed on any such non-complying signatory country:

(A) A ban on new commercial investment in such country.

(B) A ban on the importation from such country of gold or any item containing gold bullion.

(C) A denial of most-favored nation status to such country.

(D) Other economic or political sanctions.

(b) Section 6 of the Export Administration Act of 1979 (10 U.S.C. App. 2405) is amended by adding at the end the following:

"(m) EXPORTS TO NON-COMPLYING C.S.C.E. SIGNATORY COUNTRIES—

(1) No computers, computer software, or goods and technology intended to service computers may be exported, directly or indirectly, to the following entities of the government of any signatory country of the Final Act of the Conference on Security and Cooperation in Europe, also known as the "Helsinki Final Act", which is not in substantial compliance with the provisions of that Act, particularly the human rights and humanitarian affairs provisions, as named in the report required by Section 16(a) of the Anti-Apartheid Action Act of 1985:

"(A) the military,

"(B) the policy,

"(C) the prison system,

"(D) the national or state security agencies,

"(E) the ministry of internal affairs or other authority responsible for the movement or residence of persons within such country or departure of persons from such country.

"(F) the administering authority for the production and procurement of military equipment, and

"(G) any other entity of the government of such country that administers programs in a manner inconsistent with the Final Act of the Conference on Security and Cooperation in Europe, particularly the human rights and humanitarian affairs provisions.

"(2) For purposes of paragraph (1), the term 'computer' includes any computer that is the direct product of technology of United States origin.

"(3) The termination provisions contained in section 20 of this Act shall not apply to this subsection, or to sections 11 and twelve of this Act to the extent such sections apply to violations of, and the enforcement of, this subsection.

"(4) This subsection shall enter into force upon the transmittal of the report required by Section 16(a) of the Anti-Apartheid Action Act of 1985."

(c)(1) No national of the United States may make any loan or other extension of credit, directly or through an affiliate of that United States national, to the government of any signatory country of the Final Act of the Conference on Security and cooperation in Europe, also known as "the Helsinki Final Act," which is not in substantial compliance with the provisions of that Act, particularly the human rights and humanitarian affairs provisions, as named in the report required by subsection (a), or to any corporation partnership or other organization which is owned or controlled by the government of such country, as determined under regulations which the President shall issue.

(2) The prohibition contained in paragraph (1) shall not apply to a loan or extension of credit for which an agreement is entered into before the date of transmittal of the report required by subsection (a).

(3) The President shall issue the regulations referred to in paragraph (1) not later than ninety days after the date of transmittal of the report required by subsection (a).

(4) This subsection shall enter into force upon the transmittal of the report required by subsection (a).

(d)(1) Any joint resolution which—

(A) would enact part of all of the sanctions described in clauses (A) through (D) of subsection (a)(2), and

(B) is introduced in the Senate after the date of receipt of the report required by subsection (a), shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that, for the purposes of section 601(b)(3)(A) of such Act, a reference to the "same certification" shall be deemed to be a reference to the report required by subsection (a).

(2) For the purpose of expediting the consideration and enactment of a joint resolution which is described in paragraph (1) and which is introduced in the House of Representatives after the date if the receipt of the report required by subsection (a), a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

Mr. HUMPHREY. Mr. President, here is a good amendment. I know that the members of the Foreign Relations Committee think they produced a perfect bill for us, but it seems to me that it can be substantially improved upon. My principal objection to the bill—and I shall vote against it, unless it is substantially modified by amendment—is that it is very narrowly focused.

The nation of South Africa is not the only nation in the world discriminating against its citizens, not the only nation depriving them of human rights and civil rights in violation of international standards and indeed in violation of international agreements. And so I am offering an amendment that would broaden the focus of the bill to require of the signatories of the Helsinki agreement the same standards of human rights conduct as this bill proposes to require of the Republic of South Africa. That is not a radical proposal. That is a perfectly reasonable and consistent proposal. Human rights are important. If the Senate were to accept the amendment which I have laid before it, I would then support the bill because I think apartheid and the violation of human rights by South Africa, deliberate, cynical, systematic violation of human rights of long standing with little improvement is abominable and is a blight not only on South Africa but on the nations which deal with her. I would support the bill if it were broadened and applied the same standards to other nations, both allies and adversaries alike of the United States.

A little background in that regard, Mr. President.

Just before the July Fourth recess, the Helsinki Commission, which is comprised of Members of Congress, among others, held a meeting to which it invited a number of specialists in the area of human rights within the signatory countries of the Helsinki agreements, and among those witnesses testifying was Deputy Assistant Secretary of State for Human Rights, Mr. Matthews. I want to read a brief exchange between Mr. Matthews and the Senator from New Hampshire which brings into focus what we are proposing to do here today as the bill now stands, the essence of which is to punish an ally for human rights violations while, on the other hand, we reward some of our adversaries for this very same, if not worse, behavior, and that dichotomy on our part is tragic and will be misread and in my view represents a step backward in the promotion of human rights internationally. The Senator from New Hampshire asked Mr. Matthews this question:

Mr. Matthews, how would you characterize the state of civil rights, human rights, in the Soviet Union? What is the trend? Any improvement?

Mr. MATTHEWS. Senator, I'm sorry to say that I consider it a disaster, and think it has become considerably worse over the past several years.

Mr. HUMPHREY. A disaster area that has gotten worse. And that's true with respect to immigration?

It should be emigration.

Mr. MATTHEWS. Certainly, with respect to emigration, Senator, the members are way, way down to historically low levels.

These are all in connection with the human rights violations record of the Soviet Union.

Mr. HUMPHREY. Is that true with regard to the practice of religion?

Mr. MATTHEWS. There has been a crackdown on those who would practice, manifest, their religion. That's correct.

Mr. HUMPHREY. Is this true with respect to the incarceration of political prisoners?

Mr. MATTHEWS. Indeed. Incarceration of political prisoners, and their being kept in psychiatric institutions, abused. Yes.

Mr. HUMPHREY. So it also encompasses medical abuse of political prisoners? All of these have gotten worse?

Mr. MATTHEWS. In my view, these have all gotten worse.

Mr President, there is the opinion of the man charged in the Department of State with advancing the human rights of peoples around the world, and it is his unqualified and clearly stated position that the record of the Soviet Union is, in his words, a disaster and one which has gotten worse.

Now, against that very recent testimony of Secretary Matthews, let us recall that just a few weeks before the Secretary delivered that testimony, not less than two Cabinet Secretaries were in Moscow signing agreements to increase trade and agricultural cooperation between the United States and the Union of Soviet Socialist Republics.

It is ironic and tragic that, on the one hand, the State Department says the human rights violations in the Soviet Union are growing worse, including medical abuse of political prisoners and, on the other hand, our Government is expanding trade and agricultural cooperation with a nation with that kind of sorry record.

What is the bottom line? The net is that we are rewarding human rights violations by the Soviet Union, on the

one hand, and now, if this bill becomes law—and it is obviously going to for reasons that escape me—on the other hand, punishing an ally for similar behavior and perhaps of a lesser nature. I am not sure I can document that, but in any case who wants to compare these human rights crimes. I certainly do not. But the point is we are rewarding an adversary and punishing an ally for essentially the same kind of conduct. What a stupid and foolish policy for us to pursue. And that is why I object to this bill.

I would support wholeheartedly a resolution condemning the policies of South Africa and I will support this bill wholeheartedly if the Senate will adopt this amendment which widens the presently narrow focus to encompass the Soviet Union and not only the Soviet Union but all of the signatories of the Helsinki accords. And why not? Are we serious about human rights or are we playing domestic political games with a volatile issue and in so doing, may I say as another important element of this issue, endangering Western security in the process?

Mr. President, the amendment which I have offered parallels the language presently in the bill. The amendment would require the President to submit a report at the same time as his report on South Africa, naming signatory countries which are in violation of the provisions of the Helsinki Final Act, particularly those provisions relating to human rights and humanitarian affairs.

Mr. President, the President would also recommend sanctions to be imposed on any such countries. The sanctions would be a ban on new commercial investment in such country, a ban on the importation from such country of gold or any item containing gold bullion, a denial of most-favored-nation status to such country, or other economic or political sanctions.

All these closely parallel those which may be imposed on South Africa under section 15 of S. 995.

In addition, the amendment would adapt 2 other sanctions proposed to be imposed on South Africa by S. 995: It would ban sales of computers and prohibit loans or extensions of credit to government-controlled organizations of noncomplying signatories of the "Helsinki Final Act."

Mr. President, it seems to this Senator that this is a reasonable amendment. It is consistent. It would advance human rights. It is a moderate amendment. It does not change any of the other provisions of S. 995 as they would apply to South Africa. It would apply only to countries that have publicly made specific and binding promises in the area of human rights. No sanction would be imposed on any such country until a report from the President is issued in 1987.

Mr. President, that concludes my argument on behalf of the amendment. I will be pleased to answer any questions about it or try to address any arguments offered in opposition to the amendment.

My question to my colleagues is: Why not? If we are truly interested in advancing human rights internationally, as opposed to playing domestic politics, why not adopt this sensible amendment which would advance human rights in Europe, especially in those Communist countries where they are being systematically and cynically abused on a scale that is growing worse, according to the State Department?

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I am happy to yield for a question.

Mr. SYMMS. I thank the Senator for yielding.

If I understand the amendment correctly—and I have a copy of it—the countries that would be included now, with the same set of standards that deal with South Africa, would be all signatories of the Helsinki agreement.

Mr. HUMPHREY. That is correct.

Mr. SYMMS. Does the Senator have the names of those countries available?

Mr. HUMPHREY. The Senator is well served by his staff. The countries are as follows: Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia.

Mr. SYMMS. Has the Senator given any consideration to expanding that to include other countries, such as Zimbabwe and Botswana, and some of those countries? I do not suggest that I offer an amendment, although I have an amendment prepared that includes all countries, which would strike out the South African Government and insert in lieu thereof the governments of all nations which discriminate, so that we have a consistent foreign policy.

I do not want to confuse the issue of the Senator's amendment. I think it is a good amendment. I suppose we could vote on the Senator's amendment and see what the attitude of the Senate is. If the Senate is inclined to include all signatories of the Helsinki accord, we can expand it to include other countries.

There are some cases in Africa, as the Senator well knows, where there is black oppression of blacks. Yet, there has been no national outrage in the United States to condemn that. I am sure that just because there has not been an outrage, it does not necessarily mean that the people of this country approve of that kind of conduct. They just have not had it brought to their attention.

I will not offer this amendment to the Senator's amendment at the present time, but it might be something we could discuss. I just ask him if he would have any objection to broadening this amendment.

Mr. HUMPHREY. The reason why we have chosen these countries is that, of course, they are signatories to the Helsinki agreement, and therefore have publicly and formally made a commitment to certain standards of human rights. I do not know that the other nations the Senator has mentioned are parties to other such formal and public commitments and agreements. I certainly am open to improving the amendment, but I do not want to confuse the issue in any way.

I think a strong case has been built, as all Senators are aware, because of a substantial reduction in emigration from the Soviet Union, about the repression of the practice of religion by Jews as well as Christians and Moslems.

All Senators are aware of the incarceration of political prisoners, such as Mr. Sakharov, and the medical abuse of such prisoners. All Senators are aware of that, and I cannot imagine why any Senator would oppose this amendment.

The amendment simply seeks to impose the same sanctions on the Soviet Union, or upon any other nation, whether ally or adversary—to impose sanctions upon those nations which are guilty, in findings formally presented by the President in the same timeframe with respect to South Africa.

Mr. SYMMS. Mr. President, I compliment the Senator for offering his amendment. I think he makes a good case.

I might comment, if the Senator will yield further, that I think one of the problems that many Senators have with the approach that is being taken is in looking at history. I have here a statement about dictatorships and double standards which was written by former U.N. Ambassador Jeane Kirkpatrick, in which she reflects on the time when Somoza and the Shah were in good stead in Washington, DC; and, prior to that, Batista in Cuba. There were problems in those countries. There was the big attack, publicity-wise, the big indignation attack; and in the end, those countries fell into the hands of dictators and leaders who are much worse than those in the prior situation.

I think the Senator very clearly voiced his opposition and his repugnance to apartheid, and I compliment him for that, and I compliment him for the amendment.

I think it would be well for all of us to read Ambassador Kirkpatrick's speech, and at some point before this debate is over, I intend to ask unanimous consent to have it printed in the RECORD. I will not do that at this time, but I think it is very interesting.

I shall quote from Mrs. Kirkpatrick. She says:

> In the case of both Iran and Nicaragua, tangible and intangible tokens of U.S. support continued until the regime became the object of a major attack by forces explicitly hostile to the United States.
>
> But once an attack was launched by opponents bent on destruction, everything changed. The rise of serious, violent opposition in Iran and Nicaragua set in motion a succession of events which bore a suggestive resemblance to one another and a suggestive similarity to our behavior in China before the fall of Chiang Kai-shek, in Cuba before the triumph of Castro, in certain crucial periods of the Vietnamese war, and, more recently, in Angola. In each of these countries, the American effort to impose liberalization and democratization on a government confronted with violent internal opposition not only failed, but actually assisted the coming to power of new regimes in which ordinary people enjoy fewer freedoms and less personal security than under the previous autocracy—regimes, moreover, hostile to American interests and policies.

So I repeat that I think the Senator offered this body a very good amendment, and it would certainly make our foreign policy more consistent. It is certainly in order, I think, to this resolution, that the Senate is considering. I compliment him for offering it, and I share with him my enthusiastic support for his legislation.

It will broaden the scope of this bill so that we have a more consistent and less hypocritical attitude about mistreatment of human beings, fellow human beings on this Earth on which we live.

Mr. HUMPHREY. Mr. President, I thank the Senator from Idaho for his comments.

To conclude very briefly and to reiterate, the purpose of the amendment is to widen the scope of the bill to include those nations signatories to the Helsinki accords and require the President to provide Congress with a report in the same fashion required of him with respect to South Africa, naming countries which are signatory countries to the Helsinki accords which might be in violation of those accords and those human rights standards and recommending sanctions in the same fashion we will be called upon to recommend sanctions with respect to South Africa. It is just as parallel and as consistent as we can make it.

I really do not know of any reason why a Senator would oppose this. I simply remind Senators of the very great and sincere concern of our constituents about the human rights abuses in the Soviet Union and allied nations and the urgency of backing our rhetoric with deed.

Mr. President, unless there is further debate, I understand that there will be a tabling motion. I regret that.

I simply observe this is of grave importance, that Senators' votes do not be obscured by a tabling motion, that surely a vote to table will be read by concerned constituents as insensitivity to the plight of oppressed persons and ethnic groups in the Soviet Union and elsewhere and a sign of insincerity, if I may say, Mr. President.

I yield the floor.

Mr. LUGAR. Mr. President, I appreciate the intent of the distinguished Senator from New Hampshire. He has indeed been a champion of human rights, has spoken out forcefully, and offered special leadership in the case of the discussion of Afghanistan in the Senate for which all of us are most grateful.

I appreciate the sincerity of his amendment today which would broaden our general concern for human rights and use the vehicle of S. 995, which is an act specifically directed and focused on South Africa. The Senator from New Hampshire would broaden that scope very substantially.

I think no Senator is going to argue with the distinguished Senator from New Hampshire with regard to the gravity of human rights violations in the Soviet Union and in many of the other countries he has cited. Indeed, I believe that the Senate on many occasions has acted to condemn human rights violations and will continue to do so. Hardly a day passes that a dear colleague letter is not circulated with regard to specific violations about which almost all Senators become involved.

But I point out to the distinguished Senator from New Hampshire the implications of multilateral application of S. 995 to all of the nations that are Helsinki signatories or, as the distinguished Senator from Idaho has suggested, an even longer list, in the event that such was seen to be warranted. There has been no hearing on this in the Foreign Relations Committee or for that matter in any other committee to my knowledge. There have been no systematic research and consideration of what the implications would be to our foreign policy, in both bilateral and multilateral situations.

It is not a case of insincerity or insensitivity. It is a case simply of intellectual honesty, to look carefully when one is dealing with statecraft and diplomacy as to what the implications and reverberations might be. That we have done on S. 995.

This may be an interesting exercise and in due course I suspect that with regard to many of the countries involved in the amendment there have been findings and there has already been legislation.

Mr. President, I must say that because of the sincerity of the distinguished Senator from New Hampshire he will appreciate, I am certain, that this is a bill that has a focus that has been examined carefully in hearings, been examined carefully in debate, and has been given the kind of examination that careful foreign policy legislation should be given.

And the Senator knows from an earlier statement which I made that we have moved in an admirable bipartisan fashion not only in the committee but likewise with the cooperation of many distinguished Senators who are not members of the Foreign Relations Committee, who contributed to the Foreign Relations Committee their idealism and their drafts and their actual testimony.

The intent of this amendment, in my judgment, is to test at least the general agreement that many Senators entered into, obviously not the Senator from New Hampshire, but many Senators entered into earlier today. That is to say to test if there are any number of perfecting amendments that might be offered to this bill. There are many Senators who have great idealism and fervor with regard to additional sanctions, punitive actions, general condemnations. There are many Senators who do not like the idea we are even addressing the subject and in their own ways might dilute that entire effect.

But this Senator promised that in the event there were substantive challenges to this legislation I would move to table those because I believe that the legislation we have before us is not perfect but is in effect an excellent consensus, the best that I believe we are going to be able to do and a vehicle with which I am proud to go to conference if that is required.

Mr. CRANSTON. Mr. President, will the Senator yield before making a motion?

Mr. LUGAR. I am happy to yield for a question to my distinguished colleague.

Mr. CRANSTON. Mr. President, I simply wish to state, first, that I agree with the chairman of the committee that to support a tabling motion of the amendment offered by the Senator from Idaho by no means indicates any insensitivity about the discrimination that is practiced in the Soviet Union and other nations that this amendment would apply to.

But this is not the place and it is not the time to address our policy toward the Soviet Union.

The President of the United States is due to meet with the Soviet leadership in the fall. I am certain that these issues will be brought up at that

time and to act at this time in the way proposed would not be conducive to success by our President at that summit conference.

Furthermore, many of the sanctions that the Senator from Idaho would wish to extend to apply to the Soviet Union are already in place. For example, Aeroflot does not land in the United States. We passed legislation that bans such high tech items as computers for the Soviet military. They cannot be exported. We do not grant credits to the Soviet Union.

Therefore, much of what is proposed is superfluous, and I presume, and I put this now in the form of a question, that the distinguished chairman of the committee would appreciate support from this side of the aisle for his tabling motion. I am sure he will get that support.

Mr. LUGAR. Mr. President, I appreciate both the question would I want the support and the affirmation in event my answer is in the affirmative it would be forthcoming.

Mr. HUMPHREY. Mr. President, will the Senator yield for one question?

Mr. LUGAR. I am happy to yield for a question to the distinguished Senator from New Hampshire.

Mr. HUMPHREY. The question is, Will the Senator withhold the tabling motion?

Mr. LUGAR. The answer to that question is only so long as I am responding to questions from my distinguished colleagues. It is my intention to offer a motion to table while I have the floor.

Mr. SYMMS. Will the Senator yield? I would like to ask a question.

Mr. LUGAR. I am happy to yield for a question of the distinguished Senator from Idaho.

Mr. SYMMS. Does the Senator not find it ironic that the U.S. Senate is considering sanctions against South Africa, which, if we think back to just a few years ago, the Senate of the United States and the other body, which I was in at the time, were doing sanctions against former Rhodesia. I recall very well that what happened after that heavy policy of sanctions and condemnations was implemented, Rhodesia became Zimbabwe. We are doing this now, and the question I am putting forward is that the sanctions we are proposing that might happen down the road, even with this legislation, or coupled with legislation from the other body, will not enhance the important relationship that we have with Africa, the strongest African anti-Communist nation, nor will it help the blacks.

I cite the question because of what happened in Rhodesia, what is now Zimbabwe. There is tremendous oppression in Zimbabwe of blacks against blacks. Now we are starting down the same path.

I compliment all of my colleagues on what the goals are they wish to achieve. But the reality of the world is that the United States and the Western Alliance probably needs South Africa more than they need us in terms of national security, in terms of mineral security, and in terms of what is happening in the African continent. Certainly this is not going to help—if you look at all the other countries where misguided sanctions have been imposed—it is not going to help the lives of the black people in that country.

Does it not seem somewhat ironic that we sit here and talk about what countries on which we have not had hearings? As the Senator from California says, we have not had hearings on these other countries; it is superfluous. If it does not matter, I say to my friend from California, if we have already imposed those sanctions on the Soviet Union, it would not hurt to reimpose them and broaden the base of this.

When this Senate had the opportunity to vote some tough sanctions on the Soviet Union after they murdered one of our own colleagues from this Congress and 268 other people on Korean airliner 007, the Congress did not vote to do it. But somehow it is popular here—I do not know whether it is domestic politics or what it is. I would not even suggest that any of my colleagues in the Chamber would allow domestic politics to enter into their viewpoint on foreign policy. But it just escapes my sense of fairness and common sense as to why it is that we are deciding that now is the time to kick South Africa.

I just ask my colleague: Does it not seem kind of ironic that we do this now? I think our colleague from New Hampshire has a good amendment. I wish the distinguished chairman, who I have the greatest respect for, would not offer a tabling motion so we can discuss Senator HUMPHREY's legislation further. I think that this amendment that he offers would be a way for us to express a consistent foreign policy in the United States, and for once decide to start supporting our friends and opposing our enemies instead of always seeming to do things to weaken our own personal security and nothing to help the lives and the lots of those people. We sit in here acting as some kind of moral policemen of the world, and pretend that somehow we are going to help all of these people by imposing sanctions on prowestern countries striving for reform. Look at every country around the world—Iran, Nicaragua—where has it helped those people with the holier-than-thou attitude that is taken on here?

We have a good policy of constructive engagement going on in Africa. This President deserves—and I am one of his biggest critics on a lot of things—but one thing he is doing well is constructive engagement in southern Africa. But we are going to kick South Africa in the teeth, and damage neighboring states in the process.

I wish the Senator would not offer the motion to table. I would like to hear more from the Senator from New Hampshire. I think this is an excellent amendment. I think the Senate deserves to discuss this in more length before we have to make a decision to vote on it.

Mr. LUGAR. If I may respond to the distinguished Senator from Idaho, I suspect that my reading of the history in Zimbabwe would not lead to the conclusion that any activity taken by the Senate of the United States could be even remotely responsible for the history of that country. The people in Zimbabwe have determined their situation. We may make judgments about it, but it really, I think, is irrelevant to the course of this legislation.

I further suggest to the distinguished Senator that I believe he misunderstands the intent of the legislation we have today. We have been remarkably free of partisan comments about the administration's policy in South Africa. I have not heard, on either side of the aisle, disparaging comments about that policy. And I think that is to the good. This debate has not been one to weaken the administration, even though there are Senators who may have substantial agreement or disagreement with the effectiveness of the policy.

What we have been doing is to attempt, in a constructive way, hands-on way, to reach out to the citizens of South Africa. We talked about scholarships. We talked about legal assistance. We have talked about ways in which small business entrepreneurship might happen to a greater degree. These, I think, are constructive means. They hardly are ways in which we are, in my judgment, attempting to alienate persons in that country. Certainly Senators could differ—and they have—on those provisions that appear to be sanctions.

But the facts are that American bankers have determined, through their own resolutions, that making loans to South Africa is not a good idea. Many people of general common sense would not be for giving additional assistance in the atomic energy field or computer field to entities dealing in the apartheid situation.

Indeed, critics of this legislation would say that there are not the punitive sanctions they would have liked to have seen. Indeed, they are not there.

This is not a bill designed to hurt people. It is a bill designed to help people. It is engaging South Africa in terms of its idealism.

51-059 O-86-9 (Pt. 14)

Characterizations of the legislation as a way of damaging our foreign policy or our relationships, I think, are basically incorrect, although each Senator will have to make his or her judgment about that ultimately.

Finally, I say respectfully to the distinguished Senator, there are ramifications that come from various types of activity. We have tried to tailor a program that would enhance our relationship with the people of South Africa. I suspect, on other occasions, we might do a reasonably good job with regard to other countries. But this particular focus is on South Africa. On some other occasion, there may be other situations.

I am hopeful that some of my responses to my colleague were helpful. In any event, this is the situation as I see it.

Mr. HUMPHREY. Will the Senator yield for a question?

Mr. LUGAR. Yes; I am happy to yield for a question.

Mr. HUMPHREY. The Senator from New Hampshire certainly does not intend to prolong this debate or to impose upon the hospitality and courtesy of the Senator from Indiana. But, inasmuch as it is obvious that the Senator from Indiana intends to press for a tabling motion before yielding the floor, will he permit me to ask him these three questions very quickly?

Mr. LUGAR. Of course.

Mr. HUMPHREY. The Senator stated that there have not been hearings on matters raised by the amendment offered by the Senator from New Hampshire. Is the Senator from Indiana aware—I know he is, so this is a rhetorical question—is he aware that the Helsinki Commission, which is a duly constituted body constituted by law, just recently, within the last 3 weeks, had a hearing on compliance with human rights provisions of the Helsinki accord?

Mr. LUGAR. Yes; I am aware of that hearing.

Mr. HUMPHREY. Is the Senator aware of the official findings of the Helsinki Commission that, for instance, emigration of Soviet Jews has slowed from 51,000 in 1979 to fewer than 1,000 in 1984; that it has slowed to virtually a trickle and that those citizens, of whatever racial, or ethnic, or religious point of view, in the Soviet Union who apply for emigration are subject to being jailed and persecution?

Mr. LUGAR. Yes; I am aware of those circumstances and have joined the Senator in speaking out against them.

Mr. HUMPHREY. The final question: Is it not time, then, to enrich our record by adding to our rhetoric some concrete deeds that will improve the situation?

Mr. LUGAR. I think it will be very helpful to have concrete deeds. I suppose my difference with the distinguished Senator from New Hampshire is that we have tried to formulate programs today that we believe would be constructive with regard to South Africa. It might be restrictive with regard to specific problems of that country which are clearly not so grave as those of the Soviet Union or many other countries that may have been found to be violators of the Helsinki accords.

In short, the Senator makes my point, in a way, about the gravity of the stoppage of Jewish immigration, for example, which really calls for thought on our part. The Senate adopted the Jackson-Vanik amendment many years ago, in a way to make a point there, and that may not have gotten the job done. I think the Senator has an excellent point that we have to consider. What will be appropriate and effective with regard to the Soviet Union? But my point I suppose is that this particular legislation, if adopted, was constructed with regard to South Africa, and may not necessarily be appropriate in other situations. I am not going to argue that they be totally inappropriate. I am going to say the specific bilateral ramifications have not been examined, and they really ought to be before we take responsible action.

Mr. HUMPHREY. I simply respond by thanking the Senator for his courtesy. But I must disagree with the Senator's parliamentary tactic in this case, hope the Senators see the merit of the amendment, and vote againsts tabling.

Mr. LUGAR. I thank the Senator for his thoughtfulness.

Mr. President, I move to table the amendment.

Mr. HUMPHREY. Mr. President, I ask for the nays and yeas.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Florida [Mrs. HAWKINS], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—67

Andrews	Evans	Metzenbaum
Baucus	Exon	Mitchell
Bentsen	Ford	Moynihan
Biden	Glenn	Nunn
Bingaman	Gore	Pell
Boren	Harkin	Pressler
Bradley	Hart	Proxmire
Bumpers	Heflin	Pryor
Burdick	Heinz	Quayle
Byrd	Hollings	Riegle
Chafee	Inouye	Rockefeller
Chiles	Johnston	Roth
Cochran	Kassebaum	Sarbanes
Cohen	Kennedy	Sasser
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stafford
Dixon	Levin	Stennis
Dodd	Lugar	Stevens
Dole	Mathias	Weicker
Domenici	Matsunaga	Zorinsky
Durenberger	McConnell	
Eagleton	Melcher	

NAYS—29

Abdnor	Hatch	Nickles
Boschwitz	Hatfield	Packwood
DeConcini	Hecht	Rudman
Denton	Helms	Symms
East	Humphrey	Thurmond
Garn	Kasten	Trible
Goldwater	Laxalt	Wallop
Gorton	Long	Warner
Gramm	Mattingly	Wilson
Grassley	McClure	

NOT VOTING—4

Armstrong	Murkowski
Hawkins	Simon

So the motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I rise to express my support for sanctions against the Republic of South Africa.

But I want to say at the outset that I do so with some regret.

I very much regret, Mr. President, that the leaders of South Africa have failed in the past 5 years to respond in any meaningful way to the Reagan administration's policy of constructive engagement.

I regret that the Government of that country has lacked the vision and the courage to see that its own self-interest lies in dismantling the odious system of apartheid.

And I regret that the author of a recent book on South Africa may well be right in his stark conclusion that "there will be increasing violence. The violence will last for a long time."

The violence that looms over the future of South Africa will not necessarily come only—or even primarily—from the oppressed victims of the apartheid system.

No, Mr. President, apartheid itself is a system of organized violence.

It is a system that brings to bear all the instrumentalities of the modern state to control totally the lives of millions of people. "The computer," one observer writes, "is as characteristic a tool of apartheid as * * * the animal hide whip * * *."

In South Africa today, we have a wealthy country that provides only one hospital to serve the 2 million inhabitants of the black township of Soweto.

Here we have a major food exporting country that tolerates widespread malnutrition among its black children. An estimated one-third of black children below the age of 14 suffer from nutritional deficiencies.

Here we have a country that speaks proudly of its adherence to Western values—and looks the other way while half the children in the rural homelands die before the age of 5.

Here we have a modern country that allows over 50 percent of its black youngsters to leave school before completing the third grade.

Here we have a country that professes its adherence to the rule of law while inflicting upon its people a system of state-sponsored terrorism.

Amnesty International, says that organization's 1984 report, "intervened during the year on behalf of more than 200 detainees, many of whom it considered to be prisoners of conscience. They included officials of black trade unions, students, church workers, and political activists suspected of opposing the South African Government or the administrations in the African homelands * * * most were held under security legislation permitting unlimited incommunicado detention without charge or trial. Such detainees were often held in solitary confinement for prolonged periods and allegedly tortured or ill-treated during interrogation by security policy."

One such detainee, Mr. President, was Steve Biko.

Steve Biko emerged a decade ago as spokesman for the black consciousness movement in South Africa.

He was an outstanding man—a black South African with the potential for national leadership.

As such, he was a security threat.

And on September 12, 1977, Steve Biko died on the floor of a prison cell in Pretoria from brain and internal injuries sustained during interrogation by the security police.

Now, 8 years later, the disciplinary committee of the South African Medical and Dental Council has found two doctors guilty of serious misconduct in the Biko case.

One of the Government doctors, said the medical and dental council, failed properly to examine Steve Biko's injuries.

He permitted the police to move this severely injured man, throwing him naked into the back of a police van and driving him 750 miles to a prison hospital.

The other doctor?

He was found guilty of failing to notice a wound on Mr. Biko's head, of failing to keep proper medical records on him and of giving to the police a medical certificate saying that he could find no evidence that Mr. Biko was ill or had been injured in police custody.

One doctor, in other words, negligently contributed to the death of Steve Biko.

The other participated in a coverup.

"Disgraceful professional conduct," said the South African Medical and Dental Council.

And the result?

Were these doctors barred, as they could have been under the law, from medical practice?

No.

One was reprimanded.

The other, who is 64 years of age, was suspended from medical practice for a period of 2 months—with the suspension to take effect 2 years from now.

And that, Mr. President, is typical—typical of the quality of justice in the Republic of South Africa.

Here we have a country that claims membership in the free world—and requires all blacks over the age of 16 to carry internal passports.

This allegedly free country has a law that allows police to enter homes without a warrent on suspicion that blacks may be living or working illegally in a given area.

In South Africa, it is illegal for persons of one racial group to join a political party which has members from another group.

Here is a country with the highest per capita prison population in the world—a country in whose jails torture and death are commonplace.

And here is a country, Mr. President that since 1960, has forcibly removed 3.5 million human beings from areas designated white and forced them to reside in remote, primitive and impoverished homelands.

These homelands, says American writer James North, constitute an archipelago of misery. And he writes:

> Another 1 million black people are slated to be forcibly moved. The new deportations will only increase the danger of collapse in the fragile territories. The regime's policy already constitutes murder of some degree. As Government leaders push the scheme relentlessly forward they will certainly raise the amount of suffering, disease and death, if they have not already, to a level that can only be defined as genocide.

And James North may be correct, Mr. President, when he writes that:

> South Africa is now in a position that is in many ways analogous to Nazi Germany during the 1930's—a regime that is already evil but that may still not have committed its greatest crimes.

Over the past 5 years, the Reagan State Department has given to South Africa what that country's leaders say they want—an American administration that prefers private persuasion to public confrontation.

This administration has gone out of its way—sometimes too far out of its way—to present South Africa in as favorable a manner as possible. U.S. Ambassador Jeane Kirkpatrick, for example, took the prize when she said:

> South Africa's political system has some good elements in it . . . it is a democracy for whites and a dictatorship for blacks.

The Reagan administration has tried to help South Africa resolve the Namibia issue.

The administration had encouraged agreements to stabilize relations between South Africa and neighboring countries.

The administration has opposed sanctions against South Africa, encouraged investments there—acted, in other words, in a manner designed to win the confidence of that country's leadership.

And in return?

In return, Mr. President, South Africa has given this country nothing.

South Africa today is as much a dictatorship for blacks as it was the day Mr. Reagan took office.

South Africa is firmly planted in Namibia—and there is no positive sign of movement toward independence.

South Africa today attacks its neighbors with impunity. On June 14, for example, South African raiders slaughtered a dozen people in an attack on Botswana, a decent little country with the best human rights record in Africa.

South Africa maintains the homelands. It continues the deportations. It perpetuates in countless brutal ways the suffering of innocent people.

South Africa, Mr. President, has done nothing—nothing at all to take advantage of the opportunity offered by the constructive engagement policy to move away from the catastrophic path of racism and oppression.

That was a golden opportunity.

South Africa's leaders should have seen that.

They should have seized the moment.

But they did not.

They rejected with contempt a policy that gave to them the benefit of every doubt.

And now, we have no choice.

This country can no longer be seen by black Africans as one that is, in the words of Bishop Desmond Tutu, "hobnobbing with our oppressors."

And this country cannot claim to be the champion of human freedom in this world and do nothing about the abomination of apartheid.

For us, this legislation is a matter of self-respect.

I urge its prompt enactment.

AMENDMENT NO. 518

(Purpose: To restrict the imposition of sanctions)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 518.

At the end of the pending business, add the following:

RESTRICTION ON SANCTIONS

SEC. 16. Notwithstanding any other provision of this Act, no sanction may be imposed against South Africa if the imposition of such sanction would increase black unemployment in South Africa as determined by Presidential certification or a resolution passed by either House of Congress.

Mr. SYMMS. Mr. President, the purpose of this amendment is to address one of the concerns that I have expressed here. I would like to say that the Senate certainly has used much better moderation in this problem than the other body has with respect to imposing immediately actions which I believe would be not in the interest of the black workers of southern Africa generally and South Africa specifically. I think that it is important to give some consideration here with respect to the employment situation in South Africa.

The economies of the 14 nations in the African subcontinent are critically dependent upon their economic relations with the Republic of South Africa.

Although this amendment is talking about unemployment in South Africa, it is probably unfortunate that it does not include a broader area. But I think for the purpose of the amendment, it is accurate the way it has been crafted. I think it is interesting to note that South Africa plays the leading commercial and development role in the entire sub-Saharan Africa, and that the Republic of South Africa accounts for 70 percent of the region's total gross national product. These are 1980 figures: 77 percent of all the electricity generated in the region, 1980; 97 percent of all the coal mined in the region, 1980; 98 percent of the iron ore mined in the region, 1980; 70 percent of the corn grown in the region, 1980; 87 percent of wheat grown in the region, 1980; 67 percent of the sugar crop in the region, 1979.

The South African economy provides hundreds of thousands of jobs for workers from neighboring black-ruled states. Approximately 350,000 people from black-ruled countries neighboring South Africa work legally in South Africa. Assuming that each of these 350,000 workers supports a family of five, approximately 2,100,000 people in the region are dependent for their livelihoods upon jobs provided by the South African economy.

South Africa's neighbors depend on the South African gold mining industry. Twelve percent of the gross national product of Mozambique is earned by Mozambiquans working in South African gold mines. Fifty one percent of Lesotho's gross national product is earned by the 104,000 Lesotho miners working in South African gold mines. These foreign miners have contractual agreements with South African Chamber of Mines, a private sector trade association of all mining interests in South Africa, pursuant to which an agreed portion of each miner's earnings is repatriated automatically to the miner's family outside South Africa. The families' portion of such earnings voluntarily repatriated amounts to approximately one-seventh of the value of every Krugerrand sold. For example, a Krugerrand bought for $350 in the United States would provide the average mine workers' family in Mozambique as well as Lesotho, with $49.

Mr. President, the basic thrust of this amendment is very simple. It is written directly to the issue. One of the concerns that this Senator has after my visit in South Africa is that the well-intended, targeted, anti-apartheid legislation that comes from the Congress of the United States, with all the most noble intentions, may very well end up hurting the very people we wish to help. This amendment simply says that no sanction may be imposed against South Africa if the imposition of such sanction would increase black unemployment in South Africa. It is very simple. It is easy to understand. I know it is the intention of my colleagues to try to do something that will help less advantaged people in that region of the world, and this is one way we can do it. If I am wrong about this, this amendment will have no impact. If we are right, and sanctions reduce blacks' growing economic leverage in South Africa, then the sanctions will not be imposed.

So that is basically the amendment. It speaks for itself. I hope the committee will accept the amendment and make it a part of this bill. I think it strengthens the legislation, and would weaken the opposition that some of us have with this legislation.

I yield the floor.

Mr. LUGAR. Mr. President, I appreciate the thoughtfulness of the distinguished Senator from Idaho and the argument he has made. In my judgment, the amendment he has offered has no particular relevance to the legislation we are considering today. I do not know how one would determine the effects backward or forward of this amendment or the effects of anything we are going to do in the legislation. Therefore, Mr. President, I move to table the amendment.

Mr SYMMS. Will the Senator yield for one question?

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. SYMMS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mrs. HAWKINS], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 78, nays 17, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—78

Abdnor	Exon	McConnell
Andrews	Ford	Melcher
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Grassley	Nunn
Boren	Harkin	Packwood
Bradley	Hart	Pell
Bumpers	Hatfield	Pressler
Burdick	Heflin	Proxmire
Byrd	Heinz	Pryor
Chafee	Hollings	Quayle
Chiles	Inouye	Riegle
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Cranston	Kasten	Rudman
D'Amato	Kennedy	Sarbanes
Danforth	Kerry	Sasser
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stafford
Dodd	Levin	Stennis
Dole	Long	Stevens
Domenici	Lugar	Trible
Durenberger	Mathias	Warner
Eagleton	Matsunaga	Weicker
Evans	Mattingly	Zorinsky

NAYS—17

Boschwitz	Hecht	Simpson
Denton	Helms	Symms
East	Humphrey	Thurmond
Garn	Laxalt	Wallop
Goldwater	McClure	Wilson
Hatch	Nickles	

NOT VOTING—5

Armstrong	Hawkins	Simon
Gramm	Murkowski	

So the motion to table the amendment (No. 518) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 519

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 519.

On page 19, line 22, insert the following: This Act may be cited as the Action Act against violations of human rights.

Mr. WALLOP. Mr. President may we have order, please?

The PRESIDING OFFICER. The Senate will be in order. Senators having conversations should move into the cloakrooms.

The clerk will proceed.

The bill clerk resumed reading as follows:

On page 19, for Sec. 12, insert the following:

1. The Congress finds that a number of practices by governments on all continents that deprive citizens of their human rights and of full citizenship on the basis of religion, class, race, or national origin. These practices, whether they are called Apartheid, as in South Africa, Socialist Construction as in the Soviet Union and other Comunist countries, or those dictatorships of the right.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 19, line 22, insert the following: This Act may be cited as the Action Act against violations of human rights.

On page 19, for Sec. 12, insert the following:

1. The Congress finds that a number of practices by governments on all continents that deprive citizens of their human rights and of full citizenship on the basis of religion, class, race, or national origin. These practices, whether they are called Apartheid, as in South Africa, Socialist Construction as in the Soviet Union and other Communist countries, or those dictatorships of the right.

A. Deliberately restrict people's right to live and work as they wish, and restrict the right to form free labor unions;

B. Deny meaningful democratic participation in the political process by the majority of the population;

C. Consign most citizens to lives of economic, religious, and cultural deprivation;

D. Deny citizens the right to travel in their country or abroad;

E. Leads to the negation of property rights supposedly guaranteed by local laws;

F. Effectively deprive people of rights enjoyed by others on the basis of religion, class, race, or national origin.

2. Such practices are repugnant to the moral and political values of democratic free societies, and run counter to United States policies to promote democratic governments throughout the world and respect for human rights; and

3. It is the policy of the United States to promote peaceful change in countries where such practices are prevalent through diplomatic means, but also, where necessary and appropriate, through the adoption of other measures, in conjunction with our allies in order to reinforce United States opposition to such practices.

On page 24, line 5, after "South Africa" add "The Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, East Germany, Libya, Syria, Iran, Cuba, China, and any other country that the President certifies has a record of violations of human rights equal to or worse than that of South Africa, or any country that has facilitated acts of terrorism against U.S. persons.

On page 24, line 6, strike "in South Africa" and add "in such countries"

On page 24, line 8, strike "in South Africa" and add "in such countries"

On page 24, lines 9-11, strike "the legal resources center, the South African Council of Churches, the Black Sash, and other similar"

On page 36, line 24, after "South Africa" and "The Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, East Germany, Liba, Syria, Iran, Cuba, China and any country that the President certifies has a record of violations of human rights equal to or worse than that of South Africa, or any country that has facilitated acts of terrorism against U.S. persons:

On page 37, lines 3 and 4, strike all after "for" and add "any population control system that deprives people of their human rights."

On page 37, lines 7-9, strike all after "entity" and add "of the governments indicated in this section, that administers programs which discriminate against any person on the basis of religion, class, race, or national origin.

On page 37, line 22, after "the Government of South Africa" add "to the Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, East Germany, Libya, Syria, Iran, Cuba, China and to any country that the President certifies has a record of violations of human rights equal to or worse than that of South Africa, or to any country that has facilitated acts of terrorism against U.S. persons."

On page 37, line 24, strike "South Africa" and add "such countries"

On page 38, line 19, after "South Africa" add "The Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, East Germany, Libya, Syria, Iran, Cuba, China and any country the President certifies has a record of violations of human rights equal to or worse than that of South Africa, or any country that has facilitated acts of terrorism against U.S. persons.

On page 38, line 22, after Apartheid, add "or any of the policies set forth in Section 2

On page 38, lines 25 and 26, strike the government of South Africa and add "the governments indicated in Sec. 15(a)

On page 39, line 13, strike "the government of South Africa" and add "the governments indicated in Sec. 15(a)

On page 39, lines 15 and 16, strike the contents and add "allowing people to reside where they wish without regard to religion, class, race, or national origin"

On page 39, lines 17 and 18, strike the contents and add "abolishing internal passports and other restrictions to free domestic and international travel

On page 39, line 19, strike the contents and add "terminating any system of forced relocation of labor and any system of slave labor."

On page 39, lines 22 and 23, strike all after "in" and add "the training and education of disadvantaged groups."

On page 40, line 4, after "made" add "in any of the countries indicated in Sec. 15(a)"

On page 40, line 8, strike "South Africa" and add "those countries that have failed to improve"

On page 40, lines 9 and 10, strike "South African Krugerrands" and add "the principal products currently imported from those countries that have failed to improve into the United States"

On page 40, line 12, strike "South Africa" and add "those countries that have failed to improve."

Mr. WALLOP. Mr. President, I have no illusion as to how much attention some are paying, but I had hoped that the preamble, at least, of that amendment would have caught the ear of some Senators.

The PRESIDING OFFICER. The Senate will be in order. Senators having conversations, please go into the cloakrooms.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I ask unanimous consent that Senators LAXALT and SYMMS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, this amendment asks us to be consistent. Nothing more and nothing less. The preamble reads.

The Congress finds that a number of practices by governments on all continents that deprive citizens of their human rights and of full citizenship on the basis of religion, class, race, or national origin. These practices, whether they are called Apartheid, as in South Africa, Socialist Construction as in the Soviet Union and other Communist counties, or those dictatorships or the right.

Mr. President, I am not here to say anything good about South Africa. I can only pray that, had I any responsibility for its affairs, my attempts to balance the conflicting legitimate rights and aspirations of all the races there would result in more rather than less justice and peace.

But no one, Mr. President, in this body has that responsibility. However, we in this body are responsible for how we handle our own affairs.

It seems to me that to threaten economic warfare on South Africa, and only on South Africa, in the name of human rights, is an exercise in irresponsibility and hypocrisy.

We have only so much capital on the world stage as regards human rights. And we ought not to dribble it away like pebbles from the sky that fall wherever they may, in this case, South Africa. To so dribble it away would be to declare that we really do not take human rights seriously, and are willing to use them as a pretext for engaging in radical chic. We would be degrading the principles on which this country stands by using talk of human rights, as a pretext, insincerely. In this world of relative goods and evils, in this world full of nations that are sponsoring the killing of hundreds of Americans today, or preparing to kill us by the millions on an eventual tomorrow, the backers of this resolution want to use the economic power of the United States to destabilize a regime that, for all its faults, is far from the

worst of human rights offenders in the world, or even as bad as its neighbors, and does not kill or even threaten Americans.

I cannot understand why the sponsors of this resolution do not threaten economic war on the world's worst offenders instead of on its lesser offenders. Why do they not threaten economic war on the nations that sponsor terrorism against Americans or are preparing to make war upon us? Again, Mr. President, do not misunderstand me. I do not in the least object to using the power of the United States to encourage greater justice in South Africa. But I do object to using it against one of the lesser offenders, and against one that does not threaten us, absent a consistent position on those in the world who do. The world's worst offenders against human rights are the Soviet Union, as well as Communist countries and other dictatorships aligned with them, as well as some dictatorship of the right.

I would not want to think that the sponsors of this resolution approve of the way those countries treat the people that they rule, or at least that they disapprove of them less than they do those of South Africa. After all, in earlier times some Americans discussed Joseph Stalin's murder of millions with the phrase: "You can't make an omelet without breaking eggs." Mr. President, those eggs, millions of human beings, are still being broken in in the Soviet Union—its Gulag—and in those of Soviet line countries. So why do we not try to destabilize them economically? Because, by damn, it is not chic. I do not want to think that the sponsors of this resolution look kindly upon Communist dictatorships. But if they do not look kindly on them, should they not have included them in this bill? Perhaps the sponsors believe we ought not to do business with any regime that represses its people, and singled out South Africa merely absentmindedly. Perhaps the sponsors of this resolution are not biased in favor of Communist dictatorships in the Soviet Union and elsewhere. I would not want to think that they are.

In offering my amendment to their resolution I want to give them the chance to correct any such absentmindedness, if absentmindedness it be, and I ask them, indeed, I challenge them, to accept it and make it part of their resolution. My amendment would simply extend the resolution's sanctions to the Soviet Union, and to whatever country that the President finds has a human rights record equal to or worse than that of South Africa, or to countries that have in any way facilitated the lives of terrorists who have harmed Americans. I see no good reason—Mr. President, the courtesy of the floor demands some order in the Senate.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator is correct. The Senate will be in order. The Senator from Wyoming may proceed.

Mr. WALLOP. Mr. President, I see no good reason why anyone who is not moved by prejudice in favor of these regimes should oppose my amendment. Who in here will argue that in relation to its neighbors, much less than the Soviet Union, South Africa deserves to be singled out for United States economic warfare? Take Zimbabwe. The power of the government over its people is secured by punitive battalions trained and——

Mr. SYMMS. Mr. President, the Senate is not in order. It is hard to hear.

The PRESIDING OFFICER. The Senate will be in order. The Senators will take their conversations off the floor of the Senate in respect for the Senator from Wyoming and his right to speak to the amendment.

Mr. WALLOP. I thank the Chair.

The power of the Government of Zimbabwe over its people is secured by punitive battalions trained and advised by North Korean specialists in punitive anticivilian operations. Let me quote the report of the Department of State which is friendly to Mugabe's regime.

> Despite . . . a government-imposed news blackout, there were many credible reports that the security forces were using unnecessary force and violating the rights of the inhabitants in their search for dissidents. In June, approximately 100 civilians were killed in Midlands Province during riots by Zanu members against members of opposition parties. (pp. 388-389)
>
> Approximately 100 civilans—mostly members of minority parties (UANC and ZAPU)—died in June during antiopposition party demonstrations by Zanu members in several towns in Midlands Province. Senior Zanu officials who hold cabinet positions have been accused of inciting the demonstrators, of their helping to arrange the demonstrations, including transport for party youth. The Government does not condone the killing of civilians by its security forces, but is widely believed to have instructed its police to stand aside during the June demonstrations . . . (p. 389) The Government does not officially condone the killings, but it actually fosters them.
>
> In 1984, sources estimate that as many as 5,000 civilians may have been arrested or detained by official security forces, mainly in Matabeleland, without public announcement. The sources indicate that the Government continues to hold an undetermined number of people but that the large majority were released within weeks of their arrest . . . (p. 390)
>
> Reports from a variety of sources indicate that Zimbabwean security forces have been responsible for a broad range of mistreatment of large numbers of civilians—most entirely Ndebelel-speaking—who were suspected of being dissident supporters.
>
> Types of mistreatment included torture with electric shock equipment, water, plastic, and chemical; cruel, inhuman, or degrading treatment such as repeated beating and rape; and confinement in small cells with little or no ventilation and detention for several days in open-air cages. Reliable sources indicate that at least 5,000 civilians experienced some sort of mistreatment at the hands of Zimbabwean security forces and that between 100 and 150 died as a result of this or other poor conditions while in the hands of Government forces . . . (p. 390)

This, Mr. President, happened in June, and the Government, this resolution, intends to conduct business with that Government as normal, saying that somehow or another that action is to be understood.

Let us take a look at Ethiopia, another country that the managers of this resolution and its sponsors are not willing to threaten economically. Are blacks better off in Ethiopia than they are in South Africa? Listen to the State Department's human rights report from 1984.

> Persons expressing opposition to the regime or who are believed not to support it are routinely arrested by security police and subjected to torture in varying degrees; some executions have been reported as well. The individual citizen enjoys no legal protection and may be detained at any time, replace explanations and be held indefinitely without any prospect of trial. For example, as many as 1,000 low and mid-level Ethiopian Government officials and business or Government-affiliated organization members were arrested in Addis Ababa during June, July and August. (p. 107)

Listen to what the State Department, Mr. President, has to say about the current famine in Ethiopia, caused in part by its Communist rulers and used by those Communist rulers to wipe out opposition. Who in this Senate is going to say that it is a fine deed for a government to permit half of its population to starve merely on account of they do not wish to be Communist? Yet, where in this resolution is anybody suggesting that we impose economic sanctions or any other kind of censure on that vile and foul government? Oh, no, we single out only one government: South Africa. Who is going to say that South Africa's human rights record parallels the one that I have just recited? Listen further to the State Department's report on how the Ethiopian Government is using famine to wipe out its opposition.

> . . . There are reports from observers in Ethiopia that the resettlement has not been voluntary or that the people have been desperate and starving, with no real choice. There are charges that the government is suing resettlement for political purposes to disperse local opposition to the regime centered in the north. More than 120,000 people had reportedly been resettled by the end of 1984 . . . (p. 108)

Is that really less vile than what we are finding vile in South Africa? That which I find vile in South Africa—and I do, and we should—is more vile and more prevalent in Ethiopia than it is in South Africa. Why is it that we do not propose to apply the same stand-

ard of human rights worldwide? Because it is not chic.

Do the managers of this bill think that the situation in Ethiopia is preferable to the situation in South Africa? If not, why is not Ethiopia covered in this bill? In fact, we are aiding Ethiopia to keep the people in there from suffering the worst consequences of their government's policies.

Why such a diametrically-opposed approach for South Africa? If it is right to help the people by being kind to the Government of Ethiopia why should that not be our same approach toward South Africa? Because it is not chic.

What about Mozambique? The Cuban-led forces and the North Korean trained punitive battalions there are fighting a war against the population. Yet the Foreign Relations Committee votes out economic aid for that regime, money with which it can get bullets to shoot its own civilians.

Is there not some small trace of hypocrisy here? Why is it inconvenient to impose or ask for economic sanctions or some other similar treatment for that country?

I will ask either the distinguished chairman of the committee or any member of that committee why they do not threaten economic war against Mozambique. Perhaps it is not chic.

What about Angola, whose rulers would not last a day without their Cuban army, a puppet regime and as cruelly and oppressive a regime as the world has ever seen, a regime from which blacks flee to go to live and work in South Africa.

Let me ask the distinguished members of the Foreign Relations Committee why they threaten economic sanctions not on the countries which black refugees flee from but on the one country that the black refugees flee to.

It is proper in some circles in Washington to have sympathy with people who find Communist tyranny intolerable and become refugees. But surely the sponsors of this bill are not so far removed from their immigrant roots to wholly despise the judgment of the black masses of people who walk over thousands of miles to get to South Africa from neighboring black tyrannies. Why do the Senators reserve their righteous anger for the one country in black Africa that has a record of net in migration of blacks? Why do they consider the judgment of our most radical-chic Members superior to those of masses of blacks who vote with their feet in favor of that very, very flawed South Africa?

Now to the most serious point. The Soviet Union. Here is a regime that has murdered perhaps 50 million of its own citizens. Perhaps 4 million, today, are in the forced-labor camps, the gulag, where to eat one's meager ration on any given day, one must fulfill his quota of labor for that day. Here is a regime where there is no freedom of movement for labor or for residence, for anybody. I ask the committee why they do not threaten to cut off the massive economic assistance that we give to the Soviet Union in the form of computer sales and loans, among other things? It boggles the mind. We have given to the Soviet Union about $4.4 billion in loans and grants in the postwar period. Does not the committee believe the Soviets have used that money to hurt their own people?

If computers can be used to further the vile and evil aims of apartheid, can they not be, and are they not also, used for the very same purpose against Soviet Jewry, against Soviet dissidents, against Soviet intellectuals? Where is the difference? I am not asking to let South Africa out; I am asking to be consistent and put worse offenders into the bill.

Why does this committee not propose threatening to cut out the financial subsidies of those who threaten us until they change their ways? Perhaps it is because, one, they are big and powerful, and perhaps, because, two, we are frightened to because, maybe, lily-livered Europe would not follow.

But our job is to be morally consistent. To do otherwise is repugnant—or should be.

Here is a little of what the State Department, for which good relations with the Soviet Union appear to be the overriding goal, has to say about that country.

Soviet performance in the realm of human rights fails to meet accepted international standards. The regime's common response to efforts to exercise freedom of expression is to incarcerate those concerned in prison, labor camp, or psychiatric hospital. Mistreatment of political prisoners has a long history and continued in 1984.

Inadequate food, clothing, and shelter, heavy manual labor, unsatisfactory medical care, isolation, extended interrogation, and threats against prisoners' families are characteristic abuses. Many prisoners are denied the right to correspond with their families or to receive family vists. Some are confined to special psychiatric hospitals and the psychiatric wards in general hospitals where they are often subjected to cruel and degrading treatment and administered doses of powerful and painful drugs.

Does South Africa do that?

I do not apologize for South Africa, but I ask my colleagues at least have the decency to retain the moral dignity of the Senate by not cozying up to the masters of the Gulag while, in the same breath, posturing in favor of human rights in South Africa.

Now let us look at the situation of labor:

Trade unions are strictly subordinated to the Communist Party and act as agents of the Government in implementing economic policy and ensuring labor discipline. They are not collective bargaining agents for workers. Freedom of religion is closely circumscribed, and religious believers are subject to many restrictions in the officially atheist U.S.S.R. Freedom of movement is neither guaranteed by law nor respected in practice.

Does South Africa do this?

Moreover, in 1984 the authorities have further cut back Jewish emigration from the Soviet Union, which had been reduced steadily in recent years. Some officials have made blatantly false statements that all those Jews who wanted to emigrate have already left. These statements coincided with a significant increase in official expressing of anti-semitism, led by the "Anti-Zionist Committee of the Soviet Public." This could mean there is pressure from some quarters to end Jewish emigration completely.

Does South Africa do this?

Here is what the State Department has to say about the Gulag:

A number of political prisoners and common criminals do perish each year in prison and in forced labor camps due to the severe conditions: strenuous physical labor, a semi-starvation diet, extreme cold, and lack of medical care. It is impossible to estimate the number of such deaths.

Does South Africa do this? How about this?

The government continues to confine political and religious activists to psychiatric hospitals where they are often subjected to painful drugs not in standard psychiatric use.

This treatment is, in reality, a form of torture. Some sources estimate that up to 1,000 people may at present be confined in psychiatric hospitals for political reason. In 1981 the Soviet Ministry of Health's chief neuropsychiatrist publicly stated at the Seventh All-Union Congress of Neuropathologists and Psychiatrists that 1.2 percent of patients in Moscow psychiatric hospitals were there "in connection with visits to state agencies to present groundless complaints and slanderous statements." The Soviet Union withdrew from the World Psychiatric Association in February 1983 rather than face probably censure from that body for its abuses of psychiatry.

Habeas corpus or its equivalent does not exist. I may add, for any body, any race, any time. "According to the Code of Criminal Procedure, pretrial detention can last as long as 9 months, and prisoners are not entitled to consult with a lawyer until after the conclusion of the pretrial investigation. Instances of prolonged detention function, in effect, as a form of preventation detention."

Trade unions are strictly subordinated to the Communist Party and act as agents of the Government in implementing economic policy and ensuring labor discipline. They in no respect act as collective bargaining agents.

The International Labor Organization's committee of experts recently noted that the Soviet Union had contravened the convention on freedom of association and protection of the right to organize by imposing a constitutional link between the Communist Party and trade unions which restrict the right of the unions to organize their own activities and formulate their own programs.

Soviet authorities have continued to suppress all unofficial labor or political associations which they believe represent a challenge to the monopoly of the state.

May I ask the sponsors of this glorious bill whether he would rather be a black labor organizer in South Africa, where it is perfectly legal to do his job?

Or would he rather be in the Soviet Union, where, if he sought such an illegality, his penalty would be the gulag or a psychiatric institution or some other way of dropping out of the visible world.

Now let us look at freedom of religion. I know that religion is given short shrift in much of Washington, but I think the vast majority of the American people care about worshiping God, and would want to ask why the sponsors of this bill do not wish to use the power of the United States in favor of religion in the U.S.S.R. here is what the State Department has to say on how the Soviet Union treats all those who worship God.

Religious persecution in the U.S.S.R. is without regard for religious denomination. Russian Orthodox Activist Sergey Markus was sentenced in August to 3 years in a labor camp for allegedly circulating religious materials and including too many religious references in his privately-organized lectures on Russian culture.

Russian Orthodox Priest Nikolay Temirbayev was sentenced in June to 2 years' deprivation of freedom on the trumped-up charge of hooliganism for alledgedly beating his wife and trying to strangle one of his parishioners. Also in June, Evangelical Lutheran Preacher Jakob Rein was sentenced in Kazakhstan to 5 years at hard labor for allegedly holding non-registered worship services.

The second half of 1984 also witnessed the beginning of a new crackdown on the Ukranian Catholic (Uniate) Church. Uniate Priest Vasily Kobrin was arrested on charges of anti-Soviet agitation and propaganda on November 12. His colleagues, Iosif Terelya and Grigory Budzynskiy, have also been detained and threatened by Soviet authorities.

Other reports indicate that Soviet authorities burned a Catholic Church to the ground near Lvov in June, and have closed two Catholic monasteries. These moves followed the appearance earlier in the year of a new Samizdat Journal, "The Chronical of the Catholic Church in the Ukraine," produced by Uniate activists.

"The Jewish community faced an exceptionally difficult year in 1984, which saw a sharp increase in official anti-Semitic propaganda thinly veiled as anti-Zionism. The "anti-Zionist Committee of the Soviet Public," under the chairmanship of Col. Gen. D.A. Dragunskiy, staged several press conferences, one specifically designed to link Zionists to Nazis.

Do we see that in South Africa? Do they not have a black bishop in Johannesburg who received the Peace Prize and was permitted to go and get it and to go back? When was the last Peace Prize offered to a Soviet permitted to be accepted? The last was to Solzhenitsyn, who was promptly thrown out.

Did we not see in the paper today that Bishop Tutu tried and succeeded bravely in rescuing one of his people from some of his people?

Is he not free? Did he not say to all of us that he did not want these sanctions?

Let us go back to Russia:

A television program aired in Moscow in November repeated this theme [of anti-Semitism] and accused Jewish leaders of conspiring with the Nazis to send Jews to the death camps. The authorities' patently false propaganda line, espoused by the committee, continues to assert that the Jewish emigration "problem" has been solved since any Jews who wanted to leave the Soviet Union have already done so. The overall atmosphere of anti-Semitism was as bad in 1984 as it has been in any time in the past several decades.

There have been numerous reports of discrimination against Jews, such as denial of access to higher education and certain professions. Such revocation of degrees in practice means the end of one's career, and usually the loss of one's job and income. Many individual Jewish "refuseniks" (Jews who have been refused permission to emigrate) were arrested and/or put on trial in 1984.

As is the case with other religions, the Soviet authorities severely limit the practice of Islam. They restrict the opening of mosques, the number of students at religious schools, and the number of believers permitted to go on the Haj to Mecca. In addition, many Muslim religious practices have been criticized in the Soviet media as "survivals of the past," although in practice Muslims are perhaps somewhat less harassed than Christians for both domestic and foreign policy reasons.

The official media feature large amounts of anti-religious propaganda.

I am omitting the gory details in the interest of brevity. But note that in October 1984, Pravda published a rare full-page editorial exhorting Soviet authorities to the final extirpation of religion. Does anybody contend that anything remotely this bad happens in South Africa? Let us hear about it. Let the Senate hear about it, if indeed it happens. But it does not.

Let us look at freedom of movement, one of the criticisms in the bill, and so important to our Nation of immigrants. South Africa wrongly restricted some peoples' right to travel internally, although those restrictions are now ending. It was wrong; do not apologize for it. But it never restricted the most precious right of all, the right to leave. The Soviet Union however, is literally a vast prison. Let us listen to our State Department about freedom of movement in the Soviet Union.

The right to choose one's place of residence, although formally guaranteed by law, is subject to restrictions. Everyone is required to register his place of residence. The authorities limit the number of residence permits in some large cities, such as Moscow and Leningrad, where housing is at a premium and where the Government attempts to maintain showcase conditions for foreign tourists—cities free of so-called undesirable elements.

If somebody were to talk of "undesirable" elements in this country the wrath of the press would rain down on him, and rightly so. But the Foreign Relations Committee does not want to inconvenience Soviet leaders as they divide the "desirable" from the "undesirable" elements. Let us go on:

The U.S.S.R. has ratified the U.N. Charter and other international documents in which the right to leave one's country and return thereto is recognized. In reality, however, Soviet law does not recognize the right of citizens to emigrate by choice, and the only recognized motive for emigration is reunification of divided families. On this basis, emigration increased significantly during the 1970's, especially by Soviet Jews, Armenians, and ethnic Germans. However, in late 1979, overall monthly emigration levels began to drop as the authorities introduced restrictive practices, apparently as part of deliberate emigration policy.

There was a continued sharp drop in the number of Jews allowed to emigrate in 1984: 896 compared to approximately 1,300 in 1983 and over 51,000 during 1979. Many Jews have waited in vain for more than 10 years for permission to emigrate. Jewish sources estimate that there still are more than 200,000 Soviet Jews who possess the letters of invitation [VYZOVS] from Israel necessary for application to emigrate. The number of ethnic Germans and Armenians emigrating from the U.S.S.R. also declined in the first 9 months of 1984. Only 655 ethnic Germans emigrated during this period, compared to 1,017 during the same period in 1983. Only 67 Armenians emigrated from the Soviet Union to the United States during the first 9 months of 1984 as compared with 171 for the same period in 1983 and 4,334 during the first 9 months of 1980, the peak year of Armenian immigration to the United States.

At least 22 U.S. citizens living in the Soviet Union have been denied permission to leave by the Government, several for many decades. In addition, there are at least 20 outstanding cases in which the Government has denied the Soviet citizen spouse of an American citizen permission to emigrate.

Does South Africa do that? Does the Foreign Relations Committee care about these Americans?

For the very few who received exit visas in 1984, emigration procedures were cumbersome and expensive. The cost of a passport for emigration to a capitalist country is 200 rubles. Approximately $232 at the official rate. One ruble = $1.16. The mere attempt to submit an emigration application frequently involves a variety of administrative and extralegal sanctions, including loss of employment, harassment, social ostracism, and long delays.

I am not even going to mention political rights. In South Africa, there is democracy for the minority—among which are many who stand up for the welfare of the majority—and there is slow change in the right direction, not fast enough to suit me, not fast enough to suit this Senate, and neither should it be, but a damn sight faster than some of the places I have been talking about and some of the places that I could have talked about. And you know them; I know them.

In the Soviet Union there is the Communist Party, and anyone who even speaks of real elections may be accused of delusions and confined to a mental hospital.

What, then, are we doing here? I do not say and will not claim, nor will I stand accused of saying, that South Africa is good—because it is not.

But in this world of greater and lesser goods and evils, I do ask, and I am sure the American people will ask, why are the sponsors of this bill threatening and pressuring a government that is the lesser evil, and cozying up to truly horrible dictatorships, while providing economic aid to terrible dictatorships, while providing computers to terrible dictatorships?

It is time we got some consistency in our moral outrage, or are we not so moral as we think, and will do something that is the ultimate in white middle class racism. This bill is a statement that we think it is vile for a white to oppress a black, and so it is. But why, when the sponsors of this measure see a black oppressing a black, do they excuse it with the arrogant assumption that maybe you just cannot expect anything more out of blacks? Is not that what this resolution says?

Oh, look down at your desks, my colleagues. Sure, look down at your desks. What we are saying is that if a black oppresses a black or, a yellow oppresses a white, or a black oppresses a white, that is because of old colonial practices and it is somehow our fault. If the Soviets oppress a Jew or a white oppresses a white, well, the oppressions are big and are powerful, so it is not convenient for us to take notice of it. If a yellow oppresses a yellow, or any race, any color, anybody oppresses any other race, any other color, any other religion, ought not our anger be equal? In Afghanistan, the government is trying to eliminate its Islamic population. The Government is oppressing its own people. And how are we rewarding that government? With most favored nation trading status. And in Romania they are doing it to Greeks. In Bulgaria they are doing it to Turks. In Iran they are doing it to Bahais. In Iraq they are doing it to Kurds.

Oh, friends, this is not the time for this Senate and this country to come to roost on the idea that there is but one evil in the world, South Africa. Let us threaten economic war on all, if we are to do it to any. If we are going to threaten whites in Africa who do bad things—and we should—let us then threaten the blacks in Africa who do worse things to their people in the name of tribalism, in the name of one government, unitarianism, or in whatever name they do it. Why are the sponsors of this bill not threatening the whites in the Soviet Union who oppress people of all races and all religions? Why do they not threaten the yellow people of Asia who horribly oppress other yellow people, and some of whom may still be holding Americans missing in action?

I say again that to pay attention only to blacks who suffer at the hands of whites is racism, it is elitism, it is in fact and indeed the ultimate racial insult, because due to this concern we are led to abandon and to mock the concept upon which this Nation was founded. Hear it, Senators, "all men are created equal." Yet you are going to single out some and say that they can be as unequal as they like. That offends me, because it offends the principle on which our Nation was founded.

This statement, "all men are created equal," means that the rights of all men are equally valuable, and that the worst abuses should command at least as much attention as the lesser ones, without regard to race, without regard to color, and without regard to creed. This committee stands accused by me of not paying attention to that, running down the road of racial politics in some kind of attempt to curry political favor domestically, and to abandon moral consistency. To this Senator, that is repugnant.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second, There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Wyoming for a very eloquent statement. He has certainly laid out the human rights situation in the world extensively. The case was made substantially and with some eloquence, likewise, by the distinguished Senator from New Hampshire earlier on.

I make the same arguments that I made earlier, and that is that, of course, we are deeply concerned, and will continue to be, as a Senate, about human rights questions. We hope to develop policies that are appropriate and make a difference with regard to human rights all over the world.

The specific bill we consider today is with regard to South Africa and is not meant to be a punitive bill. It is not meant to punish that country. It is meant to bring about stronger business relationships, stronger humanitarian concerns in South Africa.

I am sorry that there is deep misunderstanding about the nature of the bill. Nevertheless, I think the Members of the Senate have expresed themselves throughout the day with regard to the idealism involved. I am sorry that I cannot concur with the sentiments of the Senator from Wyoming, but at this stage in the debate, I move to table——

Mr. WALLOP. Mr. President, will the Senator withhold that for a moment?

Mr. LUGAR. I withhold it for a moment.

Mr. WALLOP. Mr. President, is it the contention of the committee that the bill before us does not threaten? Is that the contention?

Mr. LUGAR. Yes, that is the contention.

Mr. WALLOP. It does not threaten South Africa?

Mr. LUGAR. No. South Africa, as a matter of fact, we believe will be helped by the cooperation of additional American business, by humanitarian assistance to many citizens of that country who we believe will be helped.

I respect the judgment of the Senator, but I am sorry that he has inveighed so many thoughts with regard to the Foreign Relations Committee. I hope that we share his idealism and have expressed it on many occasions.

Mr. WALLOP. Mr. President, I just observe that it seems remarkable that anyone would contend this little bit of economic warfare against South Africa would help that country. If that were so, why not help some of these other countries I have mentioned? If it helps some, why would it not help others? The Senator's contention is not a serious argument.

The point is that I want consistency. Why is it that we find the lesser evil of South Africa more repugnant than the other? This resolution is narrow. But the problem is not narrow; and I have seen nothing come from that committee, nor am I likely to in the course of this year, which, country by country, inconveniences the world's worst abusers of human rights. Indeed, what I have seen is foreign aid for Mozambique, most-favored trading status for Afghanistan. This is what comes out of that committee.

The chairman cannot blame those of us who feel this way, who think that his repugnance to things is lightly placed, and he dibs and daddles around the world where it is convenient, not where it is politically or philosophically consistent.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. WALLOP. I yield.

Mr. GOLDWATER. Mr. President, the reason why I asked my friend from Wyoming to yield is so that I might advance a plea to my friend from Indiana, who is chairman of the Foreign Relations Committee.

Yesterday, I submitted an amendment that, in effect, but not exactly, coincides with the amendment offered by the Senator from Wyoming, which I think is a very pertinent one.

I ask this of my friend from Indiana: In view of the fact that he has been successful in tabling the two amendments that have been offered in this general direction, will he resist at this time the temptation to move to table and allow an up-and-down vote? I think it would be a very healthy thing to have this body be able to express itself, even though I am sure it will be defeated. But I agreed with the Sena-

tor this morning that I would not offer my amendment, and I have kept my word on it. It has been hard to do. I would like to see us have a chance to vote up and down, and I hope the Senator from Indiana will not move to table this amendment.

I think the body has a perfect—"right" may not be the word—but it should be in the discretion of the Members of this body to express themselves as to whether they feel that Russia and China and all these other countries that violate human rights should not also come under the same kind of treatment that we are trying to invoke on South Africa.

The only reason I asked the Senator from Wyoming to yield was that I wanted to ask the Senator from Indiana if he would, just this once, yield to that temptation and let us have an up and down vote and forget about it.

Mr. LUGAR. Mr. President, I respond to the distinguished Senator from Arizona that I would certainly entertain that thought favorably in the event that we are prepared to vote. I think it is important that we have votes. I understand that there are more amendments. However, for the moment, I will restrain the temptation to move to table the amendment.

I understand that the distinguished Senator from Utah has a comment.

Mr. GARN. Mr. President, I will not take long, and it is not necessary. The Senator from Wyoming has expressed my feelings very well. I agree with what he has said, and I do not have to repeat it. I told him a few minutes ago that my only regret is that I had not made it.

I take this opportunity to say that I will vote against this bill, and for one reason only—the incredible double standard that the Senator from Wyoming has outlined.

The distinguished Senator from Indiana, the chairman of the Foreign Relations Committee, has done an excellent job on this bill, considering the difficulties and all the very emotional feelings about it. I do not think anyone else could have done as good a job.

I understand the problems in South Africa. I do not favor apartheid. I do not sympathize with it or agree with it or even understand it. I do not understand how, as government policy, you can treat people in that manner.

So my objection to the bill is not any condoning or agreeing with those policies. I wish the Government of South Africa would wake up to what they are doing and the problems they are causing.

I simply cannot vote, as the Senator from Wyoming pointed out, to single out one nation, when some of the same people in this body who are interested in condemning a friend and ally for these abhorrent practices—which I agree are abhorrent—criticize the President of the United States for calling the Soviet Union an evil empire. He is not even supposed to say anything wrong or bad or in any way provoke the Soviets or the Chinese or Poland or any others—not even in rhetoric.

So that is why I will vote against the bill, and the only reason. I could certainly support it if we were willing to attempt to impose sanctions on the other butchers around this world—the Russians and the others who have been talked about at great length.

There is no necessity for me to continue further. I compliment my colleague from Wyoming on his statement.

Mr. WALLOP. Vote!

The PRESIDING OFFICER. Is there further debate?

Mr. LUGAR. Mr. President, I am prepared to vote.

I appreciate the sentiments expressed by all my distinguished colleagues, and the comments by the distinguished Senator from Utah about our leadership.

I will not move to table the amendment because of the request of the distinguished Senator from Arizona, who earlier today agreed not to offer substantially the same amendment and who strongly believes in the sentiments expressed by the distinguished Senator from Wyoming.

I am hopeful the Senate will defeat the amendment for reasons that I have expressed earlier on, that we really have not examined the multilateral implications to our foreign policy and all that it encompasses.

But I have no further debate and hope we might move to a vote.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Ms. HAWKINS], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER (Mr. ABDNOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 57, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—37

Abdnor	DeConcini	East
Bingaman	Denton	Garn
Boschwitz	Dixon	Goldwater
D'Amato	Domenici	Gorton
Grassley	Laxalt	Specter
Hatch	Long	Symms
Hatfield	Mattingly	Thurmond
Hecht	McClure	Trible
Heflin	Nickles	Wallop
Helms	Packwood	Warner
Humphrey	Rudman	Wilson
Johnston	Sasser	
Kasten	Simpson	

NAYS—57

Andrews	Evans	McConnell
Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Boren	Gore	Moynihan
Bradley	Harkin	Nunn
Bumpers	Hart	Pell
Burdick	Heinz	Pressler
Byrd	Hollings	Proxmire
Chafee	Inouye	Pryor
Chiles	Kassebaum	Quayle
Cochran	Kennedy	Riegle
Cohen	Kerry	Rockefeller
Cranston	Lautenberg	Roth
Danforth	Leahy	Sarbanes
Dodd	Levin	Stafford
Dole	Lugar	Stevens
Durenberger	Mathias	Weicker
Eagleton	Matsunaga	Zorinsky

NOT VOTING—6

Armstrong	Hawkins	Simon
Gramm	Murkowski	Stennis

So the amendment (No. 519) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. addressed the Chair.

The PRESIDING OFFICER. The distinguished minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I would like to ask the distinguished majority leader what the program is for the rest of the day, what he sees as far as rollcall votes during the rest of the day, and what the program will be tomorrow if the Senate is in tomorrow, and what he sees as far as Monday is concerned, rollcall votes, what the business of the Senate will be on Monday, Tuesday, Wednesday, and as far as he can see in the next week.

Mr. DOLE. Mr. President, I hope we are near completion of this legislation. I know there is at least one additional amendment. There may be others. I am advised that the amendment will probably take 30 minutes. There will be a rollcall vote on the amendment, and if there are no other amendments, there will probably be a rollcall on final passage.

It will then be my intention to take up the State Department nominations. I am pleased to announce to my colleagues that rollcall votes which had been requested have been withdrawn. We can do some of those on voice vote. So we can take care of 24 of the 28 nominations this evening on a voice vote. It does not require anyone to stick around unless they want to. That

would leave four nominations that we can start on tonight. Because there will be discussion on a couple of them, we have agreed that they will be brought up sometime next week, and either disposed of next week, confirmed, or rejected by the Senate.

So if we can do all of that this evening, we will not be in session tomorrow. We then will not have rollcall votes before 3 o'clock on Monday. We could be on either one of the nominations of Monday, or perhaps the Small Business Administration authorization bill. I think those are the two possibilities. Then hopefully we can complete action on the nominees, and the SBA authorization bill. We would turn to the line item veto which probably will take a couple of hours anyway, and that will take us well into Wednesday, Thursday, or Friday.

So if we can do those things next week, it would be a good week's work, and we are still reserving the week of the 22d for a farm bill. I am not certain whether we will meet that goal. But that will probably take several days.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. Would the majority leader mind telling us if he has made a decision when he would propose to go to the line item veto?

Mr. DOLE. It could be laid down on Monday. But it is doubtful. It will probably be Tuesday or Wednesday.

Mr. BYRD. I thank the distinguished majority leader.

Mr. DOLE. Mr. President, let me yield to the distinguished Senator from Wyoming.

Mr. WALLOP. Mr. President, I put the distinguished majority leader on notice that I may have another amendment which will take 2 minutes, and maybe a rollcall vote.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, the Republicans were going to have a conference tomorrow at 9 o'clock. If we are not in session, there will not be a conference.

Mr. DOLE. That is another incentive. [Laughter.]

AMENDMENT NO. 520

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself and Mr. CRANSTON, proposed an amendment numbered 520.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning at line 17 on page 36, strike all through line 16 on page 37 and insert the following:

EXPORTS TO SOUTH AFRICAN GOVERNMENT

SEC. 13. (a) EXPORTS TO SOUTH AFRICA.—(1) No computers, computer software, or goods or technology intended to service computers may be exported, directly or indirectly, to the following entities of the Government of South Africa:

"(A) the military,

"(B) the police,

"(C) the prison system,

"(D) the national security agencies,

"(E) the administering authority for the black passbook and the book of life systems,

"(F) the administering authority for the production and procurement of military equipment, and

"(G) any other entity of the Government of South Africa that administers programs which directly discriminate against nonwhites.

"(2) For purposes of paragraph (1), the term 'computer' includes any computer that is the direct product of technology of United States origin.

(b) AUTHORITY OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this section and any regulations, licenses, and orders issued to carry out this section, including establishing mechanisms to monitor compliance with this section and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(c) PENALTIES.—

(1) FOR PERSONS OTHER THAN INDIVIDUALS.—Any person, other than an individual, that violates the provisions of this section or any regulation, license, or order issued to carry out this section shall be fined not more than $1,000,000.

(2) FOR INDIVIDUALS.—

Any individual who violates the provisions of this section or any regulation, license, or order issued to carry out this section shall be fined not more than $50,000, or imprisoned not more than 5 years, or both.

(d) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (c)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) RESTRICTION ON PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly, or indirectly, by the person committing the violation itself.

Mr. LUGAR. Mr. President, on behalf of Senator CRANSTON and myself, I am submitting a technical amendment as the committee staff, minority staff, and staff of others who have been involved in the bill have discussed a small technical amendment that Senator GARN has suggested. We are in agreement. It is a good amendment. We ask for its immediate adoption.

Mr. KENNEDY. Mr. President, I hope this amendment will be accepted. It maintains the substance of provisions that deal with procedural and jurisdictional issues, and I want to express my appreciation to the chairman of the Banking Committee, to the chairman of the Foreign Relations Committee, and to others who have helped work this out. I hope the Senate will accept it.

Mr. CRANSTON. Mr. President, I want to state that I am delighted to accept this compromise. It is a sound one. I recommend it be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 520) was agreed to.

AMENDMENT NO. 521

(Purpose: to express the sense of the Senate toward the African National Congress)

Mr. DENTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. DENTON], for himself, Mr. EAST, Mr. SYMMS, Mr. HELMS, Mr. WALLOP, and Mr. THURMOND, proposes an amendment numbered 521.

Mr. DENTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. SYMMS. Objection. I would like to hear the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

At the end of the pending business, add the following:

POLICY TOWARD THE AFRICAN NATIONAL CONGRESS

SEC. . The Senate hereby finds that the African National Congress is a terrorist organization and that, until such time as—

(1) the African National Congress renounces the use of violence to achieve its political ends,

(2) breaks its affiliation with the South African Communist Party and the Communist Party of the Soviet Union, and

(3) disbands its military strike force, "Umkhonto We Sizwe", it should be the policy of the United States to—

(A) deny entry visas to the African National Congress representatives, members, or agents;

(B) restrict travel by members of its United Nations observer delegation to within a 25 mile radius of the United Nations' headquarters;

(C) prohibit fundraising within the United States by any African National Congress representatives, members, or agents;

(D) refuse any waivers under the McCarran-Walter Immigration Act of 1952;

(E) subject the African National Congress to the sanctions applicable to Communist countries under section 301(d)(3) of the Foreign Assistance Act of 1962; and

(F) notwithstanding any other provision of law, no funds that are or may become available for appropriation for International Organizations and Programs may be expended for the United States proportionate share for use for any program for the African National Congress.

Mr. DENTON. Mr. President, I will not dwell on what I said yesterday about my opposition to apartheid. I want to acknowledge publicly, as I have expressed privately to the manager of the bill, the distinguished committee chairman, that I do not want to abridge his agreement with the minority leader, nor do I wish to interfere with a vote or delay a vote on the bill under consideration.

Mr. SYMMS. Mr. President, could we have order in the Chamber, please?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alabama.

Mr. DENTON. The purpose of this amendment, Mr. President, is to avoid taking an action with respect to the Government of South Africa, which is well intended, but which may fuel terrorist organizations now conducting operations inimical to our interests, to the interests of the blacks in South Africa, and to the interests of the free world. If we, in an unqualified manner, pass this punitive expression toward the South African Government, those terrorist organizations will be fueled, will be excited, will be unleashed, will be encouraged to further activity, to cause the downfall of that Government, at the sacrfice of U.S. interests, in much the same manner as this body has caused by previous actions of this kind, the downfall of other pro-Western governments.

My personal reason for feeling called upon to offer the amendment is that most Senators have not been privy to the testimony before my Subcommittee on Security and Terrorism, which had numerous hearings about the subject of terrorism in South Africa; about SWAPO; about the African National Congress. I am going to be discussing with my colleagues some of those findings that have driven me to try to bring to your attention, at this juncture, the critical proposition of balancing on the one hand a reminder to the South African Government that we wish them to behave in a certain manner, and, on the other hand, encouraging terrorism.

Mr. President, the amendment that I propose to S. 995 is directed at terrorism, an international infection that has begun to come to a head and has excited the national conscience during the past few weeks. As national debate shifts from a discussion of punitive measures against those who carried out the TWA hijacking, terrorizing 39 Americans and coldly and brutally murdering another, to a discussion of preventive measures, I believe that it is essential for us to focus on perpetrators of this heinous crime, their supporters, and their compatriots wherever they can be identified.

As a matter of policy, it is time that we clearly and publicly identify those organizations that routinely use terrorism to advance their political objectives; that pursue an agenda that is ultimately inimical to freedom and prosperity; and that are influenced, supported, or directed by the Soviet Union or its surrogates. It is time, also, that we identify those countries that promote and support terrorists, or seek to co-opt genuine national liberation movements for their own aims.

Accordingly, my amendment would express the view of the Senate that the African National Congress [ANC] is a terrorist organization. It would further outline what U.S. policy should be toward the members, officials, and agents of the ANC until such time as the ANC renounces the use of violence to achieve its political ends, severs its affiliations with the South African Communist Party and the Communist Party of the Soviet Union, and disbands its military strike force, "Umkhonto We Sizwe."

I believe that S. 995 is an appropriate vehicle for my amendment because we are discussing the imposition of certain immediate sanctions against the South African Government if it does not make significant progress dismantling its apartheid system. The South African Government does not exist or act in a vacuum, however. There are many constituencies—enfranchised and unenfranchised—to which the Government must respond. The ANC is one of these, and it is in a position to play either a constructive, a counterproductive, or a destructive role in any effort to end apartheid and extend democratic rights to all South Africans.

I believe that the record is abundantly clear that the ANC does not support peaceful change, that its real objective is not necessarily the end of apartheid but the violent overthrow of the South African Government, and that it operates in close coordination, if not under the direction, of the South African Communist Party.

The point is, Mr. President, and I state this again, if this body approves S. 995 without qualification, ANC's terror will be encouraged, terrorism will increase, and we will have helped nudge all of the people of South Africa toward a much worse state than is their present plight. ANC must be singled out because, some years ago, it went rotten. That was unfortunate because ANC was originally a good organization, founded in 1912 shortly after the British handed power over to the white minority. It had the most laudable of objectives.

It sought to unite the various black tribes within the Union of South Africa into one political-cultural community. It sought to resolve tribal differences and bury their feuds, and to work to secure their participation in South Africa's political process.

It sought to secure those democratic rights through peaceful means. Unfortunately, its petitions for political representation were largely unsuccessful, but then the international climate in the decades preceding World War II were largely hostile to the kind of claims the ANC then pursued. Discrimination and segregation were the rule, even in our own country.

I do not wish to criticize unnecessarily an organization that in its initial years reflected the aspirations of the black South African people and is regarded by some to do so today. But I believe that it is my duty to bring before this body just what the ANC has become, as revealed by defectors from its ranks and how the measure that we are considering today will strengthen its hand and make more likely the possibility of violent revolution and not peaceful change. I must take the time to tell about that.

A black South African, Bartholomew Hlapane, was murdered as a result of his testimony before the Senate Subcommittee on Security and Terrorism, his efforts to inform the Senate about the activities and affiliations of the ANC. His wife Matilda, also died in the terrorist attack, the credit for which was claimed by the ANC. A young teenage daughter, Brenda, was paralyzed. We are trying to organize fundraising for her medical care and the education of her sisters in Alabama.

Bartholomew Hlapane knew beforehand that his testimony would bring immediate reprisals from his former colleagues. Because he courted, and suffered death to tell us what he knew, I believe that the Senate is obliged to listen and respond to the information that he provided to us.

He met me in the anteroom of the Judiciary Committee where we were having these hearings. He said,

Senator, I know you; I read your book. I want you to know that I hate communism, that I risk my life by what I am saying today. I have left the ANC, and I want to tell your people the truth about what is going on there.

We had afforded him maximum security from Kennedy Airport to Washington.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. DENTON. Yes, Mr. President.

Mr. SYMMS. The statement is quite shocking, I think, to say that a person testified before the Senator's committee and—where was he murdered?

Mr. DENTON. He was murdered several months after returning to Africa, but within 2 weeks of the issuance of my report. I had ordered him a mask and other security arrangements from Kennedy Airport to Washington National. I was criticized for this by some members of the media, who accused me of being a sensationalist.

The man gave his testimony, returned to Africa, and was murdered for it. The ANC claimed credit for the murders. His wife was also killed.

Mr. SIMMS. Where in Africa was he murdered?

Mr. DENTON. In Soweto.

Mr. SIMMS. I thank the Senator. That is shocking testimony.

Mr. DENTON. The African National Congress has been largely under the influence, and at times the direct control, of the South African Communist Party [SACP] since 1947, when the SACP was successful in gaining control of the ANC Youth League. Jordan K. Ngubane, a black South African journalist, who is an expert on the ANC has written that Communist influence shifted the objectives of the ANC away from obtaining concessions from the Government to the staging "of dramatic stunts designed to administer continuous and indecisive shocks to the economy of the land in order to keep it in a state of chronic malaise." There followed a series of antipass campaigns, boycotts, and mass demonstrations. Objective: destabilization of South African Government and white power structure.

Mr. President, Members of the Senate, I appeal to you as someone who has been involved in watching the development of this pattern of terrorism throughout the world. For those who are not familiar with it, this whole pattern of Soviet support for terrorism was discussed in detail at the Tricontinental Conference in Cuba in 1966. This plan, which has been unfolding and has unfolded in many nations of the world, should be obvious to us, especially as it is evolving in South Africa.

In 1958, concerned about their loss of control over their own organization, African nationalists split with the ANC, founding the Pan Africanist Congress.

Mr. SYMMS. Mr. President, will the distinguished Senator from Alabama yield to me for a question?

Mr. DENTON. I am glad to yield.

Mr. SYMMS. I do not want to interrupt his remarks, but I think the statement he made about the certain man who testified, who broke from the ANC, was subsequently murdered by the ANC—is the case that the Senator is making is that this legislation will increase ANC's credibility in South Africa? In other words, what we are doing here by passing this legislation is slapping down the South African Government and rewarding or encouraging, and giving credibility to the ANC. So we are, so to speak, enhancing their ability to conduct terrorism with credibility. Is that the case the Senator is making?

Mr. DENTON. The Senator is generally correct. Those who are supporting the ANC will give more support. Those who are participating in terrorism will receive encouragement, and we will be contributing to the acceleration of its development in South Africa and in that region of the world. If we simply slap the South African Government and, at the same time, do not deal with those who are exploiting the process of peaceful change, then we are doing a great disservice to the people of South Africa and to the free world.

Mr. SYMMS. What the Senator is saying is his amendment will in fact point out what the ANC is, and isolate them, and that without his amendment, they will be the beneficiaries of this legislation; with his amendment, they will not be the beneficiaries?

Mr. DENTON. That is my belief, Mr. President. Psychologically and morally, Mr. President, the black people will be hurt. The forces that are trying to undermine the Government for purposes not having anything to do with apartheid will be reinforced. That is why I bring this amendment up.

Mr. SYMMS. I hope the distinguished chairman or ranking member will comment on that question, because I think it is most important that the Senate pay particular attention to the amendment of the Senator from Alabama. It is a very important amendment and it speaks very honestly to what direction this country is going in with respect to talking out of one side of our mouth that we are not in favor of terrorism, yet acting on legislation on the floor of this body that would be enhancing the credibility of terrorists. South Africa seeks peaceful, orderly reform; the ANC wants bloody revolution; its as simple as that. I thank the Senator for offering the amendment.

Mr. DENTON. I must say to my colleagues that in all reality, I do not expect this amendment to pass because our distinguished floor manager and committee chairman has made an agreement by which he will have to oppose any amendment offered from this side. I will say, however, that if it does not pass tonight, I shall bring it up again at another time.

I hope that what I say tonight, since there are a number of Senators in here and who are listening, hoping to go home, will be retained and at least considered and discussed by them.

Of the period from 1955 to 1964, when he was a member of the Central Committee of the South African Communist Party and of the National Executive of the ANC, Bartholomew Hlapane has stated:

> No major decision could be taken by the ANC without the concurrence and approval of the Central Committee of the South African Communist Party. Most major developments were in fact initiated by the Central Committee.

Such was the case with the formation of the ANC's military strike force, "Umkhonto We Sizwe." Hlapane testified before the Judiciary Subcommittee on Security and Terrorism that:

> The Military Wing of the ANC, also known as Umkhonto We Sizwe, was the brainchild of the SACP, and, after the decision to create it had been taken, Joe Slovo and J.B. Marks were sent by the Central Committee of the SACP to Moscow to organize arms and ammunition and to raise funds for Umkhonto We Sizwe.

Joe Slovo, a white, is officially the "Deputy Chief" of "Umkhonto We Sizwe" and a member of the Central Committee of the SACP. He is also a member of the ANC National Executive Committee, a position that was reaffirmed in the major members meeting that was held the end of this past June.

For further documentation of Communist infiltration and control of the ANC, I refer my colleagues to the chairman's report to the Committee on the Judiciary about "Soviet, East German, and Cuban Involvement in Fomenting Terrorism in Southern Africa." It was printed in November 1982.

The report follows:

> On June 19, 1985, the South African government authorized a retaliatory raid on an ANC terrorist base in Botswana. In that raid, a cache of documents was obtained that indicated that the close linkage between the SACP and the ANC continues. Hard-core Marxist propaganda, some originating in Moscow, was found, along with a Members eyes-only SACP Inner Party Bulletin believed to have originated in 1981. ANC financial records that document SACP support, detailed instructions on how to make car bombs and use sophisticated Soviet weaponry, recruitment forms, and guns with silencers that are used by Soviet special forces—the first time these have been found in Africa—were among the other items captured in the raid.

Oliver Tambo, President of the ANC spoke in Paris in 1980 about the relationship of the ANC with other terrorist movements.

> Speaking as the leader of a liberation movement, I would like to assure our comrades in arms in the liberation struggles, Polisario, Fretelin, and the PLO, the fighters in the Canary Islands, that by definition their struggle is ours. Every victory they win advances our cause against the forces of imperialism and racism. We fight in our countries to advance their struggles. As far as the PLO is concerned, our fight is carried on in the knowledge of the degree of intimacy and political, military, and economic alliance that has developed between racism and zionism.

The same expression of solidarity, backed by material support, has been expressed numerous times before by Soviet leaders and theoreticians. I

quote for a moment from Soviet theoretician Alexei Kozlov, writing in the Soviet journal New Times, 1981:

Solidarity with the liberation movement of the peoples of Asia, Africa and Latin America is a permanent area of the collective actions of the Communist parties. In the late 1960s and the first half of the 1970s the fraternal parties participated in the truly worldwide campaigns of solidarity with the peoples of Indo-China, as well as Angola, Mozambique and other former Portuguese colonies in Africa. Today the fraternal parties give every support to the patriotic forces of Afghanistan, Ethiopia, Nicaragua, El Salvador, Iran, the Arab peoples fighting against Israeli aggression, the liberation movement in the south of Africa, the fighters against tyrannical regimes in Latin American countries.

Even closer ties bind the Communist movement with a new major political force of the modern world—the revolutionary-democratic parties. They function in dozens of developing countries and hold power in Angola, Mozambique, the People's Republic of the Congo, Ethiopia, Afghanistan, South Yemen, and some others. The revolutionary democrats are guided in their activities by the doctrine of scientific socialism, the organizational and political principles of the building of vanguard parties of the working people, and advocate a socialist road of development for their countries, and alliance with the world socialism and the international Communist movement.

Mr. President, there can be no doubt about with whom the ANC is aligned and that its objective is to bring a "liberated" South Africa into the Moscow sphere of influence, thus capturing for the Soviet Union the great mineral treasure trove of southern Africa.

That is not my notion, Mr. President. It is an expressed intention of the Soviet Union, expressed over and over. I give you one example.

In Prague, in 1973, Leonid Brezhnev said:

Our aim is to gain control of the two great treasure houses on which the west depends . . ., the energy treasure house of the Persian Gulf and the mineral treasure house of central and southern Africa.

An examination of their African foreign policy will reveal that the Soviets have acted at every opportunity to fulfill that objective.

If we do not note the part of the African National Congress and take the action that I am recommending today, we had better indicate that we are going to take action later.

The fall of South Africa would automatically affect the entire region with cumulative degradation of U.S. interests.

I cannot forget as a citizen what happened when President Carter said, as a result of the Cubans being taken on Soviet ships to Angola, "Mr. Brezhnev, if you continue to do that, I will do something to make it unpleasant for you." The National television media that night ripped him apart and said, "Jimmy, what are you trying to do, start another Vietnam?" The next day the House and the Senate spoke in kind.

Three weeks later the President of the United States, rendered powerless by that reaction, spoke these words: "People, please don't have your President speak with an empty voice." That was buried on the back pages of the news magazines.

We are going through this, Mr. President, and I have suffered through one of these experiences, not important because of my suffering but because tens of millions of people are now down the drain in Southeast Asia and the remains of Southeast Asia are still being fought over by the Communist jackals, whose will we once broke. I do not want to see a continuation of that trend. I do not want to contribute to that trend in this body. I did not come up here for that.

South Africa is the most prosperous nation in Africa, and its economic interaction with neighboring states is the lifeblood of those states, many of which are in decline under Marxist rule. South Africa is the breadbasket of southern Africa, and after watching the tragedy unfolding in Ethiopia the Senate must think twice before acting to destabilize a reforming government that presides over an economy critical to the region.

As I have said, the original political objective of the ANC was the peaceful pursuit of black democratic rights. In 1961, shortly after being banned by the South African Government, the ANC formed, at SACP direction, its military strike force and launched its violent campaign. Already the objective was destabilization or overthrow of the South African Government and not mere concession on political participation.

In my November 1982 report to the Judiciary Committee, I concluded that the ANC had not yet undertaken terrorist activity on the same scale as SWAPO, and that most incidents of sabotage had been directed at installations rather than at persons. I noted, however, that one of our witnesses, Mr. Mfalapitsa, had testified about plans to assassinate President Mangope of Bophuthatswana, the Tswana Homeland in southern Africa. He also testified that Joe Modise, the chief of Umkhonto We Sizwe, had proposed a second phase of sabotage in which mines would be laid on farm roads near the Botswana, presumably with the same horrifying consequences we have seen in Namibia. Farmhouses, single vehicles, and small police stations were also to be attacked. Umkhonto We Sizwe had already claimed credit for bombing an urban shopping center and automobile showrooms, and for attacks on small police stations manned by South African blacks.

I have quoted one witness who gave his life. Added to his life, his wife's life and the maiming of his daughter.

Those witnesses who were former members of ANC exercised considerable courage in coming forward to testify in that it is the policy of those organizations to kill defectors. And in fact on December 16, 1982, as I previously mentioned, less than 2 weeks after the publication of the chairman's report, the ANC responded to the chairman's offer to present its views by murdering Mr. Hlapane. And just Tuesday of this week, we received a letter that other daughters of his in South Africa have been intimidated. Their educations have been interrupted. He was not our only witness. Many of the witnesses testified of fear for their lives because of their defection from the ANC, and because of their testimony before the subcommittee. I cannot let their testimony just be wasted without you all ever having a chance to read it or hear about it.

In 1983, an attempt was made on the life of Jeffry Bosigo, another ANC witness before the subcommittee. However, Mr. Bosigo, recognizing he was at risk, had been authorized to carry a pistol. During the attempt he shot and killed his assailant. He was subsequently tried and acquitted of all criminal charges.

Initially, MK acts of sabotage had been directed against what it termed the "Symbols of Apartheid," that is to say, it was content to blow up Government buildings, electrical installations, and so forth, and in many of the trials which ensued judges accepted the testimony in mitigation of the charges that efforts were made to preserve human life. That has now changed and in recent times members of the MK have been guilty of indiscriminate killing of civilians, police officers, and whoever stands in their way.

Recently, three ANC members were convicted of high treason following attacks on a police station and were sentenced to death by the Supreme Court in Pretoria on June 8, 1982. Four policemen were killed and 10 others injured. The Court heard testimony that a man who had his hands in the air was shot down in front of his wife. We heard repeated stories like that from our witnesses, all of whom were black.

At 4:21 p.m. on Friday, May 20, 1983, Umkhonto We Sizwe struck again, detonating a bomb concealed in an automobile in a busy street in Pretoria, South Africa's capital city, at a time when office workers were on their way home for the weekend. The blast killed 19 persons outright and injured 212. In a statement issued in DAR Es Salaam on May 23, the ANC proudly took credit for its cowardly act of terrorism, claiming that it constituted an attack on the South African military machine.

What are the facts? Although some officers and administrative personnel of the South African Air Force have offices in one of the buildings damaged in the blast, and some of them

were indeed among those killed and wounded, no fewer than 8 of the 19 persons killed and 54 of those seriously injured were black South Africans who were in the street, in a restaurant, and in a bank and other offices nearby. Two of the 19 dead were women, as were 71 of the injured. Three of the injured have suffered serious brain damage, at least one was blinded in both eyes, and another has lost a leg. People who are capable of planning such a heinous crime, let alone executing it, have no claim whatsoever to speak for freedom or common decency.

From 1965 through December 15, 1983, and ANC has killed 56 people and wounded hundreds. This is the record of the development and evolution of the ANC into its present form.

The ANC has committed 281 acts of terrorism between the period of January 1, 1976 and March 31, 1985. One of the most alarming developments in the recent escalation of ANC terror is the number of attacks that are directed against colored and black leaders who have decided to work within the system for peaceful change.

In yesterday's Washington Post story on continuing violence in Johannesburg, police reports were cited, then questioned, that the death of five black men occurred as a result of a crowd's attack on black policemen's homes in Kwa Thema. Buried in the story was the acknowledgement by residents that small groups of rioters had been burning cars and beating persons suspected of working for the Government.

The final provocation for the South African raid on the ANC base in Botswana were the terrorist attacks on nonwhite parliamentarians and the murder of black township leaders. Such ANC activities are interesting in light of the Members Eyes only document that I referred to earlier.

In that document, one comrade present expressed concern about the cooperation between blacks and the South African Government in the process of reform, and the integration of blacks into the economy. Comrade "D" observes, "Blacks are increasingly being mobilized at all levels to collaborate in their own oppression. This applies to the army, police force, puppet administrations, and so forth, Bantustan armies are being created with the object of transforming our struggle into a civil war in which black will be fighting black. As never before work in the army and amongst the black police is vital."

Comrade "K" responds, "The tackling of black collaborators both in the Bantustans, in the armed forces and other places is a vital task both politically and militarily."

Mr. President, as the process of South African reform advances, as the blacks increase their participation in what heretofore has been a white-dominated economy, and as the blacks gain a place in the South African political structure—which they are now doing on a municipal level—the ANC will expand its attacks on those blacks. Reform and peaceful change are the enemy of revolution.

In the past 4 years, the South African Government has made more changes than in the previous 40 years.

Since January 1985, the pace has even quickened—and so has the escalation of ANC violence. On June 27, 1985, and the ANC officially called for a full scale uprising against white rule, urging black police and soldiers "to turn your guns against your masters." In Lusaka, on June 26, Oliver Tambo vowed "to intensify the struggle at any cost." In discussing their previous public policy of avoiding casualties, it was admitted by an ANC official than ANC's policy had now changed in the sense that "we are not saying, 'Civilians are not going to die'."

As I have noted in my review of the Pretoria bombing, in practice, the ANC has not taken pains to avoid civilian casualties—particularly black civilian casualties. If we add up those casualties and put the blame on the Government, rather the ANC terrorists, we are being fools.

Mr. President, terrorism is a most serious problem, and, in the case of the ANC, I believe that it can be clearly established that its activities are not aimed at the advancement of the legitimate aspirations of the black South Africans. The United States must condemn the ANC for its departure from its original objectives, we must condemn it for it attacks upon those persons who desire peaceful change, we must condemn it for its alliance with the SACP and the Soviet Union, and for its participation in the international terrorist network. To do so, is an important first step in the prevention of international terrorist acts like the TWA hijacking.

A young woman who is not mentioned here, a Miss Kave, testified before us. She is a young and very attractive black woman who was lured into the hands of the ANC by promises of an education. When she got there, they told her she was going to be a terrorist. She resisted and was sent to Russia for reeducation. She was raped repeatedly, was made to sleep with dead bodies in a room all night. She went back to Africa, pretending to go along with them, and then defected and testified before us in the same manner this man testified. I cannot sleep if I do not invite the attention of my colleagues to the testimony of those people, some of whom have given their lives.

The rise to power in South Africa of the ANC would serve to provide another safe haven for terrorists, as did the rise to power of the Sandinistas in Nicaragua and the abdication of American influence in Lebanon and Iran did to radical Arab terrorists in the Middle East.

I urge my colleagues to support the amendment that I propose to S. 995. I ask us to think deeply about complex situations, rather than take populist moves in response to domestic politics. It does not help me politically to be taking a stand such as this. I am trying to help the blacks in my State with improvements in the quality of education and the things that have been denied to them for a long time. I ask my colleagues to consider the matter.

Again, my amendment would declare the ANC to be a terrorist organization. And until such time as the ANC renounces the use of violence to achieve its political ends, breaks its affiliation with the SACP and the CPSU, and disbands Umkhonto We Sizwe, it would deny entry visas to ANC representatives, members, or agents; restrict travel by its U.N. observer delegation, prohibit its fundraising within the United States, and refuse to its members, et cetera, any waivers under the McCarran-Walter Immigration Act of 1952. It would also reduce in its proportionate share any U.S. contributions to international organizations used for any program of or for the African National Congress.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. TRIBLE). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I am going to make an inquiry of the Senator from Alabama, but first I want to compliment him. I have not had the opportunity to spend the time on this subject that he has, but I want to read a list of questions and ask him, in a general sense, if this sounds as if it is relatively accurate in terms of ANC terrorist acts.

The first point I want to ask about is the statement that the ANC has committed 281 acts of terrorism during the period of January 1, 1976, to March 31, 1985. The nature of the attacks were as follows: 16 attacks on police stations, 12 murders of members of South African police and witnesses, 35 attempted murders of members of the South African police and witnesses, 13 murders of civilians, 12 attempted murders of civilians, 56 cases of sabotage and attempted sabotage on railways, 48 cases of sabotage and attempted sabotage on state and public buildings, 38 cases of sabotage and attempted sabotage on powerplants, 13 cases of sabotage and attempted sabotage on fuel reservoirs, 1 case of sabotage and attempted sabotage on telecommunications systems, 12 cases of sabotage on business premises, 10

cases of sabotage and attempted sabotage on private property, 1 case of murder and attempted murder on South African Defense Forces, 4 attacks on buildings of the South African Defense Forces, 6 cases of sabotage and attempted sabotage on water pipelines, 3 cases of robbery and attempted robbery.

I am just wondering if this a credible statement I am making in terms of the kinds of activities that the Senator found in his Commission on Terrorism.

Mr. DENTON. Two-hundred-eighty-one incidences stick in my mind. The time frame sticks in my mind as correct. The incidences in general are the kinds of things I told about.

Mr. SYMMS. That were happening.

Mr. DENTON. My staff director informs me that was in our report as read.

Mr. SYMMS. I thank the Senator for offering his amendment.

The remaining part of my remarks, which the Senator has already verified, is that the South African police due to the 47 cases of murder and attempted murder on members of the South African police, but especially on witnesses, is unwilling to release the names of victims since the lives of family members and other persons involved may also be threatened. An example of this is the murder by the ANC of former ANC members Mr. and Mrs. Bartholomew Hlapane of Soweto, which the distinguished Senator already mentioned, following the evidence given by Mr. Hlapane to the Denton committee.

The Senator has already verified that that happened, so now they will not release this.

Mr. President, since it is very brief, I shall just go ahead and list some of these other statements; 64 people, among them 19 black civilians died in the period January 1977 to July 1984 due to ANC acts of terror.

Quantities of ANC weapons, ammunition and explosives—most of Soviet bloc origin—have been found since 1976 in RSA.

For example: 22 RPG-7 rocket launchers with rockets; 113 limpet mines; 55 antipersonnel mines; 543 kg of explosives—note: a hand grenade contains 110 grams of explosive, on average; 888 hand granades; 212 AK-47 rifles; and 57 346 AK-47 cartridges have been uncovered recently.

Although the ANC claims that their strategy of violence is specifically aimed at South African police, defense force personnel and strategic targets, indiscriminate acts of terrorism by the organization give the lie to this claim. For example on May 20, 1983 the ANC exploded a bomb outside South African Air Force Headquarters on Church Street, Pretoria. The result was 19 persons killed and 217 injured. Although defense force members were among the victims the overwhelming majority were civilians. Eight of those killed were black and 67 of the injured were blacks—all of these victims were civilians with no links to the ANC's claimed target.

I note the Washington Times of Friday, June 28 reports that the African National Congress called yesterday for a full-scale uprising against white rule in South Africa.

They are turning to violence and terrorism, and I think the Senator's point is good, and I hope our colleagues are mindful of this.

I cite again that we can go back to when the New York Times was saying that Fidel Castro was the George Washington of Latin America and this Govenment of ours allowed for, and watched this happen.

Now, we have a much worse dictatorship, much worse human rights violations in Cuba than I believe we could have had had we had reforms in Cuba by now to have brought them into the mainstream. But we could have good friendship and good relations with those people, which is something we all want, and they could be free fellow Americans, free.

Nicaragua is the same case. Iran is the same case.

The Senator is exactly correct, and his personal experience, of course, we all know in this Chamber, and all over America, and respect him for his own personal record before he became a Senator.

But having said that, the remainder of us would not have to go through the experience the Senator from Alabama went through to see what is happening in the world.

That is the problem that concerns this Senator.

I do not know what it is you are trying to prove here, but if we do not accept the Senator's amendment, what we are simply doing is taking the same old path of "kick your friends in the face" and "be nice to your enemies."

I mean this administration and this State Department sometimes seem to go out of their way to be nice to the Soviets, but I think this is because we have let ourselves be unnecessarily intimidated by the Soviet Union.

Mr. DENTON. Mr. President, if the Senator will yield for a moment, I thank my distinguished colleague from Idaho for his compliments and for his perceptions.

I would have to say that the incidences he mentioned are only the ones that are known about, what they have conducted in South Africa, and it was his perception and mine that if this body does not wake up and look at each situation as if it is not part of a worldwide pattern, we are not serving this Nation. We are not serving its security nor are we serving the interests of freedom.

I remember Members of this body were saying in committee and elsewhere everything is great in Granada, that there is nothing wrong there, that we should not do anything there.

This Senator is not in favor of American involvement in military activities. This Senator is in favor of preserving freedom without American military involvement.

But if we do not wake up we are not only going to lose freedom but lose a lot of American lives.

This act we are talking about would be contributory in the wrong direction unless qualified by some kind of statement.

Mr. President, it does not have to be the one I recommended, but I do feel very strongly that an exclusive statement of the kind we are making toward South Africa would contribute toward more dominoes falling.

Mr. SYMMS. I thank the distinguished Senator very much, and I just wish to continue on for a brief moment.

First off, I urge my colleagues to support the Denton amendment.

Mr. President, I hope my colleagues will support the Denton amendment. It is most important if we mean to help the people who we claim we want to support, we must accept the Denton amendment.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Alabama. He was a hero in the military, a prisoner of war for 7 years. He knows what terrorism is, and he knows what is going on in this world.

I have had occasion to talk with him many times, and I am very pleased to have him chair the Terrorism Subcommittee of the Judiciary Committee, compliment him for the great work he is doing as chairman of that subcommittee, and for his knowledge of conditions and events, existing and occurring in the world today. Mr. President, the greatest thing we can do for the people of this country is to retain our freedom. That is the most important thing. The distinguished Senator from Alabama is pursuing a course that he feels is essential to preserving the freedom of the people of this country. I agree with him.

Mr. President, warfare has changed. Years ago, armies would go out on the battlefield and fight, but that has now changed. Gen. Francis Marion, of the Revolutionary War, attacked the British from the swamps. He attacked them in their installations and then rushed back into the swamps. It was guerrilla warfare, and he was probably the first guerrilla commander in this Nation.

As time has gone by, war has changed. Warfare today, although it is not called war, is terrorism and it is striking in this and other countries.

Mr. President, we have to be on guard. I am very proud of the great work the distinguished Senator from Alabama is doing to put us on guard. I support his amendment.

I regret the chairman of the Foreign Relations Committee has a commitment not to accept any amendments. I understand his position. However, it is my hope that this body will pass this amendment. I believe it would be very helpful to our Nation, and I believe it would help the entire free world.

After all, we have to learn who our true friends are, and we must retain our freedom. We must stand with the free countries, stand with the non-Communist countries because the Communist countries stand together, and they are working to promote communism and plucking off one nation after another. They have now taken 40 percent of the world behind the Iron Curtain and are attempting to take others. They have taken Afghanistan, they have taken Angola, Mozambique, Ethiopia, Yemen, Cuba, Nicaragua, and if we do not watch out, they will take South Africa.

South Africa is very vital to us with their minerals, copper, tin, zinc, and diamonds. I believe we ought to be very careful in our dealings with this country and others that are non-Communist and fighting the Communists.

It would certainly please the Soviets if we take a step that will tend to pull down the Government in South Africa. They will then have the chance to take it over and gain control of those minerals in that part of Africa.

I just wanted to commend the able Senator from Alabama. He was a hero in the military, and he is a hero in the fight against terrorism. I am very proud of him and I expect to vote for his amendment.

Mr. DENTON. Mr. President, there is no way I can thank the distinguished President pro tempore and chairman of the Judiciary Committee enough, for his kind remarks although I deny that I am a hero. The service I have rendered to my country was in the line of duty.

The distinguished Senator from South Carolina volunteered for the service he has rendered and enjoys the admiration justly of this entire body and the respect of this entire body, of both parties, and of the entire Nation.

Before I conclude, I wish to acknowledge something that must be acknowledged. I made an error a little while ago when I said that the figures cited by the Senator from Idaho were from the subcommittee hearings. They were from the joint hearings between the Foreign Relations Committee and the Judiciary Committee, the distinguished chairman of the former, the manager of this bill, having been gracious enough and wise enough to agree with the chairman of the Judiciary Committee to have joint hearings on the subject of terrorism before the spectacular breakouts of terrorism in the incident involving the airliner and other recent incidents.

The distinguished Senator from Indiana is one of the wisest and most informed men on world affairs I have ever met. I thank him for having agreed to have those hearings. The facts that were reviewed by the Senator from Idaho were from those hearings.

I say to the chairman that I hope, that he can increase his own participation and enthusiasm even more, somewhat similar to the enthusiasm that we just heard from the chairman of the Judiciary Committee, because this country is not as secure as she once was. We may not be as secure as we were in 1918. It is not finding Communists under every rock to maintain what this Senator maintained today. I do not want to be seen as a leader or somebody that is trying to take advantage of a terrorist trend. I have stayed off the air about it. I have not gone on many programs to which I have been invited because I do not want to be in that role.

I would like us to continue what I saw today on the Judiciary Committee, a bipartisanship forming on security policy matters. That is one of the reasons I came up here. I am delighted, in fact, that today we had another demonstration of that on the Judiciary Committee, and I hope we will see it more in the manager's committee.

Mr. HELMS. Mr. President, I commend the able and distinguished Senator from Alabama [Mr. DENTON], both on his amendment, which I support, and the important message which he has just sent to all who cherish freedom from the tidal wave of terrorism now engulfing the world. We will fail to heed Senator DENTON's wise counsel at our own peril.

Senator DENTON is a very special hero to me, my family, and millions of other Americans. I am privileged to serve in the Senate with him.

Mr. President, the main content of Soviet African strategy has remained fundamentally unchanged for some seven decades. Central to Soviet planning and activity on the African Continent has been the geostrategic concept that the world capitalist system can be defeated by detaching Africa, as well as the rest of the developing world, from its political and economic relations with the West.

National liberation movements under the control of Marxist-Leninist vanguard elements serve as the instrument of Soviet policy which seeks to foment and advance the world revolutionary process. Soviet backed national liberation movements and Communist regimes in Africa can only be analyzed correctly when placed within the context of Moscow's objective of creating a world socialist system under Soviet control.

In recent years, Communist regimes in Angola, Mozambique, and Ethiopia have successfully seized power with Soviet and Soviet bloc assistance. Currently, the Marxist-Leninist South West African Peoples' Organization [SWAPO] with Soviet bloc assistance is attempting to seize power in Namibia. Within South Africa, the Marxist-Leninist African National Congress [ANC] is attempting to promote, with Soviet bloc assistance, the destabilization of South Africa with an eye to eventually seizing power.

Lenin argued that the task of Communists was to create international class warfare under the allegiance to proletarian internationalism. This is a strategic doctrine which has aimed at defeating imperialism in the metropole by first attacking it in the colonial areas. Today, these areas constitute the developing world in Africa, Asia, the Middle East, and Latin America. Communits parties, organized internally on the basis of democratic centralism, would carry out this work through organizations created and administered by Communists. The national liberation movements operating in these areas constitute part of the overall operational apparatus. For Lenin, it followed that to defeat imperialism, it was necessary to deny the West natural resources, colonial labor—and military recruits, and markets. The term "anit-imperialist struggle" was used for this overall geopolitical objective and strategy.

In the early days, the Bolsheviks referred to the colonial areas as "the East" which included Latin America. Today, the term "Third World" is more in vogue. A principal collaborator of Lenin, Mikhail P. Pavlovich—the pseudonym of Mikhail Lazarovich Weltmann—wrote perhaps the earliest Bolshevik work on the "Colonial or Eastern Question." In 1913, Pavlovich published a book entitled "The Great Railroad and Maritime Routes of the Future (Velikie Zheleznodoroznye i Morskie Puti Budushchago," St. Petersburg, 1913). One can note the direct influence of this work on Lenin's own well-known work "Imperialism" which was published 3 years later.

Pavlovich's next important work on the same theme was entitled "The World and the Struggle for the Division of the Black Continent (Mirovaia Voina i Bor'ba za Razdel Chernoga Kontinenta," Petrograd, 1918). Until his death in 1926, Pavlovich was intensely active in publishing influential Communist works on global politics in general and Africa in particular. He served as a member of the Commissariat of Nationalities—which Stalin headed, as an advisor to the Commissariat of Foreign Affairs, as chairman

of the All-Russian Association of Eastern Studies, and as an editor of the important Soviet journal "Novyi Vostok"—the New East.

The Eastern Studies Association which was founded through the efforts of Pavlovich at the request of Lenin had the objective of developing the study of national revolutionary movements in the black and yellow continents and in the countries of South America. The association organized study groups in the Red Army, founded the Institute of Eastern Studies, and published "Novyi Vostok." Out of its activities grew the Instute of Spoken Eastern Languages and the Committee of the Peoples of the North. An indication of the respect that Pavlovich has held in the Communist Party of the Soviet Union is given after the 20th Party Congress of the CPSU in 1956 when he was hailed as the pioneer of Soviet thought on the "Eastern Question."

Stalin, as head of the Commissariat of Nationalities, was aware of Pavlovich's work and in Stalin's own article entitled "Don't Forget the East" (November 24, 1918) parallel's his thought. Stalin stated that:

. . . it is the task of communism to break the agelong sleep of the oppressed peoples of the East, to infect workers and peasants of these countries with the emancipating spirit of revolution to rouse them to fight imperialism and then deprive imperialism of its 'most reliable' rear and 'inexhaustible' reserve.

Stalin concluded his article stating that without "this, the definite triumph of socialism, complete victory over imperialism is unthinkable."

Stalin developed this view further in a speech he gave at Sverdlov University in April 1924 as part of a lecture series on "The Foundations of Leninism." He dismissed as antirevolutionary the view that "the victory of the proletariat of Europe was possible without a direct alliance with the liberation movements in the colonies." Instead, Stalin affirmed that "the road to the victory of the revolution in the West lies through the revolutionary alliance with the liberation movements of the colonies and dependent countries against imperialism." Stalin pointed out that, "Leninism * * * recognizes the existence of revolutionary capacities in the national liberation movement of oppressed countries, and the possibility of using these for overthrowing * * * imperialism."

To better understand the long-term development of Soviet African policy, an analysis of the policy and doctrine of the Communist International Organization—Comintern—is essential. The Comintern Organization, headquartered in Moscow, served as an instrument of Soviet policy. Particularly noteworthy is the consistency of the basic doctrinal formulations and the development of the tactics and organizational aspects of policy. Contemporary Soviet strategy in Africa and the developing world generally is based upon these foundations.

At the First Congress of the Communist International, March 1919, the colonial question was discussed at length. Trotsky advanced the view that "the emancipation of the colonies was possible only in cooperation with the emancipation of the metropolitan working class" and that this would occur only after the successful seizure of power by Communists in Europe. Following this, "socialist Europe will come to the aid of liberated colonies." Bukharin, for his part, had declared at the Eighth Congress of the Russian Communist Party that nothing was lost if "we propounded the solution of the right of self-determination for the colonies." Indeed, Bukharin stated that "we gain" because the national liberation movements are "only water for our mill. * * *"

Lenin himself drafted the "Theses on the National and Colonial Questions" which were adopted by the Second Congress of the Comintern, July 1920. Thesis 6 was perhaps the most specific statement of Soviet policy at the time and declared that "our policy must be to bring into being a close alliance of all national and colonial liberation movements with Soviet Russia." Soviet policy has remained unchanged from this formulation.

Thesis 11 gave further revolutionary guidance:

All Communist parties must support by action the revolutionary liberation movements in these countries. The form which this support shall take should be discussed with the communist party of the country in question, if there is one. This obligation refers in the first place to the active support of the workers in that country on which the backward nation is financially, or as a colony, dependent.

It is particularly important to support the peasant movement in backward countries. * * * Above all, efforts must be made to give the peasant movement as revolutionary a character as possible, organizing the peasants and all the exploited wherever possible in soviets, and thus establishing as close a tie as possible between the West European communist proletariat and the revolutionary peasant movement in the East, in the colonies, and backward countries.

The Communist International has the duty of supporting the revolutionary movement in the colonies and backward countries only with the object of rallying the constituent elements of future proletarian parties—which will be truly communist.

Lenin asked the Second Congress to complete his theses and specifically included the "Negroes of America" as a topic for further study. During the proceedings, the American Communist Delegate John Reed introduced this discussion of this topic.

The First Congress of the Peoples of the East, the Baku Congress, September 1920, followed just a few months after the Second Comintern Congress. The Baku Congress was a forerunner of today's Afro-Asian Peoples Solidarity Conferences. Organized by the Comintern, the Baku Congress had as a guiding spirit Mikhail Pavlovich who declared that "even on the African shores the mole of revolution would do his work and neatly burrow the soil from beneath the feet of capitalism." An important result of the Congress was the establishment of the Communist University of the Toilers of the East—Kutvu—which was established at Baku in 1921 for the indoctrination and training of student revolutionaries from the East.

The Third Comintern Congress, May 1921, established an Eastern Commission to formulate policy on Africa. David Jones, the founder of the Communist Party of South Africa, played a role in bringing the Comintern's attention to the role that South African Communists could play in the strategic penetration of sub-Saharan Africa. The role played by today's Communist Party of South Africa in its directing role of the African National Congress [ANC] is in line with Soviet and Comintern policy established six decades ago.

The Fourth Comintern Congress—November-December 1922—took up the Colonial Question and further developed Communist strategy for these areas. In the Congress, the "Theses on the Eastern Question" were approved. In the section on the "Agrarian Question" the document declared that "the Communist International supports every national revolutionary movement against imperialism." All revolutionary parties and movements were ordered—

. . . to draw the peasant masses into active participation in the struggle for national liberation they must conduct propaganda for a radical change in the legal basis of land ownership, and it is also necessary to compel the bourgeois-nationalist parties to adopt as much as possible for this revolutionary agrarian program.

Under the section on "The General Tasks of Communist Parties of the East" the following was ordered in the context of the Leninist view of the two stage revolutionary process:

The communist workers parties of the colonial and semi-colonial countries have a dual task: they fight for the most radical solution of the tasks of bourgeois-democratic revolution, which aims at the conquest of political independence; and they organize the working and peasant masses for the struggle for their special class interests, and in doing so exploit all the contradictions in the nationalist bourgeois-democratic camp. . . . the communist parties of the colonial and semi-colonial countries . . . must take part in every movement which gives them access to the masses . . . (and) must make every effort to organize the numerous laborers and apprentices of both sexes. . . .

The Theses developed the concept of the "united anti-imperialist front." The document noted the critical important of the Marxist-Leninist ele-

ments of the workers movement becoming a politically independent factor in the front as the first step. From this position, it would then form temporary agreements with bourgeois democracy and put forward partial demands—insofar as the existing relations of forces does not allow it to make the realization of its Soviet program the immediate task. Above all, the Theses declared that it is "one of the most important functions of the united front tactic to make clear to the broad working masses the necessity of an alliance with the international proletariat and the Soviet republics."

The Congress specifically addressed the African situation. The Congress noted that the penetration and intensive colonization of the areas inhabited by the black races is the last great problem on the solution of which the further development of capitalism itself depends. The Congress declared that "the Communist International—considers the collaboration of our oppressed black fellow beings absolutely essential for the proletarian revolution and the destruction of capitalist power." The Congress further declared that it was the special duty of Communists to apply the "Theses on the Colonial Question" to Africa and to support "every form of the Negro movement which undermines or weakens capitalism, or hampers its further penetration."

The Fifth Comintern Congress—June-July, 1924—as well as the Fifth Plenum of the Executive Committee of the Communist International, ECCI—March-April, 1925—and the Sixth Plenum of the ECCI—March 1926—further developed Comintern strategy and tactics for the African continent.

At the Sixth Comintern Congress—July-September 1928—the most comprehensive analysis and doctrinal guidance of all the Congresses were developed. The Congress adopted a document entitled "The Program of the Communist International Adopted at Its Sixth Congress." In the section dealing with the revolutionary process the following key statement is made—

As the struggle continues to develop and become more acute . . . the bourgeois-democratic revolution, consistently pursued, will be transformed into the proletarian revolution in those colonies and semi-colonies where the proletariat acts as leader and exercises hegemony over the movement. In colonies without a proletariat the overthrow of imperialist power must be accompanied by the organization of a popular (peasant) Soviet regime, the confiscation of businesses and land owned by foreigners, and the transfer of this property to the State.

The application of this established doctrine of international communism can easily be discerned in the policies of the regimes currently in power in Angola, Mozambique, Ethiopia, and Nicaragua for example.

The Comintern was officially dissolved by Stalin on May 15, 1943 to facilitate the projection of a benevolent public relations image during World War II and also to enhance the ability of the Kremlin to accomplish its postwar political-strategic objectives. The functions of the Comintern, however, were transferred to the Foreign Affairs Department of the Central Committee of the CPSU. A successor organization to the Comintern, the Communist Information Bureau—Cominform—was established in 1947 with bureaus for Africa, but it was only part of the hidden international apparatus directed by the CPSU in Moscow.

In 1957, a year after the dissolution of Cominform, the Foreign Affairs Department of the Central Committee of the CPSU was reorganized with the International Department headed by Boris Ponomarev taking a leading role in spreading international subversion.

Soviet penetration of the developing world through the medium of economic relations was developed after 1952. Following an economic conference in Moscow on April 3-11, 1952, Soviet leaders decided to undertake a policy of the development of economic relations with these areas and the XIXth Party Congress of the CPSU held in Moscow in October 1952 set the stage by noting the importance of the peoples struggling for their independence who were threatened by American imperialism. Trade relations were offered to those countries which were favorably disposed to the Soviet Union. On July 15, 1953, the Soviet delegate to the United Nations Social and Economic Council declared that the Soviet Union would assist the developing countries by dispatching technicians and contributing funds to UN development agencies.

Until June 1955, the Soviet Union maintained a policy of developing friendly relations with these areas, supporting their neutralist foreign policy positions, and displayed an interest in participating in their development programs and forming a web of trade agreements with them. After Nehru's June 1955 visit to Moscow and Moscow's espousal of the "Panch Shila" principles of peaceful coexistance, Moscow became a potential ally for Afro-Asian and Middle Eastern countries. Trade relations became politicized and the Soviets encouraged neutralism as a minimum policy to undercut Western influence.

The "National Liberation Movement" remained an important component of post-war Soviet strategy and became increasingly prominent as the process of decolonialization gained momentum. The Kremlin had advanced the strategy of peaceful coexistance since 1917 and Khrushchev brought the concept up to date at the XXth Party Congress of the CPSU—1956—while emphasizing the fact that under peaceful coexistence the ideological struggle continued and this struggle was understood as encompassing international warfare, propaganda and subversion, and wars of national liberation.

Newsweek in its November 28, 1955, issue published a significant article entitled "This is the Actual Blueprint for Enslaving—By Subversion—A Continent." The article contained information gathered by Western intelligence services resulting from a defection by a Soviet bloc intelligence operative. The article detailed Soviet designs on Africa and outlined a plan developed by the Soviets shortly after the Bandung Conference—summer 1955. Instruments of Soviet policy included special training centers for African students, Soviet bloc scientific missions to Africa, underground commandos recruited from ex-members of the Spanish Civil War international brigades, and the infiltration of religious missions. Concerning Angola and Mozambique, Newsweek reported that a special Cominform Department had been established for these colonies in the Department of African Affairs office in Budapest, Hungary. Two decades later, Angola and Mozambique fell to communism.

The main content and thrust of Soviet strategy in Africa has remained constant for some seven decades. The fundamental geostrategic concept that the Western capitalist system can be defeated by detaching Africa from political and economic relations with the West has never been altered. The Soviet objective of making national liberation movements instruments in the Soviet directed world revolutionary process has remained constant. It is an observable fact that the Kremlin has oriented and guided the activity of these movements in Africa toward this objective. The strategy and tactics of these groups as well as the nature of their relations with the Soviet bloc countries has been spelled out clearly in official Soviet documents. The experience of the last seven decades in Africa confirms the systematic program that Moscow has been pursuing with some notable successes.

Viewed within the context of Soviet African strategy, the so-called "anti-apartheid movement" can be placed into the category of Soviet active measures. The position of Communist Party Front organizations operating against South Africa such as the African National Congress [ANC] is legitimized as are the operations of other terrorist organizations such as the SWAPO. Rather than encouraging evolutionary changes, the "anti-apartheid movement" encourages revolutionary change and the destabilization of the socioeconomic system in South Africa. Such destabilization can lead to the closing off of peaceful evolu-

tionary processes and the rise of increasing revolutionary violence. Rather than encouraging economic development and growth an array of economic sanctions which include disinvestment can lead to the lessening of living standards and the curtailment of opportunity for South Africans. A destabilized South African economy could have consequences for Western industrial countries should strategic mineral resources and energy sources such as coal become less available or not available at all to advanced economies. Such a scenario, of course, fits into the long-term Soviet design for denying Africa to the West which has been described above.

Mr. LUGAR. Mr. President, I deeply appreciate the contribution the distinguished Senator from Alabama has made to this debate. Indeed, I was honored to work with him and with the distinguished chairman of the Judiciary Committee on hearings initiated by Senator DENTON on terrorism. He has made an enormous contribution and he will continue to do that. I look forward to working with him.

As I have explained to the distinguished Senator and to the chairman of the Judiciary Committee, there are potentially a great number of amendments that could have been offered today that were substantial and important. I am going to oppose the amendment of the Senator from Alabama. I encourage Members of the Senate to continue their study of the very specific areas that he mentioned with regard to the ANC. We all will need to be better informed about what is occurring in South Africa and with regard to terrorism, actual or alleged, everywhere.

But, Mr. President, for the moment, it is our agreement that we ought to move ahead. Therefore, I move to table the amendment of the Senator from Alabama.

The PRESIDING OFFICER. The question is on the motion.

Mr. DENTON. Mr. President, were the yeas and nays ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the motion to table the amendment of the Senator from Alabama.

Mr. DENTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana [Mr. LUGAR] to table the amendment of the Senator from Alabama [Mr. DENTON]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mrs. HAWKINS], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 72, nays 21, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—72

Andrews	Evans	McConnell
Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Gore	Moynihan
Boren	Gorton	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hart	Pell
Bumpers	Hatfield	Pressler
Burdick	Heflin	Proxmire
Byrd	Heinz	Pryor
Chafee	Inouye	Quayle
Chiles	Johnston	Riegle
Cochran	Kassebaum	Rockefeller
Cohen	Kasten	Roth
Cranston	Kennedy	Sarbanes
D'Amato	Kerry	Sasser
Danforth	Lautenberg	Specter
DeConcini	Leahy	Stafford
Dixon	Levin	Stevens
Dodd	Long	Trible
Dole	Lugar	Warner
Durenberger	Mathias	Weicker
Eagleton	Matsunaga	Zorinsky

NAYS—21

Abdnor	Hecht	Nickles
Denton	Helms	Rudman
Domenici	Hollings	Simpson
East	Humphrey	Symms
Garn	Laxalt	Thurmond
Grassley	Mattingly	Wallop
Hatch	McClure	Wilson

NOT VOTING—7

Armstrong	Hawkins	Stennis
Goldwater	Murkowski	
Gramm	Simon	

So the motion to lay on the table Amendment No. 521 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS. Mr. President, I find it ironic that the U.S. Senate is considering sanctions against South Africa, which in my mind, will neither improve political prospects for South Africa's blacks, nor enhance the important relationship we have with Africa's strongest anti-Communist nation.

It was not too long ago, I remind all my colleagues, that the Congress was pushing sanctions against the white minority government of Rhodesia. Now that Rhodesia has become Zimbabwe, and there is tremendous oppression of blacks by blacks, based on tribal and political hostilities, no one seems to care. Rhodesia is no longer a concern, just as Iran, now that the Shah is deposed, is not a hot topic of discussion for human rights activists. I urge my colleagues to read, if they have not already, the superb paper by Jeane Kirkpatrick, our former U.N. Ambassador. That paper was written back in 1979 and was influential in the President's excellent choice of Mrs. Kirkpatrick to serve in his administration. The piece was entitled "Dictatorships and Double Standards" and it exposes the blatant hyprocrisy of the self-professed moral policemen, who only seem to care about morality in pro-Western, anti-Communist nations. Once the country falls to the Communists, thanks to intense pressure from the United States to conform instantly or even overnight to our standards of morality, the human rights monitoring groups are denied access to information, and the country is written off as hopeless. The consequence? The Brezhnev doctrine prevails.

I ask, is black oppression of blacks not worthy of the same condemnation as white oppression of blacks? Or is white oppression of blacks of more concern to some of my colleagues because of domestic political considerations?

I have heard no remorse from any of my colleagues who were here when sanctions were imposed upon Rhodesia. Let us look at what U.S. policy toward Rhodesia wrought.

In the Washington Post of July 7, a front page story reports on Mugabe's latest comments following the country's questionable elections. Mugabe, according to the Post, said "his party's triumph was a popular mandate to move Zimbabwe more rapidly toward a one-party state." Mugabe said, and I quote, again from the Post that "whites who objected to his policies should leave the country and that Western critics of his plans to rewrite Zimbabwe's Constitution to eliminate opposition parties and the white voters' roll could 'go hang.'" Can you imagine the reaction from the disinvestment advocates if Pik Botha were to say that if the blacks don't like apartheid, they can leave South Africa? Can you imagine their reaction if a high member of the South Africa Government were to tell them to "go hang"?

Mr. President, this country has been outrageously generous to Zimbabwe. A lot of us suspected that the pressure on Rhodesia was going to have unwelcome repercussions. I think that suspicion was warranted. Another Post article of June 2 reports that security units under Mugabe's office has been linked to abductions of those in opposition parties. Now let me quote from a Gwynne Dyer article from the June 25 Washington Times. Dyer writes that "personal and tribal rivalries proved too strong * * *" and that Mugabe moved in early 1982 to expel Mr.

Nkomo from the Government as the "enemy of the people."

The article argues that that was when the killing began. Several thousand former Zapu guerrillas took to the bush, and started raiding Government facilities and white-owned farms. Mugabe responded to this by sending in special North Korean trained units, consisting mostly of Shona-speaking Zanu members, to conduct a reign of terror in the region.

Dyer alleges that an estimated 4,000 villagers, maybe many more, were wantonly murdered by the Zimbabwe Army in the past 2 years, while many Zapu Party leaders were kidnaped or detained without trial.

Mr. President, where are the protests from those who were so vocal about white-ruled Rhodesia, about black-ruled Zimbabwe? Should we not consider eliminating economic aid to Zimbabwe, unless the Government keeps to the promises of the Lancaster House agreement, and protects the rights of minorities?

I might ought to also mention that the Post, to its credit, published an editorial today entitled "Zimbabwe's Promise." The article points out that the disastrous outcome of American intervention in Zimbabwe "Will add to the load on those in South Africa who are trying to move from a white minority setup to representative rule."

Mr. President, I ask unanimous consent to have printed in the RECORD the article which appeared in the Washington Post, Thursday, July 11, 1985, entitled "Zimbabwe's Promise," the article which appeared in the Washington Post, Wednesday, June 5, 1985, entitled "The South African Sanctions," an editorial commentary which appeared in Barron's, July 1, 1985, entitled "Anti-Apartheid or Anti-Capitalist?" and an article which appeared in the Heritage Features Syndicate, dated June 7, 1985, entitled "Suicide in South Africa."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 11, 1985]

ZIMBABWE'S PROMISE

In 1980, Robert Mugabe promised, in terms brokered by the British, to keep Zimbabwe a multi-party democracy at least until 1990. The arrangement ended a wasting civil war and brought Zimbabwe its belated independence. But now President Mugabe, who was easily reelected the other day in his country's first elections since independence, is expressing second thoughts about his promises of 1980. The idea of a one-party state—his party—looks better and better to him. Most other black African countries long ago went that way.

The argument is always the same in these situations. It is that in tribal societies party politics necessarily become tribal, and therefore divisive, and that tribal strains can be managed better and the true interests of minority tribes better accommodated in a one-party structure. But let us not be carried away by a pretense of deference to another culture. This argument is pretty much nonsense. Yes, politics can go on inside a single party, but parties are the most effective mechanisms yet devised to ensure that separate interests will be heard. No, single-party rule need not lead inescapably to repression and corruption, but Africa is littered with exhibits of the costs of ruling in this style.

Mr. Mugabe represents the largest tribe in Zimbabwe, the Shona, whose numbers and undoubted favor for him ensure, fairly enough, the indefinite continuance of his rule; he has just won 63 (up from 57) of the 80 black seats in the parliament. But it enraged him that whites voted strongly for the last hurrah of his old nemesis, Ian Smith, and he has been mumbling that he would tear up "that dirty piece of paper"—the independence constitution—which ensures the whites 20 seats (20 times what their number alone would have earned) through the 1980s. It also troubles Mr. Mugabe to find members of the No. 2 black tribe voting faithfully for his old partner and rival in the independence struggle, Joshua Nkomo.

Zimbabwe has done pretty well since independence. Blacks have been effective and resourceful in leadership roles, and the white minority, which long contributed to the country's misery, has shaken down and focused itself on the country's growth. All this has happened under the constitution Mr. Mugabe now finds wanting.

Zimbabweans sometimes feel more burdened than blessed by the counsel of their professed friends. These friends, including Americans and British, are hoping now they will stick with democractic ways. Surely Zimbabwe will be a better place for it. Inevitably, too, the example of Zimbabwe's going back on its 1980 word will add to the load on those in South Africa who are trying to move from a white minority setup to representative rule.

[From the Washington Post, June 5, 1985]

THE SOUTH AFRICAN SANCTIONS

Proposals in Congress to vote sanctions against South Africa were lagging until President Reagan imposed sanctions against Nicaragua. As a result of this seeming burden of consistency, the House may approve for the first time, on Thursday, a package of economic restrictions against the practitioners of apartheid. If that happens, it will be a mistake.

The case for sanctions is that white minority rule is at once so odious and so powerful that it must be moved and can only be moved by extraordinary economic pressures applied from the outside. Not to attack apartheid in this fashion, it is asserted, is moral and political appeasement. That the intended beneficiaries may also suffer is set down as a price they are prepared to pay.

But there is a serious, respectable, nonracist case against sanctions. It is that the country's economy is its most effective engine of social transformation, compelling whites to grant blacks precisely the training and education, the livelihood and personal rewards, the choices of where to live and work, the associations and organizations, the sense of their own power and community, that apartheid would deny them. And South Africa's place in the world economy, and especially the high-tech, democratic, politically responsive parts of the world economy, is a prime spur to this process.

All of this is understood perfectly well by the sponsors of the sanction legislation. That is why they have quietly designed the particulars of their bill to make the minimal impact on black jobs and opportunities consistent with sending South Africa a political message. In short, the best thing about the bill is that its effect will be largely symbolic. But that does not make it wise public policy.

The legislation is widely seen, by Democrats, as a rebuke to the Reagan administration's policy of "constructive engagement." That it would be. But it would be a poorly aimed rebuke. The type of engagement that widens blacks' economic advantages and openings is the good kind. What deserves to be criticized in the administration's policy but is not attacked by this bill is the bad kind: the kind that lets too many South Africans ask whether the United States is serious about apartheid, the kind that has American diplomats seem more often to be apologizing for apartheid than demanding its abolition.

ANTI-APARTHEID OR ANTI-CAPITALIST?—THE HOUSE HAS DEALT A HEAVY BLOW TO U.S. INTERESTS

Mr. Mitchell: Mr. Chairman, will the gentleman yield?

Mr. Hyde: I yield to my friend from Baltimore.

Mr. Mitchell: I am grateful the gentleman did, because good vibrations flow between us on this floor for the first time in a long, long time, and I am grateful for those good vibrations.

I just wanted to respond to the gentleman's question of why we did not take on India and other places. There is a Gospel hymn that goes, 'One day at a time, sweet Jesus, one day at a time.' This one solved and we will deal with the next one.

Mr. Hyde: Well, I appreciate that, but we have a lot of time and a lot of talent, but we never get around to much else. We do not consider Liberia, which has a great problem.

Mr. Mitchell: Mr. Chairman, will the gentleman yield again? I just do not want the gentleman to destroy the good vibrations. We have gone so well up to this point.

Mr. Hyde: No. I want resonations as well as vibrations.

Mr. Mitchell: One day at a time.

Mr. Hyde: I thank the gentleman and I will wait for tomorrow, and tomorrow and tomorrow."

Read the Congressional Record long enough and now and then you come across a chuckle or even a belly laugh. Most of the time, however, you read it and weep. On this score, take the great debate on the so-called Anti-Apartheid Act of 1985, a vast morass of platitudes, political posturing and pockets of hypocrisy which occupied the House of Representatives on June 4-5 (from which the colloquy cited above, between Rep. Parren J. Mitchell, Maryland Democrat, and Henry J. Hyde, Illinois Republican, provided a touch of comic relief).

Otherwise it was a dreary spectacle. During the two days of what's supposed to be a process of give-and-take, supporters of the measure, an unholy bipartisan alliance, refused to give an inch. By a recorded vote of 40 ayes to 379 noes, the House turned down an amendment that sought to provide a waiver on the investment restrictions if the U.S. Secretary of State, by means of a poll, determined that a majority of nonwhite South Africans opposed them. A second amendment, which would have substituted an internationally supervised referendum for the Secretary of State's poll, lost by an even wider margin. On the other hand, a doctrinaire amendment that would have forced the divestiture of all American

holdings in South Africa, denied landing rights to that country's aircraft and banned all exports of U.S. products and technology, while decisively rejected, commanded nearly twice as many ayes (77) as the two sensible efforts to compromise.

In the end, the implacable "ayes"—295-127—had it, and reasonable men have cause for concern, if not dismay. Under the terms of the bill, the U.S. has committed itself to impose a number of economic sanctions against South Africa. These include a ban on the sale of computer hardware and software to Pretoria, as well as a ban on commercial bank loans. A ban on new investments, including loans to corporate enterprise. And a ban on the importation of Krugerrands into the U.S.

The last two sanctions may be waived by the President (with the concurrence of Congress) for periods of six to 12 months, if "one or more" conditions, notably the lifting of residence restrictions based on race or ethnic origins and the freeing of political prisoners, are met. "All sanctions would terminate once apartheid has been dismantled and South Africa is moving toward a system of full participation by all its people in the political, economic and social life of the country."

Men of good will would find it hard to quarrel with such ends, but the means must give pause. To begin with, the legislation harbors a thinly disguised hostility to precious metals and those who either deal or invest in them. It would, of course, strike a blow at thousands of coin dealers, who would be deprived of part of their stock in trade. Far worse, as the measure now stands, it would make illegal the purchase or sale in this country of all South African shares currently traded on the over-the-counter market, a provision that, at a malicious stroke of the pen, would harm the interests of an estimated one million investors who own perhaps $5 billion worth of South African golds.

Moreover, while purporting to leave unscathed existing U.S. holdings in South Africa, the bill's structures, by choking off the inflow of needed resources from abroad, in effect would trigger a wave of liquidation. As some of its advocates have admitted—and those incredible 77 ayes cited above suggest—that would be just the first slice of the salami. Small wonder that the black contingent in Congress shunned any expression of opinion from South African nonwhites, many of whom would be badly hurt by disinvestment, and who, in one poll of public opinion after another, have rejected this clumsy foreign attempt to allegedly better their lot.

What's truly outrageous is the double standard. While banned from extending credit to South Africa, U.S. commercial banks would remain free to make loans—as several recently did—to such bastions of democracy as East Germany, which traffics in its own citizenry and ignores human rights. In South Africa, after all, the borders are there to keep people out, not in. While apartheid is repugnant, so are India's rigid caste system and the racism endemic to so many Asian nations, not least the Union of Soviet Socialist Republics, about which neither college students seem to protest or riot nor clerics cry out. Far from coming into court with clean hands, finally, too many influential enemies of South Africa have long and documented histories of tolerance for or allegiance to the world's Marxist tyrannies. Some cynic once said that the U.S. is hostile to its friends, friendly to the neutrals and neutral ot its enemies. He should run for Congress.

Not that the lawmakers—even those 295 on the wrong side of the issue—are wholly to blame. After all, their deliberations (if one can use that word) took place in a highly charged atmosphere, a climate of opinion in which bursts of emotion overwhelmed the still, small voice of reason. Consider: The past 12 months have seen one atrocity after another, ranging from the wanton destruction of a Korean airliner by Soviet MIGs, to the slaughter of innocents in India, to hostage-taking and murder in Beirut. Yet thanks to careful orchestration by known communist sympathizers, aided and abetted by hordes of well-meaning dupes, the nation's wrath somehow has zeroed in on South Africa.

Thousands have staged illegal demonstrations in front of South African consulates, hoping to get arrested (and swiftly freed on their own recognizance by some kindly liberal judge). Students at Columbia University, always in the vanguard of a worthy cause, seized Hamilton Hall and held it hostage for weeks. According to a recent count, six states, 24 cities and 40 universities, at considerable cost to the beneficiaries, have liquidated pension-fund holdings of over $1.5 billion in the securities of companies that do business in South Africa.

In the majority report of the House Foreign Affairs Committee, which preceded the recent lopsided vote, the African National Congress (ANC) gains recognition as the "preferred political organization of black South Africans," and its imprisoned leader, Nelson Mandela, wins kudos. In fact, the ANC is a communist-dominated revolutionary group that openly seeks the destruction, not merely the disinvestment, of U.S. corporate holdings and has been waging a campaign of terror, including last week's bloody attack on native police, in which eight people lost their lives, against their fellow blacks. A case of black and white? Color it red.

In the circumstances, it's no surprise that U.S. interests—commercial, strategic and military—have been put up for grabs. The Anti-Apartheid Act, for example, exempts from its prohibitions the purchase or sale of South African stocks listed on a national securities exchange like the Big Board, "but not foreign securities exchanges, automated services like the National Association of Securities Dealers Automated Quotations (NASDAQ) and new securities offerings by private U.S. dealers." That may exempt ASA, but, in an unprecedented and vicious case of discrimination, it deprives perhaps one million U.S. investors of a major market for their shares.

According to John C. van Eck, chairman and president of International Investors Inc., a leading U.S. gold fund with nearly $1 billion in total assets and 158,000 shareholders, the provision cited above "will have no effect on the government of South Africa, but would be grossly damaging to the interests of our company and its shareholders and all other Americans similarly situated. It would be an intolerable interference with the free markets which exist in the free world. . . ."

It would also be highly damaging to the free world. Like it or not, South Africa, as the sole non-communist source of a number of strategic raw materials, notably chromium, platinum and vanadium, plays a vital role in Western global strategy. Moreover, as John Rees observes in the current issue of Review of the News, geography has placed the country astride the shipping lanes from the Persian Gulf: "Those who rule South Africa dominate the tanker traffic carrying the Gulf's petroleum to Western Europe, Latin America and the U.S." Any measure that weakens the legitimate government in Pretoria, which has been making slow but steady progress toward advancing race equality, cannot fail to strengthen both black and white extremists and play into the enemy's hands.

"Not long ago, so the story goes, a group of multinational bureaucrats was using a giant 'smart' computer at the New York headquarters of the United Nations. They posed the question: 'What race will rule in South Africa in 2020 A.D.? On the monitor came the word, 'white.' There were gloomy faces and grunts of dismay. A second question was posed: 'What will be the price of gasoline in South Africa in 2020?' The answer came an instant later: 'Forty rubles a gallon.'" Is that what Congress really wants?

SUICIDE IN SOUTH AFRICA

(By M. Stanton Evans)

WASHINGTON, D.C.—The philosopher James Burnham once described liberalism, American-style, as "the ideology of Western suicide."

The accuracy of this judgment is being exhibited on a daily basis in the paroxysms of synthetic rage that are being directed at South Africa, a strategically vital ally of the West. Seldom has there been a more arrant display of hypocrisy, ignorance, and political cowardice rolled into one—an amalgam that has spelt the doom of other American allies in the past and could easily do so in this case as well.

The uproar about South Africa doesn't have even the one redeeming quality that has marked the occasional policy failure elsewhere—that it is well-meaning. What is occurring here is not well-meaning in the least. It is calculated deception of the most knowing sort, advancing the cause of Marxist revolution behind a facade of "human rights" concern. And, sad to say, the U.S. Congress is being driven haplessly before the furies thus engendered.

To judge from the amount of publicity being given to it, you could only suppose that South Africa is the most dictatorial state in Africa, if not the world. In fact, it is one of the freest: It has a free press, often stridently critical of the government; it has opposition political parties and plentiful political debate; it has independent, and growing, trade unions. Blacks from neighboring states try to get into South Africa in quest of jobs and a higher standard of living.

Contrast all this with the norm prevailing elsewhere on the continent: One-party and military dictatorships, ruthless suppression of all political opposition, genocidal slaughter, starvation, and economic hardship. By virtually any standard of human rights, South Africa for all its faults has a better record than almost any of its African critics.

Add to this the fact that the authoritarian practices of apartheid in South Africa have been progressively relaxed, instead of getting more restrictive, and the current wave of agitation makes no sense whatever. Those in Pretoria who have been reluctantly going along with such reforms can plausibly ask—and do—what percentage there is in making them if no one in the U.S. media or Congress will give them any notice.

Intensifying the irony is the fact that the economic strategy of "disinvestment" being

pursued by the liberal-left in the United States would hurt the very people it is alleged to help—the black majority in South Africa. Such disinvestment, if it succeeded in affecting the South African economy in appreciable fashion, would result in a loss of jobs and slackening of economic growth, a process in which black workers and job seekers would be the first and major victims.

This fact is recognized by black South Africans themselves. Chief Gatsha Buthelezi, head of the six-million member Zulu tribe, is opposed to disinvestment; so is black trade union leader Lucy Mvubelo; and so are three-quarters of the black African workers surveyed by the head of the anti-apartheid Institute of Race Relations. What is touted as a pro-black measure in our Congress looks altogether different at the receiving end.

None of this, however, means anything to the people promoting sanctions and disinvestment. These are pre-eminently people such as Randall Robinson, head of TransAfrica, and Rep. Stephen Solarz (D.-N.Y.), who has emerged as a principal executioner of pro-Western governments in Congress. On their previous record, these gentry are not interested in reform or the well-being of African blacks; their interest is in promoting revolution.

TransAfrica makes no bones about this fact, openly backing the pro-Soviet and Communist-influenced African National Congress and the Marxist Southwest African peoples Organization. Solarz demonstrated his bona fides on the subject when he helped destroy the pro-Western black majority government of Abel Muzorewa in Zimbabwe-Rhodesia, then rushed to embrace the Marxist regime of terrorist Robert Mugabe.

The sad truth of the matter is that Robinson, Solarz, and others like them are controlling the agenda of debate and legislation on this topic, vastly aided by the general public ignorance concerning it and the cowardice of Congress. Such is the usual method by which the allies of the U.S. are destroyed, as the suicide of the West proceeds apace.

AMENDMENT NO. 522

(Purpose: To substitute provisions of House-passed bill)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself and Mr. HELMS, proposes an amendment numbered 522.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

To strike all after the enacting clause and to substitute the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Apartheid Act of 1985".

SEC. 2. POLICY DECLARATIONS.

The Congress makes the following declarations:

(1) It is the policy of the United States to encourage all nations to adopt political, economic, and social policies which guarantee broad human rights, civil liberties, and individual economic opportunities.

(2) It is the policy of the United States to condemn and seek the eradication of the policy of apartheid in South Africa, a doctrine of racial separation under which rights and obligations of individuals are defined according to their racial or ethnic origin.

SEC. 3. PROHIBITION ON LOANS TO THE SOUTH AFRICAN GOVERNMENT.

(a) IN GENERAL.—No United States person may make any loan or other extension of credit, directly or through a foreign affiliate of that United States person, to the Government of South Africa or to any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as determined under regulations which the President shall issue.

(b) EXCEPTION FOR NONDISCRIMINATORY FACILITIES.—The prohibition contained in subsection (a) shall not apply to a loan or extension of credit for any educational housing, or health facility which—

(1) is available to all persons on a totally nondiscriminatory basis, and

(2) is located in a geographic area accessible to all population groups without any legal or administrative restriction.

(c) EXCEPTION FOR PRIOR AGREEMENTS.—The prohibition contained in subsection (a) shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act.

(d) ISSUANCE OF REGULATIONS.—The President shall issue the regulations referred to in subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 4. RESTRICTIONS OF NEW INVESTMENTS (INCLUDING BANK LOANS).

(a) PRESIDENT TO ISSUE REGULATIONS.—The President shall, not later than 90 days after the date of the enactment of this Act, issue regulations prohibiting any United States person from making, directly or through a foreign affiliate of that United States person, any investment (including bank loans) in South Africa.

(b) EXCEPTIONS FROM PROHIBITION.—The prohibition contained in subsection (a) shall not apply to—

(1) a loan or extension of credit permitted under secton 3;

(2) an investment which consists of earnings derived from a business enterprise in South Africa established before the date of the enactment of this Act and which is made in that business enterprise; or

(3) the purchase, on a securities exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934, of securities in a business enterprise described in paragraph (2).

SEC. 5. GOLD COINS.

(a) PROHIBITION.—No person, including a bank, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

(b) UNITED STATES DEFINED.—For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 6. WAIVERS.

(a) AUTHORITY OF THE PRESIDENT.—

(1) INITIAL WAIVER.—The President may waive the prohibitions contained in sections 4 and 5 for a period of not more than 12 months if—

(A) the President determines that one or more of the conditions set forth in subsection (b) are met,

(B) the President submits that determination to the Congress, and

(C) a joint resolution is enacted approving the President's determination.

(2) ADDITIONAL WAIVERS.—The President may waive the prohibitions contained in sections 4 and 5 for additional 6-month periods if, before each such waiver—

(A) the President determines that an additional condition set forth in subsection (b) has been met since the preceding waiver under this subsection became effective,

(B) the President submits that determination to the Congress, and

(C) a joint resolution is enacted approving the President's determination.

(b) STATEMENT OF CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) FAMILY HOUSING NEAR PLACE OF EMPLOYMENT.—The Government of South Africa has eliminated the system which makes it impossible for black employees and their families to be housed in family accommodations near the place of employment.

(2) RIGHT TO SEEK EMPLOYMENT.—The Government of South Africa has eliminated all policies that restrict the rights of black people to seek employment in South Africa and to live wherever they find employment in South Africa.

(3) ELIMINATING DENATIONALIZATION.—The Government of South Africa has eliminated all policies that make distinctions between the South African nationality of blacks and whites.

(4) ELIMINATING REMOVALS.—The Government of South Africa has eliminated removals of black populations from certain geographic areas on account of race or ethnic origin.

(5) ELIMINATING RESIDENCE RESTRICTIONS.—The Government of South Africa has eliminated all residence restrictions based on race or ethnic origin.

(6) NEGOTIATIONS FOR NEW POLITICAL SYSTEM.—The Government of South Africa has entered into meaningful negotiations with truly representative leaders of the black population for a new political system providing for the full national participation of all the people of South Africa in the social, political, and economic life in that country and an end to discrimination based on race or ethnic origin.

(7) SETTLEMENT ON NAMIBIA.—An internationally recognized settlement for Namibia has been achieved.

(8) FREEING POLITICAL PRISONERS.—The Government of South Africa has freed all political prisoners.

(c) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS.—

(1) REFERRAL OF JOINT RESOLUTIONS.—All joint resolutions introduced in the House of Representatives and the Senate shall be referred immediately to the appropriate committees.

(2) COMMITTEE DISCHARGE.—If the committee of either House to which a joint resolution has been referred has not reported it at the end of 30 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

(3) CONSIDERATION OF RESOLUTIONS.—A joint resolution under this subsection shall be considered in the Senate in accordance

with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions reported or discharged pursuant to the provisions of this subsection, it shall be in order for the Committee on Rules of the House of Representatives to present for consideration a resolution of the House of Representatives providing procedures for the immediate consideration of a joint resolution under this subsection which may be similar, if applicable, to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

(4) RECEIPT OF RESOLUTIONS FROM THE OTHER HOUSE.—If before the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

(5) COMPUTATION OF LEGISLATIVE DAYS.—In the computation of the period of 30 days referred to in paragraph (2) of this subsection, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

(6) JOINT RESOLUTION DEFINED.—For purposes of this subsection, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress, having received on a determination of the President under section 6(a) of the Anti-Apartheid Act of 1985, approves the President's determination.", with the date of the receipt of the determination inserted in the blank.

SEC. 7. EXPORTS TO SOUTH AFRICAN GOVERNMENT.

Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended by adding at the end the following:

"(1) EXPORTS TO SOUTH AFRICA.—(1) No computers, computer software, or goods or technology intended to service computers may be exported, directly or indirectly, to or for use by the Government of South Africa or any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa.

"(2) For purposes of paragraph (1), the term 'computer' includes any computer that is the direct product of technology of United States origin.

"(3) The prohibition contained in paragraph (1) shall not apply to donations of computers to primary and secondary schools.

"(4) Notwithstanding any other provision of this or any other Act, the prohibition contained in paragraph (1) shall apply to any contract or agreement entered into before the date of the enactment of this subsection, and to any license or other authorization in effect which is issued under this Act before such date of enactment.

"(5) The termination provision contained in section 20 of this Act shall not apply to this subsection, or to section 11 and 12 of this Act to the extent such sections apply to violations of, and the enforcement of, this subsection.".

SEC. 8. NUCLEAR EXPORTS.

(a) COOPERATION.—Cooperation of any kind provided for in the Atomic Energy Act of 1954 is hereby prohibited with respect to the Republic of South Africa.

(b) NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS.—The Nuclear Regulatory Commission may not issue any license or other authorization under the Atomic Energy Act of 1954 for the export to the Republic of South Africa of any source or special nuclear material, any production or utilization facility, any sensitive nuclear technology, any component, item or substance determined to have significance for nuclear explosive purposes pursuant to section 109 b. of the Atomic Energy Act of 1954, or any other material or technology requiring such a license or authorization.

(c) DISTRIBUTION OF NUCLEAR MATERIAL.—The authority of the Atomic Energy Act of 1954 may not be used to distribute any special nuclear material, source material, or byproduct material to the Republic of South Africa.

(d) SUBSEQUENT ARRANGEMENTS.—No department, agency, or offical of the United States Government may enter into any subsequent arrangement under the Atomic Energy Act of 1954 which would permit the transfer to or use by the Republic of South Africa of any nuclear materials and equipment or any nuclear technology.

(e) AUTHORIZATIONS OF SECRETARY OF ENERGY.—The Secretary of Energy may not provide any authorization (either in the form of a specific or a general authorization) under section 57 b.(2) of the Atomic Energy Act of 1954 for any activity which would constitute directly or indirectly engaging in the Republic of South Africa in activities which require an authorization under that section.

(f) EXPORT LICENSES.—

(1) NUCLEAR RELATED USES.—The Secretary of Commerce may not issue any license under the Export Administration Act of 1979 or other provision of law for the export directly or indirectly to the Republic of South Africa of any goods or technology—

(A) which are intended for a nuclear related end use or end user;

(B) which have been identified pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978 as items which could, if used for purposes other than those for which the export is intended, be of significance for nuclear explosive purposes; or

(C) which are otherwise subject to the procedures established pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978.

(2) PROHIBITION OF ADDITIONAL EXPORTS.—In addition, the Secretary of Commerce shall use the authorities set forth in the Export Administration Act of 1979 (notwithstanding section 20 of that Act) to prohibit any expert directly or indirectly to the Republic of South Africa of any goods and technology contained on any of the list prepared pursuant to paragraph (3) of this subsection. Export controls shall be imposed pursuant to this paragraph without regard to the requirements otherwise applicable to the imposition of export controls under the Export Administration Act of 1979.

(3) LIST OF PROHIBITED GOODS AND TECHNOLOGY.—Not later than 6 months after the date of the enactment of this Act, the Nuclear Regulatory Commission, the Secretary of Commerce, the Secretary of Energy, and the Secretary of State shall each prepare a list of all goods or technology, whose transfer to the Republic of South Africa is not otherwise prohibited by this Act, which in their judgment could, if made available to the Republic of South Africa, increase the ability of that country to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices. Such lists shall include goods or technology which, although not intended for any of the specified nuclear related end uses, could be diverted to such a use.

(g) INFORMATION.—No officer or employee in any department or agency of the executive branch (including the Nuclear Regulatory Commission) may make available to the Republic of South Africa, directly or indirectly, any technology or other information which could increase the ability of that country to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices. This subsection does not require that an officer or employee withhold information in published form which is available to the public from such officer or employee.

(h) PRIOR LICENSES AND AUTHORIZATIONS.—Any license or authorization described in this section which was issued before the enactment of this Act is hereby terminated.

SEC. 9. REGULATORY AUTHORITY.

The President shall issue such regulations, licenses, and orders as are necessary to carry out this Act.

SEC. 10. ENFORCEMENT AND PENALTIES.

(a) AUTHORITY OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) PENALTIES.—

(1) FOR PERSONS OTHER THAN INDIVIDUALS.—Any person, other than an individual, that violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $1,000,000.

(2) FOR INDIVIDUALS.—

(A) IN GENERAL.—Any individual who violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $50,000, or imprisoned not more than 5 years, or both.

(B) PENALTY FOR SECTION 5.—Any individual who violates section 5 of this Act or any regulation issued to carry out that section shall, in lieu of the penalty set forth in subparagraph (A), be fined not more than 5 times the value of the krugerrands or gold coins involved.

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice, shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) EXCEPTION FOR CERTAIN VIOLATIONS.—Paragraph (1) shall not apply in the case of

a violation by an individual of section 5 of this Act or of any regulation issued to carry out that section.

(3) RESTRICTION ON PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

SEC. 11. NEGOTIATIONS.

(a) IN GENERAL.—The President shall, by means of both bilateral and multilateral negotiations, including through the United Nations, attempt to persuade the governments of other countries to adopt restrictions on new investment (including bank loans) in South Africa, on bank loans and computer sales to the South African Government, and on the importation of krugerrands, and other restrictions in effect under United States law with respect to South Africa. The President shall submit annual reports to the Congress on the status of negotiations under this section.

(c) FUTURE ANTI-APARTHEID MEASURES.—The Congress urges the President to consult with other countries, particularly the major allies of the United States, with respect to the implementation in the future of any anti-apartheid measures being considered by the United States or any such country, in order to encourage multilateral, rather than unilateral, implementation of such measures.

SEC. 12. REPORT ON STATUS OF APARTHEID AND HUMAN RIGHTS IN SOUTH AFRICA.

(c) MONITORING AND REPORT.—The President shall monitor the status of apartheid and human rights in South Africa and shall report annually to the Congress on the progress or lack of progress of the Government of South Africa in eliminating apartheid and promoting human rights in that country.

(b) ADDITIONAL ANTI-APARTHEID MEASURES.—It is the sense of the Congress that the United States should take measures in addition to the sanctions imposed by this Act unless the Government of South Africa makes substantial progress toward the goals set forth in subsection (a).

SEC. 13. TERMINATION OF PROVISIONS OF ACT.

(a) DETERMINATION OF ABOLITION OF APARTHEID.—If the President determines that the system of apartheid in South Africa has been abolished, the President may submit that determination, and the basis for the determination, to the Congress.

(b) JOINT RESOLUTION APPROVING DETERMINATION.—Upon the enactment of a joint resolution approving a determination of the President submitted to the Congress under subsection (a), the provisions of this Act, and all regulations, licenses, and orders issued to carry out this Act, shall terminate.

(c) DEFINITION.—For purposes of subsection (a), the "abolition of apartheid" shall include—

(1) the repeal of all laws and regulations that discriminate on the basis of race; and

(2) the establishment of a body of laws that assures the full national participation of all the people of South Africa in the social, political, and economic life in that country.

SEC. 14. DEFINITIONS.

For purposes of this Act—

(1) INVESTMENT IN SOUTH AFRICA.—The term "investment in South Africa" means establishing, or otherwise investing funds or other assets in, a business enterprise in South Africa, including making a loan or other extension of credit to such a business enterprise.

(2) UNITED STATES PERSON.—The term "United States person" means any United States resident or national and any domestic concern (including and permanent domestic establishment of any foreign concern), and such term includes a bank organized under the laws of the United States;

(3) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa,

(B) any territory under the administration, legal or illegal, of South Africa, and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(4) FOREIGN AFFILIATE.—A "foreign affiliate" of a United States person is a business enterprise located in a foreign country, including a branch, which is controlled by that United States person.

(5) CONTROL.—A United States person shall be presumed to control a business enterprise if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the business enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the business enterprise.

(6) LOAN.—The term "loan" includes an extension of credit as defined in section 201(h) of the Credit Control Act (12 U.S.C. 1901(h)).

(7) BANK.—The term "bank" means—

(A) any depository institution as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)),

(B) any corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 et seq.),

(C) any corporation having an agreement or undertaking with the Federal Reserve Board under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.), and

(D) any bank holding company as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)).

(8) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage.

(9) BRANCH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through a separate incorporated entity.

(10) POLITICAL PRISONER.—The term "political prisoner" means any person in South Africa who is incarcerated or persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion, but the term "political prisoner" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

SEC. 15. APPLICABILITY TO EVASIONS OF ACT.

This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

SEC. 16. CONSTRUCTION OF ACT.

Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in section 14(3)(C) of this Act.

Mr. WALLOP. Mr. President, on behalf of Senator HELMS and myself, I send this amendment to the desk and would state to the Senate that it is the House-passed bill, on which I think the Senate ought to have an opportunity to express itself. It is different, as everyone knows, from the version which the Senate has been working on.

Mr. President, I move to table the amendment which I just offered.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mrs. HAWKINS], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 2, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—90

Abdnor	Chafee	Domenici
Andrews	Chiles	Durenberger
Baucus	Cochran	Eagleton
Bentsen	Cohen	East
Biden	Cranston	Evans
Bingaman	D'Amato	Exon
Boren	Danforth	Ford
Boschwitz	DeConcini	Garn
Bradley	Denton	Gore
Bumpers	Dixon	Gorton
Burdick	Dodd	Grassley
Byrd	Dole	Harkin

Hart	Levin	Quayle
Hatch	Long	Rockefeller
Hatfield	Lugar	Roth
Hecht	Mathias	Rudman
Heflin	Matsunaga	Sarbanes
Heinz	Mattingly	Sasser
Helms	McClure	Simpson
Hollings	McConnell	Specter
Humphrey	Melcher	Stafford
Inouye	Mitchell	Stevens
Johnston	Moynihan	Symms
Kassebaum	Nickles	Thurmond
Kasten	Nunn	Trible
Kennedy	Packwood	Wallop
Kerry	Pell	Warner
Lautenberg	Pressler	Weicker
Laxalt	Proxmire	Wilson
Leahy	Pryor	Zorinsky

NAYS—2

Metzenbaum	Riegle

NOT VOTING—8

Armstrong	Gramm	Simon
Glenn	Hawkins	Stennis
Goldwater	Murkowski	

So the motion to lay on the table amendment No. 522 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. PROXMIRE. I have a question for Senator CRANSTON as the floor manager of S. 995.

In recent years opponents of apartheid in this country have sought to compel American firms from doing business with or in South Africa. The movement has taken a variety of forms, including shareholder corporate governance resolutions, consumer boycotts of South African products, and most prominently threats by governments, labor unions, and other prominent institutions to withdraw funds invested in firms or banks doing business in South Africa. The divestiture movement is an important means by which Americans show their opposition to apartheid because American businesses play an important role in South Africa's economy, and those businesses depend upon investments from public and private pension funds.

Divestment from companies doing business in South Africa has been adopted by private organizations as diverse as Yale University, the National Council of Churches, and trade union pension funds. These private actions do not raise the preemption legal issue.

It is divestiture by State and local governments of funds invested in firms doing business in South Africa that has been criticized as unconstitutional by the opponents of such actions. State divestment and in particular State divestiture legislation, critics contend, both violates the foreign commerce clause of article I of the Constitution, and intrudes upon the impliedly exclusive authority of the Federal Government to conduct foreign relations. No suits, however, have been filed to challenge the actions of the several States which have divested in some fashion. These include Connecticut, Iowa, Maryland, Massachusetts, Michigan, Nebraska, and Rhode Island. The Maryland attorney general's office in May 1984, concluded that its State law would survive a constitutional or other legal challenge. The law firm of Caplin & Drysdale also concluded in an April 1985 legal memo that State divestment laws could survive a legal challenge. I would like to insert those opinions in the RECORD. My concern is that some court might find that the legal situation is changed by the passage of S. 995.

The Federal Government has the power to preempt State and local laws under article IV, section 2 of the Constitution which is known as the supremacy clause. This clause provides that the Constitution and laws made pursuant thereto shall be the supreme law of the land—and contrary State laws are invalidated. The issue in any preemptive case is not what the Congress has the power to do, but what Congress has done. Where Congress has stated in its statute that State laws on the matter are precluded, the courts experience no difficulty in pronouncing the invalidity of the challenged State laws.

Although we have no intention of preempting State divestment laws I am concerned, as noted above, that some court might conclude we meant to do so by passing this bill. Do you know of any intention to preempt State divestment laws?

Mr. CRANSTON. Let me assure the Senator, we have no such intention in this bill otherwise the Senate would have put a preemption provision in the bill.

We have no intention of compelling sovereign States to keep their investment funds in companies that the States acting pursuant to their own constitutional procedures, have decided they do not wish to invest in. Otherwise the Congress is requiring a State, against its will, to be a party to the perpetuation of a government in South Africa that by law mandates the majority of its citizens to be deprived of basic political, social and human rights solely on the basis of race.

Our sovereign States have a right to manage their own finances, and to determine what activities they will subsidize, and choose with whom they wish to deal in the marketplace.

The courts in considering preemption cases have always recognized the distinction between the State as a market participant and the State as a market regulator. While the State should not be permitted to compel companies to get out of South Africa, it should not be prohibited from taking its own investments out of companies doing business there. The State in deciding where to deposit its own funds should be treated as a market participant. It is in the interest of the State as a financier to insure that its investments are conducted in a socially responsible manner. An investor is normally responsible for the use to which his funds are put and the Congress should not prevent the States from acting like other investors in that regard.

Divestiture is purely a proprietary action and involves neither regulation nor any other intrusion by the States into private affairs—and the Federal Government should not interfere with it.

Divestiture is not a matter of the Nation speaking with one voice on foreign policy—but rather with the right of the State, acting as a market participant, to decide where it wants its pension funds invested.

So let me assure my esteemed colleague, the senior Senator from Wisconsin, that the Senate has no intention of preempting such action by State and local govenments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. HARRY HUGHES,
Governor of Maryland,
State House, Annapolis, MD.

DEAR GOVERNOR HUGHES: We have received and hereby approve for constitutionality and legal sufficiency House Bill 1267. That bill prohibits the State Treasurer from depositing State funds in any financial institution unless the financial institution certifies in writing that it does not have any direct loans, or "foreknowledge" of any indirect loans, outstanding to the government of the Republic of South Africa or to any national corporation of the Republic of South Africa.[1] The bill makes an exception for loans made by foreign or out-of-state financial institutions without the participation of the subsidiary or affiliated corporation with which the funds are to be deposited. The bill further provides that it does not apply to loans made prior to the effective date of the Act, which has been delayed until January 1, 1985.

The constitutional issues presented by House Bill 1267 are essentially threefold:

(1) Does the statute conflict with the Commerce Clause, U.S. Constitution, Art. I, § 8?

(2) Does the statute contravene federal law, in violation of the Supremacy Clause, Art. VI, Cl. 2?

(3) Does the statute infringe on the federal foreign affairs powers?

I. THE COMMERCE CLAUSE

While the United States Constitution, Art. I, Sec. 8 empowers Congress to regulate

[1] Similar legislation has been passed in other jurisdictions, among them Connecticut (Conn. Gen. St. § 3-13f); Massachusetts (Mass. Gen. Laws Ann. Ch. 32 § 23(1)(d)(vi); Michigan (Mich. Res. 462, 2/6/78); Nebraska (Neb. Legis. Res. 43, 86th Legis., 2d Sess. (1980); and the District of Columbia (Prohibition of Investments of Public Funds in Financial Institutions and Companies making loans to or doing business in the Republic of South Africa or Namibia Act of 1983. D.C. Law 5-50 Eff. 3/8/84. Amending D.C. Code Ann. § 47-342). To the best of our knowledge, none of these provisions have been challenged.

commerce with foreign nations, and among the several states, it is well settled that the states may also regulate commerce except in areas preempted by Congress. In so doing, the State must balance the local interest with the burden on commerce; as well as consider less burdensome alternatives. *Pike v. Bruce Church, Inc.*, 424 U.S. 366 (1976). Furthermore, where the State enters the market place as a participant, it is not subject to the usual Commerce Clause restrictions. *Hughes v. Alexandria Scrap Corp.*, 426 U.S. 794 (1976). Later cases have confirmed the holding of *Alexandria Scrap.* In *Reeves, Inc. v. State*, 447 U.S. 429 (1980), the court described the distinction between the State as market participant and the State as market regulator was

". . . counseled by considerations of State sovereignty, the role of each state as guardian and trustee for its people, and the long recognized right of trader or manufacturer, engaged in an entirely private business, freely to exercise his own independent discretion as to parties with whom he will deal." *Id.* at 438-439.

The most recent case in this area is *White v. Massachusetts Council of Const. Employers*, 103 S.Ct. 1042 (1983). In that case the court upheld an executive order of the mayor of Boston that required that work crews on construction projects funded by the city consist of at least half Boston residents. The court found that the city was acting as a market participant, and in light of that finding, declined to consider the impact of the executive order on interstate commerce. This characterization was made despite the fact that the city, in choosing the parties with whom it would deal, had imposed hiring limitations on private firms as a condition of obtaining public construction contracts. *White, supra*, at 1049 (J. Blackmun dissent).

While House Bill 1267 does affect foreign commerce it is clear, under these decisions, that the State, in deciding where to deposit its own funds, should be treated as a market participant and therefore is not subject to commerce clause restrictions. This is true even though the statute results in a limitation being placed on private financial institutions as a condition of acting as a depository for State funds.

II. FEDERAL PREEMPTION

Under the Supremacy Clause, State law must yield when it is inconsistent with or impairs the policy or provisions of a treaty or of an international compact or agreement. *United States v. Pink*, 315 U.S. 203 (1942). We have examined treaties in force with the Republic of South Africa and find no conflict with House Bill 1267.

We have also considered whether House Bill 1267 would conflict with the Export Administration Act, 50 U.S.C. § 2401 *et seq.* or in particular the provisions of § 2407(c) which preempt certain state laws pertaining to "participation in compliance with, implementation of or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries." Because state investments would not appear to be exports under the Exports Administration Act, we do not believe that Bill 1267 offends the statute. Nor do we believe the state is subject to the foreign boycott prohibitions of § 2407(a) or that this particular legislation was strictly intended to implement or participate in a boycott "fostered or imposed by foreign countries against other countries." This position is supported by Howard Fenton, of the Anti-boycott Division of the Commerce Department, who informs us that the office has reviewed the Connecticut and District of Columbia statutes, and has made an informal determination that such statutes have not been passed in conjunction with boycotts by foreign countries and therefore are not subject to the anti-boycott provisions of the Export Administration Act.

III. THE FOREIGN AFFAIRS POWER

While the Constitution contains no specific grant of power to regulate foreign affairs, it has been recognized that such power, stemming from national sovereignty, rests in the President and the Congress. *Perez v. Brownell*, 356 U.S. 44 (1958). Thus, even though not every state law which has some effect in foreign countries is forbidden, such legislation still may not represent an impermissible intrusion into foreign affairs. *Clark v. Allen*, 331 U.S. 503 (1947); *KSB Technical Sales Corp. v. North Jersey District Water Supply Com'n*, 381 A.2d 884, 898 (N.J. 1977), *appeal dismissed because of settlement*, 435 U.S. 982 (1978) (upholding constitutionality of New Jersey "Buy American" statute, noting that the federal constitution permits certain regulation which does not "demonstrably" result in a direct impact on foreign affairs). And state statutes have been struck down as conflicting with the foreign affairs power. In *Zschernig v. Miller*, 389 U.S. 429. *reh. den.* 390 U.S. 974 (1968) the court invalidated an Oregon probate law conditioning a nonresident alien's right to inherit from Oregon residents on the alien's ability to show that his country would reciprocate as to United States citizens.

In invalidating the law in *Zschernig*, the court voiced two separate concerns. One concern was that application of the statute, and others like it, had involved judicial scrutiny "concerning the actual administration of foreign law, into the credibility of foreign diplomatic statements, and into speculation whether the fact that some received delivery of funds should 'not preclude wonderment as to how many may have been denied the right to receive' ". The other was that the statute as applied had a direct and significant effect on foreign countries, and could lead to repercussion for the entire United States, thus affecting foreign relations.

While House Bill 1267 does, to some extent, represent a determination by the General Assembly with respect to the practices of the government of South Africa, it does not call for the level of State intrusion found repugnant in *Zschernig.* The impact of House Bill 1267 is cushioned to some extent by its prospective effect and by the fact that only certain financial institutions are affected. And, while such legislation, if duplicated in other states, does raise some possibility of retaliatory action which would affect the entire country, that possibility seems no greater than that presented by the "Buy American" law which was upheld in *KSB.* One basis for differentiating *Zschernig* can be found in the differing nature of federal power with regard to the acts involved. While the federal government has traditionally left matters of descent and distribution to the States, it could clearly set standards for inheritance by nonresident aliens. It is more questionable whether the federal government could bar the State from considering given factors when investing its own funds. *Cf. South Carolina v. Regan*, 104 S.Ct. 1107 (1984).

Finally, it is important to note that this bill can be seen as an economic measure, and the State's control over economic matters may justify regulations which, on their face, relate to areas reserved to the federal government. See *Pac. Gas & Elec. v. St. Energy Resources Conserv.*, 103 S.Ct. 1713 (1983).

In our view, these considerations provide support for the constitutionality of this legislation.

Very truly yours,

STEPHEN H. SACHS,
Attorney General.

A REPORT TO THE NEW WORLD FOUNDATION

(By Thomas A. Troyer, Robert A. Boisture, Caplin & Drysdale, Chartered)

C. STATE LEGISLATION

Reacting to the restrictions of traditional trust law, a number of states and cities have enacted legislation barring investment of state funds in South Africa.[1] The forms of legislative action vary widely from the Connecticut adoption of the Sullivan Principles as one of the statutory criteria for investment selection, to the broad exclusion resolution passed by the District of Columbia Council.

State legislation requiring divestment of public pension funds is, if constitutionally valid, a complete defense for the fund managers subject to it. However, claims have been advanced that such legislation is unconstitutional under the state [2] or the federal Constitution.[3] The constitutional arguments against state divestment legislation rely primarily on the federal power in the areas of commerce and foreign affairs.[4] The Commerce Clause[5] limits a state's power to regulate commerce even where Congress has not itself spoken on the issues involved, as is the case with state fund divestment.[6] How-

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[1] Among them, Connecticut: Conn. Gen. Stat. Ann. § 3-13(f) (West. Supp. 1981); Massachusetts: Mass. Gen. Laws Ann. ch. 32 § 23(1)(d)(vi); Michigan: Mich. Comp. Laws §§ 25.145(5); 37.2402(1)(B); Nebraska: Neb. Legis. Res. 43, 86th Legis. 2d Sess. (Mar. 31, 1980). Cities which have divested include the District of Columbia: Prohibition of Investments of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business in the Republic of South Africa or Namibia, Act of 1983, D.C. Law 5-50, eff. 3/8/84, amending D.C. Code Ann. § 47-342; Philadelphia; San Francisco; and Wilmington, Del.

[2] *Scaglione v. Levitt*, 37 N.Y.2d 510, 375 N.Y.S.2d 79 (1975), involved a challenge under the non-impairment clause of the New York Constitution to a state law mandating the trustee of several state employee retirement systems to buy municipal bonds. The court dismissed the claim on the ground that the legislature could "restrict the classes of investments" a trustee could make, a holding that supports state "legal lists" and should support divestment legislation; 375 N.Y.2d at 84.

[3] McCarrol, *supra* p.41 n.1 at 425.

[4] Larry Eig (Legislative Attorney, American Law Div., Congressional Research Service), *Analysis of Whether the District of Columbia South Africa Investment Act (D.C. Act 5-6) Violates the Commerce Clause of the Constitution and the Exclusive Federal Power to Conduct Foreign Relations* (Jan. 31, 1984), hereafter "CRS Memorandum." However, in *Withers*, the Circuit Court dismissed constitutional challenges to the New York legislation authorizing the fund's purchase of the city bonds, under the Equal Protection Clause, the Contract Clause, and the Due Process Clause, 447 F. Supp. at 1261.

[5] U.S. Const. art. I, § 8, cl. 3. The Constitution empowers Congress "to regulate Commerce with foreign nations, and among the several states. . . ."

[6] State legislation affecting interstate commerce may only serve a "legitimate local purpose" that outweighs the burden it imposes. *Pike v. Bruce Church Inc.*, 397 U.S. 137, 142 (1970). Clearly, the purpose of divestment is not primarily local, although arguably, state divestment laws do serve the state's interest in the "moral" investment of its funds; Lawyers Committee for Civil Rights Under Law, *The Constitutionality of State and Local Divestiture Legislation*, memorandum, August 1984.

ever, where the state is a participant in the market rather than a regulator, the commerce clause restriction applies, if at all, in a far less restrictive way.[7] The state takes on the status of a private dealer free "to exercise his own independent discretion as to parties with whom he will deal.[8] Since the law on this question appears firmly established, a challenge to state public pension fund divestment legislation on commerce clause grounds seems unlikely to succeed.[9]

Other constitutional challenges purport to rely on the exclusive power of the federal government over foreign policy. State legislation requiring divestment of public pension funds is not claimed to impair any specific United States treaty or agreement involving South Africa, so there is no question of violating the supremacy clause.[10]

Nor is there serious question that such a statute would be invalid on more general grounds as an intrusion into an area of foreign policy reserved conclusively to the federal government.[11] As with the commerce clause, state scope to take action that has some impact on international affairs is greater when the issues concern their own instrumentalities' economic activity than when they purport to act for all their citizens.[12]

To be sure, the Supreme Court has held that, even in traditional areas of state power,[13] state laws may be invalid if they involve detailed state scrutiny of foreign nation's practices and have a direct effect on foreign relations.[14] However, a state does have some power to act on the basis of judgment about a foreign country.[15] Where a state statute has only "some indirect or incidental effect in foreign countries" it will be upheld.[16] On balance, the combination of the limited impact of public employee pension plan divestment on foreign affairs and the fact that it would affect only funds of public origin[17] supports the view that the constitutional arguments against divestment legislation are unlikely to render such legislation invalid.

[7] *White v. Massachusetts Council of Construction Employers*, 103 S.Ct. 1042, 752 L.Ed.2d 1 (1983) (involving a Boston city ordinance requiring that city funded construction projects employ at least half Boston residents; the court found that the city had a "proprietary" role in the case, and declined to apply the Commerce Clause); *Reeves Inc. v. State*, 447 U.S. 429 (1980); *KSB Technical Sales Corp. v. North Jersey Dist. Water Supply Co.*, 75 N.J. 272, 381 A.2d 774 (1977), *appeal dismissed*, 435 U.S. 982 (9178) (applying state "proprietary" rule to foreign commerce).

[8] *Reeves Inc. v. State*, 447 U.S. 429, 430-39 (1980), quoting *United States v. Colgate & Co.*, 250 U.S. 300, 307 (1919).

[9] *See* for the same argument refuting a commerce clause challenge, Maryland Atty. Gen. Opin. Letter (1984), re House Bill 1267.

[10] U.S. Const. art. VI; Law Comm. Mem., *supra* p. 51 n.4, at 21.

[11] *Zschernig v. Miller*, 389 U.S. 429, *reh. denied* 390 U.S. 974 (1968).

[12] *KSB Technical Sales Corp. v. North Jersey Dist. Water Supply Comm.*, 75 N.J. 272, 381 A.2d 774 (1977). *Reeves v. State*, 447 U.S. at 438-339.

[13] *Garcia v. San Antonio Metropolitan Transit Authority*, 53 U.S.L.W. 4135 (U.S., Feb. 19, 1985).

[14] *Zschernig v. Miller*, 389 U.S. 429 (1968).

[15] *E.g.*, a state court can examine the fairness of the legal process of a foreign country in deciding whether to enforce a judgment rendered in that country. *J. Zeevi & Sons Ltd. v. Grandlay's Bank Ltd.*, 37 N.Y.2d 220; 371 N.Y.2d 892, 333 N.E.2d 168, *cert. denied*, 423 U.S. 866 (1975); Lawyers Comm. Memo, *supra* p. 50, n.4, at 22.

[16] *Clark v. Allen*, 331 U.S. 503 (1947).

[17] *See also Pac. Gas & Elec. v. St. Energy Resources Conserv.*, 103 S.Ct. 1713, 1727-1728 (1983). Unlike the "confiscatory" Oregon statute at issue in *Zschernig v. Miller*, divestment legislation does not intrude on the private property rights of foreign nationals since it concerns only a state's investment of its own funds. Law. Comm. Memo. *supra* p. 50 n.4 at 27.

THE NEED TO RECOGNIZE RELIGIOUS DISCRIMINATION IN NORTHERN IRELAND

Mr. DECONCINI. Mr. President, I congratulate my colleagues who have put so much effort into the consideration of policies and action designed to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon those policies. I firmly believe that the administration's policy of constructive engagement has not worked. We must try a new and stronger approach, for if South Africa continues to ignore the pleas from the nations of the world to rid itself of apartheid, it will doom itself to chaos and ultimate destruction.

However, Mr. President, I believe that it is also extremely important that our Nation face certain other problems of discrimination that are as ingrained in the societies of other nations of the world as they are in South Africa. I speak here today of the nation of Northern Ireland and the religious discrimination that has not only caused Catholics and Protestants to commit violence against one another but which has caused economic hardship for the Catholic minority in all walks of life.

Now, there is no doubt that Northern Ireland does not have the strategic importance to the United States that South Africa does. Northern Ireland is not a pivotal nation in a volatile continent. However, I would like to think that our action here today in support of antiapartheid action is motivated not because of strategic reasons but because of moral principles that our Nation has attempted to follow since its creation. Therefore, just as we are beginning to use our economic influence to alter the policies of discrimination in South Africa, so too should we use this influence to oppose discrimination in Northern Ireland.

Mr. President, my recent trip to Northern Ireland has demonstrated to me one clear means for combating economic discrimination in Northern Ireland. Currently, only 5 of the 24 U.S. companies doing business in Northern Ireland are located in Catholic sections of the nation. What is worse is that almost all of these 24 companies have been automatically caught up in the systematic pattern of anti-Catholic discrimination in Northern Ireland by failing to employ a full and proportional representation of Catholics, particularly in their top management positions.

The "Sullivan Principles," which the legislation that we are considering today endorses, were formulated as a corporate code of conduct for American companies doing business in South Africa in order to eliminate the possibility that these companies might be caught up in the apartheid policies of the Government of South Africa. Those concerned about religious discrimination in Northern Ireland have utilized the "Sullivan Principles" as a model for what is known as the MacBride principles, named after Sean MacBride, winner of the Nobel Peace Prize and the American Medal of Justice, and cofounder of Amnesty International. The principles are as follows:

First, increase the representation of individuals from underrepresented religious groups in the work force including managerial, supervisory, administrative, clerical, and technical jobs.

Second, adequate security for the protection of minority employees both at the workplace and while traveling to and from work.

Third, the banning of provocative sectarian or political emblems from the workplace.

Fourth, all job openings should be publicly advertised; and special recruitment efforts should be made to attract applicants from underrepresented religious groups.

Fifth, layoff, recall, and termination procedures should not in practice favor particular religious groupings.

Sixth, the abolition of job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

Seventh, the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of all categories of minority employees.

Eighth, the establishment of procedures to assess, identify, and actively recruit minority employees with potential for further advancement.

Ninth, the appointment of a senior management staff member to oversee the company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

These principles are clearly targeted toward fair and equal treatment for all citizens of Northern Ireland, and their adoption by the 24 American corporations in Northern Ireland would be a significant step toward fighting the religious discrimination that has caused so much inequity, death, and destruction in Northern Ireland. I urge my colleagues to continue the fine example of fighting discrimination in South Africa by turning their attention to the extremely difficult problems of Northern Ireland and to encourage the adoption of such basic policies as the MacBride principles by all entities involved in that nation.

Mr. BUMPERS. Mr. President, I rise today in support of this important piece of legislation because I believe the time has come for us as a nation to make a substantive statement to the world in general, and the Government of South Africa in particular, that its systematic oppression of 23 million blacks can never be accepted by the United States. Our policy must reflect our principles, and our resolve to combat racism must be stated clearly and without equivocation. As the foremost champion of freedom and human dignity on the globe, the United States can do no less.

The immorality of apartheid is unmistakably clear. There exists in South Africa a political, economic, and legal system that oppresses people solely on the color of a person's skin. It is a system that says in its legal code that if you are black, mulatto, colored, or Indian, you are not entitled to the rights of full citizenship. By saying that an individual is not entitled to full political, legal, and economic rights, the Government has mandated and legislated his inequality.

The labyrinthine laws, known as apartheid, shrouded in the rhetoric of ethnic self-determination and the rule of law, are but a sinister scheme of a small minority to dominate the large majority. The tyranny of a minority in itself is unfortunately not unusual or uncommon in the history of man. What makes the practice of apartheid so utterly immoral and unacceptable is the codification of that dominance based on one single criterion: race. We cannot shirk our responsibility to voice in the loudest possible terms the indignation that racism brings to the human spirit wherever and whenever it occurs.

The determination of political rights on the basis of race contradicts the fundamental political underpinnings of Western democracy, a belief in the fundamental equality of man, and with that, the recognition that every man is endowed with inalienable rights. When South Africa enacted the Population Registration Act of 1950 and the other pillars of apartheid, which excluded nonwhites from the Government, South Africa violated every principle of human rights.

Mr. President, despite the constant pledges of the present regime in South Africa to reform the laws of segregation and discrimination, that regime made a calculated move that now entrenches the evils of apartheid into South Africa's constitution. A new constitution, accepted by a whites-only referendum in November 1983, permanently institutionalizes the categorization of population groups on the basis of race and simultaneously entrenches the white minority as the sole possessor of political power. The pillars of grand apartheid, formerly laws subject to a simple process of repeal, are now embodied as the fundamental, organic law of South Africa.

This is but one reason why we must reevaluate the role the United States plays in South African society and the extent to which our economic and social influences there may help to perpetuate racism and discrimination. The legislation pending here is the result of that reevaluation.

There is in this body and in the House of Representatives a truly bipartisan consensus in support of applying pressure against the regime in Pretoria to end the tyranny of apartheid. The measures being considered are a step toward placing this country on the side of the oppressed, not the oppressor. All too often in our history we have committed the fallacy of supporting repressive regimes that are destined to fall. We cannot repeat the mistakes we made in Iran and Nicaragua, and are now making in the Philippines. The ruling white minority South African Nationalist Party, which governs that country, is fighting the tide of history. They ultimately will fail; time is against them. No matter how they maneuver, they cannot forever force down the lid on the boiling kettle of South Africa. A violent explosion is absolutely certain unless the rules are changed soon.

Simply put, the sanctions in S. 995 are in the long-term security interests of the United States. They remove any doubt that we are on the side of change in South Africa. They unmistakably tell South African blacks and their neighbors in the southern African region that we are on their side in the struggle for freedom. The question is not which side South Africa ultimately chooses, the question is whether the United States is going to honor its national character and condemn oppression of human beings wherever it occurs and under whatever guise. We would not find ourselves considered by the Nicaraguan people to be their foremost enemy if we had not supported the Somoza dictatorship for over 40 years. We are lucky not to be in worse shape than we are in Central America, considering our sordid history of intervention there.

With these sanctions we say to the South African Government that we are committed to peaceful evolution, and that we believe there is still time. This legislation is not nearly as Draconian as it might have been.

Within South Africa today the laws and policies of apartheid—the homelands, the shantytowns, the migrant labor system, the forced relocations, the decentralization program, the banning orders of incommunicado detention, separate and inferior education for blacks—all serve to literally enslave the vast majority and to use their labor, their backs, and their sweat to ensure a luxurious lifestyle for a small minority. It is hardly different from the system we repudiated 125 years ago. It is an anachronism, it is grossly immoral, and ultimately, it is self defeating.

With this legislation we also seek to focus the world's eyes on the 16 leaders of the United Democratic Front who are facing trial in South Africa for the crime of high treason. The South African Government, rather than consulting legitimate political leaders of the opposition parties, instead seeks to confront them with the powers of the state. This case does not merely set the Republic of South Africa against the UDF, a legitimate multiracial opposition party, but pits the apartheid regime against the people. We say with this legislation that the victims, such as Nelson Mandela and hundreds of others, have not been forgotten by the United States. We say that we are willing to take a stand on their behalf and to pressure the government for their release.

Tensions in southern Africa, both within the borders of South Africa and beyond, are at their highest pitch since white minority rule began in South Africa in 1949. The violence escalates on a daily basis. Over 350 people have lost their lives in township violence and rioting in South Africa within the last year. The untold amounts of tear gas, birdshot, and rubber bullets fired at protesters add to the human suffering in an incalculable way.

The cause of the strife in South Africa is not in question—it is the rule of apartheid. Only with the repeal of calculated racial discrimination can the forces of reconciliation begin to overtake the vicious cycles of violence and repression.

Mr. President, the time has come for us to recognize our responsibility as the leader of the free world, stand by our values, and defend freedom. Until the 23 million blacks and other persons of color of South Africa are enfranchised with full participation in their national Government, it is our duty to pressure that Government to end its perverse tyranny. Our own history, our own victories over the forces of racism and tyranny, our own struggles with these very same questions, demand that we take action. We must do it to keep faith with ourselves as well as with the oppressed.

Mr. KENNEDY. Mr. President, the Senate casts an historic vote today, a vote against apartheid, a vote for the democratic principles we all hold dear.

With this vote we heed the moral outrage that has been expressed across this country. We heed the voices of the many millions of Americans who have campaigned for anti-apartheid laws in cities, States, on campuses, and in unions and churches.

I would like to thank some of the organizations that have worked so hard to educate this Nation on the horrors of apartheid: The coalition known as the Free South Africa Movement; Trans Africa and its founder Randall Robinson; the Washington Office in Africa; the American Committee on Africa; the Lawyer's Committee Southern Africa Project; Lawyers Against Apartheid; Americans for Democratic Action; and numerous religious, civil rights, and educational organizations.

Their tireless work has turned the attention of the Nation to one of the worst injustices of our era. The work of these men and women represents our democracy at its best.

Mr. SPECTER. Mr. President, I firmly believe that we must act now on the apartheid question. My preference is S. 635, the Kennedy/Weicker bill, which I cosponsored. Since that legislation is not presently before the Senate, I am voting for S. 995 the Dole/Lugar Anti-Apartheid Act of 1985.

South Africa is the only country in the world that constitutionally enshrines white supremacy and racial oppression. Under the system of apartheid, which was officially implemented as South African Government policy in 1948, the black majority is denied even the most basic rights which we as Americans hold dear.

Unlike citizens of the United States, members of the black majority are denied the right to vote, or to live in the community of their choice. Husbands and fathers are separated from their families by law most of the year, while being forced to live in hostels near major urban centers, thereby ensuring a continuing supply of cheap labor to the white minority who control the country. This intentional destruction of black families is perhaps the most dehumanizing aspect of apartheid. To further humiliate and dehumanize them, blacks are forced to carry a domestic passport, or passbook, when they travel throughout certain areas of their own country.

We know that apartheid is a violent system. Perhaps Bishop Desmond Tutu describes it best:

> The primary and provocative violence is the violence of a deliberately inferior educational system . . . of hunger and malnutrition . . . of forced population removals of blacks uprooted from their home and dumped in the poverty-stricken bantustan . . . of the migratory labor system which forces (black) men to live an unnatural existence in single-sex hostels with deleterious consequences for black family life, the legalized violence of detention without trial . . . as well as the violence that kills nonviolent opponents.

The growth of the free South Africa movement in the United States should be seen as a signal to the Senate that the American people are looking to us for leadership on this issue. It is my sense that as the champion of equality, democracy, and human rights, we are honor-bound to take definitive action on the apartheid issue—a problem which our policy of constructive engagement has been unable to resolve.

In Pittsburgh, PA, ordinances prohibiting the city from entering into contracts with individuals or entities providing goods or services to the Government of South Africa, and prohibiting city moneys from being invested in South African securities, stocks, or in other obligations of any national corporation of South Africa, were passed by city council and signed into law by Mayor Richard Caliguiri in February of this year.

In Philadelphia, Councilwoman Joan Specter has introduced legislation prohibiting the city of Philadelphia from depositing money in financial institutions that underwrite securities for South Africa or Namibia, or that provide loans other than for educational, housing, or health efforts to all people. Her legislation would also prohibit the city of Philadelphia from doing business with companies that promote the sale of the South African Krugerrand.

Councilwoman Specter was also responsible for initiating successful legislation requiring the divestment of the city of Philadelphia pension funds from its holdings in South Africa. Councilwoman Specter introduced her divestment bill on June 25, 1981. On June 17, 1982, the city of Philadelphia became the first major city to pass divestment legislation. The action initiated by Councilwoman Specter resulted in the divestment of $90 million of city of Philadelphia pension funds from South Africa.

It is my sense that the action we are taking is long overdue. Since 1977, Rev. Leon Sullivan of Philadelphia has pioneered efforts to promote racial equality in employment practices for U.S. firms operating in South Africa. His efforts, and those of companies following the Sullivan principles, have helped make life better for South Africans employed by participating firms.

In voting to table the Wallop amendment, which incorporated the House bill which is the same as S. 635 (the Kennedy/Weicker bill), I joined Senators KENNEDY and WEICKER, who also voted to table the Wallop amendment. In order to serve passage of an anti-apartheid bill at that time so as to go to conference with the House, an agreement was made to defeat all amendments—even one which Senator WALLOP offered as a tactical matter, even though it was the same as S. 635. Notwithstanding this procedural maneuvering, I support the principles of S. 635 and will support the House bill in conference.

I ask unanimous consent that the attached eloquent statement on this issue articulated by the Philadelphia Lawyers Against Apartheid be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PETITION TO THE CONGRESS OF THE UNITED STATES

We, the undersigned lawyers of Philadelphia,

Dedicated to justice and the International Rule of Law,

Affirming our commitment to the Universal Declaration of Human Rights, as well as the United Nations' resolutions and decisions of the International Court of Justice condemning Apartheid,

Having learned the lessons of the Holocaust and mindful of the precedents of Nurenberg, and

Assuming our responsibilities and obligations as a free people in a free society,

Call upon all sectors of American Society, its governmental units—national, state, and local—its institutions, public and private, industry and labor, to mobilize forcefully and publicly assert the full moral, economic, and political force of this great Nation on the leaders and people of the Union of South Africa to abolish, immediately and forever, the loathsome and unjust system of Apartheid by which the black majority, constituting 73 per cent of the population, are virtually enslaved, being deprived of their freedom

To live and work where they want,

To speak and write as they will,

To travel freely within their own nation,

To earn fair and equal wages,

To vote, organize politically, and be represented within their national government, and

To have fair trials and the equitable resolution of their grievances.

This abhorrent and inhumane system must be abolished.

To that end, we urge that:

The process of American disengagement from the Union of South Africa be commenced,

Our resources be removed,

Our technology and military supplies be denied,

The United States impose economic sanctions on the Union of South Africa, including the cessation of all trade with that nation, and that,

Our national government should call upon the governments of all nations to undertake similar steps.

We take this position mindful of its harshness and of the burden it will impose on ourselves, as well as the Union of South Africa, but in the unhappy conviction that the time for moral suasion, temporizing, and importuning has long since passed. The powerful entreaties of the past have all been cruelly ignored by Pretoria.

We acknowledge that these steps will not be quickly or easily accomplished, but we are prepared to stay the course.

To do less would betray our conscience and condemn the South African multitudes to slavery and escalating violence.

As lawyers, dedicated to the Rule of Law, we have responded with compassion to the suffering of black South Africans and in support of the good people of South Africa, white and black, who seek the establishment of justice.

APARTHEID MUST END

Mr. LAUTENBERG. Mr. President, I rise in strong support of final passage of S. 995, the Anti-Apartheid Act of 1985.

Mr. President, this bill puts the Senate squarely on record in opposition to the inhumane South African system of racial oppression known as apartheid. It calls a halt to our Government's policy of constructive engagement by committing us to a concrete set of sanctions aimed at pressuring the South African Government to dismantle apartheid.

Constructive engagement has not worked. It may well be the longest and least constructive engagement in history. Almost daily, the media depicts the senseless killings of blacks, the mounting injustices to which they are subjected, and the violence that continues to erupt under such conditions. On July 10, the Washington Post carried yet another story of seven blacks who were shot to death by South African police, bringing to at least 11 the number killed since last week. Since last September, at least 450 blacks—some say over 500—have died in unrest in black townships and black mineworkers' compounds.

The hoped-for progress in South Africa's vast system of repression has not been forthcoming. And there is a growing outrage in this country as Americans become aware of the brutal reality of South Africa's racist, repressive regime. As a matter of official policy, South Africa routinely deprives the vast majority of the South African population of the civil and political rights that Americans cherish. Through its system of apartheid, the South African Government allows a minority of 4.5 million whites to deny 22 million black South Africans their civil rights.

Black people are not citizens in their own country, nor are they treated as such.

They do not have the right to vote. They cannot join a political movement to take part in any way in the government that rules their country. They live where they are told, in areas designated by whites, and carry passbooks whenever they move beyond that area. If the government declares their home a black spot, they can be forcibly dispossessed and removed to a desolate, undeveloped ghetto which the government has designated their homeland. They cannot even live with their own family if their assigned work site is in a white area.

There is no way out for blacks who seek to better their lot. Less than half of black adults can read and write. The state spends 11 times more on a white child's education than on a black child's. Blacks have minimal job opportunities, and on average, black South Africans earn less than a third what white workers do. No matter how much education a black South African receives or how hard he works, a black's chances for advancement are nonexistent. And he risks jail if he strikes for better wages or justice on the job.

This entrenched system of pervasive racism is an affront to all our country stands for. It is time that we took action to make clear our commitment to justice and equality for all of South Africa's people. We must show the black South Africans that we stand with them in their struggle to be free, not with their oppressors.

The Anti-Apartheid Act of 1985 makes it clear that apartheid is not acceptable to us, and that we will actively encourage the South African Government to change that system. It imposes an immediate ban on bank loans to the Government of South Africa or any corporation controlled by the Government, prohibits nuclear trade until South Africa signs the Nonproliferation Treaty, and bans the sale of computers to those parts of the South African Government that are directly involved in the enforcement or administration of the policy of apartheid.

I urge my colleagues to affirm the basic principles for which our Nation stands and approve this legislation.

Mr. DANFORTH. Mr. President, I thank the managers for agreeing to include in this package the amendment by Senator MCCONNELL and myself to require a study of health care conditions and the extent of starvation and malnutrition in the homelands areas of South Africa.

There is a growing body of evidence that health care conditions in these areas have reached a critical state and are, in fact, growing worse. The "Carnegie Inquiry into Poverty and Development in South Africa," for example, makes for appalling reading. According to this report, the proportion of urban families living below the poverty line is about 7 percent; in the homelands, however, this figure reaches 80 percent.

South Africa as a whole has one hospital for every 3,900 persons. But the best ratio in any of the homelands is one hospital for every 68,000 persons. Nonwhite infant mortality is six times that of whites, and reaches 31 times higher in certain rural areas.

Forced overcrowding in the homelands is causing the collapse of even subsistence agriculture as space for crops and cattle disappears. The Carnegie report reveals that estimates of the number of starving children under five range from 2½ million to 20 million.

Mr. President, this amendment will simply require the Secretary of State to study and report on these conditions. It is my hope that this report will both provide us with a better picture of and focus world attention on this problem. Any report, however, will be only a first step to more concrete measures to deal with this abhorrent situation. I appreciate the cooperation of Senators LUGAR and CRANSTON in beginning this process.

Mr. BRADLEY. Mr. President, I rise in strong support of the Anti-Apartheid Act of 1985 and I urge my colleagues to join me.

This legislation represents an important shift in the U.S. attitude toward the Government of South Africa. The policy of "constructive engagement" pursued by this administration has offered South Africa a series of carrots to encourage the abolition of apartheid. The bill we are discussing today is a judgment that this policy has failed. The policy of constructive engagement has not brought about significant reform in South Africa. The absense of reform has disillusioned South African blacks. It has reassured South African whites that the United States will continue to accept apartheid as long as their country can be presented as a bulwark against communism.

In my view we should scrap constructive engagement. The bill we discuss today reflects this change.

The provisions of the Anti-Apartheid Act are as follows:

Bans loans to the Government of South Africa;

Bans nuclear trade between the United States and South Africa;

Makes the Sullivan principles mandatory for the U.S. Embassy and U.S. companies operating in South Africa;

Provides $15 million annually for scholarships for black South Africans to attend schools in South Africa;

Provides $1.5 million annually for the U.S. Human Rights Program in South Africa, 20 percent of which is reserved for legal defense of those prosecuted for political reasons; and

Bans sales of computers and computer-related goods and technology to South African Government agencies enforcing apartheid.

What these provisions say is this: You, the South African Government, can no longer count on cooperation from the United States as long as you maintain your immoral system of apartheid. Until you make changes, we will cease to be cooperative. We will engage ourselves in South Africa in the most effective and positive way—support for the economic, educational, and social well-being of black South Africans. We will provide funds for education of black South Africans. We will provide funds for aiding the victims of apartheid. We will no longer support you with loans; we will require our companies to desegregate their facilities, increase black participation in managerial positions, improve living conditions, and recognize union rights; and we will ban trade in nuclear and other materials. If no progress is made

in the next 18 months, other actions will be taken. In short, until progress toward dismantling apartheid is made, our policy will be increasingly insistent.

The most effective force for change in South Africa is dissent from within. The current unrest—the strikes, riots, and boycotts—on the part of black South Africans is far more effective at bringing about change than the actions taken or not taken by foreigners. Our role is to support the black South Africans in their quest for human dignity. Our role is to make our presence in South Africa a force that will reinforce the efforts of black South Africans. Our goal ought to be to give South African blacks the economic confidence to force political concessions from the white government. The provisions of this bill serve this goal.

I urge my colleagues to support this bill.

Mr. GLENN. Mr. President, I rise to express my support for the legislation currently before us. I would have preferred that the bill be strengthened by the inclusion of the additional sanctions contained in S. 635, namely a ban on new U.S. investments and on the sale of Krugerrands in the United States. However, this bill does at least begin to back up with concrete action our long-expressed abhorrence of apartheid.

I must say that I believe the administration's policy of "constructive engagement" has been a serious mistake. It gives the appearance of condoning apartheid and encourages South Africa to believe it can indefinitely delay a Namibian settlement. It has provided both tangible and symbolic rewards to South Africa while receiving precious little in return. It is time to move away from constructive engagement. It is most unfortunate that the administration continues to cling to its discredited policy, leaving it to the Congress to take the initiative to express the moral outrage of the American people at the perpetuation of the most blatantly racist system on the face of the Earth.

We Americans take as a universal given that all men, no matter what the color of their skin, have certain basic human rights. In South Africa today these basic human rights are consistently denied to the majority of the population based solely on the color of their skin. Let their be no misunderstanding about what the purpose of apartheid is. It is to deny basic rights, even citizenship, to the entire black population of that nation. This system is abhorrent to the principles we hold dear. We cannot be silent in the face of such odious subjugation of the majority of South Africans. I trust that every single Member of this body would agree that the scheme of grand apartheid is appalling, inhumane, and unjust. But simply agreeing with that assessment is not enough. I believe we have a responsibility to raise our voices in united protest, and we must demonstrate that our protest is more than a rhetorical exercise. I trust that the Senate, by an overwhelming majority, will join the House in cause and in conscience to reject and condemn the outrage that is apartheid.

Mr. PELL. Mr. President, Senators CRANSTON and PROXMIRE have been having a very useful and important discussion on whether S. 995, the Anti-Apartheid Action Act, would preempt State and local laws requiring divestment of State and local funds, including pension funds, from U.S. companies that have investments in South Africa. These laws have been adopted in response to public outcry over South Africa's evil system of apartheid. They are a testament to the effectiveness of the grassroots anti-apartheid movement and to the dedication of many State and local officials who have championed their cause.

To date seven States, including my own State of Rhode Island, and 28 cities have adopted laws restricting the investment of public funds in American companies or banks that do business with South Africa. The Rhode Island law requires the phased divestment of State funds over 4 years. In the last phase, funds could be retained in American companies that are in the top category under the Sullivan principles. I would like to compliment those in the Rhode Island divestment movement for their hard work and to make it clear that in my mind, passage of a Federal anti-apartheid bill is not meant to nullify State and local laws restricting the investment of public funds in U.S. banks and companies involved in South Africa or to undermine the activities of the grassroots organizations against apartheid.

Mr. THURMOND. Mr. President, the Senate votes today on a measure which imposes a variety of economic and political sanctions against the Government of South Africa as a formal protest of its policies of apartheid.

While I am firmly opposed to that Government's unjust and brutal doctrine of racial separatism, and its violent clashes with antiapartheid groups, I must nevertheless oppose this measure.

Mr. President, if this measure were a denunciation of apartheid and a reaffirmation of our Government's belief in the fundamental rights of all pesons—regardless of race, creed, or any other consideration—then I would be pleased to support it. I sincerely doubt that any Member of this body, or of the entire Congress, would reject such a measure.

A recent article published by the Heritage Foundation summed up the situation appropriately by saying:

> Few Americans, if any, defend South Africa's brutalizing racial separation and discrimination policies that are called apartheid. Being for or against apartheid never has been an issue. The issue is, rather, finding the best ways by which the United States can foster apartheid's disappearance.

The bill we are considering today goes far beyond an expression of opposition to apartheid, and directly involves this Government in the internal affairs of another nation—one that is strategically important to the United States because of its global location and vast mineral resources. It is a government friendly to the United States in a troubled and increasingly important area of the world, and this country should take care to ensure that it does nothing that would jeopardize its own security interest in that region.

More important, this measure directly involves the Congress in the formulation and implementation of American foreign policy—a responsibility clearly reserved to the President under our system of Government.

President Reagan, who has also publicly repudiated the policies of apartheid, is working through diplomatic channels in a quiet, but effective, way to bring an end to these injustices. Some progress has been made in reforming South Africa's system of racial separatism, but all of us acknowledge that more must be done to bring an end to this intolerable abridgement of human rights.

Certainly the events of the last several months in that country, where violence has claimed the lives of many persons opposed to apartheid, should be condemned in the strongest possible terms. These events also underscore the need to end apartheid as soon as possible. However, it is not the responsibility of the Congress to dictate American foreign policy—especially one which threatens the economic and political stability of a nation which is so important to the security of the United States.

While we can argue over whether the sanctions included in this bill amount to U.S. disinvestment in South Africa, all of us should realize that a ban on bank loans and a variety of trade embargos can potentially threaten the economy of South Africa and economic opportunities of its citizens—both black and white.

Furthermore, this measure advocates still more retaliatory action in 18 months if significant progress has not been made in ending apartheid.

Mr. President, our own historical experience shows that social change of this magnitude does not occur quickly or with predictable regularity. It also demonstrates that the establishment of economic sanctions, timetables, and political pressure by outside sources is more often than not counterproductive.

I believe that this bill is such an approach, but more importantly, I believe that it is the responsibility and duty of the President, not the Congress, to administer such action if it is warranted.

In this case, it is the judgment of the President, the State Department, and many other respected foreign policy experts that this measure can accomplish little more than destabilizing a nation of extreme importance to our government, and compounding the wrath of radical elements in South Africa who are bent on the preservation of this brutal system.

Finally, Mr. President, I am concerned about the selective morality of attempting to invoke sanctions against only some governments which abridge fundamental human rights, while we remain silent about wholesale murder and brutality conducted by other regimes which are openly hostile to the United States.

While I do not advocate that the Congress become a foreign policy executor, I believe that we should be consistent in our expressions of moral outrage. Abridgement of human rights is wrong wherever it occurs, and if we are prepared to act against South Africa, then I would hope that we would remember that violence and oppression are routine and well-established practices in the Soviet Union, its Eastern bloc allies, and in other corners of our world.

For these reasons, I urge my colleagues to reject this measure and rally behind a more productive course of action, like that advocated by President Reagan, that will bring an end to apartheid without jeopardizing the security of South Africa or the United States.

Mr. KENNEDY. Mr. President, earlier this week, we learned that efforts would be made to use this legislation as a vehicle to preempt State and local actions against apartheid.

Senators ROTH and MCCONNELL introduced two amendments—No. 433 and 435—which, if enacted, would have set forth the intention of the Senate that this legislation would preempt any law, ordinance, rule or regulation which in any way related to South Africa or to apartheid.

Presumably these amendments were introduced because the sponsors believed that, without them, there would be no preemption.

Those Senators were correct in their assessment that without a specific statement by Congress of an intent to preempt such local legislation, the courts would not infer such an intent and state statutes would be accorded a presumption of legitimacy.

During the deliberations on this legislation, a series of noncontroversial amendments were accepted by the floor managers on both sides of the aisle. But the Roth-McConnell amendments on preemption were clearly controversial in nature. They would not have been accepted, they were not offered, and they are not in this legislation.

And so, S. 995 will pass the Senate without any statement by the Senate that this law is intended to preempt State and local laws relating to apartheid.

In the absence of any such statement of intent to preempt by Congress, the law is clear that this legislation will not preempt the kind of State and local action against apartheid that has occurred throughout this country over the past 8 months. Certainly that is not the intention of this Senator in voting for this bill.

The legal issue that would be raised by the critics of these local efforts would be whether a State statute dealing with apartheid would in fact be preempted by this Federal statute on the grounds that such a local statute would be an intrusion into an area of foreign policy reserved exclusively to the Federal Government.

It is clear—based on the Supreme Court's decisions in KSB Technical Sales Corp. versus North Jersey District Water Supply Commission, handed down in 1977, and in Reeves Inc. versus State, handed down in 1980, that the freedom of States to take action that has some impact on international affairs is much greater when, as with investment of State moneys or pension funds, the issues concern the States own instrumentalities' economic activity than when the States purport to act for all their citizens.

It is also clear—based on the Supreme Court decision in Clark versus Allen—handed down in 1947—that, where a State statute has only some indirect or incidental effect in foreign countries, that statute will be upheld. On balance, the combination of the limited impact of public employee pension plan divestment on foreign affairs and the fact that such divestment would affect only funds of public origin supports the conclusion that such plans and statutes would not be preempted by this legislation.

Proponents of preemption claim that the decision of Zschernig versus Miller holds otherwise. But unlike the "confiscatory" Oregon statute that was at issue in that case, divestment legislation does not intrude on the private property rights of foreign nationals since it concerns only a States investment of its own funds.

This judgment is confirmed by a series of legal experts who have looked into this question. Thomas Troyer, a partner in the distinguished Washington, DC, tax firm on Caplin and Drysdale, has written a report which confirms this judgment. The attorney general of the State of Maryland, in response to a request from Governor Hughes, issued an opinion letter that also reaches that conclusion.

Certainly there is no intention by this Senator and I know of many others—that this legislation should preempt ordinances or regulations that local, municipal and State governments may enact on the issue of apartheid.

Mr. LEVIN. Mr. President, earlier this afternoon I very reluctantly voted to table the Humphrey amendment and against the Wallop amendment. I support their basic thrust and will indeed cosponsor them if they are introduced separately. As a matter of principle and as a matter of record, I have supported sanctions against countries other than South Africa which violate human rights and deny their citizens full political participation.

However, what we are faced with today in the Senate is the fact that the adoption of these amendments would jeopardize the expeditious passage of a strong underlying bill, which represents the Senate's most definitive effort to date to express disapproval of the heinous policy of apartheid in South Africa. Passage of these amendments today on this bill would run the risk of having this legislation bog down with the effect that it will help no one—not in South Africa or the Soviet Union or anywhere else.

In addition, there has been an agreement reached early today among this bill's supporters to refrain from offering amendments. As I indicated earlier, I respected that agreement by deciding not to offer an amendment of my own which would have provided that the President urge the Government of South Africa to abide by the principle of one person, one vote. In voting as I did on Humphrey and Wallop, I am continuing to respect this agreement, even though in these instances it results in my voting against amendments with which I am in basic agreement and which I can support in separate legislation.

The reason I voted to table the Symms amendment was altogether different. I voted to table that amendment because I share the sentiments expressed by the late Steve Biko who gave his life in the cause and struggle of freedom in South Africa. He said:

> The argument is often made that the loss of foreign investment would hurt blacks the most. But it should be understood in Europe and North America that foreign investment supports the present economic system of political injustice. . . . If Washington is really interested in contributing to the development of a just society in South Africa, it would discourage investment in South Africa. We blacks are perfectly willing to suffer the consequences! We are accustomed to suffering.

HOW CAN THE UNITED STATES BEST HELP SOUTH AFRICAN BLACKS?

Mr. HATCH. Mr. President, it seems to me that the fundamental question underlying this debate today on S. 995 is "how can the United States best help South African blacks?" There are sections of this bill, such as section 4 which provides scholarships for black South Africans, that I wholeheartedly endorse. At the same time, Mr. President, I have strong reservations about certain provisions of S. 995 because I believe that however well intentioned these measures may be, if implemented, they would actually backfire. The ones who would suffer the most would be South African blacks.

I am particularly concerned about sections 10 and 11 which make it mandatory for U.S. firms to comply with a code of employment principles similar to the Sullivan code. Mr. President, the key word here is "mandatory." I fully support the spirit behind the "Sullivan principles," and I believe these principles serve as a useful tool to encourage U.S. companies to help South African blacks. Although at first glance it may sound like a good idea to legislate mandatory compliance with a code of labor practices for U.S. businesses operating in South Africa, actually there are a number of serious drawbacks to this approach. For the benefit of my colleagues, I would like to briefly summarize my concerns and then go into greater detail. My objections to sections 10 and 11 of S. 995 are as follows:

First, mandating a set of employment principles for U.S. firms operating in South Africa would be counterproductive. The vast majority—over 80 percent—of South Africans who work for American companies in South Africa are employed by firms that already voluntarily adhere to the code of employment conduct established by Rev. Leon H. Sullivan in 1977. These companies have committed themselves to nondiscrimination in the workplace and to upgrading the working conditions, skills, and earning levels of their nonwhite employees. According to a progress report published by a task group of the Sullivan signatory companies, from 1977 to June 1984, American companies doing business in South Africa spent $100 million on social programs that have benefited nonwhites in that country. These community development activities have more than doubled since 1980. They include support for black business development, assistance to black education, housing, health and community recreation programs. Mr. President, I believe the key to the success of these efforts is the spirit of volunteerism at work. Mandating adherence to what has been a voluntary program could rob that program of much of its vitality, thereby reducing its contributing to the elimination of apartheid.

Second, under the current voluntary system, evaluation is based on relative performance. This means that companies in effect challenge each other to match higher levels of activity. Making the program mandatory would give the companies a minimum and maximum benchmark of performance, thereby encouraging a lowest common denominator instead of fostering maximum effort and creativity.

Third, section 10 of S. 995 is an attempt to politicize and bureaucratize a voluntary program that has been extremely successful. Its net effect could be to drive U.S. businesses out of South Africa, thereby depriving South African blacks of the jobs, training, and other social services that they receive from U.S. firms doing business in their country. American firms operating in South Africa provide jobs for 120,000 South African blacks. What will happen to these 120,000 blacks and to the rest of the black population who benefit from the spillover effect of U.S. business presence in their country if a number of these businesses leave South Africa?

Fourth, section 10(b) of S. 995 does not require that the Secretary of State establish objective criteria for firms attempting to comply with fair labor practices requirements set out in section 10 of S. 995. Without objective criteria, a company—despite its best efforts—could not be sure that it was properly implementing a code of conduct. This would add greater uncertainty to a company's plans to continue operation in South Africa.

Fifth, although in its present form S. 995 is generally consistent with U.S. labor law, at least one provision still goes beyond U.S. labor law: Provision 6 requires employers to "take reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health." This raises a fundamental question as to the equities involved in our country requiring more of employers located in foreign countries than is required of those located here. Congress and the courts generally have not applied labor law statutes extraterritorially for sound policy reasons. I might add that prescribing labor standards for employers in South Africa raises the question of enforceability because there is no comity of law.

Sixth, this measure is an intrusion into the labor-management relations of a sovereign state. In effect, it makes American businesses the agents of U.S. foreign policy. If South African conservatives rebel against this heavy-handed approach, the vital progress that American businesses have fostered to bring about the total elimination of apartheid could be halted or even reversed. As I stated at the outset, my deepest concern is that this well-intentioned but ill-advised bureaucratic nightmare would result in hindering our efforts to help South African blacks—instead of allowing U.S. businesses to continue working as an effective force for positive change in South Africa through their productive, voluntary efforts. As President Reagan has stated so many times, "If it isn't broken, don't fix it."

That concludes my summary, Mr. President. Now I would like to elaborate on my concerns.

When the "Sullivan Principles" were first promulgated in 1977 there were 12 corporate signatories. Today there are 157 signatories. From 1977–84 U.S. firms spent $100 million in South Africa in the fields of housing, education, training, supervisory/management development, black entrepreneurship, health and fair labor employment practices. Sullivan signatories have lobbied for changes in discriminatory legislation, increased the proportion of black workers in supervisory positions, provided common medical, pension, and insurance plans to all employees, instituted large-scale training programs for black workers, increased average black employee wages faster than for white employees, and supported public interest law firms which defend legal rights for black South Africans.

Specific initiatives by U.S. businesses include the establishment of PACE Commercial College by the American Chamber of Commerce in South Africa. PACE educates blacks in Soweto, the black township outside Johannesburg, for careers in business. The $6 million school includes 28 classrooms, an assembly hall, a library, a kitchen, a canteen, a gymnasium, and a wide variety of sports facilities. According to the American Chamber of Commerce in South Africa, PACE is the first school in Soweto to have a fully equipped theater, the first to introduce physical education into the curriculum, the first to have a computer-based teaching system, and the first to serve a balanced midday meal to all pupils and staff from its own kitchens. Tuition for students to attend PACE comes from donations from some 200 companies, trusts, and individuals. About half of these are South African and about half are American.

Mr. President, another innovate project funded by U.S. businesses in South Africa is the "Build a Better Society" Program known as BABS, which is funded in part by Mobil Corp. The objective of BABS is to promote grassroots resident action among the people of South Africa in order to improve the quality of life, to develop leadership for community problem-solving and to further the concept of equality by bringing about structural

change. In June 1982 BABS completed a $1.3 million housing project outside of Capetown consisting of 50 housing units and a community center. This $1.3 million project was entirely funded by Mobil.

I understand that another U.S. company, General Motors, spends roughly $4 million a year on training and social programs for blacks, including the "Adopt-a-School" Program which provides facilities, support for teachers, libraries, and audiovisual aids to schools.

U.S. businesses have also made an impact in the political arena. For example, in 1982 the South African Government put forth an onerous piece of legislation entitled the "Orderly Movement and Settlement of Black Persons" law. The purpose of this measure was to control the movement of blacks to and from urban areas. The U.S. business community strongly and directly criticized this reprehensible piece of legislation and the bill was withdrawn. A further example of the catalytic effort by U.S. companies occurred in January of this year when six major South African employer groups, including Afrikaaner and black groups, issued a "manifesto" opposing apartheid, calling on Pretoria to broaden political and economic participation for the black majority. Sullivan signatory companies took an important additional step last December: They pledged publicly to work directly for the elimination of apartheid. As a result of such commitments, U.S. companies having operations in South Africa have become agents for social change—a fact acknowledged by both nonwhite South Africans and the South African Government.

Mr. President, I believe the key to the success of these efforts to improve blacks' living and working conditions is the spirit of voluntarism at work. American companies and affiliates only have so much money, manpower, and resources to devote to their South African enterprises. The question is do we want them to devote their resources to building schools and housing projects and initiating training programs for blacks or shall we mandate that they devote their resources to additional layers of bureaucratic procedure?

Section 10 of S. 995 is an attempt to politicize and bureaucratize a voluntary program that has been extremely successful. If the U.S. Congress steps in and mandates a code of conduct for U.S. firms operating in South Africa, these businesses might close down their operations in Johannesburg and Pretoria and leave South Africa. This would undoubtedly be a hardship to the 120,000 South African blacks who are employed by U.S. firms—not to mention the rest of the black population who benefit from the "spillover" effect of U.S. business presence in South Africa. I am sure that my colleagues would be interested in the perspective of a black South African leader on this matter. The Honorable Gatsha Buthelezi, the leader of the Zulu people, with whom I have met personally, has said:

> Some in America have got the whole issue upside down. They seem to think it is immoral for American companies to invest here but irresistibly profitable. The truth is the opposite. It is morally imperative that American firms remain active here. . . . My people want you and need you here, just as we need the whites and the whites need us. Foreign investment creates jobs.

Mr. President, I am also deeply concerned that in at least one instance the code of employment practices in section 11 of S. 995 actually goes beyond U.S. labor law. Principle 6 states that U.S. companies shall take "reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health." This is a laudable objective, as long as this principle is voluntary. But it is another matter entirely for the U.S. Congress to mandate that U.S. firms operating in a foreign country shall undertake measures that they are not required to undertake in the United States. In effect, this would make U.S. companies the agents of U.S. foreign policy. I believe it would open a Pandora's box for the U.S. Congress to legislate labor standards in a foreign country. Where will it end?

Mr. President, another negative result of this measure might well be to strengthen the hand of South African conservatives who do not favor changing the status quo. Carl Gershman, former Counselor to the U.S. Permanent Representative to the United Nations, shares my point of view. In his testimony before the U.N. Committee on Racism and Racial Discrimination, Mr. Gershman stated that:

> The important question is how we can encourage the process of peaceful, democratic change in South Africa. The view that the only effective approach is increased international pressure and support for sanctions, overlooks the internal factors that compel change, and would, like a self-fulfilling prophesy, help bring about an Armageddon.

Samuel P. Huntington of Harvards's Center for International Relations has pointed out that "Reforms which appear to be granted under pressure will strengthen the ultraconservative parties against the Government, lead to more extreme demands from more groups, and provoke a counter-revolutionary backlash."

I might add that there is also the question of applying U.S. law extraterritorially. Through their voluntary efforts, U.S. companies have made a tremendous positive impact on South Africa. Ultimately, however, it is the South African Government that must legislate within its own borders. South Africa has a long, long way to go to abolish the reprehensible practices of apartheid. As I stated earlier, the question is, "How can the United States best help South African blacks?" I do not believe the answer is for the U.S. Congress to intervene in the internal labor relations of a sovereign state.

Mr. President, it is important to note that up until the present time, without codifying the Sullivan principles or any similar measures in U.S. law, dramatic changes have taken place in South African labor relations. U.S. companies have played a major role in encouraging these changes.

In 1977, the South African Government appointed a commission of inquiry into labor legislation, known as the Weihahn Commission. The purpose of the commission was to study existing labor legislation and to make recommendations for reforms. It is important to note that the commission was the first multiracial Government body in South Africa with representatives from all four officially recognized population groups. In May 1979 the Wiehahn Commission released its first report, while its second, third, and fourth reports were published in 1980. The major recommendations of the commission included: full freedom of association to all workers irrespective of race; provisional registration for new trade unions, enlarging the definition of political activities of trade unions; financial inspection for unions, employers' associations, industrial councils, works committees and works councils; admission of registered trade unions to industrial councils; abolishing the rephrehensible practice of job reservation; establishing a system of minority protection and fair employment legislation; and opening apprenticeships to all races in all areas.

Today the South African Embassy proudly reports that "all reference to race, color and sex has been removed from each and every piece of legislation administered by the Department of Manpower." This means that black workers have been legally granted the right to protection against unfair labor practices. Black trade unions now enjoy the same rights as their white, Indian, an mixed race counterparts to organize, to register, to bargain and to strike. The right to register is very important in South Africa. Until recently, only registered trade unions were allowed to participate in industrial councils, which are the organizations for collective bargaining. Although some black trade unions have refused to register as a means of protest, unregistered unions are now recognized by employers and Government as legitimate bargaining agents. The fact that black unions feel confident enough to challenge the labor relations system of South Africa is in

itself encouraging. Even more encouraging, there has been a recent upsurge in membership of black workers into multiracial and nonracial unions.

South African employers are no longer required to obtain a permit to hire a black worker. Ben Roberts, a professor of industrial relations at the London School of Economics, notes that this has had "a tremendous impact" on the South African labor force because for the first time blacks are moving into skilled work.

Admittedly, South Africa has a very long way to go to completely eradicate the reprehensible system of apartheid. However, let us not overlook what progress has been made: Just 5 years ago, black trade unions were illegal, unrecognized, and had no bargaining status whatsoever. Now they are viable, growing stronger, and becoming increasingly sophisticated. I believe these bread-and-butter changes in the workplace are providing the foundation for fundamental political and social changes.

In conclusion, Mr. President, let me say that the Sullivan principles are a useful set of guidelines for U.S. businesses to follow on a voluntary basis. However, it would be a grave mistake to bureaucratize and politicize this process, thereby unintentionally hurting South African blacks—the very ones we want to help in the first place. I believe that it would be a tragedy for us to abdicate our moral responsibility in South Africa by unwittingly driving U.S. businesses out of that strategically-important country.

Incidentally, both the Washington Post and the New York Times agree with me. I would like to end my remarks by quoting from a Washington Post editorial of October 29, 1983. The Post writes:

Some of the American companies operating in South Africa try to follow the Sullivan Code voluntarily. South Africa would be a better place if they all did. But to enact it into a law that applies in one not very friendly foreign country raises questions to which nobody in the House has any plausible answers. Who's going to monitor compliance? What happens when the Sullivan code conflicts with South African law? The trouble with unenforceable political gestures is that they divert effort from the kinds of slow and unspectacular work that might actually make a difference.

Mr. President, I couldn't agree more. I ask unanimous consent that this editorial be printed in the RECORD entirety.

Finally, Mr. President, I would vote to censure the abhorrent practice of apartheid but believe it extremely troubling to embroil these important principles of labor law in this manner and subject to State Department interference when conflicts with our own domestic laws as well as South African domestic laws are the certain result. I believe this bill to be extremely detrimental to the blacks in South Africa as well as to our future relations with this ally which, I would add, is vitally important to our country. This is especially so when, the actual and visible violations of human rights, civil rights and codes of proper international conduct by many other nations are ignored while singling out only South Africa for this primitive treatment.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SANCTIONS AGAINST SOUTH AFRICA

Moral indignation is a noble passion, and there is no country whose racial practices attract it so powerfully as South Africa's. But translating it into foreign policy legislation is full of pitfalls, and never more than when it's being done on the floor of the House of Representatives.

The House voted Thursday to prohibit any new American investment in South Africa. The author of that amendment, Rep. William H. Gray, says it means no investment by any company not already there—but that companies now there can expand. Does Mr. Gray really mean to protect the companies now there from any further American competition? Did the House realize it was creating, at least among American companies, a kind of franchise for those now in South Africa? Evidently not.

This language was pasted into the bill to extend the Export Administration Act, which now contains several other similarly well-intentioned provisions. One would apply the Sullivan code to American companies in South Africa, and give the U.S. government the legal authority to enforce it. Legal authority is one thing; practical means are another. The Sullivan principles apply a simple and clear rule of justice to labor relations in a society that has turned racial discrimination into an obsession. Some of the American companies operating there try to follow the Sullivan code voluntarily. South Africa would be a better place if they all did.

But to enact it into a law that applies only in one not very friendly foreign country raises questions to which nobody in the House has any very plausible answers. Who's going to monitor compliance? What happens when the Sullivan code conflicts with South African law?

Congress has repeatedly tried in recent years to impose American legal standards abroad. The South Africa amendments are hardly the most important example of the extraterritorial impulse in the Export Administration Act extension. It has been bogged down all year in the aftermath of the Reagan administration's failed attempts to force the Western Europeans to back out of their gas pipeline project with the Soviet Union. Since this kind of sanction has been notably unsuccessful in the past as a means of changing other countries' policies there is an unreal quality to the debate. But it goes on with undiminished vehemence.

As for the South Africa amendments, it's possible to argue that even if unenforceable they won't do any harm. So why not pass them. The trouble with unenforceable political gestures is that they divert effort from the kind of slow and unspectacular work that could really make a difference.

PREEMPTION OF STATE AND LOCAL LEGISLATION

Mr. McCONNELL. Mr. President, during the past year, many State and local legislatures have been prompted by public concern to address the issue of the South African Government's abhorrent policy of apartheid. In the absence of Federal legislation, an enormous variety of measures have been drafted, many of which are now either pending consideration by States or have been enacted.

Some bills demand corporations chartered in the State sever any business ties with South Africa. Others require State pension funds to divest holdings in companies investing in South Africa, and still others require companies to comply with the Sullivan code, a voluntary code of fair labor practices. This variance from State to State has caused confusion and concern on the part of small investors, pension fund administrators, and contributors, and corporations with South African business ties. It is clear that we cannot afford 50 or more foreign policy agendas and standards. Congress now has the opportunity to declare its intention to preempt State and local laws which conflict or interfere with the Federal legislation which I hope we pass this week.

In the past, Congress has preempted State action in any number of fields. In some cases, it did so because the State action was an invalid interference with the actual operation of a Federal program, such as the Federal regulation of employee pension plans effected through ERISA, the Emplyee Retirement Income Security Act. In others, it did so because the State action was an impermissible intrusion upon a field that Congress has validly reserved to the Federal sphere, such as labor-management relations. No field is more clearly suited for Federal control, and for the preemption of burdensome, duplicative, or conflicting State regulation, than that of foreign policy.

The Supreme Court has declared that the Federal Government:

Is entrusted with full and exclusive responsibility for the conduct of affairs with foreign sovereignties * * * Our system of government is such that the interests of the cities, counties, and States, no less than the interest of the people of the whole nation, imperatively requires that Federal power in the field affecting foreign relations be left entirely free from local interference.

That is exactly what this amendment will accomplish.[1]

It may well be that further legislative or executive action will be required following enactment of this bill. In fact, the bill itself contemplates the possibility of economic sanctions at a later date if necessary to achieve the purposes of the legislation. But those sanctions would be uniform in their creation and implementation. Clearly, at this point, the emer-

[1] *Hinds* v. *Davidowitz*, 312 U.S. 52 (1941).

gence of a comprehensive Federal policy and plan for conducting the United States relations with South Africa requires that Congress unmistakably declare the preemption of State and local laws that interfere with or overlap the Federal effort to bring about meaningful, effective, and responsible change in South Africa.

Senator ROTH and I offered an amendment which would have clearly established preemption of State and local laws on this issue. In withdrawing this amendment today, I have been advised that the passage of legislation by the Congress would automatically preempt State and local governmental activities seeking to influence the economic and political relationships between the United States and South Africa. I would like to ask the distinguished chairman of the Senate Foreign Relations Committee whether the advice I have received was correct and whether his understanding that the passage of this legislation exerts Federal authority in this field to the exclusion of State and local authorities?

Mr. LUGAR. Mr. President, the Senator from Kentucky is correct. A number of Members have inquired about the effect of this bill on State and local legislation. It is my intent, as the author of this bill and floor manager of it, to legislate U.S. national policy with respect to the Republic of South Africa. Some of the laws governing the investment of Government funds in companies doing business with South Africa or imposing other forms of sanctions on such companies necessarily interfere with the achievement of the programs mandated by this legislation. Companies which find themselves penalized by the States and localities for conducting their operations in South Africa at all will be less inclined to meet the standards mandated in the legislation. Companies may be reluctant to enter into joint ventures with black South African firms or to participate in Eximbank guaranteed loans if investment and other sanctions are imposed on them by State and local governments. This is clearly unacceptable and contrary to the intent of the legislation.

Mr. President, in my view there are sound reasons for preempting State and local laws on South Africa. This is a matter of foreign policy, and the Nation needs to speak with one voice on foreign policy. To have 50 States and hundreds of municipalities and counties each trying to conduct a different policy or to guide American businesses into different forms of activities in South Africa can only lead to chaos.

The American Law Division of the Library of Congress has prepared a legal memo on this subject. The Library has concluded that absent a legislative intent to the contrary, State and local legislation would be preempted. In replying to the Senator from Kentucky, I have relied upon this memo. I ask unanimous consent that a copy of the memo on preemption be reprinted in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, July 5, 1985.

To: Senate Committee on Banking. Attention: Patrick Mulloy.
From: American Law Division.
Subject: Preemption of State and local laws by Federal legislation respecting South Africa.

This memorandum responds to your inquiry with regard to the possible preemptive effects of the enactment of legislation pending before Congress upon similar laws or ordinances enacted or which may be enacted by the States and their political subdivisions. The subject matter of both national and local legislation concerns South Africa; specifically, both sets of legislation would impose in various ways restrictions upon United States individuals and companies doing business in South Africa and upon South Africa business dealings in this country, so long as the system of apartheid is maintained.

When Congress acts within the scope of its delegated powers and does not act contrary to limitations upon those powers, it may require or permit conduct that state law prohibits or prohibit conduct that state law requires or permits. Under the supremacy clause of the Constitution, "the Laws of the United States . . . shall be the Supreme Law of the Land." Article VI, cl. 2. Laws of the States must yield to the national law. *Gibbons* v. *Ogden*, 9 Wheat. (22 U.S.) 1 (1824). See *Douglas* v. *Seacoast Products*, 431 U.S. 265 (1977) (reaffirming the statutory interpretation in *Gibbons* as ratified by Congress). This issue in any preemptive case is not what Congress has the power to do but what Congress has done. Where Congress has stated in its statute that state laws on the matter are precluded, the courts experience no difficulty in pronouncing the invalidity of challenged state laws, e.g., *Jones* v. *Rath Packing Co.*, 430 U.S. 519, 528–532 (1977), athough Congress may create difficulties of interpretation with respect to the degree of preemption or the extent to which it excepts preemption of certain provisions of state and local law. For example, the Employment Retirement Income Security Act of 1974 (ERISA) broadly declares that the statute shall "supersede any and all State laws insofar as they may not or hereafter relate to any employee benefit plan", but immediately states that nothing in ERISA "shall be construed to exempt or relieve any person from any law of any State which regulates insurance, banking, or securities." 29 U.S.C. §§ 1144(a), 1144(b)(2)(A). Courts, must, therefore, determine when a state law "relates to" any employee benefit plan or when a state law regulates insurance, banking, or securities, within the meaning of the savings clause. E.g., *Metropolitan Life Ins. Co.* v. *Massachusetts*, 84–325 (June 3, 1985); *Shaw* v. *Massachusetts*, 84–325 (June 3, 1985); *Shaw* v. *Delta Air Lines*, 463 U.S. 85 (1983); *Alessi* v. *Raybestos-Manhattan, Inc.*, 451 U.S. 504 (1984).

Congress may provide in any legislation for the preemptive effect of its legislation, with greater or lesser specificity. It may preempt only state or local laws that conflict with the congressional enactment, or as well those state or local laws that complement the federal, or it may occupy the field so as to preclude any state or local law within the subject area, whether any particular state or local law touches upon any provision in the federal. But the question deals with the preemptive effect of federal legislation that maintains silence with regard to preemption.

"[T]he question whether a certain state action is preempted by federal law is one of congressional intent." *Allis-Chalmers Corp.* v. *Lueck*, 105 S. Ct. 1904, 1910 (1985). " 'The purpose of Congress is the ultimate touchstone.' " *Malone* v. *White Motor Corp.*, 435 U.S. 497, 504 (1978), quoting *Retail Clerks* v. *Schermerhorn*, 375 U.S. 96, 103 (1963). Since preemption cases, when the statute contain no express provision, theoretically turn on statutory construction, generalizations about them can carry us only so far. Each case must construe a different federal statute with a distinct legislative history. Even in the absence of statutory language, the legislative history may provide an answer. E.g., *Silkwood* v. *Kerr-McGee Corp.*, 104 S. Ct. 615, 622–626 (1984). If it does not, the Supreme Court has developed over time general criteria which it purports to utilize in determining the preemptive effect of federal legislation.

The "clear and manifest purpose of Congress" to preempt "may be evidenced in several ways. The scheme of federal regulation may be so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it. . . . Or the Act of Congress may touch a field in which the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject. . . . Likewise, the object sought to be obtained by the federal law and the character of obligations imposed by it may reveal the same purpose. . . ." *Rice* v. *Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947), quoted and approved in numerous recent cases. E.g., *Pacific Gas & Electric Co.* v. *State Energy Resources Conservation & Development Comm.*, 461 U.S. 190, 203–204 (1983); *Fidelity Federal Savings & Loan Assn.* v. *de la Cuesta*, 458 U.S. 141, 153 (1982).

"Even where Congress has not entirely displaced state regulation in a specific area, state law is preempted to the extent that it actually conflicts with federal law. Such a conflict arises when 'compliance with both federal and state regulations is a physical impossibility,' *Florida Lime & Avocado Growers* v. *Paul*, 373 U.S. 132, 142–143 (1963), or where state law 'stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress,' *Hines* v. *Davidowitz*, 312 U.S. 52, 67 (1941)." *Pacific Gas & Electric Co.* v. *State Energy Resources Conversation & Development Comm., supra*, 204; *Ray* v. *Atlantic Richfield Co.*, 435 U.S. 151, 158 (1978).

However, "[p]reemption of state law by federal statute or regulation is not favored 'in the absence of persuasive reasons—either that the nature of the regulated subject matter permits no other conclusion, or that the Congress has unmistakably so ordained.' " *Alessi* v. *Raybestos-Manhattan, Inc., supra*, 522, quoting *Chicago & Western Transp. Co.* v. *Kalo Brick & Tile Co.*, 450 U.S. 311, 317 (1981), and *Florida Lime & Avocado Growers* v. *Paul, supra*, 142. However, "[t]he relative importance to the State of its own law is not material when there is

a conflict with a valid federal law, for the Framers of our Constitution provided that the federal law must prevail." *Free* v. *Brand*, 369 U.S. 633, 666 (1982).

Finally, when one has set out on their various forms the standards to which the Court formally adheres, one must still recognize the highly subjective nature of their application. As Professor Cramton long ago observed, "the use or non-use of particular tests, as well as their content, is influenced more by judicial reaction to the desirability of the state legislation brought into question than by metaphorical sign-language of 'occupation of the field.' And it would seem that this is largely unavoidable. The Court, in order to determine an unexpressed congressional intent, has undertaken the task of making the independent judgment of social values that Congress has failed to make. In making this determination, the Court's evaluation of the desirability of overlapping regulatory schemes or overlapping criminal sanctions cannot but be a substantial factor." Cramton, "*Pennsylvania* v. *Nelson*: A Case Study in Federal Preemption," 26 U. Chi L. Rev. 85, 87-88 (1956).

Nevertheless, some tentative conclusions with respect to the application of the Court's criteria may be hazarded, especially in the context of another principle, the distinction of "interstate commerce" from "foreign commerce", to which we shall presently turn. In advance of that, it can be said that to the extent the legislation which Congress may enact speaks to matters that are the objects of state and local laws—such as, e.g., limitations upon private business having relationships with South Africa and South Africa concerns—it appears evident that federal law would displace state and local law. This result would seem to follow from the principle that the federal legislation would almost certainly conflict with the state and local law or would because of its pervasiveness "occupy" the particular field to which it applied. Difficulty attends the analysis because of the variety of state and local laws which may be "out there" and because it is not clear what may emerge from Congress. But, certainly to the extent that both sets of law coercively affect private conduct, the preeminence of federal law would appear to be assured.

The significant question would appear to be the effect of federal legislation upon the common form of state and local legislation addressed to the South African situation—the barring of investment or other use of public funds in South Africa or South African companies and the barring of public funds through investment, deposits, or otherwise in private companies conducting business in South Africa. For example, it may be that an enacted federal law would mandate that United States companies doing business in South Africa comply with the "Sullivan code," with respect to fair labor practices. This mandate could be imposed through denial of some governmental benefits, such as export aid, to companies not complying, or it could be directly coercive through the imposition of penalties. If the bill contained a coercive provision, the effect upon state or local restrictions upon investments, deposit, or other use of public funds could well be clear, inasmuch as it could be argued that the federal and local provisions were either complementary or superseded; if the bill, on the other hand, denied benefits to companies not in compliance, it could be interpreted as implying permission to the continuation of business by such companies, provided they forego governmental benefits, and a conflict could exist between the federal and the local provision.

Complications may result because of the confluence of several principles of interpretation. First, the principle is that ordinarily preemption is not favored. This principle may be strengthened when the action that one seeks to establish as having been preempted is the state or local governmental decision with respect to the disposition of its funds. Second, a related principle requires precision of congressional expression in order that certain actions of the States be preempted. Exemplifying this principle is *Parker* v. *Brown*, 317 U.S. 341 (1943), which in the absence of a strong showing of congressional intent refused to apply the Sherman Act to state-ordered anticompetitive practices. See also *Hoover* v. *Ronwin*, 104 S. Ct. 1989 (1984). (The principle does not apply to municipal governments, unless the State has delegated the power with articulated awareness of the anticompetitive usage. *Town of Hallie* v. *City of Eu Claire*, 105 S. Ct. 1713 (1985)). Third, there is a principle applied by the Court in "dormant commerce clause" cases in which, when a State or a subdivision is itself participating in the marketplace in its proprietary capacity, it may impose restrictions that would be invalid under the commerce clause if it sought legislatively to impose them upon private parties. E.g., *Hughes* v. *Alexandria Scrap Corp.*, 426 U.S. 794 (1976); *Reeves, Inc.* v. *Stake*, 447 U.S. 429 (1980); *White* v. *Massachusetts Council of Constr. Employers*, 460 U.S. 204 (1983). Thus, in *White*, Boston required all construction projects funded in whole or in part by city funds to be performed by a work force at least half of which are *bona fide* residents of the city. While the city could not as a regulator have imposed this requirement on private companies, in its role as a market participant it was held by the Court to be immune to commerce clause attack.

Leaving aside the question of Congress' power to preempt expressly a state or local governmental action in its capacity as a market participant,[1] congressional silence in the light of the criteria discussed above would appear to strongly suggestive of a failure to preempt. However, there is a line of cases to which we must now turn, which may be applicable to this situation and which then would suggest strongly that preemption would occur, provided Congress may regulate a State or subdivision in this manner.

The principle to be now discussed arises from the fact that the commerce clause empowers Congress to regulate both "interstate commerce" and "foreign commerce." Although the delegation of power occurs in the same clause, the Court has treated the two powers somewhat differently, both in respect to the "positive" commerce clause—Congress may regulate commerce—and to the "negative" commerce clause—States even in the absence of congressional action may regulate interstate and foreign only to a limited extent.

With respect to preemption, the Court has frequently cited the seminal case of *Hines* v. *Davidowitz*, 312 U. S. 52 (1941), as standing for the proposition that "the Act of Congress may touch a field in which the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject." *Rice* v. *Santa Fe Elevator Corp.*, *supra*, 230; *Pacific Gas & Electric Co.* v. *State Energy Resources Conversation & Development Comm.*, *supra*, 204.[2] The case concerned the validity of a state Alien Registration Act, requiring annual registration, extensive reporting, carrying of an identification card, and other matters. The Court held that the federal registration law preempted the state statute and placed great reliance upon the supremacy of national power in the general field of foreign policy and the sensitivity of the relationship between the regulation of aliens and the conduct of foreign affairs. "The Federal Government, representing as it does the collective interests of the forty-eight states, is entrusted with full and exclusive responsibility for the conduct of affairs with foreign sovereignties. . . . Our system of government is such that the interest of the cities, countries and states, no less than the interest of the people of the whole nation, imperatively requires that federal power in the field affecting foreign relations be left entirely free from local interference. . . . Legal imposition of distinct, unusual and extraordinary burdens and obligations upon aliens . . . thus bears an inseparable relationship to the welfare and tranquillity of all the states, and not merely to the welfare and tranquillity of one. . . . [W]here the federal government, in the exercise of its superior authority in this field, has enacted a complete scheme of regulation and has therein provided a standard for the registration of aliens, states cannot, inconsistently with the purpose of Congress, conflict or interfere with, curtail or complement, the federal law, or enforce additional or auxiliary regulations. . . . Our primary function is to determine whether, under the circumstances of this particular case, Pennsylvania's law stand as an obstacle to the accomplishment and execution of the full purpose and objectives of Congress. And in that determination, it is of importance that this legislation is in a field which affects international relations, the one aspect of our government that from the first has been most generally conceded imperatively to demand broad national authority. Any concurrent state power that may exist is restricted to the narrowest of limits; the state's power here is not bottomed on the same broad base as is its power to tax." *Hines* v. *Davidowitz*, *supra*, 63-68. See also *Pennsylvania* v. *Nelson*, 350 U. S. 497 (1956).

The breadth of *Hines* v. *Davidowitz* is illustrated by *Zschernig* v. *Miller*, 389 U.S. 429 (1968), in which, in the absence of a federal law or treaty, the Court held that a state law governing the descent of real and personal property to non-resident aliens unconstitutionally invaded the exclusive foreign policy power of the national government. The state law provided for escheat of property claimed by nonresident aliens unless (1) United States citizens had a reciprocal right to take property on the same

[1] See *Gould, Inc.* v. *Wisconsin Dept of Industry, Labor and Human Relations*, 750 F.2d 608 (C.A. 7, 1984) (holding preempted by federal law a state statute that blacklisted recidivist violators of labor laws from doing business with the State; market participant cases relevant only to dormant commerce clause issues and not to preemption), *prob. juris. noted* 53 U.S.L.W. 3824 (1985).

[2] As will be noted from the statement of facts, *Hines* was a preemption case under Article I, § 8, cl. 4., the naturalization clause, rather than clause 3, the commerce clause, but the Court has always cited the principle as applicable generally. The same preemption standards apply with respect to all of Congress' powers, although the predominant number of cases arise under the commerce clause.

terms as the citizen of the foreign nation involved, (2) American citizens had the same right to receive payment here of funds from estates in the foreign country, and (3) foreign heirs had the right to receive the proceeds of such estates without confiscation. The Court acknowledged that state law traditionally regulates the descent and distribution of estates, and that state courts routinely construe and apply laws of foreign nations, but the state law invited and even required state courts to engage in strict scrutiny of foreign nations' practices. "[T]he probate courts of various States have launched inquiries into the type of governments that obtain in particular foreign nations—whether aliens under their law have enforceable rights, whether the so-called 'rights' are merely dispensations turning upon the whim or caprice of government officials, whether the representation of consuls, ambassadors, and other representatives of foreign nations is credible or made in good faith, whether there is in the actual administration in the particular foreign system of law any element of confiscation." *Id.*, 433–434. While recognizing the traditional role of the States in this area, the Court held that "those regulations must give way if they impair the effective exercise of the Nation's foreign policy." *Id.*, 440.

That *Hines* v. *Davidowitz* and its progeny do not stand for the proposition that all state legislation affecting foreign affairs is ousted is evidenced by *De Canas* v. *Bica*, 424 U.S. 451 (1976), in which the Court sustained a state law prohibiting employers from knowingly employing undocumented aliens. The Court held that the mere fact that the state law reached aliens did not alone require invalidation, inasmuch as not every such regulation was precluded by Congress' exclusive control over immigration and naturalization, and the State had acted in an area of its traditional police powers. Moreover, nothing in federal laws or their legislative histories indicated a congressional desire to preclude this particular state legislation, and there was some evidence that Congress had desired to permit some state regulation of the employment of illegal aliens. *Hines* and *Nelson* were distinguished because the state laws there were in the "specific field" in which the States were attempting to regulate and because there was some affirmative evidence that Congress had sanctioned concurrent state legislation. "[T]o the extent those cases were based on the predominance of federal interest in the fields of immigration and foreign affairs, there would not appear to be a similar federal interest in a situation in which the state law is fashioned to remedy local problems, and operates only on local employers, and only with respect to individuals whom the Federal Government has already declared cannot work in this country." *Id.*, 363.

Again, we may recur to the principles developed in the "negative commerce clause" cases for light to be shed upon preemption principles. While the Court has developed elaborate standards to determine when state regulation or taxation of interstate commerce is permissible, in the absence of federal legislation, it has imposed stiffer standards in determining when state regulation or taxation of foreign commerce is concerned. *Japan Line, Ltd.* v. *County of Los Angeles*, 441 U.S. 434, 448–451 (1979). "Foreign commerce is preeminently a matter of national concern. 'In international relations and with respect to foreign intercourse and trade the people of the United States act through a single government with unified and adequate national power.'" *Id.*, 448, quoting *Board of Trustees* v. *United States*, 289 U.S. 48, 59 (1933). The Court here speaks of "an area where federal uniformity is essential", of the necessity of "a uniform national rule", and of the necessity to determine whether a state regulation or tax "prevents the Federal Government from 'speaking with one voice when regulating commercial relations with foreign governments.'" *Japan Line, supra*, 441 U.S., 448, 449, 451. See also *Bowman* v. *Chicago. & N.R. Co.*, 125 U.S. 465, 482 (1888); *Henderson* v. *Mayor of City of New York*, 92 U.S. 259, 273 (1873).

Application of this principle may be seen by comparing *Colorado Anti-Discrimination Comm.* v. *Continental Airlines*, 372 U.S. 714 (1963), with *Bob-Lo Excursion Co.* v. *Michigan*, 333 U.S. 28 (1948). In the former case, the Court easily sustained a state law forbidding denial of employment because of race in interstate commerce against a contention of conflict with the federal Railway Labor Act, while in the latter the Court sustained a state bar on discrimination by a carrier of passengers from Detroit to an amusement park on an island in the Province of Ontario, only after an extensive analysis to determine that the possibility of conflict with any Canadian regulation was "so remote that is was hardly more than conceivable." See *Japan Line, supra*, 441 U.S., 456 n. 20.

In light of this principle common to the two lines of cases, it appears probable that, in the absence of any statutory instruction by Congress and in the absence of anything definitive in the legislative history, the courts, ultimately the Supreme Court, would find state and local enactments preempted by a federal law, even though the federal law might not deal with or touch on some or even most of the same matters dealt with by state or local news.[3] The state or local laws concerned are even more than the law at issue in *Hines* v. *Davidowitz* and just like the law at issue in *Zschernig* v. *Miller* in an area directly affecting the conduct of the Nation's foreign policy. They are designed to and intended to work an effect upon the conduct by a foreign nation of its internal affairs. The teaching of *Hines* and of *Zschernig* is that with legislation and action affecting "international relations", federal legislative authority is at its broadest and "any concurrent state power that may exist is restricted to the narrowest of limits." *Hines* v. *Davidowitz, supra*, 68.

The conclusion would seem to follow with respect to any state or local legislation that coercively reaches private individuals and companies through regulation. Federal provisions that conflict with such local provisions would supersede them and it is unlikely that complementary local provisions would be allowed to stand. With respect to local provisions that had no parallel in federal law, it is likely that the Court would follow the principle that Congress had "occupied the field", had, in other words, intended to reach certain practices and had intended to leave other practices unregulated. The Court has on several occasions held preempted state laws on the basis that Congress even while not providing a rule for the conduct reached had thereby manifested an intention that parties should be free to do as they will, unconstrained by either federal or state law. See, e.g., *Machinists & Aerospace Workers* v. *WERC*, 427 U.S. 132 (1976); *New York Telephone Co.* v. *New York State Dept. of Labor*, 440 U.S. 519 (1979).

The critical question would again to appear to be the validity under this analysis of state and local laws that forbid the investment or deposit of state or local public funds in either South African concerns or in firms that do business in South Africa. As noted earlier, these provisions could be held to conflict directly with respect to federal rules penalizing United States firms doing business in South Africa that do not comply with the "Sullivan code." But, again as we have noted above, there is line of cases exempting from "negative commerce clause" analysis the actions of States as market participants with respect to interstate commerce. Does the same rule apply with respect to foreign commerce? The same question occurs, for example, when there is considered the validity of state "buy American" laws applied to state purchasing and contracting. Compare *Bethlehem Steel Corp.* v. *Board of Comrs.*, 276 Cal. App. 2d 221, 80 Cal. Rptr. 800 (1969) (invalid), with *K.S.B. Technical Sales Corp.* v. *North Jersey Dist. Water Supply Comm.*, 75 N.J. 272, 381 A.2d 774 (1977) (valid). The Court has noticed the controversy but has declined yet to venture an opinion, while noting the more rigorous scrutiny required of regulation of foreign commerce. *Reeves, Inc.* v. *Stake, supra*, 437–438 n. 9.

Whatever may be the answer with respect to the application of the "negative commerce clause" to a State as market participant, the authorities discussed above with respect to the scope of the national power over foreign commerce leave little doubt that Congress could supersede the policies of a State as a market participant. "In *National League of Cities* v. *Usery*, 426 U.S. 833 (1976), the Court noted that Congress' power to regulate interstate commerce may be restricted by considerations of federalism and state sovereignty. It has never been suggested that Congress' power to regulate foreign commerce could be so limited." *Japan Line, Ltd.* v. *County of Los Angeles, supra*, 448–449 n. 13.[4]

The canons of interpretation when Congress has not made express its intentions, however, create uncertainty about how the Court might proceed in considering whether congressional legislation, where there is no direct conflict, has preempted action of a State as a market participant. On the one hand, the plenary power of Congress in foreign relations and the difficulties that could be raised by a myriad of state and local regulations with an impact on foreign affairs suggest a rule of inference of preemption.

[3] A separate issue, of course, is whether under the "negative commerce clause" state or local laws dealing with South Africa are permissible even in the absence of any federal legislation. The issue is a substantial one, but it is beyond the scope of the question presented. The fact that it may be raised, however, may encourage additionally a finding of preempting should Congress act, because of the Court's canon of construction favoring avoidance of constitutional construction through statutory construction.

[4] The overruling of *League of Cities* by *Garcia* v. *San Antonio Metropolitan Trans. Auth.*, 105 S. Ct. 1005 (1985), strengthens this point. A 5-to-4 majority held that save in exceptional circumstances the Court would not adjudicate federalism challenges to congressional actions, remitting the States and their partisans to the political process. Congress may not simply rely on the likelihood that congressional exercises of power would not be subject to judicial review as dispositive of questions of authority, inasmuch as Members of Congress must independently judge whether the exercise is within Congress' power. Article VI, cl. 3.

On the other hand, the rule that preemption is not preferred, the principle of clear statement when state action is to be overridden, and the role of the State as market participant suggest a contrary approach. The case does on balance suggest that the Court would lean toward preemption, but the variety of considerations that now cannot be factored in favor caution.

Insofar as the analysis to this point has been largely directed to state action, it bears noting that the actions of political subdivisions have not been held entitled to the same deference as are the States. The canons of construction are the same, but the deference is less. For example, one need only consider the different rules with respect to the application of the antitrust laws to anticompetitive actions of the States versus those of political subdivisions. Contrast, however, the fact that the market participant exception in "negative commerce clause" cases applies equally to municipalities. *White* v. *Massachusetts Council of Constr. Employers, supra.* It seems much more likely that local ordinances would be held preempted.

In conclusion, it must be cautioned that much may depend upon the scope and text of any federal legislation in combination with its legislative history. There could well be enough indication of congressional intent revealed therein to obviate the necessity for much of the analysis undertaken here. But if such intent cannot be divined, the rules of construction which we have set out, particularly with respect to state and local legislation with an impact on foreign affairs, suggests, strongly suggests actually, that such state and local legislation would be held preempted.

JOHNNY M. KILLIAN.

Mr. NICKLES. Mr. President, I want to take this opportunity to express my deep opposition to the practice of apartheid by the Government of South Africa. It is inconceivable to me that South Africa, and other countries who discriminate on this basis of race, refuses to realize the inherent value of all individuals, regardless of the color of their skin.

I realize of course that the United States cannot point our finger at other countries blamelessly because we too have been guilty of discrimination. Some would say we still have much progress to make in this area. However, I do believe we have worked and are continuing to work to eliminate racial discrimination and prejudice. Although South Africa has taken a few steps toward ending discrimination, the progress has been quite slow in coming and only begins to address all that needs to be done.

My heart goes out to the blacks in South Africa. They are victims of their own government. Those people are struggling to be treated with the same respect and dignity that is granted to the whites in South Africa. I don't believe this is too much to ask. When are we going to get beyond looking at an individual's skin color to determine his or her worth? We should not be making those judgments. And neither should the Government of South Africa.

My greatest concern in taking action with regard to South Africa is that we are careful to ensure that we do not do anything that would create more difficult circumstances for those individuals whom we are trying to help. I don't think the legislation we have been discussing will harm the blacks in South Africa. I hope it will be instrumental in showing the Government of South Africa that we are serious about our concern for the human rights abuses perpetrated by that govenment.

While we are working to help these individuals who are being discriminated against in South Africa, let us not forget the human rights abuses that are occurring in other parts of the world. Senator GOLDWATER has made some important points regarding Red China and the Soviet Union. It is not my intent to take away from the South Africa situation, but I do believe we must keep in mind that South Africa is unfortunately, not alone in discriminating against certain citizens. As members of the U.S. Senate, I hope we will continue to push for human rights for all individuals, regardless of their race, religion, or nationality.

Mr. BINGAMAN. Mr. President, I wish to add my voice in protest against the South African Government's practice of apartheid.

Four decades after World War II, at a time when people throughout the world endeavor to free themselves from the social and political oppression of their colonial pasts, much of the black population of South Africa remains in bondage to a minority white government.

The political freedoms that Americans and citizens of other Western countries enjoy are not available to blacks in South Africa, who comprise 80 percent of the population. Civil liberties, individual rights, and personal freedoms are violated on a daily basis. Common citizenship, political rights, detentions without trail, and other basic freedoms have not been addressed by the South African Government. Oppressed blacks who have the temerity to demonstrate against the injustices that daily afflict their lives are routinely herded by South African police into detention centers.

During the past year, hundreds of blacks have been beaten or killed by South African police for demonstrating against apartheid. The torrent of violence that we have witnessed is a brutal reminder of earlier bloody episodes, notably the Sharpeville massacre in 1960 and the Soweto uprising in 1976.

While some changes have occurred in South Africa, much more needs to be done. The changes that have occurred are not insignificant. Given the historically ingrained nature of social and political inequity in South Africa, what may not be sufficient to us is a major change to Afrikaners. We applaud that progress, but more, much more, still remains. Black South Africans may already have concluded that the white government's efforts to relieve the conditions of apartheid are too little, too late. If so, the future promises to be a violent one.

Mr. President, I believe our approach to South Africa must be governed by a combination of our ideals and U.S. interests. It is reasonable and just to speak out vigorously against the injustice of apartheid. It is no less reasonable that the anti-apartheid legislation we endorse take into account the reality that change in South Africa, although slow, is nevertheless inevitable.

In my judgment, we in Congress have a responsibility, both in terms of our moral values and our national interests to send a clear signal to black South Africans that we support their inalienable right, as individuals, to social and political equity and their desire, as a nation, to exercise control over their destiny.

We also have an equal responsibility, guided by the same attention to our values and our interests, to avoid measures that would destabilize the existing government and precipitate a bloody confrontation in South Africa. I, therefore, believe that we must act in a manner which does not sever all ties with the South African Government. We must stand ready to maintain a political dialog aimed ultimately at removing the barriers of apartheid.

Mr. President, for all the reasons I have presented I support the efforts of the members of the Foreign Relations Committee to develop legislation that simultaneously signals our support to South African blacks and our willingness to work with the government of Mr. Botha in fostering the development of a new social order in his country. The legislation before us, S. 995, the anti-apartheid of 1985, strikes this balance. Important changes were made to the original bill by the Committee on Foreign Relations. It would provide educational assistance for black South Africans as well as grants to human rights organizations in South Africa. It encourages U.S. corporations and lending institutions such as the Export-Import Bank to assist black South African businesses and mandates adherence to the Sullivan principles by American firms.

In addition, the proposed legislation bans U.S. bank loans to the South African Government, the sale of computers and computer-related technology to government agencies supporting apartheid, and all nuclear trade with South Africa.

A strong signal needs to be sent, and I feel this legislation would do that. I believe the Senate's approval of these measures would reassure the majority

black community in South Africa of our commitment to their cause without forsaking U.S. efforts to work with the government in Pretoria to transform its policies. To maintain pressure on the Botha government, S. 995 advocates additional future sanctions, including a ban on U.S. investment in South Africa, to be imposed 18 months after the enactment of this legislation if the President determines that insufficient progress has been made toward ending apartheid. I fully endorse this approach.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, this will be the last vote today. We will not be in session tomorrow. Monday we will take up nominations, of which there will be four. There will be no votes before, I would say, 4:30 or 5 o'clock on Monday.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the committee substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. LUGAR. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar Order No. 206, H.R. 1460, the House companion bill.

Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes.

Mr. LUGAR. Mr. President, I move to strike all after the enacting clause and insert the text of S. 995, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mrs. HAWKINS], and the Senator from Alaska [Mr. MURKOWSKI], are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. Goldwater] would vote nay.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 80, nays 12, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—80

Abdnor	Exon	Metzenbaum
Andrews	Ford	Mitchell
Baucus	Gore	Moynihan
Bentsen	Gorton	Nickles
Biden	Grassley	Nunn
Bingaman	Harkin	Packwood
Boren	Hart	Pell
Boschwitz	Hatfield	Pressler
Bradley	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Hollings	Quayle
Byrd	Inouye	Riegle
Chafee	Johnston	Rockefeller
Chiles	Kassebaum	Roth
Cochran	Kasten	Rudman
Cohen	Kennedy	Sarbanes
Cranston	Kerry	Sasser
D'Amato	Lautenberg	Simpson
Danforth	Leahy	Specter
DeConcini	Levin	Stafford
Dixon	Long	Stevens
Dodd	Lugar	Trible
Dole	Mathias	Warner
Domenici	Matsunaga	Weicker
Durenberger	Mattingly	Wilson
Eagleton	McConnell	Zorinsky
Evans	Melcher	

NAYS—12

Denton	Hecht	McClure
East	Helms	Symms
Garn	Humphrey	Thurmond
Hatch	Laxalt	Wallop

NOT VOTING—8

Armstrong	Gramm	Simon
Glenn	Hawkins	Stennis
Goldwater	Murkowski	

So the bill (H.R. 1460), as amended, was passed, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Anti-Apartheid Action Act of 1985".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) the policy and practice of apartheid—

(A) deliberately separates millions of South African "migrant" workers from their families;

(B) denies meaningful, democratic participation in the political process to the majority of the South African population;

(C) consigns the mass of South African citizenry to lives of economic and educational deprivation;

(D) denies black citizens of South Africa the right to travel freely within their own country;

(E) leads to the arbitrary government confiscation of the private property legally owned by black South African nationals;

(F) tries to deprive many South African citizens of South African citizenship;

(2) the policy and practice of apartheid is repugnant to the moral and political values of democratic and free societies, and runs counter to United States policies to promote democratic governments throughout the world and respect for human rights; and

(3) it is the policy of the United States to promote peaceful change in South Africa through diplomatic means, but also, where necessary and appropriate, through the adoption of other measures, in conjunction with our allies, in order to reinforce United States opposition to apartheid.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; or

(B) a corporation, partnership, or other enterprise if—

(i) natural persons who are nationals of the United States own or control, directly or indirectly, more than 50 per centum of the outstanding voting securities;

(ii) natural persons who are nationals of the United States own or control, directly or indirectly 25 per centum or more of the voting securities, and natural persons of another nationality do not own or control an equal or larger percentage;

(iii) any natural person who is a national of the United States operates the corporation, partnership, or enterprise pursuant to the provisions of an exclusive management contract;

(iv) a majority of the members of the board of directors are also members of the comparable governing body of a corporation or legal entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(v) natural persons who are nationals of the United States have authority to appoint the chief operating officer; and

(2) the term "South Africa" refers to the territory that constituted the Republic of South Africa on May 31, 1961.

SCHOLARSHIPS FOR BLACK SOUTH AFRICANS

SEC. 4. Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Beginning with the fiscal year 1986, and for each fiscal year thereafter, $15,000,000 of assistance provided under this section by the Administrator of the agency primarily responsible for administering this part of this Act shall be used to finance scholarships for black South Africans who are attending universities, colleges, and secondary schools in South Africa and who are selected in accordance with subparagraph (B). Of the funds available under the preceding sentence to carry out this subparagraph, not less than $5,000,000 shall be available only for assistance to full-time teachers or other educational professionals pursuing studies toward the improvement of their professional credentials.

"(B) Individuals for whom scholarships are financed under subparagraph (A) shall be selected by a national panel or by regional panels composed solely of members of the teaching profession appointed by the United States chief of diplomatic mission to South Africa. No such individual may be selected through any contract entered into with the agency primarily responsible for administering this part of this Act.".

HUMAN RIGHTS FUND

SEC. 5. (a) Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1984 and" and inserting in lieu thereof "1984,";

(2) by inserting after "1985" a comma and the following: "and $1,500,000 for the fiscal year 1986, and for each fiscal year thereafter"; and

(3) by adding at the end thereof the following: "Grants under this paragraph shall be made by the Assistant Secretary for Human Rights and Humanitarian Affairs.".

(b) Section 116 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Not less than 20 percent of the funds made available to carry out subsection (e)(2)(A) shall be used specifically to support human rights activities including, but not limited to, the investigation of the killing of protestors and prisoners in South Africa, legal assistance to persons prosecuted for fundamentally political reasons in South Africa, and church and legal assistance activities for the betterment of human rights in South Africa for disadvantaged persons. Such assistance shall be made available through the Legal Resources Center, the South African Council of Churches, the Black Sash and other similar organizations determined to be appropriate by the Secretary of State."

EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

SEC. 6. (a) The Congress declares—

(1) that the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses,

is an affront to the values of a free society.

(b) The Congress hereby—

(1) applauds the commitment of nationals of the United States adhering to the principles set forth in section 11 to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

(c) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 per centum beneficial ownership by South African blacks or other nonwhite South Africans.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7. Section 237(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "(a) Insurance" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2), insurance"; and

(2) by adding at the end thereof the following:

"(2) Insurance, reinsurance, and guaranties of loans may be issued to cover an investment made in connection with a project in South Africa, notwithstanding the absence of an agreement with the Government of South Africa, if such investment is otherwise eligible under this title, except that—

"(A) the issuance of any such insurance, reinsurance, or guaranty shall only be made to promote joint ventures between business enterprises controlled or owned by South African blacks or other nonwhite South Africans and business enterprises controlled or owned by United States nationals; and

"(B) the national of the United States holds a minority interest or agrees to relinquish its majority interest during the course of the joint venture.".

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 8. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

(1) by striking out "(9) In" and inserting in lieu thereof "(9)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end thereof the following:

"(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (c) of subparagraph (A) shall not apply to exports to or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans.".

LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

SEC. 9. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans,

(2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their long-term employment services on behalf of the United States Government, and

(3) for the employment services of South Africans arranged by contract,

should represent the best of American labor practices and should serve as a model for the labor practices of nationals of the United States in South Africa.

(b) Notwithstanding any other law, the Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall promptly take the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the principles set forth in section 11.

EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA

SEC. 10. (a) Any national of the United States that employs more than twenty-five persons in South Africa shall take the necessary steps to insure that those principles relating to employment practices set forth in section 11a are implemented.

(b) No department or agency of the United States may intercede with any foreign government or any national regarding the export marketing activities in any country of any national of the United States employing more than twenty-five persons in South Africa that is not implementing the principles relating to employment practices in South Africa set forth in section 11. The Secretary of State shall promulgate such regulations as are necessary to implement this section.

STATEMENT OF PRINCIPLES

SEC. 11. (a) The principles referred to in sections 9 and 10 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees without regard to race or ethnic origin, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees without regard to race or ethnic origin; and

(B)(i) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and (ii) abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Assuring that the pay system is equitably applied to all employees without regard to race or ethnic origin, including—

(A) assuring that any wage and salary structure that is implemented is applied equally to all employees without regard to race or ethnic origin;

(B) eliminating any distinctions between hourly and salaried job classifications on the basis of race or ethnic origin; and

(C) eliminating any inequities in seniority and ingrade benefits which are based on race or ethnic origin.

(4) Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, including establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs; and

(D) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization or sponsoring, controlling, or contributing financial or other assistance to it, except that an employer may permit employees to confer with the employer during working hours without loss of time or pay,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph; and

(C)(i) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, (ii) allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and (iii) allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times where there are no other available channels which will enable the labor organization to communicate with employees through reasonable efforts.

(b) It is the sense of Congress that in addition to the principles enumerated in subsection (a), persons subject to section 10 should seek to comply with the following principle: Taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

(1) supporting the unrestricted rights of black businesses to locate in urban areas;

(2) influencing other companies in South Africa to follow the standards of equal rights principles;

(3) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and make provision for adequate housing for families of employees within the proximity of workers' employment;

(4) supporting the rescission of all apartheid laws.

(c) The Secretary of State may issue guidelines and criteria to assist persons who are or may be subject to this section in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

(d) The Secretary of State may promulgate such regulations as the Secretary may deem necessary to implement the provisions of this Act. The Secretary may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation. The Secretary may require all persons referred to in subsection (a) to register with the Department of State.

(e) Any person who willfully violates any rule or regulation issued under this section or who willfully, in a registration statement or report required by the Secretary, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $1,000,000 or imprisoned not more than two years, or both.

(f) In carrying out functions under this section, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act, subject to the same terms and conditions as are applicable to such powers under such Act. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress.

(g) Notwithstanding any other provision of law, the Secretary may enter into contracts with one or more private organizations or individuals to assist the Secretary on implementing this section.

IMPLEMENTATION

SEC. 12. (a) The Secretary of State (hereafter referred to as the "Secretary") shall submit an annual report to the Congress describing—

(1) the extent to which each national of the United States referred to in section 10 of this Act has implemented each of the principles set forth in section 11 of this Act;

(2) the progress each national of the United States referred to in section 10 of this Act has made since the previous annual report in implementing each of those principles;

(3) the actions the Secretary has taken to encourage implementation of those principles, by nationals of the United States as well as any person who is not a national of the United States and who employs at least twenty-five individuals in South Africa, as well as any related actions taken by other departments or agencies of the United States Government;

(4) any other information relating to the implementation by nationals of the United States as well as any person who is not a national of the United States and who employs at least 25 individuals in South Africa, of those principles that the Secretary believes is appropriate;

(5) in the first five annual reports issued pursuant to this section, the extent to which each of the 100 largest foreign investors in South Africa who are not nationals of the United States have implemented the principles set forth in section 11,

(6) in the sixth and subsequent annual reports issued pursuant to this section, the extent to which each of the 200 largest foreign investors in South Africa who are not nationals of the United States have implemented the principles set forth in section 11; and

(7) recommendations by the Secretary for action the Congress or the President could take to encourage implementation of those principles by persons who are not nationals of the United States and who employ at least 25 individuals in South Africa; including an analysis of the extent to which the imposition of restraints on imports into the United States from such persons would encourage implementation of those principles.

(b) The Secretary shall publish and make generally available to the public each annual report submitted pursuant to subsection (a).

(c) The Secretary may, to such extent or in such amounts as are provided in appropriation Acts, enter into contracts with one or more private organizations to assist the Secretary in preparing the report required by subsection (a).

(d) Each national of the United States referred to in section 10 of this Act shall submit directly to the Secretary, or through an organization with which the Secretary has a contract under subsection (c)—

(1) a detailed and fully documented annual report on the progress of that person in implementing the principles set forth in section 11 of this Act; and

(2) such other information relating to implementation of the principles set forth in section 11 of this Act as the Secretary shall by regulation direct.

The reports and information required by this subsection shall be submitted at such times as the Secretary shall by regulation require.

(e) There are authorized to be appropriated such sums as may be necessary to the Department of State to carry out the provisions of this section. The Secretary may establish an office to carry out such provisions.

(f) Upon the request of any national of the United States subject to the provisions of this section and section 10 which is made within 60 days after the publication of the Secretary's report pursuant to subsection (b) of this section, the Secretary shall, afford an opportunity for a hearing, within 90 days after such publication, in which such person may comment on the contents of such report.

NUCLEAR TRADE BETWEEN THE UNITED STATES AND SOUTH AFRICA

SEC. 13. (a) Except as provided in subsection (b) and notwithstanding any other provision of law—

(1) no license may be issued for the export to South Africa of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary of State, are likely to be diverted for use in such a facility;

(2) no authorization to engage, directly or indirectly, in the production of any special nuclear material in South Africa may be given;

(3) no license may be issued for the export to South Africa of component parts or other items or substances especially relevant from the standpoint of export control because of

their significance for nuclear explosive purposes; and

(4) no retransfer to South Africa of any goods, technology, special nuclear material, components, items or substances described in paragraph (1), (2), or (3) may be approved.

(b) The provisions of subsection (a) shall not apply if the Secretary of State determines and certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of South Africa is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968.

EXPORTS TO SOUTH AFRICAN GOVERNMENT

SEC. 14. (a) EXPORTS TO SOUTH AFRICA.—(1) No computers, computer software, or goods or technology intended to service computers may be exported, directly or indirectly, to the following entities of the Government of South Africa:

(A) the military,

(B) the police,

(C) the prison sytem,

(D) the national security agencies,

(E) the administering authority for the black passbook and the book of life systems,

(F) the administering authority for the production and procurement of military equipment, and

(G) any other entity of the Government of South Africa that administers programs which directly discriminate against nonwhites.

(2) For purposes of paragraph (1), the term "computer" includes any computer that is the direct product of technology of United States origin.

(b) AUTHORITY OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this section and any regulations, licenses, and orders issued to carry out this section, including establishing mechanisms to monitor compliance with this section and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(c) PENALTIES.—

(1) FOR PERSONS OTHER THAN INDIVIDUALS.—Any person, other than an individual, that violates the provisions of this section or any regulation, license, or order issued to carry out this section shall be fined not more than $1,000,000.

(2) FOR INDIVIDUALS.—Any individual who violates the provisions of this section or any regulation, license, or order issued to carry out this section shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(d) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (c)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) RESTRICTION ON PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

PROHIBITION ON LOANS TO THE SOUTH AFRICAN GOVERNMENT

SEC. 15. (a) No national of the United States may make any loan or other extension of credit, directly or through a foreign affiliate of that United States national, to the Government of South Africa or to any corporation, partnership or other organization which is owned or controlled by the Government of South Africa, as determined under regulations which the President shall issue.

(b) The prohibition contained in subsection (a) shall not apply to—

(1) a loan or extension of credit for any educational, housing, or health facility which—

(A) is available to all persons on a nondiscriminatory basis; and

(B) is located in a geographic area accessible to all population groups without any legal or administrative restriction; or

(2) a loan or extension of credit for which an agreement is entered into before the date of enactment of this Act.

(c) The President shall issue the regulations referred to in subsection (a) not later than ninety days after the date of enactment of this Act.

REPORT AND POLICY ON ECONOMIC SANCTIONS

SEC. 16. (a) It shall be the policy of the United States to impose economic sanctions against the Government of South Africa if, within eighteen months of the date of enactment of this Act, but not later than March 1, 1987, significant progress has not been made toward ending the policy of apartheid.

(b) The President shall, by means of both bilateral and multilateral negotiations with other nations, develop appropriate multilateral economic sanctions against the Government of South Africa. Not later than twelve months after the date of enactment of this Act, and at intervals of twelve months thereafter, the President shall submit to the Congress a report on the status of such negotiations. Each such report shall contain a detailed assessment of exports to South Africa from other countries of computers and other technology the export of which from the United States is prohibited under section 13 or 14 of this Act.

(c) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within eighteen months of the date of enactment of this Act, but not later than March 1, 1987, and every twelve months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—

(1) a detailed assessment of the extent to which the Government of South Africa has made progress in—

(A) housing black workers with their families;

(B) abolishing the pass laws which prevent blacks from moving freely into the cities;

(C) terminating the migrant labor system;

(D) allowing unrestricted labor union rights for all; and

(E) increasing local investment in black education and training;

(2) a determination by the President as to whether significant progress has been made in achieving the purposes described in clauses (A) through (E) of paragraph (1); and

(3) if the President determines under paragraph (2) that significant progress has not been made, a recommendation as to which of the following sanctions should be imposed:

(A) A ban on new commercial investment in South Africa.

(B) A ban on the importation of South African Krugerrands.

(C) A denial of most-favored-nation status to South Africa.

(D) Other economic or political sanctions.

(d)(1) Any joint resolution which—

(A) would enact part or all of the sanctions described in clauses (A) through (D) of subsection (c)(3), and

(B) is introduced in the Senate after the date of receipt of the report required by subsection (c), shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that, for purposes of section 601(b)(3)(A) of such Act, a reference to the "same certification" shall be deemed to be a reference to the report required by subsection (c).

(2) For the purpose of expediting the consideration and enactment of a joint resolution which is described in paragraph (1) and which is introduced in the House of Representatives after the date of receipt of the report required by subsection (c), a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

MINTING GOLD BULLION COINS

SEC. 17. (a) Section 5112(a) of title 31, United States Code, is amended by adding at the end thereof the following:

"(7) a gold coin that is 32.6 millimeters in diameter, weighs 33.931 grams, and contains one troy ounce of fine gold.

"(8) a gold coin that is 27.0 millimeters in diameter, weighs 16.966 grams, and contains one-half troy ounce of fine gold.

"(9) a gold coin that is 22.0 millimeters in diameter, weighs 8.483 grams, and contains one-fourth troy ounce of fine gold.

"(10) a gold coin that is 16.5 millimeters in diameter, weighs 3.393 grams, and contains one-tenth troy ounce of fine gold."

(b) Section 5112 of such title is amended by adding at the end thereof the following:

"(i)(1) Notwithstanding section 5111(a)(1), the Secretary shall mint and issue the gold coins specified in section 5112(a), in quantities sufficient to meet public demand, that—

"(A) have a design determined by the Secretary, except that the one ounce gold coin shall have a design—

"(i) symbolic of Liberty on the obverse side; and

"(ii) on the reverse, a design representing a family of eagles, with the male carrying an olive branch and flying above a nest containing a female eagle and hatchlings;

"(B) have, in lieu of the designation of the value of the coin as provided in subsection (d), the designation of the weight of the fine gold content;

"(C) have inscriptions of the year of minting or issuance and the words 'Liberty', 'In God We Trust', 'United States of America', and 'E Pluribus Unum'; and

"(D) have reeded edges.

"(2)(A) The Secretary shall sell the coins minted under this subsection to the public

at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

"(B) The Secretary is authorized to enter into such bulk distribution arrangements as may be in the best interests of the United States with wholesalers and distributors of coins and bullion and to permit discounts from the costs as determined under subparagraph (A).

"(3) For purposes of section 5132(a)(1) of this title, all coins minted under this subsection shall be considered to be numismatic items.".

(c)(1) Section 5116(a) of title 31, United States Code, is amended by inserting after the first sentence of paragraph (2) the following new sentence: "The Secretary shall acquire the gold for the coins authorized under section 5112(i) of this title by purchase only from natural deposits in the United States or in a territory or possession of the United States, or from reserves of gold held by the United States.".

(2) Section 5116(b) of title 31, United States Code, is amended in the first sentence of paragraph (1), by striking out "The Secretary shall" and inserting in lieu thereof "The Secretary may".

(d) Section 5118(d) of title 31, United States Code, is amended by inserting at the end thereof the following:

"(3) An obligation denominated only in ounces of gold is discharged on payment in coins authorized under section 5112(i) of this title unless a gold clause calls for payment in dollars. An obligation denominated in dollars is not discharged by payment in gold coin authorized under section 5112(i) of this title.".

(e) The third sentence of section 5132(a)(1) of title 31, United States Code, is amended by inserting "minted under paragraphs (1) through (6) of section 5112(e) of this title" after "proof coins".

(f) No provision of law governing procurement, printing, or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this section or the amendments made by this section. Nothing in this subsection shall relieve any person entering into a contract under the authority of this section or the amendments made by this section from complying with any law relating to equal employment opportunity.

(g) Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this section or the amendments made by this section shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this section or the amendments made by this section from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this section or the amendments made by this section.

(h) This section shall take effect on October 1, 1985, except that no coins may be issued or sold under this section before October 1, 1986.

STUDY OF HEALTH CONDITIONS IN THE "HOMELANDS" AREAS OF SOUTH AFRICA

SEC. 18. The Secretary of State shall conduct a study to examine the state of health conditions and to determine the extent of starvation and malnutrition now prevalent in the "homelands" areas of South Africa and shall, not later than December 1, 1985, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of such study.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I thank the distinguished manager of the bill, the chairman of the Foreign Relations Committee, the distinguished Senator from Indiana, and the distinguished Senator from Rhode Island, Senator PELL, and others, who have been active in this effort.

I thank all my colleagues on both sides for their cooperation because I think, as I have just indicated to the chairman or he has indicated to me, no one would have even hoped we could have passed this bill in 1 day. That is really what we have had, 1 day on the bill. Yesterday we were negotiating. So we moved to proceed on the bill at noon, and 9 hours and 15 minutes later we have concluded action on the bill itself.

There have been six votes today, and I wish to thank all Members for their cooperation, but particularly the chairman of the Foreign Relations Committee and the ranking minority member of that committee, Senator PELL, Senators KENNEDY, WEICKER, and others who have been active in this effort, along with the distinguished Senator from Delaware, Senator ROTH, the distinguished Senator from Kentucky, Senator MCCONNELL, and the distinguished Senator from California, Senator CRANSTON, who was also active in the floor leadership and in putting together a number of the compromises that we were able to agree to.

I thank my colleagues and I thank the distinguished minority leader for his cooperation, and I would hope that this matter can be resolved in conference.

One way to resolve it I indicate to the House of Representatives is just take the Senate-passed bill and that would bring it to a quick conclusion.

Mr. CRANSTON. Mr. President, as we move to final passage, I want to reiterate my appreciation to our chairman Senator LUGAR. He has dealt fairly with Members on both sides of the aisle.

I'd also like to thank our ranking member, Senator PELL, who has been gracious in allowing me to manage the bill on this side.

I also want to thank several members of the staff who have been so helpful on this complex and controversial issue. In particular, I want to single out Nancy Stetson, Phil Christensen, and Jeff Bergener of the Foreign Relations Committee, Greg Craig of Senator KENNEDY's staff Pat Malloy of the Banking Committee, and Gerry Warburg of my own staff. Their work has been superb and is greatly appreciated.

Our combined efforts have produced a very important piece of legislation on a crucial issue. Hopefully, it will make a difference for the better.

Mr. DOLE. Mr. President, I believe we are ready to proceed to a number of State Department nominations.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 211, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 268, 269, 271, 272, 275, 276, 277, 278, 279, 284, and 287.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. DOLE. Mr. President, before I ask unanimous consent that the nominations just identified be considered en bloc, I wish to inform the Senate, as I previously have, that the nominations just listed consist of all State Department nominees that have been held up in the Senate with the exception of the nominations of John Ferch, Richard Burt, Rozanne Ridgway, and Edwin Corr.

This agreement could not have been reached without the cooperation of the distinguished Senator from North Carolina, Senator HELMS, the chairman of the committee, Senator LUGAR, and the Deputy Secretary of State John Whitehead.

In addition, I wish to assure my colleagues that the four remaining nominations will be brought up on the Senate floor next Monday, on this coming Monday. It is my hope we can dispose of all of those nominations.

We are now in the process of clearing time agreements where possible. We could have moved on the other four nominations tomorrow, but it seemed to me that we accomplished a great deal this week. But they are not being held up. There will be votes on those nominations, at least on probably two of the nominations, maybe three, and maybe all four.

There are some questions remaining with reference to two of the nominees. As I understand it, the State Department will be in a position to furnish that information to the chairman of the committee, to Senator HAWKINS, the distinguished Senator from Florida, and others.

I wish to thank all Senators involved in the negotiations.

Mr. President, I ask unanimous consent that the nominations identified to

be confirmed be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object. There is no objection on this side to the calendar orders that were enumerated by the distinguished majority leader with the exception of one calendar order, and that is Calendar order No. 284. I would have to object to action on that calendar order.

With that exception, the others have been cleared which the distinguished majority leader enumerated.

Mr. DOLE. Mr. President, I ask unanimous consent that, with that exception, Calendar order No. 284, the nominations identified to be confirmed by considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

J. Frederick Motz, of Maryland, to be U.S. District Judge for the District of Maryland.

DEPARTMENT OF STATE

Peter Scott Bridges, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the Uinted States of America to the Somali Democratic Republic.

Fernando Enrique Rondon, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

John Dimitri Negroponte, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Charles A. Gillespie, Jr., of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Sheldon J. Krys, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

Douglas W. McMinn, of Virginia, to be an Assistant Secretary of State.

Lowell C. Kilday, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Harry George Barnes, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Robert L. Pugh, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

J. William Middendorf II, of Virginia, to be the Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Edward Joseph Perkins, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Lewis Arthur Tambs, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Edward Morgan Rowell, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Paul Julian Hare, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

John Douglas Scanlan, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

David George Newton, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

Lannon Walker, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Elliott Abrams, of the District of Columbia, to be an Assistant Secretary of State.

Thomas Anthony Nassif, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

U.S. INFORMATION AGENCY

Charles E. Courtney, of California, to be an Associate Director of the United States Information Agency.

DEPARTMENT OF STATE

Richard Thomas McCormack, of Pennsylvania, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Thomas R. Pickering, of New Jersey, a Career Member of the Senior Foreign Service, personal rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

L. Craig Johnston, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

Nicholas Ruwe, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

DEPARTMENT OF EDUCATION

Gary L. Bauer, of Virginia, to be Under Secretary of Education.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF J. FREDERICK MOTZ, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

Mr. MATHIAS. Mr. President, I am pleased that the Senate today confirms the nomination of a highly qualified nominee for U.S. district judge for the district of Maryland. J. Frederick Motz, of Baltimore, has the experience, the energy, and the expertise to be an outstanding Federal judge.

At the age of 42, Fred Motz will bring to the Federal bench nearly 20 years' experience as a practitioner in the Federal and State courts of Maryland. A graduate of Wesleyan College in Connecticut, and the University of Virginia Law School, Mr. Motz began his legal career as a law clerk to one of Maryland's most eminent jurists, the Honorable Harrison L. Winter, now the chief judge of the U.S. Court of Appeals for the Fourth Circuit. Mr. Motz then became an associate at one of Maryland's leading law firms, Venable, Baetjer & Howard, where he spent most of the next 13 years as a litigator, becoming a partner in 1976. He left the Venable firm to spend 2 years—1969-71—as an assistant U.S. attorney. In 1981, Mr. Motz returned to the Federal prosecutor's office in Baltimore, this time as President Reagan's choice to be U.S. attorney for the district of Maryland. In his 4 years as U.S. attorney, he has compiled a distinguished record as a tough but fair prosecutor and a capable administrator. All this experience means Fred Motz is well prepared for the responsibilities that he now will undertake as a U.S. district judge.

Mr. President, the Senate's confirmation of this nomination concludes a process that began when I convened a nonpartisan panel of distinguished Marylanders to screen candidates for the new Federal judgeship created by Public Law 98-353. That panel consisted of 10 Maryland citizens, under the leadership of T. Hughlett Henry, an attorney from Easton, MD. The screening committee reviewed a number of résumés, interviewed many candidates, and narrowed the field to the most qualified contenders. I reviewed that list and sent it to the White House.

That process has resulted in the nomination that we confirm today. The nomination of Fred Motz provides further evidence that this merit selection process works, and works well, to maintain the high quality of nominees to the Federal bench. It works because public-spirited citizens of Maryland

are prepared to devote the time and energy needed to make it work. I believe it is appropriate to recognize in the pages of the CONGRESSIONAL RECORD the 10 Marylanders who comprised the judicial screening panel for this nomination, and I ask unanimous consent that their names appear in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MARYLAND JUDICIAL MERIT SELECTION BOARD

T. Hughlett Henry, Esquire, of Easton.
Herbert J. Belgrad, Esquire, of Baltimore.
Mrs. Bert Booth, of Lutherville.
Charles H. Dorsey, Jr., Esquire, of Baltimore.
Dr. Rhoda Dorsey, of Towson.
Lee Gordon, Esquire, of Baltimore.
Mrs. Jane C. Gude, of Bethesda.
Natalie McSherry, Esquire, of Baltimore.
Jeffrey B. Smith, Esquire, of Baltimore.
Mr. Stanley Zorick, of Cumberland.

Mr. MATHIAS. In conclusion, Mr. President, I commend President Reagan for making this nomination, and the Committee on the Judiciary for its expeditious consideration. The prompt confirmation of the nomination by the full Senate is the last step remaining before J. Frederick Motz can be sworn in as Maryland's new U.S. district judge. I know my colleagues join me in offering Fred Motz our congratulations and best wishes for a long and illustrious tenure on the Federal bench.

NOMINATION OF J. WILLIAM MIDDENDORF II, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN COMMUNITIES

Mr. THURMOND. Mr. President, it is a pleasure for me to rise and express my support for Ambassador J. William Middendorf II, to be the representative of the United States of America to the European Communities. Bill brings to this position a vast array of experience. To his credit he is a World War II veteran, a successful investment banker, and a distinguished diplomat. Additionally, he is an active writer-lecturer on economic and defense issues and is also a music composer of international repute.

Born in 1924, the Ambassador received a bachelor of naval science degree from Holy Cross College in Worcester, MA, and a bachelor of arts degree from Harvard University. After marrying his lovely wife, Isabelle, he received a master's degree in business administration from New York University. He began his lengthy career in finance with Chase Manhattan National Bank in 1947, later becoming a partner with Wood Struthers & Co. He founded Middendorf, Colgate & Co., an insurance stock specialty firm in 1962, which he left in 1969 to enter Government service.

Currently Ambassador to the Organization of American States, Bill served as U.S. Ambassador to the Netherlands from 1969 to 1973 and as Under Secretary and Secretary of the Navy from 1973 to 1977. He also has long been active in the Republican Party, serving as treasurer of the Republican National Committee, a delegate or alternate to three Republican National Conventions, treasurer of the 1968 Transition Committee and finance chairman of the 1980 inauguration.

As Ambassador to the Netherlands, Bill was particularly active and successful in promoting U.S. exports. For these efforts he received the Superior Honor Award from the State Department and was cited by Business Week as being one of the United States' most effective ambassadors.

During Bill's tenure as Secretary of the Navy, he obtained funding for the Trident submarine and surface effect ship programs as well as for the Aegis missile system. He initiated a 5-year, 157-ship building program which was approved by Congress but subsequently cut in half by the Carter administration. As Navy Secretary, he established close working relations with government and navy leaders throughout the free world.

The musical career of this distinguished individual is also many faceted. He is a renowned composer of 7 symphonies, and over 100 marches. He has appeared as guest conductor of the Boston Pops and the St. Louis Symphony.

Mr. President, these are but a few of the noteworthy laurels on the impressive list of accomplishments of J. William Middendorf II, an outstanding American. I hope my Senate colleagues will offer their unanimous support for his confirmation as representative of the United States of America to the European Communities.

NOMINATION OF THOMAS R. PICKERING, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL

Mr. HELMS. Mr. President, I wish the record to show that I am supporting the nomination of Ambassdor Thomas Pickering to be the Ambassador to Israel. My original inclination was to oppose the nomination of Mr. Pickering on the basis of his record in El Salvador. As chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee, I had the opportunity to monitor Mr. Pickering's activities in El Salvador very carefully.

I recognize that many persons have praised Ambassador Pickering highly. In some respects, I would do the same. He is an extremely capable diplomat. The question, however, is how he did exercise that capability? What were the policies which he helped to develop and to implement?

My conclusion—and it is a conclusion based on almost daily monitoring of the political situation in El Salvador, is that Mr. Pickering pursued a policy that required him to become inextricably involved in the political process in that country. In my judgment, it was not just a case of intervening to support the free choice of the people of El Salvador against the antidemocratic forces of the Marxist guerrillas. What Mr. Pickering did was to support only one side of the democratic dialog, using the enormous resources of the U.S. Embassy to ensure the victory of one free political party over another free political party. I felt that this action of the Embassy was and has been extremely damaging to the growth of the democratic process in a country that has suffered enormously.

What has happened in El Salvador, has happened, of course. But I am mindful of the delicate political situation in Israel today, a country that is very close to the affection of the American people. The elections last year in Israel were almost an even split. The government there is a unity government, a fragile coalition that faces enormous pressures not only from the internal domestic economic situation, but also from the external security situation.

What would happen, I asked myself, if policy advocates in the State Department decide to apply pressures on the internal political situation in Israel in order to achieve acquiescence to particular goals of Middle East policy? Suppose the American goals were a matter of internal debate in the Israeli democracy? And as everyone knows, debates in Israel give full meaning to the expression of democracy. We have already seen enormous public pressures applied to Israel attempting to get Israel to adopt policies which would threaten Israeli security. I am confident that the Israelis are able to handle such pressures, however maladroit, within the normal forums of political debate.

But suppose the State Department Middle East experts grow impatient with the democratic process in Israel. Suppose they decide to use techniques of persuasion that are subversive to a free democratic system. We saw that happen in El Salvador. Suppose Mr. Pickering were ordered to give covert support funding, technical assistance, even to make foreign aid disbursement contingent upon the adoption of one party's program. Suppose foreign assistance were channeled into certain labor organizations that might support only one political party. Or to agricultural cooperatives and farmer organizations that work the polling places only on behalf of one political party. We saw all those things happen in El Salvador.

It would, of course, make a mockery of the Israeli political system. It would

be an unpardonable offense to our strongest ally in the Middle East.

Mr. President, I believe that the best way to handle such matters among gentlemen is to be utterly frank. I decided to ask Mr. Pickering face-to-face what he would do if he received such instructions from the State Department bureaucracy.

I did ask such questions. Ambassador Pickering was equally frank. He assured the committee that there would be no tilt toward one side of the free political dialog or the other. He assured the committee that if he were ever asked by his superiors in the State Department bureaucracy to subvert the political process in Israel that he would immediately inform the committee. In short, he completely repudiated any course of action that would interfere in the Israeli democracy.

I take the Ambassador at his word, and I am completely satisfied with his response. I congratulate him on his nomination.

Mr. President, I ask unanimous consent that excerpts from his testimony relating to his nomination to serve in Israel be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, I also ask unanimous consent that a series of newspaper articles relating to the period of Mr. Pickering's service in El Salvador also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Mr. President, reports have appeared in the press which assert that I unduly held up Mr. Pickering's confirmation. Nothing could be further from the truth. Those who took the occasion to inquire would have found that committee procedures do not permit dilatory tactics. Mr. Pickering's hearing was scheduled promptly. It was interrupted, unfortunately, by circumstances over which no one had control. The need to consider promptly the special request of the administration for special assistance to Jordan had to take precedence since the supplemental appropriations bill was at that very moment on the Senate floor. Mr. Pickering's hearing was resumed at a late hour after the Jordan measure had been considered, but not enough time remained. The Ambassador kindly returned to complete the hearing just as quickly as possible before the recess.

Indeed, Mr. President, this may be the place to comment on the general allegation that the nominees of the State Department have suffered from abuse of the constitutional duty of the Senate to give advice and consent. It is pure fantasy to assert that the State Department nominations in question have been unconscionably delayed by malignant influences in the Senate. Like Ambassador Pickering's nomination, these other nominations have moved most expeditiously. With the exception of one recess appointment already in place, the nominations were in committee an average of only 21 working days from the moment they were received until hearings were completed. Committee procedures do not permit any delays in this period on a point of personal privilege. The time is taken up with the submission and examination by State Department and committee counsel of Watergate-era confidential disclosure forms.

From the time hearings were completed until the committee votes to report the nominations was an average of 3.5 days. Committee procedures at this point permit any member to request that a vote be postponed for only 1 week. There were four or five such requests, about equally divided between majority and minority members. The only irregularity in this period was one nominee who was held up 2 weeks at the request of the minority.

Up until the recess, about half of the 28 nominees had been available for action by the full Senate for less than 2 days; the rest for less than 8 days. A number of Senators not on the Foreign Relations Committee complained about the procedure of dumping so many nominees to critical posts onto the Senate Calendar at one time, particularly in an intensive pre-recess period. On many of them, the hearing transcripts were not even yet available.

On June 28, I proposed to the majority leader that I would work to convince my colleagues to approve about half the nominees over whom there was no serious concern. But high State Department officials, who apparently have not read the Constitution in some time, were indignant that their nominees should be subject to a reasonable implementation of the constitutional process; they insisted that all should pass on a voice vote, en bloc, immediately, or that none should pass. It is not surprising that the Senate would not act upon this basis.

I am pleased today that the Senate is able to act on the majority of these nominees, with the exception of four about whom there are still some concerns. I am confident that there will be an expeditious disposition of those nominees as soon as some problems relating to their testimony are satisfied.

EXHIBIT 1

(Thursday, June 20, 1985)

NOMINATION OF THOMAS R. PICKERING, OF NEW JERSEY, TO BE AMBASSADOR OF THE UNITED STATES OF AMERICA TO ISRAEL

[Whereupon, the committee was reconvened at 4:26 p.m.]

Senator HELMS. In the absence of the Chairman, let me begin this, or continue this.

It is nice to see you, Ambassador Pickering.

Ambassador PICKERING. Nice to see you, Senator.

Senator HELMS. Let me acknowledge that I have a number of questions, and it may be necessary, depending on your time this afternoon or whatever, that we ask you to come back because I do want to discuss with you in some detail some things that are giving me a problem, not so much with you but with the situation in the Middle East.

So let us begin.

In recent weeks a controversy has developed in Israel concerning public remarks of our present ambassador, Samuel Lewis, who alleged that Mr. Ariel Sharon had communicated Israeli intentions with regard to Lebanon before official policy had been decided in the Israeli cabinet, and Mr. Sharon, who has just had one experience with libel in the media, has emphatically denied the accuracy of Ambassador Lewis' remarks.

In the light of the delicate internal political situation in Israel, do you think Ambassador Lewis' remarks were proper?

Ambassador PICKERING. Well, it is a difficult question, and it is hard for me to put myself in the shoes of the man who was perhaps the most popular American ambassador and one of the longest serving in Israel.

The point that I guess I would make to you in that regard is that the Department of State—this all happened when I was in another country—issued a statement fully supporting the veracity of the ambassador's remarks. So there is no question from the official point of view of what position the United States government has taken about those particular remarks.

The second question is a question of fine judgment as to whether it was an appropriate time or not an appropriate time. I understand that was difficult issue. I know the judgment of Ambassador Lewis, and I would feel strongly that Ambassador Lewis exercised careful and prudent judgment after eight years in Israel in making his particular statement at the time and under the circumstances that he did. But I am certainly not an expert in all the details of this.

Senator HELMS. Well, that puts you in pretty treacherous waters because you are saying that Mr. Sharon is not accurate in what he said then.

Ambassador PICKERING. I am only saying that the Department of State has said publicly that it believed and supported the veracity and accuracy of Ambassador Lewis' statement. I am not in a position, Senator, to make a judgment on those. I was not privy to the talks, nor was I a party or a participant in the process. So I hope that that is clear and you understand what I was saying.

Senator HELMS. Well, I understand that, but then you said that Ambassador Lewis was prudent. Now, either he was or he was not.

Ambassador PICKERING. I have known Ambassador Lewis for many years, and I would be the last person to question his prudence and judgment. That is the extent of what I can tell you about Ambassador Lewis.

Senator HELMS. Well, all right. I will let your remarks stand as they are, but if I were Mr. Sharon, I would not care for what you just said.

What is your view of the role of U.S. involvement in the internal policies and politics of another sovereign nation. Specifically, do you think that the United States should have some involvement in the poli-

tics of a sovereign nation, a lot of involvement, or none at all?

Ambassador PICKERING. Well, I would say this, Senator, in dealing with that particular question. The policies and the approach of the United States with respect to the internal policies of another country is that it is not proper to become involved in the internal politics of a foreign country, that much of what we say and do inevitably has an effect in the sense that perhaps the only way, at least speaking philosophically at this point, one could divorce onesself entirely from having an effect around the world is to say nothing, and you and I know that that is not a proper foreign policy to have no foreign policy. So from time to time a foreign policy of the United States may conflict with, may support, may have nothing to do with the views of and the internal politics of another state.

But I think that is happenstance rather than direction, and I am trying to distinguish here between direction and happenstance.

Senator HELMS. Now, you did say internal politics.

Ambassador PICKERING. I believe that was the sense of your question.

Senator HELMS. That is right.

Ambassador PICKERING. If I missed your question, then——

Senator HELMS. No. I understand your statement, but I wanted to be sure that you were referring to politics.

Ambassador PICKERING. I was addressing internal politics.

Senator HELMS. OK.

Does the United States support or oppose any one party or politician or group of parties or politicians in the Israeli political picture?

Ambassador PICKERING. I think as we did in other countries, including El Salvador, we do not support or oppose parties or politicians in countries. That would be a characteristic of dealing with the internal politics of a country.

Senator HELMS. Well, let me as you about you.

Would you be a party to any activity, overt or covert, which funnels financial or in kind assistance to any political faction or candidate in Israel?

Ambassador PICKERING. I would not. I, ask you know, cannot speak to you in this forum about allegations of intelligence activity or allegations of covert activity. By its very nature, it is not something by definition we could discuss here in this particular forum.

But I do not believe in interfering in the internal politics of a country and would not do so.

Senator HELMS. So you are saying that you will not.

Ambassador PICKERING. Absolutely.

Senator HELMS. You will not.

Ambassador PICKERING. Absolutely.

Senator HELMS. Let me ask you this. Would you immediately advise this committee if ever you are requested to be a party to such activity?

Ambassador PICKERING. I will certainly, because we are dealing with a very sensitive issue of committee jurisdictions, make it very clear to the appropriate people in Washington your interest in being advised of that kind of activity. I would also think that if it involves things which are properly the subject matter of the Intelligence Committee, that it should be carried there, but I hope you understand that I am not an expert on the internal workings of the Senate. That would be my sense of what would be the proper thing to do in response to your request.

Senator HELMS. Well, this is definitely under the purview of the Foreign Relations Committee, in my judgment.

Let me turn that question around. Would you ever consider it none of the business of the Foreign Relations Committee?

Ambassador PICKERING. No, and I would certainly not consider it none of the business if it came up in an area that had to do with intelligence, none of the business of the Intelligence Committee.

Senator HELMS. I agree with that.

Ambassador PICKERING. But I am not, as you understand, the person who should sit in judgment on various jurisdictional issues in the Senate. But I have a very broad sense of the responsibilities of the Foreign Relations Committee and a very broad appreciation for their responsibilities, and I hope you would consider me a broad constructionist in that sense.

Senator HELMS. Let me see if I can refine the question a little bit.

If you are requested to be a party to such activity that we are discussing, and if you are in fact directed to do so, will you remember this line of questioning and say, look, a fellow named Jesse Helms was asking specifically about this sort of thing, and I want to go on record with whoever it is that I think the Foreign Relations Committee ought to be advised?

Ambassador PICKERING. I will.

Senator HELMS. Do you believe that U.S. assistance, direct or indirect, to labor organizations or farm cooperative organizations which may play a major role in political organization or get out the vote activities would amount to intervention in the internal political process in Israel?

Ambassador PICKERING. I would think, Senator, it would depend upon careful definition of whether get out the vote was nonpartisan, whether it was a broad campaign in the public interest to get out the vote or whether it had a partisan element. I would say if it is partisan, then it would represent what we are discussing with respect to internal politics. If it was nonpartisan, get out the vote, encouraging people in a broad and general way, then I would think that would have a different cast.

I would think in the Israeli political system there really is no need, probably no place for that kind of activity insofar as I know it.

Senator HELMS. Now, who would make the judgment as to whether it was bipartisan or nonpartisan?

Would you make it?

Ambassador PICKERING. Well, my advice I think would be sought. I would suggest that the decisionmaking authority would be the Secretary of State, the President eventually, depending upon what kind of issues are brought up and how the internal government procedure would operate. I cannot tell you that I know there would be a specific definite decisionmaking authority in each case unless we were able to discuss a for instance.

Senator HELMS. Well, I am not entirely happy with that response because I am not sure you are saying to me if I decide after the fact that it is nonpartisan, or if I want to say after the fact that it was bipartisan, that would be my defense. What steps do you think ought to be taken in the case of support for such organizations in a political atmosphere and for political purposes in any country, Israel or El Salvador or wherever?

Ambassador PICKERING. Well, in some cases those issues may be raised at the embassy level, and the ambassador may have the authority to make the decision. In most cases those tend to be programs approved by the Congress where final decisions are made at very senior levels in AID in the Department of State, and I would say normally issues of that sort would be referred back to the Assistant Secretary of State for the area, the Director of AID, one of the Under Secretaries, or maybe the Secretary himself would be involved in making a decision of that sort.

Senator HELMS. Would you ever feel comfortable in making that decision yourself without consultation here?

Ambassador PICKERING. No. I think it would be a decision on which I as an ambassador would feel more comfortable consulting.

Senator HELMS. Do I assume that you would be willing to say, look, that question came up during my confirmation hearing, and I do not want to be bitten by that snake again?

Ambassador PICKERING. I would say that.

Senator HELMS. OK.

Ambassador PICKERING. I would think that—without referring to any past instances, I think it already has been the practice in these kinds of cases.

Senator HELMS. Now I have got to get down to specifics.

Do you feel that your experience in the election periods in El Salvador would have any relevance to the democratic process in Israel?

Ambassador PICKERING. I would say very little. I think the democratic process in Israel, as I understand it, is significantly further advanced in all respects, that the principal element of my experience in El Salvador was that the United States through AID assisted in the holding of four elections, three during my tenure, to ensure free, fair and just process in the electoral process, and that I see absolutely no single scintilla of evidence that that would ever be in any way relevant to the democratic process in Israel.

Senator HELMS. Do you think the United States should give encouragement or diplomatic assistance to political factions which support U.S. positions on Middle East issues in preference to other democratic factions which may oppose U.S. policies?

Ambassador PICKERING. Presumably you are talking about internal political process?

I think my initial answer to your question would hold in this regard. No.

Senator HELMS. Well, can we afford to tilt to one democratic program as opposed to another democratic faction as opposed to another democratic faction?

Ambassador PICKERING. I do not believe there should be tilts. I believe we should not become involved in the internal political process of a country.

NOMINATION OF THE HONORABLE THOMAS R. PICKERING

(Wednesday, June 26, 1985)

The Committee met at 2:38 p.m., in Room SD-419, Dirksen Senate Office Building, the Honorable Jesse Helms presiding.

Present: Senators Helms, Pell, Sarbanes, Cranston and Dodd.

Senator HELMS. The Committee will come to order.

Mr. Ambassador, thank you very much for returning.

As I know you understand, the questions I have asked and am about to ask are simply for the record. You have been very forthright, for which I commend you.

First of all, I want to continue a minor exploration of your experience in El Salvador.

But, before I do so, the hostage crisis in the Middle East is an eloquent reminder of the post for which you have been nominated. I have a few questions which I hope may be helpful in instructing us about the issues of the crisis so far as it affects Israel.

The first one, of course, will be does Israel have the right of self-defense?

Ambassador PICKERING. Yes, sir; under the United Nations Charter and under generally accepted rules of international law.

Senator HELMS. Right.

Does that right of self-defense extend to taking action against PLO and Shiite guerrillas which attack or may attack the territory of Israel?

Ambassador PICKERING. I am not an international lawyer.

My understanding, because we are talking in the legal realms when we speak of a right, is that measures taken in defense have to be some relationship, proportionality, to the seriousness of the attack. I think that particularly relates to questions when actions are taken in preventive self-defense or in retaliation.

I think there is an absolutely unlimited right of self-defense on its national territory. If your question is related to the national territory, then I think there would not be any question of the sort that I have raised about proportionality.

If it dealt with acts of retaliation in self-defense and that kind of activity, my understanding is—and as I said to you earlier in the hearing, I am not a lawyer as to the degree to which I could give you a fully fleshed out answer—but my understanding is that proportionality would be a criterion by which those acts would be judged.

Senator HELMS. Well, let me help flesh it out a little bit.

I had in mind the PLO, the Shiites, and other terrorists on the West bank an Gaza. The whole question is does the right of self-defense extend to these terrorists?

Ambassador PICKERING. My understanding is that Israel has the right of self-defense anywhere, but particularly to defend its own territory. It would, obviously, have the right to defend its persons if they were attacked in the occupied territories, according to my understanding.

So I think that would be the answer to your question.

Senator HELMS. Well, that would extend to terrorists, then?

Ambassador PICKERING. Yes, sir.

Senator HELMS. In your judgment, were Israel's military operations into Lebanon two years ago a violation of international law?

Ambassador PICKERING. I have not studied the question from that particular point of view.

I think, like most of those issues there, that there are two theories about it. My sense is, to the degree to which it was a justified act of self-defense, then it would be compatible with the views on international law. To the extent that people saw it going beyond that, it would not be justified.

Senator HELMS. How about Israel's occupation of Lebanese territory? Was that a violation of international law?

Ambassador PICKERING. Our sense is that there are rules, namely, the Fourth Geneva Convention, which relate to occupation of territory. To the extent that the general principles and rules of the Fourth Geneva Convention were applied, I would not judge that kind of occupation—it was, after all, a temporary occupation—to have been a violation of internatrional law.

Senator HELMS. How about Syrian occupation of Lebanese territory. Is that a violation?

Ambassador PICKERING. Well, having been part of the history of Syrian presence in Lebanon and at the time there was an invitation of Syrian forces into Lebanon under something called the Arab Peace Force in 1975, it would be, I think, somewhat distinguished between that presence and a military occupation, maybe in legal terms it not in the actual facts of the situation.

Senator HELMS. Well, this may be the tough one.

Let's discuss the detention and treatment of Shiite guerrillas by Israel. Is that a violation of international law?

Ambassador PICKERING. We have made it clear in a statement issued by the State Department on April 4 that it was our belief that the removal of the Shiite prisoners from Lebanon was not in accord with the Fourth Geneva Convention. That is our view.

As you know, Israel has a different view.

Senator HELMS. What is your view of the exception clause in the Geneva Convention which the Israelis cite in justifying their action in removing the detainees to Israeli territory?

Ambassador PICKERING. Well, I have read that, and, again, you are getting me deep into the work of the Legal Advisor of the State Department with respect to pronouncing.

My sense is, as a person and not a lawyer, that you can make a case using the exception clause, although there are others who view the exception clause not applying to prisoners, and that there are specific clauses of the Fourth Geneva Convention which apply to prisoners.

The question is how and in what way you interpret the exception clause to prisoners, as opposed to the population of the territory, since it talks about removal from the territory temporarily for their safety.

Senator HELMS. Well, I am a firm believer in the sovereignty of a nation, particularly our own, certainly our own, and I do not fault other countries for defending their interpretation of sovereignty.

But, there is a question that has come up, as you know, about the linkage or the possible linkage between the hostages and seizure of flight 847 and the Israeli treatment of the detainees. What do you think about that?

Do you feel that Israel was directly or indirectly responsible for what has happened?

Ambassador PICKERING. Senator, with respect to the hostage issue—and I would like to put this as clearly as I can and as diplomatically as I can—all of us in the State Department have received written instructions from the White House which makes it very clear that they would strongly prefer—and that may be massively understating it—that we not discuss in public the current hostage situations for reasons that you can understand——

Senator HELMS. I agree.

Ambassador PICKERING [continuing]. And merely assert, which I believe to be the most correct statement, that the hostages ought to be released, that being the firm position of the Administration.

I would be delighted to discuss these sorts of things with you in private, if it would help in any way at all to elucidate my thinking for you. But I think, at the moment, given the sensitivity of the issue, if your would permit me to do so, I would stand on that statement.

Senator HELMS. Well, I certainly will permit you because I am a kind of a part of it. I met with the President this morning, and insofar as I know, it was unanimously agreed that that policy would be followed.

We may want you to give us, and I mean the Committee, a private response in writing, but that has nothing to do with these hearings.

Ambassador PICKERING. Fine.

Senator HELMS. Now, on a different topic, it is my understanding that there are two buildings in Jerusalem containing U.S. consular offices.

Is that correct?

Ambassador PICKERING. That is my understanding. Yes, sir.

Senator HELMS. One is on the East Side and the other on the West?

Ambassador PICKERING. That's right, sir.

Senator HELMS. Do these two buildings constitute two consular offices or one?

Ambassador PICKERING. They constitute one consulate general that has two offices. The offices in the Eastern Sector, the Eastern Side, are commercial and consular offices. That is their functions. The offices in the Western Side constitute the administrative and residential quarters of the consul general.

Senator HELMS. But they are one.

Ambassador PICKERING. They are one consulate general.

Senator HELMS. OK.

Is either attached to the U.S. Embassy in Tel Aviv?

Ambassador PICKERING. No. Neither is a constituent post, as we phrase it, of the American Embassy in Tel Aviv.

Senator HELMS. The consul general, to whom does he report—to the U.S. Ambassador?

Ambassador PICKERING. He reports, sir, to the Secretary of State.

Senator HELMS. But not you?

Ambassador PICKERING. Not through the American Ambassador. The custom, I understand, is to make certain that the American Ambassador in other appropriate countries, is informed of his reporting. That is a common custom. But he does not report through.

Senator HELMS. Why do you think we have two buildings? Should they be combined, in your judgment?

Ambassador PICKERING. I have not studied the situation. As you know, that post is not a responsibility of the Ambassador in Tel Aviv.

My sense is that the two buildings perform separate functions and have traditionally done so for a long time, perhaps since the period of 1967 and before, for many years.

Senator HELMS. I'll tell you what. After you get over there, think about it, and let me know if you think they ought to be combined.

Meantime, would you have someone supply the Committee, certainly I would like to see it, of the breakdown of the annual cost for each of these offices, including building costs and the salaries for the employees, et cetera, et cetera.

Ambassador PICKERING. I would be delighted to have that done for you, sir.

Senator HELMS. Fine.

What is the capital of Israel?

Ambassador PICKERING. Israel calls its capital Jerusalem.

Senator HELMS. What do you call it?

Ambassador PICKERING. I do not have a personal view. As you know, the United States has never taken the view that Israel cannot call a city its capital. We have taken the view that the final status of Jerusalem is subject to negotiation and, therefore, to be determined by negotiation.

Senator HELMS. Well, let me take a run at it in another way.

Where are the Israeli legislative, executive, and judicial offices located?

Ambassador PICKERING. My understanding is that a large share of the executive, that the Knesset and, if I am not mistaken, the senior judicial offices, are in Jerusalem; but that there are some government ministries still in Tel Aviv.

Senator HELMS. But mostly in Jerusalem?

Ambassador PICKERING. But mostly in Jerusalem.

Senator HELMS. Has West Jerusalem been considered a legitimate part of Israel, say, since 1948?

Ambassador PICKERING. The United States the view that West Jerusalem, as defined within the municipal boundaries of 1947, is one of those areas whose final status is subject to negotiation.

Senator HELMS. Maybe you had better ask your lawyer about this next one.

Is it lawful or unlawful for Israel to have its seat of government in Jerusalem?

Ambassador PICKERING. I would think that we should provide you a legal answer to that question, rather than a horseback judgment of a nominee.

Senator HELMS. But I would like to have your horseback opinion.

But it would be a test of your sanity if you answered the question. [General laughter.]

Ambassador PICKERING. I would say that the prevailing United States view is and remains—it has been for eight administrations—that the final status is an issue subject to negotiation.

Senator HELMS. Well, I guess the granddaddy question is, with reference to the West Bank, where does the United States stand? Does it favor a negotiated settlement on the future of the West Bank and Gaza?

Ambassador PICKERING. Yes; it does.

Senator HELMS. That being so, what would the United States do if the outcome of the negotiations were a status that is neither independent nor in association with Jordan?

Ambassador PICKERING. For the West Bank and Gaza?

Senator HELMS. Yes.

Ambassador PICKERING. I believe that the United States would want to examine the outcome very, very carefully. Our view is the negotiation should be a direct negotiation between the concerned parties. I believe we are willing to play a very important role as moderator. All of that should lead us to a position where a successful negotiation between the concerned parties would be something we would have a great tendency to accept.

Senator HELMS. Mr. Ambassador, in a month's time, all of us around this place meet with a multitude of groups. The question I hear most often on this subject is yes, the United States has stated over and over again that the United States wants Palestinian state in association with Jordan, but do we favor negotiations only if there is to be only one outcome?

Ambassador PICKERING. I have read very carefully the President's position of September, 1982, and in that he talks about a solution of West Bankers and Gazans in association with Jordan. He speaks about self-government for them.

He rejects explicitly an independent Palestinian state on the West Bank and he rejects, as well, the continuation of Israeli territorial sovereignty.

I think that that provides a broad range of outcomes with respect to territory, with respect to the kind of self-government, with respect to the type of association. So I would like at this glass as more half full than half empty, in the sense that the United States takes the view that there must be explicitly only one outcome.

I think there are a broad range of outcomes within those parameters set forth by the President that I am certain you, I, and others, could agree upon as perfectly acceptable kinds of alternatives.

Obviously, it is not for us to dictate the alternatives but for the parties immediately concerned to negotiate directly to achieve an acceptable alternative for themselves.

Senator HELMS. So you are saying to those who think they find something to be resentful of look, we are not locked in concrete on this thing, so let's see what the negotiations are?

Ambassador PICKERING. Yes. I am saying that we have stated a position. We have not even said that our position has to be everybody else's position. We have stated a position which would be a position we would take during negotiations. We would think negotiations might pursue a range of solutions, but we have suggested, at least, some boundaries for that range of solutions, rather than the fact that we are locked in concrete on only one explicit solution.

Senator HELMS. The President has said that the Israeli settlements in Judea and Samaria, if I recall his exact words, "are not illegal."

Ambassador PICKERING. That is my understanding.

He has also said in the same kinds of statements that the United States considers those settlements an obstacle to peace.

Senator HELMS. Do you agree that they are not illegal?

Ambassador PICKERING. I would say that, after having looked over that, the current view as to their legality is still a subject of some discussion. My own sense is the more important part of the phrase is not the question of legality or illegality, but the phrase which remains a part of our policy, that those settlements are an obstacle to peace in the view of the United States.

Senator HELMS. Now, I am not being argumentative, but you talked about the obstacles to peace, and earlier we talked about the Israeli people exerting their rights.

Would you explain to me how there could be an obstacle to peace if the Israeli settlers, in fact, are simply asserting their rights?

Ambassador PICKERING. I am saying that we take the view that the settlements are an obstacle to peace because we believe the peace settlement must be founded on U.N. Resolutions 242 and 338, which have, indeed, been accepted, or must be accepted, in our view by the participants to direct negotiations.

Now 242, as a resolution, talks about territory for peace. That is the basis of a principal element of United States policy of 1982. Indeed, we talk about the degree to which territory would change hands, being directly related to the extent of the peace, to the extent of normality, and to the extent of the security involved in the general settlement. Our sense is that the settlements themselves are an obstacle to that portion of the peace process, and that is the reason why we have, in my understanding, the President has continued to take that view.

Senator HELMS. But you do understand why there are some who find themselves in a quandary, because they think they see a contradiction?

Ambassador PICKERING. I understand very clearly, and that sense of contradiction has been made known to me perhaps as many times as it has been made known to you. So I believe I understand the thinking on the subject, the sense of quandary. I believe I understand the President's position very clearly. I would naturally now do and would support in the future the President's position on this issue.

Senator HELMS. This is absolutely apropos of nothing, but when I was a boy, we had an old gentleman in my home town of Monroe who was over 90 years of age. He had fought, he said, in the Civil War. He was working on a book which he said he was going to entitle, "An objective assessment of the War Between the States from the southern viewpoint." [General laughter.]

That's what we run into in foreign policy a very great deal, and in this Congress, I might add.

Well, you are aware, of course, that a good percentage of U.S. aid funds designated for humanitarian projects on the so-called West Bank and Gaza go through private voluntary organizations?

Ambassador PICKERING. Yes; I am so aware.

Senator HELMS. PVOs, as they are known around this place. These organizations then give them to organizations supporting the PLO terrorist infrastructure.

Ambassador PICKERING. That I would find a little unusual because it is my understanding that the projects for which our funds go to be carried out by these private voluntary organizations are projects which have been discussed extensively with and clearly with the Government of Israel.

It is my understanding that the Government of Israel would not be the least among us to be cautious about projects which might finance PLO infrastructure or anything else related to the PLO. I believe I understand very clearly Israel's position on the PLO.

Senator HELMS. Well, let me say that I think the record ought not to be considered complete unless it has an accounting of the disbursement of AID funds. So let us stipulate for the past five years, if I may. If you will give me that for the record, or give that to the Committee. When I say "me," I am speaking for the Committee in this case.

What I would like to have, Mr. Ambassador, would include both disbursements to the PVOs and to the ultimate recipients, with a description of the ultimate projects.

Ambassador PICKERING. I believe that should be something we could provide without any difficulty.

Senator HELMS. And that would answer a lot of questions that come up from time to time.

Ambassador PICKERING. Fine.

EXHIBIT 2

U.S. SEEN ASSISTING DUARTE IN SUNDAY'S SALVADORAN VOTE

(By Robert J. McCartney)

SAN SALVADOR, May 3—As official campaigning ends for Sunday's presidential election, there are strong indications that U.S. government funds and diplomatic pres-

sure have been used to improve the prospects of Christan Democratic candidate Jose Napoleon Duarte.

A significant increase in the past month in official U.S. involvement in organizing the voting has led Duarte's right-wing opponents in the Nationalist Republican Alliance, known by its Spanish abbreviation Arena, to charge the Washington is trying to engineer a fraud. There is virtually no evidence to support this accusation, but it appears likely to play a major role in rightist efforts after the election to discredit the vote, if Duarte wins as expected.

The United States has officially proclaimed it neutrality in Sunday's voting, but Duarte, considered a moderate, is clearly Washington's favorite, and evidence shows he has benefited from U.S. government involvement in the following ways:

He has received critical campaign support from the nation's largest labor union, the Salvadoran Communal Union, which receives the majority of its operating funds from the U.S. Agency for International Development. Two-thirds of the peasant union's 600 grass-roots organizers have worked full-time in the past month going door-to-door to encourage peasants to vote for Duarte, the union's secretary general Samuel Maldonado said today. He said the organizers had been "lent" to the party and acknowledged that such union support violated a law prohibiting labor groups from participating directly in politics.

Maldonado added that his union receives 75 percent of its operating budget from the American Institute for Free Labor Development, or AIFLD. An AIFLD spokesman in Washington said that "virtually all" of its funds for El Salvador's farm-labor programs are provided by the U.S. government under a contract that AIFLD has with AID

The CIA covertly has supplied funds to a publicity agency, the Venezuelan Institute for Popular Education, that has done campaing work for Duarte free of charge, according to a knowledgeable source who has proved to be reliable in the past. The agency, known by its Spanish abbreviation IVEPO, has produced television and radio commercials for Duarte and has made available to him the results of its opinion polls, IVEPO officials said.

The source said the CIA was "laundering" the money by giving it to a West German Christian Democratic foundation that then provided it to IVEPO. The Konrad Adenauer Foundation has close relations with IVEPO's principal fund-raiser, but the foundation denied giving money to IVEPO.

IVEPO's director here, Jose Miguel Fritis, denied that any of IVEPO's funds came from the CIA or the U.S. government, saying, "The source is mistaken." He has said previously that foundations and individuals in West Germany, Belgium, Holland and Venezuela provide funds for the agency, but he and other IVEPO officials said their backers did not wish to be identified.

Finally, the U.S. government since November has twice denied visas to Arena candidate Roberto D'Aubuisson in actions that Salvadoran politicians have described as a significant blow to D'Aubuisson's presidential hopes. Duarte's Christian Democratic Party repeatedly has referred to the visa denials in its advertisements, and the first visa denial in November even led to an effort in February by some of the nation's wealthiest businessmen to try to replace D'Aubisson as the candidate, diplomats said.

The U.S. government opposes D'Aubuisson because of persistent reports by U.S. officials and Salvadoran sources linking him to activities by right-wing death squads. The administration fears that if D'Aubuisson were president, Congress would be reluctant to approve aid to the Salvadoran government.

Arena already seems to be laying the groundwork to complain if it loses that it was the victim of U.S. interference, vote fraud or both. Party vice presidential candidate Hugo Barrera complained at a news conference yesterday about "strong U.S. influence" on the Central Elections Council, the body that is organizing the elections, and charged that the "interference" was "of a fraudulent type."

While Americans have played an expanded role at the elections council in the past month, their efforts appear to be designed primarily to help avoid the widespread disorder that marred the March 25 first-round vote.

In particular, the council is using a detailed plan, drawn up by the chief U.S. adviser to the elections council, for distributing ballot boxes and other voting materials to the nation's polling places, elections officials said. Salvadoran officials drew up the distribution plan for the first round, but because of major foul-ups the voting materials either were late or never arrived at hundreds of polling places.

The U.S. adviser, John Kelley of AID, was called back to El Salvador by the embassy because of fears of new organizational difficulties and particularly because of his expertise in handling the council's U.S.-funded computers, elections officials said. He had left the country April 14 after receiving a death threat from a telephone caller who claimed to represent a rightist death squad. Arena leader Barrera singled out Kelley for criticism, accusing him of having issued death threats against Arena representatives on the council. Barrera declined to offer proof of his charge.

The elections council also is depending heavily on free assistance from IVEPO. Jorge Rochac, the council's elections project manager, said that IVEPO was paying salaries of a total of about 300 persons who were doing clerical work and staffing phone banks and information kiosks to explain to people where to vote. IVEPO agreed in writing to provide $65,000 worth of manpower to the elections council in preparation for the second round, elections officials said.

"I don't know who the hell finances it [IVEPO]," rochac said. "I stay up at night sometimes and wonder who is writing the checks."

[From the Washington Post, April 16, 1984]

VENEZUELAN AGENCY AIDS SALVADORAN PARTIES

(By Robert J. McCartney)

SAN SALVADOR, April 15—A secretive publicity agency headed by Venezuelan and Chilean politicians is working free of charge for moderate Salvadoran political parties, the Army and the government in what its officials described as an effort to build a "political center" here.

The Venezuelan Institute of Popular Education is run by Latin American Christian Democrats and is cited by Salvadoran rightists as an example of the "intervention" of the international Christian Democratic movement in the nation's politics.

But the institute's work during more than three years in El Salvador has ranged far beyond politics alone, including projects to improve the image of the Salvadoran Army overseas and to promote elections at home.

"Our principal objective is to help processes of democratization," Jose Miguel Fritis, the Chilean who runs the institute's office here, said in an interview.

Known by its Spanish abbreviation IVEPO, the institute shuns publicity and declined to say who pays for its 35-person staff here, its top-quality television studio, three mobile television camera crews, photographic and layout facilities and other assets.

"We are very anxious to conserve the identity of the people who are collaborating financially with us," the institute's president, Hector Castillo, told special correspondent Jose de Cordoba in Caracas, Venezuela, where the institute is formally based. Castillo said IVEPO would lose aid from its backers if it identified them and thus came them to be involved in a "public commotion."

In San Salvador, institute official Fritis said it gets money from individuals and foundations in Venezuela, West Germany, Belgium and the Netherlands, but he also declined to name any of the sources.

The institute's aims in El Salvador such as support for moderate political parties, closely parallel those of the U.S. government. Much of the institute's most recent work has been on behalf of U.S-funded Salvadoran government agencies such as the Central Elections Council and the commission that runs the national pacification plan. One Venezuelan Christian Democrat knowledgeable about Central America said he "would not be surprised" if the institute were receiving at least part of its funding from the U.S. government. It was not possible, however, to establish a U.S. link.

The institute's founder and principal fund-raiser is Aristides Calvani, a former Venezuelan foreign minister who has been secretary general of the Christian Democratic Organization of America since 1977. Both Castillo and Fritis also are Christian Democrats, but the institute has no formal link with any Christian Democratic party or organization, they said.

The institute appears to have been set up primarily for operations in El Salvador, and the nature of any operations elsewhere was unknown. Castillo, for instance, said that the institute had about 100 people working for it in Venezuela on a contract basis, but he refused to help a reporter contact any of them.

Rightist Salvadoran politicians have tried to uncover the institute's roots but without avail.

"We tried to investigate IVEPO in Venezuela, but nobody knew anything," Hugo Barrera, vice presidential candidate of the Nationalist Republican Alliance, said. His party, led by former major Roberto D'Aubuisson, was the only major political group in El Salvador that did not receive help from the institute during the campaign leading up to the March 25 vote.

The parties that took most advantage of the institute's free facilities were the National Conciliation Party, which is conservative but not as far to the right as D'Aubuisson's party, and the centrist Democratic Action party. The parties' candidates placed third and fourth in the voting and thus will not participate in the runoff on May 6, which will be contested by D'Aubuisson and Christian Democrat Jose Napoleon Duarte.

The institute's support for the National Conciliation Party and Democratic Action surprised many politicians because of its connections to the Christian Democrats. But the institute's main goal appeared to be

to stop D'Aubuisson, regardless of which party it had to help to do so.

"We are against extremists," one institute official said. During the campaign leading up to the second-round ballot, it was expected to provide more help to Duarte. The Christian Democrats in the first round filmed only one program in the institute's studios, but they benefited from access to its nationwide opinion polls.

Among its other activities, the institute has produced five television spots for the Central Elections Council encouraging people to vote and describing precautions to prevent fraud. It also designed an eight-page newspaper supplement showing how to vote, and for the first round alone saved the elections council $13,000, according to council official Carol de Andreu.

Other institute projects have included production of television shows about the Salvadoran Army for distribution in Latin America and Western Europe.

"We try to show that the Army has the right to carry guns, that it is not just the product of a reactionary government, while the [left-wing] guerrillas have no right to be fighting," Fritis said.

[From the New York Times, May 11, 1984]

WHITE HOUSE SAYS U.S. FINANCED SOME SALVADOR GROUPS IN POLITICS

(By Steven R. Weisman)

WASHINGTON, May 10—The White House said today that the United States had not taken sides in the election in El Salvador, but did provide help to labor unions, business groups and other organizations that endorsed or worked for candidates.

Larry Speakes, the White House spokesman, said the assistance was part of a policy to foster "democratic institutions" in friendly countries.

Meanwhile, Congressional sources said the Senate Select Committee on Intelligence was informed last year that the Central Intelligence Agency had provided aid to groups to help prepare for the Salvadoran election. Last week, the sources said, committee members were briefed on the aid and on the C.I.A.'s role in helping to insure an orderly election.

The two leading candidates have claimed victory. United States officials say José Napoleón Duarte, a moderate Christian Democrat, is correct in saying he won.

Officials have said a victory by Mr. Duarte over Robert d'Aubuisson, a rightist, would help win support in Congress for aid to El Salvador.

The White House's comments today followed accusations by Senator Jesse Helms, Republican of North Carolina, that the Central Intelligence Agency had meddled in the election by supporting Mr. Duarte.

Mr. Speakes, in reiterating that the United States had not taken sides, said:

"It has been the policy of this and previous Administrations to provide assistance to democratic institutions, such as trade unions and private sector organizations. These groups are free to endorse and work on behalf of political candidates, and they frequently do. But we do not play a role in what their decision-making is."

When asked whether C.I.A. money might have found its way into the Duarte campaign, Mr. Speakes said he could only stand by his statement.

"I cannot go beyond that, and I am not discussing covert money," he said.

Mr. Helms said last week that Ambassador Thomas R. Pickering had favored Mr. Duarte. The Senator called for Mr. Pickering's recall, but President Reagan refused. Mr. Speakes said then that Mr. Reagan had "full confidence" in the envoy.

After Mr. Helms's accusations, according to Congressional sources, the Senate Intelligence Committee was told that the C.I.A. had been financing groups involved in the effort to support Mr. Duarte and other moderate political parties and individuals.

The sources said an aide to a Senator on the Intelligence Committee had briefed Mr. Helms, who then spoke on the Senate floor to follow up his earlier criticism by saying that the C.I.A. had meddled in the election.

The Congressional sources said members of the Intelligence Committee had not been surprised by the information about assistance to groups in El Salvador, nor were they opposed to it. The rendering of such aid to friendly organizations is known to have been a C.I.A. practice since at least the 1950's.

[From the New York Times, May 12, 1984]

C.I.A. SAID TO HAVE GIVEN MONEY TO 2 SALVADOR PARTIES

(By Philip Taubman)

WASHINGTON, May 11.—The Central Intelligence Agency gave $1.4 million to two political parties in El Salvador in an effort to prevent the election of a right-wing candidate as president, a Reagan Administration official familiar with C.I.A. operations said today.

According to the Administration official, the $1.4 million funneled to the parties was part of a total of $2.1 million the intelligence agency spent in a Salvadoran election operation that was designed both to buttress the electoral machinery and to prevent the election of Mr. d'Aubuisson.

The C.I.A. gave $960,000 to the Christian Democratic Party to support the candidacy of Jose Napoleon Duarte and provided the National Conciliation Party with $437,000 to aid its candidate, Francisco Jose Guerrero, the official said. He did not provide details on how the additional $700,000 was spent.

As part of the effort to block the election of Roberto d'Aubuisson, the candidate of the far-right National Republican Alliance, the C.I.A. also covertly subsidized visits to El Salvador by European and Latin journalists and provided them with derogatory information about Mr. d'Aubuisson, the official said. He said the journalists were apparently not award of the C.I.A.'s role in their visit.

Mr. Duarte has claimed victory in the runoff election last Sunday against Mr. d'Aubuisson. Today in El Salvador, official results from 12 of the country's 14 provinces were announced, and Mr. Duarte had won 54.9 percent of the votes.

CANDIDATE REMAINED NEUTRAL

Mr. Guerrero, who was viewed as a moderate conservative by the Reagan Administration, finished third in the first round of presidential balloting in March and was not a candidate in the runoff election. His decision to remain neutral in the runoff, however, was considered a significant blow to Mr. d'Aubuisson, according to Administration officials.

The Reagan Administration, although saying that the United States provided help to labor unions, business groups and El Salvador's election commission, has publicly denied talking sides in the election or giving aid directly to political parties or candidates.

Larry Speakes, the White House spokesman, said Thursday that United States assistance to labor unions, business groups and other organizations that endorsed or worked for candidates in El Salvador was part of a policy to foster "democratic institutions" in friendly countries.

A C.I.A. spokesman, George V. Lauder, said today that the agency would not comment on reports it played a role in the Salvadoran election.

A spokesman at the United States Embassy in San Salvador, Donald Hamilton, said today that the United States has "contributed to the expenses" of three groups of foreign journalists who visited Salvador and other Central American countries in the last eight months. It was unclear whether these groups were related to the journalists subsidized by the C.I.A.

NOT A NEW ACTION BY C.I.A.

Since it was established in 1947, the C.I.A. has spent millions of dollars trying to influence the outcome of elections in several nations by covertly providing money and other assistance to parties and candidates friendly to the United States, according to former intelligence officials and past Congressional investigations of the C.I.A.

The C.I.A.'s role in the Salvadoran election has become a focus of attention and criticism in Congress in recent days as lawmakers have disclosed information about the agency's activities. The leading critic has been Senator Jesse Helms, Republican of North Carolina, who in a speech to the Senate on Tuesday denounced the C.I.A. for meddling in the election.

Members of the Senate Select Committee on Intelligence said Thursday that in 1983 the committee was told by the Administration about C.I.A. plans to support the electoral process in El Salvador. The senators did not make clear whether they were told about direct payments to political parties or an attempt to block the election of Mr. d'Aubuisson.

FEAR OF AID CUTOFF CITED

The official who described the C.I.A. role in detail today said the effort to prevent Mr. d'Aubuisson's election was initiated by the Administration out of concern that if he were elected. Congress would cut off military assistance to El Salvador. Mr. d'Aubuisson has been linked to death-squad activities in El Salvador.

As part of the operation, the official said, the C.I.A. secretly subsidized travel to El Salvador by 11 European and Latin journalists in March and 9 in May. While the journalists were in El Salvador, the official said, they were given negative information about Mr. d'Aubuisson.

The first group, about half a dozen European print journalists, visited in early October of last year. A group of European television journalists visited on Dec. 6-9. The final group, several Venezualans and a Colombian journalist, visited in the last weekend in February, according to Mr. Hamilton, the embassy spokesman in San Salvador.

"In none of the cases did we pay all the bills," he added. "We picked up the airfare, and they paid their hotel bills and the other expenses."

Mr. Hamilton said it was unusual for the United States Government to pay even those expenses.

The trips were arranged in this case, Mr. Hamilton said, "because we have the impression that there is a lot of misunderstanding about U.S. policy in Central America."

[From the New York Times, May 13, 1984]

C.I.A. HAS LONG SOUGHT TO SWAY FOREIGN VOTERS

(By Jeff Gerth)

WASHINGTON, May 11.—The report that the Central Intelligence Agency contributed more than $1.4 million to two political parties in El Salvador's presidential campaign is the latest episode in the agency's history of involvement in foreign elections.

A Reagan Administration official familiar with C.I.A. operations said Friday that the C.I.A had given the money to the parties as part of a total of $2.1 million it spent on the election.

Since the 1940's, the agency has played a covert role in elections and in the affairs of political parties in other countries, according to a variety of news reports, books, Congressional investigations and secret testimony from C.I.A. officials.

These involvements were secret at the time, but details emerged and became the subject of controversy both in the United States and in countries where the C.I.A. played a role in the electoral process.

BLOCKING RIGHTIST'S ELECTION

The Administration officials said Friday that the C.I.A gave $960,000 to El Salvador's Christian Democratic Party to support the successful presidential candidacy of Jose Napoleon Duarte. It also gave $437,000 to the National Conciliation Party to help its candidate, Francisco Jose Guerrero, the official said. The money was intended, he said, to prevent the election of Roberto D'Aubuisson, a far-right candidate.

According to a 1976 report by a Senate select committee whose chairman was Senator Frank Church, the C.I.A.'s involvement in foreign elections began in the late 1940's when its Office of Policy Coordination subsidized labor and political organization in Western Europe, which were intended "to serve as alternatives to Soviet- or Communist-inspired groups."

In the 1950's, the report said, the agency expanded its efforts to influence politics in third world countries. "Financial support was provided to parties, candidates, and incumbent leaders of almost every political persuasion, except the extreme right and left," the committee report said.

In the 1950's and 1960's political parties in a number of European countries were actively assisted by the C.I.A., according to the intelligence committee report and earlier news accounts. In Italy, for example, the C.I.A. secretly funded the Christian Democratic Party from the end of World War II until 1967, sending an average of about $3 million annually, according to one published account.

Similar payments occurred in Greece, according to published news accounts. News accounts in the early 1970's said that the C.I.A. stopped its subsidies of Greek political figures in 1972, but that it had actively assisted the efforts to King Constantine to undermine the liberal Center Union Party until 1967, when the King was ousted in a coup just before scheduled elections.

C.I.A. payments to Chilean politicians were disclosed in the 1970's during Congressional hearings into intelligence-gathering abuses. The Senate Intelligence Committee listed $3 million in C.I.A. aid in 1964 to Eduardo Frei Montalva, a liberal member of the Christian Democratic Party who defeated the leftist candidate, Salvador Allende Gossens, in elections that year.

In the 1970 Chilean president election, which Mr. Allende won, the C.I.A. used money in an attempt to discredit Mr. Allende, according to the intelligence committee report. Between 1964 and 1969, it said, the C.I.A. conducted at least 20 covert operations in Chile, most of them designed to support moderate and conservative candidates in Chilean congressional elections, the Senate Intelligence Committee found in 1975.

In the Vietnam war, according to books published in the United States, the C.I.A. spent millions of dollars on various elections in South Vietnam. In the 1971 election, for example, the books reported that the C.I.A. poured millions of dollars into the campaign treasury of Nguyen Van Thieu, who ultimately won the election. While the C.I.A. was secretly assisting Mr. Thieu, official announcements from the State Department and elsewhere proclaimed that the United States was remaining neutral in the elections.

In the 1971 election in South Vietnam, according to one book, the C.I.A. also helped maneuver Vice President Nguyen Cao Ky out of the race.

In 1974, a book published in Australia claimed that the C.I.A. had offered funds to Australian opposition parties in an attempt to defeat the Labor Government in elections. The author never said whether the money was actually spent. The United States Ambassador called the claims false.

The Church committee said the number of covert activities, including active involvement in the politics of other nations, reached a peak in the mid-1960's. It attributed the decline in such aid after that to several factors, including "shifting U.S. foreign policy priorities in the 1970's which have de-emphasized sustained involvement in the international affairs of other nations."

[From the Washington Post, May 11, 1984]

CIA CHANNELED $2 MILLION INTO SALVADOR VOTING

(By Joanne Omang)

The House and Senate Intelligence committees yesterday received what one member of Congress called "sobering" reports from the CIA indicating that the agency channeled an estimated $2 million into elections in El Salvador over the past two years.

Sources familiar with the briefings stressed that the CIA had portrayed its participation as a nonpartisan effort to help streamline election logistics, provide media advice and technical assistance and to ease the financial burden on interest groups such as trade unions and peasant cooperatives.

However, they acknowledged that the chief beneficiary of the aid was Christian Democratic Party candidate Jose Napoleon Duarte, who is narrowly leading rightist Roberto D'Aubuisson in the presidential runoff race in unofficial returns.

Although the Reagan administration was formally neutral in the election, many of its members privately regarded a Duarte victory as crucial to winning congressional support for aiding the government of El Salvador in its war against leftist guerrillas. D'Aubuisson has been linked to death squad activity and key Democrats swore to block all aid if he becomes president.

The sources said CIA officials, in maintaining that their aid was nonpartisan, said D'Aubuisson's Nationalist Republican Alliance (ARENA) party received no direct aid because it was considered well-funded by wealthy Salvadorans in the United States and elsewhere. The agency noted that ARENA benefited indirectly from CIA help in computerizing voter lists and advising the elections council, the sources said.

D'Aubuisson has said that if 80,000 to 100,000 allegedly fraudulent ballots are discounted he will be victorious.

The CIA also said it had helped two other conservative parties, the National Conciliation Party and Democratic Action, by funding advertising and media assistants for them. The Conciliation Party candidate, Jose Guerrero, had been widely expected to ally his party with D'Aubuisson, but surprised observers and dealt D'Aubuisson, a blow with an April 16 announcement that he would remain neutral.

Sen. Jesse Helms (R-N.C.) charged Tuesday that CIA funding "bought the election" for Duarte. An aide to Helms said yesterday that the accusation "did the White House a favor" by coming long enough in advance of President Reagan's televised speech Wednesday night on Central America to allow effusive praise for Duarte to be deleted.

The speech contained only one brief reference noting that El Salvador had held two successful elections and did not mention Duarte by name.

White House spokesman Larry Speakes yesterday confirmed that the United States had sent funds "to assist democratic institutions, including trade unions, private sector organizations and so forth" in El Salvador, but he did not say which agency had sent the money and maintained that its effect had been neutral.

"These groups are free to endorse and work on behalf of political candidates. They frequently do, but we don't play a role in telling them what to do," Speakes said. Another high-level administration official briefing reporters Wednesday added "political parties" to the list of recipients.

The House Intelligence Committee asked for "a complete rundown of what the CIA was doing" in the El Salvador elections and received it yesterday, commitee member Rep. Lee Hamilton (D-Ind.) said. While refusing to disclose the contents of the report, he said that "to the extent that [Sen. Jesse] Helms is right, I disapprove of the United States involving itself in a major financial way to affect the outcome of an election in any country, El Salvador or any other." Hamilton is expected to become chairman of the Intelligence Committee in the next congressional session.

The Senate Intelligence Committee also received a briefing from a CIA official, who provided a point-by-point denial of a Christian Science Monitor report that the agency had funded a military unit engaged in torture, the sources said.

They added that while the senators appeared satisfied with the account of CIA involvement in the elections, they still plan to set new rules for the general reporting, relationship between the CIA and Congress.

[From the Washington Post, Aug. 15, 1984]

CIA EXCEEDED AUTHORITY WITH SALVADORAN AID

(By Jack Anderson)

Scarcely 14 years after the CIA meddled in Chile's national election and was properly scolded by Congress for its bizarre plottings, the CIA again has intervened in the politics of a sovereign nation.

The story behind the CIA's machinations in El Salvador have been hushed up. But here are the details, which my associate

Dale Van Atta has pieced together from intelligence sources:

In 1981, President Reagan approved a covert action "finding"—the secret routine that authorizes CIA funds for clandestine operations. This allowed the CIA to finance non-communist candidates in Latin American elections. The intent was to block communist sympathizers from coming to power, not to discriminate between rival anti-communist candidates.

Without further White House authorization, the CIA slipped a reported $960,000 to El Salvador's Christian Democratic Party, whose candidate, Jose Napoleon Duarte, won the presidential runoff on May 6, 1984. Also, $437,000 was delivered to the moderate National Conciliation Party. The purpose was to defeat Roberto D'Aubuisson, the right-wing candidate, who allegedly is linked to the notorious "death squads."

President Reagan didn't learn about the CIA's meddling in the Salvadoran election until after the Senate Select Committee on Intelligence was briefed May 3 about the secret payments. Five days later, Sen. Jesse Helms (R-N.C.) went public with the charge that the CIA had "bought the election" for Duarte.

Press accounts reported that the president summoned Helms to the White House for a reprimand. Our sources say that Reagan was furious, not at Helms but at the CIA. He thanked Helms for saving him from the embarrassment of hailing the election in his May 9 television address as an example of democracy in action—words he would have had to eat when the CIA's involvement became known.

After the election, the Reagan administration changed its attitude toward D'Aubuisson. The policymakers decided that a leader who had won 46 percent of the vote—regardless of his alleged bloody background—could not be ignored and that it would be wise to start a dialogue with him. Reagan wrote D'Abuisson, congratulating him on his strong showing. Secretary of State George P. Shultz, who previously denied D'Abuisson a visa, asked Helms privately to invite the right-wing leader to Washington.

Footnote: There have been other occasions when Helms has used his right-wing channels. He won a stunning concession from the Argentines at the beginning of the Falklands war because the military junta trusted him. The Argentines told Helms that they would withdraw their troops from the islands if the British would halt their fleet before it reached the Falklands. This secret concession, which could have prevented the war, got lost in the rush of events.

Hype and Hypocrisy: With much fanfare, Vermont's Republican Gov. Richard A. Snelling recently launched a national, bipartisan, $10 million crusade, called Proposition One, to force a reduction in the federal budget deficit.

The goal, Snelling said, is to "organize the people of this country into a broad interest group that will tell the Congress and the president that we understand, and reject, the consequences of continuing to operate hundreds of billions of dollars in the red each year."

The press packet that accompanied Snelling's kickoff of Proposition One included a large photo of him. But there was one bit of relevant information missing from the hoopla: During Snelling's eight years as governor, Vermont has been awash in deficits, including an all-time record $30.8 million pool of red ink in 1983. According to the National Governors' Association, Vermont may be the only state with a deficit in 1985.

[From the Wall Street Journal, May 10, 1984]

WHITE HOUSE APPROVED SECRET CIA EFFORT TO AFFECT OUTCOME OF EL SALVADOR VOTING

(By David Rogers)

WASHINGTON.—The Reagan administration secretly funneled about $2 million into El Salvador as part of a two-year effort by the Central Intelligence Agency to facilitate national elections and assist parties competing with right-wing candidate Roberto d'Aubuisson, intelligence sources said.

Christian Democrat Jose Napoleon Duarte, who claimed victory in the runoff Sunday, was the chief beneficiary of the aid. But aid also was given to at least one other party, the party of National Conciliation, headed by Francisco Jose Guerrero. Mr. Guerrero, who finished third in the March voting, remained neutral in the runoff, but his April 16 decision against endorsing Mr. d'Aubuisson—who also has claimed victory in the runoff—was seen as a major boost for Mr. Duarte.

Sources familiar with the program say it was carried out with President Reagan's approval. Mr. d'Aubuisson's defeat is considered crucial to the Reagan administration's hope of winning increased military aid for El Salvador, and, if Mr. Duarte is declared winner, the White House will move quickly to capitalize on Mr. Duarte's image as a moderate and his support in Congress.

Within Congress. however, the CIA program has provoked new controversy on both the left and right. Advocates contend that the money was useful to facilitate free elections and to counterbalance the power of right-wing forces in El Salvador. Critics argue that the depth of CIA involvement was excessive and represented tampering with another nation's internal politics.

The harshest criticism has come from Sen. Jesse Helms (R., N.C.), a leading conservative who has bluntly charged the State Department and CIA with buying the election for Mr. Duarte, a Christian Democrat. Sen. Patrick Leahy (D., VT.), in a classified letter filed with the Senate Intelligence Committee, also has protested to Secretary of State George Shultz. According to sources, Mr. Leahy cited the CIA program as one reason for his decision last week against serving as an observer in last Sunday's elections.

Both House and Senate Intelligence Committees reportedly were informed of the program, but the level and detail of involvement by the CIA have surprised key members.

According to intelligence sources, the money assisted three major parties competing with Mr. d'Aubuisson—the Christian Democrats, Party of National Conciliation, and Accion Democratica—as well as unions aligned with Mr. Duarte. Part of the funds went to improve the election process, including the purchase of better equipment and paper to avoid ballot fraud, while aid to the parties included money to hire news media and political consultants.

"There was nothing nefarious," said one source. But funds are said to have been used twice to manipulate press reports in an attempt to denigrate Mr. d'Aubuisson's candidacy before the March and May elections.

Initial press reports of some CIA involvement came from El Salvador last week, in accounts published by the Washington Post and Boston Globe. Mr. Helms' office said he based his attack this week on reports in the Salvadoran press, but he is known to have spoken privately with at least one member of the Senate Intelligence Committee before he released his statement Tuesday night.

Given the sensitive nature of the covert program, the details of Sen. Helms' remarks surprised other senators, and the episode is likely to add to tensions between the CIA and the Intelligence committees charged with its oversight.

The House panel, which appears to have been unaware of the full scope of the program, is expected to take up the issue at a meeting today. It is unclear what effect the disclosures will have on future aid to El Salvador.

"I tell you I would have been a lot more upset if d'Aubuisson won," said one member of the Senate Intelligence Committee. Though embarrassed by the means used, many liberal Democrats don't argue with the outcome. "You've got rich Salvadorans from Miami pouring in money to help d'Aubuisson," said one senior House Democrat. "I don't believe in the CIA interfering in other nation's elections. But if you're asking me if I'm terribly upset about the result and will it change my vote on aid to El Salvador, the answer is a resounding no."

Mr. LAUTENBERG. Mr. President, I am deeply pleased to support the nomination of Mr. Thomas R. Pickering for the position of Ambassador to Israel.

I cannot imagine a better choice for this critical and extremely sensitive post. Mr. Pickering has diplomatic experience on three continents and is held in high regard in the diplomatic community. His background and performance in the Foreign Service, including his service as Ambassador to Jordan, clearly demonstrate his qualifications for the job.

Mr. Pickering's credentials are outstanding and well known. He also possesses intangible qualities that make him a truly outstanding diplomat. I first met Tom Pickering as Ambassador to El Salvador when I consulted with him at length about the murder of Ita Ford, one of the four churchwomen brutally slain in El Salvador.

Ita Ford was from New Jersey and her family still lives there.

At the time I dealt with Tom Pickering on this issue, the murder of the churchwoman had not yet been resolved, and ensuring that the murderers were brought to justice in El Salvador was a matter of great concern to me and the Congress. The Congress had voted to impose conditions on aid to El Salvador pending a verdict in the case, and El Salvador was in the midst of a Presidential campaign, the outcome of which was unclear.

In these difficult circumstances, Tom Pickering was most helpful in conveying my concern and that of William Ford, Ita's brother, to the State Department and to the Salvadoran Government. He went out of his way to keep me informed of developments in the case, ever mindful of the constraints imposed by his position as Ambassador.

His insight and deep understanding of the political dynamics of El Salva-

dor were apparent when I visited El Salvador in 1984, and he willingly shared his knowledge with me. He brought to his difficult assignment a finely tuned sense of how to balance national security concerns, domestic concerns, and the desire of the Senate to be involved in the foreign policy process. Throughout my dealings with Tom Pickering, I have been impressed with his integrity, his wisdom, and his ability to handle difficult situations with sensitivity.

I believe the intangible qualities Mr. Pickering has demonstrated as Ambassador to El Salvador will be a great asset to him as Ambassador to Israel. Our relationship with Israel is of critical importance to our country, and the situation in the Middle East presents opportunity, challenge, and risk. It will require the skills Tom Pickering has developed and honed in his years in the Foreign Service.

I take great pleasure in supporting Mr. Pickering's nomination and urge the Senate to swiftly confirm him in this post.

Mr. BRADLEY. The administration is showing extraordinarily good judgment in its recent nominations, John Whitehead as Deputy Secretary of State earlier, Thomas R. Pickering as Ambassador to Israel today. I have a list of many other well-qualified New Jerseyites who would greatly enhance the administration's decisionmaking, if Mr. Reagan wants to continue this positive trend.

As the U.S. Ambassador to El Salvador since 1983, Thomas Pickering has served in a demanding and challenging assignment. The truly remarkable progress that President Duarte has made in his country has been supported and encouraged by Ambassador Pickering. Even with the departure of this distinguished New Jerseyite, I am sure I speak for all Americans as I wish President Duarte continued success and progress.

As the new Ambassador to Israel, Thomas Pickering brings experience and talent to this most important post. He has experience as Ambassador to nations on three continents. His 4 years as Ambassador to Jordan have well acquainted him with the challenges of the Middle East. King Hussein reportedly described him as the best American Ambassador he had known in his 25 years as King. I hope that the Prime Minister of Israel will be able to make a similar statement about Ambassador Pickering at the conclusion of this assignment.

Israel is our key ally in the Middle East. In that caldron of conflict, Israel is an island of political stability and an outpost of democracy. Israel is the foundation of any and all U.S. policies to bring peace and stability to the region. The position of Ambassador to Israel is therefore, critically important and one that should be filled by a competent professional. I am pleased that the administration has nominated such a person in Thomas Pickering and that the Senate will today confirm that nomination.

NOMINATION OF GARY L. BAUER, OF VIRGINIA, TO BE UNDER SECRETARY OF EDUCATION

Mr. HATCH. Mr. President, I am pleased to rise in support of the nomination of Mr. Gary Bauer to be Under Secretary of Education. Yesterday, the Committee on Labor and Human Resources unanimously reported Mr. Bauer's nomination. On June 4, Senator STAFFORD chaired a confirmation hearing at which the nominee was a responsive and capable witness. He has since answered over 100 written questions from members. I can report that in every way the committee is satisfied with Mr. Bauer's conduct as a nominee and his qualifications to be Under Secretary.

For nearly 3 years Gary Bauer has been Deputy Under Secretary for Planning, Budget, and Evaluation. This is not an easy job, especially at a time when fiscal constraint is a necessity. He has fulfilled his duties in this job with utmost grace, having been an eloquent spokesman for the policies of the President and the Secretary while also having cooperated with and gained the respect of Senators with differing views. As Deputy Under Secretary, he has proven his ability as an administrator and familiarized himself with the entire operation of the Department of Education. Reputedly, his is one of the best run budget offices in Washington.

The Department of Education is still a new agency whose role and organization have yet to be fully institutionalized. Considering this fact and the demands of Americans everywhere for improvements in American education, we are lucky indeed to have Gary Bauer at the Department of Education. He provided invaluable assistance to Secretary Bell and he is now proving to be just as indispensable to Secretary Bennett. Mr. Bauer is exceptional. I urge the Senate to vote to confirm him expeditiously and unanimously.

Mr. KENNEDY. Mr. President, today the Senate is considering the nomination of Gary Bauer to be Assistant Secretary of the Department of Education. With Senate confirmation of this nomination, Mr. Bauer takes on the important responsibility of guiding the course of American education. It is my hope that Mr. Bauer's course will reflect an increased Federal commitment to providing all our children with equal and quality education and a strengthening of the appropriate Federal role in education as defined by all of the education community.

I would like to take this opportunity to restate my concerns about certain areas for which the new Assistant Secretary will be responsible.

I am concerned about reorganization of the Education Department and the form that this may take in the 1987 budget cycle. I am concerned about reauthorization of the Higher Education Act and the intentions of the Department in this area, given the administration's drastic student aid budget proposals. The problem of illiteracy is of great concern to me and we must examine the types of resources and the amount of support that is presently being allocated to the elimination and prevention of illiteracy. And lastly, I have some concerns with the upcoming appointments and reappointments to the National Advisory and Coordinating Council on Bilingual Education.

It is my hope that Mr. Bauer as Assistant Secretary will work with me on these concerns over the course of his tenure.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF BARNABAS McHENRY AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of House Joint Resolution 198, a joint resolution providing for the appointment of Barnabas McHenry as a citizen regent of the board of regents of the Smithsonian Institution. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated by title.

The legislative clerk read as follows:

A House Joint Resolution (H.J. Res. 198) providing for the appointment of Barnabas McHenry as a citizen regent of the board of regents of the Smithsonian Institution.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by title.

Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 198) was ordered to a third reading, was read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE DEATH OF ULYSSES S. GRANT

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of House Concurrent Resolution 59, commemorating the 100th anniversary of the death of Ulysses S. Grant. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 59) commemorating the 100th anniversary of the death of Ulysses S. Grant, the 18th President of the United States.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 59) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL RETURNED TO CALENDAR—S. 995

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate bill 995 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIVE AID DAY

Mr. DOLE. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 noon on Monday, July 15, 1985, the Senate be authorized to receive House Joint Resolution 325, "Live Aid Day."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I further ask unanimous consent that once the Senate receives House Joint Resolution 325, it be considered agreed to by the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I do not object.

● Mr. LEVIN. Mr. President, this legislation designates July 13, 1985 as "Live Aid Day." This date is a significant day because performers and dignitaries from all over the world will gather together in London, England, and Philadelphia, PA, to fight world hunger. The mission is famine relief.

My colleague in the House, Congressman BOB CARR, has introduced an identical resolution, House Joint Resolution 325. Passage by the full House is expected not later than tomorrow.

The "Live Aid" benefit concert, which will begin in London and continue in Philadelphia, PA, will be broadcasted by ABC-TV from 7 a.m. until 6 p.m. as well as continuous coverage on independent television stations around the world. This event would reach a possible 1.5 billion viewers in 169 countries.

Mr. President, the purpose of this event is to unite and educate more than 1 billion people relative to the hunger problems that plague the world and how each individual can take action to make a difference in moving from relief for Africans to recovery, and finally to self sufficiency.

Fifty-one of the world's top music performers plus 25 world figures who are involved with this project are donating their efforts free of charge. Dignitaries include Bishop Tutu, Prince Charles, former President Jimmy Carter, Mrs. Jihan Sadat, Rajiv Gandhi, Coretta King, and Geraldine Ferraro, just to name a few. Top names in the entertainment field include Paul McCartney, Elton John, Mick Jagger, Joan Baez, Tina Turner, Cyndi Lauper, and many time honored bands will also be there to lend their support and talents.

Mr. President, I feel it only fitting that it be "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled that July 13, 1985 is designated as "Live Aid Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities."●

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Kansas? If not, without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON PREPARATIONS FOR THE 1985 CONFERENCE TO REVIEW AND APPRAISE THE ACHIEVEMENTS OF THE UNITED NATIONS DECADE FOR WOMEN—MESSAGE FROM THE PRESIDENT—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to Section 118 of Public Law 98-164, I transmit herewith a report reviewing preparations for the 1985 Conference to Review and Appraise the Achievements of the United Nations Decade for Women.

RONALD REAGAN.

THE WHITE HOUSE, *July 11, 1985.*

MESSAGES FROM THE HOUSE

At 12:38 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 1160) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of all provisions: Mr. ASPIN, Mr. PRICE, and Mr. DICKINSON.

From the Committee on Armed Services, for consideration of all provisions except sections 711, 713, 933, and 949 of the Senate bill and modifications thereof committed to conference: Mr. BENNETT, Mr. STRATTON, Mr. NICHOLS, Mr. DANIEL, Mr. MONTGOMERY, Mr. DELLUMS, Mrs. SCHROEDER, Mrs. BYRON, Mr. MAVROULES, Mr. HUTTO, Mr. WHITEHURST, Mr. SPENCE, Mrs.

HOLT, Mr. HILLIS, Mr. BADHAM, Mr. STUMP, and Mr. COURTER.

From the Permanent Select Committee on Intelligence, solely for consideration of differences regarding intelligence-related activities: Mr. HAMILTON, Mr. STOKES, and Mr. CHENEY.

From the Committee on Education and Labor, solely for consideration of sections 711, 713, 910, 919, 933, 949, 2136, and 2137 of the Senate bill, and section 1190 of the House amendments and modifications thereof committed to conference: Mr. HAWKINS, Mr. FORD of Michigan, Mr. KILDEE, Mr. MURPHY, Mr. CLAY, Mr. WILLIAMS, Mr. JEFFORDS, Mr. GOODLING, Mr. PETRI, and Mr. BARTLETT.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1373. An Act to designate the wilderness in the Point Reyes National Seashore in California as the Phillip Burton Wilderness.

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bill, received from the House of Representatives on July 9, 1985, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2401. An Act to amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any agency proposing to carry out removals, reductions in grade or pay, or other adverse personnel actions incident to closing, or changing the functions of any of its field offices; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1449. A communication from the Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the fourth quarterly commodity and country allocation table showing current programing plans for food assistance under P.L. 480 for fiscal year 1985; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1450. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1451. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of certain functions at various installations to performance under contract; to the Committee on Armed Services.

EC-1452. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice that the Department of the Army intends to exercise certain provisions of law concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-1453. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Status of the Intercontinental Ballistic Missile Modernization Program"; to the Committee on Armed Services.

EC-1454. A communication from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), transmitting, pursuant to law, a report on the actuarial status of the military retirement system for fiscal year 1984; to the Committee on Armed Services.

EC—1455. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, certain certifications with respect to the A-6E/F program; to the Committee on Armed Services.

EC-1456. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, a report on the activities and financial status of the Corporation for 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-1457. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Reviews of the Audits of the Consumer Cooperative Development Corporation's Financial Statements for the Year Ended December 31, 1983, and for December 30 and 31, 1982"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1458. A communication from the Commandant of the United States Coast Guard, transmitting, pursuant to law, a review of the activities planned by the Coast Guard for fiscal year 1985; to the Committee on Commerce, Science, and Transportation.

EC-1459. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on managing the Nation's public lands for fiscal year 1984; to the Committee on Energy and Natural Resources.

EC-1460. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, a report on the United States contribution to meeting the needs of the African famine victims; to the Committee on Foreign Relations.

EC-1461. A communication from the Assistant Legal Advisor for Treaty Affairs, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to July 3, 1985; to the Committee on Foreign Relations.

EC-1462. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend title 39, United States Code, to repeal the authorization for funding postal rate subsidies from general revenues, to require permanent funding for certain free or reduced postage from the Postal Service Fund, and for other purposes; to the Committee on Governmental Affairs.

EC-1463. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Special Study on Terminology"; to the Committee on Labor and Human Resources.

EC-1464. A communication from the Deputy Administrator of Veterans' Affairs, transmitting, pursuant to law, notice that the final report on the Program of Independent Living Services and Assistance will be submitted shortly; to the Committee on Veterans' Affairs.

EC-1465. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Singapore for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1466. A communication from the Acting Inspector General, General Services Administration, transmitting, pursuant to law, a list of reports issued by the Office of Inspector General, relating to fraud prevention programs; to the Committee on Governmental Affairs.

EC-1467. A communication from the Executive Secretary of the Federal Reserve Benefits System, transmitting, pursuant to law, a report on the status of the System for the plan year ended December 31, 1985; to the Committee on Governmental Affairs.

EC-1468. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Concerns Regarding the Use of Tax Exemption Numbers Assigned to the University of the District of Columbia"; to the Committee on Governmental Affairs.

EC-1469. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-1470. A communication from the Secretary of Education, transmitting, pursuant to law, notice of the reorganization and consolidation of components of the National Institute of Education and the National Center for Education Statistics; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-308. Joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

"JOINT RESOLUTION NO. 58

"Whereas, California produces 98 percent of all domestically produced apricots, comprising a $37 million industry; and

"Whereas, Apricots have extraordinary nutritional content, being loaded with vitamin A and potassium and containing noteworthy amounts of vitamin C; and

"Whereas, Through the California Apricot Advisory Board, a state marketing order board, California apricot growers finance an ongoing national advertising and promotion program to assist movement of their commodity in the marketplace; and

"Whereas, Industry leaders estimate that between one-quarter to one-third of the 1985 crop, amounting to 20,000 tons, will be lost due to record high dried apricot imports; and

"Whereas, The importation of dried apricots in the United States, primarily from Turkey, has resulted over the last five years in a severe loss of markets for domestic apricot producers and processors; and

"Whereas, Domestic dried apricot utilization accounted for only 20 percent of the total utilized production from the 1984 crop, down from 32 percent of the crop used for drying in 1983; and

"Whereas, Preliminary estimates from the United States Department of Agriculture indicate a 46 percent increase over the same period one year ago in the number of dried apricot imports; and

"Whereas, These imports are entering United States markets at prices below our growers' actual cost of production; and

"Whereas, If the present trend continues, the Turkish dried apricot import situation, which is fueled by the extraordinarily strong United States dollar, presents a terminal problem for a significant number of the 400 California apricot producers; and

"Whereas, the California Legislature applauds the Secretary of the United States Department of Agriculture's recent decision to purchase 400,000 cases of canned apricots for the National School Lunch Program; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly. That the Legislature hereby recognizes the significant contributions the apricot industry makes within the state; and be it further

"Resolved, That the Legislature respectfully memorializes the Secretary of the United States Department of Agriculture to provide written assurance to purchase an additional 500,000 cases of apricot juice for the National School Lunch Program because the long-term survival of our domestic production and the thousands of jobs it supplies hang in the balance; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the United States Department of Agriculture.

POM-309. A resolution adopted by the Senate of the State of Pennsylvania; to the Committee on Appropriations.

"A RESOLUTION

"Whereas, Radon is a radioactive gas produced naturally by the normal decay of uranium and radium in the earth's crust and found throughout Pennsylvania and the United States; and

"Whereas, Extended exposures to high levels of radon gas can lead to an increased risk of lung cancer; and

"Whereas, The National Council on Radiation Protection and Measurements estimates that radon gas may be responsible for more than 9,000 annual deaths from lung cancer in the United States and that more than one million American homes may have dangerous levels of radon gas; and

"Whereas, A home in Berks County, Pennsylvania, recently recorded the highest residential reading of radon gas ever recorded in the United States (650 times the recommended remedial action level); and

"Whereas, Unacceptably high levels of radon gas have been discovered in approximately 40% of the over 1,400 homes tested in Berks County by the Pennsylvania Department of Environmental Resources on the "Reading Prong," which is a uranium prong extending from southcentral Pennsylvania through the southeastern part of this Commonwealth into New Jersey and New York; and

"Whereas, The Pennsylvania Department of Environmental Resources plans to test at least 20,000 homes along the "Reading Prong"; and

"Whereas, The cost to homeowners for remedial work to permanently lower dangerously high levels of radon gas could range from a few hundred dollars to $20,000; and

"Whereas, The Philadelphia Electric Company is paying $40,000 in an attempt to lower the levels of dangerous radon gas in one home in Berks County; and

"Whereas, This financial cost could prove too expensive for some homeowners, thereby placing them at a risk to their health and safety; and

"Whereas, The United States Environmental Protection Agency's policy is that no Federal Superfund money is available for assistance for victims of radon if the uranium condition is a natural one as opposed to a man-made condition; and

"Whereas, Dangerously high levels of radon could pose a potentially far more serious and farreaching problem than the toxic waste program, which Superfund addresses; and

"Whereas, Other nations, notably Sweden and Canada, have undertaken large-scale measurement and remedial programs for persons affected by radon exposure; therefore be it

"Resolved, That the Senate of Pennsylvania memorialize the Congress of the United States to provide financial assistance in the Federal budget for victims who are put to the expense of buying equipment or materials to lower dangerously high levels of radon gas in their homes; and be it further

"Resolved, That the Senate of Pennsylvania urge the Federal Government to promptly establish standards radon gas exposure considered safe in the home; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress, to each member of Congress from Pennsylvania and to the United States. Environmental Protection Agency."

POM-310. A resolution adopted by the Senate of the State of Illinois; to the Committee on Commerce, Science, and Transportation.

"RESOLUTION No. 201

"Whereas, The sale of Conrail was mandated by federal legislation in 1981; and

"Whereas, The U.S. Department of Transportation solicited and received bids from numerous entities; and

"Whereas, The Department of Transportation accepted the bid of Norfolk Southern in the amount of $1.2 billion, and has submitted the bid to Congress for approval; and

"Whereas, Conrail and Norfolk Southern are parallel carriers serving the same geographic area, and the resulting company would lessen competition in both the eastern region of the country and the midwest; and

"Whereas, A combined Conrail/Norfolk Southern could harm regional and local rail carriers located in the State of Illinois by diverting traffic from their gateways; and

"Whereas, A combined Conrail/Norfolk Southern could have an adverse impact on Illinois regional and local railroad employees, as well as on the employees of the combined company; and

"Whereas, Conrail's management has recommended a public stock offering for Conrail so that it can remain a separate company; and

"Whereas, It is the sense of this Senate that such a public offering would be preferable to a combined Conrail/Norfolk Southern; therefore, be it

"Resolved, by the Senate of the Eighty-fourth General Assembly of the State of Illinois, that we strongly urge the United States Congress to disapprove the sale of Conrail to Norfolk Southern; and be it further

"Resolved, That the Illinois Senate respectfully urges the Congress of the United States to study the economic impact on each affected state before approving any disposition of Conrail, and to select some disposition by which Conrail will remain as an independent competitive carrier; and be it further

"Resolved, That we strongly urge each member of the Illinois Congressional Delegation to take all actions available to oppose and prevent the sale of Conrail to Norfolk Southern; and be it further

"Resolved, That a suitable copy of this preamble and resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to each member of the Illinois Congressional Delegation."

POM-311. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources.

"RESOLUTION No. 117

"Whereas, the Territory of Guam has been engaged in the effort to win the release of valuable federal land to the Government of Guam over the last ten years; and

"Whereas, the release of federal property to the Government of Guam would pave the way for the planned expansion of economic activities for the Territory through industrial development at those prime locations; and

"Whereas, in 1980, U.S. Congress approved the transfer of 927 acres of valuable land at Cabras Island to the Government of Guam; and

"Whereas, an amendment to the 1980 bill that approved the land transfer, known as the B:ooks amendment, put a price tag on the lands to the Government of Guam; and

"Whereas, the controversial amendment would in effect limit the development of Cabras Island land at Commercial Port and would result in the Federal Government benefiting from the Commercial Port Development; and

"Whereas, the Government of Guam agrees with a provision of the Brooks amendment that stipulates if the Government of Guam were to sell or lease the transferred federal lands that the sale or lease price should be set at fair market value, but the Government of Guam does not agree with the portion of the Brooks amendment that calls for the remittance of a percentage of the proceeds of the land transactions to the Federal Government; and

"Whereas, the Government of Guam's position with respect to proceeds from the land transaction is that funds derived from the sale or lease of transferred federal lands should remain in Government of Guam coffers for use in the development of the prime land areas; and

"Whereas, the Brooks amendment limiting commercial development of transferred lands sets a dangerous precedent in future land transfers from the Federal Government to the Government of Guam causing adverse financial effects on Guam's economic development; and

"Whereas, in his effort to win repeal of the controversial amendment, Guam Congressman Ben Blaz succeeded in winning the support of the U.S. Navy to repeal the Brooks amendment; and

"Whereas, in the Department of the Navy's report, the U.S. Navy recognized that the Federal Government's management responsibility under the Brooks amendment would be too costly over the long run; and

"Whereas, the U.S. Navy's report recognized the important of Apra Harbor in the Territory's overall economic development; now therefore be it

"*Resolved*, that the Eighteenth Guam Legislature requests U.S. Congress to support Guam Congressman Ben Blaz' proposed legislation that would repeal the Brooks Amendment for Guam; and be it further

"*Resolved*, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Speaker, U.S. House of Representatives; to the President, U.S. Senate; to the Secretary, Department of Defense; to the Secretary, U.S. Navy; to the Secretary, Department of Interior; to Guam's Congressman, and to the Governor of Guam."

POM-312. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance.

"A RESOLUTION

"Whereas, The Federal funding of the General Revenue Sharing Program is in jeopardy; and

"Whereas, The General Revenue Sharing Program is the most visible local return of the Federal tax dollar to our local governments and communities; and

"Whereas, The General Revenue Sharing Program allows municipalities the freedom to tailor spending to individual community needs; and

"Whereas, The General Revenue Sharing Program has enabled local governments to finance projects and services for their citizens that they otherwise would not be able to provide; and

"Whereas, General Revenue Sharing accounts for about 14% of local government budgets in Pennsylvania; and

"Whereas, Property taxes or other taxes and user fees would have to be raised to offset any loss of General Revenue Sharing funds; and

"Whereas, Many local governments in Pennsylvania are at or near their statutory taxation limits; and

"Whereas, Favorable action needs to be taken on the continued funding of the General Revenue Sharing Program before municipalities begin to work on their 1985–1986 budgets; therefore be it

"*Resolved*, That the Senate of Pennsylvania urge the President and Congress to work for the continued funding of the Federal Revenue Sharing Program as it now exists; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-313. A resolution adopted by the South Carolina Commission of Forestry relating to unfair trade practices caused by import of subsidized Canadian forest products; the Committee on Finance.

POM-314. A resolution adopted by the Senate of the State of Illinois; to the Committee on Foreign Relations.

"RESOLUTION No. 386

"Whereas, It is of paramount importance for all governments to ensure the security of persons using airports within their boundaries; and

"Whereas, Terrorists took control of TWA Flight 847 after its departure from the Hellinikon Airport of Athens, Greece, on June 14, 1985; and

"Whereas, The highjackers tortured and murdered a United States Seabee who was among the passengers; and

"Whereas, Innocent American citizens who have had no part in any injustices which may have been suffered by the highjackers and their people were prevented from returning to their homes; and

"Whereas, Some American citizens were taken from the highjacked plane and are still held hostage at undisclosed locations in Beirut; therefore, be it

"*Resolved, by the Senate of the Eighty-Fourth General Assembly of the State of Illinois*, That the Government of Greece be requested to conduct an intensive investigation into the adequacy of travel safeguards at the Hellinikon Airport of Athens; and be it further

"*Resolved*, That the Government of Greece be requested to bring to account those persons it finds responsible for the laxity which allowed terrorists with guns and grenades to board TWA Flight 847 on June 14, 1985, and be requested to review the security arrangements provided at its airports to ensure that travelers can be protected from any further incidents such as the highjacking of TWA Flight 847; and be it further

"*Resolved*, That a copy of this resolution be immediately transmitted to Prime Minister Andreas Popandreas of Greece, to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to U.S. Senators and Congressmen of Illinois."

POM-315. Joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Governmental Affairs.

JOINT RESOLUTION No. 1008

"Whereas, Government spending and the federal deficit have been increasing in alarming proportions and the 1983 deficit grew to $195.4 billion dollars, or twenty-eight times the 1962 deficit; and

"Whereas, The President's Private Sector Survey on Cost Control was created in 1982 to search for waste and inefficiency in the federal government; and

"Whereas, Said Survey on Cost Control was entirely supported by the private sector in the form of people, services, travel, and supplies; and

"Whereas, If Congress and the federal executive branch would act on the Survey on Cost Control's recommendations, the proposals would save the government and taxpayers $424.4 billion over three years; and

"Whereas, A majority of the Survey on Cost Control's recommended savings will need direct congressional action; now therefore,

"*Be it resolved by the House of Representatives of the Fifty-fifth General Assembly of the State of Colorado, the Senate concurring herein:*

"That the General Assembly hereby petitions the Congress of the United States to adopt measures to ensure the substantial implementation of the President's Private Sector Survey on Cost Control recommendations."

POM-316. A resolution adopted by the Arkansas Legislative Council supporting an amendment to the Constitution to permit prayer in the public schools and urging Congress to submit such proposed amendment for ratification of the States; to the Committee on the Judiciary.

POM-317. A resolution adopted by the Legislative Research Commission of the Commonwealth of Kentucky relating to the death penalty; to the Committee on the Judiciary.

POM-318. A resolution adopted by the Navy League of the United States relating to a strong viable Navy, Marine Corps, Coast Guard and merchant marine; ordered to lie on the table.

POM-319. A resolution adopted by the Council of the City of Compton, California opposing assembly bill (AB) 525 (Brown)—local public agency employer-employee relations; ordered to lie on the table.

POM-320. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on the Finance.

"A RESOLUTION

"Whereas, the federal income tax deduction for state and local income, sales, and property taxes has been a critical feature of fiscal federalism since 1913; and

"Whereas, the deduction for state and local taxes strengthens federalism by enhancing the ability of state and local governments to serve their citizens independently; and

"Whereas, the deduction for state and local taxes reduces excessive tax burdens that result from fiscal disparities among states; and

"Whereas, the deduction for state and local taxes dampens destructive tax competition among competing jurisdictions by reducing the disparity in tax burdens; and

"Whereas, the expanding federal deficit represents a growing threat to state and local government finances, to our nation's economic health, and to future generations; and

"Whereas, state and local governments are willing to do their part to improve and simplify the federal tax system and to reduce the growing federal deficit; and

"Whereas, the general economic benefits of federal tax reform must be balanced with the vital intergovernmental objectives served by the deduction for state and local taxes; and

"Whereas, prominent legislative proposals for the outright elimination of the deduction for state and local taxes would upset this intergovernmental balance; and

"Whereas, this intergovernmental balance can best be achieved by retaining the deduction for state and local taxes; Now, Therefore,

Be it resolved by the Legislature of the State of Minnesota that Congress should enact tax reform legislation that retains the federal income tax deduction for state and local taxes.

Be it further resolved that the Secretary of State of Minnesota shall transmit certified copies of this memorial resolution to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives and to Minnesota's Senators and Representatives in Congress."

POM-321. A resolution adopted by the Arkansas Legislative Council requesting Congress to retain the provisions of the Internal Revenue Code which allow the deductibility of state and local taxes in computing federal income tax liability; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

H.R. 1534: A bill to convert the temporary authority to allow Federal employees to work on a flexible or compressed schedule under title 5, United States Code, into permanent authority.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Louis L. Stanton, of New York, to be U.S. district judge for the Southern District of New York;

James M. Rosenbaum, of Minnesota, to be U.S district judge for the District of Minnesota;

Stanley Marcus, of Florida, to be U.S. district judge for the Southern District of Florida;

Thomas E. Scott, of Florida, to be U.S. district judge for the Southern District of Florida;

Joseph J. Farnan, Jr., of Delaware, to be U.S. district judge for the District of Delaware;

Maurice Owens Ellsworth, of Idaho, to be U.S. attorney for the District of Idaho for the term of 4 years; and

John C. Lawn, of Virginia, to be Administrator of Drug Enforcement.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. CHILES, Mrs. HAWKINS, Mr. LONG, Mr. JOHNSTON, Mr. BURDICK, Mr. ANDREWS, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. STEVENS, and Mr. MURKOWSKI):

S. 1419. A bill to amend the Agricultural Act of 1949 to provide price support for the 1986 through 1989 crops of sugar beets and sugarcane; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI:

S. 1420. A bill to amend title 39, United States Code, to provide that voter registration forms, absentee ballots, and certain related matter be mailed by election agencies free of postage; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S. 1421. A bill consenting to a modification in the Susquehanna River Basin Compact relating to the rate of interest on bonds issued by the Susquehanna River Basin Commission; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 1422. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly veterans; to the Committee on Finance.

By Mr. MELCHER:

S. 1423. A bill for the relief of Basile Christopoulos, and Maria Christopoulos, husband and wife, and George Christopoulos, their son; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1424. A bill to authorize the Secretary of the Army to construct a second large lock at Sault Sainte Marie, Michigan, and for other purposes; to the Committee on Environment and Public Works.

S. 1425. A bill to create a separate tariff classification for imports of pigskin footwear; to the Committee on Finance.

By Mr. HUMPHREY (for himself, Mr. KERRY, Mr. STAFFORD, Mr. CHAFEE, Mr. MITCHELL, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. PELL, and Mr. DODD):

S. 1426. A bill to amend section 123 of the Clean Air Act regarding tall stacks and dispersion techniques; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1427. A bill to prohibit the suspension of an employee's benefit accrued under a retirement plan solely because of age before accruing the maximum normal retirement benefit; to the Committe on Labor and Human Resources.

By Mr. LAUTENBERG (for himself and Mr. DANFORTH):

S. 1428. A bill to make permanent the withholding of 10 percent of the apportionment from the Highway Trust Fund to States that have not adopted the national minimum drinking age, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 1429. A bill to amend title 18, United States Code, to authorize prosecution of terrorists who attack United States nationals abroad, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

S.J. Res. 157. A joint resolution to designate July 13, 1985, as "Live Aid Day"; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S.J. Res. 158. A joint resolution designating October 1985 as "National Community College Month"; to the Committee on the Judiciary

By Mr. JOHNSTON (for himself, Mr. HATFIELD, Mr. HELMS, and Mr. LONG):

S.J. Res. 159. A joint resolution to designate the rose as the national floral emblem; to the Committee on the Judiciary.

By Mr. WILSON (for himself, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. HOLLINGS, Mr. NICKLES, Mr. PRYOR, Mr. BURDICK, Mr. PELL, Mr. INOUYE, Mr. EXON, Mr. ABDNOR, Mr. DECONCINI, Mr. FORD, Mr. THURMOND, Mr. GRAMM, Mr. HECHT, Mr. LAXALT, Mrs. HAWKINS, Mr. GORTON, Mr. DOMENICI, Mr. GARN, Mr. MATTINGLY, Mr. BOREN, Mr. DOLE, Mr. PRESSLER, Mr. LUGAR, Mr. ROCKEFELLER, Mr. NUNN, Mr. QUAYLE, Mr. CRANSTON, Mr. EAST, Mr. MATSUNAGA, Mr. BYRD, Mr. SIMON, Mr. COCHRAN, Mr. DENTON, Mr. HEFLIN, Mr. GLENN, Mr. BRADLEY, Mr. STENNIS, Mr. SIMPSON, Mr. METZENBAUM, Mr. ANDREWS, and Mr. BUMPERS):

S.J. Res. 160. A bill designating the week beginning November 10, 1985, as "National Disabled Veterans Week"; to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. LUGAR):

S.J. Res. 161. A joint resolution to appeal for the release of Soviet Jewry; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HART:

S. Con. Res. 55. A concurrent resolution expressing the sense of the Congress that the continued expansion of Soviet offensive nuclear forces and the possible development by the United States of defensive systems to counter that expansion are directly linked and threaten the achievement of a comprehensive arms control agreement; and that, if the Soviet Union agrees to mutual, verifiable and significant reductions in the overall number of offensive nuclear weapon launchers and warheads, the United States should agree to mutual, verifiable and significant restrictions, consistant with and complementary to the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems, on the development, testing and deployment of components, weapons, supporting systems, and technologies for strategic defensive purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. CHILES, Mrs. HAWKINS, Mr. LONG, Mr. JOHNSTON, Mr. BURDICK, Mr. ANDREWS, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. STEVENS, and Mr. MURKOWSKI):

S. 1419. A bill to amend the Agricultural Act of 1949 to provide price support for the 1986 through 1989 crops of sugar beets and sugarcane; to the Committee on Agriculture, Nutrition, and Forestry.

PRICE SUPPORTS FOR SUGAR BEETS AND SUGARCANE

Mr. MATSUNAGA. Mr. President, I am pleased to introduce today a bill, S. 1419, which would provide a minimum basis upon which our domestic sugar industry can strive to remain in business. Joining me in this bipartisan effort as cosponsors of the measure are the concerned Senators from the key sugar producing States: The senior Senator from Hawaii, Mr. INOUYE; the Senators from Florida, Mr. CHILES and Mrs. HAWKINS; the Senators from Louisiana, Mr. LONG and Mr. JOHNSTON; the Senators from North Dakota, Mr. BURDICK and Mr. ANDREWS; the Senators from Minnesota, Mr. DURENBERGER and Mr. BOSCHWITZ; and the Senators from Alaska, Mr. STEVENS and Mr. MURKOWSKI.

The legislative proposal, S. 1419, calls for a continuation of the current

sugar program with minor annual adjustments of 0.5 cent per pound increase or one-half of the rate of inflation, whichever is less.

The current Sugar Program, enacted as title IX of the Agriculture and Food Act of 1981, has provided nonrecourse Federal loans to sugar producers beginning at the rate of 17 cents per pound of raw sugar for the 1982 crop, and increasing in steps to 18 cents per pound for the 1985 crop. The program has worked with considerable success and in accordance with the intent of Congress.

It is now timely that we address the nature of the Sugar Program to be included in the 1985 farm bill. The old adage, "if it isn't broken don't fix it," is certainly applicable in this instance; in fact, the Sugar Program has worked as Congress intended with a net revenue gain to the Government. As it rarely happens the American taxpayer has enjoyed a net profit from this "venture."

The current Sugar Program has also meant prices to the consumer that are actually lower than those which were in effect during the 2 years before the current program was adopted. Meanwhile the program has assured a plentiful supply of high quality product at stable prices to our consumers and industrial users. Moreover, it has provided price stability not only for the domestic sugar industry but also for the Nation's corn sweetener industry, which constitutes almost one-half of the domestic sweetener market.

The Sugar Program has also provided a saving price for sugar imports from our traditional foreign suppliers at a time when prices on the residual world market have dropped to less than one-fourth of the average production cost of even the lowest cost producer. The program has sent a clear message to the European Economic Community [EEC], Cuba, and other producing countries, which maintain high internal support prices or sell substantial quantities under long term, bilateral agreements at high prices and then dump their surplus onto the world market at a fraction of their cost of production. Today that dump price is 4 cent per pound for sugar which costs 24 cents per pound to produce. The message is that we will not permit American farmers to be forced out of business by predatory practices of foreign producers.

Mr. President, our bill, S. 1419, provides for a modest adjustment in a program which, while it has operated as intended, has barely managed to keep our domestic sugar industry afloat. In fact, the current program has not been altogether sufficient to maintain the hoped-for stability in our industry, let alone encourage its expansion, and domestic production today has fallen below the 1981 level. My own State of Hawaii has experienced a 10-percent reduction of its sugar acreage since the enactment of the current program, but the industry has managed to stay alive.

Mr. President, the clearest test of the adequacy of an Agricultural Support Program lies in the producer response to that program. The sugar industry has reduced its costs of production in a valiant effort to survive. That effort will surely continue, but it is too much to expect that the future nationwide inflation can be entirely overcome by constant efforts to achieve ever greater productivity gains in the sugar industry. If the industry can cover half of the general cost increases from such gains it will be remarkable—and a far better feat than we demand from the rest of our economy.

We cosponsors of S. 1419 are fully convinced that the continuation of the current Sugar Program is absolutely necessary to keep our American sugar growers and producers in business. We also believe that to encourage them to continue in business and save more than 110,000 jobs, we must provide them with some assurance that the support level is not ravaged by inflationary cost increases. It is for this reason that we have included in the bill that provision for maximum annual increases in the loan rate of 0.5 cent per pound—which is about 2.5 percent—or one-half the inflation index, whichever is less.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1419

Be it enacted by the Senate and House or Representatives of the United States of America in Congress assembled, That section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended by adding at the end thereof the following new subsection:

"(i)(1) The price of each of the 1986 through 1989 crops of sugar beets and sugarcane, respectively, shall be supported in accordance with this subsection.

"(2) Effective October 1, 1986, the Secretary shall support the price of domestically grown sugarcane through nonrecourse loans at such level as the Secretary determines appropriate but not less than—

"(A) for the 1986 crop the lesser of—

"(i) 18½ cents per pound; or

"(ii) 18 cents per pound, increased by a percentage equal to one-half of the percentage increase, if any, in the price index published for September, 1986, over the price index published for September, 1985;

"(B) for the 1987 crop, the lesser of—

"(i) the loan level determined for the 1986 crop, increased by one-half cent per pound; or

"(ii) the loan level determined for the 1986 crop, increased by a percentage equal to one-half of the percentage increase, if any, in the price index published for September, 1987, over the price index published for September, 1986;

"(C) for the 1988 crop, the lesser of—

"(i) the loan level determined for the 1987 crop, increased by one-half cent per pound; or

"(ii) the loan level determined for the 1987 crop, increased by a percentage equal to one-half of the percentage increase, if any, in the price index published for September, 1988, over the price index published for September, 1987; and

"(D) for the 1989 crop, the lesser of—

"(i) the loan level determined for the 1988 crop, increased by one-half cent per pound; or

"(ii) the loan level determined for the 1988 crop, increased by a percentage equal to one-half of the percentage increase, if any, in the price index published for September, 1989, over the price index published for September, 1988.

"(3) Effective October 1, 1986, the Secretary shall support the price of domestically grown sugar beets through nonrecourse loans at such level as the Secretary determines to be fair and reasonable in relation to the level of loans for sugarcane.

"(4) The Secretary shall announce the loan rate to be applicable during any fiscal year as far in advance of the beginning of that fiscal year as practicable consistent with the purposes of this subsection.

"(5) Loans during any such fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature before the end of that fiscal year.

"(6) As used in this subsection, the term 'price index' means the Consumer Price Index for All Urban Consumers, published monthly by the Bureau of Labor Statistics.".

Mr. INOUYE, I am pleased to join my colleagues, Senators MATSUNAGA, STEVENS, ANDREWS, BOSCHWITZ, BURDICK, CHILES, DURENBERGER, HAWKINS, JOHNSTON, LONG, and MURKOWSKI in introducing legislation to increase the sugar loan rate over the next 4 years by one half the inflation rate or one-half cent, whichever is less.

As I have indicated in three previous statements and in testimony before the Senate Committee on Agriculture, Nutrition, and Forestry, sugar is a vital component of the American farm economy. Unfortunately, unfair trade practices by the European Economic Community, Cuba, and other nations make it necessary to protect American growers from the dumping of surplus sugar on the world market at ruinous prices. Free trade is attractive in principle, but the reality of the international market is that our sugar industry—like our steel, textile, and leather industries—could not survive without protection from subsidized production abroad.

The current sugar program has worked well to provide consumers with a stable supply of sugar at reasonable prices and to protect American beet and cane growers from sugar prices that are well below the actual cost of production. It has operated at no net cost to the American taxpayer and deserves to be extended in the 1985 farm bill.

Unfortunately, the loan rate has not kept pace with inflation, and I am

coauthoring this bill as an alternative to the approach taken in my other legislation, S. 884, which would provide for a straight half-cent increase in the sugar loan rate over the next 4 years. The bill we are introducing today introduces the important concept of indexing for inflation, while recognizing that farm programs cannot expand indefinitely. It will thus give the Agriculture Committee more options during its consideration and markup of a new sugar title later this month.

I trust that my colleagues will give the needs of domestic sugar growers serious attention and develop a sugar program that will ensure the survival of a lean, efficient American industry whose continued existence is vital to the national interest.

By Mr. DECONCINI:

S. 1420. A bill to amend title 39, United States Code, to provide that voter registration forms, absentee ballots, and certain related matter may be mailed by election agencies free of postage; to the Committee on Governmental Affairs.

POSTAGE-FREE ELECTION MATERIAL

Mr. DECONCINI. Mr. President, the most important privilege and responsiblity we hold as Americans is the right to vote in free and democratic elections. For much of the world's population free and independent elections have become the exception rather than the rule. Unfortunaely, for some American citizens the right to vote—because of age, infirmity or other circumstance—is more difffcult to exercise. Today I am reintroducing legislation that I believe will help to insure that the right to vote is easily accessible for all Americans.

The bill I am introducing today would provide for the postage-free mailing of election materials by election agencies at the State and local level. I believe that this will serve an important function, not only by alleviating the burden on election agencies, at the State and local level. I believe that this will serve an important function, not only by alleviating the burden on election agencies, but also be encouraging them to actively pursue absentee voters.

My State of Arizona has a large elderly population. During the 1984 Presidential election, Arizona's two largest counties—Maricopa and Pima—had absentee voting rates of approximately 5.5 percent. I believe that percentage could be potentially much higher when you consider that California has an absentee voting rate of over 9 percent. My bill could help encourage absentee voting by the elderly and disabled population in this country.

We are the only Western democracy with no uniform written code for Federal elections. Instead, we have a complex mixture of Federal constitutional amendments, Federal laws and case decision; State legislation and codes, and local election procedures which comprise our election system. We elect an estimated 500,000 Federal, State, and local officials through this complicated system of laws and regulation. Any proposal to make this process less complicated and more efficient while retaining local antonomy can only be beneficial. The bill I propose will help election agencies with their mailing system, and will shift some of the extraneous cost burden involved with elections away from State and local offices to the Federal Government.

Mr. President, if this bill is passed, the taxpayer will directly benefit. The chief beneficiaries will be all those in need of absentee ballots—including many elderly and handicapped people—and all those who must register by mail. Therefore, this bill will help ensure that all people who are eligible to vote, can vote and perhaps it may encourage more people to vote.

It is our obligation to provide political freedom, and all people must maintain their political freedom in order to maintain equality. Clearly it is the Federal Government's responsibility to share some of the financial burden with election agencies during Federal elections. This is the reason why I introduced this bill, and I recommend it to my colleagues.

By Mr. SPECTER:

S. 1421. A bill consenting to a modification in the Susquehanna River Basin compact relating to the rate of interest on bonds issued by the Susquehanna River Basin Commission; to the Committee on the Judiciary.

MODIFICATION TO SUSQUEHANNA RIVER BASIN COMPACT

Mr. SPECTER. Mr. President, I am today introducing a bill to amend the Susquehanna River Basin compact with respect to the interest cost and rate of interest of bonds and other obligations issued by the Susquehanna River Basin Commission.

The Susquehanna River Basin Commission was established by compact in 1970 with the United States, Pennsylvania, New York, and Maryland as its signatory parties.

The Susquehanna River Basin Commission's authority to issue bonds is limited by a 6-percent interest rate ceiling on those bonds. This low interest rate has the obvious effect of attracting few buyers.

By allowing the increase in interest rates of bonds to the level determined and approved by the Commission, this amendment will enhance their competitive value and, in turn, will enhance the self-financing capacity of the compact.

All three States involved in the compact have amended sections 13.9 and 13.13 of article 13 of Public Law 91-575 which created the compact. It is now time for Congress to act similarly since all four parties to the compact must act to amend common legislation that created the Commission.

I urge my colleagues to join me in support of this measure.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 1422. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly veterans; to the Committee on Finance.

ELDERLY VETERANS CARE ACT

● Mr. HEINZ. Mr. President, our Nation's veterans deserve access to the kind of health care they need. Care in the home is of particular importance to those valorous service men and women who face long-term illnesses. For that reason, I am today introducing the Elderly Veterans Care Act of 1985.

This legislation will provide older and chronically ill veterans of our armed services a credit against taxes for the expenses they and their families must face in providing home-based care. Specifically covered are home health aids, adult day care, respite care, nursing care, and medical or health-related equipment and supplies. The most needy families are targeted for the greatest relief. Credit amounts will be determined by a sliding scale based on annual income, similar to the dependent care tax credit adopted by Congress in the Economic Recovery Tax Act of 1981.

Under our bill families with $10,000 or less in income will receive a credit for 30 percent of their home-health care expenses up to a maximum credit of $1,050. Low-income families who do not pay enough taxes to get the full benefit of the credit will have any unusable credit refunded directly to them. The maximum amount of the credit would be gradually reduced based on income over $10,000, with families with adjusted gross income above $50,000 becoming ineligible for the credit.

Mr. President, this bill is designed to encourage and retain an independent living environment for the elderly veterans of our Nation. Our legislation does not require that an older veteran live in the family's home, and has no financial dependency requirements. The bill does allow veterans and their families a wide range of choices which they would not otherwise have. They may choose what services are most appropriate and necessary to enable a veteran to remain at home. These outstanding men and women, who have made the sacrifices this Nation required of them, deserve no less.

Mr. President, I urge my colleagues to join me in sponsoring this important health care initiative, and I ask

unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elderly Veterans Care Act of 1985".

SEC. 2. CREDIT FOR CARE OF ELDERLY VETERANS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to refundable credits allowable against tax) is amended by inserting after section 34 the following new section:

"SEC. 34A. EXPENSES FOR CARE OF ELDERLY VETERAN.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage of qualified elderly care expenses paid by such individual for the care of a qualifying veteran during the taxable year.

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the adjusted gross income of the taxpayer (and the spouse of the taxpayer in the case of a married individual filing a separate return) for the taxable year exceeds $10,000.

"(b) LIMITATIONS.—For purposes of this section—

"(1) LIMIT ON INCOME OF TAXPAYER.—No credit shall be allowable under subsection (a) for a taxpayer with an adjusted gross income of $50,000 or more for the taxable year ($25,000 or more in the case of a married individual filing a separate return).

"(2) DOLLAR LIMITATIONS ON AMOUNT OF CREDIT.—

"(A) MAXIMUM QUALIFIED ELDERLY CARE EXPENSES TAKEN INTO ACCOUNT.—The amount of qualified elderly care expenses taken into account under subsection (a) by any taxpayer for any taxable year shall not exceed $7,000 and not more than $3,500 of qualified elderly care expenses may be taken into account with respect to any qualifying veteran.

"(B) SPECIAL RULES FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married individual filing a separate return, paragraph (1) shall be applied by substituting '$3,500' for '$7,000' and '$1,750' for '$3,500'.

"(C) TWO OR MORE INDIVIDUALS MAKING EXPENDITURES WITH RESPECT TO SAME QUALIFYING VETERAN.—If 2 or more individuals have qualified elderly care expenses with respect to any qualifying veteran during any calendar year, then—

"(i) the amount of the qualified elderly care expenses taken into account with respect to such qualifying veteran shall be determined by treating all of such individuals as one taxpayer whose taxable year is such calendar year, and

"(ii) the amount of such expenditures taken into account by each of such individuals for the taxable year in which such calendar year ends shall be equal to the amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFYING VETERAN.—The term 'qualifying veteran' means any individual (other than the spouse of the taxpayer) who—

"(A) is a veteran within the meaning of section 101(2) of title 38, United States Code,

"(B) is related to the taxpayer by blood or marriage,

"(C) is at least 65 years of age, and

"(D) has a family income of $15,000 or less for the taxable year.

"(2) FAMILY INCOME.—The term 'family income'—

"(A) in the case of an individual who is not married, the adjusted gross income of such individual; and

"(B) in the case of a married individual, the adjusted gross income of such individual and his spouse.

"(3) QUALIFIED ELDERLY CARE EXPENSES.—The term 'qualified elderly care expenses' means payments by the taxpayer for home health agency services (but only if provided by an organization certified by the health Care Financing Administration), homemaker services, adult day care, respite care, or health-care equipment and supplies which—

"(A) are provided to such qualifying veteran,

"(B) are provided by an organization or individual not related to the taxpayer or to the qualifying veteran, and

"(C) are not compensated for by insurance or otherwise.

"(4) APPLICATION WITH OTHER CREDITS.—Notwithstanding any provision of this part, the amount of the credit allowable under subsection (a) shall be allowed as a credit against the tax imposed by this chapter before any other credit allowed by this part.

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter with respect to any amount for which a credit is allowed under subsection (a).".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 34 the following new item:

"SEC. 34A. EXPENSES FOR CARE OF ELDERLY VETERAN.".

(2) Paragraph (4) of section 6201(a) of such Code (relating to assessment authority) is amended—

(A) by striking out "or section 32 (relating to earned income)" and inserting in lieu thereof ", section 32 (relating to earned income), or section 34A (relating to expenses for care of elderly veteran)", and

(B) by striking out the heading and insertion in lieu thereof the following:

"(4) OVERSTATEMENT OF CERTAIN CREDITS.—".

(3) Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end thereof the following new subsection:

"(f) TIME TAX IS CONSIDERED PAID FOR ELDERLY VETERAN CARE CREDIT.—For purposes of section 6511, the taxpayer shall be considered as paying an amount of tax on the last day prescribed by law for payment of the tax (determined without regard to any extension of time and without regard to any election to pay the tax in installments) equal to so much of the credit allowed by section 34A (relating to expenses for care of elderly veteran) as is treated under section 6401(b) as an overpayment of tax.".

(4) Subsection (d) of section 6611 of such Code is amended by striking out the heading and inserting in lieu thereof the following:

"(d) ADVANCE PAYMENT OF TAX, PAYMENT OF ESTIMATED TAX, CREDIT FOR INCOME TAX WITHHOLDING, AND EXPENSES FOR CARE OF ELDERLY VETERAN.—".

SEC. 3. EFFECTIVE DATE; REPORTS.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1984.

(b) REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prepare a report for taxable years ending in 1985 (and each of the 4 calendar years thereafter) which states—

(A) the number of individuals who were allowed a credit under section 34A of the Internal Revenue Code of 1954 for taxable years ending during such calendar year,

(B) the utilization of such credit by income group for such calender year,

(C) the utilization of such credit by category of qualified elderly care expenses (as defined in paragraph (3) of subsection (c) of section 34A of such Code) during such calendar year, and

(D) the total effect on the revenues of the United States of allowing such credit during such calendar year.

(2) TIME FOR FILING.—Any report required under paragraph (1) shall be submitted to the Congress no later than September 15 of the calendar year following the calendar year for which it is required.●

By Mr. MELCHER:

S. 1423. A bill for the relief of Basile Christopoulos and Maria Christopoulos, husband and wife, and George Christopoulos, their son; to the Committee on the Judiciary.

RELIEF OF CHRISTOPOULOS FAMILY

Mr. MELCHER. Mr. President, today I am introducing a bill for the relief of Basile Christopoulos and Maria Christopoulos, husband and wife and George Christopoulos, their son.

Mr. Christopoulos is 60 years old, is Greek by birth, and is a naturalized Canadian citizen. Their oldest child, George Christopoulos, was born in 1966 and is a Canadian citizen. The other two children of the marriage, Steve and Peter were born May 1968 and June 1972 respectively. Both were born in Montana and therefore are American citizens. Mr. Christopoulos and his family first came to Montana on a 6-month visitor's visa in 1967. They came to Great Falls, MT, to help out Mr. Christopoulos' uncle, Steve Christie and his wife. Mr. and Mrs. Christie were elderly, in poor health and needed the assistance of Mr. Christopoulos for their day to day affairs including the management of rental property Mr. Christie owned in Great Falls.

Mr. Christopoulos cared for Mrs. Christie until her death in 1973 and Mr. Christie until his death in 1975.

Both Mr. and Mrs. Christie were American citizens. Had Mr. and Mrs. Christie not been cared for by the Christopoulos family for the last 8 years of their lives, they likely would have become wards of the State of Montana.

In consideration of the help the Christpoulos family extended to Mr. and Mrs. Christie, Mr. Christie willed Mr. Christopoulos some rental property in Great Falls.

Mr. Christopoulos has never had any criminal or serious financial problems in the 19 years he has resided in Montana. His family is well thought of in his neighborhood and community, and he is very active in his church. He is currently president of the Greek Orthodox Church of Great Falls. His family established Great Falls as their home during the years they took care of Mr. and Mrs. Christie. The three children have received all of their schooling in Great Falls. This is the only place they know as their home.

Mr. President, it would place an unfair hardship on the Christopoulos family if they are forced to return to Greece. I hope that the Senate Judiciary Committee will give this bill serious consideration and quickly report it to the full Senate.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1424. A bill to authorize the Secretary of the Army to construct a second large lock at Sault Sainte Marie, MI, and for other purposes; to the Committee on Environment and Public Works.

CONSTRUCTION OF SAULT SAINTE MARIE LOCK

● Mr. LEVIN. Mr. President, today I am introducing legislation along with Senator RIEGLE to authorize the U.S. Army Corps of Engineers to construct a second large lock at Sault Sainte Marie, MI. The Soo locks, as they are known, are the locking facility on the upper four Great Lakes providing access to and egress from Lake Superior.

The Soo locks are vital to the economic health of the entire Great Lakes region. Iron ore from northern Michigan and Minnesota move through the Soo locks to steel mills located on the southern tip of Lake Michigan and along Lake Eris. Grain, coal, and other bulk commodities, such as limestone, cement, and wood products, leave ports on Lake Superior for manufacturing facilities in Michigan, Ohio, Pennsylvania, Illinois, and Indiana, or for export through the St. Lawrence Seaway. During 1983, approximately 78.6 million tons moved through the Soo locks.

However, the Soo locks were built for an earlier time. Increasingly, industry is replacing its existing fleet of smaller bulk carrying vessels and relying to a greater extent on larger class x vessels, 1,000 feet long 105 feet wide, to move the raw materials used by Great Lakes industries. At the present time, however, only one lock at the Soo can accommodate such vessels. That lock, the Poe, is 1,200 feet in length and 110 feet wide. Another lock, the MacArthur, can accommodate the smaller vessels in the Great Lakes fleet up to 800 feet in length and 80 feet in width. The remaining two locks, the Sabin and Davis, are too shallow to accommodate loaded vessels.

A second large lock at the Soo would improve efficiency, remove sole reliance on the Poe, and provide for potential increased demand in a national emergency. As the Great Lakes fleet modernizes and additional class x vessels come into service, the number of bottlenecks at the Soo locks increase. Moreover, the absence of a second large lock could adversely affect employment in the ports and industries dependent on movement of raw materials through the Soo locks. Finally, a second large lock would assure that the Soo locks could adequately handle an increased demand for raw material during a national emergency.

The legislation we are introducing today would respond to these concerns by authorizing the Army Corps of Engineers to construct a second large lock at the Soo. This lock would be similar in dimension to the Poe, but would involve replacement of the Sabin or Davis.

The corps has determined that a second large lock is economically justified.

Moreover, construction of a second large lock should not cause significant, adverse environmental damage. Construction would be located in the vicinity of the Sabin and Davis locks and would not directly impact the St. Mary's Fall Canal or River—a significant fish spawning and wildlife habitat area important to the Upper Peninsula's tourist economy.

To ensure that the fish and wildlife habitat of the area is enhanced, this legislation further authorizes the corp to use excabated rock and concrete from the construction site, as well as dredge material, for establishment of a breakwater and fishing reef. The breakwater would be located in the Izaak Walton Bay. It would allow for creation of a wetland area for fish and wildlife and also reduce shoreline erosion. The fishing reef will be located in Lake Nicolet.

Mr. President, construction of this much needed lock is important to the Great Lakes economy and especially the Upper Peninsula of Michigan, where unemployment continues to be unacceptably high. It is my hope the Senate will act favorably in authorizing this important construction project.●

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1425. A bill to create a separate tariff classification for imports of pigskin footwear; to the Committee on Finance.

SEPARATE TARIFF CLASSIFICATION FOR PIGSKIN FOOTWEAR

● Mr. LEVIN. Mr. President, today I am introducing along with Senator RIEGLE, a bill to create a separate tariff classification for pigskin footwear.

In recent years, manufacturers of pigskin footwear have suffered, along with the rest of the domestic footwear industry, declining production and sales due to the rapid increase in foreign-made shoes. In fact, the International Trade Commission [ITC] found that imports have been a substantial cause of injury and have recommended to the President 5 years of across-the-board quotas on imported shoes. The President will make his decision on this recommendation in September.

Pigskin footwear manufacturers, like Wolverine World Wide in Michigan, face an impending threat of a massive increase of pigskin footwear imports and such imports may be increasing even more rapidly than imports of other shoes.

A separate tariff classification for pigskin footwear, which this bill establishes, would enable pigskin manufacturers to collect better data on the increases they believe to be occuring in imports of pigskin footwear. Currently, imported pigskin footwear falls into a large basket category which includes many other types of footwear. Creation of the new classification does not increase the duty on pigskin footwear.

The creation of this separate classification will aid the pigskin manufacturers in collecting better data on imports of pigskin footwear so that they can be separately monitored and controlled.

It is my hope the Congress will adopt this legislation in an expedious manner.●

By Mr. HUMPHREY (for himself, Mr. KERRY, Mr. STAFFORD, Mr. CHAFEE, Mr. MITCHELL, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. PELL, and Mr. DODD):

S. 1426. A bill to amend section 123 of the Clean Air Act regarding tall stacks and dispersion techniques; to the Committee on Environment and Public Works.

TALL STACKS AND DISPERSION TECHNIQUES

Mr. HUMPHREY. Mr. President, today I am pleased to be joined by several of my colleagues in introducing legislation that would reverse the recent decision by the Environmental Protection Agency [EPA] to continue to permit the use of extra tall smokestacks to disperse air pollution.

As a result of a 1983 court order, on June 27, EPA Administrator Lee Thomas announced new rules govern-

ing emissions permitted from tall smokestacks. However, the new rules, fall far short of what could have, and in my view, should have been done under the law.

The saga of tall stacks—that is, the use of extra tall smokestacks to disperse air pollution—is one of the sorriest chapters in the history of our national effort to deal with air pollution problems. For more than 10 years, EPA has persistently pursued a policy of resisting the law on tall stacks. The Agency has permitted pollution which is dispersed from these stacks—which can be over 1,000-feet tall—to be substituted for pollution controls under the Clean Air Act. This policy has been rejected four times by Federal courts.

The result of the misguided tall stacks policy has been the aggravation of severe air pollution problems. Predictably, the long-range transportation of sulfur dioxide—and other pollutants—has increased. Sulfur dioxide is a well-established actor in the acid raid problem—a problem which threatens terrestrial, aquatic and manmade resources across the Nation. The National Academy of Sciences has estimated that acid raid causes more than $2 billion in damage to buildings and monuments every year and $5 billion in damage overall.

It has been estimated that if the use of emissions controls were substituted for tall stacks, then overall sulfur loadings could be reduced by 4 to 7.5 million tons per year. Such a reduction would represent a healthy step toward achieving overall emission reductions that meaningful acid rain control proposals contemplate. Instead, the EPA has elected to once against dance around the law, and effectively avoid mandating any significant reductions. The Agency says its new rules would result in overall emissions reductions of 1.7 million tons per year, but suggesting that the new rules will move little beyond the status quo.

This legislation responds to the new EPA rules in the following ways. First, it prohibits EPA from allowing major sources of pollution to use the dispersion from smokestacks or other measures when there are available means of emission control to reduce local concentrations of pollution to meet national ambient air quality standards. Since 1970, the courts have held that the Clean Air Act requires air quality standards to be met to the maximum possible extent through the use of emission controls, with stack height and other dispersion measures to be used only if available emission reduction measures are not sufficient alone to achieve the standards. This legislation states clearly that EPA may not give any credit for stack height—above a de minimis level—or for any other dispersion technique, to pollution sources whose emissions are not well controlled.

The legislation would also prohibit making emission control requirements more lax on the basis of any attribute of a source or any measure that disperses pollution, and defines dispersion techniques on the basis of its effect.

The legislation would grandfather only those stack heights completed and those dispersion techniques in operation at the time the Clean Air Act amendments of 1970, were passed. This corrects an EPA interpretation that would grandfather weak emission control requirements for pollution sources that had merely signed contracts for new stack height when the law was passed.

Mr. President, this is an issue that deserves consideration in the Congress. For too long, the EPA has been playing dodge ball with one of the Nation's most important environmental protection statutes. This bill should serve as a clear statement that there are many in the Congress who want the game to stop. That such a bipartisan group of Senators is joining in this effort is testament to the widespread consensus on the tall stacks issue. It is my hope that this issue will receive thorough consideration as we move to the many items on the crowded agenda of clean air related issues. I look forward to working with my colleagues in moving to this entire agenda as swiftly as possible.

Mr. President, I ask consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO SECTION 123 OF THE CLEAN AIR ACT ON TALL STACKS AND DISPERSION TECHNIQUES.

(a) STACK HEIGHT CREDIT.—Section 123(c) of the Clean Air Act is amended by inserting the following before the last sentence thereof: "Regulations under this section shall provide that no stack height taller than de minimis the construction of which was completed after the date of enactment of the Clean Air Amendments of 1970 shall be considered necessary for the purposes of this section for emissions from any emission point that is not well controlled."

(b) CLARIFICATION OF CERTAIN PROVISIONS.—Section 123(a) of such Act is amended as follows:

(1) Strike out "in existence" and substitute "completed".

(2) Strike out "implemented" and substitute "in operation".

(c) DISPERSION METHODS.—Section 123(b) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", or any other attribute or measure which has the effect of dispersing pollutants at ground level measuring points."

Mr. KERRY. Mr. President, today I am proud to join with my colleague from New Hampshire, Mr. HUMPHREY, in introducing legislation that was recently filed in the House of Representatives by my friend Mr. CONTE of Massachusetts. It is our hope that this bill will respond to the controversy over the regulations recently promulgated by the Environmental Protection Agency on the so-called tall stacks issue.

We feel that the EPA has once again misinterpreted the will and intent of Congress; therefore, we are offering this legislation that we believe will clarify Congress' intention when it enacted the Clean Air Act and the amendments that followed.

In 1970, Congress passed the Clean Air Act affirming that air quality standards be met by reducing emissions. It was the clear intent of this legislation that dispersion not be used as a substitute for real emission reduction. Subsequently, EPA ignored this directive and several environmental groups took the EPA to court. The Federal court found that EPA was indeed ignoring the will of the Congress.

In 1977, Congress adopted section 123 to embrace the court's interpretation of the original law. The act, the Federal court rulings, and section 123 all specify that stack height may be considered by plants only as a supplement to the use of available emission reduction methods and not as a substitute for control.

Today, EPA continues to ignore congressional intent by misinterpreting what is clearly in the 1977 amendments: use of dispersion is not a substitute for emission control. This bill seeks to rectify this misinterpretation by correcting three key errors in the EPA regulations.

First, stack height will no longer serve as a substitute for available means of emission control. This bill will effectively close the illegal loophole opened by EPA regulations by stating explicitly that EPA may not give credit for dispersion measures to plants whose emissions are not strictly controlled.

Second, EPA can no longer limit the term dispersion techniques to just a few of the many measures that increase dispersion. Present emission limitations such as "plume rise"—the upward travel of certain polluted gases caused by heat and exhaust gases—will now be classified as dispersion techniques and credit will not be given for their use.

Finally, this bill would reverse EPA's "grandfathering" of certain smokestacks. Since 1970, EPA has granted credit to plants that had merely signed contracts for higher stacks when the original law was passed. Under this bill, only those stacks com-

pleted and those dispersion plans in operation at the time the 1970 Clean Air Amendments were passed, would be allowed credit.

If this bill is approved and plants are cleaned up as intended in the Clean Air Act, emissions of sulfur dioxides could be cut by as much as 7.5 million tons by 1995. This would represent a vast improvement over the effects of the present EPA regulations which, according to some estimates, could result in the reduction of only 300,000 tons of sulfur dioxide over the same time period. That amount of reduction is just not enough and is very clearly not what the framers of Clean Air Act intended. If the EPA needs that intention clarified, this bill will do it. We are here today to state clearly and emphatically that we will not allow government agencies to circumvent the will and intent of Congress.

It is time that the Congress and the administration address this problem that will not go away without our careful attention. I want to commend Senators HUMPHREY and Mr. CONTE for their leadership in this area and I hope that together, in this bipartisan effort, we will solve this problem by developing solutions that are sensible as well as comprehensive.

Mr. PELL. Mr. President, I am joining today with my distinguished colleagues, the senior Senator from New Hampshire [Mr. HUMPHREY] and the junior Senator from Massachusetts [Mr. KERRY], in introducing legislation that would eliminate tall stacks as a method of avoiding effective pollution control measures.

This legislation is designed to reverse the Environmental Protection Agency's erroneous interpretation of Section 123 of the Clean Air Act. EPA's interpretation permits stack height and other measures that disperse pollution to be substituted for available emission controls.

If this important section of the Clean Air Act were interpreted and enforced as intended by Congress, emissions of sulfur oxides pollution might be reduced by up to 7.5 million tons annually. This would be a giant step toward the annual reductions that we need to help fight acid rain.

We urgently need to address the problem of acid rain by taking action. We must not be satisfied with merely continuing to study the problem. This legislation would move us in the right direction toward reducing the pollutants linked with acid rain.

In my own State of Rhode Island we suffer from acid rain, largely attributed to air pollutants emitted in States to the south and west of Rhode Island. Although our own emissions are slight, transported pollutants from other States are believed to threaten our waters, marine life, and even our buildings.

Studies have found our rainfall in Rhode Island averages about 4.4 on the pH scale. The pH scale, on which zero is the most acid and 14 is the most alkaline, sets the neutral level of distilled water at 7 and normal rainfall as slightly acidic at 5.6. Each numerical decrease means a tenfold increase in acidity.

Although 4.4 was identified as our average rainfall, I have been advised by the Rhode Island Department of Environmental Management that our State is seeing rainfall even higher in acidity—in the range of 3 to 4 on the pH scale.

There is no question that acid rain exists and little doubt that it is caused when sulfur and nitrogen oxide emissions from coal-burning powerplants, motor vehicles, and other sources combine with rain and snow.

An expert panel of the National Research Council noted, more than 3 years ago, that "continued emissions of sulfur and nitrogen oxides at current or accelerated rates, in the face of clear evidence of serious hazard to human health and to the biosphere, will be extremely risky."

The legislation that we are introducing today obviously will not resolve the problem of acid rain, but it will be an important step toward combating the problem and a clear signal of just how serious we are about protecting public health and our environment.

Mr. LAUTENBERG. Mr. President, I rise today to join my colleagues in introducing a bill that will reverse recent "tall smokestack" regulations promulgated by the Environmental Protection Agency.

If allowed to stand, the regulations would continue a decade of illegal use to tall smokestacks to disperse, rather than control, sulfur dioxide emissions. The majority of these stacks were built to intentionally evade pollution control after the Clean Air Act was enacted. Before 1970, there were a handful of stacks over 500 feet tall. Today, there are hundreds, and a number exceed even the height of the Empire State Building.

This practice has enabled plants burning high sulfur coal and oil to meet Federal ambient air standards by dispersing their emissions. As a result, millions of tons of sulfur dioxide that should be controlled are instead ejected into the air only to be transformed into dangerous sulfates and acid rain downwind. Had emissions from these stacks been properly controlled as Congress intended in passing the act in 1970, and in amendments to the act in 1977, emissions of sulfur dioxide could be as much as 30 percent lower in the United States today.

The unfortunate truth is that EPA has pursued a policy of "pollution dilution" for more than 10 years. This policy has been rejected four times by Federal courts. The most recent court decisions instructed EPA to rewrite the weak regulations promulgated by the Agency in 1982. Instead of strengthening these regulations, the Agency has chosen to perpetuate the old policy and bypass an important opportunity to bring down sulfur dioxide emissions significantly.

The bill that we are introducing today will reverse this policy of pollution dilution. It would bring about reductions of sulfur dioxide pollution in the range of 4 to 7.5 million tons per year. The Agency's regulations, by comparison, will bring about at most reductions of 1.7 million tons.

The bill will correct the EPA policy in three important ways:

First, the Agency is prohibited from allowing plants to use dispersion from these smokestacks as a means of meeting the Federal ambient air quality standards unless all available pollution controls have been implemented.

Second, the Agency would not be allowed to grandfather units and stacks that were only contracted, not constructed, at the time of the passage of the Clean Air Act. This escape clause has allowed many stacks to avoid the pollution controls which were in effect when they were completed.

Third, it disallows the use of dispersion techniques to escape pollution controls. One widely used dispersion technique—the fat stack—combines multiple waste streams in one stack to produce higher plume rise and dispersion over a larger area.

The effect of EPA's policy is best described by example. In 1980, American Electric Power's General Gavin Plant was the largest single polluter in the United States. Its one giant stack, which is taller than the Empire State Building, was completed 4 years after the Clean Air Act was passed. All of its units feed into this stack. Because of the amount of pollution and the heat of the waste stream, the plume from a stack such as Gavin's often rises the height of the stack over again before catching the wind. That means that the plume from Gavin's 1,100-foot stack at Gavin might rise 2,000 feet or more. In addition, the stack is grandfathered from the EPA regulations because it was planned before 1970.

Mr. President, our bill is designed to put an end to the abuse of tall stacks so that the environment can be better protected and the health of current and future generations safeguarded.

The consequences of continued use of uncontrolled tall stacks are frightening.

In the late 1970's, poisoned lakes in the Adirondacks drew the attention of citizens across the country. Last year, the Office of Technology Assessment reported that 9,000 lakes and 117,000 miles of streams are at risk in States east of or bordering on the Mississippi River. Scientists are now discovering

that the problem extends farther west to Colorado and all the way to California and Washington State.

Today, red spruce from Maine to North Carolina are in decline. The corrosion of buildings, monuments, and water supply systems is also exacting an economic toll that the National Academy of Sciences estimated in 1978 exceeded $2 billion per year. In fact, destruction from acid rain is so widespread that today some car warranties will not fully cover paint damage from so-called chemical fallout. Oldsmobile warranties warn of airborne pollutants attacking vehicle paints, particularly along the northeastern seaboard.

In my home State of New Jersey, there is tremendous concern about acid rain. New Jersey's own pine barrens are at risk. It is one of seven regions identified by the Environmental Protection Agency as most vulnerable to acid rain. Correlation of acidified streams and reduced productivity of pines in the Lebanon State Forest was the first indication on the eastern seaboard that acid rain may be damaging our forests.

Also, in the Kittatinny Mountains to the north, three lakes are immediately threatened. The acidity is at levels endangering trout and bass breeding. State scientists fear that metal deposits found in Kittatinny Lake samples could contaminate the water supplies of the central highland reservoirs.

Even more disturbing is the evidence building on health effects. Some recent studies indicate that more people may die prematurely from airborne sulfates each year than die on our Nation's highways.

Mr. President, what we know today is compelling.

In 1981 the National Academy of Sciences confirmed that sulfur dioxide and nitrogen oxides are the cause of acid rain. NAS recommended a 50-percent reduction in acid deposition.

Two years later, the NAS issued a second landmark report. It concluded that reductions in sulfur dioxide emissions would lead to direct and proportional reductions in acid rain.

On the heels of the NAS report, a Presidentially appointed panel of scientists—appointed by President Reagan—reiterated that concrete action to reduce sulfur dioxide emissions was in order.

The panel clearly stated that the risks of waiting to get more information far outweighed the risks of acting, and that waiting could result in irreversible damage to the environment.

Thus, the United States is far from immune to the ravages of acid rain. It is time to take action. The Environment and Public Works Committee has twice approved strong acid rain control programs as part of the reauthorization of the Clean Air Act. Twenty-seven days of hearings and 33 markups on the Clean Air Act, including 10 days of hearings specifically on acid rain, were held, and over 5,000 pages of a hearing record were compiled.

Every day that we delay, another 100,000 tons of sulfur dioxide pollution is spewed out over our cities, our forests, and crops and rivers and streams. While the evidence amasses that this pollution causes slow but pervasive degradation of our natural resources, and damages buildings, bridges, and priceless monuments in the United States, the country has remained immobilized.

We must reduce the pollution that causes acid rain before we lose irreplaceable national treasures; lakes and streams, crops and forestland, and historical monuments.

This legislation to stop the use of tall stacks will help achieve this goal. This matter deserves our immediate attention, and I urge my colleagues to support this legislation.

I ask unanimous consent that an editorial from the Philadelphia Inquirer and the executive summary of a report by the Natural Resources Defense Council, an organization that has been a leader in the litigation over EPA's tall stack policy, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Jan. 26, 1985]

EPA'S 15-YEAR-OLD OBLIGATION

In enacting the Clean Air Act in 1970, the Congress set forth the means by which industries were expected to reduce levels of pollutants in the air. The industries were required to remove the pollutants before they entered the environment through the use of cleaner fuels, "scrubbers" on smokestacks or other technologies.

Only as a last resort—and only after other pollution removal technologies had been applied—were the industries permitted to release any remaining pollutants up their smokestacks. The era in which industries merely pumped their pollution into the air so the prevailing winds could blow it away had ended. Or so Congress thought.

The Environmental Protection Agency apparently had different ideas. Under pressure from industries—particularly utility companies that burned high-sulfur coal—the EPA ignored the intent of the law. Instead, regulators allowed industries to build taller and taller smokestacks—minus scrubbing equipment—in the mistaken belief that such a policy would achieve the clean air goals set by Congress.

Environmental groups challenged the EPA's interpretation of the act and the courts ruled that the agency was not complying with the law. The EPA still did not change its so-called tallstacks policy. When the Clean Air Act was amended in 1977, Congress directed the EPA to write new regulations that would conform to its original intent. Finally, in 1982, the agency issued the rules ordered by the court. They were extremely weak. The environmentalists sued again and the courts again determined the EPA was not doing what it had been directed to do.

The EPA currently is reconsidering its smokestack regulations and is expected to issue final rules in several months. The agency has been intensively lobbied by utility and coal companies to keep those rules weak.

Ironically, if the EPA had imposed the stack emission controls when it was directed to do so in 1970, the acid rain problem currently affecting large portions of the U.S. would be far less severe. Environmentalists say that 71 percent of the sulfur dioxide (a major contributor to acidic rain) emitted into the atmosphere east of the Mississippi River comes from power plants, particularly those to the west of Pennsylvania. To comply with federal air-quality regulations those utilities have erected extremely tall smokestacks—some higher than 1,200 feet—which send the pollutants far into the atmosphere. The pollution descends downwind and its effects are being recorded in the lakes and forests of New England and the mid-Atlantic states.

Pennsylvania, in 1982, also joined in the litigation against the EPA seeking to end the tall stacks policy. Although Pennsylvania utilities in rural portions of the state use tall stacks to remove pollutants the commonwealth has more stringent emissions standards than upwind states and Pennsylvania argues that all states should meet stricter standards.

Those opposed to changes in the tall-stack rules argue that it would cost industry between $900 million and $4.6 billion in capital investments and between $300 million and $1.4 billion in annual operating costs to comply with tighter emission requirements. Approximately 600 plants would be affected, according to the EPA.

EPA officials proposed rules in November that would reduce sulfur dioxide levels by up to 2.9 million tons per year. Environmentalists say that if the EPA had complied with the intent of the Clean Air Act in 1970, six million tons of sulfur dioxide would have been removed from the air each year. Many experts believe that if eight to 10 million tons of sulfur dioxide can be removed from the air annually, the worst effects of acid rain would be ameliorated.

The fight to force the EPA to carry out the intent of Congress has gone on for 15 years. The delay in complying has only increased costs—both in terms of purchasing the necessary equipment and in the amount of damage caused by noncompliance. The EPA finally must issue rules that will do what should have been done in 1970.

TALL STACKS: A DECADE OF ILLEGAL USE; A DECADE OF DAMAGE DOWNWIND

SUMMARY

The "tall stacks" problem—the use of tall smokestacks and other methods to disperse pollution in the atmosphere—has plagued the American environment for a generation. Solving the problem by enforcing the Clean Air Act would reduce deadly sulfur dioxide pollution by as much as 7.58 million tons every year.

For more than 10 years, the Environmental Protection Agency has doggedly pursued a policy of resistance to the law on tall stacks. Its policy of letting them be substituted for pollution controls has four times been rejected by federal courts. Now, EPA must write new tall stacks regulations. EPA can and should adopt a simple, straightforward policy of requiring a reasonable level of actual pollution reduction. Such a policy will promptly yield substantial benefits in

terms of fewer downwind deaths, better visibility and less acid deposition—benefits measured in the billions of dollars every year.

To gauge the impact of this tall stacks policy on public health and the environment, the Natural Resources Defense Council has analyzed 539 utility units at more than 200 power plants with smokestacks taller than 200 feet. Of these: 214 units which came on line after 1970 should have been required to make actual pollution reductions; their use of tall stacks is an evasion of the Clean Air Act;

The result has been predictable—an increase in long range transport of sulfur dioxide, which transforms into sulfates and acid rain as it travels in the atmosphere, eventually returning to earth to victimize people and natural resources downwind;

If these units had been well-controlled in 1982, a recession year, the environment would have been spared 4.01 million tons of sulfur dioxide pollution; the potential savings would be 7.58 million tons in any year when the units generated power at the industry standard (i.e., operating 65% of the time);

Requiring these 214 to make reasonable pollution reductions would yield significant improvements in public health and welfare;

There are 23 superstacks taller than 1,000 feet in use at eastern power plants, with the highest 1,203 feet tall;

The practice of venting two or more units through the same stack—which increases the heat of the exhaust and the height of the exhaust plume—make the effective height of some stacks as much as 5,000 feet or more.

The 1950's and 1960's saw the development of a new generation of coal fired power plants which shared two common characteristics: they were much larger than older plants, and their pollution threatened local public health, even though the huge new plants were built far from urban population centers.

During the 1950's and 1960's, there was no technological alternative to building tall smokestacks to keep pollution from posing a local menace. New cleanup technologies were developed in the late 1960's in response to health concerns. Yet America's utilities have clung fervently to the idea of pollution dilution that their actions have amounted to a conspiracy against the American environment.

Even after Congress ordered the use of cleanup technology in 1970, even after many of the states set cleanup deadlines for the utilities, even after studies began to expose the consequences in terms of acid rain and health damage downwind, utilities built, used, and defended tall stacks. The tallest stack in use on an eastern power plant, already nearly 700 feet in the 1950's, is more than 1200 feet today. The practice of combining the exhaust gas from smaller power plant units in a single large stack makes the effective height of these stacks three times or more their physical height. Today, sulfur-laden exhaust gas shoots as high as a mile straight up into the atmosphere before beginning to disperse. The utility has solved its local pollution problem by making the pollution its neighbors' problem.

With tall stacks in use at more than 200 facilities today, tall stacks have become the nation's problem.

About 60 percent of the stacks in use today are "grandfathered" by law and regulation. It will take an Act of Congress to require cleanup of these. We believe Congress must do so. But the subject of this report is the second category of tall stacks, those at 95 power plants mostly in the eastern half of the United States which are clearly in violation of the Clean Air Act, those where new tall stacks or new units have been built since 1970. Sometimes, the utilities have had the approval or acquiescence of state cleaner air officials in building these new stacks. Sometimes the utilities have built the stacks in the face of orders to clean up, then cajoled or coerced state regulators to approve dispersion after the fact. Almost always, the federal Environmental Protection Agency has blessed the result.

The evidence is clear: a report by the Ford Administration concluded that if state clean air plans in place in 1972 had only been followed, sulfur emissions by 1975 would have been reduced by 50%—11.8 million tons.

In case after case, in state after state, the American environment was denied or swindled out of thousands of tons of pollution cleanup—tens of millions of tons nationwide—at enormous expense to public health and welfare.

By definition, dilution through tall stacks does not reduce pollution. It just adds to the pollution burden downwind, and with it the damage that it causes to sensitive populations and environments sometimes hundreds of miles away. In any eastern state, long distance transport caused by tall stacks is the primary source of sulfur dioxide and sulfates. On average, 70-90% of sulfate concentrations in any state in the eastern half of the United States originate outside the state. Ohio's sulfur emissions are 30 times greater than the sulfur in Ohio rainfall. For Maine, on the other hand, there is more sulfur in rainfall than is emitted from sources within the state.

Tall stacks are cheaper than pollution control—cheaper, that is, for the power plant operator. But like the pollution, the cost of dilution falls downwind. While tall stacks and other dispersion techniques are designed to protect people nearest the plant from direct adverse health impact from sulfur dioxides, they increase the production of sulfates, a fine particle derived from sulfur dioxide. These fine particles are inhaled deep into the lungs and are directly responsible for damage to public health. Sulfate pollution may contribute to 50,000 early deaths each year in this country, according to the Congressional Office of Technology Assessment. The same study indicated that 250,000 people suffer from sulfate-related diseases.

Sulfate particles are also responsible for the majority of haze over much of the eastern United States. The increase in haze and the related decrease in visibility in recent years corresponds closely with increasing use of tall stacks in emissions in the Midwest and the Southeast.

The excessive and unnecessary sulfur dioxide emissons from tall stacks have worsened the acid rain problem throughout the United States and Canada. The National Academy of Sciences estimates that $5 billion or more in damage is done every year by acid rain in the eastern United States alone.

The loss of fish from thousands of lakes and streams is the most obvious effect. Acid rain threatens 9,000 lakes and 60,000 miles of streams in the United States. Lakes and streams in 34 states are either vulnerable to or have already been damaged by acid rain.

Crops and forests are also suffering from acid rain. Forests in the eastern United States are suffering from stunted growth and "dieback." Acid rain is the primary suspect in the death of red spruce trees on high altitude slopes in the East. Some scientists have labeled it the prime suspect in the decline in tree growth in the eastern U.S. since the late 1950's. Acid rain can also reduce the yield and marketability of certain crops.

Acid rain also leaches metals from the ground and from corroded pipes into water supplies. It can also increase mercury levels in fish.

The National Academy of Sciences estimates that acid rain causes $2 billion in damage to buildings and monuments each year and $5 billion in damage overall. Acid rain also corrodes metals and automobile finishes.

The Clean Air Act made pollution dilution illegal in 1970; Congress emphatically rejected it a second time in 1974, and yet a third time in 1977. Four federal courts have rejected EPA's attempts to circumvent its clear legal mandate. When the current tall stacks regulations were overturned in 1983, EPA and the Reagan Administration fought the case all the way to the Supreme Court of the United States, where the Court declined to hear the government's arguments.

Now, EPA is under a June 1 court deadline to rewrite its tall stacks policy. It's draft rewrite was a blend of halfhearted control and stubborn resistence to full-faith compliance with the law. EPA must do better. EPA can and must take a major contribution to a clean environment simply by requiring pollution reductions and forbidding the use of tall stacks as anything but a last resort in those few cases where reductions are unsufficent to protect public health due to local weather conditions or terrain. EPA has the authority—indeed the legal mandate to adopt such a policy. The needs of the victims of the environmental swindle of tall stacks, public health and the environment, should themselves compel EPA to act.

Mr. MOYNIHAN. Mr. President, I rise to cosponsor this legislation to amend section 123 of the Clean Air Act and clarify the intent of Congress regarding the use of tall stacks in lieu of substantive controls on sulfur dioxide emissions. I must say I am disappointed by the need for such legislation. I would not have thought it necessary, but the Environmental Protection Agency [EPA] seems unable to promulgate a regulation on tall stacks that does the job.

On October 13, 1983, EPA was under court order to issue a final rule implementing section 123 of the Clean Air Act, which provides for limits on the use of tall stacks to disperse air pollutants as a means of meeting clear air requirements.

Such a rule could substantially reduce one of the causes of acid rain—sulfur dioxide emissions. If strictly crafted—in keeping with the intent of Congress—a new rule could reduce sulfur dioxide emissions by 6 million tons per year.

The Agency published a proposed rule in the Federal Register on November 9, 1984. The rule was unsatisfactory because it accorded greater pollution control credits for stack

heights than Congress had intended in adopting section 123.

A careful reading of section 123 and its legislative history points clearly to the conclusion that tall stacks are not to be used as a substitute for substantive steps to reduce emissions, such as burning low-surfur fuels or installing scrubbers.

In January 1979, the EPA first issued proposed rules limiting the use of tall stacks and other dispersion techniques to meet Clean Air Act ambient air quality standards. In October 1981, the EPA withdrew its 1979 rulemaking, and proposed a revised stack height rule. This latter proposal was adopted in final form on February 8, 1982. But the Sierra Club legal defense fund, the Natural Resources Defense Council, and the State of Pennsylvania challenged the 1982 regulations in the U.S. Court of Appeals for the District of Columbia Circuit. On October 13, 1983, the court issued its decision, overturning several portions of the stack height regulations and directing the EPA to issue new regulations. The Agency was granted until May 13, 1985 to issue a new section 123 in final form.

As I previously mentioned, the EPA issued a proposed rule on November 9, 1984. It was unsatisfactory, and I said so then. On June 27, 1985, the Agency issued its final smokestack height rule. It, too, is unsatisfactory.

Section 123(a) of the Clean Air Act states:

> (a) the degree of emission limitation required for control of any air pollutant . . . shall *not* be affected in any manner by—
> (1) so much of the stack height of any source as *exceeds good engineering practice* (as determind under regulations promulgated by the Administrator), or (2) any other dispersion technique. (Emphasis added.)

Section 123(c) of the act defines "good engineering practice" (GEP) as:

> . . . the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes, which may be created by the source itself, nearby structures or nearby terrain obstacles (as determined by the Administrator).

Congress added these provisions to the Clean Air Act in 1977 to make clear to all the intent of the act: sources of air pollution are to meet the mandated air quality standards by reducing emissions, not by merely using tall stacks to disperse emissions. Increasing stack height above a de minimus level—that is 200 feet—is to be allowed only after all available emission controls have been employed, and then only to overcome downwash, eddy or wake problems that could violate air quality standards. The EPA's proposed rule of November 9 does not follow this approach. As such, it should be revised before being issued in final form.

We knew something about the long distance transport of air pollutants in 1977, when we adopted section 123. We knew that tall stacks contribute to the problem by releasing emissions higher into the atmosphere, allowing them to be carried by prevailing winds for hundreds or even thousands of miles. We knew enough to be concerned about the effect on the environment, and therefore required that stack heights be tightly regulated.

In 1970 there were only two stacks over 500 feet high in the United States, and today there are 180. In all, there are 650 sources with stack heights greater than 200 feet. The EPA's proposed rule has the potential to reduce emissions from 190 utility sources with stacks over 200 feet high—roughly half of these in Midwestern States. A more strictly crafted rule, however, would reduce the emissions from a greater number of sources with tall stacks.

Given what we know now about the role of long-distance transport in the acid rain problem, we can accept nothing less than the most stringent interpretation of section 123. We have learned much since 1977. It was my concern about what we did not know that led me to introduce the Acid Precipitation Act on September 14, 1979. This bill became law in 1980, as title VII of the Energy Security Act, Public Law 96-294. It was then, and remains today, the only Federal acid rain statute.

The research results have been coming in fast and furious. The conclusion is clear: we must act now to control the emissions that cause acid rain. In the words of the President's Acid Rain Peer Review Panel:

> . . . additional steps should be taken now which will result in meaningful reductions in the emissions of sulfur and nitrogen compounds into the atmosphere, . . .

What better way to accomplish such reductions than by implementing the existing mandate of section 123, and not permit sources to meet current air quality standards by using tall stacks in lieu of emission controls. Simply put, reducing dispersion of sulfur dioxide emissions will reduce acid rain.

The rule just published by the EPA has at most the potential of reducing sulfur dioxide emissions by 1.7 million tons per year by 1995—a far cry from the 6-million-ton annual reduction possible if the rule were drafted properly.

To the extent the EPA's rule allows overly tall stacks in lieu of substantive emissions controls, it falls short of the letter and the spirit of the law. Thus, the need for this legislation. Would that we had no need of it.

By Mr. GRASSLEY:

S. 1427. A bill to prohibit the suspension of an employee's benefit accrued under a retirement plan solely because of age before accruing the maximum normal retirement benefit; to the Committee on Labor and Human Resources.

OLDER AMERICANS PENSION BENEFIT ACT

● Mr. GRASSLEY. Mr. President, I am introducing legislation today that would amend the Age Discrimination in Employment Act [ADEA] and the Employee Retirement Income Security Act [ERISA] to require continued pension benefit accruals for workers who work past the normal retirement age of 65.

Department of Labor interpretations of both the ADEA and the ERISA permit employers to halt the accrual of pension benefits when an employee reaches age 65. The EEOC, which took over the administration and enforcement of the ADEA in 1978, recently voted unanimously to rescind the Department of Labor's interpretation of the ADEA and promulgate regulations to require benefit accruals for persons who work past the age of 65. The Department of Labor, the Internal Revenue Service, and the Office of Management and Budget are reviewing the EEOC's decision.

Mr. President, I believe that the question of post-65 pension accrual is important enough to merit consideration by the Congress. We ought not to leave it to the bureaucracy to decide it by default.

Pension accrual is an important economic issue for older employees. Even in plans that offer some adjustment for service after the plan's normal retirement age—usually age 65—employees who delay retirement can lose a portion of the value of their accrued lifetime benefits. The loss is most severe for participants in pension plans that make no adjustment for service after retirement. Currently, 45 percent of full-time participants in pension plans in medium and large firms receive no adjustments in their pensions for years employed after the age of 65. A participant in such a plan who delays retirement for 5 years can lose up to half the value of pension benefits accrued at age 65.

Mr. President, I believe that Congress should examine the impact of the current situation on older workers. Congress should also examine current policy on post-65 pension accrual in light of its policy, as expressed in the ADEA, to prevent age discrimination.

On the other hand, I am aware that objections to post-65 accrual have been raised on the grounds that it will result in additional costs to some pension plans. Although I believe that we should move in the direction of requiring post-65 accrual, potential costs to employers and their possible impact on corporate decisions to retain older workers and pension plans need to be examined.

In addition to the substantive issues that need to be addressed, there are matters in connection with EEOC's decision that should be cleared up. The EEOC's decision is based on an interpretation of congressional intent in passing the 1978 ADEA amendments that is open to dispute. The EEOC's decision also raises the possibility of a conflict with ERISA, which would continue to permit pension plans to halt accrual at age 65. Congress should clear up both of these matters as well.

In conclusion, Mr. President, in introducing this bill it is my hope that it will serve as a catalyst for the examination of these important issues by the Senate, and that the Senate will see fit to protect all older employees from the erosion of the value of their pensions.●

By Mr. LAUTENBERG (for himself and Mr. DANFORTH):

S. 1428. A bill to make permanent the withholding of 10 percent of the apportionment fees from the highway trust fund to States that have not adopted the national minimum drinking age; to the Committee on Environment and Public Works.

UNIFORM MINIMUM DRINKING AGE ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to amend the Uniform Minimum Drinking Age Act of 1984 to expand and strengthen that act.

I am pleased to be joined today by Senator DANFORTH, the distinguished chairman of the Senate Commerce, Science, and Transportation Committee.

On June 26, 1984, the Senate approved legislation to combat drunk driving by a vote of 81 to 16. The legislation also provided funding for improvements in the use of child safety restraints. A major provision of that legislation, which was signed into law as Public Law 98-363 on July 17, 1984, is the Uniform Minimum Drinking Age Act.

The Uniform Minimum Drinking Age Act was approved by the Congress because of our concern over the loss of lives and the frequency of crippling injuries which result from alcohol-related accidents involving those 16 to 21 years of age. This age group is the only age group in our society not to improve its life expectancy in the last 20 years. The reason is drunk driving. This age group makes up 10 percent of our Nation's drivers, but accounts for 23 percent of alcohol-related accidents.

Mr. President, the Uniform Minimum Drinking Age Act will save lives. The National Transportation Safety Board estimates that as many as 1,200 young lives could be saved each year by raising the minimum drinking age to 21 in those States with lower ages.

Of prime importance to the Congress at the time it approved this legislation was the problem of "blood borders", where adjoining States have different drinking ages. In situations such as these, young people have a clear incentive to drive in order to drink and then try to make it home. Too often, they don't make it. This has been a problem in New Jersey which has a minimum drinking age of 21 and borders on New York, with a minimum drinking age of 19. This problem is repeated across the country.

To provide incentives for a uniform minimum drinking age, Congress moved to address this interstate issue by a modest use of its spending powers. The Uniform Minimum Drinking Age Act requires that States raise their minimum age to 21 or face a loss of highway funds. Five percent of highway funds will be withheld during fiscal year 1987 if a State has not acted by October 1, 1986. An additional 10 percent will be withheld in fiscal year 1988, if no action has been taken by October 1, 1987. Under existing law, the withholding would end at that point. Once a State has taken action, it will be reimbursed for the funds withheld.

Mr. President, it has been less than a year since the President signed this legislation into law. Yet the response on the part of many Governors and State legislatures has been swift and positive. There were 23 States with 21-year-old minimum drinking ages in June 1984. Since then, 14 States have taken action to establish a uniform minimum drinking age of 21. For the most part, that action has upheld the letter and spirit of Public Law 98-363. There are, however, problems with the manner in which a small number of States have sought to comply with Public Law 98-363.

When Congress limited the withholding of highway funds to 2 fiscal years, after granting a 2-year grace period to States, it did so because we felt that would be a sufficient incentive to achieve compliance with our goal—"21" across the Nation. Mr. President, at no point did Congress contemplate that States would not make permanent changes in their drinking ages. It would be a tragedy, if States move to be in technical compliance with the law but were allowed to cynically undermine its objectives.

Mr. President, Congress did not pass the Uniform Minimum Drinking Age Act to withhold highway funds. Congress approved this legislation to achieve uniformity among the States as regards their minimum drinking ages. If States try to employ sunset mechanisms to undermine the intent of Congress, it will set a dangerous precedent for the 13 States and the District of Columbia which have yet to take action.

Mr. President, it is unfortunate that the Senate should be put in this situation. For the most part, the Uniform Minimum Drinking Age Act has worked exactly as Congress intended. The Governors and State legislatures of States like New Hampshire, Mississippi, Virginia, and Connecticut have taken firm and courageous action to raise their minimum drinking ages.

Mr. President, the legislation we propose today is a direct response to this situation. Instead of ending the withholding of 10 percent of a nonconforming State's highway funds in 1988, the bill will make the 10 percent withholding permanent. This procedure is consistent with enforcement of the 55-mile-per-hour speed limit. Instead of restoring all funds withheld to a State when it takes action to comply with the law, the bill would limit such reimbursement to the first 2 years of withholding as specified in Public Law 98-363. After fiscal year 1988, if a State has still not taken action, no further reimbursement would be in order.

I believe that these amendments to the Uniform Minimum Drinking Age Act are necessary to avoid the circumvention of congressional intent. This bill will have no effect on States which have passed minimum drinking age laws consistent with the spirit of the Uniform Minimum Drinking Age Act of 1984. It will only affect States that seek to evade the intent of the act by sunsetting a 21-year-old drinking age law.

Mr. President, I ask that a text of the Uniform Minimum Drinking Age Act amendments appear at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 158 of title 23, United States Code, is amended—

(1) in paragraph (2) of subsection (a) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year"; and

(2) in subsection (b) by striking out "in fiscal year if in any" and inserting in lieu thereof "in the fiscal year beginning after September 30, 1986, or the fiscal year beginning after September 30, 1987, if in the".●

● Mr. DANFORTH. Mr. President, I am pleased to join with my distinguished colleague, Senator LAUTENBERG, in introducing this important legislation to amend the 21 year drinking age legislation enacted last year.

Traffic accidents are a serious national problem. One of the major components of this problem is drunk driving. Although significant strides have been made at the Federal, State, and local levels in recent years to combat drunk driving, the fact remains that more than 20,000 Americans are killed each year in drunk driving accidents,

and hundreds of thousands more people are seriously injured.

Last year, Congress took a major step toward addressing this problem by enacting Public Law 98-363. This legislation encourages States to set their minimum legal drinking ages at 21; States that do not have a 21 year drinking age will face withholding of 5 percent of their interstate highway construction funds in fiscal 1987 and 10 percent of these funds in fiscal 1988. If the States subsequently enact 21 year drinking age legislation, the funds withheld will be refunded to the affected States.

The 21 year drinking age is one of the most effective means of fighting drunk driving. In order to realize the maximum benefits from the higher drinking age, however, it must be on a nationwide basis. If some States have lower drinking ages, the "blood border" problem will result, with teenagers traveling to the States with the lower drinking ages and subsequently becoming involved in drunk driving accidents.

The 1984 legislation, which I was proud to cosponsor with Senator LAUTENBERG and others, is an important tool in the fight against drunk driving. I am concerned, however, about potential attempts by some States to circumvent the intent of this legislation. State efforts to enact sunset provisions, where the 21 drinking age is in effect only for the 2 years during which highway construction funds are to be withheld are a clear violation of the spirit of the 1984 law. The 21 year drinking age is meant to remain in effect past fiscal 1988.

The legislation we are introducing today will successfully combat this major potential problem. Our bill would require that States without a 21 year drinking age have 10 percent of their highway construction funds withheld in fiscal 1988 and beyond. Therefore, if a State enacts a sunset provision reducing the drinking age in fiscal 1989 or in any future year, that State would then be subject to the withholding requirement.

Mr. President, it is important that we quickly close this loophole in order to ensure that we are taking the most effective action possible to combat drunk driving. I commend my colleague, Senator LAUTENBERG, for his continued efforts in support of highway safety and I look forward to working with him as we seek enactment of this important legislation.●

By Mr. SPECTER:

S. 1429. A bill to amend title 18, United States Code, to authorize prosecution of terrorists who attack U.S. nationals abroad, and for other purposes; to the Committee on the Judiciary.

TERRORIST PROSECUTION ACT

● Mr. SPECTER. Mr. President, today I am introducing the Terrorist Prosecution Act of 1985 to expand U.S. law by making it a crime for anyone in any country to assault or kill any U.S. national as part of an act of international terrorism.

This bill supplements legislation I introduced earlier this session, S. 1373, in that it makes it clear that the assault or murder intended to be covered is that which is part of an act of international terrorism, as defined in the Foreign Intelligence Surveillance Act, 50 U.S.C. 1801(c).

At the heart of these and other legislative initiatives I have been pushing for approximately 1 year now, is the fundamental notion that international terrorists are criminals and ought to be treated as such—they should be promptly located, apprehended, and brought to trial for their heinous crimes.

When President Reagan addressed the American Bar Association earlier this week, he made it clear that just such a policy will be applied, telling the lawyers that "we must act against the criminal menance of terrorism with the full weight of the law—both domestic and international. We will act to indict, apprehend and prosecute those who commit the kind of atrocities the world has witnessed in recent weeks."

This is a new emphasis in administration policy, and I applaud it.

For many years, about a quarter of a century, I have been concerned with fighting criminals, and terrorists are international criminals. They have to be dealt with as criminals, and I think they can be dealt with effectively as criminals. To catch them, to incarcerate them, to punish them, and to deter other criminals, other terrorists, by the examples of our tough approach to the terrorists—that is the way our criminal justice system works, and it can work in the international field as well if we enact the necessary legislation.

Last year we enacted the hostage taking and aircraft sabotage legislation to provide U.S. courts with extraterritorial jurisdiction over those international activities, but there remains a critical gap in our arsenal against terrorism: Murder of U.S. citizens outside our borders, other than of specially designated Government officials and diplomats, is not a crime under U.S. law.

I was stunned to realize that those responsible for murdering over 260 U.S. marines while they slept in their barracks in Lebanon are not guilty of any U.S. crime for their murder. Existing law punishes only those who assault our diplomats. Under my bill, when a U.S. marine or any other American is killed or wounded, an investigation can be initiated and the culprits can be brought to this country and prosecuted.

This bill tracks current law protecting diplomats and other "internationally protected persons," found at 18 U.S.C. 112 and 1116, but extends the protection to all U.S. nationals, while making it clear that it is aimed at international terrorism, not bar-room brawls.

This act will in no way contravene or conflict with either international or constitutional law. While criminal jurisdiction is customarily limited to the place where the crime occurred, it is well-established constitutional doctrine that Congress has the power to apply U.S. law extraterritorially if it so chooses. (See for example, *United States* v. *Bowman*, 260 U.S. 94, 98 (1922)).

International law also recognizes broad criminal jurisdiction. If an alleged crime occurs in a foreign country, a nation may still exercise jurisdiction over the defendant if the crime has a potential adverse effect upon its security or the operation of its governmental functions. This basis for jurisdiction over crimes committed outside the United States has been applied by the Federal courts in contexts ranging from drug smuggling to perjury. Clearly, then, the exercise of U.S. criminal jurisdiction is also justified to prosecute the terrorist who assaults or murders American nationals abroad as a means of affecting U.S. policy. Such attacks undoubtedly have an adverse effect upon the conduct of our Government's foreign affairs, and potentially threaten the security interest of the United States as well.

But making terrorist murder a U.S. crime alone will not protect Americans abroad. We must also demonstrate our seriousness by applying the law with fierce determination.

In many cases, the terrorist murderer will be extradited or seized with the cooperation of the government in whose jurisdiction he or she is found. Yet, if the terrorist is hiding in a country like Lebanon, where the government, such as it is, is powerless to aid in his removal, or in Lybia, where the Government is unwilling, we must be willing to apprehend these criminals ourselves and bring them back for trial. We have the ability to do that right now, under existing law. Under current constitutional doctrine, both U.S. citizens and foreign nationals can be seized and brought to trial in the United States without violating due process of law. See, for example, *Frisbie* v. *Collins*, 342 U.S. 519, 522 (1952); *Ker* v. *Illinois*, 119 U.S. 436 (1886).

It may surprise some to hear that such methods are an appropriate way to bring criminals to trial. If someone is charged or chargeable with an offense and is at liberty in some foreign country, it is an accepted principle of

law to take that alleged criminal into custody if necessary and return him to the jurisdiction which has authority to try him. That prosecution and conviction is sustainable and is proper under the laws of the United States and under international law.

This principle has been in effect for almost 100 years, going back to 1886, in the landmark case of Ker versus Illinois, where the State of Illinois seized a defendant in Peru, a man being charged with a crime in Illinois, and brought him back to Illinois for trial, where he was convicted. The case went to the Supreme Court of the United States and the Supreme Court of the United States said it was appropriate to try that man in Illinois and to convict him notwithstanding the means which were used to bring him back to trial in that jurisdiction.

That doctrine was upheld in an opinion written by Justice Hugo Black, well known for his concern about defendants' rights, in the case of Frisbie versus Collins, handed down by the Supreme Court of the United States in 1952 and upheld in later decisions. No country in the world, no country in the history of the development of law, has more rigorous concepts of the due process of law than the United States of America and the U.S. Supreme Court.

Forcible seizure and arrest is a strong step, but the threat of terrorism requires strong measures, and this is clearly preferable to the alternatives of sending in combat troops or bombing a few neighborhoods.

I have also reintroduced a resolution, Senate Resolution 190, to provide for international prosecution of terrorists, expressing the sense of the Senate that the President should call for international negotiations aimed at determining an international definition of terrorism which could then be established as a "universal crime," like piracy, punishable by any nation that captures the terrorists.

Another necessary step in effective prosecution of terrorists as international criminals is to deny the fallacy of the "terrorist-diplomat." I have introduced legislation, S. 1374 and Senate Resolution 191, aimed at preventing any recurrence of the grotesque spectacle we witnessed after the Libyan shoot-out in London of terrorists walking away from prosecution because of diplomatic immunity, by making it clear that murder is not, and can never be, protected diplomatic activity.

The terrorist diplomat can exist only as a product of state-sponsored terrorism, and it is to this threat that we must next turn our focus. Earlier this year, I introduced legislation to cut off all U.S. trade with Libya because of its support of international terrorism. This proposal was adopted by the Senate as an amendment to the Foreign Assistance Act giving the President authority to summarily cut off trade with Libya and other countries because of its support of international terrorism.

On July 10, 1985, the House passed a similar amendment to the House Foreign Assistance Act mandating a trade boycott of Libya, after I contacted Congressman BENJAMIN GILMAN of New York.

Finally, in response to the immediate concerns raised by the TWA hijacking, I have introduced a resolution calling on the President to work for a worldwide boycott of all international airports that fail to meet adequate security standards. I firmly believe that the United States must take an active role in ensuring the safety of passengers, not just on flights leaving our airports, but on all international flights.

I am ultimately convinced that law-abiding nations will succeed against this threat to law and order worldwide, not by adopting the terrorists' tactics that threaten innocents, but by fiercely maintaining that threatened order, and bringing the full force of the law to bear against these most heinous criminals.

President Reagan called on the ABA lawyers to help the Government "to deal legally with lawlessness. Where legislation must be enacted to allow appropriate authorities to act," he said, "you should help to craft or change it."

This legislation I am introducing today is urgently needed to provide authority to prosecute international terrorists for the murder of U.S. nationals. It is a simple bill that simply takes the current law protecting diplomats from assault and murder and extends it to all U.S. nationals who are victims of international terrorism.

It should be promptly enacted.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Terrorist Prosecution Act of 1985".

SEC. 2. (a) Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

"CHAPTER 113A—TERRORIST ACTS AGAINST UNITED STATES NATIONALS ABROAD

"Sec.
"2321. Terrorist acts against United States nationals abroad.

SEC. 2321. TERRORIST ACTS AGAINST UNITED STATES NATIONALS ABROAD.

"(a) Whoever in an act of international terrorism kills or attempts to kill any national of the United States shall be punished as provided under section 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

"(b) Whoever in an act of international terrorism assaults, strikes, wounds, imprisons or makes any other violent attack upon the person or liberty of any national of the United States in any foreign country or in international waters or air space, or, if likely to endanger his or her person or liberty, makes violent attacks upon his or her official premises, private accommodation, or means of transport, or attempts to commit any of the foregoing, shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(c) For the purposes of this section, "international terrorism" is used as defined in the Foreign Intelligence Surveillance Act, title 50, section 1801(c).

"(d) The United States may exercise jurisdiction over the alleged offense if the alleged offender is present in the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender.

"(e) In enforcing subsections (a) and (b), the Attorney General may request and shall receive assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, and the Federal Bureau of Investigation, any statute, rule, or regulation to the contrary notwithstanding."

(b) The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113, the following:

CHAPTER 113A—TERRORIST ACTS AGAINST UNITED STATES NATIONALS ABROAD

"113A—Terrorist acts against United States nationals abroad. 2321".●

By Mr. LEVIN:

S.J. Res. 157. Joint resolution to designate July 13, 1985, as "Live Aid Day"; to the Committee on the Judiciary.

LIVE AID DAY

● Mr. LEVIN. Mr. President, the legislation I am introducing today designates July 13, 1985, as "Live Aid Day". This date is a significant day because performers and dignitaries from all over the world will gather together in London, England, and Philadelphia, PA, to fight world hunger. The mission is famine relief.

My colleague in the House, Congressman BOB CARR has introduced an identical resolution, House Joint Resolution 325. Passage by the full House is expected not later than tomorrow.

The Live Aid benefit concert, which will begin in London and continue in Philadelphia, PA, will be broadcast by ABC-TV from 7 a.m. until 6 p.m. as well as continuous coverage on independent television stations around the world. This event would reach a possible 1.5 billion viewers in 169 countries.

Mr. President, the purpose of this event is to unite and educate more than 1 billion people relative to the

hunger problems that plague the world and how each individual can take action to make a difference in moving from relief for Africans to recovery, and finally to self sufficiency.

Fifty-one of the world's top music performers plus 25 world figures who are involved with this project are donating their efforts free of charge. Dignitaries include Bishop Tutu, Prince Charles, former President Jimmy Carter, Mrs. Jihan Sadat, Rajiv Ghandi, Coretta King, and Geraldine Ferraro just to name a few. Top names in the entertainment field include Paul McCartney, Elton John, Mick Jagger, Joan Baez, Tina Turner, Cyndi Lauper, and many time honored bands will also be there to lend their support and talents.

Mr. President, I feel it only fitting that it be resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that July 13, 1985, is designated as "Live Aid Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities. I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 157

Whereas the lives of thirteen million Africans are currently in dire jeopardy and massive financial assistance is needed this year to quell the African famine and to save the lives of such people;

Whereas on July 13, 1985, in both Philadelphia, Pennsylvania and London, England, performers from all over the world will gather to broadcast the "Live Aid" benefit concert sponsored by the "Live Aid" organization to aid in the relief of the famine;

Whereas Live Aid provides a way to continue to meet such goal through unity and cooperation of concerned and carrying performers, leaders, private voluntary organizations, corporations, Government agencies, and citizens of the United States in partnership with people from around the world;

Whereas the Live Aid broadcast will unite more than one billion people in learning about the hunger problems of the world and how each individual can take action to make a difference in moving from relief for Africans to recovery, and finally to self-reliance; and

Whereas the magnitude of human suffering in Africa is so enormous as to demand the most profound and immediate response possible: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 13, 1985, is designated as "Live Aid Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.●

By Mr. MURKOWSKI:

S.J. Res. 158. Joint resolution designating October 1985 as "National Community College Month"; to the Committee on the Judiciary.

NATIONAL COMMUNITY COLLEGE MONTH

● Mr. MURKOWSKI. Mr. President, I am pleased to introduce legislation declaring October 1985 as "National Community College Month."

Community colleges provides an option to individuals who may not be able to afford the high tuitions of 4-year colleges or universities, or whose schedules require flexibility. Students who attend community colleges are often able to continue working while they are going to school.

Technical, community, and junior colleges educate more than half of all first and second year students enrolled in postsecondary institutions. They provide training in over 1,400 occupations at a very low cost. The average tuition is $501 a year.

More than 97 percent of the congressional districts in the United States have at least one community, technical, or junior college. In my home State of Alaska we have a network of 10 community colleges. These colleges focus their curriculums and schedules on the needs of people of all ages, not only the recent high school graduate. They provide associate degrees ranging from nursing to mining and petroleum training services.

This joint resolution, which was introduced by my good friend Congressman DON YOUNG of Alaska, passed the House of Representatives on May 2, 1985. Let us join with our colleagues in the House in saluting community colleges by supporting this joint resolution.●

By Mr. JOHNSTON (for himself, Mr. HATFIELD, Mr. HELMS, and Mr. LONG):

S.J. Res. 159. Joint resolution to designate the rose as the national floral emblem; to the Committee on the Judiciary.

DESIGNATING THE ROSE AS THE NATIONAL FLORAL EMBLEM

● Mr. JOHNSTON. Mr. President, today I have the honor of joining with Senators HATFIELD, HELMS, and LONG in introducing a joint resolution to designate the rose as the national floral emblem of the United States.

The rose has embellished our country with its beauty and perfume for centuries. It has been said that "when love first came to the Earth, the spring spread rosebuds to receive him." Although I hesitate to assign a date to that occurrence, I can say that fossilized roses have been found in Colorado and Oregon which date back as far as 40 million years. And more recently, our first President George Washington began a tradition which still flourishes in our country—that of breeding and hybridizing roses. In fact, one of the varieties he developed, the Mary Washington rose, is still enjoyed today in gardens across the Nation. The rose has been selected to decorate the White House and innumerable other American landmarks and memorials, and three First Ladies have roses named in their honor.

No flower has inspired more poetry and music than the rose, and the rose has been the victor in every survey designed to determine the favorite flower of the American public. I believe it is time to make official the position of honor that the rose has long enjoyed in our culture. I believe it is time to make the rose our national flower.

Mr. President, I ask unanimous consent that my statement and the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 159

Whereas the study of fossils has shown that the rose has been a native wild flower in America for over 35 million years; and

Whereas the rose is grown today in every State; and

Whereas the rose has long represented love, friendship, peace and the devotion of the American people to their country; and

Whereas the rose has been cultivated and grown in gardens for over 5000 years and is referred to in both the Old and New Testaments; and

Whereas the rose has for many years been the favorite flower of the American people, has captivated the affection of human kind, and has been revered and renowned in art, music, and literature; and

Whereas our first president was also our first rose breeder, one of his varieties being named after his mother and still being grown today; and

Whereas the United States is without a national flower; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the flower commonly known as the rose is designated and adopted as the national floral emblem of the United States of America, and the President of the United States is authorized and requested to declare such fact by proclamation.●

By Mr. WILSON (for himself, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. HOLLINGS, Mr. NICKLES, Mr. PRYOR, Mr. BURDICK, Mr. PELL, Mr. INOUYE, Mr. EXON, Mr. ABDNOR, Mr. DECONCINI, Mr. FORD, Mr. THURMOND, Mr. GRAMM, Mr. HECHT, Mr. LAXALT, Mrs. HAWKINS, Mr. GORTON, Mr. DOMENICI, Mr. GARN, Mr. MATTINGLY, Mr. BOREN, Mr. DOLE, Mr. PRESSLER, Mr. LUGAR, Mr. ROCKEFELLER, Mr. NUNN, Mr. QUAYLE, Mr. CRANSTON, Mr. EAST, Mr. MATSUNAGA, Mr. BYRD, Mr. SIMON, Mr. COCHRAN, Mr. DENTON, Mr. HEFLIN, Mr. GLENN, Mr. BRADLEY, Mr. STENNIS, Mr. SIMPSON, Mr. METZENBAUM, Mr. ANDREWS, and Mr. BUMPERS):

S.J. Res. 160. Joint resolution designating the week beginning November 10, 1985, as "National Disabled Veterans Week"; to the Committee on the Judiciary.

NATIONAL DISABLED VETERANS WEEK

● Mr. WILSON. Mr. President, I rise today to introduce a joint resolution to declare the week beginning November 10, 1985, as "National Disabled Veterans Week." Given the large number of disabled veterans who fought so valiantly for their country and for our freedoms, I believe this resolution deserves the full support of Congress.

Today, there are approximately 2½ million disabled veterans residing in the United States. They represent about 1 percent of our total population. Had it not been for the courageous stand these men and women have jointly taken against the enemies of peace and liberty, we might not be a free country of 250 million strong as we are today. Unfortunately, the honorable service these proud men and women displayed in our Nation's armed services is often overlooked by many segments of our society. Mr. President, we must never forget the contributions these men and women have made on behalf of our great Nation. More than any other group in America, these veterans have endured extraordinary personal sacrifices including loss of limb, paralysis, blindness, deafness, and delayed-stress syndrome. Moreover, 16 to 35 percent of all disabled veterans are jobless as a result of their disabilities.

Mr. President, it is for all of these reasons that I ask the support of Congress to recognize the dedicated and patriotic service of our Nation's disabled veterans with appropriate programs, ceremonies, and activities. By no means is this week of recognition meant to supplant the hard earned benefits these veterans enjoy. Rather, it is meant to bring universal attention and national gratitude to these American heroes.

I introduced a similar joint resolution during the 98th Congress and it was passed unanimously. I am introducing today's joint resolution with the hope that we may again give special meaning to Veterans Day with a special tribute to the country's disabled veterans by adopting the week of November 10, 1985, as "National Disabled Veterans Week."●

By Mr. DOLE (for himself and Mr. LUGAR):

S.J. Res. 161. Joint resolution to appeal for the release of Soviet Jewry; to the Committee on Foreign Relations.

APPEAL FOR THE RELEASE OF SOVIET JEWRY

Mr. DOLE. Mr. President, I rise to introduce a joint resolution urging the Soviet Union to release Anatoly Shcharansky, all other prisoners of conscience as well as long-term refusenisk, and to deal promptly and humanely with all Jews living within Soviet borders who wish to leave.

In recent years, the number of Jews allowed to emigrate from the Soviet Union has been at all-time lows. Over the past few months, we have seen some glimmer of hope that the new Soviet Government may be willing to ease their restrictive policies. Meaningful increases, however, have yet to materialize. Anatoly Shcharansky, Yosef Begun, and others remain imprisoned for their advocacy of Jewish cultural and religious life in the U.S.S.R. and the right to emigrate to Israel. Ida Nudel, Vladimir Slepak, and untold thousands of other refuseniks continue to be kept in the Soviet Union against their will. They undergo great suffering. They and their families are often targeted for harassment. And all they are asking is to exercise rights which have been guaranteed in this country for nearly two centuries.

With the resumption of arms control talks and the planned meeting between President Reagan and General Secretary Gorbachev later this year, it is my hope that we will see an improvement in the status of Soviet Jews—their treatment has historically been upgraded when relations between the two superpowers are less hostile. I offer this joint resolution as a plea to the Soviet Government and a reminder that Americans are a people who have strong compassion for the oppressed, undying love for freedom, and unwavering intolerance of the deprivation of basic, God-given rights.

The Soviet Jewry question is inextricably linked to the resolution of other issues confronting our two nations. It remains high on our agenda and cannot be set aside. I have at times questioned whether we have pursued the most effective course in our efforts to alleviate the plight of Soviet Jews, and am optimistic the time is ripe for a renewed dialog on the question. But, it is clear there will be no consensus in this country for change, if we perceive that the Soviets are only willing to make token efforts.

This joint resolution quotes remarks President Reagan made a few months ago which, I believe, eloquently express what the vast majority of Americans feel in their hearts. There could, indeed, be no better way for the Soviets to demonstrate to our people that they truly want peace and friendship than to free Soviet Jews.

Mr. President, Representative FASCELL introduced this joint resolution earlier this afternoon in the House where it passed as an amendment to the foreign aid bill. I hope the Senate will also pass it promptly and that it will give some degree of comfort to those who remain imprisoned within Soviet borders and have some impact on the conscience of those who hold the key to their freedom.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 161

Whereas President Reagan recently stated that "Soviet Jewry suffers from persecution, intimidation, and imprisonment within Soviet borders;

Whereas President Reagan stated further that "We will never relinquish our hope for their freedom and we will never cease to work for it," and that "If the Soviet Union truly wants peace, truly wants friendship, then let them release Anatoly Shcharansky and free Soviet Jewry."

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, In support of the President's position, the Congress calls on the Soviet Union, as an initial gesture—

(1) to release immediately Anatoly Shcharansky, Yosef Begun, and all other Prisoners of Conscience, and allow them to leave the Soviet Union;

(2) to issue immediately exit permits to the many known long term "Refuseniks" such as Ida Nudel and Vladimir Slepak; and

(3) to allow those thousands of Jews who wish to join their relatives abroad to leave this year and pledge that such cases shall be dealt with expeditiously and in a humanitarian way during the next 3 years, thus enabling those who have requested exit permits to leave.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. CRANSTON, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc.

S. 15

At the request of Mr. MOYNIHAN, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 104

At the request of Mr. THURMOND, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 104, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor-piercing bullets.

S. 190

At the request of Mr. INOUYE, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 190, a bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are permitted to travel on such aircraft.

S. 415

At the request of Mr. WEICKER, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 415, a bill to amend the Education of the Handicapped Act to authorize the award of reasonable attorneys' fees to certain prevailing parties, and to clarify the effect of the Education of the Handicapped Act on rights, procedures, and remedies under other laws relating to the prohibitions of discrimination.

S. 450

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania [Mr. HEINZ], was added as a cosponsor of S. 450, a bill to establish a commission to study and make recommendations concerning the international trade and export policies and practices of the United States.

S. 491

At the request of Mr. QUAYLE, the name of the Senator from Ohio [Mr. GLENN], was added as a cosponsor of S. 491, a bill to improve debt-collection activities and default recoveries and to reduce collection costs and program abuse under student loan program administered by the Department of Education, and for other purposes.

S. 575

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. EXON], was added as a cosponsor of S. 575, a bill to ensure payment of the additional duty imposed on ethyl alcohol used as a fuel or in making gasohol.

S. 576

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. EXON], was added as a cosponsor of S. 576, a bill to exclude from the Caribbean Basin Economic Recovery Act ethyl alcohol used for fuel which is merely distilled or denatured in a beneficiary country.

S. 827

At the request of Mrs. HAWKINS, the name of the Senator from Pennsylvania [Mr. HEINZ], was added as a cosponsor of S. 827, a bill to amend the Public Health Service Act to provide for the compensation of children and others who have sustained vaccine-related injuries, and for other purposes.

S. 856

At the request of Mr. HATCH, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from South Carolina [Mr. THURMOND], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of S. 856, a bill to amend the Internal Revenue Code of 1954 to allow the deduction for certain expenses paid or incurred by an individual in connection with the adoption of a child.

S. 887

At the request of Mr. DOLE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 887, a bill to amend the Internal Revenue Code of 1954 to extend the deduction for expenses incurred in connection with the elimination of architectural and transportation barriers for the handicapped and elderly.

S. 987

At the request of Mr. EXON, the names of the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. BURDICK], the Senator from Washington [Mr. GORTON], the Senator from California [Mr. CRANSTON], the Senator from Indiana [Mr. LUGAR], the Senator from Missouri [Mr. DANFORTH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 987, a bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861–65.

S. 995

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 995, a bill to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies.

S. 1093

At the request of Mr. MATHIAS, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1093, a bill to amend the patent law to restore the term of the patent grant in the case of certain products for the time of the regulatory review period preventing the marketing of the product claimed in a patent.

S. 1201

At the request of Mrs. HAWKINS, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Michigan [Mr. RIEGLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. INOUYE], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 1201, a bill to amend the Internal Revenue Code of 1954 to extend the residential energy credit with respect to solar renewable energy source expenditures, with declining percentages of credit, through 1990.

S. 1233

At the request of Mr. DOLE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1233, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 1250

At the request of Mr. HEINZ, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 1250, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes.

S. 1279

At the request of Mr. GORTON, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1279, a bill to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984.

S. 1298

At the request of Mr. ANDREWS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1298, a bill to coordinate and expand services for the prevention, identification, and treatment of alcohol and drug abuse among Indian youth, and for other purposes.

S. 1305

At the request of Mr. TRIBLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1305, a bill to amend title 18, United States Code, to establish criminal penalties for the transmission by computer of obscene matter, or by computer or other means, of matter pertaining to the sexual exploitation of children, and for other purposes.

S. 1361

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 1361, a bill to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation [Conrail] to the private sector, and for other purposes.

S. 1371

At the request of Mr. LEVIN, the names of the Senator from Maine [Mr. COHEN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of S. 1371, a bill to designate the portion of 15th Street, Southwest, Washington, District of Columbia, located between Maine and Independence Avenues as "Raoul Wallenberg Avenue."

S. 1381

At the request of Mr. QUAYLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1381, a bill to amend the General Edu-

cation Provisions Act to improve and expand the Assessment Policy Committee.

S. 1392

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1392, a bill to amend title 28, United States Code, regarding judicial annuities.

S. 1397

At the request of Mr. CRANSTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1397, a bill to amend title 38, United States Code, to define the term "detailed plan and justification" in connection with certain administrative reorganizations of Veterans' Administration facilities, and to confirm that a reorganization involving consolidation of benefits offices is prohibited by law and to permit one involving prosthetics centers to be implemented pryor to fiscal year 1986.

S. 1417

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of S. 1417, a bill to amend the Controlled Substance Act to create new penalties for the manufacturing with intent to distribute, the possession with intent to distribute, or the distribution of "designer drugs," and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Mr. QUAYLE, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 34, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "National Children's Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. HATCH, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of Senate Joint Resolution 51, a joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week."

SENATE JOINT RESOLUTION 130

At the request of Mr. QUAYLE, the names of the Senator from Nebraska [Mr. ZORINSKY], the Senator from Idaho [Mr. SYMMS], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating the week beginning on November 10, 1985, as "National Blood Pressure Awareness Week."

SENATE JOINT RESOLUTION 141

At the request of Mr. SASSER, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Vermont [Mr. LEAHY], the Senator from California [Mr. WILSON], the Senator from Kentucky [Mr. FORD], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week beginning May 18, 1986, as "National Tourism Week."

SENATE JOINT RESOLUTION 143

At the request of Mr. GORE, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize the Black Revolutionary War Patriots Foundation to establish a memorial in the District of Columbia at an appropriate site in Constitution Gardens.

SENATE JOINT RESOLUTION 145

At the request of Mr. DURENBERGER, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Utah [Mr. HATCH], the Senator from Maryland [Mr. MATHIAS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 145, a joint resolution designating November 1985 as "National Diabetes Month."

SENATE JOINT RESOLUTION 146

At the request of Mr. SIMON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 146, a joint resolution designating August 1985 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 154

At the request of Mr. GARN, the names of the Senator from Alabama [Mr. DENTON] the Senator from Alabama [Mr. HEFLIN], the Senator from California [Mr. CRANSTON], the Senator from California [Mr. WILSON], the Senator from Connecticut [Mr. DODD], the Senator from Florida [Mr. CHILES], the Senator from Florida [Mrs. HAWKINS], the Senator from Georgia [Mr. MATTINGLY], the Senator from Georgia [Mr. NUNN], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Idaho [Mr. SYMMS], the Senator from Indiana [Mr. QUAYLE], the Senator from Kansas [Mr. DOLE], the Senator from Maine [Mr. COHEN], the Senator from Maryland [Mr. SARBANES], the Senator from Michigan [Mr. LEVIN], the Senator from Michigan [Mr. RIEGLE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Missouri [Mr. DANFORTH], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Nevada [Mr. HECHT], the Senator from Nevada [Mr. LAXALT], the Senator from New Mexico [Mr. DOMENICI], the Senator from New York [Mr. MOYNIHAN], the Senator from North Dakota [Mr. ANDREWS], the Senator from Ohio [Mr. GLENN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. HATFIELD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Carolina [Mr. THURMOND], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from Virginia [Mr. TRIBLE], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 154, a joint resolution to designate July 20, 1985 as "Space Exploration Day".

SENATE RESOLUTION 174

At the request of Mr. GORE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

SENATE RESOLUTION 178

At the request of Mr. EVANS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Resolution 178, a resolution to urge the Administator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard.

SENATE CONCURRENT RESOLUTION 55—RELATING TO DEVELOPMENT, TESTING, AND DEPLOYMENT OF NUCLEAR WEAPONS

Mr. HART submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 55

Whereas the resumption of arms control negotiations in Geneva renews hope that the arms race may yet be curtailed and the danger of nuclear holocaust reduced;

Whereas respect for nuclear arms control agreements already in force is essential for the establishment of a climate of mutual confidence conducive to the successful negotiation of comprehensive agreements limiting nuclear arms;

Whereas limitations on the deployment of destabilizing and expensive defensive systems, as embodied in the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems, continue to be significant arms control objectives;

Whereas ensuring compliance with existing limitations, particularly as concerns the radar currently under construction at Krasnoyarsk, and expanding those limitations are critical objectives if the arms control process is to enjoy the continued support of the Congress and the American people;

Whereas limited, carefully defined research on strategic defensive technology is explicitly permitted under existing arms control agreements and necessary to provide a hedge against developments by either side which could undercut those agreements;

Whereas it would not be possible to verify significant aspects of a ban on research in strategic defensive technologies;

Whereas the negotiation of new arms control agreements that are mutual, verifiable, stabilizing, and which significantly reduce nuclear arsenals are in the national interests of the United States;

Whereas there is little likelihood of obtaining an agreement significantly reducing offensive nuclear weapons in the absence of restrictions on the development, testing, and deployment of defensive systems; or of achieving significant restraints on defensive developments without achieving reductions in offensive arsenals;

Whereas without an agreement restricting the development, testing, and deployment of defensive systems by both sides, there is a very real possibility that the arms race in offensive nuclear weapons will be accelerated rather than contained: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress if the Soviet Union agrees to mutual, verifiable, and significant reductions in the overall number of intermediate-range and strategic, offensive nuclear weapon launchers and warheads, the United States should agree to mutual, verifiable, and significant restrictions (consistent with and complementary to the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems) on the development, testing, and deployment of components, weapons, supporting systems and technologies for strategic defensive purposes.

Mr. HART. Mr. President, increasingly Members of the Senate and the public at large, over the course of the 1970's and 1980's, have come to conclude that the issue of control of the spread of nuclear weapons and the numbers of those weapons between the two superpowers has come to be the dominant issue of our time.

Those who share that point of view have seen 5 or 6 years elapse since the signing of the SALT II treaty, which has been marked by an unprecedented and increasing degree of pessimism with respect to the prospects for achieving any significant controls, not to say reductions in those nuclear weapons. It has been perceived that the process by which we negotiate arms control on nuclear weapons has been in a state of rather steady decline, marked by intense controversies over compliance with existing treaties, continued expansion of both the United States and Soviet nuclear arsenals, failure to reach any new agreements, and, perhaps most significantly, accelerated efforts by both sides to explore technologies which could lead to a new round of an arms race involving defensive and space-based systems.

We stand on the verge of a fundamentally transformed strategic environment, one which promises to dwarf all previous challenges we have faced in trying to protect our security. By our own intelligence estimates, in the next decade—absent arms control agreements—we will experience not only a stark proliferation in the numbers and types of Soviet offensive nuclear weapons, but will undoubtedly witness the extension of the United States-Soviet arms competition into defensive technologies and space weapons. At no point in our history have arms control agreements been so obvious a necessity for preserving our deterrent and global security.

Mr. President, it has become equally obvious that the stalemate, such as it exists today in Geneva, and we pray that it is only a temporary stalemate, involves the linkage between the growth of Soviet offensive weapons and the proposed development, research, development, and perhaps even deployment of defensive space-based systems by the United States. That linkage is at the very crux and the very center of the absence of real movement in negotiations.

Mr. President, the decision to resume arms control negotiations early this year was welcomed by virtually every Member of this Chamber. The administration's stated commitment to redouble efforts to achieve an agreement which could forestall these grim developments is an objective which deserves full support from both sides of the aisle.

Today, Mr. President, Congressman STEPHEN SOLARZ of New York, distinguished chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, and I are introducing a concurrent resolution to express the urgency of achieving progress in these negotiations. The resolution states the sense of the Congress that the continued expansion of Soviet offensive nuclear forces and the possible development by the United States of defensive systems to counter this expansion are directly linked and threaten the achievement of a comprehensive arms control agreement. We urge that if the Soviet Union agrees to mutual, verifiable and significant reductions in the overall number of intermediate-range and strategic offensive weapons, the United States should agree to mutual, verifiable, and significant restrictions on the development, testing, and developoment of technologies for strategic defense.

Mr. President, along with the distinguished Senator from New York [Mr. MOYNIHAN], I have just returned from Geneva where I participated as the designee of the minority leader of the Senate as one of the observers to the arms control talks. I regret to say we seem to be very far from an agreement and the goals we hope to achieve. The details of the issues which separate the two sides may seem very complex but they can be summarized as one overarching problem. The United States wants to move without delay toward deep reductions in Soviet strategic offensive forces, especially those land-based intercontinental ballistic missiles which we perceive to pose the gravest threat to our and our allies' security. The Soviet Union has placed its highest priority on averting technological developments in the West which they perceive as posing a long term threat to the viability of their nuclear forces—particularly U.S. efforts to explore ways to defend against Soviet ICBM's, the mainstay of the Soviet nuclear arsenal.

Mr. President, it is at this confrontation that the heart of the difficulty lies. The resolution which we introduce today, and urge upon our colleagues in both Houses of the Congress, seeks to help break this stalemate by identifying the linkage between Soviet offensive force structure growth and the fear on the part of the other superpowers of the Soviet Union that the United States is about to open a Pandora's box of letting the nuclear arms race expand into space.

The history of arms control negotiations has shown us that if the United States and the Soviet Union hope to forge a meaningful arms control agreement, each side must be willing to engage in compromise, and to make equitable concessions in areas of particular concern to the other. In this case, however, we are facing a fundamentally new stumbling block: One side wants to change developments of the past; the other wants to avert developments of the future. As each side puts forward its own set of priorities, progress in all areas is being held hostage to irreconcilably different strategic imperatives.

Mr. President, the intention of the resolution offered today is to state explicitly the Congress' concern that we and the Soviets reconcile these obstacles and resolve the current impasse. The alternative is simply to squander more time in meaningless exchanges of hostile rhetoric and accusations—at the expense of both of our countries' security.

Mr. President, we fully appreciate the difficulties associated with forging the type of agreement we are proposing—especially with respect to defining desirable limitations on development of defensive technology. The United States must retain the prerogative to conduct research on strategic defenses—as is fully consistent with the terms of the 1972 ABM treaty. And we are acutely aware of the difficulty of achieving mutually verifiable limits on scientific research and of assuring compliance with existing treaty obligations.

But, given effective statesmanship, these obstacles can be overcome. Indeed, they must be. The purpose of negotiations is to define the ambiguities contained in existing treaty obli-

gations, clarify existing restrictions, and move to a mutually acceptable framework for achieving more comprehensive restraints. We have done this in the past—we can do so again. As one author defined the challenge for the talks, "The most important threat to each country does not arise from weaknesses in political resolve, technical capacity, organizational competence, or destructive firepower. The gravest threat is the inability to impose reasonable restraint, a mutually acknowledged problem for which each prefers to blame the other * * *."

Mr. President, we believe it is time for both sides to stop blaming the other and move toward the achievement of the fundamental goals we all support. We have very little time to resolve these issues before the heads of our governments meet in a summit in November. We cannot let another opportunity to slip through our hands—the only victim will be our own security.

AMENDMENTS SUBMITTED

PRICE SUPPORT AND PRODUCTION INCENTIVES FOR FARMERS

MELCHER AMENDMENT NO. 515

(Ordered referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 1119) to revise and extend programs to provide price support and production incentives for farmers to assure an abundance of food and fiber, and for other purposes; as follows:

At the end of the bill, add the following:

"AMENDMENTS RELATING TO VIRUS, SERUM, TOXIN PRODUCTS

SEC. . (a). The twenty-seventh paragraph of Public Law 430, Sixty-Second Congress, approved March 14, 1913, 37 Stat. 832 (21 U.S.C. 151 et seq.), is amended—

(1) in its first sentence (21 U.S.C. 151), by deleting the words, "from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia," and inserting in lieu thereof, "in or from the United States, the District of Columbia, any place under the jurisdiction of the United States, or its Territories,";

(2) in its fourth sentence (21 U.S.C. 154)—

(A) by inserting immediately prior to the words "and to issue, suspend, and revoke," the words "or otherwise to effectuate the purposes of this Act,"; and

(B) by inserting immediately before the period, the following: ": *Provided*, That the Secretary, in order to meet emergency conditions, limited market or local situations or other special circumstances, such as production solely for interstate use under a State operated program, may issue a special license under a shortened procedure upon such conditions as may be prescribed to assure purity, safety, and a reasonable expectation of efficacy: *Provided further*, That the Secretary shall exempt by regulation from the requirement of having been prepared pursuant to an unsuspected and unrevoked license, any virus, serum, toxin, or analogous product prepared by any person, firm, or corporation (a) solely for administration to that person's, firm's, or corporation's animals, or (b) solely for administration to animals under a veterinarian-client-patient relationship in the course of that person's, firm's, or corporation's state-licensed professional practice of veterinary medicine, or (c) solely for distribution within the state of production pursuant to a license granted by that State under a program found by the Secretary to meet the following criteria:

(1) the State has authority to license virus, serum, toxin, and analogous products and establishments that produce such products;

(2) the State has authority to review the purity, safety, potency and efficacy of such products prior to licensure;

(3) the State has authority to review product test results to assure compliance with applicable standards of purity, safety, and potency prior to release to the market;

(4) the State has authority to deal effectively with violations of State law regulating virus, serum, toxin, and analogous products; and

(5) the State exercises the authority specified in paragraphs (1) through (4) consistent with the intent of this Act of prohibiting the preparation, sale, barter, exchange, or shipment of worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous products";

(3) in its seventh sentence (21 U.S.C. 157), by deleting the words "licensed under this Act";

(4) in its eighth sentence (21 U.S.C. 158), by inserting immediately before the period the following: "; the procedures of section 402 with respect to detentions, of section 403 with respect to seizures, and of section 404 with respect to injunctions, of the Federal Meat Inspection Act (21 U.S.C. 672, 673, and 674) shall be applicable to the enforcement of this Act with respect to any product prepared, sold, bartered, exchanged or shipped contrary to any provision thereof or regulations promulgated thereunder, and the violations and penalties of Section 405 of that Act (21 U.S.C. 675) shall be applicable to the performance of official duties under this Act"; and

(5) by adding immediately after the eighth sentence the following: "The Congress finds that the products and activities which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce or the free flow thereof, and that regulation of the products and activities as provided in this Act is necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such commerce."

"(b) The amendments made by subsection (a) shall become effective upon enactment, except that with respect to any person, firm, or corporation preparing, selling, bartering, exchanging or shipping any virus, serum, toxin, or analogous product within the twelve months prior to enactment of this section, solely in intrastate commerce or for exportation, such product shall not thereafter, by reason of its not having been licensed, or produced in a licensed establishment, be deemed in violation of the Act of March 4, 1913, 37 Stat. 832, relating to virus, serum, toxin and analogous products for domestic animals, as amended by this section, until the first day of the forty-ninth month following this enactment. This exemption must be claimed by the person, firm, or corporation preparing such product by the first day of the thirteenth month following this enactment, in the form and manner prescribed by the Secretary of Agriculture, unless the Secretary shall grant an extension in an individual case for good cause shown: *Provided*, That upon the issuance of a license of such person, firm, or corporation for such product prior to the first day of the forty-ninth month following this enactment, the exemption shall end with respect to such product."

Mr. MELCHER. Mr. President, there is a need for correcting the statutes involving drugs and vaccine used for animal health that have been produced for intrastate purposes only. People in that type of business are asking for amendments that will gradually work to get their products under the umbrella and licensing procedures of the Department of Agriculture, the same as interstate drugs and vaccines and toxins for animal use.

I am submitting corrective legislation to the basic 1913 act that covers these products and will attempt to incorporate them in the farm bill now pending before the Committee on Agriculture.

I ask unanimous consent to have printed in the RECORD, the purpose and findings and description of the need for this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF AMENDMENT

1. The amendment is substantially the same as S. 828, introduced by Senator Leahy and nine other Senators on April 3, 1985. The bill has 15 sponsors currently.

2. The amendment:

Provides for a program that will foster highly productive and efficient agricultural systems that maintain sound conservation practices;

Directs the Secretary of Agriculture to conduct research projects and evaluate the production systems used on the research projects;

Requires the Secretary to conduct an information study to inventory and classify by subject matter all available information that could further the purposes of this Act and submit a report to the Agriculture Committees of Congress within 15 months describing the results of this activity.

3. The amendment requires the Secretary to conduct such research projects as needed to obtain data, draw conclusions, and demonstrate technologies pursuant to effectively carrying out the Purposes of the Act. The research projects are to be designed with the guidance of a panel of experts consisting of the Agricultural Research Service, Cooperative State Research Service, Soil Conservation Service, Extension Service, cooperative extension services of the States, State agricultural experiment stations, and other specialists.

4. The Secretary is required, in coordination with the Extension Service and State cooperative extension services, to take steps to ensure that farmers are aware of the projects.

5. The bill authorizes such funds as may be necessary.

ANTI-APARTHEID ACTION ACT

LUGAR (AND CRANSTON) AMENDMENT NO. 516

Mr. LUGAR (for himself and Mr. CRANSTON) proposed an amendment to the bill (S. 995) to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies; as follows:

On page 28, line 10, strike "11" and insert in lieu thereof, "11(a)".

On page 33, after line 23, add the following new subsection:

"(b) It is the sense of Congress that in addition to the principles enumerated in subsection (a), persons subject to section 10 should seek to comply with the following principle: Taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

(1) supporting the unrestricted rights of black businesses to locate in urban areas;

(2) influencing other companies in South Africa to follow the standards of equal rights principles;

(3) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and make provision for adequate housing for families of employees within the proximity of workers' employment;

(4) supporting the rescission of all apartheid laws."

On page 35, after line 14, insert the following new section:

IMPLEMENTATION

"SEC. 12. (a) The Secretary of State (hereafter referred to as the "Secretary") shall submit an annual report to the Congress describing—

(1) the extent to which each national of the United States referred to in section 10 of this Act has implemented each of the principles set forth in section 11 of this Act;

(2) the progress each national of the United States referred to in section 10 of this Act has made since the previous annual report in implementing each of those principles;

(3) the actions the Secretary has taken to encourage implementation of those principles, by nationals of the United States as well as any person who is not a national of the United States and who employs at least 25 individuals in South Africa, as well as any related actions taken by other departments or agencies of the United States Government;

(4) any other information relating to the implementation by nationals of the United States as well as any person who is not a national of the United States and who employs at least 25 individuals in South Africa, of those principles that the Secretary believes is appropriate;

(5) in the first five annual reports issued pursuant to this section, the extent to which each of the 100 largest foreign investors in South Africa who are not nationals of the United States have implemented the principles set forth in section 11;

(6) in the sixth and subsequent annual reports issued pursuant to this section, the extent to which each of the 200 largest foreign investors in South Africa who are not nationals of the United States have implemented the principles set forth in section 11; and

(7) recommendations by the Secretary for action the Congress or the President could take to encourage implementation of those principles by persons who are not nationals of the United States and who employ at least 25 individuals in South Africa; including an analysis of the extent to which the imposition of restraints on imports into the United States from such persons would encourage implementation of those principles.

(b) The Secretary shall publish and make generally available to the public each annual report submitted pursuant to subsection (a).

(c) The Secretary may, to such extent or in such amounts as are provided in appropriation Acts, enter into contracts with one or more private organizations to assist the Secretary in preparing the report required by subsection (a).

(d) Each national of the United States referred to in section 10 of this Act shall submit directly to the Secretary, or through an organization with which the Secretary has a contract under subsection (c)—

(1) a detailed and fully documented annual report on the progress of that person in implementing the principles set forth in section 11 of this Act; and

(2) such other information relating to implementation of the principles set forth in section 11 of this Act as the Secretary shall by regulation direct.

The reports and information required by this subsection shall be submitted at such times as the Secretary shall by regulation require.

(e) There are authorized to be appropriated such sums as may be necessary to the Department of State to carry out the provisions of this section. The Secretary may establish an office to carry out such provisions.

(f) Upon the request of any national of the United States subject to the provisions of this section and section 10 which is made within 60 days after the publication of the Secretary's report pursuant to subsection (b) of this section, the Secretary shall, afford an opportunity for a hearing, within 90 days after such publication, in which such person may comment on the contents of such report.

MINTING GOLD BULLION COINS

SEC. . (a) Section 5112(a) of title 31, United States Code, is amended by adding at the end thereof the following:

"(7) a gold coin that is 32.6 millimeters in diameter, weighs 33.931 grams, and contains one troy ounce of fine gold.

"(8) a gold coin that is 27.0 millimeters in diameter, weighs 16.966 grams, and contains one-half troy ounce of fine gold.

"(9) a gold coin that is 22.0 millimeters in diameter, weighs 8.483 grams, and contains one-fourth troy ounce of fine gold.

"(10) a gold coin that is 16.5 millimeters in diameter, weighs 3.393 grams, and contains one-tenth troy ounce of fine gold.".

(b) Section 5112 of such title is amended by adding at the end thereof the following:

"(i)(1) Notwithstanding section 5111(a)(1), the Secretary shall mint and issue the gold coins specified in section 5112(a), in quantities sufficient to meet public demand, that—

"(A) have a design determined by the Secretary, except that the one ounce gold coin shall have a design—

"(i) symbolic of Liberty on the obverse side; and

"(ii) on the reverse, a design representing a family of eagles, with the male carrying an olive branch and flying above a nest containing a female eagle and hatchlings;

"(B) have, in lieu of the designation of the value of the coin as provided in subsection (d), the designation of the weight of the fine gold content;

"(C) have inscriptions of the year of minting or issuance and the words 'Liberty', 'In God We Trust', 'United States of America', and 'E Pluribus Unum'; and

"(D) have reeded edges.

"(2)(A) The Secretary shall sell the coins minted under this subsection to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

"(B) The Secretary is authorized to enter into such bulk distribution arrangements as may be in the best interests of the United States with wholesalers and distributors of coins and bullion and to permit discounts from the costs as determined under subparagraph (A).

"(3) For purposes of section 5132(a)(1) of this title, all coins minted under this subsection shall be considered to be numismatic items.".

(c)(1) Section 5116(e) of title 31, United States Code, is amended by inserting after the first sentence of paragraph (2) the following new sentence: "The Secretary shall acquire the gold for the coins authorized under section 5112(i) of this title by purchase only from natural deposits in the United States or in a territory or possession of the United States, or from reserves of gold held by the United States.".

(2) Section 5116(b) of title 31, United States Code, is amended by the first sentence of paragraph (1), by striking out "The Secretary shall" and inserting in lieu thereof "The Secretary may".

(d) Section 5118(d) of title 31, United States Code, is amended by inserting at the end thereof the following:

"(3) An obligation denominated only in ounces of gold is discharged on payment in coins authorized under section 5112(i) of this title unless a gold clause calls for payment in dollars. An obligation denominated in dollars is not discharged by payment in gold coin authorized under section 5112(i) of this title.".

(e) The third sentence of section 5132(a)(1) of title 31, United States Code, is amended by inserting "minted under paragraphs (1) through (6) of section 5112(a) of this title" after "proof coins".

(f) No provision of law governing procurement, printing, or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this section or the amendments made by this section. Nothing in this subsection shall relieve any person entering into a contract under the authority of this section or the amendments made by this section from complying with any law relating to equal employment opportunity.

(g) Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this section or the amendments made by this section shall be deposited in the coinage profit fund:

(2) the Secretary shall pay the amounts authorized under this section or the amendments made by this section from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this section or the amendments made by this section.

(h) This section shall take effect on October 1, 1985, except that no coins may be issued or sold under this section before October 1, 1986.

At the appropriate place in the bill, insert the following:

SEC. . The Secretary of State shall conduct a study to examine the state of health conditions and to determine the extent of starvation and malnutrition now prevalent in the "homelands" areas of South Africa and shall, not later than December 1, 1985, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of such study.

On page 24, delete lines 1 through 15, and substitute in lieu thereof the following:

"'(f) Not less than 20 percent of the funds made available to carry out subsection (e)(2)(A) shall be used specifically to support human rights activities including, but not limited to, the investigation of the killing of protestors and prisoners in South Africa, legal assistance to persons prosecuted for fundamentally political reasons in South Africa, and church and legal assistance activities for the betterment of human rights in South Africa for disadvantaged persons. Such assistance may be made available through the Legal Resources Center, the South African Council of Churches, the Black Sash and other similar organizations determined to be appropriate by the Secretary of State.'."

On page 39, line 3, after the period, add the following: "Each such report shall contain a detailed assessment of exports to South Africa from other countries of computers and other technology the export of which from the United States is prohibited under section 12 of this Act or section 6(1) of the Export Administration Act of 1979, as added by section 13 of this Act.".

HUMPHREY AMENDMENT NO. 517

Mr. HUMPHREY proposed an amendment to the bill S. 995, supra; as follows:

To amend S. 995 by adding at the end thereof the following new section:

SEC. 16. (a) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within eighteen months of the date of enactment of this Act, but not later than March 1, 1987, and every twelve months thereafter, a report—

(1) naming any signatory country of the Final Act of the Conference on Security and Cooperation in Europe, also known as the "Helsinki Final Act", which is not in substantial compliance with the provisions of that Act, particularly the human rights and humanitarian affairs provisions, and

(2) recommending which of the following sanctions should be imposed on any such non-complying signatory country:

(A) A ban on new commercial investment in such country.

(B) A ban on the importation of such country of gold or any item containing gold bullion.

(C) A denial of most-favored nation status to such country.

(D) Other economic or political sanctions.

(b) Section 6 of the Export Administration Act of 1979 (10 U.S.C. App. 2405) is amended by adding at the end the following:

"(m) EXPORTS TO NON-COMPLYING C.S.C.E. SIGNATORY COUNTRY.—(1) No computers, computer software, or goods and technology intended to service computers may be exported, directly or indirectly, to the following entities of the government of any signatory country of the Final Act of the Conference on Security and Cooperation in Europe, also known as the "Helsinki Final Act", which is not in substantial compliance with the provisions of that Act, particularly the human rights and humanitarian affairs provisions, as named in the report required by Section 16(a) of the Anti-Apartheid Action Act of 1985

"(A) the military,

"(B) the policy,

"(C) the prison system,

"(D) the national or state security agencies,

"(E) the ministry of internal affairs or other authority responsible for the movement or residence of persons within such country or departure of persons from each country.

"(F) the administering authority for the production and procurement of military equipment, and

"(G) any other entity of the government of such country that administers programs in a manner inconsistent with the Final Act of the Conference on Security and Cooperation in Europe, particularly the human rights and humanitarian affairs provisions.

"(2) For purposes of paragraph (1), the term 'computer' includes any computer that is the direct product of technology of United States origin.

"(3) The termination provisions contained in section 20 of this Act shall not apply to this subsection, or to sections 11 and twelve of this Act to the extent such sections apply to violations of, the enforcement of, this subsection.

"(4) This subsection shall enter into force upon the transmittal of the report required by Section 16(a) of the Anti-Apartheid Action Act of 1985."

(c)(1) No national of the United States may make any loan or other extension of credit, directly or through an affiliate of that United States national, to the government of any signatory country of the Final Act of the Conference on Security and cooperation in Europe, also known as "the Helsinki Final Act," which is not in substantial compliance with the provisions of that Act, particularly the human rights and humanitarian affairs provisions, as named in the report required by subsection (a), or to any corporation partnership or other organization which is owned or controlled by the government of such country, as determined under regulations which the President shall issue.

(2) The prohibition contained in paragraph (1) shall not apply to a loan or extension of credit for which an agreement is entered into before the date of transmittal of the report required by subsection (a).

(3) The President shall issue the regulations referred to in paragraph (1) not later than ninety days after the date of transmittal of the report required by subsection (a).

(4) This subsection shall enter into force upon the transmittal of the report required by subsection (a).

(d)(1) Any joint resolution which—

(A) would enact part of all of the sanctions described in clauses (A) through (D) of subsection (a)(2), and

(B) is introduced in the Senate after the date of receipt of the report required by subsection (a), shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that, for the purpose of section 601(b)(3)(A) of such Act, a reference to the "same certification" shall be deemed to be a reference to the report required by subsection (a).

(2) For the purpose of expediting the consideration and enactment of a joint resolution which is described in paragraph (1) and which is introduced in the House of Representatives after the date if the receipt of the report required by subsection (a), a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

SYMMS AMENDMENT NO. 518

Mr. SYMMS proposed an amendment to the bill S. 995, supra; as follows:

At the end of the pending business, add the following:

RESTRICTIONS ON SANCTIONS

SEC. 16. Notwithstanding any other provision of this Act, no sanction may be imposed against South Africa if the imposition of such sanction would increase black unemployment in South Africa as determined by Presidential certification or a resolution passed by either House of Congress.

WALLOP (AND OTHERS) AMENDMENT NO. 519

Mr. WALLOP (for himself, Mr. LAXALT, and Mr. SYMMS) proposed an amendment to the bill S. 995, supra; as follows:

On page 19, line 22, insert the following: This Act may be cited as the Action Act against violations of human rights.

On page 19, for Sec. 12, insert the following:

1. The Congress finds that a number of practices by governments on all continents that deprive citizens of their human rights and of full citizenship on the basis of religion, class, race, or national origin. These practices, whether they are called Apartheid, as in South Africa, Socialist Construction as in the Soviet Union and other Communist countries, as those dictatorialships of the Right:

A. Deliberately restrict people's right to live and work as they wish, and restrict the right to form free labor unions;

B. Deny meaningful democratic participation in the political process by the majority of the population;

C. Consign most citizens to lives of economic, religious, and cultural deprivation;

D. Deny citizens the right to travel in their country or abroad;

E. Leads to the negation of property rights supposedly guaranteed by local laws;

F. Effectively deprive people of rights enjoyed by others on the basis of religion, class, race, or national origin.

2. Such practices are repugnant to the moral and political values of domocratic free societies, and run counter to United States policies to promote democratic governments throughout the world and respect for human rights; and

3. It is the policy of the United States to promote peaceful change in countries where such practices are prevalent through diplomatic means, but also, where necessary and appropriate, through the adoption of other measures, in conjuction with our allies in order to reinforce United States opposition to such practices.

On page 24, line 5, after "South Africa" add "The Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, East Germany, Libya, Syria, Iran, Cuba, China, and any other country that the President certifies has a record of violations of human rights equal to or worse than that of South Africa, or any country that has facilitated acts of terrorism against U.S. persons.

On page 24, line 6, strike "in South Africa" and add "in such countries"

On page 24, line 8, strike "in South Africa" and add "in such countries"

On page 24, lines 9-11, strike "the legal resources center, the South African Council of Churches, the Black Sash, and other similar"

On page 36, line 24, after "South Africa" add "The Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, East Germany, Libya, Syria, Iran, Cuba, China and any country that the President certifies has a record of violations of human rights equal to or worse than that of South Africa, or any country that has facilitated acts of terrorism against U.S. persons:

On page 37, lines 3 and 4, strike all after "for" and add "any population control system that deprives people of their human rights."

On page 37, lines 7-9, strike all after "entity" and add "of the governments indicated in this section, that administers programs which discriminate against any person on the basis of religion, class, race, or national origin.

On page 37, line 22, after "the Government of South Africa" add "to the Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, East Germany, Libya, Syria, Iran, Cuba, China and to any country that the President certifies has a record of violations of human rights equal to or worse than that of South Africa, or to any country that has facilitated acts of terrorism against U.S. persons."

On page 37, line 24, strike "South Africa" and add "such countries"

On page 38, line 19, after "South Africa" add "The Soviet Union, Poland, Afghanistan, Mozambique, Angola, Ethiopia, East Germany, Libya, Syria, Iran, Cuba, China and any country the President certifies has a record of violations of human rights equal to or worse than that of South Africa, or any country that has facilitated acts of terrorism against U.S. persons.

On page 38, line 22, after Apartheid, add "or any of the policies set forth in Section 2

On page 38, lines 25 and 26, strike the government of South Africa and add "the governments indicated in Sec. 15(a)

On page 39, line 13, strike "the government of South Africa" and add "the governments indicated in Sec. 15(a)

On page 39, lines 15 and 16, strike the contents and add "allowing people to reside where they wish without regard to religion, class, race, or national origin"

On page 39, lines 17 and 18, strike the contents and add "abolishing internal passports and other restrictions to free domestic and international travel

On page 39, line 19, strike the contents and add "terminating any system of forced relocation of labor and any system of slave labor."

On page 39, lines 22 and 23, strike all after "in" and add "the training and education of disadvantaged groups."

On page 40, line 4, after "made" add "in any of the countries indicated in Sec. 15(a)"

On page 40, line 8, strike "South Africa" and add "those countries that have failed to improve"

On page 40, lines 9 and 10, strike "South African Krugerrands" and add "the principal products currently imported from those countries that have failed to improve into the United States"

On page 40, line 12, strike "South Africa" and add "those countries that have failed to improve."

LUGAR (AND CRANSTON) AMENDMENT NO. 520

Mr. LUGAR (for himself and Mr. CRANSTON) proposed an amendment to the bill S. 995, supra; as follows:

Beginning at line 17 on page 36, strike all through line 16 on page 37 and insert the following:

EXPORTS TO SOUTH AFRICAN GOVERNMENT

SEC. 13. (a) EXPORTS TO SOUTH AFRICA.—(1) No computers, computer software, or goods or technology intended to service computers may be exported, directly or indirectly, to the following entities of the Government of South Africa:

"(A) the military,

"(B) the police,

"(C) the prison system,

"(D) the national security agencies,

"(E) the administering authority for the black passbook and the book of life systems,

"(F) the administering authority for the production and procurement of military equipment, and

"(G) any other entity of the Government of South Africa that administers programs which directly discriminate against nonwhites.

(2) For purposes of paragraph (1), the term "computer" includes any computer that is the direct product of technology of United States origin.

(b) AUTHORITY OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this section and any regulations, licenses, and orders issued to carry out this section, including establishing mechanisms to monitor compliance with this section and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(c) PENALTIES.—

(1) FOR PERSONS OTHER THAN INDIVIDUALS.—Any person, other than an individual, that violates the provisions of this section or any regulation, license, or order issued to carry out this section shall be fined not more than $1,000,000.

(2) FOR INDIVIDUALS.—Any individual who violates the provisions of this section or any regulation, license, or order issued to carry out this section shall be fined not more than $50,000, or imprisoned not more than 5 years, or both.

(d) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) RESTRICTION ON PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

DENTON (AND OTHERS) AMENDMENT NO. 521

Mr. DENTON (for himself, Mr. EAST, Mr. SYMMS, Mr. HELMS, Mr. WALLOP, and Mr. THURMOND) proposed an amendment to the bill S. 995, supra; as follows:

At the end of the pending business, add the following:

POLICY TOWARD THE AFRICAN NATIONAL CONGRESS

SEC. . The Senate hereby finds that the African National Congress is a terrorist organization and that, until such time as—

(1) the African National Congress renounces the use of violence to achieve its political ends,

(2) breaks its affiliation with the South African Communist Party and the Community Party of the Soviet Union, and

(3) disbands its military strike force, "Umkhonto We Sizwe", it should be the policy of the United States to—

(A) deny entry visas to the African National Congress representatives, members, or agents;

(B) restrict travel by members of its United Nations observer delegation to within a 25 mile radius of the United Nations' headquarters;

(C) prohibit fundraising within the United States by an African National Congress representatives, members, or agents;

(D) refuse any waivers under the McCarran-Walter Immigration Act of 1952:

(E) subject the African National Congress to the sanctions applicable to Communist countries under section 301(d)(3) of the Foreign Assistance Act of 1962; and

(F) Notwithstanding any other provision of law, no funds that are or may become available for appropriation for International Organizations and Programs may be expended for the United States proportionate share for use for any program for the African National Congress.

WALLOP (AND HELMS) AMENDMENT NO. 522

Mr. WALLOP (for himself and Mr. HELMS) proposed an amendment to the bill S. 995 supra; as follows:

To strike all after the enacting clause and to substitute the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Apartheid Act of 1985".

SEC. 2. POLICY DECLARATIONS.

The Congress makes the following declarations:

(1) It is the policy of the United States to encourage all nations to adopt political, economic, and social policies which guarantee broad human rights, civil liberties, and individual economic opportunities.

(2) It is the policy of the United States to condemn and seek the eradication of the policy of apartheid in South Africa, a doctrine of racial separation under which rights and obligations of individuals are defined according to their racial or ethnic origin.

SEC. 3. PROHIBITION ON LOANS TO THE SOUTH AFRICAN GOVERNMENT.

(a) IN GENERAL.—No United States person may make any loan or other extension of credit, directly or through a foreign affiliate of that United States person, to the Government of South Africa or to any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as determined under regulations which the President shall issue.

(b) EXCEPTION FOR NONDISCRIMINATORY FACILITIES.—The prohibition contained in subsection (a) shall not apply to a loan or extension of credit for any educational, housing, or health facility which—

(1) is available to all persons on a totally nondiscriminatory basis, and

(2) is located in a geographic area accessible to all population groups without any legal or administrative restriction.

(c) EXCEPTION FOR PRIOR AGREEMENTS.—The prohibition contained in subsection (a) shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act.

(d) ISSUANCE OF REGULATIONS.—The President shall issue the regulations referred to in subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 4. RESTRICTIONS ON NEW INVESTMENTS (INCLUDING BANK LOANS).

(a) PRESIDENT TO ISSUE REGULATIONS.—The President shall, not later than 90 days after the date of the enactment of this Act, issue regulations prohibiting any United States person from making, directly or through a foreign affiliate of that United States person, any investment (including bank loans) in South Africa.

(b) EXCEPTIONS FROM PROHIBITION.—The prohibition contained in subsection (a) shall not apply to—

(1) a loan or extension of credit permitted under section 3;

(2) an investment which consists of earnings derived from a business enterprise in South Africa established before the date of the enactment of this Act and which is made in that business enterprise; or

(3) the purchase, on a securities exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934, of securities in a business enterprise described in paragraph (2).

SEC. 5. GOLD COINS.

(a) PROHIBITION.—No person, including a bank, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

(b) UNITED STATES DEFINED.—For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 6. WAIVERS.

(a) AUTHORITY OF THE PRESIDENT.—

(1) INITIAL WAIVER.—The President may waive the prohibitions contained in sections 4 and 5 for a period of not more than 12 months if—

(A) the President determines that one or more of the conditions set forth in subsection (b) are met,

(B) the President submits that determination to the Congress, and

(C) a joint resolution is enacted approving the President's determination.

(2) ADDITIONAL WAIVERS.—The President may waive the prohibitions contained in sections 4 and 5 for additional 6-month periods if, before each such waiver—

(A) the President determines that an additional condition set forth in subsection (b) has been met since the preceding waiver under this subsection became effective,

(B) the President submits that determination to the Congress, and

(C) a joint resolution is enacted approving the President's determination.

(b) STATEMENT OF CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) FAMILY HOUSING NEAR PLACE OF EMPLOYMENT.—The Government of South Africa has eliminated the system which makes it impossible for black employees and their families to be housed in family accommodations near the place of employment.

(2) RIGHT TO SEEK EMPLOYMENT.—The Government of South Africa has eliminated all policies that restrict the rights of black people to seek employment in South Africa and to live wherever they find employment in South Africa.

(3) ELIMINATING DENATIONALIZATION.—The Government of South Africa has eliminated all policies that make distinctions between the South African nationality of blacks and whites.

(4) ELIMINATING REMOVALS.—The Government of South Africa has eliminated removals of black populations from certain geographic areas on account of race or ethnic origin.

(5) ELIMINATING RESIDENCE RESTRICTIONS.—The Government of South Africa has eliminated all residence restrictions based on race or ethnic origin.

(6) NEGOTIATIONS FOR NEW POLITICAL SYSTEM.—The Government of South Africa has entered into meaningful negotiations with truly representative leaders of the black population for a new political system providing for the full national participation of all the people of South Africa in the social, political, and economic life in that country and an end to discrimination based on race or ethnic origin.

(7) SETTLEMENT ON NAMIBIA.—An internationally recognized settlement for Namibia has been achieved.

(8) FREEING POLITICAL PRISONERS.—The Government of South Africa has freed all political prisoners.

(c) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS.—

(1) REFERRAL OF JOINT RESOLUTIONS.—All joint resolutions introduced in the House of Representatives and the Senate shall be referred immediately to the appropriate committees.

(2) COMMITTEE DISCHARGE.—If the committee of either House to which a joint resolution has been referred has not reported it at the end of 30 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

(3) CONSIDERATION OF RESOLUTIONS.—A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions reported or discharged pursuant to the provisions of this subsection, it shall be in order for the Committee on Rules of the House of Representatives to present for consideration a resolution of the House of Representatives providing procedures for the immediate consideration of a joint resolution under this subsection which may be similar, if applicable, to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

(4) RECEIPT OF RESOLUTIONS FROM THE OTHER HOUSE.—If before the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

(5) COMPUTATION OF LEGISLATIVE DAYS.—In the computation of the period of 30 days referred to in paragraph (2) of this subsection, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

(6) JOINT RESOLUTION DEFINED.—For purposes of this subsection, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress, having received on a determination of the President under section 6(a) of the Anti-Apartheid Act of 1985, approves the President's determination.", with the date of the receipt of the determination inserted in the blank.

SEC. 7. EXPORTS TO SOUTH AFRICAN GOVERNMENT.

Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended by adding at the end the following:

"(1) EXPORTS TO SOUTH AFRICA.—(1) No computers, computer software, or goods or technology intended to service computers may be exported, directly or indirectly, to or for use by the Government of South Africa or any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa.

"(2) For purposes of paragraph (1), the term 'computer' includes any computer that is the direct product of technology of United States origin.

"(3) The prohibition contained in paragraph (1) shall not apply to donations of computers to primary and secondary schools.

"(4) Notwithstanding any other provision of this or any other Act, the prohibition contained in paragraph (1) shall apply to any contract or agreement entered into before the date of the enactment of this subsection, and to any license or other authorization in effect which is issued under this Act before such date of enactment.

"(5) The termination provisions contained in section 20 of this Act shall not apply to this subsection, or to sections 11 and 12 of this Act to the extent such sections apply to violations of, and the enforcement of, this subsection.".

SEC. 8. NUCLEAR EXPORTS.

(a) COOPERATION.—Cooperation of any kind provided for in the Atomic Energy Act

of 1954 is hereby prohibited with respect to the Republic of South Africa.

(b) NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS.—The Nuclear Regulatory Commission may not issue any license or other authorization under the Atomic Energy Act of 1954 for the export to the Republic of South Africa of any source or special nuclear material, any production or utilization facility, any sensitive nuclear technology, any component, item, or substance determined to have significance for nuclear explosive purposes pursuant to section 109 b. of the Atomic Energy Act of 1954, or any other material or technology requiring such a license or authorization.

(c) DISTRIBUTION OF NUCLEAR MATERIAL.—The authority of the Atomic Energy Act of 1954 may not be used to distribute any special nuclear material, source material, or byproduct material to the Republic of South Africa.

(d) SUBSEQUENT ARRANGEMENTS.—No department, agency, or official of the United States Government may enter into any subsequent arrangement under the Atomic Energy Act of 1954 which would permit the transfer to or use by the Republic of South Africa of any nuclear materials and equipment or any nuclear technology.

(e) AUTHORIZATIONS OF SECRETARY OF ENERGY.—The Secretary of Energy may not provide any authorization (either in the form of a specific or a general authorization) under section 57 b. (2) of the Atomic Energy Act of 1954 for any activity which would constitute directly or indirectly engaging in the Republic of South Africa in activities which require an authorization under that section.

(f) EXPORT LICENSES.—

(1) NUCLEAR RELATED USES.—The Secretary of Commerce may not issue any license under the Export Administration Act of 1979 or other provision of law for the export directly or indirectly to the Republic of South Africa of any goods or technology—

(A) which are intended for a nuclear related end use or end user;

(B) which have been identified pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978 as items which could, if used for purposes other than those for which the export is intended, be of significance for nuclear explosive purposes; or

(C) which are otherwise subject to the procedures established pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978.

(2) PROHIBITION ON ADDITIONAL EXPORTS.—In addition, the Secretary of Commerce shall use the authorities set forth in the Export Administration Act of 1979 (notwithstanding section 20 of that Act) to prohibit any export directly or indirectly to the Republic of South Africa of any goods and technology contained on any of the lists prepared pursuant to paragraph (3) of this subsection. Export controls shall be imposed pursuant to this paragraph without regard to the requirements otherwise applicable to the imposition of export controls under the Export Administration Act of 1979.

(3) LIST OF PROHIBITED GOODS AND TECHNOLOGY.—Not later than 6 months after the date of the enactment of this Act, the Nuclear Regulatory Commission, the Secretary of Commerce, the Secretary of Energy, and the Secretary of State shall each prepare a list of all goods or technology, whose transfer to the Republic of South Africa is not otherwise prohibited by this Act, which in their judgment could, if made available to the Republic of South Africa, increase the ability of that country to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices. Such lists shall include goods or technology which, although not intended for any of the specified nuclear related end uses, could be diverted to such a use.

(g) INFORMATION.—No officer or employee in any department or agency of the executive branch (including the Nuclear Regulatory Commission) may make available to the Republic of South Africa, directly or indirectly, any technology or other information which could increase the ability of that country to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices. This subsection does not require that an officer or employee withhold information in published form which is available to the public from such officer or employee.

(h) PRIOR LICENSES AND AUTHORIZATIONS.—Any license or authorization described in this section which was issued before the enactment of this Act is hereby terminated.

SEC. 9. REGULATORY AUTHORITY.

The President shall issue such regulations, licenses, and orders as are necessary to carry out this Act.

SEC. 10. ENFORCEMENT AND PENALTIES.

(a) AUTHORITY OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) PENALTIES.—

(1) FOR PERSONS OTHER THAN INDIVIDUALS.—Any person, other than an individual, that violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $1,000,000.

(2) FOR INDIVIDUALS.—

(A) IN GENERAL.—Any individual who violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $50,000, or imprisoned not more than 5 years, or both.

(B) PENALTY FOR SECTION 5.—Any individual who violates section 5 of this Act or any regulation issued to carry out that section shall, in lieu of the penalty set forth in subparagraph (A), be fined not more than 5 times the value of the krugerrands or gold coins involved.

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice

shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) EXCEPTION FOR CERTAIN VIOLATIONS.—Paragraph (1) shall not apply in the case of a violation by an individual of section 5 of this Act or of any regulation issued to carry out that section.

(3) RESTRICTION ON PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

SEC. 11. NEGOTIATIONS.

(a) IN GENERAL.—The President shall, by means of both bilateral and multilateral negotiations, including through the United Nations, attempt to persuade the governments of other countries to adopt restrictions on new investment (including bank loans) in South Africa, on bank loans and computer sales to the South African Government, and on the importation of krugerrands, and other restrictions in effect under United States law with respect to South Africa. The President shall submit annual reports to the Congress on the status of negotiations under this section.

(b) FUTURE ANTI-APARTHEID MEASURES.—The Congress urges the President to consult with other countries, particularly the major allies of the United States, with respect to the implementation in the future of any anti-apartheid measures being considered by the United States or any such country, in order to encourage multilateral, rather than unilateral, implementation of such measures.

SEC. 12. REPORT ON STATUS OF APARTHEID AND HUMAN RIGHTS IN SOUTH AFRICA.

(a) MONITORING AND REPORT.—The President shall monitor the status of apartheid and human rights in South Africa and shall report annually to the Congress on the progress or lack of progress of the Government of South Africa in eliminating apartheid and promoting human rights in that country.

(b) ADDITIONAL ANTI-APARTHEID MEASURES.—It is the sense of the Congress that the United States should take measures in addition to the sanctions imposed by this Act unless the Government of South Africa makes substantial progress toward the goals set forth in subsection (a).

SEC. 13. TERMINATION OF PROVISIONS OF ACT.

(a) DETERMINATION OF ABOLITION OF APARTHEID.—If the President determines that the system of apartheid in South Africa has been abolished, the President may submit that determination, and the basis for the determination, to the Congress.

(b) JOINT RESOLUTION APPROVING DETERMINATION.—Upon the enactment of a joint resolution approving a determination of the President submitted to the Congress under subsection (a), the provisions of this Act, and all regulations, licenses, and orders issued to carry out this Act, shall terminate.

(c) DEFINITION.—For purposes of subsection (a), the "abolition of apartheid" shall include—

(1) the repeal of all laws and regulations that discriminate on the basis of race; and

(2) the establishment of a body of laws that assures the full national participation of all the people of South Africa in the social, political, and economic life in that country.

SEC. 14. DEFINITIONS.

For purposes of this Act—

(1) INVESTMENT IN SOUTH AFRICA.—The term "investment in South Africa" means establishing, or otherwise investing funds or

other assets in, a business enterprise in South Africa, including making a loan or other extension of credit to such a business enterprise.

(2) UNITED STATES PERSON.—The term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern), and such term includes a bank organized under the laws of the United States;

(3) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa,

(B) any territory under the administration, legal or illegal, of South Africa, and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(4) FOREIGN AFFILIATE.—A "foreign affiliate" of a United States person is a business enterprise located in a foreign country, including a branch, which is controlled by that United States person.

(5) CONTROL.—A United States person shall be presumed to control a business enterprise if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the business enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the business enterprise.

(6) LOAN.—The term "loan" includes an extension of credit as defined in section 201(h) of the Credit Control Act (12 U.S.C. 1901(h)).

(7) BANK.—The term "bank" means—

(A) any depository institution as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)),

(B) any corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 et seq.),

(C) any corporation having an agreement or undertaking with the Federal Reserve Board under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.), and

(D) any bank holding company as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)).

(8) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage.

(9) BRANCH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through a separate incorporated entity.

(10) POLITICAL PRISONER.—The term "political prisoner" means any person in South Africa who is incarcerated or persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion, but the term "political prisoner" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

SEC. 15. APPLICABILITY TO EVASIONS OF ACT.

This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

SEC. 16. CONSTRUCTION OF ACT.

Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in section 14(3)(C) of this Act.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the nomination of Patti Birge Tyson to be a Commissioner of the Postal Rate Commission on Tuesday, July 16 at 10 a.m. in SD-342. For further information, please contact Carol Fox at 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 11, 1985, in order to act on the following nominations, commemoratives, and bills:

NOMINATIONS

U.S. DISTRICT JUDGE

Joseph J. Farnan, Jr., of Delaware, to be U.S. District Judge for the District of Delaware.

Stanley Marcus, of Florida, to be U.S. District Judge for the Southern District of Florida.

James M. Rosenbaum, of Minnesota, to be U.S. District Judge for the District of Minnesota.

Thomas E. Scott, of Florida, to be U.S. District Judge for the Southern District of Florida.

Louis L. Stanton, of New York, to be U.S. District Judge for the Southern District of New York.

U.S. ATTORNEY

Maurice Owens Ellsworth, of Idaho, to be U.S. Attorney for the District of Idaho.

DRUG ENFORCEMENT ADMINISTRATION

John C. Lawn, of Virginia, to be Administrator of Drug Enforcement.

COMMEMORATIVES

Discussion of changes in commemorative policy.

BILLS

S.J. Res. 13.—Proposing an amendment to the Constitution relating to a Federal balanced budget and tax limitation. (Subcommittee on the Constitution).

S. 40.—To provide procedures for calling Federal constitutional conventions under Article V for the purpose of proposing amendments to the United States Constitution. (Subcommittee on the Constitution).

S. 51.—Superfund Improvement Act of 1985. (Full Committee).

S. 104.—To regulate the manufacture and importation of armor piercing bullets. (Full Committee).

S. 1200.—Immigration Reform and Control Act of 1985. (Subcommittee on Immigration and Refugee Policy).

S. 237.—To amend title 18 to limit the application of the exclusionary rule. (Full Committee).

S. 238.—To reform procedures for collateral review of criminal judgments, and for other purposes. (Full Committee).

S. 239.—To establish constitutional procedures for the imposition of the sentence of death, and for other purposes. (Full Committee).

S. 300.—To amend section 1951 of title 18 of the United States Code, and for other purposes. (Full Committee).

S.J. Res. 2.—Proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection. (Subcommittee on the Constitution).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY AND REGULATION AND CONSERVATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Regulation and Conservation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 11, to hold an oversight hearing on continued consideration of the current state of the factors affecting the natural gas market.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 11, 1985, in order to conduct a hearing on S. 836, to encourage standardized reactor design.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRADE INFORMATION REQUEST

● Mr. BENTSEN. Mr. President, on Tuesday, July 2, 1985, the 13 Senators who constitute the Senate Democratic Working Group on Trade Policy, of which I am the chairman, filed a request for information pursuant to section 305 of the Trade Act of 1974.

Though many statements are made in the United States about the variety of barriers to the exports of U.S. goods and services, little is actually known by the American public about what

those barriers are. There is a tendency to believe that such barriers are either nonexistent or are overrated as a cause of our trade problems. As a result, the legitimate problems of U.S. exporters are blamed exclusively on such macroeconomic factors as the budget deficit, the value of the dollar, and the supposedly low quality or poor selling expertise of U.S. companies.

In fact, the U.S. Government has in its possession today information on literally hundreds of barriers to U.S. exports in foreign countries. But no policy exists to cause the Government bureaucracy to bring this information together into a coherent series of actions under existing trade agreements.

Rather, the administration's system of dealing with trade problems is to await complaints or petitions filed by private persons under a great variety of American trade laws. But many companies with legitimate complaints never file a petition. There are many reasons.

Some companies cut a deal with the foreign government whereby they get some sales rather than none at all. Some simply give up on the market where they are restricted and try for another market. Some relocate their production into the protected market.

Frequently, U.S. firms are unwilling to use U.S. trade laws themselves because they fear retaliation, either from foreign governments offended by their complaining to the Government of the United States, or (worse yet) from the U.S. Government, which does not like to have the weaknesses of its trade policy thrown in its face. Failure to complain results in reduced U.S. exports and, worse yet, the movement of U.S. manufacturing capabilities abroad, to other countries.

Section 301 of the Trade Act of 1974 was enacted to authorize the President to use retaliatory powers in order to insure that rights of the United States under various trade agreements were enforced. Notwithstanding continuing congressional attention to this statute over a period of more than 10 years, it has hardly been used at all. Most importantly, a provision allowing the executive branch to initiate section 301 cases—that is, formal proceedings either internationally or domestically to enforce the rights of the United States under trade agreements—has been used hardly at all—and then haphazardly.

Under section 305 of that act, upon receipt of a written request for information from any person, the U.S. Trade Representative [USTR] is to make available to that person information concerning the nature and extent of specific trade policies or practices of foreign governments as they affect particular merchandise, to the extent such information is available to the USTR or any other Federal agency.

The USTR is also required by the law to set out what U.S. rights under any trade agreement that may be violated by the foreign policies or practices, and the remedies avialable under such agreements and under the laws of the United States for the policy or practice identified. The USTR is also required under the law to provide information on past and present domestic and international proceedings or actions with respect to the foreign policy or practice concerned.

Finally, if the information that is requested is not available to the U.S. Government, then the USTR is required either to request the information from the foreign government or to inform the person making the request why the USTR is refusing to ask a foreign government for the information.

This request covers policies or practices of seven different governments with regard to seven different U.S. exports. With regard to each specific request, we have provided background on the nature of the foreign government policy or practice that we believe in each case to have an adverse affect upon U.S. trade and commerce.

We hope that by this first request for information we can demonstrate that the problems for U.S. exporters are very real and concrete. We hope also to demonstrate that the power to take action to correct these distortions of trade caused by violation of trade agreements is within the possession of the administration today, if it will only issue the appropriate orders.

Many other similar requests were possible. Our limitations of staff and time resulted in seven rather straightforward and simple requests. We are considering whether our resources enable us to make further requests. And depending on the attitude the administration takes toward this request, we may find it necessary to begin our own enforcement cases if the administration is unwilling to undertake this responsibility.

This is one of several efforts being made by the Senate Democratic Working Group on Trade Policy both to inform the American public about the trade policy crisis facing the country and to motivate the administration an the Congress to come to grips with the fundamentals of the problem. I am delighted that all 12 of the distinguished members of the working group, joined me in this request: Senators BYRD, LONG, BURDICK, HOLLINGS, EAGLETON, RIEGLE, MATSUNAGA, BAUCUS, DIXON, LAUTENBERG, BINGAMAN, and HARKIN.

Mr. President, at his confirmation hearings, I asked Clayton Yeutter, since confirmed as the new USTR, whether he would be willing to respond to this request and he said, "Absolutely . . . and quickly." The day after Dr. Yeutter was sworn in, we delivered this information request. I appreciate his willingness to undertake this major effort, and I hope that he will receive the backing he needs from the Reagan administration to move forward in answering the request completely and rapidly.

I ask unanimous consent that a copy of the July 2 request for information be included at the end of my statement.

The letter follows:

U.S. SENATE,
Washington, DC, July 2, 1985.

Hon. CLAYTON YEUTTER,
U.S. Trade Representative, Washington, DC.

DEAR MR. AMBASSADOR: Pursuant to section 305 of the Trade Act of 1974 (the Act), as amended, we hereby request:

1. Information available to the U.S. Trade Representative or any other Federal agency concerning the nature and extent of the specific trade policies or practices of the foreign governments of the Federal Republic of Germany, Canada, Japan, the Republic of Korea, Brazil, Mexico, and the European Communities with respect to the particular merchandise and services named in the enclosed Specific Requests;

2. U.S. rights under any trade agreement and the remedies which may be available under such agreements and under the laws of the United States with regard to each of the policies, practices, governments, and instrumentalities, and the merchandise and services named in the enclosed Specific Requests; and

3. Past and present domestic and international proceedings or actions with respect to each policy or practice concerned.

If the information or any of it that is requested above is not available to the U.S. Trade Representative or any other Federal agency, then we further request, pursuant to section 305(b) of the Act, that within 30 days after receipt of this request, you ask that the foreign government or governments concerned supply the information not so available from the U.S. Government.

This request is made by and on behalf of each of the U.S. Senators signed below, Members of the Senate Democratic Working Group on Trade Policy.

Furthermore, we request that you provide the information in response to these Specific Requests to Jeffrey M. Lang, Minority Trade Counsel, United States Senate, Committee on Finance, Washington, DC.

Sincerely,

Robert C. Byrd, Russell B. Long, Ernest F. Hollings, Spark M. Matsunaga, Alan J. Dixon, Jeff Bingaman, Donald Riegle, Lloyd M. Bentsen, Quentin N. Burdick, Thomas F. Eagleton, Max Baucus, Frank R. Lautenberg, and Tom Harkin.

SPECIFIC REQUEST NUMBER 1: FEDERAL REPUBLIC OF GERMANY—PRACTICES AFFECTING DATA FLOW AND THE UNITED STATES DATA PROCESSING INDUSTRY

Background.—The Federal Republic's Government post, telephone and telegraph service, the Bundespost, discourages American firms from competing in providing data transmission and processing services, by, for example, requiring that data transmitted between unrelated parties be processed within the Federal Republic and by a rate structure that discourages use of international leased lines. No such restrictions apply in the United States, and U.S. firms

have a comparative advantage in providing data transmission and processing services.

Please provide information concerning the following specific trade policies and practices with regard to the Federal Republic of Germany:

1. What are the laws, policies, and practices of the German Government (and the Bundespost) which impede or limit the ability of U.S. companies to "plug in" to the German telecommunications network? What is the effect of these laws, policies, and practices?

2. To what extent does the German Government or the Bundespost hamper the ability of American companies to offer services (requiring access to the German telecommunications network) by imposing restrictions at the "point of sale" (e.g., bank teller machines)?

3. To what extent do the practices and/or regulations of the German Government or the German Bundespost require or encourage U.S. companies to engage in some data processing domestically before transmitting data to the United States for further processing? In other words, do domestic content requirements or incentives exist?

4. If the answer to the preceding question is yes, what are these requirements? What is the effect of these requirements on U.S. companies?

5. To what extent do U.S. companies encounter difficulty in Germany because of a lack of transparency in the German Bundespost's specifications and regulations governing interconnection with the German telecommunications network?

6. Do U.S. companies encounter difficulty in obtaining type approval for their telecommunications equipment in Germany?

7. If the answer to the previous question is yes, do these restrictions constitute a barrier to U.S. companies that provide data processing services?

8. Are U.S. companies allowed to provide value added network services in Germany?

9. Does the rate structure for domestic leased lines in Germany discourage the offering of enhanced telecommunications services?

10. If the anwser to the preceding question is yes, does this discriminatory practice disproportionately burden U.S. companies?

11. Are the rates charged by the German Bundespost for international and domestic leased lines unreasonably high?

12. Does the rate structure imposed by the German Bundespost for international and domestic leased lines constitute an unfair trade barrier to U.S. service companies operating in Germany?

13. Why does the German Bundespost no longer offer leased lines on a flat rate basis?

14. Has any U.S. firm entered into an agreement to supply data processing services in the Federal Republic of Germany? If so, please identify the firm, the subject of the contract, and the dollar value of Bundespost procurement?

16. What are USTR's sources of information for the answers to Questions 1 though 15?

SPECIFIC REQUEST NUMBER 2: REPUBLIC OF KOREA—COMPUTERS

Background.—The Korean Government controls all imports of computers. Imports of medium- and large-sized computers are restricted, but possible; while imports of personal computers have been largely banned. Apparently, the Electronics Industry Association of Korea determines which computers may be imported, and which excluded. The Working Group understands that the stated purpose of the import restrictions is to encourage foreign suppliers to participate in manufacturing computers within Korea and to transfer computer technology to Korean firms. In addition, it has been reported that Korea has made striking gains in output and exports in the computer and electronics sector in recent years.

Please provide information concerning the following specific trade policies and practices with regard to the Republic of Korea:

1. Has any U.S. firm entered into a computer technology transfer agreement or begun to manufacture computers in Korea as a possible result of Korea's policy of restricting computer imports? (The Working Group is aware of a U.S. company's participation in a computer project with a Korean company.) If so, please identify the nature of the technology agreement or investment, including its dollar value; and whether the firm is permitted to import some U.S. components or computers as a part of its arrangements to transfer technology or to manufacture in Korea.

2. What is the approximate dollar value of trade and Korean domestic product accounted for by U.S. computer firms operating in Korea? Please give separate figures for: The value of Korean domestic product produced by these firms; the value of imports into Korea from the United States attributable to these firms; and the value of exports from Korea attributable to these firms.

3. Please describe the detail how the computer policy has affected U.S. computer firms and how each U.S. firm subject to the policy has adjusted its business in response to the policy.

4. Exactly what computers and computer components are currently banned from importation?

5. Has the Korean computer policy been the subject of any U.S. or international proceeding or action, or the subject of consultation or discussion between the United States and Korea? If so, please describe fully.

6. In 1984, U.S. antidumping duties were imposed on imports of Korean color television receivers. There have been reports that, to avoid the antidumping duty order, some producers of television sets are shifting production for export to computer terminals and monitors, which use similar components as those in the television receivers. Is USTR aware of this? Please discuss fully.

7. Is the Working Group's understanding of the policy as set forth in the background to this section consistent with USTR's understanding of the policy? If USTR has any different or additional understanding of the policy and its effects and operations, please explain fully.

8. What are USTR's sources of information for the answers to Questions 1 through 7?

SPECIFIC REQUEST NUMBER 3: BRAZIL—GENERAL AVIATION AIRCRAFT

Background.—Brazil imposes a 60-percent duty on general aviation (business and recreational) aircraft, and effectively prevents importation of these products by licensing. The United States is competitive in this sector and has no similar restrictions on the importation of Brazilian-produced general aviation aircraft. Brazil also interferes with third-world country sales of U.S. general aviation aircraft by providing government-subsidized financing to buyers of the Brazilian aircraft.

Please provide information concerning the following specific trade policies and practices with regard to Brazil:

1. What is the effective rate of the Brazilian import duties on general aviation aircraft, including business, jet, and propeller aircraft? Is this a "bound" rate? Is the duty assessed on a "CIF" or "FOB" or other basis?

2. Describe the exact nature of licensing restrictions on products covered by this Specific Request.

3. What restrictions, if any, exist upon import aircraft components, including avionics in Brazil?

4. Describe U.S. rates of duty, licensing requirements, and other restrictions on the importation of general aviation aircraft upon importation into the United States.

5. Is Brazil a member of the Tokyo Round aircraft agreement? Are U.S. rates of duty on general aviation aircraft governed by that agreement?

6. Does Brazil manufacture and export to the United States general aviation aircraft? If so, name and describe the aircraft and U.S. imports of the aircraft over the last five years.

7. Does Brazil export general aviation aircraft to countries other than the United States in competition with general aviation aircraft exported from the United States to those markets? If so, what marketing, financing, and other assistance does Brazil provide for the sale of such aircraft exported to third markets? What comparable assistance, if any does the United States provide?

8. What are USTR's sources of information for the answers to Questions 1 through 7?

SPECIFIC REQUEST NUMBER 4: CANADA—TELECOMMUNICATIONS PRACTICES

Background.—Canada's federally and provincially-owned telecommunications companies—such as Bell Canada—have a policy to buy equipment (estimated annual purchases of $700 million) only from Northern Telecom Canada, Ltd. or Northern Telecom, Ltd. No similar restrictions exist in the United States.

Please provide information concerning the following specific trade policies and practices with regard to Canada:

1. What companies provide telecommunications services in Canada? Who owns these companies? Who owns the company known as "Bell Canada"?

2. Who sets the purchasing policies of the various companies named in response to Question 1? What is the annual estimated purchases of all companies?

3. Do these companies, or any of them, have a policy to buy equipment only from certain suppliers? If so, who are those suppliers? Where are their principal offices and manufacturing facilities located?

4. Identify companies manufacturing telecommunications products in the United States, and telecommunications companies with their principal place of business in the United States. Which, if any of these companies, have sold telecommunications products in Canada in the last five years? What is the value of those sales? What were the products sold?

5. What restritions exist on the importation and procurement of telecommunications equipment within the United States? What preferences, if any, are provided for in U.S. law?

6. Why is the Canadian tariff on telecommunications equipment 17.5 percent but less than 5 percent for computer equipment?

7. In competitive bidding, Canadian based companies may bid 10 percent higher than their U.S. based counterparts (including Canadian subsidiaries of U.S. corporations). What is the reason for this preference? What is the effect of this preference (estimated dollar value of lost sales)?

8. What are USTR's sources of information for the answers to Quetions 1 through 7?

SPECIFIC REQUEST NUMBER 5: MEXICO—TECHNOLOGY POLICIES

Background.—In 1982 the Law on the Control and Registration of the Transfer of Technology and the Use and Exploitation of Patents and Trademarks replaced the 1973 Law on the Registration of the Transfer of Technology and Use and Exploitation of Patents and Trademarks. The Working Group understands that under the 1982 technology transfer law, all types of agreements relating to the transfer of technology, knowhow, and intellectual property—including, but not limited to, license agreements, technology transfers, engineering service agreements, and consultancy agreements—are subject to approval and registration by Mexican officials. Failure to obtain approval and registration renders an agreement unenforceable in courts and may result in monetary penalties.

1. On what criteria do Mexican officials base their preregistration review and approval or disapproval?

2. Is registration usually denied if the technology is already in Mexico; if the fee is considered excessive; or if the duration of the agreement is considered excessive?

3. Is the following a correct description of how the law works?

The 1982 law requires that technology agreements contain guarantees by the supplier of the technology as to quality and results, and that the supplier assume responsibility for infringement of the industrial property rights of third parties. Certain provisions are *not* permitted in technology agreements; for example: Restrictions on a licensee's improvements in the transferred technology; interference in the management of a licensee or technology recipient; requirements that the licensee or recipient buy supplies from an exclusive source; limitations on exports of the finished item produced with the transferred technology; prohibitions on the use of the complementary technologies; obligations to sell to one exclusive buyer; personnel directives; limitations on production volumes or on sale and resale prices; exclusive sales or representation contract obligations with the technology supplier; and secrecy agreements that extend beyond the duration of the agreement. Also, it is prohibited for technology transfer agreements to provide for foreign adjudication or arbitration as a means of dispute resolution.

4. What U.S. firms have submitted technology agreements for approval under the 1982 technology transfer law, and when? (If the confidentiality rules applicable to this request preclude dislosure of the name of any firm, please provide information on the type and size of the unnamed firm.) What was the nature of the technology agreement involved? What was its dollar value? What action did the Mexican officials take, and when? What were Mexico's reasons for the disapproval of any technology transfer agreement that was disapproved? Describe any modifications that were made in any agreements submitted for review under the technology transfer law as a result of objections or comments raised by the Mexican officials. Did the U.S. Government get involved in the review process in any way? Was it invited to participate?

5. Has any U.S. firm received approval and registration of a technology transfer agreement that contained any of the prohibited provisions identified in Question 3? If so, please identify the nature of the technology agreement, including its dollar value; the provision or provisions in question; and the process of obtaining such approval and registration. Did the U.S. Government have any role in the process of obtaining the approval and registration?

6. Has any technology transfer agreement involving a U.S. firm been subject to adjudication or arbitration? If so, please identify the nature of the technology agreement, including its dollar value; the nature of the dispute; and the forum for adjudication or arbitration. Please provide details of the course of litigation, and the outcome, if any, including settlements.

7. Has the technology transfer law been the subject of any U.S. or international proceeding or action, or the subject of consultation or discussion between the United States and Mexico? If so, please describe fully.

8. Does the technology transfer law apply in the same manner to Mexican transferors of technology as to U.S. transferors of technology? If not, please explain the differences.

9. What are USTR's sources of information for the answers to Questions 1 through 8?

Background.—Mexico's 1976 Law on Inventions and Trademarks governs patents and trademarks. Many important innovations are non-patentable under that law, including products and processes for the food processing, pharmaceutical, agribusiness (fertilizer, pesticide, herbicide, and fungicide), nuclear energy, and anti-pollution industries. Some of these inventions may be granted "certificates of invention," which do not provide rights of exclusive use but do grant rights to collect royalties.

The Working Group understands that under the 1976 law as it is currently in effect, licensing of patents is obligatory, and the Mexican Government will set royalty levels if private parties fail to agree. In addition, patents may be revoked if the Government decides that revocation is in the public interest.

Under the 1976 law, trademarks have a duration of five years, which may be renewed if the use of the trademark was effective and uninterrupted. The law provides that products produced in Mexico must carry a distinctive Mexican trademark which must be displayed and advertised as prominently as the related foreign mark. This provision apparently has not been fully enforced due to opposition to trademark holders.

10. Has any U.S. firm been subject to obligatory licensing under the 1976 Law on Inventions and Trademarks? If so, when? (If the confidentiality rules applicable to this request preclude disclosure of the name of any firm, please provide information on the type and size of the unnamed firm.) What was the nature of the intellectual property that was required to be licensed? What was its dollar value? Did the Mexican Government set the royalty levels under the obligatory license? Did the Mexican Government have a role in setting the terms of the license? If so, what terms? What were the royalty levels under the obligatory license? What were the terms of the license?

11. Has the Mexican Government revoked any patent of any U.S. firm? If so, when? (If the confidentiality rules applicable to this request preclude disclosure of the name of any firm, please provide information on the type and size of the unnamed firm.) What was the nature of the patent involved? What was its dollar value? What were the grounds for revocation? What effect did revocation have on any outstanding license agreements of the U.S. firm? Describe the extent of negotiation, if any, that took place between the patent holder and the Mexican Government concerning revocation. Discuss, among other things, whether the Mexican Government requested undertakings or commitments that the patent holder was unwilling or unable to make, and the nature of those requests. Did the U.S. Government get involved in the process in any way? Was it invited to participate? Did the U.S. Government react to the revocation in any way?

12. Please discuss the manner in which the trademark law has affected U.S. firms doing business in Mexico. The Working Group understands, for example, that a U.S. company has had experience with its trademarks under the law. Please give details of this and other cases.

13. Has the 1976 Law of Inventions and Trademarks been the subject of any U.S. or international proceeding or action, or the subject of consultation or discussion between the United States and Mexico? If so, please describe fully.

14. Is the Working Group's understanding of the Law on Inventions and Trademarks as set forth in the background to this section consistent with USTR's understanding of the law? If USTR has any different or additional understanding of the law and its operations, please explain fully.

15. Does the Law on Inventions and Trademarks apply in the same manner to Mexican patent and trademark holders as to U.S. patent and trademark holders? If not, please explain the differences.

16. What are USTR's sources of information for the answers to Questions 10 through 15?

SPECIFIC REQUEST NUMBER 6: EUROPEAN COMMUNITY [EC]—AGRICULTURAL SUBSIDY PRACTICES

Background.—The EC grants export subsidies on sugar made from beets, which depress world prices. The EC subsidies effectively prevent the International Sugar Organization—which was designed to stabilize world sugar prices that otherwise have fluctuated between 4 cents per pound and 70 cents per pound—from being effective. This has increased the cost of U.S. sugar price support programs.

Please provide information concerning the following specific trade policies and practices with regard to the EC:

1. To what extent do EC subsidized sugar exports constitute an unreasonable burden on U.S. commerce?

2. To what extent do EC subsidized sugar exports create uncertainty in the U.S. market? In world sugar markets?

3. To what extent is the price at which U.S. sugar producers can sell their sugar in the domestic market determined by the world price of sugar?

4. Does the EC sugar policy abridge rights secured to the United States under the GATT Subsidies Code?

5. Are EC export refunds "subsidies" for the purpose of the GATT Subsidies Code?

6. Does the EC now have more than an "equitable share" of world export trade in sugar, as defined under Article XVI of the GATT?

7. Are EC export subsidies granted in a manner which results in prices materially below those of other suppliers to the same market?

8. To what extent is any growth in EC world market share now achieved at the expense of other GATT signatories?

9. To what extent do EC subsidies on sugar exports now help to depress world sugar prices?

10. To what extent is any increase in EC sugar exports now affected through the use of subsidies?

11. What portion of the growth in EC sugar exports can be attributed solely to the EC's subsidies program?

12. To what extent would EC producers be able to export sugar without the availability of government subsidies?

13. Does EC sugar regime still result in production increases far in excess of domestic needs?

14. Does EC continue to insure the exportation, without limit, of all surplus sugar generated under its sugar regime?

15. What are USTR's sources of information for the answers to Questions 1 through 14?

SPECIFIC REQUEST NUMBER 7: JAPAN—TELECOMMUNICATIONS

Background.—In 1984, U.S. producers of telecommunications equipment sold $194 million worth of products in the $5 billion per year Japanese telecommunications equipment market, even though American telecommunications products are in many cases superior to Japanese products. On April 1, 1985, the Japanese Government transferred 50 percent of the ownership of the Japanese Government telecommunications company, NTT, to private hands and permitted competition with NTT—except for foreign competitors. For them, technical standards, a government-inspired dearth of retail outlets for telephones, and other obstacles stand in the way of a real opportunity to compete.

Particular merchandise.—For purposes of this Specific Request the term "telecommunication product" means any articles classified under the following item numbers of the Tariff Schedules of the United States:

684.57	684.67	685.24	685.39
684.58	684.80	685.25	685.48
684.59	685.10	685.28	688.17
684.65	685.12	685.30	688.41
648.66	685.16	685.32	707.90

Please provide information concerning the following specific trade policies and practices with regard to Japan:

1. How many laboratories does Nippon Telephone and Telegraph (NTT) run in Japan, and what is the purpose of these laboratories?

2. Are the results of research in these laboratories shared with NTT suppliers? If so, are the results shared with American suppliers, if any, located in the United States?

3. Since 1981, NTT has been legally required to take applications for its technology from foreigners. What has been the practice? Specifically, who are the suppliers of optical fiber cable to NTT?

4. How much does NTT pay Sumitomo Electric per meter for electrical fiber cable? What does Sumitomo charge its American customers for the same product?

5. After April 1, 1985, were the 10 suppliers known as the "Denden family" broken up, or have they remained intact?

6. When the newly privatized NTT approves telephone terminals in Japan, who will test analog equipment? Who will test digital equipment? Who will certify each of these types of equipment? In which area does American firms have the biggest technological lead?

7. At this time, name the largest consumer electronic firms in Japan, and the number of retail sales outlets through which each of them can sell telephones. How many similar retail sales outlets do American manufacturers of telephones have in Japan at this time?

8. What are USTR's sources of information for the answers to Questions 1 through 7?●

REALIZING PRODUCTIVE POTENTIAL—VI

WE NEED NEW IDEAS FOR A NEW REALITY

● Mr. HEINZ. Mr. President, a new reality exists in world trading competition today, and we need new ideas to explain it. As I have been saying for some time, our current trade policies, and the classical economic theories which they are based on, no longer adequately explain the present international trading system. Increased economic interdependence, a huge growth in international trade, rapidly expanding technologies, and a rise in the number of competitors in the world market are all global developments that have radically transformed international trade in the last 15 years.

These changes mean we will have to change not only our policy responses but also our entire economic frame of reference. Within this context, I would like to draw Senators' attention to a recent article in the New York Times by Leonard Silk, entitled "The Questions On Free Trade." Mr. Silk raised the question of whether traditional free-trade theory still holds much validity. In that regard he mentions a study by John Culbertson, "The Dangers of Free Trade," which suggests that international wage competition undermines the principle of comparative advantage.

Culbertson's thesis is an interesting one, and Silk's presentation of it represents the sophisticated dialog on world trade matters which is so badly needed today. Mr. President, I ask that the article be printed in the RECORD.

[From the New York Times, June 26, 1985]

THE QUESTIONS ON FREE TRADE

(By Leonard Silk)

The big United States trade deficit is still widening. Despite virtual stagnation of the nation's economy in the first quarter, imports rose by 5.4 percent, to $85.2 billion. In its current Financial Digest, the Manufacturers Hanover Trust Company says, "Imports are not simply increasing in pace with U.S. economic growth, but are displacing U.S. production at an accelerating rate."

And surging imports are intensifying demands for protection from a host of industries. This week five Cabinet officers, headed by Treasury Secretary James A. Baker 3d and Secretary of State George P. Shultz, sent a letter to every member of Congress, warning of the harm that would result from a textile quota bill that has achieved co-sponsorship of a majority in both the House and Senate.

The Administration officials say the proposed textile quotas would cost consumers $2 billion a year, violate international obligations, drastically chop imports from Indonesia, Brazil and China, and provoke retaliation.

The great majority of economists applaud the Administration's efforts to hold free-trade principles in the face of mounting political pressures from industries that are losing jobs and markets to foreign competitors. But some economists are starting to wonder whether traditional free-trade theory is a misleading guide to national policy in a world in which not only goods and services but also capital and technology move readily across national borders, threatening an advanced country's hard-won gains and threatening its export- and import-competing industries.

John M. Culbertson, a professor of economics at the University of Wisconsin, contends that international wage competition with low-wage countries is causing the "deindustrialization" of America, reducing standards of living of industrial workers and costing the nation sales and jobs in steel, autos, machinery, textiles, clothing, shoes, radio, television and other electrical equipment, photographic film, tractors and farm equipment, aluminum, glassware, shipbuilding, mining, oil refining and other fields.

In a new study, "The Dangers of 'Free Trade,'" Mr. Culbertson argues that, in the past, the people of high-income countries and those of low-income countries were noncompeting groups. The workers of the low-wage countries could not take away the jobs of the high-income countries, even though they worked diligently for much lower wages, because multinational companies did not compete at cutting costs by moving industries around the world, as they have so strikingly done in recent years.

He suggests that the principle of comparative advantage, according to which nations are supposed to specialize in the production of those goods in which they have the greatest relative, not absolute, advantage, does not apply to the real world. He argues that international movements of industries specifically in pursuit of low labor costs refute the principle of comparative advantage.

Such international migration of whole industries, he says, throws trade out of balance: "The high-wage nation buys from the low-wage nation, but is unable to sell to it—until its wage level and standard of living have sufficiently declined."

The hidden assumption of comparative advantage, Mr. Culbertson maintains, is that "trade is in balance," that is, that nations will sell to others about as much as they buy from them. He proposes that the hidden assumption be made explicit and national policy be conducted to keep international trade in balance; that, he says, would prevent, or at least limit, wage competition by preventing an undue shift of production to low-wage nations.

Mr. Culbertson insists he is not advocating protectionism, which he regards as a red herring. And he is certainly not for autarky—national self-sufficiency. His purpose

is to achieve "mutually beneficial trade" between nations, which would require solving two major problems: First, wage competition and other types of "degenerative competition" must be prevented. Second, the pattern of international trade and the location of industries must be arranged in "a reasonable way," one that "limits destructive competition among nations contending for jobs and the desirable industries of the times."

Although such proposals will strike most economists as heresy—a case for government regulation of trade, market-sharing and restricted access to one's home market—the political process and actual economic trends are moving the United States and Western Europe, with its high levels of unemployment, in that direction. How to deal with these trade issues in troubled times will be the subject of another column.●

LAWRENCE M. HOWARD LEAVES A LEGACY OF UNDERSTANDING

● Mr. PELL. Mr. President, Lawrence M. Howard, a well-known Rhode Island newspaper editor who has built a legacy of understanding both here and in the Soviet Union, died this week in Yerevan, Soviet Armenia.

Mr. Howard, 66, associate managing editor of the Journal-Bulletin newspapers in Providence, suffered a fatal heart attack while visiting the Soviet Union with a group of U.S. newspaper editors.

He will be sorely missed both as the director of the Journal-Bulletin's network of suburban bureaus and as one of the architects of a highly successful series of exchange visits between United States and Soviet editors.

I am indebted to him for the opportunity he provided to me last summer when, at his invitation, I addressed a group of Soviet editors at Brown University during a visit sponsored by the New England Society of Newspaper Editors [NESNE].

These exchange visits are precisely the type of exchanges that I have been working to promote for many years. I have been happy to help NESNE's effort and I trust that these exchanges have helped editors in both countries form sound opinions based upon personal experience.

Exchange programs are essential to our understanding of the Soviets and for their understanding of us. In this age of nuclear weapons, when a miscalculation can mean disaster, our mutual understanding is absolutely vital to our continued survival.

Mr. Howard's visits with his fellow U.S. editors to the Soviet Union and the Soviet visits to the United States grew out of a program initiated by NESNE in 1982. Eight or ten editors from NESNE and a like number from the Union of Soviet Journalists met first in New Hampshire.

The next year they met in the Soviet Union and then, last year, they met at Brown University in Providence and at Boston University. This year the Soviets were the hosts for a 2½-week trip by the New England editors.

A member of the board of governors of NESNE for a dozen years, Mr. Howard was serving as secretary this year. He played a key role in arranging for the exchange visits of United States and Soviet editors.

Mr. Howard will, indeed, be sorely missed but he has left a very important legacy. The international understanding that he helped to promote will remain as a tribute to his vision.

I ask that an article from the Evening Bulletin, July 9, 1985 and an editorial from the Providence Journal July 10, 1985, be printed in the RECORD.

The articles follow:

[From the Evening Bulletin, July 9, 1985]

LAWRENCE HOWARD DIES IN U.S.S.R; JOURNAL EDITOR

YEREVAN, ARMENIA.—Lawrence M. Howard, 66, associate managing editor of the Journal-Bulletin, died early today in an Armenian hospital while on a tour of the Soviet Union with a group of U.S. newspaper editors.

Mr. Howard died of a heart attack at about 6:30 a.m. (EDT). He had been rushed to the hospital after complaining of indigestion.

Mr. Howard and seven other New England newspaper editors left the United States on July 2 to attend a conference intended to promote understanding between Soviet and U.S. editors.

The 2½ week trip included trips to several major cities in the Soviet Union, including Moscow and Leningrad. Yerevan, the capital of Armenia, where Mr. Howard was stricken, is an industrial and cultural center 1,100 miles southeast of Moscow.

Mr. Howard was on his second trip to the Soviet Union, having visited there in 1982, as part of a cultural exchange program for journalists that began in 1982. Since that visit, he had written extensively about Soviet-U.S. relations for the Journal-Bulletin Commentary page.

Mr. Howard made news on that first visit to the Soviet Union, when he drew irritated responses from Soviet journalists by proposing that the United States and the Soviets relax restrictions on foreign correspondents. Mr. Howard was challenging restrictions on Western correspondents in effect in the Soviet Union since 1941. He also recounted measures taken in retaliation by the U.S. State Department.

The net result, of course, is that journalists from both countries have a very difficult time doing their job," Mr. Howard said. One Soviet editor said he was "frankly surprised" by Mr. Howard's statement and urged that the lively discussion it sparked not degenerate into a political argument.

Last summer, Mr. Howard acted as a host when Soviet editors visited the United States. At a conference in Boston, he said he hoped that journalists in both nations would "try to rid . . . the stereotypes both countries have been portraying in writing about the other."

The trips were sponsored by the New England Society of Newspaper Editors (NESNE)—which has proposed an exchange of columns, photographs, journalism students and young working journalists from New England and the Soviet Union—and the Union of Soviet Journalists. Mr. Howard served on the NESNE board of directors.

Mr. Howard's career at the Journal-Bulletin spanned three decades, from his first days as a state staff reporter in 1954 through several years covering the General Assembly.

When he was promoted to state news editor in 1966 to direct news and feature story development in the newspaper's suburban bureaus, members of both parties in the state Senate approved a resolution praising his coverage.

In 1971, Mr. Howard was named associate managing editor for state news.

He lived with his wife, the former Wanda E. Lojko, in Cranston. He was the father of three children: Deborah, Lawrence Jr. and Peter, who is a reporter at the Cape Cod Times in Hyannis, Mass.

Mr. Howard was born on July 28, 1918 in Bellows Falls, Vt., the son of the late Edward J. Howard and the late Ellen (Keefe) Howard.

He was a 1941 graduate of Marietta (Ohio) College and studied professional writing at Columbia University in 1946.

His newspaper career began in 1941 at the Bellows Falls (Vt.) Times, where he returned to work in 1946 after military service in the Army from 1942 to 1945. During World War II, he served two years in Africa, most of that time on the staff of an Air Transport Command Division newspaper.

After the war, he spent eight years with the Rutland (Vt.) Herald, where he was city editor and acting managing editor before joining the Journal-Bulletin, in December, 1954.

[From the Providence Journal, July 10, 1985]

LAWRENCE M. HOWARD

When Larry Howard died yesterday in Yerevan, Soviet Armenia, he was doing something that had become an absorbing interest for him, participating in an exchange between New England and Soviet journalists. He was one of the leaders of a reciprocal visiting program that was in its fourth year, with the aim of promoting better understandling between working newspaper men and women of the two countries, as free as possible of official restraints.

This program was initiated by the New England Society of Newspaper Editors in 1982. Lawrence M. Howard, as associate managing editor of the Journal-Bulletin, was a member of the Board of Governors of NESNE a dozen years, and was serving as secretary this year. As state editor of these newspapers he had participated in hiring and in directing most of the new reporters of the past two decades. But as his duties in that area lessened, he devoted more time to NESNE and especially the exchange visits of the Russians and Americans.

Eight or ten editors from NESNE and a like number from the Union of Soviet Journalists met first at Colby-Sawyer College in New Hampshire. The next year they met in the Soviet Union, and last year at Brown University and Boston University.

While this activity was designed to establish contacts on mainly professional and personal levels, Larry Howard was outspoken enough to take the Soviets to task in 1983 for imposing restrictions on foreign correspondents—which have drawn partial retaliation by the U.S. government against Soviet journalists. He joked afterward about the "silent treatment" his hosts gave him for two days. Subsequently, they relented; and the exchanges continued with considerable success. Much of the Russians' visit last

year was here in Providence and the smooth operation was due in no small measure to the Howard persistence in arranging for hospitality and frank discussions.

A number of articles on relations with the Soviet people resulted from his experience—most of them on the adjoining Commentary page. Some were critical of Soviet attitudes and practices. But his emphasis was on cutting through stereotypes and official positions to the feelings and thoughts of the journalists as individuals. It was fitting that when death came, he was pursuing the goal of international understanding.●

JOHN TESTRAKE, CAPTAIN, TWA FLIGHT 847

● Mr. DANFORTH. Mr. President, each of us is thankful and relieved that the Americans held hostage in Beirut are home. The people of my State feel a particular sense of pride in a fellow Missourian, John Testrake, the captain of Trans World Airlines flight 847.

During the ordeal, Captain Testrake exhibited exceptional courage and incredible poise under the worst of conditions. His family and his friends and neighbors in Richmond, MO, know John Testrake better than anyone. They were not surprised at his great courage, but they were very proud of him. When Captain Testrake came home, the people of Richmond lined the streets of the town 20 deep to cheer his return.

The people of Richmond, the people who know him best, speaking through their mayor and city council, have commended Captain Testrake in City Council Resolution 278 (85). I commend this tribute and ask that the text of the city of Richmond's Resolution No. 278 (85) be entered in the RECORD.

The resolution follows:

A RESOLUTION COMMENDING JOHN TESTRAKE FOR HIS COURAGEOUS AND EXCEPTIONAL PERFORMANCE AS CAPTAIN OF TWA FLIGHT 847; AND COMMENDING HIM FOR HIS EFFECTIVENESS IN MAINTAINING THE SAFETY OF PASSENGERS AND CREW

Whereas, John Testrake was captain of TWA Flight 847 which along with passengers and crew was hijacked on June 14, 1985; and

Whereas, John Testrake exhibited outstanding courage, exceptional ability, and expert effectiveness in performing as captain of TWA Flight 847; and

Whereas, such performance by John Testrake greatly contributed to the safety of passengers and other crew members aboard that flight; and

Whereas, the people of Richmond are proud of the way John Testrake represented the citizens of the United States of America during this hostage ordeal; and

Whereas, the people of Richmond are especially proud of John Testrake because he is a resident of this community and we welcome his safe return home; Now therefore, be it

Resolved, That the city council of the city of Richmond and the mayor of the city of Richmond do hereby commend John Testrake for his courageous performance as captain of TWA Flight 847.

Dated this 3d day of July, 1985.

ED LABARR,
Mayor, city of Richmond, MO.●

ANOTHER FIRST

● Mr. BAUCUS. Mr. President, when Missoula County's newest county commissioner took the oath of office on July 1, 1985, it was a historic event for the country, Montana, and the country.

Commissioner Janet Stevens was sworn in by Chairperson Ann Mary Dussault. The two, along with Barbara Evans, form a board of country commissioners made up entirely of women. According to the National Association of Counties, this all-female board is the first of its kind in our Nation's history.

Achieving firsts in women's rights is nothing new for Missoula County or Montana. Montana was one of the first States to grant women the right to vote. Women were voting in Montana 6 years before the 19th amendment made woman's suffrage a Federal law.

Women took advantage of their new right in Montana and another first was quickly achieved. Jeanette Rankin, a Missoula resident, became the first woman elected to Congress.

Miss Rankin served two terms in the U.S. House of Representatives. She proudly represented Montana's First Congressional District from 1916–18 and 1940–42. Miss Rankin was always a voice of reason and never swayed from her heartfelt convictions in voting against U.S. participation in both World Wars.

The character of county government is changing. The number of women serving on county commissions is still less than 8 percent, but this is double the number from 10 years ago. As usual, Missoula County is leading the way in this change.

The nature of business handled by county commissions has undergone a transformation. County boards no longer deal solely with plowing roads, spraying weeds, and collecting taxes. Progressive counties are becoming involved in social issues and human services.

County commissions administer welfare and food stamp programs and direct planning and development boards to chart the future. This new emphasis is attracting qualified women to county government.

Barbara Evans was first elected to the commission in 1978 and was reelected for a second term in 1984. Ann Mary Dussault won election to the commission in 1982. Both have ably served Missoula County during their tenures in office. Janet Stevens has served responsibly and skillfully as a justice of the peace for 7 years. These women will work well together to provide Missoula County with responsible and effective government.

Mr. President, I want to congratulate Commissioner Janet Stevens, and salute Commissioners Ann Mary Dussault and Barbara Evans for their past performance and future service.

July 1, 1985, will mark another milestone for Missoula County and the State of Montana for achievements in equal rights and opportunities for all her citizens.●

HENRY HOKLAS—A CENTURY OF SERVICE

● Mr. DURENBERGER. Mr. President, there are few agencies or organizations in Minnesota which have done more to encourage the active and healthy independence of older persons than the Minneapolis Age and Opportunity Center.

Since its founding in 1967 by Daphne Krause, the MAO has existed as a network of supportive and medical services, designed as an alternative health care system to avoid unnecessary institutionalization for older persons in the Minneapolis area.

A founding board member, and current chairman, of the Minneapolis Age and Opportunity Center is Henry Hoklas. Henry is an almost classic example of the kind of active older person which MAO is designed to serve. Not incidently, Henry is celebrating his 100th birthday this year.

Henry has been chairman of the MAO governing board since February 1970. He was reelected to another 2-year term on May 21 of this year. As a volunteer board member, Henry has given generously of his time to the Plymouth Congregational Church in south Minneapolis.

On Sunday, July 28, Henry will be honored on his lifetime of community service to the MAO and so many other worthwhile causes, and on his upcoming 100th birthday. Because of the outstanding record of service by this outstanding Minnesota citizen, I ask that an article from the Plymouth church newspaper be printed in the RECORD:

The article follows:

PLYMOUTH PROFILE: MR. HENRY HOKLAS

(By Marcia Glake)

Sitting on the right side of the sanctuary on most Sundays is one of Plymouth's most senior members. He has sat there, often in the same pew, through the years of five senior ministers. He is Mr. Henry Hoklas.

Mr. Hoklas has been at Plymouth since 1922. He and his wife Frances lived several blocks away, closer, in fact, to another Congregational church; but in 1922 they decided to join Plymouth. Here they stayed and devoted their energies and sent their children, Westley, Betty, and Marguerite, to Sunday school.

Few members of the church have the historic perspective of its changes and its influences that Mr. Hoklas has. He joined the church while Dr. Dewey was minister, and he served as a Deacon during Dr. Beach's ministry. He was a member of the Neighbor-

hood Board and participated in the capital funds drive that provided the addition to the building while Dr. Conn was senior minister. He appreciates the importance of the interim ministry of Dr. Donald, and he enjoys the personal warmth and friendliness of Vivian Jones.

SWALLOW TAILS

One of Mr. Hoklas' vivid memories has lived on from his days as a Deacon. He remembers, with a twinkle in his eye, the suit he used to wear as an usher. Some 50 years ago, the Deacons wore swallow tails on Sunday mornings. The only formal detail missing from the attire was gloves. Each Deacon was required to purchase his own suit, Mr. Hoklas recalls, making it expensive for some to serve their church. when that phase eventually passed from Plymouth's life. Mr. Hoklas was responsible for persuading the Deacons to donate their suits to the Minnesota Historical Society. As customs have changed, from pinstripes to business suits to skirts, Mr. Hoklas has approved. He likes today's less formal, non-sexist approach to ushering.

He also remembers what he calls the "austere" nature of Sunday worship service when he first came to Plymouth. He recalls having been very conscious of the power of the wealthy. Their demeanor set them apart, and they were clearly the church leaders. He once asked one of them about how the budget was prepared and was told that a few of the wealthier members got together to decide what the expenses would be, then dipped into their pockets to finance them. Mr. Hoklas felt uncomfortable with that tradition, but within a few years assumed leadership roles despite it. During Dr. Beach's ministry, he served one year as chairman of the annual fund-raising drive, indicative of changes that were happening at Plymouth. That year the budget was $46,000, and he raised all but $600. He feels badly that he was short by even that amount, and admits that he could have raised it if his conscience had let him ask the women's organization for a donation. However, he believed that because they had their own budget and expenses, they shouldn't be tapped for a contribution.

Another activity to which he gave his time was Boy Scout Troop #27 which Plymouth sponsored for many years. He worked, not as a Scout master but as a committeeman, for 10 years while his son was a Scout.

LEADERSHIP NICHES

Asked why he has stayed on at Plymouth for these 60 years, despite some disagreements he has had with the church, he said that by the time Dr. Beach left, he and Mrs. Hoklas had found some leadership niches and had come to feel at home here. Probably he was able to do this because of the spirit of Congregationalism. He appreciated then and still does the freedom of expression he has found at Plymouth. He knows there are many more theologically conservative thinkers in the congregation than he, who occasionally likes to visit Unitarian Society, but he has accepted them and they he, and Mr. Hoklas respects that tolerance.

He is not a native Minnesotan, but he's stayed a long time here because he likes Minneapolis. He grew up in Denver and graduated from the University of Colorado in 1909, after which he came to Minneapolis to work for the Goodyear Tire and Rubber Co. Since then, he has discovered that the only important missing element here is the mountains.

FUND RAISING

Most of his working years he spent at Young Quinlan, having gone to work there for Mrs. Elizabeth Quinlan and stayed on for 28 years. Before retirement he worked for five years as a professional fund-raiser traveling across the country from Fargo to Altanta to Sandusky, raising money for schools, colleges, and hospitals.

Today he continues to give of his time and his wisdom. He sits on the boards of two important community agencies. Minneapolis Age and Opportunity Center (MAO) of which he is the chairman, and the Loring Nicollet Community Council. Both agencies provide outreach and direction for people who live in the neighborhood of Plymouth which is now Mr. Hoklas' neighborhood. He is encouraged as the quality of life these improves thanks in part to the activities of these organizations.

INFORMED VIEW

For the past 10 years, now a widower, he has resided at Loring Towers, at Nicollet and Grant. He knows downtown Minneapolis well, having worked there for so many years and being now a resident there. Every day he walks among the the buildings and along the streets, sometimes strolling over to Loring Park and on Sundays walking the few blocks to church. From the prespective of his long lifetime, he has an interesting and informed view of Minneapolis. He knows its past, and from his 10th floor apartment windows, he sees it today and envisions what the empty lots beyond will bring tomorrow.

The same can be said about his Plymouth experience. He knows more of the church history from first hand experience than most who sit in the pews each Sunday. His continuing presence there can be testimony to both the strength of this church and strength and devotion of Henry Hoklas.●

THE IMPACT OF IMPORTED GOODS ON DOMESTIC PRICES

● Mr. HEINZ. Mr. President, one of the arguments frequently used by opponents of any form of import relief is that the consumer benefits from imports because they are almost always cheaper than domestic goods. The reality of the situation, however, is far more complex and less certain.

In the textile and apparel industry, for instance, I have previously shown a shirt made in Hong Kong at a cost to Sears of $5.92 is sold at a normal retail price of $18. A shirt assembled in Guyana costs Sears approximately $5.43, but is also sold for $18. In fact, Mr. President, most apparel and footwear items are sold at regular price-breaks, which means that imported goods are not necessarily cheaper to the consumer. Rather, it is the retailer, not the consumer, who benefits from the cheaper imports.

In some other cases in the apparel sector, however, imported goods sell for more in the United States than domestically produced items. In 1984, the average price at retail for imported men's knit sport tops was $10.41. The domestic price for the same good was only $7.86. The average retail price of women's imported slacks was $16.52 while the domestic price was $14.02. Again, imported goods did not mean less expensive prices.

Obviously, the reverse case also occurs. American goods are sometimes more expensive than foreign ones. The average retail price of a traditional suit in 1984 was $133.98 when produced within the United States, but only $129.01 if imported. Similarly, domestically produced women's jeans sold at an average retail price of $17.43. Yet, imported women's jeans cost $16.81.

In conclusion, Mr. President, as we consider trade legislation, particularly the textile bill, we should take care to debate on the basis of facts, not rhetoric. In particular, simplistic arguments about consumer costs and savings also avoid the real issues, which are much more complicated. Imported goods do not, by definition, mean lower prices. Our policy decision on import restraints should not neglect that fact.●

EDWARD F. CARLOUGH

● Mr. MOYNIHAN. Mr. President, this past Tuesday, Edward F. Carlough, one of the outstanding labor leaders of the postwar era, died.

Ed Carlough, born in Bronx, NY, rose to the presidency of the Sheet Metal Workers International Association of the AFL-CIO. On the way, as head of local 28 in New York City in 1946, he negotiated the first health and welfare plan in the building and construction trades industry. Four years later, he negotiated the first pension plan in the construction industry, once again for his local 28.

Ed Carlough helped protect the health and security of hundreds of thousands of American workers. For this, we are all in his debt.

I ask that the text of his obituary from today's Washington Post be printed in the RECORD.

The obituary follows:

[From the Washington Post, July 11, 1985]

EDWARD CARLOUGH DIES; EX-LEADER OF SHEET METAL WORKERS UNION

Edward F. Carlough, 81, the president emeritus of the Sheet Metal Workers International Association (AFL-CIO) and a pioneer in negotiating health, welfare and pension plans in the construction industry, died July 9 at his home in Alexandria. He had a respiratory ailment.

Mr. Carlough was born in the Bronx, N.Y. He served in the Navy in the early 1920s and then began his apprenticeship as a sheet metal worker. He became a journeyman in Local 28 in New York City in 1927.

He soon became interested in union affairs and in 1941 was elected president and business manager of Local 28. He also was a vice president of the Building Trades Council of New York City and in 1945 became a general vice president of the Sheet Metal Workers International, which now represents about 150,000 workers.

He moved to the Washington area in 1951 as general secretary-treasurer of the union.

He was elected general president in 1959 and reelected in 1962 and 1966. He also was a vice president in the Metal Trades Department of the AFL-CIO. In 1970, having reached retirement age, he stepped down and was elected general president emeritus.

Mr. Carlough negotiated the first health and welfare plan in the building and construction trades industry in 1946 while still head of Local 28. Four years later, he successfully negotiated the first pension plan in the construction industry, again for Local 28.

During the Korean War, he was a member of the Wage Adjustment Board. He proposed that 7½ cents an hour be set aside for health and welfare programs. The Wage Stabilization Board implemented this proposal.

The Sheet Metal Workers pension fund now has more than $400 million in assets and has paid out more than $60 million in benefits over the past 30 years.

In 1981, the Edward P. Carlough Distinguished Professorship of Labor Law was established at Hofstra University in Hempstead, N.Y.

Mr. Carlough's survivors include his wife, Florence, of Alexandria; three children, Grace Hagan of West Islip, N.Y., Edward J. Carlough of Rockville and Walter W. Carlough of Arlington; a sister, Grace Weigel of New Hyde Park, N.Y.; eight grandchildren, and nine great-grandchildren.●

ROOTED IN FAITH

● Mr. ABDNOR. Mr. President, faith in God has underscored our Nation's progress from the very beginning. Indeed, our Nation's foundation was an outgrowth of religious persecution as pilgrims fled hostile shores for the right to worship God as their consciences directed.

Faith in God and the right to religious freedom is incorporated in our founding documents. It continues today in the 208th year of our Nation's existence.

During the recent July 4 recess it was my privilege to attend the centennial observance of the founding of St. Peter and Paul Church in Dimock, SD. The founding families of this community were not unlike the founding families who landed in New England in the 1600's.

Mr. President, I would like to share with my Senate colleagues a history of this congregation which appeared in the Parkston (SD) Advance. Faith in God, faith in our country, faith in the future marked the Fourth of July celebration across our land. These roots of faith which formed our past will be the foundation of our strength as long as our Nation exists.

The material follows:

SAINTS PETER and PAUL CHURCH CELEBRATES RICH HISTORY

(By Randy Dockendorf)

Promise. Disaster. Determination. Faith. Growth.

These are but a few of the words which describe the colorful history of Saints Peter and Paul Catholic Church of Dimock. The parish is now poised to celebrate one hundred years of its existence, taking time to look back on its heritage and to contemplate its future.

The church has seen disaster, as when its house of worship burned down, and a commitment of faith both in its people and in the structure, which is now one of the well-known churches in the diocese. The church is noted for its ornate architecture, its steeple pointing to the heavens, stained glass windows of Christ and the saints, wooden pews, altar, and angel figurines.

While the church was intended to be inspiring, it is more than just the material goods which went into its construction. The parish is the only church in Dimock and reflects the strong Catholic following of the area, especially for a town of less than 200 persons which has parishes lying five miles on either side (in Parkston and Ethan). It also has the honor and reverence of being a consecrated church.

The church's commitment is seen in its former sponsorship of a parochial school and the residence of nuns. The parish has also seen its members take up vocations and enter the religious life. Descendants of the "founding families" still reside in the area and worship at the church.

While Saints Peter and Paul has changed in some ways (the parochial school has closed and nuns no longer live there), it nevertheless reflects the spirit of its ancestors. Its heritage and hope for the future will be celebrated at its centennial Mass on June 30 at 2:00 p.m. Bishop Paul Anderson of the Sioux Falls Diocese will celebrate the Mass. A centennial dinner will follow at 4:00 p.m. in the parish hall. More details can be found in a separate story.

As the church is at a milestone in its history, the people have drawn up the story of Saints Peter and Paul Catholic Church. The following is its history as submitted by its centennial committee.

Sts. Peter and Paul Catholic Church of Dimock, really had its beginning in late 1870 when a heavy emigration of German settlers from Dane County, Wisconsin, came to South Dakota and homesteaded in this area. Some of those early settlers were the Schlimgens, Zehnpfennigs, Webers, Lockens, Puetzes, and Hohns.

The railroad was not yet completed from Sioux City through this area, so a priest would travel on horseback to conduct monthly religious services in the settlers' homes. The first Mass was said in the home of Mathias Schlimgen by Father Krizels of Tabor in the fall of 1880. Mass was also said in the homes of Englebert Schlimgen, Frank Zehnpfenning, and Ludwig Weber until the first little frame church was built in 1882 by Father Meinrad McCathy.

This first church was called Rome and was located west of the present Highway 37 in Northeast Starr Township near a blacksmith shop and creamery. Early baptismal records include many pioneer families from Ethan and Parkston as well as from the Dimock area.

This little frame church was moved to a spot just west of the present church structure when Englebert Schlimgen, who lived where the Ed Weber farm is today, donated land for the church and cemetery. The first recorded burial in this cemetery was that of a Theodore Bauer in 1880, who also was the man that helped the pastor survey the land for the cemetery.

In 1885, Mathias Schmitz donated land for a school and rectory, so a delegation of seven went to the Bishop and said they would build a parsonage if a resident pastor would be assigned here. By this time, the railroad was completed from Sioux City to Mitchell, and the name of the town was changed from Rome to Starr.

Father J. Lamesch from White Lake was the first resident pastor, and he immediately set about to provide a parochial school for the parish. This school was staffed by lay teachers until the Sisters came to the school in 1895.

Church records from 1886 indicated 50 baptisms, and 150 were confirmed by Bishop Marty. In the spring of 1891, Father Lamesch left for an assignment at Epiphany and Father Victor Schirr came here. With the influx of more pioneer families to the area, the little frame church was much too small for the growing congregation. When lightening struck the steeple and damaged it extensively that summer, the church was rebuilt, doubling its original size.

In 1893, two Benedictine nuns came and left again the same year. The Benedictine Order returned in 1902 to serve the parochial school. In 1895, Father George Hepperle replaced Father Schirr as resident pastor. Following in 1900 were Father John Hermeling; in 1905, Father F.J. Feinler and in 1908, Father J.R. Wulf.

It was in 1908 that the enlarged frame church burned to the ground. The exact cause was never determined. Louis Schlimgen, who was a young lad at that time, recalled that his father saw the fire from his farm (the Wendelin Brown place), hitched a team of horses and drove to town. He made it before the steeple fell.

The bell was the only item saved from the fire. Everything had been moved out of the parsonage, which was nearby, in case the fire would have spread to it. Following the fire, the parishioners immediately rallied to make plans for building a new church.

The Chicago, Milwaukee, and St. Paul Railroad which had been completed from Scotland to Mitchell in 1886 was persuaded to build a side-track specifically for transporting the material used in the building of the church. Because this farming community had been so blessed with no crop failures and with bountiful harvests of both grain and livestock from 1886 up to this time, the people were inspired to build a church that would serve their children, grandchildren and great, great grandchildren as well as be an inspiration to all who saw it.

The architect was Joseph Schwartz from Sioux Falls, and the contractor was an Anton Zwach of Dubuque, Iowa. There was much willingness and enthusiasm on the part of the parish members to donate funds and labor, which contributed to the completion of the new structure in record time. At the laying of the cornerstone, Father Nicholas Dahlmans from Aberdeen (who later became pastor of Sacred Heart Parish in Parkston) was the principal speaker. Louis and Roman Schlimgen and Fred Gross were the Mass servers. A parish dinner was served in the parsonage.

The new church was completed by July 1909, at a cost of $34,000.00. It couldn't be dedicated at that time because the Stations of the Cross didn't arrive until fall. The church was completely paid for when it was dedicated on October 6, 1909. Sts. Peter and Paul is one of the few churches in the diocese that is consecrated. Special privileges are accorded a consecrated church.

Many people traveling on the train from Sioux City to Mitchell were anxious to get a glimpse of this beautiful church on the plains of South Dakota, and it wasn't long before news of this beautiful structure and

the inspiration behind it became news throughout the diocese.

In 1911, the Railroad Company changed the town's name from Starr to Dimock. It was named after Warren Dimock who was born in Iowa County, Wisconsin, in 1859. He studied law in Wisconsin and came to Dakota in 1885. He worked at the Menno State Bank and was admitted to the bar in 1890. He served States Attorney of Hutchinson County from 1891 to 1906, after which he became a State Senator and County Judge of Hutchinson County.

In 1913, Father John Wulf began construction of a new school (the present one). He died in September of that year before the building was completed. Father Charles Auer came and served the parish until 1919. The new school was a boarding school for many years. The old wooden school was moved into the town to be used as a public school.

When the new school was built, the old parsonage had to be moved across the street where it was left on moving trucks for along time until it was finally sold at auction. Joseph Ziniel purchased it and moved it the five miles to Parkston where it still stands today in the east part of town.

In 1918, Father Charles Auer had the church decorated in a Gothic theme. The paintings are all canvas murals, prepared in Germany. The windows of the east and west wing of the church picture Peter and Paul. Paul holds a scroll of the Scriptures; Peter, the keys. In the west arch of the ceiling is depicted the life of Peter, who was crucified upside-down in Rome; Paul was beheaded in the same city. The ground form of the church is that of a cross.

As one enters the church, one gets the impression that salvation comes through the cross of Jesus Christ. In the ceiling of the wings, the murals have the life of Christ. The lives of Peter and Paul begin with the front of the church, the idea being that they based their preaching and their witness on Christ who is risen from the dead, having died for the remission of our sins. The Mass in the sanctuary of the Church is the memorial of Christ's dying, rising, and coming again to lead us to heaven.

On the rear wall of the church, the two murals present scenes related to the Sacrament of Matrimony. The one to the southeast is young Tobias receiving the blessing of his parents before he goes to his bride Rebecca. The other has Jesus forgiving the adulterous women.

The west windows are:

1. Blessed Virgin Mary, Queen of Heaven; 2. St. Aloysius, Patron of Youth and Seminarians; 3. St. Mathias, Apostle who replaced Judas, Patron of South Germans; 4. St. Cecilia, Patroness of Musicians and Church Choirs; 5. Sorrowful Heart of Mary; and 6. Immaculate Heart of Mary.

The east windows are:

1. St. Joseph, Patron of the Universal Church, Model of Families, Patron of Workmen; 2. St. Rose Lima, first canonized saint of the New World; 3. St. Anthony, Patron of Preachers, a very popular name among German Catholics, often invoked for help to find lost articles; 4. Guardian Angels; 5. Sacred Heart of Jesus in Its love for God and the Father; and 6. Sacred Heart of Jesus in Its love for men.

In 1919, Father James A. Goggins came to serve Sts. Peter and Paul. Following him in 1924 was Father Joseph Hensbach who remained until February of 1936. During his tenure, the church had the present pipe organ installed and was wired for electricity. This took place in the year 1929.

On February 15, 1936, Father William Schmidt was assigned to Sts. Peter and Paul and remained the pastor until January 17, 1955, when he was succeeded by Father Charles Nemmers who remained until August of 1977.

During this period, the present brick rectory was constructed. During this same period, the Sisters were having trouble finding vocations. They began to close their schools, and it was the schools in the small towns that were the earliest casualties. The school in Dimock closed in 1968.

In 1977, Father Joseph Deragisch of Faulkton was assigned to Sts. Peter and Paul and remained its pastor until ill health forced his resignation in 1984. Monsignor Leonard Zwinger, a native vocation, became the present pastor in May of 1984.

In visiting with Louis Schlimgen about the early days of the parish, he remarked that, in his estimation, one of the outstanding examples of sacrifice for the parish of Sts. Peter and Paul was that of the Nick Mayer family. When the Sisters' house was built, they kept the nuns (five or six) at their farmhome until the house was completed. They brought the nuns by team and wagon in the morning and got them every evening for about six months.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. LAUTENBERG. Mr. President, I am pleased to join many of my colleagues in the 1985 Congressional Call to Conscience for Soviet Jewry. I would like to commend my friend and colleague, Senator BOSCHWITZ, for his leadership in coordinating the 1985 call to conscience.

As America recently celebrated its own holiday of independence and freedom, it is especially fitting that we renew our efforts to help those who still strive to achieve these goals. To Jews in the Soviet Union, freedom is a distant dream. Soviet Jews are denied the right to live in the country of choice, practice their faith, and pass it on to their children. And things do not appear to be improving.

Jewish emigration from the Soviet Union fell from its high of 51,000 in 1979 to 896 last year. Figures from this year look equally umpromising. Forced to remain in the Soviet Union against their will, Soviet Jews face a bleak existence. No Soviet Jew who desires to maintain his Jewish identity is immune from persecution. While well-known refuseniks such as Yuli Edelshtein and the Khassin family are often subject to the harshest measures, even average families, such as the Ostrirovs of Odessa are denied permission to leave the country.

To Soviet officials, no pretext is too flimsy to be used as grounds for denying an exit visa. Yuli Edelshtein, a 27-year-old resident of Moscow, was denied a visa because his father allegedly had access to "secret materials" despite the fact that Yuli had not seen his father in 20 years. After his application was denied the KGB began to harass him, forcing him to leave his job as an English teacher. He was forced to work as a freelance artists' model to support himself. Yuli, however, was not deterred by the KGB. He became an observant Jew, as well as a Hebrew teacher.

The KGB could not tolerate Yuli's Jewish activism. On September 4, 1984 they arrested him and searched his house. In December he was convicted on "trumped-up" drug charges and sentenced to 3 years at Vydrino, an especially harsh labor camp. Yuli's wife, Tatyana, reports that he has been beaten continually by assailants at the camp and has been prohibited from returning to his room to rest after work.

Unfortunately, Yuli Edelshtein is not an isolated example of the harsh treatment Jews must endure in the Soviet Union. The Khassin family, adopted by Congregation B'Nai Israel in Rumson, NJ, has also suffered. Gennady, his wife, Natasha, and their two children are all refuseniks, having first applied for an exit visa in 1976 and been denied permission to go. As a result of their application, Gennady, once a prominent mathematician, and his wife, a computer programmer, are both unemployed.

Their troubles did not stop with the loss of their jobs. The KGB has repeatedly searched their house, confiscating various religious articles and Hebrew publications. They have also taken various legal documents such as Natasha's emigration invitation from Israel and her identity card. Natasha, who has taken over Ida Nudel's role as the "Guardian Angel" of Jewish Prisoners of Conscience, has been beaten at a number of women's demonstrations and is the subject of constant KGB harassment.

The Khassins were even arrested for attending a memorial service at Babi Yar, the site of one of the largest mass murders by the Nazis. In the Soviet Union, it is apparently a crime to recite the Kaddish, the Jewish prayer for the dead, at the grave of thousands of slaughtered Jews. The Congregation B'Nai Israel of Rumson is to be commended for their fine work on behalf of the Khassin family.

While Yuli Edelshtein and the Khassin family are well-known Soviet refuseniks, the Soviets are no more lenient with average citizens whose only crime is wanting to practice their religion or emigrate from the Soviet Union. Alexey and Nyusa Ostrirov, their son Efim, his wife, and their two children, whose relatives live in New Jersey, are perfect examples. They are neither dissidents nor prisoners of conscience. They have broken no laws nor participated in any demonstrations. Yet for no discernible reason, they have twice been denied exit visas from the Soviet Union. Since 1975, the Ostrirovs have been trying to emigrate, in vain.

Unfortunately, the plights of the Edelshteins, the Khassins, and the Ostrirovs typify those of countless other Soviet Jews who yearn for the freedoms we enjoy in this country.

Discrimination by the Soviets against Jews who desire to practice their faith cannot be tolerated. We cannot stand by silently as Soviet officials increase the level of anti-Semitism and anti-Zionism that appears in their government controlled press. Those of us in Congress have a special obligation to speak out, as our voices perhaps are heard more clearly in some quarters.

As our country and the Soviet Union seek to improve our relations, we must constantly remind the Soviets of our deep concern for the Jews of Russia and of the high priority our country attaches to their fate. Perhaps some progress will be made on this issue when President Reagan meets with Mikhail Gorbachev in November.

We must continue our vigil of protest until the Jews of the Soviet Union are free to emigrate or free to live as Jews if they choose to stay in the Soviet Union. Until Yuli Edelshtein is released from jail and is free to teach Hebrew. Until the Khassins can freely say the Kaddish at the site of Babi Yar. Until the Ostrirovs are reunited with their family in New Jersey and New York.

Until all Soviet Jews are free to teach their children Hebrew and practice the tenets of their faith we will return year after year to this Call to Conscience as a way of affirming our commitment to freedom for Soviet Jews.●

THE INTERNATIONAL ATOMIC ENERGY AGENCY

● Mr. McCLURE. Mr. President, the number of nations who have the atomic bomb, are suspected of having it, and those who are believed to be developing a nuclear capability is a great and growing concern to all of us.

The cover story in the June 3, 1985, issue of Time magazine, titled "Who Has the Bomb, the Nuclear Threat Is Spreading," takes a comprehensive look at nuclear proliferation—what the magazine calls its "disquieting reach—" and international structures the world has developed to inhibit the spread of nuclear weapons.

The author, George Russell, reports that the spread of nuclear technology over the past four decades is an impressive and daunting achievement. Five countries: the United States, the Soviet Union, Britain, France, and China possess the bomb. India has demonstrated the capacity to build nuclear weapons. At least 11 nations possess facilities for reprocessing nuclear fuels, all yielding varying amounts of plutonium. Indeed, the article notes that a new generation of nuclear powers, and would-be powers, is maturing. Russell calls those countries contributing the most significant uncertainties about the future of nonproliferation, "phantom proliferators," and lists them: India, Pakistan, Israel, South Africa, and to a lesser degree, Argentina and Brazil.

These nations have refused to sign the Nuclear Non-Proliferation Treaty [NPT]. This is in contrast to countries such as West Germany and Japan, who have the technology, but have refused the option of developing atomic weapons. The NPT is one of two elements that form the framework for inhibiting the spread of nuclear weapons. The other is the International Atomic Energy Agency.

The NPT, which has 126 parties to it, is discussed at length in the article, and Russell says it has the widest adherence of any arms control treaty in history. He states that the number and diversity of states who have signed the NPT reflects the breath of the international conviction that the further spread of nuclear weapons would seriously undermine the security of all states. In fact, the importance of the treaty is demonstrated by the fact that "phantom proliferating nations are considered to be that because they have not signed the NPT."

Russell does not totally concentrate on the bleak aspects of the issue, unlike another recent media look at nuclear proliferation. He points out that there is this framework in place, albeit a fragile one, that gives room for guarded hope. In the 11 years since India's nuclear test, no additional country, as far as can be confirmed, has succeeded in following suit. Thus far, the system has worked fairly well. In fact, it is called a miracle. The framework that supports this miracle, is the NPT and the IAEA, which provides the safeguards on all the nuclear material in all peaceful nuclear activities under their jurisdiction, 345 reactors, worldwide. Russell describes this agency, as "work gloves on an octupus," and the safeguards system, "routine and highly delicate business."

This article makes it clear that this framework can only exist if there is support, and that continued, strong U.S. support is essential if efforts to prevent the spread of nuclear weapons are to be successful.

The administration's support for this framework was reaffirmed in a speech by Vice President GEORGE BUSH, June 20, 1985, at the Conference on Nuclear Proliferation, at Brookings Institute.

The Vice President stated that the prevention of nuclear war is "the most important challenge that our generation faces," and "controlling the spread of nuclear weapons is vital to meeting that challenge."

Mr. BUSH noted that "an effective, vigorous, vigilant International Atomic Energy Agency is key to that task."

Mr. President, I ask that the Time magazine article and Vice President BUSH's remarks be printed in the RECORD.

The material follows:

WHO HAS THE BOMB

(By George Russell)

It is called a research center, but the Pakistan Institute of Nuclear Research looks more like a fortress. Layers of barbed wire surround the spawling complex in the dusty hills at Kahuta, 20 miles southeast of Pakistan's capital, Islamabad. Much of the facility is buried beneath of earth, a precaution against accident—or perhaps surprise attack. Paratroopers guard the installation, and tanks block all routes into Kahuta. Crotale surface-to-air missiles and antiaircraft guns bristle toward the skies, through which Pakistani air force planes fly round-the-clock patrols. Unauthorized entry to Kahuta is impossible, sightseeing in the vicinity ill advised.

Precise information about what goes on inside Kahuta is virtually unobtainable; the site is one of Pakistan's most closely held defense secrets. Nonetheles, over the past decade the world has been catching occasional, disturbing glimpses of clandestine dealings and espionage coups that have left trails of suspicion leading inexorably back to Kahuta. All these James Bond operations have conveyed the same unsettling message: even though the government of President Mohammed Zia ul-Haq firmly denies it, Pakistan appears to be developing the capacity to build an atom bomb.

But Kahuta is just one outcropping of a far bigger nightmare: nuclear proliferation, the spread of atomic weaponry, has entered a new and even more omnious phase. As the 40th anniversary of the A-bomb explosion over Hiroshima approaches, the world has special reason to view what is happening with trepidation, at the very least. On the Asian subcontinent, in the Middle East, in southern Africa and, to a lesser degree, in South America, a number of countries have acquired or are in the process of acquiring the capacity to build atomic weapons. At the same time, the fragile international system of self-restraint that the world has built around its most deadly Pandora's box of technology, a system that has worked surprisingly well so far, is under growing strain. Says a senior official of the Vienna-based International Atomic Energy Agency: "Proliferation has already happened. The main problem of the late 1980s is not so much preventing the spread of nuclear weapons, but making it survivable."

Among the signs that illustrate proliferation's disquieting reach:

In Moscow on an official visit last week, Indian Prime Minister Rajiv Gandhi charged that Pakistan's development of an atom bomb was "very close" to fruition. Earlier this month, the Indian leader had affirmed that such an achievement by his country's chief regional rival "will completely change the present military balance on the subcontinent. At no cost will we allow our integrity and security to be compromised." In 1974, India shocked the world with a "peaceful" underground nuclear explosion in the Rajastan Desert; Gandhi's pronouncements hold out the threat that India might resume testing, perhaps even begin to build and stockpile nuclear arms.

In Los Agneles, a federal grand jury has indicted a U.S. citizen for exporting to Israel 810 high-speed precision switches known as Krytrons, in contravention of U.S. export laws. It is an open secret that Israel has its atomic weapons program; Krytrons can be used as part of the trigger mechanism for nuclear arms. But Israel offered to return many of the switches, and the U.S. State Department accepted Jerusalem's explanation that it did not intend to use the devices in its atomic weapons program. Still, the incident demonstrates the ease with which highly sensitive technology necessary for nuclear-arms manufacture can, and does, escape control.

In Washington next month, two House Foreign Affairs subcommittees will hold joint hearings on the global spread of plutonium, the highly toxic atomic explosive. An estimated 55 tons of separated plutonium exists in the West, a stockpile that is growing by five to six tons a year. Among the issues likely to be discussed by legislators at the hearings is the potential that plutonium traffic offers to nuclear terrorism.

In Geneva in September, delegates from about 85 countries will meet to review progress under the 1968 United Nations-sponsored Nuclear Nonproliferation Treaty. The treaty is the most important accomplishment of the world-wide antiproliferation effort, but it expires in 1995 and there is no guarantee that it will be renewed. The atmosphere at the review session could be tense. Third World countries are expected to criticize the superpowers for failing to work toward nuclear disarmament, a promise embedded in the treaty. To some of the more militant Third World countries, that failure smacks of hypocrisy. The biggest fear is that one of the restive nations might withdraw from the treaty at the September session; if that happened, it would mean a clamitous setback, the first explicit unraveling of the world's major nonproliferation accord.

In Washington and elsewhere, nonproliferation experts are concerned over an erosion of confidence in the inspection apparatus of the International Atomic Energy Agency; the system is designed to monitor adherence to nonproliferation standards. The concern focuses on the "safeguards" sponsored by the I.A.E.A. to detect the diversion peaceful atomic technology to bomb-making purposes. Some experts fear that the safeguard scheme is inadequate to the task at hand, while others are worried that the lack of confidence can itself lead to further weakening of an inspection system that in large measure functions on a basis of trust.

Proliferation invokes atavistic fears and uncertainties because it involves arcane and highly sophisticated technologies: breeder reactors, plutonium reprocessing plants, uranium-enrichment facilities. Says Leonard Weiss, an expert on the U.S. Senate staff: "Proliferation is a set of symptoms with a number of causes. It is both a political and technical problem. Therefore, no single cure, or set of cures, will work."

What experts agree on is the problem's perniciousness. "I used to think that U.S.-Soviet arms control was the Everest of earthly problems," says Roger Molander, a nuclear expert formerly with the U.S. National Security Council, who now heads the Washington-based Roosevelt Center for American Policy Studies. "But that was before I understood nuclear proliferation. It makes the superpower arms race look like a comparatively minor league problem." Says Charles Ebinger of Georgetown University's Center for Strategic and International Studies: "It's probably the most pessimistic issue I've ever dealt with. Nobody seems to come up with any solutions, myself included."

The spread of nuclear technology over the past four decades is both an impressive and a daunting achievement. Five countries formally possess nuclear weapons (the U.S., the Soviet Union, Britain, France and China); India's 1974 test explosion shows that it has at least mastered the capacity to build them. All told, about 345 commercial nuclear power reactors are in operation in 26 countries, and some 52 nations have nuclear research facilities. At least eleven nations possess facilities for the reprocessing of nuclear fuels, all yielding varying amounts of plutonium. Large enrichment facilities to turn uranium into nuclear fuel, or bomb-grade material, exist in the U.S., the Soviet Union, the Netherlands, France and China. Commercial reprocessing plants to extract plutonium from used reactor fuel are located or planned in France, Britain, West Germany, Japan, India and the Soviet Union. Programs involving breeder reactors are under way in the Soviet Union, India, France, West Germany and Japan. (In 1983, the U.S. canceled its $4 billion Clinch River breeder facility, located at Oak Ridge, Tenn., because of long construction delays, steep cost increases and a declining need for additional nuclear power installations.)

The rate of proliferation could grow rapidly worse. Small, easily concealed new technologies for producing nuclear explosives are becoming available in world markets. Among them: high-speed centrifuges and still experimental laser systems for enriched-uranium production. Such systems could be engineered to produce the explosives needed to build the Bomb. Says Paul Leventhal, president of the Nuclear Control Institute, a Washington-based think tank: "History demonstrates that in the nuclear field, any technology ultimately is exported—and Third World countries will get it."

Despite the overall pessimism that the proliferation issue inspires, there are some grounds for guarded hope. Since World War II, no atomic weapon has been used in warfare; nor have nations rushed to develop nuclear weapons in the numbers that were predicted even 20 years ago. In the early 1960s, it was feared that within a decade ten or more countries might have produced atomic arsenals. In the eleven years since India's nuclear test, no additional country, as far as can be confirmed, has succeeded in following suit.

That record, says Richard T. Kennedy, the Reagan Administration's ambassador-at-large for nonproliferation issues, provides grounds for both "cautious optimism and vigilance." Says he: "The situation ought not to give us a sense of great comfort for the future. But thus far [the nonproliferation system] has worked pretty well. Extraordinary vigilance and extraordinary effort just might give us another 20 years of the same."

Kennedy hastens to add that "there are countries that have gone forward in ways that we don't like. We're very concerned." Indeed, a new generation of nuclear powers, and would-be powers, is maturing. Known among experts as the "phantom proliferators," these countries are contributing the most significant uncertainties about the future of nonproliferation. The phantoms are India, Pakistan, Israel, South Africa and, to a lesser degree, Argentina and Brazil.

All of them have mastered, or are well on their way to mastering, the skills to produce atomic explosives. Unlike such nations as West Germany and Japan, which have also conquered the technology, the phantoms have declined to foreswear the right to build atomic weapons by signing the nonproliferation treaty. As a result, some of their most sensitive nuclear activities are taking place outside the scope of International Atomic Energy Agency inspection.

Some of the phantoms are widely assumed to have atom bombs already or to be close to that goal. The major example of that ambiguous status known as having "a bomb in the basement" is Israel. The Israelis probably developed an atomic weapon as early as 1968, in all likelihood using reprocessed plutonium from their top-secret, French-built research reactor at Dimona, in the Negev desert. By 1973, Israel was believed to possess at least 13 nuclear weapons.

This month the well-regarded Aerospace Daily, a Washington-based industry newsletter, added new allegations about the Israeli nuclear arsenal. The Daily claimed that Israel has an unspecified number of nuclear-tipped, mobile Jericho II intermediate-range ballistic missiles based in the Negev desert and on the Golan Heights. The Daily also said that Israel possesses nuclear artillery shells. If true, that would mean Israel's atomic capability has been drastically underestimated. Jerusalem had no comment on the newsletter's claims.

Another candidate for bomb-in-the-basement status, South Africa, announced in 1970 that it had developed a new process for uranium enrichment. Since then the government in Pretoria has fiercely protected its putative breakthrough from virtually all curious foreign eyes. In 1977 the Soviet Union, apparently acting on evidence received from one of its spy satellites, notified the U.S. of an installation in South Africa's Kalahari Desert that resembled a nuclear test site under construction. Washington used one of its own satellites to inspect further. Four months later, under pressure from the U.S., South Africa stopped work on the site. In September 1979, a U.S. satellite detected an intense burst of light, similar to the flash created by a small nuclear explosion, over the South Atlantic. A special White House panel of investigators discounted the possibility of an atomic blast, but the U.S. intelligence community has never been totally convinced.

Brazil and Argentina are thought to be much further away from bomb-making capacity, but both countries show serious intentions of retaining at least the option for weapons development, even under their recently restored civilian governments. Both also seemingly intend to involve themselves as much as possible in peaceful nuclear commerce, thus extending an expanding web of nuclear relationships.

The existence of the phantoms challenges many of the ideas that underlie the present nonproliferation system, especially the nonproliferation treaty. The 123 nations that have joined the U.S., the Soviet Union and Britain as signatories have renounced the right to build atomic weapons. They have also given up a bit of their national sovereignty by agreeing to allow International Atomic Energy Agency inspectors access to nuclear technology on their soil and to demand similar inspection agreements from customers for their nuclear exports. The nonweapons signatories are in turn guaranteed access to the peaceful benefits of nuclear technology.

By refusing to sign or ratify the treaty, the new nuclear powers have implicitly declared their distrust of the nuclear balance of power. Says K. Subrahmanyam, head of India's Institute for Defense Studies and Analyses: "I refuse to be an Uncle Tom who would accept the right of white nations to wield nuclear weapons and have the developing world disarmed and subject to nuclear terrorism." More aggressive variations on that theme can be found in a country like Libya, which has accepted the nonproliferation treaty, but whose erratic anti-Western policies make it a highly suspect adherent.

The phantoms add a nuclear dimension to existing regional conflicts, in the sense that the intrusion of the atom could heighten the possibility of conventional confrontation. A stark example is Israel's 1981 air attack against the French-built Tammuz nuclear reactor in Iraq. The Israeli explanation for the assault was that the regime of President Saddam Hussein secretly intended to build nuclear weapons, even though Iraq had signed the nonproliferation treaty. While ambiguous circumstances surrounded the Iraqi project, including the inordinate size and sophistication of the reactor, which the Iraqis insisted be fueled with weapons-grade uranium, the Israelis have yet to prove their contention. What the Tammuz-incident demonstrates is that proliferation is a mix of technical capability and political intent. As the technology spreads, gauging what a country plans to do with its nuclear capability becomes very difficult, if not impossible.

Proliferation is a sensitive issue for the Reagan Administration, which came to office in 1981 severely critical of Jimmy Carter's policies in that area. Under Carter, the U.S. made nonproliferation a highly visible priority and attacked the problem from the supply side, banning U.S. exports that involved uranium enrichment or reprocessing. The centerpiece of the Carter approach was the 1978 Nuclear Nonproliferation Act (as distinct from the nonproliferation treaty). That legislation, still in effect, demands that a customer for U.S. nuclear sales promise to place not only the exported item but all its nuclear facilities under International Atomic Energy Agency inspection, a condition known in the jargon of the nuclear community as "full-scope" safeguards. Among countries exporting nuclear wares, only Canada, Australia and Sweden have adopted a similar stand. Most other suppliers, particularly in Western Europe, insist on the adoption of safeguards only for the particular item being sold.

Failure by a purchaser to agree to Washington's conditions meant no U.S. sale. Congress made the full-scope provisions of the act retroactive; that brought the U.S. into conflict with a number of its long-standing nuclear supply agreements, most notably involving India, Brazil and South Africa. In the Reaganauts' view, the Carter strategy destroyed the credibility of the U.S. as a reliable supplier of nuclear technology and fuel, thus diminishing Washington's ability to exercise influence favorable to nonproliferation practices among developing nations. Says Ambassador Kennedy: "Regardless of its intent, the Nuclear Nonproliferation Act was perceived by some countries as a unilateral abrogation of understandings and agreements that had existed for years. We lost enormous amounts of influence." Substantial volumes of business were lost too, as Third World countries turned to Western Europe in search of nuclear fuel and technology that had fewer strings attached. More important, the denial approach does not appear to have contributed significantly to a slowdown in the rate of global proliferation.

The Reagan Administration has attempted to regain leverage. But on the whole, U.S. policy has changed little since the Carter years, except in terms of public emphasis. As most experts see it, the approach today differs mainly in using less confrontational tactics and a low-key, even invisible diplomatic style. Says Charles van Doren, a former deputy director of the U.S. Arms Control and Disarmament Agency: "There's much less of a difference than most people would have suggested."

Last summer, for example, at a secret meeting in Luxembourg, the U.S. reportedly asked 13 other industrialized nations to adopt the demand for international inspection of all of a potential customer's nuclear facilities as a sales condition. Only Britain, Canada and Australia supported the idea. Says Leonard Spector, a Washington-based expert at the Carnegie Endowment for International Peace: "Over all, with Reagan, there has been a little more of the carrot approach, a little less of the stick."

The problem is not so much a matter of policy as of the nature of proliferation itself. Where the desire to seek nuclear weapons is strong enough, almost no combination of prohibitive policies has been completely successful in thwarting it. Pakistan is a case study of that uncomfortable conclusion. In 1977 and again in 1979, in an effort to keep Pakistan from pursuing a build-the-bomb strategy, the U.S. cut off military and economic aid following earlier restrictions on nuclear trade. Apparently to little avail.

A turnaround in U.S. policy came after the Soviet invasion of Afghanistan. Overnight, Pakistan was much more essential as a U.S. ally. In 1981 the Reagan Administration offered President Zia a six-year, $3.2 billion military and economic assistance program. The U.S. also agreed to sell 40 advanced F-16 fighter-bombers, which, like most high-performance military aircraft, could carry nuclear weapons. In approving the assistance, Congress attached a rider that the aid would be cut off if Pakistan exploded an atomic device or came into possession of one. That rider expires, along with the aid package, in 1987. Says the Carnegie Endowment's Spector: "Both the Carter and Reagan Administrations had to make tradeoffs with other foreign policy issues. It is those events that have stayed America's hand and allowed creeping proliferation."

The history of Pakistan's nuclear effort shows the bedeviling complexity of proliferation and the difficulties involved in containing it. Pakistan's nuclear program got under way in 1955. Over the next nine years, 37 Pakistani scientists were trained at atomic facilities in the U.S., and in 1965 Pakistan began operating its first nuclear reactor, a small research installation supplied by the U.S., under international inspection safeguards. In 1976 the Kahuta center was established.

The chief architect of the Kahuta program was Zulfikar Ali Bhutto, the populist politician who became President in 1971 and was overthrown by Zia in 1977. (In 1978 the popular Bhutto was hanged by the Zia government for allegedly conspiring to have a political opponent killed.) Bhutto was obsessed by India's nuclear progress. In 1965 he had declared, "If India builds the Bomb, we will eat grass or leaves, even go hungry. But we will get one of our own."

In 1972, following Pakistan's defeat in the third India-Pakistan war, Bhutto made his move. Less than two months after becoming President, he convened a secret conference of Pakistani scientists and bureaucrats in the city of Multan. There, he launched Project 706, Pakistan's equivalent of the U.S.'s Manhattan Project.

The program developed rapidly along several fronts, some evidently peaceful in intent, others less so. By 1973 the country possessed a Canadian-built commercial nuclear reactor fueled by natural uranium. At about the same time, Bhutto entered negotiations with France for a commercial-scale plutonium-reprocessing plant. It would be capable of extracting from spent fuel more than 300 lbs. of plutonium annually, enough for as many as 30 atom bombs and far more than necessary for Pakistan's peaceful nuclear program.

The agreement with France was signed in 1976. About two years later, under pressure from Washington that was in turn inspired by growing congressional concern, the French decided to stop work on the reprocessing project. By that time, however, Pakistan had reportedly obtained blueprints covering up to 95% of the project, and some French firms apparently continued to give quiet assistance to the effort until the end of 1979. Pakistan has continued to work on the plant, but no completion date can be predicted.

During the reprocessing tussle, Pakistan pulled off its most audacious espionage coup. It came to light after a quiet scientist, Abdul Qadeer Khan, resigned in March 1976 from his post as a metallurgist at the Physical Dynamics Research Laboratory, known as F.D.O., in Amsterdam. The firm was involved in research and development at one of Western Europe's most advanced atomic installations, the URENCO uranium-enrichment facility at Almelo, also in the Netherlands. The plant is today one of Western Europe's major sources of low-enriched uranium for nuclear reactors. High-speed gas centrifuges like those at URENCO—thousands of devices lined up in rows like washing machines in a laundromat—can also be used to produce the highly enriched uranium needed for atomic weapons.

During his three-year stint at F.D.O., Khan had copied the plans of the centrifuge process and sent them back to Pakistan. He had revealed to his countrymen the names of more than 100 European, Canadian and U.S. firms that could provide the necessary equipment for a plant. Using a network of phony businesses as cover, Pakistan began to acquire and transfer to Islamabad technology from Western Europe and North America. Items in the covert pipeline ranged from special steel tubing to precision measuring equipment to specialized electronics. In 1978, some 400 tons of uranium oxide, the basic feedstock in producing enriched uranium, was secretly obtained from Niger, with the connivance of Libya.

Pakistan reportedly received hundreds of millions of dollars for Project 706 from Libya's Colonel Muammar Gaddafi, who in return was permitted to send his scientists to study Pakistan's enrichment advances. Nominally, the Libyan payments were made in return for Pakistani military assistance. Then, in 1977, after Zia came to power, Libya's connection with Project 706 was cut. Zia disliked and distrusted Gaddafi, and turned instead to Saudi Arabia for financial assistance. Saudi Arabia's payments were of-

ficially rendered in return for Pakistani military help.

Assembling the centrifuge equipment took years. Khan quietly resurfaced as head of the Kahuta operation in 1976. In November 1984, a Dutch court sentenced him in absentia to four years in prison for espionage, but the sentence was subsequently annulled on a legal technicality.

A further example of Khan's activities came to light last year in Canada, during the trial of three Pakistani-born naturalized Canadians on charges that they had tried to circumvent local export controls. Two officials of the Pakistan Atomic Energy Commission allegedly asked the trio in July 1980 to buy various components for a device that can be used to spin high-speed centrifuges. The equipment is manufactured by General Electric Co. at a plant in Hudson Falls, N.Y., and at U.S. factories of Westinghouse Electric Corp., RCA Corp. and Motorola Inc. The three Canadians made ten shipments to Pakistan. They were arrested while attempting to ship the eleventh. The trio later denied that they knew the ultimate purpose of the exports. One of them said that the equipment was for use in a textile plant and a food-processing factory. In the end, two of the men paid fines of $3,000 each on a minor charge: failing to obtain an export permit.

Khan oversaw construction of a facility at Kahuta that is capable, according to some estimates, of producing more than — lbs. of weapons-grade uranium annually. In February 1984, he announced that Pakistan had mastered the uranium-enrichment process, and later boasted that there is "nothing that stands in our way technically to stop us from enriching to —% weapons-grade uranium." But he has repeatedly stressed that "Pakistan is not at all interested in nuclear weapons." The fact is that Pakistan has built an enrichment plant without an evident use—except making bombs.

There have been indications that Pakistan is at work on the task of actually assembling an explosive device. In April 1984, after six months of surveillance, U.S. Customs agents in Houston detained Nazir Ahmed Vaid, a Pakistani businessman. In a case similar to this month's Los Angeles indictment involving Israel, Vaid was charged with attempting to ship to Pakistan 50 Krytrons labeled "bulb/switches." In September he was given a suspended sentence of two years and five years' probation. He was then deported to Pakistan. Only later did presecutors learn that documents that had been in their possession for months linked Vaid to the Pakistani nuclear program.

The progress of Project 706 has drawn attention to the gaps that have all along existed on the nonproliferation front. One of the major problems has been lack of effective agreement among suppliers about what technologies are safe to export, and under what circumstances. Following India's 1974 test blast, the U.S. and six other countries agreed on the need for tight export controls on sensitive nuclear equipment. High on the "trigger list" was plutonium-reprocessing and uranium-enrichment technology. The supplier group has since expanded to 21 countries.

Updating the list to keep pace with new technology has proved to be a disconcertingly slow process, however. It was not until last year that the trigger list was expanded to include the equipment used in the centrifuge process. Long before then, Pakistan had acquired the technology, albeit illegally.

Throughout the last few years of the Pakistani saga, the Reagan Administration has been severely criticized in Congress for giving military assistance to the Zia government without extracting further concrete assurances about Pakistan's nuclear program. The official U.S. position remains that Pakistan does not have atomic weapons and has not assembled the nuclear explosives to make them. But a top U.S. official says that the Administration remains "concerned" about Pakistan's efforts to obtain weapons technology. Washington discounts Indian suspicions of Pakistan's nuclear intentions as part of the long-standing rivalry between those two countries. Says a State Department official: "If you just listen to the Indians, you'd come away with the impression that Pakistan has had the bomb for some years." He notes that the U.S. "would not sit idly by" if Pakistan attained the ability to test a bomb, but does not specify what Washington's actions would be. Nonetheless, says Proliferation Expert Weiss, "we're addressing Pakistan's real security needs, but we didn't extract a high enough price for it. Zia is acting as if he's got us over a barrel. We're acting as if we agree with that assessment."

The trouble with Weiss's complaint lies in the assumption that only the U.S. can solve what is a global problem. Says David Fischer, a former assistant director-general of the I.A.E.A.: "The U.S. can no longer legislate the world nuclear industry. That may mean more nonnuclear diplomacy rather than nuclear denial."

Well before the incoming Reaganauts decried the U.S. Nuclear Nonproliferation Act, West European critics maintained that the law constituted a sledgehammer approach. They resented U.S. efforts to force them down the same road. As Bertrand Goldschmidt, a French physicist and former chairman of the I.A.E.A., puts it, "Applying nonproliferation measures is a delicate matter. Its like using drugs in medicine. If you are too strict, you can push countries into autarky."

What solutions are available? An emerging school of thought views the open acknowledgment of new nuclear arsenals as not such a bad development, especially in the case of Israel. Officially, Jerusalem's long-standing position is that it will not be the first country in the Middle East to introduce nuclear weapons to the area. Shai Feldman, an expert on strategy at Tel Aviv University, argues differently. He contends that "you can only have a credible nuclear deterrent if the other side believes you have the capability and the will to employ nuclear weapons under certain circumstances. And the only way to have a credible doctrine is to have the public behind you." Accordingly, Feldman feels, Israel should "develop the means and then openly proclaim its willingness to use nuclear weapons."

Proposals like Feldman's seem to mistake the nature of superpower deterrence. The global nuclear balance is maintained not by the mere possession of atomic arsenals, but by weapons systems that are relatively secure from enemy attack. In the Middle East, or in any other Third World context, atomic weapons and their delivery vehicles would be cruder and more vulnerable. Hence there is a dangerous possibility that open proliferation could make the use of nuclear weapons more, rather than less, tempting.

Thus there is good reason to maintain whatever forms of pressure are available and effective against would-be nuclear powers. Even if all else fails, the U.S. and its allies should press insistently to prevent any of the phantoms from testing a nuclear device. That is more than a cosmetic strategy. As the case of India showed in 1974, the brandishing of the ability to explode an atomic device can frighten other countries, in this case Pakistan, into trying to match the effort. Just as bad, such a demonstration might encourage admiring imitators.

Experience shows that a strategy of supply denying U.S. nuclear exports to countries that refuse to accept full-scope safeguards is not very satisfactory. Soon after the nonproliferation act was passed by Congress, for example, some U.S. legislators demanded that the Administration suspend a contract to supply fuel to India's two U.S.-built Tarapur power reactors. The installation has been governed by international safeguards since 1963, but India refuses to accept the principle of all-embracing inspection. In retaliation for the U.S. pressure, New Delhi warned that it would void the existing Tarapur safeguards agreement. If carried out, that action would have totally removed the complex from all outside control, and would have set a bad precedent for the nonproliferation system.

Faced with that possibility, President Carter used discretionary authority to override Congress. After Ronald Reagan took office, the Administration arranged to have France take over the U.S. fuel-supply contract, thus maintaining the integrity of the Tarapur safeguards, at least until the original supply agreement expires in 1993. Similar efforts were undertaken by the White House to avoid confrontations with Brazil and South Africa on long-standing nuclear-fuel agreements. Without such efforts, the nonproliferation system might be in worse trouble today. Says an official of the U.S. Arms Control and Disarmament Agency: "Safeguards work when there is a cooperative effort to maintain them. When the relationship is adversarial, they don't work as well."

In the export area, the Reagan Administration can claim that its cooperative approach has achieved mild success. Last year South Africa assured Washington that it would administer its nuclear program in line with the "spirit, principles and goals" that underpin the nuclear suppliers' trigger list. The Pretoria government promised that it would not supply nuclear technology, materials or equipment to any other country without International Atomic Energy Agency safeguards or the equivalent provided by the European atomic community, known as EURATOM.

Existing nonproliferation controls should not be abandoned just because they have been less than 100% effective. Seen against the prediction of 20 years ago, the fact that so few phantom proliferators exist today is, as France's Goldschmidt puts it, "a miracle." The nonproliferation treaty and the safeguards system still provide a vital framework for preserving the miracle. It is significant that the countries considered to be the greatest proliferation risks today are those that refuse to sign the treaty. That is proof, says Proliferation Expert Van Doren, that "most countries have some respect for their commitments." Says Herbert Kouts, chairman of the department of nuclear energy at New York's Brookhaven National Laboratory: "I am convinced that without the treaty and the agency, a multitude of nations would have gone nuclear by now. The nonproliferation safeguards have been as effective as we hoped they would be."

Greater and more farsighted cooperation among nuclear suppliers is another necessity. The U.S. and other sellers need to update the export trigger list continuously, even if, as the Pakistan case shows, its mere existence is no defense against espionage or theft. Only more stringent, worldwide security measures will work in combating proliferation by criminal means. Supplier nations need to impose stiffer penalties on individuals and firms that either violate atomic export restrictions or fail to investigate the bona fides of would-be purchasers.

The U.S. has to continue to press its allies to bring export standards into line with the full-scale safeguard concept. That may take time and tact. Says former I.A.E.A. Official Fischer: "There is still suspicion in Western Europe of U.S. motives in pressing for full-scope safeguards." Pressure from Washington is sometimes seen by Europeans as a ploy to improve the U.S. competitive position. Nonetheless, Fischer notes, there has been a "very distinct change" in French export practices over the past decade. U.S. pressure has played a role in that.

One heartening sign is the close cooperation between the U.S. and the Soviet Union on proliferation issues. Last November, U.S. and Soviet representatives agreed in Moscow that henceforth they would hold two working sessions a year to discuss the problem. Said a Soviet specialist in U.S.-U.S.S.R. relations in November: "We do not have much time to come to an agreement before nuclear weapons spread to more and more countries that could involve us in a conflict." One example that nuclear powers who abjure the nonproliferation treaty should be encouraged to follow is that of France. Despite their refusal to sign the treaty, the French as long ago as 1968 declared that they would abide by the accord in demanding international safeguards from any country that sought to buy their technology. Both Brazil and Argentina have followed the same practice in recent deals with China; such behavior should be applauded when appropriate and, if possible, rewarded.

At some point the U.S. will have to come to grips with a double standard in its own nonproliferation policy, specifically as it is directed at Israel. While Israel's special relationship with the U.S. makes it an exceptional case, Washington's attitude toward Jerusalem, as Van Doren puts it, "could prove to be the Achilles' heel of our nonproliferation policy." Other would-be nuclear powers cannot fail to note the high levels of U.S. economic and military assistance bestowed on Israel despite its bomb-in-the-basement status and draw their own conclusions about the universal sincerity of U.S. antiproliferation efforts.

If the challenge of proliferation is grim, the situation could be much worse. Playing for time in the effort to curb further growth of the nuclear nemesis has never been time wasted. But the harsh fact cannot be brushed aside: proliferation is not an arcane and unpleasant prospect to be avoided but a reality that must be confronted. The world's spreading nuclear capability is far more dangerous than it used to be. Full recognition of that state of affairs is necessary if mankind is ever to quiet its nuclear fears.

EXCERPTS OF REMARKS BY VICE PRESIDENT GEORGE BUSH

I regard your invitation to speak to this distinguished audience as a real privilege. This moment gives me an opportunity to express my profound gratitude to the Project Advisory Group and its vital, ongoing study of the International Atomic Energy Agency.

For eighteen months the dozen men and women who constitute the Advisory Group have worked tirelessly and selflessly to inform themselves and the world of the importance of the Agency. They have taken a searching look at the problems the Agency must be prepared to face in the future.

The twelve members, led by Dr. Glennan, represent a highly diverse set of viewpoints and backgrounds. They also bring to their work deep reservoirs of experience.

The Group has not received funding from any government or industry. Private foundations, expecially Resources for the Future, have provided invaluable administrative assistance.

The work of these twelve individuals is public service at its selfless best. I am certain that I speak for all in this audience when I express my most profound thanks—mankind's thanks—for your labors and achievement.

I have great admiration for Dr. Glennan, who has given leadership to this project. Like him, I see the prevention of nuclear war as the most important challenge that our generation faces. Controlling the spread of nuclear weapons is vital to meeting that challenge. And an effective, vigorous, vigilant International Atomic Energy Agency is key to that task.

It is every nation's responsibility to keep the Agency effective.

All nations are in the same boat. I remember during the days before World War II a cartoon showing a rowboat, with figures representing Great Britain, France, and the United States at one end, and others representing Austria, Czechoslovakia, and Poland at the other. A jet of water labeled Nazi Aggression was shooting upward among the smaller nations, and the United States, or Great Britain, is saying, "It's a nasty leak! Lucky it's not at our end!"

The consequences of nuclear technology cannot be confined to one end of the world. The destructive possibilities of the atom are a global problem, and every nation constituting the international community must be involved in dealing with it.

But for all its importance, the struggle to curb nuclear proliferation is not a dramatic topic. Its battles are fought, not on the battlefield or in the headlines but in quiet places . . . in embassies, at meetings of technical experts, and in safeguards laboratories. It is a twilight struggle, and it requires constant attention and assessment in light of our philosophy of nonproliferation.

That philosophy has four essential elements.

The first is to acknowledge that nuclear-generated energy is vital to the modern world. Nuclear power contributes to mankind's economic progress. And application of nuclear technology in the fields of medicine and agriculture is crucial to improving the health and prosperity of mankind.

Recognizing this, in 1953 President Eisenhower pledged our nation to finding a way to put atomic power to peaceful uses. In 1968 the United States negotiated and became a party to the Nonproliferation Treaty. Along with 124 other nations, the United States has undertaken to further "the fullest possible exchange" of nuclear equipment, materials, the information for peaceful uses.

The second element in our philosophy of non-proliferation is that the peaceful technology of the atom must not be diverted to explosive purposes. We believe that the spread of nuclear weapons of war undermines regional and global stability. We appreciate that every nation must provide for its own security—through diplomacy and appropriate military strength, and one can readily see how a nation that feels deeply threatened and isolated in its region is more likely to want to "go nuclear." That is why the United States works unceasingly to help regions solve their conflicts peacefully and why we give friendly nations economic and conventional military assistance.

Our policy has always been—and will be—to discourage strongly the spread of nuclear weapons to the nations and regions that do not have them. That policy, we believe, reduces the danger of their use. It cuts down the potential destructiveness and escalation of regional conflicts. And it minimizes the chance of terrorist acts of destruction and blackmail.

That brings me to the third element of our philosophy—the United States knows that it cannot act alone in checking the wrongful diversion of the atom to destructive purposes. It lost its monopoly over nuclear material, equipment, or know-how long ago. Restraining the spread of nuclear weapons requires continuous cooperation and diplomacy. It also makes essential an international apparatus to promote peaceful uses of the atom and monitor compliance with international accords. The International Atomic Energy Agency is the world's nuclear watchdog. While enforcement and sanctions against violations are left to the individual nations, the Agency sounds the warning. And, as I said at the start, the role it plays is central.

Finally—the last component of our approach to nonproliferation—we consider time a positive force. Every day strengthens the web of agreements, technical requirements, safeguards, and enforcement procedures already in place.

Those are the four elements of this nation's nuclear philosophy—the encouragement of atoms for peace, constraints on atoms for war, an effective international regime to check illegal diversion from peaceful to military uses, and the benign effects of time.

By these standards we have enjoyed three decades of successs.

The linchpin of the international watchdog regime is the International Atomic Energy Agency. Both the Soviet Union and the United States are agreed that it should perform well. Since the early 1960s the Soviet Union and the United States have been on the same side of most issues coming before the Agency. We worked in harmony in negotiating the Nonproliferation Treaty in 1968. And since the Fall of 1982 we have had continuous consultation on nonproliferation. This past February the Soviet Union agreed that Agency safeguards would be applied to some of their nuclear reactors—after the United Kingdom, France, and we had made similar agreements.

I think it would be sound policy to go even further in working with the Soviet Union.

I would propose that the United States—on a reciprocal basis—allow an inspector of Soviet nationality to be a member of an Agency team conducting a safeguards inspection of a United States nuclear power site.

There have been criticisms of the Agency's inspection system. Inspections are a complicated business, and as technologies become more sophisticated, so must the training and equipment of those the world trusts to be its eyes and ears. I hope that

one major result of your symposia will be a set of proposed improvements. I know this Administration will work vigorously to see that improved inspection procedures are established.

The International Atomic Energy Agency will work effectively only if all nations feel it works to their advantage. That means that it must provide effective technical assistance to responsible countries which seek to develop the atom's energy, medical, and agricultural potential.

It means that extraneous political issues must not be inserted into the work of the Agency. As you recall, we temporarily suspended our participation when the Agency illegally rejected the credentials of the Israeli delegation in 1982. There is no room for frivolous politics in the serious work of so important an agency.

And in the long run it means that all nations must put their peaceful nuclear activities under Agency safeguards.

The administration is dedicated to making the great peaceful benefits of nuclear power available to all responsible nations.

And we are dedicated to ending the arms race and reducing the stockpile of nuclear arms presently in the world.

We believe, as the President has often said, that a nuclear war cannot be won, and must never be fought.

For forty years we and our Allies have relied on the ultimate threat of nuclear retaliation to deter major conflict. By threatening nuclear annihilation as punishment for an attack on us, we have sought to deter attacks and encourage the community of nations in the peaceful pursuit of international stability.

Recently we have asked, is there a better, or an additional, way to assure the world's security? We have proposed developing a system of strategic defense which no one could overcome with certainty. Our goal would be to diminish the temptation to use nuclear weapons by diminishing their reliability.

We believe the Soviets' own ballistic missile defense system, their strategic air defense activities, and their huge ballistic missile defense research program all indicate that they are just as interested in defense as we are. That is why the President has proposed research to develop a system of strategic defense in which a defensive balance is maintained. At all times as we progress on the research, we will consult and negotiate with the Soviets in accord with the ABM treaty. We will also be in close consultation with our Allies.

In assuring mankind peace and security in the nuclear age, the United States cannot act alone. We must act in partnership, augmenting our own strength and determination with the strength and determination of others.

Among the most essential partnerships is the one with our Atlantic neighbors. The NATO Alliance is a fellowship of mutual defense and mutual values. For decades now it has defended Western Europe against attack and has been the strategic context for the West's post-War, economic expansion and the growth of democratic institutions in Europe. All its members share a common sense that the individual, not the state, is the first cause of human society. Our belief in the rule of law—that the powers of the state must be limited and subordinated to the freedom and privacy of the individual—bonds us in an enduring way.

I leave this Sunday to visit some of our Atlantic partners.

This is going to be a listening, learning and consulting trip—meetings with old friends in some key cities in Europe, taking stock of where we are and where we should move together in the next decade. It will be a "working trip," in which no single issue dominates, but in which I review with heads of states across the continent the ongoing business of the Alliance—particularly interim restraints under SALT II, the Strategic Defense Initiative, arms control talks in Geneva and international trade. This trip is part of the continuing labor of keeping the Alliance strong and peace secure.

In the meantime, I commend all you are doing for peace. In working to strengthen the world's safeguards against nuclear proliferation, you are making an essential contribution to what President Eisenhower once called "mankind's never ending quest for peace and mankind's God-given capacity to build."

Thank you.●

DR. SIMON KUZNETS

● Mr. MOYNIHAN. Mr. President, this Monday, Dr. Simon Kuznets, the great Nobel laureate in economics, died at his home near Harvard University, and the academic world—and all of us—suffered a genuine loss. He was one of the great pioneers of modern economics, who singlehandedly devised much of the research methodology we all use today.

Simon Kuznets invented the measurement of gross national product, and many other basic measures of national income. It is simply not possible to imagine contemporary macroeconomics without the contributions of Simon Kuznets, beginning with his 1941 work, National Income and its Composition, 1919 to 1938.

Simon Kuznets' legacy, Mr. President, is a learned and immensely valuable one.

I ask that his obituary from today's New York Times be printed in the RECORD.

The obituary follows:

[From the New York Times, July 11, 1985]

SIMON KUZNETS IS DEAD AT 84; NOBEL LAUREATE IN ECONOMICS

(By Nicholas D. Kristof)

Simon Kuznets, the Harvard University economist who won a Noble memorial prize for pioneering the measurement of national income and economic growth, died Monday at his home in Cambridge, Mass. He was 84 years old.

Probably more than any other person, Dr. Kuznets devised the system of measurement that now results in the Commerce Department's frequent estimates and revisions of growth in the gross national product. The same system is used by private economists and such agencies as the World Bank to calculate the economic progress of industrial and developing nations.

MAJOR WORK PUBLISHED IN 1941

Such measurements of national income are the basis of macroeconomics, which deals with all the forces at work in an economy or with the interrelationships of large sectors of an economy.

"Simon Kuznets was a giant in 20th-century economics," said Paul A. Samuelson, Institute Professor of Economics Emeritus at the Massachusetts Institute of Technology, also a Nobel laureate in economics. "He was the founder of national income measurement, and he created quantitative economic history."

For centuries such economists as Sir William Petty and Gregory King made rudimentary efforts to quantify the prosperity of a country by examining all its sources of income. But such statistics were too rough to be of much use, and it was only with Dr. Kuznets' two-volume work, "National Income and its Composition, 1919 to 1938," which was published in 1941, that the field entered the modern age.

In that study, he revised earlier figures and provided definitions and a conceptual framework that were the underpinning of such statistical research. His students and colleagues were the nucleus of the first staff of the Commerce Department's national income division.

The Swedish Royal Academy of Science, in awarding the 1971 Nobel Memorial Prize in Economic Science to Dr. Kuznets, cited his "empirically founded interpretation of economic growth, which has led to new and deepened insight into the economic and social structure and process of development."

Simon S. Kuznets was born in 1901 in the Ukrainian city of Kharkov. "The usual economic problems," he said many years later, impelled him to come to the United States in 1922 as an apprentice economist.

He entered Columbia University and received his bachelor's degree in 1923, his master's in 1924 and his doctorate in 1926. After 18 months at the Social Science Research Council, Dr. Kuznets joined the staff of the National Bureau of Economics, where he was involved in pioneering work in the study of business cycles.

From 1930 to 1954, he taught at the University of Pennsylvania, with time out in World War II as associate director of the War Production Board's Bureau of Planning and Statistics. From 1954 to 1960 he taught at the Johns Hopkins University in Baltimore, and in 1960 he joined the Harvard faculty. He retired from active teaching in 1971.

He was president of the American Economic Association, the American Statistical Association and the Econometric Society, and held honorary degrees from Harvard, Princeton, Columbia, the University of Pennsylvania, the University of New Hampshire and the University of Jerusalem.

He is survived by his wife, the former Edit Handler; a son, Paul, of Bloomington, Ind.; a daughter, Judith Stein of Rochester, and four grandchildren.●

CONFERENCE ON DEMOCRACY IN SOUTH AMERICA

● Mr. DODD. Mr. President, on May 7–10 of this year, the National Democratic Institute for International Affairs brought to Washington some 30 political leaders from South America for the purpose of a working conference on democracy in South America.

On the morning of May 9, I was privileged to address this distinguished group and to discuss with them U.S. policy toward our Latin neighbors. It was certainly a rewarding experience for me and it helped to underscore

what I see as the reason why the National Democratic Institute and its companion organizations deserve our full support.

Mr. President, the South American political leaders who attended this conference merit the strong backing of the United States. Their dedication to democratic values, traditions and institutions is beyond question. And because of them and their colleagues in the region, the prospects for democratic rule grow stronger every day.

But we must do our part. As Senator Ferriera of Uruguay put it, "What we need most from the United States is a clear understanding of and respect for its southern neighbors." I believe that the conference on democracy in South America clearly made an important contribution in this regard.

Mr. President, I ask that the final report of the conference be printed in the RECORD.

The report follows:

DEMOCRACY IN SOUTH AMERICA CONFERENCE

INTRODUCTION

The National Democratic Institute for International Affairs (NDI) convened a working conference of South American and US democratic party leaders on May 7-10, 1985 to address the critical issues affecting democracy in the region. Thirty political party leaders attended the conference, representing Argentina, Bolivia, Brazil, Colombia, Ecuador, Peru, Uruguay, and Venezuela, as well as the democratic opposition from Chile and Paraguay.

The conferees discussed five agenda items: (1) the impact of internal and external economic and political pressures on democratic institutions; (2) how political parties and party institutes might provide civic education and constituent services, and assist responsibly in democratic participation and mobilization; (3) the role of societal institutions—armed forces, organized labor, media, the Church, business and trade associations—in developing and sustaining democratic systems; (4) the role of judicial processes and constitutional protections in maintaining democracy; and (5) how the various democratic political parties in the region might assist each other in supporting democracy, especially in situations in which democracy is still being sought, such as Chile and Paraguay.

The conference had two long-term goals; (1) to strengthen working relationships between democratic parties of the region; and (2) to develop a joint agenda for collaborative efforts designed to enhance democratic development in the hemisphere. Conference participants were encouraged to submit specific proposals for bilateral projects in democratic development to the National Democratic Institute.

The participatory nature of the conference was reinforced by its structure and implementation. The entire conference was conducted as a roundtable, with all participants given equal status. Introductory speakers, or "ponentes," were chosen for each session to share personal expertise on each topic, and to provide a starting point for discussion. Viron P. Vaky, former Assistant Secretary of State for Inter-American Affairs, chaired the event.

Dr. Calvani noted that the role of party foundations is a relatively new phenomenon in the field of political development. As a result, the differing objectives and responsibilities of political parties and their affiliated foundations need to be determined in order for both to be able to achieve their goals. For example, it is the responsibility of the parties, not the party institutes, to establish political objectives. Party foundations should assist in the development of these established objectives, while maintaining a separate and independent status from the party structure. Party foundations work toward long term goals in strengthening democratic institutions, while parties have to face the day to day struggle of keeping their ideological message relevant. There will always be an inherent tension between the two entities, but a healthy balance can be achieved.

Luis Bossay, president of the Social Democratic Party of Chile, was the first to comment. He argued that while the subject of parties and party foundations is important, it is sadly, irrelevant in countries such as Chile and Paraguay, where parties are prohibited from functioning as viable instruments of the society. As long as Chile and Paraguay are ruled by authoritarian governments, Mr. Bossay continued, parties and party foundations will not only be discouraged, but threatened with brutal force.

Manuel de Guzman of the Social Christian Party of Ecuador and Senator Juan Raul Ferreira from the Blanco Party of Uruguay referred to the vital role that opposition parties should play in a democratic system, and the protection they must have from the government if the democratic process is to survive.

Some of the participants suggested that there should be a federation of hemispheric democratic parties to provide mutual education and support. Others preferred to have a federation of all Latin American democratic parties which might include US participation at a later date. Senator Ferreira said that what was most needed from the United States, and in this case from the Democratic Party, was a clear understanding of and respect for its southern neighbors.

In conclusion, the party leaders acclaimed the long-awaited arrival of the Democratic Party, through the National Democratic Institute, on the international scene. Particularly welcome was NDI's desire to establish ties with the democratic parties of South America. "All of us in this hemisphere," Mr. Bossay said, "need this solidarity."

ROLE OF THE NATIONAL DEMOCRATIC INSTITUTE

The National Democratic Institute for International Affairs was established in April 1983 to enable the Democratic Party to carry out programs of international political development provided for by the National endowment for Democracy Act (PL 98-164). The primary goal of the Institute is to foster democratic development through close ties and cooperative programs with political parties and other non-governmental institutions overseas.

NDI's role in hosting this conference was to act as a catalyst or conduit to provide the opportunity for this timely consultation to take place. It was not designed as an "NDI conference" per se, but rather as a joint consultation in which the democratic parties of South America could join NDI in examining common purposes, interests and goals. In addition, NDI stated its hope that the conference would serve to strengthen its working relationships with the leaders and parties in attendance.

SESSION I: THE ROLE OF DEMOCRATIC PARTIES AND PARTY FOUNDATIONS IN STRENGTHENING DEMOCRATIC INSTITUTIONS

The Democracy in South America Conference opened on the morning of May 10 with welcoming remarks by Chairman Charles T. Manatt, and Chairman of the Democratic Party Paul Kirk. Executive Director Brian Atwood and former Assistant Secretary of State for Inter-American Affairs Viron P. Vaky established the ground rules for the conference. Mr. Atwood described the role of the National Democratic Institute for International Affairs (NDI) in the world of party foundations, its affiliated but separate status with the Democratic Party, and its desire to establish permanent ties with the invited democratic parties from South America.

The first session addressed the topic of political parties and affiliated foundations, and their role in strengthening democratic institutions. Dr. Aristides Calvani, National Counselor of the Christian Democratic Party (COPEI) of Venezuela, and former Foreign Minister, was invited to make an opening statement. Dr. Calvani began by stating that democratic nations have always emphasized economic, social and cultural development at the expense of political development. Recently, however, there has been an awareness of the importance of political development as an integral part of democratic advancement. The democratic process requires painful time for those composite ideas to become firmly entrenched in each country. "The process," Dr. Calvani continued, "is more than just a system of laws—it must be a way of life."

SESSION II: THE IMPACT OF INTERNAL AND EXTERNAL ECONOMIC AND POLITICAL PRESSURES ON DEMOCRATIC INSTITUTIONS

A luncheon speech by Dr. William R. Cline on the debt crisis prompted heated discussion during Wednesday afternoon's session on the impact of economic and political pressures on democratic institutions. Dr. Cline's thesis, viewed by many of the participants as overly optimistic, contended that the international debt crisis is not as damaging as has been portrayed, since it has brought some needed economic readjustments to the debtor countries, such as control of inflation and increase of exports.

Dr. Virgilio Barco, presidential candidate for the Liberal Party in Colombia, led off the discussion with a regional overview of the economic crisis facing Latin America. The pervasive theme of his comments, and of all those that followed, is that economic justice is the path to freedom. In order to establish and preserve democracy, governments must be able to provide food, jobs, and education for their citizens. Without such, there may be a repudiation of democratic institutions.

"The crux of Latin America's problems," according to Dr. Barco, "lies in its internal and external economic structures." While many of the developing countries experienced surges of growth several years ago, their progress has been halted by the advent of the recession. Real income has fallen dramatically in recent years. At the same time, the proportion of youth in the population has risen, creating an increasing demand for jobs, education, and social services. Governments unable to provide for these needs will face opposition.

Gabriel Valdes, president of the Christian Democratic Party of Chile, agreed that the pressures encountered by the newly emerging Latin American democracies may be

overwhelming. While there has been a great rebirth, the majority of democratic governments are severely weakened before they ever take power. The economic and societal ruin inherited from previous military dictatorships threatens the stability of democratically elected governments throughout Latin America. Dr. Valdes stressed that economic integration among the Latin American nations will be necessary before any progress can be achieved. Senator Juan Adolfo Singer of the National Party of Uruguay echoed this sentiment, and added that the debt crisis is not solely a Latin American problem; it is a problem shared with the creditor nations as well.

Governor Lionel Brizola from Rio de Janeiro gave a spirited analysis of history and development of the international debt crisis. Governor Brizola criticized: a) the military governments in Latin America for their extravagant expenditures; b) the international private banks for their free and undiciplined loans during the decade of the 70's and c) the IMF for its strict and inflexible measures. He called for a unified system where all the debtor countries, the private banks, the lender countries and the IMF and the World Bank meet jointly to resolve this crisis which dramatically affects the re-emerging democracies in Latin America.

Luis Bossay of Chile pointed out that many countries have received conflicting signals from the US: The US claims to support democracy in the region, yet in international fora it votes against economic measures which are crucial to the sustenance of democracy. Governor Ricardo Barrios Arrechea, representing the Union Civica Radical of Argentina, blamed the debt on the US deficit, and asked, "How can we ask our people to keep producing more and spending less when they know it's going into the pockets of foreigners?"

IMF-prompted austerity measures were cited as a major threat to democracy. Jorge Molina, representative of the socialist Coalition of Chile, noted that the IMF prescription, which calls for cuts in wages, social programs, and the like, can have grave consequences for the democratization process.

The participants proposed a variety of solutions for the crisis. Mr. Molina suggested that the Latin American nations must strengthen their political infrastructure before they can meet their economic problems. He proposed a three-tiered approach consisting of (1) modernizing the institutions of the state in order to establish and maintain democracy; (2) bringing democracy to the armed forces (without this step, democracy will be forever endangered); and (3) modernizing political parties to be flexible ideologically, leading to greater consensus and alliance.

The majority of participants claimed that US economic policies and terms of trade must change if the current trend of decapitalization is to be halted. The South American participants agreed that both the creditor and debtor nations have joint responsibility for the problem, and for its solution. In conclusion, all the participants called for shared sacrifice and shared prosperity, and suggested that political party foundations can help bridge the gap between abstract policy and viable solutions for this critical issue.

SESSION III: THE ROLE OF SOCIETAL INSTITUTIONS AND CONSTITUTIONAL PROTECTIONS IN DEMOCRATIC SYSTEMS

The purpose of this session was to explore the role of different institutions in democratic societies, and to examine the role of constitutional and legal procedures in protecting democracy. In opening the session, Ambassador Vaky outlined the key institutions which have roles in the development and sustenance of democracies. These included the media, the press, the armed forces, the church, the educational system, labor unions, trade associations, and business groups. Ambassador Vaky also asked the group to consider the role of the judiciary, and the role of constitutional procedures and protections in permitting democratic development to proceed.

The first scheduled speaker was Dr. Enrique Tejera Paris, International Secretary of Venezuela's Accion Democratica, who addressed the general topic with an emphasis on the relationship between the armed forces and democracy. He noted that in many countries, the armed forces are viewed as a threat to democracy. One of the greatest dangers for democracy in Argentina, for example, is the reaction of the ousted armed force, still a prevalent player in Argentine politics and society. In Chile, the military constitutes an oppressive dictatorship.

Yet in some countries, including Venezuela, the military has played an important role in the maintenance of democracy. Dr. Tejera attributes Venezuela's success in this matter to three factors: (1) the country supported and accepted the military after the return to democracy; (2) military education was reformed to include a variety of views, with professors of all political leanings teaching at military colleges; and (3) military education was expanded to include other fields which help to prepare the armed forces for careers in civilian life. Another positive factor has been a change in official military doctrine, emphasizing a more nationalist defense posture rather than the broader geopolitical view advanced by US forces.

Dr. Alvaro Gomez, presidential candidate for the Conservative Party of Colombia, spoke on the strong democratic institutions which have supported Colombia's constitutional democracy—the oldest in Latin America. Colombia's political parties, for example, have been in existence for over 150 years. One of the best safeguards for maintaining democracy, Dr. Gomez stated, is to maintain freedom of the press: "Nothing preserves human rights better than freedom of the press. . . . It operates as a power of dissuasion to local agents, to police regimes. Freedom of the press also compels people to say what they are in favor of. When there is free press, then there is a commitment to what one stands for, paving the way for consensus."

The last scheduled speaker, General Franciso Morales Bermudez Serruto, former president of Peru, gave a detailed and personal account of the transition from military to civilian rule in his country, a transition which he engineered. He noted that one of the most important reasons the process was successful in Peru was that there was a clearly defined timetable for the transfer to the democratic government.This should be a sine quo non for all governments looking toward a similar transfer of power. If no deadlines are set, then the de facto government will not leave.

President Morales Bermudez stated that when he came to power in 1975, after an internal coup within the military government, the government plan was twofold: to initiate a process of economic recovery, and to facilitate a return to democratic rule. An incremental path to democracy was chosen, with specific dates set for each step. It was stated that a constitutional assembly would be convoked in May of 1978, and that by 1980 there would be a transfer to political democracy. The constitutional assembly served as a bridge between the de facto situation and a democratic government; had an immediate transfer been attempted, the dangers of another coup d'etat would have been quite real.

Louis Bossay lamented the fact that in Chile "we still cannot find our General Morales Bermudez with whom we can dialogue, with whom we can talk about democracy, with whom we can discuss a transition." He stressed that in Chile, citizens do not have the rights of free press and free assembly, and have little knowledge of what is occurring in their own country. He praised groups such as the Catholic church and others who continue the struggle for democracy in the face of persecution, imprisonment, and even death. Other institutions, such as trade unions, business, etc., cannot participate in the democratic process because they are under the control of the state. He called for the formation of a Latin American or inter-American confederation to provide protection for these intermediate institutions and enable them to survive under dictatorships and weakened democracies.

Several key themes emerge from the session. First, all the participants agreed that the democratization of the military, including the participation of the armed forces in party politics and national development, was integral to maintaining democratic processes on the continent. Second, while several party leaders noted that freedom of the press is no panacea, all recognized it as a crucial element to a working democracy. Finally, all agreed that the "intermediate institutions," such as church, labor, business, and social organizations, have a strong role to play in supporting and strengthening the democratic renaissance in South America.

SESSION IV: THE ROLE OF DEMOCRATIC PARTIES IN PROMOTING PLURALISM IN THE REGION

The fourth and last session was dedicated to a discussion of the role of democratic parties in promoting pluralism, with a special emphasis on the situations in Chile and Paraguay. The first speaker on the subject was Gabriel Valdes of Chile. Mr. Valdes opened the discussion by stating that there was no democracy without the existence of a plurality of political parties. Parties are not the only instruments a society has to permeate democratic ideals, but they are essential articles of a democracy. Non-governmental organizations, he observed, are not directly involved in politics, but are equally important in the development of democratic institutions. Political parties, have the role of serving as the conduit between the government and the people, and they must have the freedom to perform this function.

In Chile, where political parties do not legally exist and non-governmental organizations operate under duress, it is difficult, if not impossible, to conduct a viable democratic dialogue, Mr. Valdes observed. However, in Chile, all the existing political parties are prepared to assume the responsibility of governing. It would be incorrect and unfair for anyone to think otherwise, he said.

Andres Allamand, President of Union Nacional Party of Chile, continued the debate on Chile, stating that the democratic forces of his country were in great part responsible for the collapse of the democratic system and the success of General Pinochet. "We lost it, now it is our responsibility to bring

democracy back to Chile," Mr. Allamand said. He emphasized that the struggle against Pinochet becomes more difficult if the democratic political parties of Chile do not learn how to work closely with each other. At the moment, however, there is an impasse in Chile. On the one side is a government which justifies acts of repression because of terrorist threats from the extreme left. On the other side, there are those who believe that the only way to achieve victory over Pinochet is through terrorist acts. The democratic opposition is, therefore, caught between these two forces. The leaders of these parties, observed Mr. Alamand, are running the great risk that one extreme or the other will turn on them. The democratic parties of Chile need the moral and political support from all their democratic colleagues in this hemisphere if Chile is to succeed, he concluded.

Following remarks made by Jorge Molina of Chile's Socialist Party concerning gathering support from the invitees for Chile's human rights, many speakers then joined in in criticising Generals Pinochet and Streosser, expressing hope for Chile and Paraguay's quick return to a democratic system.

JOINT COMMINQUE

It was agreed that a joint communique would be released at the conclusion of the conference. Before its adoption, however, there was a lively discussion as to whether the communique should include two subjects which were not part of the conference agenda. Some of the participants wanted to include a harsh criticism of the U.S. Government's decision to impose a trade embargo on Nicaraguan goods as well as strong language categorically claiming Argentina's right over the Falkland/Malvinas islands. NDI representatives, along with participants from Venezuela, Chile, Paraguay, Peru, Uruguay and Ecuador, stated that these two items would not be included in the communique since they were not directly germaine to the conference agenda.

The final communique contained strong language on important topics relevant to the conference: (a) the detrimental effects of the international debt on democratic institutions, (b) adherence to the principle of non-intervention, (c) the crucial role of democratic parties in a democratic society, (d) the importance of party foundations in working to strenghen democracy; (e) the protection of human rights, and (f) the request for the return of democratic pluralism in Chile and Paraguay.

The draft communique was formally adopted by all the invitees, except for Andres Allamand from Chile, whose party refuses to criticize its government outside of Chile, and Ruben Contesti from the Peronist Party of Argentina, who refused to accept the communique unless it mentioned Argentina's right to the Falkland/Malvinas islands.

CONCLUSION

Despite the wide spectrum of ideologies and viewpoints represented, a surprising amount of consensus emerged from the conference. A spirit of solidarity and collaboration was evident throughout the event. The party leaders who attended all shared a common goal: to work together to strengthen democracy in South America, and throughout the hemisphere. All spoke strongly of the importance of political parties and party foundations as crucial mechanisms for strengthening democratic institutions. All agreed that the debt crisis was a universal threat to democracy, and called for cooperation between creditor and debtor nations to resolve the conflict. All requested that safeguards be instituted to protect societal institutions in times of need. Finally, all agreed that democracy must return to those countries which have not participated in the democratic renaissance on the continent.

The invitees' reaction to the conference was very positive. All were appreciative of NDI's invitation, which they viewed as a welcome symbol of NDI's desire to establish firm ties with the democratic parties of the region. Many applauded NDI's entrance into the field of international democratic development.

The conference was instrumental in setting the stage for NDI's future program activities in the hemisphere. A number of parties brought bilateral project proposals for NDI's consideration. NDI held private meetings to discuss these proposals, as well as other projects already being considered for countries such as Argentina, Brazil, and Uruguay.

Perhaps the most significant outcome of the conference occurred not in the sessions, but between them. Many relationships were forged, both within and across borders. Party leaders who had never spoken to one another in their own countries began to communicate during their stay in Washington. As one Chilean participant said, referring to his compatriots, "We had to come here to learn to talk to one another." All expressed a desire to convene the same group again next year in South Africa, in order to maintain the momentum established during the conference. Governor Lionel Brizola of Rio de Janeiro offered Rio as the site for the next meeting. As one of the participants observed, "This conference marked a major breakthrough in Latin America—U.S. party relations. This should be continued."●

CONGRESSIONAL SALUTE TO NORTHERN REGIONAL FORESTER TOM COSTON

● Mr. BAUCUS. Mr. President, today I want to pay tribute to an outstanding public servant, Tom Coston. His dedication and leadership are reflected in the work he has done as regional forester of the North Region Forest Service.

The day after graduating from high school in 1951, Tom climbed aboard a westbound Greyhound to seek his fortune in the mountains of Montana. When he landed a job in the Ninemile Ranger District, he thought that working for the Forest Service meant that "you had to ride a horse and cut a log out of the trail now and then."

Today, he has a much different view. He has worked his way up to become district ranger, supervisor of two national forests, assistant to the deputy chief, and deputy regional forester.

Tom was recently promoted to regional forester of the Forest Service's Region 6. He will leave Montana, but his mark will remain on the region's national forests.

In his 6 years as regional forester Tom guided long-range planning for the national forests of Montana, northern Idaho and parts of the Dakotas. The results of his planning will have important implications for the forests and their users. Tom has provided a strong management direction for the future.

The care, maintenance and management of our national forests should be of critical concern to all Americans. Mr. Coston showed great courage in his efforts to protect the fragile beauty of the Bob Marshall Wilderness. he refused to allow petroleum companies to use explosives to conduct seismic testing in the wilderness area.

Tom does not rely on laws and regulations alone. His guiding philosophy in controversial decisionmaking has been: "If it is the right thing to do and if I get inner peace with a decision * * * and of course, I bring in some common horse sense."

Mr. Coston is serious about protecting our national forests. I just want to say thank you, Tom, for your integrity and your leadership. Keep up the good work.●

ADM. WILLIAM J. CROWE, JR.

● Mr. BOREN. Mr. President, I wholeheartedly commend President Reagan on his selection of an outstanding Oklahoman, Adm. William J. Crowe, Jr., as Chairman of the Joint Chiefs of Staff.

Admiral Crowe is not only a leading military expert but his understanding of foreign policy is an asset that will serve him well in his new challenge.

All Oklahomans are proud of the admiral who is a graduate of Classen High School in Oklahoma City and attended the University of Oklahoma for 1 year before attending the Naval Academy.

The naval record of Admiral Crowe from commander of the Middle East Force to commander in chief of Southern Europe and then on to commander in chief of the Pacific domonstrates his worldwide expertise.

Mr. President, I thank Admiral Crowe for the service he has already given to his country. I look forward to his achievements during this new command. Our national security is in good hands with the appointment of the new Chairman of the Joint Chiefs of Staff.●

ORDERS FOR MONDAY, JULY 15, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, July 15, 1985, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the Calendar be dispensed with; and, following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes, to

be followed by a period for the transaction of routine morning business, not to extend beyond the hour of 1:30 p.m., with statements limited therein to 5 minutes each, provided further that morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JULY 15, 1985

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate now adjourn until Monday July 15, 1985.

The motion was agreed to, and the Senate, at 9:30 p.m., adjourned until Monday, July 15, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 11, 1985:

NATIONAL CONSUMER COOPERATIVE BANK

Robert L. Thompson, an Assistant Secretary of Agriculture, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of 3 years, vice William Gene Lesher.

THE JUDICIARY

Curtis E. von Kann, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice Timothy C. Murphy, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 11, 1985:

DEPARTMENT OF STATE

Peter Scott Bridges, of Louisiana, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

Fernando Enrique Rondon, of Virgiia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

John Dimitri Negroponte, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Charles A. Gillespie, Jr., of California, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Sheldon J. Krys, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

Douglas W. McMinn, of Virginia, to be an Assistant Secretary of State.

Lowell C. Kilday, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Harry George Barnes, Jr., of Maryland, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Robert L. Pugh, of Virginia, a career member of the senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

J. William Middendorf II, of Virginia, to be the representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Edward Joseph Perkins, of Oregon, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Lewis Arthur Tambs, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Edward Morgan Rowell, of California, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Paul Julian Hare, of the District of Columbia, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

John Douglas Scanlan, of Hawaii, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

David George Newton, of Virginia, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

Lannon Walker, of Maryland, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Elliott Abrams, of the District of Columbia, to be an Assistant Secretary of State.

Thomas Anthony Nassif, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

U.S. INFORMATION AGENCY

Charles E. Courtney, of California, to be an Associate Director of the U.S. Information Agency.

DEPARTMENT OF STATE

Richard Thomas McCormack, of Pennsylvania, to be permanent representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Thomas R. Pickering, of New Jersey, a career member of the Senior Foreign Service, personal rank of career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

L. Craig Johnstone, of Washington, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

Nicholas Ruwe, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

DEPARTMENT OF EDUCATION

Gary L. Bauer, of Virginia, to be Under Secretary of Education.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

J. Frederick Motz, of Maryland, to be U.S. district judge for the District of Maryland.

EXTENSIONS OF REMARKS

METHANOL AND CAFE

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 10, 1985

● Mr. WISE. Mr. Speaker, I have today introduced legislation designed to give American auto manufacturers a break if they start to produce cars that run on methanol. My bill has been introduced in the other body as well, and will be the subject of a Senate Commerce Committee hearing on July 17.

The so-called Corporate Average Fuel Economy [CAFE] standard, developed in the 1970's to reduce the Nation's dependence on foreign oil, is the focus of my effort. My bill gives car manufacturers who, under CAFE, must meet certain mileage standards using the average of the miles-per-gallon ratings of all the models they produce, a credit toward meeting this industrywide standard.

For example: Suppose that Company X produces a car designed to operate on 85-percent methanol (the accepted definition of a methanol car) and 15-percent gasoline; its fuel economy standard should be based on how much gasoline it consumes. A car that travels 24 miles per gallon on 85-percent methanol fuel would, in effect, be traveling 160 miles per gallon of gasoline. For an automaker struggling to meet a prescribed CAFE standard, the advantage of selling such highly rated cars is obvious.

Many of us were shocked when the Japanese announced this spring that they would increase the shipment of their imported automobiles to the United States. A significant number of us in the Congress had been working hard to keep the imported auto "Voluntary Restraint Agreement" in place; we lost. My legislation will kill two birds with one stone: First, American companies will be greatly encouraged to manufacture small, highly-efficient methanol vehicles to compete with what the Japanese are trying to sell here and, second, create a market for methanol fuel in the United States.

My legislation is a simple way to take care of a number of problems previously associated with methanol car production. If American companies are producing methanol cars, the market for fuel will skyrocket, providing incentives for service stations to put in tanks and pumps, something desperately needed if long-distance driving in methanol cars is to become commonplace. Also, our continued dependence on foreign oil for gasoline production will cease—for generations. Last, but not least, if more methanol is needed to fuel our automobiles, more domestic coal and natural gas will be needed to produce it. The jobs created in West Virginia alone would be staggering.

I am excited about the positive influence my legislation, if enacted, would have. Many more of our Nation's coal miners could be working; our air would be cleaner; we would not be subject to blackmail by the OPEC oil cartel, and our domestic auto industry would be given a tremendous "shot in the arm"—something it desperately needs.

I urge my colleagues to join me as cosponsors of my bill. A copy of it is printed below.

H.R. —

A bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the appropriate treatment of methanol, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methanol Vehicle Incentives Act of 1985".

SEC. 2. FINDINGS.

The Congress finds that—

(1) transportation uses account for more than 60 percent of the oil consumption of the Nation;

(2) continued reliance on imported oil is detrimental to the economy and security of the United States;

(3) methanol is a proven transportation fuel that burns more cleanly and efficiently than gasoline; and

(4) conversion of a portion of the transportation fleet of the Nation to methanol would stimulate development of a domestic coal-to-methanol industry, create jobs, reduce air pollution, and enhance national security.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) provide for the appropriate application of fuel economy standards to methanol powered automobiles; and

(2) increase the availability of methanol and methanol powered vehicles to consumers.

SEC. 4. MANUFACTURING INCENTIVES FOR METHANOL POWERED AUTOMOBILES.

The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended—

(1) in section 501 (15 U.S.C. 2001) by adding at the end thereof the following new paragraphs:

The term methanol mixture means the mixture of methanol with other fuel, if any, used to operate a methanol powered automobile.

"(15) The term 'methanol mixture' means the mixture of methanol with other fuel, if any, used to operate a methanol powered automobile.

"(16) The term 'methanol powered automobile' means an automobile capable of operating on not less than 85 percent methanol."; and

(2) in section 503(d) (15 U.S.C. 2003(d)) by adding at the end thereof the following new paragraph:

"(4) If a manufacturer manufactures methanol powered automobiles, the fuel economy calculated for purposes of this title, except for the purpose of labeling under section 506, shall be based on the fuel content of the methanol mixture used to operate such automobiles. For purposes of this section, a gallon of the methanol mixture used to operate such automobiles shall be considered to contain 15 one-hundreths of a gallon of fuel.".●

RETIREMENT OF THE HONORABLE ELDON RUDD

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. STUMP. Mr. Speaker, in the 73 years since our statehood, Arizona has had but only 17 people who have served its residents in the U.S. House of Representatives. No matter their length of service, each one who has served and since left these Chambers has made lasting contributions to his district, our State, and this Congress.

Recently, my good friend in Congress from Arizona's Fourth Congressional District, ELDON RUDD, has announced his retirement at the end of the 99th Congress. ELDON joined that small but significant number of Arizonans who have contributed to Arizona's history and future by serving in the House of Representatives. He has served his district and State admirably throughout five terms, remaining dedicated to the principles upon which this county was founded.

The Arizona Republic editorialized ELDON's announcement in a way which aptly portrays our colleague and his dedicated public service career. The test of the editorial follows and I commend it to you.

Never flamboyant, Republican Rep. Eldon Rudd just went about being a congressman dedicated to Arizona and Arizona issues.

Voters in the sprawling 4th District with a heavy GOP concentration liked what they saw in Rudd, a conservative idealogue. They returned him to Washington every two years since his first narrow victory by just 719 votes in 1976.

He consistently ran strong—so strong that by last year, no Democrats took him on, giving Rudd an enviable free ride which, undeniably, pinned the "unbeatable" label on him for future elections.

So it was with great surprise that Rudd, 64, announced that the remainder of his

term would be his last, a statement that has sent would-be successors scurrying about in what promises to be a free-for-all scramble in 1986.

Rudd made his announcement in his own inimitable way without fanfare or hoopla—a press release late Friday afternoon on the Fourth of July weekend when revelers would be more engrossed in hot dogs, campfires and swimming than in what a congressman was saying.

Not even members of the state's congressional delegation had more than a moment's advance warning. That in itself showed it was a personal decision between himself and his family; not one that he sought advice on from colleagues or others.

Skeptics may scoff at his stated reason: "In my view the Founding Fathers contemplated a citizen legislature, with a reasonable and continuing turnover in membership."

But that is quintessential Rudd, whose public service career as fighter pilot, FBI special agent and politician is impressive and whose patriotism and love of country and Arizona have never been questioned by friend or foe alike.

As a member of the House Appropriations Committee and its important subcommittee on Energy and Water Development, Rudd was ideally positioned to oversee continued annual funding for the Central Arizona Project.

His support of the CAP never waivered, and he carried out his duties with a high regard for Arizona's future on such other crucial issues as dam safety and flood control.

Rudd's mobile district office was a fixture, and his attention to constituents and their concerns was first rate.

He has solidly backed President Reagan's economic and defense initiatives, and is a solid conservative when it comes to those ubiquitous ratings put out by special interest groups.

What he may or may not do in the future now is a subject for speculation.

Rudd insists he has made no plans. He says his statement last year that he would not seek the GOP gubernatorial nomination in 1986 "was applicable then and is today but may not be the day after tomorrow."

While he contemplates what niche he may carve in state GOP politics down the road, it can be said that Arizona and the 4th Congressional District have been represented capably by Rudd.●

THE SECOND DECLARATION OF INDEPENDENCE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. BORSKI. Mr. Speaker, I rise to bring to the attention of my colleagues a unique and noteworthy celebration which took place on July 3, 1985, in Philadelphia, PA.

On that date, I joined with many Philadelphia area business, labor and government leaders to sign a Second Declaration of Independence. Among those signing with me were the Honorable W. Wilson Goode, mayor, city of Philadelphia; J. Lee Everett, chairman and chief executive officer, Philadelphia Electric Co.; G. Fred DiBona, Jr., president, Greater Philadelphia Chamber of Commerce; and Edward Toohey, president, AFL-CIO, Philadelphia Region. The purpose of this Declaration is to reaffirm our commitment to the American values and initiative which made our country great and to provide a foundation for a new and continuing prosperity.

The signers of this Second Declaration recognize that when new challenges arise which threaten the prosperity, values and opportunities on which this great Nation was conceived and built, it becomes necessary for a new vision and a new focus of attention, so that all people may join together to forge a united response.

Just as when this Nation was conceived, we now pledge a rebirth, a rededication of our hearts as well as our minds to principles which will enable us to meet the challenges of today.

I would like to share with my colleagues the specific provisions of the Declaration which I offer as national model for renewed leadership and strength.

Therefore, we declare our intent to take action to secure the future for ourselves and our children.

We shall adopt a new philosophy for a new economic age.

We are in a new economic age—one driven by the competitive necessity for ever higher quality. We no longer enjoy the luxury of competing on a solely national level; the new competitive enterprise arena is truly worldwide. Only by working together can management and the workforce change the system to meet the demands and expectations of customers. This change cannot be brought about without wholehearted, long-term commitment and innovative leadership.

We shall create a constancy of purpose for improvement of product and service.

An organization's first objective is to maintain its existence by providing valuable goods and services in the competitive marketplace, thereby ensuring profits and return on investments. Existing jobs are then secured and new jobs are created. Management's role is to define the nature of the business and to communicate goals and direction to the organization. Moreover, it is management's responsibility to create and maintain an environment where every individual has the knowledge, skills and motivation to continually improve the quality of the goods and services produced.

Management shall lead the way to consistently and forever improve the system of production and service.

Since employees work in the system, they cannot improve it by themselves. Most delays, mistakes and defects are products of the system, not the individual. It is the system, therefore, which must be changed. Management, which works on the system, is responsible for making the changes necessary to improve the quality of the system. Each individual from every level of the organization must be continually dedicated to improving the quality of each process and, therefore, of the products and services produced. New commitment, teamwork, training, and statistical tools are necessary for such improvement.

We shall design and build quality into every product and service.

Quality must focus on continuous improvement and innovation. Quality cannot be "inspected" into a product by sorting the good from the bad. Management and the workforce must work together to build quality into every product and service.

Price alone shall not be the basis for purchasing materials and services.

The lowest priced product or service is not necessarily the best value. Competitive high quality can never be achieved if inferior materials or services are tolerated. We must refuse to award business solely on the basis of price. Quality must be an intrinsic component of the process from the start. Attaining the highest possible quality at the lowest total cost requires the development of long-term working relationships between customers and suppliers.

We shall work to break down the barriers which prevent individuals and groups from working together.

Cooperative problem solving is possible only in an atmosphere which fosters teamwork and openness in the organization. Rather than competing with each other, individual departments should strive to achieve common goals.

To do their jobs well, employees need training, direction and proper tools.

Vigorous programs of education, training and retraining are mandatory if employees are to produce quality work. These programs must be instituted in order to provide proper tools and effective supervision, so that everyone can enjoy pride of workmanship.

It is essential to improve our understanding of customer needs and expectations.

Only by developing better insight into customer requirements and expectations, present and future, can we define the improvement necessary wherein both benefit. The application of this principle also demands the recognition of supplier/customer relationships within each organization.

It is essential to eliminate fear in order to foster a creative environment.

We must develop an atmosphere of mutual trust in which all persons, at all levels, are encouraged to express their thoughts, try new ideas, and work to their full potential. Americans are the most creative and willing workers in the world today. By defining responsibility, management can promote security, the sense of involvement, and true job satisfaction which leads to high productivity and ever-higher quality.

Therefore we, as representatives of management, labor and government, declare our commitment to the preceding principles in order to sustain our free-enterprise economy and on-going prosperity.

July 3, 1985, Philadelphia.●

PRAIRIE VIEW A&M UNIVERSITY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. LELAND. Mr. Speaker, it is my pleasure to commend the work of Prairie View A&M University and to mark the opening of their National Alumni Association Annual Convention. This, the 11th annual association conference, will begin tomorrow, July 11, and

will run until July 14. The convention theme is "Striving for Excellence" which I believe embodies the thrust of the association and the university.

Prairie View A&M is located 40 miles to the northwest of Houston, TX. Now in its 107th year, the university is proudly celebrating, and the alumni association is taking an active role in Prairie View's second century of producing productive people. The university has made a commitment to providing excellent education, community advancement, and scientific research for minority students of the State of Texas and the United States. Prairie View is the second oldest institution of higher education in Texas. During its existence the university has produced thousands of educated individuals that have played important roles in their own communities and throughout the Nation.

Currently there are 6,500 students studying at Prairie View. The vast majority of these are undergraduates, embodying the commitment to equal opportunity to education that the university has made. There are nine colleges and one school associated with the university, including colleges of liberal arts, business, science, and engineering. In fact, Prairie View has the distinct honor of producing more engineers than any other minority institution in the country.

The convention will take place at the Ramada Renaissance Hotel here in Washington, DC. At this meeting, which marks the first time the convention has been held out of Texas, there will be an unprecedented 300 delegates, representing 17 States. The workshops at the convention will center on ways to make the alumni association stronger so it can better provide moral and financial support for Prairie View A&M in the future. There will also be a presentation by the Association for the Study of Afro-American Life and History based on their theme for Black History Month, "The Afro-American Family: Strength for the New Century." This presentation will provide an image that is too rare in our society, the positive image of the black family based on historical truths.

I take this opportunity to publicly commend and endorse the activities of the university and the alumni association. It is my wish that they continue the work that they are doing so Prairie View A&M University can continue to prosper.●

COMPREHENSIVE SMOKELESS TOBACCO EDUCATION ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. SYNAR. Mr. Speaker, today I am introducing legislation to require warning labels on smokeless tobacco products. The medical evidence is clear: the use of these products leads to an increased risk of mouth cancer, causes a variety of problems with the teeth and gums, and is addictive.

Even as these problems are becoming clear, the use of snuff is rising rapidly. Snuff sales increased by 54 percent between 1978 and 1983, and the number of current users is estimated at 22 million.

Many of these new users are children. A study in Oklahoma found that 22 percent of all 11th graders use snuff. A Florida study found that among rural, southern seventh and eighth grade males, 59 percent had tried smokeless tobacco and 37 percent were regular users. Some children became users as early as age 4 and the median age of first use was 9.1 years. A survey in Texas found that only 40 percent of high school students believed that smokeless tobacco was harmful, compared to 77 percent for smoking.

A major study jointly conducted by the National Cancer Institute and the University of North Carolina found that women who used snuff for several decades have nearly 50 times the normal risk of developing cancer. The study determined that 90 percent of the tumors that developed in users were related to snuff use.

Dr. Arden Christen, chairman of the Department of Preventive Dentistry at the Indiana University Dental School surveyed published literature between 1915 and 1972 and found 646 cases of oral cancer directly associated with dipping, tobacco chewing, or both.

Several studies have documented that the presence of nitrosamines in snuff causes cancer. A study published in Cancer Research found that—

NNN—nitrosamines—can be a locally-acting carcinogen because exposure of the esophagus should be higher when the compound is given orally.

Dr. William Lijinsky, a world-leading authority on nitrosamines, recently testified that:

The results of animal experiments—support the statement that nitrosamines in snuff are responsible, in whole or in part, for the oral cancer that has been reported in habitual users of snuff.

Smokeless tobacco products have a nitrosamine concentration of 30 to 70 parts per million. By comparison, the Food and Drug Administration has set 60 parts per billion as the maximum allowable level for nitrosamines in baby bottle nipples.

The American Cancer Society states that the use of smokeless tobacco doubles the risk of oral cancer over that of cigarette smokers.

The evidence of gum disease and tooth loss caused by smokeless tobacco use is equally clear. A study conducted at the University of Colorado School of Dentistry surveyed 1,119 high school students, 10 percent of whom were smokeless tobacco users. The researchers found abnormal growth of cells lining the mouth, gum inflammation and erosion of the teeth.

A Swedish study published in the Journal of Oral Pathology found that rats exposed to snuff and a herpes virus had a higher incidence of tumors than control rats or rats exposed to the herpes virus only.

Dr. Christen of Indiana University has found that gum recession is one of the earliest and most common signs of smokeless tobacco use. Teeth can also begin to wear down within a few months due to the grit in smokeless tobacco, which acts as a fine sandpaper. Leukoplakia—whitish or grayish patches of cells—often develops at the spot where the tobacco is routinely held. Up to 7 percent of these lesions become malignant.

The presence of nicotine in smokeless tobacco products also causes substantial health problems. Research published in Hypertension and Preventive Medicine has shown elevated blood pressure in users of smokeless tobacco. Additional research at Ohio State University found that the average blood pressure readings of male smokeless tobacco users aged 18 to 25 were nearly 15 points higher than those of male smokers and nontobacco users in the same age group.

Use of snuff results in the absorption of nicotine into the body and within 5 minutes results in a blood level equivalent to that obtained from smoking. Nicotine creates a powerful physical dependence and there is concern that adolescents who become addicted to nicotine through snuff may graduate to smoking later in life.

I am introducing the Comprehensive Smokeless Tobacco Education Act to require that producers of smokeless tobacco products warn consumers of these dangers. The bill would require that all smokeless tobacco products and advertisements carry one of the following labels:

Warning: This Product May Cause Mouth Cancer.

Warning: This Product May Cause Gum Disease and Tooth Loss.

Warning: This Product Contains Nicotine and is Addictive.

Smokeless tobacco is defined as any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity or nasal passage.

Each label is required to appear an equal number of times on each product and advertisement in a 12-month period specified by the Federal Trade Commission. The label statement is required to be read once during each radio and television advertisement. In the case of television advertising, the label statement must appear for the duration of the advertisement. In the case of television and print advertising, the label must appear in conspicuous and legible type in contrast with all other printed material in the advertisement, and enclosed in a circle and arrow format. The FTC has found this format to aid significantly in the recall of warning labels.

The FTC is required to issue regulations within 180 days after the date of enactment to implement the bill.

Finally, the FTC is required to submit annual reports to Congress on the effect of health education efforts on the use of smokeless tobacco products, current practices and methods of smokeless tobacco product advertising and promotion, public use of smokeless tobacco products, evaluation of known health effects of smokeless tobacco products, and such recommendations for legislation and administrative action as it may deem appropriate.

I emphasize that this legislation should in no way be construed as an attempt to inhibit ongoing State efforts to require labeling on smokeless tobacco products. Massachusetts has enacted regulations to require labeling, and eight other States are considering similar requirements. I applaud the efforts of these States and encourage others to join them.

It is readily apparent that the need for cigarette warning labels exists with smokeless tobacco products. As the New York Times recently editorialized, it is "still the same old weed." The labels provided for in this legislation are a necessary first step in making consumers aware of the risks involved in using these products.●

MOUNT ST. MARY ACADEMY SELECTED AMONG THE NATION'S BEST SCHOOLS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. RINALDO. Mr. Speaker, in the search to encourage excellence in American education, the Council of American Private Education has selected 65 private schools in the Nation for its 1985 Exemplary Private School Recognition Awards conducted with the support of the U.S. Department of Education. Two New Jersey private schools were among those selected, including Mount St. Mary Academy in Watchung and Morris Catholic High School in Denville. I am proud of the fact that Mount St. Mary Academy is in the Seventh Congressional Distirct that I represent, and I am very familiar with its outstanding academic reputation. My own observations of the quality of education at Mount St. Mary Academy, and its commitment to excellence, long ago convinced me that it is one of our Nation's premier schools. Mount St. Mary Academy not only produces students who are hard working and successful, but Mount St. Mary is dedicated to instilling a sense of moral and ethical values that serve its graduates for the rest of their lives. Information changes, technology advances, but the basic human values of respect for each other, for the world we live in, and the search for a higher moral purpose as expressed through faith in God never change; they are enduring. These qualities distinguish Mount St. Mary Academy.

Sister M. Eloise Claire, headmistress of this 76-year-old school, members of the faculty, and the student body carry on a great tradition at Mount St. Mary. It is a tradition committed to self-discipline, hard work, diversity, and the pursuit of the intellectual, moral, and social growth of each student. Asked by a reporter to explain Mount St. Mary's Education Program, Sister Eloise Claire put it succinctly:

> We have the freedom of talking about God. That's the difference.

A recent graduate also said this:

> It was a lot of hard work and a lot of dedication on my part to schoolwork, but it was all for a good cause. The people are really nice. I would recommend it to anyone who's willing to do a lot of work.

That old-fashioned American work ethic obviously extends to the classroom at Mount St. Mary Academy, and it is one of the reasons for the success of this fine institution.

At the core of Mount St. Mary's curriculum is the idea that personal integrity and honesty are rooted in respect for the truth, intellectual curiosity, and love of learning. Students are taught a sense of duty to self, family, school, the community, and to God. Self-esteem comes from the recognition of one's potential. There is an effort on the part of the faculty and student body to develop the capacity to make discriminating judgments between right and wrong and among competing opinions. Out of it comes a sense of justice, rectitude, and fair play. This value system is further expressed by a disposition to understand others, sympathy, concern, and compassion, and to have the courage of one's convictions. These are not, by any means, newly discovered values. They can be traced back as far as the Bible and encompass the lessons of the Greeks, Romans, the Renaissance, and the emergence of our own Republic and democratic institutions.

In our national search for excellence in education, we have all the material and experience on hand to excel. Mount St. Mary Academy is a model of what can happen in a school where the faculty, student body, trustees, and administrators recognize that discipline, hard work, ethical and moral values, and democratic ideals can raise the standards of all citizens in our society if we are truly committed to learning them.

Mr. Speaker, I offer my congratulations to all those students, faculty members, trustees, and supporters, past and present, who have enabled Mount St. Mary to develop into one of the finest schools in the country.●

GOSPEL MUSIC FESTIVAL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. RODINO. Mr. Speaker, on July 14 the city of Newark will ring with the sweet sounds of gospel music. From morning until night a gospel music festival will feature many prominent talents and promises to be a very special event.

The proceeds from this daylong celebration will be shared by the Ethiopian Relief Fund and the Martin Luther King Center for Nonviolent Social Change, Inc. Both of these organizations have been directly involved with all of the planning of this festival. Mr. Harold R. Sims of New Jersey, a board member of the King Center, is to be commended for his leadership role as a guiding force behind the festival.

There will be about 20 performers during the day, and the highlight of the festival will be a special appearance by well-known singer Al Green. He is perhaps the best known artist in the area of gospel music, after making a tremendous name for himself in other musical styles as well.

This is not a rare phenomenon—many of the greatest performers in the world got their start by singing gospel music. As a musical style, it has influenced all other forms of music while still enduring as an important genre all its own. Gospel music has been called the first truly American form of music, having as its origins the spirituals that expressed the hope for a better life during the days of slavery. To the millions of people who enjoy the beauty and appreciate the history of gospel music, this celebration is an event that ought not be missed.●

WARREN E. BURGER AWARD PRESENTED TO CONGRESSMAN KASTENMEIER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. EDWARDS of California. Mr. Speaker, it is a great honor for me to call attention to the July 5, 1985, presentation of the Warren E. Burger Award to a respected House colleague and friend, BOB KASTENMEIER of Wisconsin.

The Institute of Court Management of the National Center of State Courts annually bestows this award on an individual who has made a major contribution to the improvement of judicial administration in this country. In selecting the recipient, the Institute looks to creativity, leadership, innovation, and the results of a person's efforts.

Congressman KASTENMEIER is, of course, the distinguished chairman of the House Judiciary's Subcommittee on Courts, Civil Liberties, and the Administration of Justice. I join with the Institute in recognizing BOB'S commitment to providing quality, expeditious, inexpensive, and equal justice to all Americans through this Nation's system of justice.

The Warren E. Burger Award was presented to Congressman KASTENMEIER by Earl F. Morse, who chairs the ICM's Board of Trustees. I would like to insert in the RECORD the remarks that Mr. Morse made during the award ceremony.

Mr. Chairman, Chief Justice Burger, members of the Judicial Administration Division, ladies and gentlemen:

The Warren E. Burger Award is presented annually by ICM to an "individual who has made a major contribution to the development of court administration". Today we make our twelfth award to another person who completely satisfies the award's criterion.

The procedure to select the recipient of the award is to secure nominations from various sources, for a committee of our Board of Trustees to study these and to make its recommendations, and then for the Board to select the recipient. Once this is done, we request the privilege of presenting the award at this luncheon as has been traditional, and we are again grateful to your Division for granting us this privilege.

The recipient of the award for this year is Congressman Robert W. Kastenmeier of Wisconsin. For a decade his efforts to preserve and enhance the quality of the judiciary and the judicial process have been outstanding. The list of legislation in which he has had a significant role includes many innovative—and often controversial—measures, such as those dealing with magistrates, dispute resolution, judicial council reform, the State Justice Institute, the Intercircuit Tribunal, and bankruptcy reform. The list also includes measures—such as the reform of judicial survivors annuities, district court organization, witness fees, jury system improvements, and civil priorities elimination—which may appear more prosaic, but have been vitally important contributions to the administration of the federal judiciary.

This is the first occasion on which the gentleman for whom this award is named has been present at its presentation. I am certain that he heartily applauds our selection and that, as Chairman of the Visiting Committee of ICM, he joins with me as Chairman of its Board, in endorsing our choice. I am certain, too, that all of you will readily agree that Congressman Kastenmeier's dedication and commitment to the improvement of the administration of justice makes appropriate his selection for this honor and it is with a deep sense of satisfaction that, joined by Chief Justice Burger, I present to him the Warren E. Burger Award.●

IT'S TIME FOR THIS ADMINISTRATION TO START CARING ABOUT FARMERS

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. LIGHTFOOT. Mr. Speaker, in the 6 months since I took office, no concern has loomed greater to me than the despair facing our Nation's farmers. I've visited scores of towns and talked with thousands of my farm constituents over the past few months, and they feel that they have been forgotten by Washington.

I am inclined to agree.

This attitude by Washington must cease if we are to preserve farming as we know it. With David Stockman gone, perhaps this administration will become a little more understanding of the problems facing rural America—it's got to—we can't survive with much more of this "I don't care" attitude.

Beginning with the veto of the emergency farm credit bill I worked to pass and continuing through today with the careless attitude toward the precarious state of the Farm credit system, I have seen little evidence that this administration even cares if farming as a lifestyle continues.

I've spent most of my life in agriculture. It is the most important activity in my congressional district, and it troubles me that Washington continues to take farmers for granted in this time of trouble. Upon taking office in January, I immediately became a member of the House Agriculture Task Force to assure my continued involvement in national issues important to agriculture. The first piece of legislation I introduced was to ease the burden on farm families caught in the farm crisis. The first time I spoke on the floor of the House of Representatives, it was to call attention to the farm crisis. Yet today, the problems of agriculture are as great as ever.

And now we are faced with financial troubles in the Farm credit system. When will the problem be critical enough for this administration to sit up and take notice? We can't wait much longer.

Within the next couple of weeks, I will be sending all of my farm constituents a comprehensive questionnaire on their attitudes toward national agriculture policies. I plan to share the results of this survey with the administration in the hopes that they will be convinced just how serious our problems in rural America are, because apparently they are getting faulty readings or bad advise—I'm not sure which.

In the one area where this administration could follow its own stated policies and help farmers—the policy of cutting Government spending—they are failing as well. I've consistently supported an across-the-board freeze at every opportunity in Congress, yet the administration refused to accept this option. Unfortunately, an across-the-board freeze, including defense spending, is the only fair way to achieve the necessary, yet painful goal of cutting deficits.

After holding numerous farm listening post meetings all across my district in Iowa over the past few weeks, I am compelled to tell this administration what my constituents are thinking. The present state of affairs cannot continue. I am putting the administration on notice that I will not stand idly by while agriculture is ignored. At every opportunity, I will continue pushing the concerns and needs of my Iowa farm constituents until agriculture's economic state improves. That means existing policies must change.

We must have a farm bill that gives us some hope for the future and I commend the House Agriculture Committee for their efforts thus far in working to create a bill. I've also called upon the committee to undertake an investigation of the farm credit system, and my request met with favorable results.

If Congress can recognize the importance of agriculture to America, why can't this administration?●

EXPANDED CAPITAL OWNERSHIP AND THE IDEOLOGICAL HIGH GROUND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. CRANE. Mr. Speaker, today I am including another segment of a series of discussions on the concept of expanded capital ownership. Today's material was given at the baccalaureate of the J.E.B. Stuart High School in Fairfax, VA, on June 4, 1985, by Dr. Faruq Abdul Haqq, representative of the Islamic Center to the Interfaith Conference of Metropolitan Washington. His comments expand upon the

ideas already presented by Christian and Jewish philosophers, and highlight the transcendental importance of the concept of expanded capital ownership. From it we learn that the ideals life, liberty, and equal access to productive private property are all fundamental tenets of the Koran. I hope my colleagues will take a few moments to read Dr. Haqq's comments.

THE BEAUTY AND MEANING OF THE QUR'AN: SOURCE OF SOCIAL AND ECONOMIC JUSTICE

(By Faruq Abdul Haqq)

THE FATIHA, FOUNT OF WISDOM

The first Sura or chapter of the Qur'an is called al Fatiha, which means "the opening." Al Fatiha is a seven-verse condensation of the entire Islamic scriptures. All sincere Muslims recite it, if they possibly can, five times every day at the beginning of the canonical prayers.

The Qur'an and the Fatiha are simple, with no mysteries, and merely express the knowledge and urges inherent in man's nature. This knowledge and corresponding way of life are known as the Deen or primordial religion revealed by God to all communities of men in all ages since men first appeared on earth.

In Islamic thought, subjectively all good people are Muslims, even if they do not know it, because they unite their will with the will of God, and therefore pursue the good and oppose the bad, which is the definition of a Muslim.

Objectively, the second criterion of a Muslim is his belief that the Qur'an is the direct, revealed Word of God, Subhanahu wa Ta'ala. That is why chanting the Qur'an is the center of so many Muslims' spiritual life.

We do not recite the Qur'an; we chant it, because the cadence makes it easier to remember the words and the rhythm helps to concentrate our thought on the Word of God. For Muslims, Qur'anic chant is the world's most beautiful form of art.

Here is the beginning of the Qur'an al Karim:

This is beautiful as a work of art. But what does it mean? We will look at each of the seven verses.

Verse 1: Bis'm Allah ir-Rahman ir-rahim: "In the name of God, Most Gracious, Most Merciful."

This verse has three parts:

(a) Bis'm Allah, "in the name of God," refers to God as the ultimate reality. God is absolute in every way, beyond space, time, form, and concept, and all else is contingent upon Him. This is the basic metaphysics of Islam, and nothing in Islam makes sense without it.

(b) al-Rahman, "Most Gracious," refers to God as the creator of the observable universe and as the ultimate power and bottom line in it. Existence itself is a grace or gift of God.

(c) al-rahim, "Most Merciful," refers to God as the merciful sustainer of man and of all His creation, and as the origin and end of all love both on earth and in heaven.

As an introduction to the Qur'an, this first verse of the first Sura means that God, not man, is the source of all truth and of all principles of knowledge. This first verse means that God therefore is the ultimate sovereign, the source of all moral value and authority, the center of our Being, and the purpose of our life.

This is true for us as individual persons and as members of the human community at all levels, beginning in the nuclear family of husband and wife, which is the basis of all social life.

Verse 2: Al Hamdulillah, Rabbi al 'Alamin: "Praise be to God, the Cherisher and Sustainer of the Worlds."

This verse has two parts:

(a) al Hamdulillah, "Praise be to God." What does this mean. Sura 39:75 concludes with the revelation that after the Last Judgment "the cry on all sides will be 'Praise Be to God, Lord of the Worlds'."

This describes the atmosphere of the final bliss in heaven in the direct presence of God. And it points to God whose nature is not terror and revenge but rather is perfect good and perfect love.

(b) Rabbi al 'Alamin, "Cherisher and Sustainer of the Worlds." The word Rabbi is usually translated as Lord, but Rabb means loving sustainer. God not only created the world but constantly plays a creative role in it by sustaining, guiding, and renewing all that He has created. All existence is in constant flux under the guidance of God.

The meaning of this phrase, Rabbi al 'Alamin, is indicated in many places in the Qur'an (see Yusuf 'Ali commentary notes 423, 1389, 2436, 4027, and 4569) but especially in Sura 42:29, which reads: "And among His signs is the creation of the heavens (plural) and the earth and the living creatures that He has scattered through them: and He has the power to gather them together when He wills."

Traditional commentaries interpret this as a reference to the three orders of beings, the Nasut (our three-dimensional world), the Malakut (the invisible world of the angels), and the Lahut (a still higher world incorporating the entire divine world of reality).

In addition, however, according to this big Yusuf 'Ali commentary, which is the most popular one in America if not in the world, this verse refers to all the persons on all the planets in all the galaxies of our universe, like E.T., who will come together for judgment and reward on the Last Day.

This verse emphasizes the nature of Islam as a universal religion with no exclusiveness or narrowness or selfishness in its approach to any person created by God. Islam acknowledges that in its origin each of the major religions is divinely revealed, each in a different way, and that they all reflect the truth, beauty, love, mercy, and guidance of God.

Verse 3: Al-Rahman, al-rahim: "Most Gracious, Most merciful."

In a different context, this gives more enlightenment on the first verse. There is no repetition in the Qur'an, but only further elucidation through contextual development.

Verse 4: Maliki Yawm id-Deen: "Master of the Day of Truth (or Last Judgment)."

This middle verse of the Fatiha emphasizes that God is all-powerful and just. At the end of time, at the Last Judgment, there will be a new world in which He will reveal to every person the full nature of the eternal truths and values and the full extent of his or her acceptance or rejection of these truths.

Those who have made an effort to know, love, and submit to God will be rewarded far beyond their merits by remaining forever in the presence of God.

Anyone who erred or was weak but asked God while still on earth to forgive him whatever he has done wrong will be shown infinite mercy.

But anyone who deliberately rejected whatever knowledge was available to him, and worshipped himself, or wealth or power, or any intellectual concept, or anything else as an ultimate value in defiance of God and as a rival to God, will receive perfect justice and be denied the presence of God forever. Everyone on the final day of truth will fully understand that to be cast away from God forever is the worst fate imaginable.

Verse 5: Iyaka na'budu, wa iyaka nasta'en: "We worship you, we ask you for help."

After contemplating the attributes of God in the first four verses, one's mind is sufficiently elevated above the distractions of the world to worship God.

This verse has two parts:

(a) • • • is the emphatic form in Arabic grammer and means that we worship God *alone*, and reject all else as an ultimate goal in life or rival to God. The original Arabic, as here, often has many levels of meaning, which is why the Qur'an cannot be translated.

• • • is expressed negatively in the Islamic creed by the profession of faith "la illah ille Allah," "there is no god other than God."

By this we acknowledge to God that in all His attributes He is infinitely above anything we can possibly imagine and that we are dependent entirely on His Love and mercy for granting us whatever understanding we have of Him.

(b) . . . Iyaka nasta'een, "we ask you for help," means "You alone do we ask for help." By this the Muslim confesses his belief that there are no intermediaries between the individual soul and God.

The Muslim does what he can to follow God's will and do what he thinks is right, but he admits that his success and failure in every undertaking is, in the last analysis, entirely up to God, who knows and plans the future. This is why no Muslim ever says he will do anything, without adding "insha' Allah", meaning "God willing."

Verse 6: Ihdinas al Sirat al Mustaquim: "Show us the straight path."

This is a prayer for guidance asking God to show us the difference between right and wrong, because to know this we cannot trust entirely to ourselves alone. We must rely on God as He reveals His will through our conscience, through the certain revelations of the great Judeo-Christian prophets and the Qur'an, and through both intuitive and experimental or scientific study of the harmonies and beauties of nature.

This is also a prayer not only to show us the right path but to protect us in time against our own self-will and wilfull blindness in rejecting what we know is right.

Verse 7: Sirat illatheena an'amta alayhim, ghairi al Maghdubi 'alayhim, wa la Dhaleen: "The way of those on whom thou hast bestowed Thy grace, Those whose (portion) is not wrath, and who go not astray."

This last verse of al Fatiha explains what we ask God to protect us against, that is, especially against our own self-will and wilfull blindness, but also against simple indifference and straying because of negligence, because both self-will and indifference lead away from God. Sin for a Muslim is simply forgetting God, because experience shows us that this results in evil.

This last verse of the Fatiha is introduced by a prayer for guidance so we can follow the example of those who love God and have thereby become instruments of God's will in building a better world of justice and peace.

Muslims revere Jesus Christ as a perfect manifestation of God's love, but they try to follow especially the personal example of the Prophet Muhammad, sala Allahu 'alaihi

wa Salam, and of his immediate followers, known as the Sahaba, radi Allahu anhum. They built a new society in Medina 1400 years ago based on the five human rights in Islam: life, liberty, dignity, and equal access to education and to productive private property. Together these principles form the essence of the just society and of the human harmony and peace that result from justice.●

DINESH D'SOUZA ON ROBERT JASTROW'S "HOW TO MAKE NUCLEAR WEAPONS OBSOLETE"

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. COURTER. Mr. Speaker, I want to bring to my colleagues attention an incisive and thoughful review by Dinesh D'Souza of Robert Jastrow's new book, "How To Make Nuclear Weapons Obsolete,"—National Review, July 12, 1985.

The review elucidates Dr. Jastrow's well-reasoned arguments, and exposes his refutation of the faulty arguments by the Union of Concerned Scientists:

BUILD UP, BUILD DOWN

(By Dinesh D'Souza)

One reason we aren't hearing much these days from the nuclear-freeze movement, which only three years ago assembled half a million supporters in New York City, is that President Reagan, with his March 1983 speech advocating strategic defense as a means to "make nuclear weapons obsolete," appropriated its objectives and rhetoric

Not many Americans know, Robert Jastrow writes, that "for 13 years the official policy of the U.S. Government has been to keep the American people defenseless against a Soviet nuclear attack." Fewer still realize that the loudest voices calling for arms control are also the most strident critics of efforts by the U.S. to build such a defense—they prefer an equitable balance of terror to disarmament. Paul Warnke, President Carter's chief arms-control negotiator, called efforts to move away from Mutual Assured Destruction (MAD) "dangerous."

Two main arguments are advanced against strategic defense. First, that it won't work—that it is a "pie in the sky," as Richard Garwin of the Union of Concerned Scientists (UCS) put it. Second, that it is destabilizing because "the Soviets may be tempted to launch a pre-emptive strike" aimed at a system designed to render their arsenal virtually harmless (as another UCS report claimed). In the 1984 campaign, Walter Mondale also warned against the prospect of "an arms race in the heavens."

These arguments are contradictory, since, if strategic defense cannot work—if it is indeed a proposal out of a science-fiction novel—then the Soviets could hardly be worried about the U.S. spending $26 billion on a hopeless boondoggle, and Mondale would not have to fret over the risks of celestial contamination. The real reason strategic defense upsets the arms-control establishment in the U.S., as well as the generals in the Kremlin, is that it threatens to dispense with the balance of terror—with MAD—and to give the West defensive insurance against a Soviet missile attack.

Professor Jastrow, the founder of NASA's Institute for Space Studies and one of the nation's outstanding physicists, examines in some detail the technological reasons why some missile defense is viable now and a near-perfect defense is a reasonable hope for the future. In the process, he demolishes the case against strategic defense advanced by the UCS, whose acknowledged error by a factor of 1,600 in estimating the number of satellites needed to counter a Soviet attack should disqualify it from further participation in the debate.

Jastrow calls for a two-tiered defense—a boost-phase defense, which would explode Soviet missiles as they rose above the atmosphere, destroying both the missile and all its warheads, and a terminal-phase defense, which would intercept the warheads at the end of their trajectories, as they arced toward their targets in the United States. After a fascinating discussion of such defensive weapons as the "smart bullet," electromagnetic railgun, nautral-particle beam, and X-ray laser, Jastrow concludes, "The technologies are already in hand that will allow us to put into place in the early 1990s a simple but highly effective defense at a cost of $60 billion. A conservative estimate of the effectiveness of this defense is 90 per cent."

Critics are right in arguing that strategic defense can never provide a perfect defense against Soviet attack: No defense is 100 per cent reliable. But Jastrow points out that this is hardly an argument against its implementation. The fact that a bulletproof vest is not guaranteed to save your life is not a strong justification for eschewing it when you are in danger. Surely it is better to have a defense that could save 200 million lives than to have no defense and jeopardize everybody.

Even more important, strategic defense would reinforce deterrence, because it would "greatly complicate the planning of a [Soviet] first strike," as Zbigniew Brzezinski put it. A defense of U.S. silos, even a partial defense, would increase the uncertainty of a Soviet missile attack and multiply the probability of a devastating U.S. response. Those who claim that strategic defense will undermine deterrence confuse deterrence with MAD, Jastrow argues.●

U.S. POLICY TOWARD THE BALTIC STATES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. MICHEL. Mr. Speaker, on June 20, 1985, I inserted in the RECORD an interview with George Urban, Director of Radio Free Europe [RFE], published in the Washington Times, June 19, 1985. In commenting on that very informative interview, I pointed out that RFE and not Radio Liberty [RL], which broadcasts to the Soviet Union, now has Lithuania, Latvia, and Estonia in its area of coverage. This is an important point because the U.S. Government has never recognized the Soviet Union's takeover of the Baltic States. I commended RFE's policy, since it reflects official U.S. foreign policy toward the conquered Baltic nations. Then I stated:

"Is there a Latvian, Lithuanian, or Estonian 'desk' in the State Department? To my knowledge there is not. Why not?"

I have since learned that the U.S. State Department has an official responsible for Baltic State affairs who deals officially with representatives of the Baltic States legations in Washington.

I have also learned that the Voice of America, our Nation's official international broadcasting station, also places these nations in the European division, not the U.S.S.R. division. According to Voice of America Director Gene Pell—in a speech given before the Baltic American Freedom League's Fourth Annual Human Rights Conference, March 23, 1985:

"This is another way of affirming the United States does not recognize the forcible incorporation of Latvia, Estonia, and Lithuania into the U.S.S.R. We never have; we never will."

At this point I wish to insert in the RECORD the text of director Pell's remarks entitled "Public Diplomacy and the Voice of America," as they were reprinted in the Baltic Bulletin, volume 4, No. 2/3, May 1985:

PUBLIC DIPLOMACY AND THE VOICE OF AMERICA

This evening I want to tell you about the Voice of America's role in public diplomacy, and about modernization plans, so we can better reach our Baltic and other listeners with a stronger signal, longer and more innovative programs, and better broadcast hours.

Public diplomacy is nothing new to Baltic Americans. It's something you have practiced for years, through radio, television, and print media. Thanks to efforts of groups like yours, American and international media are increasingly aware that Soviet violations of human rights and attempts to decimate the traditional cultures of the Baltic states are important news stories. They deserve the same column inches of air time as news of the Soviet presence in Afghanistan or Moscow's disruptive activities in Central America.

Public diplomacy, by groups like this one, helps set the historical record straight and gives perspective and meaning to curent news. As President Reagan said in his recent State of the Union Address: "Freedom is not the sole prerogative of a chosen few; it is the universal right of all God's children. . . . We cannot play innocent abroad in a world that is not innocent. Nor can we be passive when freedom is under siege."

President Reagan summarized the mission of the Voice of America in public diplomacy: "By giving an objective account of current world events, by communicating a clear picture of America and our policies at home and abroad, the Voice serves the interests, not only of the United States, but of the World."

Today, there are more radio sets than at any time in world history. In our time, radio, more so than television or print media, represents the surest way of communicating directly with people across international borders, whether or not their govern-

ments approve it. That may come as a surprise to some, but consider the numbers. There may be a billion radio receivers in the world, 400 million of them equipped with shortwave bands. In the Soviet Union, the number of radios has increased from 3.5 million in 1950 to almost 160 million sets in the mid '80s, possibly 75 percent of them capable of receiving shortwave broadcasts.

Most Americans aren't shortwave listeners, but in much of the world, shortwave broadcasts represent a lifeline of communication. For example, a Latvian couple wrote VOA to ask if an announcer would be their infant daughter's godfather. They said, "We listen to you every day and feel you are part of our family. If we had been blessed with a son, we would have named him after you."

As might be expected, we and the Soviets represent different positions on radio's role in public diplomacy. We emphasize timeliness, accuracy in our news, and high professionalism in all our programs, trying to reflect the breadth and diversity of America. They focus on the ideological shaping of every minute of broadcast time for political purposes.

Thus, in 1971 VOA announced the death of Nikita Khrushchev two days before *Pravda* and Radio Moscow told the Soviet people of his demise. Following Konstantin Chernenko's death, we broadcast diverse opinions from numerous experts on Soviet-American relations about the Soviet successor question and its internal and external impact for Russia and for the world. That would be unthinkable on Radio Moscow.

President Reagan contrasted the two broadcast systems this way: "Accurate news . . . is about as welcome as the plague among the Soviet elite. The Soviets spend more to block Western broadcasts coming into those countries than the entire budget of the Voice of America." What kind of a political system, in the closing decades of the twentieth century, needs to ring its populated centers with jamming transmitters, to keep the news, music, and opinions of other countries from the minds and ears of its people?

At VOA, the basic charter, establishing our role in public diplomacy, is a carefully reasoned bipartisan document. President Gerald R. Ford signed it on July 12, 1976. It requires us "to serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive." Second, the charter says, "VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions." Finally, "VOA will present the policies of the United States clearly and effectively and will also present responsible discussion and opinion on these policies."

Let's start by placing VOA's capabilities in perspective. We broadcast in 42 languages; Radio Moscow in 81, almost twice as many. We will be on the air almost 1,004 hours a week by March 31; Radio Moscow broadcasts more than 2,175 hours. That's more than double our air time.

VOA has six 500 kw transmitters; not true 500's, but combinations of aging 250 kw transmitters; the Soviet Union and its allies have 37, more than six times our capacity. And France, West Germany, and Great Britain each have more 500 kw international broadcast transmitters than the United States.

A third of our 108 transmitters are at least 30 years old; 80 percent of them are at least fifteen years old, relics of an earlier era of broadcast. Our Munich installation was seized from the Third Reich during World War II. Since spare parts for much of this equipment are no longer manufactured, our engineers have ingeniously crafted replacements and found ways to keep us on the air.

Basically, what we face is a critical mandate in public diplomacy and inadequate equipment; a significant role to play in the conduct of our nation's foreign affairs, but tools which are museum pieces and technology belonging to an earlier time.

The President described our plight, and declared his strong support for our modernization plans at the White House signing ceremony concluding the Voice of America's agreement with Morocco on March 1, 1984. He said: "Were it not for many years of neglect, the Voice of America could be heard more clearly by many more people around the globe. And that's why our administration has made the same kind of commitment to modernizing the Voice of America that President Eisenhower and President Kennedy brought to the space program."

Through the efforts of President Reagan, and USIA's Director, Charles Z. Wick, and through the interest and support of groups like the baltic American Freedom League, and the constituencies you represent, the Voice of America is now undergoing a $1.3 billion modernization program. For FY 1985 VOA obtained an $85 million appropriation from the Congress as a first step. That's one step. There are many more to take.

What will our technical modernization program give us? If funding and diplomatic activity are sustained at a high level, by the end of this decade, the United States will have an international broadcasting capability equal to its position of influence and strength in the world.

In particular, we will have a much strengthened signal into the Baltic states, and into the Soviet Union, including Soviet Central Asia, the populated parts of Siberia, and the Soviet Far East. This is crucial to our ability to overcome jamming, since as I indicated, most major cities in the Baltic states, the European USSR and some in Eastern Europe are ringed by jamming transmitters or covered by skywave jamming. We will also have a clearer signal into Eastern Europe, where VOA's audience is growing, even under present conditions, and much improved coverage to other world audiences, including medium wave coverage of all of Central America and the Caribbean, and improved shortwave coverage of South America.

Finally, our technical improvements will allow us to increase broadcasting hours in existing languages and add several new language services. It will also give us more and better broadcast time in Estonian, Latvian, and Lithuanian.

Now, let me tell you about our program modernization. Let me start with our Baltic services. As you know, these three services are part of our European division, not our USSR division. This is another way of affirming the United States does not recognize the forcible incorporation of Latvia, Estonia, and Lithuania into the USSR. We never have; we never will.

At present, each of the three Baltic services broadcast 75 minutes a day, in two thirty minute evening shows and one fifteen minute morning show. On September 29, 1985, the Baltic services will have somewhat improved air times to reach more listeners.

The subject of this conference is Human Rights. The substance of many of our reports to the Baltic states is about human rights. All our Baltic services make significant use of the President's remarks in observance of Captive Nations' Week and the State Department's annual Human Rights Report. Other presidential acts and proclamations on human rights are extensively covered, as are related events like Human Rights Day, Captive Nations Week, Baltic Freedom Day, and the Baltic Nations' independence days.

You should know that VOA now carries editorials, as part of its charter mandate to "present the policies of the United States clearly and effectively." A newspaper distinguishes between its news and editorial pages and we begin and end our editorials with a statement that they are "reflecting the views of the U.S. Government." Here is an excerpt from an editorial we carried to listeners around the world on human rights and the Baltic nations: "The Soviet rulers never have defeated—and never will defeat—the courageous struggles of the Baltic peoples to retain their unique national identities and achieve their fundamental human rights. Free men throughout the world share these just aspirations. Our government, as President Reagan stated . . . upholds the right of the Baltic nations to determine their own national destiny, free of foreign domination."

Let me cite some other examples of our human rights reporting: Valdo Randpere, a deputy to the Minister of Justice and instructor of the Central Committee of Komsomol, in Soviet Estonia, and his wife, popsinger Leila Miller, defected to Sweden last August sixth. The Baltic American Freedom League sponsored a subsequent visit to the United States, enabling the Estonian and Russian services of VOA to conduct several interviews with them. Our Latvian service continues to carry news of Latvians confined to Soviet prisons for insisting on their human rights and religious freedoms. A recent feature used material from the Latvian Youth Congress on a prisoner of conscience, Gunars Astra.

VOA's Lithuanian service likewise provides frequent reporting on human rights. For example, on February 22 it noted that Lithuanian dissident Vlados Lapienis was arrested a third time for antigovernment activity. Three days later the service reported that a Lithuanian dissident priest, Jonas Matulionis, was sentenced to three years hard labor for organizing a religious procession.

We are proud of VOA's role in public diplomacy, proud, too, of our country's support for human rights, and of America's international radio network carrying frequent reports on this important topic.

For the Voice of America, we are portraying a free and dynamic society, a restless creative society on the move. We are advocates for that society, and its human rights policies, of its dynamism and diversity. We need your support. We solicit your views. We hope we fully reflect the country of which we are a part.●

OPPOSING CONTRAS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. DONNELLY. Mr. Speaker, on the two occasions in recent months

that the House considered the administration's request for renewed funding for the Contras in Nicaragua, I have voted against the resumption of such aid. I opposed the request because of my deep and long-held belief that there is another, more positive role for America to play in Central America.

The most effective way to highlight the shortcomings and abuses of a totalitarian regime is to draw attention to area governments that are striving to build a lasting peaceful and just society for its citizens. El Salvador, under the leadership of President Jose Napoleon Duarte, is a prime example. Even though beset by a guerrilla insurgency that systematically attacks economic targets and threatens those who seek to participate in open elections, the democratically elected government of President Duarte has made significant progress. His party, the Christian Democrats, has built a working majority in the National Assembly. Duarte has now been endorsed by the people of El Salvador in several internationally observed open elections. He has taken action to rid the armed forces of individuals tied with rightist death squads. Duarte sought and held talks with rebel leaders in the town of La Palma last year in the earnest hope of ending the conflict. He continues to seek further talks with rebel leaders, even though they have now hinted that he might be a potential assassination target by forces under their control. Duarte refuses, and rightly so, to grant the guerrillas a share of power in the government by executive fiat. If they legitimately seek a role in the constitutional democracy, they should have the courage Duarte has to compete in free elections. One can only surmise that the guerrillas recognize that they lack popular support in their war of attrition.

Three weeks ago, members of the guerrilla forces opened fire in an outdoor cafe in San Salvador. When the smoke cleared, four unarmed, off-duty American Embassy marine guards had been murdered, along with nine civilians. Instead of attempting to distance themselves from responsibility for this terrorist atrocity, the rebel leaders have boasted that the attack marks a new facet in their campaign of terror.

Joaquin Villalobos, one of five leaders of the general command of the guerrilla forces, was quoted in a press conference as saying, "We really have no commitment to the constitution," and "There is no condition under which we would lay down our arms, because we are not willing ever to lay them down." When asked about the murderous attack in San Salvador, the rebel leaders stated that, "It's not true that this was an operation to massacre, to kill. It was an operation directed against military objectives."

At this time when the guerrillas have embarked on a new campaign of terror in the streets, it is critical that there be no uncertainty whatsoever about the commitment of our country to support the Duarte government of El Salvador, and to assist in every way possible the creation of lasting democrary and peace in that ravaged land. I recognize the budgetary constraints under which the Western Hemisphere Subcommittee had to operate during deliberations on appropriate assistance levels of Central America. However, I strongly believe that reducing aid below current levels to the Duarte government is an illtimed and unwise direction for this House to take. This is the reason why I offered an amendment to ensure that U.S. assistance to El Salvador does not fall below current levels.

Democracy is struggling to survive in El Salvador. President Duarte has amply displayed the courage and commitment necessary to lead his country into a peaceful, prosperous future. Neither the extreme right nor the extreme left has been able to stop him, or frustrate his vision for a just, democratic society in which all the Salvadoran people can live in peace.

I suggest we should not allow even the hint of uncertainty in our commitment to the constitutional, democratically elected Government of El Salvador. What we do here is watched very closely by both our allies and our adversaries. Let us insure that the signal we send is an unambiguous reaffirmation of our support for the Duarte government, and its remarkable progress in the face of tremendous obstacles.●

TRIBUTE TO EDWARD P. McCANN

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. ATKINS. Mr. Speaker, today I would like to pay tribute to Edward P. McCann of Framingham, MA—an individual who has been a leader in the labor movement, active in the political arena, and an outstanding citizen and public servant.

For over 35 years, Ed McCann has been a labor leader in the communications field. He has recently decided to retire from his job as New England area director for the Communications Workers of America. In this capacity, he has been charged with the responsibility for all labor relations and negotiations with many major New England area employers, including such firms as New England Telephone, Western Electric, and AT&T.

Ed has been active in party politics throughout the years. He served with distinction as labor coordinator for both Robert Kennedy and George McGovern in their races for the Presidency. Presently, Ed serves as a member of the Transition and Advisory Committee for Massachusetts Governor Michael Dukakis.

As a dedicated public servant, Ed serves as the director of the Massachusetts Industrial Finance Agency and the director of the New England Labor Management Center.

He is also an honored veteran of World War II. During his active duty period, Ed performed with meritorious service in the U.S. Navy Construction Battalion [CB's] in selected forward positions in the South Pacific area.

In addition to being an outstanding public servant and citizen, Ed is a loving husband and father. He and his wife Frances are the proud parents of nine and grandparents of four.

Mr. Speaker, while it is satisfying to look back over Ed's past achievements at this time of his retirement, it is even more gratifying to look forward to his continued involvement and commitment to these activities to which he has already contributed so much.●

D-5 WARHEAD

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. MARKEY. Mr. Speaker, during consideration of the Department of Defense authorization bill, I had planned to offer an amendment to put the Trident I warhead on the Trident II missile.

Unfortunately, I was unable to offer this amendment due to the press for adjournment for the 4th of July recess, which curtailed debate on the defense bill.

I would like to take this opportunity to explain what this amendment does, for I intend to offer it again in the future.

My amendment would have deleted the entire $60.7 million contained in this year's bill for the production facilities for the W88 warhead, known as project 84-D-112.

It also would have required the Navy to arm the D-5 missile with the 100-kiloton warhead presently used on the Trident I, rather than the new high yield warhead being developed for the D-5. This requirement would be limited to fiscal year 1986, long before the missile is scheduled to be deployed. It therefore represents a temporary restriction, which could be lifted if Congress decided to proceed with production and deployment of this warhead at some future date.

My amendment would not have interfered with production of the D-5 missile itself, but would defer for 1 year further construction of the facili-

ties needed to produce the high-yield warhead for this missile. It would allow this warhead to be fully developed and tested, so that preparations for its production could be resumed in future years.

I wanted to offer this amendment because I do not think that we have fully though through the implications of deploying a D-5 missile with a counterforce capability. Before we continue any further down this road, I believe we should pause to consider whether we really want to deploy this new missile as a first-strike weapon.

As an opponent of the D-5, I was disappointed when the House voted down the Weiss amendment to cut all funding for production of this missile.

I believe that we would be far better off if we did not deploy the D-5 at all, and instead kept the C-4 production line open. But it is obvious that many of my colleagues disagree with this view.

I suspect that many voted against the Weiss amendment not because they wanted the United States to acquire a first-strike capability, but because they think the D-5 will have a longer range and therefore make our subs more survivable. This is hardly surprising, since the D-5 was originally developed to give the U.S. submarine force greater range, survivability and more warheads per missile.

Very few realize that when the Pentagon decided to turn the D-5 into a counterforce missile, it decided to deploy it with a new, more powerful warhead, known as the W88. This warhead is reported to have a yield of some 475 kilotons—some 34 times as powerful as the Hiroshima bomb.

The combination of this new high-yield warhead and the improved accuracy of the D-5 makes it a silobuster.

But this same combination also reduces the maximum range of the D-5. Since the high-yield W88 warhead is much heavier, the D-5's range will be about the same as that of the existing C-4 missile—about 4,000 miles according to Vice Admiral Thunman, the Navy's Deputy Chief of Naval Operations for Submarine Warfare.

I would remind my colleagues that the increased size and carrying capacity of the D-5 can be used for several purposes:

It can be used to carry the same number of Trident I warheads up to a range of some 6,000 miles.

It can be used to carry as many as 14 Trident I warheads at the same 4,000-mile range.

It can be used to carry eight of the heavier, high-yield W88 warheads over the same 4,000-mile range of the Trident I.

It can be used to arrange some combination of these three basic options.

I noticed in last week's debate that there still seems to be a great deal of confusion over this particular point.

It seems to me that if we are going to proceed with the D-5—as many of my colleagues obviously want to do—we are going to have to figure out whether we want this new missile to be a survivable long-range retaliatory weapon, or a shorter range first-strike weapon.

The Navy has designed the D-5 so that it can carry either warhead. It has not made a firm decision on how it plans to mix the two in the force. According to recent Navy testimony, some of the D-5's will carry low-yield Trident I warheads, and some will carry the new high-yield W88.

According to Rear Adm. Glenwood Clark, manager of the Navy's Strategic Systems Project Office, the D-5 would have approximately the same accuracy with either warhead. The main difference between the two is their hard target kill capability.

So we have to ask ourselves, do we really want to deploy this missile with a highly destabilizing first-strike capability, or do we basically want it to be a retaliatory weapon?

If we were to deploy the D-5 with the lower yield warhead, it would still be able to destroy a wide range of Soviet military and industrial targets, but it would not be able to threaten a disarming first strike.

Since we all know that there is no point in destroying empty Soviet silos, acquiring such a capability is useless unless we intend to strike first.

And it is against U.S. policy to strike first.

I say that if we are going to go ahead with the D-5, we should return the missile to its original purpose—increasing the range, and therefore the survivability, of the U.S. sea-based missile force.

We should not deploy it as a silobuster.

I submit the following fast sheet, describing my amendment in greater detail.

FACT SHEET ON MARKEY D-5 WARHEAD AMENDMENT

CURRENT STATUS OF THE TRIDENT II (D-5) MISSILE

In 1989, the U.S. Navy will begin deploying the Trident II (D-5) missile on strategic submarines, beginning with the ninth Trident boat. By 1999, the entire projected force of 20 Trident submarines will have been fitted with the new missile. Utilizing the full space of the Trident submarine's missile tubes, each D-5 will be capable of carrying a much larger payload with far greater accuracy than the exisiting Trident I missile.

The D-5 was originally developed to give the U.S. submarine force greater range, survivability and warheads per submarine. More recently, however, the Department of Defense has justified the missile primarily in terms of its significant hard-target, counterforce capability. Toward this goal, the Department of Energy has been directed to develop a new, extremely powerful warhead, the W88.[1] The combination of greatly improved accuracy and high yield will put even the hardest of existing Soviet missile silos and bunkers at great risk. The missile will also be configured to carry the lower yield W76 warhead now deployed on the Trident I missile.[2]

THE MARKEY AMENDMENT

The amendment prohibits the obligation or authorization of any funds for the production of any warhead other than the W76 on the Trident II missile. In effect this prohibits the production of the 475 kiloton W88 warhead [3] for the Trident II, in favor of the 100 kiloton W76. It would allow the W88 to be fully developed and tested, so that production could be initiated in future years. The amendment will accomplish the following important goals:

Return the D-5 to its original purpose of increasing the range, and therefore survivability, of the U.S. sea-based missile force.

Give the new D-5 missile the capability of targeting a wide range of Soviet military and industrial targets, but prevent it from attaining a highly destabilizing first-strike capability.

As our current force of 37 submarines shrinks to less than 20 in the late 1990s, it will maximize the number of warheads carried by each SLBM and each submarine.

By increasing the number of warheads carried by each Trident submarine, it offers the possibility of reducing the required number of these highly expensive boats.

TRADEOFFS BETWEEN RANGE, WARHEADS AND YIELD

The best missile in our submarine force is now the Trident I (C-4) SLBM, which can carry an average of eight 100 kiloton warheads over a range of 4,000 miles. The new D-5 missile will have more than twice the accuracy and more than 75 percent of the payload or carrying capacity of the Trident I. The large size and carrying capacity of the new Trident II missile can be employed for several different objectives: It can carry the same number of Trident I warheads up to a range of 6,000 miles; it could carry as many as 14 Trident I warheads at the same 4,000-mile range; or it could carry eight of the higher yield W88 warheads at 4,000 miles. The Navy could also arrange combinations of these three basic options.[4]

GREATER RANGE AND SURVIVABILITY

The D-5 missile was originally conceived and developed as a longer range (6,000 mile) follow-on to the Trident I. However, the DOD's current plans to fit the new missile with eight high yield warheads would result in no range increase over the Trident I. Restricting the D-5 to the lower yield W76 would preserve this important option. The task of Soviet anti-submarine forces becomes exponentially more difficult with an increase in the Trident missile's range. Expanding the range of the D-5 missile from 4,000 up to 6,000 miles would significantly enhance our submarines' survivability by dramatically increasing the ocean area from which they could operate. More than any other possible measure, increased range would counter mounting concerns over Soviet anti-submarine warfare developments.

FEWER SUBMARINES WITH AS MANY WARHEADS

The American strategic submarine force is currently undergoing a slow transition from a large force of 37 Poseidon and Trident boats to one that will consist of a significantly diminished number of Trident submarines in the late 1990s. By 1998, the

Footnotes at end of article.

United States will be reduced to 19 Tridents, as the entire force of 31 Poseidon submarines reach the end of their thirty-year life cycle. Although the new Trident submarines are larger than the Poseidons (24 vs. 16 tubes) and will be operational at sea for a larger percentage of their lifetime, the U.S. Navy will have less SLBMs on station in the 1990s than at present.

By requiring the Navy to deploy the lighter W76 warhead on the D-5, the missile could have more warheads as well as greater range. Thus, restricting the Trident II to the W76 will allow the United States to deploy just as many warheads at sea as it does now. Moreover, this option would allow the United States to stop at 20 Trident submarines, rather than continuing to acquire these extremely expensive boats in order to bring total missile and warhead levels up to their current status. This was also an original rationale for the larger D-5 missiles.

AVERTING A DESTABILIZING FIRST-STRIKE CAPABILITY

The Trident II missile is projected to achieve an accuracy on the order of 400 feet, almost as good as that of the MX. This extremely high accuracy, combined with the 475 kiloton W88 warhead, would for the first time give sea-based missiles the capability to destroy hardened Soviet missile silos and command bunkers. Unlike the MX, the Trident II will be able to hit Soviet targets within 10-15 minutes after launch from submarines based in the Atlantic, Pacific or Indian oceans. Moreover, with the completion of 20 Trident submarines in the late 1990s, between 2,500 and 3,000 of these warheads will be within striking distance of the Soviet Union at any time.[5]

Whatever U.S. intentions, Soviet planners would have to take the Trident II's first strike potential at face value. This large force of accurate SLBMs could simultaneously threaten the majority of Soviet land-based missiles and bomber forces. Even if the Trident II could not destroy all of Soviet's ICBMs, its short flight time could threaten the Soviets with a decapitating strike at their leadership, command and control centers. In addition to pushing the Soviets toward a "launch on warning" policy, the deployment of the D-5 would spur the development of similar Soviet missiles. In periods of high tension or conflict, the threat posed by the D-5, and its inevitable Soviet counterpart, would force both sides toward dangerous hair-trigger responses and an incentive to launch a preemptive first strike.

Restricting the Trident II missile to the existing W76 Trident I warhead would preclude such destabilizing developments. Counterforce, or hard-target "kill capability", is a function of both accuracy and yield. The high accuracy of the Trident II is primarily the result of its advanced stellar inertial guidance system, which would be used for either the W76 or W88 warheads. (The W88 warhead/reentry package will be a little more accurate than the W76.) However, the difference in yield between the 100 kiloton W76 and the 475 kiloton W88 is the difference between a highly capable warhead, with some counterforce capability, and a real "silo-buster", with a very high probability of knocking out the hardest Soviet targets.

For example, two of the high yield W88 warheads fired at a Soviet missile silo hardened to 5,000 pounds per square inch (psi)—currently their hardest silos—would have a 97 percent chance of destroying it.[6] In comparison, two of the low yield W76 would have about 75 percent probability of kill. Against the 10,000 psi silos the Soviets are projected to have in the 1990s—when the Trident II would be deployed in large numbers—two W88 warheads would still have a 94 percent probability of kill. Two W76 warheads would only have about 60 percent chance of destroying it. In other words, even if the U.S. targeted all Soviet silos with two warheads, the Soviets would still be left with at least 40 percent of their missiles. This would not be sufficient to have confidence in a first-strike attack.

In sum, the W76 would provide decent counterforce capability without achieving a first-strike potential. It could go after all but hardest, most critical Soviet targets. If, at some later point, Congress sees the need for the larger W88 warhead, it could easily initiate production. But once the W88 is produced and deployed on an D-5 missiles, it will be next to impossible to reverse this unnecessary and destabilizing development.

FOOTNOTES

[1] See "New Warhead For Trident II," in Defense Week, Feb. 7, 1984.

[2] See testimony of Admiral Clark before the House Committee on Appropriations, March 15, 1984.

[3] William Arkin, "Sleight of hand with Trident II," Bulletin of the Atomic Scientists, December 1984.

[4] See Arkin's piece, as well as Defense Daily, March 15, 1986, p. 85. Fourteen W76 warheads is a reasonable projection based on the throw-weight of the D-5 as well as the maximum allowed by SALT II.

[5] With Trident boats on line for an average of 66 percent of their lifetime, approximately 316 Trident II missiles, with about 2500 warheads would be available at any time. In times of crisis, this number could surge to 3,000 warheads or more.

[6] The following calculations were made using General Electric's Missile Effectiveness Calculator. Accuracy for the D-5 was put at a CEP of .07 n.m. for both warheads. Assumes warhead/reentry vehicle reliability of 95 percent.●

PUBLIC OPINION POLL RE HOSTAGES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. DYMALLY. Mr. Speaker, The sentiment conveyed to us by the families of the remaining hostages are not limited to immediate family members, rather if we examine the results of recent public opinion polls we would discover that they express the mood of the country. The majority of our citizens favored the safe release of the hostages through negotiations and opposed military retaliation as the results of the following polls indicate.

In a Washington Post-ABC News public opinion poll reported in the June 19, 1985, Washington Post, 58 percent, almost 6 out of every 10 surveyed, said the United States should negotiate and accede to the captors demands if the alternative is further injury to, or murder of, the more than 40 American men still being held.

Forty-six percent of those interviewed in a recent Washington Post-ABC poll, released July 2, 1985, disagreed with the statement that: "The United States is largely to blame for this hijacking because it has not dealt firmly with terrorists in the past." Only 39 percent agreed with this statement.

In the same poll three quarters—72 percent—of the people surveyed said they approved of President Reagan's overall handling of the crisis. This high rating is clearly an expression of public satisfaction with the President's accomplishment of what earlier polls had shown to be the public's primary concern: The safe return of the hostages; 58 percent in a June 19, 1985 Washington Post-ABC poll said that saving victims is top priority.

The same poll revealed that: More than half of those surveyed said they opposed military action. Only one-third of respondents favored a military retaliation but half of them backed away from any action that might lead to a wide war.

Nonetheless the threat of terrorism remains a major concern for the majority of the population with two of every three inverviewed saying that they were afraid to travel on some international flights—Washington Post-ABC poll released July 2, 1985.●

A RENAISSANCE THAT TAX REFORM COULD SMOTHER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. RICHARDSON. Mr. Speaker, I want to bring to my colleagues' attention a recent article that appeared in Business Week that highlights economic development in Las Vegas, NM.

Because of the cooperation between local, State, and Federal Governments, the historic town of Las Vegas has had a chance to return to its railroad era splendor. Victorian and adobe landmarks are being renovated in the downtown plaza of tax credits and local participation in this project. In addition, the revitalization has provided short- and long-term employment opportunities within the community.

The preservation of our national heritage includes the renovation of towns like Las Vegas, NM. Such worthwhile projects should be encouraged and commended.

[From Business Week, June 23, 1985]

LETTER FROM LAS VEGAS, NM: A RENAISSANCE THAT TAX REFORM COULD SMOTHER

(By Sandra D. Atchison)

Billy the Kid and Doc Holliday used to roam the streets of this old Santa Fe Trail town in northern New Mexico. In 1846, Brigadier General Stephen Watts Kearny climbed one of the adobe buildings in the old plaza to declare New Mexico part of the U.S. Many of Teddy Roosevelt's Rough Riders were recruited here. This colorful history—plus some very generous tax incentives—has prompted a number of projects

aimed at preserving many of the buildings in this town of 15,000.

Developers have spent $2 million in the past three years renovating the Plaza Hotel, an Italianate building on the old town plaza, not far from where the hanging tree once stood. Others have sunk hundreds of thousands of dollars into renovating smaller buildings nearby. But La Plaza Vieja, the biggest project of all, faces an uncertain future because of proposed changes in income-tax laws. The project is a $2.4 million restoration of 18 buildings in La Plaza Vieja, the historic heart of the old town.

Scheduled to begin rehabilitation this summer, developers of La Plaza Vieja intend to make liberal use of tax breaks that give credits of up to 25% for renovation work on historic structures. These credits were created by Congress in 1982 to encourage rehabilitation of aging commercial properties. Developers get a tax credit of 15% for buildings 30 to 39 years old and 20% for buildings 40 years old or more. If the building is certified by the National Park Service as a historic structure and restoration work is approved by that agency, the tax credit jumps to 25%. Investors get these tax breaks on all money spent for rehabilitation, including borrowed funds. Says William L. Slick, whose Slick & Associates Inc. would restore and operate La Plaza Vieja: "Tax credits make it profitable to revitalize downtown."

SEEDY SPLENDOR

Elimination of these credits would be disastrous for Las Vegas—and dozens of other small towns like it. In New Mexico alone, tax credits have led to some $28.5 million spent on 33 projects since 1982. So far this year, 20 additional projects, valued at $23.7 million, are scheduled in the state. Slick expects La Plaza Vieja to lead to the revitalization of the entire area—80 buildings—with a total of $20 million in rehabilitation work. Says City Manager Daniel R. Dible: "This could be the impetus for the whole city."

Unlike its glitzy namesake in Nevada, Las Vegas, N.M., is a Mexican-Victorian relic of the booming railroad era. Its century-old adobe buildings are crumbling while its once-grand Victorian shops and houses sit in seedy splendor. Unemployment hovers at around 12%.

Plans for the plaza could change all that. Slick estimates that La Plaza Vieja would employ 204 people, decreasing unemployment by 2 percentage points. The work itself could provide 48 full-time jobs for three years.

La Plaza Vieja Partnership will own or lease 13 of the buildings. The other five are owned by 11 local residents who make up the general partnerships. All 18 buildings will be restored through investor money and loans. Slick has lined up a 2% Urban Development Action Grant for $613,000 from the Housing & Urban Development Dept., as well as a conventional $690,000 loan from two New Mexico banks.

But the bank loans are dependent on raising somewhat more than $1 million from a privately placed syndication. Partnerships will be sold in $10,000 units, paid as needed, probably over a three-year period. Under current law, investors get a $3,500 federal tax credit for restoration expenditures; New Mexico residents get $2,500 more in state credits. Thus, for every dollar they put into La Plaza Vieja, local residents will get back 60¢ in credits. Then the limited partners will get 98% of all rental profits until their investment is paid back. After that, they will receive 80% of the profits with the balance going to the general partners.

LOCAL HANDS

Slick issued the offering in May, even though the federal credits are under a cloud because of the Reagan Administration's proposed overhaul of the income tax structure. Although most preservationists believe projects under way will qualify for credits at least this year, that may not help La Plaza Vieja much, since restoration is scheduled to take place over a three-year period. Slick hopes to begin soon so that investors can get at least one year's credits.

The state tax credits make the partnership appealing to New Mexico residents. Slick expects to raise half the syndication money in Las Vegas alone. The project is popular in this predominantly Hispanic community since ownership of many of the 18 buildings remains in local hands.

Although several owners leased their buildings for up to 40 years because they lacked funds for restoration, all wanted ownership to remain in their families. Elmo Baca, a fifth-generation resident, put up the two storefronts he owns with his father, using them as his share rather than cash. He joined the project, he says, because of "the big picture." Explains Baca, who has a degree in architecture from Yale and a graduate degree in historic preservation from Columbia: "Common control will allow the buildings to be restored as a package rather than willy-nilly." Moreover, "La Plaza Vieja will have more political clout than would individual owners."

Las Vegas is anxious for improvements in more than just its old buildings. The townspeople feel the time is ripe for a general economic redevelopment. Las Vegas is only an hour from Santa Fe, the state capital. Its combination of rail-road-Gothic and adobe architecture appeals to tourists, preservationists, and even filmmakers: Tom Mix movies and, more recently, the thriller *Red Dawn* were filmed here.

At the same time, the Armand Hammer United World College of the American West, a two-year preparatory school established by Occidental Petroleum Corp's chairman, has brought worldwide attention to Las Vegas. The school is one of several established under the aegis of United World Colleges, an organization formerly headed by the late Lord Mountbatten. Its purpose is "to promote world peace by fostering international understanding." The Armand Hammer campus has 200 students from 60 countries. Britain's Prince Charles, president of World Colleges, attended the school's dedication. And last year the Beach Boys sang at its first graduation.

NO GUIDELINES

More important to Las Vegas' unemployed, the town has begun to attract industry. The Public Service Co. of New Mexico, for instance, opened a fiberboard factory here last year as part of its diversification program to bolster local economies within the state (BW—Aug. 22, 1983). Other companies, attracted principally by the town's available labor force, are scouting the area.

It is possible that the stirring economy would encourage rehabilitation even without the tax credits. But such restoration would then be done without historic guidelines. In order to obtain the credits, work must be approved by the Interior Dept., which acts as a kind of quality-control agent. Without it, Dible says, Las Vegas could find its plaza restored not as a unique 19th century Mexican-Victorian town, but as a 20th century town of "schlock and honky-tonks."●

A NEW EDITOR IN D.C.

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. HYDE. Mr. Speaker, it has been my pleasure during the past few months to become better acquainted with the brilliant and dedicated new editor of the Washington Times, Arnaud de Borchgrave. Mr. de Borchgrave has had a long and illustrious career in journalism and, as a foreign correspondent for Newsweek for 25 years, he established himself as a reporter and interviewer known as much for his courage as for his reportorial skills and energy. As one former Newsweek colleague said:

Nobody ever had a correspondent who worked harder than Arnaud. He worked incredible hours. He had a singlemindedness of purpose getting to a source for an interview.

I'm sure that many of my colleagues in Congress are as pleased as I am that Washington is, once again a two newspaper town, and that Mr. de Borchgrave is at the helm of one of those papers. I am pleased to submit for the RECORD a recent profile on Arnaud de Borchgrave written by Lea Donosky, Washington correspondent for the Chicago Tribune. I commend it to the attention of my colleagues.

A NEW EDITOR IN D.C.—MAKING THINGS RIGHT FOR THE TIMES

(By Lea Donsky)

WASHINGTON.—Arnaud de Borchgrave looked over the mezzanine-level brass railing to the newsroom below, saying: "I see myself as the captain of the ship, and it's my job to stay on the bridge."

The veteran foreign correspondent, who covered 17 wars in 30 years, is fighting a war of his own, a battle against what he views as the communist menace and the "terminal naivete" of the American press.

"It's a never-ending battle, a war of words, a war of ideas," he says.

His vessel, though, is more a dinghy than a destroyer.

In March, De Borchgrave, 58, who coauthored a best-selling novel called "The Spike," which portrayed the Western media as dupes of Soviet propaganda, became editor-in-chief of the Washington Times.

The paper was set up in 1982 by New World communications to be a "conservative alternative" to the Washington Post. The company is an affiliate of the Unification Church, founded by Rev. Sun Myung Moon, serving a prison term for federal income tax evasion.

De Borchgrave, who spend 25 years roaming the world for Newsweek magazine, calls his and the goal of the paper's founders a "coincidence of mission."

His sense of mission may explain why he is virtually living in the office, sometimes running out of his office-bedroom to remake the paper after midnight.

But it does not explain how a man who sometimes does not leave the building for days still manages to have what is referred to as "the tan."

The dapper, balding, Belgian-by-birth has been permanently and mysteriously golden brown for decades, according to long-time observers.

But the tan is just one of the many legends that surround De Borchgrave, whose stature and hereditary title, which he renounced when he became an American citizen, led to his nickname as the "Short Count."

In his three-month tenure as editor, De Borchgrave has shown the same ability to attract attention that he did as a foreign correspondent, when his escapades were a favorite topic of conversation among fellow journalists gathered at the end of the day in hotel bars of various world hot spots.

Shortly after taking the editor's job De Borchgrave announced the newspaper would add $1 million to the bounty for information leading to the whereabouts of Nazi war criminal Joseph Mengele.

And in April when the U.S. House of Representatives denied aid to the rebel fighters trying to overthrow the Nicaraguan government, De Borchgrave, who champions the contras' cause, called for a worldwide fundraising effort. The Unification Church agreed to contribute $100,000 to kick off the fund.

De Borchgrave pursues communism, "liberal" bias in the media and exclusives for the Washington Times with the same singlemindedness he brought to his pursuit of world leaders in 25 years with Newsweek.

He sleeps at the newspaper—he says just four hours a night—on a sofa-bed and showers and shaves in a private bath off his office. He does his morning exercises while watching the early morning television news in his office.

One office wall has been turned into a personal picture gallery: De Borchgrave in some of the combat fatigues resembling those of a dozen nations that he kept hanging in an apartment in Geneva, from which he could dash to the airport and race toward the latest shooting war; De Borchgrave frolicking with an inflatable toy at poolside with King Hussein of Jordan; at the Khyber Pass with rifle-toting Afghan tribesmen; the wounded war correspondent [a shrapnel nick] "awaiting evacuation by chopper," according to the handwritten caption, at battle for Hill 400 between U.S. marines and North Vietnamese army troops near the DMZ in 1966.

Throughout his career, De Borchgrave was as famous for his style and self-promotion as for his scoops. De Borchgrave dismisses the concentration on his persona rather than his performance as "jealousy."

"People were always talking about 'the tan' and the way I went to the best parties. But black tie, white tie or combat fatigues, I was working," he said. "I'd come up with an excuse to go to the bathroom every 30 minutes at a party to make notes on what I'd been told."

"Sure, there were pictures in fancy magazines with the Aga Khan on his yacht off Sardinia. But, my god, I was working!"

"It's very easy to make sport of him," says Nicholas Proffitt, former Saigon and Beirut bureau chief for Newsweek. "But there were few publications that wouldn't have liked to have had him or someone like him.

"Nobody ever had a correspondent who worked harder than Arnaud. He worked incredible hours. He had a single-mindedness of purpose getting to a source for an interview."

And it paid off countless times over the years for De Borchgrave and Newsweek as he pioneered back-to-back interviews between Egyptian and Israeli leaders long before Walter Cronkite and Barbara Walters.

Critics and he was too liberal letting sources set the ground rules for interviews. His intelligence sources and his CIA sources were so good, according to the critics, because he accepted as gospel everything they told him.

"I would find [Central Intelligence Agency director] Bill Casey far more interesting for an hour off the record than on the record. I was brought up on the scared code that if you were told something off the record it never saw the light of day," says De Borchgrave.

Then what good was the information?

"It was background for the next story," he says.

For De Borchgrave access and contacts are scared.

"I spent a lifetime building up contacts,';' he says. "Knowing their birthdays, there children's names."

Ideological and editorial differences led to his departure from Newsweek in 1980 when he went over the editor's head to complain about the handling of stories on the Soviet invasion of Afghanistan.

De Borchgrave spent the intervening years promoting "The Spike," publishing a monthly intelligence newsletter, "Early Warning," and serving as a senior associate of a Washington conservative think tank.

But he admitted in an interview in 1984 that he missed the impact of his stories in a major publication.

The Times gives him an outlet, if not many readers.

The Monday through Friday paper, despite an annual operating subsidy of some $25 million, a figure confirmed by a Times spokesman, had a circulation in March of just over 75,000 in Washington, according to the Audit Bureau of Circulation. Approximately 8,600 more copies are distributed around the nation.

By contrast, the Washington Post has a daily circulation of over 770,000 and more than 1 million on Sunday.

Still the Times has carved out a niche in the nation's capital. It is watched for information about the state of conservative thought and leaks from like-minded administration officials. And it is prominently displayed in the offices of high-level Reagan officials.

"It's got stories you don't find anywhere else or you find there first,'" says Patrick Buchanan, the White House director of communications, who finds the paper ideologically compatible.

Buchanan insists that it is not just for show that the conservative newspaper is one of a handful included in the President's daily news summaries or that some of the paper's news "beats" are the result of authorized leaks from the administration.

"Not all the leaks are friendly or supportive," says Buchanan, noting someone leaked a plan to have the President address a huge rally at the Orange Bowl to pressure Congress to provide aid to the anti-Nicaraguan government guerrillas.

"The leak killed it," said Buchanan.

Still, even De Borchgrave acknowledges the paper is "facing an uphill battle."

But, he insists, the paper's owners are committed to keeping it going despite the red ink and still relatively minuscule circulation.

"I guess some people find it hard to understand because they just can't believe someone believes in something," said De Borchgrave.

While De Borchgrave believes in the conservative cause, he also loves the competition.

When a recent interviewed asked him about printed reports that he has startled the staff by running out onto the mezzanine wearing blue silk pajamas during a late-breaking story, De Borchgrave insisted, "I don't know how this kind of thing happens. They're cotton and a good reporter would have checked.

"Thirty-five percent cotton. The rest is polyester," said the interviewer, as De Borchgrave emerged from the bathroom, pajama top in hand.

Not to be outdone, De Borchgrave immediately shot back. "But you didn't notice they were Christian Dior knockoffs."

And his competition with the Post often takes on a personal tone.

He asks if an interviewer has seen a local magazine article in which handwriting experts analyze his and rival Washington Post editor Benjamin Bradlee's signatures. He goes off in search of the magazine, but can't find it. Asked what the analysis showed, De Borchgrave sniffed, "typically they found a lot of nasty qualities in mine."

It was Bradlee who in 1954 succeeded De Borchgrave as Newsweek's Paris bureau chief.

And De Borchgrave can quote from memory a note of congratulations he says he received from Bradlee when he became the Times' editor.

"Congratulations, and I really mean it. But if I were you I'd worry about your owners. Who would have ever thought you and I would have wound up this way, in this city, in this time?" he recalls the note said.

After a pause, De Borchgrave, ever the competitor, said, "So, I wrote back, 'I thank you for your concern about my owners. I wonder if you shouldn't worry about yours. You forget you are five years older than I.' "●

BILL TO CREATE NEW COURT DISTRICT IN CALIFORNIA

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. DANNEMEYER. Mr. Speaker, I am pleased to introduce a bill today on behalf of myself, and my California colleagues, Mr. BADHAM, Mr. BROWN, Mr. DORNAN, Mr. LEWIS, Mr. MCCANDLESS, and Mr. PACKARD, to create a new Federal judicial district in California. The new western district would be comprised of Orange, Riverside, and San Bernardino Counties, which are now in the central district. The central district sits in Los Angeles, while the new western district would sit in Santa Ana.

The foremost consideration in this issue is the convenience of access to court for jurors, witnesses, litigants, and lawyers. The need for a new dis-

trict is apparent from the fact that the population of the central district is 13 million, while the average Federal judicial districts serves 2.5 million people. The tricounty area to be covered by the proposed western district has experienced a 60-percent increase in population since 1970, growing from 2.5 million to 4 million in 1985. According to the Administrative Office of the U.S. Courts, "no area in the country is more deserving of an additional district than the area contained in the central district." The existing central district spans 39,921 square miles, requiring excessive travel to court on Los Angeles.

The 96th Congress addressed the problems of the overburdened central district, but the approach adopted at that time has failed to remedy the problem. Hearings were held by the Judiciary Committee and a study was prepared by the Administrative Office of the U.S. courts. The study confirmed that change was needed in the central district and recommended that the district be divided to establish a second courthouse to serve Orange, Riverside, and San Bernardino Counties. Although that recommendation fell short of creating an entirely new district, it carried considerably more force than merely designating another location at which court could be held. Unfortunately, Congress failed to implement this recommendation and enacted Public Law 96-462, which permitted the central district to hold court in Santa Ana, where the bankruptcy court now sits. This has proven to be inadequate as delays by the General Services Administration [GSA] have frustrated the provision of proper facilities to hold court. As a result, the central district tried only one case at the Santa Ana Courthouse for all of 1982.

The Constitution vests in Congress the power to establish and determine the jurisdiction of lower Federal courts. As Members of Congress whose constituents are adversely affected by the present district structure, the sponsors of this legislation believe it is incumbent upon us to take the initiative and secure passage of this legislation rather than settle for another stopgap solution.●

PERSONAL STATEMENT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Ms. KAPTUR. Mr. Speaker, due to circumstances beyond my control, I was unable to vote on the Fascell amendment (rollcall No. 210) freezing foreign aid authorization for fiscal year 1986 and fiscal year 1987 at the aggregate fiscal year 1985 appropriation level as provided in the continuing resolution. Had I been present, I would have voted "yea" to the Fascell amendment.●

U.S. IMMIGRATION POLICY DEEMED SOUND AND APPROPRIATE

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. WEBER. Mr. Speaker, violence and civil unrest is an enormous problem in Central America. Many people have fled their respective countries in order to avoid civil strife and the onslaught of communism. Thus, over the past few years, a large number of refugees from El Salvador have entered the United States illegally. The U.S. Immigration and Naturalization Service (INS) currently apprehends over 1,000 undocumented Salvadorans each month but believes that this may reflect only about a fourth of the total entries. The number of Salvadorans residing illegally in the United States is unknown, but estimates range from 100,000 to 500,000.

What is so disturbing about this problem is the recent trend that exists among churches offering themselves as places of sanctuary for illegal aliens from El Salvador. Although the churches claim to be "morally obligated to save the lives and protect the liberty of these refugees," one of the "primary objectives" of the sanctuary movement "is to offer living testimony about the wars' effects" and to use the Salvadorans as "a symbol of resistance" to dramatize "the immorality of U.S. intervention." They claim the aliens are fleeing persecution and that they face certain death if deported.

The Department of State, on the other hand, contends that the primary motivation for Salvadoran migration to the United States is economic, not political, pointing to the overpopulation and poverty in El Salvador, and the longstanding policy of that nation to encourage the emigration of their people to relieve conditions in their country. The Department also points to the fact that most Salvadorans travel through other countries before reaching our borders, yet continue on to the United States in search of a better way of life. The Department believes that while civil strife and violence in El Salvador are at distressing levels, there has not been the widespread fighting, destruction, and breakdown of public services and order that has been present in other situations when the United States granted extended voluntary departure [EVD] status to refugees. In order to grant EVD status, the refugee must be someone who has a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Thus, according to the Refugee Act of 1980, general assertions of flight from violence or hostilities do not satisfy this burden.

The State Department concludes that most Salvadorans present in the United States were not involved in political or military activities prior to their departure from El Salvador, and that there is no evidence that upon return to El Salvador, they would be subject to persecution. In a recent survey of about 500 Salvadoran deportees, not a single case of abuse or murder was found. Interestingly enough, of the 500 deportees surveyed, 39 had already returned illegally to the United States.

Furthermore, any grants of Extended Voluntary Departure status must be considered in light of its potential inducement to further the influx of illegal immigrants. Past experience with the mass migration of Cuban and Hatian nationals to the United States underscores the finite capacity of our country's law enforcement and social support system.

In conclusion, I believe that the current INS and U.S. Government policy position is a sound and appropriate one, combining large amounts of economic assistance, energetic diplomatic efforts, and the grant of asylum to those with a well-founded fear of persecution. I cannot concur with the position taken by some churches to harbor or conceal illegal aliens from El Salvador, or elsewhere. Furthermore, with the current democratic strides being made by President Duarte in El Salvador, the risk of persecution to the general public from civil disturbance has lessened. Our conduct in this matter should be guided by the rule of law, which in this case is a felony.

SANCTUARY MOVEMENT: SALVADORAN REFUGEES

I. ISSUE DEFINITION

In light of the civil unrest in El Salvador, the sanctuary movement began as a response by U.S. churches to the plight of Salvadorans who cross U.S. borders undocumented. Church members believe that the U.S. government should grant these people political asylum, or at least temporary relief from deportation because they are refugees fleeing political persecution and civil oppression. The U.S. government's position has been that most asylum applicants from El Salvador are fleeing economic poverty, not persecution, and enter the United States in seek of work and a better way of life.

II. BACKGROUND

By most estimates, several thousands of Salvadorans currently arrive in the United States undocumented each month, continuing a pattern of illegal immigration to the United States that has existed for a number of years. The U.S. Immigration and Naturalization Service (INS) currently apprehends

over 1,000 undocumented Salvadorans monthly, but the agency believes that this may reflect only about a fourth of the total entries. The number of illegal Salvadorans in the United States has been increasing in recent years as a direct result of the civil strife in El Salvador. The number of Salvadorans residing illegally in the United States is unknown, but estimates range from 100,000 to 500,000.

The undocumented Salvadorans, as with any illegal alien, are subject to deportation. Many try to remain here by applying for asylum or seeking extended voluntary departure (EVD) status, which temporarily suspends deportation.

Asylum is a special and narrow exception to immigration laws and is granted only when someone can show well-founded fear of persecution if returned home. The Refugee Act of 1980 defines a refugee legally entitled to stay in this country as someone who is unable to return to his homeland "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Under the law, general assertions of flight from violence or hostilities do not satisfy this burden.

EVD status has been granted in certain instances "because of civil war or catastrophic circumstances" upon recommendation by the Department of State. However, the extent of civil unrest alone does not determine the Department's view toward granting of EVD status to nationals of a particular country. Grants of such relief have been rare and limited to those cases where, in the judgment of senior Executive Branch officials responsible for such policy, the best interests of the United States are served by such measures. Examples of nationals granted EVD status include Ethiopians, Nicaraguans, and Ugandans.

III. CONTROVERSY

The controversy has grown between the church sanctuary movement and the U.S. governments position over the current U.S. policy to return undocumented Salvadorans to El Salvador, considering the civil unrest and oppression present in that country.

A. Critics of U.S. immigration policy

Critics strongly believe that the undocumented aliens are fleeing persecution and repression, and will be exposed to danger and most likely death, upon return to their country. They believe that the refugees deserve temporary protection (EVD) status by the United States until conditions in El Salvador change. At the same time, critics hope to use the refugees as "living testimony about the wars effects"; to use them as a "symbol of resistance" to dramatize "the immorality of U.S. intervention" pointing out that in a civil war situation, both sides are suspicious of a national who has sought refuge abroad for whatever reason.

Church groups nationwide have been providing sanctuary to Salvadorans who are in the United States illegally arguing that they are "morally obligated to save the lives and protect the liberty of these refugees." Concurrently, church members claim that U.S. policy towards Central America not only creates refugees fleeing civil strife and political repression, but also treats Salvadorans already in the United States inhumanely, unjustly, and immorally, by deporting them to potential persecution or death. Church members claim that the INS systematically takes actions to encourage the expeditions voluntary return of Salvadorans and to discourage asylum applications. In sum, they believe that the INS policy is immoral in its threat to the life and safety of the illegal aliens who are sent back into a country filled with upheaval and repression.

B. U.S. Government's position

The Department of State contends that the primary motivation for the Salvadoran migration to the United States is economic, not political. The Department of State points to the overpopulation and poverty in El Salvador, and the longstanding policy of that nation to encourage the emigration of their population to relieve conditions. The department points to the fact that most Salvadorans have traveled through third countries before reaching the United States, and that other countries closer to El Salvador have made refuge available to Salvadorans fleeing turmoil in their country, yet they continue on to the United States. A recent Spanish International Television Network Poll conducted in El Salvador cited 70 percent of the respondents as stating that they would migrate to the United States for the purpose of finding work, if they had a chance.

The Department of State believes that while civil strife and violence in El Salvador are at distressing levels, there has not been the widespread fighting, destruction, and breakdown of public services and order that had been present in other situations when the United States granted EVD status. The Department concludes that most Salvadorans present in the United States were not involved in political or military activities prior to their departure from El Salvador, and that there is no evidence that upon return to El Salvador they would be subject to persecution. In the most recent U.S. Embassy survey of about 500 El Salvadoran deportees, not a single case of abuse or murder was found. Many deportees could not be located because of incomplete addresses and, interestingly enough, some 39 people had already returned illegally to the United States. Moreover, the Department of State believes that a grant of EVD to the Salvadorans undoubtedly would encourage the migration of many more aliens to the United States.

It should be noted that because of the present and potential political and economic stability in other countries geographically close to the United States, any grants of Extended Voluntary Departure status must be considered in light of its potential inducement to further the influx of illegal immigrants. Past experience with the mass migrations of Cuban and Haitian nationals to the United States, underscores the finite capacity of our country's law enforcement and social support systems. Moreover, the continuing problems of unemployment and budget deficits can only be exacerbated by any substantial increase in the number of people competing for employment and social services.

IV. RESPONSES TO THE SITUATION

The U.S. government has responded to the situation by allowing hundreds of thousands of Salvadorans to legally immigrate to the United States. Concurrently, the United States responds with asylum and refugee programs, which are the most generous in the world, and foreign aid programs which now total $8.89 billion. Moreover, various political and diplomatic efforts to resolve disputes and reduce violence are being implemented. The United States has made every effort to address the needs of tens of millions of people throughout the world.

V. SUMMARY

Violence and civil unrest is an enormous problem in Central America, and many have fled their country to avoid civil strife. Some claim the aliens are fleeing persecution and that it is certain death if deported back to their country. The U.S. government contends that the aliens are fleeing economic poverty, not political persecution, and illegally enter the United States in search of work. Many try to remain in the United States by applying for asylum or seeking extended voluntary departure (EVD) status. The most often cited reason for granting EVD status is the claim that those who have been deported have suffered persecution on return to their country. However, repeated studies of the treatment and condition of deported Salvadorans have disclosed no such pattern.

The recent trend among churches offering themselves as places of refuge for illegal aliens from El Salvador is disturbing. "One of the primary objectives" of the sanctuary movement "is to offer living testimony about the war's effects" and to use the Salvadorans as "a symbol of resistence" to dramatize "the immorality of U.S. intervention."

While acknowledging that violence is a problem in El Salvador, most asylum and EVD applicants are not able to show that it is directed specifically at them, and that they would be in any greater danger than any other citizen in El Salvador if they were to return.

Alternatives to church sanctuary are available to those Salvadorans who claim that their human rights will be violated if they are returned to El Salvador: camps for displaced persons in neighboring countries, refugee programs funded by the United States, and legally applying and meeting requirements for asylum.

V. CONCLUSION

In conclusion, I therefore respectfuly suggest that the current INS and U.S. government policy position is a sound and appropriate one, combining large amounts of economic assistance, energetic diplomatic efforts, and the grant of asylum to those with a well-founded fear of persecution. I can not concur with the position taken by some churches to harbor or conceal illegal aliens from El Salvador or elsewhere. Furthermore, with the current democratic strides being made by President Durate in El Salvador, the risk of persecution to the general public from civil disturbance has lessened, and in some areas, diminished completely. Our conduct in this matter should be guided by the rule of law, which in this case is a felony.●

KANGAROO IMPORT BAN

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. MRAZEK. Mr. Speaker, today I am reintroducing legislation to reduce, if not eliminate, the wholesale slaughter of three species of kangaroos by prohibiting their importation into the United States.

A continuation of the most severe drought in Australian history, combined with a commercial harvest of

well over 3 million kangaroos a year, has jeopardized the stability of this animal's population. In addition, there exists significant illegal poaching which accounts for further losses.

In the 3 years since the import ban was lifted, the United States has become the No. 1 importer of kangaroo products in the world. It is also important to note that this carnage is the greatest and most concentrated massacre of wildlife on this planet. The kangaroo remains unique to the Australian continent, giving the world community a special responsibility to protect this species.

For the first time ever, the Australian Government has refused to reveal its population estimates when announcing the 1985 kill quotas. Equally disturbing is the policy of the Australian Bureau of Statistics which relies solely on the honesty of the exporters to compile their data.

The fact remains that Australia currently remains gripped by a sixth straight year of severe drought conditions. Population estimates which were put at 32 million in 1981 have now plummeted to between 6-7 million. Yet there have been no reductions in quotas. Hunters have actually petitioned for an increase of 500,000 kills in Queensland alone.

By placing a monetary value on the kangaroo, the species has clearly become threatened. Because of the vastness of the Australian continent, policing the outback is virtually impossible. A tax-free black market continues to flourish at the expense of kangaroos, foxes and other species.

It is my hope that this legislation can provide the framework for removing the threat to this species by prohibiting the importation of kangaroo products into the United States.●

ADMINISTRATION VIEW ON CIGARETTE EXCISE TAX

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. CAMPBELL. Mr. Speaker, on June 19, Mr. J. Roger Mentz, Deputy Assistant Secretary of the Treasury for Tax Policy, testified before the Ways and Means Committee on the issue of whether the temporary increase in the cigarette excise tax should be extended.

I believe Mr. Mentz's testimony makes good sense. His statement follows and I commend it to the attention of my colleagues:

STATEMENT OF J. ROGER MENTZ, DEPUTY ASSISTANT SECRETARY (TAX POLICY), DEPARTMENT OF THE TREASURY

Mr. Chairman and Members of the Committee, it is my pleasure to be here today along with other Administration representatives to discuss the revenue initiatives included in the President's fiscal year 1986 budget proposal. I will present the views of the Treasury Department on the issue of whether the temporary increase in the cigarette excise tax should be extended. Other Administration officials will discuss specifically the user fees proposed in the President's budget.

The current tax rate of 16 cents per pack of 20 cigarettes is scheduled to be reduced to 8 cents per pack on October 1, 1985. Our position is that the excise tax should be allowed to decline to 8 cents per pack on October 1 in accordance with current law.

The Administration generally is opposed to any form of Federal tax increase at this time. Fees imposed for the use of Federal Government property or services, however, are an appropriate means of compensating the Federal Government for the expenses incurred in making such property or services available to the public, and thus other Administration witnesses will be testifying this morning in support of certain user fees.

DISCUSSION

Excise taxes are imposed upon cigars, cigarettes, and cigarette papers and tubes manufactured in or imported into the United States. In general, the manufacturer or importer is liable for these taxes when the products are removed from the factory or released from customs custody. The rate of tax imposed on small cigarettes (weighing no more than 3 pounds per thousand) removed from bonded premises before January 1, 1982 and after September 30, 1985 is $4 per thousand, which is equivalent to a tax of 8 cents per pack of 20 cigarettes. The rate of tax imposed on large cigarettes (weighing more than 3 pounds per thousand) is $8.40, which is equivalent to a tax rate of 16.8 cents per pack of 20 cigarettes. The Tax Equity and Fiscal Responsibility Tax Act of 1982 temporarily increased the rate of tax on small cigarettes to $8 per thousand, which is equal to a tax rate of 16 cents per pack. Similarly, the rate of tax imposed on large cigarettes was temporarily increased to $16.80 per thousand, which is equal to a tax rate of 33.6 cents per pack. These temporary increases are scheduled to expire on September 30, 1985.

Excise taxes on tobacco discriminate against consumers who prefer to spend a portion of their incomes on these products. Moreover, the excise taxes on tobacco are regressive because low income individuals spend a larger percentage of their income on these products than wealthier individuals. According to the 1980-81 Consumer Expenditure Survey Diary Data, tobacco expenditures are 2.4 percent of income for the quintile of the population with the lowest income, but are only .4 percent of the income for the quintile of the population with the highest income.

In addition, state and local governments currently impose excise taxes on cigarettes. In 1984, revenue from these taxes equalled $4.3 billion. To the extent that higher Federal taxes on tobacco products reduce tobacco consumption, they could restrict the ability of such governments to raise revenue from these sources.

In summary, the Treasury Department favors the scheduled termination of the temporary increase in the excise taxes on tobacco products on September 30, 1985.●

THE 54TH ANNUAL POLISH DAY AT KENNYWOOD PARK

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. COYNE. Mr. Speaker, at the 54th Annual Polish Day at Kennywood Park, August 6, the Central Council of Polish Organizations in Pittsburgh will mark the 100th anniversary of the SS. Cyril and Methodius Seminary. In addition, members of the organizations will express their tribute to the living and deceased members of the Polish Clergy of the Diocese of Pittsburgh as an expression of gratitude for their loyal and dedicated service to the church throughout the years.

The celebration will also note the 65th anniversary of the Battle of Warsaw, one of the most important occurrences in Poland in this century. Several American pilots, members of the Allied Expeditionary Force, took part in that battle, including: Col. Cedric E. Fauntleroy; Lt. Col. Marion C. Cooper; Maj. George M. Crawford; Capt. Carl H. Clark; Capt. Edward C. Corsi; Lt. Edmund P. Graves; Capt. Arthur H. Kelley; Capt. Harmon C. Rorison; Lt. Elliot W. Chess; Lt. Earl F. Evans; Lt. Thomas H. Garlick; Lt. John I. Maitland; Lt. Kenneth M. Murray; Lt. Edwin L. Noble; Lt. Kenneth O. Shrewsbury; and Lt. John C. Speaks, Jr.

The central council will also honor the "Dean of Polish Broadcasters," Chester Jakoski, in recognition of his promotion of American ideals, Polish heritage, culture and folklore for more than 50 years.

Mr. Speaker, I would like to commend to my colleagues the good work of the Central Council of Polish Organizations. Their many activities make Pittsburgh, and our Nation, a better place to live.●

LABOR LAW IS FAILING

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. CLAY. Mr. Speaker, the Washington Post's lead editorial this past Saturday supports what the majority of the Labor-Management Relations Subcommittee has been saying for the past several years; labor law is not working. It is ironic and sad that on this 50th anniversary of the National Labor Relations Act there is a growing realization that the law no longer guarantees workers a free choice to join a union.

The evidence is mounting that it is indeed a risky proposition to advocate a union today. Chances are that if you are an effective advocate, you will get fired for your efforts. Even in those instances where workers somehow overcome the many obstacles placed in their way and vote to unionize, in only half of the cases will they ever attain a collective bargaining agreement. Workers repeatedly find that in union organizing campaigns today, the deck is stacked against them.

These and other conclusions were spelled out in a report adopted by the Subcommittee on Labor-Management Relations last year called the Failure of Labor Law—A Betrayal of American Workers. The report concluded:

The law is being used as a weapon to obstruct collective bargaining, and the notion that the law protects workers against discrimination because of union views has become an illusion. We face the dangerous situation of a law articulating a clear policy and promising specific protections that it is failing to provide.

The Washington Post editorial, which I am submitting for the RECORD today, is part of a growing awareness of the failures of labor law. In the past few years, articles have appeared in the leading law journals authored by prominent experts in the field of labor law that have documented and described in detail the failure of the law to realize its objectives. This editorial is not the first to note the increasing distortion in the law.

I commend to my colleagues' attention the following editorial:

[From the Washington Post, July 6, 1985]

TILTING AGAINST LABOR

The 50th anniversary of the National Labor Relations Act comes at a time not of celebration but dispute. In a series of decisions mostly freeing employers from past restraints, Reagan administration majorities on the National Labor Relations Board have affected the balance of power in the work place. Even before these decisions labor wanted to amend the act; it tried in 1978 but failed. Now some labor leaders have said—and only in part for the shock value—that they might be better off if the act were repealed. The NLRA is the nation's fundamental labor law; it was written to bring labor disputes off the street. But the largest union in the AFL-CIO, the United Food and Commercial Workers, has now announced it will conduct its organizing drives where possible outside the NLRA framework, which it says is more hindrance than help.

The unions say that the Reagan board has unbalanced the law, taken it to extremes. They offer a long list of examples, some minor, some major. Thus the board has relaxed old rules meant to keep employers from making either threats or special promises to employees during organizing drives. It has weakened rules meant to safeguard the right of pro-union employees to sign up union members on company premises during the work day. It has indicated it will no longer protect against retaliation workers who turn their employers in to public agencies for violating health and safety laws. On a broader issue, it has expanded the right of employers to transfer work from union to non-union plants.

The board and its defenders say that this labor rendering of the record is itself unbalanced, that the Reagan board is simply redressing the tilt of its Carter predecessor and that the current swing is no different from others when the board has changed party hands in the past. They note that on several issues the courts have upheld the Reagan board; the Supreme Court last week upheld a board ruling that unions may not bar members from resigning during or just before a strike.

But many of the precedents the new board has altered date not from the Carter administration but the Nixon-Ford years and before. In routine cases involving charges of unfair labor practices, moreover, the Reagan board has held for management much more than either the Carter or Nixon-Ford boards, whose records were about the same.

We think the Reagan board has gone too far. The issue is not so much labor versus management as it is economic health. The Reagan board's holdings point to continuing low-level labor-management strife that an already burdened economy should not have to bear. Labor unions themselves have done some damage to the economy, taking some U.S. industries out of competitive range; in recent years they have paid for this, in lost work and at the bargaining table. But unions on balance are constructive institutions now in weakened condition, and public policy should not seek to diminish them.●

A TRIBUTE TO DR. CHESTER R. RYWNIAK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. LIPINSKI. Mr. Speaker, I rise before my colleagues today to recognize an outstanding resident of the Fifth Congressional District, Dr. Chester R. Rywniak. Dr. Rywniak was recently honored by the Loyola University School of Dentistry upon the event of the 50th anniversary of his graduation.

After graduation from Loyola University, Dr. Rywniak set up his office in the Back of the Yards neighborhood on the south side of Chicago, IL. During World War II, he served in the Surgeon General's Office both in the United States and in the Philippines. He was discharged with the rank of captain and returned to Chicago to continue his dental practice.

Dr. Rywniak has been an active volunteer in many community service organizations. In conjunction with his membership in the Back of the Yards Council, Dr. Rywniak provided dental care to many local school students on days off from his practice. He is still active in the Mundaines Athletic Association, the oldest chartered club in Illinois, which assist the athletic needs of young people in many southwest Chicago neighborhoods. He is also a member of the St. Turibius Parish and still ushers at the 6 p.m. mass.

Dr. Rywniak and his wife Jean have two children, Erna Jean and George, who both also reside in the Chicago area.

Mr. Speaker, it gives me great pleasure to salute Dr. Chester R. Rywniak and I join the residents of the Fifth Congressional District in thanking him for his outstanding work on our behalf.●

AID TO CAMBODIAN RESISTANCE MOVEMENT

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. LOWERY of California. Mr. Speaker, I would like to express my support for and associate myself with the efforts of my colleague, Mr. SOLARZ of New York, to provide $5 million in assistance to the non-Communist resistance movement in Cambodia, under H.R. 1555, the foreign assistance authorization for 1986.

This aid will have no restrictions, allowing the administration proper flexibility to promote the two main U.S. foreign policy goals in Cambodia: securing the departure of 170,000 Vietnamese troops, and preventing the return of the oppressive Khmer Rouge regime.

Despite U.S. economic sanctions against both Vietnam and Cambodia, the Vietnamese troops show no sign of withdrawing. Maintaining a no-relations policy with both Hanoi and Phnom Penh certainly has not led the Vietnamese to remove their occupation troops. Currently, we have no effective and consistent strategy for countering the Vietnamese threat to the Cambodian people and to our Thai allies. The committee's military aid proposal is just such a strategy.

The proposed amount of funding corresponds to an estimated 30 percent of what it would take to significantly upgrade the non-Communist resistance effort. I readily acknowledge that $5 million in military aid cannot realistically stand up to the Vietnamese—and Soviet—$6 million-per-day war effort in Cambodia. Yet the proposed aid will provide sorely needed equipment to non-Communist resistant forces, and, more importantly, will send a message of support to these groups—the only groups fighting against the Vietnamese occupation.

Despite the claims of some opponents, $5 million in aid to resistance groups, like the Khmer People's National Liberation Front [KPNLF], is not the same as combat reinvolvement of the United States in Southeast Asia. We must recognize the crucial difference between going to war with the Vietnamese on their own soil, as we have done in the past, and aiding

the Cambodian people in their efforts to remove the occupying Vienamese troops from their own country.

In conclusion, Mr. Speaker, I would point out that what we are debating here is not whether to give $5 million in aid to the resistance movement, but whether that aid should be for military or humanitarian purposes. However well-intentioned humanitarian aid may be, it clearly will do nothing to free the Cambodian people from their oppressors. Those who advocate nonmilitary negotiation with the Vietnamese seem to forget that we cannot even bargain the release of our own POW/MIS's from Vietnam.

In view of these policy constraints, our military assistance to non-Communist groups like KPNLF is the one realistic way we can help the resistance efforts of oppressed Cambodians, while promoting our foreign policy goals.●

THE NATION'S FIRST MAJOR 100 PERCENT MINORITY-OWNED SOFT DRINK FRANCHISE IS ESTABLISHED IN FLINT, MI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. KILDEE. Mr. Speaker, today I would like to take a moment to recognize and honor three distinguished Michigan residents who have become significant forces in their community and throughout the State of Michigan, Mr. Al Bennett, a Flint area auto dealer; Mr. Mel Farr, a former Detroit Lion football star and Detroit area auto dealer; and Mr. Charles Wells, a Detroit businessman. These three men recently purchased the Seven-Up Bottling Co., of Flint, MI. Their acquisition marks a milestone in the soft drink industry, as it is the first major soft drink franchise in the United States to be 100 percent minority-owned.

On Monday, June 10, 1985, a luncheon was held at the Hyatt Regency in Flint to recognize and honor the accomplishment of these men. Among those who honored them at this occasion were the Reverend Jesse Jackson; Mr. Edward Frantel, president and chief executive officer of the Seven-Up Co.; Mr. George Lewis, vice president and treasurer of Philip Morris, Inc.; Mr. Delbert Gray, director, office of minority business enterprise for the State of Michigan; and a host of local government and civic leaders.

The acquisition of the Bennett, Farr & Wells Bottling Co., of Flint is not only a historic occasion for the soft drink industry, but also one which will have a $22 million economic impact on the Flint and Tri-County areas. I am pleased to extend my best wishes to Mr. Bennett, Mr. Farr, and Mr. Wells for a successful and productive endeavor.●

MAJ. GEN. DANIEL W. FRENCH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to the long and distinguished military service of Maj. Gen. Daniel W. French, a close personal friend and a fine soldier who recently retired from the U.S. Army after serving for over 35 years in the defense of his country.

Major General French began his career in June 1950, when he was commission an Armor Second Lieutenant. The Baker, OR native has served in command assignments in U.S. Army, Europe; Korea; Vietnam; Fort Ord, CA; and Fort Knox, KY. His promotion to brigadier general came while serving as chief of staff for V Corps, U.S. Army, Europe, in September 1974. Following his assignment in Europe, he was the commanding general, 3d Reserve Officers' Training Corps Region, Fort Riley, KS and then deputy chief of staff for ROTC at the U.S. Army Training and Doctrine Command, Fort Monroe, VA, where he received his second star December 1980.

In his most recent assignment as commanding general, U.S. Army Soldier Support Center, from June 1981 to June 1985, Major General French worked diligently toward the accomplishment of his goal to make Fort Benjamin Harrison, IN the best place in the Army to live and work. He has developed a vast array of community support facilities and programs, all of which serve as models for the U.S. Army. Furthermore, he effectively commanded these activities to produce the best possible student graduates and training literature. Major General French's awards include the Silver Star, Distinguished Service Medal, Legion of Merit with Oak Leaf Cluster, Bronze Star Medal, Meritorious Service Medal, Air Medals, and the Army Commendation Medal with Oak Leaf Cluster.

He holds, a B.S. degree in psychology and sociology from the University of Oregon and an M.A. degree in International Relations from George Washington University. His military schooling includes the infantry officer advanced course, the U.S. Army Command and General Staff College and the National War College.

The general and his wife, Maribeth, are the proud parents of two daughters, Rebecca Renee (Becky) and Cynthia Lynn (Cindy).

Mr. Speaker, it gives me great pride to take this time to honor Maj. Gen. Daniel W. French for his full and productive career, and to wish General French and his family all the best for a most successful civilian life.●

THE "RAKKASANS" FORM AGAIN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mrs. KENNELLY. Mr. Speaker, members of the 187th Airborne Regiment, known throughout the world as the Rakkasan, will reunite in Hartford from the 10th to the 14th of July. I would like to join the citizens of Connecticut in welcoming this troop of heroes. Members of the 187th have served this country since 1943. They have seen combat in three of our Nation's conflicts. And they remain ready to serve whenever they are called, however they are needed, wherever they are ordered.

This Nation, and all the free people of the world, owe a debt of gratitude to the spirit and courage of the 187th. The struggles of the 187th were waged in defense of the freedoms we so cherish.

Mr. Speaker, the 187th gather this week in Hartford to remember their fallen comrades and to recall their own moments of trial and triumphs. I ask that we join Connecticut in honoring these brave men.●

THE 125TH ANNIVERSARY AT ST. ELIZABETH

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. GALLO. Mr. Speaker, a century and a quarter of community service is a milestone of great significance. When this milestone is reached in the field of education, the event is particularly noteworthy.

The Academy of St. Elizabeth, of Convent Station, NJ, is a Catholic girls academy conducted by the Sisters of Charity of St. Elizabeth.

On September 8, 1985, the academy will be celebrating the 125th anniversary of its founding by Mother Xavier Mehegan in September 1860.

During the past 125 years, the academy has been devoted to the spiritual, as well as the educational, needs of thousands of young women from New Jersey, as well as from other countries.

These students have been graduated from the academy with a sense of pride, moral values, and the necessary skills to achieve their goals in life.

Today, the Academy of St. Elizabeth draws its commuter student enroll-

ment from some 50 school districts in Morris and other New Jersey counties.

The academy offers quality education for the college-bound students and provides a full schedule of athletic and extracurricular activities.

Today, the academy continues its fine tradition of promoting spiritual and academic growth in an ever changing society.

The students of the Academy of St. Elizabeth should be ever aware of the fine tradition they have been asked to uphold.

The faculty, staff and administrators should be commended for their efforts to continue this fine tradition of service and accomplishment.●

LOS ANGELES STUDENTS MAKE A MIRACLE: STUDENT DRIVE RAISES $423,659.07 FOR MEDICAL RELIEF TO ETHIOPIA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

● Mr. DIXON. Mr. Speaker, it is with a great sense of pride and admiration that I rise to praise the students and staff of the Los Angeles Unified School District [LAUSD] for their remarkable efforts assisting the children of Ethiopia.

The students of the LAUSD, using a combination of dances, car washes, bake sales, jog-a-thons, and other fundraising activities among their peers, raised more than $420,000 over a 4-week period which ended June 20. It is especially noteworthy that our students gathered these contributions at time in the school year when many other events, such as graduations, proms, and making plans for the summer could easily have diverted their attention.

Mr. Speaker, while the entire Los Angeles Unified School District did indeed make a miracle, the drive was particularly aided by the moving, firsthand reports by school board president Rita Walters and high school students Sabrina Moore and Oliver Benjamin, who accompanied an airlift of medical supplies to feeding centers and refugee camps in Ethiopia in May during the initial stages of the drive. Dr. Harry Handler, as superintendent of the district, also gave exceptional leadership to this effort.

Mr. Speaker, this miracle drive was launched following a story on ABC's "20/20" program regarding a successful student-to-student drive in New York City's school system which raised $250,000 for an airlift of grain to Ethiopia. At the program's conclusion, my friend and colleague, Congressman GARY ACKERMAN, challenged students throughout the country to undertake similar activities on behalf of the famine-stricken children of Ethiopia. The students of Los Angeles have responded with more than $420,000 which is being used to support agencies under Interaction that are providing programs of medical relief in Ethiopia.

I would like to take this opportunity to also commend Congressman ACKERMAN, and the students of New York City for their equally outstanding fundraising accomplishments and more importantly for awakening America's students to the severe crisis in Ethiopia, and their responsibility to help make the miracles which can end the suffering of Ethiopia's children.●

WHY WE WON'T ACT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. SHUMWAY. Mr. Speaker, this week, in considering the Foreign Assistance Authorization Act, we have followed the unreasonable pattern established during debate on the Defense authorization bill—tacking onto the legislation dozens of new conditions, reporting requirements, prohibitions, and qualifications. We have entangled the President, the Armed Forces, the State Department, and our intelligence agencies in a legalistic and bureaucratic straitjacket so tight that it is little wonder we are unable to act decisively when faced with threats to the United States around the world. One moment, Congress zealously rails against terroristic violence, or espionage, and calls for firm retaliation while, the next moment, it creates a host of additional impediments to effective foreign policy action. I would like to call my colleagues' attention to a striking analysis of this relationship between congressional action and Executive inaction that recently appeared in the Wall Street Journal. Entitled "Why We Won't Act," this editorial clearly describes the implications of 10 years of congressional attempts to usurp the constitutional authority of the President to direct the foreign affairs and defense of this Nation.

[From the Wall Street Journal, July 9, 1985]

WHY WE WON'T ACT

With emotions already cooling in the wake of the Beirut kidnapping, it is time to move the retaliation issue off the question of whether we should have taken military action during or immediately after the seizure. It's now evident that this is largely an academic debate. All the available evidence from the past two U.S. administrations leads to the conclusion that short of total war, the departments of the executive branch responsible for foreign policy—the White House, State and Defense—are highly averse to military action outside the American continent.

In retrospect, Grenada appears to have been an anomaly, a unique event precipitated in large part by the forceful will of Dominica's remarkable prime minister, Eugenia Charles (who, by the way, has just won a big popular vote). The defense buildup of the past four years is intended to fight World War III, an event many senior military officers doubt will occur in their lifetime. Public statements by Defense Secretary Weinberger and senior uniformed officers make it clear that the Pentagon has little interest in deploying its assets in any contingency falling between Grenada and World War III.

The danger in this posture is that it significantly reduces the deterrent function that our, or anyone's, military capability is supposed to serve. And that in turn provides our adversaries with an unacceptably large margin in which to maneuver freely. The world's terrorists are actively operating in that margin. So are the Warsaw Pact nations and Libyas that train, finance and promote such insurgencies. This sort of activity puts tremendous pressure on U.S. friends, such as the ASEAN nations, Persian Gulf moderates or even NATO.

The return of the 39 hostages is gratifying, but nothing in the release process at all ensures against another such incident. There will be a next time. As the Free World's leading nation, the U.S. either has to take the responsibility of demonstrating its willingness to push back against this pressure or watch it eventually escalate into something requiring a much larger, bloodier military response.

The real question we should be addressing is: What set of circumstances now exists in Washington that has caused the U.S. military establishment to beg off on so many real-world contingencies?

Discussions we've had with military officers on this matter tend to focus on engagement strategy. Among their misgivings is the belief that currently popular proposals for "surgical" strikes and Delta-Force-type missions means they are expected to fight with inadequate force ratios. Others worry that the apparent need to give each service a piece of these initially small actions may supersede effective operations strategies. There is a good, wide debate to be had on this subject, but at bottom we are convinced that the Pentagon's reluctance to involve itself in mid-level operations is a rational response to the recent behavior of Congress.

To a man and woman, Congress will deny that it is damaging our military capability. But we do in fact have a War Powers Resolution that is constantly invoked and debated in these circumstances. And as to the inadequacy of our intelligence-gathering capability that is so talked about on occasions like this or the recent Walker spy case, we have had Mr. Reagan's Executive Order 12333 revising Jimmy Carter's Executive Order 12036, both forged amid a congressional tumult over CIA activities. Last week the State Department was reduced to saying it had asked the CIA's lawyers to provide an interpretation of these regulations before the administration made any decisions about pursuing Robert Stethem's murderers. The paramount operations consideration in this country today isn't whether it will work, but whether some congressional staffer will be able to say it's illegal. Will a week's worth of front pages and evening news shows lead with arguments over whether the president has "broken the law"? The commander in chief has become the lawyer in chief.

The series of House votes just prior to the congressional recess attempting to detail the conditions under which the president may take military action in Nicaragua displays how the congressional system naturally tends toward a tangle of legalisms, resolutions and amendments. It is certainly possible to break down each of the items we've mentioned into a discrete policy argument. But with everyone's mind focused by the Beirut kidnapping, we wish the members of Congress would stand back and take a look at the total system of political disincentives they've created for any Pentagon operations planner.

Bold anti-terrorist statements by returning members of Congress this week won't remove this disincentive. The legislation circumscribing U.S. military and intelligence operations is real. Now is the appropriate time for Congress's responsible members to explicitly raise the issue of modifying or repealing this legislation. If they do not, we are left with the status quo, and the status quo has obviously emboldened this country's enemies. At some point in the future, that continuing danger may threaten not merely 39 of us, but all of us.●

SMALL BUSINESS COUNCIL OF AMERICA

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. RAY. Mr. Speaker, my good friend from Columbus, GA, Mr. Morton Harris, recently testified before the Committee on Ways and Means on the impact of employee benefits and compensation of President Reagan's proposal for comprehensive tax reform.

Mr. Harris is the founder and president of the Small Business Council of America, Inc., which is a nationwide organization representing the interests of small business and professional organizations in connection with Federal tax and employee benefit legislation in Washington.

I submit his statement for the RECORD.

INTRODUCTION

The Small Business Council of America, Inc. ("SBCA") is a non-profit organization which represents the interests of small business organizations on Federal tax matters. SBCA has a membership consisting of over 1,500 successful retail, manufacturing and service organizations located in 47 states, most of which maintain employee benefit plans qualified under I.R.C. § 401(a). In addition, SBCA's leadership consists of a large number of tax attorneys, accountants, actuaries, consultants and bankers specializing in employee benefits who in turn represent in excess of 50,000 small business organizations which sponsor qualified retirement plans. Consequently, SBCA represents the interests of a great number of organizations and their employees across the country who have a significant stake in legislation which affects the structure, implementation, and operation of qualified retirement plans.

In recent years, frequently changing legislation in the qualified plan area has been particularly disruptive to the plans of small companies. In addition, the legislative bias against small plans has been only thinly veiled, at best, and in one case not veiled at all, i.e., the "Top-Heavy" rules, introduced during the deliberations of the Congressional Conference Committee on TEFRA without prior hearings or advance public announcement.

For many small plans, the costs and complexities of pension design and administration and the costs of frequent plan amendments have literally gotten out of hand, making qualified retirement plans unattractive to many small businesses because they are no longer cost effective.

The private pension system, so essential to the retirement well-being of millions of American families, and, for that reason, critical to the solvency of the Social Security system, has been so over-regulated during the past 12 years, that it is already beginning to fall of its own weight. This statement is not a cry of "wolf." Government statistics show the recent substantial increase in plan terminations (running at over 50% of the level of new plan formations), with the impact of the three major pension law changes (to a small plan, any change which causes a plan amendment is a "major change") during the past 35 months, i.e., TEFRA, DEFRA and REA, only just beginning to surface. So complex are the system's workings, that they are now well understood by only a relatively few experts; and any nationwide program meant for use in administering approximately 750,000 qualified employee retirement plans which benefit over 50 million participants cannot effectively be maintained by such a small number of advisors. What is even more troublesome, however, is that the costs of repeated plan revisions (three required revisions in three years) and the costs of plan administration have risen significantly so that retirement plans have become so expensive for employers that massive plan terminations are already guaranteed during the next few years, and an untold number of new plans will never be established.

Many wonder if the extinction of private pension plans is the object, or just an unintended consequence, of the present Congressional policies? The President has characterized, as the goal of his recent tax reform proposals, "an America bursting with opportunity." This is the age of the entrepreneur, he said. He heralded that "small but growing circle of heroes, the small business people, American entrepreneurs, the men and women of faith, intellect and daring who take great risks. . . ." He proposed to motivate this group by lowered personal and corporate tax rates, and reduced capital gains taxes. We submit that at least an equally realistic motivator for the typical individual contemplating starting his own business is the opportunity (once the business is successful) to create a retirement fund for himself and his family. Few such individuals, as a practical matter, can look to a sale of their businesses. They all can, however, look to building those businesses into sources of income for use during their working lives and retirement years.

That is where the private pension system plays a part. Not only does it help bring forth the entrepreneurial spirit, but also will help secure a solid retirement for the entrepreneurs and their employees. The object of our tax policy, then, should be to encourage the adoption and maintenance of qualified retirement plans in greater numbers than ever. If one looks at the record of this past decade, however, one would have to question whether or not the opposite may have been our National policy. We have had, beginning with the passage of ERISA in 1974, the enactment of a succession of laws which have added enormous complexity and escalating costs, while at the same time diminishing benefits of privately sponsored retirement plans, all of which threatens to put an end to the private pension system. Sometimes these legislative changes have been in the name of revenue enhancement, sometimes deficit reduction, and sometimes fairness or tax equity; however, whatever the stated rationale, the result is the same, less benefits to those in control of the businesses which adopt or maintain retirement plans and greater costs of (1) plan administration (e.g., reporting and disclosure requirements in the operation of the plans and at the time of benefit distributions) and (2) the almost annual requirements for plan amendments.

It is important to recognize that according to statistics developed by the Office of the Management and Budget in 1980, qualified retirement plans sponsored by small businesses (under 25 participants) cover more than six and one-half million (6,500,000) employees. These small plans (almost 90% of all plans) are maintained by small business at significant expense, with the plan administration costs often running ten (10) times higher on a per participant basis than in larger plans.

As stated above, commencing in 1974 with ERISA, small plans have been the subject of major legislative changes by TEFRA, DEFRA and REA, each law requiring additional amendments to all qualified plans in the country. It should be especially noted that the pension provisions of TEFRA which created new Code § 416 (the "Top-Heavy" Rules) must be listed high among the most discriminatory laws ever passed by the Congress.[1] It singles out qualified retirement plans sponsored by small business for numerous burdens and costs not applicable to larger plans. As a result, the very group least able to absorb these costs has been required to substantially amend their plans to incorporate these rules which compress plan benefits and increase company costs.[2]

The reason for this digression to TEFRA is that in many instances the President's proposals regarding pensions would also impact small plans far more than mid-size or large plans. It is ironic that "small business" and the entrepreneurs who own them, though really appreciated and often loudly praised by the lawmakers, unfortunately appear to be the "poor cousins" when specific legislation is considered. Sadly, at the very time a fourth major pension law change (again requiring substantial amendments to existing plans) is being proposed,

[1] The "Top-Heavy" rules appear to be the only rules that openly discriminate against small business to be found anywhere in the Internal Revenue Code.

[2] A "Top-Heavy" retirement plan is synonymous with a small plan. By definition, a "Top-Heavy" plan is one in which the value of the plan interests allocated for certain owners and highly compensated individuals is in excess of 60% of the value of the interests allocated for all plan participants. It is obvious that mathematically, the larger the employee pool for any given entity the easier it is not to be a Top-Heavy plan. Conversely, the smaller the employee pool, the easier it is to be "Top-Heavy." Because most small businesses have few employees, with the owner-employees often being the major portion of the employee staff of the small business and these plans are, therefore, almost always "Top-Heavy."

the Employee Benefit Research Institute (EBRI) has found, based on a nationwide survey (sponsored by EBRI and the U.S. Department of Health and Human Services) in May 1983, that small companies with fewer than 100 employees are less likely to provide qualified retirement plans than larger companies. The report also shows that between 1979 and 1983, the coverage rate of these small plans fell from 61 percent to 56 percent. The study concludes that if small companies could be encouraged (through tax incentives) to sponsor retirement plans at the same level as companies with 100 to 500 workers, then approximately 7.6 million additional employees would be covered by qualified retirement plans. It is imperative that Congress recognize and understand now that under the present legislative environment such growth will never take place. In fact, the opposite is already occuring and will continue to occur until (1) the law becomes stable for a reasonable period of time and (2) small qualified retirement plans are treated no more restrictively than larger plans rather than being singled out for discriminatory treatment.

PRESIDENT'S PROPOSALS: MODIFICATION OF DEDUCTION RULES AND ANNUAL LIMITS ON CONTRIBUTIONS AND BENEFITS

The proposed modifications set forth in Chapter 14.03 of the proposals clearly do not follow the adage "If it ain't broke, don't fix it," there being no evidence that existing limitations on contributions and benefits are not working. In addition, in Chapter 14.04 the related proposal which abolishes the 1.25 limit for all plans other than small plans, states that the present law "impose a significant burden on employers and plans, and indeed may be the primary source of complexity in the retirement plan area." At p. 356. Assuming the correctness of the statement, it is inconsistent that on one hand the President recognizes the complexity of these limitations while at the same time proposing that the complexity be kept for small plans and in addition recommends two new limitations and significant changes in two other existing pension rules.

Aside from this inconsistency, the Small Business Council of America feels it to be clearly unfair to abolish the overall "1.25 limit" as recommended in Chapter 14.04 for all plans other than small plans (i.e., top-heavy plans). The President's analysis is as follows: "Eliminating the overall limit for non-top-heavy plans would eliminate a significant source of complexity and thus would promote the adoption to tax-favored plans. It should also provide employers with a significant incentive to maintain both defined contribution plans and defined benefit plans."

This statement clearly states that importance of plans sponsored by large businesses being relieved of recognized complexity, but does not reflect this same concern for plans sponsored by small business which to a much greater extent should be given a workable incentive to sponsor both defined benefit and defined contribution plans for its employees. The rationale for this distinction simply cannot be discerned by SBCA.

The proposal in § 14.03 also would impose an additional 10% tax on all benefits distributed to or with respect to a participant from all plans, including IRA's and tax sheltered annuities, which exceed 1.25 times the defined benefit dollar limit in effect for the year. Although this proposal sounds relatively simple, it should be careful studied before it is incorporated into the pension system. Two issues immediately surface with respect to the operation of this provision:

(1) This proposal states that implementation of this section will not require significant employer involvement which assumes that plan distributions are primarily the responsibility of the employee. Whether this is a prudent assumption is not clear since many small plan sponsors determine, handle and often bear the costs of planning for plan distributions to participants. Statements in this proposal do acknowledge that employers simply cannot handle any more responsibilities in the retirement plan area, but then shift these responsibilities to employees as a satisfactory solution appears questionable; and

(2) It is not clear how these proposals would improve on the existing I.R.C. § 415 limits in this regard. In many cases it appears that upon retirement, many participants whose plan benefits have been at all times within the § 415 limits applicable to contributions or benefit accruals will, nevertheless, be subject to this additional tax. In fact, an employee may be forced to take a distribution in excess of 125 percent of the defined benefit amount in a given year due to the minimum distribution rules or because of personal hardship. Although it is well recognized that stability and certainty of the law is an essential element to a viable pension system, let alone a tax system generally, it is clear that under this proposal a plan participant because of the plan distribution requirements or an emergency may, at the eleventh hour, be faced with an additional 10 percent tax, notwithstanding he or she was at all times during plan participation years within the limits of the law. This places a premium on sophisticated (and costly) planning for plan distributions and penalizes participants who are faced with unexpected and unavoidable hardship.

REVISIONS OF § 401(k) PROVISION

While SBCA recognizes in Chapter 14.06 an attempt to broaden coverage of I.R.C. § 401(k) plans to more employees and, also, to limit percentage differentials between the highly compensated and other employees, SBCA is opposed to these proposals which make an already complicated area significantly more complicated (and more costly to administer) while, at the same time, restricting the level of benefits.

Specifically, SBCA is against limiting the § 401(k) employee's elective contribution to $8,000.00, reduced by his or her IRA contributions. The § 401(k) contribution should only be limited by the § 415 limitation as presently provided.

In addition, the existing one-third/two-thirds mathematical test is much easier to deal with than the proposed "prohibited group member" test which would require employers to keep additional employee records and make continuous tests of the three year "look back" period. If the one-third/two-thirds test is not producing a proper non-discrimination result, then a one-fourth/three-fourths test could be adopted to accomplish the desired result with greater simplicity and efficiency. It remains critically important to note that for the sake of simplification, this test should be kept as a simple mathematical test based on current census data.

SBCA believes that different adjusted deferral percentages (ADP) will further complicate the area and once again introduce yet another element of uncertainty into our pension laws. There also appears to be no explained reason why the top compensated employees should not continue to average their ADP as is currently provided.

Further, SBCA believes that taxing "excess" employer matching and employee elective contributions to a § 401(k) plan at a 10 percent rate will cause unnecessary additional administrative expenses in operating the plan and would typically function only as a penalty for inadvertent miscalculations in a very complex matter. SBCA suggests as an alternative that any "excess" employee elective or employer matching contributions should be distributed prior to the end of the plan year to which the contributions relate, with such required distributions not being treated as violating the existing distribution rules applicable to elective contributions or to qualified plans generally. Also, the distribution should be exempt from the early distribution recapture tax applicable to tax-favored plans. There does not appear to be any rationale for first imposing a 10 percent tax on excess contributions and then forcing a distribution, especially when excess contributions are almost always the result of administrative error in calculating the ADP percentages.

Further, SBCA opposes the proposal which would require plan coverage of employees after only one year of service. A § 401(k) plan is simply a profit sharing or stock bonus plan which the addition of employee electives and the same eligibility requirements that apply to these plans under existing rules should apply to § 401(k) plans.

Further, the deletion of "hardship" as a permissible event for allowing a distribution of employee elective contributions should not be promoted. Many employees will simply not put their own money into a plan if they know they cannot get to it in the event of a medical or other emergency.

If the proposals on § 401(k) plans contained in Chapter 14.06 are put into law, it is clear that an entire new body of pension law and regulations will arise in the § 401(k) area. It is disturbing that these proposals show no concern that tens of thousands of companies have established § 401(k) plans for employees during the past four years (including, more recently, a large number of small companies) in reliance upon the law remaining stable. These proposals do not reflect full understanding that § 401(k) plans entail significantly more administrative expense than required for other retirement plans, which is one of the reasons why § 401(k) plans are not suitable for many small employers.

For example, a great deal of communication with employees is required, and the plan administrator must make certain that payroll deductions are proper and notices of designated election periods are given to employees. Under these proposals the whole structure would have to be revamped (after only recently being put into place) at significant cost to employers. It is simply not fair to these companies or their employees to have this relatively new law so drastically rewritten. This is a particularly appealing area for Congress to express its recognition that certainty in the law is the keystone of retirement plans by preventing yet another expensive change from taking place.

MODIFICATION OF NONDISCRIMINATORY COVERAGE

SBCA strongly opposes the 125 percent non-discrimination test proposed in Chapter 14.09 on the grounds that it is (1) extraordinarily complicated; (2) requires maintenance of employee records for a three year period to determine prohibited group mem-

bers; and (3) is unnecessarily burdensome, particularly to small plans. SBCA suggests that if the purpose of these provisions is to remove the present nondiscriminatory coverage test (commonly referred to as the reasonable cross-section test) and to reduce the three year wait to a two year wait, then accomplish these goals without the laborious proposals contained in this Chapter. The present 70/80 test of § 410 is a satisfactory test and has withstood the test of a very long period of time. It is now clear to most professionals who are in day to day contact with the operation and administration of small retirement plans that the retirement plan system, especially in the small plan area, is collapsing from the onslaught of recent legislation. These proposals can serve only to hasten the demise of the system and will certainly not add to the coverage of additional employees.

There is also an obvious question in these proposals, i.e., how do they apply in the context of a one participant plan? Literally, the proposal test would not work in a plan covering only one prohibited group member, e.g., a sales representative, architect, entertainer, etc.

CONCLUSION

After struggling to cope with ERISA, TEFRA, DEFRA and REA, the small business community cannot help but feel their retirement plans exist in an open hostile environment. SBCA believes that many small businesses which have maintained their plans in spite of all the administrative and economic obstacles will consider another revamping and "improvement" of the present pension system as the "last straw" in forcing them to terminate their plans. The effect of these terminations will not only hurt the small business owners in their retirement planning but will also hurt many of the approximate 6½ million participants now covered by small plans.

The private pension system has for well over 40 years functioned in large part because of tax incentives. Small businesses, however, will not continue to maintain their plans or adopt new ones if they must absorb more administrative costs due to complexity and constantly shifting pension laws, particularly in light of the already discriminatory restrictions on small business plans. It is clear that if the "cost" of adopting or maintaining a qualified retirement plan is too great in comparison to the "benefits" to be received, the vast majority of the entrepreneurs (who make the decision to adopt or maintain a retirement plan for themselves and their employees) will simply forego the "opportunity" to do so.

A sad but unquestionable result of the adoption of the President's Proposals which pertain to pensions is that (without arguing the substance of these proposals) a vast number of the small businesses will simply no longer incur any more costs to amend their plans again. The "bottom line" and unfortunate result is that many small business members will terminate their plans rather than bear the burden of another restatement.●

STATE OF NEW YORK SALUTES MELVYN BLACK

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. ADDABBO. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of Melvyn Black.

The senate and assembly of the State of New York recently passed resolutions honoring Mr. Black for his many years of service on behalf of the disabled.

In their resolutions, the senate and assembly honored Mr. Black for his "selfless dedication" and "his outstanding contributions to the disabled of New York State." They further acknowledged that "his commitment has helped countless others to live fuller more rewarding life."

Over the past 20 years, Mr. Black has tirelessly contributed his time, energy, and talents to numerous causes and organizations seeking to improve the quality of life of disabled people. Melvyn Black is truly deserving of the recognition afforded him by the State of New York and I look forward to many further contributions from him in the future.

I submit for the RECORD the resolution of New York State Senate which is identical to the one passed in the assembly.

STATE OF NEW YORK LEGISLATIVE RESOLUTION HONORING MELVYN BLACK FOR HIS COMMUNITY SERVICE AND CONTRIBUTIONS ON BEHALF OF THE DISABLED

Whereas, Melvyn Black, a vital and vigorous leader in Massapequa, New York, has dedicated the last twenty years of his life in voluntary service to the disabled community, seeking equality in all aspects of life, in both the public and private sector; and

Whereas, Mr. Black has tirelessly contributed his time, energy and talent to a myriad of organizations which have clearly distinguished him as a champion of the rights of the disabled; and

Whereas, His unswerving commitment was manifested in his work as Co-chairman of the Marketing, Media and Fund-raising Committee for the 1984 International Games for the Disabled; and

Whereas, In order to better protect the rights of disabled persons, Melvyn Black serves as a voluntary consultant to members of the New York State Senate Select Committee on the Disabled; as a member of the New York State Assembly Task Force of the Disabled serving as Chairman of the Employment Committee; he was a member of the New York State Governor's Commission for the 1981 International Year of Disabled Persons; and he is a former consultant for the New York City Mayor's Office for the Handicapped; and

Whereas, He is President of Affirmative Action Associates, which attempts to place in the general employment market disabled individuals and encourages outreach programs on the part of private industry; and

Whereas, The high regard in which Melvyn Black holds all persons has been further demonstrated by his contributions as a member of the Board of Directors of the National Council of Christians and Jews; and

Whereas, The Fifth National Amputee Championships to be held June nineteenth through twenty-third, nineteen hundred eighty-five, in Nassau County, has also benefited from the guidance of Mr. Black, a member of the Championships' Advisory Board; and

Whereas, It is the intent of this Legislative Body to publicly recognize and applaud those citizens of this Empire State who have, through a long and sustained commitment, contributed to the preservation and enhancement of the quality of life of their fellow citizens; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to honor a man of selfless dedication, Melvyn Black, on his outstanding contributions to the disabled of New York State; his commitment has helped countless others to live a fuller, more rewarding life; and be it further

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to Melvyn Black, 8 Oxford Avenue, Massapequa, New York.

Adopted in Senate on May 29, 1985.

By order of the Senate,

STEPHEN F. SLOAN,
Secretary.●

THE "JUSTICE" DEPARTMENT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. HUBBARD. Mr. Speaker, some of the politicians at the U.S. Justice Department are working overtime nowadays trying to keep up with the latest developments surfacing about their investigation of the E.F. Hutton & Co. illegal check-kiting scheme which involved 400 banks nationwide.

One reliable source says the busiest people in the Justice Department this week are those working the copy machines in order to make available the latest revelations about the Justice Department appearing in the New York Times, the Washington Post, the Wall Street Journal and other major newspapers.

Asst. Att. Gen. Stephen S. Trott, Chief of the Justice Department's Criminal Division, is quoted in today's Washington Post as saying that E.F. Hutton president, Scott Pierce, "didn't know what he was talking about" when Mr. Pierce said that the brokerage firm would have agreed to plead guilty to an illegal check-kiting scheme even if E.F. Hutton officials or employees were to be indicted.

Mr. Pierce said just that on May 9 on the MacNeil/Lehrer News Hour.

Mr. Trott, also a guest on the same program, did not argue the Pierce comment on May 9 on the public television program, according to a MacNeil-Lehrer transcript. However, yesterday Mr. Trott said:

With all due respect, he (Mr. Pierce) was wrong. The settlement was available if individuals were not in it. Hutton was willing to put this to bed, but not if you had in it those . . . low-level individuals. Hutton was making it (the nonprosecution of individuals) sort of a quid pro quo.

Mr. Trott at least lets us know that E.F. Hutton officials were in control of the settlement with the Justice Department.

"Low-level individuals?" Mr. Trott writes in his prepared remarks submitted to the House Subcommittee on Crime of our Judiciary Committee for a scheduled June 5, 1985, hearing about the E.F. Hutton investigation:

As to the individuals primarily responsible in a criminal sense for this activity, there were essentially two key people.

Attached to the Trott testimony and submitted simultaneously to the House Subcommittee on Crime was the Justice Department's "summary of the E.F. Hutton & Co. Inc., investigation and prosecution." In the summary the Justice Department says:

We ultimately viewed our choice as one between an uncertain prospect of convicting two mid-level individuals who did not gain from the fraud against the uncertainty of a broad based enforcement stroke that could immediately wipe out cash management abuses throughout the business communilty.

According to transcript No. 2509 of the May 9, 1985, television broadcast of the MacNeil/Lehrer News Hour, we read the following remarks made by Assistant Attorney General Trott.

Trials are risky, they're unpredictable. This case involves seven million documents and a theory and a scheme that was so intricate and complex that many, most of the banks did not even realize they were the victims of a swindle until we went around and explained it to them. We thought that three years' worth of a trial at the end of that you're getting some individuals—that the package that's right now is much more important. People need confidence in the banking system now. This case needed resolution now, and that's what we've given it.

I don't really think so. We traced this in the money management end of the business. I can tell you that there were people who were running this scheme who were absolutely 100 percent aware of exactly what they were doing and recognized it as—

We could only uncover pretty much what Mr. Pierce said, that they were doing this on behalf of the company. This truly seemed to be a corporate venture. The intent was to beat the high interest rate, which was 18 to 20 percent at that time. This in effect was stealing interest-free loans from banks for short periods, one, two and three days. And it seemed to be truly a corporate venture. Mr. Pierce is right, they were getting credits, bonuses for profitability, but it's not the type of situation—and I don't mean to minimize it—where people were stuffing the money that was being stolen in their own pockets. They were stealing interest-free loans for Hutton's use."

First of all, I'm delighted to hear Alan say it ought to be a higher priority. It ought to be a higher priority; it is a high priority. It was a very serious crime. I don't want to repeat myself, but we feel that it was an assault on the integrity of the banking system. Many small banks were involved in this. If somehow this had gone awry and the banks had failed, a lot of individual depositors would have been left holding the bag. We think it's a very serious crime.

No. Our policy is to attack each case as the interests of that case require. And Alan is right, I know how to get individuals, and I can tell you, Alan, in this case, to do that would have required that we put off this whole thing for three years. We took an attractive package now that we think serves the interest of justice.

This settlement was not agreed upon until it became absolutely crystal clear to the career lawyers and to everybody else. Alan, that that was not a reality, that was not a real possibility in this case. This case would have required a trial because of the gray area that was described concerning what people down the line thought was going on. This was so complicated that many of the people required to carry out this scheme didn't even lack the knowledge to know what it was. They were working off of formulas, drawdown sheets, complicated procedures, and it really escaped not only some of the people in Hutton, but the bankers didn't even realize what was happening to them.

Mr. Speaker, as I've said many times, more and more Americans are becoming aware that the U.S. Justice Department is the most politically conscious, politically active agency in our Federal Government.

What our Justice Department wants the American public to believe is that, untouched by human hands, the corporate entity known as E.F. Hutton was able all by itself to carry off a complex and profitable fraud.●

A BREAKTHROUGH PROPOSAL FOR ARMS CONTROL

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. SOLARZ. Mr. Speaker, I am pleased to announce that today I am introducing, with the Honorable Jim Leach of Iowa, distinguished member of the House Foreign Affairs Committee, a concurrent resolution which urges an approach to the arms control talks that we believe will break the current stalemate in Geneva. An identical resolution is being introduced in the Senate by the Honorable Gary Hart of Colorado, distinguished member of the Senate Committee on Armed Services.

The resolution we are introducing provides the basis for a breakthrough in the arms control negotiations in Geneva. We believe the best opportunity to achieve an arms control agreement lies in a tradeoff involving significant reductions in the number of offensive nuclear weapons and restrictions on the development, testing, and deployment of defensive systems.

The resolution will focus in a constructive fashion our country's debate over star wars. It will help to set the stage for an expression of congressional opinion on this vital issue that could lead to a change in the American negotiating posture which is a necessary if not sufficient condition for a breakthrough in these vital negotiations.

Unless we are prepared to link the two overriding arms control issues of offensive weapons and defensive systems, there will be no possibility of a meaningful agreement in the Geneva negotiations. Unless we are willing to forgo development, testing, and deployment of star wars, the arms control process will be doomed to failure and the stage will be set for a tragic and massive escalation of the arms race in space and on Earth.

An American decision to proceed with an unrestrained Star Wars Program would simply result in an unrestrained Soviet effort to develop more offensive weapons to overwhelm our potential defenses. Rather than having increased our own security, we would have increased the arms race. Instead of bringing the arms race under control, we would have helped to set in motion a dangerously destabilizing and extraordinarily expensive new competition in offensive weapons and defensive systems.

Our resolution does not call for a ban on research into star wars. It is simply not realistic for the Soviet Union to insist on prohibitions on research into strategic defensive systems as a condition for an agreement on offensive nuclear weapons. The Soviets have long been engaged in a significant star wars research progam of their own and they are well aware there is no way such a ban could be verified.

If the Soviet Union continues to demand a prohibition on research into star wars defensive systems, knowing that such a ban is neither feasible nor verifiable, it will be clear that the Soviets have no interest in pursuing a meaningful arms control agreement. But over the last few weeks, there have been signs of Soviet flexibility on this issue. The United States must now test Soviet intentions on this critical question.

Restrictions on development, testing, and deployment of defensive systems are verifiable and desirable and should be sufficient to satisfy the expressed Soviet concerns, which our country should share, in preventing the development of defensive systems that could be destabilizing.

For anyone who believes there is a possibility the Soviet Union might accept the administration's refusal to agree to any restrictions on star wars, our resolution might be viewed as undermining the administration's position. But for those of us who believe the administration's present posture is a formula for failure and a prescription for paralysis in the arms control

negotiations, our resolution constitutes an essential effort to begin the process of formulating a more realistic and viable American negotiating position at Geneva.

Our resolution is realistic and responsible.

It offers a realistic opportunity for agreement as it allows each side to accomplish its main objective: For the United States, reductions of offensive strategic weapons; for the Soviet Union, restrictions on the development of star wars defenses.

It is a responsible approach because it prescribes a pattern of mutual and verifiable reductions and restrictions that add up to meaningful arms control.

As people who believe, as John F. Kennedy did, that unless we end the arms race in nuclear weapons, sooner or later the arms race will end us, we believe we have a political and moral obligation to help bring about the kind of change in our negotiating position that can make possible an agreement at Geneva.

I believe the approach we are advancing today will draw strong support in the Congress and the country as a prescription for progress on the most important issue of our time—halting the nuclear arms race.

The text of the resolution follows:

H. CON. RES. —

Concurrent resolution expressing the sense of the Congress that the continued expansion of Soviet offensive nuclear forces and the possible development by the United States of defensive systems to counter that expansion are directly linked and threaten the achievement of a comprehensive arms control agreement; and that, if the Soviet Union agrees to mutual, verifiable and significant reductions in the overall number of offensive nuclear weapon launchers and warheads, the United States should agree to mutual, verifiable and significant restrictions, consistent with and complementary to the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems, on the development, testing, and deployment of components, weapons, supporting systems, and technologies for strategic defensive purposes

Whereas the resumption of arms control negotiations in Geneva renews hope that the arms race may yet be curtailed and the danger of nuclear holocaust reduced;

Whereas respect for nuclear arms control agreements already in force is essential for the establishment of a climate of mutual confidence conducive to the successful negotiation of comprehensive agreements limiting nuclear arms;

Whereas limitations on the deployment of destabilizing and expensive defensive systems, as embodied in the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems, continue to be significant arms control objectives;

Whereas ensuring compliance with existing limitations, particularly as concerns the radar currently under construction at Krasnoyarsk, and expanding those limitations are critical objectives if the arms control process is to enjoy the continued support of the Congress and the American people;

Whereas limited, carefully-defined research on strategic defensive technology is explicitly permitted under existing arms control agreements and necessary to provide a hedge against developments by either side which could undercut those agreements;

Whereas it would not be possible to verify significant aspects of a ban on research in strategic defensive technologies;

Whereas the negotiation of new arms control agreements that are mutual, verifiable, stabilizing, and which significantly reduce nuclear arsenals are in the national interests of the United States;

Whereas there is little likelihood of obtaining an agreement significantly reducing offensive nuclear weapons in the absence of restrictions on the development, testing, and deployment of defensive systems; or of achieving significant restraints on defensive developments without achieving reductions in offensive arsenals; and

Whereas without an agreement restricting the development, testing, and deployment of defensive systems by both sides, there is a very real possibility that the arms race in offensive nuclear weapons will be accelerated rather than contained: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), that it is the sense of the Congress if the Soviet Union agrees to mutual, verifiable, and significant reductions in the overall number of intermediate-range and strategic, offensive nuclear weapon launchers and warheads, the United States should agree to mutual, verifiable, and significant restrictions (consistent with and complementary to the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems) on the development, testing, and deployment of components, weapons, supporting systems and technologies for strategic defensive purposes.●

INDIAN TRUST BINGO VENTURE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. SHUMWAY. Mr. Speaker, I recently submitted for the RECORD an editorial from a Minnesota newspaper about Indian gambling, an issue with which I am very much concerned. In that article, reference was made to the Fond du Lac Tribe's recent acquisition of an abandoned Sears store in downtown Duluth, to be used for the Tribe's high-stakes bingo operation. The following is the announcement of this acquisition in the Bureau of Indian Affairs' "Indian News Notes," volume 9, No. 24:

FORMER SEARS STORE IN DULUTH APPROVED FOR INDIAN TRUST LAND BINGO VENTURE

Interior Deputy Assistant Secretary John Fritz, on June 13, authorized giving a former Sears store in Duluth, Minnesota, the status of Indian trust land so it can be used for a high-stakes bingo game to benefit both the Fond du Lac Band of Chippewa Indians and the City of Duluth. The property, after it is taken into trust by the United States for the Band, will not be subject to state regulatory laws restricting bingo games. Under an agreement between the Band and the City of Duluth, the property will be leased for 25 years to a joint commission of city and tribal representatives that will operate bingo games on the property. Profits from the bingo will be distributed among the city, 25 percent; tribe, 25 percent, and joint commission, 50 percent for development of other projects to benefit both tribe and city. The Fond du Lac Reservation is about 30 miles outside Duluth. The city has suffered economically from the depression in the steel industry.

What is interesting—or, rather, appalling—to me is that this operation will be used to benefit not only the Indian tribe, but the city of Duluth as well. In essence, the city, which normally must comply with State gambling regulations, has now exempted itself from State control by going into business with the Indians, and is earning 25 percent of the profits in the process. Was this the intent of our forebears when Indians were given semi-sovereign status within the Federal system?

I suggest that Duluth's involvement is not only an infringement on the fiduciary relationship between Indians and the Federal Government, but it also lends further evidence of the need to regulate the currently unregulated Indian gaming industry. By enacting regulatory order, the industry will thus lose its appeal for undesirable elements such as organized crime and unscrupulous non-Indian operators, as well as those who would prey on the benefits of the trust relationship between Indians and the Federal Government.●

ELEANOR MARIE WADE'S LASTING CONTRIBUTION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. UDALL. Mr. Speaker, at this time I would like to take the opportunity to honor a constitutent of mine who passed away recently, a woman whose kindness and compassion are helping others even after her death.

Eleanor Marie Wade was born in 1909 in the rural Minnesota town of Kimball. She spent the formative years of her life on a farm near that community, but like so many of us, she found herself yearning for the excitement and opportunity of the big city; in her case Minneapolis. As a young lady she moved to Minneapolis, a place she would call home until 1968. She worked her way up the corporate ladder, winding up her career as a top secretary for the Crown Zellerbach Paper Co. Following her retirement in 1968, she moved to Tucson, AZ.

In 1980, Ms. Wade became aware of and involved with the Sertoma Foundation. The Sertoma—Service to Man—Foundation works to aid those with communication problems, edu-

cate the public about such problems, and inform the afflicted about the availability of such aid. Ms. Wade actively suported the goals of the foundation, and subsequently bequeathed her entire estate, worth over a quarter of a million dollars, to the Sertoma Foundation. Her estate provided much needed funding that was crucial to the establishment of public education programs and gave the foundation the ability to invest enough money to make it a permanent institution.

It is very difficult to understand the traumas of going through life with speech, hearing, or language impediments. Thanks to organizations such as the Sertoma Foundation, something is being done about these problems. Through public education programs and scholarships for research, the Sertoma Foundation has proven itself worthy of gifts such as the one given by Eleanor Marie Wade. Her generosity and compassion for others also set a good precedent. If more shared her eagerness to help others, mankind would profit in the long run.

Eleanor Wade succeeded in doing what every person dreams of—creating a legacy to be cherished and honored. She should be remembered for her remarkable and generous gift to a worthy cause.●

LEAVE BURR TRAIL ALONE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. VENTO. Mr. Speaker, once again this year Congress is being asked for money—some $8.8 million—to pave a dirt road in southern Utah. This is no ordinary dirt road. It is called the Burr Trail and cuts through some spectacular red rock sandstone canyon country, country so special the Congress set-aside part of it as Capitol Reef National Park.

The 66-mile road runs from the small town of Boulder into Capitol Reef National Park where it traverses the Waterpocket Fold, a geologic formation of striking beauty. From the top of the fold, it descends by way of several switchbacks, to the desert floor, where it continues across Bureau of Land Management property until it enters the Glen Canyon National Recreation Area. The road ends at Bullfrog Basin, a resort and marina complex on Lake Powell owned and managed by Del E. Webb Recreation Properties, Inc., a National Park Service concessioner.

My concerns stem from the fact that Glen Canyon and Capitol Reef are both units of the National Park Service, which is under the jurisdiction of the Subcommittee on National Parks and Recreation which I chair. A plan to blast, widen, pave, rechannel a streambed, build bridges, and realign roadways could have a tremendous impact on these two units of the national park system, and I have followed the arguments for and against the project carefully.

Proponents of this project (which could cost up to $37 million including the State of Utah's share), say it will stimulate tourism in economically depressed southern Utah. They say more tourists will come to the region if they know they can drive from national park attractions in southeastern Utah, such as Bryce Canyon, Zion Canyon and Cedar Breaks by traversing the Waterpocket Fold to Bullfrog Basin on Lake Powell. They point out that the dirt road is not passable during periods of wet weather, and that its switchbacks prevent its use by tour buses, large recreational vehicles, and vehicles pulling trailers.

In response to the paving proposal, the Park Service and the Bureau of Land Management together wrote an Environmental Assessment. That Environmental Assessment was completed in May 1985, and was the subject of three public hearings exclusively in southern Utah in June of this year. Requests for public hearings in Salt Lake and other areas were denied. After reviewing the document, I must agree with critics of both the road and the Environmental Assessment. This Environmental Assessment is inadequate. It does not fully address the tremendous impacts to the two national park units. It does not, for example, provide any detailed analysis of likely impacts to park property or Bureau of Land Management wilderness study areas, if greater number of vehicles brought greater numbers of recreational users to the areas along the Burr Trail. At present, this is a lightly traveled road, averaging only a dozen or so cars daily. If it becomes a paved highway, and is promoted by the tourist industry, visitorship could increase, bringing with it new demands on the fragile desert environment.

This project is illconceived and will do great damage to the stated objectives of Congress in creating these two parks. The Burr Trail should not be paved through Capitol Reef and Glen Canyon because it will not improve the visitor experience to the parks, and in fact, could seriously detract from it. The main arguments for paving are economic, to stimulate auto traffic between two points. This expensive paving project will not serve to improve visitor enjoyment of Capitol Reef and the Bullfrog area of Lake Powell. It is proposed because it might create traffic to generate sales. Congress and the Park Service must resist this effort to sacrifice a unique national resource for the private gain of a concessioner, and the local economies of Boulder and Garfield Counties.

Trying to project the economic benefits of this road is a little bit like trying to project the real needs of the Pentagon. It certainly would employ a lot of roadbuilders for the year or two it would take to blast and pave its way through Capitol Reef and Glen Canyon. But after the roadbuilders went home, what would be the economic gain? The State of Utah projects car traffic to increase statewide 6 percent a year into the future. Even if that straight line projection were accurate, does that mean 6 percent more cars would travel the Burr Trail to Lake Powell? Based on State highway surveys in Utah, auto traffic to Bullfrog Basin has actually declined the past few years. Further, without getting into the kind of dubious economic projections which produce these rosy promises of new tourism-related jobs, consider this simple point. If motorists have a paved shortcut from southeastern Utah via the Burr Trail to Lake Powell, they would no longer go through other towns on the present route. Currently, motorists use Highway 24. That's where the Capitol Reef visitor's center, campgrounds, and other visitor oriented services are located. Along Highway 24 there are tourist-related businesses, long-established, which stand to lose business if traffic diverted to the Burr Trail. This proposal to stimulate one part of Utah's economy could harm another part of it.

If the Burr Trail were an all-season, all-weather highway, it would offer a shortcut for motorists traveling from the Southwest to the Southeast. However, the State of Utah already has such a shortcut. The State has just completed paving the road from Boulder over Boulder Mountain, where it connects with Highway 24. This cuts travel time from southwestern Utah park areas to the east already. Paving the Burr Trail would cut the distance another 90 miles. But it would also divert tourists from Highway 24 businesses, Capitol Reef's visitor facilities, and it would speed them through Utah all the sooner. That would seem to run counter to the wishes of businesspersons who want tourists to stay longer and spend their money in Utah.

Even if the economic projections were accurate, and the tourism business of southern Utah would pick up, I would still have to oppose this project on environmental grounds.

An all-weather paved road would open to all types of vehicles one of America's great undisturbed natural and cultural sites. Just off the trail are such attractions as The Gulch, Long Canyon, Muley Twist and the Waterpocket Falls. Two wilderness study areas, Steep Creek and North Escalante Canyon/the Gulch, border the trail. The area contains a number of archaeological sites, dating back 1,000

years. The eyrie of a pair of endangered perigrine falcons is located a quarter mile from the existing trail in Long Canyon. Bald and golden eagles winter in the area. The land itself, sandy and with sparse vegetation, does not heal its scars quickly. Mining roads bulldozed 30 years ago during the uranium boom are still clearly visible, although they've been abandoned a quarter of a century. Now, even though the Burr Trail is readily drivable by an ordinary passenger car—weather permitting—the only users are those with a genuine desire to go off the beaten path in order to see something special. The environmental assessment does not address what will happen if an all-weather highway opens those fragile adjacent park areas to whatever off-road vehicles motorists decide to haul in. Congress can declare a wilderness area, and a national park, but if it turns around and appropriates money to widen and pave a road right through that area which it found so special, it surely is shooting itself in the foot.

The Burr Trail is special. It is an adventure to travel. A motorist, in an ordinary passenger car, can still feel like an adventurer, seeing country only a relative few have seen before. Alternate routes exist for motorists in a hurry, or those in oversized vehicles. Let's save the Federal Government some money, and save some fabulous country by leaving the Burr Trail as it is today.●

GENERAL REVENUE SHARING AMENDMENTS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. McEWEN. Mr. Speaker, today I am introducing legislation which continues the General Revenue Sharing Program. This vital Federal effort provides assistance to literally thousands of low-income communities and many large fiscally stressed central cities. In my view the originally intended purpose of revenue sharing was to provide the fiscal safety net for distressed local governments. Under the provisions of our bill, revenue sharing funds will be spent more responsibly by targeting aid only to those needy governments charged with providing basic public service needs.

Mr. Speaker, critics of the General Revenue Sharing Program argue that it makes no sense for the Federal Government to be borrowing billions each year to provide revenue sharing funds to every community regardless of need. I agree. However, the elimination of this program would hurt the neediest communities because revenue sharing represents over 15 percent of the revenue most low-income communities receive as compared to less than 5 percent in the wealthier areas. In addition, the elimination of revenue sharing would require the largest tax increases in those communities most dependent on revenue sharing for their public service needs and least able to increase their tax burdens. Consequently, under the provisions of our proposal, revenue sharing funds would be better targeted to those communities with the greatest need.

As my colleagues know, good public policy requires that we make responsible choices in reducing the deficit. If we approach reducing the deficit by cutting programs, we should make those cuts in programs that are not targeted and less efficient than the General Revenue Sharing Program. For this reason, I support better targeting of revenue sharing to the more distressed areas across the Nation and the continuation of GRS at its current $4.6 billion authorization level. I urge the support of my colleagues to maintain the fiscal safety net for distressed local governments.●

ADMINISTRATIVE PROCEDURE REFORM ACT OF 1985

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. EDWARDS of Oklahoma. Mr. Speaker, today I introduced the Administrative Procedure Reform Act of 1985, a bill designed to increase procedural safeguards for persons who must come before Federal agencies in adversary proceedings.

The constitutional protections available to all Americans in our civil and criminal courts all too often fall to expediency in administrative proceedings.

Administrative law has developed into a sometimes arbitary method of imposing the Government's will on the individual in ways that he is often helpless to defend against. The powers of some Federal agencies allow bureaucrats to avoid the constraints of the Federal Constitution; permitting search and seizure without a warrant; requiring persons to give testimony against themselves; subjecting citizens to hearings without giving them the right to confront their accusers.

This bill, and the procedural safeguards in it, are badly needed, and I urge my colleagues to review it and support my effort to guarantee constitutional protections to all persons affected by Federal agencies.●

INTRODUCTION OF LEGISLATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. OWENS. Mr. Speaker, today I am introducing a resolution calling on the administration to grant asylum to South Africans who refuse to support South Africa by force of arms.

There is universal military conscription for white males in South Africa. The period of service has increased over the years as the resistance to the evil of apartheid has grown. When the universal conscription of white males was introduced in 1967, the length of service was 9 months. The length of service has now increased to 4 years with the possibility of subsequent call-ups.

Those who are inducted into the South African Defense Force may be called upon to serve in the prevention or suppression of terrorism and in the prevention or suppression of internal disorder. These internal security functions are essentially the support of apartheid by force of arms. To put it another way, these functions can be viewed as the waging of war on the majority black population by the minority of whites who wield power in South Africa.

The issue of conscription into the South African military came to my attention last summer. At that time, I met a young man, Richard Dunne, who had left South Africa rather than serve in the South African Defense Force to impose apartheid on the blacks of South Africa and to participate in the occupation of Namibia and the raids into neighboring states. Mr. Dunne's older brother had previously been granted asylum in the United States, but the initial advisory opinion from the Department of State recommended denial of asylum to Richard Dunne. Although the advisory opinion will be reconsidered, there are no guarantees that there will be a change of position by the State Department.

There are those who bemoan the fact that the peace movement in South Africa is not stronger. It would be best if the transition to majority rule could occur nonviolently. People who refuse to engage in violence in South Africa deserve our wholehearted support. The case of Richard Dunne and his fellow-draft-refusers presents us with the opportunity to support those who work against the evil of apartheid in a nonviolent way. I urge you to join with me in making it clear that this body condemns apartheid and supports those who will not take up arms in its defense.●

THE INTRODUCTION OF LEGISLATION TO AMEND THE FAIR CREDIT REPORTING ACT

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. DONNELLY. Mr. Speaker, today I rise to introduce a bill to amend the Fair Credit Reporting Act to reduce the period of time in which certain adverse information is retained in consumer credit files.

Consumers who have had updated credit profiles have found that credit accounts that had been paid off for more than 4 years previous were still listed as credit risks. Many consumers have times of financial instability. However, their credit rating should not be marred for up to 7 years as a result of those brief periods of financial instability. Four years is a much fairer length of time for the consumer, while still protecting those institutions dealing with consumer credit.

The purpose of this bill would be to amend the Fair Credit Reporting Act to disallow reporting of obsolete information for accounts placed for collection or charged for profit and loss which predate the report by more than 4 years. Also, any other adverse information which predates the report by more than 4 years could not be listed in an individual's credit profile.

This bill will not affect the operation and functions of our financial institutions but will effectively serve as an equitable way of reporting consumer credit information in a reasonable period of time while protecting all consumers.●

A ONCE AND FUTURE DESERT

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. COELHO. Mr. Speaker, the San Joaquin Valley of California, which I represent, has consistently proven itself to be the most productive agricultural area in the world. Events of the past year have placed that status in jeopardy, however, due to questions about the future of irrigation techniques utilized by farmers. Slowly, some farmland and water sources are being victimized by natural elements of the Earth.

We continually hear about the need for technological advancement to improve our defense capabilities, efforts which I support. Yet research and technological achievements must also be devoted to other problems as well, particularly in the areas of agriculture and water reserves. These issues will ultimately impact all Americans, because our food supplies and natural resources could be threatened.

I would like to share with my colleagues an article on this subject which appeared in the June issue of Discover magazine.

A ONCE AND FUTURE DESERT

(By Gina Maranto)

It's late on a March afternoon in the San Joaquin Valley, and a rainstorm is blowing off the Coast Ranges and across Buzz Allen's 1,120 acres of prime farmland. The light in the tiny frame office building behind Allen's house makes his face seem more bronzed and weathered than it is. He begins talking. His tone is even, measured, but the distress and hurt can be heard, like a harmonic. One suspects it's rare for this tough man to get emotional, especially in front of strangers. "I've fought the wind. I've fought the elements. But this is the worst winter ever," he says. "Nobody gives you a chance to come up with an answer."

Allen pauses, considering the prospects for this planting season and the next. It appears almost certain that his irrigation water, which he buys indirectly from the U.S. Bureau of Reclamation, will be cut off. In the arid San Joaquin, farming without the water that the bureau pumps in from the Sacramento-San Joaquin Delta, 70 miles away, and from various Sierra Nevada rivers, is virtually impossible.

Less than two weeks before, newly appointed Secretary of the Interior Donald Hodel decided that he was legally obligated to stop the federal water supply to 42,000 acres of land on the western side of the valley. His reason: the underground runoff from irrigated farms in the area that flows into the 82-mile-long San Luis Drain and on to the Kesterson Reservoir contains selenium. One of the most widely distributed trace elements on earth, selenium is a necessary dietary supplement for people and animals. But selenium accumulates in the tissues, and some scientists now fear that ingesting more than 500 micrograms a day can be harmful. In 1983, embryos and just-hatched chicks of waterfowl that had nested on the reservoir's twelve ponds, which are adjacent to a 4,700-acre wildlife refuge, began showing up with some of the most disturbing birth defects ever seen in the wild. Misshapen embryos had no wings; chicks hatched eyeless and with twisted beaks. Wildlife biologists were convinced that selenium, leaching from soil on the irrigated farms, was causing the deformities.

"We had no idea what was going on at Kesterson until 1983," Allen says. "Then we thought the bureau was taking care of the problem. But the federal government has destroyed me. Who do you think will pay $3,500 an acre for this land now? And I've lost something more. I'm a flag waver, but I've lost a chunk of my heart, seeing my President allow a thing like this to happen. Yeah," he concludes, eyeing his visitor steadily, "I'm angry. I'd like to go one on one with Ronald Reagan."

At least for the time being, there won't be any need for Allen or any other San Joaquin farmer to take on the former host of *Death Valley Days.* Just a few hours after Allen voiced his bitterness, the farmers got a reprieve. Word came from Washington that the tap would stay open. Still, growers in the Westlands water district, which covers 942 square miles from Mendota to Kettleman City, aren't off the hook. According to a schedule set by the Interior Department, Westlands farmers must halt the runoff into the drain by June 1986. That means the farmers have to find some other way to dispose of about 8,000 acre-feet[1] of water.

The poisoning of the Kesterson Reservoir is only a symptom of a far more serious and widespread ecological malaise, one that has begun to plague farmers throughout the arid West. The problem is that irrigation, which not long ago turned vast stretches of western desert into the world's most productive farmland, is now ruining hundreds of thousands of those same acres. It's also polluting marshes, rivers, lakes and estuaries in California, Colorado, and other western states.

The states are in a predicament mainly because the Bureau of Reclamation, in its multibillion-dollar drive since the early 1900s to convert barren western lands into productive farms, ignored a lesson almost as old as agriculture: irrigation of scrub desert is like a lousy marriage—neither partner, the alkali soil or the water, gains much from the association. The water gradually degrades the land by causing a build-up of salts, including sodium, calcium, and magnesium chlorides. Meanwhile, the land, which in some regions is laced with selenium, arsenic, boron, and other naturally occurring poisons, taints the runoff. The pollution of the Kesterson, where poisons have become concentrated, is an example. But a far more widespread and economically troublesome result of the Westlands irrigation has been the salting up, or salinization, of the soil there. It's a process that's becoming increasingly evident throughout California farmlands.

Jack Norlyn, a researcher in the department of land, air, and water resources at the University of California at Davis, likes to illustrate the threat to his state's agriculture this way: "Imagine a train going sixty miles per hour, composed entirely of boxcars full of salt. If there were enough cars to haul all the salt that California rivers contain each year, it would take thirty-six hours to pass you. Since eighty-five per cent of that water is allocated to agriculture, most of the load is being deposited on California farms."

As salinization spreads, the survival of agriculture in the Central and Imperial valleys, which supply slightly less than half of the nation's fruit, nuts, and vegetables and about one quarter of its cotton, could be at stake. In the past year, agricultural researchers have warned that as many as 1.5 million acres in the Central Valley—roughly a third of its irrigated farmland—could be knocked out of production by the year 2000. The statewide toll could be more than double that. Surveys by the U.S. Department of Agriculture reveal that 2.9 million of the state's 10.1 million irrigated acres show signs of salt damage. Salinization may now affect 25 per cent of all irrigated acreage across the nation.

In its early stages, salinization is all but invisible. From the air the San Joaquin looks fine—one vivid green field after another. But salt destroys by degrees. As freshly soaked fields dry out between waterings, salt that's in the soil or in the irrigation water rises to the surface like lamp oil traveling up a wick. If a region has sufficient rainfall, or farmers are able to add a ration of water beyond what the plants need to grow, the salt will be washed down, out of

[1] An acre-foot contains 326,000 gallons of water, approximately the amount that a family of five uses in one year.

the critical root zone. But in the desert, or in areas with poor drainage, where adding extra water merely raises the water table, the concentration of salt near the surface increases year by year, gradually poisioning or dehydrating crops and reducing yields. Even a relatively small increase in salt concentration forces a farmer to switch from vulnerable crops like lettuce or beans to more tolerant ones like barley, cotton, or sugar beets. Land can become "salted out"—covered with a white crust. Heavier soil harden like cement. To reclaim such land by treating it with gypsum (which gives the soil loft and helps remove sodium) is a daunting task. Iraqis struggling to cultivate the land between the Tigris and the Euphrates have discovered that it's still infertile from over-irrigation by Sumerian farmers 6,000 years ago. Back then that land was known as the Fertile Crescent.

San Joaquin Valley growers have fought against salt intrusion since the 1870s, when they began diverting streams for irrigation and, later, started using well water. But the intensity of today's corporate farming makes the battle all the harder. The arrival in the late 1960s of cheap water via the $1.2 billion San Luis Unit, part of the world's largest reclamation project, stepped up production on 500,000 acres of land in the Westlands water district, where drainage is poor and the water table high.

Because of a buried layer of clay from 20 to 100 feet below the surface, irrigation water percolating through the soil doesn't disperse, but perches on top of the clay. Gradually, the underground water level rises. Beneath some 180,000 acres in the Westlands, saline-laden water sits within ten feet of the surface—in some cases drowning the deep-penetrating roots of crops like cotton and alfalfa.

Almost as soon as the Bureau of Reclamation began in 1967 to send water from the two-million-acre-foot San Luis reservior to the Westlands district, the water table rose enough to get farmers worried. Under the original San Luis Unit agreement, the bureau had agreed to take care of any drainage problems that might result, and farmers persuaded the bureau to build a master slough that would carry waste water 188 miles north to the eastern arm of San Francisco Bay. But in 1975, with only 82 miles of the drain built and $40 million spent, the money ran out. Instead of emptying into the bay, the canal simply ended at Kesterson.

Despite the fact that there was no outlet, waste water began to flow into the canal. Between 1978 and 1981, the quality and quantity of the water worsened as farmers along the canal installed tile drains—buried, perforated pipes that collect waste water and feed it into larger pipes that lead to the canal. With the bureau's approval, they sent some 8,000 acre-feet of water a year to the walled ponds at Kesterson. The ponds, four feet deep and covering 1,200 acres, were originally designed to regulate the flow of water in canal. With the project curtailed, they functioned as evaporation ponds.

No one foresaw the selenium hazard then; chemists hadn't yet devised a routine method of measuring it in small quantites. Today, fringed in places by pus-colored mud and crusts of salt, Kesterson has an unsavory aspect. The sparsely vegetated ponds are deserted except for a few stubborn mudhens, or American coots, that have become inured to Fish and Wildlife Service attempts to scare them away. Estimates for cleaning the reservoir, including dredging out a foot or so of muck and carting it to a toxic waste dump in Kettleman City, run from $30 million to $600 million.

The selenium build-up is what has forced Westlands farmers to find some other way of disposing of the waste water within the next year. The best strategy, says Louis Beck, a water quality expert who in 1979 worked on a major study of agricultural drainage done by the California department of water resouces, would be to complete the San Luis Drain to San Francisco Bay or run it 80 miles to the ocean at Monterey Bay. The first of those solutions—counting pumping plants, storage ponds, regulating reservoirs, and drains—could cost $1.2 billion or more. Says Beck, "If you compare the projected production losses caused by salinity—something like $300 million a year by 2000—to the cost of the project, it looks affordable."

He admits, though, that a master drain will probably never be built. "An extension is completely unacceptable politically," he says. The environment is only one of the public's concerns, perhaps a minor one. With tax dollars in short supply, Californians are wary of colossal engineering schemes that would mainly benefit corporate agriculture. Moreover, ever expanding Los Angeles has begun to cast covetous eyes on the farmers' huge allotments of cheap federal water, which sometimes sells for as little as $7 an acre-foot. Farmers could handle their drainage problems, the city dwellers' argument goes, by using water more efficiently—and then Angelenos could have the surplus to spray on their lawns and BMWs.

As the flow to the San Luis Drain is cut off, some Westlands farmers will probably begin recirculating water. This would be fairly cheap at first, requiring only minor modifications of existing irrigation systems to cycle runoff through the fields. But because this double exposure would put more salt on the land, growers would also have to monitor and treat soils more vigorously

The waste could be pumped into wells drilled into deep strata of porous or fragmented rock sandwiched between more solid layers that would theoretically prevent leakage. Senator Pete Wilson (R., Calif.) has proposed boiling waste water for steam, which could be injected into secondary recovery oil fields. Both plans would entail piping millions of gallons of water from farms to distant sites, a consideration that makes them impractical.

The approach that both individual farmers and Westlands irrigation officials favor is to build a series of evaporation ponds covering a total of about fifteen per cent of the poorly drained land in the district. Because of the selenium, these would have to be specially lined to meet state environmental regulations and could cost a total of $190,000 an acre to construct. Agricultural economists suggest that evaporation ponds are out of reach without subsidies of some sort. Says George Goldman of the University of California at Berkeley, "Farmers are going to have to get subsidies, maybe tax credits or write-offs. The question is, how much is it worth to keep the land in production?"

Environmentalists contend that some tracts in the San Joaquin should never have tilled, especially in areas containing hotspots of toxic substances. They maintain that growers will simply have to factor the proper handling of wastes into the cost of doing business. "I'm not sure I agree that the cost of handling wastes ultimately gets passed on to the consumer in the form of higher food prices," says the Sierra Club's Alvin Greenberg. "But even if it's true, the American public has said again and again that it's willing to pay a little more for products if that will protect the environment."

If agriculture is to continue on its present scale in California, then growers, scientists, and policy makers must all soon agree on ways to dispose of polluted waste water for an even more fundamental reason: the quality of the state's drinking water supplies. According to the Sierra Club, a recent and as yet uncorroborated test of San Joaquin River water north of Los Banos showed that selenium was present. This, in the water that's pumped into the California Aqueduct and thence to Los Angeles.

Resolving these conflicts is going to mean that someone loses. It's already evident that without more subsidies for drainage systems, some growers will be hurt financially and additional acreage will become unproductive because of salinization. Agricultural economists think the state and the nation can withstand the loss of 40,000 acres in California without disrupting food supplies or significantly checking the state's robust economy. But the loss of ten, or fifty, times that acreage, which experts admit is possible, could seriously curtail the country's supply of fresh fruit and vegetables, would create severe economic hardship in California's agricultural valleys—with political ramifications no one can predict—and would raise the spectre of vast stretches of California becoming desolate and inhospitable. Although legislators and scientists are now vigorously attacking the drainage problem, making the most dire predictions unlikely to come to pass, researchers like Norlyn, a former farmer himself, know the sombre lesson of history. Says Norlyn, "It's not written anywhere that irrigated agriculture is a perpetual source of sustenance for a civilization." ●

THE 100TH ANNIVERSARY OF HOLY NAME CATHEDRAL IN STEUBENVILLE, OH

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. APPLEGATE. Mr. Speaker, I want to bring to the attention of my colleagues in the House of Representatives the celebration of the 100th anniversary of Holy Name Cathedral in Steubenville, OH.

This forthcoming event is on July 19 and will be celebrated with much honor and thanksgiving. Well spoken were the following words in the dedication souvenir of the parishioners of Holy Name Cathedral: "A chosen generation, a kingly priesthood whose present spirit of sacrifice is loudly proclaimed by the monuments to the faith which have been erected by them."

Holy Name Cathedral began as a daughter church in 1985 of St. Peter's Church. Members met in a temporary building. In the year 1900, the church showed signs of deterioration.

Father Hartley shared with his congregation the need to renovate the

building. Donations poured in from 10 Catholic and 9 non-Catholic friends and from the 130 families of the parish. There was no need to borrow money; the donations completely paid for the building. This church is unique in that it has never been indebted to any bank or loaning institution from its humble beginnings to its present beautiful structure. It was consecrated debt-free on October 14, 1900.

Later, people donated many items to the church. Stained glass windows, a marble altar, a beautiful onyx communion rail were all given by members and friends. Even the children caught the giving spirit and worked together to donate an altar of the Virgin Mary and of St. Joseph.

Immigrants began to settle in the Steubenville area shortly after the new building was erected. Lithuanians, Poles, Czechs, and Italians were all welcomed by Holy Name. They held several masses in various languages to help them feel more at home in their new surroundings.

The church continued to respond to the needs of its people. During the Depression, they established a youth camp and in wartime, the church was the headquarters for the Red Cross.

Currently, the parishioners have a prayer line for the sick and hospitalized. They also have established the St. Vincent de Paul Society which assists civic organizations.

Mr. Speaker, Holy Name Cathedral has much to celebrate on its 100th anniversary. Its parishioners are to be commended on their benevolence; everything inside the church and on the grounds were donated by them. Its spiritual leaders are also to be commended for their love and dedication they have continuously bestowed on their flock. It is indeed a rich heritage.●

IN HONOR OF THE SESQUICENTENNIAL OF WATERFORD, MI

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. CARR. Mr. Speaker, it gives me great pleasure today to recognize Michigan's Waterford Township, which is proudly celebrating its 150th anniversary this year. As Waterford's Representative in Congress, I consider it an honor to officially record the township's sesquicentennial in the CONGRESSIONAL RECORD.

The history of Waterford Township is long and illustrious. First settled in 1818 by Maj. Oliver Williams and Alpheus Williams, Waterford took its name from the ford over the Clinton River. Two days' ride from Detroit, Waterford served as one of the early way stations for weary pioneers traveling along the Saginaw Trail into northern Michigan. Later, as the area grew, Waterford developed a reputation as one of the better area millworks. Settlers would travel for days to have their harvest worked through the mills in Waterford and neighboring Drayton Plains. It wasn't long before a small economy developed around the millworks and their customers. Waterford slowly emerged as one of the principal settlements in early Michigan.

Waterford's many lakes have long been a source of pleasure and livelihood for its residents. Early settlers built farms along the lakeshores in order to be close to the irrigation supply. The lakes also served as summer residences for those in Detroit and Pontiac wishing to be close to nature. During the winter months the lakes were a source of revenue as the ice was harvested and sold throughout the area.

Present day Waterford Township consists of several of the old Waterford area settlements, including Waterford Village, Drayton Plains, and Clintonville. The modern automobile industry has provided the Waterford area with hundreds of jobs, and has provided a base for the local economy. Waterford is a community which has capitalized upon its industrious past and laid a solid foundation upon which to move into the next century.

The citizens of Waterford Township are to be commended for their efforts to make their sesquicentennial a year to remember and cherish. It gives me great pleasure and pride to join with them in marking this anniversary, and in looking back over their distinguished history. They have much in common with the rest of the Nation as a community which has grown and changed with the times but has kept the quality of its heritage intact.●

DR. SHAHEER YOUSAF—AMERICAN PATRIOT AND PHYSICIAN—TAKES THE WEAPONS OF LIFE TO AFGHAN REFUGEES IN PAKISTAN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. DYSON. Mr. Speaker, I rise to pay tribute to a most committed and courageous American physician, Dr. Shaheer Yousaf.

Dr. Yousaf, a highly respected 34-year-old orthopedic surgeon in southern Maryland, is soon to embark on a humanitarian mission to his native homeland of Pakistan. His destination is the Afghanistan Surgical Hospital in Peshawar, Pakistan, where he will train Afghan doctors in the treatment of mine and gunshot wounds. While at the hospital, Dr. Yousaf will also attend to Afghan freedom fighters who have been wounded in their struggle against Soviet occupation.

More than anything I might say here, I believe that Dr. Yousaf's own words capture the essence of his journey:

In Pakistan today, there are 3 million Afghan citizens living in refugee camps. These people are fleeing across the Pakistan border to escape an oppressive government and the horrors of an ongoing guerrilla war. Many of these people are seriously injured. Often, even young children lose limbs to land mines. Skilled medical care is scarce. The physicians are overworked. There is no one who can train others in the techniques of first aide. Often, even this rudimentary knowledge would save lives.

We are realistic in our goals. We want to help train physicians and emergency personnel to use the tools available to better serve the needy. We know that all of this cannot be accomplished in a single trip. Therefore, we hope to be the first of several teams working with these people over the next eight or ten years.

Dr. Yousaf, who will be accompanied on his venture by Dr. Sid Houff and emergency medical technicians Gary Summers and Marty Stinnett, is prepared to go to the front lines if necessary. He and his colleagues' weapons will not be for war, however, but for life, taking with them antibiotics and medical tools to battle broken bones.

It is a rare individual who sees suffering and selflessly acts to heal it. Dr. Yousaf is such an individual. His spirit of giving and compassion is something for which we can all be proud.

As Dr. Yousaf and his colleagues embark on their mission of peace to this troubled part of the world, I wish them success in their work and a safe return home.●

A NATIONAL INITIATIVE ON TECHNOLOGY FOR THE DISABLED

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. FUQUA. Mr. Speaker, our generation has witnessed remarkable technological progress, and as chairman of the House Committee on Science and Technology, I am privileged to witness some of this country's scientific and technological achievements.

Some of the most dramatic breakthroughs have been in the area of aerospace technology. In the past quarter century, we have overcome the formidable barriers of time and space and have realized one of the most ancient of human dreams—to explore space itself. The ongoing success of the shuttle program indicates how far we have come in the last two decades.

For example, there have been some remarkable examples of how technology developed by NASA has been spun-off to form the basis of new devices for individuals with disabilities:

First, a robotic arm for above-the-elbow amputees, which is functional and comfortable. Its circuits, batteries, and concepts can be traced directly to the aerospace industry;

Second, two wheelchairs: an electrically powered wheelchair with longer charged batteries and variable speed control, a spinoff from the lunar rover and its unistick control lever; and a composite material wheelchair, which uses strong, lightweight and noncorrosive materials developed by the aerospace program;

Third, an artificial ear that uses an implant with computer chips similar to those used by NASA and employing a silicone developed for aerospace uses which is now included in hundreds of medical devices.

In the field of computer electronics we have succeeded in reducing the equipment size for computers from the equivalent size of the floor of this Chamber, down to the size of a pad of paper, and now we have reduced it down to the size of a thumbnail. With each new succeeding generation of computers we remain at the forefront of this technology.

Our conquest of the technological frontiers of space and Earth means even more when the quality of life for all Americans can be improved. Too often the benefits of this modernization bypass some of the most valuable and needy of our population, individuals with disabilities. It is appropriate in this, the decade of the disabled, that we extend and broaden the benefits of aerospace and other technologies to the approximately 71 million Americans who suffer from some form of disability. The Committee on Science and Technology has held many hearings on this subject over the last several years, so I am aware of how valuable new developments can be in improving the lives of people affected by debilitating conditions.

Mr. Speaker, in the American exhibit at the recent Paris Air Show, there was a very unique exhibit. Sponsored by the Secretary of Health and Human Services, Margaret Heckler, the United States demonstrated its concern for individuals with disabilities by announcing a National Initiative on Technology for the Disabled. The Department's booth displayed the first fruits of this technological harvest—advanced hearing devices, robotic arms, programmable pacemakers, and other devices that offered new hope for those in need. The booth demonstrated the spin-off effect of technological innovations in aerospace, electronics and other fields, and how they can be translated into new freedom-enhancing products and devices to improve the quality of life for individuals with disabilities.

Mr. Speaker, I am also interested in other benefits of this Initiative; namely, products for the elderly. During the next 50 years the number of pesons age 60 and over will more than double from 36 to 82 million persons. Today, older persons constitute about 16 percent of the Nation's population. By the year 2030 older persons will represent 27 percent, more than one in every four Americans. Not only is this population growing larger, it is also growing older. By the year 2030, those 75 years of age and over will comprise over one-third of older persons.

There are also other trends in this population that I think are worth noting. In 1960, 17 percent of non institutionalized older persons lived alone. By 1982 this number had risen to 26 percent or 9.4 million older persons. This rate of increase is 2½ times faster than one would have predicted from growth in the older population alone, and most of these are women. This trend, and it appears to be growing, as well as other special needs of the elderly population, lead me to believe that the development of products and devices that will increase the ability of older Americans to maintain an independent and self-sufficient lifestyle is vitally important.

While not necessarily disabled, many elderly individuals do experience a diminishing capacity to maintain a fully active lifestyle. For example, many elderly Americans live in remote areas. As a result of new electronic technologies, they can dial a local hospital and transmit blood pressure and other medical information over the telephone for an immediate diagnosis and appropriate response. In another example, once an elderly person is brought into an emergency room, his or her entire medical history, compressed onto a card no bigger than a credit card, can be retrieved from a wallet or purse. This will significantly improve the ability of medical staff to respond. People 65 and over take an average of six different medications a day, and new technology will help keep track of the proper dosages and timing. The advanced hearing device demonstrated at the Department's booth in Paris indicates how far we have come in improving the ability of individuals to hear.

Mr. Speaker, any initiative that is focused on the need to transfer the technological advances inherent in the aerospace, electronic, and other industries to the needs of individuals with disabilities, and other individuals like the elderly, is one that ought to be supported by all Americans. Secretary Heckler is to be commended for initiating this project and bringing it to the attention not only of America's aerospace industry, but of the international community as well. I am proud to see our country the first to take this step in bringing the benefits of modern technology to the most vulnerable and needy of our society.●

TRIBUTE TO BAY PORT, MICHIGAN'S FISH SANDWICH DAY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. TRAXLER. Mr. Speaker, the Great Lakes have, over the years, provided Michigan, as well as many other States, with an abundant and delicious source of fresh water fish: a resource which has proven invaluable, not only from a recreational standpoint but also as a boost to our State's economy.

In light of this, I wish to take the opportunity to give special recognition to the town of Bay Port, MI—often referred to as the world's largest fresh water fishing port. On the 3rd and 4th of August, Bay Port will once again be celebrating its Eighth Annual Fish Sandwich Day.

In Bay Port, fresh water fishing has the distinction of being the biggest industry and largest employer and today, this small community in the Thumb of Michigan remains the only commercial fishing port north of the Michigan/Ohio border.

The residents of the Bay Port area are extremely proud of their commercial fishing industry. Please join with me in commending them for supplying enough fish to be able to serve over 8,000 delicious fish sandwiches on Fish Sandwich Day, August 3 and 4.●

OCTOBER 20-26, 1985, "LUPUS AWARENESS WEEK"

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. MORRISON of Connecticut. Mr. Speaker, today I rise in support of legislation that would designate the week of October 20-26, 1985 as "Lupus Awareness Week."

Lupus claims more victims each year than many other better known diseases such as muscular dystrophy, multiple sclerosis, cystic fibrosis, and leukemia. A half million Americans are estimated to suffer from this disease; 50,000 new cases are diagnosed each year. It it most frequent in women and in blacks, and is now estimated to afflict 1 out of every 245 black women in the United States. Most of its victims are of childbearing years.

There are no known causes or cures for Lupus. It is completely unpredict-

able and, because it has many different symptoms, is often difficult to detect and frequently diagnosed incorrectly.

However, important research and new diagnostic techniques have led to improved therapy and treatment of Lupus patients. We must continue this progress until a cure is found. Lupus Awareness Week can make an important contribution to this goal by helping to increase public awareness of Lupus and by drawing attention to the outstanding efforts of the Lupus Foundation of America, which is taking the lead in this effort.

The Lupus Foundation of America, and its constituent chapters, works throughout the country to serve and support victims of Lupus and their families, and to encourage funding for research and increase public awareness.

The Connecticut chapter of the Lupus Foundation, located in Hartford, CT, has been particularly active in combating the disease. It has contributed over $200,000 to funding for Lupus research at the University of Connecticut and to Yale University, in Connecticut's Third Congressional District, which I represent. Its founder, Marilyn Sousa, was recently given the distinguished Thomas Jefferson Award for public service in recognition of her efforts. She, herself, is a victim of the disease.

I urge my colleagues to join me in supporting these outstanding efforts and cosponsoring and passing this important piece of legislation.●

SALUTING THE NATIONAL ALUMNI ASSOCIATION OF PRAIRIE VIEW A&M UNIVERSITY

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. BARTON of Texas. Mr. Speaker, I want to call your attention to a very special event that will be taking place in Washington this week. The 11th Annual National Convention of the alumni of Prairie View A&M University in Texas is taking place through Sunday, hosted by the Metropolitan Washington Alumni Chapter.

The event is unique in that it is the first time this group has met outside the confines of the State of Texas. We invite them to absorb the history of this city and to visit with their government leaders.

The theme of this year's convention is "Striving For Excellence," and it epitomizes the thrust of the association in providing moral and financial support to its parent University.

The alumni association represents more than 50,000 students who have attended the University since its founding 107 years ago. We also salute a dedicated faculty and staff who are constantly striving to develop new generations of leaders each semester.

One of the chief goals of this group is to establish a $250,000 endowment by the end of 1986. They are also working with alumni of Texas A&M and the University of Texas in planning common educational goals for the 21st century.

Mr. Speaker, we welcome this outstanding group of Prairie View Alumni to Washington and Capitol Hill. We wish them much success during their convention.●

SUPPORT FOR SOCIAL SECURITY COLA

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Ms. SNOWE. Mr. Speaker, I strongly support the motion to instruct the conferees offered by the gentleman from Pennsylvania to insist on granting a Social Security cost-of-living adjustment for the next year.

Supporting Social Security COLA's is a matter of fairness. In 1983, Social Security recipients gave up their cost-of-living adjustment for 6 months. That delay in the COLA caused an average loss of $120 per retired worker which will continue to accumulate as a loss throughout the life of the system. In addition to that COLA, other provisions were added which served to make the Social Security system solvent but which diminished recipient benefits. The success of those provisions in shoring up the Social Security system has led to a situation in which there are substantial surplus revenues which are accruing in the trust fund. This fund can easily accommodate the promised Social Security COLA, and since the Social Security trust fund is created specifically for payment of Social Security benefits, it makes no sense to forego a COLA.

In its budget proposal, the House stated its support for a continuation of the COLA and its opposition to a freeze. The House has properly understood the importance of the COLA to older persons. Without the COLA, the elderly are vulnerable to inflation and the loss of purchasing power as is indicated by the fact that a 1-year COLA freeze would put over 500,000 older persons into poverty. In my own State of Maine, over 60 percent of aged widows and widowers had incomes from Social Security that were less than $400 per month—that is only $4,800 per year.

Nationwide, Social Security accounts for nearly 80 percent of the cash income of the low-income elderly, and almost 40 percent of the cash income of the average elderly individual. Thus, when we talk about freezing the COLA, we are not merely discussing an academic manipulation of numbers. We are talking about a program that provides a substantial portion of the income of those who receive benefits.

Next month is the 50th anniversary of the passage of the Social Security Act. At a time when we should be celebrating a program that has transformed the economic security of the elderly, we are instead talking of cutting benefits to recipients. Under no circumstances should Social Security be used as a vehicle for balancing the budget.

Each one of us in Congress must stand up and be counted on this issue. We must not break faith with those who expect and need their Social Security benefit with a full cost-of-living adjustment. We must keep the promises we have made.●

BE NICE TO NEW JERSEY WEEK

HON. H. JAMES SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. SAXTON. Mr. Speaker, it was recently brought to my attention that there has been a movement afoot to have this week declared, perhaps unofficially, as "Be Nice to New Jersey Week."

This idea stems from New Jersey's reputation as the most maligned State. Certainly, our great State never asked for the wild assortment of unfair humor which has been directed our way over the years.

Oh, I've heard many of these alleged jokes, such as, "If this is 'New' Jersey, just imagine what 'Old' Jersey was like." And then there is the comment, "New Jersey is a great State to live in; just ask all the people who have moved away."

I am also taking this opportunity to report that our official State bird is not the mosquito, and that our actual State bird, the eastern goldfinch, is not a commuter.

But perhaps it is most interesting to note that "Be Nice to New Jersey Week" did not actually begin in the New Jersey. The idea has been generated and publicized by Lone Star Publications of San Antonio, TX. This company, Mr. Speaker, is in the business of publishing humor material—and it happens to think that New Jersey has gotten a bad rap. I quite agree.

Finally, I would make one further point. For all the jibes directed at our State, the fact of the matter is that tourism is our No. 2 industry, generating upward of $9 billion a year.

Recently, I visited the oceanfront resort of Long Beach Island, which is located in my district. I am happy to report that, based on my observations, New Jersey is off to yet another successful tourist season.

In other words, Mr. Speaker, people may joke about us, but they still like to spend their leisure time with us.

From all appearances, our State's slogan—"New Jersey and you, perfect together"—has served us well.●

THE COMMUNITY INFORMATION AND EMERGENCY RESPONSE PLANNING ACT

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. GALLO. Mr. Speaker, today I am introducing legislation designed to establish a flexible national plan which will enable people who live in communities in which hazardous substances are located to determine what can go wrong, how likely it is that something will go wrong, if it does happen what the consequences will be, and what can be done for community and personal protection.

The tragedy of Bhopal and the close calls posed by incidents in our State of New Jersey have made it painfully clear that the fundamental challenge to modern industrial society is to encourage growth and productivity in a manner that protects human health and the environment.

To meet this challenge, our laws and regulations must be capable of accommodating different conditions so that the environment is protected and new technologies flourish in safety.

We have a national problem which demands local remedies. This means that we must be flexible, we must innovate and we must get in the habit of cooperating with each other to arrive at solutions.

To state the obvious, all hazardous substances are not alike. There are substances that are so combustible, inflammable or toxic that any accidental release creates a situation of emergency. And, there are substances which, over a period of time, may cause long term or chronic damage to people or the environment.

In order to handle the differences in hazardous substances and in order to have the flexibility to deal with local conditions, the Community Information and Emergency Response Planning Act, which I am introducing today, requires that an owner or operator of a facility at which hazardous substances are located report relevant information concerning those substances in a way which is of use to the people of the affected community.

Under the provisions of this bill:

The Governor of each State appoints an emergency response commission which designates regions within the State. The commission appoints regional emergency response committees which must include representatives of the following: elected officials, law enforcement, civil defense, firefighting, health and transportation personnel, community groups, and the people who are in charge of the facilities where hazardous substances are located.

The regional response committees are the centerpiece of this plan. The members will collect information, evaluate community resources and provide the coordination and planning necessary to be certain that the right response is made to an emergency and that the citizens of the community know what is going on.

The regional committees will have a great deal of responsibility and flexibility. Each committee may elect its own officers, appoint ad hoc committees of interested citizens and request assistance from Federal, State, and local officials as its members deem necessary.

The first job of the regional committee will be to provide, within 24 months of the date of the enactment of this bill, an emergency response plan designed to minimize the injury to human health and the environment which could arise from an accident involving an especially dangerous hazardous substance. The emergency response plan will state who is in charge at each facility, who should be notified in case of emergency, how the public will be notified, and what will be done by whom. The plan will also contain an evaluation of the medical, police, health and firefighting resources available and will make recommendations as needed.

Within 12 months after the enactment of the bill, the Administrator of the Environmental Protection Agency will publish a list of those substances which are so volatile, combustible, flammable, radioactive, dispersible or toxic that a release involving such a substance should be treated as an emergency because there will be an imminent and substantial endangerment to health or the environment.

Any person, including a regional committee, can petition the Administrator to list additional substances. Exemptions may be granted only after notice and public comment. If the exemption is sought in connection with an activity in a specific community a local hearing must take place.

Owners or operators of facilities at which these especially hazardous substances are stored must submit to the regional committee, and to any other agency designated by the committee, hazardous substance reports. The reports must include the approximate amount of the substance, a map showing its location on the premises, potential routes of human exposure, symptoms of exposure, and a description of appropriate emergency procedures.

Not only must owners and operators of private facilities file this information, but also, the agency or contractor in charge of local toxic waste sites must provide similar information. In addition, the owner or operator of sanitary landfill must file if the facility contains a designated substance.

As soon as practicable, in the event of a hazardous substance emergency, an owner or operator must provide an emergency bulletin to the appropriate regional committee. The bulletin will state what happened, what has been done and what should be done.

Information also must be provided about those substances which may be dangerous over a period of time. In order to make the information available to community members while avoiding unnecessary duplication, owners and operators will be required to submit material safety data sheets, supplemented by a statement of the amount of each chemical located at the facility. Material safety data sheets are now required by the Occupational Health Administration under its hazard communication standard.

All of this information will be made available locally at a location designated and publicized by the regional committee.

The bill preempts those State laws which require reporting information for the same purposes as this bill. However, provided it acts within 6 months of the enactment of this legislation, a State may pass laws which are more protective of health and the environment.

The bill protects trade secrets but requires the properties and effects of all hazardous substances to be disclosed. The specific name and chemical identities must be disclosed to health professionals if needed. The health professionals may be sued for unauthorized and unnecessary disclosure.

A range of civil and criminal penalties are provided. The penalties range from a $10,000 fine for failure to provide a material data safety sheet to not more than 3 years of imprisonment for a knowing and willful violation. Citizens' suits are authorized.

I am sure that each Member of Congress can recall situations within his or her district that have required emergency personnel to react quickly to potentially disasterous situations involving this classification of substances.

The current question before us is how best to provide this information quickly and in a usable form.

This bill accomplishes those goals in a responsible way by taking a balanced approach that creates national stand-

ards without taking away local initiatives. It is an approach that provides necessary information quickly to those who need it without creating massive amounts of paperwork or mandating bureaucratic processes that duplicate current laws and requirements.

We must promote cooperation to get this important job done.●

WOMEN AND THE POWER LOOK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. MARKEY. Mr. Speaker, despite numerous setbacks in recent years, women have made great strides in increasing their political influence. Besides the ground-breaking candidacy of our former colleague, Geraldine Ferraro, we have seen women move into prominent positions at all levels of the political process.

While these dynamic and courageous women have paved the way toward a more accessible government, we must take notice of the need for their further advancement. Nowhere was this need more recognized than at the recent convention of the National Womens' Political Caucus [NWPC], where many of the Nation's most powerful and influential women plotted strategy for the future of the women's movement. These eminently successful women are living tribute to the spirit necessary to overcome the barriers that confront their sex, and serve as role models for women worldwide. Yet they recognize the possibilities for women to advance to even greater achievements and are prepared to lead the movement on an upward journey to greater political equality.

In tribute to these remarkable women, I would like to submit for publication in the RECORD an article by Columnist David Broder from the Washington Post. I feel this article poignantly captures the spirit of the occasion and effectively illustrates the changing attitudes among Americans.

The text of the article follows:

WOMEN AND THE POWER LOOK

(By David S. Broder)

ATLANTA.—While America was celebrating the release of the 39 men who had been held hostage in Beirut and preparing for the annual Independence Day commemoration of the Founding Fathers, many of the women political activists of the nation were here on business of their own.

I had thought that the biennial convention of the National Women's Political Caucus (NWPC) would be a hangdog affair, because Ronald Reagan, an opponent of the Equal Rights Amendment and freedom of choice on abortion, had been overwhelmingly reelected and Geraldine A. Ferraro had seen her hopes of becoming vice president crushed. But I could not have been more wrong.

The hundreds of women delegates who came here from as far away as Anchorage were "dressed for success," I was told, because they have experienced significant gains in political power—and are anticipating more.

"They are not dressing up for you [the press]." said Democratic Party activist Ann Lewis, noting the contrast with the jeans and T-shirts that dominated the NWPC conventions in the 1970s. "These are their working clothes; they're what they have in their closets."

"These are serious, sophisticated, steady people," said Ruth Mandel, director of the Center for the American Women and Politics at Rutgers University. "And they work at politics just as seriously as they work at everything else in their lives."

Republican Susan McLane, a New Hampshire state senator whose daughter is also in the New Hampshire legislature, noted that many of her contemporaries in the women's movement had brought their under-30 daughters with them to Atlanta, and that the younger women were clearly setting their own political sights higher than most of McLane's contemporaries had dared to aim.

They are not foolish to do so, for the barriers to women's power in politics are crumbling fast. In the 14 years since the NWPC was founded, the firsts for women include the chairmanships of both major parties, the first elected attorney general, the first ambassador to the United Nations, the first Supreme Court justice, the first governor and senator elected initially in their own right and, of course, the first vice presidential nominee in Ferraro.

To the women in Atlanta, Ferraro was clearly a success symbol—despite the shellacking her ticket took. During the campaign, she had drawn big crowds and had held her own in debate. She emerged from the loss with increased poise and confidence (to say nothing of lucrative television and book contracts). New York polls show her as a credible 1986 challenger for a Senate seat.

Nor is she alone. Lt. Gov. Harriet Woods of Missouri and Rep. Barbara Mikulski of Maryland, both Democrats, also have polls showing them strong contenders for the Senate, if they decide to make the race. And former Oregon secretary of state Norma Paulus, another visitor, is almost certain to be the Republican nominee for governor.

There just is no quit in the women of either party. Republican feminists have the toughest time of anyone in the Reagan era, but at least 75 of them spent several hours earnestly pledging to keep up the fight despite the odds. The indomitable former GOP national chairman, Mary Louise Smith, urged them to challenge the platform adopted at the convention in Texas. "There is life after Dallas," she promised.

Monica McFadden, the NWPC political director, said she was struck by the number of young women who were ready to outline their own 10-year plans for political advancement. Instead of needing reassurance from older role models, more than 300 of them sat through a day-long seminar on advanced political techniques and peppered batteries of campaign consultants with probing questions.

I have to admit that I am impressed by these women. I don't feel like an objective reporter when I hear a bright young woman like Maria Luisa Flores, the youngest of nine kids in a Laredo, Tex., family, tell how she worked her way through law school and landed her current job as administrative assistant of a Texas woman legislator. Her talent and drive shine as bright as her eyes.

But much as I admire the young career women, I have a special feeling for someone like Marian Spencer, a longtime Cincinnati community leader, who won her first elective office, to a seat on the city council, in 1983 at the age of 62. After 40 years of lobbying and pleading with others to help her causes, she said without embarrassment, "I love having power."

She's seeking reelection this year and would be aiming for higher office, except "my husband and I had made so many plans, and he retired last year expecting me to be available."

"Otherwise," she said, capturing the spirit of this gathering, "the sky's the limit."●

HIGHWAY SAFETY ACT OF 1978

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. TRAFICANT. Mr. Speaker, I rise today to introduce a bill that is designed to promote fairness by including guardrails and safety appurtenances in the same category as other road safety improvements projects receiving 100 percent funding out of the highway trust fund.

Under the "categorical" programs established in the Highway Safety Act of 1973, 90 percent Federal sharing was authorized for road safety improvements projects out of the highway trust fund. In the Highway Safety Act of 1978, the railroad industry was successful in securing 100 percent funding for certain rail/highway crossing projects. The traffic signalization industry secured a similar 100 percent Federal funding authorization for signalization projects. The Surface Transportation Act of 1982 accorded pavement marking projects 100 percent funding. As a result, all three types of projects enjoy a decided advantage over other road safety improvements, including guardrail and safety appurtenances.

Section 120(d) of title 23, United States Code, now provides that:

The Federal share payable on account of any project for the elimination of hazards of railway/highway crossings * * * and for any project for traffic signalization or for pavement marking, may amount to 100 percent of the cost of construction of such projects * * *.

Without, in any way, disparaging the safety benefits of these kinds of improvements, evaluation confirms that, in the usual case, the safety payoff of guardrail installations at hazardous locations and their upgrading where needed matches or exceed pavement marking, traffic signalization, and rail/highway crossing projects. Hence, even more than the latter types of improvements, guardrail and safety appurtenances merit 100 percent Federal funding. Conversely, the Federal sharing discrepancy which now exists, tends to discrimi-

nate against guardrail and safety appurtenances projects in favor of other, less cost-benefical projects which have been singled out for 100 percent funding treatment. In the long run, this costs lives and injuries which might be saved or prevented if equal Federal sharing for guardrail and safety appurtenance projects were provided.

I urge my colleagues to join me in sponsoring this meritorious measure. Thank you.●

VILLANOVA RESIDENT ENDS DISTINGUISHED SERVICE IN ARMY RESERVE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. COUGHLIN. Mr. Speaker, I pay tribute today to Col. Julia B. Paparella, a member of the Army Reserve and a constituent, who will retire on Friday, July 12, 1985, after nearly three decades of distinguished service.

Colonel Paparella has compiled an enviable record in a service career that has spanned three major conflicts an almost three decades. From 1943 to the present, she has given freely and devotedly of her time, energy and expertise to improving the Army Reserve, especially the medical elements.

A veteran of overseas service, Colonel Paparella served with the 5th General Hospital in England and France during World War II. She was assigned to a reserve unit in Philadelphia when she returned home.

Colonel Paparella's last Reserve assignment has been with the 361st Evacuation Hospital and she has been attached to the 338th Medical Group as Acting Inspector General. The group includes six subordinate medical units. She has been responsible for receiving, processing and recommending solutions for complaints to the Inspector General Office of the 79th U.S. Army Reserve Command—the overall authority for the eastern half of Pennsylvania and the State of New Jersey. Her last 2 years of annual training have been served with the Chief, Army Nurse Corps, at the Pentagon.

As a civilian, Colonel Paparella is an associate professor of nursing at Villanova University. She has contributed to the development of nursing education and nursing science for more than 40 years. Widely-respected in her field, she has held office in a number of professional, military, academic and community organizations.

I am sure that the military and nursing science communities, as well as her family and many friends, long have recognized her significant contributions. She and her husband, Benedict, a professor of philosophy at Villanova University, live in Villanova. I extend my congratulations to both of them on Colonel Paparella's proud and effective record. Truly, Colonel Paparella has set lofty standards of excellence.●

THE 50TH ANNIVERSARY OF FRIENDLY ICE CREAM—JULY 11, 1985

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. CONTE. Mr. Speaker, I have served on the Small Business Committee for 27 years, longer than any other member of the committee, and it always makes me very happy to see a small business make good. Friendly Ice Cream is a prime example of one such business, and this year they are celebrating their 50th anniversary.

In 1935, two young brothers from Springfield, MA—Prestley and Curtis Blake—borrowed $547 from their parents to open up a modest ice cream shop. They called it Friendly Ice Cream because they wanted their shop to reflect a friendly attitude and have a warm and comfortable atmosphere that would bring people together.

The two brothers worked every day from 11 a.m. until 5 a.m. the next day because of their belief in a strong work ethic and in customer satisfaction. In 1935, a double-dip ice cream cone cost 5 cents, and Pres and Curt's salary was $2 a week. Friendly Ice Cream was built on the foundation of honesty, integrity, and good judgment. It has maintained these principles throughout the past 50 years, sharing their success with many worthy, charitable causes.

By the end of the 1950's, Friendly Ice Cream had increased from one small shop to 50 restaurants in the New England area, and the annual sales multiplied to over $4 million. By 1974, two ice cream processing and distribution plants had been opened in Wilbraham, MA, and Troy, OH. The number of restaurants had grown to 400 and their annual number of customers reached 100 million.

As the company grew, and Curtis Blake was asked to explain the formula of the company's success, he responded: "The basics don't change. The company's strength is in its old-fashioned adherence to conservative philosophies." One key to Friendly's success, however, is their self-sufficiency. Their effective teamwork and their production of their own ice cream and machinery have insured quality control and an ability to respond to consumer's needs.

In 1979, Friendly Corp. was purchased by Hershey Foods Corp. for over $162 million. They expanded to include restaurants throughout the Northeast and Midwest, and today there are over 725 restaurants in 17 States. This summer, over 30,000 Friendly employees will serve over 62 million customers.

With Friendly's dedication to honesty, hard work, and customer satisfaction, they have grown from a tiny enterprise to a large, successful company. I feel very sorry for all the Members of this House who have not enjoyed the delights of a Friendly ice cream cone. My only hope is that in the next 50 years, we will see the return of their swiss chocolate almond sundae.

For half a century, Friendly's has been committed to the idea that if you serve good food at a fair price with friendly service, the customer will always come back. And after all these years, they're still Friendly.●

THE SUPERFUND EXCISE TAX IS A BROAD-BASED WAY TO PAY FOR THE CLEANUP OF HAZARDOUS WASTES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. HALL of Texas. Mr. Speaker, yesterday I introduced a bill (H.R. 2948) to provide an equitable and reliable long-term funding program for the Superfund. Mr. TAUZIN and Mr. BREAUX have joined me on this bill.

Superfund represents one of the most complex and controversial issues ever addressed by the Congress. The program was established by the Congress in 1980 to cleanup an unspecified number of abandoned hazardous waste sites. The $1.6 billion fund was financed largely by a tax on chemical feedstocks and on oil. This is an extremely narrow-based tax with 12 companies paying over 70 percent of the money. Feedstocks produced in the south and southwest are assessed for more than 75 percent of the total tax, despite the fact that these States have only a small percent of the waste sites. Clearly, States in these regions can't continue to pay such a disproportionate share of a program, which could cost as much as $10 billion over the next 5 years. With the current fund expiring on September 30, 1985, Congress faces the difficult task of reauthorization.

Several important lessons have been learned. Although progress to date has been slow with only a small number of sites being cleaned up, EPA estimates that only 15 sites will be cleaned up by September 30, 1985, and that the unobligated balance of the fund will be less than $10 million on that date. The problem is far greater than originally envisioned with almost 800 sites now listed on the National Priority List [NPL]. There now is broad recognition

that the cleanup of abandoned hazardous waste sites is a societal problem extending beyond the chemical and petroleum industries. A careful review of the approximately 4,000 companies that have been identified to date as potential responsible parties for the NPL sites indicates that virtually every manufacturing industry has contributed to this national problem. Since all of industry has contributed to the problem, all of industry should pay for the cleanup. This is particularly true since the fund is primarily directed at the cleanup of sites where those responsible are unknown.

After carefully studying this important issue, I have become convinced that the most reliable and equitable long-term funding approach for an expanded Superfund is the broad-based tax approach adopted by the Senate Finance Committee, and I am introducing the Senate broad-based approach for consideration by the House. Under this approach, all additional revenue needs above the $300 million per year feedstock tax would be raised by the enactment of a broad-based manufacturing excise tax. This simple tax approach represents the most equitable and reliable funding approach for the following reasons.

Worldwide market realities are such that the existing feedstock tax simply cannot be raised. The petrochemical industry is suffering considerably from the effects of the last recession and is now in a vulnerable position because of the construction of plants in the middle east and other areas rich in cheap supplies of oil and gas and cheap labor. The hard fact is that when we tax our domestic chemical industry, we encourage loss of jobs and production of chemicals outside the country, and we encourage industrial users of the chemicals to manufacture their products outside the country. This is counterproductive for the U.S. economy.

The manufacturing excise tax has a rational relationship to the cleanup problems. Virtually all manufacturers and producers either produce chemicals, use chemicals or chemical-related products or have benefited from the lower prices associated with past disposal practices. Furthermore, with a tax base estimated at $1 trillion, the proposed manufacturing excise tax would impose a very low tax burden on all manufacturing industries. Small businesses would be exempted completely, along with services industries and agriculture. Particularly important, because the excise tax is structured as a tax on the sale, lease or import of manufactured goods and not on companies, it can exempt exports from the tax and impose the tax on imports. It is thus "trade neutral." It ensures that exports can compete in foreign markets and that imports do not have an unfair advantage in domestic markets. The tax has also been designed for ease of administration.

The proposed funding approach does not relay on funds from general revenue. Although the societal nature of the Superfund problem would seem to justify a major contribution from general revenue, the severity of the current national debt simply prevents this approach.

This bill does not include a waste-end tax. Earlier this year, Representative JACK FIELDS and I cosponsored a reasonable and equitable waste-end proposal that would permit an alternate dry weight calculation. The Senate Finance Committee considered an identical bill. Although I am convinced that any fair waste-end tax must include the dry weight option, it does have a number of disadvantages relative to the manufacturing excise tax. The administration's waste-end provision, which would have had a devastating impact on the chemical and petroleum industries, clearly demonstrates the potential abuses of the waste-end concept. After obtaining considerable input through congressional hearings and from meetings with the EPA and with various companies. I now believe that any waste-end tax involves revenue uncertainties and will, without doubt, introduce many complexities into the Tax Code. Waste-end taxes would be applied only to domestically produced chemicals, thereby penalizing exports and unfairly subsidizing imports. Waste-end taxes would predominately impact the chemical and petroleum industries—the same two industries that already pay the feedstock taxes. And last, considering the stringent RCRA amendments approved by Congress in 1984, I now seriously doubt the need for an overlay of waste-end taxes to further discourage land disposal of wastes.

Mr. Speaker, my bill provides a fair and reliable long-term funding approach for an expanded Superfund. The soundness of this approach is underscored by the fact that it was included as one of the elements in the bill overwhelmingly reported by the Senate Finance Committee. I urge that this approach be adopted in the House of Representatives.●

FOREIGN AID AUTHORIZATION BILL

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. DAVIS. Mr. Speaker, my constituents often ask me a question that I cannot answer: "Why are we cutting millions of dollars from important domestic programs and at the same time sending millions of foreign aid dollars to less-than-friendly countries throughout the world?"

It does not make any sense to my constituents, and it does not make any sense to me.

Today we have an opportunity to do something about this unfortunate lack of priorities. Congressman BOB SMITH of Oregon is offering an amendment to the foreign aid authorization bill that would restrict American foreign aid only to those nations that have supported us in the international arena. In simple terms, we would stop sending millions of dollars to countries that consistently vote against us in the United Nations General Assembly. The only exception is that we would continue to send humanitarian aid or food-related aid where necessary.

Using Egypt as an illustration, last year we sent this country $2 billion—despite the fact that Eygpt voted against us seven out of every eight times at the United Nations. That simply does not add up.

Nearly every other nation in the world expects at least some reciprocation for its foreign assistance, and America should be no different. This amendment will save tax dollars and send a clear message to the world.●

DESIGNER DRUG ENFORCEMENT ACT OF 1985

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. LUNGREN. Mr. Speaker, today, I have introduced legislation to address a growing problem in the illicit drug market concerning synthetic substances that have come to be known as designer drugs.

These drugs first appeared on the west coast and now threaten to lead to a new era of drug abuse throughout the Nation. They result from the chemical alteration of well-known substances in order to produce analogs of controlled substances that are not covered by the Controlled Substances Act. Through the slight arrangement of molecules, the underground chemist can design a new drug that lies beyond the scope of Federal sanction.

Since a form of synthetic heroin first hit the streets in 1979, over 90 individuals have been killed by this type of drug. Equally, as serious, are the frightening side effects which are unique to designer drugs. Reports of tremors and lost mobility have led experts to believe that some of these drugs are destroying nerve cells and in effect inducing Parkinson's disease.

In the past, efforts by the Drug Enforcement Administration to halt production of suspicious chemical compounds were frustrated by the drug scheduling process outlined in the

Controlled Substances Act. The Drug Enforcement Administration has faced delays of up to 1½ years in placing substances on the CSA schedule.

However, the adoption of the Crime Control Act of 1984 at the close of last Congress provided the Department of Justice with a new weapon to address the problem of designer drugs. Under the new law, the Attorney General has the authority to schedule a drug on an emergency basis—after a 30-day public comment period in the Federal Register—for up to 1 year if it is determined that such scheduling is necessary to avoid an imminent hazard to public safety. This emergency placement is a completely separate action from the normal administrative process and will in no way interfere with parallel procedures regarding the permanent scheduling of designer drugs.

In the last 4 months, DEA has used this authority against the most dangerous and highly abused designer drugs which have been identified to date. On April 25, 1985, the DEA placed the herion substitute 3-methylfentanyl on the CSA schedule on an emergency basis. The drug MDMA was added to the schedule on July 1, 1985. Finally, just yesterday Acting Drug Enforcement Administrator, John Lawn, signed an order to place two additional drugs MPPP and PEPAP on the drug schedule after the 30-day comment period.

Since emergency scheduling has worked well it might be queried why there is a need for further legislation? The need for further action arises from the fact that a case cannot be prosecuted until the substance is controlled by the emergency schedule. It is only after the new form of drug is discovered, analyzed, and placed under emergency control that there is any threat of criminal liability. In the interim, the drug trafficker is not violating the Controlled Substances Act.

It is this loophole, the time lag between the production of these new designer drugs and their subsequent control under the Controlled Substances Act, that the legislation is intended to close. It does this by focusing on the manufacturing and distributing of these designer drugs. It does not focus on the substances themselves because they can be readily modified and the theoretical number of these drugs is infinite.

Specifically, the proposal adds new section 403A to the Controlled Substances Act—21 U.S.C. 843A—to make it unlawful to manufacture with the intent to distribute, to possess with the intent to distribute, or to distribute a dangerous class of substances known as designer drugs intended for human consumption unless such action is in conformance with section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355, regarding new drug approval.

The term "designer drug" is defined for purposes of the proposed provision to mean a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in schedule I or II or that was specifically designed to produce an effect substantially similar to that of a controlled substance in schedule I or II.

The focus of this proposal is clearly to impact on the designer drug phenomena by making it illegal for these clandestine chemists to manufacture and distribute these substances. In development of the proposed statute every care was taken to assure that the proposed legislation would impact only on the undesirable activity and not on legitimate manufacture and research. The proposal, unlike one that would focus on the drugs themselves, does not set up a regulatory or administrative framework with which legitimate industry and researchers would have to comply. It places no additional burdens on anyone legitimately involved with these types of substances. Legitimate activity regarding new drugs is protected by the exemption for manufacturing or distribution of a substance in conformance with the new drug approval provision of the Federal Food, Drug, and Cosmetic Act. Early-stage clinical research activity is protected by reference to the exemption from the new drug approval requirement for investigational use. Also, nonclinical research and industrial applications would not be affected since they are not intended for human consumption.

Additional protection for legitimate activity and a clear statement of the focus of the proposal are both afforded by the definition of "designer drug." The term "designer drug" is defined to mean a substance other than a controlled substance—defined in 21 U.S.C. 802(6)—that has a chemical structure substantially similar to that of a controlled substance in schedule I or II or that we specifically designed to produce an effect substantially similar to a controlled substance in schedule I or II. The definition also provides examples of chemical classes in which designer drugs are found. The definition requires that there be a substantial degree of similarity in order for a substance to be considered a designer drug. Moreover, if the substance falls within the purview of the definition because of its effect, rather than its chemical structure, the substance must have been specifically designed to produce such an effect. Thus, for example, although caffeine may produce effects which resemble those produced by certain controlled substances, the similarity is not so significant as to bring caffeine within the purview of the definition of "designer drug;" nor would its design meet the effect requirements of the definition. Similarly, this proposal is not intended to cover alcoholic beverages, tobacco products, aspirin, or other legitimate consumer products.

Some additional technical provisions involve the clarification, for purposes of this proposal, of the applicability of the new-drug approval process of the Food, Drug, and Cosmetic Act and the establishment of a definition for the term "human consumption." The proposal clarifies that, for purposes of the proposed provision, the new-drug approval process of the Food, Drug, and Cosmetic Act applies irrespective of whether there is an intent to introduce the substance into interstate commerce. Thus, the broad scope of the Controlled Substances Act—which does not require an interstate commerce nexus—applies to the proposed exemption, as well as to the proposed offense.

The approach taken by this bill provides for an effective and, most importantly, an immediate law enforcement response to the manufacture and distribution of designer drugs. No longer will individuals be able to circumvent the Controlled Substances Act through skillful manipulation of the chemical structure of potent and dangerous drugs. It makes it a crime punishable by imprisonment for up to 15 years and a fine of up to $250,000 to manufacture with the intent to distribute a designer drug intended for human consumption. This is done without placing additional burdens on legitimate industry and without restricting legitimate research.

I am pleased that my colleagues, Messrs. FISH, MCCOLLUM, and GEKAS have joined with me today in introducing the Designer Drug Enforcement Act of 1985. I would like to invite all Members of this body to do so as well. We must make a concerted, bipartisan effort to stop the spread of this threat to our society.●

ENERGY PLENTY IS NOT GOING TO LAST

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mrs. LLOYD. Mr. Speaker, the warning, "Energy plenty is not going to last," may sound silly to some people, especially during this period in which there is much talk of an oil glut. However, I believe that there are strong indications that the present, so-called glut will end in the nineties—perhaps even in the early nineties. These indications include recently reported statistics on U.S. liquid fuel imports as well as projections of increased energy demand.

Allen E. Murray, who is president of the Mobil Corp., wrote in the June 10,

1985 "My Turn" editorial column of Newsweek, that it is his belief that we have enough energy supplies for the moment, but that this time of "energy plenty" will not last. He also warns, "We're seeing patterns like those that led to the 1973-74 and 1979-80 energy crises * * *" Among the patterns Mr. Murray mentions is the fact that U.S. crude oil and product imports rose 8 percent last year. This means that about one-third of our oil supplies now comes from abroad while the prospects for domestic offshore oil and gas finds is lacking. The interesting observation associated with these figures is that the import ratio is the same value as before the 1973-74 energy crisis.

Mr. Speaker, when this trend is viewed in the perspective of increasing domestic energy demand, it makes me acutely aware that we, as U.S. policymakers, along with industry leaders, should be thinking seriously about beginning to develop plans and policies to deal with a future energy crisis or a number of smaller supply disruptions. But, as most of my colleagues know, soft oil prices and the temporary glut have all but paralyzed such planning for now. Moreover, considerable efforts are being devoted to killing a Synthetic Fuels Program that supposedly isn't necessary anymore and purportedly costs too much besides. I would remind my colleagues that soft oil prices actually increase the need for Federal involvement in synfuels by removing private sector market investors. Also, the near-term savings in deficit reduction from terminating the SFC Program are illusory since outlays would not be significant until 1989 and beyond. It is troublesome to see the myopia which characterizes certain approaches to electric utility planning and growth as well.

Mr. Murray's editorial further outlines various approaches that might be taken on planning for another energy crisis. I would like to submit this thought-provoking article for the consideration of my colleagues.

The article follows:

[From Newsweek, June 10, 1985]

THE IMPENDING ENERGY CRISIS

(By Allen E. Murray)

Whenever I warn people that another energy crisis is on the way, I draw raised eyebrows and skeptical sneers.

"We thought we were through with those things," my friends hoot. "Don't we have oil and gas running out of our ears? And plenty of electricity?"

My answer is, "Yes, for the moment," but I also add this warning: energy plenty is not going to last.

I'm saying this loud and clear to anyone who will listen because I never again want to go through another day like Jan. 23, 1974. That was when I sat embarrassed and angry in a Washington hearing room while the late Sen. Henry Jackson waved a finger at me and other petroleum executives. He demanded to know whether the energy crisis that had begun the previous year was real or some kind of oil-industry concoction to raise prices.

It was real, but many times since, I wished I'd had the presence of mind to add: "But Senator, it need never have happened. In the three years before the 1973-74 energy crisis, we began warning of impending shortages, urging more reliance on mass transit, more domestic petroleum development and the creation of a national-energy policy. But no one wanted to hear it."

The trouble is, Congress—like all of us—tends to be complacent until crisis fires the adrenaline. Unfortunately, government's worst decisions in energy, like its ill-fated fuel-allocation program and the billions wasted on crash alternative-energy schemes, have been those responding to crisis. Sound energy decisions that avert crisis usually come in quiet times like these.

So let me say it once again, louder:

We're headed for another round of energy shortages. Certainly by the end of this century. Possibly well before that.

Planning: If a crisis even that close seems nonthreatening, remember what most people often forget: lead times in energy require very long-range planning and investment. Even when we're successful in finding a new oil or gas field, putting it into production can take five to eight years. Bringing a nuclear power plant from drawing board to start-up can often take more than a decade.

So once more, still louder:

We're seeing patterns like those that led to the 1973-74 and 1979-80 energy crises:

In 9 of the past 10 years, the United States used more natural gas than was found in this country.

After dropping for four years, U.S. crude oil and product imports rose 8 percent last year, reflecting revived domestic consumption that exceeded domestic production. Approximately one-third of our oil supplies now comes from abroad, the same level as before the 1973-74 energy crisis.

U.S. energy demand is conservatively estimated to be 20 to 25 percent higher by the year 2000 than it is today. In the petroleum industry that will require finding considerably more oil and gas than we use up each year, which will be possible only with a very high level of investment.

Granted, the situation is not critical now, and there are emerging plus factors that will reduce the severity of future shortages: oil-refining capacity that's more than adequate; approximately 460 million barrels of oil in the Strategic Petroleum Reserve; increased availability of oil and gas from non-OPEC areas like Canada, Mexico and the North Sea, and enough electricity-generating capacity in place or being built to meet immediately foreseeable needs. But that is my very point: today's relative quiet gives us a magnificient opportunity to plan energy development in a noncrisis atmosphere.

Now is the time for government, industry and the concerned public to develop without panic those policies that will resolve future energy needs fairly and practically, responsive both to the public interest and to sound business judgment. And like the effort to revamp the tax structure, new conceptual ground may need to be broken.

How, for example, can we best halt, or at least slow, the decline in U.S. reserves of oil and natural gas—down some 20 percent in the past decade and a half?

Are there significant additional ways to conserve more fuel, or has this avenue been pretty well exhausted?

Could there be a more orderly, environmentally protected, less costly method of finding and using the oil and gas on public lands?

Might the time be ripe for a concerted government effort to restore the credibility of nuclear power plants and reduce the construction time, now that we have better inspections, improved training of operators and other new safety measures resulting from the Three Mile Island investigation?

Taxes: Last and most important should we not look at taxes on energy? Energy producers shouldn't be discriminated against; the arguments for tax incentives to find and produce energy are as strong as those for incentives to do research. Given the difficult times in which the oil industry currently finds itself, can we still justify taxes on so-called windfall profits that apply only to this industry? Is it fair that a special levy on crude oil should finance the clean-up of pollution created by nonoil companies? The effect of taxation on future energy security should concern us all.

With enough thoughtful attention to energy now, the crisis I'm predicting need never happen—at least not as severely as before.●

ARKANSAS ATTORNEYS VIEW THE SOVIET UNION

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. ALEXANDER. Mr. Speaker, two Jonesboro, AR, lawyers recently joined 20 other American lawyers for a visit to the Soviet Union. Following this trip, Bill and Marian Penix, through a lengthy article published in the Jonesboro Sun, shared with Arkansans some of their experience, reactions, and views.

I believe that comments of the Penixes will be of interest to my colleagues and request that this article be included in the CONGRESSIONAL RECORD.

[From the Jonesboro (AR) Sun]

VAST NATION OBSERVED—2 JONESBORO ATTORNEYS VISIT THE SOVIET UNION

(EDITOR'S NOTE.—Jonesboro attorneys Bill and Marian Penix, who wrote the following article, recently returned from a trip to the Soviet Union.)

The Soviet bus driver hurried in the early evening to get us from the Minsk airport to the capitol of the Byelorussian Republic. An approaching vehicle blinked its lights three times. We asked our Intourist interpreter if, by chance, a speed cop was hiding ahead with radar. Yes, even without fuzzbusters and CB equipment, Soviet motorists, like Americans, have united to thwart the long arm of the law on the highways.

Twenty-two American lawyers, most accompanied by spouses, had just finished five days in Moscow of Russia, the largest republic in the Soviet Union, and were heading south. Seven lawyers were from Arkansas, including Maurice Cathey of Paragould and both of us. The others were from Oklahoma, Missouri, Kansas, Louisiana and California.

In Moscow, Minsk, Kiev and Leningrad we met with Soviet lawyers and judges to discuss the Soviet legal system. Without trou-

bling the layman beyond this, we believe it fair to say the "procurator" (apparently the prosecutor) in the Soviet dominates the court. Stalin secured his power in the mid-'30s with the help of prosecutors who settled his problems with the kulaks, old Bolsheviks and military officers. The system is much more refined today. There have been no purges in recent years. Yet the system is built around the procurator. One after another Soviet lawyer and judge told us in apparent sincerity that crime simply could be abolished in the USSR if the problem of alcoholism could be eliminated. Drinking is a problem for them. However, we doubted alcohol is the root of all evil—just some of it.

Marian, the feminist, commented to the president of the Moscow bar that she was happy to see that so many Russian lawyers and judges were women. His reply: "Yes, they just about took over while we were off fighting in 1941-45, and there are too many of them." Marian commented later that male chauvinism knows no national boundaries.

The Soviets are second to none in the arts. The opera in Minsk was "Madam Butterfly" with the words translated into Russian with musical skill. The ballet in Leningrad was "Antony and Cleopatra" by a modern Soviet composer. Both the opera and ballet had large and accomplished orchestras. Every large city has a "Bolshoi" theater. The Bolshoi is "the largest," as in "Bolshevik," the largest political party.

Folk dancing in Kiev, capital of the Ukraine, was with dazzling costumes and brilliant performances. Even the circus in Moscow took our breath with performances of bears and—of all things—common house cats. Those of you who have problems teaching your cat to use a little box should see cats jump and perform in Russia.

The arts and most of the necessities of life are available at acceptable prices. The Metro (subway) in Moscow, Minsk, Kiev and Leningrad can be ridden all day for five kopeck. A kopeck is a hundredth of a ruble, which is $1.17 by Soviet regulations. A cup of coffee costs 21 kopeck. If you have your own American instant coffee, the cup of boiling water, cream and sugar is free. No Soviet will accept a tip. Bill had his hair washed and cut in Leningrad for three rubles. A Soviet school teacher makes about 350 rubles a month, and so does the doctor and the lawyer. Medical attention is free. An apartment in the above cities rents for about four rubles a month, and the utility bills may come to half of that. The average Soviet doesn't live anywhere near the class of the average American, but it's the best he's had in the long history of his nation.

The Soviets like to boast they have not had an unemployed person since 1932. There are no handouts for those who don't work. Even older people put in a few hours a week at menial jobs to augment their retirement checks. A Soviet traffic policeman sits in a little tower and by hand controls the red, yellow and green traffic lights in situations where we use electronic light-changing devices. The cities work hard to wash and keep their streets clean from the ravages of weather. There are always women with little brooms and scoops helping in the streets.

They also insist they have eliminated illiteracy. One of the American wives supervises a kindergarten or pre-school program in the states. She asked one night at dinner in Kiev for the opportunity to see a kindergarten. At the school of five-year olds, boys and girls skillfully performed waltzes and minuets. They even broke and forced one of us—of the opposite sex—to dance a number with one of them. At the end they sang a song which our interpreter told us was a musical prayer that we not end their lives in a nuclear winter. We thought of our five-year-old granddaughter and her dance classes where each child primarily does his or her "own thing."

Everywhere we went we saw monuments and reminders of the "Great Patriotic War of 1941-45." Almost 21 million Soviets gave their lives fighting the Nazis. The Soviets are careful to distinguish between a German and a "Nazi" or "Hitlerite." The Soviet says the Germans were duped by Hitler. Of course, this helps in relations with East Germany.

The Nazis took to the Soviets a Holocaust that ended almost four times as many lives as the Jewish Holocaust. There is a sobering museum in Minsk, a city which was 85 percent destroyed by the Nazis. In it are pictures of the Hitlerites hanging 14-year-olds, male and female. In Kiev the German commander was told to destroy the population and provide the Ukraine as a fertile "lebensraum" (living room) for the Germans. He managed to kill half of the population.

Our hotel in Leningrad was on the beach of the Gulf of Finland, a part of the Baltic. It was still frozen so hard Sunday, April 14, that Bill ran a mile and a half out to sea and back without danger.

Yes, the Soviet stores have long, but apparently patient lines. But, they also queue up for a chance to see a museum or ancient cathedral. They never seemed to mind the fact that we were ushered in ahead of them.

The Soviet Union, for all of its atheism, is proud to restore and preserve the beautiful churches and the gaudy palaces of the hated Tsars. They want to prove their heritage. Although history allows one to refer to one Tsar as either "Ivan the Terrible" or "Ivan the Great," the Soviet prefers "the Great." Yet, one of these monsters ordered his soldiers to slaughter men, women and children on "Bloody Sunday," Jan. 22, 1905. These people were peacefully approaching the winter palace in St. Petersburg (now Leningrad) to "petition" the tsar. This was a memorable episode in Pasternak's "Dr. Zhivago," a book which somehow conflicts with party policy and is frowned upon today. Yet, when it came out it caused both of us to have more understanding and compassion for the people of the USSR. We discussed this with several Russians and they had no clear reason for "Dr. Zhivago's" rejection in the Soviet.

Many Soviet cities have a "kremlin," or a fort. But, the world knows only the one in Moscow adjacent to Red Square, along with Lenin's tomb, the Gum department store and St. Basil's cathedral and all of its colorful upside-down onions for spires.

We toured the Kremlin walls. We stood at Lenin's tomb, closed because of repair work on Lenin's body. Beside the tomb were statues and tombstones of Stalin and others since him. Missing only was Nikita Khrushchev. On a tip from a Russian, Bill located Khrushchev's grave at the Novodevichy Monastery cemetery miles from the Kremlin. Bill and Joe Milner of Shreveport got into the cemetery and were preparing to photograph the grave when a soldier ordered them away. Only mourning relatives are admitted to Soviet cemeteries. Bill and Joe returned to the group with the humorous observation that "we" had ended up burying Khrushchev.

Outside the Kremlin walls lies the eternal flame on the grave of the Soviet Unknown Soldier of the 1941-45 war. There is a custom in Moscow for a new husband and bride, upon leaving a "marriage palace," to go to the Unknown Soldier's grave and place the bridal flowers on the grave. We watched a young couple perform this very solemnly.

Soviet society is straight-laced. No women appear in skimpy or suggestive clothing (it's too cold). there is no pornography.

We have referred to "Soviets" because after all, Russia is only one of the republics. And, there are a lot of regional feelings. The dearest young Soviet we came to know grew up down South in the Ukraine. He fell in love with a Northern girl from Russia. His family refused to accept the Northern girl and he had to move to Russia.

Most Soviets are slavs. They know they are looked down on as a people. Their subrace gave our language the word, "slave." For all history they have been mistreated by other countries and their own rulers. Their longest peace in modern times has been from 1945 to the present. They are grateful to us for the weapons we sent in their hard times early in 1941 and '42. But, they know that the victory over Germany primarily was theirs. The 9,600 artillery pieces we and Britian sent them only two percent of the 446,000 they produced themselves. Our 18,700 planes were 12 percent of their production and the tanks we sent were 10 percent. Piskariovskoye Memorial Cemetery in Leningrad has more than twice as many bodies in common graves as all of the Americans who died in all of World War II.

All of the Soviet Union is preparing to celebrate the 40th anniversary of the end of the Great War. Prominently displayed in may places are photos of the 1945 American-Soviet meeting on Elba River. They seem proud to have done common cause with us in the war. They revere the memory of Franklin Roosevelt. They pray some of us will show up for the great celebration.

The Soviet has many, many men under arms. It is almost impossible to look any direction in any city in daytime without seeing a soldier.

The Soviets have known war, death and destruction. Maybe they were instructed to put on an act for us, displaying great fear of nuclear war. But, we believed it was real. It's arrogant to conclude anything about a people in only two weeks. But, we believe the Soviets are terrified there will be an atomic war and that it will force our countries to neglect other pressing needs. The Soviets may be almost bankrupt from the strain of armaments upon their economic system. Even our own "robust" capitalism sinks deeper into debt and postpones attention to other problems.

We left the Soviet Union feeling more patience for them and their excesses. After all, we understand Israel's Six Day War and their problems with the West Bank. The Jews went through a Holocaust. Well, so did the Soviets.

We cannot close without some mention of V.I. Lenin, whose likeness is everywhere. He was the father of the Soviet Union. It probably would never have jelled without Lenin, his genius, fantastic energy and drive. He worked himself into an early stroke and died, partially paralyzed, in 1924.

Had not the Tsar hanged Lenin's older brother in 1877, Lenin, who later became a lawyer, probably would never have gone into politics. And, most assuredly, there would never have been the Soviet Union. Look around in the Soviet and you'll realize by the reverence with which his memory,

even his body, is preserved, that Lenin was the difference.

The Soviets believe—and we agree—that he was the only man who could have pulled the system together.●

EXPANDED CAPITAL OWNERSHIP AND THE IDEOLOGICAL HIGH GROUND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. CRANE. Mr. Speaker, today I am including another segment of a series of discussions on the concept of expanded capital ownership. Today's material is the conclusion of yesterday's article, entitled "A Strategy for Peace Through Justice," by Dr. Farug Abdul Haqq. Dr. Haqq is an attorney who has specialized for 30 years on international investment and global economic forecasting. I hope my colleagues will take a few moments to read the second half of Dr. Haqq's comments.

The article follows:

A STRATEGY FOR PEACE THROUGH JUSTICE

(By Faruq Abdul Haqq)

2. HUMAN RIGHTS: THE ESSENCE OF JUSTICE

In following the teachings of the Qur'an and the example of the great Muslim spiritual leaders, Muslims have always emphasized that peace is a product not merely of love but of absolute justice. And what is this?

The Communists call for justice, but they have perverted it into a codeword for regligious oppression by trying to force every person to worship the false God of secular collectivism.

In Islam, justice is nothing other than God's plan for the universe. "The Word of the Lord finds its fulfillment in truth and in justice" Sura 6:114.

In Islamic jurisprudence, justice is essentially the practice of human rights, or Durariyyah, which is one of the three branches of the Shari'a or Islamic law, the others being Tahsiniyyah or personal ethics and Hajiyyah or pragmatics.

Social justice is the right ordering of human institutions so that community life at all levels from the village to the global level will best facilitate the dignity of the individual person. This requires responsiveness of the government to the individual citizens in accordance with the principle of subsidiarity. This principle of social order is implemented through whatever institutionalized forms of binding consultation or Shura most effectively achieve consensus or Ijma in the general polity of the given culture, thereby subordinating government to the higher sovereignty of the individual person, who in turn is responsible to the highest and absolute sovereignty of God.

This right ordering of society requires an independent judiciary as part of the Islamic system of checks and balances. And it assumes every citizen's right in extremis of revolution against an unjust ruler. The Prophet Muhammad, sala Allahu 'alaihi wa Salam, in a famous Hadith, emphasized that whoever submits willingly to a tyrant shares his guilt. This suggests that revolution, as understood very well by the American colonists, can be not merely a right but an obligation.

Especially important in Islamic teachings on human rights is economic justice. During the past decade, hundreds of books and conferences have focused on this Islamic right and duty. All Muslims reject the evils of Manchesterian capitalism, which reduced the human person to the status of a machine and turned him into a slave of the machine's owners. Many modernist, i.e. Westernized, Muslims resort to collectivist socialism as the only alternative, sometimes dressed up in Islamic rhetoric.

Increasingly, however, especially in the United States, traditionalist Muslims are reemphasizing the human right of equal access to productive property.

Economic justice in capital-intensive economies requires broad ownership of the means of production in order to assure that no person receives more than he has earned with his own talents and tools, and in order to assure every person a right to the increase in value that he creates through his own talents, efforts, and risk-taking faith and entrepreneurship in processing the natural resources created by God equally for all men.

This equal access to ownership requires equal access to credit, which is being pioneered in several Muslim countries. In the United States, this right of equal access is being introduced through a new financing technique known as the ESOP (Employee Stock Ownership Plan). The percentage of worker-owners in American industry has grown within the past decade to 11 pecent of the work force and should soon surpass the percentage of labor union members, which has shrunk from 35 percent to 15 percent.

This technique of expanding capital ownership is particularly efficient when the suppliers of capital make a temporary investment in the producing firm, rather than merely lending money to it, so they can earn their profits from preferred stock dividends. These are paid only out of the firm's profits, as a fixed percentage but in unlimited amounts depending on the profitability of the firm. This maximizes the efficiency of resource allocation generally in society and is more just than the wealth-concentrating technique of lending at fixed rates of interest, which loads the risk on the users of capital rather than allocating both risk and gain equally among capital users and suppliers in accordance with their agreed contribution to the productive enterprise.

This strategy, developed jointly by Christians, Muslims, and Jews, to secure the human right of productive private property is described in a ten-part series, entitled "A Strategy for Social Justice Through Expanded Capital Ownership," which is to be inserted in the CONGRESSIONAL RECORD beginning yesterday, June 3, 1985, and may be published by the Center for Economic and Social Justice later this summer.

Therefore, in accordance with the Islamic principles of human rights, economic justice may be defined as equality of opportunity for every person to secure his personal sovereignty and dignity by creating material wealth, in fulfillment of God's commandment to cast our bread on the waters and multiply the bounties of the earth.

The result of following these moral injunctions should be rapid and steady economic growth based on a partnership between the employees and their machines. This avoids the need for intrusive governmental power to confiscate existing wealth for redistribution to the propertyless "wage-slaves," because it provides distributive justice during the productive process. This, in turn, elevates personal charity, which is one of the five pillars of Islam, to its proper role as the primary means to help the remaining needy.

Expanded capital ownership produces domestic peace by eliminating the inherent conflict between man and machine, and between the propertyless and the owners. And it produces international peace to the extent that the same principles of shared ownership and gain-share finance are applied among nations.

3. THE ULTIMATE STRATEGY: PERSONAL LEADERSHIP

More important, however, than all the structural changes we can ever devise in politics and economics to secure our lives, liberties, and dignity are the changes required in the individual person. In the oft-quoted words of the Qur'an al Karim (Sura 13:11), "God will not change the condition of a people until they have changed what is in their hearts."

The core of human liberty and dignity, and of leadership and of every other virtue, is freedom of religion, supported by freedom of education under parental responsibility. Freedom of worship and to act on the basis of our religion is emphasized again and again throughout the Qur'an, because God created us with free will so we can "test each other" by our failings, compete in doing good, and thereby choose our own future both on earth and in heaven.

The universal teachings of Islam, based on the Qur'an and on the models of Muslim spiritual leaders right up to the modern day, as well as the most fundamental teachings of every traditional religion, emphasize that peace is not merely the absense of conflict, which by itself has little meaning, and that human rights are not merely the anarchic or libertarian absence of external constraints, divorced from our obligations to God and therefore to ourselves and to our fellowmen. Rather, peace and justice are the result of personal effort first to change ourselves by being open to God. This is the key to changing the world.

Without genuine guidance of the person from God, the pursuit of morality or improvement in society can degenerate into the imposition of one's own selfish and narrow view of right and wrong on others. Unfortunately, this totalitarian mentality is evident everywhere today. It is based on the worst sin of all, arrogance, which can lead a person to create a false self and to worship it as a substitute God.

The objective of every religion must be to restore God to leadership as the directing force in the life of every person and every nation. But the other person and the other nation can be free to accept God's guidance and power only if one does not try to impose one's own power. The aim of the spiritual person is not to make other people do what he or she wants but what God wants. And only God can tell each person what this is, because God created each person with a unique destiny known only to God and by each person to the extent that he listens to God's guidance. In the words of the modern Christian mystic, Thomas Merton, "Since God alone possesses the secret of my identity, He alone can make me who I am." This is true for every community as well as for every person.

Our task is to translate spiritual understanding into positive action in every cir-

cumstance of life. All the great religions have certain techniques to achieve enlightenment and certain standards to check every thought from God to assure that selfish desires are not merely masquerading in the guise of altruism.

The best technique, common to all religions, for ever person to start the process of change in the world is to approach every day and every problem during the day with a period of quiet, if only for a few seconds, so one can let one's own preconceived ideas drop out of view and let God replace them with His own. And then one can test the ideas that emerge by checking them against certain standards of honesty, purity, selflessness, and love.

A second test is to lay the thought before one or more of those who discipline their lives in some similar way and whose judgement one trusts. Experience suggests that any program of action a person is not prepared to abandon or modify on the mature advice of such friends is a program so flawed by self-will that it cannot possibly come from God and therefore will not lead to productive change.

A third test, which is necessarily ex post facto, but decisive, is to evaluate the practical results that have followed action. "By their fruits ye shall know them" is a universal teaching.

The most important test for any person, according to Islamic teaching, is his knowledge of and sensitivity to the spiritual wisdom of his own people. Revelation to the Prophet Muhammad, sala Allahu 'alaihi wa Salam, emphasized that "Nothing is said to you that has not been said to other apostles before you" (Sura 41:43). . . . "We gave Moses the Scriptures and knowledge of right and wrong, so that you might be rightly guided" (Sura 2:53). . . . "After those prophets We sent forth Jesus, the son of Mary, confirming the Torah already revealed, and gave him the Gospel, in which there is guidance and light" (Sura 5:49).

When Gandhi said that he is a Christian, a Jew, a Muslim, a Buddhist, and a Hindu, he was merely voicing the truth that no man can be sure he is guided by God unless his wisdom grows out of the centuries-long winnowing process of a great religious tradition designed to make tangible the internal truth that always emerges in men's selfless communion with God.

Today, as you complete one important phase in your life and start another, I would urge you to contemplate the deepest wisdom of all the major religions. They all teach that the basic conflict in the world is not between rival institutions and nations, or even between rival ideas, but between rival wills, the will of men and the will of God. The ultimate power is the will of God working through the individual person who loves Him. It expresses itself in leadership, because leadership is the inescapable lot of the fully committed. You are all called to leadership, if you only knew it.

And whenever you falter in providing the leadership the world needs from you, remember the words of the Norwegian freedom fighter and leader of Moral Rearmament, Leif Hovelsen, who is here in Washington today. In his book, Out of the Evil Night, he relates how he learned during 4 years of successful efforts to maintain his dignity, independence, and leadership within Nazi concentration camps that "when man listens, God speaks, and when men obey, God acts."●

REMARKS OF JOHN D. DINGELL TO THE 1985 AMERICAN BAR ASSOCIATION ANNUAL MEETING

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. SWIFT. Mr. Speaker, as a member of the Subcommittee on Telecommunications, Consumer Protection and Finance, I have spent a considerable amount of time on proposals to allow competition in the international satellite communications market. My efforts have focused on ensuring that any policy changes made in this area do not unravel an international telecommunications structure that has served both U.S. and foreign policy interests well for two decades.

Earlier this week, our distinguished full committee chairman, Congressman JOHN DINGELL, delivered a speech on this topic at the annual meeting of the American Bar Association held here in Washington, DC. I urge my colleagues to review Chairman DINGELL's speech, as it provides an excellent roadmap to the policy the United States would be pursuing in this area as well as what policies the Congress should adopt. I include a copy of Chairman DINGELL's speech in the RECORD at this point.

REMARKS OF JOHN D. DINGELL TO THE 1985 AMERICAN BAR ASSOCIATION ANNUAL MEETING

Thank you for allowing me to be here with you today to discuss some of the issues raised by the emerging trend toward competition in the provision of international communications services.

Many of you may already know that I am not hostile to the development of competition in this area. I said in a letter to Mark Fowler on June 15, 1984 that the pending applications to construct and operate international satellite systems separate from INTELSAT "promise all the advantages of competition—more rapid technological innovation, lower prices and more flexible provision of specialized services." I should also mention that the new competition should be fair, for without that there is also the potential for rascality and disregard of the national and public interest.

In a letter to Comsat on July 30, 1984 I stated that "if new systems could be shown to have significant benefits on balance for U.S. interests, then I would be favorably inclined."

Since then there have been several developments:

A total of 5 U.S. satellite firms now seek to enter the North Atlantic market.

The Commission has announced that it is not accepting any further satellite applications.

Two applications to construct private transatlantic cables have been approved by the Commission.

The Reagan administration has strongly backed new satellite entrants, assessing that they will not harm INTELSAT if they are suitably restricted.

A series of hearings has been held in the House Energy and Commerce Committee and the Foreign Affairs Committee.

The House-passed State Department Authorization bill and the House report accompanying the 1985 Supplemental Appropriations bill contain certain measures that significantly improve the Reagan Administration's approach.

The additions to the Reagan Administration's plan incorporated in the House-passed legislation address two main concerns: one is pricing flexibility for INTELSAT so that all U.S. customers will benefit from any new competition; the other is effective enforcement of restrictions on the new systems. To accomplish the first goal the House requires the United States to actively support an appropriate modification of the INTELSAT agreement in order to permit INTELSAT to establish cost-based rates for individual traffic routes such as the North Atlantic. To accomplish the second goal the House directs the FCC not to grant final construction permits or launch and operating authority to any new satellite entrant until the FCC has established by rule both a suitable restriction on the activities of such systems and a mechanism to enforce this restriction. The restriction contemplated is the one proposed by the President—that the new systems be prohibited from offering (1) any telecommunications service other than the sale or long term lease of transponders or (2) any service which connects to the domestic public switched message network in the U.S. or a foreign country.

In imposing these restrictions, no distrust is intended. I remember my father's admonition, "Trust everyone, but cut the cards."

INTELSAT needs pricing flexibility because the new systems will divert some existing traffic and growth traffic from the INTELSAT system. With the global averaging required by the INTELSAT Agreement, this could mean higher rates for all INTELSAT users, including the residential and business cutomers in the U.S. who have no need to lease or buy a satellite transponder to satisfy their international communications needs. Pricing flexibility would allow INTELSAT to adjust its North Atlantic rates to bring some of the benefits of the new competition to these U.S. customers. At the same time, this flexibility would limit the potential traffic diversion, thereby allowing smaller rate increases in lower density routes.

I observe the need for these matters to be dealt with by those with long, institutional memories. In the Congress, for instance, we recall the attempt to introduce competition in the North Atlantic air transport market. Every small country in the world, it seemed, wanted to enter this market, leading to destructive overcapacity.

Some have raised concerns about predatory pricing. I share those concerns and believe that INTELSAT's rates for any service should be set to recover all the costs of providing that service. I also favor release of cost data to the FCC and other responsible government agencies so that INTELSAT can be held accountable for providing cost-based rates.

As the Administration has noted, the need to impose and enforce restrictions on new systems is derived from the U.S. long-term interest in a viable INTELSAT. I must note, however, that virtually no one outside the Administration takes these restrictions seriously. For instance, at the recent Senior Level meeting of the North Atlantic Consultative Process the European representatives

expressed their view that if separate satellite systems were established they would ultimately be used for switched services. This view is widely shared in the industry.

The reasons for this pessimism with regard to the restriction are easy to explain. First, they are technologically hard to enforce; any company large enough to need a private satellite transponder will also have a private switch on its own premises—a PBX—that is hooked up to the public switched network. Using this private switch, traffic can easily be routed from the satellite transponder to the public network and vice versa in a fashion only the "bypass police" could detect. This "leaky PBX" problem is severe, but can be addressed by appropriate sanctions that give corporations an incentive to comply.

The more serious problem is "regulatory creep." What we discovered in the domestic market is that providing private-line data and voice service exclusively to large businesses is not a viable market. MCI and SBS both tried to make money in corporate communications. When corporate demand proved lower than expected, they both turned to residential consumers and small businesses.

The same events may well occur in the international market, and policymakers may face a choice of whether to let the fledgling competitors perish or allow them to diversify. Given the FCC's history in this area, it is not hard to predict what they are likely to decide. If the U.S. approves entry at all, the best we can expect is that the restrictions will be left in place long enough to allow existing carriers to prepare for full, across-the-board competition.

While these concerns related to flexible pricing and service limitations have been addressed by the House, there are additional questions concerning the Reagan Administration plan. One concerns the development of over-capacity in the North Atlantic route. Policymakers have to ask the question: what will the market look like if five alternative satellite systems, two private cable systems, the new generation of Intelsat satellites, and the next common carrier transatlantic cable systems, all become operational? Without even considering the likely response by European-based private systems, estimates by Abbott Washburn and others indicate an imbalance of supply over demand of 11 to 1.

Many observers confidently predict that Wall Street will not finance new cable and satellite ventures in such an inhospitable market. Maybe so. But what if they do? Many of you have learned in your Econ 101 classes about destructive competition: the prospect of supra-normal profits lures too many investors and entrepreneurs into a market resulting in a substantial amount of overbuilding and overcapacity; rate wars result in which no one in the industry can cover costs; the weakest competitors are driven from the market, thereby idling the excess capacity. I draw your attention again to the air transport example, and note that supply and demand do not operate normally when foreign governments can subsidize their entrants into the North Atlantic market. Can U.S. firms compete with government-subsidized foreign entrants?

We cannot look upon this result with equanimity. Orbital slots are scarce resources. U.S. needs for these slots are often in direct conflict with the needs of other countries. If we want to engage in destructive competition in the U.S. domestic telecommunications market, we only hurt ourselves. If we take scarce orbital slots away from other countries, only to waste them in a frenzy of destructive competition, this hurts other countries, and in the long run could prevent us from reaching cooperative arrangements with other countries on a wide range of other international issues.

I am not confident that the FCC or our other U.S. communications policymakers have any plans to resolve the problems that could be caused by overcapacity. Indeed, once new systems are given U.S. regulatory approval the matter is largely out of government control.

I am partly reassured, however, by several developments in this area: first, the FCC has proposed new financial and operational requirements on U.S. domestic satellite operators, designed to reduce the amount of speculation in this market. This is all to the good; similar rules should now be extended to the new international satellite operators. Second, the FCC has halted further applications for international satellite systems—indicating that it is aware of the potential overcapacity problem and has no intention of handing out a license for international telecommunications services to any applicant who can file a petition at the Commission.

The other unresolved issue concerns the possibility that new international satellite entrants will buy needed approval from foreign telecommunications authorities by promising to procure satellites and launch facilities from these foreign sources. This type of unfair competition has arisen in other industries such as shipping. The monopoly power of these foreign telecommunications entities prevents competition from working in the procurement and launch markets. If new entrants are given U.S. approval, they must also demonstrate to the FCC that their procurement and launch decisions were reached after receiving foreign approval and were based solely upon price and quality considerations. Without this assurance, new competition in international satellite communications may cost us jobs for American workers, worsen our already deteriorating balance of trade, and cause us to lose ground in a hightech industry where we are the acknowledged world leader.

In April of 1984 in response to my letter concerning these matters, then Special Trade Representative William Brock supported this position: "INTELSAT requires open competitive bidding for its contracts—a practice which has made U.S. aerospace companies the major supplier of INTELSAT satellites. Were the same principle of open competitive international bidding applied to the procurement of telecommunications equipment by the proposed private satellite service companies, we could expect similar results."

To assure that U.S. suppliers have fair opportunity to compete in this new market, the FCC should take necessary steps to impose open competitive bidding requirements upon any new entrants. Otherwise, foreign governments may condition the grant of operating authority on procurement quotas in the host countries.

Some argue that the FCC should not take the time to review the policy issues raised by these applications and to ensure open procurement practices by new entrants because other countries will move in ahead of us in this new market.

Other countries should not be allowed to do this. The FCC has full authority to deny spectrum allocations for any foreign satellite operator or U.S. affiliate seeking to provide private transatlantic services before our firms do so. I would expect them to use this authority during any necessary review of the pending U.S. applications.

The U.S. entrepreneurs who have forced the international communications community to react to the technological and market demands for change deserve the respect and praise of U.S. policymakers. Their activity reflects the vitality and ingenuity which the American system uniquely fosters. My intention is to work with all who have a stake in the development of this new market to ensure that any new competition brings benefits to all U.S. customers and companies.

Thank you for allowing me to share these thoughts with you today as we move forward into a more competitive international market.●

DEATH PENALTY ENDORSED

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. McCOLLUM. Mr. Speaker, this morning's recorded vote by the House in favor of instructing conferees on the Department of Defense authorization bill to insist on the House position on the McCollum amendment relating to the creation of a peacetime espionage offense with a death penalty in the Uniform Code of Military Justice was more significant than just a vote on the specific issue. As framed by the debate that preceded the recorded vote, it clearly was a vote for or against the death penalty. Some members may have voted for the death penalty in this particular case who wouldn't in other situations, but any member who voted no must be against the death penalty under any circumstances. If you don't believe in the death penalty for treason by active duty military personnel, when do you believe in it?

Not only did the vote on the motion to instruct set apart those who are unalterably opposed to the death penalty under any circumstances, but it also demonstrated that an overwhelming majority of the House will support the reinstatement of a constitutionally valid death penalty for particularly heinous crimes. This demonstration of sentiment demands a response from the Judiciary Committee and House leadership allowing a floor vote in this Congress reinstating the death penalty for such heinous Federal crimes as the assassination of the President and other high-ranking Government officials, kidnaping, and espionage committed by civilians. Whatever their personal views on the issue of the death penalty, those who have the power to control the agenda of what makes it to the House floor for a vote have an obligation to their colleagues and the American public to let the Congress work its will on the death

penalty issue rather than bottling up bills dealing with this matter in committee.

So while I am especially pleased that my amendment to create a peacetime espionage offense with a death penalty under military law received a ringing endorsement from my colleagues in this morning's vote, I am equally impressed by the impetus this vote may give to getting the death penalty issue resolved on the floor of the House for other appropriate Federal crimes. I hope by this time next year a constitutionally valid death penalty will be back on the books for a number of these other crimes.●

HIGH YOUTH UNEMPLOYMENT RATE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. PURSELL. Mr. Speaker, the high youth unemployment rate in this Nation is of great concern to me. However, I do not believe that passing the American Conservation Corps Act will have a great impact on reducing that rate. Furthermore, I fear that by creating the ACC we will increase the national deficit which is already at an unacceptable level.

The intent of the ACC legislation is to provide employment and training for thousands of young people while improving public resources. This is a noble idea—but it's impractical.

We need to train young people for jobs on which they can build their futures. We need to recruit them for vocational training for jobs that are currently underemployed and are crying for workers. That's what the Jobs Corps Program and the Job Training Partnership Act do. The ACC does not address this issue but, instead, creates yet another Federal program.

H.R. 99 authorizes "such sums as are necessary" for the ACC. CBO has conservatively estimated total costs for this program at $225 million for 4 years. Now is not the time to authorize new programs tied to new funding requirements.

Many of our current youth employment programs, which have proven track records, have either been level funded or have been reduced by both the House and Senate budgets. In order to justify a new authorization—and still remain within the budget guidelines—we would have to divert our focus from current programs. These existing programs should receive our undivided attention and support.

In conclusion, Mr. Speaker, I would like to emphasize that, although the intent of the American Conservation Corps Act is worthy, this is not the time to create a costly new program to meet the unemployment needs of our Nation's youth. In the name of deficit reduction, I urge my fellow colleagues to vote against this bill. Thank you.●

JULIUS HOBSON: ANOTHER RUNG UP THE LADDER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. RANGEL. Mr. Speaker, I rise to place in the CONGRESSIONAL RECORD an article commending Julius Hobson of the House District of Columbia Committee.

Black professionals have made great strides in the post-war era. In our Nation's Capital, a noticeable percentage of doctors, administrators, and lawyers are black. This fact is indicative of how much we can achieve when given a fair and equal chance to pull ourselves up.

Julius Hobson's position as legislative director for the Subcommittee on Fiscal Affairs and Health is an example of the opportunities now available for aspiring young professionals. He is to be praised for his fine contribution.

It is therefore with great pride that I rise to offer the following article for publication in the RECORD.

[From the New York Times, July 7, 1985]

AN INSIDER'S VIEW OF BLACK POLITICAL GAINS

(By Francis X. Clines)

WASHINGTON, July 6.—Sitting in a busy Congressional office where compromise is the only art, Julius W. Hobson Jr. remembers his father, Julius Sr., now dead, as something as a litigious firebrand in the black community in the 1960's when a generation of civil rights pioneers led the city back from the wilderness of disenfranchisement.

"I don't know if my father could have survived today," he said, reflecting on recent civic history from his place as legislative director for the District of Columbia Subcommittee on Fiscal Affairs and Health in the House of Representatives, where he works for Walter E. Fauntroy, Washington's nonvoting Delegate.

"My father didn't like the give and take of the process we have now," Mr. Hobson said, "and it would have been a difficult transition for him from the outside, raising hell, to the inside, making compromises."

THE PUSH FROM WITHIN

The son loves the intricacy of compromise, and he was quietly noting, in effect, an important local milestone: Blacks are now successful politicians. They include City Council members and more prominent incumbents such as Mr. Fauntroy and Mayor Marion S. Barry Jr., veterans of civil rights struggles for the vote and for integration of department stores and the municipal labor force.

"My father played the Stokely Carmichael role, the bad guy on the street who would push an issue and then, when negotiations began, he'd work inside to keep these other fools from tearing the place up," Mr. Hobson said with a touch of nostalgia. "For the most part it worked then. Now, it's not like that."

Protest is less relevant in the gray world of evolving self-government than in what Mr. Hobson calls the "cut-and-dried" 50's and 60's. "Solutions are more complicated," he said, "but for someone like me this makes life more interesting, looking for ways to improve government while protecting its limited resources."

Mr. Hobson's father scored some important victories in his time, prevailing in lawsuits directed at the vestiges of school segregation and winning a seat on the school board, the only focus for black politics in this city until municipal elections finally became reality 10 years ago under home rule.

The junior Mr. Hobson, initially scornful of a career in public life, eventually came to follow his father and win a seat on the school board, marking a further step for the black community of a second generation taking root in modern political life. From there he developed a taste for the quieter politics within Congress.

That, he says, involves the capital's gentlest political art, worked at by Mr. Fauntroy, of seeing that Congress takes no excessive interest in the District and its varied issues. This is the reversal of the black community's century of frustration in serving as the parochial lackey of Southern-dominated Congressional rule, a period that still fuels politics for Mr. Hobson and other local blacks.

A century ago there was a brief period after the Civil War that historians term the city's Golden Age of black political power. It was five years when Congress voted extra funds for the black school system; when black labor, freed from slavery, was invited to build the city's streets; when prominent blacks waltzed at the ball at Grant's second inauguration; when such black leaders as Frederick Douglass served on a new, more tolerant City Council, and when a black entrepreneur, James Wormley, ran the city's finest hotel in that brief, forgotten heyday of integration.

REGRESSION, THEN SOME GAINS

The period ended quickly as the national mood shifted and the Supreme Court ruled that the 13th and 14th Amendments did not bar individual acts of racial discrimination. Regressions followed, some still remembered well by the capital's older blacks. In the 1940's, Mr. Hobson's father moved to the city from the Deep South and, as a war veteran, joined other blacks pressing anew for such issues as home rule and statehood.

"It wasn't until 1964 that District residents finally got to vote in a Presidential election," said Mr. Hobson, who noted that Congress did not grant the District the vote for local officials until 1975. With a pace like that, the issue of home rule persists, he emphasized. He is working lately on such measures for incremental change as loosening the Federal control of the local court and jury system and establishing a new method for independent bonding authority for city projects.

"It's hard to say where my father would be in this city nowadays, it's so much more difficult in just the eight years since he died," Mr. Hobson said in his Congressional office. "Personally, I love this sort of thing, budget politics—that's where power lies now."●

SUCCESSFUL IMMIGRANT, GREAT AMERICAN

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. DYMALLY. Mr. Speaker, I wish to call the attention of my colleagues in the U.S. House of Representatives to Joseph G. D'Oliveira, like myself, an immigrant to these shores. I single him out for the honor of recognition by this august body because Mr. D'Oliveira is a shining example of what is right about America. Joe is a man who came here seeking the opportunity that is the promise of America. Through hard work he made that promise of opportunity into a reality. Then—and this is what is so right about people of Joe's caliber—he showed his gratefulness to the country and to his fellow citizens by returning something to the country through his many public services. It is imperative that this body, the Representatives of the citizens of this Nation, recognize people like Joseph D'Oliveira because they are the models of citizenship we would hope to see emulated by others.

Joe came to the United States from his native Guyana in 1965. Almost immediately he joined the armed services. He earned the rank of staff sergeant. Serving with distinction in Vietnam, he was awarded the Bronze Star for meritorious service. Upon completion of his military service, he enrolled in college, attending East Los Angeles College. He received a degree in business in 1972 after having completed course work in his major with a straight A average. Immediately he enrolled at California State Polytechnic University to earn a second degree, this time in accounting. Again he achieved the distinction of graduating with a straight A average in his major. With such a record of single-minded goal directedness, you can imagine that Joe advanced quickly in the business world. He began work in the United States as an accountant for Continental Airlines. By 1975 he had opened his own business as a certified public accountant. He later formed the partnership of D'Oliveira, Lim, Weber & Co., a public accounting firm. Recently Joe went on to become a partner in the firm of Fortune Builders, Inc., a real estate development and investment firm.

If this were all there is to say about Joe, then he would be a successful business person. But this is just the beginning of the Joe D'Oliveira story. Of special note is the public service work he has done for his community and for his country. Joe is a member of 100 Black Men of Los Angeles, Inc., a group highly respected in southern California for its many charitable works in the community. Joe serves students as a member of the Board of Trustees of the City University of Los Angeles. He serves his fellow Caribbean Americans as vice chairperson of the Caribbean Action Lobby which works to make the concerns of Caribbean Americans known to our government bodies.

One of the achievements in which Joe takes great pride is the fact that since 1976, he has been one of this country's honorary consuls to the Republic of Guyana. For his work in creating a link between his native country and his adopted country, the people and the Government of Guyana have just awarded Joe one of their coveted honors, the Golden Arrow of Achievement. When Los Angeles hosted the 23d Olympiad, Joe served as Olympiad attache for Guyana. His efforts were rewarded by a special resolution in the California State Senate

Joe is known in southern California for the many hours he has devoted toward providing opportunities for young people. He is a member of the Advisory Board of the Pacoima Youth Culture Center. He also is a board member of the Esquire Girls and Boys Club, Inc. His service has been recognized by a grateful Los Angeles. He recently was awarded a certificate of appreciation for community involvement by the city of Los Angeles.

Mr. Speaker, Joe D'Oliveira is the best this country has to offer. I am proud to count him as an American, a Californian and as a dear and valued friend.●

BOONE'S HISTORY ESSAY WINS TOP HONOR

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. KOLBE. Mr. Speaker, excellence in education is achieved when all of us work together—parents, students, teachers, community leaders, and public officials—to provide our young people with the tools to lead productive lives. I am proud that three schools in Arizona's Fifth Congressional District have been recognized for their outstanding contributions to education and as role models for other schools around the country.

Secretary Bennett has announced the results of the Department of Education's Exemplary Public and Private School Recognition Project, a program to acknowledge the educational achievements of America's schools. From Tucson, AZ, Flowing Wells and Santa Rita High Schools were recognized in the public school category, and Green Fields Country Day was chosen as an exemplary private school.

These schools can attest to the importance of the Department of Education's program by pointing to their students. As an example, I am attaching to my remarks the story of a young man who reflects the involvement of caring parents and diligent teachers who supported his quest for excellence.

BOONE'S HISTORY ESSAY WINS TOP HONOR IN NATIONAL HISTORY DAY COMPETITION

(By Michelle M. Jerin)

Honors are nothing new to recent Green Fields Country Day School valedictorian David Boone.

Distinguishing himself in the science community in past years, Boone placed first in the biology division in the state Science and Engineering Fair held at the University of Arizona in 1983, representing Arizona in the national contest with a project on the affects of ultrasound on chicken embryos.

In 1984 he won top honors in the all-school science fair at Green Fields, chosing not to enter the state contest. Also, Boone placed sixth in the Arizona National Spanish Examination in 1983; and served as editor of the school newspaper, The Flyer for two years, as well as a staff writer prior to that time.

Boone recently added another feather to his honor-adorned "cap" when he was named the winner of the National History Day competition in Washington, D.C. June 13.

His research paper, The Port Chicago Disaster, followed the required theme of "Triumphs and Tragedies in American History" for this annual contest.

Judges applauded the accuracy in Boone's research and the avenue of his presentation of tracing the disaster, which occurred July 17, 1944, from its earliest stages to the cover-up by the Navy at this major ammunition loading dock, and the series of events that resulted as an outcome of the disaster.

What has been described as the "largest man-made disaster before Hiroshima and the largest homefront diasaster in World War II," The Port Chicago catastrophe was considered a major cover-up by the Navy; a serious injustice to the black men working the loading docks at Port Chicago; and the start of desegregation by this branch of the armed services . . . all of which is outlined in Boone's paper.

Boone's paper was selected out of an initial field of more than 3,000 entrants on the Senior Division High School level open to freshmen to senior. Points are awarded at each judging level and Boone received a near-perfect 99 percent by the university of Arizona history professors sitting as state judges.

His reward for such distinction on the national level—a $1,000 cash prize as well as a Pan American Summer Scholarship.

For the past three years, Green Fields has won both first and second places in state competition. In addition to taking top honors in the national contest, Boone easily placed first in the district and state contests.

More than 150 entrants from the Kolbe-Udall congressional districts participated in the district level competition in March. State competition followed in April with 900 students participating.

Placing second, behind Boone, was Stephanie Talbot Victor, also a senior at the independent school, with her paper, "The First Right of Every Child is to be Wanted." It

was uncertain at this time how she fared in the national competition, said Phineas Anderson, Green Fields headmaster. "Only the top three national winners were announced," he said.

Boone dedicated almost three months researching the tragedy followed by 10-12 drafts of the paper and about five major rewrites to produce the award-winning article.

Before attending the University of Arizona this fall, possibly to study Civil Engineering, on a full-tuition, four-year, academic scholarship awarded by the Board of Regents, he will work full-time in a laboratory in the Pharmacology department of the UA Health Sciences Department.

Boone is the son of Max and Carol Boone of Tucson.

Guiding Boone in his project was history instructor John Hosmer, who was honored as the Most Outstanding History Day Teacher by the UA and Arizona Historical Society, receiving a $100 cash award. Boone credits Hosmer with careful proofreading, guidance and aid in research in the final draft of the paper.

Anderson believes Green Fields tremendous achievement record in this competition is a result of a comprehensive history program which begins in the fourth grade, as well as the emphasis on writing at the school, where students understand research papers, how to write them, and what they are all about. "And, to the teachers who go that extra mile," he said.

The University of Arizona will now publish Boone's paper in the UA History newsletter . . . indeed an honor for the school, said Anderson.●

LAUNCHING US-44

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. DioGUARDI. Mr. Speaker, I rise before this body today to call attention to one of our Nation's proudest traditions: the America's Cup. The America's Cup, recognized around the globe as the emblem of sailing supremacy, is the oldest trophy still contested in the world of sport today.

The cup was originally commissioned by England's Royal Yacht Squadron in 1848. In 1851, before the eyes of Queen Victoria, a schooner named *America* outsailed no less than 14 British yachts to begin the greatest dynasty in sporting history. The America's Cup was successfully defended 24 times over 132 years by American yachtsman. Then in 1983, the longest winning streak in sports history ended, as the cup passed to Australia.

American yachtsmen no longer have the advantage of competing for the cup in our own waters. In the 1986-87 series they will have to challenge the Royal Perth Yacht Club, America's Cup defenders, in the waters off Fremantle, Australia. Nevertheless, among Australian bookmakers viewing the field of foreign contenders for the 1987 America's Cup, the front-runner is the New York Yacht Club's *America II Challenge.*

On May 24, the *America II Challenge* christened US-44, a new breed of 12-meter yacht for the 1987 America's Cup races. The new yacht, the second challenger to be launched by the New York Yacht Club's *America II Challenge*, is considered the most advanced and fastest 12-meter designed for cup competition. Furthermore, in refreshing contrast to a multitude of wasteful, Government subsidized programs, the *America II Challenge* is financed entirely by private contributions and investments.

The following is a copy of William F. Buckley Jr.'s remarks on the occasion of the launching of US-44:

LAUNCHING US-44

Mr. Chairman, Admiral King, Commodore Mosbacher, about fifteen year ago I attended with my wife a state dinner at the White House, in fact, for us, the first. I was not intimidated by the presence there of our host, the President of the United States, whom I had met here and there, when he was engaged in climbing the grimier rungs that lead to that high office. But the prospect of being presented to him by the Chief of Protocol was positively unnerving. Getting dressed a half hour earlier, across the street at the Hay Adams, I said to my wife, "You do realize that the chief of protocol is Bus Mosbachor, who won the America's Cup?" To which she replied, "You evidently don't realize that you have told me that five times in the last five days." It was with great awe that I took the hand of Bus Mosbacher, staring at him as I suppose I'd have stared at Christopher Columbus, or Galileo. You see, in those days I used to do ocean racing quite regularly, and hard though we tried, we never managed, somehow, to come in with the winners. I remember disconsolately, after my fifth Bermuda Race, being asked by a reporter what was my ambition during these races, replying, "My ambition is to beat at least one boat." And indeed, the summer before, arriving at three o'clock in the morning at the finish line in Halifax from Marblehead, in the dead of night a great stillness had descended on the harbor. My eyes caught a ray of light coming from a sailboat ten yards behind us which we had only just beaten to the finish line. The light lingered over our stern, descrying the name of our vessel, and then travelled up the mainsail to check our racing number, and then I heard the unmistakeable voice of F. Lee Bailey say, "My God. Even Buckley beat us." I learned years later that he sold his boat the following week.

I managed, in the receiving line, to shake the awesome hand that guided the tiller that in 1962 had defeated the Australian challenger; and then to greet the president; and then to greet the guest of honor, who by ironic masterstroke, was the prime minister of Australia, Mr. John Gorton, I remember thinking that surely President Nixon should have presented the Prime Minister to Mr. Mosbacher, rather than the other way around.

So that you have some idea of the awe I feel for the company I am keeping today. I have heard many jibes about the high cost of asserting what is obviously the providential right of the New York Yacht Club, with the distinguished assistance of the United States Merchant Marine Academy, to house the America's Cup, but of course one hears that kind of thing all the time. It was I think thirty years ago that I became a member of the New York Yacht Club and my sponsor, pointing to the Cup at 44th Street, said to me, "Do you know, more money has been spent attempting to win that Cup than was spent on the Spanish Armada?" Well no, I hadn't known this, nor did I know what was the anticipated reply to such an observation.

I remember groaning, at Cape Canaveral in July of 1969 when one of those awful people who write editorials said that for the cost of Apollo 11, which was going up the following day to land on the moon, we could build four thousand and eighty-two lower middle-income dwelling units.

But one cannot parse life's enterprises in any common coin. If Vladimir Horowitz had exercised his fingers on a sewing machine instead of on a keyboard, stroke for stroke, he might have stitched a blanket that would keep eighty two thousand Eskimos plus Mary McCrory warm on a cold winter's night. The sailing sport is an appanage of a class of enthusiasts who are aristocratically concerned with excellence at sea. For them—for you—no sacrifice is implausible, whether measured in savings invested in the architecture and engineering of a vessel, or hours spent in cultivating the intellectual and physical skills necessary to overcome marginally the resistance to speed at sea, the margin in question distinguishing you from the boat that, two years hence, you will have left behind. I think it is a sign of great spiritual health that even as men risk their lives to ascend a mountain peak, others devote a part of their lives and the produce of a part of their lives, to designing, and to manning, the fastest vessel of its size in the world. In John Kolius you know you have someone appropriately fanatical to pursue your designs. In Sparkman and Stephens you have the services of Stradivarius. And in Bus Mosbacher you have the shadow of the man who reminds us that he wasn't in command when we lost that cup, which we shall retrieve now, after the expeditionary force leaves here to travel to Perth in Australia.

We will have it back, but we will do this without severing diplomatic bonds with that young, robust, alluring country whose prime minister our sometime Chief of Protocol took such splendid care of back in 1969.

It happened that, seated next to me at the White House banquet, was a young Australian diplomat on the staff of the Prime Minister who served as his speechwriter. This he confided to me after a few bottles of wine, White House protocol having neglected only to remember to make draft beer available to that evening's guests. And so, as Prime Minister Gorton waxed into a robust and affectionate speech about U.S.-Australian relations, his speechwriter's face was caught in contortions of bliss, as he heard pronounced, one after another, the words he had written. And toward the end of the toast he dug his elbow quietly into my side and whispered, "Listen! Listen! Listen now . . ." whereupon the Prime Minister, reaching for his glass to conclude his toast, declaimed to his distinguished audience, "Continue as you are, my American friends, friends of liberty, and friends of progress, and we"—my Australian speechwriter closed his eyes now in transport, in anticipation of the rhetorical coda, "we will go Waltzing, Matilda, with you."

Well now, the sentiment was lovely; the cultural embrace between the two peoples, enduring.

But on one point, there remains the need for a little clarification.

The American Cup belongs back here. Not only back here in America, but back here in that nice little understated room, four, five steps down from the landing, inside that glass case, on 44th Street, because without it, we are very lonely. Indeed I myself have pledged that until we have it back, I shan't waltz at all, let alone with kangaroos.

So that, one day in February of 1987, at about four in the afternoon, in the waters off Perth, the Australians must know what it was that Cinderella experienced. It is a pity that such a reintroduction into realism must be done to Australia by among others the man who served as chief of protocol when the Australian prime minister was with us: but you see, the protocols of the America Cup are that it belongs in America: so that we are, after all, here engaged in nothing less, and nothing more, than a venture in repatriation. Here's to US-44. May she bring us back what we have come to regard as an American birthright, so that my wife and I can waltz again, under the Milky Way, when all is right again at 44th Street in Manhattan.

Mr. Speaker, I strongly urge all Americans to enthusiastically support the efforts of *America II* in the quest to regain the America's Cup, and I commend those who have given of their time and money for this effort.●

SUSQUEHANNA RIVER BASIN COMPACT AMENDMENT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. GEKAS. Mr. Speaker, I have today introduced legislation to remove the limit on the rate of interest and interest costs permitted to be paid on bonds and other obligations issued by the Susquehanna River Basin Commission.

The Susquehanna River Basin Commission, formed by the passage of the Susquehanna River Basin Compact in 1970 (Public Law 91-575), manages the water and water-related resources used to develop the Susquehanna River Basin in the States of New York, Pennsylvania and Maryland. The Commission also devotes its attention to pollution and flood control, wildlife and fish protection and the development of ground and surface water supplies for home, industry and agriculture use.

Under article 13 of the Susquehanna River Basin Compact, the Commission is authorized to "negotiate loans, grants, gifts, services, or other aids as may be lawfully available from public or private sources to finance or assist" projects or proposals entered into by the Commission and "may issue its negotiable bonds and other evidences of indebtedness" to repay such debt. Under current law, however, any bonds issued may only bear an interest rate of no more than 6 percent per annum.

The SRBC has not, in their 15-year history, issued any bonds for sale to finance any project. Presently, the SRBC is moving forward with implementing a large water storage project for the region, contracting directly with the Army Corps of Engineers for its construction. Financing for this project may be needed. Financing options available are a 50-year payback to the Corps and the issuance of bonds by the Commission. A 6-percent bond ceiling would, by making the bonds less than attractive purchases, ultimately reduce the effectiveness of the Susquehanna River Basin Commission to raise capital for project development. Thus, the SRBC has requested that they be allowed to set the interest rates for bond issuance based on the present market rate. The SRB Compace must be amended to allow the Commission to set the bond interest rates.

To amend the Susquehanna River Basin Compact the legislatures of the member States (New York, Pennsylvania and Maryland) must each approve legislation amending the compact. Such State approval must then receive congressional approval, or consent, to the modification of the compact. The various States involved have all approved the necessary legislation; all that awaits is congressional consent.

My proposal would provide for the congressional consent. It is truly a noncontroversial bill that would allow a congressionally created commission to properly function without the additional expenditure of any government funds. A copy of the legislation follows this discussion.

I am joined in offering this measure today by Mr. McDADE of Pennsylvania. A similar measure will be offered in the Senate by Senator ARLEN SPECTER of Pennsylvania.

I would urge all Members of Congress to cosponsor and pass this important legislative proposal so that the valuable efforts of the Commission are not hindered.

H.R. —

A bill granting the consent of the Congress to the amendments to the Susquehanna River Basin Compact

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO SUSQUEHANNA RIVER BASIN COMPACT.

(a) CONSENT OF CONGRESS.—The consent of the Congress is hereby given to the amendments, described in subsection (b), to the Susquehanna River Basin Compact, entered into by the States of New York, Pennsylvania, and Maryland and consented to by the Congress in the Act of December 24, 1970 (84 Stat. 1509).

(b) DESCRIPTION OF AMENDMENTS.—The amendments referred to in subsection (a) have been ratified by the States described in such subsection and have the effect of—

(1) amending section 13.9 of Article 13 of the Susquehanna River Basin Compact (84 Stat. 1528) to read as follows:

"13.9 Interest. Bonds shall bear interest at such rate as the commission shall determine, payable annually and semi-annually."; and

(2) amending section 13.13 of such article (84 Stat. 1528) to read as follows:

"13.13 Sale. The commission may fix terms and conditions for the sale of other disposition of any authorized issue of bonds and may sell its bonds at less than their par or face value. All bonds issued or sold for cash pursuant to this compact shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bonds notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may therefore sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bonds shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenue of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.".●

SOCIAL SECURITY AND THE FEDERAL BUDGET

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. SHAW. Mr. Speaker, recent action by the conference committee currently meeting to construct a budget for 1986 indicates that full cost-of-living adjustments [COLA] will be retained for Social Security and other Federal retirement programs.

I am very pleased by this recent development. Many residents of my district in south Florida are dependent upon these COLA's. For them, it is one of the few ways they are able to maintain a standard of living that has been eroded by the astronomically high cost of health care and inflation costs. Again and again we have reassured senior citizens that we would not take this small increase away from them, and indeed, there is no reason to.

The Social Security Amendments Act of 1983 took several steps to remedy the financial problems the Social Security system was experiencing. The retirement age has been raised to 67 years, the COLA was delayed for 6 months and some seniors' benefits are now subject to taxation. To further penalize this select group is just not fair.

Any savings from a freeze of the Social Security COLA could not be

used to supplement savings in another area of the budget. To say that a freeze would reduce Federal spending is not only irresponsible, it is also unwise. The act places the Social Security system off-budget in 1992. It will not be possible to fudge budget savings from Social Security then. We should recognize this fact, and act accordingly now.

I wholly support the conference committee's recent action in maintaining the Social Security and other Federal retirement programs COLA.●

H.R. 2817—SUPERFUND AMENDMENTS OF 1985

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. LENT. Mr. Speaker, I am sure that every one of my colleagues is aware that the Comprehensive Environmental Response, Compensation, and Liability Act, more commonly known as Superfund, is due to expire on September 30 of this year. I am equally sure that each of my colleagues is aware of the importance of this legislation and the necessity for Congress to act quickly in reauthorizing this program.

Next week, the full Committee on Energy and Commerce will begin marking up H.R. 2817, the Superfund Amendments Act of 1985. H.R. 2817 not only reauthorizes the Superfund Program, but it also includes a number of changes to existing law which I believe will greatly improve it. This bill was approved by the Subcommittee on Commerce, Transportation, and Tourism for full committee by a voice vote and it is supported by a bipartisan group of Republican and Democratic members.

Reauthorization of the Superfund Program has generated a great deal of discussion and controversy. For that reason, I am inserting in the RECORD today an op-ed piece which appeared in the New York Times on Wednesday, July 10, 1985, which I felt would be informative for my colleagues as we begin markup.

[From the New York Times, July 10, 1985]

BANKRUPT ENVIRONMENTALISM

(By James Bovard)

WASHINGTON.—The Superfund is a fiasco, and the debate over the terms of its renewal after its expiration Oct. 1 reveals the bankruptcy of the environmental movement.

The environmental lobbies seem to have acquired many of the worst traits of the defense lobby: In the same way that being pro-defense is often an excuse to neglect cost overruns and badly built weapons, being pro-environmental is, increasingly, a license to disregard the failure of anti-pollution programs.

The Environmental Protection Agency has cleaned up only six out of thousands of hazardous waste sites, and the five-year, $1.6 billion Superfund, designed to finance this cleanup, instead has primarily spawned bumper crops of planning, administering and litigating. The fund has done little or nothing to protect the public health.

But the only solution to the fund's failings that environmentalists seem to offer is to throw more money at the problem. Environmentalists seek a $10 billion to $13 billion program as against the Administration's $5.3 billion proposal. Almost all the debate has been over the level and method of Superfund financing—is if the program's effectiveness was irrelevant.

The defense lobby and environmentalists often share an inability to focus on real issues. Many conservatives try to defend the MX missile not by refuting its alleged vulnerability but by talking about the Soviet threat. Likewise, environmentalists' discussion of the Superfund usually dwells on the value of cleanliness, with little explanation of how the fund would ever solve the toxic waste problem.

Further, environmentalists have neglected the fund's weaknesses. For instance, a company that places a single barrel of waste at a dump can be held legally responsible for the cleanup cost of the entire site. This is unfair and counterproductive, since companies fight vigorously to avoid admitting responsibilities, and nothing gets done while lawyers get rich.

Even as the defense lobby is often co-opted by defense contractors, the environmental movement is being co-opted by the public-works lobby and pork-barrel politics: At a recent Congressional hearing, a hot issue was whether states would continue receiving Superfund grants two years after their last hazardous waste site was sanitized.

Environmentalists have not provided leadership in focusing the Superfund's resources. The gravest threat from hazardous waste dumps is that seepage will contaminate ground water and taint much of the nation's water supply. But, as a result of the Superfund's "act now, understand later" mandate, we know little more about groundwater pollution today than in 1980. the General Accounting Office reports that little has been done to determine how dump sites contaminate the water supply and to measure the dangers that various pollutants pose; yet, environmentalists have hardly protested the lack of research that would eventually enable us to know what we are doing.

Environmentalists seem incapable of learning from their mistakes. Their great cause of the 1970's—the Clean Water Act of 1972—is a landmark of ineffectiveness. Government and private corporations spent $120 billion complying with it; yet, the Association of State and Interstate Water Pollution Control Administrators reports that only 11 percent of surface water streams are cleaner now than in 1972. The act was characterized by a pork-barrel approach, infatuation with "best-available technology" and utopian standards (zero discharge of pollutants). The Superfund program repeats almost all the mistakes of the Clean Water Act—and, so far, is equally unproductive.

If we really want the "biggest bang for the buck," we should focus on the single largest source of broad-based pollution: the runoff of pesticides, fertilizers and eroded soil from farms. It makes no sense to scrub clean one pollution threat while totally ignoring another major problem.

Environmentalists have become good Washingtonians, more concerned about spending money for a good cause than actually solving a problem. Hazardous waste sites are indeed dangerous, but it will take more than good intentions and lofty rhetoric to meet the challenge.●

A MAN AND HIS AIRLINE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. KOLBE. Mr. Speaker, not too far south from here, two brothers changed the world with an idea. Orville and Wilbur Wright were considered lunatics in their day, until their trial and error attempts to fly resulted in a 7-minute ride and the discovery of manned flight.

Sometimes we wonder if pet rocks and video games are the only ideas left testifying to human ingenuity and entrepreneurship. Then, along comes someone who satisfies our longing for an innovation that puts men and women in space, cures a disease, or revolutionizes an industry. Regardless of what we as individuals consider to be important achievements, ideas are the root of our fascination with innovation.

Two years ago, when Ed Beauvais and his partners beat the hot Phoenix, AZ pavement looking for investors in his new airline, the response was: "Sink all that money into an idea? No thanks!" This spring, America West Airlines posted first-quarter profits of $2.7 million, leaving many to wonder if ideas are really such a bad investment.

The following article outlines the success of Ed Beauvais' idea. The next time you find yourself on an America West flight, recall how one idea can lead to another.

A MAN AND HIS AIRLINE

(By Brian J. Ward)

Funny, Ed Beauvais doesn't look like a giant-killer. He sports no tattoos, no wild-eyed, spitfire cowboy machismo. No swagger. No bravado. No trendy hyperkinetic manner so often typical of young entrepreneurial mavericks. Yet here he is, chairman of the board and chief executive officer of America West. His airline will celebrate only its second birthday Aug. 1, but already it has captured a full 25 percent of the passenger air travel market out of Phoenix Sky Harbor International Airport. Beauvais and his airline have bushwhacked Republic, dethroned Southwest, and wiped the smile off PSA.

America West is an overnight success that began somewhere between two and 25 years ago, depending on how you count.

In 1978, the airline industry had just been turned topsy-turvy when Uncle Sam jolted it with a snootful of free enterprise through deregulation. Without subsidies and regulated routes, Braniff and Continental, among others, would belly-flop. Pan Am and other major airline corporations would teeter on the brink of financial disasters. Everywhere there was chaos and the carcasses of those unable to adapt. Forced to play the free en-

terprise game by the same rules as everyone else, the airlines had to face reality. For many, reality was a black hole.

And yet there was Beauvais, convinced he could get a new airline off the ground. This gentleman renegade, the son of a Colorado coal miner, was saying he could make the capitalistic system work in the dovetailing airline industry, he would surround himself with the best people, he would work hard, and he would learn from everyone else's mistakes. He would defy the odds, sell millions of dollars worth of stock in nothing more than an idea, a calculated but still very risky masterplan. He would make efficiency an art. Then, breaking all convention, he would inspire productivity by making employees own stock in the company and putting them on a job rotation program to improve customer service. With a vision and guts, he would fly in the face of giants.

After five years of staging and not quite two years of operation, America West Airlines is at the very least making the giants take serious notice.

America West is recording the highest load factors in the industry, with more than 60 percent of its seats filled this past spring, and similar figures expected for following months. Anything over 56 percent translates to pure profits for the airline, even with its two newest aircraft, Boeing 737-300s, costing a hefty $230,000 each in monthly lease fees.

After running in the red for the first 17 months, Beauvais and company reported first-quarter profits this spring of $2.7 million. On top of that, recent stock sales have boosted on-hand capital to the tune of nearly $49 million. The company has grown from 280 employees to more than 1,600. From three aircraft to 23, all modern Boeing 737s. All very different from the beginning, when Beauvais and a dozen associates had no backers, no money, no planes, and no more than a glimmer of what was possible if only it was done right.

America West cash registers now clang with more than $200 million a year in revenues—revenues imported to the Phoenix area from places such as Nebraska, California, British Columbia, a total of 24 cities in 10 states.

How did Beauvais know what markets to tap, how to coordinate the best routes? How to avoid the pitalls that had swallowed so many of his counterparts?

"That's my job," he says with a shrug. He is not being coy. He is not being sarcastic. He has considered the question objectively, and that is his answer, reduced to the simplest expression.

Beauvais is oddly objective about himself and the success of his airline. He doesn't boast and he isn't artificially humble. He talks long and openly about the industry and the airline, though he usually stops short of directly criticizing individuals or other companies. He seems uninterested in indicting anyone, only in constructive solutions. He offers opinions and facts about the airline industry in the interest of education, and he willingly answers questions about himself if asked. But it never occurs to him that he should be a topic for discussion.

"I don't take credit for all of this." he says "You have to remember that in 1981, we accumulated 12 people who had substantial airline experience and had committed their lives to this. All of them have made significant contributions to mobilizing America West. This is not at all just one man's effort."

True, president and chief operating officer Michael J. Conway and 19 other officers and directors are helping guide America West. But it's Beauvais who's in the pilot's seat.

The seat is just 15 minutes from Sky Harbor, in America West headquarters on Mill Avenue in Tempe, just down the street from Arizona State University. Beauvais office surroundings are strictly functional. Like Beauvais the office wastes nothing on the frills factor. It is light, airy, uncluttered and immaculately clean.

At 48, Beauvais looks none the worse for wear at what he calls his "sedentary profession" at a desk. A former high school and college baseball and football player, he's six feet tall and in good shape.

Efficiency and function are the impressions that keep coming up, and uncommon intolerance of baloney. The Jesuits have to be involved somewhere. It turns out they are. Beauvais has a bachelor's degree in accounting and economics from Regis College in Denver, a Jesuit school.

Beauvais smiles at the connection. "Yeah, the Jesuits are very good educators. They give you a good appreciation of what you don't know. And if you have a good appreciation for what you don't know, you're much better able to handle things."

His desk, a bookcase, chairs and a conference table are all contemporary, all with clean lines and no superfluous ornamentation. There are no backlogged stacks of paper. The picture frames on the walls hold no expensive artwork, only excellent color photography of America West aircraft.

Beauvais spends an average of 60 hours per week here, "never less than 50 and often more than 70," he says. He hasn't had much time to ski lately with his wife and five grown children. The office is home during those long hours when he cannot be with his family in their house near the Arizona Biltmore. Here, Beauvais charts the course of his young Phoenix-based airline that in the beginning, ironically, could get virtually no Phoenix-based financial funding.

While relaying raw data, statistical information on millions of dollars, hundreds of employees, the hows and wheres of America West's sojourn, Beauvais is notably dispassionate, reporting just the facts. But then as if struck for the first time with the significance of this business adventure, his face brightens and he leans forward across the table, hands extended for emphasis.

"We've done some of the most exciting type of work that anyone can do in business today," he exclaims. "That is to develop a concept and start a company based on the strength of the idea, without having a great deal of money—but being able to do it because the American free enterprise system works. . . . Only in the U.S. could it be done."

In the U.S., yes. In Arizona, not exactly. Surprisingly, though it would stand to benefit the most from the success of America West, Arizona was not interested.

Beauvais and the team trudged up and down financial row along Central Avenue in Phoenix looking for investors. There were no takers. It was a good idea, sure, but put up money? For an idea?

"Sure, we went to all of them," Beauvais recalls. "We talked to first Interstate, Valley National. But you have to realize that kind of venture capital doesn't come from banks anyway. They don't have it to invest. Private investment is what you need." Except for private investments totaling roughly $250,000, the Arizona well was dry. Not until September 1983, after America West was already flying, and then again in February 1984, did Western Savings purchase preferred stock totaling $21 million. "They are real, true believers in America West [now]," Beauvais says.

"One of the biggest problems we faced was that the airline industry was not well known in Phoenix," he explains. "While Phoenix sees airlines operate here on a regular basis, no airline is based here, nor are the central finance needs of that company here in Phoenix. So we're a kind of foreign industry in Arizona. Now, for the very first time, Arizona has an airline that imports capital into the local economy. We [America] West employees all live here, we do our banking here, we buy our homes here and we spend our salaries here. When somebody in Omaha buys a ticket that money winds up in Arizona. Eighty percent of our revenue comes from outside the state. We bring substantial amounts of money into Arizona. But that was not evident to anybody in Arizona when we started. So when we secured our initial investment, it was not in Arizona. It was primarily from [investors in] New York, and to lesser extent, Massachusetts, California, Canada and Great Britain."

Even though the Arizona financial community lacked the foresight to understand the potential of a Phoenix-based airline, Beauvais never doubted it. He envisioned a gateway for the flow of passengers from the east into California, and vice versa. A route south of Denver would be beneficial. It had to be a growing city. One of the many advantages of a southern city would be the weather, eliminating cancellations due to snow and other winter hazards. At first glance, Dallas/Fort Worth might have seemed a likely candidate, but Beauvais was too wise to fall into that alluring trap.

"Dallas/Fort Worth is not attractive, not when you analyze it carefully. Phoenix in my opinion was by far the most attractive," he says. "Phoenix has 1.7 million people. It's a major city. Plus, in Phoenix we did not have to take on well-established, deeply entrenched incumbent airlines. Dallas has American, Delta and at that time [had] Braniff. The largest airline here was Republic, and its route system strength was really elsewhere—Minneapolis/St. Paul, Detroit and Memphis."

So his 25 years of experience in the industry told Beauvais that Phoenix was the best spot, money or no money, and his carefully acquired business experience was going to tell him the rest, too.

"I started in 1960 in the commercial airline industry, in the finance department at Frontier Airlines in Denver," he recalls. "So my career has been 25 years of developing the economics, marketing, pricing side of the industry—the professional end as opposed to the operational end. I left Frontier in 1963 and went to the finance department of an airline based in Las Vegas. In 1966, we all moved to Phoenix—that was Bonanza Airlines. As assistant vice president of research and development, I did scheduling, marketing, pricing, route planning, economic evaluation, feasibility studies on the airplane from an economic standpoint, that sort of thing. We merged with two other airlines in 1968, became Air West, and moved to San Francisco."

In 1970, when the airline became Hughes Air West, Beauvais left and formed his own transportation and consulting firm. It was the start of his entrepreneurial career in a shaky industry, but he never went back to working for someone else. During those 10

years, he developed an array of important business contacts across the country. He learned what worked, learned what didn't, and developed some tricks of his own. Some were conventional, others were not.

"In 1978 the airline industry was deregulated. I had many contacts at that point and it became apparent that a new airline company could be formed in the new environment," he explains. "So in 1981 I dissolved my consulting firm and made it a full-time commitment to start America West." Some two years later the dream became reality.

Prior to deregulation, Beauvais says he had no inclination at all to start a new company. He has not been in love with airplanes all his life or anything like that. But when the door of opportunity opened, he carefully weighed every angle of the proposition and decided to make the leap.

"It was not evident prior to 1978 that a new airline was a possibility. It had been a regulated industry of the utility type. Route development was a very slow process. The Civil Aeronautics Board would only grant a route to an airline after a very careful study. Sometimes five or six airlines competed for a route. The process took one or two years," he says. "In 1978, though, it became a typical free enterprise industry and it was apparent that the normal rules of economics had come into play for the first time, which was a major difference. Those rules gave rise to America West.

"We've lived the American dream," he proclaims now. A dozen partners invested a total of $500,000. It was nowhere near the minimum $15 million they needed to set up an airline, but it was enough to survive as a development-stage company. They had no aircraft, no passengers, no terminal, only a company name and Beauvais' meticulously analyzed strategy.

Beauvais and partners gave their pitch every chance they had, to anyone who would listen. They offered common stock in their company. Within two years, $58 million worth of stock and loans had been secured on the strength of their idea. It was time to get some airplanes.

Armed then with some pretty substantial change in their pockets, and the enthusiasm and persistence of a high school athlete who's never been told no—and three used airplanes—they were ready. Beauvais and friends lit out headfirst after Republic, Southwest, PSA and everybody else nearby.

"We attacked vigorously," he says, cocking his eyebrows in the challenging manner of William F. Buckley Jr. "In the first year and a half, we went from no departures to 90 daily. Republic had about 70 when we started and Southwest was second with about 40. Our attack was carefully gauged. Republic is down now from 70 to 20 departures daily. Southwest is up to 49. We have 90 and we compete on just about every route Southwest has. We competed with both, but we also provided a bunch of new nonstop services that never existed before."

Flights to Colorado Springs, Wichita, Omaha, Oklahoma City, and Tulsa are among services America West initiated. Colorado Springs is just one example of Beauvais' ability to spot a winner. In 1983, he says, prior to America West's arrival, a passenger had to fly from Phoenix into Denver, then back to Colorado Springs. Trip time was almost four hours and cost $204 one-way. Now America West goes nonstop four times a day, it takes one hour and 20 minutes, and costs $65.

"We recognize that the service was so bad that the actual market was depressed. That market quadrupled in size in one year after we started the service," he explains.

"And people are now flying into Phoenix for the first time, or using Phoenix on their way to California now for the first time. Phoenix is now a major traffic hub, and it will continue to grow and be a major part of the transportation industry. The story of Phoenix will be the same as major cities in the past such as Denver, Chicago and Dallas/Fort Worth."

Though Beauvais has been a wizard at spotting the prime opportunities, that's only half of his golden touch. The flip side is his management-labor theories, and this is where his style gets unorthodox: America West insists on sharing the loot with labor.

Employment at America West is contingent on buying stock in the company. It almost never costs the employee any cash out of pocket. Employees currently hold only about 12 percent of the common stock on the market, so the situation doesn't cause a cash-flow problem. Beauvais just likes the idea of employees being owners and being committed to the success of the company. In return, they share the rewards.

"We [management] are not just going to take the money and run." Beauvais promises. "I've been through most levels of companies. I know what's involved, and I want this to be an enjoyable experience for people. We all have our own lives to live, but if this [company] works, it's going to be a financially and socially beneficial experience for everybody."

Beauvais sees his approach as being in the vanguard of modern corporate management. "American industry is undergoing a second revolution, a new wave of corporate philosophical change," he says. "You have your people—who are critical to your success—you have them working for the same objectives the company is working for. I think it is entirely logical, and we do not accept the idea that management and labor have to be adversaries. Also, on a quarterly basis, we all get profit-sharing. Fifteen percent of pretax profits are allocated right back to the employees in cash. So when the good times come, they get more money. Their compensation is supplemented by the profits. Third, every employee gets an incentive stock option on their anniversary."

If, for example, employees in 1985 are offered an option on 1,000 shares currently selling for $8.50 per share, they can exercise that option to purchase any time. Ten years from now, the stock could be selling at $50, but employees could still have it for $8.50. That means instant equity. If they wanted to, employees could sign over a portion of those shares to a broker to cover the costs of the purchase, and then acquire ownership without ever actually spending a dime.

This, Beauvais says, takes the place of a conventional pension plan. And with this arrangement, a wise employee would never need one.

Another innovative twist in the daily routine at America West is that there is no daily routine. Everyone—with the exception of pilots, navigators and the like—is on a job rotation that is determined month by month. The benefits are many. America West workers get experience in many different jobs, making them more knowledgeable, more adaptable within the system.

Beauvais foresaw that when free enterprise hit the industry, efficiency would suddenly become a critical matter of survival. Carriers with huge fleets of the older three-engine 727 were fuel inefficient, at a distinct disadvantage against competition flying the much more thrifty 737, which just happens to have been Beauvais' choice. Beauvais is pressing home that advantage with 10 round trips daily between Tucson and Phoenix. America West caused havoc with the route when it entered the market, offering $29 fares each way, forcing competitors to meet the lower rates. Now that trip is so affordable (the 20 minute travel time combined with the low fares actually make it cheaper to fly than to drive), business has sky-rocketed.

Beauvais sees more of the same coming in the future, and he wants to extend America West's low-fare market further up the California coast, to the north and to the east, too. They'll smartly stay west of the Mississippi River, and they'll stay out of Denver and Dallas. Beauvais regards United and American as "the two 800-pound gorillas, and we don't care to compete with them on routes they consider critical. We can grow and prosper and not have much impact on them," he says with a smile. "And we think it's important they know we are not a threat to them."

Not everything, of course, has been rosy. Routes to Palm Springs, Oklahoma City, Tulsa and Kansas City all proved to be bombs and were discontinued. Kansas City in particular bloodied the nose of the airline. "When we started that service, there were three flights on the route," Beauvais says, referring to competitors. "When we left, there were nine. The commitment, the resolve of our competition on that route just made it impossible for us to compete. So the fight we started there, we couldn't finish. However, in many markets, the fight we start we do finish. But you can't win them all."

On routes to Los Angeles, San Diego and Burbank, where America West and PSA go head to head, Beauvais says America West dominates, but concedes the fierce competition makes it difficult for the company to realize much profit on those routes. "We have a substantial confrontation with PSA," Beauvais says, "but only to the extent that they elect to serve Phoenix. If they make the right decision and decide to leave Phoenix, we wouldn't be competitive at all."

Making the right decision is something that, so far, the movers behind America West have managed to do enough to be carving a pretty impressive niche in an industry where not a few giants have come tumbling down. Beauvais himself, at this point, is looking much like a formidable business genius—a cool operator in a volatile environment.

Beauvais, however, would be the last to suggest he be cast in the role of miracle worker. Sure, it takes nerves of steel, a sharp mind and a futuristic vision. But Beauvais' style is less that of the slick hotshot super-entrepreneur than a sure, steady logician who can be cautious and patient until his formulas and equations tell him the moment is perfect for a quantum leap—even when the experts and the money people back away at first. The approach may lack excitement, but the results are no less dramatic.

Ed Beauvais is a man with a plan. everything calculated in advance. He knows when and where to attack and when to refrain from battle. He's not cocky enough to overlook the pitfalls or to be crushed by setbacks. He knows there will always be plentiful opportunities for failure but also a lot of room in the winners circle for someone who knows how to do it right.●

REAUTHORIZATION OF THE NEA, NEH, AND IMS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. WEISS. Mr. Speaker, I would like to commend the House Interior Appropriations Subcommittee for its recent recommendation to increase funding for vital Federal cultural programs. On June 3, 1985, I testified in New York City at a joint hearing of two House Education and Labor Subcommittees in support of the proposed reauthorization of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services. My testimony follows:

TESTIMONY OF CONGRESSMAN TED WEISS, MARK GOODSON HALL, NEW YORK CITY

I want to thank the Subcommittee on Select Education and the Subcommittee on Postsecondary Education for the opportunity to join their distinguished panel for this hearing on reauthorization of the National Endowments for the Arts and Humanities and the Institute of Museum Services. I am here to express my support for increased funding of our federal cultural programs. I would also like to thank the Department of Cultural Affairs and its staff for its cooperation in this endeavor.

I commend Chairman Williams and Chairman Ford for their commitment to Federal support for the arts and humanities. Earlier this month, the House Education and Labor Committee reported H.R. 2245, legislation to reauthorize funding for the National Endowments and the Institute of Museum Services at such sums as may be necessary for fiscal year 1986. These agencies have been authorized for a period of 5 years in the past. This 1 year reauthorization, I understand, is designed to provide the Subcommittees sufficient time to examine how successfully the existing legislation is meeting present and coming changes in society that impact our expression, production, and reception of art. This is an especially important and appropriate task on this twentieth anniversary year of the National Endowment for the Arts. We are at a critical juncture in the history of public support for the arts.

For the fifth consecutive year, the Reagan administration is demonstrating its short sightedness in seeking to cut the budget of Federal cultural programs. The administration's fiscal year 1986 budget proposed major reductions in funding of arts programs that would seriously impair their operations. This year the Reagan administration has asked Congress to cut the budget of the National Endowment for the Arts and the National Endowment for the Humanities by 11.7 and 10 percent respectively, and put the Institute for Museum Services out of business. It would reduce the NEA to $144.5 million which is significantly less than the $163.7 million appropriated by Congress last year and would reduce the NEH budget to $126 million from $139.48 million.

This latest attack on our country's visual and performing artists, art purveyors and audiences, and cultural institutions is no surprise. The rationale for cutting remains much the same as in previous years—to help reduce the deficit. Yet the fiscal year 1985 NEA budget only amounted to approximately .01 percent of the entire Federal budget for that year. Congress has battled the administration for the last 4 years in order to restore arts funding, and I am hopeful that we still possess the fortitude to continue this worthwhile effort. I am proud to be a part of the congressional membership that recognizes that Americans want our cultural life to flourish; we know that federal support is key to artistic vitality.

The arts community has never fully recovered from the Reagan Administration's drastic reductions of 1981. Public resources are already stretched. The Administration argues that the shortfall can be offset by increased private contributions. While the private sector has contributed tremendously in past years, it still has failed to fill the void these last 4 years. Many factors, such as individual gifts of high priced private works of art, tend to distort the overall picture of private giving.

Federal funds are truly the stamp of approval for the artist or arts group that serves to attract support from other funding sources. Federal arts funding acts as a catalyst, stimulating State, city, and private funding sources. Yet, this effect works in reverse too, with federal cutbacks spurring reductions in other funding sources. Moreover, struggles by arts groups to become more financially independent often prove counterproductive. The need for strenuous fundraising diverts energy from creative efforts. Higher admission prices shut out people on limited budgets, undermining one of the NEA's original purposes—to open the arts to a wider audience.

Even if the private sector could assume all the financial responsibility for the arts, it would not resolve all the problems created by Federal cutbacks. Private donors usually avoid supporting unusual or controversial efforts. We risk choking off spontaneity and innovation that are the lifeblood of artistic creativity when we depend too heavily on private funding. Our artists on the vanguard of creative development would be hardest hit of all.

I have the good fortune to represent the 17th Congressional District of New York, where a large number of musicians, writers, painters, actors, and artists of all disciplines reside and work. It is a privilege and an honor to represent one of the most artistically rich communities in the United States. New York's arts community would suffer if cuts are made in the federal arts budget, the largest single source of funding for the arts. The arts across this country would suffer too. Our arts community is made up of artists from all over this Nation, and it plays an important role in helping to set a pace for the development of the arts nationwide.

I am especially concerned about the overwhelming financial problems facing this nation's nonprofit theaters, many of which are located in my congressional district. Rising operating costs continue to outstrip increased revenues from private sources and box office receipts. Similar problems continue to afflict other areas of the arts, especially opera companies. Opera is a young field in this country, with many of the existing companies having been founded during the 1970's. Museums, too, are in financial trouble. The President proposes to eliminate the Institute for Museum Services, the Federal agency which provides assistance to museums across the country. This is the third time the administration has attempted to put this agency out of business. This action would force numerous museums to cut services and programs.

The Lower Manhattan Cultural Council deals with small arts organizations that are on the cutting edge of the arts. Government funding is instrumental to their survival and any loss would have a disastrous effect on their stability. Yet their existance is one of the prime reasons that people are drawn to Soho and Tribeca and they have contributed greatly to the resurgence of Lower Manhattan.

Theatreworks USA would need to reduce their ability to provide free or low cost educational theatre and musicals to school children around the country without the help of the NEA.

For the Museum of American Folk Art State and Federal funding provide dollars which represent seed money for a project. And even a substantial arts organization like the Metropolitan Opera would have to curtail its radio broadcasts of live opera without this support.

Since the National Endowment for the Arts was created in 1976 it has provided $131 million in challenge grants to 528 arts organizations and has generated matching funds of over $1 billion.

The fact is that arts organizations have no place else to turn. If we are going to encourage and strengthen our nation's artistic and cultural life, then we absolutely must support modestly increased federal funding for the arts. I believe that such funding would constitute a wise economic decision, since we have repeatedly seen powerful evidence that the arts create jobs and invigorate business communities. Surveys, such as the 1984 Harris survey, "Americans and the Arts," continue to show that the American public is supportive of increased funding for the arts.

The arts industry has bolstered economic activity in New York City and has made a tremendous contribution to the vitality of the region. According to a 1983 study by the Cultural Assistance Center and the Port Authority of New York and New Jersey, its impact is conservatively measured at $5.6 billion, benefiting not only arts institutions but also real estate, business and professional services, wholesale and retail trade, eating and drinking establishments, hotels and personal services, utilities, transportation, medical and educational services and finance and insurance.

The National Endowments' importance to this nation warrants their continued existence and increased funding in order to perform their vital missions. Providing greater access to the arts and humanties for all Americans is one of their most crucial responsibilities. I also encourage the subcommittees to consider emphasizing arts education and strengthening international cultural exchanges in the arts. Long-term economic stability for artists and arts institutions creates a climate in which creativity can flourish and public participation in the arts can thrive. I believe that this is one of the best investments that we can make in this nation's future. I urge the Subcommittees on Select Education and Postsecondary Education to authorize the necessary funds for the National Endowments for the Arts and Humanities and for the Institute for Museum Services.●

IN SUPPORT OF THE MILLER AMENDMENT TO H.R. 1555

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. WORTLEY. Mr. Speaker, terrorism is a continuing threat to the citizens and interests of the United States, as well as other nations around the world. Fanatical Shiite terrorism continues in the Middle East. Leftist guerrillas are stepping up terrorist activity in El Salvador and have promised to target U.S. Citizens. There appears to be an increase in mutual logistical and propaganda support among European terrorist groups attacking NATO-related targets. Narcoterrorism is a growing threat in Latin America.

U.S. citizens and U.S. interests are the targets of 30 to 35 percent of worldwide terrorist attacks.

In Greece, U.S. military personnel have been targeted repeatedly.

In December 1984, two Americans—auditors with the Agency for International Development—were murdered by extremist Shiites aboard a hijacked Kuwaiti airliner.

Last month, TWA flight 847 was hijacked by extremist Shiites. Passengers were terrorized, and Navy diver Robert Stethem was killed by Shiite extremists.

In San Salvador, anti-Government terrorists opened fire on customers at a sidewalk cafe, killing 30 people—including 6 Americans, 4 of whom were U.S. marines attached to the U.S. Embassy. They were in civilian clothes and unarmed.

These are only a few examples of the cost of the politics of terror.

The United States has been active in trying to prevent terrorism, but it is an ongoing struggle. We have to continue to review our policies and look for ways to improve them.

Because of its inherent elusiveness, terrorism is extremely difficult to prevent and to retaliate against. However, the Miller amendment to the foreign assistance authorization bill makes a significant contribution to the fight against terrorism. By prohibiting assistance to countries supporting international terrorism and by expressly prohibiting imports and exports involving Libya, it sends a clear message to the countries that harbor terrorists that we not only fully realize their complicity in international terrorism, but we are also willing to do something about it.

This amendment alone will not solve the problem of terrorism, but it is an important step in the right direction.●

CONGRESSMAN BENNETT CALLS FOR STRENGTHENING NATO

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. SOLARZ. Mr. Speaker, I would like to call to my colleagues' attention the cogent and timely essay our distinguished colleague from Florida [Mr. BENNETT] recently wrote in the New York Times, entitled "Truman, the Bomb and Today's Peril."

Having served in Congress since 1949 and as a member of the Committee on Armed Services for 18 terms, Mr. BENNETT speaks with great authority about the modernization and sophistication of America's defense system, from the Hiroshima atomic bomb to cruise missiles and Trident submarines.

Mr. BENNETT realizes that NATO remains far behind the Warsaw Pact countries in military strength. We must take note of Mr. BENNETT's statements: "Compared to NATO, Warsaw Pact countries possess three times the number of battle tanks, twice the antitank artillery and armored personnel carriers. We are deficient, too, in fighters, bombers and antiaircraft missiles."

He presents a compelling case for strengthening the conventional capacity of NATO forces as a means of preventing nuclear war.

Again, I commend the gentleman from Florida for his insightful analysis. His article provides fresh evidence of Mr. BENNETT's role as one of the most thoughtful and valuable Members of the House.

I am pleased to submit his essay for the RECORD:

[From the New York Times, July 2, 1985]

TRUMAN, THE BOMB AND TODAY'S PERIL

(By Charles Bennett)

WASHINGTON.—Forty years ago, America used two powerful bombs to end a bloody conventional war. But our leaders forsaw, even then, the mixed blessings that would come from splitting the atom.

Four years later, President Truman sat across from me at a small dinner table in the Washington Hotel, a block away from the White House. It was an early spring evening in 1949, and, as a freshman Congressman, I had little reason to be so close to the President. I was there because Sam Rayburn, Speaker of the House of Representatives, invited me when he heard that Mr. Truman wanted to talk with a recent veteran of World War II. I was in a wheelchair, with a broken leg.

The President went directly to the point. He turned to me and spoke about the righness of dropping the atom bomb. "I feel I was right in doing this," he said. "There would have been many more deaths on both sides if the bomb had not been used and if you soldiers had been forced to take the Japanese islands by amphibious assault."

He added: "You might have been one of them."

"Yes," I agreed, and went on to assure him that I felt he had done the right thing. However, because he had raised the question, it was clear that he was very concerned with the weapon's ominous future threat to all humanity. It was good to have the war over, but the cloud of that weapon posed a hellish forecast for human-kind! That is what the President strongly implied.

In the years that followed, there was a sense that America could police the world because of the monopoly we had on this weapon. But as time went on, the Soviet Union got the knowlege, and it now has many more nuclear weapons than do we.

On our side, our intercontinental ballistic missiles, the "Minute Man," and the upcoming MX are losing their value because they are very vulnerable to attack in fixed silos. But we also have some very capable delivery systems, such as the Trident submarines, our bombers, present and future, and the newly developing cruise missiles deliverable from land, sea or air.

In short, we have come a long way from the evening when President Truman and I spoke of one bomb and the destruction of one city. Now we talk of thousands of bombs destroying hundreds of cities. One MX missile alone has the strength of 360 Hiroshimas!

At the same time, however, this extraordinary growth in our nuclear arsenals has not fundamentally changed our perceptions of our ability to keep the peace. We see ourselves as a nation that can, because of our retaliatory capacity, prevent a devastating world war. The realities are otherwise.

We have been repeatedly and publicly advised last year and this year by Gen. Bernard Rogers, who heads our North Atlantic Treaty Organization forces in Europe, that we cannot prevent the Russians from winning a conventional war in Europe—and that such a war would be all over in a matter of days. Faced with this reality, we would be tempted to turn to nuclear weapons almost immediately. And we would have to assume that the Russians would reply with their own awesome nuclear arsensal.

Nobody can win such a nuclear war! Consider the irony: The United States, a nation that prides itself on moral values, would perpetrate the greatest of immoralities. Even the President has said it: It is our policy to go to nuclear weapons in the face of a conventional Soviet attack in Europe.

What is needed is a decision by the NATO alliance that the ability to win a conventional war in Europe is essential. It will not be cheap. Compared to NATO, Warsaw Pact countries possess three times the number of battle tanks, twice the antitank artillery and armored personnel carriers. We are deficient, too, in fighters, bombers and antiaircraft missiles. Yet whatever the cost, we must put ourselves in a position to win a conventional war in Europe or at least delay the moment when we must turn to nuclear weapons from a few days to a few months. Maybe with such a time stretch, the leaders on both sides could prevent a nuclear war.

When Mr. Truman was President and when we had a monopoly on nuclear weapons, it was credible to say that in case of aggression we would stop it by nuclear weapons. But is it now credible to think that a President would launch a nuclear war that he could not win? I think not.

The truth is that we are living in the past, still confident in our belief that the nuclear threat is sufficient. But we are in no position to deliver on that threat, because no one can win a nuclear war. The greatest

challenge facing our country, therefore, is not the deficit. It is to put NATO in a position to win a conventional war in Europe. Our own security and the security of the free world depends on how we meet that challenge.●

EL SALVADOR'S MARXIST-LENINIST GUERRILLAS: TERROR AND LAUGHTER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1985

● Mr. MICHEL. Mr. Speaker, it is scarcely credible that civilized human beings would teach little children to sing happy songs which poke fun at the killing of four fellow humans. But such is the case with the Marxist-Leninist guerrillas in El Salvador. According to the New York Times, a guerrilla, dressed as a clown, sang a "ditty," a "happy song," about shooting four members of the Army of El Salvador. When the song was finished one of the rebels said to the children: "Now that is really happy."

These are the people we have been told by critics of the administration should be allowed power-sharing or total control in El Salvador. These are the people who murdered four American Embassy guards in cold blood and then boasted about it and said there would be much more.

Recently the Marxist-Leninist guerrillas played host to a group described by the Times as "liberal Americans from California." We await with great interest to see exactly what these "liberal Americans" will have to say about the lies they were told, the Potemkin village atmosphere and the unapologetic commitment of the rebels to terror, kidnaping and the sacreligious abuse of religion (the rebels sing hymns asking Jesus Christ to identify himself with the Marxist-Leninists).

At this point I wish to insert in the RECORD "Salvador Rebel Vows to Spread War" and "The Rebels Give Show in Salvador" by James LeMoyne, in the New York Times, July 7 and July 8, 1985.

THE REBELS GIVE SHOW IN SALVADOR

(By James LeMoyne)

PERQUIN, EL SALVADOR, July 5.—Peasants carried signs condemning aerial bombing, a revolutionary priest spoke of "the oppressed" and guerrillas dressed as clowns pranced through political skits before a crowd of young children.

The setting was this small, often-fought-over village, which is the center of leftist rebel operations in northeastern El Salvador. A delegation of Americans arrived here Thursday at the invitation of the rebel high command to meet both guerrilla leaders and the local population.

The unusual encounter offered an insight into the complexity and bitterness of a civil war that defies the simple black and white descriptions so often given by Government and rebel officials.

SOMETHING REALLY HAPPY

In the center of the town square a rebel clown clapped and chortled that he wanted to hear a "happy song, something really happy." Another clown quickly agreed and broke into a ditty about the four senior army officers killed when rebels in the area blew up their helicopter last year.

The next verse began, "Hey Ronald Reagan, the guerrillas downed a little plane the other day, and in it were three agents of the C.I.A., ha ha ha ha ha ha."

"Now that really is happy," the first clown said, telling the children to sing along.

As soon as the American visitors rolled into town, 126 miles northeast of San Salvador, the capital, more than 300 peasants walked around a corner chanting slogans broadcast by two men with microphones reading from a script: "Bombs no, medicine yes, bombs no, schools yes."

WAR'S END IS THEIR HOPE

The peasants followed along, but one group got mixed up and began chanting, "Bombs no, medicine no, schools no," until corrected by a leader.

Asked why they had walked in from all over the northern part of the department of Morazán, several peasants said they had been told by the rebels to demonstrate for the visitors. But they also fervently expressed a hope that the war would soon end.

The rebel Farabundo Martí National Liberation Front has made aerial bombardment by the Salvadoran Air Force a centerpiece of its propaganda against the Government of President of José Napoleón Duarte. The Salvadoran Air Force has bombed towns and killed civilians several times in the past, but the Government has asserted that new rules of engagement have sharply reduced civilian casualties.

NO RECENT CASUALTIES

The peasants in this region, which suffered heavy and indiscriminate bombardment in 1983, seemed to back up the Government's contention. Villagers from Meanguera, San Fernando, Perquin and Sabanetas all said that while the air force had bombed in the area, they knew of no civilian casualties from air attack in the last year.

But two peasants said that in the village of Volcancillo two months ago a straffing run had narrowly missed members of a peasant family hiding in their home. Other stories of near-misses indicated that bombing near civilian areas still goes on frequently enough to badly scare villagers.

But peasants did not criticize only the Government. They spoke instead of a war they cannot escape that leaves them caught between two armed forces, each of which claims to be fighing for them.

"We want to be independent, not with one side or the other," said Alcides Sorto, 33 years old, from Sabanetas. His wish was not granted this month.

According to Mr. Sorto and three other villagers from Sabanetas, 18 miles north of Perquín, the army forced them to leave their homes three weeks ago because they were near a guerrilla camp. But when they tried to take away their possessions, the villages said, the guerrillas kept them from doing so, saying they had to return to Sabanetas. The guerrillas also required the male villagers to work on roads and raise crops for the rebels one day a week, they said.

The delegation of Americans came from southern California, representing private groups concerned about the war in El Salvador. The opportunity to judge what was happening in El Salvador proved not to be so simple on a one-day visit to a rebel-held town with rebel guides.

A guerrilla supporter took the delegates on a tour of houses reportedly destroyed by the air force. There was no shortage of examples. A number of buildings in Perquin appeared to have been bombed by the Government over a year ago in attacks that drove out the civilian population and did nothing to endear the army to the villagers.

REBEL FILM TEAM ON HAND

But the first building the rebel guide showed the visitors was the mayor's office, a perforated heap of rubble. Bombs had destroyed the office, the guide said. He made no mention of the current rebel campaign to burn mayors' offices around the country in which over 30 buildings have been destroyed, the last one two days ago.

When a rebel soldier standing guard nearby was asked about the "bombed" mayor's office in Perquin, he told reporters that in fact the guerrillas had blown the building to pieces in 1982 in an attack on the army unit stationed there. The American delegation checked the rebel's account and found it to be true.

A rebel camera team filmed the peasants' demonstration and the arrival of the American visitors, which one rebel with a loudspeaker called "a great gain" for the guerrillas.

REBEL CHIEF GIVES INTERVIEW

Joaquin Villalobos, the senior military commander of the Farabundo Martí National Liberation Front, referred to the Government's "extermination" of rebel supporters in the capital in 1980 and 1981 as a justification for the war he is generally credited with planning and helping sustain.

It was the first interview Mr. Villalobos had granted American reporters and one of the few he has ever given.

Time, he said, was on the side of the rebels and there was nothing the Reagan Administration could do about that.

"What does the Administration plan to do when it is just a year before its term is up and El Salvador is not settled?" he asked. "What plan will they propose? Send troops?"

SALVADOR REBEL VOWS TO SPREAD WAR

(By James LeMoyne)

PERQUIN, EL SALVADOR, July 5.—The senior military commander of the Salvadoran rebel movement vowed today that the guerrillas would carry their attacks to the capital of San Salvador and spread the war to every part of the country. He said the new attacks would make El Salvador ungovernable within the next year.

The commander, Joaquin Villalobos, added in an interview with a group of American reporters that the rebels now considered the Reagan Administration their principal enemy for having supported the Salvadoran Army and Government. He and other rebel commanders defended the rebels' decision to kill four United States marines here two weeks ago and indicated that American military officials would continue to be attacked.

"Our strategy has to be based in defeating the resistance and the capacity of the Reagan Administration to continue supplying the Salvadoran Army," Mr. Villalobos said. "If we succeed on this issue, we win the war."

Mr. Villalobos, who has long been considered the most effective military strategist on either side of the conflict, outlined what he said was the new guerrilla strategy of a war of attrition: breaking the rebels into small units that will spread across the country and begin a campaign of sabotage, assassination and ambushes, backed by the increased use of mines and booby traps.

REBELS' AIM OUTLINED

The strategy, Mr. Villalobos said, is to force the army to be everywhere at once, to bleed the economy to the point of collapse and to destabilize the Government. He said it came in response to improved army performance and increased firepower.

Mr. Villalobos was accompanied by Jorge Shafik Handal, head of the Salvadoran Communist Party, and senior officials of each of the five guerrilla groups that make up the rebel military Farabundo Marti National Liberation Front, now in its fifth year of war here.

It was the highest level rebel delegation to have given an interview to journalists. Mr. Villalobos said the guerrillas had chosen to talk to the press because they wanted to make their views known at this time. The visit comes at a time when the rebels have appeared to be weakening militarily and politically.

Mr. Villalobos said a recent campaign to burn local government offices and kidnap mayors would continue in areas where the rebels often operate.

"On what logical basis do they pretend that they would like to continue having political power in areas where they have no military power?" he said.

"We are at war; there are two belligerent forces," he added, repeating past arguments by rebel officials that the Salvadoran Government must recognize the guerrilla army as a force equal to the Salvadoran Army. President José Napoléon Duarte has refused to accept the argument, demanding instead that the rebels lay down their arms and run in elections.

Other rebel officials said the guerrillas would also step up political work in the countryside and in urban trade unions to try to convince the Salvadoran people that President Duarte cannot successfully govern the country or improve living standards.

DOMINATES THE INTERVIEW

Mr. Villalobos, who is thought to be 33 years old, dominated the interview and was deferred to by other guerrilla officials in a manner that appeared to confirm his role as the top military strategist and commander of the rebel front. He wore a khaki shirt, camouflage hat and stainless steel Rolex watch that he said was a gift from a friend.

The Salvadoran Army has repeatedly tried to kill Mr. Villalobos and announced two months ago that it had done so. At the time, Mr. Villalobos called the announcement "premature."

The journalists accompanied a delegation of liberal Americans from California to rebel headquarters in this town in the heart of a war zone 126 miles northeast of the capital. A major army operation ended in the area two weeks ago.

The Salvadoran Government was informed of the American delegation's wish to talk to the rebel commanders and the group was subsequently permitted to pass through several army checkpoints without difficulty, in sharp contrast to other visits to rebel areas in which the army attempted to keep journalists out. A member of the American delegation, Armando Navarro, said the Government had been asked to allow the trip to go forward as a gesture for peace through greater understanding.

U.S. WITHDRAWAL DEMANDED

But Mr. Villalobos's statements and recent rebel assassinations and kidnappings indicate that the prospects for a negotiated end to the civil war are weaker than ever. It appears instead that a long and bitter fight lies ahead in which the prolongation of the war is a greater objective to the rebels than decisive military victories.

Mr. Villalobos said the guerrillas' top proposal now in peace talks with the Government was an end to "North American intervention in El Salvador."

When asked what his minimum condition was for the rebels to lay down their arms, he looked surprised. He then responded with emotion. "We have no condition for laying down our arms because we are not prepared to give up our guns ever."

Mr. Villalobos's statements and seeming conviction indicated that recent rebel terrorist attacks may be a sign of the guerrillas' determination to increase the cost of war, rather than an indication of growing desperation in the face of improved army performance, as has been suggested.

Mr. Villalobos and other rebel commanders seemed highly aware of the political cost of such attacks. But they said they believed Mr. Duarte's Government was fragile and could not withstand a prolonged war.

The rebels spared no effort to impress the American visitors, providing ample meals of steak, fresh orange juice and baked bread, as well as beds, a video television screen and trucks for transportation.

A well-known revolutionary priest, Miguel Ventura, offered a mass in the local, bullet-pocked church. A rebel chorus sang hymns of liberation theology. The first song began: "Christ, Christ Jesus, identify yourself with us. Have solidarity with us, not with the oppressor class, with us."

The rebels' efforts appeared designed to demonstrate their ability to maintain control in the area despite repeated army sweeps. Although such a propaganda purpose was evident, the amount of equipment and amenities the rebels displayed indicated that they were not the broken force on the verge of desertion that Government propaganda and American officials occasionally depict them as being.

'DON'T SEE THIS AS A SIN'

When asked if he and other rebel commanders would describe themselves as Marxists, Mr. Villalobos refused to answer directly, saying the question reflected the effort of the Reagan Administration to define the war here as part of the East-West struggle.

But then, using the initials of political and military coalition, he said, "The F.M.L.N.-F.D.R. says, yes there are Marxist-Leninists here, but we don't see this as a sin."

Mr. Villalobos and Mr. Handal said that only United States aid had prevented the guerrilla forces from defeating the Salvadoran Army two years ago, an assessment that has been expressed privately by several American analysts. The rebel commanders contended, therefore, that they had to consider the Reagan Administration as part of the war effort, making American military advisers legitimate targets of attack.●

HOUSE OF REPRESENTATIVES—*Monday, July 15, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We offer this word of gratitude, O gracious God, for the abiding presence of Your spirit. Though we may seek to depart from You, You do not depart from us; though often we do not wish to face our faults, You forgive us and grant us new life. Our hearts are appreciative, that though we often forget Your providence for us and we seem to turn away, You continue to surround us with Your love and comfort us with Your presence. For Your external faithfulness, O God, we offer this our prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution and concurrent resolution of the House of the following titles:

H.J. Res. 198. Joint resolution providing for appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H. Con. Res. 59. Concurrent resolution commemorating the 100th anniversary of the death of Ulysses S. Grant, the 18th President of the United States.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1460. An act to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1160) "An act to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GOLDWATER, Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. COHEN, Mr. QUAYLE, Mr. EAST, Mr. WILSON, Mr. DENTON, Mr. GRAMM, Mr. NUNN, Mr. STENNIS, Mr. HART, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, and Mr. GLENN to be the conferees on the part of the Senate.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the bill on the Consent Calendar.

HAYDEN RHODES AQUEDUCT

The Clerk called the bill (H.R. 2340) to designate the Granite Reef aqueduct of the central Arizona project as the "Hayden Rhodes aqueduct."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCAIN. Mr. Speaker, reserving the right to object, on November 15, 1985, the first major portion of the central Arizona project, the Granite Reef aqueduct is scheduled to be dedicated. On that day, Arizona history will be written. Colorado River water will begin flowing into the Phoenix metropolitian area. The occasion will be marked by celebrations of this long awaited triumph over time and nature as well as many engineering, funding, and political obstacles.

Mr. Speaker, it will be the culmination of the work of many. However, the names of Carl Hayden and John Rhodes, whose public service careers spanned 70 years, are two names that we must indeed pay tribute to on that day.

Carl Hayden and John Rhodes were truly dedicated to seeing the CAP become a reality. Senator Hayden, as the long-time chairman of the Senate Appropriations Committee, was in the unique position to transform the concept of delivering Colorado River water to central and southern Arizona into a reality. His efforts culminated in September of 1968 when legislation was signed into law authorizing the central Arizona project.

Senator Hayden's work in the Senate was matched by John Rhodes' contributions in the House of Representatives. During his 30 years in the service of the people of Arizona, John Rhodes displayed the leadership and the statesmanship necessary to forge the alliances that would ensure funding for the central Arizona project.

Arizona owes a tremendous debt of gratitude to Carl Hayden and John Rhodes. Designating the Granite Reef portion of the central Arizona project as the Hayden Rhodes Aqueduct is only a small token of the appreciation that all Arizonans feels toward these two great Americans. It is only appropriate that the Aqueduct which carries the waters of the Colorado River to the district that these men once represented be named in their honor.

I urge your support for this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GRANITE REEF AQUEDUCT AS "HAYDEN RHODES AQUEDUCT".

The Granite Reef Aqueduct of the Central Arizona Project, constructed, operated, and maintained under section 301(a)(1) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(1)), hereafter shall be known and designated as the "Hayden Rhodes Aqueduct".

SECTION 2. REFERENCES TO AQUEDUCT.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in section 1 hereby is deemed to be a reference to the "Hayden Rhodes Aqueduct".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

TRANSFER OF CONSTITUTIONAL POWERS UNDER 25TH AMENDMENT TO THE CONSTITUTION AND RESUMPTION OF SAME—MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following messages from the President of the United States; which were read:

THE WHITE HOUSE,
Washington, July 13, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am about to undergo surgery during which time I will be briefly and temporarily incapable of discharging the Constitutional powers and duties of the Office of the President of the United States.

After consultation with my Counsel and the Attorney General, I am mindful of the provisions of Section 3 of the 25th Amendment to the Constitution and of the uncertainties of its application to such brief and temporary periods of incapacity. I do not believe that the drafters of this Amendment intended its application to situations such as the instant one.

Nevertheless, consistent with my longstanding arrangement with Vice President George Bush, and not intending to set a precedent binding anyone privileged to hold this Office in the future, I have determined and it is my intention and direction that Vice President George Bush shall discharge those powers and duties in my stead commencing with the administration of anesthesia to me in this instance.

I shall advise you and the Vice President when I determine that I am able to resume the discharge of the Constitutional powers and duties of this Office.

May God bless this Nation and us all,

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, July 13, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Following up on my letter to you of this date, please be advised I am able to resume the discharge of the Constitutional powers and duties of the Office of the President of the United States. I have informed the Vice President of my determination and my resumption of those powers and duties.

Sincerely,

RONALD REAGAN.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2340, HAYDEN-RHODES AQUEDUCT

Mr. McCAIN. Mr. Speaker, I ask unanimous consent that on the bill just considered, that the words "Hayden Rhodes" be changed to include a hyphen so it will read "Hayden-Rhodes" wherever it appears, including the title, and that the Clerk be directed to make such changes in the engrossment of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

GENERAL LEAVE

Mr. McCAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2340, Hayden-Rhodes aqueduct.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2959, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1986

Mrs. BURTON of California, from the Committee on Rules, submitted a privileged report (Rept. No. 99-198), on the resolution (H. Res. 221) waiving certain points of order against consideration of the bill (H.R. 2959), making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 8, WATER QUALITY RENEWAL ACT OF 1985

Mrs. BURTON of California, from the Committee on Rules, submitted a privileged report (Rept. No. 99-199), on the resolution (H. Res. 222), providing for the consideration of the bill (H.R. 8) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, NATIONAL DEVELOPMENT INVESTMENT ACT

Mrs. BURTON of California, from the Committee on Rules, submitted a privileged report (Rept. No. 99-200), on the resolution (H. Res. 223) providing for the consideration of the bill (H.R. 10) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
July 12, 1985.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:15 p.m. on Friday, July 12, 1985, the following message from the Secretary of the Senate: that the Senate passed H.J. Res. 325.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
July 12, 1985.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 1:50 p.m. on Friday, July 12, 1985 and said to contain a message from the President wherein he transmits a report pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergency Act (50 U.S.C. 1641(c)).

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

RESCINDING DECLARATION OF ECONOMIC EMERGENCY AND REVOKING EXECUTIVE ORDER NO. 12470—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Monday, July 15, 1985.)

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON HOUSE JOINT RESOLUTION 187, APPROVING COMPACT OF FREE ASSOCIATION WITH FEDERATED STATES OF MICRONESIA AND THE MARSHALL ISLANDS

Mr. VENTO. Mr. Speaker, with the concurrence of the minority leadership of the committee, I ask unanimous consent that the Committee on Interior and Insular Affairs have until 5 p.m. today to file a report on House Joint Resolution 187—to approve the Compact of Free Association with the Federated States of Micronesia and the Marshall Islands.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

HOUSE/SENATE CONFERENCE ON BUDGET RESOLUTION

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, today the House and Senate conferees resume our efforts to find a compromise on the budget resolution.

Our House conferees are determined that we shall reduce the 1986 deficit projected in President Reagan's February budget by at least $56 billion.

The House resolution achieved that degree of saving without breaking the Government's promise to the Nation's retirees and without adding new taxes.

The Senate-passed budget, by contrast, contains a number of hidden tax increases under the misleading label of "user fees." One of these proposed "user fees" would come as a very unpleasant surprise to anyone buying a home with a federally guaranteed mortgage.

Under the plan of the Republican Senate leadership, a middle income homeowning family or future purchaser with an FHA, VA, FNMA, GNMA, or Farm Home Loan mortgage would be saddled with a new backdoor tax.

Perhaps worst of all, the tax would be retroactive. It would apply to home loans already on the books.

An average, middle income mortgage holder with a median-sized home loan would be required by the Senate plan to pay $2,560 more up front, or $30 more every month, which would come to a hidden tax of $10,800 over the life of the average mortgage.

This is an insidious, under-the-table tax on home ownership. It reduces still further the number of Americans who can own homes. It is absolutely, diametrically counter to what we've been attempting to do in this country.

This is just one of the ways in which the Senate resolution is unfair to the middle income American family. Your House conferees are determined to oppose this kind of backdoor hidden taxation.

JUSTICE DEPARTMENT SHOULD RELEASE FAMILY VIOLENCE GRANT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today marks the opening of the U.N. World Conference on Women in Nairobi, Kenya. Our U.S. delegation will have many global issues to confront, but one of its four stated priorities will be the tragedy of family violence. While our Nation's delegation seeks a worldwide consensus on conquering this invidious type of abuse, here at home our own Justice Department is holding up a grant that would put family violence protection into practice.

The National Coalition Against Domestic Violence, which represents 717 of the more than 850 family violence shelters nationwide, was to be awarded a $625,000 grant last month from the Justice Department. Funding was to support such critical services for battered women and their children as improvement of shelters, creation of an information and referral network for the victims, and development of better law enforcement strategies to combat the problem.

However, after a virulent attack on the coalition by some of our own colleagues, the Attorney General has put the grant on hold. The Free Congress Foundation has suggested that the coalition promotes "liberal antifamily activism." This response bespeaks the notion that domestic abuse is sanctioned by the marriage contract and that attempts to protect against such abuse are antifamily. This is truly neanderthal thinking.

If we are to have any hope of addressing family violence at the global level, our Government had better come to grips with the problem in the United States. Close to 2 million American women are battered by their husbands each year. Beating is the single major cause of injury to women in this country, more significant than auto accidents, rape, or mugging. But because of Federal budget cuts, 79 percent of family violence projects did not meet community needs in past years. More than a quarter of a million women and children who sought shelter in 1983 had to be turned away.

The problem is critical and the Justice Department should act immediately to release the grant award to the coalition. My cochair at the Congressional Caucus for Women's Issues, Representative OLYMPIA SNOWE, and I have written to Attorney General Ed Meese asking the expeditious release of the grant award. I submit our letter to the record.

If this administration truly believes in the ideals that our U.S. delegation in Nairobi will be expressing this week and next, it will put its money where its mouth is. The grant award to the National Coalition Against Domestic Violence will demonstrate that this Nation's deeds are as good as its words.

HOME EMPLOYMENT ENTERPRISE ACT

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. ARMEY. Mr. Speaker, one would think that the right to work in one's home would be as sacred as the right to free speech or to own property. It's not, though, and I think this Congress should act now to guarantee to every American the right and the freedom to work at home.

To address this problem, I have introduced the Home Employment Enterprise Act. I'm pleased that 17 of our colleagues have joined with me in offering this legislation to repeal restrictions which prohibit people from working in their homes.

As a result of 40-year-old regulations, statutory restrictions exist which prohibit people from working in their homes in certain industries—knitted outerwear, embroidery, women's apparel, jewelry, gloves and mittens, buttons and buckles, and handkerchiefs. These restrictions are totally arbitrary. For instance, what sense does it make to allow work on men's apparel and not women's?

The homeworkers in New England have been the most conspicuous group of homeworkers who have been denied this fundamental freedom. But the problem is not limited to New England; it extends across the 50 States, and into every home where an individual has the desire and the capability to work.

There are many reasons for working at home. Mothers who want to stay at home to take care of families, yet who want to increase the family's income. Older Americans who want to supplement Social Security. Handicapped individuals who might not be able to find a job elsewhere or might not be able to commute to and from another workplace. Or, perhaps, just a person who enjoys the freedom and the flexibility which homework offers. These individuals deserve the same rights as others.

The Home Employment Enterprise Act is a simple and straightforward piece of legislation. It merely amends the Fair Labor Standards Act to allow homework in seven industries where statutory restrictions exist. The bill would not exempt homeworkers from any labor standards, nor would it prohibit the Secretary of Labor from enforcing other provisions of the Fair Labor Standards Act.

I hope you will join with us in this effort to extend the freedom which most Americans already enjoy to homeworkers in every line of work.

LACK OF URGENT CONCERN OVER SOVIET ENCROACHMENT OF U.S. "FRONTYARD"

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, yesterday Secretary Shultz, speaking in Australia, described the level of Soviet military buildup in the Pacific as, and I quote: "Steady and disturbing." Let me say that buildup has been "steady" not just over the past several months, but over the past several years. And we have known it from the time it began.

Two years ago I raised the question in a military briefing in Honolulu and was told the matter was of equal con-

cern to our military folks and they are monitoring it very closely.

I rise this morning to complain about the apparent lack of urgent concern over this Soviet encroachment on what President Reagan has come to consider our frontyard.

The Washington Post this morning reported the deal between Russian and Kiribati which I mentioned in a statement on this floor last week. Our people have known the seriousness of the Soviet-Kiribati discussions for at least a year. An official at State Department told me 3 months ago that we are trying to develop a fisheries program to offer the Kiribati Government. There was a question as to whether it should be a State or a Commerce Department program. The Committee on Merchant Marines was going to be asked to help. Well, we still do not have a program. In fact the meeting between State, Commerce and our Merchant Marine Committee is not until tomorrow.

In frustration over the slowness of our response to the Soviet moves, I sent a letter to the National Security Council, and the State Department about a month ago. I heard from State Department just last week. I have yet to hear from the National Security Council.

I hope time and events will prove me wrong. But I will suggest now, sir, that unless we play catch-up fast and serious, there will be five or six Nicaraguans out there in the Pacific in a few short years.

When Secretary Shultz returns from his current south Pacific sojourn, I hope he will put some wheels on his concerns. As of today, we are moving terribly slow.

LET'S NOT FORGET OUR OWN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this past weekend an extraordinary series of concerts took place around the world, involving nearly 1.5 billion people and raising nearly $40 million for the starving in Africa. Those Live Aid Concerts were an example of our society at our best: committed artists, superior technology and outstanding marketing skills all for a needy cause.

All who participated, from those who attended the concerts to the lowliest technicians, should be commended.

Mr. Speaker, Bob Dylan, the conscience of the 1960's, said during one of his songs that perhaps some of these proceeds could be used to help American farmers pay off their loans.

Mr. Speaker, there are a lot of homeless and hungry people in this country; children and elderly, and our Nation has not responded to them.

Mr. Speaker, let us turn the spirit of the USA Africa and Live Aid projects for joint public-private efforts in our own country to help our own needy, our own hungry and our own homeless. Let us not diminish our efforts to help the needy around the world, but let's not forget our own.

MAY THE PRESIDENT MAKE A RAPID RECOVERY

(Mr. McCAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCAIN. Mr. Speaker, over the weekend, our President underwent a very serious operation. The American people are deeply grateful that the results of that operation appear positive, and we wait with great concern the results of the biopsy.

Mr. President, your family, the Nation, and the world's hopes and prayers are with you that no further treatment will be required, and you will reassume your leadership of this Nation as rapidly as possible.

COSPONSOR H.R. 2934, THE FAIR RATE OF EXCHANGE ACT

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, it was recently my opportunity to go to Japan with a group from the Northeast-Midwest Coalition to talk to Japan about their trade problems and their concerns, the concerns that we have over the significant trade balance we have with Japan, and indeed with the rest of the world.

The one thing that came up in those meetings time after time after time was the problem that we have with our overvalued dollar. Upon our return, I have introduced legislation, H.R. 2934, the Fair Rate of Exchange Act. This act would simply say that we will take the amount that the dollar is overvalued and we will put a charge on all imports of one-half of that overvaluation, and from that fund we will do likewise for exports, the account for one-half the difference in the value of the dollar at the time it was deregulated, and what it now is according to 10 major currencies.

I urge my colleagues to look at this legislation. I think we have a serious problem. I invite your cosponsorship and I invite your support.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules and on the question of agreeing to the conference report on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, July 16, 1985.

PROVIDING FOR EQUITABLE WAIVER IN COMPROMISE AND COLLECTION OF FEDERAL CLAIMS

Mr. GLICKMAN. Mr. speaker, I move to suspend the rules and pass the bill (H.R. 1890) to provide for an equitable waiver in the compromise and collection of Federal claims.

The Clerk read as follows:

H.R. 1890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CIVIL SERVICE EMPLOYEES.

(a) CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5584 of title 5, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "July 1, 1960," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of pay or allowances made on or after July 1, 1960, or arising out of an erroneous payment of travel and transportation expenses or allowances or relocation expenses made on or after January 1, 1985,"; and

(3) in subsection (b)—

(A) in paragraph (3) by striking out "or" after the semicolon;

(B) in paragraph (4) by striking out the period at the end and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(5) in the case of a claim involving an erroneous payment of travel and transportation expenses or allowances or relocation expenses, if application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment was discovered.".

(b) CLERICAL AMENDMENT.—The item relating to section 5584 in the table of contents of chapter 55 of title 5, United States code, is amended by striking out "other than" and inserting in lieu thereof "including".

SEC. 2. MEMBERS OF THE UNIFORMED SERVICES.

(a) CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 2774 of title 10, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "October 2, 1972," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances made on or after January 1, 1985,"; and

(3) in subsection (b)(2) by striking out "of pay or allowances, other than travel and transportation allowances,".

(b) CLERICAL AMENDMENT.—The item relating to section 2774 in the table of contents of chapter 165 of title 10, United States Code, is amended by striking out "other than" and inserting in lieu thereof "including".

SEC. 3. MEMBERS OF THE NATIONAL GUARD.

(a) CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 716 of title 32, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "October 2, 1982," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances made on or after January 1, 1985,"; and

(3) in subsection (b)(2) by striking out "of pay or allowances, other than travel and transportation allowances,".

(b) CLERICAL AMENDMENT.—The item relating to section 716 in the table of contents of chapter 7 of title 32, United States Code, is amended by striking out "other than" and inserting in lieu thereof "including".

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kansas [Mr. GLICKMAN] will be recognized for 20 minutes and the gentleman from North Carolina [Mr. COBLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, the bill H.R. 1890 would amend three waiver statutes, section 5584 of title 5, United States Code; section 2774 of title 10, United States Code; and section 716 of title 32, United States Code, to extend the existing equitable waiver authority to overpayments of travel and transportation allowances and expenses and to overpayments of relocation expenses.

The bill was introduced in accordance with the recommendations of the Comptroller General of the United States. An identical bill, H.R. 3083, was favorably reported by the committee on October 6, 1983, and passed the House on October 24, 1983.

The bill would amend three existing waiver statutes to permit waiver of travel and transportation expenses and allowance overpayments and relocation expense overpayments on the same basis as is currently provided for waiver of all other pay and allowance overpayments. These waiver statutes now permit a Federal employee's or serviceman's liability for overpayments of pay and allowances to be waived where collection would be against equity and good conscience and not in the best interests of the United States, and where the employee seeking a waiver has acted in good faith. This general waiver authority, however, does not presently apply to overpayments of travel and transportation allowances and expenses and relocation expenses.

When the first general waiver authority statute, 5 U.S.C. 5584, was passed in 1968 covering civilian employees, the General Accounting Office took the position that, travel expenses being essentially one-time payments, employees receiving these expenses would not be placed in financially difficult positions by being required to repay travel expenses which had been overpaid. However that Office has advised the committee that since passage of the existing waiver statutes, it has witnessed dramatic changes in the diversity and scope of travel performed in the Government's interest.

The creation of new and changing entitlement authority has been equally dramatic as for example in the increased fluctuation of mileage and per diem rates. In addition, the statute allowing relocation expenses, 5 U.S.C. 5724a, was enacted in 1967 and was not taken into account when the original waiver statute was considered in 1968. Similarly, these developments were not recognized in 1972 when parallel waiver language was incorporated in section 2774 of title 10 and section 716 of title 32 concerning military and National Guard personnel respectively. The GAS has now concluded that holding an employee to a standard of constructive knowledge of complex travel and relocation regulations in certain instances is unreasonable, particularly when even those charged with administering the regulations make mistakes in determining an employee's entitlement. GAO's experience demonstrates that hardship has been caused in many travel, transportation, and relocation cases and that employees have been required to make substantial refunds to the Government as a result of circumstances which were not their fault.

This is particularly true when, as the General Accounting Office has found, many of these claims arise from erroneous agency authorizations which an employee relies on in good faith to his detriment. The GAO has ruled on many claims when the increasing complexity of the laws and regulations relating to travel and transportation entitlements has outdistanced an agency's ability to give guidance and instructions to authorizing officials. The result is that often erroneous payments are made to employees which later must be collected back by the agency. Collection is mandated because waiver of travel, transportation, and relocation overpayment is precluded by the existing statutes. At the present time, the only relief in such cases is for the claimant to seek a private relief bill in the Congress.

The procedural apparatus for the consideration of waiver requests in the area of travel, transportation, and relocation cases is already in place and immediately subject to the oversight responsibility of the Comptroller General. The existing procedures for handling waivers will not be significantly changed because waiver cases will continue to be handled in accordance with standards prescribed by the Comptroller General. Agency performance will continue to be evaluated by GAO during onsite reviews of agency operations and doubtful cases and appeals will continue to be submitted to the Comptroller General for review. In this connection the GAO states that it anticipates that the establishment of standards for utilization at the individual agency level would not be difficult. Significantly, the GAO has advised the committee that performance under the existing waiver authorities has proven that this type of legislation is practical and fair both to the individual and the Government.

Under the three sections referred to in this bill, the agency authority for waiver is limited to claims of not more than $500. Claims in excess of that amount must be considered by the Comptroller General. Consideration of requests for waiver of claims falling within agency jurisdiction is governed by regulations promulgated by the Comptroller General. The regulations provide the Comptroller General with a comprehensive oversight capability. Included in these regulations is the requirement that the facts upon which waiver is based must be recorded in detail and made a part of the written record. The written record includes the report of investigation, a detailed account of the corrective action taken, an account of the waiver action taken and the reasons therefor, and other pertinent information such as the action taken upon an application for refund.

Agencies must keep registers showing the disposition of each waivered claim; and these registers together with the written record shall be available for review by the General Accounting Office. Also a yearly report on agency waivers must be made to the GAO.

Agency experience under the current statutes will enable the agencies to exercise the added authority provided by this bill. The GAO recommending these amendments pointed out that the demonstrated administrative capability of the agencies clearly justified extending the existing waiver authority to claims involving travel, transportation, and relocation. Waiver cases will be handled by departments and agencies in accordance with standards prescribed by the Comptroller General. Agency performance will continue to be evaluated by GAO during onsite reviews of agency operations, and doubtful cases and appeals will be

51-059 O-86-14 (Pt. 14)

submitted to the Comptroller General for review.

The committee agrees with the recommendations of the Comptroller General and recommends that the bill be considered favorably.

Mr. COBLE. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] that the House suspend the rules and pass the bill, H.R. 1890.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR NATIONAL MARITIME MUSEUM IN SAN FRANCISCO

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1343) to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA, as amended.

The Clerk read as follows:

H.R. 1343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 16 U.S.C. 460bb-3(f)) is amended by—

(1) inserting in the second proviso after the words "the administration of said parcels" the following "and of the AFDL-38 Drydock or other vessels or heavy marine equipment,"; and

(2) striking out "for the management of said parcels of property" in such proviso and substituting "for the management (including rental or lease) of said properties".

SEC. 2. (a) Section 4(e) of the Act of October 27, 1972 (16 U.S.C. 460bb-3; 92 Stat. 3486), is amended by deleting the phrase ", for a period not exceeding five years from the date of the enactment of this legislation," and inserting after "sailing vessel Balclutha" the following new phrase "and other historic vessels of the National Maritime Museum."

(b) Notwithstanding any other provisions of law, moneys collected pursuant to section 4(e) of the Act of October 27, 1972, (16 U.S.C. 460bb-3; 92 Stat. 3486), since November 10, 1983, shall be deemed to have been collected in accordance with such section as amended by this Act.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1343, the pending bill.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, H.R. 1343 was introduced by our good friend and colleague, Representative SALA BURTON on February 28, 1985. The Subcommittee on National Parks and Recreation held a hearing on the bill June 6 and marked it up on June 11. It was favorably reported out of the full Committee on Interior and Insular Affairs on June 19.

This bill gives the Golden Gate National Recreation Area the authority to lease a drydock it owns in the San Francisco bay area, and apply the lease revenue to the maintenance and restoration of the seven historic ships of the National Maritime Museum, which is part of the Golden Gate National Recreation Area.

The ships represent the maritime history of the west coast. This is the largest such collection of ships in the United States, and because of their age, they require considerable maintenance. The Park Service acquired a surplus drydock from the Navy in 1981, and it is this drydock which H.R. 1343 would authorize to be leased. While the drydock is needed for the maintenance and restoration of the museum ships, it is idle part of the time. H.R. 1343 allows the Park Service to lease it during those slack times to private shipping interests in the San Francisco area. The Park Service estimates it could earn $75,000 a year from such an arrangement, plus save on maintenance costs for the drydock while it is leased to private parties.

H.R. 1434 was amended in committee to allow for the continued collection of admission fees to one of the ships, the *Balclutha,* and for the imposition of admission fees to the other ships. I wish to note that the committee intends that one admission fee would permit the visitor to see all seven ships, even though they are located at two separate piers on the San Francisco waterfront. The revenue from this admission fee would be applied directly to the budget of the Golden Gate National Recreation Area.

Mr. Speaker, these ships are an important part of the maritime history of the United States. But they are terribly expensive to maintain and restore, and there is a need for creative means to finance them. This bill provides for two new revenue sources. It is the committee's intent that the Park Service continue its efforts to come up with other means, including private sector contributions, to maintain this valuable museum.

Indeed the continued impcsition of fees for the *Balclutha* and the extention to the Hyde Street pier ships will help encourage private participation and contributions to defray the considerable costs of total restoration of these historic ships.

The administration supports H.R. 1343, as amended. However, the Department of the Interior, in a recent letter to our distinguished chairman, Mr. UDALL, says it will conduct a study of the drydock operation and sell the drydock if it sees fit. It does not seem consistent for the Department of the Interior to both support leasing the drydock, and at the same time say it will consider selling it. In addition, I wish to point out that our committee clearly does not want the drydock sold, but merely leased when it is not needed for park purposes.

Mr. Speaker, I'm concerned that sale of the drydock may cause the cost, already substantial, to repair these historic vessels to be even higher and hence the slow progress evident in restoration would be compounded. The leasing of the dry dock will generate needed revenue and help with the maintenance of the dry dock enhancing the prospects for more timely restoration of this historic vessel.

Mr. Speaker, I know of no controversy regarding the bill itself, and therefore urge its adoption.

Mr. Speaker, at this time I want to commend the sponsor of this measure, the gentlewoman from California [Mrs. BURTON], and I yield such time as she may consume to the gentlewoman.

Mrs. BURTON of California. Mr. Speaker, the National Maritime Museum in San Francisco is home to the largest fleet of historic ships in the world. These ships, some of them the last of their kind, are badly in need of repair. The 70-year-old *Wapama,* sole survivor of the Pacific's 225 wooden-hulled steam schooners, is particularly in need of immediate and extensive repairs. Delaying this much-needed restoration will only result in either the loss of this legend now or exorbitant repair costs at a later date.

I introduced H.R. 1343 to create a cost-effective way of providing funds for the restoration of our historic fleet. The Park Service owns a drydock that could be leased out to companies to use for ship repairs and to share in its maintenance. These funds could then be used to augment private-sector contributions to rejuvenate our maritime heritage.

Over 500,000 people visited the ships at Hyde Street pier last year and the Park Service considers this resource the most threatened in the entire

Golden Gate National Recreation Area. Four of these ships are both designated national historic landmarks and listed on the National Register of Historic Places.

Private citizens have devoted numerous hours of volunteer work in providing light upkeep for the ships, but now heavier repairs are required to stabilize the fleet. I would like to commend these individuals, as well as the officials at the GGNRA who have been pursuing alternative methods to save the *Wapama* and to keep the other historic vessels in good repair.

Little remains of our 19th century maritime history to remind us of the important contributions these ships made to the growth of our Nation. You can well imagine the dominant role these old ships played in California's early development—carrying timber and materials to build our cities. They form an integral part of our national maritime past and yet this history will fade from our present experience without some combination of creative funding.

I want to take this opportunity to recognize the important role of Chairman VENTO in shepherding this bill through the Interior Committee and to thank him and his staff for their work in behalf of H.R. 1343.

I think my colleagues will agree that this is a worthwhile proposal and I urge your support of this legislation.

□ 1230

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make a few brief comments on H.R. 1343. As you know, this bill would provide additional support for the National Maritime Museum in San Francisco through the use of funds from rental of the AFDL-38 drydock and other marine equipment.

As the ranking member of the National Parks and Recreation Subcommittee, I am in basic agreement with this legislation and am pleased we are moving it along. I believe it is important that our Nation's maritime history be preserved for the enjoyment and education of future generations. Clearly, the National Maritime Museum [NMM] is a very important part of this history.

However, I am concerned about the enormous expense associated with restoring the historic ships of the NMM. It is difficult to justify such expenses on the part of the Federal Government in view of the Nation's current fiscal condition. Therefore, I am pleased this legislation was amended in committee to allow the continued collection of admission fees on the sailing vessel *Balclutha*, as well as the initiation of admission fees on the other historic vessels of the NMM. While these funds will greatly assist in meeting the restoration expenses, I believe it is important that we strongly encourage, if not require at some later date, the collection and utilization of private funds for this purpose. The public would, I am certain, be willing to share the financial burden with the Federal Government for such a worthwhile project. I am pleased the committee report includes language expressing the committees' intent that the Park Service and private groups work together to encourage and solicit private funding for the restoration projects.

Along these same lines, I agree with the National Parks and Conservation Association recommendation that part of the admission fees on the historic vessels be used for an educational service to explain the need for their collection. I believe the public is more willing to pay admission fees for NPS units if they understand why the fees are needed and for what purpose they will be used. Once again, this recommendation is included in the committee report language and will hopefully be implemented following congressional passage of the bill.

I think it should also be pointed out that this bill does not set a new precedent in this area. The income from three other leased properties—the Cliff House properties, the Haslett Warehouse, and Louis' Restaurant—is currently credited to the appropriations needed for the Golden Gate National Recreation Area [GGNRA], including the NMM. H.R. 1343 merely adds an additional property which may be leased with the proceeds used for the operation and maintenance of the GGNRA.

The National Parks and Recreation Subcommittee held a hearing on H.R. 1343 on June 6 and recommended the bill to the full committee on June 11. The Interior Committee reported the bill favorably to the House by voice vote on June 19. Therefore, I urge all of my colleagues to support this legislation.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from California [Mr. LAGOMARSINO], who has been very helpful in writing the basic policy in this bill. Indeed, without his cooperation it would have been much more difficult. So I want to commend the gentleman from California for that.

I want to point out that I am concerned about the proposed or any discussion about the sale of the drydock. This would, of course, already increase the costs of the necessary restoration. The leasing of the drydock would, of course, generate needed revenue and help with the maintenance of the drydock, enhancing the prospects of more timely restoration. So I want to point out that there has been some discussion of that but the committee would not look favorably upon this.

So, with that, Mr. Speaker, I hope that this bill will win support here today. It is certainly one that deserves it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1343, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING EL PORTAL LEASES AT YOSEMITE NATIONAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1390) to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, CA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Secretary of the Interior to grant long-term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes," approved July 21, 1968 (82 Stat. 393; 16 U.S.C. 47-2), is amended—

(1) by striking out "fifty-five years to any operator of concession facilities in the park, or its successor for purposes of providing employee housing.", in the first sentence of the first section and inserting in lieu thereof "not to exceed ninety-nine years to any individual, including an employee of the United States Government, to any operator of concession facilities in the park, or the administrative site, or its successor, or to any public or private corporation or organization (including a nonprofit corporation) for purposes of providing employee housing, community facilities, administrative offices, maintenance facilities, and commercial services.";

(2) by striking out "the concessioner may sublease the property to its employees' in the second sentence of the first section and inserting in lieu thereof "if the lessee is a concessioner, corporation, or other organization (including a nonprofit corporation) such lessee may sublease the property to its employees, employees of the United States Government, or other individuals whose residence on the leased premises is solely in

support of Yosemite National Park or the El Portal administrative site;

(3) in the proviso to the first section by striking out "an annual", inserting a period after "him", and deleting the remainder of the sentence; and

(4) by redesignating "SEC. 2." as "SEC. 3." and inserting the following new section after the first section:

"SEC. 2. (a) Notwithstanding any other provision of law, the proceeds from any leases issued by the Secretary pursuant to the first section of this Act may be credited to the appropriation bearing the cost of administering (directly or by contract) the leases and of constructing, improving, and maintaining roads, utilities, buildings, and other facilities within the El Portal administrative site. In the administration of the leases, the Secretary may contract for the management of the leases and of the leased premises, subject to such terms and conditions, including the right of the Secretary to purchase and sell the unexpired terms of leases and subleases, as will protect the interests of the United States. The Secretary may also contract for the use by him of any improvements to leased property for purposes of the El Portal administrative site or for purposes of Yosemite National Park, and he may use the proceeds from any leases for the purpose of making payments under any such contract.

"(b) The Secretary may at any time acquire the unexpired term of any lease or sublease issued or entered into pursuant to this Act by purchase with funds available from the proceeds of leases, or with donated or appropriated funds, or by donation or exchange."; and

(5) by adding at the end thereof the following new section:

"SEC. 4. After the date of enactment of this secion, no lease may be issued for the purpose of providing housing or other facilities in the El Portal administrative site except in accordance with regulations promulgated by the Secretary of the Interior. Such regulations shall establish the qualifications of natural persons and corporations who may be eligible to acquire a lease and a sublease, and they shall set forth the circumstances under which the Secretary may elect to acquire any unexpired lease or sublease. Such regulations shall become effective only after sixty calendar days from the day on which they have been submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.".

"SEC. 5. Concurrent with the submission of the regulations referred to in section 4, the Secretary shall submit a summary report on the El Portal administrative site including existing and projected lease arrangements at that time contemplated to be exercised under the provisions of this Act, along with a timetable for the consequent removal of specific facilities in Yosemite National Park (with particular emphasis on Yosemite Valley). Not later than three years after the date the summary report is submitted, the Secretary shall submit on additional report to the committees referenced in section 4 as to the progress achieved in the development of the El Portal administrative site pursuant to the provisions of this Act. The report also shall include information as to the progress achieved in removal of facilities from Yosemite National Park. Implementation of the provisions of this Act shall at all times be in full accord with the then current general management plan for the park.

"SEC. 6. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts or to the extent that proceeds are available from any leases issued by the Secretary pursuant to the first section of this Act.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1390, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, some 30 years ago a number of concerned people had the foresight to recognize that the outstanding beauty of Yosemite Valley was being impaired by development of concessioner and National Park Service administrative buildings and employee housing. As a consequence, the Congress, in 1958, passed legislation establishing the El Portal administrative site located outside the boundary of the park. The purpose of that act and a subsequent amendment was to encourage the concessioner to relocate administrative buildings and employee housing outside of Yosemite Valley by allowing him to lease Federal land located in El Portal. Unfortunately, the concessionaire has been unable to obtain adequate construction financing because the maximum lease term is 55 years. Banking institutions in the area require a longer lease term as a basis for such loans.

It was presumed, in 1958, that the Park Service would be able to build replacement housing for Federal employees in El Portal also reducing the number of buildings in Yosemite Valley. However, while Federal funds have been provided for infrastructure construction of roads, water system, and sewage treatment facilities the Park Service has not been successful in obtaining the needed levels of appropriated Federal funding to construct employee housing at the El Portal site. It appears unlikely that sufficient funding to construct adequate housing for the park employees will be appropriated in the foreseeable future.

H.R. 1390 would correct these deficiencies by authorizing the Secretary of the Interior to grant leases for up to 99 years and by making qualified Federal employees, as well as concessioner employees, eligible to acquire such leases. These two changes should have the desired effect of encouraging the involvement of the private sector in a joint effort to reduce the amount of housing and related facilities in Yosemite Valley by encouraging relocation to the El Portal administrative site.

Mr. Speaker, H.R. 1390 is essentially the same as the bill passed by the House in the 98th Congress. Both bills were introduced by my friend and colleague on the Committee on Interior and Insular Affairs, Congressman TONY COELHO. I wish to compliment the gentleman from California for his persistent efforts to craft legislation to induce a public/private sector cooperative effort which will result in the removal of some of the incompatible development from Yosemite Valley and at the same time make money for the Federal Government.

Mr. Speaker, I urge all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1390, to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park in my home State of California. As the ranking member of the National Parks and Recreation Subcommittee, I urge enactment of this bill as a means of solving the problems of overdevelopment in Yosemite Valley.

As you know, Mr. Speaker, bills were passed by Congress in 1958 and again in 1968 to encourage the movement of nonessential housing and administrative facilities out of Yosemite Valley. Unfortunately, these acts were unsuccessful in accomplishing their objectives and Yosemite Valley has continued to remain crowded, much to its detriment.

H.R. 1390 represents an innovative approach to the problem of overcrowding. It will permit leases to be granted for up to 99 years and allow Park Service employees and park concessionaire employees to acquire such leases. Hopefully, it will encourage private development within El Portal resulting in the removal of structures from Yosemite Valley, as well as eliminating the need for federally financed employee housing.

Mr. Speaker, following the National Parks Subcommittee meeting on June 6, negotiations between several of the committee members resulted in the development of a minor amendment

which was unanimously adopted in full committee on June 12. The amendment, which I offered, simply eases the reporting burden on the National Park Service [NPS]. Section 5 of the original bill required NPS to submit a summary report on the El Portal site, followed by an annual fiscal year report for the next 10 years. My amendment changed the requirement of an annual report to a single progress report within 3 years from the submission of the initial summary report on the El Portal site. While I fully realize, as I have pointed out, that the concept embodied in this bill is a novel approach to the problem, I believe the reporting requirements are an unnecessary burden. As you know, Mr. Speaker, such reports require hours of manpower, and significant amounts of funding which could, especially in these difficult fiscal times, be much better utilized. In addition, Mr. Speaker, the Interior Committee or individual Members could, at any time, request a report on the El Portal site. NPS has indicated its willingness to respond to any such requests. I might also add that the amendment was agreed to by the committee and subcommittee chairman, the bill's sponsor and National Park Service.

For these reasons, I encourage my colleagues to support and vote for H.R. 1390. This bill will, I firmly believe, significantly assist and improve one of our Nation's precious crown jewels, Yosemite National Park, without the expenditure of new Federal funds.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1390, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1240

CURRENCY DESIGN ACT

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 48) to affirm the authority of the Congress to approve the design of currency, as amended.

The Clerk read as follows:

H.R. 48

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Currency Design Act".

DESIGN OF CURRENCY

SEC. 2. (a) the eighth paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 418) is amended by adding at the end thereof the following new sentences:

"Notwithstanding any other provision of law, the Secretary of the Treasury shall not adopt any new form, tenor, or design of any such note—

"(1) unless the proposal to adopt any new form, tenor, or design of any such note has been submitted to each House of the Congress, and

"(2) before the end of the 90-day period beginning on the day on which the proposal referred to in paragraph (1) was submitted to the second of the 2 Houses of the Congress pursuant to such paragraph.

For purposes of the preceding sentence, the term 'new form, tenor, or design' shall not include the signatures, series number, plate number, serial number, or minor changes to the technical design of any such note, or the distribution letter or number of the Federal Reserve Bank through which such note is issued.".

(b) The amendment made by subsection (a) shall apply to any new form, tenor, or design adopted or proposed to be adopted after June 1, 1985.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 48 would require that any design change to U.S. currency be sent to both Houses of Congress for a 90-day review period before any change in the currency could be implemented. The 90-day period would begin to run after the Secretary submitted any proposed design change to both Houses of Congress. If Congress did not act within 90 days, the Secretary would be free to proceed with the proposed changes.

Since 1980 the Bureau of Engraving and Printing and the Federal Reserve have spent $31 million studying and evaluating counterfeit deterrents. These agencies believe these deterrents are necessary because of a threat posed to our currency from advanced color copiers. To date, that research has not borne fruit, other than to feed wild and speculative rumors of impending recalls of money, or demonetization of the dollar. These rumors are baseless and untrue. They persist because of the secretiveness of the Treasury.

This legislation will assure that the public is fully informed of any proposed change to the currency. It will give the public an opportunity to be heard before any changes are implemented.

This act will assure that Congress is informed and consulted, because without it Congress might not be informed or consulted.

The Consumer Affairs and Coinage Subcommittee has been assured on several occasions that it will be informed of developments in this area. Subsequent actions on the part of the agencies involved cast a doubt on whether that consultation will take place willingly. Last July, for example, the Treasurer testified that "it is most likely to be 1986 before any new currency will be circulated." Two months later, the Federal Reserve amended one of its anticounterfeiting contracts to target the fall of 1985 as the date of introduction of new currency, but the subcommittee was not informed.

Congress must have the opportunity to make sure that any change is an effective counterfeiting deterrent. Any proposed change must be examined to see that it meets a threat that exists or might exist, not a threat that is illusory and will not come to pass.

Any change must be technologically feasible. The Bureau of Engraving and Printing prints 6 billion notes annually. Any new currency must be producible at that rate. A deterrent must be difficult to counterfeit, not to produce.

A deterrent must be cost effective. It must prevent as much counterfeiting as it costs to implement. It would be senseless to develop a deterrent that costs far more than the amount of counterfeiting it prevents.

Finally, but hardly last, the change must be acceptable to the American public. That means not only must the new currency be compatible with existing currency handling equipment, but it must be pleasing to the man in the street as well.

This legislation was amended to meet certain objections raised by the Treasurer.

Rather than require congressional approval of any change, the amendment requires a relatively short 90-day review period. The Federal Reserve and the Bureau of Engraving and Printing have been studing currency design changes for the past 5 years and have yet to come up with a proposal. It takes 12 to 18 months to make a currency design change. Surely, after a 5-year delay, with at least another 1½ years wait ahead, a 90-day period for congressional review is not excessive.

The bill exempts from the review process minor changes in the currency such as the signatures and series num-

bers, and other minor changes. These are routine technical changes and do not affect the design of the currency.

The legislation would leave unchanged existing law relating to coin design changes. The American people are generally satisfied with their coins. Furthermore, no coin design changes are under consideration. In view of these facts, there is no need to change existing law regarding coin designs.

Mr. Speaker, H.R. 48 is a carefully balanced piece of legislation. It will assure that our currency maintains its position as the world's foremost and most recognized money.

Mr. Speaker, I want to commend the distinguished gentleman from Indiana [Mr. HILER], the ranking minority member on my subcommittee, and the gentleman from Ohio [Mr. WYLIE], who is the ranking Republican on the full committee, and the gentleman from Wisconsin [Mr. ROTH], who is a member of my subcommittee. They worked hard on the amendments; they made a tremendous contribution to this legislation. There is no objection to the legislation from their side of the aisle, and no objections on our side of the aisle. This is possible because of the diligent efforts on the part of the entire committee to work out a proposal that will be acceptable to the Congress of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join Chairman ANNUNZIO in his support of H.R. 48, the Currency Design Act, as amended. This legislation provides Congress the opportunity to review and act upon any proposals for major design changes in our currency.

Our consideration today of the Currency Design Act is very timely. For several years now, the Interagency Steering Committee on Advanced Counterfeit Deterrence, chaired by the U.S. Treasurer, has been examining the impending threat to our currency posed by improvements in color copier technology. Very soon—perhaps before the month is over—this group plans to present to Treasury Secretary Baker various deterrent features that could effectively be incorporated in our currency to deal with the imminent counterfeiting problems. After the Secretary reviews these options, he is expected to make a final decision on the proposed currency changes. His decision could be announced yet this summer.

Since the creation of a national currency in 1862, the Secretary of the Treasury has had the authority to determine the form and tenor of the U.S. currency without prior congressional approval or review. Treasury would like to retain this prerogative so that it can respond quickly to any threats to the integrity of the currency.

I can appreciate Treasury's concerns. It should not lose the flexibility to respond promptly and effectively to any counterfeiting or other security threat to the U.S. currency. I believe that H.R. 48 as amended effectively addresses the need for prompt action to counter a threat to the soundness of our money. The Currency Design Act before us today limits congressional review and action on proposed design changes to 90 days, a reasonable period of time.

I also appreciate the concerns of millions of Americans who are filled with fear about Treasury's plans to change the currency. Most of us serving in Congress have heard from these anguished citizens. We have received calls and letters from men and women who believe that there is some kind of secret agenda behind these proposed changes, such as the devaluation of the currency, or the tracking of the movement of money in and out of the country, or the flushing out of the underground economy. These Americans would be reassured knowing that Congress is closely reviewing proposals for major currency design changes.

As duly elected representatives of the American people, Congress is fully justified in taking steps to ensure that it is fully consulted before significant changes in the currency are implemented. Maintaining the integrity of the U.S. currency is, afterall, an important public policy concern. Those of us serving in Congress have a responsibility to the American people to ensure that any major changes in the design of or money are really necessary, that they will accomplish their objectives, and that they will in no way destroy public confidence in the currency.

I commend the chairman of the Consumer Affairs and Coinage Subcommittee for his efforts in shaping currency design legislation that meets the concerns of all. H.R. 48 is a good bill, and I look forward to its prompt adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding time.

Mr. Speaker, I rise in strong support of the Currency Design Act. I want to thank the chairman of our subcommittee for his kind words, and I want to respond by saying I do not know of, and I have said this often before, I do not know of a Member of Congress that is more committed or has more insight on the legislation that comes before the subcommittee than Chairman ANNUNZIO and I am happy to serve on your committee, Mr. Chairman.

I also want to thank our ranking Member for his keen insight and his hard work. He is a real leader and I am glad to follow a person who is so well versed and so conversant with the issues.

□ 1250

I also want to compliment the staff of this subcommittee. I think this is one of the best subcommittees that we have in the House, and one of the reasons for it is the staff, Mr. Chairman, and I think you would agree. The staff of this subcommittee is just super, and it is also, I will add, one of the most creative staffs that we have on the Hill. They have been a real inspiration to me, and it is, again, a real pleasure. If all people in the Government worked the way this staff works, we would not have any complaints about bureaucrats, because they earn twice what we pay them.

Mr. Speaker, I rise in strong support of the Currency Design Act. I was pleased to cosponsor this measure with the distinguished chairman of the Consumer Affairs and Coinage Subcommittee and am delighted he has put the measure on a fast track.

Time after time, I am asked, "What is Congress going to do to our currency?" Our citizens are genuinely concerned about what might happen to the appearance and value of their money, and many do not see any reason why it should be changed at all.

The public has always been suspicious of any alteration in coins and currency, and with good reason. Past changes have usually resulted from secret deliberations then foisted on the public with little warning or explanation.

We only have to look inside the mint to find half a billion uncirculated Susan B. Anthony dollars—uncirculated because the coins had no public acceptance.

We had the $2 bill, countless numbers of them, but the public has not accepted them.

It is common knowledge that currency design changes are under consideration by the Treasury Department. But the entire process of exploring such changes has been a secretive one, and it is no wonder the American people are suspicious.

The intent of H.R. 48 is to bring the currency redesign process out of the shadows and into the sunshine. It simply says that Congress will be given the opportunity to pass judgment on proposed currency design changes before they take place.

This legislation is important on a couple of counts.

First, if it is true that the basis of a country's money is confidence—and ours is based on nothing more tangible—the public must accept and have confidence in what the Government is doing.

Congress must answer to its satisfaction several questions, including

whether Treasury has a realistic plan to implement currency changes and make them acceptable to the American public. And whether existing currency can be replaced in a manner and on a schedule which will ensure continued public confidence in its value.

Second, Congress should be able to review proposed currency changes just to see if they make sense.

The efforts of the Federal task force headed by Treasury which is studying the currency redesign issue go back at least 4 years. We know that millions of dollars have been spent on assorted studies. Studies on the technological threat posed by color copiers. Studies on the types of changes we can make in our currency to make it counterfeit-proof. Even studies to determine who might be prone to counterfeiting.

That does not guarantee that any proposed changes which will ultimately be proposed will be effective deterrents to counterfeiting, technologically feasible, or cost effective.

Hearings recently held by the Consumer Affairs Subcommittee answered only one question to my satisfaction. I am certain the intent of Treasury officials is merely to make the currency more counterfeit-proof.

But numerous other questions are still unresolved. Although millions of dollars have already been spent to study various types of changes in the currency, Treasury has only hinted at what the final changes will be. We still do not know if the most effective deterrents will be cost effective.

We don't even now which denominations of currency will be changed.

Chairman ANNUNZIO has stated on numerous occasions that changes in currency should be based on four criteria: deterrent capability, technical feasibility, cost effectiveness, and acceptability.

The decision whether Treasury's ultimate proposal meets those criteria must rest with Congress. It should not rest with the bureaucracy, however sincere and well-intentioned it might be.

The currency redesign process has so far taken 4 years. Congress is still in the dark. The American people are still in the dark as to what precisely Treasury is planning.

I am sure the American people want their money protected from counterfeiters, and they will most assuredly accept changes in the currency which will serve that end.

But at the same time they have a right to know what their Government is doing, and that the job is being done responsibly.

Enactment of this legislation is the only way we can ensure that the peoples' interests are best being served.

So again, I want to commend my colleague, the gentleman from Illinois, the chairman, who is so conscientious and who is such a brilliant Member of this House, for his leadership as well as the work being done by the distinguished member, the gentleman from Indiana [Mr. HILER], a member who is totally conversant with this issue and the other issues that come to the floor.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I would be happy to yield to the chairman of our subcommittee, the gentleman from Illinois.

Mr. ANNUNZIO. I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, speaking for myself, and I would presume to speak for the gentleman from Indiana [Mr. HILER], we want to thank the gentleman very much for the kind words that he has expressed on my behalf and Mr. HILER's behalf, but we also want the gentleman to know that we appreciate having a conscientious member like yourself on the subcommittee, who has been to every meeting, who participates in all of the hearings, and who has helped us to bring to this floor the kind of legislation where we do try to effectively present the problem as it exists.

I want to thank the gentleman very much.

Mr. ROTH. I thank the chairman for his kind words. It is easy to say nice things about you, Mr. Chairman, and about our ranking member, because we just tell the truth, and it is always nice. I thank the gentleman.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing I would like to compliment the gentleman from Wisconsin and thank him for his praise. He was an original sponsor of this legislation and had seen the need for Congress to have some oversight over any change in our currency that does take place. The fact that this bill is on the floor today and, hopefully, will pass quickly through the other body, as opposed to some other legislation that we recently passed off the floor here, will in no small part be due to his efforts.

I commend the chairman once again.

Mr. Speaker, I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and pass the bill, H.R. 48, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 48, the Currency Design Act, which was just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GOLD MEDALS FOR GEORGE AND IRA GERSHWIN

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 251) to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Lenore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public, as amended.

The Clerk read as follows:

H.J. RES. 251

Whereas George and Ira Gershwin, individually and jointly, created music which is undeniably American and which is internationally admired;

Whereas George Gershwin composed works acclaimed both as classical music and as popular music, including "Rhapsody in Blue", "An American in Paris", "Concerto in F", and "Three Preludes for Piano";

Whereas Ira Gershwin won a Pultizer Prize for the lyrics for "Of Thee I Sing", the first lyricist ever to receive such prize;

Whereas Ira Gershwin composed the lyrics for major Broadway productions, including "A Star is Born", "Lady in the Dark", "The Barkleys of Broadway", and for hit songs, including "I Can't Get Started", "Long Ago and Far Away", and "The Man That Got Away";

Whereas George and Ira Gershwin collaborated to compose the music and lyrics for major Broadway productions, including "Lady Be Good", "Of Thee I Sing", "Strike Up the Band", "Oh Kay!", and "Funny Face";

Whereas George and Ira Gershwin collaborated to produce the opera "Porgy and Bess" and the 50th anniversary of its first performance will occur during 1985;

Whereas George and Ira Gershwin collaborated to compose the music and lyrics for important contributions to the American song, including "I Got Rhythm", "Summertime", "Love is Here to Stay", "Fascinating Rhythm", "Let's Call the Whole Thing Off", "I Got Plenty of Nuthin'", and "Someone to Watch Over Me"; and

Whereas George and Ira Gershwin have made outstanding and invaluable contributions to American music, theatre, and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to Frances Gershwin Godowsky, the sister of George Gershwin, and to Leonore Gershwin, the widow of Ira Gerswhin, gold medals of appropriate design in recognition of

George and Ira Gershwin's outstanding and invaluable contributions to American music, theatre and culture. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck two gold medals with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed $18,500 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medals. The appropriation used to carry out the provisions of subsection (a) shall be reimbursed out of the proceeds of such sales.

SEC. 2. The medals provided for in this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 251 authorizes the presentation of congressional gold medals in honor of George and Ira Gershwin. This resolution, sponsored by my colleague from Illinois [Mr. YATES] is cosponsored by 234 Members of the House.

George Gershwin is one of the giants of American music. At the age of 6 he became fascinated by Rubinstein's Melody in F. His childhood piano teacher recognized his talents immediately, writing that "the boy is a genius." He was writing songs by 15 and had his first song published when he was 18. By 21 he had written the music for his first Broadway show. On February 12, 1924, at the age of 25, his Rhapsody in Blue, with Gershwin himself at the piano, was first performed. It met immediate acclaim.

Ira Gershwin, George's older brother, was a lyricist as renowned as his brother was as a composer. Fortunately for American music, the two often collaborated, with Ira writing the lyrics for the 1931 Pulitzer Prize-winning "Of Thee I Sing."

Their collective triumph was the great American opera, "Porgy and Bess." It opened in 1935 to mixed reviews, but over the years it has come to be acclaimed as have few modern operas.

For 46 years after George's untimely death in 1937, Ira continued to compose. His death in 1983 marked the end of an American musical era.

The legislation authorizes an appropriation of $18,500 to strike the gold medals. In addition, it provides for the minting and sale of bronze duplicates to recover the cost of the gold medals. This provision is one which the Consumer Affairs and Coinage Subcommittee requires on all gold medal legislation to assure that there is no net cost to the taxpayer from the minting and presentation of the gold medals.

Both George and Ira Gershwin were giants of the American music scene. It is appropriate to posthumously award them congressional gold medals. They rightly will take their place with composers George M. Cohan and Irving Berlin as recipients of congressional gold medals for their musical contributions.

Once again, Mr. Speaker, I want to pay tribute to the gentleman from Indiana [Mr. HILER], the ranking Republican on our committee, for his cooperation in helping to expedite and bring to the floor of this House this legislation that is going to do honor to two great Americans who have contributed so much to the cultural well-being of the American people.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the prompt adoption of House Joint Resolution 251. This resolution provides adoption of House Joint Resolution 251. This resolution provides for the striking of congressional gold medals in honor of George and Ira Gershwin, two truly outstanding Americans. In addition, it provides for the production of bronze duplicates of these medals for sale to the public.

The two gold medals would be presented to relatives of the deceased Gershwin brothers in recognition of their substantial contribution to American music and culture. There are few Americans living today who would not recognize at least some of the words and music of these prodigiously talented songwriters. Most of us have listened with great pleasure to their work. Including masterpieces like "Summertime" from "Porgy and Bess," "Our Love Is Here to Stay," and many others too countless to mention. now.

The music of the Gershwins are popular in the first half of this century when it was composed; it continues to touch the hearts of many Americans. The music of these talented brothers is certain to live on long after those of us here today have passed away.

Two hundred and thirty-four Congressmen have joined Congressman YATES in cosponsoring House Joint Resolution 251. I am pleased to join these colleagues in asking for prompt adoption of this legislation. George and Ira Gershwin have enriched the life of our Nation as well as the lives of many individuals, and certainly deserve to receive this honor.

Mr. Speaker, I thank the chairman of the subcommittee, the gentleman from Illinois [Mr. ANNUNZIO], for his prompt attention to this matter, and I might say that in my 6 months of being the ranking member of the subcommittee, the chairman of the subcommittee has never had a hearing that does not have some surprise involved. Last Wednesday we were fortunate to have Tony Bennett, an old friend of the gentleman from Illinois [Mr. ANNUNZIO], appear before our hearing. Tony Bennett sang several of the Gershwin songs, and I am sure that his appearance before our subcommittee helped to expedite the passage of this legislation and bring it to the floor today. I complement the subcommittee chairman for his always making our subcommittee hearings and markups extremely entertaining in a very positive way.

Mr. Speaker, I yield back the balance of my time.

Mr. ANNUNIZO. Mr. Speaker, I yield 2 minutes to the sponsor of the legislation, my distinguished colleague, the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I want to thank my very good friend, the chairman of the subcommittee, for bringing this bill to the floor as promptly as he did.

Mr. Speaker, I rise today as the original sponsor of House Joint Resolution 251, to speak on behalf of a joint resolution to provide a special gold medal honoring George Gershwin and a special gold medal honoring Ira Gershwin.

I strongly believe that the Gershwin brothers deserve special recognition from the Congress as highly gifted and keenly sensitive artists whose achievements have enriched the lives of Americans and shaped the world's perception of American culture.

Only two American composers have been recipients of the congressional gold medal—George M. Cohan for his patriotic songs "Over There" and "A Grand Old Flag" and Irving Berlin for "God Bless America" and other patriotic songs.

George Gershwin has been the creator of a music undeniably and distinctively American, accepted and admired throughout the world's theaters, concert halls, and opera houses, and on radio, film, and television. It is "patriotic" American music in its capture of an American musical idiom, full of energy, invention, and diversity. In Leonard Bernstein's words, he was:

One of the true, authentic geniuses American music has produced * * *. [He] re-

mains, one of the greatest voices that have ever rung out in the history of American urban culture.

George Gershwin composed works acclaimed both as classical and as popular music, including "Rhapsody in Blue," "An American in Paris," "Concerto in F," and "Three Preludes for Piano." Of "Rhapsody in Blue," Deems Taylor wrote:

Here was music, written in an unmistakable jazz idiom, which nevertheless possessed the structural solidity of a serious work.

And Taylor continued:

George's second orchestral piece, the "Piano Concerto in F," commissioned by Walter Damrosch, and "An American in Paris," went still further toward making a lady of Jazz.

As Paul Whiteman said, in acclaiming George Gershwin as America's finest symphonic composer, George Gershwin "was the first to take the jazz feeling and combine it in symphonic form and still respect the symphony."

"Rhapsody in Blue" and "An American in Paris," are part of the American musical language. Few Americans are not familiar with these pieces. We also remember with great affection George Gershwin's more popular songs, beginning with his first hit, "Swanee."

Ira Gershwin composed lyrics for major Broadway and film productions, including "A Star Is Born," "Lady in the Dark," "The Barclays of Broadway," and for individual hit songs including "I Can't Get Started," "Long Ago and Far Away," and "The Man That Got Away." To the two Gershwins we owe the lyrics and music to such American favorites as "I Got Rhythm," "Summertime," "Love Is Here To Stay," "It Ain't Necessarily So," "I Got Plenty of Nothing," and "Someone To Watch Over Me."

"Lady Be Good," was the first product of the collaboration of the two brothers, followed by such significant Broadway shows as "Oh, Kay," Strike Up the Band," "Funny Face," "Girl Crazy," and "Of Thee I Sing," for the last of which Ira was honored as the first lyricist to receive a Pulitzer Prize for his work, on the play "best representing the educational value and power of the stage." Because Pulitzer Prizes were then not awarded to composers, George Gershwin was unable to share in the honor. It is appropriate that House Joint Resolution 251 recognizes these two artists simultaneously by awarding each a congressional gold medal. Moreover, 1985 is the 50th anniversary of the two brothers' collaboration in producing a masterpiece in American opera, "Porgy and Bess."

Perhaps more than any of the Gershwin brothers' works, this opera is widely regarded internationally as a masterpiece of American genius. Its 1952 State Department tour of Europe inspired these accolades: in Vienna it was "the best ambassador for America" and in Berlin, "a revelation." "All Paris Was in Charleston Last Night" was the headline in Le Figaro. Another State Department tour this time of the Middle East, beginning in 1954, elicited significantly favorable responses from a government official in Zagreb and the Soviet Ambassador in Tel Aviv, the former noting that "only a psychologically mature people could have put this on the stage," the latter exclaiming: "If only we had 'Porgy and Bess' how we'd sent it around." After a further performance in Barcelona, a newspaper there declared: "Gershwin's music puts no limits on races and frontiers." And in 1956, Iszvestia proclaimed after the Leningrad performance: "Our American guests have shown that original art is understandable for people of all countries."

George and Ira Gershwin are American cultural heroes and are recognized as such worldwide. They represent that which is best in our rich tradition of culture and the arts and especially in the creation of masterworks to which all levels of taste can respond. The awarding of a gold medal to George and Ira Gershwin would give due recognition by the Congress of their great contributions nationally and internationally.

Mr. Speaker, again let me thank the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. ANNUNZIO], and the ranking minority member, the gentleman from Indiana [Mr. HILER], for bringing this bill to the floor today.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO], that the House suspend the rules and pass the joint resolution, House Joint Resolution 251, as amended.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

NURSE EDUCATION ACT OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2370) to amend the Public Health Service Act to extend the programs of assistance for nurse education, as amended.

The Clerk read as follows:

H.R. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Nurse Education Act of 1985".

(b) REFERENCE TO ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. SPECIAL PROJECTS.

(a) PROGRAM REVISION.—Section 820(a) (42 U.S.C. 296k(a)) is amended—

(1) paragraph (4) is amended to read as follows:

"(4) demonstrate improved geriatric training in preventive care, acute care, and long-term care (including both home health care and institutional care);";

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (5) the following:

"(6) demonstrate clinical nurse education programs which combine educational curricula and clinical practice in health care delivery organizations, including acute care facilities, long-term care facilities, and ambulatory care facilities;

"(7) demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities; or

"(8) demonstrate methods to encourage nursing graduates to practice in health manpower shortage areas (designated under section 332) in order to improve the specialty and geographical distribution of nurses in the United States.".

(b) AUTHORIZATIONS.—Section 820(d) is amended—

(1) by amending the first sentence to read as follows: "For payments under grants and contracts under subsection (a), there are authorized to be appropriated $9,500,000 for fiscal year 1986, $9,980,000 for fiscal year 1987, and $10,500,000 for fiscal year 1988."; and

(2) by striking out "1981" in the second sentence and inserting in lieu thereof "1985".

SEC. 3. ADVANCED NURSE EDUCATION.

Section 821 (42 U.S.C. 2961) is amended to read as follows:

"ADVANCED NURSE EDUCATION

"SEC. 821. (a) The Secretary may make grants to and enter into contracts with public and private nonprofit collegiate schools of nursing to meet the costs of projects to—

"(1) plan, develop, and operate,

"(2) expand, or

"(3) maintain,

programs which lead to masters' and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, or researchers or to serve in clinical nurse specialties determined by the Secretary to require advanced education. The Secretary shall give priority to applicants for projects for geriatric and gerontological nursing.

"(b) For payments under grants and contracts under subsection (a), there are authorized to be appropriated $16,500,000 for fiscal year 1986, $17,325,000 for fiscal year 1987, and $18,200,000 for fiscal year 1988.".

SEC. 4. NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS.

(a) TRAINING PROGRAMS.—

(1) Paragraph (1) of section 822(a) (42 U.S.C. 296m(a)) is amended to read as follows:

"(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing and public health, public or nonprofit private schools of medicine which received grants or contracts under this subsection before to October 1, 1985, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) expand, or

"(C) maintain,

programs for the education of nurse practitioners and nurse midwives. The Secretary shall give special consideration to applications for grants or contracts for programs for the education of nurse practitioners and nurse midwives who will practice in health manpower shortage areas (designated under section 332) and for the education of nurse practitioners which emphasize education respecting the special problems of geriatric patients (including the problems in the delivery of preventive care, acute care, and long-term care (including both home health care and institutional care) to such patients) and education to meet the particular needs of nursing home patients and patients who are confined to their homes.".

(2) Paragraph (2) of such section is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) For purposes of this section, the term 'programs for the education of nurse practitioners and nurse midwives' means educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such programs, be qualified to provide effectively primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities (where appropriate), and other health care institutions.";

(B) by striking out "training" in the first sentence of subparagraph (B) and inserting in lieu thereof "education"; and

(C) by inserting "and nurse midwives" before the period in the first sentence of subparagraph (B).

(b) TRAINEESHIPS.—Section 822(b) is amended—

(1) by striking out "nursing, medicine, and public health," in paragraph (1) and inserting in lieu thereof "nursing and public health, schools of medicine which received grants or contracts under this subsection before October 1, 1984,";

(2) by inserting "and nurse midwives" before the period in the first sentence of paragraph (1);

(3) by inserting "or nurse midwife" after "practitioner" in paragraph (3); and

(4) by inserting "or in a public health care facility" before "for a period" in paragraph (3).

(c) APPLICATIONS.—Section 822(c) is amended—

(1) by striking out "training" and inserting in lieu thereof "education"; and

(2) by inserting "and nurse midwives" after "nurse practitioners".

(d) AUTHORIZATIONS.—Section 822(e) is amended to read as follows:

"(e) For payments under grants and contracts under this section there are authorized to be appropriated $12,000,000 for fiscal year 1986, $12,600,000 for fiscal year 1987, $13,230,000 for fiscal year 1988.".

(e) TECHNICAL.—

(1) Section 822 is amended by striking out subsection (d) and by redesignating subsection (e) as subsection (d).

(2) The heading for section 822 is amended to read as follows:

"NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS".

SEC. 5. TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES.

(a) PROGRAM REVISION.—Paragraph (1) of section 830(a) (42 U.S.C. 297(a)) is amended to read as follows:

"(1)(A) The Secretary may make grants to public or nonprofit private schools of nursing and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to cover the cost of traineeships for nurses in masters' degree and doctoral degree programs in order to educate such nurses to—

"(i) serve in and prepare for practice as nurse practitioners,

"(ii) serve in and prepare for practice as nurse administrators, nurse educators, and nurse researchers, or

"(iii) serve in and prepare for practice in other professional nursing specialities determined by the Secretary to require advanced education.

"(B) The Secretary may make grants to public and private nonprofit schools of nursing and appropriate public and private nonprofit entities to cover the cost of traineeships to educate nurses to serve in and prepared for practice as nurse midwives.".

(b) AUTHORIZATIONS.—Section 830 is further amended—

(1) by amending the first sentence of subsection (b) to read as follows: "There are authorized to be appropriated for the purposes of subsection (a), $11,500,000 for fiscal year 1986, $12,100,000 for fiscal year 1987, $12,700,000 for fiscal year 1988."; and

(2) by striking out the second sentence of such subsection.

(c) CONFORMING AMEMDMENT.—Section 830 is amended by striking out "TRAINING" in the section heading and inserting in lieu thereof "EDUCATION".

SEC. 6. NURSE ANESTHETISTS.

(a) PROGRAM REVISION.—Section 831 (42 U.S.C. 297-1) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit institutions to cover the cost of projects to improve existing programs for the education of nurse anesthetists which are accredited by an entity of entities designated by the Secretary of Education. Such grants shall include grants to such institutions for the purpose of providing financial assistance and support to certified registered nurse anesthetists who are faculty members of accredited programs to enable such nurse anesthetists to obtain advanced edcuation relevant to their teaching functions.".

(b) AUTHORIZATIONS.—Section 831(c) (as redesignated by subsection (a) of this section) is amended to read as follows:

"(c) For the purpose of making grants under this section there are authorized to be appropriated $800,000 for fiscal year 1986, $840,000 for fiscal year 1987, $880,000 for fiscal year 1988. Not more than 20 percent of the amount appropriated under this subsection for any fiscal year shall be obligated for grants described in the second sentence of subsection (b).".

(c) TECHNICAL.—

(1) Section 831(a)(1) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(2) The section heading heading for such section is amended by striking out "TRAINEESHIPS FOR TRAINING OF".

SEC. 7. STUDENT LOANS.

(a) PROGRAM REVISION.—Subsections (a) and (b) of section 838 (42 U.S.C. 297b) are amended to read as follows:

"(a)(1) The Secretary shall from time to time set dates by which schools of nursing must file applications for Federal capital contributions.

"(2)(A) If the total of the amounts requested for any fiscal year in applications under paragraph (1) exceeds the total amount appropriated under section 837 for that fiscal year, the allotment from such total amount to the loan fund of each school of nursing shall be reduced to whichever of the following is the smaller:

"(i) The amount requested in its application.

"(ii) An amount which bears the same ratio to the total amount appropriated as the number of students estimated by the Secretary to be enrolled on a full-time basis in such school during such fiscal year bears to the estimated total number of students enrolled in all such schools on a full-time basis during such year.

"(B) Amounts remaining after allotment under subparagraph (A) shall be reallotted in accordance with clause (ii) of such subparagraph among schools whose applications requested more than the amounts so allotted to their loan funds, but with such adjustments as may be necessary to prevent the total allotted to any such school's loan fund under this paragraph and paragraph (3) from exceeding the total so requested by it.

"(3) Funds which, pursuant to section 839(c) or pursuant to a loan agreement under section 835, are returned to the Secretary in any fiscal year, shall be available for allotment in such fiscal year and in the fiscal year exceeding such fiscal year. Funds described in the preceding sentence shall be allotted among schools of nursing in such manner as the Secretary determines will best carry out this subpart, except that in making such allotments, the Secretary shall give priority to schools of nursing which established student loan funds under this subpart after September 30, 1975.

"(b) Allotments to a loan fund of a school shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.".

(b) DISTRIBUTION OF ASSETS.—Section 839 (42 U.S.C. 297e) is amended—

(1) by striking out "1987," each place it appears in subsections (a) and (b) and inserting in lieu thereof "1991,"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) Within 90 days after the termination of any agreement with a school under section 835 or the termination in any other manner of a school's participation in the

loan program under this subpart, such school shall pay to the Secretary, from the balance of the loan fund of such school established under section 835, an amount which bears the same ratio to the balance in such fund on the date of such termination as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to section 835(b)(2)(A) bears to the total amount in such fund on such date derived from such Federal capital contributions and from funds deposited in the fund pursuant to section 835(b)(2)(B). The remaineder of such balance shall be paid to the school.

"(2) A school to which paragraph (1) applies shall pay to the Secretary, after the date on which payment is made under such paragraph and not less than quarterly, the same proportionate share of amounts received by the school after the date of termination referred to in paragraph (1) in payment of principal or interest on loans made from the loan fund as was determined for the Secretary under such paragraph.".

SEC. 8. LOANS.

Subpart II of part B of title VIII is amended by adding at the end the following:

"GENERAL PROVISIONS

"SEC. 842. (a) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school with which the Secretary has an agreement under this subpart. Such a collection shall be made on behalf of such school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incure in attempting collection). Scuh a collection may be made only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan referred for collection shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.

"(b) In any case in which the Secretary intends to terminate an agreement with a school under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formeal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

SEC. 8. REPEALS AND TECHNICAL AMENDMENTS.

(a) REPEALS.—Sections 801, 802, 803, 805, 810, 811, and 815 (42 U.S.C. 296, 296a, 296b, 296d, 296e, 296f, and 296j) are repealed.

(b) CONFORMING AMENDMENTS.—(1) Part A of title VIII is amended by striking out the headings for subparts I, II, III, and IV.

(2) Section 851(b) (42 U.S.C. 298(b)) is amended by striking out ", and in the review of applications for construction projects under subpart I of part A, of applications under section 805, and of applications under subpart III of part A".

(3) The heading for part A of title VIII is amended to read as follows:

"PART A—SPECIAL PROJECTS".

(4) The heading for title VIII is amended to read as follows:

"TITLE VIII—NURSE EDUCATION".

(c) TECHNICAL AMENDMENTS.—

(1)(A) Section 804 (42 U.S.C. 296c) is redesignated as section 858 and is amended to read as follows:

"RECOVERY FOR CONSTRUCTION ASSISTANCE

"SEC. 858. (a) If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1984)—

"(1) The facility is sold or transferred to an entity which is not a public or nonprofit school or the owner shall cease to be a public or nonprofit school,

"(2) the facility shall cease to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover, whether from the transferor or the transferee (or, in the case of a facility which has ceased to be a public or nonprofit school or to be used for a purpose referred to in paragraph (2) or is used for sectarian instruction or religious worship, from the owners thereof) an amount determined under subsection (c).

"(b) The transferor of a facility which is sold or transferred as described in paragraph (1) of subsection (a), the owner of a facility which ceases to be a public or nonprofit school, or the owner of a facility the use of which is changed as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such sale, transfer, or change—

"(1) not later than—

"(A) ten days after the date on which such sale, transfer, or change of use occurs, in the case of a facility which is sold or transferred or the use of which changes on or after the date of the enactment of this subsection, or

"(B) thirty days after the date of the enactment of this subsection, in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection, or

"(2) if the Secretary determines that such notice with respect to such change should more appropriately be made in the annual report to the Secretary of the person required to provide such notice, in the first such report after such change.

"(c)(1) Except as provided in paragraph (2), the amount the United States shall be entitled to recover under subsection (a) is an amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district for which the facility involved is situated) of so much of the facility as constituted an approved project or projects as the amount of the Federal participation bore to the cost of the construction of such project or projects.

"(2)(A) After the expiration of—

"(i) 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b) in the case of a facility which is sold or transferred or the use of which changes on or after the date of the enactment of this subsection, or

"(ii) thirty days after the date of enactment of this subsection or, if later 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b), in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection,

the amount which the United States is entitled to recover under paragraph (1) with respect to a facility shall be the amount prescribed by paragraph (1) plus interest, during the period described in subparagraph (B), at a rate (determined by the Secretary) based on the average of the bond equivalent of the weekly ninety-one-day Treasury bill auction rate.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection, thirty days after such date or if later 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b),

"(ii) in the case of a facility which was sold or transferred or the use of which changes on or after the date of enactment of this subsection, and with respect to which notice is provided in accordance with subsection (b), upon the expiration of 180 days after the receipt of such notice, or

"(iii) in the case of a facility which was sold or transferred or the use of which changes on or after the date of enactment of this subsection, and with respect to which such notice is not provided as prescribed by subsection (b), on the date of the sale, transfer, or changes for which such notice was to be provided,

and ending on the date the amount the United States is entitled to under paragraph (1) is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility in any State if the Secretary determines, in accordance with regulations, that there is good cause for waiving such rights with respect to such facility.

"(e) The right of recovery of the United States under subsection (a) shall not constitute a lien on any facility with respect to which funds have been paid under this title.".

(B) Within one hundred and eighty days after the date of the enactment of this section, the Secretary shall have in effect regulations to carry out subsection (b) of section 858 of the Public Health Service Act (as added by the amendment made by subparagraph (A)).

(2) Section 853(1) (42 U.S.C. 298b(1)) is amended by striking out "the Canal Zone," and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands,".

(3) Section 853(6) (42 U.S.C. 298(6)) is amended to read as follows:

"(6) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education, except that a school of nursing seeking an agreement under subpart II of part B for the establishment of a student

loan fund, which is not, at the time of the application under such subpart, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of such subpart if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the agreement with such school is made under such subpart; except that the provisions of this clause shall not apply for purposes of section 838. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill H.R. 2370 extends for 3 years the programs of assistance for nursing students and nursing schools. The authorization levels for 1986 are the same as appropriations for 1985.

The Federal Government has recognized the need for adequately educated nurses for a number of years. In years past, much of the Federal effort has been directed toward simply getting enough nurses to staff hospitals, clinics, and nursing homes. In this effort the old programs of the Public Health Service have been remarkably successful.

More recently, however, a different shortage of nurses has been identified. The Institute of Medicine and the National Academy has reported to the Congress that there is and will continue to be a shortage of nurses prepared for advanced practice—nurse midwives, nurse practitioners, and nursing administrators and educators. As science advances in care, the need for specially trained nurses—such as those in coronary care or in intensive care—increases also.

But the supply of these specially trained nurses is not keeping up with the growth in need. Just last year the Department of Health and Human Services estimated that within 15 years, the Nation will have only half the number of specially trained nurses needed.

This is especially important in a time of diminishing resources for providing care for the poor. Nurse midwives and nurse practitioners have long been relied upon to provide high quality care to the poor at relatively low cost.

The bill provides continued support directly to students, as well as program support for the schools and graduate programs. The authorization level is a "freeze" level.

I urge my colleagues to support the bill.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2370, a bill which provides a 3-year reauthorization of the public Health Service's nursing education programs. Since the establishment of these programs in the mid-1960's, the ability of nursing schools to supply our society with highly trained nurses has changed dramatically. Because the country no longer faces a shortage of nurses, it had become necessary to reassess the focus and level of Federal funding. This legislation is the result of such a reassessment.

H.R. 2370 incorporates many of the recommendations of the Institute of Medicine's study on nursing and nursing education policies, by focusing Federal grants on the training of nurse practitioners and nursing education programs which lead to masters and doctoral degrees. The legislation also authorizes funds for special projects and demonstration projects which will focus on specific needs of the nursing profession and alternative methods of patient care delivery.

The authorization levels in H.R. 2370 for fiscal years 1986 through 1988 are $50.3 million, $52.8 million, and $55.51 million respectively. These authorization levels represent a freeze of the 1985 appropriation in fiscal 1986 and 5 percent inflationary increases in fiscal years 1987 and 1988. Although the administration proposed to eliminate funding for the nursing programs in its 1986 budget proposal, both the House and Senate budget resolutions include funding for these programs at the 1985 appropriation level. The fiscal year 1986 authorization levels contained in this legislation, as reported by the Committee on Energy and Commerce, conform with both budget resolutions.

In conclusion, I urge my colleagues to join me in supporting H.R. 2370.

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Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2370, the nurse training amendments. I would like to thank the gentleman from California, the distinguished chairman of the Subcommittee on Health and the Environment, Mr. WAXMAN, and the ranking minority member gentleman from Illinois Mr. MADIGAN, for bringing, this important health education legislation before us today.

While the Federal Government has provided assistance for nursing education since the 1930's, the first compehensive proposal to provide funds for these programs was not established until 1964. At that time the Nurse Training Act was passed in response to a severe nationwide shortage of professional nurses. Under title VIII of the Public Health Services Act we have been able to provide institutional support for nursing schools as well as direct financial assistance to nursing students. Since 1964 the number of registered nurses has more than doubled from 550,000 to 1.7 million. Many studies however, suggest that shortages of nurses educated for specialized and independent practice still exist. It is essential therefore, that we in Congress continue to respond accordingly by enacting this legislation.

Among the programs authorized in this measure, H.R. 2370 establishes new program initiatives in clinical nursing education programs for acute care, long-term care and ambulatory care facilities. This new program coupled with demonstration projects focusing on improved geriatric care and nursing practice arrangements for noninstitutional settings, are especially timely. As our senior citizens population continues to grow we must be able to address their health care needs efficiently and effectively. Adoption of H.R. 2370 will help us achieve that goal.

H.R. 2370 also provides support for advanced nurse training and programs in nurse practioner and nurse midwife training. While our medical doctors provide a very real service, it is the nurses who establish and maintain that vital human contact with the patient. Let us appropriately acknowledge their contribution and their talents by adopting this legislation.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to correct a technical error by renumbering a section in the bill, as follows:

Page 15, line 18 strike "SEC. 8." and insert "SEC. 9." in lieu thereof.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of our time.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. NIELSON], a

member of the Health and Environment Subcommittee.

Mr. NIELSON of Utah. Mr. Speaker, this bill did go through the Health and Environment Subcommittee and also the full committee with relatively little opposition. The main concern was whether or not we should continue the program. Evidence was given that there is still a shortage in certain areas of the nursing profession, even though in total there is not a shortage that there was in 1960 when this program was started.

I was opposed to the bill to begin with because it was overbudgeted; however, the committee did bring it down so that it is now at a freeze at last year's level. Both the House and the Senate are agreeing to keep this program. The budget is agreed on both areas.

Therefore, I now will support the bill; however, I do think that we ought to take a good look at these programs which were put in during the years right after the Vietnam war in the sixties, both the nurse training amendments and the health manpower program which is to come in a few minutes, and take a look at phasing these out over a period of time. We do not have the political clout to do it at this time, but I do think we need to take a very good look at them.

Although I am reluctant to support it, I think we should make a very careful examination of the health professions. We need to be sure that we have an adequate supply. We need to be sure also that we do not have an oversupply and that is where we have to be very careful.

I can see a lot of monitoring. For those reasons, I do support the bill, because it has been accepted by the committee and the finances have been brought back in line, but I think it is something that we need to take a very careful look at.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the ranking member of the full committee, the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, I thank the gentleman for yielding.

I would like the attention of the gentleman from Illinois and also of the gentleman from California.

A number of Members have asked me questions with respect to the authorization levels in these bills. I have assured them that these bills contain the dollar figures that have been included in the budget which also are lower than the figures that were included in last year's bill.

On that basis, I am urging my colleagues to support this legislation as it is brought up under suspension today.

This bill, H.R. 2370, has lower authorization levels than last year's bill. This was done in an effort to try to accommodate the concern of the minority with increasing authorization levels.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding to me.

The gentleman is correct, that last year the authorization was $69 million. The authorization for 1985 is $50.3 million.

There is some question I would raise as to the full accuracy of the gentleman's statement when it comes to the outyears; but what we have done is frozen the authorization and allowed increases thereafter only for the 5 percent. This is much less than what was authorized for the program last year and what was authorized in the bill that passed the Congress at the end of the last Congress.

Mr. MADIGAN. Mr. Speaker, if I may reclaim my time and respond to the gentleman, the bill last year proposed authorizations of $75 million in 1987 and $81 million in 1988.

In this bill as a result of the Broyhill amendment being adopted in the committee, rather than $75 million, the authorization is $52 million; and rather than $81 million, it is $55 million. This bill is not only substantially less than the bill last year, but is also substantially less than the bill that is pending in the Senate.

Mr. BROYHILL. Mr. Speaker, if the gentleman will yield further, I thank the gentleman for that explanation.

Mr. Speaker, on the basis of that, I urge my colleagues to vote for and support this bill today.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman from North Carolina for his contribution today as well as his help in fashioning this compromise in the committee.

● Mr. WALGREN. Mr. Speaker, I am pleased today to support H.R. 2370, the extension of the Nurse Training Act. As a member of the Health Subcommittee, I am all too keenly aware of the need to make sure we have an adequate supply of health personnel in the needed specialities and in all places where they are needed. Several studies, including the National Academy of Sciences and the Surgeon General have found that we are facing nursing shortages in certain speciality and geographic areas. This bill is designed to respond to some of those projected shortfalls.

Nurses are the largest single health professions group in the country today and are probably the most versatile of health professionals. Having broad experience, they often have broad responsibilities. In many hospitals and nursing homes, nurses are often the only professionals on duty around the clock.

There is one future challenge to nursing that particularly concerns me, a challenge that could turn into a crisis: How to deal with the medical needs of the increasing number of elderly in our population. I am grateful that the committee agreed to my amendments which placed special emphases on geriatric training for nurses by directing the Public Health Service to give priority to training projects in geriatric nursing.

By the year 2000, the number of Americans over age 65 will increase by 10 million and the number of people over age 85 will double. The elderly will make 40 percent more doctors visits and require 50 percent more hospitals care. Health care expenditures for older people are generally three and one half times that of people under 65.

ADEQUACY OF CARE TODAY QUESTIONED

Several studies have revealed that nursing care of the elderly today is hardly in excess. The average nursing home patient in a skilled nursing facility receives only 12 minutes of direct care by a registered nurse per day and only 7 minutes per day in an intermediate care facility. Only 22 percent of nursing homes have a registered nurse on duty around the clock. In many cases, nursing functions are performed by aides and licensed practical nurses.

Perhaps more compelling than the raw numbers is the finding of the National Academy of Sciences on the quality of health care for the elderly: "There is a tendency for nurses and physicians alike to inappropriately dismiss treatable symptoms, too often automatically regarding them as a part of an inevitable, irreversible process of aging. The result is unnecessary disability and institutionalization. Many elderly could remain at home, or in a less restrictive evironment, if a greater emphasis were placed on their special needs. . . ." The Academy has observed that the largest single group that suffers from lack of adequate nursing services today is the elderly. Thus, even with the nurses we have, the elderly are not getting proper health care.

NURSING CARE IN THE FUTURE

The problem of providing adequate nursing care to the elderly is only going to get worse in the future. There will be more elderly people and there will be move elderly people with disabilities (now 45 percent of all elderly). If current training, salary, and staffing levels continue, an insufficient number of nurses will be attracted to geriatric nursing. In addition, changes in health care financing and delivery are expected to place more responsibility on nurses. Predictions are that nurses will provide up to 50 percent of outpatient care to the elderly now provided by doctors.

The 1981 White House Conference on Aging predicted a shortfall of 75,000 nurses in institutional long-term care and 20,000 more RN's will be needed by 2000. Our needs for community health nurses to provide home health care for the 95 percent of elderly who live at home will double by 1990.

What is the status of training today? In the 1,400 nursing education programs for institutional care, only 1 in 10 have specific courses in geriatric nursing. Less than 1 percent of nurses hold master's or doctoral degrees with a primary focus on geriatrics. The National Institute on Aging has observed that the largest single problem in strengthening the geriatric content of nursing education is the inadequate preparation of faculty. NIA predicts that 2,000 faculty members are needed to teach geriatric nursing.

In the bill, the special emphasis on geriatrics in special projects, the nurse practitioner program and the advanced nurse education program is an effort to respond to these gaps in our health care system. Encouraging good training is only half the battle. We have to design financing programs to attract and retain capable and concerned people to geriatric nursing. Turnover rates in nursing home are over 100 percent per year; employee benefits in nursing homes are woefully inadequate. Scotland and Scandanavia have a markedly different approach—they give salary bonuses to staff who work in geriatrics and long-term care. Our values are now facing a crucial test with repect to health care for the elderly and we must decide if we care enough to create a health care system that will meet their needs.

I hope the House will agree and help us begin to address a problem that is only going to worsen if we do nothing.●

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I do want to express my appreciation to my colleagues on both sides of the aisle in the subcommittee who worked to fashion this legislation, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2370, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2410) to amend the Public Health Service Act to revise and extend the programs under title VII of that act, as amended.

The Clerk read as follows:

H.R. 2410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Educational Assistance Amendments of 1985".

(b) REFERENCE TO ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PART A—AUTHORIZATIONS

SEC. 2. SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM.

Section 728(a) (42 U.S.C. 294a(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 737) to borrowers covered by Federal loan insurance under this subpart shall not exceed $250,000,000 for fiscal year 1985, $275,000,000 for fiscal year 1986, $290,000,000 for fiscal year 1987, and $305,000,000 for fiscal year 1988. If the total amount of new loans made and installments paid pursuant to lines of credit in any fiscal year is less than the ceiling established for such year by the preceding sentence, the difference between the loans made and installments paid and the ceiling shall be carried over to the next fiscal year and added to the ceiling applicable to that fiscal year.".

(2) by striking out "1987," in the last sentence and inserting in lieu thereof "1991,".

SEC. 3. STUDENT LOANS.

(a) AUTHORIZATION.—Section 742(a) (42 U.S.C. 294o(a)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$2,000,000 for the fiscal year ending September 30, 1986, $2,100,000 for the fiscal year ending September 30, 1987, and $2,200,000 for the fiscal year ending September 30, 1988".

(b) DISTRIBUTION OF ASSETS.—Section 743 (42 U.S.C. 294p) is amended by striking out "1987" each place it appears and inserting in lieu thereof "1991".

SEC. 4. SCHOLARSHIPS FOR STUDENTS OF EXCEPTIONAL FINANCIAL NEED.

Section 758(d) (42 U.S.C. 294z(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$7,000,000 for the fiscal year ending September 30, 1986, $7,350,000 for the fiscal year ending September 30, 1987, and $7,700,000 for the fiscal year ending September 30, 1988".

SEC. 5. DEPARTMENTS OF FAMILY MEDICINE.

Section 780(c) (42 U.S.C. 295g(c)) is amended by striking out "and" after "1983," and by inserting a comma and "$7,500,000 for the fiscal year ending September 30, 1986, $7,900,000 for the fiscal year ending September 30, 1987, and $8,300,000 for the fiscal year ending September 30, 1988," after "1984".

SEC. 6. AREA HEALTH EDUCATION CENTERS.

The first sentence of section 781(g) (42 U.S.C. 295g-1(g)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$18,000,000 for the fiscal year ending September 30, 1986, $18,900,000 for the fiscal year ending September 30, 1987, and $19,800,000 for the fiscal year ending September 30, 1988".

SEC. 7. PHYSICIAN ASSISTANTS.

Section 783(d) (42 U.S.C. 295g-3(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$4,800,000 for the fiscal year ending September 30, 1986, $5,000,000 for the fiscal year ending September 30, 1987, and $5,250,000 for the fiscal year ending September 30, 1988".

SEC. 8. GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS.

Section 784(b) (42 U.S.C. 295g-4(b)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$19,800,000 for the fiscal year ending September 30, 1986, $20,600,000 for the fiscal year ending September 30, 1987, and $24,000,000 for the fiscal year ending September 30, 1988".

SEC. 9. FAMILY MEDICINE AND GENERAL PRACTICE OF DENTISTRY.

Section 786(c) (42 U.S.C. 295g-6(c)) is amended—

(1) by striking out "and" after "1983," and by inserting before the period a comma and "$37,100,000 for the fiscal year ending September 30, 1986, $38,800,000 for the fiscal year ending September 30, 1987, and $43,000,000 for the fiscal year ending September 30, 1988"; and

(2) by striking out "and" after "1983," in the second sentence and by inserting "September 30, 1986, September 30, 1987, and September 30, 1988," after "1984,".

SEC. 10. EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

The first sentence of section 787(b) (42 U.S.C. 295g-7(b)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$24,000,000 for the fiscal year ending September 30, 1986, $25,200,000 for the fiscal year ending September 30, 1987, and $26,500,000 for the fiscal year ending September 30, 1988".

SEC. 11. CURRICULUM DEVELOPMENT AND FACULTY TRAINING GRANTS.

Section 788(f) (42 U.S.C. 295g-8(f)) is amended—

(1) by inserting "(1)" before "For";

(2) by striking out "this section," and inserting in lieu thereof "subsections (a), (b), (c), (e), and (f),";

(3) by striking out "and" after "1983;";

(4) by inserting before the period a semicolon and "$3,000,000 for the fiscal year ending September 30, 1986; $3,200,000 for the fiscal year ending September 30, 1987; and $3,300,000 for the fiscal year ending September 30, 1988"; and

(5) by adding at the end thereof the following:

"(2) For purposes of subsection (d), there are authorized to be appropriated $2,000,000 for the fiscal year ending September 30, 1986; $3,000,000 for the fiscal year ending September 30, 1987; and $3,000,000 for the fiscal year ending September 30, 1988.".

SEC. 12. ADVANCED FINANCIAL DISTRESS ASSISTANCE.

The first sentence of section 788B(h) (42 U.S.C. 295g-8b(h)) is amended by inserting

before the period a comma and "$4,200,000 for the fiscal year ending September 30, 1986, and $3,800,000 for the fiscal year ending September 30, 1987".

SEC. 13. GRADUATE PROGRAMS IN HEALTH ADMINISTRATION.

Section 791(d) (42 U.S.C. 295h(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,500,000 for the fiscal year ending September 30, 1986, $1,575,000 for the fiscal year ending September 30, 1987, and $1,650,000 for the fiscal year ending September 30, 1988".

SEC. 14. TRAINEESHIPS FOR STUDENTS IN OTHER GRADUATE PROGRAMS.

Section 791A(c) (42 U.S.C. 295h-1a(c)) is amended by striking out "and" after "1980;", and by inserting before the period a semicolon and "$500,000 for the fiscal year ending September 30, 1986; $525,000 for the fiscal year ending September 30, 1987; and $551,000 for the fiscal year ending September 30, 1988".

SEC. 15. PUBLIC HEALTH TRAINEESHIPS.

Section 792(c) (42 U.S.C. 295h-1b(c)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$3,000,000 for the fiscal year ending September 30, 1986; and $3,150,000 for the fiscal year ending September 30, 1987; and $3,300,000 for the fiscal year ending September 30, 1988".

SEC. 16. TRAINING IN PREVENTIVE MEDICINE.

Section 793(c) (42 U.S.C. 295h-1c(c)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,600,000 for the fiscal year ending September 30, 1986, and $1,680,000 for the fiscal year ending September 30, 1987, and $1,760,000 for the fiscal year ending September 30, 1988".

PART B—PROGRAM REVISIONS

SEC. 17. SCHOOLS OF CHIROPRACTIC.

(a) DEFINITIONS.—

(1) Section 701(4) (42 U.S.C. 292a(4)) is amended—

(A) by striking out "and" after " 'school of veterinary medicine',";

(B) by inserting a comma and "and 'school of chiropractic' " after " 'school of public health' ";

(C) by striking out "and" after "a degree of doctor of veterinary medicine or an equivalent degree,"; and

(D) by inserting "and a degree of doctor of chiropractic or an equivalent degree," before "and including advanced training related to".

(2) Section 701(5) (42 U.S.C. 292a(5)) is amended—

(A) by striking out "or" after "pharmacy,"; and

(B) by inserting "or chiropractic," after "public health,".

(b) LOANS.—Section 737 (42 U.S.C. 294j) is amended by striking out paragraph (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 18. TRAINING OF PHYSICIAN ASSISTANTS.

Section 701(8) (42 U.S.C. 292a(8)) is amended to read as follows:

"(8)(A) The term 'program for the training of physician assistants' means an educational program which (i) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary health care under the supervision of a physician, and (ii) meets regulations prescribed by the Secretary in accordance with subparagraph (B).

"(B) After consultation with appropriate organizations, the Secretary shall, not later than May 1, 1986, prescribe regulations for programs for the training of physician assistants. Such regulations shall, as a minimum, require that such a program—

"(i) extend for at least one academic year and consist of—

"(I) supervised clinical practice, and

"(II) at least four months (in the aggregate) of classroom instruction,

directed toward preparing students to deliver health care;

"(ii) have an enrollment of not less than eight students; and

"(iii) train students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

SEC. 19. SCHOOLS OF ALLIED HEALTH.

(a) DEFINITION OF SCHOOL.—Section 701(10) (42 U.S.C. 292a(10)) is amended—

(1) by inserting "college," before "junior college,"; and

(2) by striking out "in a discipline of allied health leading to a baccalaureate or associate degree (or an equivalent degree of either) or to a more advanced degree" in subparagraph (A) and inserting in lieu thereof "to enable individuals to become allied health professionals or to provide additional training for allied health professionals".

(b) DEFINITION OF ALLIED HEALTH PROFESSIONAL.—Section 701 is amended by adding at the end thereof the following new paragraph:

"(13) The term 'allied health professional' means an individual—

"(A) who has received a certificate, an associate's degree, a bachelor's degree, a masters' degree, a doctoral degree, or postbaccalaureate training, in a science relating to health care;

"(B) who shares in the responsibility for the delivery of health care services or related services, including—

"(i) services relating to the identification, evaluation, and prevention of diseases and disorders;

"(ii) dietary and nutrition services;

"(iii) health promotion services;

"(iv) rehabilitation services; or

"(v) health systems management services; and

"(C) who does not hold a degree in medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, chiropractic, health administration, or clinical psychology.".

(c) STUDY.—

(1) The Secretary of Health and Human Services shall conduct or enter into contracts for the conduct of analytic and descriptive studies of the allied health professions, chiropractors, clinical psychologists, veterinarians, optometrists, pharmacists, podiatrists, public health professionals, and health administrators. The studies shall include evaluations and projections of the supply of, and requirements for, each such profession by specialty and geographic location. The Secretary shall include in the report submitted on October 1, 1987 under section 708(d)(1) of the Public Health Service Act the results of the studies conducted under this paragraph.

(2) The authority of the Secretary of Health and Human Services to enter into contracts under paragraph (1) shall be effective for any fiscal year only to the extent or in such amounts as are provided in advance by appropriation Acts.

SEC. 20. GRADUATE PROGRAMS IN CLINICAL PSYCHOLOGY.

(a) DEFINITIONS.—

(1) Section 701 (42 U.S.C. 292a) (as amended by section 19 of this Act) is further amended by adding at the end thereof the following new paragraph:

"(14) The term 'graduate program in clinical psychology' means an accredited graduate program in a public or nonprofit private institution in a State which provides training leading to a doctoral degree in clinical psychology or an equivalent degree.".

(2) Section 701(5) (42 U.S.C. 292a(5)) (as amended by section 17 of this Act) is further amended—

(A) by striking out "or" after "chiropractic,"; and

(B) by inserting "or a graduate program in clinical psychology," after "health administration,".

(b) LOANS.—Section 737 (42 U.S.C. 294j) (as amended by section 17 of this Act) is further amended by striking out paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 21. NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION.

The last sentence of section 702(a) (42 U.S.C. 292b(a)) is amended to read as follows: "Of the appointed members of the Council—

"(1) twelve shall be representatives of the health professions schools assisted under programs authorized under this title, including—

"(A) one representative of each of schools of veterinary medicine, optometry, pharmacy, podiatry, public health, and allied health, and graduate programs in health administration; and

"(B) at least six persons experienced in university administration, at least one of whom shall be a representative of a school described in subparagraph (A);

"(2) two shall be full-time students enrolled in health professions schools; and

"(3) six shall be members of the general public.".

SEC. 22. TECHNICAL ASSISTANCE.

Section 709(d) (42 U.S.C. 292i(d)) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

SEC. 23. RECOVERY OF ASSISTANCE.

(a) AMENDMENT.—Section 723 (42 U.S.C. 293c) is amended to read as follows:

"RECOVERY

"SEC. 723. (a) If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulations for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a)—

"(1)(A) in the case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under section 720(a)(1), the facility is sold or transferred to an entity that would not be qualified to file an application under section 605 or the owner shall cease to be a public or other nonprofit entity that would be qualified to file such an application,

"(B) in the case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of section 720(a), the facility is sold or transferred to an entity which is not a public or nonprofit school or the owner shall cease to be a public or nonprofit school, or

"(C) in the case of a facility which was a facility with respect to which funds have

been paid under section 720(a)(2), the facility is sold or transferred to an entity which is not a public or nonprofit school or the owner shall cease to be a public or nonprofit school,

"(2) the facility shall cease to be used for the teaching or training purposes (or other purposes permitted under section 722) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover, whether from the transferor or the transferee (or, in the case of a facility which has ceased to be an entity qualified to file an application under section 605 or a public or nonprofit school or ceased to be used for a purpose referred to in paragraph (2) or is used for sectarian instruction or religious worship, from the owners thereof) an amount determined under subsection (c).

"(b) The transferor of a facility which is sold or transferred as described in paragraph (1) of subsection (a), the owner of a facility which ceases to be a qualified public or other nonprofit entity or a public or nonprofit school, or the owner of a facility the use of which is changed as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such sale, transfer, or change—

"(1) not later than—

"(A) ten days after the date on which such sale, transfer, or change of use occurs, in the case of a facility which is sold or transferred or the use of which changes on or after the date of the enactment of this subsection, or

"(B) thirty days after the date of the enactment of this subsection, in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection, or

"(2) if the Secretary determines that such notice with respect to such change should more appropriately be made in the annual report to the Secretary of the person required to provide such notice, in the first such report after such change.

"(c)(1) Except as provided in paragraph (2), the amount the United States shall be entitled to recover under subsection (a) is an amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district for which the facility involved is situated) of so much of the facility as constituted an approved project or projects as the amount of the Federal participation bore to the cost of the construction of such project or projects.

"(2)(A) After the expiration of—

"(i) 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b), in the case of a facility which is sold or transferred or the use of which changes on or after the date of the enactment of this subsection, or

"(ii) thirty days after the date of the enactment of this subsection or if later 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b), in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection,

the amount which the United States is entitled to recover under paragraph (1) with respect to a facility shall be the amount prescribed by paragraph (1) plus interest, during the period described in subparagraph (B), at a rate (determined by the Secretary) based on the average of the bond equivalent of the weekly ninety-one-day Treasury bill auction rate.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) in the case of a facility which was sold or transferred or the use of which changes before the date of the enactment of this subsection, thirty days after such date or if later 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b),

"(ii) in the case of a facility which was sold or transferred or the use of which changes on or after the effective date of this subsection, and with respect to which notice is provided in accordance with subsection (b), upon the expiration of 180 days after the receipt of such notice, or

"(iii) in the case of a facility which was sold or transferred or the use of which changes on or after the effective date of this subsection, and with respect to which such notice is not provided as prescribed by subsection (b), on the date of the sale, transfer, or change of use for which such notice was to be provided,

and ending on the date the amount the United States is entitled to under paragraph (1) is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility in any State if the Secretary determines, in accordance with regulations, that there is good cause for waiving such rights with respect to such facility.

"(e) The right of recovery of the United States under subsection (a) shall not constitute a lien on any facility with respect to which funds have been paid under section 606.".

(b) REGULATIONS.—Within one hundred and eighty days after the effective date of this Act, the Secretary shall have in effect regulations to carry out subsection (b) of section 723 of the Public Health Service Act (as added by the amendment made by subsection (a) of this section).

SEC. 24. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) ELIGIBLE BORROWER.—

(1) Section 731(a)(1)(A) (42 U.S.C. 294d(a)(1)(A)) is amended by striking out "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and".

(2) Section 731(a)(1)(B) (42 U.S.C. 294d(a)(1)(B)) is amended by striking out "and" at the end of clause (ii) and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and".

(b) NOTE.—

(1) Section 731(a)(2)(B) (42 U.S.C. 294d (a)(2)(B)) is amended to read as follows:

"(B) provides for repayment of the principal amount of the loan in installments over a period of not less than 10 years (unless sooner repaid) nor more than 25 years beginning not earlier than 9 months nor later than 12 months after the later of—

"(i) the date on which—

"(I) the borrower ceases to be a participant in an accredited internship or residency program of not more than four years in duration;

"(II) the borrower completes the fourth year of an accredited internship or residency program of more than four years in duration; or

"(III) the borrower, if not a participant in a program described in subclause (I) or (II), ceases to carry, at an eligible institution, the normal full-time academic workload as determined by the institution; or

"(ii) the date on which a borrower who is a graduate of an eligible institution ceases to be a participant in a fellowship training program not in excess of two years or in a full-time educational activity not in excess of two years, which—

"(I) is directly related to the health profession for which the borrower prepared at an eligible institution, as determined by the Secretary; and

"(II) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in a program described in subclause (I) or (II) of clause (i) or prior to the completion of the borrower's participation in such program,

except as provided in subparagraph (C), except that the period of the loan may not exceed 33 years from the date of execution of the note or written agreement evidencing it, and except that the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the costs of insurance premiums or other default by the borrower, as may be authorized by regulations of the Secretary in effect at the time the loan is made;".

(2) Section 731(a)(2)(C) (42 U.S.C. 294d(a)(2)(C)) is amended—

(A) by inserting "(including any period in such a program described in subclause (I) or subclause (II) of subparagraph (B)(i))" before the comma in clause (ii);

(B) by striking out "or the 33-year period" in clause (vi);

(C) by striking out "or" after "National Health Service Corps," in clause (v); and

(D) by inserting "or (vii) any period not in excess of two years which is described in subparagraph (B)(ii)" after "Domestic Volunteer Service Act of 1973,".

(3)(A) The provisions of clause (i) of section 731(a)(2)(B) of the Public Health Service Act (as amended by paragraph (1) of this subsection) and the provisions of clauses (ii) and (vi) of section 731(a)(2)(C) of such Act (as amended by subparagraphs (A) and (B) of paragraph (2)) shall not apply to any individual who, prior to the effective date of this Act, received a loan insured under subpart I of part C of title VII of such Act.

(B) The provisions of clause (ii) of section 731(a)(2)(B) of the Public Health Service Act and clause (vii) of section 731(a)(2)(C) of such Act (as added by the amendments made by paragraphs (1) and (2)(D) of this subsection, respectively) shall apply to any loan insured under subpart I of part C of title VII of such Act after the effective date of this Act.

(4) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out clause (ii) of section 731(a)(2)(B) of the Public Health Service Act and clause (vii) of section 731(a)(2)(C) of such Act (as added by the amendments made by paragraphs (1) and (2)(D) of this subsection, respectively). Such regulations shall—

(A) prescribe criteria for the determination of the types of fellowship training programs and full-time educational activities which will be permitted under such clauses; and

(B) establish procedures for a borrower to apply to the Secretary for a determination concerning whether a particular fellowship training program or full-time educational activity will be permitted under such clauses.

(c) INTEREST RATE.—(1) Section 731(b) (42 U.S.C. 294d(b)) is amended by striking out "3½" and inserting in lieu thereof "3".

(2) The amendment made by paragraph (1) of this subsection shall apply to any loan insured under subpart I of part C of title VII of the Public Health Service Act after the effective date of this Act.

(d) PAYMENTS.—Section 731(c) (42 U.S.C. 294d(c)) is amended—

(1) by striking out "section 731(a)(2)(C)" and inserting in lieu thereof "subsection (a)(2)(C)"; and

(2) by inserting before the period a comma and "unless the borrower, in the written agreement described in subsection (a)(2), agrees to make payments during any year or any repayment period in a lesser amount".

(e) PREMIUMS.—Section 732(c) (42 U.S.C. 294e(c)) is amended—

(1) by inserting "(1)" before "The";

(2) by striking out "2" in the first sentence and inserting in lieu thereof "4";

(3) by striking out "in advance, at such times and" in the first sentence and inserting in lieu thereof "in advance at the time the loan is made"; and

(4) by adding at the end thereof the following new paragraph:

"(2) The Secretary may not increase the percentage per year on the principal balance of loans charged pursuant to paragraph (1) for insurance premiums, unless the Secretary has, prior to any such increase—

"(A) requested a qualified public accounting firm to evaluate whether an increase in such percentage is necessary to ensure the solvency of the student loan fund established by section 734, and to determine the amount of such an increase, if necessary; and

"(B) such accounting firm has recommended such an increase and has determined the amount of such increase necessary to ensure the solvency of such fund.

The Secretary may not increase such percentage in excess of the maximum percentage permitted by paragraph (1) or increase such percentage by an amount in excess of the amount of the increase determined by a qualified accounting firm pursuant to this paragraph.".

(f) LOAN FUND.—The first sentence of subsection (a) of section 734 (42 U.S.C. 294g) and the first sentence of subsection (b) of such section are each amended by inserting "collection or" before "default".

(g) LIMITATIONS.—

(1) Section 729(a) (42 U.S.C. 294b(a)) is amended by inserting "allied health," after "public health," each place it appears.

(2) Section 737 (42 U.S.C. 294j) (as amended by this part) is further amended—

(A) by inserting a comma and "allied health," after "public health" in paragraph (1); and

(B) by adding at the end thereof the following new paragraph:

"(4) The term 'school of allied health' means a program in a school of allied health (as defined in section 701(10)) which leads to a masters' degree or a doctoral degree.".

(h) JOINT PAYMENT.—Section 731(a)(2) (42 U.S.C. 294d) is amended by striking out "and" at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following:

"(G) provides that the loan shall be made payable jointly to the borrower and the eligible institution in which the borrower is enrolled; and".

SEC. 25. HEALTH PROFESSIONS STUDENT LOAN PROGRAM.

(a) LOAN AGREEMENTS.—

(1) Section 740(a) (42 U.S.C. 294m(a)) is amended—

(A) by striking out "or veterinary medicine" and inserting in lieu thereof "veterinary medicine, public health, or chiropractic"; and

(B) by inserting before the period "and with any public or other nonprofit school which is located in a State and which offers an accredited graduate program in clinical psychology".

(2) Section 740(b)(4) (42 U.S.C. 294m(b)(4)) is amended—

(A) by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry";

(B) by striking out "or" before "doctor of veterinary medicine"; and

(C) by inserting a comma and "or doctor of chiropractic or an equivalent degree, a graduate degree in public health or an equivalent degree, or a doctoral degree in clinical psychology or an equivalent degree" before the semicolon.

(b) LOAN PROVISIONS.—

(1) Section 741(b) (42 U.S.C. 294n(b)) is amended—

(A) by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry";

(B) by striking out "or" before "doctor of veterinary medicine"; and

(C) by inserting a comma and "or doctor of chiropractic or an equivalent degree, a graduate degree in public health or an equivalent degree, or a doctoral degree in clinical psychology or an equivalent degree" before the period.

(2) Section 741(f)(1)(A) (42 U.S.C. 294n(f)(1)(A)) is amended by striking out "or doctor of podiatry or an equivalent degree" and inserting in lieu thereof "doctor of pharmacy or an equivalent degree, doctor of podiatry or an equivalent degree, or doctor of chiropractic or an equivalent degree, a graduate degree in public health, or a doctoral degree in clinical psychology".

(c) CHIROPRACTIC SCHOOLS.—Section 742(a) (42 U.S.C. 294o(a)) is amended by adding at the end thereof the following: "Of the amount appropriated under this subsection for any fiscal year, not more than 4 percent of such amount may be made available for Federal capital contributions for student loan funds at schools of chiropractic.".

(d) DEFINITION.—Subpart II of part C of title VII is amended by adding at the end thereof the following new section:

"DEFINITION

"SEC. 745. For purposes of this subpart, the term 'school of pharmacy' means a public or nonprofit private school in a State which provides training leading to a degree of bachelor of science in pharmacy or an equivalent degree or a degree of doctor of pharmacy or an equivalent degree and which is accredited in the manner described in section 701(5).".

(e) DISADVANTAGED BACKGROUNDS.—Section 740(b) (42 U.S.C. 294m(b)) is amended by adding after paragraph (6) the following: "With respect to fiscal years beginning after the fiscal year ending September 30, 1985, each agreement shall provide that at least one-half of the Federal contribution in such fiscal years to the student loan fund of the school shall be used to make loans to individuals from disadvantaged backgrounds as determined in accordance with criteria in effect on September 30, 1984, which were prescribed by the Secretary under section 787.".

(f) DRAFT REGISTRATION.—Section 741(b) (42 U.S.C. 294n(b)) (as amended by this section) is further amended by inserting "(1)" after "student" and by inserting before the period a comma and the following: "and (2) who if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section".

(g) PAYMENTS.—

(1) Section 741(c) (42 U.S.C. 294n(c)) is amended to read as follows:

"(c) Such loans shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins one year after the student ceases to pursue a full-time course of study at a school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, veterinary medicine, public health, or chiropractic, or in a graduate program in clinical psychology, excluding from such ten-year period—

"(1) all periods—

"(A) not in excess of three years of active duty performed by the borrower as a member of a uniformed service;

"(B) not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act; and

"(C) during which the borrower participates in advanced professional training, including internships and residencies; and

"(2) a period—

"(A) not in excess of two years during which a borrower who is a full-time student in such a school or program leaves the school or program, with the intent to return to such school or program as a full-time student, in order to engage in a full-time educational activity which is directly related to the health profession for which the individual is preparing, as determined by the Secretary; or

"(B) not in excess of two years during which a borrower who is a graduate of such a school or program is a participant in a fellowship training program or a full-time educational activity which—

"(i) is directly related to the health profession for which such borrower prepared at such school or program, as determined by the Secretary; and

"(ii) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in advanced professional training described in paragraph (1)(C) or prior to the completion of such borrower's participation in such training.".

(2) The provisions of section 741(c)(2)(A) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) shall apply to—

(A) any individual who received a loan under subpart II of part C of title VII of the Public Health Service Act and to whom the provisions of such section (if such provisions had been in effect) would have applied between June 17, 1982, and July 7, 1983; and

(B) any individual who, after the effective date of this Act, is a full-time student in a

school or program referred to in such section and who (prior to, on, or after the effective date of this Act), received a loan under such subpart to assist such student in their studies in such school or program.

(3) The provisions of section 741(c)(2)(B) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) shall apply to any loan made under subpart II of part C of title VII of such Act after the effective date of this Act.

(4) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out section 741(c)(2) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) with respect to any loan made under subpart II of part C of title VII of such Act on or after the effective date of this Act. Such regulations shall—

(A) with respect to the provisions of subparagraph (A) of such section—

(i) prescribe criteria for the determination of the types of full-time educational activities which will be permitted under such subparagraph;

(ii) require the school or program in which the borrower was enrolled as a full-time student to determine, prior to the borrower's leaving such school or program, whether an educational activity in which the student proposes to engage qualifies for purposes of such subparagraph and such regulations; and

(B) with respect to the provisions of subparagraph (B) of such section—

(i) prescribe criteria for the determination of the types of fellowship training programs and full-time educational activities which will be permitted under such subparagraph; and

(ii) establish procedures for a borrower to apply to the Secretary for a determination concerning whether a particular fellowship training program or full-time educational activity will be permitted under such subparagraph.

(h) CHARGES.—

(1) Section 741(i) (42 U.S.C. 294n(i)) is amended to read as follows:

"(i) Subject to regulations of the Secretary, a school may assess a charge with respect to loans made under this subpart to cover the costs of insuring against cancellation of liability under subsection (d).".

(2) Section 741(j) (42 U.S.C. 294n(j)) is amended—

(A) by inserting "and in accordance with this section" after "Secretary" in the first sentence;

(B) by striking out "may" in such sentence and inserting in lieu therof "shall"; and

(C) by striking out the second sentence and inserting in lieu thereof the following: "No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment.".

(i) COLLECTIONS.—Section 741 (42 U.S.C. 294n) is amended by adding at the end thereof the following new subsection:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.".

(j) RETURNED FUNDS.—Section 742(b) (42 U.S.C. 294o(b)) is amended by adding at the end thereof the following new paragraph:

"(5) Any funds from a student loan fund established under this subpart which are returned to the Secretary in any fiscal year shall be available for allotment under this subpart, in such fiscal year and the fiscal year succeeding such fiscal year, to schools which, during the period beginning on July 1, 1972, and ending on September 30, 1984, established student loan funds with Federal capital contributions under this subpart.".

(k) STUDENT LOAN INFORMATION; APPEAL PROCEDURES.—Subpart II of part C of title VII (as amended by this section) is further amended—

(1) by redesignating section 745 (as added by subsection (d) of this section) as section 747; and

(2) by inserting after section 744 (42 U.S.C. 294q) the following new sections:

"STUDENT LOAN INFORMATION BY INSTITUTIONS

"SEC. 745. (a) With respect to loans made by a school under this subpart after June 30, 1986, each school, in order to carry out the provisions of sections 740 and 741, shall, at any time such school makes such a loan to a student under this subpart, provide thorough and adequate loan information on loans made under this subpart to the student. The loan information required to be provided to the student by this subsection shall include—

"(1) the yearly and cumulative maximum amounts that may be borrowed by the student;

"(2) the terms under which repayment of the loan will begin;

"(3) the maximum number of years in which the loan must be repaid;

"(4) the interest rate that will be paid by the borrower and the minimum amount of the required monthly payment;

"(5) the amount of any other fees charged to the borrower by the lender;

"(6) any options the borrower may have for deferral, cancellation, prepayment, consolidation, or other refinancing of the loan;

"(7) a definition of default on the loan and a specification of the consequences which will result to the borrower if the borrower defaults, including a description of any arrangements which may be made with credit bureau organizations;

"(8) to the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance; and

"(9) a description of the actions that may be taken by the Federal Government to collect the loan, including a description of the type of information concerning the borrower that the Federal Government may disclose to officers, employees, or agents of the Department of Health and Human Services, officers, employees, or agents of schools with which the Secretary has an agreement under this subpart, or any other person involved in the collection of a loan under this subpart.

"(b) Each school shall, immediately prior to the graduation from such school of a student who received a loan under this subpart after June 30, 1986, provide such student with a statement specifying—

"(1) each amount borrowed by the student under this subpart;

"(2) the total amount borrowed by the student under this subpart; and

"(3) a schedule for the repayment of the amounts borrowed under this subpart, including the number, amount, and frequency of payments to be made.

"PROCEDURES FOR APPEAL OF TERMINATIONS

"SEC. 746. In any case in which the Secretary intends to terminate an agreement with a school under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

SEC. 26. SCHOLARSHIPS FOR FIRST-YEAR STUDENTS OF EXCEPTIONAL FINANCIAL NEED.

(a) REVISION OF SCHOLARSHIP.—Section 758(b) (42 U.S.C. 294z) is amended by redesignating paragraph (3) as paragraph (6) and by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) A scholarship provided to a student for a school year under a grant under subsection (a) shall consist of—

"(A) payment to, or (in accordance with paragraph (4)) on behalf of, the student of the amount (except as provided in section 710) of—

"(i) the tuition of the student in such school year; and

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

"(B) payment to the student of a stipend of $400 per month (adjusted in accordance with paragraph (5)) for each of the 12 consecutive months beginning with the first month of such school year.

"(3) Notwithstanding paragraph (2), the total scholarship award to a student for each year shall not exceed the cost of attendance for that year at the educational institution attended by the student (as determined by such educational institution).

"(4) The Secretary may contract with an educational institution in which is enrolled a student who has received a scholarship with a grant under subsection (a) for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (2)(A). Payment to such an educational institution may be made without regard to section 3324 of title 31, United States Code.

"(5) The amount of the monthly stipend, specified in paragraph (2)(B) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary for each school year by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to

the Congress under section 5305 of title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.".

(b) CONFORMING AMENDMENT.—Section 338A(g)(1) (42 U.S.C. 2541(g)(1)) is amended by striking out "or under section 758 (relating to scholarships for first-year students of exceptional financial need),".

SEC. 27. CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH.

(a) CAPITATION GRANT.—

(1) Section 770 (42 U.S.C. 295f) is amended to read as follows:

"CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

"SEC. 770. (a)(1) The Secretary shall make annual grants to schools of public health for the support of the education programs of such schools. The amount of the annual grant to each such school with an approved application shall be computed for each fiscal year in accordance with paragraphs (2) and (3).

"(2) Each school of public health shall receive for fiscal year 1986, and for each of the next two fiscal years, an amount equal to the product of—

"(A) $1,400, and

"(B) the sum of (i) the number of full-time students enrolled in degree programs in such school in the school year beginning in such fiscal year, and (ii) the number of full-time equivalents of part-time students enrolled in degree programs in such school, determined pursuant to paragraph (3), for such school for such school year.

"(3) For purposes of paragraph (2), the number of full-time equivalents of part-time students for a school of public health for any school year is a number equal to—

"(A) the total number of credit hours of instruction in such year for which part-time students of such school, who are pursuing a course of study leading to a graduate degree in public health or an equivalent degree, have enrolled, divided by

"(B) the greater of (i) the number of credit hours of instruction which a full-time student of such school was required to take in such year, or (ii) 9,

rounded to the next highest whole number.

"(b) Notwithstanding subsection (a), if the aggregate of the amounts of the grants to be made in accordance with such subsection for any fiscal year to schools of public health with approved applications exceeds the total of the amounts appropriated for such grants for such schools under subsection (e), the amount of a school's grant shall for such fiscal year be an amount which bears the same ratio to the amount determined for the school under subsection (a) as the total of the amounts appropriated for that year under subsection (e) for grants to schools of public health bears to the amount required to make grants in accordance with subsection (a) to each of the schools of public health with approved applications.

"(c)(1) For purposes of this section, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school or in a particular year-class in a school on the basis of estimates, on the basis of the number of students who in an earlier year were enrolled in a school or in a particular year-class, or on such other basis as the Secretary deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a graduate degree in public health or equivalent degree.

"(d) In the case of a new school of public health which applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of full-time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

"(e) For payments under this section, there are authorized to be appropriated $5,000,000 for fiscal year 1986, $5,250,000 for fiscal year 1987, and $5,500,000 for fiscal year 1988.".

(2) Section 731(a)(1)(A)(ii) (42 U.S.C. 294d(a)(1)(A)(ii)) is amended by striking out "(as defined in section 770(c)(2))" and inserting in lieu thereof "(as defined in section 770(c)(2) (as such section was in effect on September 30, 1985))".

(b) ELIGIBILITY.—Section 771 (42 U.S.C. 295f-1) is amended to read as follows:

"ELIGIBILITY FOR CAPITATION GRANTS

"SEC. 771. (a)(1) The Secretary shall not make a grant under section 770 to any school of public health in a fiscal year beginning after September 30, 1985, unless the application for the grant contains, or is supported by, assurances satisfactory to the Secretary that—

"(A) the enrollment of full-time equivalent students enrolled in degree programs in the school in the school year beginning in the fiscal year in which the grant applied for is to be made will not be less than the enrollment of such students in degree programs in the school in the school year beginning in fiscal year 1983; and

"(B) the applicant will expend in carrying out its functions as a school of public health during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the fiscal year preceding the fiscal year for which such grant is sought.

"(2) For purposes of subsection (a)(1)(A), the number of full-time equivalent students enrolled in a degree program in a school, in a school year, is equal to the sum calculated under section 770(a)(2)(B) for that school year.

"(b) The Secretary may waive (in whole or in part) application to a school of public health of the requirement of subsection (a)(1)(A) if the Secretary determines, after receiving the written recommendation of the appropriate accreditation body or bodies (approved for such purpose by the Commissioner of Education) that compliance by such school with such requirement will prevent it from maintaining its accreditation.".

(c) CONFORMING AMENDMENTS.—

(1) Section 772(b) (42 U.S.C. 295f-2(b)) is amended—

(A) by striking out "or subsection (a) or (b) of section 788";

(B) by striking out "of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, or podiatry," and inserting in lieu thereof "public health,";

(C) by striking out "Secretary" each place it appears and inserting in lieu thereof "Secretary of Health and Human Services";

(D) by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education"; and

(E) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Education".

(2) The section heading for section 772 (42 U.S.C. 295f-2) is amended to read as follows:

"APPLICATIONS FOR CAPITATION GRANTS"

(3) The heading for part E of title VII is amended to read as follows:

"PART E—GRANTS TO IMPROVE THE QUALITY OF SCHOOLS OF PUBLIC HEALTH".

SEC. 28. DEPARTMENT OF FAMILY MEDICINE.

Section 780 (42 U.S.C. 295g) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c) In making grants under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to family medicine in their medical education training programs.".

SEC. 29. AREA HEALTH EDUCATION CENTERS.

(a) GENERAL AUTHORITY.—Section 781(a)(2) (42 U.S.C. 295g-1 (a)(2)) is amended by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively and by striking out all that precedes clause (i) (as so redesignated) and inserting in lieu thereof the following:

"(2)(A) The Secretary shall enter into contracts with schools of medicine and osteopathy—

"(i) which have previously received Federal financial assistance for an area health education center program under section 802 of the Health Professionals Educational Assistance Act of 1976 in fiscal year 1979 or under paragraph (1), or

"(ii) which are receiving assistance under paragraph (1),

to carry out projects described in subparagraph (B) through area health education centers for which Federal financial assistance was provided under paragraph (1) and which are no longer eligible to receive such assistance.

"(B) Projects for which assistance may be provided under subparagraph (A) are—".

(b) CONTRACT AUTHORITY.—The last sentence of section 781(g) (42 U.S.C. 295g-1(g)) is amended by striking out "may" and inserting in lieu thereof "shall".

(c) OTHER HEALTH PERSONNEL.—Section 781(d)(2)(F) is amended to read as follows:

"(F) conduct interdisciplinary training and practice involving physicians and other health personnel including, where practicable, physician assistants and nurse practitioners;".

SEC. 30. GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS.

Section 784 (42 U.S.C. 295g-4) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) In making grants and entering into contracts under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to general internal medicine and general pediatrics in their medical education training programs.".

SEC. 31. FAMILY MEDICINE AND GENERAL DENTISTRY.

(a) GRADUATE PROGRAMS.—

(1) Section 786(b) (42 U.S.C. 295g-6(b)) is amended—

(A) by inserting "or an approved advanced educational program in the general practice of dentistry" before the semicolon in paragraph (1); and

(B) by striking out "residents" in paragraph (2) and inserting in lieu thereof "participants".

(2) Section 786(c) (42 U.S.C. 295-g(c)) is amended by inserting before the period in the second sentence a comma and "and shall obligate not less than 7.5 percent of such amounts in each fiscal year for grants under subsection (b)".

(b) PRIORITY.—Section 786 (42 U.S.C. 295g-6) is amended by redesignating subsection (c) (as amended by this Act) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) In making grants under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to family medicine in their medical education training programs.".

SEC. 32. EDUCATION ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

(a) PROGRAM REVISION.—Section 787(a)(1) (42 U.S.C. 295g-7(a)(1) is amended—

(1) by inserting "chiropractic," after "allied health,"; and

(2) by inserting after "podiatry" a comma and "public and nonprofit private schools which offer graduate programs in clinical psychology,".

(b) DEFINITION.—Section 787(a)(2) (42 U.S.C. 295g-7(a)(2)) is amended by inserting after subparagraph (E) the following: "The term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in clinical psychology.".

SEC. 33. SPECIAL PROJECTS.

(a) TWO-YEAR SCHOOLS.—

(1) Section 788(a)(1) (42 U.S.C. 295g-8(a)(1)) is amended to read as follows:

"(a)(1) The Secretary may make grants to maintain and improve schools which provide the first or last two years of education leading to the degree of doctor of medicine or osteopathy. Grants provided under this paragraph to schools which were in existence on September 30, 1984, may be used for construction and the purchase of equipment.".

(2) Paragraph (2) of section 788(a) (42 U.S.C. 295g-8(a)) is repealed and paragraph (3) of such section is redesignated as paragraph (2).

(3) Section 788(a)(2) (as so redesignated) is amended by inserting "or last" after "the first", by inserting "or osteopathy" after "medicine" and by inserting "or be operated jointly with a school that is accredited by" after "accredited by".

(b) SPECIAL PROJECTS.—Section 788(b) (42 U.S.C. 295g-8)(b)) is amended to read as follows:

"(b)(1) The Secretary may make grants to and enter into contracts with any health profession, allied health profession, or nurse training institution, or any other public or nonprofit private entity for projects in areas such as—

"(A) health promotion and disease prevention;

"(B) curriculum development and training in health policy and policy analysis, including curriculum development and training in areas such as—

"(i) the organization, delivery, and financing of health care;

"(ii) the determinants of health and the role of medicine in health; and

"(iii) the promotion of economy in health professions teaching, health care practice, and health care systems management;

"(C) curriculum development in clinical nutrition;

"(D) the development of initiatives for assuring the competence of health professionals; and

"(E) curriculum and program development and training in applying the social and behaviorial sciences to the study of health and health care delivery issues.

"(2)(A) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (g)(1), at least 75 percent shall be obligated for grants to and contracts with health professions institutions, allied health institutions, and nurse training institutions.

"(B) Any application for a grant or contract to institutions described in subparagraph (A) shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(C) The Secretary may not approve an application for a grant or contract to an institution described in subparagraph (A) unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under subparagraph (B) and from the National Advisory Council on Health Professions Education.

"(3) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (g)(1), not more than 25 percent shall be obligated for grants to and contracts with public and nonprofit entities which are not health professions institutions, allied health institutions, or nurse training institutions.".

(c) TECHNICAL AMENDMENTS.—Section 788(d) (42 U.S.C. 295g-8(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "The";

(3) by striking out "with schools of medicine or osteopathy or other appropriate public or nonprofit private entities to assist in meeting the costs of such schools or entities" and inserting in lieu thereof "with accredited health professions schools referred to in section 701(4) or 701(10) to assist in meeting the costs of such schools";

(4) by amending subparagraph (A) (as redesignated by paragraph (1) of this subsection) to read as follows:

"(A) improve the training of health professionals in geriatrics, develop and disseminate curriculum relating to the treatment of the health problems of the elderly, expand and strengthen instruction in such treatment, support the training and retraining of faculty to provide such instruction, and support continuing education of health professionals in such treatment; and"; and

(5) by adding at the end thereof the following new paragraph:

"(2)(A) Any application for a grant or contract under this subsection shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(B) The Secretary may not approve an application for a grant or contract under this subsection unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under subparagraph (A) and from the National Advisory Council on Health Professions Education.".

(d) Section 788 (42 U.S.C. 295g-8) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

"(f) The Secretary may make grants to schools of veterinary medicine for (1) the development of curriculum for training in the care of animals used in research, the treatment of animals while being used in research, and the development of alternatives to the use of animals in research, (2) the provision of such training, and (3) large animal care and research.".

(e) CONFORMING AMENDMENT.—The heading for section 788 (42 U.S.C. 295g-8) is amended to read as follows:

"TWO-YEAR SCHOOLS OF MEDICINE, INTERDISCIPLINARY TRAINING, AND CURRICULUM DEVELOPMENT".

SEC. 34. ADVANCED FINANCIAL DISTRESS ASSISTANCE.

Subsections (b)(1) and (f) of section 788B (42 U.S.C. 295g-8b) are each amended by striking out "five" and inserting in lieu thereof "six".

SEC. 35. GRADUATE PROGRAMS IN HEALTH ADMINISTRATION.

Section 791(c)(2)(A)(i) (42 U.S.C. 295h(c)(2)(A)(i)) is amended by inserting before the semicolon a comma and "except that in any case in which the number of minority students enrolled in the graduate educational programs of such entity in such school year exceeds an amount equal to 45 percent of the number of all students enrolled in such programs in such school year, such application shall only be required to contain assurances that at least 20 individuals will complete such programs in such school year".

SEC. 36. PROGRAM ELIMINATIONS.

(a) Section 703 (42 U.S.C. 292c) is repealed.

(b) Part D of title VII is repealed.

(c) Section 782 (42 U.S.C. 295g-2) is repealed.

(d) Section 785 (42 U.S.C. 295g-5) is repealed.

(e)(1) Section 788A (42 U.S.C. 295g-8a) is repealed.

(2) The second sentence of section 788B(a) (42 U.S.C. 295g-8b(a)) is amended by inserting "(as such section was in effect before October 1, 1985)" after "section 788A".

(3) Section 788B(f) (42 U.S.C. 295g-8b(f)) is amended by striking out the last sentence.

(4) Section 788B(h) (42 U.S.C. 295g-8b(h)) is amended—

(A) by striking out "and section 788A" in the first sentence; and

(B) by striking out the second sentence.

(f) Section 789 (42 U.S.C. 295g-9) is repealed.

PART C—GENERAL PROVISIONS

SEC. 37. ANALYSIS OF FINANCIAL DISINCENTIVE TO CAREER CHOICES IN HEALTH PROFESSIONS.

The Secretary of Health and Human Services shall include in the report required to be submitted on October 1, 1987, pursuant to section 708(d)(2) of the Public Health Service Act—

(1) an analysis of any financial disincentive to graduates of health professions schools which affects the specialty of practice chosen by such graduates or the decision of such graduates to practice their profession in an area which lacks an adequate number of health care professionals; and

(2) recommendations for legislation and administrative action to correct any disincentives which are identified pursuant to clause (1) and which are contrary to the achievement of national health goals, including recommendations concerning the appropriateness of providing financial assistance to mitigate such disincentives.

SEC. 38. STUDY ON COMPLIANCE WITH SELECTIVE SERVICE ACT.

The Secretary of Health and Human Services, in cooperation with the Director of Selective Service, shall conduct a study to determine if health professions schools are engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or are engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act (and any proclamation of the President and regulations prescribed under that section) and have not so registered. The Secretary shall complete the study and report its results to the Congress not later than one year after the effective date of this Act.

SEC. 39. STUDY OF THE DELIVERY OF HEALTH CARE SERVICES TO HOMELESS INDIVIDUALS.

(a) STUDY.—The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall arrange, in accordance with subsection (b), for the conduct of a study of the delivery of inpatient and outpatient health care services to homeless individuals. Such study shall include an evaluation of whether eligibility requirements in existing health care programs prevent homeless individuals from receiving health care services; an evaluation of the efficiency of the delivery of health care services to homeless individuals; and recommendations for activities by Federal, State, and local governments and private entities that would improve the availability of health care service delivery to homeless individuals. The Secretary shall report the results of the study to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than September 30, 1986.

(b) ARRANGEMENTS.—

(1) The Secretary shall request the National Academy of Sciences (hereinafter referred to as the "Academy"), acting through the Institute of Medicine, to conduct the study required by subsection (a) under an arrangement whereby the actual expenses incurred by the Academy directly related to the conduct of such study will be paid by the Secretary. If the Academy agrees to such request, the Secretary shall enter into such an agreement with the Academy.

(2) If the Academy declines the Secretary's request to conduct such study under such arrangement, then the Secretary, after consultation with the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, shall enter into a similar arrangement with another appropriate public or nonprofit entity to conduct such study.

PART D—EFFECTIVE DATE

SEC. 40. EFFECTIVE DATE.

This Act and the amendments made by this Act (other than the section 746 added to the Public Health Service Act by section 25 of this Act and the amendment made by section 2(1)) shall take effect October 1, 1985.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2410, the bill presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Their was no objection.

Mr. WAXMAN. Mr. Speaker, I am pleased to present H.R. 2410, the Health Professions Educational Assistance Amendments of 1985, to the House. This bill reauthorizes the health professions training provisions in title VII of the Public Health Service Act. I am delighted that my distinguished colleague, the ranking minority member of the Subcommittee on Health and the Environment, Mr. MADIGAN, is cosponsoring this bill.

This bill should never have been necessary. Last year, the Congress passed a bill with similar provisions by an overwhelming, bipartisan vote. But President Reagan pocket-vetoed that legislation, giving the Congress no opportunity to override.

This year, the President has proposed to eliminate the educational assistance programs in title VII. The administration's rationale for this dramatic proposal is that there is "a steadily increasing supply of health professionals and greatly improved distribution of health care practitioners among medically underserved areas of the country."

That argument draws on the current perception that there is or will soon be a surplus of physicians. The administration, however, ignores the actual purpose of these programs:

The scholarships and subsidized loans in title VII are targeted to financially disadvantaged students.

Support for specific programs is directed to meet persistent national shortages in primary care, public health and other disciplines, not to train more specialized doctors.

Even with an increase in the total number of physicians, these national needs would go unmet.

Termination or reduction of Federal support for these programs will have some disastrous consequences:

Health professional opportunities will be restricted only to the children of wealthy families.

Past gains in minority enrollments in the health professions, which already are being reversed, will be lost.

Efforts to meet national personnel needs in primary care and public health will be seriously damaged.

Faced with rising debts, medical students will pursue more lucrative subspecialities.

The President's pocket veto has also created chaos among students who do not know if they will have funds to continue, or begin, their professional studies this year. HEAL [Health Education Assistance Loans] loans—which are made with private, not Federal, funds—are being suspended because there is no authority for the Government to continue re-insuring them. The Health Professions Student Loan [HPSL] revolving funds at schools will have to be liquidated and returned to the Treasury if that program is not reauthorized.

We might also note with some irony that the pocket veto also prevented from taking effect numerous provisions needed to reduce student loan default rates and strengthen collection procedures. These statutory changes were later among those recommended for the HEAL program by the inspector general of the Department of Health and Human Services.

The funding levels in this bill are quite modest. The total authorizations for title VII are frozen at 1985 appropriations levels for fiscal year 1986. After adjusting for inflation, fiscal year 1985 appropriations were below fiscal year 1980.

For fiscal year 1987 and fiscal year 1988, funding is permitted to increase only at the level estimated by the CBO as necessary to continue current services. approximately 5 percent.

Authorizations in this bill are nearly $40 million less than the levels for the 2 years (fiscal years 1986 and 1987) that were also in the vetoed bill. This represents a reduction of over 12 percent from the vetoed bill.

We cannot sacrifice such important programs. They have enjoyed strong bipartisan support in the past, and I hope that this House will continue that tradition.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise and urge the support of my colleagues for H.R. 2410, legislation reauthorizing the Health Professions Educational Grant Programs contained in title VIII of the Public Health Service Act. The health professions authorities provide basically two kinds of assistance to schools of medicine, dentistry, and the other health professions: First, direct student aid such as loans and scholarships; and second, institutional support for faculty development, construction, and educational resources.

H.R. 2410 reauthorizes these categorical grant programs for 3 fiscal years. The fiscal year 1986 authorization level in the bill represents a freeze of the 1985 appropriation of $141 million. The authorization levels increase by 5 percent in both fiscal years 1987 and 1988. Both the House and Senate fiscal year 1986 budget resolutions included funding for these programs at the 1985 appropriation level. H.R. 2410, as reported by the Committee on Energy and Commerce, conforms with this 1986 budget request.

In response to many of the recommendations included in reports completed by the inspector general of the Department of Health and Human Services, several provisions were added to this legislation to strengthen collection efforts and to stabilize the loan insurance pool. These loan programs do not represent Federal outlays, and provide much needed assistance to students in the health profession fields.

I urge my colleagues to join me in supporting H.R. 2410, the reauthorization of the health manpower programs.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. BROYHILL].

□ 1310

Mr. BROYHILL. I thank the gentleman for yielding and want to urge my colleagues to vote for this bill on the same arguments we made with respect to H.R. 2370, the bill just passed.

This bill is considerably under the bill that was passed last year and was vetoed by the President. It does represent a freeze on our current services current appropriations.

The committee feels, and the minority joins with them, that these programs are important. The health professionals' education is still an important priority of the Government, and we should continue these programs for the 3 years called for in this legislation.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I would like to suggest that this is another area where we have some opposition in the committee. This is a bill which was vetoed last year by the President.

Last year's bill was considerably more than this one before us today. This represents, in my view, a fairly good compromise between a bill which was, I thought, excessively priced last year and zeroing the program out.

The President was unable to sell that particular idea to either the Senate or House Budget Committees. As a result, I think he will not veto this bill, because the numbers are where they were last year, and I believe also this is another program we need to monitor very carefully because in some instances we do have shortages of doctors still, and in some other instances, we have too many doctors.

The medical schools tell me they do need this program, they need to have adequate time to consolidate and phase out their programs, and to cut it off abruptly as was proposed by the President would have been impossible to sustain.

Therefore, I do reluctantly support the bill and I urge my colleagues to do the same.

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time. I just take this minute to thank the members of the subcommittee for their contribution to this legislation and to thank the staffs on both sides of the aisle for their diligent work in preparing this bill before us today.

● Mr. BONER of Tennessee. Mr. Speaker, I rise in support of H.R. 2410, the Health Professions Educational Assistance amendments. In particular, I would like to thank Chairman HENRY WAXMAN, ranking minority member EDWARD MADIGAN, and the members of the Energy and Commerce Committee for including a provision to require the Department of Health and Human Services to conduct a study of health delivery to homeless individuals.

This provision is similar to an amendment which I offered last year during consideration of H.R. 5602 requiring a study of the delivery of health services to our Nation's homeless individuals. This amendment is an outgrowth of my experience spending 2 days and 2 nights among the homeless of Nashville and learning about their problems.

One of the areas of much-needed assistance which I learned of is the need for adequate health care for the homeless. At present, there are many barriers for the homeless to proper health care. One of the largest barriers is the particular physical and mental ills that affect homeless individuals. Specifically, we are dealing with the consequences of trauma, both major and petty; the problems of infestation with scabies and lice, and the skin infections which ensue; the problems of vascular disease, cellulitus and leg ulcers; plus all of the standard medical disorders which affect many Americans, including cardiac arrest, diabetes, hypertension, acute and chronic pulmonary disease, and tuberculosis. Many of these medical needs can only be treated through constant medical monitoring—a course of action that is nearly impossible for the homeless. In addition, many of the homeless are mentally ill and are not currently being served either on an inpatient or outpatient basis.

Some of the barriers for the homeless involve strict eligibility requirements. Others involve clear financial and insurance problems. As many in our country have found, the first question usually asked when being admitted for any kind of medical treatment is the patient's ability to pay. This problem is exacerbated when a homeless individual not only has no financial means to pay for health services, but also is unable to receive publicly supported health services because of residency requirements.

The medical needs of the homeless population have been identified. What has not been adequately evaluated is the availability of health services. The provision incorporated in H.R. 2410 would require the Secretary of Health and Human Services to arrange with the National Academy of Sciences a study of the delivery of inpatient and outpatient health care services to homeless individuals. The results of this study would be returned to the Congress and include any legislative recommendations necessary to assure that the health needs of our Nation's homeless individuals are met.

I commend the Energy and Commerce Committee members for including this important provision. I look forward to seeing it implemented so that we can begin to provide much-needed health care to this neglected population of Americans.●

● Mr. WALGREN. Mr. Speaker, I hope the House will approve today H.R. 2410, Health Professions Educational Assistance Act, which will continue several programs designed to address the persistent geographic and specialty maldistribution of medical professionals in our country.

H.R. 2410, the Health Professions Educational Assistance Amendments of 1985, included provisions of particular interest to me that take a small step toward addressing a large problem: The bill authorizes $2 million in 1986 and $3 million in 1987 and 1988 to improve the training of physicians in geriatrics. Funds would be targeted for training faculty, developing courses, and providing retraining.

In the year 2000, there will be 10 million more Americans over age 65 than today. The number of persons over age 85 will more than double. There will be 1 million more elderly people with disabilities. The elderly will make about 230 million visits to physicians, up from 165 million in 1980, a jump of 40 percent. Short-term hospital care will increase by 50 percent. Residents of nursing homes will increase by over a million, a 25 percent increase.

Today, although 11 percent of the population is elderly and the elderly consume 30 percent of all health care expenditures, only about 3 percent of

health training money is spent on training to treat the elderly.

In recent years, medical schools have increased their attention to geriatrics, but most activities are still very modest. Several reports have underlined the absence of trained faculty in geriatrics. In a 1984 report, the National Institute on Aging found that on average, at each medical school, the full-time faculty in geriatrics was 2.5 persons. Faculty members with special preparation in aging range from 5 to 25 percent of the number required.

In terms of curriculum, NIA reports that the majority of courses offered in geriatrics are electives and have very few enrollees. In hearings before our subcommittee, we heard that very few medical schools have rotations in geriatrics and that most training is in acute care—emergency cases in hospitals—not long-term health problems of aging.

A Rand study has reported that we will need between 7,000 and 10,000 geriatricians by 1990. Commenting on this study, NIA observed, "A substantial increase in the education and training of physicians in geriatrics will be necessary to approach even the lowest of these estimates." Sadly, NIA cited a 1982 AMA survey of physicians in which fewer than 700 reported having a "primary interest" in geriatrics. "The number has increased only slightly in recent years," according to NIA.

In addition to raw numbers there is a sociological phenomenon that will only make this growing gap worse. As families continue to disperse and more women enter the work force, more older people will be living alone with greater needs for nursing and other support. In times past, when generations lived in the same communities and families were larger, many elderly could count on being cared for by family members. That has become more and more unlikely.

The elderly face problems of attitude as well. Our subcommittee hearings reveal that many doctors do not like to deal with declining or dying patients. The elderly take more time and require more patience, particularly if they are disabled. Doctors may avoid treating the elderly because many of the ailments by their nature do not improve. Many conditions are fatal; reversals of disability or disease are rare. This is contrary to the physician's goal, to heal. It may be that medical students—reflecting a larger societal bias against the elderly—unconsciously avoid training in treating the elderly.

Dr. John Roe, of the Beth Israel Hospital in Boston, has written, "Just as children are not merely young versions of adults, the elderly are not simply old adults. They require special approaches and an understanding of the physiological, psychosociological, and pathlogic impacts of aging." Medical education must face up to the "graying of America." I hope these provisions will be an initial step in the right direction, providing some leadership for all health professions schools to follow. The medical needs of the elderly will clearly put our national will and our caring ethic to a fundamental test we cannot fail.

It is unfortunate that President Reagan vetoed this bill last year. I hope we can win his support this time in the interest of affordable, available health care to all our citizens.●

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2410, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1617, NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1986

Mr. FUQUA. Mr. Speaker, I call up the conference report on the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 27, 1985.)

The SPEAKER pro tempore. The gentleman from Florida [Mr. FUQUA] will be recognized for 30 minutes and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of the conference report on H.R. 1617, the National Bureau of Standards Authorization Act of 1986. The conferees have agreed to freeze the fiscal year 1986 authorization level for the National Bureau of Standards at fiscal year 1985 appropriations levels and have accepted the House-passed position for almost all dollar amounts contained within the bill. The conference report allots a 1986 authorization of $124,485,000 for NBS which is exactly at a freeze level. The National Technical Information Service [NTIS] and the Office of Productivity Technology, and Innovation [OPTI] fiscal year 1986 authorizations, at $537,000 and $2.7 million respectively, are very slightly under a freeze level.

The conferees realize that the unique contributions to public health and safety of the Centers for Fire Research and Building Technology, are valued by many Members of Congress. The conference report, therefore, will continue these programs at freeze levels. The conference report also provides the NBS Institute for Computer Sciences and Technology with funding of $9,657,000. This is slightly below current levels. A total of $2 million is earmarked for NBS steel programs.

The conference report fully authorizes funds for NBS initiatives in advanced ceramics and process and quality control. Slightly less than half of the requested funding is authorized for the biotechnology initiative. Since neither House provided funding for the cold neutron source building, the conference report does not provide it either. The conferees feel, however, that NBS is the logical place for such a facility. Since the cold neutron source will be installed in the NBS reactor shortly, the building should be built with a minimum of delay. We hope that the administration will propose the cold neutron source building as part of the next supplemental appropriations bill or as an addition to next year's NBS budget, rather than as a replacement for important, ongoing programs that we, in the Congress, have repeatedly voted to fund.

There are a number of other minor differences between the House-passed NBS authorization bill and the conference report. The conferees accepted the $370,000 projected savings from contracting out certain NBS maintenance and support functions, adopted by the other body, and accepted provisions earmarking $50,000 for creation and maintenance for data bases for structural failures and giving NBS authority to investigate such facilities. Upon written assurance from the NBS Director that $3 million will be spent on robotics, the conferees dropped the House-passed floor for robotics research. They provided "such sums as are necessary" for foreign currency for NBS, but are not advocating a new appropriation, since NBS has a $1 million carryover for this program.

The conferees agreed to drop all language provisions dealing with NTIS including the provision which would have permittted NTIS to contract for its own printing under certain circumstances. They did reserve the right to revive the provision in next year's authorization if NTIS' printing situation does not improve. The conferees accepted the small administrative reduction proposed by the other body for OPTI on the express condition that OPTI's major ongoing efforts, includ-

ing the Office of Metric Programs and its activities to aid small business, will not be affected.

Mr. Speaker, since the conference report before us contains authorizations at or below the House approved budget level, and since all other matters of controversy within the legislation have been resolved, I urge swift passage of the bill before us.

Mr. Speaker, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take this opportunity to congratulate our chairman of the full committee, the gentleman from Florida [Mr. FUQUA] and, of course, Senator GORTON and Senator HOLLINGS, in addition to the gentleman from Pennsylvania [Mr. WALGREN], and the Gentleman from New York [Mr. BOEHLERT]. I think we did a good job.

We went out of here at the 1985 freeze level at $124.5 million. The other body was slightly higher, but the House position prevailed.

The bill has some very good subparts to it. There is $2.7 million for the Office of Productivity, Technology, and Innovation, and $537,000 for patent licensing activities of the National Technical Information Center.

There are two programs in here that the administration wanted terminated, but the committees, both the House and Senate, thought they were worthy of leaving in there. One is the Center for Fire Research for $5.8 million. Anyone who has been there can see the good work that was done in that center. The other is $3.9 million for the Center for Building Technology.

One of the good provisions that the other body had that was kept in there was a provision which allows the National Bureau of Standards to initiate and conduct investigations to determine the cause of structural failures in buildings used or occupied by the general public, to further understanding by the building community to prevent tragedies such as we had at the Hyatt Regency in Kansas City.

The committee report clarifies that the National Bureau of Standards' role is investigative rather than regulatory.

I think we have come up with a good bill and I would urge my colleagues to support it.

I have no further requests for time and I yield back the balance of my time.

Mr. FUQUA. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FUQUA. Mr. Speaker, I was unable to be present for the vote on Wednesday, July 10 on rollcall No. 214. Had I been present I would have voted "nay."

□ 1210

IRS SHOULD ELIMINATE EXEMPTION FOR ABORTIONS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTON of Texas. Mr. Speaker, in the same year of the Supreme Court's controversial Roe versus Wade decision, the Internal Revenue Service issued ruling 73-156 also involving abortion.

According to a secret internal memorandum that interpreted the rule, if a baby lives briefly after the abortion, the parent is entitled to a dependency exemption on income taxes. Yes, the IRS granted a tax exemption for abortion.

When I learned about this, I wrote to IRS Commissioner Egger and demanded that the ruling be changed. Last week I again contacted the IRS. The time for consideration is over—every concept of right and truth demands that this ruling be changed immediately. I again call upon the IRS to make this change.

I am inserting a copy of my letter to the IRS in the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 1985.

Mr. ROSCOE L. EGGER, JR.,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR COMMISSIONER EGGER: I am shocked and appalled to learn that the Internal Revenue Service has interpreted our tax laws in a way that allows a tax exemption for an aborted child. According to recent reports, the 1973 ruling allows a couple or an individual who has an abortion to claim a dependency exemption if the child lives for a moment after the abortion. I demand that this practice be stopped immediately.

Consider for a moment the implications of the IRS position. If the aborted fetus is just tissue, as abortion advocates claim, then there is certainly no justification for a dependency exemption.

But if the aborted fetus is in fact a child and the parent or parents properly qualify for the dependency exemption normally granted to a parent charged with the care of a child, then it would seem that the parents and the doctor and hospital involved in the abortion should also be investigated for murder or, at the very least, gross child abuse. Wouldn't this be our normal reaction to the death of a "dependent" under the care of parents and medical professionals?

Furthermore, consider the economic message sent by this tax ruling. The rational person desiring to maximize his or her income and legally avoid as many taxes as possible would seek to become the parent of a child in the womb, but would opt for a late term abortion with the hope that the child will live for a short time, thus securing the dependency exemption. Abortionists could, and perhaps already do, advise on the "risk" of not having the fetus live at all versus the possible return realizable from the dependency exemption. The law encourages the least humane, most painful, most macabre of all options: the baby must be born alive, and then killed or neglected until death.

This sordid affair illustrates the philosophical, moral, and legal absurdities that result from our abortion laws. Orwellian "newspeak" has evidently triumphed in the IRS if the dependency exemption is granted to those whose intent is to destroy their child. You may not be able to change the legal status of abortion in this country, Mr. Egger, but I call on you to immediately change this ruling and bring this travesty to an end.

Please give this matter your personal attention. I await your reply.

Sincerely,

JOE BARTON,
Member of Congress.

TREASURY II JUST DOESN'T STAND UP

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FRANK. Mr. Speaker, the Governor of the Commonwealth of Massachusetts had been quoted earlier as being very supportive of the President's tax plan and I agreed particularly with his comments in support of Treasury I, a very far-reaching effort to achieve tax fairness. But the Governor, looking at the second version of that plan, the one that President Reagan has now agreed to after several months of study, finds that the conclusions are very different.

I want to commend Governor Dukakis and his very able Revenue Commissioner, Ira Jackson, for their very serious study which they have made of the impact of the President's proposals on the people of Massachusetts.

□ 1220

I want to congratulate him for having the courage to say that the original comments he made, which were so supportive of Treasury I are no longer applicable as he looked at the kind of compromises that the President has made in that concept, which make it much less of an effort to achieve genuine tax fairness.

As the report noted, "The average middle class citizen will pay a couple hundred dollars more in total Federal tax, and the average low income citizen will break even." Because of the interaction of the President's plan with the Social Security increase that is now scheduled to go into effect.

The Governor's report concludes, "Seen in this context, it becomes vitally important that the President's plan be made more progressive than it is."

Governor Dukakis had been welcomed by President Reagan in his comments on this plan. I hope that the President, who was so pleased at the Governor's early comments will look at this very thorough study that has been done of the revised plan and concur in the kind of changes that Governor Dukakis points out are necessary.

Excerps of the report and an article from the Boston Globe describing it follow:

EXCERPTS FROM "HOW PRESIDENT'S TAX REFORM PLAN AFFECTS MASSACHUSETTS" PREPARED BY MASSACHUSETTS DEPARTMENT OF REVENUE

But for the average middle income taxpayer, the increase in social security tax will be greater than the $200 decrease in income tax. This means that when we consider both federal taxes on income, only the very wealthy will end up with a tax cut. The average middle class citizen will pay a couple hundred dollars more in total federal tax, and the average low income citizen will break even. Seen in this context, it becomes vitally important that the President's plan be made more progressive than it is.

[From the Boston Globe, July 14, 1985]

Dukakis' chief aide, John Sasso, said the governor felt the second plan would not benefit middle-income taxpayers as much and accused Reagan of "retreating" before special interest groups.

"Everything [Dukakis] said still stands. We didn't move, the president did," Sasso said. "We praised the president for his leadership in putting it on the agenda but we think the president retreated" in favor of special interests.

In responses that included almost the same language, Sasso, Jackson and Dukakis' chief of operations, John P. DeVillars, accused Reagan of changing the plan to benefit the wealthy.

Jackson's report, for example, says that the 5,000 people in Massachusetts who make more than $200,000 would do nearly as well as the two million who make less than $20,000.

Still, Jackson's report says that by fiscal 1990, Massachusetts individuals would pay $386 million less in taxes and companies would pay $278 million more under the revised Treasury-Reagan plan.

Massachusetts taxpayers would make more use of deductions for state and local taxes, a benefit eliminated under the plan and would save only about half of the national tax break average, though. Sasso said for the middle income, "That is unacceptable."

The report said middle-income taxpayers would be hurt, especially when planned Social Security increases are factored in.

Sasso said when the governor saw the fiscal implications for the bulk of the state's taxpayers, he felt compelled to assail the plan during a visit to Washington last week. "By the president's own standards . . . on closer inspection, the plan doesn't stand up."

□ 1330

FOOD INTENDED FOR HUNGRY AND STARVING IN ETHIOPIA USED AS PAYMENT FOR CHAIRMAN MENGISTU'S ARMY IN AFRICA AND PURCHASE OF MILITARY ARMS FROM SOVIET UNION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 30 minutes.

Mr. ROTH. Mr. Speaker, over the weekend, an estimated 1 billion people watched the Live Aid concert put on in Philadelphia and London to raise money for the starving people in Africa—and particularly in Ethiopia. It is indeed commendable to witness such a tremendous outpouring of help and to see a private sector and voluntary approach to foreign aid in the troubled areas of the world. My greatest fear, however, is that much of that food will not get to the hungry and starving in Ethiopia, that it will be used as payment for Chairman Mengistu's largest standing army in Africa, to support its military purposes.

The heart of the entire world must go out to these 7 to 8 million people who are starving in Ethiopia.

Over 2 million people have already been driven into exile in Ethiopia by Chairman Mengistu and the ruling clique in Ethiopia; 1.3 million people have been relocated at tremendous suffering and hardship.

Our country, the United States, may it be to its everlasting credit, since December has given over 400,000 tons of food to Ethiopia.

Over 2 million tons have been donated by the people of the United States since this tragedy began. In Europe, 1.3 million tons of food and grains have been given to Ethiopia by the Europeans.

Ethiopia is a client state of the Soviet Union. They are run by the Soviet Union. What has the Soviet Union done for Ethiopia in this tradgedy? They have given 3,500 tons of rice; that is all.

Not even a drop in the bucket.

The Cubans have 25,000 mercenary troops in Ethiopia to keep the people under the thumb of the Mengistu government.

For every ton of food we donate to Ethiopia, we have to pay out $12.60 for port entry fees. Last year we paid over $28 million. What happens to this money? Well, the Soviets donate some trucks, military trucks, but with every truck they donate, they do not have just one driver or two drivers, they have three separate drivers. These drivers are all paid a hefty per diem.

So we pay the entry fees to the ports for the food we have donated and this money is turned right around and given to the Soviet Union.

Now what kind of a regime are we dealing with in Ethiopia? Well, to give you some indication, last September they had the 10th anniversary of this Marxist/Communist government in Ethiopia. They spent over $200 million estimated on the festivities in Ethiopia, over $200 million.

They have one of the biggest swimming pools in the world in the hotel in Ethiopia which is used by the ruling clique, of course. But what astounded me is when I looked at the records and found that within a stone's throw of the national capital a sea of people who were starving, thousands of people were starving, yet at this celebration, the Ethiopian Government did not purchase 40 bottles of scotch or 400 or 1,000 or 10,000 or 400,000; the Government of Ethiopia with all of these millions of people starving purchased for their ruling clique 480,000 bottles of scotch. We here in this country have remained silent while this genocide of 7 to 8 million people are being killed.

Now last March, some of our people met with Ethiopian rulers, some of them in Geneva. We begged them, we pleaded with them, not to deliver the food that we were donating but just to get out of our way so we can get the job done. Remember this is a government that is a client state of the Soviet Union, not one of our friends, the ruling class that is.

But we have told them "Please allow us to save these starving people." Well, in April, April 28 of this year, they gave us the answer: At one of the feeding sites, a place called Ibnet, there were some 60,000 people and the army came in one morning and dispersed all of the people; 30,000 are still unaccounted for. Many of the people were living in huts that they had set up. The army came in and burned down the huts, many times people still in the huts.

Our American people gave hundreds of tents to protect these people from the cold but the army came along and refused the people at the site to set up the tents. The army took all the tents and took them away.

So we have some 30,000 people unaccounted for from just that one incident. The Government policy of starvation is cruel enough, but along with the colera, along with the disease, along with the resettlements, it is truly heart rending.

What takes place is because the roads and infrastructure in Ethiopia are in a deplorable state, we set up hundreds of feeding sites around the country and when the people come in to gather the food, if they are somewhat healthy and young, then the government will take these people and relocate them 400 to 500 miles from their home and they leave the old and the younger there to perish.

Now the Government of Ethiopia brutalizes and tortures its own people. We had a congressional delegation in Ethiopia sometime ago along with a delegation of an escort. Two of the escorts have been brutalized and murdered since the delegation was there.

Ethiopia today has the largest army in Africa. It napalms its own villages and Chairman Mengistu spends over half of his money, half of the budget on the army while the people starve.

The Government of Ethiopia is like a plague, it is like the black death was in the Middle Ages, to its own people.

Where are the protestors? Where is the outcry? Where is the outcry for human rights in this Chamber? Imagine if this were a European country or a country in Central America or South America, why, you would have thousands marching on the embassy; but because it is Ethiopian, because it is the government which is so cruel, nothing is happening.

We thank the media for bringing the plight of the starving, their starvation, their deprivation, the cruelty going on in Ethiopia, we thank the media for bringing that to the attention of the world.

The world has been generous, that is the Western World, and we are thankful for that.

But now I think it is only appropriate that the media follow up with what is happening to the food that is being donated to Ethiopia, to give the people, all of us, the full story of what is taking place and to give us the full story of how much money and how much food is being siphoned off to the Soviet Union.

We are told there are over 60,000 tons of food rotting on the docks in Ethiopia because the trucks that are to be used for the distribution of the food are being used instead to relocate human beings.

This is truly an outrage of the first order and we in this country, I feel, must speak out.

We must cry out if we do not want to be a partner in this genocide. We do not want to be a party to 7 to 8 million people killed in this genocide, dying in Ethiopia.

Even the United Nations—and the United Nations is not known for speaking out—even the United Nations, Kurt Janssen, Assistant Secretary General for Emergency Aid, has said and has criticized severely the Government of Ethiopia because of its harsh policies and its genocidal policies.

□ 1340

I think what we need in Ethiopia is an immediate cease-fire and negotiations begun between the ruling class and the people, who are opposed to the genocide that is taking place. There are no freedoms in Ethiopia today. There is no outcry because of human rights violations.

The press is no longer following up and following through, and I think that is absolutely essential. We thank the artists who raised the money, but we ask these artists who were so instrumental in raising millions upon millions of dollars for the Ethiopians, we thank them, but we ask them to go one step further.

We ask them to accompany this aid to Ethiopia so that the aid will not go to the ruling class and into the Swiss banking accounts, but so that it will get to the people that we are trying to help.

We need more than a media hype. We need some real followthrough. Now, the Ethiopian Government has already stated its only purpose is to stay in power. I would like to quote to this body an editorial in one of our Nation's leading newspapers, a liberal newspaper; the local newspaper, the Washington Post.

Here is what they had to say about the Ethiopian Government:

> The Marxist government of Ethiopia has illuminated with stark clarity where its priorities lie in the battle against mass famine. By impounding a 6,000-ton food shipment from Australia that had been intended for the needy in rebel-held areas, it shows that it is concerned less with saving the Ethiopian people than with holding itself in power. This will come as no revelation to those who have followed the course of Ethiopia's revolution, but it is a stunning and shameful event all the same.
>
> As it happened, a ship carrying Australian food first unloaded some of its cargo at an Ethiopian port and then prepared to move on to a port in neighboring Sudan. There it was to unload food provided by Australian voluntary agencies for transshipment to Ethiopian famine victims who live under the control of the Eritrean and Tigre liberation fronts. But while the ship was still in port in Ethiopia, its remaining cargo was seized.
>
> The Ethiopian government, attempting to justify the seizure, suggests that the Australian action amounts to infringement of Ethiopia's sovereignty and interference in its internal affairs. That is a strange and farfetched construction to put upon an effort to feed a group of Ethiopians whose government is trying to starve them into submission. It is bad enough that the regime conducts a heartless policy against its own citizens. It is intolerable that it should attempt to make a foreign party, one acting out of humanitarian considerations, its accomplice in what comes close to being the practice of calculated genocide.
>
> In fact, foreigners are interfering massively in Ethiopia's internal affairs—but chiefly to the benefit of the Mengistu government. Its Soviet patrons, having made a rich contribution to Ethiopia's misery, have encouraged it to rattle the tin cup elsewhere. The regime is being kept afloat and spared the worst effects of its own bad policy choices and its own political errors by food and development aid from noncommunist sources. That means most of the aid is coming from countries or organizations that have not the slightest sympathy for the regime—quite the contrary—but which are prepared to overlook it flaws and concentrate on the overwhelming human need.
>
> For the Ethiopian government to enforce a cruel political standard on the distribution of lifesaving food, while the people who are sustaining it have suspended political judgment of their own, is a vile inconsistency. Why would any donor want to ship further aid to a government that acts in that way?

The reason we want to continue aid to Ethiopia is not because of its Government; it is quite the reverse. It is because we want to help the starving people in Ethiopia.

Recently, the Christian Science Monitor, in talking about impact duties, had this quote that I think is very relevant, especially considering what happened last Saturday.

It said that, and I quote:

> Four-wheel drive Land Rovers, paid for by some of the millions of dollars raised in Europe by Rock Star Bob Geldof and his all-star band aid record were still sitting outside customs sheds months after delivery because Ethiopian officials were demanding steep import duties.

Let us hope that the millions that were donated by the generous people throughout the world last Saturday will get to the people for whom they were donated; for the starving people, many of them in Ethiopia.

I would suggest that we take five steps to hopefully halt this genocide, the killing of these 7 to 8 million in Ethiopia.

First of all, I think we want to ask that the rock stars who raised the money now help with the followthrough, to accompany some of this assistance to Ethiopia to make sure it gets to the starving people, especially those with children in Ethiopia.

I think that it would be totally appropriate that some of the people who attended the rock fest in Philadelphia would also demonstrate before the Ethiopian Embassy, and all of the Ethiopian embassies around the world to show that we do care about what has taken place in Ethiopia.

I think letters to the Congressmen and to the people serving in this body and in the other body would be appropriate, so that light of what is taking place will be kept on Ethiopia, so that the world will know and will remember the genocide that is taking place being perpetrated on those unfortunate people.

Fourth, I think we want the voice of the United Nations to continue to speak out against the genocide, against the brutal murder that is taking place in Ethiopia.

Fifth, I think we want to help—no, I know we want to help the people in Ethiopia, but I think it is time that we show our revulsion at what is taking place by their own government. I think while we keep aid going to Ethiopia, especially aid to those people that need it so desperately, I think it is time we take a look at our trade policy with Ethiopia; to deny them some of the strategic and some of the

security assistance they are looking for, because they do not need it for any external enemy; they are only using it to keep their people under their own thumb.

So I ask that the people of this country and people throughout the world speak out and stop this genocide that is taking place in Ethiopia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. WRIGHT), for the week of July 15, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROBERT F. SMITH) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 30 minutes, today.

Mr. BILIRAKIS, for 60 minutes, July 16.

(The following Members (at the request of Mr. FUQUA) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DORGAN of North Dakota, for 30 minutes, today.

Mr. GAYDOS, for 30 minutes, July 16.

Mr. GAYDOS, for 30 minutes, July 17.

Mr. HOYER, for 60 minutes, July 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extent remarks was granted to:

(The following Members (at the request of Mr. ROBERT F. SMITH of Oregon) and to include extraneous matter:)

Mr. CRANE.

Mrs. ROUKEMA.

Mr. COURTER in two instances.

Mr. PETRI.

Mr. HYDE.

Mr. DORNAN of California.

(The following Members (at the request of Mr. FUQUA) and to include extraneous matter:)

Mr. RANGEL.

Mr. ANDERSON in two instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tenneseee in five instances.

Mr. DE LA GARZA.

Mr. TORRES.

Mr. DORGAN of North Dakota.

Mr. BOLAND.

Mr. VENTO.

Mr. FRANK.

Mr. JONES of Oklahoma.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 198. Joint resolution providing for appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 325. Joint resolution to designate July 13, 1985, as "Live Aid Day."

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 16, 1985, at 12 o'clock noon.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1665. A letter from the Assistant Secretary of Defense, transmitting a full report on the program to halt the flow of sensitive technology and supporting resources, pursuant to 10 U.S.C. 138(h) (96 Stat. 739); to the Committee on Armed Services.

1666. A letter from the Deputy Assistant Secretary of Defense, transmitting advisement that the Department of the Army intends to exercise the provision which precludes the Comptroller General from examining certain records, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

1667. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the 1984 annual report, pursuant to Public Law 95-557, section 607(a); to the Committee on Banking, Finance and Urban Affairs.

1668. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Revenue Report for April 1985," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1669. A letter from the Secretary of Education, transmitting the final funding priority for rehabilitation long-term training—rehabilitation counselors, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1670. A letter from the Secretary of Health and Human Services, transmitting the sixth annual report to Congress on implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to Public Law 94-135, section 308(b) (92 Stat. 1556); to the Committee on Education and Labor.

1671. A letter from the Secretary of Health and Human Services, transmitting a study of the allocation formula used for establishing work programs for recipients of aid to families with dependent children, pursuant to 42 U.S.C. 645(f)(3); to the Committee on Education and Labor.

1672. A letter from the Secretary of Health and Human Services, transmitting the status and accomplishments of runaway centers receiving grants under the Runaway and Homeless Youth Act, pursuant to Public Law 93-415, section 315 (94 Stat. 2762); to the Committee on Education and Labor.

1673. A letter from the Secretary of Health and Human Services, transmitting a report on activities of States receiving allotments under title V of the SSA, pursuant to Public Law 97-35, section 2192(b)(1); to the Committee on Energy and Commerce.

1674. A letter from the Benefits Manager, Farm Credit Banks of Texas, transmitting a report for the plan year ended December 31, 1984 for the farm credit banks of Texas pension plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1675. A letter from the Chairman, National Labor Relations Board, transmitting a report of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1676. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend the Intergovernmental Personnel Act of 1970; to the Committee on Post Office and Civil Service.

1677. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a survey of the shores of Monroe County, FL, in the interest of beach erosion control, hurricane protection, and related purposes, pursuant to Executive Order 12322; to the Committee on Public Works and Transportation.

1678. A letter from the Administrator, Environmental Protection Agency, transmitting the administration's opinion on H.R. 8; to the Committee on Public Works and Transportation.

1679. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend title 31, United States Code, to authorize two Under Secretaries of the Treasury, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

1680. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting a draft of proposed legislation to amend the Employee Income Security Act of 1974 for the purpose of improving the Single-Employer Pension Plan Termination Insurance Program established under title IV therein and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

1681. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of May 27, 1955, to increase the effectiveness of domestic firefighting forces and ensure prompt and effective control of wildfires on Federal lands by permitting the use of firefighting forces of foreign nations and the reimbursement of such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes; jointly, to the Committees on Foreign Affairs and Government Operations.

1682. A letter from the Comptroller General of the United States, transmitting the reviews of audits for years ended December 1983 and December 1982 for the National Consumer Cooperative Bank, pursuant to 12 U.S.C. 3025; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1683. A letter from the Comptroller General of the United States, transmitting a report entitled, "Status of the Intercontinental Ballistic Missile Modernization Program"; jointly, to the Committees on Government Operations and Armed Services.

1684. A letter from the Acting Assistant Attorney General, transmitting a draft of proposed legislation to amend the Controlled Substances Act to create new penalties for the manufacturing with intent to distribute, the possession with intent to distribute, or the distribution of designer drugs, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 221. Resolution waiving certain points of order against consideration of H.R. 2959, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes. (Rept. No. 99-198). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 222. Resolution providing for the consideration of H.R. 8, a bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes. (Rept. No. 99-199). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 223. Resolution providing for the consideration of H.R. 10, a bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965. (Rept. No. 99-200). Referred to the House Calendar.

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 2851. A bill to amend title 5, United States Code, to provide certain benefits for Government employees and similarly situated individuals who are captured, kidnaped, or otherwise deprived of their liberty as a result of hostile action directed against the United States; to provide for certain payments to individuals who were taken hostage as a result of the seizure of the United States Embassy in Iran in 1979; and for other purposes (Rept. No. 99-201 Pt. I). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. House Joint Resolution 187. Joint resolution to approve the "Compact of Free Association," and for other purposes; with amendments; referred to the Committees on Armed Services, the Judiciary, Merchant Marine and Fisheries, and Ways and Means, for a period ending not later than July 19, 1985, for consideration of such portions of the bill and amendments as fall within the jurisdiction of those committees pursuant to Rule X, clauses 1(c), 1(m), 1(n), and 1(v), respectively (Rept. No. 99-188, pt. II). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. DICKINSON) (by request):

H.R. 2993. A bill to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, for fiscal year 1986 and for fiscal year 1987, and for other purposes; to the Committee on Armed Services.

By Mr. BENNETT:

H.R. 2994. A bill to amend the National Security Act of 1947 to establish by law a system for the security classification and declassification of sensitive information relating to the national security, to define matters that may be classified, to require the protection of such information that is classified, whether in the executive, legislative, or judicial branches or in industry, to require the imposition of administrative penalties for improper classification of information, to provide criminal penalties for unauthorized disclosure of classified information, and for other purposes; jointly, to the Committees on Armed Services and the Permanent Select Committee on Intelligence.

By Mrs. ROUKEMA (for herself and Mr. JEFFORDS):

H.R. 2995. A bill to amend the Employee Retirement Income Security Act of 1974 for the purpose of improving the Single-Employer Pension Plan Termination Insurance Program established under title IV therein and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. WHITTEN:

H.J. Res. 338. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. PETRI.
H.R. 83: Mr. HENDON.
H.R. 84: Mr. SMITH of New Hampshire.
H.R. 97: Mr. HARTNETT.
H.R. 749: Mr. LANTOS and Mr. SAVAGE.
H.R. 2078: Mr. ORTIZ and Mr. ZSCHAU.
H.R. 2598: Mr. CHAPPELL and Mr. FAZIO.
H.R. 2782: Mr. LAGOMARSINO, Mr. BEILENSON, Mr. BERMAN, Mr. BONKER, Mrs. COLLINS of Illinois, Mr. CROCKETT, Mr. DELLUMS, Mr. FRANK, Mr. HUGHES, Ms. KAPTUR, Mr. LEVINE of California, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. MITCHELL, Mr. MRAZEK, Mr. LUNDINE, Mr. STUDDS, Mr. WHITEHURST, and Mr. WIRTH.
H.R. 2866: Mr. NEAL and Mr. COBEY.
H. Con. Res. 13: Mr. GREGG.
H. Res. 60: Mr. MCMILLAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

165. By the SPEAKER: Petition of the city administrator, Saginaw, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

166. Also, petition of the city council of Forth Worth, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

167. Also, petition of June A. Goeson, Calgary, Canada, relative to Nicaragua; to the Committee on Foreign Affairs.

168. Also, petition of the New York State Conference of Mayors and Other Municipal Officials, relative to taxes; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2959

By Mr. MILLER of California:

—on page 10, line 11, after the phrase "this appropriation:", insert the following: *"Provided further,* That none of the funds made available by this Act may be obligated or expended for construction of the Animas-La-Plata Participating Project, Colorado-New Mexico until: (1) an agreement has been executed between the Secretary of the Interior and non-Federal entities in Colorado and/or New Mexico providing for such non-Federal entities to contribute a reasonable portion of the total project costs; and, (2) such agreement has been submitted to the Congress and 120 calendar days have elapsed. None of the funds made available to the Secretary of the Interior shall be made available for the Animas-LaPlata Project if the agreement required by this paragraph has not been reached by September 30, 1986.

By Mr. WEAVER:

—Page 3, line 3, strike out "$846,958,000" and insert in lieu thereof "$842,958,000".

—Page 33, after line 18, add the following new section:

SEC. 507. No funds appropriated in this Act may be used for the Elk Creek Lake, Oregon, construction project of the Corps of Engineers.

SENATE—*Monday, July 15, 1985*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

O Lord, our Lord, how excellent is Thy name in all the Earth! Who hast set Thy glory above the heavens. When I consider Thy heavens, the work of Thy fingers, the Moon and the stars, which Thou hast ordained; what is man, that Thou art mindful of him? And the Son of Man, that Thou visitest him? For Thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Thou madest him to have dominion over the works of Thy hands; Thou hast put all things under his feet. O Lord, our Lord, how excellent is Thy name in all the Earth.—Psalm 8:1,3-6,9.

As we hear the psalmist, Lord, we feel the barrenness of existence when there is no reverence—no awe—no sense of the transcendent—no God-dimension in our lives. We starve our souls by our indifference to Thee, O Lord. Made to rule our environment, we become its victims when we forsake Thee. Renew our spirits, Lord. Sensitize us to the ultimate reality beyond the temporal and the material.

Thank Thee, gracious Father, for the success of the President's surgery, for his remarkable strength and response. Help him to be patient so that his recovery can be total and complete. Strengthen and reassure Mrs. Reagan as she waits by his side.

"O Lord, our Lord, how excellent is Thy name in all the Earth!" Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

THE PRESIDENT'S RECOVERY

Mr. DOLE. Mr. President, let me reflect what I think are the views of all of us in the Senate about the President's spectacular recovery. It appears to be a complete recovery. Again, as the Chaplain indicated, we all pray for the President's health and recovery, and for reassurance to Mrs. Reagan and others in the family.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

Following that, there will be routine morning business not to extend beyond the hour of 1:30 p.m., with statements therein limited to 5 minutes each.

At 1:30 p.m., it is the intention of the leadership to turn to State Department nominations in the following order—although I say that is subject to change depending on the status of the different nominations: Calendar No. 280, Rozanne L. Ridgway; Calendar No. 267, John Arthur Ferch—we may be able to dispose of that fairly quickly depending on what may develop in the course of the afternoon.

Calendar No. 281, Edwin G. Corr; Calendar No. 282, Richard R. Burt.

If there are rollcall votes and if we do complete debate on the nominations, there will be no votes prior to the hour of 4:30 or 5 p.m.

I hope that we can complete action on those nominees. I understand there may be other nominations on the executive calendar for the Judiciary that can be cleared and will not require extensive debate or rollcall votes.

It also is our intention to do all we can in this month because of the August recess. We are still hopeful of disposing of the line item veto and the Small Business Administration authorization bill. We are still shooting for July 22 on the farm bill. We had a meeting this morning at 11 o'clock on the farm bill; we will have another one with all the Senators this afternoon.

We also have had meetings this morning on the budget resolution. There will be a House-Senate budget conference at 4 p.m.

It is my hope that we can take care not only of matters that have been outlined previously, but also a number of other important matters in the month of July. We have hopes we will be in a position the week of the 22d to take up appropriations bills along with the farm bill. We hope to have a supplemental appropriations conference report, budget resolution conference report, banking bill, airport security legislation, and possibly an immigration bill, depending on action in the Senate Judiciary Committee this week and next.

In addition, there are a number of pieces of legislation that we believe can be disposed of if we can reach time agreements. That will include National Health Institutes, Conrail, and other areas that we are shopping for time agreements on. I shall attempt to deliver to the distinguished minority leader by no later than 11:30 tomorrow morning some of the items we would like to dispose of this month. That will give him an opportunity during his caucus to go over those and give me some idea of where he might be able to give us a hand.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The Democratic leader is recognized.

RESPONSE TO MAJORITY LEADER

Mr. BYRD. Mr. President, I shall certainly do what I can when I see the list of items the distinguished majority leader wishes to have action on. I shall run those items by Senators on this side and certainly, where we can cooperate, we will. I should think that would certainly be in most instances.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

A CHALLENGING VIEW OF PATRIOTISM

Mr. PROXMIRE. Mr. President, the most astonishing editorial this Senator has read this year was the lead editorial in one of the Nation's greatest newspapers on July 4. Let me read from it and then challenge any Senator who has not previously read it to tell me the newspaper that carried it. Listen—

Unemployment is accepted as a permanent feature of the economy. Our great cities have become graveyards of smokestack industries. Family farmers who turned the "fruited plains" of the Midwest into a breadbasket of the world are being driven from their land, some of which is falling into the hands of multinational agribusiness for quick and profitable exploitation that will leave it barren and infertile. The national debt mounts at a yearly rate of $200 billion, while the balance of trade has become so lopsidedly unfavorable that the U.S. faces debtor-nation status.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Franklin Delano Roosevelt's observation that "one-third of our nation is ill-fed, ill-housed and ill-clothed" is as true today as it was half a century ago. The rich have become ever richer and the poor poorer. As the gap widens, millions of middle-class Americans fall to the poverty level. Children have become the sorriest victims of poverty, with two out of five living in poverty, and half of all black children. Fifty years of social legislation is being gradually eroded, and in many cases has already been wiped out. That bastion of economic democracy, the trade union movement, under attack by both employers and the administration in Washington, has reached a low point in numbers, power and influence.

Our society is being rapidly transformed into a moral jungle, with public and private graft and corruption endemic. Waste and corruption abound in government, and above all in the Pentagon, the greatest and most expensive rathole and boondoggle in human history. Greed and avarice are given carte blanche by government to rape the nation's natural resources and poison and pollute the environment. White-collar criminals who head huge multinational financial and industrial empires that bribe government officials and rob and swindle the public are routinely shielded and protected from prosecution by the "Justice" Department. Violent neo-Nazi, Ku Klux Klan and other racist and anti-Semitic movements thrive on the official anticommunist hysteria created by the present administration.

In international relations, the great reservoir of goodwill has been dissipated. Even major allies of the United States express serious reservations about [and sometimes even publicly denounce] U.S. economic, foreign and military policies; in the Third World there is great concern that the anti-communist hysteria which is the basis of Reagan's foreign and military policies will result in new military interventions in Latin America and other areas, and that Reagan is implacably set on a course of a continuing arms race that presents a deadly danger to the survival of humanity.

In all fairness, Mr. President, this editorial also carried a strong upbeat note. It asserts:

There is one great ray of hope and that is the people * * * Americans are decent, humane and patriotic * * * inspired and motivated by such a patriotic rebirth we can restore the vigor and idealism of our nation, reestablish a national sense of purpose in which we can take great pride and earn once again the respect, gratitude and appreciation of the peoples of the world.

In what paper did that editorial appear? The Chicago Tribune. That's right, the Chicago Tribune. Mr. President, this Senator grew up on the Chicago Tribune. Throughout my boyhood it was published and edited by Col. Robert McCormick. It was viewed as the most conservative, rigidly right wing newspaper in America.

The Chicago Tribune for many years carried on its masthead—on the editorial page—those words of Stephen Decatur that put patriotism above principle and devotion to country above devotion to justice and truth. The Decatur motto of the Tribune: "My country, in her intercourse with other countries may she always be right. But right or wrong, my country."

Contrast that motto of superchauvinism to the Chicago Tribune editorial of July 4, 1985. What a remarkable, astonishing change. What a testament to the fact that in this free country, with its totally free press, that free press not only carried a variety of sharply diverging opinions but newspapers may transform their opinions completely. What a superb opportunity for all those who believe in the clash and competition of different ideas. And in the spirit of that remarkable editorial what a better basis to be proud and happy to be an American in 1985.

Mr. President, I ask unanimous consent that the editorial to which I have referred from the July 4 issue of the Chicago Tribune be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 4, 1985]

TOWARD A PATRIOTIC REBIRTH

(By John Rossen)

The American people today, more than ever before in their history as a nation, need a realistic assessment of the true state of the Union, rather than the usual treacle ladled out in presidential addresses every January and the meaningless flag-waving oratory of Independence Day.

The nation is in crisis.

Just a few short decades ago, the American people boasted the highest standard of living in the world. The United States was by far the richest, most industrially developed nation on Earth, with the most favorable balance of trade in history. Internationally it enjoyed a great "reservoir of goodwill" among hundreds of millions of people around the world who still drew hope and inspiration from the ideals of the American Revolution. Despite the persistence of many social inequalities and injustices, the nation was moving steadily on a course of expanding political and economic democracy. Broad programs of social services were continuously being planned and implemented.

Today that has changed. The American standard of living has fallen to ninth place in the world. In almost every key category of industrial production the United States has been equaled or surpassed by several countries, including, most notably, our putative world adversary, the Soviet Union, whose industrial plant east of the Urals was completely destroyed in World War II. Unemployment is accepted as a permanent feature of the economy. Our great cities have become graveyards of smokestack industries. Family farmers who turned the "fruited plains" of the Midwest into a breadbasket of the world are being driven from their land, some of which is falling into the hands of multinational agribusiness for quick and profitable exploitation that will leave it barren and infertile. The national debt mounts at a yearly rate of $200 billion, while the balance of trade has become so lopsidedly unfavorable that the U.S. faces debtor-nation status.

Franklin Delano Roosevelt's observation that "one-third of our nation is ill-fed, ill-housed and ill-clothed" is as true today as it was a half a century ago. The rich have become ever richer and the poor poorer. As the gap widens, millions of middle-class Americans fall to the poverty level. Children have become the sorriest victims of poverty, with two out of five living in poverty, and half of all black children. Fifty years of social legislation is being gradually eroded, and in many cases has already been wiped out. That bastion of economic democracy, the trade union movement, under attack by both employers and the administration in Washington, has reached a low point in numbers, power and influence.

Our society is being rapidly transformed into a moral jungle, with public and private graft and corruption endemic. Waste and corruption abound in government, and above all in the Pentagon, the greatest and most expensive rathole and boondoggle in human history. Greed and avarice are given carte blanche by government to rape the nation's natural resources and poison and pollute the environment. White-collar criminals who head huge multinational financial and industrial empires that bribe government officials and rob and swindle the public are routinely shielded and protected from prosecution by the "Justice" Department. Violent neo-Nazi, Ku Klux Klan and other racist and anti-Semitic movements thrive on the official anticommunist hysteria created by the present administration.

In the international relations, the great reservoir of goodwill has been dissipated. Even major allies of the United States express serious reservations about [and sometimes even publicly denounce] U.S. economic, foreign and military policies; in the Third World there is great concern that the anti-communist hysteria which is the basis of Reagan's foreign and military policies will result in new military interventions in Latin America and other areas, and that Reagan is implacably set on a course of a continuing arms race that presents a deadly danger to the survival of humanity.

Yet there is one great ray of hope and salvation in this grim picture of the state of the Union, and that is the people of America. In the great majority, Americans are a decent, humane and patriotic people. And despite widespread confusion spread by the "double speak" in the rhetoric of the present administration about the true nature of patriotism, they truly love this country and its great democratic and revolutionary traditions, and they share a commitment for peace and social justice.

The key to the salvation of our beloved nation lies in the renewal of the patriotic spirit. The founders of our country and subsequent patriot-heroes understood the need for such a periodic renewal:

"[It is necessary] that we frequently refresh our patriotism by reference to first principles."—Thomas Paine.

"The American war is over, but this is far from being the case with the American Revolution. On the contrary, nothing but the first act of the great drama is closed."—Benjamin Rush, 1787.

". . . that this nation shall have a new birth of freedom—and that government of the people, by the people shall not perish from the earth."—Lincoln's Gettysburg Address.

Such re-examinations and renewals of the American spirit did in fact take place, notably in the struggle for the Bill of Rights, against slavery in the Civil War and against the Nazi menace in World War II.

The people of America once again need a renaissance of the spirit of the American Revolution. They need to rediscover the elements of a genuine American patriotism:

first of all, the impassioned, humanist concern for the welfare of our people, and above all for the poorest, most deprived, the powerless; secondly, a profound love for our land—our forests, rivers, lakes and seashores . . . our "spacious skies," "amber waves of grain," "purple mountain majesties above the fruited plain"; and finally an obsessive dedication to the democratic ideals embodied in our Declaration of Independence and the Bill of Rights—a commitment to the expansion and extension of democracy to every aspect of our lives and to every American without favor or exception.

With that patriotic renaissance will come the understanding that the true national interests of our people are fully compatible with the national interests and aspirations of people everywhere, and that genuine national security lies not in macho belligerence and the stockpiling of weapons of horror and destruction, but rather on this shrunken planet, in the just and peaceful resolution of international conflict.

There is a global struggle underway for the hearts and minds of the human race; basically it is a struggle between the democratic ideal and the systems of dictatorship, left or right. The Soviet Union is our adversary, but it presents a powerful challenge rather than a military threat. The best defense of our country and of the ideal of democracy depends on our ability to prove to the world that democracy can give a happier, more fulfilling, more rewarding life for all; that it can give its people a higher standard of living, better health care, a better education, a richer and more diverse culture, full employment; that it can abolish racism and sexism, resolve the problems of energy and pollution, help feed the hungry and supply greater aid to developing nations.

Inspired and motivated by such a patriotic/spiritual rebirth, we can restore the vigor and idealism of our nation, re-establish a national sense of purpose in which we can take pride and earn once again the respect, gratitude and appreciation of the peoples of the world.

Mr. PROXMIRE. Mr. President, I should point out that this editorial was unusual inasmuch as it was signed. The authority was identified as John Rossen, "a retired businessman who is secretary of the Chicago-based New Patriot Alliance." But it appeared on the editorial page in the top position reserved for the lead editorial. Mr. Rossen and the Chicago Tribune deserve congratulations for catching an inspiring interpretation of the meaning of the Fourth of July, as well as a startling change in what for years has been the public perception of the Chicago Tribune.

CAN WE LIMIT A SUPERPOWER NUCLEAR WAR?

Mr. President, in the summer issue of Foreign Affairs, Albert Wohlstetter becomes among the very few experts to go beyond the grim options that face this nuclear superpower, this America of ours, in discussing our military policies in this age of nuclear weapons. Wohlstetter is president of the European American Institute for Security Research. Mr. Wohlstetter argues in detail that, for most of the nuclear age, we have relied on nuclear deterrence—that is, mutual assured destruction or MAD.

Now we face the growing power of nuclear arsenals and the prospect of an overwhelming environmental disaster, in the form of nuclear winter. Wohlstetter contends there is an option besides the deterrence of mutual assured destruction or surrender. In a U.S.A.-U.S.S.R. armed conflict, both sides would have every reason not only to prevent war but to carefully limit nuclear activity once such a war started to a level that would not be suicidal. A nuclear attack on cities by either superpower would run the final risk of igniting a nuclear winter and the even more certain risk of a tit-for-tat retaliation. In view of the immense power of nuclear weapons and the colossal number of such weapons on both sides, such an attack and response would at the very least mean the end of both nations as organized societies. The stake in stopping the hostilities as soon as possible, and in keeping the damage stringently limited, would be infinite.

So what? So Wohlstetter argues that we should venture a solid step beyond MAD. A superpower nuclear war might be the end of the world. But, then again, it might not. The discipline of total destruction is so great on both sides that a superpower war could, in his view, be fought with a restraint that could permit both nations to survive. This is quite a challenge Mr. Wohlstetter presents. Could we meet it? Would the Soviet Union meet it? Obviously both superpowers would have to fully meet this acid test of restraint.

Let's consider that possibility. What is the first simple principle in war? We learned it again as recently as in Vietnam. It is that we do not fight at all, if we do not intend to win. We have learned that, at least until this nuclear age, wars have not created an atmosphere of restraint or caution. Wars have created on both sides a will to die if necessary but never surrender, never quit, never give in. And certainly never give in when your side has the military capacity to utterly destroy the enemy. Would we exercise this kind of restaint? Would the Soviets?

Consider the immensity of nuclear weapons, the total, devastating destruction they would wreak. Obviously, that counsels restraint. But the terrible brevity of time seriously complicates the prospects of restraints. Our last big war—World War II—was like previous great power wars. It dragged on for years. In a few hours, a superpower nuclear war would be over. In a few agonizing minutes, Gorbachev and Reagan or their successors would have to make the decision whether to restrain their immense power and, if so, how much.

Our military doctrine today calls on our forces in Europe to react to a successful Soviet conventional breakthrough with tactical nuclear weapons. This reaction is based on two assumptions. First, our tactical nuclear weapons could have a decisive turning point effect in stopping the Russian offensive. Second, the very recklessness demonstrated by such a quick resort to nuclear weapons would speak out as no rhetoric possibly could that the United States intended to use whatever military power turned out to be necessary to avoid defeat. Would this quick, limited resort to nuclear weapons stop such a Soviet offensive?

Maybe the shock of a tactical nuclear defense would stop the U.S.S.R. cold. But maybe not. No one knows. Once a nuclear war starts, logic and good sense are not always in the driver's seat. It might end at once with no further casualties. Logically, from the standpoint of both superpowers, it should. But the Soviets are human enough to react in a paroxysm of fury and frustration with an all-out preemptive attack on American missile bases, submarine pens, and bomber bases.

In a previous speech, I pointed out that the U.S. Air Force has called for working out carefully and in detail just what this country should do to contain and restrain and end such a nuclear beginning. Certainly if we plan first use of atomic weapons under any circumstances, we should have a carefully developed plan to confine such a beginning. Do we have it? Of course, there is one obvious obligation: Once a nuclear war begins, we have a simple, single mission: Stop it. Once it begins, we must make it as easy as possible for both sides to end hostilities, to pull back without any loss of face of any kind.

Wohlstetter concludes that ideologues of the West would like "to foreclose any Western options for responding to nuclear attack other than the extremes of bringing on the apocalypse or giving up." Wohlstetter offers a third option. Like the other two options, it is immensely dangerous. Under the circumstances, it is a far better option than surrender or death. Of course, the best option, the option that deserves, as the Catholic bishops put it, all of our spiritual and material resources, is the prevention of any nuclear hostilities. Once nuclear war begins, restraint will be extraordinarily difficult. It must be exercised by both superpowers. The Russians must depend on Ronald Reagan. Americans will have to rely on Mikhail Gorbachev. Good luck.

Mr. President, I ask unanimous consent that the conclusion of Mr. Wohlstetter's article entitled: "Between an Unfree World and None" be printed in the RECORD.

There being no objection, the conclusion was ordered to be printed in the RECORD, as follows:

Let me summarize:

First, there is a substantial probability that if, in the course of a war, the opponents were to explode many thousands of high-yield nuclear weapons over targets in cities, they would directly kill or maim so many civilians and destroy so much of the substructure of civil society that little would be left of civilization on either side.

Second, while there are very large uncertainties that will not soon be resolved, there is also some finite chance that, aside from the enormous direct local destruction, such attacks might have global consequences endangering the species.

Third, this apocalyptic possibility underlines the necessity not only for relying less on nuclear weapons to counter conventional attack, but also for exercising restraint and discrimination in responding to nuclear attack. It does not mean that we have to ignore the long Western tradition that imposes constraints on conflict and calls for discrimination and proportionality. On the contrary, it makes that tradition more relevant than ever. It forms one more knockdown argument against preparing to respond to nuclear attack by destroying innocent bystanders in mass, and against eschewing any capability to respond by attacking military targets effectively with the least harm done to population that we can manage, including the least danger of initiating a nuclear winter.

Fourth, we do not have to subordinate all considerations of freedom in order to avoid the apocalypse. On the contrary, the chances of our avoiding catastrophe are much larger if Western leaders keep their heads and freedom of choice. Raymond Aron and Sidney Hook both pointed out that submission to a totalitarian power would not eliminate the risk of war. Nor, in a world that has known nuclear weapons, would it eliminate the possibility that the violence of such a war might climb to the nuclear level.

They were right. Communist Vietnam has attacked communist Kampuchea. Communist China has fought Vietnam. And the only two nuclear-armed countries whose military forces have ever been locked in battle are communist China and the Soviet Union. Even a nominally single totalitarian world is quite capable of dissolving into what would then have to be called civil wars rather than wars between nations. Nuclear weapons can easily be hidden, and also rather easily and quickly produced as a by-product of nuclear electric power. They can be delivered by civil as well as ordinary military aircraft. In such a world, conventional conflicts could lead to the use of nuclear weapons and also to the mindless expansion of such use.

Fifth, escalation, of course, would not be inevitable even then. The People's Republic of China and the Soviet Union have used military force against each other warily. For the Chinese and Soviet communists, it is obviously "better to be red than dead." But then there is nothing inevitable about the escalation by a democratic government of the use of nuclear weapons to universal ruin, though it sometimes seems that ideologues in the West would like to make it so. They would like, at any rate, to foreclose any Western options for responding to nuclear attack other than the extremes of bringing on the apocalypse or giving up. Those who conjure up a vision of an imminent apocalypse to lend urgency to the potential surrender of Western autonomy would not eliminate that nightmare by subordinating the West to totalitarian power. In short, the alternatives are not whether to be red or dead. It is possible to be both red and dead. Or neither.

CIVIL RIGHTS

MYTH

Mr. PROXMIRE. Mr. President, the Reagan administration believes in vigorous enforcement of the civil rights laws. It has only been cutting back on excesses. Both President Reagan and his Assistant Attorney General for Civil Rights, William Bradford Reynolds, have asserted that this administration has enforced the civil rights laws more vigorously than any prior administration.

In his Saturday radio address of June 14, 1985, the President said that "for the last 4½ years this administration has acted vigorously to defend and extend every American's fundamental right to equal treatment." And declared further: "We have a proud record on civil rights." The President dismisses controversy over his policies as nothing more than disagreement over his attempts to curtail the use of quotas.

REALITY

In reality, this administration has curtailed civil rights enforcement across the board. It has consistently opposed the interests of blacks, women, hispanics, and the handicapped.

EXAMPLES

The administration reversed longstanding IRS policy that denied tax deductions for contributions to schools that segregate students on the basis of race. The Supreme Court overwhelmingly rejected the administration's position.

The Reagan administration failed to object under the Voting Rights Act to the moving of a polling place in Selma, AL, from a community center in the black community to the Selma courthouse, in spite of the fact that voting participation by blacks dropped sharply after the switch. The administration callously suggested that the change was justified because there was more parking at the courthouse.

Five times William Bradford Reynolds has approved changes in State election laws only to have Federal courts brand those changes racially discriminatory under the Voting Rights Act.

The administration has launched an all-out assault on affirmative action by challenging 51 consent decrees, many of which prior administrations negotiated. The administration has argued that the consent decrees discriminate against whites, regardless of the protests of the defendants—primarily white local officials—that the decrees are creating opportunity for disadvantaged blacks and promoting racial harmony.

Perhaps, most revealing, a recent count revealed that of the last 20 noncriminal briefs filed by the Reagan Civil Rights Division in the courts of appeals—dating back to January 1984—not a single one has supported blacks—the group that the Civil Rights Division undeniably was created to assist. Similarly, of the nine noncriminal civil rights briefs filed in the Supreme Court during that same period by the administration, only one supported blacks. This is an astonishing reversal of the Government's traditional position on civil rights issues.

Finally, the President consistently refers to a golden age of consensus on civil rights, presumably during the 1960's. For example, in his June 14, 1985, radio address, President Reagan stated that the Declaration of Independence:

> Inspired our nation to reach new heights of human freedom, but its promise was not complete until we abolished the shame of slavery from our land and, in the lifetime of many of us, wrote the civil rights statutes that outlawed discrimination by race, religion, gender, or national origin.

In reality, of course, this golden age of consensus never existed because Ronald Reagan and his ilk opposed every civil rights initiative. His praise for the civil rights statutes is disingenuous, since he opposed all of them. He termed the 1964 Civil Rights Act "a bad piece of legislation." He opposed the 1965 Voting Rights Act as "humiliating to the South." Given this record, it is no wonder that President Reagan's administration has failed to enforce these laws on behalf of minorities.

THE CONSEQUENCES OF UNITED STATES MILITARY AND ECONOMIC POLICY IN NICARAGUA

Mr. PROXMIRE. Mr. President, on July 3, Congressman ROBERT KASTENMEIER of Wisconsin held a hearing at the University of Wisconsin in Madison on United States policy in Central America and especially in Nicaragua. A number of remarkably well informed witnesses, many of whom had recently visited Nicaragua or lived in Nicaragua, testified. One of the most detailed and useful analyses was made by a University of Wisconsin scholar and professor from the university land tenure center, named William Thiesenhusen. Dr. Thiesenhusen's paper provided a wealth of facts about this beleaguered little country that tell a vivid story of the country's progress, its successes and failures, and the consequences of American policy on its people and its future.

I ask unanimous consent that an excerpt from the Thiesenhusen paper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT

1. The economic growth rate for Nicaragua under the Sandinistas from 1981 to 1984 was 8.8 percent. This four-year average is higher than that experienced by 15 of the 21 Latin American countries on which the U.N. has data.

But where most other countries are pulling out of the recessionary period of the early 1980s, Nicaragua is not. In 1984, a year that was relatively good throughout the hemisphere, Nicaragua had a dismal growth rate of 0.5 percent compared to a rate of 2.6 percent for Latin America as a whole. Because the rate of population growth is so high, the rate of growth per capita has been strongly negative in the 1980s, and the only consolation is that it was less strongly negative than most other countries of Latin America. In Latin America, only Haiti, Bolivia, and Honduras have lower GNPs per capita than Nicaragua.[3]

2. Under the former government, Nicaragua's illiteracy was at one of the highest levels in Latin America. It is now considerably lower than other countries having similar incomes per capita.[4] The InterAmerican Development Bank put its literacy rate at 88 percent in 1981, while Guatemala's was 56.6 percent, Honduras was 37 percent, El Salvador was 71 percent.[5] The literacy rate for Nicaragua in 1974 was 52.6 percent.[6]

3. Nicaragua had an extremely concentrated distribution of income before 1979 and virtually no agrarian reform. The Somoza dynasty owned at least 25 percent of the economy. The revolution brought agrarian reform to about 28 percent of the country's farmland. Enormous farms—those over 350 hectares—dropped from including 41 percent of farmland in 1978 to 11.5 percent in 1984, mostly as Somoza farms were brought into the public sector. Chicken, rice, bean, and corn production was considerably higher in 1983 than before the revolution (in the cases of chickens and rice, production doubled). The production of coffee was about the same, while production of meat, cotton, and milk was considerably lower after the revolution than before.

Of course, one of the goals of the revolution was to increase the production of the country's staples, corn and beans. This was because the growth which Nicaragua experienced prior to the revolution was very concentrated in its export sector. Some growth in staples was attained under the Sandinista government. The economic program after 1979 was also designed to keep up principal exports so that foreign exchange could be earned. That was done less well.[7] The reason that meat faired so badly was probably because the revolution upset it most. Somoza dominated livestock in Nicaragua while he was in power, introducing it for export diversification in the 1960s and 1970s.[8]

4. The bulk of foreign aid to Nicaragua (80 percent) came from other Latin American countries from 1979 to 1984. Seventy percent of total Latin American aid came from Mexico which offered Nicaragua about a half billion dollars worth of petroleum products. If petrol is not forthcoming, Nicaragua's economy will come to a sorrier state than it is now, a fact well known to those who mined the harbor at Corinto last summer and burned storage tanks there. Most of the remainder of non-Latin American foreign aid to Nicaragua came from the EEC which supplied more foreign aid to Nicaragua than to any other of the Central American countries.[9]

5. We should remember that damages which the contras have inflicted on the country have been large, being estimated in 1984 for the four-year period as over $100 million in infrastructure and another $100 million in lost production. (The revolution itself resulted in $78 million damage to infrastructure and about $400 million in lost production.)[10]

Nicaraguans have now begun to experience enormous wage-goods price increases to compensate for shortages. This drives down real income of the very poor as well as cutting into that of the middle class, upsetting whatever real gains that came to them from the revolution. In the process, a volatile political combination is created.

From February to May 1985, price rises of 333 percent were authorized for some key consumption goods. Furthermore, as of May, the cost of a long-distance phone call jumped 3,000 percent over the price of the same call in April. One governmental prediction is that industrial production will drop 5 percent in 1985 when compared with 1984 due to the lack of dollars to buy imports. (This prediction was made before the embargo.)

These price rises also reflect the fact that government subsidies are being reduced. In order that the fruits of the revolution be shared with lower classes, the government subsidized basic foodstuffs by $700 million and built more than $1 billion in social and economic infrastructure. This has now stopped.[11] This is part of a program, which included a whopping devaluation, announced in February 1984 to increase public revenue also by raising taxes, freezing government recruitment, and curtailing public spending. By so doing, economists in the Nicaraguan government feel that the fiscal deficit should be 25 percent lower in 1985 than in 1984. The hope is that tax increases will result in 41 percent more revenue and growth in spending will be held to 17 percent instead of 40 percent as last year.[12] A thriving black market exists in Managua as a result of these economic problems; the informal sector is flourishing. Prices are high, so while the middle class may get at least some of what it needs, the lower class cannot.

Terms of trade are now strongly against Nicaragua: the price difference for what Nicaragua imports and what she exports is marked. Previously it took one quintale of coffee to buy sixty barrels of oil; now it buys only four.

6. Through all of this, Nicaragua has taken certain pains to work within the banking system and to strengthen the domestic capitalist sector.

Although it has almost no hard currency to buy imports, the government announced two weeks ago that it was paying $3 million to its creditors at the same time it delayed for one year $295 million in interest and amortization payments on its debt of $4.5 billion. More than half of Nicaragua's 130 creditor banks are American, and this repayment comes two months after the trade embargo which could cost the Nicaraguans $60 million in lost exports. According to the agreement, Nicaragua will pay $15 million over the next year.[13]

Even this year the government has promised higher prices for corn and beans. It has also offered a higher-than-normal exchange rate of dollars into cordobas for firms which export.

7. The matter of the U.S. embargo against Nicaragua set off a chain reaction and almost universal condemnation by Latin American countries (with the exception of El Salvador and Honduras). Most of them issued strong statements of opposition to the embargo, as did the Latin American Economic System (SELA), the Organization of Non-Aligned Countries, the usually pro-U.S. Caribbean Economic Community, the Inter-American Regional Organization of Workers. Through the Sandinista regime, the value of exports from Nicaragua absorbed by the U.S. dropped from 80 percent to 17 percent, so the difficulty for the country now is to find new markets. By and large, Nicaragua seems to have been fairly successful in this pursuit. Bananas which ordinarily went to the U.S. will go to Belgium, meat will probably go to Mexico, Venezuela, Canada, and the EEC.

More difficult may be the issue of imports, 30 percent of which come from the U.S. These usually include pesticides, fertilizers, pharmaceuticals, and spare parts for which the Nicaraguans may be able to shop in Panama.

A good bit of the unresolved problem is with infrastructure. The national refinery is U.S. built, the country's road-building equipment came from the U.S., as does the edible oil and cotton-processing equipment. When these break down, it will truly be difficult to fix them.

What Nicaragua has done in response is to set up a bank for spare auto parts, establish a foundry to try to make certain parts, promote a food self-sufficiency program, and create a stronger state system for distribution. We don't know how successful the new ventures will be.

Also there have been new pledges of petrol from the Soviet Union; Italy, Finland, Sweden, France, and Spain have promised more help. Workers at one John Deere plant in Spain are privately sending US $10,000 worth of spare parts. As soon as President Ortega returned home from this trip, Vice-President Ramirez set off for Belgium, West Germany, and Austria to continue the fund-raising effort.

Meanwhile, Mexico will, for the time being, agree not to press Nicaragua for past oil debts and will contribute more, and Canada will establish the office of trade relations which is being removed from Miami.[14]

Before the embargo, it was estimated that Nicaragua would export about $461 million in goods, mainly agricultural products, in 1985. She needs imports of about $700 million just to keep the economic apparatus working at its present levels in raw materials. This does not count consumer goods which are usually needed to pacify somewhat middle-class opponents or prospective opponents. With these economic prospects in mind, what Nicaragua's relations with the international banking community will be one year from today is anybody's guess.

IV.

Whether or not the U.S. intervenes militarily, a great deal of damage has been already done to the Nicaraguan economy; the contras will see to it that this damage continues. Meanwhile, the suffering of the Nicaraguans will intensify. While we as a country cannot take the blame for any mismanagement of resources that may have occurred in Sandinista Nicaragua, it is clear that we can and will be blamed even if Nicaragua simply drowns in her own debts.

I think the quote from Edgar Chamorro is so important that, in closing, I would like to repeat a sentence from it. Speaking of the

Footnotes at end of article.

aid to the contras bill which the House passed, he said:

"This will not end the conflict; it will only make matters worse. Rather than engage itself further economically or militarily, the best course for the United States is to distance itself from the conflict, encourage political dialogue, and support Latin American countries in their effort to prevent a regional war." [15]

FOOTNOTES

[3] Enrique Iglesias, "Balance preliminary de la económica de América Latina en 1984," Comercio Exterior (Mexico) (febrero de 1985): 173.

[4] World Bank, World Development Report (Washington, 1984).

[5] InterAmerican Development Bank, Economic and Social Progress in Latin America, 1984 Report (Washington).

[6] InterAmerican Development Bank, Economic and Social Progress in Latin America, 1978 Report (Washington).

[7] Pascal Serres, "La réforme agraire au Nicaragua," Amerique Latine, no. 20, Oct.-Dec. 1984, tableau 5, p. 84.

[8] Paul J. Dosal, Inter-American Economic Affairs (Spring 1985).

[9] See Christian Parker and Pablo Salvat, "Europe, Nicaragua, Amerique Centrale," Amerique Latine, no. 20, Oct.-Dec. 1984, pp. 45-56, and "Recuento latinoamericano," Comercio Exterior 35:2 (febrero de 1985): 148.

[10] Mexico and Central America Report, 30 November 1984.

[11] Ibid., 15 February 1985.

[12] Central American Report, 12:16, 3 May 1985, p. 123.

[13] Nicholas D. Kristof, "Nicaragua Set to Sign Debt Payment Accord," New York Times, 17 June 1985, and Joanne Omang, in Washington Post National Weekly Edition, 1 July 1985.

[14] Central American Report, 24 May 1985, pp. 145-46.

[15] New York Times, 24 June 1985.

REMEMBRANCE OF THE HOLOCAUST IN POLAND

Mr. PROXMIRE. Mr. President, recently in Tarnogrod, Poland, a small group of visitors from Israel, the United States and France gathered to hear hundreds of local schoolchildren—all non-Jews—promise to look after the recently discovered common grave of the more than 2,500 Jews who were shot there by the Nazis in 1942.

This event, Mr. President, symbolized an increasing degree of sympathy and awareness in Poland for the plight of Jews during World War II.

The occasion was the dedication of a Holocaust monument commissioned by Joseph Schorer, an American who, for 43 years, felt the need to honor his parents who were victims shot in the pit that the Nazis had forced the Jews of Tarnogrod to construct.

Mr. Schorer was a 14 year-old boy staying with relatives in the Soviet Union at the time of his parents' deaths.

He learned of his parents' deaths after the war and deplored the fact that the bodies of victims in Tarnogrod, including his parents', had never been found.

Mr. Schorer recalled that, "I have always been jealous when I saw people placing flowers on the graves of relatives."

So, 2 years ago, with the approval of the Polish Government, Schorer hired students to search for the missing remains of the Jews at Tarnogrod.

The dedication of the Holocaust monument brought Schorer's project to fruition.

More mindful of the plight of the Jews during World War II, the Polish Government, according to a report in the June 24 New York Times, is trying to erase the image of complicity of the Polish people in the Nazi atrocities of World War II.

The Polish Government, for example, has been protesting a recent French film, which suggests that Nazi death camps were built in Poland because the Poles were anti-Semites willing to assist the Nazis in their genocidal plans. The government's protest cites the fact that while the French Vichy Government collaborated with the Nazis, there was no organized pro-German effort in Poland and the largest resistance armies fighting against Germany in World War II were in Poland.

In addition, the greatest number of gentiles honored a Yad Vashem, the Holocaust memorial in Jerusalem, were Poles.

The present Polish Government is actively seeking contacts with Jewish groups abroad in its efforts to improve relations with Jews. An increasing desire to preserve the Jewish tradition in Poland has developed recently.

The present Polish Government is considering the establishment of a Jewish museum, is promoting the preservation of synagogues and Jewish cemeteries, and is introducing academic study of Jewish languages and thought.

Amon Dior, a writer and former Israeli diplomat, has said that,

> The Jewish people have long had an ambivalent attitude to Poles, but I must say that I am now really confused by the warmth of our welcome. I think the attitudes that were expressed may represent a new beginning in the complicated histories of Poles and Jews.

Despite these encouraging developments, it is important to remember that Poland's current attitudes toward Jews have been shaped in large part by the fact that there are hardly any Jews now in Poland. The legacy of the Holocaust must not be forgotten.

According to the New York Times, it was as recently as 1968 that the Polish Government sanctioned purges against Jews. While the Poles now being recognized for their heroic actions against the Nazi Holocaust rightly deserve their honors, we cannot forget those who did aid and abet the Nazi effort in Poland.

Likewise, the United States must commit itself to punishing those who aided the Nazis in their genocidal acts. In that respect, the Genocide Convention would pledge America to ensuring that these types of deeds do not go unpunished. Mr. President I urge Senate ratification of the Genocide Convention.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 1:30 p.m., with statements therein limited to 5 minutes each.

The Senator from Montana.

THE STATE DEPARTMENT PHILIPPINE FIASCO

Mr. MELCHER. Mr. President, the reelection of President Marcos or the election of a new President of the Philippines in 1987 is up to Filipino voters, not the United States. Neither paupers nor puppets, the Philippines are the proud partners of American democracy in Southeast Asia, our ally for 87 years, and the gateway to all of South Asia and the back door of the Middle East.

Good United States-Philippine relationships depend upon maintaining our defense alliance, improving trade, and broadening cultural-educational ties.

The strategic location of the Philippines, with its 53 million English-speaking people, makes the alliance extremely vital. Subic Bay Naval Base and Clark Air Force Base, leased in the Philippines, are the strategic U.S. bases in Southeast Asia. They counterbalance the Russian air bases in Vietnam as well as Cam Ranh Bay that have made it possible for the Soviets to conduct regular naval patrols and maintain continuous air surveillance south of China.

But the Reagan administration's offensive tinkering with internal Philippine economic reforms—rather than concentrating on three goals that are in the true best interests of both our countries—is jeopardizing that alliance.

Let us examine those three essential goals:

President Ferdinand Marcos must soon decide whether to retain Gen. Fidel Ramos as armed forces chief of staff on a permanent basis. Ramos, a 1950 West Point graduate and a classmate of U.S. Army chief of staff, General Wickham, is highly respected both here and in the Philippines. Marcos calls him his nephew and relied on him as a 14-year-old courier when Marcos led Filipino troops against the Japanese occupation forces. But Marcos' ties to Gen. Fabien Ver, the former armed forces chief of staff who is now on trial on charges of being part of the Aquino assassination, go back even further. If Ver is acquitted by the courts and gets his old job back displacing Ramos, shock waves would rock business and political cir-

cles in the Philippines and devastate U.S. military and diplomatic relationships.

Our second common goal, related to the first, is to control the insurgents, who are a mixed bag of dissidents, frustrated Filipinos dissatisfied with the Marcos government, a corps of Maoist-leaning Communists, and a sprinkling of bandits, all of them armed with Philippine Armed Forces weapons stolen, captured, or illegally purchased from the Philippine Armed Forces. The insurgents—who now number about 10,000—carry out only limited guerrilla activities. But their numbers could easily increase as the current Philippine economic depression worsens. Acts of military abuse and killings plague the Philippine Armed Forces. Ramos is generally viewed as the best hope for discipline and control of the military, to stop the abuses, and to nullify further insurgent gains.

As to the third goal, the Filipino people are democratized and hold dear the rights of political and personal freedom. From Barrio, Barangay, and city, they vote much more heavily than we do. The 1984 general election for the 180 seats in their legislative assembly, the Batasan, recorded more than an 80-percent voter turnout. Opponents of the Marcos government were successful in winning nearly 60 seats. Credited with the high voter turnout was the grassroots citizen organization—the National Movement for Free Elections [NAMFREL]. Over 300,000 volunteers did poll watching and counted ballots. Our third goal, then, is to assure President Marcos' accreditation of NAMFREL for the coming elections, for this is the overriding political issue for the Filipino people.

These are attainable goals, but instead of bending its efforts to achieving them, the U.S. State Department has been undercutting them by meddling with economic reform requirements that have infuriated the Marcos government and frustrated United States-Philippine business interests.

There is no reason for the United States to delay food shipments, yet this year Secretary of State Shultz instituted a three-pronged economic reform strategy for wheat milling and flour distribution within the Philippines. That held up a U.S. wheat sale for many months. In April, Marcos agreed to the first two State Department requests, but strongly objected to a third requirement that the Philippine Government have no involvement in any U.S. wheat purchases, leaving it entirely to the private sector. This requirement offended Marcos as an unwarranted intrusion into Philippine affairs, and prompted a review of offers of wheat sales from Australian interests.

The U.S. wheat sale was held up until June. U.S. wheat producers wrote to Shultz to point out that the 60 countries buying U.S. wheat buy it all through their own government agencies. The State Department replied that Guatemala purchased wheat from the United States only through private enterprise companies. In other words, only one country buys wheat from us the way Secretary Shultz wants the Philippines to buy it. Surely only one exception proves the rule. What Secretary Shultz views as an oppressive practice by the Philippine Government is actually the purchasing norm throughout the world.

The State Department demands not only angered Marcos, but incensed wheat producers and their congressional representatives, who cannot understand why sales are blocked when we have a mountain of priced-depressing surplus wheat in storage.

Further aggravating the situation, Secretary Shultz' economic reform demands then blocked a rice sale until the Philippines changed the system of pricing, sale, and distribution of fertilizer to their rice farmers.

In neither case, wheat sale or rice sale, can I find one State Department official who can lucidly present the whys and wherefores of the reform. And no one in the U.S. Department of Agriculture has the courage to challenge the reform's lack of merit.

Although the Philippine Government has been criticized for cronyism to benefit business friends of Marcos, the critics, both within the Reagan administration and among native political opposition to Marcos, have not made any compelling case for barring the Government from buying wheat or for the rice fertilizer requirements Shultz seeks to institute.

The resulting flour shortages and the potential rice shortage in the Philippines may alienate some of the people against us or Marcos or both. At the same time, U.S. farm producers are perplexed and upset by the Reagan administration's roadblocking of agricultural trade with a smaller, friendly, trading partner when we do not make economic reform a requirement for the purchase of U.S. grain by the countries within the Russian orbit, China, most of Africa, South and Central America, and the European Community. The grain embargo President Carter imposed against Russia for its invasion of Afghanistan at least had a valid foreign policy purpose—even though U.S. grain producers paid dearly for it in depressed grain prices. Carter's decision was unmercifully flogged in the 1980 campaign and the embargo was lifted in 1981. So today we sell wheat to Russia but hold up food sales to the Philippines. The irony makes one suspect that having given the Reds all the wheat they want to buy, Secretary Shultz now wants to look like John Wayne straightening out our little brown Filipino brothers.

In any case, the United States has more to lose than the Philippines, since wheat and rice are available to that country from a score of other nations. The Filipino people obviously like us despite our heavy-handedness, however, so they waited until Shultz relented and the sales were made. Still, that leaves unanswered the question of why Secretary Shultz has pursued a policy seemingly designed to hurt us economically and strategically. With all his troubles trying to straighten out the Middle East and Central America, while negotiating with Russia on nuclear arms limitations, it would seem only natural for the Secretary to want to encourage mutually beneficial trade with the Philippines.

Yet antogonizing the Philippines seems to obsess a State Department that is not doing very well anywhere in the world. If there were a consistent U.S. strategic defense policy or a consistent U.S. trade policy—which there isn't—where in the world would this Philippine food fiasco fit into it?

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I wrote to Secretary Shultz asking for an explanation and all of the paper work connected with the blockage of the wheat and rice sale to the Philippines.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
July 10, 1985.

Hon. GEORGE P. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY SHULTZ: I am writing to request copies of communications between your Department and the Philippine government, the U.S. Embassy in Manila, and private interests, as well as internal Department memos and communications since January 1, 1985, relating to:

(1) The pending GSM-102 sale of U.S. wheat to the Philippines;

(2) The recently signed Pub. L. 480 Title I sale of rice to the Philippines; and

(3) Continuing efforts to provide rice under Pub. L. 480 Title II for Cardinal Jaime Sin's feeding program in Manila.

As a result of conversations I have had with organizations representing U.S. food producers, as well as officials in the State Department and the Philippine government, I believe that there have been unwarranted delays in the State Department's approval in each of these areas to the detriment of U.S. food producers, continued good relations between the people of the United States and the Philippines, and the nutritional needs of many Filipinos.

The Pub. L. 480 Title I sale of $40 million in rice to the Philippines finally has been signed, but was delayed several months. The GSM-102 wheat sale was stalled for four months or more, and the additional Title II rice grant has yet to be approved.

I believe that it is vital that these delays be avoided. In order to avoid such delays, I wish to review State Department communication, memos, and other documents concerning the three transactions listed above.

Sincerely,

JOHN MELCHER.

Mr. MELCHER. Mr. President, I ask unanimous consent to have printed in the RECORD my June 15, 1985, letter to President Marcos emphasizing my concerns that General Ramos remain as Chief of Staff, that military abuses be corrected, and that the National Movement for Free Elections [NAMFREL] be accredited for the coming elections.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE.

President FERDINAND MARCOS,
Malacanang Palace,
Republic of the Philippines.

DEAR MR. PRESIDENT: Only three days ago, on June 12, I went to your embassy in recognition of the Philippine 87th anniversary of independence from Spain. It is an anniversary that is mutually shared by the actions of our two countries. I seek by this letter to communicate to you my earnest thoughts on the mutual accord of our two countries.

First of all, I want to thank you again for the fine hospitality extended by you and the First Lady, Ambassador Romualdez, Minister Tanchanco, Minister Escodero, Minister Cendana, Minister Montez, Speaker Yniguez, and thousands more friendly Filipinos who made our week's stay in your lovely and marvelous country during February a great experience. On behalf of my wife, Ruth, my aides, and Commander Findley, I wish to convey to you our gratitude and thanks.

Since our last visit, I was pleased to note the progress that the government of the Philippines and the Filipino people have made in curtailing some of the country's economic problems and the progress that is easily visible in affirmation of the principles of democracy, the freedom of expression and assembly.

Mr. President, let me respectfully compare my observations on these matters as I perceived them in our visit to the Philippines in December of 1983 with our recent visit in February. As the first United States Senator to visit the Philippines following the Aquino assassination, I found in 1983 tension and fear expressed by many in the United States and a few in the Philippines for personal safety of individuals in the Philippine. I found that to be grossly exaggerated.

Our visit this year coincided with U.S. news reports of exaggerated restraints on rallies or public demonstrations. Despite the impression given by the media that rallies could result in violence, I participated this past February in a rally in Luneta Park for upholding the moral values and safeguarding women and children, which I note is a centerpiece for the high morality of the Filipino people. The rally, participated in by ten thousand people, was a free and open use of the right of assembly. Likewise, I also observed several hundred farmers protesting on the sidewalk and on the street in front of the Ministry of Agriculture, obviously expressing their right to assemble.

On meeting with opposition leaders in 1983, I learned of their great dissatisfaction with the Presidential decrees and questioning on the lack of a definite procedure for succession and their grave doubts as to whether free and honest elections for members of the Batasan would be held in May of 1984. In my letter of February of 1984 I conveyed to you my earnest desire to be a constructive friend to the Philippines and asked for your consideration of their complaints.

Through my own observations and in meeting with opposition leaders this year, I am assured that they and the Filipino people have regained a great amount of confidence in the electoral process and in the democratic institutions involved in representative government through the Batasan. In addition, opposition leaders expressed a belief that the matter of succession had been corrected.

I also found in 1983 concerns of the Filipino people in general, and in particular the business community, that the economy was sinking rapidly and needed prompt attention. Despite these concerns, I found, as I told you then, the warm hospitality and the open and enthusiastic friendship for Americans, and the obvious determination of the Filipino people to continue to be an effective trading partner with the United States. I believed then, as I do now, that it is paramount to continue our strong and historic alliance, continue our exchanges of educational and cultural activities, and above all continue the warm friendship between the United States and the Philippines motivated by determined interest in pursuing those goals mutually beneficial to our two countries.

This year, many in the business community expressed a greater degree of confidence in government stability and in a turnaround in the economy. While the start in economic recovery has been made, there is, as Prime Minister Virata concisely stated, needed attention both by the Makati business community and U.S. officials to work in harmony together.

My recent visit renews not only my determination to pursue these goals, but has also provided me with a deeper understanding of existing problems shared by the United States and the Philippines.

Part of my goal in the 1983 visit was to enhance food aid and food trade. This year, in meeting with Cardinal Sin, I was pleased that the distribution of rice to 100,000 unemployed families (600,000 people) in metro Manila was progressing. I hope that I can be of assistance in extension of this program for a longer period of time and expanding this food aid to many other families who are unemployed. Also, in discussions with Minister Montez, more food aid is needed. Food aid is a cooperative program that can be broadened through the private voluntary agencies and the government. I believe, Mr. President, that you have expressed an interest in acquiring dairy product imports from the United States at favorable prices through section 416, and I stand ready to provide all possible assistance to ensure the success of this effort.

Of special note was my visit with General Ramos and visits to Clark Air Force Base and Subic Bay Naval Base, and I wish to dwell in some detail on these matters. In 1983 I had specifically asked for an opportunity to meet General Ramos, because as a West Point classmate of U.S. Strategic Air Commander, General Bennie Davis; U.S. Army Chief of Staff, General Wickham; U.S. Air Force Chief of Staff, General Gabriel; and the late General O'Malley, formerly the Commander of Airlift Command and the former Commander of the Pacific Air Command, I had been told of their high regard for him. As it worked out, Mr. President, you introduced me to him. When I later met with him and he described his duties as chief of the Constabulary, Is found that my regard for General Ramos matched the high regard of his former West Point classmates.

Our visit this year causes me to appreciate more fully his ability and competence in his service to the Philippines, now as your appointed Acting Chief of Staff. When I discussed with General Ramos how he would recommend the use of additional funds from the United States in military aid for the Philippines, subject to your approval, he asserted his priority recommendations would be to enhance logistics and communications. To me, an old infantryman, that sounded good. Speaking of the insurgency, General Ramos said that it was important to establish better roads and communication in areas where the insurgents are prevalent. And he further went on to say that establishing a good relationship with the people in those areas was vital to curtaining insurgent support and recruits. He said that in some areas additional food supplies are needed for the people, and that it is vital to establish among the people in those areas a feeling of confidence in the government of the Philippines, trust in the military, and the opportunity to improve their economic well being.

I must say, Mr. President, that in my lifetime I have known of few generals who have so succinctly epitomized what I believe must be the successful approach to curtailing insuregency. Later that day, in our visit to you in the palace, I believe your comments on these matters to be the general outline of the policies that you were directing the military and the government to follow.

On several occasions I have previously stated that I believe the U.S. rental payments to the government of the Philippines for the use of both Clark and Subic do not adquately reimburse the Philippines. Compared to other base agreements made by the U.S., the annual Philippine rental fees are small and fail to reflect their strategic importance, which cannot be duplicated or matched in any other country in Southeast Asia. Without Clark and Subic, the U.S. strategic presence in this part of the vast Pacific is retracted to Hawaii. That would seriously jeopardize U.S, Philippine and our allies' stability and security. May I say, Mr. President, that it would be intolerable and subtantiates the need of a stong Philippine-U.S. alliance.

I shall persist as best I can to inform and convince my colleagues in the Senate and my friends in our House of Representatives, as well as or armed forces commanders and officials in our government, that much needs to be done by the United States to shake off what I have described as the "attitude of benign neglect" towards the Philippines, and to return to enlightened U.S. Policies that cement rather than loosen the ties between our two countries.

When I am asked, or in other ways have an opportunity to express my firm beliefs in regard to U.S.-Philippine relationship, these are my statements: I state that the judicial system of the Philippines is determining the facts and processing the cases of those connected with the Aquino assassination; I state that the democratic process resulted in the election of a substantial number from opposition parties to be members of the Batasan; I state that feedom of expression and

freedom of debate is obvious in the Philippines, and that I witnessed an interesting debate, vital to the United States, between Minister Enrile and an opposition Assemblyman concerning the U.S. bases; I state that food aid from the United States is properly and effectively being distributed through Catholic Relief Services and in cooperation with the government of the Philippines, and that more food aid is needed; I state that the cooperation between the armed forces of our two governments is good but should be improved, and that equipment for both Philippine and U.S. Armed Forces, particularly at Clark, is lacking; I state that in my view the insurgency problem in the Philippines is not a major problem but does need to be addressed and can be corrected, and needs our help rather than blown up exaggerations done either to create apprehension or to give the United States an excuse for a greater interest in the happenings in the Philippines now as compared to lack of concerns addressed by the Administration last year; I state that there is no substitute for the U.S. in Southeast Asia for Clark and Subic, and they are vital to the mutual defense of the Philippines and the United States; I state that the gateway to trade expansion in Southeast Asia is Manila, Cebu, and other Philippine ports; I state that the cultural, educational, customs and language ties between the Philippines and the United States make the continuation of developing our two countries together is the greatest progress that can be made for democracy in the Pacific and that the ties must be stronger; and I state, Filipino-American friendship is on a first cousin basis, a priority friendship of loyalty and understanding developed by common bloodshed in four wars in this century.

My credibility in making these assertions to other Senators, U.S. officials, or the public depends entirely on the course of events in the Philippines. I hope that my credibility has been enhanced in the past eighteen months by the gains made through the democratic process, by the actions of the government, the Filipino people and the Church to alleviate human suffering during these times of harsh economic conditions. But current and future events in the Philippines will also determine whether I can speak with influence within and without the Senate. In this current atmosphere, events both in the U.S. and the Philippines receive media attention that signify the uncertainty of united policies. Some events gain symbolism and cause reactions in both our countries.

Such a symbolic event is a resolution recently adopted by the Senate. Drafted by the junior Senator from Massachusetts, who is a veteran of the Vietnam war, the resolution blends the obvious love and faith in democracy of both Filipinos and Americans with language that is also an intrusion into the affairs of the government of the Philippines. There will be a time for more enlightened Senate debate on the future course of the mutual relationship between our two countries.

Meanwhile there are building blocks to work toward that goal. At the same time the Senate considered the aforementioned resolution, the Senate acted in a positive way in adopting unanimously a resolution stating that the U.S. State Department cease its prevention of U.S. wheat sales to the Philippines. Some of us have also consulted with the U.S. State and Agriculture Departments on expediting a rice shipment to your country to provide additional supplies, since your drought damaged crop may cause a rice shortage. I stand ready to assist with any additional food supplies needed and to expedite the continuation of the cooperative food aid to the unemployed families.

While I seek not to interfere in the election process of your country, I observe that the democratic function of the National Movement for Free Elections (NAMFREL) is a citizen responsibility to which our two countries adhere. We would express in a friendly manner our hope, in recognition of that shared interest, that NAMFREL is accredited.

I have received letters from the Philippines which relate to me specific cases of insurgents who, because they are afraid of the consequences of returning to the status of peaceful citizens, reluctantly continue in their insurgency activities. Several have cited cases of military abuse where peaceful resolution was sought. The letters indicate a general feeling of fairness in General Ramos, but express the fear that he is not in complete authority to correct abuses by some of the military and that efforts of reconciliation by some insurgents have ended tragically.

These are my thoughts. Finally, I wish to emphasize that the courses of our two countries are parallel paths where in if one benefits, we both benefit. I offer this observation in my attempt to serve the best interests of the friendship and progress in the relationship of our two countries. I believe the U.S.-Philippine relationship is the special alliance of culture, trade, and national security that spans the Pacific.

With my best wishes for you, your family, and the Filipino people, and in the warm spirit of the Filipinos, I say "MABUHAY".

Yours sincerely,

JOHN MELCHER.

WHERE HAVE ALL THE WARRIORS GONE?

Mr. GOLDWATER. Mr. President, retired Gen. A.G.B. Metcalf has once again written a very thought-provoking editorial that I think is most appropos for all Members of Congress to read. It grows out of a concern I share with him; namely that the company grade and even some of the field grade officers are beginning to wonder about the services. As he points out in his editorial, a questionnaire, sent to 23,000 randomly selected officers out of the 92,000 in all grades, found half of the 14,000 who answered to be in agreement that "the bold, original, creative officer cannot survive in today's Army."

This, in addition to all the other problems we are discovering in the total organization of the military, the need for drastic changes, only points up the importance of the conference now being held between the House and Senate. This subject is certainly an important one and will come up.

I ask unanimous consent that this editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHERE HAVE ALL THE WARRIORS GONE?

There is a growing feeling in and out of the military establishment that senior officers have taken on the mentality of business managers rather than being centrally concerned with the nasty business of sending the enemy to his ancestors.

This should surprise no one. After all, not overlooking those no-win conflicts in which our military forces have been obliged to engage, the military leadership has been primarily occupied with running the largest business in the world—the Department of Defense. This appears to have led to a mindset which imagines that the end result sought, namely war deterrence, can somehow be thought of as a mission of the military, when their sole mission must be warwaging or the credible threat to do so: a reality which must undergird all effective diplomacy and foreign policy.

For the military to proclaim that their missions is "deterrence" (almost as bad as "Peace is our profession"), when warfighting is their role, is dangerous talk. Deterrence may well be the objective of diplomacy or the purpose of some other governmental agency, but it is not the mission of the armed forces. It is easy to understand why the public takes to the idea of war avoidance as contrasted with warfighting, but for the armed forces to be permitted to develop that mind-set is to introduce an unnecessary confusion in what is the proper focus for their commitment. The only thing which will deter war is what it takes to prevail in war. The role of the military is too important to be treated as a fuzzy intellectual construct vaguely defined as deterrence as apart from a clear-cut responsibility for the readiness to conduct war.

The military have been co-opted, as well, into giving lip service to arms control. Instead, they should be the first to point out that arms control—extending over more than twenty years—has proved to be a most disillusioning experience as far as the United States is concerned, and a highly profitable game from the Soviet point of view. It is the mistaken notion held by a large part of the public, and continually hyped by the media, that the arms control process, no matter which way it goes, somehow makes war less likely. The reality is that arms control as practiced by the United States unilaterally since 1965 and bilaterally since the Moscow Accords of 1972 has worked to diminish American security and to bring war nearer than would have otherwise been the case. The public, through ignorance or disinterest, does not seem to know this. Our political leaders, cowed by the media and its influence on public opinion, are unwilling to acknowledge this. But this is not reason for the professional military, having neither ignorance nor politics as excuses, to fail to point out that arms control negotiations, as the Soviets conduct them, have proven to be counterproductive.

These are not abstract opinions. According to a news release, an official Army survey of its officer corps sent to 23,000 randomly selected officers (out of 92,000) in all grades, half of the 14,000 who answered a long questionnaire were reportedly in agreement that "the bold, original, creative officer cannot survive in today's Army."

In a second survey sent to all active Army general officers, nearly half the generals were of the opinion that "senior Army leaders behave too much like corporate executives and not enough like warriors." While there was some disagreement as between of-

ficers and generals on matters of education, training, moral ethics and "selflessness," as well as the potential of officers for wartime leadership, there was general agreement that "the weakest areas of officer preparation tend to be warfighting, leadership and critical thinking." If this is true of the Army, it is even more true of the Air Force and Navy, both of which are more "systems management" oriented.

If, in a Defense Department resembling a buttoned/down business school environment, there is no place for a Patton, Nelson or Napoleon, we had better start worrying about how much security we are getting for our defense dollars. Under such circumstances, all of the military hardware in the world will not provide for the national safety.

But, it may be asked, have not most, if not all great military commanders been discovered and brought forth in the exigencies of war? While the answer to that question may, in the main, be in the affirmative, it does not provide an answer to the problem we face today.

In those wars in the past which called upon the full resources of the nation, there was time—ample time—while the nation mobilized its industrial resources to arm itself, to test and select those military leaders responsible for the outcome of the war.

The situation we now face is quite different. Our present doctrine postulates a military competence to engage the enemy in a "come-as-you-are" war. It is generally accepted that there will be no time, in the sense that there had been in the past, to identify and nurture military leadership cast in the warrior mold.

Failure to recognize the need to create yardsticks with which to measure this warfighting leadership quality and to institutionalize within the Defense Department, programs aimed at fostering and developing it across the board in the officer corps, can be decisive in war.

In the present officer environment, goals, recognition and advancement are not primarily oriented in this direction. Accordingly, the ablest leadership for the conduct of war is not likely to emerge and be retained as a highly valued resource. As the military establishment is now oriented, beyond being unlikely, it may be impossible. Indeed, a former Service Chief, at the close of his second term as Chairman of the Joint Chiefs of Staff, stated in a press interview that if Clausewitz were in our military today, "he would be retired as a colonel after twenty years of service."

What do you suppose that does to career officers and their martial spirit, if any? What does it portend for the nation's safety, should war come?

It is time we took another look at the standards by which our military leadership is measured, in terms of what they will be called upon to do in a national emergency, placing a proper premium on the competence to wage war, rather than on business skills in a peacetime environment.

Correcting this elemental deficiency may be our only passport to the future in a dangerous and threatening world.

EEC TRADE PRACTICES UNFAIR TO U.S. AGRICULTURE

Mr. WILSON. Mr. President, today I rise on behalf of U.S. exporters to advise our trading partners in the European Economic Community [EEC] that we are keeping close watch over their current actions in the international trade policy arena, in particular when the section 301 unfair trade case for canned fruits and raisins comes up for a decision in the General Agreement on Tariffs and Trade [GATT] council meeting this week. It is time that the EEC realize that the United States will no longer tolerate its unfair trade practices and disregard for the international dispute settlement process. We intend to compete in a fair trade environment where comparative advantage, instead of Government subsidies, determine international trade results.

Two weeks ago, I introduced the Fair Access to Foreign Markets Act, S. 1370, which demonstrates to the European Economic Community that the United States will no longer tolerate its unfair agricultural trade practices. In 1984 alone, the EEC spent $14.4 billion to support its Common Agricultural Policy with every type of production, processing, storage, market intervention and export subsidy possible. Unlimited EEC export subsidies have allowed the community to dump surplus commodities on the world market, often to the detriment of traditional American markets.

The Fair Access to Foreign Markets Act requires the President to take all appropriate and feasible action to ensure a prompt and satisfactory resolution of all section 301 unfair trade complaints pending before the General Agreement on Tariffs and Trade [GATT]. It also provides that the United States will withdraw additional concessions to counter any future EEC retaliatory trade actions and rebalance the level of concessions.

I introduced this legislation because of the recent outcome in the citrus 301 case. This case epitomizes the futility of our attempts to resolve outstanding 301 cases, whether through bilateral or multilateral negotiations.

After President Reagan announced on June 20, 1985, that the United States would raise the tariff on pasta imports from the EEC in order to rebalance trade concessions because the EEC rejected the GATT decision in this citrus case, the EEC unilaterally and unjustifiably counterretaliated by raising the tariffs on imports of lemons and walnuts from the United States to prohibitive levels.

The EEC has apparently realized the dangerous consequences of its retaliatory action against U.S. lemons and walnuts because it has decided to postpone the tariff increase on these products. The United States then agreed to postpone our duty increase on pasta imports after, I am told, the EEC agreed to reductions in its pasta export subsidies. This truce allows the EEC one more chance to negotiate significant and meaningful reductions in its preferential citrus tariffs. Unless progress is made quickly in both of these areas during this truce, we will have no choice but to press forward with specific retaliatory action.

The EEC should realize that we do not intend to accept unsubstantiated promises for future resolution of this issue. We intend to stand firm in the face of what we can only expect to be continued EEC intransigence. Any settlement of the current dispute must put an end to the GATT-certified discrimination by the EEC that has cost U.S. citrus exporters $48 million per year.

Citrus is not the only issue where repeated displays of contempt for the dispute settlement process under GATT have made clear the EEC's utter disregard for both the letter and spirit of the laws of international fair trade. The current plight of U.S. citrus and pasta exporters is shared by the thousands of U.S. producers and processors of wheat flour, poultry, canned fruits and raisins, who have also experienced the loss of foreign trading markets and the frustrations of unresolved proceedings before the GATT.

The canned fruit and raisin 301 case is of timely interest. This week, on Wednesday July 17, this disputed case will be placed on the GATT agenda when the council meets in Geneva. This will be the fourth time that the GATT council will consider the findings of its investigatory panel, which are favorable to U.S. producers. On three previous occasions, the EEC has blocked acceptance of the findings in the case.

This 301 petition was filed in 1981 by the U.S. processed fruit and raisin industries and alleged that EEC production subsidies for canned peaches, canned pears and raisins nullify and impair tariff concessions which the EEC has extended to our country and inhibit U.S. exports of these products to the EEC. Not surprisingly, a bilateral solution to the complaint was unsuccessful, and the United States requested that a GATT investigatory panel review the case.

After a 14-month inquiry, the panel report, which was favorable to the United States, was given to the parties to the dispute; however, on three successive occasions, the EEC has been successful in delaying its formal acceptance by the full GATT and in ultimately pressuring the members of the panel to alter significantly some of its findings.

The final version of the report, which remained favorable to the United States on canned fruit, but less so on raisins, has yet to be adopted by the GATT due to continued EEC opposition. In the meanwhile, our domestic canned fruit industry has not only lost its European markets, but is being displaced in our own country be cheap imports. For example, U.S. canned peach exports have dropped from

nearly 1.8 million cases in 1982–83 to an estimated 300,000 cases this year. At the same time, imports of canned peaches since 1982 have skyrocketed from zero to over 1.2 million cases.

Unfortunately, based on past experience, I am not optimistic that the EEC will agree to a resolution of this 301 dispute. As usual, I expect EEC delegates to circumvent a decision by asking for additional time to study the problem.

If the EEC wants to show any semblance of good faith as a trading partner, it will promptly resolve the canned fruit and raisin 301 case in Geneva this week by adopting the GATT panel report and implementing the changes recommended in EEC domestic processing subsidy systems.

Our patience has run out. These unresolved 301 cases are only the tip of the iceberg of agricultural trade problems with the European Economic Community. Looking back over the past few years, all I see is that talking with the EEC has been useless. Unless the EEC is convinced that the United States will back up rhetoric with action, every American farmer and every U.S. business that depends upon a fair opportunity to deal across the world will be the ultimate loser. The President's action to raise the duty on EEC pasta imports was a step in the right direction proving that we will no longer sit idly by while the EEC ignores decisions made by the GATT.

The United States is the most efficent agricultural producer in the world. We intend to regain our rightful place in the world market, which in recent years has become distorted by the EEC's trade practices. If this means battling the EEC's unfair export, production, and processing subsidies directly, let no one doubt that I am prepared to make this my goal and that a number of my colleagues will be supportive of this action.

JERRY DAHMEN: REPORTING AT ITS BEST

Mr. PRESSLER. Mr. President, the news media are perennially under critical attack and scrutiny as they play an increasing role in national and world events. I'd like at this time to accentuate the positive by telling my colleagues about a newsman in my home State of South Dakota. Jerry Dahmen, news director of KXRB/KIOV radio in Sioux Falls, has racked up a series of awards and honors that reflect great credit on him, his station, and the best traditions of American journalism.

One notable aspect of Jerry's achievements is that he consistenly finds "good" news—he's won awards for blizzard coverage, to be sure, but he has also been able to do stories about high school students seeking to save their school, about people helping themselves and others. This year he was given the Lowell Thomas Youth Award for his coverage of the Canova, SD high school students. He was one of four to receive recognition this year from the Southern Baptist Radio Television Commission for his positive news stories.

United Press International has cited Jerry more than 30 times at the State and national level for newscasts, documentaries, features, and spot news. The Farmers Union has praised his coverage of agriculture, South Dakota retailers named him "Newsman of the Year," and the Disabled American Veterans thanked him for outstanding coverage of veterans issues. These are just a few of his many honors.

Jerry has also shown that a radio reporter in the heartland of America can find international news, just as long as he has a telephone line. He's interviewed officials in Iran and Marine officers in Lebanon from his desk in Sioux Falls.

Each week, Jerry Dahmen produces and narrates the "Good News Report," which President Reagan recently recognized as an example of positive radio programming. He's done documentaries on drug abuse and people who have overcome severe handicaps. He's shared his knowledge and understanding of the media with civic and professional organizations, and has given speeches on motivation and goal achievement.

Mr. President, I believe that Jerry Dahmen represents journalism at its very best. He's turned down offers to move to larger cities, because he likes living in South Dakota and South Dakota is proud to have him. We know we can count on him for the news we need to go about our business. He's an aggressive reporter who is not cynical. He's a newsman who understands that information isn't gloom and doom—it's education, enlightenment, and occasionally inspirational.

HONORS WON BY JERRY DAHMEN

UNITED PRESS INTERNATIONAL AWARDS

Best story (state), 1979; "Outstanding Contributor" (state), 1979; Stringer of the Year (state), 1979; Outstanding coverage of Iran (state), 1980; Outstanding coverage of railroad agreement (state), 1980; Stringer of the Year (state), 1980; Outstanding Radio Contributor (state), 1980; Best Documentary (state), 1981; and Best Public service investigative story (state), 1981.

First place newscast (state), 1982; Best newscast (state), 1983; Best documentary and spot news in state, 1983; Regional awards, best newscast and spot news, 1984; National UPI Award for Best Story, blizzard coverage, 1984; Best Regional Feature, 1985; Best Newscast, Documentary, Feature, and Spot News Awards (state), 1985; and the National UPI Award for Best Feature for stations with 5 or fewer full-time newspersons, 1985.

OTHER NOTABLE AWARDS

First place winner of the Lowell Thomas Good News Award, 1985; Third place winner of the Lowell Thomas Good News Award, 1984; Northwest Broadcast News Association, three awards; South Dakota Social Workers, Best Public Service Coverage, 1982; and South Dakota Farmers Union, Outstanding Reporting on Farm Issues, 1982.

University of South Dakota, Tom Brokaw Broadcasting Award, 1984; Finalist, Documentary entered in International Radio Festival of New York, 1985; Southern Baptist Radio Television Commission, Abe Lincoln Award, 1985; South Dakota Retailers Association Newsman of the Year; and South Dakota Disabled American Veterans, Best Media Support, 1985.

PATRICIA S. JACKSON'S DISTINGUISHED SERVICE WITH THE SENATE REPUBLICAN CONFERENCE

Mr. CHAFEE. Mr. President, tomorrow we will honor Patricia S. Jackson as she leaves the Senate Republican Conference after 12 years.

Pattie, as she is known to her many friends, first joined the conference staff during the chairmanship of Senator Norris Cotton of New Hampshire and quickly became an important part of its operations. She was reappointed by each of the succeeding chairmen—Senators Carl Curtis of Nebraska, BOB PACKWOOD of Oregon, JIM MCCLURE of Idaho, and myself—to positions of increasing responsibility. In 1981, Pattie was named director of programs and administration by my predecessor, Senator MCCLURE.

In he dozen years at the conference, Pattie's work touched every aspect of the Senate. She developed a detailed knowledge of the conference's rules, functions and history, and worked closely with all of the Republican leaders, officers of the Senate, and their staffs. They availed themselves of her sharp memory and keen understanding of the internal operations of the Senate. Senators' offices, both new and established, came to depend on her as a resource concerning Senate rules and regulations and Federal campaign and ethics requirements.

The inspiration and mainstay of many special programs offered by the conference to Republican Senators and their staffs over the years, Pattie organized technical assistance programs for office managers, executive assistants and committee chief clerks. She also arranged the semimonthly meetings for Republican administrative assistants and committee staff directors. Special issue task forces formed through the conference for our Senators benefited from the support she organized and supervised for them. Pattie also assisted in the planning and implementation of the well-known Tidewater Conferences for elected Republican officials.

Pattie's contribution to the daily operation of the conference was substantial, but what we shall remember

about her most is her great affection for the Senate as an institution and her singular devotion to it. She is one of that cadre of dedicated people who bring continuity to an institution characterized by change and without whom such change would be much more difficult.

We appreciate Pattie Jackson for her contribution and we wish her well in all her future endeavors.

JOSEPH A. BRINDLE

Mr. MURKOWSKI. Mr. President, I rise today to pay tribute to Joseph A. Brindle, a close friend who passed away last Friday, July 12, in Ketchikan, AK. He was a remarkable man who touched the lives of hundreds of people. For those of us who knew him, his death is a tremendous loss.

Joe Brindle and his three brothers came to Alaska in the early 1920's. Traditionally, Alaska has attracted a population of hard-working men and women—fishermen, loggers, construction and pipeline workers, and the like, who come to the State in search of opportunities. Joe Brindle exemplified the very best of these Alaskans. The Brindles started as fishermen, one of man's basic, hardest, and most honorable professions. Saving their earnings, the family was able to purchase a small salmon cannery at Ward Cove, just north of Ketchikan.

Ketchikan was known as "the salmon capital of the world." During the years when Alaska was still a territory there were dozens of canneries scattered along the shores of the town and dotted throughout the nearby islands. Most all have phased out of existence. However, the Ward Cove Cannery is still going strong today. During the early years of the cannery Joe Brindle fished, brailed traps, and coordinated the fleet of cannery tenders while skippering his own boat, the *Vanguard*. After coming into port with a load of fish, he would often go to work in the cannery doing whatever was necessary to make sure the day's catch was packed. He loved the sea and knew the waters of southeast Alaska as well as any man who has ever piloted a boat. He passed this knowledge of seamanship, his respect and love for the water—his pride in Alaska and doing a job well, to every young fisherman with whom he came in contact.

By the 1960's Joe Brindle was needed as superintendent of the cannery. He worked harder than ever to see that the cannery ran smoothly. Unlike most executives, Joe Brindle would not merely stay in the office, but instead, he would be down in the cannery sorting incoming salmon or hunched over next to the slimming table cleaning fish. At night and into the early morning, he would be up in the radio room with a cup of coffee, coordinating the tender fleets pickup and delivery of the previous day's catch. Maintenance work was required year round. Yet, simply assuring that Ward Cove was kept running was not enough. The cannery was expanded, improved, rebuilt, and modernized with Joe Brindle there for every step of the job.

Through the years, hundreds of people have spent summers at the Ward Cove cannery. For countless young men and women, Joe Brindle became a second father: A stern, gruff parent who demanded the very best, but someone who had a heart of gold. Many a worker, away from his or her home for the first time, grew up and matured during those short summers in Alaska.

Joe Brindle was one of the most respected and loved men in Alaska. My deep sympathy goes to his wife Florence, his son Dennis, and his daughter Laurie.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McCONNELL). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate go into executive session to consider certain nominations on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE

NOMINATION OF JOHN ARTHUR FERCH

The PRESIDING OFFICER. The first nomination will be stated.

The assistant legislative clerk read the nomination of John Arthur Ferch, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Mr. LUGAR. Mr. President, I commend to the attention of my colleagues the nomination of John Arthur Ferch to be U.S. Ambassador to the Republic of Honduras. Currently, Mr. Ferch is chief of the U.S. Interests Section in Havana, Cuba. He entered the Foreign Service in 1958, studied in the Foreign Service Institute, language training in 1958–59. In 1959 to 1961, he was vice consul and economics officer in Buenos Aires. From 1961 to 1963, he was international relations officer at the U.S. Mission to the Organization of American States in Washington, DC.

From 1963 to 1964, he was detail officer at the University of Michigan in advanced economics training.

In 1964–67, he was economics officer in Bogota, Columbia.

From 1967 to 1969, he was principal officer in Santiago de los Caballeros in the Dominican Republic. From 1967 to 1971, he was chief of the economics section in San Salvador; from 1971 to 1975, chief, economics section in Guatemala.

In 1975–76, he was at the National War College. In 1976–78, he was director of the Office of Food Policies and Programs, Department of State. From 1978 to 1982, he was deputy chief of mission in Mexico and from 1982 to present, has been chief of U.S. Interests Section in Havana.

He was graduated cum laude from Princeton University in 1958 and was Phi Beta Kappa in 1958. He received a group superior honor award, 1984. He received a senior Foreign Service bonus in 1981, 1982, and 1983.

Mr. Ferch has a Spanish-speaking language ability, 3/3+ tested.

Mr. President, the Foreign Relations Committee heard John Arthur Ferch on the June 24. His nomination was voted out of committee on June 25 by a vote of 16 to 0, with 1 Senator not recorded on that date. We believe he is an excellent nominee. I commend John Arthur Ferch to the Senate for confirmation.

Mr. PELL. Mr. President, Mr. Ferch has an excellent record in Foreign Service. He is known to various members of the committee and will, in my view, make a fine Ambassador to Honduras. I hope my colleagues will support his nomination.

Mr. LUGAR. Mr. President, I know of no other Senators for the moment who wish to speak on this nomination. There are many other Senators who, in due course, will wish to do so. I ask unanimous consent that the nomination be temporarily laid aside and that the nomination of Edwin G. Corr be considered by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF EDWIN G. CORR

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Edwin G. Corr of Oklahoma to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of El Salvador.

Mr. LUGAR. Mr. President, I commend to the attention of my col-

leagues the nomination of Edwin G. Corr to be Ambassador of the United States to El Salvador. Currently, Mr. Corr is U.S. Ambassador to Bolivia.

Ambassador Corr was a member of the U.S. Marine Corps from 1958 to 1960. He served as a teaching assistant at the University of Oklahoma from 1960 to 1961 before entering governmental service in 1961 as a Department of State trainee in the Foreign Service Institute. In 1962, he was International Affairs Officer, Office of Mexican and Caribbean Affairs, at the Department of State.

From 1962-64, he was junior officer at the American Embassy in Mexico City, Mexico. From 1964-66, he was administrative assistant to the Ambassador in Mexico.

From 1966 to 1968, he was personal Peace Corps director in Cali, Colombia. From 1968 to 1969, he was a student at the Institute for Latin American Area Studies at the University of Texas.

From 1969 to 1971, he was desk officer in the Office of Panamanian Affairs in the Department of State; from 1971 to 1972, was program officer, Interamerican Foundation in Rosslyn, VA.

From 1972 to 1975, he was executive assistant Ambassador, American Embassy, Bangkok, Thailand. From 1975 to 1976, he was political counselor at the American Embassy, Quito, Ecuador. From 1976 to 1978, he was deputy chief of mission, American Embassy, Quito, Ecuador.

From 1978 to 1980, he was Deputy Assistant Secretary of State for International Narcotics Matters in the Department of State. From 1980 to 1981, he was Ambassador to Peru in Lima, Peru. From 1981 to present, he has been U.S. Ambassador to Bolivia in La Paz, Bolivia.

He is a member of the Omicorn Delta Kappa, the Foreign Service Association, Rotary International, and the International Community Church in La Paz.

As a distinguished American athlete, he was fourth in the U.S. AAU wrestling at 136.5 pounds in 1959. He has a Spanish-speaking capability tested at 4/4+.

Mr. President, Ambassador Corr has served the United States well in his present capacity and in his previous service. I commend him to the Senate for confirmation.

Mr. PELL. Mr. President, Mr. Corr is a very well respected career Foreign Service officer, one who has worked extensively in the narcotics field, and one who has the background to take on the particularly difficult assignment of being Ambassador to El Salvador with all its complexity, dangers, and problems. I hope my colleagues, not only on this side of the aisle but the other side as well, will support Mr. Corr's nomination.

Mr. LUGAR. Mr. President, Ambassador Corr was heard by the Foreign Relations Committee on June 20 of this year. He was voted out of the committee on June 27 by a vote of 15 to 0.

There may be other Senators who wish to be heard in due course on this nomination. Therefore, Mr. President, I ask unanimous consent that the nomination of Edwin G. Corr be temporarily laid aside and that the Senate turn to the nomination of Rozanne L. Ridgway.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ROZANNE L. RIDGWAY

The PRESIDING OFFICER. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Rozanne L. Ridgway, of the District of Columbia, to be Assistant Secretary of State.

Mr. LUGAR. Mr. President, Ms. Ridgway was nominated by the President of the United States to be Assistant Secretary of State for European and Canadian Affairs. She is currently Ambassador to the German Democratic Republic.

She entered Government service as an information specialist at the Department of State in 1957 and she was personnel officer in the Embassy in Manila from 1959 to 1960. From 1962 to 1963, she was in the visa office at the Embassy in Palermo. She was international relations officer, Department of State, from 1964 to 1967.

From 1967 to 1970, she was political officer at our Embassy in Oslo; from 1970 to 1972, desk officer for Ecuador, Department of State.

From 1972 to 1973, she was deputy director, Policy Planning Office, Bureau of Latin American Affairs. From 1973 to 1975, she was DCM in our Embassy in Nassau and from 1975 to 1976, Deputy Assistant Secretary for Oceans and Fisheries Affairs.

From 1976 to 1977 U.S. Ambassador for Oceans and Fisheries Affairs; 1977 to 1980, U.S. Ambassador to Finland; 1980 to 1981, Counselor to the Department of State; 1981 to 1982, Special Assistant to the Secretary of State. From 1982 to the present, she has been the U.S. Ambassador to the German Democratic Republic. She has received a number of awards during her distinguished diplomatic career: In 1966, the Superior Honor Award; in 1975 and in 1981 also, the Superior Honor Award was given to Miss Ridgway; 1970, the Meritorious Honor Award; 1970, the William Jump Meritorious Award; 1977, National Fisheries Institute Award; 1982, the Joseph C. Wilson Award. Miss Ridgway has language ability in Italian, Norwegian, Spanish, and German. She was heard by the Foreign Relations Committee in public hearing on June 25, 1985. The committee voted on her nomination by a vote of 15 to 0 on June 27, 1985.

I commend to my colleagues this distingished diplomat for the position for which she has been nominated by the President of the United States.

Mr. PELL. Mr. President, I am very glad indeed to join in supporting Rozanne Ridgway. I have known her for more than 10 years. I have long admired her ability, professional competence, and the respect which she has for those who work with her. I believe that she will make an excellent Assistant Secretary for European and Canadian Affairs and urge support of her nomination.

Mr. LUGAR. Mr. President, there may be other Senators who will wish to make statements about this nominee in due course. For the moment, I ask unanimous consent that the nomination of Rozanne Ridgway be temporarily laid aside and that the Senate turn to the nomination of Richard R. Burt.

The PRESIDING OFFICER. Without objection, it is so ordered.

RICHARD R. BURT

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Richard R. Burt, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

Mr. LUGAR. Mr. President, Richard R. Burt has been nominated by the President of the United States to be U.S. Ambassador to the Federal Republic of Germany. Currently, Mr. Burt serves as Assistant Secretary of State for European and Canadian Affairs.

Richard Burt had distinguished service outside of the Government commencing in 1971-73 as copy editor of the Boston Globe in Boston, MA; 1973, consultant to the Rand Corp., Hudson Institute, Stanford Research Institute, European-American Institute for Security Research, and the House Republican Wednesday Group; 1973-75, Research Associate, International Institute for Strategic Studies, London, England; 1975-77, Assistant Director, International Institute for Strategic Studies, London, England and 1977-80, correspondent for the New York Times in Washington, DC.

His governmental experience includes senior research associate of the U.S. Naval War College in 1972; Director of the Bureau of Politico-Military Affairs in the Department of State, 1981 to 1982 and from 1983 to the present, Assistant Secretary of State for European and Canadian Affairs.

His education is a bachelor of arts degree in 1969 from Cornell University, and a master of arts, 1972, from the Fletcher School of Law and Diplomacy. He won the Crown Fellowship

award at the Fletcher School of Law and Diplomacy, and was an aerospace history fellow of the U.S. Air Force and in the honors program at Cornell University. He is the author of a long list of articles and books. Mr. Burt has served in the State Department with distinction, and it is a pleasure to commend this nominee to the Senate for confirmation to become our Ambassador to the Federal Republic of Germany.

Mr. PELL. Mr. President, I am glad to join in supporting Mr. Richard R. Burt, who has singularly broad experience in diplomacy in the area of European affairs. He has seen it from both the inside and the outside, and he would in every way make a good Ambassador to Bonn.

Mr. LUGAR. Mr. President, I should add that Mr. Burt was heard by the committee on June 25, 1985. He was voted out of committee on June 27, 1985, by a vote of 15 to 0, with two Senators not recorded.

Mr. President, as in the case of each of the nominees placed before the Senate today, there may be additional comments by Senators. The majority leader has indicated in his closing comments in the debate last Thursday that no rollcall votes would occur on nominees prior to 4:30 this afternoon. Voice votes could occur in the event that the majority leader might indicate or might find, assisted by the distinguished minority leader as they run hotlines or various procedures, that no objections lie against any of these nominees.

The majority leader is hopeful of seeing confirmation of all four nominees today, if this is at all possible, and the cooperation of all Senators is certainly invited. But for the moment, Mr. President, there are no further comments although indications that there may be, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered.

VISIT TO THE SENATE BY A DELEGATION OF BRAZILIAN SENATORS

Mr. SIMPSON. Mr. President, it gives me great pleasure—and I direct this to the Chair and to our majority leader—I want these gentlemen from the Brazilian Senate to know Senator DOLE is present in the Chamber and I know he will want to greet you.

Let me just state that we have five members of delegation of the Senate of Brazil here with us today on the floor. I express to them that the action is not heavy, but it will be. We are dealing with some nominations.

Let me introduce to you and those Members who are listening, as we are connected to our offices by this electronic device, let me tell you that we have with us today Mr. Jose Manoel Fontanilla Fragelli, who is the leader of the delegation and the President of the National Congress, and President of the Brazilian Federal Senate.

We have also with us Mr. Murilo Paulino Badaro, Mr. Alfredo Jose de Campos Mel, Mr. Marcondes Iran Benevides Gadelha, and, finally, Mr. Rui Oscar Dias Janiques.

We also wish well another member of your delegation who is not here, Mr. Eneas Eugenio Pereira Faria.

We greet you on behalf of the United States, on behalf of the majority leader, Senator DOLE, and on behalf of the leadership. We thank you for being here and express our kindest regards to your fine President, Jose Sarney-Costa.

It is a pleasure to have you with us. My good friend, our Ambassador, Diego Asencio, has told me some individual things about each of you which are very pleasing to me.

Thank you for sharing this experience and sharing this opportunity to see our legislative body. We greet you with high regard.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, my understanding is that the chairman of the Foreign Relations Committee, Senator LUGAR, has briefly commented on the four nominees, and hopefully we can dispose of them sometime today, if at all possible. I was under the impression there were at least two on which there would be extensive debate. I hope those who want to discuss either the Ridgway nomination or the Burt nomination—if those are the correct two—could accommodate us by coming to the floor and making statements. I know the distinguished Senator from North Carolina is right now before a hearing on textiles in the Senate Finance Committee and cannot be here. But it is my understanding that there were about nine Senators who indicated in a letter they wanted to be notified of the four pending nominations. Calls have been placed to all of their offices. One or two of those may be out of town. But I hope we can dispose of all four nominees yet today. I urge my colleagues, if they want to speak for or against the nominees, to do so because we have a rather heavy week ahead of us, and a heavy 3 weeks ahead of us if we are to complete action by the time of the August recess which is scheduled to begin on August 2.

UNITARY TAX

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, last week the Parliament of Great Britain took action to provide for retaliation against the practice of several of the States of the Union in imposing a unitary tax. This is action that the British Parliament has contemplated over a period of time, action that the British Parliament has withheld under the impression that the U.S. Congress was going to act to deal with the problems created by the unitary tax. We have not taken that action, although the President of the United States has appointed a distinguished commission which has looked at the problem which has recommended that we act, and which has sought to motivate the States which seek to impose the unitary tax to act. As a matter of fact, for 20 years I have been working for Federal legislation to impose limits on the practice of a few States to tax income that is generated not only in other States but even in other countries.

The experts refer to this practice as the extraterritorial application of the unitary tax.

Under this system, these States tax corporate income that has no relation to business activity within the State.

In urging reform, I have repeatedly warned that failure on the part of the U.S. Congress to act would trigger retaliation by other nations.

Last week, the British Parliament finally ran out of patience. Without a dissenting vote, the Parliament passed a bill that denies favorable tax treatment to U.S. corporations headquartered in States that use the unitary system. This legislation will be injurious to American corporations, and, Mr. President, I think it will cost America jobs.

One of the problems that I have had over the years is getting people in very sensitive positions to look at this problem. The corporate tax counsel, State tax administrators, diplomats in the field all know the problem inside out, but the chief executive officers of corporations, Governors of the several States, and the President of the United States, whoever that may have been at various times, very often did not have a comprehensive understanding of this problem because it is complex. We have never had the pressure

from the top that was needed to resolve the issue.

I believe that is changing. People at the very top of Government and at the top of business are watching closely. They all realize, some for the first time, the importance of this issue.

Last year, the President created a task force in an effort to put an end to the long stalemate. The task force recommended an elimination of the unitary tax. The economic impact is tremendous and I think we can see that the diplomatic fallout is mounting.

Two weeks ago, I talked with the Prime Minister of Great Britain, Mrs. Thatcher, about the unitary tax, and she then said that the action which has now been taken was imminent.

For 7 years, the officials of the U.S. Treasury have been counseling restraint to the British on the premise that relief was in sight. It has never come, so now the Parliament has acted.

The danger is that other countries around the world will follow suit and U.S. companies will find it harder and harder to sell products abroad. With their trade deficit mounting, this setback at the hands of the British Parliament is an ominous signal.

I have again written to the distinguished chairman of the Finance Committee, the Senator from Oregon [Mr. PACKWOOD], asking him to schedule a hearing at the earliest possible date on Senate bill 1113, which would repeal the unitary tax, which would relieve this additional burden from the back of American business, and which would remove one more obstacle in the flow of trade, which is already so impeded that we have a record-breaking trade deficit.

One thing is clear: This issue will continue to haunt us, it will continue to cost U.S. trade, it will continue to cost U.S. jobs, until we summon the political wisdom and the political courage to put it to rest.

Mr. President, I think that the action taken at Westminster last week is a clear signal that we can no longer delay our own address of this issue of the unitary tax.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, it is still my hope that we can dispose of these four State Department nominations this afternoon.

We have been advised that there are a number of Senators who want to speak in opposition to some of the nominations. Nine Senators signed a letter in which they asked that they be notified concerning these four nominations. Each of these nine offices has been called.

I again urge those Senators—Senators HELMS, HATCH, SYMMS, THURMOND, HAWKINS, MCCLURE, MCCONNELL, and WALLOP—that if they desire to speak on any or all of the nominations, they might do so, so that we will not be in session extremely late this evening. It is still my hope that we can dispose of one, two or three of the nominations on a voice vote, and a rollcall vote may be demanded on one or two.

Again I say to my colleagues that we are not making much headway today. If there are those who wish to speak in opposition to any of the nominees, I hope we might have some action in the next few minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

DEPARTMENT OF STATE NOMINATIONS

Mr. HELMS. Mr. President, I regret the delay in coming to the floor. I have been tied up in a subcommittee hearing with respect to the textile crisis which affects not only my State but the State of the distinguished Presiding Officer and many, many other States around the country. The hearing ran substantially longer than we had anticipated it would. In fact, it is still in progress.

Mr. President, is the Senator from North Carolina correct in his understanding that at this point all four of the State Department nominations are before the Senate; that is to say, each has been called up in turn and laid aside for a succeeding one?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. So it would be appropriate, then, Mr. President, if the Senator from North Carolina proceeded to discuss at least two of these nominees?

The PRESIDING OFFICER. It would be.

Mr. HELMS. I thank the Chair.

NOMINATION OF EDWIN G. CORR

Mr. President, let me first address the nomination of Edwin G. Corr.

Mr. President, this nomination gives me great concern. In various ways and at various times I have already made it clear that in my judgment Mr. Corr is very much out of sympathy with the foreign policy philosophy of President Reagan, particularly regarding Central America.

Mr. Corr—and I want to be as charitable about this as possible—Mr. Corr is a candidate of the State Department, by the State Department, for the State Department. This is a problem that has existed for decades.

This past Friday I had a telephone call from a distinguished former Ambassador who served during the Eisenhower administration. He was a political appointee, so-called, and a true professional. He said to me, "Senator, you are on the right track and I hope you will continue to pursue it, no matter how much criticism you receive and regardless of the misrepresentation by the news media and others."

And then this distinguished former Ambassador proceeded to outline the difficulties that had existed in the 1950's. He then said, "I have followed the situation since that time and the situation has not improved, it has worsened."

Now, the question may arise: If Mr. Corr is not in sympathy with the President's foreign policy goals or the President's foreign policy philosophy, then why did the President nominate him? The answer to that is very simple: No President—this one or any previous one—has had time to investigate the political philosophy of everybody appointed in his administration.

Look at the multitude of nominations that are literally shuffled into the Oval Office, and where no President can give more than cursory attention to them. The President—any President—necessarily must depend upon the Secretary of State for State Department nominations and the Secretary of State depends on the foreign policy system, and that is where the problem is.

I know that those who are not acquainted with the system, let alone the problem, take the view that this is a strange set of circumstances. Indeed it is, but, nonetheless, it exists. It has had an enormous impact on the foreign policy of America over the past two or three decades, perhaps longer than that.

The other day on this floor I alluded to tragic foreign policy errors made by both parties when they controlled the administration. I was alluding in particular that day to the Continent of Africa and how we—by "we" I mean the State Department—sold down the river the country now known as Zimbabwe.

It was entirely possible, indeed probable, that the country now known as Zimbabwe in Africa could have escaped being taken over by Marxists, but it was the State Department that orchestrated the overthrow of a fine, decent man named Abel Muzorewa. He had been elected Prime Minister, he

was a strong supporter of the United States, he was anti-Marxist, and in every way offered hope for that beleaguered country.

But in the sophisticated way that the State Department orchestrates activities often unknown to the administration in power, Zimbabwe was literally thrown into the clutches of a terrorist who now serves that country as Prime Minister and who just 10 days ago announced that he was going to have a one-party system. The inference was very clear that if his opponents did not like it, they had better leave Zimbabwe if they want to stay alive.

I mention all of that, Mr. President, as a prelude to emphasizing, as best I can in my awkward way, the absolute necessity of doing something about the functionaries in the State Department who are elected by no one, whose activities are not even monitored, and whose activities have so often led to distressing circumstances in various parts of the world.

And this is the problem I have with Mr. Corr. I do not attack the man's character. I do not suggest that he is not entitled to his own view of things. But he is a man who has made clear in various ways that he does not support the foreign policy goals of the present President of the United States and, therefore, the administration of which he is a part.

So the system is failing. It has been failing for decades. There has been much discussion over a period of years along the lines that something ought to be done but nobody ever does it. Perhaps I will fail in my efforts to have this situation understood by those in the executive branch who have the ability, the authority, and, I believe, the duty to monitor not only what is now going on but what has been going on for a quarter of a century.

In the case of Mr. Corr, the system has failed not only philosophically, but in other ways as well. A large number of responsible people have come to me in recent weeks to tell me why they do not believe that Mr. Corr deserves the President's trust. They have raised very serious charges. They have told me of incidents involving Mr. Corr's actions which go far beyond a question of philosophy or capability, if these reports are accurate, and I am inclined to believe they are, Mr. President, because the people who have come to me are responsible Americans, they are knowledgeable Americans, and they know what has been going on.

It gives me no pleasure, Mr. President, to raise such questions on the floor of the Senate when there has been no independent investigation of charges against Mr. Corr. The key word is "independent." There has been no independent investigation of the charges. That is precisely the point. Why is the Senate acting on this nomination when there has been no independent investigation?

I could go into detail concerning these issues on the Senate floor. I would have the protection of Senate immunity. But I do not want to do that. And I should not. But I say, Mr. President, that the charges should be examined by competent, independent authority.

I regret to say that has not been done. Just this afternoon I have been informed that the matter to which I refer have already been investigated by the inspector general of the State Department. But the inspector general's report has not been sent to the committee nor is the inspector general of the State Department a truly independent authority. Of course he is not. The State Department's inspector general office is the only such office in the Government which is under the authority of the Cabinet officer in charge of the Department.

Moreover, the head of the inspector general's office--that is the State Department, and get this, Mr. President—is the former president of the Foreign Service Association, the State Department union. So you see, Mr. President, why I find suspect any benign report from this gentleman. In my judgment he is part of the problem, a problem that has existed for a quarter of a century.

Mr. President, let me emphasize that I have complained of this arrangement on previous occasions—many of them. In fact, the Senate has agreed to my amendment to the State Department authorization bill that would add the inspector general's office at the State Department and at the U.S. Information Agency to the other 18 independent inspectors general.

So my point is this, Mr. President: At this moment, we do not have an independent, objective office at the Department of State for these reasons, Mr. President—and I shall go no further into the matter—I have today written a confidential "eyes only" letter to the Attorney General of the United States outlining the reasons why I think there are substantial and reasonable grounds for the appointment of a special prosecutor to investigate the nominee's activities in Bolivia.

I did not do this without thinking, Mr. President. I know it is a major step. And I confess that I cannot predict what the outcome of such an investigation might be. But this I will say: I have been advised by counsel that the allegations in question are sufficient to meet the test of the Special Prosecutors Act providing for such an action. That being the case, Mr. President, it goes without saying that I feel obliged to vote against the nomination of Mr. Corr, and I hope some other colleagues might do the same.

On the other hand, I stand in a virtually empty Senate Chamber at 4:30 on Monday afternoon, and my message is probably like a ship passing in the night.

NOMINATION OF ROZANNE RIDGWAY

Moving on, Mr. President, to the nomination of Rozanne Ridgway—and I hope that some delineation will be shown in the RECORD between the two nominations so that each will be identifiable in its context.

Mr. President, during the confirmation hearings I interrogated Ambassador Ridgway, who has been nominated to be Assistant Secretary of State for European Affairs. I asked her many questions. As I read the transcript, the conclusion I reached while I was interrogating her in the Foreign Relations Committee, downstairs in the Capitol, room S-116, showed serious discrepancies between the testimony which Ambassador Ridgway gave before the committee and facts which had been developed through investigation subsequent to her testimony.

In fairness to Mrs. Ridgway, the investigation has not yet been completed. I asked the distinguished chairman of the committee to take enough time to investigate these matters thoroughly. I might add that Mrs. Ridgway herself has not been given time to answer. I am sure the Chair, however, would be most interested in hearing and/or reading her answers to the questions if this nomination is going to be considered prior to the availability of that information.

The point I would make is that, in my judgment, it is not fair in the confirmation process to take up this matter when serious discrepancies do develop between the testimony of a nominee and information from other reliable sources. Under the existing circumstances, the only thing I can do in order to be true to my oath of office, as I see it, is to place the information on the public record and let my colleagues draw their own conclusions.

If I may digress, Mr. President, it is often said, "Why do Senators presume to hold up nominations or to question nominations?" And there comes that inevitable statement, "The President has a right to his nominees." The inference is that Senators are violating some sort of unwritten code if we do not just say, "OK, let him go."

I will tell you something, Mr. President. I would be very willing to do that once the Constitution is amended to remove the responsibility of advise and consent. But no Senator, in my judgment, can escape the responsibility and the duty to be as faithful as possible in examining all nominees, whether they be State Department or others, before rubber stamping them.

I do not propose to do that. I never have and I never will because the Constitution confers upon each of us in the Senate the responsibility and the duty to advise and consent, and if we do not like a nominee it is our responsibility and our duty to say so.

Mr. President, the evidence which I intend to place in the RECORD indicates that Mrs. Ridgway may have sought to deceive the Senate about her role in an incident during her tenure as Ambassador to East Germany. Moreover, the attitude demonstrated by this incident, which I shall shortly relate, is indicative of a disastrous and dangerous policy in East-West relations, which happened to be the very matter on which Mrs. Ridgway would be an important policymaker once she is confirmed to the post to which she has been nominated.

For example, Ambassador Ridgway, during her confirmation testimony, attempted to have the committee believe that her role was not exactly what it really was concerning the expulsion from the U.S. Embassy of a family seeking political asylum, Dr. and Mrs. Bernd Schnappauf and their children, and the subsequent arrest and conviction for political crimes and the release of Dr. and Mrs. Schnappauf from East Germany.

That is a lengthy predicate to lay down, but I shall explain it.

With regard to her purported role in the release of Dr. and Mrs. Schnappauf from the East German prison after Dr. Schnappauf had been convicted of political crimes or attempting to seek asylum at the U.S. Embassy, this was the testimony of Ambassador Ridgway:

> Through the act of intervention of the American Embassy, Dr. Schnappauf and his wife have been released and are now in West Germany.

Well, Mr. President, I did a little checking, and I was informed that the West German Government is unaware of any role played by the U.S. Embassy in East Berlin, a precise contradiction of Mrs. Ridgway's testimony. In fact, I am informed that what actually happened is that the West German Government paid a ransom of 200,000 Deutsche Marks to bribe the East German Government to release the Schnappaufs. Although this information has certain sensitive aspects, the point is that Ambassador Ridgway made absolutely no attempt to inform the committee, privately or otherwise, about the true facts of the situation.

She very blandly said, "Through the act of intervention of the American Embassy, Dr. Schnappauf and his wife have been released and are now in West Germany."

Mr. President, several times I made the point that part of the oppression suffered by the Schnappaufs as a result of their expulsion by Ambassador Ridgway was the loss of their children who were taken from them. Not a syllable did Madam Ambassador utter about that.

Ambassador Ridgway, after stating that the Schnappaufs had been released through the intervention of the American Embassy—which was not true—failed to inform the committee that the children were not allowed to come to West Germany and that the family is still divided.

The East German Government has refused to allow the children to be ransomed, since they are not considered "political" prisoners.

Then, Mr. President, I asked Ambassador Ridgway whether it was not the policy to put those seeking political asylum in touch with a certain East Berlin attorney, Wolfgang Vogel. Ambassador Ridgway flat-out denied that this was the practice.

We have contacted Dr. Vogel and he readily acknowledges that he routinely handles such cases. In fact, he told us that he had handled at least 100 such cases.

Then I asked Ambassador Ridgway whether Dr. Schnappauf was referred to Dr. Vogel. She replied "No, he was not." The truth is, Mr. President, I am informed that the West German Government paid the 200,000 Deutsche Marks to Dr. Vogel.

Another point. Ambassador Ridgway very colorfully asserted that Dr. Schnappauf was a threat to the Embassy because he was carrying surgical scissors and poisons and that he threatened to, and I quote here, "kill his wife and kill his children and kill himself."

Dr. Schnappauf has been contacted since Mrs. Ridgway's testimony and he flatly denies that he carried scissiors or poisons into the U.S. Embassy or that he threatened to kill himself or his family.

Furthermore, the West German magazine "der Spiegel," which investigated the story for 3 months before breaking the story in October 1984, has told us that its reporters never found any reference to these charges made by Ambassador Ridgway in their intensive investigations.

Do you not know, Mr. President, that if there had been a scintilla of truth to the suggestion that Dr. Schnappauf had surgical scissors and poisons in his possession in the Embassy and that he had threatened to kill his children, der Spiegel would not have been able to overlook that; in fact, would have made it a prominent part of the story.

Let us go on. Ambassador Ridgway stated during my questioning of her that it is not the U.S. policy to grant asylum in the Embassy to those who are fleeing from political oppression. That may be the general rule; I do not know. But there are certainly many well-known cases where such a rule, if it exists, has certainly not been followed. The fact that Dr. Schnappauf and his wife were arrested following their expulsion from the United States Embassy—bear in mind, they were pushed out of the U.S. Embassy onto the street, into the arms of the Communist police, on the orders of Ambassador Ridgway. They were hauled off to court, a Communist court. They were convicted of political crimes.

It seems to me, Mr. President, that Dr. Schnappauf was right on target when he tried to express his concerns to the U.S. Ambassador at the U.S. Embassy in East Germany. His concerns were real. I think a fair case could be made that Ambassador Ridgway failed in her judgment in this case when she directed that this man and his wife and children be pushed out of the U.S. Embassy into the arms of the Communist police, who hauled them off and convicted them of political crimes.

At the very minimum, putting Ambassador Ridgway's testimony in its best light, I think this episode indicates that this lady fails to understand the basic issue of why men and women flee all over this world from Communist oppression. It may be small wonder, Mr. President, that the perception is growing around the world that the United States is a paper tiger, that we really do not mean it when we say we are opposed to a world dominated by Marxism.

Then, Mr. President, the information received in the past 2 weeks indicates that Ambassador Ridgway misled the committee in material points concerning a critical issue in her current assignment. One might say that this deception is both positive in attempting to take credit for the satisfactory resolution of a crisis and negative in omitting to supply essential information necessary to understand what she was saying in her testimony. One of the central issues which I raised during the testimony of Ambassador Ridgway was the way she handled the Schnappauf incident at the U.S. Embassy in East Berlin on June 27, 1984. The purpose of this question was to reveal her attitude toward appeasement of the Communist government in East Germany, and perhaps, in the macroview, of communism in general and the Soviet Union in particular.

This incident was particularly important, I think, because, First, it was a clear-cut case of whether the United States would sacrifice human rights on the alter of détente; second, it was a test of Ambassador Ridgway's effectiveness and courage in an unexpected crisis; and, it would reveal her relationship with Honecker and his officials.

Let's get the picture again, Mr. President, just for purposes of clarity. Dr. Schnappauf and his wife and his

children came to the U.S. Embassy in East Berlin, where Ambassador Ridgway was our Ambassador. They pleaded with the United States—because Mrs. Ridgway was the representative of the United States in East Germany—they pleaded for asylum and they were denied it. They were pushed out into the streets, into the arms of the Communist police, and taken off and convicted of political crimes.

Then Ambassador Ridgway said, "Oh, well, we worked it out"—this is, in effect, what she said—"we worked it out, because they are now in West Germany."

There was a bit of snickering by one of the Senators present, Senator BIDEN, who said rather disdainfully to me—the question was intended for me but it was asked of Mrs. Ridgway—"How did you manage to screw up so badly?"—The inference being that she was a hero; she had worked it over, and there was no question about her commitment, or her courage, or anything else.

Well, that is just fine, except it was not true.

Mr. President, I am supposed to wave this nomination on and say, "Fine, so vote it." And maybe that is what I ought to do. But there happens to be a little constitutional obstacle called advise-and-consent standing between me and that sort of decision. As long as I am a Member of the Senate, I am going to take all of the Constitution seriously, including the advise-and-consent provision.

But let us go back to Ambassador Ridgway's testimony. In responding to my questions that afternoon downstairs in this Capitol in the Foreign Relations Room, Mrs. Ridgway portrayed Schnappauf as a demented man who was a security threat to Embassy personnel.

Now, get that, Mr. President. And then she said he was released from prison and allowed to go to West Germany through the representations of the U.S. Embassy. None of this was so, not a syllable of it, by anybody's reasonable interpretation, Mr. President.

Now, we did some investigation with the assistance of the Library of Congress, and I have to conclude, Mr. President, that Ambassador Ridgway's testimony was a deliberate attempt to mislead, if not to deceive, the members of the Foreign Relations Committee. Not only is the whole context of Schnappauf's release totally different, but it does no credit either to Mrs. Ridgway or to the East German Government. In addition, the principals in the case, who have been contacted in the past weeks, flatly contradict the essential portions of Mrs. Ridgway's testimony.

Now, you may say "Why is the Schnappauf Case so Crucially Important?" Well, let us look at the context of the case. In the summer of 1984, there was a proposal that Erich Honecker, the East German Communist Party boss, would visit West Germany, the first time that a Communist Head of State of East Germany would make such a visit. The advocates of détente were especially eager that this visit take place, as a sign of movement toward the reunification of Germany and toward "improvement" of East-West relations generally.

But you know something, Mr. President. That little proposal backfired when some 55 East Germans entered the West German representation office in East Berlin, seeking asylum, and refused to leave. So, what did that do? Their presence gave the lie to the illusion that oppression had eased in East Germany. In fact, it increased tension among the West German public. By the end of a summer, the proposed Honecker visit was canceled, spelling an end to the hopes for détente.

Ambassador Ridgway's attitude toward those fleeing from political oppression in East Germany was, therefore, one of the most important aspects of her service in the East Berlin Embassy.

When Dr. Schnappauf and his wife came to the Embassy and sought political asylum, Mrs. Ridgway faced a major dilemma. If she allowed the Schnappaufs to stay in the U.S. Embassy, it would undoubtedly encourage other East Germans to seek asylum in the Embassy, in the light of the fact that the 55 at that time in the West German representation office were already a major embarrassment toward improving East-West relations. So if she allowed a second such embarrassment, the Honecker visit would undoubtedly be canceled, as later happened anyhow. The only course of action for someone who was anxious to improve relations was to prevent the development of another situation in which a desperate group of men and women were seeking to fulfill the yearning that all of us have, the yearning to be free.

Therefore, the arrival of the Schnappaufs on June 27 clearly presented the Ambassador with a turning point. If she permitted the doctor and his wife to stay, she would, in effect, be confronting the Honecker regime with public evidence of its moral degradation, with the almost guaranteed result of a mushrooming "incident." So what happened? A decision was made by Ambassador Ridgway to expel the Schnappaufs by force, shoving them outside the door onto the street and into the arms of the Communist police.

What a great way for the United States to conduct its affairs. The door of the U.S. Embassy in East Germany exits directly on the street, so the forcible expulsion of anybody meant placing them directly in the arms of the East German Police.

It may be assumed that constant surveillance of those who enter and leave the U.S. Embassy is maintained by the East German Secret Police; it may even be that the Embassy notified the East German authorities that the Schnappaufs were being expelled.

I regret I did not raise that point at the hearing. At any rate, the Schnappaufs were arrested and their children were taken from them, and that was it—real episode of bravery and stoutheartedness on the part of our State Department representative in East Germany.

The incident went unreported in the press for 3 months. But, as I said earlier, during those 3 months, the West German weekly news magazine Der Spiegel—which happens to be the most important weekly journal in West Germany—spent 3 months investigating the incident and was finally able to break the story on October 1, 1984. For Spiegel, it was not a casual story but one that required weeks of investigatory journalism. Ambassador Ridgway herself appears in the story as an Embassy spokeswoman.

THE NO-ASYLUM POLICY

Now, Mr. President, it is clear that Ambassador Ridgway was operating under a settled policy that persons seeking asylum would not be permitted to stay in the U.S. Embassy, because she said this in response to a question I asked of her:

> The United States does not grant asylum at its overseas embassies. The United States grants asylum only on its own territory. When East Germans come to the American Embassy to seek asylum, we explain to them that we do not grant it. We take their names. * * * We do not grant it at our embassies overseas. * * * I am confident that that is the policy, because the background to your story and the questions and the situation in East Germany is one that caused us to review this extensively within the last year or 18 months, and we do not grant political asylum at our embassies.
>
> Senator HELMS. So the rejection of the Schnappaufs did not represent in your view a new U.S. policy?
>
> Ambassador RIDGWAY. Absolutely not.

I had to gather from this statement that a predetermined policy decision has been made, either at her Embassy or in the State Department, that political asylum would not be granted to anyone entering the Embassy. Granted that asylum, even temporary asylum, would create difficult problems—as it created problems in the U.S. Embassy in Budapest when Cardinal Mindzenty sought asylum, and as it created problems in Moscow when the Evangelical Christians sought asylum. But rather than face those problems, the Ambassador, and/or her superiors in the State Department, decided on a policy that would turn over those pathetic people to the Communist police outside the Embassy door.

AWARENESS OF THE IMPORTANCE OF THE HONECKER VISIT

Ambassador Ridgway was fully aware of the importance of the proposed Honecker visit to West Germany. Referring to the date of the Schnappauf's explusion from the U.S. Embassy, I asked the nominee:

Was that day a part of the time during the crisis between East and West Germany?

Ambassador RIDGWAY. That was part of what has come to be known as the Summer of 1984, in which the question of a visit to West Germany by Erich Honecker was still very much a front page topic, and the would-he-or-won't-he question was popular; and of course as you know by the Labor Day weekend the decision was in and Erich Honecker did not visit West Germany.

Nevertheless, Ambassador Ridgway professed to be unaware of the problem of the East German political refugees at the West German representation office.

I asked her:

Were there other refugees seeking political asylum at other embassies in East Berlin at that time?

Ambassador RIDGWAY. At that time, as far as I know, there were not. This was the summer of 1984. I think not. There may have been a residual from previous problems, but my understanding is not in the summer of 1984.

Senator HELMS. Not at the West Germany embassy?

Ambassador RIDGWAY. There had been, but not at that particular time, in June of 1984. I believe not.

Senator HELMS. My information here indicates that there were 55 refugees holed up in the Bonn mission to East Germany.

Ambassador RIDGWAY. That certainly was a problem, but I have lost my sense of the time. It could have been in that period, yes.

When confronted with the facts, the Ambassador changed her tune, after trying to gloss over the fact that refugees seeking political asylum was a very sensitive political and diplomatic issue at the time she expelled the Schnappaufs into the hands of the East German Secret Police.

AMBASSADOR RIDGWAY'S VIEW OF LIFE UNDER COMMUNISM

Ambassador Ridgway seemed to have no concept of why persons living under communism want to be free—or even that freedom is the heart of the issue. Rather, she stated that many people wanted to leave communism because they did not live enriching lives under the system.

I might say, parenthetically, that if that is not a naive statement, it is certainly the greatest understatement I have heard come from the lips of anybody testifying before a Committee of Congress. The point is that Ambassador Ridgway sees no anomaly in telling people who are urgently seeking political asylum to go back and register for emigration from the system from which they are trying to escape. She testified as follows, and this is a verbatim quotation from the transcript:

We explain the procedures for them. We also urge them if they have ties in West Germany to address their applications to the West German embassy, because many do not want to come to our country, and urge them to use a process. I personally believe, Senator, there is no other solution to this in terms of a diplomatic establishment overseas in a country of this kind, which has a wall, which limits travel, which limits emigration to those people, women who are 60, and men who are 65, after their so-called productive years, when the state is quite happy to allow them to travel, which constructs within its borders a system of rewards and incentives which people find do not lead to enriching lives, and they want to leave, and when you and I know that we can pick up and move from one state to the next or go from here to the Bahamas if we would like.

They cannot. Those frustrations are normal. But how one counters them other than insisting . . . that their cases be expeditiously handled and that they be allowed to exit, working with the Federal Republic to support their efforts. I know of no other means to get to the problem. It is a human rights violation. We have made that clear.

Ambassador Ridgway's lack of a feeling of urgency in dealing with political dissidents who face arrest and jail is an indictment of her understanding of basic East-West issues. The notion that political prisoners are trying to escape because they are denied the option to visit the Bahamas is extraordinary.

THE VOGEL CONNECTION

I also brought up the issue of Dr. Wolfgang Vogel, an East German attorney and intimate friend of Erich Honecker, who frequently serves as a bridge in cases of persons seeking political asylum. Senator HELMS asked whether such refugees were usually referred to Dr. Vogel for help. Ambassador Ridgway replied:

No, they were not. They are normally referred to their authorities in their own province.

When asked whether Dr. Schnappauf was referred to Dr. Vogel, she replied:

No, he was not * * * the Schnappauf case is quite different from the line of what we normally do or how often do we call Dr. Vogel.

As subsequent investigation has shown, Dr. Vogel does handle sensitive political refugee cases, and has handled at least 100 as far as we have been able to determine. He also played a crucial role in the Schnappauf case, despite the fact that Ambassador Ridgway did not see fit to call him in. This role will be detailed at a later point.

THE NATURE OF DR. SCHNAPPAUF'S PROTEST

Ambassador Ridgway portrayed Dr. Schnappauf not as a person seeking political asylum, but as a deranged and desperate man who was a threat to the security of the Embassy. Apart from the striking similarity of this charge to the kinds of charges which the Soviet Union routinely makes against political dissidents, we have contacted Dr. Augstein, the publisher of Der Spiegel, the reporter who investigated the case and wrote the story, and Dr. Schnappauf himself. All of them flatly deny the Ambassador's allegations.

Ambassador Ridgway testified as follows:

Dr. Schnappauf entered with his wife and two children, a distraught, frustrated, deeply anxious man who in his desire to leave East Germany had perhaps paid some of the prices that you were talking about, and who said that if he were not allowed to either stay in the embassy or to emigrate, he would kill his wife and kill his children and kill himself.

Our security officers determined that Dr. Schnappauf was carrying poisons and a pair of surgical scissors. The officers in charge of the embassy at that time determined that their responsibility to the members of the staff of the embassy required them to try to dissuade Dr. Schnappauf from his course, and, failing that, to remove him from the embassy as a threat to the security of our personnel. He was so removed.

Senator HELMS. You said he had poison and that he was going to kill his children.

Ambassador RIDGWAY. Yes, and he was carrying surgical scissors.

Ambassador RIDGWAY. This is a man who in the judgment of the people in charge represented a threat to the embassy and to the personnel of that embassy.

Senator HELMS. Well, surely they did not or he did not. A pair of scissors, which could have been taken from his person, right, by your security people, and the poison, did you see the poison? I mean, was the poison seen?

Ambassador RIDGWAY. As far as I know, it was taken from him.

Senator HELMS. Okay. Well, what was the endangerment to embassy personnel? . . . I do not want to be argumentative with you. Now, you mentioned poison and a pair of scissors. Ipso facto, this man or this man and his wife were a peril to the embassy personnel?

Ambassador RIDGWAY. That was the judgment.

Senator HELMS. What was he going to use?

Ambassador RIDGWAY. Poison and scissors.

Senator HELMS. But I thought you just said they took that from him.

Ambassador RIDGWAY. Well, they took it from him in the course of trying to straighten out the situation and asking the man to leave the embassy.

Senator HELMS. Okay, the poison is gone, the scissors are gone. Now what is the peril to the embassy personnel?

Ambassador RIDGWAY. I think that kind of personality, a man who was frustrated, angry, and threatened the lives of his children is not someone that we really care to keep in the lobby of the embassy, and when they refuse to leave after all of the pertinent; information was taken about the nature of their case and their desire to leave, I think that the embassy officer acted correctly.

Senator HELMS. But the United States government advertises all around the world that we are against communism, and here he comes for help, and you say, I am sorry, you have got to go over here to see the people who are going to put you in jail.

Dr. Schnappauf, when contacted last week, emphatically denied that he was carrying scissors or poison, or that he had threatened to kill himself or his

children. Der Spiegel has told us that its editors and reporters came across no reports or information that would suggest that Dr. Schnappauf made any such threats. Ambassador Ridgway's version is so at variance with the information provided by the other parties to the events that some effort ought to be made to establish the factual situation.

EFFORTS TO RELEASE DR. AND MRS. SCHNAPPAUF

Ambassador Ridgway stated before the committee that Dr. Schnappauf and his wife were released from prison and allowed to come to West Germany through the efforts of her Embassy. She states:

Through the act of intervention of the American Embassy, Dr. Schnappauf and his wife have been released and are now in West Germany.

This statement was well received by Mrs. Ridgway's supporters on the committee. Senator BIDEN posed the following ironic question:

How did you screw up so badly to get them freed?

The assumption of the audience was that it was intervention by Ambassador Ridgway that secured the release. However, later she slightly modified her testimony, not claiming actual participation in the transfer, but still strongly implying that her efforts were responsible for the change of heart by the East Germans:

Senator HELMS. And you later participated as I gathered from Senator Biden's comment in the transfer of these people to West Germany.

Ambassador RIDGWAY. No, not in the transfer, but we knew that Dr. Schnappauf had been arrested. We knew the disposition of the case, and we worked actively through the channels available to us to indicate to those people in East Germany who were in charge of such things that Dr. Schnappauf had been arrested. We knew the disposition of the case, and we worked actively through the channels available to us to indicate to those people in East Germany who were in charge of such things that the United States does not expect people who visit the embassy to be arrested, people seeking information on emigration, people seeking to use our library, that we expect that the normal course of diplomatic events and our presence there that people should be free to come and go, that in this particular instance we understood that there were the security features of it, but nevertheless expected people to be released. That message having been delivered, and quite strongly, and through the channels available to us, we know from Dr. Schnappauf that he is now in West Germany.

Although there was an attempt by Ambassador Ridgway in this passage to step back slightly from taking full credit for the release of the Schnappaufs—and she was entitled to none of the credit—she still presented the release as the culmination of a sequence of representations which she made directly to the East German Government. She did nothing to suggest to Senator BIDEN that the real credit might lie elsewhere.

In point of fact, knowledgeable diplomats have told us that they know of no action by the U.S. Embassy on behalf of the Schnappaufs that actually had the practical result of freeing the Schnappaufs. Mrs. Ridgway, herself, told us that she went through the usual diplomatic routine—a ritual formalism that would have no effect on a Communist government. The real story is quite different.

What actually happened was that last April the West German Government paid a ransom of 200,000 deutsch marks, in accordance with a secret arrangement begun by Willy Brandt, whereby political prisoners and dissenters could be bought from the East German Communist state into West Germany.

The man receiving the extortion money was Dr. Wolfgang Vogel. The children, contrary to the suggestion of Ambassador Ridgway, were never restored to the Schnappaufs, and they are still in East Germany. As children, they are not classified as political dissenters, and hence are not available under the ransom arrangement.

This arrangement shows clearly that the West German Government obviously did not consider the Schnappaufs as demented or threatening individuals; clearly it considered them as political dissenters. The East German Government placed them in the same category, or it would not have released them through the system restricted only to political prisoners.

While it would be understandable that Ambassador Ridgway could not discuss this aspect of the case in public, she made no effort to inform the committee that certain aspects could not be discussed in open testimony, nor did she subsequently inform the committee of the real facts in the case. Instead, she left the committee deceived as to the truth and as to her skills of diplomacy.

In the judgment of this Senator from North Carolina, Mrs. Ridgway has defaulted on her responsibility both in connection with the episode in East Germany and with her testimony before the Foreign Relations Committee. I cannot in good conscience support her nomination.

I thank the Chair, and I yield the floor.

NOMINATION OF RICHARD R. BURT

Mr. GOLDWATER. Mr. President, I am sorry that I was not here before the Senator from North Carolina completed his remarks.

But my colleagues might recall that when Mr. Burt was first suggested as being a member of the State Department I objected. I objected basically at that time on the grounds that when he was a reporter for the New York Times he had made disclosures of very highly classified material that nearly disrupted the relations between Norway and our country.

Mr. President, I have received, and this is something that has never happened to me in the 30-odd years I have served in this body, as of maybe a half hour ago 26 telephone calls from Germany saying that they oppose the appointment of Mr. Burt to be Ambassador. As I say, that has never happened before. I do not know if it was engineered by someone in this country. I do not know what the source is.

I merely think the Senate should be interested in that fact.

Mr. HELMS. Mr. President, I am opposed to the nomination of Mr. Richard Burt. I opposed Mr. Burt's nomination when he was chosen to be Assistant Secretary for European Affairs. I pointed out at that time that Mr. Burt's action, in publishing sensitive classified data while a reporter for the New York Times compromised his ability to serve the U.S. Government.

At that time Mr. Burt published information about the Chalet satellite system, a system which he said was used by the United States for detecting violations of the arms control treaties by the Soviet Union. For some reason, many of my colleagues, in their eagerness to confirm Mr. Burt, did not think it significant that Mr. Burt, as a journalist, had compromised our intelligence data.

But now, after Mr. Burt's performance as Assistant Secretary, we see how, irnonically, the Chalet story episode was a perfect prelude to the philosophy which he pursued within the administration. For Mr. Burt became the prime exponent in the councils of the administration of the doctrine that the United States should unilaterally observe the arms constraints of the SALT II Treaty, even though that treaty was never ratified by the U.S. Senate, and even though the Soviets themselves have committed massive violations of the levels proposed in that treaty.

Mr. President, when Mr. Burt came before the Foreign Relations Committee last month, I attempted to question him about his performance as Assistant Secretary. But Mr. Burt was extremely reticent to discuss his record. He took his stand on what has now been called the Armacost doctrine; namely, that governmental officials do not have to be accountable to the Senate—and ultimately to the people—for their actions.

Indeed, Mr. Burt stated that if his actions and advice were subject to become public knowledge that he could not serve effectively.

The question immediately arises: What kind of advice was he giving, if he is ashamed to be accountable for it? Mr. Burt seems to feel that he would be inhibited in speaking his mind if he had to give an account of it later.

However, Mr. President, that is precisely what the confirmation process is

for. As Senators obliged to give advice and consent on key nominations, we cannot do so unless we have accounting of the stewardship of the nominees. It is very strange that Mr. Burt had no inhibitions about publishing sensitive, classified information that affected the security of the United States when he was a journalist; but now that he is a public servant he declines to disclose even information that is nonclassified.

So I did not get very far with my questioning of Mr. Burt. He simply refused to cooperate.

But that does not mean that we do not know what kind of advice he gave. We know what positions he took. There are enough loyal patriots, whistle-blowers on policy questions, who have quietly kept the Senate informed of the outrageous standards taken by Mr. Burt. And I intend to detail them here. Mr. Burt may think that this is unfair; but he had his chance to speak freely.

Mr. President, it is well known that Mr. Burt has consistently opposed any significant change from the arms control philosophy of the Carter administration. Perhaps that is why he is so well regarded by partisans of that administration. While he claims that there is a philosophical difference between himself and the Carter policymakers—while he claims that he does not believe that increased security will flow from arms control—his policies are basically the same. The only difference is that he rationalizes these policies in terms of keeping the Atlantic alliance going, rather than on the basis of arms control per se; but the politics are fundamentally the same.

Until Secretary of State Alexander Haig ultimately vetoed Mr. Burt's arguments, he argued against the production of binary—chemical—weapons because he said it would upset the Allies. Now that the production of binary weapons has been approved, he says he favors production, but he is concerned about the timing of deployment and the need to consult with the Allies. One gets the impression that Mr. Burt thinks the best timing is never. Instead of taking a policy of leadership in the alliance, he was content to accept the minimal levels of cooperation that had been engendered under the Carter administration.

Similarly, Mr. President, he argued strongly against implementation of the President's concept of the zero option in arms control, and eventually won out. He consistently opposed substantial reductions as a goal for arms control negotiations, accepting current levels as the norm.

We also know what his position has been on observance of the SALT II treaties. His preferred position for START would have been SALT II with cosmetic changes. His second preference would be for a "Vladivostok" style agreement—that is the observance of unilateral declarations by both sides, without any verification. He has always opposed limits on throw-weight although at the beginning he was only against direct limits on throw-weight. Since our START position was announced in May 1982, he has been attempting to get the administration to raise the limit on warheads, thereby undercutting its effectiveness.

Mr. Burt says that he favors the SDI. But he would like to trade away the SDI for an agreement that would permit an increase in Soviet missile RV warheads. For him it is a mere bargaining chip. Indeed, until the President clearly vetoed the idea personally, Mr. Burt called for a 3-year moratorium on SDI testing.

In the INF negotiations, Mr. Burt has pushed for higher RV levels after we abandoned the zero-option—an abandonment that was largely due to his own efforts—and to back away from global limits.

Finally, Mr. Burt has been the principal architect of the interim restraint theory, that is, that we should observe the unratified SALT II Treaty even though it was never ratified and even though both President Reagan and the Senate Armed Services Committee pronounced it fatally flawed. It is not surprising, then, that he has been the main opponent within the administration of reporting to Congress on Soviet SALT violations. He has refused to find any Soviet SALT violations; when the violations were pointed out to him, he refused to call the violations violations. Clearly, he did not want any public announcement about Soviet violations, or doing anything concrete to require the Soviets to correct those violations—and he supports continued compliance with all of SALT II, despite the Soviet violations.

Mr. Burt may take umbrage at this recital, for when his record is made public one might get the impression that he is more anxious to find excuses for Soviet imperialism and oppression than he is to develop coherent policies for the administration to rectify the situation. But the record is there to see. If Mr. Burt wants to challenge it, then let him drop his advocacy of the Armacost doctrine; let him come and testify under oath. I think there may be some others who would be happy to testify at the same time.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. As I understand it, we have four nominations that have been considered today to one extent or another. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, have the yeas and nays been obtained on these nominations?

The PRESIDING OFFICER. The yeas and nays have not been obtained.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to request the yeas and nays.

The PRESIDING OFFICER. Is the Senator suggesting that he be allowed to request the yeas and nays on all four?

Mr. HELMS. Exactly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(During the quorum call Mr. ABDNOR occupied the chair.)

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask that the Senate now vote on the nomination of Mr. Ferch. Prior to asking that the Chair entertain such a suggestion, I yield to Senator PELL.

Mr. PELL. Mr. President, as we move to a voice vote on this nomination, I must say that I have a twinge of regret for our colleagues who have come from all parts of the country to be here for what they thought were going to be rollcall votes this afternoon.

I realize the difficulties of the leadership in working out agreements that will be announced shortly with regard to votes tomorrow. I congratulate the manager of the nominations, the chairman of the committee, Mr. LUGAR, on the work he has done in this regard.

I will not press for a rollcall vote, but this may be a precedent for the future. When the leadership announces on Friday that, in all likelihood, there will be rollcall votes on Monday, Senators come from all over the country to be here to vote. Then they find that there are no votes. I think that it is a bad practice and, in the end, can harm the leadership.

Mr. LUGAR. Mr. President, I appreciate the validity of the point made by the distinguished ranking minority member of the Foreign Relations Committee, and I appreciate his extraordinary cooperation, as always, as we move on these nominations.

So far as I know, there is no call for a rollcall on the nomination of Mr.

Ferch and, to the best of my knowledge, all debate on that nomination has been completed.

The PRESIDING OFFICER. The Senate is presently on the nomination of Mr. Richard Burt.

NOMINATION OF JOHN ARTHUR FERCH

Mr. LUGAR. Mr. President, I ask unanimous consent that the nomination of Mr. Burt be temporarily laid aside and that we now proceed to the nomination of Mr. Ferch.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the nomination is considered and confirmed.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I have been authorized by the majority leader to indicate that there will be no more rollcall votes this evening.

Mr. President, shortly the majority leader or his designee will come before the Senate with a unamimous consent request with regard to the program on the nominees tomorrow.

The majority leader has suggested that, after 2 p.m., when all Senators will be coming back to the Chamber from their respective meetings, 15 minutes of debate will occur on the nomination of Mr. Corr and then a rollcall vote on that nomination; that 15 minutes of debate will then occur on the nomination of Mrs. Ridgway and then a 15-minute rollcall vote on that nomination; and that then 15 minutes of debate on the nomination of Mr. Burt and a rollcall vote on that nomination.

The majority leader will propound that unanimous consent request.

At the moment we know of no potential objections to that program and this might offer Senators an idea of the majority leader's request in advance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LUGAR. Mr. President, I now ask unanimous consent that commencing at 2 p.m. tomorrow, Tuesday, 15 minutes of debate occur on the nomination of Mr. Edwin G. Corr, to be Ambassador to El Salvador, with a rollcall vote on that nomination following 15 minutes of debate.

Mr. BYRD. Mr. President, reserving the right to object, and I will object to getting a rollcall by unanimous consent. I do not think the distinguished Senator wants to do that.

Mr. LUGAR. The point of the distinguished minority leader is well taken. The method of voting will have to be determined at that point. But a vote will occur after 15 minutes of debate.

Then, 15 minutes of debate would occur on the nomination of Ms. Rozanne L. Ridgway to be an Assistant Secretary of State, with a vote to follow that 15 minutes of debate; and then 15 minutes of debate would occur on the nomination of Mr. Richard R. Burt, to be Ambassador to the Federal Republic of Germany, with a vote to occur following that 15 minutes of debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the nominations to be debated and voted upon tomorrow, with one show of seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the three nominations.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ROUTINE MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate now proceed to morning business for not to last beyond the hour of 7 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate on July 12, 1985, during the adjournment of the Senate, received messages from the President of the United States submitting sundry nominations; which were referred to the Committee on Foreign Relations.

(The nominations received on July 18, 1985 are printed at the end of the Senate proceedings.)

REPORT ON GOVERNMENT EXPENDITURES ATTRIBUTABLE TO THE NATIONAL ECONOMIC EMERGENCY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 63

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on July 12, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

This report is submitted pursuant to Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and Section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)) to account for Government expenditures attributable to the national economic emergency that I declared following the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (EAA), on March 30, 1984. On that date, I issued Executive Order No. 12470 to continue in effect the system of controls that had been established under the EAA. In view of the extension by Public Law 99-64 (July 12, 1985) of the authorities contained in the EAA, this emergency authority is no longer needed. Accordingly, I have today issued Executive Order No. 12525, a copy of which is attached, rescinding the declaration of an economic emergency and revoking Executive Order No. 12470.

The export controls were not significantly expanded during the emergency period, and the administration of the system of controls continued in the normal course. Accordingly, the Government spent no funds over and above what would have been spent had the EAA remained in force without interruption.

RONALD REAGAN.

THE WHITE HOUSE, *July 12, 1985.*

TEMPORARY TRANSFER OF POWER TO VICE PRESIDENT OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 64

Pursuant to the provisions of the 25th Amendment to the Constitution of the United States, the President of the United States, on July 13, 1985, transmitted the following message to the President pro tempore of the Senate [Mr. THURMOND]; which was referred to the Committee on the Judiciary:

Hon. STROM THURMOND,
President pro tempore,
U.S. Senate.

DEAR MR. PRESIDENT: I am about to undergo surgery during which time I

will be briefly and temporarily incapable of discharging the Constitutional powers and duties of the Office of the President of the United States.

After consultation with my Counsel and the Attorney General, I am mindful of the provisions of Section 3 of the 25th Amendment to the Constitution and of the uncertainties of its application to such brief and temporary periods of incapacity. I do not believe that the drafters of this Amendment intended its application to situations such as the instant one.

Nevertheless, consistent with my long-standing arrangement with Vice President GEORGE BUSH, and not intending to set a precedent binding anyone privileged to hold this Office in the future, I have determined and it is my intention and direction that Vice President GEORGE BUSH shall discharge those powers and duties in my stead commencing with the administration of anesthesia to me in this instance.

I shall advise you and the Vice President when I determine that I am able to resume the discharge of the Constitutional powers and duties of this Office.

May God bless this Nation and us all,

Sincerely,

RONALD REAGAN.

RESUMPTION OF DUTIES AS PRESIDENT OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 65

Pursuant to the provisions of the 25th Amendment to the Constitution of the United States, the President of the United States, on July 13, 1985, transmitted the following message to the President pro tempore of the Senate [Mr. THURMOND]; which was referred to the Committee on the Judiciary:

Hon. STROM THURMOND,

President pro tempore,

U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Following up on my letter to you of this date, please be advised I am able to resume the discharge of the Constitutional powers and duties of the Office of the President of the United States. I have informed the Vice President of my determination and my resumption of those powers and duties.

Sincerely,

RONALD REAGAN.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting a sundry nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on July 12, 1985, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 40. Joint resolution to designate the month of October 1985, as "National Down Syndrome Month".

Under the authority of the order of the Senate of July 11, 1985, the Secretary of the Senate, on July 12, 1985, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 325. Joint resolution to designate July 13, 1985, as "Live Aid Day".

Pursuant to the order of the Senate of July 11, 1985, the joint resolution was deemed to have been considered, read the third time, and passed.

MESSAGES FROM THE HOUSE

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 99. An act to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes;

H.R. 1383. An act to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes;

H.J. Res. 106. Joint resolution designating August 1985, as "Polish American Heritage Month";

H.J. Res. 164. Joint resolution to designate August 4, 1985, as "Freedom of the Press Day"; and

H.J. Res. 295. Joint resolution to designate July 16, 1985, as "National Atomic Veterans Day".

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 198. Joint resolution providing for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 325. Joint resolution to designate July 13, 1985, as "Live Aid Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 2:35 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 99. An act to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1383. An act to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes; to the committee on Agriculture, Nutrition, and Forestry.

H.J. Res. 106. Joint resolution designating August 1985, as "Polish American Heritage Month"; to the Committee on the Judiciary.

H.J. Res. 164. Joint resolution to designate August 4, 1985, as "Freedom of the Press Day"; to the Committee on the Judiciary.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 295. Joint resolution to designate July 16, 1985, as "National Atomic Veterans Day".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1471. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, notice of a decision to convert the Training and Audio Visual Support Center functions, Ft. Dix, NJ to performance under contract; to the Committee on Armed Services.

EC-1472. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation to authorize two Under Secretaries of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC-1473. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursu-

ant to law, a report on the reprogramming of certain Construction of Facilites funds from fiscal years 1981, 1982, 1983, and 1984; to the Committee on Commerce, Science, and Transportation.

EC-1474. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a report entitled "Mission Plan for the Civilian Radioactive Waste Management Program; jointly, pursuant to Public Law 97-425, to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-1475. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, notice of an oil and gas lease sale, Outer Continental Shelf, Western Gulf of Mexico; to the Committee on Energy and Natural Resources.

EC-1476. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on State activities under the Maternal and Child Health Block Grant program; to the Committee on Finance.

EC-1477. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the Work Incentives [WIN] formula used to allocate the WIN appropriation to States; to the Committee on Finance.

EC-1478. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the Aid to Families With Dependent Children and Homemaker/Home Health Aid Demonstration programs; to the Committee on Finance.

EC-1479. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the Runaway and Homeless Youth Centers; to the Committee on the Judiciary.

EC-1480. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the Age Discrimination Act; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 1042. An act to grant a Federal charter to the Pearl Harbor Survivors Association (Rept. No. 99-103).

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1282) to revise and extend provisions of the Public Health Services Act relating to primary care (Rept. No. 99-104).

Report to accompany the bill (S. 1283) to amend title VII of the Public Health Service Act relating to health professions training assistance (Rept. No. 99-105).

Report to accompany the bill (S. 1284) to amend title VIII of the Public Health Service Act relating to nurse education (Rept. No. 99-106).

Report to accompany the bill (S. 1285) to amend provisions of the Public Health Service Act relating to the National Health Service Corps (Rept. No. 99-107).

Report to accompany the bill (S. 1309) to amend the Public Health Service Act to revise and extend the authorities under that Act relating to the National Institutes of Health and National Research Institutes, and for other purposes (Rept. No. 99-108).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services:

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of June 27 and July 8, 1985, at the end of the Senate proceedings.)

ROUTINE MILITARY NOMINATIONS—JULY 15, 1985

*1. Maj. Gen. Murphy A. Chesney, U.S. Air Force, to be Surgeon General. (Ref. #368)

*2. Col. Roy K. Flint, U.S. Army, to be brigadier general. (Ref. #377)

*3. Maj. Gen. Robert W. Norris, U.S. Air Force, to be the Judge Advocate General. (Ref. #385)

*4. Brig. Gen. Keithe E. Nelson, U.S. Air Force, to be the Deputy Judge Advocate General and Major General. (Ref. #386)

*5. In the Army National Guard there are 16 appointments to the grade of major general and below (list begins with Julius J. Chosy). (Ref. #387)

*6. In the Army Reserve there are 22 appointments to the grade of major general and below (list begins with George V. Bauer). (Ref. #388)

*7. Maj. Gen. William L. Kirk, U.S. Air Force, to be lieutenant general. (Ref. #397)

**8. In the Army there are 796 permanent promotions to the grade of colonel (list begins with John Adams). (Ref. #399)

**9. In the Army there are 22 permanent promotions to the grade of colonel and below (list begins with 111X). (Ref. #400)

*10. Gen. Thomas M. Ryan, U.S. Air Force, to be placed on the retired list. (Ref. #404)

*11. Lt. Gen. Duane H. Cassidy, U.S. Air Force, to be general. (Ref. #405)

*12. In the Army there are 36 appointments to the grade of Major General (list begins with John T. Myers). (Ref. #406)

**13. In the Air Force Reserve there are 5 appointments to the grade of lieutenant colonel (list begins with Anthony W. Guidon). (Ref. #407)

*14. In the Air Force there is 1 promotion to the grade of colonel (Stevens R. Nagel). (Ref. #410)

**15. In the Army Reserve there are 225 promotions to the grade of colonel and below (list begins with Hugh G. Baiden, Jr.). (Ref. #411)

Total 1,130.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Marian North Koonce, of California, to be a Member of the National Council on the Handicapped for a term expiring September 23, 1987.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Glenn R. Wilson, of Nebraska, to be President, Government National Mortgage Association.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. LAUTENBERG, Mr. SARBANES and Mr. RIEGLE):

S. 1430. A bill to require the Secretary of Health and Human Services to make grants to eligible State and local governments to support projects for education and information dissemination concerning Acquired Immune Deficiency Syndrome, and to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus; to the Committee on Labor and Human Resources.

By Mr. DIXON:

S. 1431. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require expeditious consideration by the Congress of a proposal by the President to rescind all or part of any item of budget authority if the proposal is transmitted to the Congress on the same day on which the President approves the bill or joint resolution providing such budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. MOYNIHAN and Mr. CRANSTON):

S. 1432. A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON (for himself, Mr. MITCHELL and Mr. WILSON):

S. 1433. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WILSON (for himself, Mr. THURMOND, Mr. GARN, Mr. LUGAR, Mr. DURENBERGER, Mr. SYMMS and Mr. EXON):

S. 1434. A bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that Act relating to maximum hours; to the Committee on Labor and Human Resources.

By Mr. BOSCHWITZ:

S. 1435. A bill for the relief of Shirley Chow; to the Committee on the Judiciary.

By Mr. DIXON:

S. J. Res. 162. A joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. SPECTER (for himself, Mr. CRANSTON, Mr. SIMON, Mr. BUMPERS, Mr. MELCHER, Mr. WILSON, Mr. DURENBERGER, Mr. PRYOR, Mr. HOLLINGS, Mr. MITCHELL, Mr. CHAFEE, Mr. PELL, Mr. CHILES, Mr. SASSER, Mr. COHEN, Mr. BOSCHWITZ, Mr. ROCKEFELLER, Mr. HATCH, Mr. STAFFORD, Mr. MOYNIHAN, Mr. MATHIAS, Mr. ABDNOR, Mr. DECONCINI, Mr. LEVIN, Mr. MURKOWSKI, Mr. HEINZ, Mrs. KASSEBAUM, Mrs. HAWKINS, Mr. INOUYE, and Mr. GLENN)):

S.J. Res. 163. Joint resolution to designate July 16, 1985, as "National Atomic Veterans' Day"; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEINZ (for himself, Mr. PRYOR, Mr. MATSUNAGA, Mr. SYMMS, Mr. ARMSTRONG, Mr. BENTSEN, Mrs. HAWKINS, Mr. ZORINSKY, Mr. GRASSLEY, Mr. WEICKER, Mr. ANDREWS, Mr. BOREN, Mr. JOHNSTON, Mr. DODD, Mr. HARKIN, Mr. TRIBLE, Mr. HELMS, Mr. GARN, Mr. PRESSLER, Mr. SPECTER, and Mr. NICKLES):

S. Res. 199. Resolution to urge the Senate of the United States to reject any tax reform proposal which would impose a tax on the annual increase in the value of permanent life insurance; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. LAUTENBERG, Mr. SARBANES, and Mr. RIEGLE):

S. 1430. A bill to require the Secretary of Health and Human Services to make grants to eligible State and local governments to support projects for education and information dissemination concerning Acquired Immune Deficiency Syndrome, and to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus; to the Committee on Labor and Human Resources.

AIDS EDUCATION AND PREVENTION ACT

● Mr. MOYNIHAN, Mr. President, I rise today with my colleagues, Senators BRADLEY, LAUTENBERG, SARBANES and RIEGLE, to introduce legislation to support efforts to control one of the most virulent diseases of modern times—Acquired Immune Deficiency Syndrome, better known by its acronym, AIDS. This is a matter of genuine urgency.

Since first identified in this country 6 years ago, more than 11,000 Americans have been infected with AIDS, and more than 5,600 of them have died. The Centers for Disease Control in Atlanta estimates that these numbers will double within the next year. There is yet no cure for AIDS, no proven course of treatment. AIDS afflicts men and women, heterosexuals and homosexuals, children and adults. More than 130 pediatric cases have been reported. The only way to control this lethal disease is to prevent its further spread, and that can best be achieved through public education and testing programs.

This legislation would provide $25 million next year, to be administered by the Secretary of Health and Human Services, to support State and local public education campaigns about AIDS and how best to prevent it. These grant funds could be distributed flexibly, according to local needs, and use to disseminate all possible information about AIDS by State and municipal agencies.

Medical evidence strongly suggests that a person can reduce the risk of contracting AIDS by avoiding certain behavior. Moreover, greater public understanding of this mysterious and terrifying disease can correct misconceptions and ease public fears. To date, however, the AIDS prevention and education effort, particularly at State and local levels, has largely been ignored. In the last fiscal year, 1984, just $150,000 was spent on community-based education programs; in the current fiscal year, just $250,000. Mr. Jeff Levi, political director of the National Gay Task Force, testifying earlier this year before the Senate Appropriations Committee, noted, "Absent a vaccine, absent a cure of effective treatment for AIDS, we must undertake a major national prevention and education program."

This bill also would provide $10 million to State and local governments to establish and operate alternative testing sites for antibodies to the HTLV-III virus. Although this blood test is not a test for AIDS itself, persons who are at risk for the disease should receive the blood test, and those who have developed antibodies to the HTLV-III virus should take steps to reduce their risk of contracting AIDS, or of passing it to others.

The new blood tests are now being used to screen blood donations. However, commercial blood banks and blood donation agencies should not be the only places where the HTLV-III blood test can be administered without charge. Thousands could volunteer to donate blood as a way to receive the test, with the likelihood that a small percentage would receive a "false negative" diagnosis—that is, persons who have been exposed to the virus but have not yet developed discernible antibodies to it, and who therefore would be permitted to donate blood. Persons who wish to know if they have been exposed to the virus should take the HTLV-III blood test—for their health and the health of their communities. But they should not take it at a commercial blood bank.

Finally, this legislation would ensure confidentially for those who receive the blood test, and those who participate in the education program. The great social stigma attached to AIDS, and the fact that the blood test is not a conclusive test for the disease, require that participants remain anonymous. Absent such a guarantee, those whom these programs could most help will not come forward.

The Centers for Disease Control reports an average of 150 new AIDS cases every week. Every one of those patients may eventually die from the disease, at unprecedented costs to the Nation and our health care systems. We cannot continue to ignore AIDS, or to classify it as an affliction affecting only a limited group. It affects all of society, and it must be confronted. I urge all my colleagues to support this important legislation, and ask unanimous consent that the full text of this bill, as well as the most recent AIDS statistics reported by the Centers for Disease Control, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title III of the Public Health Service Act is amended by inserting after section 315 the following new sections:

"GRANTS FOR EDUCATION AND INFORMATION PROJECTS CONCERNING ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 316. (a)(1) The Secretary shall make grants to eligible State and local governments to support—

"(A) projects of education and information dissemination concerning Acquired Immune Deficiency Syndrome and the prevention and treatment of such syndrome; and

"(B) projects to facilitate the transfer and communication of information concerning Acquired Immune Deficiency Syndrome among agencies of State and local governments.

"(2) A State or local government which receives a grant to support a project described in paragraph (1) may carry out such project through grants to community organizations or local chapters of national organizations concerned with Acquired Immune Deficiency Syndrome.

"(b) For purposes of this section, the term 'eligible State or local government' means a State or local government to which, during the six-month period immediately preceding the date on which an application under this section is made, a number of cases of Acquired Immune Deficiency Syndrome has been reported which—

"(1) exceeds 100; or

"(2) exceeds by 50 percent the number of such cases reported to such government during the preceding six-month period.

"(c) No grant may be made to a State or local government under this section unless an application therefor is submitted to the Secretary. Each such application shall contain—

"(1) a description of the project to be conducted with the grant; and

"(2) such other information as the Secretary may by regulation prescribe.

"(d) No individual who carries out a project supported by a grant under this section may disclose, or may be compelled to disclose, the identity or identifying characteristics of any individual who receives services from such project unless the individual who receives such services consents to such disclosure or the individual carrying out such project is authorized by an appropriate order of a court of competent jurisdiction to disclose such identity or characteristics. Such an order may only be granted after application showing that a clear and imminent danger to the public safety will result in such identity or characteristics are not disclosed. An individual who has received services from such a project shall be afforded a reasonable opportunity to participate in, or object to, the application. In assessing such an application, the court shall weigh the public interest and the need for disclosure of the identity or identifying characteristics of such individual against the injury to such individual that will result from such disclosure. Upon granting of such an order, the court shall impose appropriate safeguards against unauthorized disclosure of such individual's identity or identifying characteristics.

"(e)(1) No part of a grant made under this section may be used to supplant State or local funds that would be available to such State or local government to carry out the project supported under this section in the absence of such grant.

"(2) Not more than 5 percent of a grant under this section may be used for costs incurred to administer the project supported with such grant.

"(3) The Federal share of the costs of any project supported under this section shall be 100 percent.

"(f) The total amount of a grant under this section shall be obligated by a State or local government not later than 2 years after such grant is received by such government. Any part of such grant which is not obligated within such 2-year period shall be repaid to the Secretary by the State or local government immediately after the expiration of such 2-year period.

"(g)(1) Each State or local government which receives a grant under this section shall keep such records as the Secretary may require by regulation to facilitate an effective audit.

"(2) The Secretary and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of each State or local government which receives a grant under this section, if, in the opinion of the Secretary or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

"(3) No books, documents, or records kept under the provisions of this section may be used—

"(A) to initiate or substantiate any criminal charges against an individual who receives services from a project supported with a grant udner this section; or

"(B) to conduct any investigation with respect to such an individual; or

"(C) as evidence in any civil action or proceeding against such an individual.

"(h) Within 30 days after the end of each fiscal year, each State or local government which receives a grant under this section shall prepare and transmit a report to the Secretary which describes the activities conducted by the State or local government with such grant. Within 90 days after the end of each fiscal year, the Secretary shall prepare and transmit a report to the Congress which summarizes the reports prepared by State or local governments under the preceding sentence and which contains such recommendations and additional information as the Secretary considers appropriate.

"(i) To carry out this section, there are authorized to be appropriated $25,000,000 for fiscal year 1986 and such sums as may be necessary for each of the fiscal years 1987 and 1988.

"GRANTS FOR PROGRAMS TO TEST BLOOD FOR THE PRESENCE OF ANTIBODIES TO THE HTLV-III VIRUS

"SEC. 316A. (a) The Secretary shall make grants to State and local governments to establish programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus (hereinafter referred to as the 'HTLV-III virus'). Programs supported with grants under this section shall—

"(1) provide for the conduct of such tests at locations other than blood banks and other sites where blood an plasma are collected for use for medical transfusions;

"(2) provide for the conduct of such tests with a method of testing blood for the presence of antibodies to the HTLV-III virus which has been certified by the Secretary;

"(3) provide for the conduct of such tests without charge to any individual requesting such test; and

"(4) provide referral services for any such individual to community agencies and health care providers qualified to evaluate the results of such a test, for counseling and further medical evaluation.

"(b) Any grant received by a State or local government under this section may be used by such government to—

"(1) conduct the blood tests referred to in this section directly or through grants to, or contracts with, public or private hospitals, clinics, or health care organizations;

"(2) purchase appropriate materials and kits for the conduct of such tests;

"(3) provide training for personnel who will conduct such tests;

"(4) pay the costs of hiring and compensating personnel to conduct such tests;

"(5) process the results of such tests; and

"(6) carry out such other activities relating to the conduct of such tests as the Secretary may permit by regulation.

"(c) No grant may be made to a State or local government under this section unless an application therefor is sumbitted to the Secretary. Each such application shall contain—

"(1) a description of the populations or geographical areas which will be tested; and

"(2) such other information as the Secretary may by regulation prescribe.

"(d) No individual who conducts a blood test supported by a grant under this section may disclose, or may be compelled to disclose, the identity or any identifying characteristics of any individual who has been a subject of such a test unless authorized by an appropriate order of a court of competent jurisdiction to disclose such identity or characteristics. Such an order may only be granted after application showing that a clear and imminent danger to the public safety will result in such identity or characteristics are not disclosed. An individual who has been such a subject shall be afforded a reasonable opportunity to participate in, or object to, the application. In assessing such an application, the court shall weigh the public interest and the need for disclosure of the identity or identifying characteristics of such individual against the injury to such individual that will result from such disclosure. Upon granting of such an order, the court shall impose appropriate safeguards against unauthorized disclousre of such individual's identity or identifying characteristics.

"(e)(1) No part of a grant made under this section may be used to supplant State or local funds that would be available to such State or local government to carry out the testing program supported under this section in the absence of such grant.

"(2) Not more than 5 percent of a grant under this section may be used for costs incurred to administer such grant.

"(f) The total amount of a grant under this section shall be obligated by a State or local government not later than 2 years after such grant is received by such government. Any part of such grant which is not obligated within such 2-year period shall be repaid to the Secretary by the State or local government immediately after the expiration of such 2-year period.

"(g)(1) Each State or local government which receives a grant under this section shall keep such records as the Secretary may require by regulation to facilitate an effective audit.

"(2) The Secretary and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of each State or local government which receives a grant under this section, if, in the opinion of the Secretary or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

"(3) No books, documents, or records kept under the provisions of this section may be used—

"(A) to initiate or substantiate any criminal charges against an individual who has been the subject of a test supported with a grant under this section; or

"(B) to conduct any investigation with respect to such an individual; or

"(C) as evidence in any civil action or proceeding against such an individual.

"(h) Within 30 days after the end of each fiscal year, each State or local government which receives a grant under this section shall prepare and transmit a report to the Secretary which describes the activities conducted by the State or local government with such grant. Within 90 days after the end of each fiscal year, the Secretary shall prepare and transmit a report to the Congress which summarizes the reports prepared by State or local governments under the preceding sentence and which contains such recommendations and additional information as the Secretary considers appropriate.

"(i) To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1986.".

AIDS Weekly Surveillance Report

Residence	Adult/adolescent				Total	
	Cases	Percent Pediatric [1]	Cases	Percent	Cases	Percent
New York State	4,010	36	61	46	4,071	36
California	2,604	23	11	8	2,615	23
Florida	790	7	18	14	808	7
New Jersey	687	6	16	12	703	6
Texas	575	5	1	1	576	5
Pennsylvania	235	2	5	4	240	2
Illinois	232	2	2	2	234	2
Massachusetts	213	2	4	3	217	2
District of Columbia	179	2			179	2
Georgia	178	2	1	1	179	2
Maryland	146	1	1	1	147	1
Connecticut	124	1	3	2	127	1
Louisiana	126	1	1	1	127	1
Puerto Rico	127	1			127	1
Washington	115	1			115	1
Virginia	99	1	2	2	101	1
Colorado	88	1			88	1
Michigan	69	1			69	1
Ohio	68	1			68	1
Missouri	53	0	1	1	54	0
North Carolina	52	0	1	1	53	0
Arizona	48	0			48	0
Hawaii	37	0			37	0
Indiana	34	0	1	1	35	0
Oregon	34	0			34	0
Minnesota	27	0			27	0
South Carolina	25	0	2	1	27	0
Kentucky	25	0			25	0
Wisconsin	25	0			25	0
Alabama	24	0			24	0
Tennessee	20	0			20	0
Oklahoma	19	0			19	0
Rhode Island	15	0			15	0
Delaware	14	0			14	0
Nevada	14	0			14	0
Utah	13	0			13	0
New Mexico	10	0			10	0
West Virginia	9	0	1	1	10	0
Other States (10)	56	0	1	1	57	1
Total—USA	11,219	100	133	100	11,352	100

ALL REPORTED CASES OF AIDS AND CASE-FATALITY RATES BY HALF-YEAR OF DIAGNOSIS, 1979 TO JULY 1, 1985, UNITED STATES

	Number of cases	Number of known deaths	Case-fatality rate (percent)
1979:			
January to June	1	1	100
July to December	10	8	80
1980:			
January to June	19	15	79
July to December	28	28	100
1981:			
January to June	83	71	86
July to December	174	146	84
1982:			
January to June	352	267	76
July to December	629	451	72
1983:			
January to June	1,171	803	69
July to December	1,512	1,017	67
1984:			
January to June	2,274	1,286	57
July to December	2,796	1,061	38
1985:			
January to July	2,295	525	23
Totals [1]	11,352	5,683	50

[1] Table totals include eight cases diagnosed prior to 1979. Of these eight cases, four are known to have died.

Age	Cases	Percent
Under 13	133	1
13 to 19	62	1
20 to 29	2,386	21
30 to 39	5,374	47
40 to 49	2,377	21
Over 49	1,020	9

Race/ethnicity	Adult/adolescent		Pediatric [1]		Total	
	Cases	Percent	Cases	Percent	Cases	Percent
White, not Hispanic	6,706	60	29	22	6,735	59
Black, not Hispanic	2,779	25	76	57	2,855	25
Hispanic	1,585	14	26	20	1,611	14
Other	52	0	0	0	52	0
Unknown	97	1	2	2	99	1
Total	11,219	100	133	100	11,352	100

[1] Includes patients under 13 years of age at time of diagnosis.

Note.—Compiled by the Center for Infectious Diseases, Centers for Disease Control.●

● Mr. BRADLEY. Mr. President, I join my colleague from New York [Mr. MOYNIHAN] in introducing this bill to promote State and local efforts to controle one of the most serious public health hazards in recent years—acquired immune deficiency syndrome.

Currently, more than 11,000 Americans have been infected with AIDS, and more than half of them have died. Since the symptoms of AIDS may show as late as 3 years after exposure, the Center for Disease Control estimates that these numbers may double each year for the next few years. AIDS is now starting to spread through the general population, which increases the probability of a major escalation in the incidence of AIDS in future years.

We are still years away from a cure for AIDS. Until a cure is found, the only way that we can help is by trying to limit the spread of this disease.

Mr. President, the objectives of the bill are to reduce the spread of AIDS, to provide help to people who are trying to find out if they have AIDS and to further protect the blood banks from contact with AIDS.

The bill has two main parts. The first authorizes $25 million in grants to State and local governments for programs to educate the public about AIDS and to facilitate AIDS information-sharing among governmental agencies. These grants would be available to jurisdictions which in a 6-month period experience either 100 AIDS cases or a 50 percent increase in AIDS cases. My own home State of New Jersey would be one of the major beneficiaries of these funds.

The second part of the bill authorizes $10 million in grants to finance blood testing centers. The current AIDS screening device tests for antibodies to the virus which causes AIDS. The absence of these antibodies does not guarantee that the virus is not in the blood. About 2 percent of the time, either the antibodies may not have developed or they may somehow slip by the test.

Currently, some high-risk individuals are volunteering to donate blood to the Red Cross as a way to receive the test to determine if they have AIDS; this is placing our blood banks at risk of exposure to AIDS. The alternative blood testing centers authorized by this bill are intended to minimize the possibility that the test's weaknesses will result in AIDS transmission via blood banks.

Mr. President, AIDS is becoming the Nation's No. 1 health crisis. If we do not take steps now to slow its spread, in a very few years it will become a national epidemic. I urge my colleagues to join us in this effort to slow the spread of AIDS.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join with my colleagues, Senators MOYNIHAN and BRADLEY, in introducing legislation to support State and local efforts at public education about acquired immune deficiency syndrome [AIDS] and to provide funds for blood screening at sites other than blood banks. AIDS is a devastating disease which impairs the immune system, leaving affected individuals vulnerable to certain types of cancer and infections. It was first recognized by health officials 4 years ago. Nearly half of the 10,500 diagnosed cases have died. The mortality rate for cases diagnosed before 1983 is a chilling 75 percent.

The virulence of this disease has stunned and alarmed the public. Members of the public are afraid of those who have AIDS or appear to be at risk of contracting it. Much work needs to be done to educate the public about this disease and ways to prevent its spread.

Intensive efforts by scientists at the National Cancer Institute have resulted in the identification of the virus which is the probable cause of AIDS. This was followed by the development of a blood screening test which can detect the presence of an antibody to the suspect virus. The test is important for preventing contaminated blood from entering the supply that is so vital to our Nation's health system.

Although the blood test is not for AIDS itself, many people with a high risk of contracting AIDS wish to take the test to determine the need for further medical consultation. The test shows only that a person with the antibody has been exposed to the virus. The antibody may develop in a person who has successfully fought the virus off, as well as in a person who has or will develop AIDS. Further testing by a physician is necessary in order to diagnose AIDS. Blood banks should not be burdened with people who do not intend to donate blood, but only want the screening test. Alternative sites are available for that purpose.

Mr. President, the bill being introduced today addresses these issues. It would authorize $25 million, to be administered by the Secretary of the Department of Health and Human Services, to support State and local public education campaigns about AIDS and its prevention. The bill also would authorize $10 million for State and local

governments to establish alternative blood testing sites. These provisions will be very helpful to the general public and to people at high risk of getting AIDS by contributing to greater understanding of the disease and of ways to prevent it.●

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. MOYNIHAN, and Mr. CRANSTON):

S. 1432. A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary.

CIVIL RIGHTS AMENDMENTS ACT

● Mr. KERRY. Mr. President, today, I am introducing legislation, on behalf of myself, Senator KENNEDY, Senator INOUYE, Senator MOYNIHAN, and Senator CRANSTON, which would prohibit discrimination in employment, housing, and public accommodations on the basis of affectional or sexual orientation.

In the past, Congress has recognized that discrimination on the basis of a class-based distinction such as race, sex, or religion, constituted a fundamental denial of human and civil rights.

Yet today, in States, cities and towns across the United States, homosexual men and women are being discriminated against. They lose jobs and are denied housing simply because they are homosexual. Under current law, they have no recourse.

This legislation seeks to redress the arbitrary and unjust discrimination against gay people in employment, housing, and public accommodations. The proposed legislation would prohibit such discrimination and would provide appropriate legal recourse. The legislation would not allow any special privileges, nor would it make any moral judgments about homosexuality. It is a well-established principle that consideration in employment, housing, and accommodations should not be affected by discrimination based on irrelevant criteria such as race, creed, color, and sex. Inclusion of the term "affectional or sexual orientation" is consistent with this sound civil rights principle.

Civil rights for gay people has already gained substantial support. Religious organizations such as the National Council of Churches, the Lutheran Church in America, the United Church of Christ, the Episcopal Church USA, the United Presbyterian Church, the Union of American Hebrew Congregations and the National Federation of Priests' Councils among others, have taken positions in support of the inclusion of the term "sexual orientation" in existing civil rights laws.

The policy of nondiscrimination against gay people is by now well tested. Over 40 cities across the country now have local ordinances similar to the legislation introduced today regarding employment, and in all, more than 70 States and local governments provide legal protections for homosexuals. Despite dire predictions by those opposed to such legislation, it has worked well.

Labor organizations supporting nondiscrimination on the basis of affectional or sexual orientation include the AFL-CIO, the American Federation of State, County, and Municipal Employees, and the Service Employees International Union. Nondiscrimination in employment has also found wide acceptance within the business community. Among the many firms which have issued nondiscrimination statements are AT&T, Du Pont, Ford Motors, Citicorp, and IBM.

Support for civil rights for homosexuals has also found wide support among the public. Virtually all of the national polls (Gallup, Harris, NBC/Associated Press), indicate majority support for basic civil rights for gay people. A Gallup poll released in November 1982, for example, indicated that over 59 percent of all Americans favor equal rights for homosexuals in terms of job opportunities.

The issue here is a very basic one of civil rights for millions of Americans. This bill would extend equal protection under the law to the people who are our friends, our neighbors, our coworkers, and our relatives, who also happen to be homosexual.

I urge you to join us in this effort to realize equal justice for all of our citizens.

I ask unanimous consent that the text of the proposed "Civil Rights Amendments Act of 1985" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Amendments Act of 1985".

PUBLIC ACCOMMODATIONS

SEC. 2. (a) Section 201(a) of the Civil Rights of 1964 (42 U.S.C. 2000a(a)) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(b) Section 202 of such Act (42 U.S.C. 200a-1) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PUBLIC FACILITIES

SEC. 3. Section 301(a) of the Civil Rights Act of 1964 (42 U.S.C. 2002b(a)) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

FEDERALLY ASSISTED OPPORTUNITIES

SEC. 4. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000c) is amended by inserting after "color," the following: "affectional or sexual orientation,".

EQUAL EMPLOYMENT OPPORTUNITIES

SEC. 5. (a) Sections 703(a), 703(b), 703(c), 703(d), 703(e), 703(j), 704(b), 706(g), and 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2, 2000e-3, 2000e-5, 2000e-16) are amended by inserting after "sex," each place is appears the following: "affectional or sexual orientation,".

(b) Section 717(c) of such Act (42 U.S.C. 2000e-16) is amended by inserting ", affectional or sexual orientation," after "sex".

(c)(1) Section 703(h) of such Act (42 U.S.C. 2000e-2) is amended by inserting after "sex," the first place it appears the following: "affectional or sexual orientation,".

(2) Such section 703(h) is further amended by inserting ", affectional or sexual orientation," after "sex" the second place it appears.

INTERVENTION AND PROCEDURE

SEC. 6. Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h-2) is amended by inserting after "sex" the following: ", affectional or sexual orientation,".

HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE SERVICES

SEC. 7. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (42 U.S.C. 3604), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

(b) Section 805 of such Act (42 U.S.C. 3605) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(c) Section 806 of such Act (42 U.S.C. 3606) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PREVENTION OF INTIMIDATION

SEC. 8. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes: (42 U.S.C. 3631), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

DEFINITION

SEC. 9. As used in the amendments made by this Act, the term "affectional or sexual orientation" means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.

RULE OF INTERPRETATION

SEC. 10. No amendment made by this Act shall be construed to permit or require—

(1) the determination that discrimination exists to be based on any statistical differences in the incidence of persons of a particular affectional or sexual orientation in the general population as opposed to in the activity wherein such discrimination is alleged; or

(2) the fashioning of any remedy requiring any sort of quota for the activity wherein such discrimination is alleged for persons of any particular affectional or sexual orientation.

RIGHT OF PRIVACY PROTECTED

SEC. 11. Nothing in this Act or any amendment made by this Act shall be construed to require any person to disclose a personal sexual orientation.●

● Mr. MOYNIHAN. Mr. President, I am pleased to join Senator KERRY in introducing legislation to prohibit dis-

crimination based on a person's sexual orientation. The measure we introduce today is similar to proposals I cosponsored in the three preceeding Congresses.

My opinions on this matter are clear and certain: I have always opposed discrimination of any kind. I know of no reason why Federal civil rights statutes should treat gay men and women differently from anyone else. Federal guarantees against discrimination in employment, housing, public accommodations and federally funded programs should protect all citizens.

The legislation we propose would ensure that no persons are denied civil rights because of their affectional or sexual orientation. The legislation does not condone any particular course of conduct or life style. It simply affords all American citizens equal protection under the law. I urge my colleagues to accord this proposal the serious consideration it deserves.●

By Mr. GORTON (for himself, Mr. MITCHELL, and Mr. WILSON):

S. 1433. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DAYLIGHT SAVING EXTENSION ACT

● Mr. GORTON. Mr. President, the bill Senator MITCHELL, Senator WILSON, and I are introducing today would begin daylight saving time a few weeks earlier and extend it 1 week later each year. Now daylight saving time begins on the last Sunday in April and lasts until the last Sunday in October. If this bill is enacted, it will begin on the first Sunday in April and will last until the first Sunday in November.

The reasons to enact this bill are quite straightforward. First, extending daylight saving time 1 extra month would result in a significant reduction in traffic fatalities. Second, there would likely be an energy savings equivalent to 100,000 barrels of oil a day. Third, it would reduce violent crime. And fourth, it would conform the start of daylight saving time to the reality of most people's lives and preferences. On April 1, sunrise in the great majority of places in the country occurs before 6 a.m. and sunset is well before 7 p.m. Daylight saving time would give Americans a far more useful hour of daylight in the evening than they presently have in the morning in April.

Daylight saving time began in this country during World Wars I and II as a means to conserve electrical energy. The Uniform Time Act of 1966 implemented national daylight saving time for the 6 months between the last Sunday in April and the last Sunday in October. An entire State may exempt itself from daylight saving time and it may exempt any portion lying in a different time zone from the rest of the State.

During the energy crisis in 1973, Congress enacted the Emergency Daylight Saving Time Energy Conservation Act, which placed the Nation on year-round daylight saving time for a 2-year period. The Department of Transportation administered the act and published reports on its effects. In 1974 Congress provided for an 8 month daylight saving time period, from the last Sunday in February until the last Sunday in October. In 1975 the emergency legislation expired and we returned to the 6 month daylight saving time period.

The events I have just related and the resulting Department of Transportation studies have given us the information we need to choose the best, most rational daylight saving time period which will benefit the majority of people in this country. The Department of Transportation's final report to Congress concluded that we can expect overall benefits from a shift from the 6 month system we use today to a 7 or 8 month system in the areas of energy conservation, overall traffic safety, and reduced violent crime.

Mr. President, Congress has consistently emphasized the importance of traffic safety to our Nation. We passed gas tax legislation to improve our highways and drunk driving legislation to get the drunk driver off the road. Passing daylight saving time legislation is one more step we can take to save lives. The Department of Transportation estimates that traffic fatalities will be reduced by 1 to 2 percent if daylight saving time is extended. This means that up to 25 fewer people would die each year on our streets and highways. The reason for this is simple: driving in the dark is much more dangerous than driving in daylight and the fatality rate for homeward-bound commuting is higher than that during the morning rush hour. In the evening drivers tend to be tired and there is more of a risk that some are under the influence of alcohol.

During the 1-year experiment with year-round daylight saving time there was a legitimate concern about the safety of children traveling to school in the morning. We are not proposing a return to that system. Under our proposal, no sunrise in the spring would be later than that which presently occurs in the fall. The Department of Transportation showed no evidence of an increase in schoolchildren fatalities during daylight saving time in March and April.

Our bill extending daylight saving time is a simple, safe, and inexpensive form of energy conservation. Because the Sun will shine 1 hour later in the day, people will use less artificial lighting and heat in their homes. Energy needs in the morning are not increased.

Mr. President, it is tragic but true that in many parts of our country it is not safe to be out after dark. Serious, violent crimes are highly correlated with the hours of darkness. Extending daylight saving time is one action we can take to combat the epidemic of violent crime. The Department of Transportation's study showed there was consistently less violent crime during daylight saving time compared to similar periods of standard time. In Washington, DC, for example, violent crime decreased by 10 to 13 percent. By enacting our bill, Congress can assure people of an additional month in the spring in which they can walk home from work, shop, or exercise outdoors, with less fear of being a victim of crime.

There are some areas across the country where people are content with the 6-month daylight saving time period. For this reason we are taking a modest approach in this bill and seek an extension of only 1 month rather than 2. We acknowledge the logic and benefits of a 2-month extension, but we wish to cause a minimal amount of dislocation for those people, approximately 15 percent of our population, who live in the western regions of their time zones and who already have the benefit of later sunrises and sunsets than those in the center of their time zones.

Our bill is identical to H.R. 2095, which the House Energy and Commerce Committee recently reported favorably by voice vote. It is quite similar to a bill we introduced in the 98th Congress, except it begins daylight saving time 1 week later in the spring and ends it 1 week later in the fall than our bill. The extra week in the fall would bring Halloween under daylight hours. This could make trick-or-treating much safer for young children.

Mr. President, the people of this country want extended daylight saving time. Public opinion polls conducted during the 1974–75 daylight saving time extension indicated that a majority of the population preferred daylight saving time in all months of the year except November through February. In subsequent polls in 1976 and 1980, about 46 percent of those surveyed preferred daylight saving time from February through October while about one-third preferred a continuation of the present system.

These polls have also indicated that almost 90 percent of the population preferred sunrise by or before 7 a.m. With an extension of DST by 1 month, sunrises in most of the Nation would average 7 to 7:15 a.m., with sufficient light present by 6:30–6:45 a.m. to conduct outdoor activities. These sunrise times correspond to the last week of

September, which has been accepted for years as a DST month.

Many marketing, retail, and recreational organizations have concluded that extended daylight saving time would benefit their businesses and promote outdoor activities. During the extra hour of evening daylight in April the American people will travel in greater safety, will save energy, and will enjoy outdoor recreation they presently must postpone until May.

I wish to thank my distinguished colleagues, Senators MITCHELL and WILSON, who have joined me on this bill. Our effort is a bipartisan one to implement the desires of the majority of Americans, who want to be able to enjoy an additional hour of daylight in the evening for a month each spring.

Mr. President, I would like to submit an article by Ellen Goodman. She makes an eloquent case for extending daylight saving time, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 3, 1983]

SAVE THE LIGHT FOR NIGHT

(By Ellen Goodman)

BOSTON.—This morning, the sun rose at 4:59 a.m. So did I.

We have been making our early morning appearances like this, in tandem, for weeks now. The sun and I rose together at 5:12 on April 10, at 5:20 on April 3.

I don't know what the sun does at 4:59 in the morning. But let me tell you there is very little that people can do at that hour. I can, of course, worry. But generally I like to do my worrying while it is still dark outside. It helps the paranoia.

I could also get up. But something in me rebels at beating the newspapers to the doorstep. I could also take aim at the feathered chorus in my neighborhood. This particular collection of the smog-throated baritone-beaked urban birds have bio-rhythms that refuse to adjust to digital time.

But my favorite activity these April mornings is to stare at the ceiling and think about daylight wasting time.

The culprit of early April risings, I tell myself, is not in our stars but in our government. It isn't nature but Congress that arouses me and my fellow Americans, especially those below the age of three. It is Washington, believe it or not, like it or not, that tells us what time it is.

Daylight Savings Time, alias "fast time," alias "war time," alias "peace time." The whole business has had a checkered history in our lives. We adopted it in World War I and then again in World War II. In 1966, we stretched the savings from the last Sunday in April to the last Sunday in October, for every state except those that abstained. In 1973, during the oil crisis, we went to year-round daylight savings, and then went back again to the six-month rule.

For the past six or seven years, a plan to transfer one hour from the morning (when we don't want it) to the evening (when we do want it) has been a perennial blossom in the nation's capital. Year after year, it comes up and collapses.

This February, two congressmen sponsored a bill that would make the switch the first Sunday in March instead of the last Sunday in April. On Tuesday, there were Senate hearings on a similar bill.

The sponsors each year talk about respectable things like energy savings—an estimated 100,000 barrels of oil a day—and safety savings. But it's the light savings that is our real attraction. Most Americans are, after all, people who run their lives by clocks and their sleep by electricity. They go out with the light switch and wake up with the alarm.

We no longer go to bed and go to work with the sun. We spring forward and fall backward with the government. I grant you that it's peculiar to have our time federally mandated. It's a bit like controlling the tide. But as long as Washington is in this business, let it be a popular one.

There are people who disagree. Some of them live at the western edge of a time zone, and see dawn an hour later than easterns. Others farm for a living and prefer an early start and a darker evening.

John Watt, the secretary of the American Farm Bureau Federation, who testified Tuesday at the Senate hearings, grew up in a Pennsylvania farmhouse with two summer clocks. His father's stayed on standard time; his mother's on saving time. His father's on farm time; his mother's on town time. But most of us are on town time now.

Of all the rules and regulations our government makes, time may be the strangest. But if we're going to manufacture it, punch in and punch out of the day, let's do it right.

I lie here, at the end of daylight wasting time, lobbying for the change. The powers that be should take an hour of spring from the morning and give it to the evening. This year, O Washington, let there be light at 7:26 at night instead of 4:59 in the morning.●

● Mr. MITCHELL. Mr. President, today I am pleased to join Senator GORTON of Washington in introducing the "Daylight Saving Extension Act of 1985"—to provide daylight saving time on an expanded basis.

Our bill would provide for daylight savings time to run from the first Sunday in April each year to the first Sunday in November. This represents an approximately 4-week extension, amending the Uniform Time Act of 1966 which provides for daylight saving time, running in its present form, from the last Sunday in April to the last Sunday in October.

The bill is identical to H.R. 2095, which the House Energy and Commerce Committee recently reported favorably. It is virtually the same as the extensions which I have cosponsored in previous Congresses. It is a popular measure, enjoying broad bipartisan support. It is also a compromise bill, going not quite so far as other proposals to begin daylight saving time the first Sunday in March, rather than in April.

It is a simply and straightforward bill, Yet it represents tremendous advantages to the United States in terms of increased energy savings, decreased traffic fatalities, a reduction in violent crime, and more hours for Americans to spend outdoors.

The United States first used daylight saving time in World Wars I and II as a means to conserve energy. The Uniform Time Act of 1966 formally implemented national daylight saving for its present 6-month period. As a response to the 1973 oil crisis, Congress enacted the Emergency Daylight Saving Time Energy Conservation Act, extending daylight saving time to 10 months in 1974 and 8 months in 1975.

A decade has passed since the 1973 energy crisis, but the need for conservation is undiminished. The world has only limited supplies of fossil fuels, and lines of commerce around the world are still fragile. Ten years later, we live in a world where terrorism endures in the Middle East, and where war—between Iran and Iraq—exists along the Persian Gulf.

Daylight saving time is a means for the United States to move further down the road to energy independence. Indeed, it is an idea with roots in the era of America's Declaration of Independence.

One of the first strong proponents of increased daylight saving time was Benjamin Franklin. By one account, Franklin's own DST plan dates to 1784 in Paris. Franklin awoke one morning about 4 o'clock and found his room filled with sunlight. Franklin realized that during the summer Parisians slept through 4 or 5 sunlit hours—and made up for this time by using candlelight at night.

Franklin calculated that for the 6 months from March to September, Parisians burned their candles for 1,281 hours, which with a population of 100,000 families, represented an expense of $20 million for the city of Paris alone. "It is impossible," Franklin wrote, "that wise people would have made use of unhealthy and expensive candlelight if they had known, as I have just learned, that they can have for nothing the beautiful and pure light of the sun."

Over 200 years later, it is no longer candlelight which today is wasted. In 1975, a Department of Transportation study on the impact of the 1974 experiment estimated savings of 100,000 barrels of oil per day of daylight saving time. The bill introduced today would save approximately 3 million barrels of oil with 1 additional month of daylight saving time.

The 1975 Department of Transportation study identified two additional benefits that could result from a moderate daylight saving time extension. First, the study showed a 1.5-percent reduction in traffic accidents and deaths for March and April, without any early morning hazards being created for any population group.

Second, according to the National Crime Survey of the Departments of Justice and Commerce, the most serious forms of crime occur in the evening or night, as opposed to early morning. The 1975 Department of

Transportation study estimated that an extension of daylight saving time could reduce violent crime by 10 to 13 percent.

An extension would provide still even more benefits. Handicapped persons afflicted by night blindness would receive an extra hour of sight and mobility. An extra hour of business or recreation would be generated for many Americans—to the benefit of shoppers, resorts, theme parks, outdoor enthusiasts, and sports teams.

An extension might even help alleviate the United States' international trade problems. The 10 European Common Market nations currently observe a uniform date for daylight saving time beginning in late March. An extension would preserve time uniformity with our allies and major trading partners—and eliminate the need for international travel schedule revisions and the associated confusion to travelers.

The bill would also provide for an extra hour of daylight on Halloween—and on election nights in November. It will encourage greater voter turnout and participation. It also will enhance the safety of children who make their way through America's neighborhoods, asking for "Tricks or Treats."

Child safety is, of course, an important concern. The bill takes into account concerns that a daylight saving time extension might cause children to travel to school in the darkness of early morning hours. Under the compromise 4-week extension, no part of the Nation will experience sunrise times later than those already occurring in October under the present system. A 1975 National Bureau of Standards study of school-age children fatalities also found no increase in morning fatalities during the March and April daylight saving time period.

Extending daylight saving time is not a new idea. But it is a good idea. It is an idea whose time has come. Congress, like the hands of time itself, often may seem to move slowly. But I sincerely hope that this Congress will at last move to extend daylight saving time—and move us forward to greater energy conservation, safety and independence.●

By Mr. WILSON (for himself, Mr. THURMOND, Mr. GARN, Mr. LUGAR, Mr. DURENBERGER, Mr. SYMMS, and Mr. EXON):

S. 1434. A bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that act relating to maximum hours; to the Committee on Labor and Human Resources.

EXEMPTING STATE AND LOCAL GOVERNMENTS FROM OVERTIME PROVISIONS OF FAIR LABOR STANDARDS ACT

Mr. WILSON. Mr. President, I rise today to introduce legislation to relieve State and local governments from the financial nightmare created by the inflexible maximum hours provisions of the Fair Labor Standards Act [FLSA]. Under the FLSA, employees must be paid time and one-half pay for overtime hours and may not receive compensatory time off, popularly known as comp time, in lieu of overtime pay.

In Garcia versus San Antonio Metropolitan Transit Authority, the U.S. Supreme Court recently overturned a longstanding decision which exempted the "traditional State functions" of States and their political subdivisions from congressional regulation under the Commerce power. Specifically, the Garcia decision makes the FLSA applicable to States and their political subdivisions. Prior to Garcia, State and local governments were regulated by State labor laws and, of course, the dictates of their collective-bargaining agreements.

This legislation will exempt States and their political subdivisions from the maximum hours provisions of the FLSA. Currently, there are some 30 exceptions to these provisions. These exemptions include a broad range of occupations including retail and service establishment employees, amusement and recreational establishment employees, agricultural and horticultural employees, newspaper and radio employees, and "professionals," "executives," and sales persons. Local governments with less than five fire protection or law enforcement employees are also already exempt from this provision of the FLSA.

This legislation will not exempt States and their political subdivisions from any other provisions of the FLSA such as the minimum wage requirements, the Equal Pay Act, or the child labor prohibitions.

A Joint Economic Committee hearing I chaired on June 25 on the impact of the Garcia decision provided evidence that the FLSA's overtime requirements will cost States and municipal governments across the Nation billions of dollars. California alone, it has been estimated, will be out some $300 million.

I have received letters from many local government officials who have stated that the fiscal and regulatory burdens that the Garcia decision creates will be devastating. The distinguished mayor of Los Angeles, Tom Bradley, stated that Los Angeles will have to expend an additional $50 million to meet the FLSA's rigid requirements. For Los Angeles County, the incremental costs are expected to exceed $50 million.

Other California localities are similarly affected: According to recent estimates the maximum hours provisions of the FLSA will cost Newport Beach $725,000 to $1.2 million, Anaheim $650,000 to $1 million, Palm Springs $178,000, Watsonville $50,000, San Jose $4,200,000, Ventura County $2 million, and Sausalito $180,000 to $270,000.

This is not solely a California problem, however. Estimates from throughout the United States indicates similar results. Hollywood—not California, but Florida—$858,000, Macon, GA, $800,000, Coeur d' Alene, ID, $10,000, Des Plaines, IL, $250,000, Keokuk, IA, $80,000, Cleveland, OH, $4,200,000, Lawton, OK, $1 million, Salem, OR, $100,000, York, PA, $120,000, Oshkosh, WI, $200,000, and Mesa, AZ, $500,000.

Mr. President, the list is as long as the rollcall of America's cities, counties, and States.

I must point out Mr. President that these are only a sample of the jurisdictions, both large and small, that will have to scrimp to find the extra funds, without receiving any extra services, in order to come into compliance with a law that has little relation to them. Because of the contemporaneity of the Garcia decision, many localities are only now beginning to realize the devastating impact of the decision. As a former mayor, I share the concerns about the severe economic and administrative impact of Garcia on States and localities.

While the added expense caused by the Garcia decision will painfully strain local and State government budgets, the most compelling reason for enactment of this legislation is its effect on public safety and fire protection. Employees in these professions have traditionally been required to work irregular hours, yet enjoyed substantial comp time for the overtime hours they work. Labor costs for public safety and fire protection comprise over one-half of the budgets for many local governments. The unforeseen cost increase in these services caused by the Garcia decision will force many local governments to siphon revenue from critical government programs to public safety, or, more seriously, reduce overall spending for these vital services.

A recent article in the Washington Post exposed a telling example of Garcia's impact on public safety. Police officers in the District of Columbia were pulled off a murder investigation so as not to accrue premium overtime pay as mandated by Garcia. I wonder if these officers had been able to take comp time instead of overtime pay if they would have discontinued this investigation.

It was not the officers who chose to leave the investigation. Rather, because they were seeking to avoid overtime payments, those managing that investigation ended it off from one shift of investigating homicide officers to the next and then the next, so that three shifts had been involved in this

investigation. Frankly, by the time the third shift was on the cold trail, it was such that when they appeared in court, the third shift of investigators had to seek a continuance.

A State's or local government's ability to deal with a crisis situation may be dangerously undermined by the Garcia decision. Responding to earthquakes, raging fires, tornadoes, and other disasters requires Herculean efforts on the part of public safety employees. If a local government's budget is not ample to pay premium overtime, and it is restricted from rewarding employees with comp time, it may very well threaten the public's safety. Certainly, the recent outbreak of blazing fires in California and other Western States mandates that we closely examine any Federal law that could impinge on a local government's ability to respond to such a crisis.

I am all too familiar with the destruction of California's natural resources, life, and property that is being caused by roaring, fast spreading fires in our wildlands and rural areas. The 62 million acres of California wildlands contain some of the dryest and fastest burning areas in the world. California firefighters traditionally have received comp time for their heroic efforts which they were able to use during the wet winter months.

Before these fires began, Talmadge Jones, chief counsel for the California Department of Personnel, stated that "conversion from comp time to cash payment will cost California taxpayers from $10 to $20 million annually." Considering the fires now blazing in California, additional millions of dollars that will be needed to pay firefighters premium overtime pay.

In addition to this tremendously increased cost for fire protection, costs of other California State programs will be drastically increased: California Highway Patrol, $2,400,000; Department of Fish and Game, $4 million; Department of Developmental Services, $2,200,000; California Conservation Corps, $8,400,000, to illustrate just a few of the State programs that will be impacted.

There are serious questions whether State and local government employees will benefit from the applicability of the maximum hours provisions of the FLSA. Certainly, the FLSA's prohibition against comp time will not be welcomed by the employees. To date, State laws have been more than adequate to regulate the State and local government employer/employee relationship, particularly because most State and local government employees have collectively negotiated their contracts.

This legislation has already received the support of local governments and municipal employee organizations in California and throughout the Nation. It is also supported by such prominent organizations as the National Association of Counties and the National Council of State Legislatures and supported in concept by many others. The administration has also expressed support for mitigating the harsh effect of the Garcia decision on State and local government.

From my 11 years of experience as the mayor of San Diego, I know firsthand the difficulty of administering a local government. The result of local tax reduction efforts like California's proposition 13, recent congressional actions to reduce deficits, and now the Garcia decision, leave localities around the country not only with difficult financial decisions, but also with reduced autonomy to deal effectively and independently with their unique problems.

I question whether anything has occurred since the landmark Usery decision—which held that "traditional State functions" are exempt from congressional regulations—that warrants the Supreme Court's insistence now upon Federal intrusion into the decisions rightfully made by State and local governments. Mr. President, this legislation will reduce the severe financial and administrative impact of Garcia on States and localities, and will return the autonomy that is mandated by the 10th amendment to the U.S. Constitution to these local governments.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 13(b) of the Fair Labor Standards Act of 1938 is amended—

(1) by striking out the period at the end of clause (29) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new clause:

"(30) any employee of a public agency that is a State, a political subdivision of a State, or an interstate governmental agency.".

(b) The amendments made by subsection (a) shall take effect June 24, 1976.

Mr. THURMOND. Mr. President, I am pleased to join Senator WILSON as an original cosponsor of legislation which would return this country to the sensible approach of exempting State and local governments from the maximum hour provisions of the Fair Labor Standards Act [FLSA].

In 1976, the Supreme Court, giving due deference to the 10th amendment of the Constitution, held in National League of Cities versus Usery that the overtime pay provisions of FLSA were not applicable to the "traditional functions" of State and local governments.

Until recently, public employees who worked irregular shifts, such as policemen and firefighters, understood that the nature of their work would require more than 40 hours a week on occasions, as necessary to the proper functioning of their duties. However, these workers also were given compensatory time in lieu of overtime pay. Local governments could better manage payroll budgets, and workers could enjoy extended vacations.

This year, in the case of Garcia versus San Antonio Metropolitan Transit Authority, the Supreme Court reversed its reliance on the sound principles embodied in the 10th amendment by overruling Usery.

During my career in the Senate, I have often voiced my opposition to Federal intrusion into areas reserved to State and local governments, by the Congress, the executive branch or the courts. When the Federal Government seeks to impose its will on States regarding matters within the jurisdiction of States, I believe this to be violative of the intentions of our Founding Fathers. Except in matters which directly affect the security, economic health, and foreign affairs of the Nation as a whole, the Constitution allows State and local governments, which are more closely connected to the people, freedom to meet the needs of their respective citizens in the manner most appropriate to State and local conditions.

Since the Garcia decision, I have heard the deep concerns of numerous State and local government officials from South Carolina and many other States. This decision will have a devastating economic impact on local governments, many of which already operate on extremely tight budgets. If legislation is not enacted to reverse this decision, local governments will be forced to reduce the funding of other important programs or reduce manpower necessary to conduct vital public safety services, which will be detriminetal to the public interests.

The legislation which we will introduce today will not exempt State and local governments from the minimum wage provisions of the FLSA, the Equal Pay Act, or the child labor provisions of the FLSA. It would allow State and local governments the opportunity to plan their budgets. It offers workers who enjoyed their "comp time" the opportunity to continue to have this benefit. Moreover, it is consonant with sound principles of federalism as clearly set forth in the 10th amendment to the Constitution.

I urge my colleagues from both parties to join Senator WILSON and me in our efforts to achieve the speedy passage of this important legislation.

Mr. SYMMS. Mr. President, on February 19, 1985 the U.S. Supreme Court issued a decision in the case of Garcia

versus San Antonio Metropolitan Transit Authority in which the Court's five-vote majority ruled that it was constitutional to extend coverage of the Fair Labor Standards Act [FLSA] to nearly all State and local government employees. The Court thereby overturned its 1976 decision, National League of Cities versus Usery, which exempted "traditional" functions of State and local governments from coverage under the act.

The Garcia decision has broad and, in my view, ominous implications for the Federal character of our Government, and I will discuss those implications shortly. However, the Court's decision has had a more immediate and equally serious effect in terms of its impact on State and local governments which now must comply with provisions of the FLSA.

FINANCIAL IMPACT

Compliance with the FLSA will require that State and local governments pay their employees time and one-half for overtime hours. No comp time—compensatory time off—agreements will be permitted under the law.

This requirement represents a dramatic, unnecessary, and unwanted change in the way many State and local governments compensate their employees. In many cases, it is the employees themselves who least like the overtime pay provision because they value the extra days off they get by accumulating comp time. Moreover, the overtime wage provision will increase significantly the cost of labor to sustain services—including police and fire protection—provided by local governments.

Last month, the Joint Economic Committee [JEC] held hearings to assess the financial impact of the Court's decision. Evidence presented at the hearings indicates that compliance will cost States and municipal governments billions of dollars, primarily in the form of increased labor costs for police and fire protection.

Jim Weatherby, executive director of the Association of Idaho Cities, recently wrote to inform me that compliance with the FLSA "will cost (Idaho) cities hundreds of thousands of dollars, and perhaps millions, before this whole thing gets sorted out." Increased costs of this magnitude cannot be borne easily by cities in my State, and the JEC hearings indicate that the devastating budgetary impact will be felt in cities around the nation.

In order to comply with the FLSA, elected officials will be forced to choose between cutting back on less essential services or raising revenues necessary to maintain current service levels. In many localities, the option of raising significant new revenues simply does not exist because of tax reduction efforts like Idaho's "1 percent initiative." Many of the cities will have to reduce even essential services in order to stay within their limited budgets.

Applying FLSA regulations to city, county, and State employment practices will mean less service at a greater cost for the citizens of my State and taxpayers across the country. It will mean less flexible work schedules for State and municipal employees. And it may well mean the loss of jobs for thousands of people local governments can no longer afford to employ.

FEDERALISM

The Garcia decision not only threatens the fiscal stability of States and their political subdivisions forced to comply with the FLSA, it also presents a serious threat to the sovereignty of States over activities which are peculiar to the function of State and local governments. This ruling, as Justice Powell notes in dissent, renders the Constitution's guarantee of States' rights "meaningless rhetoric when Congress acts pursuant to the Commerce Clause."

The 10th amendment to the Constitution reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Thus, the framers of the Constitution sought to protect in perpetuity the sovereign power of States against the inevitable encroachments of the National Government.

The Founders believed that the "Federal" character of this Government was an essential element in a system designed to protect the democratic principles and individual liberties enshrined in the Constitution. The States, Hamilton argued in the Federalist Papers, No. 17, "being the immediate and visible guardian of life and property," shall remain "a complete counterpoise * * * to the power of the Union." That is, the separate spheres of sovereignty which distinguish our "Federal" from a "national" system of government were intended to protect the people against the threat of a too-powerful central government.

The Garcia decision allows the Federal Government to reach beyond its proper realm of authority. "By usurping functions traditionally performed by the States," Justice Powell declares, "Federal overreaching under the Commerce Clause undermines the constitutionally mandated balance of power between the States and the Federal Government, a balance designed to protect our fundamental liberties." I share the Justice's concern and would urge the Court to overrule the Garcia decision at its earliest opportunity.

AMENDMENT TO THE FAIR LABOR STANDARDS ACT

Because of my interest in preserving federalism wherever possible and my concern about the tremendous financial burden imposed on State and local governments by the Garcia decision, I am pleased to be an original cosponsor of Senator WILSON's bill to exempt States and their political subdivisions from the overtime pay provision of the FLSA.

Passage of this legislation will save the Nation billions of dollars and avoid unnecessary reductions in the services provided by local governments. It will be good for local taxpayers, good for public employees, and good for citizens who rely on the basic services—police, fire, streets, water, sewer, et cetera—provided by local governments.

I urge my colleague to support the bill, and I hope its passage will be a signal that this Congress intends to defend the concept of federalism and preserve the integrity of the 10th amendment.

I ask unanimous consent that the letter from the Association of Idaho Cities to which I referred earlier be inserted in the RECORD following my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF IDAHO CITIES,
Boise, ID, July 8, 1985.

Hon. STEVE SYMMS,
U.S. Senator, Hart Building, Washington, DC.

DEAR SENATOR SYMMS: The recent ruling of the U.S. Supreme Court in *Garcia* v. *San Antonio* has stirred a great amount of controversy for our Idaho city governments. That decision, which forces Idaho city governments to comply with the Fair Labor Standards Act, could not have come at a worse time for Idaho Cities.

The adjustments which cities must make to comply with FLSA regulation will cost cities hundreds of thousands of dollars, and perhaps millions, before this whole thing gets sorted out. The costs of compliance with the FLSA comes at the same time the U.S. Congress is working to take away Federal General Revenue Sharing. The $9 million that cities receive from General Revenue Sharing is used to support general operating budgets in cities. In addition, the 1% initiative has drastically affected operating budgets in Idaho cities since 1978. Compliance with FLSA will probably force cities to eliminate overtime, cut personnel, and thereby cut services even further.

Our city leaders are extremely concerned. At the 1985 Association of Idaho Cities convention in Coeur d' Alene, a standing room only crowd came to hear a workshop on the topic. All they heard was depressing news. Their general reaction was: "How can we get the government off our backs." These were local elected officials talking!

FLSA compliance will eliminate many of the innovations which cities use in their personnel systems. "Comp time", time off taken later for extra time worked today, will be gone. The irony is that city employees like "comp time" systems. Our city government employees are dedicated to their jobs and, considering their compensation, are probably among the most productive within the private or public sector. FLSA further restricts city governments from compensating their employees innovatively. "Comp time" is a way for cities to get the work

done without having to suffer personnel budget increases.

It is interesting that there is a cultural dimension to this "comp time" issue. In Idaho many public employees work extra hours in the winter months plowing snow, etc. Then, during the elk hunting season, or at other slack periods, they take some of those "comp time" hours off. Employees like these arrangements and want to keep them. Why cannot there be some flexibility in the rules to allow employees to sign a waiver from FLSA compliance?

The FLSA rules just don't seem to fit in Idaho. We receive calls from very small cities such as Eden, with two full-time employees—a city clerk and a public works man. It is difficult explaining to a small city clerk the multitude of requirements necessary to come into FLSA compliance. One aspect of the rules allow for exemptions for police departments with four or less full-time officers; many of our cities, like St. Anthony have five officers. Some have discussed laying off one policeman in order to be exempt. How will the mayor explain to a concerned citizen that police service will be cut by 20% "because the Federal Fair Labor Standards Act"? I'm convinced that the citizenry will suffer without ever fully understanding why or how this federal act affects their city.

Later this month the AIC will conduct a series of workshops to help cities bring their personnel systems into FLSA compliance. We at the AIC are taking every step we can to prepare our cities for what must be done. It is really too early to know what the full costs of FLSA compliance will be.

In the next few months we will continue to compile cost information on FLSA compliance. For example, we have learned that the City of Ketchum will incur a compliance cost of $31,500 in just the city fire department. This cost reflects the rescheduling of fire personnel, to a standard 7 day, 40 hour week. The other adjustments, including increasing the overtime budget, will amount to $23,200. The total FLSA compliance cost for this small city will be $54,700.

Every city which sends a candidate to the Peace Officers Standards and Training Academy will suffer unforseen increases in police training expenses. Currently, officers are trained for more than 40 hours in a seven day week. Those hours in addition to the 40 hours in a seven day week will be paid at time and one half or the Academy will have to be extended another two weeks.

The total statewide costs of FLSA compliance are unknown, but we believe they are unnecessary. The Association of Idaho Cities will continue to assist cities to comply with the FLSA requirements because of the recent *Garcia* decision. Our Idaho City governments are responsible, as the governments closest to the people, for delivering basic services—police, fire, streets, water, sewer, etc. cities have traditionally governed their own affairs. Decisions, such as *Garcia* allow the Federal Government to become a "long distance" government specifically mandating our personnel practices.

As your constituents, the elected officials and employees of Idaho Cities urge you to continue to work to remove these burdensome requirements. Please let us know if there is anything we can do to assist you in this effort.

Respectfully yours,

JAMES B. WEATHERBY,
Executive Director.

Mr. DURENBERGER. Mr. President, today I am cosponsoring legislation which will partially exempt State and local government employees from costly and unworkable overtime provisions of the Fair Labor Standards Act. Historically, whether or not to include State and local employees has been a matter of some debate in the Congress as well as the Supreme Court. Much is at stake.

Of immediate concern is the problem of what this will cost State and local governments. In the largest county in the United States—Los Angeles County—it is estimated that overtime provisions would cost in excess of $50 million per year. But, this is not just a problem of large governments. In my home State, local officials from small communities tell me that it will increase their cities operational tax levies by at least 10 percent. For example, in Chaska, MN, it will double the city's fire department personnel costs—and taxpayers won't get a dime's more service. Even more ironic is the fact that the fire department employees don't want to be covered under FLSA. They would prefer to leave things just the way they are. Yet, the long arm of Washington reaches out. It dictates a single national policy without concern for the differences among communities and no regard for the fact that many city services, like police and fire protection, are fundamentally ill-suited to this kind of regulation.

Short-term considerations are not the only reasons we need this legislation. As a result of the Supreme Court decision in Garcia versus San Antonio Metropolitan Transit Authority—the case which brought State and local governments under FLSA overtime provisions—a basic constitutional safeguard to federalism has been lost. As a result, today little stands between the inherent right of local self-government and the national penchant to interfere. At a time when we are thrusting upon cities and States more and more domestic responsibilities, while at the same time giving them less Federal financial assistance, this is especially intolerable. It is worth quoting a letter from the Owatonna, Minnesota City Council on this point.

We have deep sympathy with the congressional intent to reduce the Federal deficit, even if it means reducing services and moneys to our cities. We ought to be able to expect a reciprocal sympathy with our desires to balance our budgets and provide the services our citizens demand, without unreasonable cost * * *. Please consider that we have, right here in Owatonna, the native wit to deal fairly with our employees and operate our city * * *. Please do not be afraid to allow our councils and mayors some authority, even if it means that the Federal Government might refrain from extending authority into another field where shortcomings of Federal Agencies might be demonstrated.

Mr. President, the Fair Labor Standards Act began as a carefully crafted response to legitimate national needs. When first enacted in 1938, it established minimum wages and maximum hours for employees engaged in producing goods for interstate commerce. State and local government employees were specifically exempted from coverage under the act in recognition of the limitations imposed on Congress by our Federal system of Government. Over the years, the FLSA's coverage was gradually expanded to include various other categories of excepted workers, and in 1974, Congress attempted to place most State and local government employees under the act by passing the Fair Labor Standards Amendments of 1974.

This misguided extension of Federal regulatory powers was overturned by the Supreme Court in 1976 in the landmark case of National League of Cities versus Usery. In this case, the Court affirmed that the 10th amendment of the Constitution places limits on Congress' authority to interfere with the integral functions of State and local governments. The Court declared that:

The States as States stand on quite different footing than an individual or corporation when challenging the exercise of Congress' power to regulate commerce. * * * Congress may not exercise that power so as to force upon the States its choice as to how essential decisions regarding the conduct of integral functions are to be made. * * * This exercise of congressional authority does not comport with the Federal system of Government embodied in the Constitution.

Mr. President, the legislation I am cosponsoring today is needed only because the High Court has now chosen to reverse itself on this important issue and abrogate its reponsibility to enforce the Constitution. In the recent Garcia case, the Court overturned its National League of Cities decision as unworkable, and left all future decisions on dividing Federal, State and local responsibilities to the political process in Congress. This is like an umpire walking off the field in the middle of a ballgame or, worse still, letting the fox guard the chicken coop.

This Supreme Court decision rewrites 200 years of constitutional history. It completely ignores the Founders' guarantee in the Bill of Rights that States would retain certain fundamental powers to structure their own internal operations. In the process, the federal system has been downgraded from a constitutional principle to an odd collection of ad hoc political outcomes.

There is considerable irony in the timing of the Court's decision to abandon issues of federalism to the political fray. It comes at a time when the capacity of States and localities to defend their prerogatives in the political arena has reached an historic low. Constitutional avenues of influence have been weakened over time as direct election of Senators and Presi-

dential electors has replaced State legislative selection. Even more important, State and local influence in the political process has been deeply eroded by the rise of national television networks, Washington-based interest groups, and increasingly nationalized sources of campaign finance.

In the long run, the Garcia case threatens to undermine one of the cornerstones of our constitutional system. In their wisdom, the authors of the Constitution sought to preserve liberty through representative democracy, through expressed guarantees of essential individual rights, through the separation of powers among coequal branches of Government, and through a system of shared and divided Government authority known as federalism. In constructing the latter two elements of liberty, the Founders gave form to the belief that no branch of Government should determine its own limits. Thus, the Constitution gave to the National Government certain vital powers, leaving the remainder "to the States respectively, or to the people." In so doing, the framers recognized that States and localities, being closer to the people, may be more responsive to their citizens in performing many services than the Government in Washington.

THE PROBLEM TODAY

The most immediate effect of the Garcia case is to reimpose the misguided Fair Labor Standards Amendments on State and local governments—regardless of their size or the nature of their employees. Thirteen million State and local government employees are now covered by this act.

For some it creates few problems—only the added interference of new Federal paperwork and record keeping burdens. For regular, full-time employees, virtually all communities already pay more than the minimum wage, and satisfactory agreements on overtime and working conditions have been worked out in collective bargaining agreements. I strongly support such agreements, hammered out locally in response to local conditions. And I strongly support the rights of labor and management to bargain collectively and fairly. But these provisions of the FLSA, applied uniformly from Washington, inappropriately interfere with this process.

In many small communities, local budgets and services will be greatly and senselessly distorted. The law creates particular problems for rural volunteer fire departments. Because of sloppy Federal regulations, city officials will be forced to stop paying modest compensation to volunteer firefighters and to prohibit regular city employees from participating in a valuable community service.

Costly burdens are also imposed on many larger communities by the overtime provisions of FLSA. Because public safety employees often work long and irregular hours, many communities choose to compensate them with flexible work schedules and "comp time". FLSA prohibits using such arrangements as a substitute for paying more expensive overtime salaries of at least time and one-half. Yet, "comp time" arrangements, worked out in local bargaining agreements, often best meet the preferences of both local governments and their employees. The Winona County, Minnesota Deputies' Association has informed me that FLSA's overtime requirements have "wreaked havoc with the scheduling of public safety employees and placed many labor contracts into question." The city of Little Falls estimates that costly overtime provisions will require a 10-percent increase in the local tax levy. And, in the Nation's Capital, the Washington Post reports that several police detectives were pulled off a murder investigation in midstream because District of Columbia officials feared the devastating effect of FLSA's overtime provisions on the city's budget!

Such ludicrous and costly problems clearly underscore the need for this amendment of the Fair Labor Standards Act.

These examples might lead one to assume that the recent Labor Department regulations to implement the NLC decision are particularly onerous. I agree that they are onerous. But, they are not unusual. In fact, these are merely the latest in a stream of Federal regulatory actions which intrude into areas traditionally reserved to State and local governments.

Earlier this year, PETE WILSON and I introduced another piece of legislation, S. 483, The Intergovernmental Regulatory Relief Act of 1985, which would go far to restrain the growth of unfunded mandates such as those addressed in the legislation I rise to cosponsor today.

Regulatory federalism is a serious and disturbing trend which undermines cooperation in our intergovernmental system. Yet this cooperation is fundamental to solving many of the most important problems facing our Nation. Of late, when I have expressed my concern about this troublesome trend, some have assured me that regulation is no longer a threat to State sovereignty and the inherent right of local self-government. They have said that the 1980's are different than the 1970's. When it comes to dealing with States and localities, regulation is out. Devolution is in. The Labor Department's recent actions belie these assurances. They suggest something quite different. Intergovernmental regulation is alive and well. It is federalism that is in trouble.

By its decision in Garcia, the Supreme Court has expressed its belief that State and local governments should look to Congress to protect their rights. Although I question the wisdom of this strategy, we can send an important message to our doubters by passing this much-needed legislation.

Mr. President, I ask that the article entitled "Overtime Ruling Costly to Localities," be printed in the RECORD directly following my statement.

There being no objection, the article was ordered to be printed in the RECORD as follows:

OVERTIME RULING COSTLY TO LOCALITIES

(By Lee Hockstader)

A recent Supreme Court ruling forcing state and local governments to adhere to federal wage and hour laws will add $10 million to $15 million a year to the costs of operating the D.C. government and hundreds of thousands of dollars to suburban governments, area officials say.

That is only a small portion of what is now estimated to be the overall $2 billion to $4 billion cost to state and local governments from the ruling that forces the governments to pay overtime wages to most of their workers instead of giving them compensatory time off.

"It's too much money," complained attorney Gilbert J. Ginsburg, a labor lawyer who is an adviser to many cities, including Alexander and New York.

The ruling "hits very, very hard and is a burden," said Cornelius J. O'Kane, Fairfax County's personnel director. Officials there estimate the court's Feb. 19 ruling will cost Fairfax taxpayers $500,000 to $1 million a year.

Most of the added costs will come in overtime to police and firefighters, who in the past have earned substantial amounts of compensatory time off.

For example, one immediate impact of the ruling is in western states such as California, where thousands of firefighters will be collecting time-and-a-half overtime pay for battling the forest fires that were out of control in that region last week. Paying the California firefighters overtime wages, rather than compensating them with time off later, will cost $10 million to $20 million, according to James D. Mosman, the state's director of personnel administration.

Cities, which are expected to be hit the hardest when the Labor Department starts enforcing the court ruling Oct. 15, are raising the possibility of layoffs, reduced services or higher taxes. Officials in the Labor Department and the White House say they have been flooded with calls and letters from mayors worried about the impact of the ruling on their budgets.

Local governments attacked the ruling when it was announced, but say they are only now beginning to add up the likely costs as their budget and personnel officers supply them with more precise estimates.

'We are just now getting a handle on it, and it is very difficult," said Donald Weinberg, the District's director of labor relations. "It is causing a real problem."

District officials say the impact of the ruling here will not be as severe as in some other large cities because Washington already pays overtime to many of its employes. "If there are no other pressures then it is clearly manageable," said Betsy Reveal, the District's budget director. "But it cannot be seen in isolation. In combination with other pressures it could cause

problems." The District's annual payroll is about $850 million.

Under guidelines for the Fair Labor Standards Act, which state and local governments now must follow, police must receive overtime pay if they work more than 171 hours in a 28-day period. For firefighters, overtime must be paid after 212 hours.

Blue-collar employes in public works as well as clerical and technical employes, many of whom commonly work overtime hours, would also be covered. Teachers, as professional employes, are excluded from coverage under the law.

The Supreme Court ruling came in a case know as *Garcia* v. *San Antonio Metropolitan Transit Authority* on the question of whether overtime provisions in the act apply to municipal workers.

Joseph Garcia, a bus driver in San Antonio, had brought suit against the city, challenging its practice of paying time-and-a-half overtime only when bus drivers worked on their days off or on holidays. For all other overtime hours worked, bus drivers were paid at the normal hourly rate. The city said it should be exempt from the act; Garcia backed by labor unions, said it should not.

The 5-to-4 high court ruling has diverse implications. For example:

Municipalities will no longer be able to accept volunteer or subminimum wage services from their employes. Crossing guards—frequently senior citizens working for little or no pay—will have to be paid at least a minimum wage, for instance. This provision is expected to hurt small towns, which frequently depend on volunteer workers to a large degree.

Municipalities may have to pay substantial sums of overtime wages to police recruits in academies who devote long hours to their training. "We've heard of an instance where trainees are paid at a higher rate than police captains," said a White House official. The official, who asked not to be identified, said the likely effect in that instance would be a cutback in training time for police officers.

Public employes in some rural jurisdictions who saved compensatory time by working long hours in the winter so they could plant their crops in the spring will be unable to continue that practice.

In Puerto Rico, implementing the act is expected to cost millions of dollars because the government must start paying the minimum wage to public employees who have been earning less.

Officials also express fears of curtailed work by public safety employees, and cite the case of four D.C. homicide detectives whose investigation of a murder was cut short last week to avoid paying them overtime. The incident occurred shortly after police officials had circulated a memorandum outlining steps to comply with the ruling.

"There's an increasing degree of alarm about the costs and the disruption, both of which will be substantial," said the White House official.

Congressional hearings on the issue are scheduled for July 25, and three governors as well as host of local officials are expected to raise the prospect of budget-busting expenses because of the ruling.

Groups such as the National Association of Counties and the National League of Cities also are increasing pressure on the Reagan administration to introduce legislation that would repeal overtime provisions of the Fair Labor Standards Act and effectively neutralize the fiscal impact of the Supreme Court's ruling.

The White House official acknowledged that the administration is considering backing such a bill. Congressional aides say the measure would be opposed by organized labor, and would stand little chance of passage in the Democratic-controlled House of Representatives.

"What happens on the House side depends on how much pressure we can gin up," said one Senate aide who would like to see the *Garcia* decision undone by Congress. "But politically I just don't think we can do it."

Susan Meisinger, deputy undersecretary for employment standards in the Labor Department, said she believes legislation is possible. "There's a growing concern about the impact," she said. "What happens depends on how hard state and local governments push."

In a speech to the American Bar Association last week, Attorney General Edwin Meese III blasted the court for the *Garcia* ruling, declaring that it "undermines the stability" of state and local governments.

To comply with the ruling, Los Angeles will have to pay $100 million a year; San Francisco, $50 million, and New York, $40 million, according to Cynthia M. Pols, counsel to the National League of Cities.

Many municipalities are in the process of determining how many of their workers are covered by the federal guidelines and how many are not. Some personnel officials acknowledge privately that in borderline cases where there is room for discretion, governments may tend to classify workers as exempt from the law, and therefore ineligible for premium pay.

State and local government officials also are afraid of the effects of a provision in the federal law that allows employes to bring private lawsuits to recover back overtime pay. Because the court's ruling was effective April 15, any municipal worker who wants to collect overtime since that date will be able to do so, along with a penalty doubling the overtime payment.

Ironically, although labor union officials initially were elated by the Supreme Court decision in February, some are now acknowledging that their members are unhappy about losing compensatory time off.

By Mr. DIXON:

S.J. Res. 162. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

S. 1431. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require expeditious consideration by the Congress of a proposal by the President to rescind all or part of any item of budget authority if the proposal is transmitted to the Congress on the same day on which the President approves the bill or joint resolution providing such budget authority; pursuant to the order of August 4, 1977, referred jointly to the Committee on Governmental Affairs and the Committee on the Budget.

LINE-ITEM VETO LEGISLATION

Mr. DIXON. Mr. President, I am today reintroducing a joint resolution proposing a constitutional amendment authorizing the President to disapprove or reduce individual items of appropriations, subject to a majority vote override. I am also introducing legislation to expand the President's rescission authority because action on the constitutional amendment will necessarily take a substantial period of time, and we need the benefits to be garnered from the item veto now.

I do not propose this constitutional amendment and expanded rescission authority lightly, but I am convinced we need fundamental changes in our budgeting procedures if we are ever to restore fiscal discipline to the Federal Government. Deficits are out of control. Our budget deficit is likely to reach $215 billion or even more this year, and the current stalemate with respect to next year's budget resolution demonstrates the inadequacy of current budget making policies to reverse ever increasing deficits.

Solving our budget problems on a long-term basis will require strong action in a number of areas. I am convinced that adding an item veto provision to our Constitution is probably the single most important action we could take if we really want to end the deficit nightmare.

The item veto has a long and distinguished history. It first appeared in the Confederate constitution. In the years since the Civil War it has been included in the constitutions of 43 of the 50 States. The States give their Governors this authority because it was needed, because it strengthens their budget processes, and because it works. No State that has adopted the item veto has ever repealed it.

While the idea has demonstrated its merit at the State level, however, it has never seriously been considered at the Federal level. Numerous items veto proposals have been introduced in Congress since the first one in 1876. At least seven different Presidents have requested item veto authority. But none of these proposals or requests has ever been sent to the States or been acted on by either the House or the Senate.

Mr. President, it is long past time to change that situation, and act on item veto provision that helps restore the President's veto power. I say restore because the truth is that the Presidential veto is now a much weaker weapon than it once was.

Under our Constitution, a President can only veto an entire bill. He or she cannot veto individual items of spending within the bill—the veto is an all or nothing proposition. When our Constitution was written, that was a reasonable and workable balance of powers between the legislative and executive branches. Government was smaller and simpler. Over the past 194 years, though, Congress has tipped the

balance in its favor and substantially eroded the President's veto power. The growth in Government, together with the increasing use of omnibus legislation, now make it significantly more difficult for a President to play the role envisioned by the Nation's founders.

Increasingly, a President has the choice of either shutting down the Government, or signing into law billions of dollars of spending which he or she does not support. Last year, for example, almost all Government spending was included in a single omnibus bill instead of the 13 annual appropriation bills that Congress usually acts on to exercise its control over Government spending.

More and more, Congress attaches controversial items to "must" bills in an effort to make it more difficult for a President to use his veto power. Logrolling, and packaging good and bad programs into a single omnibus bill, have become a way of life.

These practices are near and dear to the hearts of many legislators, but they work to undermine our ability to budget in a fiscally sound and responsible manner. They are clearly wasteful, extravagant, and destructive.

Congress will never resolve the deficit problems, Mr. President, if it continues this "business as usual" approach. Congress must surrender some of the prerogatives it has accumulated over the years, and allow at least a partial restoration of the President's vote power.

Many Members, as well as those who benefit from the current way of doing things, may not want to surrender all the power they have gained. To ensure that the proper balance of powers between the legislative and executive branches of Government is maintained—to ensure no possibility of the creation of an imperial presidency—I am proposing only a partial restoration, giving the President item veto authority, but allowing Congress to override it by a simple constitutional majority.

Under my proposal, a President would have to choose: either veto an entire bill, forcing Congress to attempt to override by two-thirds vote, or use the item veto, recognizing that it would be easier for Congress to override.

Stated another way, it simply allows a President to put the Congress on record, to see whether there is in fact majority support for certain individual items of spending in an omnibus bill. As we all know too well, most Members of Congress have never seen and do not know about many of the literally thousands of individual times in the hundreds of pages of appropriations bills enacted every year. We rely on staff, and the knowledge, character, and ability of the Senators and Representatives that are the subcommittee chairmen and ranking members that handle the bills. Yet all these items are presumed to have majority support because they passed in Congress.

If a President opposes an item, why shouldn't he or she have the right to ask the Congress to go on record, and to determine whether the majority that is presumed to exist actually exists? In the early days of our Republic, Presidents often effectively had that right because bills were narrower and did not deal with more than one subject. But now, as I stated earlier, we have come to the point where virtually the entire Government is funded in a single bill.

Majority override means that a President could not overturn strong congressional support for a single item through use of the item veto and the support of "one-third plus one" in either the House or the Senate. Only the veto of an entire bill would take a two-thirds vote to override. An item veto would be sustained if the President commanded majority support, and would be overturned if the item had majority backing.

Mr. President, the Line-Item Rescission Act S. 1431, is based on similar principles. I am introducing this proposal reluctantly because I believe a constitutional amendment is the better way to proceed. Further, some of the past rescission proposals would have given the President unilateral rescission authority, thus effectively giving a President two bites at the same apple. Under these proposals a President could sign a bill and then rescind various items of spending. Congress would have to effectively act on a new bill repassing the items to overturn the rescission, and this action would be subject to Presidential veto, requiring a two-thirds vote to override.

My proposal is merely a small expansion of authority already available to Presidents under the Budget Act. It does not give a President unilateral rescission authority. It is designed to make the rescission mechanism as close to a majority override line-item veto constitutional provision as is possible through statutory means while not violating constitutional principles. It can be put into effect far more quickly than a constitutional change, and would provide at least part of the benefits of the constitutional amendment.

The legislation permits a President to defer items of spending contained in an appropriations bill for 60 days while Congress considers rescission resolutions under expedited procedures. Each rescission resolution would cover a single item and would have to be voted on separately, as the veto of an individual item would be.

Both Houses of Congress would have to vote on the resolution or resolutions within 60 days of their transmittal to Congress by a President. If the President had majority support the resolution would pass and the item would be rescinded. If the item had majority support, the spending would go forward without being subject to further Presidential veto.

The rescission resolutions would not be amendable since veto messages are not amendable, and the expedited procedures would guarantee a vote on the resolutions. This provision, of course, is different from the way a veto message is considered. There is no guarantee that a veto message will be voted on at all. However, a veto is effective unless overturned by both Houses of Congress while a rescission is effective only when approved in both Houses. The combination of the limited deferral authority, and the expedited procedures guaranteeing a vote, are necessary to ensure that Congress faces the issues raised by a President's opposition to particular items.

Neither the item veto constitutional amendment nor the Line-Item Veto Rescission Act is a cure-all for the budget problems we are facing, Mr. President. Dealing with the deficit will require action in every area of the budget, action that will be difficult and distasteful. However, either proposal can and will make a real difference. If a Federal item veto with majority override works as well at the Federal level as it does in my own State of Illinois, it could save $27 billion a year or more.

I urge my colleagues therefore to consider these proposals very carefully. I am convinced that the result of this fair and reasonable examination will be enactment of a Line-Item Veto Rescission Act and early submission of the constitutional amendment to the States for ratification. I look forward to working with my colleagues toward these objectives.

Mr. President, I ask unanimous consent that the joint resolution and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 162

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE--

"The President may reduce or disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch of the Government. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not reduced or disapproved shall become law.

The President shall return with his objections any item of appropriation reduced or disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of the article I for Acts disapproved by the President, reconsider any item disapproved by the President, reconsider any item disapproved or reduced under this section, except that only a majority vote of each House shall be required to approve an item which has been disapproved or to restore an item which has been reduced by the President to the original amount contained in the Act or joint resolution.".

S. 1431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Line-Item Rescission Act of 1985".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) Transmittal of Special Message.—The President may, on the same calendar day the President approves any appropriation bill, transmit to both Houses of the Congress, for consideration in accordance with this section, one or more special messages proposing to rescind all or part of any item of budget authority provided in the appropriation bill.

"(b) CONTENTS OF SPECIAL MESSAGE.—

"(1) No special message may be considered in accordance with this section if the special message proposes to rescind more than one item of budget authority.

"(2) Each special message transmitted under subsection (a) shall specify, with respect to the item of budget authority (or part thereof) proposed by the message to be rescinded, the matter referred to in paragraphs (1) through (5) of section 1012(a).

"(3) Each special message transmitted under subsection (a) shall be accompanied by a draft bill or joint resolution that would, if enacted, rescind the budget authority proposed to be rescinded.

"(c) PROCEDURES.—

"(1)(A) On the day on which a special message proposing to rescind an item of budget authority is transmitted to the House of Representatives and the Senate under subsection (a), the draft bill or joint resolution accompanying such special message shall be introduced (by request) by the majority leader of the House of the Congress in which the appropriation Act providing the budget authority originated. If such House is not in session on the day on which a special message is transmitted, the draft bill or joint resolution shall be introduced in such House, as provided in the preceding sentence, on the first day thereafter on which such House is in session.

"(B) A draft bill or joint resolution introduced in the House of Representatives or the Senate pursuant to subparagraph (A) shall be referred to the Committee on Appropriations of such House. The committee shall report the bill or joint resolution without substantive revision (and with or without recommendation) not later than 20 calendar days of continuous session of the Congress after the date on which the bill or joint resolution is introduced. A committee failing to report a bill or joint resolution within the 20-day period referred to in the preceding sentence shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

"(C) A vote on final passage of a bill or joint resolution introduced in a House of the Congress pursuant to subparagraph (A) shall be taken on or before the close of the 30th calendar day of continuous session of the Congress after the date of the introduction of the bill or joint resolution in such House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of the Congress on the same calendar day on which the bill or joint resolution is agreed to.

"(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to subparagraph (C) of paragraph (1) shall be referred to the Committee on Appropriations of such House. The committee shall report the bill or joint resolution without substantive revision (and with or without recommendation) not later than 20 calendar days of continuous session of the Congress after the bill or joint resolution is transmitted to such House. A committee failing to report the bill or joint resolution within the 20-day period referred to in the preceding sentence shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be replaced upon the appropriate calendar.

"(B) A vote on final passage of a bill or joint resolution transmitted to a House of the Congress pursuant to subparagraph (C) of paragraph (1) shall be taken on or before the close of the 30th calendar day of continuous session of the Congress after the date on which the bill or joint resolution is transmitted to such House. If the bill or joint resolution is agreed to in such House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated, together with a statement of the action taken by the House acting under this paragraph.

"(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill or joint resolution under this section shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

"(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a bill or joint resolution under this section, and motions to proceed to the consideration of other business, shall be decided without debate.

"(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

"(E) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives applicable to other bills and joint resolution in similar circumstances.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

"(d) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this paragraph by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any item of budget authority proposed to be rescinded in a special message transmitted to the Congress in accordance with subsection (a) shall be made available for obligation unless, not more than 60 days after the transmittal of the special message, both Houses of the Congress have agreed to the bill or joint resolution accompanying such special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) 'item' means any numerically expressed amount of budget authority set forth in an appropriation bill;

"(2) 'appropriation bill' means any general or special appropriation bill, and any bill or

joint resolution making supplemental, deficiency, or continuing appropriations; and

"(3) 'appropriation Act' means any appropriation bill that has been approved by the President and become law.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1011(5) of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by striking out "1012, and" and inserting in lieu thereof "1012, the 20-day periods referred to in paragraphs (1)(B) and (2)(A) of section 1013(c), the 60-day period referred to in section 1013(e) and";

(B) by striking out "1012 during" and inserting in lieu thereof "1012 or 1013 during";

(C) by striking out "of 45" and inserting in lieu thereof "of the applicable number of"; and

(D) by striking out "45-day period referred to in paragraph (3) of this section and in section 1012" and inserting in lieu thereof "period or periods of time applicable under such section".

(2)(A) Section 1011 of such Act is further amended—

(i) in paragraph (4) by striking out "1013" and inserting in lieu thereof "1014"; and

(ii) in paragraph (5)—

(I) by striking out "1016" and inserting in lieu thereof "1017"; and

(ii) by striking out "1017(b)(1)" and inserting in lieu thereof "1018(b)(1)".

(B) Section 1012 of such Act is amended—

(i) by striking out "1012 or 1013" each place it appears and inserting in lieu thereof "1012, 1013, or 1014";

(ii) in subsection (b)(1) by striking out "1012" and inserting in lieu thereof "1012 or 1013";

(iii) in subsection (b)(2) by striking out "1013" and inserting in lieu thereof "1014"; and

(iv) in subsection (e)(2)—

(I) by striking out "and" at the end of subparagraph (A),

(II) by redesignating subparagraph (B) as subparagraph (C),

(III) by striking out "1013" in subparagraph (C) (as so redesignated), and

(IV) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(C) Section 1015 of such Act is amended by striking out "1012 or 1013" each place it appears and inserting in lieu thereof "1012, 1013, or 1014".

(D) Section 1016 of such Act is amended by striking out "or 1013(b)" and inserting in lieu thereof ", 1013(e), or 1014(b)".

(E) Section 1012(b) of such Act is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any item of budget authority proposed by the President to be rescinded under this section that the President has also proposed to rescind under section 1013 and with respect to which the 60-day period referred to in subsection (e) of such section has not expired.".

(3) The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(B) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

SEC. 3. APPLICATION.

The amendments made by this section shall apply to items of budget authority (as defined in subsection (f)(1) of section 1013 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 2 of this Act) provided by appropriation Acts (as defined in subsection (f)(3) of such section) that become law after the date of the enactment of this Act.

By Mr. DOLE for Mr. SPECTER (for himself, Mr. CRANSTON, Mr. SIMON, Mr. BUMPERS, Mr. MELCHER, Mr. WILSON, Mr. DURENBERGER, Mr. PRYOR, Mr. HOLLINGS, Mr. MITCHELL, Mr. CHAFEE, Mr. PELL, Mr. CHILES, Mr. SASSER, Mr. COHEN, Mr. BOSCHWITZ, Mr. ROCKEFELLER, Mr. HATCH, Mr. STAFFORD, Mr. MOYNIHAN, Mr. MATHIAS, Mr. ABDNOR, Mr. DECONCINI, Mr. LEVIN, Mr. MURKOWSKI, Mr. HEINZ, Mrs. KASSEBAUM, Mrs. HAWKINS, Mr. INOUYE, and Mr. GLENN):

S.J. Res. 163. Joint resolution to designate July 16, 1985, as "National Atomic Veterans' Day"; ordered placed on the calendar.

NATIONAL ATOMIC VETERANS' DAY

● Mr. SPECTER. Mr. President, today I am introducing a joint resolution commemorating July 16, 1985, National Atomic Veterans' day, on the 40th anniversary of "Trinity," the first detonation of a nuclear weapon. I believe that such a resolution is an appropriate way to recognize the need to honor and to assist those veterans exposed to hazardous ionizing radiation from tests such as "Trinity."

There is no question that many patriotic individuals were exposed to radiation resulting from nuclear weapons detonations. Beginning in 1945, and continuing until 1963, the United States detonated some 235 nuclear weapons in atmospheric tests conducted in the Pacific and the American Southwest. The Department of Defense has estimated that approximately 250,000 American servicemen witnessed and participated in these tests or served in the occupation forces in Hiroshima and Nagasaki immediately following World War II.

Nuclear weapons testing was heaviest during the mid-1950's. At many tests, 3,000–4,000 troops were positioned near detonator sites. At other tests, units were marched or helicoptered to ground zero soon after the explosion and run through simulated combat maneuvers, to test their psychological and physical response to the blast. In some instances, volunteer service personnel were placed in open trenches as close as 2,000 yards from ground zero and, at one test, six volunteers stood at ground zero under an airburst some 20,000 feet above them.

Having served their country, these veterans returned to civilian life unaware of the potentially serious consequences of exposure. Now, 20 to 30 years later, we are beginning to see unusually high incidences of cancer and other radiation-related degenerative diseases among these veterans. A study of approximately 3,000 veterans of one 1957 test in Nevada, "Shot Smoky," conducted by the Center for Disease Control, identified 11 cases of leukemia. This finding was about three times the expected normal rate. Additionally, a very rare form of bone marrow disease, polycythemia vera [PV], was discovered at an alarmingly high incidence rate of 10 times the expected normal rate among the "Smoky" participants.

The nature of a radiation injury poses a dilemma for the atomic veteran. Illnesses induced by radiation often take years, even decades, to become apparent. When they do surface, they are often indistinguishable from the same diseases induced by nonradiation factors. Moreover, there is no scientific consensus as to the relationship between the level of radiation exposure and subsequent health problems. Such problems with medical evidence have made it difficult for atomic veterans to obtain care and compensation from the Veterans' Administration.

Aside from the problems arising from the nature of radiation illness, the Government itself is responsible for the absence of some needed evidence. The Government did not take precise measurements of the radiation doses received by the test participants. Many were not given film badges measuring radiation exposure. For those few who were issued badges, the badges only recorded gamma-ray exposure; no measurements were taken to exposure to radiation neutrons, alpha, and beta rays. Until a limited study of leukemia among one test group, begun by the Center for Disease Control in 1977, the Government made no effort to conduct medical follow-up tests of participants and their offspring. Furthermore, the Government did not maintain systematic records of those exposed. Of those records that were maintained, many were destroyed in a 1977 military warehouse fire in St. Louis.

Many bureaucratic rules and regulations also beleaguer these atomic veterans. The Feres doctrine exempts the military from liability for injuries sustained by service personnel in the course of duty. Moreover, the Veterans' Administration is virtually unique among Federal agencies in that its decisions are not subject to judicial review.

Over the past 5 years, the plight of the atomic veteran has received more attention. Recognizing the patriotism and dedication demonstrated by these atomic veterans, it is imperative that the U.S. Government continue to

make every effort to resolve the issues created by the exposure of atomic veterans to ionizing radiation.

Although the radiation issue may occupy many theoretical academic forums, this problem is a very real one for the atomic veterans. These veterans are the living embodiment of a technology which may be sapping them of their vitality and longevity and tampering with the gene pool of their future generations.

The plight of the atomic veteran may also have an effect on the armed services of this country. Our success in recruiting citizens for the Armed Forces depends on our ability to convince them that such service is worthwhile. Surely, by failing to assist those veterans in their time of need, who served faithfully in the past, we would provide a negative recruiting advertisement which would only hamper our efforts to provide for this Nation's defense.

In commemorating this 40th anniversary of "Trinity" and in honoring the National Atomic Veterans, we will not be able to reverse the possible ill-effects associated with exposure to ionizing radiation during atmospheric nuclear testing. Rather, this proclamation should remind us of the need to aid these patriotic veterans in their time of need and it should also remind our atomic veterans that our Nation has not forgotten their contribution toward the security and freedom that we too easily take for granted.

Mr. President, I congratulate the National Association of Atomic Veterans for their diligent and productive work on behalf of veterans.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 163

Whereas approximately two hundred and fifty thousand veterans of the United States, while serving in the active armed services during the period beginning in 1945 and ending in 1963, witnessed and participated in at least two hundred and thirty-five atmospheric nuclear weapons tests conducted in the Pacific Ocean and the Southwestern United States or served in Hiroshima or Nagasaki during the period of the occupation of Japan by the military forces of the United States immediately following World War II;

Whereas these Atomic Veterans patriotically served the Nation meeting the needs of national defense during a critical period in history;

Whereas the health of many of the Atomic Veterans and of many of the natural children of such veterans may have been adversely affected by the exposure of such veterans to ionizing radiation from the detonation of atomic or nuclear weapons;

Whereas the Congress recognizes the patriotism and dedication of the Atomic Veterans and the importance of resolving the issues arising from the problems caused by the exposure of the Atomic Veterans to ionizing radiation; and

Whereas July 16, 1985, is the anniversary of "Trinity", the first detonation of an atomic weapon, which took place at Alamogordo Air Force Base in New Mexico on July 16, 1945: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 16, 1985, is designated as "National Atomic Veterans' Day" and the President is authorized and requested to issue a proclamation calling upon all Federal, State, and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. MOYNIHAN, the name of the Senate from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 84

At the request of Mr. INOUYE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 84, a bill to incorporate the Pearl Harbor Survivors Association.

S. 402

At the request of Mr. PRESSLER, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of S. 402, a bill to amend the Communications Act of 1934 to provide for specialized equipment for telephone service to certain disabled persons.

S. 573

At the request of Mr. GORE, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. STENNIS], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the use of sulfiting agents in certain foods, and for other purposes.

S. 865

At the request of Mr. MATHIAS, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 865, a bill to award special congressional gold medals to Jan Scruggs, Robert Doubek, and Jack Wheeler.

S. 942

At the request of Mr. DANFORTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 942, a bill to promote expansion of international trade in telecommunications equipment and services, and for other purposes.

S. 944

At the request of Mr. HELMS, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 944, a bill to title II of the Social Security Act to restrict the payment of benefits to certain aliens.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1032, a bill to establish a commission to study amusement ride safety, and for other purposes.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1142

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 1142, a bill to improve and extend certain domestic food assistance programs, and for other purposes.

S. 1153

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. LAXALT] the Senator from Tennessee [Mr. SASSER], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1153, a bill to provide for the distribution within the United States of the U.S. Information Agency film entitled "Hal David: Expressing a Feeling."

S. 1296

At the request of Mr. MATHIAS, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1296, a bill to amend the Immigration and Nationality Act to modify the requirement for naturalization of an understanding of the English language.

S. 1305

At the request of Mr. TRIBLE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1305, a bill to amend title 18, United States Code, to establish criminal penalties for the transmission by computer of obscene matter, or by computer or other means, of matter pertaining to the sexual exploitation of children, and for other purposes.

S.1312

At the request of Mr. PRESSLER, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from North Dakota [Mr. ANDREWS]

were added as cosponsors of S. 1312, a bill to provide that the Federal Communications Commission review the proposed acquisition of television networks to ensure such acquisitions are in the public interest, and for other purposes.

S. 1337

At the request of Mr. GORE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1337, a bill to direct the Administrator of Veterans' Affairs to establish a national cemetery in Knoxville, TN.

S. 1414

At the request of Mr. BENSTEN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 1414, a bill to provide additional funding and authority for the Federal Bureau of Investigation in order to improve the counterterrorist capabilities of the Bureau.

SENATE JOINT RESOLUTION 141

At the request of Mr. SASSER, the names of the Senator from Nebraska [Mr. ZORINSKY], the Senator from Idaho [Mr. SYMMS], the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maryland [Mr. SARBANES], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week beginning May 18, 1986, as "National Tourism Week."

SENATE JOINT RESOLUTION 155

At the request of Mr. PACKWOOD, the names of the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KASTEN], the Senator from California [Mr. CRANSTON], the Senator from Maryland [Mr. SARBANES], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. ANDREWS], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Wisconsin [Mr. PROXMIRE] were added as cosponsors of Senate Joint Resolution 155, a joint resolution to designate the month of November 1985 as "National Hospice Month."

SENATE JOINT RESOLUTION 156

At the request of Mr. MURKOWSKI, the names of the Senator from Nevada [Mr. HECHT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 156, a joint resolution authorizing a memorial to be erected in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE RESOLUTION 199—OPPOSING A TAX ON THE ANNUAL INCREASE IN THE VALUE OF PERMANENT LIFE INSURANCE

Mr. HEINZ (for himself, Mr. PRYOR, Mr. MATSUNAGA, Mr. SYMMS, Mr. ARMSTRONG, Mr. BENTSEN, Mrs. HAWKINS, Mr. ZORINSKY, Mr. GRASSLEY, Mr. WEICKER, Mr. ANDREWS, Mr. BOREN, Mr. JOHNSTON, Mr. DODD, Mr. HARKIN, Mr. TRIBLE, Mr. HELMS, Mr. GARN, Mr. PRESSLER, Mr. SPECTER, and Mr. NICKLES) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 199

Whereas the President of the United States and the Congress are engaged in an effort to reform the Tax Code to achieve greater simplicity and fairness along with lower marginal tax rates;

Whereas various proposals would impose a tax on the annual increase in the value of permanent life insurance policies either on a current or prospective basis;

Whereas permanent life insurance policies feature level premium payment plans which allow policyholders to space the cost of their insurance protection evenly over their lifetime and cash values are simply a by-product of this level premium feature;

Whereas a tax on the annual increase in the value of permanent life insurance would violate the basic tax principle that tax should be imposed only on amounts actually or constructively received, because life insurance policy cash values are not realized until the policy is reduced or surrendered;

Whereas a tax on the annual increase in the value of permanent life insurance would substantially undercut the market for permanent life insurance, thereby diminishing the capital provided to the economy by the life insurance industry;

Whereas a tax on the annual increase in the value of permanent life insurance would discourage the purchase of adequate amounts of life insurance, would result in an underinsured population, and would therefore create pressure on the Federal Government to provide more expensive Government-funded economic protection;

Whereas a tax on the annual increase in the value of permanent life insurance would have its greatest impact on older policyholders whose income may have been reduced because of retirement, and would therefore be discriminatory against older and retired Americans;

Whereas the Congress and the President of the United States concluded less than one year ago a complete revision of life insurance company and product taxation, with Congress and the President having reached agreement with each other and with the industry on the appropriate tax law applicable to the increase in the value of permanent life insurance policies;

Whereas continued debate on, and scrutiny of, these recently settled issues could chill the American public's ability and desire to purchase adequate life insurance protection: Now therefore be it.

Resolved, That it is the sense of the Senate any tax reform legislation adopted by the Senate should not impose a tax on the annual increase in the value of permanent life insurance.

● Mr. HEINZ. Mr. President, today I am resubmitting a resolution to express the sense of the Senate that the final tax reform plan should not impose a tax on the annual increase in the value of permanent life insurance.

The administration's tax reform proposal released May 28 would not only tax annual increases in the value of ordinary life insurance policies, which is called inside buildup, but would also treat borrowing against life insurance policies not as loans which must be paid back with interest, but as current income taxable to policyholders.

Taxing life insurance in this manner would be a radical departure from current policy which recognizes taxable income only in the event of actual or constructive receipt. Annual increases in the cash surrender value of whole life insurance are not income to the policyholder because he or she cannot gain access to these moneys without surrendering the contract in whole or in part, thereby sacrificing the death protection provided. Advocacy of such a tax reflects a misunderstanding of the nature and purpose of whole life insurance. Whole life insurance is not now and was never intended to be a tax loophole. In fact, it predated the income tax by about 200 years. The concept of whole life insurance evolved in 18th-century England because of wide-spread dissatisfaction with term insurance, which could generally not be renewed beyond age 40.

To remedy this problem, whole life was structured so that coverage with level premiums could be provided over the people's lifetimes. Companies accomplished this by collecting higher premiums than needed to cover the risk of death in the early years, and investing the funds they accumulated. Earnings on these investments made level premiums possible. This system enabled people of modest means to provide for the economic security of their families.

Taxing inside buildup would be unsound social and economic policy. Many current and prospective policyholders would be forced either to surrender their contracts or to try to make do with less insurance than they need. The elderly would be hit the hardest of all because the cash value of whole life increases most rapidly in old age so that the premium can stay level. Taxes on this unrealized appreciation would escalate steeply just when people most need the insurance they have paid for over 30 or more years. Ironically, whole life would end up with all of the disadvantages of term insurance.

The U.S. economy is also likely to suffer adverse consequences if inside buildup is taxed. Aside from being a

pillar of economic security to many millions of average American families, the assets which build up in whole life policies to eventually fund death benefits are a major source of capital formation in our economy. In 1983 alone, life insurance contributed $56.6 billion to U.S. capital markets including Government securities, corporate stocks and bonds, public utility railroads bonds, and real properties of all kinds.

Any temptation by wealthy individuals to abuse the system by disguising tax-sheltered investments as life insurance was effectively removed by this Congress just last summer as part of the Deficit Reduction Act of 1984. The comprehensive life insurance tax reform provisions contained in that legislation were the result of over 2 years of intensive study. After careful deliberation, Congress saw no need to change the taxation of life insurance products any further.

Mr. President, the Senate should not be fooled by the administration's proposal to grandfather all existing policies. The effect of this proposal would be to kill the ordinary whole life insurance policy as a product without even a prospect of raising any revenue. By exempting existing policies, there will be no significant inside buildup to tax until new policies have been in existence for at least 5 years; if I am correct that this tax will kill the product, future revenue expectations will not be realized. I cannot believe that this Senate will condone such an action.

In light of these facts, the cosponsors of this resolution seriously question whether any worthwhile tax reform goal would be served by taxing inside buildup. The income of 61 percent of those who own life insurance is less than $25,000 per year. These are the very people who already pay their fair share of taxes and can least afford either the increased costs which would accompany the enactment of such a proposal, or the consequences of inadequate coverage.

Finally, Mr. President, as chairman of the Senate Special Committee on Aging, I am particularly concerned by the fact that this new tax is directed against older people. Cash values on life insurance increase with age and do so most significantly in the years after retirement. Therefore, the taxes would go up as a person grows older and rise sharply for the oldest. Simply put, the older the individual, the higher the tax

This represents a radical departure from longstanding Government policies that work to benefit older persons whenever possible. If we enact this proposal we would limit rather than enhance people's ability to provide financial protection for their families' financial self-reliance and would, I believe, place even greater demands upon Social Security and other social programs.

Mr. President, I will not dwell, at length, on the other costs this shortsighted proposal could inflict, such as the long-range hidden costs placed on social service and welfare programs of the Federal Government to provide what individuals have heretofore been able to provide for themselves. It should be obvious that Government programs to replace the individual initiatives which have been recognized and encouraged since the earliest days of the Tax Code would be a far more costly alternative in the long run.

For all these reasons, Mr. President, I urge all our colleagues to join in sponsoring this resolution.●

● Mrs. HAWKINS. Mr. President the resolution we have submitted expresses the sense of the Senate that any tax reform legislation enacted should not tax increases in the value of life insurance as current income to the policyholder.

This resolution addresses one of the more controversial provisions included in the wave of tax reform proposals. A provision that marks a radical departure from current tax policy in which gains are only taxed when they are realized.

Mr. President, I believe it is clear that tax reform is going to be a major issue during this session of Congress. However, I want to be sure that it does not include the unfair taxing of increases in the value of life insurance as current income to the policyholder. It is an ill-advised proposal and one that I believe would render severe harm to low-income Americans, middle-income Americans and especially to the elderly.

I was, quite frankly, shocked to learn that the tax reform proposals would include this outrageous provision. Whole life insurance was formulated in response to the need for affordable life insurance. It is structured so that premiums remain level over the duration of the policy. This is accomplished by collecting higher premiums than needed to cover the risk of death in the early years, and investing the difference. Earnings on these investments fund the eventual death benefit without raising costs to the policyholders as they age. This has allowed millions of Americans to make adequate provisions for their families' financial security—a wise goal that we should encourage, not discourage.

One of the goals of tax reform is to estimate some of the giveaways in the Tax Code for the wealthy so that everyone is paying their fair share. Who will be affected if this particular provision is included in final passage of a tax reform bill? Wealthy investors? High paid executives? No. It will be the schoolteachers, the farmers, and the grocery clerks that will bear the harsh brunt of this draconian proposal. Life insurance is primarily a middle-class benefit, and is not a tax shelter for the rich. According to the American Council of Life Insurance Companies, more than 60 percent of ordinary life policies purchased in the United States in 1983 involved insureds with incomes below $25,000.

I am particularly concerned with the impact this will have on the elderly especially those on fixed incomes. If tax reform is passed and includes the taxation of the cash buildup in life insurance policies, whole life insurance will be a less desirable purchase. Many might, alternatively, let their policies lapse, and would then be dangerously left without adequate protection. The obvious consequence would eventually be a greater demand on the Social Security System and other forms of Government assistance. Mr. President, this proposal is nothing less than an age-indexed tax, and thus a punishment that increases with each year an individual lives.

Whole life insurance is recognized as a valuable tool in providing for a family's financial independence. To enact a tax reform proposal that includes this type of taxation would limit, rather than enhance, financial self-reliance and would run contrary to the goals that I try to pursue in this Chamber. I have no intention of penalizing conscientious Americans who have worked hard all their lives and made a decision to provide for their families' future. The proposal to tax the cash buildup in life insurance policies is a dangerous proposal. It would be bad public policy and is totally unacceptable to this Senator.

I urge my colleagues to carefully consider my comments and the ramifications of changing the fundamental and historically sound concept of whole life insurance, and join us in supporting this resolution.●

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 1418, the Tobacco Improvement Act of 1985.

The hearing is scheduled for Monday, July 22, 1985, at 10 a.m. in room 328-A, Russell Senate Office Building.

For further information on this hearing, please call the committee at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON REGIONAL AND COMMUNITY DEVELOPMENT

Mr. LUGAR. Mr. President, I ask unanimous consent the Subcommittee on Regional and Community Development, of the Committee on Environ-

ment and Public Works, be authorized to meet during the session of the Senate on Monday, July 15, in order to conduct a hearing on the programs and policies of the Tennessee Valley Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SULFITE BAN

● Mr. GORE. Mr. President, I want to take this opportunity to congratulate Commissioner Frank Young of the Food and Drug Administration for acting on a serious health problem facing many Americans.

On March 5, 1985, I introduced S. 573, the Sulfite Safety Act, to impose a partial ban on the use of food preservatives called sulfites. These preservatives have been linked to at least six deaths, including one 2 weeks ago in California. At least a half million Americans are sensitive to sulfites and may suffer severe reactions from sulfite-treated foods. Besides the severity of the reactions they provoke, sulfites pose a special threat because they are tasteless, odorless, and invisible and are pervasively used at all levels in the food distribution chain.

I introduced S. 573 because the Food and Drug Administration, which is empowered to regulate food additives such as sulfites, had failed to protect the public health against this dangerous preservative. The agency first learned about the hazards of sulfites 3 years ago when the first sulfite-related death occurred. But until last week, no significant action had been planned by the FDA to curb the risks sulfites pose, despite the fact that the agency has learned of numerous sulfite-linked tragedies and has been advised by an FDA-created panel of experts to ban certain uses of the substance.

Last week FDA Commissioner Young signed a proposal to ban sulfites on fruits and vegetables which are to be served in their raw form to consumers, and I understand that he is considering a companion proposal to ban sulfites on potatoes sold for cooking. The purpose of these proposals is nearly identical to that behind S. 573.

Mr. President, I am speaking today to congratulate Dr. Young for taking this important step to regulate the use of sulfites, and I strongly urge him to sign the proposal addressing the use of sulfites on potatoes.

Unfortunately, the FDA's proposal does not seal the fate of sulfites on fresh produce, since the regulatory process requires further scrutiny. Currently, the proposal is in the hands of Secretary Heckler, and if she chooses to sign it, as I hope she will, the document must then be approved by the Office of Management and Budget and then published in the Federal Register for public notice and comment. The FDA may make changes in its proposal based on the comments which are obtained.

Sulfites have created an urgent public health problem that has been permitted to continue unabated for several years. It is imperative that the Department of Health and Human Services and the Office of Management and Budget recognize the true threat of sulfites and approve the FDA proposal without delay. In addition, if the FDA document is not altered by HHS or OMB, I urge the FDA to consider waiving the period of notice and comment since the sulfite issue and this particular solution have been discussed and studied extensively.

I still believe that S. 573 should become law, and I urge my colleagues to join me in supporting the bill. The lives of too many people are at stake to take a chance that the regulatory process might stall.

I am gratified, however, that the FDA has taken a significant step toward protecting our citizens and I hope that the other agencies involved will follow suit.●

INDIANA CONFERENCE OF HIGHER EDUCATION

● Mr. QUAYLE. Mr. President, I would like to bring to the attention of my colleagues a report that has been prepared by the Indiana Conference of Higher Education [ICHE], a group representing all of the colleges and universities in Indiana, on the reauthorization of the Higher Education Act [HEA].

The Higher Education Act is due to be reauthorized by the Congress, and the Education Subcommittee, of which I am a member, will begin holding hearings soon on the act. In preparation of these hearings and in preparation of the reauthorization process, I asked the ICHE to review the Federal higher education and Student Aid Programs and to let me know what their positions on them are. As a result of this request, the ICHE, consisting of 39 college and university presidents, formed 11 task forces, with a total of 170 individuals to review each title of the Higher Education Act and to make its recommendations. The task forces spent many hours on this project, and the final result is an excellent one. The recommendations that have been prepared by the ICHE are comprehensive and represent a unified position of all of the colleges, public and private, in the State. This document is truly unique in that every college supports the recommendations, and there is complete unity between the public and private sectors on issues that are often times extremely divisive.

I have sent a copy of this report to a number of people on the Hill including the members of the Labor and Human Resources Committee, members of the Senate Appropriations Committee, my fellow Senator from Indiana, the members of the House Education and Labor Committee, members of the House Appropriations Committee, and the Indiana House delegation. I have also shared it with a number of the higher education associations. If anyone is interested in receiving a copy of this report, I would be happy to share one with them.

To assist in explaining the recommendations of the ICHE, I have attached a copy of the executive summary of the report, and I ask that it be printed in the RECORD.

Again, I want to express my thanks to all of the 170 individuals who assisted in putting this project together and for doing such an excellent job.

The summary follows:

RECOMMENDATIONS FOR REAUTHORIZATION OF THE HIGHER EDUCATION ACT OF 1965

PURPOSE

The Higher Education Act of 1965 has provided more than $400 million for higher education in the State of Indiana. Since the Act is now undergoing Congressional review, the Indiana Conference of Higher Education, a Conference comprised of the public and independent colleges and universities in the State of Indiana, undertook a study to assist Congress in the reauthorization of the Act. The study provides consensus on recommendations based on careful analysis of existing programs and projected needs.

THE STUDY GROUP

Task forces composed of experts from the public and independent colleges and universities in the State of Indiana addressed each of the Titles in the Act. Over 170 individuals were invovled in the year-long process to bring about the single, informed testimony this report presents.

SCOPE OF THE REPORT

Presently, much of the nation's attention is focused on student assistance. In this category alone, billions of dollars are expended each year throughout the nation. The report places primary emphasis in student aid, while also turning the spotlight on other areas dealing with buildings and equipment, faculty, libraries, and programs.

STUDENT ASSISTANCE

Perhaps the most detailed analysis of the issues involved with the reauthorization is that which relates to Title IV, the major federal student-aid programs. Although several months of further deliberations lie ahead and unknown political considerations are yet to be faced, the Title IV Task Force addressed major issues it felt were important *at this time.* It did not feel that it would be appropriate at this early stage of reauthorization to deal specifically with every possible item in the law, but rather to suggest some general directions.

One of the most difficult problems has been the uncertainty created by constantly changing rules and regulations and by delays experienced in promulgating them. Although programs will always require updating, there is an equally important need for stability so that proper planning by all

those involved—including families, aid administrators, and agency officials—can be achieved.

Headlines about loan defaults and program abuses sell newspapers and anger the citizenry. These kinds of problems must indeed be addressed and reduced; however, they are not representative nor are they so extensive that they require the elimination of any program. Better ways to administer the programs as they are currently configured must be found, not only because stability is needed, but more especially because they do work and they do provide substantial benefits.

How, then, can a better job be done while achieving some savings? Where programs lack firm meaning and direction, there need to be ways to bring the program back to the goals upon which they were originally legislated. If some problems can be corrected by additional and more comprehensive efforts, such as by more complete verification procedures, then these efforts must be undertaken. If considerable savings can be achieved by requiring a needs analysis for all applicants in the Guaranteed Student Loan (GSL) program and by modestly reducing the special allowance paid to lenders, then these measures must be implemented. On the other hand, loan limits have not been adjusted for over a decade, while educational costs have risen dramatically. Annual and aggregate GSL limits should be increased to provide students with the means of helping themselves.

However, the report advocates that in finding the right approach to these issues, the quick and simplistic approach suggested by the use of absolute income ceilings, block grants, centralized program administration, and other such concepts must be avoided. The need to be efficient and consistent must be weighed carefully against the need to be fair and sensitive to the individual. Common sense and balance must be employed in all of the solutions

Defining the independent student is indeed a very difficult issue, but one which can no longer afford to be deferred. The definition must be one which is easily verifiable yet sensitive to the many nontraditional college-age students now in postsecondary education. The problem must be addressed within the greater perspective which attempts to reemphasize the primary role of the family in planning and providing for the financing of educational costs.

As society has increased in complexity, the intense, in-depth education characteristic of graduate programs has increasingly become a necessity. The demand for people with the skills conferred by post-baccalaureate education will increase, and increased government support for graduate education therefore needs to be provided.

A partnership approach is needed for achieving the above goals: Incentives to plan and provide for college costs must be provided; families must contribute to the extent they are capable; students must be encouraged to do the same; and finally, institutions, organizations, and government agencies must attempt to supplement remaining needs. The best investment in the nation's future and security is a well-educated citizenry.

BUILDINGS AND EQUIPMENT

The nation's colleges and universities are in critical need of federal assistance to maintain their academic facilities. Laboratories and related equipment especially need modernization. Federal funding should be available for the repair and rehabilitation of existing equipment and facilities where economically feasible, and for replacement where renovation or repair is not feasible. Only an integrated program of grants, loans, and interest subsidies for privately negotiated loans can assure that the nation's classrooms will be efficient learning places, and that the nation's college and university laboratories will make available the equipment needed to train tomorrow's scientists.

FACULTY

The report emphasizes that there is a significant need to maintain the attractiveness of the collegiate teaching profession. This must be accomplished in order to face the increased economic pressures from business, government, and industry, and by providing research support and enhanced opportunities for collegial cooperation.

International education and the financial assistance needed to maintain and develop personnel critical to programs of instruction must be supported. Faculty seminars in international studies which serve to keep faculty knowledge current and to encourage the development of new curricula adjusted to changes in world affairs and international conditions must be supported.

The Fund for the Improvement of Postsecondary Education (FIPSE) needs contined support because it has served as a vehicle by which higher education has met changing societal needs through innovative projects.

LIBRARIES

Academic libraries are facing heightened pressure to provide information, not only to their own academic communities, but also to citizens of the larger community. Fulfilling these needs will become more difficult and more important as the half-life of information declines and as society moves toward an information-intensive base. Funding for research libraries should be strengthened so that the integrity of their vast resources can be preserved. Funds should also be made available to libraries for aid in implementing new information-handling technologies.

Additional, careful consideration needs to be given to libraries falling below the median in materials expenditures and volumes held per student.

PROGRAMS

Adult learners and other nontraditional students will compose a larger proportion of students in higher eduation. Their educational desires, co-curricular interests, and learning modalities differ substantially from those of more traditional students. Studies of the needs of these students must be funded, and applications of these studies must be made if institutions of higher education are to continue to serve those who can benefit from their services.

Cooperative-education programs should be encouraged, to assure that these economically relevant, experimental enterprises remain available and to foster close linkages between the institutions of higher education and the institutions of the private sector.

The training of teachers for elementary and secondary schools must continue to enjoy a high priority among Department of Education programs. Other programs, which foster communication among the smaller institutions of higher education and which provide modest amounts of risk capital for innovative projects not otherwise fundable, also merit careful consideration.●

TENNESSEAN ELECTED PRESIDENT OF SOCIETY OF WOMEN ENGINEERS

● Mr. SASSER. Mr. President, I would like to congratulate Susan K. Whatley of the Oak Ridge National Laboratory in Tennessee on her recent election as the national president of the Society of Women Engineers. She assumed her new position at the society's national convention at Minneapolis, MN, in late June.

I ask that the text of her professional and society experience be printed in the RECORD.

The text follows:

MEET THE SOCIETY OF WOMEN ENGINEERS FISCAL YEAR 1986 NATIONAL PRESIDENT

Susan was awarded the Distinguished New Engineer Award from SWE in 1983, was selected to receive the Woman of Achievement Award from the University of Tennessee (UT) in 1983, and was awarded the H.L. Weisberg Award from UT in 1976. She is a member of the American Institute of Chemical Engineers, American Nuclear Society, Tau Beta Pi, Phi Kappa Pi, and Alpha Lamda Delta. In addition, she serves on the Board of the Ridgeview Psychiatric Hospital and Center, and is a member of the Altrusa Club.

Susan's major goals for FY 86 are:

A smooth transition for the Executive Committee organizational structure to the new Board of Directors structure;

Membership growth and retention;

Effective utilization of Headquarters support staff and volunteers;

Increased member services;

Stabilization of administrative changes and channelling SWE's resources to meet the Society's objectives.

She has served the Society well since joining it in 1977 as first a member then Chair of the National Statistics Committee, twice Chair of the National Student Affairs Committee, Smoky Mountain Section President and Representative to the Council of Sections, National Executive Committee Director for Student Affairs, National Second Vice President, and this past year as National First Vice President.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the

office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 21, 1985.

In reply refer to: I-02691/85.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-42 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $21 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-42]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Million
Major defense equipment [1]	$16
Other	5
Total	21

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Two AN/TPQ-37 Firefinder radar systems with ancillary and support equipment.

(iv) Military department: Army (VLS).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: June 21, 1985.

POLICY JUSTIFICATION

THAILAND—AN/TPQ-37 RADAR SYSTEMS

The Government of Thailand has requested the purchase of a quantity of two AN/TPQ-37 FIREFINDER radar systems with ancillary and support equipment at an estimated cost of $21 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of Thailand, an ally which is an important force for peace and regional stability in Southeast Asia. This sale will also contribute to maintaining the current balance within the region.

The purchase of the radars with ancillary and support equipment will provide the Thai ground forces with an automated capability for locating hostile artillery. As such, it will enhance the effectiveness of Thai counter-battery fire.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Corporation of Fullerton, California.

Implementation of this sale will require the assignment of seven additional U.S. Government personnel for one month and one contractor representative for one year to Thailand.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 8, 1985.

In reply refer to: I-03620/85ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-44 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Singapore for defense articles and services estimated to cost $280 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-44]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Singapore.

(ii) Total estimated value:

	Million
Major defense equipment [1]	$130
Other	150
Total	280

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Eight F-16 A/B aircraft with government-furnished aeronautical and avionics equipment for installation during production, aircraft spares, support equipment, and training.

(iv) Military department: Air Force (SDA and YFA, Amendment 1 on each case).

(v) Sales commission, fee, etc, paid, offered, or agreed to be paid: none.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1983.

(viii) Date report delivered to Congress: July 8, 1985.

POLICY JUSTIFICATION

SINGAPORE—AMEND AIRCRAFT CONFIGURATION FROM THE F-16/79 TO THE F-16A/B

In January 1985, the Government of Singapore (GOS) signed two Letters of Offer and Acceptance (LOAs); one for eight F-16/79 aircraft with associated support equipment and the other LOA for pilot and maintenance training. GOS now requests amendments to these LOAs to purchase the F-16A/B instead of the F-16/79 aircraft, i.e., the Pratt and Whitney (PW) F100 engine instead of the General Electric J79 engine. The estimated cost is $280 million.

This proposed amendment will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country which is a continuing force for peace and regional stability in Southeast Asia. Singapore's strategic location astride the narrow entrance to the Strait of Malacca commands the primary route between the Indian and Pacific Oceans, one of the world's busiest waterways. Through this strait passes the bulk of West to East tanker traffic from the oil rich Middle-East. Sale of the F-16A/B to Singapore would support United States' security objectives by improving Singapore's capability to defend itself, promoting closer ties between Singapore and the United States, and permitting Singapore to play a greater role in regional defense.

Recognizing that its small size could make Singapore a target of aggression, Singapore's defense strategy has been to make it clear that an attack would be unprofitably expensive. The F-16A/B will modernize the Republic of Singapore Air Force's (RSAF) aging fighter force and improve its capability to counter the present and projected regional threats. The F-16A/B will provide the RSAF with the opportunity to train a cadre of pilots and technicians in the operation and maintenance of a technically sophisticated aircraft.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor for the F-16A/B program will continue to be the General Dynamics Corporation of Fort Worth, Texas. The F100 engine covered in this amendment will be purchased by the U.S. Government from Pratt and Whitney and will be provided as government furnished equipment to General Dynamics Corporation.

Implementation of this amendment will not change the requirement for assignment of six contractor personnel and one U.S. Government representative to Singapore.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 26, 1985.

In reply refer to: I-03304/85.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-43 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the Coordination Council for North American Affairs for defense articles and services estimated to cost $94 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-43]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Coordination Council for North American Affairs (CCNAA) pursuant to Public Law 96-8.

(ii) Total estimated value:

	Million
Major Defense Equipment [1]	$29
Other	65
Total	94

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Two hundred sixty-two MIM-72F

Chaparral missiles, 16 launchers with vehicles, training, and concurrent spare parts.

(iv) Military Department: Army (YHS).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: June 26, 1985.

POLICY JUSTIFICATION

COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS—MIM-72F CHAPARRAL MISSILES

The Coordination Council for North American Affairs has requested the purchase of 262 MIM-72F CHAPARRAL missiles, 16 launchers with vehicles, training, and concurrent spare parts. The estimated cost is $94 million.

The proposed sale of these defense articles and services is consistent with United States law and policy, as expressed in Pubic Law 96-8.

These missiles will be used to complement Taiwan's longer range NIKE-HERCULES and I-HAWK systems by providing for the point defense of critical military targets as replacement for obsolete M42 gun systems that have reached the end of their service lives. Taiwan has deployed the I-CHAPARRAL system aboard its naval vessels and has previously order a similar quantity for use by its ground forces. Taiwan will have no difficulty absorbing these additional missiles into its armed forces.

The sale of this equipment and support will not affect the basic military balance in this region.

The prime contractor will be Ford Aerospace and Communications Corporation of Newport Beach, California.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel to Taiwan; however, three contractor representatives will be required in Taiwan for two months.

There will be no adverse impact on U.S. defense readiness as result of this sale.●

SOCIETY OF WOMEN ENGINEERS ACHIEVEMENT AWARD TO DR. SUSAN WU

● Mr. SASSER. Mr. President, I would like to congratulate and honor Dr. Susan Wu of the University of Tennessee Space Institute at Tullahoma. In the 1960's Dr. Wu and other scientists and engineers came together to develop an energy technology, magnetohydrodynamics, commonly known as MHD. In 1981, Dr. Wu became administrator of the project, and today she is considered one of the leading experts on MHD technology. Dr. Wu was recently awarded the Society of Women Engineers 1985 Achievement Award for her outstanding MHD research.

The promise of MHD is great. An MHD powerplant will burn coal cleanly and will be more efficient than conventional coal burning electric powerplants. MHD means clean, inexpensive electric energy based on coal, our most abundant energy resource. The value of such technology is inestimable.

I ask that the full text of Dr. Wu's Society of Women Engineers 1985 Achievement Award citation by printed in the RECORD.

The text follows:

SWE 1985 ACHIEVEMENT AWARD

The Society of Women Engineers (SWE) Achievement Award, granted annually since 1952, honors a woman engineer of outstanding achievement. Nominations are not restricted to SWE members and are solicited from industry, government and education.

This year we are proud to announce that the Society of Women Engineers' highest honor, the Achievement Award, is to be bestowed upon Ying-Chu Lin (Susan) Wu.

Dr. Wu is Professor of Aerospace Engineering and Administrator of the Energy Conversion Research and Development Programs at the University of Tennessee Space Institute (UTSI). She received her B.S. degree in Mechanical Engineering from the National Taiwan University, her M.S. degree in Aeronautical Engineering from the Ohio State University and her Ph.D. in Aeronautics from California Institute of Technology.

She has been the recipient of numerous awards . . . AIAA Tennessee Section H.H. Arnold Award in 1984, The University of Tennessee Women of Achievement Award in 1983, The University of Tennessee Chancellor's Research Award in 1978, Outstanding Educators of America Award in 1973 and 1975, The Institute of Aerospace Sciences Best Scholastic Award at Caltech in 1962 and is the first three time recipient of the Amelia Earhart Fellowship (1958, 1959, 1962).

Dr. Wu is an Associate Fellow of the American Institute of Aeronautics and Astronautics (AIAA), a member of the American Society of Mechanical Engineers (ASME) and the Society of Sigma Xi. She now joins the prestigious list of honorary members of the Society of Women Engineers.

The citation on Dr. Wu's award reads as follows: "For fundamental research in electrofluid dynamics of MHD and outstanding service as educator and administrator."

Dr. Wu will receive her award at the Society of Women Engineers Achievement Award Banquet to be held Saturday, June 29, 1985 at the AMFAC hotel in Minneapolis, Minnesota during the 1985 SWE National Convention/National Student Conference.

In addition to the plaque and honorary membership to be bestowed on Dr. Wu, she will receive an engraved Steuben Bowl presented by Corning Glass Works as a memento of this memorable occasion.●

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD 423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 3, 1985.

In reply refer to I-03694/85ct.

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country tentatively estimated to cost $50 million or more.

Sincerely,

GLENN A. RUDD,
Acting Director.

POLICY JUSTIFICATION

(U) The prime contractor will be the Raytheon Corporation of Andover, Massachusetts.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

REAUTHORIZATION OF THE WOOL ACT

● Mr. BOREN. Mr. President, one of the most complex and volatile issues which appears before the Congress each year is how to effectively address major trade imbalances caused by unfair commerce practices of other nations. Enormous subsidies of entire industries, supressed wage rates, encouragement of cartels, and numerous other activities by other nations are posing, as they have since the birth of this Nation, serious threats to several American industries—from oil to wool, textiles to electronics. Developing fair, effective, and consistent policies to correct these imbalances without jeopardizing positive relations and trade with other nations is not easy but must continue to be our goal.

Perhaps the most effective and nondisruptive act passed by the Congress to address an imbalance in trade is the Wool Act of 1954. After more than 30 years since its initial passage, this creative and unique program is popular among wool producers and successful at preserving a healthy, competitive wool market in the United States. The

Wool Act of 1954, which is currently before the Congress for renewal, is an outstanding example of a positive and productive relationship between private enterprise and the Federal Government.

The Wool Act was created in 1954 to help protect the U.S. wool industry from rapidly increasing wool imports. The U.S. Tariff Commission recommended significant increases in tariffs on wool products, but this idea was rejected by President Eisenhower because he feared that these increases could cause U.S. foreign relations to suffer and consumer prices to rise. The compromise solution to this situation was simple and economically sound: A determined proportion of the total revenue collected from wool tariffs would be transferred directly to the wool producers of America. This approach not only maintained tariffs at levels low enough to satisfy other nations but also gave the U.S. wool industry the boost it needed to prosper.

Many other features to the Wool Act distinguish it as a truly outstanding act. Included in the Wool Act is a unique self-help provision. Under this provision, the U.S. sheep industry has organized an advertising and promotion program funded by wool producers. Assessments are withheld from tariff-revenue transfers to producers and placed into the market development program, which is administered by sheep growers through an agreement with the U.S. Department of Agriculture. No other commodity has an arrangement like this one, and the sheep producers themselves have voted through referendum to continue and increase the assessment with every extension of the Wool Act.

The Wool Act is undeniably a significant factor in the continuation of the wool industry, and its importance is becoming greater and greater. The role of the Wool Act is best explained in a 1984 report of the Department of Agriculture which states "Without a government income support program, the average sheep producer would have only broken even in 1981 and operated at a loss during 1982 and 1983. Total revenue from the sales of meat and wool, less cash expenses, declined from about $9 per head in 1980 to a loss of over $4 in 1983. Thus, total wool cash receipts have become important to sheep producers, increasing from 21 percent of all cash receipts in 1980 to 34 percent in 1983."

In addition to helping to preserve the U.S. sheep industry, the Wool Act is beneficial because it generates revenue for the National Treasury. Since 1954, $3.6 billion has been collected on wool tariffs of which over $2.2 billion has gone to the General Treasury. Without the Wool Act, the strong possibility exists that wool tariffs will be removed entirely, just as they have been reduced by over 70 percent since 1947. The Congress must be very cautious at this time of any steps which will reduce Government revenue and increase the Federal deficit. Failure to extend the Wool Act at this time may prove to be just such a step.

The importance of wool and the U.S. wool industry is not restricted to economics alone. Wool is a significant product in regards to national defense, as elaborated in 1983 by Senator John Tower, then chairman of the Armed Services Committee. As Senator Tower stated, a domestic supply of wool is critical in the production of essential military uniforms and protective clothing. Synthetic fibers do not meet all military needs, and this fact was demonstrated during the British conflict in the Falkland Islands. There, many British sailors were forced to wear cotton, tropical uniforms in subzero temperatures because synthetic fibers, when exposed to fire or extremely high temperatures, melted and severely burned skin. The United States must be aware of the military significance of wool and take steps to ensure an adequate domestic supply during a military emergency.

The importance of reauthorization of the Wool Act cannot be overemphasized. At stake in the question of whether or not to continue this act are over 33,000 jobs and almost $500 million in U.S. income. The health and strength of the U.S. wool industry will directly affect many other domestic industries, from textiles to retail clothing sales. Every American is the beneficiary of a sound U.S. wool industry, and we must provide an environment for this industry which is both fair and conducive to growth and expansion.

U.S. wool producers have faced, in recent years, countless obstacles in their struggle to meet America's needs; from last year's savage blizzard in the Rockies which killed over 250,000 sheep, to the day-to-day battle against coyote predation. From droughts in the Southwest, to the predatory practices of heavily subsidized imports, the U.S. wool industry continues to face challenge after challenge, burden after burden. The Wool Act of 1954 has assisted this industry successfully for over 30 years and will play a vital role in America's future.

I urge you to join me in the support of reauthorization of the Wool Act of 1954 and extend one of America's most productive and insightful measures on international trade and industry development.●

GROUND WATER POLLUTION

● Mr. HEINZ. Mr. President, I am pleased to submit an essay entitled, "Ground Water Pollution—What Can We Do About It?" written by Ellen S. Wetmore, a high school student from Elkland Area High School in Pennsylvania. Ellen was awarded the annual Triadagahton Audubon Society Forrest Watkins scholarship for writing this essay.

Ground water pollution should be a growing concern for all of us, for all the reasons in Miss Wetmore's essay. In substantial part, this is why Senator SPECTOR and I introduced S. 2421 in the last Congress. Our legislation provides for cleanup authority and liability under Superfund for petroleum releases and to regulate underground storage tanks used for the storage of hazardous substances. In addition, during consideration of the 1984 RCRA Amendments, I cosponsored an amendment to give the Environmental Protection Agency (EPA) the authority to set standards for the underground storage of hazardous substances, including guidelines for tank design, construction, installation and leak control technology. This amendment was successful and was included what is now Public Law 98-616.

This prize-winning essay is rich in information and insight about ground water pollution and I believe it would be a valuable contribution to the CONGRESSIONAL RECORD.

The essay follows:

GROUNDWATER POLLUTION—WHAT CAN WE DO ABOUT IT?

(By Ellen S. Wetmore)

While Americans have been concerned with the pollution of the environment for many years, only recently has the problem of groundwater pollution been recognized as a threat to our well-being. The contamination of our nation's groundwater is a unique and alarming problem for many reasons. As Americans, we are largely dependent on groundwater to supply our drinking water needs. Groundwater, as it exists in sub-surface acquifers, is difficult to observe and its movements are hard to trace and control. The nature of underground water movement is slow—it percolates through the soil slowly, it becomes polluted slowly, and, once polluted, it is extremely difficult and time-consuming to find the source of pollution and clean it up. Polluted groundwater reserves may be unsuitable for human use for many years to come, even forever. We must give the groundwater issue our immediate attention if we are to prevent much permanent loss of this precious natural resource.

Groundwater constitutes the largest available volume of fresh water on earth. Of this fresh water, 3 percent is in the form of surface water—that is, lakes, streams, swamps, etc. The remaining 97 percent is present in the form of groundwater—water that has percolated through the soil into the saturation zone and lies in either unconfined or artesian acquifers beneath the earth's surface. This groundwater is not stagnant. If flows slowly (sometime as little as a few inches per day) toward discharge points, such as springs, swamps, and lakes, where it then becomes surface water.

Although the natural quality of groundwater is very good, an estimated 1 to 2 percent is presently contaminated and the pollution problem is increasing. Evidence of groundwater pollution has been found in every state of the United States. Groundwater is contaminated by more than 200 dif-

ferent natural and man-made compounds, only 22 of which are regulated by federal drinking water standards.[1] 31,000 cases of illness caused by pathogenic organisms such as viruses and bacteria present in water were reported between 1945 and 1980.[2] Contaminants present in many groundwater supplies are the result of pollution from faulty chemical disposal that actually took place thirty or forty years ago. This pollution is showing up at the present time because of the slow nature of movement. While only 1 percent of the nation's groundwater is now contaminated, the fact that this 1 percent of unsafe water is concentrated around urban areas and affects millions of people makes it truly a threat. In Pennsylsvania, there are about 600,000 groundwater supplies serving the needs of approximately 2 million people. Of these supplies, 360,000, or 60% are thought to be unsafe for human drinking water because of bacteriological and chemical quaility and improper construction.[3] The Environmental Protection Agency (EPA) estimates that each year 1.5 trillion gallons of pollutants reach groundwater acquifers directly or as a result of leaching.

The EPA says that tainted, dangerous groundwater has been found in more than 2800 wells throughout 20 states during the past five years. In the federal government's $1.6 billion Super-fund project to clean up 547 of the nation's most dangerous toxic waste sites, there are 410 of these dumps with serious groundwater contamination.[4]

There are several ways that pollutants can enter groundwater acquifers. Surface soil will naturally renovate pollutants before they reach the underlying acquifers, but there are situations where this natural purification process fails. It is under these conditions that pollutants may reach and contaminate the water in the zone of saturation:

(1) There is not enough soil above the acquifer to renovate the pollutant before it reaches the water table.

(2) The soil is too permeable to retain the pollutant long enough to purify it before it reaches the acquifer (such as sandy soils).

(3) A bypass of the soil purification system occurs because the pollutant seeps swiftly down an out-cropping of rock, a joint, a fracture, or a sinkhole and directly into the acquifer.

(4) The pollultant, such as chlorinated hydrocarbons, cannot be renovated by the soil purification system.

(5) The pollutant is injected directly into the subsurface formation, such as a deep well.

(6) And when the saturation level in the soil is reached and the purification process temporarily stops, such as during periods of heavy rainfall.

The variety and complexity of the contamination problem makes it difficult to diagnose and study. There are many types of pollutants, and many sources from which they come. Groundwater may be considered polluted if any of the following are present: bacteria (anaerobic or aerobic), chlorides, nitrates, heavy metals, hydrocarbons, ammonia nitrogen, phosphates, and surfactants.

Hazardous chemical compounds from industrial landfills and treatment lagoons may taint groundwater through the presence of: anions—arsenates, cyanide, sulfides, and chlorides, which are posionous; metallic cations, such as mercury, cadmium, lead, copper, and zinc, which come from manufacturing residues, fungicides, wastewater treatment sludges, an landfill leachates. These substances are proven carcinogens and mutagens—very toxic.

Malfunctioning on-lot sewage systems are one of the largest sources of pollution here in Pennsylavania. This is a local problem, and a dangerous one for area residents who depend on the contaminated supplies for domestic use. Evidence of faulty on-lot sewage systems is the presence of bacteria (which may cause gastro-intestinal infections such as dysentery and typhoid), chlorides, nitrates (particularly harmful to babies), ammonia nitrogen, phosphates and surfactants, and other pollutants, such as oils, paints, and solvents, in the water table.

Other sources of pollution include industrial and municipal landfills, agricultural practices (the application of fertilizer and pesticides), salt water intrusion, industrial treatment lagoons, injections wells, chemical, oil, and brine spills, leaking underground storage tanks, and acid coal-mine drainage. Acid mine drainage is a particular problem in Tioga County, where the sulphuric acid leaches into the soil and underground strata formations. There the lack of oxygen causes anaerobic bacteria growth. Under such conditions, harmful microorganisms, which may cause intestinai infections, may be present.

In the summer of 1979, resident of Oaks, a Philadephia suburb, began to notice that their tap water looked brown and smelled strongly of gasoline. The wells of these homes were contaminated by gasoline leaking from a corroding underground storage tank at a Mobil gas station nearby. The people were advised that their water was polluted and dangerous, and they have been using bottled water for drinking and cooking ever since. The gasoline-tainted well water has streaked clothing, stained sinks, bathtubs, and toilet bowls, and caused skin rashes in some residents. The people have brought lawsuit against Mobil and the gas station owner, and are in the process of receiving damages. Systems for filtering the water and bottled water for drinking and cooking are being supplied to residents, but no one knows if and when the water will be safe again.[5]

The leaking underground storage tank (LUST) problem may be the largest and most dangerous one affecting groundwater in the nation. The EPA's director of the Office of Groundwater, Marian Mlay, says "There is a significant number of underground storage tanks that are leaking or could soon be leaking. There is a problem. We know it is substantial. But we don't know exactly how bad it is." Leaking storage tanks are especially dangerous because they can't be observed and are difficult to monitor. This is a particular threat in suburban areas where residents rely on private wells for drinking water.

Analysts working in the petroleum industry figure that there are 2 million-plus commercial underground gasoline storage tanks in the United States. They estimate that 70,000 older, corroding tanks may be leaking now and they predict that within five years there could be 350,000 more leaking. John Osgood, of Pennsylvania's DER Bureau of Water Quality says "There are an estimated 100,000 underground tanks in Pennsylvania and up to 25 percent of them might be leaking. Obviously, on a numerical basis, this is one of the state's biggest pollution problems."

Petroleum products are the cause of 300-500 reported cases of groundwater pollution in PA annually. The Department of Environmental Resources (DER) claims that 50 percent of this pollution is caused by LUSTs. These tanks are leaking as a result of cracking, punctures, external corrosion.[6] Nationally, 11 million gallons of gasoline are leaking every year from an estimated 100,000 underground tanks.[7] It only takes 1 gallon of gasoline to poison 750,000 gallons of groundwater. Benzene, a component of gasoline, is a proven carcinogen in humans but it is not considered hazardous so there are no federal regulations controlling it. There is no way of knowing exactly how many existing and abandoned tanks are leaking or how much is leaking from them. When a spill or leak occurs, the petroleum product percolates down through the surrounding soil and accumulates on top of the water table. The substance may lie on the acquifer for several years, before being detected, and when contamination does show itself, it is extremely difficult to locate the source of pollution and expansion to clean it up.

Many of these LUSTs were put in place in the 1950's and 1960's. During the years that the tanks were installed, there were no standards or regulations concerning what type of tanks were used, or where they were placed. Studies have shown that these uncoated steel tanks begin to corrode seriously after fifteen years of use. The LUST problem is complicated by the fact that all these tanks are owned by so many different people. LUSTs are owned by independent gasoline dealers, major oil companies, private businesses, agricultural operations, government agencies, and private citizens. It is difficult to deal with so many segments and get cooperation between them to correct the problem. As with other types of groundwater pollution, gasoline contamination may be permanent. DER's Osgood says, "Once groundwater is polluted, it tends to linger . . . It is very difficult to get rid of it."

The seriousness of the LUST matter has prompted the oil industry and federal and state governments to take action. A federal regulation making it illegal to place an uncoated or unshielded steel tank in the ground will take effect on May 8, 1985. The EPA will set forth new standards for cleanup and detection of leaks during the coming two years. All owners of underground tanks will be required to report the age, size, and location of tanks to state and federal environmental agencies as of November, 1985. Currently, DER of Pennsylvania is studying the problem within the state and will determine if more laws will be neccessary. The oil industry is financially liable for many LUST accidents, and companies such as Mobil, Texaco, Shell, and Exxon have begun large-scale programs involving the replacement of

[1] U.S. Congress, Office of Technology Assessment.

[2] Pennsylvania Environmental Research Foundation, "Ground Water Fact Sheet," Philadelphia, PA, October 1983.

[3] 1984 Water Quality Inventory, DER.

[4] "Warning: Your Drinking Water May Be Dangerous," U.S. News & World Report, January 16, (1984) 51.

[5] Mark Jaffe, "When Gas Taints the Water Supply". Philadelphia Inquirer, April 14, 1985, Sec. B., p. 1&6.

[6] Joint Legislative Air and Water Pollution Control and Conservation Committee, "Environmental Synopsis," July 1984.

[7] "Warning . . .", p. 51.

older steel tanks with fiberglass ones. These developments in the LUST topic are encouraging and may curb contamination from this source in the future.

Government actions dealing with the groundwater issue are controversial and, for the most part, inefficient. Many difficulties exist in the environmental pollution area, and groundwater is being neglected in the seemingly endless bureaucracy. There are laws and regulations designed with groundwater protection in mind, but these statutes do not deal effectively with the problem. On the federal level, Congress has delegated authority to two federal agencies, the Department of the Interior (DOI), and the EPA.

Six federal statutes have been established to regulate the activities that affect groundwater conditions. These regulations are:

(1) Federal Water Pollution Control Act of 1972, which gives the EPA power to require state programs.

(2) Safe Drinking Water Act of 1974, which concerns the safety of public drinking water supplies.

(3) Resource Conservation and Recovery Act of 1976, which deals with the disposal of municipal solid waste and hazardous waste.

(4) Toxic Substances Control Act, in which the EPA controls toxic substances that contact groundwater.

(5) Surface Mining Control and Reclamation Act, which gives the DOI control over mining operations and reclamation processes.

(6) Comprehensive Environmental Response (Superfund) provides a 1.6 billion dollar fund to carry out the cleanup of inactive hazardous waste sites.[8]

These statutes are clouded by uncertainties about where the authority (and the funds) lie to tackle the problem and how to interpret the data available. These statutes are controversial, and efforts of one program are often canceled out by those of another. Thus, this system appears to be defeating itself under confusing and complicated legislation.

The EPA established two task forces to research the contamination matter and propose a groundwater protection strategy. These task forces were begun in 1981 and revised again in 1984. Under the released strategy, existing grants and federal funds would be used to develop state protection policies, to devise a classification system for dealing with different levels of pollution, to issue guidelines for EPA rulings concerning groundwater, and to administrate and enforce existing controls on groundwater.

The groundwater issue has created a variety of political tensions. Some political groups feel that the EPA's groundwater strategy is practical and effective, but other industry-backed segments claim that the regulations set forth in the strategy are too restrictive. Yet other environmental groups hold that the strategy is too weak to save groundwater reserves and are currently pushing for stronger programs.

State governments strongly resist the federal government's involvement into this matter that has been traditionally handled at the state level. But on the other hand, some state governments do not want to take on the responsibility of implementing groundwater protection programs. Either way, the contamination problem is not adequately dealt with.

There are several methods for dealing with contaminated acquifers. Containment may be used on a temporary or permanent basis for large volumes of hazardous material, or in places where removal of present hazardous waste is impossible. The process entails pumping a well and drawing the contaminated water into it for holding. In some cases, physical barriers are placed across flow paths and inside acquifers. Restoration is a process in which the acquifer is flushed using aerobic bacterial degradation to create a rapid flowing movement. This movement adds oxygen and nutrients to the water and cleanses it. Flushing works mostly in situations where the pollutant is biodegradable using oxygen and bacteria. In some circumstances, the water can be flushed from the acquifer, chemically treated, and reinjected into the acquifer. However, in severe cases where the pollutants are petroleum-based or extremely toxic, the surrounding soil and containing rock formations are removed also and either treated or disposed of by incineration or at a burial facility. Other methods of correction include: adsorption by charcoal filters or synthetic resins; aeration by bubbling pollutants out of the acquifer in the form of gas; or incineration.

Obviously, removing contaminants from groundwater acquifers is a time-consuming, costly, and difficult procedure. The main possibility of retaining pure groudwater reserves, then, lies not in correction, but in prevention. Efforts are now being made to insure that toxic substances will not reach groundwater supplies in the future. Although not infallible, corrosion-resistant tank technologies and early leak detection devices are now being improved and marketed. Among pending legislation are regulations that may require the installation of monitoring wells to be drilled at various points into acquifers. These monitoring wells will show the condition of the underground water and will detect the presence of pollution early. Organic waste material could be combusted and transformed into simple wastes renovatable by the soil. Technological advancements in the designs of waste lagoons and liner materials should provide more secure waste disposal facilities.[9]

Although there are still problems in the government's handling of the issue, and expensive removal procedures make correction prohibitive, progress is being made. Increased attention to the groundwater pollution matter and the oil industry's efforts in the LUST area are signs that the contamination may soon be under control. We are fortunate that only a small percentage of our groundwater is contaminated and that the natural groundwater cycle does its part to keep the reserves pure for our use. If all segments of American society—environmentalists, lawmakers, business people, agriculturists, and resisdents—will cooperate and work together to assure no further contamination will take place, we will be able to look optimistically toward the future and be confident that there will always be enough fresh, healthy groundwater to meet our needs.

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[8] "Groundwater Policy A Patchwork of Protection", Environment, March 1982.

[9] "Groundwater Contamination", Science, May 1984, p. 673.

SPACE EXPLORATION DAY—SENATE JOINT RESOLUTION 154

● Mr. D'AMATO. Mr. President, I am pleased today to join my distinguished colleague, Senator JAKE GARN, in support of Space Exploration Day (S.J. Res. 154). Senator GARN has done an excellent job in raising this country's awareness of the wonders of space and the benefits of its exploration.

July 20 marks the 16th anniversary of the landing on the Moon of Apollo II. This occasion also marks the 10th anniversary of the international Apollo-Soyuz mission, and the ninth anniversary of the first Viking landing on Mars. These events marked the beginning of a new era—an era that has brought findings previously deemed beyond our grasp. We are now in an era accompanied by a hope and a yearning for further exploration. Space exploration has paved the way for us to measure the winds on Mars, count the rings around Saturn, and observe volcanos on Jupiter's moons. Space exploration has led to the launching of America's space shuttle that permits humans to walk and work in space. These are just a few of the countless events that have changed the direction of this country. We are now on the road to advanced technological strength, both on Earth and in space.

The scope of the advances made in this increasingly technological field of science has touched the lives of all Americans. Senator JAKE GARN is among the Americans who have taken that bold step into space exploration. He had the thrill of venturing into the vast galaxy via the space shuttle. I commend JAKE GARN for journeying into space. This experience must have been thrilling and most memorable, but it also serves to enhance our understanding of space exploration. It has heightened congressional awareness of the importance of space exploration; it has also heightened all of America's awareness of the importance of space and the benefits of its exploration. I am pleased, therefore, that the United States is in the process of including a teacher in the space program. Those who dared to explore

in the past and those who will participate in this endeavor in the future will make a significant contribution to the continued development and expansion of America's strength.

This resolution commemorates the achievements of the past and offers hope for continued space explorations in the future. The space program has produced rapid technological advances that have significantly contributed to improving American technological strength. Space exploration reflects technological skill of the highest order.

However, the adventures and challenges are not yet over. We are just beginning to explore the feasibility of manufacturing in space, the ecological impacts of natural and manmade events on Earth, and how events in the universe influence the world we live in. The exploration of space offers us hope for a better and more peaceful world.

Mr. President, it is fitting that we commemorate past dedication and our future commitment to explorations in space. We show unparalleled determination to make America stronger and the world better and more peaceful by our continued commitment to space exploration. Therefore, Mr. President, I urge my colleagues to show support for America's continued commitment to space exploration by declaring July 20, 1985, as Space Exploration Day.●

NATIONAL POW/MIA DAY

● Mr. SYMMS. Mr. President, this Friday, July 19, is National POW/MIA Day and I rise in honor of our brave men and their families who have sacrificed so much for freedom's sake. American prisoners of war since the Revolutionary War have faced the worst of hardships and their bravery has not gone unnoticed. They have earned a place in America's heart.

On this day, we must remember not only those who suffered in wars long past, but also the more than 2,400 American servicemen still missing in Vietnam.

Recently all of us suffered through the media's "celebration" of the end of the Vietnam war, but we reflect upon the Vietnam tragedy only rarely. For the families of these missing men, Vietnam lingers on day after day.

Despite agreements we have reached with the North Vietnamese providing for the return of all American POW's, we continue to hear reports of American servicemen still living in captivity in Southeast Asia. New evidence suggests that there are as many as 75 American servicemen being held against their will inside Vietnam, Laos, and Cambodia.

Yet, until last April, the problem of unaccounted for MIA's and POW's had been largely ignored by Congress. At that time, I became a cosponsor of Concurrent Resolution 46. This resolution reaffirms the U.S. commitment to our POW's/MIA's. It stresses the commitment we have to bring home any Americans who remain in captivity, to get the fullest possible accounting of the missing, and to seek the return on the remains of those missing Americans who died in the Vietnam war. I will make every effort to see America secure the further cooperation of Laos and Vietnam in resolving this issue.

The American people are not apathetic about the fate of our POW's and MIA's. But years of waiting has so drained their hope, they have come to believe that nothing can be done. We cannot lose hope.

A year and a half ago, the foreign ministers of Vietnam, Laos and Cambodia included for the first time the POW/MIA issue in their policy communique. It stated a willingness to cooperate with the U.S. Government based on the increased interest of the American people.

Although these officials have been less than honest with us, this small gesture on their part shows that keeping the POW/MIA issue alive serves an important purpose. The U.S. Congress and the State Department, in conjunction with groups like the National League of Families of American Prisoners and Missing in Southeast Asia, and veterans organizations, can revitalize the Nation's commitment to this cause and end this tragedy once and for all.

There is no excuse for failing to vigorously explore every available avenue to locate and free these men. If there are no Americans left in Vietnam, let us find that out. But if there are, we must get them out without further delay.●

OPPOSE POLITICIZATION OF THE NAIROBI CONFERENCE

● Mr. LAUTENBERG. Mr. President, the U.S. delegation to the final World Conference of the U.N. Decade for Women began today in Nairobi, Kenya. This is the third conference of the Decade, proclaimed in order to promote the status of women worldwide.

While the U.N. Decade for Women has helped focus attention on the problems and needs of women throughout the world, the two Women's Conferences held so far have unfortunately been highly politicized. The 1975 Mexico City World Conference first introduced the idea that Zionism is a form of racism in its final declaration. The 1980 Mid-Decade Conference in Copenhagen reaffirmed the Mexico City statement on Zionism and called for greater PLO involvement in U.N. programs. The United States voted against the Copenhagen plan of action because of those provisions.

I am deeply concerned that the final World Conference in Nairobi not be diverted from its legitimate agenda by the introduction of extraneous political issues not properly the concern of the conference. I, along with 39 of my colleagues, wrote to the President to express this concern, and to urge that he oppose all efforts to politicize the conference and adopt the equation that "Zionism is racism." I ask permission that the text of the letter be printed in the RECORD for the information of my colleagues.

The letter follows:

U.S. SENATE,
Washington, DC, July 8, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our deep concern and consternation over the course of developments leading to the upcoming World Conference for the United Nations Decade for Women, scheduled to take place in Nairobi in July 1985.

As you know, both prior United Nation's Women's Decade conferences—in Mexico City in 1975 and Copenhagen in 1980—were marred by the introduction of extraneous political issues that diverted the conference from the legitimate goals of the Decade.

Following a series of preparatory meetings, it is now clear that a coalition of radical states is once again attempting to disrupt this final Nairobi conference of the Women's Decade. They have succeeded in including the subject of "Palestinian Women" as part of the conference agenda with the clear aim of diverting and overwhelming the proceeding in Nairobi. There are also clear indications that the insidious "Zionism is racism" equation, first adopted at the Mexico City Women's Conference, will also be pushed for consideration.

We strongly believe that adoption of such biased, anti-American items in the agenda, in whole or in part, would weaken and damage U.S. interests and those of women worldwide. The U.S. Congress has already expressed its concern in a provision of the FY 1984 State Department authorization bill stating that "every available means" to used to ensure that the 1985 conference is not dominated by political issues extraneous to the goals of the Conference. We hope to receive your report on those preparations, as required in that legislation, very shortly.

In the meantime, it is clear that the inclusion of these extraneous political issues makes a travesty of all the Conference is hoping to achieve.

We strongly urge you, Mr. President, to insist that all decisions at Nairobi be considered by consensus. If such procedures are not adopted, we know the U.S. delegation will vociferously oppose all efforts to politicize the conference and to adopt dangerous lies such as "Zionism is racism".

Thank you for your consideration of this critical issue.

Sincerely,
Frank R. Lautenberg,
Christopher J. Dodd,
John H. Chafee,
Paul S. Sarbanes,
J. James Exon,
Carl Levin,
David L. Boren,
Paul Simon,
Alan Cranston,
Rudy Boschwitz,

Edward Zorinsky,
Tom Harkin,
Alfonse M. D'Amato,
Lawton Chiles,
Bob Packwood,
Arlen Specter,
John F. Kerry,
John D. Rockefeller,
Lloyd Bentsen,
Don Nickles,
Daniel Patrick Moynihan,
Howell Heflin,
Howard M. Metzenbaum,
Spark M. Matsunaga,
Edward M. Kennedy,
Donald W. Riegle, Jr.,
Jim Sasser,
Ernest F. Hollings,
Max Baucus,
Quentin N. Burdick,
John Melcher,
Paul S. Trible, Jr.,
Gordon J. Humphrey,
Warren Rudman,
Joseph R. Biden, Jr.,
Patrick J. Leahy,
Alan J. Dixon,
Albert Gore, Jr.,
David Pryor,
Jeff Bingaman.

SOVIET ATROCITIES IN AFGHANISTAN

● Mr. PRESSLER. Mr. President, for the past 5 years a war of great cruelty has been raging in Afghanistan between Soviet forces and Afghan resistance fighters who desire freedom from the Soviet domination of their country. When the Red Army invaded in 1979, Soviet leaders underestimated the courage and willingness of the Mujeheddin to fight for the freedom of their country. Since that time, the war has escalated to include the most sophisticated and deadly weapons in the Soviet arsenal, such as antipersonnel mines, armored assault helicopters, chemical and toxin weapons, jet fighters, and tanks. Also, the level of Soviet troop involvement has risen from 40,000 to over 115,000 in what has become the largest Soviet military operation undertaken since World War II.

The determination of the Afghan freedom fighters to oppose the occupation of their country in the face of the overwhelming odds against them has earned their cause the admiration of freedom-loving people around the world.

Soviet policy in Afghanistan is horrifying. The few journalists the Mujeheddin manage to smuggle in and out of Afghanistan return with stories of atrocities committed by Soviet and Afghan forces against civilians. Most surprising is the murderous and sadistic behavior of the Russian troops who terrorize the Afghan countryside so that villagers will either be afraid to assist the Mujeheddin, or be forced into exile, thus removing the population which shelters and feeds the guerrillas. Numerous accounts of Soviet brutality have been cited—civilians burned alive; old men dynamited and beheaded; bound men forced to lie down on the road to be crushed by Soviet tanks; grenades thrown into rooms where women and children have been told to wait.

This is not a war in the conventional sense of the designated soldiery of two opposing sides confronting one another on a field of battle and engaging in combat. Instead, unable to confront their elusive adversary, the Soviets have chosen to aim their guns at the women and children living in the Afghan countryside. The destruction begins with high aerial bombing of farms and villages. When this has been accomplished, Soviet and Afghan forces descend upon the town, wantonly killing, systematically destroying crops and other vestiges of the agricultural system, poisoning wells and food supplies, and driving the population from their homes.

The results of this savage strategy are manifold. It has created the greatest refugee problem facing the world today. Pakistan houses over 2.5 million refugees in camps close to the Afghan border. Another 1.5 million are living in Iran for a total of at least 4 million displaced persons—one-fourth to one-third of the total pre-war Afghan population. It has caused the resistance fighters, now deprived of sources of food and relief, to become more dependent on outside aid. It has placed the Afghan people wholeheartedly behind the efforts of the Mujeheddin to free the country from Soviet oppression. It has served to place the Soviets in a familiar light: an adversary of boundless ruthlessness who will go to any extreme in pursuit of national geo-political goals.

We call on the Soviet Union to end its terrible occupation of Afghanistan and to stop meddling in the internal affairs of that country. Afghanistan is a sovereign nation; Soviet intervention there impedes the self-determination of its people who, by all indications, oppose Soviet attempts to subjugate Afghanistan to the rule of Moscow.●

IRANIAN PERSECUTION OF THE BAHA'IS

● Mr. PRESSLER. Mr. President, the issue of religious persecution in Iran has been discussed in the Senate on several prior occasions. I bring it up again for the plain and simple reason that the persecution of the Baha'is persists, despite the efforts of this Government, foreign governments, and the United Nations to persuade the Government of Iran that such practices are unacceptable violations of the most fundamental human rights recognized in this age.

A little over 1 year ago, the Congress of the United States passed House Concurrent Resolution 226, condemning Iran for its barbarous repression of the Baha'is. Since that time, 16 more Baha'is have been executed or killed as a result of extensive torture. We are told of brutal acts of violence by Iranian authorities, including the hanging of a 17-year-old high school girl and the killing of a mother promptly after giving birth. The child was spirited away by Moslem authorities; its whereabout are unknown. The number of Baha'is in the Ayatollah's prisons, where torture is commonly practiced to pressure Baha'is to renounce their faith, has risen to over 750 as arrests and harassment continue; adherence to Baha'i religious beliefs and possession of Baha'is materials continue to be labeled a criminal act punishable by death or imprisonment.

Other forms of persecution exist which do not necessarily result in imprisonment or execution, but are, nevertheless, very severe. Many Baha'is have had their property, homes, and automobiles confiscated. Thousands have been dismissed from their jobs for no reason; children have been expelled from schools and ignored by other children because they are supposedly unclean. Baha'is fired from civil service positions are now being forced to repay the Government salaries they earned while rightfully employed. Others on Government pensions are being denied their checks. These are very tragic situations. For instance, elderly, retired Baha'is, who otherwise have no money, literally depend on their retirement checks. All of a sudden, they find themselves in their old age, unable to work, without any means of sustenance. Young Baha'is who once dreamed of a better life for themselves and their families, are suddenly denied education and training virtually condemning them to a life of menial labor.

I can find no reason for these tragic vignettes. The number of Baha'is in Iran amounts to fewer then 1 percent of the total population. Such small numbers cannot realistically pose a threat to Iran's theocratic regime. Is it their religious beliefs? Does Iran feel its social order will be disrupted by a small group of 300,000 who believe among themselves in the brotherhood of mankind, religious tolerance, and the haromony of faith and progress? A wide range of religons—Christianity, Judaism, and different sects of Islam—enjoy freedom of worship in Iran. The inescapable conclusion is that the Baha'is are a scapegoat the mullahs of Iran are using to divert attention away from Iran's domestic and international problems and the Government responsible for them, and onto a peaceful, religious community which turns the other cheek to each new blow.

A few years ago, the Baha'is appeared to be a group targeted for extinction. When the process of genocide was first initiated, leaders of the

Baha'is lobbied world governments to pressure Iran to cease and desist. This effort has been measurably successful; the leaders of the Baha'is are openly grateful for efforts on their behalf. They credit the attention and publicity paid their cause with saving lives. It is true that fewer individuals have been killed this year than were killed last year, but until the killing stops altogether and the persecution of the Baha'is ceases, we must continue to hold the Government of Iran responsible for its actions and urge foreign governments with closer ties to Iran than ourselves to persuade the Islamic republic to acknowledge the right of the Baha'is to worship in peace.

The plight of the Baha'is has always been a concern of mine. Two years ago, the State Legislature of South Dakota passed a bill condemning Iran for its cruelty and intolerance. We must continue to express indignation or Iran's repression of a peaceful people. We must continue to expose these abuses to the world and ask other nations to join us in protest. We must remind Iran that it cannot simply denounce human rights as it has and expect the world to accept it. We will not accept it. Rather, we will continue to focus our attention on Iran's treatment of the Baha'is until the genocide has stopped.●

NATIONAL ICE CREAM MONTH

● Mr. D'AMATO. Mr. President, it is with great enthusiasm that I rise today to honor a fine and cherished tradition: ice cream. I, like members of 98 percent of all American households, appreciate a cone or dish of ice cream in the heat of July; therefore, it is most appropriate that July is National Ice Cream Month and that the second Sunday, yesterday, July 14, was National Ice Cream Day or Sundae Sunday.

Although no date or individual is specifically associated with the invention of ice cream, it is believed that its origins might go back as far as the beloved cool drinks of Alexander the Great in the 4th century B.C. Historians also believe Marco Polo returned from the Far East with recipes for frozen desserts that had been used in Asia for supposedly thousands of years. Catherine de Medici brought Italian sherbert with her to the French court when she became queen. In America, Governor Bladen of Maryland served ice cream in 1700, and Dolly Madison caused excitement when she had the frozen delight at the White House at the second inaugural ball in 1812.

Obviously, we, as Americans, cannot claim to have discovered ice cream. However, it is so loved here that the United States leads the world in its production. In 1983, we produced 1,292,739,000 gallons—this is so much ice cream that we cannot even consume it all and we have to export the remainder. In 1984, Americans consumed 874 million gallons of ice cream and production continues to increase.

This is not just a fanciful food, it is a nutritious food that represents a major industry in our country. 1984 sales figures for ice cream and related products totaled over $8 billion. This equates to 18,000 people working directly in the ice cream industry and an annual payroll of $313.5 million. Of this country's total milk production—and I might add that New York is ranked third in the Nation in dairy production—10 percent goes into the making of ice cream.

Ice cream is so popular in the United States that one-third of American households will consume at least 1 gallon of ice cream in any 2-week period. Their favorite toppings are ranked in this order: chocolate fudge, hot fudge, butterscotch, caramel, and strawberry. By the way, I celebrated Sundae Sunday with my favorite flavor, chocolate chocolate-chip.

As the old song goes "I scream, you scream, we all scream for ice cream."●

NATIONAL BUREAU OF STANDARDS AUTHORIZATION—CONFERENCE REPORT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the conference report to accompany H.R. 1617, National Bureau of Standards Authorization.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, July 15, 1985.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE PLACED ON CALENDAR

Mr. DOLE. Mr. President, I send a joint resolution (S.J. Res. 163) to the desk on behalf of the distinguished Senator from Pennsylvania [Mr. SPECTER]. I ask unanimous consent it be placed on the calendar and that the resolution be made a part of the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

NEGOTIATIONS ON THE BUDGET

Mr. DOLE. Mr. President, we have been working this afternoon, very briefly, on not only the budget but on farm legislation, hopefully to try to reach some bipartisan consensus on that legislation, and also to make some determination of the course to pursue as far as the budget is concerned.

It is my understanding there will be a conference committee meeting tomorrow at 2 p.m. of the House and Senate conferees, and there will probably be meetings following that conference session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and, at 6:54 p.m., the Senate adjourned until Tuesday, July 16, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate July 12, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF STATE

Gary L. Matthews, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Harvey Frans Nelson, Jr., of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Irvin Hicks, of Maryland, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Executive nominations received by the Senate July 15, 1985:

DEPARTMENT OF JUSTICE

Lydia E. Glover, of South Carolina, to be U.S. Marshal for the district of South Carolina for the term of 4 years vice William C. Whitworth.

CONFIRMATION

Executive nomination confirmed by the Senate July 15, 1985:

DEPARTMENT OF STATE

John Arthur Ferch, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

GERMAN FOREIGN POLICY AND THE FUTURE OF THE ATLANTIC ALLIANCE

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, July 15, 1985

● Mr. MATHIAS. Mr. President, I would like to share with the Senate and the American people the informed thoughts of the distinguished statesman Berndt von Staden, former German Ambassador to Washington and former State Secretary of the German Foreign Office. Ambassador von Staden's article, "Perspectives of German Foreign Policy," appeared in the January 1985 English edition of Aussenpolitik. He writes about an issue that is critical to us all—how to maintain Alliance solidarity in a changing world. I urge the Members of the Senate and all other Americans to read this article. We can learn a great deal from what Ambassador von Staden has to say.

The article follows:

PERSPECTIVES OF GERMAN FOREIGN POLICY

(By Berndt von Staden)

I

For all time there can be no loftier aim of German foreign policy than that of preserving peace, as no-one can possibly doubt in the nuclear age. Yet at the same time, equally indispensably, freedom must be upheld.

That amounts to a possible conflict of objectives to which the slogan "better Red than dead" is not an acceptable solution. The attainment of freedom of conscience, freedom of opinion and the rule of law are milestones on the road to civilisation; their achievement marks the climax of human morals. It is a road along which post-war statesmen, particularly Konrad Adenauer, Kurt Schumacher and Theodor Heuss, led back the free part of the German people. It cannot be left without abandoning the basic rights of the individual and the community as a whole that are established in natural law and guaranteed by the constitution. These basic rights are guaranteed by no other system.

The aim of German foreign policy cannot be to lay down an order of importance of these inalienable objectives. On the contrary, it must devote its entire energy to avoiding confrontation with the issue of priority. To ensure that the nation is never faced by a decision between peace or freedom must be the ultimate aim of German policy.

II

In the basic relationship between West and East, a relationship governed by antagonism, the objective, in a nutshell, must be a constant struggle to maintain political stability as the prerequisite of peace in freedom.

The true and fundamental future tasks of mankind are said to lie elsewhere—in controlling overpopulation and exhaustion of the soil and the environment. From the viewpoint of the philosophy of history the ideological antagonism and power-political clashes between East and West may be felt to express an outlook that is no longer up to date. Yet here and now, in the heart of Europe, confrontation with authoritarian and collectivist forms of rule is just as much a reality as is the threat to the balance of power posed by imperial, power-political thinking.

As long as this remains the case, these will remain the challenges German policy must mainly face. While not closing its eyes to the future tasks of mankind it must devote its energy first and foremost to maintaining in Europe a *modus vivendi* that holds out the prospect of arriving at the state of peace referred to in the Letter on German Unity.

The Federal Republic of Germany thus faces a daunting task. As a result of German historic guilt it must aim, in the most unfavourable conditions imaginable, to accomplish this task: as part of a divided nation, in the heart of a continent divided ideologically and in terms of power politics and on the borderline between two alliance systems in a zone of the most highly concentrated arms build-up.

What is more, Germany's great power status has been well and truly forfeited, heightening the discrepancy between aims and means. This has also resulted in the Federal Republic of Germany going critical, as it were. On its own or jointly with the Western European powers alone it cannot maintain the balance of power in Europe. But without it the West as a whole cannot do so either.

Yet maintaining the balance of power is crucially important in the antagonistic fundamental relationship between East and West. Just as stability is the *sine qua non* of peace in freedom so equilibrium is the *sine qua non* of stability. It is the prerequisite for balanced compromise of interests, cooperation on the basis of equality, and confidence-building.

Equilibrium, it is rightly noted, comprises more than ratios of military strength. It includes economic potential, social stability and the moral condition of society. It rules out the striving for supremacy. It requires not arithmetical parity but the ability to offer credible deterrence. But it cannot be sustained without an element of appropriate military power balance failing which there would be a vacuum that in a region like Western Europe would be sure to lead to most dangerous destabilisation consequences.

Experience has shown that Soviet power politics would seek to influence and fill any such vacuum. A century ago Bismarck is said to have compared Russian policy with water that finds its way into hollow segments, filling them until it meets resistance offered by solid walls.

That would give rise to the issue of self-determination and, in its wake, inevitably and increasingly to that of freedom, and that would not be all that was at stake. No-one is justified in working on the assumption that American policy could accept without contradiction any such extension of Soviet influence to all Germany and Europe or that the United States could be prepared to abandon Western Europe to the other superpower's hegemony. That would be tantamount to abdication. For those who have eyes to see, America today is again demonstrating that economically, scientifically, technologically and innovationally it is more dynamic than any other society in the world. Would such a power be prepared to allow itself without resistance to be pushed back to the status of a Fortress America? The signs are that the peace Europe has enjoyed since 1945 would be most seriously jeopardised if an appropriate balance of power were not maintained. That has repeatedly happened elsewhere when this balance has not existed.

III

An appropriate balance of power such as has so far been maintained in Europe by the Atlantic alliance not only keeps the peace; it is also a prerequisite for balanced compromises and settlements of interests being reached on controversial issues. One such equilibrium of interests was, for instance, the *modus vivendi* reached in the Brandt era in the shape of the 1970s treaties, from the Moscow Treaty to the Helsinki Final Act. On its own the Federal Republic of Germany would never have been able to arrive at the balanced compromise this *modus vivendi* constitutes. But for the backing lent by Atlantic solidarity, for the unstinting support given by the three Western powers, the Federal Republic of Germany would have been forced to conclude unequal treaties. Either that or it would have had to dispense with bids to reach a *modus vivendi* with its eastern neighbours and with the other German state.

Equilibrium is, last but not least, a prerequisite for confidence-building, one of the foremost tasks diplomats face in an age of ideas of mutual nuclear destruction. Confidence-building presupposes, in an antagonistic basic situation, self-confidence. No-one can feel confident who realises he is in an inferior position, and concessions offered on this basis, far from building confidence, merely prompt even heavier pressure. Equilibrium is thus the prerequisite for balanced cooperation in the interest of stability.

IV

As a balance can be maintained in Europe neither without the United States nor without the Federal Republic of Germany, relations with America are of crucial significance for German policy, which makes it all the more alarming that since the mid-1970s relations have been marked by a contradiction between growing dependence and increasing distance.

The increase in German, and European, dependence on the United States is chiefly apparent in the security policy sector. It is due for one to a general shift in the balance of military power to the West's detriment. Conventional and Eurostrategic aspects of joint defence are chiefly affected, aspects that are of immediate consequence for the security of Europe. This shift increases Europe's reliance on US nuclear protection,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the credibility of which is in its turn impaired by the superpowers' strategic nuclear parity.

This makes it all the more upsetting that modern arms trends are tending to increase Europe's dependence on the United States in another, functional manner. The immense acceleration of technical processes that seem controllable only by computers, the speed of communications that appears indispensable as a result, and the complexity of systems and structures give the observer an uneasy feeling that in an emergency only one man, the US President, would be in a position to reach decisions on which the survival of America's European partners might depend. It goes without saying that confidence issues of the utmost earnest are raised by such developments.

Similar issues arise in other sectors, especially a number of high tech and science sectors in which Europe runs a risk of increasingly trailing its American ally, on which it would then rely in these sectors too. There are some people in Europe who refuse to realise the historical importance of the dynamism America has regained. The miners' strike in Britain is surely a case in point. Yet even where this realisation is growing, its effect is by no means solely reassuring.

Last but not least, Europe's dependence on America is on the increase in what might be termed civilisation. In youth culture, such as music, it is already visible and audible, but an idea of the true dimensions of the problem will not be gained until cable communications in the Federal Republic of Germany have triggered a media explosion. Whatever views one may hold on the subject, there can already be not the slightest doubt that Europe has nothing comparable to set against what the United States has to offer in this explosive growth market. American output will inundate Europe to an unprecedented degree.

Yet in the process Europe's importance as seen from America is on the decline, while more and more opinion-makers in the European successor generation are taking a more detached view of the United States, and certainly of US policy.

Slowly but unmistakably, America is parting company with its traditionally Eurocentric view of the world. In 1983 US trade with Pacific Basin countries totalled $137bn, or $30bn more than trade with Europe. This trend is irreversible given the tempestuous pace of economic growth in East and South-East Asia. Politically and in terms of security policy Europe is increasingly coming to share US interest with other parts of the world, such as the Middle East, the Persian Gulf and Central America. America's dynamic centre of gravity is shifting from the north-east to the south-west. US citizens of non-European origins are growing in number and importance. California's élite universities are beginning to catch up with Harvard, and one chair after another is being vacated by the older, European-oriented East Coast generation and taken over by up-and-coming Californian dons, in many cases of Asian origin.

Europe remains important, but there is a danger of the weight it carries as a partner paling in significance beside its role as an object of US security policy, as the central sector in the clash between the two world powers that it is, geographically speaking.

On this side of the Atlantic it is not for nothing that dependence on America, especially in the security sector, bear the seed of alienation. This is evident among far from insignificant sections of the successor generation and extends to part of the political structure of the Federal Republic of Germany. It is definitely too early to talk in terms of a turning-point and it would be wrong to dramatise the situation. But the beginnings of a potentially destabilising trend must not be overlooked.

It would also be self-deception to feel such trends could be offset solely by an appeal to traditional foreign policy assessments and loyalties of the post-war era. The view of the United States as a friend held by the post-war generation has paled too much among its successors for this to work. The successor generation's view of America is largely determined less by the Berlin airlift and Marshall aid than by Vietnam and Watergate, not to mention fear, only natural, of modern arms developments that are regarded as no longer controllable.

By the same token fear and abhorrence of Soviet communism and Soviet power politics have grown less virulent. The shocking experience of Soviet occupation and the enforced Sovietisation of the other part of Germany no longer govern the view taken by the successor generation. What it has in mind is the apparent progress and actual partial successes of detente policy in Europe. Behind them the ongoing brutal reality of Soviet communism is often no longer seen for what it is.

The only way to keep the beginnings of alienation in check is a political conception toward America that takes the trends outlined into account.

The Federal Republic of Germany must maintain in dealings with the leading power in the Western alliance its independence in firmly and consistently looking after its own interests. In the process it must retain the full confidence of its American ally and thereby remain able to exert its influence to effect on issues of common interest. In its defense policy it must unswervingly stand by the alliance and its integrated structure yet take on a high degree of responsibility for national security.

So what matters in any such conception is elements that do not necessarily fail to contradict each other and thus require statesmanlike qualities to combine.

If they are to be carried out clear priorities must be laid down and people must be prepared to make material contributions—contributions, not sacrifices, because they are made in their own vital interest.

Ostpolitik as a vital German interest is an instance of what is involved. The points to insist upon are that Western policy toward the East must be consistent and long-term while remaining, in spite of the firm stand that must be taken on security issues, cooperative and ready to reach understanding. This has at times been lacking in the policy pursued by the leading Atlantic power.

Fluctuations in U.S. Ostpolitik are by no means merely due to disappointments ranging from Angola to Afghanistan. They are also due to the special nature and system of the American political process. There is, to start with, what are often striking discontinuities after a change of administration, with a return swing of the pendulum only possible after time has elapsed. There is also the fact that since Vietnam and Watergate the national consensus on foreign and security policy has been called into question. That heightens the effect of Congress increasingly cutting back the President's foreign policy leeway, which it can readily do due to a loophole in the U.S. constitution. Secretary of State George Shultz had this to say on the subject to the Trilateral Commission, the unofficial top-ranking body consisting of the Atlantic partners and Japan, on 3 April 1984: "The net result, as you well know, is an enormous problem for American foreign policy: a loss of coherence and recurring uncertaintly in the minds of friend and foe about the aims and constancy of the United States."

German foreign policy in contrast rightly, legitimately and undisputedly stresses constancy and steers clear of shortsightedness by not invariably acting on each and every change in policy by the leading Atlantic power. But it must then be prepared to demonstrate solidarity where America lays claim to vital interests of its own or refers to burdens of responsibility that only the leading Western power can shoulder.

So the aim must be (and it is observed in this country) to take U.S. misgivings on the transfer of arms-relevant technology to the East as seriously as they objectively deserve to be taken and to give them corresponding priority over other interests. The special importance of Central America for the United States must likewise be borne in mind and taken into account, just as understanding and recognition are due to U.S. efforts, undertaken at enormous expense, to strike a better balance of power and, with it, greater stability in the Gulf. The U.S. government must be allowed to decide for itself how much defence spending is felt to be necessary and how, in the circumstances, it is to bring about the objectively necessary reduction of a budget deficit that imposes a burden on America, and not only America.

These are only examples intended to show that a balance of interests must be struck even among allies. No German government can dispense with a detente and arms control policy that is credible in the eyes of German public opinion and shows readiness to cooperate with the East. It can just as little forgo constantly and insistently calling on the US government to act accordingly. But its realistic opportunities of effectively bringing pressure to bear will depend on the contribution the Federal Republic of Germany makes toward common security and on the extent of solidarity German policy demonstrates toward its American ally where limits are not set to such solidarity by vital interests of its own.

v

In no sector have issues of Atlantic solidarity, definition of common interests and the division of burdens between America and Europe so long been discussed in constant variations as in respect of security and defence.

This problem has gained in topicality since inner credibility of Western defence policy has been called into question to a long unheard-of extent.

The NATO dual-track decision has worked as a catalyst. There may not have been a hot autum in 1983 and the deployment of medium-range US missiles may be going ahead virtually as undisturbed in the Federal Republic of Germany as in Britain and Italy, but it would be wrong to assume that marks the end of the debate on Western security policy triggered by the dual-track decision. On the contrary, the debate has merely set aside limitation to the problem of medium-range nuclear weapons and been extended to the whole gamut of defence policy.

The crux of the debate, inevitably, is the role of nuclear weapons in the context of flexible response deterrent strategy. Nearly

all experts are agreed that the Warsaw Pact enjoys conventional superiority over NATO, and nearly all of them conclude that in an emergency the Atlantic alliance might be forced within a matter of days to decide to resort to first use of nuclear weapons to avert conventional defeat. Yet to judge by all that is known about the views of younger people in this and other European countries, they reject nuclear first use, not to mention early nuclear first use, by an overwhelming majority. This outlook is, as far as is known, largely independent of party-political preferences.

Such a tenor of opinion cannot simply be ignored. It affects the credibility of a country's defence posture as reflected in public opinion, and there is an inseverable link between a defence posture's credibility and its deterrent effect or, in other words, its peace-preserving function.

Contrary to a view still widely held, no-one realised this earlier or more clearly than the United States. America may rightly on occasion be criticised for its tendency to take too one-sided a military view of matters of equilibrium and stability. One may also fairly wonder whether the United States has not repeatedly made mistakes in its nuclear arms policy, for which MIRV developments would seem to be an example. But the Americans cannot be accused of having underestimated the deadly earnest of nuclear weapons.

For a generation they have been urging their European allies to step up their conventional defence efforts and establish a deterrent the credibility of which is heightened by reduced reliance on nuclear weapons. The current defence policy debate shows how topical this demand is, and it is levelled, with all due respect for the substantial German defence contribution at the Federal Republic of Germany too. There are signs that action is being taken accordingly. Whatever shape it may take in detail, there are criteria by which it would do well to be guided to ensure the credibility of German defence policy both at home and abroad. The most important such criteria would seem to be the following: to make it clear without a shadow of doubt to a potential aggressor that a conventional *Blitzkrieg* strategy would be doomed to failure, for which the conventional deterrent would need to be so strong that NATO would not be forced to resort to early first use of nuclear weapons, while the indispensable nuclear component of deterrence (indispensable in view of a potential aggressor armed to the teeth in both conventional and nuclear terms) must clearly be geared to neither tactically encouraging early use by one's own side nor strategically encouraging a preventive strike by the potential aggressor; to use modern technological means of providing in-depth effect for conventional arms inasmuch as they are necessary to ensure deterrent credibility while clearly maintaining their defensive character.

As in transatlantic political ties, this is a matter of objectives that are not *a priori* free of contradictions. It will again be up to statesmanlike leadership to perceive such contradictions and eliminate them wherever possible while arriving at decisions in keeping with priorities of national interest wherever necessary.

The issue of priorities naturally arises not only within the defence planning framework but above all in the ratio of defence spending to budget expenditure as a whole. This is one of the toughest tasks democratic governments face. They must neither call their country's financial stability into question nor spend money in clear defiance of the overwhelming majority of public opinion.

Yet it must also be realised that Europe will have no option but to step up its defence efforts. It is not just a matter of distribution of burdens within NATO but even more so one of the internal aspect. In an antagonistic world a free society would run the risk, in the final analysis, of throwing in the sponge if it were to allow its defence to forfeit credibility in the eyes of the young people who must mainly provide it.

VI

The effort here called for will mainly need to be undertaken on a national basis. A European dimension is not available, and that is a state of affairs the welcome bid to reactivate the Western European Union will not change.

Jean Monnet, the great European, and his supporters had visions of an Atlantic community based on two pillars, the United States and a supranational European Community. But contrary to his hopes Europe has failed to set out on the road to supranationality. It has preferred expansion to compression. Monnet was unable to conceive of his Europe without Britain, but as he saw it Britain was to join an alliance with a supranational dynamism and the potential to develop into a federative state. In reality Britain, Denmark and Ireland and, later, Greece joined a community that had been deprived of its supranationality under pressure from General de Gaulle.

To this day this alignment has proved irreversible, and new members of the European Community are not to blame. They have never made any secret of the fact that they joined on the clear understanding that suprationality would be forgone. Europe as a result failed to achieve the objective of political union, and it is not yet clear when and how there might be any change in this state of affairs.

That is in no way to belittle, let alone to repudiate, the achievements of European integration. Even within its present terms of reference the European Community remains the most highly developed international organisation in the world and a textbook example of closest regional cooperation. It is a zone of peace, prosperity, economic ties and gradual approximation of legal codes. it participates in world trade as a partner in its own right and of incomparable importance. As an associate of over 40 developing countries it is a major promoter of stabilisation overseas. It has given the Germans a framework within which to base, establish and extend a new relationship of trust with its European neighbours, especially France. Last but not least, in the shape of European Political Cooperation it has emerged as an important and dynamic factor in multilateral diplomacy, at the United Nations for instance and, in particular, in the Helsinki process.

The lasting value of the integration process is thus beyond question, and in view of the importance and special position of the Federal Republic German foreign policy is largely responsible for ensuring that the European Community is further developed within its terms of reference. But it would be doing the European idea a disservice to expect too much of the Community or to encourage hopes that it might in the foreseeable future be led back along the road envisaged by its founding fathers. That is something it clearly cannot do in its enlarged form, and to turn a blind eye to this reality will inevitably lead to frustration and tiredness with Europe.

European integration may retain high priority in German foreign policy, but for the foreseeable future it will be unable to perform two roles it was originally intended to fulfill. The European Community cannot as such be a crucial factor in maintaining a balance of power in Europe. It can also no longer be the overriding idea it was felt predestined to be in Adenauer's days—an idea in the realisation of which the free part of the divided German nation would be able to find a new identity. But the growing European Community seems more and more to assume the role of a mainstay of a future peace order comprising all Europe. Logically in keeping with this trend, the Community's political arm, European Political Cooperation, has played a crucial role from the outset in the Helsinki process, and it is in keeping with the special German situation that Bonn diplomats often set the pace.

VII

That brings us back to the initial consideration and key German policy objective, that of establishing a reliable state of peace in Europe, in other words, a peace order, and one in which the entire German people will one day be able to exercise their right of self-determination.

Foreign Minister Genscher recently stated that the Helsinki Final Act already contained elements of such a peace order. He was voicing his conviction that progress in this direction, partial successes, have been achieved. Is that reality or self-deception? Was detente a success or has it been a failure?

Events in the most immediate past particularly prompt such questions. The answers will vary widely, depending on political viewpoint and on whether they are expressed by Europeans or Americans.

The European balance sheet of detente policy shows a profit despite a number of setbacks, in Poland, say, or in human rights. Those who recall the Berlin crises of 1948 and 1958-63 will know how highly to rate peace and quiet in and around Berlin. Those who have seen for themselves how the deep freeze in intra-German ties burdened both the people affected and East-West relations will appreciate the importance of what, in spite of all its limitations, remains a very tangible liberalisation of relations between the two German states. The statesmanship of the men in charge of Bonn policies since 1969 has here succeeded in transforming a source of European and power-political tension into a zone of stability and cooperation. Cooperation between Western and Eastern Europe has been intensified on a large scale in spite of economic setbacks. Tension has been relaxed in relations between the two.

This even applies in the political field. Fifteen years ago it would have been inconceivable for a Polish Pope to be twice allowed to visit his native country and be welcomed by the entire Polish people. This example stands for many other less spectacular ones. There can be no mistaking a process of evolution in Eastern Europe of which Helsinki is both a wellspring and an expression. In the course of this development there have been the first signs of a renewed feeling of European solidarity transcending pacts and including the neutrals and non-aligned European countries.

This, sad to say, is only one side of the balance sheet. The other includes the Soviet Union's continued arms build-up, its extraordinary gain in power, its ventures in

world affairs and its constant striving to loosen the ties between Western Europe and America and to increase its conventional and Eurostrategic lead in Europe.

Even in the heyday of detente, in the early 1970s, Moscow kept up this policy despite American moderation, despite a perceptible decline in US defence spending, and despite the Carter administration's decision not to commission new weapon systems such as the B1 bomber, the MX missile and the neutron bomb. One may wonder whether this was part of a plan or merely a matter of opportunity knocking. At all events the Soviet arms build-up took place in the lee of detente and Soviet ventures in world affairs—in Africa, in South-East Asia and above all in Afghanistan—made use of the post-Vietnam and post-Watergate phase of US weakness.

So no-one need wonder that despite the desire for peaceful accommodation scepticism about the policy of detente grew increasingly widespread in the United States. The law of equilibrium merely held sway, here as elsewhere. Ronald Reagan's election did not, despite what many believe, mark the beginning of the current period of freeze in East-West relations; Soviet misreadings of its transatlantic partner and adversary did. Its inevitable reaction to Kremlin power politics and its unprecedented ability to regenerate were either not realised or disregarded in Moscow.

This development presents German policy with tricky issues of analytical judgment and practical behaviour. Was detente, despite its undeniable partial regional successes, a mistake all told? If it wasn't, is detente perhaps divisible? Yet surely the latest trends show it isn't. Does Atlantic solidarity not commit Bonn to toe the current political line laid down in Washington?

Detente, it must first be noted, is not a scientific experiment that is carried out over a certain period and the success or failure of which can be read on a scale. Detente is a process involving both progress and setbacks. But there is no responsible alternative in the nuclear age to an ongoing, energetic endeavour to reduce tension. So there can be no question of "whether", merely of "how".

From the German situation this particularly applies to German policy, including its internal credibility. Maintenance of equilibrium in Europe requires great effort. Indeed, resisting the Soviet claim to a higher degree of security than the Kremlin is prepared to allow Western Europe calls for security policy measures that are unpopular. That is partly why NATO responded to the deployment of Soviet SS-20 missiles by deploying medium-range US missiles. These efforts and the security policy measures they entail will only be endorsed by the overwhelming majority of public opinion needed if the Bonn government clearly does all it can to continue the process of East-West cooperation and arms control. This is virtually an essential for German policymakers. No-one ought in the name of pact solidarity to call on them to override it. Indeed, alliance solidarity requires Germany's allies to acknowledge and respect this essential prerequisite of German policy.

That, however, fails to answer the extremely complex question whether detente is divisible. Politically it is, within certain limits; in terms of security it isn't, in the final analysis.

German policy could not possibly endorse a global concept of vertical escalation. In a world of growing interdependence Europe cannot, it is true, simply cut itself off from global developments. But it would be irresponsible to want deliberately to transfer to Europe tension in Third World regions that is usually not due to the East-West conflict. In Europe the superpowers face each other with the greatest and most dangerous concentration of arms on earth. So it is an elementary requirement of political common sense to do everything possible to keep Central Europe out of confrontations that are non-European in origin.

In the final analysis this postulate can only be reconciled with solidarity toward the leading Western power if Europe makes its full contribution to forestall crises in the Third World and to support America in maintaining the global balance of power.

More incidentally is at stake than a matter of Atlantic solidarity; vital European interests are involved. A critical shift in the global equilibrium or escalation of a crisis in another region would be bound to have the most dangerous destabilising repercussions for Europe. The divisibility of detente would end here. That is why the allies have a joint responsibility to do all they can to forestall such developments, and everyone will have to contribute to the best of their ability.

Basic Law, the Bonn constitution, imposes limits on German policy. It rules out the deployment of German soldiers outside NATO territory. So the German contribution overseas takes the form of preventive aid toward stabilisation in endangered regions. Above all it consists of the contribution the Federal Republic of Germany makes to the joint defence of its own, European region. Here it can, here it must ease the pressure on a United States that bears the global burden.

The question that finally arises is whether latest developments permit the inference that Moscow is parting company with its own ambivalent detente concept. It is too early to answer this question. Progress in the years that follow the 1984 US Presidential elections may enable an assessment to be reached. To take the absurd accusations of revanchism made in the Soviet media at face value would surely be underestimate the Kremlin. But maybe Moscow arrives at a balance sheet on European developments different from the one outlined above. Maybe it is keen to stem the tide of further rapprochement between Western Europe and its own allies. That would be tragic. Attempts to seal off the East Bloc have invariably led in the past to frustration and destabilisation in the countries of eastern central Europe, which think in deeply European terms. It may also be, as has been the case in the past, that a stage will occur at which Soviet policies aimed at loosening Atlantic ties will seek to make use of Soviet-American bilateralism at Europe's expense. Desirable though an overdue realignment of Soviet policy toward America might be, any attempt to carry it out at Europe's expense would be bound to founder on Atlantic solidarity.

It would be wrong to assume that individual manifestations of German policy are of crucial importance in any such considerations. But the German *modus vivendi* does form a key feature of the balance of interests in Europe. That means German policy bears a heavy responsibility for maintaining this equilibrium. The German Question, as the Letter on German Unity makes it clear, is still open. German policy must neither allow this aspect of the *modus vivendi* to be shaken nor shake it itself. But the state of peace in which the German people are to regain unity by free self-determination can only be one with which all concerned, particularly including the Soviet Union, are in a position to agree. That too is a point no-one can shake without upsetting the balance of interests and with the basis of the *modus vivendi*. A famous 1806 order of the day which proclaimed that quiet was the first obligation of the general public is nowadays recalled solely on an ironic note. Certainly no-one even now stands to benefit from German unrest, least of all the Germans themselves.●

THE DETROIT NEWS ON THE FEDERAL RESERVE BOARD

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. COURTER. Mr. Speaker, the editorial page of the Detroit News recently ran an excellent series on the Federal Reserve Board that I commend to my colleagues. Approaching the issues of interest rates, prices, and exchange rates from a classical perspective, the News argues that the Fed is largely responsible for our flat economy and high levels of unemployment. The paper argues for fundamental monetary reform, and the appointment of a growth-oriented Fed Chairman after Paul Volcker retires.

The editorials follow:

THE WAR FOR THE FED

It is no secret that there has been a running philosopical struggle between Federal Reserve Chairman Paul Volcker and Fed Vice-Chairman Preston Martin ever since the latter's appointment by President Reagan in 1981. That struggle recently broke out into open warfare, when Mr. Martin called a group of top financial reporters to a meeting at the New York Fed, and told them that a new way of dealing with the international debt crisis is needed.

In a remark aimed right at his boss Mr. Martin said, "We have had a certain amount of success with crisis management, but it is time that we examine a whole new series of innovative proposals that have come out in the past 18 months." The one he favored most would include having banks exchange some of their shaky debt for equity shares in the major national enterprises of the debtor nations, such as PEMEX, Mexico's nationalized oil and gas monopoly. This would reduce their need for heavy cash flow interest payments, without destroying their basic capital position.

The fact that Mr. Volcker immediately and harshly labeled his vice-chairman's ideas as both "incomprehensible" and "unrealistic" demonstrates the high stakes battle that is taking place at the Fed. Mr. Volcker, who has said he will retire soon, has been eager to discredit Mr. Martin as a potential successor by labeling him a supply-side cowboy. At the same time, he has installed E. Gerald Corrigan, formerly head of the Minneapolis Fed, as head of the important New York branch, where Mr. Volcker himself trained for his job. Mr. Corrigan is believed to be much more sympathetic to the Volcker way of conducting monetary and banking policy than Mr. Martin.

By Mr. Martin, a former California banker and head of the Federal Home Loan Bank Board (he also holds a Ph.D in monetary economics), is hardly a wild-eyed maverick. Earlier this week he apologized for speaking out so boldly without clearing his remarks first with his colleagues.

But it is high time that somebody seriously questioned the fundamental assumptions on which Fed policy has been based in recent years. Areas like Michigan, which have been hard hit by the excessively strong dollar, have a particularly important stake in the outcome of the war at the Fed.

Mr. Martin knows that the present method of "managing" the international debt crisis, for example, is being done largely at the expense of American workers, farmers, miners, and our domestic commodity industries. It relies on the combination of the International Monetary Fund's (IMF) austerity measures against debtor countries that have forced them to stop all imports, including American goods, and the Fed's "strong dollar" policy which has greatly facilitated their exports by pricing American goods out of the market.

In this way, the Fed and IMF are deliberately bailing out the big U.S. and European banks by favoring debtor-nation exports and cash-flow to pay off their loans, at the expense of the U.S. domestic economy's competitive position.

One horrifying byproduct of this policy is that hungry nations of Africa and Asia are now busily earning foreign exchange by exporting foodstuffs to America and Europe—even as they have stopped importing vital foodstuffs and farm implements from us. (Ethiopia, for example, uses irrigated land to grow strawberries and other cash crops for export while millions are starving for lack of staples.) Thus, it is no accident that after all the talk about our international debt crisis, the U.S. banks that have failed over the past two years haven't been those with the heavy Third World debt portfolios, but those more deeply involved in financing the U.S. domestic commodity markets—oil, mining, and, of course, food and farming.

Forty percent of this nation's "problem banks" are from the farm belt. Most of the balance can be found in the oil and mineral states, which are reeling from a nearly 30 percent commodity deflation since 1982. This deflation, in turn, is a direct result of the Federal Reserve's policies, which have pushed the dollar up by nearly 67 percent since early 1981—up nearly 13 percent since last August.

The strong dollar, of course, has been enormously helpful to the Third World debtors because it has priced their toughest competitors (U.S. farmers and exporters) out of the world market and made their own hugely inefficient economies suddenly more competitive. This in turn, has greatly strengthened the viability of all those shaky foreign loans. As Mr. Volcker recently admitted to farm state legislators, "your constituents are unhappy—but mine (the big banks) are happy."

This is why you now have the spectacle of big banks with heavy foreign loan portfolios, such as New York's Citibank and Chemical Bank, buying up troubled savings and loan institutions in Ohio. Supported by Mr. Volcker's policies at the Fed, they have been able to avoid paying for their lending mistakes of the past and are in a position to gobble up domestic institutions that have been getting deeper into trouble—at least partly as a result of the same policies.

Bankers all over the country know what's going on, but they are afraid to speak up. The Federal Reserve is not only their potential savior but their full-time regulator. This is why, whenever members of Congress try to speak out against the Fed, they invariably hear from the bankers in their districts, telling them to "cool it." This is also why the staffs of both the House and Senate Banking Committees are dominated by the Fed's unelected bureaucracy, which has become the most powerful—and least accountable—influence over economic policy in the nation.

For this reason, Vice-Chairman Preston Martin's decision to challenge the lock-grip over Fed policy by the big New York banks is welcome, even if it may be politically foolhardy in terms of his own future ambitions to succeed Mr. Volcker. Mr. Martin knows that unless we break the present debt-management crisis cycle, the U.S. economy is going to suffer from the Fed's loyalty to the big Eastern banks. If he can find a way to get his case directly to the American people, he would have to be considered a worthy successor to Mr. Volcker.

The Fed vs. Segernomics

The other day, the Senate, by unanimous voice vote, finally confirmed Michigan's own Martha Seger to join the Federal Reserve Board of Governors. Ms. Seger's nomination had been held up since last August by, among others, Michigan's Donald Riegle Jr., a member of the Senate Banking Committee. Sen. Riegle's stated objections to Ms. Seger concerned her lack of experience, but we suspect that it had more to do with her perceived economic views.

While her confirmation was still pending, Ms. Seger was quoted as saying she saw no reason why the Fed could not afford to accommodate more growth, say 5 percent a year or more, without risking renewed inflation. When she made those remarks, the Fed had just succeeded in bringing the strongest recovery since World War II to a screeching halt by effectively shutting down monetary growth from April on—with the nation's money supply (M-1) showing no growth at all from May through early November.

Professor David Fand, a nationally recognized authority on monetary matters who teaches economics at Wayne State University, asserts that "had the recovery not been so very powerful, the Fed's action would surely have given us a full-blown recession." Only now is the economy showing some signs of resuming the recovery that began in 1983.

Fed Chairman Paul Volcker defended his policy as a part of his continuing battle against inflation. When he was assiduously driving both interest rates and the dollar up in the spring of 1984, however, commodity prices were actually falling at a 20 percent annual rate; and unit labor costs were falling 1.7 percent. So there was no indication of any inflationary dangers on the horizon. Indeed, the strong real productivity growth we had going then has always been essential to curing inflation—as Martha Seger has been quietly attempting to point out.

Unfortunately, the Federal Reserve bureaucracy does not see it that way. It argues that the U.S. economy cannot grow faster than 3 percent a year without risking higher inflation. The Fed's job, as many of these folks see it, is to hold economic growth down to the 3 percent track by keeping a tight rein on the money supply.

There are two very serious problems with this analysis. First, economic growth doesn't necessarily bring inflation in its wake. Japan, for example, has long had rapid rates of real growth of 4 percent to 8 percent a year, and modest 2 percent to 4 percent rates of inflation. Conversely, we have the spectacle of tight-money Great Britain, where inflation is now back up to 7 percent, even with 13 percent unemployment and less than 2 percent growth.

Second, and more important: The Fed never has shown any capacity to "fine-tune" economic growth. Over the 16 years since we effectively abandoned the Bretton Woods International Monetary Agreement (by abandoning the gold pool price supports), the U.S. economy has been on a roller coaster ride, with monetary policy swinging wildly from being too loose to too tight. Painful inflation has been followed by even more painful recessions, and interest rates have ratcheted upward to ever more usurious levels. The auto industry has been among the worst hit by these disastrous swings.

The best proof that the Federal Reserve doesn't know how to manage the nation's economy, or even its credit markets, is the fact that at this moment, while producer prices are rising at a scant 1.1 percent (year over year) rate, the prime rate is still 10 percent, and mortgage rates stand at 12 percent.

By contrast, back in 1965, when the Bretton Woods Agreement was still in effect, the prime rate was 4.5 percent and new home mortgages were 5.8 percent (yes, 5.8), even though producer inflation was two points higher than it is today. So we are now paying a premium of at least three percentage points in the short rates, and as much as seven points in the long rates, to have the Federal Reserve "fine-tune" our nation's economy.

Some 50 of the nation's most serious macro-economists, in a conference last August at Dartmouth College, agreed almost unanimously (the sole exception was the Fed's own economist) that we can no longer afford to allow the Fed the luxury of "discretionary monetary policy" (fine-tuning), and that the time was overdue to reinstitute some kind of monetary rule to govern our credit and banking system.

Understandably, neither the Fed nor its dominant "constitutents," the big 20 banks, like the idea of such a rule, which might hamper their ability to manipulate our fiat (paper) money system to their own advantage, power, and profit. But it is precisely that fiat system, under which money has no link to real value (as in gold, silver, or commodities), that results in excessive interest rates. It won't be reformed as long as the Federal Reserve runs the economy, and dominates the Senate and House Banking committees, as it now does.

Paul Volcker was reappointed Fed Chairman in 1983 over stiff opposition, including that of then-Treasury Secretary Donald Regan, because he got Senate Banking Chairman Jake Garn, R-Utah, to put irresistible pressure on the White House to give Mr. Volcker another term in office. It was Sen. Garn, quietly encouraged by Mr. Volcker, who agreed to let Ms. Seger dangle in the wind for 10 months until her views "moderated."

Frankly, we like Segernomics and growth a whole lot better than the Volckernomics of crisis management and stagflation, and we hope the administration is finally prepared to choose a better path. It may have this opportunity soon.

AFTER VOLCKER—WHAT?

When Federal Reserve Board Chairman Paul Volcker was appointed to his second term in 1983, he pointedly remarked that he thought the president should be free to name a new Fed chairman within a year after the new presidential term began. He has repeated this suggestion both publicly and privately, so speculation has already begun as to whom President Reagan will appoint to succeed him. It's one of the most crucial decisions the president will make.

Close observers argue that Mr. Volcker is the kind of hardheaded Washington politician who is likely to make the "price" of his early departure the naming of his protege, New York Federal Reserve President E. Gerald "Gerry" Corrigan, as his successor. They suggest that this is why the chairman recently came down so hard on his vice-chairman, Preston Martin, a Reagan appointee, when Mr. Martin spoke out about the international debt problem.

Mr. Volcker groomed Mr. Corrigan while the latter was at the Minneapolis Fed and promoted him last year to the prestigious New York Fed post—the same post Mr. Volcker held before his own elevation by President Carter in 1979.

The White House should think carefully about this kind of "career succession." The ascension of Mr. Corrigan could signal that President Reagan has sold out—both on his original campaign agenda of monetary reform and his commitment to economic growth. It also might waste Mr. Reagan's last opportunity to seize full control of U.S. economic policy and give his supply-side theories a real opportunity to prove themselves.

Few disagree that inflation, at its root, is too much money chasing too few goods. In fighting it, you have two options: Clamp down hard on credit demand—that is, reduce the amount of money—or increase the supply of goods while making sure that the money supply does not grow too rapidly. In the summer and fall of 1981, Chairman Volcker chose the first option, even as the administration was trying to implement the second through its tax cut program. Mr. Volcker cut money supply growth, from the thunderous 15-18 percent annualized rates that he had allowed during most of the 1980 election season, to less than 3 percent by the fall of 1981. That move hurled the nation into a deep recession long before a single tax was actually cut.

The Fed continued this tight credit lid so far into the recession that it precipitated the international debt crisis of August 1982. This crisis finally forced Mr. Volcker to relent and go to the opposite extreme—pushing money growth back up to 17 percent annualized rates from September 1982 to April 1983.

This crisis management approach produced two more cycles of what one administration economist called "economic terrorism." The Fed's approach to monetary growth swung wildly from loose controls to tight restrictions in 1983 and 1984.

It's little wonder that international speculators and investors are more preoccupied with what Mr. Volcker, the "crisis manager," will do next than with what's happening in the real economy. For example, even though interest rates have been forced down (by weakness in the economy, not by the Federal Reserve) by more than three percentage points since last September, the dollar has risen another 14 percent. Speculators have learned, to their profit and our malaise, that every time the U.S. economy has gotten stronger, the Federal Reserve has immediately jammed on the credit brakes, driving interest rates back up. The speculators are betting it will happen again once lower rates put the economic recovery back on track.

At the heart of the problem is the monetarist notion that the Fed can give consistent value to paper money, which has no intrinsic worth, simply by limiting the money supply. This approach gives fiat (paper) money and its manipulators total control over the economy. It also reverses the proper order of things, making the productive economy the servant and hostage of the monetary system, instead of the other way around.

While monetarism can be said to have "explained" inflation trends quite accurately from 1945 to 1970—with higher inflation invariably following more rapid growth in the money supply above and beyond real output—its ability to diagnose and prescribe action has deteriorated rapidly since 1972, when the United States severed the dollar's final link to gold. Since then, interest rates and inflation have soared, growth and productivity have faltered, and money supply growth rates have lost their once direct (though lagged) connection to price levels—even as more and more power over economic policy has been abdicated to the Fed and Mr. Volcker's "crisis management."

This is why a growing coalition of growth-minded Republicans and Democrats in the House and Senate are now pushing not only to open up Fed policy-making to public view, but for major monetary reform. They have in mind a move back to the kind of price-rule stability we seemed to enjoy under the Bretton Woods Monetary agreement, under which the world's currencies were tied to the dollar at more or less fixed rates—and the dollar was linked to gold.

Exactly what shape such reform should take is open to debate. If President Reagan replaces Mr. Volcker with an establishment clone, however, he will quickly find his options diminished. The Fed bureaucracy, supported by bankers hopeful of currying favor with the powerful Fed chairman, doesn't want any change at all. It might diminish the Fed's power.

What's needed in a successor to Mr. Volcker is somebody without a vested interest in the established order. It should be somebody who can help the president grope his way toward the last—and vitally important—element of the "Reagan Revolution," reform of the monetary system. The war over the Volcker succession has started, and the White House had better start paying close attention.●

REAFFIRMATION FOR FULL EMPLOYMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. RANGEL. Mr. Speaker, one of the most important variables in determining the level of poverty is the unemployment rate. This past week, the U.S. Department of Labor statistics for June showed that the civilian unemployment rate has consistently remained at 7.3 percent since February. There will be no new surges of recovery for our Nation in the forthcoming months and unemployment statistics will remain bleak.

A recent statement on unemployment by the president of the National Urban League, Mr. John Jacob was largely overlooked by the dailies; many did not notice the significance of his early warnings. Mr. Jacob said that the U.S. joblessness rate was "not normal," that the minority unemployment rate, currently at 14 percent, was "disproportionate," and factory jobs were dangerously decreasing and "lags" behind the recent mild economic boom in the service industries.

The Labor Department is correct. Mr. Jacob is correct. Our economy is not creating enough jobs for all those who want to work; the number of people in poverty will increase; largely female and disproportionately black. A change in our labor policies is not only desirable but necessary. Let's put America back to work.

I submit the following article for inclusion in the CONGRESSIONAL RECORD.

UNEMPLOYMENT STILL TOP ISSUE

It is dangerous for the nation to think that the current economic prosperity means there's no unemployment problem anymore. In fact, unemployment is a serious problem that could grow to more than that at the first sign of a cyclical downturn.

And for the Black Americans, whose unemployment rate is stuck at the 16 percent level, doing something about Depression-level unemployment rates is the top priority.

Unfortunately, most Americans wouldn't agree.

They know that overall unemployment is down to the seven percent range, and they are told that seven percent represents "normal" unemployment. There's a dim recognition that minority joblessness is a bit higher, and that some manufacturing regions have high unemployment. But that's about the extent of the general public's perception.

But seven percent isn't "normal." Just a decade or so ago it would have been seen as recession-level unemployment and "normal" was more properly defined at about four percent of the workforce.

Seven percent unemployment translates into about eight million people officially unemployed—and almost as many "unofficially" jobless, since they are willing and able to work but can't find full-time jobs. Blacks are disproportionately among those who are jobless, with rates well over double the white jobless rate.

In considering the unemployment issue, it is important to understand that while the economy is creating an astounding 300,000 jobs every month it is not creating enough jobs to employ all who want to work.

And many of those jobs aren't full-time—they're part-time jobs. The government counts all part-time work, even an hour a week, as a job. So the statistics mask what would otherwise be seen as a serious problem.

Some twenty percent of all U.S. jobs are part-time, and that share of all jobs is rising. Most part-time workers want to work part-time, but some six million do not—they want to work full-time and accept part-time

work because they have no other alternative.

Wages for part-time work are generally lower, and most such positions offer no fringe benefits. In Europe, where part-time work is also very extensive, the lack of fringes isn't as important since there is a fully-developed government social welfare net that includes family allowances, medical care insurance and housing subsidies.

But in the U.S. where social benefits are limited, there is no such compensation for part-time workers. So increasingly, workers are forced into the bottom tier of a two-tier job market. The more fortunate and skilled enjoy full-time jobs and benefits, and an increasing number are consigned to part-time, low-skill, no benefit jobs.

That bottom tier of the job market is also home to the bulk of black workers, who are disportionately found among low-wage occupations, in involuntary part-time positions, and in troubled industries being hit by import competition.

And despite the booming economy, factory employment still lags and Americans are losing traditional opportunities for low and moderate-skill jobs in industry.

Rather than simply assuming there's no unemployment problem, then, it makes more sense to confront the facts and design an approach to creating true full employment—with full-time opportunities for people who traditionally suffer high unemployment, and for those displaced by the permanent downturn in manufacturing.●

HELD HOSTAGE TO HANDGUNS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. MARKEY. Mr. Speaker, I would like to call to the attention of my colleagues an extremely insightful and important article by Dorothea Morefield with regard to gun control legislation.

In the following editorial, Mrs. Morefield elaborates on the horror and the hurt felt by herself and shared by many others who have similarly suffered in the loss of a loved one due to weaknesses in gun control legislation. Last Tuesday the U.S. Senate rejected the pleas of Mrs. Morefield and others like her to strengthen our gun laws. Stronger gun control would serve to save the lives of many innocent victims by placing more stringent requirements on those who seek to own handguns. I urge my colleagues to take the time to read this article before we consider any legislation that would weaken our gun control laws.

HELD HOSTAGE TO HANDGUNS—MY HUSBAND SURVIVED IRAN, BUT MY SON WAS SHOT IN ANNANDALE

(By Dorothea Morefield)

Thirty-nine hostages were released from Beirut. Seven more Americans remain captive. One American is dead. Terrorist attacks continue around the world. Every day, new victims of world violence make the headlines of our papers and lead the evening newscasts.

My husband, Richard, was one of the 53 American hostages held in Iran for 444 days, so our family more than most American families, can feel the anguish of today's American hostages. But it might surprise you to know that I identify most with the family of Robert Stethem, whose son did not return from Beirut. Because I, too, lost a son in a senseless act of violence.

My son's murder did not make national headlines. Nor do the deaths of some 20,000 other handgun victims each year. But Rich Morefield's story is just as chilling—and just as worthy of national attention.

My 19-year-old son was working part-time in a Roy Rogers restaurant in Annandale. One Friday night he didn't come home from work. That was unlike Rick. He was a happy and responsible young man. He loved his family, told us wherever he was going and never gave us reason to worry.

The next morning, I went to the restaurant and was told by police that my eldest son, my firstborn, had been murdered, shot in the back of the head, executed.

The robber had hidden in the restroom past closing time. He was given all the available cash without resistance but then he herded all four remaining employes (and one of their relatives) into the back freezer and made them all lie face down on the floor. They offered no resistance. But he emptied his handgun into the back of their heads. In case that wasn't enough, he reloaded and did it again. And then a third time.

You may feel anger or pain or grief or horror as you read this. I feel them all as I write it. But if you are to share in my ongoing nightmare, you must feel more.

Close your eyes and put yourself in that freezer with blood and brains and human tissue everywhere and your loving, innocent, caring child lying slaughtered on the floor. Feel the terror he must have felt. And try to understand a death so senseless that it defies understanding.

As uncomfortable as the thoughts may make you, remember how lucky you are. You can put this newspaper down and put Rick Morefield out of your mind.

My husband says of all the drama, excitement, and horror of his 444 days as a hostage held at gunpoint by Iranian terrorists, one moment will be burned forever into his mind long after all else fades. Richard must forever live with the moment that his captors in Tehran, knowing nothing of our son's murder in Virginia, took him to a basement room, blindfolded him, tied his hands, put the cold steel of a handgun against the back of his head and pulled the trigger. The gun was not loaded, It was a scare tactic.

While he was being led to the basement, Richard thought of Rick. Feeling the gun, Richard prayed for Rick, and for us, believing that we would once again suffer the pain of mourning a senseless violent death.

Our hostage story, the story of the Morefields, received a lot of attention. But it is no more tragic than the 50 handgun deaths that occur every day in this country. Fifty Americans killed with handguns every single day of every month of every year.

It's as if the 39 American hostages in Beirut, rather than being freed, were executed en masse. It's as if the same thing happened tomorrow and the next day and the next day and the next. Every day for the rest of our lives.

The irony is striking. Richard Morefield Sr. survived 444 days as a hostage of terrorists loyal to a madman in a land of incredible violence. Richard Morefield Jr. did not survive the handgun of a single robber in a family restaurant here at home in this land of peace and liberty.

Despite public pleadings, Congress has refused to do anything about America's handgun terrorism. While we focus our national attention on world terrorism, we ignore our domestic plight: 20,000 Americans killed every year with handguns.

In the horror surrounding the Beirut hostage crisis, our politicans are missing a valuable lesson. We must stop violence wherever it occurs. And yet last Tuesday, the United States Senate voted, not to strengthen America's handgun laws, but to weaken what few federal laws exist to keep handguns out of the wrong hands.

The National Rifle Association-backed McClure Gun Decontrol Bill (S. 49) seeks to repeal much of the 1968 Gun Control Act, passed after the assassinations of Martin Luther King Jr. and Robert F. Kennedy. Representatives of every major law-enforcement organization in America came to Washington to ask the Senate to stand up for the police—to vote to strengthen our gun laws. Instead, the Senate rejected the pleas of the law-enforcement community to satisfy the demands of the NRA's Washington lobbyists.

When the U.S. Senate began voting on this bill, I prayed they would remember Rick Morefield and the hundreds of thousands of other Americans who have been killed with handguns. Instead, the Senate mocked my family's tragedy, ignored our police and knuckled under to NRA pressure.

The battle over this bill is far from over. House acton has yet to begin. And our efforts as a nation may yet convince our lawmakers that we must work to keep handguns out of the wrong hands. The hostages in Iran and Beirut reminded us of how hard our nation will work to save precious American lives overseas. It is now left to the U.S. House of Representatives to show that the lives of our citizens here at home are just as important.●

NANCY KORMAN CONTRIBUTES MUCH TO COMMUNITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. FRANK. Mr. Speaker, being an elected official in America today has its good points and its bad points. For the great majority of us, the good points greatly outweigh the bad ones, which is why we not only keep our jobs, but fight hard to do so.

One of the best of the good points is the support we get from some extraordinary individuals who, because of their dedication to a particular view of the public good expend a great deal of their own time, energy, and money on our behalf. I have been especially fortunate during my career to have been the recipient of a great deal of advice and help from a woman whom I admire greatly, Nancy Korman. Her intelligence, her dedication to various good causes, her organization skills, her sense of humor, and her political insight make her an invaluable citizen. An excellent example of her insight recently appeared in a column she wrote for the Boston Herald on the in-

excusable sexism that still operates to keep women off corporate boards.

And I was very pleased to read recently in the Jewish Advocate of Boston an article which gives some sense of the quality of this remarkable person and I ask that both articles be printed here.

OLD BOY NETWORK LIVES

(By Nancy Korman)

I have a mission. It is my personal crusade. Before I die I would like to see women well represented on America's corporate boards. As of now, there are occasional women board members; however, despite our presence in the general population, we are not often found in those very meeting places where serious business decisions are made.

Women shop, but they are not on the corporate boards of large retail operations.

Women are regularly involved with food products, yet they do not participate in any of the decisions that food companies make. Women do have something relevant to contribute. Women are sensitive and aware of marketing strategies, corporate images and public relations. They can make decisions that will lead to improved products and increased sales.

Corporate America is run by men who firmly believe that only members of the old boy network have anything of value to offer. Chief executive officers will tell you exactly what they want in a corporate board member. Most men don't want anyone who resembles a female.

Those in charge of selection or nomination never say anything like, "I don't want a woman!" Rather, they coolly declare that they will only consider a chief executive officer with 25 years of line experience and an advanced degree in financial planning.

When women do qualify on paper, other barricades are quickly put in their way. It is a vicious cycle that is rarely broken.

Wouldn't some corporation appreciate a woman who, despite family pressure and very little financing, successfully created a consulting firm that is alive and prosperous after 15 years? Isn't there something valuable about the unique experience of women who have worked against the tide and against the odds? Women, who have been the cutting edge of the women's movement, have leadership and extraordinary courage. They have prospered despite the absence of role models or on-going encouragement.

Aren't the qualities of courage, tenacity and spunk as American as apple pie? What about the women who work at serious jobs all day long and then come home and function as charming wives, negotiators and mothers? How many men are gracious hosts, nurturing partners and caring parents after a long day of heavy competition? Doesn't such flexibility say something about the unique qualities of professional women?

I have approached corporate presidents at dinners where the subject of the evening was prejudice or, perhaps, civil rights. Despite the kindly atmosphere, corporate giants still run away, at least mentally, when I mention the composition of their corporate boards.

I have been to dinners to recall the Holocaust, to remember Cambodia and to promote nuclear disarmament. Yet even in such a tender and humane environment, no one wants to hear about the rights of women right here at home.

A WOMAN'S PLACE IS IN THE COMMUNITY

(By Gladys Damon)

Nancy Korman, 43, has been making influential friends since she first arrived in Boston in 1968. One of the 'new breed' of local Jewish women activists, the ex-New Yorker is highly visible, and audible, at many of the Hub's political and social events, most notably those which coincide with the Jewish agenda.

In an interview with the *The Advocate*, at her Newton home, where she and a partner have operated their public-relations and fund-raising organization, 760 Associates, since 1970, Korman described her passionate devotion to her "outside activities."

"I am absolutely self-directed and have always been active in Jewish organizations," states Korman who counts as one of her special triumphs a trip to Israel which she organized in 1976, when Cong. Barney Frank and State Sen. Jack Backman both visited that country for the first time.

"There is," she asserts, "a natural connection between Judaism, politics and the woman's movement . . . . Each nurtures the other." The days of the 'old boys network' in Jewish organizations, according to Korman, are over.

"I think women's issues clearly have had an impact on the major Jewish organizations. We are taking leadership roles within the organizations and bringing women's issues along with us. It's a package deal!"

Illustrative of this new trend is the recently-organized Career Women's Division of the Combined Jewish Philanthropies, whose leaders include Devra Lasen of the Beacon Companies, attorney Ann-Louise Levine, development specialist Myrna Schultz and Provident Institution for Savings senior vice-president Linda Lerner.

Other local Jewish women who have seized leadership positions in Greater Boston communal life include Rae Ginsburg, president of the Jewish Community Relations Council; Alexandra Moses, past president of American Jewish Congress and Naomi Banks, chairwoman of the Greater Boston Chapter of the American Jewish Committee.

"We are recapturing women who would have been lost to the Jewish organizations because we are programming our meetings with an eye on the schedules and interests of professional women," Korman states. "We are giving them substance and challenge, within a framework that is suitable to the working woman."

Frequently, Korman has donated her organizational energies to political candidates. "All the candidates I support have had a good position on Israel. My litmus test for candidates includes three criteria: support for Israel, women's issues and social issues," she says.

After arriving here in 1968, she was a volunteer for Sen. Eugene McCarthy, then-candidate for the presidency. She also worked with Jerome Grossman, through Americans for Democratic Action, where she was a board member, on behalf of Robert F. Drinan's congressional campaign. Others she supported include Congressman Barney Frank and Senators Ted Kennedy and John F. Kerry.

Transferring her talent for public speaking to the Jewish community, Korman is now a frequent guest at temple sisterhoods, speaking on her favorite topic, Jewish women's perspective on politics.

"Since 1962, I have been a fierce Zionist," she says, attributing her dedication to Israel to a year-long stay at Kibbutz Hazorea.

Korman currently serves on the steering committee of the CJP Career Women's Division; as board member of the Israel Oceanic Institute for the past 10 years; and pro-bono consultant to the American Jewish Committee. She has been a member of Temple Shalom, Newton, since 1970, where her two sons, William, 15 and Ben, 12, attend religious school.

Korman is also recently remarried. Her husband, Richard Glovsky, is chairman of Newton's Human Rights Commission and also active in Jewish communal affairs.

It was no surprise, she says, that she married an "activist Jewish lawyer."

"I think one's social conscience can only be activated through politics," Korman concludes, "and my social conscience is closely bonded to Judaism." ●

AVOID OVERRELIANCE ON ICBM'S

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. JONES of Oklahoma. Mr. Speaker, before we brought the fiscal year 1986 Defense authorization bill to the floor, I questioned the wisdom of committing ourselves to the Stealth bomber, sight unseen. I am pleased the gentleman from Oklahoma [Mr. SYNAR] successfully amended that bill to require the Secretary of Defense to tell us just how much the Stealth bomber will cost. Commonsense is not as rare as sometimes it may seem.

I was also encouraged by the action taken by the Armed Services Committee to initiate a new DOD review of our bomber requirements. As I understand the committee report, the Department is to take a new look at the original 1981 study which called for 100 B-1 bombers and about 132 Stealth bombers. I supported the comments of the gentleman from New York [Mr. STRATTON] when he said in floor debate that if the new study calls for a higher number of B-1 bombers, then the study group should feel free to make that recommendation, provided it is supported with a solid justification.

In this vein, I want to bring to my colleagues' attention the comments of a noted authority on the issue of our strategic bomber force. Mr. Jeffrey Record, formerly a defense aide to Senator SAM NUNN of Georgia and now a professor at Georgetown University, warns in the Wall Street Journal that we must look again at the manned bomber. In his article "Avoid Overreliance on ICBM's," Mr. Record points out that we shall probably see a resurgence of the manned bomber, and that ICBM's will fade in importance as a nuclear deterrent.

I commend Mr. Record's provocative article to your attention.

[From the Wall Street Journal, July 10, 1985]

AVOID OVERRELIANCE ON ICBM'S

(By Jeffrey Record)

Beneath the controversy over the MX Missile and President Reagan's "Star Wars" plan to defend the U.S. against ballistic missile attack lies a profound but little-recognized change now under way in the nuclear arms race. Both technology and politics seem to be combining to shift much of the burden of deterring nuclear war away from the ballistic missile and back toward the manned bomber. Once believed a weapon that would make the bomber obsolete, the intercontinental ballistic missile (ICBM) today faces several challenges that call into serious question the wisdom of continued reliance upon it as the mainstay of nuclear deterrence.

Technological challenges include the emergence of ground- and space-based defenses capable of shooting down ICBMs in flight, a task once thought to be impossible. To be sure, such defenses offer no real prospect of protecting entire populations against saturation attacks directed against cities. Even critics of Star Wars, however, concede that present and obtainable anti-ballistic missile (ABM) defenses, if deployed around U.S. ICBM bases and other critical military installations, could defeat a Soviet first strike designed to knock out U.S. retaliatory forces.

SOLUTIONS ARE OBVIOUS

It is of course much easier to destroy ICBMs before they are launched than after they are in flight, and it is the issue of so-called pre-launch survivability that for years has cast the most doubt on the durability of ICBMs' deterrent value. Missiles based in stationary silos, as are all U.S. and most Soviet land-based ICBMs, can be quickly destroyed by other missiles. The accuracy of modern, multiple-warhead ICBMs makes them their own worst enemy as long as their location is known and they remain motionless.

Solutions to this problem are obvious. ICBMs could be placed on vehicles of one kind or another and kept in constant motion, thereby making it impossible for an attacker to determine their precise location at any given moment. Alternatively, ABM defenses could be erected around present ICBM fields. Or, the numbers of U.S. and Soviet ICBMs and their warheads could be negotiated down to levels that would deny either side the capacity to launch a disarming first strike.

But it is here that politics have intervened. Try as it has for over 15 years, the U.S. has failed to obtain an arms-control agreement effectively limiting the size of a potential Soviet nuclear strike; indeed, notwithstanding the SALT I and SALT II treaties, the Soviets have added thousands of new and increasingly accurate warheads to their ICBM force and are now beginning to deploy mobile land-based ICBMs. Moreover, in agreeing to the 1972 ABM treaty, the U.S. denied itself the option of deploying a comprehensive anti-ballistic missile system; and while some Reagan administration officials favor abandoning or renegotiating that treaty, an attempt to do so would elicit strong protest from Congress and among North Atlantic Treaty Organization allies.

Worse still has been the failure of the U.S., exemplified by the history of the MX, to muster the political courage to deploy its land-based ICBMs in a mobile mode. The original MX program called for placing 200 of the missiles in a "race track" system that would keep them continuously shuttling among 4,000 launch sites, many of them fake. But the Reagan administration, caving in to strong opposition from those Western states where the MX was to be deployed, stripped the program of much of its deterrent value by cutting the number of missiles to 100 and deciding to stick them in vulnerable existing silos. A disillusioned Congress is now in the process of slashing the program to 50 missiles.

Nor is there reason to believe that the Midgetman, a small, single-warhead mobile missile intended for deployment in large numbers in the 1990s, will escape the fate of the MX. Hailed by many as the ultimate fix for the problem of land-based vulnerability, the Midgetman by no means enjoys a secure future. The political, environmental and budgetary hurdles that have blocked all but a token depoyment of MXs are likely to prove more than sufficient to gut a program calling for deployment of 500 to 1,000 Midgetmans; many legistators who now favor the Midgetman as an argument against the MX will undoubtedly find reasons to vote down the Midgetman too.

All this suggests a dim future for at least one "leg" of the U.S. strategic triad of land-based missiles, submarine-launched ballistic missiles (SLBMs) and manned bombers. But the submarine missile "leg" also faces a number of problems. Leaving aside whatever damage the Walker family of spies may have wreaked upon submarine operational procedures, SLBMs (including the much heralded Trident II missile) lack the precision and reliability of the most accurate land-based missiles; and the difficulty of communicating with submarines under water could impede their command and control in time of crisis or war. Also, it is not unreasonable to presume that the Soviet Union will eventually develop a means of detecting U.S. submarines, thereby compromising their deterrent value.

This leaves the manned bomber. Bombers possess several innate advantages over ballistic missiles. Bombers are recallable, reusable and impervious to "Star Wars" defenses. They can also be employed for tasks other than simply "nuking" the Soviet Union; bombers can and have been used in naval and anti-shipping roles, for surveillance and of course to deliver non-nuclear bombing attacks on adversaries other than the Soviet Union. In this regard they are far more pertinent than nuclear missiles to the more likely military threats confronting the U.S.

Even as instruments of nuclear deterrence and objects of arms control, bombers are unique. Their comparatively slow speed precludes their use as first-strike weapons, and it is for this reason that bombers are regarded by supporters and opponents of arms control alike as a stabilizing element in an otherwise increasingly less stable nuclear balance. Conversely, the ability of modern bombers to "scramble" quickly from their bases and then to stay aloft for hours (and even days with in-flight refueling) makes them difficult to destroy in a first strike.

New technologies have moreover endowed bombers with an expanded ability to penetrate even the toughest air defenses. Complementing new air-launched suppressive weapons are the so-called "stealth" technologies, which promise to make bombers virtually invisible to radar. Consisting in part of radical innovations in aircraft design and of novel materials that absorb rather than reflect radar beams, these technologies already have been substantially incorporated in the B-1B bomber (not to be confused with the B-1A canceled by President Carter) and are slated for comprehensive application in the follow-on stealth bomber.

Thus, at a time when technology and politics are conspiring against the ICBM, they appear to be giving the manned bomber a new lease on life.

EGGS IN ONE BASKET

This judgment should not be overdrawn. It would be dangerous to place all of one's nuclear eggs in a single basket, and ballistic missiles are for the rest of the century likely to remain the paramount means of delivering intercontinental nuclear warheads. This is especially true for the Soviet Union, which has invested far more heavily in ICBMs than the U.S. has, and which brooks no domestic or allied political opposition to its military decisions.

For the U.S., however, a reassessment of its current strategic nuclear force modernization program may be in order. That program currently includes the needed development and production of 232 new bombers (100 B-1Bs and 132 stealths) as replacements for the aging B-52s, many of which are now older than the pilots who fly them. But current policy focuses primarily on the acquisition of up to 1,530 new ballistic missiles (50 MXs, 500 to 1,000 Midgetmans and 480 Trident II SLBMs). Given the problems facing the U.S. ballistic missile force and the manned bomber's greater operational flexibility and political attractiveness, a combination of more bombers—the original B-1 program called for 244 aircraft, not 100—and fewer missiles might better promote deterrence of nuclear war.●

DIVESTMENT IN SOUTH AFRICA: THE MORALITY OF BUSINESS AS USUAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. RANGEL. Mr. Speaker, the question of divestment has been debated extensively in academic, business, and political circles. This debate has essentially taken two paths: The moral argument and the economic argument.

Underlying each argument is the question of what the practical consequences would be in South Africa if American companies were to divest. Those who use the economic argument cite the possibility of black unemployment as a rationale against divestment. They posit that an American presence will influence Pretoria to end apartheid by example.

I do not agree with this position, Mr. Speaker, because it ignores the moral stigma that attaches simply by doing business with apartheid. It seems to assume that business is business, and that no linkage exists between the immortality of racial repression and laissez faire investment. This is a dangerous proposition, one that will only encourage Pretoria.

I would like to submit the following article for inclusion in the CONGRES-

SIONAL RECORD. I do so in the hope that American companies will inject an element of morality into their boardroom discussions.

[From the Wall Street Journal, July 8, 1985]

SOUTH AFRICA AND A SYMBOL'S STRENGTH

(By Donald W. Shriver Jr.)

"Business people like to say that the 'bottom line' determines their decisions," remarked an Atlanta businessman to me some years ago. "But in the end they decide a lot of things by asking, 'Is it right or wrong?' Only they don't want to admit that they think that way."

I know one man who is willing to admit it privately, the chief executive officer of a major U.S. company. Not long ago his company was a leading candidate for a contract to build a new South African manufacturing plant that would provide for governmental needs. The officers of the company decided not to submit a bid on the contract. Why? "Because," said the chief executive, "it would have contradicted the character of our company—what we have long tried to teach our employees to stand for. We would have been directly supporting apartheid."

The plant is now being built by a West German firm. Does this make the U.S. company's action a powerful symbol or a useless gesture?

To phrase the question this way is to suggest an age-old conflict over how humans should define the "moral" element in their behavior. The issue is: Are we most moral when we do good, get results, achieve our purposes? Or when we act rightly, perform an obligation, observe a principle?

The issue is profoundly relevant to the debate now going on over divestment of stock in companies doing business in South Africa. Virtually all American parties to the debate agree that apartheid is a moral abomination. The bottom-line theory moves from this agreement to ask, "What is the most effective means to the abolition of apartheid?"

For 15 years some of us have issued stockholder resolutions and more recently have supported the Sullivan Principles in the hope that various forms of workplace desegregation would help undermine politically enforced racial injustice in South Africa. But apartheid remains, an insult to pragmatic activists who see 15 years as a long time. Some are now wondering if more law-breaking by corporations—allowing the families of workers to live with them in restricted zones or hiring blacks for whites-only jobs—in South Africa might pull the linchpin on the system, an argument for continuing a certain kind of corporate presence there. Meantime, the revolutionary radicals scorn this attempt to overthrow colossal political evil by pygmy economic nibbling. Violence, they say, is the only means to real change in South Africa.

What all these shades of strategic opinion have in common is their means-ends way of reasoning, their utilitarianism. The longer they wrestle with the intransigence of South Africa, the more likely they will stumble at the limits of utility as a guide to human behavior in complex circumstances. How do we act when the desired results are indefinitely delayed? When they remain unpredictable? Or when unanticipated consequences of present action contradict and actually hinder achievement of a goal?

At this point the defenders of "right against wrong" step up with apparent deliverance from the murk of utilitarian moral relativism. Little in human life, they say, yields to precise calculation of results. Supremely is it so in politics. Moreover, it demeans the dignity of humans to press their moral consciences into the vise of calculation. If we always have to wait for the jury of results to come in, we may wait for a long time; and we shall not meantime credit ourselves with the ability to do anything right-in-itself.

When they hear such reasoning, the pragmatic opponents of the "moralizers" fall easily into verbal abuse: "Don't you care what actually happens for good and ill in the lives of people? Are you willing to settle for mere symbols?" The counterreply to this is certain: "What is so 'mere' about symbols? Let us raise a standard to which the wise and just may repair! Let us raise an unambiguous cry against the wrong of this thing!"

Argument dissolves as exclamations multiply. My own view is that each side of this argument needs the other. Neither would be well-advised to treat the other as not "really" moral. Neither, in fact, despises principles or results—each assigns a different priority to the two. My guess is that human societies change with the help of both parties to the argument. Politics needs the pragmatists; without them, we might lose some of our energy for the actual elimination of certain evils. Politics needs its "high ground" principles and symbols, too. If not, why would we be spending millions of dollars to repair the Statue of Liberty, and why our recent furious national controversy over the Bitburg cemetery?

I am a person who has shifted camps in a recent debate over divestment on my own campus. I know that neither the presence of American corporations in South Africa nor divestment by their stockholders is likely to shatter apartheid. But the times may be ripe for actions-from-principle in this matter.

Ironically, people who defer to principle over consequences have sometimes done as much as the strategic calculators to change human history. From the Boston Tea Party to Rosa Parks, the symbolraisers have sometimes done more than they anticipated.

Bishop Desmond Tutu says that he first considered becoming a priest the day in his childhood when a white minister doffed his hat to Tutu's mother. Tutu's Nobel Peace Prize was itself a short of world-class hatdoffing to his struggle for change in South Africa. Such symbols, like principles, have power.●

WILLIS CONOVER'S VOA SHOWS: MAKING AMERICA FRIENDS ABROAD

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. COURTER. Mr. Speaker, for the Voice of America, "Telling America's Story Abroad" involves much more than news about politics. One special program, on jazz, attracts an audience of some 100 million, the largest for any regular international broadcast in history.

Willis C. Conover, Jr., is the broadcaster. For three decades he has been so impressing listeners with his selections and commentaries that he is better known abroad then most American statesmen.

Reader's Digest has published an excellent portrait of Mr. Conover, musicologist and unaccredited diplomat. I think my colleagues will enjoy it but, more to the point, they will be quick to see what a fine thing Conover's Voice of America shows are for making friends for America abroad.

THE WORLD'S FAVORITE AMERICAN

(By Lawrence Elliott)

When Willis Conover speaks, 100 million people listen. He touts nothing but music—jazz and popular standards—yet a Latin American diplomat once said he was America's best emissary of good will. He is not a musician, but he has presided over music festivals from Rio de Janeiro to Bombay. He has been credited with inspiring the revival of jazz in the post-Stalin U.S.S.R. Yet when some Soviet youths mentioned his name recently to a visitor from the United States, the response was, "Willis *who?*"

Only an American would need ask; to much of the world he *is* America. For some 30 years, Willis Clark Conover, Jr., an encyclopedia of 20th-century music, has been the incarnation of "Music USA," an eight-times-weekly Voice of America radio program with the largest audience of any continuing international broadcast in history. When his theme, a Duke Ellington recording of Billy Strayhorn's "Take the 'A' Train," comes over the airwaves, shops empty and streets fall silent as jazz buffs congregate around shortwave sets.

Because law forbids the Voice's broadcasting to the United States, only a tight circle of American jazz fans has heard of Conover. Yet two weeks after he invited listeners to form "Friends of Music USA" clubs, 1300 chapters had been organized around the world.

Nowhere does his star burn brighter—especially among young people—than in the nations of the Soviet bloc. For millions in the Communist world, "Music USA" is an integral part of daily life, and their letters to Conover are both touching and revealing. "You are a source of strength when I am overwhelmed by pessimism, my dear idol," wrote one young Russian.

When Conover began working for the Voice he was the *only* link to jazz for most listeners and professional musicians across Eastern Europe. Many secretly recorded his program and mastered techniques from it. One exuberant Russian musician on whom Conover had never laid eyes charged up to him at an Eastern European jazz festival and cried, "Villis! You are my father!"

It is spring 1959, and Conover has just arrived in Poland for his first visit. Through the plane window he sees a cluster of dignitaries at the foot of the ramp, and beyond the police barriers and the airport fence, an immense crowd, obviously waiting for some VIP—maybe Khrushchev, he thinks. But when Conover steps through the open door of the plane, the crowd breaks into a sustained cheer, and it dawns on him: though there has been no official notice of his visit, nothing but some remarks he had made on the air about his itinerary, the crowd is waiting for him!

Last fall, on the 25th anniversary of that first trip, Conover returns to Warsaw. As is the case whenever he visits Poland, he is mobbed by fans, honored by ceremonies. An

American diplomat cables Washington that Conover's reception can be described only as "incredible."

The stature of this 64-year-old urbane professional stems from the fact that he "knows the music," to use the jazz players' ultimate accolade. His formula for the program is to play the best and to confine his commentary to the subject at hand—without the happy-talk patter associated with disc jockeys. He has never considered it his job to sell the world on America or even on jazz. "The music speaks for itself," he says.

Conover sees jazz as a reflection of the American way. Jazz musicians accept the fundamentals of tempo and key, but beyond that they are at liberty to express themselves, improvising as they go. What they play is a musical version of free speech. It mocks authoritarian impluses. For politically repressed listeners, jazz is a heady whiff of freedom, and Willis Conover is its herald.

"I am not trying to overthrow governments," he says. "I am just sending out something wonderfully creative and human. If its makes people living under repressive regimes stand up a little straighter, so be it."

The son of an army officer, Conover attended a dozen different schools before he was 14. In one of them, he acted the part of a radio announcer in a class play, and his life's course was set. In 1939 Conover, then 18, went to work for a small-town radio station, doing news bulletins, man-in-the-street interviews and disc-jockey shows. When he grew bored with the available records, he borrowed from a nearby music store. Before he even knew what jazz was, he selected records of Louis Armstrong, Duke Ellington and Jimmie Lunceford—men whose music touched him in a special way. Moving on to stations in Washington, D.C., he continued to play that music.

After Army service in World War II, Conover began promoting jazz concerts in the Washington area. The city was segregated then, and most musicians were black. But color-blind enthusiasts came to the little clubs where Conover featured jazz giants, black and white—Charlie Parker, Thelonious Monk, Coleman Hawkins, Buddy Rich, Stan Getz. Conover was out to prove that jazz was American's greatest contribution to 20th-century music, and in the process he helped desegregate the nation's capital.

In 1954, Conover heard that the Voice of America was looking for someone to conduct a jazz program, and he applied. After the first broadcast of "Music USA" on January 6, 1955, there were critics. Some members of Congress cited constituents' complaints that exporting jazz was flaunting a deformation of American culture and was a waste of tax dollars. But Conover, who produces his programs under contract and has never become a government employee, had won a promise that no one was ever going to tell him not to play that kind of record. "If you don't like what I've done," he simply told his bosses, "don't renew my contract." Thirty renewals later, "Music USA" is the Voice's headline attraction, and Conover has received glowing tributes from U.S. Congressmen and Presidents.

It is April 29, 1969, Duke Ellington's 70th birthday, and Conover has arranged a glittering black-tie dinner for 140 at the White House. After Ellington is presented with the Presidential Medal of Freedom, America's highest civilian award, President Nixon asks emcee Conover, "What do we do now?" With so many of the world's most eminent jazzmen assembled, Conover says a jam session might be appropriate. "Mr. Conover says we're going to have a jam session," Nixon announces, then goes off to bed. But the wail of horns and the pounding of drums go on until 2:30 a.m.

The man who is better known abroad than the American Secretary of State likes his anonymity at home. He just shows up at VOA every working day, often carrying a stack of tapes and records. Everything he plays on the air comes from his own collection—which numbers some 60,000 items.

To Conover, each jazz program is an entity that relates to the one before and the one following. And each has a central idea, mood and structure. "It's the same process a composer follows in developing a symphony," he says. "There has to be a theme, variations movement toward a climax." He laughs at the apparent presumption. "Maybe it's more like a recipe—if the cook knows what he's doing, what comes out of the stove should taste better than any single ingredient."

His contribution is the difference between a disc jockey, a designation he despises, and a scholar of contemporary music, which is what he is. His remarks on the music and its performers are offered with the authority of a man who has spent a lifetime studying music and being friends with the ranking jazz musicians of our time.

It is the summer of 1982, and Conover is in Moscow, accompanying touring jazz musicians. They bring the first live American music to the U.S.S.R. since the onset of the East-West freeze more than three years before, and though their arrival goes unreported in the Soviet press, 500 people elbow their way into a 400-seat auditorium to hear them play.

Conover steps to the microphone to introduce the musicians. He gets as far as "Good evening" before the crowd erupts into cheers. One Muscovite reaches up to kiss his hand and says, "If there is a god of jazz, it is you."

Conover is a complex personality with strong convictions. The more he travels abroad the more intensely American he feels. He believes, with Winston Churchill, that democracy is the worst possible form of government—except for all the others. Of communism he says succinctly, "I have seen it not work."

Asked if there will ever be rock music on "Music USA," he replies, "Right now rock is an adolescent fertility rite, a panting attempt to be honest. Music should express some feelings that go beyond lust and saving the whales." (Rock is featured on other VOA programs.)

Why, with his love of music, hasn't he learned to play an instrument? "I've heard too much good music," he says with a grin. "I couldn't stand to practice for years and years knowing I'd never be better than mediocre."

So for three decades now, the good music he has heard has been passed on, along with his mellifluous commentaries, penetrating the night around the world.

"The world changes," a listener once wrote. "Leaders die, governments fall, but every night you turn on the radio and there's Willis. Thank God!"●

A TRIBUTE TO DISNEYLAND

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. DORNAN of California. Mr. Speaker, I rise to pay tribute to Disneyland on the occasion of its 30th anniversary which will be on Wednesday, July 17.

America has seen many changes since Disneyland first opened its doors back in 1955. Cultural phenomenons have come and gone; progress in the sciences has dulled our imaginations; and we have suffered a divisive war in a far off land that made many question the very value system upon which our great Nation was founded. Through it all, however, Disneyland never lost its lustre nor its relevance.

It has been, and remains, a place where one can leave the problems of everyday modern life behind and escape into a world inhabited by delightful characters, such as Mickey Mouse and Donald Duck, who have never entertained a mean or an unworthy thought. It is a special place that is uniquely American.

When Walt Disney first decided to build Disneyland, little did he know that his creation would become an integral part of the American experience. Each year millions of people from all over the world stream through the gates at Disneyland. When they leave, they feel a little better about themselves and about their fellow man. If we have had a better goodwill ambassador than Disneyland the past 30 years, I would like to know who it is.

Disneyland has also led the way in promoting family values and has taught youngsters countless important civic and moral lessons that they are apt to remember throughout their life. After all, when Mickey talks, youngsters listen.

I am proud to represent Disneyland in Congress and am proud to be able to say that I am attending the 30th anniversary of this great American institution.

Thirty years ago at the grand opening, there was a gentleman who participated in the Disneyland ceremonies who later became somewhat famous in his own right. I am speaking, of course, about our President, Ronald Reagan.

I am sure I speak for countless Americans when I wish Disneyland continued success and continued growth. It is a shining example of the values that made our country great and I urge my colleagues, indeed all Americans, to visit the park this year for an experience they will never forget.●

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

The House in Committee of the Whole House on the State of Union had under consideration the bill (H.R. 1555) to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes.

● Mr. ARMEY. Mr. Speaker, I rise in strong support of Congressman LOWERY's effort to condemn the ruthless and uncaring manner in which Chairman Mengistu has dealt with the famine crisis in Ethiopia.

The death and suffering taking place in Africa is shocking, and the United States must act immediately to counter the brutal effects of the famine. While I strongly support the appropriation of immediate United States assistance to drought stricken countries throughout Africa, I believe we must do all we can to prevent the use of U.S. funds to help Chairman Mengistu consolidate his totalitarian regime in Ethiopia. Mengistu has been systematically using the famine to destroy his political opposition by depopulating areas in which they operate.

Presently, the main problem in Africa is not a shortage of food, but difficulties in transporting food and supplies to those who need it. This is due to the lack of cooperation evidenced by the Ethiopian Government, and their unwillingness to allow Americans to take charge and distribute the aid. I'm afraid this problem is out of my hands. Let us hope that the Ethiopian people will see the ruthless and uncaring nature of the Mengistu regime and replace it with a more representative government.

However, until they are able to do so, we must voice our protest against Chairman Mengistu and his ruling party called the Dergue. Currently in Ethiopia, 3 million people are in danger of immediate starvation, 7.8 million suffer malnutrition, and an additional 10 to 20 million are in serious danger of starvation. I find it amazing that all of this suffering is occurring in a country with a total population of 43 million.

While the famine rages, Mengistu and his Dergue continue to spend millions of dollars on luxurious perks for the ruling clique. Recently, the Government of Ethiopia spent $100 million on a one-week celebration of its Marxist revolution. Included in the tab was over $1 million for imported scotch and wines, and $5 million for a new statue of Lenin. Such wanton spending in the face of the famine crisis is criminal.

But, the Ethiopian Government has done more than simply ignore the crisis by spending millions on alcohol, parties, and statues. There is proof that on at least two occasions, Ethiopian authorities have stopped and confiscated food and medical supplies destined for Eritrea, an area of strong political opposition. There are also several independent reports from private voluntary organizations and at least one State Department report which confirms the bombing of lines of refugees, crops, and farm animals by forces supported by the Ethiopian Government.

Mengistu has also ordered several measures, such as $12 per ton service charge, which further delay the distribution of the much needed aid. All of these actions either directly or indirectly negatively affect the chances of aid getting to those who need it. Mengistu and his government are not guilty of bringing on the drought, but they are criminally guilty of exacerbating its disastrous effects.

Therefore, I rise in strong support of Congressman LOWERY's amendment to condemn Chairman Mengistu and his corrupt government for failure to deal with the present famine crisis. I believe that Communist agricultural policies are inherently inefficient and provide no incentive for production. These agricultural policies condemn developing nations to chronic food shortages and perpetual dependence on other nations for food. But the actions of Chairman Mengistu are more than mistaken; they are malicious. His actions, and inactions, in dealing with the famine crisis in Ethiopia have been nothing short of criminal.

I urge the adoption of the amendment. ●

KANSAS CITY FESTIVAL HONORS FIVE

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. WHEAT. Mr. Speaker, Kansas City staged its annual Spirit Festival during the Independence Day holiday weekend. The Spirit Festival has become Kansas City's celebration of itself, a 3-day carnival of music, food, and fun for all of the city to enjoy. Staged on the spacious grounds of the Liberty Memorial, thousands of people are able to experience the pleasures that are America—jazz and country music, hot dogs and barbecue, games and fireworks. This year, more than 750,000 people came out to celebrate Kansas City Spirit.

During the festivities, time was taken to honor some citizens who have made significant contributions to Kansas City. Five residents of Kansas City received Spirit Awards for helping to improve life in the city. All of them, Mr. William H. Dunn, Mrs. Marie Evans, Mr. Paul Henson, Dr. Patricia McIlrath, and Mr. Willie Arthur Smith, in their own special and unique ways, have improved the quality of life for the residents of Kansas City and have truly defined the meaning of community spirit.

Mr. William H. Dunn is president and chairman of the board of J.E. Dunn Construction Co. In his 10 years in that capacity, Mr. Dunn has epitomized the stable, yet innovative, leadership needed to nurture growth in Kansas City. Recognized by the community as an outstanding individual, Mr. Dunn was selected Mr. Kansas City of 1982 by the Greater Kansas City Chamber of Commerce for his civic contributions.

The rich cultural traditions of a city often can be found in the area's artistic displays. Marie Evans has been a guiding force behind the city's arts events as founder and producer of the Kansas City Renaissance Festival. She has also volunteered her time and energy on behalf of the Symphony Orchestra, the Nelson-Atkins Museum, Lyric Opera, the Kansas City Art Institute, and the Minute Circle Friendly House. Her efforts in promoting and preserving the artistic traditions of Kansas City deserve recognition.

Chairman of United Telecommunications, Inc., Mr. Paul Henson is constantly devoting his energies to charitable organizations. He has been chairman of the Heart of America United Way Campaign and president of the Heart of America United Way. He serves as a member of President's Reagan's National Security Telecommunications Advisory Committee and just recently resigned as Honorary Consul of Sweden in the Kansas City region. Combining his business talents with an acute sense of community spirit, Mr. Henson is a true leader in our community.

The Missouri Repertory Theater has won both national and international acclaim since its inception in 1964. The creative talents of Dr. Patricia A. McIlrath are largely responsible for the prominence of the Repertory Theater. A native of Kansas City, Ms. McIlrath returned home in 1954 to become head of the UMKC Theater, Speech and Radio Department. She has attracted major philanthropic attention to the Repertory and has had the creative foresight and energy to produce such extravagant successes as "The Life and Adventures of Nicholas Nickleby," "A Christmas Carol" and, most recently, "Peter Pan."

The most vibrant aspect of a city is its young people. Willie Arthur Smith has exemplified a commitment to

Kansas City's youth for the last 15 years that serves as a standard for all of us. As founder and director of "The Marching Cobras," Mr. Smith has helped hundreds of our youths mature into responsible adults. His creative talents and drive have molded "The Marching Cobras" into an award-winning ensemble recognized nationwide, including in Washington, DC, since their performance on the steps of the U.S. Capitol in 1983. More than a social studies teacher or director of "The Marching Cobras," Mr. Smith has been a friend and father figure to many of our city's youth.

Mr. Speaker, our country was forged on the sense of community involvement and spirit, a sense of neighbors helping neighbors, Americans helping Americans. Today, in Kansas City, these five people are continuing that tradition. They deserve our heartfelt gratitude and praise, and in turn, we should try to follow their example.●

SANDINISTA OPPRESSION OF CHURCH IN NICARAGUA CONTINUES UNABATED

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. HYDE. Mr. Speaker, Commandante Ortega and the Sandinista Communist regime he heads continue their oppression of the Nicaraguan Catholic Church. The people of Nicaragua rejoiced recently when Pope John Paul II elevated Archbishop Miguel Obando y Bravo of Managua to the College of Cardinals. The Communist government of Nicaragua, of course, did not share the joy of the Nicaraguan people. The Sandinistas' Marxist ideology does not tolerate the religious beliefs of free minds.

The Sandinista Ministry of Communications has commanded Nicaraguan Catholic Radio to cease broadcasting the cardinal's masses or the Sandinistas will seize the radio station.

In the United States, we enjoy the freedom to worship and the freedom of speech. We must stand with the people of Nicaragua who struggle to gain these freedoms against the dictates of a totalitarian Sandinista government imposed on them by force of arms.

An article in the Washington Times of July 3, 1985, details the Sandinista suppression of broadcasts by Cardinal Obando's masses:

[From the Washington Times, July 3, 1985]

NICARAGUA GAGS CLERIC'S BROADCASTS

MANAGUA, Nicaragua (UPI).—The government renewed a ban yesterday on live radio broadcasts of homilies given by Nicaragua's Catholic cardinal, a long-time critic of the Marxist government.

Six weeks ago, the Interior Ministry lifted its 3-year-old prohibition of Catholic Radio's live broadcasts of Cardinal Miquel Obando y Bravo's homilies.

Nicaragua began press censorship in March 1982, when resistance forces stepped up attacks aimed at overthrowing the Sandinista government.

But Capt. Nelba Cecilia Blandon, director of the ministry's communications office, sent a letter to the radio saying it must stop the broadcasts.

"Because of the state of emergency, live and direct transmissions [of Cardinal Obando y Bravo's homilies] are not permitted."

Radio director the Rev. Bismarck Carballo said Capt. Blandon also warned the radio separately that if it publicized the cardinal's Masses, "I would not only order the closing of Radio Catolica, but that we confiscate it."

Father Carballo said he sent a protest letter to Capt. Blandon over "the abuse of authority and the impudent violation of the fundamental rights of freedom of expression and worship."

In its Monday edition, the official daily Barricada accused Cardinal Obando y Bravo of meeting with "ultra-rightist politicians" last Saturday and of having compared the Sandinista leaders with communists.

The newspaper said he recently called on Catholics "to not let their heads be cut off by Russian communism that with the sickle cuts the head and with the hammer crushes it. Where can the country go with men without heads?"●

ADMINISTRATION RECOMMENDATIONS FOR REFORMING ERISA TITLE VI SINGLE EMPLOYER TERMINATION INSURANCE PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mrs. ROUKEMA. Mr. Speaker, today, Secretary of Labor William Brock, as Chairman of the Pension Benefit Guaranty Corporation, has forwarded to the Congress the legislative recommendations supported by the administration which are designed to close certain loopholes existing under ERISA title IV and to increase the financing of the single-employer termination insurance program.

I am today introducing the legislation containing those recommendations, entitled the Single Employer Pension Plan Amendments Act of 1985, together with my colleague, Mr. JIM JEFFORDS, the ranking member on the Committee on Education and Labor.

The nearly one-half billion-dollar PBGC deficit, which is rapidly rising, makes it clear that the single-employer program needs both additional permium revenue and structural reform. The administration bill would increase to $7.50 per annum the insurance premium paid to the PBGC by single-employer plans and would make substantive changes in the program itself. The premium increase and the reforms are urgently needed for the PBGC to continue to guarantee the financial security of the single-employer insurance program. This bill would also close the door to unwarranted termination claims by allowing only employers that meet a distress test to terminate their underfunded plans and transfer the costs to other corporate premium payers.

Generally, this legislation addresses the shortcomings of the Title IV Single-Employer Termination Insurance Program in a fashion similar to the three-bill package which Mr. CLAY, chairman of the Subcommittee on Labor-Management Relations, and I introduced on June 20 (H.R. 2811, 2812, and 2813). The dissimilarities in the two approaches are not so great so as to prevent a common ground from being reached among those interested in securing the benefits of employees and retirees under terminated plans.

The Subcommittee on Labor-Management Relations will hold hearings on these single-employer reform bills next Tuesday, July 16, in room 2257, Rayburn, beginning at 10 a.m. It is expected that the expedited basis on which these hearings are being held will result in their early markup before the August recess.●

THE SOVIET FAILURE TO SUPPORT THE HELSINKI ACCORDS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. VENTO. Mr. Speaker, in considering human rights violations in the Soviet Union, the focus of the public and we in Congress has been on the Soviet refusal to allow refuseniks to emigrate and the continued disregard of the human rights of Soviet dissidents.

Placing our focus on these Soviet violations of the Helsinki accords is important. Oftentimes these Soviet citizens are in severe straits. They have lost their jobs, have been exiled and continually harassed and, in some instances, have developed serious health problems. While our efforts to secure the release of these prisoners of conscience are not always successful, we must continue to bring public pressure and world opinion to bear on the current Soviet policies.

Of equal concern is the Soviet failure to live up to the Helsinki accords provisions on the contacts and regular meetings on the basis of family ties.

Mr. Speaker, this provision of the Helsinki accords states:

In order to promote further development of contacts on the basis of family ties the participating States will favorably consider applications for travel with the purpose of allowing persons to enter or leave their ter-

ritory temporarily, and on a regular basis if desired, in order to visit members of their families.

Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination: existing requirements of travel documents and visas will be applied in this spirit. The preparation and issue of such documents and visas will be effected within reasonable time limits; cases of urgent necessity—such as serious illness or death—will be given priority treatment. They will take such steps as may be necessary to ensure that the fees for official travel documents and visas are acceptable.

They confirm that the presentation of an application concerning contacts on the basis of family ties will not modify the rights and obligations of the applicant or of members of his family.

Despite this clear language, the Soviet Union is denying visas to those seeking to visit with their families in the Soviet Union. I, as well as many of my colleagues, have constituents who legally emigrated from the Soviet Union. Today when they seek to return to the U.S.S.R. to visit family and friends, their visa applications are denied without any justification.

It is important that we in Congress speak out against this Soviet violation of the Helsinki accords. Earlier this year, I wrote to our Secretary of State to urge that the United States press for a change in policy to allow for family visits. I hope that my colleagues will join me in pressing for this important change in Soviet policy.●

SHORTER WORK WEEK

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. CONYERS. Mr. Speaker, at no previous time during a cyclical economic recovery has the unemployment rate been so staggeringly high. While the Department of Labor puts the figure of unemployed persons at 8.3 million, 7.3 percent, the real figure is closer to 14.5 million, 13 percent. Historically, this would have been considered a sign of crisis but under the current administration it is largely ignored.

This week I introduced H.R. 2933, the Shorter Work Week Act of 1985. If enacted, the bill would shorten the standard statutory work week to a 4-day week, 8-hour day, with double time for overtime. This legislation is in the spirit of the historical movements to spread available work among all the labor force—men, women and youth and, not least, minorities. It would create a full employment economy and help eliminate the terrible conditions of unemployment as experienced, for instance, among our black youth, whose unemployment rate still exceeds 40 percent.

The costs to both human beings and the economy of the persistently high unemployment rates must be seen as unacceptable. For every 1 percentage increase in unemployment, it costs the Federal Government approximately $24 billion in terms of increased domestic program expenditures and the simultaneous loss of revenue, according to the Congressional Budget Office. This does not include the human and economic costs, now well documented, of impaired physical and mental health, increases in crime, alcoholism, suicide, drug abuse, child abuse and the other social ills that afflict societies with high unemployment.

Indeed, the historical trend toward a shorter work week has become widespread in Europe as a method of providing both more jobs and more leisure time. In this country, it would create, at the very least, 7 million additional jobs—jobs which, according to virtually all of the historical and international analyses, would simultaneously spur industrial productivity. In addition, this proposal may represent the most promising way to deal with the seemingly intractable budget deficit. With full employment, the welfare rolls would drop, Federal expenditures would be dramatically lowered, and the tax base would be considerably broadened.

It is fallacious to believe that the current policies will deal adequately with the unemployment problem and its attendant social and fiscal ills. Approximately 5 million fewer jobs were created in the past 4 years than in the previous 4. Also, other traditional indicators are at historical lows for a cyclical economic recovery.

Today, the Nation faces a long term unemployment problem which transcends cyclical changes in the economy. The gap between economic recovery and employment recovery continues to widen with each subsequent recession, with the most recent downturn witnessing nearly an 11-percent unemployment rate. This trend is exacerbated by the shift from the manufacturing sectors to the service sectors.

The current fiscal and monetary policies, coupled with the long developing structural changes, are creating an actual deindustrialization of America and forcing large and disparate displacement in major regions of the country. There are few other proposals that I know of that could deal with our chronic unemployment problem in such a comprehensive and justicious manner, without appropriating any Federal funds. It is an idea whose time has come.●

EXPAND THE SWING BED PROGRAM IN RURAL HOSPITALS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, under current Federal law, rural hospitals with fewer than 50 beds are permitted to use empty beds for elderly patients needing skilled nursing care. The swing bed program has proven beneficial to both patients and hospitals alike. Many nursing homes in rural areas are operating at or near capacity thus creating a shortage of skilled nursing care beds. In these areas, the swing bed program provides the opportunity for elderly patients to receive quality care close to their homes and families. At the same time, participating rural hospitals—which are often underutilized—can operate more efficiently, thereby helping to ensure their survival is important to the entire community.

Despite all the valuable contributions the swing bed program has made to rural health care, the 50-bed ceiling prohibits many facilities from participating. While there is an obvious need to expand the program, existing skilled nursing facilities should not be jeopardized. In an effort to balance the needs of these two important components of rural health care, I am introducing legislation to expand the swing bed program to allow rural hospitals with up to 150 beds to participate and to require that a swing bed patient be transferred to a skilled nursing facility when an appropriate bed becomes available.

Changing the swing bed program will enhance the financial well-being of rural hospitals so that they remain in operation to serve the entire community while ensuring that quality convenient health care is available to all elderly patients.●

GIVE PEACE A CHANCE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Ms. OAKAR. Mr. Speaker, it is encouraging to hear that there continues to be progress toward peace negotiations in the Middle East. According to press accounts, Secretary of State Shultz is currently evaluating a list of Palestinians, who are not members of the PLO, for proposed inclusion in a joint Jordanian-Palestinian delegation that would meet with U.S. officials as an initial step toward peace talks between that delegation and Israel.

All the peoples of the Middle East suffer from intense anxiety that stems from generations of hostilities. The yearning for peace is intense. That common yearning is surely the basis for a settlement that respects the basic rights of all the peoples of the region, including the Israelis, Jordanians, and Palestinians. Consideration of Palestinian representatives for a Middle East peace delegation is an important acknowledgment that there can be no meaningful peace negotiations without inclusion of the Palestinian people and no peace settlement without a resolution of the Palestinian problem.

I hope my colleagues will support these peace efforts by helping to eliminate roadblocks that frustrate peace efforts and by supporting and encouraging a meaningful peace process.●

A WELCOME TO MAUREEN AND PADRAIG BOLAND

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. BOLAND. Mr. Speaker, one of our more pleasant duties as Members of Congress is to welcome visitors to our Nation's Capital, and particularly to the Chamber of the House of Representatives.

On July 12, I had the pleasure of extending a warm welcome to three special visitors. Father Dan Boyle, a fine young priest from my hometown of Springfield, MA; and his traveling companions, Mrs. Maureen Dunleavy Boland and her son, Padraig, from Dublin, Ireland. This was Mrs. Boland's first visit to Washington, and as a teacher I know she found much of interest in our beautiful Capital City. I hope she and Padraig enjoyed their stay in Washington as much as I have enjoyed my visits to Dublin.

Mr. Speaker, those of us privileged to be of Irish descent take special pleasure in showing off our country to travelers from the land of our ancestors. When those visitors are relatives—albeit distant ones—like Maureen and Padraig Boland that pleasure is even more deeply felt. I am delighted to have had them on Capitol Hill, and I hope their sojourn was so pleasant as to entice them back to these shores on many occasions in the future.●

TRIBUTE TO DALE WALTER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual who has been named Man of the Year by the City of Hope, a hospital specializing in the research and treatment of cancer.

Mr. Dale Walter, president and chief executive officer of the Bank of Industry, came to the 34th Congressional District in 1980, establishing the Bank of Industry in the city of Industry. Since that time, Mr. Walter has assisted hundreds of businesses, focusing on ambitious growth-oriented companies and entrepreneurial businesses.

In 4 years, Mr. Walter lead the Bank of Industry to the position it now enjoys, with total assets of over $100 million and deposits of over $92 million. Of the 407 independent banks in California, the Bank of Industry ranks No. 76. This is a phenomenal achievement to be sure.

Mr. Walter's contribution to his community carries the same commitment of time and energy as does his commitment to making the Bank of Industry the success that it is today.

For years, Mr. Walter has been an active fundraiser for civic organizations including the American Heart Association, Boy Scouts and the United Way.

Because of his record as a community volunteer, Mr. Walter has been selected as the City of Hope's "500 Club" Man of the Year. He will be honored on July 20, 1985 at the Beverly Hilton Hotel, in Beverly Hills. Proceeds from this gala are expected to be over $150,000. This money will go to the City of Hope's Leukemia Research Center.

Mr. Speaker, I ask that my colleagues join me in congratulating Mr. Walter on being selected Man of the Year by the City of Hope and wishing him well on this very special occasion.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 16, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 17

9:00 a.m.

*Labor and Human Resources

Business meeting, to consider the nomination of Chester E. Finn, Jr., of Tennessee, to be Assistant Secretary of Education for Educational Research and Improvement, S. 1105, to reform the Walsh-Healey Act to allow private sector employers performing work for the Federal government to work flextime hours, S. 801, to authorize funds for fiscal year 1986 for the National Science Foundation, and other pending calendar business.

SD-430

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. Res. 178, to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standards, and S. 1097, to provide for the appropriate treatment of methanol powered automobiles.

SR-253

Energy and Natural Resources

To hold hearings on the nominations of Charles A. Trabandt, of Virginia, to be a Member of the Federal Energy Regulatory Commission, and Russell F. Miller, of Maryland, to be Deputy Inspector General of the U.S. Synthetic Fuels Corporation.

SD-366

Finance

To continue hearings on the President's tax reform proposal.

SD-215

Select on Intelligence

To resume closed hearings on the development of a national intelligence strategy.

SH-219

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.

SR-328A

Environment and Public Works

Environmental Pollution Subcommittee

To resume oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.

SD-406

Foreign Relations

To continue hearings in closed session on embassy security.

S-116, Capitol

Labor and Human Resources

To hold hearings on civil rights issues.

SD-430

Select on Indian Affairs

To hold hearings on S. 1398, to revise certain provisions of Title XI of the Education Amendments of 1978, relating to Indian education programs, and

S. 1349, to provide for the use and distribution of certain judgment funds awarded to the Mdewakanton and Wahpekute Eastern or Mississippi Sioux Tribes.
SR-485

Conferees
Closed, on S. 1160, authorizing funds for fiscal year 1986 for the Department of Defense.
S-407, Capitol

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

1:30 p.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on the status of Bureau of the Census planning for the implementation of the 1990 Decennial Census.
SD-342

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Rebecca G. Range. of the District of Columbia, and Jennifer A. Hillings, of California, each to be an Assistant Secretary of Transportation.
SR-253

Environment and Public Works
To hold hearings to evaluate alternatives for developing land adjacent to Union Station in Washington, D.C. for use of the Administrative Offices of the U.S. Courts.
SD-406

Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Foreign Relations
To hold hearings on the nomination of Thomas M.T. Niles, of the District of Columbia, to be Ambassador to Canada.
SD-419

JULY 18

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the Federal Reserve's second report on the conduct of monetary policy for 1985.
SD-538

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Finance
To continue hearings on the President's tax reform proposal.
SD-215

*Labor and Human Resources
To hold hearings to review childhood vaccination programs.
SD-430

Rules and Administration
To hold hearings on the equities of "pooling" public events of news interest in the Senate, including cost allocation of the pool for the 1985 Presidential Inaugural Ceremonies in the U.S. Capitol.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold oversight hearings on present activities and future of the National Park Service.
SD-366

Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on U.S.-Japan service industry trade.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

11:00 a.m.
Conferees
Closed, on S. 1160, authorizing funds for fiscal year 1986 for the Department of Defense.
S-407, Capitol

2:00 p.m.
Environment and Public Works
Business meeting, to mark up S. 366, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 1312, to require the Federal Communications Commission to examine the implications of a proposed change in ownership of a major national television network.
SR-253

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
To hold closed hearings on counterintelligence matters.
SH-219

JULY 19

9:00 a.m.
Conferees
Closed, on S. 1160, authorizing funds for fiscal year 1986 for the Department of Defense.
S-407, Capitol

9:30 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Atlantic Striped Bass Conservation Act (P.L. 98-613).
SD-406

Finance
To continue hearings on the President's tax reform proposal.
SD-215

JULY 22

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 522, to prohibit the use of Federal financial assistance to perform abortions except where the life of the mother would be endangered.
SD-226

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1418, the Tobacco Improvement Act of 1985.
SR-328A

10:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on water supply issues of the Mid-Atlantic Region encompassing those States contiguous with the Delaware River Basin.
SD-366

JULY 23

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine problems facing the Nation's electric utility industry, focusing on the prospect of serious shortages of electric power by the early 1990's.
SD-366

*Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-406

Labor and Human Resources
Business meeting, on pending calendar business.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1245 and S. 747, bills authorizing funds for programs of the Magnuson Fishery and Conservation Management Act, and S. 1386, to promote the Americanization of domestic marine fishery resources.
SR-253

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on the continuation of most-favored-nation (MFN) treatment for Hungary, Romania, China, and Afghanistan, and S. 925, to deny MFN status to Afghanistan.
SD-215

JULY 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1310, to improve the effectiveness of the political broadcasting laws.
SR-253
Finance
To resume hearings on the President's tax reform proposal.
SD-215
Rules and Administration
To hold hearings on S. 581, S. 582, S. 583, and S. 1311, bills authorizing funds for certain activities of the Smithsonian Institution.
SR-301

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings to review a report of the General Accounting Office on "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems."
SD-342
Select on Indian Affairs
Business meeting, to mark up S. 1398, to revise certain provisions of Title XI of the Education Amendments of 1978, relating to Indian education programs, S. 1349, to provide for the use and distribution of certain judgment funds awarded to the Mdewakanton and Wahpekute Eastern or Mississippi Sioux Tribes, and S. 1106, to provide for the use and distribution of judgment funds awarded to the Saginaw Chippewa Tribe of Michigan.
SR-485

JULY 25

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings to examine problems facing the Nation's electric utility industry, focusing on the prospect of serious shortages of electric power by the early 1990's.
SD-366
*Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Commission licensees or Department of Energy Contractors.
SD-406
Finance
To continue hearings on the President's tax reform proposal.
SD-215
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on money laundering activities in Puerto Rico.
SD-342
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the impact of the Supreme Court's ruling in Garcia vs. San Antonio Metropolitan Transit Authority on the coverage of state and local government employees under the Fair Labor Standards Act.
SD-430

10:00 a.m.
Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for activities of the Overseas Private Investment Corporation.
SD-419
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings to review a report of the General Accounting Office on "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems."
SD-138
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the manufacture of designer drugs.
SD-562

2:00 p.m.
*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 177, American Defense Education Act.
SD-562

JULY 29

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on competitiveness in the long-distance telephone markets.
SD-106

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings to examine certain problems encountered by employers in the funding of retiree health benefits.
SD-215

1:30 p.m.
Finance
Health Subcommittee
To hold hearings to examine the causes of higher costs experienced by hospitals treating low-income patients.
SD-215

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 824, authorizing funds for programs of title I of the Marine Protection, Research, and Sanctuaries Act of 1972, and related measures.
SD-406

JULY 30

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on competitiveness in the long-distance telephone markets.
SR-253

10:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406
Foreign Relations
To hold hearings on pending treaties.
SD-419

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

JULY 31

9:30 a.m.
Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406
Foreign Relations
To hold hearings to review current U.S. financing of foreign military exports.
SD-419

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
Business meeting, to mark up S. 992, to discontinue or modify certain requirements for agency reports to Congress, and S. 1134, to permit Federal agencies to impose monetary penalties on individuals or companies which submit certain false claims to the government.
SD-342

AUGUST 1

10:00 a.m.
*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor to examine the scope of illiteracy.
SD-430

SEPTEMBER 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 17

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 19

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

SENATE—*Tuesday, July 16, 1985*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and rob the oppressed people of justice; making widows their prey and robbing the fatherless.—Isaiah 10:1-2.

Almighty God, the warning of Isaiah is timely. Like a malignancy, the national deficit permeates and infects every issue that confronts the leadership of our Republic. And it will not go away. Thou knowest, Lord, the confusion, the pressures, the conflict, that compound the already difficult task of making numbers come out right.

We accept compromise as essential to the democratic process, Lord, but we realize that compromise is immoral when values are forsaken. Grant, Mighty God, that truth and justice will not be compromised as the Senate seeks resolution to the relentless deficit which jeopardizes the future. In His name Who is Truth. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. GORTON. Mr. President, I inform the Senate that the majority leader is detained on the House side in a conference. He will return in a few moments, and I ask unanimous consent that his time be reserved until his return.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished democratic leader is recognized.

Mr. BYRD. Mr. President, I yield back all but 1 minute of my time.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I have cleared this request with the distinguished acting majority leader. I ask unanimous consent that I may be permitted to call off the quorum at this point and that I may then be able to yield 5 minutes of the time that I released from my 10 minutes to Mr. PROXMIRE and holding harmless any options that the distinguished majority leader might have with references to rules VII and VIII, the reading of the Journal, or whatever motion he wishes to make, or perhaps he does not wish to make, but in any event that he be held harmless.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank my good friend, the democratic leader.

(The remarks of Mr. PROXMIRE at this point are printed under routine morning business.)

Mr. GORTON. Mr. President, I ask unanimous consent that I be permitted to yield 2 minutes of the majority leader's time to the distinguished Senator from Oregon on the same terms and conditions that were outlined at the request of the distinguished democratic leader with respect to the Senator from Wisconsin.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I thank the acting majority leader for securing the unanimous-consent agreement that I might proceed to introduce two items into the RECORD at this time.

(The remarks of Mr. HATFIELD at this point are printed under routine morning business.)

Mr. HATFIELD. Mr. President, once again I thank the acting majority leader for his kindness.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

JOURNAL, CALL OF CALENDAR, RESOLUTIONS, AND PERIOD FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date, that the call of the calendar be dispensed with, that no resolutions come over under the rule, and that, following the recognition of the two leaders under the standing order—which has been done—there be a period for the transaction of routine morning business not to extend beyond the hour of 11:30 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

LINE ITEM VETO

Mr. DOLE. I indicate now to the distinguished minority leader and the distinguished chairman of the Committee on Appropriations that it is my intention to move to consideration of S. 43, the line item veto bill, following the conclusion of morning business this morning.

ORDER FOR RECESS TODAY FROM 12 NOON TO 2 P.M.

Mr. President, at this time, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. DOLE. Mr. President, when the Senate reconvenes at 2 p.m., it will go into executive session to consider the nominations of Edwin Corr, Rozanne Ridgway, and Richard Burt, with 15 minutes on each nomination to be followed by a rollcall vote on each nomination. It is my understanding that there may not be any debate on the first nominee, Mr. Corr, so it is possible that that vote could come between 2 and 5 minutes after 2. There will be rollcall votes, obviously, between the hours of 2 and 3:30 p.m., and possibly rollcall votes throughout today's session.

WISH LIST OF MEASURES ON CALENDAR

Mr. DOLE. Mr. President, I have given to the distinguished minority leader a rather lengthy wish list of things we might accomplish in July. I hope that we can dispose of a number of those items. I know of the minority

leader's strong opposition to the line item veto. But there are a number of areas that I hope we could agree to dispose of under time agreements. Many could be taken care of without much debate at all.

There are some major items, particularly the farm bill, which we would like to dispose of sometime next week: Additionally we'd like to consider the supplemental appropriations conference report; still some hope that we will get a budget resolution, but that will depend on movement on the House side; we are also looking for a time agreement on Conrail.

Then there are a number of other less controversial items that we may be able to dispose of.

Mr. President, I ask unanimous consent that a list of the items we would like to dispose of between now and August 2 be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

POSSIBLE ITEMS FOR FLOOR CONSIDERATION PRIOR TO AUGUST RECESS

S.J. Res. 77, Compact of Free Association.
S. 408, Small Business Administration.
S. 1077, Consumer Product Safety.
S. 1078, Federal Trade Commission.
S. 1404, Japanese Trade Practices.
S. 367, Veterans Judicial Review.
S. 876, Veterans Health Care.
S. 444, Alaskan Native Claims Settlement Act.
S. 410, Conservation Service Reform Act of 1985.
S. 1282, Primary Care.
S. 1283, Health Professions Training Assistance.
S. 1284, Nurse Education.
S. 1285, National Health Services Corps.
H.R. 1534, Alternative Work Schedules.
Airport Security Legislation.
Banking Bill.
S. 43, Line Item Veto.
Farm Bill.
Any appropriations bills available.
Supplemental Appropriations Conference report.
Budget resolution Conference report.
S. 638, Conrail.
Cargo Preference legislation.
S. 1200, Immigration bill.

Mr. DOLE. I will indicate to all Senators and staff members who may be listening in their offices that if we can work out time agreements on a number of these items, they could be disposed of very quickly—Compact of Free Association, Small Business Administration, consumer product safety. I think that is one in which the Senator from Wisconsin [Mr. KASTEN] has an interest. But there are a number of bills that I think we can probably dispose of with some effort.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STAFFORD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORTY YEARS OF NUCLEAR WEAPONS PEACE—HOW TO MAKE IT EIGHTY

Mr. PROXMIRE. Mr. President, 40 years ago, on July 16, 1945, exactly 40 years ago, a handful of the greatest scientific geniuses in the world achieved their assigned objective—a new weapon that would end World War II. They exploded the world's first nuclear bomb in the desert of New Mexico. Some of those scientists, whose genius made the nuclear age possible, hoped the new atom bomb would quickly end the final stages of World War II without becoming a new and terrible instrument of death and destruction in the future. Many of them hoped that the bomb's destruction was so immense that it would make the massive agony of world wars such as World War I and World War II so obviously suicidal that such superpower wars would never happen again. That earnest hope persists.

In today's New York Times, Tom Wicker comments that four of the physicists in the forefront of creating the first nuclear weapons wrote a warning shortly after the Trinity explosion 40 years ago to the then-Secretary of War, Henry Stimson. They wrote that the development of these weapons "would appear to be a most natural element in any national policy of maintaining our military forces at great strength." Nevertheless, they wrote, "We have grave doubts that this further development can contribute essentially or permanently to the prevention of war. We believe that the safety of this Nation—as opposed to its ability to inflict damage on an enemy power—cannot be wholly or even primarily in its scientific or technical prowess. It can only be based on making future wars impossible."

That letter was written by A.H. Compton, Enrico Fermi, Ernest Lawrence, and J. Robert Oppenheimer. And how right they were.

Indeed, in the past 40 years, nuclear arsenals have moved from the relatively puny fat bombs that leveled, first, Hiroshima and, then, Nagasaki—one for each city with the instant death in those 2 cities of over 100,000 people, to far bigger, infinitely more destructive bombs, including hydrogen bombs. Each superpower now has amassed about 25,000 nuclear warheads.

Both the Soviets and the United States have assembled about 10,000 of the warheads we call strategic. That is, they have an explosive capacity of immense power, often exceeding 1 million tons of TNT.

Today, every informed and thoughtful person knows that a full-scale nuclear war between the United States and the Soviet Union would certainly destroy—utterly destroy—both nations. The expectation of those American scientists in New Mexico 40 years ago, that a superpower nuclear war would be suicidal, is completely obvious to all of us. President Reagan has said that a nuclear war can never be won and must never be fought. For the Soviets, Mikhail Gorbachev has said the same thing. Again and again and again, we hear that our nuclear arsenal is totally useless except to threaten the Soviets so conspicuously that they will never attack us. And why have the Soviets amassed their immense arsenal? For precisely the same reason.

This deterrence makes sense. It has worked. But, Mr. President, think of the ridiculous waste of human resources involved in going so far beyond deterrence. What an appalling waste is involved in this activity of pouring vast sums of money into building ever bigger, more complex, and more costly nuclear arsenals that can never be used except to totally destroy civilization. This is not to say that each superpower's nuclear arsenal does not serve an eminently useful purpose. Each arsenal certainly does. After all, there has been peace in Europe and peace between the superpowers for 40 years. There is a real prospect that peace may continue for another 40 years. If it does, what an irony. The terrible nuclear arsenals on both sides will be the prime reasons.

The chance of a planned, premeditated bolt from the blue—a deliberate attack by the Soviets on our land-based missile sites, our nuclear submarine pens, our bomber bases, or our cities—is totally illogical. Is it impossible? No, indeed, particularly if the Soviet leaders feel that the credibility of their own deterrent is slipping away. Suppose the star wars, the antimissile defense of President Reagan, makes the kind of breakthroughs the administration is pushing for. Suppose Gorbachev and other Soviet leaders believe 10 or 20 years from now that the United States will, within a few months, deploy a missile defense that will make 75 percent of the Soviet nuclear capability deployed in land-based stationary missiles incapable of hitting either U.S. military targets or U.S. cities. The Kremlin would then see their window of deterrent credibility closing fast. They could judge that three-quarters of their deterrent would be gone in a few months. Would they act?

There is good reason for them not to act under such circumstances. They should know that no U.S. President is likely to have real confidence that the star wars defense will work, no matter what beautiful scientific breakthroughs develop. The full system can never be tested under anything like nuclear attack conditions. No matter

how many hundreds of billions or trillions of dollars the United States pours into the project, we know from all experience that the first time it is challenged—as in every new technology known to man—there will be at least some substantial breakdowns and failures. After all, when you have a system that must hit thousands of missiles or their warheads, moving at 4 miles a second and hit them right on the nose, you're going to have some misses. You will have to make some adjustments. Of course, you will have only a very few minutes for adjustments and then: curtains. You're gone.

Mr. President, it is that uncertainty on both sides, that instability, that makes the arms race itself so insane. And on this 40th anniversary of Trinity—the first atomic bomb explosion in Alamagordo—the real answer is precisely the same as it has been for 40 years: Stop the arms race. Negotiate a mutual, verifiable cessation of testing, production, and deployment of nuclear weapons. Do that first. Then build on the end of the arms race by reducing the arsenals on both sides. We do, indeed, have a truly marvelous technology, but there is one great purpose for that technology in the nuclear age. It is not to provide ever-greater offensive nuclear weapons. It is not to pursue the impossible dream of a defensive antimissile system that can stop every nuclear attack. It is to develop and constantly improve throughout the years, a verification system that will enable arms control to work.

MYTH OF THE DAY: THAT BIG BUSINESS OPPOSES A TAX INCREASE

Mr. PROXMIRE. Mr. President, if there is any widely accepted truism in this practical game of politics, it is that no one wants higher taxes. If any one needed a reminder, he got it in the Presidential campaign last year, when the Democratic nominee Walter Mondale announced before the country in his speech accepting the Democratic nomination, that if he were elected he would raise taxes. President Reagan would have won anyway, in all probability. But in retrospect that declaration surely sealed Walter Mondale's fate. It also confirmed the myth that no matter how urgent the need may be for new taxes or for an increase in taxes, the American people will never have the nerve to face the realities of life and say yes we will make the sacrifice of paying higher taxes if it is necessary.

Mr. President if this is true of the American people in general it certainly should be true of big earners in big business who are liable for the biggest taxes in our society. Why is it then that when spokesmen for big business appear before congressional committees and they are asked point blank whether, under present circumstances, taxes should be increased, they answer simply, directly and explicitly: "Yes."

Mr. President, in my State one of the most politically conservative, anti-big government concerns is the J.I. Case Co. of Racine, WI. J.I. Case manufactures farm implements. So, of course, they have had a tough, challenging time in recent years of Farm depression. But when I asked a top executive for J.I. Case when he appeared before the Joint Economic Committee a few weeks ago whether we should increase taxes to meet our budget obligations, his answer was direct, unqualified and unequivocal. He said "Yes."

The myth that the people of this country are not so deeply concerned about the Federal budget deficit that they won't accept a tax increase is exactly that, a myth. It is time we in the Congress recognized this myth for what it is.

SENATOR WEICKER'S SUPERB SPEECH AT SLOAN-KETTERING

Mr. PROXMIRE. Mr. President, our colleague, the distinguished senior Senator from Connecticut, LOWELL WEICKER, recently addressed the Sloan-Kettering Institute. His speech constitutes a fervent and eloquent plea for Federal funding to support the medical research that has done so much to overcome the ravages of disease. No one I know, certainly no one in the Senate, has done more to support medical research funding than Senator WEICKER. In the past few years Federal research programs have literally accomplished miraculous medical breakthroughs that will, over the years, save countless lives, and heal those who otherwise face the agony of a prolonged illness and death.

No Federal Government program has done more or promises to do more in the future to justify its cost. LOWELL WEICKER has been its champion. And yet, Mr. President, even this fine objective of improving the Nation's health must be subjected to congressionally imposed strict spending limits. The budget deficit represents our No. 1 domestic challenge. It is not enough to cut waste or some other Senator's priorities. We must cut spending everywhere, including funding for excellent health projects.

So this Senator disagrees with Senator LOWELL WEICKER. I do so with regret and also with admiration. He has done a superb job for a healthy America under very difficult circumstances.

Mr. President, I ask unanimous consent that the speech of Senator WEICKER to which I have referred be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR LOWELL WEICKER, JR., BEFORE THE ANNUAL CONVOCATION OF THE MEMORIAL SLOAN-KETTERING CANCER CENTER

Before national attention focuses on the next thrill a minute exploit of government, i.e. tax reform, I'd like to discuss the unfinished quest for excellence in scientific accomplishment. And I use the word accomplishment with precision because in Washington of late we start much but accomplish little. Whether deficits, energy or a myriad of more minor crises, the end result is never a definitive resolution of the problem but rather a potpourri of entertainment, politics, and feel goodism.

The work that many of you will begin after this—the finest training of its kind in the world—is too important to be addressed in flag-waving generalities. Illness and infirmities do not succumb to lick and a promise treatments but only to scientific endeavor that is steady, that is precise, that is unspectacular and that is expensive.

So on to specifics. Specifically the budget.

What has been proposed as a cut of several billion dollars in education research grants, maternal and child health care, community health centers, health professions training, Centers for Disease Control and other programs, was, after weeks of political hardballing, restored and in some cases increased in the budget recently passed by the U.S. Senate.

What has been an ongoing assault on the spending priorities for life was halted once again. Those who support adequate and accessible health care and continued momentum in health research can properly claim victory in the sense of victory being defined as a draw.

But to those of us in the Senate who have been listening to the health professionals of this nation over the past several months the satisfaction of such a victory cannot match our deepening sense of concern.

Across the broad spectrum of our nation's health affairs, we are in a critical period; a period when national priorities have sequestered the very best of our resources away from the business of a better life and into the never-ending search for better destruction. Though we are faced with diseases and health conditions best described as desperate, solution or, at the very least, amelioration is possible only if our national purpose is more properly defined.

Neither personal wealth or geography provides us insulation from this health care crisis.

Approximately 855,000 Americans are diagnosed each year as having some form of Cancer. Half of them will die, including 30,000 women this year who will succumb to breast cancer. Five thousand have died with a diagnosis of Acquired Immune Deficiency Syndrome. One hundred twenty thousand persons are dying each year with a diagnosis of Alzheimer's disease.

Genetic disorders like Tuberous Sclerosis and Multiple Sclerosis, Muscular Dystrophy, Huntington's Disease, Tay Sachs and Sickle Cell Disease claim thousands more of our people each year.

The heaviest price for this isolation of problems from solutions is paid by the youngest in our society.

Nearly 40,000 American babies die each year in the first 12 months of life, a rate of 11 deaths for each 1,000 live births; a rate

that has virtually stopped declining and leaves this nation behind much of the industrialized world. Four thousand American babies will be born this year with Fetal Alcohol Syndrome, resulting in a lifetime of severe retardation. More than 22 percent of the nation's children now live below the poverty line, a figure with staggering, lifelong health implications.

In the midst of this debacle, we face the prospect of missed life saving opportunities as our stock of young medical investigators and researchers is discouraged or prevented from taking the risks essential to their professions.

Since 1976, the numbers of undergraduates studying in the fields of bioscience have declined steadily. In that same period, we have seen a decline in the number of first year graduate enrollments in biomedical sciences.

The National Institute of Mental Health now supports the fewest number of pre- and post-doctoral research trainees since 1963. This continues a downward trend that began in the late 1970s. Data from NIMH shows that in 1977, more than 25 percent of its research grants went to researchers under the age of 36. By 1983, that number had declined to 15 percent. With older, more experienced researchers receiving the lion's share of scarce federal assistance, young researchers find it increasingly difficult to compete successfully and become discouraged from pursuing careers in mental health research.

Does this fact equate with the number of those afflicted with mental illness? No.

Let's put our victory in achieving the 6,000 grant level for the National Institutes of Health in some perspective. In 1979, when 11,510 grants were approved for funding by the very rigorous peer review process, 5,944 grants were funded. That is, 52 percent of the grants deemed to be of scientific merit received funding. In 1986, when we will fund 56 more grants than we did eight years ago, this peer review process is expected to approve some 17,000 grant applications. This means that only 34 percent of meritorious projects will receive federal assistance through NIH grants.

Does this fact equate with the numbers of diseased and dying? No.

It is often too easy for Americans to turn away from such problems. As individuals, we too often measure our lives by our relative prosperity and health. Mark Twain said we can easily learn to endure adversity as long as it is another man's. And if that other man, or woman, or child is faced with Cystic Fibrosis, Lung Cancer, Mental Retardation, Alzheimer's, Heart Disease or Leukemia, the average American feels they can offer little more than sympathy.

But those of us whose lifetime work includes public policy and health must make clear to the American people what the future holds and the part they play in shaping it. As Charles Kettering said, "My interest is in the future because I am going to spend the rest of my life there."

For many, the future is a rapidly aging nation. Between now and the year 2000, (only 15 years from now in case you didn't look) the size of the population aged 55 and older is expected to increase 19 percent; 65 and older by 27 percent; and 75 and older by more than half.

The average medical student of today faces a practice that will be 75 percent geriatric in the future, yet only four medical schools in the country have geriatric training units. A recent survey of medical schools found an average of just over two full-time equivalent faculty responsible for geriatric education.

The needs are enormous. The cost to meet them now is large. The cost later is staggering. Concerning this there is no debate. And so, these needs take their place in the line of our national priorities. In this administration and into the last, this line formed right behind the Pentagon. Most recently we could not afford a five million dollar federal initiative to emphasize geriatric education in the nation's universities.

Maternal and child health and training of physicians slipped in behind the Strategic Defense Initiative and the MX missile. Cancer and other health research and the needs of the disabled took their place after the chemical weapons stockpile, and the Air Force C5B transport and foreign military assistance.

There was no smoke or mirrors here. The parameters of the debate were defined clearly in advance by Congress, the Administration, and the American people. National security was defined as military might. By preparing now for threats of the future, it was said, our most vital interests could be protected.

And indeed, we should be prepared to meet threats that pose dangers to our security as a nation. When it comes to the military, the American people have accepted this principle and have generally supported the largest peacetime arms buildup in history.

The essence of this support lies in a national perception that lives could be at risk, our children could be called upon to fight and die in battle, our future as a nation could be jeopardized by another.

Why then have we failed to gain such consensus for support of our national health, where the future is often more certain and deadly. One of three babies born in the United States this year will develop cancer during its lifetime. The 10,400 AIDS victims of today will number 40,000 victims in the next 18 months. Sixty-two thousand Americans will become blind each year.

These are facts of our future, but the price in lives of this future has failed to become a driving force in our national priorities.

Perhaps it isn't enough for us to assert hope for life as the rallying cry in a fight for public support and public money.

Certainly in the scramble for the public money, the nation's domestic needs, led by health care, have lost badly in the past five years. A chart of our national spending includes the categories of defense, interest on the national debt, entitlement programs and non-defense discretionary programs. A 1980 version of that chart would show that this latter category, including health, education, transportation and housing, received 23 percent of the budget. The 1985 share for that category is 18 percent.

Since one percent of the budget is approximately nine billion dollars, this five percent decline means the federal share for these programs has dropped some 45 billion dollars below the distribution rations of five short years ago.

This is not victory. It's fiscal and moral defeat.

If the deficit is to be used as the lever by which we alter the national agenda, then we must make clear the tremendous costs in shortcutting the nation's health.

If national security is to be the strongest hand on this lever, then health must be included in any definition of that security. Too much is at stake; your promise is too great to allow the mantle of national security to fall solely to the military.

Twenty three million Americans are medically unserved and 35 million are uninsured. Yes, the rest of the nation is sympathetic to their plight. Providing minimal service and insurance to these Americans costs some 5.3 billion dollars per year. Yet in the current patchwork of health care, the cost of services to these people exceeded 25 billion dollars in 1984.

Never mind warm feelings toward one's neighbor. This involves national security. The 5.3 billion dollars we need now equals the cost of the Army's single channel ground and airborne radio system. At the same time, the more than 25 billion dollars we wasted in 1984 could have paid for three nuclear-powered aircraft carriers with their planes and support ships, the 1986 costs of the new Air Force transport plane, and a pair of new Marine amphibious assault ships.

National health care costs over 400 billion per year, but the federal investment in health research is only one percent of that figure. Studies show that such investment in research returns 13 dollars for every one dollar invested. That is national security.

The stories of dozens of diseases and afflictions contain the same economic lesson. Unlike spending for armaments, there is a certaintly of savings in lives and dollars. The only uncertainty comes in the form of how fast. How fast can we conquer this disease, prevent that birth defect, add X number of healthy years to our lives?

Some 500,000 adults in this nation are paraplegic. There are one million trauma-induced head and spinal cord injury victims. We are on the threshold of an ability to repair and replace damaged tissue in the brain and spinal cord. Can we afford 50 million dollars over the next 10 years to research these leads? This was the question we asked of the American people in the budget debate. Can we afford the four billion dollars a year it costs in medical care for these individuals? That is the question that should have been asked.

Forty thousand low-weight babies are born in the U.S. each year. Fifty percent of these cases could be prevented by additional research and proper prenatal care. This would cost us 26 million dollars a year. Without it, each year we are spending 2.4 billion dollars.

Chronic obstructive pulmonary disease is the fifth leading cause of death in the nation. A clinical trial of reasearch into early detection would cost 30 million dollars over the next six years. In that same six years, we will spend or lose more than 48 billion dollars on this disease.

Tooth decay remains a 27 billion dollar item on the nation's dental bill. Using gene cloning and recombinant DNA techniques, researchers supported by the National Institute of Dental Research are working on a vaccine to stimulate immunity to the effects of bacteria in the mouth. The vaccine could be ready for the marketplace if we are willing to spend five million dollars in the next five years.

New cases of genital Herpes virus continue to afflict about 600,000 Americans each year. Earlier this month, scientists at the National Institute of Dental Research and the National Institute of Allergy and Infectious Diseases announced the development of an experimental herpes vaccine. A clinical trial to test the vaccine would cost three million dollars over the next five years. The

direct and indirect costs of herpes in the United States each year is approximately 450 million dollars per year.

Research into diet and fat metabolism of persons at risk for coronary heart disease would cost as much as 20 million dollars over the next five years, compared to the 40 billion dollars per year the disease costs the nation.

Our expectations in the field of cancer research are equally high, as you know. We have traded in our hopes for a silver bullet for the twisting routes of a biological maze that reveals itself more fully with each investigation.

Memorial Sloan-Kettering continues to exhibit the leadership in the field that led Congress 13 years ago to designate Sloan/Kettering as the prototype of the comprehensive cancer center. You have earned international respect, not only for your pioneering and continuing efforts in genetics and cytodifferentiation, but also for the ability of your clinicians to apply this research to treatment.

The president's science adviser Dr. George Keyworth was right when he said last February that "Biological sciences stand on the brink of understanding that I can only liken to the brink that Einstein saw for physics in 1905".

But as this period holds the greatest hope for advances in medicine, health, health research, and biotechnology, it is also the most critical period in the mindset of the nation.

Accomplishment will require much more than media events and lessened dollars for health care. No more equating a draw with victory.

"Nothing ventured nothing gained" is contemporary not antique principle.

Norman Cousins said "hope is independent of the apparatus of logic." But I must disagree. In your work, in our work, hope is the indispensable apparatus of logic.

It is the fuel of medical science and the sustenance of those who depend on the application of science.

In the past week alone we have received news of breakthroughs in preventing malaria, which wastes a million people, mostly children under five, each year. Scientists in California announced the early success of a test to diagnose Alzheimer's disease before it kills its victims.

We are told that the technology is in our hands to determine that precise chromosomal location of individual genes. If we can train enough scientists, if we can provide adequate funding, if we can mobilize the American people, we may be able to identify the gene for each of some 3,000 genetic diseases within the next 10 years. That is our hope. Paying for it. That as Americans is our trust, not our option.

Earlier this month, Frank Deford, the writer, spoke to my subcommittee about these dramatic breakthroughs in molecular genetics in developing treatment for Cystic Fibrosis. A systematic search is now possible for the gene that causes CF, the most common fatal genetic disease in the United States.

The breakthrough came too late for Alexandra Deford, who died of the disease in her father's arms on a Saturday afternoon in January of 1980 at the age of eight. Frank Deford's message to us is a message we should repeat and repeat again to the American people.

"Our time is now," he said. "As much as I wanted to say those words when my child was alive, I honestly couldn't. Now I can. Out time is now."

Thank you.

MENGELE AS ESCAPEE

Mr. PROXMIRE. Mr. President, an article in the June 27 Washington Post reports that the U.S. Army detained Josef Mengele following World War II, but let him go months later.

Mengele, the "Angel of Death," was responsible for the killing of 400,000 Jews at the Auschwitz concentration camp.

It seems that the war criminal's vanity saved his life.

The SS required each officer to tattoo his blood type in his armpit. Allied investigators relied on the tattos to identify the high-ranking officers.

Rolf Mengele, the murder's son, says that his father was very vain. For example, Mengele would stand in front of mirrors for hours admiring himself in hand-tailored suits. Rolf Mengele thinks that his father's vanity made him ignore the SS rules. He refused to brand himself because he found such tattoos repulsive.

Atfer the war, U.S. soldiers questioned Mengele, but found no tattoo and could find no criminal record for a Fritz Hollman—the alias that Mengele used then.

Mengele next duped Italian authorities, as well. After his mistaken release, he spent 3 years on the run from United States authorities in Germany. The "Angel of Death" escaped to Genoa in 1948 and hoped to catch a boat to Argentina. Italian authorities arrested him, but later apologized for the arrest and let him go on to Argentina.

Mr. President, it is hardly surprising that Mengele managed to escape from American and Italian authorities. He was a vain, sly, wicked man who had the benefit of fleeing during a confusing time for police forces. Perhaps, Mr. President, we can be forgiven for letting this mass murderer slip through our fingers. Perhaps, we can be forgiven for not catching one of the most despicable characters of the Holocaust.

But, Mr. President, we cannot be forgiven for our failure to ratify the Genocide Convention.

It has been 36 long years. Josef Mengele's bones, diaries, and letters remind us that the horrors of the Holocaust can never be forgotten. Ratifying the Genocide Convention would remind the world that we will never permit another genocide.

CONGRESSIONAL CALL TO CONSCIENCE

Mr. HATFIELD. Mr. President, today I take great pleasure in participating in the Congressional Call to Conscience, organized by our colleague from Minnesota, RUDY BOSCHWITZ. Through the united efforts of this body we are bringing the plight of Soviet Jews to the Nation's attention.

For over 10,000 Jews in the Soviet Union there is no free exercise of religion. These Refusniks are denied this basic human right and are not allowed to emigrate to Israel. The story of Lev Shapiro and his family is a poignant illustration of the ostracism he and his fellow Jews face in their country.

Lev and Leah Shapiro maintain a traditional Jewish home for their children, Israel and Naomi. Efforts by the family to emigrate to Israel for family reunification have been rebuffed on grounds that Lev was involved in secret projects while employed as an engineer at the Research Institute of Radio Electronics in Leningrad. Despite this setback, Lev has been active in the Jewish emigration movement and participates in informal Hebrew and cultural study sessions.

On November 11, 1984, the Shapiro home was shown during a television broadcast, "The Hirelings and Their Accomplices," focusing on the house as central headquarters for "Zionist Consiprators." Overnight the Shapiros were thrust into the limelight and branded as agents in a Western conspiracy against the Soviet Union. This notoriety has tragically affected the children, who suffer from harassment by classmates.

While some Refusniks choose to send their children to school far away so they won't be recognized, the Shapiro's children attend school in Leningrad. Israel is the only Jew in the special technical school he attends, going by the name Ilya. Naomi applied to a similar school but was refused after being informed there was no room because her last name was Shapiro. The day following the television broadcast Israel was harassed and reflects that it was the "worst day in his life."

Lev Shapiro and his family remain optimistic, hoping "each day will be better." We all join him in this hope and call upon the Soviet Union to abide by the Helsinki accords, to grant freedom to the Soviet Jews.

U.S. INSTITUTE OF PEACE

Mr. HATFIELD. Mr. President, the U.S. Institute of Peace was established last year through an amendment to the Defense Department authorization bill of 1985. The creation of the Institute of Peace culminated two decades of hard work by thousands who dared to dream of a National Peace Academy. It was through the tireless efforts of many of our colleagues, most notably my honorable colleague, Mr. MATSUNAGA and former Senator Jennings Randolph. The Institute was authorized to conduct research and provide education and training in con-

flict resolution for students in both the public and private sectors.

I am bringing the U.S. Institute of Peace to your attention today because despite congressional intent to the contrary, there is no Institute. Where there should be a flurry of activity by the Nation's foremost experts on peace and conflict resolution there is only silence. Funds for the startup and operation of this project have been made available but the Institute has not had the chance to fulfill its promise. Why is there no U.S. Institute of Peace? Because the Senate has not received the administration's nominees for the Board of Directors.

The drive for the establishment of this Institute has a rich history. Since the days of George Washington, there has been the recognition of a national need to be fully educated and trained to promote peace—just as we must to be fully educated and trained to undertake war. Over the subsequent 200 years, scores of legislators have advocated a "peace academy." In 1935, Senator Matthew Neely introduced legislation calling for the creation of a Department of Peace. In 1963, Senator MATSUNAGA introduced legislation calling for a peace academy. Senator Vance Hartke joined me in 1976 in sponsoring a bill establishing an Academy of Peace. Four years ago a blue-ribbon commission chaired by Senator MATSUNAGA completed a study which concluded that "there is a necessary and proper Federal role in serving the Nation through international peace research, education and training, and information services."

Because of its extraordinary history and the countless hours of hard work, the U.S. Institute of Peace has become a reality—except for this last roadblock. It is time to reopen the road to the establishment of the Institute so that we can explore this route in our trek toward peace.

The Senate has waited long enough for the opportunity to confirm the Board and establish the Institute. Public Law 98-525 states that the President has 90 days after January 20, 1985 to submit the names of 11 nominees for the initial board membership. The 19th day after January 20 passed on April 20, 1985, and today is the 177th day the President has had to consider his nominees. Two-and-a-half months ago 26 of my colleagues and I sent a letter urging the President to submit his nomination recommendations as soon as possible. My arithmetic tells me that he has taken almost double the term afforded by law to transmit his recommendations.

The homework on the U.S. Institute of Peace has been completed, and the project has passed the Senate. To stall this project now would be a disgrace and a waste of the sincere efforts of thousands of people. If we fail to create the Institute in the timely matter as established by law, how do we explain that it was for lack of a list of nominations to confirm or reject?

Mr. President, today I rise to renew my request to the President to send his list of nominees immediately, and certainly before this body recesses for the month of August. To prolong this waiting period until after the recess is unacceptable. Even more unacceptable is the possibility that the nominations will be submitted as recess appointments. To circumvent the established nomination process is to trivialize legislation that 41 Senators believed in so much that they cosponsored the bill and helped insure its passage. Congress created the U.S. Institute of Peace, and Congress deserves the opportunity to consider the nominees for its Board of Directors under the timetable established by law.

Everyone cherishes the hope we will one day live in a world which knows only peace. Congress spends countless hours and dollars in pursuit of peace and has created the U.S. Institute of Peace to pursue this end. This country also spends countless hours and billions of dollars preparing and training for war. It is time the Institute had the chance to go to work toward global understanding. I ask that the President provide us immediately with his nominees for the Board of Directors.

INTERNATIONAL TRADE

Mr. DODD. Mr. President, I would like to take this opportunity to outline some of my views on what I perceive to be the future challenges to the international trading system as we enter the second half of this decade.

The benefits of a prosperous and expanding world trading system are quickly apparent to us in the United States. That is particularly the case for those who reside in my State of Connecticut. Members may be surprised to realize that Connecticut has led the 50 States in the percentage of its civilian employment which is involved in some way in the manufacture for export, and ranks 18th nationally in sales of these products to foreign countries, despite its relative size. The Commerce Department has estimated that 25 percent of the gross State product of Connecticut is generated by export and export related activities. Needless to say, we in Connecticut view the trading practices of our major trading partners with more than academic interest.

Unfortunately, the trading practices of a large number of countries have fallen far short of those which would best ensure that world commerce will be conducted freely and fairly—the only environment in which we can ensure continuous trade growth. Despite trade statistics contained in a recently released GATT report entitled, "Trade Policies for a Better Future: Proposals for Action" which indicate that for the first time since 1980 a modest increase in both the volume and value of world trade occurred last year, the trade picture appears troublesome.

First, I question whether the expansion of world trade is sustainable without a radical change in current trading practices worldwide. I say this because I believe that much of this increase in trade last year came at the expense of the United States which opened the gates to imports with little reciprocal behavior by our major trading partners. This resulted in an enormous U.S. trade deficit—some $124 billion last year—clearly a situation which cannot be allowed to continue over the long term. It seems to me that the temptation to impose trade barriers here at home, in order to stem the flood of imports, will grow even more difficult to resist if other nations refuse to dismantle barriers to U.S. exports. My concerns are apparently shared by GATT experts who recently warned that:

> If the trend toward trade restrictions continues, the sustained economic growth we seek will be impossible. The current signs of worldwide recovery will turn out to be a sad illusion. And deteriorating trade relations will also create new political conflict.

The United States must construct a coherent and comprehensive trade policy to address the pending threat to our world trading system. Among other things, U.S. exporters must be armed with effective weapons to deal with the various road blocks constructed by other nations. This means that export credits must be available and on terms which make our exporters competitive with other exporters who are receiving subsidized credits. To accomplish this we must ensure that the U.S. Export-Import Bank is provided with sufficient funding to continue its lending programs. Only if we make it costly for other nations to continue their ill-conceived practices will they be willing to listen to reason on this matter.

I also believe that the best manner for handling the multitude of trade disputes that confront us today is through another round of multilateral trade talks. The world has changed a great deal since the Tokyo round concluded in 1979. However, before we plunge headfirst into this endeavor, I believe it would be most useful for the administration to consult widely on the most effective agenda for us to seek for these talks. It is important to ensure that all items of concern are on the table for discussion. It is very difficult to add items to agendas of these international conferences once they are underway.

I know that we in the Senate stand ready and willing to share our ideas with the President on what we per-

ceive are the most useful goals to seek in these talks. In the meantime, I believe that the President should use the tools provided by our trade laws to make it clear to all that he is prepared to protect the integrity of our trading system with selective retaliation if that is what it takes to impress our competitors.

IN MEMORY OF HARRY CHAPIN

Mr. DODD. Mr. President, I wish to note for the benefit of my colleagues that today, July 16, marks the fourth anniversary of the death of singer/songwriter Harry Chapin, an outstanding figure in the movement to end domestic and international hunger. Mr. Chapin typified the ideal of concerned, active citizenship; he took full advantage of success in his private career as an entertainer to fulfill his commitment to the public welfare. It is fitting that we offer a memorial to this great man.

Harry Chapin first became active in the fight against hunger in 1974. Soon after his most popular musical recording was released and brought him quick fame, he agreed to stage a benefit concert for Bangladesh, in cooperation with UNICEF. After this initial effort, Mr. Chapin decided that combating hunger should be for him a lifelong endeavor. In 1975 he founded, and until his death directed, World Hunger Year, an organization that for 10 years has contributed significantly to informed debate and effectively educated the American public.

WHY's achievements have included: A series of radiothons cohosted by Mr. Chapin which reached 15 million listeners and gave a media voice to over 500 antihunger activists, publication of the internationally acclaimed Food Monitor magazine, and annual presentation of media awards to encourage quality journalistic coverage of hunger issues. So deep was Mr. Chapin's conviction, that he devoted half of his income from performances—$5 million over 6 years—and an equal share of his time, to maintaining World Hunger Year. He also provided financial and personal support to the New York City Food and Hunger Hotline, Long Island Cares, and the Center for Food Action in New Jersey.

In 1978, after an intensive lobbying campaign, and through close cooperation with several Members of the House and Senate, Mr. Chapin succeeded in having established the Presidential Commission on World Hunger. He then sat as its most active member. The final report of the Commission has influenced the operating agency of the State Department, the Agency for International Development, Congress and many private relief agencies and lobbies.

In addition to these distinguished accomplishments, Harry Chapin is responsible for having motivated countless Americans— through his records, performances, and nationwide speaking appearances—to become actively involved in the hunger movement. He raised the level of awareness and political participation among thousands of men and women who heard his message and witnessed his career of service. I can say with confidence that if he were alive today, Harry Chapin would be a strong presence in the political arena, wherever decisions are made affecting the world's starving people. We mourn the absence of an exemplary colleague, but also celebrate his legacy. His music, his writings, and the memory of his work will continue to influence the actions and attitudes of private citizens and public officials.

In short, Harry Chapin exemplified a soul strong enough to translate caring into self-sacrifice and commitment into a lifelong campaign against human suffering and social injustice. As we, too, confront the realities of suffering and injustice when formulating the laws of this country, it is important for us to be reminded of the efforts of such persons who, as Harry sang. "Took their time on Earth to prove what one life could be worth." Today we honor and remember Mr. Harry Chapin.

THE UNITED STATES-JAPAN RELATIONSHIP: WHAT DO WE DO ABOUT TRADE?

Mr. BAUCUS. Mr. President, I wish to speak today about one of the most important relationships in the world, that between our country, the United States, and the country of Japan.

The former majority leader of this body, Senator Mike Mansfield, has said many times that the relationship between the United States and Japan is the most important bilateral relationship of the free world, bar none.

I agree with that statement.

Japan is a close ally of the United States. It is a democracy.

The United States-Japan partnership is the foundation for peace and security in the Pacific Basin.

However, beyond these important political ties, our two countries have a close, and fiercely competitive trading relationship.

Since World War II Japan has grown into the second-largest economic power in the free world.

We all know that as trading relationships change in the world, trade with the Pacific rim has gained in importance.

Asia is growing—much of it faster than other countries in the world.

Japan is the second largest importer of American products, purchasing 23.6 billion dollars' worth in 1984.

Japan is the largest purchaser of American agricultural products, especially wheat, corn, soybeans, and cotton.

Conversely, the United States imported 60.4 billion dollars' worth of goods from Japan, second only to imports from Canada.

However, despite the strength of our trading partnership, today our relationship is troubled. The reason: the trade deficit.

Our bilateral trade deficit with Japan has grown from $2.9 billion in 1974 to $37 billion in 1984—that's more than a 300-percent increase in 10 years. And some predict a trade deficit with Japan of $50 billion this year.

This does not make Japan some kind of international villain. But this trade deficit has created a host of highly sensitive issues.

Japan has repeatedly penetrated very visible and psychologically important U.S. domestic markets. When our cars, our televisions, and our vcrs all say "made in Japan," we notice it. Understandably American workers and American companies that produce competing products are worried and often outraged.

At the same time, Japan has maintained highly visible and unjustifiable barriers to U.S. products.

The combination of barriers to our products, deep penetration of our markets, and a high bilateral deficit has created a political tinderbox.

WHY FOCUS ON JAPAN?

Some say, we have a large trade deficit overall. Why focus on Japan?

The answer is that Japan has refused to shoulder the burdens consistent with its place in the world economy.

Perhaps after the war it was appropriate for Japan to see itself as weak and isolated and not one of the world's major powers.

Perhaps after the war it was appropriate for Japan to adopt the Yoshida doctrine: To focus only on its own growth and to avoid entanglement in international political affairs; to become a kind of Asian Switzerland. Japan would take no role in the international political world and in return bear few responsibilities. Instead, Japan would rebuild its economy.

But maintaining such a self-image today requires blinders. Today, Japan is the Free World's second leading economic power. Today, Japan produces more steel, cars, and robots than any other nation.

Japan largely achieved this position by making good use of the postwar open trading system. That system probably benefited Japan more than any other nation.

Now that trading system is under great strain. As a country with so much at stake, Japan is in a better position than any other to help ease the strain.

And yet, we see little give.

MARKET-OPENING INITIATIVES

Last month, the Japanese Government announced with great fanfare that it will cut tariffs on 1,800 products next year. But, so far, only 100 of those items have been identified.

In addition, many items of great interest here—grapefruit, plywood, chocolate—will not be on the list.

Last week, Japan released an outline of actions it plans to take later this month to reduce nontariff barriers.

So far, the outline only suggests changes in Japan's system of setting standards and certifying products that could be sold in Japan. These are critical areas—but we will need to see the detailed implementation plan before we can judge its adequacy.

Grand announcements will not hide insignificant actions.

THE MOSS NEGOTIATIONS

In January Prime Minister Nakasone and President Reagan inaugurated negotiations on four specific products, including forest products.

Today—6 months later—the forest products negotiations are going badly.

First the Japanese refused to consider tariff cuts at all. Now they refuse to consider them until 1988.

The Japanese Government is under political pressure from the sawmill operators and the LDP cohorts. All of us understand the importance of political forces in setting economic policy.

But Mr. Nakasone made a commitment knowing full well the politics of his country. We expect it to be met.

LEGISLATIVE RESPONSE

Timber is just one example of the kind market-access problems that face American exporters in Japan.

These problems leave me absolutely convinced that Congress must keep the pressure on both the administration and the Japanese.

We must put on our own version of the Kabuki play—threats of retaliation may yield real concessions.

That is what motivated some of us to introduce the retaliation bill adopted by the Finance Committee on April 3 and filed in the Senate last Tuesday.

Although we must be strong, we must also be careful. There have been some 24 bills introduced in this body regarding Japanese trade. They range from resolutions to surcharges. Some would surely shoot ourselves in the foot.

The temptation is great for us to "beat up on" Japan. It is a natural immediate emotional human response to the loss of jobs, to the flood of Japanese products into this country, and to Japanese barriers to our products.

But, Mr. President, we must temper this reaction with reason.

It is true that Japan should open up its markets to American products, but we must not pretend that would eliminate the problem.

In 1984 our trade deficit with Japan was approximately $37 billion. But all experts seem to agree that if Japan were to eliminate all its trade barriers immediately, the deficit would be reduced by only $5 to $10 billion.

We must not forget, Mr. President, that the single greatest contributor to our trade deficit is the high U.S. dollar, which makes foreign products cheap and American products more expensive. The overvalued dollar is a direct result of this administration's economic policies.

In addition, let us not forget that this administration has been derelict in its failure to develop a comprehensive, aggressive trade policy. The administration needs to see foreign trade as a tool for American economic growth, it also needs a trade policy to convince other countries to do what they know they should do. The Japanese must accept the burdens as well as the benefits of success.

POLICY CRITERIA

Any legislation aimed at Japan should meet several criteria.

First, it should be conditional. Retaliation should occur only if certain conditions are not met.

Second, legislation should focus on U.S. access to Japanese market—not on the bilateral trade deficit.

Otherwise, the Japanese may choose to avoid reducing their barriers and instead simply restrain sales to the United States. And that's not what we want.

Third, any target or set of targets for improved market access must be achievable. Impossible targets would merely guarantee failure and put the trade war on automatic pilot.

And fourth, we should maintain some Presidential flexibility. Mandated but flexible retaliation would allow the administration to negotiate interim market-opening measures with the Japanese.

This would provide a continuing incentive and pressure for the Japanese to open their markets. Such a mechanism would be preferable to an all-or-nothing surcharge.

We may bring S. 1404 up on the floor this month. If we do, I plan to offer an amendment changing the trigger from the amount of the VRA to an achievable, market-access target.

And, needless to say, I would look with interest at other similar proposals.

Adherence to these four criteria will allow us to walk that razor's edge between the administration's nonpolicy surrender and the danger of Smoot-Hawley protectionism.

It is a fine line we must walk—but the country's welfare demands it.

Mr. President, I caution wisdom and I urge going the harder route of seeking solutions that make sense. I urge strongly the administration to develop a trade policy, to work on other countries to open up their markets and to recognize the need to bring the U.S. dollar more in line with other currencies.

I urge my colleagues and my countrymen to be both temperate and firm; to be wise as well as determined. We have a great deal at stake here.

Mr. President, I yield the floor.

NATIONAL HOSIERY WEEK

Mr. HELMS. Mr. President, August 11-17 will mark the 15th annual observance of National Hosiery Week. Inasmuch as Congress is scheduled to be in recess at that time, I choose this time to take note in advance of this upcoming event, and to pay my respects to an industry that has played an enormously important role in the free enterprise system of our Nation.

It often occurs to me, Mr. President, that the textile and apparel industry is too often taken for granted by the American people. This has been a tragic mistake; this is an industry that needs and deserves the support of all Americans at this difficult time.

Consider, for example, that in many instances hosiery manufacturers are the major employers in their communities, and that the average hosiery company is a small or medium-sized business. Many of them are family owned. Most are in the smaller towns and cities of America.

Mr. President, National Hosiery Week is always of special significance to me since North Carolina is the leading textile State in the Nation. I am proud that 56 percent of all American-made hosiery is produced in North Carolina. Incidentally, the average hosiery plant produces about 9 million pairs a year, and employs an average of 169 workers.

Like other sections of the American textile and apparel industry, the hosiery industry today is facing import competition. Statistics show that imports of foreign hosiery in 1984 were 66 percent greater in units than the year before; in the first quarter of 1984, such imports were up 60 percent in units.

The hosiery industry is doing everything it can to counter these imports by improving productivity in the mills, by investing in new and more efficient machinery, by continuing to stress the best styling of product, and by sharpening the industry's marketing skills.

These manufacturers provide revenue for operating State and local governments, family incomes, employment for the local residents, tax revenue from their incomes, lowered unemployment, less crime—by providing jobs—and industrial development where there might otherwise be nothing.

Mr. President, North Carolina is proud of its distinctive leadership in the hosiery industry, and we are grateful for the fine quality of life this in-

dustry has provided for so many people.

On behalf of my fellow North Carolinians, I extend my sincere thanks and congratulations to the hosiery industry for the outstanding job it is doing for the people of our State and Nation.

THE NEW FARM BILL

Mr. MELCHER. The new farm bill produced by the Department of Agriculture, the Family Farm Income Protection Act, was presented to members of the Senate Agriculture Committee late yesterday. It is a surprising departure from the administration's previous stands concerning price supports for producers, which are substantially increased, and its reduction in the world market prices for grains, rice, and cotton. There are two certainties to result if this proposal is enacted: Grain prices here and throughout the world will become much cheaper; it is a budgetbuster.

If I were a reporter covering this startling change in the administration's farm policy, I would have four obvious areas on which to query Secretary of Agriculture John Block.

First, does this proposal mean that the administration has recognized farm producers, in order to stay in business, need a stronger safety net of price supports than that which is in the current law?

This new proposal certainly does that. This new proposal, as presented, would increase wheat and corn target prices by about $1 a bushel and increase deficiency payment checks by even more than that.

Second, how much cheaper would the world price for grains get over the course of the next 3 or 4 years?

World grain prices would almost be cut in half by the third or fourth year. Canada, Australia, the European Community, and other grain producing countries are going to be faced with the reduction in world grain prices and they are undoubtedly going to let us know about it. Cattle, hog, and poultry producers who believe that cheaper grain means an overproduction of meats are going to be concerned with this bill. Dairy production will no doubt increase, also. American consumers, who already have the best food bargains in the world, will have available even cheaper food. Developing countries for the most part will find their agricultural producers clobbered by the lower world prices and some countries would reduce their production. Some African countries will continue the miserable trend of downgrading their own agriculture and run the risk of continuing to be dependent on food from outside their own countries.

Third, what is the budget impact?

The cost from the Federal Treasury will be substantially increased for two reasons. First, there is an actual increase in the support prices and U.S. deficiency payments for most farmers will be increased. Second, since the world grain and cotton prices and the Federal loans are cut considerably below current levels, the Treasury exposure—that is, the difference between the prices farmers actually receive and the target price—is greatly increased along with Federal costs. Estimates put the increases at one-third above the Senate-passed budget.

Fourth, would enactment of the new program increase U.S. agricultural exports and help on the U.S. balance of trade? Yes, it certainly would. We would undoubtedly be in trade wars with other agricultural exporting countries and if our treasury payments hold out to finance roughly one-third of grain, rice, and cotton farmers' gross income, the United States will over the course of years win all those trade wars. Because we have the largest agricultural production and have a large treasury, even if it's mostly borrowed money, we should be able to anticipate surviving all the other countries in these trade wars. We have been too hesitant before but now it's time to get tough—in fact, go all the way. It's either them or us. We'll win it. And 5 years from now we will not only have our share of the markets but most of the world production and prices should go up.

I am not sure whether Secretary Block would answer these questions as indicated above, but there are a whole lot of people who would believe that those are the honest answers to what this new bill proposes. Given the late timing of these new Department of Agriculture proposals, it may be necessary to delay consideration of the new farm bill until after agricultural producers have had a chance to digest its ramifications. That being the case. Congress should immediately consider a 1-year extension of the current farm program so that winter wheat producers will know what lawful provisions are when they have to plant next year's crop in late August or September.

To make progress for U.S. agriculture, we must increase exporting of our commodities. While none of the administration's farm bill proposals, including this latest version, have dealt with agricultural trade, the new farm bill being developed by the Senate Agriculture Committee will set minimum levels for some of the export programs requiring the Secretary of Agriculture to comply, will broaden the authority and utilization of the food aid programs, and will place special responsibility in the White House for developing agricultural trade policy by a Special Assistant to the President to coordinate and direct the activities of the U.S. Departments of Agriculture, State, Commerce, and Treasury to broaden and enhance agricultural exports. The trade section of the Senate's new bill will increase agricultural exports and will remove the stumbling blocks that have thwarted coordinated actions by these various departments rather than getting in each other's way as is now the case. Greater agricultural exports from the United States will improve prices for producers.

While there is a feeling that some marketing loan concept or other additional form of price cutting mechanism, either in lower world prices or on a country-by-country basis, is necessary to meet various trade circumstances, there is little evidence to support the drastic world price reduction that the Department of Agriculture now proposes in their latest farm bill. They have gone too far. They will have to go back to the drawing board or at least keep out of the way so the Senate can develop a bill that has a chance of being enacted into law.

TRIBUTE TO W. WAYNE HENDRICKSON

Mr. ZORINSKY. Mr. President, this past weekend, a prominent member of the livestock industry and a dear friend of mine, W. Wayne Hendrickson, died in his hometown of Kearney, NE. Wayne was a fine man, who set an example for us all and had a tremendous impact on agriculture in my State.

As president of Hendrickson Land & Cattle Co., Wayne was the first farmer to head the Kearney Area Chamber of Commerce and was past chairman of the Buffalo County Agriculture Association.

In the 1970's, he served as director of the National Livestock Feeders Association and chairman of the Nebraska Beef Development Task Force. In 1980, in recognition of his leadership in State and national cattle associations, he received a significant Nebraska honor, the Ak-Sar-Ben Agricultural Achievement Award.

But, Mr. President, despite his many career accomplishments, I will remember Wayne Hendrickson most as a good friend and loyal supporter for many, many years.

I've heard it said that the deeds of good men never die. That is certainly true in Wayne's case. He will be missed by all who knew him. But he leaves a legacy of good deeds and solid achievement that will not soon be forgotten.

My heart goes out to his wife, Wilma, and the other members of his family in their grief and sorrow.

TALL STACK EMISSION

Mr. CHAFEE. Mr. President, last week I introduced legislation, S. 1426, with Senator HUMPHREY to reverse a recent decision by the Environmental Protection Agency on emissions from tall smokestacks. These stacks—some of which are 1,000 feet tall—have been used to avoid the installation of pollution control cleanup equipment. Instead of installing controls, polluters, with the blessing of EPA, have installed tall stacks to disperse emissions away from the local area. This simply means that this pollution—much of it sulfur dioxide which causes acid rain—is put high into the atmosphere and blown into downwind States such as Rhode Island where it acidifies lakes and streams. It has been estimated that if emissions controls were installed on these tall stacks loadings of sulfur could be reduced by 4 to 7.5 million tons annually. Although this is short of the 12-million-ton reduction required in other legislation I support, it would be a big step in reducing these emissions until we can get a comprehensive acid rain control program into place.

The EPA has erred by allowing tall stacks to be used by polluters to escape clean air requirements. When Congress passed the Clean Air Act in 1970 it made it clear that dispersion techniques could not be used as a substitute for emission reductions. When the act was amended in 1977 Congress reaffirmed that intent by enacting section 123 which only allows stack heights to be used after all other emission controls have been installed—as a supplement not a substitute for controls.

The courts have consistently upheld Congress' intent in this area and had directed the Agency to come up with new rules. Those rules came out at the end of last month and I am sorry to say EPA failed to adequately address the problem. Of the 4 to 7.5 million tons of SO_2 currently emitted from tall stacks EPA's policy would only require reductions of about 1.7 million. This is clearly inadequate and S. 1426 would rectify the situation.

First, the EPA would be prohibited from using tall stacks to meet ambient air quality standards unless all available pollution controls have been implemented.

Second, only tall stacks in operation when the Clean Air Act passed in 1970 would qualify for a "grandfather." Tall stacks that were on the drawing boards, and constructed after the 1970 passage of law would be subject to the provisions of S. 1426.

Third, the bill would not allow other kinds of dispersion techniques such as "plume rise" to be used.

Mr. President, the bill is clearly related to any comprehensive acid rain control strategy we develop in Congress. We cannot continue to let things stand as they are on the acid rain issue. Each day another 100,000 tons of sulfur dioxide go into the atmosphere eventually landing in our water and on our soil. The National Academy of Sciences has estimated that acid rain is costing us billions of dollars through the destruction of buildings, vegetation, and water.

In Rhode Island, where our citizens pay high electric rates for clean fuel and less emissions, we are drenched with acid rain from upwind States. Where the neutral level of acidity in water is 7 on the pH scale our rainfall is at about 4 which is highly acidic and is threatening many of our lakes and streams.

I urge my colleagues to support this legislation. It will not solve the acid rain problem by itself but it will bring us closer to eliminating much of the harmful pollution causing the problem.

WHAT THE CHILEANS AND UNITED STATES CAN DO TO OUST PINOCHET

Mr. KENNEDY. Mr. President, last month General Pinochet lifted the state of siege in Chile and the United States promptly voted in support of $195 million in Chilean loans approved by the World Bank. Earlier today, another $100 million loan was approved by the World Bank, again with U.S. support. I strongly oppose the U.S. support of these loans absent a termination of the state of emergency in Chile, and I urge the U.S. Executive Director at the World Bank to vote against or to abstain from voting on any future loans to Chile under present conditions. I make this request not only on moral grounds against the repressive policies of the Pinochet regime, but also on legal grounds.

Section 701 of the International Financial Institutions Act instructs directors of multilateral banks to oppose loans to countries whose governments engage in "a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person * * *." While the lifting of the state of siege has led to several encouraging developments, there remain many instances of gross violations of internationally recognized human rights in Chile.

I wish to call to the attention of my colleagues an article in yesterday's New York Times by Peter D. Bell of the Carnegie Endowment for International Peace in which Mr. Bell urges the administration to "make full use of its economic leverage to press for broader civil liberties." Mr. Bell eloquently points out that after Pinochet lifted the state of siege, he immediately invoked emergency powers to reinstate most restrictions on civil liberties—including predawn security sweeps, the detention of some 40,000 suspected subversives, the banishment of 600 political activists to remote parts of the country and the closure of six opposition publications.

U.S. pressure on the Pinochet government is a major reason the state of siege in Chile was lifted. Let us not relent on that pressure now. As Mr. Bell states, "being soft on General Pinochet is not only morally indefensible, it is shortsighted politics."

Mr. President, I urge my colleagues to read Mr. Bell's insightful article and urge the U.S. Executive Director to vote against any future World Bank loans to Chile. I ask unanimous consent that the full text of the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT THE CHILEANS AND U.S. CAN DO TO OUST PINOCHET

(By Peter D. Bell)

President Augusto Pinochet Ugarte of Chile last month lifted the state of seige that he slapped on his country in November, but he immediately invoked emergency powers to reinstate most restrictions on civil liberties. Thus, the lifting of the state of siege—viewed by virtually all Chileans as a response to United States pressure—is a small step in the right direction, but hardly cause for rejoicing either in Chile or in Washington.

Opponents of the regime are sobered but undaunted by the stepped-up repression of recent months. For them, this has been a period of suffering and of stock-taking. The toll from the state of seige—including predawn security sweeps, the detention of some 40,000 suspected subversives, the banishment of 600 political activists to remote parts of the country and the closure of six opposition publications—has only strengthened their conviction that Chile must return to democracy.

Chileans have learned some hard lessons from the Pinochet repression.

First, the General will not negotiate a transition to democracy of his own free will. Last year, he undercut negotiations with the moderate opposition. Then, with the pretext of fighting leftist terrorism, he launched a systematic campaign to silence the entire opposition.

Second, unity is essential to the eventual success of the opposition, now the overwhelming majority of Chileans. Throughout much of 1983 and 1984, the opposition seemed to be gathering strength. It lost momentum, however, in the petty rivalries of political party chieftains. The opposition must reconstruct a broad civic front—composed not only of political parties but of the Roman Catholic Church and organizations of workers, women, students and professionals—for the overriding purpose of restoring democracy.

Third, the democratic movement must resolve the question of Communist Party participation—a question that arises primarily because of the party's endorsement of "all means," including violence, to combat the dictatorship. Despite General Pinochet's commitment "to extirpating the Marxist

cancer" from Chile, the Communist Party remains second only to the centrist Christian Democratic Party in size. Given the Communists' long adherence to the rules of Chilean politics prior to the military coup, in 1973, their participation in a restored democracy is presumed even by conservative parties, but they must forswear violence to close ranks with the rest of the opposition.

Fourth, elections are the cause around which Chileans are most likely to mobilize to restore democracy. Chile has a long history of deciding important political questions by open and fair elections. Despite the state of siege, the principal labor, student and professional organizations have held internal elections in recent months, and in almost every case opposition groups combined to elect their candidates, usually moderate Christian Democrats.

There is no question that General Pinochet would lose a plebiscite today on whether to continue the dictatorship or restore democracy. It is up to the opposition to convince the military—by mass mobilization, nonviolent resistence and perhaps a national strike—that a popular referendum is preferable to endless repression.

What can the United States do to support democratic change in Chile? The lifting of the state of siege was a quid pro quo for United States support of $195 million in Chilean loans approved by the World Bank last month—approval crucial to a much larger package of commercial and multilateral loans. The Reagan Administration thus ignored United States law instructing our directors of multilateral banks to oppose loans to gross violators of human rights, and the wonder is that its backing secured so little real change in General Pinochet's repression.

If the Administration were serious about bolstering Chile's prospects for a return to democracy, it would make full use of its economic leverage to press for broader civil liberties. Chileans still resent the Nixon Administration's commitment to rescue them from their "own irresponsibility" after their election of a socialist President, Salvador Allende Gossens, in 1970. They are puzzled today by the Reagan Administration's insistence that the destiny of Chile is in "good hands."

The restoration of democracy in Chile may be months or even years away, but the opposition is now building toward that day. The United States should unambiguously support these efforts. The longer General Pinochet remains in power, the greater will be the suffering of the Chilean people and the likelihood of polarization and civil strife. Being soft on General Pinochet is not only morally indefensible, it is short-sighted politics.

FORTIETH ANNIVERSARY OF TRINITY

Mr. CRANSTON. Mr. President, earlier today veterans exposed to radiation from nuclear explosions and the survivors of these veterans held a rally on the steps of the Capitol. I had the privilege of speaking at that rally and would like to share with my colleagues much of what I had to say.

On this date in 1945, in the New Mexico desert, the atomic age was born. As the sky filled with a terrible, bright light, some who were there likened it to what they thought the dawn of creation must have looked like; others described it as resembling their vision of the end of the world.

Today, 40 years after the Trinity explosion we are still under the nuclear cloud created that day. We still cannot say with certainty what the effects of that blast and those that followed were on the health of our citizens—those who were exposed to radiation from blasts while in the Armed Forces and those living on farms and in towns and cities who were exposed to radiation from fallout.

And, of course, we continue to manufacture, stockpile, and test nuclear weapons, although the explosions have moved underground.

Along with the many others who are commemorating this grim anniversary, I pledge my continued devotion to the quest for solutions to the problems that have followed the test this date 40 years ago—both the problems for those exposed to radiation from nuclear blasts and the problems for the citizens of the world who live under the threat of annihilation from a nuclear holocaust.

As the ranking Democrat on the Veterans' Affairs Committee in the Senate and previously as its chairman for 4 years, I have long been committed to helping veterans who were exposed to radiation during their service and the families of those veterans. I am—and have long been—listening to them. These veterans served their country honorably, and their problems are real and serious. They deserve the attention of the Congress and the administration and have every right to be heard.

In 1981, legislation I authorized was enacted to require the VA to provide health care to those veterans for conditions not clearly caused by another factor. Just last month, the Committee on Veterans' Affairs agreed to my proposal to extend that authority until 1989, and I hope for prompt Senate approval this month.

In the last session of Congress, Mr. President, legislation I authored and worked very hard on was enacted to require the VA—for the first time—to develop, through a process allowing for public participation, regulations prescribing guidelines for resolving claims for VA compensation benefits from these veterans and their survivors. For far too long, the VA has been unresponsive to many justifiable claims for benefits for disabilities that are thought to result from exposure to radiation. This situation must be changed.

Later this summer, I expect the General Accounting Office to issue an important report on a study they carried out, at my request, of the 2 crossroads blasts—at which over 42,000 servicemen participated. I have every reason to believe that this report will shed important new light on questions relating to estimates of exposure and safety precautions.

In that connection, in November 1984, Congress enacted legislation I wrote calling for a major study of the health of veterans exposed to nuclear test radiation. Serious questions have been raised about whether a scientifically valid study can be conducted. That matter is before the Congress and the VA Administrator right now.

One thing is clear to me, however: If it is determined that a scientifically valid study cannot be done on the nuclear test population, then we must do everything possible to give the benefit of the doubt to these veterans and to their survivors. If the VA will not do it, the Congress will have to do it. I feel very strongly about that.

Mr. President, I believe that the smoky study results and preliminary indications from the GAO study suggest that there is a real likelihood that the exposures may have been far more serious than the Defense Nuclear Agency has blithely asserted. If better scientific substantiation for the DNA's efforts at reassurance cannot be forthcoming, then it should be the Government that must pay for its negligence, not the individual veterans who can't produce clear scientific evidence to support his claim.

We must do more, however, than just redress the problems caused by past nuclear explosions. Unless the source of those problems is addressed, they can only recur. And indeed, if the underlying problem—the Pentagon's desire to test nuclear weapons—is not soon resolved, we will face much greater ones. It is because of my concern for the larger problem that I have dedicated myself to ending the nuclear arms race and to removing once and for all the threat of nuclear annihilation.

To this end, I am committed to a mutual, verifiable United States-Soviet moratorium on the new deployment of strategic nuclear weapons and the testing of all nuclear weapons and thereafter to a phased, coordinated reduction and ultimately an elimination of these terrible weapoons. I will continue to devote myself to achieving that goal.

Forty years ago today, we began the atomic age. Today is not one day too soon to resolve to address the problems it created and to turn from the destructive path of further development and testing to the constructive route of nuclear reduction and disarmament.

VICTIMS OF RADIOACTIVE FALLOUT

Mr. HATCH. Mr. President, in marking the 40th anniversary of the explosion of the world's first atomic bomb, I pray we remember a group of Ameri-

can civilians who paid and are paying an enormous toll for the atmospheric atomic bomb tests which were to follow over the next 17 years.

Exactly 40 years ago today the first atomic bomb was exploded at what is now the White Sands Missile Range in New Mexico. Construction of the bomb required one of the greatest research and development efforts ever conceived by humankind—and it was done in strictest secrecy. The successful atomic bomb testing in New Mexico led to construction of more bombs, two of which were detonated in Japan just a month later to speed the end of World War II in the Pacific and in Asia—the war had ended in Europe at that time.

No one could know how this event would affect human history. Few people knew such applications of nuclear physics were possible. No one could foresee the full effects of these developments. Yet, in a very real sense to Americans after almost 4 years of difficult warfare in distant lands, the first atomic bomb explosion was a necessary event in the closing of the Great War, and in preventing the loss of millons more people in a long, drawn-out assault on the strongholds of the army and navy of the people who were then our enemies at war.

But though the testing was necessary, though the atomic bomb speeded the end of the war and saved hundreds of thousands or millions of lives, and though 40 years later we can still find ample justification for our actions even with the benefit of hindsight, this atomic bomb testing opened a difficult chapter of U.S. history. White Sands hosted the one test. Later testing, through the 1950's and 1960's, was conducted at the Nevada test site. About one-quarter million American citizens hosted more than 100 tests of atomic bombs set off in the open air, above ground. These Americans were exposed to radioactive fallout from more than 100 different atomic bombs—many of the bombs were considerably larger than the ones detonated at White Sands, Hiroshima, and Nagasaki.

Americans who lived downwind of the Nevada test site, in the shadow of the fallout clouds, are known as downwinders. Though these patriots generally support U.S. defense efforts, including more atomic testing—which has been conducted underground since 1962—many of them are seeking compensation from the Government for injuries they suffered from the radiation they received.

Over the course of the more than 100 atmospheric atomic tests, carefully prescribed precautions to protect civilians from injury were not always followed. Careful monitoring of radiation from the mushroom clouds was not always performed up to standards that we had grown to expect in the 1950's, and it was performed to standards far below what we expect today. At the same time, authorities of the U.S. Government assured Americans living downwind of the tests that these safety precautions designed to prevent injury were always taken, and that the monitoring to warn of any failure of the precautions was always done. Thus armed with official assurances of safety, citizens of Utah, Nevada, and Arizona went about their daily business for more than a decade. They were kept officially ignorant that there were any precautions necessary to protect them from fallout radiation. Many people were ignorant of what precautions they could take. Sheepherders herded sheep, with their horses and their sheep kicking up radioactive dust for them to breathe. In at least one carefully documented case, the fallout clouds descended on sheep herds, fatally striking many of the sheep with radiation sickness and exposing the herders to doses of radiation at which we can only guess.

In the schools, teachers excused their pupils for recess on the playgrounds under the drifting radioactive clouds, confident that Federal authorities would warn them if there were any danger, as the Federal authorities had promised to do and did on some occasions, but not all necessary occasions. In some of the local colleges, professors arranged field trips for science classes to go to the desert to watch the blasts and the resulting clouds of radioactive dust. These activities, which almost certainly increased exposures to radiation for those involved, were not discouraged by authorities who knew of the dangers.

Since 1979, the Committee on Labor and Human Resources and the Committee on the Judiciary have compiled a nearly 4,000-page record of these incidents. The record shows the Federal Government was negligent in not warning these civilians of the danger they faced, and in not warning them of how to reduce the dangers. Many times, radiation exposures could have been reduced to an absolute minimum simply had the people stayed indoors for a brief period.

A distinguished Federal judge in Salt Lake City found that the U.S. Justice Department committed a fraud upon the court trying to cover up radiation damage to sheep. Fraud upon the court is an almost euphemistic legal term which means the Government's employees lied under oath.

A second Federal judge in Salt Lake City, in a carefully considered, carefully worded decision, found the Government negligent in several cases of radiation injury to people. The initial cases are a sample of more than 1,200 other claims for radiation injury which are pending in Federal courts.

But these court remedies have proven difficult to work, if indeed we can make them work at all. And as time drags on, those few people who were injured by the fallout grow frail. Many of them die. Indeed, one of the 24 plaintiffs in the test cases decided in Salt Lake City in 1984 died before the decision could be rendered. Her survivors have been forced to refile her original suit seeking compensation for injury as their suit seeking compensation to survivors for wrongful death.

These people are American citizens. They do not merit this shoddy treatment.

For years we have worked to find a solution for these problems, to devise a method of compensating those who were injured while not opening the doors of the Federal Treasury to spurious claims. Several of the best scientists in the field detailed to the committee a method of determining whether the Government's bomb tests were at fault, to a considerable degree of certainty. This method, calculating probabilities of causation, required a 2-year project to assemble the necessary data and the necessary calculations in one place, and to create sample tables showing how the method would work. The project was mandated by an amendment we added to Public Law 97-414. The report was published by the National Institutes of Health and the Public Health Service as the report of the National Institutes of Health Ad Hoc Working Group to Develop Radioepidemiological Tables [NIH publication No. 85-2748].

And after all of these congressional hearings, the lengthy court proceedings, the extensive scientific work, this is what we know: First, people were injured by the fallout from the bomb tests; second, much of the injury could have been prevented with simple measures; and third, we cannot determine exactly who was injured by the radiation and who was not, because estimates of the doses of radiation are necessary for the determination, and those doses are not available because of the Government's failure to monitor adequately.

There yet remain ways that we can restore justice in the case of the downwinders. The best way, I firmly believe, would be to establish a trust fund similar to the one proposed by the current administration to settle the claims of residents of islands in the Pacific Ocean who were injured by the few tests the United States conducted there. This administration proposal is contained in the proposed Compact of Free Association which awaits action on the Senate's calendar. It would ill behoove us to settle the claims of the Pacific islanders, but leave the claims of our own citizens

unresolved. This compact presents us with an opportunity to resolve most of the claims outstanding.

There are many other justifications for establishing a trust fund for the American downwinders. We can discuss them at another time. I wish to be certain that, as the 40th anniversary of the atomic bomb is noted across this country, those Americans who were victimized by it in their own land are not forgotten.

An article about that first bomb was carried on the wires of UPI which fits, I think, the mood of the times for the residents of the areas. In the article is told the story of a man at a train station to send his son to fight in World War II, waiting for the train when the first bomb went off. The subsequent bombing of Hiroshima and Nagasaki ended the war before the son saw combat—a result which was repeated millions of times. This article summarizes well the moral dilemmas which the advent of nuclear weapons has presented to us. It captures the feelings of many of my constitutents in southern Utah, constitutents who have asked me to help them win some just compensation for their injuries. I ask unanimous consent that the article from UPI and a supporting story be inserted in the RECORD with my remarks.

Our hope and prayer is that we be free from the scourge of war. But we should also recognize that those devices which may shorten, deter or prevent war may cause injuries themselves. In the case of the downwind residents, it is time our Government recognized their plight. It is time our Government act to ease their situation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From UPI News Features]

"IT JUST TURNED DAYLIGHT ALL AT ONCE"

(By John A. Webster)

WHITE SANDS MISSILE RANGE, NM (UPI).—Elvin I. "Sparky" Harkey woke up early on July 16, 1945, to send his son to war. As he waved a lantern to flag down a passing train, "it just turned daylight all at once."

The instant daylight witnessed by Harkey, his son and other early risers in south central New Mexico 40 years ago was the dawn of the nuclear age.

At 5:29:45, Mountain War Time, the world's first atomic explosion occurred in a flat, barren desert known to early Spanish explorers as "Jornada del Muerto," or journey of death.

The brilliant light—accompanied by a thunderclap, shock wave and now familiar mushroom-shaped cloud—culminated 28 months of intense research at a super-secret mountain laboratory in Los Alamos, N.M., 200 miles north of the test site.

The flash startled and puzzled area residents. One rancher thought his barn was on fire. Another thought a meteor crashed nearby. Many couldn't imagine what it was.

Harkey, a retired railroad agent who got his nickname 50 years ago while working as a telegraph operator, said his son had been directed to report for military service that day.

As railroad agent for the small community of Ancho, 45 miles northeast of the blast site, he knew the train did not make a scheduled stop.

"I was standing there in the middle of the track, flagging the train with a lantern so they'd stop," the 78-year-old Harkey said in a recent telephone interview. "They stopped, and about that time that thing went off.

"The engineer jumped off the train and ran back to me and said, 'What happened?' I said I didn't know, but something happened. It just turned daylight all at once."

The engineer said he recently passed another train and thought it may have blown up. The two men got into Harkey's car and headed in the direction of the other train, but in checking the track signals a short time later, they saw nothing was wrong.

"He shook his head, and I did, too," Harkey said. "We went back. He got on the train and said, 'I guess I'll go on.' He didn't know what else to do. I didn't either, so I put the boy on the train.

"I went back home and woke up the wife. We sat out on the front porch for about an hour and a half and watched that (mushroom) cloud. There was no breeze at all. It just went up and up and up and finally dispersed."

Scientists wanting to test the nuclear device they were developing at Los Alamos initially considered eight possible sites—four in New Mexico, two in California, one in southern Colorado and one just off the coast of south Texas.

The choice was narrowed down to what was then the Alamogordo Bombing Range for several reasons—it was relatively close to Los Alamos, the government already owned the land and the terrain was flat and dry.

For 10 months, tons of equipment were moved to the site, generally in secret, to construct a base camp for Project Trinity. The name of the project, and subsequently of the site, was selected by J. Robert Oppenheimer, director at Los Alamos, who apparently never indicated why he chose it.

Five days before the test, the plutonium was convoyed from Los Alamos to the site, where it was assembled and placed atop a 100-foot tower. Just before 11 p.m. on July 15, an arming party of seven men climbed the tower to install the final timing and remote operating devices.

At 4:45 a.m. the next day, following several nervous hours of evaluating unsettled weather, the final "go" decision was made. At 5:29 a.m., Joe McKibben threw an automatic timing switch. Forty-five seconds later, the spectacular dawn burst, changing the world.

J.O. "Bud" Payne of Carrizozo was up early, as usual, taking care of chores at his ranch about 40 miles east of Trinity Site.

"I had been out already and was back in the house washing my hands (when) the whole sky lit up," Payne recalled. "I thought the barn was on fire and ran outside. Then the whole sky was pink. I thought it was the aurora borealis.

"I went to town that day, and people were saying an ammunition dump blew up."

The size of the blast generated so many queries to the military, the press and local officials that the Army felt compelled to issue an explanation.

Five and one-half hours after the blast, officials announced that a "remotely located ammunition magazine containing a considerable amount of high explosives and pyrotechnics exploded." The true story was not released until Aug. 6—the day the bomb was dropped on Hiroshima, Japan.

The explosion even surprised many of the scientists on hand for the test. McKibben called it "really big . . . just terrific," and Norris Bradbury, who later became director of the Los Alamos lab, said it was "truly awe-inspiring."

Enrico Fermi, who only 2½ years earlier engineered the first sustained man-made nuclear chain reaction at the University of Chicago, wrote shortly after the test the countryside appeared "brighter than in full daylight."

Oppenheimer apparently felt the sense of doom that nuclear power has since engendered in many people, saying the detonation reminded him of an ancient Hindu quotation: "I am become Death, the destroyer of the worlds."

At a ranch near Three Rivers, a few miles closer to the site than Payne's ranch, Charlie Trammell was just begining his day.

"I had just got up and walked out of the bedroom into the kitchen and was washing my face and hands fixing to milk the cows when the whole country lit up," said Trammell, now 81 and living at Tularosa, a town just east of the missile range.

"I thought it was a meteor and started outside to see where it was going to land. By the time I got to the door, the whole house was shaking and the dishes were rattling."

Wayne Withers was much closer to the blast, only about 15-20 miles away, but he didn't bother to get up, largely because the bright lights and earlier noises had kept him awake and he was used to unusual happenings at the site.

The blast rattled the house, though, Withers recalled. "It was quite a jar."

Another area rancher thought a plane had crashed, while a store owner said he was reminded of an earthquake. A 10-year-old girl rushed into the house to tell her mother that the light was "like somebody turned a light bulb on right in my face."

To commemorate the 40th anniversary of the blast, White Sands Missile Range officials are opening Trinity Site to the public on Tuesday, July 16. The normally closed range, where explosives are still tested, is regularly opened one day each fall, but the public is rarely allowed entry at other times.

The tour will include a stop at the newly refurbished McDonald Ranch House, where the scientists assembled the plutonium core for the first bomb. The house, about 1 mile from Trinity Site, survived the blast, but had been ravaged by the weather. It was renovated to its 1945 condition last year.

Ever since the brilliant dawn 40 years ago, the use and misuse of nuclear power has been debated by scientists, politicians, social scientists and the public.

Payne says in retrospect, "I kind of wish in a way it had never happened," but then he says political realities of the latter part of the 20th century have made it imperative for the United States to develop and be prepared to use nuclear power.

Trammell agrees, noting that the country may be forced to use nuclear weapons again.

Harkey called the development of nuclear weapons "a startling thing . . . that changed our way of living," but said he had no doubt about the value of the first bombs in bringing a quick end to World War II.

The son he put on the train that day never saw combat.

LOS ALAMOS, NM (UPI).—The few dozen people who gathered at monitoring or observing points in the southern New Mexico desert July 16, 1945, to watch the first atomic explosion included some of the greatest scientists in the world.

Here are some of the people who witnessed the blast:

J. Robert Oppenheimer, nuclear physicist who directed the development of the first atomic weapons at Los Alamos; later director of the Institute for Advanced Study in Princeton, N.J.; security clearance revoked in 1954 for alleged disloyalty, but received Atomic Energy Commission award in 1963 for work on peaceful applications of atomic energy. Died Feb. 18, 1967, at Princeton.

Enrico Fermi, Italian physicist who came to the United States in 1939, one year after receiving Nobel Prize; headed the team that produced the first sustained nuclear chain reaction at the University of Chicago in December 1942; worked on atomic bomb theory at Los Alamos; returned to University of Chicago after World War II. Died Nov. 28, 1954.

Edward Teller, Hungarian-American physicist who moved to United States in 1935; worked on bomb 1941-1945, part of the time at Los Alamos; director of thermonuclear bomb program at Los Alamos and later at Lawrence Livermore Laboratory, which he helped create; dubbed "father of the H-bomb" and continues to be in the forefront of scientists urging a strong defense.

Han Bethe, physicist and educator who was director of theoretical physics division at Los Alamos; professor at Cornell 1937-1975 and given emeritus status in 1975; 1967 Nobel Prize winner.

Norris Bradbury, physicist in charge of bomb assembly for the Trinity Project; named "interim" director of the Los Alamos Laboratory in 1945 after Oppenheimer left and retained the position until 1970. Retired in Los Alamos.

I.I. Rabi, physicist who was a consultant to the bomb project and an invited guest at the first test project consultant; vice president of the 1955 Conference on Peaceful Uses of the Atomic Energy; U.S. delegate to 1958 Atoms for Peace Conference in Geneva; 1944 Nobel Prize winner.

Sir James Chadwick, discoverer of neutrons; head of the British atomic mission to the United States.

Klaus Fuchs, member of British mission who had been passing secret information to Soviet agents; later arrested and convicted in England; moved to East Germany after release from prison.

Kenneth T. Bainbridge, director of Project Trinity, the name of the first atomic test; Harvard professor with background in electrical engineering who came to Los Alamos as leader of high explosive development.

George Kistiakowsky, physicist who headed the explosives division at Los Alamos, which made the field preparations to record the effects of the first test; later a presidential science advisor.

Maj. Gen. Leslie R. Groves: Army engineer who was director of the Manhattan Engineer District of the War Department (Manhattan Project); retired from the Army in 1948. Died July 13, 1970.

William L. Laurence: New York Times reporter, only reporter to cover the test explosion, but did not release story until the bomb was dropped on Hiroshima, Japan, Aug. 6; won his second Pulitzer Prize for eyewitness account of the dropping of the bomb on Nagasaki three days later.

EXPRESSING SYMPATHY FOR SENATOR ARMSTRONG'S FATHER

Mr. DOLE. Mr. President, I want to express my sincere sympathy to Senator WILLIAM L. ARMSTRONG and the entire Armstrong family on the death of William L. Armstrong, Sr.

Senator ARMSTRONG'S father had struggled with heart and lung disease and died early on July 16 at the Tucson Medical Center.

Mr. Armstrong, Sr. was born in Auburn, NE on July 4, 1907. After graduating from Peru College and the University of Nebraska, Mr. Armstrong taught school and coached in the Shubert, NE school system. Later he became superintendent of schools in Plymouth and Weeping Water, NE.

In addition to his career as an educator, Mr. Armstrong was a successful businessman.

I know I speak for all my colleagues here in the Senate in saying how sorry we are for Senator ARMSTRONG's loss.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, there is some negotiation underway on getting on S. 43, the line item veto. It is my hope that we can reach some time agreement on the motion to proceed, and have a vote up or down sometime tomorrow on the motion.

That would avoid going through cloture on motion to proceed. I have had a discussion with the distinguished senior Senator from Oregon, Senator HATFIELD, and the distinguished minority leader, Senator BYRD. They will report back to me after policy luncheons. If not, then we will have to go through the process of cloture on the motion to proceed, and cloture on the bill itself.

I would indicate to my colleagues that I understand this is a controversial matter and I am not trying to shut off any debate on any motion to proceed or on the bill itself. But it would also be helpful if we could dispose of a number of other bills in July. I have discussed the importance of those with the minority leader. He will be going over many of those items with the Democrats during their policy luncheon. We will do the same with the Republicans during our policy luncheon.

I would hope we could make considerable progress this week.

I indicated before that we might also dispose of the Small Business Administration bill. I know the distinguished Senator from North Carolina has a prayer amendment he would like to offer to that proposal. Some hoped we would not have to get into that issue on the Small Business Administration bill. I would certainly be willing to call up the prayer amendment as a free-standing resolution. I am not certain whether or not cloture could be obtained. I would not be able to do that, probably, this month.

There are a number of items that we would like to move to, though perhaps with some resistance.

Mr. President, after the three votes—and the distinguished minority leader is not here at the moment—I will ask that we return to legislative session and have a period for the transaction of routine morning business, not to extend beyond 30 minutes. I do not think that is a problem.

RECESS UNTIL 2 P.M.

Mr. DOLE. Mr. President, I move that the Senate now stand in recess until 2 p.m.

The motion was agreed to and the Senate, at 11:52 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROTH].

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will proceed in executive session to consider the nomination of Edwin G. Corr. The clerk will report.

DEPARTMENT OF STATE

NOMINATION OF EDWIN G. CORR, OF OKLAHOMA TO BE AMBASSADOR TO THE REPUBLIC OF EL SALVADOR

The assistant legislative clerk read the nomination of Edwin G. Corr, of Oklahoma, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Mr. LUGAR. Mr. President, I rise in support of the nomination of Edwin G. Corr of Oklahoma to be the U.S. Ambassador to the Republic of El Salvador. Mr. Corr was nominated by the President on June 12, 1985. A hearing on his nomination was held by the Committee on Foreign Relations on June 20, he was considered by the committee on June 26 and his nomination favorably reported by a vote of 15 to 0.

This will be the third time Ambassador Corr has been considered by the Senate for the position of Ambassador. In 1980 he was named Ambassador to Peru by President Carter; in 1981 President Reagan appointed him Ambassador to Bolivia where he is presently serving. Each time Mr. Corr

has been nominated, his credentials have been reviewed first by the executive branch and then by the Senate.

At his most recent nomination hearing before the Foreign Relations Committee, Ambassador Corr discussed a number of issues involving El Salvador. He also commented on the narcotics situation in Bolivia. Ambassador Corr was well informed on all of these matters. He also answered a number of questions for the record.

The Ambassador brought with him to the hearing his wife Suzanne and one of his three daughters. The committee was pleased to meet both.

Mr. President, a number of rumors about Ambassador Corr have surfaced in recent weeks. They involve matters of a personal nature, but nonetheless some could say that, if true, they would reflect on the nominee's ability to represent the United States as Ambassador. I reviewed these rumors with White House counsel. They were the subject of an investigation by the executive branch and found to be without foundation.

Ambassador Corr began his Government service in 1961. He has served as an international affairs officer for Mexican and Carribean Affairs in the Department of State, as a junior officer in the American Embassy in Mexico City and as a desk officer for Panamanian Affairs. In 1975 Ambassador Corr became political counselor in the American Embassy in Quito, Ecuador; he was promoted to deputy chief of mission in 1976. In 1978 he was named Deputy Assistant Secretary of State for International Narcotics Matters. He served in that post until becoming U.S. Ambassador to Peru in 1980.

Ambassador Corr has had a wealth of experience on Latin American affairs. He is well qualified to be the U.S. Ambassador to El Salvador. I recommend his nomination to the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I, too, have had an opportunity to go over some of the reports and information on Ambassador Corr. I concur in the judgment of the chairman of our committee. I believe that Ambassador Corr will make an excellent Ambassador. He is highly qualified and very competent. I believe that his appointment should be confirmed.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum, with the time charged against the 15 minutes of debate.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I remind Senators that I announced yesterday that I have written to the Attorney General asking that a special prosecutor be appointed to investigate Mr. Corr's actions in Bolivia. Numerous allegations have been raised by responsible persons concerning Mr. Corr's conduct as Ambassador which, if true, would reflect adversely upon Mr. Corr and upon the United States. I have been advised by counsel that the allegations are serious and sufficient to meet the test required for the appointment of a special prosecutor.

I might add Mr. President, that some of these allegations have already been investigated by the inspector general of the Department of State. Unfortunately, the inspector general failed to submit its findings to the committee; and a quick review of its findings indicated serious shortcomings with the work of that office.

Finally, Mr. President, I have drawn attention in the past to the fact that the inspector generals of State and of USIA are the only such offices that are not independent of the agencies they are supposed to investigate. All of the other 18 are independent; that is, not appointed by the head of the agencies they oversee. I remind my colleagues that the Senate recently approved my amendment to the State Department authorization bill to give the State Department inspector general independent status. The IG's handling of the Corr case is another reason to hope that this amendment is kept in the forthcoming conference.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I know of no further Senators who wish to speak on this nomination. Therefore, on our side, we are prepared to yield back whatever time remains.

I inquire of the distinguished ranking minority member if he is prepared to yield back any time that remains on his side.

Mr. PELL. I am.

Mr. LUGAR. All time has been yielded back.

The PRESIDING OFFICER. All time having been yielded back, the question is, Will the Senate advise and consent to the nomination of Edwin G. Corr, of Oklahoma, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DENTON (when his name was called). Present.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER (Mr. GRASSLEY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 150 Ex.]

YEAS—89

Abdnor	Glenn	Melcher
Andrews	Goldwater	Metzenbaum
Baucus	Gore	Mitchell
Bentsen	Gorton	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grassley	Nickles
Boren	Harkin	Nunn
Boschwitz	Hart	Packwood
Bradley	Hatfield	Pell
Bumpers	Hecht	Pressler
Burdick	Heflin	Proxmire
Byrd	Heinz	Pryor
Chafee	Hollings	Quayle
Chiles	Humphrey	Riegle
Cochran	Inouye	Rockefeller
Cohen	Johnston	Roth
Cranston	Kassebaum	Rudman
D'Amato	Kasten	Sarbanes
Danforth	Kennedy	Sasser
DeConcini	Kerry	Simon
Dixon	Lautenberg	Simpson
Dodd	Laxalt	Specter
Dole	Leahy	Stafford
Domenici	Levin	Stennis
Durenberger	Long	Trible
Eagleton	Lugar	Warner
Evans	Mathias	Weicker
Exon	Matsunaga	Wilson
Ford	Mattingly	Zorinsky
Garn	McConnell	

NAYS—8

East	Helms	Thurmond
Hatch	McClure	Wallop
Hawkins	Symms	

ANSWERED "PRESENT"—1

Denton

NOT VOTING—2

Armstrong	Stevens

So the nomination was confirmed.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF ROZANNE L. RIDGWAY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE

Mr. LUGAR. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The Senate will now proceed to the nomination of Rozanne L. Ridgway, which the clerk will report.

The assistant legislative clerk read the nomination of Rozanne L. Ridgway, of the District of Columbia, to be an Assistant Secretary of State.

Mr. LUGAR. Mr. President, Ambassador Rozanne Ridgway has been nominated by the President to be Assistant Secretary of State for European and Canadian Affairs. Extensive hearings were conducted with respect to Ambassador Ridgway's nomination on June 25, and she was reported out of committee without a single dissenting vote.

During her appearance before the committee, a number of questions were put to Ambassador Ridgway regarding a case involving a request for political asylum by an East German family during her tenure as U.S. Ambassador to the German Democratic Republic. The committee was urged to look further into this matter. Committee staff reviewed the questions raised and the answers provided. Many of these same issues were raised on the floor of the Senate yesterday. Committee staff has satisfied itself as to Ambassador Ridgway's conduct in this matter and has reaffirmed support for Ambassador Ridgway's nomination.

Very briefly, Mr. President, to respond to a number of assertions made on the floor of the Senate yesterday afternoon, charges concerning Ambassador Ridgway's personal role in the removal from the U.S. Embassy of an East German citizen who posed a threat to Embassy personnel are without foundation. Indeed, Mr. President, the records indicate that Ambassador Ridgway was not even physically present at the time, having returned a short time previous to the incident to Washington for consultations.

Second, it has asserted that the U.S. Embassy and the U.S. Government made insufficient efforts to secure the release of Dr. Schnappauf after his arrest following his removal from the U.S. Embassy. While it is true that Dr. and Mrs. Schnappauf were subsequently ransomed by the West German Government and are now in the Federal Republic, the record indicates an active U.S. role in attempting to secure the release of the Schnappaufs, including direct efforts by the Secretary of State, the Deputy Assistant Secretary of State, and Ambassador Ridgway with their opposite number in the East German Government. Indeed, the record shows that Ambassador Ridgway personally brought this case to the attention of the Secretary of State and secured his concurrence that the matter ought to be pursued at the highest possible levels.

Third, it has been asserted that the Embassy handling of the Schnappauf case was conditioned by a desire not to jeopardize a projected trip to West Germany by the East German head of state, Erik Honecker, that an embarrassing incident involving political refugees might set back détente. It is true, Mr. President, that the projected Honecker visit was ultimately canceled, but for reasons that had little to do with political refugees, even those 55 refugees who had occupied the West German mission in East Berlin. Those of us following political developments in Germany throughout the summer of 1984 will recall that it was the Soviet Union which forced the East German Government to cancel the projected trip and for reasons that dealt primarily with Soviet-American relations, the INF deployments in Europe, and the breakup of the arms control negotiations.

In short, Mr. President, Ambassador Ridgway has had a long and distinguished career, one that I detailed yesterday in bringing her nomination to the attention of my colleagues. She was most cooperative and forthcoming during her extensive nomination hearing. Additional questions were raised. The committee has looked into them. I am pleased, Mr. President, to reaffirm my support for Ambassador Ridgway and to urge my colleagues to confirm her in the position as Assistant Secretary of State for European and Canadian Affairs.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I have known and worked with Ambassador Rozanne Ridgway for more than 10 years. I have known her by reputation longer than that. She has done a job with singular ability, competence, loyalty to whatever administration was in power at the time, knows the subject matter very well indeed, and has served abroad as chief of mission in at least two posts. I believe she will serve as Assistant Secretary for European Affairs in a very competent and good way, and I urge my colleagues to support her.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished chairman of the Foreign Relations Committee, I think, was alluding to my statement yesterday on the floor. I know that Senators will not have time to do it, but I do wish they would read my statement, which begins on page 19002. All of the facts that I presented yesterday are, in my judgment, incontrovertible. Moreover, I must say with all due respect to the nominee, she was less than candid in response to a series of questions that I asked about Dr. Schnappauf and his family. For example, she stated without any qualification whatsoever that the release of Dr. Schnappauf and his wife was the result of efforts by herself and the Embassy. The truth of the matter is that Dr. Schnappauf was ransomed by the West German Government by a payment, as I recall, of 200,000 deutsche marks. But the family was not reunited. Even today, unless they have been released without my knowledge, the family is not in West Germany if you include the doctor's children as family. The investigation may satisfy other Senators, but it does not satisfy this Senator with respect to the candor which was absent in Mrs. Ridgway's responses to the questions that I put to her. There was no necessity for her to fail to disclose what really happened. One must assume that she did know that a ransom was paid and it was paid through the auspices of an attorney in East Germany by the name of Mr. Vogel, who has handled a number of cases of this sort. Yet she denied that Mr. Vogel was contacted. So I cannot support this nomination.

I know Senators do not have time to read the explanation of my position that I made on this floor yesterday afternoon. But I was far less than content with the Ambassador's candor when she appeared before the committee and responded to questions put to her.

I yield the floor.

NOMINATIONS OF RIDGWAY AND BURT

Mr. BIDEN. Mr. President, having served for nearly a decade as chairman or ranking member of the Foreign Relations Committee's Subcommittee on European Affairs, I wish to express support for the nominations of Ambassador Ridgway and Assistant Secretary Burt.

Ambassador Rozanne Ridgway, nominated to be Assistant Secretary of State for European Affairs, represents what I regard as an excellent decision by the administration—to favor professionalism over ideology in high level State Department staffing. A distinguished career Foreign Service officer who is fluent in five languages and who has already served in several important posts, including Ambassador to Finland and Ambassador to East Germany, Ambassador Ridgway possesses both a record and a strength of personality which belie the unfortunate, inaccurate stereotype of our professional Foreign Service as consisting of weak-kneed bureaucrats who don't know how to look out for American interests. Having recently visited East Germany where I witnessed Ambassador Ridgway at work, I wish to express full confidence in her intellect, sound judgment, and diplomatic skill. She serves our country well.

Assistant Secretary Burt, who now holds the position for which Ambassador Ridgway has been nominated and who has himself been nominated to be Ambassador to West Germany, is also a skilled professional—not a Foreign Service officer, but a man whose career demonstrates a serious and sustained interest in the issues that surround the defense of American security interests. I am well aware that criticisms have been leveled at Mr. Burt, and I myself have not always agreed

with him. But he is undeniably a man of high intellect, as well as distinct competence and substantial experience in the area of NATO and nuclear affairs. In my judgment, this experience and ability render him eminently capable to serve—as President Reagan has requested—as the President's Ambassador in Bonn. Accordingly, I shall support his nomination.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. LUGAR. Mr. President, all time on this side is yielded back.

Mr. PELL. Mr. President, in behalf of our side, I yield back our time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Will the Senate advise and consent to the nomination of Rozanne L. Ridgway, to be an Assistant Secretary of State? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DENTON (when his name was called). Present.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 88, nays 9, answered "present" 1, as follows:

[Rollcall Vote No. 151 Ex.]

YEAS—88

Abdnor	Goldwater	Metzenbaum
Andrews	Gore	Mitchell
Baucus	Gorton	Moynihan
Bentsen	Gramm	Murkowski
Biden	Grassley	Nickles
Bingaman	Harkin	Nunn
Boren	Hart	Packwood
Boschwitz	Hatfield	Pell
Bradley	Hawkins	Pressler
Bumpers	Hecht	Proxmire
Burdick	Heflin	Pryor
Byrd	Heinz	Quayle
Chafee	Hollings	Riegle
Chiles	Humphrey	Rockefeller
Cochran	Inouye	Roth
Cohen	Johnston	Rudman
Cranston	Kassebaum	Sarbanes
D'Amato	Kasten	Sasser
Danforth	Kennedy	Simon
DeConcini	Kerry	Simpson
Dixon	Lautenberg	Specter
Dodd	Laxalt	Stafford
Dole	Leahy	Stennis
Domenici	Levin	Thurmond
Durenberger	Lugar	Trible
Eagleton	Mathias	Warner
Evans	Matsunaga	Weicker
Exon	Mattingly	Zorinsky
Ford	McConnell	
Glenn	Melcher	

NAYS—9

East	Helms	Symms
Garn	Long	Wallop
Hatch	McClure	Wilson

ANSWERED "PRESENT"—1

Denton

NOT VOTING—2

Armstrong	Stevens

So the nomination was confirmed.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF RICHARD R. BURT, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE FEDERAL REPUBLIC OF GERMANY

Mr. LUGAR. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The nomination of Richard R. Burt, to be Ambassador to the Federal Republic of Germany. The clerk will report the nomination.

The bill clerk read the nomination of Richard R. Burt, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, Richard Burt has been nominated by the President to serve as U.S. Ambassador to the Federal Republic of Germany. Extensive hearings were conducted with respect to Mr. Burt's nomination on June 25, and prior to being reported out of committee, the nominee provided written responses to a long list of questions submitted by the committee.

Mr. President, Richard Burt has served with distinction as Assistant Secretary of State for European and Canadian Affairs over the past 2 years. Prior to that, he was Director of Politico-Military Affairs in the Department of State. Before assuming positions in the current administration, he served as the national security affairs correspondent for the New York Times covering foreign policy and defense issues in Washington, including the State Department, the Pentagon, the NSC, and Capitol Hill.

Mr. President, Richard Burt has been on the "cutting edge" of U.S. foreign policy toward Europe and the Soviet Union over the last 4 years. Time and again, he has appeared before the Committee on Foreign Relations to clarify unfolding developments in East-West relations and to share administration thinking with committee members. He knows well our European allies, particularly the Germans, as he has taken a leading role in consulting with our NATO allies on a variety of politico-military issues.

The committee has interacted closely and cooperatively with Mr. Burt during his tenure in the Department of State. He answered committee inquiries with patience and diligence.

I would be remiss, Mr. President, if I did not make mention of a concerted telephone campaign undertaken recently to oppose Mr. Burt's nomination. Senators have a duty to look carefully into the background of any nominee before offering any advice and consent with respect to nominations. When serious questions are raised about a nominee, the committee is obligated to probe further in order to satisfy itself with respect to the fitness of the individual. This the committee has done. But, Mr. President, Members must also be able to satisfy themselves as to the credibility and motives of individuals such as those who have undertaken this telephone campaign. Unsubstantiated innuendo has no place in our deliberative process.

Mr. President, I detailed Mr. Burt's career yesterday in bringing his nomination to the attention of my colleagues on the floor. As I did yesterday, I would urge my colleagues to move forward with the confirmation of Richard Burt as U.S. Ambassador to the Federal Republic of Germany.

Mr. PELL. Mr. President, Richard Burt is a man of great ability and great training and background in the field of foreign affairs, a man who has seen it from the side of the scholar, the public press, and the government. He has acquired knowledge and ability to work with people on the job. He has proved himself, and I think he will make a fine Ambassador to Germany. I trust that my colleagues will support his nomination.

Mr. HELMS. Mr. President, yesterday I pointed out on the Senate floor that Mr. Richard Burt, with some success, has advocated arms control policies within the Reagan administration which would be far more appropriate for the Carter administration.

Today I want to point out that Mr. Burt has been just as willing to sacrifice human rights on the altar of detente. As has been stated by individuals who have monitored Mr. Burt's activities, his eagerness for appeasement of some of the world's blackest totalitarian regimes, he has been willing to overlook human rights violations, to downplay those violations just as he downplayed Soviet arms control violations, and to pretend that they scarcely existed.

Mr. President, let me offer an example: At the confirmation hearings for Mr. Burt, one of our U.S. Ambassadors, who had the unpleasant assignment of serving in one of the worst of these Communist countries, Romania, testified as to the abuses which he saw daily, which he dutifully reported to Mr. Burt with recommendations, and which Mr. Burt continually ignored in order to further the ideology of detente.

The diplomat in question is Ambassador David Funderburk, a specialist on Romania who speaks the language fluently, lived as a Fulbright scholar in Romania, and understands the Communist system. While an Ambas-

sador, he worked quietly within the system; but at length he could no longer tolerate the abuse of policymaking as exemplified by Mr. Burt, and he resigned so that he would be free to tell his story. And quite properly, the place he came to tell the story was the Foreign Relations Committee. I commend Ambassador Funderburk for his service and his principles.

Mr. Burt attempted to refute Ambassador Funderburk's testimony with a prepared statement. But I believe that anyone who compares Mr. Burt's rationalizations with the straightforward testimony of Ambassador Funderburk will immediately discover the deception which Mr. Burt attempted to perpetrate.

Mr. President, I ask unanimous consent that the testimony of Ambassador Funderburk, his written responses to further questions, and Mr. Burt's statement on Romania be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE DAVID FUNDERBURK, FORMER U.S. AMBASSADOR TO ROMANIA—TUESDAY, JUNE 26, 1985

Thank you very much, Mr. Chairman.

Mr. Chairman, I served as United States Ambassador to Romania from October 1981 to mid-May 1985, and during most of that time U.S. policy toward Europe was immediately under the Assistant Secretary for European Affairs, Richard Burt. I talked with Mr. Burt on several occasions in a State Department office and in conferences, and of course carried on cable exchanges between the embassy in Bucharest and the State Department in Washington.

My concern first and foremost is to help defend and promote our freedoms, democracy, and way of life in the United States, in other words to help carry out a pro-freedom, pro-individual, and pro-democracy foreign policy, consistent with the principles and values of the U.S., and with the stated goals and objectives of President Reagan.

It is a great disappointment for me to have to say that our policy as carried out by the European Affairs Bureau of the State Department did not promote such aims. Particularly with regard to Eastern Europe, our policy has been one of concessions, compromise, and capitulation, which did not advance the cause of freedom and democracy, but rather strengthened the control of communist tyranny.

Specifically, our policy as implemented by the European Bureau and Assistant Secretary:

Favored financial and economic assistance to the communist regimes of Eastern Europe, for example bank loans and subsidized trade;

Favored transfer of sensitive technology to communist regimes, including computers and LANDSAT satellites;

Favored political support for communist regimes through congratulatory letters complimenting the communist bosses and through high-level visits of top U.S. officials, including the Vice President, Secretary of State, Chairman of the Joint Chiefs of Staff, and so forth. This visits pronounced support for and helped prop up the communist tyrants in these countries.

Also, our policy played down human rights abuses. In the case of Romania, this included papering over or doing very little about the disappearance of several Protestant pastors, the demolition of many churches, the murder of Father Gaesa Falthi, and Romania's turning Bibles into toilet paper, which the State Department had evidence on and apparently withheld from the person who gave them this evidence for a period of more than six months.

The European section of the State Department not only favored these polices, but led in carrying them out, to the disappointment of freedom-loving people throughout Eastern Europe, as U.S. interests and reciprocity took a back seat to underserved rewards. In my views, our policy toward Romania, for example, has strengthened the hand of Ceaucescu and has made the plight of the people much worse.

President Reagan in his annual Captive Nations Day speeches very clearly expressed his aspirations and hopes for the freedom-loving captive people of Eastern Europe and his support for them. The President also made this clear in his Yalta anniversary statement and on many other occasions. His stated goals and objectives have not been implemented by the State Department, certainly not by the European Affairs Bureau.

So our policy as carried out has not been the pro-freedom and pro-democracy Reagan foreign policy. Concern for the terrible plight of the repressed people in Eastern Europe in terms of human rights, religious, political, cultural, and other freedoms take a back seat to keeping the communist elites and their totalitarian tyrants happy in our implemented policy vis a vis Eastern Europe.

The Federal Republic of Germany is the key to our defense of freedom in Europe, the strongest ally we have. With enormous pressures on the West Germans to become Finlandized and neutralized, we need the strongest possible uncompromising defender of western democracy and capitalism, someone who is aware of the dangers of communism to Western Europe.

Mr. Chairman, I submit to you that this is the time to review and closely scrutinize our policy as implemented vis a vis Europe, Eastern Europe in particular, and to determine why there has been little, if any, effort to carry out the pro-freedom and democracy policies of President Reagan. We need to decide what kind of policy we want and put the right people in the State Department positions to carry out that policy, and not leave in place those who are unsympathetic with Reagan policies to frustrate and to not implement those policies.

Thank you very much for this opportunity.

Senator PRESSLER. Well, thank you very much.

What is your current position? You have just returned now from Romania, is that right?

Ambassador FUNDERBURK. Yes, I returned a month ago, and I will be taking a position at Campbell University in North Carolina.

Senator PRESSLER. Do you oppose the nomination of Mr. Burt or Ms. Ridgway, and why?

Ambassador FUNDERBURK. I have spoken specifically with regard to the nomination of Richard Burt as Assistant Secretary for European Affairs. In my experience in the three and a half years that I was in Bucharest, I think that Mr. Burt carried out a policy and promoted a policy which was the policy in line for many people over the past decade, but which most people in Eastern Europe, as well as freedom-loving people outside of Eastern Europe, feel only helped to strengthen the communist regimes of Eastern Europe.

I do not feel that by us trading technology certainly of a sensitive nature, by us overlooking human rights abuses, by us sending high-level officials who then put their arms around communist tyrants, who are able to protect themselves to the people as being more powerful than they should be, I do not think that this has helped to improve the plight or the freedom aspirations of the Romanian people, or the Czech people or the East German people.

What I can speak to directly, Mr. Chairman, only is that Mr. Burt was the Assistant Secretary for European Affairs during this period, and I think our policy was ineffective in bringing about what I feel are President Reagan's objectives, and therefore I do not think it would be a good idea for him to serve in a position dealing with Europe.

Senator PRESSLER. I have several questions submitted by Senator Helms that I would like to ask you to answer for the record. But I would call on my colleagues at this point for any questions or statements.

Senator PELL. No, I have none, but I would just point out that in these years that Mr. Funderburk was in Bucharest and Mr. Burt was Assistant Secretary for European Affairs, President Reagan was President, with his own appointees in office. And I would imagine that if the policies that have been carried out were very much counter to what the President or the Secretary of State wished, that there would have been a change in personnel.

But I thank you for your views. I was struck with one thing in your statement, where you said that you felt that the policy of the Nixon, Kissinger, and Carter foreign policy was incorrect. I thought the Nixon-Kissinger policy was not too bad in some ways.

In what ways do you disapprove of Mr. Nixon and his foreign policy?

Ambassador FUNDERBURK. Well, certainly, he is the one, along with Kissinger, who initiated differentiation, as it is called, with regard to Eastern Europe. Inasmuch as that applies to Romania, it means that we give Romania favored treatment, most favored nation status, in return for what they considered—that is, Kissinger and Nixon considered—was Romania's so-called independent foreign policy.

My view, based on the evidence that we saw in the embassy in Romania, is that the Romanian government does not carry out a bona fide independent foreign policy, but for the most part is a very close ally of the Soviet Union, and at the same time has the worst human rights record and the least reform internally of any regime in Eastern Europe.

Thus I feel that Nixon-Kissinger's foreign policy with regard to Romania has simply strengthened the hand of the most hated and worst tyrant in Eastern Europe.

Senator PELL. I appreciate your views. Thank you.

Senator PRESSLER. Senator Kassebaum.

Senator KASSEBAUM. I guess, Ambassador Funderburk, I would like to ask you this. Evidently you do not see our policy as being one which should try in a way, sometimes not with headlines but behind the scenes, to capitalize on discontent in the eastern bloc countries.

I notice you smile, but I guess I would ask you what you would do.

Ambassador FUNDERBURK. No, I certainly think it is one which should capitalize on bona fide discontent. But what we are capitalizing on with regard to Romania is simply the shrewdness of a president who is hated by his people, not the discontent of the people at all, which can not be expressed.

Senator KASSEBAUM. It would seem to me we have dealt, I think, in a very constructive way in trying to shape some policy that will recognize the reality of the situation as well as the discontent that exists and the need to be able to use this with our policy in the eastern bloc countries. I guess that would be my only comment that I would have.

I happen to believe that Mr. Burt recognized very well the situation in Eastern Europe, and I am sure understood the reality of the political situation in Romania. But there are different interpretations of how best to deal with policy regarding that, I am sure.

Ambassador FUNDERBURK. I think the thesis on which our policy is based with regard to Romania is certainly flawed. The past 15 years of differentiation has not led to an improved human rights situation or to internal reforms, and it has not seen Romania as being more independent of the Soviet Union, but a much closer ally.

So if our policy has been thus so unsuccessful, why is this the kind of policy we should continue? People who know—and there are not that many in the State Department who have in-depth experience with Romania, who are actually carrying out this policy.

Senator KASSEBAUM. Did you have a background in Romania before you went as Ambassador there? I am not familiar with your background.

Ambassador FUNDERBURK. Yes, I did.

Senator KASSEBAUM. Thank you.

Senator PRESSLER. Thank you.

I have a couple of questions. Now, Romania went to the Olympic Games in Los Angeles, as I understand it, which showed they were very independent of the Soviet Union, supposedly. What is your analysis of their decision to go, if they are so controlled by the Soviet Union?

And then, also make a few comments about the high technology transfers that we made to Romania. Were they transferred to the Soviet Union?

And by the way, those are Senator Helms' questions that I am asking, and I will submit the rest of his questions for the record if that is agreeable.

Ambassador FUNDERBURK. Okay. I had a high official from the Romanian government come into my office at the American embassy in Bucharest and he told me that several months prior to Romania going to the Olympics that the Soviets and the Romanians sat down together and decided it would be in the best interests of both for Romania to go to the Olympics and to continue to perpetuate this policy or project this image of being independent.

How this comes to Romania's favor and to the Soviet Union's favor, if Romania can continue to project the image of being independent when of course it is not independent, and when it convinces people in the State Department who are not that knowledgeable about Romania, than Romania gains in terms of subsidized credits, in terms of loans, in terms of high-level visits which give prestige to the regime in various ways.

It gains a lot from it, financially and otherwise, and this is money that the Soviet Union then will not have to pay to help prop up Ceausescu's regime and the communist party in Romania.

So whether or nor what this official told me was disinformation or the truth, there probably is a lot of validity to the idea that both the Soviet Union and the Romanian government considered that it was in their best interests for Romania to continue to project this image. If Romania did not go to the Olympics, many people in the West would have said, well, Romania is not independent, and it was a very small price for the Soviet Union to pay. What threat was this to the control of the communist party in Romania? Very little.

Senator PRESSLER. What was your career before you were appointed Ambassador to Romania? I should know this and I apologize for not.

Ambassador FUNDERBURK. I was a college professor of East European Affairs. I wrote a doctoral dissertation on Romania, and I was in Romania four times prior to going as Ambassador, for one year as a Fulbright scholar.

Senator PRESSLER. Do you believe that the current appointment of ambassadors has taken on—there are a lot of ambassadors, career ambassadors being appointed. There are some who are not. But do you think that the State Department orientation, the appointment of ambassadors from the career foreign service, leads us to taking a softer line toward the Soviet Union?

Ambassador FUNDERBURK. I think it depends on the individual, but it appears to me there has been an effort to remove from office or to not appoint conservatives who were supporters of President Reagan, certainly, and who also would tend to take a tougher line vis a vis the Soviets.

Your question with regard to technology transfer?

Senator PRESSLER. Yes.

Ambassador FUNDERBURK. During my years in Romania, the State Department favored every piece of sensitive technology which came up for transfer—I mean, for trade, to Romania. All of these items were not approved. Some were. Computers for use at the airport, for example, were approved. The LANDSAT satellite usage was not approved in the final analysis because of Defense Department opposition.

But the State Department favored each case of what the Defense Department and myself and others considered to be sensitive technology.

With regard to what Romania transferred to the Soviet Union, there is quite a bit of evidence, which I could not bring with me but I left in the embassy in Bucharest, which is also in our military installations in West Germany, where Romanian defectors depart and leave, evidence and information that they were aware of industrially.

Most of the technology which was transferred was related to silicon chips and computer-related items that were transferred during the 1970's from West European countries and the United States to Romania, and then were sent to the Soviet Union.

It is well known that Romania has signed an agreement, as have all other Warsaw Pact countries, to transfer technology to the Soviet Union. But what is unbelieveable to me is that most of the officials that I dealt with in the State Department do not look at this agreement and consider that, because Romania is somehow "independent," that Romania will be a good guy and will not transfer technology.

So based on some kind of faith that comes from God knows where, they promote a policy of distinguishing between Romania and the other Warsaw Pact countries, which I think is invalid and detrimental to the security of the United States.

I think Romania is as much, if not more likely to transfer technology and has transferred technology to the Soviet Union than any other Warsaw Pact country.

Senator PRESSLER. I thank you, and let me say that we look forward, if you are available in September when we have a sort of comprehensive European hearing, to hearing more from you. We very much would like to hear more from you.

Senator Pell.

Senator PELL. There are a couple of points that I would like to make. One, in connection with MFN, most favored nation treatment, the two great abusers of human rights today I guess are the Soviet Union and the Republic of South Africa. In one case we afford them MFN treatment and in the other case we do not. We seem to have a rather selective approach here.

When it comes to the differences with the Soviet Union and Romania, I would agree with the witness that from a domestic viewpoint their human rights record is dreadful. But from a foreign policy viewpoint, the record is not all that bad.

They joined the Olympics. I think they were the only Warsaw Pact country that did. They have exchanged ambassadors with Israel. They have not parrotted the Soviet line in Afghanistan. They have resisted the Soviet efforts to make military contributions to the Warsaw Pact.

And one huge difference when I spent a month in Romania some time back is this: I was struck by the number of Soviet troops that were then there. As of now, or at least in recent years, they have rejected all Soviet troops and there are none there.

I think the record should show these differences. I am agreeing that domestically they have a lousy record, but in foreign policy they really have shown certain differences.

Thank you.

Senator PRESSLER. We thank you, and I will give these questions from Senator Helms to be asked for the record. I do have a request from Senator Helms, which says:

"As you know, this morning I have a meeting with Secretary Schultz on the whole question of nominations, and subsequently we have the markup on the farm bill, which is very important to the President's program. Therefore, I have a number of questions which I would like to ask personally of Mr. Burt and Ambassador Ridgway.

"I ask you, therefore, not to adjourn the hearing at the closing of your questioning, which will leave me the opportunity to reopen the hearing as soon as the nominees can conveniently return."

I will have to defer to the Chairman. All hearings are set by the Chairman and Ranking Member. Under Committee Rules, a Subcommittee chairman cannot schedule a hearing without the concurrence of the Chairman. Therefore, I would have to defer to the Chairman on this request.

But that will end the hearing at this point, and we do have a business meeting starting at 11:00 if we have a quorum. And I thank all the witnesses.

[Whereupon, at 10:59 a.m., the Committee was adjourned, to reconvene upon the call of the Chair.]

QUESTIONS FOR AMBASSADOR FUNDERBURK

1. Ambassador Funderburk, what was your relation to Mr. Burt?

2. How would you describe Mr. Burt's implementation of Reagan policy as Assistant Secretary for European Affairs?

3. Does not an Ambassador to West Germany need to know the key role of West Germany in the Western alliance and the need for a firm stance in defense of freedom *vis a vis* Eastern Europe (including East Germany)?

4. In terms of the Communist threat to the West, what was Mr. Burt's attitude in making decisions with regard to Eastern Europe?

5. Romania has received preferential U.S. treatment since the 1960's on the basis of a foreign policy that often diverges from Moscow's. Do you think that Romania's foreign policy is actually independent of the Soviet Union's?

6. Did you recommend continuation of most-favored-nation treatment for Romania? Under what conditions?

7. In your judgement, on the spot, did Romania meet those conditions?

8. Can you give examples of human rights abuses in Romania?

9. Did the State Department try to cover up these abuses?

10. Did you report these abuses to Mr. Burt?

11. What response did Mr. Burt or his subordinates give on these issues?

12. What response did you recommend on these abuses?

13. How did the Romanians fulfill promises from the Romanians that they would increase emigration from Romania?

14. Were those approved by Romania for emigration qualified?

15. Were qualified persons denied exit permits at the same time?

16. Were there other officials in the State Department who disagreed with Mr. Burt's human rights policy in Romania?

17. What happened to them?

18. Are Romania's economic ties to the Soviet Union increasing or decreasing?

19. What was the reaction within Mr. Burt's bureau towards these facts?

20. Are there large numbers of nonmilitary Soviet personnel in Romania?

21. What was Mr. Burt's reaction?

22. What happened to high technology that the U.S. transferred to Romania? Was it transferred to the Soviet Union?

23. What steps did Mr. Burt take to stop this?

24. Romania's presence at the Olympic Games has often been cited as evidence of Romania's "independence" from the Soviet Union. What can you tell us about Romania's decision to come to the games?

25. You mentioned in your testimony that the Chairman of the Joint Chiefs of Staff visited Romania last March. Did this visit enhance human rights in Romania? Did it enhance the independence of Romania?

26. When the Vice President visited Bucharest in October, 1983, he raised a number of human rights cases. How many did he raise?

27. What was the result? Was there a resolution of the most significant cases? Did it have any impact on the human rights situation generally?

28. You worked very hard to get the Romanians to remove the so-called "education tax" on emigrants. I remember that you and I had a meeting with the Romanian Foreign Minister and the Romanian Ambassador to the U.S. and they made extravagant promises. Has the "education tax" been repealed? Is it still on the books?

29. Have refunds been made?

RESPONSES OF AMBASSADOR FUNDERBURK TO WRITTEN INTEROGATORIES

1. Mr. Burt was Assistant Secretary of State for European Affairs for most of time while I served as U.S. Ambassador to Romania.

2. In my view, Mr. Burt worked actively to frustrate implementation of a Reagan foreign policy.

3. Yes, an Ambassador to West Germany needs to know the key role of the FRG in the Western alliance and to take a firm stance in defense of freedom vis a vis Eastern Europe (including East Germany).

4. Mr. Burt apparently did not take the communist threat seriously, inasmuch as his attitude in making decisions with regard to Eastern Europe was one of concession, conciliation, and underserved reward, without reciprocity.

5. Romania's foreign policy is not in reality independent, but Romania with the aid of the U.S. State Department has been successful in convincing many that what Romania projects (and the Soviets support) is somehow independent.

6. I recommended continuation of MFN for Romania only under the circumstances of a dramatically improved human rights and religious freedom situation and bona fide, significant acts of independence from Moscow.

7. In my judgment, Romania has not met those conditions.

8. Human rights abuses in Romania are too numerous to catalog, but some of the more notable include the beating death of Catholic priest Father Geza Palfi; the demolition of several Baptist and Pentecostal churches; the production of toilet paper from Bibles; the disappearances of several Protestant pastors; and the virtually total lack of political and religious freedom, the cultural repression of minorities and the disallowance of any trade unions.

9. The State Department has tended to overlook or downplay these human rights abuses, so that they would not get in the way of the preconceived, flawed policy.

10. I reported the above mentioned abuses to the State Department, including Mr. Burt.

11. Mr. Burt and his colleagues responded most often by calling in their close friends of the Romanian embassy in Washington and asking them not be such bad guys.

12. I recommended that we protest in the strongest terms to the highest levels of the Romanian Government and publicize the abuses before the world.

13. The Romanian Government fulfilled promises of increased emigration by dumping hundreds of Romanians unqualified for immigration to the U.S., arming them with passports and exit visas.

14. Many if not most of those approved by Romania for emigration were not qualified.

15. Yes, at the same time many qualified persons were denied exit permits (for examples the family of Napoleon Fodor and Father Gheorghe Calciu and his wife).

16. Yes, there were some officials in the State Department who disagreed with Mr. Burt's human rights policy in Romania.

17. Several officials at the U.S. Embassy, Bucharest, Romania, were given lower level assignments, apparently as a way to punish them for favoring Reagan's foreign policy and daring to disagree with the old State European Bureau policies.

18. Romania's economic ties with the Soviet Union have increased significantly since 1931, both in real and percentage terms.

19. The reaction of Mr. Burt's Bureau toward these facts was to commission various departmental desks and other agencies to prepare papers twisting the actual results (and even discrediting them because they did not fit the needed line) and rationalizing a statistical quirk.

20. There are large numbers of nonmilitary Soviet personnel in Romania, both at the Soviet embassy and in hundreds of industrial factories.

21. This information was ignored as far as I can remember.

22. High technology that the U.S. traded to Romania or that Romania acquired illegally from the U.S. and European countries, was transferred to the Soviet Union when requested by the Soviets. In fact some of the technology was commissioned by the Soviets for Romania to obtain from the West (including the U.S.).

23. Mr. Burt and his colleagues at the State Department favored trading every piece of technology requested by Romania, and did nothing about the previous transfers except to ignore the clear evidence (and in fact actively downplay the evidence and discredit the sources).

24. According to more than one Romanian official who spoke with me in the strictest confidence, the Soviets and Romanians got together several months before the Olympic Games and decided that it was in both of their best interests for Romania to go. In that way Romania could continue to project the image of being independent, bringing credits and assistance to Romania which the Soviets would not have to provide. At the same time, Romania's going was no threat to the viability of the Soviet empire or to the control of the Soviet communist party. Romania got a lot of credit for doing what was in fact in the best interests of Soviet and Romanian communist policy and Soviet/Romanian disinformation.

25. The visit of the Chairman of Joint Chiefs unfortunately did not enhance human rights in Romania or Romanian independence.

26. The Vice President during his visit to Bucharest indirectly raised several human rights cases (around 8-10).

27. Some of the cases raised by the Vice President were later resolved, and others are still unsolved. The most significant case of Father Calciu has not been resolved. Other than the few cases, the visit had no positive impact on the human rights situation. To the contrary, many Romanians whispered that the visit merely enabled Ceausescu to strengthen his hold over the people and heighten repression.

28. The education tax has not been repealed and is still on the books, although it has not been implemented generally since the first months.

29. Refunds have not been made, and the unfortunate Romanians who had to pay thousands of dollars have never been given the money back.

STATEMENT OF RICHARD BURT BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

U.S. POLICY TOWARD ROMANIA

Mr. Chairman, the President's policy toward Romania was set forth in his National Security Decision Directive 54. This policy document was worked out by the National Security Council staff, together with the Departments of State, Defense, and Treasury, before being approved by the

President. The President's policy has two basic elements: support and encouragement for Romania's somewhat independent foreign and defense policy, and concern about Romania's repressive internal scene.

Romania has pursued its own line on some Warsaw Pact, COMECON, UN, and other multilateral issues. Romania allows no Soviet troop units to be stationed in the country, and Romanian troop formations do not participate in Warsaw Pact field exercises. Unlike other East European countries, it has maintained cordial relations with Israel. The Administration has sought to encourage greater independence through visits and contacts. For example, the Chairman of the Joint Chiefs of Staff went to Romania in March 1985—at the request of Secretaries Weinberger and Shultz, the National Security Advisor, and the Vice President—for talks with his counterparts. The President said in his remarks to the newly arrived Romanian ambassador in May: "Last summer, we noted Romania's singular contribution to international understanding and the Olympics movement in sending a memorable team to Los Angeles. We appreciate Romania's efforts to establish an independent position in world affairs and we value its unique perspectives."

The President's remarks also noted our concerns over the human rights situation in Romania and we have pressed those concerns toughly and persistently for years on all possible occasions. The issue of human rights in Romania has three key policy aspects:

What is the situation and why are we dissatisfied with it?

What are we doing about it?

Where does according MFN treatment to Romania fit into the picture?

The human rights situation in Romania is bad and we recognize that fact. Gary Matthews, the Department's senior Deputy Assistant Secretary for Human Rights Affairs, gave a full account of our views on human rights in Romania in his May 14 statement before the House Subcommittees on Human Rights and European Affairs. As he said, the Romanian internal scene is harsh, and individual and collective liberties are severely limited. We are concerned by the level of state interference in religious affairs and examples of official attempts to discourage the spread of Protestant fundamentalism. We deplore cases of people arrested and jailed for carrying Bibles and religious materials, and we are strongly concerned by the authorities' willingness to destroy church buildings including some important historic structures due to urban redevelopment plans or alleged building code violations. Reports of tough interrogations and beatings by overzealous police, security officers, and prison guards are still an outrage against basic norms of human rights. We also believe there are valid concerns about the degree of cultural freedom enjoyed by Romania's ethnic minorities.

What, then, are we doing about the situation? We have worked hard and aggressively for years to secure improvements in Romania's respect for human and religious rights. I should briefly note that Administration officials have raised human rights cases and problems during meetings on other subjects: trade, bilateral issues, foreign policy developments. During his October 1983 visit to Bucharest, the Vice President raised significant emigration and human rights cases—most of which were resolved. The Department led our successful fight against the Romanian Government's 1982–83 attempt to impose an "education tax" on emigrants from the country. The Department also responded promptly to the Romanian Government's move, in late May, to send several hundred passport-holders lacking visas from other countries to Sweden and the FRG. This flow quickly stopped when we made clear our concerns.

Partly as a result of that episode, and also out of longstanding frustration with slow progress on Romanian human rights issues, State Department Counselor Ed Derwinski went to Bucharest last week for talks on human and religious rights issues, and to press for agreement on procedures which would make emigration from Romania to the U.S. more humane. I would like to outline some of the results of Ed's visit:

There was important movement on some significant human rights cases.

The Romanian government is taking steps to enhance its dialogue with the Administration and members of Congress on religious rights issues.

The Romanian government agreed to work with us in significantly revising its emigration procedures so as to obviate harassment of Romanian passport-holders awaiting U.S. immigration processing. This will eliminate a serious humanitarian problem.

In the context of Eastern Europe, these developments are significant.

Where, then, does Romania's MFN status fit into the picture? Does continuing to accord MFN to Romania serve our policy objectives? At this stage, the Administration believes that it does. Progress on human and religious rights issues—such as Ed Derwinski recently obtained in Bucharest—has been made possible by a structure of bilateral relations which allows the U.S. to exercise influence with the Romanian government, and Romania's retention of MFN status is an important part of that structure. Romanian MFN—linked to the emigration provisions of the Jackson-Vanik amendment—has had a beneficial impact on emigration. Ten times more Romanians went to the U.S. last year than in 1974, before Romania had MFN, and denying MFN to Romania would have the effect of sharply reducing Romanian emigration to the U.S., Israel, and West Germany. MFN has made it possible for us to secure improvements in emigration procedures, as well as head off negative developments such as the Romanian government's move to impose an "education tax" on intending emigrants. Also, MFN has given us leverage to secure improvements in Romania's respect for human rights.

Mr. Chairman, I can assure you that the President's policy toward Romania has been responsibly and aggressively executed.

Mr. LUGAR. Mr. President, I yield back the remainder of the time on our side.

Mr. PELL. I yield back the time on our side.

The PRESIDING OFFICER. All time having been yielded back, the question is, Will the Senate advise and consent to the nomination of Richard R. Burt, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER (Mr. MATHIAS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 152 Ex.]

YEAS—88

Abdnor	Glenn	Melcher
Andrews	Gore	Metzenbaum
Baucus	Gorton	Mitchell
Bentsen	Gramm	Moynihan
Biden	Grassley	Murkowski
Bingaman	Harkin	Nickles
Boren	Hart	Nunn
Boschwitz	Hatch	Packwood
Bradley	Hatfield	Pell
Bumpers	Hawkins	Pressler
Burdick	Hecht	Proxmire
Byrd	Heinz	Pryor
Chafee	Hollings	Quayle
Chiles	Humphrey	Riegle
Cochran	Inouye	Rockefeller
Cohen	Johnston	Roth
Cranston	Kassebaum	Rudman
D'Amato	Kasten	Sarbanes
Danforth	Kennedy	Sasser
DeConcini	Kerry	Simon
Dixon	Lautenberg	Simpson
Dodd	Laxalt	Specter
Dole	Leahy	Stafford
Domenici	Levin	Thurmond
Durenberger	Long	Trible
Eagleton	Lugar	Warner
Evans	Mathias	Weicker
Exon	Matsunaga	Wilson
Ford	Mattingly	
Garn	McConnell	

NAYS—10

Denton	Helms	Wallop
East	McClure	Zorinsky
Goldwater	Stennis	
Heflin	Symms	

NOT VOTING—2

Armstrong	Stevens

So the nomination was confirmed.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF JOHN ARTHUR FERCH

Mr. HELMS. Mr. President, the Senate yesterday confirmed the nomination of John Arthur Ferch to be Ambassador to Honduras. Consideration of this nomination has been delayed by one of our colleagues because of concerns raised by Mr. Ferch's testimony before the Committee on Foreign Relations on June 17. The distinguished Senator from Florida [Mrs. HAWKINS] thought it essential to pursue with Mr. Ferch some questions raised at that hearing by the distinguished chairman, Mr. LUGAR.

Senator HAWKINS discussed her concerns with Mr. Ferch yesterday. She stated that she is now satisfied that Mr. Ferch now understands the gravity of the drug problem in the United States, and the active role which the Cuban Government, directed by Fidel Castro, takes in promoting that trade.

Mr. President, the nomination to be Ambassador to Honduras is not a run-of-the-mill affair. As chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, I have met on various occasions with Dr. Suazo Cordoba, the President of Honduras. As the representative of the United States, I attended his inauguration. I mention this to underscore the importance of Honduras in Central America today.

Mr. President, during the years of conflict in Central America, Honduras has emerged as a powerful and democratic friend of those who love freedom in that part of the world. Just a few years ago, the U.S. Embassy in Honduras was small and relatively inactive. Now it is an important focus of the conduct of U.S. policy, not only in Honduras, but throughout the region. Honduras is thus a major post for any foreign duty, and especially for the U.S. Ambassador. The outgoing U.S. Ambassador, John Negroponte, performed his duties exceedingly well.

It is clear, Mr. President, that Honduras is now undergoing tremendous strains which flow from the growing Sandinista threat on Honduras' southern border. Incursions by the Communist Nicaraguan forces are an almost daily occurrence, and the Hondurans recognize that the massive military buildup of the Communist forces in Nicaragua has made Honduras a great underdog in any action with the Sandinistas.

Given the challenges to Honduras, and given the occasional reluctance of individuals there to rely on American resolve in the region, it is clear that we need a first-class representative of the President of the United States in that critical country.

Mr. President, this post in Honduras requires a sagacity, a temperament, and a level of judgment of the most finely honed intellect. In addition, the President must be able to rely on our Ambassador to Honduras as an unwavering supporter of the policy of the President of the United States, even when the President's policies may be unpopular among the ranks of the State Department's career bureaucracy, which opposes many of his domestic and foreign policies, especially in Central America. The U.S. Embassy in Honduras is no longer a training ground for those who would aspire to greater embassies on down the road in their career; rather, it is a demanding, senior position, requiring a diplomat who is ready to hit the ground running and serve with distinction without resorting to the principle of trial and error.

Mr. President, does Mr. Ferch truly meet these standards? Admittedly, these standards are high; but, Mr. President, should they be lowered? Should we not require only the finest professional expertise, from the career bureaucracy or from the many private and public reservoirs of talent throughout this land? Surely the President can find 150 men and women of excellence to serve in our embassies around the world. No excuse should be persuasive enough to cause our President to settle for mediocrity. No union agreement, no insiders network, no elitist attitude on the part of any group should limit the President's choice.

Now, Mr. President, I have reservations about the potential of this nominee. In all candor, I do have a concern about his professional judgment. That concern flows from his remarks about an enormously pressing problem, the most overpowering threat facing this country today—the drug problem.

Mr. President, I am not persuaded that Mr. Ferch understands the drug problem. After weeks of coaching by the nominations experts at the State Department, he finally passed muster with answers to questions but only after being asked for the third and fourth time. As an indication of how he performs under pressure, during his confirmation hearing before the Committee on Foreign Relations on June 17, Senator LUGAR asked Mr. Ferch:

Please describe any verifiable role that Cuba plays in international drug trafficking, and, if Cuba does play any such role, is there anything you believe the United States should do to diminish such activitiy?

Acknowledging only that Cuba had "once played" such a role, Mr. Ferch, in his response, added:

However, they may not be involved now. I say this because during the interview that Castro gave Dan Rather—I forget the exact date, I think it was in March—earlier this spring, he said, and this was off-screen, it was not screened here in the program itself, that he would be willing to deal with the United States in interdicting narcotics traffic. I would assume he would not make such an offer if he had not cleaned up his act.

Mr. President, such a display of naivete is not encouraging. Not only did the nominee display an inclination to believe Fidel Castro, who has just called President Reagan every name in the book including "a liar and the worst terrorist in the history of mankind." No, Mr. Ferch also insisted on emphasizing the credibility of Dan Rather, a television reporter who, on the program in question, never once pressed Castro concerning the ever-increasing evidence that Castro has been in the drug trade, personally, for years, and is still deeply involved in it.

That was the point that astonished Senator HAWKINS, myself, and other Senators. I could not support Mr. Ferch's nomination—and I say, quite honestly, that I hope he proves by his service in Honduras that my concerns on this day were unfounded. If so, I will freely acknowledge it.

Mr. LUGAR. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, the distinguished minority leader requested that I give him some view of what may happen the rest of the day. I hope that we can agree to take up Calendar No. 209, S. 43, line item veto. But I doubt that is going to happen, so I will try to arrange to have a cloture vote on the motion to proceed on Thursday. In the interim, it is my hope that we can this afternoon, move to S. 408, the SBA authorization bill. We nearly made a time agreement on the SBA bill before by Members on both sides who have amendments. I am pleased to report that we have worked out an agreement with the distinguished Senator from North Carolina, Senator HELMS, who had an amendment to the SBA bill which he now—I think he will indicate here in a minute—will not offer. In return, I have agreed to bring the amendment up as a freestanding resolution, a prayer resolution, sometime hopefully in September.

Mr. METZENBAUM. What year?

Mr. DOLE. It will be 1985, and probably again in 1986. But in any event, we should complete action—unless there is something I have not learned yet on the SBA bill—sometime fairly early this evening, and tomorrow I am not certain what we will do.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. May I say to the distinguished majority leader that it is my hope that the majority leader will go ahead and make his motion to proceed to S. 43. If the majority leader were to offer such a cloture motion, that is his privilege. I hope—and I think I would be ready to work for consent on this side—we can take up the Small Business bill today and finish it.

Speaking for myself only, I would like for us to have several hours tomorrow, if not the whole day, on the motion to proceed to S. 43 which is the line item veto. But I agree with the distinguished majority leader, if we could take up Small Business, I hope we can get it out of the way today.

Mr. DOLE. I do not have any personal problem with that. I am not certain what else might be available tomorrow in any event. I will have to check to see if there is anything else we might be able to bring up tomor-

row. But I am certain there will be 2 or 3 hours. We can agree on the date of the motion to proceed which will not be pending, if I read this right, but still have the debate. Would that be satisfactory in order to reach some agreement?

Mr. BYRD. I would like to, as I say, be able to debate the motion to proceed to line-item veto for several hours tomorrow, and maybe for the day. I think if we are going to vote on cloture on Thursday to shut off debate on the motion to proceed, we ought to have some debate before we vote on cloture to shut off debate. But it would be perfectly agreeable to me—I hope we can do it—to go to the Small Business bill this afternoon after the distinguished majority leader has made his motion to proceed to the line-tem veto. I will do everything I can to help him insofar as the Small Business bill is concerned.

Mr. DOLE. Would there be any disposition to reach some time agreement on the motion to proceed, if cloture were not filed until sometime tomorrow.

Mr. BYRD. It is conceivable, as I see it, but even with a cloture motion filed on the motion to proceed, those who are opposed to the motion to proceed might very well finish their statements thereon tomorrow and the distinguished majority leader conceivably would be able to get a vote on the motion to proceed tomorrow. It might be at the end of the day.

Mr. DOLE. Perhaps we should discuss this. I will put a quorum call in a few minutes.

I wonder if I might yield briefly to the distinguished Senator from North Carolina with reference to whether I correctly stated his view or our view on the SBA authorization bill and any amendments thereto.

Mr. HELMS. Mr. President, I thank the distinguished majority leader. You are referring to Calendar order No. 2, S. 47?

Mr. DOLE. That is correct.

Mr. HELMS. All along, what I have really desired is an opportunity to call up the bill freestanding, the bill being S. 47. And the Arrangement discussed with the majority leader earlier today was satisfactory. But I need to hear from the majority leader for the RECORD on precisely what he intends to do with respect to this bill. While you are being furnished that information, Senator, I will simply say my understanding is that an effort will be made to have it considered this month, but, if not, a time certain or a day certain in September would certainly be satisfactory to the Senator from North Carolina. Is that what the Senator had in mind?

Mr. DOLE. the Senator is correct. It is S. 47, a bill to restore the right of voluntary prayer in public schools, and to promote the separation of powers. If there is an opportunity this month to take it off the calendar and bring it up we will try. I cannot guarantee that we may not have to go through the cloture procedure. If not, it would be my hope that we do it in September. I think it is fair to say that there is some difference of opinion with other people who are interested in the school prayer amendment. But the Senator is correct. We would be prepared to do that. It may be that we can work out a specific date once we take a look at the calendar, and see where were are in September.

Mr. HELMS. Can we tentatively set Monday, September 9 with the understanding that we can move it forward or if we must move it later by agreement, we will do that. I will assure the Senator that it would not be my wish to hold him to this if it accommodates the Senate with respect to another date. But I would like to have at least some tentative target date for it if the Senator would be willing to give me that.

Mr. DOLE. I have no problem with that date, though it may be that we will want to do it even prior to that time depending on when the Senate resumes its work after the August recess. But if I can indicate a tentative approval, and we are trying to work out a schedule or at least a wish list for September and October which we can distribute to all Members. But on that basis, we can.

Mr. HELMS. I certainly understand. That is perfectly agreeable to me.

Let me be clear on one other point. The distinguished majority leader is prepared to file a cloture petition on the motion to call up in the event that there are some who are unwilling to let it be considered by the Senate?

Mr. DOLE. That is correct. In the event we are unable to move this S. 47 by unanimous-consent, or by motion, I would file a cloture petition.

Mr. HELMS. Let me further say to the distinguished leadership, both the majority leader and the minority leader, that I am perfectly willing at any point to enter into a time agreement of whatever length, whether it be brief or long, because I have no desire to consume inordinate time of the Senate on this legislation. But I do want a vote on the proposition. If I can be accommodated in that regard, I will be most grateful.

Mr. DOLE. I appreciate it.

Mr. HELMS. I thank the majority leader and the minority leader.

Mr. DOLE. Mr. President, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am going to move that the Senate proceed to the consideration of S. 43, and I will send a cloture motion to the desk. I have had a discussion with the distinguished minority leader about my intentions. I will then withdraw the pending motion. We will then turn to the SBA authorization bill, hoping to complete action on that in 2 or 3 hours.

Tomorrow will be pretty much set aside for debate of the motion to proceed.

I indicated to the distinguished minority leader, that if their speakers should run down by about 3 or 4 o'clock there might be some matters we can dispose of on the legislative calendar so that we can clean up a lot of these minor bills in July, this might save some 2 or 3 days in September. As I understand, there is no objection to that procedure from the distinguished minority leader.

Mr. BYRD. Mr. President, I cannot guarantee that, on tomorrow, those who are opposed to the motion to proceed to take up the line-item veto would finish their comments. I personally am opposed to the line-item veto. I do not plan however, to take much time on the motion to proceed. There are Senators who will want to talk a little bit on it. But it may very well be that on tomorrow we could proceed to vote on that motion to proceed, and the distinguished majority leader would not then have to wait until the cloture motion matures on Thursday.

I will say to the distinguished majority leader, when he offers his motion to proceed I shall seek to get the yeas and nays because I do not want the motion to be withdrawn. I would, however, join in asking consent that we lay the motion aside for the rest of the day and, depending on how things go tomorrow, maybe vote at some point tomorrow. I cannot guarantee it. But I am not just making idle talk. The majority leader will proceed in the way he wishes.

Mr. DOLE. Mr. President, I certainly have no quarrel with that. There are strong feelings on this issue on each side of the issue. I know the opponents have every right to protect themselves and do what they can to prevail.

LINE ITEM VETO

Mr. DOLE. Mr. President, it seems to me that if there is not even a remote chance of voting tomorrow, then I am willing to move that the Senate now proceed to the consideration of S. 43, the line item veto, and I send a cloture motion to the desk.

Mr. BYRD. Mr. President, does the Senator make that motion?

Mr. DOLE. I make that motion, and I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. DOLE. Mr. President, that would, as the majority leader knew in advance, not permit withdrawal of my motion. I have no intention of doing that. But I now send a cloture motion to the desk on the motion to proceed to S. 43.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 43, to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President.

Dan Quayle, Mack Mattingly, Jesse Helms, Bill Proxmire, Bob Kasten, Strom Thurmond, John H. Chafee, John Heinz, Thad Cochran, Paul Laxalt, Jake Garn, Don Nickles, Nancy Landon Kassebaum, Pete Wilson, John Danforth, Bill Roth, James A. McClure, Bob Dole, John Warner, Al Simpson, Chuck Grassley, Steve Symms, Daniel Evans, Richard G. Lugar, John East, Joe Biden, Orrin G. Hatch, James Abdnor, Frank H. Murkowski, Gordon Humphrey, Malcolm Wallop, Mitch McConnell, Barry Goldwater, Chic Hecht, Paul Trible, Phil Gramm, Rudy Boschwitz, Jeremiah Denton, and David Durenberger.

SMALL BUSINESS ADMINISTRATION AUTHORIZATION, FISCAL YEAR 1986-88

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 408, the SBA authorization bill.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, reserving the right to object, I should like to make certain that we have a clearly established understanding. I will ask the majority leader a series of questions.

If we grant unanimous consent at this point, then the schedule is pretty well set for the remainder of this day on the SBA; is that correct?

Mr. DOLE. That is correct.

Mr. HATFIELD. Assuming we come in around 10 o'clock in the morning, can the majority leader give us a little indication of what the schedule is for tomorrow?

Mr. DOLE. We would return to the motion to proceed after morning business and special orders, and then it would be up to the opponents; I assume they may want to discuss it for several hours or maybe the entire day. If not, it would be my hope that maybe around 4 or 5 p.m. tomorrow we might agree to vote on the motion to proceed. Following that, unless there was some objection, we could turn to miscellaneous legislative items that are cleared for action.

Mr. HATFIELD. So the majority leader does not have any idea of the business he wishes to follow disposition of the SBA authorization?

Mr. DOLE. Unless there is some legislative proposal to be disposed of following the SBA authorization, either in what we call a wrap-up or something to be done very quickly, there is no other plans for any legislation that would be controversial.

Mr. HATFIELD. And any other matter that might emerge between now and tomorrow, the majority leader would have to get unanimous consent to make that a part of the immediate business?

Mr. DOLE. That is correct. And everyone will protect themselves. I could not have gone to S. 408 without unanimous consent, and I could not go to any other legislative matter.

Mr. HATFIELD. One last question. The majority leader at any time that he seeks and is given recognition could withdraw the motion to proceed?

Mr. DOLE. Not now, because the yeas and nays have been requested, as I indicated they would be. I had planned to withdraw the motion, but I think the present arrangement makes a good deal of sense; once everybody has an opportunity to debate the motion to proceed, maybe we could have a vote tomorrow afternoon.

Mr. HATFIELD. So that the yeas and nays now having been ordered on the motion to proceed forecloses the majority leader from withdrawing that motion in a unilateral way?

Mr. DOLE. Unless I could have unanimous consent.

Mr. HATFIELD. Mr. President, I would have no objection to the majority leader's unanimous consent request to take up this measure relating to the SBA. I just want to point out that had this not worked out quite this way—and that is why I think the majority and minority leaders—we would have been in a situation where we would have been voting on cloture on Thursday at the time of the maturing of that cloture resolution without any opportunity, provided the schedule of business had been maintained, to discuss this matter. I think it is of such significance that I am very grateful the leadership has worked it out whereby we will have at least a number of hours tomorrow to discuss the very important issue for which the cloture motion has been laid down on the motion to proceed.

Mr. BYRD. Mr. President, so that no Senators will be taken by surprise, I believe that if the distinguished majority leader should move to adjourn today, the motion to proceed would die as of the adjournment. The cloture motion would bring it back on Thursday. So I would just hope that the distinguished majority leader would not move to adjourn today or during the day tomorrow. He has that tool within his power. He cannot now withdraw the motion; it takes unanimous consent to do that. But if he were to adjourn today over until tomorrow, or were to adjourn tomorrow, the motion to proceed would die. The cloture motion would bring it back before the Senate on Thursday.

Mr. DOLE. That is right.

Mr. METZENBAUM. Will the majority leader yield for a question?

I think by implication the majority leader indicated we would now turn, if the unanimous consent request is agreed to, to the SBA matter. And I think by implication the majority leader is assuming we will be done with that tonight and then we would come back to the motion to proceed. Assuming for the moment that for some reason the SBA matters should become a matter of controversy, would the majority leader then be willing to assure us he would set that matter aside in order that we may have an ample opportunity to debate the issue having to do with the motion to proceed?

Mr. DOLE. I am advised by the manager of the bill, the distinguished Senator from Connecticut, that if we can move to that, get consent to proceed to S. 408, he feels that we can complete action within 2 hours. I am prepared to stay late this evening, if necessary, to complete action on it.

Mr. METZENBAUM. I am not questioning that at all. I have been around here long enough to know that once in a while something comes up that you do not expect to come up. I just want to be certain that if that eventuality should arise, we will have the assurance of the leader that we will have full opportunity to debate the line item veto issue all day tomorrow, or at least for a number of hours.

Mr. DOLE. I think I can work out some arrangement with the distinguished minority leader to protect the rights of Members who want to speak, and still, if necessary, complete action on the SBA bill tomorrow.

Mr. METZENBAUM. With that assurance, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 408) to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Small Business, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SMALL BUSINESS ADMINISTRATION PROGRAM LEVELS

SECTION 1. Section 20 of the Small Business Act is amended—

(1) by adding the following new subsections:

"(u) The following program levels are authorized for fiscal year 1986:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $45,000,000 in direct and immediate participation loans; and of such sums, the Administration is authorized to make $20,000,000 in loans as provided in paragraph (10), and $25,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,180,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $60,000,000 in loans as provided in paragraph (11), $15,000,000 in loans as provided in paragraph (12), and $450,000,000 in loans as provided in paragraph (13) and guarantees and debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the administration is authorized to make $41,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,115,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $150,000,000.

"(6) [There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses,] *For the programs authorized by* [of] *sections 7(b)(1) and 7(b)(2) of this Act,*—[and] there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for [such] administrative expenses.

"(v) There are authorized to be appropriated to the Administration for fiscal year 1986, $555,000,000. Of such sum $333,000,000 shall be available for carrying out the programs referred to in subsection (u), paragraphs (1) through (3); $12,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $210,000,000 shall be available for salaries and expenses of the Administration.".

"(w) The following program levels are authorized for fiscal year 1987:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $47,000,000 in direct and immediate particiaption loans; and of such sum, the Administration is authorized to make $21,000,000 in loans as provided in paragraph (10), and $26,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,320,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $63,000,000 in loans as provided in paragraph (11), $16,000,000 in loans as provided in paragraph (12), and $470,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $43,000,000 in direct purchases of debentures and preferred securities and to make $261,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,164,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $157,000,000.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(x) There are authorized to be appropriated to the Administration for fiscal year 1987, $597,300,000. Of such sum $368,000,000 shall be available for carrying out the programs referred to in subsection (w), paragraphs (1) through (3); $15,500,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $213,800,000 shall be available for salaries and expenses of the Administration.".

"(y) The following program levels are authorized for fiscal year 1988:

"(1) For the programs authorized in section 7(a) of this Act, the Administration is authorized to make $49,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $22,000,000 in loans as provided in paragraph (10), and $27,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,458,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,000,000 in loans as provided in paragraph (10), $65,000,000 in loans as provided in paragraph (11) $16,000,000 in loans as provided in paragraph (12), and $489,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $45,000,000 in direct purchases of debentures and preferred securities and to make $272,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,213,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $163,000,000.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of section 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(z) There are authorized to be appropriated to the Administration for fiscal year 1988, $619,800,000. Of such sum $387,000,000 shall be available for carrying out the programs referred to in subsection (y), paragraphs (1) through (3); $14,500,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $218,300,000 shall be available for salaries and expenses of the Administration."; and

(2) by striking from subsection (t) "[and] for each of such years" and inserting "for fiscal year 1985".

DISASTER LENDING REFORMS

SEC. 2. Section 7(b) of the Small Business Act is amended by striking paragraphs (3) and (4).

SEC. 3. Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by striking out "90" each place it appears and inserting in lieu thereof "80".

SEC. 4. Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end thereof the following:

"(16) The Administration shall collect a guarantee fee equal to 2 per centum of the amount of the deferred participation share of any loan under this subsection other than a loan repayable in one year or less or a

loan under paragraph (13). The fee shall be payable by the participating lending institution and may be charged to the borrower.".

PROGRAM GUARANTEE AUTHORITY

SEC. 5. Section 20(a) of the Small Business Act is amended—

(1) by inserting "(1)" after "SEC. 20. (a)"; and

(2) by adding at the end thereof the following:

"(2) Notwithstanding any other provision of law, the Administration shall enter into commitments to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and enter into commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958, in the full amounts provided by law subject only to (A) the availability of qualified applications for such guarantees, and (B) limitations contained in appropriations Acts. Nothing in this paragraph authorizes the Administration to reduce or limit its authority to enter commitments for such guarantees to qualified applicants.".

AMENDMENT NO. 255

(Purpose: To make amendments to S. 408 to conform with S. Con Res. 32)

Mr. WEICKER. Mr. President, I call up amendment No. 255 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 255.

Mr. WEICKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(In the nature of a substitute) strike all after the enacting clause and insert the following:

SMALL BUSINESS ADMINISTRATION PROGRAM LEVELS

SECTION 1. Section 20 of the Small Business Act is amended—

(1) by adding the following new subsections:

"(u) The following program levels are authorized for fiscal year 1986:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $35,000,000 in direct and immediate participation loans; and of such sums, the Administration is authorized to make $15,000,000 in loans as provided in paragraph (10), and $20,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $2,930,000,000 deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $60,000,000 in loans as provided in paragraph (11), $15,000,000 in loans as provided in paragraph (12), and $200,000,000 in loans as provided in paragraph (13) and guarantees and debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $41,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,115,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $150,000,000.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(v) There are authorized to be appropriated to the Administration for fiscal year 1986, $534,000,000. Of such sum $312,000,000 shall be available for carrying out the programs referred to in subsection (u), paragraphs (1) through (3); $12,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $210,000,000 shall be available for salaries and expenses of the Administration.".

"(w) The following program levels are authorized for fiscal year 1987:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $35,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $15,000,000 in loans as provided in paragraph (10), and $20,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,050,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $63,000,000 in loans as provided in paragraph (11), $16,000,000 in loans as provided in paragraph (12), and $200,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $41,000,000 in direct purchases of debentures and preferred securities and to make $261,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,164,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $157,000,000.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(x) There are authorized to be appropriated to the Administration for fiscal year 1987, $561,000,000. Of such sum $331,000,000 shall be available for carrying out the programs referred to in subsection (w), paragraphs (1) through (3); $16,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $214,000,000 shall be available for salaries and expenses of the Administration.".

"(y) The following program levels are authorized for fiscal year 1988:

"(1) For the programs authorized in section 7(a) of this Act, the Administration is authorized to make $35,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $15,000,000 in loans as provided in paragraph (10), and $20,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,169,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,000,000 in loans as provided in paragraph (10), $65,000,000 in loans as provided in paragraph (11), $16,000,000 in loans as provided in paragraph (12), and $200,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $41,000,000 in direct purchases of debentures and preferred securities and to make $272,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,213,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $163,000,000.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of provisions and purposes, including administrative expenses, of section 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(z) There are authorized to be appropriated to the Administration for fiscal year 1988, $566,000,000. Of such sum $333,000,000 shall be available for carrying out the programs referred to in subsection (y), paragraphs (1) through (3); $15,000,000 shall be

available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $218,000,000 shall be available for salaries and expenses of the Administration."; and

(2) in subsection (t)—

(A) by striking "each of fiscal years 1985 and 1986," and inserting in lieu thereof "1985", and

(B) by striking "for each of such years".

BUSINESS LENDING REFORMS

SEC. 2. Section 7(a) of the Small Business Act is amended by striking out "90" each place it appears and inserting in lieu thereof "80".

SEC. 3. Section 7(a) of the Small Business Act is amended by adding at the end thereof the following:

"(16) The Administration shall collect a guarantee fee equal to 2 per centum of the amount of the deferred participation share of any loan under this subsection other than a loan repayable in one year or less or a loan under paragraph (13). The fee shall be payable by the participating lending institution and may be charged to the borrower.".

PROGRAM GUARANTEE AUTHORITY

SEC. 4. Section 20(a) of the Small Business Act is amended—

(1) by inserting "(1)" after "SEC. 20. (a)"; and

(2) by adding at the end thereof the following:

"(2) Notwithstanding any other provision of law, the Administration shall enter into commitments to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and enter into commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958, in the full amounts provided by law subject only to (A) the availability of qualified applications for such guarantees, and (B) limitations contained in appropriations Acts. Nothing in this paragraph authorizes the administration to reduce or limit its authority to enter commitments for such guarantees to qualified applicants.".

DISASTER LENDING REFORMS

SEC. 5. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking "The" after "(b)" and inserting in lieu thereof "Except as to agricultural enterprises as defined in section 18(b)(1) of this act, the";

(2) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(3) by striking paragraphs (3) and (4).

(b) Section 7(c)(4) of such Act is amended by striking out the last, undesignated paragraph.

(c) Section 18(a) of such Act is amended by striking all that follows "Federal Government" and inserting in lieu thereof a period.

SEC. 6. (a) Title III of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new section:

"GUARANTEED OBLIGATIONS NOT ELIGIBLE FOR PURCHASE BY FEDERAL FINANCING BANK

"SEC. 320. Nothing in any provision of law shall be construed to authorize the Federal Financing Bank to acquire after September 30, 1985—

"(1) any obligation the payment of principal or interest on which has at any time been guaranteed in whole or in part under this title,

"(2) any obligation which is an interest in any obligation described in paragraph (1), or

"(3) any obligation which is secured by, or substantially all of the value of which is attributable to, any obligation described in paragraph (1) or (2).".

(b) The table of sections for such title III is amended by adding at the end thereof the following new item:

"SEC. 320. Guaranteed obligations not eligible for purchase by Federal Financing Bank.".

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

Mr. WEICKER. Mr. President, S. 408, as amended by Amendment No. 255, reflects the compromise agreed to by the Republican leadership and passed as part of the budget resolution.

The proposal recommends significant savings in SBA's budget, while maintaining the basic core of its lending, disaster and management assistance programs as well as the agency's field structure. The amendment achieves $2.5 billion in outlay savings over the next 3 fiscal years.

This amendment builds upon the savings achieved by S. 408. In the committee reported bill, the bulk of SBA's direct loan programs are eliminated, along with the agency's nonphysical disaster program. In addition to the savings achieved by S. 408, Amendment No. 255 makes the following changes. First, effective October 1, 1985, farmers would be required to go to FmHA for disaster assistance. CBO estimates that this will reduce SBA's budget by $817 million in outlays over the next 3 years. Second, the Small Business Investment Company [SBIC] Program would be financed through the private capital markets rather than the Federal Financing Bank [FFB]. Under this proposal, SBIC's would be permitted to bypass the FFB and take their 100-percent Government guaranteed debentures directly to "the street" for financing. The SBIC industry utilized this financing mechanism from 1971 through 1974. Instead of receiving financing directly from FFB, SBIC's would get funding through the street from investors who purchased their SBA guaranteed debentures.

CBO estimates $529 million outlay savings by changing the SBIC funding mechanism. Third, the 503 Local Development Program would be reduced from $450 million to $200 million in fiscal year 1986 and frozen at that level in fiscal years 1987 and 1988. Fourth, the veterans and handicapped direct loan programs would be reduced by $5 million in fiscal year 1986 and frozen in the outyears. Finally, the substitute amendment would freeze the Minority Enterprise Small Business Investment Company [MESBIC] Program at $41 million in fiscal years 1987 and 1988.

Mr. President, I ask unanimous consent to have printed in the RECORD a table summarizing the savings achieved by the substitute amendment and a table delineating SBA's loan program levels set forth by this amendment.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TOTAL SAVINGS ACHIEVED BY S. 408, AS AMENDED

[In millions of dollars]

	1986		1987		1988		Outlay 3 years
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay	
Savings from S. 408, as reported with proposed technical amendments:							
Freeze of salaries and expenses in fiscal year 1986	−33	−24	−34	−32	−35	−38	−94
Eliminate bulk of direct loans; freeze guarantee lending; freeze MESBICS in fiscal year 1986	−201	−128	−188	−192	−195	−185	−505
Terminate nonphysical disaster	0	−59	0	−68	−346	−63	−190
Freeze in fiscal year 1986 the SBIC	−9	−9	−10	−8	−9	−5	−22
Freeze in fiscal year 1986 the 503	−13	−13	−13	−13	−15	−15	−41
Total savings	−256	−233	−246	−314	−600	−306	−853
Additional savings achieved:							
Require Small Business Investment Companies to sell their 100 percent federally guaranteed debentures to the private capital markets rather than the Federal Financing Bank	−194	−194	−202	−181	−211	−154	−529
Effective Oct. 1, 1985, require farmers to go to FmHA for disaster assistance	0	−70	0	−353	−113	−394	−817
Reduce 503 program from $450 million to $200 million in fiscal year 1986; freeze fiscal years 1987 to 1988; Reduce Handicapped and Veterans direct loan program by $5 million in fiscal year 1986; freeze program in fiscal years 1987 and 1988	−10	−6	−180	−178	−193	−190	−374
Total savings	−204	−270	−382	−712	−517	−738	−1,720

BUSINESS LOAN AND INVESTMENT FUND, SMALL BUSINESS ADMINISTRATION PROGRAM LEVELS

[In millions of dollars]

	Fiscal year 1985 appropriated	S. 408, as amended, program level		
		1986	1987	1988
General business loans	2,758.0			
Direct and IP	108.0	0.0	0.0	0.0
Guaranteed	2,650.0	2,650.0	2,766.0	2,882.0
Handicapped loans	29.0	.0	.0	.0
Direct and IP	24.0	15.0	15.0	15.0
Guaranteed	5.0	5.0	5.0	5.0
Economic opportunity loans	105.0	.0	.0	.0
Direct and IP	45.0	0.0	0.0	0.0
Guaranteed	60.0	60.0	63.0	65.0
Energy loans	18.0	.0	.0	.0
Direct and IP	3.0	0.0	0.0	0.0
Guaranteed	15.0	15.0	16.0	16.0
Development company loans	455.0	.0	.0	.0
Direct and IP	5.0	0.0	0.0	0.0
Guaranteed	450.0	200.0	200.0	200.0
Investment company loans	312.0	.0	.0	.0
Direct and IP	47.0	41.0	41.0	41.0
Guaranteed	265.0	250.0	261.0	272.0
Veterans loans	25.0	.0	.0	.0
Direct and IP	25.0	20.0	20.0	20.0
Guaranteed	0.0	0.0	0.0	0.0
Total business loans	3,720.0	.0	.0	.0
Direct and IP	257.0	76.0	76.0	76.0
Guaranteed	3,445.0	3,180.0	3,311.0	3,440.0

Mr. WEICKER. Mr. President, S. 408, as amended, has the support of the administration, as well as several small business organizations, including National Federation of Independent Business, Small Business United, Small Business Legislative Council, National Association of Small Business Investment Companies, and American Association of Minority Enterprise Small Business Investment Companies. I ask unanimous consent that a letter from Jim Sanders, Administrator of the Small Business Administration, and letters from the above-mentioned organizations in support of S. 408, as amended, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, DC, June 11, 1985.

Hon. LOWELL P. WEICKER, JR.,
U.S. Senate,
Washington, DC.

DEAR LOWELL: I understand that S. 408, the Small Business Administration's authorization bill, will be coming to the Senate floor this week for consideration. While I cannot support the legislation as it was reported out of committee, I do wholeheartedly support the bill if it is amended to conform with the compromise agreed to and passed as part of the Budget Resolution. I would like to take this opportunity to explain some of its major provisions.

As this legislative proposal was reported out of committee it provided $853 million in savings a compromise was reached which provided a total savings of $2.5 billion.

These additional savings of $1.7 billion are achieved in the following areas:

Small Business Investment Companies will sell their 100% federally guaranteed debentures directly to the private capital markets rather than the Federal Financing Bank.

Farmers will be required to go to FmHA for disaster assistance.

The 503 program will be reduced in Fiscal Year 1986 and frozen in Fiscal Year 1987 and 1988.

The Handicapped and Veterans direct loan program will be reduced in Fiscal Year 1986 and frozen in Fiscal Year 1987 and 1988.

The MESBIC Program will be frozen for 1986 thru 1988 at a funding level of $41 million.

The greatest saving occurs with the transfer of farm disaster assistance from the Small Business Administration to the Department of Agriculture's FmHA. The Administration strongly believes that assistance to farmers should be solely within the jurisdiction of the Department of Agriculture.

The Department has the necessary expertise and familiarity with the unique financial and business needs of farmers. The Department's programs, particularly those of the FmHA and the Federal Crop Insurance Corporation, are specifically tailored to serve the farm community.

Between 1976, when statutory changes required SBA to make assistance available to farmers, and 1982 when the effect of a statutory change requiring farmers to go first to FmHA was felt, SBA made over 80,000 farm disaster loans for a total of over $2.7 billion. Requiring two separate Federal organizations to be prepared to handle the same problem area is not a proper use of limited Government resources and affords increased opportunities for waste, abuse, and mismanagement.

Making farmers ineligible for SBA disaster loans would not place them in an unequal position. If there are situations where certain farmers are not eligible for disaster assistance from the Department of Agriculture it is more appropriate and less wasteful to make changes to the Department of Agriculture's programs, if desired, than to make all or any group of farmers eligible for disaster assistance from SBA.

In addition, the Administration objects to the provision in the bill which adds a section to the Small Business Act requiring that SBA commit all available funds for guaranteed loans if sufficient borrowers apply. We urge the Senate to delete this provision.

The deficit must be brought under control to provide all businesses with a favorable business climate and continued economic growth. Federal spending so seriously imperils the continued economic health of this country that it must become our primary concern with respect to maintaining the long term viability of small business.

Small business can remain a viable, dynamic and progressive force in the American economy with this legislation. Therefore, I urge you to support S. 408 with the above amendments.

The Office of Management and Budget advises that there is no objection to the presentation of this report to the Congress from the standpoint of the Administration's programs.

Yours truly,

JAMES C. SANDERS,
Administrator.

SMALL BUSINESS UNITED,
Waltham, MA, June 13, 1985.

Hon. LOWELL P. WEICKER, JR.,
Chairman, Senate Committee on Small Business, Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Small Business United, a nationwide organization composed of state and regional grass roots small business organizations, wishes to confirm that it supports the amendment agreed to in the course of the Senate budget resolution debate that would save $2.5 billion in SBA outlays during the next three fiscal years.

We appreciate your courageous and outstanding leadership as well as that of the Ranking Minority Leader, Senator Bumpers, in insuring that SBA will remain a viable agency providing cost-effective financial and management assistance to new and growing small businesses.

We also wish to express our gratitude to those Senators on both sides of the aisle who resisted extreme and sometimes irrational pressures to abandon the legitimate needs of small, independent businesses by terminating SBA.

Again, thanks for a job well done!

Sincerely,

ALLEN NEECE.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, June 17, 1985.

Hon. LOWELL P. WEICKER, JR.,
Chairman, Senate Committee on Small Business, Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Small Business Legislative Council (SBLC) is pleased to support reauthorization of the Small Business Administration as provided in S. 408, Amendment No. 255.

SBLC is a coalition of nearly 90 trade and professional associations with a combined membership of more than 4 million small businesses. Preserving the Small Business Administration as an independent agency of government is a top priority issue for the council, and we are grateful that the Senate is proceeding in that direction.

Your leadership in preserving the Small Business Administration under difficult legislative circumstances is not only appreciated, but valued by the small business community. SBLC looks forward to final enactment of S. 408 as modified by Amendment No. 255 as an integral part of the Senate's budget resolution.

Sincerely,

WALTER E. GALANTY, JR.,
Chairman.

NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES,
Washington, DC, June 17, 1985.

Hon. LOWELL WEICKER, JR.,
Chairman, Senate Small Business Committee, Washington, DC.

DEAR MR. CHAIRMAN: The National Association of Small Business Investment Companies strongly supports the passage of S. 408, as amended by Amendment #255.

Our Association commends you and the members of the Small Business Committee for your successful efforts to assure the survival of the Small Business Administration and its financial assistance programs.

The version of S. 408 which was formulated during the Senate debate on Budget Resolution guarantees an effective SBA for the next three years. Furthermore, it establishes procedures under which the SBIC industry can continue to provide venture capital to new and growing small businesses.

NASBIC will continue to work closely with you and your colleagues in promoting final passage and enactment of this much-needed authorization legislation.

Sincerely,

WALTER B. STULTS,
President.

AMERICAN ASSOCIATION OF MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANIES,
Washington DC, June 18, 1985.

Hon. LOWELL P. WEICKER,
U.S. Senate, Hart Senate Office Building, Washington DC.

DEAR SENATOR WEICKER: Today, the full Senate will be considering S.408, the Small Business Administration authorization bill. The American Association of Minority Enterprise Small Business Investment Companies (AAMESBIC), a trade association representing approximately 150 minority investment firms across the country, would like to register its full support for the measure. We view S. 408 as an excellent compromise between the important goals of reducing the federal deficit and maintaining the Small Business Administration as an effective advocate for America's small businesses.

We appreciate the work you have done on behalf of the small business community and, once again, offer our full support in the passage of S.408.

Sincerely,

PATRICK OWEN BURNS.

SMALL BUSINESS ADMINISTRATION.

DEAR SENATOR: The Senate will soon consider S. 408, the Small Business Administration reauthorization bill. When S. 408 is considered, an amendment by Senator Weicker—printed amendment #255—will be accepted as original text for purposes of further amendments. The National Federation of Independent Business (NFIB) urges you to support Senator Weicker's efforts to bring S. 408 into conformity with the Senate-passed reconciliation instructions.

We, therefore, ask that you oppose all substantial amendments to S. 408 as it will be considered, particularly, one to leave the farm disaster loan program in the SBA. Over three years the farm disaster loan program will cost $817 million and make it impossible for the Small Business Committee to meet the $2.5 billion savings goal it is trying to achieve. The SBA's farm disaster loan program is an inefficient and senseless duplication of a program properly handled by the Farmers Home Administration.

Overall, Chairman Weicker asks the SBA to take about a 50% cut in funds. NFIB believes the resulting agency will be a stronger, more focused small business advocate within the government. We urge you to support this scaled back SBA.

JOHN J. MOTLEY III,
Director of Federal Legislation.

Mr. WEICKER. Mr. President, in summary, this amendment achieves substantial savings of $2.5 billion in the SBA budget over the next 3 years, while at the same time preserves the SBA credit programs so critical to our Nation's small business. SBA's management assistance network which operates through small business development centers [SBDC's], service corps of retired executives [SCORE], and small business institutes [SBI's] will also continue to exist and provide affordable counseling and training to millions of small businesses throughout the United States. Also, SBA's field structure, advocacy, procurement assistance, and special programs designed to assist women entrepreneurs, veterans, and minority businesses will remain. I believe it to be a fair compromise which achieves significant savings, responds effectively to our serious budget deficit problem, and does so in a way that allows the agency to respond to the diverse needs of the small business community.

Mr. BUMPERS. Mr. President, I am pleased to support S. 408 and Senator WEICKER's substitute, amendment No. 255, with one serious reservation which I will discuss later.

I think it is important to note that this bill saves $2.5 billion over the next 3 years, and it does so by several important reforms, including lowering the guarantee of business loans from 90 percent to 80 percent and raising the points that applicants must pay from 1 percent to 2 percent. Also, we have virtually eliminated all direct loan programs, with the exception of the loans to veterans, to minority enterprise small business investment companies, and the handicapped.

Our hearings indicated that that part of the Direct Loan Program had a very good record. But we admit that the Direct Loan Program in general has not been all that good, and it has been mostly eliminated.

Unhappily, I cannot support the amendment as it deals with the American farmer. The chairman, whom I respect greatly, argues that farmers should not have to turn to the Small Business Administration for disaster assistance. The problem is that they do not have much of any place else to turn. While I respect his position on this issue, it is an area where we have agreed to disagree.

My view is that, in light of the continuing agricultural credit crisis and the virtual elimination of farm disaster lending in the Senate-passed budget, this is not the time nor the place to give farmers another downward shove. So, shortly, Mr. President, I will offer an amendment to strike that portion of the Weicker substitute which excludes agricultural enterprises from SBA disaster loan programs.

I will take a moment to make this explanation: There is presently a cap of $500 million in the total for disaster loans, but the $500 million cap applies only for 1986. After that, there is no cap. Since my amendment would cap the total of such loans for the entire period of the bill, it will, in effect, further reduce the budget impact of this amendment.

Mr. President, I ask unanimous consent that my formal remarks be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I am very pleased to support S. 408, and Senator WEICKER's substitute amendment S. 255, with one serious reservation which I will discuss shortly. I am proud of the Small Business Committee's work on this legislation, and proud of the results which have been obtained in negotiations with the administration, in that Federal outlays may be reduced by $2.5 billion over the next 4 years. I must admit I was prepared for a prolonged fight over the original proposal to scrap the SBA and sell off its assets. This question was finally resolved by good faith negotiations which I wish had been the administration's approach from the beginning, instead of a destructive tirade which slandered the Small Business Administration and millions of Americans who have participated in its programs over the years, to say nothing of the damage that has been done to the morale of the agency.

I must add, Mr. President, that strong bipartisan support in the Small Business Committee, in my judgment, has been crucial to the success of this legislation. I frankly doubt that the administration would have dropped its attack on SBA had they not known that our committee stood firmly in favor of supporting America's 14 million small businesses, and the only executive agency created to assist them.

Let me say a few words, Mr. President, about what SBA has meant to my State. Since 1953, SBA has made a total of 2,632 business loans totaling $96 million in Arkansas. In the same period, for contrast, this agency has made 7,702 disaster loans for $240.7 million. And of these nearly 8,000 disaster loans in Arkansas, 2,579 have been farm loans, totaling $172.8 million. The loss rate in Arkansas on farm disaster loans has been 3.18 percent, which is to say that SBA has only charged off $5.5 million out of the $172.8 million in farm disaster loans. Additionally, the agency has made 529 economic injury disaster loans for a total of $23 million, and only $1.2 million out of that $23 million has been charged off.

This budget compromise based on the Committee's work on S. 408, manages to preserve the Small Business Administration and every one of the programs which the committee agreed to preserve. The $2.5 billion savings was achieved by some further program reductions—most of which are livable—and an innovative approach to financing of the SBIC Program. Unhappily, the Section 503 Development

Company Program is reduced by this amendment a lot more than I would like. But the most serious problem, in my judgment, is that farmers would be made ineligible for any disaster assistance from SBA under Senator WEICKER's substitute. I could not disagree more strongly with this provision, and I will shortly offer an amendment to strike that portion of the Weicker substitute and leave present law intact.

Mr. President, I was first puzzled and later just appalled that the administration was proposing to abolish the Small Business Administration. As the Small Business Committee began studying the proposal and conducting hearings on S. 408, it became all too clear that the real agenda was a political one, an ideological one, set by Mr. Stockman, who admitted to the committee that he was just opposed to the very idea of having a Small Business Administration—deficit or no deficit. He just doesn't think Government should lift a finger to help Small Business, or anybody else for that matter.

If Small Business gets trampled over and gobbled up by big business, and if people can't get to start a Small Business because bankers would rather make loans to bigger businesses, Mr. Stockman would say "That's just too bad."

The committee studied this proposal long and hard, Mr. President. And we emphatically rejected the proposal to eliminate SBA. We did so because the evidence was clear on two crucial points: First, there are still scores of entrepreneurs who have good ideas for new businesses every year who cannot get credit from traditional lenders but who, nonetheless, deserve a chance at success. Not all of them make it, but enough do to convince us that there still exists a bias among most bankers against the new and untried. Second, we on the committee are convinced that the repayment record of SBA's programs, together with the thousands of jobs created every year, makes SBA a sound investment for the Treasury and for taxpayers.

Let me say a few words about what this compromise does and does not do that troubles me some. First and foremost, it allows for the continuation of the Small Business Administration as an independent agency in the Federal Government serving the most vital sector of our economy. Small businesses continue to provide the lion's share of all net, new jobs in our economy. And small businesses uniformly support this bill. With some reductions—reductions which are livable, in my view—this bill will continue every one of the vital financial programs and disaster assistance programs which we in the Small Business Committee determined were worth preserving when we reported S. 408 by a vote of 16 to 3. Every Member on this side of the aisle voted in favor of S. 408.

As reported. S. 408 would save $851 million in Federal outlays, and the additional changes which the chairman proposes would push that savings total to $2.5 billion over the next 3 years, according to the Congressional Budget Office. This is an enormous budget savings for such a relatively small Government agency. Senators should bear in mind that we only appropriate about $700 million, or a little more, annually for SBA.

This compromise, I am very happy to say, allows continuation of the 7(A) Loan Guarantee Program, which has long been the flagship of SBA lending, at its present level. This will be a freeze of 1985's authorized level of approximately $2.73 billion in loan guarantee authority, with adjustments for inflation in 1987 and 1988. Second, the Small Business Investment Company Program will continue to be authorized at its present level of $250 million, although the means of financing will be quite different. Instead of selling SBIC debentures to the Federal Financing Bank, the SBIC's will be privatized by selling their SBA-guaranteed debentures directly in the private capital markets. This is a way of avoiding the Government accounting principle that treats a loan such as these SBIC debentures, which have been excellent investments for the Treasury, the same as a direct expenditure. This compromise takes the Federal Treasury out of the picture and puts SBIC borrowing directly with those who would, by choice, invest in this important venture capital program. The cost to the SBIC's will likely be a little higher, but they are willing to bear this burden to achieve $551 million in Federal budget savings. Moreover, we know this means of financing will work because it is exactly the means which were utilized for SBIC's prior to creation of the Federal Financing Bank in the early 1970's. The National Association of SBIC's [NASBIC] has been supportive of this change, and has also been of great help to the committee in developing S. 408.

S. 408 will eliminate most direct lending, including general business direct loans, by SBA with major budgetary savings. But it will also maintain modest direct lending for the veterans program—which, by the way, has been especially successful and which has had minuscule loss rates—and also small but very important direct lending programs for handicapped individuals, who have always had the greatest difficulty in getting a fair shake from traditional lenders. Finally, loans for Minority Enterprise Small Business Investment Companies [MESBIC's] will be frozen at $41 million for 3 years. I am disappointed that it was necessary to make $5 million reductions in the veterans and handicapped loan programs, and I would support restoring these cuts in the conference committee if House Members can suggest other reasonable means of achieving savings.

Second, this legislation allows continuation of the SBA Disaster Lending Program. I was appalled when the President proposed the elimination of Federal disaster assistance. The SBA Disaster Loan Program has generally been well-managed, and it is an essential part of the Federal response to communities in their time of greatest need. Again, these are loan programs, not grants, and they have a good repayment record. The American people have never turned a deaf ear to their fellow citizens when calamities such as tornadoes, floods, droughts, and earthquakes have struck, and no State has been spared such tragedy.

Unhappily, I cannot support Senator WEICKER's amendment in the way it deals with the American farmers. The chairman argues that farmers should not have to turn to SBA for disaster assistance. The problem is that they have nowhere else to turn. I respect the chairman's position on this issue, but it is an area on which we have agreed to disagree. My firm view is that, in light of the continuing agricultural credit crisis, and the virtual elimination of farm disaster lending in the Senate-passed budget, this is not the time or place to give farmers another downward shove. Shortly, I will offer an amendment to strike that portion of the Weicker substitute which excludes agricultural enterprises from SBA's Disaster Loan Program.

My amendment will also place a copy of $500,000,000 on the total for disaster loans for the 3 years of this bill. So my amendment is, at least, budget neutral and, at best, reduces the budget.

Finally, this legislation allows the continuation of all management assistance programs at SBA, including the Small Business Development Centers. These accounts will be frozen for fiscal year 1986 at 1985 levels, with no inflation adjustment until 1987. This includes, of course, all salaries and expenses for the Agency. The idea of ordering that Federal workers must forgo a cost-of-living increase is not very appealing, but it seems to be necessary given the present fiscal crisis.

This is a sound compromise, Mr. President. Though I remain concerned about the issue of farm disaster lending, I believe that this measure deserves the support of Members on both sides of the aisle.

AMENDMENT NO. 524

(Purpose: To ensure continued eligibility for disaster related assistance through the Small Business Administration for agricultural enterprises)

Mr. BUMPERS. Mr. President, unless the chairman has something

else to say, I will offer this amendment. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself and Mr. GRASSLEY, proposes an amendment numbered 524.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In amendment 255, strike out subsection (1) of Section 5(a) and strike out Section 5(c), and renumber subsection (2) of Section 5(a) as subsection (1) and subsection (3) as subsection (2); and page 4 line 22 is amended by striking out "such sums as may be necessary and appropriate" and inserting in lieu thereof "$500,000,000"; and page 6 line 25 is amended by striking "such sums as may be necessary and appropriate" and inserting in lieu thereof "$500,000,000."; and page 2 line 19 is amended by striking out "such sums as may be necessary and appropriated" and inserting "$500,000,000".

Mr. BUMPERS. Mr. President, I am not going to take long to explain this amendment. It simply says that the Small Business Administration may continue to make disaster loans to farmers.

SBA has three disaster lending programs, in all of which farms are treated like any other business. At least, this has been true until now. One of these three, nonphysical disasters, will be eliminated by S. 408, so that is not subject to debate here. We are talking about physical disaster loans and ecomomic injury disaster loans.

In the first category, physical disaster loans, we are talking about floods, storms, hail, and so forth. At present, there is a $500,000 limit on these kinds of loans. When I say $100,000, we are talking about the size of a farm in average annual revenue. A farmer who does not have at least a $100,000 gross income in today's farming sizes is not doing much business.

Until about a year ago, the limit was $1 million. Last year, the administration cut the size of the farms eligible for disaster loans from $1 million to $100,000. As I have said, Senator BAUCUS will shortly offer a separate amendment to raise that limit back to $500,000. I support and cosponsor that amendment.

If you have 1,500 acres of rice, and from 1,000 to 1,500 acres is what it takes if you are a commodity farmer to be a good, viable economic entity, certainly anyone with 1,500 acres is going to have close to $500,000 income.

Mr. President, as I pointed out earlier, there are two classes of loans which farmers will remain eligible for at SBA under my amendment.

One is the physical disaster loan, for example, where a crop is destroyed by flood, wind, hailstorm, et cetera. My amendment provides that a farmer will be eligible at the Small Business Administration, and his interest rate, if he can get credit somewhere else, is pegged at 8 percent. If he can't get credit elsewhere, the interest rate is 4 percent.

I point out that, first of all, the President has to declare a physical disaster for the farmer to be eligible for a loan or the Secretary of Agriculture or the Administrator of SBA, either at Farmers Home or SBA.

Second, the amount of the loan under the Physical Disaster Program is the cost to replace or repair. In other words, the farmer is not entitled to any loss of profits or anything of the kind. He is limited to his production costs.

This is extremely important because the farmer may lose his labor but at least by getting his production costs back he may live to fight another day.

For those businesses who have no credit elsewhere the rate is 4 percent at SBA. Incidentally, if the loss in the Physical Disaster Program to the farmer is less than $100,000, he is required to go to the Farmers Home Administration for the loan.

Now, Mr. President, the second loan program is the economic injury disaster loan, and these loans also require a physical disaster to have occurred, but the measure of damage is different. The economic disaster loan one would be eligible for at SBA, again, does not cover lost profits. Small businesses, incidentally, as defined by SBA are eligible for this loan program, and again this is farms with no more than $100,000 annual revenue are ineligible. Again, I say Senator BAUCUS will offer an amendment which will raise that to $500,000. Again, he must be located in the disaster area that has been declared a disaster by the President.

Mr. President, I wish to make one final point, and that is this: There is a limit of $500 million that can be loaned under this program in 1986. That figure is significantly more than has been loaned by SBA in 1983 or 1984, either one. My amendment would extend that cap to 1987 and 1988.

I believe CBO has estimated that demand on this program could go higher, but bear in mind that right now the law provides a limit of $500 million in 1986, but this is a 3-year authorization bill and there is no cap in 1987 and 1988.

My amendment extends the $500 million cap in 1987 and 1988 so that not only is the amendment essentially budget neutral, it may actually be reducing the budget further because without this amendment there will be no cap on the total of disaster loans in 1987 and 1988.

So, Mr. President, I think just from a philosophical standpoint the Senate should not at this moment take away the lending authority that is available to farmers under the Small Business Administration for two reasons.

No. 1, we know that the American farmer is on the endangered species list.

No. 2, we know that if the conference on the budget between the House of Representatives and the Senate should happen to come down on the side of the Senate proposal, virtually all disaster loan programs are eliminated under the budget which was adopted by the Senate. And unless my amendment is adopted you are saying to the American farmers, who are already suffering from low commodity prices, who are already paying interest on $210 billion a year in borrowed money, you are saying to all those farmers, "If you happen to suffer a disaster in 1986, 1987, or 1988 it is just tough; the caring, concerned, benevolent Government that you have looked to in the past to take care of unforeseen disasters over which you had no control will not be there; there will be no place to turn."

So it seems to me when you consider the fact there is no budget impact and, on the contrary, there may be a good budget impact and at the same time preserve the last source to keep farmers alive in cases of disaster, that is a very minimal thing to ask the Senate to adopt.

Mr. President, I yield the floor.

Mr. WEICKER. Mr. President, has the distinguished Senator from Arkansas asked for the yeas and nays?

Mr. BUMPERS. I have not. I will do that at this time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I must rise in opposition to Senator BUMPERS, amendment to strike the provisions of this bill which ensure that the Department of Agriculture, the Agency whose sole purpose and obligation is to deal with the problems of our Nation's farmers, will be responsible for farm disaster assistance—not SBA.

This provision represents approximately 33 percent of the entire savings in this SBA budget resolution package. There is no other way of generating this type of savings and still maintain SBA's essential credit and management programs. Specially, CBO estimates that the adoption of the provision requiring farmers to go to FmHA for disaster assistance would generate $817 million of SBA outlay savings over the next 3 fiscal years.

The issue really boils down to the budget savings generated. It also relates to the fact that I do not think you can ever really cap emergency funding. It does not work that way. If the emergency is there, the funding is going to be forthcoming. The question is from whom is it going to be forthcoming, the FmHA or the SBA.

I would also like to point out that this same issue was considered by the House Small Business Committee during the markup of its SBA authorization bill, H.R. 2540. An amendment identical in all respects to the provision in Senate Amendment No. 255 to remove farmers from the SBA disaster lending program was offered and adopted by the House Small Business Committee during consideration of their bill. This action by the House Small Business Committee shows a commitment to reduce SBA's budget and to enact needed reforms.

One of the major arguments made by the proponents of keeping SBA in farm disaster lending is that FmHA is inefficient in their delivery of disaster aid. In fact, in their "Dear Colleague Letter," the Senator from Arkansas notes that FmHA has a "notoriously slow and inefficient record in its disaster lending to farmers." If FmHA is administratively inept, let's deal with that problem directly. I do not believe an appropriate solution to bureaucratic incompetence is to dump the problem in another agency's lap. SBA simply has neither the expertise nor resources to handle the projected demand.

I have long advocated that requiring two separate agencies, SBA and FmHA, to be prepared to handle the same problem area is not a proper use of limited Government resources, and affords increased opportunities for waste, abuse, and mismanagement. Duplicative farm disaster programs have caused many problems in the past as has been set forth by the SBA inspector general, GAO reports and an extensive investigation and hearings by the Senate Small Business Committee.

The problems and needs of farmers should be handled by the Department of Agriculture, and specifically FmHA, which has the expertise in, and the knowledge of, the unique financial and business problems of agricultural enterprises, which SBA does not. With 1,900 field offices nationwide, and experts training in the needs of farmers, the Department of Agriculture has the resources and special expertise to handle the problems of agricultural enterprises and SBA does not. SBA operates its Disaster Program through its regional offices, with a core staff of only 150 personnel which is supplemented with temporary staff when the need arises because of a major disaster occurrence.

The Senate will be considering in the near future the farm bill. During these deliberations, the Senate will have an opportunity to decide under what terms and conditions Federal assistance should be provided farmers suffering from losses to their crops or property due to a natural disaster.

Mr. President, in 1976 when SBA was thrust headlong into farm disaster lending, its Disaster Loan Program quickly grew from a $200 million program to over a $2 billion program. This program was brought under control only when Congress wisely decided to remove SBA from farm disaster lending in 1980 with the passage and enactment of Public Law 96-302. This was done by devising a formula which made interest rates for disaster loans at SBA and FmHA substantially similar, and so long as this was the case, farmers were required to go first to FmHA for disaster assistance. Unfortunately, this formula created an opening for farmers to return to the SBA Program when interest rates, for whatever reason—either because of administrative action or by statute—were no longer substantially similar in the disaster programs at the two agencies. This was obviously a precarious reed on which to determine which agency farmers would go to for disaster assistance.

During the 97th Congress I called for and chaired hearings in the Small Business Committee on SBA's administration of its Farm Disaster Lending Program. The purpose of these hearings was to examine the extent and gravity of problems encountered during SBA's involvement in agricultural disaster lending, and to determine whether special collection efforts should be instituted to recoup Government money which SBA had paid out improperly.

The committee's investigation, which was supported by audits and findings of the SBA inspector general and the committee's hearings, showed that virtually millions of dollars had been improperly paid out by SBA while administering this program. Some farmers used money earmarked for crop replacement or debt repayment to finance such items as a refurbished home, investments in high-interest bearing certificates of deposits, and other expenses unrelated to farm disaster losses. The inspector general's audits also showed that some borrowers illegally received duplicate loans and Federal grants from SBA and FmHA for identical losses.

The committee's hearings demonstrated that these problems occurred in large part because of SBA's lack of expertise in administering this specialized program and because borrowers were able to take advantage of the program due to SBA's inability to manage the program. The hearings confirmed that a program at SBA which was intended to assist those who suffered very serious and real losses due to extreme weather conditions was abused; that Federal dollars were mishandled: and that during a time of severe budget restraints, the Government had the opportunity to collect millions of dollars in misused funds from these borrowers. The hearings also clearly reaffirmed the wisdom of Congress in removing SBA from farm disaster lending. Unfortunately, however, SBA was put back into farm disaster lending when the Senate was forced to accept provisions in a House bill, which subsequently became Public Law 98-270, which made interest rates in the SBA and FmHA programs no longer substantially similar. Thus, the door was open again for farmers to again choose which agency to go to to receive disaster assistance. This was a step into the past that should never have been taken.

Mr. President, the time has now come, once and for all, to end SBA's participation in farm disaster lending. As shown by its failure in properly administering the program in the past, it does not have the expertise, nor the resources, to handle such a program. The Department of Agriculture does. And, if those resources are insufficient, or more resources need to be made available, then the answer is not to make them available at SBA, but to ensure that they are made available through programs at FmHA. The Secretary of Agriculture, John Block, and the SBA Administrator, Jim Sanders, both agree and strongly advocate that SBA should be taken out of farm disaster lending, and have submitted letters in support of moving farm disaster responsibility back to, and under the sole jurisdiction of, USDA. I would like to quote from the Secretary of Agriculture's letter:

> The Department strongly supports S. 408 with the proposed amendment to provide farm disaster relief assistance only through USDA programs. This will prevent the duplication of benefits to farm disaster victims between SBA and the USDA, and the opportunities for waste and mismanagement involved with duplication of effort by SBA and the USDA.
>
> As you know, the FmHA has over 1,900 county offices staffed with personnel who are familiar with the unique financial and managerial needs of farmers.

I ask unanimous consent that the full text of the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, June 5, 1985.

Hon. LOWELL P. WEICKER, Jr.,
Chairman, Committee on Small Business,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to communicate the Administra-

tion's support for S. 408, the Small Business Administration's (SBA's) authorization bill, which I understand will be coming up for consideration on the Senate floor this week.

I am wholeheartedly in agreement with the passage of S. 408 if it is amended to conform with the compromise agreed to in connection with the Budget Resolution. Part of this compromise was to make agricultural enterprises ineligible for SBA disaster assistance.

The Department strongly supports S. 408 with the proposed amendment to provide farm disaster relief assistance only through USDA programs. This will prevent the duplication of benefits to farm disaster victims between SBA and the USDA, and the opportunities for waste and mismanagement involved with duplication of effort by SBA and the USDA.

As you know, the FmHA has over 1,900 county offices staffed with personnel who are familiar with the unique financial and managerial needs of farmers. The Agency has expertise in handling an emergency disaster program and is specifically tailored to serve the farm sector. In addition, the Federal Crop Insurance Corporation has made crop insurance available in nearly every county in the United States. Between these two programs, the disaster needs of farmers can be met effectively by USDA.

Considering the present budgetary constraints and the situation of American agriculture, I again urge you to support S. 408 with the proposed amendment to move farm disaster assistance back to USDA.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK
Secretary.

Mr. WEICKER. Mr. President, as chairman of the Small Business Committee, I would not pretend to have the essential expertise in the problems of our Nation's farm community necessary to attempt to resolve what their needs are. This I would leave to the Committee on Agriculture which I understand is marking up a major farm bill.

The question before the Senate is how should the Federal Government respond to crop-related disasters. All S. 408 says is that FmHA is the appropriate agency to respond to such a crisis. It is up to the Agriculture Committee and eventually the Senate, to determine what form of assistance, and under what terms of conditions, should be provided.

Therefore, I urge my colleagues to oppose the amendment offered by the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have had two or three Senators state that they wish to speak on this amendment, but I do not see anybody on the floor in that category. If I may, let me just take a second and suggest the absence of a quorum.

Mr. WEICKER. Mr. President, if the Senator will yield, I think it must be obvious that the distinguished ranking member of the committee and this chairman have done everything within their power to bring forth a good bill. Where there has been a difference, such as there is a difference here, nobody has tried to block the moving of the legislation through the legislative process.

For my colleagues that are off the floor, we are prepared to vote on this, which is probably the only major amendment on which we will have the yeas and nays ordered, then we will have a few amendments which it is my intention to accept and we will move to final passage.

I see no reason why we should withhold this vote. I do not intend to make a tabling motion. I think the Senator should have an up-or-down vote on what he has presented here. I would like to get on with it. I will put my colleagues on notice that hopefully we will be able to get to final passage within the next half hour or so.

Mr. HARKIN. Mr. President, I rise in strong support of the Bumpers amendment, which I have cosponsored.

Clearly, the substitute offered by the distinguished Senator from Connecticut, as it is currently written, would place farmers in a special category of business which must pay higher interest rates, receive slower service and, in some cases, will not be able to receive any assistance at all when disaster strikes.

Farmers will be the only business group in the country that will have to pay those higher rates. When you cannot get credit elsewhere, SBA charges 4 percent for a disaster loan. FmHA charges 5 percent on the first $100,000 and 8 percent on the next $400,000. How are those higher rates justified? There is no reasonable justification.

Farmers in my part of the country are facing the worst economic situation in 50 years. Farmland values have fallen by 29 percent in Iowa in the last year. Land values have fallen to about half their 1981 values. We are facing a true economic catastrophe in the farm belt. Banks are closing. The whole farm credit system is in trouble. And here we have an amendment that singles out those farmers with a flood, tornado, or other calamity with higher interest rates. That is not fair.

Those retired farmers who sharerent their land will not be able to receive assistance from anyone, even for physical damage. IBM and GM could receive assistance for physical damage. But the retired farmer whose income comes from a share of the crop could receive no assistance as a matter of law. That is not fair.

You can suffer a substantial loss and still not lose 30 percent of your assets. SBA understands that fact and allows a loan. FmHA does not.

But perhaps the most telling point is that although FmHA is supposed to have the expertise, they just can't get the job done. We are still sitting with thousands of loans piled up in FmHA offices for loans that were first applied for 3 and 6 months ago. Many farmers have to wait for 200 days and more to get loans processed by FmHA.

SBA hires people on a short-term basis with the expertise to meet a situation. FmHA has shown little flexibility in shifting its staff to areas with higher workload.

SBA has made about 30,000 loans in Iowa since the beginning of the agency in 1953. And about half of them were farm loans. Following the 1977 drought, SBA made 14,400 loans amounting to $340 million. And it took SBA about 60 days to complete a loan in spite of a massive influx.

They still have 6,100 farm disaster loans in their portfolio with a value of $68 million. And they are dealing with them every day.

Last year, the President announced a major program to help farmers in their terrible situation: The Debt Adjustment Program. He gave the job to Farmer's Home. And in the last 9 months, Farmer's Home has not yet made 100 loans in Iowa under that program.

Whatever the theoretical arguments for blocking farmers from receiving SBA loans, the result is clear. OMB cuts down on loans as a budget-reducing mechanism, and farmers are hurt. They will pay thousands of extra dollars in higher interest rates. Some will be able to get no loans at all. Individual families and the economy of agricultural areas hit by disasters will be hurt.

I urge my colleagues to support the Bumpers amendment.

Mr. THURMOND. Mr. President, I favor disaster aid to farmers. However, one Government agency ought to be sufficient for this purpose, and I feel that the FmHA is the logical one to do this.

Although I share Senator BUMPER'S concern for our farmers, I do not believe it to be in the best interest of agricultural producers, or sound public policy for our Nation, that the Small Business Administration [SBA] resume making agricultural disaster loans. We already have a Federal agency, the Farmers Home Administration [FmHA], especially equipped to make these loans.

Mr. President, agricultural lending is a specialized process, requiring an in-depth knowledge of farming operations. The FmHA has over 3,500 loan officers working in county offices across the Nation who are trained in such matters. When disaster strikes, these local people, who have a working knowledge of agriculture in their home area, are in a better position to assist affected farmers than are their counterparts in the SBA.

The SBA has less than 500 loan officers, and they must deal will all kinds

of disasters. To process agricultural disaster loans, it is generally necessary for the central SBA office to establish a temporary office in the affected area. Loans are frequently processed by individuals who have no special knowledge of farm problems, and who do not have the time to individually examine a disaster-stricken farm.

Correcting the problems associated with SBA-administered disaster loans would require hiring many more loan officers and opening more offices nationwide. This simply does not make sense when the FmHA already makes disaster loan assistance available to farmers. This duplication of effort is not only unnecessary, but costly.

Mr. President, I do not mean to imply by my opposition to this amendment that the FmHA disaster lending program is perfect. Indeed, some areas of difficulty have been brought to my attention, and I urge the FmHA to continue their efforts to alleviate these problems. In times of natural disaster, our farmers desperately need our assistance. However, I believe that one agency is sufficient to administer disaster aid to farmers. This is a more efficient use of our precious taxpayer dollars.

Mr. President, I have been, and always will be, a strong supporter of our farmers, especially when they are suffering from a crisis. However, needlessly duplicating Federal Government efforts is not in the best interest of the farmer or any other taxpayer. The FmHA has the expertise, the requisite regulations, and the local offices to administer disaster loans to farmers. For these reasons, I oppose the pending amendment.

Mr. BAUCUS. Mr. President, once again Montana and other parts of this Nation have been struck by drought.

In Montana, this will be the 4th consecutive year that farmers have fought natural disaster.

And this will be the 4th consecutive year that farmers are robbed by drought of the income they need to stay in business.

In Montana, we are not talking about farm mismanagement. We are not talking about farmers who really should not be in business.

We are talking about good farmers. Farmers who respect the land, farmers who manage their resources wisely.

What do these farmers do when they need operating capital in tough times? They have turned to the Small Business Administration.

So far in this fiscal year, 344 SBA disaster loans have been approved. These loans total $28.6 million.

While this year's disaster is in Montana, next year's could be in Oklahoma, or Arkansas, or Iowa or California.

Next year, farmers in these States could be coming to the SBA for help.

Why? Because the SBA Disaster Loan Program could be their only source of operating funds.

Now, if Senator WEICKER has his way, this source of funds will dry up.

Let me set the record straight about the SBA Disaster Loan Program used most, the Economic Injury Disaster Assistance.

Farmers who have no credit available elsewhere and can demonstrate an ability to repay are the only candidates for these loans.

The loan is for temporary operating capital only. It does not compensate farmers for actual damages or physical loss.

Ending this disaster loan program couldn't come at a worse time. It would come at a time when many of America's farmers are in the worst economic condition since the Great Depression.

Low prices, high interest rates, shortages of credit, falling land values, grain surpluses, drought and shrinking exports—all these are driving farmers out of business in record numbers.

This condition is magnified when natural disasters rob American farmers of the products that provide their livelihood.

Supporters of the Weicker amendment argue that crop insurance should cover all disasters.

In theory, I agree. We should begin working toward achieving that goal.

But today, fewer than 13 percent of America's farmers have crop insurance. The reason: It is either prohibitively expensive or does not cover their crop (such as forage crops like hay or alfalfa.)

Supporters of this amendment also argue that farmers already have their own agency—the Farmers Home Administration.

But for most Montana farmers, FmHA has been too slow.

Supporters of Senator WEICKER's amendment also argue that SBA does not have the expertise to handle farm cases.

Again, not true. Farmers in my State are telling me in increasing numbers how important SBA is to them. SBA takes half the time to process loan applications. SBA is easier to work with and has an interest rate half that of FmHA.

But the basic question boils down to one thing—farmers are small businesses and are entitled to the same programs as all other small businesses.

American's farm economy is facing the worst times in 50 years. Let's not undercut the farm economy more by eliminating farmers' eligibility for emergency operating loans.

I urge the Senate to reject the Weicker amendment.

Mr. NUNN. Mr. President, I am placed in a difficult position by the current amendment. As the ranking Democrat on the Small Business Committee, I worked with Chairman WEICKER in 1981 on the reconciliation bill which contained the language creating "substantially similar" disaster lending programs at SBA and FmHA. It was my view then, as it is now, that the primary responsibility for disaster lending for farmers should be with the Farmers Home Administration. FmHA has a statewide network of offices in every State and the expertise to understand farming operations. I was pleased with the language which we developed in 1981. This language required farmers to use FmHA for disaster assistance as long as the programs at FmHA and SBA are "substantially similar."

The 1981 provisions worked effectively until 1984. The House of Representatives added an amendment in 1984 which became a part of Public Law 98-270 which reduced the interest rates for disaster lending at SBA. This change in the SBA Program meant that interest rates in the SBA and FmHA programs were no longer "substantially similar." Thus, farmers could once again go first to SBA for disaster assistance if they chose to do so.

To aid in reducing the budget costs of SBA programs, Chairman WEICKER proposed during our committee markup of S. 408 to repeal the provisions of Public Law 98-270.

During the committee markup, however, several Members had concerns as to whether the repeal of the changes in SBA interest rates made by Public Law 98-270 would result in farmers receiving equal treatment at both agencies. Because of these concerns, Chairman WEICKER withdrew his amendment in committee.

The current substitute bill before us goes beyond what Senator WEICKER had proposed in committee. The Weicker substitute would not change the current interest rates for disaster lending at SBA, but rather, would simply prohibit farmers from going to SBA for disaster programs. This change would result in budget savings of $817 million according to CBO. Without this change S. 408 will fall far short of the $2.5 billion in budget savings required by the Senate-passed budget resolution.

Mr. President, I support the effort to achieve savings of $2.5 billion at SBA. I do not see how it will be possible to accomplish these savings without restricting the demand on SBA disaster lending programs which is anticipated under the current law. I favor returning the law to the 1981 status where SBA and FmHA have "substantially similar" disaster lending programs and farmers are required to go to FmHA as a first resort. We are not voting on that option at this time, however. I will support the Bumpers amendment to strike the

Weicker language from the bill. If the Bumpers amendment is adopted, I would urge the conference committee on the SBA authorization bill to approve language to once again make the disaster programs for farmers at FmHA and SBA "substantially similar."

Mr. GRASSLEY. Mr. President, I rise in support of the amendment offered by the Senator from Arkansas which would strike the provisions of this bill which makes farmers ineligible for Small Business Administration disaster loans. This is not the time to single out farmers as the only small businessmen in America unable to obtain credit from the SBA.

SBA farm disaster lending is not a handout for the hopelessly indebted. Farmers must demonstrate that they have suffered economic injury due to a declared physical disaster and that they will be able to repay the loan in a timely fashion. To qualify, they must be unable to obtain credit elsewhere. Between 1976 and 1982 the SBA made over 80,000 disaster loans for a total of $2.7 billion. Last year the SBA made $12,783,400 worth of agriculture-related disaster loans in Iowa alone.

In the Midwest, the Small Business Administration has an impressive track record of processing disaster loans quickly and efficiently. It is simply unrealistic to argue that the Farmers Home Administration can step into the void if farmers are no longer eligible for SBA loans. FmHA is already overburdened and my office has received numerous complaints about lengthy delays in the processing of FmHA loans. It is not feasible to dump another group of borrowers on FmHA at this time.

Land values have fallen 49 percent in Iowa since 1981; farm export markets are shrinking; interest rates have climbed; there have been 3 droughts in the past 5 years. As farmers face this grave situation, it is imperative that we maintain the SBA as a lender to rural borrowers unable to obtain credit elsewhere. Whatever shortrun savings could be achieved by making farmers ineligible for SBA disaster loans, the longrun cost of allowing the deterioration of the ag economy to continue is far greater.

It is for these reasons I have cosponsored this amendment and urge my colleagues to vote in favor of it as well.

Mr. BUMPERS. Mr. President, I am prepared to vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Arkansas [Mr. BUMPERS]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—45

Abdnor	Ford	Matsunaga
Andrews	Glenn	Melcher
Baucus	Gore	Metzenbaum
Biden	Grassley	Mitchell
Bingaman	Harkin	Moynihan
Boren	Hart	Nunn
Bumpers	Heflin	Pryor
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
Chiles	Johnston	Sarbanes
Cranston	Kasten	Sasser
DeConcini	Kennedy	Simon
Dixon	Kerry	Specter
Eagleton	Levin	Stennis
Exon	Long	Zorinsky

NAYS—52

Bentsen	Hatch	Packwood
Boschwitz	Hatfield	Pell
Bradley	Hawkins	Pressler
Chafee	Hecht	Proxmire
Cochran	Heinz	Quayle
Cohen	Helms	Roth
D'Amato	Humphrey	Rudman
Danforth	Kassebaum	Simpson
Denton	Lautenberg	Stafford
Dodd	Laxalt	Symms
Dole	Leahy	Thurmond
Domenici	Lugar	Trible
East	Mathias	Wallop
Evans	Mattingly	Warner
Garn	McClure	Weicker
Goldwater	McConnell	Wilson
Gorton	Murkowski	
Gramm	Nickles	

NOT VOTING—3

Armstrong	Durenberger	Stevens

So the amendment (No. 524) was rejected.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 523

(Purpose: To amend the Small Business Investment Act of 1958 to increase the contract amount that the Small Business Administration may guarantee to any surety)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 523.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SURETY GUARANTEES

SEC. . (a) Section 411(a) of the Small Business Investment Act of 1958 (15 U.S.C. 694(a)) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

(b) Section 411(e)(2) of such Act is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

Mr. CRANSTON. Mr. President, I will be very, very brief.

Mr. President, this amendment is identical to S. 1324, which I introduced in June 1985. My amendment would increase the contract limit of the SBA's Surety Bond Guarantee Program from $1 to $1.5 million.

Due to inflation, a contract that cost $1 million in 1974 would have cost $1.9 million in 1984. Consequently, an increase in the contract limit would allow the Surety Bond Guarantee Program to reflect better the impact of inflation on the costs of construction and would allow small companies the opportunity to compete for larger contracts.

According to the SBA, small companies are able to complete construction contracts at lower costs and since the inception of the Surety Bond Guarantee Program, these companies have saved Federal, State, and local governments $503 million in construction costs. By allowing small companies to compete for larger contracts, my amendment would allow Federal, State, and local governments to save more money on their projects.

The Congressional Budget Office has determined that since the Surety Bond Guarantee Program charges fees, an increase in the contract limit would not result in an additional need for appropriations.

Finally, by allowing small companies to compete for larger contracts, my amendment would lead to an increase in employment opportunities for many Americans.

I strongly urge the Senate to accept my amendment and I trust the managers of the bill will do so.

Mr. WEICKER. Mr. President, this amendment would give SBA the authority to guarantee surety bonds up to $1.5 million instead of the current $1 million, I want to point out that this increase in the size of contracts that SBA may guarantee in no way requires the agency to change its current operating procedures to guarantee contracts that are not otherwise qualified for a guarantee under the program. It does, however, give SBA the authority to guarantee surety bonds for larger contracts in those cases where it believes it is appropriate to do so. Based upon an informal survey of the SBA regional offices, it is clear that a need to increase the size of the contracts guaranteed by SBA exists in a majority of those regions.

I would also like to emphasize that this amendment would have no budg-

etary impact. Since this is the case, I would have no objection to the amendment.

Mr. BUMPERS. Mr. President, the minority has no objection to the amendment. We are willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 523) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. I thank the Senator from Connecticut and the Senator from Arkansas very much.

BACK IN THE SADDLE AGAIN

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of myself and the distinguished minority leader [Mr. BYRD] and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 200

Whereas President Ronald Reagan has, by his unfailing good cheer, again shown the world that you can't keep a good man down;

Whereas he has resumed the responsibilities of the Presidency in record time and with his characteristic vigor and enthusiasm;

Whereas we join the American people in counting on his leadership in the crucial years ahead; Now, therefore, be it

Resolved, That the United States Senate hereby expresses to President Reagan our heartfelt best wishes for a speedy recovery; our sincere admiration for his indomitable spirit; and our affection and esteem for him and for Mrs. Nancy Reagan.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 200) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, may I say that I was delighted and happy to join the distinguished majority leader in the cosponsoring of the resolution which has just been adopted. The Democratic Conference, may I say for the record, also supported his resolution and gave its unanimous approval.

I ask unanimous consent at this time to send to the desk another resolution on this same subject which was adopted today by the Democratic Conference.

I ask unanimous consent that it be read by the clerk and that it appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

SENATE OF THE UNITED STATES, THE DEMOCRATIC CONFERENCE—PRESIDENT RONALD REAGAN

The Democratic Members of the Senate assembled on July 16, 1985, do hereby unanimously pass this Resolution expressing our best wishes for a complete and full recovery of the President:

Whereas the President successfuly underwent surgery this past weekend at Bethesda Naval Hospital; and

Whereas best wishes have been extended for his quick recovery from Leaders throughout the world; and

Whereas the President and Mrs. Reagan have shown great strength, fortitude and good humor at a time of deep personal concern; and

Whereas the people of the Nation are joined together by the common bond of hope for the President's speedy recovery, NOW, therefore, be it

Resolved, That the Democratic Conference, extends to the President and Mrs. Reagan its heartful wishes for the President's full and complete recovery and his continued good health.

Mr. BYRD. Mr. President, I thank the Chair and I thank the clerk.

SMALL BUSINESS ADMINISTRATION AUTHORIZATION, FISCAL YEARS 1986-88

The Senate continued consideration of the bill.

AMENDMENT NO. 525

(Purpose: To amend section 8(a) of the Small Business Act to clarify the eligibility of small business concerns owned by Indian tribes)

Mr. ANDREWS. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. ANDREWS] proposes an amendment numbered 525.

Mr. ANDREWS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

ELIGIBILITY OF SMALL BUSINESSES OWNED BY INDIAN TRIBES

SEC. . (a) Section 2(e)(1)(C) of the Small Business Act (15 U.S.C. 631(e)(2)(C)) is amended by inserting "Indian tribes," after "Native Americans,".

(b) Paragraph (4) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended to read as follows:

"(4)(A) For purposes of this section, the term 'socially and economically disadvantaged small business concern' means any small business concern which meets the requirements of subparagraph (B) and—

"(i) which is at least 51 per centum owned by—

"(I) one or more socially and economically disadvantaged individuals, or

"(II) an economically disadvantaged Indian tribe, or

"(ii) in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by—

"(I) one or more socially and economically disadvantaged individuals, or

"(II) an economically disadvantaged Indian tribe.

"(B) A small business concern meets the requirements of this subparagraph if the management and daily business operations of such small business concern are controlled by one or more—

"(i) socially and economically disadvantaged individuals described in subparagraph (A)(i)(I) or subparagraph (A)(ii)(I), or

"(ii) members of the economically disadvantaged Indian tribe described in subparagraph (A)(ii)(II).".

(C) Paragraph (6) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end thereof the following new sentence: "In determining the economic disadvantage of an Indian tribe, the Administration shall consider, where available, information such as the following: the per capita income of members of the tribe excluding judgment awards, the percentage of the local Indian population below the poverty level, and the tribe's access to capital markets.".

(d) Subsection (a) of section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end thereof the following new paragraph:

"(13) For purposes of this subsection, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (within the meaning of the Alaska Native Claims Settlement Act) which—

"(A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

"(B) is recognized as such by the State in which such tribe, band, nation, group, or community resides.".

Mr. ANDREWS. Mr. President, this amendment will benefit a group in our country, the native Americans, who have experienced dramatic economic and social improvement because of the 8(a) program, and who, above all others, are economically and socially disadvantaged due to the Federal Government's failure to provide real economic development opportunities out in Indian country.

Although the Small Business Administration has permitted tribally owned business to participate in the 8(a) program, by administrative practice, this has been done on a very small scale. However, tribal eligibility for the 8(a) program has never been clear because there is no clear expression of Con-

gress in the Small Business Act or in the legislative history of the 8(a) program that tribes, as an entity, are eligible. As a result, some Indian tribes have been informed by local SBA offices that they are ineligible for the program, while other local offices state that tribes are eligible. While some of this inconsistency was corrected in October 1982, by an SBA general counsel's opinion affirming the administrative practice allowing tribal participation in 8(a), there are still instances of tribes being denied access to the program, by misinformed local offices.

Therefore, I feel, that once and for all, there should be a clear expression to lay the issue to rest and ensure tribes access to this program.

In my home State of North Dakota there are two tribes in the 8(a) program—both providing a good, solid product to the U.S. Government and incentives and opportunities for their members.

The Devils Lake Sioux Tribe owns the Devils Lake Sioux Manufacturing Corp., in Fort Totten, ND. DLSMC has consistently been honored by the Defense Department for its outstanding work product. But its success is not only in the production line. DLSMC has given its members an opportunity for good, steady employment and the incentive to go off to college to learn business and marketing skills, knowing that good job opportunities await them when they return.

The Turtle Mountain Band of Chippewa also participates in the 8(a) program through their Turtle Mountain Manufacturing Co., located in Belcourt, ND. The company produces cargo trailers for the Department of Defense. Due to its success in the program, the company is anticipating an expansion of the plant and contracts with the private sector and, here too, young tribal members are gearing up their business skills to move into positions with the company.

I can best sum up the effort of the 8(a) program on Indian tribes and reservation economy by paraphrasing a tribal elder from one of the 8(a) tribes when he said that the difference between the 8(a) program and prior Federal economic development programs was that the latter was a "make work for awhile" program while 8(a) was a "work to make something forever" program.

I urge my colleagues to support this amendment and support building economies in Indian country.

Mr. MELCHER. Mr. President, as cosponsor of Senator ANDREWS' bill to insure that Indian tribal businesses are treated as minority enterprises by the Small Business Administration, I am pleased to rise in support of this amendment today.

In 1974, the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana established A&S Industries, a wholly owned tribal business. A&S is a dynamic example of the positive benefits of the 8(a) program. With the aid of 8(a), the business was able to contract with the Department of Defense for sale of camouflage equipment and deep draw metal-formed chests. The number of employees has gone from 27 in 1975 to over 400 people, most of whom are Indian. A&S is also moving into competitive markets for its products where there is a demand for camouflage screens by photographers and hunters. A&S is clearly a success story that would not have happened but for the 8(a) program.

The 8(a) program is not a makework program but a program that puts Indian people to work in stable, productive jobs. The obvious side effects are the economic enhancement of the reservation itself. The pride and self-esteem that comes for a steady paycheck and producing a good product are hard to measure but A&S Industries is proof that pride and self-esteem are achievable goals on Indian reservations. The 8(a) program is vital if the A&S story is to be repeated on other economically depressed Indian reservations throughout this country.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I urge adoption of the amendment of the distinguished Senator from North Dakota.

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS. We agree to the amendment.

The PRESIDING OFFICER. If not, the question is on agreeing to the amendment of the Senator from North Dakota [Mr. ANDREWS].

The amendment (No. 525) was agreed to.

Mr. ANDREWS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 526

(Purpose: To establish an annual sales size standard for certain agricultural enterprises)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 526.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SITE STANDARD FOR AGRICULTURAL ENTERPRISES

SEC. —. Not later than 10 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue a regulation setting the annual receipts size standard under section 3(a) of the Small Business Act for agricultural enterprises, as defined in section 18(b) of such Act (other than beef cattle feedlot operators and chicken egg producers), at $500,000. The standard established under the preceding sentence shall be deemed to have taken effect on June 21st, 1985.

Mr. BAUCUS. Mr. President, America's farmers face the toughest times since the Great Depression. Low prices, high interest rates, no credit, shrinking exports and, in some areas, record drought and grasshopper plagues, all threaten to drive farmers out of business in record numbers.

Now it seems America's farmers have another adversary.

Farmers have not typically been big users of SBA, but they do on occasion need either the 7(a) Loan Guarantee Program, the Disaster Loan Program, or any of the other financial or management assistance programs.

Now, however, the availability of these programs is threatened.

The threat comes from an SBA regulation, a regulation that blatantly discriminates against farmers and ranchers, a regulation that even SBA admits is unfair.

My amendment will make sure America's farmers and ranchers can once again qualify for SBA loans—loans that Congress has seen fit to make available.

At issue is the standard for qualifying for an SBA loan.

That standard is now $100,000. If your farm or ranch grossed more than $100,000 a year, you do not qualify for any SBA program.

Before SBA changed the standard to $100,000 in February of last year, the standard was $1 million. That was a tenfold decrease.

This standard is grossly unfair. It is set so low that few farmers can qualify. And it is totally out of line with the other standards for qualifying for SBA loans.

What is the standard for other businesses?

Lawn and garden supply stores, $3.5 million; candy stores, $3.5 million; motorcycle shops, $3.5 million; music stores, $3.5 million; women's accessory shops, $3.5 million; cigar stores or stands, $3.5 million; beauty shops, $3.5 million; and car washes, $3.5 million.

You can be in the diaper service and have gross sales of $7 million—and still qualify for a small business loan.

You can be in the building maintenance business and gross $8 million—and still qualify.

And, if you run a used car lot—you can gross $11.5 million and still qualify for an SBA loan.

Need I go on? The gross earning ceiling for farms and ranches, I repeat is only $100,000.

SMALL BUSINESS COMMITTEE ACTION

What do you suppose the SBA thinks about this? They agree.

I and others raised this concern at a Small Business Committee hearing this spring. The SBA readily agreed that the gross earnings ceiling was too low.

On April 19, SBA recommended to OMB that a $500,000 ceiling would be more appropriate.

What has OMB done? Nothing.

OMB has had that recommendation under consideration for 3 months. They were required to approve or deny it within 60 days—that was about a month ago.

OMB continues to let time pass with no hint of ever acting on the recommendation.

BAUCUS AMENDMENT

Mr. President, my amendment is simple. It would set a $500,000 gross earnings ceiling effective June 21, the date that OMB should have acted by under the 60-day deadline.

I do not like setting this standard through legislation. Congress doesn't have the time to get mired down in setting gross earnings ceilings for the thousand types of businesses covered in the regulations.

But, once in a while, a regulation so flagrantly flaunts congressional intent that it must be set right.

This is one of those cases.

Farmers and ranchers are businesses and are suppose to be eligible for participating in the SBA programs.

Furthermore, they are businesses caught up in especially hard times. We should be helping farmers and ranchers, not slamming the door in their face.

This is simply a matter of fairness and access. I urge the Senate to adopt my amendment.

Mr. WEICKER. Mr. President, the Senator from Montana raised this issue during the committee's markup on S. 408. He withdrew the amendment based on the assurance from the Administrator of SBA that he would review the size standard for agricultural enterprises. Mr. Sanders fulfilled his commitment.

On April 22, 1985, the SBA sent to OMB a recommendation to increase the size standard for farmers to $500,000. OMB has refused to move on the SBA's proposed rule change.

Mr. President, I am generally opposed to legislating size standards. It is a very dangerous precedent. However, given the fact the SBA has recommended the increase suggested by Senator BAUCUS, I will support the amendment.

OMB has had over 80 days to review this matter. This delay is unacceptable, especially given the strong interest expressed by the committee to correct the situation.

So, with reservations, and in view of the fact that we still have time to make adjustments, I support the amendment.

Mr. HARKIN. Mr. President, I rise in support of the amendment by Senator BAUCUS, which I have cosponsored.

This is a very straightforward amendment. It simply says that the SBA will consider farms with sales of less than $500,000 to be eligible for assistance under the provisions of law.

The SBA has in fact submitted such a rule to OMB in April. Unfortunately, OMB has not responded although they are supposed to do so within 60 days.

Frankly, $500,000 is a very moderate number. Outside of agriculture, every small business standard is at least $3.5 million, 7 times the proposed standard for farms and 35 times the present rule.

If we assume a 10-percent profit on gross sales, which is very high for farms or businesses, it is clear that nobody can support a family on $100,000 in sales. $500,000 is clearly a more rational limit.

What SBA did last year when it reduced the size standard to $100,000 was an effort to block the Congress' intent to allow farmers to receive SBA assistance by simply declaring working farms to be large businesses instead of small businesses.

An agency which often lists 500 employees as the boundary between small and large manufacturers cannot possibly say with a straight face that $100,000 in sales is a rational limit. And, when these points were raised with the agency by the Small Business Committee they agreed and submitted a proposed rule change to the Office of Management and Budget.

Farmers are in a most difficult time. Land values fell 29 percent in the last year in Iowa. They need the assistance that SBA can provide. And, they should not be discriminated against.

I urge my colleagues to support the amendment.

Mr. BUMPERS. Mr. President, I also support the Senator's amendment.

We should bear in mind that until 1 year ago, the limit was $1 million. At one time, it had been $1.5 million. In today's economic world of farming, the amount in this amendment is not all that big. I think the bill as it now stands discriminates especially against farmers.

So I applaud the Senator from Montana for offering this amendment. I think it is an excellent addition. I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment (No. 526) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 527

(Purpose: To encourage the formation of Veterans Business Resource Councils)

Mr. ROCKEFELLER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER]; on behalf of himself, Mr. KENNEDY, Mr. KERRY, Mr. MATHIAS, Mr. SPECTER, and Mr. MURKOWSKI, proposes an amendment numbered 527.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) The Congress finds that—

(1) Veterans Business Resource Councils have been established in the following ten States: California, Ohio, Texas, New York, Massachusetts, Indiana, Louisiana, Maryland, Minnesota, and Missouri;

(2) the concept of Veterans Business Resource Councils to establish networks of Veterans with business experience assisting follow veterans seeking to establish small business merits serious consideration; and

(3) the majority of our nation's Vietnam era veterans fall within the 35- to 45-year old age range, in which most people decide to enter into small business ownership.

(b) Therefore, the Congress urges the Small Business Administration—

(1) to evaluate the effectiveness of the Veterans Business Resource Councils which are currently operating and recommend improvements in their operations;

(2) to develop guidelines to assist in the establishment of Veterans Business Resource Councils; and

(3) to work with the remaining States and any interested organizations to encourage the establishment of Veterans Business Resource Councils in those States.

Mr. ROCKEFELLER. Mr. President, on behalf of myself, Mr. KENNEDY, Mr. KERRY, Mr. MATHIAS, Mr. SPECTER, and Mr. MURKOWSKI, I offer an amendment to the Small Business Administration reauthorization bill. The purpose of this amendment is to assist our Nation's veterans, particularly Vietnam-era veterans, start small business enterprises or expand those currently in existence.

According to the Small Business Administration, people make the decision to enter into small business ownership when they fall between 35 and 45 years of age. Our Nation's Vietnam-era veterans are now in that age range. Thus, in fiscal year 1984, over 100,000

veterans sought and received management training and counseling services from the Small Business Administration. More than 15,000 veterans participated in special "Veterans Business Training and Networking Conferences" held throughout the country last year.

The SBA is not the only place veterans have gone to obtain the vital business skills and advice they need to be successful small business owners. In 10 States they have the option of turning to Veterans Business Resource Councils [VBRC's], a concept developed in the early 1980's by the late Stephen Mollett, a West Virginian who first directed the Office of Veterans' Affairs at the Small Business Administration.

A Veterans Business Resource Council, or VBRC, is a consortium of veterans who have already established their own successful small businesses, representatives of veterans' organizations, and other community groups. The basic idea behind the VBRC's is to give experienced and successful veterans the opportunity to help fellow veterans get started in business. The VBRC reaches out in the community to veterans seeking to become small business owners and advises them on a variety of small business matters. For instance, a council member might instruct an entrepreneurial veteran in how to obtain small business loans, or how to write and use a business plan.

Veterans Business Resource Councils have been established in the following 10 States: California, Ohio, Texas, New York, Massachusetts, Minnesota, Missouri, Indiana, Louisiana, and Maryland. The role of the SBA in the establishment and operation of each of these councils varies widely from State to State. In some States the SBA has been the initiator and the primary moving force behind the VBRC, in other States the VBRC has been strictly a private initiative, and of course there are a range of VBRC's somewhere in between.

The purpose of my amendment is to encourage SBA to be of more assistance in the establishment of VBRC's. When I say assistance, I do not mean financial assistance. Currently, those VBRC's which apply are eligible to receive $2,000 for startup costs from the SBA. Some States' VBRC's have chosen to apply for this seed money, others have opted to be totally independent of SBA.

Accordingly, this amendment does not require any further financial commitment on the part of Congress. Nor does my amendment mandate the SBA set up a VBRC in each State. Many of the VBRC directors cautioned that the VBRC's should not be arms of the SBA, but rather independent entities established through the leadership of individual veterans and veterans' organizations.

Veterans groups and VBRC directors all suggested that they would like the SBA to first, help establish and facilitate VBRC operations, and second, distribute guidelines about VBRC's and ideas about model VBRC's to States without—or with inactive—VBRC's. Thus, this amendment requests the SBA to encourage the establishment of more VBRC's by distributing information and guidelines.

Further, this amendment calls for the SBA to study the VBRC's to evaluate their effectiveness and to identify areas where the SBA would be of assistance and provide some guidance to the councils. Since most of the VBRC's are at the beginning stages of their development, a definitive study of the VBRC's would be a bit premature. This SBA evaluation, however, would be a useful tool for veterans interested in starting VBRC's and for some of the older VBRC's that need an injection of new ideas.

I believe that the VBRC's, given some encouragement and guidelines from SBA, coupled with strong leadership from individual veterans and veterans' organizations, will have a significant impact on the economic well-being of America's veterans. Experience shows that when veterans own and operate successful small businesses, they often hire their fellow veterans. As Richard Weidman, director of Government Affairs of the Vietnam Veterans of America said:

> If one wants to make a long-term difference in Vietnam and disabled veterans' employment rates, then assisting veterans to acquire the tools and capital to go into business is the way to do it. Veterans tend to hire other veterans; it's just as simple as that.

This is a good time for SBA leadership to renew its commitment to the veterans' community. The Veterans Business Resource Councils are an excellent means to help veterans enter the mainstream of America's economy. The small business sector was responsible for over 80 percent of the new jobs created last year. VBRC's are the classic combination of the public and the private sector working together to increase the veteran's chances of success in business. The guiding hand of the Small Business Administration will be a key ingredient to the success of these councils.

Mr. President, it is my understanding that this amendment has been cleared by the two floor managers, and I hope it will be adopted.

Mr. MATSUNAGA. Mr. President, will the Senator from West Virginia yield?

Mr. ROCKEFELLER. I yield.

Mr. MATSUNAGA. I wish to commend the Senator from West Virginia for his amendment, and I ask unanimous consent that my name be added as a cosponsor of the amendment.

Mr. ROCKEFELLER. Mr. President, I ask that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, the amendment offered by the Senator from West Virginia simply calls upon SBA to evaluate and encourage the establishment of veterans' business resource councils. It is my understanding that these councils are currently operating in 10 States, and that some of them began with $2,000 in seed money from SBA.

The Office of Veterans Affairs at SBA is just beginning to evaluate the councils, which could prove to be a valuable public/private partnership. I believe this concept should be fully explored. I commend the Senator from West Virginia for bringing this matter to the committee's attention. I support the amendment.

Mr. BUMPERS. Mr. President, I am pleased to support the amendment offered by the distinguished Senator from West Virginia, and I applaud his leadership for America's veterans. We agree that there is a great need for Veterans Business Resource Councils [VBRC's] because we feel a need to help veterans who bravely served their country. Many veterans are hardworking innovative citizens who, with an available source of guidance, are willing to start small businesses which will generate tax revenue, yet many veterans are unaware of the network of programs and services available to a veteran who is starting a new business. Vietnam veterans will comprise the largest group to take advantage of such assistance, most being within the ages of 35 and 45. A network of veterans helping veterans is, in our opinion, the best way to fill this void because veterans understand veterans' problems.

Currently there are only 10 States in which VBRC's are located. We ask that the SBA conduct an evaluation of these fledgling VBRC's, and furthermore, that the SBA develop recommendations to assist in the establishment of VBRC's, to assist the remaining States and any interested organizations to encourage the establishment of VBRC's, and to make recommendations for any improvement which might be made in the operation of VBRC's. We feel that this is the best way to promote this veteran's help network.

Mr. MOYNIHAN. Mr. President, the distinguished Senator from West Virginia was kind enough to mention that the State of New York had adopted a council of this kind which has been in operation for some years. We are very pleased with its success, and this is an opportunity to make it nationwide.

I ask unanimous consent that my name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment (No. 527) was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 528

(Purpose: To authorize the sale of Federal loan assets)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] for himself and Mr. LAUTENBERG, proposes an amendment numbered 528.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SALE OF LOANS

SEC. 7. (a) The Secretary of Agriculture shall carry out a pilot program for the sale without recourse during each of fiscal years 1986, 1987, and 1988 of direct loans under title V of the Housing Act of 1949 to one or more investors on an overcollateralized basis.

(b) Overcollateralization means that the Secretary of Agriculture, in consultation with whatever investment counsel he deems necessary, shall designate a pool of Government-owned loans to serve as collateral for the loans sold under this pilot program. The amount of loans to be designated for collateralization shall be determined by the Secretary of Agriculture with whatever investment counsel he deems necessary. Loans designated to serve as collateral will be eligible for acquisition by the private sector buyer (the federally chartered entity) in the event that any loans purchased are delinquent for 30 days or more. If this occurs, the delinquent loans shall be reacquired by the Department of Agriculture when the Government substitutes a new loan in place of the delinquent loan. At this time all cash proceeds from the delinquent loan, including interest income and principal repayment revert to the Federal Government. The loan sale under this section shall be designed and implemented by the Director of OMB and the Secretary of the Treasury to yield not less than $8,000,000,000 annually.

(c) This procedure is to be construed as a straightforward contract specifying the use of predesignated collateral. The arrangement is to be viewed by a prospective purchaser as an adequately collateralized purchaser as would occur between any two private sector entities, and it is not to be construed by a prospective purchaser or other interested party as a Federal guarantee of any form.

(d) Net proceeds for the loan in fiscal year 1986 will be deposited in the rural housing insurance revolving fund and may be used for funding new loans under title V of the Housing Act of 1949 pending congressional authorization.

(e) In all instances, the terms and conditions of the Housing Act of 1949 shall apply to the servicing of loans sold or subsequently acquired under this pilot program.

Mr. MOYNIHAN. Mr. President, I offer an amendment that is similar in every respect to the amendment which we offered on May 7 of this year. The arguments on its behalf have been at least annotated if not extensively debated here, and I will not keep the Senate very much longer than is necessary simply to restate them.

We do so in a context which we think to be relevant with regard to an issue which we think will become more so.

Mr. President, the basic proposition here is that the United States will have by the end of this fiscal year a portfolio of some $245 billion in loans. This is an amount more than the combined assets of Chase Manhattan and the Bank of America. It is an extraordinary amount of assets that lie basically unused at a time of clear fiscal crisis in this Government.

We read each day of the painful progress or lack of progress in the conference between the Budget Committees of the House of Representatives and the Senate.

In this morning's report we learned that yesterday there was an effort to find $2 billion or $3 billion on the House side that might lower the deficits for the coming fiscal year by that amount.

The Congressional Budget Office has offered us the suggestion that if we were to sell off, in the routine of commercial procedure, those parts of the loan portfolio that are salable, something like $180 billion would be realized. We would sell them off at discounted prices because they are made at lower-than-market interest rates—and that is why they are made.

We do not propose anything that bold until the Senate and the House of Representatives can learn better precisely what it is we are proposing.

Let me rehearse that and let me just say what we are proposing is a pilot project for each of 3 years. We propose to sell a portfolio of $10 billion from the Farmers Home Administration on an overcollateralized basis as is sold in the normal commercial practice to other banks.

In effect, we have a bank, indeed we do have a specific bank for such purposes, which is described in the report that is before us on the bill that is before us; and indeed, in this report, there is discussion of asset sales and the question of what the total $12 billion portfolio of the Small Business Administration would bring if it were sold in the normal practice of banking around the Nation.

The question is how many cents per dollar would be realized. In no case would it be a dollar per dollar. That is just not the case when you have decided to lend money at less than market interest rates. At the very moment you do so the loan has a market value lower than the face value.

May I make the point that the amounts of these loans, the variety of these loans, is very considerable indeed. Many of them are similar to prime commercial paper.

We brought to the floor of the Senate in May, letters from four brokerage houses in New York City that said yes, they would be very interested in handling loans of this kind. They thought it was a feasible, sensible arrangement.

We made the point that if, out of the $10 billion per year, $8 billion actually were realized, that it would come to $24 billion over 3 years. And if we would just understand the power of compound interest, we would save $30 billion in 3 years in this tiny pilot project. Much, much more could be saved, Mr. President, if the Senate were to understand the potential of this program; and we think that over time it would come to do so.

I bring one bit of information to the Senate floor. It occurred to me in thinking of this amendment that it might be good to give a specific example of the kind of large dollar amount that we are talking about in terms of specific loans. So I asked a simple question of the comptroller of the Export Import Bank and the congressional relations office what is the largest loan in the portfolio of the Export Import Bank.

The answer is that it is a $2-billion loan to the Korean Electric Power Company, governmental public utility in the Republic of Korea.

Before this session is out we are going to be getting all manner of legislation on this floor proposing that measures be taken to insist that our balance of trade with Korea be remedied, that they purchase more American goods, that they are in strong financial condition, that they are perhaps taking advantage of our markets and not letting us have access to theirs. Well, that may be. It is certainly the case that they are in a strong position in the world economy. And a $2-billion loan, $2 billion to the Korean Electric Power Corporation would be a perfectly sound piece of commerical paper that could be sold in the markets in the normal manner as if it were a loan held by one bank that wished to sell it to another in order to obtain capital for other activities.

These are loans that are so sold in some cases with small house mortgages which are sold in the mortgage market throughout the Nation. That is why we have the Federal National

Mortgage Association, Fannie Mae. They are loans under the public power programs, rural electrification that began in the 1930's, that go to perfectly viable productive profitable public utilities and it would not in any manner be difficult for them, whoever owned their loan. They pay their loans. They are loans from the Tennessee Valley Authority, one of the largest public utilities in the world, perfectly solvent, perfectly capable of repaying its loans and have been paying them for half a century and will go on doing so.

We have the Korean Electric Power Corporation.

Mr. President, we can sit here and talk about reducing the deficit, but the question will arise just how credible is an organization that has right before it a perfectly feasible prospect for bringing in $150 billion in cash and thereupon not incurring $10 billion or $15 billion in additional debt service for "as far as the eye can see." Those are the Budget Director's words on the extent to which we will be having $200 billion deficits. Or we can say something enormous must be done. We can amend the Constitution permanently or for a 2-year interval, or whatever. But we will not do this one thing.

I wish to offer the thought, Mr. President, that there is obviously one source of unease in the Senate about our proposal, and that is the fact that these loans would be sold off at less than their face value. It might appear that Members voted to sell a dollar's worth of U.S. property for 80 cents. And I grant that that can be a difficult concept to follow and, indeed, to explain if the explanation was ever required. But it is simply the fact that that is what the loans are worth. In the first instance, the case of the Korean Electric Power Corporation, I assume, where the discount might be to about 90 cents because the rate of interest on the loan was lower than the market, in the same way a $10,000-bond issued by the New York State Thruway Authority 25 years ago at 3 percent, today might sell for $6,500. I would not want to be held to the number. But it would be sold at less than face value because the return of the original interest rate has to equal the current return to a loan at the current interest rate. And those are markets and the markets understand such matters. It happens to mortgages, it happens to all kinds of commercial paper.

I think we could overcome that difficulty. After all this is not an idea which we came up with on our own and presented to the Budget Committee. It was an idea proposed a year ago by the Congressional Budget Office in a volume of alternative approaches to dealing with the deficit; a straightforward, sensible affair.

It is a matter discussed in the report today on the Small Business Administration authorization.

On page 11 there is a discussion of asset sale and a statement that Mr. Stockman, in testimony before the committee, revised an early estimate to say that the $12 billion of SBA loans could realize as much as 32 cents on a dollar. That would, if I am not mistaken, mean $4 billion could be gotten in the market and we would not lose anything we would otherwise want to have. Many of those loans are for businesses that did not succeed. The SBA is servicing them and hopes to get it back.

But I would remind the body that if we were to deal with the SBA portfolio, which we do not propose to do here, we pick up $4 billion. That is what the Budget Committee is deadlocked over at this very moment. It means $500 million in interest payments you do not pay every year after year after year.

The technique of overcollateralization is a well-known way to provide a new item of commercial paper to the market. You offer a $10 billion basket. People take out what looks best to them. If the loan does not perform, they can return it to that basket for a comparable amount until the markets have learned to assess the matter a little better—perfectly routine, perfectly sensible and doable.

Mr. President, I was surprised, when this matter first came up in the Budget Committee, to be asked by our distinguished chairman, was I proposing to sell the Grand Canyon. And the answer is no, we are not proposing to sell the Grand Canyon. We are proposing to sell an asset consisting of a $2 billion loan to the Korean Electric Power Corp., we do not need to have, do not want to have, and look forward to the day it disappears in consequence of having been repaid.

We would say to those who object to this that even my good friend, the Director of the Office of Management and Budget, has agreed that these loans could be sold as, and I quote him, "The functional equivalent of Treasury securities."

But, unlike Treasury securities, which we sell and then have to not just repay but repay with interest, this would be money we received and avoid paying interest in consequence instead.

If we do not do something like this, we will have to borrow the money. We are in deficit as far as the eyes can see, and the more we borrow, the deeper the deficit. This does not pass comprehension of the Senate at all. It does, however, arouse one set of fears, anxieties which are understandable. But I wonder if the loans could not be better managed if they were raised to a level of openness and candor. There are many people around in this country who are getting enormous benefits from Federal loan programs, most of which do not even show up in the budget but do show up in the deficit because the money has to be borrowed in order to be lent. Borrowers receive these funds at great discounts, and understandably they are not anxious to call attention to these discounts.

Well, I can understand that, and we can all understand that we may have begun these different programs during different times and there may have been a perfectly sensible rationale at that time. But these times are different. These are the times in which the political economy in this country is collapsing in the face of our collective incapacity to find revenues.

Here in this report, there are some examples of small companies that receive financing from the Small Business Investment Co.: Apple Computer, Federal Express, Intel, Digital Switch, Network Systems, all well-known, well-established companies. Their loans are perfectly salable in the commercial markets of our country. To realize that asset is to reduce our deficit.

Mr. President, as I said, we are not seeking to prolong this debate. I would not be surprised if nobody came to the floor even to object. I would be equally surprised if the Senate chose to accede. It is going to be a learning process. We are going to be on the floor with this frequently. But I am here to say that if we are going to borrow money and deepen the deficit rather than sell a perfectly sensible loan of the Korean Electric Power Corp., or Apple Computer, or the Federal Express, or the TVA, or General Electric, then we deserve the deficit we get.

Mr. President, I stand here willing to respond to questions if there are any, but before I do I would like to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I rise to oppose the amendment. It has the features of the proposal of the administration, which was rejected in the course of the compromise on SBA. The administration put forth a program advocating sales of assets that was rejected in the course of the negotiations. The moneys lost would be substantial. I do not think the taxpayers should have to foot that bill. I oppose the amendment of the distinguished Senator from New York which was defeated the last time it was presented to this body by 71 to 26. I think it important to maintain the integrity of the agreement between the administration and the Small Business Committee, and hope that the Senate will confirm that in rejection of this amendment.

At the appropriate time I shall move to table the amendment of the distinguished Senator from New York.

Mr. MOYNIHAN. I wonder if my friend could reconsider the thought to table. I have not thought that I would speak at great length. I have not imposed on the Senate. But I think we can have an up or down. We had an up-or-down vote the last time. I wonder if the distinguished chairman will reconsider.

Mr. WEICKER. I have no problem with that, as long as we have the up-and-down vote right away.

Mr. MOYNIHAN. I thought I had made clear to the distinguished chairman that I am perfectly agreeable with that.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 24, nays 73, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—24

Bentsen	Hart	Melcher
Biden	Humphrey	Mitchell
Bradley	Inouye	Moynihan
Byrd	Kennedy	Pell
Cranston	Kerry	Rockefeller
Dodd	Lautenberg	Sarbanes
Eagleton	Leahy	Sasser
Exon	Matsunaga	Simon

NAYS—73

Abdnor	Gore	Murkowski
Andrews	Gorton	Nickles
Baucus	Gramm	Nunn
Bingaman	Grassley	Packwood
Boren	Harkin	Pressler
Boschwitz	Hatch	Proxmire
Bumpers	Hatfield	Pryor
Burdick	Hawkins	Quayle
Chafee	Hecht	Riegle
Chiles	Heflin	Roth
Cochran	Heinz	Rudman
Cohen	Helms	Simpson
D'Amato	Hollings	Specter
Danforth	Johnston	Stafford
DeConcini	Kassebaum	Stennis
Denton	Kasten	Stevens
Dixon	Laxalt	Symms
Dole	Levin	Thurmond
Domenici	Long	Trible
East	Lugar	Warner
Evans	Mathias	Weicker
Ford	Mattingly	Wilson
Garn	McClure	Zorinsky
Glenn	McConnell	
Goldwater	Metzenbaum	

NOT VOTING—3

Armstrong	Durenberger	Wallop

So the amendment (No. 528) was rejected.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I understand there will be a rollcall vote on final passage. I will announce that that will be the last rollcall vote this evening.

Mr. NUNN. Mr. President, I commend Chairman WEICKER and Senator BUMPERS for their efforts in bringing this bill to the floor today. The continuation of a viable Small Business Administration is due in large part to their diligent efforts.

I supported the compromise agreement worked out by Senator WEICKER, the Senate Budget Committee and the administration. This agreement, to save $2.5 billion over 3 years, will contribute to the deficit reduction efforts and will allow the continuation of the successful programs of the SBA.

One area of the compromise, however, which has been of concern to me, is the reduction in funding for the 503 Development Company Loan Program. This program has been extremely successful in working with private sources of capital to provide financing to small businesses all over the country. Yet, it is facing serious cutbacks in the legislation we are considering today. I believe it would be extremely useful to ask SBA to explore ways to continue to allow the 503 Program to make loans to small businesses at the levels of activity to which it has grown in the past 5 years, while easing the burden of expense on the part of the Federal Government.

The 503 Certified Development Company Loan Program, established in 1980 by section 503 of the Small Business Investment Act, provides long-term, fixed asset financing to viable small businesses through local development companies [CDC's] certified by the SBA. The program helps to fill a very real long-term credit gap for small businesses, and in doing so spurs economic development and creates jobs.

The 503 Program has quickly become one of the Federal Government's primary economic development tools, through a classic partnership among Federal, State, and local government, and the private sector. Since its inception, the 503 Program has issued more than $700 million in debentures, which in turn have leveraged more than $1 billion in private capital to create nearly 100,000 job opportunities nationwide, at an average Federal investment of $7,394 per job. In fiscal year 1984, the SBA authorized guarantees for almost $350 million in 503 debentures. The program is slated to reach $450 million in fiscal year 1985.

To reach the budget compromise for SBA, the 503 Program is facing a cut of more than 50 percent for the next 3 fiscal years, from $450 million to $200 million per year. This significant reduction, if implemented, will deny hundreds of healthy small businesses that are ripe for expansion access to almost $2 billion in capital—more than half of which would have been provided by the private sector under the 503 Program.

Under the unified budget approach, the 503 Program for the first time is scored as a significant expenditure for the Federal Government. This is not because of SBA's guarantee, but because the Federal Financing Bank now purchases the debenture issued under the 503 Program. Under the unified budget the debenture purchases are picked up and included as a budget expense, though technically they are off-budget.

The substitute legislation to S. 408 offered by Senator WEICKER today, which has the support of the Senate leadership and the administration, eases the economic requirements of the SBIC Program on limited Federal resources by prohibiting the FFB from purchasing SBIC debentures, and instead requiring that they be sold directly to private investors. By removing the SBIC debentures from the unified budget, the Federal Government achieves considerable savings. This approach was proven to be viable for the SBIC industry some 10 years ago when SBIC debentures were sold directly to investors.

Many people believe the same procedure of selling debentures directly to investors rather than to FFB would work for 503 certified development companies, as well, but 503 companies have no experience in doing so. There are many unanswered questions about how such a process would function, and about the impact of such a change in terms of cost and availability of funds to the small businesses the program is designed to serve.

To answer these questions, with the intent of "graduating" the 503 Program to a status in which the Federal Government's only participation is in the SBA guarantee, I suggest that SBA consider what effect selling 503 debentures directly to investors would have on the program. Perhaps a pilot program could be set up to test the viability of such a process.

If this approach were successful, significant savings over the long term could be realized by following the lead of the SBIC industry and selling all 503 debentures directly to investors. The program would be able to function at a level commensurate with the demand from small businesses without unnecessarily eating into scarce Federal resources.

Legislation would be necessary to implement such a program. I believe that it would serve the interests of controlling the Federal deficit while allowing the 503 companies to continue to stimulate and encourage growth of the small businesses nationwide that are the backbone of the country's economic prosperity.

Mr. President, I had prepared an amendment which would authorize a pilot program to sell $100 million of 503 debentures, in addition to program levels otherwise authorized for 503, directly to investors. Unofficial cost estimates for such an amendment is $5 million over 3 years. I will not offer such an amendment today but I do hope Chairman WEICKER and the Senate Small Business Committee will give careful and favorable attention to this type of approach.

Mr. WEICKER. Mr. President, I share many of the sentiments expressed by my colleague, Senator NUNN, regarding the Section 503 Development Company Program. As an original cosponsor of the legislation that created the program, it was a difficult decision to recommend the cuts that were made in this program. In its short history, this program has had an exemplary track record, and it has proven to be a very useful tool for job creation. Unfortunately, we did not have many choices where to cut programs in order to come with the $2.5 billion in outlay savings.

I intend to continue to work with Senator NUNN to ensure the viability of this program. The cuts made were deep, but will permit the program to continue to operate even at this reduced level.

THE 503 CERTIFIED DEVELOPMENT COMPANY LOAN PROGRAM—PRIVATE CAPITAL

Mr. DOLE. Mr. President, before I comment on the preceding colloquy between Senators WEICKER and NUNN regarding the SBA 503 Program, I would like to take this opportunity to commend Chairman WEICKER and Senator BUMPERS for their excellent work in bringing this bill to the floor. This compromise worked out between Senator WEICKER, the Budget Committee and the administration clearly reflects the difficult task before this Congress. While all of us support efforts to promote and assist small business enterprises in this country, we must also recognize the necessity of bringing Federal spending under control. This bill strikes a fine balance between these somewhat competing concerns by cutting $2.5 billion out of the budget over 3 years while still maintaining a framework wherein the efficient and effective programs of the Small Business Administration will be able to continue. I am fully supportive of these efforts and will continue to do what I can to provide our Nation's small business community the most assistance possible for the dollar available.

Mr. President, I am extremely interested in the preceding comments and suggestions of my colleagues, Senators NUNN and WEICKER, regarding the SBA 503 Development Loan Program. This program has proved extremely successful, not only in my State of Kansas, but throughout the country, for creating new jobs through small business financing. This program is particularly attractive since by design it encourages the use of private capital for long term fixed asset financing. Through local development companies certified by the SBA, the 503 Program has issued approximately $700 million in debentures which have been matched by more than $1 billion in private capital. This has resulted in nearly 100,000 new jobs nationwide, hundreds of them in my State of Kansas. According to Mr. Ron Nicholas, president of the Kansas Association of Certified Development Companies, the 503 Program has emerged as their most effective and efficient source for job creating capital.

Despite this tremendous success, under the budget compromise for the SBA now before us, the 503 Program would be cut over 50 percent from $450 million in yearly debenture authority to $200 million. I have no quarrel with these proposed cuts on their face being concerned as anyone with our growing Federal deficit. I do feel, however, that given the tremendous potential of the 503 Program for helping small business, we should carefully explore some alternative approaches to administering the program that would enhance its availability without frustrating our deficit reduction efforts. It seems to me that the idea being discussed here today to allow 503 debentures to be sold directly to private markets instead of the Federal financing bank is just the type of innovative approach we need. As we all know, under the unified budget concept sales of these debentures to the FFB must be treated as budget expenditures even though technically they are off-budget. By removing these debt instruments from the budget, the Government experiences considerable savings, while at the same time encouraging more investment of private capital in the small business community. The bill now before us provides for similar treatment for SBIC debentures.

Mr. President, it has been suggested by many experienced in the area of economic development and small business financing that a similar procedure for allowing debentures to be sold directly to investors instead of the FFB would work well for the 503 Program. Since No. 503 companies have experience in marketing debentures in this manner, I would join with Senator NUNN and others in suggesting that a pilot program could be established to determine if this a viable method of providing investment dollars to small business, while at the same time reducing Government cost and involvement. The establishment of such a pilot will require legislation. Although I will not offer such an amendment today, I strongly urge the committee to seriously consider this type of approach for the 503 Program. Through these efforts we can hopefully maximize our assistance to small business while minimizing the cost to the Federal Government.

Mr. COHEN. Mr. President, I rise in support of the amendment to S. 408, offered by my colleague, Senator WEICKER, the distinguished chairman of the Small Business Committee. As he has fully explained the thrust of this legislation and the resulting cost savings, I will not repeat them. However, I would like to make a few general observations concerning the importance of maintaining an independent Small Business Administration.

Under the terms of this legislation, the vast majority of the SBA's direct lending authority will be terminated. However, the Guaranteed Lending Program will be retained. This program continues to fill a critical need for long-term financing that many small businesses simply cannot obtain without the SBA backed loan guarantee. Often, the typical SBA borrower may not have the necessary collateral for a commercial lender. Perhaps the business venture is new and untried, thereby discouraging traditional lenders. Maybe the bank needs a guarantee so that the loan could be sold in the secondary market. In other cases, the bank is willing to provide only short-term financing where the needs of the borrower require long-term capital.

Servicing this need for long-term capital is where the SBA has proven most valuable. A recent GAO study of some 8,900 banks found that the SBA was involved in 35 to 40 percent of all long-term lending to small businesses. It's clear to me that the SBA fills this critical role very well.

I would like to comment on one other aspect of SBA which is of tremendous importance to small businesses in my State of Maine. Through a variety of programs, the SBA provides valuable management assistance to young and growing companies. Last year alone, some 3,000 business people in Maine received SBA counseling, with an additional 4,000 attending SBA training seminars.

Maine's Small Business Development Center provided much of this assistance. This center, located at the University of Southern Maine at Portland, works through a statewide network of six development organizations. Every day, Maine's business people can go to a location nearby and receive

practical guidance on how to more efficiently and profitably operate their businesses. In addition, Maine is fortunate to have some 200 active SCORE [service corps of retired executives] volunteers willing to share their time and experience with young aspiring entrepreneurs.

Finally, seven Maine colleges and universities form the core of SBA's Small Business Institute Program which allows teams of college students to spend a semester assisting business people with specific problems. These students may conduct market surveys for new products, develop effective cost accounting systems tailored to a particular company's needs, or run computer need analyses for a fledgling business. These badly needed management assistance programs are coordinated by SBA personnel, and would continue to operate under this proposal.

In closing, Mr. President, I urge my colleagues to support this amendment to S. 408. By eliminating the bulk of the direct lending authority, the Nonphysical Disaster Program, and shifting the Farm Disaster Program to the Farmers Home Administration, coupled with a freeze of all salaries and expenses connected with the Management Assistance Programs, the 3-year budgetary savings amount to over $2.2 billion. I believe that the SBA will be left a leaner, more cost-effective Agency, still capable of providing necessary service to America's small businesses. I strongly urge my colleagues to support this effort to restructure the SBA so that it may continue to do the job it has done so well over the years.

Mr. SASSER. Mr. President, as an original cosponsor of S. 408, I am pleased that the Senate is taking final action on this bill. This measure underscores the commitment of my colleagues and I to this Nation's small business community. This commitment is critical when administration officials had moved to shut down the voice in the Federal Government devoted exclusively to the needs of small business, the Small Business Administration.

Fortunately, the administration has backed off this ill-conceived concept and agreed that the SBA is essential to the growth and development of small firms across America. I applaud the efforts of the chairman and ranking member of the Small Business Committee in leading the charge which led to this compromise with the administration. My good friends from Connecticut and Arkansas refused to sink to the level of mud-slinging relied upon by administration officials in their attacks on the SBA and instead concentrated on examining the various SBA credit programs to determine where cuts were appropriate.

When we examined the programs of the SBA in this way, Mr. President, we found many areas where we could and did recommend substantial budget cuts. This thorough examination and lengthy hearing process on S. 408 also pointed out that many of the SBA's credit programs are proven success stories. Often these programs are providing much needed capital assistance to firms which would be without such aid absent SBA's credit programs. In short, the SBA is meeting a vital need for capital for entreprenerurs in this country.

One of the more significant credit programs operated by the SBA is the 7(A) Loan Guarantee Program. The General Accounting Office has aptly termed this program, "the Federal Government's answer to small business' need for long-term financing." The Guarantee Program fills a void in the credit market by making available long-term loans for small business. Indeed, the GAO report contained a statistical sampling of almost 60 percent of all commercial banks and found that 82 percent of these lenders either would not have made loans to small business or would have made loans under more stringent terms and conditions without the SBA guarantee.

The Guarantee Lending Program has resulted in over 500,000 loan guarantees nationwide totaling $36 billion. In Tennessee for fiscal year 1984, we had 260 guarantees worth over $42 million. That's quite a few Tennessee business men and women who are relying on the SBA to help them grow.

Other evidence of SBA credit programs that work is found in the Small Business Investment Company Program. This program involves SBA-licensed companies which utilize a public/private partnership to provide equity capital, long-term loans, and management assistance to small business. The success stories associated with the SBIC Program are legion. No better example of what can be done with SBA's assistance in this program can be found than Tennessee's own Federal Express.

In 1973, Federal Express was still a growing company which employed some 518 workers. At that time, Federal turned to an SBIC for financial assistance in its ambitious plan to become the Nation's leading commercial carrier of air freight. After receiving assistance from the SBIC, Federal Express continued its phenomenal growth and went on to become the household name we all recognize today. By 1984, Federal Express employed more than 18,000 persons and paid nearly $16 million in Federal taxes.

Yet another SBA credit program which makes use of a strong partnership between the private sector and public involvement is the Certified Development Program. Nationwide, 540 development companies have been certified under this program. These companies have funded over 2,300 projects and created or retained nearly 100,000 jobs. As this program has evolved, the amount of Federal money being spent to help create these jobs continues to decrease.

Such is the case in Tennessee. In fiscal year 1984, we had 10 contracts which generated 870 jobs at a cost of only $2,345 per job to the Government. This figure is down substantially from the experience in Tennessee for fiscal year 1983. While the $2,345 mark may prove difficult to duplicate, the certified development companies in Tennessee are not far from the mark this year. With 6 contracts approved thus far, we have nearly 200 jobs created at a cost of just over $3,000. This is the type of performance in job creation that we should be heralding, not attempting to silence.

I am somewhat concerned over the proposed budget cuts in the 503 Program and the impact this will have on the benefits to be derived from this program. The 503 Program takes on added significance when we realize that projects funded under this program are playing an increasingly important role in areas where other economic development programs have been curtailed. It is my hope that we will be able to explore new avenues with the 503 Program as we have begun to do with other programs such as the Small Business Investment Companies.

The importance of these various credit programs was repeatedly echoed during the Small Business Committee hearings on S. 498. Our witnesses made it clear that those who turn to the SBA for credit assistance cannot simply turn to a bank or a family member to obtain the capital they need to stay in business. Without the SBA, they would be left without a source of long-term credit. In short, the SBA credit programs are essential to their very survival.

Witness after witness sounded this theme, Mr. President. To borrow directly from one of our witnesses, "without the SBA the undercollateralized budding entrepreneur has nowhere to turn."

As I pointed out earlier, we have asked the small business community to aid in the effort to reduce the deficit through significant reductions in several SBA programs. These cuts have been supported by many small business leaders and indicate a willingness to do their fair share to reduce the deficit.

What these small business leaders, myself, and many of my colleagues find unacceptable, however, is to place a disproportionate share of this burden of deficit reduction on the

back of the small business owner. By asking us to shut down the SBA, the administration sought not only to kill many worthy credit programs, but to close the one independent agency within the entire Federal bureaucracy which deals exclusively with the concerns of small business.

This was asking too much. Our small business community, which is so often at the mercy of Government redtape and constantly struggles with paperwork burdens generated by the Federal Government, has but one voice in the Federal system which speaks only the concerns of small firms.

By refusing to acquiesce in the administration's efforts to shut down the SBA, we have averted sending a dangerous signal to entrepreneurs across the country. That message would have been a confirmation of the worst fears of many small business owners, that the Federal Government has neither the time nor the interest to adequately address the legitimate needs of the small business community.

Thankfully, the members of the Small Business Committee were unwilling to send this message to the Main Street businesses across the country. Today we offer our colleagues an opportunity to join with us in sending a positive message to the entrepreneurs and small business owners across America. A vote for the passage of S. 408 would do just this, Mr. President, and I urge my colleagues to join with us in this effort.

Mr. KERRY. Mr. President, I support the bipartisan compromise negotiated by Senators WEICKER and BUMPERS to restore funds for the Small Business Administration's credit, management assistance, and disaster loan programs. I support this measure because it successfully balances two important policy goals: On the one hand, it preserves the essential functions of the Small Business Administration; on the other hand, it will save $2.5 billion over the next 3 years in agency outlays, thereby reducing the Federal deficit.

I believe an effective Small Business Administration is and has been essential to the health of the American economy. This is one area where the Government actually improves the functioning of private markets—private lending institutions cannot completely diversify their risks, and so, without Government loan guarantees, often will not lend to small businesses even when such loans may be justified from the standpoint of the whole economy. Furthermore, helping small business makes the economy more competitive and thereby benefits American consumers.

It is clear that helping small businesses obtain credit is good public policy. But if we are to justify the continued existence of the Small Business Administration, we must also ask whether the agency has been effective in actual operation. Here the Small Business Administration's record can speak for itself. Since 1953, SBA has financially assisted 500,000 small businesses, provided $36 billion in financing, and sustained the jobs of nearly 5 million employees. In a 1983 study, the General Accounting Office [GAO] found that approximately 30 to 40 percent of the dollar amount of banks' long-term financing—6 or more years—to small businesses in the United States may carry an SBA guarantee. The GAO study concluded that small businesses have faced extreme difficulties in obtaining long-term financing for the last 50 years but that SBA's Loan Guarantee Program has filled this critical gap and has been small business' answer to long-term financing needs. Moreover, in a GAO survey of commercial banks, 82 percent of all lenders stated that without the SBA guarantee, the loans they issued to small businesses would not have been made, or would have had more stringent terms and conditions.

Thus, the administration's claim that SBA programs do not significantly benefit small businesses is simply wrong. In fact, most of the administration's case for eliminating the SBA consists of phony arguments supported by phony numbers. For example, the Office of Management and Budget [OMB] claims that over the last decade the Treasury has been required to pay out $4 billion in defaulted loans. In reality, the SBA did pay out about $4 billion on defaulted loans—but then continued to service the defaulted loans, with generally good results, and thereby reduced the revenue loss to $1.4 billion over the period. While OMB claims that SBA loan subsidies go mostly to weak businesses who get repeated SBA loans, the numbers they use to support this claim seem to have been pulled out of midair. The facts are that less than 20 percent of SBA borrowers are repeat customers, not the 50 plus percent claimed by OMB. And, as directed by law, SBA loans go to creditworthy entrepreneurs who find long-term capital difficult, if not impossible, to obtain. Companies that have received SBA guaranteed loans include Nike shoes, Winnebago, Air Midwest, Godfather's Pizza, and M&M Products.

The worst part of it is that the administration tried to use these inaccuracies as a justification for abolishing the Small Business Administration, selling its loan portfolio, and terminating all SBA credit programs, including direct business and guaranteed disaster loans. If the administration had gotten its way they would have wiped out some very good credit programs and made it much harder for an entrepreneur to start a business in this country.

In contrast to the administration's original proposals, the compromise plan before the Senate today to save the Small Business Administration is a good one. The plan calls for cuts in SBA budget outlays of $2.5 billion over the next 3 fiscal years, the bulk of which is achieved through a budget freeze in fiscal year 1986, through eliminating SBA's Direct Loan Program—except for loans to MESBIC's, veterans and the handicapped—by terminating the Non-physical Disaster Loan Program and by permitting the Small Business Investment Company [SBIC] program to be financed through the private capital markets instead of through the Federal Finance Bank [FFB].

Although the plan will result in significant budget savings, it will at the same time preserve the SBA's essential functions. Every major financial and management assistance program the Small Business Committee voted in April to preserve has been maintained. As my colleague Senator WEICKER has noted, the compromise assures "that vital sources of long-term financing and venture capital will remain available to small business, as well as affordable management counseling and training."

I do have two important reservations. First is that I feel that the elimination of the direct lending program will inevitably have a disproportionate impact on minority business. While the MESBIC Program loans have been retained, it would have been desirable to do more. The other concern I have is that the compromise substantially reduces funding for the Local Development Company (502) program and the Certified Development Company (503) program, both of which have been remarkably successful in my home State of Massachusetts in promoting economic development and financing small business expansion. The 362 projects that have been developed in Massachusetts under the 502 and 503 programs have financed over $140 million in loans, and the 503 program has directly preserved or created over 11,500 jobs since its inception in 1981.

Despite these reservations, I believe the legislation represents the best possible compromise, given the initial desire on the part of the Reagan administration to end the program. By voting for this legislation, we can make a meaningful reduction in the deficit and still maintain our important commitment to the 14 million small businesses in this country.

Mr. DURENBERGER. Mr. President, I have been a strong advocate for small business since I have been in the U.S. Senate. Since 1978, I have supported the Small Business Administration and also authored many legislative proposals which have become law

that have been addressed to the concerns of the small business community.

Therefore, I rise to support S. 408 as amended to conform with the Senate's first budget resolution for fiscal year 1986.

My office, both in Minnesota and Washington, has taken an active role in writing with the SBA on constituent and agency matters, and Minnesotans have made effective use of the SBA Program, Cray research being an example cited in the committee report on S. 408. But I have great concerns about the effectiveness of the Small Business Administration.

These concerns were also shared by the Minnesota Association of Commerce and Industry. They established a committee to develop legislative recommendations that would go a long way to make the Small Business Administration a more effective and responsive organization. Many of these ideas are embodied in the compromise authorization bill before us.

We have the opportunity for the first time in my tenure in the Senate, to make some good constructive changes to the SBA. The opportunity to reduce the administrative expenses of the agency, the opportunity to make the agency more accountable, the opportunity for more involvement of the private sector, and most important, a more responsive agency to the small business community.

This SBA authorization as amended by my distinguished colleague, Senator WEICKER, is a good first step toward a more responsive, streamlined SBA, and I urge my colleagues to join with me in support of this legislation.

Mr. DODD. Mr. President, I rise today in support of S. 408, which provides for reasonable and fiscally responsible budgetary levels for the Small Business Administration. I am pleased that a bipartisan majority of the Small Business Committee has acted to rescue the SBA from termination by the Reagan administration, and I am proud to cosponsor this important legislation.

Since its inception over 30 years ago, the SBA has acted to promote the creation and growth of small businesses across this country. Given the unquestionably crucial role of small business in our national economy, it is incomprehensible that there should be no voice, no advocate for these interests in the Federal Government. But in these times of unprecedented budget deficits, we must examine all expenditures for efficiency and cost-effectiveness. Here, too, the SBA has earned high marks deserving of continued life.

The SBA's Guaranteed Lending Program allows small businesses which would otherwise not be able to obtain financing to receive loans—from banks, not from the Government—with which to start or further develop their companies. The importance of this program is clear. A full 82 percent of banks surveyed said that, absent SBA guarantees, they would not have made the loans they did. However, this is not to imply that such loans are exceedingly risky, with a high rate of default. Nationally, less than 5 percent of SBA guaranteed loans must be paid off by the Government. In addition, a company seeking long-term financing may have no alternative but to secure SBA backing—approximately 40 percent of all such financing is presently obtained through the SBA. This situation has come about for an obvious reason. Since banks must now pay fluctuating market interest rates to depositors, many are unwilling to become locked into what may become unprofitable arrangements. SBA guaranteed loans are, in a real sense, "the only game in town".

Mr. President, I am pleased that this legislation funds the Small Business Investment Company Program and the section 503 Certified Development Loan Company Program. The SBIC program combined public and private efforts to allow small businesses to develop. The Administrator of the SBA, James Sanders, praised this program and pointed out that the economic benefits far outweigh the initial cost. In fact, it has been estimated that for every $1 expended, $47 are generated in local and Federal tax revenues. That is, to my mind, an intelligent investment.

The section 503 program was only begun a few years ago but the results are already clear. The goal is to encourage private investment in local communities across the country. The SBA acts with local and State governments to encourage an expansion of small business in areas which otherwise might be left to decay. What we have witnessed, in a relatively short period, is the creation of almost 100,000 jobs.

Mr. President, those of us supporting the SBA do not ignore our obligation to bring about real deficit reduction. I commend the distinguished chairman of the Small Business Committee [Mr. WEICKER] and the ranking minority member [Mr. BUMPERS] for fashioning a compromise which preserves the essential nature and function of the SBA, yet results in a leaner, more cost-efficient agency. Given the significant obstacles they faced, this is a noteworthy accomplishment indeed. This legislation realizes savings by substantially reducing SBA direct loans, yet preserves the ability of businesses to obtain backing through a guarantee system. The majority of the remaining funding goes to veterans and the handicapped. In addition, nonphysical disaster relief has been eliminated, and major changes have been made in dealing with certain agricultural relief.

Finally we must not forget that the SBA suffered the largest budgetary cut (27 percent) of any Federal agency in the initial round of spending reductions in 1981. The SBA's increased effectiveness has clearly been the result of greater efficiency, which is something we should be encouraging.

Mr. President, much has been made recently of the ability of the U.S. economy to create new jobs, 28 million over the past 10 years. The overwhelming majority have been in small businesses all across this country—500,000 benefited from SBA assistance. In my own State of Connecticut, the SBA has directly been responsible for over 3,400 jobs in the past year alone. This a substantial contribution, and one that is repeated in every State.

The ability to start small and think big is at the foundation of the American Dream. I still believe that Government can foster and nurture these dreams, not by throwing money around indiscriminantly but by working with the private sector to see that those just starting out have the opportunity to succeed. When Steven Jobs went to the SBA and asked for assistance to start a company called Apple Computer, all he asked for was a chance. This legislation guarantees that others will have the same chance, and I urge favorable consideration.

Mr. CHAFEE. Mr. President, I am pleased to support this legislation as modified by the committee amendment, to maintain the Small Business Administration as a strong Federal advocate for America's 14 million small businesses.

This measure is virtually identical to the provisions included in the budget package the Senate adopted in May. Although the administration had proposed the termination of most SBA programs, this compromise will achieve substantial budgetary savings while preserving the Agency whose mission is to advise, assist, and champion the causes of small businesses.

Reducing the deficit will help to bring down interest rates, increase productivity and create a better climate for small businesses to prosper. The compromise provision on SBA contributes to reduction of the deficit by saving $2.5 billion in outlays over 3 years. At the same time, the compromise will maintain much of the agency's field structure and basic core of programs.

SBA's loan program for minority business enterprises, veterans and the handicapped will continue, as will important sources of long-term financing and venture capital and affordable management counseling and training.

Small business development centers, which provide valuable assistance to local businesses, are retained in the

compromise plan. In Rhode Island the SBDC located at Bryant College has proven successful in providing comprehensive small business management and technical assistance to the small business community. Its continued presence in Rhode Island will benefit the hundreds of businesses who utilize the consulting services and training programs offered.

I hope my colleagues will join with me in supporting this compromise legislation.

Mr. D'AMATO. Mr. President, I rise today to support passage of S. 408, the SBA reauthorization championed by my distinguished colleague from Connecticut. I do so because SBA is a prime example of one of the many federally sponsored economic programs which have in past years led to the creation of thousands of new jobs. In fact, SBA is one of the best of these programs and one which I hope will have a future as gloried as its past.

SBA has allowed small firms to take their new ideas and have them reach fruition. This has only taken place because the Federal Government was willing to put up a certain amount of the capital required to make these ventures succeed.

The original budget proposed to the Senate called for the elimination of SBA. The budget compromise, however, allows for several of its programs to continue. Many small firms would have ceased to exist if SBA was eliminated completely. What a tragedy it would be if productive new ideas were to go to waste for lack of reasonably priced financing.

SBA, however, is not a perfect organization. It has some waste and inefficiencies. Chairman WEICKER has done a superlative job of crafting legislation to reduce the waste in SBA. His successful budget amendment was based on S. 408, which provides for significant cuts in SBA programs. However, quality activities such as the SBIC Program and the Guaranteed Loan Program would be preserved.

I am pleased to have supported S. 408. I urge its adoption.

Thank you, Mr. President.

Mr. DIXON. Mr. President, I am very concerned about the future of our Nation's small businesses and the Small Business Administration. Therefore, I add my support to this amended S. 408, which reauthorizes the Small Business Administration.

The Small Business Administration is an agency with an excellent record of accomplishments, particularly in terms of the number of jobs created and revenues produced. The revenues generated by the Small Business Administration far exceed the costs of the agency. Our investment dollars in the Small Business Administration pay enormous dividends.

This legislation represents a negotiated settlement between the position of the administration and the Senators supporting the original S. 408, the Small Business Administration reauthorization bill. The administration had, in essence, proposed to abolish the Small Business Administration and its vital programs.

The initial S. 408 was a responsible bill which maintained the successful programs of the Small Business Administration. It was fiscally sensitive and would have saved $1.114 billion in budget authority over a 3-year period.

I was strongly opposed to the administration's prior position, which would have gutted the agency and left an empty shell. The administration would have eliminated Small Business Administration credit, disaster and management assistance programs.

The hit list of credit programs included: (1) The 7(a) Loan Guarantee Program, an essential source of long term financing through local banks; (2) the small business investment companies and minority enterprise small business investment companies, vital sources of venture capital; and (3) the 503 Certified Development Company Loan Programs, which provide necessary financing to healthy businesses for planned expansion and job creation.

These are credit programs which fill voids where small business financing is concerned.

The credit programs were not the only programs which were subject to attack. The Small Business Administration's physical disaster loans for businesses and homeowners would have been terminated. Under this program, the agency provides immediate financial assistance for uninsured losses resulting from natural disasters. In Illinois for fiscal year 1984, the agency granted 112 disaster loans, totalling $6,481,650.

The President would have also eliminated the Management Assistance Programs which provide training to small business owners. In fiscal year 1984, the agency counseled or trained 32,488 individuals in Illinois.

Small businesses are the heart of the Illinois economy, as well as the heart of the national economy. Eighty percent of new employment in Illinois comes from small business. Ninety-seven percent of Illinois business establishments have fewer than 100 employees. Small business is the key to economic recovery in Illinois.

Destroying the Small Business Administration is not an efficient or an equitable means to accomplish deficit reduction. Mayor J. Michael Houston of Springfield, IL, representing the U.S. Conference of Mayors, testified before the Senate Small Business Committee and concluded that the agency's financing programs have been essential to economic development efforts in America's cities. It makes no economic sense to eliminate programs which stimulate economic growth in order to reduce the deficit.

Destroying an economically efficient agency is also not an equitable solution for deficit reduction. The administration must demand comparable sacrifices from all Federal agencies, and not play favorites. The administration would, if unchecked, leave defense spending at record levels. The administration has used the Federal deficits as an excuse for killing many vital social and business programs.

The compromise represented in the proposed amendment would maintain the Small Business Administration and retain its effective programs. The proposal would save approximately $2.5 billion in outlays over a 3-year period.

The compromise freezes most of the agency's, programs at current levels and reduces certain other programs more than I would want to see. However, I am a realist and recognize the critical importance of keeping the Small Business Administration and its programs intact.

Therefore, I give my support to this compromise amendment to S. 408.

Mr. LEVIN. Mr. President, I support the bill offered by Senators WEICKER and BUMPERS to save the Small Business Administration. This does not mean that I embrace all of the provisions of this compromise amendment. The Senate Small Business Committee recently reported out an authorizing measure that I believe is a much better approach to saving the SBA than the amendment before us. Unfortunately, it is clear that we do not have the votes to pass that bill and this amendment is the best chance we have to save the SBA.

I have very real concerns about the impact these cuts will have, and I wish there was another way to proceed on this matter. Nonetheless, this measure is a much better proposal than the administration's current position which would result in a skeletal SBA at best.

Mr. President, I support this bill, and I wish that the President's deficits hadn't gotten us to where we are today.

Mr. DOMENICI. Mr. President, I rise to support S. 408, the Small Business Administration authorization bill, as amended by the chairman of the Committee on Small Business.

This legislation incorporates the budget savings assumed for SBA in the Senate-passed budget resolution. It represents the first real test of whether the Senate is willing to stand by the proposals for domestic spending restraint which we adopted in that budget.

I commend the Senator from Connecticut for the work he has done on this legislation. He has crafted a comprehensive reform of SBA programs

and made a very important contribution to reducing the deficit.

As amended by Chairman WEICKER, the bill would reduce Federal outlays by $2.5 billion over 3 years. It would lower the cost of SBA programs to the point that the agency would pay for itself in future years.

Senators will remember that the President's budget called for eliminating all SBA credit programs and would have saved $5 billion over 3 years.

However, the Chairman of the Small Business Committee worked with this Senator and the leadership to develop a compromise proposal. It would eliminate 70 percent of SBA's direct loans and would reduce the long-term cost of the loan guarantee program.

These are important reforms that would preserve Federal assistance to small business but at a much lower cost to the Treasury.

S. 408, as amended, would also make a number of reforms in SBA's disaster loan program. It would eliminate nonphysical disaster loans as well as farmer eligibility for physical disaster loans.

Again, the proposal before the Senate today represents a fair compromise between the administration's budget proposal—which would have ended SBA disaster loans altogther—and the current over-extended program.

I urge my colleagues to support Senator WEICKER's bill intact and show the country that we are serious about the deficit reduction proposals we adopted in the Senate budget resolution.

Mr. NICKLES. Mr. President, the proposed amendment to S. 408 by Senator WEICKER states, in part, that agriculture enterprises shall obtain disaster loan assistance solely from the Farmer's Home Administration. If this implemented, along with the other changes, the savings would amount to approximately $2.5 billion over the next 3 years. Presently, both the FmHA and Small Business Administration handle farm enterprise disaster programs. Such duplication is expensive and unnecessary, especially in light of our massive Federal deficits.

The Department of Agriculture has the expertise and knowledge of the unique financial and business problems of agricultural enterprises. The SBA does not have immediate access to the information. The FmHA employs 17,000 individuals compared to 5,000 at the SBA. Of those 5,000, only a small number work directly with agricultural interests.

For the case where a farmer would be ineligible for a disaster loan from the FmHA, there is also a remedy. If it is the intent of Congress that they be covered by Federal disaster assistance, it will be more practical and efficient to make changes in the FmHA program. Also, to ensure that equity is preserved, should a farmer be in need of a disaster loan for his home, then he is still eligible for SBA's homeowner loans, just as under present law.

Further supporting the need to make the shift to the FmHA is the usage of the SBA program by the farmers. According to SBA data, use of the program in my State of Oklahoma over the last several years has been almost negligible. In 1983, no farmers received SBA disaster assistance, only four in 1984, and only four thus far this year. This is a program that can be handled adequately by the FmHA.

This will not add to the hardships experienced by our Nation's farmers. In fact, ensuring that experienced FmHA personnel handle farm disaster loans should actually benefit our farmers.

Mr. WEICKER. Mr. President, I move the adoption of amendment 255, as amended.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to, and the amendment 255, as amended, was agreed to.

Mr. WEICKER. Third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. BOSCHWITZ). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—94

Abdnor	Bingaman	Burdick
Andrews	Boren	Byrd
Baucus	Boschwitz	Chafee
Bentsen	Bradley	Chiles
Biden	Bumpers	Cochran
Cohen	Hecht	Nunn
Cranston	Heflin	Packwood
D'Amato	Heinz	Pell
Danforth	Hollings	Pressler
DeConcini	Inouye	Pryor
Denton	Johnston	Quayle
Dixon	Kassebaum	Riegle
Dodd	Kasten	Rockefeller
Dole	Kennedy	Roth
Domenici	Kerry	Rudman
Eagleton	Lautenberg	Sarbanes
East	Laxalt	Sasser
Evans	Leahy	Simon
Exon	Levin	Simpson
Ford	Long	Specter
Garn	Lugar	Stafford
Glenn	Mathias	Stennis
Goldwater	Matsunaga	Stevens
Gore	Mattingly	Symms
Gorton	McClure	Thurmond
Gramm	McConnell	Trible
Grassley	Melcher	Warner
Harkin	Metzenbaum	Weicker
Hart	Mitchell	Wilson
Hatch	Moynihan	Zorinsky
Hatfield	Murkowski	
Hawkins	Nickles	

NAYS—3

Helms	Humphrey	Proxmire

NOT VOTING—3

Armstrong	Durenberger	Wallop

So the bill (S. 408), as amended, was passed, as follows:

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SMALL BUSINESS ADMINISTRATION PROGRAM LEVELS

SECTION 1. Section 20 of the Small Business Act is amended—

(1) by adding the following new subsections:

"(u) The following program levels are authorized for fiscal year 1986:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $35,000,000 in direct and immediate participation loans; and of such sums, the Administration is authorized to make $15,000,000 in loans as provided in paragraph (10), and $20,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $2,930,000,000 deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $60,000,000 in loans as provided in paragraph (11), $15,000,000 in loans as provided in paragraph (12), and $200,000,000 in loans as provided in paragraph (13) and guarantees and debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $41,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,115,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $150,000,000.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(v) There are authorized to be appropriated to the Administration for fiscal year 1986, $534,000,000. Of such sum $312,000,000 shall be available for carrying out the programs referred to in subsection (u), paragraphs (1) through (3); $12,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $210,000,000 shall be available for salaries and expenses of the Administration.

"(w) The following program levels are authorized for fiscal year 1987:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $35,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $15,000,000 in loans as provided in paragraph (10), and $20,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,050,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $63,000,000 in loans as provided in paragraph (11), $16,000,000 in loans as provided in paragraph (12), and $200,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $41,000,000 in direct purchases of debentures and preferred securities and to make $261,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,164,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $157,000,000.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(x) There are authorized to be appropriated to the Administration for fiscal year 1987, $561,000,000. Of such sum $331,000,000 shall be available for carrying out the programs referred to in subsection (w), paragraphs (1) through (3); $16,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $214,000,000 shall be available for salaries and expenses of the Administration.

"(y) The following program levels are authorized for fiscal year 1988:

"(1) For the programs authorized in section 7(a) of this Act, the Administration is authorized to make $35,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $15,000,000 in loans as provided in paragraph (10), and $20,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era, as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,169,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,000,000 in loans as provided in paragraph (10), $65,000,000 in loans as provided in paragraph (11), $16,000,000 in loans as provided in paragraph (12), and $200,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $41,000,000 in direct purchases of debentures and preferred securities and to make $272,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,213,000,000.

"(5) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $163,000,000.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of section 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(z) There are authorized to be appropriated to the Administration for fiscal year 1988, $566,000,000. Of such sum $333,000,000 shall be available for carrying out the programs referred to in subsection (y), paragraphs (1) through (3); $15,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; and $218,000,000 shall be available for salaries and expenses of the Administration."; and

(2) in subsection (t)—

(A) by striking "each of fiscal years 1985 and 1986," and inserting in lieu thereof "1985"; and

(B) by striking "for each of such years".

BUSINESS LENDING REFORMS

SEC. 2. Section 7(a) of the Small Business Act is amended by striking out "90" each place it appears and inserting in lieu thereof "80".

SEC. 3. Section 7(a) of the Small Business Act is amended by adding at the end thereof the following:

"(16) The Administration shall collect a guarantee fee equal to 2 per centum of the amount of the deferred participation share of any loan under this subsection other than a loan repayable in one year or less or a loan under paragraph (13). The fee shall be payable by the participating lending institution and may be charged to the borrower.".

PROGRAM GUARANTEE AUTHORITY

SEC. 4. Section 20(a) of the Small Business Act is amended—

(1) by inserting "(1)" after "SEC. 20. (a)"; and

(2) by adding at the end thereof the following:

"(2) Notwithstanding any other provision of law, the Administration shall enter into commitments to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and enter into commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958, in the full amounts provided by law subject only to (A) the availability of qualified applications for such guarantees, and (B) limitations contained in appropriations Acts. Nothing in this paragraph authorizes the Administration to reduce or limits its authority to enter commitments for such guarantees to qualified applicants.".

DISASTER LENDING REFORMS

SEC. 5. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking "The" after "(b) and inserting in lieu thereof "Except as to agricultural enterprises as defined in section 18(b)(1) of this Act, the";

(2) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(3) by striking paragraphs (3) and (4).

(b) Section 7(c)(4) of such Act is amended by striking out the last, undesignated paragraph.

(c) Section 18(a) of such Act is amended by striking all that follows "Federal Government" and inserting in lieu thereof a period.

SEC. 6. (a) Title III of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new section:

"GUARANTEED OBLIGATIONS NOT ELIGIBLE FOR PURCHASE BY FEDERAL FINANCING BANK

"SEC. 320. Nothing in any provision of law shall be construed to authorize the Federal Financing Bank to acquire after September 30, 1985—

"(1) any obligation the payment of principal or interest on which has at any time been guaranteed in whole or in part under this title,

"(2) any obligation which is an interest in any obligation described in paragraph (1), or

"(3) any obligation which is secured by, or substantially all of the value of which is attributable to, any obligation described in paragraph (1) or (2).".

(b) The table of sections for such title III is amended by adding at the end thereof the following new item:

"SEC. 320. Guaranteed obligations not eligible for purchase by Federal Financing Bank.".

SURETY GUARANTEES

SEC. 7. (a) Section 411(a) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

(b) Section 411(e)(2) of such Act is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

ELIGIBILITY OF SMALL BUSINESSES OWNED BY INDIAN TRIBES

SEC. 8. (a) Section 2(e)(1)(C) of the Small Business Act (15 U.S.C. 631(e)(2)(C)) is amended by inserting "Indian tribes," after "Native Americans,".

(b) Paragraph (4) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended to read as follows:

"(4)(A) For purposes of this section, the term 'socially and economically disadvantaged small business concern' means any small business concern which meets the requirements of subparagraph (B) and—

"(1) which is at least 51 per centum owned by—

"(I) one or more socially and economically disadvantaged individuals, or

"(II) an economically disadvantaged Indian tribe, or

"(ii) in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by—

"(I) one or more socially and economically disadvantaged individuals, or

"(II) an economically disadvantaged Indian tribe.

"(B) A small business concern meets the requirements of this subparagraph if the management and daily business operations of such small business concern are controlled by one or more—

"(i) socially and economically disadvantaged individuals described in subparagraph (A)(i)(I) or subparagraph (A)(ii)(I), or

"(ii) members of the economically disadvantaged Indian tribe described in subparagraph (A)(i)(II) or subparagraph (A)(ii)(II).".

(c) Paragraph (6) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end thereof the following new sentence: "In determining the economic disadvantage of an Indian tribe, the Administration shall consider, where available, information such as the following: the per capita income of members of the tribe excluding judgment awards, the percentage of the local Indian population below the poverty level, and the tribe's access to capital markets.".

(d) Subsection (a) of section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end thereof the following new paragraph:

"(13) For purposes of this subsection, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (within the meaning of the Alaska Native Claims Settlement Act) which—

"(A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

"(B) is recognized as such by the State in which such tribe, band, nation, group, or community resides.".

SIZE STANDARD FOR AGRICULTURAL ENTERPRISES

SEC. 9. Not later than ten days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue a regulation setting the annual receipts size standard under section 3(a) of the Small Business Act for agricultural enterprises, as defined in section 18(b) of such Act (other than beef cattle feedlot operators and chicken egg producers), at $500,000. The standard established under the preceding sentence shall be deemed to have taken effect on June 21, 1985.

ENCOURAGE THE FORMATION OF VETERANS BUSINESS RESOURCE COUNCILS

SEC. 10. (a) The Congress finds that—

(1) Veterans Business Resource Councils have been established in the following ten States: California, Ohio, Texas, New York, Massachusetts, Indiana, Louisiana, Maryland, Minnesota, and Missouri;

(2) the concept of Veterans Business Resource Councils to establish networks of veterans with business experience assisting fellow veterans seeking to establish small businesses merits serious consideration; and

(3) the majority of our Nation's Vietnam era veterans fall within the thirty-five- to forty-five-year old age range, in which most people decide to enter into small business ownership.

(b) Therefore, the Congress urges the Small Business Administration—

(1) to evaluate the effectiveness of the Veterans Business Resource Councils which are currently operating and to recommend improvements in their operations;

(2) to develop guidelines to assist in the establishment of Veterans Business Resource Councils; and

(3) to work with the remaining States and any interested organizations to encourage the establishment of Veterans Business Resource Councils in those States.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I have an amendment to the title at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the title so as to read: "A bill to amend the Small Business Act to establish program levels and authorizations for the Small Business Administration, and to amend the Small Business Investment Act of 1958, and for other purposes.".

The PRESIDING OFFICER. The question is on agreeing to the title amendment.

The title amendment was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

I ask unanimous consent that S. 408 as passed be printed.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I wish to thank the distinguished manager of the bill. The chairman of the committee indicated to me if we would bring this bill up, it could take about 2 hours. I think he missed that by about 10 minutes. Our special thanks to the distinguished Senator from Connecticut, Senator WEICKER, and the manager on the Democratic side, the distinguished Senator from Arkansas, Senator BUMPERS.

I think it is also important and should be of some notice to the House budget conferees that this is an indication of the Senate's resolve on the budget. This is really the first test of a bill to come before us with a Senate savings. There was one rather close vote, but I think it is an indication, in a bipartisan sense, that we are serious about the deficit reduction; that we understand that to get savings you have to cut programs. It can be done in other ways, but it does not really mean that much.

So I wish to commend all Senators for their vote on final passage by a vote of 94 to 3. That should be a strong signal to those who are working on the deficit reduction.

NATIONAL ATOMIC VETERANS' DAY

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 229, Senate Joint Resolution 163, National Atomic Veterans' Day.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (S.J. Res. 163) to designate July 16, 1985, as "National Atomic Veterans' Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 163) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 163

Whereas approximately two hundred and fifty thousand veterans of the United States, while serving in the active armed services during the period beginning in 1945 and ending in 1963, witnessed and participated in at least two hundred and thirty-five atmospheric nuclear weapons tests conducted in the Pacific Ocean and the Southwestern United States or served in Hiroshima or Nagasaki during the period of the occupation of Japan by the military forces of the United States immediately following World War II;

Whereas these Atomic Veterans patriotically served the Nation meeting the needs of national defense during a critical period in history;

Whereas the health of many of the Atomic Veterans and of many of the natural children of such veterans may have been adversely affected by the exposure of such veterans to ionizing radiation from the detonation of atomic or nuclear weapons;

Whereas the Congress recognizes the patriotism and dedication of the Atomic Veterans and the importance of resolving the issues arising from the problems caused by the exposure of the Atomic Veterans to ionizing radiation; and

Whereas July 16, 1985, is the anniversary of "Trinity", the first detonation of an atomic weapon, which took place at Alamogordo Air Force Base in New Mexico on July 16, 1945: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 16, 1985, is designated as "National Atomic Veterans' Day" and the President is authorized and requested to issue a proclamation calling upon all Federal, State, and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activites.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar Order No. 230, House Joint Resolution 295, the House companion bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPACE EXPLORATION DAY

Mr. DOLE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 154, Space Exploration Day, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (S.J. Res. 154) to designate July 20, 1985, as "Space Exploration Day."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the bill.

EXPLORATION OF SPACE—OUR GREAT LEAP FORWARD

Mr. LAUTENBERG. Mr. President, I am pleased to join my colleague, Senator GARN, in sponsoring Senate Joint Resolution 154, which designates July 20 as "Space Exploration Day." It is fitting that Senator GARN has taken the initiative to introduce this resolution. Not only is the Senator the only Member to know first hand the wonders of space exploration, he continues to make, as the chairman of the Appropriations Subcommittee on Housing and Urban Development and Independent Agencies, a significant contribution to the development of our Nation's space exploration policy.

It is worth noting that as we prepare to celebrate this day on Earth, the Voyager II satellite has begun sending back the first closeup pictures of the planet Uranus. Our quest to learn more about the universe around us has now led us close range exploration of seven planets. We have launched countless satellites. We are now witnessing the dawn of an era where even the stars will not be a limit.

Nearly 16 years ago, all the world watched as an astronaut named Neil Armstrong set foot on the Moon, providing a vivid display of American technical ability. Today we are on the verge of using that technical ability to utilize the unique environment of space to manufacture products which will benefit the quality of life on Earth. Projects aboard the space shuttle and various satellites have given us only a glimpse of the possibilities for the production of various drugs and metallic alloys in space. The spirit of progress and adventure which helped us reach the Moon, continues to promise all of mankind an even better tomorrow.

As we anxiously await the launch of the 19th shuttle mission and the 50th manned space flight overall, we can not help but be excited by the prospects of what the next 50 missions will bring us. We should use "Space Exploration Day" to reflect on our accomplishments and to dream the dreams that will generate tomorrow's technological and human leaps forward in space.

I urge the Senate's adoption of this resolution.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 154

Whereas on July 20, 1969 people of the world were brought closer together by the first manned exploration of the moon;

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind;

Whereas the United States space program has provided scientific and technical benefits affecting many areas of concern to mankind;

Whereas the United States space program, through Project Apollo, Viking, and Voyager missions to the planets, the space shuttle, and other space efforts, has provided the Nation with scientific and technological leadership in space;

Whereas the National Aeronautics and Space Administration, the United States aerospace industry, and educational institutions throughout the Nation contribute research and development to the United States space program, and to the strength of the economy of the Nation;

Whereas the space program reflects technological skill of the highest order and the best in the American character—sacrifice, ingenuity and the unrelenting spirit of adventure;

Whereas the spirit that put man on the moon may be applied to all noble pursuits involving peace, brotherhood, courage, unity of the human spirit, and the exploration of new frontiers; and

Whereas the human race will continue to explore space for the benefit of future generations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 20, 1985 is designated as "Space Exploration Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar: Calendar Order Nos. 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, and all nominations placed on the Secretary's desk.

Mr. BYRD. Mr. President, there is no objection to considering the aforementioned nominees and there is also no objection on this side to considering and confirming the nominees en bloc, if the distinguished majority leader wishes to approach the matter that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I thank the distinguished minority leader.

I ask unanimous consent that the nominees just identified be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Louis L. Stanton, of New York, to be U.S. district judge for the southern district of New York.

James M. Rosenbaum, of Minnesota, to be U.S. district judge for the district of Minnesota.

Stanley Marcus, of Florida, to be U.S. district judge for the southern district of Florida.

Thomas E. Scott, of Florida, to be U.S. district judge for the southern district of Florida.

Joseph J. Farnan, Jr., of Delaware, to be U.S. district judge for the district of Delaware.

DEPARTMENT OF JUSTICE

John C. Lawn, of Virginia, to be Administrator of Drug Enforcement.

Maurice Owens Ellsworth, of Idaho, to be U.S. attorney for the district of Idaho for the term of four years.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, Section 8036, to be Surgeon General of the Air Force:

Maj. Gen. Murphy A. Chesney, xxx-xx-... FR U.S. Air Force, Medical.

The following named officer, under the provisions of title 10, United States Code, section 8072, to be the judge advocate general, U.S. Air Force:

Maj. Gen. Robert W. Norris, xxx-xx-... FR, U.S. Air Force.

The following named officer, under the provisions of title 10, United States Code, section 8072, for appointment as the deputy judge advocate general, U.S. Air Force, in the grade of major general:

Brig. Gen. Keithe E. Nelson, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. William L. Kirk, xxx-xx-... FR, U.S. Air Force.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. Thomas M. Ryan, Jr., xxx-xx-... FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, Section 601:

To be general

Lt. Gen. Duane H. Cassidy, xxx-xx-... FR, U.S. Air Force.

FOR THE ARMY

The following-named officer for appointment as the dean of the academic board, U.S. Military Academy, an additional permanent professor, who has the grade of brigadier general while serving as such under the provisions of title 10, United States Code, section 4333(b) and 4335.

Col. Roy K. Flint, xxx-xx-xxxx, U.S. Army.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. Julius J. Chosy, xxx-xx-xxxx.
Brig. Gen. Charles H. Kone, xxx-xx-xxxx.
Brig. Gen. Warren G. Lawson, xxx-xx-... x.
Brig. Gen. Edward G. Pagano, xxx-xx-... xxx-...
Brig. Gen. Joseph J. Saladino, xxx-xx-... x.

To be brigadier general

Col. Clifford E. Abbott, xxx-xx-xxxx.
Col. Earl L. Adams, xxx-xx-xxxx.
Col. Robert H. Appleby, xxx-xx-xxxx.
Col. William R. Brown, xxx-xx-xxxx.
Col. Walter J. Dingler, xxx-xx-xxxx.
Col. Richard E. Mallan, xxx-xx-xxxx.
Col. Mark B. Mullin, xxx-xx-xxxx.
Col. Charles E. Scott, xxx-xx-xxxx.
Col. James B. Stodart, xxx-xx-xxxx.
Col. Johnny D. Stuckey, xxx-xx-xxxx.
Col. William C. Wilson, xxx-xx-xxxx.

The U.S. Army Reserve Officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. George V. Bauer, xxx-xx-xxxx
Brig. Gen. Dennis R. Jones, xxx-xx-xxxx
Brig. Gen. Guilford J. Wilson, Jr., xxx-xx-... x.
Brig. Gen. James E. Wagner, xxx-xx-xxxx

To be brigadier general

Col. Norris P. Abts, xxx-xx-xxxx
Col. Richard F. Allen, xxx-xx-xxxx
Col. Donald M. Bagley, xxx-xx-xxxx
Col. James B. Baylor, xxx-xx-xxxx
Col. Raymond E. Bell, Jr., xxx-xx-xxxx
Col. Stephen C. Boone, xxx-xx-xxxx
Col. Michael A. Boyd, xxx-xx-xxxx
Col. John H. Capalbo, xxx-xx-xxxx
Col. Francis T. Donohue, xxx-xx-xxxx
Col. Paul W. Gerster, xxx-xx-xxxx
Col. Curtis B. Herbert, Jr., xxx-xx-xxxx
Col. Daniel F. Hitchcock, xxx-xx-xxxx
Col. Bernard F. Losekamp, xxx-xx-xxxx
Col. Robert F. Pennycuick, xxx-xx-xxxx
Col. Paul G. Rehkamp, xxx-xx-xxxx
Col. Lee D. Thames, xxx-xx-xxxx
Col. Robert H. Tips, xxx-xx-xxxx
Col. George M. Woywod, xxx-xx-xxxx

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. John T. Myers, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James R. Hall, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Christian Patte, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Robert E. Wagner, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Jerome B. Hilmes, xxx-xx-xxxx, U.S. Army.
Brig. Gen. William H. Gourley, xxx-xx-..., U.S. Army.
Brig. Gen. Lynn H. Stevens, xxx-xx-xxxx, U.S. Army.
Brig. Gen. George R. Robertson, xxx-xx-..., U.S. Army.
Brig. Gen. Donald C. Hilbert, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James C. Cercy, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Donald E. Eckelbarger, xxx-xx-..., U.S. Army.
Brig. Gen. Johnnie H. Corns, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Fred E. Elam, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Robert L. Drudik, xxx-xx-xxxx, U.S. Army.
Brig. Gen. John E. Long, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James B. Allen, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Thomas J.P. Jones, xxx-xx-..., U.S. Army.
Brig. Gen. Dudley J. Gordon, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Robert J. Dacey, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Edwin H. Burba, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Donald R. Infante, xxx-xx-..., U.S. Army.
Brig. Gen. George M. Krausz, xxx-xx-..., U.S. Army.
Brig. Gen. Robert L. Gordon, xxx-xx-xxxx, U.S. Army.
Brig. Gen. William T. McLean, xxx-xx-..., U.S. Army.
Brig. Gen. Alan B. Salisbury, xxx-xx-xxxx, U.S. Army.
Brig. Gen. John M. Shalikashvili, xxx-xx-..., U.S. Army.
Brig. Gen. Gary E. Luck, xxx-xx-xxxx, U.S. Army.
Brig. Gen. George A. Joulwan, xxx-xx-..., U.S. Army.
Brig. Gen. Thomas H. Tait, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Thomas D. Reese, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Charles P. Otstott, xxx-xx-..., U.S. Army.
Brig. Gen. Edwin S. Leland, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James R. Klugh, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Augustine M. Cianciolo, xxx-xx-..., U.S. Army.
Brig. Gen. Nicholas S.H. Krawciw, xxx-xx-..., U.S. Army.
Brig. Gen. Donald W. Jones, xxx-xx-xxxx, U.S. Army.

NATIONAL COUNCIL ON THE HANDICAPPED

Marian North Koonce, of California to be a member of the National Council on the Handicapped for a term expiring September 23, 1987 (reappointment).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Glenn R. Wilson, of Nebraska, to be president, Government National Mortgage Association.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY

Air Force nominations beginning Anthony W. Guidon, and ending Allen E. Strasser, Jr., which nominations were received by the Senate on July 1, 1985, and appeared in the CONGRESSIONAL RECORD of July 8, 1985.

Air Force nomination of Lt. Col. Steven R. Nagel, which was received by the Senate on July 3, 1985, and appeared in the CONGRESSIONAL RECORD of July 8, 1985.

Army nominations beginning John Adams, and ending William J. Wimett, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 27, 1985.

Army nominations beginning 111x, and ending 281x, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 27, 1985.

Army nominations beginning Hugh G. Balden, Jr., and ending Roger D. Riggenbach, which nominations were received by the Senate on July 3, 1985, and appeared in the CONGRESSIONAL RECORD of July 8, 1985.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF JAMES B. BAYLOR TO BE BRIGADIER GENERAL

Mr. BYRD. Mr. President, I am pleased that the President has nominated Col. James B. Baylor for the rank of brigadier general. Colonel Baylor is a native of Hinton, WV, and a 1956 graduate of Marshall College—now Marshall University in Huntington.

Colonel Baylor has held a number of responsible positions in the U.S. Army Reserve since he was commissioned in August 1955. Most recently, he has been assigned as the deputy command-

er of the 99th Army Reserve Command, which is the headquarters unit for all Army Reserve personnel in West Virginia. Colonel Baylor is the first West Virginian to hold that position.

Prior to that assignment, he served in a number of command positions, including commandant, 2093d U.S. Army Reserve School, South Charleston; group commander, 38th Ordnance Group, South Charleston; and battalion commander, 321st Ordnance Battalion, also in South Charleston.

In civilian life, Colonel Baylor is senior vice president of Valvoline Oil Co.

Mr. President, it has been my experience that all members of the Reserve components of the armed services, and especially those reaching the high rank of brigadier general, must spend considerable time away from their families in the pursuit of their military duties. This requires no small sacrifice on the part of those family members, and in this regard, Colonel Baylor's wife, Rebecca, and their children, Bryan, Amy, Sara, and Christopher, are to be commended also.

Mr. President, I am pleased to cast my vote for the confirmation of Col. James B. Baylor as brigadier general, and I urge my colleagues to support this nomination.

NOMINATION OF MAURICE ELLSWORTH

Mr. SYMMS. Mr. President, the Senate has confirmed the nomination of Maurice Owens Ellsworth to be the U.S. attorney in Idaho. I rise in support of the President's decision to appoint Mr. Ellsworth to that position and to commend the Senate Committee on the Judiciary for its rapid consideration and approval of it.

As the chief legal representative for the U.S. Government in the State of Idaho, Mr. Ellsworth will play a critical role in the enforcement of Federal law within the boundaries of the State I represent. By virtue of his background, his personal characteristics, and his professional experience, I believe Mr. Ellsworth to be well qualified for the position.

During the past 4 years, Mr. Ellsworth has served with distinction as Associate Solicitor for Audit and Investigations at the Department of the Interior. He received that appointment under Secretary James G. Watt and has continued to provide sound legal counsel to the Inspector General and his staff throughout the United States and the territories under Secretaries Clark and Hodel.

By all accounts, he has met his responsibilities with good judgment and integrity. He also has gained a thorough working knowledge of the issues that fall under the purview of the Department of the Interior. Many of those matters are of serious concern to the citizens of Idaho and will also require the attention of the Department of Justice. I believe that the President has exercised considerable wisdom in appointing as U.S. attorney a man who has been involved in the oversight of Interior programs.

Mr. Ellsworth also brings to the position his experience as prosecuting attorney in Blaine County, ID. In that post, he directed criminal investigations and prosecutions for the sheriff and State police in Blaine County and was responsible for all civil litigation. As U.S. attorney, his responsibilities will be similar, and he will work in close coordination with Federal law enforcement authorities such as the FBI.

I am pleased that the President and the Judiciary Committee have seen fit to continue to employ his considerable talent. I am pleased the Senate has confirmed Maurice Ellsworth's nomination.

NOMINATION OF GLENN R. WILSON TO BE PRESIDENT OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Mr. ZORINSKY. Mr. President, I am pleased to support Mr. Glenn R. Wilson, for the President of the Government National Mortgage Association.

The President of Ginnie Mae will face many challenges—challenges which will require strong leadership abilities. Mr. Wilson possesses these characteristics. Within his profession, he has been a member of, and participated in, many organizations related to the real estate development industry. In addition, he has maintained an active interest in the Nation's political process throughout his career. Finally, Mr. Wilson has always found time to assist the community by becoming involved in civic activities.

Mr. President, I believe Glenn Wilson merits the Senate's support.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations, and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 4:43 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2068) to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FASCELL, Mr. MICA, Mr. YATRON, Mr. KOSTMAYER, Mr. SMITH of Florida, Mr. WEISS, Mr. MACKAY, Mr. LANTOS, Mr. BROOMFIELD, Ms. SNOWE, Mr. GILMAN, Mr. MACK, and Mr. MCCAIN as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WHITTEN, Mr. BOLAND, Mr. NATCHER, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. YATES, Mr. OBEY, Mr. ROYBAL, Mr. BEVILL, Mr. LEHMAN of Florida, Mr. DIXON, Mr. FAZIO, Mr. CONTE, Mr. MCDADE, Mr. MYERS of Indiana, Mr. COUGHLIN, Mr. KEMP, Mr. REGULA, and Mr. O'BRIEN as managers of the conference on the part of the House.

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 48. An act to affirm the authority of the Congress to approve the design of currency;

H.R. 1343. An act to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California, and for other purposes;

H.R. 1390. An act to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes;

H.R. 1890. An act to provide for an equitable waiver in the compromise and collection of Federal claims;

H.R. 2340. An act to designate the Granite Reef Aqueduct of the Central Arizona Project as the "Hayden-Rhodes Aqueduct";

H.R. 2370. An act to amend the Public Health Service Act to extend the programs of assistance for nurse education;

H.R. 2410. An act to amend the Public Health Service Act to revise and extend the programs under title VII of that Act; and

H.J. Res. 251. Joint resolution to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Lenore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 48. An act to affirm the authority of the Congress to approve the design of currency; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1343. An act to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1390. An act to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1890. An act to provide for an equitable waiver in the compromise and collection of Federal claims; to the Committee on the Judiciary.

H.R. 2340. An act to designate the Granite Reef Aqueduct of the Central Arizona Project as the "Hayden-Rhodes Aqueduct"; to the Committee on Energy and Natural Resources.

H.J. Res. 251. Joint resolution to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Lenore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2370. An act to amend the Public Health Service Act to extend the programs of assistance for nurse education; and

H.R. 2410. An act to amend the the Public Health Service Act to revise and extend the programs under title VII of that Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself, Mr. DANFORTH, Mr. HOLLINGS, Mr. FORD, Mr. RIEGLE, Mr. EXON, Mr. DIXON, and Mr. LAUTENBERG):

S. 1436. A bill to improve safety and security of persons who travel in foreign air transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND (for himself, Mrs. HAWKINS, Mr. CHILES, Mr. BIDEN, Mr. DECONCINI, Mr. SIMPSON, Mr. COCHRAN, Mr. MURKOWSKI, and Mr. SPECTER):

S. 1437. A bill to amend the Controlled Substances Act to create new penalties for the manufacturing with intent to distribute, the possession with intent to distribute, or the distribution of "designer drugs," and for other purposes; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S. 1438. A bill for the relief of Stanley C. Bourassa and Katherine V. Bourassa; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. CHAFEE):

S. 1439. A bill to amend title 39, United States Code, to provide that change-of-address order forms submitted to the Postal Service may be furnished to the appropriate State authority for purposes relating to voter registration; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself, Mr. GOLDWATER, Mr. HATCH, Mr. PROXMIRE, and Mr. MATSUNAGA):

S. 1440. A bill to restrict smoking to designated areas in all U.S. Government buildings; to the Committee on Governmental Affairs.

By Mr. McCLURE:

S. 1441. A bill to amend the Guam Organic Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCLURE (by request):

S. 1442. A bill to amend the Act of May 27, 1955, to increase the effectiveness of domestic firefighting forces and ensure prompt and effective control of wildfires on Federal lands by permitting the use of firefighting forces of foreign nations and the reimbursement of such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCLURE (by request):

S. 1443. A bill authorizing appropriations to the Executive Director, U.S. Holocaust Memorial Council, for services necessary to perform the functions of the U.S. Holocaust Memorial Council; to the Committee on Energy and Natural Resources.

By Mr. McCLURE (by request):

S. 1444. A bill to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior; to the Committee on Energy and Natural Resources.

By Mr. METZENBAUM (for himself, Mr. RUDMAN, and Mr. SIMON):

S. 1445. A bill to amend the Sherman Act regarding retail competition; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolution and Senate resolution were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 200. Resolution entitled "Back in the Saddle Again"; considered and agreed to.

By Mr. RUDMAN (for himself, Mr. METZENBAUM, and Mr. SIMON):

S. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that the antitrust enforcement guidelines entitled "Vertical Restraints Guidelines," published by the Department of Justice on January 23, 1985, do not have the force of law, do not accurately state current antitrust law, and should not be considered by the courts of the United States as binding or persuasive; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself, Mr. DANFORTH, Mr. HOLLINGS, Mr. FORD, Mr. RIEGLE, Mr. EXON, Mr. DIXON, and Mr. LAUTENBERG):

S. 1436. A bill to improve safety and security of persons who travel in foreign air transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIR TRAVELER PROTECTION ACT

Mrs. KASSEBAUM. Mr. President, I am pleased today to introduce the Air Traveler Protection Act of 1985. This legislation addresses a problem which is of concern to travelers around the world.

The growing threat of aviation terrorism, either hijacking or sabotage, must be met with a firm hand. The American traveling public, their family and friends, must be assured that the Government is taking every reasonable step to identify travel dangers and eliminate those dangers where possible or warn of them where probable. This bill, similar in many ways to that passed by the House on June 19, offers that assurance.

Since the tragic incidents of bombings in Frankfurt, West Germany, and Tokyo, Japan, the dramatic hijacking of TWA flight 847, and the suspected sabotage which led to the deaths of 327 people on Air India's flight 182, Congress and the executive branch have been searching for productive ways to respond to this new threat. On June 30, I chaired a hearing of the Aviation Subcommittee on the subject of airport and airline security. The subcommittee received testimony from Senators MOYNIHAN, DIXON, SIMON, LAUTENBERG, and D'AMATO. Chairman NORMAN MINETA of the House Public Works and Tansportation's Subcommittee on Aviation also testified, as did Matthew Scocozza, Assistant Secretary, Department of Transportation, and Billie Vincent, Director, Office of Civil Aviation Security, Department of Transportation. Finally the subcommittee heard from representatives of the airlines, airport operators, pilots, and flight attendants.

The day-long hearing provided valuable insights into our current efforts to prevent hijackings and acts of sabotage, as well as many worthwhile suggestions for improvements in the existing system. In the bill introduced today, I believe we have woven together many of those suggestions. It is a bill which starts us down the road to safer, more secure air travel.

Mr. President, I would like to briefly summarize what this legislation does. First, the bill requires the Secretary of Transportation to undertake, at appropriate intervals, assessments of the security standards at foreign airports, both those which are served by U.S. carriers and those from which foreign carriers may serve the United States. This evaluation shall determine the extent to which an airport effectively maintains and administers security measures. The minimum standards deemed tolerable at a foreign airport are those established by annex 17 to the convention on international civil aviation.

Second, upon determining that an airport does not maintain and administer effective security measures, the Secretary is required to notify the appropriate foreign government authori-

ties of that finding and recommend steps to improve the security standards. The Secretary is authorized to provide technical assistance, training, and travel expenses to the foreign government in order to remedy any security deficiencies.

Third, the Secretary must report to Congess within 60 days after the determining that a foreign airport does not maintain effective security measures. The report is to include a summary of the security assessments, information regarding attempts to secure the cooperation of the involved foreign government in meeting the security standards, a description of the extent to which the identified security deficiencies have been eliminated, and any recommendations for legislation or other action which the Secretary considers necessary or desirable to improve security for travelers utilizing that airport.

Fourth, if after the 60-day period has passed, the Secretary determines that security standards have not improved sufficiently to meet minimum standards, the Secretary shall publish in the Federal Register notice of the security deficiencies at that airport. In addition, the Secretary is required to cause to be posted in each U.S. airport engaging in foreign air transportation notice of those airports deemed to be security risks. Finally, the Secretary is to ensure that notice is received by the media, through press releases and other methods suitable for providing notice to the traveling public.

Fifth, this legislation requires the Secretary to suspend, without notice or hearing, the right of any United States or foreign carrier to utilize the security-deficient foreign airport, where the Secretary determines that a condition exists that threatens the safety or security of passengers, aircraft, or crew and such a suspension would be in the public interest.

Finally, and perhaps most importantly, this legislation provides for more direct methods of improving air travel safety. The Secretary is directed to institute a study of the need for an expanded Air Marshall Program on international flights by U.S. carriers. The results of the study, and any recommendations, are to be forwarded to Congress within 6 months of the date of enactment of this bill. The Administrator of the Federal Aviation Administration is authorized, after consultation with the Attorney General and the Secretary of State, to procure firearms for use by persons in connection with the performance of their air transportation security duties, and may authorize those persons to carry firearms and make arrests. Last, the bill authorizes, without fiscal year limitation, the appropriation of $10 million from the airport and airway trust fund for the purpose of research on and development of airport and aircraft security devices and techniques for detecting explosives.

Mr. President, we have taken the ideas of many of our colleagues and molded them into a bill which I believe can be supported by all. This legislation is a firm and intelligent response to the challenges confronting the United States in international transportation. We have led the world in developing security measures and we should continue our progress toward a safer air travel system. A risk-free world has never, and will never, exist. Our responsibilities as Members of the U.S. Senate, however, demand that we take the steps necessary to eliminate unnecessary risks. Working as part of the international community of nations, we can provide the leadership so vital to guaranteeing safe travel around the world.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Traveler Protection Act of 1985".

SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

Sec. 2. (a) Section 1115 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1515) is amended to read as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"ASSESSMENT OF SECURITY MEASURES

"SEC. 1115. (a)(1) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, and at such other foreign airports as the Secretary may deem appropriate.

"(2) Each such assessment shall be made by the Secretary in consultation with the appropriate aeronautic authorities of the concerned foreign government and each air carrier serving the foreign airport at which the Secretary is conducting such assessment.

"(3) The assessment shall determine the extent to which an airport maintains and administers effective security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards contained in Annex 17 to the Convention on International Civil Aviation, as such standards are in effect on the date of such assessment.

"(4) Each report required by section 315 of this Act shall contain a summary of the assessments conducted pursuant to this subsection.

"NOTIFICATION OF FINDINGS; PROVISION OF TECHNICAL ASSISTANCE

"(b)(1) Whenever, after an assessment in accordance with subsection (a) of this section, the Secretary of Transportation determines that a foreign airport does not maintain and administer effective security measures, the Secretary shall notify the appropriate authorities of such foreign government of such determination, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

"(2) The Secretary may, in order to assist a foreign government to take any such steps, provide technical assistance concerning aviation security to that foreign government. Such technical assistance may include the conduct of surveys to analyze the level of aviation security at such airport and the provision of training in aviation security to nationals of that foreign government. Such training in aviation security may be conducted either in the United States or in the involved foreign nation. The Secretary may provide for the payment of subsistence and expenses for travel within the United States for any foreign national receiving such aviation security training in the United States. The Secretary may require any such foreign government to reimburse the United States for all, part, or none of the cost of providing the technical assistance authorized under this paragraph.

"NOTICE OF INEFFECTIVE SECURITY MEASURES

"(c)(1) Subject to paragraph (2) of this subsection, if the Secretary of Transportation determines pursuant to subsection (a) of this section that an airport does not maintain and administer effective security measures, the Secretary—

"(A) shall publish in the Federal Register the identity of such airport, shall notify the news media of the identity of such airport, and shall cause the identity of such airport to be posted and prominently displayed at all United States airports from which air carriers provide foreign air transportation; and

"(B) may, after consultation with the appropriate aeronautical authorities of such foreign government and each air carrier serving such airport, notwithstanding section 1102 of this Act withhold, revoke, or impose conditions on the operating authority of any air carrier or foreign air carrier to engage in foreign air transportation utilizing such airport.

"(2) Paragraph (1) of this subsection shall become effective 60 days after the notification required in subsection (b)(1) of this section, if the Secretary determines that the relevant foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a) of this section, except that paragraph (1) of this subsection shall become effective immediately upon such determination if the Secretary determines that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from such airport.

"(3) The Secretary may cancel the requirements of paragraph (1)(A) of this subsection only if the Secretary determines that effective security measures are maintained and administered at the identified airport. If the Secretary cancels such requirements, the Secretary shall notify the news media and the Congress of such cancellation.

"(4) The Secretary shall promptly report to the Congress any action taken under this subsection, including information concern-

ing the attempts made to secure the cooperation of the relevant foreign government in meeting the standard used by the Secretary in making the assessment of such airport under subsection (a) of this section.

"IMMEDIATE SUSPENSION OF SERVICES

"(d)(1) Notwithstanding the provisions of this section and sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that—

"(A) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport, and

"(B) the public interest requires an immediate suspension of services between the United States and such airport, the Secretary shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from such airport and the right of any persons to operate aircraft in foreign air commerce to or from such airport.

"CONDITIONS OF AUTHORITY

"(e) The provisions of this section shall be deemed to be a condition to any authority issued to any air carrier or any foreign air carrier by the Administrator under title IV of this Act or by the Secretary of Transportation under title VI of this Act.".

(b) Section 315(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1356(a)) is amended by adding at the end thereof the following: "Each such semiannual report shall include the information specified in section 1115(a) of this Act.".

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"Title XI—Miscellaneous"

is amended by striking

"SEC. 1115. SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION."

and inserting in lieu thereof

"SEC. 1115. SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"(a) Assessment of security measures.

"(b) Notification of findings; provision of technical assistance.

"(c) Notice of ineffective security measures.

"(d) Immediate suspension of services.

"(e) Conditions of authority.".

AIR MARSHAL PROGRAM

SEC. 3. (a) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of State, shall study the need for an expanded air marshal program on international flights by United States air carriers. The Secretary of Transportation shall, within 6 months after the date of enactment of this Act, report the results of such study to the Congress, together with such recommendations as the Secretary determines to be necessary or appropriate to implement the results of such study.

(b) Section 316(e) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1357(e)) is amended by adding at the end thereof the following:

"(4) The Administrator, after consultation with the Attorney General and the Secretary of State, may procure firearms for use by persons in connection with the performance of their air transportation security duties, and may authorize such persons to carry such firearms. The Administrator may authorize such persons to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.".

RESEARCH ON AIRPORT AND AIRCRAFT SECURITY DEVICES

SEC. 4. Pursuant to section 316(d)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1357(d)(1)), in order to improve security at international airports and aboard commercial passenger aircraft, there are authorized to be appropriated to the Secretary of Transportation from the Airport and Airway Trust Fund, in addition to amounts otherwise available for such purposes, $10,000,000, without fiscal year limitation, for the purpose of research on and development of airport and aircraft security devices and techniques for detecting explosives.

● Mr. LAUTENBERG. Mr. President, I am pleased to join my colleagues today in introducing the Air Traveler Protection Act of 1985.

The need to upgrade and modernize existing air security measures has been all too clearly demonstrated in recent weeks. The hijacking of TWA flight 847 revealed again the relative ease with which armed terrorists can board aircraft and take control of innocent lives. The downing of an Air India plane with 329 passengers aboard demonstrated that a terrorist need not hold a gun to passengers' throats to place their lives in jeopardy.

These tragedies so close together and so terrible, have contributed to the fear that international air travel may not be safe. Swift action must be taken to correct this situation. Americans must be able to travel without fear, free from the threat of hijacking or bombs. If one American is threatened by terrorism, no American is safe.

This bill, a combination of many excellent proposals that were the subject of a recent Commerce Committee hearing, takes concrete steps to improve the security of Americans traveling abroad.

It requires the Department of Transportation to conduct an assessment of safety at various international airports and to provide technical assistance and other help to foreign governments to improve security problems at their airports. It also empowers the Department of Transportation to release a list of unsafe airports to the media, to publish that list in the Federal Register, and to post the list at U.S. gateways if no improvements are forthcoming in airports deemed unsafe.

The Air Traveler Safety Act of 1985 also contains two proposals with which I have been particularly involved.

The first authorizes $10 million in additional funds from the airport and airway trust fund for research on air security by the Federal Aviation Administration [FAA]. This research includes the development of improved methods for detecting explosives, screening baggage and cargo quickly and effectively, and preventing weapons from being stowed aboard aircraft.

The headquarters for the National Air Security Research Program is at the FAA Technical Center in Pomona, NJ. Through recent contacts with the center, I learned of a proposed plan to accelerate the research program, and of the need for additional funding to accomplish the accelerated goals. Because of the national importance of this work, I urged Secretary of Transportation Dole to adopt the proposed accelerated plan, and implement it as quickly as possible. This week, Transportation Department officials have informed me that they intend to implement the accelerated plan. With this bill, the remainder of additional funds necessary to implement this critical research plan will be authorized.

In light of increasing terrorist activity, there can be no doubt that funding for air security research programs has been inadequate to safeguard airline passengers. The need to devote more resources to protecting air travelers is clear. The number of Americans traveling abroad has been increasing in recent years, and as recent events demonstrate, travelers are highly susceptible to action by terrorists with little concern for their lives.

New Jersey has a particularly compelling interest in assuring air travelers safe passage as Newark Airport services a growing number of international passengers each year. In 1984, over 1 million overseas passengers flew in and out of Newark Airport, and overseas flights to and from that airport totaled 560.

In order to combat the increasing sophistication of international terrorism, this important area of air security research and development must receive priority attention and funding. The funding provided in this bill will complement increasing efforts in this direction, and ensure adequate funding for this important Air Security Research Program.

The second provision which deserves special attention authorizes a study of the need for an expanded Air Marshal Program and permits the Federal Aviation Administration to deputize FAA personnel to act as air marshals. I recently testified before the Senate Commerce Committee in support of considering the use of an expanded Air Marshal Program to combat terrorism.

By raising the specter of resistance, the presence of sky marshals could help deter hijackings or lessen their likelihood of success. Putting teams of sky marshals on selected high risk flights could give potential hijackers second thoughts by raising the costs of such an act.

Putting sky marshals on U.S. planes is not a new idea. Sky marshals were used in the late 1960's and early 1970's on domestic flights of U.S. commercial carriers in response to the hijackings to Cuba. At its peak, the program employed 2,500 sky marshals. Today, sky marshals are still in use although the FAA will not disclose their precise functions for security reasons. The Israeli airline El Al, long known for its strict and successful precautions against terrorism, uses counterterrorist personnel on its flights.

Mr. President, it is indeed unfortunate that quick movement on this legislation has been spurred by the spate of hijacking and air bombing incidents that have occurred in the last month. Nonetheless, the American people have a right to travel freely without fear of being taken hostage or killed by terrorists. We in Congress have an obligation to do what is necessary to protect that right and make it a reality.

The measures contained in the Air Traveler Protection Act of 1985 go a long way toward ensuring the safety of millions of innocent airline passengers, and I urge my colleagues to support this bill.●

By Mr. THURMOND (for himself, Mrs. HAWKINS, Mr. CHILES, Mr. BIDEN, Mr. DECONCINI, Mr. SIMPSON, Mr. COCHRAN, Mr. MURKOWSKI, and Mr. SPECTER):

S. 1437. A bill to amend the Controlled Substances Act to create new penalties for the manufacturing with intent to distribute, the possession with intent to distribute, or the distribution of "designer drugs," and for other purposes; to the Committee on the Judiciary.

"DESIGNER DRUG" ENFORCEMENT ACT

Mr. THURMOND. Mr. President, I am introducing the Designer Drug Enforcement Act of 1985 to provide stiff criminal penalties for the manufacture, distribution, or possession of new drug substances that are dangerous for human consumption. The need for this legislation stems from popularity and abuse of chemical substances—so-called "designer drugs"—which are not currently covered by the Controlled Substances Act. This proposal will prevent underground chemists from producing dangerous designer drugs by slightly changing the chemical composition of existing illegal drugs.

The proposal combines elements of both the Controlled Substances Act and the Federal Food, Drug and Cosmetic Act in prohibiting the manufacture, distribution, and possession of dangerous designer drugs. The provisions of this bill are directly tailored to apply to this new drug problem, and specifically defines designer drugs to cover those substantially similar to existing controlled substances.

This act will be extremely important to law enforcement officials in the continuing battle against drug abuse and drug trafficking. It is my hope that we will be able to act upon this important and noncontroversial legislation as expeditiously as possible. The administration, and especially Attorney General Edwin Meese, is to be commended for developing this important remedy to a growing national problem.

Mr. President, I ask unanimous consent that the remarks of my colleagues, Senator HAWKINS and Senator CHILES, be included in the RECORD at this point.

In addition, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the " 'Designer' Drug' Enforcement Act of 1985".

SEC. 2. Part D of the Controlled Substances Act is amended by adding after section 403 the following new section 403A (21 U.S.C. 843):

"Sec. 403A. Prohibited acts D.

"Any person who knowingly or intentionally manufactures with intent to distribute, possesses with intent to distribute, or distributes a designer drug intended for human consumption shall be fined not more than $250,000, or imprisoned not more than fifteen years, or both. This section does not apply to a person who manufactures or distributes a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355). For purposes of this section, section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) shall be applicable to the introduction or delivery for introduction of any new drug into intrastate, interstate, or foreign commerce.".

SEC. 3. Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end thereof the following new paragraphs:

"(31) The term 'designer drug' as used in section 403A means a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in Schedules I or II or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedules I or II. Examples of chemical classes in which designer drugs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles, and arylcycloalkylamines.

"(32) The term 'human consumption' includes application, injection, inhalation, or ingestion.".

SEC. 4. The analysis of Part D of the Controlled Substances Act is amended by inserting after the item relating to section 403 the following:

"403A. Prohibited acts D.".

Mrs. HAWKINS. Mr. President, I am proud today to cosponsor legislation designed to outlaw designer drugs.

This comprehensive proposal will make illegal any substance that is similar in molecular structure to a currently illegal drug or any substance that simulates the high of a currently illegal drug. This bill would add a new section to the Controlled Substances Act, as at present unlawful activity under that act is tied to the description of substances in various "Schedules." Heroin, for example, is a "Schedule I Narcotic" because it has no accepted medical use and because it causes adverse health effects. This legislation would carry a punishment of 15 years imprisonment, and a fine of $250,000.

Mr. President, when designer drugs have so far killed over 100 people on the west coast; when designer drugs have caused a near epidemic of Parkinson's disease among their users; and when designer drugs are responsible for an entire new type of destructive narcotics abuse, then it is time to take the necessary steps to put a stop to them. With this legislation, we are taking the first of these steps.

At first thought to be a west coast phenomenon, designer drugs are now considered to be a very real danger to the entire Nation. Clandestine laboratories are being discovered in places like Brownsville, TX, and Phoenix, AZ, as well as in my home State of Florida. Federal drug law enforcement officials are increasingly concerned at their powerlessness to stop the creators of designer drugs, as what most often happens is that the chemist will make minor changes in the molecular make-up of the drug, thereby making legal a substance just designated illegal by drug law enforcement agencies.

Mr. President, with this legislation, we will now be one step ahead of these high tech killers, instead of one step behind. In our war against drugs, we are constantly faced with new and more devious diversions. This is a war with a front that is constantly changing. As the designer drug manufacturers roll out new weapons, we must be prepared to striked back with new, legal weapons of our own. I feel that this proposal provides us with the effective new weapon we need to fight against designer drugs.

As chairman of both the Senate Subcommittee on Children, Family, Drugs, and Alcoholism, and the Senate Drug Enforcement Caucus, I am well aware of the wholly new nightmare of problems designer drugs create. Just consider the following: Designer drugs' formulas can be found in almost any university chemistry library designer drugs can be made in undetectable bathroom-size laboratories, beyond the reach of customs officers and eradication teams; from $500 worth of

chemicals, an individual can make $2 million worth of one specific kind of designer drug, synthetic heroin; one laboratory can meet the world's demand for heroin like drugs without harvesting a single opium poppy; fewer people need to be "cut in on the action," so the profit margin is higher; and, as we have discovered, as fast as the Goverenment outlaws designer drugs, the chemists can synthesize new ones. For these reasons, designer drugs have become so popular that it is now estimated that 20 percent of California's 100,000 heroin users are now taking one of them.

Mr. President, the "designer drug" bill just introduced in the Senate will allow us to address some of these aspects of the problem, and will enable us to tackle the difficulties of the designer drug situation before it rages out of control. I commend my friend and colleague, Senator STROM THURMOND, for his sponsorship of this legislation, and urge my colleagues in the Senate to work toward this bill's expeditious passage.

Mr. CHILES. Mr. President, I am delighted to join in introducing the Designer Drug Enforcement Act of 1985 proposed by the administration. The administration, through the efforts of the National Drug Enforcement Policy Board, has been very timely in addressing this issue. Earlier this year I introduced S. 746, a bill to require the National Drug Enforcement Policy Board to provide a comprehensive assessment of the designer drug problem and make recommendations to Congress for necessary legislation. At a hearing of the Senate Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies earlier this year, I secured a commitment from Attorney General Meese, as Chairman of the National Drug Enforcement Policy Board, to address the designer drug problem and develop a strategy to get the necessary laws on the books before the problem gets out of hand. This bill meets that commitment. We cannot overstate the dangers posed by these new drugs. We need concern and results, and I certainly commend the Attorney General for his quick handling of this.

Last March I brought the designer drug problem to the attention of my colleagues. This bill addresses the problem by making it unlawful to manufacture with intent to distribute, to possess with the intent to distribute, or to distribute designer drugs. Persons convicted of manufacturing, possessing or distributing would be subject to 15 years' imprisonment and a $250,000 fine.

Designer drugs are made by chemically modifying controlled substances to produce analogs or chemical cousins of these substances which are not covered by the Controlled Substances Act. By adding a flouride or an extra carbon molecule, a new drug is created which will produce the high or euphoria the user seeks but is not illegal. But they are extremely dangerous, thousands of times more potent than the illegal narcotics presently flooding the country, and nearly a hundred deaths have been identified with designer drug use so far.

The more commonly used drugs—cocaine, heroin, and marijuana—takes a terrible toll on their users in health problems and even deaths. Designer drugs multiply these risks and open the door to long term neurodegenerative diseases, adding an entirely new dimension to the drug abuse problems. No one knows what is in each batch of designer drugs. They are not tested; there is no process to remove contaminants or unwanted compounds; and the potential is very real that a highly toxic compound will hit the streets. In California a substance known as MPTP was circulated as new heroin. It has caused severe brain damage similar to end-stage Parkinson's disease. California health authorities estimate that as many as 500 users of this substance may develop the symptoms of Parkinson's disease. The human and medical economic costs of such an epidemic are almost incalculable. More recently, a designer drug user has been identified with the neurological symptoms of Huntington's chorea, a debilitating and eventually fatal disease.

All the signs indicate that designer drugs will be a major part of the drug abuse problem of the future. If that proves to be the case, the public health consequences of drug use may be entering an entirely new and frightening dimension.

The current procedure for controlling illicit drugs, even with the emergency scheduling provisions authorized by Congress in 1984, represents an essentially unworkable response in the face of any significant increase in the manufacture of designer drugs. The Federal Register will simply be required reading for the criminal chemist to keep up to date on what analog formulas are now illegal and need to be modified.

Mr. President, our experience with illegal drug law enforcement is usually a matter of too little, too late. The potential disaster posed by the designer drug phenomenon is too grave for us to delay in acting to prevent the manufacture and distribution of these drugs. This bill needs our immediate consideration.

By Mr. DODD (for himself and Mr. CHAFEE):

S. 1439. A bill to amend title 39, United States Code, to provide that change-of-address order forms submitted to the Postal Service may be furnished to the appropriate State authority for purposes relating to voter registration; to the Committee on Governmental Affairs.

VOTER REGISTRATION ACT

● Mr. DODD. Mr. President, today I am introducing a bill to increase voter turnout by making it easier for American voters who move to reregister at their new addresses. I am pleased to have my distinguished colleague from Rhode Island, Senator CHAFEE, join me as a cosponsor of the Voter Registration Act of 1985. Identical legislation has been introduced in the House of Representatives by Congressman MEL LEVINE of California.

An estimated 40 million Americans move each year. Although the vast majority of these citizens file a change-of-address form at a post office, far too many fail to change their voter registration address. Half of all moves take place in the summer months, leaving little time to register before a September deadline. Other movers simply forget to reregister in the midst of all the pressing matters that must be attended to in any attempt to set up a new residence. As a result, far too many are not eligible to vote. On election day in 1980, only 48 percent of those Americans who had moved within the previous 2 years voted. In contrast, 65 percent of those voters who had not recently moved cast their ballots in 1980.

Although most States have eliminated lengthy residency requirements for voter registration, little else has been done to facilitate the reregistration of voters who have moved. The legislation I am introducing today would promote such reregistration by adding a carbon copy to all Postal Service change-of-address forms. If the mover so indicates, the Post Office may then forward the carbon copy of the change-of-address form to the appropriate State election officials for voter registration purposes.

State participation in this program is optional. In any State choosing to participate, the appropriate election officials can automatically reregister intrastate movers upon receipt of the carbonized change-of-address form. In addition, election officials will be able to mail voter registration information to movers not previously registered to vote. Last year, over 80 percent of all moves in this country were intrastate moves.

The bill I am introducing today authorizes Federal funds for the printing of new change-of-address forms with attached carbon copies. The Postal Service estimates it will cost $2 million to print 100 million such carbonized forms. In turn, participating States will be responsible for any additional handling and mailing costs entailed in forwarding the carbonized forms to the appropriate State election officials.

This proposal has received broad, bipartisan support from State election officials from Connecticut to California. It is viewed as an effective, efficient means of ensuring that residents who move will be registered to vote. And, State and local costs will be offset by savings achieved when voter materials are not mailed to outdated addresses found on inaccurate voter rolls.

Mr. President, voter turnout has dropped significantly in recent years. Only half of all those Americans eligible to vote in the 1980 and 1984 Presidential elections cast their ballots. Once citizens are registered, however, the overwhelming majority of them do go ahead and vote. In order to increase voter turnout, therefore, we must promote voter registration and reregistration. I urge my colleagues to support the legislation I am introducing today as an effective means of doing just that.

I ask unanimous consent that the text of the Voter Registration Act of 1985 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 413. Authority to disclose change-of-address information to States for voter registration purposes

"(a) The Postal Service shall establish a program under which a change-of-address order form submitted by a postal patron may be transmitted by the Postal Service to the appropriate election authority of the State (as identified by the Commission after consultation with such State) within which the old address of such postal patron is located.

"(b) A copy of a change-of-address order form may be transmitted under subsection (a) in the case of a postal patron only if—

"(1) the change of address is to be effective other than for a specified temporary period, and signifies a move to a new voting address as indicated by the patron on the face of such form; and

"(2) the old address of the postal patron is within a participating State under subsection (c).

"(c)(1) The Postal Service, after consultation with the Commission, shall prescribe regulations under which a State may participate in the program under this section.

"(2) The regulations shall provide that—

"(A) any information obtained by a State under this section will be used for registration and reregistration of voters in federal elections and for other related purposes; and

"(B) a participating State shall pay the Postal Service (whether by advancement or reimbursement) for any costs to the Postal Service attributable to the conduct of such program with respect to such State, excluding any costs relating to the printing of the change-of-address order forms referred to in subsection (b).

"(d)(1)(A) The Commission shall submit to each House of Congress at least once every 5 years a written report on the program established under this section.

"(B) A report under this paragraph—

"(i) shall include information relating to the extent of State participation under this section, the specific ways in which any information obtained by the States under subsection (a) has been used, the impact of this section on voter registration efforts generally, and any other appropriate matter; and

"(ii) shall be accompanied by any written comments which the Postal Service may provide.

"(2) A participating State shall submit a written report to the Commission at least once every 4 years providing the information described in paragraph (1)(B)(i) with respect to such State.

"(e) As used in this section—

"(1) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

"(2) 'Commission' means the Federal Election Commission; and

"(3) 'Federal election' has the meaning provided in section 2(1) of the Overseas Citizens Voting Rights Act of 1975.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end thereof the following new item:

"413. Authority to disclose change-of-address information to States for voter registration purposes.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 2401 of title 39, United States Code, is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) There is authorized to be appropriated to the Postal Service for fiscal year 1986 and each fiscal year thereafter an amount equal to the amount which the Postal Service estimates will be necessary for the costs relating to the printing of the change-of-address order forms referred to in section 413(b) of this title.".

(b) CONFORMING AMENDMENT.—Section 2009 of title 39, United States Code, is amended in the next to last sentence by striking out "(b) and (c)" and inserting in lieu thereof "(b), (c), and (g)".●

● Mr. CHAFEE. Mr. President, I am pleased to join with Senator DODD today in introducing the Voter Registration Act of 1985.

This bill represents a creative and practical solution to two problems which have persistently plagued our State election officials: inaccurate voter registration lists and low turnout among eligible voters. It remains a sorry fact that only 39 percent of those eligible to vote actually exercise that right.

Mr. President, there is no great mystery to increasing voter turnout: we must simply increase voter registration. Studies show that those who are registered to vote do vote, and in great numbers—almost 90 percent.

The bill being introduced today deals with one very specific category of citizens; those who are registered, but fail to update their registration when they move to a new address, largely through oversight. In an increasingly mobile society, that category accounts for a large and growing segment of the population.

If many voters forget to reregister when they move, most do, however, fill out a change of address card. Our proposal targets this large group of citizens in a very direct way.

In short, this measure would allow a voter who moves to a new address within a State to effortlessly reregister at a new address by simply checking a box on the change-of-address form completed at the post office. A carbon copy of the form would then be given to the State election authority, which would reregister the voter and update its list accordingly.

Voters moving out-of-State would be automatically dropped from the rolls, since they would still have to comply with voting requirements of their new State before gaining new registration.

This proposal is a simple and cost-effective way to improve voter participation, keep voter lists current, and streamline the operations of State election authorities. The Federal Government would pay only the cost of printing the carbonized change-of-address cards. The States would bear any additional costs, such as the handling and forwarding of cards. These costs, however, would be offset by savings resulting from using more accurate and up-to-date voter mailing lists.

The concept embodied in our bill is widely endorsed by secretaries of state across the country. In fact, one of its most active and energetic proponents has been Rhode Island's secretary of state, Hon. Susan L. Farmer. Mrs. Farmer has been instrumental in bringing this creative idea to fruition, working to develop both State and Federal legislation, and urging her counterparts in other States to follow suit. At the next national convention of secretaries of state, Mrs. Farmer will sponsor a resolution officially endorsing the type of legislation we are introducing today.

The potential savings under such a system are incalculable. Millions of inaccurate addresses are now carried on registration rolls, at great expense to taxpayers. Approximately 20 percent of all registrations are deadwood, and many States have inadequate procedures—or none at all—to clear their rolls of obsolete or inaccurate listings.

Those States that do conduct such purges have found them a worthwhile investment, but one that is both costly and time consuming. This bill would simplify the task, giving States the benefits of clean voting lists at greatly reduced expense.

In my home State of Rhode Island, for example, Secretary of State

Farmer last year initiated a statewide voter verification project. Before the project is completed this November, hundreds of thousands of inaccurate voter registrations will be updated or cleared from the rolls, at a final cost that is estimated at between $350,000 and $400,000. Under the type of system that we propose today, this expense would have been unnecessary: voter lists would, in effect, maintain themselves.

Mr. President, voter participation is the lifeblood of a democratic system of government. This bill does not reach the broader problem of those who have never taken the time and effort to register and to vote. But it does provide a simple and easy method of helping States maintain their voter registration lists and retaining on the rolls those who move but fail to reregister. It is my hope that this legislation will receive speedy and favorable consideration.●

By Mr. STEVENS (for himself, Mr. GOLDWATER, Mr. MURKOWSKI, Mr. HATCH, Mr. PROXMIRE, and Mr. MATSUNAGA):

S. 1440. A bill to restrict smoking to designated areas in all U.S. Government buildings; to the Committee on Governmental Affairs.

NON-SMOKERS RIGHTS ACT

● Mr. STEVENS. Mr. President, the bill I am introducing today is modeled after legislation enacted in the State of Alaska several years ago. Not for the first time, the initiative shown at the State level deserves to be emulated by the Federal Government.

The purpose of this legislation is simple: In light of the medical evidence which now abounds about the harmful effects of smoking, including so-called passive smoking—the inadvertent inhaling of smoke in the environment—it is time to ensure that nonsmokers are not exposed against their will to this hazardous substance. An accurate subtitle for my bill might be the Federal Non-Smoker Rights Act of 1985.

My bill requires that within 180 days after enactment, the Administrator of the General Services Administration, the Administrator of U.S. Courts, and the Senate Rules Committee, and Committee on House Administration, shall prescribe rules for the buildings under their respective jurisdictions allowing smoking in designated places only. Violators of these rules will be subject to a fine of not more than $500.

By limiting smoking to designated places only, we can protect the rights of nonsmoker Federal workers, and of nonsmoker visitors to Federal buildings, to work and visit in a smoke-free environment. I have been a pipe smoker and am a cigar smoker on occasion, but I find that there is nothing more distasteful to nonsmokers than being subjected to the smoke of others. More importantly, it is the Federal Government's responsibility to protect workers from occupational hazards, and tobacco smoke certainly merits being ranked among such hazards. An article from a recent New York Times discusses the growing body of scientific evidence about the harmful effects of passive smoke and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 9, 1985]

CANCER IN PASSIVE SMOKERS

Living with people who smoke greatly increases a person's risk of developing cancer, a survey by the National Institute of Environmental Health Sciences has determined. The increased risk applied to smokers and nonsmokers alike.

The study of more than a thousand people revealed that the more household smokers a person is exposed to in a lifetime, the greater that person's risk of developing cancer. While people who lived with one smoker faced a cancer risk 1.4 times higher than those who did not live with smokers, the risk was 2.3 times higher for those who shared living space with two smokers and 2.6 times greater for those who lived with three or more smokers.

The study involved 518 cancer patients and 517 people free of cancer but otherwise comparable. The subjects were queried about the smoking habits of their spouses and parents, among other factors.

Not only was the risk of well-established smoking-related cancers, such as lung cancer, increased, but a dramatic increase was also noted for such cancers as leukemia and cancer of the breast and cervix, which are not known to be linked to smoking.

Thus, the researchers reported in the British medical journal The Lancet earlier this year, among people who had lived with three or more smokers, the chances of developing leukemia were nearly seven times greater than for people who did not live with smokers. The risk of breast cancer and cervical cancer was increased more than three times by exposure to household smokers.

The researchers noted that the smoke passive smokers inhale through the air they breathe is richer in certain carcinogenic substances than the air smokers inhale directly. Sidestream smoke has three times more benzopyrene, six times more toluene and 50 times the amount of dimethylnitrosamine.

Although the findings need confirmation by future studies, the researchers said, "They suggest that effects of exposure to the cigarette smoking of others may be greater than has been previously suspected."

Mr. STEVENS. Mr. President, to briefly review some of the other appalling statistics about the health risks associated with tobacco smoking: approximately 485,000 deaths per year are attributable to smoking, 30 percent of all cancer deaths, and 80 percent of all lung cancer deaths. Of the deaths caused by addictive substances—one third of all deaths in the United States, tobacco causes 25 percent, as opposed to 5 percent caused by alcohol and 2 percent caused by drugs. The health costs associated with smoking, including lost work time and productivity, drain our economy of over $45 billion per year. Yet despite the known addictive and deadly qualities of tobacco, and the economic and human costs, cigarettes remain the most advertised commodity in America. And they are successful—approximately one third of adult Americans, or 50 million people—currently smoke cigarettes, and 21.1 percent of high school students are smokers.

Unfortunately, it is not possible to ban smoking altogether, as sensible an idea as it seems in the face of the facts about tobacco smoke. But it is time to take the initiative, and to take preventive action rather than reactive. Let's protect those who do not want to expose themselves to the deadly effects of tobacco smoke. I urge other States to enact antismoking legislation similar to Alaska's, and here at the Federal level I hope we will do the same.

I'd like to thank the "Coalition on Smoking or Health" for their support of this proposal, and ask unanimous consent that a copy of their endorsement and several other articles be printed in the RECORD. In addition, I believe the following several articles concerning nonsmokers' rights legislation enacted at the State and local level should address concerns some of my colleagues might have about the popularity of such legislation, and of its effectiveness and success.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION ON SMOKING OR HEALTH,
Washington, DC, July 8, 1985.

Hon. TED STEVENS,
U.S. Senate,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR STEVENS: On behalf of the Coalition on Smoking OR Health and its member organizations, the American Heart Association, the American Lung Association and the American Cancer Society, I am writing to endorse the "Non-Smokers' Rights Act of 1985". Currently, too little is done to protect the health, safety and comfort of non-smokers who work in or who visit United States government buildings. The "Non-Smokers' Rights Act of 1985" recognizes and will require responsible governmental officials to address this problem.

More than sufficient scientific evidence exists of harmful effects of smoking on the non-smoker to justify strong governmental action to protect the non-smoker. In recent years, an ever increasing number of studies have been published indicating that involuntary smoking is hazardous to the non-smoker's health. More research is being conducted. In light of this evidence, legislation such as the "Non-Smokers' Rights Act of 1985", represents sound public policy.

Sincerely,

MATTHEW L. MYERS.

[From the New York Times, Nov. 13, 1984]

SHOULD SMOKING RESTRICTIONS BE WRITTEN INTO LAW?

(By J. Russell King)

Are there any legitimate rules about nonsmokers telling smokers when and where to smoke, "Gentle Reader" asks Miss Manners in her "Guide to Excruciatingly Correct Behavior"?

Yes, replies the syndicated columnist, sometimes known as Judith Martin, who tells America how to behave. "Smoking should be confined to certain parlors to which the smokers may retire from the sensible people and make their disgusting mess," she writes. "One should not smoke at the same table where others are still eating. If you wish to smoke in the presence of clean people, you must ask their permission and be prepared to accept their refusal to grant it."

Even the most vehement opponent of smoking could subscribe to such rules. But many smokers do not consistently subscribe to them, and as a result a growing number of people want this sort of question taken out of the realm of etiquette and brought into the realm of law.

As those who do not smoke grow bolder toward those who do, cities and states across the country are coming under increasing pressure to enact legislation that restricts smoking in public and in the workplace.

THE BACKGROUND

Laws limiting or banning smoking in certain instances are not new; in the first decade of this century several states banned the sale of cigarettes outright, and Indiana banned even their possession. This movement faded around World War I, but smoking in confined areas has continued to be outlawed in many places—in elevators, for example, and in the subways of New York since the system was built.

In recent years, opponents of smoking have succeeded in getting Federal agencies to restrict it in public transportation, and in the last decade more than half the states have, to varying degrees, curtailed smoking in public. Most of these laws are narrowly drawn, but four states, along with about 30 municipalities, extends smoking restrictions to the workplace, and other states have rules that apply to state employees.

Minnesota provides a strict example: in 1975 a law was enacted that prohibited smoking virtually anywhere except bars, private homes and one-person offices, unless otherwise posted. Connecticut, which bans smoking in a variety of public places and requires most restaurants to set aside space for nonsmokers, last year compelled businesses with 50 or more employees to develop and post rules on smoking in the workplace, though it does not specify what those rules should be.

Suffolk County, L.I., passed a similar measure this summer, banning smoking in public hallways and restrooms, in health facilities, and in lines inside banks and other indoor public places.

A "Clean Indoor Air Act" has failed to win passage in New York State several times in recent years, and similar measures are proposed more and more frequently all over the country. They invariably spur a hot debate.

FOR RESTRICTIONS

Those who favor strict legislation against smoking seldom bother with the genteel complaint of Miss Manners, that it is a practice that offends the eye and nose.

Rather, they marshal evidence that smoking, whose detrimental effect on the health of the smoker is no longer seriously debated, can harm the health of those who do not themselves smoke.

"The adverse effects of tobacco smoke on the healthy nonsmoker are so serious that they can be documented simply by asking a small group of nonsmokers about their experiences in smoke-filled rooms," says John F. Banzhaf 3d, a lawyer who is chief counsel for Action on Smoking and Health, a Washington-based organization that has been a major force in legal battles over smoking. The red eyes, hoarseness and headaches that most nonsmokers experience in such situations, he says, would lead them to "seek medication or bed rest in an attempt to obtain relief" if experienced in connection with a cold.

Aside from such short-term effects, advocates of smoking restrictions cite an increasing number of scientific studies that link tobacco smoke in the air to more serious health problems. Women who do not smoke but whose husbands do, for example, have been found to have an increased risk of lung cancer, according to researchers in Japan and Greece.

STUDIES ON CHILDREN

Other studies have found that children whose parents smoke have a higher incidence of asthma, ear infections, respiratory infections and lung impairment than the offspring of nonsmoking parents.

The Surgeon General of the United States, C. Everett Koop, said in his annual report on smoking and health five months ago that "the evidence is very solid" that nonsmokers can suffer lung disease from exposure to cigarette smoke.

Smoking can be expensive, even for those who do not smoke. Those favoring restrictions say smokers cause fires, damage furniture and carpeting, and increase the cost of heating, cooling and ventilation. In the workplace, studies have found, smokers are absent more often, have higher health costs and are more likely to become disabled.

Finally, opponents of smoking say restrictions work "as well as other ordinances," says Mr. Banzhaf. Many smokers will obey no-smoking signs, he says, and nonsmokers with the law on their side are increasingly likely to speak up when the rules are violated.

In San Francisco, for example, whose stiff no-smoking ordinance requiring employers to resolve conflicts in favor of even one nonsmoking employee took effect in March, city officials report few enforcement problems.

AGAINST RESTRICTIONS

Opponents of laws to curb smoking say there is no conclusive evidence linking tobacco smoke to health problems in nonsmokers. In this as in other controversies about smoking, the arguments are too often rooted in politics and emotion rather than objective science, according to The Tobacco Institute, the cigarette companies' lobby.

The institute, for example, cites a study issued in 1981 by the American Cancer Society that found no significant increase in lung cancer deaths among nonsmoking women married to smokers. The studies on children of smokers, the institute says, fail to consider other factors that might be involved in respiratory problems, such as "school environments, parental economic status, heating systems, the use of gas stoves and the illnesses of other family members."

Similar rebuttals are offered for other research on the health effects of such "passive smoke," and the Tobacco Institute cites statements by some independent scientists that nonsmokers' reactions are rooted largely in anger and other psychological factors.

Industry researchers have also cited inconsistencies in the data purporting to show that smokers are more likely to be absent from work. And an extensive survey of work supervisors found that less than 10 percent saw a negative effect on productivity by allowing smoking on work breaks and two-thirds saw no negative effect in allowing smoking on the job.

A third of American adults smoke. A ban at work would presumably involve some loss of productivity, either from increased break time for smoking or decreased efficiency in working while undergoing withdrawal from nicotine addiction.

Some businesses serving the public have said they would suffer economically under no-smoking laws. A law passed by the Suffolk County Legislature that would have required restaurants to set aside a third of their tables for nonsmokers would have cut revenues by $4.5 million a year, according to Timothy W. Archdeacon, president of the Long Island chapter of the State Restaurant Association.

The County Executive, Peter F. Cohalan, took such economic considerations into account when he vetoed that bill. He later signed a less stringent ordinance.

A proposed New York State measure was "a nuisance law and basically unenforceable," said Kenneth Lane of the New York Business Council, and a number of spokesmen for law-enforcement agencies around the country have criticized such regulations as impossible to enforce.

Primarily, business and industry spokesmen say, the regulation of smoking in public is best left up to the proddings of Miss Manners and her ilk, and the laws of supply and demand. "Most businesses will see to the mutual comfort of smoking and nonsmoking patrons should they perceive the need," says the Tobacco Institute. "Their desire to maximize patronage and profits is the incentive."

And George Weissman, chairman of Philip Morris, said, "We believe—and experience and observation support us—that decisions about where people smoke are best governed by common courtesy and common sense."

THE OUTLOOK

The pressure to make laws that supersede "common courtesy and common sense" shows no sign of letting up. A Los Angeles measure based on the San Francisco ordinance, though requiring accommodations for smokers as well as nonsmokers in the workplace, was passed this month. The District of Columbia, considering an ordinance based on the Minnesota law, is among other cities weighing moves against smoking.

Even smoking opponents concede that the health effects of smoke on nonsmokers have not been proved so conclusively as the danger of smoking to the smoker, but studies continue to support their thesis.

A new analysis of research on the subject, done for the Environmental Protection Agency, estimates that 500 to 5,000 people die each year from cancer caused by inhaling the smoke of other people's cigarettes, which would make tobacco smoke the country's most dangerous airborne carcinogen. Reports about the draft study, which has not yet been published, started circulating just recently.

"When this kind of thing comes out," Mr. Banzhaf said of the E.P.A report, "it is

going to change the complexion of the debate very seriously."

But a spokesman for the Tobacco Institute, William D. Toohey Jr., noted that the report was based largely on research that industry scientists have faulted.

For every study the antismoking forces have cited so far, the cigarette industry has made a rebuttal. And if further studies spur more nonsmokers to seek legislative relief, with the help of lobbies like Action on Smoking and Health and the American Lung Association, there is no evidence that smokers will not continue to fight back with the help of lobbies like the Tobacco Institute.

[From the New York Times, Mar. 4, 1985]

IN SUFFOLK, SUCCESS FOR SMOKING LAW

Suffolk County's new smoking restrictions, which went into effect last year, are generally working well, according to county officials and residents.

In addition, they said, the restrictions, among the toughest in the country, have started to change the relationship between smokers and nonsmokers.

Many smokers said they were more aware of the sensitivites of nonsmokers, while many nonsmokers said they felt freer to ask people to put out their cigarettes, Most smokers interviewed said they were putting up with the inconveniences of the law.

"So far we're doing very well," said Dr. David Harris, the Suffolk County Health Commissioner, whose office enforces the law. "All signs are encouraging, businesses are cooperating. Its proving to be useful and beneficial.".

NONSMOKING SECTIONS

Since last Aug. 27, restaurants that seat more than 50 patrons have been required to set aside at least a fifth of their indoor seating capacity as nonsmoking sections. More than half the country's 1,300 restaurants covered under the law have won exemptions, however, because they have installed air cleaners, as specified in the law.

Since Dec. 24, businesses that employ more than 50 people in indoor office settings have been required to protect nonsmokers by allowing them to ban smoking in their "immediate work area."

While most people say they believe the law is working, there are times when it is violated. Restaurant managers sometimes fail to comply, and many smokers still light up when and where it pleases them.

The County Health Department has identified about 20 flagrant violators, places that have done little or nothing to comply. The department, which has conducted a series of seminars to explain the law, has begun to prosecute these offenders, officials said. The law provides for fines of $25 a day for each violation.

RULES ARE BENT

Often restaurants comply with the law during slack periods but bend the rules during rush hours. William Internicola, vice president of Cooky's Steak Pubs Inc., said his company had set aside nonsmoking areas at its two Suffolk restaurants, which are among the largest in the area.

"It seems to be working out all right, but it costs us money," he said. "It's a loss. So occasionally, when we get overcrowded, we'll put smokers in the corner."

Most of the 350 offices affected by the law have banned smoking in areas shared by both smokers and nonsmokers, such as hallways and restrooms. But they allow individuals to make their own rules for their work areas.

About a dozen smaller businesses have used the law to prohibit smoking on all company property.

Newsday, one of the largest employers in the county, has banned smoking in its newsroom. Like many other companies, the newspaper has set aside a small room where employees may smoke during breaks. Some reporters who spend time in the smoking room say it fosters a shared feeling of damnation and exile.

"This is a process of humiliation," Dallas Gatewood, an economics reporter, said while smoking in the room. When tours come through the building, the room often is pointed out, making smokers feel like "freaks," several other reporters said.

Betty Spinner, an assistant in the newspaper's entertainment section and a nonsmoker, complained that colleagues still violated the policy. After a slow start, Mrs. Spinner said, Newsday has picked up its enforcement efforts and smoking in public areas is declining.

While county officials said they had received few complaints about the law, some smokers, in random conversations, still chafed at the rules. They called them unnecessary and too stringent, an unwarranted intrusion by government into their private lives.

"It's a form of overkill," said Rebecca Morris, a reporter at Newsday. "Before the ban, there was an unspoken civil code. You didn't smoke around people who hated it. That seemed to work quite well."●

By Mr. McCLURE:

S. 1441. A bill to amend the Guam Organic Act, and for other purposes; to the Committee on Energy and Natural Resources.

GUAM ORGANIC ACT AMENDMENTS

● Mr. McCLURE. Mr. President, the purpose of the legislation I am introducing today is to allow for the fullest use of Federal lands on Guam to the Government of Guam. More specifically, the legislation would require the Governor of Guam to develop a land use plan for all land located on Guam which is owned by the United States. This plan would categorize U.S. owned land into one of three types: land which is excess to U.S. Government needs, land for which agencies may have a future need, and land which is currently needed. The plan would provide that those lands for which there may be future U.S. Government need, shall be used under conditions and for periods as prescribed by the agency which currently owns such land.

Mr. President, because we as a nation are rich in land, it is easy to overlook those areas which are not so fortunate. Guam is such a place. This flag territory in the Western Pacific is home to over 100,000 Americans, yet covers little more than 250 square miles. This shortage of land is exacerbated by the fact that nearly one-third of the island is owned by the U.S. Government and is effectively off-limits to much of the local population.

This legislation, Mr. President, would alleviate some of the land use problems in Guam by encouraging the use of land which the Federal Government is not currently using. This is a logical and equitable use of such land. Given the scarcity of land, it is important that when such land is not needed currently for Federal purposes, it should be made available to the Government of Guam for other uses, such as agriculture, recreation, or commercial development. Land is a sensitive issue between the Federal Government and the Government of Guam. This legislation would help to reduce this sensitivity by encouraging cooperation by establishing a land use planning process involving agencies of both Governments.

Mr. President, I hope that my colleagues will share my concern for this problem and join with me in support of this legislation.●

By Mr. McCLURE (by request):

S. 1442. A bill to amend the act of May 27, 1955, to increase the effectiveness of domestic firefighting forces and ensure prompt and effective control of wildfires on Federal lands by permitting the use of firefighting forces for foreign nations and the reimbursement of such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes; to the Committee on Energy and Natural Resources.

USE OF FOREIGN FIREFIGHTERS IN THE UNITED STATES AND REIMBURSEMENT OF COSTS INCURRED

● Mr. McCLURE. Mr. President, at the request of the Department of Agriculture, I send to the desk for appropriate reference a bill to amend the act of May 27, 1955, to increase the effectiveness of domestic firefighting forces and ensure prompt and effective control of wildfires on Federal lands by permitting the use of firefighting forces of foreign nations and the reimbursements to such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of Agriculture, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Secretary of Agriculture be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 27, 1955, entitled "An Act to authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes" (42 U.S.C. 1856-1856d; 69 Stat. 66), is amended—

(1) by striking out "in the vicinity of any installation of the United States" in subsection (c) of the first section;

(2) by striking out "in the vicinity of such property" in section 2(a); and

(3) by striking out ", within the vicinity of any place at which such agency maintains fire-protection facilities," in section 3; and

(4) by deleting the period at the end of the first sentence in section 5 and inserting in lieu thereof ": *Provided*, That no such funds may be expended for fire protection provided by a foreign fire organization unless the agency head determines that no fire organization maintaining fire protection facilities within the United States is reasonably available to provide such fire protection.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, June 26, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of Congress is a legislative proposal "To amend the Act of May 27, 1955 (69 Stat. 66; 42 U.S.C. 1856-1856d), to permit the use of firefighting forces of foreign nations and reimbursement of such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes."

The Department of Agriculture recommends introduction and enactment of the draft bill.

The proposed legislation seeks to improve the wildfire fighting capability of the Federal Government. The draft bill would broaden the provisions of the Act of May 27, 1955 (69 Stat. 66; 42 U.S.C. 1856-1856d), to allow the Federal Government to reimburse foreign governments, including agencies and subdivisions thereof, and foreign private corporations and associations, for costs they incur in wildfire prevention and suppression activities on Federal lands within the United States. Present law restricts reimbursement of firefighting organizations of foreign nations to such activities "in the vicinity of any installation of the United States." One of the major purposes of the 1955 Act was to ensure adequate fire protection for United States facilities throughout the world. The proposed amendment would permit firefighting organizations of foreign nations to assist in fighting wildfires on Federal lands in the United States. The assistance would involve both manpower and equipment. The head of the Federal agency that would make the request for assistance from foreign nations for wildlife prevention and suppression in the United States would be required to make a determination that domestic wildfire firefighting forces are not reasonably available to provide such assistance.

The proposed legislation would allow the firefighting resources of the Canadian provinces, for example, to supplement those of the United States during periods of extreme wildfire emergency. Catastrophic wildfire situations in the Western States, such as those that occurred in 1973 and 1977, require the commitment of all available Federal and State forces. Canadian forces could have been effectively used on each of those occasions to supplement domestic forces and to provide backup. Further, there are situations where it would be more cost-effective to use Canadian forces than to transport Federal or State forces from more distant locations. It is estimated that the need for such assistance from foreign governments would occur 2 to 3 times each decade.

It is estimated that the impact on the Department of Agriculture's budget would be approximately $1,000,000 over a 5-year period. Forest Firefighting Funds (FFF) would be used for this purpose in the same manner as they are now used to pay Federal agency costs. The irregular and less than annual occurrence of wildfire emergencies make an annual budget impact estimate inappropriate.

Enactment of the proposed legislation would complement a memorandum of understanding regarding cooperation on forestry-related programs between the Department of Agriculture and Environment Canada and signed June 25, 1982. This agreement calls for mutual assistance in program planning, program operation (including emergency fire situation) and the sharing of information. Enactment of the proposed legislation would have no significant effect upon the quality of the human environment.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

A similar letter has been sent to the Speaker of the House of Representatives.

Sincerely,

JOHN R. BLOCK,
Secretary.

DRAFT BILL

A bill to amend the Act of May 27, 1955, to increase the effectiveness of domestic firefighting forces and ensure prompt and effective control of wildfires on Federal lands by permitting the use of firefighting forces of foreign nations and the reimbursement of such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 27, 1955, entitled "An Act to authorize the execution of agreements between agencies of the United States and other agencies and instrumentalities for mutual aid in fire protection, and for other purposes" (42 U.S.C. 1856-1856d; 69 Stat. 66), is amended—

(1) by striking out "in the vicinity of any installation of the United States" in subsection (c) of the first section;

(2) by striking out "in the vicinity of such property" in section 2(a);

(3) by striking out ", within the vicinity of any place at which such agency maintains fire-protection facilities," in section 3; and

(4) by deleting the period at the end of the first sentence in section 5 and inserting in lieu thereof ": *Provided*, That no such funds may be expended for fire protection provided by a foreign fire organization unless the agency head determines that no fire organization maintaining fire protection facilities within the United States is reasonably available to provide such fire protection."

[Section-by-Section Analysis]

USDA PROPOSED LEGISLATION TO AMEND THE ACT OF MAY 27, 1955

Section 1 would amend the Act of May 27, 1955 (69 Stat. 66, 42 U.S.C. 1856-1856d), which authorizes the execution of agreements between Federal agencies and other agencies and instrumentalities for mutual aid in fire protection and suppression, to delete the requirement that such firefighting activities, and the reimbursement of the costs of providing those firefighting activities, can only occur "in the vicinity of any installation of the United States." The law now prohibits the reimbursement of costs incurred by foreign governments when fighting wildfires on Federal lands within the United States. By broadening the provisions of the Act, the Federal Government could reimburse costs incurred by firefighting forces of the Canadian provinces or private entities in Canada, for example, when fighting wildfires on National Forest System or public lands in the western United States. The head of the agency that would authorize the use of foreign firefighting forces would first have to determine that there are no domestic forces reasonably available to provide the firefighting service.

CHANGES IN EXISTING LAW— ACT OF MAY 27, 1955

[69 Stat. 66; 42 U.S.C. 1856-1856d]

As used in this Act—

(a) The term "agency head" means the head of any executive department, military department, agency, or independent establishment in the executive branch of the Government;

(b) The term "fire protection" includes personal services and equipment required for fire prevention, the protection of life and property from fire, and fire fighting; and

(c) the term "fire organization" means any governmental entity or public or private corporation or association maintaining fire protection facilities within the United States, its Territories and possessions, and any governmental entity or public or private corporation or association which maintains fire protection facilities in any foreign country [in the vicinity of any installation of the United States].

SEC. 2. (a) Each agency head charged with the duty of providing fire protection for any property of the United States is authorized to enter into a reciprocal agreement, with any fire organization maintaining fire protection facilities [in the vicinity of such property], for mutual aid in furnishing fire protection for such property and for other property for which such organization normally provides fire protection. Each such agreement shall include a waiver by each party of all claims against every other party for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement. Any such agreement may provide for the reimbursement of any party for all or any part of the cost incurred by such party in furnishing fire protection for or on behalf of any other party.

(b) Any agreement heretofore executed which would have been authorized by this Act, if this Act had been in effect on the date of execution thereof, is hereby ratified and confirmed.

SEC. 3. In the absence of any agreement authorized or ratified by section 2, each agency head is authorized to render emergency assistance in extinguishing fires and in preserving life and property from fire[, within the vicinity of any place at which such agency maintains fire-protection facilities,] when the rendition of such assistance is determined, under regulations prescribed by the agency head, to be in the best interest of the United States.

SEC. 4. Any service performed under section 2 or section 3 of this Act, by any officer or employee of the United States or any member of any armed force of the United

States shall constitute service rendered in line of duty in such office, employment, or force. The performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purposes of the Federal Employees' Compensation Act, as amended.

SEC. 5. Funds available to any agency l.ead for fire protection on installations or in connection with activities under the jurisdiction of such agency may be used to carry out the purposes of this Act[.]: *Provided,* That no such funds may be expended for fire protection provided by a foreign fire organization unless the agency head determines that no fire organization maintaining fire protection facilities within the United States is reasonably available to provide such fire protection. All sums received by any agency head for fire protection rendered pursuant to this Act shall be covered into the Treasury as miscellaneous receipts.●

By Mr. McCLURE (by request):

S. 1443. A bill authorizing appropriations to the Executive Director, United States Holocaust Memorial Council, for services necessary to perform the functions of the United States Holocaust Memorial Council; to the Committee on Energy and Natural Resources.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

● Mr. McCLURE. Mr. President, at the request of the United States Holocaust Memorial Council, I send to the desk for appropriate reference a bill authorizing appropriations to the Executive Director, United States Holocaust Memorial Council, for services necessary to perform the functions of the United States Holocaust Memorial Council.

Mr. President, this draft legislation was submitted and recommended by the United States Holocaust Memorial Council, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Acting Executive Director be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 8 of the Holocaust Memorial Council Act (Public Law 96-388, as amended; 36 U.S.C. 1408) is amended as follows: After "1983": strike out the colon and add in lieu thereof, "and $1,950,000 for the Fiscal Year 1986, and such sums as are necessary for Fiscal Year 1987."

UNITED STATES HOLOCAUST MEMORIAL COUNCIL,
May 9, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill, "Authorizing appropriations to the Executive Director of the United States Holocaust Memorial Council for services necessary to perform the functions of the United States Holocaust Memorial Council."

We recommend that the bill be referred to the appropriate committee for consideration, and that it be enacted.

Public Law 96-388, October 7, 1980 (94 Stat. 1547), provided for the establishment of the United States Holocaust Memorial Council to provide appropriate ways for the Nation to commemorate Days of Remembrance, plan, construct, and oversee the operation of a permanent living memorial museum to the victims of the Holocaust, and develop a plan for carrying out the recommendations of the President's Commission on the Holocaust. Section 8 of Public Law 96-388 authorized $722,000 for Fiscal Year 1981; $800,000 for Fiscal Year 1982; and $850,000 for Fiscal Year 1983, to carry out the purposes of this Act. Public Law 98-473 provided appropriations in the amount of $1,990,000 for Fiscal Year 1985.

The enclosed draft bill would amend the appropriation authorization in Section 8 of the United States Holocaust Memorial Council Act (Public Law 96-388, as amended; 36 U.S.C. 1408) to authorize an appropriation of $1,950,000 for Fiscal Year 1986, and such sums as are necessary for Fiscal Year 1987.

Such an authorization and appropriation would enable the Council to carry out its responsibilities through September 30, 1986, as provided in the President's 1986 budget. The amended authorization is necessary to the planning of the living memorial museum, continued observance and expansion of Days of Remembrance, as well as the preservation and development of research and documentation of the Holocaust.

The Council has made measurable progress in carrying out its mandated responsibilities since its inception in 1981. It is anticipated that the requested funding level for 1986 will allow each of its components to proceed with their program responsibilities to meet the ultimate objectives of the Council.

The Office of Management and Budget advises that enactment of this proposal would be in accordance with the program of the President.

A similar letter is being sent to The Honorable Thomas P. O'Neill, Jr., of the House of Representatives.

Sincerely,

MICAH H. NAFTALIN,
Acting Executive Director.

DRAFT BILL

A bill authorizing appropriations to the Executive Director, United States Holocaust Memorial Council, for services necessary to perform the functions of the United States Holocaust Memorial Council

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 8 of the Holocaust Memorial Council Act (Public Law 96-388, as amended; 36 U.S.C. 1408) is amended as follows: After "1983": strike out the colon and add in lieu thereof, "and $1,950,000 for the Fiscal Year 1986, and such sums as are necessary for Fiscal Year 1987."●

By Mr. McCLURE (by request):

S. 1444. A bill to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior; to the Committee on Energy and Natural Resources.

PERMITTING TEMPORARY PUBLIC LAND USE BY FEDERAL AGENCIES

● Mr. McCLURE. Mr. President, at the request of the Department of the Army, I send to the desk for appropriate reference a bill to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior.

Mr. President, this draft legislation was submitted and recommended by the Department of the Army, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Assistant Secretary of the Army be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)) is amended by inserting the phrase "temporary use permits" between the comma following the words "Section 204 of this Act" and the word "and" in the first proviso.

DEPARTMENT OF THE ARMY,
Washington, DC, June 24, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior."

The proposed legislation is part of the Department of Defense Legislative Program for the 99th Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this legislation for the consideration of the Congress. The Department of the Army has been designated the representative for the Department of Defense for this legislation. It is recommended that this legislation be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to authorize temporary use of public lands by federal departments and agencies under such regulations as may be promulgated by the Secretary of the Interior.

The provisions of section 302(b) of the Federal Land Policy and Management Act of 1976 authorize the Secretary of the Interior to permit federal departments and agencies to use, occupy, and develop public lands only through rights-of-way, withdrawals, and cooperative agreements where the proposed use and development are similar or closely related to programs of the Secretary of the Interior for the public lands involved. These provisions severely limit the ability of federal departments and agencies to use public lands on a temporary basis

and, in fact, are more restrictive than the provisions for private use of such lands.

The amount and variety of Interior-controlled public land in the continental United States and Alaska, together with its diversified terrain and climatic conditions, present the military services with opportunities to vary their training operations and yet does not require the use of any one particular area on a recurring basis. In addition, there are frequent occasions where requirements for the temporary use of public lands for other than military training arise. These uses include, but are not limited to, surveys and exploratory work (surface and subsurface test holes) in connection with feasibility studies for military and civil non-military projects, and the testing of various types of military or other equipment. The proposed amendment would authorize the issuance of such short-term temporary permits. In no case would such interim use authorization guarantee approval of the requested use authorization or authorize permanent construction or other activities not acceptable to the Secretary of the Interior on the land in question.

The provisions of section 501(a) of the Federal Land Policy and Management Act specify the purposes for which rights-of-way may be granted by the Secretary of the Interior. For the most part, these purposes are limited to those uses which require the employment of lineal areas of land, such as canals, pipelines, and roads. It is possible that very liberal interpretations of the provisions of section 501(a) could result in the granting of rights-of-way for some minor maneuvers or Corps of Engineers functions. It is almost certain, however, that the use of large areas of public lands for other military operations, such as the major winter and summer exercises in Alaska, could not be authorized through rights-of-way. In addition, the liberal interpretations of the rights-of-way provisions would be the subject of constant debate and confusion. As a result, the enactment of this legislation is preferable to reliance on the present provisions.

The remaining methods of obtaining authority to use public lands are not readily adaptable to the requirements for temporary military use of such areas. The successful withdrawal of areas required for only temporary uses might well frustrate other Congressional intentions, such as those expressed in the Alaska Native Claims Settlement Act (43 U.S.C. 1600). The acquisition of temporary military use of public lands through cooperative agreements with the Secretary of the Interior, although feasible, is improbable because of the requirement that the proposed use of the land be similar or closely related to the programs of the Secretary for the public lands involved.

The temporary use is consistent with procedures formerly used by the Bureau of Land Management, Department of the Interior, to authorize special uses of public lands on a temporary basis (43 CFR 2920). Our proposal recognizes that the Secretary of the Interior will use the more detailed procedures recognized in the Federal Land Policy and Management Act of 1976, section 302(b) for permitting long-term, occupancy, or development by federal departments or agencies on public land areas managed by the Bureau of Land Management. Of course, issuance of temporary use permits would be subject to environmental review by the Secretary of the Interior in the same manner as are other land use authorizations. Temporary use permits will be issued for periods not exceeding one year.

COST AND BUDGET DATA

Enactment of this amendment will cause no apparent increase in budgetary requirements for the Department of Defense.

Sincerely,

JOHN W. SHANNON,
Assistant Secretary of the Army (Installations & Logistics).

DRAFT BILL

A bill to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1732(b)) is amended by inserting the phrase "temporary use permits" between the comma following the words "Section 204 of this Act" and the word "and" in the first proviso.

SECTIONAL ANALYSIS

A bill to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use of federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior

The general objective of the bill is to assure that the Federal Land Policy and Management Act of 1976 is construed in such a way as to preserve the system under which the Secretary of the Interior awarded temporary use permits to the armed services for maneuvers and for Corps of Engineers projects on land controlled by the Bureau of Land Management (see 43 CFR 2920).

The single section of the bill simply is a device to expand the means through which federal departments and agencies may obtain authority to use public lands by authorizing the Secretary of the Interior to issue temporary use permits to such departments and agencies. Presently there are three: (1) rights-of-way, (2) withdrawals, and (3) cooperative agreements.●

By Mr. METZENBAUM (for himself, Mr. RUDMAN, and Mr. SIMON):

S. 1445. A bill to amend the Sherman Act regarding retail competition; to the Committee on the Judiciary.

RETAIL COMPETITION ENFORCEMENT ACT

● Mr. METZENBAUM. Mr. President, Senator RUDMAN, Senator SIMON, and I are introducing legislation today to complement our concurrent resolution, Senate Concurrent Resolution 56, in promoting vigorous retail competition. This bill would clarify antitrust doctrine to ensure that discounters, who are cut off by a manufacturer because of a conspiracy between the manufacturer and competing high-priced retailers, do not have special burdens in proving such a conspiracy in court.

Prior to last year's Supreme Court decision in Monsanto, juries in conspiracy cases were free to find a conspiracy from all forms of circumstantial evidence.

For example, if a discounter was terminated by a manufacturer immediately following complaints by competing high-priced retailers and the manufacturer offered no credible legitimate reason for the termination, a jury has been able to find a conspiracy in restraint of trade. However, Monsanto suggested that this evidence would not be sufficient, the case would be dismissed before the jury could even consider it.

The Monsanto decision makes it much more difficult to prove vertical price fixing.

This bill would adopt the approach of three courts of appeals, which was advocated to the Supreme Court by 46 State attorneys general—where a dealer is terminated following complaints by competing retailers, a jury may infer a conspiracy.

I am pleased that Senator RUDMAN, himself a former State attorney general, has joined me as a cosponsor of the Retail Competition Enforcement Act of 1985, and I hope that the chairman will process this bill quickly through the committee, so that consumers can continue to receive the benefits of full and vigorous retail competition for desirable products.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Retail Competition Enforcement Act of 1985".

SEC. 2. The Sherman Act is amended by redesignating section 8 as section 9 and by inserting after section 7 the following new section:

"SEC. 8. An agreement between a seller and one or more competing resellers to fix resale prices or to terminate, refuse to supply, or fix the prices of another reseller in order to avoid price competition shall constitute a contract, combination, or conspiracy in violation of section 1 of this Act. Such an agreement may be inferred from the termination or refusal to supply a reseller following complaints by one or more resellers concerning price competition.".●

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. WEICKER, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 675, a bill to provide for the development and implementation of programs for children and youth camp safety.

S. 777

At the request of Mr. HEINZ, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 777, a bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to extend hospice bene-

fits under the Medicare Program for an additional 3 years.

S. 837

At the request of Mr. HEINZ, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 837, a bill to amend the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that act.

S. 961

At the request of Mr. SARBANES, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 961, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 974

At the request of Mr. WEICKER, the names of the Senator from Maryland [Mr. MATHIAS] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 974, a bill to provide for protection and advocacy for mentally ill persons.

S. 987

At the request of Mr. EXON, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 987, a bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861–1865.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1032, a bill to establish a commission to study amusement ride safety, and for other purposes.

S. 1084

At the request of Mr. GOLDWATER, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1084, supra.

S. 1142

At the request of Mr. DOLE, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1142, a bill to improve and extend certain domestic food assistance programs, and for other purposes.

S. 1153

At the request of Mr. D'AMATO, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1153, a bill to provide for the distribution within the United States of the U.S. Information Agency film entitled "Hal David: Expressing a Feeling."

S. 1222

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 1222, a bill to amend the Agricultural Act of 1949 to provide price support for the 1985 and subsequent crops of sugar.

S. 1233

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1233, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 1249

At the request of Mr. HEINZ, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 1249, a bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under Medicare and Medicaid.

S. 1277

At the request of Mr. BRADLEY, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to provide that States may provide home or community-based services under the Medicaid Program without the necessity of obtaining a waiver.

S. 1325

At the request of Mr. HEINZ, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Maine [Mr. COHEN], were added as cosponsors of S. 1325, a bill to amend titles XVIII and XIX of the Social Security Act to require second opinions with respect to certain surgical procedures as a condition of payment under the Medicare and Medicaid Programs.

S. 1362

At the request of Mr. EVANS, the names of the Senator from Colorado [Mr. HART], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1362, a bill to amend part A of title IV of the Social Security Act to provide for a study of quality control standards and procedures under the Aid to Families with Dependent Children Program, to provide for a moratorium on the imposition of penalties for erroneous payments, and for other purposes.

S. 1393

At the request of Mr. ABDNOR, the names of the Senators from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. BURDICK], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1393, a bill to provide for a study of the use of unleaded fuel in agricultural machinery, and for other purposes.

S. 1418

At the request of Mr. SASSER, his name was withdrawn as a cosponsor of S. 1418, a bill to amend the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to improve the tobacco program, and for other purposes.

S. 1434

At the request of Mr. WILSON, the names of the Senator from Nevada [Mr. LAXALT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1434, a bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that act relating to maximum hours.

SENATE JOINT RESOLUTION 68

At the request of Mr. DODD, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Michigan [Mr. LEVIN], were added as cosponsors of Senate Joint Resolution 68, a joint resolution to designate November 21, 1985, as "William Beaumont Day."

SENATE JOINT RESOLUTION 126

At the request of Mr. PRESSLER, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 126, a joint resolution to condemn Bulgarian brutality toward their Turkish minority.

SENATE JOINT RESOLUTION 132

At the request of Mr. DANFORTH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 132, a joint resolution designating October 1985, as "National Head Injury Awareness Month."

SENATE JOINT RESOLUTION 150

At the request of Mr. BRADLEY, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. ANDREWS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 150, a joint resolution to designate the month of March 1986 as "National Hemophilia Month."

SENATE JOINT RESOLUTION 154

At the request of Mr. GARN, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 154, a joint resolution to designate July 20, 1985 as "Space Exploration Day."

SENATE RESOLUTION 186

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI], was added as a cosponsor of Senate Resolution 186, a resolution expressing the sense of the Senate that the President should call for negotiations with those Democratic nations plagued by terrorism for a treaty to prevent and respond to terrorist attacks.

SENATE CONCURRENT RESOLUTION 56—RELATING TO ANTITRUST ENFORCEMENT POLICIES OF THE DEPARTMENT OF JUSTICE

Mr. RUDMAN (for himself, Mr. METZENBAUM, and Mr. SIMON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 56

Whereas on January 23, 1985, the Department of Justice published a document entitled "Vertical Restraints Guidelines", for the stated purpose of explaining Federal policy for enforcing the Sherman Act and the Clayton Act with respect to nonprice vertical restraints of trade;

Whereas such policy guidelines extend beyond the matter of nonprice vertical restraints of trade and propose the avoidance of the per se rule of illegality applied by the Supreme Court in 1911 in Dr. Miles Medical Co. against John D. Park and Sons Co. (220 U.S. 373 (1911)), to price-related restraints of trade and subsequently applied by the Supreme Court and the Congress on many occasions;

Whereas such policy guidelines are inconsistent with established antitrust law in stating that intrabrand price fixing will not be regarded as per se illegal, contrary to United States against General Motors Corp. (384 U.S. 127 (1966)); stating that restraints on intrabrand competition are of minimal concern, contrary to Continental T.V. against GTE Sylvania, Inc. (433 U.S. 36 (1977)), which requires in such circumstances a balancing of any injury to intrabrand competition against any benefit to interbrand competition; and suggesting that vertical price fixing is lawful as long as such agreements do not set specific retail prices, contrary to existing law which holds interference with the competitive process of setting prices to be per se illegal;

Whereas such policy guidelines state that the Department of Justice may refuse to attribute to corporations the illegal conduct of their low-level employees acting within the scope of the authority conferred upon such employees by such corporations, contrary to the common law of corporate responsibility and agency;

Whereas the general business community would be at risk if it accepted and relied upon such policy guidelines as an accurate statement of existing Federal antitrust laws in the area of vertical restraints of trade;

Whereas such policy guidelines relate to an area in which the Department of Justice has brought no enforcement actions in more than four years and have been published, in part, as an attempt to influence the courts of the United States to pursue a very narrow and limited vertical restraint analysis in deciding private enforcement antitrust cases;

Whereas previous antitrust enforcement policy guidelines issued by the Department of Justice have been given considerable weight by the courts of the United States in evaluating the facts in antitrust litigation;

Whereas the potential impact of the "Vertical Restraints Guidelines" on Judges of the United States may be highly prejudicial to discount wholesalers and retailers selling branded goods at competitive prices directly or by mail order; and

Whereas such policy guidelines were prepared and published without regard for procedural fairness, in that affected individuals and groups such as mass retail distributors and consumer organizations were not consulted as to their content: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the antitrust enforcement policy guidelines stated in "Vertical Restraints Guidelines", published by the Department of Justice on January 23, 1985—

(A) are not an accurate expression of the Federal antitrust laws or of congressional intent with regard to the application of such laws to resale price maintenance and other vertical restraints of trade;

(B) should not be accorded any force of law or be treated by the courts of the United States as binding or persuasive;

(C) should be recalled by the Attorney General for review and should not be reissued before providing fair procedures to allow public participation in the formulation of such policy guidelines, including public notice and hearings; and

(2) any antitrust enforcement policy guidelines formulated or adopted by the Department of Justice—

(A) cannot and do not have the force of law; and

(B) cannot modify or supersede the antitrust laws, regardless of the fact that public participation may be permitted in the formulation or adoption of such policy guidelines.

● Mr. METZENBAUM. Mr. President, I am pleased to join my distinguished colleague from New Hampshire, Senator RUDMAN, in submitting today a sense of the Congress resolution expressing congressional disapproval of the Justice Department's vertical restraints guidelines. This concurrent resolution is identical to one submitted in the House of Representatives by Congressman HAMILTON FISH, the ranking Republican on the House Judiciary Committee.

If the Justice Department's radical views contained in these guidelines become law, there will be higher price markups, fewer discount stores, and a reduced opportunity for comparison shopping.

Mr. President, this is not a partisan issue. The commendable efforts of Senator RUDMAN and Congressman FISH demonstrate that Republicans as well as Democrats recognize that strong antitrust enforcement is an essential element of preserving our free enterprise system.

Some administration spokesmen have defended these guidelines as consistent with current judicial precedent and as a worthwhile contribution to the marketplace of ideas concerning antitrust policy. Mr. Chairman, if these guidelines were a consumer product, the Justice Department could be sued for false advertising.

The guidelines state, for example, that agreements among competing dealers to restrict competition are not per se illegal, as long as the dealers only sell one brand of product. In other words, if a group of dealers selling only Chevrolets conspired to eliminate a discount Chevy dealer, their conspiracy would not be automatically illegal. Not only is this position shockingly anticonsumer, it directly contradicts the Supreme Court's decision in United States versus General Motors Corp., holding such a conspiracy to be automatically illegal.

The guidelines are also deceptive in stating that they have no effect on the laws against resale price maintenance, which has been condemned both by the Supreme Court and Congress as per se illegal. Studies demonstrated that abolition of State Fair trade laws which permitted resale price maintenance saved consumers $1.2 billion. But the fine print of the guidelines reveals that price fixing which is combined with other restraints will not be per se illegal. As a result, manufacturers will be able to artificially prop up retail prices with impunity.

Under the Department's guidelines, it will be much easier for manufacturers with highly desirable consumer products to force consumers to buy from one authorized dealer instead of comparison shopping for the best value. As far as the Department is concerned, Ford or Chrysler could designate one dealer for an entire metropolitan area without objection. Competition among dealers of the same brand is irrelevant, according to the Department. Ask any consumer who has recently purchased a car, or a television, or a stereo, whether intrabrand competition is irrelevant. In the real world, in contrast to the Department's fancy theories, consumers save millions of dollars each year from intrabrand competition. I totally agree with Donald Baker—President Nixon's antitrust chief—who recently wrote that the guidelines reflect "more the flavor of the seminar rooms at the University of Chicago than the historical jurisprudence of the Federal courts."

Because the Justice Department's views are so contrary to established judicial precedent and basic notions of free competition, I am confident that they will be rejected by the courts. This concurrent resolution will hopefully bolster the efforts of litigants seeking to retain traditional, proconsumer enforcement of the antitrust laws."●

● Mr. RUDMAN. Mr. President, as you know, I have long had an interest in the antitrust enforcement policies

of the Justice Department, especially policies relating to resale price maintenance and other forms of vertical restraints. I appear before you today because I am concerned and disappointed that the Department of Justice has chosen to release a set of policy guidelines which in several significant respects are contrary to existing law and which, if they remain unchanged, could seriously undermine the vigorous competition between competing resellers which is so important to a robust economy and low consumer prices.

As a result of this concern, my distinguished colleague from Ohio, Senator METZENBAUM, my distinguished colleague from Illinois, Mr. SIMON, and I are today submitting a sense of Congress resolution disapproving the guidelines. This concurrent resolution, which is identical to a concurrent resolution submitted in the House earlier this year by Congressman FISH, will make clear that the guidelines do not reflect existing law and should be given no force and effect in the courts.

PRIOR RPM ENFORCEMENT POLICY

I intend to discuss the guidelines, and my concurrent resolution concerning them in more detail later. However, I want first to take a moment to put the guidelines in context by reviewing recent Justice Department resale price maintenance enforcement policy.

Mr. President, as you may recall, it was in 1983 that the Antitrust Division of the Justice Department, then under the leadership of William Baxter, signaled its intention to disregard the well-established legal principle that resale price maintenance is per se unlawful. This was done by filing an amicus brief with the Supreme Court in the Monsanto case urging the Court to overrule its prior decisions and abandon the per se rule. Ultimately it took congressional action to make clear to Mr. Baxter that his job was to enforce existing law rather than to ignore it in pursuit of his own economic theories. Since that time, I have been assured repeatedly that the Antitrust Division intends to enforce the per se rule. Yet I also know that despite these assurances, the Department has failed to bring a single RPM enforcement action in the last 4 years. Given this dismal record of enforcement, I suggest that any pronouncements from the Antitrust Division concerning vertical restraints merit careful attention.

THE GUIDELINES

So far I have been speaking principally about resale price maintenance whereas the guidelines purportedly deal only with nonprice vertical restraints. Why the concern with resale price maintenance? The answer is quite simple. While the Justice Department pays lipservice to the continued validity of the per se rule in resale price maintenance cases, the guidelines define nonprice vertical restraints in such sweeping terms that virtually all resale price maintenance cases would have to be judged under the rule of reason rather than the per se rule.

Let me give you an example of what I mean. In section 2.3, the guidelines state:

> If a supplier adopts a bona fide distribution program embodying nonprice restraints, these guidelines will apply unless there is direct or circumstantial evidence (other than effects on price) establishing an explicit agreement as to the specific prices at which goods or services would be resold.

Now, as anyone who is familiar with this area of the law knows, the idea that an explicit agreement to set specific prices is required to justify the use of the per se rule is directly contrary to well established law. Even more important, as anyone who has ever prosecuted a conspiracy case can tell you, explicit agreements occur rarely in conspiracies and such agreements are almost never provable in court. The reason is that conspiracies are by their very nature secret and more often are the result of a tacit understanding than an express agreement. As a former State attorney general, I oversaw the prosecution of many conspiracy cases, and I can recall very few in which an explicit agreement was proved at trial. As a result of this experience, I can tell you that if this requirement were ever adopted by the courts, you could forget in most cases about prosecuting resale prices maintenance actions under the per se rule.

Of equal concern to the statement that only explicit agreements to fix resale prices will be prosecuted under the per se rule is the statement in the guidelines that even explicit price restraints will be judged under the rule of reason if they are ancillary to nonprice restraints which are plausibly related to the achievement of efficiencies in distribution. Statements such as these are dangerous not simply because they are contrary to law, but also because they invite the would be price fixer to evade the law by hiding his price restraints under the cover of plausible nonprice restrictions.

PURPOSE OF THE GUIDELINES

There is a final point to be made when considering these guidelines and that is that they were never intended as merely an expression of Justice Department policy.

Instead, a fair reading of the guidelines and the statements of Department of Justice officials about the guidelines make clear that they were intended as a guide to the law of vertical restraints for both business planners and the courts as well as expression of Justice Department policy.

Mr. President, it is bad enough that these guidelines reflect the thinking of the Antitrust Division on how vertical restraints cases should be evaluated. What is even worse is that the Department is urging business planners and the courts to follow its misguided policy with respect to vertical restraints.

Senator METZENBAUM has said that if the guidelines were a consumer product, the Justice Department could be sued for false advertising. I would phrase it a little differently. In my view, if a lawyer advises his client about vertical restraint policies on the basis of these guidelines, he had better have a good malpractice insurance policy.

THE CONCURRENT RESOLUTION

The concurrent resolution which Senator METZENBAUM, Senator SIMON, and I are submitting today addresses the problems created by the guidelines by doing three things: First, it expresses the sense of Congress that the guidelines do not reflect existing antitrust law; second, it calls upon the Justice Department to recall the guidelines and not reissue them until interested parties are given an opportunity to comment on the policies expressed in the guidelines; and third, it clearly states the intent of Congress that any antitrust policy guidelines issued by the Department of Justice cannot have the force of law and, therefore, cannot supercede existing antitrust law regardless of the extent of public participation in the formulation of the guidelines.

Mr. President, I recognize that the law of vertical restraints is not in all cases crystal clear and I in no way intend that this concurrent resolution be viewed as an impediment to the issuance of new guidelines which comport with existing law. Instead, the concurrent resolution is directed at the present guidelines because they confuse rather than clarify the law of vertical restraints and because they endorse an economic system in which manufacturers make all the important decisions about resale prices and vigorous competition between independent resellers is irrelevant. This is simply not the kind of economic system envisioned by the Sherman Act and it is not the kind of economic system which the U.S. Congress should endorse.●

SENATE RESOLUTION 200—ENTITLED "BACK IN THE SADDLE AGAIN"

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 200

Whereas President Ronald Reagan has, by his unfailing good cheer, again shown the world that you can't keep a good man down;

Whereas he has resumed the responsibilities of the Presidency in record time and with his characteristic vigor and enthusiasm;

Whereas we join the American people in counting on his leadership in the crucial years ahead; Now, therefore, be it

Resolved, That the United States Senate hereby expresses to President Reagan our heartfelt best wishes for a speedy recovery; our sincere admiration for his indomitable spirit; and our affection and esteem for him and for Mrs. Nancy Reagan.

AMENDMENTS SUBMITTED

SMALL BUSINESS ADMINISTRATION AUTHORIZATION ACT

CRANSTON AMENDMENT NO. 523

Mr. CRANSTON proposed an amendment to the bill (S. 408) to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes; as follows:

At the appropriate place, insert the following:

SURETY GUARANTEES

SEC. . (a) Section 411(a) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

(b) Section 411(e)(2) of such Act is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

BUMPERS (AND OTHERS) AMENDMENT NO. 524

Mr. BUMPERS (for himself, Mr. HARKIN, Mr. BAUCUS, Mr. SASSER, and Mr. GRASSLEY) proposed an amendment to amendment No. 255 proposed by Mr. WEICKER to the bill S. 408, supra; as follows:

In Amendment 255, strike out subsection (1) of Section 5(a) and strike out Section 5(c), and renumber subsection (2) of Section 5(a) as subsection (1) and subsection (3) as subsection (2); and page 4, line 22 is amended by striking out "such sums as may be necessary and appropriate" and inserting in lieu thereof "$500,000,000"; and page 6 line 25 is amended by striking out "such sums as may be necessary and appropriate" and inserting in lieu thereof "$500,000,000"; and page 2 line 19 is amended by striking out "such sums as may be necessary and appropriate" and inserting "$500,000,000".

ANDREWS (AND OTHERS) AMENDMENT NO. 525

Mr. ANDREWS (for himself, Mr. GOLDWATER, Mr. MELCHER, Mr. BURDICK, Mr. ABDNOR, Mr. DECONCINI, Mr. BINGAMAN, Mr. BAUCUS, Mr. STEVENS, Mr. HATFIELD, Mr. WEICKER, Mr. NICKLES, Mr. BOREN, and Mr. COCHRAN) proposed an amendment to amendment No. 255 proposed by Mr. WEICKER to the bill S. 408, supra; as follows:

At the end of the amendment, add the following:

ELIGIBILITY OF SMALL BUSINESSES OWNED BY INDIAN TRIBES

SEC. ——. (a) Section 2(e)(1)(C) of the Small Business Act (15 U.S.C. 631(e)(2)(C)) is amended by inserting "Indian tribes," after "Native Americans,".

(b) Paragraph (4) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended to read as follows:

"(4)(A) For purposes of this section, the term 'socially and economically disadvantaged small business concern' means any small business concern which meets the requirements of subparagraph (B) and—

"(i) which is at least 51 per centum owned by—

"(I) one or more socially and economically disadvantaged individuals, or

"(II) an economically disadvantaged Indian tribe, or

"(ii) in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by—

"(I) one or more socially and economically disadvantaged individuals, or

"(II) an economically disadvantaged Indian tribe.

"(B) A small business concern meets the requirements of this subparagraph if the management and daily business operations of such small business concern are controlled by one or more—

"(i) socially and economically disadvantaged individuals described in subparagraph (A)(i)(I) or subparagraph (A)(ii)(I), or

"(ii) members of the economically disadvantaged Indian tribe described in subparagraph (A)(i)(II) or subparagraph (A)(ii)(II).".

(c) Paragraph (6) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end thereof the following new sentence: "In determining the economic disadvantage of an Indian tribe, the Administration shall consider, where available, information such as the following: the per capita income of members of the tribe excluding judgment awards, the percentage of the local Indian population below the poverty level, and the tribe's access to capital markets.".

(d) Subsection (a) of section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end thereof the following new paragraph:

"(13) For purposes of this subsection, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corportion (within the meaning of the Alaska Native Claims Settlement Act) which—

"(A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

"(B) is recognized as such by the State in which such tribe, band, nation, group, or community resides.".

BAUCUS (AND OTHERS) AMENDMENT NO. 526

Mr. BAUCUS (for himself, Mr. HARKIN, Mr. BUMPERS, Mr. PRESSLER, Mr. NUNN, Mr. ABDNOR, Mr. ANDREWS, Mr. BOREN, Mr. BENTSEN, and Mr. BURDICK) proposed an amendment to amendment No. 255 prepared by Mr. WEICKER to the bill S. 408, supra; as follows:

At the appropriate place in the bill, insert the following:

SIZE STANDARD FOR AGRICULTURAL ENTERPRISES

SEC. . Not later than 10 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue a regulation setting the annual receipts size standard under section 3(a) of the Small Business Act for agricultural enterprises, as defined in section 18(b) of such Act (other than beef cattle feedlot operators and chicken egg producers), at $500,000. The standard established under the preceding sentence shall be deemed to have taken effect on June 21st, 1985.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 527

Mr. ROCKEFELLER (for himself, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. KENNEDY, Mr. KERRY, Mr. MATHIAS, Mr. SPECTER, and Mr. MURKOWSKI) proposed an amendment No. 255 proposed by Mr. WEICKER to the bill S. 408, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) The Congress finds that—

(1) Veterans Business Resource Councils have been established in the following ten States: California, Ohio, Texas, New York, Massachusetts, Indiana, Louisiana, Maryland, Minnesota, and Missouri;

(2) the concept of Veterans Business Resource Councils to establish networks of veterans with business experience assisting fellow veterans seeking to establish small businesses merits serious consideration; and

(3) the majority of our nation's Vietnam era veterans fall within the 35- to 45-year old age range, in which most people decide to enter into small business ownership.

(b) Therefore, the Congress urges the Small Business Administration—

(1) to evaluate the effectiveness of the Veterans Business Resource Councils which are currently operating and to recommend improvements in their operations;

(2) to develop guidelines to assist in the establishment of Veterans Business Resource Councils; and

(3) to work with remaining States and any interested organizations to encourage the establishment of Veterans Business Resource Councils in those States.

MOYNIHAN (AND LAUTENBERG) AMENDMENT NO. 528

Mr. MOYNIHAN (for himself and Mr. LAUTENBERG] proposed an amendment to amendment No. 255 proposed by Mr. WEICKER to the bill S. 408, supra; as follows:

At the end of the amendment, add the following:

SALE OF LOANS

SEC. 7. (a) The Secretary of Agriculture shall carry out a pilot program for the sale without recourse during each of fiscal years 1986, 1987, and 1988 of direct loans under title V of the Housing Act of 1949 to one or more investors on an overcollateralized basis.

(b) Overcollateralization means that the Secretary of Agriculture, in consultation with whatever investment counsel he deems necessary, shall designate a pool of Government-owned loans to serve as collateral for the loans sold under this pilot program. The

amount of loans to be designated for collateralization shall be determined by the Secretary of Agriculture with whatever investment counsel he deems necessary. Loans designated to serve as collateral will be eligible for acquisition by the private sector buyer (the federally chartered entity) in the event that any loans purchased are delinquent for 30 days or more. If this occurs, the delinquent loans shall be reacquired by the Department of Agriculture when the Government substitutes a new loan in place of the delinquent loan. At this time all cash proceeds from the delinquent loan, including interest income and principal repayment revert to the Federal Government. The loan sale under this section shall be designed and implemented by the Director of OMB and the Secretary of the Treasury to yield not less than $8,000,000,000 annually.

(c) This procedure is to be construed as a straightforward contract specifying the use of predesignated collateral. The arrangement is to be viewed by a prospective purchaser as an adequately collateralized purchaser as would occur between any two private sector entities, and it is not to be construed by a prospective purchaser or other interested party as a Federal guarantee of any form.

(d) Net proceeds for the loan in fiscal year 1986 will be deposited in the rural housing insurance revolving fund and may be used for funding new loans under title V of the Housing Act of 1949 pending congressional authorization.

(e) In all instances, the terms and conditions of the Housing Act of 1949 shall apply to the servicing of loans sold or subsequently acquired under this pilot program.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has rescheduled the public hearing previously scheduled for Wednesday, July 17, 1985, at 9:30 a.m.

This hearing will now take place Wednesday, July 24, 1985, beginning at 9:30 a.m., in room SD-366 of the Dirksen Senate Office building to consider the following nominations:

Russell F. Miller, of Maryland, to be Deputy Inspector General of the U.S. Synthetic Fuels Corp. for a term of 7 years.

Charles A. Trabandt, of Virginia, to be a member of the Federal Energy Regulatory Commission for a term expiring October 20, 1988.

William P. Horn, of Virginia, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Those wishing to testify or to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510.

For further information regarding this hearing, please contact Richard Grundy at 202-224-2564 regarding Mr. Miller, Nan Morrison at 202-224-7143 regarding Mr. Trabandt, and James Beirne at 202-224-2564 regarding Mr. Horn.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 16, 1985, in order to conduct oversight hearings on Department of Justice vertical restraints guidelines.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 16, 1985, in order to conduct a business meeting to mark-up omnibus water resources development bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 16, to hold a hearing on the following bills:

S. 1131, to authorize the Secretary of the Interior to integrate the Hilltop and Gray Goose Units into the Pick-Sloan Missouri Basin Program, South Dakota;

S. 1157, to authorize the Secretary of the Interior to perform studies relating to disposal of drain water and to construct interim corrective measures deemed necessary for the San Luis interceptor drain;

S. 1171, to amend the Small Reclamation Projects Act of 1956, as amended;

S. 1192, to implement the Coordinated Operation Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT AND HOUSE SUBCOMMITTEE ON ENERGY AND THE ENVIRONMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources, and the House Subcommittee on Energy and the Environment, be authorized to meet in joint session, to hold a hearing on S. 1004, "Uranium Mill Tailings Reclamation Act of 1985", and the House companion bill H.R. 2236, during the session of the Senate on Tuesday, July 16, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SENATE'S PASSAGE OF THE McCLURE-VOLKMER GUN BILL

● Mr. HART. Mr. President, last week, the Senate enacted the first major revisions of the statutes governing firearms owners and dealers since the enactment of the Gun Control Act of 1968. The passage of this legislation, S. 49, brings to a close 6 years of hard work by our colleague from Idaho, Senator McCLURE, the author of the bill. I know that for him Senate passage of the bill represents an important legislative achievement, and he is to be congratulated for it.

There was much in that legislation which made sense. It repealed regulatory requirements which made absolutely no contribution to law enforcement, but which represented instead needless burdens on the owners and dealers of firearms. It contained provisions which actually strengthened the law in its treatment of criminals who carry firearms in the commission of a felony. Had the legislation contained these provisions alone, it would have won my wholehearted and enthusiastic support.

Since coming to the Senate a decade ago, Mr. President, my record on this issue has been consistent and clear: I have supported the rights of law-abiding citizens to enjoy their rights of access to firearms, consistent with the existing regulations contained in the 1968 act. I have supported enactment of strong laws to punish criminals who use firearms illegally. I have opposed new controls on gunowners and expanded authorities for Federal agencies when these powers would serve no legitimate law enforcement function. The effect of those proposed changes—intended or not—would have been to single out a class of Americans simply because they chose to own guns.

S. 49 proposed sensible changes to the statutes governing gun ownership, but it went further. Beyond clarifying language, beyond enabling sportsmen and hobbyists easier access to rifles and long guns, the bill passed by the Senate substantially decontrolled access to Saturday night specials, and the handguns referred to as "snubbies," those with barrels 3 inches or less. These are the handguns of criminals—not sportsmen. These are the weapons of choice for felons—not hobbyists. It was this unnecessary abandonement of a decade and a half of common sense which forced me to conclude that I could not support the McClure bill.

For people in the West, for the Coloradans I represent, gun ownership is part of our history, our culture, and our style of life. Hunting is a means of recreation, livelihood, and in some

cases, sustainence. This concept is often difficult for people from other regions to understand.

But the decision to own firearms is highly personal, and Coloradans and others who choose to own firearms should have their rights protected.

On this basis, there was much to be said, Mr. President, for the approach taken by the McClure legislation. It sought to limit prosecutions for pro forma violations of recordkeeping regulations which were committed without criminal intent. It clarified the requirements for obtaining manufacturer, importer, and dealer licenses. It provides an exemption from the recordkeeping requirements of ammunition dealers. In speaking with experts in this field, I came to the conclusion that this statute had no meaningful impact on law enforcement and should be changed. It equalized the treatment of private citizens and gun dealers who sold firearms at gun shows. Had these provisions represented the sum and substance of this legislation, it would certainly have won my support.

While I have voted against new controls on gunowners, I have historically opposed weakening existing laws, especially those designed to keep weapons like Saturday night specials out of the hands of criminals. What concerned me deeply about the McClure bill, and which ultimately compelled me to vote against it, was the virtual deregulation of these easily concealed weapons which have no applicability for sportsmen or hobbyists.

The McClure bill authorizes interstate sales of any firearm—including handguns—to a purchaser in any State. Accordingly, this provision would permit sales of all weapons on an interstate basis. The current Gun Control Act requires a waiting period before a gun can be shipped or delivered to an out-of-State purchaser. The legislation passed by the Senate eliminated this prudent provision as well.

Mr. President, there is a distinction between rifles and long guns used for sporting purposes and small, concealable weapons which are so often used in the course of criminal activity. Most Americans understand this distinction and support the right of citizens to bear arms for legitimate purposes while maintaining modest regulations to keep guns out of the hands of criminals.

During the debate on the McClure legislation, I voted for amendments designed to maintain existing law regarding handguns. Had these amendments passed, I would have supported the McClure legislation. I might add that these changes were endorsed, Mr. President, by the International Association of Chiefs of Police, the Fraternal Order of Police, and others.

Mr. President, S. 49 has now gone to the House of Representatives. It would be my hope that the Judiciary Committee in the other body would produce a compromise embodying the principles I have discussed today. We can make reasonable changes in the 1968 act, as it applies to sportsmen and hobbyists, the owners of rifles and long guns and gun dealers, without making it easier for hardened criminals to obtain weapons.●

THE 56TH ANNUAL ALL-STAR GAME

● Mr. DURENBERGER. Mr. President, tonight, in Minneapolis, the finest baseball players in the world will gather in the Hubert H. Humphrey Metrodome for the 56th Annual All-Star Game. Needless to say, I will be there.

It has been two decades since this annual American classic has been played in the warm winds of a Minnesota summer. In 1965, Hall of Famer Harmon Killebrew of the Minnesota Twins and several other All-Star immortals graced the field of the late Metropolitan Stadium—the same and only year we went all the way to the World Series. Tony Oliva was there, too, in 1965, on his way to eight consecutive All-Star games. Harmon and Tony will be there tonight to watch the very best of this generation from both leagues.

Baseball, as my generation knew it, has changed notably as America itself has changed. The hot July sun gleaming off the bats of Rod Carew and Roy Smalley has been blocked out by a white fabric "sky" and air conditioning. One-dollar seats high up in the creaky wooden bleachers of the old Met have given way to $4 and $6 plastic seats near the electronic scoreboard. Cross-cut expanses of green lawn outfields have been covered over by artificial turf. Even the traditional Sunday doubleheaders have been sharply reduced in favor of more commercially-attractive night games, designed to compete with other business-leisure ventures.

But the game is still baseball, the umpire is still a bum, and a grand-slam homer still ignites the crowd like Fourth of July fireworks.

The Twins, after suffering along with their fans for 20 long seasons since the magic World Series autumn of 1965, nearly left my State just 2 years ago. All that is history now. Since Minneapolis businessman Carl Pohlad bought the team during the 1984 season, baseball is once again the talk of my town. The proof is at the turnstiles. Although the early success of the Twins has temporarily subsided this season, ticket sales are at a record pace here at the season's halfway mark. Under new management, a new manager, Ray Miller, and with rejuvenated community and corporate support, the new Twins look like distant cousins to the Twins of past seasons. In 1984, Minnesota remained in the running for the division championship with only hours to go in the regular season. And this year, watch out.

Along with Twin Tom Brunansky, whom I saw beat the Orioles in Baltimore last week with a ninth inning two-run homer, there will be three Minnesotans on the field tonight, although they wear the uniforms of other American League clubs—Dave Winfield of the Yankees, Paul Molitor of the Brewers, and Jack Morris of the Tigers, tonight's starting pitcher. All three grew up within the same general area of St. Paul.

The annual All-Star Game provides a halfway break in the regular season and marks the general midpoint for America's summer activities. It's a welcomed respite we all need and cherish. This Nation has been through a lot in the past year. And just this week, our President pulled through another personal crisis with flying colors. Former sportscaster Ronald Reagan may be watching along with the rest of us tonight and thinking back on the play-by-play days at WHO in Iowa when he relayed the "live action" of the baseball games just as fast as the telegraph wires could relay the balls and strikes. Our prayers are with him tonight.

Mr. President, in closing, may I be allowed to pay tribute to one man, a former baseball great for Minnesota in my State's biggest baseball summer, 1965, who once again proudly wears the Twins uniform as a coach and who will be with me tonight at the Metrodome. Until a knee injury cut his brilliant career much too short more than a decade ago, Tony Oliva was the personification of the American Dream come true—a new citizen in this country who barely spoke English, with no family in America, but a gifted athlete with persistence. An eight-time All-Star, Most Valuable Player in 1964, and above all, an idol and the inspiration for thousands of would-be big leaguers in all 50 states, Tony O's "crack of the bat" sparked a legion of fans to jam the Met on warm summer days to see American's game. Joe Soucheray of the St. Paul Pioneer Press wrote eloquently of Tony O in his column of July 15, 1985, which I ask to be printed in the RECORD.

The editorial follows.

[From St. Paul Pioneer Press, July 15, 1985]

TIME ROBBED A KID NAMED TONY O

(By Joe Soucheray)

It didn't even make the newspapers when the summer of 1965 disappeared. Could have been the biggest story of the century, too. One young summer in the cosmic scheme just up and vanished in the blink of an eye.

"Hey, Tony, where did the summer of '65 go?"

"I don't know man, I was at the ballpark," Tony Oliva said.

"what was it like?"

"Oh, it was great, man," Tony said. "I forget all my troubles at the ballpark."

"You were in the All-Star Game that year, at the Met. Remember?"

"Aw, sure man, it was nice. Hit a double off Bob Gibson, man. Good peecher, good peecher."

"You going to the All-Star Game this year, Tony?"

"I don't know, man, I got to get some tickets first."

One day there was a summer of '65, and the next day, nothing, hardly a trace at all. Just memories, silhouettes and musical notes. LBJ, the Beatles, a war on the other side of the world, Mustang convertibles, an All-Star Game at the Met on a postcard-summer afternoon, light breeze out of the northwest, 78 degrees.

Harmon Killebrew got a home run that day, the kind of wallop that put him in the Hall of Fame, class of 1984, Oliva had his customary line-shot double. He struck it well enough, as he did all of his 1,917 big league hits, but he still is waiting for 20 years piled on top of that disappeared young summer of '65, Antonio Pedro Oliva seems almost to have become the forgotten Twin, his career shortened by a deteriorated right knee. He now is easily obscured in the Hall of Fame.

And in the 20 years since the coaching box, where the eyes are on today's ballplayers rounding the corner, players like Kent Hrbek and Tom Brunansky and Kirby Puckett, players who were 3 or 4 years old when Tony O was we in the summer gone forever.

Tony O, the Senor. Aw, man, did time ever do it to him. In 1965, Tony Oliva was the hottest ballplayer around, in the process of winning his second consecutive American League batting title, such a consistent hitter of any thrown ball that many of them were thrown at his head, under his chin. The Beatles and Jan and Dean were on the radio in '65, real top down music. But Tony O was listening to chin music.

"I was in the dirt a lot, man," Tony said. "But you know what? The peecher throw at me, and I no get afraid. I get tougher."

Now look at him, stranded on the first base side, in a coach's box. Slightly gray at the temples, but his face still youthful and happy at 43. So happy. But something is wrong with the way he stands. His right knee is stoved in, so that the inside of his right knee touches the inside of his left when he is standing straight and tall. He looks like the letter K set up backward.

"Maybe I still be playing, key?" Tony said. "I can still hit."

"Those injuries really hampered him," Killebrew said. "There's really no telling what kind of statistics Tony might have had. He's the same today as he was 20 years ago, happy at the ballpark. And he can still hit."

In 1965, the Twins were in first place at the All-Star break. They were in a pennant drive, getting big years from Killebrew, Zoilo Versalles, Earl Battey, Jimmie Hall and Tony O. Tony finished the year batting .321. The year before, his rookie year, he batted .323. He was the first and so far only player in history to win batting titles in his first two years. That's how good he was. Killebrew was the power and Zoilo was the slick glove. But Tony was the strange, dark tea, a line-drive hitter, a mean hitter.

"Killebrew was Killebrew," Tony was saying now. "You know what I mean? He was American, he was already here. I from Cuba. It was same for Tony Perez at Cincinnati. They had Johnny Bench and Pete Rose. It was like that for us."

Not ignored. But more easily forgotten. One spring day in 1965, Tony and Versalles were making dinner in their hotel room in Orlando. The smell of the food drifted throughout the entire hotel, until finally the manager rapped on the door.

"What is it, man?" Tony shouted at the closed door.

"That smell," the manager said. "What is that smell?"

"Oh, man," Tony told him, laughing, "we just had to have some Cuban food, man."

A BIG DREAM

Because he was lonesome. To get to an All-Star Game today, you can buy a ticket, "Got to get some tikets, first, man." But for Tony to get to an All-Star Game was a long, lonesome journey that began in Pinar del Rio, Cuba, 80 miles from Havana in the Cuban countryside.

"We had a farm," Tony said. "Tobacco, potato, a little of this and a little of that. I played baseball in the country. it was big dream to make it to Cuban Winter league. Next to American big leagues, the Cuban Winter League was the best baseball there was. All I ever wanted to do was come to America, make some money and go back to Cuba to play in the Winter League."

Cuban ballplayers in the late 1950s were scouted and virtually brokered by a man named Joe Cambria—Papa Joe Cambria—who had moved from Baltimore to Cuba for the specific purpose of dealing in Latin American ballplayers.

TO U.S. VIA MEXICO

"Papa Joe was an Italian who owned a laundry in Baltimore," Howard Fox, the Twins' president, was saying. "Joe was a good friend of Mr. Griffith, Clark Griffith. In fact, Cambria was a scout for the Senators. Cambria almost signed Fidel Castro. Anyway, Cambria would routinely put together a team of 16- and 17-year-old Cubans and bring them to America and barnstorm with them. Tony came to America in the spring of 1961 on one of those teams."

Cambria's ragged entourage went through Mexico first. By the time he displayed his talent at the Twins' spring training camp, the major and minor league players were about to break north. Sherry Robertson, the Twins' farm director at the time, took a casual glance at "Antonio" Oliva—Pedro Oliva had used a brother's birth certificate to leave Cuba with Papa Joe—and dismissed him. Oliva was an extremely poor defensive player.

"Cambria knew better," Fox said. "Cambria went to Phil Howser, the general manager of our minor league club at Charlotte, and asked him to keep the kid around until the rookie league opened in June. Cambria literally asked Howser to feed the kid, take care of him."

For two months, Oliva stayed in Charlotte, working on the grounds crew there and practicing his defensive play. When the rookie league opened he was assigned a spot on the Wytheville, Va., team, in the Appalachian League. In the baseball guides for 1961, he was listed as Anthony Oliva, 24 years old. He was not. He was Pedro Oliva, 20 years old, horribly homesick for his parents and his nine brothers and sisters. And confused. He wondered if he would ever get back to Cuba.

"Hey, Tony, what was America like?"

"Oh, man, the food was terrible," Oliva was saying now. "In Cuba we eat a lot of rice and beans, but with flavor. The rice in America was mushy. You could mush it up and make a baseball out of the rice."

He could not speak English. He was a poor defensive player, the food was foreign, he had no family in America.

OVERCAME OBSTACLES

"Tony Oliva overcame more obstacles to become a great ballplayer than any player I ever saw," Fox said.

The same time warp that swallowed the summer of '65, long ago made 1961 disappear, especially the hot summer night that Tony Oliva proved he was going to make it to the big leagues. He was playing for Wytheville against Middlesboro, Ky. Tom Cronin, now the director of season ticket sales for the Twins, was the assistant farm director of the Washington Senators in 1961, whose club it was in Middlesboro.

"We had 21 minor league players," Cronin said. "We were always looking to get more players in our system because the big club was new. On the night I saw Oliva for the first time, I wanted to trade for him. Tony went five-for-five and made two shoestring catches."

But the hit that remains in Cronin's mind was a double that Tony hit to the opposite field. He lashed a rope that knocked the glove off the Middlesboro shortstop, a kid named Stan Majesky.

"The glove cartwheeled through the air," Cronin said. "And so did Majesky."

Disappearing, vanishing time. It has stolen so much from generation to generation. It stole that phenomenal game in Middlesboro. It stole that memory of Oliva winning the minor league batting title in 1961, hitting .410. It stole Tony from his home.

NEVER MADE IT HOME

Oliva never did make it back to Cuba, never saw his mother or father until 12 years passed. There wasn't even time for him to try and get home after the 1961 season. He went directly to the instructional league, and suddenly a new spring had arrived and he was promoted, to Charlotte, where he hit .350 and earned a nine-game look with the Twins at the end of the 1962 season.

"And then I went back to the instructional league again," Oliva said. "Once I here, I stuck here."

He was promoted again to Dallas-Fort Worth, with another, seven-game look at the end of the 1963 season.

"Tony made the big club at spring training in 1964," Fox said. "We were in Miami for a spring game against Baltimore. Tony hit a double down the left-field line and a double down the right-field line. Jim Palmer was the kid pitcher. Next time up, Tony was knocked down."

Knocked down again and again and again. Early in the 1964 season, Oliva was hit on the knuckle of the big finger on his right hand. He played with it swollen all season long, lost his grip on dozens of bats and still won the batting title as a rookie, also playing in the first of eight consecutive All-Star Games, at Shea Stadium in New York.

"In those days," Tony was saying now, "the players voted for the All-Star teams. So, it was nice to be known by the players. My father got to watch those games on television in Cuba."

NEVER COMPLAINED

What time ultimately did was rob Oliva of even a complete career. His right knee deteriorated fast, as a result of rickets. He had plenty of sunshine in Cuba, but not enough milk. The running and diving for flyballs only aggravated an inevitable condition.

After just eight full seasons as a complete player, Oliva missed the 1972 season due to the injured knee and then finished out with for years as a designated hitter.

"I never complain," Tony said, "It would hurt real bad, but I wanted to play. I wouldn't tell anybody that it hurt."

Except his roommate, Rod Carew. Carew used to sit up all night with Oliva. The pain in Oliva's knee was so bad he couldn't sleep. And the customers knew it. It was difficult to miss that limp, So pronounced now it looks like he wears two different size shoes as he trots back and forth to the first base coaching box, the little rectangle on the field where he has been stranded by disappearing time, his right knee laced with scars.

Where have 20 years gone? It sometimes seems like you should be able to reach out and touch 1965, the height of Oliva's career, a World Series year for the Twins, an All-Star Game at the Met on a postcard-summer afternoon. A double against Gibson, a good peecher, man, a good peecher. The Beatles, Mustang convertibles, the Met—everything gone and leveled by time.

Today, when Oliva comes to the park, he has his son on his mind, his son, Pedro, who hits home runs in the Metrodome during batting practice at the age of 15. A good keed, man, a good keed, 15 years old and already the owner of that sweet, genetically beautiful swing.

"We root for junior now, "Oliva said, "My father threw left-handed and batted right. I threw right-handed and batted left. If Junior fall somewhere in between, he be good player, man."

Tony and Junior most likely will be at the All-Star Game on Tuesday. They have to be. All-Star Games only roll around generationally, every 20 years or so.

Ask anybody who lost 1965. There is a lot to start remembering before time makes it all disappear.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. RUDMAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Mr. Don Harrell of the staff of Senator DAVID PRYOR, Mr. Robert Peck of the staff of Senator DANIEL P. MOYNIHAN, and Mr. Edward Quick of the staff of Senator THOMAS F. EAGLETON, to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from August 2-10, 1985.

The committee has determined that participation by Messrs. Harrell, Peck and Quick, in the program in Taiwan, at the expense of Soochow University to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Richard A. Arenberg of the staff of Senator GEORGE J. MITCHELL to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from August 2-10, 1985.

The committee has determined that participation by Mr. Arenberg in the program in Taiwan, at the expense of Soochow University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Richard Ellings and Mr. John Wills of the staff of Senator SLADE GORTON, to participate in a program in the Peoples' Republic of China, sponsored by the United States-China Friendship Program, to be held from August 3-17, 1985.

The committee has determined that participation by Messrs. Ellings and Wills in the program in the Peoples' Republic of China, to discuss foreign policy and trade issues, is in the interest of the Senate and the United States.●

BAN ON MAIL ORDER SALE OF DANGEROUS MARTIAL ARTS WEAPONS

● Mr. D'AMATO. Mr. President, I rise today to urge my colleagues to cosponsor and support S. 1363, legislation introduced by Senators KENNEDY and THURMOND that bans the mail-order sale of dangerous martial arts weapons to States that have outlawed the sale or possession of such weapons. This bill also adds such weapons to the existing list of nonmailable dangerous items, such as switchblade knives.

This bill covers razor-sharp throwing stars, kung fu killing sticks, and fighting chains designed to kill. S. 1363, which I have cosponsored, is urgently needed to protect our young people especially. The Consumer Product Safety Commission estimates that in the last 5 years, more than 100,000 martial-arts related injuries were treated in hospital emergency rooms. More than 60 percent of the victims were under 25 years of age.

This bill specifically excludes coverage of any knife, sword, or ceremonial or collector's weapon that is otherwise mailable under 18 U.S.C. 1716.

Many martial arts instructors support this bill and deplore the ease with which young people obtain the weapons that it covers. Use of these weapons runs counter to the code of honor that such instructors teach. Judo and akido do not use weapons at all. The weapons used in karate are primarily large wooden staffs used to build strength and coordination, and are not concealed.

I commend Senators KENNEDY and THURMOND for introducing this legislation, and I again urge my colleagues to give it their full support.●

FORTIETH ANNIVERSARY OF TRINITY ATOMIC TEST

● Mr. MURKOWSKI. Mr. President, today marks the 40th anniversary of the beginning of the atomic age. With the detonation of the first atomic device at Alamogordo, NM, at what is called the "Trinity test site," America, and the world, crossed a threshold between theory and reality. It was also a threshold separating the pure world of science and the harsh, political world of power and responsibility.

The greatest nation is one that knows when to use the powers it possesses, and when not to. Certainly, Harry Truman's decision to use America's new power must rank among the most painful decisions any head of state of any time has ever had to make. Through that decision came the inevitable consequences, a world redefined by the nuclear have's and have-not's.

Some philosophers and politicians refer to atomic energy as a pandora's box—when it is opened, they say, only harm is the result. But we know better—the force of the atom is, by itself, benign. Knowing its workings has helped mankind see into its past and future. Working with the atom has given medicine tools even the most ambitious dreamers and writers could not have foreseen just four short decades ago.

Of course there is the reality of the atom's development as a force of unimagined destruction; responsible nations—made up of compassionate citizens—are working to mitigate that development and bring that force to rest in a restless world.

Many Americans have contributed much to our knowledge of atomic energy, and to all those we give thanks. But few groups are more deserving of our thanks than the men of our military who spent some portion of their service on atomic proving grounds like Trinity while nuclear devices were detonated only a few miles from their trenches and foxholes.

Today should mark the beginning of a new age of understanding of the troubles and concerns facing America's atomic veterans.

Those who participated in events which exposed them to atomic radiation, particularly those who attended above-ground testing of atomic devices, are owed a great debt of gratitude. The world community shares in that debt because their duty helped increase international understanding of the awesome power of the atom.

Few citizens of the world know better than our atomic veterans how destructive the atom can be, and how important it is that responsible nations learn to control their nuclear capabilities.

But, just as importantly, their contributions are now aiding in a new awareness of the long-term dangers of atomic radiation. Forty years ago no one really knew what the effects of atomic radiation were—or would be in the distant future. In fact, Einstein himself, in 1939, did not believe that atomic weapons would be small and light enough to be carried by aircraft, much less developed into the tactical devices of today's military.

But as history so often goes, the unimaginable became the possible and the unknown became the reality. For many of the men who were a part of the early days of the atomic era—those who served during the occupation of Hiroshima and Nagasaki, those who witnessed the above-ground tests like Smoky, Sugar, Uncle, Grable and Climax—the reality would impose new questions, new unknowns.

Today, with hindsight still not 20/20, we are working to address those questions. The Congress, working with the Veterans' Administration, using the best available data on the effects of ionizing radiation, has formulated legislation to address the concerns of those veterans exposed to ionizing radiation. We enacted that legislation as Public Law 98-54, but we do not pretend to have all the answers. I know I do not have them. The effects of radiation exposure are so difficult to assess. After all, it is used as a treatment in the management of some cancers. Only a relative handful of specialists in the field of radiation research can even appreciate the scientific problem of measuring accurately any possible adverse health effects which may have occurred from exposure to ionizing radiation.

Public Law 97-72, provided healthcare eligibility for all veterans who were exposed to ionizing radiation through September of this year. S. 876, which was just reported from the Veterans' Affairs Committee, extends that eligibility for an additional 2½ years.

And last year's legislation, Public Law 98-542, was a major step in Congress' efforts to address the adjudication of claims of those veterans who believe their disabilities are a result of exposure to ionizing radiation. Neither of these laws offer the perfect answer, and they are certainly not the only steps Congress will take toward the resolution of the concerns of the atomic veterans, but they propose new avenues of health care and a new framework in which to adjudicate claims.

We have sent clear messages to the Veterans' Administration that we expect the VA to take a responsible and responsive attitude with respect to ionizing radiation.

Mr. President, the world has turned around many times since July 16, 1945. We opened a new door, not unlike "Alice in Wonderland," and stepped into a bright, challenging world of technological and political paradox. We had two paths to choose then—a path toward destructive power and political abuse; or a path toward the constructive development of atomic energy and a concomitant resolve to achieve international peace.

We chose the right path—to be sure—and the reward for our effort has been a world less likely to immolate itself, a world more attuned to the need for rational behavior. It is not yet a perfect world for the peaceful coexistence of man and atomic energy, but I believe American is the world's best hope for that dream.

Thank you.●

TO AUTHORIZE FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING FOR THE YEARS 1988 THROUGH 1990—S. 1084

● Mr. D'AMATO. Mr. President, I am pleased to add my name to the list of cosponsors of S. 1084, legislation to authorize funding for the Corporation for Public Broadcasting for the years 1988 through 1990.

The Corporation for Public Broadcasting funds public television and radio stations across the country. These stations provide educational services to urban and rural communities, many of which have no other source of educational programming.

Even during a time of needed cutbacks, we must not overlook the worthwhile, effective investments of our country's past. The Corporation for Public Broadcasting began as a venture to offer the citizens of this country educational opportunities not otherwise available. Withholding future funding for public broadcasting would deprive individuals of educational opportunities they deserve—opportunities that contribute to the growth and strength of this country's citizens and to this Nation as a whole.

In the past the Corporation for Public Broadcasting has been funded on a yearly basis. This type of sporadic funding does not lead to effective, worthwhile long-term programs. Instead, programming is forced to cut corners in order to produce a concise, short-term package. In other words, establishing and working toward long-term programming goals is impossible.

S. 1084 proposes funding the Corporation for Public Broadcasting for 1988 through 1990—$214 million in 1988, $228 million in 1989, and $244 million in 1990. While these figures are below those proposed by the President, I believe these levels of funding will not only provide steady and substantial funding for public broadcasting, but will also win the support of our President.

Public television and radio has proven to be a worthwhile and effective extension of our public educational system. I think it is only appropriate to reward our public broadcasting organizations with long-term funding in order to best serve the citizens of this country.●

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until 11 a.m. tomorrow, Wednesday, July 17, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. I further ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senator THURMOND, and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, at 12 noon, the Senate will resume the motion to proceed to S. 43, the line item veto. I indicate to my colleagues that rollcall votes could occur tomorrow. Again, it is my hope that after adequate debate on the motion to proceed, if it is a reasonable hour, early tomorrow afternoon or early evening, we might be able to take up legislative matters that have been cleared which might require a vote or two.

RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. There being no further business to come before the Senate, I move, in accordance with the order just entered, that the Senate stand in recess until 11 a.m. tomorrow.

Thereupon, at 6:37 p.m., the Senate recessed until tomorrow, Wednesday, July 17, 1985, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 16, 1985:

DEPARTMENT OF STATE

Rozanne L. Ridgway, of the District of Columbia, a career member of the Senior Foreign Service, class of career Minister, to be an Assistant Secretary of State.

Edwin G. Corr, of Oklahoma, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Richard R. Burt, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

DEPARTMENT OF JUSTICE

John C. Lawn, of Virginia, to be Administrator of Drug Enforcement.

NATIONAL COUNCIL ON THE HANDICAPPED

Marian North Koonce, of California, to be a member of the National Council on the Handicapped for a term expiring September 23, 1987.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Glenn R. Wilson, of Nebraska, to be president, Government National Mortgage Association.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Louis L. Stanton, of New York, to be U.S. district judge for the southern district of New York.

James M. Rosenbaum, of Minnesota, to be U.S. district judge for the district of Minnesota.

Stanley Marcus, of Florida, to be U.S. district judge for the southern district of Florida.

Thomas E. Scott, of Florida, to be U.S. district judge for the southern district of Florida.

Joseph F. Farnan, Jr., of Delaware, to be U.S. district judge for the district of Delaware.

DEPARTMENT OF JUSTICE

Maurice Owens Ellsworth, of Idaho, to be U.S. attorney for the district of Idaho for the term of 4 years.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8036, to be surgeon general of the Air Force:

Maj. Gen. Murphy A. Chesney, xxx-xx-xxx...

The following-named officer, under the provisions of title 10, United States Code, section 8072, to be the judge advocate general, U.S. Air Force:

Maj. Gen. Robert W. Norris, xxx-xx-...

The following-named officer, under the provisions of title 10, United States Code, section 8072, for appointment as the deputy judge advocate general, U.S. Air Force, in the grade of major general:

Brig. Gen. Keithe E. Nelson, xxx-xx-...

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. William L. Kirk, xxx-xx-...

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, U.S. Code, section 1370:

Gen. Thomas M. Ryan, Jr., xxx-xx-...

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Duane H. Cassidy, xxx-xx-...

IN THE ARMY

The following-named officer for appointment as the dean of the Academic Board, U.S. Military Academy, an additional permanent professor, who has the grade of brigadier general while serving as such under the provisions of title 10, United States Code, section 4333(b) and 4335:

Col. Roy K. Flint, xxx-xx-xxxx, U.S. Army.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. Julius J. Chosy, xxx-xx-xxxx.
Brig. Gen. Charles H. Kone, xxx-xx-xxxx.
Brig. Gen. Warren G. Lawson, xxx-xx-xxx-...
Brig. Gen. Edward G. Pagano, xxx-...xxx-...
Brig. Gen. Joseph J. Saladino, xxx-xx-xxx-...

To be brigadier general

Col. Clifford E. Abbott, xxx-xx-xxxx.
Col. Earl L. Adams, xxx-xx-xxxx.
Col. Robert H. Appleby, xxx-xx-xxxx.
Col. William R. Brown, xxx-xx-xxxx.
Col. Walter J. Dingler, xxx-xx-xxxx.
Col. Richard E. Mallan, xxx-xx-xx...
Col. Mark B. Mullin, xxx-xx-xxxx.
Col. Charles E. Scott, xxx-xx-xxxx.
Col. James B. Stodart, xxx-xx-xxxx.
Col. Johnny D. Stuckey, xxx-xx-xxxx.
Col. William C. Wilson, xxx-xx-xxxx.

The U.S. Army Reserve Officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371, and 3384.

To be major general

Brig. Gen. George V. Bauer, xxx-xx-xxxx.
Brig. Gen. Dennis R. Jones, xxx-xx-xxxx.
Brig. Gen. Guilford J. Wilson, Jr., xxx-xx-x..
Brig. Gen. James E. Wagner, xxx-xx-xxxx.

To be brigadier general

Col. Norris P. Abts, xxx-xx-xx...
Col. Richard F. Allen, xxx-xx-xxxx.
Col. Donald M. Bagley, xxx-xx-xxxx.
Col. James B. Baylor, xxx-xx-xxxx.
Col. Raymond E. Bell, Jr., xxx-xx-xxxx.
Col. Stephen C. Boone, xxx-xx-xxxx.
Col. Micheal A. Boyd, xxx-xx-xxxx.
Col. John H. Capalbo, xxx-xx-xxxx.
Col. Francis T. Donohue, xxx-xx-xxxx.
Col. Paul W. Gerster, xxx-xx-xxxx.
Col. Curtis B. Herbert, Jr., xxx-xx-xxxx.
Col. Daniel F. Hitchcock, xxx-xx-xxxx.
Col. Bernard F. Losekamp, xxx-xx-xxxx.
Col. Robert F. Pennycuick, xxx-xx-xxxx.
Col. Paul G. Rehkamp, xxx-x...
Col. Lee D. Thames, xxx-xx-xxxx.
Col. Robert H. Tips, xxx-xx-xxxx.
Col. George M. Woywod, xxx-xx-xxxx.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. John T. Myers, xxx-x..., U.S. Army.
Brig. Gen. James R. Hall, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Christian Patte, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Robert E. Wagner, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Jerome B. Hilmes, xxx-xx-xxxx, U.S. Army.
Brig. Gen. William H. Gourley, xxx-xx-...xxx..., U.S. Army.
Brig. Gen. Lynn H. Stevens, xxx-xx-x..., U.S. Army.
Brig. Gen. George R. Robertson, xxx-xx-..., U.S. Army.
Brig. Gen. Donald C. Hilbert, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James C. Cercy, xxx-xx-xxxx U.S. Army.
Brig. Gen. Donald E. Eckelbarger, xxx-... 4977, U.S. Army.
Brig. Gen. Johnnie H. Corns, xxx-xx-xxxx U.S. Army.
Brig. Gen. Fred E. Elam, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Robert L. Drudik, xxx-xx-xxxx, U.S. Army.
Brig. Gen. John E. Long, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James B. Allen, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Thomas J.P. Jones, xxx-xx-...xxx-..., U.S. Army.
Brig. Gen. Dudley J. Gordon, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Robert J. Dacey, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Edwin H. Burba, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Donald R. Infante, xxx-xx-...xxx-... U.S. Army.
Brig. Gen. George M. Krausz, xxx-xx-...xxx-... U.S. Army.
Brig. Gen. Robert L. Gordon, xxx-xx-xxxx, U.S. Army.
Brig. Gen. William T. McLean, xxx-xx-...xxx-... U.S. Army.
Brig. Gen. Alan B. Salisbury, xxx-xx-xxxx, U.S. Army.
Brig. Gen. John M. Shalikashvili, xxx-xx-...xxx-... U.S. Army.
Brig. Gen. Gary E. Luck, xxx-xx-xxxx, U.S. Army.
Brig. Gen. George A. Joulwan, xxx-xx-...xxx-..., U.S. Army.
Brig. Gen. Thomas H. Tait, xxx-xx-xxxx U.S. Army.
Brig. Gen. Thomas D. Reese, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Charles P. Otstott, xxx-xx-...xxx-..., U.S. Army.
Brig. Gen. Edwin S. Leland, xxx-xx-xxxx U.S. Army.
Brig. Gen. James R. Klugh, xxx-xx-xxxx U.S. Army.
Brig. Gen. Augustine M. Cianciolo, ...xxx-xx-..., U.S. Army.
Brig. Gen. Nicholas S.H. Krawciw, xxx-xx-..., U.S. Army.

Brig. Gen. Donald W. Jones, [redacted], U.S. Army.

IN THE AIR FORCE

Air Force nominations beginning Anthony W. Guidon, and ending Allen E. Strasser, Jr., which nominations were received by the Senate on July 1, 1985, and appeard in the CONGRESSIONAL RECORD of July 8, 1985.

Air Force nomination of Lt. Col. Steven R. Nagel, which was received by the Senate on July 3, 1985, and appeared in the CONGRESSIONAL RECORD of July 8, 1985.

IN THE ARMY

Army nominations beginning John Adams, and ending William M. Wimett, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 27, 1985.

Army nominations beginning 111x, and ending 281x, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 27, 1985.

Army nominations beginning Hugh G. Baiden, Jr., and ending Roger D. Riggenbach, which nominations were received by the Senate on July 3, 1985, and appeared in the CONGRESSIONAL RECORD of July 8, 1985.

HOUSE OF REPRESENTATIVES—*Tuesday, July 16, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Accept this our prayer, O Almighty God, on behalf of people who are in need of Your healing power and Your gracious care. We admit that our skills and knowledge are limited and we do not understand the mysteries of all things. As You have created the whole world so may Your power nurture all people with any need, that we may know the fullness of life that You have promised. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SUNDQUIST. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SUNDQUIST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 131, answered "present" 6, not voting 34, as follows:

[Roll No. 226]

YEAS—262

Ackerman	Boner (TN)	Coleman (TX)
Akaka	Bonior (MI)	Conyers
Anderson	Borski	Cooper
Andrews	Bosco	Coyne
Annunzio	Boucher	Crockett
Anthony	Boxer	Daniel
Archer	Breaux	Darden
Aspin	Brooks	Daschle
Atkins	Broomfield	de la Garza
AuCoin	Brown (CA)	Dellums
Barnard	Broyhill	Derrick
Barnes	Bruce	Dicks
Bateman	Bryant	Dingell
Bates	Burton (CA)	Dixon
Bedell	Bustamante	Donnelly
Beilenson	Byron	Dornan (CA)
Bennett	Carper	Duncan
Berman	Carr	Dwyer
Bevill	Chandler	Dyson
Biaggi	Chappell	Early
Boggs	Coble	Eckart (OH)
Boland	Coelho	Edwards (CA)
English	Leland	Rose
Erdreich	Levin (MI)	Rostenkowski
Evans (IL)	Levine (CA)	Roukema
Fascell	Lowry (WA)	Rowland (CT)
Fawell	Lujan	Rowland (GA)
Fazio	Luken	Roybal
Feighan	Lundine	Rudd
Flippo	MacKay	Russo
Florio	Manton	Sabo
Foglietta	Markey	Savage
Foley	Martin (NY)	Saxton
Fowler	Martinez	Scheuer
Frank	Matsui	Schumer
Franklin	Mavroules	Sharp
Frenzel	Mazzoli	Shelby
Frost	McCain	Sisisky
Fuqua	McCloskey	Skelton
Gaydos	McCollum	Slattery
Gejdenson	McCurdy	Smith (FL)
Gephardt	McDade	Smith (IA)
Gibbons	McHugh	Smith (NE)
Gilman	McKinney	Smith (NJ)
Glickman	McMillan	Snowe
Gonzalez	Mica	Snyder
Gordon	Mikulski	Solarz
Gradison	Miller (WA)	Spratt
Gray (IL)	Mineta	St Germain
Gray (PA)	Moakley	Staggers
Green	Mollohan	Stallings
Guarini	Montgomery	Stark
Hall (OH)	Moody	Stokes
Hamilton	Moore	Stratton
Hartnett	Morrison (CT)	Swift
Hawkins	Morrison (WA)	Synar
Hayes	Mrazek	Tallon
Heftel	Murtha	Tauzin
Hertel	Myers	Thomas (GA)
Hillis	Natcher	Torres
Holt	Nelson	Torricelli
Hopkins	Nowak	Towns
Horton	O'Brien	Traficant
Howard	Oakar	Traxler
Hoyer	Oberstar	Valentine
Hubbard	Obey	Vander Jagt
Hughes	Olin	Visclosky
Hutto	Ortiz	Volkmer
Hyde	Owens	Walgren
Jeffords	Panetta	Watkins
Jenkins	Pashayan	Waxman
Johnson	Pease	Wheat
Jones (NC)	Pepper	Whitley
Jones (OK)	Perkins	Whitten
Jones (TN)	Pickle	Williams
Kanjorski	Price	Wilson
Kaptur	Pursell	Wirth
Kastenmeier	Quillen	Wise
Kemp	Rahall	Wolpe
Kennelly	Rangel	Wortley
Kildee	Ray	Wright
Kolter	Regula	Wyden
Kostmayer	Reid	Wylie
LaFalce	Richardson	Yates
Lantos	Rinaldo	Yatron
Leath (TX)	Robinson	Young (MO)
Lehman (CA)	Rodino	
Lehman (FL)	Roe	

NAYS—131

Armey	Clay	Dreier
Badham	Clinger	Durbin
Bartlett	Coats	Eckert (NY)
Barton	Cobey	Edwards (OK)
Bentley	Coleman (MO)	Emerson
Bereuter	Combest	Evans (IA)
Bilirakis	Conte	Fiedler
Bliley	Coughlin	Fields
Boehlert	Courter	Gallo
Boulter	Craig	Gekas
Brown (CO)	Dannemeyer	Gingrich
Burton (IN)	Daub	Goodling
Callahan	Davis	Gregg
Campbell	DeLay	Grotberg
Carney	DeWine	Hammerschmidt
Chappie	Dickinson	Hendon
Cheney	DioGuardi	Henry
Hiler	McKernan	Shuster
Hunter	Meyers	Sikorski
Ireland	Michel	Skeen
Jacobs	Mitchell	Slaughter
Kasich	Molinari	Smith (NH)
Kindness	Monson	Smith, Denny
Kolbe	Moorhead	Smith, Robert
Kramer	Murphy	Solomon
Lagomarsino	Nielson	Spence
Latta	Oxley	Stangeland
Lent	Packard	Stenholm
Lewis (CA)	Parris	Strang
Lewis (FL)	Penny	Stump
Lightfoot	Porter	Sundquist
Livingston	Ridge	Swindall
Lloyd	Ritter	Tauke
Loeffler	Roberts	Taylor
Lott	Roemer	Thomas (CA)
Lowery (CA)	Rogers	Vucanovich
Lungren	Roth	Walker
Mack	Schaefer	Weber
Madigan	Schroeder	Whitehurst
Marlenee	Schuette	Wolf
Martin (IL)	Schulze	Young (AK)
McCandless	Sensenbrenner	Young (FL)
McEwen	Shaw	Zschau
McGrath	Shumway	

ANSWERED "PRESENT"—6

Alexander	Lipinski	Neal
Dorgan (ND)	Long	Vento

NOT VOTING—34

Addabbo	Garcia	Petri
Applegate	Gunderson	Schneider
Bonker	Hall, Ralph	Seiberling
Collins	Hansen	Siljander
Crane	Hatcher	Studds
Dowdy	Hefner	Sweeney
Downey	Huckaby	Udall
Dymally	Kleczka	Weaver
Edgar	Leach (IA)	Weiss
Fish	Miller (CA)	Whittaker
Ford (MI)	Miller (OH)	
Ford (TN)	Nichols	

□ 1220

Mr. KASICH changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CERTAIN FORMER FLIGHT ENGINEERS OF WESTERN AIRLINES

The Clerk called the bill (H.R. 484) for the relief of certain former flight engineers of Western Airlines.

Mr. BROWN of Colorado. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MEALS ON WHEELS OF THE MONTEREY PENINSULA, INC.

The Clerk called the bill (H.R. 1095) for the relief of Meals on Wheels of the Monterey Peninsula, Inc.

Mr. BROWN of Colorado. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

APPOINTMENT OF CONFEREES ON H.R. 2577, SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1985

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, BOLAND, NATCHER, SMITH of Iowa, ADDABBO, YATES, OBEY, ROYBAL, BEVILL, LEHMAN of Florida, DIXON, FAZIO, CONTE, MCDADE, MYERS of Indiana, COUGHLIN, KEMP, REGULA, and O'BRIEN.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON A BILL AUTHORIZING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES, FISCAL YEAR 1986

Mr. YATES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1986.

Mr. REGULA reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 960, INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 960) to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and other acts to authorize appropriations for the fiscal year 1986 for international security and development assistance, the Peace Corps, the Inter-American Foundation, and the African Development Foundation, and for other purposes, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. FASCELL, HAMILTON, YATRON, SOLARZ, BONKER, MICA, BARNES, WOLPE, BROOMFIELD, GILMAN, LAGOMARSINO, HYDE, and SOLOMON.

As additional conferees solely for subtitle II of title IV, International Airport Security of the House amendments and modifications in conference: Messrs. HOWARD, MINETA, SNYDER, and HAMMERSCHMIDT.

And solely for sections 908 and 911, of the House amendment and section 913 of the Senate bill, Messrs. DE LA GARZA, BEDELL, and ROBERTS.

APPOINTMENT OF CONFEREES ON H.R. 2068, DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2068) to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. FASCELL, MICA, YATRON, KOSTMAYER, SMITH of Florida, WEISS, MACKAY, LANTOS, and BROOMFIELD, Ms. SNOWE, and Messrs. GILMAN, MACK, and MCCAIN.

PERMISSION FOR SUBCOMMITTEE ON EMPLOYMENT AND HOUSING OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Employment and Housing of the Committee on Government Operations be given permission to sit tomorrow during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may be allowed to sit during the 5-minute rule today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LES ARENDS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, it is my sad duty to announce to the House that our dear and beloved friend, Les Arends died last night from a coronary thrombosis.

Les was first elected to this body in 1934, and served 20 consecutive terms in the House of Representatives, from the 17th District of Illinois that eventually became the 15th District. I think it is also worthy of special note that in his fifth term, back in those days when on our side there were only 89 Members, in the depths of the depression, Les Arends was elected our whip, and served as the whip of the Republican Party for 30 years in this body. I do not think anybody on either side of the aisle is ever going to exceed that record.

He was a dear friend of the Speakers and the majority leader and many on the Democratic side. He worked both sides of the aisle as our whip very well, and was so well liked and revered.

During Les' tenure he served with 7 Presidents and I think at one time we counted up over 2,100 Members of the House of Representatives with whom Les had served at one time or another.

□ 1230

On our side, our Members know that he served with such distinction as our ranking member on the House Armed Services Committee for most of his congressional life.

Had he lived to September 27, of this year, he would have been 90 years of age. I can tell you that before he fell just recently and broke his knee, he was one of those regular golfing companions, of former Senator Lausche, and yours truly. It was always a delight to be in Les' company. He was just a beautiful person. Within the next day or so, when we know more about funeral arrangements, we will announce those to the House, and I think it very appropriate that I take a special order at some future time to let all Members have an opportunity to express their feelings about the great life of one beautiful person who

served in this body for 40 years, Les Arends.

I'm sure I speak for the entire House when we send along our profound sympathy to Betty Arends, Les' beautiful wife, his daughter Leslie, her husband, and granddaughter Leslie Elizabeth.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1562

Mr. LOEFFLER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1562.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

LET IDA NUDEL GO TO ISRAEL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rise today to thank my colleagues who cosigned my letter to Mikhail Gorbachev asking that he give an exit visa to Ida Nudel immediately so that she may join her family in Israel.

Ida Nudel is a Jewish economist who has been trying to emigrate from the Soviet Union to Israel since 1971. She is now critically ill with a form of cancer for which the prognosis is not good. Her sister Ilana, her only living relative, resides in Israel with Ilana's husband and child.

Ms. Nudel has tried many times to obtain an exit visa. For her efforts, she was arrested in 1978, convicted and exiled to Siberia for 4 years. She now lives outside of Moscow.

The reports of Ms. Nudel's health are very bad. I hope Mr. Gorbachev will see his way clear to giving the exit visa Ida needs to join her family and spend her last days with them. It is a humanitarian gesture that will be noted and appreciated.

HIGH-ENERGY PHYSICS FUNDING—FISCAL YEAR 1986

(Mr. GROTBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROTBERG. Mr. Speaker, later today, the House will consider the first of 13 appropriations bills for the next fiscal year. The first bill we will consider is H.R. 2959, the energy and water development appropriations. I want to commend the Appropriations Committee for reporting out its bill in a timely fashion considering the fact that the authorizing committee bills have not yet been considered in the House. I want to especially salute the chairman of the Energy and Water Development Appropriations Subcommittee, the gentleman from Alabama [Mr. BEVILL] and the ranking Republican Member the gentleman from Indiana [Mr. MYERS] for their hard work and conscientiousness in the formulation of this bill—the hearings on H.R. 2959 are contained in 9 published volumes totaling 12,240 pages—a massive udertaking indeed.

Finally, I want to commend the committee for its unfledging commitment to research and development and concept design of the superconducting supercollider [SSC] which hopefully when built, will be the largest atom-smasher of its kind in the world. As the Member who represents one of the leading candidates for construction of the so-called SSC—Fermilab in Batavia, IL—I and everyone else who is committed to scientific research are appreciative that the committee has appropriated the third, $20 million installment for the superconducting supercollider's concept design. The 1987 Department of Energy budget request will be critical to the timetable for actually constructing the SSC, but the authors of H.R. 2959 are to be commended for keeping this internationally important program on track. Thanks for a job well done.

THE REAL AMERICAN SPIRIT

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I wish the President well in his recovery. It must be cheering to him to see the American public and the entertainment industry show their generosity through an incredible outpouring of emotion and dollars for the starving in Africa.

There is something for the Congress to learn from that Live-Aid concert. That warm and caring American spirit has too rarely been reflected in this body in recent years.

Emotion and excitement have come from debates over how many nuclear weapons to build, how many covert wars to fund, how many more dollars to spend on a military that already has grown well over 100 percent in 4 years.

Mr. Speaker, we don't need overkill. We need a basic, strong defense which we can buy far more efficiently—and then let's take the best of that American spirit and help our African friends and help our farmers and help our seniors live in dignity and wipe out the dreaded diseases that plague humanity and help our troubled industries and unemployed and help the 25 percent of children who live in poverty.

That's the real American spirit we can and should be representing here.

THE EXECUTIVE EXCHANGE PROGRAM VOLUNTARY SERVICES ACT OF 1985

(Mr. HORTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my 1-minute speech today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I am introducing legislation today, together with my colleagues Congresswoman SCHROEDER and Congressman DWYER, that I believe will benefit the program of the President's Commission on Executive Exchange. As many of my colleagues know, this program was instituted by President Johnson so that private sector executives could exchange position with officials of the public sector for a 1-year period.

The program has many obvious benefits. I think its primary benefit, however, is its contribution to better understanding between the public and private sectors. It is unfortunate that the private sector, all too often, looks with disdain at specific actions and the general operation of the Federal Government. It is equally unfortunate that public sector officials often target the private sector as the catalyst for some of our serious economic problems. Better understanding between the two sectors is essential if the United States is to compete in an increasingly challenging and complex international marketplace.

President Reagan recognized the important role this exchange program can play in an Executive order he issued last year. This order elevates to the highest priority an exchange of the most senior executives in the public and private sectors.

The President's Commission on Executive Exchange is earnest in its desire to implement the recent Executive order. In fact, I have spoken personally with the Commission's Chairman, Mr. James E. Burke, with other private and public sector executives and with General Accounting Office officials who recently reported on the operation of the Commission's program. Their input has been very helpful in development of the legislation I am introducing today—legislation that I believe will promote the participation of the most senior executives in the private sector, as well as those in the public sector.

Specifically, my legislation would provide for the establishment of an experimental program to allow the acceptance of voluntary services from

participants in the Executive Exchange Program of the Federal Government.

Currently, the salaries of private sector participants in the Executive Exchange Program are paid by the Federal Government. This legislation would allow up to 10 participants per year for 3 years to volunteer their services to the Federal Government, at an estimated savings of up to $2 million, provided that the nominating organization pays the salary of the volunteer and the acceptance of the services would not displace a government employee.

The volunteers would be considered Federal employees for all purposes, except those of pay, and related benefits, specifically: retirement, health insurance, life insurance, and leave. Before the termination of the experiment, the President's Commission on Executive Exchange would be required to report to Congress on the administration of the program.

Mr. Speaker, I think this legislation is important, and I am pleased to have Congresswoman SCHROEDER and Congressman DWYER as my principal cosponsors. Together, we will seek bipartisan support for the bill and work for its enactment as quickly as practicable.

● Mr. DWYER of New Jersey. Mr. Speaker, it is with great pride and pleasure that I rise today to join with my colleague, the distinguished gentleman from New York [Mr. HORTON] in introducing the Executive Exchange Program Voluntary Services Act of 1985.

This legislation, Mr. Speaker, will create a new segment of the existing program, which is run by the President's Commission on Executive Exchange. Currently, volunteers from private industry take a leave from their regular employment and spend a year working for the Federal Government. They are compensated at the appropriate rate for a Federal employee in such a position.

The purpose of the program is to give private-sector people first hand experience with the inner-workings of Government, to further their understanding of the decisionmaking process in the public sector and to increase their appreciation of the myriad of factors which go into such decisions.

Unfortunately, this program has had difficulty in recruiting the "best and the brightest" from the private sector because the persons participating have to be paid at the level of the Federal employee. There literally have been cases of individuals in the private sector who would like to participate in this program, but have had to decline because it was not feasible for them to have to take a substantial cut in pay to the level of the Federal employees.

This legislation would attempt to address this problem, Mr. Speaker, by creating an entirely voluntary program in which the individuals would continue to be paid by their private sector employers while working for the Federal Government. The employer, the employee and the Government agency would all have to agree to the arrangement, which would be limited to 10 persons a year for 3 years. At the conclusion of this pilot program, a complete report would be submitted to the Congress to permit our review to determine the merits of continuing the program.

The legislation includes safeguards, of course, to assure that no current Federal employee is displaced by such an appointee and would subject the appointee to the same stringent rules and regulations related to ethics which apply to all other Federal employees.

Mr. Speaker, the President's Commission on Executive Exchange operates under the able chairmanship of Mr. James Burke. It has been doing excellent work since its creation by Executive order by President Johnson in 1969. This legislation presents the opportunity, on a very limited and experimental basis, to test the expansion of this program into a new area, at no cost to the taxpayer.

I believe that this is an excellent piece of legislation, Mr. Speaker. I commend Congressman HORTON for introducing it, am proud to be associated with it and strongly urge all of my colleagues to give the bill their unqualified support.●

FORTIETH ANNIVERSARY OF EXPLOSION OF NUCLEAR WEAPON

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, 40 years ago this day, July 16, 1945, in the desert, at a place the Indians had long before named Jornada del Muerto—death place—the sky turned white, then yellow, and finally became a cloud of pink surrounded by a blue halo.

From that cloud poured radioactivity, light and heat never before experienced on the Earth.

On that desert in New Mexico, man had unleashed nuclear power in a weapon of war.

Twenty-one days later, hundreds of thousands of people were incinerated, scorched, maimed and scarred when America used this monstrous weapon in an effort to bring a swift and sure end to World War II.

On this 40th remembrance, let us resolve to so commit ourselves that never, never again shall that awful nuclear authority be used to kill, for upon that commitment rests civilization.

□ 1240

A CLEAR MESSAGE TO THE BUDGET CONFEREES

(Mr. PURSELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PURSELL. Mr. Speaker, today I present more excerpts from my Michigan Second District constituents' letters to me which echo the clear will of the people and which contain a clear message to the budget conferees—get on with deficit reduction through a fair and balanced budget resolution.

In his letter, Ronald J. Munger of Livonia, MI, says:

> In this non-election year, let us forget about political ramifications and exercise the political courage to do what is right for all Americans by enacting the budget cuts that need to be made.

And Livonia resident Kenneth A. Brown writes:

> We feel that without sharing the pain of cuts in programs some of us have benefited from in the past, there is no hope for substantial budget reductions this year. The pain that might be felt through curtailing certain Federal programs will be more than made up for in the gains we will have made toward a favorable economic climate for everyone.

That is the sum and substance of the 92 Group budget plan, which exhibits political courage in making hard choices and calls for pain-sharing, if you will, to gain long-term economic growth. I again urge the conferees to use the 92 Group budget as a basis for compromise and real deficit reduction.

Mr. Speaker, I think the budget conferees are getting close; I think they have made positive recommendations. I hope they continue and we achieve some goals in agreeing to a budget conferee report this year.

THE LEGACY OF WOODROW WILSON BEAN

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, the death last week of Woodrow Wilson Bean, Sr. of El Paso, marked the passing of an era. Woody, as he was universally known, was the single most colorful politician ever to come out of West Texas. He rose from a humble upbringing in an orphanage to the stature of friend and confidante to Presidents Kennedy and Johnson. Despite his accomplishments, he never forgot the average person, and he always carried with him a sense of compassion, idealism, and a belief in God.

Woody was a larger-than-life character who set a new direction for the city and county of El Paso. Because of his single-minded determination, El Paso

has the nationally known Sun Bowl. He was responsible for the building of the Bridge of the Americas; R.E. Thomason Hospital, which is the single largest provider of indigent health care in El Paso; the Trans-Mountain Road, which linked east and west El Paso and spurred our economic development; and many other similar projects.

Woodrow Bean believed in the role of government to ease misery and promote social justice. He never wavered in his efforts to improve the lot of the people of El Paso County, which encompasses one of the poorest urban areas in America. No other county judge in El Paso history involved himself in so many issues. He was always interested in people, and his whole theme, throughout his political career, was to do something for the common man.

I will leave the rest of the job of describing Woody's life to his future biographers, but I would like to relate his closing comments in his final interview before he died. He said:

Human beings ought to be decent to each other. The people who are blessed with good medical insurance, good housing and good education should make an honest effort to make the lives better for those people who are less blessed.

Mr. Speaker, I cannot think of a better reason why any of us should be in politics. We all mourn Woody and will miss him a great deal, but he left behind a legacy of civic accomplishment and compassion that will serve as a guide for generations to come. He will never die in the hearts and minds of those who knew him and loved him. As a lifetime friend eulogized:

We mourn his loss and think of missed opportunities, but his physical accomplishments will always stand as his memorials. Perhaps his greatest legacy will be in the humanity, enthusiasm, humor and generosity he brought to politics.

Mr. Speaker, thank you very much.

REAL BUDGET CUTTING TIME

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, the budget conference meets again today for what I hope will be a productive session.

Earlier this morning, the House-Senate Republican leadership met with Don Regan and Dave Stockman. I was delighted that we are united in our efforts to produce real budget savings. It is time to get serious about the deficits. And the first hurdle is to eliminate those savings which are phoney—such as the "unspecified cuts" in the House-passed budget. That Social Security COLA freeze is now off the table. Defense spending has been settled.

On July 8, the House instructed our budget conferees to insist on our position against Social Security COLA freeze and to make up for any losses with real, additional budget cuts from nondefense discretionary spending. These instructions were adopted by voice vote.

So our conferees have their instructions. Republicans are united in our effort to produce a budget which lives up to our promise to cut the deficit. I believe that the budget conference should get back to work. I also believe that they should stay at the conference table until real cuts, with reconciliation backing them up, are agreed to. It's real budget cutting time. Let's get the job done.

STOCKMAN SPEAKS ON THE REAL DEFICIT PROBLEM

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, as the budget conferees continue to meet on the budget resolution, it may be useful for the American people and for Members of Congress to be mindful of the recent remarks of retiring OMB Director, David Stockman.

When a reporter asked Mr. Stockman about these spiraling deficits for the past 4 years, he replied, and I quote:

After four years, I am convinced that the large share of the problem is us. By that, I mean Republicans (in Congress). These guys get away with making speeches about how spending is out of control. But when it comes to their own piece of turf, they say, "Don't cut you, don't cut me. Cut the other fellow behind the tree."

Mr. Speaker, the Members of this House have taken deliberate action to reduce the Federal deficit. What is needed now is for a serious response on the part of the other body, and on the part of Republicans, to adhere to the serious recommendations that have been made by the House budget conferees.

The message to Republicans and those in the other body is clear: "Get your act together; get serious on the deficit; stop your excuses, and let us go to work and resolve this budget conference."

FIFTY-SIX BILLION DOLLARS OR BUST

(Mr. GALLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLO. Mr. Speaker, as Members of this House, we came to Washington in January knowing that our No. 1 priority in the 99th Congress was to reduce the deficit by passing a realistic budget.

During the early going, it looked like we would accomplish that goal. Hard decisions were made and many people supported difficult budget cuts, because we knew that deficits would slow our economy and kill incentive in the private sector.

We knew that a real deficit reduction of at least $50 billion was necessary to send the right signals that we were serious about dealing with the No. 1 problem we face.

Now, we are looking at a conference committee process that threatens to undo that work. A lot of people who made very tough decisions early on are now unhappy because they feel their efforts are going down the drain.

We cannot allow our efforts on the deficit to be undone now. I am sure that President Reagan is watching us from his hospital bed. I am sure that he will be calling some of us in the days ahead to strengthen the resolve of the House on deficit reductions. It is his commitment and our commitment to the people of this country that is on the line.

I urge my colleagues on the conference committee and my colleagues here in the House to remember what we came here for in January. The call should go out today—$56 billion or bust.

VOTE AGAINST THE RULE ON THE ENERGY AND WATER APPRORIATIONS BILL

(Mr. OLIN asked and was given permission to address the House for 1 minute.)

Mr. OLIN. Mr. Speaker, today the House will vote on a rule for the energy and water appropriations bill that waives the Budget Act and starts the consideration of appropriation bills without any 302(b) allocations having been established.

Also today, at about the same time, the budget conferees will be meeting, trying to hammer out the additional savings required for us to get a reasonable deficit reduction. The conferees need all the encouragement we can give to get $50 billion off the deficit next year and get down as close as possible to $100 billion by 1988.

No one knows for sure what savings are going to be required on energy, water, or any other area of the budget.

To go ahead with appropriations before conference agreement, takes the heat off the conferees, further weakens the budget process—and will not give us acceptable deficit reduction.

I urge all Members to vote against the rule coming up today.

SEXIST SOCIALISM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, later this month we are going to be asked to vote on a radical, new, Socialist concept that flies under the banner of Comparable Worth, or Pay Equity. As a professional economist and a devotee of free enterprise, I cannot caution this body enough against this insidious bill. This is an outrage against the Democratic free enterprise tradition of this Nation, and it is a betrayal of the gains made by civil rights legislation and the feminist movement.

We need to study this bill and this activity carefully. It is dangerous; it will result in lower productivity, lower opportunities for all Americans; a serious setback to the gains that working women in this country have made, and a reduction in pay equity for all Americans.

I have taken the liberty to name this more appropriately as a new venture in "sexist socialism." I think this body needs to study this carefully, and by all means, keep this bill off the Suspension Calendar. If a fundamental attack on the structure of American free enterprise is to be made, it should at least be given an open debate on this floor.

□ 1250

MARITIME POLICY IS A SHAMBLES

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, the American merchant marine fleet is vital to our foreign commerce and our national security. But as today's Washington Post makes clear, our maritime policy is a shambles.

The Maritime Administration has mismanaged or destroyed every incentive for building and maintaining a strong U.S.-flag merchant fleet.

Since construction subsidies were eliminated in 1981, not a single ship for foreign commerce has been ordered from an American shipyard. Yet the Maritime Administration, in just 2 days, rubberstamped 20 applications to build taxpayer-subsidized ships in foreign shipyards.

The Maritime Administration has bankrupted the Mortgage Insurance Program while misleading the Congress about its financial condition.

It has conducted an effective search-and-destroy mission against almost every program designed to enhance the American merchant fleet, and has proposed nothing to replace them.

This administration promised a strong and coherent maritime policy 4 years ago. We cannot afford to wait any longer.

THE SOVIETS PLAY TOUGH AGAIN IN EAST GERMANY

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, here we go again. The Soviets are playing dirty tricks against U.S. military personnel in East Germany.

Yesterday, they apparently rammed a U.S. military vehicle and injured the two occupants. The Soviets are playing hard ball and it must stop before the situation gets out of hand.

The high speed ramming drove the U.S. vehicle off the road. The two American occupants are not in critical condition but they required hospitalization.

In the past, the Soviets have used this same aggressive ramming technique against the vehicles of other United States and allied observers. Who can forget the brutal murder of Maj. Arthur D. Nicholson, Jr., recently.

Mr. Speaker, I am damn tired of this Soviet brutality directed against our people in clear violation of existing agreements and the rule of fair play. This activity must cease now. I urge our Government to express our outrage over this latest Soviet operation designed to intimidate our personnel.

PUT THE NUCLEAR GENIE BACK INTO ITS BOTTLE

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, 40 years ago, the atomic age began and while this instant in history has changed history, the moral and ethical questions surrounding the development of atomic weapons and the nuclear arms race remain. In 1945, the United States possessed three nuclear weapons. Today, the world's nuclear weapons inventories contain the explosive equivalent of 1 million Hiroshima-sized atom bombs.

In commemorating this event, I believe we should be thankful that it was the United States, and not Nazi Germany, that first succeeded in developing atomic weapons. At the same time, I believe the United States bears a special responsibility in developing better, long-term nuclear arms control proposals and policies that will erase the threat of nuclear war and annihilation from the face of the Earth.

In my view, the initial, most effective step rests in reviving negotiations toward the implementation of a verifiable comprehensive test ban. As the author of legislation aimed at the attainment of this national security objective, I recognize today our need more than ever to put the nuclear genie back into its bottle such that the benefits and not the scourge of the atomic age can be realized.

FORTIETH ANNIVERSARY OF FIRST NUCLEAR WEAPONS TEST

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, 40 years ago today, man changed his understanding of the world, and of warfare, forever. In seeking to end the most terrible war the world has ever known, science enlisted the power of the atom itself. It was a power we did not comprehend, a power unlike anything ever before seen.

For those of us, like myself, who were too young in 1945 to go to war against the Japanese, but old enough to know hundreds of young men who had gone overseas in defense of our Nation never to return, the atomic bomb was a wonder weapon which saved millions of lives. It brought an end to the war. It eliminated the need to invade the Japanese homeland. It spared the lives of my friends and my neighbors. To us, the bomb was not the "second coming of wrath," it was simply our newest, and most powerful weapon. We did not know then what we know now.

In the 40 years which have followed, we have had time to learn what a horrible weapon we had devised. But while we have gained knowledge we are no wiser. We have substituted information for understanding. The shock and horror that accompanied Hiroshima and Nagasaki would have given pause to wise men. In the aftermath of those explosions, wisdom would have led us to seek to contain, not expand, the nuclear arsenal.

Today, instead of looking to Trinity as the terrible but just prelude to the end of war, we recognize it as the beginning of an era where man survives, not by man's wisdom, but by his ability to maintain a balance of terror, to live by the assurance that we have the ability to destroy life.

But there is still time. Despite the irrational stockpiling of thousands of nuclear weapons, we have not turned to their use. Despite the tensions of the superpowers, we are again talking. On this 40th anniversary of the dawn of the nuclear age, we should not recriminate or wring our hands. Instead, we should seek the wisdom which has eluded us. As we mark this day, in which the nuclear age began, let us set a course for the future, so that, 40 years from now, July 16, 1985, will be remembered, not as one of many anniversaries of the nuclear age, but as the beginning of the age in which we brought sanity back to the world.

RELIEF AT DOCTOR'S PROGNOSIS FOR PRESIDENT REAGAN

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, we were all relieved yesterday to hear the doctor's prognosis for the President's recovery from his recent surgery. Cancer is a terrifying disease, but the doctors feel it was caught in time and expect a full recovery.

I am sure the President and Mrs. Reagan know that our prayers are with them, and I am sure the prayers of the Nation as well.

Mr. Speaker, the good grace, humor, courage, and leadership of the President is again being demonstrated. I look forward to seeing my most illustrious constituent back at the ranch in Santa Barbara next month and back in the White House as soon as possible.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1809

Mr. DASCHLE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1809.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

TRAITORS SHOULD RECEIVE DEATH PENALTY

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, treason is a hideous and unforgiveable crime that violates the independence we value so greatly. Incidences of espionage or treason cannot be tolerated; such actions deserve a punishment that fits the crime.

Those individuals who sell secrets which jeopardize our security threaten the lives and the freedom of millions of people. Just retribution for such an act is not a sentence that is likely to end prematurely with parole. Any individual who deliberately betrays this Nation deserves to be executed. Espionage and treason are premeditated crimes; the death penalty would be the only effective deterrent to individuals plotting such unpatriotic acts. Every prospective traitor would be forced to consider whether the monetary benefits of betraying the United States are worth facing the possibility of death.

My colleagues and I recently voted to impose the death penalty for military personnel convicted of treason or espionage during peacetime. I urge the conferees to approve this measure, and I ask that Members cosponsor H.R. 704 so that all crimes of espionage and treason will be punishable by execution. We Americans must ensure the freedom that our forefathers fought to preserve.

□ 1300

WISHING THE PRESIDENT A SPEEDY RECOVERY—WORKING TOWARD A TEST BAN TREATY

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, on this day we all want to wish the President a speedy recovery. We all want to see him get back into the oval office as quickly as possible to fight for the policies he believes in. That is true whether we be Democrat or Republican, whether we be liberal or conservative. There is no higher priority than to have the President back in action and fighting as hard as he has for the past 5 years for the policies he believes in.

Forty years ago the Trinity test opened the nuclear age. On that day 20 centuries of Western science created not the Sun that lights heaven but the fire that burns hell. Within 1 month nuclear bombs devastated Hiroshima and Nagasaki.

Forty years later residents of those cities still suffer from the effects of those nuclear blasts.

It was right to celebrate our intoxicating victory over Hitler fascism. It is all the more right to face the sobering reality of the nuclear age.

Fifteen hundred nuclear explosions have followed the Trinity test. But this testing habit is not unbreakable. For 3 years, in the middle of the cold war, President Eisenhower and Nikita Khrushchev maintained a total ban on nuclear explosions.

We can do the same, and we can do better. We can achieve a comprehensive test ban treaty that ends all nuclear explosions for all time.

Mr. Speaker, 1,500 nuclear explosions are enough. If we could start the nuclear arms race, then we can stop the nuclear arms race.

THE CONFEREES ALL BLINKED

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Well, Mr. Speaker, the moment of truth has come and gone. Last week the House and Senate budget conferees went eyeball to eyeball, and they all blinked.

The House caved to the Senate on defense—so we'll see more spending there. The Senate caved to the House on COLA's—so we'll see more spending there. The President won't stand for new revenues, so no deficit reduction there.

Based on OMB's revised budget forecasts, it appears next year's deficit will again approach $200 billion. Before fiscal year 1986 is over, the national debt will reach $2 trillion. Before the decade is over, the debt could easily pass $3 trillion.

And who gets the bill? Our children. Again. Just like they did last year. And just like they will next year. Each year we behave like this, it costs each child entering the work force $10,000 in extra taxes, over a lifetime, just to pay the interest on what we borrow.

When will we get serious about this deficit crisis? When it hits $300 billion? $500 billion?

Mr. Speaker. I keep hearing that despite last week's sell out of our children. We'll still reach budget targets. I'll believe it, Mr. Speaker, when I see it.

FUNDING FOR THE CENTRAL UTAH PROJECT

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute.)

Mr. NIELSON of Utah. Mr. Speaker, today the House will consider the Energy and Water Appropriations. It appears that there will be an amendment that would delete funding for the Bonneville unit of the central Utah water project. I am disappointed that though most of the central Utah project is in my district I was not made aware of this amendment until yesterday.

I want to alert my colleagues that the amendment is controversial and the cure it proposes is more drastic than the illness it treats. I recognize that there are some problems with the present funding of the Bonneville unit of the project and in the repayment contract but remedies are available to correct these problems without eliminating the funding entirely.

Opponents of the project are citing environmental arguments to justify the cut in funding. These arguments are without basis. In fact, cutting the Bonneville would actually jeopardize the environmental enhancements that this unit was to provide. This unit would provide funding of $131 million for fish, wildlife, and recreational facilities. To delete funding of this project on the basis of environmental arguments already considered by the Congress would be a breach of the contract already made with the people of this district and would, in my opinion, be grounds to consider releasing the Central Utah Project District from it's present obligations to repay features of the project already constructed but of no practical use or benefit in recovering the project costs unless the Bonneville unit portion is completed.

I remind the Congress that the State of Utah has acted in good faith and I

think that we have a responsibility to see that the Federal Government keeps its past agreements.

ADVICE TO THE DIRECTOR OF THE BLOOD BANK BY COUNT DRACULA?

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, just a moment ago a number of us on the Republican side of the aisle were treated to a lecture by the chief deputy majority whip on the question of the budget. He seemed to direct his comments to those of us in the House who are Republican, those in the other body, and the President.

Mr. Speaker, I did take his words to heart, and I went back to look at the record. The National Taxpayers Union rates all of us here in the House, and I just wanted to see what that speaker had done during the course of the Reagan administration. Lo and behold, I find that he is rated as one of the big spenders in the House. In fact, in 1983 there was no one who voted for more spending than the distinguished chief deputy majority whip.

I do not know what lesson there is in that, Mr. Speaker, but it kind of reminds me of Count Dracula trying to give advice to the director of the blood bank.

WAIVING THE BUDGET ACT WOULD USHER IN MORE SPENDING

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it has been interesting in the course of the day today to hear some Democrats claim that this House is serious about solving our budget deficit problem. Sure you are.

Sure you are. We will consider you serious when you are really ready to make big cuts in domestic spending programs. Why, you might even have to eliminate some programs.

Are you that serious? There is no evidence that you are.

The President has taken the Social Security issue off the table. The full COLA's are now going to be paid. He has agreed to a compromise on defense spending, so that issue is now off the table.

Now it is time to get some real savings, not phony savings but real savings, in the spending that we do out of the general fund. There this House is more interested in talking about saving than doing anything about really cutting back.

Mr. Speaker, the rule that we will have before us in a few minutes is a good example. It literally waives the Budget Act so that we can just go on spending. Let us get serious.

□ 1310

TO DAVE STOCKMAN

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker—

In 1980 we heard the voice,
of the American people who made a choice.
With deficits mounting we had to save,
and the President turned to my friend Dave.
We all remember those first two years,
when Dave stood the Speaker on his ear.
The savings were stunning, and so was the style.
Dave's tactics were simple: let's reconcile!
So along came Gramm-Latta, first one and then two,
and it certainly looked like the National Zoo.
But after the votes we added the score,
while the Speaker surveyed the mess on the floor,
and our joy was unbounded, we had no more fears.
We'll balance the budget in just two more years!
Well, two years have come, and two years have gone,
and we seem to be singing that same old song.
The deficits grow, and we still have to save,
but we'll have to do it without my friend Dave.
I really can't blame him, four years is enough,
in a job that we all know was certainly tough.
But it won't be the same up here on the hill,
without all those letters that all said "Dear Sil."
And where will we find those withering looks,
and the pain he dispensed from those damned big black books?
I'm sure we'll survive, but I'm not sure we'll save,
without the firm hand of my old, good friend Dave.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2419, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1986

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 99-202) on the resolution (H. Res. 224) providing for the consideration of the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities on the U.S. Government, the intelligence community staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2965, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1986

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 99-203) on the resolution (H. Res. 225) waiving certain points of order against consideration of the bill (H.R. 2965) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2959, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1986

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 221 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H.R. RES. 221

Resolved, That during the consideration of the bill (H.R. 2959) making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 4, lines 3 through 18; beginning on page 6, line 16 through page 11, line 20 beginning on page 17, line 12 through page 29, line 14; beginning on page 30, line 13 through page 31, line 9; and beginning on page 33, lines 4 through 13; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6 of rule XXI are hereby waived: beginning on page 8, line 11 through page 10, line 19; beginning on page 17, line 13 through page 18, line 15; beginning on page 26, line 24 through page 27, line 15; beginning on page 28, line 21 through page 29, line 14; and beginning on page 31, line 20 through page 32, line 8. It shall be in order to consider an amendment printed in the Congressional Record of July 15, 1985 by, and if offered by, Representative Miller of California, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived.

SEC. 2. All points of order for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived against the consideration of any general appropriation bill making appropriations for fiscal year 1986 reported by the Committee on Appropriations before July 12, 1985.

The SPEAKER pro tempore (Mr. MOAKLEY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes for the purpose of debate only to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 221 waives points of order against certain provisions of H.R. 2959, the energy and water development appropriations bill for fiscal year 1986. This rule does not provide for the bill's consideration since general appropriation bills are privileged under the rules of the House. This rule, therefore, also does not contain any provisions relating to time for general debate. Customarily, general debate will be limited by a unanimous-consent request by Chairman WHITTEN when the bill is considered.

House Resolution 221 does waive provisions of clause 2, rule XXI, which prohibits unauthorized appropriations and legislative provisions in general appropriation bills, against specified provisions in the bill. This rule also waives provisions of another clause of rule XXI, clause 6, which prohibits reappropriations or transfers in general appropriation bills, against specified provisions in the bill.

The precise provisions of H.R. 2959 for which these waivers are provided are detailed in the rule by reference to page and line in the energy and water development appropriation bill. Generally, titles I and II of H.R. 2959, which contain new budget authority for the Army Corps of Engineers and the Bureau of Reclamation, respectively, contain certain provisions that constitute legislation in an appropriation bill. The Appropriations Committee notes that the relevant authorizing committees do view these provisions as necessary to permit timely action on ongoing public works programs.

Title III, the title providing new budget authority for the Department of Energy, also contains provisions for which an authorization has not been approved, as well as transfers of prior year funding which constitute reappropriations. Authorizing bills for this spending, such as the Department of Defense authorization bill which was recently considered by the House, are in various stages of consideration in Congress.

Title IV contains new budget authority for the Appalachian Regional Commission and the Nuclear Regulatory Commission. The legislation authorizing programs of the Appalachian Regional Commission, H.R. 10, has been reported from committee and considered by the Committee on Rules, and a rule for consideration of that bill has also been reported. Legislation authorizing funding for the Nuclear Regulatory Commission, H.R. 1711, has been reported from both committees of jurisdiction.

Finally, certain provisions of title V, the title containing general provisions, also constitute legislation in an appropriation bill.

Mr. Speaker, this rule also makes in order an amendment by, and if offered by, Representative MILLER of California, and points of order against this amendment for failure to comply with clause 2 of rule XXI are waived.

This amendment provides for implementation of a cost-sharing agreement in connection with the Animas-La-Plata participating project in Colorado and New Mexico. The provisions of this amendment were incorporated into the supplemental appropriations bill for fiscal year 1985 which recently passed the House. This amendment will therefore make this general appropriation bill consistent with the supplemental appropriation bill, and the amendment is supported by the chairman of the Subcommittee on Energy and Water Development.

Section 2 of the rule waives all points of order against consideration of H.R. 2959, or any other general appropriation bill making appropriations for fiscal year 1986 reported by the Committee on Appropriations before July 12, 1985, for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974. Section 303(a) prohibits consideration of budgetary legislation prior to the adoption of the first budget resolution.

As our colleagues are aware, Mr. Speaker, the conference committee on the first concurrent resolution on the budget for fiscal year 1986 has been meeting over the last several weeks in an attempt to reconcile the significant differences between the House and Senate passed versions of this legislation. As a House conferee on the budget, I am encouraged with the progress we have made to date and believe we can and will reach a conference agreement.

However, without final adoption of a budget resolution, section 303(a) will bar consideration of this and all other general appropriation bills. Therefore, if we are to avoid reliance on a continuing resolution this year, we must begin consideration of general appropriation bills as they are reported from committee.

Last year, the rule on the energy and water development appropriations bill for fiscal year 1985 contained a so-called blanket waiver of section 303(a) for all general appropriation bills for that fiscal year.

In this rule, we opted for a more limited provision that will allow the House to begin consideration of several general appropriation bills while not also waiving this provision for all such bills. Specifically, by granting a waiver of section 303(a) for all general appropriation bills reported by the Appropriations Committee as of July 12, 1985, this waiver has been provided for the three general appropriation bills reported as of that date: the bill for which this rule is reported, the energy and water development appropriation, as well as the Commerce, Justice, State, the Judiciary, and related agencies appropriation, and the legislative branch appropriation. All of these bills are within the spending levels assumed in the House-passed budget resolution.

Again, Mr. Speaker, I wish to emphasize that the reason this procedure was provided for by the Rules Committee, in consultation with the House Budget and Appropriations Committees, was to accommodate the flow of general appropriation bills reported from the Appropriations Committee while ensuring that the House complies with the budgetary limitations we imposed on ourselves when we adopted House Concurrent Resolution 152, the first concurrent resolution on the budget for fiscal year 1986.

Mr. Speaker, H.R. 2959 is an important measure providing new budget authority for a wide variety of programs and agencies, including the atomic energy defense activities of the Department of Energy which account for almost one-half of the appropriations contained in the bill.

I believe this rule will allow for expeditious consideration of this measure, and will allow the House to move forward with the very important process of considering general appropriation bills for fiscal year 1986. I urge adoption of the rule.

□ 1320

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the rule has been ably explained, and I commend the Appropriations Committee and the subcommittee for bringing this appropriation bill to the floor of the House.

When the Rules Committee met last Friday in unusual session on Friday morning, we granted a waiver of the Budget Act which protected appropriation bills. I remember last year we provided this budget waiver on all the appropriation bills in one rule. But we limited the waiver to just three bills this year in the committee.

So I also want to take this opportunity to congratulate the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for expeditiously handling this measure and bringing it to us today on the floor of the House. I hope we can conclude our action on the full measure before we adjourn today.

Mr. Speaker, H.R. 2959 appropriates $15.27 billion. This is $7 million less than the administration's request, and about $217 million less than the 1985 appropriations enacted to date.

About two-thirds of the total amount goes to the Department of

Energy. Other large accounts are the Army's Corps of Engineers, Interior's Bureau of Reclamation, and a number of independent agencies such as the Appalachian Regional Commission and the Tennessee Valley Authority.

Mr. Speaker, I urge adoption of the rule and I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. Members of the House, you are going to hear some people speaking in opposition to this rule, and you are going to be struck by the absence of senior Members of the body who are opposing it. I would like to say at the outset, if you saw the letter that was circulated last night by the committee for a responsible Federal budget, you will know that not all of the people who oppose this rule are junior Members of this House. In fact, former chairmen of the Budget Committee, Robert Giaimo and Al Ullman, former minority leader John Rhodes, and the former Rules Committee chairman Richard Bolling, strongly recommend that this rule be defeated.

They do not do this because they oppose the energy and water appropriations bill. Neither do I, and neither do the others who are speaking here. We do this because we see this not as an ordinary rule, but we see this as one of the central issues of this session, just as it has been a central issue in every session I have been here.

The issue is whether despite all of our rhetoric, this House is committed to fiscal discipline, or whether because of inconvenience we are prepared to lightly waive the only law we have passed that guarantees any semblance of fiscal discipline.

I want to ask two questions. Is this an emergency and has the budget process broken down? That is the first question. The second question is what are the consequences of waiving the Budget Act?

I want to submit that this is clearly not an emergency, that the budget process clearly has not broken down. In fact, the budget conferees are meeting this very afternoon. The President and the leaders of both parties announced last week that the issue has been resolved. I believe we are within days, not months, of having a budget resolution.

Clearly the question is not a breakdown of the budget process. I believe the question is inconvenience.

Second, what are the consequences of waiving the Budget Act? As stated in the letter by Messrs. Giaimo and others who are long-time students of that act, the consequences of this waiver are the same as repeal of the Budget Act. That is not my statement; that is their statement. And it is true.

I want to make clear what I am referring to is my concern about waiving the discipline in the Budget Act. I am not worried about the House Appropriations Committee. Since I have been here, our Appropriations Committee has met the targets set by the Budget Committee.

The discipline of the Budget Act is the provision that allows either House to refuse to spend money until both Houses have agreed on overall spending targets through the mechanism of the conference committee on the budget resolution and accompanying provisions for reconciliation. That provision in the Budget Act is the one guarantee that we have as House Members that we can prevent the other body from unilaterally abandoning the budget process and busting the budget, and then forcing us at the end of the session to higher spending levels than previously agreed. Anyone who thinks I am crying wolf needs only to look at last year's continuing resolution, when that exact scenario was played out.

If that happens again, what do we get this year? We do not even get the marginal savings that are in the budget resolution. Instead of that, we get spending levels that are higher than the budget resolution passed in either body.

What are the consequences for next year? Members of the House would be well advised to think this through. What are the consequences for next year if we do not even get $50 billion in savings this year. Let me suggest that we may well be facing a situation in which we have a combination of higher deficits, plus a deepening recession, in an election year.

Under these circumstances, I urge Members to vote down this rule, uphold the budget process, and register a strong vote for fiscal discipline. Thank you.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Tennessee for yielding me the time.

Mr. Speaker, there are a number of reasons to vote against this rule.

First of all, this rule waives clause 2, rule XXI, which really says that you should not appropriate money without first authorizing it.

Well, what we are saying in this rule is go ahead and spend the money. It may not be authorized, but go ahead and spend it.

Then the most egregious portion of this rule is the point that was made by the gentleman from Florida [Mr. MACKAY] very articulately just a moment ago, and that is that this particular rule waives the Budget Act. It waives the Budget Act for the next three appropriation bills.

If that were an unusual occurrence, if this were the first time kind of thing, if it were something we do not normally do, we might say, well, maybe for this once.

But, this is not the first time. We did this last year on this same bill. We did this last year and this has become a precedent. This is the way you get around the Budget Act. You simply come to the floor and you waive it.

I have told audiences across this country over the last year or so that I was shocked last year when we finished the first budget resolution, and almost the next day came in here with this kind of waiver for every appropriation bill. And I have to tell you that I found audiences across this country that are shocked, shocked that the Congress treats the Budget Act in that cavalier way, that it literally says we are not going to have discipline around here, we are simply going to go ahead and spend the money regardless of the mandates of the Budget Act.

That is what we are doing again. And you are going to hear from the Appropriation Committee saying, look, we are just trying to get our job done. We are just trying to get this thing done in the proper manner.

□ 1330

Well, the point is that you have also got to discipline the process, that is what the Budget Act is all about. And I will tell you one of the most disturbing things about this to me is in this waiver of the Budget Act we are literally saying it does not apply to us as Members of Congress. In this rule when we waive the Budget Act and this rule is not just energy and water you are talking about, you are talking about us, you are talking about the legislative appropriations; we are saying when it comes to the Budget Act, the discipline of the Budget Act, it does not apply to us, we are above the Budget Act. When it comes to spending money for Congress, when it comes to spending money for this House, when it comes to our salaries, when it comes to all the things that we do, forget it, folks, the Budget Act does not apply to us.

If you vote, if you vote for this rule you are saying that the Budget Act is waived for Members of Congress. I would like to hear people explain that back home.

I would like to hear you go back to your district and say that we have talked a lot about the deficit, folks, and we talked a lot about this whole business of needing a budget and how important the budget process is, but it does not apply to us as Members of Congress; that the Budget Act should not apply to Congress, just waive it when it comes to us.

That is what you are doing, vote for this rule and that is what you are doing; you are abandoning the budget process and you are abandoning it in

particular for us in the Congress. I think it would be a shame. I hope we vote it down.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. I thank the Speaker, I thank the gentleman from South Carolina for yielding.

Mr. Speaker, I rise today in reluctant opposition to the rule on H.R. 2959. I want to express from the outset my respect for the chairman of the committee, Mr. WHITTEN, and the chairman of the subcommittee, Mr. BEVILL, for the work that they are doing and their efforts to really try to do their job.

I also want to recall the words of Lyndon Johnson who I believe said, "All of us want to do the right thing. The tough part is deciding what is the right thing."

I am not at all convinced that the right thing for us to do is to pass this rule. I, like many of you, perhaps like all of you, want to make the budget process work. I do want to make the budget process work. I think the bottom line is if we do not like the budget process as it is, if we are going to be forever trying to get around it, let us change it in a way that we think is appropriate and abide by that budget process, and we are not doing that here.

You know as I do that the budget process calls for the adoption of a resolution that we can agree on with the Senate. It is followed by 13 authorization bills, 13 appropriation bills, then reconciliation.

As one Member, I take no pride in our inability year after year to get it right, to get it together.

I take no pride in our failure to pass all 13 appropriations bills. I take no pride in our governing, year after year, through continuing resolution.

Those of us who participate in this process have no badge of honor that we can wear because of our failure to get it right. I am, by nature, an optimist. I am, by nature, an optimist like many of you. I do not feel so optimistic today about the budget process, about our inability to ever really deal effectively with any of these deficits. I have not felt optimistic for a week, I have not felt optimistic for a month. In fact, if anything, I feel almost despair today.

What are we to do about it?

Again, I am going to vote against this rule. I am not absolutely sure that it is the right thing to do, but I believe voting for it is the wrong thing to do.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I am sure from time to time as Members go to the well of the House to address issues they feel a bit like Don Quixote. In fact today I feel a little like Don Quixote, tilting at windmills, because I know the dream of a balanced budget is almost an impossible dream. And it is almost impossible for us to dream about the day of fiscal responsibility in Congress.

But I would suggest to my colleagues that we can make that impossible dream possible if we make the tools that we have available to us work, and of course if we get an attack of courage as well.

But if we today abandon the tools that we have available to us, that dream of a balanced budget or even reduced spending indeed will be an impossible one. That is what the rule that is before us does. It abandons the budget process.

I do not fault the Committee on Appropriations. Instead I feel sorry for them. They are told to come out with 13 bills by the end of the fiscal year and have them approved by this House, the other body, an get them through conference, and that it a tough task. They are doing what they are supposed to do.

But we in the House have another responsibility, and that is to try to make the budget process work so that we can get spending under control. And if we permit the appropriations to move forward now before the budget has been adopted, we have abandoned the budget as a tool of fiscal restraint. I can assure you that despite all of the fine talk about how we will live within the budget adopted by our side and the Senate will live within the budget adopted by its side, there will not be any teeth in either commitment and we will both end up with the highest spending appropriated by either side. It is clear that we are dooming ourselves to failure on the budget if we waive the budget now.

Instead what we should be doing is telling the budget conferees that we are holding their feet to the fire, that we are sending them back to do a better job and to do it promptly. We do that by refusing to take up appropriation bills until the budget is adopted.

By refusing to waive the budget process, we have a better chance of getting the budget adopted, we have a much better chance of living with a budget and of controlling spending at the Federal level. That is what is at stake, nothing less.

So I urge you to vote "no" on the rule.

Mr. BEVILL. Mr. Speaker, I rise today in support of the Rules Committee and of this rule. We have been through this. We go through it every time, that we bring this bill to the floor. I would urge you to support the rule because the Rules Committee has considered it. This bill was unanimously approved by my colleagues on the subcommittee which I have the honor to chair and which produced this bill; it was unanimously approved by the Committee on Appropriations of the House as a whole, and there is no reason not to grant a rule.

We are talking here about 13 annual appropriation bills here, getting them through, in 17 more days. Not counting the Mondays and Fridays we have about 17 days to get 13 appropriations bills through both Houses and signed by the President, for the new fiscal year.

Now if we are going to play games around here in this rule, this business of waiting until the Budget Committee gets together, I think that is overly optimistic and I think we are going to continue operating this Congress on a continuing resolution which I do not believe is the best way to operate the Government.

I have heard one gentleman on the floor here mention that he did not like these continuing resolutions and the appropriations in continuing resolutions. Well, I do not either. But I remind you that 5 or 6 of the 13 appropriation bills last time were in the continuing resolution. Why are they there? Because of delays. This is just another example of another type of delay. That is all it does, it pushes us right into another continuing resolution. I would like to see this House act under a formal procedure. If we waited only on a Budget Committee, you know, we might not have to wait but 1 day, but we might be waiting this time next year.

□ 1340

In the meantime, we would be operating as we nearly did on half of the appropriations for 1985 on a continuing resolution.

So I urge you to vote for this rule and not delay this legislation any further, and we are talking about not only the Energy and Water Appropriations bill, but we also are talking about the legislative appropriations, and we are also talking about the State and Justice Appropriations; we are talking about three appropriations bills of the 13 here, being delayed, we are scheduled, we are readly to go this week, I suggest that we vote for and support this rule.

Mr. QUILLEN. Mr. Speaker, I would like to remind Members of the House that last year the budget resolution was not finally passed until October 1. The House adjourned for the year on October 12.

I want to take this opportunity to commend the Appropriations Committee for bringing these bills to the floor. Had we waited for the budget resolution to be passed last year, we would still have been hammering out legislation up until Christmas Eve that same year. I think it is time that we took the bull by the horns; that

the appropriate committees, the authorizing committees act; that they bring these measures to the House floor so that they can be enacted. But if the Budget Act produces such delays, there is something wrong with it, and the House should look sternly at taking the bull by the horns there, too, and doing something about it.

Let us not be critical of the Appropriations Committee, because they want to do the right thing and get these bills passed before the end of this fiscal year so that we can start the next fiscal year without any continuing resolution.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, I rise in opposition to the rule; not to find fault with the Committee on Appropriations, but to at least say that there is a time at which we have to stop.

It is good to see some of my fellow Floridians and fellow classmates who have joined me on the floor to talk about the defeat of this rule.

Why should we do it? Well, I think we ought to do it for the purpose of putting pressure, on the budget conferees, and we ought to do it from the standpoint of, as the gentleman from Tennessee [Mr. QUILLEN] has indicated, acknowledging that maybe there is something wrong with the Budget Act.

Well, there probably is, but I would say that rather than to covertly repeal the Budget Act, as we do as we allow for waivers, that we should in fact deal with that question about how effective the Budget Act is on its own and not continue to find ways to circumvent it though the use of waivers.

It was suggested that in order to avoid continuing resolutions, that we should waive the Budget Act for this particular piece of legislation and several others. Again, I would remind most of the Members, that it was last year when we had a blanket waiver for the same reason; to try to avoid continuing resolutions; and what did we get? We got a continuing resolution that raised spending 13 percent, which totally changed the direction this Coangress had taken from 1980 to 1984; where we had gone from a 14-percent growth in spending on an annual basis down to a 5-percent growth.

So I would urge my colleagues to vote against this rule, to put the pressure on the conferees of the budget.

It was said here a little bit earlier in the day by both sides, that they thought that they were getting close to a budget agreement. I am skeptical of that, but I am prepared to wait until Christmas if necessary in order to come up with a good budget.

I think the way to go about it is to keep that pressure on the conferees; force them to come up with a budget resolution, and get by this year without any major increases in spending.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Speaker, I am a member of the Committee on Appropriations, and I want to congratulate my committee for putting these bills out, so that we hopefully could get 13 appropriations bills through the House and Senate and to the President by October 1.

The budget process breaks down each year. I would not have a problem with this rule waiver except for the fact that we are violating the Budget Act each year, and if it were 1 year maybe a waiver would be appropriate, but each year we go through the process of violating our own rules.

So I think it would be appropriate for us to oppose the rule and suggest that we go back and review the budget process. Our deadlines cannot be met and we end up each year with a continuing resolution, and as the gentleman from Alabama states, he does not like the continuing resolution and neither do I.

If it were to happen occasionally, it would be different, but now it is becoming a practice, and I think it is time now that the House as an institution look at our rules and say let's amend our deadlines so that the authorization committees and the Budget Committee finish their work in a timely manner. Then those of us on Appropriations can exercise our responsibilities to finish the job in getting that budget to the President by October 1.

Now if you are the President, you would want to look at a comprehensive budget on October 1. I have not seen one in 9 years that I have been here.

The taxpayers expect Congress to comply with the Budget Act. We violate that act each year. Since appropriations bills start in the House, I believe we need major policy changes to accomplish our basic duty. That is to complete our budget work on time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, the concern many people in this Chamber share today is that we will, by passing this rule, once again throw the budget process out the window.

Now I know that over the last several years, for a variety of reasons, it has been difficult to match the deadlines that are called for in the Budget Act. We are supposed to have an orderly process under that Budget Act that calls for a budget resolution to be agreed upon in the spring of the year to then be followed in the summer months by appropriation bills; but the sequence is to set those guidelines on spending and then appropriate accordingly.

We are in a situation now similar to the situation we have been in for the last several years, where we are authorizing on top of appropriations on top of the budget process. It is all happening at the same time, and as a consequence, no one around here knows exactly where we stand.

It is tough to say that we are within the budget when we do not know what the budget is, and that is the position that we have been placed in now that we are trying to bring appropriation bills to the floor prior to the budget resolution being achieved.

□ 1350

You can argue that these appropriation bills must move forward. But it takes the heat off of the budget conferees to move forward with appropriation legislation prior to their completing their work. It is difficult for us to assess the implications of an appropriations bill without having that benchmark of a budget to compare it to. If you want to repeal the budget process, then let us bring legislation to the floor to do so and debate the merits of it. But let us not repeal it piecemeal through the rules process.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding.

Mr. Speaker, I am reluctant, frankly, to take the floor today in opposition to this particular rule because of a deep respect for the gentleman from Mississippi, the gentleman from Alabama, the gentleman from Tennessee, and certainly a deep respect and admiration for the chairman of the Rules Committee, the gentleman from Florida. But, Mr. Speaker, I think that we are at a point in our Nation's history where we are going to have to do something dramatic to get the attention of the American public and, frankly, I do not know what that is going to have to be. But I honestly believe that this deficit problem is the worst problem facing America today. We have sort of beat around the bush, we have taken politically expedient positions on both sides of the political aisle that, frankly, prevent us as an institution from really responsibly addressing this problem.

We are at a point in the Budget Committee conference right now where both sides are locked into really irresponsible positions that prevent them from having the flexibility necessary to address the most critical problem facing America. I think we have to raise the ante, if you will. And if that means we stop the process, if it means we do not have an August recess, if it means we do not go home

at Christmas time, whatever it may be, I think historians would say we did a wise thing. As unconventional as that sounds, I know, to many of the senior Members of this body, I just feel that deeply about this problem.

Today we are being asked to waive the Budget Act as it applies to three major appropriation bills, the legislative branch, energy and water, and the Congress and Justice and State Department appropriation bills, three critical appropriation bills, no question about it. And I am not rising in opposition to the specifics of those particular bills. But I am rising in opposition to what I view, in the words of the gentleman from Florida, as a covert effort, in effect, to duck the Budget Act.

Mr. Speaker, I hope we do not do that at a time when this Nation is facing $200 billion deficits as far as the eye can see. We are mortgaging the future of this country, and we have to do something different.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Speaker, here we are again, going down that same road that we have been going recently.

Charges have been made this afternoon that we, the House of Representatives, by adopting this rule, are abandoning the budget process. Quite to the contrary. The budget process has abandoned the House of Representatives. It did last year, when, as the gentleman from Tennessee so ably pointed out a moment ago, we did not have a budget until after the new fiscal year started. And, from all appearances, that will be true again.

And the suggestion has been made that by not adopting this rule today we put pressure on the conferees to work out a budget. Did it work last year? Not at all. Whom do you put pressure on? The committees that are bringing this bill to the floor today, the Appropriations Subcommittee is who you are putting the pressure on. So you are not really putting the pressure on anybody except us.

Now, there are 30 working days left in this House of Representatives, 30 session days, between now and the time of the beginning of new fiscal year. With 13 appropriation bills to be brought forward and then have to go to conference, it is not possible. So what you are actually saying here—and in all sincerity, I know you mean it very well—you are going to hold spending down by not adopting this rule today. But you are not. Quite to the contrary.

Who likes continuing resolutions? But you will see the largest continuing resolution you ever saw if you fail to adopt this resolution today, this rule. You are going to see a huge one come by in October. There are no holds, no bind, nothing, no control on new authorizations. Everything is fair in a continuing resolution. It just is not the way to solve the problem.

We on Appropriations regret the posture we are put in once again, but we are trying to get the job done.

Now, as a practical matter, I can speak for two of the appropriation bills that are covered in this waiver. The energy and water bill scheduled to come up today is under the President's request, it is under last year's level. At the wildest imagination of cutting spending, no one has really gone below last year in the budget process, but we have. So you are not going to save any money. If we have to wait until the first of October to come to the floor, it will be the same bill. It will not be any dollars less. I am sure that the chairman of the Committee on Legislation will tell you the same thing. It is under last year's also. So you are not accomplishing anything but putting pressure on the wrong people.

We have got to get our job done, and this is the way to do it, and avoid that unbelievably large CR that we would have if you do not adopt this rule today.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding. and I appreciate the comment about the sincerity, because that is exactly where we come from, and I appreciate the gentleman's sincerity.

But I would just make this point: We really did not put any pressure on the Budget Committee last year.

Mr. MYERS of Indiana. Sure, you did.

Mr. MACK. We waived the rules dealing with the Budget Act very early on so that we could deal with the appropriation bills. And took the pressure off the Budget Committee.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, I would like to associate myself, to a degree, with the remarks of the gentleman from Indiana, who has just spoken.

While I sympathize with the aim of the gentleman from Florida to bring pressure on the budget conferees to cut this deficit spending, I think we have to ask ourselves whether or not we in fact are bringing pressure on the budget conferees to do anything, because if in fact there is sentiment in that conference to not control spending, than all they have to do is stall for time and the continuing resolution will open up the spigots and the money will flow. So I do not see any reasonable anticipation that you can bring any sort of pressure on the budget conferees by leaving them the opportunity of letting a continuing resolution offer no discipline on the spending habits of this House. The only discipline I think we can bring to the process is exactly what we are attempting to do here, and that is through the Appropriation Subcommittees trying to squeeze the spending, and then getting those bills on the floor and letting the Members of this body work their will on these pieces of legislation.

I have deep sympathy and support for the effort to cut spending and bring pressure on the conferees. But, to be frank with the House, I really do not think that this ploy will work. Otherwise I would be supporting it.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Florida.

Mr. MACK. Put yourself in the position of the budget conferees who are meeting right now, as a matter of fact, at just the time when the budget conferees are getting together to come forward with an offer to make to the other body, and here we are, talking about waiving not just this particular appropriation bill but two additional ones.

What it really is saying, as a conferee, is, basically, "Why should I worry? Nothing that we are going to do is going to make any difference. We will just leave it up to the Rules Committee and the Appropriations Committee."

Mr. ROGERS. My response would be that if they know that they can bring a continuing resoluiton on this floor, with not holds barred, what kind of pressure is this, then?

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I am a little confused. Is the gentleman from Florida, and others, more concerned about procedural matters, or saving money?

I hope it is the idea we are going to reduce spending.

Now, we operated this country for 190 years without a budget from the Congress, and it was a lot quicker and, frankly, easier for the Appropriations Committee to cut spending back then than it is today. Back 10 years ago we added 92 days to the fiscal year so we could accommodate these kinds of problems of today. We added 92 days to the fiscal year 10 years ago, but it has not helped a bit.

So I think you are chasing the wrong rabbit. The problem is not bringing bills to the floor. It is a matter of getting the legislation through and getting the Budget Committee to move. They still have 30 legislative days to function. They have 30

legislative days, and they are not going to worry. It is use on the Appropriations Committee.

If you want to avoid that massive big concurrent resolution that will include a lot of new starts and everything else, you better vote for the rule today.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Florida.

Mr. MACK. My point, in responding to the gentleman from Indiana, would be that what you are really arguing for is the elimination of the Budget Act.

Mr. MYERS of Indiana. Probably.

Mr. MACK. And the point that I was making, if in fact we are going to do that—and I think we probably ought to have a debate about that—we ought to have it openly and not what I would call today a covert repeal of the Budget Act through the waiver of the Budget Act.

Mr. ROGERS. Reclaiming my time, I really think the Budget Act obviously does not work, and that is what we ought to be addressing.

□ 1400

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this rule.

Mr. Speaker, I rise to discuss one provision in this bill and one project which this Member has had a great interest for many years—the O'Neill project in Nebraska. In the past, I have strongly opposed the project for its cost and its environmental problems.

Last January, the State of Nebraska issued a report concluding that a ground water recharge project—an alternative to the authorized project—could be built at less than half the cost and without the environmental problems associated with the construction of Norden Dam, a highly controversial feature of the authorized project.

The Bureau of Reclamation recently informed the Nebraska congressional delegation that it was withdrawing its support for the authorized project. At hearings before the MILLER subcommittee, the delegation appeared and jointly and unanimously supported the State's recently developed alternative project.

These are positive steps. While only a small amount of money is contained in this year's budget, $240,000, it can only be spent if Congress enacts new legislation reauthorizing the project and then, only for detailed studies consistent with the State study.

I will continue to watch, with considerable interest, the progress of the alternative to the authorized project.

The letter from Acting Commissioner Olson to Senator EXON and the Nebraska delegation letter to Chairman MILLER follow:

U.S. SENATE,
Washington, DC, March 18, 1985.

Hon. GEORGE MILLER,
Chairman, Subcommittee on Water and Power Resources, House Committee on Interior and Insular Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Your upcoming hearings on the O'Neill Unit, together with recent federal court actions and released reports on studies of alternatives to the project as originally authorized, are helping the people of Nebraska and their congressional delegation reach a long-overdue consensus on the future of the project.

The Nebraska congressional delegation is united in agreeing to modify the O'Neill Unit authorization. We will support legislation to eliminate the Norden Dam and reservoir components of the O'Neill Unit and replace those principal features with a groundwater collection, transfer, and recharge system that is generally consistent with the report, "Nebraska State-Led O'Neill Unit Alternatives study," issued January 31, 1985, by the State of Nebraska.

We believe that this approach will best meet the primary needs of the parties interested in and affected by the O'Neill Unit. We also believe that it will provide a unique opportunity for serious consideration of the innovative artificial groundwater recharge concept as advocated by the State of Nebraska.

We look forward to cooperating with you and other distinguished members of Congress in developing detailed legislation incorporating these ideas.

Sincerely,

DOUGLAS BEREUTER,
HAL DAUB,
VIRGINIA SMITH,
Members of Congress.

J. JAMES EXON,
EDWARD ZORINSKY,
U.S. Senators.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, March 11, 1985.

Hon. J. JAMES EXON,
U.S. Senate, Washington, DC.

DEAR SENATOR EXON: Thank you very much for the opportunity to meet with you Friday relative to your concerns on the State of Nebraska study of the O'Neill Unit. Knowing your strong interest in the Nebraska's water related issues, I appreciated discussing the current activities with the O'Neill Unit. Under the direction of the Assistant Secretary for Water and Science, Mr. Robert Broadbent, the U.S. Geological Survey and the Bureau of Reclamation have reviewed the State's proposed ground water recharge project. The USGS/Bureau review of the State study concluded that the ground water recharge project is innovative and represents an exciting challenge in water resources development. In addition, the reviewers suggested the State's ground water recharge plan had substantial merit and, therefore, additional feasibility studies including the engineering design of a project should be initiated. A separate technical review was also conducted by an indepedent firm (In-situ Inc.). Their findings and conclusions indicated ground water recharge alternative was technically feasible and warranted further study. Both review teams suggested that two to three years of geohydrology investigations, engineering design, and environmental (NEPA compliance) work would be required prior to the initiation of construction of a ground water recharge project.

As a result of environmental controversy and escalating construction costs, the originial O'Neill Unit does not have sufficient support to warrant continued investigations by the Bureau of Reclamation. Therefore, I have deferred all ongoing investigations on the Norden Dam plan for the O'Neill Unit. Remaining unobligated funds in fiscal year 1985 for the O'Neill Unit could be utilized for the feasibility studies and engineering design of the State's ground water recharge plan. In fiscal year 1986, the President's budget includes $240,000 for the O'Neill Unit. Likewise, these funds can be utilized for the ground water rechange investigations.

The Department fully supports the State of Nebraska's efforts in finding a cost-effective and environmentally sound alternative to the Norden Dam plan for the O'Neill Unit. We look forward to working with you, the rest of the Nebraska delegation, and the State of Nebraska in implementing the State's proposed project.

Sincerely yours,

ROBERT A. OLSON,
Acting Commissioner.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I thank the gentleman for yielding to me.

Mr. Speaker, I would like to point out to start with that there is no money in the budget resolution; all it is is a goal. The money is in the appropriations bills. The appropriations bills contain real money; not just play money.

This rule under attack is completely in compliance with the Rules of the House of Representatives. Under the rules, contrary to what I heard here before, the process is this: Authorizations for fiscal year 1986 were supposed to have been completed by last October 1. Then the budget resolution comes in February and the early spring. Then the appropriations bills follow presumably in May.

The hearings in the subcommittee I chair were concluded in April. We waited and we waited. Finally, it comes time when we need to present it to the House. The rules of the House anticipate that in this very situation, there be a waiver. It is all in accordance with the rules of the House. That is proposed in this rule.

Now, what if we never go ahead after a budget resolution has not been agreed to and if we did not permit waivers? That would give to the Senate a veto. They could just sit there and prevent the House from presenting bills to them; we have to originate appropriations bills in the House; they would just sit there and wait until the House gave in to them on the budget resolution. So what some are saying is to wait and wait until the House gives in to the Senate.

So, what you are voting for when you vote "no" on this resolution, is for the giving in to the Senate for no COLA's for Social Security—that is the Senate position—and for a much higher figure for military spending than the House has already voted than it wants to authorize. That is what those are supporting when they say wait and wait and wait until the House gives in to the Senate.

These bills under consideration are under 302 maximum and within the House budget resolution. The House has taken its position; the allocations have been made to subcommittees. These bills are less than permitted under that resolution and within the 302 allocation. That is the section of the Budget Act which sets the limits on each subcommittee bill. This is all in accordance with the rules of the House.

We have waited for 6 weeks now; it is time to go ahead and I urge a yes vote on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to second those who have stood in the well of the House and applauded the difficulty of the job that the Appropriations Committee must do, and the sincerity with which they have worked. I join in thanking them for that.

I caution colleagues on my side of the aisle, though, that it is votes just like this that waive the Budget Act that often get in Members' reelection difficulties. Now, I do not want to play politics with the budget; I do not like it. I would cut Social Security COLA's and all COLA's. I would cut the military and all military. I would raise corporate minimum taxes and dedicate that money to the deficit. I predict that a year from now the issue in this House will not be water projects or legislative budgets; the issue in this House will be deficits, and we ought to act now.

I caution Members on my side of the aisle that there are Members among you who were attacked last year during their reelection campaigns for votes just like you are about to make. Do not waive the Budget Act. Vote against the rule.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding me this time.

Mr. Speaker, I come to this debate with a little bit of personal relevance to it in the sense that one of the three bills that would have a waiver granted by the adoption of this rule is my own legislative branch bill. I am also a member of the Budget Committee, and I am on the conference committee that is going to meet in 55 minutes to take up another effort, one put together by the chairman, Mr. GRAY to reduce our tremendous and growing deficit. I think it is a good, solid effort to finally reach this week some closure to the budget process by saving us over $270 billion in the next 3 years.

I stand here and ask you to adopt this rule because I think it is a reasonable, intermediate position that respects the prerogatives of the budget process and committee, and at the same time, recognizes the reality that we must begin the process of adopting appropriation bills if we have any hope of giving our colleagues a chance to analyze and vote on them in the normal procedure.

This is not a blanket budget waiver of all appropriations across-the-board as we have had in the past. I think it properly accommodates the interests of the budget process in not being that kind of blunt instrument. I might add it was the gentleman from South Carolina [Mr. DERRICK] and the gentleman from Texas [Mr. FROST], who also sit on the Budget Committee, who, as Rules Committee members, mandated, and I think rightly so, that we not expose our chairman and our conferees, Mr. GRAY and others, to the ridicule the Senate might rain on them if we did have a blanket waiver at this crucial time in the budget conference.

The proper approach has been taken. We have three bills here that are eminently responsible. They are all within the budget as adopted by this House, and I believe they are all within the budget that is going to be voted out by the conference committee. Two of them are below the last fiscal year's figure; one of them is at last year's figure. They are very tightly drafted and go a long way to meeting the objections that people have brought to this floor to proposals that do not adopt a freeze at last year's level. I think they will ultimately do that.

We are not violating any basic principles; in fact, we are adjusting procedures in the most delicate way. If we are to act simply out of a desire to please either the folks at home, causing them to think that we are doing something substantive on what is a symbolic, procedural amendment, or out of a misplaced overemphasis on form over substance, we are doing a lot of damage to the institution.

The same people will be criticizing us for not having moved appropriation bills in several weeks. So I urge that we adopt this rule and move on to meet our responsibilities to enact a budget by October 1.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the distinguished Chairman of the Rules Committee, the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this rule. The Rules Committee has tried to do the best it could to help this distinguished committee meet the challenge of this unique situation which we face without a waiver or a continuing resolution. Our Appropriations Committee, which means the meaningful part of our legislative process, would be utterly stymied. It was indicated that the Rules Committee would be considered favorable if we granted a waiver on all appropriations bills the rest of the session. We decided not to do that. We wanted to give the various Budget Committee members an opportunity to accomplish what they hope they can achieve of coming to an early settlement about the budget.

To those who say this rule would have us abandon our respect for the budget, the only budget this House knows is the budget this House has passed. This committee is observing that budget, and that is what we are basing our waiver upon. The fact that there has been a passage of the resolution by the House.

There are 13 appropriations bills, as the Members know, to be passed. I am told we have 30 days remaining in this session, including Fridays and Mondays. Is the Appropriations Committee to be denied the privilege of coming to the floor with essential legislation to implement the meaning of almost every other bill we have passed? Without the appropriation, hardly any of the bills would have any significance. Are we to tie the hands of our Appropriations Committee and say in spite of the fact that we are honoring the resolution passed by the House, which we are only giving the Appropriations Committee three waivers, you can be assured you will get the extra waivers as you need them because we want you to do your job. This House wants to give you the authority to do your job.

So I say what else can we do under the circumstances?

□ 1410

We do not have a budget resolution, so we cannot be governed by that. We are using the best we have, the House-passed resolution. That is all this rule is trying to do, is to deal fairly with a problem that the House has, and I think the House ought to approve it.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a very good debate. I know those who oppose the waiver of the Budget Act are sincere, but we must think about the process of government and seeing government operate under the system that we had before the Budget Act.

I think it is absolutely mandatory that we go through the appropriations process. It is not the fault of the Committee on Appropriations that the authorizing committees have not acted,

that these bills are not before us here on the floor of the House. It is not the fault of the Committee on Appropriations that the Budget Committee has not acted. It is not the fault of the American people that we are suffering from mammoth deficits.

We must get this Government under way and operating as it should. We must do something before October 1, and I commend the Committee on Appropriations again for their action. I urge adoption of the rule so that we can get down to the business of passing this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have served on the Budget Committee longer than anyone in this House with the exception of the majority leader. It is very easy to run down the Budget Committee. It is very easy to talk about them being over there on July 15. I wish they were not there on July 15. I wish we did not have a $200 billion-plus deficit. I wish all of the appropriations bills were already passed. I wish a lot of things, but that does not make it come true, and that does not change the situation as it is today in the middle of July 1985.

The situation is that we have deficits that we are trying to deal with that none of us would have contemplated when the Budget Act was passed. It has put pressure on all of us. For those of you who are talking about putting additional pressure on the Budget Committee, let me assure you that you can apply your efforts in some other direction because we have more pressure than we can handle already, and that is to get that budget resolution out.

I think we will get a budget resolution out this week. I am very hopeful. But at the same time we have to understand that the business of this Nation, the business of this House, the business of government, must go on, and for it to go on we have to pass these appropriations bills.

It was requested of the Committee on Rules that we have a blanket rule for all 13 appropriations bills. In consultation with the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on the Budget, the chairman of the Committee on Rules, the Speaker and others, and with both the Rules and the Budget Committee, we decided, as on most things in this body, this is not a town, as all of us learned long ago, of absolutes. It is a town of what is possible. To get the budget resolution out, while at the same time allowing the Committee on Appropriations to have their bills passed, we decided that we would grant a limited rule, a limited blanket rule if you want to call it that, for three of these appropriations bills.

What will that accomplish? It will not accomplish the end of the Budget Act. It will not accomplish all these dire things that have been forecast here this afternoon. What it will do is simply allow the House to continue with its business, the Committee on Appropriations to continue with its business, and the Committee on Budget to continue to try to get a resolution.

So I ask you to understand, as reasonable men and women, to understand that the Government must go on, and that you vote for this rule and allow us to go ahead with the appropriations bills to come back, hopefully this week, with a budget resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MACK. Mr. Speaker, on that, I ask for a division.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 415, nays 6, not voting 12, as follows:

[Roll No. 227]

YEAS—415

Ackerman	Boulter	Daniel
Addabbo	Boxer	Dannemeyer
Akaka	Breaux	Darden
Alexander	Brooks	Daschle
Anderson	Brown (CA)	Daub
Andrews	Brown (CO)	Davis
Annunzio	Broyhill	de la Garza
Anthony	Bruce	DeLay
Applegate	Bryant	Dellums
Archer	Burton (CA)	Derrick
Armey	Burton (IN)	DeWine
Aspin	Bustamante	Dickinson
Atkins	Byron	Dicks
AuCoin	Callahan	Dingell
Badham	Campbell	Dixon
Barnard	Carney	Donnelly
Barnes	Carper	Dorgan (ND)
Bartlett	Carr	Dornan (CA)
Barton	Chandler	Dowdy
Bateman	Chappell	Dreier
Bates	Chappie	Duncan
Bedell	Cheney	Durbin
Beilenson	Clay	Dwyer
Bennett	Clinger	Dyson
Bentley	Coats	Early
Bereuter	Cobey	Eckart (OH)
Berman	Coble	Eckert (NY)
Bevill	Coelho	Edgar
Biaggi	Coleman (MO)	Edwards (CA)
Bilirakis	Coleman (TX)	Edwards (OK)
Bliley	Collins	Emerson
Boehlert	Combest	English
Boggs	Conte	Erdreich
Boland	Conyers	Evans (IA)
Boner (TN)	Cooper	Evans (IL)
Bonior (MI)	Coughlin	Fascell
Bonker	Courter	Fawell
Borski	Coyne	Fazio
Bosco	Craig	Feighan
Boucher	Crockett	Fiedler
Fields	Lowry (WA)	Rudd
Fish	Lujan	Russo
Florio	Luken	Sabo
Foglietta	Lundine	Savage
Foley	Lungren	Saxton
Ford (MI)	Mack	Schaefer
Ford (TN)	MacKay	Scheuer
Fowler	Madigan	Schroeder
Frank	Manton	Schuette
Franklin	Markey	Schulze
Frenzel	Marlenee	Schumer
Frost	Martin (NY)	Seiberling
Fuqua	Martinez	Sensenbrenner
Gallo	Matsui	Sharp
Garcia	Mazzoli	Shaw
Gaydos	McCain	Shelby
Gejdenson	McCandless	Shumway
Gekas	McCloskey	Shuster
Gephardt	McCollum	Sikorski
Gibbons	McCurdy	Siljander
Gilman	McDade	Sisisky
Gingrich	McEwen	Skeen
Glickman	McGrath	Skelton
Gonzalez	McHugh	Slattery
Goodling	McKernan	Slaughter
Gordon	McKinney	Smith (FL)
Gradison	McMillan	Smith (IA)
Gray (IL)	Meyers	Smith (NE)
Gray (PA)	Mica	Smith (NH)
Green	Michel	Smith (NJ)
Gregg	Mikulski	Smith, Denny
Guarini	Miller (CA)	Smith, Robert
Gunderson	Miller (OH)	Snowe
Hall (OH)	Miller (WA)	Snyder
Hamilton	Mineta	Solarz
Hammerschmidt	Mitchell	Solomon
Hansen	Moakley	Spence
Hartnett	Molinari	Spratt
Hatcher	Mollohan	St Germain
Hawkins	Monson	Staggers
Hayes	Montgomery	Stallings
Heftel	Moody	Stangeland
Hendon	Moore	Stark
Henry	Moorhead	Stenholm
Hertel	Morrison (CT)	Stokes
Hiler	Morrison (WA)	Strang
Hillis	Mrazek	Stratton
Hopkins	Murphy	Studds
Horton	Murtha	Stump
Howard	Myers	Sundquist
Hoyer	Natcher	Sweeney
Hubbard	Neal	Swift
Huckaby	Nelson	Swindall
Hughes	Nichols	Synar
Hunter	Nielson	Tallon
Hutto	Nowak	Tauke
Hyde	O'Brien	Tauzin
Ireland	Oakar	Taylor
Jeffords	Oberstar	Thomas (CA)
Jenkins	Obey	Thomas (GA)
Johnson	Olin	Torres
Jones (NC)	Ortiz	Torricelli
Jones (OK)	Owens	Towns
Jones (TN)	Oxley	Traficant
Kanjorski	Packard	Traxler
Kaptur	Panetta	Udall
Kasich	Parris	Valentine
Kastenmeier	Pashayan	Vento
Kemp	Pease	Visclosky
Kennelly	Penny	Volkmer
Kildee	Pepper	Vucanovich
Kindness	Perkins	Walgren
Kleczka	Pickle	Walker
Kolbe	Porter	Watkins
Kolter	Price	Weaver
Kostmayer	Pursell	Weber
Kramer	Quillen	Wheat
LaFalce	Rahall	Whitehurst
Lagomarsino	Rangel	Whitley
Lantos	Ray	Whittaker
Latta	Regula	Whitten
Leach (IA)	Reid	Williams
Leath (TX)	Richardson	Wilson
Lehman (CA)	Ridge	Wirth
Lehman (FL)	Rinaldo	Wise
Leland	Ritter	Wolf
Lent	Roberts	Wolpe
Levin (MI)	Robinson	Wortley
Levine (CA)	Rodino	Wright
Lewis (CA)	Roe	Wyden
Lewis (FL)	Roemer	Wylie
Lightfoot	Rogers	Yates
Lipinski	Rose	Yatron
Livingston	Rostenkowski	Young (AK)
Lloyd	Roth	Young (FL)
Loeffler	Roukema	Young (MO)
Long	Rowland (CT)	Zschau
Lott	Rowland (GA)	
Lowery (CA)	Roybal	

NAYS—6

Broomfield	Jacobs	Petri
Grotberg	Martin (IL)	Vander Jagt

NOT VOTING—12

Crane	Flippo	Mavroules
DioGuardi	Hall, Ralph	Schneider
Downey	Hefner	Waxman
Dymally	Holt	Weiss

□ 1430

Messrs. COOPER, LELAND, and BARTON of Texas changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 181, not voting 13, as follows:

[Roll No. 228]

YEAS—239

Ackerman	Donnelly	Kennelly
Addabbo	Dorgan (ND)	Kildee
Akaka	Dornan (CA)	Kleczka
Alexander	Dowdy	Kolter
Anderson	Durbin	Kostmayer
Andrews	Dwyer	Lantos
Annunzio	Dyson	Lehman (CA)
Anthony	Early	Lehman (FL)
Applegate	Eckart (OH)	Leland
Aspin	Edwards (CA)	Levine (CA)
Atkins	Emerson	Lewis (CA)
AuCoin	Erdreich	Lewis (FL)
Barnes	Evans (IL)	Lipinski
Bateman	Fascell	Livingston
Beilenson	Fazio	Lloyd
Bennett	Flippo	Long
Berman	Florio	Lowery (CA)
Bevill	Foglietta	Lowry (WA)
Biaggi	Foley	Luken
Bliley	Ford (MI)	Lundine
Boggs	Ford (TN)	Manton
Boland	Fowler	Markey
Boner (TN)	Frank	Martin (NY)
Bonior (MI)	Franklin	Martinez
Bonker	Frost	Matsui
Borski	Fuqua	Mazzoli
Boucher	Garcia	McCain
Boulter	Gaydos	McCandless
Boxer	Gejdenson	McCloskey
Brooks	Gekas	McDade
Brown (CA)	Gephardt	McEwen
Bruce	Gibbons	McHugh
Burton (CA)	Gilman	Michel
Byron	Gonzalez	Mikulski
Callahan	Gordon	Miller (OH)
Carney	Gradison	Mineta
Carr	Gray (IL)	Mitchell
Chandler	Gray (PA)	Moakley
Chappell	Green	Mollohan
Clay	Guarini	Monson
Clinger	Hall (OH)	Montgomery
Coelho	Hamilton	Morrison (WA)
Coleman (TX)	Hatcher	Mrazek
Collins	Hawkins	Murphy
Conte	Hayes	Murtha
Coughlin	Heftel	Myers
Coyne	Hillis	Natcher
Daniel	Horton	Nowak
Daschle	Howard	O'Brien
Davis	Hoyer	Oakar
de la Garza	Huckaby	Oberstar
Dellums	Hutto	Obey
Derrick	Johnson	Owens
Dickinson	Jones (NC)	Parris
Dicks	Jones (TN)	Pease
Dingell	Kaptur	Pepper
Dixon	Kastenmeier	Perkins
Pickle	Shelby	Udall
Price	Skeen	Visclosky
Quillen	Skelton	Volkmer
Rahall	Smith (FL)	Walgren
Rangel	Smith (IA)	Watkins
Regula	Smith (NE)	Waxman
Reid	Smith (NJ)	Wheat
Richardson	Snyder	Whitehurst
Ridge	Solarz	Whitley
Roberts	St Germain	Whitten
Rodino	Stangeland	Williams
Roe	Stark	Wilson
Rogers	Stokes	Wirth
Rose	Strang	Wise
Rostenkowski	Stratton	Wolf
Rowland (GA)	Studds	Wortley
Roybal	Swift	Wright
Rudd	Synar	Wyden
Sabo	Torres	Yates
Savage	Torricelli	Yatron
Scheuer	Towns	Young (AK)
Schroeder	Traficant	Young (MO)
Shaw	Traxler	

NAYS—181

Archer	Hartnett	Petri
Armey	Hendon	Porter
Badham	Henry	Pursell
Barnard	Hertel	Ray
Bartlett	Hiler	Rinaldo
Barton	Hopkins	Ritter
Bates	Hubbard	Robinson
Bedell	Hughes	Roemer
Bentley	Hunter	Roth
Bereuter	Hyde	Roukema
Bilirakis	Ireland	Rowland (CT)
Boehlert	Jacobs	Russo
Bosco	Jeffords	Saxton
Breaux	Jenkins	Schaefer
Broomfield	Jones (OK)	Schuette
Brown (CO)	Kanjorski	Schulze
Broyhill	Kasich	Schumer
Bryant	Kemp	Seiberling
Burton (IN)	Kindness	Sensenbrenner
Bustamante	Kolbe	Sharp
Campbell	Kramer	Shumway
Carper	LaFalce	Shuster
Chappie	Lagomarsino	Sikorski
Cheney	Latta	Siljander
Coats	Leach (IA)	Sisisky
Cobey	Lent	Slattery
Coble	Levin (MI)	Slaughter
Coleman (MO)	Lightfoot	Smith (NH)
Combest	Loeffler	Smith, Denny
Cooper	Lott	Smith, Robert
Courter	Lujan	Snowe
Craig	Lungren	Solomon
Crockett	Mack	Spence
Dannemeyer	MacKay	Spratt
Darden	Madigan	Staggers
Daub	Marlenee	Stallings
DeLay	Martin (IL)	Stenholm
DeWine	McCollum	Stump
Downey	McCurdy	Sundquist
Dreier	McGrath	Sweeney
Duncan	McKernan	Swindall
Eckert (NY)	McKinney	Tallon
Edgar	McMillan	Tauke
Edwards (OK)	Meyers	Tauzin
English	Miller (CA)	Taylor
Evans (IA)	Miller (WA)	Thomas (CA)
Fawell	Molinari	Thomas (GA)
Feighan	Moody	Valentine
Fiedler	Moore	Vander Jagt
Fields	Moorhead	Vento
Fish	Morrison (CT)	Vucanovich
Frenzel	Neal	Walker
Gallo	Nelson	Weaver
Gingrich	Nielson	Weber
Glickman	Olin	Whittaker
Goodling	Ortiz	Wolpe
Gregg	Oxley	Wylie
Grotberg	Packard	Young (FL)
Gunderson	Panetta	Zschau
Hammerschmidt	Pashayan	
Hansen	Penny	

NOT VOTING—13

Conyers	Hefner	Nichols
Crane	Holt	Schneider
DioGuardi	Leath (TX)	Weiss
Dymally	Mavroules	
Hall, Ralph	Mica	

□ 1510

Mr. BREAUX changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill, H.R. 2959, making appropriations for energy and water development for the fiscal year ending September 30, 1986, and that I be permitted to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1986

Mr. BEVILL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House of the State of the Union for the consideration of the bill (H.R. 2959) making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana [Mr. MYERS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

□ 1452

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2959, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading on the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to you today for your favorable consideration the energy and water development appropriation bill for 1986. I am joined in this effort by my colleagues on the Energy and Water Development Subcommittee who have worked long and hard to bring this legislation to the floor. Let me express my special appreciation to our ranking minority member, the gentleman from Indiana [Mr. MYERS]. As in years past, he and I have worked together with the subcommittee without any trace of partisanship to fashion a bill that meets the present and future needs of our entire country. I also want to express my appreciation and thanks to the members of the subcommittee, the gentlelady from Louisiana [Mrs. BOGGS], the gentleman from Florida [Mr. CHAPPELL], the gentleman from California [Mr. FAZIO], the gentleman from Oklahoma [Mr. WATKINS], the gentleman from Tennessee [Mr. BONER], the gentlelady from Nebraska [Mrs. SMITH], and the gentleman from Arizona [Mr. RUDD].

Mr. Chairman, the bill before the committee today would provide $15,273,085,000 in new budget authority to the Army Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and six independent agencies and commissions. This is $216,941,000 less than was provided in last year's appropriation legislation and it is $6,925,000 less than the amounts requested in the President's 1986 budget. The bill is consistent with the House-passed budget resolution pursuant to section 302 of the Budget Act. We believe the outlays associated with this bill also are consistent with the outlay targets established by CBO for the programs funded in the bill.

TITLES I AND II—WATER RESOURCE DEVELOPMENT

Mr. Chairman, the committee is committed to a policy of development of the vital water supply, navigation, flood control, irrigation, and hydroelectric projects that are necessary to the well-being and economic growth of the entire Nation. No part of this country is immune from the problems of water—too little or too much—and all States of the Union must join together to cooperatively foster a truly national water policy which responds to the unique needs of each State and region.

Title I includes $2,871,657,000 for the Corps of Engineers which provides for 224 water resource projects in the planning or construction phases. This includes two new planning starts.

Title II includes $800,539,000 for the Bureau of Reclamation which provides for 101 water resources projects in the planning or construction phases. This title contains two new planning starts.

Mr. Chairman, the pending fiscal year 1985 supplemental appropriations bill provides funds for the initiation of construction of a number of projects for the Corps of Engineers and the Bureau of Reclamation which were requested by the administration as well as projects requested by Members of Congress. In addition, the Public Works and Transportation Committee has reported H.R. 6 which authorizes new projects.

Inasmuch as the House and Senate have passed differing versions of the bill affecting water projects, it is impossible to know at this time which projects will finally be approved in conference.

The committee has, therefore, included $100 million for new construction starts for the Corps of Engineers in fiscal year 1986 or for the continuation of those projects started in fiscal year 1985.

Titles I and II also provide for continuation of ongoing construction projects and operation and maintenance programs. Within the available funds, the subcommittee has attempted to accommodate the most critical needs identified through the extensive hearings conducted with administration witnesses, the public, State, and local officials, and Members of Congress.

TITLE III—DEPARTMENT OF ENERGY

In Title III, for the Department of Energy, the recommendation provides for a total of $10,953,303,000, and increase of $27,408,000 over the fiscal 1985 appropriation and $739,506,000 below the President's budget. We are recommending $7,593,415,000 for the National Security programs and $3,359,888,000 for all other energy programs. The amount recommended for energy programs is $235,406,000 below the current appropriations. However, the recommendations include numerous changes in the request which are summarized in the report. I will mention a few.

In the energy programs of the Department of Energy, several changes are worth mentioning:

For solar and renewable energy programs, we are recommending $203,832,000 compared to the request of $199,832,000. The committee believed the administration's proposed reductions in the level of effort on solar and renewable energy were too drastic.

For magnetic fusion, the recommendation provides $385 million, a decrease of $5 million below the requested level of $390 million.

In the uranium enrichment program, the tables in the report do not present the program agreed to by the committee because the administration has not submitted its budget amendment and amended justification material that would alter these tables.

Progress is continuing in developing and demonstrating the technological basis for the safe disposal of nuclear waste. On a pilot scale, the program has demonstrated the technology to solidify nuclear wastes, to provide suitable overpack containers, and to provide suitable casks for transporting the containers to a disposal site. Test emplacements in geologic storage are beginning to confirm the ability to engineer and utilize stable geologic formations for long-term isolation. There remain the confirmatory programs and resolution of political and institutional barriers to put this problem behind us.

For General Science and Research, the committee recommendation provides a total of $685 million which is equal to the administration's request. There continue to be exciting and important discoveries on the frontiers of basic knowledge concerning the structure and nature of matter from this program. The application of nuclear science for medical purposes also has provided some important new discoveries and potential breakthroughs in the treatment of cancer and other medical disabilities. The committee recommendation continues our strong support for this program.

The recommendations for defense programs of $7,593,415,000 is $262,814,000 above the current appropriations and $433,985,000 below the budget request. The recommendation accommodates increased research, development, testing, and production requirements associated with weapons stockpile levels established by the President. The recommendation is consistent with the House-passed recommendations of the Armed Services Committee.

The committee recommendation provides $93,068,000 for the Federal Energy Regulatory Commission instead of $95,568,000 as requested. In addition, the bill includes language which would permit FERC to use up to $66,077,000 in revenues from licensing and other activities to offset part of the appropriations. It is the committee's view that statutory authority exists for FERC to collect additional revenues, but the appropriation language does not require FERC to collect the entire $66,077,000 in estimated revenues.

The committee is recommending a general provision in the bill that would temporarily prohibit the Federal Energy Regulatory Commission from relicensing federally licensed hydroelectric projects during fiscal year 1986 pending action by this Congress to resolve the issue of municipal preference in relicensing proceedings before the Commission:

SECTION 307. No funds appropriated in this act may be used to pay the salary of any Commissioner, official or employee of the Federal Energy Regulatory Commmission to relicense federally licensed hydroelectric projects.

51-059 O-86-20 (Pt. 14)

While a strict interpretation of this provision may limit the Commission's ability to act in certain instances, it is not intended to prohibit interim annual licenses from being granted by the Commission pursuant to section 15(a) of the Federal Power Act. Section 307 is also not intended to apply in relicensing cases where there are no competing applications; where an uncontested settlement has been reached by competing applicants; and where there are competing applications but none of the applicants are State/municipal electric utilities.

TITLE IV—INDEPENDENT AGENCIES

Title IV of the bill includes $647,586,000 for six independent agenices. This is $72,836,000 below last year's level.

We have provided $144 million for the Appalachian Regional Commission; $403,671,000 for the Nuclear Regulatory Commission; $118 million for the Tennessee Valley Authority and $915,000 for three river basin commissions. The following specific programs warrant additional comment beyond what is in the committee report.

Appalachian Regional Commission. The committee's action provides a total of $144 million for the Appalachian Regional Commission in fiscal year 1985. The administration had proposed to terminate the ARC as of October 1, 1982, and had, therefore, not requested funding for fiscal year 1983. The Congress agreed in the fiscal year 1981 Supplemental/Rescission Act (Public Law 97-12) that the ARC would be maintained but at a reduced level; while much has been accomplished in Appalachia as a result of the Commission's programs and much remains to be done.

Nuclear Regulatory Commission. The recommendation provides $403,671,000 for the Nuclear Regulatory Commission in fiscal year 1986, a decrease of $25,329,000 from the request. The committee continues to be concerned about the Commission's progress in licensing of nuclear powerplants.

Tennessee Valley Authority. The recommendation provides $118 million in new budget authority for the TVA in fiscal year 1985 to continue the important programs of this agency.

GENERAL PROVISIONS

The bill contains the customary general provisions carried in prior years to permit the agencies funded in this bill certain flexibility and to limit other activities.

COMMITTEE REPORT

The report accompanying the bill provides a good explanation of the recommendations reflected in the bill. I would encourage the Members to look through it.

This is a good bill and report. It is under the President's budget. I recommend its adoption by the committee.

Mr. Chairman, I would like to call the Members' attention to several printing and typographical errors in the report (H. Rept. 99-195) accompanying the committee bill (H.R. 2959).

On page 3, the grand total of the 1986 recommendations should read 15,272,935,000.

On page 7, the fiscal year 1986 recommendation for capital and construction should read 3,605,722,000 and the total should read 15,272,935,000.

On page 24, under Corps of Engineers, General Investigations, the House allowance should be "$133,339,000".

On page 77, the language for "Photovoltaic Energy Systems" should indicate that $45,800,000 is recommended in fiscal year 1986.

On page 138, the net appropriation budget estimate for 1986 should read $29,491,000.

□ 1500

Mr. MYERS of Indiana. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, this Chamber has become more political in recent months, more political than any time I have ever seen it in the years I have served here, which have been quite a few, but I am proud to say because of the able chairmanship of our colleague, Chairman BEVILL from Alabama, this subcommittee is not one of those that is partisan.

Both the members on the Democrat side as well as the Republican side, when we sit down to mark up a bill, it has never been partisan, that this is the majority party and we are going to ram this through; or this is the minority party and we are not going to give it to them.

As Chairman BEVILL has most ably presented this bill and content of this bill, the projects, the programs provided for the appropriation here are ones that are very high in priority; they are programs that keep our country running.

The chairman has very ably presented the content, but that would not be possible if it were not for the membership who came to the committee hearings and heard several thousand witnesses, the volumes of work, and I take my congratulations also to the staff. The staff has always worked very hard under the able leadership of the staff director, Hunter Spillan, and, as well all know, no committee could function around here without the extra hours the staff puts in.

So I compliment not only the membership of this subcommittee, but also thank the staff members who have worked so hard to put this bill together.

The bill is under last year's appropriation that was finally approved by the Congress; this is the first bill this year. Now we have talked a lot here this afternoon about budget, about cutting spending. This is the first bill of the appropriations process. Do we really mean what we say about cutting spending?

The budget as it has been presented here today is only a target, when we finally get one, if we get one, but this is where really the authority comes from, the appropriations. This should be especially important to new Members here who sometimes I think become a little bit confused about what the budget means and what the appropriations means. This is the first appropriation bill.

I hope that every Member here will vote against any add-on dollars to this appropriation bill because we are under the President's request; we are under the House-passed budget request, we are under last year's appropriation.

Now as usual we have some objections from down the street, from the Office of Management and Budget. Congressman CONTE, our colleague from Massachusetts, wherever you are, you are not going to have old Dave to kick around, as your poem presented here today. I do not know who is going to be the whipping boy, but someone will present himself, I am sure.

Dave Stockman, every year that he has been Director of Office of Management and Budget has opposed our bill at this point in the process. But somehow by the time we get to the other body and get a conference, get it down to the White House, it has always been signed.

This is one of the few bills that contains benefit-to-cost ratios. The projects contained in this bill have to meet the criteria that they are going to return more to the taxpayer, more benefits to the taxpayer in dollars than they cost. Very few of our actions in this Chamber ever meet that criterion.

This bill is an investment in our future. It provides for the inland waterways, that where the cheapest and the cleanest transportation available is on the inland waterways; it upgrades in many instances the locks and the waterways to provide, so we can do a cheaper and better job of providing the inland transportation.

It provides for deepening of some of our major ports in the United States so American industry and businesses can be more competitive with the rest of the world by getting the larger ships into our ports, and it provides for some hydropower; but most importantly, it provides for research for better sources of energy in the future, and this is so important.

Here again, it is an investment in our future how important that is.

Now, one of the objections that OMB has is that we are under the President but not really, because the

President would have spent the money differently. This is true; the President's budget is better than ours, but that is the very existence of Congress; of the House of Representatives and of the Appropriations Committee, to have hearings, to investigate the requests and to make our recommendations. No one has put more time, whether it be the Office of Management and Budget or anyone in the executive into examining the programs that we provide the funds for here, than your Subcommittee on Energy and Water Development.

We have examined; we have made different choices than the President. Not for the first time nor will it be the last time, but this is not really the reason anyone should oppose this bill. Now it has been threatened before that the President would veto our bill. The President is wise; he has not made very many mistakes, and I do not think he will make a mistake here when he signs this bill. I do not believe the President will ever veto this bill because the President is going to recognize by the time it gets to his desk and he sees what is in the bill, that this is the bill that invests in our future and provides the needs for our society down the way so American industry can be more competitive, and we will provide the water and the transportation and the energy that society is going to need in the year 2000.

This is the bill that does all of this. I hope no one will vote against this bill today, and I hope we will resist any add-on additions that would be more bait for a veto.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished committee chairman, the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. I thank the gentleman for yielding. I wish to congratulate the able chairman, the gentleman from Alabama [Mr. BEVILL], the gentleman from Indiana [Mr. MYERS], and the committee for this fine legislation.

I would just like to join in a colloquy concerning a project in New Jersey at Barnegat Inlet. This inlet is the busiest inlet in the State; having over 800,000 passages each year, 50 percent of all the traffic in the State of New Jersey and to the Atlantic Ocean goes through this inlet.

It is my understanding, Mr. Chairman, that the project in this legislation is to correct a design deficiency of a jetty as well as doing some dredging on this project, and since this is the correction of a grievous design deficiency by—under the auspices of the Corps of Engineers many years ago it is the intention of the committee and of the Congress that this be a 100-percent Federal project funded at full Federal expense. Am I correct in that?

Mr BEVILL. The gentleman is correct.

Mr. HOWARD. I thank the gentleman.

Mr. SAXTON. Will the gentleman yield?

Mr. HOWARD. I would be happy to yield.

I would like to yield to my colleague, the gentleman from New Jersey [Mr. SAXTON], who has been very active in this, and in whose district Barnegat Inlet does lie.

Mr. SAXTON. I thank the gentleman from New Jersey [Mr. HOWARD] for yielding. I rise to associate myself with his remarks and to say that it is a design deficiency, as designed by the Corps of Engineers. It is a very, very dangerous inlet; one that has been proposed for reconstruction for many, many years, and thanks to the gentleman from New Jersey and his good work, we are very, very close to that funding.

I would like to say to the gentleman from Alabama [Mr. BEVILL] that we appreciate very much his effort on our behalf as well.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida.

Mr. CHAPPELL. I thank the gentleman for yielding.

Will the gentleman join me in a colloquy?

Mr. BEVILL. Yes.

Mr. CHAPPELL. In the handling of our bill in committee, there was a project, Port Everglades Harbor for operation and maintenance.

Would the gentleman, and I have discussed it with him, would it not be the intention of the committee to amend the report tables at the necessary place to reflect the proper funding of $549,000 for that operation and maintenance project?

Mr. BEVILL. The gentleman is correct.

Mr. CHAPPELL. I thank the gentleman.

□ 1510

Mr. BEVILL. The gentleman is correct.

Mr. CHAPPELL. I thank the gentleman.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank my good friend from Florida and the chairman for making this amendment. Port Everglades is the deepest harbor south of Norfolk. It has the second largest petroleum holding area in the United States, and it is the fourth busiest passenger terminal in the entire world. It is extremely important to the economy of Florida and to the economy of the entire country that this port be kept in safe operation.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Chairman, earlier this year I testified before the Energy and Water Development Appropriations Subcommittee about my concern that the Department of Energy was trucking high level nuclear waste through the city of New York—our Nation's most densely populated area. As the distinguished chairman of the subcommittee knows, I have a number of concerns about those shipments. However, I am particularly concerned about a recent Department of Transportation letter which raises some very serious questions about the procedures used by DOE to certify the safety of the MH-1A shipping cask they had been using to transport the nuclear waste from their Brookhaven National Laboratory. In fact, an accompanying letter from the Nuclear Regulatory Commission specifically cites 11 deficiencies in DOE's structural evaluation of the MH-1A cask.

I am deeply concerned that funds appropriated in H.R. 2959 will be used by DOE to replace the MH-1A cask with a smaller one and make further nuclear waste shipments from Brookhaven. I strongly believe that no further nuclear waste shipments should be made from Brookhaven until all of the concerns raised by DOT and NRC are satisfactorily addressed. Further, when those concerns are addressed and shipments do resume, the larger MH-1A cask should continue to be used, rather than a smaller replacement cask, in order to reduce the overall number of shipments.

At this time, I would like to engage the distinguished chairman, Mr. BEVILL, in a colloquy regarding this issue, and ask the gentleman if he shares my concerns.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, let me assure the gentleman from New York that I certainly do share his concerns in this important matter. I would agree that the DOT and NRC letters raise some important questions about DOE's nuclear waste shipping policies at Brookhaven that should be fully addressed before further shipments occur.

I understand that DOE has already temporarily halted shipments from Brookhaven until certain modifications can be made in a replacement cask for the MH-1A cask. I will inform DOE of the subcommittee's concern in this matter and urge that the temporary delay in shipments be extended until all DOT and NRC concerns about the Brookhaven shipments can be fully resolved.

Mr. BIAGGI. I appreciate the chairman's concern and want to thank him for his cooperation and the active role he has pledged in helping to achieve a statisfactory solution to this troubling problem. Mr. Chairman, in an effort to discuss this problem in more detail, in 1976, the city of New York became our

Nation's first locality to prohibit nuclear waste shipments through its boundaries. This prohibition effectively halted nuclear waste shipments from the Brookhaven National Laboratory, which operates a reactor on Long Island, because all roads from Long Island pass through New York City.

In 1981, after some 200 localities nationwide had enacted similar prohibitions, the Department of Transportation issued regulations preempting all of those local laws and setting uniform guidelines for the transportation of nuclear waste. The 1981 DOT regulations, referred to as HM-164, designate the Interstate Highway System as a preferred route when transporting large-quantity shipments of radioactive materials.

After a series of court challenges, the Department of Energy, which owns and operates Brookhaven, resumed their nuclear waste shipments on January 21, 1985. The spent nuclear fuel is being shipped along the Interstate Highway System through New York City, through Westchester County (NY) and then westward to a reprocessing plant in Idaho. DOE has confirmed that 16 shipments have already taken place.

Originally, DOE stated that the shipments were necessary because the storage space at Brookhaven was nearing capacity levels. However, now that 16 shipments have already been made, vacant storage space at Brookhaven is no longer a problem. In fact, it appears that Brookhaven has well over 3 years' worth of vacant storage space available.

Adding further to my concern about these nuclear waste shipments through New York City and Westchester County is the fact that a safer alternative route exists. In fact, a recent study performed by a highly reputable risk assessment firm concluded that the alternate route, which combines a ferry-highway mode of transport, is 32 percent safer, due largely to the significantly fewer people along the route.

It should be noted, too, that Federal policy states that whenever possible, major urban areas should be avoided when shipping radioactive materials. In most cases that can be easily accomplished by simply using interstate bypasses or beltways that circle around most major urban areas. However, New York City is one of the only major urban areas in the country without an interstate bypass or beltway. Instead, New York City's Interstate Highway System cuts directly through some of the city's most densely populated areas, including co-op city in the Bronx, which is home for more than 50,000 of my constituents and is only a stone's throw away from the nuclear waste shipment route.

As if these reasons, alone, are not enough to convince DOE to halt or at least reroute their nuclear waste shipments from Brookhaven, now comes word from the Department of Transportation that "serious questions" exist about DOE's procedures to certify the safety of the shipping cask they had been using. In fact, an accompanying letter from the Nuclear Regulatory Commission specifically cites 11 deficiencies in DOE's structural evaluation of the MH-1A shipping cask used to make the Brookhaven shipments.

At this time, Mr. Chairman, I would like to insert copies of those DOT and NRC letters:

U.S. DEPARTMENT OF TRANSPORTATION,
Washington, DC, May 23, 1985.

Mr. RONALD W. COCHRAN,
Deputy Assistant Secretary for Nuclear Materials, U.S. Department of Energy, Washington, DC.

DEAR MR. COCHRAN: Earlier this year you met with Administrator Cindy Douglass to discuss the Department of Energy's (DOE) plans to commence transportation of spent nuclear fuel from Brookhaven National Laboratory on Long Island, New York to Idaho Falls, Idaho. At that time, you discussed several topics of mutual interest, including certain questions which the Nuclear Regulatory Commission (NRC) had raised concerning the MH-1A cask which had been certified by DOE using the NRC performance standards set forth in 10 CFR Part 71.

By letter dated January 17, 1985, you stated that NRC representatives had agreed that all questions had been postively addressed in a meeting with members of your staff. Accordingly, the MH-1A cask was delivered to Brookhaven and transportation commenced shortly thereafter.

The Department of Transportation's (DOT) willingness to provide regulatory recognition of DOE-approved package designs is based on the premise that the DOE evaluation and approval process will provide an assurance of safety equivalent to that required by the NRC. Such assurance can be provided only by:

1. Requiring the DOE package designs meet the standards of 10 CFR Part 71 or their equivalent; and

2. Ensuring that the evaluation methods used to demonstrate compliance with the standards are equivalent to those used by NRC in their evaluation of commercial package designs.

The requirement of 49 CFR 173.7(d) is very clear on the first point, allowing the use of DOE-approved packagings only when ". . . evaluated, approved, and certified by the Department of Energy against packaging standards equivalent to those specified in 10 CFR Part 71." The second point is implicit and inescapable since equivalent safety can only be assured through the use of equivalent evaluation techniques and methodologies. Additionally, DOE has always maintained that its evaluation techniques and methodologies are at least equivalent to those of NRC.

The case of the MH-1A cask design has raised questions concerning the equivalence of these evaluation processes and DOE's compliance with section 173.7(d). On May 21, 1985, I participated in a meeting with representatives of both DOE and NRC to discuss some of the concerns which NRC had expressed earlier this year. Although these questions had been addressed earlier, it appears that they have yet to be resolved. The essence of the meeting was stated succinctly in Mr. Richard E. Cunningham's letter of May 22, 1985, to Mr. David B. Leclaire (enclosed). The premise upon which DOE based its application for NRC certification of the MH-1A cask is that it provides a level of safety far in excess of that which is actually required for the type of wastes being transported from Brookhaven. As Mr. Cunningham pointed out, this approach might not be the only way in which DOE could demonstrate that the MH-1A cask meets the standards of 10 CFR Part 71. But having taken that approach, DOE must provide the analysis to support its premise. It is this underlying analysis which NRC has preliminarily found to be defective.

Since DOE has asked NRC for an evaluation and the NRC has responded with substantial reservations, DOT must conclude that serious questions exist as to the "equivalence" of the evaluation on which DOE based its certification of the MH-1A cask. Clearly, NRC concerns must be resolved before equivalence is assured to any degree. This will require that DOE respond to the NRC concerns and withdraw the cask from service until NRC has formally agreed with the resolution of the issues.

I understand that DOE, upon being notified of NRC's concerns, voluntarily postponed a planned shipment from Brookhaven which was to have used the MH-1A cask. Pending resolution of those concerns, DOE may wish to continue the Brookhaven shipping campaign using casks other than the MH-1A. I further understand that DOE is giving consideration to revising its application for NRC certification by seeking separate approvals for: (1) use of the cask for Brookhaven type wastes; and (2) use of the cask as set forth in the original application. This is an eminently reasonable course of action.

I am sure you appreciate the seriousness of this situation and request that you keep me informed of DOE's actions to resolve the issue.

Sincerely,

L.D. SANTMAN,
Director, Materials Transportation Bureau.

MAY 22, 1985.

Mr. DAVID B. LECLAIRE,
Director, Office of Defense Waste and Byproducts Management, U.S. Department of Energy, Washington, DC.

DEAR MR. LECLAIRE: This is to confirm matters which we brought to your attention in a meeting on May 21, 1985, concerning the Model No. MH-1A package.

As you know, we are currently reviewing an application for NRC certification of the Model No. MH-1A package. The premise upon which the application for NRC certification is based is that the package will retain all contents, including radioactive gases, following the accident condition tests in 10 CFR Part 71, Packaging and Transportation of Radioactive Material. Although this approach might not be the only way in which the package could be demonstrated to meet 10 CFR Part 71, the analysis in the application is intended to demonstrate that the package will remain leak-tight. As discussed during the May 21 meeting, our preliminary finding is that the structural portion of the analysis, as documented in the application, is defective. It does not provide a basis to support the conclusions drawn. Enclosed is a summary which identifies, in

abbreviated form, our principal comments on the structural analysis.

We appreciate the prompt attention and action you are taking with respect to this matter. If you have further information about the structural analysis or further questions about the issues which you would like to discuss, we will be pleased to do so.

Sincerely,

RICHARD E. CUNNINGHAM,
Director, Division of Fuel Cycle and Material Safety.

SUMMARY OF DEFICIENCIES IN THE STRUCTURAL EVALUATION

1. The application specifies criteria for allowable stresses but many of the calculated stresses exceed those criteria.

2. The application does not analyze the cask for various normal and accident conditions which could produce governing stress (e.g., 2-foot free drop, 30-foot oblique impact condition).

3. The application does not consider the combined effect of all the loads which act simultaneously on the containment vessel (e.g., impact and hot or cold ambient temperatures).

4. The buckling evaluation in the application is not adequate to show that the containment vessel would not buckle under 30-foot drop test conditions. The evaluation does not consider possible inelastic buckling even though stresses in the shell were calculated to be above yield. The application also does not consider the combined effect of all the loads which act simultaneously.

5. The application does not report the stresses in the closure bolts or in the drain/vent lines which pass through the lead shielding.

6. The application does not analyze the stresses in the bottom end plate of the cask or in the bottom plate of the containment vessel.

7. The application does not consider potential displacement of shielding due to "lead slump."

8. The puncture evaluation does not consider potential collapse of the top closure plate or the bottom end plate.

9. The analysis of structural interaction between the lead shielding and the containment vessel does not consider the lateral pressure exerted by the lead against the containment vessel under 30-foot drop or differential thermal expansion and contraction.

10. The finite element analysis and the stress calculations do not provide sufficient information for review. The assumptions and inputs such as element properties, loads, and loading distributions were not described in detail and justified. Although this does not constitute a fault with the analysis itself, the method of presentation is such that we cannot assess adequacy.

11. Static properties were used to analyze the redwood impact limiters for drop orientations where the redwood is crushed perpendicular to the grain. Information in a Sandia Laboratories report indicates the dynamic properties could be substantially different. Selection of the static properties for the analysis might or might not be appropriate but should be justified in light of the Sandia Laboratories report.

Of particular concern to me, Mr. Chairman, is the fact that the NRC had raised certain questions about the MH-1A cask before it was ever used at Brookhaven, but DOE claimed in January that all of NRC's questions had been resolved and that formal NRC-certification of the cask was forthcoming. According to the DOT letter, which was written in May, NRC concerns "have yet to be resolved." The DOT letter went on to say that "this will require that DOE respond to the NRC concerns and withdraw the cask from service until NRC has formally agreed with the resolution of the issues."

However, instead of halting shipments altogether at that time, DOE simply switched to a much smaller shipping cask that has NRC approval. On June 28, 1985, I sent a telegram to the Secretary of Energy, John S. Herrington, expressing concern about this switch to a smaller cask and urging that any further shipments be halted until the MH-1A cask could be used again. Specifically, I expressed concern that by using the smaller GE-700 replacement cask, DOE would be forced to make considerably more shipments overall, thus resulting in greater risk of accident. In fact, by the end of 1987, there would be 137 shipments using the smaller GE-700 cask, versus 39 shipments using the larger MH-1A cask.

Five days after I sent my telegram, DOE Secretary Herrington informed me in a July 3 letter that the switch to the GE-700 cask did present a problem, but one of economics, not safety. Specifically, the letter stated, in part:

For some time, the Department has been analyzing the economic implications of continuing to use the GE-700 cask to transport this material. Based on our analysis, we have concluded that it does not make economic sense to continue shipments using the current configuration since the number of units transported in each shipment is small. Accordingly, the GE-700 cask is being sent to the General Electric Co. for modifications to increase its capacity, and will be presented to the Nuclear Regulatory Commission [NRC] for recertification when completed. Pending recertification by the NRC, further shipments from Brookhaven will be delayed.

Frankly, I am not satisfied with this response. First of all, even after modifications are made, the GE-700 cask would still be able to hold only 20 spent nuclear fuel elements, as opposed to the 32 elements that can be carried in the MH-1A cask. The result will still be a significant increase in the overall number of nuclear waste shipments from Brookhaven.

Further, I strongly believe that no more nuclear waste shipments should be made from Brookhaven—no matter what type of cask is used—until DOE fully resolves the serious questions that have been raised by both DOT and NRC concerning their shipping policies to date. When those concerns are addressed and shipments do resume, the larger MH-1A cask should continue to be used, rather than a smaller replacement cask, in order to reduce the overall number of shipments.

I am pleased with the assurances I have received from the distinguished chairman of the Energy and Water Development Appropriations Subcommittee, and am hopeful that DOE will respond favorably to the concerns that have been expressed here on the floor today.

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to the ranking Republican member, the gentleman from Massachusetts and the bard of Pittsfield [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I rise in support of this bill making appropriations for energy and water development for fiscal year 1986. I am pleased to say that this is the second consecutive year that I have been able to support this bill.

A large part of the credit for bringing forth a bill that I can support goes to the very able and hard-working chairman of the committee, the gentleman from Alabama [Mr. BEVILL]. He and the distinguished ranking minority member, the gentleman from Indiana [Mr. MYERS], have worked countless hours and sorted out the many hundreds of competing requests for projects in order to bring us this product. In my view, this bill provides for our critical water resource needs as set forth in the many requests that my colleagues have made, and also provides funding for important ongoing energy research funding. It is a good bill, and one that we should all be able to support.

As with any piece of legislation, this one is not perfect. The administration has expressed concerns about the transfer of budget authority within the bill from the nuclear weapons program to domestic energy and water programs. This is the type of priority setting that is a matter of congressional prerogative and responsibility. The bill as a whole is slightly below the President's budget, and is well below the freeze level approved in the House-passed version of the budget resolution. It would still be under the House budget resolution if the 5 percent pay cut, amounting to some $75 million, were added back in.

There is also some concern expressed by the administration with regard to the $100 million in this bill for new starts by the Corps of Engineers. This funding is included without any cost-sharing or fencing language of the type adopted by the other body on the recently passed supplemental, and under such conditions the funds are unacceptable to the administration. It is my hope that the question of new start funding, and any cost sharing to be applied to such new start projects, will be resolved in the supplemental conference before we get to conference on this fiscal year 1986 bill.

In that regard, I was pleased that conferees on the supplemental were appointed earlier today, and hope that we will be able to resolve the differences between the House and the other body very soon.

In short, Mr. Chairman, I believe that this is overall a responsible bill, and, following the completion of the amending process, will be one that my colleagues can support.

At this point, Mr. Chairman, I would like to mention a few items that are of particular interest or worthy of attention.

Under the Bureau of Reclamation, the committee has included language making appropriations for the Garrison diversion unit in North Dakota contingent upon the enactment of authorizing legislation prior to March 31, 1986. If such legislation has not been enacted by that time, no further funds would be available for the Garrison project, except those that might be needed to complete work on contracts entered into during the current fiscal year. In that regard, it was the committee's intent that the Bureau not proceed during the current fiscal year to enter into contracts for new project features, or significant expansions of existing features, beyond current work plans.

Mr. Chairman, as my colleagues are aware, I have been the leading opponent of funding for the Garrison project in the House of Representatives. I supported the creation of a special commission last year, which was charged with the responsibility of reviewing the Garrison project in light of North Dakota's current water resource needs. That Commission made a number of recommendations for the reform of the Garrison diversion unit, primarily involving reductions in the amount of irrigation to be provided by the project, and proposing instead a much-needed system for municipal and industrial water supply. The Commission also recommended the indefinite deferral of those project features that have been of longstanding concern to our Canadian neighbors. The possibility that the Garrison project would result in the transfer of biota and the pollution of Canadian waters, in violation of our 1909 Boundary Water Treaty, is a real concern of mine, and one which would be addressed by the recommendations of the Garrison Review Commission.

Unfortunately, efforts to draft the Commission's recommendations for reform of the Garrison project into the necessary authorizing legislation have not yet been successful. It is my hope that the fencing language in this bill, making appropriations contingent upon the enactment of authorizing legislation, will have a beneficial impact in moving the authorizing process along.

Also in the Bureau of Reclamation, the committee has restricted the funds available for the Narrows unit project to those which are necessary primarily for habitat and sediment studies. There are a number of very critical environmental issues outstanding on this project, including the impact of the project on the endangered whooping crane habitat. It was the committee's intent that other types of preconstruction activity, including land acquisition or detailed planning or design, would in large part be premature until these environmental issues can be resolved.

Turning for a moment to the Animas-LaPlata project in Colorado and New Mexico, I understand that the gentleman from California, the chairman of the subcommittee with jurisdiction over this project, will be offering an amendment to require that an appropriate cost-sharing agreement be executed for this project before funds can be expended or obligated. Similar language was included in the supplemental appropriations bill that passed the House last month, and I strongly support the inclusion of that language here as well.

Mr. Chairman, I would also mention one additional item concerning the Bureau of Reclamation. The committee has included language in the committee report expressing some concern over the Bureau's cost allocation procedures. During the course of our hearings this year, I inquired into cost allocation practices on several bureau projects, including the central Arizona project and the Dolores project. Based on the Bureau's responses to those questions, it is my intention to follow up with further review of the Bureau's cost allocation practices.

Title III of this bill provides funds for various programs of the Department of Energy. Solar energy programs were funded at a level of $147 million. Although I would have preferred that some additional funds be included, in a time of such massive deficits, it is clear that every program in the budget must take its share of the pain. Within the solar program, I would mention the committee's directive that the regional biomass program be continued at current effort levels, and also mention that the committee has included $1 million for the Massachusetts Photovoltaic Center.

Finally, Mr. Chairman, I would like to note that the committee has included language that I proposed requiring that the various Federal power agencies and Departments funded in this bill purchase their extra high voltage electrical equipment from American manufacturers.

As indicated in the committee report, the state of the domestic heavy electrical manufacturing industry is not good. Largely due to foreign competition, many U.S. manufacturers have dropped out of the market during the past 5 or 10 years. We are down to three and even two companies in some fields.

During our committee's hearings, I discussed with Energy Secretary Herrington the problems inherent in this situation. He agreed with me that the elimination of our domestic industry would put us completely at the mercy of a foreign cartel for heavy electrical equipment, with serious implications for our national economy and security.

The American industry has been especially hard hit by the current strength of the dollar, as well as by unfair trade practices by foreign competitors—practices that have been well documented by the General Accounting Office and the Department of Commerce. I was shocked to find that although the private, investor owned utilities have been purchasing approximately 15 percent of their heavy electrical equipment needs overseas, Federal agencies and power authorities have been purchasing over 85 percent of their requirements overseas.

Given the massive sums that the American taxpayers have invested and continue to provide to these power agencies, it seems especially inappropriate that Federal funds be used to support overseas industry, at the expense of American jobs and trade.

This "Buy American" language would put an end to that nonsense, and will, I hope, provide an opportunity for the continued survival of the domestic EHV electrical manufacturing industry.

Again, I urge the passage of this bill.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. RUDD], a very hard working member of this subcommittee and one who will be retiring next year and whom we will miss very much.

Mr. RUDD. I thank the ranking minority member on the committee for yielding to me.

Mr. Chairman, I rise in total support of this good bill, H.R. 2959, the fiscal year 1986 energy and water appropriations bill. I would like to take this opportunity to commend the distinguished chairman of the committee, the gentleman from Alabama [Mr. BEVILL], as well as the ranking minority Member, the gentleman from Indiana [Mr. MYERS], and the excellent staff work by the staff on this committee, which has been apparent for as long as I have served on the committee, for the good work that they do and the foresight in reporting a bill that will help America to build and to prosper and which will also demonstrate our concern for the taxpayers' dollars.

Our Nation's ability to develop water resources where they are needed or to provide flood protection where it is

needed has benefits which reach citizens above and beyond the immediate area of the projects, and I would like to applaud the statement made by my friend, the gentleman from Indiana [Mr. MYERS], regarding the fact that this is one bill where cost benefit ratios play a large part and where the funds that are used, taxpayers' funds that are used, are repaid by a very high percentage.

The West could not have been developed without water projects. It will not continue to prosper without carefully planned and economically feasible water projects. But efficient and economical energy and water development helps the Nation as a whole.

Through the development of new energy resources and the distribution of our water resources, as well as flood protection, we provide the infrastructure that is needed for America to work, prosper, and build for the future.

Water and energy are the basics of life. Without them, in sufficient quantities, we cannot provide a better world for our children. This bill provides $15 billion toward that better future. It has been carefully considered and debated—and it falls below the budget amount requested by the administration for next year.

In Arizona, water is a life and death issue. With my home State's population expected to double in the next 15 years, this basic of life will be sorely needed to provide for the growing population—a population that today grows food and works in an increasingly high tech industrial base providing goods and services for the rest of the Nation.

Key to providing that additional water and ensuring Arizona's growth is the Central Arizona Project [CAP]. The funding level requested in today's bill is not everything I've asked for—but it is sufficient to keep construction of that project on-schedule and water delivery dates to Phoenix and Tucson on-line.

Mr. Chairman, today's vote on the fiscal year 1986 energy and water bill is a vote for the future in every way. I urge its approval by this body, so that we can continue the business of building this great Nation. Thank you.

□ 1520

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of this measure and I want to commend the gentleman from Alabama, the distinguished chairman of the Appropriations Subcommittee, Mr. BEVILL, and our ranking minority member, the gentleman from Indiana [Mr. MYERS], for bringing the measure to the floor at this time, and for their committee's fine draftsmanship which will benefit our entire Nation.

I join with my colleagues who underscore the urgency of passing this flood control appropriations bill. Many of us have witnessed first hand the devastation which has resulted from the overflowing waters of our usually calm, serene streams and rivers. We are all too well aware of the cost of this constant flooding—exacting both monetary and human costs.

It's time that we stopped procrastinating the adoption of the necessary flood control appropriations and authorization legislation. Within my congressional district, in the 22d District of New York, there are three projects which are being proposed for funding. One of these projects, in the village of Ardsley located in Westchester County, has been under review since the 1950's. The process by which the Army Corps of Engineers projects are reviewed and approved is excessively time consuming.

The Village of Ardsley Flood Control Project is now ready for construction funding. I was pleased that the project was funded in the House version of the supplemental appropriations bill for fiscal year 1985. While I am grateful that Ardsley is one of only 31 projects included in that bill, I am far more pleased that we are dealing with our water policy in a forthright manner. We should not be reticent about the projects we approve in both the authorizing and the appropriations bills. While we must be constantly vigilant about the cost of our actions in light of our Nation's ballooning deficit, we must also be aware of the cost of any inaction.

I toured the village of Ardsley when it was hard hit with the devastating rains of April 5, 1984. Ardsley, along with many other communities in the Northeast, was struck with torrential rains. The damage was of such proportions that the President declared several countries, including Westchester, a disaster area.

As a result, Federal dollars started flowing from several agencies to help alleviate the severe impact of the storm. While the people of Ardsley were grateful for the Federal assistance in their time of need, I was asked at that time to explain the Federal Government's rationale. * * * Why were we willing to pay for offsetting the cost of the damage to homes and businesses in the wake of the storm, but unwilling to fund the preventive measures necessary to ensure against its occurrence? My reply was inadequate. While we have waited 9 years for the funding of new starts, many of those same communities awaiting funding of flood projects have cost the U.S. Treasury millions of dollars in disaster aid. Clearly these funds could have been better spent in prevention.

This current bill includes $480,000 for the first year funding of construction for this Ardsley multiyear project. Upon completion of this project, the residents of Ardsley will be able to ,as able to sleep with the knowledge that their homes and lives are not in jeopardy.

While the Ardsley project is approaching construction—providing the necessary funds are approved—several other projects are under review by the Army Corps of Engineers. I am pleased to see that the Energy and Water Development Subcommittee on Appropriations have provided the necessary funds to enable the following projects to go forward: In addition to Ardsley, the project located within a portion of the unincorporated Town of Greenburg and the village of Elmsford in Westchester County and the Suffern/Mahwah project. The Elmsford project, like Ardsley, located on the Saw Mill River, would reduced the devastating effects of perennial overflow of this waterway. It has been estimated by the corps that a reoccurrence of a flood of the magnitude that hit the area in June 1972 would cost the community in excess of $1 million—in current dollars. That flood had an estimated frequency of only 12.5 years—clearly an event that could occur in the near future. Failure to expedite this project would not only have a cost in terms of damage to current homes and businesses, but a major developer has made plans to attract several companies. Clearly we could enhance the attractiveness of this location by undertaking this flood control project—providing a return many times over in capital investment. The $200,000 provided for in this bill for advanced engineering and design win certainly be money well spent.

The Passiac River basin is a flood area which has been under review for decades. One of the many projects within the Passiac Basin which is being examined individually is the project located on the Ramapo and Mahwah Rivers at Suffern, NY, and Mahwah, NJ. In 1985, the Corps of Engineers initiated continuation of planning and engineering with a $50,000 appropriation. This year work can progress with the proposed $250,000 line-item appropriation provided for in this bill.

What we are seeking in this bill is not a handout, but to use common sense. Is not an ounce of prevention worth a pound of cure? Are we not far better off preventing the floods rather than waiting to pay for them later—because it is certain that we will pay for them sooner or later. Accordingly, I urge my colleagues to adopt this measure. We owe the American people who are subject to the ravages of flooding no less—and perhaps much more.

Mr. BEVILL. Mr. Chairman, at this point, I want to commend my good friend and colleague, Congressman RUDD, for the tremendous and invaluable work that he has done as a member of this subcommittee. His work has been outstanding, and I am still hoping that he is going to change his mind and stay with us.

Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of this bill and I too join in the commendation of the chairman, Mr. BEVILL, and the ranking member, Mr. MYERS and the members of this subcommittee.

I served on this subcommittee long before I was chairman of the full committee, and through the years this committee has done a great job of looking after all parts of the country. Certainly in that period, nobody has done a better job than the ranking member, the chairman, and the members of this subcommittee.

I rise here to just say that whatever we have in the way of problems, financial and otherwise, we have to look first to our own country to take care of it. It is our own country where our wealth is, and the reason our dollar is strong is not because of the way we are handling our business, but because of the great country that we have behind it. Whatever the area may be, we certainly have to look to the National Government to take care of it, as big as our country is.

I mention here that the Mississippi River basin drains about 41 percent of the entire continental United States other than Alaska. The Congress years ago enacted the act providing for flood control of the Mississippi River and tributaries which cover Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. Much progress has been made; much remains to be done. In enacting this law years ago, it was intended to authorize the whole project—each and every part thereof, because if you did not do that, it would leave the work incomplete and thus not carry out the evident intent of the original act.

Mr. Chairman, I also point out here that our committee provided funds for the Yazoo basin, demonstration erosion control, a joint program of the Corps of Engineers and the Soil Conservation Service as shown on pages 42, 43, 44, and 45 of the committee report.

Also, funds are provided for maintenance and other construction in the Yazoo basin as shown on pages 40 and 41 of such report; for operation of the four major reservoirs, Arkabutla, Sardis, Enid, and Grenada for the Tombigbee River and tributaries, for the Nonconnah Creek study, and for the Greenwood, MS, project.

Funds are also provided for the Tennessee Valley Authority for a continuance of its work and for the Appalachian Regional Commission, pages 28 and 29 of the bill. This is highly important.

I repeat again, what we spend developing and protecting our country is a sound and necessary investment.

I wish again to commend my colleagues. I serve on the subcommittee, and I am proud to have the association that I have with members of the subcommittee who have done such a great job.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. I thank the gentleman for yielding me this time. Mr. Chairman, last week, in the Appropriations Committee, I offered an amendment to this bill which would have provided for a mutual, comprehensive nuclear weapon test ban. Under my amendment, none of the more than $600 million for nuclear testing in this bill could have been expended for tests of nuclear explosions so long as the Soviets refrained from such testing.

Mr. Speaker, I withdrew that amendment for reasons I shall explain but I should still like to take this opportunity to speak out in favor of a comprehensive test ban. It is imperative that the administration turn its full and serious attention to seeking such a treaty.

The timing could not be better. Not only is next month the 40th anniversary of Hiroshima, but on August 27 representatives of more than 120 countries who are parties to the Treaty on the Non-Proliferation of Nuclear Weapons [NPT] will meet for the third review conference in Geneva. While the primary purpose of the NPT is to prevent "horizontal proliferation," this conference will underline the failure of the United States and the Soviet Union to achieve a test ban. A comprehensive test ban was regarded by the nonnuclear weapons states to be the minimum condition for superpower compliance with article VI of the Non-Proliferation Treaty—a condition on which the superpowers have fallen woefully short.

The one argument that is often used to excuse our failure to negotiate a CTBT is the question of verification of compliance. However, modern seismic instruments are now believed capable of detecting and identifying underground nuclear explosions down to a very low level. This fact was substantiated in testimony before the Foreign Affairs Subcommittee on Arms Control by Lynn Sykes, geology professor at Columbia University and a member of the U.S. delegation that negotiated the Threshold Test Ban Treaty in 1974. In his testimony of May 8, 1985, Sykes stated that:

> It is clear that information from stations within the U.S.S.R., as agreed to in the trilateral negotiations from 1977 to 1980, improves the verification capabilities of the United States considerably * * *. External networks provide high confidence in the detection of U.S.S.R. explosions in hard rock of about 1 kiloton and larger. The additions of stations internal to the Soviet Union provides a capability of about 0.1 kiloton for hard rock."

Under those circumstances, why am I not pressing for an amendment on this bill at this time? The answer is that it would be preferable for the administration to work out a ban with the Soviets and not for the Congress to impose such a ban. That would allow the administration to follow up on past Soviet indications that they are prepared to open the door to onsite inspections as part of a test ban treaty, and it would clearly be desirable to have such a provision.

Nonetheless, the administration should understand that this appropriation bill can provide the vehicle for a test ban. The Congress has already shown itself to be in favor of a comprehensive test ban. Last year on the DOD authorization bill the other body passed the Kennedy-Mathias amendment favoring a CTBT, and there are already more than 180 Members of the House who have cosponsored House Joint Resolution 3. Thus, if the administration fails to pursue this issue vigorously, it is my intention to offer and press for an amendment on this bill next year banning expenditure of any funds in fiscal year 1987 for nuclear explosions unless the President certifies that the Soviet Union has set off a nuclear explosion after October 1, 1986.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to engage in a colloquy.

Mr. BEVILL. The gentleman from Florida.

Mr. NELSON of Florida. Mr. Chairman, I have a beach renourishment project in my district that has reached the construction phase. However, the authorization bill has not passed the Congress. Indeed, the last real authorization bill to pass was in 1970. The authorization for this Indian River County beach renourishment project is included in H.R. 6, the water resources authorization bill. That bill passed the House last June but never passed the Senate.

Mr. Chairman, my question is, when the authorization is approved, would you favorably consider an early appropriation necessary to complete this project?

Mr. BEVILL. If the gentleman will yield, the gentleman knows that I have supported the early phases of this project with appropriations over the last several years and want to see this project completed. Yes, I would favorably consider the necessary appropriations for the entire construction phase once the authorization is approved.

Mr. NELSON of Florida. Mr. Chairman, another one of the beach renourishment projects in my district is located in Brevard County. In the fiscal year 1983 supplemental appropriations bill, you were kind enough to include language in the committee report that included funding for the preconstruction planning for this Brevard County beach renourishment project, the Senate followed your lead and included comparable language in its report.

But, the Corps of Engineers ignored this language for a year and then commenced a reconnaissance study due to be completed this December. Since December is 3 months into the new fiscal year, would the chairman approve of reprogramming funds by the Corps of Engineers when the reconnaissance study is complete so that the corps would proceed immediately to the feasibility study?

Mr. BEVILL. If the gentleman will yield further, I want to assure the gentleman from Florida that I would not like to see this project disrupted and would encourage and approve a reprogramming request that would allow this project to continue to the next phase.

Mr. NELSON of Florida. I thank the chairman.

□ 1530

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to another member of the full Committee on Appropriations, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman for yielding this time to me.

Mr. Chairman, as a measure of how difficult this subcommittee has had to work, the hearings make up 9 published volumes which total 12,240 pages. For that hard work I want to commend our ranking member, the gentleman from Indiana, JOHN MYERS, and our distinguished chairman of the subcommittee, for a lot of hard work in bringing this bill to us.

I would like to commend the subcommittee for their commitment to meeting the Nation's water needs. No part of the country is immune to water problems. Water supplies and flood control are essential for the economic development of many parts of the country. Water resources are critical to agriculture, and much of our commerce is dependent upon inland waterways.

We are facing severe budget restraints, and I firmly believe that money invested in these infrastructure improvements will reap rewards far surpassing the short-term expenditures for them in economic developments, safety, and improved standards of living.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished chairman, the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to support the bill. We have worked very closely with the gentleman from Alabama and I appreciate his cooperation with regard to matters that are within the jurisdiction of the Committee on Science and Technology.

Mr. Chairman, I would like to ask the gentleman from Alabama to engage in a brief colloquy concerning the SP-100 Program.

While the use of the technology for national security missions is of prime interest, NASA also has a specific investment in and commitment to this program. The need for higher power levels applicable to the civilian-related space missions of the not-too-distant future will also require the unique capabilities afforded by small, compact nuclear reactors. These civilian space missions include supporting advanced space station applications and planetary missions that will require significant amounts of power needed for missions to the outer reaches of our solar system.

The committee report correctly expresses concerns about the need for mission definition in order to justify the expected large costs to develop nuclear power systems for space applications.

Nevertheless, the Science and Technology Committee has authorized space power R&D where mission definition often takes place several years after a reference design has been selected.

In that regard, I am under the impression that a decision is to be made within the next few weeks on the exact nature of the reactor design concept that is to be further developed for application to both the civilian and defense missions. I believe this decision will help to focus the program as a basis for a reference mission proposal from DOD or NASA.

It is my reading of your report that this decision should assist the committee which has asked for a reference mission in its report before the remaining $7,100,000 is made available.

Mr. BEVILL. Yes; I concur with the remarks of the gentleman.

Mr. FUQUA. I thank the gentleman and I appreciate the cooperation of the subcommittee.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. MOORE] who has worked very closely with this committee on the needs of his State.

Mr. MOORE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the bill offered by the gentleman from Alabama [Mr. BEVILL] making appropriations for energy and water development for the fiscal year 1986. H.R. 2959 provides appropriations for water projects that will benefit our entire Nation. Our country can no longer wait for projects that will protect our people and insure the growth of our commerce. This bill is a balanced and effective response to the need for water development as evidenced by the 62 new projects which will help alleviate flooding and resolve many navigational problems that have arisen since 1976, the year that we last funded any new projects.

It is crucial that these projects are funded in a timely manner, as many of our citizens and industries depend on them. In particular three projects are very important to Louisiana: the Pearl River flood control project in St. Tammany Parish, the Atchafalaya Basin project, and the Mississippi River ship channel, gulf to Baton Rouge project.

The Pearl River project would protect the people along the Pearl River who have experienced 200-year floods in the last 6 years causing over $100 million in damage in 1983 alone.

The Atchafalaya Basin project would provide needed flood control and protect one of America's most valuable wetland resources in a unique alliance of the Federal Government, private property owners, and the State of Louisiana.

The Mississippi River ship channel project would ensure that two of the Nation's greatest ports, Baton Rouge and New Orleans, as well as one of the Nation's most important industrial areas, would continue and improve their service to the American economy.

This bill also continues funding and initiates flood control projects including funding for investigations for flood control in the Amite and Comite Rivers and tributaries, which has continued to flood in my district and cause great personal misery and economic loss, as well as funding for several other rivers in Louisiana that have continued to have flooding problems. Flooding is a real threat to people living along these rivers, and the area must be studied for possible corrective measures.

I also feel that we should support this bill not only because it appropriates projects that help my State and our Nation, but it achieves this while controlling costs; the fiscal 1985 appropriation is $217 million less than last year's water and energy appropriations and $7 million less than the administration's request. But this bill is

more than a simple appropriation for water projects, it is an investment in our future.

I urge Members to support this bill to insure flood protection for our people and navigation for our commerce.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to a distinguished member of this Appropriations Subcommittee, the gentlewoman from Louisiana [Mrs. BOGGS.]

Mrs. BOGGS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this bill as recommended by the Appropriations Committee. It is a good bill. Our subcommittee spent a great deal of time hearing from administration witnesses and other interested parties about the funding issues addressed in this bill.

The gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana maintenance [Mr. MYERS], all the members of the subcommittee and the members of the staff certainly deserve our gratitude.

Despite some serious shortcomings in operations and maintenance funding for the Corps of Engineers and the underfunding of important economic development programs of the Tennessee Valley Authority and the Appalachian Regional Commission, we have a bill before us this afternoon that meets the water resources development, the energy research, and the regulatory and economic development requirements of the Nation and is still below the President's budget request.

Mr. Chairman, we have heard the gentleman from Mississippi and the gentleman from Louisiana discuss two very important projects to the whole Nation, not only to our region, and those are the Mississippi and tributaries project and the Atchafalaya Basin project.

I would like to dwell for a moment on the third project mentioned by the gentleman from Louisiana, and that is the Mississippi River to gulf outlet project.

The Mississippi River also serves as the premier trade artery for this Nation, serving 22 States, encompassing 40 percent of the Nation's population and productive capacity. The deep-draft ports of the lower Mississippi handle 20 percent of the country's foreign trade, including nearly 50 percent of our grain exports. A significant portion of our coal resources also lie in the region served by the river.

The ports on the lower Mississippi River, particularly at New Orleans and Baton Rouge, are in jeopardy because of major shoaling problems that have seriously impaired their operations as well as the operations of industries along the river. These are resources that are of vital importance to the economy of the region and the Nation. This bill will fund work that will minimize the shoaling problems and will ultimately stabilize and provide a more easily maintained channel.

Along with contributions to energy research and development and important defense activities, projects such as these two make significant contributions to the future well-being of our Nation. We should consider this bill to be just part of our investment in our future—because it is.

I would like to commend my colleagues on the subcommittee, particularly the gentlemen from Alabama and Indiana, for their hard work and understanding in fashioning this bill. The subcommittee staff deserves a great deal of credit for the subcommittee work product. Without them I don't know how we could accomplish solid results.

In sum, this is a good bill. It is the product of a great deal of work, yet it is under budget. This is a real investment in our future and I urge its adoption.

□ 1540

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, with regard to funding of the Army Corps of Engineers' study of the breakwater at Ventura Marina, CA, I would like to ask the chairman, Mr. BEVILL, if the committee would object to the transfer of $100,000 from the corps' operation and maintenance budget for Ventura Marina for fiscal year 1986 to the Ventura Marina breakwater feasibility study for fiscal year 1986, when added to the $100,000 already provided in the committee bill for this purpose, this would provide $200,000 in fiscal year 1986 for the study, which is the stated amount of the corps' capability. As the committee knows, the goal of the study is to devise ways of correcting a problem of shoaling at the marina, caused by a deficiency in the corps' design of the breakwater several years ago. So we are asking that $100,000 of the amount budgeted in the bill for removing the sand be transferred to the study to see if we can prevent the sand build up in the future. If the chairman would agree with this, inasmuch as the problem was caused by the corps' design in the first place, I would ask that the Ventura port district also be relieved on any cost-sharing requirement for the study.

The CHAIRMAN. The time of the gentleman from California [Mr. LAGOMARSINO] has expired.

Mr. BEVILL. Mr. Chairman, I yield 1 additional minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I would ask the subcommittee chairman if he could answer.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Alabama.

Mr. BEVILL. On behalf of the committee, we agree that the record should reflect the transfer mentioned by the gentleman from California, with no requirement for cost sharing by the local party.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman.

Mr. BEVILL. Mr. Chairman, would the Chair advise us as to how much time each side has left?

The CHAIRMAN. The gentleman from Alabama [Mr. BEVILL] has 7 minutes remaining and the gentleman from Indiana [Mr. MYERS] has 8 minutes remaining.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I rise in strong support of H.R. 2959, energy and water development appropriations for fiscal year 1986.

At the outset, I want to commend JAMIE WHITTEN, SIL CONTE, TOM BEVILL, and JOHN MYERS on crafting another fine bill.

Although there are many important provisions within this measure, I would briefly like to mention two which greatly benefit my district, and especially the Ports of Los Angeles and Long Beach.

Contained within the bill are two Army Corps of Engineers studies that will examine ship navigation and port development needs.

The first study will begin phase II of the so-called 2020 study. Phase I of the report studied projected growth in the Los Angeles-Long Beach Harbor complex through the year 2020. Phase II includes physical and numerical model testing and a computerized ship navigation study; $1,000,000 is earmarked for this study.

The second study will continue a corps wave oscillation and tidal circulation study for San Pedro Bay at the U.S. Army Waterways Experiment Station in Vicksburg, MS; $1,268,000 is budgeted for this study.

Mr. Chairman, the net result of these studies will be twofold: A safer, more efficient Los Angeles-Long Beach Harbor complex and protection of our marine environment from unneeded and untested port development projects.

Again, I want to thank the committee for its efforts in this area and urge all of my colleagues to support this bill.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

I would like to take a moment to read from the committee report and engage the subcommittee chairman and the distinguished ranking member of the subcommittee in a brief colloquy.

In the section entitled "Uranium Enrichment Services" under the Department of energy's appropriations, the committee report states:

The Department should assure that an orderly termination of Advanced Gas Centrifuge/Gas Centrifuge Enrichment Process activities occurs and that to the extent possible, take steps to provide for job retraining and placement, technology transfer, and documentation of centrifuge research efforts.

Is it the committee's position that "an orderly termination of AGC activities" would include the issuance of a specific timetable for phasing out the gas centrifuge enrichment plant at Piketon and that this timetable should be established as quickly as possible?

Mr. BEVILL. Mr. Chairman, will the gentleman yield.

Mr. McEWEN. I yield to the subcommittee chairman.

Mr. BEVILL. Yes, that is my understanding. I think that for those workers still employed at the plant a timetable, developed and released quickly, is imperative.

Mr. McEWEN. And is it the chairman's understanding that "steps to provide for job retraining and placement" includes retraining and counseling programs funded by the Department of Energy?

I yield to the gentleman for an answer.

Mr. BEVILL. Again, the gentleman from Ohio is correct. It is the committee's intention that the Department make every possible effort to retrain, counsel, and place workers no longer needed at the GCEP plant.

Mr. McEWEN. Finally, is it your position that the Department of Energy should fund an independent private study of alternative uses by a group outside the Department, such as the Ohio Valley Regional Development Commission?

Mr. BEVILL. Yes, I think an independent alternative uses study would be beneficial.

Mr. McEWEN. Does the gentleman from Indiana, the ranking member of the subcommittee, concur with the chairman's assessment?

Mr. MYERS of Indiana. Mr. Chairman, if the gentleman will yield, yes, I do. We have discussed this problem and worked with the gentleman from Ohio, as well as with the gentlewoman from Tennessee [Mrs. LLOYD], on this very difficult problem.

Mrs. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to the gentlewoman from Tennessee.

Mrs. LLOYD. Mr. Chairman, I want to express my strong support for this provision in the bill. It is imperative that we recoup our investment in this area.

Mr. Chairman, I thank the gentleman for yielding.

Mr. McEWEN. Mr. Chairman, I thank the gentlewoman from Tennessee for her contribution, and I thank the gentlemen for their friendship, counsel, and advice.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the subcommittee chairman for yielding me this time.

I would like to say that I have a reputation—I do not know whether it is deserved or not—for being fairly tough on spending money here, having to vote no on any number of bills and just in the last few weeks having to vote against a supplemental appropriation for water projects. I do not like to do it. It is not fun. I would rather be for something.

I want to thank the subcommittee of the Committee on Appropriations today for giving us something that I hope we can be for. It is a bill, unlike the supplemental bill, which is on or under budget. It is a bill, unlike the supplemental that we had to vote on 5 or 6 weeks ago, where the concepts of cost sharing and the concept of authorization are alive and well.

This is not a perfect bill today, and I will support amendments that I hope will increase progress toward perfection. But let me tell my colleagues that this is a bill that is a step in the right direction. Whether it is a giant step or a baby step, the amending process will decide.

Mr. Chairman, I would like to thank the committee for beginning a long journey with this first step.

Mr. MYERS of Indiana. Mr. Chairman, since this appears to be "Louisiana Day," I yield 1 minute to a member of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to particularly thank the members of the subcommittee, most particularly the distinguished chairman and the distinguished ranking minority member, for the outstanding job they have done on this bill. Most particularly, I want to thank them for their efforts with respect to the States.

There are 16 States in this bill that are covered for flood control projects which, unless they are authorized by the 1986 authorization bill, may go down the drain. That is a bad metaphor. But the fact is that these are States that have been waiting on vital flood control projects for the last 10 or 12 or 15 years.

I have an area in my district, Pearl River and the greater Slidell area in Louisiana, that has had three major floods since 1979, and we have not been able to do anything about it. Oh, we have come close. We have had authorization bills that have almost passed, and we have gotten this provision in appropriation bills that have almost passed, but we have never gotten the actual award.

Mr. Chairman, I ask my colleagues to vote for this bill. I think it is a good one, and I commend my colleagues for putting it together.

□ 1550

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. I thank the distinguished gentleman for yielding.

I want to commend the chairman and the committee for all their hard work in bringing out this bill. I agree with my friend from Louisiana [Mr. ROEMER] that it is a step in the right direction, and I would like to help with a giant step in perfecting the bill by deleting the funds for the Elk Creek Dam. I will be offering an amendment to delete the $4 million for the Elk Creek Dam that is in this bill when we get into reading for amendments.

The Elk Creek Dam in the southern part of Oregon has been in my congressional district for 8 years. It now lies right along the line of congressional districts. It is a $120 million monument for nothing. It has no purpose. It does no good. Its irrigation project, which was its main function, has been killed. It is a chance for you to vote to cut the deficit and do so with absolute impunity.

The Corps of Engineers, those who build our dams, does not believe this is a worthwhile project. Secretary William Gianelli has written, "Since the Elk Creek project does not show current economic feasibility, the administration does not support inclusion of this project in the construction program."

The Corps of Engineers in another letter from Mr. Gianelli says that, "We are not scheduling construction on this project."

The administration opposes the project. The people of southern Oregon oppose the project. And so here is a chance when we come to amendments, and I will be asking for a record vote on this amendment because it is an extremely important amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding.

I would like to enter into a colloquy with the chairman of the committee, if I may.

First, I would like to express my gratitude to the chairman and the ranking member for their attention to

the California storm and tidal wave study and their cooperation in helping with it in this bill.

Today's appropriations measure includes $1.5 million for this study. Originally the Corps focused on the southern reach of the California coast. The San Diego area has been particularly hard hit by erosion of beach sand and reshaping of the coastline that permanently changes tidal patterns. Since the investigation began. However, the study has been expanded to include all of the California coast.

My understanding of the appropriations bill we are considering today is that the $1.5 million is to be primarily directed to the original study area, along the southern California coast.

First, the study was originally scheduled for 5 years. Because funds have been redirected away from the south coast, the study will take twice as long to complete. We should specify that the study from Dana Point, California to the Mexican border be completed within the original 5-year schedule.

Second, the southern reach was designated a demonstration project. When the entire project is complete, the corps will be able to use it as a blueprint for future studies. Wave gauging, shoreline monitoring, and sediment flow studies finished in southern California will be excellent reference material when compiled. It is important to have a total analysis for reference, and that body of information will be available when the original study is done.

We would like to specify that the study be completed in a timely manner for that southern California reach.

Also, we would like to designate the southern California reach as originally planned as a demonstration project whereby it would demonstrate in a coastal study that would allow the rest of the coastline to benefit from that study of the one segment.

If that is the understanding of the chairman, I would appreciate a response, and I yield to the gentleman.

Mr. BEVILL. We will accommodate the gentleman with that and work with him on it.

Mr. PACKARD. Mr. Chairman, I sincerely appreciate that and with this clarification, I think that the study can be completed as planned. Again, I deeply appreciate the chairman's efforts and want him to know that this sentiment is shared by my colleagues from San Diego and Orange Counties.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I rise in support of the bill and request unanimous consent to revise and extend my remarks.

My distinguished colleague and friend, the gentleman from Alabama, has crafted a deficit-conscious bill that serves the national interest well. It provides for the security of our Nation and merits support for that reason alone. The bill is $217.1 million below the fiscal year 1985 appropriation level and $7.1 million below the President's request. It is fiscally responsible.

Our highest priority in the Congress is to provide for the national defense of this country. The waterway transportation system is an integral part of the defense system, and I do not think we should lose sight of that fact. I pray we will never have to utilize the waterway network to defend our borders, but we must be prepared for any worst-case eventuality. The system must be adequately maintained to achieve maximum efficiency, and this bill provides for badly needed maintenance. Additionally, it funds critically important Department of Energy defense programs.

It also appropriates funds for flood control projects to protect the lives and welfare of our citizens. It is also well known that our port system must become more competitive to increase exports and reduce our miserable trade imbalance—a problem which, unfortunately, is overshadowed by the budget deficit. This bill seeks to improve the viability of our ports.

I urge my colleagues to support this bill. Its spending level is significantly below last year's level and it protects the welfare of American citizens. I think it is a bargain.

Mr. MYERS of Indiana. Mr. Chairman, to close the argument on this, I yield the balance of the time to a hard working and a very valued member of this subcommittee, the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in strong support of this bill and in deep appreciation of our tremendous chairman and our tremendous ranking minority member and all the members of our committee and our outstanding staff.

We have no politics in this committee. We are working entirely for the good of the future of this country.

I think this is one of the most important bills to come before the U.S. Congress. You know, we spend a great deal of money to defend our country, and we must defend our country. We spend a great deal of money for people who for various reasons need help from the Government, but we spend only a small percent to protect the future of this country. This is to protect our production in the future. We are protecting our water resources.

We heard the comment that we have the money in here for flood control in 16 States. We have heard our chairman report that the money we invest in flood control is returned to us seven times.

We have money for bank stabilization, for deepening our harbors, for protecting our rivers, for irrigating our lands. It is a great investment and a most important investment in America's future and I urge your support for this bill.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. I thank the subcommittee chairman for yielding time to me. First of all, I would like to congratulate the gentleman from Alabama [Mr. BEVILL], as well as the ranking minority member, the gentleman from Indiana [Mr. MYERS], and his staff and the whole committee for their diligent work. We certainly appreciate all the gentlemen's efforts.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in strong support for H.R. 2959, the energy and water development appropriations for fiscal year 1986.

This $15.3 billion measure provides fiscal 1986 funding for the water resources programs of the Army Corps of Engineers, the Interior Department's Bureau of Reclamation, and the Tennessee Valley Authority as well as both the civilian and military nuclear program of the Department of Energy.

I believe it is worth noting that Chairman BEVILL has presented us with a bill that, overall, is $7 million below the administration's request and $217 million below the funding level provided for in fiscal year 1985—this is a measure that is fiscally responsible while at the same time responsive to the energy and water needs of the United States.

Over the past several sessions of Congress, great concern has surrounded the inclusion of funding for the construction of a host of water projects throughout the Nation. I would hope that the passage of this bill will represent the time when Congress began recognizing its responsibility of adequately plan for the conservation and allocation of this country's most scarce natural resource—water.

The adoption of this measure does not end our work in the area of fashioning a comprehensive, equitable, and futuristic national water plan. Rather, today's legislation represents the first step in addressing a wide range of thorny issues regarding water that are all interrelated and complex. But this is a task which we cannot afford to shy away from—the conservation and allocation of water must become a national environmental priority.

I strongly urge my colleagues to join with me in taking this critical first step.

Mrs. LLOYD. It is my understanding that the Civilian Nuclear Research Program section of your report includes language calling for a peer

review panel for the purpose of recommending a single advanced reactor concept for future development. By this language, does the committee intend that the Federal Government make a large investment in the design and development of an advanced light-water reactor, should the peer review panel recommend that concept?

Mr. BEVILL. I believe that PIUS is an advanced LWR which we envisioned as a viable candidate for the best advanced convertor concept.

Mrs. LLOYD. Your report mentions various criteria for the panel to follow such as a midterm—10-15 year—potential availability. Would that criteria allow for the inclusion of modular HTGR and innovative liquid metal reactor [LMR] design concepts?

Mr. BEVILL. Yes.

Mrs. LLOYD. Does the gentleman agree that these liquid-metal reactor designs are best suited to serving as prebreeder transition reactors? Is it the committee's view that utilities would consider purchasing prebreeder LMR's, as well as MHTGR's, to replace LWR's even though breeders wouldn't be built until beyond 2025?

Mr. BEVILL. That is a possibility.

Mrs. LLOYD. Would the gentleman agree that in the MHTGR, LMR, and advanced LWR activities, we not only have three different programs, at different stages of development and aimed at different markets, but the proper Federal role is quite different for all three concepts?

Mr. BEVILL. Yes.

Mrs. LLOYD. I am sure the gentleman feels as I do and wants to see the Department of Energy manage this program and the various projects so that we can see some successful results real soon in return for the money we are appropriating. I want to thank the gentleman for yielding for this important colloquy.

● Mr. McEWEN. Mr. Chairman, I rise today to express my strong support for a provision contained in H.R. 2959, the energy and water appropriations bill, which will provide funding for a comprehensive Ohio River Waterfront Study to be performed by the U.S. Army Corps of Engineers. I would like to express my deep appreciation to Chairman TOM BEVILL and ranking member JOHN MEYERS of the Energy and Water Development Appropriations Subcommittee for their kind assistance in including $300,000 for this study in the bill now before us.

I join with my Ohio colleagues, Congressman MILLER, Congressman APPLEGATE, and Congressman LUKEN, and with the Ohio Department of Natural Resources, in endorsing this study, the purpose of which is to address the acute problem of riverbank erosion with the ultimate goal of developing the waterfront areas and creating new jobs in the urban centers bordering the river.

The development of the Ohio River waterfront is vital to the future of southern and southeastern Ohio. The river is a major transportation artery serving a highly developed manufacturing industry as well as the Appalachian coalfields. A total of 14 Ohio counties border on the river between river mile 40, at the Ohio-Pennsylvania border, and river mile 491.2, at the Ohio-Indiana border. The major urban areas that would benefit from this study include Cincinnati, Portsmouth, Ironton, Gallipolis, Marietta, Martins Ferry, Steubenville, and East Liverpool.

This would be the first comprehensive study of the Ohio River as a major resource to aid in the development of urban areas. I am pleased to note that officials of Ohio's local communities and State government have expressed a keen interest in a study of this nature.

Mr. Chairman, this is a most worthy project, and I encourage my colleagues to support the study and vote for passage of H.R. 2959.●

● Mr. MINETA. Mr. Chairman, I rise in support of H.R. 2959. This is a reasonable and balanced piece of legislation, and I congratulate the Appropriations Committee and the Energy and Water Development Subcommittee for all of their hard work.

I particularly want to thank the committee for its attention to the needs of San Jose, CA; a portion of which is in my district. This bill includes $400,000 for work on the Guadalupe River and associated streams project. More specifically, the work will be a continuation of survey work on Coyote Creek, and continued planning and engineering on the flood control project on the Guadalupe which runs through downtown San Jose.

This is vitally needed work, Mr. Chairman, and I am delighted that we are continuing to move ahead. The leadership, members, and staff of the Appropriations Committee have all done a good job, and on behalf of the people of San Jose I say thank you.●

● Ms. MIKULSKI. Mr. Chairman, I rise in strong support of H.R. 2959, the energy and water development appropriations for fiscal 1986.

This legislation contains important Federal funds for water development and related Corps of Engineers projects throughout the Nation.

One of the projects which is funded in this bill is the initial construction for deepening Baltimore Harbor's Brewerton Eastern Extension Channel from 27 to 35 feet.

The project, for which $5 million has been earmarked for initial start up costs, has been authorized since 1958 and is a 6-mile connecting channel that permits directs access from the main Baltimore shipping channels into the Chesapeake and Delaware Canal.

This will provide a 14-mile shortcut for container vessels who enter the Port of Baltimore through the Chesapeake and Delaware Canal.

Currently, because the Brewerton Channel's current depth is only 27 feet, these large, deep-draft ships must sail almost to the Chesapeake Bay Bridge before making the turn for Baltimore.

This project funding is important for two very important reasons:

First, it reasserts the competitive stance of Baltimore in relationship to other east coast ports and improves its long-term ability to attract cargo by shortening the time it takes to get from Baltimore to the C and D Canal by as much as 2 hours.

Second, this will reduce the costs to shippers to move in and out of Baltimore. By reducing travel time for vessels, shippers can reduce their expenses in moving cargo in and out of Baltimore since it costs between $25,000 and $30,000 a day to operate modern container ships.

While only $5 millon is earmarked for the corps in fiscal 1986 for the Brewerton project, I am pleased that the committee has instructed the corps in its report to submit a reprogramming request during fiscal year 1986 if additional work can be done on the project.

In addition, I am pleased that the committee has also indicated its willingness to include the remainder of the funds to complete this $34.7 million project in the fiscal year 1987 appropriations bill so the Brewerton project can be finished by September 30, 1987.

Since this project is part of a larger channel dredging project which was first authorized in 1958, and which is all completed except for Brewerton, it should not be subject to any new cost-sharing arrangements.

The only reason why Brewerton was not started earlier was due to the lack of an adequate dredge spoil disposal site. With the Hart-Miller Island facility having become available in late 1984 to handle the dredged material, however, the work on Brewerton can now begin.

In closing, I want to commend the chairman of the Energy and Water Development Appropriations Subcommittee, Representative TOM BEVILL, for his support on this issue and for his willingness to assist us with the Port of Baltimore's economic development.

In addition, I want to thank the chairman of the full Appropriations Committee, Mr. WHITTEN, for his support of this project too.

A special thanks also goes to Maryland's representative on the Appropriations Committee, my friend STENY HOYER, for his diligence in working on this project in committee, and to Balti-

more County Executive Don Hutchinson, who has been a longstanding advocate of the Brewerton project.

In fact, I would like to include for the RECORD a letter that Mr. Hutchinson recently sent jointly to me and Congressman HOYER on the Brewerton project recently.

Passage of this bill by the House today will mark a new threshold for the Port of Baltimore. It is another step in building a framework for future Baltimore Port development which will mean jobs and cargo for the port community and State of Maryland.

I urge my colleagues to support this bill and to help further economic growth in Maryland and throughout the Nation.

Thank you.

BALTIMORE COUNTY EXECUTIVE OFFICE,
Towson, MD, June 10, 1985.

Hon. STENY H. HOYER,
Congress of the United States, Longworth House Office Building, Washington, DC.

Hon. BARBARA A. MIKULSKI,
Congress of the United States, Cannon Building, Washington, DC.

DEAR CONGRESSMAN HOYER AND CONGRESSWOMAN MIKULSKI: Our frequent conversations over the last several months about Maryland's pressing need to begin work on dredging of the Brewerton Channel have prompted me to make the following points about the need to provide funds in Fiscal Year 1986 for this project.

The Governor, in a press conference last week, outlined steps the Maryland Department of Transportation was taking to reduce the cost of the harbor dredging project, and the need to pursue dredging of the Brewerton Channel.

The Brewerton Channel is also known as the Connector route because it provides vessels with a direct, deep-water route to the C&D Canal. Presently, vessels leaving the Port for the C&D Canal must detour approximately 14 miles south and then head up the east side of the Bay. This detour adds an extra expense for any vessel leaving Baltimore for the North via the C&D Canal and, obviously, impairs Maryland's competitive position. As water ports on the east coast become more competitive, the importance of the C&D Canal increases and, consequently, the need to dredge the Brewerton Channel becomes even more imperative.

While I applaud both of your efforts on behalf of harbor dredging, I did not want to let the importance of the Brewerton Channel dredging go unnoticed during congressional activity on the various dredging concerns the Governor addressed. Brewerton is a project that can begin now. It is already authorized and, as I understand it, can be completed in 18 months.

The Army Corps of Engineers estimates the cost of the Brewerton work to be approximately $34 million. While this is a considerable amount of money especially in light of the very difficult fiscal constraints you are under in Washington, the strategic importance of this project for my County and, indeed, the entire State economy, requires an immediate federal commitment.

The Brewerton project is not a new one. It is a part of a larger channel dredging project that included the main uniform channel coming up the bay, branch channels, and the approach channel to the C&D Canal. This work was first authorized in the early 1960's. Brewerton is the only leg of this larger project that has not been completed. Material from the other channel projects was handled at another disposal site that could not hold the material generated by dredging Brewerton. Now that Hart & Miller Island is well underway, Brewerton has a site for material disposal and work can begin immediately.

Let me also mention that I am concerned that the Administration might attempt to argue that dredging of the Brewerton Channel is a "new start" requiring a local cost-sharing in the project. I would again point out that Brewerton is not a "new start" and, in fact, is only a part—granted, an important part—of a larger project that has not been completed.

I am heartened to know that you were successful in securing funds for the dredging of Baltimore's harbor in the Fiscal Year 1985 Supplemental Appropriations Bill. While it is obviously too late to have the Brewerton project included in the Supplemental bill, I would urge you to take whatever steps possible to provide an appropriation for this project on the first available appropriations bill.

While it is clear that the debate on funding of the Baltimore harbor has not concluded and must now be dealt with by the Senate and the Administration, the Congress does have an opportunity to address the critical need for the connector channel by providing funds for dredging Brewerton from its current dept of 27 feet to its authorized dept of 35 feet.

Again, I cannot overestimate the need for dredging Brewerton and I would ask that you take whatever steps you deem advisable to convince Congress to provide these much needed funds. The economic benefits to the Baltimore region and the State of Maryland will be immense. If there is any additional information I can supply you with, please do not hesitate to give me a call.

With kindest personal regards, I am,

Sincerely,

DONALD P. HUTCHINSON,
Baltimore County Executive.●

● Mr. SCHEUER. Mr. Chairman, I would like to commend Mr. BEVILL, chairman of the Appropriations Subcommittee on Energy and Water Development, Mr. MEYERS, the ranking Republican member, and Mr. WHITTEN, chairman of the full committee, on the excellent work they have done in bringing the energy and water development appropriations bill to the floor.

I am especially pleased to note that they share the Committee on Science and Technology's concern with continued support of the nuclear medicine portion of the Department of Energy's environmental research budget.

Hearings on medical breakthroughs made possible by nuclear medical procedures were held this spring by the Committee on Science and Technology's Subcommittee on Natural Resources, Agriculture Research, and Environment, which I chair.

Through nuclear medicine techniques, spectacular successes can be achieved in diagnosing and treating many life-threatening diseases.

Approximately 120 million nuclear medicine procedures are performed each year in hospitals and outpatient facilities—on the average 2 on every patient admitted.

As noted in the Appropriations Committee report, these sophisticated and high-technology procedures ultimately save lives and money.

By diagnosing and treating diseases in their early stages, hospital costs and patient suffering can be reduced drastically.

In addition, exciting new research in nuclear medicine is on the verge of virtually unlocking the secrets of the brain.

Chemical ravages caused by certain forms of mental disease, such as Alzheimer's disease, can actually be observed in the brains of living patients.

Medical knowledge gained through these techniques provides hope for both cures and treatment of otherwise hopeless cases.

I am pleased that the Appropriations Committee concurs with the Science and Technology Committee in recognizing the importance of DOE environmental research and the nuclear medicine program.●

● Mr. DASCHLE. Mr. Chairman, I would like to express my pleasure that the House has, for the most part, addressed the unique needs of South Dakota in the area of water resource development. This year's appropriation bill is a small step toward the fulfillment of a commitment that the Federal Government made to South Dakota in 1944 upon enactment of the Flood Control Act.

It is extremely important that the committee's recommendation of $200,000 for the operation and maintenance of existing streambank protection structures along the Missouri River be approved. Although I am disappointed that no money was available for new construction of streambank protection structures, I am happy that the committee has the wisdom to include the amount requested for continued operation and maintenance of existing structures on the Missouri. I have visited some of the problem areas along the Missouri and can tell you that this $200,000 will go a long way toward repairing streambank protection structures that are in desperate need of repair. The approval of these funds is an important first step toward addressing the tragic erosion of our farmland along the Missouri River.

We are very hopeful that Congress will soon approve the authorization of two water projects of critical to the future of South Dakota's agricultural economy; the Lake Andes-Wagner irrigation project and the CENDAK project. This Congress can go a long way toward injecting some critically needed stability into the farm economy in South Dakota with the approval of these two projects. Lake Andes-

Wagner has been thoroughly studied and proven feasible by the Department of Interior. With the approval of $1,775,000 for further investigations, we are expecting the CENDAK project to also be ready for authorization and subsequent construction in the very near future. In approving these two projects, we will be taking an important step toward making the South Dakota agriculture industry strong enough to exist free of the Federal Government.

I urge that this body approve the Appropriations Committee's recommendation to fund the construction of the WEB water pipeline. WEB is ahead of schedule and will soon be delivering water for municipal and industrial uses to an area that has had to manage with poor quality water. The $18,525,000 that is included in this bill for WEB will go a long way toward making the dream of a reliable source of quality water a reality at long last. The WEB project is a perfect example of a Federal water project that meets the needs of the local rural citizenry while remaining cost efficient to the American taxpayer.

I am disappointed that the administration has recommended that the Belle Fourche irrigation be excluded from this bill. I will continue to work with my good friend and chairman of the House Energy and Water Development Appropriations Subcommittee, TOM BEVILL, to try to have funding for this proven project restored into the budget. The administration is pretending that this granddaddy of Bureau of Reclamation projects, first built in 1906, is a new start to be included in a freeze on new starts. This is not a fair or accurate characterization, and I am hopeful that the conferees will see the wisdom in restoring funding for the rehabilitation of this project so that it can continue to serve the ranchers of western South Dakota as it has for the past 80 years.

I applaud the House for addressing the unique water development needs of South Dakota in the 1986 appropriations bill. I also would like to encourage this body to continue and excel the process of fulfilling the longstanding commitment that the Federal Government has made to South Dakota to provide for water resource development.●

● Mr. BOULTER. Mr. Chairman, just 1 month ago, the residents of Wichita Falls, TX, again faced a threat to their lives and property. They sat in fear as they saw 5 inches of rain cause creeks to rise to flood levels. This year one child died as a result of the flooding at Holliday Creek and millions of dollars in damage was incurred.

This does not need to happen. There is a project designed and ready for implementation that would resolve this flooding problem. Yes, Federal funds have been requested to assist in the funding, but unlike many flood control projects, the Holliday Creek plan provides for the city to take on a larger portion of the overall costs than required, 40 percent of the costs in fact.

Past efforts to obtain this funding have not met with success. And I understand that language in today's energy and water appropriation will provide funding for Holliday Creek, should the conference committee on the supplemental appropriation bill fail to include it.

Mr. Chairman, the people of Wichita Falls have agreed to raise $14.1 million of the $30.5 million needed to stop the flooding in their city. Their request for $16.4 million from the Federal Government is justified and practical. Every time that the creek floods and millions of dollars in damage take place Federal assistance is required.

According to a study done by the Army Corps of Engineers, average annual flood damages from Holliday Creek are $3.9 million without the project—and $36,000 with the project. The answer is clear. In less than 5 years, this project would pay for itself from the point of view of the Federal Government outlays.

There are several vehicles through which this funding may go through House. I cannot stress enough the worthiness of this project. It has been recognized by the administration, and was included for authorization in the President's initial budget request for fiscal year 1986. The Office of Management and Budget, and the senior majority and minority members of the appropriate committees are well aware of Holliday Creek, and they want to see the Federal share of the funding that has been requested approved.

At a hearing I held in Wichita Falls last month, Congressmen TOM DELAY and TOM LOEFFLER listened as the people of that city explained the severity of the flooding, and the need for the Holliday Creek flood control project. Both agree that Holliday Creek funding should be approved.

We have before us a bill that can appropriate the funds so that the Holliday Creek flood control project can begin. I hope I will have some very good news to report to the people of Wichita Falls.●

● Mr. FRENZEL, Mr. Chairman, I oppose H.R. 2959, energy and water appropriations for fiscal year 1986. My judgment is that it is simply too expensive in a time when we ought to be looking for ways to cut spending.

The bill recommends $15,272,935,000 for fiscal year 1986. That is a slight decrease from last year's level. But that estimate is misleading in several respects.

First, the bill achieves a large savings by assuming a 5 percent cut in pay for Federal employees. Pay will not be reduced this year, and will probably be increased. To use those savings to finance other spending is deceiving, perhaps cynical.

The best estimate available to me indicates that fully funding pay will add about $75 million to this bill. Moreover, the inevitable supplemental will provide the vehicle for other sorts of expensive mischief.

Second, the committee report compares this year's bill, before the supplemental, to last year's bill plus a supplemental. That is truly a comparison of apples and oranges. That sort of analysis is particularly misleading since we provide a supplemental every year. That means that in most years, we compare most of our original, trimmed down, unsupplemented bills to last year's fully funded, supplemented bills.

Making the proper comparison of this year's bill to last year's unsupplemented bill shrinks the savings in this bill to less than $100 million.

This is not the worst appropriation bill to come along. Although it does meet the test of the freeze when compared to last year's spending, it certainly does not represent restraint. If we are going to hold a freeze in some spending accounts, we need to cut deeper in others. This is a good place to go deeper.

I urge a no vote.●

● Mr. JONES of Oklahoma. Mr. Chairman, I rise in support of the energy and water appropriation for fiscal year 1986, and urge its adoption. First of all, total funding in this bill represents a reduction from the President's request, and a cut of $217 million from fiscal year 1985 levels.

This bill represents a start toward the tough fiscal management our Nation requires if we are to avert the disastrous effects of continued deficit spending.

This legislation contains funds for many important flood control projects across our country in varying stages of completion. One such project is the Mingo Creek Flood Control System in Tulsa, OK.

As many of you may remember, Memorial Day 1984 brought tragedy to Tulsa, as Mingo Creek flooded great parts of the city and combined flooding claimed 14 lives. Those deaths and close to $200 million in damage to property brought home the urgent need for construction of a flood control system which has been in planning stages for close to 10 years.

This appropriation bill provides an additional $500,000 for continued planning and engineering, which will allow construction, once authorized, to commence 1 year sooner than originally planned. With such a disastrous flood only last year, and a benefit/cost ratio of 2.5:1, this additional appropriation for the Mingo Creek project is eminently justifiable.

I urge my colleagues to support this legislation, and I hope that the gentleman from New Jersey [Mr. ROE] will be able to bring his water resources authorization legislation before the House as quickly as possible.●

The CHAIRMAN. All time has expired under general debate.

The Clerk will read.

The Clerk read as follows:

H.R. 2959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects restudy of authorized projects, miscellaneous investigations, and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $133,189,000, to remain available until expended; and in addition, $150,000, to remain available until expended for the Wabash River Basin comprehensive study.

Mr. EDGAR. Mr. Chairman, I move to strike the last word.

□ 1600

Mr. EDGAR. Mr. Chairman, before we begin the amending process on this bill, I thought it might make some sense, as one of the leading advocates of a national water policy, to explain my position on this bill and to talk for a moment about why this bill is different in some significant ways from the 1985 supplemental appropriations bill that was before us a few weeks ago.

You will recall that in the supplemental bill there were a total of 62 Army Corps of Engineer projects, 31 of which were unauthorized. And in a series of parliamentary maneuvers and amendments, we were successful in getting amendments passed to the supplemental to delete funding for unauthorized projects. That was a 203-to-202 vote margin, a landslide victory that I think ought to be noted.

But people might be asking the question: "Mr. EDGAR, if you were opposed to those unauthorized projects in the supplemental bill, why are you not in this particular legislative vehicle also moving against those projects that have not received authorization?"

The response is clear and specific: as a result of our action several weeks ago, we built a fire under our public works authorizing committee. We passed a strong authorization bill which includes a number of meritorious policy provisions. Included in that is an agreement between the White House, the Senate and our House authorizing committee on the very difficult issue of cost-sharing.

I underscore that particular success because that was the reason this gentleman from Pennsylvania came to the well and fought so vigorously to stop the unauthorized projects.

It is true that for years we have not had authorization legislation in place. Now we have a chance in the vehicle that is coming through this Congress, and hopefully will be agreed upon by the other body and placed on the President's desk before October 1, to have in place an authorization bill that will have strong cost-sharing provisions, which will move to the top of the list those meritorious water projects from across the Nation.

It will include some deauthorizations of unwanted projects which are not going to be built. It includes environmental mitigation up front on many of these projects where environmental damage takes place. It includes a revolving loan fund to allow municipalities to replace aging water supply systems, and it includes at least the first step toward developing a sound national water policy for harbors, to flood control, to multipurpose dam projects, and to the other very worthy projects in our water and energy appropriations bill.

There are a lot of thanks to go around. Thanks have been given today to the gentleman from Alabama [Mr. BEVILL], the chairman of the subcommittee, and to the ranking member of the subcommittee, but I wonder whether or not we ought not to take a moment and give some thanks to people like the gentleman from New Jersey, BOB ROE, who chairs the Subcommittee on Water Resources for the authorizing bill, and the gentleman from Minnesota, ARLAN STANGELAND, who is the ranking Republican. I think some thanks ought to go to the gentleman from New Jersey, JIM HOWARD, and the gentleman from Kentucky, GENE SNYDER, who were able through our committee to fashion an authorization bill that not only can this Congress support, but can get the support of the Office of Management and Budget and can get the support of the President.

We have I think an opportunity in the next 3 months to pass the authorization bill, H.R. 6, and with that general outline in place, to allow these appropriation bills to go through, noting that projects will have to be based on those cost-sharing provisions, will have to be developed according to some of the principles that are laid out in that national water policy agenda.

I believe strongly that we have had victory for a new and different approach to water policy, and I did not want this moment to go unnoticed, that in fact, we do not have major controversy in this bill at this time.

This bill includes a relatively large amount of money. It includes many of the projects that were in the supplemental. But it is my understanding that these projects will also have to comply with the authorization bill as it proceeds and is signed into law by the President.

Let me also note that this bill contains several key projects for my State of Pennsylvania. Although there are many, let me make note of several which are mentioned in the report accompanying H.R. 2959: $1.300 million for general investigations for the navigation projects at lock and dam 7 and 8 on the Monongahela River; $2.395 million for construction on the Wyoming Valley flood control project; $19.592 million for operations and maintenance on the Delaware River, serving the Port of Philadelphia; $13.225 million for operations and maintenance on the Monongahela River; $4.980 million for operations and maintenance on the Allegheny River; $2.015 million for operations and maintenance on the Schuylkill River.

I wonder if the chairman of the subcommittee would answer some questions for me before I sit down. Again, I would like to thank the gentleman for his work in helping us develop an authorization bill.

I have just a couple of questions that I would like to ask.

Will projects listed in the committee report accompanying this bill be subject to the provisions of H.R. 6, the authorization bill if that, in fact, becomes law?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, they will be subject to the cost-sharing provisions. Whatever the gentleman's committee and the Congress decides on that, we in the Appropriations Committee will support.

Mr. EDGAR. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. EDGAR] has expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. Mr. Chairman, is the $100 million in this bill for new starts for the Army Corps of Engineers enough to cover the projects listed in your committee report?

Mr. BEVILL. It is only enough to cover part of the first year of construction on those projects. Really it will cover less than the first year of

those projects that are in the supplemental appropriation bill.

Mr. EDGAR. And it is fully the intention of the chairman that this bill will be fully in compliance with the intention of H.R. 6, the authorization bill?

Mr. BEVILL. Oh, yes. We are looking forward to H.R. 6 with great anticipation. And the total needed for those projects would be $220 million in fiscal year 1986, but we provided only $100 million.

Mr. EDGAR. I thank the gentleman for his restraint and thank the gentleman for his work on this legislation.

I guess most of all I thank the gentleman for his understanding of why the gentleman from Pennsylvania has fought so hard over these years to put in place an authorization process that the gentleman believes will work in setting the stage for future projects.

We do need water project authorizations that set the guidelines and standards for future development, and if we are going to repair the aging infrastructure of our water system, if we are going to develop a sound national water policy that is fair regionally and equitable, I think it is going to be the passage of a sound bill similar to the one that the House committee has passed. I believe that we are really on the road to a new direction in water policy, and I thank the gentleman for his patience.

Mr. ROTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the members of the committee, and especially the chairman and the ranking member for their excellent work in this matter.

I would also like to thank them for including in this legislation funding for a reconnaissance study to deepen the river channel in the Green Bay harbor in Green Bay, WI. Though the funding is minimal, it will greatly aid the development of northeast Wisconsin.

Deepening the channel by 3 feet would put the harbor at the same depth as the St. Lawrence Seaway, thus allowing unimpeded import and export traffic. This is essential if we are going to meet shipping traffic requirements not only for the present time, but also in the future.

Both domestic and international tonnage rates have reached record levels in the Green Bay area in the last number of years. The water-borne commerce through the port in Green Bay in 1983 resulted in an economic impact on one county alone of over $32 million.

So I am deeply appreciative for this effort. Although it is minimal in dollars, it will have far-reaching consequences.

Mr. Chairman, our markets are becoming internationalized, and if we are going to remain competitive in the international markets, we have to be able to sell the international markets. That means we have to be able to move our goods and services, and we have to utilize the fourth coast, the Great Lakes, more than we are presently doing. It is one thing to have the St. Lawrence Seaway and the Great Lakes, but we also have to have the harbors to service the Lakes and the Seaway.

This year we are working at a real disadvantage in our country because we are having a $123.8 billion trade deficit. For every $1 billion we ship overseas in goods and services, we create some 30,000 jobs in our country. That is why I feel it is so essential for us, especially in this legislation, to promote those harbors, and lakes, and rivers, and streams that are going to help us not only promote internal commerce, but also commerce into the international markets.

If we are going to make investment in America, I believe that this legislation is going in the right direction.

I thank the chairman and I yield back the balance of my time.

□ 1610

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this appropriations bill contains $41.3 million for the Garrison diversion project in North Dakota.

Accompanying the appropriation is a provision that restricts the expenditure of the funds until an authorization bill is passed by the U.S. Congress reformulating the Garrison diversion project consistent with the special Garrison Diversion Commission recommendations issued last December.

The restricting language also requires that such authorization be completed by March 31, 1986.

I would like to review for the Congress exactly where we are at the present time with respect to the Garrison diversion project.

Forty years ago the Federal Government said to North Dakota that if we would allow a permanent flood to come and stay so that it didn't flood in downstream States and so that they would have reliable river navigation in downstream States and so that they would have regional electric energy generation, then the Federal Government would give us some benefits for those costs that we will have incurred.

For playing host to a permanent flood behind the Garrision Dam, the Federal Government said we would be able to use some of the water behind the dam and divert it around our State for irrigation purposes and for municipal and industrial water use.

In a semiarid State like North Dakota with 15 to 18 inches of annual rainfall, the promise of a major water resource development project offers the hope of major economic rewards in our future.

It was 40 years ago that the promise was made. The Federal Government created their permanent flood in North Dakota. The downstream States got the benefits. And ever since we've been fighting to get the benefit that was due us. In 1965 the Garrison diversion project was authorized by Congress. In the 20 years since, we've been waiting for the funds that are necessary to complete our water diversion project.

As with any major public works project, this one developed opposition. Groups that oppose the project began to organize and focus their opposition on the House of Representatives where the Western water reclamation States are at a disadvantage compared to the members in the U.S. Senate.

Because of the opposition, 1 year ago a proposal in the U.S. Senate created a special commission selected by the Secretary of the Interior to study and make recommendations about the future of this project. The commission completed its work and issued recommendations last December. It was felt that this would be the compromise that the proponents and the opponents of this water project had committed themselves to when they pledged to support the commission's recommendations.

However, now 6 months after the commission's recommendations were made to reformulate this project, a dispute exists about the exact interpretation of the commission's recommendations.

That is the reason the appropriation in this bill is restricted. We anticipate that this dispute will be resolved, and the appropriation will be able to be used to move forward on this project in a manner that is consistent with the recommendations from this special commission's study of the project and North Dakota's long-term needs.

Some people see this as just a public works project, or a series of contracts, or just a water project. In fact, this is part of North Dakota's future. It's a building of opportunities for agriculture and industry in our State. That's why we feel so strongly about it, and that's why it's so important to us. It's why we must move ahead and realize a promise that was given us 40 years ago.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have certainly had a love fest with regard to this bill and I congratulate the committee for bringing forth a bill that inspires so much bipartisan endorsement.

I would say there are some of us who do have a few problems with the aspects of the bill and I did want to raise

some questions and concerns that I have.

For example I do not believe it has been mentioned thus far that the administration finds this bill unacceptable. I think maybe that is something that needs to be put on the record. A statement from the administration, where the administration says the bill is unacceptable to the administration in its present form.

The Appropriations Committee scores its action as being $7 million below the administration's request. This is achieved by reducing funds for atomic energy defense by $434 million and increasing those for domestic programs by $427 million.

By our scoring, meaning the administration's scoring, the increase for domestic programs is $644 million, since it assumed a reduction of $714 million for research and development which was achieved by transferring $217 million of balances from other accounts, mostly uranium supply and enrichment activities. In domestic accounts as a whole, the bill is $644 million over the President's request. In other words, according to the administration this bill costs considerable more money than what the committee claims.

It is also, I think, important to point out that the administration does not thoroughly agree with the points made earlier about this bill being in sync with the concept of cost sharing. The administration says, and I quote:

> In addition to unwarranted spending increases, the bill provides funds for some unauthorized water projects and fails to ensure that the funds provided for water projects are linked to cost-sharing agreements. Unless such language is included, the bill is unacceptable to the administration.

All right, now that is something that it seems to me needs to be on the record as well. But I think more important to me is the fact that some of the conclusions in this bill and some of the things that push this bill forward into the future cause me a great deal of concern.

For example, when I look at page 3 of the report that the committee has on this bill I find out that this bill is not the end of the appropriations for this particular category of spending in the Federal appropriations process. In fact, the committee is saying flatly in this bill they are going to come in for supplemental appropriation. Why are they going to come in for supplemental appropriations? Well, because they did not cover the cost of pay in the bill. When the administration sent up their original budget they assumed a 5-percent reduction in the amount of money that we are going to pay Federal employees. Since that budget came to the Hill, of course, we have decided in budgets passed by this House and by the Senate that we are not going to go along with the idea of a 5-percent pay reduction for Federal employees.

Therefore, you have got to find some replacement moneys. Does the committee do this? No; the committee leaves that $75 million. In order to say that they are $7 million under the President's budget they ignore that $75 million of additional pay that will have to be made up at some point. And what do they say about that in the report? They say "A supplemental budget request will be required to address pay shortfalls." It seems to me if you are going to present an honest appropriation out here, we ought not say it is $7 million under the administration's request when, in fact, if you add in that $75 million for pay, it is $68 million over the administration's request.

You put in that $75 million that we all know is coming and the fact is what we are going to have to have is a supplemental.

Now I have contended for some time around here that one of the problems we have got with this whole business of busting budgets is the fact that that is the pattern we run under. Not only are we doing appropriating under this kind of bill, under a continuing resolution which we heard about earlier today, but one of the provisions of the process has become the supplemental appropriations bill that we have as a part of our ongoing process, the fact that we are going to have add-on spending.

So regardless of whether or not the original appropriation, not only the appropriation request or under the budget being passed by the House or under the budget we have adopted in the Congress or under whatever, the fact is that because we know that coming down the line somewhere we are probably going to have a supplemental appropriation. Well, in this case, it is not probably, my friends; in this case, it is reality. The committee is telling you flatly when you vote for this bill, you are voting not only for this spending, but you are also going to have supplemental appropriations ongoing as well and that supplemental appropriations will have to be at least at the tune of at least $75 million. But the problem before us is that once you get supplementals on the desk out here, you not only get that kind of supplemental, you get a lot more and the supplementals always add up to billions.

□ 1620

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Pennsylvania earlier today was arguing for the turf of certain committees and making sure we followed the procedures here, which everyone has a right to do; however, now he is asking the Committee on Appropriations to take away that responsibility of other committees.

As an example, the bill providing for cost-sharing, which the committee has conceded it will adopt in its appropriating process, once the authorizing committee adopts this, but it does not in the purview, not in the responsibility of the Appropriations Committee to pass such legislation; that has to pass other authorizing committees.

We do not have that authority, nor should we have. If we put it in this bill, it would have been knocked out on a point of order.

Mr. WALKER. Will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman.

Mr. WALKER. Mr. Chairman, this particular bill has a number of sections in it of legislation in an appropriations bill, and they were all protected under the rule, the very rule that the gentleman thought to approve, we protected a lot of that legislating in an appropriations bill.

It is in this one area where the committee chose not to do any legislating in its appropriation bill, and it seems to me the administration is simply saying, and I was simply reflecting the administration's viewpoint on this——

Mr. MYERS of Indiana. Reclaiming my time, Mr. Chairman, the only time that I can think of in this bill is when there was not authorizations for like the Department of Energy, where the authorizing committees have not passed legislation, we necessarily, as we have done in the past, we have had to appropriate where the program was not authorized by law; but it is ongoing at last year's level where we have kept it.

As far as introducing new legislation, there is none in here that I can think of—unless the gentleman can identify it.

Mr. WALKER. If the gentleman will yield, the point I am making is that it has been a—we have not had a pattern where the Committee on Appropriations has regularly refused to add legislation to appropriations bills. That, in fact, is a continuing pattern around here, and I think what the administration is really saying is, if you are really committed to the cost-sharing approach, you certainly could have added language that would say that you are going to comply with cost sharing.

Mr. MYERS of Indiana. Well, the gentleman from Pennsylvania [Mr. WALKER] joined the group earlier when we had the supplemental, and we did have some authorizing legislation there to knock it out; and rightfully, so it was knocked out on a point of order.

One other issue here, the gentleman—as far as the pay increase; again, that is not the responsibility of the Appropriations Committee; however,

the 5-percent cut was recommended in the President's budget.

Just today, the President did submit to the Congress an amendment, and I quote:

I have the honor to submit for your consideration amendments to the request for appropriations for fiscal year 1986 totaling $1,065,318,000 in budget authority.

So we do now have a budget amendment sent down by the administration for that 5-percent pay cut—they have taken $70 million.

Mr. WALKER. If the gentleman would yield, according to the report, and I was simply quoting from the gentleman's own report, it says, "A supplemental budget request will be required to address pay shortfalls."

Mr. MYERS of Indiana. This year.

Mr. WALKER. Well, but my argument is with the administration on the business of supplementals as well. I think that we fool ourselves and we fool the American people when we keep talking about the fact that somehow we are complying with the budget process or with a fiscally responsible process if in fact what we are going to do is add supplementals, whether they are generated from the administration or whether they are generated in the Congress.

The fact is, Congress does a pretty good job of adding on to those supplementals, too.

Mr. MYERS of Indiana. Congress could still pass, if they so desired, a 5-percent pay cut, but I do not think Congress is about to do that, do you?

Mr. WALKER. Well, the gentleman is absolutely correct. I think that is the case. If that is the case, my question would be, why was not it included in the original bill?

Mr. MYERS of Indiana. The gentleman would have to ask the President about that; he is the one that sent the request down, that he has revised now. He asked for a pay cut, and Congress has rejected it by not doing anything.

There again, the Appropriations Committee could not cut the pay for anybody. The Committee on Post Office and Civil Service would have to recommend that.

Mr. WALKER. Well, if the gentleman will yield, the gentleman, though, recognizes that accepting that logic, then it seems to me that the Committee on Appropriations, if it was going to be totally complete in what it was doing, would simply have included the $75 million that it knew was going to be paid rather than having that come in, in a supplemental later on.

Mr. MYERS of Indiana. We were promised, quite some time ago, by Mr. Stockman, that would be coming, so we understood that. Just fortunately, by the time this first bill came—cliff-hanging—we brought it in.

I will close with this: It is true; the President sent a different criteria down for his spending program than we have adopted, but this is going to happen on all of the 13 major appropriation bills; that the President is going to have one request, the Congress is going to make decisions different.

Now if every bill is going to be subject to a veto because we have different criteria and a different way of appropriating than the President, we are in real trouble here; we might as well forget all about the appropriations and the legislative process entirely.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $846,958,000 to remain available until expended, and in addition, to remain available until expended, for that increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, $1,500,000 shall be made available for the Ocean Township to Sandy Hook reach at Sea Bright and Monmouth Beach extending to the vicinity of Long Branch; and in addition, $6,000,000, to remain available until expended, for the construction of the Yatesville Lake construction project; and in addition, $95,700,000, to remain available until expended, for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana project; and in addition, $1,880,000, to remain available until expended for construction of the Lorain small boat Harbor, Lorain, Ohio, project authorized by section 107 of the Rivers and Harbor Act of 1960, as amended; and in addition, $400,000 to remain available until expended for remedial, corrective design and construction of project deficiencies in the First Ward Area Front Street Levee in Binghamton, New York.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETRI: On page 3, line 3, strike "$846,958,000" and insert "$826,958,000" in lieu thereof.

Mr. PETRI. Mr. Chairman, this amendment simply reduces the Corps of Engineers construction appropriation by $20 million, to $826,958,000. This amendment will not cut anyone's project, or impede any project in any way. It simply reflects savings that will be realized from cost-sharing reforms when necessary authorizing legislation, already approved by the Public Works and Transportation Committee, is enacted.

Let me explain. The bill before us, H.R. 2959, appropriates a lump sum of roughly $847 million for Corps of Engineers construction, without any further elaboration whatsoever. However, the report on the bill indicates that $100 million of this sum is intended to be used to start new water projects. Further, the report contains a list of 62 new starts of which half are unauthorized.

Since the bill before us does not authorize these projects, they will have to be authorized at some other time or in some other legislation before any money can be spent on them. The members of the Appropriations Committee are not, I am sure, planning to add the necessary authorizations to this bill in conference with the other body. Rather, I believe they are anticipating passage of the proper authorizing legislation, which is H.R. 6.

H.R. 6 was approved by the Public Works Committee 3 weeks ago and should be coming to the floor in the near future. It would authorize all the new starts on the Appropriations Committee's list, plus many more. It would be helpful if the chairman of the Appropriations Subcommittee could confirm for us here this afternoon that it is their intention to wait for H.R. 6 to authorize the unauthorized projects on their committee report list, rather than trying to add them to the bill before us at some later time.

Mr. BEVILL. Will the gentleman yield?

Mr. PETRI. I yield to the gentleman.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, one-half the projects listed in the report do still need authorizing language. Cost-sharing reforms in H.R. 6 are expected to apply to all new construction, hence the $100 million is actually the bare bones figure.

Mr. PETRI. I thank the Chairman for his explanation.

Mr. Chairman, H.R. 6, as approved by the Public Works Committee, to the great credit of that committee and its leadership, contains significant cost sharing reforms. Because of these reforms, it is quite likely that H.R. 6 will eventually become law and we will finally enact an omnibus water projects bill for the first time in 9 years. And the final version of the bill is certain to contain cost sharing requirements at least as strong as those already approved by Public Works.

These reforms are meant to ensure a more orderly process for approving water projects. They will ensure that we build only those projects which can command substantial financial support from non-Federal sponsors. By doing so, however, they will also save Federal dollars.

Since the Appropriation's Committee's report on the bill before us makes no mention of cost sharing for its list of new starts, I can only conclude that it has not factored into its calculations the savings that will be realized due to the cost sharing re-

forms contained in H.R. 6. I can well understand why this would be so, since H.R. 6 has not been formally reported and our track record for passing water project authorizations around here is poor.

However, all the indications are that this year we will finally pass the necessary water authorization; and presumably, half the new starts in this appropriation depend on our passing that bill. So it seems only logical that we factor into this appropriation the minimum savings that will result from that authorization. That is all my amendment is intended to do. It cuts down 20 percent, or $20 million, from the $100 million intended for new starts in this appropriation. The cost-sharing reforms already in H.R. 6 will probably result in greater savings than this, actually, but it is clear that the savings will be at least this large. Thus, this amendment will not threaten anyone's project in any way.

It simply conforms this appropriation to the authorization which is anticipated to follow. However, in light of the assurance of the chairman, my distinguished colleague Mr. BEVILL, to myself and to my colleague Mr. EDGAR, in an earlier colloquy, that it is this committee's intention to wait for H.R. 6 to be governed by the cost-sharing language adopted in it. I ask unanimous consent to withdraw my amendment.

□ 1630

But in light of the assurances of the chairman given in the colloquy we have had, and also the earlier assurances made to my colleague on the Public Works Committee, who has been working on cost-sharing legislation for many years in this Congress, the gentleman from Pennsylvania [Mr. EDGAR], that it is the committee's intention to wait for H.R. 6 and be governed by the cost-sharing language adopted in the authorizing language, I would at this time ask unanimous consent——

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I would like to commend the gentleman for his leadership on the issue of water policy and thank him for his offering of this amendment. I realize the gentleman is going to withdraw the amendment, but I think it is important to make the statement that the gentleman has made and to clarify the importance of trying to have a sound policy in this area. I want to commend the gentleman.

Mr. PETRI. I thank the gentleman, and I would like to return the bouquet and also express appreciation. We have finally broken the logjam in this important area, and I think it will add to the progress our country makes in many years in public works.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 3, line 3, strike out "$846,958,000" and insert in lieu thereof "$842,958,000".

(By unanimous consent, Mr. WEAVER was allowed to proceed for 4 additional minutes.)

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for his courtesy.

Mr. Chairman, I am rising to tell my fellow colleagues that I am going to support this bill, even though an important Corps of Engineers project in my district of Orange County, CA, was left out. The Santa Ana flood control project was designed to protect a great floodplain area in the southwest corner of Orange County, CA, from great loss of property and death if the so-called 50-year floor hits our area again. The last flooding which caused a severe property damage and loss of life was 46 years ago. I want to show to my colleagues that even though important and vital interests in my own district were taken out by both subcommittee and full committee, I respect the effort put into this bill and will support it because it contains other worthy flood control projects throughout this great country.

The committee report states:

No area, State or region is immune from the ravages of floods and natural disasters. The preventative route to avoid the catastrophes in human misery and loss of life that accompany so many floods is the policy of the committee, and the timely development of critical flood control projects is a high priority.

I respect that and wholeheartedly agree. I hope that in conference the committee will see fit to smile upon a worthy project in my area. If not, I will not be a hard loser. I support the projects that this committee in its wisdom have deemed important. In diminishing dollars, someone is going to lose out, someone is going to have their area protected. I think everyone has worked very hard on the bill.

I again thank the gentleman for his courtesy.

Mr. WEAVER. Mr. Chairman, my amendment cuts the corps' budget by $4 million. The purpose for offering it is to eliminate funds for the Elk Creek Dam in southern Oregon. The Elk Creek Dam proposal that was in my congressional district, the Fourth Congressional District of Oregon, for 8 years—since reapportionment, it lies along the boundary of my congressional district—the main river flows through my congressional district, the proposed irrigation district is in my congressional district, and many of the constituents affected are in my congressional district, is a $120 million dam that has no purpose. It is a monument to nothing.

The main argument for the dam since its authorization in 1962 is that it is part of a three-dam project, two of which have already been built.

Let me read from a letter from Assistant Secretary of the Army for Civil Works, William R. Gianelli, in which he says:

Congress, when it authorized the Rogue River Basin project more than 20 years ago, found the overall combination of project elements to be economic. However, the question of the overall justification of all of the project elements is no longer at issue.

I repeat what Mr. Gianelli, who is in charge of the Corps of Engineers, said:

The question of the overall justification of all of the project elements is no longer at issue. Two of them have been built and represent irrevocable commitments of resources. The third element, the Elk Creek Dam—

Which I here am attempting to strike—

remains unfinished. In our view, in making a decision as to whether or not to complete the third, the actual benefits being received from the elements that have been constructed must be taken into account.

Now, what are those cost benefit ratios? The corps has projected many thousands of visitors a day from a sparsely populated region. It projects irrigation use when the irrigation project has been totally killed. Nobody even expects it ever to be completed or done. The corps projects adding hydroelectric generators to a little teeny stream that is no wider than this row of seats right here, a concept that has never even been contemplated, and yet, Mr. Chairman, the Corps of Engineers' cost benefit ratio, using a very low interest rate, is 48 cents benefit for every dollar spent by the American taxpayer.

The General Accounting Office, which called this project the worst project in the United States of America in its 1982 report, found the cost benefit ratio to be 26 cents—benefits 26 cents, expended by the taxpayer, $1.

There is simply no justification for the dam, no purpose for the dam. It is just something that some people still want to be built, although the sentiment in southern Oregon now has switched conclusively opposing the dam. We find even editorials in the newspaper, long its champion, questioning the dam, and associations opposing it.

What does the Corps of Engineers say? It says—this is another letter from Mr. Gianelli:

Since the Elk Creek project does not show current economic feasibility, the administration does not support inclusion of this project in the construction program.

They do not schedule work. There was money in it last year, but no work scheduled by the corps, nor did the corps use the money in the appropriations last year for construction of the dam. They do not want to build it.

The Corps of Engineers does not want to build this dam. It is a mind boggling boondoggle.

Now, besides a good vote for cutting the deficit, an extremely important vote for cutting the deficit, a vote to cut eventually $120 million for a project that is valueless and does nothing, I want to tell you something: The Lost Creek Dam that everybody, including myself, supported because it was supposed to have enormous fish enhancement and flood control benefits, the Lost Creek Dam, since it was built and many of the funds put in for fish enhancement for the Lost Creek Dam, since that dam's completion around 10 years ago, the two largest fish kills in the history of the Rogue River—and the Rogue River is one of the great rivers of this Nation, flowing through my congressional district—the two largest fish kills in the history of the Rogue have occurred since the construction of the Elk Creek Dam.

The fish kill on the Rogue River was so bad 5 years ago, that fishermen could not go in to fish, the stench was so great, the stench from the millions of fish that were dead in the river was so great they could not fish the river. There has been since then another fish kill. So it is becoming regular.

Now we are going to build Elk Creek Dam that will further disturb the fisheries, both the spawning streams as well as the turbidity in the Rogue River, which means that the fish cannot see the food to eat, that will further deplete the fisheries in the Rogue River.

I oppose this dam and ask that it be struck for simple reason that it is $120 million for a dam that has no purpose. Now, here is a vote for you to vote to cut the deficit that does not hurt one single thing. Remember what the corps said about the three-dam issue. Mr. Gianelli said it is no longer an issue that there are three dams planned. Remember that. Remember that the timber industry, Boise Cascade, that holds timberlands above the dam, opposes the dam and said it will impede its efforts to harvest the timber above the dam. Boise Cascade has always opposed this dam. Remember that the only construction made so far is the road. The dam has not been constructed at all, not one bit of it. Some gravel has been stockpiled and some road has been changed, but there has been no construction of the dam. You can kill it now with no ill effects, and I ask the House to do so.

□ 1640

Mr. ROBERT F. SMITH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon [Mr. WEAVER] which would actually remove from this bill the funding within the legislation for the construction of a necessary road around the perimeter of the proposed Elk Creek Dam. This is not a dam proposal, it is a road proposal.

First, let me reiterate a very key element in this discussion. The proposed Elk Creek Dam is in my district. The recipients of that proposal are in my district, and so is the proposed end of the road construction in my congressional district.

The issue today is not the construction of Elk Creek Dam at all. I would be happy to debate that issue with the gentleman from Oregon at any time given the opportunity, but it should not be here today. That argument that you just heard is addressing a totally absent issue before the floor of the House of Representatives. The road that is proposed around the dam is an economic necessity for logging in the Elk Creek Dam area even before the discussion of the construction of the dam itself.

There are currently two bridges across this small creek that are in bad state of disrepair and cannot be used, and therefore the road is proposed to allow taking out the timber above this area. Last year, the decision came to this floor to either spend money to fix those bridges and repair the existing road there, which would be very expensive, or we could spend the money to construct a roadway around the reservoir area. The road, obviously, will be useful regardless of whether or not the dam is constructed in this area.

The third option, of course, is to do absolutely nothing which would mean the death of the timber business in that area which sustains Jackson and Josephine Counties. Of course, which funds go to schools and roads and provides livelihood for countless numbers of people there.

Wisely, this House did the right thing last year. They chose to fund the roadway construction of $10 million. Today, we are simply being asked to extend that to complete the road an additional $4 million. Now, the project, despite what you have heard, enjoys the support of the people in the Rogue basin. It enjoys the support of this administration because the President has it in his budget as proposed to this Congress. It enjoys the support of the Governor of the State of Oregon. It enjoys the support of the two U.S. Senators in the other body, and it also enjoys the support of the State water policy review commission, which is a citizen commission in Oregon, and it enjoys the support of the Subcommittee on Energy and Water Development which committee heard all these arguments, and which committee made its decision, and which committee came to this floor with this recommendation.

Let me just point out two other issues. This is the time to come to Oregon to fish on the Rogue River, despite what you might have heard about fish runs, because last Thursday's Oregonian, the statewide newspaper, had an article which said:

The spring Shinook season has just been extended from July 15th to July 31st, on the Rogue River, because we have had at this point a run of salmon higher than at any time ever measured in our measurement exercise. We still have time, and I invite the House of Representatives, and particularly the esteemed chairman from Alabama, to come now before July 31st, because here is a great opportunity to catch salmon. In fact, the ocean salmon are indeed the largest harvest in memory of man.

The Corps of Engineers you have heard about. I happen to have here in my hand, dated April 5, 1985, a Corps of Engineers benefit-cost ratio study, and it is 1.4 benefit to 1 cost. I will be happy to show this to any of the Members here who would like to read that, particularly my colleague from Oregon.

The fact is, and let me say it again, this issue is not about the Elk Creek Dam. A chicken is not a horse. An elephant is not a giraffe.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. ROBERT F. SMITH] has expired.

(By unanimous consent, Mr. ROBERT F. SMITH was allowed to proceed for 1 additional minute.)

Mr. ROBERT F. SMITH. I might point out that if you buy an automobile to take you to the market, and you do not buy the tires to put on the new automobile, then you do not have a vehicle worth using, and this is the issue. I suggest that this amendment, although it may be anything else, this amendment certainly is a turkey.

Let us support the economic livelihood of the people in Southern Oregon. If you want to debate the Elk Creek Dam, let us do it on some other date.

Mr. SUNDQUIST. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman.

Mr. SUNDQUIST. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman a couple of questions, if I could. Maybe I misunderstood the debate that has been going on.

The first question is, this proposed dam is in the gentleman's district. Is that this gentleman's understanding?

Mr. ROBERT F. SMITH. The gentleman from Tennessee is correct; it is in my district.

Mr. SUNDQUIST. Second, the gentleman from Oregon who is here is not asking for money for the dam? Is that also correct?

Mr. ROBERT F. SMITH. The gentleman has identified the issue exactly. This is not for the construction of the dam, it is for the construction of a road.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. ROBERT F. SMITH] has again expired.

(On request of Mr. SUNDQUIST and by unanimous consent, Mr. ROBERT F. SMITH was allowed to proceed for 1 additional minute.)

Mr. ROBERT F. SMITH. This is for the completion of a road that this House of Representatives had endorsed last year to the tune of $10 million. This is a completion of that road; it has nothing to do with Elk Creek Dam.

Mr. SUNDQUIST. If the gentleman would yield, the road is partially completed, and the timber industry, I understood earlier that perhaps Boise-Cascade was opposed to the dam. Would Boise-Cascade be in favor of this road in that it would help the timber industry?

Mr. ROBERT F. SMITH. The gentleman has an excellent point. Boise-Cascade certainly would favor this road. Certainly all those people who contract with the Forest Service and the Bureau of Land Management for timber behind this area and the timber industry certainly supports this amendment to finish the road. Exactly. Boise-Cascade would certainly support this road.

Mr. SUNDQUIST. If the gentleman would yield further, the issue is not the dam; the issue is not the cost of the dam; the issue is not the timber industry because they support it; the question is an issue of jobs?

Mr. ROBERT F. SMITH. The gentleman is exactly right. The gentleman is correct.

Mr. BEVILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. The road near the Elk Creek Lake, Oregon project is supported, obviously, by the Member, Congressman ROBERT F. SMITH, in whose district the project will be located. The project is supported by the State of Oregon, and local interests have appeared before my subcommittee over a period of many years in support of this project.

I urge everyone to vote "no" on the Weaver amendment.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to clarify some points made by the gentleman from Oregon and point out that in a conversation this morning with Boise-Cascade, the timber industry that owns the lion's share of the timber that would be accessed by this road, that they not only oppose the dam, but they do not care one way or the other about the highway.

The second point that I think should be made is that there is $10 million in the other body with language that indicates that this particular dam should be built. Even though, as my colleague from Oregon [Mr. WEAVER], has indicated to the House, the Army Corps of Engineers as late as this year has talked negatively about this particular dam.

Let me draw to the attention of my colleagues in the House a statement from the Army Corps of Engineers Project Description Files submitted to the House Appropriations Committee for fiscal year 1986. It is entitled "Fiscal Year 1986 Civil Works Budget," the subject is the Elk Creek Lake in Oregon. It gives some background and a paragraph statement on the details, and then they say the following:

Current Status: An economic reevaluation of the project completed in calendar year 1984 indicated that the Elk Creek Dam would not produce economic benefits greater than its cost. This conclusion is based upon an analysis of the contributions that would be made by the Elk Creek Reservoir as an added element to the Rogue River Basin Project.

□ 1650

And this is the important sentence:

The main dam portion of the dam is, therefore, unscheduled. Work scheduled for 1985-86 consists of relocation of county roads and some engineering and design.

The gentleman from Oregon [Mr. ROBERT F. SMITH] makes the case that this is not a dam, this is not a water project; all this is is a highway. I serve on the Public Works Committee. We have authorization on the Surface Transportation Subcommittee to build highways. If this is a highway, then I think it ought to be given consideration as a highway and I do not think that the American public ought to be here putting up the funds to provide for highway legislation in a water and energy bill. If it is, in fact, a highway project, I would ask some questions.

How much is the State of Oregon, how much is the local community, willing to pay toward this highway? Is it an interstate highway? Is it a highway of national merit? Is it a highway of emergency? Is it a highway at times of national distress and high deficits?

I find it very difficult to find some of our most conservative Members of the House willing to slip through a special interest project, a highway, whose major purpose will be to the benefit of the timber industry, without any local timber industry support in cost-sharing on the highway, and I think the gentleman has, in this legislation, placed the funds at the wrong point of departure.

If it, in fact, is of national interest and of national merit, and if it is a highway that all of us should use to tour the region, then I think there are procedures to get a highway built. Given the evidence we have that this does not have a valuable cost-benefit ratio, that the Army Corps of Engineers has no plans to build this particular dam, existing highways in the area give access to that timber, the major timber industry is willing to utilize the existing highways to provide access to their own timber lands, I think we ought to save not only the $4 million in this bill, but prevent the construction of a $120 million dam, and I commend the gentleman from Oregon [Mr. WEAVER] for his leadership on this project.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. I thank the gentleman for yielding.

Mr. Chairman, I wanted to answer some of those charges made, because I think they should be answered.

The point is that the Corps of Engineers in all of this discussion has not discussed this issue, the road. The gentlemen, and the gentleman from Pennsylvania, are still arguing against the Elk Creek Dam. I am trying to point out that that is not the issue here at all.

Regarding the timber industry, I must say that by striking this $4 million, you are not just striking $4 million out of the budget; you are striking at the hearts of the people in Jackson and Josephine County, who depend upon the timber industry for much of its livelihood, and I suggest to you that if I came before this body and I stood up against an amendment that would deprive jobs in Pennsylvania or that would deprive jobs in Douglas County, everybody in this Chamber would be on my side, and I suggest that is the issue.

The idea here is that the Corps of Engineers prescribes cost-benefit ratios, and I have one that I just offered, 1.24 to 1. Again, it is irrelevant. We are not talking about the dam. The timber industry in my community supports this road. It is on the periphery of the reservoir of Elk Creek Dam. That is true. And to the gentleman from Pennsylvania, let me explain that. It is on the periphery of the reservoir, but it is a dual-purpose road because it allows entry into those forested areas to take out the necessary timber that we survive on for schools and for roads in our community.

Therefore, I suggest again this issue has to do with a road, not a dam. Do not listen to the arguments about Elk Creek Dam because they are not relevant. They do not pertain to the issue. The issue in my county is jobs from the timber industry, and I ask Members to vote for jobs in my community.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I would be glad to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, since the gentleman mentioned my name, I just wanted to respond.

Pittsburgh is a community in Pennsylvania which has high levels of unemployment because of the downturn in steel. The gentleman has made actually two arguments. He made one argument that this is a highway measure, and the second argument was that it was a job creating measure for his community.

I would argue to the gentleman from Oregon that this, in fact, highway jobs-producing program for Oregon is in fact being paid for by tax dollars from all of our States. If you want to make a jobs program or a highway program, you ought to do so, and not use a water and energy bill in order to get your purposes.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I would be glad to yield to one of the most outstanding Members of this House, who I admire and respect probably more than any other Member.

Mr. RUDD. I thank the gentleman for yielding, and I thank the gentleman for those kind words.

Mr. Chairman, I simply want to support the gentleman from Oregon and commend him for having an outstanding and excellent knowledge of the terrain and the problems within his district.

Mr. WEAVER. Mr. Chairman, will the gentleman yield just briefly?

Mr. SOLOMON. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

Mr. Chairman, I just simply want to close by saying that if it is a jobs program for the timber industry, the timber company that is involved, Boise Cascade, opposes the dam and told me this morning that they can use the existing road just as well as the new road.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I would be glad to yield the balance of my time to the gentleman from Oregon.

Mr. ROBERT F. SMITH. I thank the gentleman for yielding.

Mr. Chairman, I just want to add, again, that this appears to be a duel within the State of Oregon. It is not. The duel is within my district. I am the one affected, and I can tell my colleagues that the leaders in Oregon support this issue, all of them, and I can also suggest that the road is a part of the possible Elk Creek Dam issue, and that is why it is not a separate highway, but it is an important road to take out a natural resource that would not be taken out without it. The timber industry is essential to our livelihood, and the gentleman from Oregon knows it better than I.

Mr. SOLOMON. Mr. Chairman, before I yield back the balance of my time, let me just say that for those of us who came to this Congress to stick up for States' rights and to stick up for home rule, we certainly ought to support this gentleman from Oregon [Mr. ROBERT F. SMITH] and I would urge them all to do so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WEAVER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WEAVER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 282, not voting 9, as follows:

[Roll No. 229]

AYES—142

Ackerman	Garcia	Obey
Andrews	Gejdenson	Petri
Annunzio	Gregg	Porter
Archer	Guarini	Rahall
Armey	Hall (OH)	Rangel
Atkins	Hartnett	Reid
Bartlett	Hawkins	Rinaldo
Barton	Hayes	Rodino
Bateman	Heftel	Roemer
Bates	Henry	Roth
Bedell	Hertel	Russo
Beilenson	Hiler	Savage
Bennett	Hopkins	Saxton
Boehlert	Hughes	Schroeder
Bonior (MI)	Jacobs	Schuette
Bonker	Jones (OK)	Schumer
Borski	Kanjorski	Selberling
Boxer	Kastenmeier	Sharp
Bryant	Kennelly	Sikorski
Burton (CA)	Kildee	Smith (FL)
Carper	Kostmayer	Smith (NH)
Carr	LaFalce	Snowe
Clay	Leach (IA)	Staggers
Coats	Lehman (FL)	Stark
Collins	Leland	Studds
Cooper	Levin (MI)	Sweeney
Coughlin	Lightfoot	Swift
Crockett	Lowry (WA)	Swindall
Dellums	Lundine	Synar
Derrick	MacKay	Tauke
DeWine	Manton	Torres
Dreier	Markey	Towns
Dymally	Martinez	Udall
Early	Mavroules	Vento
Eckart (OH)	McCain	Walker
Edgar	McCollum	Waxman
Edwards (CA)	McCurdy	Weaver
Evans (IL)	McKinney	Weber
Fawell	Meyers	Weiss
Feighan	Miller (WA)	Wheat
Fields	Mitchell	Williams
Fish	Moakley	Wirth
Florio	Molinari	Wise
Foglietta	Moody	Wolpe
Foley	Morrison (CT)	Wyden
Ford (TN)	Neal	Yates
Fowler	Nelson	
Frank	Nowak	

NOES—282

Addabbo	Goodling	Ortiz
Akaka	Gordon	Owens
Alexander	Gradison	Oxley
Anderson	Gray (IL)	Packard
Anthony	Gray (PA)	Panetta
Applegate	Green	Parris
Aspin	Grotberg	Pashayan
AuCoin	Gunderson	Pease
Badham	Hamilton	Penny
Barnard	Hammerschmidt	Pepper
Barnes	Hansen	Perkins
Bentley	Hatcher	Pickle
Bereuter	Hendon	Price
Berman	Hillis	Pursell
Bevill	Holt	Quillen
Biaggi	Horton	Ray
Bilirakis	Howard	Regula
Bliley	Hoyer	Richardson
Boggs	Hubbard	Ridge
Boland	Huckaby	Ritter
Boner (TN)	Hunter	Roberts
Boucher	Hutto	Robinson
Boulter	Hyde	Roe
Breaux	Ireland	Rogers
Brooks	Jeffords	Rose
Broomfield	Jenkins	Rostenkowski
Brown (CA)	Johnson	Roukema
Brown (CO)	Jones (NC)	Rowland (CT)
Broyhill	Jones (TN)	Rowland (GA)
Bruce	Kaptur	Roybal
Burton (IN)	Kasich	Rudd
Bustamante	Kemp	Sabo
Byron	Kindness	Schaefer
Callahan	Kleczka	Scheuer
Campbell	Kolbe	Schulze
Carney	Kolter	Sensenbrenner
Chandler	Kramer	Shaw
Chappell	Lagomarsino	Shelby
Chappie	Lantos	Shumway
Cheney	Latta	Shuster
Clinger	Leath (TX)	Siljander
Cobey	Lehman (CA)	Sisisky
Coble	Lent	Skeen
Coelho	Levine (CA)	Skelton
Coleman (MO)	Lewis (CA)	Slattery
Coleman (TX)	Lewis (FL)	Slaughter
Combest	Lipinski	Smith (IA)
Conte	Livingston	Smith (NE)
Courter	Lloyd	Smith (NJ)
Coyne	Loeffler	Smith, Denny
Craig	Long	Smith, Robert
Daniel	Lott	Snyder
Dannemeyer	Lowery (CA)	Solarz
Darden	Lujan	Solomon
Daschle	Luken	Spence
Daub	Lungren	Spratt
Davis	Mack	St Germain
de la Garza	Madigan	Stallings
DeLay	Marlenee	Stangeland
Dickinson	Martin (IL)	Stenholm
Dicks	Martin (NY)	Stokes
Dingell	Matsui	Strang
DioGuardi	Mazzoli	Stratton
Dorgan (ND)	McCandless	Stump
Dornan (CA)	McCloskey	Sundquist
Dowdy	McDade	Tallon
Downey	McEwen	Tauzin
Duncan	McGrath	Taylor
Durbin	McHugh	Thomas (CA)
Dwyer	McKernan	Thomas (GA)
Dyson	McMillan	Torricelli
Eckert (NY)	Mica	Traficant
Edwards (OK)	Michel	Traxler
Emerson	Mikulski	Valentine
Erdreich	Miller (CA)	Vander Jagt
Evans (IA)	Miller (OH)	Visclosky
Fascell	Mineta	Volkmer
Fazio	Mollohan	Vucanovich
Fiedler	Monson	Walgren
Flippo	Montgomery	Watkins
Ford (MI)	Moore	Whitehurst
Franklin	Moorhead	Whitley
Frenzel	Morrison (WA)	Whittaker
Frost	Mrazek	Whitten
Fuqua	Murphy	Wilson
Gallo	Murtha	Wolf
Gaydos	Myers	Wortley
Gekas	Natcher	Wright
Gephardt	Nichols	Wylie
Gibbons	Nielson	Yatron
Gilman	O'Brien	Young (AK)
Gingrich	Oakar	Young (FL)
Glickman	Oberstar	Young (MO)
Gonzalez	Olin	Zschau

NOT VOTING—9

Bosco	Dixon	Hall, Ralph
Conyers	Donnelly	Hefner
Crane	English	Schneider

□ 1710

Messrs. KOLTER, COLEMAN of Texas, LEHMAN of California, MRAZEK, GORDON, and DASCHLE changed their votes from "aye" to "no."

Messrs. SWINDALL, FAWELL, SWEENEY, JONES of Oklahoma, HUGHES, RUSSO, SCHUMER, FIELDS, FOGLIETTA, BENNETT, and NELSON of Florida changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1720

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $25,000,000, to remain available until expended.

Mr. BEVILL. Mr. Chairman, we know of no more amendments to this title, and I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The remainder of the text of title I is as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $321,685,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,325,195,000, to remain available until expended, of which $12,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l).

REVOLVING FUND

For initiation of construction on a dustpan dredge and for the Corps of Engineers Automation Plan, $7,000,000, to remain available until expended (33 U.S.C. 576).

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Board, $107,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, will illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 175 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS

SEC. 101. None of the funds appropriated in this title, except as specifically contained herein, shall be used to alter, modify, dismantle, or otherwise change any project which is partially constructed but not funded for construction in this title.

SEC. 102. The Secretary of the Army, acting through the Chief of Engineers, shall grant, within ninety days of enactment of this Act, to the University of Alabama at Huntsville the funds appropriated to the Secretary of the Army pursuant to title I of Public Law 98-50 for the design and construction of a Corps of Engineers learning facility at Huntsville, Alabama. This grant shall be made to the University of Alabama at Huntsville subject to the conditions that the university will convey the grant funds to the Chief of Engineers to design and construct the learning facility on lands owned by the University of Alabama and the completed facility is to be owned and maintained by the university and be operated by the university and the corps as a joint use facility, all according to such specifications, terms, and cost sharing arrangements for operation and maintenance as the University of Alabama at Huntsville and the Secretary of the Army, acting through the Chief of Engineers, may agree. The Secretary of the Army, acting through the Chief of Engineers, shall report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on a monthly basis on the status of the required agreements and the construction of the learning facility until such time as the facility is constructed and operational at the University of Alabama at Huntsville.

The CHAIRMAN. Are there any points of order against the remainder of title I?

Are there any amendments to the remainder of title I?

If not, the Clerk will read title II.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $34,085,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to reimbursable in accordance with the allocation of construction costs if the project is authorized for construction.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $541,074,000 of which $97,412,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $147,200,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and $1,430,000 shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to this heading: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided fur-*

ther, That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof of supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be non-reimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That of the amount herein appropriated, such amounts as may be required shall be available to continue improvement activities for the Lower Colorado Regional Complex: *Provided further,* That $14,000,000 in unobligated balances of Teton Dam Failure of Payment of Claims funds provided under Public Laws 94-355, dated July 12, 1976, and 94-438, dated September 30, 1976, shall be available for use on projects under this appropriation: *Provided further,* That none of the funds made available by this or any other appropriations Act shall be obligated or expended for construction (including land acquisition) of the Garrison Diversion Unit, North Dakota, unless the Congress has, prior to March 31, 1986, enacted legislation reformulating the Unit: *Provided further,* That this restriction shall not apply to the expenditure of funds pursuant to contracts that have been awarded prior to October 1, 1985.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 8, line 17, strike out "$541,074,000" and insert in lieu thereof "$478,770,000".

Page 10, line 3, after the colon insert the following: *"Provided further,* That none of the funds appropriated under this paragraph may be used for the Bonneville Unit of the Central Utah Project:".

Mr. SOLOMON [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I rise in support of H.R. 2959 and would like to bring to my colleagues' attention an important component of this legislation which, I believe, will greatly benefit the city of Columbus and the entire central Ohio region.

Within the $133.2 million appropriated in title I of the bill for general investigations, $200,000 is earmarked for the Army Corps of Engineers to start the initial reconnaissance phase of a comprehensive study of the Scioto River in downtown Columbus, OH. This $200,000 appropriation will enable the corps to achieve extensive planning and engineering studies relative to urban riverfront development, and allow the city of Columbus to continue its efforts to explore the growth potential of the river corridor. The main purpose of the reconnaissance study is to examine practical ways to preserve and develop the water and soil resources of the downtown river area. In addition, the study's objectives will be to plan and analyze projects associated with all aspects of the river corridor, including flood control, recreational facilities, conservation of fish and wildlife, use of flood plain lands, and tests for pollutants.

The central Ohio comprehensive study will be completed in two phases: First, the initial reconnaissance phase which is funded 100 percent by the Federal Government; and second, if the initial study appears to warrant further examination, a feasibility phase which would be cost-shared with the local sponsor. The estimated cost of both phases of the study is $1 million, with the Federal share being $600,000. Federal Government costs would be: $200,000 for the reconnaissance study which should be completed within 12 months and $400,000 for one-half of the costs associated with the feasibility study, if justified, that will take 2 years to conduct.

As I mentioned earlier, I believe the central Ohio comprehensive study is crucial to the major redevelopment plans envisioned for the Scioto River. Furthermore, the expertise of the Army Corps of Engineers will provide valuable assistance and insight to the city of Columbus as river development progresses, and should help to ensure a highly successful effort. Equally important, the continued growth of downtown Columbus could well depend upon the effective utilization of the river environment, so this study may set the stage for an exciting period of urban modernization in one of America's greatest cities.

And finally, I would like to thank and commend the chairman of the subcommittee on Energy and Water Development, Representative TOM BEVILL, the ranking minority member of the subcommittee, Representative JOHN MYERS, and subcommittee staff for their efforts and support for this vital project. I would also like to extend my appreciation to my Ohio colleagues on the Appropriations Committee, Representatives MILLER, REGULA, and STOKES, for their past and present support.

Mr. SOLOMON. Mr. Chairman, I rise today to offer an amendment that would strike this year's appropriation for the Bonneville unit of the Central Utah water project.

The purpose of my amendment is to ensure that an adequate repayment agreement has been arranged between the Bureau of Reclamation and the municipal users of this water project. For 5 years, the Bureau of Reclamation has promised such an agreement and for 5 years, they have broken those promises and delivered nothing.

The Bureau's latest offering is a draft supplemental repayment agreement. This agreement, however, carries with it far too many uncertainties to convince me that the taxpayers will be protected.

First, this new contract has a number of provisions that are of highly questionable legality.

Second, the contract must go through the Bureau's headquarters, Interior, and the Office of Management and Budget and it has been approved at none of these levels.

Finally, the contract must meet the approval of the local electorate but the contract will not be voted on, however, until next November.

All of these problems add up to another year with no guarantee of a repayment agreement.

In this case, the Bureau of Reclamation has had an abysmal track record.

Should the draft contract not go through next winter—and it may very well fail at any number of levels, I, for one, can no longer trust the Bureau to persevere and protect the interests of the taxpayers.

I have no choice but to place the Bureau on notice that this situation will no longer be tolerated, and that no more funds will be expended this year until a contract is signed, sealed and delivered.

I want to assure my colleagues from Utah that I bear no malice for their water project.

My first obligation, however, is to protect the interests of the taxpayers. The only way to ensure that, is to withhold any further funding until that contract is approved.

I urge my colleagues to carefully consider this unique problem, and support my amendment to protect the taxpayers and put the Bonneville project back on a businesslike track.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. MILLER of California. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California as a substitute for the amendment offered by Mr. SOLOMON: On page 10, line 6, after the phrase "Complex:", insert the following: *"Provided further,* That none of the funds made available by this Act for the Bonneville Unit of the Central Utah Project may be obligated or expended for the award of new construction contracts or for land acquisition related to new contracts until a supplemental repayment contract for municipal and industrial water supplies, sufficient to recover all allocable reimbursable costs, plus interest, has been executed between the Secretary and the Central Utah Water Conservancy District and such contract has been submitted to the Congress and 100 days have elapsed;".

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, I rise in support of my substitute amendment to fence funding for the Bonneville unit of the central Utah project [CUP]. I had hoped such strong action would not be necessary, but the financial condition of this project can no longer be ignored. We have no assurance that repayment of reimbursable costs for constructing this project will be made.

According to the Bureau of Reclamation, the total cost of the Bonneville unit is now estimated to be over $2.1 billion. Already, the Federal Government has spent nearly $600 million on the project since construction funds were first appropriated 20 years ago. We should not appropriate more funds when project beneficiaries are legally obligated to repay only a token $156 million.

The project has now become so expensive to build that water users in Utah would be required to pay outrageously high rates for their water if the normal repayment requirements of reclamation law were applied to the CUP. This situation has inspired the Bureau and the conservancy district to seek new and innovative ways to pay for the project. Most of these new repayment schemes would merely pass on more of the costs of the project to some other segment of society—consumers of electric power.

Last April, I asked Interior Secretary Hodel a series of detailed questions about the Bonneville unit and these new repayment contract proposals. It is clear I have struck a nerve somewhere in the administration, because the Office of Management and Budget has interceded and demanded a review of the Secretary's responses. Almost 3 months have passed since I made my inquiries, and the only response has been a June 19 letter from Acting Bureau of Reclamation Commissioner Robert Olson, who advised me of OMB's involvement and expressed regrets for the delay in responding to my questions. I ask unanimous consent that my April 29 letter and Mr. Olson's response be reprinted in the CONGRESSIONAL RECORD.

The facts about the CUP and its repayment problems are critical, and should be disclosed and understood before voters in the district are asked to approve a new repayment contract. It is my intention to hold a hearing of the Subcommittee on Water and Power Resources so that we may thoroughly and publicly examine the many issues and serious questions which have recently been raised regarding this project and how to pay for it.

Until we have some answers and until we are assured of adequate and fair repayment of the reimbursable costs of this project, it is irresponsible to blindly continue its funding and the accumulation of more debt which might never be repaid. Mr. Chairman, I urge my colleagues to join me in support of the amendment.

COMMITTEE ON INTERIOR,
AND INSULAR AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 1985.

Hon. DONALD P. HODEL,
Secretary of the Interior,
Washington, DC.

DEAR MR. SECRETARY: It has come to my attention that the Bureau of Reclamation is in the final stages of negotiations for a supplemental repayment contract with the Central Utah Water Conservancy District (CUWCD) for the Bonneville Unit of the Central Utah Project (CUP). I further understand that these negotiations mark the end of several years of effort to resolve the repayment problems which face the project. A copy of the April 2, 1985 draft of the supplemental repayment contract is enclosed for your reference.

The draft contract raises a number of questions. In particular, the proposals to fund the construction of project features with "non-Federal contributions" and to subsidize municipal and industrial (M&I) water costs with power revenues deserve a more thorough examination. To say the least, these are novel proposals, apparently without precedent in Reclamation law. As best I can determine, these are new ideas which were not contemplated by Congress when the CUP was authorized. The proposal to have power customers pay $300 million of the M&I water costs does not appear to be authorized by the Water Supply Act of 1958, or any other act of Congress.

I view these proposals as substantial alterations in the manner CUP costs are to be repaid. Despite the magnitude of the proposals (at least $300 million), apparently no attempt has been made by the Bureau of Reclamation or the Department to secure Congressional approval to implement these ideas. In fact, I am not aware that any attempt has even been made to advise Congress of these proposals.

In addition, there are indications the Department is proceeding to implement the contract before it is signed. The Federal Register of March 29, 1985 contains an Interior-Department of Energy notice which solicits interest in a proposal for construction financing of project facilities by non-Federal entities.

It is quite possible that the new repayment ideas set forth in the draft contract and in the notice may have significant merit. However, as the draft contract itself clearly indicates in its presentation of the terms of the proposals (p. 7, line 3-11), this is by no means guaranteed:

"Although details of that course of action are neither guaranteed nor available as of this writing, it is understood by the parties hereto that the intent is to provide approximately, but not more than $300,000,000 of assistance, including both principal and interest, at the earliest feasible date."

I do not consider the questions posed in this letter to be frivolous. Finding new ways to determine who pays some $300,000,000 in obligations for a Federal water resource project is a significant matter. I believe the issue deserves your personal attention. Decisions are being made to continue construction of the CUP which now has a total price tag of well over $2 billion.

I would appreciate your consideration of the following:

1. With regard to the Bonneville Unit and several other units of the Colorado River Storage Project, the Bureau of Reclamation's F.Y. 1986 budget request states: "(l)egislation to provide additional appropriation ceiling will be submitted to the Congress." What is the status of this legislation? Can we expect to see a draft bill before the end of the current fiscal year?

2. Please provide a copy of the December 28, 1965 repayment contract between the United States and the CUWCD concerning the Bonneville Unit (Contract No. 14-06-400-4286, as amended).

3. Is the attached copy the latest version of the supplemental repayment contract? If not, please provide a copy of the most recent version. Once negotiations are complete, what steps must be taken before the supplemental contract goes into effect? What is the schedule for implementing the contract? Will the District hold a general election to approve the contract?

4. The draft contract states that the Contractor's repayment obligation in the 1965 contract is "not now" adequate to cover the anticipated reimbursable costs of building the project (page 3).

a. At what point in the development history of the project did this fact become known to the Department?

b. Please explain in more detail the statement beginning at line 47 of page 2 regarding the circumstances which require negotiation and execution of a supplemental repayment contract for the Bonneville Unit. Have any project design changes been identified as reasons for the increased costs of the project?

5. On p. 6, the contract states that the federal government (Contracting Officer) "contemplates construction of power generating facilities at Diamond Fork and Jordanelle Dam . . . ," and that, "the Contracting Officer intends to pursue a course of action . . . which would provide non-Federal funds for construction of the powerplant and provide a non-Federal contribution of future revenues to be applied toward repayment of municipal and industrial costs of the Bonneville Unit".

a. Why has it been decided that non-Federal "contributions" are necessary in order to build generating facilities at Diamond Fork and Jordanelle Dam? Are these facilities authorized parts of the Bonneville Unit? Have any Federal funds been spent to date on planning, design, or construction of these facilities?

b. What is the current situation regarding power availability in the Intermountain West? Are the Diamond Fork and Jordanelle Dam Generating facilities justified based on demand for electricity?

c. Why is repayment assistance for the M&I water supply necessary?

d. Is the use of power revenues to assist in repayment of M&I costs currently authorized by law?

e. If not, under what authority is this commitment "to pursue a course of action" made?

f. What will be the source of the $300,000,000 in non-Federal funds required for this proposal? How was this figure determined? If the non-Federal contributions

cannot be secured, where will the CUWCD obtain the revenues necessary to meet the repayment obligation set forth in Article 1(b)(1)? Does the CUWCD currently have the authority to increase ad valorem taxes if this should be the only way the obligation could be met?

g. Will the Colorado River Basin Fund be involved in some manner as this proposal is implemented? Have other Colorado River Basin States been consulted with regard to this proposal to underwrite the M&I water costs of the Central Utah Project?

h. Under the proposed supplemental contract, what portion of the $335 million in anticipated outstanding new olbigations for the CUWCD would be repaid by power revenues?

i. Please provide a list of other contracts or projects in which power revenues have been used to repay the costs allocated to M&I purposes.

6. On page 6, lines 12-26, it states that the government intends "simultaneously herewith to enter into separate agreements for repayment of 66% of the remaining reimbursable costs of Jordan Aqueduct Reaches, 1, 2, 3, and 4 . . . and for the operation and maintenance thereof . . . with the Metropolitan Water District of Salt Lake City and the Salt Lake Country Water Conservancy District."

a. Does this mean that there is no contract currently in force to cover repayment and O&M of the Jordan Aqueduct system? How is the Jordan Aqueduct covered under the 1965 contract? Why is it now necessary to change this arrangement?

b. Will these "agreements" in fact be repayment contracts negotiated pursuant to reclamation law?

c. Why are several such contracts necessary rather than simply one "master contract" with the Central Utah Water Conservancy Distict and appropriate subcontracts, as is the case with many other Reclamation projects?

d. Why will repayment be limited to 66% of the remaining reimbursable costs? Who will pay the remaining 34%?

7. What is the legal authority for using the interest rate provisions of Sec. 5(b) of the Act of April 11, 1956, as amended by the Act of June 27, 1960 rather than the present interest rate? (See p. 5 of the 4/2/85 draft contract, lines 23-31). What would this rate be if it were calculated today?

8. Please explain the sentence beginning at line 31 on page 5. It would seem to mean that the project will not be repaid 50 years from the date water is first delivered to the Bonneville Unit. Instead, the contract states that repayment on a particular "block" will begin once water is delivered to the block. This would appear to set up a process which will allow the total M&I obligation to be repaid over a longer period of time.

a. What is the legal authority for dividing project M&I water deliveries and repayment for the project into "blocks"? If this practice is justified as a result of Solicitor's opinions, please provide copies.

b. Over what length of time could repayment conceivably be stretched out under this arrangement?

c. Will the same interest rate be used for each block? Will interest accrue during construction on these blocks?

d. Please cite any other projects where this type of repayment schedule is used.

9. An earlier draft (February 22, 1985) of the contract clearly indicated (p. 2 line 30) that the M&I repayment obligation included payments on interest during construction. The F.Y. 1986 budget request indicates (p. 366 of the project data sheets) that reimbursable interest during construction for M&I totals $103,890,000. Why was this provision dropped from the April 2 version of the contract?

10. The District's claims referred to in Section 1(b) at page 7, line 34 deserve further explanation.

a. Does the contract language with respect to the District's claims mean that the government has tacitly accepted the claims as valid?

b. Have the claims been reviewd by the Solicitor? If so, please provide copies of any opinions as to the validity of the claims.

c. Have unadjudicated claims similar to these ever been referenced in a repayment contract before?

11. The contract states (p. 2 line 28) that repayment of irrigation costs will be based on the irrigator's ability to pay *as provided for in the 1965 repayment contract* (emphasis supplied). Does the underlined clause (which was not included in the February 22, 1985 version of the contract) preclude a new payment capacity study which might reveal a higher ability to pay? The clause would appear to "lock in" the original ability to pay determination, which is now more than 20 years old.

12. Why are no changes proposed in the 1965 contract with regard to the irrigation allocation?

I look forward to your replies to these questions.

Sincerely,

GEORGE MILLER,
Chairman, Subcommittee on Water and Power Resources.

BUREAU OF RECLAMATION,
U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, June 19, 1985.

Hon. GEORGE MILLER,
Chairman, Subcommittee on Water and Power Resources, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. MILLER: This is in regard to your letter of April 29, 1985, in which you requested that we consider and respond to several issues regarding the repayment of costs for the Bonneville Unit of the Central Utah Project. We regret that we will be unable to respond to your concerns as soon as you desire or as soon as we had planned.

We have just received a June 10, 1985, letter from Mr. Don B. Cluff, Chief of the Water Branch in the Office of Management and Budget (OMB). Mr. Cluff has requested that his office be permitted to review our proposed response to your questions prior to their submission to you. Mr. Cluff has cited the provision in President Reagan's letter of January 24, 1984, to Senator Paul Laxalt which directs OMB review of proposed financing, cost sharing and cost recovery arrangements. Therefore, we will be providing Mr Cluff with a copy of our prepared response to your letter in the immediate future.

We appreciate the thoughtful questions you provided us regarding our proposed arrangements to complete the Bonneville Unit. We trust you realize that these arrangements are absolutely necessary to ensure that construction can proceed on the last major phases of the unit that provide municipal and industrial water service. The Federal Government has invested almost $600 million and over 20 years in the Bonneville Unit. Considerably more investment is required to complete the unit and initiate repayment of reimbursable costs.

Once again, we regret the delay in responding to your April 29 letter. We look forward to working with you and your staff in resolving the issues you raised so that we may proceed with execution of the contracts and other actions necessary to ensure full recovery of the Government's reimbursable investment.

Sincerely yours,

ROBERT A. OLSON,
Acting Commissioner.

Mr. SOLOMON. Mr. Chairman, will the gentleman from California yield?

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I want to thank the gentleman. Certainly looking at his amendment, I think he is improving on what we have offered.

I just have a couple of questions. What will the committee do with the 100-day review?

Mr. MILLER of California. The purpose of the 100-day review is, as the gentleman knows, the contract which is now being prepared for submission to the voters is rather controversial. I have a great deal of trouble with it, OMB now has raised issues about it, the gentleman has raised issues. We feel that whatever contract is entered into should have the light of day shown upon it, that it should come up here before the Congress and the Members of Congress have an obligation to see it, to pass on it, and to review it. And if we decide to take some actions, fine. If the contract meets with the public interest and the interests of those citizens of Utah, then it can go into effect.

But this is to allow us to have an opportunity to review what has been a rather controversial and expensive project.

□ 1730

Mr. SOLOMON. Mr. Chairman, will the gentleman yield to me?

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, is the gentleman saying that his committee would consider a resolution of disapproval of continuing that project if there has not been a signed agreement that is acceptable?

Mr. MILLER of California. That is clearly it, it would be the intent of this chairman unless the problems in this project are rectified, unless the contract is put in order we will rereview that contract and take the necessary actions at the authorization level, or, I suspect, we will be back here with the original Solomon amendment which would have passed overwhelmingly today but we are actually giving the Utah project an opportunity to get their house in order and come back here with a contract that serves all interests in this country and not the narrow few.

I think it is very clear that is the handwriting that is on the wall. But the 100 days, provides us an opportunity for that review so they do not execute the contract and rush into enactment.

Mr. SOLOMON. Mr. Chairman, I certainly think that is more than fair to not only all of the people of Utah but to the taxpayers of this Nation.

Mr. Chairman, I would certainly agree with it and I would accept the gentleman's substitute to my amendment.

Mr. MILLER of California. I thank the gentleman for his comments.

Mr. MONSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this substitute amendment. The portion of the central Utah project which this amendment deals with, the Bonneville unit, is designed to bring water into the Salt Lake valley. There is already a need for this water in many areas of Salt Lake County and within a few years that need will grow tremendously and I feel that it would be a serious mistake to stop or significantly delay this project at this point. The CUP has been under construction for over 20 years. There have been numerous delays which have caused the price of the project to increase to much higher levels than the original designers of the project anticipated. This fact, however, should not necessarily lead one to the conclusion that the project should be terminated.

The CUP was originally authorized in 1956. In 1968 the first repayment contract was agreed upon and for 10 years the project went forward with that contract. In recent years, however, it became apparent that the there was a need to provide for increased repayment. For over 5 years the Central Utah Water Conservancy District has attempted to negotiate an equitable contract with the Bureau Reclamation. During the past few months a draft agreement was reached and that contract now awaits the approval of the voters in Utah. I feel that it would not be in the best interests to cut off funding for this project at this time, just before approval of the new repayment contract. The people of Utah are not attempting to evade their responsibilities in this matter. The Central Utah Water Conservancy District has consistently shown that they want this project to go forward as a cost-sharing venture. The people of Utah have always accepted the need to repay the Federal Government for the cost of the project and they are not about to abandon that principal now.

One of the major reasons for the large increase in the cost of the CUP has been delays in construction. It would be very unwise to me to further delay this needed project again and thus increase the cost of its construction even more. Nearly $600 million has already been spent on the Bonneville unit of the CUP. There is no reason to further aggravate the problems of cost overruns by further delays. The new repayment contract will more than triple the amount which the beneficiaries of this project will pay for its construction. That is appropriate because I firmly believe that those who benefit from these projects should pay for them. The best way to ensure that the Federal Government will not be repaid is to stop progress on construction and never complete it. The Central Utah Water Conservancy District and the Bureau of Reclamation have shown their good faith in this matter by negotiating a new repayment contract, and in a few months the voters of Utah will show theirs.

While this approach does not provide the best option to complete the project it is a reasonable alternative in that a means of preserving funding and thereby allowing construction progress is provided. I therefore, though somewhat reluctantly urge support of the substitute amendment.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this substitute amendment by Congressman MILLER is a good compromise and I commend him for it and congratulate him and Congressman SOLOMON, Congressman BEVILL, and Congressman MYERS of Indiana for coming up with a proposal that we can live with. This would put pressure on the CUP project and the Bureau of Reclamation to agree to a satisfactory repayment contract and it also gives them an opportunity to continue with the funding if they meet the requirements of this amendment.

Mr. Chairman, I intend to follow through on the concerns of Congressmen MILLER and SOLOMON. I intend to make the people of the Central Utah Water Conservancy District to be made fully aware of the costs and responsibilities of the project.

I intend to alert them to the concerns that Congress has about the funding methods and costs of this project. Also, I intend to see that the expenses of the BOR relative to this project be scrutinized more closely. I intend to see that the CUP and BOR be encouraged to proceed more directly in completing this project in all diligence. There will be an election to increase the debt ceiling obligation, and I will see that people of the district have an adequate presentation of the cost and problems of the project in order to make an informed vote on this issue. This review should include adequate consideration of the costs of alternative sites to Jordanelle, or a scaled down alternative. It should also disclose the implications of the project for water resource allocations in the total project area, including Salt Lake City, Provo City, Uintah basin, and the central Utah area.

The original amendment to delete Bonneville unit funding would have in all probability resulted in a breakdown of confidence and support by the voter of the CUWCD to the degree that they may never approve the debt increase necessary to allow for ratification of the repayment contract. If this were to occur then the funds already expended by Congress would be in serious jeopardy because of the projects' inability to deliver water for block notice to repay existing contracts and to meet past commitments made to the CUWCD by the BOR.

I share the concerns expressed by my colleagues regarding the importance of getting an adequate cost-sharing mechanism in place and a repayment contract signed. It is imperative that the citizens of this district [CUWCD] be fully aware of the costs and responsibilities they share for this water project. It should be noted that many years ago the CUWCD signed a repayment contract that outlined the citizens projected costs and responsibilities and it is because the Government was unable to deliver on that projection that the citizens are being asked to agree to an up the ante repayment contract.

Finally, without the inclusion in this appropriation of adequate funding for prior commitments made by Congress, I could in no way vote for a bill to fund new projects, creating new commitments by Congress and the people. After all, how could we be assured that these new projects would not far exceed the cost projections of our governmental agencies and therefore be subject to unilateral abrogation by Congress, as is being attempted with the Bonneville unit funding.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I just want to tell this membership and I would like to tell all the people in Utah that they have three of the finest Representatives that I have ever seen here in the three gentlemen from Utah. They are fighters. They have stood up for their people. I admire them and I respect them. As I said before, what we want is just to be fair; we do not want to stop any water project in the State of Utah but we do want cost sharing.

Certainly these gentlemen have stood up for their people and they should be very, very proud of them.

Mr. NIELSON of Utah. I thank the gentleman for his comments.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Miller substitute.

The committee accepts the substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of Washington. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Solomon amendment and the Miller substitute.

(By unanimous consent, Mr. MILLER of Washington was allowed to proceed for an additional 2 minutes.)

Mr. MILLER of Washington. Mr. Chairman, I rise in support of the Solomon amendment. This amendment at least temporarily cuts the $62 million sought by the Bureau of Reclamation for the Bonneville unit for the central Utah project or CUP. CUP is one of the largest interbasin water diversion projects in the West. It was originally designed to give the people of Utah their share of Colorado River waters. In its present form however, CUP is a leading candidate for induction into the public works "Where did we go wrong" hall of fame. There it will join such stellar examples of bureaucratic foul-ups as WPPSS, in my own State of Washington and Clinch River in Tennessee. We can turn CUP around, however, if we heed the warning sirens now being sounded by the people of Utah, major environmental and taxpayer organizations, engineers and water resource experts.

To turn CUP around we must at least temporarily turn off the spigot of Federal dollars.

Thirty years ago, Mr. Chairman, when Congress first authorized this project it sounded like a good idea. Twenty years ago when Congress appropriated the first construction funds, CUP still sounded like a good idea. It was, to be sure, a massive project with a price tag of $324 million in 1965 dollars. But the cost-benefit ratio was quite favorable, the technology was available and public support for the project, as shown by the local cost-sharing contract, was high.

Today after two decades of delays, design changes, cost overruns, inflation and plain mismanagement, the project is only one-third completed, serious environmental questions have been raised, the cost has grown to more than $2 billion and public support, in and out of Utah, is eroding fast.

Despite this litany of problems, CUP may still be a good idea. The people of Utah certainly still have a right to and a need for that water. The question is: Is CUP in its present form the most environmentally sound and economically feasible way to provide that water?

To help answer that question a lot of people are asking a lot of other questions. The National Wildlife Federation, the National Audubon Society, Friends of the Earth, Environmental Policy Institute all want to know why the loss of trout streams, wetlands, and other fresh water wildlife habitats is necessary, particularly if the project can be changed to avoid this environmental calamity.

□ 1740

The National Taxpayers Union wants to know why the Federal share keeps going up and up and up; from $640 million to over $1.8 billion, and why no new cost-sharing contract has been signed to protect U.S. taxpayers. The people of Utah want to know where is the water and how much will we really have to pay?

Well, Mr. Chairman, I believe that Congress should be asking similar questions. I do not usually go in for bureaucrat-bashing, but the Bureau of Reclamation should be asking and answering these and other questions; and the Bureau has gone on automatic pilot where CUP is concerned.

For 5 years, the Bureau has been promising Congress answers and promising Congress a completed supplemental repayment contract outlining who pays what costs. Every year when the Bureau asks for more project funds, it says "Don't worry, the contract is coming," but there has been no contract and no answers.

Congress accepted these promises in good faith to the tune of an additional $300 million in appropriated funds. Congress has been patient long enough; we should call a temporary halt now before it is too late. There is still time to turn CUP around if it is warranted.

To do so, we have got to stop mindlessly throwing Federal and local dollars into the project and step back, ask the right questions, and make darn sure we get the right answers.

● Mr. EDGAR. Mr. Chairman, I rise in strong support of the Solomon amendment to delete $62.3 million included in H.R. 2959 for the Bonneville unit of the central Utah project. Mr. Chairman, once again we are faced with a water project that is out of control. Since the original local sponsors' repayment agreement for the Bonneville unit was signed in 1965, their share of the construction costs for the municipal and industrial water supply features of the project have grown from $140 million to almost $500 million.

However, the Bureau of Reclamation has failed to execute a new repayment agreement, and I understand that local interests may refuse to pay for the massive cost increases. However, the Bureau of Reclamation has continued to request funding for Bonneville in total disregard for the changing circumstances of the project.

Every one of us is aware that we face a budgetary crisis of immense proportions, with a national debt that has doubled over the last 5 years and annual Federal budget deficits in the $200 billion range. This is a perfect time to call for a temporary stop to projects like Bonneville.

Let's stop and make sure that the necessary repayment agreement with local interests is negotiated.

Let's stop and find out why the Bureau of Reclamation has been promising the final negotiation of a supplemental repayment contract that has never been produced.

Let's stop a cycle of payouts to Bonneville from the Federal Treasury that have totaled over $300 million in the last 5 years despite the lack of a repayment agreement.

We're not saying that we oppose Federal water resources development; in fact, my Public Works and Transportation Committee has just reported and will soon bring to the floor a major new water bill that covers projects under the jurisdiction of the Army Corps of Engineers.

We're not saying that we oppose water resources development in Utah; as soon as the Bureau of Reclamation can negotiate a supplementary repayment agreement, we believe that funding can continue.

We are saying that the development of a reasonable, fair national water policy requires the critical reexamination of projects that have significantly changed since their original proposal.

We are saying that when we face $200 billion deficits, we can't afford not to know where our money is going.

We can't pour our money into projects when there's no adequate oversight. We must have basic assurances that Federal law—in this case it requires that the intended users of municipal water from the project must repay to the Federal Government the cost of building such facilities—will be observed.

I urge my colleagues to support the Solomon-Edgar amendment and to delete funding for the Bonneville unit of the central Utah project.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER] as a substitute for the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 10, line 11, after the phrase "this appropriation:", insert the following: "*Provided further,* That none of the

funds made available by this Act may be obligated or expended for construction of the Animas-LaPlata Participating Project, Colorado-New Mexico until: (1) an agreement has been executed between the Secretary of the Interior and non-Federal entities in Colorado and/or New Mexico providing for such non-Federal entities to contribute a reasonable portion of the total project costs; and, (2) such agreement has been submitted to the Congress and 120 calendar days have elapsed. None of the funds made available to the Secretary of the Interior shall be made available for the Animas-LaPlata Project if the agreement required by this paragraph has not been reached by September 30, 1986.".

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, this is a noncontroversial amendment concerning the Animas-LaPlata project in Colorado and New Mexico.

The amendment has been cleared with both the majority and the minority and there is no objection to its consideration.

Last month, the House approved the supplemental appropriations bill—H.R. 2577. The bill included first year construction funding for the Animas-LaPlata project.

These construction funds were made contingent, however, upon execution of a cost-sharing arrangement between local sponsors and the Department of the Interior. Absent this cost-sharing agreement, the project cannot proceed.

It now appears that the regular appropriations bill may be enacted prior to the supplemental bill. Therefore, it is essential that the language "fencing" the Animas-LaPlata funds be included in this bill. This will ensure that a cost-sharing agreement with the local sponsors will be in place before construction begins. It will also ensure that there is meaningful sharing of costs on this project.

Mr. Chairman, I urge adoption of the amendment.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, the committee accepts the amendment; we are familiar with it.

Mr. MYERS of Indiana. Mr. Chairman, if the gentleman will yield, the Members on the minority side agree to the amendment also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $132,665,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That nonreimbursable funds will be available from revenues for performing examination of existing structures on participating projects of the Colorado River Storage Project.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956, as amended (43 U.S.C. 422a–422l), including expenses necessary for carrying out the program, $42,515,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That during fiscal year 1986 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $41,100,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver Engineering and Research Center, and offices in the seven regions of the Bureau of Reclamation, $49,200,000, of which $4,900,000, shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), and the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles of which 15 shall be for replacement only; purchase of two aircraft, of which one shall be for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operations and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461–467) and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provid-*

ed, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Mr. BEVILL (during the reading). Mr. Chairman, we know of no more amendments, and I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of title II?

Are there amendments?

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to compliment the chairman of the Energy and Water Development Subcommittee, Mr. BEVILL, for the outstanding job he has done of addressing the difficult and often troublesome issues in this bill. I want to thank him for the cooperative manner in which he has worked with me and others on several controversial water projects.

I want to highlight the manner in which this bill addresses the problems with two projects: the O'Neill project, Nebraska and the Garrison Diversion Unit, North Dakota.

Concerning the O'Neill project, the Secretary is limited to obligating funds for the study of the State of Nebraska's ground water recharge substitute O'Neill project. This approach is consistent with the approach in H.R. 1590, as reported by the Subcommittee on Water and Power Resources on April 30, 1985. H.R. 2959 appropriates $240,000 for the ground water alternative and the report directs the Secretary to use funds already appropriated in the construction account to expedite evaluation, studies and research necessary to develop the ground water recharge alternative consistent with the State of Nebraska report dated January 31, 1985.

With regard to the Garrison diversion project, H.R. 2959 appropriates the $41 million requested by the administration. However, the obligation or expenditure of these funds is contingent upon the enactment of legislation reformulating this project by March 31, 1986.

Of special note is language requiring that previously appropriated funds, and any carryover funds, are subject to the same condition as fiscal year 1986 funds. This language will prohibit the Bureau of Reclamation from reprogramming other funds into the Garrison Diversion Unit after March 31, 1986, if legislation reformulating the project has not been enacted.

Last year, the Congress created a special commission to look into the "environmental, economic, and international" issues surrounding Garrison. Last December, the Commission provided the Secretary of the Interior and the Congress with a formal report which recommended major and significant changes in the project, elevating municipal and industrial water supply in importance and downgrading federally subsidized irrigation.

Legislation reformulating the project was introduced and my subcommittee held a hearing on February 28. Markup, scheduled for April 30, was postponed when it became clear that a compromise bill could not be developed acceptable to all parties. I have, privately and publicly, urged the parties to get together and resolve their differences. Since April 30, negotiations have taken place, but progress has been limited.

Given the inability to fashion a compromise package that can move forward with the support of all parties, on June 18, I wrote to Secretary Hodel to urge he withhold letting two pending construction contracts—one for the New Rockford Canal and the other for West Oakes. I felt issuing the contracts at this time was unwise and not in the interest of reaching resolution. Further, I did not want administrative actions of the Bureau taking away options from the Congress as we sought modifications to Garrison.

The Department's reply, dated June 27, rejected my request. I would hope that the Department will recognize that imposing a delay on the issuance of these contracts until the Congress has acted on legislation reformulating the project is in their interest as well as that of the Congress. I hope they will recognize the current realities with this project and reconsider their decision.

The impact of the amendment is simple. By appropriating these funds, we are creating an incentive to all parties to work out a responsible resolution of the issue. If that doesn't happen, funding for the project will cease.

Absent this language, Garrison would have not received funding for the fourth consecutive year in the House. The inclusion of this language permits the negotiations on an authorizing bill to move forward. It is my hope that North Dakota water leaders and the other parties involved in negotiations will recognize the positive aspects of this amendment.

Mr. Chairman, this amendment was fashioned with the assistance of the able chairman of the subcommittee, Mr. BEVILL, the ranking minority, Mr. MYERS, the ranking member of the full committee, Mr. CONTE, and the gentleman from North Dakota [Mr. DORGAN]. I thank all of them for their assistance and willingness to resolve this problem.

Mr. Chairman, I include the letters of June 18 and 27 referred to in this statement at this point in the CONGRESSIONAL RECORD:

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 1985.

Hon. DONALD P. HODEL,
Secretary of the Interior, Washington, DC.

DEAR MR. SECRETARY: It has come to my attention the Bureau of Reclamation is planning to award two major construction contracts for the Garrison Diversion Unit before the end of this month.

Everyone involved with this project is painfully aware of the serious issues of Congressional authority, appropriations, and project design which now cloud the project's

future. As you know, my Subcommittee has been working with Governor Sinner, North Dakota legislators, and representatives of national environmental groups to develop a compromise plan which addresses the many difficult problems which have beset the project over the past decade. Those discussions and negotiations are continuing, and, in fact, are at a critical stage.

I am very concerned that the Department has elected to proceed with further construction work at this time. Given the inevitability of major revisions to this project, the signing of costly contracts could lead to a multi-million dollar financial loss for taxpayers in the form of wasted construction and penalties for cancelled contracts.

I am aware of no other project in the Reclamation program which has such an uncertain future. I strongly urge, Mr. Secretary, that these contracts be delayed until the results of ongoing negotiations and deliberations in North Dakota and the Congress provide a better sense of direction regarding the project's future.

I appreciate your attention to my concerns.

Sincerely,

GEORGE MILLER,
Chairman, Subcommittee on Water and Power Resources.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC., June 27, 1985.

Hon. GEORGE MILLER, *Chairman, Subcommittee on Water and Power Resources, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.*

DEAR MR. MILLER: This is in reply to your letter of June 18, 1985, concerning the Garrison Diversion Unit and your request that the Bureau of Reclamation delay the award of two major construction contracts for the Garrison Diversion Unit that are planned for this month.

If I may, I would like to point out that no contract awards are scheduled for this month on the Garrison Diversion Unit. While it is unclear from your letter, we assume you are referring to two Bid Openings scheduled in the near future which could lead to contract awards for Reach 1A of the New Rockford Canal and the remainder of the work on the West Oakes Test Area Distribution System in July of this year.

In any case, a delay, such as you have requested, would be inconsistent with the Water and Energy Appropriations Act for Fiscal Year 1985 (Public Law 98-360); the Final Report of the Garrison Diversion Unit Commission dated December 20, 1984; the Action/Decision Memorandum dated January 15, 1985, signed by the Secretary of the Interior; and this Department's legislative report to the Chairman of the House Committee on Interior and Insular Affairs on H.R. 1116 dated May 9, 1985.

Section 207(b) of Public Law 98-360 states after December 31, 1984, ". . . funds appropriated may be expended or committed for expenditure after such date for construction of the Garrison Diversion Unit—(1) in accordance with the recommendations of the Secretarial commission . . .", and Section 207(d) authorizes and directs the Secretary of the Interior to *". . . implement the recommendations of the commission report consistent with existing authority."* In addition the Commission, on page 3 of its report, recommended that ". . . the Secretary of the Interior proceed immediately to construct those portions of the Commission Plan that are a part of the 1965 authorized Initial Stage." Our actions are limited to a scaled down project that would allow us to proceed *without Lonetree Dam and Reservoir,* with the Sykeston Canal, with a substitute for Taayer Reservoir, without irrigation development in the Hudson Bay drainage basin, etc., which would result in an irrigation project of 130,000 acres, including the Indian irrigation developments. Both the New Rockford Canal and the West Oakes Test Area are elements of that scaled down project, recommended by the Commission which also are part of the 1965 authorized project. Thus, a delay such as you propose would require the submittal of a deferral message to the Congress, further complicating the proceedings surrounding the Unit.

Let me assure you that we too are aware of the issues involving the Unit, but let me reemphasize that, with the qualifications contained in the Department's May 9 legislative report, we support the Commission's recommendations. As you know, the legislative report recommends to the Congress a hybrid of the Commission's M&I plan and the State of North Dakota's proposed M&I plan. We have been informed that other interested parties, such as Congressman Silvio Conte and the North Dakota Congressional delegation, also support this modification of the Commission's recommendations.

We believe the law and the Commission's recommendations are clear. As a result, we must conclude that no change in the Bureau of Reclamation's current schedule for opening bids and awarding construction contracts is warranted at this time.

Sincerely,

ROBERT BROADBENT,
Assistant Secretary for Water and Science.

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 17 for replacement only), $1,947,836,000, to remain available until expended of which $200,000,000 shall be derived by transfer from Uranium Supply and Enrichment Activities provided in prior years, and of which $17,400,000 shall be derived by transfer from Operation and Maintenance, Southeastern Power Administration; and of which $25,000,000 shall be available only for construction of the Center for Science and Technology, the Center for Energy and Biomedical Technology, the Energy and Mineral Research Center, and the Demonstration Center for Information Technologies as described in the report accompanying this Act; together with not to exceed $6,000,000, to be derived from revenues from activities of the Technical Information Services, which shall be credited to this account and used for necessary expenses and shall remain available until expended.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: On page 18, line 6, after the semicolon, insert the following: "of which $36,000,000 shall be available only for the Advanced High Temperature Gas Reactor and $5,000,000 shall be available only for the Nuclear Civilian Reactor Development University Research program and not more than $4,700,000 shall be made available for Water Cooled Breeder Reactor Technology,".

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BEVILL. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BROWN of California. Mr. Chairman, first let me express my appreciation to the chairman of the subcommittee for withholding his point of order with regard to my amendment, and may I add my commendation to those expressed by the other gentleman from California [Mr. MILLER] for the work that has been done in connection with this bill.

I agree with Mr. MILLER that the subcommittee has done an excellent job with regard to the programs that are included in this bill, and it is a bill which I can support.

I would like to explain just briefly why I am offering this amendment. It is a no-expense amendment; it provides for the reprogramming of $15 million from the water-cooled breeder reactor technology program into two other programs; $10 million to the advanced high-temperature gas reactor programs and $5 million to the nuclear civilian reactor development university research program.

I might say that the reason that I am offering the reprogramming amendment is because that in doing so, it makes the bill come closer to the recommendations made by the Science and Technology Committee in connection with this bill, and I would like to just quote very briefly from one portion of the Science Committee's report with regard to the $15 million reprogramming:

The committee recommends a reduction of $15 million from the water-cooled breeder reactor program element in fiscal year 1986 and these funds are to be redirected for purposes of accommodating the committee's programmatic priorities in the nuclear fission research and development program.

Now, this bill has not yet been brought to the floor. Last year's bill contained similar language, and it was never enacted into law. In the absence of authorization legislation, the Appropriations Committee has had of necessity to establish its own priorities within these programs, and it has done so.

In general, I am in strong support of the priorities which the committee has adopted, but I had some differences, as did the Science and Technology Committee, with this particular item, and I wanted to call it to the attention of the chairman.

I understand that a point of order may lie against this amendment; I do not wish to be obstructionist in this regard; I would like to inquire of the chairman if he would not be willing to consider the priorities expressed by the Committee on Science and Technology when he gets to conference with the Senate, and in the event that the Senate has a slightly different set of priorities, would he be willing to be accommodating to those priorities?

Mr. BEVILL. We will be delighted to accommodate the gentleman.

Mr. BROWN of California. I wish to express my thanks to the chairman of the subcommittee; he has always been extremely helpful and cooperative in matters of this sort. I know that he will continue to do so.

Mr. MYERS of Indiana. Will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman.

Mr. MYERS of Indiana. Just briefly, on pages 84 and 85 of the report, the subcommittee did recognize the problem we have with the various reactor research, and the necessity for deciding upon one, and we have recommended within the next year that a high grade type of task force be appointed to make some selection; recommend a secretary to get on board by 1992, to start construction of a reactor, and build it by 1995.

So we did recognize this problem that you have.

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Mr. BROWN of California. I have read the language of the committee report, and I commend the committee for it. It is exactly what does need to be done. But as I indicated before, the question as to which of these technologies should be advanced is one on which the Science and Technology Committee has spoken out frequently, and we believe that their views should receive some consideration.

Mr. MYERS of Indiana. I certainly agree with the gentleman.

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 34 for replacement only); $1,612,700,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,612,700,000 in fiscal year 1986, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1986 so as to result in a final fiscal year 1986 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Department of Energy, activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 13 for replacement only); $691,400,000, to remain available until expended of which $6,000,000 shall be derived by transfer from Operation and Maintenance, Southeastern Power Administration.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $521,460,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 435 of which 274 are for replacement only) including 57 police-type vehicles; and purchase of three aircraft, one of which is for replacement only, $7,593,415,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000); $410,366,000, all of which is available for fiscal year 1986 and shall remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $244,228,000 in fiscal year 1986 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1986 so as to result in a final fiscal year 1986 appropriation estimated at not more than $166,138,000.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, and for necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,281,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for White River Falls Fish Passage Facilities, Nez Perce Fish Propagation Facility, Yakima Hatchery, Colville Hatchery, Dryden Dam Fish Passage Facilities and Tumwater Falls Dam Fish Passage Facilities. Expenditures are also approved for: (1) acquisition of one fixed wing aircraft for replacement only and (2) official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1986, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $20,000,000.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied

to the southwestern power area, $29,500,000, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 18 for replacement only), $196,610,000, to remain available until expended, of which $189,619,000, shall be derived from the Department of the Interior Reclamation fund: *Provided*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $890,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984 (Public Law 98-381, 98 Stat. 1333).

Notwithstanding provisions of this or any other law, no funds approved by this Act shall be used to pay the rates of basic pay and premium pay for power system dispatchers unless such rates are based on those prevailing for similar occupations in the electric power industry.

EMERGENCY FUND, WESTERN AREA POWER ADMINISTRATION

The Treasury of the United States shall set up and maintain a continuing fund of $500,000 out of Western Area Power Administration deposits to the Reclamation Fund. Said continuing fund shall be available to the Western Area Power Administration to assure the continuous operation and maintenance of its power system during unusual or emergency conditions, within the meaning of the Act of June 26, 1984 (43 U.S.C. 502-03): *Provided*, That expenditures from said continuing fund shall be replenished from power revenues of the Project for which funds were expended on an unusual or emergency basis.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $1,500); $93,068,000, of which $3,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), revenues from licensing fees, inspection services, and other services and collections estimated at $66,077,000 in fiscal year 1986 may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1986, so as to result in a final fiscal year 1986 appropriation estimated at not more than $26,991,000.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $72,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriations made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities covered in this Act may be transferrred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. None of the funds in the Department of Energy shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in the Department of Energy.

SEC. 306. Of the funds appropriated for Energy Supply, Research and Development Activities under this Act, $2,000,000 shall be available until expended to further domestic technology transfer by facilitating access to data within the national laboratories, including the use of supercomputers.

SEC. 307. No funds appropriated in this Act may be used to pay the salary to any Commissioner, official or employee of the Federal Energy Regulatory Commission to relicense federally licensed hydroelectric projects.

SEC. 308. No funds authorized to be expended by this or any other Act from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, may be used for the procurement of, or for the payment of the salary of any person engaged in the procurement of, any extra high voltage (EHV) power equipment not produced in the United States or its possessions.

Mr. BEVILL (during the reading). Mr. Chairman, I am aware of one amendment, and I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there points of order against the remainder of title III? If not, title III is open to amendment.

Are there amendments?

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Page 28, strike out line 9 and all that follows through line 12, and renumber subsequent sections accordingly.

Mr. MARKEY. Mr. Chairman, section 307 of the bill effectively prohibits the Federal Energy Regulatory Commission [FERC] from licensing federally licensed hydroelectric projects. The Committee on Appropriations' report on H.R. 2959 explains that this provision is needed because of the advent of a court decision involving the possibility that the Commission might have to accord preference to municipal power producers competing for a facility in a relicensing proceeding.

Under the Federal Power Act of 1920, public and private utilities have obtained licenses to operate and construct hydrofacilities to produce power. Many such licenses were for 50 years. Many are or will soon be up for renewal by the FERC. There are 48 renewal applications pending at FERC. In only 10 of these cases, public power entities have filed competing applications and contended that the law allows a preference for the public power licenses.

Section 307 covers these 10 applications and all future applications of this kind in fiscal year 1986. But it also will cover other applications. There are also 32 projects now up for relicensing for which there is no competing application, and 5 where the competition is between private power firms. The 32 relicense applications for which there are no competition are, according to FERC, located in Wisconsin, Maine (4), Washington, California,

Oregon, Vermont, New Hamshire, Texas, Kentucky, Utah, South Carolina, Alabama (2), New York, West Virginia, Nevada, Idaho (2) and Nebraska (2). More applications can be expected.

It also covers applications where the competition is between private power entities. There are five of those.

Section 307 makes no distinction. It halts all these relicense applications and others as well. That is overkill and harmful to your constituents and ours.

Just as important, under the act, when the license term is up, the license expires. The Commission is required to extend the license annually pending resolution of the application in order to preclude the licensee from having to close the facility. But that is akin to a relicense. The Appropriations Committee's report states that it does not intend to preclude such interim relicensing. But the bill language does not carry out that intent. In any event, a court challenge could result.

Section 307 does not belong in H.R. 2959. It is overly broad and defective. It will unnecessarily delay applications. The preference and related issues are being considered in the proper forum; namely, the Committee on Energy and Commerce, which was not consulted about this section or the need for it. If emergency or temporary legislation is needed should the court rule before Congress acts, we will certainly meet that need in a timely fashion with a carefully crafted provision.

I urge support for our amendment to strike section 307 of H.R. 2959.

Mr. Chairman, the Subcommittee on Energy Conservation and Power, which I chair, is one of the authorizing subcommittees for the Department of Energy and Nuclear Regulatory Commission. I commend the Appropriations Committee for staying within the budget on these energy programs. Although the NRC appropriations is slightly lower than our authorization in H.R. 1711, I believe the appropriations is still consistent with our budget allocations.

I am troubled by report language in the bill dealing with the NRC appropriation. More specifically I am troubled by the report's discussion of licensing, backfitting, emergency preparedness, revisions of the NRC's Sunshine Act regulations, realignment of the Office of Investigations' reporting responsibilities, and the appropriation for the Office of Research.

The Appropriations Committee has directed the NRC to make alterations to safety features of licensed facilities only by means of a rule, regulation, or order and after review by the NRC's Committee to review Generic Requirements to assure that the alteration is limited to a single site. The Committee on Energy and Commerce did not take up questions relating to the NRC licensing system in its consideration of the 1986-87 NRC authorization believing that such complex matters could be better addressed in the context of the thorough review of the NRC licensing and regulatory process which the Subcommittee on Energy Conservation and Power intends to conduct. I want to make it clear that, in my view, unless the statutory standards are drastically altered, the NRC's mission remains, as set forth in section 103 of the Atomic Energy Act, to assure the protection of the health and safety of the public. I expect that, when the Commission becomes aware of a situation requiring modification of a safety requirement at a plant, it will continue to take prompt action to ensure the protection of the public, giving full consideration to its statutory responsibilities.

I would also like to make it clear that the Energy and Commerce Committee deliberately did not address, in the authorization bill, the backfitting rule being considered by the Commission. In the committee's view, such substantive questions should be addressed in separate legislation, rather than incidentally in the budgetary process.

I note that the Appropriations Committee's report urges the Commission to amalgamate the Office of Investigations with the other inspection and examination organizations of the NRC and to form a single investigatory division under the supervision of the Executive Director for Operations. This suggestion is directly contrary to the Department of Justice's strong recommendation that the Office of Investigations' reporting responsibility not be realigned. I would like to underline language in the Committee on Energy and Commerce's report stating that:

> The Committee will closely monitor the Commission's actions in this regard and expects that the Commission will accord great weight to the Department of Justice's views.

The Appropriations Committee has reported out a bill which appropriates $403,671,000 to NRC for fiscal year 1986. This is $25,329,000 less than requested by the NRC and authorized by the Interior Committee and the Committee on Energy and Commerce. The Appropriations Committee has allocated $20 million of this reduction to the Office of Research. The Energy and Commerce Committee expects that the NRC will allocate this cut in funding in a manner which is consistent with the directions contained in its report on the 1986-87 NRC authorization bill.

The Committee on Appropriations also attempts to address emergency preparedness for commercial nuclear powerplants on pages 74-75 of its committee report. The report states that DOE should involve itself in the exercise and implementation of emergency plans associated with the licensing and operation of nuclear powerplants. The Energy and Commerce Committee considered this issue in the context of the NRC Authorization Act and chose instead to only reenact existing law in this matter. No new authorities to the Federal Government were granted which in any way could be construed to provide the police power or other authority necessary to exercise and implement a nuclear powerplant emergency preparedness plan.

The report of the Appropriations Committee is an attempt to use report language to provide private legislation on behalf of an individual nuclear utility where both the State and local governments have raised serious safety concerns about the ability to protect the public in the event of a major accident. In this particular case, it should be noted that the actions of the State and local government have been upheld in court.

Legal analyses prepared for me by the American Law Division of the Congressional Research Service demonstrate that existing law does not confer the police powers of State and local governments necessary to exercise and implement an emergency plan to the DOE. Even if the law allowed, President Ronald Reagan has announced that his administration does not support Federal preemption of State and local authority concerning emergency preparedness activities. And Louis Giuffrida, Director of the Federal Emergency Management Agency [FEMA] has opposed the idea in a letter to the National Governors' Association:

> FEMA does not support the idea that the Federal government should be empowered as the "last resort" to develop a plan even if all other responsible entities fail to do so. The role of the Federal government is to enhance, not supplant, State and local government capabilities to prepare for and respond to radiological and other types of emergencies.
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> * * * * *
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> [T]he Federal government is not in a position, in terms of policy, authority, or resources to assume the responsibilities of State and local governments for protecting the health and safety of citizens in the event of an accident at a commercial nuclear power facility.

Emergency planning is only effective if it is undertaken at the local and State level. The DOE is simply not in a position to take adequate protective measures to assure public health and safety around the Nation's nuclear reactors.

If Congress wished to delegate police powers or designate new responsibilities to the DOE or another Federal agency in order to exercise and implement an emergency plan over the objections of State and local governments, then the proper course would be to carefully study the matter, hold legislative hearings, and then consider the matter through separate authorization legislation. A major policy and

constitutional question such as this cannot be effectuated simply by report language. To be sure, this report does not provide DOE with the authority to use funds to supplant or replace the responsibilities or authority of State and local governments in the exercise and implementation of emergency plans. I would vigorously challenge any attempt by DOE to use such funds for this purpose.

Additionally, the Committee on Appropriations' suggestion that State and local governments will be encouraged to participate in the emergency planning process if DOE would only announce its intention to assume their authority if they refuse is without any merit. Instead, such a move would likely encourage all State and local governments with nuclear powerplants to refuse to participate in emergency planning measures since they would be led to believe the Federal Government would bail them out. This apparently off-the-cuff report remark is likely to foster the opposite of the intended result.

The committee report on p. 147 apparently endorses the NRC's decision to amend, effective immediately, its Sunshine Act regulations. The report of the Appropriations Committee, however, should not be construed to reflect congressional views on this matter. Indeed, to the contrary, the Committee on Energy and Commerce considered this decision and came to a quite different conclusion. Its views are discussed in the report accompanying H.R. 1711, the NRC authorization for fiscal year 1986 and 1987 (H. Rept. 99-93; part 3; pp. 13-16)

Many members of the Energy and Commerce Committee believe that the NRC's decision to further close its meetings to the public for the sake of collegiality is misguided and unwarranted. As a result, H.R. 2743 was introduced by Republican DENNIS ECKART, Republican GERRY SIKORSKI, Chairman JOHN DINGELL, myself, and many others as cosponsors in order to repeal the NRC's decision. The Subcommittee on Energy Conservation and Power has already held one hearing on this issue and virtually all witnesses and members attending criticized the NRC's move to exclude the public. Further, the NRC's decision has been the subject of criticism in approximately 50 newspaper editorials.

The issue of the NRC's attempt to preclude public and congressional scrutiny of their meetings will be addressed in the debate over H.R. 2743. The Commission should not construe the Appropriations Committee's report as speaking for the entire House on this issue.

Mr. BEVILL. If the gentleman will yield, the amendment is acceptable, Mr. Chairman.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, my understanding is that there has been an agreement that the section referred to here will be protected by legislation that should be coming on the floor shortly.

Is that correct?

Mr. MARKEY. That is correct.

Mr. MYERS of Indiana. That there is some need here. We do not want to interfere with the legal process that is underway now. But I do think it is necessary that some type of agreement be worked out. I understand legislation will be coming to the floor.

Mr. MARKEY. That is correct. The subcommittee has made a commitment to move forward with all due speed.

Mr. MYERS of Indiana. And in a timely fashion, not in December. It will be coming shortly?

Mr. MARKEY. That is correct.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Alabama.

Mr. SHELBY. As the gentleman has pointed out, we have been working on a bill, a hydro relicensing bill, in the Energy and Commerce Committee. We have had several hearings. The chairman of the subcommittee, the gentleman from Massachusetts, has at least one more hearing. I believe it is on July 30. We are moving in the process of the committee. We believe we can deal with it better in the committee. I have the assurance of the subcommittee chairman, the gentleman, from Massachusetts [Mr. MARKEY], and also the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], that we will work in this manner, and we believe it would be the best resolution of the hydro problem that the gentleman is aware of.

Mr. MYERS of Indiana. If the gentleman will yield, it will come in a timely fashion?

Mr. SHELBY. It is my understanding, from talking with the gentleman, that he will try his best—and I believe his best is very good—to have a markup in late September or early October in the subcommittee. We are working toward a resolution there. That is what we really want to do, is make the committee process work. I think that would be better than moving it through the appropriations process.

Mr. MARKEY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this title? If not, the Clerk will read.

The Clerk read as follows:

TITLE VI

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $141,500,000 of which $100,000,000 shall be available for the Appalachian Development Highway System of which $10,000,000 shall be derived from prior year unobligated balances; and for necessary expenses of the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, an additional $2,500,000.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $168,999.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $275,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $79,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $3,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $403,671,000, to remain available until expended: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program and the material access authorization program

may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $163,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $230,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(INCLUDING TRANSFER OF FUNDS)

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $118,000,000, to remain available until expended, of which $9,000,000 shall be derived from prior year unobligated balances in the Tennessee Valley Authority Fund: *Provided*, That this appropriation and other moneys available to the Tennessee Valley Authority may be used for payment of the allowances authorized by 5 U.S.C. 5948.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 505. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other non-cost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 506. No funds appropriated in this Act may be used for the procurement of, or for the payment of the salary of any person engaged in the procurement of, any extra high voltage (EHV) power equipment not produced in the United States or its possessions.

Mr. BEVILL (during the reading). Mr. Chairman, we know of no more amendments, and I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of the bill?

Are there any amendments to the remainder of the bill?

Mr. TORRICELLI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, 2 years ago, Congress enacted the fiscal year 1984 energy and water appropriations bill which directed the Department of Energy to initiate a decontamination project at the Stepan Chemical site in Maywood, NJ. The Department of Energy negotiated an agreement with Stepan Chemical to accept a donation of land for the purpose of temporarily storing contaminated materials from residential properties. The cleanup of affected neghborhoods has been proceeding on schedule due, in part, to the availability of the temporary containment site.

As the Congress intended, the Department of Energy is finishing the cleanup of the residential properties and returning contaminated soil to the Stepan Chemical containment site. The Department of Energy will store the material at this site temporarily until a permanent site is established by the State of New Jersey.

Mr. Chairman, is it the committee's understanding that the Department of Energy is acting within the congressional mandate, and that the disposal site at Stepan Chemical is a temporary facility established to speed up the decontamination of the neighborhood residences?

I yield to the distinguished chairman, the gentleman from Alabama [Mr. BEVILL], for the purpose of answering this inquiry.

Mr. BEVILL. Yes, it was the committee's intention that the Department of Energy temporarily contain the contaminated materials at the Stepan Chemical site, and that at a later date, all materials from the Stepan site be removed and disposed of at a permanent site. The temporary containment facility at Stepan Chemical has allowed the cleanup of residential properties to be completed quickly, as the Congress intended when it placed Maywood, NJ, on the priority list of projects under the remedial action programs of the Department of Energy.

Mr. TORRICELLI. I thank the chairman. I look forward to the eventual total removal of all contaminated soil.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we take up this appropriations bill, I want to express my very strong disagreement with a proposal embodied in the committee report which calls for merging the Nuclear Regulatory Commission's Office of Investigations into other inspection and examination operations of the NRC and cutting funds in this area. In fact, I would concur with the recommendation embodied in the report of the House Interior Committee on the NRC's authorization which strongly supports the role of the Office of Investigations and urges increased funding therefor. I would note that the Energy and Commerce Committee, in its report on the NRC authorization, also supported an independent Office of Investigations. While coming at the effectiveness of the NRC from a perspective which does not seem to coincide with that of the committee, I share the committee's concern about the Commission's effectiveness. My concern, however, is not that it is an impediment to expansion of the nuclear industry, but instead that the Commission is stymied in effectively examining legitimate technical and safety questions about nuclear plants under its jurisdiction.

In my own State of Kansas, the NRC earlier this year issued a low-power operating license to the Wolf Creek generating station. That license was issued while three Office of Investigations inquiries into alleged wrongdoing at Wolf Creek were still pending; subsequently, the full power license was issued with one of those investigations still open. Furthermore, from our discussions, it is evident to me that this is not an unusual situation at the time of approval of high-power operation. In fact, I understand that plants have been brought on line with a good number of investigations unresolved. In my view, this is certainly not a positive sign. However, the answer is not, as the committee suggests, to simply fold this office into the Office of the Executive Director for Operations [EDO].

The question we need to grapple with here is independence. If the Office of Investigations sees its independence diminished, its ability to be forthright and candid—and effective—will suffer. That is a view, I would note, which is shared by the Assistant Attorney General for the Criminal Division and which was conveyed in very strong terms to the Chairman of the Nuclear Regulatory Commission in a letter dated March 18. As that letter states:

• • • this important responsibility may be and has been at odds with other activities under the umbrella of the EDO. Personnel

and organizational components within and under the EDO's office not only inspect nuclear facilities under operation or construction, but have also been sponsoring licensee applications before NRC administrative boards. Thus, the existence, detection and full disclosure of violations of OI may not only be (and have been) inconsistent with prior NRC inspection reports, but with positions taken by the NRC before its licensing boards. At the minimum then, such dual operational authority and responsibility under the contemplated realignment could generate doubt and suspicion about the results of even the most conscientious OI investigation. Moreover, such conflicts and potential conflicts which would inevitably arise under the contemplated realignment could jeopardize the full disclosure and fair adjudication of violations of laws * * * Prior to and since the creation of OI there has been some opposition as well as resistance within the NRC to the detection and disclosure of deliberate wrongdoing by NRC licensees. In this regard, several NRC Commissioners have already expressed concern that personnel within these components have not disclosed information in their possession disclosing the likelihood of violations by licensees * * * the Department strongly recommends that OI not be realigned.

I wholeheartedly agree with the view taken by the Department of Justice. We are talking about the safety of the American people here—people in Burlington, KS, people in suburban Chicago, IL, people in Harrisburg, PA, people in Seabrook, NH, people in Callaway County, MO, and people in Rockland County, NY, to cite just a few. To assure their safety is certainly worth preserving the independence of the Office of Investigations which the Justice Department clearly agrees has been crucial to assuring the integrity of the process which the Congress intended to guarantee the safe operation of these plants.

Mr. RICHARDSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will take only approximately 30 seconds to commend the chairman of the committee, the gentleman from Alabama [Mr. BEVILL], for the outstanding work he has done on this bill, for what he has done for western water development, for what he has done for cost sharing and a particular project of interest of mine, Animas-La Plata, and for the very expeditious way that he has considered the concerns of many of us in the West on vital issues that affect us, such as water.

The CHAIRMAN. Are there further amendments?

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

□ 1800

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BROOKS] having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2959) making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK OF THE HOUSE TO MAKE NECESSARY TECHNICAL CORRECTIONS IN THE ENGROSSMENT OF THE BILL, H.R. 2959

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 2959, the Clerk shall be authorized to make any necessary technical corrections.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1562

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponor of the bill, H.R. 1562.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

AUTHORIZING THE PRINTING AND BINDING OF A REVISED EDITION OF SENATE PROCEDURE AND PROVIDING THE SAME SHALL BE SUBJECT TO COPYRIGHT BY THE AUTHOR

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 144) to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 144

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be printed for the use of the Senate one thousand five hundred copies of a revised edition of Senate Procedure to be styled "Riddick's Senate Procedure", to be prepared by the Parliamentarian of the Senate and printed for distribution to the Members of the Senate.

SEC. 2. That notwithstanding any provision of the copyright laws and regulations with respect to publications in the public domain, such revised edition of "Riddick's Senate Procedure" shall be subject to copyright by the author thereof.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF TRANSCRIPT OF PROCEEDINGS INCIDENT TO PRESENTATION OF A PORTRAIT OF THE HONORABLE MORRIS K. UDALL

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 197) authorizing printing of the transcript of proceedings of the Committee on Interior and Insular Affairs incident to presentation of a portrait of the Honorable MORRIS K. UDALL, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 197

Resolved, That the transcript of proceedings of the Committee on Interior and Insular Affairs on February 6, 1985, incident to presentation of a portrait of the Honorable Morris K. Udall to the Committee on Interior and Insular Affairs, shall be printed as a House document with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed, for the use of the Committee on Interior and Insular Affairs, five hundred copies of such document, with one hundred of the five hundred being casebound.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TEXTILE AND APPAREL TRADE ENFORCEMENT ACT

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COBLE. Mr. Speaker, yesterday it was my privilege to testify before the House Committee on Ways and Means Subcommittee on Trade to urge support and prompt approval of the Textile and Apparel Trade Enforcement Act of 1985, H.R. 1562.

Mr. Speaker, I am pleased to report that 290 Members of this House from Hawaii to Maine, both Democrats and Republicans, have lined up to make sure that our fiber, textile, and apparel industries can compete fairly.

Because thousands of jobs are on the line not only in my home State of North Carolina, but throughout the entire textile region, I include my testimony before the Trade Subcommittee in the CONGRESSIONAL RECORD.

[The testimony follows:]

TESTIMONY OF HON. HOWARD COBLE, COMMITTEE ON WAYS AND MEANS, SUBCOMMITTEE ON TRADE

Mr. Chairman, committee members, and distinguished colleagues: I appreciate the opportunity to present this statement to you regarding H.R. 1562, the Textile and Apparel Trade Enforcement Act of 1985.

During the six and a half months of this Session of Congress, a remarkable group of members of this body, from both sides of the aisle, has made a commitment to the survival of the fiber, textile and apparel industries of this nation. During the process of generating support for H.R. 1562, you have all heard the documentation, the statistics, and the economic debate on every aspect of this bill. We have heard facts and figures from Korea, Taiwan, Hong Kong and from numerous other importers. Mr. Chairman, I would ask you and the other members of this panel to consider some of the places that don't get mentioned very frequently in these halls. Places like Saxapahaw, Glen Raven, Stokesdale and Thomasville must sound unfamiliar to you, but I can assure you that these vital communities of the Sixth District of North Carolina are part of the solid foundation of America. From these and many other towns across our state have come the textile products that have clothed our nation for decades. For generation after generation, thousands of families have proudly produced one of the three necessities of life. They have done so without the greedy intrusions of organized labor; they have worked tirelessly for an honest wage where there was not tremendous opportunity for advancement; blacks have worked beside whites, and women have worked beside men.

This tradition of service, these jobs, and these communities are all threatened by forces far removed from North Carolina. In short, the real threat stems from the distorted belief that "free enterprise" means that Americans buy freely from others, but those same sellers are somehow permitted to write their own trading rules. If no other purpose is served by the textile and apparel bill, perhaps it will reaffirm the simple principle that "free trade" (if it can exist at all outside of economic textbooks) must be a two-way street. We often hear that foreign governments subsidize their own exporting industries. If we fail to reduce the unbounded growth of imported apparels, we will be sacrificing our own workers to subsidize those same foreign industries.

When a small town textile mill closes, everyone loses. The grocer, the barber, the paper boy and every merchant suffers, if they survive at all. Local governments simultaneously see decreased revenues and increased demands for essential services. Women and minorities, who comprise a substantial part of the textile and apparel workforce languish in unemployment.

Mr. Chairman, my purpose today is to remind this panel that the textile and apparel bill is not only about quotas and percentages—it's about fairness and people.

THE DESTROYER OF WORLDS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, a speedy recovery, Mr. President, we need you badly.

Mr. Speaker, "I am become Death, the destroyer of worlds." With that old Hindu saying, Dr. Robert Oppenheimer, one of the fathers of our atomic bomb, ushered us into the atomic age.

Forty years ago today at the Trinity Atomic Test Site near Alamagordo, NM, most scientists sensed that this was the dawn of a frightening new period in world history. The "destroyer of worlds," the atomic bomb, did not become that destroyer and we hope to God, literally as a prayer, that nuclear weapons never will destroy our world. The United States drove hard with the Manhattan project to release the power of the atom because we knew that the third reich under Adolf Hitler was also trying to harness that awesome power. If Hitler had achieved this awful power first, he would have used it in an instant against the Soviet Union, and after killing millions of innocent people there, Hitler would have probably used this nightmarish power to force us into a peace treaty ushering in PAX Germanica, a peace of Nazi extermination for countless more millions than the 12 million he slaughtered in his 12-year reign of terror. And this, 1985, 40 years later, we would probably still be sending polite peace delegations to engage in arms talks with the third reich, which would then be completing its 52d year of power. A mind numbing thought. We may have been spared the blackmail of Adolf Hitler, but we were not spared the specter of nuclear threat and blackmail by communism.

The Soviet Union achieved the atom bomb shortly after World War II, and this was, unfortunately for our fragile world, a horror equal in the long run to Hitler as caretaker of nuclear weapons. Many good people refuse to accept this, but consider that there are more people in Soviet Gulag concentration camps today than the total population of over 40 nations in the United Nations.

Instead of becoming a destroyer of worlds and precipitating a third world war in this tragic century, it appears that, for all of the sadness and anxiety attached to our possession of nuclear weapons, the atomic bomb of 40 years ago ended the world's greatest slaughter ever within precisely 30 days and prevented over 1 million U.S. casualties in the impending invasion of Japan. And then it appears the atomic bomb in our hands has kept a hundred killing fields over the past 40 years from escalating into a worldwide holocaust. We have seen in these 40 years the loathesome use of poison gas to kill innocent civilians, the use of unspeakable biochemical warfare, everything has been used to kill and maim right down to sledge hammers and machetes, for example the indescribable slaughter of over 2 million innocent people throughout the killing fields of poor Cambodia.

It will be the principal order of business of this Congress for the rest of our lives to maintain our fragile peace through strength, the peace that we have had over 40 years at least on a superpower scale by the proper respect of power maintained by the free world. We never again can slide back to the Neville Chamberlain appeasement approach to dictators. Especially with a power equally as evil as that of the third reich's in terms of human life destroyed and misery projected over a long period of time. That power in the Kremlin today will never understand the good will and application of Judeo-Christian ethics to negotiation. We are only going to maintain peace in this world through a careful shepherding of awesome nuclear power.

Mr. Speaker, strength, unfortunately, is the only answer. It is the only thing dictators have respected throughout history. We must always talk and try to negotiate, but in the end it is the power they fear.

OCEAN COUNTY RALLY FOR POW'S AND MIA'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, this past Sunday I witnessed and participated in a local rally in the coastal resort town of Seaside Heights, NJ.

On this particular occasion, veterans of the armed services, Vietnam vets, local officials, and concerned citizens, gathered to focus attention on Ameri-

can servicemen still missing or unaccounted for in Southeast Asia.

This was not a grand and elaborate ceremony, Mr. Speaker. Yet it had a distinct and touching flavor, which, I believe, made it all the more meaningful.

The Ocean County POW-MIA organization, which is a group comprised of local Vietnam veterans, arranged the event.

Participants met on the busy boardwalk which follows the outline of the beachfront. Many of the spectators were vacationers and sunbathers who paused to listen in quiet respect to the message being delivered. As they listened, F-4 Phantom jets and helicopters flew over.

This is small town America, Mr. Speaker. But it is small town America speaking out in a big way, bringing emotion to a pressing issue, and humanizing a problem which too often is simply converted into cold statistics.

The fact is that 2,464 Americans are still unaccounted for in Southeast Asia. This is a grim reality, and it gives us 2,464 reasons to hope that the reports that some of our countrymen are still alive, are true.

My friends in Ocean County also believe in the power of numbers. They have begun circulating petitions. Already, they have gathered a signature for every serviceman still unaccounted for. Many more signatures are yet to come.

These petitions will be delivered to Vietnam's Ambassador to the United Nations. The documents say, quite pointedly, it is time we be provided a full accounting of our MIA's and POW's.

Mr. Speaker, I know that our Government has approached the nations of Indochina many times, asking their full and complete cooperation in the search for our missing servicemen.

All we are asking is that these nations live up to the agreement which ended the conflict 10 years ago.

Yet their cooperation is limited at best, and we have been left without a full and complete resolution of the POW-MIA issue for too long.

The failure of Indochinese governments to actively help us account for missing Americans is indecent, cruel, and unjust—not just to the families and friends of the missing, but to everyone who believes in human rights and dignity.

As you know, Mr. Speaker, Congress recently passed, and the President signed, legislation declaring Friday, July 19, 1985, as National POW-MIA Recognition Day.

The importance of this special day is reflected in the idea that we, as Americans, don't forget those who have made unselfish sacrifices to defend our freedom.

One of the organizers of the event last Sunday in Ocean County, Mr. Tom Waskovich, acknowledged that his group held its rally perhaps 5 davs ahead of schedule. But he felt the time and place was right.

Given the apparent local interest, I am compelled to agree.

Finally, I wish to commend this body for its endorsement of this Friday as National Recognition Day, and sincerely hope it will draw attention to the plight we continue to face in Southeast Asia.

But at the same time, Mr. Speaker, I commend those back in my district who have dedicated themselves to this issue. This is the fourth year they have held their rally. And their loyalty to missing comrades is truly inspiring.

□ 1810

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I would be happy to yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from New Jersey [Mr. SAXTON] for underscoring the importance of MIA-POW Commemoration Day on July 19, this Friday, at a time when our National League of Families will be convening once again in Washington to focus attention on the need to try to find a full and final accounting of our over 2,400 missing in action.

As the gentleman knows, we have a task force at work in the Congress as part of our Committee on Foreign Affairs, that has been examining this issue and trying to find an ultimate solution. It has been a very painful and frustrating effort, but we are beginning to see a few hopeful signs on the horizon. As the gentleman may recall, these past few weeks we have heard that the Vietnamese have indicated to our Secretary of State an interest in attempting to work a little more cooperatively and have indicated that within 2 years they would try to bring about an accounting; that there has been some talk about establishing an office in Vietnam for our technical team, our joint casualty resolution team, and we are hoping that we would soon be able to excavate a crash site in Vietnam that our team examined recently on their last visit.

POW-MIA RECOGNITION DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, the task force at work in the Congress as part of our Committee on Foreign Affairs looking into the POW-MIA problem in Vietnam has found it a very painful and frustrating battle. Over the past 10 years, we have had a trickle of remains that have been produced, a little over 100 in a 10-year period of time, with no real information on a number of case files that we have turned over to the Vietnamese.

It is so important that with relation to this issue we keep it before the public, and it is for that reason that I commend the gentleman from New Jersey [Mr. SAXTON] and commend the efforts of the veterans' posts and those people back in New Jersey who have undertaken this opportunity to commemorate MIA-POW Day. We cannot say enough or do enough to keep this issue before our own public and before the international community.

Mr. SAXTON. Mr. Speaker, if the gentleman would yield back to me, I would just like to say a couple of things. One is that I am very happy to see that a member of your organization, the National Organization of Families, was in Ocean County, NJ, to take part in the POW-MIA ceremony.

I think that what the ceremony in New Jersey points up, and as we are saying here on the floor this evening, is that it is so important that the American people remain involved in a meaningful way in our efforts to have our servicemen returned to us and, of course, we hope that there are many who will be able to enjoy the same type of reunion that I witnessed when the hostages came back on the TWA plane on July 2. We need more of those kinds of reunions, and hopefully if we continue to work diligently together as a nation, we will reach that goal.

Mr. GILMAN. I thank the gentleman for his remarks, and hopefully by next year at this time there will be no need for another commemoration resolution.

FEDERAL EQUITABLE PAY PRACTICES ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 5 minutes.

● Ms. OAKAR. Mr. Speaker, earlier this session, I introduced H.R. 27, the "Federal Pay Equity Act of 1985." H.R. 27 calls for a study of the Federal pay and classification systems to determine whether they are marred by sex-based wage discrimination.

To date, H.R. 27 has 58 cosponsors. It is identical to legislation that was adopted by the House last year by an overwhelming vote of 413 to 6. Based upon this vote, and the number of cosponsors of H.R. 27, I can honestly say that my colleagues have joined me in supporting pay equity legislation because they know that sex-based wage discrimination exists in our Nation. They also know that the Federal Government, as the largest single employ-

er in the United States, should be a model for our country. Yet, the Federal Government has never examined its pay and classification system for bias since the Classification Act of 1923.

Today, I am introducing an amended version of H.R. 27, which would expand the scope of the study to include race and ethnicity and broaden the methodology to capture market forces. I believe my amended bill embodies the best possible elements needed to identify discrimination, if it exists, in the Federal work force. I am very pleased that 79 Members of the House from both sides of the aisle have demonstrated their support for this legislation as original cosponsors.

The new bill is based upon extensive testimony presented to my Subcommittee on Compensation and Employee Benefits of the Post Office and Civil Service Committee. Over the past few months, the subcommittee held five indepth hearings on the need for conducting a pay equity study of the Federal Compensation System and the feasibility of such a study. Nearly 50 witnesses appeared before the subcommittee, including Federal and State governmental officials, public and private employees and their unions, individuals who have experienced pay discrimination in their jobs, and representatives of the business community.

The subcommittee hearings focused on H.R. 27 and the General Accounting Office report entitled "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems." The GAO study emphasizes several key points affecting pay equity that I would like to mention at this time.

First, GAO's data showed that a pay cap of nearly $12,000 a year between men and women workers exists in the Federal Government. Federally employed women earn an average of 62.8 cents for every dollar earned by federally employed men. The GAO data also demonstrated that black women working for the Federal Government earn an average of 62.2 cents for every dollar earned by a man. Comparing all sectors—Federal, State, and local government, and private—white women earn 59.2 cents for every dollar paid to a man, black women earn 54.7, and Hispanic women earn 51.2 cents.

Second, the GAO report detailed the extent to which federally employed women are clustered into relatively few occupations at the lower end of the pay scale. Even though women comprise nearly one-half the Federal work force, approximately 78 percent of the female employees are clustered in grades 1-6. Eighty-five percent of the male employees occupy jobs in grades 10-15.

Third, GAO analysts surveyed the country to determine the extent of pay equity activity beyond the beltway. All but five States have examined the issue of sex-based wage discrimination either through pay equity studies, legislation, or collective bargaining. Five States—Iowa, New Mexico, Connecticut, Minnesota, and Washington—are now implementing the results of pay equity studies.

Fourth, and perhaps most important, GAO concluded that it is feasible to conduct a pay equity study of the Federal wage and classification systems. The report suggests that two research methods be employed in the study. The first, a job content analysis, is the essence of H.R. 27. A job content analysis reviews occupations on the basis of skill, effort, responsibility, and working conditions to establish an internal classification system. The subcommittee learned during the hearings that most employers evaluate jobs on a regular basis, using some form of job content analyses. The second research method, an economic analysis, captures human capital factors—such as education, seniority, merit, and locality—and determines the extent to which they contribute to rates of pay.

While the GAO report provided invaluable analytical data, witnesses testifying before the subcommittee offered constructive suggestions on improving H.R. 27. Several civil rights advocacy groups stressed the need to include race discrimination in the study, pointing out that the wage differential for blacks and Hispanics is even greater than white women.

Other witnesses shared with us their successful experiences in performing pay equity studies at the State level, explaining that, in one instance, the cost of implementing pay equity wage adjustments was less than 1 percent of payroll per year and may have had a beneficial impact on the State economy. In addition, the witness explained that the productivity and morale of employees dramatically increased following the wage adjustment.

Some witnesses discussed how their job or jobs within a specific employment situation had been systematically undervalued and underpaid. Witnesses representing numerous unions described their efforts in supporting pay equity and implementing pay equity programs in the public and private sectors. A few witnesses criticized a Federal pay equity study because they feared it would lead to greater governmental control over our free enterprise economy. No one argued, however, that sex-based wage discrimination should be permitted to exist in the public or private sector, or that it is legal within the framework of our existing laws.

Mr. Speaker, I believe that the recognition by all our witnesses that sex, race, or any other form of discrimination is unlawful is significant. Their unanimous disapproval of discrimination in wage-setting demonstrates a need to ensure that our civil rights laws are being properly enforced. The bill I am introducing today meets that need at the Federal level.

The bill incorporates the suggestions made by witnesses to include a study of race and ethnic discrimination. It adds a second methodology to determine how the market affects Federal wage rates. The bill also maintains a high level of objectivity in establishing a bipartisan Commission to study discrimination in the Federal Government. The 11-member Commission will be comprised of the Director of the Office of Personnel Management, the Comptroller General of the United States, 1 appointment each by the President, the majority leader in the Senate, the minority leader in the Senate, the Speaker of the House of Representatives, the minority leader in the House, and 4 appointments made by the OPM—2 from Federal labor unions which represent a substantial number of federally employed women, 1 from women's organizations whose major purpose is to promote the interests of federally employed women, and 1 from civil rights groups who represent Federal employees.

The Commission will select a consultant to conduct the 18-month study and provide guidance to the consultant on the project. The Commission will also comment on the consultant's study and, if discrimination is found, provide recommendations to eliminate any discriminatory practices and to improve the pay and classifications systems. After transmitting its report and comments to the President and Congress, the Commission will disband, thus reaffirming my longstanding commitment that a Federal discrimination study will not lead to federally regulated wages for employees.

It is important to note that my bill only applies to the Federal Government. It does not include State and local governments or the private sector. The legislation also underscores the requirement in current law that discrimination, if discovered in the study, cannot be remedied by recommending that salaries be lowered. My bill does not seek to pit any group against another. It simply provides for a comprehensive study of discriminatory practices to make certain that the Nation's largest employer is complying with our civil rights laws.

Equality and fair treatment at the worksite is a goal every employer and employee should strive to attain. This Chamber has been the setting for landmark civil rights legislation which has enriched the lives of our citizens and provided a better society for our children and grandchildren. Eliminating discrimination in employment is as vital today as it was 21 years ago when we adopted the Civil Rights Act of 1964. It is imperative that our Federal

Government be free of any discriminatory practices that violate current law and sap the morale and productivity of employees. The legislation I am introducing today is a necessary beginning to achieve this goal.●

CONSUMER GROUPS EXPRESS THEIR SUPPORT FOR THE EXPEDITED FUNDS AVAILABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. ST GERMAIN] is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, my staff is continuing its efforts to contact the office of every House Member about cosponsoring H.R. 2443, the Expedited Funds Availability Act. As you know, H.R. 2443 would eliminate lengthy checkholds—the practice whereby, according to one survey, banks delay payment on out-of-State checks for as long as 14 days.

To date, 121 Members have joined me in my effort to end this costly, annoying and unnecessary practice. In addition, five consumer groups recently wrote to all the Members of the House to express their support of H.R. 2443 and to urge all Members to cosponsor this pro-consumer bill.

Mr. Speaker, I urge, once again, every Member to add their name to the growing list of House cosponsors of H.R. 2443. As the five consumer groups observe in the letter that follows, we must stop the practice of lengthy checkholds.

STOP UNFAIR CHECKHOLD PRACTICES

JULY 15, 1985.

DEAR MEMBER: Our organizations work on consumer issues in the financial services marketplace, including access to deposit and credit services, full disclosure of account terms, and citizen empowerment.

We are writing to urge you to cosponsor H.R. 2443, introduced by Representative ST GERMAIN, to limit the time financial institutions may hold checks before funds are made available to depositors. We will present suggestions for mandating stricter ceilings on certain hold policies when hearings are held. In the meantime, we urge you to cosponsor H.R. 2443 as a first step towards speedy hearings on an issue of great concern to many consumers.

We hear a great deal of anger about bank checkhold policies. Consumers do not understand why in an age of computer processing, instantaneous global communications, and interstate and international operations, funds deposited by check are often held for two weeks or more.

Most hold periods today bear no relationship to the time actually needed for banks to collect funds deposited by check and instead appear designed to maximize bank profits. The Federal Reserve Board estimates that 99 percent of all deposited checks are collected by banks within two business days. These funds are immediately invested by the banks but are withheld from the customer.

According to a recent nationwide survey of 669 depository institutions conducted by US PIRG, 75 percent of the institutions surveyed hold out-of-state checks for six business days or more. 20 percent hold these checks more than two weeks. A Washington, D.C. area survey by Public Citizen found that 25 percent of local institutions even place holds on U.S. Government checks, some for as long as three weeks. Half of all local institutions place holds on payroll checks. Nationwide, checkhold periods of as long as 20 business days—nearly a month—have been identified.

Banks make billions of dollars by withholding access to funds that belong to their customers. Last year, Time magazine reported that Bank of America estimated that it earns $3.35 million off check float each day, while losing only $3 million a year from bad check losses.

These practices must stop. Strict limits must be placed on checkhold periods, and consumers must be informed about banks' hold policies.

Ending excessive checkholds is one part of a broad citizen agenda intended to stop unfair bank practices and to ensure that consumers and neighborhoods are not left behind in the drive to restructure financial services. We believe that all of these issues must be considered as that restructuring occurs, and not after. We urge you to cosponsor H.R. 2443 as part of that effort.

Sincerely,

Franci Livingston, Staff Attorney, Congress Watch; Michelle Meier, Counsel for Government Affairs, Consumers Union of U.S., Inc.; Michael Caudell-Feagan, Staff Attorney, U.S. Public Interest Research Group; Alan Fox, Legislative Representative, Consumer Federation of America; and Jonathan Brown, Acting Director, Public Interest Research Group.●

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. DERRICK] is recognized for 5 minutes.

● Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting the official letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1985. Since my last report, the conference report to accompany H.R. 47, Statue of Liberty-Ellis Island Commemorative Coin Act, has been ratified by both bodies and signed into law.

The current level is used to compare enacted spending after the start of a fiscal year with the aggregate ceiling on budget authority, outlays, and revenues established in a second budget resolution and enforced by point of order pursuant to section 311(a) of the act. The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As with last year, the procedural situation with regard to the spending ceiling is affected this year by section 4(b) of House Concurrent Resolution 280. Enforcement against possible breaches of the spending ceiling under section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1985.

The intent of the section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by section 4(b) of the resolution is to protect a committee that has stayed within its own spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 280 were printed in the CONGRESSIONAL RECORD, September 25, 1984, H10190 (H. Rept. 98-1079, page 32).

As chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, July 15, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 280, the First Concurrent Resolution on the Budget for Fiscal Year 1985. This report reflects the adopted budget resolution of October 1, 1984, and the current CBO estimates of budget authority, outlays, and revenues.

As with last year, the procedural situation with regard to the spending ceiling is affected this year by Section 4(b) of H. Con. Res. 280. Enforcement against possible breaches of the spending ceiling under Section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to Section 302(a) of the Budget

Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1985.

The intent of the Section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by Section 4(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 280 were printed in the CONGRESSIONAL RECORD, September 25, 1984, H10190 (H. Rept. 98-1079, page 32).

The attached tables compare actual legislation to each committee's 302(a) allocation of discretionary budget authority and of new entitlement authority.

With best wishes,

Sincerely,

WILLIAM H. GRAY III,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1985 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 280

REFLECTING COMPLETED ACTION AS OF JULY 11, 1985

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,021,350	932,050	750,900
Current level	1,015,983	933,375	750,589
Amount under ceilings	5,367		
Amount over ceilings		1,325	
Amount under floor			311

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $5,367 million for fiscal year 1985, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 280 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate in outlays for fiscal year 1985, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 280 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1985, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 280.

Fiscal year 1985 budget authority comparison of current level and budget resolution allocation by committee

[In millions of dollars] *Current level Budget authority*

House committee:	
Total current level	−5,367
Appropriations Committee:	
Discretionary	(−4,497)
Authorizing committees—Discretionary action:	
Agriculture	(−90)
Armed Services	(+276)
Banking, Finance, and Urban Affairs	(+18)
District of Columbia	(1)
Education and Labor	(...)
Energy and Commerce	(−4)
Foreign Affairs	(...)
Government Operations	(...)
House Administration	(...)
Interior and Insular Affairs	(+2)
Judiciary	(+50)
Merchant Marine and Fisheries	(+15)
Post Office and Civil Service	(+1)
Public Works and Transportation	(−713)
Science and Technology	(...)
Veterans' Affairs	(...)
Ways and Means	(+50)

[1] Less than $1 million.

NOTE.—Committees are (over(+) or under(−)) their 302(a) allocation.

FISCAL YEAR 1985 NEW ENTITLEMENT AUTHORITY COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE

[In millions of dollars]

Committee	Allocation	Reported	Enacted
Agriculture		3,600	
Appropriations			
Armed Services	1,900	1,500	1,663
Banking, Finance and Urban Affairs			
District of Columbia		1	1
Education and Labor	202	−297	
Energy and Commerce		3	4
Foreign Affairs			
Government Operations			
Interior and Insular Affairs		1	1
Judiciary			
Merchant Marine and Fisheries			
Post Office and Civil Service			
Public Works and Transportation			
Science and Technology			
Small Business			
Veterans' Affairs	402	503	432
Ways and Means	40	254	201

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 15, 1985.

Hon. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1985 budget (H. Con. Res. 280). This report for fiscal year 1985 is tabulated as of close of business July 11, 1985, and is based on assumptions and estimates consistent with H.Con. Res. 280. A summary of this tabulation is as follows:

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current level	1,015,983	933,375	750,589
1985 budget resolution, H.Con. Res. 280	1,021,350	932,050	750,900
Current level is:			
Over resolution by		1,325	
Under resolution by	5,367		311

Since my last report the Congress has cleared the Statue of Liberty-Ellis Island Commemorative Coin Act, H.R. 47. This increases estimated budget authority and outlays by $18 million and $16 million respectively.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT HOUSE SUPPORTING DETAIL, FISCAL YEAR 1985 AS OF CLOSE OF BUSINESS JULY 11, 1985

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	651,994	579,636
Enacted previous session	543,411	534,273
Offsetting receipts	−184,669	−184,669
Enacted this session:		
Appropriation bills:		
Appropriation for the MX missile (P.L. 99-18)		79
Famine relief and recovery in Africa (P.L. 99-10)	784	289
Legislative bills:		
Federal supplemental compensation phaseout (P.L. 99-15)	160	160
Total enacted this session	944	528
Total enacted	1,011,679	929,768
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Assistance payments	23	23
Black lung trust fund	25	25
Child support enforcement	82	82
Civilian Agency pay raise allowance	777	803
Coast Guard pay raise allowance	25	24
Defense pay raise allowance	2,242	2,201
Defense claims	20	3
Family Social Services	20	20
Medicaid	7	7
Public Health Service officers retirement pay	3	
Range improvements	2	2
Readjustment benefits	163	156
Salaries of judges	5	5
Student loans	498	
Supplemental security income	5	
Veterans compensation	389	241
Total	4,286	3,591
III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses: Statue of Liberty-Ellis Island Commemorative Coin Act (H.R. 47)	18	16
Total, current level as of July 11, 1985	1,015,983	933,375
1985 budget resolution, H. Con. Res. 280	1,021,350	932,050
Amount remaining:		
Over ceiling		1,325
Under ceiling	5,367	

Note.—Detail may not add due to rounding.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, I was unavoidably absent on June 26, 1985. Had I been present on the floor of the House, I would have cast my votes in the following manner:

Rollcall No. 199, on the Brooks amendment in the nature of a substitute for the Dickinson-Young amendment and to continue, until next year, conducting the Department of Defense Pilot Program of counterespionage polygraph screening. Had I been present, I would have voted "no".

Rollcall No. 200, on the Dickinson-Young amendment that would insti-

tute a program of counterintelligence polygraph screening. Had I been present, I would have voted "aye."●

ADOPTION OF THE ZIP+4 PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, as we all know, increasing costs of administration have caused us to examine every available avenue to give the American taxpayers the best bargain for their money. Along these lines, the Committee on House Administration, which I chair, has been exploring with the postmaster of the House of Representatives ways to reduce our postage costs. On July 10, 1985, the committee voted to adopt the Postal Service's ZIP+4 Code for both incoming and outgoing mail for the House of Representatives. I would like to explain how this program will enable the office of the postmaster to utilize modern technology to the benefit of the House of Representatives.

I must first stress that mail with the five-digit code, or for that matter, no zip code at all, will continue to be delivered. Large mailing organizations will be encouraged to use the ZIP+4 in their correspondence with the House of Representatives, but will encounter no delay or inconvenience if they choose not to use it.

The expanded code is called ZIP+4 because it adds four new numbers at the end of the existing five-digit zip code. The four additional numbers will allow automated sorting equipment to process the mail more rapidly. The benefit of this automated sorting capability becomes apparent when we consider the estimated 200 million items of incoming mail the office of the postmaster received last year.

This tremendous volume of mail required a work force of more than 100 persons to provide security scanning, hand sorting, and mail delivery. In addition, any unforeseen increase in mail volume, which usually is a direct result of organized mass mailings, can create a backlog in mail delivery. This backlog pushes the office of the postmaster to the existing limits of the labor force and cause temporary delays in delivery of important constituent mail. The ZIP+4 will assist the Congress by reducing the costs of internally sorting this mail while increasing the speed of delivery to Members' offices.

The Postal Service's automation program is based on the widespread deployment and use of optical character readers [OCR's] and bar code sorters. The OCR equipment "reads" each ZIP+4 Code at its point of origin and imprints directly on each letter a bar code which represents the ZIP+4.

At the destination post office, which in this case will be the office of the postmaster, mail with the bar code can be processed on a bar code sorter which will automatically sort it to each individual member. This will eliminate the much more costly and time-consuming manual sorting.

Each Member's office, all committees, subcommittees, majority and minority leadership offices, and officers of the House of Representatives will receive their own ZIP+4 Code. The coding system will be developed to coincide with existing identification systems. This coding technique will progress through all the States, alphabetically, by district. For example, using a State and district coding scheme, the ZIP+4 Code for Alabama's First District would be 20515-0101.

The cost savings to the House do not end with the processing of incoming mail. In fiscal year 1984, the House of Representatives mailed approximately 73 million pieces of bulk first-class mail. If all of this mail had carried the ZIP+4 Code, the House would have saved $657,000 based on the nine-tenths of a cent discount for each piece bearing the ZIP+4.

To enable the House of Representatives to take advantage of this discount, we will need to convert existing mailing lists to contain the ZIP+4 Code. The Postal Service has offered to code any Member's address file, at no charge. The Postal Service will use its own high-security system to code the file and return it to the Member. Outgoing mail generated by the list will subsequently be eligible for the ZIP+4 discount.

This is a voluntary program. No Member, except those who want to participate, will participate. However, I am sure that every Member of the House of Representatives will appreciate this opportunity to improve the level of services while generating a substantial savings to the House.

Our postmaster, Bob Rota, will be communicating directly with each Member regarding further implementation details of the ZIP+4 Code. I encourage all Members to support this program.●

TWENTY YEARS OF VISTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. WILLIAMS] is recognized for 60 minutes.

Mr. WILLIAMS. Mr. Speaker, today, my colleagues and I join in celebrating the 20th anniversary of VISTA [Volunteers in Service to America].

Twenty years ago, in December 1964, President Johnson greeted the first 20 VISTA volunteers at a White House ceremony and told them it would be their job:

> To guide the young, to comfort the sick, to encourage the downtrodden, to teach the skills which may lead to a more satisfying and rewarding life. No aspect of the war on poverty will be more important than the work you do * * * your pay will be low; the conditions of your labor often will be difficult. But you will have the ultimate reward which comes to those who serve their fellow man.

Today, because of the dedication and energy of those volunteers and the ones that followed, VISTA has continued to respond to the needs of the poor in America with new initiatives for the homeless, the illiterate, the hungry, and the unemployed. VISTA has worked, providing the catalyst for strong grassroots, self-help efforts. According to a survey of a few years ago, 75 percent of the community projects remained after VISTA volunteers were phased out.

During these past 20 years, 80,000 Americans have answered VISTA's challenge. Volunteers have ranged in age from 20 to 81. Today half of the volunteers are low-income people themselves, and 70 percent are women.

VISTA has addressed the unmet human needs of low-income Americans throughout the United States. In my home State of Montana, as a past supervisor of VISTA volunteers, I know first hand the contribution they can make. Montana has had 1,100 volunteers who have been responsible in major part for the first domestic violence project in the State, establishing a network of foodbanks across the State, the first migrant council, the first Indian health care conference, the first group of homes for the developmentally disabled, the research behind the first publicly funded kindergarten, the establishment of the human rights commission, and much more.

Across America the need for VISTA's has increased rather than diminished. In January 1981 there were 5,000 volunteers nationwide in more than 900 antipoverty community projects. Currently we have the sad situation of the Congress being required to write into the appropriations language a special provision to maintain even half that number of volunteers. And we will continue the fight in Congress to maintain VISTA and to promote recruitment of volunteers. We see everywhere growing poverty and new needs for America's poor. Currently 35 million Americans live in poverty and 12 million more live on the brink of poverty. Not since the year VISTA was created has the need been so great. As the newest congressional study shows one out of every five children live in poverty. The need for food, shelter, basic education, and jobs is staggering. VISTA can and does play a critical role in helping to solve these problems.

The unique focus of VISTA helps communities develop organizations and processes for identifying, targeting, and addressing their own problems. It helps displace feelings of despair. VISTA volunteers themselves come away with new self-confidence, job skills, and leadership, as well as a renewed commitment to their communities. VISTA strengthens our democracy by giving people a shared experience and awareness of others' problems as well as the bond and growth that comes from offering a helping hand.

Today is important to restate our congressional commitment to VISTA and to increase the awareness of the important contribution that VISTA can make in dealing with new poverty challenges that face us in this time of constrained resources and pressing need.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today on the 20th anniversary of VISTA.

The SPEAKER pro tempore. (Mr. BOUCHER). Is there objection to the request of the gentleman from Montana?

There was no objection.

□ 1820

Mr. EVANS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I am pleased to yield to the gentleman from Illinois.

Mr. EVANS of Illinois. Mr. Speaker, VISTA has reached a milestone many never believed would be possible—20 years of service to the disadvantaged and impoverished of this Nation. If President Reagan and those he appointed to run the ACTION Agency and the VISTA Program had had their way, VISTA never would have survived its teenage years and be beginning its third decade of work.

The VISTA Program's record in Illinois and throughout the Nation is truly outstanding. I am pleased to have this opportunity to highlight VISTA's achievements in my home State. Let me begin with an area that is especially important to me: legal services for the poor. Beginning in the late 1960's, scores of young attorneys chose to offer a year of service as VISTA volunteers at legal aid societies around the country. As legal services attorney, I worked with VISTA lawyers and saw firsthand their commitment to social justice. They represented the victims of slum landlords and the welfare bureaucracy; they helped those with black lung disease, as well as handicapped persons and elderly retirees on limited incomes. They were young and often inexperienced, but they were quick to learn and quick to realize the need for all Americans—regardless of income—to have access to competent legal advice and assistance.

In Illinois, VISTA lawyers were assigned to legal aid societies in Decatur, Chicago, Springfield, and Rockford, to name just a few. And that experience changed their lives. Many remained in the communities where they served, joining the staff of the legal aid office, continuing the fight for quality legal services for the indigent. But their clients were not simply poor—how simple that would have been. No, their clients were often illiterate and unskilled, they were old and disabled, they were migrants in poor health and mental patients trapped in institutions, they were welfare mothers without a decent education, and they were juvenile offenders who needed a second chance.

Obviously the problems of poverty are not so simple that they can be alleviated with the help of a legal aid attorney. But VISTA realized this, and over the last 20 years has assigned other willing volunteers to address the myriad of related problems that low-income people face. In Chicago, there are eight VISTA volunteers working to combat illiteracy: recruiting part-time volunteer tutors to teach illiterate adults to read. Two other VISTA workers, assigned to Chicago Jobs for Youth, are finding jobs for low-income youths on the west side. In Marion, Peoria, and Danville, IL, VISTA volunteers are helping blinded Vietnam veterans find jobs. Four other VISTA's in Decatur are helping victims of domestic violence and drug abuse. Seven VISTA's in Champaign-Urbana and Danville are working on weatherizing some 600 low-income families homes, as well as setting up a recycling center and a senior citizen referral service. And eight other VISTA's in Springfield are organizing food banks and emergency shelters, as well as a free medical clinic.

Throughout the United States, dedicated VISTA volunteers are devoting a year or more of their lives to help those less fortunate. Over the last 20 years, since VISTA began, some 80,000 people have served their country through VISTA. Young and old, rich and poor, Americans of all races and from all walks have exemplified what is best about this country's values and traditions, by combining idealism with pragmatism, and by teaching others to help themselves.

I believe that today, more than ever before, we need a strong, vital VISTA Program. How many people could afford to devote a year of their lives, to be on call 24 hours per day, to help the poor, the handicapped, the elderly? VISTA makes that kind of service possible by providing the modest living allowance to each volunteer, as well as health coverage and job-related transportation expenses. At an average cost of only $7,600 per volunteer per year, VISTA is still a bargain. All across this great country there are Americans who would like to do more, to give hope to those who despair. VISTA is a vehicle for them to exercise their citizenship and willingness to help. And VISTA's own 1979 evaluation of the program showed that every volunteer generated some $25,000 per year in resources for their community—resources that would not have been available to those who need them the most.

I for one, would like to see more VISTA volunteer and VISTA resources throughout the country and especially in the State of Illinois and in my district. Yet the program is so small today that there are less than 100 volunteers serving in Illinois and none in the 17th District where I know that they are so desperately needed. Let us continue to support the good work of VISTA volunteers everywhere, and let us ensure that wherever there are needy and forgotten Americans, VISTA can respond.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise to state my support of Volunteers in Service to America, otherwise known as VISTA, as it celebrates its 20th anniversary. We are here to pay a special tribute to a program, which has bipartisan support, that has had a significant and positive impact on the elderly.

First, I would like to commend PAT WILLIAMS, the new Chair of the Select Education Subcommittee, for holding this special order. This special order is a very appropriate gesture, given the nature of the VISTA Program.

VISTA is one of several programs of value to the elderly that are celebrating two decades of existence this year. VISTA is distinguished as the Federal Government's only full-time antipoverty program within our country, and is often described as a domestic Peace Corps. One of the major strengths of the program is that, through VISTA, older Americans can be providers, as well as recipients, of needed services.

VISTA volunteers have worked in various localities throughout the Nation to identify, develop, and implement solutions to the concerns of the elderly in ways that are appropriate to each community. While the following list is not exhaustive, areas of concern that VISTA has addressed include: housing, energy conservation and weatherization, crime prevention, food and nutrition, health care, alcohol and medication abuse, and rural transportation.

The law now requires, because of the passage of an amendment which I introduced in committee, that 20 percent of all VISTA volunteers be 55

years of age or older. VISTA is the only ACTION program that allows full-time service by older Americans, and currently the minimum 20 percent senior participation required by law is even being exceeded. Unique opportunities are afforded for older persons to work at addressing poverty and poverty-related problems in their own communities.

Major senior citizen constituency groups advocate for VISTA, recognizing the important contributions that the program has made to neighborhoods throughout our Nation. Specifically in New York, for example, accomplishments have been relative to the following situations: hunger/malnutrition, delinquency/crime, illiteracy, youth and veteran unemployment, drug abuse, and homelessness.

The VISTA Program more than pays for itself. In terms of dollars, the average cost per volunteer is $7,700, while the average amount mobilized by volunteers is in excess of $26,500 in funds and service that otherwise would not have been available to those low-income communities served by the program. More importantly, the self-reliance fostered by VISTA Program has done more to create lasting positive change in the impacted neighborhoods than can be quantified strictly in monetary terms.

The atmosphere of decency and dignity for all that is promoted by VISTA is a mainstay of life for elderly Americans. As chairman of the Subcommittee on Human Services of the House Select Committee on Aging, I encourage my colleagues to join in this expression of support for VISTA as the 20-year longevity of the program is celebrated.

Mr. WILLIAMS. Mr. Speaker, I thank my colleague and fellow subcommittee chairman for recognizing this 20th anniversary of VISTA and for his statement here this afternoon.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding, and I also wish to thank him for scheduling this special order to pay special tribute to a very special agency within the Federal Government—and that is VISTA—in celebration of its 20 years of effective service to the United States of America.

I would just say that I would hope that once again the Congress of the United States would embrace the notions that support the efforts of the VISTA volunteers, and those are that people working together can bring out the best in our communities, that people working together can help those who are less fortunate than many of us, and that people working together can build communities out of neighborhoods, and out of communities we can build the Nation, because that is what VISTA has been dedicated to. It has been dedicated to empowering people to be better consumers, empowering people to work within their own communities and make them better places to live, and empowering people so they can organize on their own economic behalf so they can participate to a greater extent in the American dream and the American way of life.

□ 1830

I find it a rather cynical view that the Congress cannot find it within its means to expand the opportunity that VISTA provides to the young and old alike, a rather cynical view of today's young people, to suggest that they do not want to participate, that they do not want to work with the poor in this country, with the disenfranchised, with the elderly, with the handicapped and others, because I think if you visit the college campuses and if you visit the high schools of this Nation and you throw out the opportunity to become a VISTA volunteer, I think you will immediately see the hands that will go up and the inquiries of interest, because so many young people today remember or have been told about what it was like when we created the Peace Corps or we created VISTA to give Americans an opportunity to use their talents, their intelligence, their ability, around the world and in this country.

VISTA, which is Volunteers in Service to America, was an opportunity for young people of this country to go forward and to work in the communities perhaps where they had never lived or never experienced and bring those communities together.

As the gentleman from New York [Mr. BIAGGI] has pointed out, for every dollar we have spent on this program, we have reaped far more dollars and benefits to the communities.

It was once said in hearings that we had on VISTA: "That for every hour of volunter service provided by a VISTA volunteer, they generated 10 additional hours by people from within the community." They generated those hours by housewives. They generated those hours by the elderly. They generated volunteer hours by corporate executives who came into the community and tried to make it a better place.

Unfortunately, this administration has seen fit to try to destroy VISTA, to try to change its mission, to try to move it away from helping the poor in this country, to try to basically mold it in its own eyes, rather than mold it in the best vision of American young people and the elderly that have now been the VISTA Program.

I would just like to conclude by saying to the subcommittee chairman, the gentleman from Montana [Mr. WILLIAMS], that I look forward to an opportunity to vote on a bill that would expand the horizons for young people in this country, to reinvigorate the VISTA organization within the Federal Government, because clearly as our party casts around for those kinds of notions that will once again catch the imagination of the American people and of young people in this country, it is clearly an effort like VISTA, like the Peace Corps, which brings out the best in our youth and we ought to invest in that future. We ought to invest in this program. It is terribly foolish for us not to and it is terribly expensive for us not to.

I am delighted that the gentleman from Montana has taken over the subcommittee with jurisdiction in the Education and Labor Committee.

I would hope that again we will find that VISTA will not only be protected from its adversaries who have tried to destroy it, I would hope also that we would have an opportunity to expand its mission and the opportunity for young people to participate.

I thank the gentleman again for arranging this special order on this 20th anniversary.

Today, I am particularly pleased to stand up and speak out for VISTA, a program I have fought hard to preserve over the past 4½ years. Those of us who were deeply involved in obstructing the administration's efforts to kill VISTA, take special pride in celebrating VISTA's 20th anniversary. If the administration had its way, VISTA never would have survived its teenage years and be beginning its third decade of service to the poor and disadvantaged of the Nation.

In March 1964, President Lyndon Johnson delivered a message to Congress in which he declared: "The War on Poverty is not a struggle simply to support people, to make them dependent on the generosity of others. It is a struggle to give people a chance." That is exactly what the VISTA Program is all about—giving those living on the margin of society a chance and an opportunity for a better life.

Since 1965, some 80,000 Americans have served as VISTA volunteers devoting a year or more of their lives to helping the underprivileged of this Nation. Who are these VISTA volunteers? They are welfare mothers and they are architects; they are nurses and they are retired teachers; they are college graduates and they are ex-offenders; they are young and old; they are rich and poor; they are unique and varied individuals, but each shares a common goal: the willingness to commit a year of their lives to helping the poor and disadvantaged.

How do they manage? In truth I don't know. They exist on an incredibly modest living allowance designed to meet their most basic subsistence

needs. In fact, the current average VISTA allowance is below the official poverty guideline level. Yet it is this very sacrifice that is sometimes criticized by those who would like to see VISTA disappear. They argue that it is somehow demeaning to pay volunteers to assist the poor, yet have no problem paying citizens handsomely to serve in the All-Volunteer Army.

How many of us could afford or would be willing to dedicate a full year of our lives to helping the poor—without compensation? Very few, I suspect. We should be grateful that some Americans are willing to make this personal and financial sacrifice.

Over the past 4½ years, the current administration has tried every conceivable maneuver to undermine or kill VISTA. VISTA has been subject to five different directors, most of whom pledged to be the last Director in the history of the program. For nearly 4 years VISTA's name was stripped from the ACTION Agency's stationery. All recruitment and public awareness efforts in support of VISTA have been squelched.

Those in charge of ACTION illegally diverted VISTA's antipoverty funds to their own newly proposed pet projects that lacked any clear antipoverty focus, denied renewal and approval of VISTA projects deemed to be "leftist", prepared hit lists of "dangerous" projects such as the Massachusetts Association of Older Americans, decimated the career staff of the VISTA national office and conducted a mean-spirited campaign in the Congress and press to eliminate VISTA.

Despite the administration's attempts to kill VISTA—both legislatively and administratively—VISTA still lives. As the New York Times recently reported: "It is the agency that will not die." Although VISTA today is a mere skeleton of its previous self, the spirit and heart of the program is still very much alive. In reality, VISTA projects and VISTA volunteers are doing what they were always intended to do: addressing poverty and poverty-related problems at the local level and enabling low-income and disadvantaged people to participate in the decisions affecting them, achieve self-sufficiency and gain greater control over their lives.

Few programs have felt that sharp edge of the Reagan budget ax as severely as VISTA. In 1979, VISTA's budget was $34 million; today it is $17 million. In 1979 there were nearly 5,000 volunteers, today there are half that number. These massive reductions took place at a time when the numbers of people living in poverty dramatically rose from 29.3 to 35.2 million. Poverty among children has grown deeper and more widespread; 39.2 percent of all poor people are children. One of every five children lives in poverty through no fault of their own. Not since 1965, the year VISTA was enacted, has the poverty level been this high.

VISTA has proven itself over and over again to be a cost-effective and worthy antipoverty program. It is an invaluable resource that young and old low-income people cannot afford to lose. VISTA volunteers act as catalysts, stirring up the existing resources of communities and the often deeply buried spirits of poor people to do away with the sources of poverty. Almost as important, VISTA gives the volunteers themselves a chance to experience the personal rewards and tangible results of devoting a year of their lives to working full time on behalf of those least able to help themselves.

We must work to ensure the continuation and revitalization of VISTA. Above all, during these times of massive cutbacks in so many social programs targeted to addressing the basic human needs of the Nation's poor, we must give our wholehearted support to programs such as VISTA that promote self-help, generate private sector resources to alleviate poverty and leave low-income neighborhoods and communities more independent and better able to address the problems they face.

Thanks to the tenaciousness of a few Members of this body and a network of VISTA supporters across the country, VISTA has survived. However, it is too early to declare a final victory and go home. We must continue to stand and speak out for VISTA today and in the years to come.

Mr. WILLIAMS. Mr. Speaker, I thank my colleague from California for his generous remarks and commend his leadership during these past two decades in working to improve the lot of those among us who are less fortunate.

● Mr. CONTE. Mr. Speaker, the 20th anniversary year of VISTA gives us an opportunity to assess and praise the invaluable contribution which VISTA volunteers have made to America.

Nationwide, VISTA volunteers have provided direct aid to the needy through the establishment of health clinics, food pantries, and shelters for the homeless. In addition, they have successfully sought to foster self-reliance among the underprivileged by creating employment opportunities and literacy education programs.

I have had the privilege of observing this tremendous work on the grassroots level in my own western Massachusetts district. A group of VISTA volunteers based in my own home city of Pittsfield has been coordinating public and private resources to provide shelter to the homeless of Berkshire County. Another group, working from the town of Hadley, is involved in expanding a food distribution network which serves low-income persons in Massachusetts' four westernmost counties. And a third group, the Massachusetts Association for Older Americans, has a number of volunteers working in western Massachusetts to ensure that the health and housing needs of low-income elderly citizens are adequately met.

Words cannot fully express the sense of gratitude which I and other Members of Congress feel toward VISTA and its volunteers. As an organization, VISTA has consistently adopted to address newly emerging social needs. Through the efforts of its dedicated volunteers, it has touched the lives of the homeless, the hungry, and the poorly educated. These unselfish volunteers have been responsible for tremendous progress in alleviating human suffering and helping America to realize its great potential.●

● Mr. KILDEE. Mr. Speaker, I am pleased and proud to speak today in recognition of the 20th anniversary of the VISTA Program. For 20 years VISTA volunteers have given generously of their time, energy, and talent to address the needs of the homeless, the hungry, the illiterate, and others who have not been able to participate in the fullness of the American dream.

In Flint, MI, we are fortunate to have VISTA volunteers reaching out to serve the needs of a community where the unemployment rate is still at 13 percent. When the city of Flint announced it would sponsor 10 new VISTA openings last winter, 104 persons applied. The applicants' interest in this kind of challenging service was intense, and those who were selected as VISTA's brought a wealth of skills and experiences to their work.

These 10 VISTA's work in three major project areas, directed by goals of relieving some of the tensions which have been aggravated by chronic unemployment within the community.

The first goal is to alleviate the causes and conditions of family violence through education and services. Domestic violence has been found to be a factor in a large number of assaults and homicides in Flint.

The second goal is to provide low-income youth with attractive alternatives to gang membership. Working in conjunction with the youth and the junior high schools, the VISTA's are developing structured activities which will enable youngsters to find personal dignity and recognition, as a positive alternative to joining street gangs.

The third goal is to address the needs of the city's "street people," many of whom are slightly mentally ill or developmentally disabled, and therefore especially vulnerable to crime and abuse. These people spend their daytime hours on the streets for lack of better alternatives. The VISTA volunteers, in coordination with the mayor's office and local businesses,

plan to develop structured programs to increase their clients' capabilities for independent living, for self-help, for employment when possible, for community service. Just recently the VISTA's obtained a building and first-year funding for the project and will begin operation shortly.

Additionally, Flint has an 11th VISTA volunteer who works with the local agency on aging in a senior employment project designed to assist low-income elderly persons in finding needed employment.

VISTA's give much, and they receive much also: The challenge of work that is meaningful; the satisfaction of knowing their work makes a difference; and a personal reputation for effectiveness that often can lead to new careers in either the public or the private sector. In Michigan we have many former VISTA's in city, county, and State jobs. Flint's city administrator, Rob Collier, is a former VISTA.

Despite the efforts of the Reagan administration to eliminate VISTA and other programs, such as Community Service Block Grants, which are aimed at helping those least able to help themselves, I am pleased that VISTA survives and continues to serve Americans in need. And the need is great. The number of people in our country living in poverty today—over 35 million—is the highest since 1965, the year VISTA was created.

You can judge the humanity of a society by the way in which it treats its most vulnerable members—the old, the young, and the poor. VISTA volunteers have been working to enhance the humanity of our society for 20 years. They deserve our deep thanks and congratulations on this important anniversary.●

● Mr. WYDEN. Mr. Speaker, I want to pay tribute to the VISTA Program on its 20th anniversary of service to the poor and disadvantaged of this Nation.

The 80,000 Americans who have participated in the VISTA Program have improved health care, housing, and legal services for the poor in our communities. In my home State of Oregon, VISTA volunteers have helped the elderly to establish senior centers, nutrition programs and transportation services. They have worked with the homeless of Portland's "skid road" by managing resident hotels, developing self-help crime prevention projects, and improving emergency housing and food programs.

I had contact with VISTA volunteers even before I came to Congress in my work with Oregon Legal Services. VISTA volunteers brought legal services to the indigent throughout Oregon and assisted in establishing a model statewide organization.

VISTA volunteers have also contributed a great deal to Oregon Food Share, the 1983 winner of the President's Voluntarism Award. Oregon Food Share is a statewide distribution network for donations of surplus food. It links food producers, wholesalers, and retailers with local food banks and emergency food outlets. Last year, VISTA volunteers assisted in gathering and distributing 1,820,000 pounds of surplus food and raised $56,000 in donated transportation, storage space, and cash contributions.

I have had a great deal of experience with the VISTA Program over the years. I commend the 80,000 volunteers who have given their time and energy so selflessly to this cost-effective and valuable program. I urge my colleagues to pledge continued support for the survival of this essential and successful volunteer effort.●

● Mr. FRANK. Mr. Speaker, I commend the gentleman from Montana [Mr. WILLIAMS] for calling this special order commemorating the 20 year anniversary of the VISTA Program. Fortunately, there is more for VISTA and its supporters to celebrate this year than there has been for the last several. For the first time since the Reagan administration took office and has presented a budget, the VISTA Program is not targeted for elimination. VISTA's continuation, unfortunately, is not due to the administration's recognition of the value and success of VISTA and the contribution it has made to so many people over the past 20 years. Instead, VISTA will continue bcause it has had funding floors written into the law for the next 3 fiscal years which makes VISTA untouchable to an administration that is hostile to any program which attempts to alleviate poverty or the problems associated with it. Born in an era when it was not unfashionable to discuss the problems of the less fortunate members of society, VISTA is a testament to a spirit of commitment and caring which is too often absent from the public policy debates of today.

As chairman of the Employment and Housing Subcommittee, which oversees VISTA administration, I am aware of the wide-ranging attempts by this administration and the ACTION agency to administratively undermine VISTA's program management since Congress did not oblige the administration's attempts to legislatively abolish the program. VISTA Program directorships were left unfilled, national recruitment and advertising for VISTA was virtually abolished, and VISTA's name was even taken off of the ACTION agency stationery in an attempt to achieve by administrative fiat what the administration was unable to accomplish by legislative decree. On the 20th anniversary of VISTA and with a new ACTION Director, I hope these types of petty administrative obstacles to VISTA's administration will no longer be an issue and VISTA will again be able to commit its resources more completely toward meeting its program goals.

There have been many spokespeople for VISTA over the years who have compassionately and articulately portrayed the spirit of those who serve and are served by the kind of commitment that VISTA represents. These people understand that helping people help themselves is not a handout. They understand that feeding hungry people, housing people who have no place to live, and providing refuge for battered women does not debilitate human spirit and integrity. VISTA's success in meeting the needs of these groups of disadvantaged people and in making them feel like they belong and can succeed, attests to a spirit of community and caring which should characterize our hope for all of America's less fortunate.●

● Mr. VENTO. Mr. Speaker, I appreciate this opportunity to commend the VISTA volunteers on their excellent community service in the past, and restate my hope that the program will continue in the future. This year marks the 20th anniversary of the VISTA Program. While the Peace Corps receives much well deserved international publicity, VISTA volunteers have silently battled for the less fortunate in our own country. Since 1965, over 80,000 VISTA volunteers have worked to help the needy. They receive a minimal salary, barely enough to live on. Many times the VISTA Program has come close to being terminated. But each time, somehow, the spirit of all the VISTA volunteers and all the people they have helped, bond together to keep the program alive. Today, 20 years later, with hunger, homelessness, and an increasing number of Americans living below the poverty level, we can certainly see that the need for this type of program in our country has hardly been greater. We as a nation are richer because of the VISTA Program and the remarkable work of men and women who have served as VISTA volunteers.

The VISTA Program has left a long lasting legacy throughout the Nation. VISTA's work throughout the entire State of Minnesota especially deserves recognition and praise.

In the Twin Cities, VISTA volunteers are instrumental in coordinating the St. Paul Food Bank. This program distributes close to 10 million pounds of food, 75 percent coming from 300 member agencies joined through volunteer effort. One VISTA volunteer at the food bank recently helped to secure a foundation grant funding emergency health care for the homeless and coordinated a needs survey of the city's five major shelters for St. Paul's Homeless Coalition. In 1983, over 400 volunteers worked on 94 anti-hunger projects in 40 States, literally

making the difference between life and starvation for tens of thousands of hungry people.

The VISTA Program has had a significant impact on senior citizens. Volunteers have helped the Minnesota Senior Services Federation achieve the discount purchasing of food, medical treatment, drugs, and clothing.

Volunteers also work with the United Handicapped Federation. They have expanded Project Mobility to provide transportation services for over 20,000 handicapped Minnesotans. In addition, VISTA volunteers are working with area employers and real estate companies to develop new job openings and accessible living situations for the handicapped.

Finally, VISTA volunteers have played a significant role in helping the over 10,000 Laotian refugees of Minnesota become a part of our community. An example of a project assisted by both VISTA and the private sector is the Lao Family Community in St. Paul. With VISTA contributing human resources and several foundations providing the financial backing, the community is growing stronger. Another project they assisted, recently opened two retail stores. As a result of this opening, 250 Laotian artists now market handcrafted textiles to the public. Last year the resulting sales from those two stores was $200,000, and has proven to be a key to Hmong families' financial stability. In a gesture of gratitude for this essential help, the Laotian community donated a beautiful textile artwork which was recently auctioned off at VISTA's 20th anniversary celebration.

There are more than 140 VISTA volunteers working on 28 other refugees projects in 21 States. These volunteers are coordinating and expanding programs that provide badly needed employment, literary classes, housing, and legal aid.

It is hard to know just how many homeless have been sheltered, how many sick are cared for, how many hungry are fed, only because VISTA volunteers cared enough to help their fellow countrymen. My friend and colleague, Hubert H. Humphrey, challenged us in government to meet the needs of our young, our old, our sick, and our poor. Let us not forget what the VISTA Program has meant to these people. Because if we ever forget and Congress fails to support the continuation of this worthy program, the future will be that much more filled with hunger, hopelessness, and poverty. So I wish to compliment my colleague for holding this special order to recognize the VISTA volunteers and the Friends of VISTA, and to give special thanks to all who have volunteered their services.●

● Mr. LOWRY of Washington. Mr. Speaker, I would like to join my colleagues in praising Volunteers in Service to America [VISTA] on its 20th anniversary. Our Nation is a better place because of the more than 80,000 individuals who have served in VISTA since its inception.

Every congressional district in the Nation has benefited from the fine work of VISTA. Since 1965, the program's simple but powerful goal has been to help America's poor achieve a measure of self-confidence and self-reliance—characteristics that can transform individuals, families, and the communities in which they live. VISTA volunteers have eagerly worked to achieve this goal. They have helped to create programs focusing on the needs of the unemployed, youth, new citizens, rural dwellers, American Indians, racial minorities, the hungry, the sick, the illiterate, victims of domestic violence, the elderly, the disabled, the mentally ill, the lonely, the hopeless, and many others.

The conditions in which the volunteers work are often difficult. There are no lush offices, equipment and supplies are scarce, and support staff is usually nonexistent. The stipend that is provided is just enough to get by—barely. So why have so many people volunteered 2 years of their lives for such skimpy benefits? I believe that it is because they know the true rewards that come from being a VISTA volunteer. They know that the efforts of VISTA volunteers make a difference in the quality of life in America. They also know that they will gain as much as they give in experience, friendship, and the statisfaction of doing something that truly matters.

There are currently over 80 VISTA volunteers assigned to 24 projects throughout Washington State. They have initiated or helped to sustain a broad variety of programs that have enriched Washington State and its people. On VISTA's 20th anniversary, I am pleased to honor these volunteers as well as those Washingtonians and others who have served in every part of the country. With a continued spirit of volunteerism and sufficient Federal funding, the important work of VISTA will continue for many years to come.●

● Mr. STOKES. Mr. Speaker, today, on the occasion of the 20th anniversary of Volunteers in Service to America [VISTA], I proudly stand to speak in support of this invaluable program.

Since 1965, more than 8,000 men and women from all walks of life and all ages have joined the VISTA Program and dedicated a year or more of their lives to helping those less fortunate. Nearly 2,000 volunteers have served in Ohio alone and countless Ohioans have served as VISTA volunteers nationwide. All agreed to serve around the clock for poverty level allowances in urban neighborhoods, rural communities, on Indian reservations, in migrant fields, in the hollows of Appalachia, and in the streets of New York City—and all strived to improve the lives of our most disadvantaged citizens.

Based on VISTA's track record in my home State, I can attest to the fact that VISTA Volunteers and VISTA projects have been successful in developing shelter for the homeless, food for the hungry, health clinics for those unable to afford health care, literacy programs for those unable to read, and new jobs for the unemployed. In most cases, these much needed resources did not exist prior to the VISTA's work.

VISTA has left its imprint and tracks of success in nearly every major area of concern to the poor in Ohio from nutrition to mental health, from prison reform to housing, from legal services to education, from juvenile justice to refugee resettlement, and from nursing home reform to crime prevention.

I deeply regret that today there are fewer than 70 volunteers currently assigned to 15 projects throughout the State. In 1979, 110 VISTA's were working with 30 community based antipoverty groups in Ohio. Now that poverty is again on the rise, more VISTA's not fewer are desperately needed in Ohio.

I would strongly argue that not only has VISTA done a great deal for the State of Ohio, and especially the disadvantaged in the State, but it has also had a tremendous and long-lasting impact on the individuals who have had the opportunity to serve as VISTA volunteers. For many volunteers, their year or years of service as a VISTA represented their first exposure to community service, as well as to poverty and poverty-related problems. For others, VISTA represented an opportunity to gain job experience, self-confidence, and leadership skills. For many low income, locally recruited volunteers, VISTA service represented their first chance to become problem solvers, rather than be identified as the problems themselves. The overwhelming majority of former VISTA's have chosen to continue their work in antipoverty, social service, and volunteer programs long after completing their VISTA service.

VISTA alumni can be found everywhere throughout Ohio; directing food banks, workers' rights groups, and literacy programs; staffing domestic violence shelters, mental health clinics, and runaway youth homes; administering senior volunteer programs; legal services programs, and emergency food pantries. They work with private voluntary organizations and corporations. Former VISTA's have gone on to become locally elected officials. The current director of the Ohio Department of Mental Health and the deputy director of the State Environ-

mental Protection Agency are both from VISTA volunteers.

Over the past 4½ years, VISTA has been underfunded and mismanaged. VISTA's survival and celebration of its 20th anniversary under these incredibly adverse conditions is a testament to both the need for the program and the commitment and fortitude of those who give a year of their life to serve as VISTA volunteers.

Since 1980, the VISTA budget has been cut in half from $34 million to $17 million. This draconian reduction took place at a time when the number of Americans living in poverty rose from 29.3 to 35.2 million. Not since 1965, the year VISTA was enacted, has the poverty level been this high.

In terms of the overall budget, what we provide for VISTA is miniscule—about 50 cents for every person living in poverty. Over and over again VISTA has proved its worth and cost effectiveness. For the poor and disadvantaged in Ohio and nationwide, VISTA has been a ray of sunshine and hope in an otherwise dismal and dark environment. VISTA has provided so much to so many needy Americans at such a small cost to the Federal Government. Some may say we can't afford VISTA. I argue that we cannot afford not to have VISTA.

I am pleased that I have been able to play an active role in recent years in preserving VISTA and protecting it from annihilation. I am delighted that so many of my colleagues share my enthusiasm for VISTA. Let us recommit ourselves to ensuring a brighter future for this outstanding program. Over and over again VISTA has proved itself worthy of our wholehearted support.●

● Mr. JEFFORDS. Mr. Speaker, I would like to comment on the 20th anniversary of the VISTA Program. Over the past 20 years, VISTA has impacted people affected by malnutrition, inadequate housing, poor education, and limited opportunities by providing volunteers to community and neighborhood nonprofit organizations. The Committee on Education and Labor, Subcommittee on Select Education recently held an oversight hearing in honor of the 20th anniversary of the VISTA Program. We listened to the testimony of volunteers who had significant experiences with the VISTA Program. One witness described the VISTA mission as "inuring enormously to the benefit of our country and the individuals who has the experience." Another witness defined VISTA's mission as "Mobilizing local sources by supporting the efforts of community members in pursuit of goals they set for themselves."

Former Secretary of Housing and Urban Development, George Romney once stated:

In every community and every State across the country we need a program for voluntary action by the people, not just Government action for the people—many problems can be tackled right at home, human and social problems like education, mental illness, traffic safety, urban decay, crime, delinquency, and family deterioration, through the organization of voluntary effort. Nothing can melt such human and social problems faster than the willingness of one individual to involve himself voluntarily in helping another individual overcome his problems.

Certainly, volunteers are necessary as binding elements in a functional community. But unfortunately, approaches to the involvement of volunteer manpower have been traditionally underutilized. Based on one of his polls, George Gallup asserts that 61 million American adults would like to go to work to improve their communities if they knew what to do and how. Furthermore, he estimates that the time these citizens could contribute as volunteers would amount to 245 million hours a week. Yet, to begin to use such resources requires trained and competent leadership. Because of the VISTA Program, these resources today are being utilized.

I have witnessed the success of the VISTA mission in my own State of Vermont and would like to relate four examples:

First, through the Epilepsy Association of Vermont, volunteers assist in providing information and support to families affected by epilepsy, assist in providing a more positive school atmosphere for children with epilepsy, provide information to various professional groups and increase public awareness of epilepsy within local communities. As a former director of the Vermont Epilepsy Foundation, I recognize the tremendous importance of these efforts.

Second, the Parents Anonymous of Vermont is a validated cost-effective program to increase the parenting and nurturing skills of parents who are experiencing interaction problems with their children. VISTA workers have reactivated the self-help clearinghouse national network in Vermont which serves as a resource referral system to 90 self-help groups dealing in many human issue areas. This VISTA Program provides valuable linkage and resources which facilitate meaningful relationships among family members.

Third, VISTA volunteers assist the State of Vermont Department of Corrections by augmenting inmate and transition services for the 42 percent of Vermont inmates who are youthful offenders. Volunteers recruit community volunteers, match inmate needs with those volunteers, and provide direct services to inmates making community reentry.

Additionally, through the Vermont Vietnam Veterans Leadership Program, VISTA volunteers maintain a coordinated communitywide effort to assist Vietnam veterans. They encourage Vietnam veterans to volunteer to help fellow veterans who have needs, and provide effective assistance for Vermont veterans who still have problems associated with their Vietnam experience such as unemployment or underemployment. Projects have included a national teleconference on posttraumatic stress disorder through educational television in Vermont, and an Emergency Veteran's Jobs Training Program in which I have been able to participate.

Certainly, these programs are significant. Enabling others to develop and explore their human potential is indeed an exciting challenge for VISTA volunteers in the State of Vermont. What could be more exciting than facilitating the utilization of undiscovered and underused human resources?

VISTA, we salute you for all you have done for your neighbors, your communities, and our country. We salute you for your energy, your deep concern, and your dedication. You deserve our heartfelt appreciation, encouragement, and continued support.●

● Mr. LELAND. Mr. Speaker, I am happy to add my voice to those who have already spoken in support of the VISTA Program. I do so because I know firsthand the invaluable aid VISTA volunteers have given to keep antipoverty projects in my district and throughout the country. VISTA has provided an opportunity for millions of Americans to "bootstrap" their way out of poverty. VISTA has meant substantial new resources, volunteers and coordination efforts that low-income communities and poor people struggling for a better life for themselves and their families simply cannot do without.

I am particularly proud that it was a fellow Texan, President Lyndon B. Johnson, who gave VISTA its birth and launched the program on the path it follows today. Since 1965, nearly 4,000 volunteers have served the poor and the disadvantaged throughout the State of Texas, and countless Texans have served as VISTA volunteers nationwide.

As a Texan, I am proud to stand before you today in strong support of VISTA's continued service.

Throughout Texas and nationwide, VISTA has a long and rich history. VISTA's working in Texas have been assigned to neighborhood restoration projects, literacy education programs, handicapped advocacy programs, health care projects for migrant workers, antihunger and nutrition programs, refugee resettlement efforts, weatherization and energy conservation projects, immunization programs for children and adults, senior citizen outreach programs, housing rehabilitation, shelters for runaway youth, child care programs, native American

programs both on and off Indian reservations, and employment and training programs for disadvantaged youth.

As chairman of the Select Committee on Hunger, I have a particular interest in VISTA's role in addressing hunger in the United States. VISTA volunteers, since the very beginning of the program in 1965, have been concerned with the problems of malnutrition and hunger in America. Nowhere is the irreplaceable work of VISTA volunteers clearer than in VISTA's ongoing efforts in this area. The success VISTA volunteers have registered already indicates the vast untapped potential of VISTA to significantly affect the growing danger of hunger in America.

In response to this growing national emergency, more than 430 VISTA volunteers, one of every five, are working in over 100 projects in nearly every State in the country organizing and expanding emergency food banks, developing nutrition programs for the elderly and children, and initiating "food gleaning" projects. In all of these cases, VISTA volunteers are providing unique and essential support to local organizations of citizen volunteers to expand the food distribution system to those who need it most.

Time after time VISTA volunteers have successfully recruited local volunteers and generated substantial private-sector funding and mobilized community resources to combat hunger. Many food banks and soup kitchens simply could not have responded to the growing needs of the poor and hungry without the organizing skills and technical assistance of VISTA volunteers.

We in Texas are privileged to have a bird's eye view of VISTA's success because of the work of VISTA volunteers at The San Antonio Food Bank, the Triangle Community Food Bank in Port Arthur, the Food Bank of Abilene, the San Marcos Food Bank in Austin, and the Houston-Galveston Area Food Bank in my own district.

Five VISTA's assigned to the Houston-Galveston Food Bank since 1982 helped to increase the number of member agencies from 70 to 210, boost food collections from 10,000 pounds per month to 300,000 to 350,000, and expand food distribution from 20,000 to 300,000 pounds a month. Each month, with the critical assistance of VISTA volunteers, the Food Bank serves 250,000 in the Houston area. Two-thirds of those served are minority. It is the VISTA volunteers who are primarily responsible for community awareness and outreach to other organizations that work with the poor in the Houston area. A new VISTA volunteer who is scheduled to begin work in the near future will assume responsibility for developing, coordinating and recruiting community people to serve as part-time volunteers with the food bank.

VISTA efforts have not been limited to just food banks or local soup kitchens and food pantries. Volunteers have also been the key organizers of both rural and urban "food gleaning" projects. VISTA's have coordinated hot breakfast and lunch programs for children, both in summer months when the schools are closed, and where budget cutbacks have eliminated school food programs altogether. Urban "meals-on-wheels" programs for the elderly, rural transportation to elderly nutrition centers, nutrition classes, and food buying co-ops have all been developed by VISTA volunteers.

In our Nation of agricultural surplus, it is almost impossible to conceive of a situation where thousands and thousands of people go hungry. Yet that happens every day in these United States. VISTA volunteers represent a unique resource in the battle against hunger and malnutrition in America. VISTA's current successes demonstrate the potential for doing even more with VISTA volunteers to end the cries of hungry children throughout America.

As the director of the Western Massachusetts Food Bank told the Education and Labor Committee on June 18:

> The contribution of VISTA volunteers serving the Nation's hungry and homeless has proven to be both effective and priceless.

VISTA could and should play an even greater role in combating hunger in America. It is incumbent upon us as members of this body to ensure that adequate funding is provided to VISTA so that it could expand its food and hunger work which is so desperately needed today.●

● Mr. WISE. Mr. Speaker, I proudly rise to join my colleagues in expressing my total and heartfelt support for the VISTA Program and its 20 years of work in support of the impoverished and disadvantaged of this Nation. For 20 years, VISTA has been a source of relief and a symbol of hope to the poor in West Virginia and throughout the country. No Government program of its tiny size has had a prouder tradition of service or made as lasting an impact on West Virginia than VISTA. The examples of volunteer projects that have made a difference in the lives of West Virginians are almost legendary.

One such project is the Cabin Creek Quilts Cooperative. For years, the low-income women of Cabin Creek, WV, had been designing and making by hand beautiful quilts, clothing, and other crafts. The skills and talents of these women had gone almost unnoticed beyond their small community until one VISTA volunteer, Jamie Thibeault, arrived in 1970 and showed the women how they could continue doing what they love to do and earn a living at the same time.

Today, the Cabin Creek Co-op is a fully developed self-sufficient business with customers all across the United States. It was started by VISTA's who taught the Cabin Creek women how to manage, market, and distribute their crafts to the marketplace. President Reagan has talked often about the virtues of self-help and the need to pull oneself up by the bootstraps. There is no better example of this philosophy than the women of Cabin Creek who were shown the way by VISTA volunteers.

Perhaps the most important contribution made by VISTA volunteers in West Virginia was to draw attention to the black lung disease which disabled thousands of coal miners. The research and documentation on black lung was initiated by Craig Robinson, a VISTA volunteer. His research resulted in a State law that helped provide financial compensation and medical treatment to disabled miners who could hardly breathe because of the accumulation of coal dust in their lungs. Later, this law became the model for Federal legislation that has given relief to miners across the country. In a similar case, VISTA volunteers were also the catalysts for reforms in the practice of strip mining which for years had eroded the soil and destroyed the livelihood of hundreds of subsistence farmers in West Virginia.

In West Virginia, volunteers have also been actively involved as outreach workers and counselors to prevent and reduce instances of domestic violence. Many of the shelters and homes for battered women were organized and managed by VISTA volunteers who responded to a need they saw in the community. In addition, several hundred volunteers assigned to the West Virginia State Department of Mental Health over a 5 to 7 year period were actively involved in helping move the State from institutional warehouse environment programs to community-based treatment. Many of the VISTA's who were "parachuted in" to work on this effort today are administrators of mental health programs in counties throughout the State.

In the late 1960's, in Boone County, VISTA volunteers started the Boone County Hot Lunch Program to help feed the hungry after county officials refused to apply for Federal funding for the program. VISTA volunteers set up a demonstration "shadow" program to prove its need and worth. As a result, county officials became convinced of the program's viability and applied for funding for this vital program which is still operating in Boone County.

This brings me, Mr. Speaker, to an important point. In the past, critics of

VISTA, some from my own State, have argued inaccurately that volunteers have come into their communities from other regions of the country, started projects, and then gone home leaving poor people in the same dependent condition they were in before. Not so. To begin with, VISTA's major theme has always been to help low-income learn to stand on their own feet by using their skills effectively or learning new skills. The Cabin Creek Co-op is just one example of that. Furthermore, most of the VISTA volunteers today are locally recruited and actually come from the communities in which they serve.

In those cases where volunteers come from outside the State, the fact is that a great many of them decide to stay on to continue their work or to move on to other helping professions in the community. Craig Robinson, for example, who as a volunteer helped to initiate research on black lung, is now head of a rural health clinic for coal miners and their families near Beckley, WV. Jamie Thibeault, who helped start Cabin Creek Quilts, has remained in West Virginia and currently is working for a regional senior citizens agency.

But perhaps the most famous example of a person who was first exposed to West Virginia as a VISTA, fell in love with the State, adopted it as his home and never left is our former Governor and present U.S. Senator, JAY ROCKEFELLER. Senator ROCKEFELLER first came to West Virginia in the early days of the war on poverty as a VISTA worker assigned to Action for Appalachia Youth Community Development in Charleston.

On the occasion of VISTA's 20th anniversary on June 18, Senator ROCKEFELLER testified before the House Education and Labor Committees Subcommittee on Select Education and spoke at an evening celebration of VISTA's 20th birthday at the home of Sargent Shriver. Senator ROCKEFELLER eloquently and emotionally shared with the committee his experience as a VISTA worker and explained how VISTA changed his life. He reminisced about his move to West Virginia to fight poverty with the local residents of Emmons, a small town in the coalfields of West Virginia. His hope was that he would make a difference in the lives of others. The result was that his experience changed him and influenced the rest of his life.

I personally think there is no better testament to VISTA than the Senator's testimony on his experience with VISTA in West Virginia and request unanimous consent that it be printed in the RECORD in its entirety.

VISTA has brought hope and much needed improvements to poor communities throughout West Virginia and the Nation. The poor in West Virginia—senior citizens, children, disabled coal miners, victims of domestic violence, the unemployed, and the illiterate—have been provided invaluable assistance as a result of the VISTA Program.

The energy, commitment, ingenuity, and skills possessed by VISTA volunteers are sorely needed by poor communities today in their struggle for survival. We owe a tremendous debt of gratitude to the 80,000 Americans who have served as VISTA volunteers and have given so much to those who have so little. The need for VISTA has never been greater.

The following is a statement by Senator JOHN D. ROCKEFELLER regarding his support for the VISTA Program. I recommend that my colleagues take a moment to review it.

TESTIMONY ON VISTA BY SENATOR JOHN D. ROCKEFELLER IV FOR THE SUBCOMMITTEE ON SELECT EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR

Thank you, Mr. Chairman for inviting me to testify on this special day for VISTA, a program dear to my heart. I am honored to join this distinguished lineup in saluting VISTA's twentieth anniversary and wishing it many more years of success.

In thinking back about VISTA's history, Mr. Chairman, I realize that in a way my story embodies much of what the program tries to promote. I moved from one state to another—West Virginia—spent two years as a VISTA worker fighting poverty with local residents of a community, decided to make public service my career, and remained in West Virginia to live, raise my children, and pursue that career. Many, many other people have a similar story, starting with accepting a VISTA assignment in a state away from home and making that state home—and public service their career—for the rest of their lives.

Many, many VISTA volunteers across this country I think have had that similar kind of experience, and like the Peace Corps, which I also worked with, it seems to me one of the great enriching legacies of public policy in our country and inures enormously to the benefit of our country and to the individuals who had the experience.

I have to say that Sargent Shriver and Bobby Kennedy played an enormous role in my own move into VISTA and, therefore, into West Virginia. I am working, as I indicated, with the Peace Corps in its very early days. Sargent Shriver was brilliantly leading that. And then after that I worked briefly with the State Department. And, Mr. Chairman, I was absolutely dead set on a career in Asian affairs. I graduated from college in far eastern languages and history. I had spent three years in Japan studying the Japanese language. I was reasonably fluent at that time, could read, write and speak, and then went to Yale to study Chinese. When I went into the Peace Corps, it was with the idea of polishing Asian skills and then went on to the State Department, to the Indonesia desk. I mean, it was just clearly going to be in that field just waiting to get my Ph.D. and get smart.

And then the Peace Corps and VISTA intervened. The public process intervened in those glorious early mid-60 years and totally changed my life. No particular point. It just did. Bobby Kennedy told me about Action for Appalachian Youth at a time that I was looking to get into something of a grass roots nature. He told me that it was doing good work in West Virginia, I went and looked at it, at several communities in West Virginia, including the one I finally went to, and wanted to be helpful. At just about that time Action for Appalachian Youth got one of its first grants from VISTA, which was then also being run by Sarge Shriver, and I became a VISTA worker.

I was assigned first to an office building—they didn't know what to do with me, and they were quite sure I didn't belong there. I rebelled against that and asked for a field position, got one and went to a community of about 100 people, a rural town called Emmons in the coal fields of West Virginia. I stayed there for two years.

Not many months before Action for Appalachian Youth got that VISTA grant, President Johnson met with our first 20 VISTA volunteers—I was not one of those—and at a White House ceremony he told them it would be their job "to guide the young, to comfort the sick, to encourage the downtrodden, to teach the skills which may lead them to a more satisfying and rewarding life." He said, "No aspect of the War on Poverty will be more important that the work you do . . . Your pay will be low; the conditions of your labor often will be difficult; but you will have the satisfaction of leading a great national effort and you will have the ultimate reward which comes to those who serve their fellow man."

And that really was the secret for me and for so many other men and women, like yourself, Mr. Chairman, who just simply got wrapped up in something which was extraordinarily intense, deeply meaningful, new in concept, reflecting idealism and the hands-on instinct of those days. It could be very demoralizing at times, as you know. Much of what one tried did not work, but one kept trying. There were too many problems. There was too much to do and there was much too little time. But we were at least trying to solve problems. We were at least trying to open up the opportunity for people to live differently. We were excited, we were enriched, we were challenging others to help and were all the better because of it.

I really believe that VISTA, which still lives, as the button that I wear says, exemplified that particular area and it evolved from that era. People at that time really felt an obligation to the condition of society and to the direction of the country. We were inspired by the Kennedys, by Martin Luther King, Jr., to try and make our great country even greater. And VISTA was a vehicle or, in my case, the vehicle for young people to act on those goals, which were often not very well defined, but which were very strong and very compelling.

VISTA asked us to make a one-year commitment to work on the problems of a community—in my case, just one community, 150 people. The hope was we would make a difference in the lives of others. The result was that we, too, were changed and it influenced all the rest of our lives.

As for VISTA's impacts on others, I know West Virginia has experienced the best. I can't speak for other volunteers and for other places, but I do know that in the community where I worked it was first a question of becoming accepted myself, somebody from another part of the country who came in. What was I doing there, and just because I said I wanted to be helpful, what did that really mean? What was my motivation? Why would I want to do that? There hadn't been a doctor or a policeman, for example,

in that community for five years. And then I arrived, showed up, and said I wanted to be helpful. You know, what was I planning?

But we did get together. The community came together. We built a community building which at one point every day except Sunday there was morning, noon and night activities in that community center. We started a preschool program before there was any such thing in the State. We had libraries, we took our kids for dental work, we fought a year to get a school bus to come take the senior high students to be able to go to school, which was 45 minutes away. None of them were going to school, and for a very simple reason—no school bus. The Board of Education didn't send a school bus out there. Well, we lobbied, over-lobbied, overvociferously at first, got rejected at first, tried it again, were too meek the second time, went back the third time and hit the right note and we got a school bus and kids started going to school.

We started a sports team, a baseball team. We made our own baseball field. Our record was zero wins and 24 defeats over two years because nobody had ever played baseball before. But that wasn't that point, either. I mean, we were doing things that hadn't been done before. We had music lessons. We worked very hard on Pap smears, which was obviously not easy to introduce but important. In any event, it was totally compelling period of a couple of years where the community probably was too small to sustain its own future but, nevertheless, there were good things that happened to certain individuals and it made it important.

Like in the rest of the country, VISTA's size and, therefore, the score of its impact has shrunk considerably in West Virginia. Now, there are only 22 VISTA volunteers in the state.

But they are still spread throughout the state, working directly with low-income people and helping them to meet some basic human needs as well as bolster their ability to get a job and provide for those needs on their own. For example, a group of VISTAs are in various communities recruiting hundreds of volunteers for a literacy drive in the state. West Virginia has an adult illiteracy rate of over 50 percent, which causes both terrible personal difficulties and makes it hard for employers to consider them for most jobs. Our literacy program, run out of libraries, schools, and community centers, is getting a lot of help from VISTA in pursuing this important mission.

Our Mountaineer Food Bank in Gassaway in Braxton County is another group that has VISTA volunteers. Several VISTAs are coordinating some of the organizational tasks of this project, which serves as a central distribution mechanism for pantries and soup kitchens throughout the state. West Virginia is experiencing a rise in hunger, with its unemployment rate of 14 percent and the cut-backs in federal funding for basic social services. All of these make life more difficult and make VISTA continuously important.

So Mr. Chairman, as I look back on VISTA, I return to this question that runs through my head all the time. If we have these problems in our country, whose job is it to worry about these things? Is it going to be foundation and charities? Is it going to be just folks of good will in the community, the United Way? Is it just government's job, our job, because you and I and other committee members happen to be elected? Is it just government, period, or can it be others?

I think the answer is that it is all of us, but that somehow VISTA made it real to many young Americans, that it really was part of their responsibility, "their" being the whole society. The whole society had to look out for the whole society and care for the whole society. That wasn't intervention, that wasn't mean, that wasn't bureaucratic. That was wonderful. That was compelling. That was urgent, and that was deeply fulfilling.

Today, unfortunately, almost no one is making the clarion call we heard in the 1960s urging our young people and not so young people to join VISTA or enter the arena of public service to grapple with society's problems. The calls of the Sixties, which were easier—those were easier times economically, more idealistic times—those calls are not made as frequently from leadership these days as they were then. It is harder for young people to get interest in others in the same way.

And yet, poverty, illiteracy, hunger are again on the rise in America. As a country, we live with infant mortality and disease levels that other civilized countries would find appalling. We proclaim prosperity while more than 8.4 million Americans remain without a job, and my state suffers unemployment at near twice the level of the national average.

So, I really hope VISTA's anniversary will spur myself, will spur our national leaders to think more about how to interest the young in service. I worry that we are leaving the problems to fewer and fewer people, and losing precious time in tapping this young generation to take part in this work.

I think VISTA has a lot to offer still. I am very proud that it continues to exist. I think there are a lot of people who are fighting for it. When I was a VISTA volunteer, it was a very controversial thing to be. That was not necessarily a very good work in West Virginia at that time. Now people really don't talk about VISTA very much. Maybe that's better, I don't know. But I think it is tremendously important that it continue, that it be aggressive, that it be helpful, and that it continue to take that period of life between adolescence and maturity, which is such a crucial time for shaping one's view of one's self and of one's priorities and one's future, and to take that experience and let that work into the soul and consciences of young Americans, have it change their lives, have them do different things than they might otherwise have done.

Let us reach people in this period, and give them more reason and encouragement to have a stake in society at-large and in the well-being of others less fortunate. To this generation who seems so focused on personal attainment, we must open up their eyes so that they see the world like Bobby Kennedy did when he said: "The gross national product does not include measures neither wit nor our courage, neither our wisdom nor our learning, neither our compassion nor our devotion to our country. It measures everything, in short, except that which makes life worthwhile."

My experience with VISTA helped me to recognize what makes life worthwhile. And so it has for many thousands of Americans. VISTA is a good program; it's a valuable program. It is up to us to sustain VISTA to continue its enriching influence on individuals and on the nation. I welcome the chance to come before you, Mr. Chairman, and your committee, and express my feelings.●

Mr. WILLIAMS. Mr. Speaker, if there are no other requests for time on this special order, I yield back the balance of my time.

ORDER OF BUSINESS

Mr. STOKES. Mr. Speaker, by agreement with the gentleman from Florida [Mr. BILIRAKIS], I ask unanimous consent that I may precede him in special orders.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] is next on the list of special orders.

THE PLIGHT OF SOVIET JEWS

The Speaker pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, I take this special order this evening in order to discuss with my colleagues in the House the matter of Soviet Jewry. I had the pleasure and the privilege and honor of traveling with five Members of the House during the period June 29 to July 7 to the Soviet Union. We were privileged to travel under the auspices of the National Conference on Soviet Jewry.

Those who made this trip with me were the gentleman from Texas, Mr. STEVE BARTLETT, the gentlewoman from the Third Congressional District of Maryland, Ms. BARBARA MIKULSKI, the gentleman from Florida, Mr. MICHAEL BILIRAKIS, the gentleman from Alabama, Mr. BEN ERDREICH, and the gentleman from Wisconsin, Mr. JIM MOODY.

Once we had arrived at Zurich and were flying into the Soviet Union, we separated into two groups, three Members of the Congress in each group. Traveling with us were two very efficient and highly professional staff persons from the National Conference, in the person of Miss Robin Saite and Billie Keyserling.

One of our group went to Moscow, that is the group that I was with, and the other group went to Leningrad. After we spent 3 days in each of these cities, we then criss-crossed and came back, passing one another in the night, as one group went from Moscow to Leningrad on the train and the other group came from Leningrad back to Moscow.

It was an extremely interesting trip and one which I think all of us valued very much.

I had occasion to look into a very special case in Cleveland, OH, involving a refusenik by the name of Sofia Lipvak who had incurred six refusals since 1981. Her brother, Lev Payakin, is violinist in the Cleveland Symphony Orchestra. While I was unable to see Miss Lipvak while I was there, we did make contact with her and we are still working on this case trying to get her out of the Soviet Union.

This morning the six of us who traveled together had a press conference regarding the fact that since our return here we have attempted to obtain a meeting with Ambassador Dobrynin and the other officials of the Soviet Embassy in order to share with them the facts that were found from our mission to the Soviet Union.

I think all of us were in the same position, that is, all of us had been active in this movement in order to bring attention to the plight of Soviet Jews who were being denied the right of immigration, but none of us had previously been afforded the opportunity to visit with these refuseniks whose cause we had advocated.

In some cases we met with many members of families and in some cases just individuals. Most of the meetings were held in the evenings at the homes of some of the leaders in the movement.

I believe on the 3 days in Moscow and 1 of the days in Leningrad we met with somewhere in the neighborhood of about 33 of these very fine people.

In some cases we met with the wives of those who are imprisoned in the Soviet Union. We learned of arrests under some very bizarre and unusual circumstances in the middle of the night, of imprisonment for charges such as hooliganism and parasitism, of planted evidence, of 12-hour searches of homes, and of a prisoner now 90-percent blind as a result of being stabbed in his eyes in his jail cell which authorities say was self-inflicted.

It was very depressing to sit and listen to some of the stories of the things that these people are encountering simply because of their desire to be able to emigrate from the Soviet Union and to be able to become repatriated.

We learned of some people who had now been refused the right of emigration and repatriation for as long as 12, 14, and even 16 years. These people are painfully aware that the number of Jews being permitted to emigrate has been steadily declining since 1982.

□ 1840

That year, 2,688 Soviet Jews emigrated. In 1983, the figure disintegrated down to 1,314. In 1984, there was another drastic drop to a total of 896. In 1985, as of June, the paultry sum of 36 have been permitted to emigrate.

Those with whom we visited are part of approximately 350,000 Soviet Jews who desire to emigrate from the Soviet Union; 10,000 of these are refuseniks, those who have applied and who have been refused. There are approximately 20 who have been imprisoned for some official sounding criminal charge whose real offense, in the eyes of the Soviets, was the teaching of Hebrew. Ten of these persons were imprisoned in the month of June.

Many of the refuseniks with whom we met were very learned individuals with extensive degrees and educational background, who after applying for exit visas now find themselves either doing menial work or altogether unemployed.

But in spite of the anti-Semitism, in spite of the oppression and the degradation, and the pain of being separated from their families, I found an indomitable spirit among these people. They were involved in a movement in which they are totally committed and dedicated. They are seeking, and they seem to be extremely pleased to know that people of good will throughout our Nation are concerned about their plight and are attempting to wield such influence as they can in order to be able to help them be able to emigrate from the Soviet Union.

Ms. MIKULSKI. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I now yield to the gentlewoman from Maryland [Ms. MIKULSKI] who was a part of the three-member team that I was with and with whom I enjoyed traveling on this fact-finding mission. She was certainly an extremely hard-working Member of Congress, and she knows we worked many long hours, and she had some interesting experiences there. I am pleased to yield to the distinguished gentlewoman from Maryland [Ms. MIKULSKI].

Ms. MIKULSKI. I thank the gentleman from Ohio [Mr. STOKES] very much, and like you, I would like to join with my voice to echo the sentiments of our group, to really call for the right of Soviet Jews to be able to practice their religion in their own country, and to be able to emigrate to a country of their choosing.

I was very pleased to join this bipartisan group to travel to both Moscow and Leningrad in search of agreements in the area of peace, because the issues of peace and human rights are a bipartisan effort. As you may recall, it took us 23 hours to get home from our flights from Leningrad, to Vienna, to Zurich, to Geneva, to Kennedy, back here to Washington. And I can tell you that I did not complain about those 23 hours because I was so glad to be back to the United States after having been in a country where it was the most restrictive environment that I have ever been to.

I was glad to travel with the gentleman to the Soviet Union to, No. 1, size up the Soviets. No. 2, to gain insights into the possibilities for an arms control agreement and what areas of trade could we pursue. And also, last, but not at all least, human rights.

When I traveled to the Soviet Union, I wore a little American flag that was given to me by the children of Beth Tfiloh Day School, little boys and girls who were studying their Jewish religion. And when they knew that I was going to the Soviet Union to talk with children there, they wanted me to wear a little American flag just as something to carry as a hope and a beacon to the children who will not be able to have bar mitzvahs.

Like you, I found there an atmosphere of secrecy and surveillance. I found that the KGB is not some guy in a trench coat, but it is pervasive in the society, old ladies sweeping the streets, tour guides, women who were our concierges. We found that we were tailed, that our rooms were bugged, and even that in the U.S. Embassy, we were not safe from Soviet surveillance.

What did we find in the area of politics? What we found was that the Soviet Union, of course, is choosing new leadership. But what we do not know is if it is only new style but not new substance. There are many unanswered questions about this new version of communism: Communism that comes to us in Western suits, liking Western music, but we do not know if they like Western democracy.

The reaction to the summit while we were there was that the United States is cautious, but optimistic, that right now we need to be concerned about the issue of human rights. We are delighted about the fact that in going to the summit that our own Secretary of State, Mr. Shultz, will be meeting with his Soviet counterpart in Helsinki on the 10th anniversary of the Helsinki accords.

I believe it was the view of our delegation to practice the agreements you have already agreed to as the groundwork and framework for the agreements that you hope to make.

On the issue of human rights, one of the groups that I focused on was the issue of divided families where one spouse is in the United States of America and another spouse is in the Soviet Union. I visited three divided families whose spouses are constituents of mine. I was honored to visit them, to carry messages from their family, and to bring hope to them.

It was a great honor to me to be able to meet with one man who is a hunger-striker in the Soviet Union, using a nonviolent tactic to be able to get out. His wife was terrified that he would die. Thanks to the work of our Embassy and, I believe, the grace of the Lord that was with me and the strong talk that I have been known to give, we were able to talk that man off of his hunger strike.

But in addition to the individual families, like the gentleman, we met with the refuseniks, people who are being persecuted simply because they are Jews, who are being denied their freedom simply because they are Jews. They are world-famous scholars, they are ordinary people, scientists, factory workers who now are unable to leave the Soviet Union simply because they

want to go to Israel. They are treated like criminals. They have lost their jobs. They have lost their rights. Their children are harassed in the schools, subject to a variety of anti-Semitic propaganda.

What the Soviet Union will tell you is officially people can practice their religion. But unofficially, we saw that they could not. We also know that they are unable to emigrate.

It will take the voices of those of us coming from Western democracies, those of us who participated in this special order to be the voice of the refuseniks who cannot speak here for themselves, the voices of Joseph Behrenstein, the prisoner who you spoke about whose eyes were mutilated in a Soviet prison, now denied his freedom, robbed of his eyesight and denied medical treatment.

There are many others whose voices we could speak for. Ida Nudel, a 53-year-old in the Soviet Union who has been externally banished within the Soviet Union, without a job, without a means of support, whose only crime was she sought to go to Israel and hung a banner from her window saying "KGB, let me go."

These are the voices we speak for, and I would hope that we would continue our efforts and ask the Soviet Union that as they move to the summit, as they move to the 10th anniversary of the Helsinki accords, that we honor those accords and let the people go.

In conclusion, let me say this: On the Fourth of July, I tracked where I would be in the United States of America, and I make it a practice to go to at least three parades in my congressional district.

There is an 8-hour time difference between downtown Baltimore and downtown Leningrad. When I looked at my watch, I found that it would be about 4 o'clock in the afternoon in Baltimore when I would be winding up my third parade. I would have enjoyed the old fashioned patriotic celebrations. I would have enjoyed the camaraderie of my constituents, and I would have been heading home to be with my mom and dad and sisters, drinking old-fashioned Maryland beer and eating steamed crabs.

I missed my constituents and I missed my family. But most of all, I missed our democracy.

That night I found myself at the U.S. Consulate with a group of marines who give themselves selflessly there, and at midnight, 4 o'clock Baltimore time, they turned the spotlight on the American flag.

□ 1850

We sang "God Bless America" and we sang the "Star Spangled Banner." I thought of that flag flying over Fort McHenry where President Reagan had been only a few days earlier.

So for the rest of my life every Fourth of July that I will now celebrate I will remember that Fourth of July I was with those wonderful gallant marines in Leningrad but I was also with those refuseniks who were willing to give their lives to enjoy freedom.

I yield back the balance of my time, and I re-echo my sentiments on behalf of Soviet Jewry.

Mr. STOKES. I thank the distinguished gentlewoman for her contribution.

I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I would like to take this opportunity to thank the gentlemen from Ohio and Florida, Mr. STOKES and Mr. BILIRAKIS, for speaking out once again on the important human rights problems facing Soviet Jewry and for leading a congressional delegation to the Soviet Union. It is encouraging that in the present Congress, there has been a renewed commitment by so many Members of the House to this important issue, even though it is regrettable that the situation in the Soviet Union has deteriorated miserably in the last 18 months.

Last month, only 36 individuals were allowed to emigrate from the Soviet Union. Last year, less than 900 were allowed to leave, compared to 51,000 in 1979. We have seen a dramatic increase in arrests, harassment, and searches of homes. It is obvious that the Soviet Union is making a strong and concerted effort to disrupt what is left of the Jewish community and other religious groups. Unfortunately, they are succeeding at a rapid rate.

Only a few months ago, the House responded unanimously to a resolution of congressional support for "Solidarity Sunday for Soviet Jewry" which I was privileged to sponsor. At that rally at the United Nations in New York City in May, over 250,000 men, women, and children joined together to proclaim their support and concern for the hundreds of thousands of Jews whose only desire is to practice their religion freely. But our strong message was rebuffed by Soviet officials, who continue to allege that Members of Congress are interfering in the internal affairs of the Soviet Union. Yet, the Soviets are signatories to the Helsinki accords, which most clearly make emigration—the freedom of movement—a human right. As we approach the 10th anniversary of the signing of that landmark document, it is important that we reassess our approach and analysis of the problems confronting Soviet Jews.

It is in this vein, that today's special order is such an important vehicle for expanding our discussion and subsequent actions. I thank the gentlemen [Mr. STOKES and Mr. BILIRAKIS] and the gentlelady from Maryland [Ms. MIKULSKI] for their dedication to this human rights issue and urge our colleagues in this body to continue to pursue this issue in the weeks and months to come. It is only by working together, with a unified voice that we will be able to alleviate the sense of hopelessness that has threatened to pervade the Soviet Jewish community. They have suffered so much for so long that they need our helping hands now more than ever before.

I thank the gentleman for yielding.

Mr. STOKES. I thank the gentleman for his contribution to this special order.

I am pleased now to yield to another one of my colleagues with whom we traveled. While we were in different groups we traveled the Soviet Union, we did have some opportunity to share our views and to have discourse over our findings and it was indeed a pleasure to travel with him.

I yield to the gentleman from Alabama.

Mr. ERDREICH. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman yielding and for the opportunity to participate in this special order.

You know as I stand in this Chamber and think about our democracy—and the gentlewoman from Baltimore, MD, said it so well—about our thoughts on the Fourth of July together, we were in two cities, Leningrad and Moscow, of what freedom really means in America that so many of us take every day for granted, I went back and looked at thoughts of earlier folks in history about this country that we just visited. Abraham Lincoln in 1855 in a letter to a friend talked about "some country where they make no pretense of loving liberty * * * where despotism can be taken pure, and without base alloy of hypocrisy."—Russia.

He was talking in 1855.

Later on as we all heard the comment of Winston Churchill in a broadcast talk in 1939, he said:

> I cannot forecast to you the action of Russia. It is a riddle wrapped in a mystery inside an enigma.

I must say when a very short number of years later he coined the phrase "the Iron Curtain," that had fallen upon Eastern Europe and of course included the Soviet Union, he had a very apt description and I must say that one, after a visit of 7 days to, as I have said earlier, not another country, but indeed another world is probably an apt phrase to describe what I just went through in those 7 days.

When my wife and I partook of this journey I really had no idea of what it meant to go into and experience a police state, a state where totalitarian government, it looks like to me, spends

about as much of its energy to snoop, and to pry, and to control, and to make conform all the folks in their society as it spends on needed consumer goods, food, clothing, transportation, what have you. And when we met with refuseniks in Leningrad and in Moscow, and we are talking here not about philosophy, not about some vague terminology, in the meetings that we had, as I know the other members of the group had with Soviet officials, we did not tell them anything other than very bluntly:

Look, we do not like your system, we do not like how you treat your folks and your nation, and we know you have some thoughts about our system you do not agree with. But we are not here to debate that. We are here to talk about individuals, individuals who on a personal basis are seeking to exercise a very basic human right, a right to exercise their religion and faith, Jewish, Pentecostal, other members of various faiths that are denied that right under the Soviet system.

What have they done wrong in seeking to exercise their faith, in seeking to ask permission to leave the country? They have been refused and hence the word "refusenik." They have been refused and of course the Soviet system responds in a very arbitrary, punishing, and penalizing way. We saw individuals who at one time, as has already been mentioned, had a very strong professional career going and because they just asked to leave the country they were not just denied that right to leave, they were then relegated to a job other than which they had chosen.

One gentleman who was a computer scientist, renowned in his field in his country and indeed around the world, suddenly found that he lost that job, and under Soviet law that is a little catch-22—more than a small one—that is if you do not have a job, if you are unemployed, you are a parasite on the state and can be arrested. So this individual had to go out and find other employment.

He currently is doing a menial task as a night watchman at a plant in order to comply with that other Soviet law that requires you to have a job, though the initial law under which he asked to emigrate, the Soviet authorities have sought to deny and to refuse.

I thought it was amazing that in almost every instance the reasons for denial were no reason.

We expect in this country and I know in most Western democracies to get some sort of answer from Government officials. How frustrating. How aggravating and tragic that in this nation of some 265 million people in the Soviet Union that you can deal with a government that gives you no answers. And whether it is that riddle wrapped in a mystery inside an enigma as Winston Churchill called it, it is certainly a police state, autocratic, totalitarian system that deals with people as if they do not exist, deals with people as if they are indeed numbers and have no meaning to the state.

□ 1900

Two examples, two individuals that I met with and the group individually and separately met with; we went to folks' apartments, had a chance to sit down in the living room and just chat, somewhat like we are chatting this evening about our experiences.

One gentleman, Lev Ovsishcher. Lev at this point was 65 years old, and he was a 17-year-old young man when he enlisted in the Soviet Army in 1936. He was on active duty for 25 years. He was a fighter pilot in World War II, wounded several times, was a highly decorated, retired colonel from the Soviet Army. He retired in 1961 with again, 15 orders and medals for heroism.

After his retirement in 1961, he started to work at a research institute as an economist, and then in 1972 he applied to leave, and he also wanted to join his daughter who now is in Israel, to reunite with his family.

What happened to him? He lost his pension, the military pension that he then had; he lost the new job that he was employed in, had been in for 10 years at the research institute; he was harassed by the KGB; his home was not just bugged, but ransacked; his telephone was disconnected.

He now has to get along with relatives' help who are still in the Soviet Union, but that is a person, an individual, whose life was certainly one of active valor for his country, but the mere fact that he wanted to openly and actively engage in his own faith and then the step of leaving the country and going to another nation brought down the brunt of the Soviet oppression on this individual.

A young couple I remember in Leningrad, Zakhar and Tatyana Zunshain. This young lady was with us; her husband was not able to meet with us very simply because he was in prison. They are young; 34 and 32 years old. In 1980, they asked permission to emigrate. In December 1983, he was held for 15 days, incommunicado, for having asked to leave the country.

After protesting in 1984, writing a letter—and that in the Soviet system can be a protest; if you dare to communicate to the Soviet Government in some way—he was put in prison at the Riga Prison under a sentence for "defaming the Soviet State," a charge that carries up to 3 years in a labor camp, and still, and through this time, no reason has been given for why he cannot leave the country.

We saw individuals who had families outside of the Soviet Union and wanted to reunify with them, or spouses, as has already been mentioned, an American and Russian couple who cannot reunite.

One individual who met, fell in love with, and married an American citizen, she, a Russian citizen, about 6 years ago became pregnant, and about the time her child was to be born, his visa was up and he had to leave the country. As an American citizen he was not allowed to stay. She is still there; and he has yet to have the opportunity to see that child; 6 years have passed since she asked to emigrate to reunite with her husband.

Family split and harassment from the government were routine but arbitrary. Differential treatment depending on who knows what; some sort of bizarre system of penalty that rains down from the Soviet system.

We saw children of refuseniks, who at one point in time before the family had asked to leave were engaged in education, going up the Soviet track of higher education, suddenly discovered that next year they could not continue their education at the institute in which they were involved, so that in one instance, meeting on the street with one young man whose father is in prison for having sought to teach Hebrew in the Soviet Union.

This young man, who is now 20 and had a mathematical career, at least in the beginning of the scholarly pursuits of that, suddenly found himself outside of his training, and indeed is now engaged in a menial job; a janitorial job at a plant in Moscow.

I must say that after seeing all the folks whom we met with, and becoming more than a little frustrating and aggravated with the Soviet officials with whom we met and chatted with, I was moved by the tremendous spirit and courage of the refuseniks who met with us in their apartments, out in public in Moscow streets where we met with some—their courage is unlike I have ever seen.

If we can, by this special order tonight, and other acts keep the pressure on and keep our Government, which no question is the last hope of these individuals to have an opportunity to leave their nation; keep our Government persistent in its efforts to achieve some degree of freedom for these individuals.

It is not a lot we ask, but it is a lot, it is obvious, for the Soviet Union to make that move.

Mr. BARTLETT. Will the gentleman yield?

Mr. STOKES. I yield to the gentleman.

Mr. BARTLETT. I appreciate the gentleman yielding to me. Perhaps the gentleman has covered it, but on that point it seems to me an important point to make, how closely the refuseniks in the Soviet Union follow Western public opinion.

We heard of the developments of the changes in the Soviet Government in the summit agreement, and other

changes that were world news, time and time again during that 1 week; we heard of those changes from refuseniks who had heard about it 1 hour, or 2 hours, or 3 hours before any of the Americans at the Embassy or the consulate did.

I think it is important to remember that America is their only hope, and they hang on our every word, every nuance of American foreign policy, every Voice of America broadcast is being listened to by these prisoners, by these hostages.

Mr. ERDREICH. If the gentleman in the well will continue to yield, I thank the gentleman from Texas [Mr. BARTLETT] for his remarks.

I would say that, in talking about a visit to the Soviet Union, it might sound like we have been engaged in some travelog. I would say that it is a step short of a visit to what I would call hell, to go into a nation that has this sort of attitude and operation, where the total activity is a police state; the absolute lack of liberty and freedom that you could sense and feel on the streets as you walked by, much less in talking both to officialdom—who were very narrow and rigid in their responses; and to refuseniks who are fighting for liberty: They had the temerity to just slightly push at the edge of the conforming system that the Soviet Communist Party pushes down on their citizenry.

Their temerity, of course, was great courage, and again I would salute, beyond the 30 or 40 that we had the privilege to talk to, the tens of thousands who had sought to do the same and would say once again that we shall not forget; and if this Nation will continue to make their cause a high priority of our policy, I maintain hope, as many of the refuseniks maintain hope, that there will be a time when they will have, indeed, the opportunity to emigrate, to join families, and spouses, and live a life that they seek as a free choice.

Mr. STOKES. I thank the gentleman for his contribution.

I would just say before yielding to another Member that I think both the gentleman touched on something that was extremely impressive to me, and that was that notwithstanding the type of repression and oppression and antisemitism type of environment in which these people live, I found an indomitable spirit, the realization that they are involved in a movement and that they are, they are totally committed to their freedom and working and endeavoring in every respect to be able to some day enjoy the freedom of the West, and that was the most impressive thing.

While it was very difficult to leave them with some meaningful type of hope. I felt rather frustrated, really; I caught myself on occasions asking, What can I really say to these courageous people to give them the type of hope that they need? I think the best thing perhaps that we did was to not give them any false hope, but to let them know that their story would be told here in the United States as we are trying to do this evening as we speak to our colleagues and to the American people.

Now I am privileged to yield to a gentleman who traveled in the group that I was in, that is, the gentlewoman from Maryland and myself, the gentleman from Wisconsin [Mr. MOODY].

□ 1910

Mr. MOODY. I thank the gentleman for yielding.

Mr. Speaker, I would like to echo the sentiments of the gentleman and associate myself with the comments made so far and to make several observations about our trip and about what we saw, and then talk about several individuals.

I have lived in a Communist country, I spent 2 years in Yugoslavia as a CARE representative, so I thought I was prepared for what we were going to find in this particular socialist or Communist country. I have visited Poland, I have visited Bulgaria. So I thought I was prepared. But I was in no way prepared for the type of total wall-to-wall control over every aspect of human life that we found in the Soviet Union. There is no aspect of social, cultural, political, economic or even religious activity which does not come under the purview of the state in a way which is a magnum jump greater, more pervasive than I had seen elsewhere.

In Poland, for example—and I think Ms. MIKULSKI has also visited Poland; I have heard her comment on this—there are institutions, at least there is one major institution, which serves as sort of a refuge, sort of a cleft, sort of a shelter, and sort of an alternative to the heavy political institutions that exist in Poland and the monopoly the party has over the government. And that is, of course, the church. But in the Soviet Union, it became clear time and again as we talked to people of not only the Jewish faith but also of other faiths that the churches and religious faiths in the Soviet Union are, in fact, heavily monitored, heavily observed, and in many ways heavily controlled by the Soviet state. This is a new dimension that I had never witnessed before and about which I was really geniunely shocked, because I have always heard Soviet people say, Soviet officials say, "Well, we do not agree with our government, but we do permit freedom of religion in the Soviet Union." So I was genuinely shocked and shaken at the degree of Soviet Government control over the function of religion.

We were told, for example, that the head of the synagogue, the chief rabbi of the synagogue in Moscow, serves only at the pleasure of the government and strictly with their approval. In fact, the head of the Jewish community in Moscow is not determined by the Jewish community itself but rather by the government. And we heard again and again that people who practiced Judaism openly come under special pressure and special discrimination.

The Soviet Union makes a great pitch to say that they do not have racial or religious discrimination in the Soviet Union, and that is one of the curses of America and some other countries. But, in fact, I do not think there is any way you can hear the story that we heard of the people in the Soviet Union and not conclude that there is a great deal of persecution and pressure on people who wish to practice their religion.

Inseparable of practicing religion, of course, in this case is the study of Hebrew, the original language of that religion. And yet we understand that only four people are allowed to learn Hebrew officially at Moscow University, and none of those four for some years back now, four per year, none of those have been Jewish. Soviet Jews who apply to study Hebrew at the University of Moscow are systematically and summarily denied that right.

Most Hebrew teaching or virtually all Hebrew teaching that is taught to Jews in the Soviet Union is taught privately in homes. That, in turn, exposes the teacher of Hebrew to persecution. It exposes that person to search of their apartment. And, by the way, I might say that a search of your apartment in the Soviet Union typically lasts 8 hours, according to what we were told by one family after another. A small apartment search for 8 to 10 hours does not leave very much left of your dignity. Imagine, if you would, the humility of having your apartment searched for 8 or 10 hours, with every single item picked over. No specific item is being looked for; everything is subject to minute scrutiny. The sort of loss of dignity that that entails is in itself a testimony to the paranoia that the state apparently feels about the practice of this religion, the teaching of this language.

We also heard that the Pentacostal and other religions also suffer from this sort of persecution, maybe not as severe, but, still, severe nonetheless. It is not only Jewish, but it very distinctly is Jewish, as witnessed by our visit and by those we talked with.

Another thing I would like to point out, which is a form of discrimination, racial or religious discrimination, and that has to do with the form of identity cards that everyone must carry. They call them internal passports. We do not have that, of course, in this society; but many societies do. Many so-

cieties make sure that those identity cards—they have them in France and many European countries—many societies make sure that those identity cards contain no information that would lead in any way to discrimination of the individual. And yet in the Soviet Union, every identity card, every passport, must contain the nationality of the bearer.

If you live in the Ukraine, your passport, your internal passport, says, under nationality, that you are Ukranian; if you lived in Byelorussia or White Russia, your passport says Byeloruskiy; if you live in Uabekistan, your passport says Uzbekiy; if you live in Azerbaijan, it says Azerbaijaniy. But if you are Jewish and you live in the Ukraine or if you are Jewish and you live in Byelorussia or if you are Jewish and live in Azerbaijan, it does not say any of those names, it says Yevri, which in Russian means Jew.

So, in effect, people in the Soviet Union—and I was shocked at this, also—are, in effect, carrying a Star of David not on their lapel, as in Nazi Germany, but on their identity passport, which they must show on frequent occasion. We saw many instances of Soviet citizens having to open their passports to militia routinely on the street. It happens constantly. If they tried to enter our hotel, they had to show that. If they pass by a group of foreigners or if they are in an area where there are a lot of foreigners, they have to open up this passport. We witnessed that time and again.

So I think it is fair to say that, despite official protestations, there is something which amounts to severe religious discriminatory treatment or discriminatory treatment based on religion in the Soviet Union. For a nation which prides itself in looking forward to the future, to creating the future man, so to speak, I was very disappointed to see that and shaken, badly shaken.

It is a pity that this is so because of the human tragedy that is involved. Many individuals we talked to provided, literally, heartrending stories. Once can never overlook the human dimensions of this. But it is a pity that in this modern day and age, when the world has been so much religious and racial discrimination, that this is such an alive and well practice in one of the major nations of the world. It has severe and very disheartening implications for the relationships between the two nations, which must get along in order for the planet to survive. The Soviet Union and United States of America must find ways to accommodate one another. There is no third alternative to accommodation, short of nuclear holocaust. Aggressive military confrontation is not what we want, and yet it is very hard to conceive of ways to finding rapprochement and areas of communication with the government that comes down this hard on any segment of its society.

No, we are not perfect here; we have many problems here, in terms of racial and other discriminations, but I think we are openly committed, and have been for several decades, to systematically reducing it. It was very discouraging to see that this is so imbedded in the institutional framework, from the identity cards to the four slots only for Hebrew teachers, to the government approval, formal approval, of the religious leaders of any religion. Those sort of institutional things are locked in. They are not being changed, they are not being questioned. We are not having demonstrations or seminars in the Soviet Union about the validity of those institutional arrangements. They are, apparently, set in concrete, and that is very discouraging.

I think it is also, as I said a moment ago, important to remember the human dimensions. One could go on at length, but two of the people who struck me with particular poignant cases were the cases of Mrs. Iosif Berenshtein and Mrs. Yuli Edelshtein, two wives who are painfully waiting for their husbands' release. I would like to take a moment to review those two cases.

Iosif Berenshtein was a well-known Hebrew teacher in Moscow. He applied to emigrate to Israel in 1979 from Kiev, and he was refused.

Late last year, Mr. Berenshtein was arrested and sentenced to 4 years in prison for falsely resisting the militia, resisting arrest, I suppose we would call it here. While he was in prison, his eyes were badly damaged through circumstances no one is quite clear of, since he is not allowed to discuss it with his wife on the very short and very monitored and very infrequent visits. But we now know that he has lost almost 100 percent of his sight in one eye and he is down to 20 percent of sight in the other eye, and he desperately needs medical attention. This has not been available to him. He has been denied adequate medical attention, although his family and friends have repeatedly requested that this be accorded him. He is now suffering what has been described as irreversible damage to the tissue of his eye, damage which the doctors who have examined him, say could have been prevented had he been cared for in time.

□ 1920

The last time his wife saw him was on May 5 for 20 minutes, after traveling clear across the Soviet Union to see him. It takes a full week for Mrs. Bernstein to reach her husband, and she can only see him for 20 minutes in a monitored, nonprivate conversation. She saw him also on December 17. His face was bandaged; his eyes were bandaged, and his face was badly disfigured from the pain and stress of the wound.

I would hope that the Soviet Union with all of its power and might would see fit to grant this individual who was clearly for his conscience, his choice of religion, his choice of teaching Hebrew, to grant this man some relief and some compassion. To release him on a medical release. Some sort of a medical release.

The other gentleman I would like to talk about, and again, we met his wife, is a man named Yuri Edelstein. He also is in prison. We met his wife, Tanya. He has been sentenced to 3 years in a labor camp for the illegal possession of drugs, although everyone we talked to who knew of him found it totally inconceivable that he would have had or used or had any dealings with drugs.

This is a very scary and ominous trend. There have been several instances of this in the Soviet Union recently, because this harkens back to the days of Stalin, when the KGB typically used to plant drugs or weapons onto suspects. They used to plant drugs in the apartments of those people they wished to arrest, and that practice has pretty much died out. That is a very infamous, Stalinist practice which has not been seen for some time, but we are now beginning to see it come back in the case of Yuri Edelstein. By all plausible accounts, these drugs were planted in his apartment and were not really his at all.

He was arrested in September and he was sent to prison for 3 years, to a labor camp. He was seen at the end of May, and his health condition is very, very bad. It was worse than when he was in Moscow. He has had a continuing case of flu, which is very dangerous to have in prison when you cannot get adequate heat, medicine, or rest or food.

His prayer book has been taken away from him in prison. He is not able to practice his religion. We were told that it is illegal to pray in prison in the Soviet Union. It is illegal to pray in prison. It is illegal to have any prayer materials in prison in the Soviet Union.

He and another colleague in prison, a Baptist in fact, were badly beaten by the guards. Again, that is somewhat cloudy since they are not allowed to discuss it in these brief and infrequent meetings with family. Both prisoners were beaten for "reeducation," and both are suffering physically.

Yuri Edelstein was a famous Hebrew teacher in Moscow. He was the head of a Hebrew seminar. He was an extremely religious person. Another indication that the idea he would be on drugs is totally implausible. His apartment was searched, as I mentioned, for up to 8 hours. Everything Hebrew was taken

from his apartment; none of it was returned. The arrest warrant citing the drug charges was predated prior even to the arrest taking place. Another indication that it was clearly a planted bit of evidence, predetermined, and was not a genuine case of drug possession.

These are two, but only two of the many heartrending stories that we were exposed to there. I think that the Soviet Union would do well to in the name of international and human decency to provide clemency for these people; to let them return to their families, hopefully to let them emigrate to Israel. Certainly there is no way they can possibly be productive and faithful citizens of the Soviet Union after being exposed to that sort of discriminatory treatment. I will not speak for the people, of course, but I would think that any nation would see fit to let these folks go free and to let them emigrate to be reunited with their families and also to practice their faith and be in the religious environment that they choose to be in.

Mr. STOKES. I thank the gentleman for his contribution.

I am pleased at this time to yield to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Speaker, in the middle of this special order I want to take a few minutes to thank the gentleman from Ohio and the gentleman from Florida for taking out this special order so that the six of us and others who have been to the Soviet Union might share the window to the world and the observations that we brought back.

I have to say that I have known each of my five colleagues since I came to Congress and believe that I knew them well. But having the opportunity to share this trip with Congressman ERDREICH, and Congressman BILIRAKIS, and Congresswoman MIKULSKI, and Congressman MOODY, and Congressman STOKES has really made me mindful of the enormous humanity and compassion and leadership that each of these Members displays.

You know, it was not a particularly pleasant trip; it is not one in which any of us would recommend as a vacation. I think that by taking the trip we did some good. We brought a little spotlight, perhaps not hope, but at least we brought some news from the outside into people who were hungry for that news. By this special order and by getting some of these issues into the RECORD, I think we can also do some good by indicating the extraordinary seriousness which both we as Members of Congress, and I think Congress as a whole, with regard to recent developments in the U.S.S.R. as measured by repatriation and reunification.

My involvement first began 10 years ago. I first became interested in issues in talking with ex-refusenik families who have now settled in the Dallas area. They are grateful, of course, to be out and they are also hopeful that the rest of their families can join them.

When I came to Congress in 1983, I helped to found the 98th Congressional Class for Soviet Jewry and I am currently a member of the steering committee of the Congressional Coalition of Soviet Jews. I think it is important to notice that the American peoples' awareness of this issue is increasing at a rapid rate. Because of the 98th class which MIKE BILIRAKIS and BEN ERDREICH and JIM MOODY and I share, that was the first class in the history of this Congress in which unanimously 100 percent of the Members of the class signed up to join.

I have been active on these issues, as have my colleagues. I suppose I have to tell you that I really understood the issues from my head, but I never really understood those issues from my heart until this trip. Because it is virtually impossible to put into perspective the facts that you know about the state and the fate of the refuseniks and being held hostage in the Soviet Union. It is impossible to put all that together until you sit in the living room of Alexander Lerner or Jacov Revonowitz or Boris Yelkin or others, and you sit and visit with people face to face.

I suppose I got my first glimpse of what it really means at a dinner that my wife and I attended about a year ago. It was a small dinner in which we had dinner with Elie Weisel, who began the movement in the West in 1965 with his book, "The Jews of Silence." Elie Weisel said it is in their eyes. I remembered that when I sat and talked with refuseniks today in 1985, because Elie Weisel says that it is in the eyes of the refuseniks that the issues of repatriation and family reunification find their focus. It is in their eyes that those issues become real.

□ 1930

But it is still not real until you stand on Soviet soil and see their faces, and then, by seeing the desperation, the frustration, but also I think that sort of spirit of simply coping with it day to day while working for a future for either themselves or their children that will be better—until you see it in their eyes, face to face, you cannot understand it.

I heard many stories that were variations on the same theme that has been discussed here tonight. These refuseniks typically are bright, capable people, formerly contributors to Soviet society, still want to be. They are not dissidents. They do not want to go to Siberia. They do not want to change the Soviet Government. They do not want anything except they want out. They want the right to be Jews. They want the right to raise their children within their culture and within their religion.

What these refuseniks have in common is that they are willing to give up everything, without exception. When you apply for that exit visa, you know that your life as a member of Soviet society is over, because you are fired that day. We talked with many refuseniks who, rather than put their boss with whom they may have a good relationship, through the exercise of having to fire them, they just simply go in and say, "Today I am applying for my exit visa, and knowing that you will have to fire me, would it be easier on you if I simply resigned?" They are willing to give up everything to be free. I think it is helpful to talk about specific people and case histories.

One of the first families I met was the Peisin family in Leningrad, 10 members of this family, 3 different generations. The wife's sister is already in Israel. The son is or was a professor. The son-in-law is or was a doctor. They have all applied for exit visas and they have all lost their jobs, and they are all essentially noncitizens or nonpersons in the Soviet Union. The father is a World War II veteran. When he came to this apartment, the first thing you noticed is that he proudly wears his ribbons with which he was decorated defending the motherland, but he no longer has a motherland. I asked him about the ribbons and I asked him about the Soviet Union, and he said, "Things have changed since the war." He said, "In Russia, our name now is traitor."

I visited with Boris Elkin and his family, he and his wife and two children. He was a well respected radio engineer, on top. He is now a night watchman, and feels lucky to be a night watchman. He has no essential duties other than by being a night watchman, being paid some 80 rubles a month, which is equivalent to about $100 a month; he can avoid the charge parasitism. His father is in Israel. He merely wishes to join his father and join his homeland.

Mikhail Kazanevich. He applied in 1973. He lost his job as a radio technician. He is now a photographer, a freelance photographer, and gets whatever work he can. He is still waiting, since 1973. No reason. The only answer he is given is, "Apply in 6 months. Maybe it will be different."

They are never given answers. There are no written responses. There is no written rejection. It is not a rule of law. There is not even a committee in the Soviet Government that anyone can find out about. The phone call merely comes in and it says, "You have been denied again," and if the re-

fusenik dares to ask why, the answer may be "Undesirable"; the answer may be, "Inexpedient"; the answer may be, "Contrary to the Soviet State." The answer may essentially whatever the voice on the other end of the line wants to say.

I asked Tatjana Kodner. She is well educated. She is a translator, or was. Her husband is or was a doctor. He is a physician. He is now a medical technician, drawing blood. They are younger than some of the ones we talked with. She is 36 and he is 37. They both lost their jobs almost immediately, so I asked her, "Ms. Kodner, can you be a Jew in the Soviet Union?"

Do you know what she said, She said, "You cannot be a human being in the Soviet Union in 1985."

As one of the other Members said, we met Tatjana Zunshine and her husband, Zachary. They are from Latvia. She still lives in Latvia. He is age 34 and she is age 29.

THE PLIGHT OF SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, before I continue with my special order, I would yield to my colleague, the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Speaker, Tatjana Zunshine came to Leningrad to see us and to be at the American Embassy on American Independence Day on July 4. She came with the story of her husband, who has been sentenced to 18 years in Siberia. She came with the story that she has some considerable desperation as to whether he will even be allowed to live.

He is treated to few clothes. He is forced to catch flies within the prison camp. He is put in solitary confinement. He has been put in solitary confinement three times now, 15 days at a time, and the temperatures in solitary have reached as low as 56° below zero.

What was his crime, what was the crime that he was accused of? The crime was that he asked permission to leave, and then he wrote a letter asking why he was denied permission.

It is important that the West understand that not everyone is arrested. Arrests can come at any time, but most of the refuseniks are simply turned out of society, lose their jobs, are harassed or threatened or followed, but most are not arrested. What is the most difficult is that the arrests are arbitrary.

There was no particluar reason to arrest Zachary Zunshine. But the arrests come, and they are unexpected and they are arbitrary and they are always possible. Every refusenik we talked to, we said, "Why are you visiting American Congressmen? Does that not make you subject to arrest?"

They would say, "If the Soviets want to arrest us, they are going to arrest us anyway, regardless of who we talk to or what we say or where we are."

Tatjana Zunshine is entitled under Soviet law to visit her husband in Siberia a total of five times, twice for 24 hours, and the other three times for an hour or 30 minutes. On her last visit she has been denied the right to visit with him, for the last two visits or three visits, I believe. On her last visit, it took her 2 days by plane and then 22 hours by train north of Lake Baikal in Soviet Siberia—22 hours by train north of Lake Baikal. She got there and was denied the chance to visit her husband because he had washed his underwear on the wrong day, or so said the warden. But consider the extraordinary psychological cruelty of a Jacov Rabinowitz of Leningrad.

Perhaps the cruelest in terms of psychology of all we met, he was an engineer, a shipbuilding engineer. He now works in a shoe factory. He had a good job. He helped to design ships. The ships he designed, the precise ships, have already been sent overseas. The last time he designed a ship was 1972, and the ships that he designed were small, coastal ships that have been exported themselves to Egypt and to other countries overseas, and yet the reason for his denial is that he must have state secrets, even though he could not possibly be carrying around designs in his head any more than the real ships would contain.

But nevertheless, Jacov Rabinowitz had a good job. He had never really thought much about it until the mid-1970's when the children began to grow up. So by 1977, after giving a good deal of obvious thought and wait and consideration to giving it all up and trying to leave, he applied to leave. He applied to leave with his family. He was denied and denied and denied. Finally, by 1980, the Soviet authorities told him to get a divorce, and if he got a divorce, he and his wife and two children may be allowed to leave. They did. He and his wife divorced. And the result was, 8 months later his wife and children were allowed to leave, and since then sometimes his mail from his wife and children come through and sometimes phone calls come through and sometimes they do not, and Jacov Rabinowitz is still in that purgatory, that special place of not knowing whether he will be able to join his family or not, whether it will be this year or never. His son, Igor, graduated from Brandeis University this year because of the sacrifice of this man.

Gregory Genusov applied in 1976 with his brother. Gregory and his brother had identical circumstances. There was virtually no difference between Gregory's situation and his brother's situation in terms of their work, their service, their family. They had equal repatriation and family reunification circumstances, equal jobs, and yet his brother left in 1981 and Gregory is still waiting.

Consider perhaps the most poignant of all, and that is meeting Tretyakova.

□ 1940

Tamara came to meet us with her 7-year-old son, who has never met his father because his father, her husband, was granted an exit visa shortly before the birth of the son, thinking that they would be able to rejoin, and now the father is not able to rejoin them even for a visit as a tourist in the Soviet Union, and she and the son are not able to join the father in the United States.

Now, most of the people we met, I asked them a question. I wanted to know why. I think it is important that the American people understand why people would give all this up, give everything up in order for the chance, and basically two reasons came out. One reason was stronger than the other. The Peisin family simply said, "We are Jews."

Anti-Semitism in the Soviet Union today is unbelievable. No Jews are allowed as students at Leningrad University, even though it has 23,000 students, and there are very few at Moscow University. Brilliant students are dropped or openly denied, or they are denied the chance to take a test, and Jews are not allowed to have the kind of jobs with futures and with careers. And indeed they said, as the gentleman from Wisconsin said, that the second line on every paper, on every document, and on every passport and every job application says: "Jew," as if the Star of David worn on the outside of the coat is coming back to rear its ugly head some 50 years later.

So reason No. 1 is the love of Israel, repatriation with the homeland, and extraordinary anti-Semitism.

But reason No. 2 I found to be consistently more important for everyone, because every adult we talked to said they would be able to stand it: It is their children that they were looking out for. The primary reason, the reason we heard over and over again, is for the next generation.

I asked Boris Elkin. He said, "I want to raise my children as Jews."

I asked Mikhail Kazanevich. He said, "Two reasons: I am a Jew. I look like a Jew, I feel like a Jew. I cannot live without Jewish traditions, and there is nothing left in this country that is Jewish. But, second," he said, "and my real reason is, I want to give my children a chance, my 15-year-old and my 4-year-old."

Or consider the case of Prof. Alexander Lerner with whom we met. Prof. Alexander Lerner in 1972 was on top. He was accorded special treatment. He was accorded deference by the Soviet Government. He was allowed to travel; he was allowed to take part in international seminars, and he was allowed to publish. And he said, "I am successful. I could go on and live the rest of my life and be successful, have my country home in the country and be on top, but my children have no future here." And he remembered his grandfather's prayers for the next generation in Jerusalem.

And consider Yuri Chernyak. Yuri Chernyak in Moscow gave up his full professorship and his career because his son and daughter had reached their teens, and he knew that they had no future. In his words, "The main reason is my children and their children."

Despite all the adversities, the overriding factor we found among refuseniks was the simple courage to try to allow their children to be free. Throughout the roller coaster of physical danger and arbitrary charges, they remain faithful to the idea that someday they or their children or their grandchildren will be free to practice their religion and be free men and women.

We observed that the Soviet Government and the Soviet people place a great importance on the upcoming summit meeting between President Reagan and Chairman Gorbachev, as well they should and as do the American people. Today this delegation, the six of us, sent a letter to Ambassador Dobrynin in which we said that we are very concerned and we know that if the summit is to be successful, the Soviet Government is going to have to provide the foundation and the base for that success so that the Soviets begin to comply with the existing Helsinki accords. It is difficult for the United States to enter into new agreements when the Soviets so clearly refuse to abide by the Helsinki agreements signed in 1975.

This month, in June, Jewish repartriation had dropped to one of its lowest levels ever, only 36 as compared with 56,000 per year, some 5,000 a month, in 1979.

To further compound matters, we told Ambassador Dobrynin that we noted during the time we were there, during the month of June and the first 3 days of July, that at least four arrests of Hebrew teachers took place in the weeks surrounding our trip, and we knew of at least one case of harassment. We asked Professor Lerner about that. He has been involved in this movement since 1972, and he told us in his opinion that was virtually unprecedented.

Now, is there a linkage between refusenik issues and human rights and other issues, arms control, and issues of bilateral trade? Yes; there is a linkage.

Is there a quid pro quo? I think not. I asked some of the refuseniks that. I asked, "Should we trade? As some have suggested, should we trade missiles for lives, for exit visas?" And they all looked at me with horror in their faces and said, "Absolutely not, because even if the United States and the West lowers its defenses, then even if we get out, within a few generations our childern still won't be free."

There is a linkage. There is a linkage in terms of keeping the pressure on and insisting that the Soviet Union abide by its human rights agreements if we are going to consider seriously entering into new agreements. There is not, I think, a quid pro quo. The issues of repatriation and reunification will not go away.

Our trip provided us with a closeup picture of refuseniks who have been denied their rights. I do not think any of us will ever forget them. The important thing is that Congress as a whole not forget the Soviet refuseniks. President Reagan has not forgotten and will not forget the Soviet refuseniks. He has included human rights as one of the issues in the summit. And the American people will not forget them.

Refusenik after refusenik told us face to face that their only hope is from the West, that they have no hope from the humanitarianism of the Soviet Government, that their only hope is America, the American people, and the American Government. When we asked them, "What can we do?" refusenik after refusenik said, "Just one thing. Just keep the spotlight on, and remember that America is our only hope."

Mr. MOODY. Mr. Speaker, will the gentleman yield for just a few seconds?

Mr. BILIRAKIS. I am glad to yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Speaker, on the question of linkage and its relationship to the arms control agreements that we all fervently hope for—and I think, in all truth, the Soviets must also, because they would share incineration with all of us if nuclear war breaks out—in that vein of linkage, assuming the Soviet Government will read the congressional report and learn of what we say this evening, what would the gentleman say to the Soviet Government as to why this linkage is so important? I would like to ask my colleague that question.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for his question.

I would say that linkage is important for a couple of reasons: First, because it is an important issue to the United States. It is a critical issue that is not going to go away, and we are not going to forget it. Second, because it demonstrates a matter of faith and trust.

We as Members of Congress and members of the American Government would have sincere difficulty believing that the Soviets will abide by another agreement, be it on arms control or something else, if they are so clearly on a day-to-day basis violating the Helsinki accords. We can measure the number of exit visas on a day-to-day basis, and we can visit with those people, and if we were to take that leap of faith and, even with verification, have some kind of agreement to reduce the number of missiles, we know that we cannot count those missiles every day. There has to be some trust.

So for the Soviets it is doubly important. It is as important to the Soviets as it is to us. But the Soviets have to take that step to abide by the existing agreements. The United States will bring that issue up on every single occasion, and it desperately hurts their credibility as far as our understanding of their willingness to abide by their agreements is concerned.

Mr. MOODY. Mr. Speaker, I am sure the gentleman, as we did, made the point that while there is a great desire at the grassroots at all political levels for arms control—I am sure the gentleman's constituents feel that way—the No. 1 question I get in my district when I raise the question of arms control is "Yes, but will we be able to trust the Soviet Union?"

That is an essential ingredient to any arms control progress in the long run. And I would say to the Soviet officials who, I hope, will read the transcript of this proceeding that the thing which probably undercuts Soviet credibility at this time more than anything else is the well-documented violation of the Helsinki accords which grant the right of citizens to emigrate and leave the country if they so desire.

□ 1950

I know of no other single such clearcut violation. There is dispute about some of the arms control violations and they can be interpreted subjectively to some extent. There are some real disputes and people can argue on both sides, but it is very hard to argue for the Soviet Union abiding by the spirit or the letter of the Helsinki accords.

So, I would think there is a very important linkage and I would think it is in the Soviet Union's own interest, if I

could presume to say that, that they reconsider their policy with respect to human emigration, family reunification, because it is not just an atmospheric link to arms control. It is not just atmospheric. These are questions establishing in the political minds of the American people to what extent the Soviet Union can be trusted.

Mr. BARTLETT. That linkage is there and that lack of faith is there on behalf of the American people and I think it is there on behalf of Members of Congress and the American Government. The linkage is clearly there in terms of our confidence in the Soviets entering into a new agreement if they clearly refuse to abide by Helsinki.

I think the linkage is also there because it is not merely an internal policy of the Soviet Government. Many of the Soviets would tell us it is only internal policy, but what makes it international is first of all the Helsinki treaty, and second, it is a policy of family reunification. For every family member in the Soviet Union that is denied an exit visa, there is a family member in Dallas, TX, or in Wisconsin or in Florida who is waiting for their family member to join them. That makes it an internal policy of at least two countries and that makes it an international problem.

The members of the delegation, the six of us, we said that time and time again to the Soviet officials that we met with. I believe they heard us. They did not agree with us, but they could not refute the argument.

I thank the gentleman for yielding me the time and for calling this special order.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Texas for his fine remarks.

Mr. Speaker, I cannot say that it was a pleasure, but it was certainly an honor to have made this trip to the Soviet Union with my five colleagues. As one of our previous speakers indicated earlier, we thought we had known each other well before the trip, but on the contrary, we know each other much better now.

Our Nation, Mr. Speaker, celebrated its independence several days ago, as we do each year on July 4. This year, however, I, like my colleagues, was not home in America in our Republic to celebrate with the rest of the country. We were in the Soviet Union and while I missed being with my family and friends in the United States on this Independence Day, I cannot imagine a better place to have celebrated this particular Fourth of July than to celebrate American freedom in the Soviet Union.

I say this because now I understand more fully, I thought I understood previously, but I understand more fully what our freedom really means. On this Fourth of July I had the privilege of learning what it is like to be without freedom and I can tell you that is an excellent lesson in appreciating the liberty we have here in America.

Mr. Speaker, we have all heard the grim statistics of the steady decline in Jewish emigration from the Soviet Union. 1979 marked the high point of Jewish emigration when 51,320 Jews received permission to leave the Soviet Union. Since that year, the decline has been constant and dramatic.

In 1980, 21,471 Jews emigrated.

In 1982, only 2,688 were permitted to leave.

By 1984 the number had dwindled to a mere 896 and if the trends established in the first 6 months of 1985 continue, this year will prove no better for the thousands of Soviet Jews waiting to be reunited with their families in Israel, the United States, and elsewhere around the globe.

But statistics, shocking as they may be, cannot begin to convey the pain and hardship that these Soviet refuseniks have endured. I put the emphasis on refuseniks because quite often they are mistaken really. There is a misnomer used. The word "dissident" is used almost synonymously with refuseniks and I think it is clear that the American people and the world understand that we are not talking about dissidents here. We are talking about refuseniks.

I heard one definition of a dissident as someone who was planning or who was working toward the overthrow of the Government over there. Well, that might be a pretty strong term. Yes, there are a few, a handful of people, who fall in the category both of dissident and of refusenik; but these people are law-abiding citizens and all they have asked the Soviet Union to do is to allow them to leave their country, to leave their nation in the interest of reunification of families, consistent with the treaty, consistent with the law that is an international law that the Soviet Union agreed to previously.

Face-to-face meetings, as my colleagues have indicated earlier, with those who are imprisoned in Soviet society, however, truly bring home the magnitude of the problem they are facing. We can talk about it. We can read about it. We can have all sorts of rhetoric here on the floor of the House and in committee hearings and whatnot, but unless you see it and experience it face to face, you do not really understand the problem.

Regrettably, the time restraints on today's special order prevent us from sharing stories, although we have shared some of the stories of all the refuseniks we met while in Russia, but I can assure you that each and every story is one of isolation, harassment and oppression.

Mr. MOODY. Mr. Speaker, will the gentleman yield one more time?

Mr. BILIRAKIS. I am glad to yield.

Mr. MOODY. I was particularly struck by what the gentleman said a moment ago, the differentiation between a refusenik and a dissident. Those two terms are mixed up frequently. I was not fully aware of the distinction before I visited the Soviet Union.

One thing we were told again, and as the gentleman knows, we were on different segments so we did not hear the same stories; but one thing we were told again and again, and I would like to know if the gentleman heard this, too, was that the people we talked with went to great lengths to point out that they are not trying to change Soviet society. They do not trumpet the criticisms of Soviet society to the world. That is not their avocation. They are not trying to break any Soviet laws. In fact, they go to great lengths not to break any Soviet laws, for the very point that this will not be used as some excuse or some cause to make things even more difficult, so I think it is very important that this distinction be brought that these are very law abiding, very law conscious individuals and while they have their criticisms of what has befallen them, they are not criticizing the whole of Soviet society. They just want to leave.

Mr. BILIRAKIS. I say amen to that and I think it is very important that we bring this to the knowledge of the American people and to people all over the world. I appreciate my colleague from Wisconsin bringing up that point.

Tatyana Zunshine, my colleague from Texas brought up her particular story, I think it is important enough to continue to repeat here. Tatyana and her husband, Zachor, had been waiting for permission to emigrate to Israel since June 1980. By the way, they are Latvians. They are people from the country of Latvia back when it was a country. Now it is part of the Socialist Republic, one of the Socialist Republics. They have actively asserted their right to leave the Soviet Union. Their activism has resulted in charges of hooliganism, which in Soviet parlance means they have refused to accept their Government's denial of their basic human rights. Zachor was a university professor in physics. In March of 1984, as the gentleman from Texas [Mr. BARTLETT] told us, he was arrested and charged with defaming the Soviet state. After demonstrating in Moscow with Tatyana for their right to emigrate to Israel, this is all they did.

When we visited with Tatyana in Leningrad, she told us that her husband was being held in a Riga prison and virtually no communication with his wife and friends was allowed.

In April be began a hunger strike to protest the refusal of prison authorities to give him paper and pencil so that he could write to Soviet authorities about his case.

Tatyana has been harrassed and all her documents, including her passport, were stolen from her in a street attack. Still she and her husband remain committed to their goal of emigrating to Israel.

Yakov Rabinovitz—the gentleman from Texas [Mr. BARTLETT] talked about him at length. I am not going to repeat that. I guess I will say something that possibly the gentleman may have left out, that Yakov had to change his field when he applied in 1978 from a shipbuilding engineer to a common worker, now as we call it. His job now is making shoe-making machines from other people's drawings. Now, this is a man who was trained and who has the intelligence and the skill and the expertise to design propellers for ships. He now has to make shoe-making machines from other people's drawings. His wage is 130 to 150 rubles a month, equivalent to $130 to $150 dollars per month related to our particular dollar here. Back when he was working in 1978, when he was working at the particular job he had at that time, the professional job that he had, using 1978 rubles, if you will, he was making something like 230 to 250 rubles as a shipbuilding engineer.

The gentleman from Texas [Mr. BARTLETT] talked about his son and his success here at Brandeis University. I am not sure that the gentleman from Texas [Mr. BARTLETT] shared with us the fact that in desperation in 1980, I believe it was, Yakov divorced his wife because they had been told that if they do get divorced that there is an opportunity that at least one of them can leave. In fact, she did leave with her children. Within 8 months after they were divorced, she was given permission to leave, even though she had been turned down along with her husband and the entire family prior to that.

Again, in some cases, the Rabinovitz family is but one of many for whom Soviet emigration policy means separation from loved ones. In some cases spouses, and this struck me even more horribly than the rest of it, spouses have not seen each other for many years and children have literally grown to adults without their mother or father.

The State Department has a list of some 20 American citizens whose Soviet spouses have been denied permission to join them in freedom in the United States. Among these is Galina Golzman whom I met, all of us met while in Russia. Galina's husband, Anatoly Michelson, is an American citizen living in Sarasota, FL.

□ 2000

I tried to reach him this evening by telephone, as a matter of fact, and I was able to get a message. He had a message machine, one of those Godforsaken machines. But I will certainly get to talk to him tomorrow or one of these days.

I was amazed to learn Galina has not seen her husband since 1956 when he literally defected after receiving temporary exit permission. In addition to his wife, Anatoly left behind an 8-year-old daughter who now has a son of her own.

Every time that Galina has applied to emigrate, it takes the Soviets 1 year to answer, and their answer is always the same: "No." So she has only her husband's monthly letters to look forward to and the hope that perhaps one day she may see him again.

Surely, I ask you, even though, let us say, he breaks Soviet law, even though he might be considered a traitor because he did defect, the point is, is not 30 years' separation enough of a punishment, enough of a penalty? I think it is?

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I am glad to yield to the gentleman from Texas.

Mr. BARTLETT. I think one of the stories that really has not been told is the story of Vladimir Slepak. I visited, as many of us did, the Slepaks' son in the United States. You see, his two sons have been permitted to come to the United States, but the Slepaks are the second-longest refusenik case in the Soviet files. We met the Slepaks and they are in good spirits. They are coping and they are waiting. They know that they may never be allowed to leave to see their children, and now their grandchildren, but they are in good spirits.

And why are they in good spirits? Because of something that Alexander told us. He told us, you see, that the last words his mother spoke to them as he got on the airplane from Moscow to come to the United States, he said, "Mom, you will join me in the United States." And she smiled, and I am paraphrasing, she smiled and she said "Well, son, I am going to try. I may or may not ever be allowed to leave, but it is enough to know that my grandchildren will be born free."

The gentleman from Alabama [Mr. ERDREICH] brought a picture of her grandchildren.

Mr. ERDREICH. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Alabama.

Mr. ERDREICH. I will just mention that Alexander came to my office here in Washington and gave me a picture of his daughter which I took with me and a letter accompanying it to the grandfather, to his father, of Vladimir, which of course he has not had an opportunity to see his granddaughter, and I delivered that to them when we met with them in Moscow. It is just another example of families split apart, spouses, families, grandparents, grandchildren who do not have just the common human activity that we take so much for granted of families being together, and it was moving. And the small part that I could play to convey that by at least a photo to touch their grandchildren here in the United States, who at this point they still are refused as refuseniks to visit and see is something that I will long remember.

Mr. BILIRAKIS. I think it is important to note at this point as we are talking about Professor Slepak that Professor Slepak was an engineer in radio electronics. He was the head of his own laboratory. After he applied for permission to leave, he lost his job and now he works as a hospital dispatcher in a maintenance department of a particular hospital at 100 rubles per month.

But also there is the fact that I guess a few years ago, 1978, 1977, he and his wife were out on the balcony of their apartment with a banner that said "Let us out, my son is in America," or "Our son is in America." For that, he was arrested and he spent 5 years in a Siberian jail for that particular crime.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

While we are talking about some of the strange family cases, I am sure that the gentleman's group also met with Abe Stolyar. They have one of the strangest situations I have ever heard of.

Abe Stolyar was a citizen of the United States, and he came to Russia with his family at the age of 19 in 1931. He was made a Soviet citizen, without his knowledge or consent. He worked as an editor/translator for Radio Moscow. His parents were sent to one of Stalin's labor camps where his father, along with other relatives, were punished. And his Russian-born wife, Gita, lost her parents and other relatives at the hands of the Nazis in the Minsk ghetto. Their only remaining relations were Abe's sister, Eva, who lived in Israel but died in 1979, and his aunt, who currently resides in Jerusalem.

Abe and Gita were granted exit permits in May of 1975. However, in June, when they had already boarded their plane to Vienna, they were removed from the aircraft by the KGB, who then voided their visas and barred them from leaving the Soviet Union on the grounds that Gita had access to

classified materials. She had not worked since 1972.

Both Abe and Gita Stolyar strove to obtain their visas once again, but their son, Mikhail, now in his midtwenties, holds a derivative U.S. citizenship, in which capacity the former student can neither study nor work. He had applied for permission to emigrate separate from his parents, but was told that he could not leave because of his mother's former work. It is now over a decade since her retirement.

I thought that that was a case that needed to be cited also.

Mr. BILIRAKIS. I thank the gentleman and I agree with him.

Mr. ERDREICH. Mr. Speaker, would the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Alabama.

Mr. ERDREICH. I want to mention one of the aspects that the gentleman from Texas [Mr. BARTLETT], my good friend, was talking about, about how the President is persevering, and this Congress and the few of us here, plus many more Members of Congress are persistent in raising this issue. But I think we would be lax if we did not also mention the tremendous staff at the Embassy in Moscow and the consulate in Leningrad. I have never been more impressed by those folks who are really on the front line of a duty that if it is not war, it is one step short removed of war.

And Master Hartman, who met us, and briefed us in detail on his views of policy and activities in the Soviet Union, I was very much impressed with. And every individual in the Embassy, in both cities, I cannot say enough to our State Department and to the folks that again are serving in a tough battle station, as I would call it. I think we needed to mention that.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Texas.

Mr. BARTLETT. I am glad the gentleman from Alabama [Mr. ERDREICH] mentioned that because that is true. In fact, we saw that commitment by the American Embassy staff with our own eyes. We also heard it, as the gentleman recalls, from the refuseniks themselves when we would ask what can we do, what else can we do to help. And they would always begin by saying, well, first let us thank you for the help that the American Embassy is always giving us, not that the American Embassy can do anything to secure an exit visa. But the American Embassy can display that hand of friendship. The American Embassy can and does invite refuseniks to the diplomatic parties at the American Embassy in Moscow and the consulate in Leningrad. And so they invite both Soviet officials to the July 4 celebration, as well as Soviet refuseniks to where at least they are made aware that the American Government thinks that this is important, and we value these refuseniks as honored guests of ours. It adds credibility and it adds respect. And I think it adds just some humanity to the plight of these refuseniks.

And so refusenik after refusenik told us that they admired and appreciated the help the Embassy would give them, and in working with the Embassy officials and the consulate in Leningrad we detected that they knew the names, they knew the faces, they worked with them on a daily basis and they knew the location. They did nothing that was covert. They did everything completely out in the open, and yet it was very, very real and very helpful, and I thank the gentleman for bringing it up.

Mr. BILIRAKIS. And I commend my colleague for raising that point because I, too, was very impressed with them and the fantastic job they did above and beyond. And of course, their command of Russian, and their command and knowledge of the customs and the culture and what-not, and the religion, if you will, of the country was just fantastic, and I was very impressed with them.

Mr. MILLER of Washington. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to my colleague from Washington for just a few minutes.

Mr. MILLER of Washington. I thank the gentleman. I just want to commend all of the gentlemen who have spoken recently here on the efforts that have been made in connection with their trip and on their focusing on the plight of individual Soviet refuseniks. What you are doing is a service not only to Soviet Jews, but a service to all Americans, to all human beings that are concerned with human rights and dignity.

I think it is particularly important that the focus here tonight be on individual Soviet refuseniks.

We know that the Soviet Union has great enmity toward Jews and toward other religious groups, but a special malice for these people who have had the temerity to request permission to emigrate from the Soviet Union, the refuseniks.

Mr. Speaker, today we consider the Orwellian madness that is the Soviet Union's policy toward its Jewish citizens. While its enmity toward all Jews, and toward other religious groups is painfully obvious, the Soviet Union reserves its special malice for the so-called refuseniks. Refuseniks are Soviet Jews who have had the temerity to request permission to emigrate from the Soviet Union.

In considering the hellish plight of millions of Soviet Jews—and refuseniks in particular—it is perhaps easy to lose sight of the individual. And that of course is exactly what the Soviet leaders—whose system is the very antithesis of individual rights and self determination—would like us to do. So today I will focus on the plight of one man, a refusenik named Lazar Kagan.

According to the Union Councils on Soviet Jews, Lazar Kagan is an electronic engineer, a graduate of the Leningrad Institute of Precision Mechanics and Optics and of Leningrad University. He is 41 years old.

Lazar's father, the popular pianist and composer Shimon Kagan, Lazar's mother, and his brother had all emigrated to Israel. In 1976, Lazar requested permission to emigrate in order to be reunited with his family. Soviet officials refused permission on the grounds that he had learned state secrets during his military service in 1969.

Lazar Kagan's military service consisted of working as a private in a brickmaking company. One can only surmise what vital new technologies he learned there.

In January 1983, Lazar was arrested on a charge of profiteering. All his property was confiscated immediately. Then, in October, he was brought to trial. In court, he appeared to have been badly mistreated: he was pale and his hair had turned completely white. The only witness against him was one Maidankin—a known criminal and smuggler who was granted freedom in exchange for his testimony.

Lazar was found guilty and sentenced to 12 years. Moreover, his lawyer was subsequently expelled from the College of Advocates and not allowed to continue practicing law because, as he was told, he "took the side of the accused, who was obviously guilty."

There are several reasons to believe the case against Lazar Kagan was a fabrication. First, his father had accumulated a small fortune during his career, which he had left to his son, and which was sufficient to allow him to live comfortably notwithstanding the difficulties refuseniks characteristically face in finding employment. There was no reason for Lazar to engage in illegal activities, particularly in view of the increased attention given to refuseniks by the Soviet authorities.

More significantly, Lazar's trial bears the hallmarks of a political prosecution: That his lawyer was disbarred for a breach of protocol; that is for trying to defend his client, that a known criminal was granted amnesty in exchange for testimony, that Lazar was given an extremely harsh sentence for what is a common practice in the Soviet Union. We know from the memories of Soviet attorneys who have emigrated to this country that Soviet courts employ two distinct sets

of rules: one for ordinary criminal cases and one for political cases.

Since his imprisonment in Gorkovskaya Oblast, Lazar Kagan has been given an internal trial by his prison and given an additional 6-month sentence on an indeterminate charge. He is now on a restricted diet every other day, which hinders his recovery from the beatings and other forms of abuse to which I am told he has been subjected.

Since coming to Congress I have adopted Lazar Kagan and have written to him on two occasions. I have yet to receive any reply. I do not know whether my letters have ever reached him or whether he is being denied permission to reply.

I have also written twice to Secretary Mikhail Gorbachev on Lazar Kagan's behalf, but have yet to receive any reply. I have attempted to convey to Secretary Gorbachev my bewilderment, dismay, and anger, and the anger of other Americans at his country's emigration policies, apparently without success. To help focus attention on the refuseniks, my wife June, a member of Congressional Wives for Soviet Jewry traveled to London for the International Conference on Soviet Jewry. There, she added the story of Lazar Kagan to the thousands of others.

The plight of Lazar Kagan is an illustrative and cautionary tale for our time. It is a tale of rampant statism, oppression, and scapegoating. It is a tale we have heard before. Sometimes we have heeded its warnings—sometimes not. So the story of Lazar Kagan and his fellow refuseniks must be told over and over again, for their sake and for ours.

□ 2010

Mr. Speaker, I thank the gentleman [Mr. BILIRAKIS] for yielding this time to me.

Mr. BILIRAKIS. I thank my colleague for those stellar remarks. I would continue on here: I brought up the same story of Galina Gozman, one of the divided spouses who has not seen her husband for almost 30 years. She is married to an American citizen. I would like to bring up some of the other names that fall in that category.

Roman Kuperman, whom we met at the American Embassy, we had quite a conference with him in Moscow. Fran Pergericht, an American citizen, married Roman Kuperman on February 24, 1982. Both are Jewish. Mr. Kuperman did not apply, did not apply for a Soviet exit permission until after his marriage. His father was reportedly a colonel in the Soviet Army but does not oppose, as I understand it, his son's efforts to be reunited with his wife.

Mr. Kuperman's first application for exit permission was denied in March 1982. Subsequently, it has been denied three more times, most recently in January 1985. The Soviets have on several occasions denied Kuperman's wife the right to visit him in the Soviet Union. We can go on and on.

I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. BILIRAKIS. I would say to the gentleman that I would like to get these names into the RECORD.

Mr. BARTLETT. I understand.

Mr. Speaker, I think it is important in the case of the divided spouses that the American public understand that Roman Kuperman and other persons who got married were given permission to marry by the Soviet Union. It is not as if they ran down to the local JP because there is no local JP in the Soviet Union to get married. They asked permission, which you have to do to get married. They were granted permission. They were put on the 90-day waiting list. Then they were married in a civil ceremony at the official wedding palace. They were granted permission. What happens, we are told, and there are not that many Soviet-American marriages, we are told what happens is that the Soviet Union historically holds back about 20 percent of the marriages in which the first 80 percent they grant an exit visa to the spouses who want to join their spouses overseas, but then they hold back 20 percent as sort of a macabre torture, Russian roulette, if you will, they hold back 20 percent to sort of make an example to discourage other persons from wanting to get married.

So it is legal in the Soviet Union to marry an American citizen if you can go through the waiting list, go through the paperwork and get on the waiting list and get permission to marry, but once that happens you have a 20-percent chance of then not being allowed to live with your spouse.

I thank the gentleman for yielding.

Mr. BILIRAKIS. I thank the gentleman for his contribution.

We will go on: Mr. Sergey Petrov, whom we all met, at least the three of us in our particular group, met at Moscow. I personally was very impressed with him. He married Virginia Johnson, whose background is Irish-American. They were married in February 1981. Mr. Petrov has been refused Soviet exit permission a number of times since then. He joined Balovlenkov, and I will go into that case in a moment, and a number of other Soviet spouses in an unsuccessful hunger strike during the spring and summer of 1982. His last application was made in October 1984. Yuriy Balovlenkov, Elena Kusmenko, an American citizen, married Yuriy in December 1978. They have two daughters by their marriage and only one has ever seen her father. We did not have the pleasure of meeting that particular gentleman. Irene McClellan, whom the three of us met in Moscow, Irina and Woodford McClellan were married in 1974, 11 years ago. This is the longest unresolved by-national marriage case in which the Soviet and American spouses have not been permitted to be reunited.

She last applied for permission to emigrate. I think they probably would exclude Galina Gozman because her husband left under circumstances that he did leave.

The American and Soviet spouses have not been permitted to reunite. She last applied for permission to emigrate in August 1984. Since their marriage the McClellans have not been permitted to even see one another. All of Professor McClellan's applications to visit his wife have been denied over the past 10 years.

Mrs. McClellan's August 1984 application for exit permission had been solicited by OVAR making her denial all the more difficult to understand.

□ 2020

Elena Kaplan, Gary Talanov formerly Kaplan, married his Soviet spouse, Elena Kaplan, in April 1978 in Moscow. We met her also.

Elena last applied for Soviet exit permission in September 1984. She has been refused at least five times in applying for Soviet exit permission since their marriage. Elena again applied for exit permission in September 1984 and was denied.

Mikhail Iossel, we did not have a chance to meet Mikhail. He married Edith Luthi in August 1981 while she was in the Soviet Union for a 6-week study tour. Since then, Iossel has applied for an exit visa three times and has been refused on each occasion. The couple has one son.

To increase his job of reuniting, Iossel quit his job as a computer programmer soon after the marriage. His father, a physicist, recently retired.

Andrei Planson, who married Carolyn Justice, an American citizen, in 1981, we also did have an opportunity to meet Andrei. He has been refused an exit visa on six occasions. He has not yet seen the newborn son.

Tamara Tretyakova, whom my colleague from Texas mentioned, married Semyon Livchitz, who has since changed his name to Simon Levin, in 1978 in the Soviet Union. Mr. Levin emigrated to Israel a month later, in 1978, and subsequently moved to the United States later that same year. His wife was forced to remain in the U.S.S.R. as she was about to give birth to their child. We met their child, Mark. Since then, she and her son Mark have applied for exit permission to join Simon, and have been repeatedly refused.

The reason given is that Tamara had worked in a military construction site. In early 1985, she went on a hunger

strike in an attempt to encourage officials to allow her to join her husband in the United States.

She was finally persuaded to end her hunger strike, and is still slowly recovering. She is really an ill woman.

In late April, Simon was awarded custody of their son, Mark, by an Illinois court. He has also been trying to obtain a visa to visit his wife and son in the Soviet Union, but has been constantly denied.

Matvey Finkel. We met Matvey. Susan Gramm and her Soviet spouse Matvey Finkel were married in December 1979 in Moscow. Since that time, Mr. Finkel has been denied exit permission numerous times, most recently in June 1984. She did have the success of going back to the Soviet Union, and is now back with her spouse; they are reunited if you will, but in Moscow and not certainly in her native country, the United States.

Elena Rose, whom we did not get a chance to meet, is a Soviet citizen, married to Scott Jeffrey Rose of Austin, Texas. The couple has been married since 1983. Elena and her stepdaughter Julia have twice been denied permission to emigrate since their first application in December 1983.

In Moscow, Mr. Speaker, in addition to these people who have been denied the right to be reunited with their spouses, American citizens, we met several other groups of refuseniks, and their stories were just as painful.

However, as a veteran and a member of the Committee on Veterans' Affairs, I was particularly struck by the plight of a highly decorated Soviet veterans who has been denied permission to emigrate to Israel repeatedly since 1972.

My colleague, the gentleman from Texas [Mr. BARTLETT] I believe mentioned him.

Lev Ovsishcher was only 17 when he enlisted in the Soviet army in 1936, and he was the recipient of many honors during his 25-year military career. As a fighter pilot and squadron commander during World War II, he was wounded several times during battles at Stalingrad. He retired as a colonel after being awarded more than 15 orders and medals for his heroism.

But it is hardly a hero's fate that befalls Lev today. When he first applied for and was refused permission to emigrate some 14 years ago—on the dubious grounds that he had been exposed to state secrets—Lev Ovsishcher's status as a military hero officially ended. His desire to emigrate was grounds enough for the Soviets to erase their debt to this veteran and to forget the honorable service he had rendered to his country. Instead, Lev was deprived of his rank and his military pension. He was been subject to searches and harassment, including accusations of anti-Soviet, zionist activities published in a public newspaper.

He was also fired from his position as an engineer-economist, a career he had begun after his retirement from the Air Force. To this day, Lev has been unable to find employment even as a manual laborer. On top of all this, he has been separated from his daughter since 1973, when she successfully emigrated to Israel.

Although it is impossible to fathom how the Soviets could treat any of their citizens this way simply because they are Jewish, I found it incredible that a highly decorated military veteran who had served his country so faithfully in time of need would be treated with such disdain.

I yield to my colleague from Wisconsin.

Mr. MOODY. I thank the gentleman for yielding.

I simply want to point out that we have pictures up here of some of the individuals we have been talking about, and the Colonel Ovsishcher that you had the honor of meeting and we did not is in fact right here. Later on, if there is time, I will point out who the other people are.

Mr. BILIRAKIS. I yield to my colleague from Ohio [Mr. STOKES].

Mr. STOKES. I thank the gentleman for yielding to me. I want to also, while mentioning persons who were particularly helpful to us on this trip, to mention Robin Saipes, from the National Conference on Soviet Jewry, who accompanied our particular group.

We found her to be an extremely dedicated, committed lady. She knew all of the Refuseniks; she had studied their backgrounds; she was tremendously helpful to us when we met with them.

Also, I want to mention one other case briefly, a lady whom we met with whose husband is in prison, and that was Tanya Edelshtein, wife of Yuli Edelshtein.

Briefly, Yuli, on September 4, 1984 was arrested and his home was subsequently searched and the KGB agents confiscated some items left by foreign visitors as well as a tin of tobacco and a box of stones. Although no charge was made at the time, Soviet authorities claimed they had found hashish in the stones. They accused the foreigners of coming and corrupting Jewish youth with medieval and mystical drug rituals.

In relation to the allegation, many of Edelshtein's teenage Hebrew students were questioned and coerced into signing statements claiming they were required to purchase Hebrew study kits for 15 rubles each.

On these grounds, authorities claim Yuli was an illegal profiteer seeking to corrupt youth. On December 19, 1984, he was sentenced to 3 years in a labor camp for allegedly possessing illegal drugs.

In meeting with this lady, our hearts really went out to her and to him, and I wanted to mention their case specifically.

Mr. MOODY. Will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman.

Mr. MOODY. Again, we have the picture of, right here at my right, of Yuli Edelshtein. We did not have the pleasure of meeting him because he is in prison, as I reported and as Mr. STOKES reported, but it is worthwhile to look at these pictures because these are real human beings who have had their liberty taken away and their lives broken as a result of desiring to emigrate.

Mr. BILIRAKIS. My colleague from Ohio, Mr. STOKES, mentioned thanking Robin. Well, I would like to move up in my remarks my gratitude and gratitude certainly of Ben and Steve; my gratitude to Ted Tentz, particularly, a friend of mine from Clearwater, FL, who accompanied us. Ted told us that he was fluent in Russian, and we soon found out that he is most fluent in Russian, and made the trip a lot better for us.

Mr. BARTLETT. If the gentleman would yield, of course the other gentleman on the trip, from Dallas, Mark Briskman, who served us quite ably and came very well prepared with information about the Soviet Union, about the people that we visited.

Mr. BILIRAKIS. Yes, Mark and Ted were invaluable.

In addition to the plight of Soviet Jewry, another emigration issue was called to my attention during our recent trip to the U.S.S.R. I had not been aware of the difficulties many Greek residents are facing in their efforts to emigrate from the Soviet Union.

Some 25,000 of the approximately 500,000 Greeks in Russia are seeking to emigrate to Greece, but virtually none are currently receiving exit permission.

□ 2030

Greek emigration has flowed from a level of 100 to 120 per month just a few years ago to the present level of just one family a month. Those knowledgeable with the issue attribute the Soviets' unwillingness to allow Greeks to emigrate in part to the Soviets' desire to maintain Greeks and other so-called white nationals, as they call them, in Central Asia as a balance to the rising Asian-Islamic population. What the Soviets fail to see is that these calculated population goals interfere, as the gentleman from Wisconsin [Mr. MOODY] has constantly said, with the basic human rights of individuals to emigrate freely, to be re-

united with their families and to return to their homelands.

And that is the bottom line when we are speaking about the desire of individuals to emigrate freely and to live in a country of their choosing. This is a basic human right which the Soviets refuse to acknowledge, despite the fact that they are signatories to the Helsinki accord to 1975 and despite the fact that official Soviet policy permits free emigration. But policy and fact, unfortunately, do not coincide.

One of the things we were struck by during our visit is the close attention being paid to the recently announced summit conference, as Steve, I know, at least, mentioned, by Soviet refuseniks and other citizens. In fact, we learned about the summit from the refuseniks themselves before we had even gotten official word from the American Consulate that the meeting had been announced, even to the date. The refuseniks were very happy that the issue of human rights has been put on the agenda by the President.

After so many years of struggle, the refuseniks are very realistic in their expectations of what can and cannot be accomplished at such a summit. Nevertheless, they see the summit as an opportunity for the United States to discuss the issue of human rights with the Soviets in the context of our overall relationship with them. I think such a link, as was mentioned earlier, is essential, I know that such a link is essential, and I know my colleagues who visited the U.S.S.R. with me share that view. I might say that every opportunity we had we passed that view on to the important Soviet officials that we met with. We cannot and must not separate the issue of human rights from the other issues between our country and the Soviet Union, from between our country and any other country. Human rights is the basis for all our other concerns, and the Soviets need to be aware of the importance that the American people and their Government place on individual rights and freedom. This is our strength, and we must use it to further the cause of human rights throughout the globe.

This morning, as we indicated in the early morning press conference, we delivered a letter to Soviet Ambassador Dobrynin, which noted our observations about the importance of the summit to the Soviets and suggested that a solid foundation for the summit could be built through the release of exit visas for those who have requested permission to emigrate. We are hopeful that the Soviets will accept this proposal as a reasonable and effective policy option, which indeed it would be. Without progress on human rights, the United States, as we said earlier, certainly has little incentive to cooperate with the Soviets on other issues such as trade and arms control.

Saying that, and in closing, let me again emphasize that human rights is not just an issue, it is, again, as Mr. MOODY has continually been saying, individuals. It is a wife who longs to be with her husband. It is a child who yearns to meet his father. It is a grandfather who wants to hold his grandchildren before he dies. Human rights is Lev Ovsischer, Dr. Alexandr Lerner, Leonid Ozernoy and his wife Marianne, Abe Stolyar, Valdimir and Maria Slepak, Yakov Rabinovitz, Yuriy Balovlenkov, Roman Kuperman, Sergey Petrov, Irina and Woodford McClellan, Elena Kaplan, Mikhail Iossel, Andrei Planson, Tamara Tretyakova, Matvey Finkel, Elena Rose, Galina Golzman, Aleksandr Ioffe, Prof. Naum Meiman, who, as I understand it, by the way, is the last free member of the original Helsinki monitoring group. I say "free" because he is not in prison and he is still alive, but I really question how free he is. Mark Freidlin, Yakov Alpert, Anatoly Shcharansky, his brother Lennie, whom we met, Zakhar and Tatyana Zunshain, Boris Elkin, Lev Shapiro, Aba Taratuta, Isofit Radomyslsky, Grigory Genusov, Leonid Zeliger, Boris Vainerman, Yuri Chernak, and so many others.

Human rights is also you and I because we can make a difference. There are those who are counting on us to do just that. We cannot and we should not let them down.

I yield to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. I thank the gentleman for a very eloquent statement. I think all of us would like to associate ourselves with those remarks.

Before we close, I think it would be good to enter into the RECORD the actual statistics on emigration from the Soviet Union by Jews in the Soviet Union who wish to leave the U.S.S.R. I will put those in the RECORD at this point:

SOVIET JEWRY RESEARCH BUREAU

JEWISH EMIGRATION FROM THE U.S.S.R.—STATISTICS

1965 to June 1967	4,498
October 1968–70	4,235
1971	13,022
1972	31,681
1973	34,733
1974	20,628
1975	13,221
1976	14,261
1977	16,736
1978	28,864
1979	51,320
1980	21,471
1981	9,447
1985:	
January	61
February	88
March	97
April	166
May	51
June	36

Note.—From October 1968-June 1985, 265,016 persons left the Soviet Union with Israeli visas. Approximately 163,379 of them went to Israel.

I think we should also take a moment to introduce the people who are depicted here below, again to remind ourselves these are real human beings and not just statistics: Aleksandr Lerner, who several of you have referred to, is on my far right, on the upper level; Lev Zeliger, of Leningrad, an electrical engineer, who was refused in 1979; Iosif and Farina Bernshtein, whom I discussed in my comments. He is the man who has lost his eyesight, for lack of medical treatment while in prison; Yuli Edelshtein is the man that Mr. BILIRAKIS just mentioned and I also mentioned in my statement. He is the Hebrew teacher who is serving in prison on the alleged charge. On this side, to my left, Aleksandr Kholmiansky of Moscow. Next to him we have Col. Lev Orsischev, the war hero who received many decorations, who was described eloquently by Congressman BILIRAKIS, and then below him we have Yuli Kosharovsky, whom we also met in Moscow during our visit.

● Mr. MILLER of California. Several months ago, I joined the Speaker of the House and a dozen of our colleagues in a mission to the Soviet Union. Ours was the first congressional delegation to meet with the new Gorbachev government in Moscow, as well as with members of the Supreme Soviet and other Soviet officials.

Throughout our discussions, we emphasized the deeply felt belief among our delegation and within the Congress that the Soviet Union move expeditiously to moderate its treatment of Jewish citizens who are being denied their rights under Soviet and international law. Today, on the floor of the Congress, we restate that conviction.

As the chairman of the human rights task force during our trip in April, I delivered a speech to members of the Supreme Soviet which set forth our views on the treatment of refuseniks, dissidents, and those who wish only to practice their religious faith—whether Jewish, Pentacostal, Catholic, or Baptist.

There should be no mistaking the commitment of this Congress, and all Americans, to the principles of human rights, religious toleration, and due process of law. As President Lincoln said, "Important principles may and must be inflexible." Democrat or Republican, Liberal or Conservative, we share that unshakeable belief.

We do not seek to measure the correctness of Soviet policy on the basis of American law, but rather on the standards of Soviet law and the international agreements to which the Soviets have voluntarily agreed.

Articles 34 and 36 of the 1977 Soviet Constitution guarantee equal rights, including cultural rights, to citizens of different nationalities. Under article

74 of the Criminal Code, denial of equal rights is regarded as a special crime. Article 36 ensures Soviet citizens "the possibility to use their native language."

In international law, too, the Soviet Union has committed itself to cultural pluralism and religious tolerance. Article 27 of the International Covenant on Civil and Religious Rights state that "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their language."

The Helsinki Final Act declared that participating nations shall "fulfill their obligations as set forth in the international declarations and agreements" in the field of human rights, and requires that states afford national minorities "the full opportunity for the actual enjoyment of human rights and fundamental freedom."

As one whose public career has been devoted to the reduction of tensions between nations, the overwhelming, impartial evidence compels me to conclude that the Soviet Union has failed, and continues to fail, to abide by these guarantees.

The plight of Soviet Jews illustrates the grounds for concern. Over the last several years, the expanded emigration of the late 1970's, which was so welcome, has slowed nearly to a halt. From a peak of 51,300 Jewish emigrants in 1979, the number has been cut radically, to just 896 in 1984.

In place of a policy of liberal emigration has come a tightening of exit requirements, including limitations on who may apply for an exit permit, complicated forms, long delays and bureaucratic obfuscation. While the Soviet Government alleges that the reduction of emigres is attributable to the diminishing in the number of those seeking to leave, the facts belie this claim.

Jewish Soviet citizens are suffering economic punishment, imprisonment, physical and psychological abuse, family separation, and religious intolerance because they wish to exercise not only their religious teachings, but their legal rights as Soviet citizens.

I want to emphasize our equally strong concerns about other nationalities and religions which are denied rights due them under Soviet law and international accords.

There have been substantial reductions in the number of Germans and Armenians allowed to emigrate from the Soviet Union. Siberian Pentecostals, Baptists, and Christians, like Soviet Jews, have waited years for emigration permits.

Some are in jail, like Ukranian Catholic leader Isoyp Terelya, founder of the Initiative Group for the Rights of Believers, Father Gleb Yakunin of the Christian Committee, and Lithuanian Priest Alfonsas Svarinskas of the Catholic Committee. Others, like the Jehovah's Witnesses, suffer constant persecution.

During the visit of our delegation in Moscow, delegation members met with leading Soviet refuseniks, including Hebrew teachers and cultural activists, relatives of Jewish prisoners, and scientists.

Many of the refuseniks with whom we met voiced the belief that the current period was crucial to future Soviet policy vis-a-vis Jewish emigration. As a result, it was particularly important for members to raise these issues. Several of the reasons cited for the timeliness of the visit included the opening of negotiations in Geneva, the new leadership in the Kremlin, and the upcoming 40th anniversary of V-E Day—considered a possible occasion for a general Soviet amnesty of prisoners. It was thought that the confluence of these events might encourage the Soviet leadership to reconsider certain cases.

After the concluding session of the official meetings between members of the delegation and the Supreme Soviet, Chairman of the U.S.S.R. Parliamentary Group Lev Tolkunov approached Speaker O'NEILL to see if he was willing to appoint two members of the American delegation to a working subgroup to discuss human rights. The meeting was agreed to on short notice by Speaker O'NEILL and Chairman Tolkunov.

As a result, Congressmen MARTIN RUSSO and I met for several hours and discussed human rights in the Soviet Union with Vassily Trushin, First Deputy Minister of Internal Affairs, and Richard I. Kosolapov, member of the Supreme Soviet Foreign Affairs Committee and editor in chief of "Kommunist."

During this meeting, we expressed our hope that discussion between the legislative bodies of the two countries could remove obstacles in the human rights area and thereby contribute to improved overall relations. We also noted that progress on problem cases would improve attitudes in the Congress toward the value of establishing annual parliamentary exchanges with the U.S.S.R.

Since our return from the Soviet Union, we have awaited the reply from the Soviet Union which would indicate a relaxation of internal human rights policies. We are hopeful that we will receive a statement from the Soviets within the next week or so.

But actions speak far louder than words. Once again, I call upon Soviet officials to abide by the words of their own laws and the international agreements they have willingly signed. End the unjust and unconscionable persecution of Jews and other religious, ethnic, and cultural minorities. Allow those who wish to rejoin members of their family outside the Soviet Union or to practice their religion freely to emigrate.●

● Mr. MANTON. Mr. Speaker, I am pleased to participate in today's special order on the plight of Soviet Jewry. I am most interested to hear what my colleagues learned in their recent visit to the Soviet Union.

Mr. Speaker, on March 20 I joined with many of my colleagues as a participant in the Third Congressional Fast and Prayer Vigil for Soviet Jewry. As part of the fast and prayer vigil, I adopted Soviet refusnik Alec Zelichonok and his wife Galina. It has come to my attention that on June 11, Alec Zelichonok was arrested and charged with "defaming the Soviet state."

The charge is based on appeals and letters he wrote to the Western nations, including a recent plea to participants in the Human Rights Expert Conference in Ottawa.

The Soviet Government has repeatedly denied the Zelichonok's requests to emigrate to Israel. The Soviet's most recent denial came in December 1983. Although Mr. Zelichonok has two Aunts living in Israel who have issued invitations, the reason given for denying his request was lack of kinship. This is clearly untrue and inaccurate.

Mr. Speaker, what is true is that Mr. Zelichonok is a teacher of Hebrew and has been active in Jewish emigration circles. As a result, he has been the victim of a systematic campaign of harassment by the KGB. The Zelichonok home has been searched and their Jewish books confiscated. In a anti-Zionist documentary which was aired on Leningrad television. Zelichonok was accused of taking bribes from Zionist tourists from abroad.

Mr. Zelichonok was arrested because he dared to challenge the anti-Semetic authorities of the Soviet Union. Alec Zelichonok's arrest is part of a tragic trend. The emigration figures of the last few months have been dismal. It is apparent that the Soviet Union's war against the Jewish people continues.

Mr. Speaker, we in the Congress cannot remain silent in the face of such a blatant denial of basic human rights. I call upon the leaders of the Soviet Union to release Alec Zelichonok and allow he and his wife to emigrate to Israel.●

● Mr. MICHEL. Mr. Speaker, 2 weeks ago my office received a telephone call from the Chicago Council for Soviet Jewry. It seems that a Soviet Jew named Leonid Volvovsky had been arrested by the KGB and the Chicago council asked me to send a telegram to the Procurator General in Moscow, asking him to stop the arrest.

I was glad to send the telegram. I have not yet learned about the fate of Volvovsky, on whose behalf I had written letters in the past. I do not know what excuse Soviet officials will give for Volvovsky's arrest, but I know the real reason: It is because he wants to leave the Soviet Union with his family, which is still classified as some kind of crime in that country.

I bring all of this to your attention not because such a story is news—unfortunately, it isn't. It happens all too often. What I want to do is to reinforce the testimony of so many of our colleagues who have personal knowledge of the treatment given to those in communist nations whose only crime is the desire to leave one country and settle in another.

I need not add that the human rights problems in the Soviet Union are not limited to Jews. In Lithuania, there is a systematic effort by the Government to suppress and eradicate the Roman Catholic Church. In the other Baltic States, whose conquest by the Soviet Union our Nation has never recognized, similar campaigns are going on. In Ukraine, there is yet another attempt to smother dissent, eradicate religion and transform the people into pure Marxist-Leninist pawns of the state.

This has been going on since the Communist Party of the Soviet Union took power in 1917. We have become so used to Soviet denial of even the most basic human rights that it is no longer news. We nod our heads and sigh. What can be done, we ask?

One thing that can be done is to publicly state—as we are today—that the Soviet Union is a uniquely terrible force for dominating human beings. It is not just another bad system of government. It is uniquely bad, different in kind from bad governments all over the world—unless they too share the Marxist-Leninist faith—because communism seeks total dominance, in every sphere of life—economic, cultural, social, and philosophical.

This is why the arrest of Leonid Volvovsky is so important. He is but one human being. But he symbolizes all that has happened to tens and even scores of millions of human beings for over 60 years.

We should not forget any of this. But sometimes we do. That is why I am glad to join with my colleagues in praising the courage and the faith of Soviet Jews in their effort to gain freedom. When we praise them today, we are also praising all those, no matter what faith or background, who suffer under Communist dictatorships, all over the world.●

● Mr. FASCELL. Mr. Speaker, I am pleased to join our colleagues today in deploring the continuing repression of Soviet Jews. I commend Representatives BILIRAKIS and STOKES for organizing this special order.

Soviet human rights abuses show no sign of abating and represent clear violations of the Helsinki Final Act. Jewish emigration has slowed to a trickle—slightly over 1,000 are projected to be released in 1985—from a level of 51,000 in 1979. No long-term refuseniks and dissidents have received permission to emigrate and long-term family reunification cases remain unresolved.

Moreover, cultural repression and discrimination have intensified. Arrests of Hebrew teachers are continuing and more Jews are becoming prisoners as well as refuseniks. Treatment of dissidents is worsening. Anatoly Shcharansky has been denied visitors for a least the remainder of 1985. Contacts with Andrei Sakharov and his wife Elena Bonner, both in internal exile in Gorky, are extremely difficult.

Prison conditions for Soviet Jews and other dissidents are becoming more barbarous. It is estimated that in 1984 there were 8 to 10 deaths in Soviet labor camps as a result of beatings, reduction in caloric intake, interruptions of food parcels, and punishment cells. New sentences have been given to prisoners about to be released under recently enacted articles of the criminal code which allow prison administrators to extend or add new sentences.

Soviet officials refuse to discuss human rights issues constructively with either Members of Congress or executive branch officials. The recent human rights conference in Ottawa demonstrated once again the Soviet propensity for offering lame excuses for a continuing pattern of human rights abuses. As such, we must make clear to Soviet leaders that human rights issues will be a central feature in U.S. policy toward the Soviet Union.

Mr. Speaker, the Soviet Jewish community has stood fast in the face of an official Soviet policy bent on the repression of all cultural activities and a decided Soviet effort to thwart emigration. A religious revival ironically brought about in part by repressive Soviet policies on emigration is occurring and we must lend it our full support. Last week I offered an amendment to the foreign aid bill supporting President Reagan's recent call for an end to the imprisonment and persecution of Soviet Jewry. The special order today will give additional support to the crucial effort to defend the rights of Soviet Jews to live in peace and pursue their way of life free from cruel repression.●

● Mr. CONTE. Mr. Speaker, in just 2 weeks, on August 1, 1985, the world will observe an important anniversary. That date will mark the 10th anniversary of the signing of the Helsinki Final Act, an accord which calls for universal adherence to a widely accepted code of fundamental human rights. As we approach this anniversary, it is sadly ironic that one of the act's major signatories, the Soviet Union, has numbered itself among the world's most consistent violators of the very human rights which the act was intended to protect.

In compiling its dismal record on human rights, the Soviet Union has committed a long list of deplorable offenses; but today we focus our attention on the plight of Soviet Jewry. We concentrate on Soviet Jews because they form a community of more than 2 million—that is, one of the world's largest Jewish communities—and because they suffer badly from neglect, nonobservance, and, indeed, outright violation of their rights and freedoms. Over the past 5 years, the number of exit visas granted Soviet Jews has decreased, while arrests and trials of Jewish activists and refuseniks have increased markedly. Also during this period, clear intensification of official harassment of applicants for family reunion has occurred.

Now is the time for all responsible people to raise their voices against the blatant disregard for human rights of which the Soviets' shameful mistreatment of its Jewish population is a poignant example.

The need for such abuses to come to an immediate end should not be underestimated. In this age of superpower rivalry, when the world is haunted by the nuclear menace, any impediment to increased mutual understanding must be eliminated. The Soviet Union must cease its incessant trampling of human rights if a more stable peace is to be established. Such a peace is in the interest of us all, and a Soviet decision to respect the human rights of its Jewish citizens would constitute a significant step in its direction.●

● Mr. FRANK. Mr. Speaker, I am grateful to my colleagues for taking out a special order on this important issue. In the past few years the plight of the Soviet Jews has worsened considerably. The Soviet authorities on the one hand have begun a campaign of harassment and intimidation and on the other hand have virtually halted emigration.

Under the guise of "anti-Zionism" the Soviets have spread hateful anti-Semitic propaganda, and have attempted to squelch any expression of Jewish identity. Teachers of Hebrew, for example, are singled out for persecution. Individuals who apply to emigrate find themselves out of work and subject to prosecution for "parasitism."

The great hope of the refuseniks—that they will be able to live a full Jewish life in Israel or in the United States—sometimes seems to be fading away, because so few Jews have been able to obtain exit visas in the past few years. It is our duty here in the

Congress to make sure that the refusenik community does not lose hope. Our protests to Soviet officials, and our expressions of solidarity to refusenik families, send a message of hope. The Jews in the Soviet Union are sustained in large part by their link to the West—the knowledge that the world Jewish community and the community of free peoples have not forgotten them.●

● Mr. WORTLEY. Mr. Speaker, Anne Frank wrote in her diary, "If you think of your fellow creatures, then you only want to cry, you could really cry the whole day long. The only thing to do is to pray that God will perform a miracle and save some of them. And I hope that I am doing enough."

The observations of a teenage girl hidden away in a house in Amsterdam during the Second World War have a particular poignancy about them when one thinks of our Jewish brothers and sisters in the Soviet Union.

The Soviets do not use gas chambers in their drive to eradicate the Jewish population within their borders. No, they are much too sophisticated for that but their tactics are just as repulsive. The Soviet Government uses more subtle but equally invidious tactics against a group of its citizens whose only crime is that they are Jewish.

Americans do not understand religious persecution. We have a long history of toleration. Toleration of the right to believe in God. Toleration of the right to practice the religion of one's choice. Toleration of the differences between religions. By ensuring the rights of minorities we protect the rights of the majority. The basic beliefs that we hold sacred are anathema to the Soviet Government.

The Soviet Government holds sway over its people by using the tacts of fear and repression. Forbidding Soviet Jews to emigrate from their homeland to freer soil is a prime example of that repression. Trumped up charges are levied against those wishing to leave. Jobs are lost. Families are separated. Potential immigrants are forced to suffer unspeakable privations for their beliefs.

Just as Anne Frank did, Americans can offer their prayers for a miracle. And we as legislators can raise our voices in this Chamber to focus the world's attention on the plight of Soviet Jews.

The number of exits permits issued to Soviet Jews by their government is at an all time low. A change in Soviet leadership simply meant a continuation of past policy. The treatment of Soviet Jews is an issue that will be with us for a long time to come. And that is why it is so important that we call upon the Soviet Government to act with compassion and release those of its citizens who wish to leave.

I am convinced, Mr. Speaker, that if the Soviet Government granted permission to leave for its citizens who yearn to join their families in other parts of the world, relations between our two countries would improve significantly.

A regime that rules its people by fear and darkness cannot stand the glare of attention brought to its faults. That is our job to see that the light never falters as long as there is a need for it to shine in the darkened corners of a repressive and inhumane regime.●

● Mr. ROE. Mr. Speaker, 6 months have gone by in 1985, and the sad plight of the Jews of the Soviet Union has not improved during that time. They are still being incarcerated in jails and prison camps, they are still being denied permission to emigrate, they still face the loss of families and careers for simply expressing the desire to be free, and they are still being prevented from practicing the religion of their ancestors. Their total assimilation into Soviet society is becoming a reality, jeopardizing the future of Jews and Judaism in the Soviet Union. For these reasons, I rise to join my colleagues in this special order on the plight of Soviet Jewry.

The deteriorating conditions of the Jews of Russia behooves us to raise our voices in anguish and protest. We must convey to them our heartfelt feelings that America does care about them, and let them know that their human rights are of fundamental concern to us. We must continue to tell the Jews of the Soviet Union that their desire to emigrate and practice their religion and culture are not purely internal matters, but issues that concern freedom-loving people everywhere.

We have seen in the last few months the rise of the ugly spectre of government sponsored anti-Semitism, in the guise of anti-Zionism. But let there be no mistake about it: The Soviet propaganda against Israel and Zionisms is just another method for persecuting and harassing the Jews of the Soviet Union and for inciting feelings of hatred and jealousy between the Jews and non-Jews of the Soviet Union. This anti-Semitic effort is nothing less than an attempt to eradicate Jews and Judaism in the Soviet Union and we cannot acquiesce in that effort to destroy a Jewish civilization and culture.

Mr. Speaker, in 12 days, Jews all over the world will gather in their places of worship to observe their annual solemn day of fasting and mourning, the Ninth of Ab. The day commemorates the destruction of the first and second temples in Jerusalem, as well as the expulsion of the Jews from Spain in 1492. On that solemn occasion, the Jewish people will pause to consider the present plight of their brothers and sisters trapped in the Soviet Union who are prevented from participating in the rich cultural heritage of Judaism. It is therefore only fitting that America redoubles her efforts to help ease the persecution of the Jews of the Soviet Union, so that they may yet see the day when they will be able to practice their religion and realize the 2,000-year-old call of "Next Year in Jerusalem."●

● Mr. AuCOIN. Mr. Speaker, I'd like to commend the sponsors of this special order for sharing their experiences and allowing us an opportunity to speak out for Soviet Jewry. As the Jews in the Soviet Union face increasingly grim acts of oppression and obstacles to their goal of emigration, it is critical that Congress act to further their cause. The plight of Soviet Jews commands our attention now more than ever.

Last month, emigration reached an all time low. Only 36 of the hundreds of thousands of Jews waiting to leave were released by the Soviet Government. These figures are representative of the downward trend we've seen since 1979 when 51,000 Jews were allowed to leave the Soviet Union. In 1984, 896 were set free.

Soviet Jews remaining within the country are feeling the effects of their government's efforts to isolate and intimidate them. Repeated acts of harassment, confiscation, and invasion of private property, and officially sponsored anti-Semitism have reached unprecedented levels.

At the forefront of concern, are the recent arrests of Hebrew language teachers. I acknowledge and condemn the arrests of Leonid Volvovsky, Yevgeny Koifman, Roald Zelichonok, and the other Jewish activists arrested under false charges to cover their real crime: Their desire to live in a free country. These individuals will not be forgotten. I strongly urge that we apply pressure for their immediate release from imprisonment.

Last May, I was privileged to meet with several long-term refuseniks in Moscow. Talking with such courageous people as Alexander Lerner, Valery Soyfer, and Mikhail Kolmiansky, the strength and clarity of their desire to live in freedom became evident. Their beliefs are deeply felt; their message is simple: "Do not forget us. You are our link with freedom. You are our hope."

I believe that we should take every appropriate opportunity to ensure that our links remain strong; that their hopes become realities.●

● Mr. SAXTON. Mr. Speaker, I would like to commend my colleagues, Messrs. STOKES and BILIRAKIS, for sponsoring this special order to keep attention focused on the plight of Soviet Jewry. This is a topic of special concern to me, and it is proper to remind the Soviet Union that the United States Congress will not be idle while state-sanctioned human rights

abuses are being perpetrated upon these innocent people.

Jewish life in the Soviet Union is dominated by determined, state-sanctioned propaganda and harassment activities. In fact, the few freedoms which have been accorded other religious minorities are not extended to Jews. The ultimate goal of the Soviet Government is the annihilation of the Jewish culture. Because Jews are denied the right to pass-on most of their rituals and traditions to younger generations, the Jewish religion may well face extinction in the Soviet Union.

This situation is intolerable not only because Soviet Jewry suffer badly from neglect, nonobservance and, indeed, outright violation of their rights and freedoms as individuals and as a community, but also because it constitutes a serious obstacle in the path of the improvement of international relations and cooperation. For these reasons, and with the support of the American people, Soviet Jewry will continue to be a human rights issue of utmost concern to the U.S. Congress.

Furthermore, Mr. Speaker, I was pleased to join many of my colleagues in signing a letter to President Reagan to discuss forcefully the need to respect the rights of minorities in the Soviet Union. I believe a meeting between Mr. Reagan and Mr. Gorbachev has the potential to improve substantially the relations between our two nations. But, as freedom-loving people, we must make it clear to the Soviet leader that the state of human rights in the Soviet Union, particularly with regard to Soviet Jewry, is unacceptable. As the letter states, "peace that ignores the plight of millions is no peace at all."

And finally, Mr. Speaker, I invite Members of Congress to cosponsor legislation introduced by my esteemed colleague from New Jersey, MATT RINALDO, which would establish Radio Maccabee, a radio program under the auspices of Radio Liberty which would be dedicated to broadcasting in the Russian language to the Jewish population of the Soviet Union. Radio Maccabee would help counter Soviet Government attempts to repress Jewish culture in that country.

Again, it is a privilege and a pleasure to have this opportunity to speak out on behalf of the oppressed Soviet Jewry. Perhaps our resolve will help us reach the day when Soviet citizens will have the same opportunity.●

● Mr. FAZIO. Mr. Speaker, I rise today in full support of the Jewish citizens of the Soviet Union. I commend the determination of this group who endures persecution and discrimination as a result of their desire to maintain their religious and cultural heritage.

I join my colleagues, who recently completed a visit to the Soviet Union and witnessed first hand the abhorrent treatment of Soviet Jews, in calling for a unified effort to demand the cessation of persecution of this group and allow for their emigration from the Soviet Union. Last year only 896 Jews were allowed to emigrate from the Soviet Union, culminating a decline from 1979 when over 51,000 Jews were allowed to leave. Despite previous efforts on behalf of this group, the Soviet Union has not relented in either increasing the number of Jewish citizens allowed to emigrate or relaxing the harsh treatment of Soviet Jews.

In light of this continued mistreatment, it is time that we intensify our efforts to educate the American public and promote the cause of Soviet Jews. We must call upon the Soviet Union to discontinue the practice of cultural, intellectual, and religious isolation that has been forced upon this group. Furthermore, we must not allow the Soviet Union to continue the practice of imprisoning refuseniks who merely want to emigrate to Israel. Also, those Jews who choose to remain in the Soviet Union must be guaranteed the same rights as citizens of other nationalities and religious affiliations.

Finally, let me close by urging all Americans to join in the struggle for basic human rights and dignity for this oppressed group. Through our combined and continued efforts, we offer these people hope for a better life.●

● Mrs. KENNELLY. Mr. Speaker, I would like to join my colleagues in this special order to discuss the plight of Jews in the Soviet Union. As Americans, we stand together in support of those basic human rights the Soviet Government continues to deny Soviet Jews—the right to emigrate and the right of religious freedom.

It's essential that we let Soviet Jews know we have not forgotten their struggle. And it's equally important for the United States to continue to pressure the Soviet leadership into ending their systematic persecution of Soviet Jews. On July 10 of this year, I sent a letter to the President asking him to raise the issue of the continuing repression of Soviet Jews when he meets with Mikhail Gorbachev in November. Below is the text of that letter:

DEAR MR. PRESIDENT: I am greatly heartened by your decision to meet with Soviet leader Mikhail Gorbachev this November. The hopes of all Americans, and, indeed, of all the people of the world, go with you. A productive meeting is clearly in all of our best interests.

Many issues—great and small—divide the United States and the Soviet Union. I write to urge you to raise one in particular with Mr. Gorbachev, and that is the continuing repression of Jews in the Soviet Union.

From 1968 to 1981, more than 640,000 Soviet Jews applied for exit visas, the first step toward leaving the Soviet Union. Yet only 260,000 have been permitted to emigrate, and the number of exit visas granted is declining. In 1979, 50,000 Soviet Jews were permitted to leave. By 1982, only 2,668 were allowed to emigrate. By 1984, the number had plummeted to only 1,000, and only 499 have been allowed to emigrate this year.

Of the Jews remaining in the Soviet Union, at least 380,000 have indicated their desire to leave, but have been refused permission to do so by the authorities. These are the "refuseniks," who have become the targets for an unrelenting persecution by the Soviet state. As one observer has written recently, they "have been subjected to just about every device in the totalitarian arsenal short of mass terror: economic reprisal, discrimination against their children, isolation from friends and relatives living abroad, constant surveillance, arrests, frame-ups, terms in the Gulag, and an anti-Semitic propaganda campaign." Undoubtedly, there are many thousands more who would like to leave, but who have not attempted to do so because they fear reprisals.

Mr. President, in this fortieth anniversary of the end of World War II, there can be no better way to demonstrate our continuing belief in the principles for which that war was fought and won than to stand four-square for the liberation of Soviet Jewry. I urge you to discuss with the Soviets their compliance with the Helsinki Accords and with the U.N. Declaration of Human Rights. And I ask you to use the influence of our country to defend the most precious of human rights—freedom of conscience—around the world.

With my best wishes for a successful meeting, I remain.

Sincerely,

BARBARA B. KENNELLY,
Member of Congress.●

● Mrs. BOXER. Mr. Speaker, I am pleased to be a part of this special order on the plight of Jewish citizens in the Soviet Union and want to commend Congressmen STOKES and BILIRAKIS for making it possible.

I also want to commend my other colleagues who cared enough to travel to the Soviet Union and who are sharing their experiences with us here today. I firmly believe that this is one issue where attention can make a difference—especially attention on the floor of the House of Representatives. Although our efforts may not always be successful, the consequences are too great not to keep trying.

We all have heard of the increasing persecution of Jews in the Soviet Union—from being arrested for teaching Hebrew or for simply acting and identifying themselves as Jews. Even more tragic is the increase in physical violence and brutality. I remind my colleagues that this is the current state of affairs less than 1 month before the 10th anniversary of the signing of the Helsinki accords.

I believe we must continue to publicize the Soviets' disregard for human rights and their treatment of individual citizens. I would like to share with you some information I recently received about activities in the Soviet Union.

On Friday, June 28, Isai Goldshtein was interrogated by the KGB. His

apartment was searched, and various religious materials and books were confiscated. He was instructed to report to KGB headquarters, and there is a chance that he might be charged with treason—a very serious charge in the Soviet Union. Mr. Goldshtein is a member and founder of the Phantom Orchestra, a musical group composed of refuseniks, Christians, and human rights activists. The orchestra was planning a concert to commemorate the signing of the Helsinki accords. There is a strong suspicion that his arrest was connected with the proposed concert.

Roald Zelichonok was arrested on June 11 and is currently awaiting trial. Mr. Zelichonok has a bad heart condition, and his wife, Galina, is practically blind. His subversive activities included appealing to Soviet authorities to honor Raoul Wallenberg and writing about postal restrictions in the Soviet Union. One of the items confiscated in his arrest was his typewriter, which was his wife's only way of communicating in writing. She is currently looking for a lawyer for Roald, even though all lawyers in the Soviet Union work for the Government.

I also want to mention Mr. Brodsky from Moscow who was arrested, released, then arrested again. The charge? Malicious hooliganism! Mr. Brodsky's trial is coming up in about 10 days and he could be sentenced to 5 years in a labor camp. There have been instances when people were helped by others speaking out in their behalf. I sincerely hope that these words here today will help Mr. Brodsky and that he will not be convicted on these trumped up charges.

These cases, although maybe not dramatic enough to make headlines, are examples of the Soviets' routine noncompliance with the Helsinki accords.

I believe the upcoming meeting between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze to commemorate the 10th anniversary of the signing of the Helsinki accords provide an opportunity to publicize the Soviets' violations of the accords. I urge Mr. Shultz to insist that the Soviets comply with the provisions of the treaty that they are publicly commemorating.

Again, I appreciate the opportunity to be a part of this special order and thank those who made it possible.●

● Mr. ADDABBO. Mr. Speaker, I would like to add my voice in protest of the continued mistreatment of Jews in the Soviet Union. I also want to congratulate my colleagues who addressed this issue during a recent trip to the Soviet Union.

Recent actions on the part of the Soviet Government illustrate how crucial our attention is to the plight of Soviet Jews. Just 2 weeks ago, on June 30, we saw another troubling example of state-sponsored anti-Semitism in the U.S.S.R. Isai and Grigory Goldshtein, two Jewish human rights activists, were arrested in Tbilisi, Georgia. The crimes they were charged with were the possession of human rights literature and a copy of the "History of the Jews."

It is appropriate and ironic that we make our remarks today, as we mark the 10th anniversary of the signing of the Helsinki accords. These documents, meant to reaffirm international acceptance of basic human rights, have been repeatedly violated by the Soviet Government. As long as the teaching of Hebrew or Jewish culture, or requesting permission to emigrate to Israel, remains a crime in the Soviet Union, we in the West must continue to speak out.

For our part, those of us in Congress, must make it clear to the Kremlin that we will continue to use whatever leverage that is within our power to see to it that they live up to the treaties and commitments they have signed. Violations of human rights and anti-Semitism cannot be dismissed as internal matters. They are legitimate concerns of the international community and those that violate those rights must know that their actions will not be without consequences.●

● Mr. MRAZEK. Mr. Speaker, the plight of Soviet Jewry is an issue which we in Congress address dozens of times a year. I'm sure at one time or another, all of us question whether our pleas have an effect, or whether the Soviet leaders file our letters in the Kremlin circular file. But I would contend that even if our letters are thrown away, and the emigration rate continues to decline, we do have an impact, and we must never relent in our efforts to gain freedom of expression and religion for Soviet Jews.

Perhaps the most important impact is on the refuseniks, the prisoners of conscience, and their families in the Soviet Union. In the long night of Soviet repression, they know that those of us privileged to live in the light of freedom have not forgotten them, and will not forget them.

The decade of the 1970's was testimony to the effect that U.S. pressure can be put on the Kremlin leaders. We expressed our concern loudly and clearly, offered the Soviet increased trade in exchange for a more enlightened policy, and the Soviets responded by allowing more than a quarter million Jews to emigrate from that country. It is more difficult now. The state of relations between our nations has reached an unparalleled low in recent years. We have little to bargain in exchange for the freedom of Soviet Jewry.

Does this mean we should give up our fight? No; this means we should work even harder. One day, hopefully sooner rather than later, bilateral relations will improve. At that time, the Soviets will approach us with a shopping list. And they will know, as a result of our unrelenting efforts, that they cannot spend one dime, can expect no offerings, until they respond to our request—freedom for Soviet Jewry.●

● Mr. YATRON. Mr. Speaker, I rise in strong support of the amendment offered by Chairman FASCELL on Soviet policy regarding Soviet Jewry. I commend the gentleman from Florida for his important initiative.

As chairman of the Subcommittee on Human Rights and International Organizations, I have held many hearings on religious persecution and other human rights abuses in the Soviet Union. The subcommittee intends to continue its investigations into this area by conducting a hearing on Soviet Jewry in the near future.

One distressing fact which clearly emerges from these undertakings is that the human rights situation in the Soviet Union is getting worse. This is palpably exemplified by the plight of the Jewish minority, who continue to suffer countless forms of inhumanity. The statistics are startling. In 1979, more than 51,000 Jews were allowed to emigrate from the Soviet Union. In 1984, the number dropped dramatically to less than 1,000. So far this year there is no evidence of any improvement. Moreover, those Jews who express an interest in leaving are severely harassed, often losing their jobs, and those who simply profess their faith are frequently incarcerated on fictitious charges and subjected to other unspeakable acts of abuse.

Clearly, we need to send a strong message to Moscow. As a free society, we must continue to expose to the world the hypocrisy of regimes which trumpet their belief in human rights, but callously violate the most basic liberties of their citizens. We must continue to pressure these governments to adhere to their international commitments regarding human rights.

The Soviet Union is a signatory of the Helsinki Final Act. The Soviets want to reap all the political and economic benefits of the accords without complying with its human rights provisions.

The Soviet treatment of their Jewish minority is reprehensible, revolting, and the very antithesis of every precept of human decency. As Americans, we are deeply offended by such inhumanity. This amendment continues to keep the Soviets on notice that their record on human rights is a critical factor in our bilateral relations. Improvements in the treatment of their Jewish population will certainly enhance the atmosphere between our two nations.

I also want to commend the National Conference on Soviet Jewry for their

tremendous efforts and help in increasing public awareness and knowledge of this important issue. I appeal to the Members of this Chamber to support this vital amendment.●

● Mr. SENSENBRENNER. Mr. Speaker, all citizens of democracies decry the plight of the Jewish residents of the Soviet Union. The persecution they undergo at home in combination with being prohibited to emigrate or practice their faith in freedom results in an untolerable situation for all those who respect the primacy of the individual and that individual's freedom of worship. This tragic plight is only accentuated when it is realized that representatives of the Washington Board of Rabbis, arrested for demonstrating against the discriminatory treatment of Jews in the Soviet Union in front of the Soviet Embassy, were prosecuted.

Why has the Government decided to prosecute these members of the clergy when it has dropped all charges against all those who have done the same at other embassies? Are we no better than the Soviets themselves, making our decision on who to prosecute purely on the basis of which foreign governments request such action? These rabbis sought no special treatment, and were willing to suffer the consequences their actions dictated. However, they did expect the type of equal treatment our system of justice is founded on. Why aren't the decisions whether or not to prosecute based upon clear, consistent, publicly stated principles which are applied evenly and fairly? Surely in the land of the greatest democratic experiment in history, a country which has respected the rights of the individual in a way in which no other nation ever has, we must set the goal of "equal justice under law," as the inscription above the entrance to the Supreme Court sets out.

The plight of the Soviet Jews must find expression in the free world, particularly in the capital of the leading free nation on Earth. The rights of free speech, freedom of religion, and freedom of expression must be carried to the Soviet Union to ease the burden on Soviet Jews from Soviet repression. We must also support, however, the works of Soviet Jews in the United States, whose efforts have supported us in carrying our cause to the Soviet Union.●

● Mr. DWYER. of New Jersey. Mr. Speaker, I wish to thank my colleagues, Congressmen STOKES and BILIRAKIS for bringing this special order on Soviet Jewry to my attention. It's a way of keeping the issue alive as well as keeping attention focused on the Soviet Union and the plight of Soviet Jews.

Life for a refusenik is very grim. They are invariably fired from their jobs, not allowed to worship, and scorned on a day-to-day basis. Since last summer, Soviet authorities have enforced a sustained crackdown on Hebrew teachers. Four prominent Hebrew teachers have been arrested and convicted on fabricated charges. Similarily, six Jewish cultural activists have been convicted on equally suspicious charges.

In addition to this new wave of arrests, scores of Hebrew teachers have been warned to stop teaching Hebrew or face severe punishment. Numerous reports indicate beatings, raids, job loss, interrogations, confiscation of religious articles, and other forms of harassment. In keeping with the spirit of the Helsinki accords, the United States must continue to support the cause of freedom, independence, and human rights in all nations of the world. By doing so, we will enhance the reputation of this great Nation among freedom-loving peoples all over the world.

At this time, I think it only fitting to mention the plight of Marina Shenderovich, a 25-year-old refusenik. Marina faces the reign of oppression in the Soviet Union as do so many of her fellow Jews in the Soviet Union. The daughter of an engineer and an English teacher, she was refused an emigration visa in 1979 for unstated reasons. As a result, she was forced to curtail her studies at the university.

As a nation dedicated to the principles of independence and the protection of human rights, the refusenik community looks to us for direction. We shall always share with them the hope that the claims of political and cultural bondage will some day be broken and the claims of freedom we cherish will be realized.●

● Mr. FROST. Mr. Speaker, I have been deeply concerned about Soviet Jewry for a number of years and so was especially pleased to have an opportunity to meet with several refuseniks when I visited the Soviet Union in 1983. It was a deeply moving experience and was, for me personally, the highlight of the trip.

I was struck by the courage and dignity with which these people endured the hardships imposed upon them by their government. It was especially sobering to talk with educated and talented people who were denied the opportunity to work in their chosen field and, in some cases, were denied the opportunity to work at all. One young family made a particularly lasting impression on me. Sadly, though, their story is all too common among Soviet Jews.

Boris and Irene Ghinis live in Moscow with their children and have been trying to emigrate since 1978. They have been denied permission seven times and have endured great personal and financial hardship because of their desire to leave Russia. Boris was fired from his job immediately after applying for a visa in 1978 and, since that time, has been forced to support his family through a number of odd jobs. Irene, attempting to give Jewish children a sense of the heritage that they have been denied, taught Hebrew in a kindergarten that the Government has shut down. The entire family has been subjected to threats and harassment for more than 7 years now.

In the last 2 years, I have adopted the Ghinis family and have worked on their behalf. I have also visited with Irene's parents, Valentin and Clara Litvin of San Antonio, TX. Dr. and Mrs. Litvin are people of uncommon strength and determination who have worked tirelessly to secure freedom for their daughter's family. Although they were allowed to leave the Soviet Union in 1978, they do not believe that they will be totally free until their daughter, son-in-law, and grandchildren are granted exit visas. Since my visit with Boris and Irene, they have had another child. As I'm sure you can imagine, the Litvins want desperately to see this grandson that they have been denied the chance to know and love.

Boris and Irene only want the things that we so often take for granted—the chance to practice their religion freely, the companionship of their family, and a future for their children. We cannot forget that there are still thousands of families in the Soviet Union just like them. Emigration figures for the last few months have been somewhat encouraging, but they still have not reached the levels we saw in the late 1970's. I encourage all of you to redouble your efforts on behalf of the refuseniks. We must not let a small improvement make us placid. I call on all of you today to join with me in renewing your commitment to Soviet Jewry and pledging that our efforts will not cease until the Ghinises and every family like them are enjoying the freedoms that are theirs by right.●

● Mr. LEVIN of Michigan. Mr. Speaker, I want to commend my colleagues, Congressman STOKES and Congressman BILIRAKIS for taking time today to discuss the plight of Soviet Jews.

With a new leadership team in Moscow and the approaching anniversary of the signing of the Helsinki accords, we in Congress had hoped that we would see a renewed flow of emigrants from the Soviet Union. And although the Soviet authorities have encouraged refuseniks to reapply for emigration visas, the hoped for flow remains a trickle.

Among these refuseniks are a group of American citizens held hostage by the Soviet Government. Perhaps the best known of these fellow Americans is Abe Stolar and his tragic quest to return home to the United States. It

has been almost 3 months since we heard any positive news, in fact, any news about Abe Stolar. Three months ago the Soviet Government offered Abe and several members of his family the opportunity to leave the Soviet Union. But they would not allow his daughter-in-law, Julia Tryasunova, the wife of his only son to accompany the family in their flight to freedom.

Every parent in this Chamber understands the injustice of the Stolar dilemma. Which of us, faced with Abe's choice, would abandon a member of our families to an oppressive existence as a nonperson in a hostile environment?

This is why it is good for us to remind the Soviets on a daily basis of our commitment to get our hostages back from them. American citizens like Abe Stolar have waited almost a life-time to return home. Their return home is long overdue.

Ten years ago the officials of the Soviet Union signed an agreement which we also signed. The Final Act of Helsinki was a revolutionary document for the 35 signatories to the Helsinki accords pledged to fulfill certain rights to their own citizenry and agreed that the rights of citizens within these nations are a concern to all the signatories. The right of emigration is one of these fundamental guarantees and since 1980 the Soviet Government in callous disregard of the Helsinki agreements has choked off emigration and left a million stranded individuals to survive the harassment of the Soviet bureaucracy.

Ten years ago the Soviets agreed that we in the United States had a legitimate concern about the welfare of their citizens. This evening we remind the Soviets that we indeed take seriously this responsibility. We will not forget about their citizens, and in particular those Soviet citizens which ask only that their government allow them to leave the nation of their birth.●

● Mr. LANTOS. Mr. Speaker, I am pleased to participate in today's special order on Soviet Jewry called by our colleagues, LOUIS STOKES and MICHAEL BILIRAKIS. We stand here united to call attention to the ongoing plight of Soviet Jews: The miserably small emigration numbers, the persecution of Hebrew teachers, the Jewish prisoners of conscience.

As the cochairman of the Congressional Human Rights Caucus, I salute my colleagues who have today called this special order. Today we are sending a signal of our commitment, and it is a signal which speaks volumes about the interest in Congress for human rights. This special order, and the fact that 150 Members have joined the Human Rights Caucus, cannot escape the attention of nations which would prefer to be left alone—like muggers in a dark alley—so that their persecution would be unnoticed.

Today's special order is encouraging because it reaffirms the unalterable commitment of the Members of this House to human rights. It reaffirms that for us in America—citizens, press, and opinion leaders as well as Members of Congress—human rights is a priority issue. It is a signal that we take the whole issue of human rights seriously, that we will never abandon the American legacy of human rights or turn our backs on the victims of human rights abuses.

Today's special order is another stepping stone on the way to total commitment by this Congress to human rights and to the Soviet Jews.●

● Mr. RANGEL. Mr. Speaker, I rise to deplore the plight of Jewish citizens of the Soviet Union. In the past several months, we have become increasingly aware of violations of human rights throughout the world: in South Africa, Iran, Central America, and other areas. Yet as our awareness is heightened we must not forget the continuing mistreatment of Soviet Jews.

The Soviet Union has never afforded its Jewish citizens their rights to speech, assembly, religion, and emigration. As recently as 6 years ago, there was a glimmer of hope. In 1979, over 51,000 Jews were allowed to emigrate from the Soviet Union. They had been granted substantially greater rights than ever before.

In the last 6 years, however, the number of Jews allowed to emigrate from the Soviet Union has declined tremendously. Last year, only 896 left, the lowest number in over 15 years. If the current trend continues, substantially fewer than this number will leave. In addition to a reduction in emigration, there has been a disturbing increase in the number of arrests of those active in the Jewish cultural movement. More and more Jews have been searched, followed, dismissed from their jobs, and otherwise harassed.

Mr. Speaker, we cannot allow this violation of human rights to continue. It is possible to create a greater understanding between our two nations. The Speaker's mission to the Soviet Union in April of this year, in which I was privileged to participate, proved to all involved that the desire of both nations to create a peaceful understanding far outweighs any other grounds for disagreement. We must strongly express to the Soviets our commitment on this issue. We can do this only by continuing to support the plight of Jews in the Soviet Union.

Freedom for all people, of all races, of all ages, of all religions, is the dearest and most precious right that we can ever receive. We in the United States are blessed enough to have that right. It is our responsibility and our duty to aid those who do not yet possess it.●

● Mr. LENT. Mr. Speaker, I am pleased to join my colleagues in expressing my deep concern over the plight of Jewish citizens in the Soviet Union. I am pleased because I believe that through our combined efforts in making known the injustices endured by the Jews in Russia, we may bring about an end to their suffering.

Throughout my long career in Congress I have championed the rights of Soviet Jewry. My efforts in behalf of Soviet Jewry are borne out of a deep sense of compassion for those who are relentlessly persecuted because of their beliefs yet who continue their courageous struggle for freedom.

I have visited the Soviet Union and have witnessed, firsthand, the tragic situation in that country. The refuseniks I met were forced to live like fugitives. But their only crime is their religion and their ardent desire to practice it freely. Their constant companion was fear—they feel it in their hearts and it shows in their eyes. But no matter how depressing the situation was, I was always impressed by their amazing ability to overcome that fear and show hope and strength in the face of overwhelming despair. I honestly believe that it is this courage and perseverance that will be the key to their eventual liberation. But their freedom cannot be attained without our help. In fact, one of their greatest fears is that the Western World may forget them.

Our actions here today are testament to our dedication to the cause of Soviet Jewry. We are reaffirming our pledge to "never forget", knowing that this support gives strength to their valiant struggle for freedom and dignity.

We must continue to work together in support of Soviet Jewry and their fight for human rights. It is my fervent hope that our efforts today have furthered that goal.●

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RELINQUISHING SPECIAL ORDER TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. MOODY] is recognized for 60 minutes.

Mr. MOODY. Mr. Speaker, I only reserved that time in case we needed it. I think we have been able to cover the

material, so I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. MOODY] yields back the balance of his time.

AN AMENDMENT TO H.R. 8, THE WATER QUALITY RENEWAL ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 15 minutes.

Mr. JONES of North Carolina. Mr. Speaker, on Friday, July 12, 1985, the Committee on Rules reported House Resolution 222, which is intended to govern the consideration by the House of H.R. 8, the Water Quality Renewal Act of 1985. House Resolution 222 is an open rule which makes in order a set of amendments to be offered by Chairman HOWARD en bloc and an amendment that I intend to offer. House Resolution 222 requires that these amendments be printed in today's CONGRESSIONAL RECORD to provide the Members of the House with ample opportunity to review them. Therefore, following this statement, I have included the text of my amendment to H.R. 8.

My amendment is intended to add to H.R. 8 a new section establishing a National Estuarine Program. Mr. Speaker, the Committee on Merchant Marine and Fisheries believes that the long-term health and integrity of our Nation's estuaries and near shore areas are vital to our commercial and recreational fisheries and to good coastal resource management. In my district alone, for instance, virtually the entire shoreline area is a major estuary, upon which the coastal fishing and recreation economy sorely depends. Its continued health and wise management is a fundamental long-term interest to our citizens. Other areas along our coasts have equally important estuaries that underscore the need for targeted Federal/State efforts at estuarine planning.

In developing this proposal, I must first call attention to the leadership of Chairman HOWARD, Chairman ROE and the membership fo the Public Works Committee, who deserve credit for developing the basic estuarine planning approach in H.R. 8. That approach calls for the development comprehensive management plans for major estuaries through a cooperative Federal-State-local effort, similar in concept to the successful Chesapeake Bay Program. The provision to H.R. 8 proposed by my amendment fully incorporates this basic approach, and seeks to augment it in certain specific respects to:

Authorize State Governors to nominate candidate sites for this planning effort;

Require the planning conference to take into account commercial and recreational fisheries and coastal management considerations; and

Ensure that no Federal implementions funds are spent unless Federal and State agencies make firm commitments to the plans.

Mr. Speaker, I want to take this opportunity to point out that I intend later this week to publish in the CONGRESSIONAL RECORD a detailed section-by-section analysis of the amendment. I urge my colleagues to support this amendment.

AMENDMENT TO BE OFFERED TO H.R. 8, BY CONGRESSMAN WALTER B. JONES (NORTH CAROLINA)

NATIONAL ESTUARINE PROGRAM

At the end of the committee substitute, H.R. 8, insert the following new section:

SEC. . (a). PURPOSES AND POLICIES.

(1) Congress finds and declares that:

(A) the nation's estuaries are of great importance for fish and wildlife resources; marine transportation; recreation and economic opportunity;

(B) maintaining the health and ecological integrity of these estuaries is in the paramount national interest;

(C) increasing coastal population, unwise development, and other direct and indirect uses of these estuaries threaten their health and ecological integrity;

(D) long-term planning and management will contribute to the continued productivity of these areas, and will maximize their utility to the nation;

(E) better coordination among federal and state programs affecting estuaries will increase the effectiveness and efficiency of the national effort to protect, preserve, and restore these areas, and

(F) existing programs relating to the Chesapeake Bay have demonstrated the strength of the federal-state partnership in comprehensive planning for estuaries.

(2) The purposes of this section are to:

(A) identify nationally significant estuaries that are threatened by pollution, unwise development or overuse;

(B) promote comprehensive planning for, and conservation and management of, nationally significant estuaries by utilizing the water pollution control authorities of the Federal Water Pollution Control Act and the intergovernmental planning and management processes of the Coastal Zone Management Act;

(C) encourage the preparation of special area management plans for estuaries of national significance; and

(D) enhance the coordination of estuarine research.

(b). NOMINATION AND SELECTION.—

(1) The governor of any state may nominate to the Administrator of the Environmental Protection Agency and the Secretary of Commerce (hereinafter referred to as "Administrator" and "Secretary", respectively) an estuary lying in whole or in part within the state as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary. The nomination shall document the need for the conference, the likelihood of success, and information relating to the factors in paragraph (2).

(2) The Administrator and the Secretary, in consultation with other federal agencies, state and local governments and the public, shall review each nomination submitted pursuant to paragraph (1) and select those estuaries of national significance for which comprehensive management plans should be developed. The selection shall be based upon:

(A) the ecological significance of the estuary;

(B) the biological productivity of the estuary and its contribution to fish and wildlife resources of commercial and recreational significance;

(C) the degree to which commercial, residential, recreational, or industrial activities within the estuary and its watershed have impaired or may impair the health and ecological integrity of the estuary; and

(D) the degree to which comprehensive planning and management may contribute significantly to the wise use of the estuary and to its health and ecological integrity.

(c). ESTUARINE MANAGEMENT.—

(1) The Administrator and the Secretary, with the concurrence of the Governor of each state in which the estuary is located, may convene a management conference for each estuary selected under subsection (b)(2).

(2) The members of the conference shall include the Secretary, the Administrator and other federal, regional, state, and local representatives, and members of the academic-scientific community and the public, as may be necessary to formulate balanced recommendations on the requirements of a comprehensive management plan, as specified in paragraph (3)(B). In addition, the members of the conference shall:

(A) select the conference chairperson;

(B) establish appropriate operating procedures; and

(C) submit to the Administrator and the Secretary a consolidated application for annual funds to be awarded under this section.

(3) The purpose of the management conference shall be to:

(A) undertake and compile research relating to the estuary for purposes of supporting the development and implementation of a comprehensive management plan for the estuary;

(B) develop a comprehensive management plan for the estuary that will restore and maintain the health and ecological integrity of the estuary. Any comprehensive management plan developed pursuant to this subsection shall meet the requirements for a special area management plan under section 304(17) of the Coastal Zone Management Act (Pub. L. 92-583) and shall include:

(i) priority corrective actions and compliance schedules to address point and nonpoint sources of pollution posing the most serious problems to the estuary's physical, chemical, and biological integrity;

(ii) measures providing for the conservation and management of the living resources of the estuary, including shellfish, fisheries, wildlife and associated habitat;

(iii) policies and standards to implement the coastal management objectives for the estuary; and

(iv) a clear delineation of the geographic scope of the management plan including tributaries, watersheds and adjacent ocean areas.

(C) coordinate the implementation of the management plan by the federal, state and local governments participating in the conference.

(4) A management conference convened under this section may be conducted for up to four years. The conference may be extended for one year if, after the initial four-

year period, the Administrator and the Secretary determine that substantial progress has been made and that the conference is likely to succeed in fulfilling its objectives.

(5) The Administrator is authorized to make grants and expenditures as are necessary to support the administration of a management conference under this section. Such grants and expenditures shall not exceed 75 per centum of these administrative costs and shall be made on condition that non-Federal sources provide at least 25 per centum of the costs.

(d) RESEARCH.—

(1) Upon convening a management conference under this section, the Secretary and the Administrator, in conjunction with state and local authorities, shall undertake to develop, compile and make available information and research relating to the estuary that would assist in developing and implementing the comprehensive management plan.

(2) The management conference may develop a research plan, which shall include research needs, priorities and guidelines, to promote the coordination and utility of research relating to the estuary, and shall develop such a research plan prior to the award of grants under subsection (d)(4).

(3) In developing a research plan under this subsection, the management conference shall establish advisory committees or other procedures to provide the interdisciplinary technical expertise necessary to address the range of issues requiring research.

(4) The Secretary shall conduct such research as may be necessary to determine the need to convene a management conference under this section or as may be requested by a management conference. Such research shall comply with any applicable research plan under paragraph (2).

(5) The Administrator, with the concurrence of the Secretary, is authorized to make grants to State water pollution control agencies, State coastal zone management agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals to carry out any research plan developed under subsection (d)(2). Such grants shall not exceed 75 per centum of these costs and shall be made on condition that non-Federal sources provide at least 25 per centum of the costs.

(e). PLAN APPROVAL.—

At the conclusion of a management conference, the Administrator, the Secretary and each participating governor shall review the plan to determine if it meets the requirements of this section and, if so, shall approve the plan.

(f). PLAN IMPLEMENTATION.—

(1)(A) The Administrator and each participating governor shall undertake the necessary actions pursuant to title III of the Federal Water Pollution Control Act (P.L. 92-500, as amended) and other authorities to implement the measures established pursuant to subsection (c)(3)(B)(i);

(B) The Secretary and each participating governor from a state with an approved coastal zone management program shall ensure that the state has incorporated the plan into its management program pursuant to section 306(g) of the Coastal Zone Management Act (P.L. 92-583); and

(C) the Secretary and each participating governor from a state without an approved coastal zone management program shall ensure that adequate authorities and procedures exist within that state for implementing the coastal management objectives of the plan.

(2) The Administrator is authorized to make grants to States and interstate agencies participating in a management conference which have adopted a comprehensive management plan pursuant to this section. Such grants shall be for purposes of implementing the plan. The amount of the grants to any State or interstate agency for a fiscal year shall be equal to 50 per centum of that State's or agency's cost of implementing the management plan for such fiscal year.

(3) The Secretary is authorized to provide financial assistance to states under the Coastal Zone Management Act (P.L. 92-583, as amended) to implement the requirements of a plan which has met the requirements of paragraph (1)(B).

(4) The Secretary and the Administrator shall monitor the implementation of any plan developed and adopted pursuant to this section. In the event that a state is not making reasonable progress in fulfilling the requirements of subsection (f)(1), the Administrator and the Secretary shall suspend further Federal grants under this section until the requirements of subsection (f)(1) are fulfilled.

(g). RELATIONSHIP TO OTHER MANAGEMENT PROGRAMS.—

(1) Nothwithstanding any other provision of this section, no management conference shall be convened for an estuary if the Administrator and the Secretary determine that a management program exists for the estuary that will achieve the purposes of this section.

(2) Nothing in this section shall apply to the Chesapeake Bay Program conducted pursuant to Public Law 94-116.

(h). REPORT TO CONGRESS.—The Administrator and the Secretary shall submit to Congress not later than January 1, 1987 and biennially thereafter a comprehensive report on the activities authorized under this section, which shall:

(1) list the priority monitoring and research needs for estuaries to meet the objectives of this section;

(2) assess the health of the nation's estuaries evaluated under this section;

(3) discuss the pollution problems and trends that affect directly or indirectly the water quality, ecosystem, and existing or potential uses of each estuary evaluated under this section; and

(4) evaluate the effectiveness of pollution abatement activities and other management measures undertaken pursuant to this section.

(i). RULES AND REGULATIONS.—No later than 180 days after enactment of this section, the Administrator, with the concurrance of the Secretary, shall promulgate regulations to implement this section pursuant to section 553 of title 5, United States Code.

(j). AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to carry out subsections (c)(5) and (d)(5) amounts not to exceed $10,000,000 for each fiscal year within the period beginning on October 1, 1985 and ending on September 30, 1990, of which not to exceed $2,000,000 annually shall be made available to the Secretary for the purpose of fulfilling the responsibilities outlined in subsections (b), (d), and (e).

(2) There is authorized to be appropriated to carry out subsection (f)(2) amounts not to exceed:

(A) $10,000,000 for the fiscal year ending September 30, 1988;

(B) $30,000,000 for the fiscal year ending September 30, 1989; and

(C) $50,000,000 for the fiscal year ending September 30, 1990.

(3) Amounts appropriated under this subsection are to remain available until expended.●

FORTIETH ANNIVERSARY OF THE TRINITY TEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

● Mr. GEPHARDT. Mr. Speaker, when the United States exploded the first atomic bomb—40 years ago today—it also exploded any illusion that we could ever return to a simple, if comfortable, view of the world and our role within it.

We discovered abruptly that our technological ability to destroy civilization far outpaced our political and diplomatic ability to preserve it.

For the past 40 years, a nuclear sword of Damocles has hung over our lives, a constant threat to civilization and a deadly reminder of the failure of all nations to eliminate the causes of war.

Make no mistake about it: there is no task more urgent than removing this sword of Damocles from our lives.

So while we recall the past and our 40-year journey to a spiralling nuclear arms race, let us also look to the future and begin to lead civilization away from the brink of nuclear disaster.

Although a meaningful strategy for controlling—and ultimately banishing—nuclear weapons must contain many elements, let me discuss two I consider particularly important.

First, we must recognize the danger posed by continued development of new nuclear weapons designed with the false purpose of "winning" an unwinnable nuclear war. The warnings of scientists such as Ernest Lawrence and Enrico Fermi, who saw the first atomic explosion, remain especially apt:

> We believe that the safety of this nation—as opposed to its ability to inflict damage on an enemy power—cannot be wholly or even primarily in its scientific or technical prowess. It can be based only on making future wars impossible.

We must take the first step toward stopping the nuclear arms competition by negotiating with the Soviet Union a comprehensive test ban treaty. Such a treaty would slow the inexorable drive toward newer, more deadly, and more destabilizing weapons.

Second, we must increase our efforts to halt the further spread of nuclear weapons. Nuclear proliferation increases the risk of both general nuclear conflict and nuclear terrorism. Negotiating a comprehensive test ban would demonstrate to non-nuclear countries that we are serious about stopping the nuclear arms race. They

thus would feel less pressure to acquire their own nuclear capabilities.

We should also negotiate a verifiable, halt in the world production of plutonium, the basic ingredient in nuclear weapons. Moreover, we should assist other countries in developing alternatives to plutonium fuel for supplying their energy needs.

Since that first atomic test, the problem of avoiding nuclear war seems to have grown only more intractable and complex. But we cannot let the magnitude and compexity of this nightmare prevent us from taking positive action.●

NUCLEAR POWER IN FRANCE

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, Nuclear News, published by the American Nuclear Society, for June 1985, contains a statement by Electricite De France concerning nuclear power generation of electricity in France. The statement is included at the close of my remarks.

The facts in the statement are indicative of an outstandingly successful program of the application of nuclear power in France. This program was properly and effectively aimed at reducing the dependence on vulnerable foreign supplies of petroleum fuels. In approximately one decade, nearly 60 percent of the electricity is now generated by nuclear reactors in France.

The energy is being generated by reactor designs developed in the United States. It is generated by 33 pressurized water reactors which is the type we developed for our naval nuclear propulsion plants and for central station electrical generation. The United States in its Euratom Program in the 1960's assisted France and other European nations in the peaceful utilization of nuclear energy. The accomplishment in France provides proof of the success of this program. The French are standing on our shoulders and demonstrating the astuteness of developing a clean, economic energy source which is independent of foreign perturbations. I might add that this reactor design also generates one-third of its energy from the plutionium which is produced in the reaction. The French in their progressive nuclear program have also become world leaders in the international market for power reactors. It is ironic and tragic that our Nation, who pioneered this technology has not been as successful in its application.

Following is the French statement on nuclear energy:

NUCLEAR POWER IN FRANCE

GENERATION

1973: 8% of 175 billion kWh.
1983: 49% of 283 billion kWh.
1984: 59% of 310 billion kWh (total electricity).

UNITS IN OPERATION

Thirty one 900 MW PWRs.
Two 1,300 MW PWRs.

PERFORMANCE AMONG THE BEST IN EUROPE AND IN THE WORLD

Availability factor = 83.2% in 1984 (PWR units, since commercial operation).

"Improved Manoeuvrability" = in 1985, all the PWRs equipped with gray rods.

Backfitting actions and Training programs organized within EDF and vendors.

(Electricite de France, Nuclear and Fossil Generation)●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FUQUA, for the remainder of the week, on account of a death in the family.

Mr. HALL of Texas (at the request of Mr. WRIGHT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GILMAN, for 5 minutes, today.

(The following Members (at the request of Mr. SUNDQUIST) to revise and extend their remarks and include extraneous material:)

Mr. RITTER, for 60 minutes, July 30.

Mr. DANNEMEYER, for 60 minutes, July 17.

Mr. SAXTON, for 5 minutes, today.

Mr. LUNGREN, for 60 minutes, July 17.

Mrs. MEYERS of Kansas, for 60 minutes, July 23.

Mr. WORTLEY, for 5 minutes, today.

Mr. SWINDALL, for 60 minutes, today.

(The following Members (at the request of Mr. ECKART of Ohio) to revise and extend their remarks and include extraneous material:)

Ms. OAKAR, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. DERRICK, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. MOODY, for 60 minutes, today.

Mr. JONES of North Carolina, for 15 minutes, today.

(The following Member (at the request of Mr. STOKES) to revise and extend his remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SUNDQUIST) and to include extraneous matter:)

Mr. BLAZ.

Mr. CRANE in three instances.

Mr. COURTER.

Mr. DUNCAN.

Mr. LAGOMARSINO in two instances.

Mr. SENSENBRENNER.

Mr. WYLIE.

Mr. O'BRIEN.

Mr. DORNAN of California.

Mr. JEFFORDS.

(The following Members (at the request of Mr. ECKART of Ohio) and to include extraneous matter:)

Mr. DORGAN of North Dakota.

Mr. RANGEL.

Mr. WISE.

Mr. MONTGOMERY.

Mr. BONIOR of Michigan.

Mr. FASCELL in three instances.

Mr. WHEAT.

Mr. MARKEY.

Mr. MORRISON of Connecticut.

Mr. SCHUMER.

Mrs. SCHROEDER.

Mr. GARCIA.

Mr. ROSTENKOWSKI.

Mr. COYNE.

Mr. BARNES in two instances.

Mr. RODINO in two instances.

Mr. FORD of Michigan.

Mrs. BURTON of California.

Mr. MATSUI.

Mr. MCCLOSKEY.

Mr. WALGREN.

Mr. TRAFICANT.

Ms. KAPTUR.

Mr. ACKERMAN in two instances.

Mr. DYMALLY in three instances.

Mr. SCHEUER.

Mr. LELAND.

Mr. WAXMAN.

Mr. VENTO.

Mr. STARK in two instances.

Mr. HAWKINS.

A BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

On July 12, 1985:

H.R. 1373. An act to designate the wilderness in the Point Reyes National Seashore in California as the Phillip Burton Wilderness.

On July 16, 1985:

H.J. Res. 198. Joint resolution providing for appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution, and

H.J. Res. 325. Joint resolution to designate July 13, 1985, as "Live Aid Day".

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.) the House adjourned until to-

morrow, Wednesday, July 17, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1685. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-58, "D.C. Correctional Facility Study Commission Temporary Act of 1985", pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1686. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-55, "Joy Evans Therapeutic Recreation Center Designation Act of 1985", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1687. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-57, "Closing of a Public Alley in Square 127, S.O. 84-64, Act of 1985", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1688. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-54, "Healing Arts Practice Act, District of Columbia, 1928, Amendment Act of 1985", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1689. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-56, "District of Columbia Traffic Amendment Act of 1985", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1690. A letter from the Chairman, Board of Elections and Ethics, Government of the District of Columbia, transmitting notice of a Referendum Petition filed with the District of Columbia Board of Elections and Ethics, pursuant to the Initiative, Referendum, and Recall Charter Amendments Act of 1977, D.C. Law 2-46 (1978); to the Committee on the District of Columbia.

1691. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of political contributions for Harvey Frans Nelson, Jr., of California, as Ambassador to the Kingdom of Swaziland, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1692. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of political contributions for Gary L. Mathews, of Virginia, as Ambassador to the Republic of Malta, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1693. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of political contributions for Irvin Hicks, of Maryland, as Ambassador to the Republic of Seychelles, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1694. A letter from the Attorney General, transmitting an interim report setting forth the Government's drug enforcement strategy and describing the structure and activities of the Drug Enforcement Policy Board established in Public Law 98-473, pursuant to 21 U.S.C. 1204; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committee were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. H. Res. 224. Resolution providing for the consideration of H.R. 2419. A bill to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 99-202. Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. H. Res. 225. A resolution waiving certain points of order against H.R. 2965, a bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes. (Rept. No. 99-203. Referred to the House Calendar.

Mr. ACKERMAN: Committee on Post Office and Civil Service. H.R. 1802. A bill to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service. (Rept. No. 99-204. Referred to the Committee of the Whole House on the state of the Union.

Mr. YATES: Committee on Appropriation. H.R. 3011. A bill making appropriations for Department of the Interior and related agencies for the fiscal year ending September 30, 1986 and for other purposes (Rept. No. 99-205. Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. ROTH, Mr. OBEY, Mr. KASTENMEIER, Mr. SENSENBRENNER, Mr. PETRI, Mr. GUNDERSON, Mr. MOODY, and Mr. KLECZKA):

H.R. 2996. A bill to allow the State of Wisconsin to use the proceeds of veterans' mortgage bonds for the purpose of acquiring or replacing mortgages of veterans who were unable to obtain veterans' bond financing because of a court challenge to the constitutionality of such State's borrowing power; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 2997. A bill to amend section 3013 of title 18, United States Code, with respect to special assessments on convicted persons, and for other purposes; to the Committee on the Judiciary.

H.R. 2998. A bill to make technical amendments to title 18, United States Code, relating to victims of crime and to the Victims of Crime Act of 1984; to the Committee on the Judiciary.

By Mr. DIOGUARDI (for himself and Mr. SIKORSKI):

H.R. 2999. A bill to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of the child abuse cases, especially child sexual abuse cases; jointly, to the Committees on Education and Labor, the Judiciary, and Energy and Commerce.

By Mr. DORGAN of North Dakota:

H.R 3000. A bill to amend title XVIII of the Social Security Act with respect to the "swing-bed" program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, and Mr. GILMAN) (by request):

H.R. 3001. A bill to establish a Food for Progress Program to use American food resources to support developing countries which have made commitments to agricultural policy change, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HORTON (for himself, Mrs. SCHROEDER, and Mr. DWYER of New Jersey):

H.R. 3002. A bill to provide for the establishment of an experimental program relating to the acceptance of voluntary services from participants in an executive exchange program of the Government; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself and Mrs. HOLT):

H.R. 3003. A bill to authorize the Secretary of the Interior to convey certain land located in the State of Maryland to the Maryland-National Capital Park and Planning Commission; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER (for himself and Mr. MOORHEAD):

H.R. 3004. A bill to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; to the Committee on the Judiciary.

By Mr. MARLENEE:

H.R. 3005. A bill to direct the Secretary of the Interior to convey certain lands, withdrawn by the Bureau of Reclamation for townsite purposes, to the Huntley Project Irrigation District, Ballantine, MT; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY (for himself and Mr. BARNES):

H.R. 3006. A bill to correct certain inequities by providing Federal civil service credit for retirement purposes and for the purpose of computing length of service to determine entitlement to leave, compensation, life insurance, health benefits, severance pay, tenure, and status in the case of certain individuals who performed service as National Guard technicians before January 1, 1969; to the Committee on Post Office and Civil Service.

By Mr. MURPHY (for himself, Mr. MOLLOHAN, Mr. BEVILL, and Mr. KOLTER):

H.R. 3007. A bill amending the Surface Mining Control and Reclamation Act of 1977 to authorize incremental bonding for surface mining reclamation projects; to the Committee on Interior and Insular Affairs.

By Ms. OAKAR (for herself, Mr. LELAND, Mr. GARCIA, Mrs. SCHROEDER, Ms. SNOWE, Mr. GEPHARDT, Mr. ALEXANDER, Mr. FORD of Michigan, Mr. CONTE, Mr. FISH, Mr. GRAY of Pennsylvania, Mr. UDALL, Mr. HAWKINS, Mr. RODINO, Mr. PEPPER, Mr. STOKES, Mr. GONZALEZ, Mr. ROYBAL, Mr. OBERSTAR, Mr. HOYER, Mr. CLAY, Mrs. SCHNEIDER, Mrs. KENNELLY,

Mrs. BOXER, Ms. MIKULSKI, Ms. KAPTUR, Mr. CLINGER, Mrs. BURTON of California, Mrs. BOGGS, Mr. STRATTON, Mr. DYMALLY, Mr. DE LUGO, Mr. DELLUMS, Mr. LOWRY of Washington, Mr. BERMAN, Mr. BARNES, Mr. FAZIO, Mr. LEHMAN of Florida, Mr. YATES, Mr. TOWNS, Mr. CONYERS, Mr. FEIGHAN, Mr. WEISS, Mr. SMITH of Florida, Mr. WOLPE, Mr. WHEAT, Mr. KASTENMEIER, Mr. OWENS, Mr. KILDEE, Mr. CROCKETT, Mr. FRANK, Mr. MOODY, Mr. HAYES, Mr. STARK, Mrs. COLLINS, Mr. HOWARD, Mr. BEDELL, Mr. WIRTH, Mr. SEIBERLING, Mr. SABO, Mr. EDWARDS of California, Mr. WEAVER, Mr. MRAZEK, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. WILLIAMS, Mr. MORRISON of Connecticut, Mr. MATSUI, Mr. GEJDENSON, Mr. GUARINI, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. COLEMAN of Texas, Mr. SIKORSKI, Mr. ROE, Mr. TORRES, Mr. RAHALL, Mr. MARKEY, Mr. LANTOS, and Mr. MINETA):

H.R. 3008. A bill to promote equitable pay practices and to eliminate discrimination within the Federal civil service; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN (for himself and Mrs. SCHNEIDER):

H.R. 3009. A bill to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN:

H.R. 3010. A bill to amend the Public Health Service Act to revise and extend the health planning authority under that Act; to the Committee on Energy and Commerce.

By Mr. YATES:

H.R. 3011. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

By Mr. DIOGUARDI:

H.J. Res. 339. Joint resolution condemning the passage of Resolution 3379, in the United Nations General Assembly on November 10, 1975, and urging the U.S. Ambassador and U.S. delegation to take all appropriate actions necessary to erase this shameful resolution from the record of the United Nations; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, Mr. EDWARDS of California, Mr. WYLIE, Mr. EDGAR, Mr. HILLIS, Mr. APPLEGATE, Mr. SOLOMON, Mr. SHELBY, Mr. MCEWEN, Mr. MICA, Mr. SMITH of New Jersey, Mr. DASCHLE, Mr. BURTON of Indiana, Mr. DOWDY of Mississippi, Mr. SUNDQUIST, Mr. EVANS of Illinois, Mr. BILIRAKIS, Ms. KAPTUR, Mrs. JOHNSON, Mr. MOLLOHAN, Mr. MOLINARI, Mr. STAGGERS, Mr. RIDGE, Mr. ROWLAND of Georgia, Mr. HENDON, Mr. BRYANT, Mr. FLORIO, Mr. ROWLAND of Connecticut, Mr. GRAY of Illinois, Mr. KANJORSKI, and Mr. ROBINSON):

H.J. Res. 340. Joint resolution designating September 2, 1985, as "V-J Day Commemoration Day"; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.J. Res. 341. Joint resolution regarding the impact on U.S. trade of the enlargement of the European Community; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DANIEL introduced a bill (H.R. 3012) for the relief of Mrs. Rita Gardner; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. JEFFORDS.

H.R. 26: Mr. SAVAGE and Mr. TORRICELLI.

H.R. 43: Mr. COOPER, Mr. VOLKMER, and Mr. GORDON.

H.R. 156: Mr. KOSTMAYER, Mr. KASTENMEIER, and Mr. LEVIN of Michigan.

H.R. 161: Mr. BRYANT.

H.R. 281: Mr. PERKINS and Mr. FRANK.

H.R. 481: Mr. EDWARDS of Oklahoma and Mr. PANETTA.

H.R. 585: Mr. WHITEHURST, Mr. GUNDERSON, Mr. ROSE, and Mr. BATES.

H.R. 598: Mr. SMITH of Florida, Mr. BATEMAN, Mr. RICHARDSON, Mr. RINALDO, Mr. OWENS, Mr. NEAL, Mr. ORTIZ, and Mrs. BURTON of California.

H.R. 604: Mr. HENRY, Mr. WOLPE, Mr. YATRON, Mr. SAXTON, Mr. BUSTAMANTE, Mr. HERTEL of Michigan, and Mr. TORRES.

H.R. 615: Mr. DAUB, Mr. DAVIS, Mr. MRAZEK, and Mr. GEJDENSON.

H.R. 654: Mr. TAYLOR, Mr. RINALDO, Mr. SAXTON, Mr. DREIER of California, Mr. FIELDS, Mr. EDWARDS of Oklahoma, and Mr. NEAL.

H.R. 693: Mr. WATKINS.

H.R. 695: Mr. COBEY.

H.R. 712: Mr. BEVILL and Mr. NIELSON of Utah.

H.R. 864: Mr. DUNCAN, Mr. CAMPBELL, and Mr. MCCOLLUM.

H.R. 945: Mr. KRAMER, Mr. BARTLETT, Mr. SWEENEY, Mr. STALLINGS, Mr. SMITH of New Hampshire, Mr. SHUSTER, Mr. ROBINSON, and Mrs. BENTLEY.

H.R. 1161: Mr. DICKS and Mr. SLATTERY.

H.R. 1188: Mr. TAUKE, Mr. LIGHTFOOT, Mr. BOEHLERT, Mr. STALLINGS, Mr. NOWAK, Mr. EMERSON, Mr. BORSKI, Mr. KINDNESS, Mr. BOULTER, Mr. STUMP, Mr. COATS, Mr. SEIBERLING, Mr. PETRI, and Mr. PORTER.

H.R. 1207: Mr. MARKEY and Mr. MILLER of Washington.

H.R. 1284: Mr. MCKERNAN, Mr. MANTON, Mr. HOYER, Mr. BONIOR of Michigan, and Mr. GRAY of Pennsylvania.

H.R. 1318: Mr. COATS.

H.R. 1380: Mr. DURBIN.

H.R. 1398: Mr. LEHMAN of Florida.

H.R. 1507: Mr. DUNCAN and Mr. BONER of Tennessee.

H.R. 1517: Mr. BARNARD and Mr. ECKERT of New York.

H.R. 1551: Mr. ARMEY, Mr. BILIRAKIS, Mr. BOULTER, Mr. CRAIG, Mr. DELAY, Ms. FIEDLER, Mr. FIELDS, Mr. LIPINSKI, Mr. SCHAEFER, Mr. STENHOLM, Mr. SWINDALL, Mr. TAUKE, and Mr. VANDER JAGT.

H.R. 1616: Mr. BROWN of California, Mr. YOUNG of Missouri, Mr. YATRON, Mr. LIPINSKI, Mr. WAXMAN, Mr. BONER of Tennessee, Mr. TORRICELLI, Mr. BRYANT, and Mr. MANTON.

H.R. 1675: Mr. STOKES.

H.R. 1779: Mr. EDGAR and Mr. BOUCHER.

H.R. 1875: Mr. WALGREN, Mr. GONZALEZ, and Mr. YATRON.

H.R. 1888: Mr. DYSON, Mr. STUDDS, Mr. NELSON of Florida, Mr. BEDELL, and Mr. LUNGREN.

H.R. 1918: Mr. SHAW and Mr. MARKEY.

H.R. 1925: Mr. RICHARDSON.

H.R. 1946: Mr. DANNEMEYER, Mr. GILMAN, Mr. NIELSON of Utah, Mr. ORTIZ, and Mr. RANGEL.

H.R. 1980: Mr. MCCLOSKEY.

H.R. 2030: Mr. MCKERNAN, Mr. ROE, Mr. SOLARZ, Mr. HUGHES, Mrs. JOHNSON, Mr. BOSCO, Mr. BARNES, Mr. SKELTON, Mr. MONSON, Mr. SMITH of New Jersey, Mr. LIGHTFOOT, Mr. WOLPE, Ms. KAPTUR, Mr. TOWNS, Mr. FRENZEL, Mr. RANGEL, Mr. WORTLEY, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. MCMILLAN, Mr. MITCHELL, Mr. OWENS, Mr. CLINGER, Mr. PICKLE, Mr. DICKS, Mr. BARTON of Texas, Mr. CHANDLER, and Mrs. LLOYD.

H.R. 2042: Mr. RITTER.

H.R. 2119: Mr. GARCIA, Mr. LUNDINE, Mr. SYNAR, and Mr. STOKES.

H.R. 2226: Mrs. BENTLEY, Mr. HALL of Ohio, and Mr. SHUSTER.

H.R. 2263: Mr. HAYES, Mr. HOYER, Mr. KOLTER, Mr. KOSTMAYER, and Mr. MATSUI.

H.R. 2353: Mr. CHAPPIE, Mrs. BURTON of California, Mr. SENSENBRENNER, and Mr. FAZIO.

H.R. 2382: Mr. SYNAR.

H.R. 2406: Mr. MARTINEZ and Mr. CONYERS.

H.R. 2441: Mr. COURTER, Mr. DELLUMS, Mr. BORSKI, Mr. KOLBE, and Mr. COBEY.

H.R. 2489: Mr. FORD of Michigan.

H.R. 2540: Mr. GRAY of Pennsylvania and Mr. FEIGHAN.

H.R. 2549: Mr. BARTON of Texas, Mr. DELAY, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. MONSON, Mr. NIELSON of Utah, Mr. PACKARD, and Mr. STENHOLM.

H.R. 2554: Mr. BOEHLERT and Mr. VALENTINE.

H.R. 2570: Mr. FUSTER, Mr. DYMALLY, Mr. CLAY, Mr. MITCHELL, Mr. RANGEL, Mr. SEIBERLING, and Mr. WHITEHURST.

H.R. 2597: Mr. TRAFICANT.

H.R. 2624: Mr. FROST, Mr. MARTINEZ, and Mr. SUNIA.

H.R. 2653: Mrs. BENTLEY, Mr. BOEHLERT, Mr. BRYANT, Mrs. BURTON of California, Mr. CARNEY, Mr. DELLUMS, Mr. EDGAR, Mr. FISH, Mr. FUQUA, Mr. GUARINI, Mr. LUNDINE, Mr. MCGRATH, Mr. MANTON, Mr. MAVROULES, Mr. MINETA, Mr. MOAKLEY, Mr. MRAZEK, Mr. PRICE, Mr. TORRES, and Mr. WHITEHURST.

H.R. 2660: Mr. CONYERS and Mr. KINDNESS.

H.R. 2663: Mr. GLICKMAN, Mr. YOUNG of Florida, and Mr. LOWRY of Washington.

H.R. 2754: Mr. KANJORSKI, Mr. CARPER, and Mr. LUNDINE.

H.R. 2768: Mr. BENNETT, Mr. MRAZEK, Mr. NEAL, and Mr. EMERSON.

H.R. 2781: Mr. NEAL and Mr. CROCKETT.

H.R. 2794: Mr. BEVILL, Mr. SEIBERLING, Mr. MCGRATH, Mr. SENSENBRENNER, Mr. KOLBE, and Mr. SHELBY.

H.R. 2811: Mr. HAYES and Mr. PERKINS.

H.R. 2812: Mr. HAYES and Mr. PERKINS.

H.R. 2813: Mr. HAYES and Mr. PERKINS.

H.R. 2851: Mr. FAZIO, Mr. MARTINEZ, Mr. WEISS, and Mr. WILLIAMS.

H.R. 2903: Mr. EDGAR and Mr. BORSKI.

H.R. 2936: Mr. WALKER, Mr. FRENZEL, Mr. BARNARD, Mr. HALL of Texas, and Mr. LAGOMARSINO.

H.R. 2939: Mr. TRAFICANT, Mr. RAHALL, Mr. WALGREN, and Mr. FRANK.

H.R. 2952: Mr. ANDREWS, Mr. BERMAN, Mr. BEILENSON, Mrs. BURTON of California, Mr. BROWN of California, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. KOLTER, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. MATSUI, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. PORTER, Mr. RODINO, Mr. ROE, Mr.

SCHEUER, Mr. SMITH of Florida, Mr. TORRICELLI, and Mr. WOLPE.

H.J. Res. 3: Mr. GONZALEZ, Mr. ROE, and Mr. MOLLOHAN.

H.J. Res. 27: Mr. DIOGUARDI and Mrs. BENTLEY.

H.J. Res. 76: Mr. DELAY and Mr. LEACH of Iowa.

H.J. Res. 87: Mr. BONIOR of Michigan.

H.J. Res. 96: Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BURTON of Indiana, Mr. CARNEY, Mr. CHAPPIE, Mr. COBEY, Mr. CRANE, Mr. DANIEL, Mr. DELAY, Mr. DORNAN of California, Mr. EMERSON, Mr. HARTNETT, Mr. HENDON, Mr. MONSON, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. SAXTON, Mr. DENNY SMITH, Mrs. SMITH of Nebraska, Mr. SOLOMON, Mr. WHITTAKER, and Mr. WILSON.

H.J. Res. 102: Mr. ST GERMAIN, Mr. DIOGUARDI, Mr. BOLAND, Mr. GALLO, Mr. WALGREN, Mr. ROE, Mr. HORTON, Mr. FISH, Mr. SAXTON, Mr. OWENS, Mr. HUGHES, Mr. JEFFORDS, Mr. TOWNS, Mr. DONNELLY, Mr. FRANK, Mr. MOAKLEY, Mrs. BENTLEY, Mr. CARPER, Mr. TORRICELLI, Mr. RODINO, Mr. SCHUMER, Mr. LAFALCE, Mr. MCKERNAN, Mr. WEISS, Mr. CLINGER, Mr. WORTLEY, Mr. LUNDINE, Mr. KEMP, Mr. KOLTER, Mr. MCDADE, Mr. MURTHA, Mr. KOSTMAYER, Mr. MANTON, Mr. DYSON, Mr. MURPHY, Mr. CONTE, Mr. DYMALLY, Mr. COBLE, Mr. HENRY, Mr. FRENZEL, Mr. LANTOS, Mr. PANETTA, Mr. BERMAN, Mr. EMERSON, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. SHUMWAY, Mr. RANGEL, Mr. VENTO, Mr. AKAKA, Mr. EARLY, Mr. DEWINE, Mr. TAUKE, Mr. VOLKMER, Mr. DORNAN of California, Mr. GRAY of Pennsylvania, and Ms. SNOWE.

H.J. Res. 133: Mr. PORTER.

H.J. Res. 151: Mr. DERRICK, Mr. CAMPBELL, Mr. LUNDINE, Mr. COOPER, and Mr. GRAY of Pennsylvania.

H.J. Res. 197: Mr. WYLIE, Mr. KRAMER, Mr. DINGELL, Mrs. JOHNSON, Mr. LUNGREN, Mr. HUTTO, Mr. HEFNER, Mr. LEACH of Iowa, Mr. EDGAR, Mr. WIRTH, Mr. ANTHONY, Mr. MOLLOHAN, Mr. YOUNG of Alaska, Mr. WOLPE, Mr. WHITTAKER, Mr. TRAXLER, Mr. STUMP, Mr. MOORHEAD, Mr. CONYERS, Mr. YATRON, Mr. MONSON, Mr. DANNEMEYER, Mr. BILIRAKIS, Mr. EVANS of Illinois, Mr. RUSSO, Mr. KANJORSKI, Mrs. LONG, Mr. SPRATT, Mr. LEHMAN of Florida, Mr. BOUCHER, Mr. LIPINSKI, and Mr. MCCLOSKEY.

H.J. Res. 222: Mr. BREAUX, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CARR, Mr. DIOGUARDI, Mr. FAZIO, Mr. FOGLIETTA, Mr. HATCHER, Mr. HOYER, Mrs. JOHNSON, Mr. KOSTMAYER, Mr. LATTA, Mr. LEWIS of California, Mr. MOAKLEY, Mr. MONSON, Mr. O'BRIEN, Mr. PACKARD, Mr. PERKINS, Mr. PRICE, Mr. TRAXLER, and Mr. WILSON.

H.J. Res. 223: Mr. OWENS, Mr. HUGHES, Mr. MOAKLEY, Mr. ACKERMAN, Mr. HAWKINS, Mr. VENTO, Mrs. HOLT, Mr. WYDEN, Mr. FROST, Mr. CHAPPIE, Mrs. BURTON of California, Mrs. BENTLEY, Mr. RANGEL, Mr. BONER of Tennessee, Mr. COELHO, Mr. CONYERS, Mr. COOPER, Mr. BROWN of California, Mr. ANDERSON, Mr. DARDEN, Mr. DELLUMS, Mr. DE LUGO, Mr. FAUNTROY, Mr. DYMALLY, Mr. PEPPER, Mr. WOLPE, Mr. FAZIO, Mr. FEIGHAN, and Mr. MAVROULES.

H.J. Res. 280: Mr. PETRI and Mr. RINALDO.

H.J. Res. 296:

Mr. LUNDINE, Mr. SPRATT, Mr. GEKAS, Mr. SMITH of New Hampshire, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. LAFALCE, Mr. FIELDS, Mr. LAGOMARSINO, Mr. STRANG, Mr. MCEWEN, Mr. ALEXANDER, Mr. HAMILTON, Mr. WOLF, and Mrs. LLOYD.

H.J. Res. 305: Mr. MACK, Mr. CHENEY, Mr. DORNAN of California, Mr. STRANG, Mr. DELAY, Mr. WALKER, Mr. WILLIAMS, Mrs. MEYERS of Kansas, Mr. COBEY, Mr. GALLO, Mr. WHITEHURST, Mr. CALLAHAN, Mr. CHANDLER, Mr. COUGHLIN, Mr. THOMAS of Georgia, Mr. DENNY SMITH, Mr. HENDON, Mr. HILER, Mr. PACKARD, Mr. LIGHTFOOT, Mr. CRANE, Mr. ECKART of Ohio, Mr. JEFFORDS, Mr. MCEWEN, Mr. FRENZEL, Mr. MICHEL, Mr. O'BRIEN, Mr. KASICH, Mr. MCCURDY, Mr. BRUCE, Mr. STALLINGS, Mr. BUSTAMANTE, Mr. PENNY, Mr. MORRISON of Connecticut, Mr. DARDEN, Mr. RICHARDSON, Mr. GORDON, Mr. SPRATT, Mrs. KENNELLY, Mrs. BOGGS, Mr. WATKINS, Mr. LUKEN, Mr. TAUZIN, Mr. WHITLEY, Mr. DORGAN of North Dakota, Mr. FAZIO, Mr. COELHO, Mr. MOLLOHAN, Mr. BRYANT, Mr. CLAY, Mr. GARCIA, Mr. LEWIS of Florida, Mr. FASCELL, Mr. BEREUTER, Mr. BONER of Tennessee, Mr. EVANS of Iowa, Mr. RODINO, Mr. ROWLAND of Georgia, Mr. SCHEUER, Mr. SHARP, Mr. SMITH of New Hampshire, Mr. STANGELAND, Mr. SUNIA, Mr. TOWNS, Mr. WALGREN, Mr. WISE, Mr. WRIGHT, Mr. WYLIE, Mr. KASTENMEIER, Mr. ENGLISH, Mr. WORTLEY, Mrs. HOLT, Mr. DAUB, Mr. BLILEY, and Mr. EMERSON.

H.J. Res. 313: Mr. MOLINARI, Mr. HARTNETT, Mr. WHITTAKER, Mr. ROEMER, Mr. GUNDERSON, Mr. ROGERS, Mr. WYLIE, Mr. CLINGER, Mr. HUNTER, Mr. BROWN of Colorado, Mr. KRAMER, Mr. BOULTER, Mr. LIGHTFOOT, Mr. IRELAND, Mrs. MARTIN of Illinois, Mr. FRANKLIN, Mr. SHAW, Mr. PACKARD, Mr. MONSON, Mr. SHELBY, Mr. BROYHILL, Mr. GEKAS, Mr. JEFFORDS, Mr. SWINDALL, Mr. MCMILLAN, Mr. SHUSTER, Mr. MADIGAN, Mr. PETRI, Mr. KOLBE, Mr. NIELSON of Utah, Mr. KINDNESS, Mr. HENDON, Mr. LOTT, Mr. CONTE, Mr. GREGG, Mr. DANIEL, Mr. BADHAM, Mr. COUGHLIN, Mr. SMITH of New Hampshire, Mr. HILER, Mr. STENHOLM, Ms. SNOWE, Mr. PURSELL, Mr. TAUKE, Mr. BREAUX, Mr. ZSCHAU, Mr. MILLER of Washington, Mr. BARTLETT, Mr. DUNCAN, Mr. COATS, Mrs. JOHNSON, and Mr. EMERSON.

H.J. Res. 315: Ms. OAKAR, Mr. VENTO, Mr. OWENS, Mr. TAUZIN, Mr. FAUNTROY, Mr. MANTON, Mr. WEISS, Mr. BROOKS, Mr. CARNEY, Mr. LIVINGSTON, Mr. MINETA, Mr. MOORE, Mr. PANETTA, Mr. LAGOMARSINO, Mr. FAZIO, Mr. WILSON, Mr. COOPER, Mrs. HOLT, Mr. JEFFORDS, Mr. ROE, Mr. FLIPPO, Mr. FROST, Mr. YOUNG of Alaska, Mr. BATEMAN, Mr. VOLKMER, Mr. BONER of Tennessee, Mr. TORRICELLI, Mr. SPENCE, and Mr. COELHO.

H.J. Res. 318: Mr. STUMP, Mr. WEBER, Mr. KEMP, Mr. DWYER of New Jersey, Mr. DOWDY of Mississippi, Mr. CHAPPELL, Mr. CLAY, Mr. STANGELAND, Mrs. BOGGS, Mr. MCDADE, Mr. DURBIN, Mr. HOYER, Mr. SMITH of New Jersey, Mr. DYSON, Mr. SUNIA, Mr. SMITH of Florida, Mr. HATCHER, Mr. SHUMWAY, Mr. PEPPER, Mr. FOGLIETTA, Mr. SCHUETTE, Mr. SAXTON, Mr. SWEENEY, Mr. STRANG, Mr. HUNTER, Mr. LIGHTFOOT, Mr. MILLER of Washington, Mr. COBLE, Mr. KILDEE, Mr. WAXMAN, Mr. TRAFICANT, Mr. WALGREN, Mr. COUGHLIN, Mr. FIELDS, Mr. PORTER, Mr. NEAL, Mrs. MEYERS of Kansas, Mr. GROTBERG, Mr. PARRIS, Mr. LOTT, Mr. MCCANDLESS, Mr. ROTH, Mr. WIRTH, Mr. BADHAM, Mr. PANETTA, Mr. PASHAYAN, Mr. CRAIG, Mr. MORRISON of Washington, Mr. WYLIE, Ms. SNOWE, Mr. COURTER, Mr. IRELAND, Mr. DEWINE, Mr. MCEWEN, Mr. DREIER of California, Mr. BROWN of Colorado, Mr. CALLAHAN, Mr. DANNEMEYER, Mr. ECKERT of New York, Mr. GALLO, Mr. KANJORSKI, Mr. KOLBE, Mr. MCKERNAN, Mr. REGULA, Mr. RUDD, Mr. ROWLAND of Connecticut, Mr. GRAY of Illinois, Mr. FASCELL, and Mr. EVANS of Iowa.

H.J. Res. 320: Mrs. HOLT, Mr. MCCOLLUM, Mr. SAXTON, Mr. ADDABBO, Mr. HORTON, Mr. BRYANT, Mr. MCCAIN, Mr. MACK, Mr. KEMP, Mr. CHAPPIE, Mr. MONSON, Mr. MCEWEN, Mr. DAUB, Mr. LIGHTFOOT, Mr. LEACH of Iowa, Mrs. COLLINS, Mr. STALLINGS, Mr. LUNGREN, Mr. RAHALL, Mr. TRAFICANT, Mr. NEAL, Mr. SCHEUER, Mr. SKELTON, Mr. OBERSTAR, and Mr. CROCKETT.

H. Con. Res. 24: Mr. CHANDLER, Mr. KOLBE, Mr. MANTON, Mr. THOMAS of California, and Mr. RAY.

H. Con. Res. 34: Ms. SNOWE.

H. Con. Res. 69: Mr. KRAMER.

H. Con. Res. 150: Mr. LEWIS of California, Mr. MOORE, Mr. BATEMAN, Mr. HAMMERSCHMIDT, Mr. WORTLEY, Mr. SPENCE, Mr. GUNDERSON, Mr. DEWINE, Mr. WOLF, Mr. BURTON of Indiana, Mr. WEBER, Mr. KASICH, and Mr. GREGG.

H. Con. Res. 169: Mr. BROWN of California, Mr. SEIBERLING, Mr. UDALL, Mr. CROCKETT, Mr. LEACH of Iowa, Mr. SYNAR, and Mr. FAUNTROY.

H. Con. Res. 173: Mr. CAMPBELL, Mrs. VUCANOVICH, Mr. ROE, and Mr. PORTER.

H. Con. Res. 175: Mr. FRANK.

H. Res. 74: Mr. SOLOMON, Mr. SOLARZ, Mr. SWEENEY, Mr. FEIGHAN, Mr. KOLBE, Mr. ADDABBO, Mr. BROWN of Colorado, Mr. GRAY of Pennsylvania, Mr. BARTLETT, Mr. SISISKY, Mr. HERTEL of Michigan, Mrs. LLOYD, and Mrs. MARTIN of Illinois.

H. Res. 76: Mr. BATEMAN, Mr. BRYANT, Mr. KASICH, Mr. GREEN, Mr. HOYER, Mr. LAGOMARSINO, Mrs. HOLT, Mr. GARCIA, Mr. REID, Mr. BURTON of Indiana, Mrs. COLLINS, Mr. MURPHY, Mrs. JOHNSON, Mr. BOLAND, Mr. YOUNG of Florida, Mr. VENTO, Mr. ERDREICH, and Mr. YATES.

H. Res. 144: Mr. DINGELL.

H. Res. 164: Mrs. MEYERS of Kansas.

H. Res. 173: Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. EDWARDS of Oklahoma, Mrs. COLLINS, Mr. DEWINE, Mr. TOWNS, Mr. CROCKETT, Mr. OWENS, Mr. FAZIO, Mr. CHANDLER, and Mr. SUNIA.

H. Res. 183: Mr. PEPPER, Mr. SCHUMER, Mr. FAUNTROY, Mr. LAGOMARSINO, Mr. MITCHELL, and Mr. MATSUI.

H. Res. 187: Mr. HUGHES, Mr. LEVINE of California, Mr. SIKORSKI, Mr. JACOBS, Mr. BEDELL, Mrs. KENNELLY, Mr. CONYERS, Mr. SMITH of Florida, Mr. EVANS of Illinois, Mr. MOODY, Mr. BATES, Mr. WILSON, Mr. STAGGERS, Mr. EDGAR, and Mr. SEIBERLING.

H. Res. 198: Mr. CONYERS, Mr. DYMALLY, Mr. MARTINEZ, Mr. SAXTON, Mr. HAYES, Mr. OWENS, Mr. DIXON, Mr. GRAY of Pennsylvania, Mr. DE LUGO, Mr. ROYBAL, Mr. WHEAT, Mr. FAUNTROY, Mr. STOKES, Mr. DELLUMS, Mr. TOWNS, Mr. COELHO, Mr. RICHARDSON, Mrs. COLLINS, and Mr. DE LA GARZA.

H. Res. 208: Mr. WEBER, Mr. FROST, Mr. GINGRICH, Mr. ROE, Mr. WORTLEY, Mr. MILLER of Washington, Mr. COBEY, Mr. HOPKINS, and Mr. DIOGUARDI.

H. Res. 212: Mr. FRANK, Mr. MOODY, Mr. DORNAN of California, Mr. WORTLEY, Mr. LAGOMARSINO, Mr. MCCAIN. Mr. ORTIZ, and Mr. NIELSON of Utah.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1562: Mr. LOEFFLER and Mrs. VUCANOVICH.

H.R. 1809: Mr. DASCHLE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

0169. The SPEAKER presented a petition of the Clerk of the County Legislature, Onondaga County, NY, relative to the Fair Labor Standards Act; which was referred to the Committee on Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 8

By Mr. HOWARD:

Page 35, after line 4, insert the following:

(e) AVAILABILITY OF CERTAIN FUNDS FOR NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal assistance made available by the Farmers Home Administration to any political subdivision of a State may be used to provide the non-Federal share of the cost of any construction project carried out under section 201 of the Federal Water Pollution Control Act.

Page 44, lines 7 and 9, strike out "$900,000" and insert in lieu thereof "$540,000".

Page 44, line 11, strike out "$200,000" and insert in lieu thereof "$120,000".

Page 45, line 21, strike out "substantially" and insert in lieu thereof the following: "significantly assist in encouraging participation by such organizations in the development of wastewear treatment programs and significantly".

Page 51, after line 13, insert the following:

"(8) CONSISTENCY WITH PLANNING REQUIREMENTS.—The State may provide financial assistance from such revolving fund only with respect to a project which is consistent with plans, if any, developed under sections 205(j), 208, and 303(e) of this Act.

Page 53, after line 11, insert the following:

"(3) RESERVATION OF FUNDS FOR PLANNING.—Each State shall reserve each fiscal year one percent of the sums allotted to such State under this section for such fiscal year, or $100,000, whichever amount is greater, to carry out planning under sections 205(j), 208, and 303(e) of this Act.

Page 53, line 12, strike out "(3)" and insert in lieu thereof "(4)".

Page 54, after line 7, insert the following new section:

SEC. 17. MODIFICATION FOR NONCONVENTIONAL POLLUTANTS.

(a) IN GENERAL.—Section 301(g) is amended by redesignating paragraph (2) (and any references thereto) as paragraph (3) and by striking out all that precedes subparagraph (A) of paragraph (1) and inserting in lieu thereof the following:

"(g)(1) The Administrator, with the concurrence of the State, may modify the requirements of subsection (b)(2)(A) of this section with respect to the discharge from any point source of ammonia, chlorine, color, iron, and total phenols (4AAP) (when determined by the Administrator to be a pollutant covered by subsection (b)(2)(F)). The Administrator may—

"(A) add any pollutant to the list of pollutants for which modification under this section is authorized (except for pollutants identified pursuant to section 304(a)(4) of this Act, toxic pollutants subject to section 307(a) of this Act, and the thermal component of discharges), if the Administrator determines that there are; or

"(B) remove any pollutant from such list if the Administrator determines that there are no longer; satisfactory test methods and data available to make the determination required by paragraph (2).

"(2) A modification under this subsection shall be granted only upon a showing by the owner or operator of such point source satisfactory to the Administrator that—".

(b) APPLICATION; LIMITATION ON EFFECT.—The amendment made by subsection (a) shall apply to all requests for modifications under section 301(g) of the Federal Water Pollution Control Act pending on the date of the enactment of the Water Quality Renewal Act of 1985, and shall not have the effect of extending the deadline established in section 301(j)(1)(B) of such Act.

Redesignate the subsequent sections of the bill accordingly.

Page 54, after line 7, insert the following:

SEC. 17. DISCHARGES INTO MARINE WATERS.

(a) CONSIDERATION OF OTHER SOURCES OF POLLUTANTS.—Section 301(h)(2) is amended by striking out "such modified requirements will not interfere" and inserting in lieu thereof the following: "the discharge of pollutants in accordance with such modified requirements will not interfere, alone or in combination with pollutants from other sources,".

(b) LIMITATION ON SCOPE OF MONITORING.—Section 301(h)(3) is amended by inserting before the semicolon at the end thereof the following: ", and the scope of such monitoring is limited to include only those scientific investigations which are necessary to study the effects of the proposed discharge".

(c) URBAN AREA PRETREATMENT PROGRAM.—Section 301(h) is amended by redesignating paragraphs (6) and (7), and any references thereto, as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) in the case of any treatment works serving a population of 50,000 or more, with respect to any toxic pollutant introduced into such works by an industrial discharger for which pollutant there is no applicable pretreatment requirement in effect, the applicant has in effect a pretreatment program which, in combination with the treatment of discharges from such works, removes the same amount of such pollutant as would be removed if such works were to apply secondary treatment to discharges and if such works has no pretreatment program with respect to such pollutant;".

(d) PRIMARY TREATMENT FOR EFFLUENT.—Section 301(h) is amended by striking out the period at the end of paragraph (8) (as redesignated by subsection (c) of this section) and inserting in lieu thereof a semicolon and by inserting after such paragraph (8) the following new paragraph:

"(9) no effluent will be discharged from such works which does not receive primary treatment by screening, sedimentation, and skimming, and treatment for disinfection when necessary, and which does not meet the criteria established under section 304(a)(1) after initial mixing in the waters surrounding or adjacent to the point at which such effluent is discharged; and".

(e) URBAN AREA REMOVAL CREDITS.—Section 301(h) is amended by inserting after paragraph (9) (as inserted by subsection (d) of this section) the following new paragraph:

"(10) in the case of any treatment works serving a population of 50,000 or more, with respect to any toxic pollutant introduced into such works by an industrial discharger for which pollutant there is an applicable pretreatment requirement in effect, the Administrator shall grant to the applicable removal credits to reflect the consistent removal of that pollutant achieved by the treatment works if the following criteria are met:

"(A) there exists an effluent limitation on the treatment works for the pollutant and the revised requirement will not result in the effluent violating such effluent limitations;

"(B) the revised requirement will not result in interference with the method of disposal or reuse of sludge from the treatment works;

"(C) the revised requirement will not result in a pollutant interfering with the operation of such treatment works; and

"(D) all other criteria of this subsection are met.".

(f) DISCHARGE OF POLLUTANT INTO MARINE WATERS DEFINED.—Section 301(h) is amended by striking out the second sentence and inserting in lieu thereof the following: "For the purposes of this subsection, the phrase 'the discharge of any pollutant into marine waters' refers to a discharge into deep waters of the territorial sea or the waters of the contiguous zone.".

(g) GRANDFATHER OF CERTAIN APPLICANTS.—The amendments made by subsections (a), (c), (d), and (f) of this section shall not apply to any person whose application for a permit under section 301(h) of the Federal Water Pollution Control Act has been tentatively or finally approved by the Administrator on or before the date of the enactment of this Act.

Page 54, after line 7, insert the following:

SEC. 17. FILING DEADLINE FOR TREATMENT WORKS MODIFICATION.

Section 301(i)(1) is amended by striking out the second sentence.

Page 54, after line 7, insert the following:

SEC. 17. APPLICATION FOR OCEAN DISCHARGE MODIFICATIONS.

Section 301(j)(1)(A) is amended by inserting before the semicolon at the end thereof the following: ", except that a publicly owned treatment works which before December 31, 1982, had a contractual arrangement to use a portion of the capacity of an ocean outfall operated by another publicly owned treatment works which has applied for or received a modification under subsection (h) of this section, may apply for a modification of subsection (h) in its own right not later than 30 days after the date of the enactment of the Water Quality Renewal Act of 1985".

Page 54, line 10, insert "(a) EXTENSION OF DEADLINE.—" before "Section".

Page 54, after line 13, insert the following:

(b) EXTENSION TO CONVENTIONAL POLLUTANTS.—Section 301(k) is amended by inserting "or (b)(2)(E)" after "(b)(2)(A)" each place it appears.

Page 54, line 15, before the period insert "AND PRETREATMENT STANDARDS".

Page 54, line 24, before the comma insert the following: "or any national categorical pretreatment standard under section 307(b)".

Page 55, line 2, before "if" insert the following: "or such standard with respect to the introduciton of any pollutant by such person".

Page 55, line 3, after "person" insert the following: "or, in the case of such standard, factors relating to the facilities, equipment, and processes of the treatment works".

Page 55, line 8, after "limitation" insert "or pretreatment standard".

Page 55, line 10, after "limitation" insert "or standard".

Page 55, lines 18 and 19, after "limitations" insert "and pretreatment standards".

Page 55, line 23, after "limitation" insert "or pretreatment standard".

Page 56, line 1, before "as established" insert "or standard".

Page 56, line 7, before "established" insert "and pretreatment standards".

Page 55, line 5, after the period insert the following: "An effluent limitation established under such variance may not be less stringent than is justified by the factors that are fundamentally different.".

Page 55, line 5, after the period insert the following: "A variance may not be granted under this subsection if it would produce a significantly adverse effect on the environment (other than on water quality).".

Page 56, line 2, strike out the quotation marks and the final period.

Page 56, after line 2, insert the following:

"(6) APPLICATION FEE.—The Administrator shall establish and collect a fee from each applicant for a variance under this subsection. Such fee shall be in an amount not more than an amount that reflects the reasonable administrative costs directly incurred in reviewing and processing applications for such variance. All amounts collected by the Administrator under this paragraph shall be deposited in the general fund of the Treasury.".

Page 56, after line 8, insert the following:

SEC. 19. COAL REMINING OPERATIONS.

Section 301 is amended by adding at the end thereof the following:

"(n)(1) Subject to paragraphs (2) through (4) of this subsection, the Administrator, or the State in any case which the State has an approved permit program under section 402(b), may issue a permit under section 402 which modifies the requirements of subsection (b)(2)(A) of this section with respect to the pH level of any pre-existing discharge, and with respect to pre-existing discharges of iron and manganese from the remined area of any coal remining operation or with respect to the pH level or level of iron or manganese in any pre-existing discharge affected by the remining operation. Such modified requirements shall apply the best available technology economically achievable on a case-by-case basis, using best professional judgment, to set specific numerical effluent limitations in each permit.

"(2) The Administrator or the State may only issue a permit pursuant to paragraph (1) if the applicant demonstrates to the satisfaction of the Administrator or the State, as the case may be, that the coal remining operation will result in the potential for improved water quality from the remining operation but in no event shall such a permit allow the pH level of any discharge, and in no event shall such a permit allow the discharges of iron and manganese, to exceed the levels being discharged from the remined area before the coal remining operation begins. No discharge from, or affected by the remining operation shall exceed state water quality standards established under section 303 of this Act.

"(3) For purposes of this subsection—

"(A) the term 'coal remining operation' means a coal mining operation which begins after the date of enactment of this subsection at a site on which coal mining was conducted before the effective date of the Surface Mining Control and Reclamation Act of 1977;

"(B) the term 'remined area' means only that area of any coal remining operation on which coal mining was conducted before the effective date of the Surface Mining Control and Reclamation Act of 1977; and

"(C) the term 'pre-existing discharge' means any discharge at the time of permit application under this subsection.

"(4) Nothing in this subsection shall affect the application of the Surface Mining Control and Reclamation Act of 1977 to any coal remining operation, including the application of such Act to suspended solids.".

Page 58, after line 17, insert the following:

SEC. 22. INSPECTION AND ENTRY.

(a) IN GENERAL.—Section 308(b) is amended by striking out all that follows "Code" and inserting in lieu thereof a period and the following: "Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) who is not subject to the provisions of section 1905 of title 18, United States Code, who knowingly or willfully divulges or discloses any information which is required to be considered confidential under this subsection shall, upon conviction, be subject to a fine of not more than $1,000 or to imprisonment not to exceed one year, or both. Nothing in this subsection shall prohibit the Administrator or an authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports, or information to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.".

(b) CONFORMING AMENDMENT.—Section 308(a)(B) is amended by inserting "(including an authorized contractor acting as a representative of the Administrator)" after "or his authorized representative".

Page 61, after line 2, insert the following:

"(3) KNOWING ENDANGERMENT.—(A) Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or in a permit issued under section 404 of this Act by the Secretary of the Army, or by a State, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than fifteen years, or both. A defendant that is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than $1,000,000.

"(B) For the purpose of subparagraph (A) of this paragraph—

"(i) in determining whether a defendant who is a natural person knew that his conduct placed another person in imminent danger of death or serious bodily injury—

"(I) the person is responsibile only for actual awareness or actual belief that he possessed; and

"(II) knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant;

except that in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relative information;

"(ii) it is an affirmative defense to prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably forseeable hazards of—

"(I) an occupation, a business, or a profession; or

"(II) medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent. The defendant may establish an affirmative defense under this subparagraph by a preponderance of the evidence;

"(iii) the term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons; and

"(iv) the term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Redesignate succeeding paragraphs accordingly.

Page 70, line 4, after "Act" insert the following: "or under a comparable State law, as the case may be".

Page 70, after line 4, insert the following:

SEC. 25. RELATIONSHIP TO OTHER LAWS.

Section 311(r) is amended by adding at the end thereof the following: "Discharges from a deepwater port or from a vessel within a deepwater port safety zone which are subject to section 18 of the Deepwater Port Act of 1974 (33 U.S.C. 1517) shall not be subject to the liability and penalty provisions of this section.".

Page 70, after line 4, insert the following:

SEC. 25. MARINE SANITATION DEVICES.

Section 312(f)(1) of the Federal Water Pollution Control Act is amended by striking out "After" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), after" and by adding at the end thereof the following:

"(B) A State may adopt or enforce a statute or regulation with respect to the design, manufacture, or installation or use of any marine sanitation device on a houseboat, if such statute or regulation is more stringent than the standards and regulations promulgated under this section. For purposes of this paragraph, the term 'houseboat' means a vessel which, for a period of time determined by the State in which the vessel is located, is used as a residence and is not used as a means of transportation.".

Page 71, after line 3, insert the following:

"(e) ACIDITY MITIGATION PROGRAM.—

"(1) STATE SURVEYS AND PLANS.—Any State may prepare, and submit to the Administrator for his approval—

"(A) a survey of surface waters in such State in which water quality has deteriorated as a result of high acidity that may reasonably be due to acid deposition or acid mine drainage, and

"(B) methods and procedures that may be applied to mitigate the harmful effects of such acidity on such waters.

"(2) DESCRIPTION OF CERTAIN ELIGIBLE METHODS.—Methods which the Secretary may approve under this subsection may include, but are not limited to—

"(A) innovative methods of neutralizing and restoring buffering capacity of surface water, such as through the use of alkaline substances, that have become so acidic as to endanger game fish species, and

"(B) methods of removing from surface water toxic metals and other toxic substances mobilized by high acidity.

"(3) GRANTS.—The Administrator, in consultation with the Secretary of the Interior, shall make grants to States to carry out methods and procedures approved by the Administrator under this subsection.

"(4) FEDERAL SHARE.—The amount granted under this subsection to any State for any fiscal year shall not exceed 80 percent of the funds expended by such State in such year for carrying out approved methods and procedures under this subsection.

"(5) DISTRIBUTION OF FUNDS.—The Administrator shall provide for an equitable distribution of sums appropriated under this subsection among States with approved methods and procedures. Such distribution shall be based on the relative need of each such State for the mitigation of the harmful effects on surface waters of high acidity that may reasonably be due to acid deposition or acid mine drainage. The amount of any grant to a State under this subsection shall be in addition to, and not in lieu of, any other Federal financial assistance.

"(6) MONITORING AND ANNUAL REPORTS.—The Administrator and the Secretary of the Interior shall monitor and assess the effectiveness of the methods and procedures utilized by the States under this subsection and shall submit a report on such monitoring and assessment annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990. Amounts appropriated under this subsection shall remain available until expended.".

Page 71, line 4, strike out "(e)" and insert in lieu thereof "(f)".

Page 74, line 13, strike out "and (d)" and insert in lieu thereof", (d), and (e)".

Page 74, line 14, after "Act" insert "and under section of this Act".

Page 78, line 19, strike out "guidelines" and insert in lieu thereof "regulations".

Page 78, line 23, after "(F)" insert the following: (except for any pollutant for which a modification is authorized under section 301(g) of this Act)".

Page 79, strike out lines 20 through 23 and insert in lieu thereof the following:

(b) EXEMPTION FROM PERMIT OF CERTAIN STORMWATER RUNOFF.—

(1) IN GENERAL.—Section 402(l) is amended by inserting "(1)" after "(l)" and by adding at the end thereof the following:

Page 80, line 14, strike out the quotation marks and the final period.

Page 80, after line 14, insert the following:

"(3)(A) The Administrator shall not require a permit under this section, nor shall the Administrator directly or indirectly require any State to require such a permit, for discharges composed entirely of stormwater runoff unless the Administrator determines, in the case of a class or category of such discharges, that such class or category may be a significant contributor of pollutants to the navigable waters or, in the case of a particular discharge, that such discharge violates a water quality standard or is a significant contributor of pollutants to the navigable waters.

"(B) This paragraph shall not apply to discharges referred to in paragraph (2) of this subsection, agricultural stormwater discharges, or to discharges from municipal separate storm sewers.

"(C) This paragraph shall apply during the period beginning on the date of the enactment of this paragraph and ending on December 31, 1989.".

(2) STUDY.—The Administrator shall study methods of regulating stormwater discharges. The Administrator shall submit to Congress a report on the results of such study along with recommendations on the most effective of such methods, not later than December 31, 1987.

Page 80, line 3, after "operations" insert the following: "or transmission facilities".

Page 83, after line 25, insert the following:

(f) LOG TRANSFER FACILITIES.— Section 402 is amended by adding at the end thereof the following new subsection:

"(o) LOG TRANSFER FACILITIES.—

"(1) GENERAL RULE.— A log transfer facility which is required (but for this subsection) to have a permit under both this section and section 404 and with respect to which a permit under section 404 has been issued shall not be required to submit a new application for a permit under section 402.

"(2) DETERMINATION OF COMPLIANCE WITH 402 REQUIREMENTS.—The Administrator shall determine whether a permit under section 404 with respect to a log transfer facility satisfies the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of this Act. If the Administrator determines that the terms of such permit satisfy such requirements, a separate application for a permit under this section shall not be required. If the Administrator determines that such terms fail to satisfy such requirements, the Administrator may propose to the Secretary of the Army modifications to such permit to incorporate such requirements. If such permit is not modified or issued to incorporate such requirements, the Administrator shall require issuance of a permit under this section for such facility.

"(3) DEFINITION.—For purposes of this subsection, the term 'log transfer facility' means a facility which is constructed, in whole or part, in waters of the United States and which is utilized for the purpose of transferring commercially harvested logs to or from a vessel or log raft.".

Page 83, after line 25, insert the following:

(f) ANTI-BACKSLIDING.—

(1) IN GENERAL.—Section 402 is amended by adding at the end thereof the following new subsection:

"(p) ANTI-BACKSLIDING.—

"(1) GENERAL PROHIBITION FOR BPJ PERMITS.—Except as provided in paragraph (2), a permit issued under subsection (a)(1)(B) of this section which contains an effluent limitation applicable to a pollutant may not be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to such pollutant.

"(2) EXCEPTION.—A permit described in paragraph (1) may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant if—

"(A) material and substantial alterations of additions to the permitted facility or activity occurred after permit issuance which justify the application of a less stringent effluent limitations;

"(B) information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent application at the time of permit issuance;

"(C) good cause exists for a less stringent effluent limitation, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is not reasonably available remedy;

"(D) the permittee has filed a request for a variance under section 301(c), 301(g), 301(h), 301(i), 301(k), 301(n), or 316(a);

"(E) the permittee demonstrates that operation and maintenance costs of the permitted facility are totally disproportionate to the operations and maintenance costs considered in the development of effluent limitations promulgated after the issuance of the permit;

"(F) the Administrator determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under subsection (a)(1)(B); or

"(G) the permittee has installed the equipment and facilities required to meet such effluent limitation and has properly operated and maintained such equipment and facilities and has not been able to achieve the effluent limitation.

"(3) LIMITATION.—In no event may a permit described in paragraph (1) be renewed, reissued, or modified to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, reissued, or modified.

"(4) EFFECTIVE PERIOD.—This subsection shall be in effect during the period of two years and six months beginning on the date of the enactment of this subsection.".

"(2) REPORT.—The Administrator shall study the extent to which States have reviewed, revised, and adopted water quality standards in accordance with section 24 of the Municipal Wastewater Treatment Construction Grant Amendments of 1981 and the extent to which modifications of permits issued under section 402(a)(1)(B) of the Federal Water Pollution Control Act to permit less stringent effluent limitations should be allowed. The Administrator shall submit a report of such study, together with recommendations to Congress not later than two years after the date of the enactment of this Act.

(3) CONFORMING AMENDMENT.—Section 402(a)(1) is amended by inserting "(A)" after "either" and by inserting "(B)" after "this Act, or".

Page 84, after line 22, insert the following:

SEC. 30. CITIZEN SUITS.

Section 505(c) is amended by adding at the end thereof the following new paragraph:

"(3) Whenever any action is brought under this section in a court of the United States, the plaintiff shall serve a copy of the complaint on the Attorney General and the Administrator. No consent judgment shall be entered in an action in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator.".

Page 86, after line 25, insert the following:

SEC. 31. INDIAN TRIBES.

Title V is amended by redesignating section 518, and any references thereto, as section 519 and by inserting after section 517 the following:

"SEC. 518. INDIAN TRIBES.

"(a) ASSESSMENT OF SEWAGE TREATMENT NEEDS; REPORT.—The Administrator, in cooperation with the Director of the Indian Health Service, shall assess the need for sewage treatment works to serve Indian tribes, the degree to which such needs will be met through funds allotted to States under section 205 of this Act and priority

lists under section 216 of this Act, and any obstacles which prevent such needs from being met. Not later than one year after the date of the enactment of this section, the Administrator shall submit a report to Congress on the assessment under this subsection, along with recommendations specifying (1) how the Administrator intends to provide assistance to Indian tribes to develop waste treatment management plans and to construct treatment works under this Act, and (2) methods by which the participation in and administration of programs under this Act by Indian tribes can be maximized.

"(b) RESERVATION OF FUNDS.—The Administrator is authorized to reserve each fiscal year beginning after September 30, 1986, before allotments to the States under section 205(e), such amount as the Administrator determines appropriate based on the determination of unmet needs reported under subsection (a), but not to exceed one-half of one percent of the sums appropriated under section 207. Sums reserved under this subsection shall be available only for grants for the development of waste treatment management plans and for the construction of sewage treatment works to serve Indian tribes.

"(c) COOPERATIVE AGREEMENTS.—In order to ensure the consistent implementation of the requirements of this Act, an Indian tribe and the State or States in which the lands of such tribe are located may enter into a cooperative agreement, subject to the review and approval of the Administrator, to jointly plan and administer the requirements of this Act.

"(d) TREATMENT AS STATES.—The Administrator is authorized to make special provision for the treatment of Indian tribes under title II of this Act, including the treatment of Indian tribes as States to the degree necessary to carry out the objectives of this section. Such treatment shall be authorized with respect to an Indian tribe only if—

"(1) the Indian tribe has a governing body carrying out substantial governmental duties and powers;

"(2) the functions to be exercised by the Indian tribe pertain to the management and protection of water resources which are held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation; and

"(3) the Indian tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this Act and of all applicable regulations.

Such special provision may include the direct provision of funds reserved under subsection (b) to the governing bodies of Indian tribes, and the determination of priorities by Indian tribes, where not determined by the Administrator in cooperation with the Director of the Indian Health Service. The Administrator, in cooperation with the Director of the Indian Health Service, is authorized to reduce the non-Federal share otherwise required under section 202 with respect to Indian tribes.

"(e) GRANTS FOR NONPOINT SOURCE PROGRAMS.—The Administrator is authorized to make grants to an Indian tribe under section 319 of this Act as though such tribe were a State. Not more than one-third of one percent of the amount appropriated for any fiscal year under section 319 may be used to make grants under this subsection. In addition to the requirements of section 319, an Indian tribe shall be required to meet the requirements of paragraphs (1), (2), and (3) of subsection (d) of this section in order to receive such a grant.

"(f) DEFINITIONS.—For purposes of this section, the term—

"(1) 'Federal Indian reservation' means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; and

"(2) 'Indian tribe' means any Indian tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.".

Page 86, after line 25, insert the following:

SEC. 31. DEFINITION OF POINT SOURCE.

For purposes of the Federal Water Pollution Control Act, the term "point source" includes a leachate collection system, other than a leachate collection system used for agricultural purposes.

Page 86, after line 25, insert the following:

SEC. 31. CHESAPEAKE AND NARRAGANSETT BAYS.

(a) CHESAPEAKER BAY PROGRAM.—

(1) OFFICE.—The Administrator shall continue the Chesapeake Bay program and shall establish and maintain in the Environmental Protection Agency an office, division, or branch of Chesapeake Bay Programs to—

(A) collect and make available, through publications and other appropriate means, information pertaining to the environmental quality of the Chesapeake Bay (hereinafter in this subsection referred to as the "Bay");

(B) coordinate Federal and state efforts to improve the water quality of the Bay;

(C) determine the impact of sediment deposition in the Bay and identify the sources, rates, routes, and distribution patterns of such sediment deposition; and

(D) determine the impact of natural and man-induced environmental changes on the living resources of the Bay and the relationships among such changes, with particular emphasis placed on the impact of pollutant loadings of nutrients, chlorine, acid precipitation, dissolved oxygen, and toxic pollutants, including organic chemicals and heavy metals, and with special attention given to the impact of such changes on striped bass.

(2) INTERSTATE DEVELOPMENT PLAN GRANTS.—The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay program (hereinafter in this subsection referred to as the "plan"), make a grant for the purpose of implementing the management mechanisms contained in the plan if such State has, within one year after the date of the enactment of this section, approved and committed to implement all or substantially all aspects of the plan. Such grants shall be made subject to such terms and conditions as the Administrator considers appropriate.

(3) SUBMISSION OF PROPOSAL.—A State or combination of States may elect to avail itself of the benefits of paragraph (2) by submitting to the Administrator a proposal including the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of the Federal Water Pollution Control Act and will contribute to the achievement of the national goals set forth in such section, he shall approve such proposal and shall finance the costs of implementing segments of such proposal.

(4) FEDERAL SHARE.—Grants under paragraph (2) shall not exceed 50 percent of the costs of implementing the proposed plan in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the proposed plan during such fiscal year.

(5) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under paragraph (2) shall not exceed in any one fiscal year 10 percent of the annual grant made to a State under such paragraph.

(5) REPORTS.—Any State or combination of States that receives a grant under paragraph (2) shall, within 18 months after the date of receipt of such grant and biennially thereafter, report to the Administrator on the progress made in implementing the interstate management plan developed pursuant to the Chesapeake Bay program. The Administrator shall transmit each such report along with the comments of the Administrator on such report to Congress.

(b) NARRAGANSETT BAY PROGRAM.—

(1) GRANTS.—The Administrator shall, at the request of the Governor of an affected State and after consultation with the Administrator of the National Oceanic and Atmospheric Administration and other appropriate Federal and State agencies and interested persons, make a grant for purposes of assessing the principal factors having an adverse effect on the environmental quality of the Narragansett Bay (hereinafter in this subsection referred to as the "Bay"), as perceived by both scientists and users, in conjunction with developing and implementing a management program to improve the Bay's water quality. Payments for such purposes may be made to the States as hereinafter provided, subject to such terms and conditions as the Administrator considers appropriate.

(2) FEDERAL SHARE.—Grants under this paragraph shall not exceed 50 percent of the costs of implementing the plan in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the plan during such fiscal year.

(3) APPROVAL OF APPLICATIONS.—A State may elect to avail itself of the benefits of this subsection by submitting to the Administrator a full and complete description of the program it proposes to establish and administer under State law. The Administrator shall approve each such submitted program, within three months of receipt of such program, if the applicant demonstrates to the satisfaction of the Administrator that the applicant will—

(A) establish a committee of representatives from various units of Federal, State, and local governments, research and educational institutions, and groups and individuals concerned with problems of water quality in the Bay to provide advice on the design and implementation of a management program and to coordinate communication on issues affecting the Bay's water quality;

(B) review and coordinate Federal and State water pollution abatement efforts that will most efficiently address those principal factors having an adverse effect on the Bay's water quality;

(C) undertake, subsequent to an analysis of all environmental sampling data presently being collected on the way, methods for improving such data collection, particularly with respect to toxic pollutants;

(D) establish a continuing capacity for collecting, storing, analyzing, and disseminating such data;

(E) institute a sampling program where deficiencies are found to exist in present sampling programs; and

(F) develop and, as soon as practicable but not later than three years after the date of the enactment of this section, implement management practices and measures (including land use requirements) to reduce to the greatest extent feasible pollutant loadings in the Bay and to improve the Bay's water quality.

(4) STATE REPORTS.—Any State that avails itself of the benefits of this subsection shall, not later than two years after receipt of a Federal grant under this subsection and annually thereafter, report to the Administrator on progress made in implementing a management program to improve the water quality of the Bay.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section:

(1) $3,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989 to carry out subsection (a)(1);

(2) $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989, for grants to States under subsection (a)(2); and

(3) $1,500,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989, to carry out subsection (b).

Page 86, after line 25, insert the following:

SEC. 31. NEW YORK AND NEW JERSEY HARBOR AREA.

(a) CLEARINGHOUSE, COORDINATION, AND STUDY FUNCTIONS.—The Administrator shall—

(1) collect and make available, through publications and other appropriate means, information pertaining to the environmental quality of the New York and New Jersey Harbor area (hereinafter in this subsection referred to as the "Harbor");

(2) coordinate Federal and State efforts to improve the water quality of the Harbor; and

(3) determine the impact of natural and man-induced environmental changes on the living resources of the Harbor and on adjacent coastal areas and the relationships among such changes, with particular emphasis placed on the impact of pollutant loadings of sewage, dissolved oxygen, and toxic pollutants, including organic chemicals and heavy metals.

(b) GRANTS FOR IMPLEMENTATION OF INTERSTATE MANAGEMENT PLAN.—The Administrator shall, at the request of the Governor of a State affected by any interstate management plan relating to the Harbor developed pursuant to section 33 of this Act (hereinafter in this subsection referred to as the "plan"), make a grant for the purpose of implementing the management mechanisms contained in the plan in accordance with such section.

(c) SUBMISSION OF PROPOSAL.—An affected State or combination of States may, in addition, submit to the Administrator a proposal including the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of the Federal Water Pollution Control Act and will contribute to the achievement of the national goals set forth in such section, he shall approve such proposal and shall finance the costs of implementing segments of such proposal.

(d) FEDERAL SHARE OF GRANTS.—Grants under this section shall not exceed 50 percent of the costs of implementing the proposal in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the proposal during such fiscal year.

(e) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under this section shall not exceed in any one fiscal year 10 percent of the annual grant made to a State under this section.

(f) REPORTS.—Any State or combination of States that receives a grant under section 31 (relating to maintenance of water quality in estuaries) or this section shall, within 18 months after the date of receipt of such grant and biennially thereafter, report to the Administrator on the progress made in implementing the plan developed pursuant to such section 31 or this section. The Administrator shall transmit each such report along with the comments of the Administrator on such report to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989, to carry out this section.

Page 86, after line 12, insert the following:

SEC. 31. SAN FRANCISCO BAY

(a) INITIATION OF PROGRAM.—The Administrator shall initiate a San Francisco Bay program to—

(1) collect and make available, through publications and other appropriate means, information pertaining to the environmental quality of the San Francisco Bay (hereinafter in this section referred to as the "Bay");

(2) coordinate Federal, State and local efforts to improve the water quality of the Bay;

(3) establish a committee of representatives from various units of Federal, State, and local governments, research and education institutions, and groups and individuals concerned with problems of water quality in the Bay to provide advice on the development and implementation of such management program and to coordinate communication on issues affecting the Bay's water quality;

(4) determine the impact of natural and man-induced environmental changes on the living resources of the Bay and the relationships among such changes, with particular emphasis placed on the impact of pollutant loadings and toxic pollutants, including organic chemicals and heavy metals, and with special attention given to the impact of such changes on water quality and natural resources such as striped bass.

(5) develop a management plan that shall contain management practices and measures to reduce to the greatest extent feasible pollutant loadings in the Bay and to improve the Bay's water quality.

(b) GRANTS.—The Administrator shall make a grant to the State of California for the purpose of implementing the management mechanisms contained in the management plan developed under subsection (a)(5), if such State has, within one year after the date of the enactment of this section, approved and committed to implement all or substantially all aspects of the plan. Such grants shall be made subject to such terms and conditions as the Administrator considers appropriate.

(c) SUBMISSION OF PROPOSAL.—The State of California may elect to avail itself of the benefits of this paragraph by submitting to the Administrator a proposed plan including the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of the Federal Water Pollution Control Act and will contribute to the achievement of the national goals set forth in such section, he shall approve such proposal and shall finance the costs of implementing segments of such proposal; except that Federal grants under this paragraph shall not exceed 50 percent of the cost of implementing the proposed plan in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the plan during such fiscal year.

(d) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under this paragraph shall not exceed in any one fiscal year 10 percent of the annual Federal grant made under this paragraph.

(e) REPORTS.—The State of California shall, within 18 months after the date of receipt of such grant and biennially thereafter, report to the Administrator of the progress made in implementing the interstate management plan developed pursuant to the San Francisco Bay program. The Administrator shall transmit each such report along with the comments of the Administrator on such report to Congress.

Page 86, after line 25, insert the following:

SEC. 31. MAINTENANCE OF WATER QUALITY IN ESTUARIES.

(a) MANAGEMENT CONFERENCE.—

(1) IN GENERAL.—In any case where the Administrator determines, on his own initiative or upon request of one or more States any portion of which is located within the estuarine zone of an estuary, that the attainment or maintenance of that water quality in such estuary which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water, requires the control of point and nonpoint sources of pollution in more than one State, the Administrator shall convene a management conference. The Administrator shall give priority consideration under this section to Long Island Sound; Buzzards Bay, Massachusetts; Delaware Bay, Delaware and New Jersey; and Albemarle Sound, North Carolina.

(2) BOUNDARY DISPUTE EXCEPTION.—In any case in which a boundary between two States passes through an estuary and such boundary is disputed and is the subject of an action in any court, the Administrator shall not convene a management conference

with respect to such estuary before a final adjudication has been made of such dispute.

(3) EXISTING MANAGEMENT PROGRAM EXCEPTION.—Notwithstanding any other provisions of this section, the Administrator shall not convene a management conference with respect to an estuary if he determines that there exists a management program for the estuarine zone of such estuary with sufficient authority to achieve the purposes of this section.

(b) MEMBERS OF CONFERENCE; LEAD AGENCY.—The members of a conference under this section shall include the Administrator, the Administrator of the National Oceanic and Atmospheric Administration, a representative of each of those States which are located, in whole or in part, within the estuarine zone of the estuary for which the conference is convened, a representative of each interested Federal agency as determined appropriate by the Administrator, a representative of any interstate agency having jurisdiction over all or a significant part of the estuary, and representatives of local government within th estuarine zone as deemed appropriate by the Administrator. In any case in which an interstate agency has jurisdiction over all or a significant part of the estuary, such agency shall be the lead agency for purposes of carrying out this section.

(c) PURPOSES OF CONFERENCE.—The purposes of any management conference convened with respect to an estuary under this subsection shall be—

(1) to develop a comprehensive master plan for such estuary;

(2) to coordinate the implementation of the master plan by the States participating in the conference;

(3) to recommend priority corrective actions and compliance schedules to address point and nonpoint sources of pollution posing the most serious problems; and

(4) to monitor the estuary to determine the effectiveness of actions taken pursuant to the master plan.

(d) MASTER PLAN.—

(1) CONTENTS.—The master plan developed pursuant to paragraph (1) of subsection (c) may include, but need not be limited to any of the following standards and practices which are necessary for the attainment or maintenance of that water quality which assures protection of public water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water:

(A) development of water quality standards for waters within the estuarine zone;

(B) development of toxicity-based standards for toxic pollutants;

(C) development of water quality based effluent standards for significant point sources of pollution; and

(D) development of best management practices to control nonpoint sources of pollution.

(2) UTILIZATION OF EXISTING DATA.—In developing a master plan under this section, the management conference shall survey and utilize existing reports, data, and studies relating to the estuary that have been developed by or made available to Federal, interstate, State, or local agencies.

(e) PERIOD OF CONFERENCE.—A management conference convened under this section shall be convened for at least five years. Such conference may be extended by the Administrator, and it terminated after the initial five-year period, may be reconvened by the Administrator at any time thereafter, as may be necessary to meet the requirements of this section.

(f) GRANTS FOR IMPLEMENTATION MASTER PLAN.—The Administrator is authorized to make grants to States and interstate agencies participating in a management conference which has adopted a comprehensive master plan pursuant to this section for the estuary which is the subject of such conference. The amount of the grants to any State or interstate agency for a fiscal year shall, subject to such amounts as are provided in appropriation Acts, be equal to 50 percent of that State's or agency's cost of implementing the master plan for such fiscal year.

(g) DEFINITIONS.—For purposes of this section, the terms "estuary" and "estuarine zone" have the meanings such terms have in section 104(n)(4) of the Federal Water Pollution Control Act, except that the term "estuarine zone" shall also include those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher. For purposes of this section, the term "State" has the meaning such term has in section 502(3) of such Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There is authorized to be appropriated to carry out this subsection not to exceed $13,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990. Amounts appropriated under this paragraph shall remain available until expended.

(2) OTHER EXPENSES.—There is authorized to be appropriated to the Administrator not to exceed $2,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, for—

(A) expenses related to the administration of management conferences under this section;

(B) grants to State water pollution control agencies, State coastal zone management agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals for research, surveys, studies, and modeling and other technical work necessary for the development of a comprehensive master plan under this section; and

(C) monitoring the implementation of a comprehensive master plan by the management conference or by the Administrator in any case in which the conference has been terminated.

Page 86, after line 25, insert the following:

SEC. 31. RESEARCH ON EFFECTS OF POLLUTANTS.

(a) MATTERS INCLUDED.—In carrying out the provisions of section 104(a) of the Federal Water Pollution Control Act, the Administrator shall conduct research on the harmful effects on the health and welfare of persons caused by pollutants in water, in conjunction with the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and other Federal, State, and interstate agencies carrying on such research. Such research shall include, and shall place special emphasis on, the effect that bioaccumulation of these pollutants in aquatic species has upon reducing the value of aquatic commercial and sport industries. Such research shall further study methods to reduce and remove these pollutants from the relevant affected aquatic species so as to restore and enhance these valuable resources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) of this section not to exceed $2,500,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989.

Page 86, after line 25, insert the following:

SEC. 31. SEWAGE SLUDGE.

(a) IDENTIFICATION OF TOXIC POLLUTANTS.—

(1) SIX MONTHS.—Not later than six months after the date of the enactment of this Act, the Administrator shall identify those toxic pollutants which, on the basis of available information on their toxicity, persistence, concentration, mobility, or potential for exposure, may be present in sewage sludge in concentrations which may adversely affect human health or the environment.

(2) EIGHTEEN MONTHS.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall identify those toxic pollutants not identified under paragraph (1) which may be present in sewage sludge in concentrations which may adversely affect public health or the environment.

(b) REGULATIONS.—

(1) FOR SIX-MONTH POLLUTANTS.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall publish regulations specifying acceptable management practices for sewage sludge containing each toxic pollutant identified under subsection (a)(1) and establishing numerical limitations for each such pollutant for each use of or disposal technique for sludge identified by the Administrator. Such regulations shall require compliance no later than six months after their publication.

(2) FOR EIGHTEEN-MONTH POLLUTANTS.—Not later than 30 months after the date of the enactment of this Act, the Administrator shall publish regulations specifying acceptable management practices for sewage sludge containing each toxic pollutant identified under subsection (a)(2) and establishing numerical limitations for each such pollutant for each use of or disposal technique for sludge identified by the Administrator. Such management practices and numerical limitations shall be adequate to protect the public health and the environment from any reasonably anticipated adverse effects of such pollutant. Such regulations shall require compliance no later than six months after their publication.

(3) ALTERNATIVE STANDARDS.—For purposes of this subsection, if, in the judgment of the Administrator, it is not feasible to prescribe or enforce a numerical limitation for a pollutant identified under subsection (a), he may instead promulgate a design, equipment, management practice, or operational standard, or combination thereof, which in his judgment is adequate to protect public health and the environment from any reasonably anticipated adverse effects of such pollutant. In the event the Administrator promulgates a design or equipment standard under this subsection, he shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

(4) TREATMENT OF REGULATIONS.—Any regulation issued under this subsection shall be considered an "effluent standard or limita-

tion" for purposes of section 308 or section 505 of the Federal Water Pollution Control Act.

(c) STUDIES AND PROJECTS.—The Administrator is authorized to conduct or initiate scientific studies, demonstration projects, and public information and education projects which are designed to promote the safe and beneficial use of sewage sludge for such purposes as aiding the restoration of abandoned mine sites, conditioning soil for parks and recreation areas, agricultural and horticultural uses, and other beneficial purposes. For the purposes of carrying out this subsection, the Administrator may make grants to State water pollution control agencies, other public or nonprofit agencies, institutions, organizations, and individuals. In cooperation with other Federal departments and agencies, other public and private agencies, institutions, and organizations, the Administrator is authorized to collect and disseminate information pertaining to the safe and beneficial use of sewage sludge.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the scientific studies, demonstration projects, and public information and education projects authorized in this section, there is authorized to be appropriated for fiscal years beginning after September 30, 1985, not to exceed $15,000,000.

Page 86, after line 25, insert the following:

SEC. 31. PUGET SOUND.

(a) MASTER PLAN; PRIORITY LIST; MONITORING PROGRAM.—The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, a representative of any other interested Federal agency as determined appropriate by the Administrator, representatives of the State of Washington, and representatives of interested local governments as determined appropriate by the Administrator, shall—

(1) develop a comprehensive master plan for Puget Sound, Washington;

(2) recommend priority corrective actions and compliance schedules to address point and nonpoint sources of pollution posing the most serious problems to the water quality of such Sound; and

(3) monitor such Sound to determine the effectiveness of actions taken pursuant to the master plan.

(b) CONTENTS OF MASTER PLAN.—The master plan developed pursuant to paragraph (1) of subsection (a) may include, but need not be limited to, any of the following standards and practices which are necessary for the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife and allows recreational activities in and on the water:

(1) development of water quality standards for waters within the estuarine zone of Puget Sound;

(2) development of toxicity-based standards for toxic pollutants;

(3) development of water quality based effluent standards for significant point sources of pollution; and

(4) development of best management practices to control nonpoint sources of pollution.

(c) USE OF EXISTING DATA.—In developing a master plan under this section, the Administrator shall survey and utilize existing reports, data, and studies relating to Puget Sound that have been developed by or made available to Federal, State, or local agencies.

(d) GRANTS.—The Administrator is authorized to make grants to the State of Washington if such State adopts a comprehensive master plan pursuant to this section for the Puget Sound. The amount of such grant for a fiscal year, shall, subject to such amounts as are provided in appropriation Acts, be equal to 50 percent of such State's cost of implementing the master plan for such fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section not to exceed $4,900,000 for the fiscal year ending September 30, 1986, $4,450,000 for the fiscal year ending September 30, 1987, and $2,400,000 for the fiscal year ending September 30, 1988. Amounts appropriated under this subsection shall remain available until expended.

Page 86, after line 25, insert the following:

SEC. 31. DEMONSTRATION PROGRAM ON ACIDIFIED LAKES.

(a) RESTORATION OF BIOLOGICAL INTEGRITY.—The Administrator, in conjunction with the United States Fish and Wildlife Service, shall carry out a demonstration program to restore the biological integrity of acidified lakes and watersheds through liming. The Administrator shall select sites to carry out such program which will enable the Administrator to demonstrate and determine the effectiveness of liming in reducing the acidity of lakes and watersheds and in restoring the biological integrity of acidified lakes and watersheds.

(b) REPORT.—Not later than 90 days after completion of the demonstration program and not later than three and six years after completion of the program, the Administrator shall submit to the appropriate Committees of Congress reports on the results of the demonstration program carried out under this section. Such reports shall include, but not be limited to, an analysis of the effectiveness of liming in reducing the acidity of lakes and watersheds and in restoring the biological integrity of acidified lakes and watersheds in the long-term and the short-term.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not to exceed $10,000,000 for fiscal years beginning after September 30, 1985, to remain available until expended.

Page 86, after line 25, insert the following section, and renumber the remaining sections accordingly:

SEC. 31. OCEAN DISCHARGE RESEARCH PROJECTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator is authorized to issue a research permit to the Orange County, California, Sanitation Districts for the discharge of preconditional municipal sewage sludge into the ocean for the purpose of enabling research to be conducted in assessing and analyzing the effects of disposing of sewage sludge by pipeline into ocean waters, if the Administrator is satisfied that such local governmental agency is actively pursuing long-term land-based options for the handling of its sludge with special emphasis on remote disposal alternatives set forth in the 1980 LA/OMA sludge management project and on reuse/recycled utilization of sludge.

(b) PERMIT TERMS.—

(1) PERIOD.—Such permit for the discharge of sludge shall be for a period of five years.

(2) MONITORING.—Such permit shall provide for monitoring of discharges and their impacts, in conformance with requirements established by the Administrator, after consultation with appropriate Federal and State agencies, and for the reporting of such monitoring to Congress and the Administrator every six months.

(3) VOLUME OF DISCHARGE.—Such permit shall provide that the volume of such local agency's sludge disposed of by such experimental pipeline shall be no more than one and one-half times that being disposed of by such remote disposal and reuse/recycled alternatives referred to above. In no event shall the agency dispose of more than 50 percent of its sludge by the pipeline.

(4) TERMINATION.—The permit shall provide for termination of the permit if the Administrator determines that the disposal of sewage sludge is resulting in an unacceptable adverse impact on fish, shellfish, and wildlife.

(c) REPORT.—Such districts shall report the results of the programs and an analysis of such program to Congress under this section not later than four and one-half years after issuance of the permit.

Page 86, after line 25, insert the following:

SEC. 31. GRANTS FOR REPLACEMENT OF CONTAMINATED GROUNDWATER.

(a) GRANT RECIPIENTS.—The Administrator is authorized to make grants to—

(1) any person who owns or operates a public water system which, because of groundwater contamination, is unable to supply water which is fit for human consumption to some or all of the users of such system, and

(2) any unit of local government on behalf of individuals residing within the boundaries of such unit whose water is supplied from a source other than a public water system and is unfit for human consumption because of groundwater contamination.

(b) GRANT PURPOSE.—Grants under this section shall be for the purpose of providing alternative water supplies to such users and individuals on a temporary basis and providing permanent remedies for water supply problems resulting from groundwater contamination, including but not limited to the drilling of new wells and the installation of new pipes.

(c) APPLICATION.—An application for a grant under this section shall be in such form and shall contain such information as the Administrator may require. Each such application shall include—

(1) a description of the source and extent of groundwater contamination;

(2) information on the number of people who do not have water available to them because of such contamination; and

(3) a description of the measures the applicant proposes to undertake with the assistance to be provided under this section.

(d) FEDERAL SHARE.—The Federal share of the cost of measures undertaken with assistance under this section shall not exceed 50 percent.

(e) LIMITATIONS ON AMOUNT.—The maximum amount of a grant under this section to any applicant with respect to a particular source of groundwater contamination shall be $2,000,000 for each fiscal year. The maximum amount of grants under this section to applicants within one State shall be $10,000,000 for each fiscal year.

(f) ANNUAL REPORTS.—The Administrator shall report annually to Congress on grants made under this section. Each such report shall include—

(1) information on applicants for such grants, including the number of such applicants;

(2) information on the sources and extent of groundwater contamination with respect to which applications are made under this section, including the average number of people affected by each source of groundwater contamination; and

(3) the average amount of such grants and the types of measures undertaken with such grants.

(g) DEFINITIONS.—For purposes of this section—

(1) the term "person" includes a State, a political subdivision of a State, and an agency or instrumentality of a State or political subdivision of a State;

(2) the term "public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals; and

(3) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not to exceed $150,000,000 per fiscal year for each of the fiscal years 1986, 1987, and 1988.

Page 86, after line 25 insert the following:

SEC. 31. UNCONSOLIDATED QUARTERNARY AQUIFER.

Notwithstanding any other provision of law, no person may—

(1) locate or authorize the location of a landfill, surface impoundment, waste pile, injection well, or land treatment facility over the Unconsolidated Quarternary Aquifer, or the recharge zone or streamflow source zone of such aquifer, in the Rockaway River Basin, New Jersey (as such aquifer and zones are described in the Federal Register, January 24, 1984, pages 2946-2948); or

(2) place or authorize the placement of solid waste in a landfill, surface impoundment, waste pile, injection well, or land treatment facility over such aquifer or zone.

This paragraph may be enforced under sections 309(a) and (b) of the Federal Water Pollution Control Act. For purposes of section 309(c) of such Act, a violation of this section shall be considered a violation of section 301 of the Federal Water Pollution Control Act.

Page 86, after line 25, insert the following:

SEC. 31. GRANTS FOR PROTECTING GROUNDWATER QUALITY.

(a) ELIGIBLE APPLICANTS AND ACTIVITIES.—Upon application of a State for which a report submitted under subsection (a) of section 319 of the Federal Water Pollution Control Act, as added by section 7 of this Act, and a plan submitted under subsection (b) of such section is approved under such section, the Administrator shall make grants under this section to such State for the purpose of assisting such State in carrying out groundwater quality protection activities which the Administrator determines will advance the State toward implementation of a comprehensive nonpoint source pollution control program. Such activities shall include, but not be limited to, research, planning, groundwater assessments, demonstration programs, enforcement, technical assistance, education and training to protect the quality of groundwater and to prevent contamination of groundwater from nonpoint sources of pollution.

(b) APPLICATIONS.—An application for a grant under this section shall be in such form and shall contain such information as the Administrator may require.

(c) FEDERAL SHARE; MAXIMUM AMOUNT.—The Federal share of the cost of assisting a State in carrying out groundwater protection activities in any fiscal year under this section shall be 50 percent of the costs incurred by the State in carrying out such activities, except that the maximum amount of Federal assistance which any State may receive under this section in any fiscal year shall not exceed $150,000.

(d) REPORT.—The Administrator shall include in each report transmitted under subsection (j) of section 319 of the Federal Water Pollution Control Act, as added by section 7 of this Act, a report on the activities and programs implemented under this section during the preceding fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not to exceed $7,500,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990.

Page 100, after line 16, insert the following:

SEC. 36. GREAT LAKES INTERNATIONAL COORDINATION OFFICE.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds that—

(A) the Great Lakes are a valuable national resource, continuously serving the people of the United States and other nations as an important source of food, fresh water, recreation, beauty, and enjoyment;

(B) the United States should seek to attain the goals embodied in the Great Lakes Water Quality Agreement of 1978 with particular emphasis on goals related to toxic pollutants; and

(C) the Environmental Protection Agency (hereinafter in this section referred to as the "Agency") should take the lead in the effort to meet those goals, working with other Federal agencies and State and local authorities.

(2) PURPOSE.—It is the purpose of this section to achieve the goals embodied in the Great Lakes Water Quality Agreement of 1978 through improved organization and definition of mission on the part of the Agency, funding of State grants for pollution control in the Great Lakes area, and improved accountability for implementation of such agreement.

(b) ESTABLISHMENT.—The Great Lakes National Program Office of the Agency is hereby designated as the Great Lakes International Coordination Office (hereinafter in this section referred to as the "Office"). The head of the Office shall also serve as principal liaison person on Great Lakes matters to the International Joint Commission, United States and Canada (hereinafter in this section referred to as the "Commission").

(c) FUNCTIONS.—The Office shall—

(1) develop and implement specific action plans to carry out the responsibility of the United States under the Great Lakes Water Quality Agreement of 1978;

(2) carry out toxic pollutant control demonstration projects at sites in the Great Lakes in which the Commission determines that sediments are heavily contaminated with toxic materials;

(3) coordinate actions of the Agency (including actions by headquarters and regional offices thereof) aimed at improving Great Lakes water quality;

(4) coordinate actions of the Agency with the actions of other Federal agencies and State and local authorities, so as to ensure the input of those agencies and authorities in developing water quality strategies and obtain the support of those agencies and authorities in achieving the objectives of such agreement;

(5) establish a Great Lakes system-wide suveillance network to monitor the water quality of the Great Lakes, with specific emphasis on the monitoring of toxic pollutants; and

(6) serve as the liaison with, and provide information to, the Canadian members of the Commission and the Canadian counterpart to the Agency.

(d) ADMINISTRATOR'S RESPONSIBILITY.—The Administrator shall ensure that the Office should enter into agreements with the various organizational elements of the Agency involved in Great Lakes activities and the appropriate State agencies specifically delineating—

(1) the duties and responsibilities of each such element and the Agency with respect to the Great Lakes;

(2) the time periods for carrying out such duties and responsibilities; and

(3) the resources to be committed to such duties and responsibilities.

(e) BUDGET ITEM.—The Administrator shall, in the Agency's annual budget submission to Congress, include a funding request for the Office as a separate budget line item.

(f) REPORTS.—

(1) COMPREHENSIVE ASSESSMENT.—Within 120 days after the date of the enactment of this Act, and at the beginning of each fiscal year thereafter, the Administrator shall submit to Congress a comprehensive assessment of the planned efforts to be pursued in the succeeding fiscal year for implementing the Great Lakes Water Quality Agreement of 1978. The assessment shall show by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amounts anticipated to be expended on Great Lakes water quality initiatives in the fiscal year to which the assessment relates. The assessment shall also include a report of current programs administered by other Federal agencies which make available resources to Great Lakes water quality efforts.

(2) COMPREHENSIVE REPORT.—Within 150 days after the end of each fiscal year, the Administrator shall submit to Congress a comprehensive report which—

(A) describes the achievements in the preceding fiscal year in implementing such agreement and shows by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amounts expended on Great Lakes water quality initiatives in such preceding fiscal year;

(B) describes the progress made in such preceding fiscal year in implementing the system of surveillance of the water quality of the Great Lakes, with particular reference to toxic pollutants; and

(C) describes the long-term prospects for improving the water quality of the Great Lakes.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) FOR THE OFFICE.—There are authorized to be appropriated for the purposes of carrying out subsections (b), (c), and (d) and for the purpose of carrying out the functions, powers, and duties of the Office not to exceed—

(A) $8,000,000 for fiscal year 1986, of which $1,500,000 shall be available only to carry out subsection (c)(2);

(B) $9,000,000 for fiscal year 1987, of which $2,500,000 shall be available only to carry out subsection (c)(2);

(C) $10,000,000 for fiscal year 1988, of which $3,500,000 shall be available only to carry out subsection (c)(2);

(D) $12,000,000 for fiscal year 1989, of which $5,000,000 shall be available only to carry out subsection (c)(2); and

(E) $13,000,000 for fiscal year 1990, of which $5,000,000 shall be available only to carry out subsection (c)(2).

(2) FOR GREAT LAKES STUDIES.—For the purpose of carrying out section 104(f) of the Federal Water Pollution Control Act there is authorized to be appropriated $10,000,000 for fiscal year 1986. Such funds shall be in addition to and not in lieu of any funds authorized to be appropriated under section 104(u) of such Act.

Page 110, after line 2, insert the following:

SEC. 48. STUDIES OF WATER POLLUTION PROBLEMS IN AQUIFERS.

(a) STUDIES.—The Administrator, in conjunction with State and local agencies and after providing an opportunity for full public participation, shall conduct studies for the purpose of identifying existing and potential point and nonpoint sources of pollution, and of identifying measures and practices necessary to control such sources of pollution, in the following groundwater systems and aquifers:

(1) The groundwater system of the Upper Santa Cruz Basin and the Avra-Altar Basin of Pima, Pinal, and Santa Cruz Counties, Arizona;

(2) The Spokane-Rathdrum Valley Aquifer, Washington and Idaho;

(3) The Nassau and Suffolk Counties Aquifer, New York;

(4) the Whidbey Island Aquifer, Washington;

(5) the Unconsolidated Quaternary Aquifer, Rockaway River area, New Jersey; and

(6) the Sparta Aquifer, Arkansas.

(b) PROPOSED MANAGEMENT PLANS.—After completion of each study under subsection (a), the Administrator, in conjunction with State and local agencies and after providing an opportunity for full public participation, shall prepare a proposed management plan describing methods of implementing the measures and practices identified for each groundwater system and aquifer under subsection (a).

(c) REPORTS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to Congress an interim report of the studies and proposed management plans under this section. Not later than two years after such date of enactment, the Administrator shall complete such studies and plans and submit to Congress a final report of such studies and plans.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for fiscal years beginning after September 30, 1985, to carry out this section.

Page 110, after line 2, insert the following:

SEC. 48. GREAT LAKES CONSUMPTIVE USES STUDY.

(a) STUDY OF CONTROL MEASURES.—In recognition of the serious impacts that are expected to occur to the Great Lakes environment as a result of a projected fivefold increase in consumption of Great Lakes water, including loss of wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, and in recognition of the national goal to provide environmental protection and preservation of our natural resources while allowing for continued economic growth, the Administrator, in cooperation with other interested departments, agencies, and instrumentalities of the United States and the eight Great Lakes States and their political subdivisions, is authorized to conduct a study of control measures which can be implemented to reduce the quantity of Great Lakes water consumed without adversely affecting projected economic growth of the Great Lakes region.

(b) MATTERS INCLUDED.—The study authorized by this section shall include an analysis of both existing and new technology which is likely to be feasible in the foreseeable future and shall at a minimum include the following:

(1) a review of the methodologies used to forecast Great Lakes consumptive uses, including an analysis of the sensitivity of key variables affecting such uses;

(2) an analysis of the effect that enforcement of provisions of the Federal Water Pollution Control Act relating to thermal discharges has had on consumption of Great Lakes water;

(3) an analysis of the effect of laws, regulations, and national policy objectives on consumptive uses of Great Lakes water used in manufacturing;

(4) an analysis of the economic effects on a consuming industry and other Great Lakes interests associated with a particular consumptive use control strategy;

(5) an analysis of associated environmental impacts, both singularly and in combination with other consumptive use control strategies; and

(6) a summary discussion containing recommendations for methods of controlling consumptive uses which methods maximize benefits to the Great Lakes ecosystem and also provide for continued full economic growth for consuming industries as well as other industries which depend on the use of Great Lakes water.

(c) GREAT LAKES STATES DEFINED.—For purposes of this section, the term "Great Lakes States" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1985, $4,500,000 to carry out this section. Sums appropriated under this section shall remain available until expended.

Page 111, line 17, after the period insert the following: "As part of such study, the Administrator shall study appropriate methods of regulating rainfall induced infiltration into the sewer system of the East Bay Municipal Utility District, California.".

By Mr. JONES of North Carolina:

—At the end of the committee substitute, H.R. 8, insert the following new section:

SEC. (a). PURPOSES AND POLICIES.

(1) Congress finds and declares that:

(A) the nation's estuaries are of great importance for fish and wildlife resources; marine transportation; recreation and economic opportunity;

(B) maintaining the health and ecological integrity of these estuaries is in the paramount national interest;

(C) increasing coastal population, unwise development, and other direct and indirect uses of these estuaries threaten their health and ecological integrity;

(D) long-term planning and management will contribute to the continued productivity of these areas, and will maximize their utility to the nation;

(E) better coordination among federal and state programs affecting estuaries will increase the effectiveness and efficiency of the national effort to protect, preserve, and restore these areas, and

(F) existing programs relating to the Chesapeake Bay have demonstrated the strength of the federal-state partnership in comprehensive planning for estuaries.

(2) The purposes of this section are to:

(A) identify nationally significant estuaries that are threatened by pollution, unwise development or overuse;

(B) promote comprehensive planning for, and conservation and management of, nationally significant estuaries by utilizing the water pollution control authorities of the Federal Water Pollution Control Act and the intergovernmental planning and management processes of the Coastal Zone Management Act;

(C) encourage the preparation of special area management plans for estuaries of national significance; and

(D) enhance the coordination of estuarine research.

(b). NOMINATION AND SELECTION.—

(1) The governor of any state may nominate to the Administrator of the Environmental Protection Agency and the Secretary of Commerce (hereinafter referred to as "Administrator" and "Secretary", respectively) an estuary lying in whole or in part within the state as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary. The nomination shall document the need for the conference, the likelihood of success, and information relating to the factors in paragraph (2).

(2) The Administrator and the Secretary, in consultation with other federal agencies, state and local governments and the public, shall review each nomination submitted pursuant to paragraph (1) and select those estuaries of national significance for which comprehensive management plans should be developed. The selection shall be based upon:

(A) the ecological significance of the estuary;

(B) the biological productivity of the estuary and its contribution to fish and wildlife resources of commercial and recreational significance;

(C) the degree to which commercial, residential, recreational, or industrial activities within the estuary and its watershed have impaired or may impair the health and ecological integrity of the estuary; and

(D) the degree to which comprehensive planning and management may contribute significantly to the wise use of the estuary and to its health and ecological integrity.

(c). ESTUARINE MANAGEMENT.—

(1) The Administrator and the Secretary, with the concurrence of the Governor of each state in which the estuary is located, may convene a management conference for each estuary selected under subsection (b)(2).

(2) The members of the conference shall include the Secretary, the Administrator and other federal, regional, state, and local representatives, and members of the academic-scientific community and the public, as may be necessary to formulate balanced recommendations on the requirements of a

comprehensive management plan, as specified in paragraph (3)(B). In addition, the members of the conference shall:

(A) select the conference chairperson;

(B) establish appropriate operating procedures; and

(C) submit to the Administrator and the Secretary a consolidated application for annual funds to be awarded under this section.

(3) The purpose of the management conference shall be to:

(A) undertake and compile research relating to the estuary for purposes of supporting the development and implementation of a comprehensive management plan for the estuary;

(B) develop a comprehensive management plan for the estuary that will restore and maintain the health and ecological integrity of the estuary. Any comprehensive management plan developed pursuant to this subsection shall meet the requirements for a special area management plan under section 304(17) of the Coastal Zone Management Act (P.L. 92-583) and shall include:

(i) priority corrective actions and compliance schedules to address point and nonpoint sources of pollution posing the most serious problems to the estuary's physical, chemical, and biological integrity;

(ii) measures providing for the conservation and management of the living resources of the estuary, including shellfish, fisheries, wildlife and associated habitat;

(iii) policies and standards to implement the coastal management objectives of the estuary; and

(iv) a clear delineation of the geographic scope of the management plan including tributaries, watersheds and adjacent ocean areas.

(C) coordinate the implementation of the management plan by the federal, state and local governments participating in the conference.

(4) A management conference convened under this section may be conducted for up to four years. The conference may be extended for one year if, after the initial four-year period, the Administrator and the Secretary determine that substantial progress has been made and that the conference is likely to succeed in fulfilling its objectives.

(5) The Administrator is authorized to make grants and expenditures as are necessary to support the administration of a management conference under this section. Such grants and expenditures shall not exceed 75 per centum of these administrative costs and shall be made on condition that non-Federal sources provide at least 25 per centum of the costs.

(d). Research.—

(1) Upon convening a management conference under this section, the Secretary and the Administrator, in conjunction with state and local authorities, shall undertake to develop, compile and make available information and research relating to the estuary that would assist in developing and implementing the comprehensive management plan.

(2) The management conference may develop a research plan, which shall include research needs, priorities and guidelines, to promote the coordination and utility of research relating to the estuary, and shall develop such a research plan prior to the award of grants under subsection (d)(4).

(3) In developing a research plan under this subsection, the management conference shall establish advisory committees or other procedures to provide the interdisciplinary technical expertise necessary to address the range of issues requiring research.

(4) The Secretary shall conduct such research as may be necessary to determine the need to convene a management conference under this section or as may be requested by a management conference. Such research shall comply with any applicable research plan under paragraph (2).

(5) The Administrator, with the concurrence of the Secretary, is authorized to make grants to State water pollution control agencies, State coastal zone management agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals to carry out any research plan developed under subsection (d)(2). Such grants shall not exceed 75 per centum of these costs and shall be made on condition that non-Federal sources provide at least 25 per centum of the costs.

(e). PLAN APPROVAL.—

At the conclusion of a management conference, the Administrator, the Secretary and each participating governor shall review the plan to determine if it meets the requirements of this section and, if so, shall approve the plan.

(f). PLAN IMPLEMENTATION.—

(1)(A) The Administrator and each participating governor shall undertake the necessary actions pursuant to title III of the Federal Water Pollution Control Act (P.L. 92-500, as amended) and other authorities to implement the measures established pursuant to subsection (c)(3)(B)(i);

(B) The Secretary and each participating governor from a state with an approved coastal zone management program shall ensure that the state has incorporated the plan into its management program pursuant to section 306(g) of the Coastal Zone Management Act (P.L. 92-583); and

(C) the Secretary and each participating governor from a state without an approved coastal zone management program shall ensure that adequate authorities and procedures exist within that state for implementing the coastal management objectives of the plan.

(2) The Administrator is authorized to make grants to States and interstate agencies participating in a management conference which have adopted a comprehensive management plan pursuant to this section. Such grants shall be for purposes of implementing the plan. The amount of the grants to any State or interstate agency for a fiscal year shall be equal to 50 per centum of that State's or agency's cost of implementing the management plan for such fiscal year.

(3) The Secretary is authorized to provide financial assistance to states under the Coastal Zone Management Act (P.L. 92-583, as amended) to implement the requirements of a plan which has met the requirements of paragraph (1)(B).

(4) The Secretary and the Administrator shall monitor the implementation of any plan developed and adopted pursuant to this section. In the event that a state is not making reasonable progress in fulfilling the requirements of subsection (f)(1), the Administrator and the Secretary shall suspend further federal grants under this section until the requirements of subsection (f)(1) are fulfilled.

(g). RELATIONSHIP TO OTHER MANAGEMENT PROGRAMS.—

(1) Notwithstanding any other provision of this section, no management conference shall be convened for an estuary if the Administrator and the Secretary determine that a management program exists for the estuary that will achieve the purposes of this section.

(2) Nothing in this section shall apply to the Chesapeake Bay Program conducted pursuant to Public Law 94-116.

(h). REPORT TO CONGRESS.—The Administrator and the Secretary shall submit to Congress not later than January 1, 1987 and biennially thereafter a comprehensive report on the activities authorized under this section, which shall:

(1) list the priority monitoring and research needs for estuaries to meet the objectives of this section;

(2) assess the health of the nation's estuaries evaluated under this section;

(3) discuss the pollution problems and trends that affect directly or indirectly the water quality, ecosystem, and existing or potential uses of each estuary evaluated under this section; and

(4) evaluate the effectiveness of pollution abatement activities and other management measures undertaken pursuant to this section.

(i). RULES AND REGULATIONS.—No later than 180 days after enactment of this section, the Administrator, with the concurrance of the Secretary, shall promulgate regulations to implement this section pursuant to section 553 of title 5, United States Code.

(j). AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to carry out subsections (c)(5) and (d)(5) amounts not to exceed $10,000,000 for each fiscal year within the period beginning on October 1, 1985 and ending on September 30, 1990, of which not to exceed $2,000,000 annually shall be made available to the Secretary for the purpose of fulfilling the responsibilities outlined in subsections (b), (d), and (e).

(2) There is authorized to be appropriated to carry out subsection (f)(2) amounts not to exceed:

(A) $10,000,000 for the fiscal year ending September 30, 1988;

(B) $30,000,000 for the fiscal year ending September 30, 1989; and

(C) $50,000,000 for the fiscal year ending September 30, 1990.

(3) Amounts appropriated under this subsection are to remain available until expended.

H.R. 2419

By Mr. HAMILTON:

—Page 5, line 11, strike out "$21,900,000" and insert in lieu thereof "$21,000,000".

Page 6, line 19, strike out "1985" and insert in lieu thereof "1986".

Page 12, after line 15, add the following new section:

LIMITATION ON BUDGET AUTHORITY

SEC. 503. Notwithstanding any other provision of this Act, appropriations pursuant to authorizations in this Act for any element of the United States Government for the conduct of intelligence and intelligence-related activities for Fiscal Year 1986 may not be made in an amount that would cause the total amount of budget authority for

the department or agency from which such element receives funds to exceed—

(1) the total amount of budget authority authorized for such department or agency for Fiscal Year 1986; or

(2) if there is no Act authorizing appropriations for such department or agency for Fiscal Year 1986, the total amount appropriated for such department or agency for Fiscal Year 1985.

H.R. 2965

By Mr. DORGAN of North Dakota:

—Page 23, line 20, strike out "$4,700,000" and insert in lieu thereof "$4,500,000".

By Mr. FRENZEL:

—At the end of Title VI, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, each amount appropriated by this Act not required to be appropriated by previously enacted law shall be reduced by four percent.".

EXTENSIONS OF REMARKS

PRESERVING OUR HERITAGE: THE HISTORIC REHABILITATION TAX CREDIT

HON. WILLIAM J. COYNE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. COYNE. Mr. Speaker, who has not walked down a familiar street and, after surveying an uninspired set of modern buildings, paused to think not about what is but what was? If we are in a particularly reflective mood, we might wonder what might have been.

What would be the ambiance of a popular neighborhood intersection if the old bank building had not been torn down?

Would the downtown area be a bit more vibrant if we had preserved the graceful if underutilized old train station?

The marketplace allows little room for this type of reflection. Development, especially in our urban areas, usually favors the new at the expense of the old. Historic structures give way to newer, more profitable buildings. The wrecking ball becomes the symbol of urban development, even in historic areas.

Since 1981, that symbol has been seen less frequently in historic areas even as development continues apace. This is because an addition to the tax law, the historic rehabilitation tax credit, encourages the conservation of historic properties. According to the National Trust for Historic Preservation, this 25-percent tax credit has encouraged $5 billion in private investment in more than 6,800 buildings since 1981.

J. Jackson Walter, the president of the National Trust for Historic Preservation, described the impact the historic rehabilitation tax credit has had during its brief history in a recent speech to the National Press Club. At this point, I would like to include in the RECORD a copy of those remarks.

TAX REFORM AND THE PRESERVATION OF AMERICA'S HERITAGE

(By J. Jackson Walter, President, National Trust for Historic Preservation)

A possibly unintended consequence of the Administration's tax reform proposal would be the virtual termination of work on the rehabilitation of important older buildings all across this country. And that's a great deal of work: over the past three years, we are talking about more than five billion dollars of rehab investment in 6,800 buildings. This good work would stop because the Administration's tax reform proposal recommends elimination of the tax code's incentive for historic rehabilitation, which is a tax credit for 25 percent of the cost of rehabilitating certified historic buildings.

When Chairman Dan Rostenkowski and Chairman Robert Packwood and the other members of the House Ways and Means and Senate Finance Committees review the historic rehabilitation tax credit on its own merits, as they will, they will discover that here is one of the few remaining, and certainly one of the most effective, mechanisms for community revitalization and economic development. And they will discover that here is a proper use of the tax code to correct the marketplace's obvious undervaluation of retaining significant parts of America's heritage.

The elimination of the historic rehabilitation tax credit would have a devastating effect on revitalization prospects for cities and would doom thousands of historic buildings to demolition. Already, the threat of the legislation has shelved projects throughout the nation. These projects will not be undertaken if the incentives are lost.

More than twenty-five years ago, Jane Jacobs wrote "The Death and Life of Great American Cities." Then, many did argue strenuously with her conclusions about the contributions made by "a good lot of plain, ordinary old buildings." No longer.

In the past six months, my first as President of the National Trust, I have travelled almost non-stop and witnessed first hand how preservation and reuse have been embraced.

Mayors of Chicago, Providence, Boston, Philadelphia, Savannah and Dallas admitted, even strenuously boasted, that historic preservation was a cornerstone of future prosperity for their cities.

The leaders of Joliet, Illinois are counting on the restoration of the Rialto Theater to be the key to a vital future for that beleaguered city.

And, the first new business to open in years in Jim Thorpe, a Pennsylvania town of only 5,000 people, is in an old building alive again because of the historic rehabilitation tax credit.

As president of the National Trust you would expect me to support measures that keep historic buildings in use and I do. That is what our Congressional charter demands and what the National Trust is all about. You may know us best as the curator and steward of fine museum houses such as Stephen Decatur's house on Lafayette Square, Woodrow Wilson's house in Kalorama, and how James Madison's Virginia home, Montpelier. But we also helped a San Francisco neighborhood group rehabilitate an old Chinatown hotel so 82 low-income elderly tenants would not have to be thrown out of their single-room apartments.

We received a lot of public attention when we helped save the last original facade of the U.S. Capitol two years ago. We are just as proud to have helped restore the storefronts of 650 buildings in 30 small towns through our National Main Street Center.

We have learned how to care for wonderful old houses lke Jay Gould's Lyndhurst and like Drayton Hall in Charleston—and we've become sophisticated and knowledgeable in urban planning and local politics. We've had to. We must work with those who control the future of our heritage. About 250,000 buildings are listed on the National Register of Historic Places. Only a few of those can, or should, be museums. The others will survive only if they can be made to serve as some one's home, office, business or factory.

We need others to do that kind of work because we don't do it. We need the developers and the business community to invest their dollars and energy. That's why the National Trust and other members of the preservation community including Preservation Action and the American Institute of Architects sought preservation tax incentives. And now that we have the developers with us, now that we have the tool that does the job, now that we have the historic rehabilitation tax credit, we aren't about to lose it.

Let me say this directly. Developers don't need this incentive. Historic buildings need it. Real estate developers and investors will continue to make money with or without historic rehabilitation tax incentives. They'll put their dollars into what will give them the best return, whether it is suburban shopping centers, office towers or luxury townhouses. What we want them to do is put their dollars into historic buildings.

In large cities, projects aided by the historic rehabilitation tax credit serve as anchors for urban revitalization—both physically and spiritually. The Old Post Office Building and the Willard Hotel across the street from here, St. Louis' soon to be finished Union Station retail, commercial and hotel complex, and the Chicago Theater—now saved from the wrecking ball—are all fine examples. Cities successfully capitalize on their historic resources to induce investment, create jobs and stimulate tourism.

The rebirth of many historic small-town main streets demonstrates that concerted action by merchants, landlords and city officials when linked to the historic rehabilitation tax credit can lead to economic renewal. For example, in Athens, Georgia, one of the towns aided by our National Main Street Center, 19 tax credit projects have meant $11.3 million of private investment in their downtown.

In many historic downtowns, there are few housing opportunities, especially for low and moderate income renters. Rent control and declining neighborhood image have led to extensive abandonment. The preservation tax incentives are available for rental housing rehabilitation and have enabled existing owners and residents to create housing opportunities and to enhance neighborhood property values. To date, housing rehabilitation represents more than half of the total number of tax aided historic rehabilitation projects.

Through the National Trust's Inner-City Ventures Fund we have supported housing rehabilitation projects in more than 30 low- and moderate-income neighborhoods. Most of the community-based organizations that received our low-interest loans and grants have used the tax credit to attract private investors to their projects. There are people in the Frog Hollow neighborhood of Hartford, in Atlanta's Cabbagetown and on the Over-The-Rhine section of Cincinnati, the city's largest and poorest neighborhood,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

whose hope for a decent place to live depends on these incentives.

The strong support for the historic preservation tax credit by organizations such as the National Association of Housing and Redevelopment Officials and the National Leased Housing Association is evidence of the value of this tax credit in providing decent, affordable housing to those of low and moderate income.

As large and small cities face across the board reductions in federal subsidy programs, the historic preservation tax incentives offer a proven alternative for stimulating rental housing rehabilitation and economic develpment. To withdraw this effective tool now would be another blow to cities already reeling from changing federal budgetary and tax policy.

At the National Trust we have worked to document the impact of these tax incentives on our cities and towns. We have developed the only national data base of tax credit projects. From this effort we have learned that since 1982 certified historic rehabilitation projects have led to more than 180,000 new jobs and rehabilitated more than 36,000 housing units. Annually, tax aided projects generate $5.3 billion in increased local retail sales and general business activity.

New housing from abandoned buildings. New jobs. New hope for economically depressed areas.

The question has to be, if this historic rehabilitation tax credit is such a success—and it is—why would anyone recommend its elimination? It simply is wrong-headed for this Administration to be as cavalier as they are being about the particular merits of this tax credit for historic rehabilitation for whose enactment the entire preservation movement worked so long and whose record of achievement in less than four years is nothing short of astounding.

In its almost five hundred pages of explanation, the President's proposal reserves just a few short paragraphs to justify the elimination of the historic rehab credit. It states that the incentive is not targeted to the need. Yet Congress wisely did set eligibility rules that do limit use of the historic credit to designated historic areas. Experience throughout the nation shows that the rehab projects have addressed real needs and effectively solved real problems.

With, I imagine, a blush, the proposal writers cry that the historic incentive is administered by the National Park Service which approves the projects for their consistency with historic preservation standards but has no budgetary accountability for revenue loss. How ironic! Whereas most tax benefits are the equivalent of an entitlement, this incentive requires agency enforcement of quality standards and a review process in which projects can be—and are—rejected.

A second possible rationale—given that the specific justifications advanced in Treasury I and II fail—might be the reform call for a federal tax code that allows the marketplace to allocate investment capital and is neutral to all forms of investment including historic rehabilitation.

However, a neutral tax code is not neutral to historic buildings. In the absence of tax incentives for historic preservation, market forces will lead to the abandonment and destruction of historic buildings. This country's history of wrecking cities proves this and it is for that reason that the preservation movement originally advocated a tax incentive. Rising property values, the pressure to maximize development potential under existing zoning and the movement of economic activity to the suburbs conspire to drive investment to new construction and away from historic buildings. The market simply does not recognize, nor reward, the public benefits gained from preserving our heritage and building livable cities. We need a tax incentive to give historic buildings a chance.

Other proponents of tax reform have argued that our tax code should be free of tax credits and other special preferences designed to achieve social goals. An examination of the President's plan reveals that this approach was not embraced. Incentives for purchasing homes, exploring for oil and gas, and for increasing research and development expenditures are among those to be retained.

We make no judgments about these particular incentives. Congress must examine each and decide whether they should be retained. The historic rehabilitation incentives should be reviewed in the same way.

Finally, some may seek to eliminate this incentive in order to find money to help pay for lower tax rates. The Treasury Department estimates that repeal of all the rehabilitation tax credits will produce about $400 million in extra revenues in fiscal year 1987. In contrast, the research and development tax credit will cost the federal treasury $1.2 billion. In doing the math, you will discover that the elimination of the rehabilitation tax credits will make up less than one-third of one percent of the revenue needed to pay for the Administration's proposed rate reductions.

Even this calculation fails to recognize the gain to the federal Treasury and the treasuries of state and local governments that comes from taxes on the earnings of the people put to work in rehabilitation projects, the increased business activity and the increased real property tax base of local governments. For the Administration to recoup that one-third of one percent state and local governments will pay a high price on lost tax revenues.

Only in the past four years have we as a nation invented a successful public policy that persuades developers and the business community to rehabilitate historic buildings. This is not the time to change a winning game.

President Reagan, just a few months ago, stated the reasons for keeping a preservation incentive. He said: ". . . our tax credits have made the preservation of our older buildings not only a matter of respect for beauty and history, but of economic good sense." The President praised not the National Trust's tax credits but his Administration's tax credits. Nothing has changed since he embraced them and nothing has changed since Congress enacted them. They work.

I have told you and we will tell the Congress what would happen if tax incentives for historic rehabilitation were eliminated. We do know. If the Administration's proposal were enacted, no one could say that the preservation community didn't give fair warning. If the Administration's proposal were enacted, the predictable consequences in terms of more city wrecking would have to be characterized as intentional. We are out to win retention of these tax incentives on the merits and people in communities throughout America whose lives are better because of these tax incentives are with us.

Already, thousands of preservation advocates and rehab developers are writing letters, taking their Congressmen and Senators on tours of rehabilitation projects and gathering the facts to support our case.

Their message is clear and simple. The preservation tax incentives are a success, working just as intended to stimulate private investment in our nation's cities and towns. They are an efficient and effective urban policy innovation. They preserve our heritage for the enjoyment of ourselves and future generations of Americans. It is not simply god-given that we be a nation of shopping malls, cookie-cutter glass box office towers and suburban subdivisions. We're a country with a splendid and usable past. We can save the best of what we have—but we have to provide the incentives to make it happen. An historic rehabilitation incentive should be retained as part of the federal tax code.●

A RETURN TO DEMOCRACY IN CHILE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. GARCIA. Mr. Speaker, yesterday's New York Times had an unsightful op-ed piece by Peter Bell, former president of the Inter-American Foundation, and now an associate at the Carnegie Endowment for International Peace, on Chile.

Mr. Bell has outlined steps that can be taken to encourage the return of democracy to Chile. None of these steps are unrealistic; all are within the realm of possibility. I am submitting Peter Bell's article for the perusal of my colleagues.

[From the New York Times, July 15, 1985]

WHAT THE CHILEANS AND U.S. CAN DO TO OUST PINOCHET

(By Peter D. Bell)

President Augusto Pinochet Ugarte of Chile last month lifted the state of siege that he slapped on his country in November, but he immediately invoked emergency powers to reinstate most restrictions on civil liberties. Thus, the lifting of the state of siege—viewed by virtually all Chileans as a response to United States pressure—is a small step in the right direction, but hardly cause for rejoicing either in Chile or in Washington.

Opponents of the regime are sobered but undaunted by the stepped-up repression of recent months. For them, this has been a period of suffering and of stock-taking. The toll from the state of siege—including predawn security sweeps, the detention of some 40,000 suspected subversives, the banishment of 600 political activists to remote parts of the country and the closure of six opposition publications—has only strengthened their conviction that Chile must return to democracy.

Chileans have learned some hard lessons from the Pinochet repression.

First, the General will not negotiate a transition to democracy of his own free will. Last year, he undercut negotiations with the moderate opposition. Then, with the pretext of fighting leftist terrorism, he launched a systematic campaign to silence the entire opposition.

Second, unity is essential to the eventual success of the opposition, now the overwhelming majority of Chileans. Throughout much of 1983 and 1984, the opposition seemed to be gathering strength. It lost momentum, however, in the petty rivalries of political party chieftains. The opposition must reconstruct a broad civic front—composed not only of political parties but of the Roman Catholic Church and organizations of workers, women, students and professionals—for the overriding purpose of restoring democracy.

Third, the democratic movement must resolve the question of Communist Party participation—a question that arises primarily because of the party's endorsement of "all means," including violence, to combat the dictatorship. Despite General Pinochet's commitment "to extirpating the Marxist cancer" from Chile, the Communist Party remains second only to the centrist Christian Democratic Party in size. Given the Communists' long adherence to the rules of Chilean politics prior to the military coup, in 1973, their participation in a restored democracy is presumed even by conservative parties, but they must forswear violence to close ranks with the rest of the opposition.

Fourth, elections are the cause around which Chileans are most likely to mobilize to restore democracy. Chile has a long history of deciding important political questions by open and fair elections. Despite the state of siege, the principal labor, student and professional organizations have held internal elections in recent months, and in almost every case opposition groups combined to elect their candidates, usually moderate Christian Democrats.

There is no question that General Pinochet would lose a plebiscite today on whether to continue the dictatorship or restore democracy. It is up to the opposition to convince the military—by mass mobilization, nonviolent resistence and perhaps a national strike—that a popular referendum is preferable to endless repression.

What can the United States do to support democratic change in Chile? The lifting of the state of siege was a quid pro quo for United States support of $195 million in Chilean loans approved by the World Bank last month—approval crucial to a much larger package of commercial and multilateral loans. The Reagan Administration thus ignored United States law instructing our directors of multilateral banks to oppose loans to gross violators of human rights, and the wonder is that its backing secured so little real change in General Pinochet's repression.

If the Administration were serious about bolstering Chile's prospects for a return to democracy, it would make full use of its economic leverage to press for broader civil liberties. Chileans still resent the Nixon Administraton's commitment to rescue them from their "own irresponsibility" after their election of a socialist President, Salvador Allende Gossens, in 1970. They are puzzled today by the Reagan Administration's insistence that the destiny of Chile is in good hands."

The restoration of democracy in Chile may be months or even years away, but the opposition is now building toward that day. The United States should unambiguously support these efforts. The longer General Pinochet remains in power, the greater will be the suffering of the Chilean people and the likelihood of polarization and civil strife. Being soft on General Pinochet is not only morally indefensible, it is shortsighted politics.●

LIBERATION DAY STATEMENT

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. BLAZ. Mr. Speaker, while most American communities have now ended their July 4 festivities, I am proud to report to you that the people of Guam are continuing their celebration of the American spirit.

With parades, fireworks, speeches and picnics, we marked the 209th anniversary of our Nation's glorious Declaration of Independence. But we didn't stop there. We are carrying on the celebration throughout this month, as we build toward a climax on July 21—when the people of Guam celebrate their liberation by U.S. forces from 3 years of harsh enemy occupation in World War II.

The territory of Guam's annual Independence Day/Liberation Day festivities are our unique way of demonstrating the profound pride we feel as Americans as well as the deep gratitude we hold for our wartime liberation. This year we celebrate the 41st anniversary of that joyous day when American marines and soldiers stormed over the beaches of Guam to free us from prison camps and restore our freedoms.

Our celebration holds a special meaning for us. As American citizens on the U.S. soil at the gateway to Asia, we are proud to play our part in protecting and advancing the Nation's interests. Guam's Naval Base, Strategic Air Command Base, Naval Air Station and Naval Communications Stations play vital roles in protecting America's lines of communication with the Asia-Pacific region.

Those vital arteries of communication take on increasing importance as our Nation's two-way trade with the Asia-Pacific area—$165 billion last year—now exceeds our total trade with our traditional European allies. The Pacific era, heralded by national leaders for many years, has arrived, as an article in the July 12 Honolulu Advertiser pointed out so clearly. I want to enter in the record today a copy of that analysis because it is too important a message not to repeat.

Guam, in the midst of the most active international trade arena in the world, is eager to play a larger role in this new era. The theme of our celebration this year is "the American Dream, the Guamanian Way," a message which emphasizes our desire for this greater responsibility. While many of you have heard of our territory's desire to improve and expand its relationship with the United States, some of you may not fully understand what it means to you, to the Nation and to us.

What we seek is the essence of the American dream—that vision of self-improvement that has guided generations and molded the Nation. That dream means working to become what we want to be. It is setting our sights, planning our journey, making progress toward our goal and fulfilling our quest.

It means having a larger role and responsibility in securing America's interests in our part of the world. We seek a stronger and more mature relationship with the Nation, for though our territory lies far from the continental heartland of these United States, our people and our goals are close to America's heart and spirit.

Thank you, Mr. Speaker.

DAWNING OF PACIFIC ERA CAUSE FOR OPTIMISM

(By Kathy Koch)

MANILA.—The United States has had a Pacific Coast since 1819 but not until Californian Ronald Reagan became president did Washington policy makers seem to take that fact to heart.

He and dozens of top administration officials have been busy proclaiming the dawn of the Pacific era. The Pacific Basin "is where the future of the world lies," Reagan said last fall in debate with Democratic challenger Walter F. Mondale.

This thought is not entirely new. "The Atlantic era is at its height of development," President Theodore Roosevelt said in 1903. "The Pacific era, destined to be the greatest of all, is just at its dawn." And in 1944, just after his triumphal return to the Philippines, General Douglas MacArthur told a group of war correspondents, "the history of the world for the next thousand years will be written in the Pacific."

Today, decades later, such prophecies not only are being recalled but—it is being suggested by scholars, businessmen, columnists and policy makers—are on the road to fulfillment. And these thoughts are shared by Asians. Masao Fujioka, president of the Asian Development Bank, told an international gathering three years ago: "We are witnessing the dawn of the Asia-Pacific era."

What is the cause of this heady optimism? Japan's great economic growth and leadership has been well-documented. And so, too, has China's experimentation with capitalism and emergence as a world market. Perhaps less well known to much of the world have been the great economic strides of such countries as Singapore, Malaysia and South Korea.

Many economists predict that by the end of this century, only 15 years away, the Asia-Pacific region will surpass both the United States and Europe to become the world's strongest economic entity. The image of East Asia as a region of mass poverty and backwardness "is dangerously out of date," John C. Marous Jr., president of Westinghouse Electric's Industries and International Group, told a business gathering last year in Pittsburgh.

The term Pacific Basin, or Pacific Rim, generally refers to countries that border the Pacific Ocean, from Japan in the north to New Zealand in the south. It also embraces the islands of the Pacific and across the ocean, Canada and the United States, often Chile and Peru in South America.

This great expanse of territory includes Vietnam and its puppets, Cambodia and Laos, whose economies are still devastated by war, and several underdeveloped islands such as Papua New Guinea. But when people speak of the Pacific Rim they are usually focusing on Japan, Australia, New Zealand, China, Hong Kong, Indonesia, Malaysia, the Philippines, Singapore, South Korea, Taiwan and Thailand.

The economic dynamism of this region gives it the world's greatest trading potential for the foreseeable future. The volume of U.S. trade with the Pacific Basin exceeded that with Europe in 1978 for the first time.

Japan is next only to Canada as America's biggest trading partner. In sixth and seventh place come Taiwan and South Korea, while the member nations of the Association of Southeast Asian Nations (ASEAN)—Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand—command fourth place

Except in the politically troubled Philippines, the Asian Pacific economy is expected to continue to outpace that of the Western industrial nations during the next few years, although it is likely to slow somewhat.

Why is this region surging ahead while Latin America is riddled with debt and Western Europe is struggling with high unemployment and stagnation? How were these countries able to expand trade at high rates during the 1970s when world trade was growing only half as fast as in the previous decade?

Seiji Naya, director of the East-West Center's Resource Systems Institute in Honolulu, particularly lauds the free-market and free-trade orientation of most Asia-Pacific countries, where entrepreneurship is a deeply rooted part of their cultures. "These countries are 'A' students of the United States" when it comes to allowing the market to operate freely, Naya said during a recent interview.

In addition, they have become extremely export-oriented. Their undeveloped farm based societies have been converted into industrial-based manufacturing. The combined exports of Hong Kong, South Korea and Taiwan more than tripled between 1975 and 1980.

American industries and workers seeking protection from foreign competition are quick to point to far lower wage scales in this part of the world. However, since wage differences long preceded the competition, they obviously don't explain the full dimension of why Asian manufacturers have made great headway.

The explanations are many and vary from country to country, and they will surely be in demand in America as it wrestles with the question of whether to push for protectionism against Asian goods or enter fully into the competition and try to profit from it.●

DR. W.T. CRUTCHER: A MODEL OF DEDICATION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. DUNCAN. Mr. Speaker, one trait I have always admired is dedication. It is a characteristic which builds loyalty as it reflects loyalty. A dedicated individual can accomplish 10 times more than the average person working at the same task. In so doing, that person gains the respect and love of his colleagues.

Such is the case of Dr. W.T. Crutcher. Dr. Crutcher has dedicated his life to the service of God and his fellow man. For the past 50 years this dedication has been shown through his work as pastor of the Mount Olive Baptist Church in Knoxville, TN.

He has earned the love and respect of his congregation through his loyalty to the church. Because of his efforts, Mount Olive Baptist Church is a strong church; full of brotherhood, and faith. It is a church which prays for others in times of need, and gives to others in times of want. It is a church which celebrates the resurrection of Jesus Christ with glad hymns, and inspire others to do likewise.

When Dr. Crutcher leaves Mount Olive Baptist Church, he will leave it with a heavy heart, but a strong foundation. The seeds he has sown over the past 50 years have grown deep roots and borne much fruit.

In appreciation for his dedication, and in celebration of 50 years of strong leadership, the congregation of Mount Olive Baptist Church has undertaken a jubilee year recognition. I am honored to be able to participate in this celebration this Sunday at the Mount Olive Baptist Church. Dr. Crutcher is an inspiration, and I believe we in the Congress can learn from his dedication to God and to mankind.●

INTERNATIONAL ACCOUNTING STANDARDS IMPLICATIONS FOR WORLD TRADE AND FINANCE

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. FLIPPO. Mr. Speaker, I would like to share with my colleagues the informed thoughts of the distinguished chairman and chief executive officer of Peat, Marwick, Mitchell & Co., on the critical problems facing businesses, investors and Government officials because of the inconsistency of accounting standards around the world. Mr. Homer succinctly analyzed this international problem in the May 1985 edition of Dunn's Business Month. I urge my colleagues to read this article. It details a growing problem in international business that must be dealt with to ensure global economic growth and progress.

The article follows:

HORNER: ACCOUNTING IS TOWER OF BABEL

Different rules make it hard to fathom foreign reports, says Peat Marwick CEO:

Without consistent reporting, no investor can be sure that what he sees is what he's getting. Nor can any government be certain of its tax base.

Larry D. Horner, chairman and CEO of Peat, Marwick, Mitchell & Co., is zeroing in on a problem that is becoming increasingly critical as business and finance go global—the inconsistency of accounting standards around the world. Growing numbers of corporate executives, investor and government officials are called on every day to make decisions based on financial information from other countries. Trouble is, the information doesn't always mean what it seems to mean—not because of any dishonesty or deviousness, Horner explains, but simply because accounting principles differ so widely. And the problem can affect the flow of world trade and finance.

Take the matter of hidden reserves. In many European countries, it is permissible to set them up for unspecified "general business risks," a procedure that is not allowed in the U.S. The reserve, of course, reduces earnings when it is set up, but it can be drawn upon to enhance earnings at a later date—and an American businessman or investor, accustomed to entirely different generally accepted accounting principles, is usually none the wiser. Says Horner: "We've seen situations where firms appear to be having a nice earnings stream in a given year, but in reality their earnings were virtually nothing because they were taking it out of reserves that they had created in prior periods."

Or take deferred taxes, which occur, for example, when a company uses accelerated depreciation on its tax return but employs the straight-line method in its financial statements. In the United States, the assumption is that the taxes will eventually be paid, and hence they must be accounted for. But in the United Kingdom, a company may or may not have to book deferred taxes, depending on the circumstances. Again, an investor may be left in the dark.

There are literally hundreds of reporting differences among the various nations, ranging from the way pensions and the results of subsidiaries are handled to the recording of goodwill and inventory costs. To illustrate in concrete terms how important these differences can be, Horner cites the recent public sale of $4 billion worth of stock in British Telecom plc, the biggest equity offering in world history. About $280 million of that issue was sold in the United States, and thus British Telecom earnings were important to any American wanting to buy shares. But those earnings are vastly different under British as opposed to American rules. For example, as reported in the U.K., British Telecom earned $1.2 billion in fiscal 1984. But when adjusted to reflect U.S. and Canadian GAAP, earnings amounted to a much smaller $697 million. The major difference was in the treatment of deferred taxes.

The Royal Dutch/Shell Group provides an interesting example of how different rules affect the results when they are adjusted for inflation, so-called current cost accounting. When the Shell Group's earnings for 1981 are adjusted on the basis of CCA practices common to the Netherlands, the United Kingdom and the U.S. and a "gearing adjustment" is included to reflect the effects of borrowed capital, they amount to £404 million. However, when this total is adjusted further to reflect inflation-accounting practices that prevail in the individual countries, the results differ significantly. Under Dutch rules, earnings are £900

million; for the U.K., they are £700 million, and for the U.S., they are £1,100 million.

Horner readily agrees that a modern corporation has the means to reconcile the differences. If, for example, a U.S. company wants to acquire a German firm, it can hire an outside CPA or put its own accountants to work restructuring the German company's financial statements in the form the U.S. company can understand. "But let's say that it is not something where the transaction is in that depth," Horner continues. "I'm looking to buy some shares trading on the German stock market. Or maybe I don't want to spend all the time and money. Somebody says I'd make X dollars,' and I don't have the knowledge that the principles are different. I can come to a very erroneous conclusion."

Businessmen and accountants have long recognized such problems, and as far back as 1972 the accounting bodies of nine countries organized the International Accounting Standards Committee in an effort to reconcile the differences. "I wish I could report that the big problems have been taken care of," says Horner, "but I can't."

For all this, corporations have operated in the confusing accounting environment for decades, and still they have managed to prosper and trade has grown. Why make a fuss about it now?

"It's a cliché," says Horner, "but the world is getting smaller. There's greater need." And so it is. The global marketplace, theorized and talked about for years, has arrived in the wake of telecommunications revolution. the Eurobond market, centered in London but drawing business from all over the world, is almost half again as large as the domestic market. It accounted for $71 billion in new corporate debt issues last year versus only $50 billion in the United States. And the Securities and Exchange Commission, which notes that the equities of 236 companies are actively traded in the international market, recently asked for comments on two methods of reconciling the differences in the disclosure and distribution practices in Canadian, English and American markets. The SEC eventually hopes to include Japan and Switzerland in the program, and its aim is to facilitate the offering of securities and an international market "that is already upon us." The effort, says the SEC, is an enormously important undertaking.

It will also be enormously difficult. Accounting principles in various countries grew up to accommodate local customs and business practices, explains Horner. In most of Europe, accounting rules are heavily influenced by the tax laws, while in the U.S. the rules are oriented more toward showing the financial condition of a corporation. Some countries (Germany, for example) are very specific and rigid on how transactions should be recorded, while others (such as the U.S.) leave considerably more room for judgment. Changing the standards will impact the way business is done.

The stake that individual governments have in their own accounting systems adds to the reconciliation problem. On the most immediate and obvious level, accounting rules affect the profits a company reports—and thereby affect the taxes a government collects. Beyond that, all governments have a vital stake in the flow of capital into and out of their countries. Accounting rules have an impact here as well.

So as important as it is to reconcile the various systems, progress will be slow and piecemeal. Asked what he would suggest as the priority areas, Horner unhesitatingly lists as his first choice consistency in reporting a company's performance from year to year. In that way, he explains, no matter what the accounting rules of a particular country are, at least an investor or businessman can be sure that the company he is interested in reports its results on the same basis. Horner's second and third priorities are in the areas of accounting for pensions and for inventories.

When the Tax Equity and Fiscal Responsibility Act of 1982 became law, it introduced so many new complexities into tax law that cynics labeled it "the accountants' right-to-work law." Similarly, it takes no great imagination to realize that the complexities and differences of accounting rules around the world create business opportunities for CPAs. So why is Horner complaining? Simply put, reconstructing financial statements to adjust for different accounting rules is a time-consuming chore, and he can employ his skilled professionals more productively at other activities.

CLEM MORGELLO.●

FARM POLICY ISSUES

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. DE LA GARZA. Mr. Speaker, yesterday, I and other members of the House Agriculture Committee met with four former Secretaries of Agriculture—two from previous Democratic administrations and two from earlier Republican administrations—to review the farm policy issues which confront us today.

These issues pose some of the most difficult economic questions this Congress has faced during my service in the House. There are no easy answers available as we try to write a 1985 farm bill that will somehow protect farm income while recognizing the reality of our budget situation and the reality of the fact that some agricultural problems—like the strength of the dollar—are not going to be solved by a farm bill.

We met yesterday with former Secretaries Orville L. Freeman, who served from 1961 to 1969; Clifford M. Hardin, who served from 1969 to 1971; Earl L. Butz, who served from 1971 to 1976; and Bob Bergland, who served from 1977 to 1981.

These former Secretaries have signed a joint statement on farm policy. They believe, as we all do, that farm problems are not Democratic or Republican and that workable solutions must not be politically partisan. For the information of our House colleagues, I am attaching to my comments the joint policy statement of the four former Secretaries.

JOINT STATEMENT ON AGRICULTURAL POLICY BY FORMER SECRETARIES OF AGRICULTURE

Proper recognition of the internationalization of American agriculture during the past 15 years is the highest priority item that must be considered in the development of the 1985 Farm Bill.

In order to serve farmers and the Nation well, the 1985 Farm Bill should expand farm markets, raise farm income, and stimulate growth in farm exports.

To do that, the 1985 Farm Bill must recognize that the economic health of farmers and agriculture depends heavily on strong and growing export markets.

Agriculture has changed tremendously in the last 15 years. Markets for American farmers have become international. Even now, we export half or more of our wheat and cotton, nearly half of our soybeans and rice, and one-fourth of our feed grains.

Farmers produce food and fiber for people. Market potential is where the people are. World population overseas is growing several times faster than U.S. population, and most of that foreign population is anxious to upgrade its diet.

On the other hand, the domestic U.S. market for food and fiber, as well as in other developed countries, is a mature market. The American domestic market is not likely to expand significantly beyond our U.S. population growth rate.

The productivity of American agriculture continues to increase much faster than the U.S. population. Farmers are producing the food and fiber for the American domestic market—which has nearly a one-third larger population than 25 years ago—with fewer acres than were harvested for that purpose in 1960.

By contrast, the number of U.S. crop acres devoted to producing for foreign markets has increased by three-fourths since 1960.

The 1985 Farm Bill, and American farm policies, should concentrate on expanding agricultural exports in a world that is becoming increasingly ccmpetitive. There is no viable alternative. Either U.S. exports will grow or U.S. farmers will have to reduce their production substantially in food grains, feed grains, oilseeds, and cotton. It would be suicidal to ask our farmers to pace their output to the slow growth of the U.S. market while trying to maintain today's modern farm structure, land investments and financing, and the agri-industries that serve American farmers.

If we develop a Farm Bill that helps farmers adjust to new growth and new opportunities, and helps farmers to be competitive in today's world markets, U.S. agriculture will prosper in the years ahead. If we do not alter or eliminate farm programs that are harmful and fruitless in today's market realities, and which will become even more out of step in the 5 to 10 years ahead, farmers will suffer, rural America and its institutions will suffer, and the Nation will be weakened.

1. Non-recourse loans as a safety net. Nonrecourse loans have been a part of the U.S. agricultural policy for 50 years, and they have worked well if loan levels are set at or below market clearing levels.

Since 1981, unrealistically high loan rates for most major grain and fiber commodities, in combination with a strong dollar, have priced the U.S. out of world markets, stimulated production abroad, and resulted in a combination of very costly acreage reduction programs and burdensome stocks. We recommend that loan levels be set in such a manner that they will be below season average market prices except in unusual circumstances. In that way, the loan program will protect farmers against major short-term price declines, but not interfere with the

longer-term, free working of the marketplace.

2. Authorize the continued use of target prices and deficiency payments. Supplementing farm income through deficiency payments on base acreage instead of price support loan programs has one distinct advantage—it permits commodities to move through normal marketing channels at market clearing prices. A year-to-year buildup of surpluses is less likely. Furthermore, competing countries are discouraged from expanding their production.

Some type of income protection is needed for a time to help farmers adjust. A target price program that gradually adjusts target levels will be less harmful to future export opportunities than a program of high nonrecourse loans or a program of idled acres.

Since small commercial farmers are the ones in greatest financial stress, a dollar ceiling should be established on total payments per farm operator. Furthermore, we recommend that Congress not establish specific minimum target levels as was done in the 1981 Act, but establish appropriate guidelines—especially for the second, third, and fourth years. There is simply no way to predict well enough what will happen to suppliers and prices in international markets 3 or 4 years in advance.

3. Reduce need for acreage reduction programs through demand expansion. A primary thrust of U.S. agricultural policy should be to expand demand so that the need for acreage reduction programs, except those for fragile lands, is eliminated. While being used, acreage reduction programs should not be operated to keep prices above support levels.

Government programs that idle U.S. cropland for the purpose of reducing production and raising farm commodity price levels are exercises in futility. These programs fail because they are unilateral efforts by the U.S. to reduce world supplies and raise world prices. People in competing countries watch us closely, and they expand production in response to U.S. actions—thus the effort to raise prices fails. Furthermore, when competing countries expand production and set up increased trade outlets, those are not dislodged easily or quickly. The net result is a gradual erosion of the U.S. share of foreign markets.

4. Redesign the farmer-owned reserve. The Agricultural Act of 1977 required the creation of a farmer-owned reserve for wheat. The 1981 Act continued the program for wheat and also included corn.

Reserves of certain commodities in the hands of farmers should be maintained as a matter of Government policy only for security reasons and for the purpose of providing a reasonable degree of supply and price stability. The quantities should be modest and the maximum amounts should be specified. The stocks should not be obtained through attempts to support market prices. Guidelines for the release and use of reserve stocks should be clearly specified and made consistent with market oriented loan programs.

5. Integrate trade and development activities in a new program to expand exports. Since 1981, U.S. farmers have lost 35 percent of their West European market and 10 percent of their Japanese market. These markets will continue to be important, and we should make concerted efforts to establish international trading rules that will permit us to compete freely and fairly for those markets.

The U.S. will need to look increasingly toward the developing countries where three-fourths of the world's people live. In order for those countries to increase their purchases of U.S. farm products markedly, they will need assistance in economic and agricultural development. The evidence is clear that as these countries improve their own productivity, they supplement their diets with larger imports of U.S. farm products. As they enter the economic mainstream, they become paying customers; as this happens, we should ensure that U.S. farmers share equitably in those markets.

Congress should expand and strengthen Public Law 480 (Food for Peace) with actions such as those in the 1984 recommendations of the President's Task Force on International Private Enterprise. We should enlarge GSM-301 funding and encourage greater use of "intermediate" credit for periods of 3 to 10 years. We should reexamine all our export credit programs to see if they are adequate.

The Department of Agriculture and the Agency for International Development should be strengthened to augment their respective capabilities for export development and foreign assistance and to maximize cooperation and coordination between the two agencies.

The Executive Branch should follow aid policies that encourage long-term commitments to countries that pursue specific development strategies. We should also show greater flexibility in shifting U.S. assistance among countries, commodities, and the various export assistance programs.

Foreign market development programs conducted by commodity organizations in cooperation with the U.S. Department of Agriculture have proved successful over three decades. Those efforts should be expanded and new dimensions added.

We need to understand better the resources and requirements of our exports customers. For example, a systematic study of buyer's needs and the way they utilize commodities might reveal product varieties and forms that could provide new markets for U.S. farmers.

6. Expand U.S. research and extension programs that will help farmers reduce costs. Scientific and technological advances have contributed significantly to the efficiency of U.S. agriculture. The U.S. no longer has a virtual monopoly on the development of such new knowledge, however. The ability to generate new scientific knowledge and technology is gaining momentum in countries like Brazil, India, and Taiwan, as well as in more industrialized countries. As farmers in other countries become more efficient, they will become stronger competitors in world markets.

7. Provide for a conservation program for fragile land. It is essential to our future generations that we address the erosion caused by intensive cultivation in certain identifiable fields. Nearly 100 million acres of land now in cultivation is eroding at more than the five-ton rate, a level nature cannot heal.

We strongly recommend a conservation reserve, perhaps on a bid basis, to remove this land from cultivation and put it back in grass and trees. The grass should be made available for livestock production only during periods of severe drought. The program ought to be tied specifically to fields, not to farms or regions.

A strong "sodbuster" concept should be included to prohibit farmers from receiving farm program payments on fragile land converted from grass and trees to cultivation.

Orville L. Freeman, Secretary of Agriculture, Jan. 1961–Jan. 1969; Clifford M. Hardin, Secretary of Agriculture, Jan. 1969–Nov. 1971; Earl L. Butz, Secretary of Agriculture, Dec. 1971–Oct. 1976; Bob Bergland, Secretary of Agriculture, Jan. 1977–Jan. 1981.●

V–J DAY COMMEMORATION DAY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. MONTGOMERY. Mr. Speaker, on September 2, 1945, Japan officially surrendered to the Allied Powers aboard the U.S.S. *Missouri*, bringing to a close the final chapter of battle during World War II and marking the beginning of an era of reconstruction worldwide. Almost 4 years of fighting had ended and "our boys" would soon be coming home.

Though we would go to war twice more within the following two decades, a stronger world, much more aware of its own mortality, emerged from World War II. Hiroshima and Nagasaki made certain of that.

As President Truman said in a broadcast from Washington on V–J Day: "This is a time for great rejoicing and a time for solemn contemplation."

Now, 40 years later, it is still a time to rejoice.

Mr. Speaker, I am today introducing a resolution calling upon the people of this great Nation to commemorate through appropriate activities on September 2 the innumerable sacrifices and immeasurable courage of the American and Allied military forces that brought us victory in World War II.

President Truman said it best: "I think I know the American soldier and sailor. He does not want gratitude or sympathy. He had a job to do. He did not like it. But he did it. And how he did it."

On this day we also pay tribute to the indomitable spirit and determination of those who supported the war effort here at home.

September 2 should be a day to remember the destructiveness of war and the cost of freedom, especially the hundreds of thousands who gave their lives to sustain it. It can also serve as a fresh beginning in our efforts to strengthen peaceful coexistence among nations and a celebration of the American way of life.

Mr. Speaker, the resolution follows:

H.J. RES. 340

Whereas World War II formally ended on September 2, 1945, with the signing of the instrument of surrender of the Imperial Government of Japan aboard the U.S.S. *Missouri* in Tokyo Bay, Japan;

Whereas World War II was the truly global war;

Whereas World War II affected the lives of millions of Americans and citizens of other nations around the world; and

Whereas more than 16,000,000 Americans served in the Armed Forces of the United States during World War II, of whom more than 1,000,000 were wounded or captured and 290,000 were killed in action: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 2, 1985, the 40th anniversary of the surrender of Japan to the allied powers at the end of World War II, is hereby declared "V-J Day Commemoration Day." The President is authorized and requested to issue a proclamation calling upon the people of the United States, appropriate Federal, State, and local agencies, and interested groups and organizations (including organizations of veterans of World War II) to observe such day with appropriate ceremonies and activities.●

EXPANDED CAPITAL OWNERSHIP AND THE IDEOLOGICAL HIGH GROUND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing another segment of a series of discussions on the concept of expanded capital ownership. Today's material comes from an article by Dr. Robert D. Crane, entitled "New Directions for American Foreign Policy," which appeared in 1969 in Orbis. Dr. Crane stresses the need for us to develop new initiatives designed to bring us closer to a world of justice, peace, and freedom based on God's teachings. Dr. Crane also recommends greater discussion and cooperation among the spiritual leaders of the world's four major religions—Buddhism, Christianity, Judaism, and Islam—in order to develop an alliance against atheism and totalitarianism. I believe that we would all benefit from the message as well as the suggestions contained in this article, and I hope each of you will take a few moments to read it.

NEW DIRECTIONS FOR AMERICAN FOREIGN POLICY

(By Robert D. Crane)

Every individual has selfish interests and unselfish ideals which serve as substantive premises for action. Human affairs can be defined as the shifting relationship of conflict and convergence between one set of interests and ideals and another set or sets. In addition, every individual has definite, if sometimes unconscious, ideas on how best to achieve his interests and ideals. These ideas serve as basic methodological premises for action. In the international arena the same holds true, but the actors are groups of people who have achieved nation-statehood or wish to do so. International politics can be reduced analytically to the interaction of more than two dozen basic, substantive and methodological premises among different national actors. One task of the foreign-policymaker in a democratic country is to understand these premises underlying the group-thinking of his country and to make policy in accordance with them.

By way of illustration, during the short but traumatic age of nucleophobia, when fear of nuclear weapons dominated the foreign policy of every major nation, many policy intellectuals elevated the control of conflict, encompassing either its resolution or its management or both, into an overarching framework of analysis. Other premises, both teleological or goal-oriented as well as methodological, became dependent variables in a macromodel limited to the goals and requirements of stability.

The unprecedented challenges of a rapidly changing and interacting global society, which threatened the traditional identity and even the physical survival of many of its members, produced an obsession for "law and order." Many positive goals relating to progress in improving men's social, economic and political environment remained important. But the principal independent variable was stability. The name of the game was not progress with maximum feasible stability, but stability with whatever progress was consistent with it. Caught in such a weighted and inflexible framework of analysis, many policymakers drifted into an openended commitment to preserve the status quo even in the middle of systemic revolution. This in turn created pressures to militarize American responses to foreign policy challenges.

The conscious or unconscious development of a uni-premise foreign policy, no matter how legitimate the premise may be, is a sure road to policy failure. Conversely, wisdom in the formulation and execution of foreign policy depends on maintaining in balance a rich mixture of many premises. American policy toward every area of the world and every functional issue should be rethought periodically to determine whether it is consistent with our basic premises both in concept and execution. Although a high degree of consistency between policies and premises is rarely possible, the goal of absolute consistency should be periodically measured in every area of U.S. foreign policy concern.

The primary determinant of postwar international politics, as seen through American eyes, has been the Soviet Union's threat to expand its influence over world affairs, and the attempt by the United States to prevent this. In this situation, the absence of other substantial centers of noncommunist power and influence forced the steady expansion of American commitments. Perhaps the biggest change in world affairs during the next ten years will be a reversal of this process, to the benefit of the United States. American and Soviet policy will no longer dominate the global environment. Rather, the global environment will be the primary determinant of American policy and the primary restraint on reactionary communism. In order to prevent an American retreat into isolationism resulting from her frustrations in molding the world environment, the United States therefore should promote those forces that support her basic interests without conscious American direction. The most important such force is global pluralism.

If the leaders of the United States want to exert world leadership during the remainder of this century, they need only support the probable irreversible trend toward decentralized initiative and pluralist responsibility in the world. Americans can best provide global leadership simply by preaching abroad what we practice at home.

Americans are now entering a period of general reaction against the failures and limited successes of the development policies we have pursued for so long at great personal expense. If our commitment to help the peoples of Asia and Africa is not to become a casualty of this reaction, now is the time to consider whether some of the political forces we have helped to suppress and some of the economic forces we have depreciated or ignored may not have a positive potential in the development of parts of the Third World. Far from being anachronisms in a sophisticated world of mass society, the two forces of communal nationalism and local initiative within a federal framework might prove more powerful in the Third World than all the military strength and economic aid the United States could possibly bring to bear either alone or in conjunction with its allies.

One of the most unfortunate consequences of this growing conflict between the artificial nation-state in the making and the existing nation which may want to become a state is the distortion in our perceptions of communal nationalism throughout much of Asia and Africa. The imposition of centralized state power as a method of modernization without the concept of community-based coherence and responsibility behind it, the propagation of atomistic individualism as a means to societal transformation without a moral recognition of the value of the individual, and the accompanying attempt to impose an omnivorous collectivity without an appreciation of the responsibility and value of free community, all combine to create a crisis in identity and authority that has profoundly unsettled the Afro-Asian peoples. The efforts of the mobilizing state to monopolize personal and group loyalties at a single level of the political spectrum, and to diffuse legitimacy downward from the corporate state rather than to permit loyalty and legitimacy to spread upward from the families and communities of individual men, have tended to cause a radical contraction of the individual away from nature and from other men into the material boundaries of the calculating ego. The primordial loyalties of communal nationalism in some instances have become a fulcrum either for a passive longing not to belong to any other group or for the blind aggression of defensive self-assertion.

By generalization from the abnormal, many modernization theorists conclude that the only way to cure the patient is to prescribe more of the medicine that made him sick. Concentration on communal groups' reaction to the imposition of the worst forms of Westernization makes it difficult even to raise the question whether in many areas the tensions that result from communal nationalism might be a symptom less of rampant separatism than of overcentralization and overmanagement. As a prior opposition to communal nationalism hides the fact that the problem of assimilation seems to arise most often when the ruling majority has decided that its rival or potentially rival groups must be assimilated and for all practical purposes destroyed. A cursory analysis of communal nationalism suggests that it reaches disruptive proportions only when modernization is taken to mean the imposition of centralized political power on an agglomeration of naturally independent nations, once administered collectively as a dependent colonial territory, and then elevated by the departing colonialists to the status of an independent but artificial state.

The assumption has become general that coercive assimilation is necessary in most of Asia and Africa for technological modern-

ization. The time has come to question that assumption. We may find that only when policy is based on it do the traditional institutions of society become what many students of the modernization process believe them inherently to be: mere obstacles to progress and stability. We may also gain insights into the demonstrated potential of communal nationalism within a federal framework to channel the most powerful human drives into cooperative self-betterment.

If more modernization theorists would shift the focus of their attention from the requirements of immediate industrialization to the unromantic but locally meaningful possibilities of first applying simple technology in rural development, we might see that the secrets of the most productive form of modernization lie not so much in centralized governmental programming as in the decentralized and unplanned forces of local initiative. We might then be able to listen more sympathetically to those who insist from long experience that the real task in modernization is not to marshal manpower by organizing human resources, but to release human energy by stimulating the natural entrepreneurial desire to achieve. We would then realize that modernization is not primarily a product of governmental structure, but of individual people working as members of and in the interests of a group with which they have a common sense of identity and solidarity, whether it is in their own family or its extension in a more diffuse moral community.

Economic counterparts to political pluralism have been investigated, perhaps most creatively by Louis Kelso. He suggests linking technology with the individual through the wide diffusion of capital ownership among the world's agricultural and industrial workers. He questions the long-range benefits of relying on financing growth through past savings, because this technique further concentrates capital ownership during an era when capital rather than labor increasingly is the producer of wealth. Instead he lists ways to finance new capital formation out of future earnings derived from the use of borrowed capital. Specifically, he recommends that at individual factories or agricultural enterprises a trust be organized to receive guaranteed loans for new tools, seeds or fertilizers. As the loan is repaid, all or most of the new "ownership" created through the use of new technology would vest in the workers who provided the labor input. Any defaults on repayment might be regarded as a relatively cheap form of foreign aid.

The objectives of such radically new methods of financing capital formation would be to give workers a stake in the success of their own rural and urban enterprises, to stimulate the development of local management capabilities, to release the full potential of technology in socially acceptable ways, to make feasible sweeping reforms of land ownership in areas where economic considerations dictate the preservation of large farms, and to provide an administrative framework for decentralized foreign economic assistance. If adapted to the unique requirements of the various regions and peoples of the world, such economic pluralism could have a greater global impact over the next fifty years than the collectivist economics of Marxism and neo-Marxism have had during the half-century just past.

Perhaps the most hopeful sign in the Third World is an increasing recognition among its leaders, both Westernized and traditional, that the forces of political disruption and economic immobilism, endemic during the past decade, have resulted in part from their failure to distinguish the process of modernization from the Western secularized models in which it has been cast. The emerging generation of leaders in Asia and Africa is demonstrating a maturity beyond that of their elders and their elders' advisers by welcoming a resurgence of their own native cultures. They have seen the political, economic and cultural chaos that results when political leaders rapidly and unwisely reject the traditional values, customary law and social fabric of society without providing replacements acceptable to society's members.

Most importantly, this new generation of leaders is beginning to see that their traditional cultures can serve as suitable vehicles for technological modernization. They are trying, therefore, to fill the cultural vacuum left by the Westernizing phase of the modernization process by consciously resurrecting the best from their cultures. In particular, they are trying to strengthen the institutions by which men have always been mobilized to action and those elements that promote the discipline, honesty and general cultural infrastructure necessary for modernization. Their objective is not to borrow industrialism from the West, for this has proved to be either impossible or not essential to the material or spiritual well-being of their people. They have vicariously acquired the wisdom of the rich by observing the most advanced industrial countries, whose experiences demonstrate that a high rate of material achievement does not automatically provide dignity, a sense of achievement and happiness. Their aim is to create independent cultures sufficiently strong and self-reliant to bring out the character traits latent in the individual members of society so they can apply modern technology to raise their living standards.

The most striking feature of the emerging generation of leaders in parts of Asia and Africa is a new pragmatism, well-grounded in their own moral universe, which makes them critical of rigid or magical reliance on any form of political or economic order to solve problems that often are unique to each geographic area and society. Instead, they seek the political aggregate, the method of government and the economic methods that best can evoke the forces necessary to sustain the modernization process within a moral society.●

FAMILY FARM BANKRUPTCY ACT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. DASCHLE. Mr. Speaker, never before have American farmers faced such difficult financial times. Never before have so many family farmers had to struggle so hard to survive. Never before have rural Americans in such great numbers suffered the loss of their homes and their farms, resulting in the domino losses of their surrounding small businesses and communities.

American agriculture has fallen on hard times, and American farmers are hurting because of it. Thousands of farmers are finding that the prices they need so desperately to continue farming simply are no longer available to them. The chance to make it on their own is no longer there.

The opportunity for the family farmer to work hard and have something to show for it is the reason Congress is pushing for a good, solid farm bill this year. We want to do everything we can to make it possible for the American farmer, on his own, to show a profit at harvest time.

Despite the farmer's proud determination to make good, despite our efforts in Congress to make it possible for him to do so, these are difficult times for American agriculture. Circumstances no one can control have caused the only agricultural system farmers have known for half a century to crumble beneath their feet. Countless farmers suffer because of it. They are going broke in droves.

This desperate situation is the reason that the Family Farm Bankruptcy Act is so essential. It makes available to many more family farmers the option of filing for bankruptcy under chapter 13 by raising the debt ceiling. This option is simpler, quicker, and less expensive than previously available actions, and the farmer stands a much better chance of retaining his land and property. Other provisions in the act allow the family farmer more time and assistance to reorganize his affairs and, in doing so, he may have a greater opportunity to remain solvent.

I urge my colleagues to act favorably on the Family Farm Bankruptcy Act. Our American farmers are in a tough situation, and we must do all that we can to help them out. The family farmer will be the first to tell you how desperately he needs our help. I believe strongly that legislation of this type is needed, and it is needed now.●

U.S. NEGOTIATORS WANT ARMS CONTROL AGREEMENT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. LAGOMARSINO. Mr. Speaker, all too often one hears that it is the United States which is blocking progress in the Geneva arms control talks between the United States and the Soviet Union. It is the United States, it is alleged, that does not wish to see an arms control agreement. Such talk is pure nonsense, Mr. Speaker, and all Americans need to understand this.

President Reagan has on numerous occasions explained his Geneva proposals calling for not a freeze at the already too-high levels of nuclear

arms, but at drastically reduced levels. The Soviets have stood in the way of such deep reductions. The Soviets say that it is the United States star wars program which is dooming the Geneva talks; they call it a violation of the 1972 ABM Treaty. What they fail to point out, however, is that not only is the SDI treaty-compliant—as President Reagan has stated—but it is the Soviets who are in violation of the ABM Treaty, due to their construction of the ABM radar at Abalakova.

Mr. Speaker, the American people deserve more than rhetoric from the Soviets on arms control issues; instead, they need good, solid information about the Soviets negotiations behavior. I wish to bring to the attention of my colleagues the following article which recently appeared in the International Herald-Tribune, regarding Soviet negotiating style and behavior. It is instructive and insightful and, again, I urge my colleagues to study it and bring it to the attention of their constituents.

IN RUSSIA'S HISTORY, NEGOTIATING MEANS HOLD FIRM

(As Geneva Talks Resume, Old Traditions Influence Tactics in the Space Age)

(By Seth Mydans)

Moscow.—Thirty-five years ago, an American diplomat who had spent three years at the United Nations, along with Andrei A. Gromyko, decided that a heart-to-heart talk might break a persistent deadlock between them.

Taking aside the man who was to be Soviet foreign minister, the American, Frederick Osborn, spoke of his sincere desire to find a solution, and said he was sure Mr. Gromyko believed in his sincerity.

Looking quietly at him a moment, Mr. Gromyko replied, "Mr. Osborn, you may be sincere, but governments are never sincere."

In the arms talks that resumed Thursday in Geneva, Americans have been dealing with some of the hardest bargainers, an unsentimental breed of men who honor strength and in whose language the word "compromise" carries overtones of capitulation.

Literature on Russian negotiating that dates back to the early 18th-century time of Peter the Great—when a delegation smashed its hosts' furniture to demonstrate its independence—reads like a cautionary tale against those who hope sincerity, good will and reasonableness will bring agreements.

The Russians have grown more sophisticated since Peter the Great, or even since the days of Stalin, when outright insults were part of the negotiating repertory. But they remain unrelenting negotiators who stake out extreme positions and wait for their adversaries to make concessions.

Not long ago, a senator, meeting with a Soviet negotiator at troop-reduction talks in Vienna, asked when Moscow planned to respond to a Washington proposal.

The Russian, evidently reluctant to make it appear that the Americans were taking the initiative, replied: "We will have no response. But soon we will be presenting a new position."

Misunderstandings and unrealistic hopes regarding negotiations with the Russians have led to disappointments and lost opportunities over the years, and one negotiator after another has left his successors a new set of rules of the road for dealing with the Russians.

These include the need for patience, self-control, firmness, and a low-key response to the seesaw swings in atmosphere that the Russians often impose.

They describe the futility of trying to "bank good will," the dangers of "negotiating with oneself" and the folly of trying to budge the Russians from what they see as being in their best interest.

"Russians can be dealt with satisfactorily only when they themselves want something and feel themselves in a dependent position," said George F. Kennan, the diplomat and historian, in listing his own rules of behavior.

Students of Soviet-American negotiations say some difficulties stem from cultural differences.

Americans, they say, raised in a mercantile tradition of trades and bargaining, see negotiation as a game of give-and-take in which both sides make concessions and shake hands on a compromise.

For the Russians negotiation is a dialectic with moral overtones in which the right side wins and the winner takes all. Broadly speaking, Russian negotiators seek not compromise but victory.

"It is the old saw about 'what's mine is mine and what's your is negotiable,'" said an American businessman. "They take, they take, whatever you are willing to give; they don't trade."

Thus there was no Soviet tradeoff when President Carter slowed development of the MX missile system and halted production of the B-1 bomber. When Senator John G. Tower, who is now a negotiator in Geneva, asked a Soviet official what Moscow planned to give up in return, the Russian replied: "Senator, you misunderstand the Soviets. We are not pacifists, nor are we philanthropists."

Talks often bog down in a clash between the Soviet approach, which seeks to start with broad declarations of principle, and the American approach, which tends to break down subjects and start work on details.

The Americans, says William L. Ury, a Harvard expert on negotiations, are like an eager suitor who wants his fiancée to join him in picking out furniture. The Russians want assurances that their suitor's intentions are honorable.

This difference in approach became the first stumbling block in the first negotiation between the Soviet and United States governments, over the terms of recognition of the Soviet Union in 1933.

The Soviet negotiator, Foreign Commissar Maxim Litvinov, insisted on recognition first, with details to follow. The Americans first wanted a settlement of a $187-million debt stemming mostly from the nationalization of American-owned businesses.

The outcome seemed to foreshadow negotiations to come. In a meeting with President Franklin D. Roosevelt, Litvinov reached what the Americans considered a compromise: an agreement that recognition would be granted simultaneously with a Soviet promise to negotiate the debt in the future.

An agreement in principle with the Russians "means exactly nothing," said Major General John R. Deane, who negotiated the Lend-Lease accord during World War II.

The Russians have their share of complaints about the United States. They criticize what they call the "zigzags" of American policy from one presidential administration to the next. And they voice annoyance at having to negotiate with a government whose signature can be nullified by the Senate.●

HARRY CHAPIN, OUTSTANDING FIGURE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. MORRISON of Connecticut. Mr. Speaker, today, July 16, marks the fourth anniversary of the death of singer/songwriter Harry Chapin, an outstanding figure in the movement to end domestic and international hunger. Mr. Chapin typified the ideal of concerned, active citizenship; he took full advantage of success in his private career as an entertainer to fulfill his commitment to the public welfare. It is fitting that we offer a memorial to this great man.

Harry Chapin first became active in the fight against hunger in 1974. Soon after his most popular musical recording was released and brought him quick fame, he agreed to stage a benefit concert for Bangladesh, in cooperation with UNICEF. After this initial effort, Mr. Chapin decided that combating hunger should be for him a lifelong endeavor. In 1975, he founded, and until his death directed, World Hunger Year, an organization that for 10 years has contributed significantly to informed debate and effectively educated the American public.

WHY's achievements have included: a series of radiothons co-hosted by Mr. Chapin which reached 15 million listeners and gave a media voice to over 500 antihunger activists, publication of the internationally acclaimed Food Monitor magazine, and annual presentation of media awards to encourage quality journalistic coverage of hunger issues. So deep was Mr. Chapin's convictions that he devoted half of his income from performances—$5 million over 6 years—and an equal share of his time, to maintaining World Hunger Year. He also provided financial and personal support to the New York City Food and Hunger Hotline, Long Island Cares, and the Center for Food Action in New Jersey.

Mr. Chapin played a leading role in the establishment of the Presidential Commission on World Hunger in 1978. He then sat as its most active member. The final report of the Commission has influenced the operating policy of the State Department, the Agency for International Development, many private relief agencies and lobbies, and Congress itself.

In addition to these distinguished accomplishments, Harry Chapin moti-

vated countless Americans—through his records, performances, and nationwide speaking appearances—to become actively involved in the hunger movement. He raised the level of awareness and participation among thousands of men and women who heard his message and witnessed his career of service. I can say with confidence that if he were alive today, Harry Chapin would be a strong presence wherever decisions are made affecting the world's starving people. We mourn the absence of an exemplary colleague, but also celebrate his legacy. His music, his writings, and the memory of his work will continue to influence the actions and attitudes of private citizens and public officials.

In short, Harry Chapin exemplified a soul strong enough to translate caring into self-sacrifice and commitment into a life-long campaign against human suffering and social injustice. As we, too, confront the realities of suffering and injustice when formulating the laws of this country, it is important for us to be reminded of the efforts of such persons who, as Harry sang, "took their time on earth to prove what one life could be worth." Today we honor and remember Mr. Harry Chapin. ●

INTRODUCTION OF H.R. 2893

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. BIAGGI. Mr. Speaker, on June 27, I introduced a bill that amends section 607 of the Merchant Marine Act, 1936. The bill was cosponsored by Walter B. Jones, Chairman, Committee on Merchant Marine and Fisheries. This provision authorizes the establishment of a capital construction fund [CCF] by contractual agreement between a U.S. citizen and the Secretary of Transportation for the deposit of the earnings of an eligible vessel in a CCF to be used for the construction or reconstruction of a replacement vessel for operation in U.S., foreign, intercoastal, or Great Lakes trades.

A recent report of the Department of Transportation's inspector general questioned the legality of the Maritime Administration's approval of certain withdrawals from existing capital construction fund accounts on the basis that the trading practices of the vessels involved were contrary to statutory authorization. Specifically, the inspector general questioned the legality of utilizing capital construction funds for the operation of vessels to be used primarily for: First, supporting certain foreign operations; second, lightering vessels in U.S. and foreign waters; Third, salvaging operations; and fourth, assisting ships in domestic ports. In the aggregate, the inspector general questioned the withdrawal of $173.8 million utilized in the acquisition of 81 vessels engaged in those service trades.

In my view—and in that of the Maritime Administration—the inspector general has adopted and applied an inordinately rigid and, based on the legislative history of the CCF Program, unsubstantiated definition of U.S. foreign trade for purposes of determining both the eligibility of vessels to establish capital construction funds, and the authorization of withdrawals for qualified vessels. This interpretation directly contradicts a Marad general counsel's opinion, dated November 30, 1973, which has governed the administrative approval process for CCF applications, and which has provided the basis for innumerable and continuing contract agreements between Marad and CCF holders for over a decade.

The disputed interpretation centers in large part around the operating practices of the global and highly diversified offshore oil service industry. The vessels affected include tugs, barges, and utility vessels engaged in the performance of service and resupply services for offshore oil exploration, drilling, and production. These vessels otherwise comply with the eligibility requirements for establishment of capital construction funds, and for utilization of moneys deposited in those funds for replacement of their capital equipment. Their vessels are uniformly constructed in domestic shipyards, documented under the laws of the United States, and operated with U.S. citizen crews. They frequently are in direct competition with foreign-flag vessels from the North Sea, to the Gulf of Alaska and Southeast Asia.

The main thrust of my bill would clarify the legislative intent of Congress to reflect the express contemplation that vessels of U.S. registry engaged in the offshore oil service industry worldwide are eligible to deposit and withdraw funds for the replacement of vessels engaged in those service trades.

In addition, my bill would clarify the intent of Congress in determining the scope of eligibility of vessels under the CCF program to engage in offshore lightering, salvaging operations, piloting, and other activities in U.S. and foreign waters in direct or indirect support of U.S. foreign trade. This approach is wholly consistent with the purposes of the Merchant Marine Act, 1936. It recognizes the vital role played by the U.S. merchant marine in transporting, and assisting in the transporting of, a substantial portion of our foreign trade in vessels of U.S. registry. To concur in the inspector general's narrow interpretation of this program objective would be to undermine the fundamental purposes of the act. In light of our growing dependence upon international trade for domestic economic welfare and national security, those purposes are as valid today as when enacted nearly a half century ago.

This legislation was the subject of a hearing before the subcommittee on Merchant Marine held on July 11. Introduction of this legislation will serve notice to all interested parties of my intention to preserve the status quo in relation to existing CCF fund holders until the subcommittee has the opportunity to review these and related issues surrounding this important maritime promotional policy instrument in greater depth. ●

A TRIBUTE TO HARUO I. REMELIIK PRESIDENT OF THE REPUBLIC OF PALAU

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. BLAZ. Mr. Speaker, I want to pay tribute today to a leader who shared our love of democracy and worked all his life to bring self-government to his people. He is not an internationally known figure. His name may not be familiar to you. His country is small and far from our shores. But he was a man who cherished our principles of freedom and fair play and championed his people's aspirations for nationhood.

His name was Haruo I. Remeliik. Until a few days ago, he was the President of the emerging Pacific island nation of the Republic of Palau. But on June 30, outside his house in Palau's capital, he was brutally shot to death by an unknown assailant.

President Remeliik's tragic death is a great loss not only to his people but also to the United States. He was a strong and dedicated supporter of the Compact of Free Association, an historic agreement which has been before the Congress for more than a year.

This pact, when approved and signed into law, will end almost 40 years of U.S. trusteeship of Micronesia, the far-flung but strategic island chains captured by U.S. forces in the World War II island-hopping campaigns of the Pacific.

President Remeliik, was also a friend, with whom I had worked on the compact and Palau's efforts to become closely associated with the United States after the trusteeship. So I feel a great personal loss at his death. As I look back to that difficult time after the war when we and other Micronesian friends pondered and wondered what the future and the United States had in store for us, I recall how deeply President Remeliik felt about the goal of self-determination for his people and how, over the years, he became increasingly enthusi-

astic and optimistic about the United States' commitment to that goal.

President Remeliik, like other Micronesian leaders, had worked closely with us and waited a long time to see his dreams fulfilled. He had served as Deputy District Administrator throughout the 1970's, leading his people in their transition from wards to allies. He was President of Palau's constitutional convention in 1979 and he became the first elected President of the Republic in 1981. Last year, he was reelected to a second 4-year term.

President Remeliik was so close to reaching his ultimate goal. Yet his life was ended before he could conclude an agreement and end the trusteeship. That trust began in 1947 when the United States assumed a unique responsibility with the United Nations for a war-ravaged people in the Western Pacific. For almost 40 years, our country has undertaken to rebuild their islands, replenish their lives, educate and guide the Micronesians toward self-government.

The administration of President Ronald Reagan has worked very hard to protect our Nation's security interests in the region while fulfilling the Micronesians' aspirations for self-government. President Reagan expressed his feelings about the death of President Remeliik in the following text of a telegram of condolences to the acting President of the Republic of Palau:

On behalf of the people of the United States, please accept our expressions of profound sorrow at the tragic death of President Haruo Remiliik. He served with dignity and honor as Palau's first President, and his leadership will be sorely missed.

You have my best wishes and pledge of cooperation as you assume the Presidency.

Nancy joins me in expressing special condolences to Mrs. Remeliik.

Sincerely,

RONALD REAGAN,
President of the United States.

Members of Congress who were attending a recent conference in South Korea conveyed their feelings in the following text of a telegram of condolences to the Government and people of Palau:

We are deeply shocked and grieved at the news of the tragic passing of President Remeliik. His leadership has been a source of strength and encouragement over the years. As Members of the Congress of the United States of America who share a deep sense of responsibility for the well-being of the peoples of the Pacific Basin, the untimely passing of President Remeliik deprives us of his inspiration and wise counsel. To his family and friends and the people of Palau we extend our deepest condolences.

JAMES MCCLURE,
U.S. Senate
CARROLL HUBBARD,
ROBERT BADHAM,
BEN BLAZ,
JAMES COURTER,
BENJAMIN GILMAN,
ROBERT MCEWEN,
ROBERT TORRICELLI,
U.S. House of Representatives.

As we pay tribute to President Remeliik, I offer the fervent hope that the Congress will be able to help fulfill his dreams, and those of many other Micronesian leaders who have worked so long and so hard on this agreement, by acting expeditiously on the compact when it comes before the House later this month.●

A TRIBUTE TO GEORGE AND IRA GERSHWIN

HON. CHARLES E. SCHUMER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. SCHUMER. Mr. Speaker, I wish to commend my colleagues for their vote this week to honor New Yorkers George and Ira Gershwin with the striking of medals honoring their unique contribution to music and to America. As the composer and lyricist, respectively, of such classics of American music as "Old Man River," "I Got Rhythm," and "Embraceable You," the brothers Gershwin continue to delight music lovers to this day.

George Gershwin was born on September 26, 1898, in Brooklyn, NY. The son of poor Russian immigrants, he was to become one of America's most versatile and popular composers, scoring such masterpieces as "Rhapsody in Blue" and "Porgy and Bess." George Gershwin first heard jazz performed live at about the age of 6 in Brooklyn, and he began to study piano when he was 12.

In 1914, George Gershwin began his professional career as a piano-playing song plugger for the Jerome Remick music publishing company. In 1918, Gershwin got his big break with the popularization by Al Jolson of his hit tune "Swanee." From 1920 to 1924, Gershwin wrote songs for the George White's Scandals revues and met Paul Whiteman, who later commissioned him to write a jazz piece for a concert at Aeolin Hall in New York City. The result, "Rhapsody in Blue," was orchestrated by Ferde Grofe and, with Gershwin as the piano soloist at its first performance, became an instant hit.

As George Gershwin was beginning to make a name for himself, his older brother Ira decided to try his hand at lyric writing. For years, Ira tried to hide their relationship by writing under a pseudonym, Arthur Francis, taken from the names of the Gershwins' other siblings. In 1924, however, when the Gershwins penned their first major Broadway success, "Lady Be Good," George Gershwin finally admitted that the mysterious, unseen Arthur Francis was really his brother. Until George's untimely death in 1937, the Gershwins reigned as one of the major songwriting teams on Broadway. Together they created some 18 shows, including "Tip Toes," "Oh, Kay," "Strike Up the Band," "Girl Crazy," and a political satire "Funny Face." The most successful of their shows, and in various ways the most experimental and daring because of its satire of the U.S. political system, was "Of Thee I Sing," which became the first musical comedy to win the Pulitzer Prize. Later, they worked together on several movie musicals, including the Fred Astaire classic, "Shall We Dance." But perhaps the Gershwins best-known and best-loved work was not a musical comedy, but America's best-loved folk opera, "Porgy and Bess," which premiered in 1935.

After George's death, Ira Gershwin continued to write his way into the record books, working with such noted composers as Kurt Weill, Jerome Kern, and Harold Arlen. Both Ethel Merman and Danny Kaye became stars singing Ira Gershwin's lyrics.

I am pleased that this body has seen fit to honor these great New Yorkers, who were also great Americans.●

AFL-CIO AID TO PHILIPPINES

HON. JIM COURTER

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. COURTER. Mr. Speaker, the National Endowment for Democracy—operating independently on Federal funds and the AFL-CIO have both done much good work building independent labor unions abroad. Their efforts have succeeded in carrying some of the democratic strengths and principles of America to foreign nations in a nongovernmental manner.

Robert A. Senser, program adviser of the Asian-American Free Labor Institute, has published an interesting analysis of American labor's international efforts in the Philippines. As he rightly argues, independent unions are one of the best defenses against Communist machinations among workers, and a useful force for moderate and progressive changes in Philippine Government.

His essay from the Washington Times follows:

THE 'THIRD FORCE' AFL-CIO ASSISTANCE IN THE PHILIPPINES

(By Robert A. Senser)

The title of an article in a recent issue of The New Republic, "Last Chance for the Philippines," betrays a common flaw in thinking about the Philippine situation. The present crisis does not represent the last chance for the Philippines; it may represent the last chance for constructive U.S. influence there.

The error in American political thinking goes much deeper than the tip revealed in

the title. Take the criticism of the Marcos government's "crony captialism"—shorthand for bestowing government businesses and favors on relatives and friends. Crony capitalism is not limited to the ruling party; it is the modus operandi in the Philippines. Even foreign businessmen practice it to some degree.

Capitalism in the Philippines context must be seen as an oligarchic system which differs significantly from the American scene. It is profoundly difficult to understand how anyone can believe that a mere change in the government party will achieve the fundamental reforms urgently needed to replace a tradition of "rule-by-a-few." Whatever the overlay of Western democracy, the oligarchic tradition is still strong—even within the opposition.

How many Americans realize that some of the opposition leaders are from the same families that collaborated with the Japanese during World War II? They are the same feudal lords who have succeeded in destroying reforms that would permit Western democracy to flourish. It would be disastrous if the United States again pins its hope on feudal capitalists and their policies.

It is also a mistake to believe that the appeal of the revolutionaries in rural areas is based only on the people's grievances against the government. Present social and economic conditions do indeed facilitate the Communists' plans to take over, but the major threat comes from the Communists' success in filling an ideological vacuum.

Shrewdly, the Communists have adapted their revolutionary ideology to the Christian gospel, to the evangelistic spirit, and to the hunger of Filipinos for Bible study. For several years, small groups of Filipinos across the nation have been engaged in serious study of their faith in relation to social and economic needs, often interpreting their Christian mission with Marxist concepts. Consequently, the nation has a large base of Christians ready to support a revolution, ready even to march behind Communist banners.

The big advances made by Communist forces in the Philippines since the murder of former Sen. Benigno Aquino in 1983 might be eroded somewhat by electing a replacement for President Marco. But the momentum for reforms more basic than simply changing the president will go forward, and probably with violence.

Democratic political forces opposing the Marcos government have not developed the social programs that are vital if the fundamental needs of the people are to be met. Forging of social policies has been left to cause-oriented groups entangled with the National Democratic Front, the political arm of the Communist Party.

It is not too late for the United States, which is widely seen as a nation with strong ideals of freedom and democracy. At the village level, where economic conditions often are quite difficult, America is still a compelling dream. It is quite possible that with the right support, freedom and democracy can prevail.

The U.S. labor movement, through the AFL-CIO's Asian-American Free Labor Institute, is acutely aware that developments in the Philippines have reached a critical stage. It is cooperating closely with its colleagues in the Philippine labor movement who are striving to create an alternative to a bloody Communist revolution on the one hand and superficial reforms of both the Marcos government and "democratic" opposition on the other. The 2 million-member labor unions with which the AFL-CIO works, led by the Trade Union Congress of the Philippines, have dramatically thwarted a Communist drive to infiltrate and to take over workers' organizations.

Union field workers were trained to defend freedom against totalitarianism in the villages, competing head-on with the Communists. On embattled Mindanao, newly trained organizers have beaten back Communist-front organizations in representation elections. Sixteen centers for free trade union meetings and membership services were set up in strategic locations. The free trade union organizations established relationships with churches, schools, universities, and hospitals which had also sought alternatives to the Communist threat.

With AFL-CIO support, unemployed young men and women from bankrupt sugar plantations have been trained in small-scale agriculture, and have spread out to demonstrate new ways to generate income and to forge a future for those left behind in a dying industry.

With traditional Filipino ingenuity, free labor unions adapted a custom of loaning money outside the formal banking system, using the usurers' loan structures but changing the interest rate from 20 percent daily to 18 percent annually. Within eight months, more than 1,000 families in two destabilized areas of Mindanao were gaining a new lease on life.

Five peasant agricultural cooperatives in Mindanao, Leyte, Samar, Visayas, and Luzon, all in areas hard pressed by insurgency, were given new hope through crop loans. In each of the areas, the New People's Army was frustrated in its drive to take control of the peasants.

The Philippine labor unions with which the AFL-CIO works long have recognized the Communist threat. They have forged powerful alliances with other anti-Communist workers' groups. They have taken collective action favoring the retention of U.S. bases in order to limit Russian adventurism in the Pacific.

As the Trade Union Congress of the Philippines and its affiliates and allies expand their activities with the AFL-CIO's assistance, they are being joined by other moderate groups in programs which are creatively and effectively meeting the challenge of the Communists.

The NPA, sensing this threat, has stepped up its campaign of political assassination. Within the last few months, six democratic trade union leaders have been murdered, but others have stepped forward to fill their posts.

It is this "third force" that can provide the ideology and assure the democratic future that most Filipinos still seek.●

CHILE: PROGRESS TOWARD DEMOCRACY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. CRANE. Mr. Speaker, on June 17, the Government of Chile lifted the state of siege that had been in effect since November 1984. At the time the state of the siege was imposed, the media in this country was quick to report and criticize its imposition. And yet, interestingly enough, there was no corresponding coverage in the press when the state of siege was lifted. This is somewhat disturbing, for this action by the Chilean Government represents a good faith effort to continue on the path toward democracy in Chile.

As many of you know, 67 percent of the Chilean people voted in favor of a new Constitution in a national plebiscite held in 1980. This Constitution provides that democracy will be restored and elections will be held in 1989. Thus by 1989, Chile will join the growing number of Latin American countries that have successfully made a peaceful transition back to democracy. Since the media of this country have chosen to ignore many of the signs of progress currently being made in Chile, I believe that it is incumbent upon me to bring to my colleague's attention the concrete steps being taken to restore complete democracy there.

In addition to lifting the state of siege, the Government has announced a legislative calendar that outlines precisely what steps are going to be taken and when during the coming months and years as this process continues. At this very moment, electoral laws are being drafted, reviewed, and submitted to the ruling junta for approval, and some have already been approved. Furthermore, President Pinochet has once again declared his complete intention of returning the country to democracy on schedule, and has asked his compatriots to refrain from violence or disruptive activities that might delay the restoration of full democracy.

These are not actions that are taken by a government intent on oppressing its people or remaining in power in perpetuity. Nor are they actions that are taken in totalitarian countries. Rather, they are actions indicative of a desire to return to democracy and reestablish the long tradition of open political institutions and freedom that for so many years distinguished the Chilean system of government. I believe that instead of condemning these actions of the Chilean Government, or just ignoring them, we should be recognizing and applauding them. I am convinced that by 1989 Chile will once again be a democratic country, and it is our duty to support them as they move closer to this laudable goal. In this regard, I commend to my colleagues attention the following editorial that appeared in Chile in a recent issue of La Nacion. It explains the significance of some of the steps being taken by the Chilean Government.

EDITORAL IN CHILEAN PRESS

The President of the Republic recently reaffirmed once again the Government's commitment to advance along the path of institutional normalization. The Chief Executive said, without hesitation, that the nation is committed "to a clear and definite institutional process" whose principal bases

were established and approved by the people in the 1980 Constitution. A legislative calendar has therefore been established detailing what must be accomplished, principally by the governing Junta and the Council of State, without prejudice to the importance of the task assigned to the Study Commission for Organizational Laws, headed by former Minister of the Interior Sergio Fernandez.

Under the Constitution, laws may be classified as Regular, Qualified Quorum and Organizational. These last, essential to the full exercise of democracy, have the function of regulating the nation's juridical structure. The Constitution therefore grants them superior range. These laws, all of them keys to institutional normalization, are subject to a precise calendar for their study and submission to the Junta. At the present time, the law that regulates states of Constitutional exception has been submitted. The ones regulating the organization of public administration, the functioning of the electoral courts and of political parties are under study. Laws must be submitted this year with provisions pertaining to the organization and functioning of Regional Development Councils, Community Development Councils and, finally, one to regulate the functioning of Municipalities. The 1985 legislative program is especially important as it defines the juridical channels for the expression of what has come to be called social power. The legislative calendar for 1986 contemplates the dispatch of laws regulating the public electoral system and the law relating to the organization and powers of the judicial branch. That same year the general law on education must be studied for later submission, but within the shortest possible time span. A beginning must also be made on the study of those laws not presently included in the legislative calendar, laws regulating the Central Bank and the functioning of the National Congress.

It is clear that the nation continues under the decisive leadership of the President of the Republic along the road of institutional normalization leading to the establishment of a healthy and stable democratic regime in 1989.●

AMENDMENT PASSED FOR PEOPLE OF AFGHANISTAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I am certain my colleagues are aware that recently the House passed an amendment which I had the pleasure of sponsoring to authorize the expenditure of $15 million for the purpose of providing much needed humanitarian assistance for the people of Afghanistan. Most of my colleagues understand the grim plight of the Afghan people and share my concern that not enough is presently being done to assist them in their struggle against sickness, disease, injuries, and malnutrition—those curses which affect all people of nations ravaged by war. My colleagues' concern can be witnessed in the fact that my amendment to H.R. 1555, the Foreign Assistance Authorization Act for fiscal years 1986–87, was adopted unanimously by voice vote and commanded widespread bipartisan support.

One of the potential recipients of this humanitarian aid is the International Medical Corps, led ably by Dr. Robert Simon. Dr. Simon is well known to many of us who have followed the plight of the Afghan people over the years. He is respected, admired and tireless in his efforts to medically and surgically assist the Afghans inside that war-torn nation. A recent commentary in the San Diego Union newspaper, by Steve MacCarthy, I believe accurately spells out what courage Dr. Simon possesses and the obstacles to his performing an even better job is service of the Afghan nation. We as a nation who care so deeply about human rights and freedom from oppression can and should support Dr. Simon and the efforts of the International Medical Corps, and again I bring the following commentary to the attention of my colleagues.

[From the San Diego Union, June 29, 1985]

IT'S TIME TO START CARING NOW

(By Steve MacCarthy)

President Reagan's recent trip to Bitburg, along with this summer's celebrations of the 40th anniversary of VE Day, and the recent discovery of Dr. Josef Mengele's remains in a Brazilian grave, have renewed discussions throughout the world on the horrors of the Holocaust.

With the exception of some lunatics who claim that the whole thing never happened (these people presumably also believe there really is a man in the moon), the civilized world has vowed to never let it happen again.

Yet a holocaust rivaling Hitler's is happening right now, under our very noses, and no one seems too terribly concerned. There are no college students waving protest signs in the halls of academia; no blazing headlines in the *New York Times*, no commentary from Bill Moyer.

Since the Soviet invasion of Afghanistan, the Kremlin's killers have massacred more than 1 million people. Nearly 85 percent of those casualties have been women and children. The Red Army has destroyed 14,000 villages and driven millions out of the country through chemical warfare and starvation.

The Soviet killing machine has shown great—if not grotesque—imagination. They've actually executed people by laying them in the street and crushing them under the wheels of Soviet tanks. For years, writers and cartoonists have used a caricature of that image as a metaphor of Soviet oppression. Now the Soviets have extended the metaphor to reality.

Those who are not crushed die equally horrible deaths. Some have been tied to poles and bayoneted. The Soviets have tied sticks of dynamite to others, literally blowing them to pieces. They've immersed people in chemicals; set others afire.

So diabolical have the Soviets been that they've taken to disguising bombs as small toys, and designing them to explode in the hands of the children who collect them. The apparent motivation is to multilate a whole generation.

On a recent raid of an Afghan village, Russia's proud army doused a young boy's arms with kerosene and set him afire as his mother watched, hoping his screams would induce her to tell where the Mujahedin were hiding.

She didn't talk.

Her courage, and her son's, reflect the determination of the Afghan people. They are outmanned and outgunned, yet they continue to stymie their Soviet oppressors.

They have done this while facing a medical problem of staggering proportions. To be wounded in Afghanistan is to die, because there is simply no medical care to fall back on. After the invasion in 1979 (yes, this war has been going on for six years), the Soviet military rounded up every doctor in Afghanistan. Some were imprisoned, the rest killed. This was a move calculated by the Kremlin to deprive the villagers of care, and force them into the Soviet camp.

Like all other Soviet attempts at breaking the Afghans, it failed. One reason it has failed is the tireless work of Dr. Robert Simon, a Los Angeles M.D. who this past year formed the International Medical Corps.

The IMC has taken to sneaking Western doctors into Afghanistan to treat the sick and wounded. So far, they've set up four clinics in the Afghan countryside. To fund this effort, Dr. Simon sold his Malibu home. His commitment is clear.

"These people are being slaughtered," Dr. Simon said recently at a San Diego fund raiser. "The Soviets are not content to destroy villages. Recently they've taken to destroying livestock and crops, hoping to starve the villagers. The result has been an alarming increase in malnutrition. This to go along with the war wounds we already have, and the diseases that exist because we no longer have an immunization program."

One of the biggest problems Dr. Simon and the IMC face is not finding volunteers, but getting the doctors close enough to Afghanistan to smuggle them into the country. In the past, the M.D.s have traveled to Pakistan, from where the Mujahedin lead them into the Afghanistan countryside. But the last 14 doctors to attempt the journey failed to reach Afghanistan, because none could get visas from Pakistan.

"We speculate that it's the State Department," said Dr. Simon. "We think they have pressured Pakistan to give extra scrutiny to visa applications from American doctors. Apparently the U.S. Government thinks it would be an embarrassment if an American were killed or captured in Afghanistan."

Despite the visa problems, Dr. Simon will soon be departing the comfort of California for the anguish of Afghanistan. "I don't understand it. Thousands of Soviet troops are slaughtering innocent civilians, maiming a whole generation of children, trying to eradicate a whole people, and the world doesn't seem to care."

Is it because we've come to accept this sort of thing from the Soviets? After all, this is a country that shoots down civilian airliners and doesn't even apologize for it. Or is it because we so fear them that we're petrified by the thought of action? Or is it perhaps the worst reason of all, that we simply do not care?

Whatever the reason, it's time for the world to start caring. Because if we don't start soon, there won't long be a world worth caring about.●

THE 40TH ANNIVERSARY OF FIRST NUCLEAR TEST EXPLOSION

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mrs. BURTON of California. Mr. Speaker, today we mark the 40th anniversary of the first nuclear test explosion on the deserts of New Mexico. I find it entirely fitting that on this date we should commend the outstanding efforts of those Americans who have dedicated a great deal of time, effort, and emotion into seeing that the awesome destructive force of nuclear weaponry is never again used by man upon fellow man.

Mr. Speaker, I want to call special attention, and commendation, to the work of the National Women's Conference to Prevent Nuclear War, and to conference chair Joanne Woodward.

For many years the advocacy of peace seemed to fall into the sole province of men. But I am proud to report that this is no longer the case. The National Women's Conference to Prevent Nuclear War, in September 1984, held one of the most significant and exciting antiwar conferences ever held. More than 9,000 persons took part around the Nation. Women have now emerged as leaders in the effort to end the proliferation of nuclear weapons and the forefront of the effort to reduce tensions and the threat of nuclear holocaust.

Mr. Speaker, while we observe the 40th anniversary of the Trinity Test, we look ahead to an even more tragic observance. On August 6 we will reach the 40 anniversary of the dropping of a nuclear bomb on the city of Hiroshima. All around the Nation and around the world groups will be observing the anniversary of this bombing and the beginning of the era of nuclear fear.

Our colleague, Representative PAT SCHROEDER, has introduced legislation, H.R. 1834, calling for simultaneous test bans by the Soviet Union and the United States effective August 6. What a wonderful blessing for the world that would be—if only it could occur.

Mr. Speaker, the National Women's Conference to Prevent Nuclear War adopted a resolution at the 1984 conference which is as fresh and apt today as it was then. The resolution was signed by a large number of prominent Americans, all concerned about the threat of war and the destruction of our world.

I would like to have the resolution and list of signatories entered into the RECORD before these documents are submitted to the Smithsonian's Museum of American History.

The resolution and list follow:

RESOLUTION

We, women of the United States of America, 53 percent of the electorate proclaim our resolve to prevent nuclear war.

We unconditionally reject a United States foreign and military policy founded on plans to fight and win a nuclear war. We fully understand that the consequences of any such war would be disastrous. Any use of nuclear weapons is unacceptable.

We categorically reject the claim that accelerating the arms race increases our security.

We furthermore hold that the psychological, social and economic consequences of preparing to fight a nuclear war are too heavy a burden on our lives and too great a threat to our children's future.

We maintain that averting nuclear war requires commitment to the negotiating process. Understanding that this process is arduous, lengthy and entails risks, we recognize that, in a world with 50,000 nuclear weapons, there are no quick or easy solutions. We understand that sustained efforts are required to reach agreements which will reduce the risk of nuclear war and give our children hope for the future.

We, therefore, advocate all measures which will move us away from the threat of nuclear war.

CONFERENCE ATTENDEES

Joanne Woodward, Chair; Charolett Goodwin, Director.

Ms. Pam Abrams, Harper's Magazine, New York, NY.

Hon. Bella Abzug, Attorney at Law, New York, NY.

Mrs. Ethel Ackley, Careth Foundation, Weston, MA.

Dr. Ruth Adams, Former Editor, Bulletin of the Atomic Scientists, Washington, DC.

Dr. Susan S. Addiss, Hartford, CT.

Ms. Michele Aisenberg, Chair, Women's Caucus, Democratic National Committee, New Rochelle, NY.

Ms. Anne Anderson, National Director, Psychologists for Social Responsibility, Washington, DC.

Ms. Shirley Smith Anderson, The Forum Institute, Princeton, NJ.

Ms. Diane Aronson, WAND Education Fund, Inc., Arlington, MA.

Dr. Dorothy Austin, Cambridge Medical Hospital, Somerville, MA.

Ms. Diane Balestri, Associate Dean of Undergraduates, Bryn Mawr College, Bryn Mawr, PA.

Ms. Nancy Barker, President, National Council of U.S. Women, New York, NY.

Mrs. Doris Bato, Conference Planning Committee, CDI Advisory Board, Cos Cob, CT.

Ms. Joy Beaton, Chicago Community Trust, Chicago, IL.

Dr. Bee Beaudoin, Assistant to the President, Barnard College, New York, NY.

Ms. Carolyn Becraft, Women's Equity Action League, Washington, DC.

Ms. Elinor Bedell, Washington, DC.

Ms. Dolores Beilenson, Chevy Chase, MD.

Ms. Elizabeth E. Benes, La Jolla, CA.

Ms. Lea Berliner, Hamden, CT.

Ms. Suzanne Berliss, Conference Planning Committee, Mamaroneck, NY.

Ms. Barbara Bick, New Jewish Agenda, Washington, DC.

Ms. Pat Birnie, Convenor, Director, Howard City Peace Action Committee, Columbia, MD.

Ms. Sally Blake, In the Public Interest, Washington, DC.

Ms. Boaty Boatwright, Vice-President, Metro-Goldwyn-Mayer, New York, NY.

Ms. Kathy Bonk, Director, Media Project, Washington, DC.

Ms. Elise Boulding, Professor of Sociology, Dartmouth College, Hanover, NH.

Rep. Barbara Boxer, (D-California) Washington, DC.

Ms. Selma Brackman, Coordinator, President, Freelance Guild, New York, NY.

Dr. Donna Brasset-Shearer, Petaluma, CA.

Dr. Margaret Brenman-Gibson, Professor of Clinical Psychology, Harvard Medical School, Stockbridge, MA.

Ms. Linda Broessel, The Oram Group, New York, NY.

Rev. Ellen Brubaker, Grand Rapids, MI.

Ms. Linda Bullard, U.S. Eroulinks, Washington, DC.

Ms. Betty Bumpers, Director and Founder, Peace Links, Washington, DC.

Rep. Sala Burton, (D-California) Washington, DC.

Dr. Patricia Bush, Conference Planning Committee, Washington, DC.

Dr. Anne Cahn, Director, Committee on National Security, Washington, DC.

Dr. Helen Caldicott, Founder, WAND, Boston, MA.

Ms. Kay Camp, Former International President, W.I.L.P.F., King of Prussia, PA.

Ms. Mary Camper-Titsingh, The Ford Foundation, New York, NY.

Ms. Karen Carlin, First Lady of Kansas, Topeka, KS.

Mrs. Rosalynn Carter, Former First Lady, Plains, GA.

Ms. Sarah Catz, Aide for Carol Ann Bradord Campaign, New Port Beach, CA.

Ms. Dagmar Celeste, First Lady of Ohio, Columbus, OH.

Ms. Gayle Channing, Executive Assistant, Office of the Governor, Columbus, OH.

Ms. Adele Christensen, Mequon, WI.

Mrs. Bethine Church, Bethesda, MD.

Ms. Trudi Cohen, Charlotte, VT.

Ms. Amy S. Cohen, Larchmont, NY.

Ms. Nancy Cole, Director, INFACT, Jamaica Plain, MA.

Ms. Elinor Coleman, New York, NY.

Ms. Winifred Coleman, Executive Director, National Council of Catholic Women, Washington, DC.

Ms. Mary Jean Collins, National Organization of Women, Washington, DC.

Rep. Cardiss Collins, (D-Illinois) Washington, DC.

Ms. Patricia Compton, Conference Planning Committee, Saratoga, CA.

Ms. Betty Jean Cook, President, Soroptimist International of the Americas, Bel Air, MD.

Dr. Nancy Coulter, Columbia, MD.

Ms. Betty Cowles, President, Women for Constitutional Government, Washington, DC.

Ms. Mary Dent Crisp, Senior Advisor, Business Executives for National Security, Washington, DC.

Dr. B. Jane Crispin, Ontario, Canada.

Ms. Harriet Crosby, Founder, Institute for Soviet/American Relations, Washington, DC.

Ms. Ann Culver, Chevy Chase, MD.

Ms. Lillian Danchik, Silver Spring, MD.

Ms. Pat DiGeorgio, The DiGeorgio Corporation, San Francisco, CA.

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Mrs. Selma Ertegun, New York, NY.
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Mrs. Jean Groom, Arlington, VA.
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Ms. Myrt Gross, Sands Point, NY.
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Ms. LaDonna Harris, President, Americans for Indian Opportunity, Washington, DC.
Ms. Sebia Hawkins, Greenpeace, Washington, DC.
Ms. Caroline Head, A.A.U.W., Washington, DC.
Ms. Carole Head, Conference Planning Committee, Freeland, MI.
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Ms. Susan Horwitz, Press Agent, Arlington, VA.
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Ms. Leslie Hudak, The Legacy, Stow, OH.
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Ms. Lynn Johnson, Reston, VA.
Mr. Lisa Cannon Johnson, Conference Planning Committee, Silver Spring, MD.
Ms. Carla B. Johnson, Director, New Century Policies, Boston, MA.
Rep. Nancy Johnson, (R-Connecticut) Washington, DC.
Ms. Linda Jourgensen, Deputy Mayor, Boulder, Colorado, Boulder, CO.
Ms. Sandra Kades, Washington, DC.
Ms. Jeanette Kahn, President, D.C. Comics, Inc., New York, NY.
Ms. Jaclyn Kaplan, Producer, Disarming Films, Brookline, MA.
Rep. Marcy Kaptur, (D-Ohio) Washington, DC.
Ms. Sarah Katz, Aide, Carol Ann Bradford for Congress, Newport Beach, CA.
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Ms. Fredi Kronenberg, New York, NY.
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Ms. Gail Lapidus, Harriman Institute of Advanced Soviet Studies, New York, NY.
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Ms. Charlotte Logan, Allison Park, PA.
Ms. Marjorie Loggia, New York, NY.
Ms. Tracy Loggia, New York, NY.
Ms. Jane Loizou, McLean, VA.
Ms. Jancis Long, Women's Peace Initiative, Washington, DC.
Ms. Catherine Long, Washington, DC.
Ms. Joanna Macy, Author, Skanealetes, NY.
Ms. Polly Madenwald, President, Federation of Business & Professional Women, Washington, DC.
Ms. Barbara Mandel, President, National Council of Jewish Women, New York, NY.
Ms. Jean Martensen, Churches' Center on Theology and Public Policy, Washington, DC.
Ms. Jeanne Vaughn Mattison, Director, American Committee on East/West Accord, Washington, DC.
Mrs. Joy Ungelieder-Mayerson, President, Dorot Foundation, New York, NY.
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Ms. Margaret Mealey, Former Executive Director, National Council of Catholic Women, Oakland, CA.
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Ms. Karen Mulhauser, Executive Director, Citizens Against Nuclear War, Washington, DC.
Ms. Anne Pleshette Murphy, Editors Organizing Committee, New York, NY.
Ms. Bettye Martin Musham, President and CEO, Gear Inc., New York, NY.
Dr. Carol Nadelson, Tufts New England Medical Center, Boston, MA.
Ms. Clea Newman, Westport, CT.
Mrs. Jane Newman, New York, NY.
Ms. Patricia Nolan, Brooklyn, NY.
Ms. Lynn Novick, Division of Political Science, American History Museum of the Smithsonian Institution, Washington, DC.
Ms. Helene Nurot, Miami, FL.
Rep. Mary Rose Oakar, (D-Ohio) Washington, DC.
Ms. Mildred Scott Olmsted, Executive Director Emerita, W.I.L.P.F., Moylan, PA.
Ms. Grace Parker, Calvert Social Investment Fund, Washington, DC.
Ms. Hildy Parks, Writer, Producer, Bentwood Television, New York, NY.
Ms. Katherine Paterson, Norfolk, VA.
Ms. Peg Paul, Educational Challenges, Inc., Alexandria, VA.
Ms. Carol Pendell, International President, W.I.L.P.F., Balboa, CA.
Ms. Suzanne Petersson, Northampton, MA.
Ms. Minna Post Peyser, President, Ecodemocracy Foundation, Inc., Putnam Valley, NY.
Ms. Carol Peyser, San Francisco, CA.
Sister Ardeth Platte, Mayor Pro-tem, Saginaw, MI.
Ms. Sandra Porter, Executive Director, National Commission on Working Women, Washington, DC.
Rabbi Mindy Portnoy, American University, Washington, DC.
Ms. Bea Poulin, Assistant Compaign Manager, Greenbaume for Congress, Arnold, MD.
Ms. Ann Prosten, Chevy Chase, MD.
Ms. Linda Pugh, Bethesda, MD.
Dr. Mary Ann Pulaski, Author, Port Washington, NY.

Ms. Mary Purcell, President, A.A.U.W., Washington, DC.
Dr. Estelle Ramey, Department of Physiology & Biophysics, Georgetown University School of Medicine, Washington, DC.
Ms. Nancy Ramsey, President, Ramsey, Inc., Washington, DC.
Dr. Claire Randall, General Secretary, National Council of Churches, New York, NY.
Ms. Barbara Raschke, Minneapolis, MN.
Ms. Carolyn N. Rathbun, National Coordinator, "Beyond War", Palo Alto, CA.
Ms. Carol Ravenal, Conference Planning Committee, Washington, DC.
Mrs. Betty Renshaw, National Campaign for World Peace Tax Fund, Largo, MD.
Dr. Condaleeza Rice, Center on International Security and Arms Control, Stanford University, Stanford, CA.
Ms. Donna Richeson, Portsmouth, NH.
Ms. Deborah Rinzler, National Institute For the Psychotherapies, Inc., New York, NY.
Dr. Alice Rivlin, Director of the Economic Studies Program, Brookings Institution, Washington, DC.
Mrs. Patricia Rockwood, Conference Planning Committee, Maple City, MI.
Ms. Pereta Rodriguez, Puerto Rican Women's Caucus, McLean, VA.
Ms. Lois Roisman, Council on Foundations, Washington, DC.
Rabbi Elizabeth Rolle, Jewish Community Center, White Plains, NY.
Sister Jean Ronayne, Gear Inc., New York, NY.
Ms. Carol Rosin, Institute for Security and Cooperation in Outer Space, Washington, DC.
Ms. Ellen Rosser, Union, NJ.
Mrs. Maurine P. Rothschild, Trustee, Fund for Peace, New York, NY.
Ms. Nancy Rubin, Overseas Education Fund, Washington, DC.
Ms. Jenny Russell, WAND, Arlington, MA.
Ms. Carolyn Sachs, Executive Director, Benton Foundation, Washington, DC.
Ms. Yolanda Sanchez, President, Puerto Rican Women's Caucus, Bronx, NY.
Ms. Sandra Saseen, Alexandria, VA.
Ms. Virginia Satir, Anterra Inc., Palo Alto, CA.
Mrs. Martha Schauss, Conference Planning Committee, River Forest, IL.
Rep. Claudine Schneider, (R-Rhode Island) Washington, DC.
Rep. Patricia Schroeder, (D-Colorado) Washington, DC.
Ms. Carlotta Scott, Office of Rep. Ron Dellums, Washington, DC.
Ms. Barbara Ann Scott, Professor of Sociology, SUNY-New Palz, Salt Point, NY.
Ms. Eleanor Roosevelt Seagraves, Board Member, The Eleanor Roosevelt Institute, Washington, DC.
Ms. Sandra Sedacca, Common Cause, Washington, DC.
Ms. Kathleen Sheekey, Legislative Director, Common Cause, Washington, DC.
Ms. Kate Sherman, Hatfield Kennedy Freeze Foundation, Mill Valley, CA.
Mrs. Collette Shulman, Associate, the Harriman Institute, New York, NY.
Ms. Anne Simon, Lawyers Committee on National Security, New York, NY.
Mrs. Luella Slaner, Conference Planning Committee, Scarsdale, NY.
Ms. Eleanor Smeal, Director, The Gender Gap Project, Washington, DC.
Ms. Patricia Smith, A.A.U.W., Washington, DC.
Sister Pam Solo, American Friends Service Committee, Phildelphia, PA.
Ms. Diane Inselburg Spirer, Bethesda, MD.
Ms. Jeane U. Springer, Chestnut Hill, MA.
Ms. Jean Stapleton, Actress, Los Angeles, CA.
Ms. Adelle Starr, Fund for Peace, New York, NY.
Dr. Carolyn Stephenson, Radcliffe College, Cambridge, MA.
Dr. Carolyn Stevens, Scholar in Residence, Radcliffe College, Cambridge, MA.
Rev. Imagene Bigham Stewart, National Chairperson, American Women's Clergy Association, Washington, DC.
Ms. Jane Alexander Stewart, Actress, Los Angeles, CA.
Ms. Joy Stigger, Maryland Freeze, Rockville, MD.
Ms. Linda Storrow, Fund for Peace, New York, NY.
Mrs. Lynn Straus, Conference Planning Committee, Mamaroneck, NY.
Ms. Margery Tabankin, Executive Director, Arca Foundation, Washington, DC.
Dr. Sylvia Talbot, National President, Church Women United, Atlanta, GA.
Ms. Ethel Taylor, National Coordinator, Women Strike for Peace, Bala Cynwyd, PA.
Ms. Charlotte L. Taylor, Princeton, NJ.
Ms. Betsy Taylor, Director of Finance & Development, Freeze Voter 1984, Washington, DC.
Ms. Madeline Taylor, Author, Venice, CA.
Dr. Alice Tepper Marlin, Director, Council on Economic Priorities, New York, NY.
Amb. Maj Britt Theorin, Member of Parliament, Swedish Ambassador to the U.N. on Disarmament, Stockholm, Sweden.
Ms. Virginia Thompson, Director, Tysons Realty, McLean, VA.
Dr. Sheila Tobias, Professor of Political Science, University of Arizona, Tucson, AZ.
Ms. Stephanie Tolan, Author, Chapel Hill, NC.
Ms. Lily Tomlin, Actress, Los Angeles, CA.
Ms. Jody Uttal, New York, NY.
Ms. Mary Van Evera, Chair of the Board, World Policy Institute, Duluth, MN.
Ms. Vivian Verdon-Roe, Producer, Oakland, CA.
Ms. Edith Villastrigo, Women's Strike for Peace, Washington, DC.
Ms. Frances Volkmann, Dean of Faculty, Smith College, Northampton, MA.
Ms. Katie Wachtel, Westport, CT.
Ms. Carmala Walgren, Alexandria, VA.
Ms. Grace Kennan Warnecke, Business Executives for National Security, New York, NY.
Ms. Edna Warsowe, Board Member, Common Cause, Fort Lauderdale, FL.
Ms. Patricia Washburn, National Peace Academy Campaign, Washington, DC.
Ms. Shelley Weinstein, Kettering Foundation, Washington, DC.
Ms. Hon. Eleanor Weinstock, West Palm Beach, FL.
Ms. Elizabeth Wheeler, New York, NY.
Ms. Margaret M. Whillock, Former Director, Peace Links, Arkansas, Little Rock, AK.
Ms. Barabara Wiedner, Founder, Grandmothers for Peace, Sacramento, CA.
Dr. Edith Wilkie, Director, Arms Control and Foreign Policy Caucus, Washington, DC.
Ms. Carol Williams, Peace Links, Manassas, VA.
Ms. Margaret Bush Wilson, Former Chair, NAACP, St. Louis, MO.
Ms. Caryl Wolf, Conshohocken, PA.
Ms. Barbara Woods, Vice-President, Pennsylvania Farmers Union, Harrisburg, PA.
Sra. Catarina Rock de Sacristan, Jardines del Pedregal, Mexico.●

A CONGRESSIONAL SALUTE TO GRACE WHITE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. MATSUI. Mr. Speaker, I rise today to commend Grace White, an outstanding member of the Sacramento community, who is retiring after an exemplary career in health care spanning four decades.

Grace's hard work and cheerful manner has earned the respect and admiration of friends and colleagues throughout the Sacramento area. She has been honored by the California Legislature, the Catholic Community of Northern California, the Children's Camellia Parade, and by the Baker School and the Pleasant Grove School for her outstanding work in health care and community service. Additionally, Sacramento Mayor Anne Rudin designated June 7, 1984, as Grace White Day in the city of Sacramento, and awarded Grace the Outstanding Medical Service Award of the Sacramento Association for the Retarded.

After completing nurses' training at the Hackensack Hospital School of Nursing in 1943, Grace entered military service, and served the United States as a surgical nurse in the U.S. Nurse Corps as a captain during World War II in the European threater of operations. At the end of the war, Grace continued to work as a nurse in New York City while attending Hunter College.

Grace did volunteer work for the American Red Cross in New York until 1951. In that year, Grace was recalled to active duty, and she again demonstrated her concern for her fellow man. Grace was stationed in Germany, and along with all her other duties, she still found time to raise money for food and clothing for German orphans in the village of Landstuhl.

Sacramento was fortunate in 1955, for that was the year Grace moved there with her husband and two children. Grace worked at Sacramento County Hospital and Mercy Hospital in the operating rooms and emergency wards.

Many of Sacramento's children owe their good health to Grace. She was responsible for organizing and implementing a school health program for Catholic diocesan school in Sacramento in 1958. Grace worked energetically for the diocese for 12 years, and then took over the school nurse position at Jessie Baker School for the Trainable Mentally Retarded in Elk Grove.

The Sacramento and Elk Grove areas could never properly acknowledge all of the good that Grace White brought with her to our community, nor could Grace ever be repayed for

the outstanding contributions she has made since her arrival. I join with all of Grace's friends in saluting her on a job well done and in wishing her a most enjoyable retirement.●

A SALUTE TO THE BRISTOL AREA'S CHAMBER OF COMMERCE

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. BOUCHER. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the Bristol, VA Chamber of Commerce's ambitious plan to expand economic opportunities in southwest Virginia and upper east Tennessee. As a part of the Bristol First Program, the local chamber of commerce is attempting to raise $1.3 million to stimulate private investment and economic growth. Their goal is to create 5,000 new primary jobs and $475 million in capital investment in the Bristol economy.

The chairmen of the Bristol First Program have worked hard to develop an organized, effective plan to achieve their goals. Mr. Art Powers, the development fund chairman, has worked diligently to make this program a success. Mr. Powers and his cochairmen are conducting market research, advertising nationally, and mailing information directly to the most wanted firms in their efforts to attract new industry to the Bristol area. They are also making available sales literature and audiovisual presentations as well as organizing a professionally staffed department of the chamber of commerce to work closely with local governments and businesses.

If the Bristol community is successful in its goal of creating 5,000 new primary jobs, 2,500 additional jobs will be created in the next 5 years. The chamber projects that $221 million in added disposable income alone will be generated if Bristol accomplishes its goal.

Bristol is in a good location for business. Bristol's advantages include a strong work force, a positive labor climate, good schools, natural recreational opportunities, and a good transportation network.

Bristol First is an excellent community initiative to develop new economic opportunities. Bristol's economic plan should remind us all that outstanding progress can be achieved when organizations have carefully targeted goals and strong leadership. I am proud of Bristol's efforts to improve its economy, and I hope that its plan will set a good example for other communities around the country.●

HILLIARD, OH—FLAG CITY U.S.A.

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. WYLIE. Mr. Speaker, on Thursday, June 20, 1985, I included in the Extension of Remarks a statement concerning Hilliard, OH, Flag City, U.S.A. I said that Mayor Roger Reynolds and the city counsel are desirous of receiving recognition for their proclamation that Hilliard, OH, be known as "Flag City U.S.A." to evidence the sense of pride of its citizens in our great Nation. I inadvertently left out American Legion Memorial Post 614 of Hilliard, OH, which is certainly deserving of recognition for the idea.●

MID-CITY NATIONAL BANK OF CHICAGO TO MARK 75 YEARS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. ROSTENKOWSKI. Mr. Speaker, 1986 will mark the 75th anniversary of the founding of the Mid-City National Bank of Chicago.

From the date of its founding on April 5, 1911, the Mid-City Bank has consistently delivered dependable banking services to the financial community and to Chicago's citizens.

It is noteworthy that no depositor lost a single dollar of funds entrusted to the Mid-City Bank at the time of the Great Depression and the attendant banking crisis of the 1930's. This record of stability extends unbroken to this day, thanks to a continuity of management which has never deviated from sound banking principles.

Founded by Edward Morris, whose father Nelson was one of Chicago's original great meat packers and whose mother was the daughter of another—Gustavus Swift—the bank's activities have been consistently guided by family members. Today, Edward Morris' and Helen Swift Morris' grandson, Edward Morris Bakwin, ably serves as chairman of the Mid-City National Bank's board of directors.

I am proud to call to the attention of the Congress the commendable record of the Mid-City Bank in nurturing the growth of individuals and businesses in the city of Chicago, the State of Illinois, and elsewhere throughout our land. The Mid-City National Bank of Chicago and its management constitutes one of the outstanding financial institutions of America.●

EGYPTIAN PRIME MINISTER HINTS AT RELEASE OF SEVEN AMERICANS HELD HOSTAGE IN LEBANON

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. O'BRIEN. Mr. Speaker, the plight of the seven Americans held hostage in Lebanon continues to receive the attention of the U.S. news media and government leaders in the Middle East.

NBC Nightly News last night noted the "encouraging words" of the Egyptian Prime Minister. Prime Minister Kamal Hassan Aly was quoted as saying there "is a chance" that the seven Americans held hostage could be released. The Prime Minister is due here today for a week-long round of meetings.

The Chicago Tribune played the Egyptian Prime Minister's remarks front page in today's editions.

It is my hope that Prime Minister Aly will be able to meet, during his U.S. visit, with representatives of the families of the Americans held in Lebanon.

Mr. Speaker, today is the 487th day of captivity for William Buckley of Medford, MA.

Today is the 434th day of captivity for Rev. Benjamin Weir of Berkeley, CA.

Today is the 189th day of captivity of my good friend Father Lawrence Martin Jenco of Joliet, IL.

Today is the 122d day of captivity for Terry Anderson of Batavia, NY.

Today is the 36th day of captivity for Thomas Sutherland of Fort Collins, CO.

Today is the 50th day of captivity for David Jacobsen of Huntington Beach, CA.

Today marks the 224th day of the disappearance of Peter Kilburn of San Francisco, CA.

Mr. Speaker, the hostage crisis is not over. Seven Americans are still held hostage in Lebanon.●

A TRIBUTE TO HARRY CHAPIN

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, 4 years ago today Harry Chapin was tragically killed in an automobile accident. I rise today not to call attention to his death but to celebrate his life. During his short time with us, Harry Chapin was the driving force behind the creation of a Presidential Commission on World

Hunger, the establishment of World Hunger Year, the establishment of the Food Policy Conference. In the course of his career as a singer, he donated millions of dollars from the more than 200 concerts he gave each year to his efforts to eradicate world hunger.

Perhaps more than all he donated, Harry Chapin's work had a far greater impact. Harry Chapin worked with people to educate and to change attitudes. That work continues as a lasting tribute to Harry Chapin.

World Hunger Year has expanded its efforts to educate people. The organization has undertaken numerous successful public projects since Harry Chapin's death and it continues to grow.

The people who Harry worked with and helped motivate are responsible for the "We Are the World" ablum. USA for Africa president and organizer, Ken Kragen, was first made aware of the hunger problem by his friend and client, Harry Chapin, as was the executive director, Marty Rogel.

To recoginize Chapin's efforts and motivational force, his wife, Sandy, was asked to take part in the Live-Aid concert in Philadelphia. She narrated a 4-minute music video of Harry Chapin and presented awards to Bryan Adams and Kenny Loggins for their works toward fulfilling Harry Chapin's dream.

Harry Chapin is a role model for all of us. His dedication to fighting world hunger inspires me. I am proud to have known such a fine man. Today I ask my colleagues not only to remember Harry Chapin but to share his goals.●

THE 40TH ANNIVERSARY OF THE BIRTH OF THE NUCLEAR AGE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mrs. SCHROEDER. Mr. Speaker, today marks the 40th anniversary of the birth of the nuclear age. Today we must remind ourselves of the challenges before us. As Albert Einstein once said:

> The unleashed power of the atom has changed everything save our modes of thinking, and we thus drift toward unparalled catastrophes.

Today we live under the fragile peace instilled by mutual terror. Like two enemies locked in a gasoline-soaked room, our security rests in the idea that if one strikes a match both will perish. One day this peace will fail.

What kind of peace do we seek? John F. Kennedy so eloquently described it thus:

> Not a Pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children—not merely peace for Americans but peace for all men and women—not merely peace in our time but peace for all time.

To attain this peace we must fix deterrence before it breaks. we must stop the arms race and the technology which fuels it. We must demonstrate the political will to restrain our arsenals while not being weak. We must seize the opportunity to reach an arms control agreement in Geneva.

The best way, Mr. Speaker, to do these things and start down the path to true peace is to put an end to all nuclear testing. I urge my colleagues to join me in cosponsoring H.R. 1834, the Simultaneous Nuclear Test-Ban Act, so that we may one day herald the dawn of a new age.●

STATEMENT OF GOV. MICHAEL S. DUKAKIS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. MARKEY. Mr. Speaker, I would like to bring to the attention of my colleagues the testimony recently given by Gov. Michael S. Dukakis of Massachusetts before the House Government Operations Subcommittee on Intergovernmental Relations and Human Resources concerning his successful E.T. Choices Program. This hearing addressed the issue of barriers to self-sufficiency for single women heads of households. Governor Dukakis has been a leader in the institution of training and employment opportunities for welfare recipients. The E.T. Choices program is one of few State-run programs that is truly effective in helping displaced workers enter into the work force. I commend Governor Dukakis for his successful efforts in the Massachusetts E.T. Choices Program.

STATEMENT OF GOV. MICHAEL S. DUKAKIS

Chairman Weiss and Subcommittee members, thank you for this opportunity to appear before you today and tell you about a very successful and exciting program we have begun in Massachusetts—the Employment and Training CHOICES program—ET. I am very pleased to have with me today four people who can provide you with first-hand experiences of the value and success of ET. Two are graduates of the ET program, Dawn Lawson and Rosemarie Acevedo, and Tom Hourihan, Vice President for Human Resources at the Norton Company in Worcester, and Chairman of the JTPA State Jobs Training Coordinating Council, and Gil Barrett, Vice President for Administration, K & M Electronics in Springfield, are employers who can share with you the value of this program from a businessman's perspective.

In Massachusetts we are working very hard to create a society of "opportunity for all" in every community and for every citizen. John Kennedy set the course for us a quarter century ago when he said, "All our material riches will avail us little if we do not use them to expand the opportunities for all our people." And now, with the lowest unemployment rate in the nation, a healthy and expanding economy, and a surging spirit of entrepreneurship and innovation, we in Massachusetts are not only creating material riches, but, importantly, expanding opportunities for all our people.

ET is perhaps the most important tool we have in building this society of opportunity for all.

Its success is especially pleasing and noteworthy because it comes in an area of public policy—work and welfare—where solutions have eluded well-intentioned policymakers for a very long time. My friend Hale Champion—now Executive Dean of the Kennedy School and formerly Undersecretary of HHS for President Carter—calls the issue of work and welfare "the Mideast of Domestic Politics." I agree.

In my first term as Governor we tried mandatory workfare with less than notable success. We failed to place as many people in employment as we had hoped and of those we did place, only about one-third lasted in their jobs for more than one month. My successor tried a somewhat different approach to mandatory workfare, and once again the results were disappointing. Today, in Massachusetts, we are trying something very different—ET. It is working, and working well.

Let me tell you just how well:

Nearly 17,000 public assistance recipients have successfully completed this program and gone on to find full or part-time employment; all of the jobs are unsubsidized and most are in the private sector;

Those finding full-time jobs are earning, on average, double what they were receiving on public assistance and most—almost 70 percent—are receiving employer-provided health care coverage;

These workers are staying in their jobs; our retention rate after 30 days is over 85 percent;

In addition to the 17,000 satisfied customers of the ET program who are now working, we have 20,000 more participants waiting to get into the program;

The business community seems supportive—over 4,000 businesses—banks, high tech firms, manufacturers, and hospitals among them—have hired our well-trained, highly motivated ET graduates;

And taxpayers are receiving dividends as well: we have brought our welfare caseload to its lowest level in twelve years and, with net savings of $3,000 per placement, saved Massachusetts taxpayers some $50 million in welfare benefits in less than two years.

These statistics alone, however, do not do justice to the ET program for it is the human face of ET which most eloquently documents its success. I have met with dozens of our ET participants from all parts of our state and the change in self worth and self esteem; in their feelings about themselves and their futures is a remarkable thing to experience. Dawn and Rosemarie will tell you far better than I ever could what the program has meant to their lives and the lives of so many others in the Commonwealth.

Before they do, however, let me briefly outline for you how we have been able to achieve such impressive results and bring

hope and opportunity to the families of some of our most disadvantaged citizens.

First, as the name ET CHOICES implies, participants have an opportunity to choose from a number of program options to select the one which best suits their individual needs. ET participants may choose assessment and career counseling, education and skills training, on-the-job training through supported work, and job placement through our Division of Employment Security. This range of options allows for development of an employment and training plan tailored to the specific needs of each ET participant.

Second, the ET approach recognizes that not all welfare recipients are job ready. Some need additional training and skills to make it in the workforce. Thus, a critical component of the ET approach is providing necessary education and skills training to those that need it. More than half of all ET participants have chosen this option and, either through adult basic education, community college or direct skills training, have gone on to improve not only their basic skills but to acquire technical skills as well.

A third and often overlooked element in employment and training strategies, which has been central to the success of ET is the provision of necessary support services, particularly day care. The lack of quality, affordable day care can prove a serious barrier for many women who otherwise want to work. In Massachusetts, with the help of a supportive legislature, we have greatly expanded the opportunities for day care, targeting significant resources to participants in our ET program and by so doing have provided the opportunity for employment and self-sufficiency to many women. It is this provision of day care which has brought into the program 6,000 mothers with children under age six who under the WIN legislation are not even required to register for the program.

These are not the only ingredients for success, to be sure. We have had the benefit of a healthy economy and an aggressive state economic development effort which is encouraging growth in all regions of the state. We have had past experiences from which to learn. We have had a visionary and supportive legislature which has allowed us to complement the WIN funding which we depend on with well-targeted state resources. We are using a private sector management model which includes numerical goals, managerial incentives, and competition between agencies and offices. And we even have a Welfare Commissioner who is married to our Employment Security Commissioner.

Encouraged by our success, I have set ambitious goals for our ET program—50,000 public assistance recipients into jobs and a net savings of $150 million in welfare benefits over five years. And we have begun to expand the ET approach to other segments of society—general relief recipients, the handicapped, ex-offenders, refugees—who can use the type of helping hand which ET provides.

We will not reach these goals, however, without the continued support and cooperation of the federal government. It is ironic that at the same time that Massachusetts plans to expand its employment and training program, House-Senate budget conferees are debating whether or not to continue the WIN program, which has been a vital source of funding of our successful efforts. As the Massachusetts example illustrates, it is just this sort of investment in people which makes good economic sense—in terms of increased productivity and welfare savings—and which makes good social sense in terms of the people it helps and the new found hope it provides their families.

Please listen closely to what my fellow citizens from Massachusetts have to say this morning. Their stories provide the best possible evidence of the value of this program and the need for continued support for it from the Congress and the Administration. Thank you.●

FIRST TEST OF ATOMIC BOMB REMINDS US OF NEED TO END ARMS RACE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. FASCELL. Mr. Speaker, on this day 40 years ago, on July 16, 1945, the world witnessed the first test of the atomic bomb at the trinity site in New Mexico. The next month, in August 1945, the world witnessed the dropping of the atomic bomb on Hiroshima and Nagasaki.

Forty years later in 1985, where are we? What are we doing to alleviate the arms race and the ever increasing nuclear tension in the world? What we need to do seems clear: We need to limit nuclear testing as a way to bring an end to the nuclear arms race and eventually all nuclear testing. That is why every President since Eisenhower has called for a comprehensive test ban.

As part of the effort to address this issue this year, the House Foreign Affairs Committee and the Subcommittee on Arms Control, International Security, and Science, which I chair, conducted an extensive study of the nuclear testing issue. The committee received statements and heard testimony from scientists, seismologists, geophysicists, academics, representatives from the national laboratories, representatives from the administration and from concerned groups.

The committee focused specifically on House Joint Resolution 3, Representative BEDELL's legislation to prevent nuclear testing. The committee approved House Joint Resolution 3 and the resolution is currently awaiting floor action.

It seems appropriate on this anniversary of the first atomic bomb test, that we take special care to examine the purpose of House Joint Resolution 3 and how it attempts to limit nuclear testing.

House Joint Resolution 3 is an evolutionary arms control measure flowing from the objective of every past administration to bring an end to the nuclear arms race through negotiations on a comprehensive test ban treaty. House Joint Resolution 3 is a simple sense of the Congress resolution urging the President to request ratification of the Threshold Test Ban Treaty—signed by Nixon in 1974—and the Peaceful Nuclear Explosions Treaty—signed by Ford in 1976. The treaties prohibit nuclear testing above 150 kilotons. House Joint Resolution 3 further provides that the President attach a report containing any plans the President may have to negotiate supplemental verification procedures, or any reservations or understandings he has on the subject of verification which should be attached to the treaties. The resolution further provides that the President propose to the Soviet Union the immediate resumption of negotiations on a comprehensive test ban treaty. Finally, House Joint Resolution 3 states that the United States does not have to abide by any treaty that the Soviet Union is violating.

In its simplicity, House Joint Resolution 3 addresses the most important issue we face in this world: How do we limit and bring an end to the nuclear arms race? One way to begin this effort is to act on House Joint Resolution 3.

In the wake of the trinity test there is much that remains to be done. Let us hope that this anniversary will help us remember the past and move forward at the same time to bring an end to the nuclear arms race.●

STATEMENT OF UNITED STATES AND CANADIAN CHAMBERS OF COMMERCE ON CANADA-UNITED STATES TRADE POLICY

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. BARNES. Mr. Speaker, recently the Canada-United States Relations Committee of the United States and Canadian Chambers of Commerce issued a statement advocating trade liberalization and a comprehensive trade agreement between our two countries.

As cochairman of the U.S. delegation to the Canada-United States Interparliamentary Group, I wish to bring this statement to the attention of my colleagues. I believe that we should all give it our serious consideration.

The statement follows:

THE CANADA-UNITED STATES RELATIONS COMMITTEE—STATEMENT ON CANADA-UNITED STATES TRADE POLICY

The Canada-United States Relations Committee, recognizing that our two countries are by far each other's greatest trading partners:

(1) Strongly supports the broadest liberalization of trade and investment flows between Canada and the United States;

(2) Urges the development of a comprehensive trade agreement between Canada and the United States that could be used as

the basis at a later date for multilateral negotiations;

(3) Recommends that the Congress, Parliament, and the Executive Branches of both countries halt protectionism in cross border trade in goods and services in line with the commitment undertaken by President Reagan and Prime Minister Mulroney at their Quebec meeting.

The Canada-United States Relations Committee strongly endorses the trade declaration issued on March 18, summarizing the goals and objectives of Canada and the United States.

The Committee strongly supports the work of the Office of the U.S. Trade Representative and of the Department of External Affairs in their efforts to implement the bilateral trade declaration, with particular emphasis on the importance of developing a close interface with Congress, Parliament, and their respective private sectors.

In carrying forward the intent of the trade declaration, the Committee recommends:

(1) In plotting the direction of Canada-U.S. trade negotiations, the basic premise must be established that trade liberalization will produce real benefits to both countries in terms of long run economic growth, employment, enhanced international competitiveness, and benefits to consumers.

(2) The bilateral program of implementation to be established within a six-month period must include effective interfaces with the legislators in both countries, in order to minimize the development of protectionist proposals.

(3) The commitment of the two governments to reduce and eliminate existing barriers to trade (both tariff and non-tariff barriers) in order to secure and facilitate trade and investment flows should be implemented as quickly as possible and should include achieving joint technical standards and establishing appropriate and balanced protection of intellectual property rights.

(4) A concern in the trade liberalization program must be the provision for a design of effective adjustment and/or safeguard systems to minimize significant adverse effects of a temporary or transitional nature on employment and production.

(5) Canada and the United States should assemble a joint body, comprised of senior private sector representatives, to act as an advisory board on bilateral trade issues in order that major irritants could be eliminated without further recourse to restraints on trade by either country or to provide a basis on which the two governments could resolve issues in a mutually satisfactory manner, in accord with the Quebec Declaration.

(6) Both governments should ensure that competition laws and regulations do not inhibit joint action by U.S. and Canadian companies trading in international markets.

Timely and forthright action is imperative if the implementation deadlines established at Quebec are to be met. Both governments should provide adequate additional resources to the officials engaged in this process. The Canada-United States Relations Committee stands ready to lend all appropriate assistance and support to the implementation of the principles outlined in this agreement.

J.V. RAYMOND CYR,
Chairman, Canadian Section.
RAYMOND F. FARLEY,
Chairman, U.S. Section.●

H.R. 1616, THE LABOR-MANAGEMENT NOTIFICATION AND CONSULTATION ACT OF 1985, IS PROBUSINESS LEGISLATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. FORD of Michigan. Mr. Speaker, next Tuesday, the Education and Labor Committee will consider H.R. 1616, the Labor-Management Notification and Consultation Act of 1985, legislation I introduced with SILVIO CONTE and BILL CLAY to help promote orderly adjustments to plant closings and permanent mass layoffs. By requiring employers to give advance notice of major dislocations, H.R. 1616 will allow displaced workers to search for new employment, enter training programs, arrange their personal finances, and otherwise plan for the changes that a loss of a job entails. For local governments and communities, which must adjust to the tax losses and increased social service needs of the unemployed, advance notice is invaluable, particularly when efforts are undertaken to make use of an abandoned facility, to attract new employers, or to find alternatives to the proposed closure or layoffs.

Because of these benefits, H.R. 1616 is generally recognized as proemployee and procommunity legislation. But H.R. 1616 is also probusiness. H.R. 1616 imposes no unreasonable burdens—an employer is excused from the prenotification requirement if the employer is unable to comply because of unforeseeable circumstances—it will help reduce the budget deficit—advance notice dramatically reduces plant-specific unemployment—thereby reducing the cost to government of unemployment insurance, food stamps, and other transfer programs—and it protects small businesses from sudden, adverse changes in the local economy.

A well-reasoned commentary which appeared last month in the Milwaukee Journal describes some of the probusiness effects of H.R. 1616. The commentary, written by University of Wisconsin-Milwaukee sociologist Gregory D. Squires, makes one factual error, however. The State of Maine has had a statutory prenotification requirement for many years, as well as a requirement that employers make severance payments to certain displaced workers.

I insert Mr. Squires' commentary in the RECORD:

[From the Milwaukee Journal, June 9, 1985]

ADVANCE NOTICE OF SHUTDOWNS IS PROBUSINESS

To cease the economic hemorrhaging of Milwaukee and other Rustbelt cities and to facilitate economic development planning, several labor organizations, churches and community groups have advocated legislation mandating pre-notification of any major plant closing or relocation.

Pre-notification bills were frequently introduced in several state legislatures and Congress during the 1970s. The principal argument for these proposals was that they would provide essential protection for workers and the communities in which they live.

Lost amid the many rancorous debates is the fact that such legislation is also probusiness.

Recently, Congressman William D. Ford (D-Mich.) introduced the Labor-Management Notification and Consultation Act of 1985. The business community should rally to its support.

The bill would require employers with 50 or more employes to notify the workers and the Federal Mediation and Conciliation Service of any plant closing or permanent layoff 90 days prior to such action. In addition, the employer would be required to negotiate with employes to seek an alternative to the closing.

Avoiding massive plant closings, and being equipped to respond when closings do occur, is essential to the business community. When a major employer or several employers shut down or relocate their facilities, the entire community left behind suffers. Overall income levels decline, reducing effective demand for the goods and services remaining businesses offer in the marketplace.

FLEXIBILITY IMPORTANT

As tax revenues decline, businesses must either endure reduced levels of municipal services or pay more for those services. No business can thrive without adequate police and fire protection, road maintenance and an educated work force. And no business wants to be surrounded by vacant storefronts or closed factory gates.

The freedom of business men and women must be assured, of course, so that entrepreneurs can have the flexibility to operate with maximum efficiency. An element of that flexibility is mobility. At the same time, business needs a stable environment in which to operate. That stability is threatened by the jolt of sudden plant closings, relocations and the ensuing economic decline. Advance notice of major closings or relocations can help local businesses, in conjuction with public officals, union leaders and other segments of the community, in preparing for the transitions that will occur.

For example, a pre-notification requirement would enable local businesses to plan in advance for an impending shutdown or relocation of a major customer or supplier. No business can afford to invest substantial funds if there is little likelihood of a market for its products. Inventories can pile up if a major customer is suddenly lost, wasting valuable space and dollars. Business also needs reasonable assurance that it can purchase the capital resoures required to produce its goods and services. It can take time to find a new supplier. Profitable accounts can be lost if a business fails to meet promised delivery dates. Many unnecessary costs of doing business can be minimized with adequate advance warning of major disruptions in normal routines.

ONLY STATE

Pre-notification bills have not fared well at the state or federal level. Wisconsin is the only state with a pre-notification law in effect, though it is largely ignored. That law calls for any employer with 100 or more employes to provide a 60-day advance notice to the Department of Industry, Labor and Human Relations prior to any merger, liqui-

dation, disposition, relocation or closing. Similar proposals have failed in every other state where they have been introduced. An Illinois bill was labeled by one legislator in that state as "preposterous and asinine" while another said it belonged in "the trash heap of history."

But the principal critique of these proposals is that they would place the state at a competitive disadvantage relative to its neighbors. A national law would eliminate this drawback and permit the business community to reap the benefits.

The Labor-Management Notification and Consultation Act of 1985 is good for business, it will facilitate economic development, and it will benefit Milwaukee and other currently depressed communities around the nation.●

FORTY YEARS AFTER TRINITY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. RODINO. Mr. Speaker, today marks the 40th anniversary of Trinity—the test of the first atomic bomb in the New Mexico desert near Los Alamos.

This is a momentous anniversary in the history of our planet, but a tragic one. Since that day 40 years ago all mankind has existed in nuclear peril. Today we live under the shadow of 50,000 nuclear warheads—the equivalent of 10 tons of TNT for every man, woman and child on Earth.

My own profound feelings about the madness of nuclear war began over 30 years ago. Early one morning almost 33 years ago I took my place atop a knoll in the Nevada desert known as Frenchman's Flats. I was there as a young Congressman with a keen interest in science and in our national defense to witness the first explosion of a hydrogen bomb.

Standing 7 miles from the explosion point, I felt the Earth around me shake as the blinding light and huge fireball rose into the sky in the form of a giant mushroom. The impact of that bomb—small by today's megaton standards—reached 50 miles.

This was supposed to be the ultimate weapon of national defense, the scientific advancement which would guarantee the security of America for generations to come. Instead, it has become a weapon so horrible that we say its use is "unthinkable." So it is imperative that we pursue the goal of a nuclear weapons freeze and an ultimate end to the nuclear arms race and halt the continuing increase in our inventory of "unthinkable" arms.

I think it is vital to recognize that the dedicated scientists who developed the first atomic bomb are among those most concerned with seeking to end the nuclear arms race. Today five of the major scientists who worked on the Trinity project have come to Washington to urge a nuclear weapons policy that would abandon the two grand illusions of our times: that nuclear warfare can achieve rational military or political objectives, and that a defense of populations against nuclear attack is possible.

Mr. Speaker, today's Washington Post contains an excellent article describing the Trinity Day Appeal by these scientists and I ask that it be printed in the RECORD following these remarks.

THE POWER AND THE PERIL

(By Myra MacPherson)

Forty years ago today, they waited before dawn in the desert. After months of feverish work on this extraordinary secret device, no one knew exactly what to expect. Would it, the "gadget" as it was called, work?

Then came the flash, the dazzling white reflection in the sky. It looked as if the ball of fire would never stop billowing, growing. Among those cool scientists, there was a frightful recognition of the power they had created. As the monstrous cloud rose in the distance, Robert J. Oppenheimer, director of the Manhattan Project, thought of a sacred Hindu passage:

I have become death, the shatterer of worlds.

Today, five of the major scientists who worked on the first atomic bomb, who were in Los Alamos, N.M., "the day the sun rose twice," have come to Washington. They are old now, but remain driven with a vibrant intensity that punctuates their every sentence. Propelled by urgency about the perilous future rather than reminiscences of their fateful past, they continue to do what they have done for 40 years—urge the world powers to reduce the risk of nuclear war, to control the awesome power they had unleashed with their brainchild in the desert.

All express gratitude and some surprise that the world so far has survived.

"Through some fate of God we have existed for 40 years. I never thought for a minute it could go on for 40 years, building up stockpiles of weapons without a nuclear war," says Robert Bacher, who assembled the bomb's plutonium core in an old farmhouse near the Alamogordo, N.M., testing site. There was a moment's panic during the actual fitting of the bomb's central portion when an insertion wedged tightly and would go no further. "Dr. Bacher was undismayed," one account stated, and in three minutes the basic assembly was completed without further incident.

"One piece was very hot, another very cold," Bacher explains today, adding modestly that it was a simple matter to wait until the hot piece, which had expanded, cooled.

"Then I got in my government car and drove to the site with it [the bomb] in the back seat," recalls Bacher with a slight laugh. The evolution from that primitive image to the generation of sophisticated bombs that followed still astounds Bacher: "Just one of these submarines that carry multiple warhead missiles, if it were to deliver a full load of bombs, the amount would correspond to all of the bombs the United States dropped in World War I and World War II by a factor of about seven. One submarine!"

And Victor Weisskopf, who calculated the effects of that first bomb, adds, "had we known 40 years ago there would be 50,000 nuclear warheads deployed on both sides we probably would have had more guilt."

Now, intercontinental missiles can deliver warheads thousands of miles in minutes, with pinpoint accuracy. A new generation of scientists studies lasers and particle beams, the so-called Star Wars plans that would hand over the atomic reins to computers. The five Los Alamos scientists here are deeply troubled by Star Wars. "It's crazy. It won't protect the population and will make a higher rung on the spiral," says Weisskopf vehemently, circling his arm in midair. And Cyril Smith, "the old man of the project—I was 43 then," shakes his head. "Star Wars is absolutely ridiculous."

It is this sense of clear and present danger that has brought these atomic physicists here today to testify on the Hill, to send letters to President Reagan, to offer their Trinity Day Appeal:

"We, who felt the pulse of heat at Trinity, call on you, our fellow citizens, for a response deep enough to match the insistent signal from the fireball.

"We ask that you join us in insisting on a policy for nuclear weapons that abandons two grand illusions of our times: that nuclear warfare can achieve rational military or political objectives, and that a defense of populations against nuclear attack is possible . . ."

Trinity was the code name for the Los Alamos test; its origin remains something of a puzzle to historians and even to the five scientists, who were all close friends of Oppenheimer. Philip Morrison, who at 29 helped assemble the Trinity device, thinks the word may come from the Spanish *trinidad*, used frequently for places in the Spanish southwest. One version is that Oppenheimer was reading John Donne's poems and one line, "Batter my heart, three person'd God," led him to call the site Trinity. Through the years, the lore of a death curse haunts the writings of that first explosion. A turquoise mine near Los Alamos, which had been laid under a curse and thus abandoned by the Indians, was called Trinidad. The area where the bomb was detonated had long before been named by the Spanish *Jornada del Muerto*— "death tract."

Morrison, now a physics professor at the Massachusetts Institute of Technology, was among those who assembled before dawn at the base camp, 10 miles from the blast, fortified with sunburn cream and dark glasses.

"There was this remarkable experience of heat that came out of the cold desert night just before dawn," he remembers. And Weisskopf, a close friend and a colleague at MIT, adds, "we saw the color, from dazzling white to yellow and pink, surrounded by a blue halo due to the radioactive glow. The landscape was lit up 20 times stronger than midday sunlight. We felt a blast of intense heat on our faces. The Army people told us 'you have to lie down on your stomach and turn your head away,' All the Army people did, but of course we didn't even think of doing it! That would have meant we couldn't see."

Weisskopf and Morrison were two of the 600 or so "white badge" specialists among the thousands of Los Alamos workers who knew that this test was a requisite prelude to dropping the bomb in combat. Less than a month later, on Aug. 6, a city was destroyed instantly by a single bomb, and 130,000 perished. The intense heat felt by Morrison from 10 miles away would melt Hiroshima's roof tiles, incinerate people on the spot.

Before Hiroshima, there had been intense camaraderie. Secrecy was extraordinary in the months before the test. Wives and chil-

dren were told nothing. A "what did you do today, dear?" question from wives drew a cryptic "worked on 'the project,'" recalls Smith with a smile. The pressure of the secret drew the scientists together in an "enormous spirit of friendship," Morrison says. "It was much more like a lose-knit military expedition than the academic world." Such was the sense of historic accomplishment that otherwise reserved men would dance and hoot and clap each other on the back after this first man-made nuclear explosion in the desert.

After Hiroshima, the doubts and fears, the effort to halt the nuclear buildup, began. Morrison, who went to the island of Tinian with the Nagasaki bomb, flew over Hiroshima a few days after the bomb was dropped. "We circled finally low over Hiroshima and stared in disbelief. There below was the flat level ground of what had been a city, scorched red. . . One Bomber, and one bomb, had, in the time it takes a rifle bullet to cross the city, turned a city of 300,000 into a burning pyre." That was Morrison reported, "the new thing."

This "new thing," this incredible ease of human destruction, produced endless debate of conscience and a crusade among atomic scientists. The nuclear scientists here were among the many who spoke out vigorously against the hydrogen bomb. They understand, sometimes obsessively so, that they had given birth to a force of shattering destructiveness. While feeling "awe" and "pride," Weisskopf also "immediatley felt that morning in the desert deep concern about what will come out of this for mankind." Many share Weisskopf's view that the second drop on Nagasaki, three days later, was a "crime." Still, like Weisskopf, they cling to the view that Hiroshima was necessary to "end a murderous war."

Nobel laureate Hans Bethe, the "dean" of American physicists and director of the Trinity dentonation project, was among those troubled by the responsiblity he bore in its creation. Before Hiroshima, recalls Bethe, "I knew there was tremenous power. I knew this when we first started the Manhattan Project in 1942, but it is different knowing it theoretically and seeing the actual destruction."

Bethe and Weisskopf, Jews who both fled Nazi Germany, joined the project for similar reasons—fear that Hitler would develop the bomb first. "Fission was discovered in Germany," explains Weisskopf. Adds Bethe, "I have no regrets on that whatever. Furthermore, I believe it was necessary to drop it on Hiroshima. It was the only way to get the attention to the emperor of Japan."

At the time the bomb was dropped on Hiroshima and Nagasaki, the United States was certain that Japan would fight to the end and that a conventional war would cost millions of lives. "It was awful, but it was the only way. A demonstration [on an uninhabited site] would not have done it. The emperor would not have been there. It was awful," Bethe repeats, "but far more awful is that this weapon is now in the world and in enormous quantity."

Bethe, at 79 an emeritus professor at Cornell University, says of arms reduction, "At half of what we have now it is still far too much, but you have to make a start. We would start to go down at last—rather than always up."

This quest has consumed much of Bethe's life since Hiroshima. "I try to do as much as I can in favor of sanity."

Forty years later, there is also ambivalence about Hiroshima.

Morrison says, "I suspect if Roosevelt had lived it might have been done better. The most important thing was perhaps a warning and description; we were going to do thus and so and that it was this new thing. It would not have made a difference to the Japanese," adds Morrison, pointing out that conventional bombs had already destroyed many of Japan's cities and the Japanese continued to fight. "But it would have made a difference to us—and to the future. To our conscience and the whole way it was introduced to the world." Just as the bomb was referred to as the "gadget" in Los Alamos, atomic scientists seem to refrain from using the word "bomb" today; Morrison is not the only one to refer to the bomb as "it."

"We meant so well," says Weisskopf, a tall, vigorous man of 76, recalling what was their climatic moment, lived half a lifetime ago. "We thought such powerful weapons would make wars between great powers unthinkable. We tried to create an agency to avoid an arms race by keeping nuclear weapons under international control but we were naive. It was a complete failure. There may have been some guilt that drove us on, but more importantly it was because we were so close to it. We were scared by the effects."

Weisskopf shakes his head. "The race is getting worse and worse. A silly race and our security is *decreasing.* The more the Russians feel insecure, then they will start doing something crazy. Russia is a terrible country but we can't chance it. Hitler's was the last despicable regime we could get rid of by force. Because of the bomb we cannot change anymore by such force. We must sit down with them."

And Cyril Smith, now 83, looks with brilliant blue eyes at world leaders, at actions he does not comprehend, knowing that both superpowers have the force to blow up the planet many times over.

"What is hardest to understand is that the very people in high levels of government continue to chant the same old refrain about the other side. Each side repeating the same old lies, having the same old suspicions of one another. The absence of real knowledge of what each one is doing produces this foolish imagination. Secrecy cloaks error—and encourages the growth of fearful imaginary monsters."

Philip Morrison says of their effort, "I have no idea if coming to Washington today will help. I've just been doing the same thing day in and day out for 40 years. One thing," Morrison continues after a slight pause. "I don't think *not* doing it is of any help."

The urgency is in the voice of Morrison's colleague, Robert Bacher, now 79, an emeritus professor of physics at the California Institute of Technology. "When the Russians got the bomb, I felt it would not be long before there was Grade A trouble. It took much longer, but the situation has been very, very difficult for nearly 20 years now."

As for dropping the bomb 40 years ago, Bacher says, "I knew perfectly well it would be the president, not us at Los Alamos, who would make that decision. I feel it would have been better if it somehow could have been used by *persuasion* rather than by use. Good Lord, I certainly feel that! I don't know anyone who dealt with it who didn't feel that way."

But he, like other atomic scientists, looks back to that urgent time when war seemed endless; looks back at the belief that the bomb would halt even more death.

"Time," recalls Bacher, "had to move too fast."●

AGENT ORANGE: THE NEVER-ENDING COST OF THE VIETNAM WAR

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. STARK. Mr. Speaker, from several very difficult cases in my own congressional district, I am convinced that one of the most difficult, long-range issues in American society is the impact of agent orange on the hundreds of thousands of Vietnam veterans who were exposed to this poison.

I do not think that the court settlement which has been reached on the agent orange issue is anywhere near adequate. While I have had help from the VA on a number of difficult agent orange cases, I do not think that they or the American medical establishment is at all prepared for the number of medical problems which are likely to emerge as the veterans who were exposed in Vietnam grow older.

Since it is tragically symbolic of the never-ending agony of "that damned old Asian War," I would like to include at this point in the RECORD the heartbreaking story of Mr. Tim Baumgardner, one of my constituents, who has become another casualty of that searing experience.

We in the Congress should read this story as a new call to be rededicated to the better treatment of our veterans and to redouble our work for peace, so that no generation ever experiences this agony again.

The article follows:

VIET VET CHOOSES SUICIDE OVER A LIFE OF SUFFERING

(By Michael Collier)

CASTRO VALLEY.—It was no secret that life had become too painful for Tim Baumgardner.

He had been dying a long, slow death since 1970, when he came home from three years in an Air Force unit in Vietnam.

First there were the cysts in his armpits. Then the dizziness, vertigo, rashes and chronic arthritis. As he got sicker, Baumgardner was convinced that his problems were a result of Agent Orange, a chemical defoliant he was exposed to during spraying missions over the Vietnamese jungles.

In the end, he was an invalid—bedridden at his parents' home with bones too degenerated to hold him up and hands that would not clutch.

Baumgardner, 38, a 1965 graduate of Castro Valley High School with dreams of becoming a lawyer or an actor, held a handgun to his head Tuesday and put an end to his misery. He died in the same house in the same peaceful neighborhood where he had grown up.

He didn't leave a suicide note, and, with his usual orderliness, covered his room with garbage bags to spare his family any mess.

But he wrote this poem, titled "Soldier's Lament," and gave it to his father, Kent Baumgardner, the night before he died:

If I said anything
You wouldn't hear it.
If I wrote anything
You wouldn't see it.
If I did anything
You would misinterpret.
Must be nice to be deaf, dumb and blind.

Baumgardner's father plans to send the poem to President Reagan as a message that his son was, in his family's opinion, a victim of Vietnam, and a victim of Agent Orange.

"I'm so bitter," said the father.

Added Elaine Magud, Baumgardner's 36-year-old sister and the only person he fully shared his grief with: "We blame the American government for letting that stuff be sprayed without telling anyone that it was dangerous."

Baumgardner was among 200,000 American, New Zealand and Australian servicemen who claimed disabilities associated with Agent Orange and asked for compensation from a $180 million fund to be paid out next year. The fund is a result of an out-of-court settlement reached last year between a group of veterans and seven companies that made the defoliant.

He is also among more than 100,000 Vietnam veterans who have committed suicide since the war—nearly twice the number who died in action.

Since 1983, Baumgardner had tried in vain to convince a half-dozen doctors at the Veterans Administration hospital near Livermore that the chemical was the only logical reason for his declining health.

Chlorance—a skin rash—is the only symptom that has been definitely linked with exposure to dioxin, the contaminant in Agent Orange.

"He knew why he was sick," said his sister Irene Baumgardner, 34, of Napa. "But nobody would come out and say why."

"It's fine if they (the family) are concerned," said Mike Whistler, chief of medical administration at the VA hospital in Livermore. "But I don't know if (a link between Baumgardner's illnesses and Agent Orange) will ever be proved."

Nonetheless, Baumgardner was rated as disabled by the VA, and may have qualified for some of the money from the Agent Orange settlement. The funds are expected to be distributed sometime next year.

As the 1970s dragged on, Baumgardner tried—but failed—to hold a job with his father's construction firm. In 1980, he graduated with honors from the California Culinary Academy in San Francisco, and ran a catering business from his parents' home for months.

When he became too feeble to work, he still cooked for his parents, retiring to his room after meals to study biology philosophy and law. But gradually he shut himself off from his friends, his family, the world.

Said Mike Rego, a Vietnam veteran from San Leandro who counseled Baumgardner a few times in the past year: "He wasn't getting the help he needed."

"I'm so frustrated because I couldn't do anything to make Tim better," his father said tears in his eyes.

Baumgardner's 20-year high school reunion takes place this summer.

"Those guys in the class of '65 were so crazy," said his sister Irene. "They were a bunch of jokers."

But all of Baumgardner's dozen-or-so friends either died in the war or died after coming home, she said.

"That class got wiped out," the sister added.

Said Ms. Magud: "It's hard to watch someone who was nearly a genius lose control of his life."

Baumgardner's ashes will be entombed at Golden Gate National Cemetery in San Brumo today.●

"HUNGER IN AMERICA IS REAL"

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. HAWKINS. Mr. Speaker, the issue of hunger in the United States is a painful reality for over 30 million of our fellow citizens.

It constitutes a national scandal that must be exorcised from our Nation with great speed for our "Other America" has existed too long and has wrecked the bodies, minds, and ambitions of too many Americans.

Mr. Speaker, a case in point is the effects of hunger on the young people in this Nation. It is especially crucial that we provide our young people balanced and nutritious meals that will enable them to function at optimum levels physically, emotionally, and academically. We owe it to our young people to provide them with the quality of food and the quality of life that will enable them to make their mark in our society and to become healthy and productive citizens.

In this connection, I am profoundly impressed with the efforts being made by the American Can Co. to forge a partnership with government as a means of eliminating the scourge of hunger. I believe that Mr. Woodside captures the spirit of this thought in his article, "Hunger in America is Real." Mr. Woodside states:

Today hunger is a social and public health problem, and government must do its share. Otherwise, hunger will exact terrible penalties in higher health care costs, a higher death rate, and millions of poorly nourished youngsters growing into poorly functioning adults.

Mr. Speaker, I commend Mr. Woodside for his insight, and I strongly encourage my colleagues to review this article very carefully and reflect upon Mr. Woodside thoughts:

HUNGER IN AMERICA IS REAL

MILLIONS GO HUNGRY BECAUSE THE GOVERNMENT HAS CUT BACK TOO FAR ON FOOD PROGRAMS

(By William S. Woodside)

Hunger in affluent America in the 1980s? "Not proved," we hear from official Washington. Stories of families going hungry are said to be exaggerated, and telecasts from soup kitchens are dismissed as anecdotal evidence, not facts and figures.

While the debate continues, millions of people in this country—many of them children—often go without food. I think that's a disgrace, and I am not alone. But for whatever reasons, there is a tendency to deny the problem rather than solve it.

Those who oppose federal food programs make four basic arguments against them: that the need is overstated, that the programs don't work, that they cost too much, and that the private sector should do more and the government less.

The first point is simply wrong. I was a member of a bipartisan study group, organized by the nonprofit Center for National Policy in Washington, that recently recommended changes in federal agriculture and food programs. We found abundant evidence of increased hunger in America, due partly to continuing unemployment and inflation and partly to reduced outlays for programs covering child nutrition, food stamps, and aid to families with dependent children.

The Harvard-based Physicians' Task Force on Hunger in America estimated early this year that up to 20 million Americans suffer from hunger several days a month. That was the latest in a series of studies that began in October 1982, when the U.S. Conference of Mayors brought the issue to public attention. This bipartisan group conducted a national survey and found hunger to represent "a most serious emergency."

Opponents of food assistance programs quibble over numbers and definitions. The President's Task Force on Food Assistance reported early in 1984 that it too found hunger in America but could not measure its extent. Later, a bill to set up a national nutrition-monitoring system that would provide such statistics was voted down in the House after Reagan Administration spokesmen declared it unnecessary.

Lacking an official hunger census, we look elsewhere for evidence. The Commerce Department estimates that the number of Americans living in poverty jumped from 24.5 million in 1978 to 35.3 million in 1983, more than at any time since 1960. Today a family of four at the poverty line (an annual income of $10,200) has less than $10 a day to spend for food. Two out of five of the people living in poverty are children. The poverty rate for children under the age of 6 has reached 25% and is far higher among blacks and Hispanics.

The Reagan Administration argues that despite its spending cuts it has maintained a safety net for the poorest in society. Others contend that poverty statistics do not accurately reflect the total income of the poor because many receive in-kind benefits such as food stamps and free school meals, or that some people go hungry because federal programs are poorly managed, not underfunded.

However, it seems clear that many people are hungry today because the government is spending too little to help the needy. A recent Commerce Department survey indicated that 40% of the poor get no in-kind benefits whatever. Of the remaining 60%, many receive only one benefit (often medical care). Department of Agriculture figures show that the number of poor receiving food stamps dropped between 1980 and 1983, while the number of Americans in poverty was increasing.

Nationally, food stamp benefits average 47 cents a meal. What does 47 cents buy? Rice or beans, little or no meat, no fruit or fresh vegetables. Poor mothers say that as food benefits run out toward the end of the month, they often quell their children's hunger with the filling, but not particularly nutritious, combination of popcorn and water.

Waiting lists for federal food programs are now common. The Department of Agriculture says WIC (the Special Supplemental Food Program for High-Risk Women, Infants, and Children, which provides cereal, juices, and dairy products to needy families) currently serves about one-third of the mothers and infants eligible for assistance

under the program. The other two-thirds are not mothers who choose to pass up benefits or do not know how to get them; some WIC clinics have long waiting lists and have to turn away eligible mothers and children because funding isn't adequate.

Anyone still undecided about the need for continued and effective food programs should visit a soup kitchen or a food pantry (volunteer groups that hand out canned goods and staples) and talk to the workers and recipients. I did. I may not know the number of hungry Americans, but I know that a serious problem exists.

I also know that those who say nutritional programs don't work are mistaken. Despite horror stories about food stamp cheats (such examples can be dredged up about any large program) food assistance has been remarkably successful in the U.S.

Let's look at the record. A brief chronology of efforts to end hunger in America begins with the Great Depression and the first food stamp program, which helped both farmers and the unemployed. Hunger was largely forgotten during World War II. But in 1946 the U.S. Surgeon General testified that large numbers of wartime draftees had been rejected because of poor physical development due to malnutrition in childhood. The National School Lunch Act was passed as "a measure of national security."

The economy grew but hunger remained, and in 1961 President Kennedy made more surplus agricultural commodities available and reestablished a pilot food stamp program. Under President Johnson the food stamp program continued, and a school breakfast program was begun. President Nixon called for an end to hunger in America at a White House conference in 1969, and Congress created WIC and a nutritional program for the elderly.

A comprehensive food assistance network, developed by both Republican and Democratic administrations, was in place to rescue those who slipped through the cracks of our economic structure. Health professionals began to find fewer malnourished people and credited food stamps, Head Start, school meals, and WIC.

Between the mid-1960s and the late 1970s the problem of hunger was identified, and millions of the hungry were fed as a result of humane and imaginative federal programs. Yet now, a few years later, this history has been forgotten and hunger has reemerged at a time of general prosperity.

Why slash programs that are needed and effective? Over the past four years, $12 billion was cut from nutrition programs, including food stamps and school breakfasts and lunches. Poverty grew, food costs rose, and hunger increased while assistance diminished. Nevertheless, the Administration and the Senate want to cut nutrition assistance by nearly $400 million in 1986. Some of the WIC money already appropriated to feed poor mothers and infants this year is being withheld by the Administration.

These actions arouse few cries of outrage. Washington assures us that poverty, hunger, and malnutrition are floating away on a tide of economic growth. We are also told that more urgent issues confront us, such as rising defense costs and the gigantic budget deficit. Hunger has been buried in an avalanche of other national problems.

I believe we've lost our perspective. As an economist and a businessman I know the danger of deficit spending and I strongly favor deficit reduction. But the whole constellation of food programs came to $18.5 billion last year, or only about 2.2% of federal spending. Further cuts in this area will only increase suffering while making a token impact on the deficit.

Those who oppose the war on hunger have another argument. Instead of relying on government, they say, we should form partnerships between the public and private sectors to address massive social problems. The private sector *has* become much more active in the delivery of social services. But this concept is commendable only to the point at which private actions becomes a substitute for public sector responsibility.

American Can has studied food and nutrition for a long time and has identified areas in which the private sector can work effectively to supplement public sector programs. A company foundation is working with the Citizens' Committee for Children in New York City on a project to evaluate the local school meals program. We are helping the Conference of Mayors develop model municipal food policies. We are funding a program to improve the distribution systems of Second Harvest, a national organization that supplies soup kitchens and food pantries working to meet emergency needs.

Donations from the food industry to Second Harvest rose from ten million pounds of food in 1980 to 76 million pounds in 1984. Other private contributions to food banks, as well as a relatively modest government contribution of surplus food, brought total emergency supplies distributed last year to 140 million pounds.

But the success of volunteer programs does not lessen the responsbility of government. Today hunger is a social and public health problem, and government must do its share. Otherwise, hunger will exact terrible penalties in higher health care costs, a higher death rate, and millions of poorly nourished youngster growing into poorly functioning adults.

Hunger in America is not the crime of the poor, it is the shame of the affluent. We must stop putting cost-consciousness first when the issue is hunger. Let's help our hunger neighbors by insisting on adequate government funding for programs that deliver food to those in desperate need.●

SHRIVER APPLAUDS L'ARCHE D.C. HOME FOR THE MENTALLY RETARDED

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. FASCELL. Mr. Speaker, at a reception in the Foreign Affairs Committee room on November 19, 1984, Sargent Shriver led a group of over 150 people who gathered to celebrate the 20th anniversary of the founding of L'Arche International and the 1-year anniversary of the Community of the Ark [COTA], the first L'Arche community in the Washington, DC area.

Founded by Jean Vanier in 1964, the purpose of L'Arche is to provide permanent homes for mentally retarded persons in an atmosphere of friendship and mutual human dignity and respect. Mr. Shriver succinctly underscored the L'Arche philosophy at the November 19 reception when he observed:

The mentally retarded can teach each one of us the true value of human life. They're the ones who are helping us rather than we being the ones who are just helping them.

Sargent Shriver and his wife, Mrs. Eunice Kennedy Shriver, serve on the Joseph P. Kennedy Jr. Foundation which in 1983 supplied the initial financial support for the Community of the Ark to open as the first L'Arche home in the Washington, DC area. The ultimate financial stability of the COTA home located in the Adams Morgan area is dependent upon both public and private support.

The L'Arche home on Ontario Road in the Adams Morgan area has seven residents, four of whom are mentally retarded. Residents are either from Forest Haven, the D.C. institution for the mentally retarded, or from families who are looking for a stable and loving home for their relatives.

In his November 19 remarks, which follow, Mr. Shriver captured the essence of L'Arche and the efforts of COTA to provide a humane and loving environment for the mentally retarded in our society.

REMARKS ON THE FIRST ANNIVERSARY OF COTA IN WASHINGTON

(By Sargent Shriver)

Thank you very much, Kathy Bruner, and our president, Ivo Spalatin.

It's a great thrill for me to be here and to see all of you rejoicing with the staff and residents of L'Arche on this first anniversary of the opening of the first home here in Washington, the Community of the Ark (COTA).

I can't say that I was wise enough to foresee that so many people would become interested in L'Arche as reflected in the impressive gathering we have here this evening in the House Foreign Affairs Committee room. I join the other speakers in expressing appreciation to the Chairman of the House Foreign Affairs Committee, Rep. Dante Fascell, for enabling us to use the Foreign Affairs Committee room for this important anniversary.

I congratulate all of you, collectively and individually for the personal dedicated interest which each one of you is showing as individual human beings in the work that is being conducted at L'Arche here in Washington. You deserve a tremendous amount of credit and I thank you personally and on the behalf of the Kennedy Foundation for what you are doing. Of course I want to say how sorry I am that my wife is not here. She would love these roses—I like them too but I can assure you that they are going home to her as an indication of your thankfulness to her and the Kennedy Foundation for its part in helping to bring L'Arche to Washington, D.C.

Jean Vanier who started L'Arche, in my judgment, is one of the great heroes of this century. As far as I'm concerned he ranks up there with anyone else that any of you admire—whether it be Mahatma Ghandi or Jawaharlal Nehru or Albert Schweitzer or Martin Luther King or Jack Kennedy. Jean Vanier is an international hero-figure of this century. He's a hero, I think, because he was one of the first to understand that

all of us people called normal can learn from the mentally retarded, that the mentally retarded person can teach us the true value of human life. They're the ones who are helping us rather than we being the ones who are just helping them. Not only that, the example he's giving is being pursued by many dedicated persons working with L'Arche here in Washington, people like Kathy and board members like Ivo. I think they're giving an inspirational example to the entire Washington community. I think they're giving an inspirational example to the entire Washington community. I only hope that tonight is just the first of many, many happy anniversaries and hopefully just the first of many occasions that the first L'Arche community home will celebrate. We should have many more homes associated with L'Arche, inspired by the same spirit and carried by the same self-less devotion by the staff and by the persons living in the community.

It must be some 25 years ago when I first met Jean Vanier. I can remember when the Kennedy Foundation first got interested in working with developmentally disabled persons. I can remember the horrible conditions which existed in those days—some 30 or 35 years ago. And so for me tonight this is a revelation. It really is; it's a joy and an inspiration to see all of you. It's a great moment in my life to realize that so many people are following Jean Vanier's vision as put forth in his many books. And so many people are living the kind of life that Kathy Bruner exemplifies in her life.

So I actually sit here (I normally would be saying I stand here), but I sit here in awe—I really do. I sit here in awe of what all of you are doing.

We're lucky at the Kennedy Foundation. I think members of the Kennedy Foundation are lucky to supply a little bit of money to help along the good work that you are doing. The money is the least important part of the whole show. The most important part is the dedicated service which everybody on the board, all the friends of L'Arche, are contributing to L'Arche and the incredible day-to-day, sensitive, inspired, compassionate, wise companionship that the staff, led by Kathy Bruner, are providing for the L'Arche community. They're really creating a genuine community there and nothing could be more important for them or for us.

Actually what we ought to have, obviously, is a whole community of Washington which has the same spirit, the same motivation for work that's exemplified by what's going on in L'Arche 24 hours a day. If everything in Washington, D.C. were being run that way, including the White House—excuse me for that but being in the House of Representatives, seeing the portraits of so many of my friends like the late Clem Zablocki of Wisconsin on the wall, I can't help but make a little political comment. Most seriously, if everybody in our country were working in their own home, and in houses like the White House, with the same spirit that motivates L'Arche, we wouldn't have one-tenth of the problems we have in our cities or in the world.

So I look upon L'Arche as a beacon of hope, as a lightship, as a center from which spiritual energy will be radiating out to the entire Washington community. Because of that, that dynamic energy that comes from you, I'm certain that this whole community will be much better.

Thanks to COTA's president, Ivo, thanks to you Kathy and to the staff and residents at COTA. Thanks to everybody for making this evening possible.●

DOES AMERICAN HISTORY HAVE A FUTURE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. WALGREN. Mr. Speaker, I am pleased to share with my colleagues an essay written by Leo. J. Mahoney, an archivist and a teacher at Penn State University. In this essay, which is based upon the Report of the Committee on the Records of the Government, Dr. Mahoney addresses the Federal record problem.

Dr. Mahoney observes how the principles of Federal record-keeping, established in the 1940's fail to keep up with the contemporary paper flow. Many records are not easily accessible and are scattered across the country. Some feel the new electronic communication revolution will eventually replace office paper memorandum. Although computers possess a terrific potential, there are tricky tasks of retrieval, systems are not compatible, there are increased storage costs, and important information can be erased at the push of a button.

The future problems of archive professions should not be over looked. The profession ought to be able to establish effective political leadership, a unified system, and a way to diminish wasteful information and protect our historic documents.

I am appreciative that Dr. Mahoney has taken the interest and the time to bring this issue to our attention.

DOES AMERICAN HISTORY HAVE A FUTURE?

(By Leo J. Mahoney)

Late last year the National Historical Publications and Records Commission released a summary report of its previously funded documentary records surveys in more than twenty states. Called Documenting America, the report concluded that state and local records are in imminent danger of loss, destruction and inaccessability through a combination of fragmented archival management authority and inadequate official attention to some essential requirements of sound public records policies.

Several months later, in March, 1985, a private group of distinguished, interested citizens calling itself the Committee on the Records of Government published a similar survey of American public records focusing on archival conditions in the Federal Government. While state and local archivists may have read the earlier NHPRC report on the assumption that their professional problems were unique to their local conditions, even a perusal of the Committee on the Records of Government's Report [1] is sufficient to banish such a parochial notion. Indeed, the Report's "Executive Summary" opens with a pronouncement that "our governments—federal, state and local—already have lost control of paper records." Even for the National Archives, newly independent on April 1, regaining control over its own records in the face of the deluges of paper and electronic documentation of governmental activity will be a herculean task.

The Committee on the Records of Government is funded by grants from the American Council of Learned Societies, the Social Science Research Council and the Council on Library Resources. The concerns raised in it's Report are widespread. In fact, the Report is intended not only to be supportive of the outlook of the National Archives but also to reach a wide circle of influential people in and out of the federal establishment. The Report's muted political orientation is vital because the archival profession is on the threshold of a veritable revolution in principles and practices. The very definition of public records may be about to change under the impact of electronic communications media.

Inevitably, the Report addresses a number of major contemporary archival problems and procedures in the federal government. It's main aim, according to its authors, is to suggest methods of disposing of "needless and wasteful records while ensuring the preservation of that fraction deserving to be kept." In an effort to alert and garner support for its proposals from archivists, historians and users of public records generally, the Committee recognizes that "there are no recordkeeping issues peculiar to state or local governments" and encourages their archival agencies to adopt solutions similar to those recommended in the Report. To this end the Committee offers a detailed recommendation of immediate issuance of a presidential Executive Order to strengthen the powers of the Archivist of the United States over the disposition of federal records and to establish clear records management policies in federal agencies. The Report expresses the hope that state law will emulate the proposed federal example.

A number of fundamental problems face the archival profession in the 1980's, but all of them stem ultimately from the mountainous volume of records generated by American governments in the past fifty years. It was clear a century ago that use of typewriters and carbon paper would greatly increase and compound the financial, administrative and conservation burdens of public record-keeping. Congress responded early and passed a General Records Disposal Act in 1889 to try to control the swelling tide of federal documentation.

Since then, a number of investigative commissions and general statutes have attempted to regulate the widening stream of reports, memoranda, case studies, statistics, correspondence and computer-generated records that have by now all but overwhelmed the archival profession and the public institutions devised by it to preserve evidences of past public acts. A National Archives "Technology Assessment Report," prepared in October, 1984, and appended to the Committee's Report, states that it may require 30 to 40 years to convert records images of currently held documents to computer processible form. This estimate excludes an indefinite time for preparation of the documents, indexing and quality control operations.

Although the State of Alabama established the first state archives in 1901, Con-

[1] Committee on the Records of Government, Report. Washington, DC: Committee on the Records of Government (1785 Massachusetts Avenue, NW, 20036). Pp. 191. March, 1985.

gress got off to a much later start and a national archival agency was founded only in 1934. The National Archives arrived on the scene in time to face a deluge of poorly organized records produced by hundreds of government agencies in World War II. The archivists responded by securing approval of the Federal Records Disposal Act of 1945 which, with subsequent legislation, permitted the disposal of many useless records and the establishment of records schedules to govern the disposition of voluminous housekeeping files of federal agencies.

Although the principles of the federal records management program developed in the 1940's served archivists well, they are simply unable to organize, maintain and retrieve the vast output of records in our time. The Committee's Report points to several reasons—many of them familiar to archivists all over the country—for the failure of records management techniques to keep up with the contemporary flood of records:

1. Most records managers occupy low-level posts in agency tables of organization and seldom have access to important policy documents of high-level officials.

2. Frequently, agency records are scattered about the country leaving what one researcher of the Vietnam War called "a massive paper trail."

3. Each of the Armed Services maintains its own system of record-keeping and the tendency of each branch is to keep everything.

4. Accompanying the tremendous expansion of government programs into health, housing, education, transportation, energy, the environment—as well as federalism's multiplication of all these activities in the states—came a large increase in the number of high officials serving for short periods of time with concomitant discontinuity in the responsibility for records.

5. The very complexity of contemporary records confronts archivists with knotty problems of appraisal and, as a result, millions of case files and statistical and technical reports, many on magnetic tapes, await determination of their value.

6. The idea that official acts may be accessed through resort to Freedom of Information Act applications may be leading to the destruction of certain high-level agency records. Worse, sensitive agency decisions may now be worked out on erasable electronic media leaving no record of how policies were made.

7. The dispersion of responsibility for federal records among four government agencies cripples efforts to develop and institute coherent archival and records management policies for the government as a whole.

It appears from the Committee's survey of current problems, then, that important records are either being destroyed or are inaccessible while huge peripheral files are being routinely transferred to the Archives. To make matters worse, the line drawn in 1954 by the Second Hoover Commission between archival and records management functions has divorced the Archives from current governmental activity and compounded the difficulty of its receiving records of enduring value. This segregation of archivists and records managers, legislated also in several states, raises a fundamental issue for the entire archival profession: Are public archives vital cultural institutions whose tasks, beyond filing and storage, involve genuine appraisal of public records; or are archives merely housekeepers of any and all records which official agencies see fit to send them? The same question was raised in last year's NHPRC report on the conditions of state and local archives. It is imperative that the question be resolved in favor of full archival participation in agency records programs if the American public is to continue to have historical records of its governments' actions that are worth the costs of maintaining them.

Directly related to the basic issue of archival integrity is the hydra of computer-generated records. Some 19,000 computers are currently in use all over the world in federal agencies. In response to this recent development the National Archives in 1969 began work on a General Records Schedule for data files and produced a handbook on storing computer tapes. However, the field of data processing has since gone through an explosion of applications. Computers now manage billions of transactions, are crucial to many types of research and are revolutionizing managerial and office procedures. All of this rapid change has left the archival profession nearly breathless and it is time that the implications of the computer for archival practice and principles are squarely faced.

The principal vehicles of the new electronic communications revolution are the so-called personal computers available in small, cheap packages. Some 200,000 of these instruments are currently in use in federal agencies and the Committee's Report estimates that some 11 million computer tapes are presently stored in government offices. These large numbers are indicative of the growing success of the computer revolution in government; but the significance of the personal computer for both the archival profession and the general citizenry lies in its capacity for intra-office and inter-office communications.

In a word, the office paper memorandum—that valuable, if voluminous, paper trail which, once appraised and indexed, could reveal agency policy and history—is fast becoming obsolete. Twenty-two federal agencies—inexplicably unnamed in the Report—already employ document transmission machines and tweny more use electronic filing systems. Perhaps too politely, the Report asks whether the users of these systems know how to keep necessary administrative files and how to preserve records essential to an expression of their agencies' substantive purposes. By contrast, this important issue is stated graphically by Victoria Irons Walch, in the Report's appendix on government records programs, as follows:

In an automated office . . . information is entered into a personal computer. The text is then transmitted to another work station to be read by a second individual. That person may amend or add to the text by direct entry into the machine, and then forward the revised 'document' to another work station. The text may go through several stages of review and revision before it is printed on paper, if only for internal use. Currently, those who use computer terminals or word processors for textual material have little sensitivity to the fact they are creating and destroying government records.

Electronic mail systems are now being installed in many government agencies. Since they are allocated to top officials rather than to the program itself, the most significant portions of an agency's documentation are the ones most in danger. (Report, Appendix I: "Government Records Programs: An Overview," p. 99.) Veteran archivists may find it ironic that the General Services Administration, in an effort to preserve records of permanent value, recently advised its offices to "convert to paper until something better comes along." (Report, p. 33.) A new world of archival science is adumbrated in the GSA's awkward admonition.

The electronic communications revolution is making it increasingly clear that some of the major professional interests of archivists and certain fundamental interests of a free citizenry are inextricably intertwined. One need not go so far as to suggest bad faith among public officials to recognize the dangers to both archival integrity and citizen rights that may proceed from thoughtless use of agency word processors and electronic mail machines. Both the public and its archivists have a vital stake in the preservation of the records of government acts. If the historical paper trail of agency policy development can be erased at the press of a button, the Report thoughtfully wonders, "at what point does this information constitute a discrete 'record'?" Is there an agency history in the absence of a file that can document it?

Employment of electronic media in government creates technical problems as well. Accessibility to records, for example, is only possible if the proper machine or computer program is currently available. But rapid change is the hallmark of this technology and agencies even now are installing communication systems that are not compatible with one another. Some records may be lost even to future government employees. That prospect is assured if employee filing systems for retrieval of computerized information continue to be either idiosyncratic or, what is much the same thing, so voluminous as to be pointless. The Report concedes, optimistically, that the technical problem of records retrieval intrinsic to computerized systems can be solved, but only if conditions are imposed on their creation which make them accessible in ways similar to old-fashioned paper filing systems.

Equally important for archivists in the Report's conclusion about electronic record-keeping because it adumbrates the future conditions of the profession in unmistakable language:

In the world of freestanding computers every user will in effect become his or her own file clerk, records manager, archivist, and indexer. . . . Someone will still have to separate wheat from chaff. The traditional methods for choosing what to keep and what to throw away—appraisal and scheduling—will be turned upside down, since the ease of destroying information on reusable media will not allow judgements to be made by archivists months or years later. (Report, p. 33.)

It is clear that computers possess a terrific potential for solving the main technical problems of archivists in this and the next century—administrative difficulties of appraisal, increasing costs of storage, and tricky tasks of retrieval. But it is also clear that only if the profession is able to muster effective political leadership, unity of purpose and clarity of vision will it be able to meet the current related challenges of documentary deluge and electronic records which threaten to turn archives into museums for old paper records—and not very important records at that.

Make no mistake about it? The future prospects of the archival profession are highly problematical. Judith Forston-Jones' review of current problems of records conservation, included as an appendix to the *Report*, tells us that the profession's peti-

tions have not been reaching the ears of the powerful. President Jimmy Carter, for instance, was obviously not aware that his 1979 decree fixing a 78-degrees minimum building temperature for air-conditioning would have "adverse consequences for records repositories." His successor's 1982 budget simply omitted funding for the NHPRC, an agency that Forston-Jones says "has played a major role in fostering preservation of records." (Report, Appendix II: "Conservation: An Overview," p. 112.)

These points are well taken and the Report of the Committee on the Records of Government amounts to a clarion call to action which must go out to all those persons—archivists, historians, librarians, social scientists and political leaders—who have a vital interest in the creation and preservation of public records of permanent value.●

GOLDEN STATE MUTUAL LIFE INSURANCE CELEBRATES 60TH ANNIVERSARY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. DYMALLY. Mr. Speaker, July 23 will mark a happy event for southern California business and for black enterprise. On that day Golden State Mutual Life Insurance Co. will celebrate its 60th anniversary. Golden State is remarkable both for its longevity and for the fact that it is the oldest and largest black-owned insurance company in the West.

There are many worthy reasons to praise the achievement of Golden State Insurance. First, the success of Golden State has helped to bring prosperity and stability to the black community and to the southern California community as a whole. It has been there when the community needed it. Beyond the prosperity it has brought, Golden State also has offered peace of mind to countless numbers of individuals. Those people have come to Golden State for their insurance needs and for more than half a century those needs have been satisfied. The insurance of Golden State has provided assurance to many, many families: Assurance that the family can plan for the future, that unforeseen problems will not be debilitating. That confidence is something that cannot be measured simply in dollars and cents. Rather, that confidence must be seen as providing the bedrock on which families and communities have built their lives.

Golden State Mutual Life Insurance Co. is truly a significant part of black history. I am particularly pleased to point out to my fellow Members of Congress that Golden State has not only been a part of black history and culture, but has tried to preserve that history and culture as well. I hope that any Members who find themselves in southern California this weekend will take a moment to join in the festivities at company headquarters at 1999 West Adams Boulevard, Los Angeles. Those of you who do drop in will be rewarded with the chance to view the company's highly acclaimed collection of Afro-American Art.

For its efforts to preserve and enhance black culture, for the prosperity it has brought to our community, for the sense of security it has provided for our families and businesses, we salute Golden State Mutual Life Insurance Co. on its 60th anniversary. May the next 60 be even more rewarding than the last 60.●

THE 20TH ANNIVERSARY REUNION OF EX-PRESIDENT LYNDON B. JOHNSON'S FRIENDS, AIDES, AND SUPPORTERS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. LELAND. Mr. Speaker, earlier this year the 20th anniversary reunion of the friends, aides, and supporters of ex-President Lyndon B. Johnson was held in Austin, TX. A focus of the reunion was President Johnson's outstanding efforts in the area of civil rights. President Johnson's civil rights achievements are virtually forgotten today, buried under criticisms of Vietnam and other domestic issues. It is important for us as a nation, aspiring to the ideals of freedom and equality, to remember President Johnson's courage and leadership in the fight for civil rights.

I am enclosing for the RECORD a copy of an article that recently appeared in Jet magazine concerning the momentous reunion. I urge my colleagues to read this important article.

20 YEARS LATER: THE UNTOLD CIVIL RIGHTS LEGACY OF LYNDON B. JOHNSON

(By Simeon Booker)

On his first night at the White House, the late President Lyndon B. Johnson lay on a bed "bigger than the state of Wyoming" and talked for hours about continuing the civil rights efforts of fallen President John Kennedy. Recalled ex-aide Jack Valenti, "He was already painting the canvass."

During his first seven days, LBJ called every major civil rights leader to the White House. His ex-press secretary Bill Moyers commented, "There grew in his mind a decision to make equal justice and equal opportunity the first and primary chief theater of action for his administration."

After LBJ used the words "we shall overcome" in his first congressional message, NAACP Secretary Roy Wilkins rushed to the White House. "I cried," he was quoted as saying, "and from then on I loved Lyndon Johnson."

An outpouring of tributes for the man and his social welfare programs, and an inspirational reclaiming of brotherhood—for just two days—in the heart of Texas marked a unique 20th anniversary gathering of President Johnson's "Great Society" mainstays. Scores of strategists, program assemblers, appointees, apostles, and insiders convened to analyze the contributions of the nation's first Southern president in 100 years.

The site was the gleaming Lyndon Baines Johnson Library on the campus at the University of Texas in Austin. The hostess was former First Lady Ladybird Johnson, who took pains to add the homey LBJ touch—a gospel sing by a mixed 500 person choir at a downtown theater. The hundreds of guests were serenaded and sang Amazing Grace as they marched from the theater to a tent barbecue supper at the family ranch.

After two days of far ranging discussion, the only "Great Society" advance that seemed to escape criticism involved civil rights. The President, who was "angry and hurt" when Black delegates protested his vice presidential selection at the 1960 Los Angeles Democratic National Convention, and then later in a meeting had promised "to do more for you (Blacks) in four years than anyone else in a 100 years," had achieved his goal.

The centerpiece of his civil rights composition was his blockbusting drive for passage of the Voting Rights Act. A flurry of legislation involving health, education, employment and housing, much of it emanating from the Harlem Rep. Adam Clayton Powell who chaired the Education and Labor Committee, brought hope and opportunity to millions.

"Did the 'Great Society' fail?," asked former HEW Secretary Joseph A. Califano, Jr., in a key address. Excerpts from his speech included:

Ask the 11 million students who have received loans for their college education whether the Higher Education Act failed.

Ask the 4 million Blacks who registered to vote in 11 Southern states, and the 6,000 Blacks who held elective public office in 1984 whether the Voting Rights Act failed.

Ask the 8 million children who have been through Head Start whether the Poverty Program failed.

Contended Califano, "Perhaps no better examples exist than the changes brought about by health laws, civil rights statutes and consumer legislation."

Anecdotes about the sometimes earthy, sometimes sentimental sometimes mean chief executive permeated the speeches and commentary. Guests also swapped stories about the "master politician" who used a lifetime experience to "roll the boulder a few inches" to help little people.

"I'd like to play teacher and on grades would give Lyndon Johnson an A and Ronald Reagan an F," said panelist Vernon Jordan, former Urban League director, who now works as a lawyer.

Historian John Hope Franklin described the Voting Rights Act as the beginning of a "political revolution."

How LBJ desegregated the faculty club at the University of Texas is a gem. For a New Year's party, he showed up with his Black secretary, Gerri Whittington. "Does the President know what he is doing," someone asked Bill Moyers who quipped, "He knows." The next day when a club member asked if he could bring Black guests, a club official answered "no problem."

After LBJ's appointment of Blacks to high office, which indicated "the sending of a message to America that a new day is dawning," according to former aide Louis Martin, LBJ took pride in the naming of Andrew Brimmer to the Federal Reserve Board of governors. Martin recalled that at a White House meeting, Sen. Russell Long (D., La.) had agreed the Brimmer's creden-

tials were superior to those of his candidate. Continued Martin: "Shortly thereafter, Long discovered that Brimmer was Black. He called, in a state of shock and asked, 'What am I going to tell my people?' LBJ said, 'Tell them Brimmer is from Louisiana.' "

Not all of the speech-making was glowing, one of the major fears was the warping and dilution of LBJ's accomplishments. House Labor and Education Committee Chair Rep. Augustus Hawkins (D., Calif.) warned that the news media's failure to report the continual erosion of funding for the social welfare programs keeps Americans unaware of the fact. He said, "If we meet here five years from now, 10 years from now, there isn't going to be anything to critique because nothing is going to be left."

After delivering an inspiring keynote speech, former Texas Congresswoman Barbara Jordan, now a university professor, questioned how "a major anniversary (such as this) could be celebrated with a national conspiracy of silence."

Said Jordan: "The LBJ legacy continues to enrich our lives. He saw the enemy and the enemy was not government. The enemy was ignorance, poverty, disease, ugliness and discrimination. He believed that it was the duty of government to defeat the enemy."

Crowed a Black observer, "Every time I see a newspaper picture of Thurgood Marshall on the Supreme Court, I say 'God, thank you for LBJ.' "●

WAGING BATTLE AFTER BATTLE, AND WINNING

HON. JAMES A. TRAFICANT, Jr.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. TRAFICANT. Mr. Speaker, I rise today to salute Steve Evans, a 17-year-old graduate of Rayen High School in Youngstown, OH, who has fought and won battle after battle with kyphoscoliosis and neurofibromatosis, a condition that first affects the spinal system.

Steve is a courageous young man who, with the help of today's technological advances at the Cleveland Clinic and the dedication of his parents, has adapted to a life with a disorder that robbed him of the use of his legs in 1981. Despite a 10-hour operation to reduce the pressure on his spinal cord in 1982, a permanent tracheostomy, and dependence on a ventilator, Steve has successfully completed high school and will study political science under the faculty of Youngstown State University.

Steve is the son of Ronald and Betty Evans, parents who demonstrate a tremendous amount of support, care, guidance, and courage as the family deals with the challenges facing Steve. The extraordinary efforts of Ronald and Betty Evans have enabled Steve to live at home and pursue his studies under the direction of Dawn Gresko, Steve's tutor and friend.

Steve and all those who work with Steve as he confronts each day represent an inner strength and confidence that few of us know, but we all desire to learn. It is appropriate that we salute Steve today and recognize that needs and accomplishments of so many who find themselves in similar circumstances. We must promise ourselves that this Congress and Government will continue their efforts to facilitate such victories and accomplishments as we witness in Steve Evans.●

THE AIDS EPIDEMIC

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. WAXMAN. Mr. Speaker, 3 weeks ago, I reported to my colleagues in the House that the Department of Health and Human Services had not yet transmitted to the Congress its amended requests for AIDS resources. I need not remind my colleagues of the administration's previous record on this matter: This is the third year that the administration has openly neglected or refused to give the Congress the benefit of the public Health Service's scientists' professional judgment of what is needed to control the epidemic. I do, however, want to take this opportunity to state that I am extremely dismayed that after telephone calls, staff contacts, and committee hearings, the administration still has not given us the experts' assessments of the resources and personnel that are required.

Clearly the administration's original request of a freeze level and a cut was artifically constructed. No one can seriously propose that the amount of money needed to perform research and epidemiological work on an epidemic of 5,000 cases—as it was at the beginning of fiscal year 1985—is the same as that needed for an epidemic of 40,000 cases—as it will be by the end of fiscal year 1985.

In fact, not even the administration has defended this freeze/cut before Congress. Witnesses since February, when the President's budget was first sent to the Hill, have responded to questions not by saying, "These numbers are defensible," but rather by promising "to review the budget for needed revision."

It is this review that I believe the Congress now must insist upon. The Appropriations subcommittee will resume its markup for fiscal 1986 shortly. Members from both sides of the aisle who sit on that subcommittee have assured me that they are aware of the increasing severity of the AIDS epidemic and that they will make every effort to recommend to the full House that adequate funds be appropriated for next year.

I believe, however, that Members who make such efforts and who serve on committees overseeing public health activities deserve the background of the PHS scientists' opinions, and not just those of budget officers and political appointees. The President's budget policy speaks loudly for itself in addressing competing needs and priorities. the scientific recommendations have been drowned out.

Mr. Speaker, I submit the following statistics for the week ending July 14.

ACQUIRED IMMUNE DEFICIENCY SYNDROME [AIDS] WEEKLY SURVEILLANCE REPORT, JULY 15, 1985, U.S. CASES

	Reported cases	Reported deaths
Adult/adolescent	11,592	5,712
Pediatric (under 13 at diagnosis)	145	102
Total	11,737	5,812
Age of AIDS patients:		
Under 13	145	
13 to 19	63	
20 to 29	2,466	
30 to 39	5,569	
40 to 49	2,442	
Over 49	1,052	
Total	11,737	
Residence:		
New York	4,249	
California	2,696	
Florida	808	
New Jersey	727	
Texas	580	
Pennsylvania	241	
Illinois	240	
Massachusetts	223	
Georgia	187	
District of Columbia	186	
Maryland	149	
Puerto Rico	136	
Connecticut	130	
Louisiana	128	
Washington	128	
Virginia	102	
Colorado	88	
Ohio	77	
Michigan	72	
North Carolina	56	
Missouri	54	
Arizona	53	
Indiana	40	
Hawaii	38	
Oregon	36	
Minnesota	30	
South Carolina	27	
Alabama	26	
Kentucky	26	
Wisconsin	25	
Tennessee	22	
Oklahoma	19	
Rhode Island	17	
Delaware	14	
Nevada	14	
Utah	14	
Iowa	10	
New Mexico	10	
West Virginia	10	
Other States/territories (11)	49	
Total		11,737●

NEGOTIATING WITH THE SOVIET UNION ON ARMS CONTROL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. FASCELL. Mr. Speaker. I want to announce to all my colleagues the next Foreign Affairs Committee arms control workshop on Tuesday, July 23 at 10 a.m., in room 2172 Rayburn. The subject of this workshop will be Soviet

attitudes and objectives in arms control negotiations. The guest experts will be former Ambassadors Jonathan Dean and Raymond Garthoff who both have experience in negotiating for our country with the Soviet Union on arms control issues. All members are invited to attend this workshop which will be an informal, off-the-record discussion with these two guest experts.

As Members know, Raymond Garthoff and Jonathan Dean are both arms control experts who have negotiated directly with the Soviet Union at the SALT negotiations, the MBFR talks, and the Four Power Berlin Agreement. As a matter of fact, Jonathan Dean's experience spans 10 consecutive years of negotiating with Soviet officials. They are both former ambassadors. Raymond Garthoff is currently a senior fellow at Brookings and Jonathan Dean is an arms control adviser for the Union of Concerned Scientists. Their background, insights, and analysis should be very helpful in understanding this important topic of Soviet objectives and attitudes in arms control negotiations. Their perspective should also be useful to us in taking a critical look at our own role, the role of Congress, in arms control negotiations with the Soviet Union. As Congress seeks a more active role in arms control issues, it is important that members of Congress search for responsible ways of asserting leadership on arms control while keeping a keen eye on exactly how such expressions of congressional interest affect our country's position in current arms control negotiations. I suspect that Jonathan Dean and Raymond Garthoff will have some challenging views for us on the Soviet role and our own role in negotiations.

The Committee on Foreign Affairs is sponsoring a series of these arms control workshops in cooperation with the Congressional Research Service as part of a comprehensive review of arms control issues. This July 23 workshop with Jonathan Dean and Raymond Garthoff will be the sixth in this series.

Personally, I am very pleased that these two experts have agreed to join us for this workshop. I am looking forward to their presentations and an engaging exchange of views with them. I want to make sure that all my colleagues know of this workshop since they are most welcome to attend and participate. ●

CYPRECO HOLDS FOLK FESTIVAL IN QUEENS COUNTY, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. ACKERMAN. Mr. Speaker, I rise today to bring to the attention of my colleagues the Cypriot Emmigrants Cultural Organization's annual National Heritage Folkloric Festival, which will be held in Queens County, NY, from July 18 through July 25.

Through this annual festival, the entire New York community has had a wonderful opportunity to experience the food, customs, and folk art of the ancient and proud island of Cyprus. Cypriot-Americans have reason to be proud of their noble heritage, and of the invaluable contributions they have made to the Queens community and to the United States as a whole.

Mr. Speaker, our Nation's culture is rich in diversity. Our freedoms, our spirit of tolerance and our vitality are products of the many backgrounds and ancestries woven into the fabric of American life. We in Queens are proud of our vibrant Greek community and privileged to share in its culture and color through this delightful Fokloric Festival. This year's gala event will include several unique exhibitions and displays of sights and clothing of Smyrna, a Turkish city that maintains in its culture an unmistakable Greek flavor.

The board and the membership of CYPRECO deserve our warmest praise for bringing this experience to Queens. CYPRECO's president, Elena Ioannou, deserves special thanks for her tireless work and abundant creativity in putting together this exciting festival.

Mr. Speaker, I would like to ask all of my colleagues in the U.S. House of Representatives to join with me now in commending the officers and members of CYPRECO for its many years of service to both the Cypriot community and the entire New York area. ●

GUATEMALA MOVES TOWARD CIVILIAN RULE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. BARNES. Mr. Speaker, I wish to share with my colleagues some information that I have received from the Embassy of Guatemala concerning that country's progress toward civilian rule. While Guatemala still has many hurdles to cross before democracy is a reality, I know that we are all very supportive of this process and hope that it continues. I know that many of us are also very appreciative of the constructive role that Guatemala is playing in the Contadora process, which is also described in these documents.

Unfortunately, human rights violations continue, although on a smaller scale. During the past few months, two of the directors of the Mutual Support Group, the first human rights monitoring organization ever established in the country, were found murdered. I am therefore convinced that only if Guatemala curtails human rights abuses and achieves genuine civilian rule can our two countries have the close relations that we both desire.

The information follows:

INFORMATION FROM THE EMBASSY OF GUATEMALA

Guatemala is engaged in a serious effort to create a new constitutional order, based on a strong belief in democratic principles and on a profound adherence to the values of the Western Civilization.

Fragile political institutions are being strengthened, and conditions for free and pluralistic elections—due to take place on November 3rd of this year—are being stimulated. Indeed, there is a very dynamic political process currently evolving in Guatemala.

More than ten political parties, representing a broad spectrum of ideological positions, are actively participating in that process. Some of them stand for the traditionally conservative groups, several new parties expose centrist views, and others, like the Christian Democrats and the Social Democrats situate themselves to the left of center.

The participation of the Social Democrats is an important indication of the actions that the present Government has taken to bolster the democratic process. The Head of State of Guatemala, General Oscar Mejia Victores, went to Costa Rica on December of last year to meet with the leaders of the Socialist Democratic Party (PSD), who were there in self-imposed exile and who not long ago were supporting the Marxist guerrillas, to invite them to return to Guatemala and to offer guarantees for their participation in the political process to be respected. After that meeting, the Socialist Democratic Party Congress decided to return to active political life in Guatemala, a decision that has been praised and welcomed by the government and by important political forces in the country.

A significant component of the political opening is the fact that responsibility for electoral matters, ranging from the registration of voters, and the registration of political parties, to all the logistics of elections (organization of polling places, computerized vote count, etc.) rests on an autonomous Electoral Tribunal, established in 1983, and whose members were chosen by the Supreme Court of Justice from a list of candidates provided by a non-governmental committee (which was composed of the Rectors of all the Universities in the country, Deans of Law Schools, and the Chairman of the Bar Association). The independence of the Electoral Tribunal—a key factor in the democratic process—has been recognized by every political force in Guatemala.

A National Constituent Assembly was elected in July of last year with an encouraging 72% vote turnout. The parties that won the majority of the seats (65 out of 88)

in that election were the Christian Democratic Party, the Union of National Center (a new political organization), and the Movement of National Liberation (conservative).

There was no government interference in the work of the Assembly, where a healthy debate on a number of important issues took place. That there is a forum for national dialogue is in itself a healthy development for a society attempting to overcome the vicious cycle of violence and polarization. Moreover, the Assembly has concluded drafting the new Constitution, and a final vote on the full text will take place on or before May 31st.

The Government officially announced an electoral calendar last February. The elections for President, Congress and Mayors will be held on November 3rd of this year, and the new President will be sworn in on January 14th, 1986. This electoral calendar, which has the support of the major political parties in the country, was agreed upon by the Head of State, the National Constituent Assembly, and the Electoral Tribunal. Such an agreement underscored the Government's commitment to provide Guatemala with democratic institutions, which may in turn foster a peaceful approach to solve the grave social and economic problems that the country is confronting.

The Guatemalan economy, structurally vulnerable to international trends, has been severely affected since the late seventies by the world recession, which brought commodity prices for the country's main exports down. This, coupled with a growing insurgency in the early eighties, caused investments and tourism to decrease. By now, although the insurgency has been successfully defeated, Guatemala faces a large fiscal deficit, as well as a serious lack of foreign exchange that affects every sector of the economy. An economic recovery has yet to come, and it will be very difficult without external assistance, both bilateral and multilateral.

The democratic process has been evolving within an environment where violence persists. Nevertheless, the present Government strongly believes that it is precisely through the development of a free and open political process that the levels of violence can decrease, something that is indeed taking place. In addition, the Government is taking all the necessary actions to prevent acts of violence, and is committed to create a peaceful environment in the country. In the area of Human Rights there has been constant progress, and it has been recognized by the United Nations' appointed Special Rapporteur, Lord Colville de Culross in his various reports, as well as by the United Nations' Commission on Human Rights. The State Department, in its 1984 Human Rights Report, presents a balanced and objective appraisal of the situation in Guatemala. Moreover, a number of international Human Rights groups, including Amnesty International and the Interamerican Human Rights Commission (IHRC), have recently visited Guatemala. They were invited by the Government to assess the situation in situ, instead of relying on distorted and sometimes false information provided by the Marxist guerrillas through their network of supportive organizations abroad.

Finally, Guatemala's foreign policy of constructive neutralism on regional affairs and of full support for Contadora, is in accordance with the Government's respect for the principles of International Law, and has had a positive effect in invigorating and reinforcing internal trends. Furthermore, the motivations and the policies of the present Government are consistent with the "Document of Objectives" agreed upon by the five Central American countries within the framework of the Contadora process. The Guatemalan Government considers of great importance the development of genuine processes of internal reconciliation in every Central American country, as well as the encouragement of demorcatic systems where political pluralism is guaranteed and Human Rights are fully respected. Likewise, the Head of State, General Oscar Mejia Victores, has visited every country in Latin America where a civilian President has been inaugurated. These actions are undoubtedly strengthening Guatemala's democratic process.●

OUTSTANDING ACHIEVEMENTS OF "SHELTERED WORKSHOPS" PROGRAM

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. VENTO. Mr. Speaker, I am pleased today to recognize the considerable achievements of the Sheltered Workshop Program. It is certainly reassuring to know that such a fine program exists to serve the needs of disabled individuals. Unfortunately, many handicapped persons have not had the opportunity in the past to fully develop their skills and talents. Community based sheltered workshops enable many handicapped and disabled persons to become productive and self-sufficient.

Sheltered workshops offer vocational skill development through individualized work training and through supportive employment services which help these individuals to realize their full potential. Additionally, the Sheltered Workshop Program instills a strong sense of pride and self-respect in its participants.

One such sheltered workshop is administered by the Goodwill Industries, Inc., and the Easter Seal Society of Minnesota. For the past 65 years, Goodwill Industries has worked to improve the quality of life for thousands of disabled and handicapped Minnesotans. Their rehabilitation services have been recognized as among the best in the Nation. Recently, they were cited for their numerous achievements in a study commissioned by the Minnesota Legislature. The legislature's study also found that their sheltered workshop clients earned salaries which were 50 percent higher than the statewide average.

Clearly, the story of sheltered workshops is a success story. They demonstrate that through vocational training programs and strong employment support services that handicapped individuals can be fully productive members of our communities. Sheltered workshops in Minnesota and across the country deserve our recognition and praise for their continuing efforts to enhance the lives of handicapped persons.●

RANGEL AND HIS RELATIONSHIPS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. RODINO. Mr. Speaker, it was Shakespeare's Mark Antony who said: "The evil that men do lives after them, the good is oft interred with their bones." Such is often the fate of many of us who are politicians, with the media always sniffing for shortcomings, mistakes, or abuses. For good reason we sometimes feel unjustly battered and beleaguered.

There are times, however, when one of our colleagues receives some well-deserved praise and recognition. It is only fitting, therefore, that we take note of such an occasion. For that reason I am pleased to include in this RECORD an article which appeared in the New York Times profiling our friend and colleague CHARLES RANGEL. As a longtime friend and admirer of CHARLIE'S, I am happy to share this article with my colleagues. The article highlights some of CHARLIE'S many accomplishments and explains what makes him one of the most respected Members of this body.

I came to respect and admire CHARLIE when he served with me on the Judiciary Committee during the tense and unforgettable days of the impeachment hearings. Since then, we have been actively working together on a number of issues of common concern, especially on the problem of narcotics and drug abuse. As chairman of the Select Committee on Narcotics Abuse and Control, CHARLIE has spearheaded efforts in the national war against illicit drugs, and has done much to bring this problem to the forefront of national attention. His political career has been characterized by a commitment to social justice and a belief in developing fair and equitable legislation. CHARLIE has a deep and abiding respect for his colleagues and for the institution in which he serves; and while he may disagree with some of us on some matters—as would be expected of each of us—he is never disagreeable.

The profile, as printed in the New York Times of June 30, 1985, follows. I am glad to share it.

[From the New York Times, June 30, 1985]

RANGEL AND HIS RELATIONSHIPS

(By Stephen Engelberg)

WASHINGTON, June 29.—Representative Charles B. Rangel has been giving some

thought lately to the plight of America's rural letter carriers.

It seems the men and women who deliver mail to the nation's backwaters are unhappy that their tax returns are being audited because of a dispute over deducting vehicle maintenance costs as personal business expenses. And so Mr. Rangel's Ways and Means subcommittee heard testimony by witnesses hailing from, among other places, Alabama, Virginia and Georgia.

Mr. Rangel also met recently with 15 members of Congress from tobacco states. They hope to save the tobacco price-support program by underwriting it with higher cigarette taxes, a move that would have to be approved by the Ways and Means Committee. "He hasn't made any commitments, but he promised us we would get a fair hearing," said Representative Charlie Rose, Democrat of North Carolina.

No groups of supplicants could be less connected to Mr. Rangel's Manhattan district. But his willingness to hear their problems, and to help, illustrates how the eight-term Democrat has forged alliances with colleagues who share neither his bedrock liberalism nor his Northeastern roots.

Those relationships have made Mr. Rangel one of the rising powers in the House. And he hopes they will help his current bid for election to the post of Democratic whip, the third-ranking position in the House leadership.

The race for whip has already begun and many of the candidates, including Mr. Rangel, are actively campaigning.

Representative Tony Coelho, the Californian who is chairman of the Democratic Congressional Campaign Committee, is the acknowledged front-runner. Senior Democrats say, though, that Mr. Rangel's personal popularity and reputation as a legislative craftsman mark him as a serious contender.

"He has a range of relationships throughout the House, which is very unusal," said James M. Shannon, a former member of Congress who served on the House Ways and Means Committee with Mr. Rangel until 1984. "A lot of people stay close to their ideological soul mates or their geographic soul mates. Charlie cuts across those lines."

Mr. Rangel, the fourth-ranking Democrat on the Ways and Means Committee, has managed to serve as a bridge between two groups sometimes at odds. he is on good terms with the House leadership, especially the Speaker, Thomas P. O'Neill Jr., with whom he has a warm relationship. He is also an active member of the Congressional Black Caucus, which frequently prods the Democratic Party on various issues.

"Charlie Rangel doesn't have a confrontational style," said Representative Samuel S. Stratton, Democrat of Albany, the dean of the New York delegation. "As a result, people here are more inclined to deal with him, work with him and go to him for advice."

Mr. Rangel was the first black appointed to the Ways and Means panel in 1975, and he has been a consistent advocate since then for tax changes that would aid the working poor. If elected whip, he would be the first black to win that post.

John E. Chapoton, a former Assistant Secretary of the Treasury, recalls how Mr. Rangel persuaded the Reagan Administration to change its position on a tax credit for earned income that was intended to lower the tax liability of the working poor.

According to Mr. Chapoton, Mr. Rangel pointed out that the Administration in previous tax bills had supported adjusting other aspects of the tax code to take account of inflation, but not this credit. He suggested that the Administration would take a political beating if it was perceived as insensitive to the needs of millions of low-income people.

"He made a hell of a good case about the equities, and he was right on the politics of it as well," Mr. Chapoton said. "I have the greatest respect for Charlie Rangel."

Veteran members of the House say that a key element in the continued success of any legislator is the ability to make compromises without bruising egos. It is a technique Mr. Rangel seems to practice proficiently.

Last year, for instance, Representative J.J. Pickle, a Texas Democrat, introduced a bill that would make it more difficult for local governments to take advantage of depreciation and other tax deductions by paying private companies to build public facilities and then leasing them back.

The bill, if it had become law, would have complicated projects planned by New York City and several other areas to build and lease plants that would turn garbage into steam.

Mr. Rangel, according to House aides, began lobbying for a compromise that would protect the projects, but Representative Dan Rostenkowski, chairman of the Ways and Means Committee, was reluctant to allow the exemption.

It became clear, aides say, that there were sufficient votes in the committee to prevail upon Mr. Pickle and Mr. Rostenkowski, but Mr. Rangel opted instead for compromise language.

"A younger member of Congress would have brought it to a vote," said a source familiar with the deliverations. "He would have won it, and then lost the chairman and Mr. Pickle for good. This way, it was all done by voice vote and everyone went away happy."

Several members of Congres said they valued Mr. Rangel's ability to lampoon himself.

"Charlie takes his job seriously, but he doesn't take himself seriously," said Patricia Schroeder, a Colorado Democrat.

In a recent interview, Mr. Rangel suggested that his own family was not overly impressed with his august station. The conversation turned to the case against John A. Walker Jr., the man whom his ex-wife, eight years after their divorce, accused of spying.

Mr. Rangel said that were he a spy, his wife, Alma, would not hesitate nearly that long. Imitating her voice, he said: "This is too much. Our children should have a spy for a father? It's bad enough he's a Congressman."●

INTRODUCTION OF SMCRA INCREMENTAL BONDING AMENDMENT

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. MURPHY. Mr. Speaker, citing legislative history in order to render judgment in legal proceeding has been described by at least one Federal judge as looking out over a crowded room and recognizing your friends.

Apparently, Judge Flannery of the Federal district court here in Washington, DC, did just that recently, interpreting the bonding provisions of the Surface Mining Control and Reclamation Act of 1977 [SMCRA] in a way totally inconsistent with the intent of the Interior and Insular Affairs Committee and the House. (In re: Permanent Surface Mining Regulation Litigation.) Obviously Judge Flannery has more friends in the Senate than the House since he relied only on part of the Senate record in reaching his decision.

SMCRA requires surface mine operators to obtain a permit and post a bond for all surface mining operations. The permit has a 5-year term and basically lays out a plan indicating the extent and area of mining activity contemplated for the next 5 years. In most cases only small portions of the 5-year permit area are mined initially or at any one time.

As drafted, SMCRA provides for incremental bonding of portions of the much larger 5 year permit area, upon which surface mining will actually be initiated and conducted. The approach, stipulated in surface mining regulations and consistent with the reasoning of the House, allowed the small operators, who are so prevalent especially in the Eastern coal fields, to continue their small, often marginally profitable, operations. With incremental bonding, operators could mine and reclaim as they go, over smaller increments of their total permit area. In this way, small operators did not have to raise large amounts of capital to post a bond covering the entire area they could conceivably mine, under ideal conditions, over 5 years.

Judge Flannery in his decision memoranda for the Permanent Surface Mining Regulation Litigation, ignored the agency's expertise in promulgating regulations and the House's legislative intent in his opinion requiring a reclamation bond for the entire area to be mined during the 5-year permit term. The judge's decision, if upheld on appeal, is a potentially severe setback to the already hard hit coal mining industry and an unwarranted attempt to rewrite legislation in the courtroom. In order to preserve jobs and coal production in the still depressed coal mining areas of my district, throughout the Appalachian region, and in the Western coal fields, I have drafted an amendment, to remedy this unexpected an unnecessary interference by the courts.

Let me make it clear that I have supported, and will continue to support, essential mining restrictions that Congress has imposed to protect the health and safety of miners, to safeguard the environment, and to require reclamation of strip mined land. These are vital protections which reflect the

careful consideration of the Congress and they enjoy strong public support. These legislative constraints were well reasoned and carefully drawn to accomplish the dual purpose of providing protection and encouraging production. Quite frankly, I resent it when one person in authority, however competent, purports to tell us what we meant to say. I believe this is an attempt to fashion a rule of law so as to achieve a particular result and that, by any definition, is legislating not adjudicating.

I know that many Members of the House are as concerned as I am about the state of coal mining today. I would therefore like to give my colleagues the opportunity to join with me on this simple amendment which would ensure that bonding provisions of the Surface Mining Control and Reclamation Act of 1977 continue to be interpreted as they were originally drafted.●

INTRODUCTION OF A RESOLUTION TO MITIGATE THE DAMAGE THE UPCOMING EUROPEAN COMMUNITY ENLARGEMENT WILL CAUSE AMERICAN TRADE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. STARK. Mr. Speaker, in January of this year Spain and Portugal will accede to the European Community, bringing the membership to 12 states. This enlargement, in turn, will have profound effects on American trade. American exports stand to be displaced on both the Iberian Peninsula and in Western Europe. Many American exports will be subject to higher tariffs as Spain and Portugal adopt the common external tariff now held by the 10 other states in the European Community. At the same time trade between the two new members and the present Community will be relatively less expensive as tariffs between these countries will be gradually eliminated. Directly at stake is the U.S. 1984 exports of $3.45 billion in trade with Spain and Portugal, but also 47 billion dollars' worth of American goods presently exported to the EC will be adversely affected by this removal of tariffs between the Iberian Peninsula and Europe and the adoption of new policies to accommodate the new members.

Although it is difficult to determine the exact amount of damage to American trade, it is certain that the American agricultural sector will suffer most as Spain and Portugal will adopt the European Common Agricultural Policy [CAP], which will be amended with their inclusion. Specifically, the feed grains and vegetable oil sectors are expected to feel the greatest impact. If the EC's proposed grain preference plan is implemented, the United States stands to lose a large portion of the 5-7 million metric tons generally exported each year to Spain and Portugal. The Portuguese have already guaranteed the EC at least 15 percent of their grain purchases, which will come directly out of the pockets of American farmers—Portugal presently imports about 100 percent of her grain from the United States. U.S. oil seed exports to the EC-10 will be threatened as Spanish olive oil will give the entire EC a surplus of oils. The Europeans have proposed new tariffs and subsidies to dispose of this surplus. Other agricultural areas where we are likely to lose exports include almonds, tobacco, fruits, cotton, and vegetables.

The Europeans may attempt to justify the American agricultural losses by claiming that they will be offset by the reduction of Spanish and Portuguese industrial tariffs. This is a rather unconvincing argument, and it is important to remember that this was the same argument advanced when Greece joined the EC in 1981. The Europeans even claimed $100 million in restitution in an attempt to counteract the American claim for $18 million in trade damages. The General Agreement on Trade and Tariffs [GATT] stipulates that states adversely affected by the formation of customs unions are entitled to restitution. Ultimately, no one was compensated, but one fact is certain: U.S. trade to Greece has fallen by approximately 70 percent since accession. The strong dollar partially accounts for this decline, but accession was certainly significant.

In light of these facts, I am introducing a House joint resolution requiring the U.S. Trade Representative to report to the Speaker of the House and the President of the Senate within 60 days of the resolution's date of enactment on the effects the upcoming accesion will have on U.S. trade. Furthermore, the resolution requires the development of negotiating strategies and positions to prevent the loss of market share due to accession or to obtain compensation.

Between 1980 and 1984 U.S. agricultural trade to the EC fell by 32 percent. We must see if future losses can be avoided.●

VETERANS MEMORIAL SERVICE, PARADE HELD IN QUEENS COUNTY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues a very special memorial service and parade which will be held in Queens County, NY, on July 20, in honor of the many brave men who fought and died in Vietnam.

Members of the Veterans of Foreign Wars, the American Legion, Jewish War Veterans, and Queens Vietnam Veterans of America will gather to recall their comrades who fell in battle, as well as the sacrifices of those who were enough to return home. A memorial service for those who died in combat will be held at St. Lukes Church in Whitestone, followed by a parade to the Whitestone Memorial.

Mr. Speaker, it is with deep gratitude and great pride that I rise today. We in Queens continue to remember and honor the Americans who fought bravely in Vietnam, and the many who sacrificed their lives so that others might live in freedom.

For many years, America tried to forget about the Vietnam war, to wipe it from our memories because the confusion and frustration were too overwhelming. The public was disillusioned and embittered. And so our veterans came home to a cold or indifferent welcome. The men who had proudly risked everything for their country, some of whom were injured or maimed in that cause, came home to blank faces and cold treatment.

Only recently, a full 10 years after the fall of Saigon, has our Nation begun to honor these veterans—these men who so richly deserve honor, and who have purchased it at so high a cost. I would like to take this opportunity to thank Mr. Andrew Sich of the Queens Chapter No. 32 of the Vietnam Veterans of America, who organized this event, coorganizers Carmine Lepaso and Harry Weiss, all of the veterans participating in this meaningful service and parade, and all of the brave men who left their loved ones, their jobs and their comfortable lives in America to serve so bravely and selflessly in Vietnam.

Mr. Speaker and distinguished colleagues, this event in Queens will enable the Vietnam veterans in our community to unite with one another in rememberance of their fallen comrades. And it will allow the rest of us to express our gratitude to these brave Americans and our pride in their courageous service.

Mr. Speaker, I would like to take this moment to ask all of my col-

leagues in the U.S. House of Representatives to join with me in honoring the Vietnam veterans of Queens County, NY, on this very special day.●

NEW HEALTH PLANNING BILL

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. WAXMAN. Mr. Speaker, today it is my pleasure to introduce new health planning legislation. I believe that this bill represents a sound course of action that draws on two decades of Federal experience in health planning.

The debate over how to reauthorize the health planning program has continued for several years without resolution. I believe our failure to agree on the future of health planning is not surprising in light of the controversial job Congress gave to health planning. Saying "no" to hospitals, nursing homes and other health care facilities that want to expand, or telling a provider that some people don't have access, evokes strong emotions on all sides.

While we haven't agreed on the long-term purpose and functions of health planning, I believe there is a consensus that there must be limits on the growth of health care facilities and services and there must be better access to those that do exist. We can't afford to duplicate expensive new technologies when we are faced with pressure to increase premiums and copayments for Medicare beneficiaries and to freeze provider payments. We can't afford unnecessary hospital beds in a community when the Census Bureau tells us there are 35 million Americans without health insurance.

States are equally concerned about restricting the growth and cost of hospitals, nursing homes and other facilities. During the last couple of years, almost half the states have established moratoriums on some types of new building through their certificate of need [CON] laws.

In brief summary, the bill is a 1-year extension with considerable new flexibility for States. State participation would be voluntary; hospital capital expenditure thresholds could be significantly higher; and those States opting for Federal funds could decide whether to have local planning agencis and determine the role those agencies would have in the State certificate of need process. Authorizations are a freeze of this year's appropriations.

This bill provides a 1-year authorization for a streamlined health planning program. I am taking this approach because I believe fiscal year 1986 is the time to decide on the long-term future of controls on hospital capital expenditures. Let me explain.

In the Social Security reform bill of 1983, Congress established the new Medicare prospective payment system for hospital operating costs. Congress did not, however, change the Medicare cost reimbursement system for hospital capital expenditures because there was no consensus on how to change it. However, because the current cost reimbursement system is inflationary, the Social Security bill did set October 1, 1986, as a deadline when Congress must either change the payment system for capital or all States will be required to have mandatory hospital capital expenditure review programs—like the current state CON programs—in order for hospitals to get Medicare reimbursement for their capital expenditures.

Changes in Medicare reimbursement for capital expenditures will have a major impact on hospital capacity and how States attempt to control it through their own Medicaid and certificate of need laws. I believe our decision on Medicare should be coordinated with our final resolution of how health planning and certificate of need programs function and what they should cover.

There are numerous options under consideration now, some of which involve controls on hospital capital expenditures. It would be unwise to eliminate or dramatically alter the health planning and CON programs 1 year before they might be made mandatory. This bill lets states choose to participate during the next year and to streamline their programs.

This legislation will maintain the stability of our health planning program for at least one more year until we can make these broader decisions about Medicare and the way we control hospital capital expenditures.●

HEE KWON KOO, COMPLETES CONGRESSIONAL FELLOWSHIP

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. DYMALLY. Mr. Speaker, for the past 4 months my office has had the pleasure of hosting the congressional fellowship of Mr. Hee Kwon Koo. Since coming to the Congress in the 97th session, my office has participated in an agreement with the National Assembly of the Republic of Korea under which staff members of the National Assembly come to Washington for a 4-month fellowship.

We are particularly proud to have had Hee Kwon with us because he learned just as he arrived in the United States that he had been promoted to Chief of American Relations in the Inter-Parliamentary Division of the National Assembly. As head of this division, Hee Kwon will play an instrumental part in promoting a good working relationship between our Congress and the National Assembly. We feel we have played a hand, through the fellowship, in promoting mutual understanding between our two legislative bodies.

Hee Kwon was able to participate in both the routine of a congressional office and the activities of a House subcommittee during his stay. Experience on a subcommittee had not been available to previous fellows.

Each fellow chooses a project that has relevance both for Korea and for the United States. Hee Kwon chose a fascinating project. Many Koreans were attached to U.S. military divisions during both the Korean and the Vietnam conflicts. It happens that Korean veterans who served with Korean divisions are eligible for the normal benefits of Korean veterans. But those attached to U.S. divisions are not eligible for benefits either in the United States or Korea. This is an oversight that the Korean National Assembly might be disposed to correct. One thing that hampers correction, however, is that the U.S. Government, not Korea, possesses the names of these individuals. Hee Kwon, who himself served during his recent military service with U.S. units in Korea, took on the rather awesome task of, by hand, going through the military records for the Korean and the Vietnam conflict and copying the war records of each and every Korean veteran attached to a U.S. unit. I half expect to see a statue of Hee Kwon in some city park the next time I visit Seoul. Hundreds of veterans are indebted to him for the personal interest he has taken in their plight.

In his capacity as Chief of American Relations, Hee Kwon was searching for a way to acquaint members of the National Assembly who are unlikely to have an opportunity to visit our Congress with the practices of our legislative body. Hee Kwon hit on the idea of carrying a video camera around and taping the activities of Congress. So, for a time, Hee Kwon was a moviemaker. Many of my colleagues may now take pride in the fact that they are international film stars.

The departure of a Korean fellow is always a bittersweet experience for myself and my staff. We have become close to the fellows during their time with us. They become friends and working members of our staff. On the other hand, we have found the fellows to be intensely family oriented. While Hee Kwon and his colleagues have made the most of their stay, they have always missed their families. I am sure that Hee Kwon's parents are anxious to hear his adventures. Hee Kwon is a bachelor, and a charming one at that. In his case, there are undoubtedly

many nonfamily members who await his return with interest and anticipation. Hee Kwon, we will miss. Our best wishes go with you for every success.●

THE 40TH ANNIVERSARY OF THE BEGINNING OF THE NUCLEAR AGE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. MARKEY. Mr. Speaker, today is the 40th anniversary of the beginning of the nuclear age—the day the first nuclear bomb was tested at the Trinity Site in New Mexico.

This sobering anniversary calls to mind the immense destructive power unleashed by the atomic bomb. In the 40 years that have followed, nuclear arsenals have increased to the point of threatening all life on Earth. And tragically, in those 40 years the human ingenuity that ushered in the nuclear age has not been matched by the wisdom or resolve to effectively control nuclear weapons.

The New York Times has covered this anniversary with an excellent series of articles in its "Science Times" section. This report provides intriguing and challenging insight into the process that led to the advent of nuclear weapons. I commend this report to my colleagues, and request that the article by Iver Peterson be printed in this CONGRESSIONAL RECORD.

The article follows:

[From the New York Times]

THE QUESTIONS CAME LATER

(By Iver Peterson)

TRINITY SITE, N.M., July 15—For an event that would change history, the dawn of the atomic age came with little ceremony and scant thought to what it meant for mankind. That would come later.

The burst of light in the sky over Trinity, the name given the site where the first atomic bomb was detonated, came at 5:29 45 A.M., mountain war time, July 16, 1945. In that flash the major technical questions about atomic fission were instantly resolved, only to be replaced by moral and ethical questions that have proved to be infinitely harder.

Was the development of the bomb necessary in the first place? Did America have to use it to devastate Hiroshima and Nagasaki? Have nuclear weapons kept the peace for 40 years, as is often asserted, or have they only raised the level of fear and insecurity? And can weapon research today be said to command the same moral urgency that was ascribed to it in the final convulsions of World War II?

In the stormy darkness that preceded that first test, those thoughts were far from the minds of the participants.

"Look, we were at war, and far too busy to worry," said Norris Bradbury, a Navy scientist at Trinity who went on to direct the Los Alamos National Laboratory, 150 miles north of the test site, where the first bombs had been built.

Dr. Bradbury was one of several principal scientists and engineers who helping design and build the first nuclear bombs who were interviewed last week about the development of the bomb and its aftermath.

"There was no wringing of hands," Dr. Bradbury said of the success of the test bomb. "The damned thing worked, that's all. The handwringing and so on turned up afterward, when people started saying, 'Gee, what have we done?' "

Hans Bethe, head of the theoretical group at Los Alamos and dean of the surviving atomic pioneers, made the same point in an interview: "The focus was entirely on the work. Of course, we were somewhat more relaxed after Trinity, and we did begin to think about these matters."

"To win a war one has to give himself up to war," said Robert Wilson, head of the bomb project's nuclear physics division. "You can't play Hamlet and fight a war at the same time."

Yet years later Dr. Bethe and Dr. Wilson would join others, including J. Robert Oppenheimer, director of the bomb project, in questioning the justification for escalations in weapon research.

The new arguments divided some of the scientists who, before the success of the Trinity test and the end of the war, had been bound together in the most intense of comradeships and communal efforts.

Edward Teller, who later led the development of the hydrogen, or thermonuclear bomb, recalled in an interview how some scientists hoped to persuade Oppenheimer to urge President Truman not to bomb Japan without first demonstrating the bomb's dreadful power.

"I supported that view," Dr. Teller said in a telephone interview from his offices at the Hoover Institution on War, Revolution and Peace on the campus of Stanford University in California, "and the man who dissuaded me from supporting it was Robert Oppenheimer, and one of the things for which I reproach myself was that, at that time, I let myself be persuaded by Oppenheimer."

The tension that arose between Dr. Teller and Oppenheimer became public in the early 1950's when Oppenheimer opposed the development of the hydrogen bomb, and Dr. Teller responded by questioning his former leader's loyalty to the United States.

The dispute has its echoes today in the debate over President Reagan's Strategic Defense Initiative, the so-called "star wars" shield against intercontinental missiles. Dr. Teller is a driving force behind the effort, while many of the scientists who took sides with Oppenheimer against the H-bomb years ago oppose the missile shield today.

"I ask you," Dr. Teller went on, making his case for a nuclear demonstration over Japan, "if we had dropped the bomb over Tokyo Bay at 30,000 feet where it would have made no damage, but it would have made daylight for several seconds over many miles, it would have ended this horrible affair."

Dr. Bethe believes not. "The Emperor was told about the terrible suffering of the people of Hiroshima," he said, "but he would not have been told, nor would he have been impressed, if someone had reported to him that there had been a demonstration of a tremendous explosion. It would not have sunk in. Only the destruction of Hiroshima would have made that lesson clear."

But far from delving into philosophical questions, Dr. Bethe and others in July 1945 were immersed in the technical maze of nuclear bomb building. Amid the frenzied work there was also an element of joy.

"It was terribly exciting," Dr. Bethe recalled, sitting in his hotel room at Los Alamos, where he continues to do consulting work for the national laboratory. "It was extremely satisfying in that we were helping the war effort, which we wanted to do very much."

Dr. Wilson said, in a telephone interview from the Aspen Institute in Colorado: "I must emphasize a point that is rather hard to make in the context of Vietnam and post-Vietnam, and that is the extreme patriotism that we felt. There was an idealism that what we were doing had to be done, to save the world."

The first bomb was named Fat Man. By the time it was hoisted into its square sheet-metal container at the top of the test tower most of these scientists' work had been completed. There was little to do then but "sit around and chew our nails," as Dr. Raemer Schreiber, who had helped assemble the core of the bomb, recalled at his home in Los Alamos.

He was at the base camp, 12 miles south of ground zero, on the day of the test. So were Dr. Teller, who warned against sunburn from the atomic flash and passed suntan lotion around, and Dr. Bethe.

Dr. Bradbury, who lives in Los Alamos, waited in a drizzle with some other military men in one of the canyons of the Sierra Oscura, the "Dark Mountains" that rose to form the blast area's eastern border.

"Sunday, July 15, all day;" read his personal countdown log, "Look for rabbits' feet and four leaf clovers. Should we have the chaplain down there?"

"Monday, July 16, 0400: BANG!"

But 4 A.M. came and passed without a bang. A thunderstorm had scudded over the test site, raising fears among the scientists that a bolt of lightning might upset the delicate timing and control wires that led to some 50 experiments placed in bunkers at increasing distances from the bomb to measure its power.

At 4 A.M. Oppenheimer decided that the weather had cleared enough to allow the test—it was always the test, not the shot, the blast, the explosion—to take place at 5:30.

In the command bunker five and a half miles from the test tower, as the countdown ticked by some men prayed. Dr. Oppenheimer steadied himself against a wooden post. Outside, men following instructions lay face down on the ground, feet toward the blast.

At minus 45 seconds Dr. McKibben threw the automatic timer that took over the firing sequence, and at 5:29:45 the atomic age was born.

"My first feeling was one of accomplishment," Dr. Bethe recalled, echoing the recollections of many. "And my second one was, what an awful thing we have done!"

The bomb exploded with the power of 18,000 tons of TNT, more than any of the scientists had foretold.

By his own account, Oppenheimer was stunned by the magnitude of the blast, which provoked him to utter his now famous quotation from a Sanskrit poem, "I am become death, destroyer of worlds.' '

Dr. Wilson, then only 30 years old—few of the men who built the bomb were over 40—watched the cloud rise, break through a thermal inversion at 17,000 feet and climb to 40,000 feet.

"My whole philosophical and political viewpoint changed instantly when it went off," he said in an interview. "You couldn't

see a big desert made small without thinking."

Dr. Teller, seeming impatient with this line of questioning about his reaction, said only, "I was worried, very worried."

Days later, as the euphoria waned and the the questions came faster, Dr. Bainbridge seemed to sum up a dawning awareness that the men who had built the bomb had, somehow, marked themselves. He told Dr. Oppenheimer, "Now we're all sons of bitches."

Yet today young scientists at Los Alamos and at the Lawrence Livermore Laboratory in California are devoting similar energy to research on antimissile shields and other new weapons and defense systems.

Dr. Bethe has questioned this work. He is often asked why he could once do similar work, but contend that today's scientists should not.

"Well," he replied, his face breaking into one of its frequent smiles, "I got just that question in a letter that was transmitted to me from a young lady scientist at Livermore. 'How can you deny us the satisfaction of creating these weapons, when you old fogies, during the second World War, you didn't pay any attention to the old fogies, some of whom are saying exactly what you are saying now?' "

Dr. Bethe, who opposes the new research because he believes such an antimissile defense is technically impossible, said his first response was that he did not know of any important scientists in the 1940's who said the atomic bomb could not be built.

"Today," he went on, giving his second response, "the context is completely different. Then there were Nazis and they were bent on world domination; not world domination in a century or so as the Russians may be, but world domination by way of the second World War, and that simply had to be prevented.

"We are not at war today, and the Russians do not intend to start a war, and that is a very big difference."

Trinity's epilogue was being written as Fat Man's towering cloud began to dissipate. By then the components of another bomb had been hoisted aboard the heavy cruiser Indianapolis at San Francisco.

Ten days later the ship arrived at Tinian in the Marianas Islands in the Western Pacific, where Dr. Schreiber, technical courier for the missions over Japan, had flown to meet it. On Aug. 6 Hiroshima was destroyed. Nagasaki suffered the same fate three days later. Japan, broken at last, gave up five days later.

Allied officials have estimated that a million American casualties were avoided when the bombs made an invasion of Japan unnecessary.

"One of the mornings before the first drop I saw, off the lee side of Tinian, hundreds of amphibious craft loaded with thousands of G.I.'s working their way up the Marianas toward the invasion of Japan," Dr. Schreiber recalled. "I talked to several of the men on those boats afterward, and they said, 'I'm sure glad you guys set off that bomb.' "●

A TRIBUTE TO SAMUEL P. SZOR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Ms. KAPTUR. Mr. Speaker, President Kennedy once said, "I look forward to an America which will steadily raise the standard of artistic accomplishment and which will steadily enlarge cultural opportunities for all our citizens . . . and further the appreciation of culture among all the people * * *"

Each year, for the last 33 years, Samuel P. Szor makes these words come alive for tens of thousands of Toledoans. Thanks to Sam Szor, "Music Under the Stars" has become a northwest Ohio institution. He has elevated Great Lakes culture to new levels of excitement and quality. Through his tireless efforts, he has brought the beauty of live orchestra music to all the citizens of our community.

Samuel P. Szor has been a conductor, musical director, and teacher for nearly 35 years. A Waite High School graduate who received degrees from the University of Michigan, Sam holds an impressive list of musical credentials. He is the conductor of the oldest musical organization in Toledo, the Toledo Choral Society. For 15 years, Sam Szor has been the driving force behind the outstanding growth of the Perrysburg Symphony Orchestra. Wherever he has been "in charge of the music", Sam Szor has on the most difficult musical challenges—and met them, to the delight of his audiences.

Sam Szor's musical accomplishments are staggering. He is in his 17th year as musical director at First Congressional Church as well as the Kerwin Ballet Theatre. He also conducts the Summer Winds series sponsored by the city parks of Toledo. The list goes on and on. Whether classical or contemporary, Sam Szor's name means music in my part of the country. For all that he has done to promote the arts in Toledo, Sam Szor was named Artist of the Year in 1979 by the Toledo Arts Commission.

To Sam's wife Judy, and their four children, all of us that have enjoyed his work over the years say thank you for sharing him with us. Sam Szor has added grace and beauty to our community. He has made an indelible mark on uplifting the human spirit of northwest Ohio through the arts. I know my colleagues in the U.S. House of Representatives join me in recognizing and congratulating Samuel P. Szor on a lifetime of accomplishment and contribution to others.●

THE 40TH ANNIVERSARY OF FIRST ATOMIC EXPLOSION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. DORNAN of California. Mr. Speaker, on this the 40th anniversary of the first atomic explosion I would like the opportunity to express my great concern that this technology never be used in the slaughter of innocent lives. Once the destructive force of the atomic bomb was evaluated and the world settled into a period of twilight peace, the United States took the lead in attempting to curb the awesome power that it had developed. The history of the Baruch Peace Plan and postwar arms control is well known. The Soviet Union rejected the Baruch Plan out-of-hand, choosing instead to create its own arsenal in defiance of world opinion. Moscow has yet to negotiate in good faith and has circumvented or violated virtually every agreement it has signed. Yet, under the threat of nuclear annihilation, deterrence has prevailed.

The madcapped theory of America held hostage, defenseless against the growing, massive offensive threat posed by the Soviet Union, is undermining deterrence. While the United States restrained, delayed, curtailed and even cut one strategic program after another the Soviet Union pressed forward in its quest for nuclear superiority.

If deterrence is to be maintained, if we are ever to come to grips with nuclear proliferation and reduce the offensive nuclear arsenals of the world, we must strive to make nuclear weapons obsolete. And the best hope we have for that noble goal is President Reagan's Strategic Defense Initiative [SDI]. I have vigorously debated the many merits of the President's SDI Program on the House floor. I will continue to forcefully do so at every opportunity. SDI must become our Nation's No. 1 priority. Mr. Chairman, in support of peace for ourselves our children and our children's children on this historic date, I would like to submit for the historical Record two recent articles on strategic defense:

[From the San Diego Union, May 6, 1985]

SOVIETS PREEMPT STAR WARS

(By Peppino DiBiaso and Robert Soofer)

In the debate and discussion over President Reagan's Strategic Defense Initiative ("Star Wars"), prudence demands that we not ignore what the Russians are doing with missile defense. Few things better illustrate the asymmetry between American and Soviet views of nuclear strategy than the contrast between what the superpowers have done in the field of strategic defense.

The Soviet Union, in contrast to the United States, has always understood the need for, and pursued a full array of, strategic defenses. While the United States drastically reduced its research on defensive systems after the signing of the 1972 anti-ballistic missile (ABM) Treaty, the Soviets during the same period spent more on strategic defensive arms than on strategic offensive weapons. A recent CIA study concluded that Soviet strategic defensive activities were nearly five times U.S. outlays in 1970 and increased to 25 times U.S. outlays in 1979.

This increasing Soviet emphasis on defenses has been squarely based on the strategic concept of assured survival—the re-

quirement of limiting damage to the homeland to acceptable levels in the event of nuclear war. Soviet strategic thinking embraces the view that the ability to limit damage to the state, while conducting offensive operations to eliminate U.S. retaliatory forces before they could be launched, will be a decisive factor in determining the outcome of any global conflict.

The importance of assured survivial in Soviet planning is evident in its strategic defense programs. They are designed around a layered concept, the effectiveness of which is achieved through multiple types of defensive capabilities compensating for shortcomings in individual systems and for the likelihood that offensive forces will not destroy all the adversary's arms.

The Soviets have approached strategic defense through multiple avenues, including directed energy-beam systems, conventional ballistic missile defense (BMD) weapons and mobile surface-to-air missiles (which are part of an extensive air-defense system) possessing some capability against strategic and intermediate-range ballistic missiles.

The Soviet military, which maintains the world's only operational BMD site around Moscow, is now working aggressively on a nationwide missile defense system. The program centers around BMD systems involving transportable engagement radars and reloadable high- and low-altitude silo-based interceptors, designed to provide a two-layer defense.

The Soviets have deployed or have under construction six large phased-array radars, designed to track and target ballistic missiles. These radars afford the Soviet Union complete missile warning and tracking coverage. It is believed that by the late 1980s, the Soviet Union will be in a position to field a nationwide missile-defense system, should they decide to do so.

The Soviets have been pursuing an active program of improving strategic defenses even to the point of violating existing arms-control agreements. The construction of the Krasnoyarsk phased-array radar in central Siberia is the most clear-cut violation of the ABM Treaty, and is the most significant of all Soviet violations.

Its associated siting and orientation impart to it an ABM capability to track missiles, which is expressly prohibited by the treaty. The discovery of these radars, which take many years to construct, are significant because they can be wed to the large-scale interceptor capability the Soviets are developing, and thus enable them to break out from the treaty with little warning.

The Soviets have also clearly violated the provisions of the ABM Treaty that prohibit the current testing of ABM and surface-to-air missiles (SAM) components, and the testing of the SAMs against ballistic missiles, rather than against aircraft, which is their intended use. The immense number of SAMs deployed in the Soviet Union, and the fact that they are mobile, make this violation particularly disturbing.

Moreover, the Soviets are vigorously pursuing directed-energy laser and particle-beam technology for both land- and space-based missile-defense missions. In building the infrastructure for a multi-tiered defense program, the Soviets are including the capability to deploy space-based, directed-energy weapons, perhaps as early as the mid-1990s.

Secretary of Defense Caspar Weinberger has warned that a major objective of the Soviet Union is to expand its war-fighting capability in space and "achieve a measure of superiority in that arena." The Soviet Union already has an active and operational anti-satellite (ASAT) program which it started two decades ago.

Soviet research and development here indicate that they see great promise in emerging directed-energy technologies for future ASAT application to boost current ASAT capability. The Soviets have stepped up their military space program in the 1980s: Spending has reached $23 billion annually in 1984, and military systems account for over 70 percent of the 100 Soviet space launches per year.

Divining an adversary's intentions is a process fraught with ambiguity. Examining his actions and capabilities, however, should certainly provide greater clarity and understanding of his intentions. Soviet efforts in Geneva to prevent the United States from moving ahead with SDI believe what has been a long-term systematic Soviet effort in the field of strategic-missile defense.

If the debate in the United States over nuclear strategy is to guide us on a more secure and peaceful path, it must take into account a realistic assessment of the adversary and his deeds. To do otherwise is deliberately to deceive ourselves.

[From Defense Systems Review, July 15, 1985]

SDI: Popular Myths About the President's Plan for Peace

(By Grant Loebs)

The Strategic Defense Initiative, outlined by President Reagan's speech to the nation on March 23, 1983, offers the United States and the world a unique opportunity to address peacefully the problems posed by the world's nuclear arsenals. President Reagan's proposal that "we embark on a program to counter the awesome Soviet missile threat with measures that are defensive" offers a "vision of the future," where "free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack; that we could destroy strategic ballistic missiles before they reached our soil or that of our allies."

The goal of the Strategic Defense Initiative is to free the world from the doctrine of Mutual Assured Destruction. Mutual Assured Destruction (MAD), formulated by the Kennedy Administration in the early 1960s, is based on the assumption that each side can and will deter the other by maintaining sufficient retaliatory capability to destroy the attacker. The effect of MAD is to hold the civilian populations of the United States and the Soviet Union hostage. Reliance on the MAD doctrine has led the United States to forego deployment of any defensive systems whatsoever. The Soviets, on the other hand, have developed significant defensive systems to protect both their population and their strategic resources from nuclear attack.

The Strategic Defense Initiative would replace MAD with a policy of defense. It would allow the United States to defend its own assets instead of threatening those of the Soviet Union.

The President's requests for funding for the Strategic Defense Initiative (SDI) have so far included only research into the various technologies available to achieve the program's goals. Thus, at this stage, SDI is only a research program. It does, however, hold a great promise.

Almost since its inception, the Strategic Defense Initiative has been the target of bitter attacks from "concerned scientists," liberal politicians and members of the news media. These attacks have so muddled the issue that it may now be impossible to completely cleanse the record. Until recently, President Reagan and his supporters had been ineffective in combating the deluge of anti-SDI propaganda. For a long time the only voices which were heard on this issue were hostile; many of the attacks went unanswered. Recently the President has regained the offensive and has been pushing his program at every opportunity. The cumulative effect of months of negative bombardment, though, has left the public bewildered and skeptical.

Because of the complexity of the technology involved, it is understandable that the Administration does not choose to engage in a detailed refutation of the myriad, often ludicrous, arguments against the "workability" of a ballistic missile defense. Scientists of high caliber disagree on many of the technological questions, most of which will be answered by continued research. The goal or research, which is all that SDI currently calls for, is to answer these questions. Assuming research funds are not cut off by Congress, answers to these technological questions will be forthcoming. In the meantime, however, the philosophical and strategic arguments in the SDI debate should not be abandoned to the opponents of strategic defense.

Defenders of SDI are already losing the important battle over the program's name. Though most SDI proponents refer to the project as the Strategic Defense Initiative, SDI, or, or occasionally "High Frontier," the general public knows it as "Star Wars".

The "Star Wars" label is a crucial issue in the SDI debate. "Star Wars" is much more than a mere shorthand synonym for Strategic Defense Initiative. "Star Wars" is a pejorative term consciously created by the media and the opponents of SDI to ridicule the President's proposal.

This misnomer is deceptive for three main reasons.

1. "Star Wars" indicates that SDI is an aggressive, warlike proposal. It is not. It is a proposal to defend our nation and our allies from nuclear warheads. It is a plan for peace, not war.

2. "Star Wars" infers that SDI is an absurd, fanciful plan to orbit all kinds of "Buck Rogers" gadgets. In fact, SDI is a practical concept being developed by some of this nation's most capable scientists. Most of the systems being researched would not be space based, but air and land based.

3. The main purpose of the "Star Wars" nickname, of course, is to conjure images of the popular science fiction movie in which planets are destroyed and space battles are waged using fantastic and terrible weapons. Any objective analysis of the President's proposal shows this to be an unfair and derogatory comparison.

This past year was particularly ripe with anti-SDI myths because of the Presidential election. Unfortunately, political candidates sometimes intentionally distort and cloud public debate and understanding of important issues. Often, the damage done by reckless and misleading political advertisements and speeches lingers long after their perpetrators have vanished from the political scene. Such is the case with Walter Mondale's obfuscation of the Strategic Defense Initiative. Mondale's attacks on the Strategic Defense Initiative were frequent, fervent and fallacious.

Of the many destructive myths perpetrated during the election year about the Strategic Defense Initiative, several deserve spe-

cial attention because of their currency and the potentially disruptive consequences of their acceptance by the public. First, though, it is important to clarify the distinction between antisatellite weapons (ASATs) and the ballistic missile defense (BMD) proposed in the Strategic Defense Initiative.

It is very important to understand that SDI and ASAT are two completely different programs. The ASAT's purpose is to destroy or disable enemy military satellites—it has nothing to do with shooting down "incoming nuclear missiles," nor is it funded under the Strategic Defense Initiative. The BMD system being researched under SDI will be designed to destroy only launched ICBMs. It will be a non-nuclear, completely defensive system, incapable of initiating any aggressive action.

The President has authorized no "testing" or "deployment" of any system under SDI, the Strategic Defense Initiative calls only for research and technological development. Testing and development of any of the results of this research is unlikely to occur until long after President Reagan's term has expired.

Tests of ASAT, on the other hand, have been authorized by the President and both Houses of Congress. No tests against any targets in space have yet been conducted. No deployment has yet been scheduled or authorized. In contrast, the Soviet ASAT has been tested numerous times since the 1960s; the Soviets are now beginning to deploy that system.

In the Kansas City debate, though, Walter Mondale clumsily mixed the two programs together, taking bits and pieces of each to create a Frankenstein straw-man which he could then easily destroy. In debating SDI in Kansas City, Mondale said:

"If we could stop right now the testing and deployment of these space weapons—and the President's proposals go clear beyond research."

"You haven't just accepted research, Mr. President: you've set up a Strategic Defense Initiative, an agency. You are beginning to test, you are talking about deployment . . . This is an arms escalation and we will be better off, far better off if we stop right now because they have more to lose in space than we do."

Mondale had some help in smearing SDI and ASAT together from Newsweek. In a report on the Kansas City Debate, Newsweek (October 29, 1984) said, "the discussion of Reagan's vision of an antisatellite defense able to shoot down incoming ballistic missiles prompted a snappish exchange."

With the crucial differences between the two systems in mind, it is possible to discuss the major criticisms of the Strategic Defense Initiative. Some of these arguments have been around since before Reagan announced the SDI, others have been created quite recently, but all have one thing in common: they can only thrive in the presence of ignorance.

KILLER WEAPONS IN THE HEAVENS

The most obnoxious element in the anti-SDI campaign is the conscious effort of its partisans to spread fear. As one Mondale advertising advisor said of the Mondale "Star Wars" television ad, "Star Wars worked very well for us because it frightened people." This ad, replete with factual errors and deceptive inferences, is second only to Mondale's statements in the second Presidential debate as a storehouse for misinformation and distortions. The primary element in the anti-SDI campaign of fear is the portrayal of the SDI as a plan to produce "killer weapons." Mondale's television ad stated this fabrication explicitly:

"Ronald Reagan is determined to put killer weapons in space . . .

"Orbiting, aiming, waiting. . ."

Mondale's attempt to portray a totally defensive system as a "Killer weapon" inverts rational order. Yet this misconception persists, permeating many other anti-SDI arguments. Mondale's plea that we "draw the line in the heavens," relied for its effectiveness on the public's fear of weapons in "the heavens." But, are defensive weapons in the "heavens" bad? If, by putting harmless defensive weapons in space we can prevent offensive nuclear weapons from exploding on earth, is that not reason enough to venture into space militarily? It is difficult to understand the affections which "draw the line in the heavens" advocates have for the vast, empty, black vacuum of space. This affection is so great that, rather than violate the "heavens," they would continue to risk nuclear devastation of the earth.

REAGAN'S SDI WOULD MILITARIZE SPACE

An argument which is frequently advanced against the SDI is that it would start an arms race in space. The proponents of this argument wish to kill SDI in order to stop the American "Militarization of space." Again, the Mondale ad:

"Ronald Reagan is determined to put killer weapons in space. The Soviets will have to match us, and the arms race will rage out of control."

In the debate, Mondale declared, "This [Reagan's SDI proposal] all assumes that the Soviets wouldn't respond in kind." Actually, the SDI is based partially on the fact that the Soviets have already begun their research in this field. The evidence is convincing that the Soviets have been working consistently on this project since the late 1960s. Many components of space and ground-based lasers have already been tested by the Soviets. Some experts in the intelligence community believe that the Soviets intend to deploy a small space laser in late 1985. The Department of Defense believes the Soviets will be able to deploy space-based laser and particle beam BMD weapons as early as 1995. Soviet spending on SDI-type research is estimated to be ten times what Reagan has requested for the SDI. Dr. Richard DeLauer, then Under Secretary of Defense for Research and Engineering, estimated, in 1984, that if all of Reagan's Strategic Defense Initiative requests were met, the United States would still need ten years to catch up to the Soviets in this technology.

It is not, then, a question of "drawing the line in the heavens," but of responding to a very real Soviet threat. It is not the Soviets who would be forced to "respond in kind," but the United States which faces the terrible prospect of trying to survive in a world where the Soviet Union enjoys both nuclear superiority and a monopoly on strategic defense.

BALLISTIC MISSILE DEFENSE MUST BE 100 PERCENT EFFECTIVE TO WORK

One of the most widespread misconceptions about strategic defense is that it would need to be 100 percent to provide a viable defense against Soviet nuclear warheads. Says New York News columnist Lars-Erik Nelson:

"To be effective against Soviet ballistic missiles, the President's orbiting defense system would have to be 100 percent effective. The Soviets have 20,000 nuclear warheads. If one percent got through, that's 200 warheads hitting America—enough to destroy us as a functioning society."

This is an excellent formulation of a popular anti-SDI myth. Nelson makes several common, critical errors. First, this commonly used scenario envisages a very large scale nuclear attack concentrated on U.S. cities. This is the most unlikely scenario of all. Any massive Soviet nuclear attack would, by military necessity, be directed against U.S. strategic assets. This fact alone increases the effectiveness of a full-scale defense in protecting the population. Second, the Soviets do not have anywhere near 20,000 nuclear warheads capable of being launched on ICBMs or SLBMs. Third, they cannot launch all of the warheads they do have at the same. Their ability to launch warheads is limited by the number of launch vehicles and silos they have. The Soviets have about 1,600 ICBMs and about 1,000 SLBMs. Taking into account the fact that many of these missiles are MIRVed (fitted with multiple warheads), the maximum number of nuclear warheads which the Soviets could possibly launch at one time is about 10,000.[1]

Now, armed with this information, we must ask not "What would happen if one percent of these warheads hit the United States?," but "Would any Soviet commander launch a first strike knowing that only 100 of his 10,000 warheads would get through, that those would hit at random, and that he would be unable to predict the effectiveness of his attack?" Clearly, the answer to this question is "No."

Lars-Erik's reasoning is further undone by his ignorance of the types of systems being researched under the Strategic Defense Initiative. The consensus among the SDI scientists and program managers is that the most effective system would be composed of three or four tiers, each level destroying incoming Soviet missiles at different stages of flight.

In a four-tiered system, the first tier would shoot down ICBMs in their "boost phase" (before they can launch their individual warheads), the second and third levels would target missiles in the midcourse of their flights, and the fourth would be aimed at those warheads which survive reentry as they fall on their targets. If each of the stages of a four-tiered defense were only 75 percent effective (an unnecessarily conservative estimate, according to many SDI scientists) only 0.4 percent of the weapons originaly launched would reach their targets. Out of every 1,000 launched, four would hit.

Such a drastic reduction in the effectiveness of nuclear weapons will certainly destroy their strategic utility. Such a near-perfect defense will surely protect those whom it shields.

ANY SDI SYSTEM COULD BE OUTFLANKED BY SOVIET COUNTERMEASURES

Another popular argument against the workability of a defensive strategic system is that the Soviets could easily defeat it by adopting relatively cheap and simple countermeasures. Because of the uncertainty at this time about the exact nature of the system which we would deploy, arguments of this type are more difficult to refute. Nevertheless, some of them deserve attention.

One suggested way for the Soviets to defeat our strategic defenses is to launch hundreds of decoys with their warheads,

[1] These Soviet figures, however, are very alarming when compared to a U.S. total of 1,030 ICBMs and 776 SLBMs.

thereby causing our system to fire at decoys and let their real warheads get through. But to be effective in drawing the BMD's fire, decoys would have to be very sophisticated and weigh almost as much as genuine warheads. Because they would also be as large as real warheads, there would be no value in wasting precious warhead space on them. Also, many decoys would have to be added, before they had a significant effect on the number of warheads that would survive. The cost of this method of defeating strategic defense would be staggering.

Another suggested foil for the Soviets to use against our BMD is to build and launch more missiles in attempt to saturate the defense. This strategy, of course, is equally foolish and infinitely more costly. Because only four of every 1,000 additional warheads will get to their targets, the enormous expense of building new missiles would be 99.6 percent wasted.

Anticipating a particle beam-type U.S. defense, some scientists have suggested that an appropriate and effective Soviet countermeasure would be to coat their missiles with a shield of lead that would make them impervious to particle beam attack. To be effective, however, such a shield would have to be very thick and heavy. Any missile so coated would suffer significant loss of payload capability—assuming it could take off at all.

There are dozens of other such master plans to defeat this defensive system which has not yet been formulated, each of them based upon spurious statistics and premature assumptions. None of them can be considered seriously until enough research has been done to determine the nature and effectiveness of the proposed system. It is dangerously illogical for these "we-can't-do-it-and-if-we-did-they'd-find-a-way-around-it" arguments to be allowed to stifle research.

Clearly the Soviets are worried about the success of American SDI research; they have made stopping it their number one priority at the Geneva arms control negotiations. They realize that the best "Soviet countermeasure" is to stop SDI before it evolves into an operational system which would nullify their nuclear superiority.

SDI WOULD SELL OUT OUR ALLIES

A major part of the anti-SDI strategy involves persuading our European and other allies that a SDI system would, as the Washington Post explained:

"Establish a defensive umbrella over the United States and eliminate any likelihood that the United States would respond with nuclear weapons to a conventional assault on Western Europe by Warsaw Pact forces."

This argument does not stand under close scrutiny. First, President Reagan has specifically stated that the purpose of SDI would be to "destroy strategic ballistic missiles before they reached our soil or that of our allies." Second, our ballistic missile defense would be just as effective against ICBMs launched at Europe or Asia as against those launched at the United States. Finally, the United States would be more likely to defend our allies if we had a viable defense against nuclear attack than if we knew that by defending our allies we risked our own annihilation. The Soviets and their Warsaw Pact allies, aware of this increased flexibility, would be more reluctant to launch a conventional invasion of Western Europe. Thus, Western Europe and our other allies would be more not less secure if the United States developed a ballistic missile defense system.

The Strategic Defense Initiative offers a chance to replace MAD with defense; destruction with protection. In their zealous defense of the Mutual Assured Destruction doctrine, SDI's critics threaten to throw away an opportunity for a peaceful solution to the nuclear arms race. This solution involves no lengthy and imperfect negotiations and no trusting of the Soviets to abide by Arms Control Treaties. In addition, this solution will do something which MAD could never do and which arms control could do only if it succeeded in limiting nuclear weapons to zero: it would eliminate the risk of accidental nuclear war. As the situation stands today, our only response to an accidental attack, either a massive launch or a single missile fired by mistake or malfunction, is to retaliate with nuclear missiles of our own. Unless we are willing to suffer nuclear devastation in silence, without retaliating, we have no choice but to compound the tragic error by killing more innocent people. With a ballistic missile defense system in place we could simply destory the errant missiles. The effect of a mistake which today would cause millions of deaths, would be zero. This in itself is almost enough reason to pursue the Strategic Defense Initiative.

We cannot afford to miss the opportunity which President Reagan's vision has provided us. We cannot afford to let the Soviets win this—perhaps final—arms race. The Strategic Defense Initiative is an innovative and progressive proposal; it deserves support not only from those in Congress who must vote to approve it, but from the American people whose lives and country it will protect.●

THE SPLITTING OF THE ATOM 40 YEARS AGO

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. BEDELL. Mr. Speaker, 40 years ago, the splitting of the atom changed, forever, the future course of the history of mankind. Einstein cautioned that the advent of this occurrence had changed everything save our way of thinking. I believe we must commemorate this day by beginning to change our way of thinking about the atomic age.

On this day, 40 years ago, the United States possessed just three nuclear warheads. Today, the world's nuclear powers possess an estimated 40,000 nuclear warheads and the superpowers have each announced their intention to add thousands of more nuclear warheads to their respective inventories in the years ahead.

In my view, it is vital to the survival of civilization, for us to now at last, to begin to change our way of thinking about the atomic age. Neither superpower can afford to continue to contribute to the reckless nuclear arms race in which we have both been engaged for the last 40 years. We must begin together to seek ways in which to slow, stop, and reverse the nuclear arms spiral. Such alternatives do exist.

As one of the authors of House Joint Resolution 3, a measure to prevent nuclear explosive testing, through the implementation of a verifiable Comprehensive Test Ban Treaty, I would like to bring to the attention of my colleagues two articles that appeared in today's New York Times. The first article is written by Dr. Glenn T. Seaborg. In it he describes man's discovery of plutonium and goes on to counsel that we must search for an initial most effective step toward ending the nuclear arms race. In his view such a step is most easily defined through a verifiable ban on all testing of nuclear weapons. I share this view and remain hopeful that the House of Representatives will echo this sentiment through passage of House Joint Resolution 3.

The second article describes the furious pace at which newer atomic weapons are being designed—the so called third round of the nuclear arms race, which could be staved off through the implementation of a verifiable Comprehensive Test Ban Treaty. I believe it vital for both the United States and the Soviet Union to agree to such a treaty before we begin to produce and deploy these newer and more lethal nuclear weapons that truly circumnavigate the verifiability of present or future arms control agreements. I also believe it vital for the superpowers to agree to such a treaty now, before more nations join the nuclear club, thus increasing the risks of nuclear war through accident, design, or terrorism.

I commend each of these articles to my colleagues attention and urge them to join in with me in saying that enough is enough. It is time to bring an end to the nuclear arms race and to do so, we must take that first necessary step toward changing our way of thinking about the atomic age. Like Dr. Seaborg and others, I believe that first step is best represented through a verifiable comprehensive test ban treaty.

MAN'S FIRST GLIMPSE OF PLUTONIUM

(BY GLENN T. SEABORG)

Other scientific discoveries in the past may have had an equal or greater effect on man's existence, but no other exploded in his face as did the first man-made element, plutonium. The announcement to the world of its existence was in the form of the nuclear bomb dropped over Nagasaki.

My colleagues and I synthesized, identified and determined the key nuclear properties of plutonium in late 1940 and early 1941 in Berkeley using the cyclotrons of the late Ernest O. Lawrence. My co-workers were Joe Kennedy and Ed McMillan, junior faculty members, Emilio Segre, a research associate, and Art Wahl, a graduate student.

The experiments, performed at our own initiative before the United States entered World War II, were part of our regular academic research program, and the results were voluntarily withheld from publication and kept secret when their importance became apparent to us.

On the stormy night of Feb. 23, 1941, Art Wahl performed the oxidation that gave us proof that what we had made was chemically different from all other known elements. It was the first realization of the alchemist's dream of large-scale transmutation, the first synthetic element seen by man.

That experiment, and the first chemical identification of the element with the atomic number 94, took place in Room 307 of Gilman Hall. This form of the element was known as plutonium-238.

Almost concurrent with this work was our successful attempt to synthesize and determine the essential nuclear properties of the form of major importance, plutonium-239. In an experiment on March 28, 1941, we demonstrated that this undergoes fission with slow neutrons with a large probability, revealing that it had the potential for serving as the explosive ingredient of a nuclear bomb.

We first suggested a name for this element in a report to the Uranium Committee in Washington in March 1942. I remember very clearly the debates within our small group as to what that name should be. For a while—in retrospect, very foolishly—we considered such names as "extremium" and "ultimium," on the basis that this must be the heaviest element that it would be possible to synthesize. (How silly such a name would seem today when scientists have succeeded in synthesizing elements up to and including that with the atomic number 109.) Noting that natural uranium, number 92, had been named after the planet Uranus, and that McMillan had suggested that the next element, number 93, be named neptunium after Neptune, the next planet after Uranus, we decided to name our element after Pluto.

We debated whether the name should be "plutium" or "plutonium," the sound of which we liked much better. We decided to take the name that sounded better, and which, I believe, is also etymologically correct. There was also a great deal of debate about what we should suggest as the chemical symbol. Although it should more logically have been "Pl," we decided on "Pu" because we liked the sound of it much better. We expected a much greater reaction than we ever received to this suggestion.

I moved to the Metallurgical Laboratory of the University of Chicago on April 19, 1942, my 30th birthday, to work on the chemical processes that would be used for the extraction of plutonium from uranium and the highly radioactive fission products following its synthesis through the nuclear chain reaction. Here we worked with cyclotron-produced plutonium on a scale of less than one-millionth part of an ounce. We were all very excited when we saw the first speck on Aug. 20, 1942, and when we were able to weigh one ten-millionth of an ounce of it on Sept. 10, 1942.

Most of our tiny Chicago supply of Plutonium was lent in the summer of 1943 to Los Alamos for a crucial experiment. In returning the sample to the Metallurgical Laboratory, advantage was taken of my presence in Santa Fe on a short vacation trip, in order to save the time which would have been lost in a cumbersome official transfer of the material. A Los Alamos physicist, Robert Wilson, met Mrs. Seaborg and me at breakfast at about 5 A.M. in a Santa Fe restaurant, having escorted the sample from Los Alamos with the implied protection of a high-powered rifle. I then transported the sample by train in my suitcase, without benefit of firearms, back to Chicago.

Many of us found it necessary on an almost routine basis to circumvent misguided, progress-impeding security rules in order to get our job done in the limited time available. However, these were not actions that could have revealed substantive secret information, and, as is well known, the wartime development of the atomic bomb was extraordinarily successful from the standpoint of keeping it secret.

Unfortunately much outmoded security apparatus is in operation today. It would be a major scandal if the public were informed of the amount of time, effort and money wasted today to protect trivial, harmless and even publicly known information that is still classified as confidential and secret.

Plutonium today serves as an explosive ingredient in tens of thousands of nuclear weapons in the possession of both the East and the West, poised for obliterative use in a dangerously unstable situation. I am afraid there is too large a probability that these will be unleashed unless substantive progress in arms limitation and cutback is achieved. In my opinion, the initial most effective and easily defined step in this direction is a verifiable ban on all testing of nuclear weapons—a comprehensive test ban.

It is a source of frustration to me that so many ardent and well-meaning proponents of arms limitation do not concentrate on this as a first step, but rather lend their efforts to objectives that will require very laborious effort toward much better definition and which should more logically follow as succeeding steps on a longer time scale.

Forty Years Ago: The Atom Bomb

(By William J. Broad)

The creative urge that shook the earth 40 years ago with the detonation of the first atom bomb is today in the midst of a renaissance.

According to weapon scientists and Federal officials, new kinds of nuclear arms are being imagined, developed and exploded at a furious pace.

Recent progeny of the bomb reflect an evolution away from the brute force of a huge explosion toward ways of harnessing that explosion for specific tasks. There are the often-described X-ray lasers in which a nuclear explosion is the power source for the creation of deadly beams of radiation. There are also the much less talked about, more exotic, designs for antimatter weapons to efficiently annihilate matter, and even brain bombs whose objective is the propagation of widespread confusion.

While nuclear weaponry becomes almost unrecognizably sophisticated, the public imagination remains fixed on the original bombs and mushroom clouds. It is a gap that worries some opponents of the current quest for new arms.

"I find it alarming that so many people think the development of nuclear weapons is a limited field," said Dr. Theodore B. Taylor, formerly an atomic physicist at the Los Alamos National Laboratory in New Mexico, the birthplace of the bomb. "You can enhance or suppress literally dozens of classes of energy released by nuclear explosions."

The design of nuclear weapons is a secretive business. It occurs at Government laboratories where documents are kept in safes, doors are equipped with combination locks and fences are topped with barbed wire. The weapons themselves are detonated deep underground in carefully monitored tests at the Government's nuclear test site in the Nevada desert.

No one advertises successes or failures. Nonetheless, a review of public documents and interviews with Government scientists, Federal officials and weapon experts outside the Government reveal at least 14 distinct types of weapons that have been tested or proposed in the nuclear era.

ATOM BOMBS

The first nuclear device was known as "The Gadget." It was detonated 40 years ago today, before dawn on July 16, 1945, in the darkness of the central New Mexico desert. Its force was nearly equivalent to 20,000 tons of TNT. All A-bombs, known as fission weapons, split heavy atoms to liberate nuclear energy. Both bombs dropped on Hiroshima and Nagasaki were atom bombs, the former powered by uranium, the latter by plutonium.

HYDROGEN BOMBS

The next major step in the evolution of the American nuclear arsenal was the H-bomb, which derives its energy by fusing together isotopes of hydrogen to release more of the energy stored in the nucleus of the atom. (Fission splits an atom's nucleus into fragments; fusion forces nuclei together.) The world's first H-bomb was exploded in 1952. The 10-megaton blast caused the Pacific isle of Elugelab, one mile in diameter, to disappear. The bomb's power was roughly a thousand times greater than the one dropped on Hiroshima. It was also big, weighing a reported 62 tons. But H-bombs soon became portable. "The breakthrough was to make things smaller and lighter," said Dr. Thomas B. Cochran, a co-author of the "Nuclear Weapons Databook" (Ballinger). "That allowed weapons to be put on missiles." According to weapon experts, a "bomb" is dropped from an airplane, while a "warhead" is sent to its target on a missile. The terms "bomb" and "warhead" are used more loosely below since in many cases it is not known publicly how the weapons are meant to get to their targets.

COBALT BOMB

In the 1950's as designers of nuclear weapons pondered new possibilities, they talked of making bombs with enhanced radioactive fallout, known as residual radiation. All it took was wrapping an H-bomb with cobalt, a steel-gray metal that is easily turned into its radioactive isotope, cobalt ^{60}, when exposed to H-bomb radiations. In his 1958 book, "Our Nuclear Future," Dr. Edward Teller, a principal developer of the H-bomb, wrote that "the question of the cobalt bomb or radiological warfare in general is not whether it is feasible—it is—but rather whether it serves a useful military purpose." It is not known whether cobalt bombs were ever made or stocked by any nation.

NEUTRON BOMBS

A special type of H-bomb that did go into production is the neutron bomb, which emits enhanced prompt (not residual) radiation. In the mid-1950's work on the idea was spearheaded by Dr. Samuel T. Cohen, a Defense Department consultant. In normal fission reactions, blast and heat make up the vast majority of the energy released, while prompt, destructive radiation (such as that from neutrons) accounts for only 5 percent of the total. In contrast, Dr. Cohen's idea allowed a bomb to release 6 to 10 times as much neutron radiation as a pure fission weapon of the same yield. Neutron bombs are meant to kill tank crews by lethal irradiation.

EX-RAY WARHEADS

In the late 1960's and early 1970's special nuclear warheads were developed that generate enhanced radiation in the X-ray portion of the electromagnetic spectrum. The goal was to knock out distant enemy warheads. "The rapid absorption of X-rays in the outer part of the warhead causes a mechanical effect something like a hammer blow," said Dr. Taylor. Enhanced X-ray warheads were fitted atop interceptors of the $5.7 billion Safeguard antiballistic missile system, which was built at the very northern edge of North Dakota and eventually abandoned.

REDUCED RESIDUAL RADIATION BOMBS

In the 1970's weapon scientists at the Lawrence Livermore National Laboratory in California, the second of the nation's two nuclear laboratories, developed a tactical warhead that "dramatically reduces fallout," according to a laboratory brochure. Dr. Andre Gsponer, director of the Independent Scientific Research Institute, based in Geneva, said the bomb also "exploits to the maximum the mechanical effect, which is decisive on the battlefield."

ANTISATELLITE WEAPONS

Not all steps in the evolution of nuclear weaponry involve fundamental changes in materials and methods. Most, in fact, involve refinements. For instance, according to the Livermore publication "Energy and Technology Review," the laboratory has "designed, tested, and evaluated" a lightweight, low-yield fission device that might serve as "the warhead for an antisatellite weapon."

THIRD-GENERATION WEAPONS

A radical departure from A-bombs and H-bombs are a new generation of nuclear weapons that focus the power of nuclear explosions, rather than letting the force escape in all directions. At the Livermore laboratory, a team of young scientists headed by Dr. Lowell L. Wood, a protégé of Dr. Teller, have pioneered these new weapons.

X-RAY LASERS

The premier third-generation device is the X-ray laser, which channels the power of a nuclear explosion into laser rods that emit powerful bursts of concentrated radiation before the whole device is consumed by its nuclear fireball. Unlike regular X-rays, the radiation in an X-ray laser is coherent, in other words, all its electromagnetic waves are in step with one another. According to the Livermore scientists, clusters of X-ray lasers could shoot beams of radiation across thousands of miles of space to stop the entire force of strategic Soviet missiles. Skeptics say X-ray lasers could easily be foiled by simple Soviet counter-measures. The weapons have reportedly been tested on at least four occasions at the Government's underground test site.

EMP BOMBS

Less developed than X-ray lasers are third-generation weapons meant to create an enhanced electromagnetic pulse, or EMP. This powerful surge of electromagnetism can knock out computers and delicate electronics. It is produced by any nuclear weapon exploded above the earth's atmosphere, its pulse blanketing the area below. For decades military officials in both the East and West have struggled to protect critical equipment against its destructive power. According to the experts and Government officials, the goal of current EMP research is to enhance this pulse so it would be strong enough to overcome such protection sowing chaos during a war.

MICROWAVE WEAPONS

Similar to EMP bombs, microwave weapons concentrate nuclear energy into a narrower band of frequencies of the electromagnetic spectrum in order to try to knock out enemy missiles, according to Government weapon experts. If hit by a powerful pulse of energy, the delicate electronics of a missile might be ruined.

PARTICLE BEAM WEAPONS

In contrast to weapons that enhance or suppress different parts of the electromagnetic spectrum and thus manipulate energy, particle beam weapons focus on matter, trying to accelerate subatomic particles to nearly the speed of light. According to Aviation Week & Space Technology, a respected industry journal, a Pentagon team headed by a former NASA Administrator, Dr. James C. Fletcher, in 1983 hailed "nuclear-driven particle and microwave beam technology" as having promise for use in Mr. Reagan's proposed antimissile defense.

GAMMA-RAY LASERS

A futuristic device now said by scientists to be the focus of intense interest is the gamma-ray laser, which would send out powerful beams. Its coherent radiation would have a wavelength shorter than that of the X-ray lasers. It would thus be more powerful.

ANTIMATTER BOMBS

According to Dr. Gsponer of the Independent Scientific Research Institute, the military's interest in antimatter weapons stems from the great energy released when particles of antimatter collide with those of matter. In the fission and fusion reactions of nuclear weapons only a tiny fraction of matter is turned into energy, from which the weapons nonetheless get their spectacular power. But reactions between matter and antimatter produce a complete liberation of energy. If perfected, antimatter bombs could be made extremely small yet retain great power.

BRAIN BOMBS

According to Dr. John Nuckolls, head of physics at the Livermore laboratory, humans suffer confusion and disorientation when subjected to long wavelength radiation of great strength. So too, he said, it is entirely possible that physicists might one day find a way to direct and concentrate the power from nuclear weapons into this part of the electromagnetic specturm, producing a bomb that would leave an enemy stunned and unable to wage war.

Weapon builders say it is important to know all the nuclear possibilities, if only to forestall the chance that the Soviet military might come up with technical breakthroughs that could be used in a surprise attack. They note that the Russians do not announce or talk about developments in the field of nuclear weaponry.

Critics say it would be better to halt the nuclear arms race by negotiating a ban on the testing of such weapons. "It would help stop or slow down troublesome developments on the horizon," said Dr. Taylor.●

APPROPRIATIONS FOR OKLAHOMANS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. SYNAR. Mr. Speaker, today the House considered H.R. 2959, the energy and water development appropriations for fiscal year 1986. While some Members may be tempted to label these projects as "pork barrel," I believe this is an unfair description. Some of the projects in this bill will provide drinking water, irrigations, electricity, navigation, and flood control, which are essential to the economic development of many communities and more importantly, can save lives.

For example, in May 1984 Mingo Creek in Tulsa, OK, flooded claiming 14 lives and causing $154 million in damage. Although the Corps of Engineers had planned a project to protect against flooding along Mingo Creek, the plan was scaled down to save money. I applaud the wisdom of the committee to include nearly twice the amount requested for the advanced design work on this important, life-saving project.

The energy and water development appropriations bill also provides funds to complete the replacement of two bridges on Lake Eufaula. In addition, the bill includes funds necessary for the Corps of Engineers to operate and maintain Eufaula, Fort Gibson, Keystone, Oologah, and Tenkiller lakes and Robert S. Kerr and Webbers Falls lock and dams.

The Oklahomans that rely on these lakes for electricity, drinking water, and flood control don't view these projects as wasteful spending. In their eyes they help bring industry and economic growth to their communities as well as save property and lives.●

A 40TH BIRTHDAY TRIBUTE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. BONIOR of Michigan. Mr. Speaker, I want to take a moment to share some thoughts about Christine Koch, an administrative assistant in my Michigan district office who celebrated her 40th birthday on July 12.

Chris was great encouragement to me in my pursuit of a career as a public official in the lean years long before my first congressional race and for the past 8½ years, has served as a stablizing force on my staff.

Chris is a classic example of a woman who juggles two children, a

husband and a very demanding career without dropping a ball. She takes her responsibilities toward constituents very seriously and I know she often takes their problems home with her as well as their paperwork. She is compassionate, understanding, clever, and effective. Her humor and good natured approach help the office work as a team. She is the heart of an office known for its big heartedness.

Some of the younger staff call her Ma Koch and while I know she is a bit nervous about turning 40, I hope she knows the title reflects her stability and knack for presiding over chaos with a calm hand, or for her famous "Orphans night" where she feeds those unable to put together a decent meal themselves.

Well Chris, as one who has just been there, come on over. Once you get past all the gag gifts of Geritol and fake pacemakers and support stockings, you will find that 40 is fine.●

HELPING NURSES

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. McCLOSKEY. Mr. Speaker, today there are 1.4 million registered nurses [RN's] employed in the United States and only 5.7 percent are educated beyond the baccalaureate degree. The National Academy of Sciences has reported that there is and will continue to be a shortage of nurses with graduate level training for clinical and professional service. Advanced education is essential for nurses to assume the complex responsibilities in the management of patient care and administration of health services due to dramatic increases in biomedical research, shifting economic incentives, and major expansions in nursing responsibility in all facets of health care.

Yesterday, the House of Representatives passed an important education and training measure for nurses. H.R. 2370, the Nurse Education Act, would provide financial support to collegiate nursing schools to help plan, develop, operate, expand, or maintain nursing programs at the master's and doctoral levels. This measure would also provide student financial assistance in the form of loans and traineeships. As health care resources for the poor diminish, the prospect of shortages of nurse midwives and nurse practitioners is disturbing.

Nurse midwives and nurse practitioners provide high quality care to the poor at relatively low cost through innovation in care and in the delivery of services. The Nurse Education Act directs the use of the various authorities to increase the number of nurse midwives who graduate each year, both by increasing the capacity of existing educational programs and by assisting new programs. Nurse midwives and nurse practitioners improve health outcomes for patients by providing primary care to underserved populations in health manpower shortage areas.

This measure also provides traineeships for nurse anesthetists. Health Care Financing Administration data indicates that certified registered nurse anesthetists [CRNA's] are three times more cost effective than alternative providers. Finally, the Nurse Education Act provides professional nurse traineeships to support RN's who are enrolled in graduate programs to assume leadership roles in education, administration, and clinical practice. Services provided by nurses with advanced degrees bolster the achievement of our national health goals. Continued Federal assistance for advanced nurse training is vital and an investment which gives a high rate of return for the health of our Nation.●

A CARIBBEAN FORUM FOR PEACE AND DEVELOPMENT

HON. MERYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. DYMALLY. Mr. Speaker, a significant revision to United States-Caribbean relations has been recently accepted by the House of Representatives, and I am honored to have initiated this important task. It concerns the future of economic development in the Caribbean region and the means to coordinate development plans. Consisting of most of the Caribbean nations, the United States, Canada, and the former European colonial powers, my measure has called for an International Advisory Commission for the Caribbean region to survey and plan the economic development of the Caribbean. This initiative answers the requests of Caribbean political leaders, economic experts, and American observers who have longed for a coordinated international effort to develop and modernize this important area of the globe. Specifically, the measure creates a forum, whereby political, economic, and social/cultural spokespersons for the Caribbean and the donor-aid nations meet to examine and advise the many governmental and private development planners on the best approaches to modernization.

In the interests of free expression and fair play, I have left the precise details as to the workings of this body to the participants themselves. For too long, the United States has dictated both its good and bad intentions to the Third World. My Caribbean Commission proposal invites the Caribbean nations to define their own future for the forum. It will serve as an excellent compliment to the Caribbean Basin Initiative, filling in the obvious gap in coodinating development polices. On the other hand, since it is an American concept, and since America also is a Caribbean nation, we owe an obligation to fund the opening session of this forum.

Without question, this type of peaceful international cooperation in Caribbean development can lead to a most harmonious relationship between the United States and all of its Caribbean neighbors. It is an overdue task based on the historic precedent of the post-Wold War II Caribbean development commissions. Such an approach worked then. A modern, international cooperative effort can only spurn success and rejuvenate the peaceful, democratic mission of American foreign policy in the Caribbean.

SENATE—*Wednesday, July 17, 1985*

(Legislative day of Tuesday, July 16, 1985)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

In a moment of silence, let us remember Senator ARMSTRONG and his family in the loss of his father yesterday.

(Moment of silence.)

Gracious God our Heavenly Father, the hearts of millions of Americans are lifted up to Thee in praise and gratitude for the extraordinary recovery of President Reagan. We thank Thee for his strength—his resilience—his incorrigible sense of humor—his indomitable spirit—his ability to unite the people and power to motivate, encourage, and stimulate hope. Be with him Lord, give him patience as the process of recovery continues to full health and vigor.

We thank Thee for Mrs. Reagan—for her poise and dignity through the difficult hours of surgery and subsequent recovery. Support her with Thy comfort and peace, and let her be reassured of the love, respect, admiration, and concern of all of us.

We thank Thee for Vice President BUSH—for his selfless response at a time of uncertainty to the responsibility of his office. We thank Thee for the encouragement and reassurance he communicated to the people during this traumatic time. Be with him and Mrs. Bush through the days of restoration for the President, and with all the partners in the White House. Use this time in the life of our Nation to draw us together as one people. To Thy glory we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each. There are special orders for Senators THURMOND and PROXMIRE, not to exceed 15 minutes each. Then there will be routine morning business not to extend beyond the hour of 12 noon, with statements limited therein to 5 minutes each.

At 12 noon, the Senate will resume consideration of the motion to proceed to S. 43, the line item veto.

It is my hope we might have a vote on that today rather than to go through a cloture vote tomorrow. That will depend on those who have strong feelings against the ultimate vote on the line item veto.

In any event, if there is no vote today, cloture will be voted on tomorrow.

Also, at some point later in the day, it is the hope of the majority leader that we could turn to a couple of calendar items which have been cleared, which could result in rollcall votes. We are looking at Calendar Order No. 212, S. 410, the Conservation Service Reform Act, and Calendar Order No. 214, S. 444, Alaska Native Claims Settlement Act. We hope to dispose of those two items today. There may be other items.

Again, I will be communicating with committee chairmen and ranking members that we are going to have a very full schedule in September and October. This may be the last resort for some of these items that hopefully can be disposed of in the next 2½ weeks before the August recess.

I would urge those who might tend to delay taking these up until a later time that there may not be any time later. Hopefully, we can dispose of a number of items in the next 2½ weeks.

I am not certain there will be a vote on the motion to proceed today, as I indicated. If there is, I assume that will come fairly late in the afternoon.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GARN). Under the previous order, the Democratic leader is recognized.

RESPONSE TO THE MAJORITY LEADER

Mr. BYRD. Mr. President, I will say in response to the statement by the distinguished majority leader, I have asked the staff to quickly run the hot line on these two measures, Calendar Order No. 212 and Calendar Order No. 214, and see if there is any way we can accommodate the distinguished majority leader's desire to get action on these two measures. I will be reporting to the distinguished majority leader as soon as I gather that information.

THE REYNOLDS NOMINATION

Mr. BYRD. Mr. President, I read a story today which appeared in the Washington Post entitled "Democrats Oppose Reynolds Promotion," subtitled "Senators Warn Reagan Against Recess Appointment of Rejected Justice Department Nominee."

Mr. President, the story speaks for itself. I do not, at this point, intend to talk about Mr. Reynolds or any other nominee whose confirmation might be pending at the moment or at a later time.

I am, however, drawn to these paragraphs, which I excerpt from the Post story:

> Second, several administration officials contend that the President needs to have the Judiciary Committee "in line" before a possible Supreme Court nomination. They anticipate at least one opening soon, possibly to succeed Justice Lewis F. Powell Jr. who was recently hospitalized. "The tail is not going to wag the dog on these nominations," said a White House official. "That committee has to understand who is the President of the United States and this is not a good experience to have as we approach bigger battles.
>
> "We expect to get our people confirmed, not to expose them to shooting-gallery politics that embarrasses the President. There will not be a second Brad Reynolds . . . there shouldn't be a first."

Mr. President, I hesitate to give too much attention to this snide attack on the Judiciary Committee. I cannot, as a member of that committee, however, completely overlook this cheap talk on the part of a nameless, faceless, unidentified, anonymous White House official.

I have been a member of the Judiciary Committee for several years. When Mr. Johnson left the Senate, I took Mr. Johnson's seat on the Armed Services Committee. Later, when I graduated from American University Law School, I sought and secured appointment to the Judiciary Committee.

I have never thought that members of the Judiciary Committee or any other committee should or could be whipped into line by any administration or by any President.

Mr. President, what we see in this story is not something the President said. I do not agree with Mr. Reagan on a good many things. I did not agree with Mr. Carter on a good many things. I did not agree with Mr. Ford, Mr. Nixon, or Mr. Johnson all the time.

I do not believe that any of those former Presidents or this President

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

would make a statement like this one, which was reported to have been made by "a White House official." Nor do I think there is a Senator on that committee who is going to be whipped into line. I try to give the same consideration to the positions and statements of other Members that I hope will be given to my own positions and statements—always the courtesy of listening, evaluating, and weighing the viewpoints of others, never questioning the integrity or the motivations of any member of the committee.

I would have to say that I have seen committees in the Congress, in the Senate, and I have seen the Senate itself respond at times on very controversial and great issues in a way that strengthened my belief in this institution. For example, I would have to say that about the Panama Canal treaties, when the opposition was so great; yet two-thirds plus one Member of this body stood against that opposition and voted for the treaties—voted for what they thought was in the best interests of this country. This is not to say that those who voted against the treaties did not display the same integrity. Of course, they did.

I should think that any administration would be embarrassed by this kind of talk that comes out of the White House.

I simply cannot envision the chairman of the Judiciary Committee, Mr. STROM THURMOND, being whipped into line on anything. I remember the late Senator Richard Russell one day when I spoke of the distinguished Senator from South Carolina [Mr. THURMOND]. Dick Russell said—I remember his words very clearly—that STROM THURMOND is "absolutely fearless." I think Dick Russell was right. I cannot imagine—if the chairman of the Judiciary Committee feels strongly on a particular matter—I do not think any administration is going to whip him into line. I say the same about others on the Judiciary.

Mr. President, this is an extraordinarily arrogant statement to be made by a White House official: "The tail is not going to wag the dog on these nominations. That committee has to understand who is the President of the United States." I do not know the identity of the official, but he, too, has to understand that there is a Constitution of the United States. I suppose he has not read it lately.

Let me just say, and I will have said enough about this impertinent so-called White House official: That is one of the most arrogant statements I have ever heard any person in the Government make. The Senate has a role in the confirmation and appointment of various high officials. It is not the tail wagging the dog, Mr. President. It is a matter of fulfilling our oaths when we take office as U.S. Senators. We subscribe to an oath, with the uplifting of a hand and a hand on the Bible, that we will support and defend the Constitution of the United States against all enemies, foreign and domestic. There are 100 Senators who have taken that oath. They all took it seriously.

This White House official does not help the administration when he makes such an asinine, arrogant, and impertinent statement as that which was reported to have been made. It will be remembered.

Mr. President, I ask unanimous consent that the news story to which I have referred be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEMOCRATS OPPOSE REYNOLDS PROMOTION

(By Howard Kurtz and Juan Williams)

Senate Minority Leader Robert C. Byrd (D-W.Va.) urged President Reagan yesterday not to name William Bradford Reynolds as associate attorney general during Congress' August recess, saying such a move "would be an insult to the Senate and an affront to the Constitution."

In a letter to Reagan on behalf of all 47 Democratic senators, Byrd reminded the President that the Senate Judiciary Committee rejected Reynolds for the Justice Department's No. 3 position last month.

He said that "a recess appointment of the same individual to the same position would be inappropriate and unacceptable."

Even Republicans cautioned against a recess appointment. Senate Majority Whip Alan K. Simpson (R-Wyo.) said he did not want to see "a subterranean campaign of some kind that would be a distraction from the heavy work load we have around here."

The swift reaction appeared to let much of the steam out of efforts to revive the Reynolds nomination. However, Simpson and Majority Leader Robert J. Dole (Kan.) said they would support a "discharge petition" to force the nomination to the floor.

Dole said there was "widespread" GOP support for that idea.

Reynolds, who has headed the Justice Department's Civil Rights Division for the last four years, was voted down 10 to 8 amid criticism that he had been lax in enforcing civil rights laws and had misled the Senate Judiciary Committee in sworn testimony.

Republicans Arlen Specter (Pa.) and Charles McC. Mathias, Jr. (Md) joined the eight committee Democrats in opposition.

Byrd's letter to Reagan cited a report in yesterday's Washington Post which said that White House officials are calling senators to gauge whether they have enough support to force the Senate to vote on Reynolds' nomination.

But even if such a move is successful, key senators acknowledged, opponents would filibuster the nomination.

The Republicans are unlikely to bring the matter to the floor unless they can muster the 60 votes needed to break a filibuster—a prospect made more unlikely by yesterday's Democratic criticism.

The Post article also said that some administration officials, anticipating a filibuster, are considering giving Reynolds an unusual recess appointment that would allow him to serve through 1986 without Senate confirmation. "The president's lawyers know better than that," Byrd said. "That's not what the recess appointment is for." Sources said that if the administration promotes Reynolds in August, it would also have to give recess appointments to several top Justice Department officials because an angry Senate would refuse to approve them.

"You wouldn't even get a U.S. attorney through," a Senate official said.

Despite yesterday's negative reaction and the considerable obstacles in their path, some administration officials remain adamant in their desire to promote Reynolds.

These officials led by Attorney General Edwin Meese III, have argued strongly in the administration that the fight for the nomination should be continued.

First, they believe the Reynolds' defeat unfairly tarred the president's civil rights record.

Both White House and Justice Department officials are convinced that Reynolds was "nit-picked to death" by opponents who seized on discrepancies in his statements, rather than challenged on what they see as the heart of the administration's civil rights policy, its opposition to racial quotas.

Second, several administration officials contend that the president needs to have the Judiciary Committee "in line" before a possible Supreme Court nomination. They anticipate at least one opening soon, possibly to succeed Justice Lewis F. Powell, Jr. who was recently hospitalized. "The tail is not going to wag the dog on these nominations," said a White House official. "That committee has to understand who is the president of the United States and this is not a good experience to have as we approach bigger battles.

"We expect to get our people confirmed, not to expose them to shooting-gallery politics that embarrasses the president. There will not be a second Brad Reynolds . . . there shoudn't be a first."

Many in the administration believe they should not be in a position of defending their policies after a landslide reelection victory last November. They also want to respond to negative votes by Specter and Mathias.

"Winning starts with having your own team in line," a White House official said.

But some leading Republicans said the White House should accept defeat rather than spend more political capital on a fight it is unlikely to win.

RECOGNITION OF SENATOR THURMOND

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina [Mr. THURMOND] is recognized for not to exceed 5 minutes.

THE CLOSING OF A TEXTILE PLANT IN GREENVILLE, SC

Mr. THURMOND. Mr. President, last week, yet another clothing manufacturer in South Carolina announced that it will be forced to close its doors by the end of summer. This shutdown is just another indication of the pressing need to pass S. 680, the "Textile and Apparel Trade Enforcement Act of 1985."

Hearings on this bill began in the Senate Finance Committee's International Trade Subcommittee this week,

and I urge the Senate to take a firm stand in support of this legislation. It is crucial to the future of the textile industry, for if we fail to act now, there simply will not be an American textile industry in 10 years.

Mr. President, I ask unanimous consent that the following article taken from the State newspaper of Columbia, SC, on Thursday, July 11, 1985, be printed in the RECORD as further evidence of the urgency of passing this legislation expeditiously.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Columbia (SC) State, July 11, 1985]

GREENVILLE PLANT TO CLOSE

The 170 employees of the Pleasantburg Manufacturing Co. plant in Greenville will lose their jobs by the end of August when the apparel maker closes the plant down, the company has announced.

Robert Frederick, vice president of manufacturing for S&S Manufacturing of Spartanburg, the parent firm, said Tuesday the company hopes to place a "pretty good percentage" of the employees in jobs at other Greenville sewing companies and at the other S&S facilities.

Some employees will be transferred to the Spartanburg plant or other facilities owned by S&S, depending on where they live, he said.

S&S Manufacturing is owned by the New York-based Land 'n' Sea Corp., which also is the parent company of Bobbie Dan Manufacturing Co. in Anderson, Richland Sportswear in Westminster and Williamston Manufacturing Co. in Williamston.

Frederick said employees were told Monday of the planned shutdown, which he attributed to "rising imports and other competition."

The plant, which manufactures ladies' blouses, has been operating for about 15 years, Frederick said. Operations will be phased out beginning in early August, and the plant will shut down by the end of the month, he said.

Pleasantburg Manufacturing in November announced it would lay off about 60 employees, citing "dramatic increases in foreign imports."

S&S has put the plant up for sale, and Frederick said it would be "in the best interest of the employees and the best interest of the company" if it were bought by another sewing company.

If the plant is bought by a sewing company, the rest of the employees will be available to work for that company, he said.

Pleasantburg Manufacturing will contact other sewing companies in the Greenville area, including direct and indirect competitors, about placing some employees, Frederick said.

Mr. THURMOND. Mr. President, this import situation has gotten completely out of hand. The letter I had from the President when he was running in 1980, and 2 years later, confirmed that he was going to work to keep the growth of imports in line with the domestic market growth. The people working under the President have simply not kept his commitment. The growth of imports in 1984 was about 33 percent, whereas the domestic growth was 1 to 2 percent. I sincerely hope that the administration will correct the situation, as more and more textile and apparel plants will close unless prompt action is taken.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Thank you, Mr. President. I should say Mr. Chairman and Mr. President, since he is presently both.

THE BEST ARTICLE EVER ON HOW TO REDUCE RISK OF NUCLEAR WAR

Mr. PROXMIRE. Mr. President, from time to time I have recommended to my fellow Senators that they read various articles on arms control or reducing the risk of nuclear war. For several years this Senator has read everything he can get his hands on regarding this most important subject of our time. What could be more vital than stopping nuclear war? If we fail to stop nuclear war, nothing else matters. Mr. President, if this Senator could select one single article as an absolute must for every Member of the Congress, for the top officials in the State and Defense Departments, for the President of the United States, and for anyone else who has any voice in determining American policy on nuclear arms control, I would unhesitatingly recommend the article that appears in the July 1985 issue of the Atlantic Monthly. That article was jointly written by former Defense Secretary Robert McNamara and Hans Bethe. Bethe is a Nobel prize winning physicist. He is known as the father of the hydrogen bomb.

McNamara and Bethe propose a drastic change in our arms control objectives and in our strategic military policy. Suprisingly, they would start at Geneva where the arms talks appear to be dead in the water. They contend the United States can press the President's expressed objective to reach an agreement that will persuade both sides to drastically reduce their nuclear arsenals, while at the same time pursuing a ballistic missile defense research program, which of course is precisely what the President has called for. The key to securing a Russian agreement, argue McNamara and Bethe, is to negotiate a strengthening of the Antiballistic Missile Treaty.

How can a strengthening of the ABM Treaty be reconciled with continued star wars research? After all, isn't the whole purpose of the star wars research to provide the technological basis for building an antiballistic missile system that would be expressly denied by the present ABM Treaty, let alone a strengthened ABM Treaty? McNamara and Bethe find their answer in the two criteria necessary for star wars to move ahead proposed by Paul Nitze, the administration's senior adviser on arms control. In a speech last February, Nitze proposed that the star wars defense must work even in the face of direct attack on itself. It must also be cheaper to augment the defense than the offense. Obviously, these criteria cannot be met today. So as Nitze himself has put it, during an initial period of "at least 10 years" no star wars defenses would be deployed. These 10 years or more offer a vital window of opportunity. The authors of the articles, however, call the window of opportunity fleeting. It is. Here's why: the treaty specifies that not simply the deployment but even the development of strategic defenses would provoke an offensive buildup. The treaty forbids some radars. It restricts the testing of components of an ABM. The Soviets appear to be in violation of the radar restriction. They certainly will be if and when the radar is completed. On the other hand, the United States will violate the treaty if it meets the schedule announced by General Abrahamson, the director of SDI, who has indicated that the end of the decade or the early 1990's would be the time the tests forbidden by the ABM Treaty would come.

So the United States should negotiate a quid pro quo: No tests by the United States, no completion of the forbidden radar by the Soviets. In addition, the authors call for a verifiable ban on the testing of antisatellite weapons as another strengthening of the ABM Treaty. With the ABM Treaty strengthened, a solid, logical basis for deep cuts in offensive missiles would be established. Both sides could be assured that the reductions in offensive missiles would not compromise their nuclear weapon deterrence. The deep cuts in warheads would reduce the fear of first strikes on both sides. The authors propose a 50-percent mutual cut to begin with, followed by an eventual reduction of 90 percent. The 90-percent reduction would also, of course, have to include corresponding reductions in the nuclear arsenals of the other nuclear powers.

Again and again, McNamara and Bethe stress the full implications of President Reagan's assertion that "a nuclear war cannot be won and must never be fought." Unfortunately, until this moment, both superpowers have followed policies designed to achieve the impossible: fight and win a nuclear war. For the first time in history, such an objective is impossible. So what? So our mission must be to do everything we can to prevent a nuclear war. This is an extraordinarily hard principle for

us to accept. It contradicts everything we have learned from history. Why is the present situation so different from any military dilemma we have ever faced? Because, as McNamara and Bethe write:

The superpowers arsenals hold some 50,000 nuclear warheads. Each on the average is far more destructive than the bomb that obliterated Hiroshima. Just one of our 36 strategic submarines has more firepower than man has shot against man throughout history.

Think of that, Mr. President. And what is current U.S. policy? Get this. Current U.S. defense policy calls for nuclear forces sufficient to support a "controlled and protracted" nuclear war that "could eliminate the Soviet leadership and that would permit the United States to prevail."

Mr. President, that policy makes absolutely no sense in this nuclear world. McNamara and Bethe conclude by stressing these themes:

First, each side must recognize that neither will permit the other to achieve a meaningful superiority. Again, this is a very hard policy for us to accept. We must accept the fact that the Soviets will not and cannot accept U.S. superiority or that our country could prevail.

Second, we must resist the forces pushing each side in the direction of a first strike.

Third, the U.S. technological edge should be used to enhance our security by improving our verification capability.

Fourth, we should strive for a bargain: Soviet acceptance of more intrusive verification, in return for American constraint on the application of its technological innovation.

Mr. President, once again I repeat what I said at the outset of this speech, that I hope and pray that the President of the United States, our top officials in the Defense and State Departments and Members of the Congress will carefully read this article by McNamara and Bethe. It is not saying too much to say that a full understanding of this article could go a long, long way towards saving the world.

I ask unanimous consent that the article "Reducing the Risk of Nuclear War" by McNamara and Bethe from the July issue of the Atlantic Monthly be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Atlantic Monthly, July 1985]

REDUCING THE RISK OF NUCLEAR WAR

(By Robert S. McNamara and Hans A. Bethe)

Throughout history war has been the final arbiter of disputes and a finite disaster. Unbounded calamities—the apocalypse, Armageddon—were left for mythology. Forty years ago Hiroshima put an end to that distinction. This insight was expressed with exceptional clarity by President Reagan when he said that "a nuclear war cannot be won and must never be fought." And yet both superpowers' policies rely on thinking that is mired in the pre-nuclear past. Each strives ceaselessly to improve its arsenal and lays plans for fighting the war that must never be fought.

Although the risk of war between East and West seems low at present, should a military confrontation occur the chance that it would escalate to all-out nuclear war is very, very high. That danger will haunt us as long as we persist on our present course. The combination of these factors—a high probability that war would destroy our society, and an indefinitely long exposure to that danger—produces a risk that is unacceptable. There is a widespread intuitive awareness of this peril.

When the President proposes a "Star Wars" space defense that would make nuclear weapons "impotent and obsolete," there is, therefore, an understandable outpouring of public support, even though most technical experts, inside the government and out, consider his proposal to be a nostalgic dream without a descernible connection to the realities of nuclear physics.

Now, then, are we to escape our predicament? By heeding Einstein's admonition that "the unleashed power of the atom has changed everything save our modes of thinking." If we clearly face the implications of nuclear weapons, we will see the path through the hazards that science has forever unveiled. The path is not easy, but if it is followed with persistence, the risk of nuclear war will constantly recede and confidence that we are masters of our fate will be rebuilt.

The first large step toward our goal can be taken at the Geneva arms talks. It should be possible to pursue a ballistic-missile-defense research program, as desired by the President, and at the same time to negotiate a strengthening of the Anti-Ballistic-Missile Treaty. By that means the U.S. and Soviet positions on space could be reconciled and the way thereby opened to shape cuts in offensive forces shaped in a manner that would lead to a much safer world in the twenty-first century.

In developing this thesis we will discuss:

The situation today: a world with tens of thousands of nuclear weapons, with both sides pursuing nuclear war-fighting strategies, and with each fearing that the other is seeking to achieve a first-strike capability.

The President's recognition of the danger in the present situation; his proposal to substitute a defensive strategy, based on a perfect defense, that would permit the destruction of all nuclear weapons; and the reasons why virtually all the experts consider such a goal unattainable.

Alternative "partial" defensive systems, which would be added to, not substituted for, offensive nuclear weapons, and which would almost certainly lead to a rapid escalation of the arms race and its extension into space.

A totally different strategy, which would build on the ABM Treaty, move away from the nuclear-war-fighting mania, permit us to enter the twenty-first century with radically smaller nuclear forces (perhaps no more than five percent of the size of present inventories), and dramatically reduce the risk that our civilization will be destroyed by a nuclear conflagration.

The way in which the Geneva negotiations can be structured to lay a foundation for a more secure tomorrow.

THE SITUATION TODAY: NUCLEAR FORCES THAT REFLECT WAR-FIGHTING DOCTRINES

The superpowers' arsenals hold some 50,000 nuclear warheads. Each, on average, is far more destructive than the bomb that obliterated Hiroshima. Just one of our thirty-six strategic submarines has more firepower than man has shot against man throughout history. Thousands of nuclear weapons are ready for immediate use against targets close to hand on half a globe away, but just a few hundred warheads could utterly demolish the largest nation.

To deter war, each side seeks to persuade the other in itself, that it is prepared to wage a nuclear war that won't have the military objectives of a bygone age. What is known of Soviet nuclear-war plans is open to interpretation, but these plans appear to rely on tactics derived from Russia's pre-nuclear military experience. Current U.S. defense policy calls for nuclear forces that are sufficient to support a "controlled and protracted" nuclear war that could eliminate the Soviet leadership and that would even permit the United States to "prevail."

Nuclear-war-fighting notions lead to enormous target lists and huge forces. Our 11,000 strategic warheads are directed against some 5,000 targets. And NATO's war plans are based on early first use of some 6,000 tactical nuclear weapons in response to a Soviet conventional attack. Both NATO and the Warsaw Pact countries routinely train their forces for nuclear operations. War-fighting doctrines create a desire for increasingly sophisticated nuclear weapons which technology always promises to satisfy but never does. Today both sides are committed to programs that will threaten a growing portion of the adversary's most vital military assets with increasingly swift destruction.

These armories and war plans are more than macabre symbols for bolstering self-confidence. Both Moscow and Washington presume that nuclear weapons are likely to be used should hostilities break out. But neither knows how to control the escalation that would almost certainly follow. No one can tell in advance what response any nuclear attack might bring. No one knows who will still be able to communicate with whom, or what will be left to say, or whether any message could possibly be believed.

When our secretary of defense, Caspar Weinberger, was asked whether it really would be possible to control forces and make calculated decisions amid the destruction and confusion of nuclear battle, he replied, "I just don't have any idea. I don't know that anybody has any idea." Surely it is reckless to stake a nation's survival on detailed plans for something about which no one has any idea.

It would be vastly more reckless to attempt a disarming first strike. Nevertheless, the arms race is driven by deep-seated fears held by each side that the other has, or is seeking, the ability to execute just such a strike.

The large force of powerful and increasingly accurate Soviet ICBMs has created the fear of a first strike in the minds of many U.S. leaders. According to this scenario, the Soviet missiles could, at one stroke, eliminate most of our Minuteman ICBMs; our surviving submarines and bombers would enable us only to retaliate against Soviet cities; but we would not do so because of our fear of a Soviet counterattack on our urban population; and thus we would have no choice but to yield to all Soviet demands.

A more subtle variant of this nightmare would have the Soviets exacting political blackmail by merely threatening such an attack.

Those who accept the first-strike scenario view the Soviet ICBMs and the men who command them as objects in a universe decoupled from the real world. They assume that Soviet leaders are confident that their highly complex systems, which have been tested only individually and in a controlled environment, would perform their myriad tasks in perfect harmony during the most cataclysmic battle in history; that our electronic eavesdropping satellites would detect no hint of the intricate preparations that such a strike would require; that we would not launch our missiles when the attack was detected; and that the thousands of submarine-based and airborne warheads that would surely survive would not be used against a wide array of vulnerable Soviet military targets. Finally, they assume Soviet confidence that we would not use those vast surviving forces to retaliate against the Soviet population, even though tens of millions of Americans had been killed by the Soviet attack on our silos. Only madmen would contemplate such a gamble. Whatever else they may be, the leaders of the Soviet Union are not madmen.

That a first strike is not a rational Soviet option has also been stated by President Reagan's own Scowcroft Commission, which found that no combination of attacks from Soviet submarines and land-based ICBMs could catch our bombers on the ground as well as our Minutemen in their silos. In addition, our submarines at sea, which carry a substantial percentage of our strategic warheads, are invulnerable; in the race between techniques to hide submarines and those to find them, the fugitives have always been ahead and are widening their lead. As the chief of naval operations has said, the oceans are getting "more opaque" as we "learn more about them."

Despite all such facts, the war-fighting mania and the fear of a first strike are eroding confidence in deterrence. Though both sides are aware that a nuclear war that engaged even a small fraction of their arsenals would be an unparalleled disaster, each is vigorously developing and deploying new weapons systems that it will view as highly threatening when the opponent also acquires them. Thus our newest submarines will soon carry missiles accurate enough to destroy Soviet silos. When the Soviets follow suit, as they always do, their offshore submarines will for the first time pose a simultaneous threat to our command centers, bomber bases, and Minuteman ICBMs.

The absurd struggle to improve the ability to wage "the war that cannot be fought" has shaken confidence in the ability to avert that war. The conviction that we must change course is shared by groups and individuals as diverse as the freeze movement, the President, the Catholic bishops, the bulk of the nation's scientists, the President's chief arms-control negotiator, and ourselves. All are saying, directly or by implication, that nuclear warheads serve no military purpose whatsoever. They are not weapons. They are totally useless except to deter one's opponent from using his warheads. Beyond this point the consensus dissolves, because the changes of direction being advocated follow from very different diagnoses of the predicament.

THE STRATEGIC DEFENSE INITIATIVE

The President's approach has been to launch the Strategic Defense Initiative (SDI), a vast program for creating an impenetrable shield that would protect the entire nation against a missile attack and would therefore permit the destruction of all offensive nuclear weapons. The President and the Secretary of Defense remain convinced that this strategic revolution is at hand.

Virtually all others associated with the SDI now recognize that such a leakproof defense is so far in the future, if indeed it ever proves feasible, that it offers no solution to our present dilemma. They therefore advocate other forms of ballistic-missile defense. These alternative systems range from defense of hardened targets (for example, missile silos and command centers) to partial protection of our population.

For the sake of clarity we will call these alternative programs Star Wars II, to distinguish them from the President's original proposal, which will be labeled Star Wars I. It is essential to understand that these two versions of Star Wars have diametrically opposite objectives. The President's program, if achieved, would substitute defensive for offensive forces. In contrast, Star Wars II systems have one characteristic in common: they would all require that we continue with offensive forces but add the defensive systems to them.

And that is what causes the problem. President Reagan, in a little-remembered sentence in the speech announcing his Strategic Defense Initiative, on March 23, 1983, said, "If paired with offensive systems, [defensive systems] can be viewed as fostering an aggressive policy, and no one wants that." The President was concerned that the Soviets would regard a decision to supplement our offensive forces with defenses as an attempt to achieve a first-strike capability. That is exactly how they are interpreting our program; that is why they say there will be no agreement on offensive weapons until we give up Star Wars.

Before any further discussion of why Star Wars II will accelerate the arms race, it would be useful to examine why the President's original proposal, Star Wars I, will prove an unattainable dream in our lifetime.

The reason is clear. There is no evidence that any combination of the "defensive technologies" now on the most visionary of horizons can undo the revolution wrought by the invention of nuclear explosives. "War" is only one of the concepts whose meanings were changed forever at Hiroshima. "Defense" is another. Before Hiroshima, defense relied on attrition—exhausting an enemy's human, material, and moral resources. The Royal Air Force won the Battle of Britain by attaining a 10-percent attrition rate against the Nazi air force, because repeated attacks could not be sustained against such odds. The converse, a 90-percent-effective defense, could not preserve us against even one modest nuclear attack.

This example illustrates that strategic defense in the missile age is prodigiously difficult at best, an impression that is borne out by a detailed examination of all the schemes that propose to mount defenses in space. The term "defensive technologies" may conjure up images of mighty fortifications, but it refers to delicate instruments: huge mirrors of exquisite precision, ultra-sensitive detectors of heat and radiation, optical systems that must find and aim at a one-foot target thousands of miles away and moving at four miles per second, and so forth. All these marvels must work near the theoretical limit of perfection; even small losses in precision would lead to unacceptably poor performance. Quite feeble blows against orbiting "battle stations" bearing such crown jewels of technology could render them useless.

Such attacks need not be surgical. If the Soviets were about to demolish us with a nuclear attack, they would surely not shrink from destroying our unmanned space platforms. And they have had nuclear-armed ABM interceptors ideally suited to that task for two decades. Such weapons could punch a large hole in our shield of space platforms, through which the Soviet first strike could immediately be launched. Hence any defense based on orbiting platforms is fatally vulnerable, or, as Edward Teller has put it, "Lasers in space won't fill the bill—they must be deployed in great numbers at terrible cost and could be destroyed in advance of an attack." The wide variety of countermeasures that have been developed during decades of ABM research show that every other proposed space-defense scheme has its own Achilles' heel.

The prospect of achieving the goal of Star Wars I has been succinctly put by Robert S. Cooper, the Pentagon's director of advanced research: "There is no combination of gold or platinum bullets that we see in our technology arsenal . . . that would make it possible to do away with our strategic offensive ICBM forces." Until there are inventions that have not even been imagined, a defense robust and cheap enough to replace deterrence will remain a pipe dream. Emotional appeals that defense is morally superior to deterrence are therefore "pernicious," as former Secretary of Defense James Schlesinger has said, because "in our lifetime, and that of our children, cities will be protected by the forbearance of those on the other side, or through effective deterrence." Harold Brown, also a former secretary of defense, has expressed the same thought.

STAR WARS II

Virtually everyone in the administration now agrees that a leakproof defense of population is not in the cards for decades, if ever. Therefore, while the President and the Secretary of Defense adhere to their original proposal, the technicians and others working on the SDI program are producing less radical rationales that blur crucial distinctions between hard-point defense, which is technically feasible, and comprehensive defense, which is not. These ever-shifting and intermingled rationales for Star Wars II call for careful scrutiny.

The most prominent fallback position is that even a partially effective defense would introduce a vital element of uncertainty into Soviet attack plans and would thereby enhance deterrence. This assumes that the Soviet military's sole concern is to attack us and that any uncertainty in their minds is therefore to our advantage. But any suspicions they may harbor about our wishing to achieve a first-strike capability would be inflamed by a partially effective defense.

Why? Because a leaky umbrella offers no protection in a downpour but is quite useful in a drizzle. That is, such a defense would collapse under a full-scale Soviet first strike but might cope adequately with the depleted Soviet forces that had survived a U.S. first strike.

Americans often find it incredible that the Soviets could suspect us of such monstrous intentions, especially since we did not attack

them when we enjoyed overwhelming nuclear superiority.[1]

Nevertheless, the Russians distrust us deeply. They know that a first strike was not always excluded from U.S. strategic thinking, and they have never forgotten Hitler's surprise attack on them, in 1941, a disaster that dwarfed Pearl Harbor.

It would be foolhardy to dismiss as mere propaganda the Soviets' repeated warnings that a nationwide U.S. strategic defense is highly provocative. Their promise to respond with a large offensive buildup is no empty threat. Each superpower's highest priority has been a nuclear arsenal that can assuredly penetrate to its opponent's vital assets. No partially effective space defense can alter that priority.

Nor will those who now fear a Soviet first strike see their fears allayed by such a defense. On the contrary, these fears will be aggravated. The Soviet response will be based on traditional worst-case analysis, which will inevitably overestimate the effectiveness of our defense, just as in the 1960s and 1970s we targeted many more warheads on Moscow as soon as it was surrounded by dubious ABM defenses. Being keenly aware of the fragility of our defenses, we would feel compelled to respond with a build-up of our own.

The claim that a Star Wars II defense would be a catalyst for arms reduction is therefore specious. Furthermore, arms control has been difficult enough when it has had to deal only with large offensive forces whose capabilities are relatively clear. It would be vastly harder to strike a bargain over space defenses whose effectiveness would be a deep mystery even to their owners, because they could never be tested under remotely realistic conditions.

Important support for Star Wars II stems from the belief that it best exploits our technological advantage in the inescapable competition with the Soviet Union. Those who hold this view ignore post-Hiroshima history and have less respect than we for the Soviet regime's ability to match our weapons and extract sacrifices from its people.

The authors have personally observed and participated in the nuclear competition for decades. The U.S. invention of the atomic bomb was the most remarkable technical breakthrough in military history. And yet the Soviet Union, though devastated by war and operating from a technological base far weaker than ours, was able to create nuclear forces that gave it a plausible deterrent in an astonishingly short time. Virtually every technical initiative in the nuclear arms race has come from the United States, but the net result has been a steady erosion of American security. There is no evidence that space weapons will be an exception, for a crude nuclear blunderbuss can foil sophistication.

Then why are the Soviets so worried by Star Wars? Because strategic defense probably could succeed if the Russians played dead. For that reason they must respond. This will require vast expenditures they can ill afford, and will ultimately diminish their security. But that is equally true for us, whether we recognize it or not.

To summarize, these rationales for Star Wars II propose to achieve a superior strategic posture by combining unattainable technical goals with a policy rooted in concepts whose validity died at Hiroshima.

AN ALTERNATIVE VISION FOR THE TWENTY-FIRST CENTURY

The public's intuitive awareness of the unacceptable risk posed by our present nuclear strategy is well founded. Our security demands that we replace that policy with one that is in firm touch with nuclear reality. If neither Star Wars I nor Star Wars II is the answer, what is?

The risk of catastrophic escalation of nuclear operations, and the futility of defense, lead us to base our proposal on the axiom that the initiation of nuclear warfare against a similarly armed opponent would be an irrational act. Hence, as we have said, nuclear weapons have only one purpose—that of preventing their use. They must not do less; they cannot do more. Thus, a restructuring of nuclear forces designed to reduce the risk of nuclear war must be our goal. All policies, every existing program, and each new initiative must be judged in that light.

Post-Hiroshima history has taught us three lessons that shape the present proposal. First, all our technological genius and economic prowess cannot make us secure if they leave the Soviet Union insecure: we can have either mutual security or mutual insecurity. Second, while profound differences and severe competition will surely continue to mark U.S.-Soviet relations, the nuclear-arms race is a burden to both sides, and it is in our mutual interest to rid ourselves of its menace. And third, no realistic scheme that would rid us of all nuclear weapons has ever been formulated.

The ultimate goal, therefore, should be a state of mutual deterrence at the lowest force levels consistent with stability. That requires invulnerable forces that could unquestionably respond to any attack and inflict unacceptable damage. If those forces are to remain limited, it is equally essential that they not threaten the opponent's deterrent. These factors would combine to produce a stable equlibrium in which the risk of nuclear war would be very remote.

This kind of deterrence posture should not be confused with the one currently prevailing among U.S. and Soviet nuclear forces. The 25,000 warheads that each nation possesses did not come about through any plan but simply descended on the world as a consequence of continuing technical innovations and the persistent failure to recognize that nuclear explosives are not weapons in any traditional sense.

The forces we propose could include a mix of submarines, bombers, and ICBMs. The land-based components should be made invulnerable in themselves, by some combination of mobile ICBMs and reductions in the number of warheads per missile. Two considerations would determine the ultimate size of the force: that it deter attack with confidence, and that any undetected or sudden violation of arms-control treaties would not imperil this deterrence. We believe that, ultimately, strategic forces having as few as 10 percent of the currently deployed warheads would meet these criteria, and tactical forces could be eliminated entirely. In short, the present inventory of 50,000 warheads could be cut to perhaps 2,000.

Before this goal is reached, other nuclear powers (China, France, Great Britain, and possibly others) will have to be involved in the process of reducing nuclear arsenals, lest their weapons disturb the strategic equilibrium.

The proposed changes in U.S. and Soviet strategic and tactical forces would require, as would the President's SDI, complementary changes in NATO and Warsaw Pact conventional forces, or appropriate increases in NATO's conventional power. If the latter was necessary, it could be achieved at a fraction of the costs we will incur if we continue on our present course.

Having identified our goal, how can we move toward it? Some of our new policies would depend solely on the United States and its allies; others would require Soviet cooperation. The former should be governed by the dictum, attributed to President Eisenhower, that "we need what we need." Were we to drop futile war-fighting notions, we would see that many things we already have or are busily acquiring are either superfluous or downright dangerous to us, no matter what the Soviets do. Tactical nuclear weapons in Europe are a prime example, and the Administration's policy of reducing their numbers should be accelerated. Other examples are programs that will haunt us when the Soviets copy them: sophisticated anti-satellite weapons, sea-based cruise missiles, and highly accurate submarine-launched ballistic missiles. We are more dependent on satellites than the Soviets are, and more vulnerable to attack from the sea. Many of these weapons, are valid bargaining chips because they threaten the Soviets, just as so much of their arsenal gratuitously threatens us.

THE GENEVA NEGOTIATIONS

Geneva provides an invaluable opportunity to take a giant step toward our goals. Is that not a preposterous assertion, the reader may well ask, for have we not claimed that Star Wars, which the President refuses to abandon, precludes arms control and guarantees an arms race? Surprisingly enough, it is not, if one takes account of a remarkable speech that Paul Nitze, the Administration's senior adviser on arms control, gave in Philadelphia on February 20. If the points that Nitze made are accepted, it should be possible for the President to negotiate toward the goals we have set without abandoning a strategic-defense research program.

Mr. Nitze presented two criteria that must be met before the deployment of strategic defenses could be justified: the defense must work even in the face of direct attack on itself, and it must be cheaper to augment the defense than the offense.

As we have seen, nothing that satisfies these criteria is on the horizon—a judgment in which Nitze apparently concurs, for he foresaw that during an initial period of "at least the next ten years" no defenses would be deployed. During that period we would, in Nitze's words, "reverse the erosion" of the ABM Treaty. That is a window of opportunity, as we shall see.

Nitze envisioned the possibility of two additional periods following the first. In the second phase some form of Star Wars II would be deployed alongside our offensive weapons, provided the two criteria he laid down had been met. If we entered the second phase, it probably would last for at least decades.

Ultimately, if Star War I proved practical, the second phase would be followed by a third, in which the leak-proof shield would be deployed and offensive weapons destroyed.

[1] In terms of numbers of strategic nuclear warheads, for example, the United States in 1960 had 6,300 to the Soviets' 200; in 1965 the figures were 5,000 to 600; in 1970, 4,500 to 1,800; in 1975, 8,000 to 2,700; in 1890, 9,200 to 6,000; in 1985, 11,100 to 8,500; and by 1990, assuming that U.S. and Soviet strategic forces are constrained by the SALT II agreement, the figures will be 13,600 to 13,000.

Mr. Nitze acknowledged that the problem of how to write an arms-control agreement during the second phase that would limit offensive arms while permitting defensive systems has not been solved. He said it would be "tricky." We agree. We know of no one who has suggested how to do it. But by implication Nitze was saying that this is an issue for future negotiations and that it need not stand in the way of a new agreement at this time.

Now back to the first phase, the window of opportunity. Why the fixation during this phase on the ABM Treaty? Because the treaty formalizes the insight that not just the deployment but even the development of strategic defenses would stimulate an offensive buildup. Were the treaty to collapse, we could not move toward our goal of reducing the offensive threat. Hence the fleeting window of opportunity: strengthening of the ABM Treaty coupled with negotiations on offensive strategic forces.

The treaty forbids certain types of radars and severely restricts the testing of components of ABM systems. Both of these provisions are endangered.

The Soviets are building a radar in Siberia that apparently will violate the ABM Treaty once it is completed. While this radar is of marginal military significance, it has great political import and poses an issue that must be resolved to the satisfaction of the U.S. government.

In the near future the United States will be violating the restrictions on tests in spirit and probably in law if we place our research program on the schedule implied by Lieutenant General James Abrahamson, the director of the SDI, when he said, on March 15, that a "reasonably confident decision" on whether to build Star Wars could be made by the end of the decade or in the early 1990s. If we are unwilling to refrain from the tests associated with such a schedule, the Soviets will, with good reason, assume that we are preparing to deploy defenses. They will assiduously develop their response, and the prospect for offensive-arms agreements at Geneva will evaporate. The treaty's central purpose is to give each nation confidence that the other is not readying a sudden deployment of defenses: we must demonstrate that we will adhere to the treaty in that spirit.

The ABM Treaty does not forbid anti-satellite weapons, and unless that loophole is closed we will have an arms race in space long before we have any further understanding of what, if anything, space defense could accomplish. Hence a verifiable ban on the testing of anti-satellite weapons should become a part of the ABM Treaty regime. Because we are much more dependent on satellites than the Soviets are, such a ban would be very much in our interest.

A strengthened ABM Treaty would allow the Geneva negotiations to address the primary objective of offensive-arms control: increasing the stability of deterrence by eliminating the perceptions of both sides that the other has, or is seeking, a first-strike capability. This problem can be dealt with through hard-headed arms control. There is no need to rely on the adversary's intentions: his capabilities are visible. Mutual and verifiable reductions in the ratio of each side's accurate warheads to the number of the other side's vulnerable missile launchers could reduce the first-strike threat to the point at which it would be patently incredible to everyone. Both sides have such immense forces that they should concentrate on quickly reducing the most threatening components—those that stand in the way of stability and much lower force levels.

What is needed is deep cuts in the number of warheads, but cuts shaped to eliminate the fear of first strikes. Because the two sides have such dissimilar strategic forces, this process will be very difficult, but it should be possible in the first phase to accomplish reductions of 50 percent. It would be reasonable, for example, for the United States to insist on large reductions in the number of Soviet ICBM warheads, but in the bargaining we must be ready to make substantial cuts in our counterpart forces, including, for example, the silo-killing submarine-based D-5 missile.

CONCLUSION

In sum, the arms negotiations now beginning in Geneva represent a historic opportunity to lay the foundation for entering the twenty-first century with a totally different nuclear strategy, one of mutual security instead of war-fighting; with vastly smaller nuclear forces, perhaps 2,000 weapons in place of 50,000; and with a dramatically lower risk that our civilization will be destroyed by nuclear war.

Several themes should govern our attitudes and policies as we move through those negotiations toward our long-term objectives.

Each side must recognize that neither will permit the other to achieve a meaningful superiority; attempts to gain such an advantage are dangerous as well as futile.

The forces pushing each side in the direction of a "first-strike" posture must, at least from the standpoint of the adversary, be reversed. A stable balance at the lowest possible level should be the goal.

Our technological edge should be exploited vigorously to enhance our security, but in a manner that does not threaten the stability of deterrence. Space surveillance and data processing, which forms a large portion of the SDI program, illustrate what technology could contribute to treaty verification.

We must not forget Winston Churchill's warning that "the Stone Age may return on the gleaming wings of science," and we must learn to shed the fatalistic belief that new technologies, no matter how threatening, cannot be stopped. While laboratory research cannot be constrained by verifiable agreement, technology itself provides increasingly powerful tools that can be used to impede development and to stop deployment. For example, only an absence of political will hinders a verifiable agreement preventing the deployment of more-threatening ballistic missiles, because they require many observable flight tests.

We must also allay legitimate fears on both sides: the Soviets' fear of our technology, and our fear of their obsessive secrecy. These apprehensions provide an opportunity for a bargain: Soviet acceptance of more-intrusive verification in return for American constraints on applications of its technological innovation. Penetration of Soviet secrecy is to our mutual advantage, even if the Kremlin does not yet understand that. So is technological restraint, even though it runs against the American grain.

We have reached our absurd confrontation by a long series of steps, many of which seemed to be rational in their time. Step by step we can undo much of the damage. The program sketched in this article would initiate that process. It draws on traditional American virtues: striving with persistence and resourcefulness toward a high but attainable goal.

This program would steadily reduce the risks we now face and would begin to restore confidence in the future. It does not pretend to rid us totally of the nuclear menace. It addresses our first duty and obligation: to assure the survival of our civilization. Our descendants could then grapple with the problem that no one yet knows how to attack.

MYTH OF THE DAY: THAT THE AVERAGE CITIZEN CAN WIN ELECTION TO CONGRESS

Mr. PROXMIRE. Mr. President, the present campaign financing system means that Mr. Smith or Ms. Smith would never make it to Washington these days. Why not? Consider: it takes a small fortune to make a competitive run for a seat in Congress—$500,000 for the House, $2 million and up for the Senate.

Who provides the money? More and more of this money comes from organized special interests—PAC's. Contributions went up from $12 million a decade ago—16 percent of the total—to over $100 million during the 1984 election cycle, about one-third of the total.

Why can't the average citizen raise the money? Incumbents have a pipeline into this flood of money: for every $1,000 they receive challengers get a paltry $135.

Are the odds against Mr. or Ms. Smith really that prohibitive? The result is that challengers face odds of 65 to 1 against them if they run against an incumbent; 1,229 tried it in 1984 and 19 won.

So unpack, Mr. or Ms. Smith, your day has passed.

I DIDN'T SAY GOODBYE

Mr. PROXMIRE. Mr. President, in 1942, the French Vichy government sent its first group of French Jews to the German concentration camps.

More than 75,000 French Jews were deported over the next 2 years, the majority of whom never came back.

Claudine Vegh has written a book chronicling the experiences of 17 French men and women who lost one or both parents in the German death camps. Through interviewing children of the death camp victims, Mrs. Vegh has reported the tragic experiences of 17 children who never got to say goodbye to their parents. The book is appropriately entitled, "I Didn't Say Goodbye."

Claudine Vegh picked these children of victims because they had purposely chosen to keep quiet about their tragic experiences.

Many of them talked about their war experiences and the aftermath for the first time with Mrs. Vegh, sharing memories they had long chosen to suppress.

Mrs. Vegh had a keen awareness of these experiences since she also lost

her parents in German death camps. This is why many of the children of the victims agreed to break their silence on this bitter subject and grant interviews.

The surviving children quite naturally reported an overpowering sense of loneliness and withdrawal after the loss of their parents.

One woman said, "It's as though there is an immense vacuum around me, a vacuum, which in spite of all my efforts, I cannot fill."

This feeling was amplified by the fact that these children never got the chance to mourn their parents' deaths. Thus, in their own minds the loss of their parents was never really resolved.

Claudine Vegh stresses that because these children were not the orphans of normal wartime casualties, but rather of calculated genocide, they were forced to cover up the fate of their parents by changing their names, by hiding and by disavowing their families.

The most shameful memory of the surviving children has been anger at their parents for submitting to their fate.

This anger, however, is now laced with the knowledge that many of the children owed their lives to the sacrifices made by their parents.

The childrens' debt to their parents has been unbearable. The children have felt resentment at themselves for the ingratitude they showed to parents who made the ultimate sacrifice—giving their own lives so that their children could live.

Mr. President, the suffering of these children and the brutal deaths of their parents should never be allowed to happen again.

The United States should formally pledge that it will never happen again.

The United States should ratify the Genocide Treaty.

Mr. President, ratification of the Genocide Convention would firmly and formally commit the United States against the type of senseless killing that left these children without parents.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

THE ATHENS AIRPORT

Mr. DENTON. Mr. President, with all of the controversy surrounding possible security problems in the Athens Airport and the broad criticisms which have been heaped upon that facility—of which the July 5 op-ed " 'Dirty' Airports" seems typical—I found Mr. Andrew E. Manatos' response to be both informative and refreshing.

I urge my colleagues to read Congressman MICA's criticisms which are the result of a staff study, as well as Mr. Manatos' rebuttal.

The material follows:

"DIRTY" AIRPORTS

The term "dirty" airport applies to a facility that provides fertile ground for terrorist activities. Athens International has been given that unsavory designation for several reasons. One is the large number of resident non-Greeks who are linked to Middle Eastern terrorist groups. A second is the Greek government's aparent lack of determination to take decisive action against them. The third reason is deplorable airport security.

As chairman of the House Foreign Affairs subcommittee on international operations, I dispatched a task force to Greece last November to assess the terrorist risk to U.S. diplomats and embassy personnel and to help the Greek government develop effective anti-terrorist programs. While the findings of our task force are classified, some examples of lax airport security must be made public if international pressure is to be brought against governments that allow such conditions to exist.

In American airports, we are accustomed to security guards' examining our baggage on X-ray monitors. Their diligence stems, in part, from limited shifts of 30 minutes on the X-ray monitor. In Athens, they stare at the X-ray screen for eight long hours. Inadequate training and equipment are the rule.

In America, airports are ringed with sturdy security fences and are routinely patrolled. In Athens last March, a truck drove onto the runwway, fired a rocket-propelled grenade at an airplane and raced off, unmolested by security guards.

In America, the Federal Aviation Administration requires screening of all passenger and carry-on baggage for aircraft of 60 seats or more. In Greece, as in other countries that subscribe to the looser standards of the International Civil Aviation Organization, the only requirement is that "necessary measures" be taken to prevent unauthorized weapons or explosives from being smuggled aboard.

Glaring as these shortcomings are, they are only symptoms of a deeper problem that is rooted in the attitude of top Greek officials. What was the the signal to terrorists when the Greek government released, over U.S. objections, the terrorist who tried to put a bomb on a commercial airliner last year? What was the signal when the Greek government refused a request by Pan American World Airways to install a new X-ray monitor at Athens International, just five days before the hijacking of TWA Flight 847?

I appeared on the "Today" show to discuss those overtures to the Greek government. My counterpart, a Greek government official, accused us of "politicizing" the hijacking. My response: If the majority of Greeks knew of their government's lackadaisical approach, they would be as outraged as we are. And if "politicizing" the issue means demanding that the Greek government and others take basic precautions to protect the lives of international travelers, so be it.

After the hijacking, Foreign Affairs Committee Chairman Dante B. Fascell and I recommended a State Department survey of all international airports and a boycott of those that fail to comply with FAA standards. Countries that remained in violation would be faced with travel advisories and the withholding of U.S. aid.

For Greece, those penalties would be substantial. Tourism is a staple of the Greek economy. A State Department warning on the hazards of a Greek vacation could deal a severe blow. Moreover, Greece receives $500 million a year in U.S. assistance.

Foreign aid, travel advisories and landing rights at U.S. airports are powerful leverage. So powerful, in fact, that three days after President Reagan's speech—in which he endorsed our proposals—the Greek government formally agreed to implement all U.S. security recommendations.

IN DEFENSE OF THE ATHENS AIRPORT

The column on July 5 regarding the Athens airport ["Dirty Airports," op-ed] and the president's warning to the American people about the danger of hijacking omitted a lot of information.

According to the Department of Transportation's latest published figures, the Athens airport ranks among the least hijack-prone in the world. Athens had only one hijacking, while other airports had 256. The world leader in the number of hijackings was Miami with 14. New York had 10. There were 9 hijackings in India, five each in Turkey and West Germany.

If one looks all this talk about the Athens airport's "lax security," one finds that experts are really referring to the airport's checking procedures which were different from our own. These experts are not referring to any loss of life, injury of actual hijackings.

People who put their faith in procedures rather than results should look at the cement-barricaded, electronically guarded State Department, which allowed a kid with a rifle to get into the building a few weeks ago and kill someone located very near the Secretary of State. I would hope that the people who select my children's school bus driver make their decision on his or her driving record rather than solely on what driving procedures are employed.

TWA officials have stated publicly that they felt the Athens airport was always safe. One of the hijacked American TWA crew draws from over 10 years of experience in going through X-ray checkers around the world on nearly a daily basis and says that the Athens airport does an effective job. She thinks Greece is being made a scapegoat.

It appears that the Shiite terrorists picked the Cairo airport, where the TWA plane sat overnight just prior to the hijacking, rather than the Athens airport as the place to hide the handgun and hand grenades on the TWA plane. The machine guns were taken on in Lebanon after the hijacking.

It was suggested that the travel advisory against Greece was good American public policy and good foreign policy. I think not. The prime minister of strategically located Greece began his second term a few months ago by cutting down the communist vote in the election and publicly stressing that he wanted to "substantially improve" relations with the United States. We have reacted foolishly by trying to divert American travelers to airports that have much worse records than Athens, in order to deprive the people of Greece of the American tourist dollar. This policy endangers our own people and has put all the people of Greece, who are aware of their good hijack record and who represent all parts of the political

spectrum, in a state of shock at their old ally. The airport issue is becoming a forum in this country for those who want to attack Greece.

Since the Shiite hijacking, the Athens airport has implemented every security checking procedure recommended, even though it won't make their hijack safety record any better over the next eight years as compared with the last eight years. Now, even those who focus on procedures, rather than how safe the airport actually is, are happy with the Athens airport. The International Air Transport Association said, "Security at the Athens airport has been raised to fully acceptable international standards."

ANDREW E. MANATOS.

U.S.-GROWN MARIJUANA

Mrs. HAWKINS. Mr. President, it has been proven that one of the most effective ways of eradicating drug abuse in our Nation is to stop drugs at the source. I agree with this view, and have exerted every possible effort on foreign drug producing nations to put a stop to their narcotics crop production. But can these efforts be as successful when our own beloved country becomes one of the major producers of illegal narcotics in the world?

A recent article featured in the Washington Post, reveals what I have long suspected, that, in the United States, "pot growing has blossomed into a gigantic business." It is stated in this well-researched and written article, that marijuana production has replaced the lumber business as a mainstay of northern California's economy. And while the cannabis plant has basically disappeared from along the highways in the west coast, it is now being cultivated, with care and in staggering amounts, in private gardens and secluded plots, In short, the homegrown pot business is a flourishing enterprise.

While our drug law enforcement officials are staging a tremendous effort to curb this drug production, it is remarked in the article that: "Most growers are a lot more worried about their business associates—the Mafia-like figures coming up from San Francisco or Los Angeles to buy their crops—than the law." It is estimated that marijuana production has become such big business in California, that the value of some grower's harvests "* * * is rumored to have topped $1 million."

And there is another aspect of danger in this situation: the new variant of marijuana that is being produced in our own country. It is reported that the growers rarely use their own product because "the high-grade sinsemilla strain now perfected in California is incredibly potent." It was said by one customer: "It makes you feel and see things that aren't there." So much for the reputed "harmlessness" of this drug.

It is encouraging to see that something is being done at the Federal and State level to put a stop to this situation. Both this administration, and the present State government of California, are redirecting moneys to aid in the fight against homegrown pot producers. It is stated in this article, ironically, that it was the Federal Government's own successful implementation of foreign policy—pressuring the Colombian Government to destroy marijuana crops and using Paraquat on Mexican pot fields—that stimulated marijuana production north of the border to the United States. Mr. President, to me it is as vital to stop marijuana production and export in Colombia and Mexico, as it is in California.

More so, for now we read that more than half the marijuana sold in the United States is now being grown in the United States. This industry has escalated from an estimated $1 billion in 1978, to an astonishing sum of $16.6 billion in 1984. And that figure is a national one—it is not exclusively a California problem.

Pot growers were arrested in every State except Rhode Island during the last year. There is even an national industry journal, which keeps growers updated on the high-tech growing technology that has made U.S.-grown pot so much more potent than foreign varieties.

Mr. President, this must stop. The estimated 200,000 marijuana producers must be made to understand what they are doing to their own countrymen and be aware of death and the destruction they are bringing about for millions of Americans. Present drug law enforcement efforts must be aided to close down these reprehensible operations. As chairman of both the Senate Drug Enforcement Caucus, and the Senate Subcommittee on Children, Family, Drugs and Alcoholism, I pledge to do all I possibly can to ensure that efforts to stop American marijuana producers, are as stringent as efforts to curb foreign drug producers.

THIRTIETH ANNIVERSARY OF DISNEYLAND

Mrs. HAWKINS. Mr. President, something very special happened 30 years ago, July 16. One of the most endearing and unique of America's institutions was begun.

A whole new world of wonder and magic was created when the doors to Disneyland were opened in 1955 in Anaheim, CA. Originally started as a new concept in amusement parks, Disneyland quickly became much, much more: "Children would fly in this place, and cruise jungle rivers, and touch beaming cartoon creatures who had walked off the movie screens; winged galleons would sail them over London at midnight, thundering rockets would carry them to the Moon, and whole freeways would fill with honking traffic scaled precisely to their size."

An implementation of a dream, Disneyland seems to take on that quality for everyone who sees it. It is a land of dreams coming true, of dreams not yet dreamed. The founder of Disneyland, Walter Elias Disney, combined his genius talent for animation, with innovative technological invention, and created an entire new world for children and adults alike. This combination became the stuff of dreams, and it was something that Walt Disney seemed to understand better than anyone. For example, still popular 30 years after their creation, are the slow boats and trains that carry visitors to Disneyland through lush pageants of brilliantly engineered movement and sound: "Great dinosaurs lunge at each other beside steaming lava pits. Sword-brandishing pirates clump around after shrieking ladies, the heads wagging, and the arms outstretched, while crackling sounds and flickering lights suggest the burning of the buildings around them." The world of the Magic Kingdom in Disneyland creates such a strong image that sometimes a journeyer through this world becomes disconcerted when confronted with a live human being.

The impression left by a visit to Disneyland can be so strong, and so lasting, that it becomes natural to compare reality to what has been created there. For example, a National Geographic article once described Utah's Bryce Canyon as looking like something created by Walt Disney. The attention to detail is remarkable, in the Disney re-creation of actual settings. There is a story which attests to this: "Walt Disney, whose hands-on persistence reportedly used to drive people to despair, (was sitting) down one day under the big artificial tree in the Tahitian Terrace. The tree, Disney decided, obscured the view of the waterfall. He wanted it made taller, which required inserting a complicated 4-foot extension into the tree trunk. When the tree was tall enough, Disney decided it was out of proportion; now he wanted the branches and foliage extended." Needless to say, all orders, designed to achieve perfection, were followed. Another dictum of Disney's was that the park never be completed—that it would always remain an up-to-date repository of American mythology. This order has been followed—negotiations are now underway, it has been reported, between star wars creator, George Lucas, and the newest Disneyland heads to re-create the characters of star wars to be placed in Tomorrowland. But, despite this attention to the future, one can still see children rush from their parents' sides to touch the hand of Mickey Mouse,

the most venerable of Disney characters.

Mr. President, I am fortunate to have an expanded version of the original Disneyland in my home State of Florida known as Disney World. This equally magical world attracts millions of visitors yearly and delights each and every one. I congratulate the founders of Disneyland and Disney World; and, like every American who has been lucky enough to indulge in this world of dreams, I thank them for providing 30 years of joy and magic and look forward to many more years of Disney magic.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JENNINGS RANDOLPH PROGRAM FOR INTERNATIONAL PEACE

Mr. HATFIELD. Mr. President, today I rise to make additional comments regarding the U.S. Institute of Peace and its long legislative history. It is my pleasure to detail the contributions and strong leadership our former colleague from West Virginia, Senator Jennings Randolph, has provided this worthy program.

Since the days Jennings Randolph served as a Congressman for the great State of West Virginia, he has advocated the idea of a peace resource center, along with his colleague in the Senate, Matthew Neely. Senator Randolph has been a cornerstone of the effort to establish the institute for four decades, urging his colleagues that America needs to be well-equipped and educated on the subject of peace. This "crusade," as he called it, led Senator Randolph to give over 100 speeches on the idea and to author three articles in the 1940's detailing his proposal.

The former Senator from West Virginia watched an idea germinate over the span of years, gaining support among the constituency and here in Congress. Because of his commitment to the establishment of the institute, this body authorized the Jennings Randolph Program for International Peace to be included in the U.S. Institute of Peace. This program will provide grants and fellowships to scholars and leaders.

Jennings Randolph's contributions to the U.S. Institute of Peace are greater than any other individual's and I personally thank him for his unflagging efforts. I ask the administration to provide this body with the list of recommendations for the Board of Directors of the U.S. Institute of Peace, so the Jennings Randolph Program for International Peace may begin to fulfill the dreams of the distinguished former Senator of West Virginia.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAXALT). Without objection, it is so ordered.

THE FARM BILL

Mr. MELCHER. Mr. President, these are truly the dog days of decision for those of us on the Senate Agriculture Committee to determine whether or not we are going to have a bill ready for Senate consideration anytime in the near future.

While the bill will only affect 1986 crops, it is a matter of concern for us that come from the great wheat belt of this country of ours that for winter wheat producers we be in a position to tell them what the Wheat Program is for the coming year, because these wheat farmers will be in the position that they have to be in for planting winter wheat in late August and September and for some the first week of October.

They will have to make their preparations on how they are going to manage their wheat operation for the coming year and to delay much longer will jeopardize their opportunity to understand and participate in the Department of Agriculture Wheat Program for the coming year.

While we have had a very dramatic shift in the position of the Department of Agriculture in the past 48 hours concerning the Department's position on the safety net features of price supports for the basic seven commodities that our farmers produce, it is only fair to say that what the Senate Agriculture Committee has endeavored to do all of this year is to develop the type of comprehensive program that would do three things:

First of all, that would protect net farm income for agricultural producers. That is No. 1, because agricultural producers are in a very dire situation regarding the prices they receive for their commodities and the repayment schedules they have on outstanding loans and the effect it has on available credit supplies for the balance of this year and the years to come.

Second, we have endeavored to keep in mind that we produce so much abundance in this country of ours that unless we are able to export more of our agricultural farm commodities, we would fail both the farm producers of this country and fail in meeting the nutritional needs of people throughout the world that are not as fortunate as we are in having such food abundance.

Third, although we have given lip service during the past 10 or 15 years for the need for conservation of our agricultural lands, we have done precious little in safeguarding this most important resource that we have in our country, and that is our land and water resources.

The stumbling block that we have had, Mr. President, during the last several months in developing a sound agricultural bill has been the desire of the administration to curtail, decrease the budget outlays for the agricultural programs. We feared on the Senate Agricultural Committee that would be a drastic situation for agricultural producers and have resisted the administration's position on that point.

So I return to what I previously said: The dramatic shift by the Department of Agriculture in their position on this safety net price support program for agriculture producers is a very welcome shift. What they have indicated to us in the past 48 hours is that they recognize that that shift is necessary and, therefore, we are operating under the assumption that we will hold the cost to no greater than the baseline projections of the cost of the Federal outlays, Treasury costs for the coming 3 or 4 years.

Mr. President, we can operate on that basis and the committee will be voting at 3 o'clock this afternoon on a series of proposals, in one of which I have particular interest. It is a proposal that has been discussed in committee. It seems to meet the basic needs and our basic goals are for income production while moving more of our commodities into export. That proposal is staunchly advocated by Senator ANDREWS, Senator COCHRAN, myself, and several others on the committee, and hopefully in the voting this afternoon we can resolve this point.

Very briefly, I will use wheat as an illustration. Our proposal is that the loan rates for wheat be established at approximately what the target price is now for wheat which is around $4.38 per bushel; that the loan rate be available to producers up to a maximum amount of $200,000 per producer; that the producer being in the program also has an ARP, or acreage reserve program, of about 30 percent of his acreage; that the producer further agrees, upon getting the loan, that he will move his grain within a 7½-month period, and then repay to the Treasury the loan at that point; the loan will be repaid by the producer at the average price for grain, selling at that price during that particular week

whichever week he chooses to sell it, within that 7½-month period, and that the loan be repaid at that time.

Mr. President, this is a very simple program, much simpler than anything offered by the administration. It has that value of being understood, and the projected costs can easily be obtained. We believe that they will fall within the baseline projections that have been developed by the administration during the past several weeks on what the farm programs would cost for the coming 4-year period.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business has expired.

LINE ITEM VETO

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

Motion to proceed to the consideration of S. 43, a bill to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, over the course of the next several days I expect to prove beyond any doubt that S. 43, termed by the New York Times this morning as the "Line-Item Diversion" is anathema to the system of our Government that deserves resounding defeat. My reasons are simple. Senate bill 43, No. 1, fails miserably to accomplish its objectives as a budget control device; No. 2, is structurally deficient; No. 3 is constitutional madness and a mindless affront to the concept of separate but equal branches of Government; No. 4 is an open invitation for political mischief; finally, based on experiences of the States which have the line item veto, S. 43 is a nasty swamp that will serve as a breeding ground for lawsuits, confusion, and escalated confrontation.

Mr. President, I ask unanimous consent to briefly yield the floor at this point to the chairman of the Rules Committee, the Senator from Maryland, and in yielding for that purpose, I ask unanimous consent that any resumption of my remarks on this matter not constitute a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I want to call the attention of the Senate to the report of the Committee on Rules and Administration submitted to accompany Senate bill 43. The essence of the report is very brief. I will read it.

The Committee on Rules and Administration, to which was referred the bill (S. 43) to provide that each item of any general or special appropriation bill and any bill on joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President, having considered the same reports unfavorably thereon without amendment and recommends that the bill do not pass.

Mr. President, the Rules Committee is very serious in recommending that the bill do not pass, and the pending motion, of course, ignores that recommendation of the Rules Committee. I hope that Senators during the course of this debate will read not only the committee report but will read the testimony of witnesses as referred to in the transcript of the hearings that the Rules Committee held on this subject. It seems to me, Mr. President, that the pending motion to take up S. 43 raises two issues of great importance to Senators. One is whether this bill is really consistent with the oath of Senators to support and defend the Constitution of the United States. And the second is whether there is an interest on the part of Senators in a properly balanced relationship between the executive and the legislative branches of the Federal Government. As to the first, S. 43, the bill proposing to give the President the line item veto would empower the enrolling clerks of the Senate and the House, whatever their good qualities, who have not heretofore been distinguished for high profiles in our Government, to dissect each appropriation bill, item by item, and each item would then presumably be pasted with a little library glue onto a preprinted form containing a fictitious enacting clause and the composite would then be presented to the President as if it were an actual bill approved by both Houses of the Congress.

I shall not dwell, Mr. President, on the possibility that this process creates for errors of omission and commission, and I have full confidence that the enrolling clerks would never indulge in deliberate mischief. But there is the Constitution. Not only does the Constitution mandate the procedure for passing laws, but the Supreme Court in the recent Chadha case has required that the constitutional procedure be strictly and explicitly followed. In my opinion, the cut and paste process that is envisioned by Senate bill 43 does not meet that test and is unconstitutional. Since I have taken an oath to support and defend the Constitution, I cannot also support a bill that I think is unconstitutional. Whether my view is ultimately determined to be correct or not it would seem that the question is one that must be confronted by Members of the Senate if we are to decide to go forward with this debate.

The second issue, Mr. President, is best described by the retiring director of the Office of Management and Budget, Mr. David Stockman. Mr. Stockman recently said that the line-item veto does not have to do with deficits. It has to do with power. And I think the record proves him right. In the last decade the Congress has appropriated less money than the executive has requested. So the issue is not money. It is, as David Stockman says, power. For example, if President Reagan does not like my position on the issue of school prayer, and if he acquires the power to kill funds for the program that I have long supported to save the Chesapeake Bay without affecting his Pentagon program or any other administration request, then the President, whoever he may be, has a hostage.

He can hold the Chesapeake for the ransom of my support for a major change, for my support for State-sponsored prayer in school, or any other subject that he might want my support on. And it would be a major change in the relationship between the executive and the legislative branches. In my opinion, it would destroy the balance that exists between their coordinate but separate functions. I believe that a concern for the historic fabric of Government constitutes a valid reason for not proceeding with this debate. The legitimate question that merits debate is whether there is enough support for the change in our political power structure to adopt an amendment to the Constitution. If there is not, Mr. President, then a scissors-and-paste approach in the hands of the enrolling clerk is not an adequate substitute for the amending process provided by article V of the U.S. Constitution.

Mr. President, I am grateful to the Senator from Oregon for yielding to me at this point.

Mr. HATFIELD. Mr. President, I thank the Senator from Maryland for his comments. As the Senator indicated, he chaired this hearing as the chairman of the Senate Rules Committee. I would urge that our colleagues pick up the printed hearing that is on each of our desks here today and especially read that testimony given by a panel headed by Louis Fisher, Congressional Research Service, and Allen Schick, and Norman Ornstein of the American Enterprise Institute.

In that panel, along with the other experts and witnesses who appeared before Senator MATHIAS' Rules Committee, you have some of the most comprehensive arguments both for

and against this bill. I think you can find any position. I claim, of course, in reading it, perhaps from my own perspective, that that particular panel that I listed probably most eloquently stated the case that Senator MATHIAS and I represent. That is a case for the opposition. There is excellent testimony on both sides. I would certainly urge the Members of the Senate to read that particular testimony.

Mr. President, as I have indicated in my brief comments thus far, this is not really a simple issue. It is one that calls for careful analysis. I have heard, like most of my colleagues, various and sundry summaries of the issue, as one which would do this or do that. But actually, this issue has such profound importance to our constitutional system. It has such deep meaning for the procedures of the Senate and of the House of Representatives. The Senator from Massachusetts mentioned but one, namely, the procedure of dissecting an appropriation bill or a continuing resolution and to make it subject to this particular guideline embodied in Senate bill 43.

To illustrate that further, I would say it is estimated that in the current continuing resolution that was passed in the last session of the Congress, there would be literally somewhere between 400 and 500 separate cut-and-paste jobs that would have to be applied to that CR, 400 to 500 separate bills that would have to be sent down to the President.

It is conceivable that in a general appropriation year if the President vetoed but 10 percent of those hundreds of separate bills, that would be 40 to 50 vetoes the President would have to issue to the Congress. We who have been here for some time understand the difficulties and the efforts that have to be made to handle one veto. I want to say that it would certainly bring a stalemate to the machinery of the Congress just in the matter of handling the vetoes.

I do not think people really thought this thing through in the procedure or in the mechanics. That is one more reason why I hope that everybody will not only read the testimony, but I wish they would read the bill, read the bill carefully, and identify what the bill defines as a line item.

That is just one very simple point why I rise to oppose this proposal.

I also referred to the New York Times editorial this morning. I would like to quote from that editorial at this time.

> For more than a century, every President has wanted a veto power over individual items in appropriation bills. Congress, concerned more for its own power than for the Federal exchequer, has scotched the idea every time. The issue is once again before the Senate. It deserves the same fate.
>
> Line-item appropriation vetoes would relieve the President of the duty to weigh the pros and cons of bundled expenditures. Every President since Ulysses Grant has vowed to wield the veto against "waste"—none more insistently than President Reagan. But alarming extravagance can always be resisted by vetoing an entire package, too. The bundling annoys Presidents because it has been an important element in their annual negotiations with Congress. Presidents want to tip the power balance in their favor, but make no strong case for needing extra power.
>
> Mr. Reagan recalls his line-item veto power as California Governor, and notes that 42 other governors enjoy it too. So why not the President?
>
> Because a governor is not the President, Commander in Chief, Diplomat in Chief, Economist in Chief and Communicator in Chief. Governors may need the added authority to influence their legislatures. But Presidents, especially Mr. Reagan, have made no persuasive showing that they now need to destroy Congress' last significant power, the power of the purse.
>
> Much as it might alter the political power balance, the line-item veto would not directly affect most appropriations. It could not reach three-fourths of the Federal budget.

I might parenthetically editorialize that it is really more than three-fourths. This line item veto would probably only reach between 11 and 14 percent of the total budget. As I have often indicated, if you abolish entirely that amount, excise it from the budget, you would still have a $100 billion deficit.

> Social Security costs could not be vetoed without first rewriting the underlying law. The same goes for other entitlement programs, like Medicare or farm subsidies. Interest on the national debt is veto-proof, and so, by and large, is the defense budget.
>
> Ignoring these limitations, Presidents, like to protray the item veto as a scalpel for removing the pet projects of special interests that Congress won't resist. As if the White House served no special interest.

Mr. President, let me just digress here on another point. The Senator in the Chair, the Senator from Nevada [Mr. LAXALT], and my colleague in the State of Washington [Mr. EVANS], now on the floor, realize that one of the favorite targets in recent years has been Western water projects, termed by many as pork barrel, as wasteful expenditures of the Federal funds, as the Western States have their snout in the public trough. All kinds of picturesque language is portrayed with regard to Western water projects. It has been stated this will give the President an opportunity to get at these projects, the central Arizona project, or the Bonneville Lock, on the Mount St. Helens diversionary project.

Well, I would suggest that we could argue those projects obviously on their merits and justify those dollars. But, Mr. President, the President of the United States, if Senate bill 43 were enacted, could not get at these projects on an individual basis for they do not appear in the appropriations bill. They are in the report of the committee and the report to the bill. The President has power to get at those projects now through deferral and through rescission. Senate bill 43 does not give him the power to get to those individual projects. He would have to veto the entire construction account of the Corps of Engineers or the Bureau of Reclamation to get at one project or at two projects or at three.

This bill, as I say, is designed in a faulty way. It misrepresents the whole concept that somehow we are going to balance a budget or we are going to reduce the deficit or we are going to substantially reduce Federal spending.

Going back to the editorial:

> A further reason for opposing the item veto is that it might give Presidents excessive influence over individual members of Congress. The White House could, for example, threaten to veto perfectly legitimate expenditures of importance to individual legislators because they dare to oppose the President on other issues. Presidents loom large enough in the political careers of legislators.
>
> At best, this proposal would alter spending patterns at the margin. At worst it's a power grab, upsetting Federal checks and balances that have worked pretty well. This debate is a poor substitute for doing something substantial about the alarming budget deficits.

Mr. President, the editorial covers a number of the points that I have indicated I wish to cover in the next few days by in-depth commentary on the subject. I might say that today, I expect to offer the overture in an overview summary of these five points; then, as time moves along, whenever necessary, I shall raise these five in specific cases of in-depth analysis. I think that one of the first things I would like to suggest is what S. 43 does do and does not do and what it is and what it is not.

I have referred to the fact that, No. 1, S. 43 is not line item veto legislation in the pure sense. It is a statutory route, one lined with potholes and structural defects, which attempts to bypass the only permissible route of granting the President line item authority; namely, the constitutional amendment.

Why the shortcut? Why have we had presented to us a shortcut route on this issue? I suppose in part because the constitutional amendment process takes such a long time, is tedious, laborious.

That is one of the strengths of our constitutional system, that you cannot just amend the Constitution at will or whim, but you have to go through a process that filters out the trivial from the profound.

I think that something of this magnitude, which does affect the balance of power, that does affect the checks and balances of the Constitution, that affects the constitutional assignment to the Congress as the keeper of the purse strings, should have gone the constitutional amendment route. Be that as it may, Mr. President, S. 43

substitutes a winding, convoluted process through statutory sleight-of-hand.

Well, we might ask the question, how does S. 43 effectively grant the President line item veto authority? The answer: It turns the House enrolling clerk into a magician. The Senator from Maryland indicated a little while ago the process in this bill which would be required if this bill were enacted is a cut-and-paste activity for the enrolling clerk of the House. Let me review that.

This is how it works: The Senate and House pass an appropriations bill. They hand this bill to the House of Representatives' enrolling clerk. The enrolling clerk waves Senate bill 43, if it were enacted, over the appropriations bill and presto, as in the case of a magician, you have hundreds upon hundreds of appropriations bills that the President can sign, veto, or, better yet, barter and bargain with.

This is faster proliferation than any pair of rabbits in this country. Hundreds in one gesture—no gestation period; immediate birth is given to hundreds and hundreds of these bills. It would absolutely boggle the mind of Planned Parenthood or any other population control organization to think of this rapidity of proliferation.

Specifically, S. 43 permits the enrolling clerk to break down the appropriations bills into separate items. I would like to cite that particular area of the bill, on page 3, beginning on line 5, subsection (b). Quoting from S. 43, which is the guideline for the House of Representatives' enrolling clerk:

(b) A bill or joint resolution enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under Clauses 2 and 3 of Section 7 of Article 1 of the Constitution of the United States and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

(c) For purposes of this concurrent resolution, the term "item" means any numbered section and any unnumbered paragraph of—

(1) any general or special appropriation bill, and

(2) any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

Mr. President, as I indicated a while ago, the current continuing resolution would be 400 to 500 bills that would be extracted out of one continuing resolution which the President now is called upon to either veto or sign; 400 to 500 coming out of one resolution.

It boggles my mind as well as, I am sure, many others' to think of the mechanics of implementing this bill efficiently. This invites trouble and I shall be going into depth on the kind of trouble this can invite later on.

Mr. President, as this debate progresses, let all of my colleagues be clear on this issue: We shall hear the proponents of S. 43 argue that this bill is not a line item veto. They are telling you the truth, but they are not telling the whole truth and nothing but the truth, so keep in mind what we are debating and what we are not debating.

We are not debating a proposal to significantly cut the Federal deficit. We are not debating a proposal to allow the President to delete funding for a single solitary project or activity he considers to be wasteful. Rather, we are debating a proposal which represents a significant abdication of power by the legislative branch in favor of the executive branch.

In short, S. 43 represents congressional cowardice, congressional buck-passing in a literal and figurative sense. And it represents congressional irresponsibility.

First, the line item veto is not a budget-control device. I make that claim because all one needs to do is look at the current composition of Federal spending.

S. 43 does not cover revenue or tax loopholes. S. 43 does not cover entitlements, Social Security, Medicare, civil service retirement—which comprise the fastest growing portion of the Federal budget. It does not cover the interest on the national debt. So, when you exempt these nonappropriated items, you have exempted nearly half of the $1 trillion that Government spends annually.

People say, oh, well, the Senator from Oregon is protecting his turf as chairman of the Appropriations Committee, that this is not an argument on deficit reduction, it is an argument on turf, jurisdiction, all the other parochial terms that are applied to Senate business at times.

Let me say to my dear colleagues, this is not true. I have often used the example, when people have introduced me as being chairman of the most powerful committee in the Senate, that 20 years ago that would have been true; it is not true today, the implication being that somehow the Appropriations Committee of the Senate controls Federal spending—we have the purse strings to dole out money, hither and thither.

Well, there are two things that have changed that. What should have been appropriated accounts turned into entitlements. When the Appropriations Committee of the Senate meets to allocate target figures to 13 subcommittees, we are allocating anywhere between 14 and perhaps 20 percent of the total budget for nondefense activities. That is all. Sometimes less. All the rest of that $973 billion that we are looking at for the potential budget for 1986 is predetermined by law or is provided for defense. That is one reason why this is no longer the most powerful committee of the Senate. It is not a question of turf.

The second reason, of course, is we are in a time of budgetary constriction. My good friend, Senator Magnuson, of Washington State, who chaired this committee just prior to my chairmanship, called me one time about 6 months after I had been chairman of the Appropriations Committee and said, "Mark, how do you like being chairman?" I said, "Well, Maggie, it is a different day than when you were chairman. When you were chairman, it was give, give, give to various and sundry requests and allocate, allocate, allocate." I said, "Our job today is how do we cut off the giving aspects of the committee, how do we cut down those programs, how do we cut down those expenditures, how do we cut down those budgets? Not quite the same day."

But, also, Mr. President, let me remind this Senate that in those appropriated accounts, those nonentitlement programs, in those areas where the Senate Appropriations Committee has had the power to affect the spending levels, we have made a reduction in those accounts of over 33 percent in the last 5 years. The only basic area of the budget that has experienced that degree of reduction in spending has been in those areas where the Appropriations Committee has had the power to affect the level of spending. One cannot call this a debate over turf. We have performed the spending reduction assignments given to us by the country, by the Budget Committee, by all who want to bring this problem of deficit spending into control.

That is where the reductions have been made. I find it really becomes fallacious to say that somehow the line item veto is an argument over turf. One might summarize in a facetious way by saying there is not enough turf to fight over within the appropriations process if you look at the total budget and look at how much of that total budget the Appropriations Committee can really affect. There is not enough turf left to fight over.

No, this is much more profound than a turf argument. This issue goes to the very heart of our constitutional system. I say to those who say, "Well, maybe the Congress has not been as effective as it should have been in the purse-string activity," then let us reform our own actions rather than buck it over to the White House.

I find another interesting point in talking to some of my colleagues, which I will get into in depth later, and that is, "If Franklin Roosevelt were in the White House, would you be supporting this?" Especially some of my conservative Republicans. One of them honestly responded and said, "No; I would not even do it if Jimmy Carter were in the White House."

Mr. President, this is not an issue we should decide over personalities,

whether a Democrat or Republican is in the White House. This goes far deeper—to the whole system of government, transcending political parties, transcending philosophies, transcending personalities. This is fundamental to our whole balance of power in this country. Another reason why I suppose it has been offered as a statute for a limited period of time, for the duration of President Reagan's term, is because we can trust President Reagan with it but we cannot trust maybe his successor, whether he is a Democrat or Republican, whoever it might be.

Well, we should not affect the balance of power in this country on the basis of a 2-year period, test or otherwise. I will take up the issue that is analogous later, and that is the court-packing plan proposed by Franklin Roosevelt in 1937, where every Republican stood shoulder to shoulder on this floor, what few there were, committed to that historic Republican philosophy of limiting the Executive power of this country and maintaining a check and a balance of power between those branches of Government. It amazes me at this time to see my party stray so far from its historic roots. I find it especially amusing to have been challenged by my own party chairman of my State of Oregon to change my party registration to Democrat because, after all, my party credentials were questionable as a liberal Republican. And then to find that this very idea emanates from within my party makes me feel like the old guard part of the party today to defend the traditional Republican position. Again I come back to that very basic political bottom line question: "Would you vote for this if Franklin Roosevelt were in the White House?" I am with the generation that divided the true Republican from the phony Republican. Of course, I say that facetiously, too. I can understand why the President supports this. After all, Franklin Roosevelt was his political hero for many years, at a time when my political hero was Herbert Hoover. But that gets back into heritage that is unnecessary and irrelevant to the case in point.

Mr. President, where do the rest of the Nation's tax and deficit dollars go besides the ones I have enumerated going to Medicare and Social Security and national debt? Well, over half of it goes to defense and foreign aid, a portion goes to entitlement programs, which are subject to annual appropriations—Medicaid, veterans' pensions, welfare benefits, farm price supports. I would like to ask my colleagues, "Is any Member in this body really willing to predict how much money will be slashed from these programs by the line item veto?" The defense budget is about $300 billion. Does anyone seriously think we are going to save a lot of money by a line item vote applied to the military budget? Foreign aid, veterans' pensions, welfare benefits, farm price supports? Just wait until we see that farm bill come out of the committee, at least what I have heard about the farm bill, and tell me we are going to apply any savings there with a line item veto when our party is running at a very low percentage rate of popularity in the Midwest, particularly in the Farm Belt, people facing elections in 1986.

Less than 15 percent in nondefense, domestic, discretionary appropriation items which includes education, law enforcement, medical research, energy development, environmental protection, that is what is made up in this part of the budget. As I indicated earlier, those are the very programs that the Appropriations Committee has cut 33 percent in that spending area since 1980, in real dollars. That is a remarkable record.

Now we also hear about the States. They will say: "You were a Governor. You had a line item veto. Why isn't it good for the President, if it is good for the Governor of Oregon?"

First of all, let us analyze that. There, again, we have a very superficial view that has been floating around. I think that, basically, you have to understand that comparing the States with the Federal Government and the role of the President of the United States is like comparing apples with alligators. There is no comparison. Would that there could be. Would that our federal system would function as the Founding Fathers intended it to function. Would that it was one of those systems whereby we experimented with ideas at the State level which eventually could be adopted at the Federal level.

Beginning with the New Deal period, we rushed into things that had never been proved anywhere and spent billions of dollars proving that they could not work at the Federal level. States like Oregon experimented with the income tax before it became a Federal law, and that was one of the examples of the strengths of our federal system, to experiment at the State level.

Remember, it was workman's compensation, the women's vote, child labor legislation, the initiative referendum—all that eventually, I hope, will be adopted at the Federal level—which proved so well at the State level. Many of these things were proved one way or the other at the State level.

What about the Governor's veto? Has that proved anything? Yes, it has proved a lot. Everything that has been proved indicates that we should not adopt it at the Federal level.

Take the February 1985 annual report of the President's Council of Economic Advisers:

> The experience of the States indicates that per capita spending is somewhat higher in States where the Governor has the authority for a line item veto, even when corrected for a major condition that affects the distribution of spending among the States.

That means, simply, that there are high service States, low service States, and moderate service States. Cranking in that factor would still indicate that that does not save great sums of money. It does not become the great panacea of protecting the runaway budgets.

I do not even have to state that States like mine have the constitutional provision for a balanced budget. That certainly diminishes any claim that can be made with respect to a Governor's line item veto. We do not have such a provision in the Federal Constitution. Would that we had. I support it. But let us not hear about Governors balancing budgets because of a line item veto. That is not a valid argument, because it is not a fact. Governors basically have the constitutional requirement to balance the budget.

In my State, we have a biennial budget. That means that we have to predict our revenues and our expenditures not over a 1-year but a 2-year period. For a State like mine, which has no sales tax, which has a personal income tax, which has an economic base of timber, which has all its vacillations and fluctuations because of building rates, and so forth, you can imagine how much more difficult it is to project your revenue base for 2 years or even 1 year.

One year, we faced—the figure may be wrong—a major deficit of $60 million. In those days, it was a major deficit. I could not wait until the end of the fiscal year and go back to the legislature and call a special session and say I have a $60 million deficit. We had to call the agency heads together and say, "Where are we going to cut $60 million from the budget in order to end up with the constitutional requirement of a balanced budget?"

It was not a line item veto. It was inconsequential in my exercise. I faced a Democratic legislature, except one 2-year period of my 8 years as Governor, when one house of the legislature was Republican. Frankly, I got along better with the Democratic legislature than the Republican legislature, because they had to prove their independence from a Republican Governor. My colleagues will understand that.

The point is, simply, that we had to balance our budget, and we did balance our budget at the State level, not with the power of the executive line item veto but with the power that was behind us, always overriding, ever guiding us in that direction—the constitution.

In looking at this again from the standpoint of what power would be vested in the President, the implication is that the President has no role to play now except in the veto or signing action on each bill. Mr. President, let me disabuse the Senate of that view.

All through the appropriations process, David Stockman or his representative has been at our elbow. David Stockman has been there as the representative of the White House, of the President of the United States. David Stockman has said, "Look, you pass this at this particular level, or include this program, and I will recommend a veto."

There is a continuity of input; there is a continuity of relationship between the White House and Congress all through the appropriations process. The President is not sitting down there as someone totally removed from the appropriations process and all of a sudden—surprise—he has an appropriations bill on his desk. Surprise—he never knew anything about it or had any idea of the content of it until it arrived. That is fallacious. That is an inaccurate image. The President of the United States is well represented.

At this point, I have a great urge to launch into a little soliloquy on David Stockman, because he and I butted heads many times over the years.

Let me summarize by saying in this soliloquy that I think David Stockman is the most capable man who has served in that post since I have been here. But the point is that I have had a day-to-day working relationship with him, and we have had our agreements and disagreements. A good case in point was last year's continuing appropriations bill. All the water projects in that bill, contained in the House and the Senate versions of the bill, were stripped from that bill in the conference between the Senate and the House because of a threatened Presidential veto.

We did not wait until that bill got to the President to know what his views were or what his actions would be. David Stockman told the Speaker of the House, the majority leader of the House, and the Democrats precisely what he told me; what he told Senator Baker, the majority leader of the Senate; what he told the Vice President, the President of the Senate; what he told the world: "You Members of Congress control the purse strings and you are exercising your constitutional function up there in so doing. You send that bill down to me as is and I will recommend a veto."

That was preceded by literally months and months of discussions, negotiations, debates, and everything else among the OMB, Jim Baker who was the Chief of Staff of the President at the time, Donald Regan who was the Secretary of the Treasury at that time, and members of the Appropriations Committee. That was the ongoing relationship of the executive input in the appropriations process.

So the argument is no longer valid that the President must approve appropriation bills or swallow the good with the bad or permit the Government to shut down.

Let me also say the short funding extensions are traditionally granted to allow time to negotiate out an acceptable measure. Anyone who has been here for more than 2 to 4 years knows that whenever we had those short-term extensions, they were only for one purpose: to negotiate with the White House to get an acceptable measure.

So we have this intimate ongoing relationship in the appropriations process. The President is not given a Friday surprise that we used to have weekly at the department stores in Oregon. We had to wake up Friday morning and find out what the sale item was. That was the surprise.

The President knows what the contents of these bills are before they reach the White House and its imprint is on the overwhelming majority of them.

Yes, we overrode one veto of a supplemental appropriation. We reached that point where the White House had moved to its bottom line, Congress moved to its bottom line, and we had to face the constitutional exercise of Presidential veto. We overrode the veto. That was again part of the constitutional process.

With that exception, we have worked these matters out with the White House and that has happened over the years that we had Democratic Presidents, Democratic Congresses or what few times we have had a Republican Congress, and it would probably continue because of the strong precedents and the role that OMB now plays in the whole financial process of appropriations and expenditures.

Let me say, too, that Senate bill 43 is structurally deficient. I have given that as an item where once again we will go into in depth in future presentations.

Under the terms of Senate bill 43 the President would not be able to veto funding for one water project, one Federal building, one military construction project, or one fish hatchery.

For these individual project expenditures are below the account level and do not fall within the bill's definition of items.

We have given careful analysis of this bill through our appropriations staff and other experts from outside of the Senate and the House. There is no question. This bill does not cover these items. It cannot cover these items by the very definition that is listed in the bill of what constitutes an item.

To stop the funding of one of these projects, the President would have to veto all the activities funded out of that same account.

I have cited numbers but I would like to have those Senators perhaps play a game of trivia. Only this is far from being trivia. I would like to have a guessing contest here on the floor as to how many separate appropriation bills would come out of our general appropriation program of 13 bills or a continuing resolution if S. 43 were applicable.

I am sure that some would be surprised at the figures above 200, above 500, above 700.

Let me suggest that in that process we could have a very interesting phenomena emerge, and that is the most powerful man in the United States in our political system could possibly become the House enrolling clerk. The House enrolling clerk, an unelected person, could become under this jungle of paper the most influential man in the entire political system.

Mr. President, I do not criticize my colleagues when I say that this is a complicated mechanical organizational process, and I am not sure that it has to be all this complicated but the fact is it is that complicated.

I came on the Appropriations Committee about 5 years after I arrived in the Senate. I taught political science for 7 years in a university. I had courses in constitutional government in my graduate work at Stanford. I suppose I could have said I was academically trained to know and understand government. I had been a State representative, a State senator, a secretary of state, a State Governor over a period of 16 years before I came to the Senate.

But I am going to tell you, Mr. President, I am learning even today, I am learning nuances, I am learning detail about the appropriations process that I never knew before. And I find that my colleagues on the committee have shared the same confession. This is a complicated process. I am talking about the detail of maintaining accuracy of what Congress really does.

Let me just recall to mind in this Senate we have been in session all night long, all day, all night and most of the following day on an appropriation bill. And in that period of time we have literally considered hundreds of proposals and adopted literally scores of those that we have considered.

Every one of those little amendments which may have been written on the back of an envelope, every one of those little amendments that the reading clerk gave a number to and we had a unanimous consent request granted not to read the amendment, and that little piece of paper up there

that had been sent to the desk by a Member for consideration, that little piece of paper then had a long journey, for when that little piece of paper was acted upon and assuming that it was adopted as an amendment to the pending appropriation bill or vehicle, it had to find its way from that desk into the RECORD, to the staff, chief clerk of the Appropriations Committee of the Senate, and that had to be pasted and put into the right paragraph, the right section of that bill, and that staff that had been up all day, all night, and all the following day had to stay up all the next night and all the following day in order to do the paperwork to get that bill together in order to go to conference with the House the following day.

Just to follow it through the Senate side. And then when we go to conference out of that conference with the House, as the Senator from Nevada knows, having been a conferee many times and as a subcommittee chairman of the Appropriations Committee, he knows of the discussion with the chairman to the chairman, from the Senate chairman to the House chairman, about what we are going to agree on to resolve the differences between the two bills and that verbal discussion then has to be translated to paper, it has to be brought back in some form to the conference to be acted upon by the full conference and then it has to go back to the staff to be incorporated in the final report and the final conference bill.

It really is nothing short of a miracle we are able to put in and handle the detail of paperwork now involved in the appropriations process without major mistakes, let alone minor. I asked a while ago of Keith Kennedy, the very able chief clerk of the Appropriations Committee, how many mistakes we have made over the years I served as chairman.

He said, "The mistakes that have been made have been technical and typographical." Substantive mistakes have not been made, in spite of all of this.

But, again, let me emphasize a simple point, and that is we have people who are familiar and expert in the subject matter which we are dealing with in the 13 separate appropriations bills. Each amendment that is offered from the floor falls into the category of one of those 13 appropriation bills.

We have in depth on the majority side, in depth on the minority side, and, more importantly, whether it is majority or minority, we function as a committee, not as two committees, minority and majority, under the aegis of one committee title.

We have in depth expertise in people who know the language, who know the nomenclature, who know the places in the bill, who know the bill mechanically, who know the bill substantively and, therefore, they can handle it.

Any clerk of the House is expected to be an expert in all of these areas as he is pasting and dividing and cutting and pasting? Why, even Solomon would have been hard pressed to handle that kind of assignment. It would be impossible for an enrolling clerk to have the expertise to understand that. They are very capable people; they are very precise. But they do not know all there is to know about appropriations bills. No one person knows that.

Let me say that every discipline in every subject field has its own glossary. You have to know those words. You have to know the meaning of those words; that words used in the context of one discipline may have a totally different meaning in another.

All I give is an example of the word "conservative." Put the term "conservative" in the political. Can you lift it out of the political discipline and put it over into the theological discipline? No. People are trying all the time, and they are failing miserably.

Every discipline, every body of knowledge, every subject field has its own interpretation, its own implication, its own nuance as it relates even to a simple thing called the nomenclature. Is some enrolling clerk going to be able to handle this with the kind of expertise, even though we are able to do it within the context of the appropriations process? No, it would be ridiculous to think of someone having that kind of body of knowledge.

I hope that nobody comes to the floor and tells me: "Oh, but we live in the age of the computer, therefore the computer can do all the things that the human mind and human frailties and human foibles concern you about. The computer will offset all of that. The computer is perfection. The computer can think for us and the computer can do this."

God help us when we get to that point in our thinking.

(Mr. DENTON assumed the chair.)

Mr. HATFIELD. There is still that basic understanding of words and phrases and definitions of those words and phrases that have a significant bearing upon every appropriations measure. Do not forget, we have an army of lawyers out there waiting to make another buck to challenge some kind of misapplication of a word or a meaning or to some other appropriation or, for that matter, to any statute that we act upon. And I will get to that subject, too, because those who always want to talk about this, I want to get to the subject of the new army of lawyers, new entitlements that have been created even in the Governor's line item veto. But that is another day.

I would like to cite one example that I think would have a heyday. I am not claiming to be an expert in the law. I was not in more than 1 year of law school, but I do not think you have to be a lawyer to understand or to ask questions.

Let me give you an example of what is going to create, I am sure, a heyday for lawyers; a lot more revenue for them, too.

On page 3 of the bill, line 14—listen to this: "Item means any numbered section and any unnumbered paragraph."

Give me your interpretation of that one. "Item means any numbered section and any unnumbered paragraph." Before you try to interpolate or interpret it or define it, read an appropriations bill and see how the structure of that bill is set forth on paper and then try to apply that.

No, Mr. President, I do not think it would be fair to impose that kind of responsibility upon a House enrolling clerk. I do not think it would be to our benefit to establish that kind of power base, influence base in one person, an unelected official. I do not think it would be practical.

I think you would probably find that you would not keep them very long. You would have a revolving door of nervous breakdowns and exhaustion and fatigue, or you would have to devise an army bigger than the House itself and the Senate. And I want to tell you that I think we are about at the end of building monuments of offices on the Hill. It would not be a hill much longer if we put more weight on the hump of Washington, DC, and find it level.

Another point we will go into in depth on a future presentation, Mr. President, is that Senate bill 43 is an affront to the time-honored concept of separate but equal branches, which is the backbone of our constitutional Government.

History points with clarity to the instances where one branch has furtively trespassed on the turf of another branch of Government.

All we have to do is go back to the Constitutional Convention and recall that there were many hours and days spent on the basic question of where power should be located—power that would be responsive as well as responsible; power that could be called into check and balance so that truly the sovereignty would remain with the people.

"We the people," that is the first statement made in that great document—"We the people." And that is the source that is the base, that is the foundation stone, of the whole democratic system in this great republic's history.

"We the people," not, "We the Government," not, "We the President," not, "We the Congress"—"We the people."

We do not elect kings. We do not elect monarchs. Sometimes we treat them like that, but we really do not. I do not think one has to go back to the great dissertations of Thomas Jefferson to understand the egalitarian flavor and egalitarian character of this system of government. Some of the greatest of all of our writings on political theory and philosophy in this country were written by three men—Hamilton, Jay, and Madison—in the Federalist Papers.

Mr. President, I do not know of anything yet that has been produced that so profoundly expresses and defines the American political system as the Federalist Papers. Oh, I know my generation grew up at a time when change was the word of the day—change for the sake of change, or because of depreciation we had to change and because of world wars, cold wars and Korean wars—change, change, change.

Well, there are some things, Mr. President, that really change very little and should change very little.

There used to be a very clear delineation between what a liberal and a conservative really was in our political life. A liberal was thought of as someone who wanted to take the Constitution and stretch it one way, and stretch it another way in order to determine a set of predetermined set of circumstances or basic philosophy. A conservative was one who wanted to maintain the true course of action, wanting to be not only of allegiance to the Constitution, but maintain its spirit as well as its law, and its letters. Of course, my generation again thought the New Deal period was a very easy way to define it.

I remember one time probably one of the great constitutional authorities in this Senate was a Senator from the State of Oregon by the name of Wayne Morse—Wayne Morse, who graduated from the University of Wisconsin's School of Law, came to Oregon, became dean of the University of Oregon Law School, was chosen by President Roosevelt to head up his Labor Relations Board activity on the west coast, was recognized as a brilliant lawyer, a brilliant administrator in legal academics, and he was a Republican. He was elected to the U.S. Senate as a Republican. He later changed to be an independent. He later changed to be a Democrat and was elected from the State of Oregon to the U.S. Senate as a Democrat. He had proven he could be elected in both parties. I keep telling my friend, ED ZORINSKY, that he could be elected from Nebraska as a Republican, or he could be elected as a Democrat. He belongs to this side of the aisle anyway. But that is a kind of loving invitation I have extended to him privately. I will do so publicly.

But liberal and conservative was often then confused again because I remember one time Senator Morse was being introduced by a newspaper editor in Oregon to a Republican meeting. This is when Senator Morse was still a Republican. But he had made some pronouncements about the war powers and about other powers of the Presidency, and wanted to extend them to really challenge basically some constitutional tradition and some constitutional precedent. On this occasion the editor of the Corvallis Gazette-Times introduced him as one who calls himself a constitutional liberal. He said "All I can say is he is getting awfully liberal with our Constitution recently," referring back to some of the stretching that Senator Morse wanted to do to the Constitution to cover a set of circumstances.

But then, Mr. President, there was also not only an attitude toward the Constitution that divided the liberal from the conservative, but, particularly, in the time of the Roosevelt years there was this expression that came through the court-packing proposal that was made by Mr. Roosevelt. He did not like the fact that the conservative court of strict constructionists had knocked down a lot of his New Deal legislation. He did not see any possibility of circumventing that role of the court being played out in the check-and-balance spirit of the Constitution. So he proposed that he be permitted to add members to the court after the sitting court members reached a certain age, that they did not see fit to retire, and expand the size of the court to offset the votes against him that were then members of the court.

Well, that was a very interesting time delineating between a liberal and a conservative. Most of the people on this side of the aisle were, even the liberal Republicans, saying "Hey, on that issue we just do not see that happening, and we are going to seek to block it." We had some people on the Democratic side of the aisle, Senator Tydings, of Maryland, father of Senator Joe Tydings, Senator Richard Russell of Georgia, Senator George of Georgia who again were saying, in effect, look, the conservative perspective is we hold the line to the precedents, to the traditions, and to the spirit of the Consitution. Why, this would throw the whole Government of the United States into imbalance or out of balance. They rose and they fought the battle. It was one of the most dramatic constitutional battles I believe in this century over the question of the balance of power between the Court of the United States as a judiciary branch of Government and the executive branch of Government, and as it affected ultimately the legislative branch of Government. Liberals, by and large, say no. But we are just sort of stretching a little bit.

Where is that great conservative perspective now on this issue? Where is that traditional conservative position? We have a new definition of labels today. People who want to throw the balance of power of this Constitution into the cocked hat are the radicals. They are not liberals. It is a radical viewpoint—raw radicalism. But as Gilbert and Sullivan said in Iolanthe, "Every little boy and every little girl born into this world is born a little bit liberal and a little bit conservative. None of us is purely liberal or purely conservative." So I suppose we have to give our brethren as we want for ourselves the privilege of straying from the straight and narrow on political position. But I have never seen so many conservative brethren join in such a liberal, radical proposal as we have pending in the Senate bill 43. Here are Senator MATHIAS, Senator WEICKER, Senator ANDREWS, Senator PACKWOOD, Senator GORTON on my side who are looked upon sometimes as sort of Republican liberals because we are a little bit on the liberal side—moderate side, whatever you want to call it. Here we are fighting this radical proposal to maintain the conservative perspective that this Constitution should be stretched around as some statute, some Presidential proposal, or some other thing.

I think it was also very apparent during the Court-stripping legislative initiatives we had recently on school prayer and busing. Here again this moderate liberal clique fought the battle to preserve the power of the Court, to preserve the traditional conservative understanding of the power of the Court. We have also gone through that exercise on the war powers of the President.

Mr. President, I would take a back seat to no one in this Chamber on a voting record on the causes of peace. And I have led battles against Republican as well as Democratic Presidents on the questions of war and peace as well as support for them on other issues. But even as of yesterday, I had a staff proposal made to me that I should join in offering an amendment that would direct the President of the United States to do something in foreign affairs, direct him, mandate him to do something in foreign policy, a foreign policy that I would love to see come about. I said no. I would not support a proposal that directed the President of the United States, as the man who is constitutionally charged with the conduct of foreign relations of this country. I am devoted to the Constitution.

I do not care what the traditional label is, liberal, conservative, Republican, Democrat; it is all irrelevant. This is part of the killing of time to even engage in this kind of discussion. Yet, it is pertinent in the sense that it

points up again not a label, but the real soul political philosophy of an individual, the real soul position, not some public relations or political pollster's analysis, identification or how he feels it is the best way to promote a candidate in a political constituency that may be called conservative or liberal or anything like that but as really the sole measurement of one's political philosophy.

Do you know what is at the base of that? The Constitution of the United States—the Constitution. I do not mean to defy the Constitution. It was created by mortal human beings and I think there was a divine high hand in it. But that is just my theological perspective irrelevant to the political realities of the day.

But the point is simply that the Constitution of the United States was not only the guide, and not only the framework of Government. It was the soul of self-government created uniquely by a people who had very little precedent to draw upon and which has been supported and sustained over 200 years. You cannot just take that fact lightly. The Constitution of the United States has that kind of role in our life, not only in our life, but has been looked upon by other countries of the world with great envy, hope, wish, and dream that they could emulate some way.

Let us not look at this as just a little statute we are putting into place for a 2-year period because you can do just as much mischief and damage to the basic constitutional system or tradition, history or precedent by a statutory act—it can be struck down, yes, that is the only salvation of it; it can be struck down—as you can with an amendment, or as the President of the United States offers, or has been tried to be enacted into law in court stripping activity by the this Congress and previous Congresses.

Mr. President, referring to the constitutional provision for a balance of powers, which was so carefully orchestrated by our Founding Fathers, I suppose that if one wants to try to highlight a constitutional history of the United States, one could, of course, approach it from either the legislative branch and the history of the legislative branch, or it could be approached as the evolution of the executive branch of Government and the Office of the President particularly, or it could be written and recorded as a history of the judicial branch of Government, the courts, particularly the Supreme Court.

But in any one of these three separate emphases and histories, it could not be written without the interrelationship to the other two branches. You cannot write a history of the Office of the President of the United States without writing in part the history of the legislative branch of Government because of the intimate relationship, the carefully honed balance between the Chief Executive and the legislative branch. Nor could you write a court history of this country without writing, in effect, a partial history of the executive and the legislative. Nor could you write a history of the Congress without its relationship between the other two branches of Government.

Again, it emphasizes the point that the political history of this country is so intertwined and is so interrelated, not by chance, not by evolution, but by design, by the design of the Constitution.

I think some of the most exciting early history of our country related to the relationship between President Jefferson and Chief Justice Marshall of the Supreme Court.

Anybody who recalls that history recalls that Chief Justice Marshall and Thomas Jefferson were at different points in their political philosophy, at different positions on the political spectrum. They had very distinct and very definite ideas about the role of Government as it related to power, the location of power, the exercise of power, and many others. President Jefferson made no effort to hide his feeling about the Court. He publicly expressed himself in very strong terms. Privately, he expressed himself in letters and other such communications in even stronger terms. He made no effort to hide the fact that he wanted to influence the course of the Court and the personnel of the Court. He knew he could only influence the direction of the Court by appointments. Having been elected for a second term, having 8 years, he knew he would have a chance if he did.

But interestingly, as Thomas Jefferson made appointments to the Court, and he made those appointments with care, he knew what their philosophy was, he knew the individuals.

Let me digress a moment. It was such an interesting contrast. I recall as a Member of this body when we were called upon to confirm two appointments to the Supreme Court, one Mr. Haynesworth and one Mr. Carswell. By the deliberative action of the Senate, we turned down both of those nominations.

But one of the interesting things that came out of that was, as I remember, the fact that the sitting President, Mr. Nixon, had had little or no knowledge or personal contact with either one of these two men he sent up as his nominees to the Supreme Court. It was always one of those things that puzzled me because I remember so clearly the campaign of 1960 and the campaign in 1968 when the Republican Party made a great issue out of the need to get a more balanced Supreme Court. It was thought by many in my party that the Warren Court was too active. It was known as an activist Court. But their view was it was superactive, it was overactive. Therefore, they needed to put people on the Supreme Court, and they ought to elect a Republican President in order to bring about a more moderate balance in the Supreme Court.

Then to have that opportunity presented to the victorious Republican candidate in 1968 and to have, at least as reported in the public press, two names of men who had never really had any acquaintance with the appointing authority, Mr. Nixon, and whose records were obviously not fully developed before they came up to the Hill, was an interesting contrast with President Jefferson.

Thomas Jefferson appointed safe people, safe in the sense that he knew they would look upon the Court's role as he did. But, Mr. President, one by one—I do not remember the total number, but it was a multiple number. One by one of those appointees of Thomas Jefferson, as they sat on that Court and as they exercised their responsibilities on that Court, gradually came under the influence of John Marshall, so that they then represented the Marshall view and the Marshall perspective even as against the appointing authority.

My point is simply to illustrate again the independence and the separateness of these three branches of Government and yet, the relationship that maintains it as a workable, viable organization. Because, as we know, we do not have pure, total separation. If we did, we would have a three-headed monster. But within that separation, we have the beautiful mixing of powers.

The mixing, of course, is in every direction. We exercise certain what would be, under analysis, executive roles. We have to advise and consent to the President's executive appointments. That is an executive function. The President has a veto power. That is a legislative function. So we have this interesting mixing of powers.

All of this, again, has been proven viable, has been proven workable. But it has also suffered from time to time under crises. And we really did not know until we got through those crises whether we would really survive. I am sure that that Jeffersonian period was a time when one would say constitutional Supreme Court history was questionable. But, fortunately, it did even out, it did moderate, did balance out so we saw that continuation, just as it went through the crisis in 1937 with President Roosevelt's Court-packing plan, just as we have seen from time to time what we call the ascendancy of the legislative branch and the diminution of the legislative branch.

How many people can recite the Presidents of the United States in the

golden era of the Senate, with Clay, Calhoun, and Webster, Jefferson Davis, Stephen Douglas? Who can remember the names of the Presidents? There is no question that, at that time, the Congress of the United States was in the ascendancy. That leveled off again in the Lincoln period, during war and other such crises. So we have had problems.

We have had times when Congress was but a rubber stamp. For some of us, not only because we are Republicans, but when we look at the fact that Senator McNary of Oregon was the leader of the Senate at the time when it was constituted by 96 Members, he led a stalwart group of Republicans, totaling 17. In fact, they had the Cherokee Strip around here. The Democrats sat not only on that side; they surrounded the Republicans. They sat clear around the back of this side of the Chamber as well and the Republicans huddled around here in a circle-the-wagon mentality because we numbered only 17.

But we survived as a nation, because of other things that happened at that time.

And the Congress was merely a rubber stamp at another time, because whatever Roosevelt said, it was yes, yes. In fact, when a few of them said no, Mr. Roosevelt went out and purged them in 1936 because he could not stand any "no" Democrats; he had to have "yes" Democrats. Congress was pretty much at that time in the trough of the balance of power or suffered the lack of coequal status. That righted itself.

I am not saying if this S. 43 should pass, it is somehow going to destroy the constitutional system of this country. I am not saying that at all. I am just saying, Mr. President, that we are facing more serious threats to the foundation of this Republic in the form of the deficit. We have not really solved and not really made much headway on solving it to this date and time, but I still have hope and expectation that we will. That is the greatest threat to the Republic, in my view, that we face. Then to sort of convey the impression that S. 43 is going to meet that challenge of the deficit, it is going to really help in solving that deficit, is a kind of blend of comedy and tragedy.

It is tragic that people would even make such comment or such claim; tragic because it is totally futile to rely on this bill and this power being given the President as a way to correct or to deal with this tremendous challenge of the deficit. On the other hand, it has a little comedy because it is silly to even say it—it makes you want to laugh or cry, maybe a little bit of both. No, the Constitution has properly stated this.

Again, Mr. President, I want to make very clear when I talk about the Constitution, I am not talking about something molded in concrete. Sure, our Constitution has evolved. We had 26 amendments the last time I took count. Twenty-six amendments in 200-some years—almost 210 now. In 209 years, we have had 26 amendments. Oh, we have had hundreds of other proposals that have never secured a place in the Constitution for themselves. But it proves again that the American public has been very perceptive, that they are not willing to buy every little idea that comes down, even though it may have passed both the House and the Senate of the Congress of the United States, every idea that has been brought to them to act upon favorably as a constitutional amendment.

They have rejected many. Many have been stillborn here, in the Judiciary Committee. Others have been choked in the crib in their infancy by the actions on the floor of the House or the Senate.

That has served our country well. But I feel that, even though we are not locked into concrete in the Constitution and I do feel that even though we have evolved changes within the Constitution, the amendment route is the way to change that balance if we want to change that balance.

Do not forget, Thomas Jefferson said it was the right of the people to have a revolution if they wanted one, even after we had established the Constitution. I am not denying that right. We still have a constitutional right to change that government. I will defend that, too; but let us proceed on that basis, if that be our goal, in an orderly fashion as provided by the Constitution. I do not support the idea of violent overthrow, although I suppose you could argue the Jeffersonian view, even with the use of violence.

I suppose innately, I have that in the back of my mind as a last resort because I do not support gun legislation. If we had gun registration, as the old saying goes, and all the other things, we would not have had the means to carry out that first revolution.

But I still say what we want to do in this country can be done peacefully, not violently, and I suppose the Constitution represents that. So it is not a question of either/or, in terms of no change or throw it out the window.

Sure, we can adopt change and I am always for that. But it should be carefully scrutinized, analyzed, evaluated, assessed, and it should move slowly, as is the way with the Constitution. I am far less patient with other changes I would like to see happen than with constitutional changes. There, I am very reticent to see change.

I have cosponsored amendments—the 25th amendment on succession. I have supported an antiabortion amendment to the Constitution. I have not supported a prayer amendment to the Constitution, because I do not believe in that. But I shall support, probably in the future, amendments to the Constitution. But again, the point is, here, in this S. 43, we are having a profound impact on the Constitution and its balance of power through a statutory action.

I might say I have talked to some lawyers who are experts—and I am not—who say this would never last 1 day in judicial review as to its constitutionality. Whether it would or it would not is not the point. I do not think we ought to go through this exercise and create this question of constitutionality, let alone the power of the President to be so enhanced, as we are doing in this legislation.

Mr. President, Justice Brandeis had a very interesting perspective on the Constitution. He was, as you know, one of the great liberal members of the Court. He was what we would call a strict constructionist. I think he was the first Jew appointed to the Court, which was a precedent-setting thing, having to prove himself even more than the traditional WASP's who had been appointed to the Court over the years. But he was, in my view, truly one of the most remarkable men who sat on the Court.

In fact, if Senators want, they should read the official biography "A Free Man's Life" by Al Pheus Thomas Mason, of Princeton University. In that book, Dr. Mason used a very interesting quote relating to this question of separation of powers:

> For what purpose separation of powers? Is it to bring efficiency to the government?

Mr. President, I hear a little talk about, "Well, this will make it more efficient for the President; he will be able to cut down expenditures, excise those waste areas of the budget," and so forth, and so on. This is what Louis Brandeis said:

> Separation of power was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction but, by means of inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy.

To save the people from autocracy.

So for those who think we are going to get more efficient handling of finances or we are going to get less friction, and so forth and so on. I think such thoughts miss the real heart and soul of the Constitution. I know we live in an age when everything has to be summarized or briefed because we do not have time to go to the original material. We do not have time to read the original essay; therefore, we have to read it in the Reader's Digest. We do not have time to read the original document. I have to ask a staff person to brief it for me in one paragraph. And I tell my staff, "If you can't say it

in one paragraph, don't say it at all." So I am a practitioner of this very thing that I abhor.

All I can say, Mr. President, is that when we look at the shortcuts we try to make to get to a solution or resolution of a problem, we oftentimes buy more misery than we are able to eliminate. Sometimes, we buy more labor than we are able to reduce. Sometimes we find ourselves in greater anguish than what we may have been in at the moment.

I emphasize that there is no simple solution to the deficit problem. For those who are looking for a panacea, for those who are looking for a quick fix, they ought to take stock, analyze what they are proposing, and hopefully back up.

Mr. President, again I emphasize the point that the constitutional balance of power, separation of power is a very, very serious and very, very monumental action to take and should not be looked upon as doing one for the Gipper, or doing one for good old Mack, or whatever other personalized basis we might choose. We are dealing with a constitutional question.

I had a very interesting remark made to me yesterday, and that was: "Look, you are going to have to put it in words that appeal to and are understood by the average American. The average American does not respond to an esoteric argument about separation of powers or the balance of powers."

Well, I challenge that viewpoint. President Eisenhower, fortunately, is emerging with the credit and respect that he deserved even at the time of his administration by many who were so critical and so "liberal" in their understanding of things that they could not understand the President.

President Eisenhower once said, "There are times in which people get ahead of the politicians."

I feel this is one of those times where we underrate the public. We are dealing with figures and budgets and all the ingredients that go into mechanics of finance in the Federal Government enterprise. And yet, Mr. President, let me tell you something. I have sensed a great anxiety and a great call for action when I get out in the small villages, whether they are lumber villages of Oregon or the farm and rural communities, or whether they are the erudite centers of culture and population in urban life. The people have said to me, "Look, you people back there in Washington better get about the business of dealing with this deficit. Whatever the prescription, no matter how tough it may be or how bitter the medicine is, I am willing to make my contribution. I am willing to take my part of that, provided everybody else is given an opportunity to be a part of that solution as well."

I remember when it was running around my State last year, people were saying—well, the year before last, preceding the election of last year—"You can't do these major things in an election year. It just isn't done. You don't talk about revenue changes. You don't talk about reducing programs the people have become accustomed to."

I went to retirement centers, I went to rest homes. I went to places where the elderly live in my State. I was a candidate last year, and I stood in those same places and elsewhere and said the same thing, that we are going to deal with this deficit, we are going to have to freeze everything across the board, including Social Security and COLA's relating to the other entitlements, the military, social security, education, all of those things including water programs.

Mr. President, people listened and responded in the affirmative. And I might say that I won by the highest percentage of my 35 years in political office. My opponent happened to be going around saying, "Reelect Hatfield. He will get these programs reduced. He is going to freeze them." In spite of that kind of confrontation on the issue, I had the highest percentage of votes—not because of what I was saying, but because of the fact that people were making the demand. The Congress of the United States and the President of the United States should face up to this deficit problem and do whatever is necessary to correct it, because they felt threatened in their individual future and they felt that the Republic's future was threatened. If people think we are going to pass S. 43 and placate the people out there who are demanding some action, they had better take another look at it. They are demeaning the intelligence of the American people when they think the American people are going to buy in on some action of this kind as a solution to the problem of the deficit.

Let us not get lost in our institutional mentality and our balance of powers and mixing of powers and all these other things which could be called academic exercises, and let us recognize that the sovereignty of the United States is in the people, and the people have an understanding of what is and what is not going on here. That is the constitutional foundation—the people.

I hope we do not have to talk too many days, but I want you to know that I have had a physical and I feel great. I am ready to go however many days we have to go in order to defeat this matter.

Fourth, the line item veto is a standing invitation for political mischief. It is a mile-wide gate open for illicit trafficking in votes.

A few years ago, a story was told—so far as I know, it is true—about our late and beloved colleague Frank Church. Frank and I were fellow alumni from Stanford, and we came from next-door States. Frank was a Democrat; I was a Republican. I am still a Republican. Notwithstanding the division of the aisle, we were close friends, and I had great respect and admiration for Frank Church, as I know most everyone in the Senate had.

The story is told that when Frank Church, a Democrat, had decided to change his position on the Vietnam war issue, under a Democratic President by the name of Lyndon Johnson, he made his statement on the floor. It was a very eloquent statement.

In that statement, he quoted Walter Lippmann rather liberally as to the reasons why he was changing his support position to an opposition position on the war in Vietnam.

The story goes that sometime after that, he had been invited to the White House for some social function. While going through the receiving line, he reminded President Johnson about some project he had out in Idaho on which he wanted the President's support; and President Johnson is reported to have looked him straight in the eye and, in a humorless voice, said, "Why don't you go ask Walter Lippmann for it?"

Mr. President, I can visualize, with a line item veto in the hands of the President, reminding the President that there was a Bonneville lock project in the energy water appropriation bill that was very important to those of us in the Northwest—the Bonneville lock on the Columbia River. I can imagine a President, whoever he might be, saying: "Well, I need your vote on nerve gas" or, "I want your vote on the MX missile" or, "I want your vote on Contra aid to overthrow the Government of Nicaragua"—all issues on which I have fought the President.

It is natural and normal, I suppose—I am not saying it is immoral—but I question whether you get the best results in legislative action and in executive action in that kind of trafficking in votes.

Or, I can turn that around. There are two sides to that coin. You can turn that around and say that we have a Republican President and a Democratic Congress, or we have a Democratic President and a Republican Congress. That is less likely, but it could happen as well. I can see the opposite party in Congress say:

> Load this bill up with all kinds of goodies and popular issues and make the President line item veto them. We're the good guys. We're the Santa Claus. We're going to give the people a new program, knowing that the President of the United States will have to take the executive's responsible role and say that we cannot have that program. So load it up, dump it on the White House, and sit back and wait and clap our hands and cheer, and that is going to help us in the next elec-

tion. Let the President veto those, because the President has to take that position.

There are two sides to that coin—both of them political mischief.

Mr. President, if S. 43 is passed, I suggest that we make an immediate appropriation for a shuttle service from the White House to the Senate Chamber and appropriate money for 534 rubber stamps, because I think that is what we would find ourselves involved in.

This would make the President of the United States perhaps an all-purpose banker. Just imagine: With this kind of power, this kind of ability to influence votes and to bargain in votes, both ways, we would find the President of the United States could borrow and spend freely. He could hold mortgages on the votes of every Senator in this Chamber and he could have a mortgage date due, or he could call it in at any time because the President would really have two swords, not just one, he would have two swords to wield with this kind of power.

He could say, in effect, "Well, I will veto X, Y, or Z if you don't vote correctly." Or there is a mightier sword that he could exercise in this which has been overlooked by many people, and that is he could say, "I did not vote X, Y, or Z because you have been voting correctly lately." Both of those are swords.

Now, let me illustrate. Back in 1965 there was a national Governors' conference and I happened to be a member of the Governors' conference at that time, and there was a resolution authored by some Democratic Governors to support President Johnson's war policy in Vietnam and it passed the conference 49 to 1. I happened to be the only negative vote, not because I had any great gift of prophecy but having been out there in Asia during World War II as an ally of Ho Chi Minh against the Japanese, I recalled the cheering when that flag went up over City Hall in Hanoi because Ho Chi Minh was our ally. That was not the issue. It was not the political issue. It was just the fact I could see the distinction between the colonial system of the French and the poverty and total misery of oppressed people under imperialism and knew it could never happen again.

Anyway, the same happened in 1966, still under President Johnson.

Later on, I came to the Senate in the election of 1966, and in the election of 1968 I happened to be a seconder to the nomination of Richard Nixon for our party's candidate. I had the privilege of nominating him, making the nominating speech, in the convention of 1960.

So I had known Vice President Nixon, I had known Senator Nixon, and I knew President Nixon, and notwithstanding the terrible experience of Watergate and not in any way condoning Watergate, I still have great admiration for the man's geopolitical ability, his understanding of world power, world politics.

But the interesting thing was in that election of 1968, the Presidential candidate of my party had proposed that he had a plan to extricate ourselves from Vietnam and that plan was not publicly spelled out.

And when he became President, people were waiting expectantly for that plan to evolve and to be publicized.

I remember Secretary of State William Rogers on a personal basis as well had called me and said to me, "You people up there who are opposing this war, who have been opposing this war in Vietnam, just give us a little time to get our plan in place before you publicly criticize us."

And it seemed very fair and reasonable.

Then, Mr. President, came the announced policy of bombing of Cambodia. Viewed from my perspective, that was not extricating the United States out of that war in Vietnam. It was plummeting us further into the quicksand of Southeast Asia.

And at this point in time I had withheld my statements about the administration's position on that war, believing deeply that they had a plan to extricate us.

I then stated my opposition to that expansion of that war publicly, critically.

Interestingly, shortly thereafter, came the information that the White House had an enemy list. I happened to be on it. There came the information that the White House had more than one enemy list. I do not know how many I was on. I knew I was on the first one, which later became sort of a badge of honor.

But I have recollections of the kind of attitudes of being ostracized from that relationship with the White House under a Republican in a Republican White House. I was not the only one. I did not get any complex from it. But on an issue, of course, that was a single issue. There developed in the attitude of the White House, "Those who were not with us who are not for us are against us." There is enough of that kind of attitude that comes out of the White House staff, I think, in most any administration, the sort of "We and they," the sort of "You are for us or you are against us," and, "If you are against us today, that means you are going to be against us forever."

I do not think that often reflects the Presidents themselves, but it does get into the staff frequently, not realizing that you may not be together today on this issue, but tomorrow you may be together on an issue.

I know as far as the Senator in the chair, my good colleague from Alabama, if we probably look at voting records, we will probably see that our voting records are almost in contradiction on most controversial issues; but, boy, when it came to abortion, sanctity of life, the Senator from Alabama and I are shoulder to shoulder.

So whatever issue you are on today where there may be disagreement does not mean you are forever involved in a total adversarial relationship. That is what developed out of the White House staff often.

Why advocate that kind of adversarial mentality, which in the long term enhances neither the White House nor the legislative branch of Government, does not expedite legislative action, does not help in personal relationships?

I frequently have said my wife loves to read billboards driving down the highway. I led the battle to abolish billboards in the State of Oregon. She thinks anybody convicted of murder should be put down the chute, execute them. I led the battle to abolish capital punishment in my State. She is prochoice; I am prolife.

Somehow it has not in any way ruptured our marriage. Thank God it is stronger today then when we first married. It is out of diversity rather than conformity. And we have that ability as mature people, I hope, to be able to work together with diversity, but we have to face the reality of the political culture and the political environment and it is one that tends to polarize viewpoints, people, and relationships.

And S. 43 would absolutely create a rupture in relationship that we could never imagine. I visualize it as being the sword that would destroy the umbilical cords of those being that close and destroy the cords of cooperation of those who are not quite so close. It certainly would not enhance the mixing of powers and the need for the legislative and the executive to cooperate.

You know, I just cannot emphasize too often, too strongly, the fact that we are not in that either/or situation on legislative matters. We are not in that polarized role. We have those issues where we do have confrontation and that is healthy.

But the negotiations going on continually behind the scenes and even out in front of the world on appropriation matters, appropriation activities, are now in practice and now in place.

I think that, frankly, these negotiations that are going on with most everybody's understanding and knowledge would take on a back room character. We would be pushing our politics from the light of openness into the dark, smoke-filled rooms of the old political system. And it could employ all kinds of things from barter to blackmail. That is the kind of behind-

the-scenes, smoke-filled room politics that we hoped we have matured from and evolved out of; we have moved ahead, progressed.

Go back and reread the history of the Republican Convention of 1920. You do not have to go that far back in political history. But there was one of the great examples of back room, smoke-filled room politics. And the tragedy that emerged out of that, personal tragedy of basically an honest, kindly, average intelligent American who was thrust into a role totally ill-equipped and who had a tragic death as a result of it, and who today suffers from the fact that he is listed as one of the worst Presidents we ever had. At the time of his death, he was probably considered as one of the most popular Presidents we ever had, had been elected by one of the highest margins of votes we have ever had and, from that pinnacle of public popularity to be thrust down into the pit of ill-fame and suffer such degradation of reputation, it is tragic.

Let me say that was a product of that kind of political world that this S. 43 could help re-create—back room, smoke-filled politics, bartering votes. So this has not only constitutional implications, it has political implications.

Now I know there are those who think we ought to have some way of forcing party discipline. I mean just imagine what we are facing here. As I say, my best head count—I am open about this—I think we can pull six Republican votes out of 53. And we are not going to get all the Democrats. I do not know how many Democrats we are going to get. We have got to get enough to win. I hope we will and I think we will.

But the point is, simply, I am still going to be in this seat after this battle. I am still going to be chairman of the Appropriations Committee, I think, after this battle. I am still going to be invited to the White House for leadership meetings once a week, I think.

There are people who think: Well, we ought to have some way to discipline ED ZORINSKY when he votes with the Republicans on that important budget resolution and somehow take him out of that center and put him out there in some kind of leper's role; or take the six Republicans who are leading this battle or supporting this cause against the President and the White House leadership of my party, put them out somewhere in an ostracized position.

We are not going to have party discipline of that kind unless we adopt a parliamentary system. Let us not kid ourselves. But there is another way we would probably move close to it and that is with S. 43. Only there, instead of 53 Republicans saying, "This is the Republican position by a majority vote," we would have one man saying. "This is the Republican position," the man in the White House.

I fully trust the current incumbent. I have never known a man in politics who was more gentle, gracious, nonconspiratorial, or less confrontational than President Reagan. He is all of those things that we think of as a gentleman, as a gracious person.

But we are adopting something that, even though it may have only a 2-year life, we are adopting a precedent. Who knows who we are going to have in the White House at some future time?

Let me tell you, with all due respect—and there is a different style of leadership, and I think history is going to be far kinder to this gentleman I am going to name now, Lyndon Johnson, than perhaps history is now. I can say as a Republican, there was a man in my view who carried out the New Frontier, who got legislation where most Presidents would have not been able to succeed because he knew this Senate, had been a part of this Senate, but more important than any other thing, he understood power and he knew how to exercise power.

(Mr. MATTINGLY assumed the chair.)

Mr. HATFIELD. You take a Ronald Reagan and Lyndon Johnson. Ronald Reagan knows how to exercise power. His is the power of persuasion of the public and so forth. President Johnson's was a power of knowing how to apply power. Think of Lyndon Johnson with the line item veto. I mean, I came to the Senate at a time when he was no longer in the Senate, when there were still people walking around here with broken arms that he had broken—figuratively speaking, of course—to get their vote. They tell me—I was not here at the time when he was majority leader—if any Senator on the Democratic side or on the Republican side stood up and said, "Mr. President, I want a rollcall," before the Chair would say there was a sufficient second, the Democrats all looked at the leader. If he raised his hand, they got a sufficient second. If he did not raise his hand, they did not get a sufficient second.

We know what it is today. Our arms just automatically go up, no matter what voice makes it. A page could shout out somewhere in the back room for a rollcall and we would automatically put our arms up. But that was not the day when President Johnson was majority leader, as I am told.

Well, just think about it. And whether or not you are doing it for the present incumbent or not, whatever we do here is going to have its implications, not only for the 3 years left of this administration but could very well be ensconced in the political fabric of this Nation that would carry on.

Let me paint a horrible possibility. Say, the Democrats won the Senate in 1986 and, say, the Democrats won the White House in 1988. What would be the Republican vote then about extending this for another 2 years or another 4 years or another 1 year?

There is not a Democratic alive that would get that kind of trust by some of my colleagues on this side of the aisle who would probably be amongst the cheerleaders for this louder than some of the others, even.

We have to look beyond the incumbent. We have to look beyond the personality. We would not have the votes to not enforce it or to extend it. We would probably find, if the Democratic Party had a majority, that they would say, "If it was good under the Republicans, it is good under the Democrats. Why not? We will extend it another 5 years, 4 years, or 2 years."

Then all of these people who are shouting now about the line item veto would say, "Oh, you cannot trust the man down in the White House. We better not. We better fight it."

The principle is on the institution of the Presidency, not the President's party. The principle is on the institution, and not any man or potentially a woman in the future, and that is the only basis upon which we should make a judgment on this proposal.

We get very parochial when we are making a decision of this magnitude on the basis of present company in the White House.

Well, there is another part of this that we will go into in detail later on, but just to highlight the point today, and that is I am opposed to S. 43 because it will create a brandnew entitlement program.

Who will be the class of intended beneficiaries? Lawyers—that is who. For the last 15 years there have been scores of complicated lawsuits involving the line item veto that have tied up State court systems and have yielded inconsistent results. Go back and read any one of them—let alone three or four of them. If these lawsuits have proliferated under a State court or under a State program of line item veto, think of the marvelous opportunity in what we are handing to the lawyers on a silver platter with all the complications of Federal programs and Federal appropriations. It absolutely staggers the mind. I mean you can build fantasies, let your imagination run ripe, and you still can never come close probably to the kind of litigation that would emanate from this kind of proposal, or this kind of law.

You know, as a nonlawyer I do not understand it. But you know, you would think after 92 years—we are not dealing with something that has just been around recently—we have had a line item veto authority at the State level in some States or another, and you would think that by this time they would have ironed out the legal questions. If they have not ironed out

the legal questions in 92 years of litigation, what in the world do you think they are going to do in the next 92 years if this bill should pass with Federal Government law giving line item veto to the President?

Chief Justice Burger has been quoted frequently as saying that many weeks he averages 80 hours of work, and that the Court has been absolutely deluged. I believe the statistics are correct when I report them that in the last year of the Warren Court, which was considered probably the most activist Court in modern times, they tried or handled about 52 cases. In the last 2 years, Mr. President, with the current Supreme Court, the Burger Court, that figure has exceeded 150 cases in a session. Some people have said we have so much due process today we are going to be inundated, and we are going to be suffocated. Well, just imagine what this would do in the whole case if we have this kind of authority, and if it becomes a target for litigation. How do you think this is going to impact upon our current overloaded Federal courts?

You know, this very Congress cleared how many new Federal judges? Dozens of Federal judges have been cleared at least during my stay in the Senate—dozens of Federal judges because we cannot handle the litigation that is now crowding in on our court dockets. In the District of Columbia, a judge yesterday, along with judges in other States, ordered the release of prisoners in prisons because of the inhuman conditions because of overcrowding. We have overcrowded dockets. We have overcrowded prisons. And we do not have enough law enforcement officers out there on the beat. At the same time, S. 43 is being offered as another windfall for the lawyers to inundate further our Federal courts.

Again, I suggest that we take a look at what has been the experience in the States. Up to this time, the implication has been it has all been positive, it has all been rosy, Governors have been using the line item veto for years, they have done it successfully, they have done it prudently, and they have done it effectively.

Well, I say that the Governors having spoken—and I can speak from 8 years of experience—if we had a constitutional amendment to balance the budget, we would find ourselves in a difficult situation around here that this will not correct, and the line item veto is almost what you would say dependent. It would be dependent on a balanced budget amendment. Even if we had one, it would still not do the job it is intended to do.

Why have we had such long-time litigation with experience at the State level for 92 years? First of all, the question has been raised in the litigation: Can a Governor change the appropriation without vetoing the appropriation for an item? It is remarkable that this has just created all kinds of legal excitement. Can a Governor change the appropriation without vetoing the appropriation for an item? You would think that a line item veto authority would be a very simple, straightforward thing. Well, I have demonstrated that S. 43 is anything but that, mostly because of the deficiency of the bill, but still that deficiency is part of the character of trying to grant a line item veto that has been established by the experience of the courts in the States and the litigation through those courts.

Another question that has befuddled the lawyers out of the Governors line item veto that we have had 92 years of litigation on: Can a Governor leave the appropriation alone but strike conditions and provisos on the spending of the appropriation which were attached to the item? We "fence." We speak of "fencing" appropriations. I think everybody is very familiar with the fact that appropriations committees of the Senate and appropriations committees of the House for years fenced language around a specific appropriation item. We did it with Central American aid. We did it with the neutron warhead. We have done it with other items. We did it with the MX missile. This is a practice that has happened at the State level as well. So part of the litigation of 92 years on just a simple line item veto to authority for the Governors has been can a Governor—in this case could a President—leave the appropriation alone but strike the fence—the fence language, the fencing language which is a proviso, which is a condition on the spending of that appropriation amount? I say that probably out of all of the litigation for the last 92 years on the Governors line item veto this is probably the most difficult. This is probably the one that has raised itself in the courts more than any other one. This is the most stubborn issue to date.

In 1 year, the State of Missouri said no in this court action. The next year, Florida and Iowa said yes. So here is the same line item veto authority in one State court that said no, and another court—two States' courts—said yes. You say oh, well, that is your diversity within the States. That would not be true in the Federal system. Oh, would it not? Mr. President, last year the Ninth Circuit Court of the Federal court system—that is the court out West where I live—had 26 of its 27 cases reversed that went on appeal; 26 out of 27. One might say, well, that shows that is one of the best courts we have. Others would say, wait a minute, why is that court so out of step with the rest of the judicial system of this country?

Today the bulk of the cases that go to the Supreme Court on appeal are to resolve the differences between the circuits on statutory interpretation, not constitutional questions that the Supreme Court alone is the ultimate one, but here the Supreme Court is playing referee amongst the circuit courts because the circuit courts have such diversity of interpreting a single statute.

So talk about diversity on the Governors line item veto, say between the State of Missouri, the State of Florida, and the State of Iowa. You would have even perhaps an easier way to proliferate diversity of opinion on the line item veto statute amongst the several circuits of the Federal system.

So we just might ask—and I would hope maybe the author of the bill when he is relieved of the duties of the Chair, can explain to the body of the Senate—is the definition on page 3 of S. 43 of "item" applicable to fencing language? That unnumbered paragraph reads "Providing that no funds shall be spent" to do X, Y, and Z. I do not know. I have asked some lawyers to interpret it. They say it is ill-defined. It is an invitation to litigation.

Another question in the courts that has befuddled lawyers is, on spending that accrues from nonappropriated bills, your State entitlements, your programs funded by statutory earmark and so forth, can a Governor veto the spending that accrues from such bills?

Of course, we do not know. There is no uniform conclusion on that.

We have had a number of courts also that had complicated cases that arose between branches of government over the veto and the line item veto the Governors used. It is very interesting that some Governors use the line item veto to slash the operational budgets of the other branches of State government to effect a wholesale of house cleaning operations.

What an interesting picture that is. We have had what is called comity asked between the two Houses of the legislative branch of Government. Just the other day we were talking about the Legislative Appropriations Subcommittee bill. That bill comprises the expenditures of the legislative branch of Government, the spending of the Library of Congress, the Capitol Architect, and many other agencies. Every one of those agencies had been cut by the House legislative appropriations bill more than the appropriations within that bill for the House of Representatives.

I asked the question, If the House Appropriations Committee cut every program in the legislative appropriations bill more than their own expenditure program to run the House of Representatives, how can they justify that? Maybe we ought to apply the reduction to the plan or the program or the spending part of that bill for the

House of Representatives' expenditures. My very wise and sage assistant said, "No; we always exercise comity on that. Whatever the House wants to appropriate for their own expenses we respect, and whatever we want to appropriate for our expenses the House respects."

But what about a President? We have a Democratic House and we have a Republican Senate and a Republican President. It is conceivable that under the line item, if we send this bill down to the White House to be signed, the legislative appropriations bill, the President of the United States, vested with his awesome club embodied in S. 43, can say, "Well, Mr. Speaker, you have not been very helpful on the budget resolution. Yes, Mr. WRIGHT, you have been leading the battle against the Contra aid. Well, now, gentlemen of the opposition party, you have all that energy to fight me on all these important issues. Probably the problem is you have too much staff." So what he will do is just line item veto that House of Representatives portion of this bill on a line and bring them into halter, bring them into conforming with what the White House wants.

Would that not be a marvelous display of two Irishmen fighting each other like that? It would be a marvelous display of how we work out these difficulties.

I say as a Republican that when you look over the last 5 years and you have that Boston Irishman heading up that House of Representatives over there, as stalwart a man as he is, and an Irishman down there in the White House, yet on all of these issues it has eventually been that good old Tip and the President get together, shoot a little Irish with each other, and they come out with some kind of a deal. We have busted our tails over weeks and months and so forth between the two Houses and we have not been able to do it. It has been a marvelous demonstration of how you resolve differences without a club.

There are some little clubs around that we all use, at the White House and here. But this would be the club with the big nail in it, the big spike in it. I can see one swipe to the head of the Speaker of the House of Representatives, with all of this great relationship. It would all come quickly to an end and we would have confrontation. Confrontation would lead to immobilization, paralysis.

Michigan, West Virginia, Nebraska, Washington, and Wisconsin have all seen complex litigation on the procedural aspects of lineitem veto. Mr. President, we are not talking about one, two, or three States. We are talking about many States that have had a part in 92 years of litigation. Who has won? It is not clear. But we know who has lost. That is the public.

I suppose if we want to come down to the dollars and cents of it, the winners have been the lawyers.

But do not be misled that somehow we are just dealing with a little, simple matter of line-item vetoes. Even if S. 43 were amended to try to create a better definition, do not forget the litigation, what has happened in the last 92 years under well-defined line-item veto authority at the State level. There is what we should learn from our Federal system.

As I indicated a while ago, the flexibility of the Federal system gives the States opportunity to experiment, demonstrate, and to prove or disprove. This is a case where the States have had the experience, the States have engaged in this kind of activity, the States have tested it, and it has not been a good record.

Rather than in a case like when Oregon tested the personal income tax and found it to be good and the Federal Government adopted it, let us take the case of the States which have tested the line-item veto, found it to be bad, and not adopt it. We should learn from both mistakes and successes.

What is very clear is the chief executives of the States find it irresistible to test the breadth and scope of the line-item power.

At the Federal level, line-item veto authority would initiate a flurry of actions. You think this is just a matter I have talked about so far as between the President and Congress so far as potential litigation. Let us broaden this to recognize that you would have interest groups out there in the public who would feel offended, who would feel that somehow the President had excised a program which they felt very strongly about. Maybe they were the recipients. Maybe they were the beneficiaries of the program. They were related to the program.

The President then said, "I will line item that out of the budget." You immediately set into place another cause of litigation.

Maybe it is not a question on definition of line items or item; it is on a question of being denied a program.

Mr. President, for example, I have a letter sent out by the American Library Association. A number of citizen and other interest groups would be immediately involved in challenging the exercise of the line-item veto which could possibly lead to litigation, as it has in the 92 years of history at the State level concerning the Governors' line-item veto. I am sure the letter was received by all Members of the Senate.

Mr. President, I ask unanimous consent that the letter, which I have before me, with its attachment, be printed in the RECORD.

There being no objection, the letter and attachment were ordered to be printed in the RECORD, as follows:

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, July 16, 1985.

DEAR SENATOR: The American Library Association urges you to oppose the line-item veto measure, S. 43, which is under consideration on the Senate floor this week. The ALA Council passed a resolution to this effect on July 10 during its Annual Conference in Chicago last week. A copy is attached to this letter.

The American Library Association, founded in 1876, is a nonprofit educational organization of over 41,000 librarians, library trustees and friends of libraries dedicated to the development and improvement of library services for all the American people.

In S. 43, Congress would give the President the power to sign or veto each paragraph or section in every funding measure passed by Congress. The Senate Rules and Administration Committee reported S. 43 unfavorably by an 11-0 vote.

ALA believes that the decision on the appropriate funding level for individual federal programs should remain where it is right now—with elected officials in Congress who are both representative and accountable. *You* are in touch with the constituents in your state about individual programs; the President by and large is not.

Consider, for example, library grant programs such as the Library Services and Construction Act. For the past four years, the President has attempted to eliminate all library programs totaling $125 million in FY 1985. However, with strong bipartisan support through the congressional budget, authorization, and appropriations processes, Congress has continued to fund federal library programs.

S. 43 would give the President yet another chance to eliminate library programs, forcing Congress to act yet again in support of them. The Administration illegally impounded a portion of LSCA funds for six months in FY 1982, releasing them only after a lawsuit by 10 states. LSCA is not yet an advance funded program, and the FY '82 delay caused considerable hardship for LSCA-supported library activities in the states, as would the delay caused by a line-item veto even if later overridden by Congress.

For these reasons and those detailed in the attached resolution, ALA strongly urges you to oppose S. 43, the line-item veto.

Sincerely,

EILEEN D. COOKE,
Director, ALA Washington office.

Attachment.

RESOLUTION ON THE LINE-ITEM VETO

Whereas, The proposed line-item veto, endorsed by the Administration, would allow the President to accept or reject individual parts of appropriations measures already passed by Congress; and

Whereas, The non-defense domestic discretionary appropriation items may prove particularly vulnerable to the exercise of this presidential authority; and

Whereas, The concept of the line-item veto appears to denigrate the long-standing federal tradition of a government founded on a system of checks and balances; and

Whereas, There appears no guarantee that the line-item veto will reduce governmental expenditures; now, therefore, be it

Resolved, That the American Library Association urge the members of the U.S. Congress to oppose the line-item veto on the budgetary appropriation process.

Mr. HATFIELD. Mr. President, I think the vote referral in the letter is in error, but that is what it says.

Mr. President, this letter illustrates that there are multitudes, literally probably hundreds, even thousands of organizations and groups that have a relationship to appropriated accounts, programs funded by the Federal Government, that would have a very different interest in and an opportunity to challenge through litigation the exercise of the line item veto, if it were so granted to the President. As I said, we oftentimes get into the argument and the view that this is only a problem between the executive and legislative branches of Government.

The American Library Association, which has already participated in bringing a suit on the delay of such funds, could easily become another one of those litigants inundating the Federal court system, challenging the exercise of such a veto.

I know some of my friends would say, "That would be wonderful, to get rid of some of these programs we do not like, that are costing us too much."

My friends would not get rid of the program. They would have it in court for the next 20 years.

Get rid of the program by having the courtesy to stand up here and exercise a program as a legislative responsibility. Do not dump it on the President. Because we do not have the courage to line item or excise or abolish, do not dump it on the President and say, "You do it"; then have the President make the effort and have it end up in court where nobody wins and nothing is settled.

As I say, look at 92 years of litigation in the States on the line-item veto the Governors have been exercising—92 years of litigation—then tell me that you want to see the U.S. Government set up a program for litigation at the Federal level on the question of line-item veto.

That is one thing that has not been brought out. They do not want to talk about that. All they want to talk about is, "Oh, Governors have had the power; Governors have used the power." Yes, I used it for 8 years, sparingly. It did not prove anything. Do you know why, Mr. President? Because the Oregon constitution has a balanced budget requirement.

That is the key, not the line-item veto.

I emphasize again, we can line item that part of the budget we do not want, abolish, excise, and you still have a $100 billion deficit.

So, Mr. President, what we have is not the question just between the executive and the legislative branch of Government, but just do not forget: Since the New Deal days of putting the Federal Government into every kind of activity imaginable and some activities unimaginable, we have set up client relationships, we have set up interest groups, we have created dependencies, recipients, that are not going to let go that easily.

I shall stand here any day and vote up or down on abolishing the EDA, abolishing Amtrak, or other programs. Let us put them through on that basis as a legislative responsibility if we want to excise these programs.

Or let me suggest one other thing: Every one of those appropriations bills that goes down to the White House has come, first of all, from our committee to the Senate. On the Senate floor, we have worked the will of the Senate by adding or deleting, whatever the case may be. We have gone to conference with the House and worked out differences between the House and the Senate. All that time, the President has had a role. He has had a part in that with the Office of Management and Budget, Mr. Stockman at his elbow. Then it goes down to the White House for his signature. Let me say to my colleagues that if there are things in that budget you think should be out, it ought to be worked out by the Congress, the Senate or the House. We have that opportunity. And we should make that our responsibility.

I find that, many times, people will want an amendment to one of our appropriations bills about a project in their home State and fight like mad to get it adopted. And when we adopt it, they turn around and vote against passage of the bill. So, now they say, let us let the President take everything but my project out of that bill.

I do not get that. At one point, we are trying to hide our project in a big mass; at another time, we are saying expose that big mass with my project so the President can take it out.

I think there have been cases when there is no question that the Senate and the House, together or individually, have been less than responsible—you could probably say irresponsible—loading up the budget with items that have been purely parochial reelection projects, political projects, and worse. But I say to my colleagues that is our responsibility, to correct our deficiencies. It is our responsibility to improve our standard of performance. It is our responsibility to make this system work efficiently. And no amount of buck passing to some other branch of Government is going to correct that deficiency in the character of this institution.

I think it is misplaced effort to say, in effect, "You do it; we cannot." And then listen to all of the screams go up through the dome of this building if some President should suggest that he exercise certain authority or power in the War Power Act. We feel very strongly about that. I have been here long enough to go through Republican and Democratic administrations on the questions of war powers. I have heard a lot of speeches on this floor that the Congress has the responsibility, the Congress has the capacity to exercise that constitutional responsibility in areas of peace and war; but on our say in financial matters, fiscal matters, where the Constitution says the Congress shall control the purse strings, we do not have that kind of capability; we have to tell the President to do it for us.

We cannot have our cake and eat it, too. We cannot claim great ability and capacity and responsibility as to war powers and turn around and abdicate those same responsibilities and capability as relates to financial matters. There has been too much of that buck passing over the years.

Oh, I know; I have even heard them on this issue. I have heard some of my dear friends across the aisle say to me, "Well, the President has been making all kinds of claims about what he can do: He can balance the budget, reduce the deficit, all of these things if we give him the line item veto. Let us give it to him and expose it for what it is, that it is impossible to do all the things he claims for it."

Well, that is not a good basis on which to transfer this power. I say to my colleagues, "Look, let us face the bottom line. You are not going to get any political mileage out of that. This President is to you what President Roosevelt was to us Republicans. He can make the public believe black is white. He has the persuasion and the ability of persuasion. He can go on the tube and, in one speech, he could totally demolish the whole argument that, somehow, the line item veto is going to do all these great things."

I want to remind my colleagues of the mere facts of the case. In 1980, we campaigned on the theme that the Democrats have not been able to balance the budget; by golly, you elect us and we will balance the budget. And we got reelected despite the fact that we had more than tripled the deficit. We had a bigger deficit, we were deeper in debt than we were when we got elected in 1980, and we got elected by a bigger margin in 1984.

So I am not so sure the idea is somehow going to expose the Preident's exaggerated claims about what the line item veto is going to do for the deficit problem, that we are going to expose him by exposing the fallacy of his arguments. That is just not in the constitution of things at this moment.

We have to recognize that we will have citizens groups—we listened to the arguments about legal aid around here being given to this group and that group to sue the Government, that it should be cut off, why should this or that group be given funds to sue the Government? We got into all kind of discussions and debates on the

whole issue of legal aid. Boy, what would legal aid be with this kind of proposal in S. 43, with every group out there litigating against any reduction or against any excission of present programs or former programs?

We would have a stampede to the Federal courts by the lawyers. We would probably have a great increase in the enrollment in law schools. People would see a whole new industry blossoming; they would want to get in on the ground floor.

I might decide to go back to law school myself. It is just one of those things that invites this kind of industry. I am not here to berate lawyers, but there is enough of this incentive for remuneration in the practice of law today that we ought to do a little bit more to stimulate the idea of reconciling—reconciliation rather than remuneration. We ought to teach that.

At Williamette University, my alma mater, they have established a program, new in the law curriculum, called conflict resolution, because it is the same basis on which some of us have been fighting for the Peace Institute, to develop the skills of mediation, arbitration, conciliation, resolution of conflict in the general community, whether it is labor-management, child-parent, student-teacher, citizen-government, or between nations of the world. There is enough of an adversarial character to our society without stimulating it by creating this kind of incentive.

It is so evident not only in the political but in the economic as well. We have many examples of why productivity has been so high in Japan in their general economic system because they have created the cooperative attitude in culture between management and labor in business. Here we have sharpened, we have honed so finely the adversarial relationship between capital labor and public that it has affected our productivity, our competitiveness in the world marketplace.

What we are proposing here is to increase that adversarial relationship again in the political to the point where it would be, I believe, very negative; it would produce no positive results.

In closing, let me confront the cheap rhetoric you will hear about deficits and why S. 43 is needed to reduce those deficits. This morning I was reminded of the passage in the Gospel of Matthew when Jesus was addressing the hypocricy of the scribes and Pharisees. For those who are interested in the 23rd chapter, it says:

Woe unto you, scribes and Pharisees, you strain out the gnat, and swallow the camel.

"You strain out the gnat and swallow the camel." Without demeaning this passage of the holy writ, I would respectfully like to translate that concept to the debate on deficits and paraphrase it:

Woe unto you, Senators and Congressmen, you who strain out the gnat and swallow the camel.

Hundreds of billions of deficit dollars are being swallowed whole by this body. Proponents of this bill focus on a microscopic part of the budget and ignore the root causes of the deficit—inefficiency, an unenforceable tax system, entitlement growth, budget busters at the Pentagon, and all the others. Even if S. 43 would work, which it cannot and will not, over 85 percent of the budget would be exempt from the line item veto. My dear colleagues, you do not have to be a higher mathematician to understand that when you bring this baseline down to 12 to 15 percent, again, the line item veto is meaningless, infinitesimal when dealing with the magnitude of this problem. You would still have a $100 billion deficit.

No, we have to begin to look at the real basic problem and analyze it. This deficit is not going to be corrected by the current administration's attitude of dealing only with the spending side. It is a two-sided coin, spending and revenue. We have seen the revenue side eroded by that ill-conceived tax-reduction package of 1981, ill-conceived particularly in the excesses above and beyond Roth-Kemp section of that bill. Two-thirds of our deficit today can almost directly be attributed to that part of the bill.

Be that as it may, we just went through a Presidential campaign in which the Democratic candidate, Mr. Mondale, said that we were going to have to deal with the revenue side of the problem before we dealt with the deficit effectively.

Mr. President, Mr. Mondale was right. The only thing was he let himself get painted in a corner because the assumption had to be that in order to deal with the revenue side, you are going to have to increase taxes. The idea of increasing taxes within the current tax structure is unthinkable to most of us. But the point is that if you restructure the tax system, not what is being floated here as tax reform, but if you truly restructure the tax system of this country, at least a portion of the $90 billion we are not collecting this year because of the complexity of that tax system could be collected, at least a part of the $100 billion underground economy that has contributed to the complexity of our tax structure could be collected, and we would be dealing with the revenue side of this problem. We are going to have to deal with the entitlement side of this problem.

Oh, I know we went though all that exercise and we had one vote from the democratic side on the question of entitlement freeze. If we would have had a secret ballot, I wonder what it would have been. I would imagine 99 percent of those people who sit on that side of the aisle and on this side of the aisle would say, "We are not going to deal with the deficit without dealing with those entitlements."

Sure, we walked the plank on it, and then the President and the House of Representatives made a deal, so we walked the plank for nothing. We are not going to deal with the deficit effectively until we deal with entitlements, until we deal with revenue, until we deal with that bloated Pentagon expenditure.

Somehow the concept floats around here that money equates security; the more dollars you spend at the Pentagon, the more security you buy. That is as fallacious today as it was under the New Deal when the Democrats used to say to the American people, "The more money you throw at a social problem, the more apt you are to correct it."

It was not true then and it is not true today when we are saying on my side of the aisle, "The more money you throw at the Pentagon, the more security you buy." Money is but the means to an end.

Just imagine, Mr. President, the management aspect of the billions of Pentagon dollars. I cannot. I am told there are 53,000 people in the Pentagon's procurement division literally drafting thousands of contracts per day, 3,000 to 4,000 per day. With 53,000 personnel in that procurement division, you tell me it is a manageable program.

But you see, Mr. President, what eludes us is that when the administration offers a Pentagon budget for fiscal year 1986, they want to add 25,000 new civilian employees—25,000 new civilian employees. Does that mean we are buying, with 25,000 plus their salaries, that much more security? Some used to say the city of New York was ungovernable. That makes the Pentagon twice as ungovernable with the magnitude of just the management of money.

Part of that is evidenced, too, by the fact that we have appropriated $250 billion in past years that have not been expended yet—some committed but not expended, in the pipeline.

My point is simply that if we are going to deal with the camel, we cannot continue to strain out the gnat. The camel is simply the soon-to-be $2 trillion national debt and the $200 billion annual deficit. I hope no one stands on this floor and tries to make us believe that passing S. 43 is going to in any way affect that problem.

I will tell you how it is going to affect it. It is going to mislead and delude some people into thinking that we have done something when we have not done anything. I think this is the time to be forthright and up front about both the problem and the proposal that is pending here today and

not use it as a diversionary tactic or as an effort to let people think we have somehow exercised courage.

Mr. President, I close by saying it is far from courage. It is callous. It is shifting in point of responsibility to the President of the United States, who cannot do anything with it once he has it, in terms of affecting the basic issue of the deficit.

Mr. President, I ask unanimous consent that my resumption of my remarks on this matter not constitute a second speech, and I yield the floor at this time, by unanimous consent, to my colleague from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, let me assure the membership and anyone else who is interested that this appearance here this afternoon, for the relatively short speech I am going to make, is not anything originally planned. I wanted to be here in time to hear the Senator from Oregon because I know that he does not speak without thinking through to the bottom of a problem. I know of his very fine learning in the problems of Government and the great sincerity of the proposals he makes for remedies.

I point out that I am not boasting of anything I have done, but I am among those who years ago—I think it was 15 years ago—introduced a resolution with reference to a balanced budget. I was concerned about the financial affairs of the Nation, the debt we were piling up, and I proposed that the Constitution provide that it be mandatory that we balance the budget. Later, I introduced another similar resolution.

My voting record for money is not on the stingy side, but it is certainly on the conservative side. I have been on the Appropriations Committee for a long time, and it has been my privilege to handle appropriations bills on the floor of the Senate.

I mean by that that I was a manager of the bill, had to carry that responsibility, holding hearings, getting the bill in line, getting the judgment of the membership of the committee, bringing the bill to the floor and presenting it, and getting the bill passed.

I recall—I think it was 1964—when Senator Russell was chairman of the Appropriations Committee. He was ill. I was chairman of the Armed Services Committee. He asked me to handle the appropriations bill for the Department of Defense, which was the largest one, and I handled some of the others, also.

I recall that in that year, the total amount of the bills we finished was just under $100 billion—$100 billion. That included the military bill, the defense appropriations bill, and the others.

I was back on this floor again 20 years later, in 1984, and was connected with the presentation of the appropriations bill for the Department of Defense; and we moved in those 20 years—a brief span, by comparison—to where the interest on the national debt was $117 billion.

Within the brief span of 20 years, we had moved into this problem field, as I call it, of having to pay out more in interest on the national debt than it cost to operate the entire Federal Government—military all over the world, vast programs at home, worthy programs, interest on the national debt, everything.

You do not have that experience here of those clear-cut compelling comparisons without being influenced and affected.

One of the effects that experience had on me, within about a year, the comparison of those bills, the difference in the amount required, was that it convinced me beyond all doubt, an overwhelming conviction, that we were headed for the very gravest kind of trouble in the field of our finances; that if something was not done to break that trend and build the income back up to a reasonable level and bring outgo down by a reasonable amount, we were going to have serious trouble in the budget field.

I do not mean anything I say to imply that the President of the United States, Mr. Reagan, the membership of this body, and the membership of the other body are not putting forth their best effort. It is the problem we all have to deal with and the ability to bring about a constructive program here that will be effective and will go to the very heart of this problem we have, which exceeds anything we have ever had before—fighting wars and everything else included. It involves the matter of whether we are now going to be able to get together and really do something effective about this.

Everyone votes as he or she pleases, so far as I am concerned, and everyone is responsible for that vote. I voted for the Hollings budget amendment, which I thought was the best plan, as a whole, that had been brought forward to get us out of this serious situation. It received a very respectable vote. I voted later for the Chiles-Hollings amendment, which was even a little better. I am just reciting these things to show that I am within a pattern here that is consistent with what I think is effective.

I have summed up what I stand for in this problem in this way: everyone give a little, everyone yield a little, everyone take a little less, and divert that saving into channels that will lead to reducing the deficit we have, which eventually is going to destroy us unless it is corrected, and then we must have some additional sources of revenue—whether you want to call it taxes, or whatever—to build this in from the other end, and that that be dedicated to the same problem, the deficit.

(Mr. SYMMS assumed the Chair.)

Mr. STENNIS. I feel that then in 4 or 5 years, and this is a short time in this field with problems of this kind, we would be back on our feet. We would be standing on a sound base and instead of getting worse, a little worse every year, we would be getting along a little better every year.

I have consulted with competent people along the way, and I am not quoting him by any consent or anything else, but I would just call up Mr. Volcker and tell him I want to come see him a little and I would go, because he could and did clearly state what I thought was the situation, and his proposals were always very acceptable to me. I have listened to others, too. But in this subject matter beyond all doubt in my mind, the things that Mr. Volcker predicted have come true and I think he is correct about the things that he said now that must be done.

So I feel that I am not just jumping in the dark but have some valid substantial reasoning behind these steps that I have taken through the call of necessity.

Now, here comes, though, this proposal—I am sure it is made in good faith—to help the situation now by giving the President, whomever he may be, authority under the Constitution as written to veto any item that he may find in the appropriation bill.

That means just strike it out, and the primary reason for his action is to be that that will go toward the budget problem and go toward getting on our feet financially, reaching the point where we will no longer be a have-not Nation in the field of high finance and the other problems that are going with it, that we will be in far better shape to regain our posture of advantage in world trade where we are rapidly losing it now and that these things are done through necessity.

Now, this proposal, within the terms of our present Constitution, is not permitted. To me that is clear from what I know of the history of this Constitution, how it was put together originally, and how it reads now, that is the controlling part, how it reads now, and what is the meaning of these words interpreted by the meaning of other words used. Now this actually proposes that we pass elaborate bills and that the President, whomever he is at the given time, can have that measure dissected and divided up into many parts; that is, it will be stated in the bill about its division into many parts, and then the President would have a choice as to what parts of the bill he would sign or what parts he would leave unsigned.

Let me refer to the Constitution itself. After great deliberation and

study amidst men who were amazing scholars in their time in this field and when we were an infant nation, they finally put down in words that part of the things they had been arguing about and article 1 of section 1 has the following preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

That is the tone of this instrument. That is a quick summary of the purposes.

Article 1, section 1, the first problem they tackle, legislative power, reads as follows:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

That word "all," the first word in the section, is all legislative powers shall be vested in a Congress.

The President, though, in other places is enabled under the words to veto a bill that is not representing his sentiments or something he is agreeing to. He vetoes a bill but still it is subject to becoming the law by two-thirds of the membership, saying "the veto notwithstanding we take this stand on this bill," and it becomes a law. No one else has to sign it; even the President of the United States is overruled.

That is the power punch, just a few lines here—that is the power punch as to all of the legislative power in this instrument.

Now, I say flatly without any limitation at all the only way to change that meaning here of these words and the power that they carry is to write another constitutional amendment, language that will supersede what is written here and has lived almost 200 years now, almost 200 years from an infant baby nation whose future was in doubt to what is now the most powerful nation in the world in many ways.

So I think right on the threshold the only way to do this legally and logically and in keeping with present constitutional law is to write another amendment, write an amendment that will override and turn the meaning of this language around and make room for this dividing a bill up after it has left the hands of the legislative branch. Write an amendment that says Congress has the sole power of all the legislative power under these terms: After it has left their hands it can be butchered up or scissored up or changed around and the President can lay the papers down in a certain formula of some kind of mystical thing, send some of it back disapproved and the other approved, and that will become law.

If you can find anything in this entire document to justify a plan or a scheme or course of action like I have just described within these words, I will retire and will not have another word to say and we can just rewrite some of the other sections maybe the same way. But it will be a collapse of the most powerful sentence in this bill, say what you want to.

Who is giving this power out? The people. "We the people of the United States" are vesting all the legislative powers in a Congress composed of a Senate and House of Representatives.

Now I think that is good language. But maybe it is not. Maybe we have outgrown it or outlived it. Maybe we do not need it; we need something else.

But we still have to change it bodily, legibly and not leave things to hope and imagination.

With all deference to anyone that is in favor of this proposal that we have before us or had anything to do with writing it, with all deference to them, I think they make the gravest kind of an error, they are far off the playing-field, and certainly if this should prevail, it would gradually destroy—I do not believe it would cure our present problems, not at all—but it would gradually destroy the legislative branch of this Government. That is what it would hit, because that is what it is changing. That is what it is taking the power away from.

Like it or not, we are the ones that have this power and like it or not we have got to meet it and perform in that field in a satisfactory way; either that or we are put out, we have failed. And no one can change what is written here in the Constitution except by the process as provided with language in the Constitution itself.

So I am here because of my deepest concern. This is not comparable to a State of the United States. It is not comparable to any other kind of Government. It is similar in a way in problems maybe, but this is a different Government, it is a different plan, it is different wording, it is a difference of 200 years of experience. This is not just a Johnnie-come-lately provision of the law. This is the bedrock, backbone of this new power that was set up.

I read, not knowing this debate was coming up, but I read not long ago many times over Beveridge's Life of John Marshall, the amazing debates they had down at the capitol in Richmond over whether or not the convention from Virginia would adopt, representative people elected for that purpose, would adopt this Constitution or reject it. And another book that I read about Patrick Henry showed me the clearest picture I had ever been able to find, what the real issues were and what the arguments were. I read with pleasure Patrick Henry's speeches, but I did not give him the depth of learning that he had until after reading speeches that he made at that convention, and then when he lost by 10 votes the constitutional resolution adopted in this Constitution, which passed by that 10 votes, only by about 150 to 140.

And I understand that Patrick Henry was approached then by some of those that he had been leading and said, "Well, you almost won in spite of all of this power raised against you, George Washington and others. You go out among the people now and we will pay the way. You explain this to the people face to face and we will overturn what has been done." He said, "I will not go one step." He said, "This instrument here for the first time has had an actual exposure and full argument," and he thought by men that were competent on both sides. He said, "They won this vote and it becomes the law of Virginia. So far as I am concerned, I propose to obey it."

Well, that was about as big a thing as a man can do as a statesman. And he passed away not too long after that.

Well here, if we are going to change this now with reference to this key provision of this Constitution, and just set up a new system, a different system, we are repudiating, it seems to me, in a very serious field, to me the most serious—if Government is not successful in the financial field in financing its own affairs, it will not be successful very long in any other field—we are wiping out and making a new start and repealing our present Constitution, which, when luck was in and luck was out, has saved us and made us the most powerful nation in the world.

So, I have a doubt sometimes about which is the best vote to cast here and which is the soundest and which will hold up, but, with all deference to everyone, I do not have any doubt about this one. Because if we authorize such a procedure, however a President might try, he would find himself under pressure for a veto of these measures that go to make up the necessary cost of the Government.

But perhaps that is not the gravest thing, as I see it. Every new Member that comes in here and in the House of Representatives, under this plan here, a veto of this kind, would be under pressure, under powerful pressure from the word go, before he gets here, even. And it lasts year after year after year. He will be taken down and put under political pressure without a chance to develop ideas, the strength of his own, and posture of his own in a place of influence, not even controlling his own vote, one vote. I would not know of a better way to destroy them as they get here than to have a thing like this sword hanging over their heads.

I do not know of any way to get at the destruction, the gradual destruction, of the legislative branch of the Government than to cut off that source there of judgment and some independence and some position based on logic, common sense, and reasoning that the person has a chance to establish here as a newcomer.

I am sorry to say it, but I think they will be kicked around and headed up and maligned one way or another, threatened one way or another, and will not emerge, will not have a chance as a stalwart influence here, for the benefit of whom? For the benefit of those trusting people back home that sent them here. Let us not destroy this matter in this way. If it has got to go, let us find a better way than that.

Now, I have some prepared remarks here that I have worked on. I wanted to say what I have said so far as more or less a preliminary statement. And I did not mean to take so much time. I want to go ahead and read the next paragraph, though, from the present Constitution, this same section on the legislative branch and this relates to those bills raising revenues.

Article I, section 7:

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated,

What is this talking about there? Is this talking about a bill, talking about passing of a bill, and then if the President approves a bill what shall happen and what shall he do with it? How are you going to read language in there that a bill can be cut up into 10 pieces and 50 pieces, and the President can veto some, send back some and approve with this language? If we want to change the Government that much, let us do it in plain, simple language.

I do not see how we would ever be able to put curbs or protections for the people by way of this legislative branch of the Government of which we are temporarily holders of the power—I do not see how we could ever function if we are going to have a plan as suggested by this Presidential veto power. So I think that is the ultimate question here. If just adds up to the fact that if we must stand up here, and protect this power that has been loaned to us—not given to us, we do not control it except temporarily, and we all have to go back before the people, thank the Lord. We do not have the power to change the Constitution. We cannot argue that we do have the power to make change. You have to argue that these words carry these possible meanings, a new pattern here, these words, and this section carry a different power from what it says on its face. I do not think we want to do that. I do not think those who have thought it through believe that. It is bound to be challenged in a more serious way.

I think this is something we have to meet. We have to know what we are doing. We are accountable for what we do and say. I do not want to predict that our Government is going to collapse. I do not want to use extravagant language. But I know we will have to do something to right our affairs, and I think we can. I want everyone to use their judgment. But I think we have to stand up and meet these situations with our present language rather than borrow some more, and try to find another way. Instead, the trust is with us. The trust that we have been given is to protect the Constitution as it is now.

Mr. President, I am not going to take a great deal of time. I came over here for the chance to speak my beliefs, my concerns, and my warnings. I thought I was in a position to, not that I will accomplish anything much, but because of my efforts, my record, and what I have stood for within this field of finance, and the field of constitutional government.

Mr. President, on the surface this line item veto legislation may seem like a good idea—a new way of trying to get a handle on these huge deficits. But I am convinced that a closer analysis shows it to be unsound. It will not have the result its supporters say it will. It is a diversion from meaningful efforts to deal with deficit. More importantly, it is contrary to our Constitution.

Now let me say at the outset, Mr. President, that this is not a question of whether you are for or against controling Government spending. Over the years I think I have done my part in trying to get these deficits down. A number of years ago I was one of the first to join in sponsoring a constitutional amendment to require a balanced budget. And I am certainly willing, as I have been all along, to work with our colleagues on the Budget Committee, to put together a budget that gets us back on a sound fiscal basis.

But in our desire to deal with the deficits, we must not be tempted by a plan that runs contrary to the very nature of our system of government, that transfers major power to the executive branch at the expense of the legislative branch.

Our system of government is founded upon a balance of powers between the branches of Government. The Constitution expressly places the lawmaking powers in the hands of the legislative branch. It does so with good reason. The power to write laws is a very broad and great one.

The drafters of the Constitution made the legislative branch closer to the people. The members of the legislative branch are the direct representatives of the people. They are held accountable to the citizens in the local communities in their districts. They have a better sense of the needs and problems of those local communities. They have to answer to those local citizens. Shortly after the American Revolution a number of citizens were seeking to have a king for the new country. But Ben Franklin answered them with five powerful words: "In America the people govern."

Article I of the Constitution gives the lawmaking power to the branch that represents the people. It gives Congress the power to write and pass laws, to decide what should be in a bill. As a part of the overall balance of power, it gives the President the power to veto a bill—to say yes or no to the bill. It does not give the President the power to modify a bill or veto a part of the bill. Under our Constitution, all the President can do is simply accept or reject a whole bill. Once he starts picking and choosing which parts he will accept and which parts he will not accept, he in effect becomes a lawmaker. And that is a power the Constitution expressly reserves for the Congress.

Thus even if Congress wanted to give up a part of its legislative power, even if it wanted to let the President start making laws, it is prevented from doing so under the Constitution. Let me point out that the Supreme Court in 1983 struck down the legislative veto because the Congress had tried to give up some of its power as an accommodation with the executive. The Court said the Constitution simply will not allow it.

But even if we could give the President this power—and I do not believe we can—I think it would be unwise to do so. A President could put a single Senator or two or three Senators—or two or three House Members for that matter—under terrific pressure. He could really prevent them from trying to serve the needs of their districts.

Giving this power to the President puts Members of Congress virtually at the mercy of a President with bad advice or bad motives. And it leaves those Members of Congress with very little defense. It leaves them unable to defend the interests of the people in their districts, in effect leaving the people in the local communities without effective representation.

So Mr. President, I think there is a sound reason why our Nation's founders gave the President only the power to veto an entire bill.

Let me point out that the current veto power is no minor thing itself. Throughout the years Presidents, including President Reagan, have suc-

51-059 O-86-25 (Pt. 14)

cessfully used the veto—or even the threat of a veto—to get bills changed in a manner more to their liking. So it is not as though the President has no influence now in shaping legislation. He has great influence. Just ask any member of the Appropriations Committee. We listen very carefully when a President says he will veto a bill if it had such-and-such provision in it. And we frequently have modified legislation in order to avoid a Presidential veto.

That's the way the system is supposed to work. The President is certainly able to make his views known and have his influence felt. Bills are frequently modified to reflect his wishes. But the ultimate drafting and shaping of the legislation is left to Congress, the people's representatives. Once Congress has shaped the final product, then the President can either reject it or accept it.

Now, Mr. President, I want to talk briefly about the practical effect that this legislation would have on spending. This bill simply is no substitute for the Congress taking decisive action on its own to deal with the deficit.

First of all, the total amount of current Federal spending which is relatively controllable is 26.2 percent. Of that amount, 15.2 percent is defense spending, and 11.0 percent is nondefense. As we all know, this administration wants more, not less, defense spending. Therefore, the line item veto would affect only 11 percent of the current Federal budget—roughly $128 billion. This is only a little more than half of the projected deficit for next year. So even if the President vetoed almost every item in these bills—such as spending for farm programs, for economic development, for education, for highways—we would still have a huge deficit.

More importantly, Mr. President, we already have a process for the President to seek rescissions of appropriated funds. This lets him target those programs that he thinks we should not be spending as much money on. Yet in his January 1985 budget submission to the Congress, the President requested only three rescissions, for a total of less than $1 billion.

Finally Mr. President, I must point out that the Appropriations Committee has been acting responsibly on spending. The appropriations bills we have enacted over the past 6 years have actually been under the President's request for spending for that period.

While I understand the desire of the supporters of this legislation to deal with the deficit, this is simply the wrong way to go. It is unsound policy, and it is unconstitutional. I urge the Senate to reject this measure.

Mr. President, that concludes my description of the problem, my remarks about what I think we ought to do. It is clear as a bell. We do have doubts about some things sometimes, but not here, and not on this one. I will be ready to yield the floor.

Let me say to the Senator from Oregon that I hope he is going to speak some more on this subject—if not this afternoon, sometime. I want to hear the Senator word for word. I commend the Senator highly. I know him well. I commend him highly for his work on this problem. I know how concerned the Senator is. The Senator has worked on other problems, too.

I see the Senator from Maryland is here. I have not had a chance to talk to the Senator about this. I think I know the Senator's record and I commend him. I am glad to see the Senator here.

Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, before I yield the floor to my colleague, the distinguished Senator from Maryland, I would like to thank the Senator from Mississippi who had informed me that he was going to make comment on this bill. The Senator made a broadcast in his home State of Mississippi concerning this issue in a most eloquent way, as he has demonstrated again today.

Mr. President, I know of no man in the Senate who has greater stature and reputation for his knowledge of, and his love for the Constitution. He was a judge before he came here to the Senate. He is the No. 1 ranking Senator in terms of service of this body. So he has seen a lot of history. He has helped make a lot of history.

I remember the only other time that I engaged in a filibuster on the floor of this Senate was on the issue of restitution of the compulsory military service, the draft. I felt very strongly in opposition to that. At that time, the Senator from Mississippi was on the opponents' side. I want to say to my good friend that it is much more pleasant, I feel much more comfortable, and I feel much more a sense of victory being on the same side with the Senator from Mississippi than being on the opposite side. I know that his words here today in support of the position that I have hewn out here being in opposition to this Senate bill will have great weight, will carry with it great influence on our colleagues. I am most grateful for his remarks. They are profound. They demonstrate not only knowledge of the law and the Constitution, but obviously it is infused with his spirit, his affection, and his love for our Constitution and for the institution of the Senate, which no man has greater involvement and capacity to understand and help make it work as he has.

Mr. President, I ask unanimous consent to yield momentarily to the Senator from Maryland without my losing the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I want to thank the distinguished Senator from Mississippi for his comments. As I have been listening to him, I have been watching him and know that he has been speaking with a copy of the Constitution of the United States of America in his hand. He is speaking from the text, from what is in this case "The Book." It is important that Members of the Senate understand that is where he is coming from, not some personal prejudice or some personal view, or not even some opinion. That is drawn out of his many years of experience here in the Senate.

He is speaking from the text of the Constitution. That is the basis on which I think the Senate must make its decision. What does the Constitution mandate? I think the Constitution mandates exactly what the Rules Committee recommended—that the bill do not pass. That is what the Senator from Mississippi has concluded—that this bill do not pass, it should not pass and will not pass. I think the Senator from Mississippi has made an extraordinarily valuable contribution. It is all the more valuable because of the years that he has served as a member of the Appropriations Committee where we served together. The Senator understands the appropriating process thoroughly. That is necessary to understand what the real meaning of this attack on the Constitution is. I think this can be nothing less than an attack on the Constitution because it would rearrange the whole furniture of Government. It is a rather extraordinary proposition, I think the Senator from Mississippi would agree. This idea that you can take a bill and apply scissors to it and cut it up so that a large appropriations bill will start out as one bill and would end up as 100 bills.

The Senator from Mississippi will observe over the chair of the Presiding Officer those words in Latin that are familiar to most Americans, "E Pluribus Unum," from many—one.

It is a symbolic thing that this bill turns that motto right around and instead of one it would make many of one. It would turn one into many. It turns around one of the basic symbols and mottoes of the American political system. It turns around the system of the Constitution. I think the Senator from Mississippi has pointed that out.

It would not be "E Pluribus Unum" any more. It would be many out of one. I think the Senate does not want to make that mistake. I have confidence the Senate will not make that mistake, if enough Senators take the

view the Senator from Mississippi has taken.

Mr. President, I return the floor to Senator HATFIELD.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I compliment the distinguished Senator from Oregon [Mr. HATFIELD] for his diligence and his eloquent remarks with respect to this very important and significant debate. I wish that more Senators could be here to listen and discuss those items which have been so well articulated by the distinguished chairman of the Appropriations Committee. Again I say that he is to be commended for what he is doing. I support him in that effort and express my strong opposition to S. 43, the so-called line item veto.

You will hear a great deal about how Governors have the authority for a line item veto, and that is true. Having been a Governor, I understand about a Governor's line item veto. But there is a significant difference here.

Each of those States is required basically, by its constitution, to have a balanced budget. What the Governor has the opportunity to do is to shift some of the expenditures from one area to another. In some States, within 10 days of their session, with respect to anything passed beyond that, the Governor has total veto power, and the legislature does not have the ability, after the ninth day, to come back and override the veto.

Some States now have a constitutional provision—in recent years—that gives the legislature an opportunity for a veto session. That usually follows 2 weeks after the regular session. Normally, they are in for 5 days for veto. But they do not have 100 separate bills, to override the veto, and the Governor does not have hundreds of bills to veto, to look at, out of one piece of legislation. He has a large document, draws a line through it, and initials it, and say, "I veto"; and the legislature comes back in 9 days and can override it. We do not have that opportunity here.

I have listened to some of our legal scholars, and they have referred to the Constitution. This basically is a constitutional question. It is not a question that we are having an opportunity to develop statutory authority. We are talking about a constitutional question.

I do not believe anyone can doubt the sincerity of those who want to defend the Constitution. If you want to amend it, the people must have an opportunity to amend the Constitution. We alone do not amend the Constitution.

Mr. President, I find that there is a deeper, underlying reason. Some people will say it is all political. You get this bill passed, and that assures you of your reelection. Or, if you vote against this, it assures you of having trouble when you go home because it appears you do not want to reduce the deficit.

I understand all the political ploys that go on. But there is a deep-seated question here with respect to the basic operation of this Nation, and that is its Constitution. As a result of having this Constitution, we are the strong Nation we are today—also because we have people like the distinguished Senator from Mississippi [Mr. STENNIS], who understands the long history of this institution and who defends the Constitution and who takes the position that the Constitution must be preserved until it is properly changed.

What we are looking at here today is not the ability of the people to change the Constitution. We are going to have a statutory experiment. We are going to see if it works.

If this measure passes, it will take the Clerk of the House from now until the 2 years are over to try to develop pieces of legislation in order to send it to the President so that he can sign a veto. I understand that the supplemental appropriations bill will probably have 540 pieces of legislation that would be sent to the President of the United States for the so-called line-item veto.

We are getting beyond any question of reasonableness here. We would be going into the ridiculous if that should happen to us and to the President of the United States, as we tamper with the Constitution.

Let us review what has happened to S. 43. The Rules Committee held 2 days of hearings on this bill in May.

In the 10 years I have been in this Chamber, I have always been taught to respect the committee system. Every once in a while we hold something at the desk or we put legislation on an appropriations bill, but the Senate does it by majority vote.

My first lesson in this body was when I wanted to extend the membership on a certain board. One of our distinguished colleagues, who is very eloquent, said: "There is one reason why I am opposed to the proposal of the Senator from Kentucky. Basically, I am for it. But it has never been to the committee. We have never had an opportunity to study it. We have never had an opportunity to hold hearings. Therefore, I am not sure of the ultimate consequences of his legislation, so I am opposed to it as an amendment. It must go to the committee."

I lost, and I lost substantially, because all the chairmen agreed with him. That is approximately 20 votes right there. So you go in with two strikes against you. I understood, and the lesson was clear, and I learned it early on, and I have respected it since.

In the hearings of the Rules Committee, people with the background that was necessary to understand this piece of legislation, the recognized experts in the budget and appropriations process, testified. After carefully considering all the arguments presented, the Rules Committee voted, by 11 to 0, to report this measure unfavorably, What does that tell you? After thoughtful consideration, the majority leader of the Senate, the chairman of the Agriculture Committee, the chairman of the Energy and Natural Resources Committee, the chairman of the Appropriations Committee, the ranking minority members of several of those committees, and all of them on the Rules Committee voted to report the bill unfavorably.

These are not Members of the Senate who decided lightly. They considered it long and thoughtfully and then voted, by 11 to 0, to report the bill unfavorably. The only advantage to that is that it got to the Senate floor. It is here for us to consider.

The bill was given consideration and was reported unfavorably. Yet, the proponents are saying that regardless of all the studies, regardless of the hearings, regardless of the unfavorable report, we still want to pass it.

It does not make a lot of sense to this Senator that we are found in this position.

But I have seen a lot of things in this Chamber. During one of our filibusters, the distinguished Senator from Alabama, Mr. Allen, had some of us here voting against the Lord's Prayer. You know that was very distasteful. But we are put on those kinds of spots and sometimes people who do not understand the institution, do not follow it closely, are somewhat concerned about some of the votes and the procedure we follow.

The report to the Senate of S. 43 reflected the majority view of the committee that granting the President item veto authority would not reduce the deficit. Why, then, is the question, are we considering this piece of legislation today?

There is something there that we say down home, "Something ain't right. Something ain't right." Why is there just a push for this one individual piece of legislation? "Something ain't right."

The committee, after thoughtful consideration, believed that S. 43 would upset the constitutional balance of power. Men in leadership positions with long experience, with love and consideration and devotion not only to this institution but to this country and to its Constitution, said in their vote that this would upset the balance of power between the executive and legislative branches, and the Constitution said there shall be three. And they also said this piece of legislation would

greatly expand the authority of the Clerk of the House of Representatives.

Can you imagine—I believe my information is right—can you imagine after the two bodies pass the supplemental appropriations bill, the Clerk of the House will develop 540 pieces of legislation to be sent to the President of the United States for his consideration after we passed one piece of legislation?

Who has the power; who has the authority? We never voted on 540 individual pieces of legislation.

The Constitution says, referring to the legislation, it shall be sent to the President and he shall sign or veto it. We did not vote on 540 "its."

English is the mother tongue and you can write it, as Sam Ervin said, for people to understand, and the Constitution is an understandable document.

There are serious issues which I urge my colleagues to consider very carefully before they cast their vote on this particular measure.

Mr. President, proponents of S. 43 argue that granting the President item veto authority is a necessary first step toward reducing the Federal deficit. This, in my opinion, is simply not true. Congress, acting responsibly, can reduce the deficit. Item veto power in the hands of the President will not. It creates mischief.

That is maybe not the intent, that is the result. If the President vetoes or threatens to veto any one of the 540 items in the supplemental appropriations bill alone practically every Member of this Chamber and every Member of the House of Representatives will be concerned about what the President would do to a program or a project that was in the best interest of his area, State or district.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. FORD. I am pleased to yield to the distinguished Senator from West Virginia.

Mr. BYRD. I ask unanimous consent, Mr. President, that the Senator's yielding to me for something other than a question will not constitute a second speech when he resumes his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

Mr. President, I understood the distinguished Senator from Kentucky a moment ago to say that in a particular bill there were 540, I believe——

Mr. FORD. That is correct.

Mr. BYRD. 540 separate numbered sections and unnumbered paragraphs which would have to be broken out into 540 separate bills by the enrolling clerk of the House of Representatives in the event this legislation that is before the Senate should eventually become law.

I call to the attention of the distinguished Senator from Kentucky—who is the ranking member of the Committee on Rules and Administration, and who does an exemplary job as a member of that committee and as a Member of the Senate—the continuing resolution of last year, Public Law 98-473. I asked the Parliamentarian of the Senate recently to take that resolution and break it into the various parts that would be required in the event S. 43 should unfortunately become law for a couple of years, how many areas in that continuing resolution would, under the requirements of S. 43 have to be broken out by the enrolling clerk. And would it surprise the distinguished Senator to learn that there would be 2,043—not 540—but 2,043 sections or paragraphs that would have to be broken out as separate bills—2,043? Of course, there are some bills that are more voluminous than that continuing resolution.

Mr. FORD. I say in answer to the question of the distinguished Senator from West Virginia that originally it would have surprised me. But the more I study what the far-reaching ramifications of this bill really are then I am not. So we are talking about only two pieces of legislation that would become 2,583 separate pieces of legislation that the Clerk of the House would have to put together and then send to the President of the United States.

Let me expand just a little on our questions. What kind of a position are we in, then, once we vote on a bill that contains all of these items and then we have 540 or 2,043 items? Have we voted on that individual bill yet?

Mr. BYRD. Is the able Senator asking me that question?

Mr. FORD. Yes, I am.

Mr. BYRD. Mr. President, I am glad the Senator has asked that question. In this one instance of the continuing resolution passed last year, there would be 2,043 separate bills, not one of which had been seen, much less voted on, in this Chamber. Now, that is an almost incomprehensive number of bills. And not only would we be turning all of that enormous power over to the enrolling clerk in the House of Representatives, who would be instructed to break down that bill into 2,043 pieces, but when it went downtown to the President for his signature, is there anybody in here, in this Senate, who really would believe that the President would see, would understand, the content of each of those 2,043 bills? Why, no. Who would advise him? Who would advise him?

It would be like litle gnomes working in the subterranean and darkened recesses of the Office of Management and Budget who would be walking around with their oil lamps at midnight or 3 o'clock in the morning reading the separate bills so that they could advise the President which of those 2,043 bills to veto. It would not be the President. It would be those little faceless, nameless, anonymous, unidentified gnomes with their oil lamps going around in their caverns.

Now we have to have bureaucrats. They do important services for the Government, for the people of the United States. The word "bureaucrat" does not necessarily carry with it a bad connotation. But those unidentified bureaucrats would be the ones who would decide how to advise the President on the 2,043 bills that were created by the House enrolling clerk, not passed by the Senate of the United States.

I thank the distinguished Senator.

Mr. FORD. I thank the distinguished Senator for his comments.

Let me just enter into another area. The line-item veto would only apply, as I understand it, to appropriations bills. But it applies to all of them going to get 2,583 separate bills to be sent to the President from only two bills that we have passed here, the number of bills that the enrolling clerk of the House of Representatives would enroll and send to the President out of all appropriation bills would be astounding. We would never have an opportunity to see them and we would have no vote in the selection of that enrolling clerk in the House. We would not be voting. We would not have an opportunity to say who that enrolling clerk ought to be.

So we not only give up the constitutional authority for the U.S. Senate, we are also giving up the authority to make any kind of a choice as it relates to the enrolling clerk that will develop 2,043 pieces of legislation out of the continuing resolution of 1984.

We are beginning to see, I think, many of the problems that this little 2-year experiment—this little 2-year experiment—would create. And it still bothers me—and I cannot get it out of my system, as we would say back home—why, why are we trying to do this? Something is there, something is being pushed for some reason. I have been trying to find that reason.

Oh, we hear up here a lot of times, "That is his reelection bill"; or, "He needs that for back home." I wonder and I wonder out loud.

Now, get this, as I understand it, items not funded in appropriations bills would not be subject to the veto. These items are entitlement programs, interest on the national debt and other mandatory spending—which are not subject to the veto. And these account for half of the Federal budget. Fifty percent of the Federal budget is already gone. So what are we talking about?

Most of the other half goes for defense. And everyone knows the current President is not likely to wield the veto pen as it relates to the funding for defense. And I agree with him.

I think we ought to have a strong defense. Therefore, that eliminates about 75 or 80 percent or more of the total budget that the President is not going to get to by item veto.

The distinguished chairman of the Appropriations Committee, Senator HATFIELD, calculates, then, that this leaves only about 11 percent of the budget that could be subjected to the line-item veto, and you cannot make significant reductions in the deficit by chipping away at only 11 percent. So 89 percent of the budget is something that cannot be touched or will not be touched. So we are talking about hundreds and hundreds and hundreds of pieces of legislation that will go to the President to be studied by OMB.

Now that Mr. Stockman is gone, I guess they are having a hard time trying to find someone to replace him. So we do not know who we are going to get down there or who those people will be that will be scrutinizing the interpretation of the enrolling clerk of the House on the legislation we passed, broken down into hundreds and hundreds of pieces of legislation we will never see unless the President vetoes and sends it back up here.

He can sign a lot of things that we have never seen and never directly voted on. And then I am accountable to my constituency on how I voted and whether I missed votes or not and how I voted on 540 pieces of legislation. I only cast one vote to pass that bill, yet the President has to sign 540.

Line item veto. I would not wish this on the President if he was well.

In practice, this would mean that the enrolling clerk of the House of Representatives would be given the broad authority to interpret—the broad authority to interpret—the intent of Congress as he or she sees it.

Now, how about that? Give the Clerk of the House the broad authority to interpret my intent, how I voted, and then interpreting my intent, send that to the President of the United States. Somebody ought to back up and regroup on this one and say we have made a mistake and say we need to reconsider this.

If the people sound their voice and say, yes, change the Constitution, fine, but we are trying to circumvent the people's ability to make their choice by an experiment in dickering and tinkering with the Constitution of this great country. And the arrangement under this bill allowing the enrolling clerk of the House of Representatives this authority presents a very real possibility that congressional intent could be deliberately, and if constitutionally legal, circumvented by an enrolling clerk and the President. We would have nothing to say about it. And I have to be accountable, and want to be accountable to my people, and will be accountable. But I do not want my accountability taken away from me. I want to have the opportunity to say, yes, or no. I do not want somebody to arrange legislation that interprets my intent.

Then I have to explain what the enrolling clerk of the House meant when he developed this legislation, sent it to the President, and as the Constitution says, referring to that legislation, I have not seen it. And under those circumstances, I oppose it.

Suppose, for example, that both Houses of Congress passed a State Department appropriations bill which provided economic assistance to Jordan and stipulated that the funds could not be used by the country to pay the Soviet Union for past arms purchases. Think about that just a minute now. I had to work this one out. Suppose both Houses of Congress passed a State Department appropriations bill that provided for economic assistance to the State of Jordan but stipulated that the funds could not be used by Jordan to pay the Soviet Union for past arms sales or purchases. Should the House clerk enroll those two provisions as separate measures? As separate measures, the President could veto the latter, and send the aid along without restrictions. Think about that. We are aiding Jordan and saying you cannot use any of this money to pay the Soviet Union for purchase of arms.

Now that is divided into two bills, and the President says: "All right, we are going to send the aid to Jordan. But I am going to eliminate that part where they cannot use that cash to pay the Soviet Union." It could happen. It is up to the enrolling clerk of the House. Thus, the intent of Congress—my intent, what I said when I voted, representing my people and was willing to stand and be counted on, is changed by the enrolling clerk of the House. I resent that a little bit. I do not mind standing on my own and getting shot at politically. But I sure do not want to be accused of something that somebody else did in my name interpreting my intent. I certainly hope that we take a long, hard look at what we are about to do here if S. 43 should, by some stretch of the imagination, pass. The intent of the Congress in a matter of extreme importance to the security of this Nation would be defined by the enrolling clerk of the House of Representatives, and the intent of Congress could be defied—a very, very real possibility. A mistake could be made. A human error could be committed. And so much of the defense and security of this country could be changed.

These major flaws in S. 43, its inability to perform its intended function, deficit reduction, and the fact that it weakens Congress in the appropriations process are in themselves sufficient reason to reject this proposal.

Let me say this to my colleagues. There is another, and I believe far more serious, flaw in this piece of legislation. It has to do with the balance of power between the executive and legislative branches of our Government. Our system works. Our system has worked for a long time. Our system has three equal branches—executive, legislative, and judicial. The balance of power is there to keep this country strong; we must not let the balance shift too far one way or the other. But this piece of legislation begins to erode that balance that was so delicately framed in our Constitution.

In my opinion the enactment of the line-item veto would constitute a significant transfer of power from the legislative branch to the Chief Executive. There are provisions and there are ways that the President of the United States can, in effect, line-item veto now. He can rescind expenditures. They are referred to as rescissions. He can send those rescissions here, and we have the opportunity to vote on them. But that is basically a line-item veto. I remember when I was Governor of Kentucky the President at that time had pocket vetoed whatever moneys due the State relating to sewer, water, and highways. Several Senators filed suit. Others, State Governors, entered into a lawsuit, and it took us years to determine it. But the Supreme Court said the Constitution said they could not do that. That money then was released because this body and the other one had overridden a veto. And that was as strong an item as the Supreme Court needed. It did not need anything else. We passed it. The President vetoed it. We overrode his veto. It should have been over. But he still had the power of the office to rescind.

The Senator from Mississippi knows what I am talking about. And when it finally came, those people that were delayed the funding finally got it. The system worked. And we did not need to experiment. Experimentation with the Constitution is something that we should not do—a 2-year experiment to circumvent the Constitution of the United States.

So, in my opinion, and I think in the opinion of others, the enactment of the line-item veto would constitute a significant transfer of power. Until the people exercise their judgment in the alteration of the Constitution of these United States, we should not even attempt to circumvent that document.

There are still amendments laying out there with no time limit on them that the State legislatures have not ratified. If the people want this, we ought to give them the opportunity, but we ought not to say to our constituency: "We are going to experiment with the Constitution of the United States. If that experiment

works, we do not need to send it to you. If it does not, we will just withdraw it, when it 'sunsets' 2 years from now." What if it makes things worse and we ought to get rid of it a year from now?

The line-item veto would constitute a significant transfer of power that the Constitution of these United States vests in Congress, the power to pass legislation and send it to the President. He has the authority to either sign or veto. Then we have the procedure to override or not to.

I do not know whether my colleagues have said anything about this or not, but let us look at what happens if we give him the line-item veto, regardless of who is sitting in the oval office. Right now, all you need is one-third plus one and a wet pen and the President can stop anything. One-third plus one and a wet pen to veto. The President has control.

When you break down 1 bill into 540 bills and the President begins to veto or sign, then it takes one-third plus one. Why not just accept the President's budget and not worry about having a vote on it?

Last year, the budget which the President submitted to Congress was dead before arrival. It only got one vote, as I recall, and that was in the House of Representatives. That was 1 vote out of 535.

On the budget sent up this year, the Budget Committee only gave it four votes of approval. Even his own party did not support the President.

The Constitution gives the power to determine spending priorities to the people's representatives. I hope we are still that, because as Hamilton said, I believe, referring to the Halls of Congress: "In these Halls the people's voice shall be heard by their immediate representatives."

If this legislation were to become law, unelected Office of Management and Budget bureaucrats, in the bowels of the old Executive Office Building, would wield power that the Constitution specifically reserves for the 535 elected Representatives of the American public.

Do not think that the public cannot get rid of us in a hurry, 2 years in the House and 6 years over here. If they do not like the way you vote, they can handle that pretty quickly, and that is the way it ought to be. Yet to get the Government further and further away from those people who pay the bills—they want to have line-item veto now so only one-third plus one sustains a veto—then we limit the people's ability to have a voice in what we do.

How long would that last? With luck, only 8 years maybe. We have a President now who has succeeded himself for another term. I am not saying that we should feel good if the Republicans are in the White House or we ought to feel good when the Democrats are in the White House. I think we ought to feel good as long as we are doing what we think our people want us to do, listening to them and making their voices heard through our ability to vote here.

If we vote for S. 43 we are voting to allow the authority of the people to be taken away and that, in my opinion, is giving the people less Government, less ability to control their Government, less ability to have a say-so in expenditures, less say-so in the use of taxes, less say-so in the future.

We have so many working families today that need help. I find very little help as it relates to the working family, the middle-income group. I see a lot of help for those who have an awful lot of money. I see an awful lot of help for the big corporations who bring in billions of dollars and pay no taxes. Would that be continued under line item veto, veto those things that would help working men and women, working families?

How much is budgeted for education in appropriations bills? What is our future? If we have a President who does not care about research and development, if we have a President who does not care about new research in biomedicine, if we have a President who does not have the feeling and the caring for the underprivileged, the handicapped, or the elderly, one stroke of the pen and one-third plus one and those items are gone. They are gone.

We in Congress lose the right to speak out for those who are not here to speak for themselves.

We get a lot of problems. People accuse us of favoring big interests being up here, lined up. They said there were so many people lined up over in the Finance Committee trying to get the tax bill changed so that they would not get hurt, to get a little more relief, that you could not get close to the room because the hall was full.

Let me tell you, Mr. President, if the enrolling clerk begins to enroll all these bills, you will find a larger crowd in front of his office trying to get him to designate certain paragraphs, unnumbered areas of bills, such that they would have an opportunity to go to the White House and get something vetoed or get something signed. Why, there would be multitudes standing in front of the enrolling clerk's office on the House side. Do you think they will worry too much about the Finance Committee? No. They can go to the enrolling clerk to get him to satisfy their problem by the way he develops the legislation as it relates to unnumbered sections.

Oh, there will be people lined up. Lord, if we just had a good preacher there, he might save some souls, because they sure will not go away. They will be standing there in front of that enrolling clerk's door, trying to get to him to alter a piece of legislation.

Just remember that the line-item veto would constitute a significant transfer of power and that others who could not be reached would be making decisions based on their interpretation of the intent of the Congress, the interpretation of that intent by the enrolling clerk of the House of Representatives.

The Founding Fathers warned against, and went to great lengths to avoid, consolidating too much power in the hands of the Chief Executive. The architects of the Constitution bestowed upon the President of these United States the command of the Armed Forces; the power to appoint Justices of the Supreme Court, Federal judges, Cabinet Secretaries, agency directors; as well as a major role in the enactment of our laws. But the framers of our Constitution made a conscious decision to withhold from him the power of the purse.

It surprises me that some are so tenacious in their approach to give away pieces of our Constitution without the people having any imput on that decision. Maybe the people want it that way. Then I accept it. But until the people have a chance to say, "We want you to do it this way," I am not in favor of it.

So the Founding Fathers, I repeat, warned against and went to great lengths to avoid consolidating too much power in the hands of the executive. The system and the principles of government embodied in the Constitution have served this Nation and its people well for two centuries. We, as Senators, have sworn to support and defend that Constitution. We took an oath. We took an oath, Mr. President, right down there, and we signed the book and said we would defend this Constitution. But now we have S. 43, that says we are going to give it away, we are going to circumvent by experimentation the Constitution of the United States.

Oh, you can cover it up with anything you want to cover it with. You can make it red, white, and blue, with stars and firecrackers and all that sort of stuff. But what are you going to do with 11 percent of the budget? What are you going to do with 500-something appropriations bills? How are you going to sleep at night when you have sworn to uphold the Constitution of the United States?

Oh, it is going to save us money. Oh, it is just an experiment. Any excuse to get around it. They will come back at us, they will come back hard, say we are all wrong, we do not understand it, we are not for saving money.

Look at my votes. That tells greater than anything whether you want to reduce the deficit of this country or not. It is not whether you give the

President the line-item veto and let the enrolling clerk break up the bills and determine your intent. Something "ain't" right.

Mr. President, it is my sincere belief that item veto authority in the hands of the Executive would seriously alter the balance of power as set by the Constitution and, therefore, the oath I have taken requires me to vote against this measure before us. We as Americans are proud of one thing: Our word is good. And you had better make your word good as relates to the people who sent us up here when you hold up your hand and lay your hand on the Bible and you repeat that oath to uphold the Constitution of these United States.

I have always heard there is the intent and also there is strict interpretation of the law. I want to go beyond the strict interpretation; I want to embrace the intent also.

I do not believe I was sent here to circumvent the Constitution of the United States, and I do not intend to do it. I hope I have some slight persuasive power so that I can help others to see it the same way I see it. I hope I have the ability to persuade my colleagues.

I have heard them say, "Why, he only has the silver tongue of truth. He is not much of a speaker, but he has the silver tongue of the truth." I have a belief that this country is greater than all of us, and particularly one individual.

I believe that the Constitution is more important than winning the next election. Defending the Constitution and upholding the Constitution of the United States are more important than winning the next election.

I am seriously concerned, as we all are, over recent and projected future budget deficits, as well as over the magnitude of the national debt. My overriding concern over the past years, when considering the size and composition of annual Federal budgets, has been and remains spending restraint and deficit reduction.

I had a distinguished colleague the other day bring out some points about the way we are collecting money from those who earn a weekly check. I have great concern about where we have arrived today. Some have said publicly that the deficit is deliberately created so that the Government might eliminate all—all—domestic programs. How in the world did this country arrive as a leader? We had the research and development and the technology and the people to put it together. And as we look at other countries that are gaining on us, we find that they are providing more government help to expand research, to assist individuals, to give a better education.

I never was so disappointed here 2 or 3 years ago. The working man, and woman now, believed that, if nothing else, under Social Security they had left their children the ability to get an education. I watched those who want to cut the deficit, who say the line-item veto is the only way to do it, or the major way to do it, vote to take away from that dead man's children the ability to go to school because they denied them their college funding. They denied college funding to the children of the father who thought he left at least the opportunity to get an education. They voted, according to their idea of budget reduction, to take that educational ability away. The Federal Government reneged, reneged on a contract it had with the handicapped and deceased breadwinners. I am not for line-item vetoes of that kind. I think our children are too important for us to begin to cut back on that 11 percent in our Federal budget which helps to educate our children, to give the kind of help that is necessary or we are going to lose our leadership to other countries that are dedicating themselves, like we used to, to have a technological edge and to have the major advancements.

Mr. President, when you say that it is not economically feasible to educate a child in the poor area, you ought to consider as you line-item veto that in that class in the poor area you may find the answer to cancer. I thought every child in this country was entitled to an education and yet we find those things we are able to do in Government leadership being denied because of budget deficits.

I am from western Kentucky, on the Ohio River, and proud of it. We have a saying in my part of the country that when we deny our children the ability for success in their future, we are eating our seed corn. That means we are not going to have a new crop. That means we are not going to have the same kind of opportunities for our young people.

I want to have the opportunity to relate my intent, what I believe is in the best interests of the constituents I represent and what I think and feel they are asking me to do. I do not want to eat our seed corn. I want to be able to say to those young people, "You are going to have all the opportunity in the world. We are going to provide the leadership because your parents want it and this Government is going to be a part of helping you make it." I do not want to turn over to the enrolling clerk in the House of Representatives the determination of my intent on any piece of legislation. I think it is my responsibility.

I believe that acting together in the interest of the Nation we in Congress can make the tough decisions necessary to reduce the deficit and improve our economic conditions. We cannot succeed in that endeavor if we choose to abdicate our constitutionally mandated responsibilities and ask the President of the United States to make those decisions for us. Why not include in the proposal the abolishment of Congress and let us have a dictator? Under those circumstances I would hope it would be a benevolent dictator.

I do not believe the President of the United States wants this kind of authority. I believe the President of the United States today does not advocate diluting the power of Congress. We cannot succeed if we abdicate our authority, if we unbalance the balance of power that was so delicately orchestrated by our Founding Fathers. Let us not opt for what appears to be a simple, harmless solution without considering the ramifications. The Congress of the United States must retain power to determine spending priorities because the Constitution requires it.

Why should we have experimentation with the Constitution? We need to work hard at other things rather than experiment with the Constitution.

Mr. President, to say the least, S. 43 the so-called line-item veto bill is an unusual measure.

It is unusual because it is an artful attempt to avoid the necessary and appropriate course of a constitutional amendment.

It is unusual because of the large number of cosponsors. I hope they begin to drop off as we begin to articulate the problems. I am pleased that those who oppose this measure feel that I might make some contribution as it relates to persuasion.

However, until we have a constitutional amendment that says that the budget must be balanced, we are asking for real trouble in granting the line-item veto power when it relates to a budget that has a deficit.

The public may believe the President acted with best intentions. The only decision that was made was in the best interests of the country. But somebody got hurt. You lost your project. You lost your program. The handicapped lost their funding. Social Security was cut. You begin to look at all these things. But pure of heart—only a decision made.

I hear a lot around here about the fact that Governors have this authority. I have never seen a budget go down under a Governor that has a line-item veto. Show me one that has gone down with a line-item veto. I was there. The reason I had a balanced budget was that the Constitution of Kentucky required a balanced budget. I had the best minds I could find. We put a package together and sent it to the legislature. I was a little conservative, because if they spent a little more money than I thought they ought to, I could still threaten them with a line-item veto. But you always had a little pressure valve in there.

If you get a little more money, you spend a little more. You make the judgment. If the President gets a little more money and then balances the budget, give him all the authority he wants. But if you do not give him a balanced budget, do not let him pick and choose. Let us take that responsibility.

Some of my colleagues are going to be hard pressed to vote for this, because I have heard them talk about the Constitution too much in the 10 years I have been here. The argument is the Constitution, and now we are going to circumvent the Constitution. We are going to have an experimentation. If it works, we might send it to the people. If it does not work, we are going to keep it here.

I will say one thing: It will probably do the paper people a lot of good, because if you have to rewrite every piece of legislation and you have to put it in document form for those little fellows down in the bowels of the Executive Office Building and you start squinting at 2,043 items in one bill and 540 in another, you will use a lot of paper and it will create some jobs.

I say to the minority leader what I said earlier, that if they thought special interests were worried about the tax program of the Finance Committee, they shoud see them outside the door of the enrolling clerk when he begins to develop 2,043 pieces of legislation out of one legislative measure. I told them that there would be such a congregation that they ought to have a preacher and maybe save some souls, because they surely are not going to get in. That same fellow is going to say to the President of the United States, "This is WENDELL FORD's intent." I do not want him or her doing that for me.

This is an unusual piece of legislation. It is unusual because it has generated considerable controversy. I do not think there is anything wrong with that. That is what this floor is for—debate. You can tell that there is a lot of controversy here by the mass of Senators who are in their chairs listening to my pearls of wisdom.

It is an unusual piece of legislation because it has generated debate. We have turned to the Constitution. We have turned to our responsibility. Maybe the debate has been good.

It is an unusual piece of legislation because it proposes a 2-year experiment on a major and complex change in constitutional and public policy.

It is an unusual piece of legislation because it affords no credible assurance of being able to achieve the prime purpose claimed for it by its proponents, the reduction of the Federal deficit.

Mr. President, S. 43 is truly an unusual bill, and therefore it clearly requires unusual examination and analysis. In my remarks, I have listed five of its more evident, unique characteristics. Let us take a fuller look at each of these elements.

Why have 47 Senators consponsored such a complex, controversial piece of legislation? In my opinion, there is one outstanding reason for this. The bill is heralded as a long-needed shift in legislative appropriations power in order to reduce Federal spending. If the bill could truly achieve its goal, it would surely merit the support of all of us.

There is no cosponsor of this bill who desires more than I an early and significant reduction in the Federal deficit.

But you know in the last 5 years the national debt has equaled all the debt accumulated in over 200 years, 203, I think, to be exact. In the last 5 years we have gone from $900 billion plus to about $1.8 trillion.

This is an unusual piece of legislation, very unusual.

I submit, however, that S. 43 is not only not a good means to achieve the goal of deficit reduction, it is in fact incapable of achieving that goal. All that S. 43 will do is unwisely and I believe unconstitutionally transfer legislative appropriations power from Congress to the White House. From 535 elected Representatives of the people to one. If you please, from 535 politicians to one politician.

I repeat Governors have veto power, line-item veto power. It has been great for them. Why, it is the greatest thing to keep the legislature in line that you ever saw.

The constitutions of those States require balanced budgets. The constitution will tell each of those Governors "If you are not going to have a balanced budget, it is your responsibility under the State constitution to balance it."

In my State it is the No. 1 magistrate who must reduce the expenditures of government to bring the budget into balance. I know who the No. 1 magistrate was. It was my authority and responsibility. It says a balanced budget and, moreover we have a 2-year budget.

We were able to make it work pretty well. There is not anything wrong with biannual budgets. If you get a chance to look at my little piece of 2-year budget legislation you may want to say old FORD may not have a bad idea. I do not think it is a bad idea. We have many cosponsors and we have bipartisan support.

So I am hoping that we will soon look at something that will give us an opportunity to do a better job as Members of the Senate and the House as it relates to budget and appropriations actions.

Make no mistake about it. In its best form, line-item veto power consists of no more than permitting one politican, rather than a consensus of 535 politicians, plus one—the President—to make spending priority decisions.

To pretend that the President is somehow immune from the political pressures spread throughout the public landscape, is to indulge in deceptive fantasy.

To pretend that the President is less likely to spend in excess of Federal revenues than is the Congress, is to ignore the plain facts of history. No President has proclaimed more often or more emphatically his belief in a balanced budget than our current President. No President has more often promised us a balanced budget.

Yet, not once in his more than 4 years in office has President Reagan submited to Congress a balanced budget. Indeed, not once has he failed to request more in his annual budgets than Congress has appropriated.

Think about that now. Not once has he failed to request more in his annual budgets than Congress has ultimately adopted. Is not that significant? Here is a significant item I think that the President of the United States today has asked for more money than Congress has given him.

I do not understand the line-item veto then. If he asks for more money than he gets, why should we give him line-item veto?

Something tells me Congress might be doing a better job than the President, if we approve less expenditures than he requests. I think we need to look at that a little bit. It might be significant as it relates to whether we need line-item veto or not. That means the Members of this body are doing a little reduction than that being presented to us by the executive.

During his first term in office, the President has directed a government which has achieved new heights in the amount of the public debt and in the annual budget deficit.

Moreover, I doubt that the percentage growth rate in these vital economic indicators has ever been matched in the term of any previous President, except perhaps in war time.

In terms of reducing Federal spending, the adoption of S. 43 would be like putting the protection of the henhouse in charge of the fox. In these days of political sophistication it seems incredible for anyone to argue that a single powerful and masterful politician would be any less subject to political pressure than a group of 535 lesser politicians.

S. 43 transfers political power and pressure. It would reduce neither, and it will most certainly not reduce Federal spending—only change its location. And if the facts of history can be believed, the adoption of S. 43 would very likely increase rather than reduce total Federal spending.

You would not believe that reading the paper that Congress has given him

less than he asked for. It is just shifting the priorities.

I do not believe in eating the seed corn. I think we need next year's crop and the next year's crop is a generation to come.

Armed with the power of S. 43, a President determined to increase spending on weapons procurement, for example, could only apply formidable pressure on the Members of a Congress disinclined to support such increased expenditures.

In the final analysis, Mr. President, if we want to reduce Federal spending and the budget deficit, Congress must do it under our present system of constitutional and statutory law. It is our responsibility. We must not shirk our duty and, Lord willing, we will not.

Proponents of S. 43, when confronted with the charge that it is an unconstitutional attempt to avoid the necessity of a constitutional amendment, do not deny the attempt to avoid the charge but seek shelter in the claim that it is constitutional and, besides, if it is not, the Court will take care of it.

If you know it is not right, why do it in the first place? Even if you think it is not right, why impose or attempt to impose this judgment on your colleagues?

Moreover, those proponents argue it is only a 2-year experiment. It is only 2 years. To continue beyond 2 years will require new affirmative action by Congress and the President. If it is not constitutional, the courts will take care of it. Can you get a restraining order? I am not a lawyer. My dad told me, "A little knowledge of the law is dangerous. Get a good lawyer and stay with him." I have attempted to do that. The legal advice I have is this was likely unconstitutional and that it thwarts what we believed for lo these many years.

The question of constitutionality of S. 43 rests primarily on two issues. Does it attempt to shift constitutional power balance in an amount and manner requiring constitutional amendment?

Apart from its impact on the Constitution's carefully determined balance of power between the legislative and executive branches, does the bill create a process for enrollment and presentment of legislation which violates the principles set down by the Court in the *Chadha* decision?

On constitutionality, the proponents depend primarily on an opinion by the Library of Congress Supreme Court expert, and a recognized constitutional law scholar, John H. Killian. Mr. Killian's excellent opinion can be read two ways, and I fear it is so read.

It is my opinion that when Mr. Killian responds to the question, "Does S. 43 result in an unconstitutional shift of power between Congress and the President?" That "while this shift might occur, the degree to which it would and the power to reverse the shift would continue to remain with Congress." And concludes that "in that fact would probably lie the basis to reject the argument as too formalistic" he is, in fact, acknowledging that S. 43 if enacted and implemented as intended, it would indeed be unconstitutional.

I think the distinguished Senator from Oregon read in the RECORD earlier a substantiation of that position.

If Mr. Killian means that Congress can control the shift of power by its rulemaking powers, he is, in effect, suggesting that Congress can make the operation of S. 43 constitutional by ensuring that the enrollment and presentment of separate items does not take place as the statute intends.

If, on the other hand, Mr. Killian means the shift of power can be controlled by Congress through passage of new legislation, it is clear that such control is not exclusively within Congress.

But in neither case can one realistically conclude that S. 43 is constitutional. In Chadha the court reminded us that even when Congress and the executive branch collaborate on shifts of power from balances established by the Constitution, such effects fall unless the constitutional amendment process is followed.

As the able chairman of the Rules Committee reminded us during hearings on S. 43, while, of course, the Supreme Court is the final arbiter on the constitutionality of a statute, Congress has an independent and unshiftable duty initially to determine that a measure it passes is, in its collective judgment, constitutional.

For me that decision is clear. S. 43 is not constitutional, and under my oath to support the Constitution I cannot vote for it.

I do not believe the people will support circumventing the Constitution. I just do not believe they will. I may be wrong. It will not be the first time; probably will not be the last. But I am going to try to keep it from being. I just do not believe the people approve of circumventing the Constitution, because there was a determined effort to balance the power and that balance of power has been good to this country. "Oh," you will say, "let's try it. See if it works. If it doesn't—it's only for 2 years—why, we can quit."

Even if S. 43 were constitutional I could not support it. It is bad legislation and proposes bad public policy.

All of its defects result in widespread opposition and controversy. S. 43 is not a minor bill. It would make important changes in the appropriations process, and could easily establish bad precedents for extending this shift of power from Congress to the President in other areas of legislative responsibility.

I will discuss a few of what I believe are serious defects in S. 43.

From the beginning I have been troubled by the superficially attractive and initially seductive proposition that S. 43 be approved only for a 2-year experimental period. To experiment, legislatively, on a bill of the importance of S. 43 simply makes no sense.

Either the critical and complex changes it proposes in our appropriation process and in the shifts of power established by the Constitution have sufficient merit to be adopted as permanent public policy, or they don't. Our Founding Fathers did not create this Congress as a laboratory for easy experimentation. They knew and we know, that Congress would and will make mistakes. And when we do, we correct them to the best of our ability by enacting new laws.

We all have our own ideas. That is the reason we have two Senators from every State. Each State is a little bit different. Each State has a few different problems. We all try to accommodate those problems. But we have all got a thread that keeps us together: Love of country, willing to defend it, and support the Constitution.

What is our binding glue? What holds us together? The three branches of Government: the executive, the legislative, and, of course, the judicial. That is it. It is all in the Constitution. It is spelled out very well.

The 2-year life limit on S. 43 is either conceived as a lure to entice the support of the skeptical and undecided, or it was chosen in the full knowledge that the power it would invest in this President, to be used as he might choose, is not a power that the principal proponents of S. 43 would want to be given to any and all successor Presidents.

I mark this 2-year provision as a defect and unworthy for any of its possible purposes. It is bait we should reject—along with the entire bill.

As I have indicated, if I thought this bill could in fact make a real contribution to reducing our budget deficits, I would quite probably support some constitutional version of it. But, to my mind, there is no evidence that the bill can have such a result.

The President does not want to reduce spending—he wants to shift it to areas he deems more important. Based on the experience of those States which have empowered Governors to veto on an item basis, there is no indication that its use has resulted in reduced spending.

Even if there was a determination by the President to use S. 43 powers to cut spending, only 11 percent of the budget is realistically subject to this scalpel veto weapon. And that 11 percent consists of nondefense domestic spending which Congress and the

President have already trimmed substantially.

Perhaps what troubles me most about S. 43 is its deceptively cosmetic package as a means to allow an omniscient President to protect the public from spendthrift and foolish Members of Congress.

The duty to reduce spending and out deficits lies first and foremost with Congress. In recent years we have met that duty responsibly with some, if inadequate, success. But it is our job, and we are continuing to work at means to achieve these goals. We can and will do it without S. 43.

Passage of S. 43 will not help us or the President accomplish the vital goals of spending and deficit reduction.

Adoption of the bill will result in an unconstitutional transfer of power from Congress to the President.

Adoption of the bill will result in an unwise shift of power from the Senate to the House of Representatives.

Adoption of the bill will result in an unwise and, I believe, unconstitutional transfer of legislative power from each House of Congress to the respective enrolling clerks.

Adoption of the bill will result in a massive logjam of appropriation bills being prepared for "item" bill presentment to the President. We all know how difficult it has been to complete our appropriation work on an annual cycle under present law. With S. 43, it would become totally impossible.

Only one person can read a man's mind. Only one person can see into a man's heart. We do not have the training nor the ability to do that. We are not educated in mindreading. Yet, we are getting ready to give the enrolling clerk of the House of Representatives the ability to read my mind, to read your mind on our intent, and say to the President of the United States, "This is what Senator FORD from Kentucky thought. This is his intent." Who picks the enrolling clerk in the House? Does the Speaker pick him or her? Do they meet in caucus? How is an enrolling clerk elected? I do not know. Maybe I ought to look into that because if that passes, I want to have something to say about the new enrolling clerk in the House. I want to be able to find out if I can get in that door and talk to him about how he enrolls my bill that affects Kentucky, if I can get in past the special interests.

Do you know? I might just want to go over there and check that out. Shoot, I do not know whether I can do anything or not. But I believe I would talk to my Congressman, Democrat and Republican, and say, "Hey, do you know what is happening here?" The enrolling clerk is going to enroll 2,043 pieces of legislation on this one bill, 540 pieces of legislation on another supplemental appropriations bill.

In my mind, there is no evidence that this bill can have the result of reducing our budget deficits.

The President could want to reduce spending in some areas, but he would want to shift it to others that he deems more important. Yet we would not reduce the deficit; just shift where the money is going. So it does not mean that the President in his line item veto would reduce the deficit. He could very easily shift where the taxpayer dollars would be spent. There is no indication that its use would result in the reduction of expenditures.

I go back to the fact that the Congress has sent less money to the President in the budget than he has requested and that, in my opinion, is something that is not well known.

I go back to the point that the duty to reduce spending and our deficits lies first and foremost with Congress. In recent years we have met that duty responsibly, with some success. But it is our job and we are working to achieve those goals and we can and will do it without S. 43.

As I said earlier, I am going to find out how they select the enrolling clerk in the House and see if I can have some input into how that selection is made if S. 43 is passed into law. I do not want that person to say what my intent was.

I think, Mr. President, adoption of this bill will result in a massive logjam of appropriations bills being prepared for item veto or to make item bills.

What are we going to call this new legislation that is sent to the President? We call them supplemental appropriations bills now. Will each of those 540 pieces of legislation developed from the supplemental appropriations be called "item bills?" I do not know. I have not heard the proponents tell us what they are going to be.

I like supplemental appropriations bill better than I do item bills.

I just do not understand how we are going to have the time, where we are going to get the time. But, as I said earlier, we may help the paper companies. We now have one bill but we will have 540. We now have one bill and you will have 2,043. Two little bills give you almost 2,600 item bills.

Mr. President, for me there is no uncertainty or indecision. S. 43 is not good legislation, and I sincerely hope that a substantial majority of my collegues will join me in voting against it. Mr. President, I am going to save further comments until tomorrow. I sugget the absence of a quorum.

The PRESIDING OFFICER (Mr. HECHT). The clerk will call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

(The following proceedings occurred earlier:)

Mr. MATSUNAGA. Mr. President, will the Senator from Oregon yield for a unanimous-consent request, so that I may proceed as in morning business, and without in any way altering his having the floor?

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Hawaii is recognized.

(At this point Mr. MATSUNAGA introduced a joint resolution (S.J. Res. 164) relating to International Space Year, which is printed under Introduced Bills and Joint Resolutions, and which appears later in the RECORD.)

VISIT TO SENATE BY ASTRONAUTS AND COSMONAUTS

Mr. MATSUNAGA. Mr. President, may I suggest to all Members who wish to meet with the cosmonauts and astronauts who are now visiting in Washington, they may meet with them in the reception room adjoining the Senate Chamber. I am sure they will be very pleased to meet with my colleagues and to be greeted by them.

(Conclusion of earlier proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, and a treaty, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 144. Joint resolution to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 40. Joint resolution to designate the month of October 1985 as "National Down Syndrome Month".

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

At 5:13 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 960) to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and other acts to authorize appropriations for the fiscal year 1986 for international security and development assistance, the Peace Corps, the Inter-American Foundation, and the African Development Foundation, and for other purposes, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. BROOMFIELD, Mr. GILMAN, Mr. LAGOMARSINO, Mr. HYDE, and Mr. SOLOMON.

Solely for consideration of subtitle II of title IV of the House amendment and modifications thereof committed to conference: Mr. HOWARD, Mr. MINETA, Mr. SNYDER, and Mr. HAMMERSCHMIDT.

Solely for consideration of sections 908 and 911 of the House amendments and section 913 of the Senate bill: Mr. DE LA GARZA, Mr. BEDELL, and Mr. ROBERTS.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Foreign Affairs, for consideration of all provisions except section 17 of the Senate amendment, and modifications thereof committed to conference: Mr FASCELL, Mr. SOLARZ, Mr. BONKER, Mr. WOLPE, Mr. CROCKETT, Mr. DYMALLY, Mr. BERMAN, Mr. WEISS, Mr. GARCIA, Mr. BROOMFIELD, Mr. SILJANDER, Mr. DORNAN of California, Mr. DEWINE, and Mr. BURTON of Indiana.

From the Commitee on Banking, Finance and Urban Affairs, for consideration solely of sections 3, 4, 5, 14(6), and 14(7) of the House bill, and sections 8, 15, and 17 of the Senate amendment and modifications thereof committed to conference: Mr. ST GERMAIN, Mr. GONZALEZ, Mr. ANNUNZIO, Mr. MITCHELL, Mr. NEAL, Mr. BARNARD, Mr. MORRISON of Connecticut, Mr. WYLIE, Mr. MCKINNEY, Mr. LEACH of Iowa, and Mr. HILER.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2959. An act making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes.

The message also announced that pursuant to the provisions of section 276a-1 of title 22 of the United States Code, the Speaker appoints as members of the delegation to attend the conference of the Interparliamentary Union, to be held in Ottawa, Canada, on September 2 through September 7, 1985, the following Members on the part of the House: Mr. PEPPER, Chairman, Mr. HAMILTON, Vice Chairman, Mr. HAWKINS, Mrs. BOGGS, Mr. BONIOR, Ms. OAKAR, Mr. DYMALLY, Mr. HAMMERSCHMIDT, Mr. HYDE, and Mr. ROTH.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2959. An act making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes; to the Committee on Appropriations.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 17, 1985, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 40. Joint resolution to designate the month of October 1985 as "National Down Syndrome Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1481. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a comulative report on budget rescissions and deferrals dated July 1, 1985; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1482. A communication from the Assistant Secretary of Defense (International Security Policy), transmitting, pursuant to law, a report on the program of the Department of Defense to halt the flow of sensitive technology to our adversaries and the resources necessary to support that program; to the Committee on Armed Services.

EC-1483. A communication from the Chairman of the Board and the Acting Executive Director of the Pension Benefit Guaranty Corporation, transmitting a draft of proposed legislation to amend the Employee Retirement Income Security Act of 1974 for the purpose of improving the single-employer pension plan termination insurance program established under title IV therein and for other purposes; to the Committee on Finance.

EC-1484. A communication from the Acting Secretary of State transmitting, pursuant to law, a report on the situation in El Salvador; to the Committee on Foreign Relations.

EC-1485. A communication from the Chairman of the Foreign Claims Settlement Commission transmitting, pursuant to law, the annual report of the Commission for calendar year 1984 that also includes the final report on the Czechoslovakian Claims Settlement Act of 1981; to the Committee on Foreign Relations.

EC-1486. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report entitled "Revenue Report for April 1985"; to the Committee on Governmental Affairs.

EC-1487. A communication from the Acting Director of the Office of Personnel Management, transmitting a draft of proposed legislation to amend the Intergovernmental Personnel Act of 1970, as amended; to the Committee on Governmental Affairs.

EC-1488. A communication from the Benefits Manager of the Farm Credit Banks of Texas, transmitting, pursuant to law, an annual report for the Farm Credit Banks of Texas Pension Plan for the plan year ended December 31, 1984; to the Committee on Governmental Affairs.

EC-1489. A communication from the Attorney General of the United States, transmitting, pursuant to law, the interim report of the National Drug Enforcement Policy Board; to the Committee on the Judiciary.

EC-1490. A communication from the Assistant Attorney General (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation to amend the Controlled Substances Act to create new penalties for the manufacturing with intent to distribute, the possession with intent to distribute, or the distribution of "designer drugs" and for other purposes; to the Committee on the Judiciary.

EC-1491. A communication from the Secretary of Education, transmitting, pursuant to law, final funding priority for Rehabilitation Long-Term Training-Rehabilitation Counselors; to the Committee on Labor and Human Resources.

EC-1492. A communication from the Chairman and the Vice Chairman of the Senate Select Committee on Intelligence, transmitting, notice that a classified report on authorizations for intelligence activities for fiscal year 1986 is available for examination by Senators in the Committee's offices; ordered to lie on the table.

EC-1493. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National Trails System Act by designatng the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1494. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal that paragraph of the Act of March 4, 1913, as amended, that designates 10 percent of all National Forest receipts for the construction of roads and trails on the National Forests; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1495. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of the Federal Savings

and Loan Insurance Corporation's Financial Statements for the Years ended December 31, 1984 and 1983"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1496. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1984; to the Committee on Commerce, Science, and Transportation.

EC-1497. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Greater Use of Value Engineering Has the Potential to Save Millions on Wastewater Treatment Projects"; to the Committee on Environment and Public Works.

EC-1498. A communication from the United States Trade Representative, transmitting, pursuant to law, the second portion of an analysis of the effects of foreign industrial targeting on the automobile, computer, and semiconductor industries; to the Committee on Finance.

EC-1499. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's report on foreign industrial targeting; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S.J. Res. 161. Joint resolution to appeal for the release of Soviet Jewry.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Chester Evans Finn, Jr., of Tennessee, to be Assistant Secretary for Educational Research and Improvement, Department of Education.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. LUGAR, from the Committee on Foreign Relations:

Mae Neal Peden, of Virginia, to be an Assistant Administrator of the Agency for International Development;

Allie C. Felder, Jr., of the District of Columbia, to be a member of the board of directors of the Overseas Private Investment Corporation for a term expiring December 17, 1987;

Richard F. Hohlt, of Indiana, to be a member of the board of directors of the Overseas Private Investment Corporation for a term expiring December 17, 1987;

Joe M. Rogers, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States to France:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calender year of the nomination and ending on the date of the nomination.

Nominee: Joe M. Rodgers.

Post: Ambassador to France.

Contributions, amount, date, donee:

1. Self:

$100—1981: Hogan for Congress Committee; $100—1981: Stiltz for Legislature; $1,000—1981: Cissy Baker Campaign Committee; $100—1981: Adams for Congress; $100—1982: Kilcrease for Judge; $100—1982: Committee to Elect Torrence; $500—1982: Citizens to Elect Sundquist; $1,000—1982: Emory Folmar; $600—1982: Tennessee Republican Statesmen; $500—1982: Carol McCoy for Judge; $125—1982: Rose Cantrell; $1,000—1982: Citizens for Jack Kemp; $100—1982: Rick Fore for U.S. Senate; $50—1982: Thornton for Legislature; $1,000—1982: Robin Beard; $1,000—1982: Burleson for Senate; $500—1982: Friends of Lehman; $1,000—1982: Alexander for Governor; $500—1982: Bob Bell for Governor; $300—1983: Tennessee Republican Statesmen; $1,200—1983: Republicans Abroad; $100—1983: Committee to Elect JoAnn North; $500—1983: Kyle Testerman for Mayor; $100—1983: Tennesseans for Good Government; $100—1983: Mosley for Metro; $150—1984: Campaign for Republican Women; $900—1984: Tennessee Republican Statesmen; $1,000—1984: Republican Majority Fund; $2,750—1984: Tennessee Republican Party Victory 1984 Auction; $100—1984: House Republican Caucus; $50—1984: Voters for Chiles; $500—1934: Ned Ray McWherter; $3,000—1984: The President's Dinner (2 tickets); $250—1984: Bush for Delegate; $1,000—1984: Ashe for Senate; $1,000—1984: Humphrey Team; $1,000—1984: Lousman for Senate; $1,000—1984: Jepsen for Senate; $1,000—1984: Bethune for Senate; $100—1984: Tim Garrett; $1,000—1984: Conner 1986 Exploratory Committee; $50—1984: Committee to Elect Nesby Lee; $1,000—1984: Joe Simpkins for Congress; $1,000—1984: Gerald Ford New Leadership; $100—1984: Quillen for Congress; $3,000—1985: GOPAC.

2. Spouse:

$1,000—1982: Robin Beard;
$1,000—1983: Victor Ashe;
$1,000—1983: Re-Elect;
$1,000—1984: Joe Simpkins (primary);
$1,000—1984: Joe Simpkins (General);
$1,000—1984: Conner 1986 Exploratory Committee.

3. Childern and spouses names:

Daughter: Jan Martin Rodgers, single. $741.45—1985: Joe Simpkins for Congress; son: Joseph Mason Rodgers, single, none: N/A, N/A.

4. Parents names:

Father (deceased): Edwin Nathaniel, Rodgers—None, N/A, N/A; mother: Charlotte Belle Cook Rodgers—None, N/A, N/A.

5. Grandparents names:

Paternal: Joseph Lee Rodgers (deceased): Mary Matilda Garrison Rodgers (deceased)—None, N/A, N/A; Maternal: Henry G. Cook (deceased)—None—N/A, N/A.

6. Brothers and spouses names:

James Lee Rodgers (deceased)—None; N/A; N/A; Nell Hudson Rodgers—None; N/A; N/A.

Henry Gerald Rodgers: $75—1981: GOP Victory Fund; $100—1982: National Republican Campaign Committee; 200—1983: Reagan-Bush 1984; 200—1984: Reagan-Bush 1984; Peggy Rodgers—None—N/A; N/A; Edwin C. Rodgers—None—N/A; N/A; Betty Jane Rodgers—None—N/A; N/A.

7. Sisters and spouses names: Mary Louise Rodgers Kain—None—N/A; N/A; Edmund C. Kain, Jr.—None—N/A; N/A.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which appeared in its entirety in the CONGRESSIONAL RECORD of July 8, 1985, and, to save the expense of reprinting the full list on the Executive Calendar, I ask unanimous consent that it be placed on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ANDREWS:

S. 1446. A bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of wars; to the Committee on Veterans' Affairs.

By Mr. BOSCHWITZ:

S. 1447. A bill for the relief of Bayani Bauetista Magsino; to the Committee on the Judiciary.

S. 1448. A bill for the relief of Elenita Reyes Magsino; to the Committee on the Judiciary.

By Mr. BENTSEN (for himself, Mr. CHILES, Mr. FORD, Mr. ZORINSKY, Mr. HOLLINGS, Mr. RIEGLE, Mr. EXON, Mr. DECONCINI, Mr. LEVIN, Mr. SIMON, Mr. EAGLETON, and Mr. MELCHER):

S. 1449. A bill to restore balance in international trade, to improve the operation of the trade agreements program, and for other purposes; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. GLENN, Mr. BRADLEY, Mr. BURDICK, Mr. SASSER, Mrs. HAWKINS, Mr. MATHIAS, and Mr. CHILES):

S. 1450. A bill to prohibit the Secretary of Health and Human Services from changing reimbursement levels or methodologies for home health services under the Medicare Program prior to October 1, 1986, or during a freeze period; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mr. RUDMAN):

S. 1451. A bill to allocate funds appropriated to carry out section 103 of the Foreign Assistance Act of 1961 for nutrition programs which reduce vitamin A deficiency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1452. A bill to settle Indian land claims in the town of Gay Head, MA, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BRADLEY:

S. 1453. A bill to reaffirm the boundaries of the Great Sioux Reservation to convey federally held lands in the Black Hills to the Sioux Nation; to provide for the eco-

nomic development, resource protection and self-determination of the Sioux Nation; to remove barriers to the free exercise of traditional Indian religion in the Black Hills; to preserve the sacred Black Hills from desecration, to establish a wildlife sanctuary; and for other purposes; to the Select Committee on Indian Affairs.

By Mr. TRIBLE:

S. 1454. A bill to amend title 5, United States Code, to expand the class of individuals eligible to receive a rebate or other return of contributions when amounts held in contingency reserve under the Federal employees health benefits program exceed certain levels; to the Committee on Governmental Affairs.

By Mr. DOLE (for Mr. STEVENS):

S. 1455. A bill to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees; considered and passed.

By Mr. LAUTENBERG:

S. 1456. A bill to recognize the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 1457. A bill to amend the Internal Revenue Code of 1954 to establish certain rules regarding the regulatory treatment of certain Federal tax credits and deductions allowable to regulate electric utilities; to the Committee on Finance.

By Mr. MATSUNAGA:

S.J. Res. 164. Joint resolution relating to an international Space Year in 1992; to the Committee on Foreign Relations.

By Mr. SIMON:

S.J. Res. 165. Joint resolution designating the month of October 1985 as "National High-Tech Month"; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself and Mr. MOYNIHAN):

S.J. Res. 166. Joint resolution to appeal for the release of Dr. Yury Orlov and other Helsinki Final Act monitors; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. ANDREWS:

S. 1446. A bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of war; to the Committee on Veterans' Affairs.

IMPROVED VETFRANS BENEFITS FOR FORMER PRISONERS OF WAR

Mr. ANDREWS. Mr. President, today I am introducing a bill to improve veterans benefits for former prisoners of war.

The bill will establish a presumption of service connection for disability purposes for former prisoners of war suffering from the following conditions: First, chronic liver disease; second, organic residuals of hypothermia; third, gastrointestinal disorders; forth, arthritis; fifth, cardiovascular conditions; sixth, peripheral neuropathy; seventh, immunological dysfunctions; eighth, chronic pulmonary disease.

It will also decrease from 6 months to 30 days the amount of time a former prisoner of war must have been incarcerated to be eligible for outpatient dental services.

Mr. President, the people of North Dakota honored our POW's at a 1984 POW-MIA ceremony at Grand Forks Air Force Base in North Dakota.

Six of these servicemen listed as POW-MIA were honored with a special congressional medal authorized by Congress in 1983.

However, flags, drums, military bands, and medals do not compensate for the physical deterioration and ongoing medical care needed by our former POW's. These individuals sacrificed so much in war that so many could live in peace. We must provide the best medical care possible to the bravest among us. The hardship our POW's endured demand nothing less. It is for that reason I am today introducing this legislation and urge my colleagues to remember the words of Thodore Roosevelt that "a man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards."

By Mr. BENTSEN (for himself, Mr. CHILES, Mr. FORD, Mr. ZORINSKY, Mr. HOLLINGS, Mr. RIEGLE, Mr. EXON, Mr. DECONCINI, Mr. LEVIN, Mr. SIMON, Mr. EAGLETON, and Mr. MELCHER):

S. 1449. A bill to restore balance in international trade, to improve the operation of the trade agreements program, and for other purposes; to the Committee on Finance.

TRADE EMERGENCY AND EXPORT PROMOTION ACT

Mr. BENTSEN. Mr. President, I am pleased today to introduce the Trade Emergency and Export Promotion Act. Joining me today in sponsoring this legislation are Senators CHILES, FORD, ZORINSKY, HOLLINGS, RIEGLE, EXON, DECONCINI, LEVIN, SIMON, EAGLETON, and MELCHER. The identical bill is being introduced in the House of Representatives as well by Congressmen ROSTENKOWSKI and GEPHARDT.

Mr. President, we are faced with a national trade emergency.

Our trade deficit in the first four months of 1985 was a staggering $45 billion, an annual rate of $134 billion.

These figures understate the problem, Mr. President. The trade deficit is actually getting worse month by month, and a 1985 trade deficit of $150 billion is well within the realm of possibility.

However, it is not really the trade deficits that present this national emergency. It is the lack of any trade policy that presents the danger.

The Economic Summit at Bonn was perfect opportunity to develop a coordinated package of actions by each of the major countries to reverse the beggar-thy-neighbor policies that are sweeping the free world. Had the President taken along a trade advisor to Bonn, he might have known this emergency was developing. But there was no senior trade advisor with the American President in Bonn.

Congress is not a good place to implement trade programs. It should, and it has for 50 years, made trade policy. But only the President has the flexibility to take trade actions shaped to the individual needs of each case. I do not want Congress to take trade action.

However, today we face an emergency, Mr. President. The President of the United States refuses to take any substantial action regarding trade. He is evidently oblivious to this emergency. Congress must fill the current trade policy vacuum with rational trade programs, or else we will find the vacuum filled with protectionism. We must be temperate and reasonable, but we must be firm.

We want to keep the benefits of imports for our people. But we also want the benefits of exports.

We are willing to do America's share by cutting the Federal budget deficit.

We expect other countries to take similarly difficult actions.

My bill does the following:

First, the bill declares a national trade emergency and authorizes the President to negotiate agreements restraining exports to the United States and authority to enforce these agreements. While I believe this authority largely duplicates authority the President already has, I agree with my House counterparts, who are today introducing this bill in the House of Representatives, Congressmen ROSTENKOWSKI and GEPHARDT, that it is necessary to make it absolutely clear that Congress wants the President to resolve the problem and wants him to have the necessary authority to accomplish that result.

Second, the bill requires the U.S. Trade Representative [USTR] to immediately begin broad actions in the General Agreement on Tariffs and Trade [GATT] seeking authority for the United States to take both interim and long-term measures in compensation for the fact that Japan's economic and trade policies undermine U.S. expectations from the GATT, and therefore, nullify and impair Japan's obligations under the GATT; and because Europe's agricultural policies adversely affect vital U.S. interests, are inconsistent with the EC's obligations under the general agreement, and also nullify and impair Europe's obligations under the GATT.

Japan is the second leading economic power in the free world, a nation dependent upon trade. Yet since the Tokyo round that ended in 1979, Mr. President, Japan has entered upon a one-way trade policy: Their credo is import only raw materials and export as much as possible. Japan's exports are growing three times as fast as the imports. Japan's surplus in manufactured goods is as large as the United States total trade deficit.

I am convinced Japan sees this one-way trade policy as a virtue, not a vice. They think it shows that they are the best traders of all, because they import nothing that is produced in Japan.

In fact, it is the most destructive kind of trade policy, Mr. President.

There is no hope Japan or Europe will lead us out of this emergency, Mr. President. Japan regards trade surpluses as a virtue. European governments are able to agree on common protectionism, and little else. Things are so bad in Europe, Mr. President, that you have the West German Government, the most advanced industrial economy in Europe, blocking agreement to cut agricultural export subsidies.

The United States must lead. And so far this administration has failed to even try to do this.

These actions and the agricultural export subsidies of the European Communities [EC] nullify our trade agreements with them, justifying stern countermeasures.

Third, the bill requires the Department of the Treasury to come up with a global plan to prevent fluctuations in our currency values. This is a plan to prevent harmful speculation in dollars that causes currency values to fluctuate in the huge unregulated world currency market. The value of the dollar is the single most important influence on our competitiveness, and we must therefore, seek to control erratic fluctuation in the value of the dollar.

Fourth, the bill requires Japan and certain other large trading countries with excessive trade surpluses to reduce their trade surpluses and the EC to reduce its trade-distorting agricultural export subsidies.

The bill does not require Japan or the other countries to export less. They can opt to increase trade, by importing more.

The bill does not allow Japan or the other countries to import more from only the United States; it requires them to import more from all countries. American exporters only want a fair opportunity to compete in the Japanese market against producers from anywhere else.

If Japan and other countries with excessive trade surpluses refuse to open their markets, then the bill requires a 25-percent special duty—in addition to all other duties—on their exports to us.

Fifth, the bill requires our Government to compete with Europe's agricultural export subsidies with dollar-for-dollar export subsidies. If Europe eliminates the harmful effects of these subsidies, then subsidies under the bill will not be available.

All our farmers want is the opportunity to compete in the world market free of subsidies.

Finally, Mr. President, the bill requires all trade action authority now delegated to the President to be redelegated to the USTR. This was a key recommendation of the Senate Democratic working group on trade policy, of which I am the chairman, for the reason that under present circumstances, when trade matters go to the President's desk, political considerations interfere and trade considerations are put second. While the USTR will still have to toe the President's line, at least as trade considerations will be given a higher priority than they are at present if USTR is the decisionmaker.

Mr. President, when you read the economic history of the last 50 years, the most striking feature of the period is that one simple idea underlies everything that has happened. Regardless of whether we are talking about the Bretton Woods currency agreement, or the International Monetary Fund, or the GATT, the common idea is to expand trade.

Expanding trade means a global economy of enormous efficiency, a great tool of peaceful, stable, steady growth.

In the last few years, there has been less and less agreement on this idea. One-way trade is spreading.

As the leader of the free world, the United States must now use its persuasive power to bring about expanding trade, to open up trade.

If the administration will not accept the responsibility, then we must.

Mr. President, I ask unanimous consent that a section-by-section analysis of this bill and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Emergency and Export Promotion Act".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Purpose.
Sec. 4. Reviewability.

TITLE I—INTERNATIONAL TRADE ACTIONS AND AGREEMENTS

Sec. 101. Emergency trade deficit reduction negotiating authority.
Sec. 102. Enforcement of international agreements and prevention of actions that undermine such agreements.
Sec. 103. Plan to control harmful exchange rate fluctuations.

TITLE II—INTERIM DOMESTIC TRADE ACTIONS TO RESPOND TO THE TRADE EMERGENCY

Subtitle A—Stand-by Duties

Sec. 201. Annual reports on worldwide and bilateral trade.
Sec. 202. Imposition of stand-by duties.
Sec. 203. Definitions.
Sec. 204. Allocation of revenue from stand-by duties.
Sec. 205. Termination.

Subtitle B—Agricultural Export Subsidies

Sec. 211. Countervailing subsidies for United States agricultural commodities.

Subtitle C—Reports

Sec. 221. Annual Presidential reports.

TITLE III—TRADE LAW REFORM

Sec. 301. Transfer of authority to the United States Trade Representative.

SEC. 3. PURPOSE.

The purpose of this Act is to—

(1) improve standards of living in the United States and to preserve the industrial base of the United States, jobs in the United States, and the health of communities in the United States through the growth of international trade;

(2) demonstrate to all countries the commitment of the United States to fair and equitable commercial arrangements, including fair and equitable access for all countries to the markets of all other countries,

(3) provide access for United States goods to foreign markets comparable to the access foreign goods have to United States markets, and

(4) assure the people of the United States that Congress will take appropriate trade actions to protect the vital interests of the United States when the President fails or refuses to do so.

SEC. 4. REVIEWABILITY.

Actions by the President, the Commission, the Secretary of the Treasury, the Secretary of Agriculture, and the United States Trade Representative pursuant to this Act shall not be reviewable by any court, except for abuse of discretion.

TITLE I—INTERNATIONAL TRADE ACTIONS AND AGREEMENTS

SEC. 101. EMERGENCY TRADE DEFICIT REDUCTION NEGOTIATING AUTHORITY.

(a) Congress finds that—

(1) the deficit of the United States in the merchandise balance of trade between the United States and all other foreign countries, which totaled $123,000,000,000 for calendar year 1984, has tripled since 1981 and is expected to increase even further, to $140,000,000,000 in 1985;

(2) the balance in the current account of the United States (the broader measure of international performance that includes services and investment earnings) has gone from a surplus in 1981 to a deficit of $104,000,000,000 in 1984;

(3) the United States is now a net external debtor for the first time since 1914;

(4) the United States dollar has appreciated over 45 percent against the major currencies of our trading partners since 1981;

(5) the shortfall of United States production below United States purchases in commerce with other foreign countries has eliminated millions of jobs in the United States and substantially harmed communities in which affected industries are located;

(6) the persistence of such balance of trade and current account deficits of the United States at the present magnitude will eventually—

(A) destroy the Nation's industrial and agricultural base,

(B) cause severe dislocations within the domestic and world economy, and

(C) undermine the multilateral trading system;

(7) such balance of trade and current account deficits of the United States compound the net external debt of the United States which, if present trends continue, would reach $1,000,000,000,000 by 1990 and would necessitate a severe reduction in the standard of living of all Americans in order to even service, let alone repay, such debt;

(8) the major causes of such balance of trade and current account deficits of the United States are—

(A) the overvalued dollar,

(B) unfair foreign trade barriers or other unfair distortions of commerce, and

(C) the lack of a coherent United States trade policy;

(9) persistent and unfair trade policies of our major trading partners are seriously aggravating the trade imbalance of the United States;

(10) a growing number of newly industrialized countries—

(A) are practicing unfair trade policies which—

(i) emulate the policies and practices of Japan, and

(ii) emphasize export-led growth coupled with tight government restrictions throughout the entire economy in order to limit imports or foreign direct investment, and

(B) through such policies, are establishing large balance of trade and current accounts surpluses with the United States and the entire world,

thereby nullifying and impairing any benefits granted to the United States through trade agreements;

(11) without a comprehensive set of policies on the part of the United States to—

(A) dramatically reduce such trade deficit,

(B) bring down the value of the United States dollar, and

(C) establish a systematic response to the unfair policies of our trading partners,

the international competitiveness of the United States will continue to decline; and

(12) the President already has sufficient authority under the trade laws of the United States to resolve these problems, such as the authority provided under—

(A) section 201 of the Trade Act of 1974,

(B) section 301 of the Trade Act of 1974,

(C) section 406 of the Trade Act of 1974,

(D) section 22 of the Agricultural Adjustment Act of 1933, and

(E) section 204 of the Agricultural Act of 1956.

(b) On the basis of the findings described in subsection (a), the current distortions and imbalances in United States trade, and the current instability in international exchange rates, the Congress hereby declares that there exists a state of national emergency which requires extraordinary measures. Such measures must include action to—

(1) restore the value of the United States dollar to a level which reflects the competitiveness of United States products, and

(2) either—

(A) eliminate foreign unfair trade barriers, or

(B) prohibit countries which employ such barriers from enjoying large and inequitable trade surpluses with the United States or increasing shares of world export markets.

(c)(1) The President may, whenever the President determines such action appropriate to carry out the purpose of this Act, negotiate and enter into with any foreign country or instrumentality any agreements limiting the export from such foreign country or instrumentality, and the importation into the United States, of any article.

(2) The President is authorized to issue any proclamations or regulations regarding the entry, or withdrawal from warehouse, for consumption of any article that is necessary to implement any agreement entered into under the authority of paragraph (1).

SEC. 102. ENFORCEMENT OF INTERNATIONAL AGREEMENTS AND PREVENTION OF ACTIONS THAT UNDERMINE SUCH AGREEMENTS.

(a) The Congress finds that—

(1) an open world trading system is in the interest of the United States;

(2) such a system is neither economically nor politically sustainable unless it—

(A) is reciprocal,

(B) results in trade that is roughly in balance (taking into account differences in factor endowments and economic behavior between major trading countries), and

(C) is free of significant government efforts at distortion of trade;

(3) Japan has not significantly reduced its pervasive protectionism and, as a result, Japan has not, in comparison to other major industrialized countries, significantly increased its imports of manufactured products while it has significantly increased its exports of manufactured products;

(4) the European Communities continue—

(A) to significantly distort global trade in agriculture through subsidies that directly injure the United States and many producers in the developing world, and

(B) to maintain voluntary restraint agreements on a wider variety of industrial products than other major industrialized countries;

(5) the economic acts, policies, and practices of Japan nullify and impair the benefits accruing to the United States and other countries under current international trade agreements and tend to impede the objectives of such agreements;

(6) the agricultural export subsidies of the European Communities are being granted in a manner that is inconsistent with the provisions of existing international trade agreements and are being granted and maintained in such a manner as to cause injury, nullification, impairment, and serious prejudice to the United States;

(7) the trade practices of Japan and the European Communities encourage imitation among developing countries, which—

(A) undermines multilateral trade agreement commitments,

(B) worsens the international trading position of the United States, and

(C) diverts an unfair share of developing country exports to the United States; and

(8) a number of newly industrialized countries have begun to implement such policies and practices and have, to a more limited degree than Japan or the European Communities, caused nullification and impairment of their obligations under trade agreements.

(b) Upon enactment of this Act, the United States Trade Representative shall initiate proceedings against Japan before appropriate international bodies for the purpose of obtaining authorization to take trade actions against Japan on the grounds that—

(1) Japan has failed to carry out obligations which Japan has incurred under trade agreements entered into with the United States, and

(2) Japan has adopted numerous domestic economic acts, practices, and policies that, taken together, nullify, impair, and violate such trade agreements and impede achievement of the objectives of such trade agreements.

(c) Upon enactment of this Act, the United States Trade Representative, with the cooperation of the Secretary of Agriculture, shall initiate actions under all international trade agreements to which the United States is a party (including, but not limited to, the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures)) in order to take appropriate countermeasures against agricultural export subsidies provided by the European Communities, and by such other countries as the United States Trade Representative considers appropriate, which will be used to prevent—

(1) injury to United States agricultural producers;

(2) nullification or impairment of such trade agreements; and

(3) serious prejudice to the United States.

(d)(1) Upon enactment of this Act, the United States Trade Representative may initiate actions against each foreign country or instrumentality that was an excess worldwide trade surplus country or an excess bilateral trade surplus country (within the meaning of section 203) for calendar year 1984 under all applicable laws of the United States, and under all applicable international agreements to which the United States and such foreign country or instrumentality are parties, in order to—

(A) enforce the rights of the United States under such international agreements, and

(B) obtain the elimination of acts, policies, and practices of such foreign country or instrumentality which—

(i) are inconsistent with such international agreements,

(ii) otherwise deny benefits to the United States under such international agreements, or

(iii) are unjustifiable, unreasonable, or discriminatory and burden or restrict United States commerce.

(2) No action shall be taken under paragraph (1) against Japan or the European Communities.

(e) In proceedings initiated under this section, the United States Trade Representative shall explain that the United States finds it necessary to take the actions provided in title II of this Act as interim measures pending the outcome of such proceedings in order to protect vital interests of the United States.

(f) The head of each Federal department and agency shall cooperate with the United States Trade Representative in carrying out the requirements of this section.

SEC. 103. PLAN TO CONTROL HARMFUL EXCHANGE RATE FLUCTUATIONS.

(a) The Secretary of the Treasury shall develop a plan to reduce fluctuations between currencies on foreign currency exchange markets.

(b) The plan required under subsection (a) shall—

(1) be designed to reduce unwarranted and speculative fluctuations between currencies on foreign exchange markets that reduce United States competitiveness in trade in goods or create unnecessary uncertainty in such trade;

(2) provide for a coordinated multinational effort to stabilize rates of exchange for currencies used in international trade in goods, including moderation in the rate of exchange for the United States dollar and

the participation of developed and developing nations;

(3) specify the mechanisms, agreements, and acts of governments necessary to make the plan effective; and

(4) set forth a schedule for negotiations leading to such a multinational effort and identify legislation, if any, necessary to undertake such negotiations.

TITLE II—INTERIM DOMESTIC TRADE ACTIONS TO RESPOND TO THE TRADE EMERGENCY

Subtitle A—Stand-by Duties

SEC. 201. ANNUAL REPORTS ON WORLDWIDE AND BILATERAL TRADE.

(a) The Commission shall, based on the best available trade data, determine—

(1) the worldwide nonpetroleum export percentage,

(2) the bilateral nonpetroleum export percentage,

(3) the worldwide nonpetroleum trade surplus,

(4) the bilateral nonpetroleum trade surplus,

(5) the worldwide trade surplus limitation, and

(6) the bilateral trade surplus limitation,

of each major exporting country for the 1-year period that ends on June 30, 1986, for calendar year 1984, and for each succeeding calendar year.

(b)(1) The Commission shall submit to the President an annual report which—

(A) specifies the determinations made under subsection (a) for—

(i) in the case of the first report, the 1-year period that ends on June 30, 1986, and

(ii) in the case of all subsequent reports, the calendar year preceding the calendar year within which such report is submitted,

(B) identifies each foreign country which was an excess worldwide trade surplus country, or excess bilateral trade surplus country, for such year, and

(C) states whether the provisions of section 202(a)(2) preclude the issuance of a proclamation under section 202(a)(1) with respect to such report.

(2) The first report which is required to be submitted under paragraph (1) shall be submitted to the President on September 15, 1986. All subsequent reports which are required to be submitted under paragraph (1) shall be submitted to the President on April 1 of 1987 and of each succeeding calendar year.

(3) Each report submitted to the President under paragraph (1) shall be published in the Federal Register.

(c) For purposes of this subtitle, any trade statistic or limitation shall—

(1) be rounded off to the nearest billion dollars, and

(2) shall be adjusted to reflect the fact that certain products of the United States may not, under law, be exported.

SEC. 202. IMPOSITION OF STAND-BY DUTIES.

(a)(1) Except as otherwise provided in this subsection, the President shall, by no later than the date that is 15 days after the date on which a report is submitted to the President under section 201(b)—

(A) make a determination with respect to each foreign country identified in such report as an excess worldwide trade surplus country or excess bilateral trade surplus country of—

(i) whether such country unfairly restricts or limits the access of imports to the markets of such country, and

(ii) if the determination under clause (i) is affirmative, whether such restriction or limitation contributes to the worldwide nonpetroleum trade surplus or bilateral nonpetroleum trade surplus of such country, and

(B) issue a proclamation which imposes a stand-by duty on the entry of all products of each foreign country so identified in such report if both of the determinations made with respect to such country under clauses (i) and (ii) of subparagraph (A) are affirmative.

(2) No determinations shall be required, and no proclamation may be issued, under paragraph (1) with respect to a report submitted under section 201(b) if the percentage determined by dividing—

(A) the deficit of the United States, if any, in the merchandise balance of trade between the United States and the rest of the world during the year that is the subject of such report, by

(B) the gross national product of the United States for such year,

is less than 1.5 percent.

(3) By no later than the date that is 15 days after the date on which a report is submitted to the President under section 201(b), the President shall submit to the Congress a report on the determinations made by the President under paragraph (1)(A) with respect to each foreign country and the factual basis on which each of such determinations was made.

(b)(1) The rate of the stand-by duty imposed by any proclamation issued under subsection (a)(1) shall be 25 percent ad valorem.

(2)(A) Any duty imposed by any proclamation issued under subsection (a)(1) shall be in addition to any other duties imposed by law.

(B) Duty-free treatment provided with respect to any article under any provision of law (other than a provision of law implementing the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, as amended by the Nairobi Protocol) shall not affect the imposition of any duty imposed with respect to such article by a proclamation issued under subsection (a)(1).

(3) Any duty imposed by any proclamation issued under subsection (a)(1) with respect to any report submitted under section 201(b) shall apply to articles entered—

(A) on or after the date that is 15 days after the date on which such proclamation is issued, and

(B) before the earlier of—

(i) the date that is 15 days after the date on which a proclamation is issued under subsection (a)(1) with respect to the next report submitted under section 201(b), or

(ii) the date that is 30 days after the date on which the next report is submitted under section 201(b).

(c) No proclamation issued under subsection (a)(1) may be revoked or suspended and such a proclamation may be modified only to the extent necessary to correct errors or omissions.

SEC. 203. DEFINITIONS.

For purposes of this subtitle—

(1) The term "excess worldwide trade surplus country" means any major exporting country which has—

(A) a worldwide nonpetroleum export percentage for the year that exceeds 150 percent, and

(B) a worldwide nonpetroleum trade surplus for the year that exceeds the worldwide trade surplus limitation for such country for the year.

(2) The term "excess bilateral trade surplus country" means any major exporting country which has—

(A) a bilateral nonpetroleum export percentage for the year that exceeds 165 percent, and

(B) a bilateral nonpetroleum trade surplus for the year that exceeds the bilateral trade surplus limitation for such country for the year.

(3) A foreign country is a major exporting country for a year if the aggregate value of the products of such foreign country that are exported to the United States during such year is more than the sum of—

(A) $7,000,000,000, plus

(B) an amount equal to—

(i) $7,000,000,000, multiplied by

(ii) the percentage determined by dividing—

(I) the excess, if any, of the gross national product of the United States (as determined by the Secretary of Commerce) for such year over the gross national product of the United States for 1984, by

(II) the gross national product for 1984.

(4) The term "foreign country" includes any instrumentality of a foreign country.

(5) The term "worldwide nonpetroleum export percentage" means, with respect to any foreign country for any year, the percentage determined by dividing—

(A) the aggregate value of nonpetroleum products of such country exported to the rest of the world during such year, by

(B) the aggregate value of nonpetroleum products imported into such country from the rest of the world during such year.

(6) The term "bilateral nonpetroleum export percentage" means, with respect to any foreign country for any year, the percentage determined by dividing—

(A) the aggregate value of nonpetroleum products of such country exported to the United States during such year, by

(B) the aggregate value of nonpetroleum products of the United States imported into such country during such year.

(7) The term "worldwide nonpetroleum trade surplus" means, with respect to any foreign country for any year, the excess (if any) of—

(A) the aggregate value of nonpetroleum products of such country exported to the rest of the world during such year, over

(B) the aggregate value of nonpetroleum products imported into such country from the rest of the world during such year.

(8) The term "bilateral nonpetroleum trade surplus" means, with respect to any foreign country for any year, the excess (if any) of—

(A) the aggregate value of nonpetroleum products of such country exported to the United States during such year, over

(B) the aggregate value of nonpetroleum products of the United States imported into such country during such year.

(9) The term "worldwide trade surplus limitation" means, with respect to any foreign country—

(A) for the 1-year period ending on June 30, 1986, the amount determined by multiplying—

(i) the worldwide nonpetroleum trade surplus of such country for calendar year 1984, by

(ii) 95 percent,

(B) for calendar year 1986—

(i) if such country was not an excess worldwide trade surplus country for the 1-year period ending on June 30, 1986, the amount determined by multiplying—

(I) the worldwide nonpetroleum trade surplus of such country for calendar year 1985, by

(II) 95 percent, or

(ii) if such country was an excess worldwide trade surplus country for the 1-year period ending on June 30, 1986, the amount determined by multiplying—

(I) the worldwide trade surplus limitation for such country for such 1-year period, by

(II) 90 percent, and

(C) for calendar year 1987 and for each calendar year succeeding calendar year 1987—

(i) if such country was not an excess worldwide trade surplus country for the calendar year preceding such calendar year, the amount determined by multiplying—

(I) the worldwide nonpetroleum trade surplus of such country for such preceding calendar year, by

(II) 95 percent, or

(ii) if such country was an excess worldwide trade surplus country for such preceding calendar year, the amount determined by multiplying—

(I) the worldwide trade surplus limitation for such country for the preceding calendar year, by

(II) 90 percent.

(10) The term "bilateral trade surplus limitation" means, with respect to any foreign country—

(A) for the 1-year period ending on June 30, 1986, the amount determined by multiplying—

(i) the bilateral nonpetroleum trade surplus of such country for calendar year 1984, by

(ii) 95 percent,

(B) for calendar year 1986—

(i) if such country was not an excess bilateral trade surplus country for the 1-year period ending on June 30, 1986, the amount determined by multiplying—

(I) the bilateral nonpetroleum trade surplus of such country for calendar year 1985, by

(II) 95 percent, or

(ii) if such country was an excess bilateral trade surplus country for the 1-year period ending on June 30, 1986, the amount determined by multiplying—

(I) the bilateral trade surplus limitation for such country for such 1-year period, by

(II) 90 percent, and

(C) for calendar year 1987 and for each calendar year succeeding calendar year 1987—

(i) if such country was not an excess bilateral trade surplus country for the calendar year preceding such calendar year, the amount determined by multiplying—

(I) the bilateral nonpetroleum trade surplus of such country for such preceding calendar year, by

(II) 95 percent, or

(ii) if such country was an excess bilateral trade surplus country for such preceding calendar year, the amount determined by multiplying—

(I) the bilateral trade surplus limitation for such country for such preceding calendar year, by

(II) 90 percent.

(11) The term "nonpetroleum product" means any merchandise other than merchandise classified to division 33 of the Standard International Trade Classification (revision II) published by the United Nations.

(12) The term "value" means—

(A) with respect to merchandise imported into the United States, the customs valuation under the Tariff Act of 1930 of those imports, plus all freight, insurance, and other charges incurred regarding the importation (excluding United States tariffs and import excise taxes), and

(B) with respect to merchandise imported into a foreign country, the transaction prices of such imports plus the freight, insurance, and other charges determined by the Secretary of the Treasury that are incurred in placing the exports alongside the carriers at the United States ports of export.

(13) The term "Commission" means the United States International Trade Commission.

(14) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(15) The term "entry" includes any withdrawal from warehouse.

(16)(A) The term "best trade data available" means—

(i) with regard to data on the international trade of the United States, official trade information of the Government of the United States, and

(ii) with regard to data on the international trade of any other country, data that the Commission determines is the most reliable data available for the period under consideration.

(B) The term "best trade data available" may include estimates if the actual data required by this Act, or the forms of the data required by this Act, are not directly available.

(17) Any article that is grown, produced, or manufactured in a country is a product of such country.

SEC. 204. ALLOCATION OF REVENUE FROM STAND-BY DUTIES.

(a) The Congress finds that—

(1) a principal cause of the overvalued United States dollar is the large and growing public debt of the Federal Government resulting from persistent budget deficits, and

(2) it is necessary for the United States to direct greater efforts toward reduction of such public debt.

(b) All revenues from stand-by duties imposed by proclamations issued under section 202(a)(1) shall be allocated, for accounting purposes, to a separate account within the Treasury of the United States to be known as the "Public Debt Reduction Account".

(c) It is the sense of the Congress that all funds in the Public Debt Reduction Account be used only to reduce the public debt of the Federal Government.

(d) The Secretary of the Treasury shall submit to the Congress by no later than January 1 of 1987, and of each succeeding calendar year, a report on the revenue derived from the stand-by duties imposed by proclamations issued under section 202(a)(1) for the fiscal year ending on September 30 of the preceding calendar year.

SEC. 205. TERMINATION.

Notwithstanding any other provisions of this subtitle—

(1) no duty imposed by a proclamation issued under section 202(a)(1) shall apply to articles entered after April 30, 1992, and

(2) no determinations under section 201(a), and no reports under section 201(b), shall be required to be made after April 1991.

Subtitle B—Agricultural Export Subsidies

SEC. 211. COUNTERVAILING SUBSIDIES FOR UNITED STATES AGRICULTURAL COMMODITIES.

(a) Notwithstanding any other provision of law, no later than 30 days after the first report is submitted to the Congress under subsection (b)(2), the Secretary of Agriculture, under the policy direction of the United States Trade Representative, shall formulate and carry out a program under which agricultural commodities, including but not limited to wheat, feed grains, upland cotton, rice, and soybeans acquired by the Commodity Credit Corporation, are provided to United States exporters and users and foreign purchasers at no cost to encourage the development, maintenance, and expansion of export markets for United States agricultural commodities and the products thereof.

(b)(1) The United States Trade Representative shall—

(A) investigate the existence and status of export subsidies or other export enhancing techniques (within the meaning of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade);

(B) identify and give priority to markets in which United States export subsidies provided under this section can be used most efficiently and will have the greatest impact in offsetting the benefits of foreign export subsidies that—

(i) harm United States exports,

(ii) are inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade,

(iii) nullify or impair benefits accruing to the United States under international agreements, or

(iv) cause serious prejudice to the interests of the United States, and

(C) press for action by the General Agreement on Tariffs and Trade Committee on Trade and Agriculture to institute an effective set of rules to equalize the conditions of world trade for United States and foreign agricultural producers by eliminating all export subsidies.

(2) The United States Trade Representative shall submit to the Congress and to the Secretary of Agriculture a quarterly report on—

(A) the existence and status of export subsidies and other export enhancing techniques that are the subject of the investigation conducted under paragraph (1)(A), and

(B) the identification and assignment of priority to markets under paragraph (1)(B).

(c) In carrying out the program authorized by this section, the Secretary of Agriculture shall—

(1) after consultation with the United States Trade Representative, take such action as may be necessary to ensure that the program provides equal treatment to domestic and foreign purchasers and users of United States agricultural commodities and products thereof in any case in which the importation of a manufactured product made, in whole or in part, from a commodity or product thereof made available for export under this section would place domestic users of the commodity or product thereof at a competitive disadvantage; and

(2) take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities or products thereof made available under this section.

(d) The Secretary of Agriculture shall carry out the program authorized by this section through the Commodity Credit Corporation.

(e) The Secretary of Agriculture shall prescribe such regulations as are necessary to carry out the provisions of this section.

(f) The authority provided in this section shall be in addition to, and not in place of,

any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provision of law.

(g)(1) The authority provided in this section shall be suspended during any period in which—

(A) the United States Trade Representative determines that export subsidies and techniques referred to in subsection (b)(1) do not exist; or

(B) stocks of agricultural commodities and the products thereof acquired by the Commodity Credit Corporation, which are not committed under other provisions of law, are not available to carry out this section.

(2) If such authority is suspended as a result of paragraph (1)(B), no later than thirty days after the date of such suspension, the United States Trade Representative and the Secretary of Agriculture shall report to the Congress on alternative means of achieving the purposes of this section.

Subtitle C—Reports

SEC. 221. ANNUAL PRESIDENTIAL REPORTS.

The President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual written report on the operation of this Act during the preceding year. Such report shall set forth the opinion of the President regarding whether or not the Act—

(1) is achieving its purpose, and

(2) should be continued.

TITLE III—TRADE LAW REFORM

SEC. 301. TRANSFER OF AUTHORITY TO THE UNITED STATES TRADE REPRESENTATIVE.

(a)(1) Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251, et seq.) is amended—

(A) by striking out "President" each place it appears in the text and inserting in lieu thereof "United States Trade Representative", and

(B) by striking out "**PRESIDENTIAL ACTION**" in the heading of section 202 and inserting in lieu thereof "**ACTION BY THE UNITED STATES TRADE REPRESENTATIVE**".

(2) Section 203 of the Trade Act of 1974 (19 U.S.C. 2253) is amended—

(A) by striking out "proclaim" each place it appears and inserting in lieu thereof "order",

(B) by striking out "proclaims" each place it appears and inserting in lieu thereof "orders",

(C) by striking out "proclaimed" each place it appears and inserting in lieu thereof "ordered",

(D) by striking out "proclamation pursuant" in subsection (d)(1) and inserting in lieu thereof "administrative order issued pursuant", and

(E) by striking out "proclamation" each place it appears and inserting in lieu thereof "administrative order".

(3) The table of contents for the Trade Act of 1974 is amended by striking out "Presidential action" in the item relating to section 202 and inserting in lieu thereof "Action by the United States Trade Representative".

(b) Subsections (b), (c), and (d) and paragraphs (3) and (4) of subsection (a) of section 406 of the Trade Act of 1974 (19 U.S.C. 2436) are each amended by striking out "President" each place it appears and inserting in lieu thereof "United States Trade Representative".

(c)(1) Title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) is amended by striking out "President" each place it appears and inserting in lieu thereof "United States Trade Representative".

(2) Subsection (a) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462) is amended by—

(A) by striking out "with respect to which there is in effect an Executive order" in paragraph (1) and inserting in lieu thereof "which is designated",

(B) by striking out "of the United States designating such country" in paragraph (1),

(C) by striking out the parenthetical clause in paragraph (2), and

(D) by striking out "by Executive order" in paragraph (3).

(3) Section 503 of the Trade Act of 1974 (19 U.S.C. 2463) is amended—

(A) by striking out the second sentence in subsection (a) and inserting in lieu thereof the following new sentence: "Before any such list is furnished to the Commission, there shall be in effect a designation of beneficiary developing countries under section 502.",

(B) by striking out "entered into under section 101" in the third sentence of subsection (a) and inserting in lieu thereof "entered into under section 101, except that all advice shall be presented to the United States Trade Representative.", and

(C) by striking out "by Executive order" in the last sentence of subsection (a).

(4) Subsection (b) of section 504 of the Trade Act of 1974 (19 U.S.C. 2464(b)) is amended by striking out "issues an Executive order revoking" in the last sentence and inserting in lieu thereof "revokes".

(d) Subsection (g) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(g)) is amended by striking out "President" each place it appears and inserting in lieu thereof "United States Trade Representative".

SECTION-BY-SECTION DESCRIPTION OF THE TRADE EMERGENCY ACT

Section 1. Short Title.—The bill carries the short title of the Trade Emergency Act of 1985.

Section 2. Table of Contents.—There are three Titles and 15 sections to the bill. This section sets out the headings of the Titles and sections.

Section 3. Purpose.—The general purposes of the bill are to improve standards of living in the United States through the growth of international trade, to assure that international trade occurs in a balanced, open, and fair manner, and to assure the people of the United States that their Government will take trade actions to protect the vital interest of the United States.

Section 4. Reviewability.—This section provides that actions of various officials named in the bill are not reviewable except for abuse of discretion.

TITLE I. INTERNATIONAL TRADE ACTIONS AND AGREEMENTS

Section 101. Emergency Trade Deficit Reduction Negotiating Authority.—This section makes findings to support the general proposition of the bill, that there is a national trade emergency but that action by Congress is necessary—in light of the lack of Executive Branch response—to avoid erosion of the domestic industrial base, further unemployment, and lower standards of living.

Second, the section officially declares a national trade emergency. This declaration is intended to awaken the Administration to the critical circumstances before the country, as well as to lay the legal predicate for actions the President and Congress will take under the bill.

Finally, to assure the President has comprehensive authority to cope with the emergency, the bill provides the President plenary authority—above and beyond his already-extensive authority to control, regulate and improve the foreign trade of the United States—to negotiate agreements limiting the export from other countries and the importation into the United States of any and all products, as well as the authority to enforce such agreements through import controls.

Section 102. Enforcement of International Agreements and Prevention of Actions that Undermine Such Agreements.—This section makes detailed findings sufficient to support the determinations that economic acts, policies, and practices of Japan and the European Communities (EC) tend to nullify and impair benefits accruing to the United States and other countries under current international trade agreements; that these agreements are insufficient to guarantee a balanced open and fair international trading system; and that these practices have and are increasingly spreading to the developing world, which is adopting such practices thereby undermining such agreements, harming vital interests of the United States, and in some cases directly violating such agreements. The General Agreement on Tariffs and Trade (GATT) explicitly authorizes the withdrawal of earlier trade concessions and countermeasures for actions that undermine the GATT.

With regard to Japan, the findings are that in addition to acts, practices, and policies of Japan specifically inconsistent with Japan's obligations under international trade agreements, Japan's worldwide and bilateral trade surpluses are of such an order as to undermine the benefits the United States could reasonably have expected to derive from such agreements. These findings reflect the position, which underlies the entire bill as well as this Title, that unusual, sustained trade surpluses, derived at least in part from actions inconsistent with international trade agreements, seriously undermine the international trading system and are contrary to vital national interests of the United States; and that, therefore, actions that create incentives for the Executive Branch of the U.S. Government—as well as foreign governments—to avoid such surpluses are both consistent with the international obligations of the United States and in the interest of the United States.

This section requires that the U.S. Trade Representative (USTR) institute immediately proceedings before appropriate international bodies against Japan seeking international authorization for retaliation against Japan on ground that its acts, practices, and policies nullify, impair, and (in some cases) violate trade agreements between the United States and those countries, and impede obtaining the objective of such agreements (subsection (a)). The section also requires the USTR to begin immediately the proceedings against the EC under existing trade agreements to obtain authority to institute appropriate countermeasures against the agricultural export subsidies of the EC. The section also authorizes similar actions against other countries whose practices or policies violate or nullify trade agreements with the United States (subsection (c)). The section requires that the USTR tell U.S. trading partners that pending the outcome of these cases, the United States finds it necessary to take interim measures under this bill to protect its vital interests (subsection (d)), and requires all

Executive Branch agencies to cooperate in these actions (subsection (e)).

Section 103. Plan to Control Harmful Exchange Rate Fluctuations.—This section requires the Secretary of the Treasury (the Secretary) to develop a plan for closer consultation on monetary and fiscal policies between developed nations to reduce unwarranted exchange rate movements and to moderate the exchange value of the dollar. It further calls on the Secretary to design a plan, to be implemented once such consultation occurs, for a coordinated multinational effort to minimize exchange rate fluctuations; and that the plan set forth a timetable for negotiation of the consultative process.

TITLE II. INTERIM DOMESTIC TRADE ACTIONS TO RESPOND TO THE TRADE EMERGENCY

Subtitle A—Standby duties

Section 201. Annual Reports on Worldwide and Bilateral Trade.—The U.S. International Commission (ITC) is required within 90 days after the end of each calendar year to report to the President the bilateral U.S. trade deficit or surplus of the United States with countries engaging in total trade with the United States of more than $7 billion per year, as well as the multilateral trade balance of all such countries, based on the best information available. At the same time, the ITC is, in effect, to identify the countries that will be subject to special standby duties pursuant to section 202 of the bill.

Subject only to the proviso in section 202 that no country is subject to special standby duties under the bill if the President determines that country has no unfair barriers to imports, determination of whether a country is subject to the special standby duties is a statistical determination. It is not a matter of discretion or legal judgment.

Section 202. Imposition of Standby Duties.—This section requires the imposition of special standby import duties of 25 percent under certain conditions. The first duties, if any, would be imposed on October 15, 1986; and, subsequently, duties would be imposed, if applicable, on April 15 of each calendar year.

There are five different criteria, all of which must be satisfied, before duties are imposed:

(1) Excessive U.S. trade deficits.—The program provided for in this subtitle does not operate with respect to any year in which the U.S. trade deficit is less that 1.5 percent of the Gross National Product (GNP) (section 202(a)(2)). For example, GNP was $3.661 trillion in 1984. Therefore, this program would not have applied if the trade deficit had been less than $54.9 billion. (In fact, the 1984 trade deficit was $123.3 billion or 3.4 percent of GNP; but in 1980, when GNP was $2.632 trillion, the trade deficit of $36.4 billion was 1.4 percent of GNP.)

(2) Small traders exclusion.—Countries with which the United States had less than $7 billion of trade in 1984 (the figure increases each year to reflect the change of GNP) are not subject to the program. Because the trade of small traders with the United States arises from a relatively small base, it would be unreasonable to subject these countries to standby duties under the bill. This exclusion prevents that result.

(3) Excessive trade surpluses.—The third criterion that must be satisfied before duties are imposed on a country is that that country must have excessive trade surpluses. A country's trade surplus is excessive if either (a) its non-petroleum exports to the world as a whole are more than 50 percent above its non-petroleum imports from the world as a whole; or (b) its non-petroleum exports to the United States are more than 65 percent above its non-petroleum imports from the United States (section 202(a)(1) and see also section 203(1)). There are several aspects to these standards:

(a) Non-petroleum trade.—Standards are set forth in terms of non-petroleum trade for several reasons. First, as the International Monetary Fund staff pointed out in its April 1985 World Economic Outlook, during 1983-1984, the evolution of current account positions in most industrial countries was associated mainly with development in non-oil trade. In fact, 1983 was the first recent year in which the United States ran a non-petroleum trade deficit. The sponsors want to concentrate on the trade patterns that make real differences to Americans.

Second, since oil is priced internationally in dollars, changes in the real prices of oil in local currencies may not be reflected in dollar trade figures. Therefore, taking petroleum trade out of the excessive surplus calculation reduces a statistical distortion.

Finally, while the OPEC cartel is now weakening, petroleum trade is still subject to special conditions that are, to a large extent, beyond the control of importers of oil; whereas trade in other goods can be increased by decisions of governments to reduce trade distortions or by other changes in policy. Therefore, performance under the excessive trade surplus criteria of the bill is judged on the basis of sectors all governments can control.

Note that non-petroleum trade is used exclusively for calculating when a trade surplus is excessive. For all other purposes under the bill, total trade is the measure, i.e., the total U.S. trade deficit criterion; the small trader exclusion; and the trade surplus reduction standard (below) all include petroleum trade. This assures that the bill does not insist upon a country importing non-oil products when that would be unrealistic.

(b) Worldwide trade as well as trade with the United States.—Of course, the main purpose of section 202 is to reduce the U.S. trade deficits with countries that are running excessive surpluses. However, the sponsors want to avoid harm to the great number of trading countries that do not have excessive trade surpluses, which might arise if section 202 focused only on the bilateral deficits of the United States with a few countries that have excessive trade surpluses. For example, recently the Prime Minister of Malaysia and the Financial Secretary of Hong Kong were reported to have a concern common in Asia that the United States and Japan would settle their trade problems by Japan reducing its already limited imports from the developing world as a way of compensating for importing more from the United States.

Under the bill, therefore, the United States takes into account a country's trade with the world as well as its trade with the United States, in order to avoid United States actions that indirectly prejudice the interest of countries without excessive trade surpluses.

(c) What is "excessive".—As indicated above, in the case of the bilateral trade between the United States and any individual foreign country, the trigger is 165 percent. That is, if non-petroleum exports from that country to the United States are more than 165 percent of U.S. non-petroleum exports to that country, that country's trade surplus will be considered excessive.

In the case of multilateral trade, the trigger is 150 percent. That is, if non-petroleum exports from a foreign country to the world are more than 150 percent of its non-petroleum imports from the world, then an excessive surplus exists.

Choice of the 165 percent and 150 percent levels for measuring excessiveness was necessarily somewhat arbitrary. The basic standard is 150 percent. This is the multilateral standard. The bilateral standard is 15 points higher to correct for a discrepancy between worldwide trade data collected by other countries and data on the trade of the United States collected by the United States.

There are relatively few major trading nations importing only two-thirds of what they export (excluding oil), and only six significant trading countries that have such a bilateral relationship with the United States. Moreover, no major trading nations have recently produced trading margins near—let alone in excess of—the 150-percent or the 165-percent standards notwithstanding historic U.S. trade deficits in the last two years: All countries in excess of the bilateral standard were above 200 percent, whereas no country below the standard exceeded 140 percent.

The United States, even though it is the world's largest oil importer (as well as the world's largest trading nation in absolute terms) among industrialized countries (the United States imports 17 percent more oil than Japan), has run slightly over the 150 percent standard only once in the last 22 years (the period for which non-oil trade figures are available), when it hit 155 percent in 1964. Despite the enormous jump in the price of oil in the 1970's, which might be thought to leave the United States with enormous non-oil trade surpluses, the United States never again has had a 150 percent surplus (it fell into a non-oil deficit in 1983).

In 1984, five foreign countries with total bilateral trade with the United States of more than $7 billion dollars were above the bilateral excessive surplus criterion of 165 percent: Japan; Brazil; Taiwan; Korea; and Hong Kong. Two of these countries, Japan and Brazil, were also above the worldwide excessive surplus criterion of 150 percent. There was no country—nor is it considered likely there will be a country—which breaches the worldwide criterion but not the bilateral criterion, since the United States, as the largest open market in the world, tends to be the first destination for non-petroleum exports.

(4) Unfair imports barriers.—Even if a country has a bilateral or a multilateral surplus that is "excessive" under the bill, no special standby duty will be imposed if the President makes a finding the country has no unfair import barriers that contribute to its worldwide or bilateral surpluses. The sponsors here have in mind Hong Kong, which has a large bilateral surplus with the United States (a 297 percent surplus under the formula in section 202), but is reported to have no trade barriers whatever (except for contraband). If this is true, then despite the extraordinary surplus of Hong Kong, there would be no special standby duties under the bill.

In the cases of the other excessive surplus countries in 1984, however, the sponsors are informed and believe that they maintain numerous unfair import barriers, so that the USTR could not make a finding that would exempt them from special standby duties at this time.

(5) Exclusion for reductions in excessive trade surpluses.—Even if a country has an excessive trade surplus within the meaning of the bill, it will not be subject to special standby duties if it reduces its trade surplus each year. The reduction required to meet this criterion is five percent the first year of the bill and 10 percent thereafter; these are percentages of the country's 1984 excessive trade surplus or, if there was not an excessive trade surplus in 1984, the previous year's excessive trade surplus. This criterion does not apply to a country that did not have an excessive trade surplus in 1984 or, for matter, in the previous year.

Most of the countries with excessive trade surpluses in 1984 have steeply climbing ratios of exports to imports, so five percent is an initial turnaround target that recognizes just turning around such increases is an accomplishment. The five and ten percent targets were chosen primarily because every indication is that they are well within the capabilities of the countries concerned. With respect to Japan, for example, the Administration has announced that if Japan removed unfair trade barriers in only four sectors—telecommunications, electronics, forest products, and medical products—the bilateral deficit with Japan would decline $14 billion. Assuming the generally-accepted U.S. trade deficit with Japan in 1985 ($45 to $50 billion) could be reduced by $14 billion, the resulting deficit would be about 5 percent lower than the 1984 bilateral trade deficit of $37 billion.

Imposition of standby duties

(1) Amount.—The amount of the standby duty is 25 percent ad valorem.

The level of the duty is necessarily somewhat arbitrary. The sponsors have noted that in several relatively minor items of trade duties in the 20-30 percent category have been imposed with varying results: In the case of small trucks, for example, a reinterpretation of American law resulted in a de facto increase of U.S. duties by 25 percent ad valorem, and yet at least some trucks are still imported. On the other hand, 25 percent ad valorem across-the-board is a substantial change of practice. The sponsors are certainly prepared to consider changes in the level of the standby duty to exert substantial pressure for the reduction of foreign trade distortions.

The standby duty would be assessed ad valorem, in addition to all existing duties, including such special additional duties as antidumping duties and countervailing duties. In addition, preexisting duty reductions under the Generalized System of Preferences (GSP), the Caribbean Basin Economic Recovery Act and the bilateral free trade area with Israel would be the base to which the standby duty would be added. For example, if Brazil now receives a preferential zero rate of duty on a product under GSP that otherwise is subject to 10 percent ad valorem duties, and Brazil becomes subject to standby duties under section 202, then the new rate of duty on that article imported from Brazil would be 25 percent ad valorem, not 35 percent ad valorem. In other words, GSP countries with excessive surpluses maintain their margins of preference under the bill.

(2) Timing.—Under the bill, standby duties, if any, would be imposed by Presidential Proclamation on April 15 of each year for one-year periods, beginning April 15, 1987; in 1986, and only in 1986, any standby duties applicable would be imposed on October 15, 1986, for a period of six months.

(a) First year duties.—The first duties imposed under the law, if any, will be on October 15, 1986. Under the bill, four countries—and only those four—are vulnerable to duties at that time: Japan, Brazil, Taiwan, and the Republic of Korea. This is because only these four countries have total trade with the United States in excess of $7 billion in 1984 and have either (or both) excessive bilateral or multilateral trade surpluses. Each of these countries that fails to reduce its 1984 total bilateral trade surplus with the United States by five percent during the period July 1, 1985 to June 30, 1986, will be subject to standby duties; they may reduce the surplus by importing more from the United States or by exporting less to the United States.

Moreover, in the cases of Japan and Brazil, which have 1984 non-petroleum multilateral surpluses in excess of 150 percent, the standby duty would be imposed if they fail to reduce their worldwide 1984 trade surpluses by five percent during the July 1, 1985-to-June 30, 1986 period, even if they succeeded in reducing their bilateral trade surpluses with the United States.

Standby duties based on the July 1, 1985-to-June 30, 1986 period would be imposed for six months beginning October 15, 1986.

(b) Standby duties after the first year.—Beginning in 1987 and continuing for five years thereafter, any standby duties required under the bill would be imposed on April 15 based upon an excessive surplus country's reduction by 10 percent, during the previous calendar year, of its trade surplus or surpluses in the first year in which it had an excessive surplus. For example, assuming Japan avoids standby duties on October 15, 1986 because it reduces its 1984 bilateral trade surplus with the United States by five percent and its worldwide trade surplus by five percent during the period July 1, 1985-to-June 30, 1986: It may then again avoid standby duties on April 15, 1987 if it reduces the 1984 surpluses by a further 10 percent in calendar year 1986. Japan would continue to reduce the 1984 surplus until it no longer had either an excessive non-petroleum bilateral surplus or an excessive non-petroleum multilateral surplus.

(c) Reasons for this timing.—The timing of the duties is driven by two factors: Generally, to allow the ITC time to collect the necessary data and make the findings necessary to making determinations on standby duties, as well as time to allow the U.S. Customs Service and the commercial public to adjust to the changes, which is estimated to be 105 days from the close of the last period upon which the duties are based; and, in the special case of the first year, the need to allow foreign governments time to adjust to the new policy and to allow the Administration to respond to the current trade emergency through its own, existing and new powers.

(3) Choice of remedy.—The sponsors have chosen duties rather than quotas as the remedy under the bill for several reasons.

First, a quota is a complete ban on imports from a foreign country above a certain level; this tends to reduce competitive pressure on U.S. and other, non-restricted foreign competitors, thereby denying the benefits of competition to American consumers. While a duty puts a handicap on the excessive surplus countries, it still permits them to compete in this market.

Second, a quota is extremely difficult to administer; duties are less so.

Third, the U.S. Government gets the benefit of duties in the form of customs payments if products imported from excessive surplus countries are so competitive they can profitably be imported notwithstanding the duties, whereas under quotas, foreign manufacturers often receive a windfall from quotas in the form of higher per unit prices for each quota unit exported to the United States.

Section 203. Definitions.—Section 203 provides necessary definitions of terms used in sections 201 and 202.

Section 204. Allocation of Revenue from Standby Duties.—Under section 204, a separate account is created to track revenues collected as a result of the imposition of any standby duties under section 202. The section also contains a statement of the sense of the Congress that these additional revenues should be used to reduce the Federal budget deficit, and requires an annual report from the Department of the Treasury on the amount and application of such revenues.

Section 205. Termination.—The program of standby duties provided for in sections 201-202 will end under the bill in 1992, five years after the first full year the program begins.

Subtitle B. Agricultural export subsidies

Section 211. Countervailing Subsidies for United States Agricultural Commodities.—This section requires the USTR to apply a countersubsidy in cases he chooses on the basis that they will have the greatest impact in offsetting the benefit of foreign export subsidies; are inconsistent with the Tokyo Round Subsidies Code; and cause serious prejudice to the United States. The section would require the USTR to use existing stocks owned by the Commodity Credit Corporation to buy down the price of agriculture commodities exported in markets where EC subsidies are having these effects. The provision also contains various reporting requirements with regard to this program.

Subtitle C. Reports

Section 221. Annual Presidential Reports.—This section requires annual reports on the operation of Title II of the bill to be prepared by the President for the cognizant trade committees of Congress, the House Committee on Ways and Means and Senate Committee on Finance.

TITLE III—TRADE LAW REFORM

Section 301. Transfer of Authority to the United States Trade Representative.—This provision, adapted from legislation introduced in the House by Representative Guarini and by Senators Baucus and Heinz in the Senate, would redelegate authority now in the hands of the President to the USTR. The sponsors agree with these Senators and Representatives that delegations to the President of trade authority are not necessary—since the USTR is under the direct control of the President—nor appropriate—since delegation to the President tends to subject trade decisions to interagency blocking that would be less likely under redelegation. Redelegation was also a recommendation of the Senate Democratic Working Group on Trade Policy, chaired by Senator Bentsen. The sponsors note that limited redelegation was approved by President Reagan in the Omnibus Trade and Tariff Act of 1984. This provision completes that action by redelegating authority in escape clause cases, Communist country "market disruption" cases, GSP, and section 337 "unfair trade practice" cases.

By Mr. HEINZ (for himself, Mr. GLENN, Mr. BRADLEY, Mr. BURDICK, Mr. SASSER, Mrs. HAWKINS, Mr. MATHIAS, and Mr. CHILES):

S. 1450. A bill to prohibit the Secretary of Health and Human Services from changing reimbursement levels or methodologies for home health services under the Medicare Program prior to October 1, 1986, or during a freeze period; to the Committee on Finance.

REIMBURSEMENT LEVELS UNDER MEDICARE

Mr. HEINZ. Mr. President, today, I am introducing legislation to prevent the Secretary of Health and Human Services from precipitously and unwisely cutting home health care reimbursement levels. Let me take a moment to explain why this approach is urgently needed.

Earlier this year, the General Accounting Office conclusively found that, as a result of the prospective pricing system and diagnostic-related groups, seniors were being discharged from hospitals more in need of some form of posthospital care than ever before. Indeed, seniors are being discharged sicker and quicker.

Since the Congress mandated implementation of the prospective payment system, it is incumbent upon us to move quickly and carefully to ensure that good quality care alternatives are available to seniors in need of care. Home care is one of the most cost effective, beneficial care alternatives available. In fact, recent research shows that home care is about 40 percent less expensive than hospital care.

Yet, rather than assuring our Nation's seniors access to a continuum of care, this administration seems determined to place a continuum of obstacles between older Americans the home health care they need.

Recent Health Care Financing Administration "obstacle course" activities include proposals for: A copayment on home health visits; a freeze on home health costs; removing the Medicare waiver of liability presumption; and reducing the number of intermediaries serving home health agencies. HCFA's latest assault on home health as a viable option for older Americans is a new and complex payment reduction in home health care benefits.

I firmly believe that through these proposals HCFA is widening the no care zone and compromising the quality of care even further. I strongly oppose these actions and plan to address each as the opportunities arise. The legislation I am introducing today addresses the most recent of these proposals.

The Health Care Financing Administration, after allowing only a 30-day comment period, decided to overreach its authority and single out home health care for an unprecedented and drastic cost reduction. Beyond the fact that HCFA stepped out of policy implementing and into policy making by taking this action, is the fact that HCFA did this with only one goal in mind: limiting the availability of home health care to older Americans—not because older Americans don't need the home health care they seek, but because HCFA doesn't want to pay for it.

HCFA has estimated that implementation of the new cost limits would cause some home health agencies to drop out of the Medicare Program and would cause 70 percent of the remaining home health agencies to be over the limit. But it isn't worried that the more costly, but important services—like physical therapy—would be cut or that seniors would find fewer home care services available to them.

This has been a recurrent theme with HCFA—that indiscriminate endless cuts can be made in Medicare payments for health care without any accompanying decrease in the quality of care the patients receive. I wholeheartedly agree that there may be a good deal of waste in the Federal health care system, but I must insist that we tread lightly and understand first what the effects on quality of care and DRG's are before we allow HCFA to continue with such drastic moves with only costs, not quality, in mind.

Therefore, I am proposing legislation to prohibit the Secretary of Health and Human Services from changing home health care reimbursement limits from their June 30, 1985, levels for 1 year, or during the period of a freeze on home health care reimbursement, whichever is longer.

Clearly, simply reducing reimbursement levels in areas where need is great will not make these needs go away. We need to look closely at this country's needs and find the best, most cost effective ways of meeting them.

It is my hope, and the hope of a number of other Senators who have joined me in this effort, that this legislation can be attached to budget reconciliation, giving seniors the strong health care protections they need under the law.

I urge my colleagues to consider the legislation favorably as we move toward the goal of ensuring budget savings while also improving the quality of heath care for this Nation's seniors.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health and Human Services may not implement any change in reimbursement amounts or methodologies which were in effect on June 30, 1985, under title XVIII of the Social Security Act with respect to home health services, prior to the later of—

(1) October 1, 1986; or

(2) the end of any period for which a freeze on home health service payments is in effect, which freeze period began after June 30, 1985, and before October 1, 1986.

(b) Subsection (a) shall apply to home health services furnished after June 30, 1985.

● Mr. SASSER. Mr. President, I rise today to cosponsor S. 1450, introduced by my distinguished colleague, Senator HEINZ. This bill would prohibit the Secretary of Health and Human Services from changing reimbursement levels or methodologies for home health services under the Medicare Program. The prohibition would apply to all changes made prior to October 1, 1986, or during a period in which there is a freeze in effect on Medicare reimbursement for home health services.

Currently, home health care agencies are under a freeze in the level of reimbursement paid to them for services provided to Medicare beneficiaries. Despite this fact, the Health Care Financing Administration has seen fit to impose a new cost limit and a new reimbursement formula on Medicare reimbursement. Both measures result in severe reductions in payments to home health agencies. Coupled with the reimbursement freeze already in place, HCFA's administrative actions portend significant harm to the delivery of home health care services, thereby seriously jeopardizing the health of our Nation's elderly. In the May 14, 1985, Federal Register, HCFA admits that its regulations will "clearly have a significant impact on a substantial number of home health agencies," including reductions in "access to, and quality of, care."

The new HCFA cost limit cuts the reimbursement rate back from the 75th percentile, the per visit cost cap in place since 1979, to 120 percent of the mean of a home visit cost. What this means for the State of Tennessee, for example, is that a skilled nursing visit, which was previously reimbursed under the old method at $51, would be reimbursed at $41.84. Similarly, payment for a medical social worker's visit, a service in high demand, was paid at $103. The new limit is $84.64. It is readily apparent that these new HCFA cost limits will impair home health care delivery.

Moreover, in Tennessee there are 390 licensed home health agencies serving 130,575 Medicare beneficiaries. These agencies employ 5,800 health care professionals in numerous disciplines, but many would experience either a salary reduction or layoff. The new cost limits will impact Tennessee home health care by reducing

the number of health care providers and their staffs. The major services provided by these agencies, rehabilitation services, would be the first to be reduced as a result of the regulations.

Just as important to home health agencies is HCFA's elimination of the aggregation method of calculating reimbursement rates. Under this method, more expensive types or services could be aggregated with cheaper types in order to balance out agency reimbursement. Eliminating the aggregation method means that more expensive services, even though prescribed by physicians and needed by patients, will not be provided because the agencies are not adequately reimbursed.

The bottom line, Mr. President, is that HCFA's regulations are too much for the home care industry to bear. But my greatest concern is that home health services will become less available or unaffordable for the 2.75 million Medicare and Medicaid beneficiaries utilizing home health services. This is a travesty in view of the fact that hospitals are sending their patients home sooner than ever before. HCFA's new reimbursement measures mean reduced salaries for home health employees, a reduction in available home health services, a major reduction in the provision of services to Medicare patients, and the elimination of the 10- to 15-percent free care that most home health agencies provide. We cannot allow this to happen.

Mr. President, I believe that the Secretary of the Department of Health and Human Services should curtail these disincentives to the delivery of home health care. S. 1450 will stop this regulatory attack on our health care system. I urge my colleagues to join me in supporting this very important measure, and ask unanimous consent that the letter from Gayla M. Sasser, executive director of the Tennessee Home Health Association, and the letter from Tom Gardner, executive director of A-Med Home Health Services, Morristown, TN, soliciting my support for the provisions of this bill, be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TENNESSEE ASSOCIATION
FOR HOME HEALTH,
Nashville, TN, July 8, 1985.

Hon. JAMES R. SASSER,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SASSER: The Senate Finance Committee (House Ways and Means Committee) will soon be considering amendments to the Medicare program in carrying out its duties under the Budget Reconciliation act. We need your help to prevent an unintended act by the Congress leading to a drastic reduction in home care benefits to the elderly and the bankruptcy of hundreds of agencies.

Both the House and the Senate have included home health agencies under a general freeze applicable to all Medicare providers. We accept this burden even though there is good evidence that some health agencies should be exempted from the freeze. I am referring to the recent studies by the Senate Aging Committee and General Accounting Office which concluded that the Congressionally mandated prospective payment (DRG) system for hospitals has resulted in moving greater numbers of sicker patients into home care, thus sharply increasing costs for home health agencies.

The freeze will work a real hardship on most of the nation's home health agencies, however, most will be able to survive. This will not be true if Congress imposes a freeze and allows HCFA to implement a sharp reduction in Medicare payments at the same time. Specifics follow.

On May 14, HCFA published proposed regulations in the Federal Register which, by their own admission, will significantly reduce the availability of home health services to medicare beneficiaries. The cuts were presented in a reformulation of the cost limits applicable to home health agencies and new methodology by which the cost limits were to be determined.

From May 14 to the present, literally dozens of Senators and Congressmen have written to HCFA asking them to defer these regulations because the Congress has chosen to go with a freeze applicable to all agencies across the board instead of singling out home health agencies. HCFA has not listened to Congress. Final regulations have been promulgated as of July 5 and we have no choice but to comply. We will, without doubt, face severe hardship and/or go out of business unless you come to our assistance.

If you believe that home health agencies should be considered under a general freeze, then we urgently request your assistance in blocking HCFA from implementing at the same time their administrative cutbacks disguised as changes in the methodology by which the Medicare cost caps are calculated.

We urge you to offer and support an amendment in the reconciliation bill that would prohibit HCFA, so long as the freeze is in effect, from reducing Medicare home health benefits or changing the methodology for the computation of the Medicare cost limits in effect on July 1, 1985.

We will appreciate your help in this regard.

Sincerely,

GAYLA M. SASSER,
Executive Director.

A-MED HOME HEALTH SERVICES,
Morristown, TN, July 3, 1985.

Hon. JAMES R. SASSER,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR SASSER: As a member of the House-Senate Conference Committee on the fiscal year 1986 budget, I am requesting your immediate assistance on a matter of great importance to your constituents here in Tennessee and older Americans everywhere.

Both the Senate and the House have agreed to freeze Medicare reimbursement for all medical care providers and as a tax payer, I support this stand. This freeze would apply to me and my fellow workers providing home nursing care.

Please help make sure that a Freeze in payments is Not a Cut in benefits. I urge you to adopt a language that would assure that HCFA would hold Medicare provider payments at 1985 levels.

Further, HCFA is proposing to make drastic changes in the way Medicare pays for home care for older Americans, such as the proposal published May 14th in the Federal Register. The policy making proposal seeks to significantly change reimbursement for needed home care services by separating reimbursement into many categories with cost caps for six types of service. However, in the past, the cost cap has been one on total services provided, and not on each individual service standing alone. This concept allows home care providers to cut costs on one service, say nursing care, so as to cover more expensive services such as physical therapy and rehabilitation. Under this new HCFA proposal, this concept would not work since the cost savings in one service area could not be credited against a service with higher cost. As you know we serve a rural area where therapy and social work services are already hard to come by.

This New "Per Discipline" Methodology Should Be Stopped! This seemingly minor change will cause most home health agencies to eliminate or drastically curtail service areas with higher costs, and, the proposal will not save dollars since it would remove a major incentive for providers to cut costs in areas of service where costs are more controllable.

Moreover, the effect of DRG's giving our agency greater numbers of sicker patients has already increased our overall costs

This issue is critical to home health providers and our elderly population who would be deprived of rehabilitation services we are currently able to provide.

Respectfully,

TOM GARDNER,
Executive Director.●

By Mr. CHAFEE (for himself and Mr. RUDMAN):

S. 1451. A bill to allocate funds appropriated to carry out section 103 of the Foreign Assistance Act of 1961 for nutrition programs which reduce vitamin A deficiency; to the Committee on Agriculture, Nutrition, and Forestry.

VITAMIN A NUTRITION LEGISLATION

● Mr. CHAFEE. Mr. President, today, with Senator RUDMAN, I am introducing legislation that seeks to improve the lives of children worldwide. This legislation will earmark, not appropriate, $30 million in the agriculture, rural development and nutrition account of the fiscal year 1986 budget of the Agency for International Development [AID]. Disbursed over 3 years, this money will fund nutrition programs which reduce vitamin A deficiency.

An estimated 500,000 children in developing countries go blind each year because they do not get enough vitamin A. Ten million children suffer from this nutritional disorder annually. It occurs in Bangladesh, India, Indonesia, the Philippines, Haiti, Latin America, and Africa. The World Health Organization considers vitamin A deficiency a public health problem in 73 countries and territories.

Approximately 35 million of the world's 42.2 million blind live in developing nations. That number is expected to double by the end of the century. Blindness can be easily prevented

but programs to prevent have lacked support.

Blindness resulting from vitamin A deficiency occurs when the lack of vitamin A is quite severe. Before blindness occurs, damage to the intestinal tract and respiratory system causes illness and death from increased susceptibility to such diseases as measles, gastrointestinal problems, and pneumonia. Therefore, vitamin A is crucially important to maintaining overall health for children in less developed countries.

The need to prevent vitamin deficiency has never been greater, in Africa, in particular. Up to 10 percent of the children in the feeding camps of Ethiopia and the Sudan are becoming irreversibly blind through vitamin A deficiencies.

Johns Hopkins University conducted a study in 420 Indonesian villages with funds from AID; 30,000 randomly selected children given vitamin A had death rates one-third lower than those who did not receive the supplement.

Golden bullets is what international relief workers call a large dose vitamin A capsule. This capsule is the size of a pea, does not need refrigeration and need only be administered once every 6 months. One vitamin A capsule costs only 2 to 4 cents each and is heralded by the Helen Keller Institute as the solution that will head off the devastating damage that children suffer from vitamin A deficiency.

Helen Keller International and the International Eye Foundation are the two leading organizations involved in vitamin A programs. Both agencies strongly support this legislation, and believe that $30 million could be efficiently allocated for the implementation of vitamin A activities. Following is a chart summarizing proposals for expanded activities which was developed in consultation with AID, the World Health Organization [WHO], and Helen Keller International.

PROPOSAL TO EXPAND VITAMIN A PROGRAMS WORLDWIDE

[In thousands of dollars]

	Asia	Africa	Latin America	Total
Mortality survey	2,400	1,500	1,200	5,100
Supplementation and delivery programs	4,000	2,500	2,000	8,500
Fortification programs	3,500	2,000	2,000	7,500
Nutrition education, public education, home gardening	1,290	1,200	2,400	4,890
Impact evaluation	1,310	900	900	3,110
Institutional training				900
Total	12,500	8,100	8,500	30,000

As you can see, most of the funds are direct program support. The field surveys listed are important to determining future investments in vitamin A programs in particular geographic areas. It is estimated that this level of funding would directly benefit 50 million children over 3 years.

Seldom do we have such a simple and available opportunity to improve the lives of so many. Our legislation will, in effect, buy more productive lives in areas of the world where enough hardships already confront mankind. I hope my colleagues will join in supporting this measure.●

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1452. A bill to settle Indian land claims in the town of Gay Head, MA, and for other purposes; to the Committee on Indian Affairs.

GAY HEAD INDIAN LAND CLAIMS SETTLEMENT

● Mr. KENNEDY. Mr. President. Today I am introducing legislation that would implement the proposed settlement concerning the title to disputed lands agreed to by the Wampanoag Tribal Council of Gay Head, Inc., and the town of Gay Head, MA. The Wampanoag Tribal Council of Gay Head, Inc., and the town of Gay Head, MA, are the principal parties in the settlement of litigation which is embodied in this legislation. ●

By Mr. BRADLEY:

S. 1453. A bill to reaffirm the boundaries of the Great Sioux Reservation to convey federally held lands in the Black Hills to the Sioux Nation; to provide for the economic development, resource protection and self-determination of the Sioux Nation; to remove barriers to the free exercise of traditional Indian religion in the Black Hills; to preserve the sacred Black Hills from desecration; to establish a wildlife sanctuary; and for other purposes; to the Select Committee on Indian Affairs.

SIOUX NATION BLACK HILLS ACT

Mr. BRADLEY. Mr. President, I rise today to introduce the Sioux Nation Black Hills Act. This legislation would right a wrong committed by the United States more than 100 years ago. The bill would restore to the Sioux Indian Tribe a portion of the lands awarded to them by a 1868 treaty and subsequently illegally taken from them.

That the U.S. Government was guilty of an illegal taking is not at issue: the Supreme Court affirmed this conclusion in 1980. What is at issue is the responsibility of our Government to live up to its agreements and ideals. History and other nations judge us by our deeds. If we are concerned about that judgment, we should recognize that the history of our Government's dealings with the Sioux is not adorned with honor. It is a history rich with familiar names and places—Grant, Sherman, Custer, Red Cloud, Sitting Bull, Crazy Horse, Little Big Horn, Fort Laramie, Wounded Knee, and the Black Hills of South Dakota. But the story is one of broken commitments and bad faith. The bill I introduce today is an attempt to write a more honorable final chapter to this history.

At least a brief summary of the events to date is important to the understanding of this legislation.

The Sioux Nation signed a treaty in 1851 with the United States that established a large Sioux Reservation. The territory included all of the present State of South Dakota, as well as parts of Nebraska, Wyoming, North Dakota, and Montana. The Senate added certain amendments which were rejected by the Sioux, and the treaty was not ratified.

The result was the Power River War of 1866–67. The war ended in a second treaty, signed at Fort Laramie on April 29, 1868, and later ratified by the Senate. The Fort Laramie Treaty has been described as a complete victory for the Sioux. It established the Great Sioux Reservation, which included approximately half of South Dakota—essentially everything west of the Missouri River. The United States "solemnly agree[d]" that no unauthorized persons "shall ever be permitted to pass over, settle upon or reside in [this] territory." The treaty also established extensive hunting grounds covering large parts of North Dakota, Wyoming, Colorado, Kansas, and Nebraska.

Prior to signing the treaty, both the U.S. Government and the Sioux knew that at least small deposits of gold existed in the Black Hills, the westernmost portion of the Great Sioux Reservation. In 1874, following rumors of large deposits, Lt. Col. George Custer led an expedition into the Black Hills, which confirmed the existence of gold. Despite the terms of the treaty requiring the U.S. Government to keep non-Indians out of the reservation, prospectors swarmed into the region. In 1875 President Grant unilaterally and confidentially decided to abandon the treaty obligation.

The Government then offered to buy the land from the Sioux for $6 million, which it admitted was much less than the value of the land. The Sioux dismissed this offer and negotiations broke down.

This led to further violence, culminating in the Sioux victory over Custer at Little Big Horn. The Sioux were soon defeated, however, and were deprived of horses and weapons. They were returned to their reservation and became dependent on the Government for their survival.

Congress then cut off rations to the Sioux unless they ceded the Black Hills. Another commission was sent to negotiate. The commission presented the Sioux with a prepared text which the tribes had no choice but to accept. The Sioux were forced to give up all rights to the Black Hills, as well as their rights in all lands outside the reservation.

The Fort Laramie Treaty had provided that none of the lands set aside

for the Sioux could be ceded back to the Government without consent by three quarters of all adult males. The 1877 treaty was signed by only 10 percent of the adult males. Ignoring this, Congress enacted the "agreement" into law. It was this law that the Supreme Court found unconstitutional in 1980.

Since 1877 the Sioux have contested this taking in a number of law suits. Finally, in 1974 the Indian Claims Commission awarded the Sioux $17 million—the value of the land in 1877—plus interest. The Court of Claims reversed the award of interest, but Congress passed a bill authorizing the court, in effect, to allow interest payments. In 1980 the Supreme Court affirmed the award, citing in its conclusion that "a more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history."

The High Court further noted the Court of Claims' language regarding the duplicity of President Grant "in breaching the Government's treaty obligations to keep trespassers out of the Black Hills, and the pattern of duress practiced by the Government on the starving Sioux to get them to agree to the sale of the Black Hills."

The $105 million—$17 million plus interest since 1877—was appropriated in 1980 and is still drawing interest in an account at Treasury. With interest since 1980 the fund now amounts to approximately $160 million.

Many Sioux have maintained that the Black Hills should not be sold. They have argued that their claim to their ancestral lands should never be relinquished. The Black Hills have a deep religious significance for the Sioux Nation, a significance this Government should respect.

To the Sioux the Black Hills are sacred. They call this land "the heart of everything that is." They say that their god placed them in and around the Black Hills to respect, to defend and to preserve that land—for this generation and for the generations yet to come. The Earth is their mother, they say, and the Black Hills are the most sacred center of the Earth. The children of the Earth are two-legged, four-legged, winged and all things growing and moving. They all have a right to live. A mother provides both material and spiritual nourishment for her children and so it is that the Black Hills provides for her children. For the Sioux, prayer and ceremony in the Black Hills are central to their religion. We may not share the beliefs of the Sioux, but the richness of their cultural heritage should be respected, just as we affirm the right of any group to practice its religion.

The bill I introduce today is a recognition of the errors of the past. The Supreme Court found that the taking was unconstitutional and suggested compensation. It is within the power of the Congress to mitigate the wrong in another way, by restoring the land. Of the 7.3 million acres taken from the Sioux in 1877, this bill would return 1.3 million. The bill would cede to the Sioux Nation only those portions of the Black Hills region that are federally owned. No private or State-owned land would be transferred. Mount Rushmore, Federal court houses, buildings, rights-of-way and military bases would not be affected. As compensation to the Sioux for having been deprived of the use of these lands since 1877, the bill would award them the amount of money already appropriated and drawing interest in the Treasury. The bill establishes the Sioux National Park to be owned and operated by the Sioux Nation and open to all. The bill provides that nothing shall deprive any person or government of any valid existing rights to access, mineral leases, timber leases, grazing rights, permits or contracts.

Mr. President, I asserted earlier that history and other nations judge us by our deeds. We now have the opportunity to write a new chapter in the history of the deeds dealing with the Sioux people. This chapter could describe a nation of honor, a nation of understanding, and a nation that affirms its great principles with great deeds. Let us write that chapter.

I ask unanimous consent that the text of the bill and the text of the 1980 Supreme Court decision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sioux Nation Black Hills Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Black Hills are the sacred center of aboriginal territory of the Sioux Nation and as such hold deep religious significance for the Sioux Nation, and

(2) such lands are Sioux treaty territory, as affirmed by the Treaties of September 15, 1851, (11 Stat. 749) and April 29, 1868 (15 Stat. 635);

(3) the Sioux Nation views the Black Hills as inalienable and have never voluntarily surrendered or ceded the Black Hills, and have resolved not to accept money in exchange for extinguishment of title to such lands or of the right to practice traditional religion in the Black Hills area;

(4) the United States Supreme Court affirmed the findings of the Court of Claims, citing its conclusion that "[a] more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history" and further noting the Court of Claims' language regarding the duplicity of President Grant "in breaching the Government's treaty obligations to keep trespassers out of the Black Hills, and the pattern of duress practiced by the Government on the starving Sioux to get them to agree to the sale of the Black Hills";

(5) the Sioux Nation has never been accorded a forum within which to seek the return of the lands and, while the United States Supreme Court upheld the ruling of the Court of Claims that the Act of February 28, 1877 (19 Stat. 254), was unconstitutional for failure to pay "just compensation", the constitutionality of the Black Hills taking has not been fully adjudicated because Congress has not provided a Court with a jurisdiction to provide for the return of land as a remedy for an "unconstitutional taking", nor has the question of whether the Black Hills taking was for a "public purpose" had a forum within which to be addressed;

(6) the lawsuit brought by the Oglala Band of the Sioux Nation against the United States to quiet title to Federal lands in the Black Hills, and for damages, was dismissed for want of jurisdiction, *Oglala Sioux Tribe of the Pine Ridge Indian Reservation* v. *United States,* 650 F.2d 140 (8th Cir. 1981), *cert. denied,* 455 U.S. 907;

(7) other bands of the Sioux Nation sued the United States in the Indian Claims Commission, under the Act of March 13, 1978 (92 Stat. 153), and obtained a judgment of $17.1 million for the value of the land taken by the Act of February 28, 1877 (19 Stat. 254), $3,484 for rights of way, $450,000 for damages resulting from gold removed prior to the Act, plus 5 percent simple interest but not on the value of the gold, totaling $105,994,430.52 which was appropriated on July 18, 1980;

(8) neither the Act of March 13, 1978 (92 Stat. 153) nor such judgment provide for the return of land in the Black Hills;

(9) the Sioux Nation has resolved to reject the monetary award and will not accept money in exchange for extinguishment of title to such lands;

(10) the Black Hills have deep religious significance to the Sioux people and the Sioux people refuse to also accept monetary compensation in exchange for the First Amendment rights to freely practice their religion in the Black Hills;

(11) the different bands of the Sioux Nation have pressed its claim to the Black Hills vigorously and continuously for more than 100 years;

(12) notwithstanding the value of $17.1 million established by the Court of Claims as the value of the the Black Hills at the time of taking, the loss to the Sioux must be measured in terms of the adjusted value of the resources extracted from the the Black Hills which exceeds $18 billion for the 36 million ounces of gold extracted by the Homestake Mine alone through 1980;

(13) the executive branch of the United States has established a record of negotiation with the Sioux Nation to effect a resolution of the Sioux Nation's consistent efforts to recover land in the Black Hills;

(14) the Congress has in the recent past resolved complex American Indian land title and religious issues by conveying title, as well as other forms of compensation, without restricting such resolution to monetary damages; and

(15) it will further the interests of the United States to enter into a just and honorable Sioux Nation Black Hills lands settlement, recognizing and reaffirming its domestic and international commitments to Sioux Nation self-determination, economic security, religious freedom, and acknowledging the traditional and historical belief of the Sioux in the sacred character of the

Earth and in the Black Hills in particular, as well as their rights to freely exercise such beliefs.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "Federal lands" means lands held in fee simple by the United States that are not held in trust or for the benefit of any other. Such term includes National Forest, National Parks, Bureau of Land Management, and other lands administered by the Department of Agriculture and the Department of the Interior.

(2) The term "lands", whether Federal or private, includes water rights appurtenant to land, as well as sub-surface mineral rights, mineral patents, and mining claims.

(3) The term "private lands" means lands held in fee simple by the State of South Dakota, its political subdivisions and municipalities, or by any person other than the United States and its instrumentalities.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Sioux" or "Sioux Nation" means those sovereign and independent bands of the Sioux Nation who separately entered into the multilateral Treaty of April 29, 1868 (15 Stat. 635) with their chiefs and headmen acting as ministers, and shall further mean the Lakota, Dakota, and Nakota bands who were members of the alliance referred to as the Seven Council Fires.

(6) The term "Tribes" means the federally recognized or organized tribes who are successors in interest to the sovereign bands of the Great Sioux Nation, to wit: Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Santee Sioux Tribe of Nebraska, and Sioux Tribe of the Fort Peck Reservation.

(7) The term "Sub-surface mineral estates" means the sub-surface mineral rights retained by the United States on those lands in which surface rights have been conveyed to private parties by United States patent.

(8) The term "re-established area" means the land declared to be a reservation for the Sioux Nation under section 3.

(9) The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

SEC. 4. RE-ESTABLISHED AREA.

Except to the extent otherwise provided in this Act the land within the following described boundaries which was a portion of the Great Sioux Reservation bounded and confirmed by the Treaty of April 29, 1868 (15 Stat. 635), and which was subsequently excluded from such reservation by the Act of February 28, 1877, is hereby declared to be a reservation for the Sioux Nation:

The western boundary of the land commences at the intersection of the one hundred and fourth degree of longitude west from Greenwich with the northern boundary of the State of Nebraska; thence north on same meridian to a point where the forty-sixth parallel of north latitude intercepts the same; thence due east along said parallel to a point where the one hundred and third degree of longitude west from Greenwich intercepts the same; thence due south on said meridian to its intersection with the North Fork of the Cheyenne River; thence down said stream to its junction with the South Fork of said Cheyenne River; thence up the South Fork of said Cheyenne River to the said one hundred and third meridian; thence south along said meridian to its intersection with the northern boundary of the State of Nebraska; thence west on such northern boundary of the State of Nebraska to the place of beginning.

SEC. 5. RE-CONVEYANCE OF LANDS.

(a)(1) The Secretary of the Interior shall identify and inventory—

(A) all private lands within the re-established area,

(B) any Federal lands within the re-established area that are in current use by the United States for military purposes, courthouses, office buildings, post offices, hospitals, warehouses, or cemetaries,

(C) all other Federal lands within the re-established area,

(D) all Federal sub-surface mineral estates within the re-establishment area,

(E) all Federal reserved water rights, and water rights acquired by the Federal Government under South Dakota State law, that are appurtenant to lands within the re-established area, and

(F) all valid rights, reservations, easements, leases, permits, agreements, contracts (including water supply contracts), and memoranda of understanding affecting the lands and water rights described in subparagraphs (D) and (E). The inventory of federally owned water rights shall indicate the location, amount, and priority date of all such rights.

(2) By no later than the date that is 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register the inventory compiled under paragraph (1).

(3) During the 60-day period beginning on the date on which the inventory is published under paragraph (2), the Secretary shall accept comments on such inventory from the Sioux Nation and any other interested party. The Secretary shall investigate any allegation of error or omission in such inventory.

(4) By no later than the date that is 150 days after the date on which the inventory is published under paragraph (2), the Secretary shall publish any changes in the initial inventory which are necessary to correct errors and omissions or a revised inventory which is free of errors or omissions.

(b)(1) Except to the extent otherwise provided in this Act, the head of each Federal agency having jurisdiction over any Federal land within the re-established area, any water rights appurtenant to such Federal land, or any sub-surface mineral estate within the re-established area shall, by no later than the day that is 210 days after the date on which the inventory is published under subsection (a)(2), convey all of such Federal lands, mineral estates, and water rights to the Sioux Nation in fee simple, without warranties of any kind.

(2) Many conveyances made under paragraph (1), the head of the Federal agency may reserve to the United States an easement which allows the United States to use any land which is identified under subsection (a)(1)(B) for any purpose described in subsection (a)(1)(B) for so long as such use is continuous from the date of such conveyance.

(3) No conveyance made under paragraph (1) shall affect any rights, reservations, easements, leases, permits, agreements, and contracts that exist under the public land laws on the day before such conveyance so long as they remain valid in accordance with the terms of such public land laws.

(4)(A) The Mount Rushmore National Memorial shall not be conveyed under paragraph (1).

(B) The Sioux Nation shall be given first preference in bidding for the operation of the concessions at the Mount Rushmore National Memorial.

SEC. 6. WATER RIGHTS.

(a) All waters—

(1) which are—

(A) within,

(B) flowing through, or

(C) arising on, the re-established area,

(2) to which there is no valid, outstanding appropriation under South Dakota State law,

(3) which would be deemed abandoned pursuant to South Dakota law, on the day before the date of enactment of this Act, and

(4) which are not reserved by the United States under section 4(b)(2),

shall, on the date that is 210 days after the date on which the inventory is published under section 4(a)(2), become the property of the Sioux Nation and the Sioux Nation shall determine the use and allocation of such waters.

(b) Any water rights transferred to the Sioux Nation under section 4(b)(1)—

(1) shall retain the same quantity and date of priority that such rights would have if the Federal Government continued to own such rights,

(2) shall not be limited to the uses for which they were reserved by the Federal Government, and

(3) may be used or allocated to any purpose within or without the boundaries of the re-established area as the Sioux Nation may choose.

(c) All water rights (other than water rights acquired from the Federal Government) which may be transferred to or acquired by the Sioux Nation pursuant to this Act—

(1) shall be in the same quantities and with the same dates of priority as such rights would have if such private party continued to own such rights,

(2) shall not be subject to abandonment pursuant to South Dakota State law,

(3) shall be treated as premanent present perfected rights under Federal law, and

(4) shall be subject to such use and allocation as the Sioux Nation may determine.

(d) All waters within, flowing through, or arising on the re-established area shall be subject to the sole and exclusive jurisdiction of the Sioux Nation to regulate the use and allocation of such waters.

SEC. 7. EXEMPTION FROM TAXATION AND CONDEMNATION.

All lands within the re-established area shall be exempt from taxation by the United States or any State or subdivision of a State, and from acquisition for public purposes without the consent of the Sioux Nation.

Sec. 8. STATUS OF PRIVATE LANDS.

(a) Privately held lands within the re-established area shall not be disturbed, and may be held and used or occupied for the same purposes as prior to this Act, subject however, to Sections 10, 11, 12, 13, and 14 of this Act; provided however, that the Sioux Nation may purchase such lands and may also receive title to such lands by devise, gift, exchange, or other transfer. Any private lands purchased or otherwise acquired by the Sioux Nation within the re-established area shall be held and used by the Sioux Nation in the same manner and status as federal lands conveyed under section 5(b).

(b) The Sioux Nation shall have a right of first refusal to purchase privately held

lands within the area described in section 11 (b) and (c).

SEC. 9. EXCHANGE OF LANDS.

(a) For the purpose of consolidating the land holdings of the Sioux Nation within the re-established area, the Secretaries are hereby authorized and directed to acquire, by purchase or exchange, all state school lands held by any State within the re-established area, and all interests therein, including improvements, mineral rights whether or not they have been separated from the surface estate, and water rights.

(b) The Secretaries shall immediately and diligently undertake to acquire, by exchange, those lands held by the State of South Dakota at Bear Butte.

(c) In exercising the authority to acquire the above described lands by exchange, the Secretaries are authorized to utilize unappropriated public domain lands outside of the re-established area, but within the respective affected states. The property so exchanged shall be of approximately equal value, except the Secretaries may pay cash to the affected state to equalize the values of the properties exchanged.

(d) Any lands so acquired by exchange shall be immediately conveyed to the Sioux Nation to be held in the same manner and status of federal lands conveyed under section 5(b) of this Act.

Sec. 10. COMPENSATION.

(a) Funds appropriated on July 18, 1980, in accordance with the Act of March 13, 1978, (92 Stat. 153) and the interested earned from such funds through the date of enactment of this Act shall be paid to the Sioux Nation in compensation for the loss of the use of its lands from 1877 to the effective date of this Act and not for extinguishment of title of such lands. These monies shall be managed by the Sioux Nation such that one hundred percent (100%) of such funds shall be invested in permanent interest bearing account or accounts at financial institutions of the Sioux Nation's choice for the benefit of the Sioux Nation and future generations of its people. The permanent trust account or accounts shall be held and maintained in perpetuity by the Sioux Nation and shall never be liquidated. Interest deriving from the investment of such funds shall be distributed annually with ten percent (10%) of such interest paid to the Sioux National Council to be used for governmental and public purposes and the remainder shall be paid out to the different tribes based on those percentages of ownership established by the Secretary of the Interior in the "Results of Research Report in Docket 74B" (Black Hills Claim).

(b) To further compensate the Sioux Nation for the loss of the use of its lands, and for the conveyance of some lands to private persons, the United States shall convey to the Sioux Nation, by Quit Claim deed in the same manner and status as federal lands conveyed under section 5(d), an additional fifty thousand acres of federal lands plus an additional fifty thousand of federal sub-surface mineral estates lying outside the 1877 taking area of the Great Sioux Reservation but within the area described in Articles 11 and 16 of the Treaty of April 29, 1868, (15 Stat. 635). The Sioux Nation shall select these lands and identify them to the Secretaries within five years of the effective date of this Act.

(c) Subsection (b) may include National Forests, National Parks, and National Monuments, but shall exclude military facilities, court houses, office buildings, post offices, warehouses, cemetaries, and state highways.

(d) To further compensate the Sioux Nation and in order to insure that the Sioux Park and the Black Hills Sioux Forest remain accessible to the general public, the United States shall provide an annually appropriated budget to the Sioux Nation for the operation and maintenance for such lands which shall not be less than five percent (5%) of the amount of funds that were available to the Secretaries for the land that comprise the Sioux Park and the Black Hills Sioux Forest for the fiscal year in which this act is enacted.

SEC. 11. SIOUX PARK.

(a) All lands in the re-established area except as provided in section 6 which were held under the jurisdiction of the United States Park Service prior to the promulgation of this Act and such other lands in the reestablished area as are identified by agreement of the Secretaries and the Sioux Nation within five (5) years of the effective date of this Act, and their legal description published in the Federal Register shall thereafter be known as the Sioux Park, and shall remain equally accessible to all persons, both Sioux and non-Sioux, under such rules and regulations as the Sioux may from time to time establish and publish.

(b) Notwithstanding the foregoing, such lands within the Sioux Park which are traditional religious or ceremonial sites shall be identified by the Sioux and shall be excluded from public access to the extent necessary to preserve their primary religious uses and integrity. Such sites, which have their individual names, shall be designated by the generic name "Tatanka TaCante"/"The Heart of the Buffalo".

(c) Notwithstanding the foregoing, any lands within the Sioux Park that are designated by the Sioux as a wildlife and wilderness sanctuary for living things which have a special sacred relationship to the Sioux may be excluded from public access to the extent necessary to provide such sanctuary. Such sanctuaries shall be designated by their traditional names and shall be designated by the generic name "Wamaka Og'naka Onakizin"/"The Sanctuary of Everything That Is".

(d) Religious sites and ceremonial sites outside of the re-established area acquired under sections 8, 9, 10(b), 11 or 12, including Devil's Tower, and the Inyan Kara Mountain area, shall be included in the Sioux Park.

(e) Notwithstanding the foregoing, such lands that were held under the jurisdiction of the Forest Service Prior to the Promulgation of this Act and were designated as the Norbeck Wildlife Preserve, the Black Elk Wilderness Area, the Pine Creek Natural Area, and other such restricted use lands shall become part of the Sioux Park.

(f) All lands in the Sioux Park shall remain in the State of use or development to which these lands were committed on the effective date of this Act.

(g) For a transition of five (5) years, the National Park Service and the Sioux Nation will jointly manage the Sioux Park subject to such rules and regulations as the Sioux Nation may from time to time establish and subject to a Management Agreement to be negotiated between the National Park Service and the Sioux Nation.

(h) Notwithstanding any other law, the Sioux Nation shall qualify as an Indian tribe for purposes of the provisions of Section 105 of the Act of January 4, 1975, (88 Stat. 2209).

SEC. 12. BLACK HILLS SIOUX FOREST.

(a) Lands acquired by the Sioux Nation under this Act which are not included in the Sioux National Park and were under the jurisdiction of the United States Forest Service prior to the effective date of this Act shall be designated as the Black Hills Sioux Forest. Such lands may be used by the Sioux Nation in accordance with the traditional principle of "respect for the earth" except that for a transition period of five (5) years the Forest Service and the Sioux Nation will jointly manage the Black Hills Sioux Forest subject to such rules and regulations as the Sioux Nation may from time to time establish and subject to a Management Agreement to be negotiated between the Forest Service and the Sioux Nation. Any authorizations or regulations for land use within the area designated as the Black Hills Sioux Forest which are in conflict with the principle of "respect for the earth" shall be identified within one (1) year of the effective date of this Act by the Sioux Nation and notice of withdrawal of such authorizations and regulations shall be published for a period of thirty (30) days, after which any such use shall cease, except for those uses as provided in section 5(b)(3), i.e. "all existing valid rights, reservations, easements, leases, permits, agreements, and contracts under the public law shall continue in full force and effect so long as they remain valid in accordance with the terms thereof".

(b) Notwithstanding any other law, the Sioux Nation shall qualify as an Indian Tribe for purposes of the provisions of section 105 of the Act of January 4, 1975 (88 Stat. 2209).

(c) Rents, royalties, fees, and any income realized from the use of lands in the Black Hills Sioux Forest, including taxes, shall be applied exclusively to the administration, governance, up-keep and improvement of the Forest and Park and the welfare of its residents and users, and shall include the administration of the Sioux Nation Council and its governmental functions. Notwithstanding the above, any income above the funds necessary for the administration and governance of the re-established area shall be equitably distributed among the different tribes of the Sioux Nation through their respective governments and such revenue shall be spent solely for public purposes, such as public administration and the health, education general welfare of their members.

(d) Lands acquired by the Sioux Nation under this Act which were held by the Bureau of Land Management, or were designated as National Grasslands and were managed by the Forest Service, shall be treated in the same manner as described above in sections 12(a), (b), and (c).

SEC. 13. THE SIOUX NATIONAL COUNCIL.

(a) For the purpose of managing and governing the re-established area, there is hereby recognized and acknowledged a Sioux National Council ("National Council"). The National Council shall be composed of such members, selected in such manner and shall exercise such powers of governance and land management as may be delegated to it in a constitution approved by at least three quarters (¾) of the adult members of the respective tribes of the Sioux Nation. The constitution shall be presented to the members for approval within three years of the enactment of this Act. The constitution of the National Council shall absolutely prohibit the sale or disposal of any lands or water rights acquired under

this Act and such lands shall not be sold or disposed of except in accordance with Article 12 of the Treaty of April 29, 1868.

(b) There is hereby recognized and acknowledged such court or courts as the Constitution of the National Council may provide, which shall have original and exclusive jurisdiction to review the lawfulness of actions taken by the National Council.

SEC. 14. INTERIM MANAGEMENT BOARD.

For the purpose of managing and governing the re-established area until such time as the National Council is selected in accordance with the provisions of such Constitution, as set forth in section 13(a), each Tribe shall appoint two representatives to an Interim Management Board, one of which shall be appointed by the respective tribal government, the second of which may be appointed by such Treaty Council as is designated by the respective tribal government.

SEC. 15. JOINT POWERS AGREEMENTS.

(a) Nothing in this Act shall prevent the Sioux Nation from entering into contracts and agreements with any state, political sub-division of any state, or private person, corporation or foundation to fulfill any purpose of this Act or obligation of the Sioux Nation arising under this Act.

SEC. 16. EXISTING ACCESS; MINERAL LEASES; GRAZING PERMITS; TIMBER LEASES, PERMITS, CONTRACTS.

(a) Nothing in this Act shall deprive any person or government of any valid existing right of use or possession, or any contract right, which that person or government may have in any of the lands conveyed to the Sioux Nation, or of any existing right of access over and across such lands in accordance with the provisions of such contracts or the terms of such existing right.

(b) All existing mineral leases involving lands reconveyed under this Act, including oil and gas leases, which were issued or approved pursuant to federal law prior to the enactment of this Act, shall remain in full force and effect in accordance with the provisions thereof. Notwithstanding any other provisions of law, applications for mineral leases under federal law involving such lands, including oil and gas leases, pending on the date of enactment of this Act shall be rejected and advanced rental payments returned to the applicants.

(c) Persons holding grazing permits from an agency of the United States as of the date of this Act involving lands reconveyed hereunder shall continue exercising such grazing rights, subject to all otherwise applicable terms, except that no grazing fees shall be payable by the existing permittee for a term not to exceed two years or the balance of such existing permit, whichever is less. Such grazing permits shall be administered by the Sioux National Council in accordance with all otherwise applicable federal rules and regulations. Such grazing rights may be cancelled by the National Council in accordance with such regulations for failure to meet the terms and conditions of the existing permits, or failure to abide by applicable rules and regulations. Such grazing rights shall be non-transferable, except that they may be relinquished by the permittee to the Sioux Nation at any time. Thereinafter all grazing permits shall be issued under the laws of the Sioux Nation.

(d) Persons holding timber leases, permits or contracts from an agency of the United States as of the date of this Act involving lands reconveyed hereunder, shall have the right to continue exercising such rights as may be granted pursuant to such leases, permits or contracts, subject to all otherwise applicable terms, conditions and federal rules and regulations governing such timber rights, until such rights would normally expire; provided that the Sioux National Council may obtain the relinquishment of any such leases, permits or contracts from the lessees or permittees under such terms and conditions as may be mutually agreeable. Such timber rights shall be administered by the Sioux National Council in accordance with all otherwise applicable federal rules and regulations. Such timber rights may be cancelled by the Sioux National Council in accordance with such applicable regulations for failure to meet the terms and conditions of the existing leases, permits or contracts, or failure to abide by applicable rules and regulations. Such existing timber rights shall be non-transferable, except that they may be relinquished by the permittee or acquired by the Sioux Nation at any time.

(e) From the date of enactment of this Act, seventy-five percent (75%) of all fees derived from timber permits, leases, permits, or contracts affected by this section shall be paid as provided by section 12(c) of this Act. Twenty-five percent (25%) of all fees from timber permits, leases or contracts affected by this section shall be paid to the state county governments within which the lands from which the fees are derived are located for a period of five (5) years from the date of enactment of this Act without restriction. Thereafter, twenty-five percent (25%) of such fees shall continue to be paid to such counties for such public expenditures as the Sioux Nation and county may agree pursuant to joint powers agreements entered into for periods not exceeding ten (10) years.

Sec. 17. HUNTING AND FISHING.

The Sioux Nation shall have exclusive jurisdiction to regulate hunting and fishing on all lands, lakes and streams conveyed to it within the re-established area.

Sec. 18. INDIVIDUAL SETTLEMENT IN THE RE-ESTABLISHED AREA.

Members of the tribes constituting the Sioux Nation shall be eligible to receive twenty-five (25) year family use permits to an area not to exceed two and one-half (2.5) acres per head of household and shall be allowed to settle and construct homes and other improvements on Sioux Nation lands within the re-established area in accordance with a comprehensive land use plan developed by the Sioux National Council covering all lands within the re-established area. Such plan shall insure the proper management and use of lands reconveyed pursuant to this Act consistent with the Lakota principle of "respect for the earth", resource conservation and accepted resource management practices.

Sec. 19. EFFECT ON SUBSISTING TREATIES.

All treaties formerly entered into between the United States and the Sioux Nation, to the extent not inconsistent with the Act, are continued in full force and effect, and any other claims which the Sioux Nation or its bands may have against the United States are neither extinguished nor prejudiced. All rights and exemptions, both political or territorial, which are not expressly delegated to the federal or state governments by this Act or any prior treaty or agreement is hereby reserved to the Sioux Nation and any bands thereof.

SEC. 20. INCONSISTENT LAWS.

The provisions of the Sioux Nation Black Hills Act supercede all laws of the United States which are inconsistent with the Act, including laws generally applicable to "Indians".

SEC. 21. JURISDICTION.

(a) Article 1 of the Treaty of April 29, 1868, shall continue in full force and effect, to the extent that the Sioux Nation, upon sufficient proof made by the United States Attorney to a justice of the appropriate Sioux Nation Court at a hearing convened for that purpose, shall deliver to the United States for trial and punishment any non-Indian who commits a crime under 18 U.S.C. 1153.

(b) Notwithstanding the foregoing, the Sioux Nation may reassume unrestricted criminal jurisdiction over non-Indians at such time as the Sioux Nation and Congress may agree.

(c) All persons within the jurisdiction of the Sioux Nation may bring an action in the tribal courts of the Sioux Nation and all persons residing within the re-established area shall have the right to petition and address the National Council.

SEC. 22. EXTINGUISHMENT OF CLAIMS.

(a) All claims of the Sioux Nation and of any successor-in-interest of the parties to the Treaty of April 29, 1868 (15 Stat. 635) which arise from the taking pursuant to the Act of February 28, 1877 (19 Stat. 254), of the lands described in section 4 shall be extinguished on the date on which all the transfers of property required under section (b) are completed.

(b) All transfers of any interest in the lands described in section 4 that would be valid under the laws of South Dakota but for the unconstitutional taking of such lands pursuant to the Act of February 28, 1877 (19 Stat. 254) are hereby declared to be valid and in accordance with the laws of the United States.

In the Supreme Court of the United States

[No. 79-639]

UNITED STATES, PETITIONER, *v.* SIOUX NATION OF INDIANS ET AL. [June 30, 1980]

On Writ of Certiorari to the United States Court of Claims:

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case concerns the Black Hills of South Dakota, the Great Sioux Reservation, and a colorful, and in many respects tragic, chapter in the history of the Nation's West. Although the litigation comes down to a claim of interest since 1877 on an award of over $17 million, it is necessary, in order to understand the controversy, to review at some length the chronology of the case and its factual setting.

I

For over a century now the Sioux Nation has claimed that the United States unlawfully abrogated the Fort Laramie Treaty of April 29, 1868, 15 Stat. 635, in Art. II of which the United States pledged that the Great Sioux Reservation, including the Black Hills, would be "set apart for the absolute and undisturbed use and occupation of the Indians herein named." *Id.*, at 636. The Fort Laramie Treaty was concluded at the culmination of the Powder River War of 1866-1867, a series of military engagements in which the Sioux tribes, led by their great chief, Red Cloud, fought to protect the integrity of earlier-recognized treaty lands from the incursion of white settlers.[1]

Footnotes at the end of article.

The Fort Laramie Treaty included several agreements central to the issues presented in this case. First, it established the Great Sioux Reservation, a tract of land bounded on the east by the Missouri River, on the south by the northern border of the State of Nebraska, on the north by the forty-sixth parallel of north latitude, and on the west by the one hundred and fourth meridian of west longitude,[2] in addition to certain reservations already existing east of the Missouri. The United States "solemnly agree[d]" that no unauthorized persons "shall ever be permitted to pass over, settle upon, or reside in [this] territory." *Ibid.*

Second, the United States permitted members of the Sioux tribes to select lands within the reservation for cultivation. *Id.*, at 637. In order to assist the Sioux in becoming civilized farmers, the Government promised to provide them with the necessary services and materials, and with subsistence rations for four years. *Id.*, at 639.[3]

Third, in exchange for the benefits conferred by the treaty, the Sioux agreed to relinquish their rights under the Treaty of September 17, 1851, to occupy territories outside the reservation, while reserving their "right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill river, so long as the buffalo may range thereon in such numbers as to justify the chase." *Ibid.* The Indians also expressly agreed to withdraw all opposition to the building of railroads that did not pass over their reservation lands, not to engage in attacks on settlers, and to withdraw their opposition to the military posts and roads that had been established south of the North Platte River. *Ibid.*

Fourth, Art. XII of the treaty provided: "No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three fourths of all the adult male Indians, occupying or interested in the same." *Ibid.*[4]

The years following the treaty brought relative peace to the Dakotas, an era of tranquility that was disturbed, however, by renewed speculation that the Black Hills, which were included in the Great Sioux Reservation, contained vast quantities of gold and silver.[5] In 1874 the Army planned and undertook an exploratory expedition into the Hills, both for the purpose of establishing a military outpost from which to control those Sioux who had not accepted the terms of the Fort Laramie Treaty, and for the purpose of investigating "the country about which dreamy stories have been told." D. Jackson, Custer's Gold 14 (1966) (quoting the 1874 annual report of Lieutenant General Philip H. Sheridan, as Commander of the Military Division of the Missouri, to the Secretary of War). Lieutenant Colonel George Armstrong Custer led the expedition of close to 1,000 soldiers and teamsters, and a substantial number of military and civilian aides. Custer's journey began at Fort Abraham Lincoln on the Missouri River on July 2, 1874. By the end of that month they had reached the Black Hills, and by mid-August had confirmed the presence of gold fields in that region. The discovery of gold was widely reported in newspapers across the country.[6] Custer's florid descriptions of the mineral and timber resources of the Black Hills, and the land's suitability for grazing and cultivation, also received wide circulation, and had the effect of creating an intense popular demand for the "opening" of the Hills for settlement.[7] The only obstacle to "progress" was the Fort Laramie Treaty that reserved occupancy of the Hills to the Sioux.

Having promised the Sioux that the Black Hills were reserved to them, the United States Army was placed in the position of having to threaten military force, and occasionally to use it, to prevent prospectors and settlers from trespassing on lands reserved to the Indians. For example, in September 1874, General Sheridan sent instructions to Brigadier General Alfred H. Terry, Commander of the Department of Dakota, at Saint Paul, directing him to use force to prevent companies of prospectors from trespassing on the Sioux reservation. At the same time, Sheridan let it be known that he would "give a cordial support to the settlement of the Black Hills," should Congress decide to "open up the country for settlement, by extinguishing the treaty rights of the Indians." App. 62–63. Sheridan's instructions were published in local newspapers. See *id.*, at 63.[8]

Eventually, however, the Executive Branch of the Government decided to abandon the Nation's treaty obligation to preserve the integrity of the Sioux territory. In a letter dated November 9, 1875, to Terry, Sheridan reported that he had met with President Grant, the Secretary of the Interior, and the Secretary of War, and that the President had decided that the military should make no further resistance to the occupation of the Black Hills by miners, "it being his belief that such resistance only increased their desire and complicated the troubles." *Id.*, at 59. These orders were to be enforced "quietly," *ibid.*, and the President's decision was to remain "confidential." *Id.*, at 59–60 (letter from Sheridan to Sherman).

With the Army's withdrawal from its role as enforcer of the Fort Laramie Treaty, the influx of settlers into the Black Hills increased. The Government concluded that the only practical course was to secure to the citizens of the United States the right to mine the Black Hills for gold. Toward that end, the Secretary of the Interior, in the spring of 1875, appointed a commission to negotiate with the Sioux. The commission was headed by William B. Allison. The tribal leaders of the Sioux were aware of the mineral value of the Black Hills and refused to sell the land for a price less than $70 million. The commission offered the Indians an annual rental of $400,000, or payment of $6 million for absolute relinquishment of the Black Hills. The negotiations broke down.[9]

In the winter of 1875–1876, many of the Sioux were hunting in the unceded territory north of the North Platte River, reserved to them for that purpose in the Fort Laramie Treaty. On December 6, 1875, for reasons that are not entirely clear, the Commissioner of Indian Affairs sent instructions to the Indian agents on the reservation to notify those hunters that if they did not return to the reservation agencies by January 31, 1876, they would be treated as "hostiles." Given the severity of the winter, compliance with these instructions was impossible. On February 1, the Secretary of the Interior nonetheless relinquished jurisdiction over all hostile Sioux, including those Indians exercising their treaty-protected hunting rights, to the War Department. The Army's campaign against the "hostiles" led to Sitting Bull's notable victory over Custer's forces at the battle of the Little Big Horn on June 25. That victory, of course, was short-lived, and those Indians who surrendered to the Army were returned to the reservation, and deprived of their weapons and horses, leaving them completely dependent for survival on rations provided them by the Government.[10]

In the meantime, Congress was becoming increasingly dissatisfied with the failure of the Sioux living on the reservation to become self-sufficient.[11] The Sioux' entitlement to subsistence rations under the terms of the Fort Laramie Treaty had expired in 1872. Nonetheless, in each of the two following years, over $1 million was appropriated for feeding the Sioux. In August 1876, Congress enacted an appropriations bill providing that "hereafter there shall be no appropriation made for the subsistence" of the Sioux, unless they first relinquished their rights to the hunting grounds outside the reservation, ceded the Black Hills to the United States, and reached some accommodation with the Government that would be calculated to enable them to become self-supporting. Act of August 15, 1876, 19 Stat. 176, 192.[12] Toward this end, Congress requested the President to appoint another commission to negotiate with the Sioux for the cession of the Black Hills.

This commission, headed by George Manypenny, arrived in the Sioux country in early September and commenced meetings with the head men of the various tribes. The members of the Commission impressed upon the Indians that the United States no longer had any obligation to provide them with subsistence rations. The commissioners brought with them the text of a treaty that had been prepared in advance. The principal provisions of this treaty were that the Sioux would relinqush their rights to the Black Hills and other lands west of the one hundred and third meridian, and their rights to hunt in the unceded territories to the north, in exchange for subsistence rations for as long as they would be needed to ensure the Sioux' survival. In setting out to obtain the tribes' agreement to this treaty, the commission ignored the stipulation of the Fort Laramie Treaty that any cession of the lands contained within the Great Sioux Reservation would have to be joined in by three-fourths of the adult males. Instead, the treaty was presented just to Sioux chiefs and their leading men. It was signed by only 10% of the adult male Sioux population.[13]

Congress resolved the impasse by enacting the 1876 "agreement" into law as the Act of Feb. 28, 1877 (1877 Act). 19 Stat. 254. The Act had the effect of abrogating the earlier Fort Laramie Treaty, and of implementing the terms of the Manypenny Commission's "agreement" with the Sioux leaders.[14]

The passage of the 1877 Act legitimized the settlers' invasion of the Black Hills, but throughout the years it has been regarded by the Sioux as a breach of this Nation's solemn obligation to reserve the Hills in perpetuity for occupation by the Indians. One historian of the Sioux Nation commented on Indian reaction to the Act in the following words: "The Sioux thus affected have not gotten over talking about that treaty yet, and during the last few years they have maintained an organization called the Black Hills Treaty Association, which holds meetings each year at the various agencies for the purpose of studying the treaty with the intention of presenting a claim against the government for additional reimbursement for the territory ceded under it. Some think that Uncle Sam owes them about $9,000,000 on the deal, but it will probably be a hard matter to prove it." F. Fiske, The Taming of

the Sioux 132 (1917). Fiske's words were to prove prophetic.

II

Prior to 1946, Congress had not enacted any mechanism of general applicability by which Indian tribes could litigate treaty claims against the United States.[15] The Sioux, however, after years of lobbying, succeeded in obtaining from Congress the passage of a special jurisdictional act which provided them a forum for adjudication of all claims against the United States "under any treaties, agreements, or laws of Congress or for the misappropriation of any of the funds or lands of said tribe or band or bands thereof." Act of June 3, 1920, 41 Stat. 738. Pursuant to this statute, the Sioux, in 1923, filed a petition with the Court of Claims alleging that the Government had taken the Black Hills without just compensation, in violation of the Fifth Amendment. This claim was dismissed by that court in 1942. In a lengthy and unanimous opinion, the court concluded that it was not authorized by the Act of June 3, 1920, to question whether the compensation afforded the Sioux by Congress in 1877 was an adequate price for the Black Hills, and that the Sioux' claim in this regard was a moral claim not protected by the Just Compensation Clause. *Sioux Tribe* v. *United States*, 97 Ct. Cl. 613 (1942), cert. denied, 318 U.S. 789 (1943).

In 1946, Congress passed the Indian Claims Commission Act, 60 Stat. 1049, 25 U.S.C. § 70 *et seq.*, creating a new forum to hear and determine all tribal grievances that had arisen previously. In 1950, counsel for the Sioux resubmitted the Black Hills claim to the Indian Claims Commission. The Commission initially ruled that the Sioux had failed to prove their case. *Sioux Tribe* v. *United States*, 2 Ind. Cl. Comm'n 646 (1954), aff'd, 146 F. Supp. 229 (Ct. Cl. 1956). The Sioux filed a motion with the Court of Claims to vacate its judgment of affirmance, alleging that the Commission's decision had been based on a record that was inadequate, due to the failings of the Sioux' former counsel. This motion was granted and the Court of Claims directed the Commission to consider whether the case should be reopened for the presentation of additional evidence. On November 19, 1958, the Commission entered an order reopening the case and annoucing that it would reconsider its prior judgment on the merits of the Sioux claim. App. 265-266; see *Sioux Tribe* v. *United States*, 182 Ct. Cl. 912 (1968) (summary of proceedings).

Following the Sioux' filing of an amended petition, claiming again that the 1877 Act constituted a taking of the Black Hills for which just compensation had not been paid, there ensued a lengthy period of procedural sparring between the Indians and the Government. Finally, in October 1968, the Commission set down three questions for briefing and determination: (1) What land and rights did the United States acquire from the Sioux by the 1877 Act? (2) What, if any, consideration was given for that land and those rights? and (3) If there was no consideration for the Government's acquisition of the land and rights under the 1877 Act, was there any payment for such acquisition? App. 266.

Six years later, by a 4-1 vote, the Commission reached a preliminary decision on these questions. *Sioux Nation* v. *United States*, 33 Ind. Cl. Comm'n 151 (1974). The Commission first held that the 1942 Court of Claims decision did not bar the Sioux' Fifth Amendment taking claim through application of the doctrine of res judicata. The Commission concluded that the Court of Claims had dismissed the earlier suit for lack of jurisdiction, and that it had not determined the merits of the Black Hills claim. The Commission then went on to find that Congress, in 1877, had made no effort to give the Sioux full value for the ceded reservation lands. The only new obligation assumed by the Government in exchange for the Black Hills was its promise to provide the Sioux with subsistence rations, and obligation that was subject to several limiting conditions. See n. 14, *supra*. Under these circumstances, the Commission concluded that the consideration given the Indians in the 1877 Act had no relationship to the value of the property acquired. Moreover, there was no indication in the record that Congress ever attempted to relate the value of the rations to the value of the Black Hills. Applying the principles announced by the Court of Claims in *Three Tribes of Fort Berthold Reservation* v. *United States*, 182 Ct. Cl. 543, 390 F. 2d 686 (1968), the Commission concluded that Congress had acted pursuant to its power of eminent domain when it passed the 1877 Act, rather than as a trustee for the Sioux, and that the Government must pay the Indians just compensation for the taking of the Black Hills.[16]

The Government filed an appeal with the Court of Claims from the Commission's interlocutory order, arguing alternatively that the Sioux' Fifth Amendment claim should have been barred by principles of res judicata and collateral estoppel, or that the 1877 Act did not effect a taking of the Black Hills for which just compensation was due. Without reaching the merits, the Court of Claims held that the Black Hills claim was barred by the res judicata effect of its 1942 decision. *United States* v. *Sioux Nation*, 207 Ct. Cl. 234, 518 F.2d 1298 (1975). The court's majority recognized that the practical impact of the question presented was limited to a determination of whether or not an award of interest would be available to the Indians. This followed from the Government's failure to appeal the Commission's holding that it had acquired the Black Hills through a course of unfair and dishonorable dealing for which the Sioux were entitled to damages, without interest, under § 2 of the Indian Claims Commission Act, 60 Stat. 1050, 25 U.S.C. § 70a (5). Only if the acquisition of the Black Hills amounted to an unconstitutional taking would the Sioux be entitled to interest. 207 Ct. Cls., at 237, 518 F.2d, at 1299.[17]

The court affirmed the Commission's holding that a want of fair and honorable dealings in this case was evidenced, and held that the Sioux thus would be entitled to an award of at least $17.5 million for the lands surrendered and for the gold taken by trespassing prospectors prior to passage of the 1877 Act. See n. 16, *supra*. The court also remarked upon President Grant's duplicity in breaching the Government's treaty obligation to keep trespassers out of the Black Hills, and the pattern of duress practiced by the Government on the starving Sioux to get them to agree to the sale of the Black Hills. The court concluded: "A more ripe and rank case of dishonorable dealings will never, in all probability, be found in our history, which is not, taken as a whole, the disgrace it now pleases some persons to believe." *Id.*, at 241, 518 F.2d, at 1302.

Nonetheless, the court held that the merits of the Sioux' taking claim had been reached in 1942, and whether resolved "rightly or wrongly," *id.*, at 249, 518 F. 2d, at 1306, the claim was now barred by res judicata. The court observed that interest could not be awarded the Sioux on judgments obtained pursuant to the Indian Claims Commission Act, and that while Congress could correct this situation, the court could not. *Ibid.*[18] The Sioux petitioned this Court for a writ of certiorari, but that petition was denied. 423 U.S. 1016 (1975).

The case returned to the Indian Claims Commission, where the value of the rights of way obtained by the Government through the 1877 Act was determined to be $3,484, and where it was decided that the Government had made no payments to the Sioux that could be considered as offsets. App. 316. The Government then moved the Commission to enter a final award in favor of the Sioux in the amount of $17.5 million, see n. 16, *supra*, but the Commission deferred entry of final judgment in view of legislation then pending Congress that dealt with the case.

On March 13, 1978, Congress passed a statute providing for Court of Claims review of the merits of the Indian Claims Commission's judgment that the 1877 Act effected a taking of the Black Hills, without regard to the defenses of res judicata and collateral estoppel. The statute authorized the Court of Claims to take new evidence in the case, and the conduct its review of the merits *de novo*. Pub. L. 95-243, 92 Stat. 153, amending § 20(b) of the Indian Claims Commission Act. See U.S.C. § 70s(b) (1976 ed., Supp., (II).

Acting pursuant to that statute, a majority of the Court of Claims, sitting en banc, in an opinion by Chief Judge Friedman, affirmed the Commission's holding that the 1877 Act effected a taking of the Black Hills and of rights of way across the reservation. *Sioux Nation* v. *United States*, 220 Ct. Cl. ——, 601 F.2d 1157 (1979).[19] In doing so, the court applied the test it had earlier articulated in *Fort Berthold*, 182 Ct. Cl., at 553, 390 F.2d, at 691, asking whether Congress has made "a good faith effort to give the Indians the full value of the land," 220 Ct. Cl., at —, 601 F.2d, at 1162, in order to decide whether the 1877 Act had effected a taking or whether it had been a noncompensable act of congressional guardianship over tribal property. The court characterized the Act as a taking, an exercise of Congress' power of eminent domain over Indian property. It distinguished broad statements seemingly leading to a contrary result in *Lone Wolf* v. *Hitchcock*, 187 U.S. 553 (1903), as inapplicable to a case involving a claim for just compensation. *Id.*, at —, 601 F.2d, at 1170.[20]

The court thus held that the Sioux were entitled to an award of interest, at the annual rate of 5%, on the principal sum of $17.1 million, dating from 1877.[21]

We granted the Government's petition for a writ of certiorari, — U.S. — (1979), in order to review the important constitutional questions presented by this case, questions not only of long-standing concern to the Sioux, but also of significant economic import to the Government.

III

Having twice denied petitions for certiorari in this litigation, see 318 U.S. 789 (1943); 423 U.S. 1016 (1975), we are confronted with it for a third time as a result of the amendment, above noted, to the Indian Claims Commission Act of 1946, 25 U.S.C. § 70s (b) (1976 ed., Supp. II), which directed the Court of Claims to review the merits of the Black Hills takings claim without regard to

the defense of res judicata. The amendment, approved March 13, 1978, provides: "Notwithstanding any other provision of law, upon application by the claimants within thirty days from the date of the enactment of this sentence, the Court of Claims shall review on the merits, without regard to the defense of res judicata or collateral estoppel, that portion of the determination of the Indian Claims Commission entered February 15, 1974, adjudging that the Act of February 28, 1877 (19 Stat. 254), effected a taking of the Black Hills portion of the Great Sioux Reservation in violation of the fifth amendment, and shall enter judgment accordingly. In conducting such review, the Court shall receive and consider any additional evidence, including oral testimony, that either party may wish to provide on the issue of a fifth amendment taking and shall determine that issue de novo." 92 Stat. 153.

Before turning to the merits of the Court of Claims' conclusion that the Act of February 28, 1877, effected a taking of the Black Hills, we must consider the question whether Congress, in enacting this 1978 amendment, "has inadvertently passed the limit which separates the legislative from the judicial power." *United States* v. *Klein*, 13 Wall. 128, 147 (1872).

A

There are two objections that might be raised to the constitutionality of this amendment, each framed in terms of the doctrine of separation of powers. The first would be that Congress impermissibly has disturbed the finality of a judicial decree by rendering the Court of Claims' earlier judgments in this case mere advisory opinions. See *Hayburn's Case*, 2 Dall. 409, 410–414 (1792) (setting forth the views of three Circuit Courts, including among their complements Chief Justice Jay, and Justices Cushing, Wilson, Blair, and Iredell, that the Act of March 23, 1792, 1 Stat. 243, was unconstitutional because it subjected the decisions of the Circuit Courts concerning eligibility for pension benefits to review by the Secretary of War and the Congress). The objection would take the form that Congress, in directing the Court of Claims to reach the merits of the Black Hills claim, effectively reviewed and reversed that court's 1975 judgment that the claim was barred by res judicata, or its 1942 judgment that the claim was not cognizable under the Fifth Amendment. Such legislative review of a judicial decision would interfere with the independent functions of the Judiciary.

The second objection would be that Congress overstepped its bounds by granting the Court of Claims jurisdiction to decide the merits of the Black Hills claim, while prescribing a rule for decision that left the Court no adjudicatory function to perform. See *United States* v. *Klein*, 13 Wall., at 146; *Yakus* v. *United States*, 321 U.S. 414, 467–468 (1944) (Rutledge, J., dissenting). Of course, in the context of this amendment, that objection would have to be framed in terms of Congress' removal of a single issue from the Court of Claims' purview, the question whether res judicata or collateral estoppel barred the Sioux' claim. For in passing the amendment, Congress left no doubt that the Court of Claims was free to decide the merits of the takings claim in accordance with the evidence it found and applicable rules of law. See n. 23, *infra*.

These objections to the constitutionality of the amendment were not raised by the Government before the Court of Claims. At oral argument in this Court, counsel for the United States, upon explicit questioning, advanced the position that the amendment was not beyond the limits of legislative power.[22] The question whether the amendment impermissibly interfered with judicial power was debated, however, in the House of Representatives, and that body concluded that the Government's waiver of a "technical legal defense" in order to permit the Court of Claims to reconsider the merits of the Black Hills claim was within Congress' power to enact.[23]

The question debated on the floor of the House is one the answer to which is not immediately apparent. It requires us to examine the proper role of Congress and the courts in recognizing and determining claims against the United States, in light of more general principles concerning the legislative and judicial roles in our tripartite system of government. Our examination of the amendment's effect, and this Court's precedents, leads us to conclude that neither of the two separation of powers objections described above is presented by this legislation.

B

Our starting point is *Cherokee Nation* v. *United States*, 270 U.S. 476 (1926). That decision concerned the Special Act of Congress, dated March 3, 1919, 40 Stat. 1316, conferring jurisdiction upon the Court of Claims "to hear, consider, and determine the claim of the Cherokee Nation against the United States for interest, in addition to all other interest heretofore allowed and paid, alleged to be owning from the United States to the Cherokee Nation on the funds arising from the judgment of the Court of Claims of May eighteenth, nineteen hundred and five." In the judgment referred to by the Act, the Court of Claims had allowed 5% simple interest on four Cherokee claims, to accrue from the date of liability. *Cherokee Nation* v. *United States*, 40 Ct. Cl. 252 (1905). This Court had affirmed that judgment, including the interest award. *United States* v. *Cherokee Nation*, 202 U.S. 101, 123–126 (1906). Thereafter, and following payment of the judgment, the Cherokee presented to Congress a new claim that they were entitled to compound interest on the lump sum of principal and interest that had accrued up to 1895. It was this claim that prompted Congress, in 1919, to reconfer jurisdiction on the Court of Claims to consider the Cherokee's entitlement to that additional interest.

Ultimately, this Court held that the Cherokee were not entitled to the payment of compound interest on the original judgment awarded by the Court of Claims. 270 U.S., at 487–496. Before turning to the merits of the interest claim, however, the Court considered "the effect of the Act of 1919 in referring the issue in this case to the Court of Claims." 270 U.S., at 485–486. The Court's conclusion concerning that question bears close examination: "The judgment of this Court in the suit by the Cherokee Nation against the United States, in April, 1906 (202 U.S. 101), already referred to, awarded a large amount of interest. The question of interest was considered and decided, and it is quite clear that but for the special Act of 1919, above quoted, the question here mooted would have been foreclosed as *res judicata*. In passing the Act, Congress must have been well advised of this, and the only possible construction therefore to be put upon it is that Congress has therein expressed its desire, so far as the question of interest is concerned, to waive the effect of the judgment as *res judicata*, and to direct the Court of Claims to re-examine it and determine whether the interest therein allowed was all that should have been allowed, or whether it should be found to be as now claimed by the Cherokee Nation. The Solicitor General, representing the Government, properly concedes this to be the correct view. *The power of Congress to waive such an adjudication of course is clear.*" 270 U.S., at 486 (last emphasis supplied).

The holding in *Cherokee Nation* that Congress has the power to waive the res judicata effect of a prior judgment entered in the Government's favor on a claim against the United States is dispositive of the question considered here. Moreover, that holding is consistent with a substantial body of precedent affirming the broad constitutional power of Congress to define and "to pay the Debts . . . of the United States." U.S. Const., Art. I, §8, cl. 1. That precedent speaks directly to the separation of powers objections discussed above.

The scope of Congress' power to pay the Nation's debts seems first to have been construed by this Court in *United States* v. *Realty Company*, 163 U.S. 427 (1896). There, the Court stated: "The term 'debts' includes those debts or claims which rest upon a merely equitable or honorary obligation, and which would not be recoverable in a court of law if existing against an individual. The nation, speaking broadly, owes a 'debt' to an individual when his claim grows out of general principles of right and justice; when, in other words, it is based upon considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of an individual, although the debt could obtain no recognition in a court of law. The power of Congress extends at least as far as the recognition and payment of claims against the government which are thus founded." *Id.*, at 440.

Other decisions clearly establish that Congress may recognize its obligation to pay a moral debt not only by direct appropriation, but also by waiving an otherwise valid defense to a legal claim against the United States, as Congress did in this case and in *Cherokee Nation*. Although the Court in *Cherokee Nation* did not expressly tie its conclusion that Congress had the power to waive the res judicata effect of a judgment in favor of the United States to Congress' constitutional power to pay the Nation's debts, the *Cherokee Nation* opinion did rely on the decision in *Nock* v. *United States*, 2 Ct. Cl. 451 (1867). See 270 U.S., at 486.

In *Nock*, the Court of Claims was confronted with the precise question whether Congress invaded judicial power when it enacted a joint resolution, 14 Stat. 608, directing that court to decide a damage claim against the United States "in accordance with the principles of equity and justice," even though the merits of the claim previously had been resolved in the Government's favor. The court rejected the Government's argument that the joint resolution was unconstitutional as an exercise of "judicial powers" because it had the effect of setting aside the court's prior judgment. Rather, the court concluded: "It is unquestionable that the Constitution has invested Congress with no judicial powers; it cannot be doubted that a legislative direction to a court to find a judgment in a certain way would be little less than a judgment rendered directly by Congress. But here Congress does not attempt to award judgment, nor to grant a new trial *judically;* neither have they *reversed* a decree of this court;

nor attempted in any way to interfere with the administration of justice. Congress are here to all intents and purposes the defendants, and as such they come into court through this resolution and say that they will not plead the former trial in bar, nor interpose the legal objection which defeated a recovery before." 2 Ct. Cl., at 457-458 (emphases in original).

The *Nock* court thus expressly rejected the applicability of separation of powers objections to a congressional decision to waive the res judicata effect of a judgment in the Government's favor.[24]

The principles set forth in *Cherokee Nation* and *Nock* were substantially reaffirmed by this Court in *Pope* v. *United States*, 323 U.S. 1 (1944). There Congress had enacted special legislation conferring jurisdiction upon the Court of Claims, "notwithstanding any prior determination, any statute of limitations, release, or prior acceptance of partial allowance, to hear, determine, and render judgment upon" certain claims against the United States arising out of a construction contract. Special Act of February 27, 1942, § 1, 56 Stat. 1122. The court was also directed to determine Pope's claims and render judgment upon them according to a particular formula for measuring the value of the work that he had performed. The Court of Claims construed the Special Act as deciding the questions of law presented by the case, and leaving it the role merely of computing the amount of the judgment for the claimant according to a mathematical formula. *Pope* v. *United States*, 100 Ct. Cl. 375, 379-380, 53 F. Supp. 570, 571-572 (1944). Based upon that reading of the Act, and this Court's decision in *United States* v. *Klein*, 13 Wall. 128 (1872) (see discussion *infra*, at 30-33), the Court of Claims held that the Act unconstitutionally interfered with judicial independence. 100 Ct. Cl., at 380-382, 53 F. Supp., at 572-573. It distinguished *Cherokee Nation* as a case in which Congress granted a claimant a new trial, without directing the courts how to decide the case. *Id.*, at 387, and n. 5, 53 F. Supp., at 575, and n. 5.

This Court reversed the Court of Claims' judgment. In doing so, the Court differed with the Court of Claims' interpretation of the effect of the Special Act. First, the Court held that the Act did not disturb the earlier judgment denying Pope's claim for damages. "While inartistically drawn the Act's purpose and effect seem rather to have been to create a new obligation of the Government to pay petitioner's claims where no obligation existed before." 323 U.S., at 9. Second, the Court held that Congress' recognition of Pope's claim was within its power to pay the Nation's debts, and that its use of the Court of Claims as an instrument for exercising that power did not impermissibly invade the judicial function:

"We perceive no constitutional obstacle to Congress' imposing on the Government a new obligation where there had been none before, for work performed by petitioner which was beneficial to the Government and for which Congress thought he had not been adequately compensated. The power of Congress to provide for the payment of debts, conferred by § 8 of Article I of the Constitution, is not restricted to payment of those obligations which are legally binding on the Government. It extends to the creation of such obligations in recognition of claims which are merely moral or honorary. . . . *United States* v. *Realty Co.*, 163 U.S. 427. . . . Congress, by the creation of a legal, in recognition of a moral, obligation to pay petitioner's claims plainly did not encroach upon the judicial function which the Court of Claims had previously exercised in adjudicating that the obligation was not legal. [Footnote citing *Nock* and other cases omitted.] Nor do we think it did so by directing that court to pass upon petitioner's claims in conformity to the particular rule of liability prescribed by the Special Act and to give judgment accordingly. . . . See *Cherokee Nation* v. *United States*, 270 U.S. 476, 486." 323 U.S., at 9-10.

In explaining its holding that the Special Act did not invade the judicial province of the Court of Claims by directing it to reach its judgment with reference to a specified formula, the Court stressed that Pope was required to pursue his claim in the usual manner, that the earlier factual findings made by the Court of Claims were not necessarily rendered conclusive by the Act, and that, even if Congress has stipulated to the facts, it was still a judicial function for the Court of Claims to render judgment on consent. *Id.*, at 10-12.

To be sure, the Court in *Pope* specifically declined to consider "just what application the principles announced in the *Klein* case could rightly be given to a case in which Congress sought, *pendente lite*, to set aside the judgment of the Court of Claims in favor of the Government and to require relitigation of the suit" *Id.*, at 8-9. The case before us might be viewed as presenting that question. We conclude, however, that the separation of powers question presented in this case has already been answered in *Cherokee Nation*, and that that answer is completely consistent with the principles articulated in *Klein*.

The decision in *United States* v. *Klein*, 13 Wall. 128 (1872), arose from the following facts: Klein was the administrator of the estate of V. F. Wilson, the deceased owner of property that had been sold by agents of the Government during the War Between the States. Klein sued the United States in the Court of Claims for the proceeds of that sale. His lawsuit was based on the Abandoned and Captured Property Act of March 12, 1863, 12 Stat. 820, which afforded such a cause of action to noncombatant property owners upon proof that they had "never given any aid or comfort to the present rebellion." Following the enactment of this legislation, President Lincoln has issued a proclamation granting "a full pardon" to certain persons engaged "in the existing rebellion" who desired to resume their allegiance to the Government, upon the condition that they take and maintain a prescribed oath. This pardon was to have the effect of restoring those persons' property rights. See 13 Stat. 737. The Court of Claims held that Wilson's taking of the amnesty oath had cured his participation in "the . . . rebellion," and that his administrator, Klein, was thus entitled to the proceeds of the sale. *Wilson* v. *United States*, 4 Ct. Cl. 559 (1869).

The Court of Claims' decision in Klein's case was consistent with this Court's later decision in a similar case, *United States* v. *Padelford*, 9 Wall. 531 (1870), holding that the presidential pardon purged a participant "of whatever offence against the laws of the United States he had committed . . . and relieved [him] from any penalty which he might have incurred." *Id.*, at 543. Following the Court's announcement of the judgment in *Padelford*, however, Congress enacted a proviso to the appropriations bill for the Court of Claims. The proviso had three effects: First, no presidential pardon or amnesty was to be admissible in evidence on behalf of a claimant in the Court of Claims as the proof of loyalty required by the Abandoned and Captured Property Act. Second, the Supreme Court was to dismiss, for want of jurisdiction, any appeal from a judgment of the Court of Claims in favor of a claimant who had established his loyalty through a pardon. Third, the Court of Claims henceforth was to treat a claimant's receipt of a presidential pardon, without protest, as conclusive evidence that he had given aid and comfort to the rebellion, and to dismiss any lawsuit on his behalf for want of jurisdiction. Act of July 12, 1870, ch. 251, 16 Stat. 230, 235.

The Government's appeal from the judgment in Klein's case was decided by this Court following the enactment of the appropriations proviso. This Court held the proviso unconstitutional notwithstanding Congress' recognized power "to make 'such exceptions from the appellate jurisdiction' [of the Supreme Court] as should seem to it expedient." 13 Wall., at 145. See U.S. Const., Art. III, § 2, cl. 2. This holding followed from the Court's interpretation of the proviso's effect: "[T]he language of the proviso shows plainly that it does not intend to withhold appellate jurisdiction except as a means to an end. Its great and controlling purpose is to deny to pardons granted by the President the effect which this court had adjudged them to have." 13 Wall., at 145.

Thus construed, the proviso was unconstitutional in two respects: First, it prescribed a rule of decision in a case pending before the courts, and did so in a manner that required the courts to decide a controversy in the Government's favor.

"The court is required to ascertain the existence of certain facts and thereupon to declare that its jurisdiction on appeal has ceased, by dismissing the bill. What is this but to prescribe a rule for the decision of a cause in a particular way? In the case before us, the Court of Claims has rendered judgment for the claimant and an appeal has been taken to this court. We are directed to dismiss the appeal, if we find that the judgment must be affirmed, because of a pardon granted to the intestate of the claimants. Can we do so without allowing one party to the controversy to decide it in its own favor? Can we do so without allowing that the legislature may prescribe rules of decision to the Judicial Department of the government in cases pending before it?

". . . .

". . . Can [Congress] prescribe a rule in conformity with which the court must deny to itself the jurisdiction thus conferred, because and only because its decision, in accordance with settled law, must be adverse to the government and favorable to the suitor? This question seems to us to answer itself." *Id.*, at 146-147.

Second, the rule prescribed by the proviso "is also liable to just exception as impairing the effect of a pardon, and thus infringing the constitutional power of the Executive." *Id.*, at 147. The Court held that it would not serve as an instrument toward the legislative end of changing the effect of a presidential pardon. *Id.*, at 148.

It was, of course, the former constitutional objection held applicable to the legislative proviso in *Klein* that the Court was concerned about in *Pope*. But that objection is not applicable to the case before us for two reasons. First, of obvious importance to the *Klein* holding was the fact that Congress was attempting to decide the controversy at

issue in the Government's own favor. Thus, Congress' action could not be grounded upon its broad power to recognize and pay the Nation's debts. Second, and even more important, the proviso at issue in *Klein* had attempted "to prescribe a rule for the decision of a cause in a particular way [.]" 13 Wall., at 146. The amendment at issue in the present case, however, like the Special Act at issue in *Cherokee Nation*, waived the defense of res judicata so that a legal claim could be resolved on the merits. Congress made no effort in either instance to control the Court of Claims' ultimate decision of that claim. See n. 23, *supra*.[25]

C

When Congress enacted the amendment directing the Court of Claims to review the merits of the Black Hills claim, it neither brought into question the finality of that court's earlier judgments, nor interfered with that Court's judicial function in deciding the merits of the claim. When the Sioux returned to the Court of Claims following passage of the amendment, they were there in pursuit of judicial enforcement of a new legal right. Congress had not "reversed" the Court of Claims' holding that the claim was barred by res judicata, nor, for that matter, had it reviewed the 1942 decision rejecting the Sioux' claim on the merits. As Congress explicitly recognized, it only was providing a forum so that a new judicial review of the Black Hills claim could take place. This review was to be based on the facts found by the Court of Claims after reviewing all the evidence, and an application of generally controlling legal principles to those facts. For these reasons, Congress was not reviewing the merits of the Court of Claims' decisions, and did not interfere with the finality of its judgments.

Moreover, Congress in no way attempted to prescribe the outcome of the Court of Claims' new review of the merits. That court was left completely free to reaffirm its 1942 judgment that the Black Hills claim was not cognizable under the Fifth Amendment, if upon its review of the facts and law, such a decision was warranted. In this respect, the amendment before us is a far cry from the legislatively enacted "consent judgment" called into question in *Pope*, yet found constitutional as a valid exercise of Congress' broad power to pay the Nation's debts. And, for the same reasons, this amendment clearly is distinguishable from the proviso to this Court's appellate jurisdiction held unconstitutional in *Klein*.

In sum, as this Court implicitly held in *Cherokee Nation*, Congress' mere waiver of the res judicata effect of a prior judicial decision rejecting the validity of a legal claim against the United States does not violate the doctrine of separation of powers.

IV

A

In reaching its conclusion that the 1877 Act effected a taking of the Black Hills for which just compensation was due the Sioux under the Fifth Amendment, the Court of Claims relied upon the "good faith effort" test developed in its earlier decision in *Three Tribes of Fort Berthold Reservation* v. *United States*, 182 Ct. Cl. 543, 390 F. 2d 686 (1968). The *Fort Berthold* test had been designed to reconcile two lines of cases decided by this Court that seemingly were in conflict. The first line, exemplified by *Lone Wolf* v. *Hitchcock*, 187 U.S. 553 (1903), recognizes "that Congress possesse[s] a paramount power over the property of the Indians, by reason of its exercise of guardianship over their interests, and that such authority might be implied, even though opposed to the strict letter of a treaty with the Indians." *Id.*, at 565. The second line, exemplified by the more recent decision in *Shoshone Tribe* v. *United States*, 299 U.S. 476 (1937), concedes Congress' paramount power over Indian property, but holds, nonetheless, that "[t]he power does not extend so far as to enable the Government 'to give the tribal lands to others, or to appropriate them to its own purposes, without rendering, or assuming an obligation to render, just compensation.'" *Id.*, at 497 (quoting *United States* v. *Creek Nation*, 295 U.S. 103, 110 (1935)). In *Shoshone Tribe*, Mr. Justice Cardozo, in speaking for the Court, expressed the distinction between the conflicting principles in a characteristically pithy phrase: "Spoliation is not management." 299 U.S., at 498.

The *Fort Berthold* test distinguishes between cases in which one or the other principle is applicable:

"It is obvious that Congress cannot simultaneously (1) act as trustee for the benefit of the Indians, exercising its plenary powers over the Indians and their property, as it thinks is in their best interests, and (2) exercise its sovereign power of eminent domain, taking the Indians' property within the meaning of the Fifth Amendment to the Constitution. In any given situation in which Congress has acted with regard to Indian people, it must have acted either in one capacity or the other. Congress can own two hats, but it cannot wear them both at the same time. .

"Some guideline must be established so that a court can identify in which capacity Congress is acting. The following guideline would best give recognition to the basic distinction between the two types of congressional action: When Congress makes a good faith effort to give the Indians the full value of the land and thus merely transmutes the property from land to money, there is no taking. This is a mere substitution of assets or change of form and is a traditional function of a trustee." 182 Ct. Cl., at 553, 390 F. 2d, at 691.

Applying the *Fort Berthold* test to the facts of this case, the Court of Claims concluded that, in passing the 1877 Act, Congress had not made a good-faith effort to give the Sioux the full value of the Black Hills. The principal issue presented by this case is whether the legal standard applied by the Court of Claims was erroneous.[26]

B

The Government contends that the Court of Claims erred insofar as its holding that the 1877 Act effected a taking of the Black Hills was based on Congress' failure to indicate affirmatively that the consideration given the Sioux was of equivalent value to the property rights ceded to the Government. It argues that "the true rule is that Congress must be assumed to be acting within its plenary power to manage tribal assets if it reasonably can be concluded that the legislation was intended to promote the welfare of the tribe." Brief for United States 52. The Government derives support for this rule principally from this Court's decision in *Lone Wolf* v. *Hitchcock*.

In *Lone Wolf*, representatives of the Kiowa, Comanche, and Apache tribes brought an equitable action against the Secretary of the Interior and other governmental officials to enjoin them from enforcing the terms of an act of Congress that called for the sale of lands held by the Indians pursuant to the Medicine Lodge Treaty of 1867, 15 Stat. 581. That treaty, like the Fort Laramie Treaty of 1868, included a provision that any future cession of reservation lands would be without validity or force "unless executed and signed by at least three fourths of all the adult male Indians occupying the same." *Id.*, at 585. The legislation at issue, Act of June 6, 1900, 31 Stat. 672, was based on an agreement with the Indians that had not been signed by the requisite number of adult males residing on the reservation.

This Court's principal holding in *Lone Wolf* was that "the legislative power might pass laws in conflict with treaties made with the Indians." 187 U.S., at 566. The Court stated:

"The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so. When, therefore, treaties were entered into between the United States and a tribe of Indians it was never doubted that the *power* to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith towards the Indians." *Ibid.* (Emphasis in original.)[27]

The Court, therefore, was not required to consider the contentions of the Indians that the agreement ceding their lands had been obtained by fraud, and had not been signed by the requisite number of adult males. "[A]ll these matters, in any event, were solely within the domain of the legislative authority and its action is conclusive upon the courts." *Id.*, at 568.

In the penultimate paragraph of the opinion, however, the Court in *Lone Wolf* went on to make some observations seemingly directed to the question whether the act at issue might constitute a taking of Indian property without just compensation. The Court there stated:

"The act of June 6, 1900, which is complained of in the bill, was enacted at a time when the tribal relations between the confederated tribes of Kiowas, Comanches and Apaches still existed, and that statute and the statutes supplementary thereto dealt with the disposition of tribal property and purported to give an adequate consideration for the surplus lands not allotted among the Indians or reserved for their benefit. Indeed, the controversy which this case presents is concluded by the decision in *Cherokee Nation* v. *Hitchcock*, 187 U.S. 294, decided at this term, where it was held that full administrative power was possessed by Congress over Indian tribal property. In effect, the action of Congress now complained of was but an exercise of such power, a mere change in the form of investment of Indian tribal property, the property of those who, as we have held, were in substantial effect the wards of the government. *We must presume that Congress acted in perfect good faith in the dealings with the Indians of which complaint is made, and that the legislative branch of the government exercised its best judgment in the premises.* In any event, as Congress possessed full power in the matter, the judiciary cannot question or inquire into the motives which prompted the enactment of this legislation. If injury was occasioned, which we do not wish to be understood as implying, by the use made by Congress of its power, relief must be sought

by an appeal to that body for redress and not to the courts. The legislation in question was constitutional." *Ibid.* (Emphasis supplied.)

The Government relies on the italicized sentence in the quotation above to support its view "that Congress must be assumed to be acting within its plenary power to manage tribal assets if it reasonably can be concluded that the legislation was intended to promote the welfare of the tribe." Brief for United States 52. Several adjoining passages in the paragraph, however, lead us to doubt whether the *Lone Wolf* Court meant to state a general rule applicable to cases such as the one before us.

First, *Lone Wolf* presented a situation in which Congress "purported to give an adequate consideration" for the treaty lands taken from the Indians. In fact, the act at issue set aside for the Indians a sum certain of $2 million for surplus reservation lands surrendered to the United States. 31 Stat. 678; see 187 U.S., at 555. In contrast, the background of the 1877 Act "reveals a situation where Congress did not 'purport' to provide 'adequate consideration,' nor was there any meaningful negotation or arm's-length bargaining, nor did Congress consider it was paying a fair price." 220 Ct. Cl., at——, 601 F. 2d, at 1176 (concurring opinion).

Second, given the provisions of the act at issue in *Lone Wolf*, the Court reasonably was able to conclude that "the action of Congress now complained of was but . . . a mere change in the form of investment of Indian tribal property." Under the Act of June 6, 1900, each head of a family was to be allotted a tract of land within the reservation of not less than 320 acres, an additional 480,000 acres of grazing land were set aside for the use of the tribes in common, and $2 million was paid to the Indians for the remaining surplus. 31 Stat. 677-678. In contrast, the historical background to the opening of the Black Hills for settlement, and the terms of the 1877 Act itself, see Part I, *supra*, would not lead one to conclude that the Act effected "a mere change in the form of investment of Indian tribal property."

Third, it seems significant that the views of the Court in *Lone Wolf* were based, in part, on a holding that "Congress possessed full power in the matter." Earlier in the opinion the Court stated: "Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the government." 187 U.S., at 565. Thus, it seems that the Court's conclusive presumption of congressional good faith was based in large measure on the idea that relations between this Nation and the Indian tribes are a political matter, not amenable to judicial review. That view, of course, has long since been discredited in takings cases, and was expressly laid to rest in *Delaware Tribal Business Comm.* v. *Weeks*, 430 U.S. 73, 84 (1977).[28]

Fourth, and following up on the political question holding, the *Long Wolf* opinion suggests that where the exercise of congressional power results in injury to Indian rights, "relief must be sought by an appeal to that body for redress and not to the courts." Unlike *Lone Wolf*, this case is one in which the Sioux have sought redress from Congress, and the Legislative Branch has responded by referring the matter to the courts for resolution. See Parts II and III, *supra*. Where Congress waives the Government's sovereign immunity, and expressly directs the courts to resolve a taking claim on the merits, there would appear to be far less reason to apply *Lone Wolf's* principles of deference. See *United States* v. *Tillamooks*, 329 U.S. 40, 46 (1946) (plurality opinion).

The foregoing considerations support our conclusion that the passage from *Lone Wolf* here relied upon by the Government has limited relevance to this case. More significantly, *Lone Wolf's* presumption of congressional good faith has little to commend it as an enduring principle for deciding questions of the kind presented here. In every case where a taking of treaty-protected property is alleged,[29] a reviewing court must recognize that tribal lands are subject to Congress' power to control and manage the tribe's affairs. But the court must also be cognizant that "this power to control and manage [is] not absolute. While extending to all appropriate measures for protecting and advancing the tribe, it [is] subject to limitations inhering in . . . a guardianship and to pertinent constitutional restrictions." *United States* v. *Creek Nation*, 295 U.S. 103, 109-110 (1935). Accord: *Menominee Tribe* v. *United States*, 391 U.S. 404, 413 (1968); *FPC* v. *Tuscarora Indian Nation*, 362 U.S. 99, 122 (1960); *United States* v. *Klamath Indians*, 304 U.S. 119, 123 (1938); *United States* v. *Shoshone Tribe*, 304 U.S. 111, 115-116 (1938); *Shoshone Tribe* v. *United States*, 299 U.S. 476, 497-498 (1937).

As the Court of Claims recognized in its decision below, the question whether a particular measure was appropriate for protecting and advancing the tribe's interests, and therefore not subject to the constitutional command of the Just Compensation Clause, is factual in nature. The answer must be based on a consideration of all the evidence presented. We do not mean to imply that a reviewing court is to second-guess, from the perspective of hindsight, a legislative judgment that a particular measure would serve the best interests of the tribe. We do mean to require courts, in considering whether a particular congressional action was taken in pursuance of Congress' power to manage and control tribal lands for the Indians' welfare, to engage in a thoroughgoing and impartial examination of the historical record. A presumption of congressional good faith cannot serve to advance such an inquiry.

C

We turn to the question whether the Court of Claims's inquiry in this case was guided by an appropriate legal standard. We conclude that it was. In fact, we approve that court's formulation of the inquiry as setting a standard that ought to be emulated by courts faced with resolving future cases presenting the question at issue here:

"In determining whether the Congress has made a good faith effort to give the Indians the full value of their lands when the government acquired [them], we therefore look to the objective facts as revealed by Acts of Congress, congressional committee reports, statements submitted to Congress by government officials, reports of special commissions appointed by Congress to treat with the Indians, and similar evidence relating to the acquisition. . . .

"The 'good faith effort' and 'transmutation of property' concepts referred to in Fort Berthold are opposite sides of the same coin. They reflect the traditional rule that a trustee may change the form of trust assets as long as he fairly (or in good faith) attempts to provide his ward with property of equivalent value. If he does that, he cannot be faulted if hindsight should demonstrate a lack of precise equivalence. On the other hand, if a trustee (or the government in its dealings with the Indians) does not attempt to give the ward the fair equivalent of what he acquires from him, the trustee to that extent has taken rather than transmuted the property of the ward. In other words, an essential element of the inquiry under the Fort Berthold guideline is determining the adequacy of the consideration the government gave for the Indian lands it acquired. That inquiry cannot be avoided by the government's simple assertion that it acted in good faith in its dealings with the Indians." 220 Ct. Cl., at——, 602 F.2d, at 1162.[30]

D

We next examine the factual findings made by the Court of Claims, which led it to the conclusion that the 1877 Act effected a taking. First, the Court found that "[t]he only item of 'consideration' that possibly could be viewed as showing an attempt by Congress to give the Sioux the 'full value' of the land the government took from them was the requirement to furnish them with rations until they became self-sufficient." 220 Ct. Cl., at——, 601 F. 2d, at 1166. This finding is fully supported by the record, and the Government does not seriously contend otherwise.[31]

Second, the court found, after engaging in an exhaustive review of the historical record, that neither the Manypenny Commission, nor the congressional committees that approved the 1877 Act, nor the individual legislators who spoke on its behalf on the floor of Congress, ever indicated a belief that the Government's obligation to provide the Sioux with rations constituted a fair equivalent for the value of the Black Hills and the additional property rights the Indians were forced to surrender. See *id.*, at ——, 601 F. 2d, at 1166-1168. This finding is unchallenged by the Government.

A third finding, lending some weight to the Court's legal conclusion was that the conditions placed by the Government on the Sioux' entitlement to rations, see n. 14, *supra*, "further show that the government's undertaking to furnish rations to the Indians until they could support themselves did not reflect a congressional decision that the value of the rations was the equivalent of the land the Indians were giving up, but instead was an attempt to coerce the Sioux into capitulating to congressional demands." *Id.*, at ——, 601 F. 2d, at 1168. We might add only that this finding is fully consistent with similar observations made by this Court nearly a century ago in an analogous case.

In *Choctaw Nation* v. *United States*, 119 U.S. 1, 35 (1886), the Court held, over objections by the Government, that an earlier award made by the Senate on an Indian tribe's treaty claim "was fair, just, and equitable." The treaty at issue had called for the removal of the Choctaw Nation from treaty-protected lands in exchange for payments for the tribe's subsistence for one year, payments for cattle and improvements on the new reservation, an annuity of $20,000 for 20 years commencing upon removal, and the provision of educational and agricultural services. *Id.*, at 38. Some years thereafter the Senate awarded the Indians a substantial recovery based on the latter treaty's failure to compensate the Choctaw for the lands they had ceded. Congress later enacted a jurisdictional statute which permitted the United States to contest the fair-

ness of the Senate's award as a settlement of the Indian's treaty claim. In rejecting the Government's arguments, and accepting the Senate's award as "furnish[ing] the nearest approximation to the justice and right of the case," *id.*, at 35, this Court observed:

"It is notorious as a historical fact, as it abundantly appears from the record in this case, that great pressure had to be brought to bear upon the Indians to effect their removal, and the whole treaty was evidently and purposely executed, not so much to secure to the Indians the rights for which they had stipulated, as to effectuate the policy of the United States in regard to their removal. The most noticeable thing, upon a careful consideration of the terms of this treaty, is, that no money consideration is promised or paid for a cession of lands, the beneficial ownership of which is assumed to reside in the Choctaw Nation, and computed to amount to over ten millions of acres." *Id.*, at 37–38.

As for the payments that had been made to the Indians in order to induce them to remove themselves from their treaty lands, the Court, in words we find applicable to the 1877 Act, concluded: "It is nowhere expressed in the treaty that these payments are to be made as the price of the lands ceded; and they are all only such expenditures as the government of the United States could well afford to incur for the mere purpose of executing its policy in reference to the removal of the Indians to their new homes. *As a consideration for the value of the lands ceded by the treaty, they must be regarded as a meagre pittance." Id.*, at 38 (emphasis supplied).

These conclusions, in light of the historical background to the opening of the Black Hills for settlement, see Part I, *supra*, seem fully applicable to Congress' decision to remove the Sioux from that valuable tract of land, and to extinguish their off-reservation hunting rights.

Finally, the Court of Claims rejected the Government's contention that the fact that it subsequently had spent at least $43 million on rations for the Sioux (over the course of three quarters of a century) established that the 1877 Act was an act of guardianship taken in the Sioux' best interest. The court concluded: "The critical inquiry is what Congress did—and how it viewed the obligation it was assuming—at the time it acquired the land, and not how much it ultimately cost the United States to fulfill the obligation." 220 Ct. Cl., at ——, 601 F. 2d, at 1168. It found no basis for believing that Congress, in 1877, anticipated that it would take the Sioux such a lengthy period of time to become self-sufficient, or that the fulfillment of the Government's obligation to feed the Sioux would entail the large expenditures ultimately made on their behalf. *Ibid.* We find no basis on which to question the legal standard applied by the Court of Claims, or the findings it reached, concerning Congress' decision to provide the Sioux with rations.

The aforementioned findings fully support the Court of Claims' conclusion that the 1877 Act appropriated the Black Hills "in circumstances which involved an implied undertaking by [the United States] to make just compensation to the tribe."[32] *United States* v. *Creek Nation*, 295 U.S., at 111. We make only two additional observations about this case. First, dating at least from the decision in *Cherokee Nation* v. *Kansas Railway Co.*, 135 U.S. 641, 657 (1890), this Court has recognized that Indian lands, to which a tribe holds recognized title, "are held subject to the authority of the general government to take them for such objects as are germane to the execution of the powers granted to it; provided only, that they are not taken without just compensation being made to the owner." In the same decision the Court emphasized that the owner of such lands "is entitled to reasonable, certain and adequate provision for obtaining compensation before his occupancy is disturbed." *Id.*, at 659. The Court of Claims gave effect to this principle when it held that the Government's uncertain and indefinite obligation to provide the Sioux with rations until they became self-sufficient did not constitute adequate consideration for the Black Hills.

Second, it seems readily apparent to us that the obligation to provide rations to the Sioux was undertaken in order to ensure them a means of surviving their transition from the nomadic life of the hunt to the agrarian lifestyle Congress had chosen for them. Those who have studied the Government's reservation policy during this period of our Nation's history agree. See n. 11, *supra*. It is important to recognize that the 1877 Act, in addition to removing the Black Hills from the Great Sioux Reservation, also ceded the Sioux' hunting rights in a vast track of land extending beyond the boundaries of that reservation. See n. 14, *supra*. Under such circumstances, it is reasonable to conclude that Congress' undertaking of an obligation to provide rations for the Sioux was a *quid pro quo* for depriving them of their chosen way of life, and was not intended to compensate them for the taking of the Black Hills.[33]

V

In sum, we conclude that the legal analysis and factual findings of the Court of Claims fully support its conclusion that the terms of the 1877 Act did not effect "a mere change in the form of investment of Indian tribal property." *Lone Wolf* v. *Hitchcock*, 187 U.S., at 568. Rather, the 1877 Act effected a taking of tribal property, property which had been set aside for the exclusive occupation of the Sioux by the Fort Laramie Treaty of 1868. That taking implied an obligation on the part of the Government to make just compensation to the Sioux Nation, and that obligation, including an award of interest, must now, at last, be paid.

The judgment of the Court of Claims is affirmed.

It is so ordered.

FOOTNOTES

[1] The Sioux territory recognized under the Teaty of September 17, 1851, see 11 Stat. 749, included all of the present State of South Dakota, and parts of what is now Nebraska, Wyoming, North Dakota, and Montana. The Powder River War is decribed in some detail in D. Robinson, A History of the Dakota or Sioux Indians, 356–381 (1904), reprinted in 2 South Dakota Historical Collections (1904). Red Cloud's career as a warrior and statesman of the Sioux is recounted in 2 G. Hebard & E. Brininstool, The Bozeman Trail, 175–204 (1922).

[2] The boundaries of the reservation included approximately half the area of what is now the State of South Dakota, including all of that State west of the Missouri River save for a narrow strip in the far western portion. The reservation also included a narrow strip of land west of the Missouri and north of the border between North and South Dakota.

[3] The treaty called for the construction of schools and the provision of teachers for the education of Indian children, the provision of seeds and agricultural instruments to be used in the first four years of planting, and the provision of blacksmiths, carpenters, millers, and engineers to perform work on the reservation. See 15 Stat. 637–638, 640. In addition, the United States agreed to deliver cetain articles of clothing to each Indian residing on the reservation, "on or before the first day of August of each year, for thirty years." *Id.*, at 638. An annual stipend of $10 per person was to be appropriated for all those members of the Sioux Nation who continued to engage in hunting; those who settled on the reservation to engage in farming would receive $20. *Ibid.* Subsistence rations of meat and flour (one pound of each per day) were to be provided for a period of four years to those Indians upon the reservation who could not provide for their own needs. *Id.*, at 639.

[4] The Fort Laramie Treaty was considered by some commentators to have been a complete victory for Red Cloud and the Sioux. In 1904 it was described as "the only instance in the history of the United States where the government has gone to war and afterwards negotiated a peace conceding everything demanded by the enemy and exacting nothing in return." Robinson, *supra*, n. 1, at 387.

[5] The history of speculation concerning the presence of gold in the Black Hills, which dated from early explorations by prospectors in the 1830's, is capsulized in D. Jackson, Custer's Gold 3–7 (1966).

[6] In 1974, the Center for Western Studies completed a project compiling contemporary newspaper accounts of Custer's expedition. See H. Krause & G. Olson, Prelude to Glory (1974). Several correspondents traveled with Custer on the expedition and their dispatches were published by newspapers both in the Midwest and the East. *id.*, at 6.

[7] See Robinson, *supra* n. 1, at 408–410; A. Tallent, The Black Hills 130 (1975 reprint of 1899 ed.); J. Vaughn, The Reynolds Campaign on Powder River 3–4 (1961).

The Sioux regarded Custer's expedition in itself to be a violation of the Fort Laramie Treaty. In later negotiations for cession of the Black Hills, Custer's trail through the Hills was referred to by a chief known as Fast Bear as "that thieves' road." Jackson, *supra* n. 5, at 24. Chroniclers of the expedition, at least to an extent, have agreed. See *id.*, at 120; G. Manypenny, Our Indian Wards xxix, 296–297 (1972 reprint of 1880 ed.).

[8] General William Tecumseh Sherman, Commanding General of the Army, as quoted in the Saint Louis Globe in 1875, described the military's task in keeping prospectors out of the Black Hills as "the same old story, the story of Adam and Eve and the forbidden fruit." Jackson, *supra* n. 5, at 112. In an interview with a correspondent from the Bismarck Tribune, published September 2, 1874, Custer recognized the military's obligation to keep all trespassers off the reservation lands, but stated that he would recommend to Congress "the extinguishment of the Indian title at the earliest moment practicable for military reasons." Krause & Olson, *supra* n. at 233. Given the ambivalence of feeling among the commanding officers of the Army about the practicality and desirability of its treaty obligations, it is perhaps not surprising that one chronicler of Sioux history would describe the Government's efforts to dislodge invading settlers from the Black Hills as "feeble." F. Hans, The Great Sioux Nation 522 (1964 reprint).

[9] The Report of the Allison Commission to the Secretary of the Interior is contained in the Annual Report of the Commissioner of Indian Affairs (1875), App. 146, 158–195. The unsuccessful negotiations are described in some detail in Jackson, *supra* n. 5, at 116–118, and in Robinson, *supra* n. 1, at 416–421.

[10] These events are decsribed by Manypenny, *supra* n. 7, at 294–321, and Robinson, *supra* n. 1, at 422–438.

[11] In Dakota Twilight (1976), a history of the Standing Rock Sioux, Edward A. Milligan states:

"Nearly seven years had elapased since the signing of the Fort Laramie treaty and still the Sioux were no closer to a condition of self-support than when the treaty was signed. In the meantime the government had expended nearly thirteen million dollars for their support. The future treatment of the Sioux became a matter of serious moment, even if viewed from no higher standard than that of economics." *Id.*, at 52. One historian has described the ration provisions of the Fort Laramie Treaty as part of a broader reservation system designed by Congress to convert nomadic tribesmen into farmers. Hagan, The Reservation Policy: Too Little and Too Late, in Indian-White Relations: A Persistent Paradox 157–169 (J. Smith & R. Kvasnicka, eds., 1976). In words applicable to conditions on the Sioux reservation during the years in question, Professor Hagan stated:

"The idea had been to supplement the food the Indians obtained by hunting until they could subsist completely by farming. Clauses in the treaties

permitted hunting outside the strict boundaries of the reservations, but the inevitable clashes between off-reservation hunting parties and whites led this privilege to be first restricted and then eliminated. The Indians became dependent upon government rations more quickly than had been anticipated, while their conversion to agriculture lagged behind schedule.

"The quantity of food supplied by the government was never sufficient for a full ration, and the quality was frequently poor. But in view of the fact that most treaties carried no provision for rations at all, and for others they were limited to four years, the members of Congress tended to look upon rations as a gratuity that should be terminated as quickly as possible. The Indian Service and military personnel generally agreed that it was better to feed then to fight, but to the typical late nineteenth-century member of Congress, not yet exposed to doctrines of social welfare, there was something obscene about grown men and women drawing free rations. Appropriations for subsistence consequently fell beflow the levels requested by the secretary of the interior.

"That starvation and near-starvation conditions were present on some of the sixty-odd reservations every year for the quarter century after the Civil War is manifest." *Id.*, at 161 (footnotes omitted).

[12] The chronology of the enactment of this bill does not necessarily support the view that it was passed in reaction to Custer's defeat at the Battle of the Little Big Horn on June 25, 1876, although some historians have taken a contrary view. See Jackson, *supra* n. 5, at 119.

[13] The commission's negotiations with the chiefs and head men is described by Robinson, *supra* n. 1, at 439–442. He states: "As will be readily understood, the making of a treaty was a forced put, so far as the Indians were concerned. Defeated, disarmed, dismounted, they were at the mercy of a superior power and there was no alternative but to accept the conditions imposed upon them. This they did with as good grace as possible under all of the conditions existing." *Id.*, at 442.

Another early chronicler of the Black Hills region wrote of the treaty's provisions in the following chauvinistic terms:

"It will be seen by studying the provisions of this treaty, that by its terms the Indians from a material standpoint lost much, and gained but little. By the first article they lose all rights to the unceded territory in Wyoming from which white settlers had then before been altogether excluded; by the second they relinquish all rights to the Black Hills, and the fertile valley of the Belle Fourche in Dakota, without additional material compensation; by the third conceding the right of way over the unceded portions of their reservation; by the fourth they receive such supplies only, as were provided by the treaty of 1868, restricted as to the points for receiving them. The only real gain to the Indians seems to be embodied in the fifth article of the treaty [Government's obligation to provide subsistence rations]. The Indians, doubtless, realized that the Black Hills was destined to slip out of their grasp, regardless of their claims, and therefore thought it best to yield to the inevitable, and accept whatever was offered them.

"They were assured of a continuance of their regular daily rations, and certain annuities in clothing each year, guaranteed by the treaty of 1868, and what more could they ask or desire, than that a living be provided for themselves, their wives, their children, and all their relations, including squaw men, indirectly, thus leaving them free to live their wild, careless, unrestrained life, exempt from all the burdens and responsibilities of civilized existence? In view of the fact that there are thousands who are obliged to earn their bread and butter by the sweat of their brows, and that have hard work to keep the wolf from the door, they should be satisfied." Tallent, *supra* n. 7, at 133–134.

[14] The 1987 Act "ratified and confirmed" the agreement reached by the Manypenny Commission with the Sioux tribes. 19 Stat. 254. It altered the boundaries of the Great Sioux Reservation by adding some 900,000 acres of land to the north, while carving out virtually all that portion of the reservation between the one hundred and third and one hundred and fourth meridians, including the Black Hills, an area of well over 7 million acres. The Indian's also relinquished their rights to hunt in the unceded lands recognized by the Fort Laramie Treaty, and agreed that three wagon roads could be cut through their reservation. *Id.*, at 255.

In exchange, the Government reaffirmed its obligation to provide all annuities called for by the Fort Laramie Treaty, and "to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868." *Id.*, at 256. In addition, every individual was to receive fixed quantities of beef or bacon and flour, and other foodstuffs, in the discretion of the Commissioner of Indian Affairs, which "shall be continued until the Indians are able to support themselves." *Ibid.* The provision of rations was to be conditioned, however, on the attendance at school by Indian children, and on the labor of those who resided on lands suitable for farming. The Government also promised to assist the Sioux in finding markets for their crops and in obtaining employment in the performance of government work on the reservation. *Ibid.*

Later congressional actions having the effect of futher reducing the domain of the Great Sioux Reservation are described in *Rosebud Sioux Tribe* v. *Kneip*, 430 U.S. 584, 589 (1977).

[15] See § 9 of the Act of March 3, 1863, ch. 92, 12 Stat. 767; § 1 of the Tucker Act of March 3, 1887, ch. 359, 24 Stat. 505.

[16] The Commission determined that the fair market value of the Black Hills as of February 28, 1977, was $17.1 million. In addition, the United States was held liable for gold removed by trespassing prospectors prior to that date, with a fair market value in the ground of $450,000. The Commission determined that the Government should receive a credit for all amounts it had paid to the Indians over the years in compliance with its obligations under the 1877 Act. These amounts were to be credited against the fair market value of the lands and gold taken, and interest as it accrued. The Commission decided that further proceedings would be necessary to compute the amounts to be credited and the value of the rights of way across the reservation that the Government also had acquired through the 1877 Act.

Chairman Kuykendall dissented in part from the Commission's judgment, arguing that the Sioux' taking claim was barred by the res judicata effect of the 1942 Court of Claims decision.

[17] See *United States* v. *Tillamooks*, 341 U.S. 48, 49 (1951) (recognizing that the "traditional rule" is that interest is not to be awarded on claims against the United States absent an express statutory provision to the contrary and that the "only exception arises when the taking entitles the claimant to just compensation under the Fifth Amendment"). In *United States* v. *Klamath Indians*, 304 U.S. 119, 121 (1938), the Court stated: "The established rule is that the taking of property by the United States in the exertion of its power of eminent domain implies a promise to pay just compensation, *i.e.*, value at the time of the taking plus an amount sufficient to produce the full equivalent of that value paid contemporaneously with the taking."

The Court of Claims also noted that subsequent to the Indian Claims Commission's judgment, Congress had enacted an amendment to 25 U.S.C. § 70a, providing generally that expenditures made by the Government "for food, rations, or provisions shall not be deemed payments on the claim." Act of October 27, 1974, § 2, 88 Stat. 1499. Thus, the Government would no longer be entitled to an offset from any judgment eventually awarded the Sioux based on its appropriations for subsistence rations in the years following the passage of the 1877 Act. 207 Ct. Cl., at 240, 518 F. 2d, at 1301. See n. 16, *supra*.

[18] Judge Davis dissented with respect to the court's holding on res judicata, arguing that the Sioux had not had the opportunity to present their claim fully in 1942. 207 Ct. Cl., at 249, 518 F. 2d, at 1306.

[19] While affirming the Indian Claims Commission's determination that the acquisition of the Black Hills and the rights-of-way across the reservation constituted takings, the court reversed the Commission's determination that the mining of gold from the Black Hills by prospectors prior to 1877 also constituted a taking. The value of the gold, therefore, could not be considered as part of the principal on which interest would be paid to the Sioux. 220 Ct. Cl., at —, 601 F. 2d, at 1171–1172.

[20] The *Lone Wolf* decision itself involved an action by tribal leaders to enjoin the enforcement of a statute that had the effect of abrogating the provisions of an earlier-enacted treaty with an Indian tribe. See Part IV–B, *infra*.

[21] Judge Nichols concurred in the result, and all of the court's opinion except that portion distinguishing *Lone Wolf*. He would have held *Lone Wolf*'s principles inapplicable to this case because Congress had not created a record showing that it had considered the compensation afforded the Sioux under the 1877 Act to be adequate consideration for the Black Hills. He did not believe that *Lone Wolf* could be distinguished on the ground that it involved an action for injunctive relief rather than a claim for just compensation. 220 Ct. Cl., at —, 601 F. 2d, at 1175–1176.

Judge Bennett, joined by Judge Kunzig, dissented. The dissenters would have read *Lone Wolf* broadly to hold that it was within Congress' constitutional power to dispose of tribal property without regard to good faith or the amount of compensation given. "The law we should apply is that once Congress has, through negotiation or statute, recognized the Indian tribes' rights in the property, has disposed of it, and has given value to the Indians for it, that is the end of the matter." *Id.*, at —, 601 F. 2d, at 1182.

[22] In response to a question from the bench, government counsel stated: "I think Congress is entitled to say, 'You may have another opportunity to litigate your lawsuit.' " Tr. of Oral Arg. 20.

[23] Representative Gudger of North Carolina persistently argued the view that the amendment unconstitutionally interfered with the powers of the Judiciary. He dissented from the Committee Report in support of the amendment's enactment, stating:

"I do not feel that when the Federal Judiciary has adjudicated a matter through appellate review and no error has been found by the Supreme Court of the United States in the application by the lower court (in this instance the Court of Claims) of the doctrine of res judicata or collateral estoppel that the Congress of the United States should enact legislation which has the effect of reversing the decision of the Judiciary." H.R. Rep. No. 95-529, p. 17 (1977).

Representative Gudger stated that he could support a bill to grant a special appropriation to the Sioux Nation, acknowledging that it was for the purpose of extinguishing Congress' moral obligation arising from the Black Hills claim, "but I cannot justify in my own mind this exercise of congressional review of a judicial decision which I consider contravenes our exclusively legislative responsibility under the separation of powers doctrine." *Id.*, at 18.

The Congressman, in the House debates, elaborated upon his views on the constitutionality of the amendment. He stated that the amendment would create "a real and serious departure from the separation-of-powers doctrine, which I think should continue to govern us and has governed us in the past." 124 Cong. Rec. H897 (Feb. 9, 1978). He continued:

"I submit that this bill has the precise and exact effect of reversing a decision of the Court of Claims which has heretofore been sustained by the Supreme Court of the United States. Thus, it places the Congress of the United States in the position of reviewing and reversing a judicial decision in direct violation of the separation-of-powers doctrine so basic to our tripartite form of government.

"I call to your attention that, in this instance, we are not asked to change the law, applicable uniformly to all cases of like nature throughout the land, but that this bill proposes to change the application of the law with respect to one case only. In doing this, we are not legislating, we are adjudicating. Moreover, we are performing the adjudicatory function with respect to a case on which the Supreme Court of the United States has acted. Thus, in this instance, we propose to reverse the decision of the Supreme Court of our land." *Ibid.*

Representative Gudger's views on the effect of the amendment vis-a-vis the independent powers of the Judiciary were not shared by his colleagues. Representative Roncalio stated:

"I want to emphasize that the bill does not make a congressional determination of whether or not the United States violated the fifth amendment. it does not say that the Sioux are entitled to the interest on the $17,500,000 award. It says that the court will review the facts and law in the case and determine that question." *Id.*, at H898.

Representative Roncalio also informed the House that Congress in the past had enacted legislation waiving the defense of res judicata in private claims cases, and had done so twice with respect to Indian claims. *Ibid.* He mentioned the Act of March 3, 1881, ch. 139, 21 Stat. 504 (which actually waived the effect of a prior award made to the Choctaw Nation by the Senate), and the Act of February 7, 1925, ch. 148, 43 Stat. 812 (authorizing the Court of

Claims and the Supreme Court to consider claims of the Delaware Tribe "de novo, upon a legal and equitable basis, and without regard to any decision, finding, or settlement heretofore had in respect of any such claims"). Both those enactments were also brought to the attention of a Senate subcommittee in hearings on this amendment conducted during the previous legislative session. See Hearings on S. 2780 before the Subcommittee on Indian Affairs of the Senate Committee on Interior and Insular Affairs, 94th Cong., 2d Sess., 16-17 (1976) (letter from Morris Thompson, Commissioner of Indian Affairs). The enactments referred to by Representative Roncalio were construed, respectively, in *Choctaw Nation* v. *United States*, 119 U.S. 1, 29-32 (1886), and *Delaware Tribe* v. *United States*, 74 Ct. Cl. 368 (1932).

Representative Pressler also responded to Representative Gudger's interpretation of the proposed amendment, arguing that "[w]e are, indeed, here asking for a review and providing the groundwork for a review. I do not believe that we would be reviewing a decision; indeed, the same decision might be reached." 124 Cong. Rec. H899 (Feb. 9, 1978). Earlier, Representative Meeds clearly had articulated the prevaling congressional view on the effect of the proposed amendment. After summarizing the history of the Black Hills litigation, he stated:

"I go through that rather complicated history for the purpose of pointing out to the Members that the purpose of this legislation is not to decide the matter on the merits. That is still for the court to do. The purpose of this legislation is only to waive the defense of res judicata and to waive this technical defense, as we have done in a number of other instances in this body, so this most important claim can get before the courts again and can be decided without a technical defense and on the merits." *Id.*, at H668 (Feb. 6, 1978). See also S. Rep. No. 95-112, p. 6 (1977) ("The enactment of [the amendment] is needed to waive certain legal prohibitions so that the Sioux tribal claim may be considered on its merits before an appropriate judicial forum."); H.R. Rep. No. 95-529, p. 6 (1977) ("The enactment of [the amendment] is needed to waive certain technical legal defenses so that the Sioux tribal claim may be considered on its merits before an appropriate judicial forum.").

[24] The joint resolution at issue in *Nock* also limited the amount of the judgment that the Court of Claims could award Nock to a sum that had been established in a report of the Solicitor of the Treasury to the Senate. See 14 Stat. 608. The court rejected the Government's argument that the Constitution had not vested in Congress "such discretion to fetter or circumscribe the course of justice." See 2 Ct. Cl., at 455. The court reasoned that this limitation on the amount of the claimant's recovery was a valid exercise of Congress' power to condition waivers of the sovereign immunity of the United States. "[I]t would be enough to say that the defendants cannot be sued except with their own consent; and Congress have the same power to give this consent to a second action as they had to give it to a first." *Id.*, at 458.

Just because we have addressed our attention to the ancient Court of Claims' decision in *Nock*, it should not be inferred that legislative action of the type at issue here is a remnant of the far-distant past. Special jurisdictional acts waiving affirmative defenses of the United States to legal claims, and directing the Court of Claims to resolve the merits of those claims, are legion. See *Mizokami* v. *United States*, 188 Ct. Cl. 736, 740-741, and nn. 1 and 2, 414 F.2d 1375, 1377, and nn. 1 and 2 (1969) (collecting cases). A list of cases, in addition to those discussed in the text, that have recognized or acted upon Congress' power to waive the defense of res judicata to claims against the United States follows (the list is not intended to be exhaustive): *United States* v. *Grant*, 110 U.S. 225 (1884); *Lamborn & Co.* v. *United States*, 106 Ct. Cl. 703, 724-728, 65 F. Supp. 569, 576-578 (1946); *Menominee Tribe* v. *United States*, 101 Ct. Cl. 10, 19 (1944); *Richardson* v. *United States*, 81 Ct. Cl. 948, 956-957 (1935); *Delaware Tribe* v. *United States*, 74 Ct. Cl. 368 (1932); *Garrett* v. *United States*, 70 Ct. Cl. 304, 310-312 (1930).

In *Richardson*, the Court of Claims observed: "The power of Congress by special act to waive any defense, either legal or equitable, which the Government may have to a suit in this court, as it did in the *Nock* and *Cherokee Nation* cases, has never been questioned. The reports of the court are replete with cases where Congress, impressed with the equitable justice of claims which have been rejected by the court on legal grounds, had, by special act, waived defenses of the Government which prevented recovery and conferred jurisdiction on the court to again adjudicate the case. In such instances the court proceeded in conformity with the provisions of the act of reference and in cases, too numerous for citation here, awarded judgments to claimants whose claims had previously been rejected." 81 Ct. Cl., at 957.

Two similar decisions by the United States Court of Appeals for the Eighth Circuit are of interest. Both involved the constitutionality of a joint resolution that set aside dismissals of actions brought under the World War Veterans' Act, 1924, 38 U.S.C. § 445 (1952 ed.), and authorized the reinstatement of those war risk insurance disability claims. The Court of Appeals found no constitutional prohibition against a congressional waiver of an adjudication in the Government's favor, or against conferring upon claimants against the United States the right to have their cases heard again on the merits. See *James* v. *United States*, 87 F. 2d 897, 898 (1937); *United States* v. *Hossmann*, 84 F. 2d 808, 810 (1936). The court relied, in part, on the holding in *Cherokee Nation*, and the sovereign immunity rationale applied in *Nock*.

[25] Before completing our analysis of this Court's precedents in this area, we turn to the question whether the holdings in *Cherokee Nation*, *Nock*, and *Pope*, might have been based on views, once held by this Court, that claims against the United States were not within Art. III's extension of "judicial power" "to Controversies to which the United States shall be a Party." U.S. Const., Art. III, § 2, cl. 1. See *Williams* v. *United States*, 289 U.S. 553 (1933).

Pope itself would seem to dispel any such conclusion. See 323 U.S., at 12-14. Moreover, Mr. Justice Harlan's plurality opinion announcing the judgment of the Court in *Glidden Co.* v. *Zdanok*, 370 U.S. 530 (1962), lays that question to rest. In *Glidden*, the plurality observed that "it is probably true that Congress devotes a more lively attention to the work performed by the Court of Claims, and that it has been more prone to modify the jurisdiction assigned to that court." *Id.*, at 566. But they concluded that that circumstance did not render the decisions of the Court of Claims legislative in character, nor, impliedly, did those instances of "lively attention" constitute impermissible interferences with the Court of Claims' judicial functions.

"Throughout its history the Court of Claims has frequently been given jurisdiction by special act to award recovery for breach of what would have been, on the part of an individual, at most a moral obligation. . . . Congress has waived the benefit of *res judicata*, *Cherokee Nation* v. *United States*, 270 U.S. 476, 486, and of defenses based on the passage of time. . . .

"In doing so, as this Court has uniformly held, Congress has enlisted the aid of judicial power whose exercise is amenable to appellate review here. . . . Indeed the Court has held that Congress may for reasons adequate to itself confer bounties upon persons and, by consenting to suit, convert their moral claim into a legal one enforceable by litigation in an undoubted constitutional court. *United States* v. *Realty Co.*, 163 U.S. 427.

"The issue was settled beyond peradventure in *Pope* v. *United States*, 323 U.S. 1. There the Court held that for Congress to direct the Court of Claims to entertain a claim theretofore barred for any legal reason from recovery—as, for instance, by the statute of limitations, or because the contract had been drafted to exclude such claims—was to invoke the use of judicial power, notwithstanding that the task might involve no more than computation of the sum due. . . . After this decision it cannot be doubted that when Congress transmutes a moral obligation into a legal one by specially consenting to suit, it authorizes the tribunal that hears the case to perform a judicial function." 370 U.S., at 566-567 (citations omitted).

The Court in *Glidden* held that, at least since 1953, the Court of Claims has been an Art. III court. See *id.*, at 585-589 (concurring opinion). In his opinion concurring in the result, Mr. Justice Clark did not take issue with the plurality's view that suits against the United States are "Controversies to which the United States shall be a Party," within the meaning of Art. III. Compare 370 U.S., at 562-565 (plurality opinion), with *id.*, at 586-587 (concurring opinion).

[26] It should be recognized at the outset that the inquiry presented by this case is different from that confronted in the more typical of our recent "taking" decisions. *E.g.*, *Kaiser Aetna* v. *United States*, — *U.S.* — (1979); *Penn Central Transp. Co.* v. *New York*, 438 U.S. 104 (1978). In those cases the Court has sought to "determin[e] when 'justice and fairness' require that economic injuries caused by public action be compensated by the government, rather than remain disproportionately concentrated on a few persons." *Penn Central*, 438 U.S., at 124. Here, there is not doubt that the Black Hills were "taken" from the Sioux in a way that wholly deprived them of their property rights to that land. The question presented is whether Congress was acting under circumstances in which that "taking" implied an obligation to pay just compensation, or whether it was acting pursuant to its unique powers to manage and control tribal property as the guardian of Indian welfare, in which event the Just Compensation Clause would not apply.

[27] This aspect of the *Lone Wolf* holding, often reaffirmed, see, *e. g.*, *Rosebud Sioux Tribe* v. *Kneip*, 430 U.S. 584, 594 (1977), is not at issue in this case. The Sioux do not claim that Congress was without power to take the Black Hills from them in contravention of the Fort Laramie Treaty of 1868. They claim only that Congress could not do so inconsistently with the command of the Fifth Amendment: "nor shall private property be taken for public use, without just compensation."

[28] For this reason, the Government does not here press *Lone Wolf* to its logical limits, arguing instead that its "strict rule" that the management and disposal of tribal lands is a political question, "has been relaxed in recent years to allow review under the Fifth Amendment rational-basis test." Brief for United States 55, n. 46. The Government relies on *Delaware Tribal Business Comm.* v. *Weeks*, 430 U.S. 73, 84-85 (1977), and *Morton* v. *Mancari*, 417 U.S. 535, 555 (1974), as establishing a rational-basis test for determining whether Congress, in a given instance, confiscated Indian property or engaged merely in its power to manage and dispose of tribal lands in the Indians' best interests. But those cases, which establish a standard of review for judging the constitutionality of Indian legislation under the Due Process Clause of the Fifth Amendment, do not provide an apt analogy for resolution of the issue presented here—whether Congress' disposition of tribal property was an exercise of its power of eminent domain or its power of guardianship. As noted earlier, *supra*, at n. 27, the Sioux concede the constitutionality of Congress' unilateral abrogation of the Fort Laramie Treaty. They seek only a holding that the Black Hills "were appropriated by the United States in circumstances which involved an implied undertaking by it to make just compensation to the tribe." *United States* v. *Creek Nation*, 295 U.S. 103, 111 (1935). The rational-basis test proffered by the Government would be ill-suited for use in determining whether such circumstances were presented by the events culminating in the passage of the 1877 Act.

[29] Of course, it has long been held that the taking by the United States of "unrecognized" or "aboriginal" Indian title is not compensable under the Fifth Amendment. *Tee-Hit-Ton Indians* v. *United States*, 348 U.S. 272, 285 (1955). The principles we set forth today are applicable only to instances in which "Congress by treaty or other agreement has declared that thereafter Indians were to hold the lands permanently." *Id.*, at 277. In such instances, "compensation must be paid for subsequent taking." *Id.*, at 277-278.

[30] An examination of this standard reveals that, contrary to the Government's assertion, the Court of Claims in this case did not base its finding of a taking solely on Congress' failure in 1877 to state affirmatively that the "assets" given the Sioux in exchange for the Black Hills were equivalent in value to the land surrendered. Rather, the court left open the possibility that, in an appropriate case, a mere assertion of congressional good faith in setting the terms of a forced surrender of treaty-protected lands could be overcome by objective indicia to the contrary. And, in like fashion, there may be instances in which the consideration provided the Indians for surrendered treaty lands was so patently adequate and fair that Congress' failure to state the obvious would not result in the finding of a compensable taking.

To the extent that the Court of Claims' standard, in this respect, departed from the original formulation of the *Fort Berthold* test, see 220 Ct. Cl., at —, 601 F. 2d, at 1182-1183 (dissenting opinion), such a departure was warranted. The Court of Claims' present formulation of the test, which takes into account the adequacy of the consideration given,

does little more than reaffirm the ancient principle that the determination of the measure of just compensation for a taking of private property "is a judicial and not a legislative question." *Monongahela Navigation Co.* v. *United States*, 148 U.S. 312, 327 (1893).

[31] The 1877 Act, see *supra*, at 9-10, and n. 14, purported to provide the Sioux with "all necessary aid to assist the said Indians in the work of civilization," and "to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868." 19 Stat. 256. The Court of Claims correctly concluded that the first item "was so vague that it cannot be considered as constituting a meaningful or significant element of payment by the United States." 220 Ct. Cl., at —, 601 F. 2d, at 1166. As for the second, it "gives the Sioux nothing to which they were not already entitled [under the 1868 treaty]." *Id.*, at —, 601 F. 2d, at 1166.

The Government has placed some reliance in this Court on the fact that the 1877 Act extended the northern boundaries of the reservation by adding some 900,000 acres of grazing lands. See n. 14, *supra*. In the Court of Claims, however, the Government did "not contend . . . that the transfer of the additional land was a significant element of the consideration the United States gave for the Black Hills." 220 Ct. Cl., at —, n. 3, 601 F. 2d, at 1163, n. 3. And Congress obviously did not intend the extension of the reservation's northern border to constitute consideration for the property rights surrendered by the Sioux. The extension was effected in that article of the Act redefining the reservation's borders; it was not mentioned in the article which stated the consideration given for the Sioux' "cession of territory and rights." See 19 Stat. 255-256. Moreover, our characterizing the 900,000 acres as assets given the Sioux in consideration for the property rights they ceded would not lead us to conclude that the terms of the exchange were "so patently adequate and fair" that a compensable taking should not have been found. See. n. 30, *supra*.

Finally, we note that the Government does not claim that the Indian Claims Commission and the Court of Claims incorrectly valued the property rights taken by the 1877 Act by failing to consider the extension of the northern border. Rather, the Government argues only that the 900,000 acres should be considered, along with the obligation to provide rations, in determining whether the Act, viewed in its entirety, constituted a good-faith effort on the part of Congress to promote the Sioux' welfare. See Brief for United States 73, and n. 58.

[32] The dissenting opinion suggests, *post*, at 11-14, that the factual findings of the Indian Claims Commission, the Court of Claims, and now this Court, are based upon a "revisionist" view of history. The dissent fails to identify which materials quoted herein or relied upon by the Commission and the Court of Claims fit that description. The dissent's allusion to historians "writing for the purpose of having their conclusions or observations inserted in the reports of congressional committees," *id.*, at 12, is also puzzling because, with respect to this case, we are unaware that any such historian exists.

The primary sources for the story told in this opinion are the factual findings of the Indian Claims Commission and the Court of Claims. A reviewing court generally will not discard such findings because they raise the specter of creeping revisionism, as the dissent would have it, but will do so only when they are clearly erroneous and unsupported by the record. No one, including the Government, has ever suggested that the factual findings of the Indian Claims Commission and the Court of Claims fail to meet that standard of review.

A further word seems to be in order. The dissenting opinion does not identify a single author, nonrevisionist, neo-revisionist, or otherwise, who takes the view of the history of the cession of the Black Hills that the dissent prefers to adopt, largely, one assumes, as an article of faith. Rather, the dissent relies on the historical findings contained in the decision rendered by the Court of Claims in 1942. That decision, and those findings, are not before this Court today. Moreover, the holding of the Court of Claims in 1942, to the extent the decision can be read as reaching the merits of the Sioux' taking claim, was based largely on the conclusive presumption of good faith toward the Indians which that court afforded to Congress' actions of 1877. See 97 Ct. Cl., at 669-673, 685. The divergence of results between that decision and the judgment of the Court of Claims affirmed today, which the dissent would attribute to historical revisionism, see *post*, at 11-12, is more logically explained by the fact that the former decision was based on an erroneous *legal* interpretation of this Court's opinion in *Lone Wolf*. See Part IV-B, *supra*.

[33] We find further support for this conclusion in Congress' 1974 amendment to § 2 of the Indian Claims Commission Act, 25 U.S.C. § 70a. See n. 17, *supra*. That amendment provided that in determining offsets, "expenditures for food, rations, or provisions shall not be deemed payments on the claim." The report of the Senate Committee on Interior and Insular Affairs, which accompanied this amendment, made two points that are pertinent here. First, it noted that "[a]lthough couched in general terms, this amendment is directed to one basic objective—expediting the Indian Claims Commission's disposition of the famous Black Hills case." S. Rep. No. 98-862, p. 2 (1974) (incorporating memorandum prepared by the Sioux Tribes). Second, the Committee observed:

"The facts are, as the Commission found, that the United States disarmed the Sioux and denied them their traditional hunting areas in an effort to force the sale of the Black Hills. Having violated the 1868 Treaty and having reduced the Indians to starvation, the United States should not now be in the position of saying that the rations it furnished constituted payment for the land which it took. In short, the Government committed two wrongs: first, it deprived the Sioux of their livelihood; secondly, it deprived the Sioux of their land. What the United States gave back in rations should not be stretched to cover both wrongs." *id.*, at 4-5. See also Billington, Introduction, in National Park Service, Soldier and Brave xiv (1963) ("The Indians suffered the humiliating defeats that forced them to walk the white man's road toward civilization. Few conquered people in the history of mankind have paid so dearly for their defense of a way of life that the march of progress had outmoded.").

[No. 79-639]

UNITED STATES, PETITIONER, *v.* SIOUX NATION OF INDIANS ET AL. [June 30, 1980]

On Writ of *Certiorari* to the United States Court of Claims:

MR. JUSTICE WHITE, concurring in part and concurring in the judgment.

I agree that there is no constitutional infirmity in the direction by Congress that the Court of Claims consider this case without regard to the defense of res judicata. I also agree that the Court of Claims correctly decided this case. Accordingly, I concur in Part III and V of the Court's opinion and in the judgment.

[No. 79-639]

UNITED STATES, PETITIONER, *v.* SIOUX NATION OF INDIANS ET AL. [June 30, 1980]

On Writ of *Certiorari* to the United States Court of Claims:

MR. JUSTICE REHNQUIST, dissenting.

In 1942, the Sioux Tribe filed a petition for certiorari requesting this Court to review the Court of Claims' ruling that Congress had not unconstitutionally taken the Black Hills in 1877, but had merely exchanged the Black Hills for rations and grazing lands—an exchange Congress believed to be in the best interests of the Sioux and the Nation. This Court declined to review that judgment. *Sioux Tribe* v. *United States*, 97 Ct. Cl. 613 (1942), cert. denied, 318 U.S. 789 (1943). Yet today the Court permits Congress to reopen that judgment which this Court rendered final upon denying certiorari in 1943, and proceeds to reject the 1942 Court of Claims' factual interpretation of the events in 1877. I am convinced that Congress may not constitutionally require the Count of Claims to reopen this proceeding, that there is no judicial principle justifying the decision to afford the respondents an additional opportunity to litigate the same claim, and that the Court of Claims' first interpretation of the events in 1877 was by all accounts the more realistic one. I therefore dissent.

I

In 1920, Congress enacted a special jurisdictional act, 41 Stat. 738, authorizing the Sioux Tribe to submit any legal or equitable claim against the United States to the Court of Claims. The Sioux filed suit claiming that the 1877 Act removing the Black Hills from the Sioux territory was an unconstitutional taking. In *Sioux Tribe of Indians* v. *United States*, 97 Ct. Cl. 613 (1942), the Court of Claims considered the question fully and found that the United States had not taken the Black Hills from the Sioux within the meaning of the Fifth Amendment. It is important to highlight what that Court found. It did not decide, as the Court today suggests, that it merely lacked jurisdiction over the claim presented by the Sioux. See *ante*, at 12. It found that under the circumstances presented in 1877, Congress attempted to improve the situation of the Sioux and the Nation by exchanging the Black Hills for 900,000 acres of grazing lands and rations for as long as they should be needed. The Court found that although the government attempted to keep white settlers and gold prospectors out of the Black Hills territory, these efforts were unsuccessful. The Court concluded that this situation was such that the government "believed serious conflicts would develop between settlers and the government and between the settlers and the Indians." *Id.*, at 659. It was also apparent to Congress that the Indians were still "incapable of supporting themselves." *Id.*, at 659.

The Court found that the government therefore embarked upon a course designed to obtain the Indians' agreement to sell the Black Hills and "endeavored in every way possible during 1875 and 1876 to arrive at a mutual agreement with the Indians for the sale. . . ." *Id.*, at 681. Negotiation having failed, Congress then turned to design terms for the acquisition of the Black Hills which it found to be in the best interest of both the United States and the Sioux. The Court found that pursuant to the 1877 agreement, Congress provided the Indians with more than $43 million in rations as well as providing them with 900,000 acres of needed grazing lands. Thus the Court concluded that "the record shows that the action taken was pursuant to a policy which the Congress deemed to be for the interest of the Indians and just to both parties." *Id.*, at 668. The Court emphasized:

"[T]he Congress, in an Act enacted because of the situation encountered and pursuant to a policy which in its wisdom it deemed to be in the interest and for the benefit and welfare of the . . . Sioux Tribe, as well as for the necessities of the government, required the Indians to sell or surrender to the government a portion of their land and hunting rights on other land in return for that which the Congress, in its judgment, deemed to be an adequate consideration for what the Indians were required to give up, which consideration the government was not otherwise under any legal obligation to pay." *Id.*, at 667.

This Court denied certiorari. 318 U.S. 789 (1943).

During the course of further litigation commencing in 1950, the Sioux again resubmitted its claim that the Black Hills were taken unconstitutionally. The Government pleaded res judicata as a defense. The Court of Claims held that res judicata barred relitigation of the question since the original Court of Claims decision had clearly held that the appropriation of the Black Hills

was not a taking because Congress in "exercising its plenary power over Indian tribes, took their land without their consent and substituted for it something conceived by Congress to be an equivalent." *United States* v. *Sioux Nation*, 207 Ct. Cl. 234, 243 (1975). The Court found no basis for relieving the Sioux from the bar of res judicata finding that the disability "is not lifted if a later court disagrees with a prior one." *Id.*, at 244. The Court thus considered the equities entailed by the application of res judicata in this case and held that relitigation was unwarranted. Again, this Court denied certiorari. 423 U.S. 1016 (1976).

Congress then passed another statute authorizing the Sioux to relitigate its taking claim in the Court of Claims. The statute provided that the Court of Claims *"shall* review on the merits" the Sioux claim that there was a taking and that the Court *"shall determine that issue de novo."* (Emphasis added.) Neither party submitted additional evidence and the Court of Claims decided the case on the basis of the record generated in the 1942 case and before the Commission. On the basis of that same record, the Court of Claims has now determined that the facts establish that Congress did not act in the best interest of the Sioux, as the 1942 Court found, but arbitrarily appropriated the Black Hills without affording just compensation. This Court now embraces this second, latter day interpretation of the facts in 1877.

II

Although the Court refrains from so boldly characterizing its action, it is obvious from these facts that Congress has reviewed the decisions of the Court of Claims, set aside the judgment that no taking of the Black Hills occurred, set aside the judgment that there is no cognizable reason for relitigating this claim, and ordered a new trial. I am convinced that this is nothing other than an exercise of judicial power reserved to Art. III courts that may not be performed by the Legislative Branch under its Art. I authority.

Article III vests "the judicial Power of the United States" in federal courts. Congress is vested by Art. I with *legislative* powers, and may not itself exercise an appellate-type review of judicial judgments in order to alter their terms, or to order new trials of cases already decided. The judges in *Hayburn's* case, 2 Dow. 409 (1792) stated that, "no decision of any court of the United States can, under any circumstances, in our opinion, agreeable to the Constitution, be liable to a revision or even suspension, by the Legislature itself, in whom no judicial power of any kind appears to be vested." We have interpreted the decision in *United States* v. *Klein*, 13 Wall. 128 (1872), as having "rested upon the ground that . . . Congress was without constitutional authority to control the exercise of . . . judicial power . . . by requiring this Court to set aside the judgment of the Court of Claims" and as holding that Congress may not "require a new trial of the issues . . . which the court had resolved against [a party]." *Pope* v. *United States*, 323 U.S. 1 (1944).

This principle was again applied in *United States* v. *O'Grady*, 22 Wall. 641 (1874), where the Court refused to legitimize a congressional attempt to revise a final judgment rendered by the Court of Claims finding that such judgments "are beyond all doubt the final determination of the matter in controversy; and it is equally certain that the judgments of the Court of Claims where no appeal is taken to this Court, are, under existing laws, *absolutely conclusive of the rights of parties unless a new trial is granted by that court. . . .*" (Emphasis added.) The Court further found that there is only one Supreme Court and, "[i]t is quite clear that Congress cannot subject the judgments of the Supreme Court to the reexamination and revision of any other tribunal or any other department of the government." *Id.*, at 647-648. See also *Chicago & Southern Airlines* v. *Waterman Corp.*, 333 U.S. 95 (1948). Congress has exceeded the legislative boundaries drawn by the cases and the Constitution and exercised judicial power in the case already decided by effectively ordering a new trial.

The determination of whether this action is an exercise of legislative or judicial power is of course one of characterization. The fact that the judicial process is affected by an act of Congress is not dispositive since many actions which this court has clearly held to be legitimate exercises of legislative authority do have an effect on the judiciary and it processes. Congress may legitimately exercise legislative power in the regulation of judicial jurisdiction; and it may, like other litigants, change the import of a final judgment by establishing new legal rights after the date of judgment, and have an effect on the grounds available for a court's decision by waiving available defenses. But as the Court apparently concedes, Congress may not, in the name of those legitimate actions, review and set aside a final judgment of an Art. III court, and order the courts to rehear an issue previously decided in a particular case.

The Court relies heavily on the fact that Congress was acting pursuant to its power to pay the Nation's debts. No doubt, Congress has broad power to do just that, but it may do so only through the exercise of legislative, not judicial powers. thus the question must be, not whether Congress was attempting to pay its debts through this act, but whether it attempted to do so my means of judicial power. The Court suggests that the congressional action in issue is justified as either a permissible regulation of jurisdiction, the creation of a new obligation, or the mere waiver of a litigant's right. These alternative nonjudicial characterizations of the congressional action, however, are simply unpersuasive.

A

The Court first attempts to categorize this action as a permissible regulation of jurisdiction stating that all Congress has done is to "provid[e] a forum so that a new judicial review of the Black Hills claim could take place." But that is the essence of an appellate or trial court decision ordering a new trial. While Congress may *regulate* judicial functions it may not itself *exercise* them. Admittedly, it is not always readily apparent whether a particular action constitutes the assignment or the exercise of a judicial function since the assignment of some functions is inherently judicial—such as assigning the trial court the task of rehearing a case because of error. The guidelines identified in our opinions, however, indicate that while Congress enjoys broad authority to regulate judicial proceedings in the context of a *class* of cases, *Johannessen* v. *United States*, 225 U.S. 227 (1912), when Congress regulates functions of the judiciary in a *pending* case it walks the line between judicial and legislative authority, and exceeds that line if it sets aside a judgment or orders retrial of a previously adjudicated issue. *United States* v. *Klein*, *supra*, 13 Wall., at 145; *United States* v. *Pope*, *supra*.

By ordering a rehearing in a pending case, Congress does not merely assign a judicial function, it necessarily reviews and sets aside an otherwise final adjudication; actions which this Court concedes Congress cannot permissably take under the decisions of this Court. *Ante*, at 19. The Court concludes that no "review" of the Court of Claims decisions (and our denials of certiorari) has occurred, and that the finality of the judgments has not been disturbed principally because Congress has not dictated a rule of decision what must govern the ultimate outcome of the adjudication. The fact that Congress did not dictate to the Court of Claims that a particular result be reached does not in any way negate the fact it has sought to exercise judicial power. This Court and other appellate courts often reverse a trial for error without indicating what the result should be when the claim is heard again.

It is also apparent that Congress must have "reviewed" the merits of the litigation and concluded that for some reason, the Sioux should have a second opportunity to air their claims. The order of a new trial inevitably reflects some measure of dissatisfaction with at least the manner in which the original claim was heard. It certainly seems doubtful that Congress would grant a litigant a new trial if convinced that the litigant had been fairly heard in the first instance. Unless Congress is assuming that there were deficiencies in the prior judicial proceeding, why would it see fit to appropriate public money to have the claim heard once again? It would seem that Congress did not find the opinions of the Court of Claims' fully persuasive. But it is not the province of Congress to judge the persuasiveness of the opinions of federal courts—that is the judiciary's province alone. It is equally apparent that Congress has set aside the judgments of the Court of Claims. Previously those judgments were dispositive of the issues litigated in them; Congress now says that they are not. The action of Congress cannot be justified as the regulation of the jurisdiction of the federal courts because it seeks to provide a forum for the purposes of reviewing a previously final judgment in a pending case.

B

The action also cannot be characterized and upheld as merely an exercise of a litigant's power to change the effect of a judgment by agreeing to obligations beyond those required by a particular judgment. This Court has clearly never found that the judicial power is encroached upon because Congress seeks to change the law after a question has been adjudicated. See, *e.g.*, *Pennsylvania* v. *Wheeling & Belmont Bridge Co.*, 18 How. 421 (1855); *Hodges* v. *Snyder*, 261 U.S. 600 (1923). This is a recognition of the right of every litigant to pay his adversary more than the court says is required if he so chooses. Congress, acting under its spending powers is, like an individual, entitled to enlarge its obligations after the Court has adjudicated a question. The decision in *Pope*, *supra*, clearly rests upon this distinction.

But here Congress has made no change in the applicable law. It has not provided, as our opinions make clear it could have, that the Sioux should recover for all interest on the value of the Black Hills. Counsel for respondents in fact stated at oral argument that he could not persuade Congress "to go that far." Congress has not changed the rule of law, it simply directed the judiciary

to try again. Congress may not attempt to shift its legislative responsibilities and satisfy its constitutents by discarding final judgments and ordering new trials.

C

The Court also suggests that the congressional action is but a "mere waiver" of a defense within a litigant's perogative. *Ante*, at 35. Congress certainly is no different from other litigants in this regard, and if the congressional action in this case could convincingly be construed as having an effect no greater than an ordinary litigant's waiver, I certainly would not object that Congress was exercising judicial power. But it is apparent that the congressional action in issue accomplished far more than a litigant's waiver. Congress clearly required the Court of Claims to hear the case in full, and only if a waiver of res judicata by a litigant would always impose an obligation on a federal court to rehear such a claim, could it be said that Congress has exercised the power of a litigant rather than the power of a legislature.

While res judicata is a defense which can be waived, see Fed. Rule Civ. Proc. 8(c), if a court is on notice that it has previously decided the issue presented, the court may dismiss the action *sua sponte*, even though the defense has not been raised. See *Hetcher Transportation Corp.* v. *Ira S. Bushey & Sons*, 186 F. 236 (CA2 1951); *Evarts* v. *Western Metal Finishing Co.*, 253 F. 2d 637, 639, n. 1 (CA9), cert. denied, 359 U.S. 813 (1958); *Scholla* v. *Scholla*, — U.S. App. D.C. —, 201 F.2d 211 (1953); *Hicks* v. *Holland*, 235 F.2d 183 (CA6), cert. denied, 352 U.S. 855 (1956). This result is fully consistent with the policies underlying res judicata: it is not based solely on the defendant's interest in avoiding the burdens of twice defending a suit, but is also based on the avoidance of unnecessary judicial waste. *Commissioner* v. *Sunnen*, 333 U.S. 586, 597 (1948); *Blonder-Tongue Labs, Inc.* v. *University of Illinois Foundation*, 402 U.S. 313 (1971), 328 (1971); *Parklane Hosiery* v. *Shore*, — U.S. — (1979). The Court of Claims itself has indicated that it would not engage in reconsideration of an issue previously decided by the Court of Claims without substantial justification:

"It is well to remember that res judicata and its offspring, collateral estoppel, are not statutory defenses; they are defenses adopted by the courts in furtherance of prompt and efficient administration of the business that comes before them. They are grounded on the theory that one litigant cannot unduly consume the time of the Court at the expense of other litigants, and that, once the Court has finally decided an issue, a litigant cannot demand that it be decided again." *Warthen* v. *United States*, 157 Ct. Cl. 798 (1962).

It matters not that the defendant has consented to the relitigation of the claim since the judiciary retains an independent interest in preventing the misallocation of judicial resources and second guessing prior panels of Art. III judges when the issue has been fully and fairly litigated in a prior proceeding. Since the Court of Claims found in this case that there was no adequate reason for denying res judicata effect after the issue was raised and the respondents were given an opportunity to demonstrate why res judicata should not apply, it is clear that the issue has been heard again only because Congress used its legislative authority to mandate a rehearing. The Court of Claims apparently acknowledged that this in fact was the effect of the legislation, for it did not state that readjudication was the product of a waiver, but rather that through its decision the Court "carried out the *obligation imposed upon us* in the 1978 jurisdictional statute." (Emphasis added.)

Nor do I find this Court's decision in *Cherokee Nations* dispositive. Again, in *Cherokee Nations*, the Court was asked to consider and decide a question not previously adjudicated by that Court. The Court stated that the theory of interest presented in the second adjudication was not "presented either to the Court of Claims or to this Court. It is a new argument not before considered." 270 U.S., at 486. Thus even *Cherokee Nation* did not involve congressional mandated judicial re-examination of a question previously decided by an Art. III Court.

Here, in contrast, the issue decide is identical to that decided in 1942. It is quite clear from a comparison of the 1942 decision of the Court of Claims and the opinion of the Court today that the only thing that has changed is an interpretation of the events which occurred in 1877. The Court today concludes that the facts in this case "would not lead one to conclude that the Act effected 'a mere change in the form of investment of Indian tribal property.'" *Ante*, at 41. But that is precisely what the Court of Claims found in 1942. See *supra*, at 2-3. There has not even been a change in the law, for the Court today relies on decisions decided long before the Court of Claims decision in 1942. It is the view of history, and not the law which has evolved. See *infra*. The decision is thus clearly nothing more than a second interpretation of the precise factual question decided in 1942. As the dissenting judges in the Court of Claims aptly stated, "The facts have not changed. We have been offered no new evidence."

It is therefore apparent that Congress has accomplished more than a private litigant's attempted waiver, more than legislative control over the general jurisdiction of the federal courts, and more than the establishment of a new rule of law for a previously decided case. What Congress has done is uniquely judicial. It has reviewed a prior decision of an Art. III Court, eviscerated the finality of that judgment, and ordered a new trial in a pending case.

III

Even if I could countenance the Court's decision to reach the merits of this case, I also think it has erred in rejecting the 1942 Court's interpretation of the facts. That Court rendered a very persuasive account of the congressional enactment. See *supra*, at 2-3. As the dissenting judges in the Court of Claims opinion under review pointedly stated, "The majority's view that the rations were not consideration for the Black Hills is untenable. What else was the money for?"

I think the Court today rejects that conclusion largely on the basis of a view of the settlement of the American West which is not universally shared. There was undoubtedly greed, cupidity, and other less than admirable tactics employed by the government during the Black Hills episode in the settlement of the West, but the Indians did not lack their share of villainy either." It seems to me quite unfair to judge by the light of "revisionist" historians or the mores of another era actions that were taken under pressure of time more than a century ago.

Different historians, not writing for the purpose of having their conclusions or observations inserted in the reports of congressional committees, have taken different positions than those expressed in some of the materials referred to in the Court's opinion. This is not unnatural, since history, no more than law, is an exact (or for that matter an inexact) science.

But the inferences which the Court itself draws from the letter from General Sheridan to General Sherman reporting on a meeting between the former with President Grant, the Secretary of the Interior, and the Secretary of War as well as other passages in the court's opinion, leave a stereotyped and one-sided impression both of the settlement regarding the Black Hills portion of the Great Sioux Reservation and of the gradual expansion of the national government from the Proclamation Line of King George III in 1763 to the Pacific Ocean.

Ray Billington, a senior Research Associate at the Huntington Library in San Marino, Cal. since 1963, and a respected student of the settlement of the American West emphasized in his introduction to the book "Soldier and Brave," (National Park Service, United States Department of the Interior, Harper & Row, Publishers, New York, 1963) that the confrontations in the West were the product of a long history, not a conniving presidential administration:

"Three centuries of bitter Indian warfare reached a tragic climax on the plains and mountains of America's Far West. Since the early 17th century, when Chief Opechancanough rallied his Powhaten tribesmen against the Virginia intruders on their lands, each advance of the frontier had been met with stubborn resistence. At times this conflict flamed into open warfare: In King Phillips' rebellion against the Massachusetts Puritans, during the French & Indian Wars of the 18th century, and Chief Pontiac's assault on his new British overlords in 1763, and Chief Tecumseh's vain efforts to hold back the advancing pioneers of 1812, and in the Black Hawk War. . . .

"In three tragic decades, between 1860 and 1890, the Indians suffered the humiliating defeats that forced them to walk the white man's road toward civilization. Few conquered people in the history of mankind have paid so dearly for their defense of a way of life that the march of progress had outmoded.

"This epic struggle left its landmarks behind, as monuments to the brave men, Indian and white, who fought and died that their manner of living might endure," *Id.*, at xiii-xiv.

Another history highlights the cultural differences which made confict and brutal warfare inevitable:

"The Plains Indians seldom practiced agriculture or other primitive arts, but they were fine physical specimens; and in warfare, once they had learned the use of the rifle, were much more formidable than the Eastern tribes who had slowly yielded to the white man. Tribe warred with tribe, and a highly developed sign language was the only means of inter-tribal communication. The effective unit was the band or village of a few hundred souls, which might be seen in the course of its wanderings encamped by a water course with tepees erected; or pouring over the plain, women and children leading dogs and pack horses with their trailing travos, while gaily dressed braves loped ahead on horseback. They lived only for the day, recognized no right of property, robbed or killed anyone if they thought they could get away with it, inflicted cruelty without a qualm, and endured torture without flinching." Morrison, Samuel Eliot, "The Oxford History of the American People," 539-540 (New York Oxford University Press 1965).

That there was tragedy, deception, barbarity, and virtually every other vice known to man in the 300-year history of the expansion of the original 13 colonies into a Nation which now embraces more than 3 million square miles and 50 States cannot be denied. But in a Court opinion, as a historical and not a legal matter, both settler and Indian are entitled to the benefit of the Biblical adjuration: "Judge not, that ye be not judged."

Mr. PRESSLER. Mr. President, I rise today to address the issue of the ownership of the Black Hills in South Dakota. It is frustrating to see the good faith efforts of so many people over the decades ignored. Many court cases have ensued on this issue culminating with a 1980 Supreme Court decision. With the passage of time, people forget how much effort goes into these settlements, but I vividly recall meeting after meeting with tribal leaders, individual tribal members, and many other constituents concerned about this matter. Indeed, during my first two terms in Congress (1975–78), we all worked very hard to achieve a fair resolution to a controversy which arose over the Fort Laramie Treaty of 1868.

In an attempt to resolve this issue, I spoke on the House floor in favor of legislation waiving res judicata and giving the Sioux Indians the right to bring another suit. That is what the Sioux tribes wanted, and as far as I am concerned, that settled it.

Indeed, Justice Blackmun, writing for the Supreme Court referred to my statement in his written opinion, *United States* v. *Sioux Nation of Indians*, 448 U.S. 371, 394 (1980):

Representative PRESSLER also responded to Representative GUDGER's interpretation of the proposed amendment, arguing that "we are indeed, here asking for a review and providing the groundwork for a review. I do not believe that we would be reviewing a decision: indeed the same decision might be reached. 124 CONGRESSIONAL RECORD H899 (Feb. 9, 1978).

Since that time, I have kept in close touch with the Indian people of my State. It has been my privilege to sponsor much legislation for the benefit of the Indian people.

Hopefully, history will note I am not a newcomer to this issue and have never avoided the issue at any time. Indeed, in October of 1982, I delivered a speech on the Senate floor, and I believe it addresses the present question:

• • • [T]his land has been the subject of a long legal battle which resulted in a determination that the Sioux Indians were entitled to $105 million in compensation.

As a Member of the U.S. House of Representatives in 1978, I supported legislation to reopen the question of the claim to the Black Hills. I worked with the tribal leaders in that matter as I believed that the pursuit of legal avenues was the best means of dealing with the claims to the Black Hills.

A long history of treaties, agreements, and court actions is involved in the Sioux Nation's claim to the Black Hills. The Sioux Indians have claimed for over a century that the United Staters abrogated the Fort Laramie Treaty of 1868 in which the United States pledged that the Great Sioux Reservation—including the Black Hills—would be set apart for the absolute use of the Sioux Indians.

The Fort Laramie Treaty established the Great Sioux Reservation and stated that no unauthorized persons would ever be permitted to reside in that territory. The treaty also stated that no later treaty for the cession of any portion of the reservation described would be valid unless executed by at least three-fourths of all the adult male Indians occupying the reservation.

With the discovery of gold in the Black Hills, the Federal Government began negotiations for mining rights but was unsuccessful in its attempt.

In 1876, a Commission on Indian Affairs traveled to the Black Hills with a prepared treaty which provided that the Sioux would relinquish their rights to the Black Hills and other lands west of the 103 meridian, as well as their rights to hunt in territories off the reservation, in exchange for subsistence rations. This treaty which was presented to the Sioux chiefs was signed by only 10 percent of the adult male Sioux population. This agreement became law in the act of 1877. Since that time the Sioux have viewed the act of 1877 as a breach of the Nation's obligation to reserve the Black Hills for occupation by the Indians and an abrogation of the provisions of the Fort Laramie Treaty. However, Congress had not enacted any means by which Indian tribes could litigate a treaty against the United States.

In 1920, Congress passed special jurisdiction legislation which provided the Sioux Indians the forum they needed, and in 1923, a petition was filed with the Court of Claims alleging that the Government had taken the Black Hills without the just compensation required under the fifth amendment to the Constitution.

In 1942, the Court of Claims dismissed the claim, stating that the act of 1920 did not authorize them to determine the issue of whether adequate compensation had been awarded for the Black Hills. They found this to be a moral issue and thus outside their jurisdiction.

In response to this decision, Congress passed legislation creating an Indian Claims Commission. This Commission would hear and determine all tribal grievances. In 1974, this Commission concluded that Congress had acted pursuant to its power of eminent domain in the 1877 treaty and must therefore pay the Indians just compensation for the Black Hills.

The Government of the United States appealed the decision claiming that the rule of res judicata barred the Sioux' claim. Res judicata is a legal term which refers to the fact that once one was litigated a case and accepted a final judgment, one cannot come back into court and seek the same relief.

The Court of Claims ruled that the 1942 claim had reached a final judgment and thus the legal rule of res judicata prevented review of the Sioux Nation's claim. The court also stated that only Congress could correct this situation.

It was at this time that I worked closely with the tribal leaders and supported legislation in the U.S. House of Representatives which waived the rule of res judicata so that the Sioux Nation's claim could be heard.

This 1978 legislation provided for de novo review by the Court of Claims so that new evidence could be admitted. After the passage of this statute, the Court of Claims reviewed the Indian Claims Commission's award and agreed that the Sioux were entitled interest on the $17.1 million determination they had been granted in 1877.

The Government of the United States appealed this decision to the U.S. Supreme Court. During the October term of 1979 the Supreme Court—the highest court in this land—reviewed the Sioux Nation's claim. The opinion issued by the Supreme Court traced all the treaties and agreements as well as all previous claims and legislative actions, quoting my comments on the floor of the House with regard to the waiver of res judicata. The Supreme Court determined in this 1980 opinion that the Sioux were entitled to the award increase granted by the Court of Claims.

I consider *U.S.* v. *Sioux Nation of Indians*, 448 U.S. 371 (1980) to be the final settlement on this issue. I am proud to have played a part in gaining the Sioux Indians the right to have their claim heard and a final determination made.

By Mr. TRIBLE:

S. 1454. A bill to amend title 5, United States Code, to expand the class of individuals eligible to receive a rebate or other return of contributions when amounts held in contingency reserve under the Federal Employees Health Benefits Program exceed certain levels; to the Committee on Governmental Affairs.

REFUND OF CERTAIN HEALTH CARE FUNDS TO FEDERAL RETIREES

Mr. TRIBLE. Mr. President, the Office of Personnel Management has just approved a plan permitting Blue Cross-Blue Shield to offer premium rebates to policy holders and to return additional moneys to the Federal Health Insurance Program. According to Blue Cross-Blue Shield, this refund, totaling approximately $754 million, is a result of a decreasing rise in health care costs as well as in increasingly responsible use of health care resources by subscribers.

This is good news; $465 million will be refunded to the Federal Employees Health Benefit Program. And, Blue Cross-Blue Shield is prepared to provide its policy holders, approximately 1.5 million people, with refunds ranging from $18 to $374.

Unfortunately, current law permits such refunds for employees of the Federal Government only. Federal retirees are not eligible to receive such rebates.

Mr. President, the omission of Federal retirees in this provision of the law was, I believe, unintended. Federal retirees pay the same premiums for the same benefits as their currently employed counterparts. And, these individuals should be entitled to receive the same rebates.

The legislation I am introducing today corrects this deficiency in current law. My legislation modifies current law to allow Federal retirees, along with current employees of the Federal Government, to receive these

rebates. This bill is straight forward, simple, and supported by the administration and by Blue Cross-Blue Shield.

I urge my colleagues to support this measure.

By Mr. LAUTENBERG:

S. 1456. A bill to recognize the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

FEDERAL CHARTER FOR THE ARMY AND NAVY UNION OF THE UNITED STATES OF AMERICA

● Mr. LAUTENBERG. Mr. President, I am pleased to introduce legislation to grant a Federal charter to the Army and Navy Union.

The Army and Navy Union, founded in 1886, is the oldest veterans' organization of its type in the United States. It is the only veterans' organization in which membership is not limited to any specific form, date branch, place or nature of the military service performed.

The Army and Navy Union is dedicated to the preservation of a free and independent United States, and to the provision of assistance to veterans and their dependents. Since its earliest days, the Army and Navy Union has worked for the enactment of equitable laws to provide pensions, medical care, and other benefits to veterans.

The Army and Navy Union is headed by a national commander and his staff. The national corps is administered by officers elected at an annual convention. Any member in good standing is eligible to hold any office in the Army and Navy Union. Each member State has its own State department, which administers the operations of the local posts, known as garrisons. Each State department has an annual encampment. Garrisons meet once a month, and garrison members elect their own officers and delegates to the national encampment and the departmental encampment.

The Army and Navy Union currently has about 8,400 members with posts in 10 States including New Jersey, Ohio, New York, and the District of Columbia.

Members of the Army and Navy Union work on a volunteer basis performing services for veterans and their families. Members of the union serve as burial escorts and ceremonial honor guards at veterans' funerals, and they perform charitable work at Veterans' Administration hospitals. Members also assist the families of deceased veterans in adjusting to their loss by, for examples, escorting widows to Social Security or VA offices and assisting them in obtaining any benefits to which they may be entitled.

The Army and Navy Union has a long and illustrious record of service to veterans and their dependents. Forty-one recipents of the Congressional Medal of Honor, including Eddie Rickenbacker and Douglas MacArthur, have held membership in the Army and Navy Union. Other members include President Willian McKinley, Supreme Court Justice Harold Burton, Senator Charles Dick of Ohio, and Nobel Peace Prize Laureate Dr. Ralph J. Bunche.

Mr. President, the Army and Navy Union has served our Nation's veterans long and well, and deserves recognition from the Congress. A Federal charter for the Army and Navy Union will provide this worthy organization with that well-deserved recognition, and has already been approved by the House of Representatives. I hope that this body will quickly approve this bill.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The Army and Navy Union of the United States of America, organized and incorporated under the laws of the State of Ohio, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Army and Navy Union of the United States of America (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall also be—

(a) to hold true allegiance to the Government of the United States of America and fidelity to its Constitution, laws, and institutions;

(b) to serve our Nation under God in peace as well as in war by fostering the ideals of faith and patriotism, loyalty, justice, and liberty; by inculcating in the hearts of young and old, through precept and practice, the spirit of true Americanism; by participating in civic activities for the good of our country and our community;

(c) to unite in fraternal fellowship those who have served honorably and those who are now serving honorably in the Armed Forces of the United States of America; to protect and advance their civic, social, and economic welfare; to aid them in sickness and distress; to assist in the burial and commemoration of their dead; and to provide help for their widows and orphans; and

(d) to perpetuate the memory of patriotic deeds performed by the defenders of our country.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall insure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of Ohio.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101) is amended by adding at the end thereof the following:

"(68) Army and Navy Union of the United States of America"

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.●

By Mr. HARKIN:

S. 1457. A bill to amend the Internal Revenue Code of 1954 to establish certain rules regarding the regulatory treatment of certain Federal tax credits and deductions allowable to regulated electric utilities; to the Committee on Finance.

ELECTRIC UTILITY TAX REFORM ACT

● Mr. HARKIN. Mr. President, today, I am introducing the Least Cost Electric Utility Tax Act of 1985. A similar bill is being introduced in the House by Congressmen DORGAN, STARK, and others.

The bill concerns phantom taxes. Investor owned electric utilities now have over $40 billion which they have collected from their customers for Federal income taxes, but which has not been paid to the Government. That is equivalent to about $500 per U.S. household. In theory, the funds will be paid to the Government or returned to the ratepayers in the future. In practice, the amounts kept by electric utilities are rapidly increasing. In 1984, I estimate that Iowans alone paid about $50 million in these phantom taxes to electric companies. Nationwide, in 1983, electric utility customers paid over $9 billion to electric companies for Federal taxes, while the companies reported owing only $2.8 billion in taxes. The difference, over $6 billion, was kept by the utilities. For every dollar that was collected for taxes from customers, only 30 cents was actually owed to the Federal Government.

Current law prevents utility commissions from fully protecting the consumer interest. In order to receive certain tax benefits, utilities are required to charge phantom taxes. This bill gives utility commissioners the discretion to return these tax benefits to consumers through lower rates.

The bill allows utility commissioners to remove an incentive which not only raises electric rates in the short term, but which also encourages investor owned utilities to build powerplants costing billions of dollars which may not be needed. During the last dozen years, over 100 powerplants were abandoned before they were completed. Electric utilities have spent over $10 billion in this decade on plants which will never generate any electricity. Consumers will pay a substantial amount of those costs in higher electric bills. The government, both Federal and State, also pays for much of this cost because utilities deduct the loss on their taxes. This means either a larger budget deficit, or more taxes for everyone else.

The following national organizations support this measure:

American Association of Retired Persons,
Citizen/Labor Energy Coalition,
Consumer Federation of America,
Environmental Action,
Environmental Defense Fund,
Environmental Policy Institute,
Friends of the Earth,
National Association of State Consumer Advocates,
National Consumers League,
National Taxpayers Union,
National Resources Defense Council,
Public Citizen,
Service Employees International Union,
Sierra Club,
Solar Lobby,
United Auto Workers,
United Methodist Church, Board of Church and Society, and
Union of Concerned Scientists.

WHAT IS THE LAW NOW?

Under present law, electric utilities recover the cost of their Federal income taxes through consumer electric bills. They charge consumers as if they did not receive the full benefit of investment tax credits or accelerated depreciation allowed by the Tax Code. These provisions, combined with other tax breaks, substantially reduce the taxes which a utility pays. In fact, many don't pay any taxes at all. According to a Joint Tax Committee study on worldwide effective tax rates, utilities had a 7.1-percent rate in 1983. Over the life of a powerplant, perhaps 30 years, utilities are required to slowly return the value of the investment tax credits to their consumers, and are supposed to pay deferred taxes to the Government, although the total amount is never fully returned.

This is how it works. During construction, utilities receive a 10-percent investment tax credit on the cost of building a new plant. At the same time, they include the value of that 10-percent tax credit in determining the cost of a plant. Although the utility did not have to raise the capital for this 10 percent, the utility can charge its customers a rate of return on what is, in fact, a Government grant. In short, the utility is actually earning a profit on funds contributed by the country's taxpayers. Then, over the life of the plant, they slowly remove the investment tax credit from the rate base.

A utility also is allowed to reduce its taxes through the accelerated cost recovery system [ACRS]. This provision was included in the 1981 Economic Recovery Tax Act. A utility may take a deduction for the expenses incurred in depreciating the cost of the powerplant over a 10- or 15-year period, depending upon the type of plant being built. Under this system, a utility may be able to deduct 54 percent of the depreciation expenses of a powerplant in just 5 years. However, the utility charges its customers as it it were depreciating the plant over its full useful life—perhaps 30 years.

As an example, if a utility could reduce its total taxes by $300 million from depreciation expenses, as much as $162 million of that reduction could be recovered in deductions during the first 5 years of its plant's existence. But during that same time, consumers' electric bills would only be reduced by $50 million. Again, consumers pay the utility's taxes as if it depreciated its plant over its full useful life, rather than the Tax Code's accelerated depreciation life. Accordingly, under this example, customers would have effectively loaned $112 million to their utility. These ratemaking practices are called normalization.

The utilities say that eventually, the customer will come out even. In practice, since utilities make new investments in powerplants, with new tax benefits gained, consumers—particularly the elderly—always remain "in the hole" and never gain the full use of their money.

Currently, if a utility commission found this practice unreasonable and required the utility to pass its tax savings on to its consumers, then the law would take away the utilities' eligibility for these tax breaks. The money would revert to the Treasury and neither the customer nor the company would receive and benefit.

WHAT DOES THIS BILL DO?

My bill permits the Iowa Commerce Commission any other State public utility commission to require that these tax savings be flowed through, or immediately returned, to consumers instead of normalizing the benefits as the law now requires.

A commission may hold hearings and then establish a least-cost energy plan for utilities. The commission may then order that the tax benefits be used in the way that will truly be used

to provide for the lowest cost of electric service. In short, the bill returns to States the ability to regulate electric utilities as they see fit.

In a July, 1981 case involving Iowa Power and Light, an Iowa Commerce Commission decision determined that:

Normalization is an efficient, inequitable and unnecessary method of raising capital for a utility. Whereas, flowthrough achieves the regulatory objectives of charging customers for reasonable costs properly matched with the service they receive from investments dedicated to providing that service.

Presently, the Iowa Commerce Commission requires that State tax benefits be flowed through to the consumers. If this bill is enacted, the Iowa Commission could do the same with Federal tax benefits. A State also could choose a middle path, flowing through some of the benefits but not others, as consistent with their least cost energy analysis. The key, again, is that this bill restores discretion to State commissions to regulate utilities as they see fit.

Many utilities are in severe financial shape. Given their financial situation a State utility commission may find that they need the cash-flow. Other utilities are in excellent shape. They may have no plans to build a plant for 5 or more years. They have little need for cash-flow. In fact, many electric utilties are pushing to allow the investment of excess funds in nonenergy areas. I believe that a utility commission should carefully examine the situation on a case-by-case basis.

At the Federal level, the bill gives the Federal Energy Regulatory Commission [FERC], which regulates the wholesale sale or electric power from one utility to another, to do the same thing as the States.

It also requires that the FERC not allow electric utilities to earn a rate of return on the investment tax credit. Present FERC policy does allow this equivalent of profit based on Government grant. Thus, the bill sets a maximum on the normalization benefits rather than a minimum that the law now requires. This maximum amount of normalization is called economic normalization.

MAINTAINING AN ADEQUATE ELECTRICAL SUPPLY AT LEAST COST

Utilities argue that they should receive the phantom tax benefits automatically as a matter of law. I think that is wrong.

Some utilities say that they need the immediate use of the cash from these tax benefits, or phantom taxes, so they can invest in needed powerplants and other equipment. They claim that it is in the customer's benefit to have the utility acquire the funds because of the nature of the financial markets, particularly the fact that some companies are unable to borrow money at reasonable interest rates. In some cases, the utility may be correct. But, in many cases the collection of phantom taxes is not in the public interest. The use of the tax benefits should be made after an analysis by regulators determine what is the best way to provide low cost electric service to the area in the long term.

This bill allows regulators to modify the present regulatory treatment of the tax benefits only after a hearing occurs and after a least-cost energy plan is developed. Once this is done, a public utility commission may take action to do whatever is appropriate with the tax benefits so as to best implement that least-cost plan. In this way, we can have a regulatory policy which truly reflects the public interest.

In 1982, I chaired a hearing in Des Moines at which Wes Birdsell, the general manager of the Osage Iowa Municipal Utility, explained how his town of 3,700 people saved $1 million in powerplant costs by installing $100,000 in conservation equipment. Since 1976, their electric rates had not increased. In 1983, they were able to lower rates by 9 percent. In November 1984, the electric rates lowered an additional 1 percent, making the total reduction 10 percent. This reduced level has not changed since November 1984. Other cities in the area experienced 30 to 60 percent higher rates. Development of programs like Osage takes a lot of work, but means substantially lower electric bills and a more efficient economy. We need to strongly encourage such programs.

A least-cost energy plan would take into consideration all of the factors. The true cost of the alternatives available to consumers would be evaluated. The commissions would look at the value of consumers retaining the use of their money over these years, compared with the interest costs which a utility would incur in building a powerplant. The plan would also consider the energy alternatives to building expensive powerplants which sharply increase electric rates.

The present law requires utilities to keep their deferred or phantom taxes which provide a real incentive for a company to choose building new powerplants instead of less expensive alternatives. I am not saying that they build new plants just because of the phantom taxes. It is, however, a real weight that is added on the build side of the equation and against conservation alternatives. We are now in the middle of a major campaign by the electric utility industry to convince the public that our Nation could face major shortages of electric power in the 1990's that can only be avoided with a huge powerplant construction program started in the near future. I believe that our Nation would be better off if electric utility company management would take a balanced view of the alternatives that are available to meet our electric energy needs.

The tax law skews the decisionmaking process of electric utilities and encourages them to underestimate the potential contribution of conservation, leading to higher estimates of future capacity needs. The reality is that we have built plants which were simply not needed. In many cases, these utilities had other means available to meet their customers power needs. Instead, they decided that the best way to meet this need was to build expensive new powerplants when there were far cheaper alternatives available such as energy conservation and cogeneration.

In some cases, a utility may clearly need to build a new powerplant. However, the type of plant they decide to build will be affected by the tax laws which give far greater incentives to construct a nuclear powerplant rather than a coal plant. And that decision could cost consumers additional millions.

The investor owned utilities point with pride to the large number of conservation programs that they are involved in. However, one must ask them the following important question: How many dollars are being spent on conservation compared to construction in the industry?

Three hundred seventy thousand megawatts of cost-effective conservation, load management and renewables could be developed by the end of this century according to a recent Library of Congress study requested by the House Energy Conservation and Power Subcommittee. That is more than six times the amount that the investor owned utilities projected. When we look at recent industry studies, we see that almost half of the projected savings in conservation are coming from just six utilities. Clearly, much more could be done to reduce electric rates through conservation if more utilities were seriously involved.

Public utility commissions need to carefully examine least-cost energy alternatives before utilities make major plant expenditures. They need to balance the consumers right to have the present use of his or her money. They also need to look at the alternatives available to a utility in meeting its customer's power needs. Finally, they need to look at the financial position of each utility. After examining these factors, a utility commission should then decide if a specific utility needs the tax benefits more than the customers do. We need an electric utility system which has sufficient capacity to meet the Nation's needs and which is both reliable and resilient. This does not come cheaply. But, we must do our best to provide it at least cost. This cannot be predetermined by a Federal law which neither looks at specific cases nor balances any of these issues.

In sum, present law automatically rewards utilities which engage in construction programs with an entitlement regardless of need. This bill will restore the proper regulatory decisionmaking process.

FALSE ARGUMENTS FOR AUTOMATIC "TAX NORMALIZATION"

Argument 1. Investor-owned utilities argue that every company which invests in new plants and equipment is entitled to retain the benefits of accelerated depreciated and their investment tax credits. They should not be treated differently.

Answer. Private utilities are monopolies which have an obligation to serve their customers and are required to make the necessary investments to meet that obligation. In return, regulators are provided with a fair return on investment. They do not need the additional incentives or cash which tax normalization provides to create the investment incentive to meet their public service obligations.

In contrast, unregulated companies which are not assured of earning a profit may need tax incentives to make needed investments. However, they may not be able to retain these savings because marketplace pressure may force the company to pass through in lower prices a portion of those benefits to customers to meet competitive demands.

Argument 2. Private utilities argue that they are in poor financial health because State utility commissions do not provide them with an adequate return on investment. This means they cannot raise sufficient money to make needed investments, and pay operation costs and earn a fair profit. In short, phantom taxes provide an extra financial cushion which utility commissions cannot touch.

Answer. I believe it is unreasonable to bias energy planning by allowing utilities to automatically retain substantial sums of money through phantom taxes. If some utility commissions are not providing companies with an adequate rate of return, then the solution is to give them an adequate one. This is an issue, however, which should be addressed by State officials and, if necessary, by the courts.

When a utility provides for the energy needs of its customers through the most efficient and least-cost means, it should be rewarded with a better return on their investment. Instead, our present tax laws provide an incentive for utilities to build expensive powerplants at a much higher cost to consumer. Regardless of the wisdom of that investment, the law always gives utilities a bonus; a bonus provided by the consumer. This is not sound energy policy. In contrast, my bill will restore a sound, balanced approach to future investments in energy capacity.

Argument 3. Without the money provided to the utility through "normalization" funds would have to be borrowed at higher rates for their construction projects. That will mean higher rates in the future.

Answer. The customers are losing the interest that they could have earned on that same money and the use of that money. Beside, in many cases, the very existence of the automatic availability of the tax benefits increases the likelihood of plant construction which may not be needed. The balance between the customers and the utilities on this point should be decided by a regulatory body looking at the specific facts involved.

Argument 4. Customers should receive the tax benefits when they have to pay for the costs of the plant. This is the most equitable way to share the burden.

Answer. When we look at most electric utilities, we see that power comes from a number of plants. Plants are built one after the other. With normalization, the customer is always going to be in the position of making an interest-free loan to the utility. History shows that the total amount of phantom taxes rise year after year. In 1982, only 8 percent of the largest 150 utilities showed a decline in their phantom taxes held.

Argument 5. If we pass through the tax benefits to the customer, the Treasury will lose money since the utility pays taxes on the customer payments.

Answer. The customer is, after all, making the payments. It is the customer who is paying the tax. Besides, for all of the customers who are businesses, they deduct their utility payment as a business expense. The Government loses with one hand and gains with the other. The difference is not so large as to justify the automatic use of normalization, especially when its negative effects are considered.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electric Utility Tax Reform Act of 1985".

SEC. 2. LEAST SYSTEM COST PLANS ALLOW ALTERNATIVE ACCOUNTING METHODS FOR CERTAIN PUBLIC UTILITIES.

(a) INVESTMENT TAX CREDIT.—Section 46 of the Internal Revenue Code of 1954 (relating to determination of amount of investment credit) is amended by adding at the end thereof the following new subsection:

"(i) SPECIAL RULES FOR UTILITY COMPANIES WHICH ADOPT LEAST SYSTEM COST PLANS.—

"(1) IN GENERAL.—

"(A) STATE REGULATED UTILITIES.—If, in the case of an electric utility—

"(i) to which title I of the Public Utility Regulatory Policies Act of 1978 applies, and

"(ii) which is listed for purposes of such Act under section 102(c) of such Act,

a State regulatory authority holds a hearing and adopts a least system cost plan for such electric utility, the State regulatory authority may approve or establish a rate schedule for such utility which provides for ratemaking treatment of the credit allowable under section 38 in such manner as the State regulatory authority determines will further the purpose of such plan.

"(B) FEDERAL ENERGY REGULATORY COMMISSION.—If, in the case of any public utility which is subject to the jurisdiction of the Federal Energy Regulatory Commission, such Commission adopts a least system cost plan for such public utility, the Commission may, in approving or establishing a rate schedule for such utility under section 205 of the Federal Power Act, provide for such ratemaking treatment of the credit allowable under section 38 as the Commission determines—

"(i) will further the purposes of the plan, and

"(ii) will provide a current return to the ratepayers of the tax benefits attributable to such credit which is larger than the current return which would be provided to the ratepayers under economic normalization.

"(C) ECONOMIC NORMALIZATION EVEN IF NO LEAST SYSTEM COST PLAN.—Except as provided in subparagraph (B), the Federal Energy Regulatory Commission may not after the 90th day following the date of the enactment of this subsection approve or adopt a rate schedule under part II of the Federal Power Act which does not provide for economic normalization of the credit allowable under section 38.

"(2) SUBSECTION (f) NOT TO APPLY.—In any case to which paragraph (1) applies, subsection (f) shall not apply to the extent such application would be inconsistent with the provisions of this subsection.

"(3) "Least system cost plan defined.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'least system cost plan' means a plan which provides for meeting demand for electric energy services under which each measure to be implemented is forecast—

"(i) to be reliable and available within the time it is needed, and

"(ii) to meet or reduce the electric power demand, as determined by the State regulatory authority or the Federal Energy Regulatory Commission, of the retail consumers of such electric power at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof.

"(B) SYSTEM COST DEFINED.—For purposes of this paragraph, the term 'system cost' means an estimate of all direct costs of a measure or resource over its effective life, including, if applicable, the cost of transmission and distribution to the consumer and, among other factors, waste disposal costs, end-of-cycle costs, fuel costs (including projected increases), and environmental costs and benefits.

"(C) CERTAIN OTHER REQUIREMENTS FOR LEAST SYSTEM COST PLAN.—A least system cost plan adopted under this subsection shall reflect a detailed assessment of the system costs associated with—

"(1) customer consumption efficiency improvements and use of renewable resources,

"(ii) load management techniques,

"(iii) cogeneration,

"(iv) electricity generation using biomass, waste, renewable resources, or geothermal resources,

"(v) production efficiency improvements (including improved powerplant productivity and interutility coordination),

"(vi) central station powerplants,

"(vii) changes in rate design, and

"(viii) any other alternatives established by the State regulatory authority or the Federal Energy Regulatory Commission to meet demand at the least estimated incremental system cost.

"(4) ECONOMIC NORMALIZATION DEFINED.—For purposes of this subsection, the term 'economic normalization' means a method of normalization under which—

"(A) the taxpayer's cost of service for ratemaking purposes or in its regulated books of account is reduced by a ratable portion of the credit allowable by section 38 (determined without regard to this subsection); and

"(B) the base to which the taxpayer's rate of return for ratemaking purposes is applied is reduced by the amount of the credit allowable by section 38 (determined without regard to this subsection) which has not yet been used to reduce the taxpayer's cost of service for ratemaking purposes or in its regulated books of account under subparagraph (A).

"(5) STATE REGULATORY AUTHORITY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'State regulatory authority' has the meaning given such term by paragraph (17) of section 3 of the Public Utility Regulatory Policies Act of 1978.

"(B) SPECIAL RULE WHERE OTHER STATE AGENCIES GIVEN CERTAIN POWERS.—In the case of any State in which a State agency other than a State regulatory agency (determined without regard to this subparagraph) is designated by State law or the Governor to hold hearings or make determinations with respect to a least system cost plan under paragraph (1), such State agency shall be treated as the State regulatory agency for such purposes.".

(b) ACCELERATED COST RECOVERY DEDUCTION.—Paragraph (3) of section 168(e) (relating to special rule for certain public utility property) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULES FOR LEAST SYSTEM COST PLAN.—

"(i) IN GENERAL.—Except as provided in clause (ii), the rules of section 46(i) (relating to alternative normalization in determining the investment tax credit for certain public utilities) shall apply for purposes of this paragraph and for purposes of section 167(l).

"(ii) ECONOMIC NORMALIZATION.—For purposes of applying section 46(i)(4) with respect to the deduction allowable under section 167 or 168, the term 'economic normalization' means a method of normalizaton under which—

"(I) the utility is required, in computing its tax expense for purposes of establishing its cost of service for ratemaking purposes and reflecting operating results in its regulated books of account, to use a method of depreciation with respect to such property, and a depreciation period for such property, that is the same as the method and period used to compute its depreciation expenses for such purposes; and

"(II) whenever the amount allowable as a deduction with respect to such property differs from the amount that would be allowable as a deduction under section 167 of the Internal Revenue Code of 1954 (determined without regard to section 167(l)) using the method (including the period, first and last year convention, and salvage value) used to compute regulated tax expense under subparagraph (A), the utility is required to make adjustments to a reserve to reflect the deferral of taxes resulting from such difference and such adjusted reserve is to be used to reduce the base to which the utility's rate of return for ratemaking purposes is applied.

(c) DEPRECIATION.—Subsection (1) of section 167 of such Code (relating to reasonable allowance in case of property of certain utilities) is amended by adding at the end thereof the following new paragraph:

"(6) CROSS REFERENCE.—

"For inapplicability of subsection to utilities having least system cost plans, see section 168(e)(3)(E).".●

By Mr. MATSUNAGA:

S.J. Res. 164. Joint resolution relating to an International Space Year in 1992; to the Committee on Foreign Relations.

INTERNATIONAL SPACE YEAR

Mr. MATSUNAGA. Mr. President, at 2:17 p.m. on July 17, 1975, just 10 years ago today almost to the hour, high in orbit above the Earth, American Astronaut Thomas B. Stafford opened the hatch separating the Apollo spacecraft that he commanded and the Soviet Soyuz spacecraft, commanded by Aleksey Leonov, and stepped inside the Soyuz. The first thing he saw was a hand-lettered sign in English which read "Welcome Aboard Soyuz." Stafford was followed by Astronaut Donald "Deke" Slayton. Joining Leonov in extending greetings was Cosmonaut Valery Kubasov. Waiting his turn in the Apollo command module was Astronaut Vance Brand.

Mr. President, to celebrate the 10th anniversary of that historic linkup in space, the first multinational docking of the space age, the five participants are in our Nation's Capital, under the auspices of the American Institute of Aeronautics and Astronautics, or AIAA, and the Planetary Society. They are joined by Dr. John McLucas, senior vice president of Comsat, immediate past president of the AIAA, and a former Secretary of the Air Force during the administration of President Gerald Ford; James Harford, executive director of the AIAA; and Louis Friedman, executive director of the Planetary Society.

Mr. President, we can argue endlessly about the politics of Apollo-Soyuz, but we cannot argue about the skill and courage of those men and women of all nations who venture into space, nor can we argue about the universal bonds that space exploration awakens among those who have shared in it. During the Apollo-Soyuz linkup, both crews led live television tours of their respective spacecraft—the Americans in Russian for Soviet television, the Russians in English for American television. As the linked spacecraft passed over the Soviet Union, Valery Kubasov told an American TV audience, and here I quote:

It would be wrong to ask which country's more beautiful. It would be right to say there is nothing more beautiful than our blue planet.

Mr. President, the unity of planet Earth so evident from space is undermined daily by human conflict, but it survives in our aspirations. The lingering memory of Apollo-Soyuz demonstrates its persistency and hints at an awaiting fulfillment. It probably won't happen in our lifetime. But what has proved impossible on Earth will, I am convinced, eventually prove necessary and unavoidable if humanity is to realize its destiny in the cosmic immensity of the heavens. Meanwhile, governments have an obligation to respond to the deepest aspirations of their citizens in ways that do not conflict with national interest.

In that spirit, Mr. President, I am today introducing a joint resolution inspired by an unusual three-way convergence that will take place in 1992. The year 1992 will mark the 500th anniversary of the discovery of America by Christopher Columbus, 1992 is also the 75th anniversary of the Russian revolution. Finally, 1992 is the 35th anniversary of the International Geophysical Year, or IGY, in which the space age began with the launching of the first artificial satellites.

My resolution, Senate Joint Resolution 164, calls upon President Reagan to investigate the opportunities for a commemorative sequel to the IGY—an ISY, or International Space Year.

The year 1985 is hardly too soon for discussions of that nature, Mr. President. Planning for the IGY began in 1950, fully 7 years in advance of the event. Indeed, in recognition of our new age of discovery in space, Spain already has announced plans to commemorate the discovery of America by launching an Hispanic communications satellite in 1992. My resolution thus suggests that President Reagan consider broaching this topic with the leaders of other nations, including Secretary Gorbachev of the U.S.S.R. during their first summit meeting.

Even now, Mr. President, an international fleet of spacecraft from the U.S.S.R., Europe, and Japan, supported by the American deep space tracking network, is hurtling toward a rendezvous with Halley's comet next spring. The project involves no technology transfer and all participants are pleased with the enhanced benefits that will accrue from their cooperative approach. Numerous comparable opportunities are open to us if we will take the time to consider them. My resolution also invites the President to direct the Administrator of NASA, in association with the State Depart-

ment, the National Academy of Sciences, the National Science Foundation, and other relevant public and private agencies, to "initiate interagency and international discussions that explore the opportunities for an ISY in the 1992-95 timeframe." Certainly those opportunities are worth exploring in a prudent and responsible manner by appropriate agencies.

Mr. President, during the Apollo-Soyuz mission, participants Brand and Kubasov teamed up to film a series of activities showing the effects of zero gravity on various items and illustrating other basic principles of physics. Originally conceived by NASA, the script was expanded considerably as a result of suggestions offered enthusiastically by the Soviet cosmonauts. That educational film was later shown in thousands of science classrooms in both nations. It didn't change the world. An International Space Year won't change the world. But at the minimum, these activities help remind all peoples of their common humanity and their shared destiny aboard this beautiful spaceship we call Earth. Mr. President, our human species need such reminders, if only in the hope that one day the message they carry will be finally realized.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 164

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the year 1992 is the 500th anniversary of the discovery of America by Christopher Columbus;

Whereas Spain will commemorate the discovery of America by launching an Hispanic satellite in 1992;

Whereas 1992 is the 75th anniversary of the Russian revolution and space-related commemorative events are reportedly planned by the Soviet Union;

Whereas 1992 is the 35th anniversary of the International Geophysical Year, hereinafter referred to as IGY, when the first artificial satellites were launched, thus marking the beginning of the space age;

Whereas an International Geosphere/Biosphere Program is planned for the early 1990s as a sequel to the IGY, but its space activities will be limited to earth observation;

Whereas space exploration has made enormous strides since the IGY and deserves concerted worldwide commemorative recognition and engagement as well;

Whereas 1992 appears to be ideally suited for such recognition and engagement: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should:

(1) endorse the concept of an International Space Year, hereinafter referred to as ISY, for 1992, perhaps extending into 1995;

(2) consider the possibility of discussing an ISY with other foreign leaders, including Secretary Gorbachev at the summit meeting due to be held in Geneva, Switzerland, in November 1985, or, if that date is altered, at whatever date and location are ultimately decided upon;

(3) direct the Administrator of NASA, in association with representatives of the State Department, the National Academy of Sciences, the National Science Foundation, and other relevant public and private agencies, to initiate interagency and international discussions that explore the opportunities for an ISY in the 1992-1995 time frame, including possible missions of international character and related research and educational activities;

(4) submit to the Congress at the earliest practicable date, but no later than March 15, 1986, a report detailing the steps taken in carrying out paragraphs (1), (2) and (3), including descriptions of possible international missions and related research and educational activities.

By Mr. SIMON:

S.J. Res. 165. A joint resolution designating the month of October 1985 as "National High-Tech Month"; to the Committee on the Judiciary.

NATIONAL HIGH TECH MONTH

● Mr. SIMON. I am introducing legislation to declare October 1985 as "National High Tech Month." A similar resolution passed the House on May 17, 1985 by a voice vote. In 1984, a resolution designating the first week in October as "National High Tech Week" received overwhelming support in both Chambers.

Last year, National High Tech Week was extremely successful in focusing public attention on industries and products which developed and used technology for the betterment of our lives, our economy, and our leadership in the world's scientific community. In proposing a National High Tech Month, we can continue and expand the imaginative education and public awareness programs conceived by many States during the observance last year.

A few examples of State and local activities in 1984 should point to the benefits of programs created to observe National High Tech Week. A Washington, DC, production group sponsored four radio programs, three 90-second TV spots, several full length television programs and a number of public service announcements, all widely distributed for use on commercial, public, and cable stations.

The North Dakota State Board for Vocational Education developed a mobile laboratory containing printed information and technological exhibits which can travel to communities statewide.

California groups sponsored the first national computer show for children at the Disneyland Convention Center. This show included a hands-on session for training and demonstration for young people, parents, educators and industry professionals.

Lorain County Community College in Ohio sponsored tours of a new $5.5 million advanced technology center concurrent with a poster competition, showing of films on high technology, a visit by astronaut Neil Armstrong and industrial exhibits from 50 corporations.

In North Carolina, the State's 142 school superintendents organized a series of special events. The State board of science and technology announced a $150,000 research grant program for colleges and universities and organizations as well as developed a series of workshops designed to alert small business persons to opportunities for funding research activities.

In New York, the Governor focused on science initiatives which included scholarships for high school students in math and science, summer computer camps and a variety of other education programs.

We have moved rapidly into an era where science and engineering touch most aspects of our daily lives. Technology is one of the keys to a healthy economy, job opportunities and advances to further the quality of our lives. National High Tech Month will allow us to learn more about technology and what it can, will, and does mean to each and every one of us.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 165

Whereas the economy of this Nation is closely tied to technological advances;

Whereas it is of the highest national interest to focus our collective abilities to maintain this leadership;

Whereas the national commitment to high technology development has been called into doubt;

Whereas the youth of the Nation need to have educational opportunities to grow and develop in a high technology environment; and

Whereas our youth should have a national focus on their high technology future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1985 is designated as "National High-Tech Month". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, including programs aimed at educating the Nation's youth about high technology.●

By Mr. DURENBERGER (for himself and Mr. MOYNIHAN):

S.J. Res. 166. Joint resolution to appeal for the release of Dr. Yury Orlov and other Helsinki Final Act monitors; to the Committee on Foreign Relations.

APPEAL FOR THE RELEASE OF DR. YURY ORLOV AND OTHER HELSINKI FINAL ACT MONITORS

Mr. DURENBERGER. Mr. President, I rise today to introduce a joint

resolution with Senator MOYNIHAN urging the release of the noted human rights activist, Dr. Yury Orlov, by the Soviet Union. We are all aware of the Soviet Union's refusal to comply with the provisions of the Helsinki Final Act of 1975. The Soviet Union is clearly the most egregious violator of the human rights provisions of that accord and has failed to make even the most basic improvements in its human rights performance. In order to further the Helsinki process, it is essential that the signatory governments comply with their human rights commitments. Compliance with other aspect of the Helsinki accords, such as the security and economic provisions, can only be advanced if the human rights of citizens are recognized and respected in all the signatory nations.

Helsinki Watch recently issued a report on the status of more than 100 brave individuals in the Soviet Union who organized and joined Helsinki Watch groups to monitor their country's compliance with the Final Act of 1975, and more specifically, to report on their country's human rights abuses. The sacrifices which these courageous people made should not be forgotten as it is clear that they have been targeted by their government for imprisonment, exile, and even death. A paragraph from the Helsinki Watch report illustrates this persecution in stark detail:

Over the years, more than 100 people openly became members of the Helsinki groups and their affiliates. Today, 49 are incarcerated in prisons, labor camps, and psychiatric hospitals, or are serving terms of exile. Three have died after years of mistreatment in Soviet labor camps, and one was killed in a car accident under suspicious circumstances. Twenty-two others have been released after serving sentences, but live under the constant threat of a new arrest. Eighteen have emigrated to the West because of the threat of imprisonment. The remaining members have been forced to cease their work.

Among the most important of these human rights advocates are the physicist Andrei Sakharov and his wife, Dr. Elena Bonner, the mathematician Anatoly Shcharansky, the physicist Yury Orlov, the Ukrainian poet Mykola Horbal, the Estonian zoologist Mart Niklus, the Lithuanian psychiatrist Algirdas Statkevicius, Father Gleb Yakunin of the Russian Orthodox Church, and Bishop Nikolai Goretoi of the Evangelical Christian Pentecostal Church. These men and women are but a few of the strong-willed individuals in the Soviet Union who have suffered in order that their country would abide by its own Constitution and by the international agreements to which its is a signatory. Their collective commitment to freedom and human rights in the Soviet Union serves as an example to us.

Moreover, we in the democratic nations should continue and redouble our efforts to secure the freedom of these human rights monitors. We and our constituents can continually remind the Government of the Soviet Union and its officials of our concern at the mistreatment of these monitors through personal contacts, letters, and the like. Just as important, we should express our solidarity with these victims of persecution through similar actions. This Helsinki Watch report is particularly valuable in that it lists the "crimes" under which these monitors have been convicted as well as their present status and locations. I would strongly urge my colleagues on both sides of the aisle as well as my constituents to speak out on this critical issue of human dignity and individual freedom. I would further hope that my colleagues will join me in cosponsoring this resolution which expresses the Senate's support for the release of Dr. Orlov so that he may be free to emigrate from the Soviet Union.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 166

Whereas on August 1, 1975, 35 nations, including the USA and the USSR signed the Final Act of Security and Cooperation in Europe (the Helsinki Final Act), and

Whereas the Helsinki Final Act commits participating states to respect human rights and fundamental freedoms and confirms the right of the individual in each participating state to know and act upon his rights and duties in this field, and

Whereas on May 12, 1976, Dr. Yury Orlov and his colleagues announced the formation of the Helsinki Watch Group and more than 100 people openly became members of the group and its affiliates, and

Whereas today, 51 Helsinki Watch members are incarcerated in prisons, labor camps, psychiatric hospitals, or are serving terms of exile, and

Whereas three Helsinki Watch members have died after years of mistreatment in Soviet labor camps and 20 others have been released after serving sentences but live under the constant threat of resentencing or new arrest, and

Whereas eighteen Helsinki Watch members have emigrated to the West because of any threat of imprisonment in the USSR, and

Whereas Dr. Yury Orlov, a 60-year physicist and founder of the Moscow Helsinki Watch Group was arrested in February 1977 and sentence to 7 years in a strict-regime labor camp and 5 years of internal exit and

Whereas Yury Orlov now lives in complete isolation in a remote part of Siberia in a workers' dormitory where he is abused and persecuted by local officials, where food is scarce, and proper medical care unavailable, and

Whereas Yury Orlov is in poor health, aggravated by years of harsh prison regimen, and suffers from kidney disease, the aftereffects of a skull injury, and other chronic illnesses, and

Whereas Dr. Orlov has been denied employment in his scientific field, prevented from communicating with scientific colleagues abroad, and prohibited from receiving mail and journals; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Senate expresses its deepest concern about Dr. Yury Orlov and calls upon the Government of the USSR to release him from exile and allow him to emigrate with his wife to the West, and

Urges the President of the United States to instruct the Secretary of State to raise the case of Dr. Yury Orlov publicly and privately with the Soviet Government, including the August 1st meeting in Helsinki, Finland commemorating the tenth anniversary of the Helsinki Final Act, at the 1986 session of the United Nations Commission on Human Rights, and at the November meeting in Geneva between President Reagan and Chairman Gorbachev.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 3, a bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and ensure that each spouse will have Social Security protection in his or her own right.

S. 8

At the request of Mr. CRANSTON, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc.

S. 126

At the request of Mr. PRYOR, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 126, a bill to improve the Department of State.

S. 635

At the request of Mr. KENNEDY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 635, a bill to express the opposition of the United States to the system of apartheid in South Africa and for other purposes.

S. 657

At the request of Mr. THURMOND, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 657, a bill to establish the Veterans' Administration as an executive department.

S. 703

At the request of Mr. FORD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 703, a bill to designate certain National Forest System lands in the State of Kentucky for inclusion

in the National Wilderness Preservation System, to release other National Forest System lands for multiple use management, and for other purposes.

S. 837

At the request of Mr. HEINZ, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 837, a bill to amend the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that Act.

S. 865

At the request of Mr. MATHIAS, the name of the Senator from Arkansas [Mr. BUMPERS] was added a cosponsor of S. 865, a bill to award special congressional gold medals to Jan Scruggs, Robert Doubek, and Jack Wheeler.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Michigan [Mr. LEVIN], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1097

At the request of Mr. DANFORTH, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and Senator from Washington [Mr. EVANS] were added as cosponsors of S. 1097, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the appropriate treatment of methanol.

S. 1153

At the request of Mr. D'AMATO, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1153, a bill to provide for the distribution within the United States of the U.S. Information Agency film entitled "Hal David: Expressing a Feeling."

S. 1156

At the request of Mr. DENTON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1156, a bill to amend chapter XIV of the Comprehensive Crime Control Act of 1984, relating to victims of crime, to provide funds to encourage States to implement protective reforms regarding the investigation and adjudication of child abuse cases which minimize the additional trauma to the child victim and improve the chances of successful criminal prosecution or legal action.

S. 1224

At the request of Mr. MCCLURE, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 1224, a bill to limit the importation of softwood lumber into the United States, and for other purposes.

S. 1250

At the request of Mr. HEINZ, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1250, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes.

S. 1323

At the request of Mr. ROTH, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1323, a bill to amend the Social Security Act to reorganize and strengthen the provisions intended to deter and sanction fraud and abuse affecting the Medicare and Medicaid programs, and for other purposes.

S. 1325

At the request of Mr. HEINZ, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1325, a bill to amend titles XVIII and XIX of the Social Security Act to require second opinions with respect to certain surgical procedures as a condition of payment under the Medicare and Medicaid Programs.

S. 1393

At the request of Mr. ABDNOR, the names of the Senator from Nevada [Mr. LAXALT], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1393, a bill to provide for a study of the use of unleaded fuel in agricultural machinery, and for other purposes.

S. 1436

At the request of Mrs. KASSEBAUM, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1436, a bill to improve safety and security of persons who travel in foreign air transportation, and for other purposes.

SENATE JOINT RESOLUTION 143

At the request of Mr. GORE, the names of the Senator from Maryland [Mr. MATHIAS] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize the Black Revolutionary War Patriots Foundation to establish a memorial in the District of Columbia at an appropriate site in Constitution Gardens.

SENATE JOINT RESOLUTION 146

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 146, a joint resolution designating August 1985 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 156

At the request of Mr. MURKOWSKI, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Alabama [Mr. DENTON] were added as cosponsors of Senate Joint Resolution 156, a joint resolution authorizing a memorial to be erected in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE JOINT RESOLUTION 161

At the request of Mr. DOLE, the names of the Senator from Maryland [Mr. MATHIAS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. TRIBLE], the Senator from Washington [Mr. EVANS], the Senator from Rhode Island [Mr. PELL], the Senator from Delaware [Mr. BIDEN], the Senator from Maryland [Mr. SARBANES], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 161, a joint resolution to appeal for the release of Soviet Jewry.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution calling for the restoration of democracy in Chile.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. MATTINGLY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the Social Security benefit disparity known as the notch problem.

SENATE RESOLUTION 37

At the request of Mr. PRYOR, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Kentucky [Mr. FORD], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Resolution 37, a resolution regarding small business and agricultural representatives on the Federal Reserve Board.

SENATE RESOLUTION 174

At the request of Mr. GORE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain of-

fices of the Social Security Administration.

SENATE RESOLUTION 186

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of Senate Resolution 186, a resolution expressing the sense of the Senate that the President should call for negotiations with those Democratic nations plagued by terrorism for a treaty to prevent and respond to terrorist attacks.

AMENDMENTS SUBMITTED

FISHERY CONSERVATION AND MANAGEMENT ACT AMENDMENTS OF 1985

STEVENS AMENDMENT NO. 529

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 1245) entitled the "Fishery Conservation and Management Act Amendments of 1985"; as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(d) of the Magnuson Fishery Conservation and Management Act (16 U.S.C.) 1821(d) is amended to read as follows:

"(d) TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.—(1) Unless the Secretary of State demonstrates that a deviation in harvest levels will benefit the United States fishing industry, no foreign fishing allocation shall be permitted in any fishery within the geographic region of the North Pacific Fishery Management Council except that—

(A) for calendar year 1986 shall be 60 per centum of the total allowable level of such direct foreign fishing during calendar year 1985;

(B) for calendar year 1987 shall be 80 per centum of the total allowable level of such direct foreign fishing during calendar year 1986;

(C) for calendar year 1988 shall be 60 per centum of the total allowable level of such direct foreign fishing during calendar year 1986;

(D) for calendar year 1989 shall be 40 per centum of the total allowable level of such direct foreign fishing during calendar year 1986;

"(E) for calendar year 1990 shall be 20 per centum of the total allowable level of such direct foreign fishing during calendar year 1986; and

"(F) no direct foreign fishing shall be permitted in the exclusive economic foreign zone after the close of the 1990 harvesting season.

"(2)(A) the amount by which direct foreign fishing is reduced under (1)(A) of this section shall be divided equally and be placed into two separate reserve categories. One reserve shall be made up of 40 percent of reduction mandated under (1)(A), and shall be for the benefit of United States fishing vessels delivering to foreign processors in accordance with this Act. The remaining 60 percent of the reduction mandated under (1)(A) shall be placed in the other reserve for the benefit of United States fish processors, and the quantities of fish in such reserve shall be harvested only by United States fishing vessels delivering their catches to such processors or processing their own catches in accordance with this Act.

"(B) If such reserves are not utilized, they shall accumulate for a three year period and remain in such reserves until they are utilized by the appropriate sectors of the United States fishing industry.

"(C) If the growth of either United States fishing vessels delivering to foreign processors or United States fish processors exceeds the amounts placed in such reserve categories, the other preferences specified in this Act for such processors and harvesters shall take precedence, and the allowable level of foreign fishing shall be reduced accordingly.

"(D) The allowable levels of foreign fishing authorized by this subsection shall be reduced any time the growth of the United States fishing industry exceeds the reductions in foreign fishing established in this subsection.".

SEC. 2. Section 201(E)(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821(e)(1)) is amended in subparagraph (A), by adding the following at the end: "Any such determination must be consistent with the restrictions specified in subsection (d) of this section."; and

● Mr. STEVENS. Mr. President, last month I introduced S. 1245, which proposes several substantive amendments to the Magnuson Fishery Conservation and Management Act. There was no provision which addressed the phaseout of foreign fishing in the U.S. exclusive economic zone. We withheld a phaseout provision in an effort to obtain a consensus on a variety of proposals which have been offered in the last few months.

A nationwide consensus has not yet been reached on the timeframe for the termination of foreign fishing. However, there is strong feeling in the North Pacific to end foreign fishing in the near future. It has been a longstanding dream of mine to one day to see the U.S. fishing industry harvest the fishery resources in the 200-mile zone off our shores. That was my goal when I introduced the first 200-mile bill in the Senate in 1975.

Today I submit an amendment to S. 1245 which establishes a framework for phasing out foreign fishing in the North Pacific. Other regions in the Nation have other development interests; this amendment does not affect their relationship with the foreign fleets. If the industries in other regions wish to be included in this phaseout proposal, we will be happy to accommodate them.

My amendment will reduce foreign allocations by 40 percent for next year, and phase out the remainder in 4 years. The Secretary of State will have some flexibility in moderating the phaseout schedule if it is in the best interests of the fishing industry, but all foreign fishing within the 200-mile limit under the jurisdiction of the North Pacific Fishery Management Council will terminate in 4 years.

The proposal also places the quantities of fish saved by the initial allocation reduction in two reserves. One reserve will be set aside for U.S. harvesters who wish to sell to foreign processers. The other reserve will be set aside for U.S. harvesters who wish to sell to U.S. processers. If this second reserve is not used, the fish will be allowed to remain unharvested. U.S. processers maintain that a special reserve will provide them with the incentive to develop the substantial pollock resource in the North Pacific. We must initiate this approach in order to eliminate the hiatus—U.S. processers have not been able to finance the expansion necessary to bring these vast resources to U.S. markets because there has been no certainty they could obtain a sufficient allocation of the resource.

The reserve set-aside for the harvesters will allow joint ventures to grow at an orderly pace as direct foreign fishing is phased out. Joint ventures are interim arrangements until U.S. processers have adequate capacity to utilize the fishery resource. Harvesters and processers must grow together. Until such time that U.S. processers can provide stable markets for U.S. harvested fish, joint ventures will continue.

We have scheduled a hearing on S. 1245 on July 23. I welcome comments from industry, Members of Congress, and other interested parties on this and other provisions of my bill.●

LINE-ITEM VETO

LEAHY AMENDMENT NOS. 530 AND 531

(Ordered to lie on the table)

Mr. LEAHY submitted two amendments intended to be proposed by him to the bill (S. 43) to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President; as follows:

AMENDMENT No. 530

On page 3, between lines 18 and 19, insert the following: Each provision of a measure to which this Act applies that does not appropriate or otherwise make funds available shall be included in each bill or joint resolution enrolled pursuant to this Act with respect to such measure.

AMENDMENT No. 531

At the appropriate place in the bill, insert the following new section:

SEC. . (a) Prior to each fiscal year, the President shall transmit to the Congress a

budget for the United States Government for that fiscal year in which estimated expenditures are not greater than estimated receipts.

(b) This section shall apply to the budget submitted by the President for any fiscal year beginning after September 30, 1986.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 17, 1985, in order to conduct a meeting on the nomination of Rebecca Range to be Assistant Secretary of the Department of Transportation, and the nomination of Jennifer Hillings to be Assistant Secretary of the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation and Government processes, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 17, at 1:30 p.m., to hold an oversight hearing on the status of the Bureau of the Census planning for the implementation of the 1990 Decennial Census.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 17, 1985, in order to hold a hearing to evaluate alternatives for developing land adjacent to Union Station for the use of Administrative Offices of the U.S. Courts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 17, 1985, in order to receive testimony concerning the following nominations;

U.S. CIRCUIT JUDGE

Alex Kozinski, of California, to be U.S. circuit judge for the ninth circuit.

Roger J. Miner, of New York, to be U.S. circuit judge for the second circuit.

Roger L. Wollman, of South Dakota, to be U.S. circuit judge for the eight circuit.

U.S. DISTRICT JUDGE

Richard H. Mills, of Illinois, to be U.S. district judge for the central district of Illinois.

Roger G. Strand, of Arizona, to be U.S. district judge for the district of Arizona.

John M. Walker, Jr., of New York, to be U.S. district judge for the southern district of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 17, 1985, in order to mark up S. 616, the farm bill, and related measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE FIRST ATOMIC TEST

● Mr. DOMENICI. Mr. President, it was exactly 40 years ago today that the world's first atomic explosion took place at Los Alamos, NM, thus ushering in the atomic age. The project was, of course, the Manhattan project and that first atomic test was called "Trinity".

Admittedly, our world is not a safer place because of the discovery of atomic energy, but one can hardly overlook the advancements that have been made in many areas of our lives as a result. Further, the fact remains that the discovery of such awesome power was inevitable at the end of World War II or afterward, and I for one am only thankful that it was the United States that made the breakthrough first.

I think that we can look back over these past 40 years with some sense of pride and accomplishment. That we have managed to live under relative peace and stability and avoid another global conflict is no small achievement. We as a nation fully understand the terrible risk of war in the atomic age and have acted responsibly in trying to reduce this risk. The task facing us now is to move on to another age—one in which nuclear weapons are obsolete and no longer pose a threat to our world.

Mr. President, I ask that two articles which appeared in the July 14 issue of the Albuquerque Journal concerning the Manhattan project be inserted in the RECORD.

The articles follow:

[From The Albuquerque Journal, July 14, 1985]

PEOPLE RECALL AWE OF FIRST NUCLEAR BLAST

(By Byron Spice)

Eleven-year-old Holm Bursum III was shaken awake by what he thought was an earthquake. The bunk beds he slept atop rocked violently back and forth and a case of tin cans next to the bed rattled like a freight train.

"It scared me pretty good," Bursum recalled of that morning almost 40 years ago. When he looked out the south window of his parents' ranch house just east of Bingham "it was real bright."

Bursum, now a Socorro banker, then did what a lot of 11-year-olds do at 5:30 in the morning, "I went right back to sleep."

Farther south, however, a group of the country's most prominent physicists were never more alert. Before them, a fireball called Trinity was turning the sand beneath it into green glass and confirming both their scientific theories and personal fears.

"Intellectually, you could figure all this out, but emotionally, you just weren't prepared for this kind of spectacle," said Raemer Schreiber, a Manhattan Project staff member who would retire in 1974 as deputy director at Los Alamos, where he still lives.

In addition to the blinding flash and distinctive mushroom cloud, the explosion of the Trinity gadget sent out a shock wave that shattered windows as far away as Silver City. But despite the suspicions aroused by the explosion, the public remained in the dark: the official explanation was an accidental detonation of a remote ammunition magazine on Alamogordo Army Air Base.

The scientists from Los Alamos would have been just as happy to have skipped the test and the unwanted attention it attracted. But, by the end of 1943, it became obvious that a test would be essential.

Originally, it had been hoped that the atomic bombs could be designed with gun-type assemblies. In such a device, a hemisphere of fissionable material would be attached at one end of a gun barrel and high explosives would be used to fire a second hemisphere into the first; this would result in a supercritical mass, a runaway chain reaction, an explosion.

It would be a straightforward device, but "an inefficient beast," Schreiber said. "Its only virtue was that it was simple."

The researchers learned, however, that gun-type assemblies would work if uranium was used in the bomb, but not if plutonium was used. And, of the two metals, bomb-grade uranium was the hardest to produce.

Work progressed on the uranium gun-type bomb, eventually dubbed Little Man. Untested, it performed as expected, exploding over Hiroshima on Aug. 6, 1945.

But if a second or third bomb was necessary, it would have to be a plutonium bomb. And to get plutonium to explode efficiently would require an implosion device: the fissionable plutonium would be surrounded by high explosives which would compress the plutonium to the point where it became supercritical.

The implosion bomb was more technically elegant, but also riskier. "This had never been done with high explosives," said Norris Bradbury, who worked in George Kistiakowsky's high explosives division at Los Alamos and who would later serve as director of Los Alamos for 25 years. "The requirements were extraordinary."

"For a reaction like this, a microsecond was a long time," Schreiber explained. "To have a gut feeling as to what would go on in that sort of time frame was difficult back then. There were always a whole bunch of unknowns."

Unwilling to risk a fizzle over a target, officials opted to test the implosion device. After considering sites south of Grants, southwest of Cuba and in Colorado's San Luis Valley, they settled in September 1944 on a remote, flat section of the Alamogordo air base.

In the weeks before the test in July 1985, Frank Martin had been working on a water

well near his ranch house about 18 miles southwest of Trinity Site. A group of GIs assigned to the detachment at Trinity base camp came by, apparently starved for human contact.

"I knew they were doing something out of the ordinary" out on the range, said Martin, now 70 and an auto parts dealer in Socorro. "The sergeant told me, 'I think it's going to be something unusual, something that would make history'." Figuring the soldier had already said more than he should have, Martin didn't press for more information. But he remembered.

A test detonation of 100 tons of TNT already had been done in May, a base camp had been built 10 miles south of Trinity site and miles of cables had been strung to control and measure the test. Los Alamos division chiefs agreed that July 16 would be the earliest possible date for firing.

It was Bradbury's job to deliver the bomb—minus its nuclear components—to Trinity Site. "We took it down in an ordinary two-ton truck," he recalled. "We didn't drive very fast."

Schreiber's role was to observe the assembly at the George McDonald ranch house of the nuclear core, or "pit," so he could direct the assembly of the actual Fat Man bomb on Tinian Island. "Basically, the operation was a fairly simple one," he said. "The main concern was to make sure we had a good mechanical fit." There was plenty of time to get it done—and plenty of willing hands. "None of the team wanted to be left out."

By the evening of July 15, Joe McKibben of White Rock, who was in charge of timing the test and the experiments designed to measure it, had been out on the range for two or three weeks, performing innumerable dry runs for each of the experimenters. "I was pretty well bushed," he said. He, Kistiakowsky and test director Kenneth Bainbridge spent the night camped beneath the Trinity tower. A steady rain penetrated McKibben's intermittent sleep: "I dreamed George Kistiakowsky had gotten a garden hose and was sprinkling me with the damn thing."

"I didn't think they were going to shoot it, it was such a dismal night," said Bradbury, who spent the night on a hill 20 miles from the site.

By 4 a.m., however, the rain stopped and the shot was on for 5:30 a.m. "Most of us were glad to go and get it over with," said John Manley of Los Alamos, who was in charge of measuring the explosion's blast and earth shock. "It would either flop completely or it would be in the range of five to 20 kilotons. There was a tremendous amount of fatigue. There had been tremendous pressure."

Schreiber was at the base camp 10 miles south of the Trinity tower when the blast occurred. "We were supposed to lie down with our backs to the tower," but Schreiber chose to lean against a stock tank, turn his head and close his eyes.

Dark glasses had been issued to protect eyes from the explosive flash, but weren't generally used. "I think we believed that two hands were better than any glasses," Bradbury said.

"We had been looking at this tiny, tiny light atop the tower way out there," Schreiber said, "then, all of a sudden, the sun came out."

"I turned around pretty doggone quickly," Bradbury said. "When you saw the light, you knew it had worked."

"It was very startling to see the whole valley and the mountains," said Manley, who had been in a bunker 10,000 yards north of the site. "It was like a big flashbulb going off in front of your face."

Martin had been up earlier that morning, "fooling around," but was asleep in bed at 5:30 a.m. "I've always wished I didn't go back to sleep," he added.

"The concussion from the damn thing woke me up," Martin continued. Looking out the window, he saw one of his horses, a gentle, 20-year-old gelding, running around and around with his head stuck straight in the air.

Who could blame the poor beast? "That smoke was a horrible-looking thing. It was so thick, white mixed with black," Martin said. "I've seen all kinds of fire, but I've never seen nothing like that."

Incredibly, an old farmhand in Martin's bunk house slept through the entire thing.

In Socorro, Holm Bursum III's parents were sleeping when Trinity exploded. "I thought lightning had struck right in the window," Holm Bursum Jr. recalled. His wife got up to check and reported the sun had come up in the wrong place.

That morning, Martin drove into Tularosa where his wife Florence was teaching school. "I didn't tell much of anybody," he said, though when someone told him that the blast supposedly had been an accident on the air base, "I said 'That was no accident, that was up in Socorro County.' "

Among the scientists, there was delight mixed with relief and tempered with fatigue. "Without having too much sleep the night before, you really weren't too coherent," Schreiber said. A mild shock seemed to set in, he noted, as the drive home proved unnaturally quiet. "Everyone was just trying to digest what had just happened."

"We had worked very hard toward this object," Bradbury observed. "It would have been sad and awkward if it hadn't worked . . . There was great jubilation up here that night. A lot of beer flowed."

LOS ALAMOS: MANHATTAN PROJECT TO 'STAR WARS'

At 5:29 a.m. July 16, 1945, Joe McKibben flipped a switch putting in motion a motorized timer that, 45 seconds later, would set off the world's first atomic explosion.

The test was called Trinity.

McKibben, in charge of coordinating the blast with 47 major experiments designed to measure and characterize it, spent the first 10 seconds of the atomic age doing his duty in a bunker 10,000 yards south of Trinity site, waiting at the control panel to flip one final switch.

Isolated though he was, McKibben was immersed in light that flooded through the shelter's back door. "I felt it must have gone off big," he recalls.

McKibben finally threw the switch and ran out of the bunker to catch a fristhand glimpse of Trinity, ducking behind an earthen mound for protection from the approaching shock wave.

"It was a big swirling mess," McKibben said of the explosion, the equivalent of 20,000 tons of TNT. Rising from a dry, barren area Spanish pioneers called Jornada de Muerto (Journey of Death), Trinity's multicolored mushroom plume of light and smoke pushed 40,000 feet into the sky.

McKibben, bone-tired after weeks of preparations, was in no mood for deep reflection. "I had done my part," he remembers thinking. "And I had the feeling this was going to bring the war to a close quickly."

He was right on both counts.

Even as he and his fellow scientists watched the cloud billow, the Little Boy atomic bomb was being loaded aboard the cruiser U.S.S. Indianapolis in San Francisco for shipment to Tinian Island. Three weeks later, on Aug. 6, it would explode over the Japanese city of Hiroshima, killing more than 110,000 people. Fat Man, a bomb similar to the device tested at Trinity, would explode over Nagasaki on Aug. 9, killing more than 35,000. Japan would surrender within five days, ending World War II.

The late Robert Oppenheimer, director of the laboratory established in Los Alamos two years earlier to develop the atomic bomb, would later say the Trinity explosion reminded him of an ancient Hindu quotation: "I am become Death, the destroyer of worlds."

Norris Bradbury, who would succeed Oppenheimer as Los Alamos director by year's end, remembers seeing the celebrated physicist soon after the test. "Oppy was happy," said Bradbury, now 76. "He may have been unhappy later on, but he was happy then."

In an amazingly short span of 27 months, the top physicists of the United States and Great Britain had produced a weapon of unprecedented power—power that was, and remains, hard to comprehend.

The Manhattan Project's legacy includes the Los Alamos lab istelf. It was created because nothing like it existed. The lab is no longer unique in its function, having since been joined by sister labs in Albuquerque and Livermore, Calif., but it remains an icon of the atomic age.

Oppenheimer predicted that if nuclear weapons proliferated, "the time will come when mankind will curse the name of Los Alamos. "Some people have indeed cursed it. The world's five major nuclear powers now have an estimated 50,000 warheads and Los Alamos has designed more than 40 types of nuclear weapons since its inception, including two-thirds of the current U.S. arsenal.

But the lab also concentrated its brainpower on other national needs, such as energy alternatives in the 1970s and most recently, ballistic missile defense. This latter project—which has taken on the trappings of "Manhattan Project II" during the past two years—holds the promise of making Los Alamos' most infamous invention, if not obsolete, then less threatening.

The original developers of the atomic bomb admit concern about the current nuclear arsenal, but remain convinced that it was the right weapon for World War II. "There was a war on, people were getting killed, my friends were getting killed," Bradbury said. "I wanted to see the end of the war."

"I don't feel any guilt," said John Manley, a close associate of Oppenheimer, of his role in the development of the atomic bomb. "We were in a vicious war with Nazi Germany. We were very afraid that the Nazis were ahead of us. What else could you do? If you had some knowledge or experience, you really had to help.

"It was an inevitable discovery . . . That's the trouble. This building of bombs turns out to be too damn easy. Curiously, building reactors has turned out to be more difficult than we thought."

Manley, 77, a physicist who later became research adviser to Bradbury, said he and other scientists hoped their invention might "finally make it completely obvious to sensible people that war isn't the way to solve problems . . . We really tried to convince the public of that in the immediate postwar years. The public is now very worried, but they wouldn't listen to us then."

With the invention of the even more powerful hydrogen bomb, Manley said he became convinced that "weapons are nonsense." Though the atomic bomb was clearly effective in ending World War II, "when two people have it, it's useless"

Bradbury maintains that while nuclear weaponry hasn't made the world safe, it has had a stabilizing effect. "You cannot win a nuclear exchange," the former lab director said. "So the best bet might be not to fight a war." That's not a bad situation, he added, though it doesn't provide protection against madmen.

The nuclear bomb didn't make the world a better place, "but it's a better place because the United States did it instead of somebody else," said Raemer Schreiber, a Manhattan Project veteran who went on to become deputy director of Los Alamos before retiring in 1974.

"It's very disappointing that 40 years later a political solution has not been found," Schreiber added.

Interest in a technical solution, however, has been renewed. On March 23, 1983, President Reagan made a television address, subsequently dubbed his "Star Wars speech," suggesting it might be possible to intercept and destroy strategic ballistic missiles before they reach their targets. "I call upon the scientific community who give us nuclear weapons to turn their great talents to the cause of world peace: to give us the means of rendering these nuclear weapons obsolete."

The call was for yet another technological leap, this time into the realm of beam weapons, interceptor missiles, advanced radars and sensors, space-based power systems and other devices formerly mentioned primarily in pulp science fiction.

But a new generation of scientists regard Reagan's vision as challenging, not outlandish. In fact, many strategic defense efforts at Los Alamos and elsewhere were under way well before the president's speech.

In 1964, for instance, work began on Los Alamos National Laboratory's Meson Physics Facility, a half-mile-long particle accelerator, that Bradbury and others had advocated as a scientifically exciting, if decidedly non-weapons-related project. Like the many "atom smashers" preceding it, the new accelerator would be a workhorse for physicists in their attempt to understand the atom and its components.

Once the "front-end" of the accelerator was in place, someone got the idea to use its powerful beam or protons to help excavate the site for the rest of the accelerator. The idea was rejected, but not before experiments resulted in a pile of rocks with dark, uniform holes in them.

Today, the Meson Physics Facility remains an important tool and a lab landmark. And alongside it, in an unpretentious metal building, a team of researchers work on Project White Horse, an effort to develop a space-based neutral particle beam for shooting down enemy missiles.

Unlike a laser, which affects only the skin of a target, a particle beam "does damage all the way through the target," explained Thomas Starke, one of the White Horse researchers. The only defense is a thick shield that would mean woe to a missile designer, he added.

"In 1964, we were doing this," said Starke, as he held a rock with a hole bored through it. "It's just that no one thought it. "It's just that no one thought you could put (an accelerator) in orbit."

The idea is to design a small, but powerful accelerator that could take negatively charged hydrogen atoms, push them to near the speed of light, then strip them of their electrical charge. This would leave a beam of neutrally charged, high-speed atoms that would be unaffected by the Earth's magnetic field.

The idea of a neutral particle beam for missile defense originated in the mid-1970s, but it's only been since Reagan's Strategic Defense Initiative that significant funding has been flowing to Project White Horse, Starke said.

"We don't really know how good one of these systems can be," he added. "If it does work, it will have a real impact on how people look at defense."

Other work at Los Alamos related to Star Wars also has ties to accelerator technology. The lab's free-electron laser project, for instance, takes an electron beam from an accelerator and uses it to generate laser light.

The electrons are sent past a series of magnets called a wiggler that push and pull the beam from one side to another. This causes the electrons to decelerate and, as they do, to emit bits of light.

The first free-electron laser was made to work only eight years ago, but they entice researchers interested in Star Wars applications. Brian Newnam, a Los Alamos laser researcher, explained that by adjusting the spacing of magnets in the wiggler or changing the energy of the electron beam, the wavelength of the laser light can be adjusted. "You have this capability of reaching almost any wavelength you want," he said, from infrared on up through the spectrum to ultraviolet.

Short wavelengths are attractive for Star Wars applications because they can be focused on a target using smaller optical elements than those necessary for long wavelength lasers. Also, the wavelength of a ground-based, free-electron laser could be adjusted to that which most easily passes through the atmosphere to a space-based optical system, Newnam said.

Another Los Alamos laser, called an excimer laser, is being developed as a means of sparking controlled nuclear fusion, but has attracted the attention of the Pentagon's Star Wars scientists, said Damon Giovanielli, deputy associate director for fusion research and applications. It too emits a desirably short wavelength.

Nuclear power isn't incompatible with Star Wars, though it hasn't received major emphasis. "Boy, if we could (design a missile defense) with ordinary chemical weapons, we'd love to do it," said Giovanielli, who oversees Star Wars applications of nuclear weapons. "But that's tough. . . . Doing it with nuclear weapons is probably something we could do faster. Nuclear weapons have so much force, you can afford to waste a lot."

Some authorities have suggested that nuclear explosions could be used to power lethal, space-based X-ray lasers.

Although many Manhattan Project veterans are uneasy about modern nuclear weaponry, they are skeptical of the Strategic Defense Initiative. "Star Wars perpetuates the myth that through technology you can solve everything," Manley said. "It seems we ought to learn from history; first there was the atomic bomb, then the hydrogen bomb, ballistic missiles, MIRVs (multiple warhead missiles). Each has been duplicated by the other side and each has made us less secure."

"I think we're a long way from finding a technique that's going to be worth the billions and billions required," Schreiber said, though he adds that "It's useful to find out what you can do . . . I would feel uncomfortable if we didn't look at the possibility."

At its core, the Manhattan Project was devoted to exploring possibilities, of providing an option for someone else to exercise or not. And the successors to the likes of Oppenheimer express the same goal. "I don't know if Star Wars is going to work, but we need to find out," free-election laser researcher Newnam said.

Star Wars is also very different from the Manhattan Project. Its existence certainly isn't a secret and Los Alamos isn't alone in developing the technology. And, as yet, the nation's leaders remain lukewarm to the idea; the Pentagon has proposed using 10 percent of its research funds next year for the Strategic Defense Initiative, but both the U.S. House and Senate thus far have approved lower figures.

A singularity of purpose if perhaps lacking as well. Although the Department of Defense is bankrolling Los Alamos' free-electron laser development. Newnam said the laser will be just as eagerly embraced by materials scientists and photochemists. And Giovenielli seems as happy to use an excimer laser to build a fusion power reactor as to zap missiles.

TOURS OF TRINITY SITE AVAILABLE

The 40th anniversary of the Project Trinity test, the world's first atomic explosion, will be commemorated Tuesday by tours and lectures.

Trinity Site and the George McDonald ranch house where the bomb was assembled lie within White Sands Missile Range. The public will be able to visit the site on Tuesday by driving through the range's Stallion Range Center gate 12 miles east of San Antonio on U.S. 380. The gate will be open from 9 a.m. to 2 p.m.

Trinity visitors also can enter the range in a caravan sponsored by the Alamogordo Chamber of Commerce. The caravan will form at the Otero County Fairgrounds in Alamogordo and leave at 9 a.m.

All visitors should make sure their vehicles are in good operating condition and have plenty of fuel.

Also Tuesday, Ferenc Szasz, University of New Mexico history professor and author of the book "The Day the Sun Rose Twice," will give a slide presentation at 10 a.m. in the theater of the National Atomic Museum on Kirtland Air Force Base.

On Aug. 6, the museum will commemorate the dropping of atomic bombs on Japan with a special display and a 10 a.m. panel discussion entitled "The Decision to Drop the Bombs." UNM Provost McAllister Hull and history professor Gerald Nash will be the panel members.●

FOUR FORMER AGRICULTURE SECRETARIES GIVE COUNSEL ON THE FARM BILL

● Mr. HELMS. Mr. President, members of the Senate Committee on Agriculture, Nutrition, and Forestry had the privilege Monday of visiting with four former U.S. Secretaries of Agriculture. Dr. Orville Freeman, who served under Presidents Kennedy and Johnson, Dr. Clifford Hardin, who served President Nixon, Dr. Earl Butz who served Presidents Nixon and Ford, and Bob Bergland who served President Jimmy Carter, took time

from their busy schedules to come to Washington to draft a policy statement for the guidance of Congress as we consider the 1985 farm bill.

Mr. President, the degree of consensus these distinguished Americans reached in their recommendations speaks to the importance and urgency of making significant modifications in farm policy. This bipartisan consensus is gratifying, because their recommendations follow precisely the direction toward which the Agriculture Committee is now moving in its farm bill markup.

While the committee has by no means concluded its work, it has clearly indicated, through a mixture of straw votes and tentative agreements, a substantial agreement with recommendations made by the Agriculture Secretaries. This lends hope that we can produce the kind of farm bill that a large majority of Senators can support.

I commend to Senators the joint statement on agriculture policy by former Secretaries of Agriculture Freeman, Hardin, Butz, and Bergland and ask that it be printed in the RECORD.

The statement follows:

JOINT STATEMENT ON AGRICULTURAL POLICY BY FORMER SECRETARIES OF AGRICULTURE FREEMAN, HARDIN, BUTZ, AND BERGLAND, JULY 15, 1985

Proper recognition of the internationalization of American agriculture during the past 15 years is the highest priority item that must be considered in the development of the 1985 Farm Bill.

In order to serve farmers and the Nation well, the 1985 Farm Bill should expand farm markets, raise farm income, and stimulate growth in farm exports.

To do that, the 1985 Farm Bill must recognize that the economic health of farmers and agriculture depends heavily on strong and growing export markets.

Agriculture has changed tremendously in the last 15 years. Markets for American farmers have become international. Even now, we export half or more of our wheat and cotton, nearly half of our soybeans and rice, and one-fourth of our feed grains.

Farmers produce food and fiber for people. Market potential is where the people are. World population overseas is growing several times faster than U.S. population, and most of that foreign population is anxious to upgrade its diet.

On the other hand, the domestic U.S. market for food and fiber, as well as in other developed countries, is a mature market. The American domestic market is not likely to expand significantly beyond our U.S. population growth rate.

The productivity of American agriculture continues to increase much faster than the U.S. population. Farmers are producing the food and fiber for the American domestic market—which has nearly a one-third larger population than 25 years ago—with fewer acres than were harvested for that purpose in 1960.

By contrast, the number of U.S. crop acres devoted to producing for foreign markets has increased by three-fourths since 1960.

The 1985 Farm Bill, and American farm policies, should concentrate on expanding agricultural exports in a world that is becoming increasingly competitive. There is no viable alternative. Either U.S. exports will grow or U.S. farmers will have to reduce their production substantially in food grains, feed grains. oilseeds, and cotton. It would be suicidal to ask our farmers to pace their output to the slow growth of the U.S. market while trying to maintain today's modern farm structure, land investments and financing, and the agri-industries that serve American farmers.

If we develop a Farm Bill that helps farmers adjust to new growth and new opportunities, and helps farmers to be competitive in today's world markets, U.S. agriculture will prosper in the years ahead. If we do not alter or eliminate farm programs that are harmful and fruitless in today's market realities, and which will become even more out of step in the 5 to 10 years ahead, farmers will suffer, rural America and its institutions will suffer, and the Nation will be weakened.

1. Non-recourse loans as a safety net. Non-recourse loans have been a part of the U.S. agricultural policy for 50 years, and they have worked well if loan levels are set at or below market clearing levels.

Since 1981, unrealistically high loan rates for most major grain and fiber commodities, in combination with a strong dollar, have priced the U.S. out of world markets, stimulated production abroad, and resulted in a combination of very costly acreage reduction programs and burdensome stocks. We recommend that loan levels be set in such a manner that they will be below season average market prices except in unusual circumstances. In that way, the loan program will protect farmers against major short-term price declines, but not interfere with the longer-term, free working of the marketplace.

2. Authorize the continued use of target prices and deficiency payments. Supplementing farm income through deficiency payments on base acreage instead of price support loan programs has one distinct advantage—it permits commodities to move through normal marketing channels at market clearing prices. A year-to-year buildup of surpluses is less likely. Furthermore, competing countries are discouraged from expanding their production.

Some type of income protection is needed for a time to help farmers adjust. A target price program that gradually adjusts target levels will be less harmful to future export opportunities than a program of high non-recourse loans or a program of idled acres.

Since small commercial farmers are the ones in greatest financial stress, a dollar ceiling should be established on total payments per farm operator. Furthermore, we recommend that Congress not establish specific minimum target levels as was done in the 1981 Act, but establish appropriate guidelines—especially for the second, third, and fourth years. There is simply no way to predict well enough what will happen to suppliers and prices in international markets 3 or 4 years in advance.

3. Reduce need for acreage reduction programs through demand expansion. A primary thrust of U.S. agricultural policy should be to expand demand so that the need for acreage reduction programs, except those for fragile islands, is eliminated. While being used, acreage reduction programs should not be operated to keep prices above support levels.

Government programs that idle U.S. cropland for the purpose of reducing production and raising farm commodity price levels are exercises in futility. These programs fail because they are unilateral efforts by the U.S. to reduce world supplies and raise world prices. People in competing countries watch us closely, and they expand production in response to U.S. actions—thus the effort to raise prices fails. Furthermore, when competing countries expand production and set up increased trade outlets, those are not dislodged easily or quickly. The net result is a gradual erosion of the U.S. share of foreign markets.

4. Redesign the farmer-owned reserve. The Agricultural Act of 1977 required the creation of a farmer-owned reserve for wheat. The 1981 Act continued the program for wheat and also included corn.

Reserves of certain commodities in the hands of farmers should be maintained as a matter of Government policy only for security reasons and for the purpose of providing a reasonable degree of supply and price stability. The quantities should be modest and the maximum amounts should be specified. The stocks should not be obtained through attempts to support market prices. Guidelines for the release and use of reserve stocks should be clearly specified and made consistent with market oriented loan programs.

5. Integrate trade and development activities in a new program to expand exports. Since 1981, U.S. farmers have lost 35 percent of their West European market and 10 percent of their Japanese market. These markets will continue to be important, and we should make concerted efforts to establish international trading rules that will permit us to compete freely and fairly for those markets.

The U.S. will need to look increasingly toward the developing countries where three-fourths of the world's people live. In order for those countries to increase their purchases of U.S. farm products markedly, they will need assistance in economic and agricultural development. The evidence is clear that as these countries improve their own productivity, they supplement their diets with larger imports of U.S. farm products. As they enter the economic mainstream, they become paying customers; as this happens, we should ensure that U.S. farmers share equitably in those markets.

Congress should expand and strengthen Public Law 480 (Food for Peace) with actions such as those in the 1984 recommendations of the President's Task Force on International Private Enterprise. We should enlarge GSM-301 funding and encourage greater use of "intermediate" credit for periods of 3 to 10 years. We should reexamine all our export credit programs to see if they are adequate.

The Department of Agriculture and the Agency for International Development should be strengthened to augment their respective capabilities for export development and foreign assistance and to maximize cooperation and coordination between the two agencies.

The Executive Branch should follow aid policies that encourage long-term commitments to countries that pursue specific development strategies. We should also show greater flexibility in shifting U.S. assistance among countries, commodities, and the various export assistance programs.

Foreign market development programs conducted by commodity organizations in cooperation with the U.S. Department of Agriculture have proved successful over

three decades. Those efforts should be expanded and new dimensions added.

We need to understand better the resources and requirements of our export customers. For example, a systematic study of buyer's needs and the way they utilize commodities might reveal product varieties and forms that could provide new markets for U.S. farmers.

6. Expand U.S. research and extension programs that will help farmers reduce costs. Scientific and technological advances have contributed significantly to the efficiency of U.S. agriculture. The U.S. no longer has a virtual monopoly on the development of such new knowledge, however. The ability to generate new scientific knowledge and technology is gaining momentum in countries like Brazil, India, and Taiwan, as well as in more industrialized countries. As farmers in other countries become more efficient, they will become stronger competitors in world markets.

7. Provide for a conservation program for fragile land. It is essential to our future generations that we address the erosion caused by intensive cultivation in certain identifiable fields. Nearly 100 million acres of land now in cultivation is eroding at more than the five-ton rate, a level nature cannot heal.

We strongly recommend a conservation reserve, perhaps on a bid basis, to remove this land from cultivation and put it back in grass and trees. The grass should be made available for livestock production only during periods of severe drought. The program ought to be tied specifically to fields, not to farms or regions.

A strong "sodbuster" concept should be included to prohibit farmers from receiving farm program payments on fragile land converted from grass and trees to cultivation.●

SENATOR DODD: AN ARTICULATE VOICE FOR AMERICAN INTERESTS

● Mr. HART. Mr. President, I recently had the opportunity to read an interview with our colleague Senator DODD in the Hartford Courant, the leading daily newspaper in the State of Connecticut. Senator DODD's statements in this article demonstrate again that he is one of the leading spokesmen, in the Congress and the country, for a progressive foreign policy that promotes American objectives and interests in a dangerous and complex world.

As a three-term Member of the House, and in his first term in the Senate, CHRIS has certainly made his mark with a variety of important domestic initiatives. At a time when the Reagan administration was forcing immense cutbacks in Federal funding for housing assistance, Senator CHRIS DODD—along with Congressman SCHUMER—got a new housing law on the books: the Housing Development Action Grant Program. He has been a leader in the Senate defending the rights of American's young people. Senator DODD is not only the founder of the Senate children's caucus but he has also authored legislation in the areas of adoption and the prevention of child abuse. On the Banking Committee, CHRIS is fighting to preserve competition in the insurance industry by leading the charge against the so-called South Dakota loophole.

The article in the Courant, however, is based on the major contribution which Senator DODD has made on foreign policy issues in the Senate. For example, we are finally seeing progress toward the achievement of democracy and pluralism in El Salvador. Most of our colleagues will agree, Mr. President, this is due largely to the efforts of Senator DODD. As a member of the Senate Foreign Relations Committee, he fought for an economic and military aid program which conditioned foreign assistance to El Salvador to the achievement of significant human rights and agrarian reforms in that country.

Senator DODD has emerged as one of the most respected voices in the Democratic Party on foreign policy. He understands the complexities and challenges we face in a world that has changed drastically since World War II. He recognizes the range of tools we have—diplomacy, aid, trade, and military power—and how they can best be used to defend and promote America's interests and democratic values abroad.

Mr. President, I hope that all of our colleagues will read "Not by Force of Arms—A Conversation with Christopher Dodd." His observations are valuable, and I am pleased to have this opportunity to make them available to the Senate and the public. I ask that the text of the article be printed in the RECORD.

The article follows:

[From the Hartford Courant, July 7, 1985]

NOT BY FORCE OF ARMS—A CONVERSATION WITH CHRISTOPHER DODD

(Jay Winik, a Yale doctoral student and former director of the Coalition for a Democratic Majority, an organization of conservative Democrats, talks with U.S. Sen. Christopher J. Dodd about America's shifting role in the world. The interview took place in Washington on June 27 and has been edited by The Courant.)

WINIK: John F. Kennedy once inspired the imagination and hopes of people throughout the world by going to Berlin and saying, I'm a Berliner. And then he said that we are watchmen on the walls of world freedom. As one of those who was inspired by President Kennedy, would you say that we are still watchmen?

DODD: We can offer some word of inspiration and hope. We can identify with the aspirations of peoples who would like to lift off the yoke of totalitarianism, but there is an implication in those remarks that we were somehow going to be able to achieve this goal through the exercise and extension of our own particular influence. I think we can contribute to it but certainly not as a practical matter effectuate the kind of results that those remarks imply.

WINIK: You've met with Lech Walesa, and you've probably followed the ongoing drama of Poland since the rise of Solidarity and the crushing of Solidarity. Do you feel a sense of powerlessness watching that?

DODD: The implication is that somehow we are going to make it possible for Lech Walesa and the leaders and followers of Solidarity to achieve their very laudable, commendable goals. I think we can contribute in some way by just the exercise of rhetoric, but we seem to suggest far more than the use of rhetoric. And to that extent I think we raise expectations falsely.

WINIK: You're suggesting that America has overstated its ability?

DODD: The quicker we disabuse ourselves that we live in a World War II environment, the better off we'll be. I think, clearly, today the people of China and Hungary, Yugoslavia, even Poland are moving.

There is an evolution. There is a change that is occurring.

WINIK: But if there's an evolution, there's certainly also periodic and sustained revolution—1953 in East Germany; '56 in Hungary and Poland; '68 in Czechoslovakia; 1981, 1982, 1983 in Poland. Who owns the future in Eastern Europe?

DODD: There must be some way that we can wean away governments which have embraced a totalitarianism system of government. If our only response is to support violent insurrection, then I think we're in deep trouble. If we have patience, if we truly believe in the value system and ideals which we claim to embrace, then I think the longer we're willing to hang in with this and begin to work and to see things change and to move.

WINIK: Should we be waging an ideological war in defense of our values?

DODD: I think it's somewhat presumptuous to assume that somehow you're dealing with an ignorant mass of people who don't understand what's happening to them.

People don't need to have the Voice of America remind them of how they're living and some commentator telling them what it's like in the promised land. They're more than capable of being able to determine the differences between living under that system and what it might be like to live in a free and open society.

When you look at the fact that you need barbed wire and police dogs and machine guns to keep people in—that's the only piece of evidence you need to make that case.

You just had a ballot in Hungary. It's not the textbook scenario of a democratic election, but minority candidates were being chosen. Candidates who under previous systems would have been automatically elected were being rejected. Now it's not a great leap forward, but is clear movement.

WINIK: But the process of exploration could be stripped overnight.

DODD: Of course it could be. But you're suggesting somehow by your question that it's 1956 and we ought to get in there and overthrow the government through military force.

Why don't we try and build bridges with these people? Why don't we try and understand what's going on there and encourage further reforms and build that kind of relationship? Isn't that, in the final analysis, what has a greater likelihood of success? Why is that objectionable?

WINIK: I'm as frustrated as you are and I'm trying to think of the best way we can promote the liberties they have and eventually foster a liberation over time.

DODD: You and I are going to see a lot more Nicarguas and El Salvadors in our lifetime, and the question is how are we going to deal with them? If our only response is what [former U.N. Ambassador] Jeane Kirkpatrick has implicitly suggested, that somehow there should be 50,000 U.S. troops in Iran today and 50,000 U.S. troops in the

Philippines, and there should be 50,000 troops in Nicaragua, what are the limits? Is that the only way in which we can respond?

WINIK: But there is a military dimension. In Afghanistan we are seeing a whole civilization that is being crushed. A country, in the words of the Helsinki Watch Committee, is crying, it's dying. What is the lesson to have learned from what's happening there?

DODD: Why are we embarrassed about supporting the mujahedeen? What is the problem with coming before the Congress and saying we ought to be providing those people with all the humanitarian aid and the military hardware that they need to defend themselves? What's the problem with that?

WINIK: Because maybe there are senators who will say that this will increase tensions with the Soviet Union, which in a nuclear age is simply intolerable.

DODD: I think there cause is just. I think you have an outside aggressor peforming in a genocidal manner and I don't think this nation ought to be shy in saying we ought to identify with the hope and aspiration of those people and we're going to support them.

I have no problem with the Afghan situation at all, and I think it's criminal we're not doing more. We're certainly not going to provide them with enough subsistence to throw out the Soviets, but we might provide them with enough help to survive so that maybe they can exercise some influence on what is likely to occur in that country.

You get to a Cambodia situation, that becomes a grayer problem. I don't have an easy answer on that one because I don't like the idea that we're subsidizing the Khmer Rouge. As abhorrent as the Vietnamese are, I'm not sure I want to choose up sides in that crowd.

In the Nicaraguan situation, I see something entirely different where you've got a nation at war with itself where it seems to me our interests can be served better. So that the people who have this neat kind of convenient little package that they apply regardless of the situation, but as long as there's a Marxist element involved that's what you do. I have a problem with that.

WINIK: You've been a strong voice in Central America. In 1983, you made the Democratic response to President Reagan's speech in which you lamented yet still welcomed his incipient recognition of their economic and political problems.

DODD: Which he didn't recognize; he rhetorically recognized.

WINIK: Shortly thereafter there was a bipartisan commission.

DODD: There was nothing bipartisan about that commission. How about if I take Lowell Weicker and Mack Mathias [U.S. Sen. Charles McC. Mathias, R-Md.] and Mark Hatfield [U.S. Sen. Mark O. Hatfield, R-Ore.] and put them together with a group of Democrats—would you call that a bipartisan commission?

WINIK: You're calling them [the Democrats on the commission] stooges of the administration?

DODD: Basically. These are people who agree philosophically with the administration. They happen to wear the label Democrat but they aren't Democrats in terms of expressing the majority opinion of the party.

WINIK: The Kissinger commission called for economic aid, assistance, insurance credits and enough military assistance in the millions, not in the billions, to stabilize the situation enough so that the economic aid could flourish. Why didn't you buy it like a shot?

DODD: I don't disagree with the idea of economics. But they called it a Marshall Plan for Central America. I think that's totally inaccurate. The Marshall Plan was a $4 billion program for bricks and mortar reconstruction. Institutionally, Europe had the 13-year aberration of Nazism, but for decades before that Europe had institutions which were very functional, which were democratic in their origins.

In Latin America, first of all, we're in the middle of a conflict. Secondly, you have no tradition whatsoever of democratic institutions. That is the fundamental problem and that is not something necessarily solved by pushing in a lot of trade legislation and so forth.

I think it can help, but you still have not addressed the fundamental problems which exist in this part of the world and that is the building of the basic institutions over a period of time which can then promote the very kinds of ideals they're talking about.

WINIK: One of your earlier legislative efforts was to ask the Salvadorans to make significant progress in land reform. Is that imposing a way of life on them which should have been done much more slowly, in tune with a growing-up process?

DODD: Rather than give you my answer, let me give you [Salvadoran President] José Napoleón Duarte's answer the other day in front of 15 of my colleagues at a closed door briefing of the Foreign Relations Committee. I said, we know each other well, you know what I did legislatively in terms of economic and military assistance. Did I help you or did I hurt you? He said, Senator, I would not be sitting at this table had you not gotten that legislation through.

WINIK: You have said you do not want a Marxist Leninist regime in Nicaragua.

DODD: I don't want anything that threatens my security interests. I don't think there's any question about the philosophy of the leadership of the Sandinista movement. But I'm not willing to squander my political capital internationally in this region because they don't print [the opposition newspaper] La Prensa in the morning.

I'm worried about that and I don't like that, but if you're asking me whether or not that is something that jeopardizes security interests of Western democracy or of the United States, the answer is no.

Now if they bring in Soviet bases or missiles or jeopardize sea lanes, the Panama Canal, you've got another problem.

I think what the Congress has recently gone through here is the phoniest thing I've ever seen. The only people I have any respect for, other than the people who agree with me, are the people calling for the absolute military overthrow of the Sandinistas and would like to see the U.S. government go down tomorrow and get rid of them.

WINIK: Because they're being honest?

DODD: Damn right. But the rest of these people are talking about humanitarian aid—just Band-Aids, only jeeps, no grenades, we'll do it over here, AID or the Red Cross or somebody else, not the CIA, or maybe the CIA. We are absolutely deluding ourselves.

Either you want to get rid of that crowd or you decide you're going to try and at least put some parameters around it.

The problem is you've had the president talking about the contras as if they were the reincarnation of Jefferson and the democrats, and you have the left in this country talking about the Sandinistas as if they were the reincarnation of the Franciscan Order.

Nobody is talking about our interests. I'll be damned if I'm going to place the interest of the United States in the hands of the contras, because they don't necessarily have my interests at heart. They've got their agenda and I don't necessarily believe their agenda ought to be my agenda.

WINIK: What leverage do we have to restrain the Sandinistas from exporting revolution as they have claimed they will and as they have been doing?

DODD: I'd set out the guidelines—cross it and find out what happens and I'll mean it.

WINIK: And what is the resolution you'll introduce at that time?

DODD: There doesn't have to be a resolution, be very quiet about it. You don't have to make a lot of noise.

WINIK: In the Middle East the PLO was once known as the group which invented plane hijacking. It was known for the butchering of children at Maalot, for the massacre of Israeli athletes at Munich. The same group today is accorded respectability throughout the world. Has that sent out a message that terrorism works?

DODD: Does it have the attention of the world? Turn on the news right now, what's on?

If the Shiites had F15s or F16s they would probably be striking Tel Aviv. They don't have F15s and F16s so they take hostages. I think it's deplorable that they engage the use of non-combatants. Does it work for them to make their point? Yeah, they get a lot of attention. Who knew Mr. Berri's [Shiite Amal leader Nabih Berri's] name 12 days ago?

WINIK: What is the Western response to the perversion of language and political reality that often flows from terrorism?

DODD: You've got to try and deal with it in a pragmatic way in terms of security measures. But you and I both know that tonight, this afternoon, someone could drive in here with a truck and threaten to do all sorts of things and get every media outlet in the world to focus attention on them.

It's not a question of whether you like it or not but whether you capitulate. I think the Israelis were despicable in returning 1100 Shiites for three Israeli soldiers. It was a disastrous mistake of significant proportions because I don't believe you ought to give any quarter on those issues.

But I don't think it's going to go away. I think they're going to continue to get attention as they have over the years, and I don't think you're going to stop that in the short run.

WINIK: Can there be such a thing as diversity run rampant in the world, where every rag-tag group can pick up a gun and create what ultimately could be a legitimate grievance?

DODD: If you're asking whether we ought to be willing to compromise these basic principles that we associate with democratic governments, my answer is absolutely not. I think some people in democratic governments actually envy the Politburo. They would very much like to be able to decide what people ought to be saying, doing and thinking. I'd hate to have someone suggest that you and I shouldn't be able to have this conversation because there may be a terrorist somewhere who is going to jeopardize American, Israeli lives.

WINIK: I guess the larger theme that I'm getting at is the tension between order vs. justice and liberty. At what point do you

draw the line and say there are legitimate grievances?

DODD: You're asking a question that has no answer because you're asking in an abstract way for one person to sit here and decide that we're going to sacrifice justice in order to achieve your notion of order. What's order? To fire guns in the air and do things that you and I would not consider proper Western behavior?

To sit here and decide that I'm either going to totally subjugate them and dominate them militarily so that they conform to my idea of order so that I will be able to achieve my idea of justice must be fascinating discussion for a 90-minute class some place. But in the world I live in, I don't have time to dwell on that. I have to deal in the day-to-day real world.

WINIK: Do you think the recent initiative by Jordan's King Hussein poses a way out of the impasse with the Palestinian problem?

DODD. I've heard him say this in the past, and I'm hopeful that maybe this time things will be a bit different. It certainly has potential.

Jordan is a pivotal player, and I think it's worth trying to proceed. The very essence of Israel as a Jewish state is in jeopardy otherwise when we look at the simple demographics and the population of the Samaria and Judea areas [the West Bank of the Jordan River] and what that means in the long term. Obviously, the question of survivable borders is a hard one because it's an extremely vulnerable area. But history is never achieved by people who don't take risks.

WINIK. Do you think we should be dealing with Syria in the process?

DODD. Ultimately, we're going to have to, whether we like it or not. [Syrian President Hafez] Assad is too influential a player over there.

WINIK. Would you say that Assad is an important player because he has legitimacy according to our values or because he's got a powerful gun?

DODD. He's got a powerful gun.

WINIK. Does that suggest that both force and diplomacy cleverly webbed together is the only way we can continue over the long haul?

DODD. Not necessarily. Tomorrow is another day. Assad may decide there's another way of resolving his own interests and concerns. He's not a fool. If there's some self-interest that he perceives, he'll jump on it.

WINIK. Kennedy once spoke about the long twilight struggle. Will America eventually be building that shining city on the hill or will it be a city built by someone else? Put another way, are you an optimist?

DODD. Absolutely. We don't have a great reservoir of patience in this country. We like things to be decided yesterday. If this country can develop a sense of patience, if we're willing to recognize that in our lifetime Israel will never be without fear of annihilation, if we can live with the notion that we're not going to see any fundamental change in the Soviet Union, if we just hang in there and work with the countries that are trying to embrace democratic values—that's a never-ending struggle. As long as you come to terms with that, then there's every reason to be optimistic.

I think it must be sad, indeed, if you see the only way of resolving these things is through the annihilation of your opponent.●

MOTHER THERESA SPEECH

● Mr. HUMPHREY. Mr. President, I wish to call the attention of my colleagues to the speech given by Mother Theresa of Calcutta at the National Right to Life Convention held here in Washington, DC, on June 21. Mother Theresa has proven to be both a devoted comforter of the poor, and a fervent advocate of improved alternatives to abortion for all women. Mother Theresa is an extraordinary defender of life at every stage, and she serves as a tremendous model for us all. I append her speech as an inspiration to positive, loving solution to the tragedy of abortion.

The speech follows:

[From the National Right to Life, July 11, 1985]

LOVE BEGINS AT HOME, MOTHER TERESA TELLS PRO-LIFERS

(Editor's note.—The following is the complete text of Mother Teresa's speech to the NRL Convention '85. A line or two at the end of her speech was lost because her remarks ended just as the tape technician was changing tapes.)

Let us ask Our Lady to be with us. Let us ask her, Mary, Mother of Jesus, give us your heart so beautiful, so pure, so matchless, so full of love and humility that we may be able to receive Jesus in the Bread of Life, love Him as you loved Him, and serve Him in the distressing disguise of the poor.

Before I begin to say something, let us thank God for giving us our parents who wanted us, who loved us, and who helped us to grow. So, today, when we have gathered here together we are going to make sure that we who are parents or spiritual parents that we, too, like them, are going to show that tenderness and love for the little ones, believing that God spoke, for God speaks so clearly, even if a mother could forget her child, "I will not forget you. I have carved you on the palm of My hand. You are precious to Me. I love you." Just think, God himself declares His love for you, for me, for that little unborn child, precious to Him. For He has created each one of us and all of those little ones in the womb of their mothers for greater things to love and to be loved—not just a number but somebody special.

A few weeks ago I had the very extraordinary experience of this tenderness of God for the little one. A man came to our house with a prescription from a doctor, said that his child was dying—his only child—was dying in the slums of Calcutta. And that medicine could not be gotten in India anywhere. [It] had to be brought from England.

And as we were talking, a man came with a basket of medicines. He had gone round to families and gathered half-used medicines for our poor people. We have these mobile clinics all over the slums of Calcutta and all over the place, and they go 'round to the families and gather the half-used medicine and then give them to us, and we give them to the poor people. And then he came, and right on the top of that basket was that medicine.

I just couldn't believe it because if it had been inside, I would not have seen it. If he had come before or after, I would not have connected. I just stood in front of that basket and kept looking at the bottle. And in my mind I was saying, millions, and millions, and millions of children in the world, how could God be concerned with that little child in the slums of Calcutta? To send that medicine! To send that man, just at that time. To put that medicine right on the top and to send the full amount that the doctor had prescribed. See how precious that little one was to God, Himself. How concerned He was for that little one.

And so today when we have gathered to prove that tenderness of God's love for the little unborn child as something very, very special is again in the Gospel—God loved the world so much that He gave His Son, Jesus, to come. And He came again in the womb of a mother.

Honored Mother, full of grace—the Holy Spirit. She had vowed her life totally to God and so in the Gospel, when the angel said to her, said the Holy Spirit, full of grace; and then Mary said, "I don't understand." She didn't understand how. But then Holy Spirit will fill you and holy will be the unborn of you. And now Our Lady just said very dutifully, "Be done to me according to Thy word."

And the moment Jesus came into her life, immediately, we read that in the Gospel, she went in haste to her cousin, Elizabeth, for she heard that her cousin was with a child for maybe six months. She went there just to do a handmaiden's work, a servant. See the fruit of the coming of Jesus? Immediately to put that love of God into living action as she does.

And something extraordinary happens. She never told anything to anybody. Nobody. All those big people were there, nobody knew. And yet, God used that little unborn child in the womb of His mother to lift with joy at the coming of Christ. Strange, that a little unborn child would be used to proclaim the coming of Christ.

And today, that little unborn child has become a target of destruction—of destroying the beautiful image of God. The beautiful presence of God. For each one, every little unborn child, is created in the image of God. Is created for some better things—to love and be loved.

That's why abortion is such a terrible evil, terrible destroyer of peace, of love, of unity, of joy. Anything that's beautiful, [it] destroys because the little one is not just a number but somebody precious to God. Somebody precious to you and to me.

And so, today, when we are together, let us make one strong resolution. We will do everything on our part to prevail, not to destroy life. Life is created in the image of God. To love and to be loved. And that's why today we are having such terrible evils happening everywhere. So much killing, so much destruction. And I always give the same answer. If a mother can kill her own child, murder her own child, what is left for others to do?

So, with this real great great love—loving action, if you and I and each of us, take the trouble to help the mothers, whoever they may be, wherever they may be, let us help them to want the child. And if they don't want them, tell them, "Mother Teresa and her sisters want them."

We are fighting abortion by adoption. Thousands of children have brought joy, peace, love, unity in the families that can't have a child. (I don't give a child to a family who has done something to destroy life. How can they love, how can they love the child if they have destroyed the power of loving in their hearts.) So, I think this is something so beautiful. As you know, love begins at home. So when we bring the child

into the family, there is so much love. I've seen again and again and again, the greatness of love.

Two or three days ago, on the 15th, one of our Mission of Charity fathers was ordained priest and his sister also made final vows. And something so wonderful: the parents of these children had adopted them. They were their adopted children and you could see the shining joy from this father and mother for their children—one had become a priest and the other had consecrated her life to the service of the poorest of the poor. This year she is going to Poland to work for the poor there.

There is something so living, so real in God's love—it matches God's concern. They could have been killed. They could have been destroyed. But see how the joy of loving has brought from that something so beautiful in the lives of these two. And now these two will bring that joy, that love, that peace wherever they go, whoever they meet, whatever they do, it will be their love for God in living action.

And so far we have today when you are praying, when you are thinking, talking—pray! Pray! That God will give you a clean heart and a clean heart can see God's face, can understand God's love. And if you understand that God's love is in you and for you, you will be able to give that love to others.

Pray first for your own family. Love begins at home. And that family that prays together stays together. And if you stay together, you will know how to love each other as God loves you. Because Jesus came all the way from heaven. He came as a little child to teach us how to love from the beginning. He could have come like a big man. He could have been somebody special. But, no. He came like a little helpless child to give us the good news that God loves us, that God is love and He loves you and He loves me.

I've seen this tender love again and again and again in our people. Again and again. A few weeks ago two young people came to our house. They gave me lots of money to feed our people because we cook for 9,000 people everyday in Calcutta.

Then I said, "Where, where did you get so much money?" And they said, "Two days ago we were married but before marriage, we decided we will not have a big feast. We will not have wedding clothes. We will give you the money."

And I, knowing what that means in a Hindu family, and the big, big expense that takes place, and the special clothes and special food, so again I asked, "But why, why did you do that?" The answer they gave surprised me. "We love each other so tenderly that we wanted to share the joy of loving with the people you serve."

See, the joy of loving! Have you experienced the joy of loving? 'Cause true love hurts. It hurt Jesus to love us. God must have felt also to have to give Jesus to us. Jesus must have felt also to have to die for us. But again and again we see that tender love—to share the joy of loving.

This is that love that begins at home. Make sure that your family prays together and you will find somebody lonely, somebody sick, somebody worried, somebody feeling miserable. You see so much suffering, so much anxiety. Love begins at home. And how does it begin? By praying together. In whatever form you know how to pray. Help your children to pray. Teach them to pray. And that prayer will give them peace.

And make it a point to be a cause of joy to everyone you meet because if the love of Jesus is in your heart, naturally you will want to give that love to others. For Jesus said: "Love one another as I have loved you." And to make it easy for us to love one another, He says, "You did it to me"; whatever you do to the least—you help an unwed mother to get a good home, help her to be loved, to be wanted, to feel that someone wants her. You help her child to feel wanted, to be loved, to be tenderly taken care of. Give, give that love, don't be afraid, share that love, share until it hurts.

Sometime ago I happened to be in England—we have houses there—and our sisters work late, and I work with them, and I found a very young boy sitting there with the people, and I went to him and I said, "You shouldn't be here, you should be with your family. It's not the place for you." And he looked at me and said, "My mother didn't want me." And I said, "Why did your mother not want you?" "Because I have long hair. Each time I went home my mother didn't want me." Then I said to myself, maybe the mother is very busy with the hungry in Ethiopia or India or someplace else and she has no time, no care. She doesn't want her own child. This is where love begins at home.

And after that we went down and when I came back I found that that boy had overdosed himself with drugs and we took him to the hospital. But this is something that happens so often. We have so many young people in the streets everywhere, in all the big cities. We are all over the place and we find the young people—why are they [there], school children still. They are still in the street. Why? They feel unwanted. There is no one in the house to receive them. Love begins at home. Love begins at home. Be at home to love one another, love father, mother, children. If you pray together, you will always be able to give back tender love.

And so, today, when you are talking of life of love, of compassion, ask your own heart "Is your own family all right?" Love begins there. And if it is all right here, naturally, naturally, this pro-life movement—I don't call it the movement, I call it the burning fire of love that just spreads everywhere, every house, every human being so that we realize that God loves us and that He uses you, me, to be that love, that concern.

Do not be afraid to love until it hurts. Because Jesus has made it very clear: "Whatever you do to the least of my brethern, you do it to Me." If, in My name you receive a little child, the little unborn child receive, you receive Me. And if, in My name, you give a glass of water, you give it to Me. And to make it more real, more understanding, simply, "I was hungry, you gave me something to eat; I was naked, you clothed Me; I was homeless, you took Me in."

Believe me, hunger is not only for a piece of bread; hunger is for love—being wanted, being somebody to somebody. That little unborn child, it is most unwanted. That's why I am involved. Because we take a special vow to give wholehearted service to the poorest of the poor. And I tell you, that little unborn child is the poorest of poor, the most unwanted, the most unloved, the most uncared for, the most rejected. Much worse than the lepers. Much worse. We take care of 150,000 lepers, but they are loved. They are somebody. There is life in them. They are terribly disfigured, but there is love in them.

I'll never forget—the government has given us land to rehabilitate them. In every place we have a children's home so as soon as the baby is born, we take the baby before the little mother has kissed the baby. Both father and mother are lepers. The last time I had to take that baby before the mother could kiss the baby because that child is completely clean, born of leper parents, the mother was looking with tears rolling down her face, looking as I was walking and I was holding the baby so that she could see the child right to the end. But I was thinking of the millions of children who are killed, and here is this poor leper woman so badly disfigured—what tenderness in her heart for her little child. What a big sacrifice she makes not to kiss her child so that the child will remain healthly. See, this is something unbelievable. And this is what we have to create, you and I. Let this gathering not be just a gathering like this. Let it be a time of prayer. I will protect life because that life is created by God for greater things—to love and to be loved. For that little one, Jesus has died on the cross. And he died because He loved. He expressed His special love for this little one.

So let us bring the joy of loving to every heart, and then you'll find the best ways to do is help these young mothers, I call them young mothers, unwed mothers, but they have something to share with you—they give you a chance to share the joy of loving. The more you do for them—open your eyes and go in search of them and when you find them, show tender love for them because "whatever you do to the least," Jesus said, "you give it to me." And that you have your five fingers to remind you. You-Did-It-To-Me. The five words of Jesus in your five fingers. So every night before you go to bed, look at your hand and ask, "What did I do to Jesus today?"

Let's say a little prayer that you may understand the poverty of the unborn. And let us understand also the terrible poverty and the fear of the mother of the unborn child. I only realize that this is a terrible fear of the child. They are afraid to have one more child, to have to feed one more, to educate one more child, [so] the child must die. I have not seen this fear among our poor people. I have never seen it. We are teaching them natural family planning but I have not seen the fear as I've seen in people that are better off and can afford to have [children].

So let us pray. Let us pray again and again that tenderness and love of God can penetrate our hearts and we may put that tender love of God into loving action by helping the unborn child to come, to be loved, to be wanted. And we don't know, we don't know. I remember when we opened the children's home in New Delhi and Pandit Nehru came. We had unwed mothers there and children there, and he then went around and looked at everything, and he said, "Take care of the unborn, take care of the little one, cause you don't know, maybe amongst them there's a prime minister."

KANYAKU IMIN CENTENNIAL CELEBRATION

● Mr. INOUYE. Mr. President, this year marks the 100th anniversary of the arrival of the first Japanese contract laborers to Hawaii. The descendants of these pioneers in Hawaii and the continental United States have achieved success and prominence in our society, as scientists and physicians; as academicians and artists; as a

Governor and an astronaut; as U.S. Senators, Congressmen, and mayors; as leaders in business and labor, and in many more fields of endeavor.

Celebrations in Hawaii marking the arrival of these first Japanese immigrants—known as the "kanyaku imin"—were honored by the presence of members of the Japan royal family, Prince and Princess Hitachi.

Among the many speeches that accompanied these events, none was more eloquent and deeply meaningful than that of Princess Abigail Kekaulike Kawananakoa on June 16, 1985, in Honolulu. She is the last descendant of the Kamehameha family line, the royal family of the Hawaiian Islands. If Hawaii had not been annexed by the United States in 1898, and instead remained an independent nation, its monarch today would be Princess Kawananakoa.

Her remarks on this occasion, from one royal family to another, reflected the unique history of Hawaii as a crossroads for the native Hawaiian people and immigrants from Japan—groups diverse in cultural heritage and background but joined in a warm love for the aloha of the Hawaiian Islands.

Mr. President, I ask that the remarks of Princess Kawananakoa be printed in the RECORD.

The remarks follow:

SPEECH: PRINCESS ABIGAIL KEKAULIKE KAWANANAKOA

KANYAKU IMIN CENTENNIAL CELEBRATION, JUNE 16, 1985

It is my honor, in the name of my family, and my pleasure, in the name of the Hawaiian people, to welcome Your Imperial Highnesses to Hawaii and to cast another link in the bonds of friendship that bind together our two homelands and our two houses—bonds that were forged more than a century ago by my great granduncle, King Kalakaua, and your own great grandfather, the Emperor Meiji.

This year, we commemorate the 100th anniversary of the first contingent of Japanese nationals who came to Hawaii under the "Hawaii Labor Convention" entered into between our two ancestors. But the people who arrived on the "City of Tokio" 100 years ago were not the first group of Japanese nationals to come to Hawaii. During the reign of King Kamehameha V, some 30 Japanese Ronin arrived in Hawaii, fleeing from the wrath and persecution of the Tokugawa shogunate. Some of them returned to Japan following the advent of the Meiji era. Others remained here, married Hawaiian women, and founded some of our most prominent families.

The men and women who arrived here a century ago, came to work on our fields and plantations. They worked hard . . . struggled to survive and to prosper . . . and eventually, they, too, founded prominent families among us. One of the descendants of those original Japanese people is now our Governor, George Ariyoshi. So are our two Senators in the Congress of the United States—Senators Inouye and Matsunaga. From them descended many of our legislators, mayors and judges, as well as many of our most able craftsmen and professionals.

The Hawaii that we have created today—the many races, nationalities, and religious faiths who live here in harmony—could not have been possible without the cooperation of those early Japanese people. They labored and persevered even with meager wages and poor living conditions. Yet somehow, they managed to fashion better lives for themselves. They educated their children and became leading citizens.

America was founded by pioneers. Those early Japanese were pioneers. They cultivated the land and met hardships face to face. And when war came to this country, they and their children fought valiantly at our sides . . . risked their fortunes . . . and even gave their lives . . . so that this country and these islands should remain free. Although they came as stangers a century ago, they are no longer strangers. We are one people . . . Americans all.

And now in conclusion, I extend to Your Imperial Highnesses our welcome to Hawaii, and I pray you to extend to your august and imperial father, our Aloha—the greatest gift Hawaii has to offer: Aloha.●

NEW INFORMATION ON THE PRESIDENT'S STEEL PROGRAM

● Mr. HEINZ. Mr. President, as I have stated here before, our country needs an aggressive and comprehensive program for revitalizing our steel industry. The President's current policy of voluntary export restraint agreements [VER's] on steel imports is, unfortunately, only yielding modest results.

A recent Congressional Research Service report by David Cantor compares the patterns of U.S. steel imports from six selected countries, Brazil, Japan, Mexico, South Africa, South Korea, and Spain, from October 1983 to April 1984—immediately prior to the President's import relief decision—with October 1984 to April 1985. Mr. Cantor draws three general conclusions in his study. First, he finds that VER's have limited steel imports to the United States in the countries studied. Steel imports from the countries examined fell from 55 to 45.6 percent of total imports. This drop is indeed an encouraging development.

Mr. Cantor's second conclusion, however, verifies what I have said previously. Other countries most notably Canada and the European Community nations, have enlarged their historic market share, thereby offsetting many of the gains achieved by the VER's. In fact, total U.S. steel imports are 7.3 percent higher now than in the 1983–84 period.

This rise in total imports is due not only to the behavior of the Canadians and Europeans, but also to frontloading, the practice of entering more than one's allotted share early in the restraint period, to be compensated by lower import levels later. Mr. Cantor makes this clear in his third conclusion stating that frontloading early in the President's program has prevented U.S. steel imports from falling to the President's designated level of 18.5 percent of the total domestic market. During the first 6 months of the VER's, the countries studied, of which Japan and Brazil have been the worst offenders, exceeded their prior 1983–84 levels by 2.08 percent.

Mr. Cantor's study is important in that it indicates much of what I have said over the past months. The President's program is a good start with some successes to its credit, but more can and must be done. Japan and Brazil must further lower their steel exports to the United States. Countries without VER's, like Canada, must not simply show restraints but must rollback or be brought under the VER's. Within this context, it is most crucial that we expand and renew our steel agreement with the European Community which has been the worst offender. Mr. Cantor's assessment reveals the importance behind taking such steps, and I ask that it be printed in the RECORD.

The material follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, July 2, 1985.

To: Hon. JOHN HEINZ, Attention: Bill Reinsch.

From: David J. Cantor, Specialist in Industry Economics, Economics Division.

Subject: Patterns of U.S. Steel Imports From Selected Countries—The Effect of the President's Steel Program.

This memorandum responds to your request for information and analysis of the pattern of U.S. steel imports from several of the countries that negotiated voluntary export restraint agreements (VERs) with the United States under the President's steel program. In particular, you asked us to compare steel imports from the selected countries from October 1984 to April 1985 with the same period in 1983–84. This information was requested to aid you in making a determination of the extent of any "frontloading" provisions of the VERs; these provisions permit the steel exporting country to exceed their negotiated market share early in the five year term of the VERs with appropriate reductions later in the term.

In consultation with you, we have selected six of the seven countries with which overall steel market shares were initially negotiated.[1] They are: Brazil, Japan, Mexico South Africa, South Korea, and Spain. Only Australia was omitted, because its steel exports to the United States have typically been a very small amount and share of the U.S. market—less than 200,000 tons and about 0.2 percent of the U.S. steel market.[2] The 6 countries selected for this analysis accounted for about 46 percent of total U.S. steel imports since October 1984, when the VERs took effect.

By focusing on these six countries, we presumably could provide data to demonstrate the effect of "front-loading". All VERs have provisions in them allowing countries to

[1] Office of the United States Trade Representative. Brock Announces Successful Steel Negotiations. Press Release. Washington, December 18, 1984. 2 p.

[2] American Iron and Steel Institute. 1983 Annual Statistical Report. Washington, 1984. Table 25. p. 63.

ship to the United States all steel on order at the time of the execution of the VER. This would minimize any disruptions in steel trade. To the extent that these shipments exceed the negotiated market share, the VER countries would reduce their steel exports to the United States later in the term of the agreement to compensate for the market share effect of "front-loading". Since the six countries signed VERs early in the negotiating period after the President announced his program, one would expect to see signs of reduced exports even with "front-loading" sooner than with countries that signed VERs later in the period. Six countries did, in fact, sign VERs after December 1984—Czechoslovakia, East Germany, Finland, Hungary, Poland, and Romania.[3] Their steel exports, like those of the original VER countries, would count from October 1984 against their negotiated market shares. Thus, there is a high probability that the more recent VER countries would be "front-loading" their steel exports to the United States more significantly than the original VER countries.

Three general conclusions are suggested by the data. First, U.S. steel imports from the six countries appear to have been restrained by the VERs. That is, the President's program appears to be achieving its goals or at least moving in that direction with respect to the VER countries. Second, although the VER countries are exporting relatively smaller amounts of steel to the United States since October 1984, U.S. steel imports have not fallen proportionately. This fact suggests that other countries and regions increased their steel exports to the United States, possibly offsetting the positive results of the VER program. Thus, to the extent that other countries not covered by a VER are securing larger market shares, the goal of achieving steel import share targets of the President and Congress could be thwarted.[4] Third, the data indicate that the practice of "front-loading" may have run its course with many of the original VER countries.

I. THE EFFECT OF THE VER'S ON U.S. STEEL IMPORTS FROM THE SIX COUNTRIES

The data indicate that the President's steel program is moving in the direction of achieving its desired results with respect to the six VER countries. Since the program began, the six countries accounted for a much smaller share of total U.S. steel imports than in the corresponding period a year earlier. In the seven-month period from October 1984 to April 1985, the six VER countries shipped 45.6 percent of total U.S. steel imports, down from 55.0 percent of total U.S. steel imports from October 1983 to April 1984. Thus, their share of total U.S. steel imports fell by about 17.1 percent in the one-year period. Furthermore, their combined actual steel exports in the 1984–85 period was about 11.7 percent less than in the 1983–84 period; in the 1983–84 period, they exported 1.07 million tons of steel products to the United States, or nearly 115,000 more tons than the 945.5 thousand tons they shipped in the 1984–85 period.

TABLE 1.—AVERAGE MONTHLY SHARE OF TOTAL U.S. STEEL IMPORTS FROM SELECTED COUNTRIES WITH VOLUNTARY EXPORT RESTRAINT AGREEMENTS OCTOBER 1983–APRIL 1984 AND OCTOBER 1984–APRIL 1985

[In percent]

Country	1983–84	1984–85	Percent change
Brazil	6.9	7.4	6.7
Japan	26.3	26.0	−1.1
Mexico	4.6	1.2	−73.9
South Africa	2.9	1.2	−58.6
South Korea	9.5	7.5	−21.1
Spain	4.8	2.3	−52.1
Total—six countries	55.0	45.6	−17.1

Compiled by CRS, using as sources: American Iron and Steel Institute. Imports of Steel Mill Products by Country of Origin. Washington, various issues.

The average monthly shares of U.S. steel imports from the six VER countries in the period from October 1984 to April 1985 are compared with their shares in the same period of 1983–84 in table 1. With the exception of Brazil, the shares of total steel imports declined for five of the six countries. Mexico, South Africa, and Spain experienced the most significant drops in share of total U.S. steel imports. Mexico's share fell by nearly 74 percent; South Africa's by nearly 59 percent, and Spain's by about 52 percent. South Korea's share of total U.S. steel imports also declined substantially, by about 21 percent. The 1.1-percent drop in Japan's share is relatively small; for all intents and purposes, Japan's share of total U.S. steel imports in the 1984–85 period was essentially unchanged in relation to its share in the 1983–84 period. Only Brazil's share of total U.S. steel imports rose, by about 6.7 percent.

The fall in the share of total U.S. steel imports of the six VER countries combined indicates at least some progress in achieving the President's and Congress' goals to restrain imports of steel mill products into the United States. The share of steel imports of the six countries, which accounted for more than half of total steel imports in the 1983–84 period, fell by nearly 10 percentages points. The data suggest that they are less important as suppliers of foreign steel to the United States than in the year before when steel imports into the United States were rising rapidly.

Indeed, just as the average share of total U.S. steel imports of these six VER countries fell between the periods from October 1983 to April 1984 and the corresponding months in 1984–85, so did the actual quantity of U.S. steel imports from these six countries. These data are presented in table 2. For the six countries combined, average monthly imports in the two periods fell by about 11.7 percent, from about 1.07 million tons in the 1983–84 period to about 0.95 million tons in the 1984–85 period. U.S. steel imports from Brazil and Japan rose by 7.3 percent and 5.5 percent, respectively. U.S. steel imports from South Korea fell by about 17 percent, or by about 33,000 tons per month from the corresponding period one year earlier. U.S. steel imports from Mexico, South Africa, and Spain fell in the range of about 46 percent to over 74 percent.

TABLE 2.—AVERAGE MONTHLY U.S. STEEL IMPORTS FROM SELECTED COUNTRIES WITH VOLUNTARY EXPORT RESTRAINT AGREEMENTS OCTOBER 1983–OCTOBER 1984 AND OCTOBER 1984–APRIL 1985

[In thousands of tons and percent]

Country	1983–84	1984–85	Percent change
Brazil	137.0	147.0	7.3
Japan	522.8	551.4	5.5
Mexico	88.7	22.8	−74.3
South Africa	50.0	24.3	−51.4
South Korea	184.7	152.9	−17.2
Spain	87.2	47.2	−45.9
Total—six countries	1,070.3	945.5	−11.7
Total U.S. steel imports	2,000.6	2,145.8	7.3

Compiled by CRS, using as sources: American Iron and Steel Institute. Imports of Steel Mill Products by Country of Origin. Washington, various issues.

The fact that U.S. steel imports from Japan rose above its average level one year earlier should not be taken as evidence that the President's steel import restraint program is not achieving its objective. First, Japan's share of total U.S. steel imports was about the same in both the 1983–84 and 1984–85 periods. This indicates that Japan was not attempting to capture a larger share of total imports. Second, while Japan and the United States had agreed on an overall U.S. steel market share for Japan of 5.8 percent, the distribution of this share among products was not agreed to until May 1985. Thus, no formal agreement between the two countries actually existed until May 1985. Nevertheless, it is clear that Japan exercised restraint on its steel exports to the United States until the agreement was executed; moreover, the agreement provides that steel imports from Japan from October 1, 1984 on will be counted in monitoring Japan's compliance with the VER.

Brazil is the only country that not only increased its share of total imports, but also its actual imports in the 1984–85 period in comparison with the 1983–84 period. This pattern appears to be due to "front-loading" rather than to non-compliance with its VER. From November 1984 through January 1985, Brazilian steel imports into the United States increased over the same period in 1983–84, but fell thereafter. This pattern will be discussed below in more detail.

Overall, the data clearly indicate that the VERs have had a noticeable effect on U.S. steel imports from the countries that entered into them. The 6 countries considered herein exported nearly 12 percent less steel to the United States in the first 7 months of the term of the VERs as compared with their steel exports in the same period one year earlier. While still significant as foreign suppliers to the U.S. steel market, their share of total U.S. steel imports decline by over 17 percent. Nevertheless, while these 6 countries were as a group relatively less important as foreign steel suppliers, U.S. imports still rose by about 7.3 percent in the 1984–85 period from the same period one year earlier. Thus, while the VERs clearly led to import restraint from countries entering into them, it is not clear yet that they would be successful in achieving the import targets of the President and Congress.

II. U.S. STEEL IMPORTS FROM OTHER MAJOR FOREIGN SOURCES

While the VERs have had a substantial effect in reducing U.S. steel imports from the VER countries, the fact is that total U.S. steel imports have not fallen to levels targeted by the President and Congress in

[3] Data Resources, Incorporated. Steel Industry Review. Second Quarter 1985. Lexington, 1985. p. 8.

[4] The President's market share target for steel imports is 18.5 percent of the U.S. market for finished steel products; his program does not specify any target for semifinished steel. See, Office of the United States Trade Representative. Brock Announces President's Steel Decision. Press Release. Washington, September 18, 1984. 4 p. The market share target set by Congress is 20.2 percent of the domestic market for all steel products. See, Title VIII of the Trade and Tariff Act of 1984 (P.L. 98-573).

the first seven months of the President's steel import program. As noted, total U.S. steel imports were 7.3 percent higher in this period than in the corresponding period one year earlier. Approximately one million more tons so steel entered the United States in the 1984–85 period than in the 1983–84 period. Of this increase, about 270,000 tons came from Brazil and Japan, although the 6 VER countries considered herein experienced a net decrease in their steel exports to the United States of about 900,000 tons.

Furthermore, recent projections of the import steel market share indicate that steel imports are not likely to fall to the target levels of the President and Congress. Data Resources, Incorporated estimates that the steel import market share in 1985 would be 23.2 percent in 1985, falling to about 21.1 percent to 21.2 percent in the period from 1986 to 1989, when the VERs expire.[5] These estimates are higher than either the administration's or the congressional targets.

At least two reasons can be offered to explain why the targets for steel import market shares might not be met. First, there is the VER provision regarding "front-loading"; this issue will be discussed in the next section of this memorandum. Second, many countries are not covered by VERs, and, therefore, could be increasing their steel exports to the United States while the VER countries are restraining their steel exports. This second explanation will be considered in this section—with particular emphasis on Canada and the European Community (EC). Canada's share of the U.S. steel market rose from 2.0 percent in 1979 to about 3.2 percent in 1984; the EC market share rose from 4.7 percent in 1979 to about 6.4 percent in 1984.[6]

The EC, it should be noted, has a formal agreement with the United States with respect to their steel exports to this country. This agreement took effect on October 1, 1982 and expires on December 31, 1985. It permits the EC a share of about 5.4 percent of the U.S. market for 13 categories of steel mill products. With respect to steel pipe and tube products, the agreement contains an understanding that EC pipe and tube exports to the United States would be 5.9 percent of this particular U.S. market; this understanding was renegotiated as a formal agreement in 1985, and gives the EC a market share of 7.6 percent of the U.S. pipe and tube market. All other categories of steel products are subject to consultation.[7] Effectively, the EC is allowed an overall share of the U.S. steel market of about 5.8 percent. There are no steel trade agreements with Canada.

Canada and the EC are the two largest suppliers of foreign steel either not covered by a formal agreement under the President's steel program or with an agreement that expires in 1985.[8] In the 7 months since the President's program took effect, Canada and the EC together exported nearly 6 million tons of steel mill products to the United States, or about 40 percent of total U.S. steel imports in this period. Their steel exports along with those from the 6 VER countries considered herein amounted to nearly 12.6 million tons in this 7-month period, or about 83.8 percent of total U.S. steel imports. How Canada and the EC conduct their steel trade with the United States could significantly influence the achievement of the steel import targets of the administration and Congress.

Comparing the period October 1984 to April 1985 with the same period in 1983–84, Canada's average monthly share of total U.S. steel imports declined by about 6.1 percent. In the 1983–84 period, Canada supplied about 13.1 percent of total U.S. steel imports each month; in the 1984–85 period, Canada's share was about 12.3 percent of total U.S. steel imports per month. The quantity of Canadian steel exports actually declined by about 3.6 percent in the 1984–85 period from those in the corresponding months of 1983–84. In the 1984–85 period, Canadian steel exports to the United States averaged about 251,000 tons per month; in the 1983–84 period, Canada's exports averaged about 261,000 tons per month. These data and those for the EC are presented in table 3.

The U.S. experience with EC steel imports in these two 7-month periods is significantly different from the Canadian case. The average EC monthly share of total U.S. steel imports rose considerably in the 1984–85 period as compared with the 1983–84 period. The EC share increased by about 21.5 percent, from 23.3 percent of total U.S. steel imports in 1983–84 to 28.3 percent of total U.S. steel imports in the 1984–85 period. The average quantity of U.S. steel imports from the EC rose by 30.5 percent in the 1984–85 period compared with the experience in the 1983–84 period. U.S. steel imports from the EC increased from about 461,000 tons per month in the 1983–84 period to over 600,000 tons per months in the 1984–85 period.

Clearly, the increase in EC steel exports to the United States in the period from October 1984 to April 1985 may be a significant factor in explaining why the import share of U.S. steel markets has not fallen to levels desired by the President and Congress. The evidence suggests that the VER countries and Canada have reduced or at least stabilized their steel exports to the United States in the first seven months of the President's steel program. The EC, however, increased both its quantity and share of total U.S. steel imports.

TABLE 3.—AVERAGE MONTHLY IMPORTS AND SHARES OF TOTAL U.S. STEEL IMPORTS OF CANADIAN AND EUROPEAN COMMUNITY STEEL OCTOBER 1983–APRIL 1984 AND OCTOBER 1984–APRIL 1985

[In thousands of tons and percent]

Country	1983–84	1984–85	Percent change
Canada:			
Quantity	260.7	251.4	−3.6
Share of total imports	13.1	12.3	−6.1
European Community:			
Quantity	461.0	601.6	30.5
Share of total imports	23.3	28.3	21.5

Compiled by CRS, using as sources: American Iron and Steel Institute. Imports of Steel Mill Products by Country of Origin. Washington, various issues.

Although Canada and the EC are the largest U.S. sources of foreign steel by countries not covered by a VER under the President's current steel program, more than 50 other countries, including some that entered into VERs after December 18, 1984, export steel to the United States. The exports from these other countries increased substantially in the 1984–85 period under review over the corresponding period in 1983–84. U.S. steel imports from all other countries rose by more than 1 million tons in the 1984–85 period in comparison with the 1983–84 period. Average monthly steel imports into the United States from all of these other countries rose by about 75 percent, from about 201,000 tons in the 1983–84 period to about 352,000 tons in the 1984–85 period.[9]

As noted previously, seven of these other countries signed VERs. In the year 1984, these VER countries accounted for about 5 percent of total U.S. steel imports, about 1.3 million tons. The rest of the world, approximately 44 countries, shipped about 2.3 million tons of steel to the United States in 1984, or nearly 9 percent of total U.S. steel imports in 1984.[10] While they, as a group, could be significant in determining whether or not the President's and Congress' steel market share targets will be attained, no one of them alone is likely to have a significant effect on reaching the import share targets.

These considerations suggest that the success of the President's program to restrain U.S. steel imports hinges mainly on the two principal foreign sources of steel either not covered by a VER, Canada, or by an agreement that expires in 1985, the EC. The data clearly show that Canada has been unilaterally exercising restraint on its steel exports to the United States since October 1984. U.S. steel imports from the EC, however, have risen, and mainly in those categories of steel products not included in the 1982 agreement.[11]

If the current negotiations to extend the 1982 steel agreement with the EC result in a VER that simply extends the term of the 1982 and pipe and tube agreements to 1989 with no change in market share, then there would be a high probability that the market share targets of the President and Congress could be attained. This assumes that Canada and all other countries not covered

[5] Data Resources, Incorporated. Steel Industry Review. Second Quarter 1985. Lexington, 1985. p. iii.

[6] American Iron and Steel Institute. 1983 Annual Statistical Report. Washington, 1984. p. 63. U.S. Library of Congress, Congressional Research Service. U.S.-Canadian Steel Trade: Its "Special Relationship" to Michigan. Memorandum, by David J. Cantor, May 8, 1985. Washington, 1985. P. 4. American Iron and Steel Institute, by telephone, June 27, 1985.

[7] U.S. Library of Congress, Congressional Research Service. Product Diversion Under the United States-European Community Steel Arrangement. Memorandum, by David J. Cantor, April 18, 1985. Washington, 1985. 10 p. U.S. Library of Congress, Congressional Research Service. Steel Pipe and Tube Imports, 1984. Memorandum, by David J. Cantor, May 20, 1985. Washington, 1985. 6 p.

[8] Negotiations are currently in progress to extend the current U.S.-EC steel agreement through 1989.

[9] Compiled by CRS, using as sources: American Iron and Steel Institute. Imports of Steel Mill Products by Country of Origin. Washington, various issues.

[10] American Iron and Steel Institute. Imports of Steel Mill Products by Country of Origin. December 1984. Washington, 1985.

[11] U.S. Library of Congress, Congressional Research Service. Product Diversion Under the United States-European Community Steel Arrangement. Memorandum, by David J. Cantor, April 18, 1985. Washington, 1985. P. 1.

by VERs do not increase their steel exports to the United States. If, however, the current negotiations result in a significantly higher market share for EC steel than the 1982 arrangement, then the likelihood of attaining the steel import market share targets would be substantially reduced. No effort is made here to speculate on the outcome of the steel negotiations with the EC; any estimate would be pure conjecture and inappropriate.

III. "FRONT-LOADING" OF THE VER'S

"Front-loading" of the VERs also explains why U.S. steel imports have not fallen to levels desired by the President and Congress. As noted previously, VER countries are allowed to export more steel to the United States early in the term of the agreements, presumably to minimize disruptions in the orderly flow of business activity and to permit a transition to lower levels of exports to the United States. Thus, orders booked prior to the execution of the VER's and in transit could be filled, even if their importation into the United States would mean a higher U.S. steel market share than negotiated. These higher levels of imports would be compensated for later in the term of the agreements by smaller shipments.

The data indicate that there was some "front-loading" of steel exports to the United States for all six VER countries considered in this memorandum. But the evidence also suggests that this practice had dissipated within a few months of the acceptance of the market shares by the VER countries. From February 1985 on, there appears to have been a significant drop in the market shares of U.S. steel imports from virtually all of the six VER countries. Moreover, several of the six VER countries were exporting steel to the United States at levels equivalent to or less than their negotiated market shares.

Table 4 presents data on the import shares of the U.S. steel market by month from October 1984 to April 1985 for each of the six countries, their average shares over the entire seven-month period and for the periods from October 1984 to January 1985 and February 1985 to April 1985, and their negotiated market shares. These data permit an assessment of the degree of "front-loading".

TABLE 4.—U.S. STEEL MARKET SHARES OF IMPORTS FROM SELECTED COUNTRIES WITH VOLUNTARY EXPORT RESTRAINT AGREEMENTS OCTOBER 1984–APRIL 1985

[In percent]

Month	Brazil	Japan	Mexico	South Africa	South Korea	Spain
October 1984	1.07	7.23	0.42	0.21	1.79	0.59
November 1984	2.09	6.90	.44	.42	2.20	.62
December 1984	2.52	6.88	.18	.22	1.39	.89
January 1985	3.04	7.38	.26	.52	1.96	.90
February 1985	1.66	6.70	.29	.31	1.79	.38
March 1985	1.71	6.82	.25	.26	2.27	.40
April 1985	0.99	6.96	.18	.20	2.12	.42
Average: 7 months	1.87	6.98	.29	.31	1.92	.60
Average: 4 months 10/84–1/85	2.18	7.10	.33	.34	1.82	.75
Average: 3 months 2/85–4/85	1.45	6.83	.24	.26	2.06	.40
Negotiated shares	0.80	5.80	.30	.42	1.90	.67

Calculated by CRS, using as sources: American Iron and Steel Institute. Imports of Steel Mill Products by Country of Origin. Washington, various issues. American Iron and Steel Institute, by telephone, June 25, 1985. U.S. Library of Congress, Congressional Research Service. Steel Import Penetration Rates for Selected Countries—Historical and Negotiated Voluntary Export Restraint Agreements. Memorandum, by David J. Cantor. December 24, 1984. Washington, 1984. p. 4.

Throughout the seven month period, the 6 countries together exceeded their negotiated U.S. steel market shares by 2.08 percentage points. Their VERs allowed them 9.89 percent of the U.S. steel market; their actual market share was 11.97 percent. Brazil and Japan accounted for most of the difference between negotiated and actual market shares in this period. Brazil exceeded its share by 1.07 percentage points, and Japan, by 1.18 percentage points. But South Africa and Spain had lower actual shares of the U.S. steel market than they had negotiated. South Africa's actual market share was 0.31 percent as compared with its negotiated share of 0.42 percent of the U.S. steel market; Spain's actual share was 0.60 percent as compared with its negotiated market share of 0.67 percent. Mexico and South Korea had actual U.S. steel market shares that were essentially equal to their negotiated shares.

In the first four months of the President's steel program, most of the six countries had higher actual market shares than allowed by their VERs. Only South Africa and South Korea did not reach their negotiated shares. South Korea fell short, capturing 1.82 percent of the U.S. steel market in this period as compared with its negotiated market share of 1.90 percent. All of the other four countries exceeded their negotiated limits. Spain and Mexico exceeded their negotiated shares by about 10 percent. Brazil's actual share was more than 170 percent higher than allowed by its VER; Japan's actual share was about 22 percent higher than its negotiated limit.

In the last three months of the period, February 1985 to April 1985, the actual U.S. steel market shares of virtually all of the countries fell, and substantially in some cases. Only South Korea captured a higher share of the U.S. steel market in the last three months than its negotiated market share. Its actual share was 2.06 percent as compared with a negotiated share of 1.90 percent. Nevertheless, U.S. steel imports from South Korea over the entire seven-month period were essentially equal to its negotiated share of U.S. steel markets.

Significant reductions in U.S. steel market share are noted for four countries—Brazil, Mexico, South Africa, and Spain—in the period from February 1985 to April 1985 in relation to their shares in the period from October 1984 to January 1985. Spain's share fell by nearly 47 percent, from 0.75 percent of the market to 0.40 percent. Brazil's share fell by about 33.5 percent; Mexico's, by about 27.3 percent; and, South Africa's, by about 23.5 percent. Japan's actual market share also fell in these three months, but not so sharply as the others; its actual market share fell by about 3.8 percent.

Even through Brazil and Japan captured a relatively similar share of the U.S. steel market in the three months from February 1985 to April 1985 than in the prior four months, their actual market shares continued to exceed by a significant amount their negotiated market shares. As noted earlier, the Japanese VER was not put into final form and signed until May 1985, and this may explain any significant progress in moving to its negotiated share. While Brazil still has a much higher market share in the last three months of the period then permitted by its VER, there is evidence of rapid convergence to its negotiated share.

In general, there is evidence that the six VER countries considered herein have moved relatively quickly to come into compliance with their VERs. While the data suggest the practice of "front-loading", many of the countries have apparently ended this activity and compensated for their higher market shares in the first four months by reduced market shares in the last three months.

IV. CONCLUSIONS

The experience of the first seven months of the President's steel program gives rise to cautious optimism that the program could be successful in achieving overall import restraint. The evidence is that total steel imports have been capturing decreasing shares of the U.S. steel market at least since February 1985. The import share reached a peak in January 1985 at 30.9 percent of the U.S. steel market; in each succeeding month, the steel import share of the market fell, such that it was 23.0 percent of the market in April 1985.[12] Moreover, as already noted, Data Resources, Incorporated expects the steel import market share for all of 1985 to be about 12.2 percent, and to fall to about 21.1 percent in the period from 1986 to 1989.

Whether or not the steel import targets of the President and Congress will be achieved, however, appears to depend on two conditions. First, Brazil and Japan will indeed have to bring their exports down so that they are in compliance with their VER's, and that all VER countries will have to honor their agreements. Second, countries without VER's will have to exercise voluntary restraint on their steel exports to the United States, and not take advantage of possible opportunities to meet the demands for foreign steel of American importers.

The evidence is that the VER countries—including Brazil and Japan—are attempting to comply with their agreements. Also, the data suggest that Canada, the largest non-VER supplier of foreign steel to U.S. markets, is restraining its steel exports to the United States. Much depends on the outcome of negotiations for the extension of the current steel agreement with the European Community in determining the overall success of the President's steel program. Although there is no doubt that an agreement will be signed, there is the possibility that the market share in the EC agreement could be higher than in the current arrangements; this possibility is suggested by the sharp increase in EC exports of products not covered by its current agreement, and by the much higher market share negotiated for pipe and tube imports than specified in the understanding in the 1982 steel agreement. While the 44 other countries that supply steel to the United States account for a relatively small share of the U.S. steel market, any surge in their steel exports could create difficulties in attaining the desired market share targets.

We would note that the VER's all contain provisions allowing for additional exports beyond negotiated limits in the case of shortages in the United States. These "short supply" provisions, if exercised, could also result in higher steel import market shares than negotiated.

Finally, we would point out that the rise in imports in the first seven months of the President's steel program might be explained by the rise in U.S. demand for steel in the first quarter of 1985 over the fourth quarter of 1984. Even so, we found that the VER countries and Canada had reduced their steel exports to the United States while others, mainly the EC, had increased their shipments.

[12] American Iron and Steel Institute, by telephone, June 25, 1985.

I trust this information and analysis are responsive to your request. If you have other questions, please call me at 287-7740.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. SIMON. Mr. President, I commend my fine colleague from the State of Minnesota, Senator BOSCHWITZ, for initiating the Congressional Call to Conscience. Raising public awareness of the plight of Soviet Jewry is the aim of this important program.

Today in the House of Representatives, Congresswoman PATRICIA SCHROEDER is also speaking on behalf of Soviet refusenik, Ida Nudel. Ida has served as a symbol in the struggle for freedom which the Jews in the Soviet Union continue.

Ida was first denied permission to emigrate in May 1971. For 7 years the KGB subjected Ida to apartment ransacks, to harassment, to sudden knocks on the door. Ida reached her limit in June 1978, when, in her frustration, she hung a huge banner out of the window of her apartment which read, "KGB Give Me a Visa To Go to Israel." She was charged with malicious hooliganism and sentenced to 4 years of internal exile.

Ida Nudel lived under horrid conditions in the prison camp. She was the only woman in a group of 60 male criminals. Ida slept with an ax under her pillow for protection. The world's outcry persuaded the Soviet authorities to move Ida to a one room hut and gave her a dog to guard her. All this occurred because of Ida Nudel's desire to move to Israel.

Ida now lives outside of Moscow. Recently, she was diagnosed as having a serious illness. She is 54 years old. Ida wishes only to spend the rest of her life with her family in Israel.

Ida's strength is inspirational. The fight against oppression must not end.●

LETTER FROM HARVARD STUDENTS TO MR. GORBACHEV

● Mr. HUMPHREY. Mr. President, on June 15, 1985, a group of students from Harvard University wrote a letter to Soviet leader Mikhail Gorbachev, in which they expressed their outrage against the brutal, savage, and senseless massacre of Afghan civilians by Soviet forces in Afghanistan.

The letter is an admirable display of concern for the Afghan people by the Democratic and Republican clubs of Harvard University, and as such, it mirrors the bipartisanship achieved here in the Congress on the issue of Afghanistan. Whatever one's political affiliation is, one cannot but welcome the involvement of the university community in this country on what must be regarded as one of the most pressing issues of concern to the world today.

These students at Harvard in registering their concern for the current state of affairs in Afghanistan, have set an example worthy of being followed by others. Their courage, decency and sense of morality are to be commended. In conclusion, Mr. President, I would like to ask that the letter to Mr. Gorbachev be printed in the CONGRESSIONAL RECORD.

The letter follows:

HARVARD UNIVERSITY,
Cambridge, MA, June 15, 1985.

MIKHAIL S. GORBACHEV,
General Secretary, Central Committee of the CPSU, The Kremlin, Moscow, U.S.S.R.

ESTEEMED MR. SECRETARY: We are shocked and disgusted by the increasing number of reported atrocities that the Red Army has recently been committing in Afghanistan. Clearly, as your government is losing its war of "fraternal friendship" against the heroic native Afghan freedom fighters, Soviet soldiers seem to be disregarding all international legal as well as moral standards in launching bloody raids on purely civilian targets. Of course, the Soviet invasion itself is unconscionable to Americans—Republicans and Democrats alike—but fairly recent events have proven particularly odious.

Reports such as that of the mid-March massacre of up to 1,400 civilians—including many defenseless children and mothers—in the villages of Kar Aziz Khan, Charbagh, Bala Bagh, Sabzabad, Mandrawer, Harder Khan, and Pul-i-Togho as well as that of the destruction of a bus jammed with civilian passengers which was crushed by a Soviet tank in Kabul on May 10 reinforce our outrage over the illegal seven-year occupation of a sovereign nation by your government.

Without a doubt, especially since your armed forces have destroyed its industrial base and ravaged its countryside, Afghanistan poses no threat to the Soviet empire. We urge you sincerely, sir, to encourage your colleagues in the Kremlin leadership to begin removing all of the 105,000 Soviet troops from Afghan territory as soon as possible. As must be clear to you, Soviet attempts to prolong this barbarous war result only in continued possibilities for serious deterioration of Soviet-American relations, especially over the long term.

Young people all over America, including many fellow students at Harvard University, have heard you emphasize over and over your wishes for a secure world peace founded on improved understanding between our two great nations. The pointless slaughter of innocent civilians in an unfortunate Soviet war in Afghanistan can only undermine the credibility of your intentions. We remind you that the world community of nations continues to remember and awaits the cessation of this brutality. Please leave the Afghan people to determine their own autonomous political fate. Otherwise, we are sure, in the end, only your country shall suffer.

We thank you for your consideration of our views and look forward to a response from you.

Respectfully,

ADAM J. AUGUSTYNSKI,
President, Harvard-Radcliffe Democratic Club.

MARK P. LAGON,
President, Harvard Republican Club.●

REALIZING PRODUCTIVE POTENTIAL—VII: NEW TRADE LAWS FOR A NEW ERA

● Mr. HEINZ. Mr. President, this year the U.S. trade deficit will be even greater than last year's record high of $123 billion. What we are slowly beginning to realize, however, is that these deficits are not merely the product of macroeconomic factors, like an overvalued dollar. Clearly, unfair foreign trading practices, most notably by Japan, have contributed significantly to our trade problems.

High trade deficits represent a severe and obvious danger to long-term U.S. economic development. So far, outdated policies based on the traditional concept of free trade have prevented us from undertaking a meaningful response to our current difficulties. The time has come to break out of this anachronistic mold. This is why Senators BAUCUS, PRESSLER, SPECTER, RIEGLE, PELL, and I have recently introduced the Trade Law Modernization Act. I believe such legislation is urgently required to improve the discriminatory climate under which American firms are now forced to conduct international business. By adopting a more aggressive and comprehensive trade policy, our technological, capital, and human resources will all be better utilized. This will enable the United States to reverse its rapidly deteriorating trade and current account positions.

A recent article in the New York Times by Leonard Silk entitled "The Pressures on Free Trade," discusses some of the new realities in the international trading system, and I would like to draw it to the Senate's attention. Mr. Silk properly recognizes that comparative advantage means little in today's world of targeted and subsidized industries. Citing the Reagan administration's continuing neglect of trade matters, Mr. Silk currently points out that it has been left to the Congress to do something about the trade deficit.

Mr. President, it is up to the Congress, and we must act now. Legislation has been introduced that points the way, and I hope the Finance Committee will soon begin its work.

Mr. President, I ask that Mr. Silk's article be printed in the RECORD.

The article follows:

[From the New York Times, June 28, 1985]

THE PRESSURES ON FREE TRADE

What can be done about the yawning United States trade deficit, which reached a record high of $123 billion last year and is rising still higher this year?

Under mounting pressure from a host of industries ranging from autos and steel to textiles, electronics and lumber, which have seen their markets and jobs shrink Congress

has been urging the Administration to adopt a more aggressive trade policy. The Administration has been trying to hold the line against protectionist pressures. On the whole, it has given relatively little ground thus far, but the mood in Congress appears to be swinging toward protectionism.

This week a leading Congressional trade expert, Representative Don Bonker, a Washington Democrat, emerged from a meeting of Congressmen and White House officials on legislation to protect the lumber industry and declared, "The President doesn't care about trade."

This is obviously an oversimplification or an overstatement. Nevertheless, Mr. Bonker, like many Congressmen, is critical of the Administration for its failure to develop a more hard-hitting trade policy. They believe that time is running out for Administration action. Some expect Congress to pass an outright protectionist bill that would impose a surtax on all imports.

The trade policy issue is often seen as a battle between free-traders and protectionists. But, in the view of a growing number of economists, this is simplistic. Some are now making the point that the trade issue breaks down into a long list of problems, which vary from industry to industry and affect the economy as a whole and not just individual industries.

Nevertheless, all problems cannot be swept into one. In agriculture, for example, the United States is competing with some of its major allies, in Canada, Europe and Latin America, to sell to a declining number of other countries led by the Soviet Union. Pressures on farm prices have been intense and are putting the survival of many American farms in jeopardy.

New suppliers and new technologies could drastically increase output, raising the danger of an agricultural trade war. Specific negotiations with the Europeans over their common agricultural policy are seen as growing more urgent.

Another major issue is in the areas of high technology and intellectual property. Should a pioneering country like the United States not have a better way of protecting its achievements in technology and its new knowledge? If it cannot, will this not kill off technological progress before it comes into existence? New efforts are likely to be forthcoming to protect nations from losing their technological advantages.

Competition is intensifying among old-line industries around the world. How important is it for the United States to hold on to its basic industries in manufacturing, mining and agriculture? Is that a serious national security issue?

The traditional response of free-trade theory is that a nation should produce only those goods or services in which it has a comparative advantage. If the United States has its advantage in services, it should be prepared, according to this doctrine, to see other industries go.

But what if the process of sorting our industries is facilitated by foreign policies of targeting particular industries and subsidizing those to establish a dominant position in the world market? Does that not call for retaliation—or at least an agreement from foreign competitors to cease such practices?

Even those who believe that a liberal and open trade policy best serves the interests of the nation—and of the world economy as a whole—are starting to consider whether the United States should adopt a more aggressive policy toward nations that do not play by free- or fair-trade rules.

Japan is often singled out as the worst offender by many Americans, and the large United States trade deficit with that country is offered as evidence. This week, in an effort to ward off such attacks, the Japanese Government announced that if was making a sweeping unilateral reduction of duties on 1,790 items to open its market wider to foreign products.

But the United States trade difficulties, in the view of many economists, stem not just from the deeds of others but from the failings of the United States itself and its industries and labor. Low productivity growth and inadequate rates of investment are blamed as the underlying causes of declining American competitiveness in many fields.

Whatever the troubles of individual industries, two major macroeconomic problems are disturbing the trade position of American industries as a whole: the overvalued dollar and the more rapid rate of American expansion compared with that of most other countries. The former puts American products at a serious price disadvantage and the latter sucks imports into this country faster.

Both problems are proving tough nuts. The dollar has held up, partly because the United States budget deficit remains high and this country has become a heavy capital importer from other countries. Further, the United States economy has slowed from the rapid rate of advance in 1983 and the first half of 1984 but the trade problem has not yet eased. In any case, nobody wants to use recession and higher levels of unemployment as the cure for the trade problem. Also, virtually no one wants to solve the trade problem by slashing wages and reducing living standards in the United States.

An ancient proverb holds that the fox knows many things but the hedgehog knows one big thing. The one big thing that has dominated United States trade policy since the war—the concept of free trade—appears to be giving way to the belief that the United States now must do many things if it is to rescue itself from a foreign-trade disaster. A more aggressive and diverse United States trade policy is in the making.●

REAL LIFE IMITATES TV VIOLENCE

● Mr. SIMON. Mr. President, television is a pervasive force in American society with both good and bad impact on people. The amount of violence on television grows yearly, causing aggressive behavior in some children. In a weekly column I write for newspapers in my State, I discuss the negative influence violence on television is having on our young people and legislation I am drafting that hopefully will help parents decide what television programs their children should watch. I ask to have it reprinted in the CONGRESSIONAL RECORD.

The column follows:

REAL LIFE IMITATES TV VIOLENCE

I walked into a motel room recently after a long day of running around Illinois, turned on the television, and suddenly I saw a man being cut in half by a chain saw, in vivid color.

It was not real, of course, but it looked real. I couldn't help but wonder what watching that does to young minds still being formed, particularly young people who may have emotional problems.

A few days ago, I visited with a friend I've known since he was a college student. Now married, he has two small children. His wife mentioned that after their two children watch a violent televison show (and most cartoon programs are loaded with violence) their conduct becomes more aggressive.

Violence on television has risen more than 100 percent since 1980. From January to April, prime-time television averaged 13.8 acts of violence per hour.

The average child between the ages of 2 and 11 views television 27.3 hours each week. By the time a person is 16, he or she has watched over 20,000 hours of television—including 200,000 acts of violence, 50,000 of which are murders.

Children's cartoons show an attempted murder every six minutes, on the average.

Not surprisingly, that mammoth display of violence has an influence on the lives of people, and that influence is not good.

I have been reading through various studies and the evidence is overwhelming: viewing too much violence can cause violence, particularly in those who have emotional problems.

Violence is imitated.

As the National Institute of Mental Health concludes: "Violence on television does lead to aggressive behavior by children and teenagers who watch the programs."

The Surgeon General of the United States came to a similar conclusion.

And studies show that even people who do not act violently after watching TV violence end up with much greater fear of violence than those who watch only a small amount of television.

I will be meeting soon with representatives of the three major television networks to see if something can be done voluntarily. The networks could improve things substantially.

I also will be introducing legislation to require a 10-second warning at the beginning of shows or commercials that contain excessive violence: Warning to Parents. Viewing this program may be dangerous to the mental health of your children.

A group called the National Coalition on Television Violence headed by a respected psychiatrist at the University of Illinois School of Medicine, Dr. Thomas Radecki, is working in a solid way on this problem. Their address is P.O. Box 12038, Washington D.C. 20005. They can provide you with information on those who sponsor programs heavy with violence. Sponsors of such programs should hear from the public.

We do not want censorship in a democracy. But somehow we have to deal with this problem in a meaningful way.●

SMOKING—A FORM OF CHILD ABUSE

● Mr. PELL. Mr. President, I would like to bring to the attention of my colleagues an excellent article that appeared in the Washington Post: Health Section on Wednesday, May 22, 1985.

The article entitled: "Smoking as a form of Child Abuse," was written by Dr. William G. Cahan, a thoracic surgeon at Memorial Sloan-Kettering Cancer Center In New York and an emeritus professor of surgery at the Cornell University Medical College. In

his article, Dr. Cahan explains that regular cigarette smoking causes a higher incidence of stillbirths, premature deliveries, mental retardation, and other infant disorders.

Today, when we are more aware of the many forms of child abuse and the numerous harms caused to children by adults, I believe Dr. Cahan's point is well-taken and we, as legislators, must educate the public, more effectively about the connection between smoking and prenatal and neonatal diseases.

Mr. President, I ask that the text of the article be printed in the RECORD.

The article follows:

SMOKING AS A FORM OF CHILD ABUSE

(By Dr. William G. Cahan)

While child abuse is universally condemned and many people militantly crusade to protect the rights of the unborn, no one cries out about the abuse done to children—both in the womb and after birth—by smoking adults.

Physicians have long cautioned pregnant women to be sparing in their use of alcohol, certain drugs, caffeine and diagnostic X-rays for fear of injuring the fetus. Only recently have they extended these warnings to cigarette smoking.

Increasing numbers of scientific studies show that regular smoking injures the fetus in several ways. For example, within minutes, each cigarette puff introduces carbon monoxide, which reduces the blood's ability to carry oxygen, and nicotine, which constructs the blood vessels carrying blood to the baby. Together, they deprive the child of oxygen. If this is repeated often enough, it could irreparably damage the fetal brain.

Nicotine also crosses from the placenta to the fetus, where it stimulates the heart and depresses the lungs. When pregnant women smoked only two cigarettes, their fetuses' heart rate accelerated; this was accompanied by abnormal breathing-like motions, a sign of fetal distress.

These findings assume more serious overtones if one multiplies the five puffs per cigarette inhaled by the average smoker by 20 (the number of cigarettes in a pack-a-day habit) and then by 270 (the number of days for gestation). This means that the fetus of a smoking mother is subjected to at least 27,000 physiochemical insults, beginning with the initial phase of growth and development when the early stages of rapid cellular division are most vulnerable, and continuing throughout its entire uterine life.

Animal experiments show that the by-products of tobacco smoke can upset fetal metabolism and the endocrine gland system, and even damage the unborn's genes.

All of this smoke-caused damage may explain why smoking mothers have a higher incidence of spontaneous abortions, stillbirths and premature deliveries than nonsmokers. The babies of heavy smokers are apt to be smaller at birth, more susceptible to neonatal diseases and at increased risk of dying in early infancy.

They also have a tendency to be born with cleft palate and hare lip and later on may exhibit developmental difficulties such as shortness in stature, lower scores in social adjustment, behavorial problems, impaired reading abilities, hyperactivity and mental retardation.

Constantly exposing a child to the cigarette smoke of others (so-called "passive smoking") also can cause health problems, including an increase in ear, nose and throat infections, bronchitis, pneumonia, asthmatic attacks, and a decreased lung efficiency. The frequency and severity of these conditions are directly related to the number of smokers in the household and, in particular, the number of cigarettes smoked by the mother.

Nicotine is also known to be passed on to the infant in breast milk and absorbed from the smoke-filled surroundings. The more the mother smokes, the more nicotine the child absorbs and the greater its potential for damage to the lining of the infant's nose, mouth, stomach and lungs.

Sidestream smoke, the fumes emanating from the lighted tip of a cigarette held in the mouth or burning itself out in an ashtray, add to the problems because it contains cancer-causing chemicals.

The Environmental Protection Agency estimated that between 500 and 5,000 cases of lung cancer appear annually in nonsmokers as a result of passive inhalation.

Parents who smoke perpetrate yet another wrong upon their children. As role models, they add their influence to that already exerted by peer pressure, peer acceptance and tobacco advertising in creating an environment conducive to smoking. As a result, the young find it especially difficult to resist starting the habit.

Parents must share the responsibility for the 3,000 to 5,000 American children who light up for the first time each day, most of whom will continue the habit into adulthood.

Inherent in a household of smokers is the heightened danger of accidental fires. Many of these are started by young children who, with their notorious fascination with fire, will be tempted to imitate the match-striking and flame-producing gestures of their elders. The tragic and agonizing consequences of this are reflected in the National Safety Council's estimates for 1983 that one third of the 5,000 home fire fatalities were attributable to smoking.

Although no statistics are available for the huge number of near-fatal burns or permanently disfiguring scars, all hospital burn centers will attest to the dominant role smoking plays in providing them with a constant source of victims.

Realizing all this, what parents can justify persisting in a habit so threatening to their young? Certainly, the variety and magnitude of its hazards should serve as enough incentive for them to quit.

During childbearing, the mother, by this single act of self-discipline, has it within her power to minimize the risk of a complicated pregnancy on of imposing lifelong physical and mental handicaps upon her child.

These warnings are not solely the concern and responsibility of mothers and fathers. Members of the clergy, PTAs, educators and legislators should all recognize the link between smoking and various prenatal, neonatal and juvenile disorders.

Child abuse comes in many forms. Although the hazards of smoking may not appear as dramatic or as obvious as the other forms of abuse they are nevertheless just as capable of maiming and destroying the young. In view of the fact that more than 50 million Americans smoke, this form of abuse may well be the most pervasive and child-damaging of them all.

Willian G. Cahan is a thoracic surgeon at Memorial Sloan-Kettering Cancer Center in New York and an emeritus professor of surgery at the Cornell University Medical College.

Second Opinion is a forum for those who wish to express a point of view on a health-related topic. Send articles to Second Opinion, Health Section, The Washington Post, 1150 15th St. NW, Washington, D.C. 20071.●

OCS MORATORIA

● Mr.McCLURE. Mr. President, on many occasions I have addressed my colleagues on the energy needs of our Nation. Because there is a glut of oil on the world market today, many believe that the energy crisis is over, and that we can relax our efforts in resolving energy-supply problems. This is a serious misconception. Shortages of energy remain a potential threat to the economic survival and to the very security of our Nation.

Despite this fact, I learned yesterday of a proposal, tentatively agreed to by the House Appropriations Committee and the administration, which would further erode our ability as a Nation to meet our growing need for energy. Based on the information received so far, this proposal would place all but approximately 150 of the more than 6,000 California Outer Continental Shelf tracts in moratoria until the year 2000. Of the 150 tracts remaining available for exploration or development, it is my understanding that industry has expressed interest in a mere 22.

Mr. President, given the important, indeed necessary, role California OCS has in meeting this Nation's energy security and energy independence goals, I would say this proposal, if implemented, will severely cripple any hope this Nation has of even staying level with our current rate of imports, let alone reduce them. After all, how can we virtually shut off a potential of 610 million barrels of northern and central California OCS petroleum without doing great damage to an already critical situation.

The Energy Information Agency has estimated that our petroleum imports will double in the next 10 years and our domestic production will be reduced by half.

This trend has begun to manifest itself as the United States increased its dependence on foreign sources for the second straight year, after a 6-year decline in imports as measured by percentage of consumption. An average of nearly 5 million barrels of oil per day were imported into the United States—29.7 percent of our consumption.

While the United States decreased its dependence on OPEC nations, it has significantly increased its reliance on other foreign sources. These are alarming numbers, and I'm sure that I need not remind my colleagues of the difficulties which we faced in the early 1970's. Yet, allowing the establishment of OCS moratoria means that the potential for finding and developing new domestic energy resources would be further inhibited.

U.S.-proved reserves of oil and gas have shrunk by nearly one-third since the early 1970's, and offshore production has dropped about 35 percent over the same period. The Western Oil and Gas Association estimates that more than three-fourths of the oil this country will need by the year 2000 still must be found, and it's believed up to 60 percent of these discoveries will be on the Outer Continental Shelf. Unfortunately, developing the OCS resource is a difficult and time-consuming process. The lead time for developing the OCS resource from lease to production can range from 7 to 16 years on the California Outer Continental Shelf. Let me share some important figures about the time necessary to actually utilize the California Outer Continental Shelf. The Department of Interior's Minerals Management Service estimates that the average time necessary to move from lease release to the first exploratory effort is 1.3 years. From lease release to the first platform averages 7.2 years, but can extend to over 13 years. Our interest, of course, is in production and MMS projects an average lease to production time of 8.6 years with the longer efforts extending beyond 15 years.

These figures reflect optimistic projections. Experience indicates that fully 85 percent of all exploratory holes are dry. Another 12 percent are not commercially viable. In other words, Mr. President, only 3 percent of the exploratory wells that are drilled ever become commercial wells. Clearly, if we are limiting the OCS resource off California to 150 tracts, leasing immediately, and assuming the best case scenario, it is unlikely that we would see significant production from any wells until 1995 to the year 2000. Of course, those wells delayed under moratoria until after 2000 would not likely to be "on line" for over 30 years assuming they were leased. Mr. President, isn't it yet obvious to the authors of this California OCS proposal that for both security and economic reasons we must establish policies to encourage the development of the potential of the OCS, before a crisis is upon us?

Mr. President, it is apparent that to accept such a proposal would only exacerbate an already bad situation. This long-term OCS moratoria proposal would arbitrarily discard extremely valuable areas of potential energy resources from timely consideration for development, even though the current 5-year process has provided for the complete participation of all interests. Although the current OCS planning process has been controversial, it has, in fact, been an effective system for developing the energy resources of the Outer Continental Shelf.

Mr. President, the acceptance of such a proposal allowing further OCS moratoria would discard this system of careful review, and place our energy future in jeopardy. I, for one, do not intend to let that happen without a fight.●

TRIBUTE TO FLINT NURSES

● Mr. RIEGLE. Mr. President, I take this opportunity to pay tribute to the Flint Professional Black Nurses Association whose compassionate commitment toward improving health care coverage for the poor and underprivileged in Genesee County has served as a shining example for us all.

One of the gravest problems facing our Nation today is the growing number of families who find themselves alienated and disenfranchised from our health care system. According to the Government Accounting Office, the cutbacks in Federal health care programs over the past 4 years have eliminated as many as 500,000 needy families and 700,000 children from the Medicaid Program—and the problem does not end there. The escalating numbers of Americans who lack any form of health insurance whatsoever, be it private or public, have led to an increasingly severe crisis in which many needy individuals can no longer afford proper medical treatment and are consequently refused care on purely economic grounds.

Cutbacks in health care programs have hit blacks and other minority groups especially hard. Today nearly 22 percent of all black individuals lack health care coverage. More disturbing, however, are the recent reports that infant mortality rates are actually starting to increase, especially among minority groups in urban centers like Detroit and Washington, DC. The infant mortality rate for black children is already more than twice as high as that for whites, and the persent trends suggest that this gap will only continue to increase in the future.

Recognizing the severity of this growing crisis, and devoted to the idea that it is the birthright of every American, regardless of color or socio-ecomomic background, to enjoy the best in health care treatment, the Flint Professional Black Nurses Association, in affiliation with the National Black Nurses Association, has set up a national network to respond to the health care needs of blacks and other minorities. In particular, the Flint Association has worked with the elderly in the Gardenview River Village, and persistently striven to increase community awareness of important health issues. By sponsoring community services like hypertension screening, health fairs, and seminars for teenage sexual awareness, the association provides essential services which are all too often denied to those of modest means.

Equally as important, the Flint Nurses have actively participated in Black History Month seminars and annually presented workshops in cooperation with the University of Michigan and other educational organizations. This emphasis on encouraging scholarship among black children in the community has had an especially beneficial effect on Flint's black youth.

On Friday, the Flint Nurses Association will present 56 awards to exemplary role models from the national and local communities who have been chosen for their leadership and vision by Flint's high school children. In addition, the association will award the Beverly Hampton Scholarship Award for outstanding academic achievement to three accomplished high school students from the Flint area.

Once again, I commend the Flint Professional Black Nurses Association for their outstanding service to the Flint community and their compassionate concern for the poor and the needy. May their organization continue to prosper in the long fight for justice and fairness in the health care system.●

GOVERNMENT NEEDS TO LISTEN

● Mr. SIMON. Mr. President, every time Congress makes changes in Social Security benefits, we affect the lives of thousands of Americans. While our No. 1 priority has to be reducing the Federal deficit, we must be ever mindful of our commitment to citizens who receive and depend on Social Security. Recently, a constituent who will lose her Social Security survivor benefits in August told me of her plight. I shared her story in a weekly column I write for newspapers in my State. She is a good example of why Congress and the administration should not be so sensitive to the powerful lobbyists and the big campaign contributors that we forget our good, solid citizens. I submit my column for the RECORD.

The column follows:

GOVERNMENT NEEDS TO LISTEN

Mrs. Henrietta Hass Snyder is a 57-year-old widow whose problem is similar to that faced by thousands of widows.

She came to a town meeting and told me her story. I am writing with her permission. And I'm writing about her because a part of her story may appeal to someone at the White House.

Her husband taught biology at Eureka College in Illinois—President Ronald Reagan's alma mater—until he died of a heart attack in 1980 at age 52.

Mrs. Snyder receives a pension of $180.31 a month as the widow of a faculty member. She also receives $535 a month from Social Security and will lose that in August.

Mrs. Snyder is the mother of seven children. Her youngest child will turn 16 in August, and when he turns 16 that ends her

Social Security benefits until she reaches 60, three years from now.

She is ineligible for welfare because of the small pension check and because of the Social Security money she has received.

Her mortgage payments are $214 a month. Insurance on the house is $200 a year and taxes on the house are $1,229 a year.

She has typing skills but no other marketable skills, though she is obviously a person of above-average native ability. She feels that any job she will get will be at the minimum wage (if she can get that) and she is likely to lose her home.

In 1981, the law was changed so that when her youngest child turned 16 she would automatically lose her Social Security survivor benefits until she became 60. Only no one notified her of the change in the law.

Now she suddenly worries about losing her home and how she will feed her 16-year-old. She has four children in college, a son looking for work and another who is working.

She faces a real struggle.

She feels she has made a contribution to society by raising seven children who will eventually be able to contribute significantly.

But what does she do now? Where can she go?

My office will try to help her find a job, but Eureka is near Peoria where there is already high unemployment.

I mention Mrs. Snyder and her problems because as Congress and the Administration determine what the national priorities are, we should not be so sensitive to the whims of the big campaign contributors and the powerful lobbyists that we forget Mrs. Snyder and all her counterparts.

Sometimes the good, solid citizens feel overwhelmed with problems.

Government should be listening to them.

That's why I hold town meetings around the state.

That's why I'm writing about Mrs. Snyder and working for her.●

SALUTE TO NELS ELMER KEMPPAINEN

● Mr. DURENBERGER. Mr. President, just recently, I had the honor and pleasure of attending the high school commencement exercises for my youngest son, Danny. Being the father of four sons, I have spent many hours in and around educational institutions and with educators. It will be a strange feeling to have that portion of my life behind me.

As I was watching Danny receive his diploma, I was reminded of the dozens of teachers and principals and other school personnel who have had such a strong impact on his young life. We can, indeed, be thankful for the contributions made each school day by so many dedicated individuals who have chosen education as a profession.

Coincidentally, commencement exercises this year at Robbinsdale Cooper High School in suburban Minneapolis, also marked the end of the career of one of Minnesota's outstanding high school principals, Nels Elmer Kemppainen.

Nels has been principal of Cooper High School since 1973 and has been employed by the Robbinsdale School District 281 for 31 years. He is a native of Keewatin, MN, and is a graduate of Hamline University in St. Paul.

In addition to his outstanding record as an educator, Nels is known for his sense of humor. He is particularly proud of the annual display of ethic pride and humor which he displays each March 16—which, as all Finnish Americans know, is St. Urho's Day.

Because of the numerous contributions which Nels Elmer Kemppainen has made during his career to support the educational advancement of so many young Minnesotans, I ask that the following article on his retirement be printed in the RECORD.

The article follows:

KEMPPAINEN: "HIGH SCHOOL IS MORE THAN ACADEMICS . . ."

(By Sue Webber)

The man with the white hair, the hearty voice, the positive attitude and the "Finnish connection" is—to use his own words—"hanging it up" this spring.

Nels Elmer Kemppainen, principal at Robbinsdale Cooper High School since 1973, is retiring after 31 years in District 281. "It's been a real good 31 years. I've really, truly enjoyed it. I like my job," he said.

Kemppainen was born in Keewatin, Minn., attended high school in Crosby-Ironton, Minn., and college at Hamline University. His teaching career began in 1948 in Chisago City, Minn., where he taught social studies and physical education, coached basketball and assisted with football and baseball.

But 18 summers of working with his father in the iron mines had made an impression on him, and he quit teaching for two years. "I was going to go into the mining business. My dad worked over 40 years in the mines," said Kemppainen, who notes that his father is "an idol of mine. I attribute my leadership skills to him."

By then, however, Kemppainen had met his future wife, Ginny, who was in nurses training at the University of Minnesota. Kemppainen followed her to the University, enrolled in a Masters program, and returned to teaching. "I married her before she graduated, and we came to Robbinsdale then," he said.

A paper he had to write as part of his work in the Masters program led Kemppainen to District 281. "I chose to write on split sessions. I came and talked to Milo Mielke (then the principal at Robbinsdale High School) because Robbinsdale was on split sessions then. Senior high met in the morning and junior high in the afternoon. As I was leaving, I said, 'By the way, sir, you don't have any teaching openings, do you?' He said, 'Send me your paper, and call me in a month.' I did, and he hired me."

Kemppainen began teaching social studies at Robbinsdale High School in 1954. Three years later, he added audio-visual work to his schedule. Kemppainen was appointed administrative assistant to the late Lyndon Ulrich when Cooper High School opened in 1964. When Ulrich became ill in 1973, Kemppainen was appointed acting principal. Two years later, he became the school's head principal.

An unabashedly enthusiastic supporter of the school, Kemppainen wears a replica of a silver hawk in his buttonhole. Several times a year—when the ultimate in school spirit is required—he dons an orange blazer. It's important to Kamppainen, he says, that "most people—including the students—feel good about being here—I work at creating that climate or atmosphere," he said.

He characterizes himself as "truly a people-oriented person. I've enjoyed the relationships I've had through education. I can honestly say that there are few days that I'm not happy and raring to go when I leave my driveway in the morning" he said.

One of his treasured memories as Cooper principal is having had a homeroom of his own for six years. "My homeroom gave me a relationship you don't have being an administrator. My homeroom students were students at Cooper High School, but they were also my friends," said Kemppainen.

He sees little change in young people during his years as an educator, although he concedes that "more are employed now. There seems to be a little erosion in commitment to school in its entirety. Some (students) are relatively happy to be here, but when the bell rings (at the end of the day), that ends their tie or commitment. I feel for the person who leaves school when the bell rings and never knows what else there is. It's like pulling a shade.

"High school has to be more than academic. I believe that so strongly. If students can experience success in extra-curricular activities . . . it will give them satisfaction and help them to be more well-adjusted citizens. A goal of ours is to make more well-adjusted citizens," he said.

During Kemppainen's tenure, Cooper teams have gone to the state tournament in basketball, baseball and girls softball. "Those were all exciting times," he said. He also expresses pride in the school's accomplishments in drama. "Declamation has just mushroomed," he added.

Kemppainen holds a strong belief in the value of the individual classroom teacher. "I hope we never get so technically oriented that we lose sight of the classroom teacher and that relationship. I really believe in that, and I believe in academic freedom for teachers. I have a lot of good feelings about the accomplishments of my staff. I really cherish when they excel or are acclaimed for something," he said.

He emphasizes, too, that the school's noncertificated support staff "is as important as anyone else in this building. We want them to feel that we recognize the fact that they're important," said Kemppainen.

Since Kemppainen came to Cooper in 1973, the school's structure has undergone several changes. The first involved switching from seven years of modular scheduling to the current eight-period day. The second was the assimilation of 41 new staff members and 700 new students following the closing of Robbinsdale High School in 1982.

"The staff that came here (after the high school closing) has to be given a lot of credit. They melded a lot better than people thought they would. There were few incidents. We didn't have what people feared would happen between the students, either. I don't recall any outward bursts of anger. They respected each other's positions," said Kemppainen.

During the school closing controversy, Kemppainen said, "I tried to think of all the good things that could happen as a result. This school has benefited from the students and staff it's inherited."

Kemppainen has high praise for "these assistants (principals) of mine, especially Dick (Stensrud) and John (Lloyd). I've had six or seven different ones, but Dick, John and I were assistant principals when Lyn

Ulrich got sick, and we've been together except for a brief time when Dick was principal at Robbinsdale Junior High," said Kemppainen.

Cooper's PTO Groups, while small in number of members, Kemppainen said, have been "absolutely dynamite as far as helping. They've been real neat. Just a handful have accomplished so much. They're always supportive and always volunteering."

He also is quick to credit the secretaries with whom he has worked during his years as an administrator. One was Kay Cooper Johnson, daughter of former District 281 Superintendent E. J. Cooper, who was Kemppainen's secretary from September, 1967 to February, 1982. "She just appeared here one day, and we got along real well. She was so dedicated," he said. Johnson died March 26 at the age of 62, and Kemppainen was scheduled to deliver a eulogy at her memorial service today (Thurday, May 23).

E. J. Cooper—for whom the school is named—has remained a close friend of Kemppainen's during his years in District 281. "E.J. comes to as many of our activities as he can, and the kids just automatically give him a warm response," said Kemppainen.

It remains to be seen whether the March 16 St. Urho's Day celebrations Kemppainen has shared with his staff will flourish in his absence. It was a natural for him, since both of his parents were from Finland, as was his mother-in-law. Although Finnish was spoken in his home as he grew up, Kemppainen says he now speaks it "semi-fluently."

His annual public celebration of the day the grasshoppers were banished from Finland began one year when WCCO-radio's Maynard Speece gave the holiday extra notoriety. Kemppainen recalls. His then-secretary, the late Kay Johnson, found a pair of long underwear, dyed them purple and hung them on a wall in the faculty lounge. Then she decorated Kemppainen's office in purple and green.

"The next year . . . I thought the least I could do was to have coffee and cake for the staff on St. Urho's Day," he recalls. The year after that, the celebration had escalated into "a little breakfast and a program," said Kemppainen.

"We've been doing that for at least 10 years now," he said, noting that a committee composed of Cooper staff members with Finnish heritage plans the event each year. In addition to the entire Cooper faculty, many non-school Finns attend the breakfast annually, in spite of its 6:15 a.m. start.

"It's been fun. It adds a little levity and brings the staff together," said Kemppainen, who several times has been featured on WCCO-radio live from the Cooper High School kitchen on St. Urho's Day.

Family activities always have been important to Kemppainen, as well, He and his wife, Ginny—whom he credits with "being a real support to me"—are the parents of three sons: Nels Jr. ("Chipper"), 29, is a market specialist with ADC Fiber Optics; Kerry, 27, lives at Rolling Acres, a residential facility in Excelsior; and Kurt, 24, is a technical representative for Group GMW, specialists in Reebok shoes, Karhu skis and Sierra design active wear.

Kerry, who is severely retarded and never has spoken, lived at home until he was 7, then spent 7 years in a foster home and subsequently was moved to Rolling Acres when he was 14. Having been the parent of a retarded child, Kemppainen says, "gave me a better understanding of life in general. Our goal is to have Kerry at home with us every second or third weekend." Kemppainen notes that he was active for years in the Minneapolis Association for Retarded Citizens.

What are his plans for retirement? "The plans are status quo, except that I won't be working," said Kemppainen, adding that he may "relearn to fish." He ended his membership in the Toastmasters after 10 years, and he no longer bowls, but Kemppainen and his wife still play tennis and bridge, and enjoy time with their two grandchildren, he said.

"We'll maintain our house in Robbinsdale, and we'll extend our time at the lake," he said, referring to a family cabin 13 miles north of Virginia, Minn., where the family "sincerely, truly plays bocceball when we can."

His plans also include some traveling, in addition to the semi-annual trips he and Ginny have made to Florida for the last 15 years to visit Kemppainen's father, who is 90.

Kemppainen has remained an active alum of his Crosby-Ironton High School class, "Six of us have planned every one of our reunions, and we all live in the Twin Cities," he said.

The man whose life began on the Iron Range—and even included years of playing Santa Claus for kindergarteners and staff members in District 281—sums it all up this way: "I have no regrets. I've had such a good time in my profession because of the people. I enjoy life to the fullest, and I live it to the fullest. I don't waste much time."●

UNITED STATES-SOVIET RESCUE AT SEA

● Mr. SIMON. Mr. President, the escalating arms race between the United States and the Soviet Union makes it imperative that our two countries find areas of common interest—areas where we work for a common goal. And contrary to the views of some people, sometimes things happen that show the Soviets and Americans can cooperate. One such occurrence happened not long ago in waters off the coast of California. I use the example in a weekly column I write for newspapers in my State and offer a formula for a new area of cooperation between the two superpowers. I ask that the following be reprinted in the CONGRESSIONAL RECORD.

LESSONS IN A RESCUE AT SEA

Fifty-year-old Jack Hoover had problems.

Hoover was alone aboard a 39-foot boat 25 miles of San Francisco when it began taking on water. No one saw him in trouble and before the boat sank he launched a small life raft and took with him food, a few flares, a strobe light and an "emergency position indicator radio beacon" that relays a distress signal.

He used his flares to try to get the attention of two passing freighters. No luck. The waves caused the loss of his food and all other supplies with the exception of the radio emergency beam which he kept operating, hoping someone would pick up the distress signal.

The United States operates one satellite and the Soviets two to pick up these signals, relaying the information to a computer at Scott Air Force Base in Illinois. One of these three—probably a Soviet satellite—picked up the signal.

Scott Air Force Base called the Coast Guard in San Francisco, which sent out a helicopter. In less than an hour the helicopter crew spotted Hoover and picked him up after 13 hours in a tiny life raft.

The *San Francisco Chronicle*, which published the story, quoted Coast Guard Petty Officer Wayne Winner: "It's a pretty fantastic system. We're proud of it . . . We have great cooperation from the Russians on this."

What intrigues me is that the United States and the Soviet Union can cooperate to save a sailor in San Francisco Bay, but seem unable to cooperate to save humanity.

It makes so much sense to work together to save Jack Hoover.

But it makes even more sense to work together to save civilization.

And make no mistake about it—civilization is threatened by an insane arms race and needs to be saved.

My guess is that the U.S. and Soviet officials who worked out the agreement on the emergency satellites followed this kind of program:

(1) Neither side started calling each other names.

(2) Neither side said, "You have to adopt our system of government or we won't cooperate with you."

(3) Both sides sat down around a table and said, "We have a practical problem that has to be solved. Let's solve it."

(4) Both sides gave a little.

Jack Hoover's rescue worked.

That same formula can work to save civilization.

Instead, both sides have adopted this formula on the arms race:

(1) Call each other "the basis of evil in the world" and "imperialists" and other names. People at home in both countries like to hear that.

(2) Tell the other side their system of government is about to collapse. It's not true on either side, but again, it pleases the home folks on both sides.

(3) Don't sit down to talk at the highest levels. Someone might think it's an indication of weakness. Both sides want to sound tough.

(4) Don't give an inch. Make the other side give.

Sound crazy? It is.

Jack Hoover's rescue can teach us a lesson.●

TRIBUTE TO DETECTIVE CORDELL PEARSON

● Mr. HECHT. Mr. President, today I want to take an opportunity to commend a job well done by Detective Cordell Pearson of the Las Vegas Metropolitan Police Department. In the early morning hours of June 19, 1985, Detective Pearson met with an informant who indicated that a threat had been made against my life. Detective Pearson was told that a fugitive from Nevada law enforcement officials was convinced he had been treated unfairly by Nevada State gaming agents in a plea negotiation and that he was planning to visit my office here in Washington on the morning of June 19. The informant further told Detective Pear-

son the fugitive had said "If I can't get some action with my words, I'll pull my gun and let it do the talking."

Recognizing the potential seriousness of such a threat, Detective Pearson immediately called the Secret Service to report what he had learned. Even though the hour was late in Las Vegas, and even later in Washington, Detective Pearson's persistence enabled him to eventually track down and notify the proper Washington authorities. I am happy to say that because of his swift actions, the fugitive was arrested in the late afternoon of June 19 at an entrance to the Dirksen Office Building. When he was arrested, he was in possession of a 0.38 caliber pistol.

I am convinced, Mr. President, that Detective Pearson's strong commitment to duty and professionalism in carrying out his job prevented a very unfortunate situation from taking place. He is indeed a credit to his family, his community, and the Las Vegas Police Department and I commend him, and thank him, for his performance.●

MAYOR HERB DAVIS: TENNESSEE MUNICIPAL LEAGUE'S MAYOR OF THE YEAR

● Mr. SASSER. Mr. President, the fact that Herb Davis, mayor of Milan, was selected as the Tennessee Municipal League's Mayor of the Year during last month's annual TML convention should not come as a surprise to anyone who knows him.

As one who has counted on Herb Davis as both friend and counsel, I can attest to the soundness of the decision to honor Herb as the State's outstanding mayor.

His list of accomplishments and what he has done to improve the quality of life in Milan are far too numerous to catalog in any short statement.

Let us just say that if you familiarize yourself with but a few of the things Herb Davis has done for his community, you, too, will agree that he richly deserves the honor bestowed on him by the Tennessee Municipal League.

So that my colleagues and others might apprise themselves of a representative sampling of his record, I ask that an article from the TML publication, Tennessee Town and City, be printed in the RECORD.

The article follows:

[From the Tennessee Town and City, July 15, 1985]

MAYOR HERB DAVIS: TENNESSEE MUNICIPAL LEAGUE'S MAYOR OF THE YEAR

(By Gael Stahl)

The Tennessee Municipal League Mayor of the Year, Milan's Herb Davis, "is not typical and therefore may not qualify for 'Typical Mayor of the Year,'" wrote one of his nominators, adding, "instead, he is the quality of mayor any mid-size city in Tennessee would be fortunate and pleased to have as their leader."

Milan has enjoyed Davis' leadership as council member, vice-mayor and mayor for a quarter of a century. Twice he has been president of Chamber of Commerce and has served on the Milan Industrial Development Board. He has also been a strong and ready friend to other local governments. He has served three years on the Tennessee Municipal League Board of Directors and has been President, Vice-President, and Secretary for the West Tennessee Mayors' Association.

Foresight is one of Davis' long suits. Years ago, he and other city fathers wisely acquired hundreds of acres of land from the federal government and the University of Tennessee. This one example of municipal clairvoyance shows how Milan undergirded its stable growth at a stable tax rate and nurtured its expanding tax base. Some of the acreage was used for parks and recreational development, some for a new city high school, and some for locating American Chain and Cable Company (ACCO industries) and the Milan Golf and Country Club. Acres remain for further developments.

Davis has served on the Milan Industrial Development Board. During his service he helped negotiate the location of ten major companies in Milan including ITT Telecommunications, Firestone, ACCO Industries, Martin Marietta, and Dixie Packaging.

As Chamber president, Mayor Davis coordinated efforts with surrounding towns and the Federal Aviation Administration to build the Gibson County Airport. Except for Jackson, Milan has the only airport in the area that can handle industrial jet flights.

Davis took the lead in integrating Milan's high school and three grammar schools and in transferring the Milan schools from a Gibson County system to a Milan Special School District. Milan's city-owned hospital, leased by Hospital Corporation of America, is one of the finest in West Tennessee.

The city sold the old high school property, acquired a new city hall building with the funds, and provides office space in it for the Chamber of Commerce. Due to careful planning, this facility, like the new high school, cost the city no additional municipal taxation.

Milan applied for and received a federal grant to raze all dilapidated houses in north Milan, to widen the streets, and beautify the town in general. Street and intersection lighting is being improved and the Street Department has paved and widened another major portion of city streets.

In 1983 his city won the prestigious TML award for "Overall Community Improvement," and is about to be certified for the third straight year for the Governor's Three Star Award. Milan is also a pilot community for Homecoming '86.

The Milan mayor's "administrative talent is for putting good people around him and maintaining a 'can do' attitude," to borrow the description of one of the Milan presenters at the TML Conference. And Davis is extremely conservative with municipal funds. He is often kidded for using "everything but the sawdust in moving from the old municipal building to the new one." Typically, TML's untypical Mayor of the Year is reported to be trying to find ways to reuse the sawdust too.●

THE DETERIORATING SITUATION IN THE PHILIPPINES

● Mr. MURKOWSKI. Mr. President, the situation in the Republic of the Philippines continues to deteriorate. Politically, the country remains convulsed by the aftermath of the assassination of former Senator Benigno Aquino, who was gunned down at Manila Airport almost 2 years ago. The trial of those accused of the conspiracy to murder Mr. Aquino has dragged on for months. It seems possible that it will end without convictions, indeed without any conclusive verdict as to who killed Aquino. Many Filipinos are disillusioned and deeply pessimistic about prospects for restoration of democratic institutions.

Economically, the Philippines continues to suffer from the world recession and from low prices of the country's main export commodities. Commercial monopolies owned by powerful families with friends in high places continue to enjoy a stranglehold on most major industries and commercial enterprises, controlling prices and manipulating supply and demand in a way which is antagonistic to the spirit of free enterprise.

It is well known that corruption is rampant in the Philippines. What is not as well known is the extent of capital flight from the Philippines. At a hearing on the Philippines last September I asked administration witnesses to give the Foreign Relations Committee some idea of the nature and extent of fortunes taken out of the Philippines by the country's ruling elite. The administration was unable to either confirm, deny or comment substantively upon various estimates which ran into the billions of dollars. That is, in my view, a sad commentary upon our own country which over recent years has poured hundreds of millions of dollars into the Philippines in military and economic assistance.

Our aid is given in consideration of two military bases which we are permitted to use, Clark Field and Subic Naval Base. Our aid is also used to help the Philippines fight an increasingly vigorous, dangerous Communist insurgency. I find it most unfortunate that at a time when the United States is struggling with its own massive deficit problems, the leaders of country which is a major recipient of our aid are, for personal purposes, sending vast sums of money out of their country to safehaven abroad in the form of real estate investments, business ventures and just plain bank accounts.

Surely, this is no vote of confidence in the future of their own country. Surely, that money could be better used building up the Philippine economy and contributing to the welfare of the countryside now mortally threatened by insurgency.

Mr. President, the San Jose Mercury has just published a series of detailed articles on the flight of capital from the Philippines. These articles name people, places, properties and amounts. They are the result of many months of research.

I find the information in these articles revealing and disturbing. I hope they will be widely studied for what they say about the current state of affairs in a country which is one of the United States' closest allies and with which we have a deep, friendly and long relationship.

I ask that the articles from the San Jose Mercury be entered in the RECORD in their entirety.

Sunday, June 23, 1985—How Top Filipinos Hide Fortunes Overseas; 10 Top Filipinos and Some of Their U.S. Links; Offshore Holdings Not Limited to Prominent Filipino Leaders; Some Deals Sour; Monday, June 24, 1985—Wealthy Filipinos Find California Lucrative Territory for Investment; American Conduits Help Filipinos Buy Real Estate; Area Banks are Favored Investments; Some Have Had Troubles; Tuesday, June 25, 1985—Dollar Drain's Link to Unrest In Philippines; Marcos Foes Track Money but Keep Quiet for Now.

The articles follow:

[From the Mercury News, June 23, 1985]

HOW TOP FILIPINOS HIDE FORTUNES OVERSEAS

(By Pete Carey, Katherine Ellison, and Lewis M. Simons)

As the Philippines sinks deeper into a quagmire of poverty, foreign debt and political unrest, many of its most prominent citizens are systematically draining vast amounts of wealth from their nation and hiding it overseas.

These political and business leaders—who more than any other group hold sway over the Phillipines' economic destiny—have poured their personal fortunes into offshore havens such as the United States, a Mercury News investigation has found.

Of the billions of dollars that U.S. and Filipino analysts agree have left the Philippines in the past 20 years, tens of millions have come to the United States, often concealed by holding companies registered in Hong Kong or Curacao. The money has been used to buy condominiums, homes, office buildings, business and banks, some of them in Woodside, Hillsborough, San Francisco and elsewhere in the Bay Area.

"If only these people kept their money here and reinvested it in productive enterprises, our problems would be a lot more manageable," said a Filipino senior executive of a multinational oil company operating in the Philippines. "Let's face it, this country has been ruined by the greed of a few people, and what makes me sad is, we can't say enough is enough. We can't seem to bring ourselves to stop them. We're broke; where's the money? There's no accountability. It's sickening."

That the rich and powerful in the Philippines, including President Ferdinand E. Marcos and some of his closest associates, have profited form their positions of leadership or ties with the government has been widely reported in Philippine and U.S. studies.

But there is "special outrage," noted a 1984 U.S. Senate committee report, "that the country's leadership, having acquired immense personal fortunes, has reportedly removed badly needed capital permanently from the Philippines economy. People feel doubly robbed."

Several of the top Filipino business and political leaders whose U.S. links were examined in the Mercury News investigation either downplayed the importance of their investments or denied owning overseas property. Others declined to be interviewed or did not respond to written questions submitted to their offices.

The extent of the capital flight is causing increasing concern among U.S. officials. They worry that the faltering Phillippine economy could help topple the Marcos government, which plays host to key U.S. military bases.

"Everybody in the (U.S.) government is worried," said Richard Kessler, a specialist on the Philippines with the Carnegie, Endowment for International Peace in Washington, D.C. "As a crisis, the Philippines is their No. 1 concern. The people that I've talked to say that in comparison, Central America is just a sideshow."

At the forefront of overseas investment, the Mercury News has found, are Marcos and his wife, Imelda. Like many Filipinos who have invested overseas, the Marcoses use holiday corporations or business associates to handle their transactions. The complex system makes it difficult to trace ownership or relationships between businesses involved in the investments.

But a March 1984 lawsuit not previously reported in the media has for the first time shed light on millions of dollars of real estate investments in the United States by the Philippines' first family. The suit, filed by a former business partner of Mrs. Marcos, alleges that she "does business in New York State systematically and continuously" and that her activities include "extensive real estate purchasing, improving, developing and managing.

New York Investor Pablo E. Figueroa further charges in the suit that she uses agents and nominees "to keep hidden her personal . . . involvement" in the transactions.

Filed in Suffolk County, Long Island, Figueroa's suit alleges that Mrs. Marcos and several partners, using a Curacao corporation called Ancor Holdings N.V., in 1981 bought an estate on several acres of suburban Long Island property known as Lindenmere, planning to convert it into a $19 million resort.

But Mrs. Marcos abandoned those plans and converted Lindenmere to a private estate, the suit says. In the process, Figueroa claims, she failed to pay him $1 million she had promised as his share in the deal. Attorneys for both Mrs. Marcos and Figueroa refused to comment on the suit.

There also is evidence of other Marcos properties. According to real estate records, Mrs. Marcos' personal secretary in New York is the agent for a Hong Kong corporation that owns three adjoining Manhattan condominiums. And a home in Princeton, N.J., is owned by an offshore corporation that is represented by the same law firm that represents Ancor Holdings. Police officials in the New Jersey town said the home is used by Marcos family members.

The U.S. investments or economic links of eight other prominent Filipino government and business leaders were examined by the Mercury News: Defense Minister Juan Ponce Enrile; Energy Minister Geronimo Velasco; coconut and brewery magnate Eduardo Cojuangco; industrialist Rodolfo Cuenca; banker Roberto Benedicto; airline executive Roman Cruz; businessman Jose Campos, and banana baron Antonio Florendo.

In many cases, surrogates or offshore corporations were used to execute transactions, making it difficult to ascertain the originators of the investments.

Defense Minister Enrile and his wife, for example, purchased property in San Francisco through a company called Renatsac Inc., which is Enrile's wife's maiden name spelled backward. Campos, through an investment company registered in the Netherlands Antilles, bought $9 million in property in downtown Seattle. In other cases, real estate is held in the name of trusted American lawyers or agents.

"Now, if even half of that would return to the Philippines for private investment, it would make a considerable difference here," Bosworth said.

Philippine officials interviewed by the Mercury News offered varied explanations for or denials of their overseas holdings.

"It depends on the magnitude of money," said Enrile, who with his wife has owned three San Francisco properties and who acknowledged currently owning one condominium in San Francisco. "If the holdings are of such a magnitude as billions of dollars, I'd say it would be just to get it out of the Philippines and I'd agree that it was harmful. But when I acquired mine, the economy of the Philippines was not what it is today. It was stable and strong."

Energy Minister Velasco flatly denied owning any property abroad, although his nephew, Patrick de Borja, told the Mercury News that a mansion in Woodside owned by a holding company linked to Velasco is a "family house" and that Velasco stays there when he is in the area.

The Marcoses, in a statement from Manila, denied owning any property in the United States. The statement added that the government's policy on overseas investment is that "so long as the acquisitions are legal, nobody can question the owners' right to these properties."

A spokesman for the Philippine consulate in San Francisco, Prudencia Europa, complained that the Marcoses always are blamed when the issue of capital flight arises.

"I know some friends of the president who own property here," Europa said, "and then the critics say this property is owned by Marcos, and then it's owned by Cuenca, for instance."

Capital flight surged shortly after the assassination of opposition leader Benigno S. Aquino Jr. in 1983, becoming "epidemic in proportion," according to a special study last year by the Northern California Interfaith Committee on Corporate Responsibility in San Francisco. "Out of fear of political and economic turbulence, over a billion dollars left the Philippines," the study said.

Marcos apparently tried to stem the flow in the early 1970's and again in 1983 with decrees that made it illegal for Filipinos to export large sums of cash or hold foreign exchange accounts without approval from the nation's Central Bank.

But even Philippine government officials acknowledge deficiencies in the laws, which do not forbid overseas investments per se. It would be hopeless, the officials say, to try to catch each unauthorized dollar as it flows from the country.

"Somehow, some way, dollars are taken out," said Felipe Sarmlento, the commercial attache at the Philippine consulate in San Francisco. "But you can't police everybody 24 hours a day. You cannot track them."

In fact, U.S. real estate agents relate instances in which their Filipino clients have plopped shopping bags stuffed with cash on their desks, no questions asked, to be used for investment in property.

"It is illegal, and every once in awhile there'll be fines and confiscations," said the San Francisco lawyer who represents Filipinos and who insisted on anonymity "But if the Philippine government really did anything about this, they'd be indicting all their own officials. *They're* the biggest offenders."

Commercial attache Sarmlento said it would even be possible for top government officials to carry cash out of the country in their suitcases, if they wished, because they are immune from routine airport searches. Sarmlento said that Defense Minister Enrile, for example, might easily pass through airport security by virtue of his position.

"They may not only not search him," Sarmlento said, "they may salute him."

There are, of course, more subtle ways to export currency than stuffing it in suitcases. In a series of interviews, attorneys, brokers and Philippine officials detailed what all described as well-established and often used ways of circumventing the islands exchange-control laws.

Transactions occur in an air heavy with intrigue. Brokers tell of late-night phone calls from Manila, of secret instructions to send secret papers to secret destinations.

Offshore corporations help get the dollars off the islands and to make purchases abroad. Filipino investors frequently have used corporations based in the Netherlands Antilles, particularly Curacao, which have offered tax advantages for buying and selling real estate.

Other corporations have been based in New Hebrides, Panama, the Cayman Islands, the British Virgin Islands, Hong Kong and even Liberia. Most combine some sort of tax benefit with the equally precious commodity of anonymity.

The desire for secrecy is hardly unwarranted. Overseas investing is a hot political issue in the Philippines, and some opposition leaders abroad have made it their bitter vocation to track foreign investment, particularly those by Marcos and his so-called "cronies."

In the opposition's eyes, extravagant foreign purchases compound the injustice of a regime that has favored a loyal few at the expense of millions of others.

While reports of graft and corruption proliferated, the Philippines' large income distribution gap widened even further between 1971 and 1979, and 1979, according to a June 1984 study be economists at the University of the Philippines.

The poorest 60 percent of households, which had received only 25 percent of total income in 1971, saw their share drop to 22.5 percent in 1979, the study said. The richest 10 percent of the population, on the other hand, increased their share of total income to 41.7 percent from 37.1 percent in the same period.

Capital flight, many experts believe, has made matters worse. Some Philippine factories have closed or laid off workers because there were no foreign currency reserves with which to buy raw materials and spare parts, according to Verne Dickey, an economist at the State Department.

William Sullivan, a former U.S. ambassador to both the Philippines and Iran, noted that the Philippine economy is in even worse condition than the economy of Iran was in before the shah fell.

"In the case of Iran, capital flight took place against a background of enormous foreign exchange earnings from oil," Sullivan said. "But the Philippines can earn damn little. Every main commodity they have (to export) has gone flat. . . . In due course, you get down to the absence of necessities. In the Philippines, for instance, you have to import all the wheat flour."

Nonetheless, reports continue of enormous bank accounts and extravagant overseas purchases by wealthy Filipinos.

And as a senior executive with one of the largest banks in the Philippines put it, U.S. real estate investments by Marcos' inner circle are merely the "tip of the iceberg."

"You're not seeing the securities, the Swiss bank vaults," he said in an interview in Manila. "The important thing is, it's unlikely that any of this money will return to the Philippines when transition is complete and we have stability.

"When their patron saint (Marcos) goes, most of them will go overseas to stay; most of them already hold green cards. These people have not bought U.S. real estate as a financial investment; it's for their retirement when they can no longer stay in the Philippines."

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10 TOP FILIPINOS AND SOME OF THEIR U.S. LINKS

THE MARCOSES

Ferdinand & Imelda Marcos. Ages: 67, 65. Background and occupations: Marcos has been head of state since 1965. His wife, Imelda, was a Filipino beauty queen. She is active in governmental and finance.

U.S. Links

Imelda Marcos has invested heavily in New York real estate, according to a lawsuit against her by one of her former partners. One holding listed in the suit is an estate known as Lindenmere in Center Moriches, N.Y., purchased in 1980. The estate is held in the name of a Netherlands Antille corporation, Ancor Holdings N.V. The suit said Ancor is "controlled" by Mrs. Marcos. A home on 13 acres at 3850 Princeton Pike, Princeton, N.J., is used by the Marcos family, according to local police. The home is owned by Faylin Ltd., an offshore corporation represented by the New York law firm of Bernstein Carter & Deyo, which also represents Ancor Holdings. Real estate records also show that Mrs. Marcos' personal secretary in New York, Vilma H. Bautista, is the authorized agent for a Hong Kong corporation that owns three adjoining condominiums at 641 5th Ave. In New York City, Bautista, a staff member for the Philippine U.N. delegation, denied knowledge of the condominiums, although she was reached at a phone number listed on real-estate records for the units. "There are so many names, there are so many phone numbers," she said. "This could be another Vilma Bautista." The Marcoses deny they own property in the United States.

ROBERTO S. BENEDICTO

Age: 68. Background and occupation: Banking and sugar were the cornerstones of Benedicto's rapid rise after President Marcos declared martial law in 1972. A close personal friend and former fraternity brother of Marcos, Benedicto owns several banks in the Philippines and once headed the government-owned Philippines National Bank, which finances sugar operations for the Philippine government.

U.S. links

California-Overseas Bank in Los Angeles, with total assets of $133 million, is principally owned by Benedicto. The bank owns real estate worth $7 million, some of it foreclosures on bad loans and some of it bank property, according to the California Superintendent of Banks. More than $30 million in capital has been infused by the bank's owners since it opened in 1976. The bank owns two office buildings in Beverly Hills. The buildings, at 9145 Wilshire Boulevard, were purchased for $3.7 million in 1981, according to Los Angeles County real estate records. A major Philippine newsmagazine, Mr. & Ms., reported Feb. 22 that Benedicto recently bought an unidentified U.S. sugar trading company for $63 million, paid in cash, Benedicto did not respond to requests for an interview.

ANTONIO O. FLOLRENDO

Age: 70. Background and occupation: From his start as an obscure Ford dealer on the island of Mindanao, Flolrendo rose to become a major banana plantation owner. In 1977, he branched from bananas to sugar. That year he paid $11.7 million for three refineries—in Boston, Chicago and Brooklyn, NY.—that belonged to Sucrest Corp., according to U.S. Securities Exchange Commission documents. Flolrendo re-named the company that was thus formed, Revere Sugar Corp.

U.S. links

Assets of the Boston sugar refinery were listed in bankruptcy filings at $4.2 million. Assets of the Brooklyn refinery were valued at $16.1 million. Flolrendo also is director of Ancor Holdings N.V., identified in a New York law suit as a holding company for property owned by Imelda Marcos. Flolrendo also owns a $1 million Mansion in Makaki Heights, Honolulu. According to reports in the Honolulu Advertiser, Flolrendo paid $800,000 cash in 1980 and signed a note for the remaining $200,000. Flolrendo has a New York address at 641 Fifth Ave., where a company called United Motors is listed as the owner of a condominium. Philippine records show United Motors & Equipment is owned by Flolrendo. An employee of Flolrendo in the Philippines confirmed that Flolrendo owns Revere sugar as an investment. He said he does not think Flolrendo owns a condominium at 641 Fifth Ave., but that "In Honolulu, I understand a couple of years ago he bought a house there."

GERANIMA Z. VELASCO

Age: 56. Background and occupation: Minister of Energy for eight years. Velasco is the Philippines' energy czar. Trained as a mechanical engineer, Velasco has had no formal education in management. As former president of Dole Philippines, Velasco was the first Filipino to head a major multinational company in the country.

U.S. links

Velasco has been linked to a mansion at 140 Farm Road in Woodside that was purchased in 1979 for $925,000 though he denies he owns it. It technically is owned by Decision Research Management Ltd.; a Hong Kong corporation that also bought a condominium in Century Hill in Los Angeles in 1982, assessed in 1984 for $561,000. A senior executive of a multinational oil company in the Philippines said Velasco told him he bought the Woodside home under a Dole executive plan. Alfred De Borja, Velas-

co's nephew, executed a $675,000 promissory note on the property in 1979. According to a Western diplomatic source in Manila, De Borja manages all of Velasco's offshore funds. De Borja's brother, Patrick, lives in the Woodside home and said the estate is "a family home" and that Velasco stays at the home when he visits the area. "I don't know anything about Decision Research Management Ltd.," Velasco said. "Alfredo de Borja is my nephew, but I don't know anything about his supposedly managing my supposed overseas properties."

JUAN PONCE ENRILE

Age: 81. Background and occupation: Formerly one of President Marcos most intimate associates, the Harvard-educated attorney has been minister of defense for the past several years. He also has held an array of government posts, including secretary of finance, secretary of justice and acting chairman of the monetary board of the Central Bank.

U.S. links

Enrile acknowledges that he and his wife, Christina, purchased a condominium at 2190 Broadway in San Francisco in 1979. Real estate records show the family has owned two condominiums in the same building, and sold one in 1982 to Renatsao Inc., a California corporation, Enrile acknowledged that Renatsao, which is the backward spelling of his wife's maiden name, is a company "my wife used" for business purposes, in 1982. Renatsao brought a house valued at $1.8 million at 2310 Broadway in San Francisco. Enrile claimed that "it was brought by a company and has been sold. We—my wife—was acting for, someone, I won't tell you who it was, it's since been sold."

JOSE Y CAMPOS

Age: 63. Background and occupation: An ethnic Chinese said to be a close financial adviser to Philippines President Ferdinand E. Marcos, Campos is head of United Laboratories Inc., one of Asia's largest pharmaceutical firms and the largest distributor of drugs to the government's health ministry and all it's public hospitals. Canadian records indicate Campos is president of Greenfield Investment Corp., based in Vancouver British Columbia.

U.S. links

Campos is president of UNAM Investment Corp., registered in the Netherlands Antilles. In 1983, the firm purchased $9 million of buildings on a city block in downtown Seattle, according to Washington state real estate records. The buildings, which include low-income apartment houses, are bordered by Sixth and Seventh avenues and Pike and Pine Streets. Real estate records show that Campos' wife, Elizabeth, owns a house in Vancouver, British Columbia with a 1982 assessed value of $482,300. William Wright, a Vancouver attorney for UNAM Investment, declined to comment. Campos' secretary in Manila said Campos is out of the country. I don't know where he is: I don't know what country he's in. He's been out of the country since April.

EDUARDO COJUANGCO

Age: 50. Background and occupation: The Philippines' "Coconut King" is one of the nation's wealthiest men. A longtime friend of President Marcos, Cojuangco until recently enjoyed a near-monopoly in the coconut industry. Chairman of the San Miguel Corp. brewery, he owns a multimillion dollar horse farm in Australia.

U.S. links

Cojuangco is former president of United Coconut Mills Inc. (Unicom) of Manila. Unicom, however, is still owned in part by the United Coconut Planters Bank, which Cojuangco controls. In San Francisco, Unicom's subsidiary, Granex Corp. U.S.A., refines coconut oil at 1301 Army St. Another company, an import-export firm in Los Angeles, is described as belonging to Cojuangco by Rafael Fernando, a former executive for another Unicom subsidiary. The company, Coastal American Traders Inc., is partly owned by Helenita Soriano, Cojuangco's former personal secretary, who was unavailable for comment. Real estate records show Coastal American Traders owns a house in Santa Monica valued at $220,000. In Beverly Hills, a jewelry store called Jewelmer International is a branch of a Cojuangco family corporation of the same name, based in Manila, according to Dorothy Reyes, manager of the Manila store. A spokesman for Cojuangco in Manila said, "My boss will not be able to tackle the questions you posed. He was too busy and is now preparing to travel to Barcelona with his San Miguel basketball team."

ROMAN "JUN" CRUZ

Age: 47. Background and occupation: Cruz, president of Philippine Airlines, also heads the Government Service Insurance System. Harvard educated in public administration, he runs the airline and reports to Imelda Marcos, PAL chairwoman. In his early days, he was an economist for banks in Hong Kong and Manila, and he still is a banker. Cruz is chairman of Century Bank in Los Angeles, a branch of Philippine National Bank, which is owned by the Philippine government.

U.S. links

In 1979, Cruz purchased four lots in a vacation resort called Brooktrails Vacation Village, just outside Willits, in Mendocino County, according to county real estate records. Their taxable value was $66,014. Cruz, through a spokesman, denied owning property in Mendocino County.

RODOLLA CUENCA

Age: 57. Background and occupation: Cuenca's Construction and Development Corporation of the Philippines became the major public highway builder under the Marcos administration. He also founded CDCP international in Hong Kong and Galleon Shipping Co., a Philippine shipping line with a U.S. subsidiary, Trans-Asia Marine Corp.

U.S. links

Cuenca has owned several pieces of Bay Area real estate, including a condominium at 1177 California St. in San Francisco; a home at 131 Devonshire in San Francisco; and half-interest in a home at 2741 Berkshire Dr., San Bruno. He also owns a cooperative apartment at 700 Park Ave. in New York City, according to a lawsuit filed against the U.S. subsidiary of Cuenca's shipping firm. Cuenca has sold the Bay Area properties to a Delaware firm called TRA Equities Inc., whose president is Cuenca's attorney, Roger MacKenzie of the San Francisco law firm of Graham & James. Sources said TRA is a Cuenca company, but MacKenzie said he does not know if Cuenca is involved in the firm. TRA Equities bought two San Francisco office buildings, one at 625 Market St. and its annex at 25 New Montgomery St., for $10.3 million in 1983. The annex later was sold. Cuenca still is registered as the occupant of the TRA-owned condominium at 1177 California St. Cuenca's daughter, Marianne, lives at the 131 Devonshire home, according to relatives who were interviewed at the house. Cuenca did not respond to questions submitted to his office.

OFFSHORE HOLDINGS NOT LIMITED TO PROMINENT FILIPINO LEADERS

(By Katherine Ellison and Pete Carey)

Overseas investment by Filipinos is not limited to the 10 political and business leaders featured in this report. Others—including elected officials and businessmen and women—also have opted to buy American.

One of the Bay Area's most notable Filipino investors is Ricardo C. Silverio, who until a few years ago was ranked among President Ferdinand E. Marcos' closest associates. The Far Eastern Economic Review once called him "the star of crony capitalism" in the Philippines.

Silverio, who began as a small textile merchant, came into his fortune after he founded the Delta Motor Corporation in 1961 and won for it the exclusive rights to assemble and distribute Toyota cars and trucks in the Philippines. But Silverio's heyday ended in 1981, when a no-longer friendly Marcos seized the firm as partial repayment for government loans to the company.

Of late, Silverio has been working at his new headquarters in Daly City, overseeing the development of a 105-acre housing and shopping project in Lancaster in Los Angeles County.

Real estate records show Silverio bought more than half a million dollars worth of land in Lancaster in 1974. His Silcor corporation also owns a Hillsborough home purchased four years ago, with a total assessed value of nearly $850,000.

Silverio fell afoul of Marcos shortly after a reporter inquired if he had profited through his friendship with the president.

"I know President Marcos very well, and deserve his support," Silverio was quoted as responding. The developer no longer grants interviews with the press, and declined through spokesmen to respond to questions for this article.

Three San Francisco condominiums are linked to the family of Herminio Disini, 48, the cousin-in-law of First Lady Imelda Marcos and an industrialist who at one time was one of President Marcos' closest associates.

Through his giant Herdis Group, Disini then expanded into such fields as textiles, electronics and construction. In the late 1970s, however, Marcos ordered him to give up control of three companies after he was accused of earning millions of dollars in commissions to build a nuclear power plant near Manila.

Disini now spends much of his time in Europe, but real estate records show that Herminio Disini Jr. owns a $348,340 Nob Hill condominium at 1177 California St. Two other condominiums at the same building are listed on real estate records as belonging to Asia Resources International, a California corporation. The mailing address listed on the condominium is Disini's name is Asia Resources International, which business sources say was Disini Sr.'s trading company. Daniel Sullivan, the registered president of Asia Resources in Menlo Park, was unavailable for comment.

Edna Gulyab Camcam, a Filipino businesswoman who now lives in the United States, owns a Los Angeles apartment building valued at more than $1 million pur-

chased in 1980. Camcam, a former vice president of Equitable Banking Corp. in Manila, is said to be a close associate of Gen. Fabian Ver, who is on leave as army chief of staff. Real estate records show she owns a second property in Los Angeles, a four-plex building bought in 1979. In East Islip, N.Y., Camcam is the registered owner of a home purchased in 1978.

A woman reached during repeated calls to an East Islip number for Camcam said the businesswoman was out of the country. She added that she was simply renting the property, and did not know Camcam's whereabouts.

Nemesio I. Yabut, mayor of the financial district of Manila, answered the door of his $520,000 pink-stucco home in San Francisco's exclusive St. Francis Woods one recent evening in pajamas and a bathrobe. Yabut comes to the Bay Area twice a year for medical check-ups at Stanford University Medical Center.

In the course of the next hour, he confirmed real estate records indicating he has owned, over the past few years, not only the two-story home, in his wife's name, but a $900,000 apartment building, at least two condominiums and a San Francisco seafood restaurant called the Old Clam House.

"But I'm only a lowly mayor," Yabut said. "I have very little money. . . . I'm small fry."

A former policeman and cargo handler, Yabut, 59, has been mayor of Makati for the past 14 years. He also is a strong supporter of Marcos, whom he backed financially in 1965.

Yabut said he worries about publicity of his U.S. holdings, most of which have been in his own name, but insisted he has done nothing illegal. While he has taken money out of the Philippines, Yabut said, he also has brought money back. Nor, he said, has he illegally traded currency or neglected to pay U.S. taxes.

"I remember the story of Al Capone," he said. "Al Capone was never convicted of anything but tax evasion."

Some Deals Sour

Legal, Financial Troubles Plague Several Business Ventures in U.S.

(By Pete Carey and Katherine Ellison)

Although investment by Filipinos in the United States is perfectly legal, a number of Philippine businesses formed in the U.S. by associates of President Ferdinand E. Marcos nonetheless have met with legal difficulties or prompted government probes in the past several years.

Three Silicon Valley companies became the subject of numerous Philippine government investigations after they were purchased by Asian Reliability Corporation Inc., a Philippine holding company partly owned by the Philippine Ministry of Human Settlements, which is run by Imelda Marcos.

At issue in the investigations is the use of a Philippine government-guaranteed $25 million loan to buy the companies. The money was supposed to have been used for economic development inside the Philippines.

The three Silicon Valley firms, Interlek Inc. and Test International Inc. in San Jose, and Tool & Die Master in Santa Clara, were bought by ARCI for about $14 million in 1981. ARCI is run by Vincente Chuidian, 42, a Hillsborough businessman.

According to sources at the company, who asked not to be identified, the purchase had government approval and President Ferdinand E. Marcos was to have put $9.5 million of his own money into the companies in exchange for half the stock, but Marcos later changed his mind.

Publicity about government-backed loans being used for overseas investment embarrassed the Marcos administration, and it ordered the Philippine Central Bank to deny official registrations of loans for ARCI to purchase the three firms. This caused a London-based banking firm that was providing financing to call in its loan, leaving Chuidian and the Marcos administration in a dispute over who is responsible for the debt. Chuidian calls the situation a "Harvard case study" in what's wrong with the Philippine economy.

"Marcos equated political power with economic power," Chuidian said "Correspondingly, the vast machinery of his office operated under this reality. Policies were drawn, laws were enacted, organizations were created, relationships were rearranged, rights and obligations were regulated, always with this thought in mind that 'he who controls the coffers, controls the crown.' "

A Philippine sugar deal was investigated in 1977, when Sucrest Corp., a U.S. corporation, signed a contract to buy Philippine sugar and ultimately was bought out by its Philippine sugar broker, Antonio Floirendo.

The contract was investigated by the Federal Trade Commission because of an alleged agreement between the Philippine government and Sucrest to sell sugar for a fixed profit over a five-year period.

Sucrest auditors also investigated more than $1 million in brokerage fees received from Sucrest in 1977 by Marcos intimate Floirendo. Investigators said that while their access to Floirendo was "limited," no evidence was unearthed that showed that corporate funds were used for "illegal or questionable" payments.

The same year, Sucrest sold Floirendo its three U.S. refineries. He paid $11.7 million for the refineries and renamed the company Revere Sugar Corp. Floirendo could not be reached for comment.

In 1981, the U.S. Justice Department investigated alleged attempts by three Filipino-controlled firms in the Bay Area to form a cartel in coconut oil—a scheme then jokingly referred to as "Cocopec." The department's anti-trust division alleged that the companies tried to raise and fix prices for the oil.

Defendant corporations in the federal suit were Pan Pacific Commodities, Granex U.S.A. and Crown Oil, all then associated with the Philippine United Coconut Planters Bank, controlled by Marcos intimate Eduardo Cojuangco. In an out-of-court settlement, each was ordered to end the alleged conspiracy.

In another case involving an industrialist close to Marcos, Trans-Asia Marine Corp., the U.S. subsidiary of Galleon Shipping Lines, was sued for $5.5 million in New York. The suit alleges that Philippine construction czar Rodolfo Cuenca, who owns the firms, pocketed $41.8 million through a scheme in which ships purchased by Galleon with loans from the Development Bank of the Philippines were vastly overpriced. The suit was filed by a former president of Trans-Asia Marine.

Cuenca's attorney, Michael J. Silverberg, said there is no merit to the lawsuit.

Wealthy Filipinos Find California Lucrative Territory for Investment

(By Katherine Ellison and Pete Carey)

When rich and powerful Filipinos invest outside of their debt-riden homeland, a favored haven for their wealth is California—and particularly the Bay Area—where they have poured millions of dollars into property and businesses in the past 10 years.

For local lawyers and real estate agents who deal with such high-powered Filipino clients, otherwise routine transactions often become filled with intrigue and suspense.

"They come over here with shopping bags full of money—real money," said Palo Alto real estate agent Carl Horvitz, whose clientele includes Filipino investors. "Sometimes it flows through the hands of their attorney or a trusted relative. Sometimes they drop it on my desk. And if a trustworthy relationship can be established, one could expect visits from friends."

The allure of Northern California comes from a combination of close cultural ties and keen interest in the area's hot real estate market.

As a first Pacific Ocean port of entry, San Francisco historically has had familial and financial links to the Philippines. Close to 120,000 Filipinos have settled throughout the Bay Area—including more than 27,000 in Santa Clara County—according to the 1980 U.S. Census. Countless others are frequent visitors.

Residents and visitors alike have brought their investment dollars. At least 25 properties in California are or have been owned in recent years by prominent Filipino government and business leaders, according to the findings of a Mercury News investigation. These include office buildings, homes, condominiums, vacation lots and bank buildings. Several other properties have been linked to prominent Filipinos, but ownership was difficult to ascertain because of the use of surrogates or offshore corporations to handle transactions.

In virtually all cases, Bay Area brokers and lawyers say, Filipinos seeking investments in the region are extremely affluent.

"Everyone who has investments here is in the million-dollar category—they go up from there," said one San Francisco attorney who has worked with wealthy Filipinos for more than a dozen years and who insisted on anonymity.

The attorney, one of several Bay Area lawyers who specialize in representating Filipino investors, pointed to an anteroom at his office where two bookshelves were crammed with boxes of files.

"There they are—all Filipino companies" he said, cheerfully.

Filipino land purchases in the area frequently are characterized by large downpayments and small mortgages, reflective of the desire to move large amounts of money out of the troubled islands.

As an example, a San Francisco insurance agent offered the case of one of his clients, a Filipino physician, who recently bought a house for $550,000. The doctor put down $500,000 in cash, he said, and took out a $50,000 loan.

"It's just the opposite of what you and I would do," said the agent, who asked not to be identified. "It's like a depression-era psychology."

Notable exceptions to the general fondness for California are President Ferdinand E. Marcos and his wife, Imelda, who apparently prefer New York and the East Coast for both vacations and investments. Sources acquainted with the couple said they avoid the Bay Area because of its particularly high concentration of anti-Marcos activists.

But quite a few other Filipinos—including some of Marcos' closest associates—remain attracted to California and the Bay Area.

Instead of staying away, many go to great lengths to disguise their personal involvement in the investments.

"You'll never find out who the principals are," said the San Francisco attorney. "Every time I've ever dealt with these guys, I've never dealt with a document signed by a principal. Ninety-nine percent of the time they just tell me what to do, and I do it."

Indeed, many brokers and lawyers learn quickly that secrecy is prized by their Filipino clients.

"Everybody manages to take money out some way," said San Francisco real estate broker Rene Miranda, whose clients include Nemesio L. Yabut, mayor of Makati—the financial district of Manila. But Miranda said he never asks how investment dollars arrive.

"The less I know," he said, "the better for me."

Other attorneys and brokers managing the investments of Filipino clients become experts in the formation and use of offshore corporations to handle transactions, a favored technique both to disguise owners' identities and to reap tax advantages.

A substantial number of Philippine holdings in California and throughout the United States are registered in the names of Netherlands Antilles corporations—corporations sometimes purchased in Curacao, according to real estate broker Horvitz, who has written a booklet advising foreign investors how to purchase U.S. real estate.

Horvitz said one popular notary in Curacao, Dr. Jacob Schultkamp, oversees 80 employees and sells "incorporations off the shelf . . . for a couple thousand dollars, with his dummies, his people," as officers and directors. "All you have to do is send him a telex. . . . He'll be the director for you."

Horvitz added that some of his own clients have used one Hong Kong accountant to be managing director of their numerous property-purchasing companies.

"They hire somebody in this country to manage the property, and he puts the money in a trustee account," Horvitz said. Then, when the investors in the Philippines want money sent back from abroad, they simply notify their representatives.

"The attorneys over here or the accountant over there (tells the bank), 'Send me $5,000 or $100,000,'" Horvitz said.

The lure of profits in California's real estate market is such that it also has drawn major Filipino land developers, some of whom now live in the Bay Area and have become prominent in the industry.

Among them:

Morris G. Carpo, described by relatives as a former tax investigator in the Philippines who now heads a Burlingame-based development company that owns 13 parcels of California land with a combined taxable values of $29.7 million.

Carpo's firm, the Carruf Corp. N.V., is incorporated in the Netherlands Antilles but conducts substantial business in the Bay Area. Among its holdings are the Legaspi Towers buildings in Burlingame and the twin Legaspi Towers office complexes in Santa Clara.

Carpo was not available for comment.

"He can't be bothered," said a secretary, she declined to give her name.

Ricardo Siverio, a former auto parts magnate in Manila and erstwhile intimate of President Ferdinand E. Marcos. Siverio is developing a condominium and shopping project on 105 acres of land he owns in Lancaster in Los Angeles County, according to real estate records and Lancaster planning officials.

Another firm of Phillippine origin with substantial interests in California properties is Ayala International Inc., the former International arm of the Ayala Corp. in Manila. Registered in Hong Kong and based in Burlingame, the corporation controls the $33 million Campton Place Hotel in San Francisco's Union Square and the $40 million Mayflower Hotel in Los Angeles, according to company officials. It also developed the Terrace Villa condominium complex in south San Jose, company officials said.

Ayala International is controlled by millionaire banker Enrique Zobel, who retired as chairman of Ayala Corp, and bought the company's international division. Zobel was trained in agronomy at the University of California at Los Angeles.

As instability grows in the Phillippines, experts and other observers believe it will continue to push a growing number of Filipino investors to transfer their wealth overseas.

"They have money in Switzerland and money all over," said Hank Kriss, an electronic executive who has worked for Filipino-owned companies in Silicon Valley. "But the really wealthy put their money over here, always with the expectation that something could go wrong. One man told me: 'As long as I can get out of the Philippines and get to a telephone, I'm in no trouble.'"

American Conduits Help Filipinos Buy Real Estate

(By Pete Carey and Katherine Ellison)

In the forefront of many transactions involving powerful Filipinos are a handful of real estate agents and several prominent lawyers and law firms in the United States.

Some of them handle sales and manage real estate. Others actually are the owners of record for investment properties, concealing clients' identities behind their law offices, brokerage firms and the offshore corporations they form.

Such secretiveness is prized by wealthy Filipino investors, who, for the most part, seek out U.S. natives to handle their affairs.

"They don't want to go to Filipinos because they think we talk," said San Francisco broker Sylvia Lichauco, one of the few Filipinos who helps her wealthy countrymen buy real estate. "The big guys go to Americans."

Among those who handle the greatest number of Philippine accounts are:

Irwin Jay Robinson, an attorney with Rosenman, Colin, Freund, Lewis & Cohen in New York City. According to court records, Robinson represents Philippine first lady Imelda Marcos in a suit involving her U.S. real estate holdings. He also has represented Philippine banana king Antonio Florendo, and for several years was an important source of advice on the operation of Filipino-owned Redwood Bank in San Francisco, according to a former executive of the bank.

A measure of his influence is his role at the Redwood Bank. The former bank official, who worked there after the bank was purchased by three Filipinos close to the government of President Ferdinand E. Marcos, recalled that even though Marcos family intimate Rolando Gapud was made a director, Robinson was the key decision maker.

"He is attorney for them in a whole number of things they do in this country," the official said. "Robinson insisted everything go to him."

In 1983, the bank's legal fees totaled $1.8 million, of which 74 percent was paid to Robinson's law firm, according to records of the Federal Deposit Insurance Corporation.

Robinson declined to be interviewed, citing "client privilege."

Bernstein, Carter & Deyo, a New York law firm that has represented Mrs. Marcos in two documented real estate deals and according to Philippine banking and business sources has handled other purchases of office buildings and a department store in New York City for the Marcoses.

The firm's senior partner is Joseph E. Bernstein, a Hillsborough native and self-described expert on offshore real estate investment in the United States. Bernstein once practiced at Robinson's firm.

Bernstein has family ties to the Philippines and acknowledged that his law firm "from time to time might get somebody with a Philippine connection."

According to New York real estate records, a company Bernstein heads, the New York Land Co., has handled the purchase of several office buildings in New York by Netherlands Antilles corporations. One building in particular, the $51 million Crown Building in Manhattan, has been singled out by several Filipino business and banking sources as having been bought and sold for Imelda Marcos.

The Mercury News found that it was bought in 1981 by Lastura N.V., a Curacao corporation, and later was transferred to another Curacao firm, Canadian Land Co. of America N.V., which is managed by Bernstein. That firm is controlled by a third Curacao firm, Caribbean Management N.V. The offices of Lastura and Canadian Land are in the same suite as the offices of New York Land.

Bernstein denied that he represents Mrs. Marcos.

"I don't know her," he said, declining to discuss the identities of his clients "I wish I did. Everybody thinks I do. Send her my way".

I always thought the Marcos rumors were attributable to Stanley Marcus," board chairman, emeritus of Neman-Marcus, who was hired as a consultant by a Bernstein-managed development company.

Bernstein's uncle, Jack Nasser, owns Philippine-American Embroidery Corp., a major garment manufacturer in the Philippines. Nasser said he is a friend of Mrs. Marcos.

Another partner in the firm William Deyo, has represented a corporation identified in a lawsuit as a holding company for property belonging to Mrs. Marcos. According to Deyo, Robinson now is defending the company in the lawsuit.

In 1982, Deyo also represented Faylin Ltd in the purchase of a home on 13 acres in Princeton, N.J. according to Mercer County, N.J. real estate records. The home is used by members of the Marcos family, according to interviews with people familiar with the property. Deyo declined to comment.

Alexander "Sandy" Calhoun Jr., an attorney with Graham & James in San Francisco. He said he has helped put together the purchases by Filipinos of Redwood Bank in San Francisco, Oceanic Bank in San Francisco and California Overseas Bank in Los Angeles. Born in Shanghai and an honor graduate of Harvard Law School, Calhoun speaks Japanese, Chinese, and French.

Roger MacKenzie, an attorney with Graham & James in San Francisco, MacKenzie also declined to discuss his clients, who include Philippine Defense Minister Juan Ponce Enrile and construction mag-

nate Rodolfo M. Cuenca, according to real estate records.

MacKenzie defended Filipinos' investments in the United States are helping to balance the U.S. trade deficit.

"We wouldn't be able to run the trade deficit that we were running unless it were offset by capital invested in this country," he said. "I'm sure there is Filipino money invested abroad, but I think that's more of a political whipping boy than anything else. If you want to look at what happened to the economy and what is wrong with it, all you have to do is look at the big projects of Imelda Marcos, the buildings in downtown Manila and all the money they spent on international film festivals, flying Tony Martin into Manila."

Sylvia Lichauco, president of Edgewood Investments, San Francisco. The daughter of a former Philippine ambassador to England, Lichauco acknowledges handling real estate investments for numerous wealthy Filipinos, although she would not discuss her clients.

Lichauco was the broker for the recent purchase of the Philippine Airlines building at 200 Stockton St. on San Francisco's Union Square, by a California corporation called Jamestown Company Inc. Lichauco is listed on state records as the president of the company, but she declined to name its owners. According to a 1984 U.S. Commerce Department report the building was brought in 1983 by an "unidentified investor" from the Philippines.

The acquisition was handled by transferring shares in Jamestown Company from its former owner. Hong Kong jeweler Kevin S. Hsu, to the undisclosed new owners of the company, according to an attorney familiar with the transaction. The attorney also claimed that members of the Marcos family were the purchasers.

G. Alfred Roensch. A San Francisco attorney who represents clients from the Far East and son of a former San Miguel beer executive, Roensch has represented wealthy Filipinos in purchases of several pieces of Bay Area property, real estate records show. Roensch declined to comment on his activities.

AREA BANKS ARE FAVORED INVESTMENTS; SOME HAVE HAD TROUBLES

(By Pete Carey and Katherine Ellison)

California's banking system has proved to be fertile investment ground for Philippine businessmen and bankers, sometimes resulting in large amounts of capital leaving the distressed Philippine economy.

The state is home to nine banks that are owned by Filipinos. Some of them have done well. Some have not. In the past decade, deposits in institutionally owned Philippine banks and agencies of Philippine banks have risen from $15 million to $277 million, according to figures from the State Superintendent of Banks. This figure does not include another $165 million in privately owned Redwood Bank of San Francisco.

One reason banks have been a popular investment for Filipinos is a desire to get money out of the country, according to Gerry Findley, publisher of the Findley Reports on California Banking in Brea.

"They want to convert it into dollars. . . . That's a very important factor," he said. "Most of them don't have confidence in their own monies."

Findley said that while this is "a legitimate basis" for investing here, "it would be a big controversy with me if I was running the Philippines. If my economic base were going to some other country, I'd be a little unsettled. Hell, we're unsettled, too, when that happens here."

POLITICALLY STABLE

Alexander Calhoun, a San Francisco attorney who has helped Filipinos buy three California banks, said "The political situation everywhere in Asia is not quite as stable as here. So people generally like to have something outside of the country in case things change suddenly."

But increased competition caused by deregulation of the banking industry and uncertainties in the real estate loan market has lessened the attractiveness of banks as an investment, he said.

In fact, three of California's Filipino-owned banks had bad years during the 1970s and 1980s. Their owners were forced to pump millions of dollars in fresh capital into their U.S. banks.

California-Overseas, established in 1976 in Los Angeles by Roberto S. Benedicto, sugar baron and a close friend of President Ferdinand E. Marcos, posted combined operating losses of $7.4 million in 1982 and 1983, according to state banking officials. The bank's ownership has infused more than $30 million in capital into the bank since it opened in 1976. Last year, the bank posted a net profit of $475,000 with no increases in capital.

California-Overseas spokesman Saul Soteras said he had no comment on the losses in 1982 and 1983.

FILIPINO PURCHASE

Redwood Bank of San Francisco was purchased in 1980 by an offshore holding company owned by three Filipino textile magnates for about $15 million, according to a former bank officer, who asked not to be identified. The holding company's president, Dewey Dee, fled the Philippines in 1981 leaving about $90 million in upaid loans behind him.

Redwood Bank lost $26 million from 1982 to 1984, according to the state Superintendent of Banks. The owners infused a total of $22 million into the bank's reserves during that period, state records show.

"You got to work at losing money like that," said Findley, the banking expert. "I am not in a position to make a statement about why they lost the money, but you don't lose $18 million in operations. You lose it by giving it away to bum loans, or having it taken from you in some way."

Records show that the bank was investigated by the Federal Deposit Insurance Corp. for its management and loan practices after its 1980 purchase. Last year, without admitting or denying improper activities, the bank agreed to FDIC-mandated management changes.

The bank's current senior vice president, Bruce Leppla, said Redwood is now showing a profit of $400,000 so far this year.

The millions pumped into the bank show that the owners "believe in the stability and strength of America," he said. "You've got some Philippine owners who say 'We believe in the bank.' You call it flight capital. The other side of that is that . . . my owners believe the U.S. is the land of opportunity and have stood by the bank by putting in more than $21 million."

Century Bank of Los Angeles, owned by five Philippine government agencies, chalked up an operating loss of $755,000 in 1982, according to state banking officials. Merged the next year with the profitable Philippine Bank of California, it reported a net loss of $490,000 in 1984.

The purchase of Century Bank may have cost the Philippine government millions of dollars unnecessarily, said Gilberto Teodoro, chairman of the bank's holding company. He said he suspects that the Philippine government agencies paid "two-and-a-half times" what the bank was worth. The purchase, for $14.75 million "from the Financial Corporation of America, now is the focus of an inquiry by the Philippine National Assembly, Teodoro said.

"They're saying it was bankrupt, why put more money into it?" Teodoro commented. "There are so many things happening back home that are being investigated. It's open season."

MONEY DRAIN

The cash used to cover losses at the struggling banks ultimately had to come from the Philippines, Findley said.

"Whether they borrowed the money from somewhere else (or obtained it directly from the Philippines)—whatever the case might be, it has some impact on the outflow of dollar funds from the Philippines," he said.

Not all Philippine-owned banks in California have had problems. For example, Oceanic Bank of San Francisco, started in 1981 with initial capital of $10 million, has returned profits each year.

Oceanic Bank is held by Allied Banking Corp., which is owned in the Philippines by Lucio Tan, said to be one of President Marcos' closest ties to the islands' Filipino-Chinese business community.

U.S. banks also have been the recipient of capital flight dollars from the Philippines. More than a billion dollars left the Philippines in the three months after the assassination of Benigno S. Aquino Jr., according to a report on Philippine Debt to Foreign Banks by John Lind of the Northern California Interfaith Committee on Corporate Responsibility.

Lind wrote that the money went "primarily to foreign branches of U.S. banks" outside of the Philippines.

Other California banks owned or operated by Filipinos include:

Philippine Commercial & Industrial Bank has an agency in Los Angeles with $16 million in assets, according to state banking records. Chairman of PCIB in the Philippines is Cesar Zalamea, who is a founding director of the Marcos Foundation; International Bank of California, Los Angeles; the Philippine National Bank, Los Angeles; Metropolitan Bank & Trust, San Francisco and ManilaBank California, Los Angeles.

[From the San Jose Mercury News, June 25, 1985]

DOLLAR DRAIN'S LINK TO UNREST IN PHILIPPINES

(By Lewis M. Simons)

MANILA, PHILIPPINES.—The Philippine economy has been gouged so deeply and for so long that most people here have grown apathetic about the practice they call "dollar-salting."

To the man and woman on the street, reports that their impoverished nation's political and business leaders are sending billions of dollars abroad to establish nest eggs are met with acceptance.

"I guess it's one of the main advantages of being in power," Alfredo San Angelo, an unemployed electrician, said in a conversation that was typical of several held in the Metro Manila area.

"Why else be in power if you can't enrich yourself and your family?"

But there is less apathy among a number of Filipino and Western experts, who say that the flow of funds out of the country—estimated as high as $30 billion since the 1950s—has done enormous damage to the economy of the country and threatens its security.

The Philippines now is plaqued by an increasingly challenging communist insurgency. To some analysts, the connection between the drainage of dollars and the rising tide of guerrilla war is not coincidental.

"There is not the slightest doubt that the mind-boggling manipulation of the economy by less than 1 percent of the population has created fertile ground for the communists' appeal among the 99 percent who are havenots," said a Western diplomat here.

The spreading insurgency is of grave concern to the United States, which views it as a direct threat to its vital military bases in the Philippines—bases that most U.S. officers believe are irreplaceable in the Pacific.

Western diplomats in Manila and political opponents of the Marcos regime trace a direct line from peasants exploited by those with wealth and power in such traditional Philippine economic fields as sugar and logging to the spreading insurgency.

CONTRIBUTING FACTOR

"The exploitation of the vast underclass by the handful of rich with political and military connections—the very people who are investing huge fortunes overseas—must be viewed as a fundamental contributing factor to the insurgency," a Western economic analyst said.

A senior Filipino corporate executive put it this way: "The poor have lost all hope. They're ripe for anything that offers change. The insurgency is a direct reflection of the maldistribution of wealth and the salting of dollars overseas is but one example of how horribly twisted things are.

"Unfortunately, we have no one to blame but ourselves. We've slept too long lulled by a corrupt judiciary and a shackled press. I don't know if we're waking up yet. But, even if we are, it may be too late."

Defense Minister Juan Ponce Enrile dismisses such claims.

"Drainage of dollars out of the country has not been raised as an issue by opponents of the regime," Enrile said. "We cannot yet say whether or not this supposed drain contributes in any way to the rising strength of the communists."

MARCOS ALLEGEDLY AT CENTER

According to a number of political and economic analysts, the system of sending money out of the country revolves around President Ferdinand E. Marcos and his wife, Imelda, herself a powerful force in the national government.

In the 20 years of their rule, the Marcoses, these analysts allege, have surrounded themselves with a coterie of Cabinet ministers and business people who have amassed huge fortunes through privileges and favors granted them by the first couple.

In Manila, their stunning wealth is seen in vast mansions, superb art collections, huge staffs of servants, fleets of imported cars and private aircraft. Hedging against the day when this falls apart, these same people also invest their wealth in the United States and elsewhere.

In return for their gain, the privileged few have contributed to the Marcoses' own personal fortunes as well as their political war chests.

"The main characteristic distinguishing the Marcos years from other periods in our economic history has been the trend towards the concentration of power in the hands of the government, and the use of governmental functions to dispense economic privileges to some small factions in the private sector," stated a controversial report published last year by the University of the Phillippines.

COMMISSION APPOINTED

So common and widespread has capital flight become, particulary in the past few years, that President Marcos last year appointed a commission headed by Trade and Industry Minister Roberto V. Ongpin to investigate the dollar salting.

The commission has reported that an estimated $1 billion was drained out of the Philippines in 1983 and about $2 billion last year. But because Marcos and his so-called cronies are widely believed to profit most from the system, few Filipinos have confidence that the commission's net will catch any big fish.

Opposition member of parliament Eva Kalaw has taken preliminary steps toward forming a panel similar to the one that probed the August 1983 assassination of former Sen. Benigno S. Aquino Jr.

The political trauma triggered by the Aquino killing heightened the torrent of dollars and altered the character of overseas investments.

"Ever since the 1950s, dollars would ebb and flow in and out of the Philippines," said an internationally respected Manila banker. "But, after the assassination, the money has stayed overseas and there's litte or no hope that it will ever return."

MARCOS FOES TRACK MONEY BUT KEEP QUIET FOR NOW

(By Katherine Ellison and Pete Carey)

NEW YORK.—They compile files with fervor, trade rumors and hoard rare facts, swear each other to secrecy and wait for the day they know will come the day that President Ferdinand E. Marcos no longer is in power.

Among anti-Marcos activists in the United States, there is a self-appointed group of investigators dedicated to tracking foreign investments by those they call the "cronies"—the powerful political and financial allies of the Philippine president.

Most boast intimate knowledge of the well-concealed business transactions. Several show a clear desire to be thought of as the most in the know. But for now, almost all of the activists are holding their cards close to their vests, claiming that the time isn't ripe for revelations.

"We are keeping tabs on everybody," said New York tax attorney Pompeo Realuyo, 51, a Filipino who claims he has "worldwide contacts" and files full of details on bank accounts and real estate held by wealthy Filipinos. "But I don't want to let the cat out of the bag. No way I'll give it to anyone, not even Uncle Sam."

Realuyo said the purpose of his search, which he claims has lasted more than a decade, is twofold:

"One—the recovery of the stolen wealth that has driven the Philippines to penury. And, two—the punishment of those malefactors. But until we know who will be in power—and unless he is absolutely untainted—it would do no good to let it out."

Realuyo hopes for the day when a new government with no ties to Marcos comes to power. Then, he said, he will file suit on behalf of his homeland to seize the overseas assets of Marcos and his wealthy associates.

In the meantime, the investigating goes on, with a passion mixing patriotic indignation and competitive zeal.

Marcos' allies "have been drumming around," Realuyo said, "trying to find out what has Pompeo got. They know I am the only guy capable of getting hold of these things."

On the opposite side of the country, however, San Francisco anti-Marcos activist Steve Psinakis is equally sure of the value of his information.

"I have a lot of documentation," said the 54-year-old Greek-born businessman. "Verified official documentation from insiders, taped interviews, personal notes kept on microfilms in bank vaults.

"A lot of people are doing the same thing. In my case, of course, I feel I have the most valuable information."

Psinakis began his anti-Marcos activities after his marriage to Presy Lopez, whose wealthy and prominent Manila family for years has been locked in economic rivalry with the president and his first lady, Imelda.

Psinakis said his information includes not only business dealings of Marcos' allies, but details of "corruption, crimes and murders and tortures." Like Realuyo, however, Psinakis insists that release of his findings must be properly timed.

"For now, if this information got out, it would identify those who gave it, including people in the Philippines," he said. "If I had a file disappear, I'd be dead."

Also in San Francisco, 69-year-old Juan G. Frivaldo describes himself as the "boss" of a half-dozen part-time Bay Area probers into Philippine foreign investment. Governor for 18 years of the Sorsogon province in the Philippines, Frivaldo now lives in self-imposed exile, teaching humanities at San Francisco City College.

"As soon as martial law is kicked out," Frivaldo once wrote of the "cronies" in an article, "those smugglers and hoarders will have to be rounded up and explain to the people how they suddenly acquired that wealth."

Psinakis, Frivaldo and Realuyo have legions of comrades. In Los Angeles, Washington, D.C., San Antonio, Texas, and even De Funiak Springs, Fla., Philippine exiles say they are filling notebooks with bits of rumor and fact about the "crony" purchases.

"Any right-thinking Filipino would do something similar," said Buddy Gomez, a Philippine corporate executive-turned-opposition now living in De Funiak Springs. "All those people are enemies of the Philippine republic. We have to know who they are and what they've stolen. We have to hope there'll be a way someday to try to convince them at least to give some of it back."●

FORTIETH ANNIVERSARY OF FIRST ATOMIC BLAST

● Mr. KERRY. Mr. President, yesterday, five of the top scientists who built the first atomic bomb gathered here in the Halls of Congress on the 40th anniversary of the first atomic test to appeal for a nuclear policy which has the explicit objective of reducing the risk of nuclear war.

This appeal was sent to Congress and the President by Manhattan project scientists Robert Bacher, Hans

Bethe, Philip Morrison, Cyril Smith, and Victor Weisskopf.

These were among the men the Nation turned to during World War II to create the first atomic bomb. Since the war, they have devoted themselves to developing new ways of thinking to control the danger of nuclear weapons.

Yesterday, they came to Congress to offer us the benefit of 40 years of thinking about nuclear weapons and their implications—and to abandon for all time the idea of winning a nuclear war.

What they have asked us is to adopt "a policy for nuclear weapons that abandons the two grand illusions of our times: that nuclear warfare can achieve rational military or political objectives, and that a defense of populations against nuclear attack is possible."

Mr. President, I cannot imagine how any Member of this body could believe for an instant that the United States as we know it could survive an all-out Soviet nuclear attack, regardless of whether or not we were to deploy spaced-based ABM star wars systems. As the five scientists said yesterday, the only purpose of nuclear weapons can be to deter use of nuclear weapons by an adversary.

Mutually assured destruction is not merely a policy, Mr. President—it is a technological fact, which will not be changed by the strategic defense initiative, or any other initiative that seeks to win a nuclear war with superior technology.

The action-reaction phenomenon will surely cause any temporary and marginal advantage secured by one side to be met by a response by the other which eliminates it. The end result is that both sides become less secure, as each lives with the fear that in a crisis the other might finally have enough to strike first—and await the ragged response of the reeling target.

Mr. President, we need a new approach, an approach that rejects the idea that we can win a nuclear war, but which focuses on the object of preventing a holocaust greater than any the world has known.

Nobel Peace Prize winner Hans Bethe and former Secretary of Defense Robert McNamara have described an approach that would help lead us to this goal in an article they wrote for the Atlantic, and republished in a report issued by the Union of Concerned Scientists today on the 40th anniversary of the Alamogordo bomb.

The approach suggests that:

Both sides recognize that neither will permit the other to achieve a meaningful superiority and that attempts to gain advantage are dangerous and futile.

The forces pushing each side in the direction of a first-strike posture must be reversed. A stable balance at the lowest possible level should be the goal.

Our technological edge should be exploited vigorously to enhance our security, but in a manner that does not threaten the stability of deterrence.

While technological research cannot be constrained by verifiable agreement, technology itself provides increasingly powerful tools that can be used to impede development and to stop deployment. For example, only an absence of political will hinders a verifiable agreement preventing the deployment of more threatening ballistic missiles, because they require many observable flight tests.

As Jonathan Dean has suggested, the United States has the means to stengthen and to press for arms control in Geneva by proposing an agreement reducing strategic and intermediate-range nuclear warheads by 50 percent and to press for the conclusion of a comprehensive test ban treaty.

At the same time, risk of breakout from the ABM Treaty could be reduced by addressing a number of issues at the Standing Consultative Commission. These include first, seeking a clearer and more precise definition of the distinction between laboratory research and field testing; second, seeking a more explicit definition of ABM components; third, seeking more precisely defined radar restrictions; fourth, adding tactical ballistic missile defense to the coverage of the treaty; fifth, negotiating an ASAT treaty.

It is time that we focus on these approaches and others which are more likely to lead to lowered risk of nuclear war and to abandon the kind of thinking that suggests that we can gain a meaningful advantage over the Soviet Union in the nuclear arms race.

It is well also that we remember the warning of MIT President Paul Gray that SDI is now seeking to corral our best and our brightest into working on the program, and thereby co-opt them into supporting it.

As President Gray has described the Pentagon's approach, "the head of the SDI's Office of Innovative Science and Technology has asserted that the participation of university researchers in SDI-funded projects will add prestige and credibility, and will influence the Congress to be more generous in funding for the program. The impact of this manipulative effort to garner implicit institutional endorsement for SDI comes with special force because of the controversial nature and the unresolved public policy aspects of SDI."

"What I find particularly troublesome about the SDI funding," said Dr. Gray, "is the effort to short-circuit the debate and use MIT and other universities as political instruments in an attempt to obtain implicit insitutional endorsement. This university will not be so used."

I am grateful to Dr. Gray and other Massachusetts scientists and arms and arms control experts for their continuing commitment to our real national interests and real national security; people like Philip Morrison, George Rathjens, Victor Weisskopf, Jerome Wiesner, and Jack Ruina. These scientists will not trim their sails to the prevailing political winds, but continue to insist that the United States chart a course of restraint amid the treacherous water of the nuclear era. We all owe them a continuing debt.

I submit for the RECORD the articles by Jonathan Dean on "The Most Urgent Steps in East-West Arms Control," by Peter Clausen on "Preventing Breakout From the ABM Treaty," and by Richard Garwin on "An Appropriate Ballistic Missile Research Program for the U.S."

The articles follow:

A FIVE-YEAR PROGRAM FOR THE UNITED STATES: THE MOST URGENT STEPS IN EAST-WEST ARMS CONTROL

(By Jonathan Dean)

The United States should propose three arms control steps to be carried out in a five-year period. First, an agreement that would strengthen the Anti-Ballistic Missile (ABM) Treaty and thereby provide both the United States and Soviet Union with assurance that the other country's research into ballistic missile defense could not enable it to deploy comprehensive defenses rapidly in a "breakout" from the ABM Treaty. Second, the United States should propose a reduction cutting the present level of nuclear warheads on strategic and intermediate-range delivery systems by one-half to an equal level of 5500 for each country. Third, the United States should move forward to conclude a comprehensive ban on nuclear testing.

STRENGTHENING THE ABM AGREEMENT

The Soviets will not agree to stop the race in offensive weapons unless the United States provides assurance that it will refrain from field testing and deployment of Star Wars weapons beyond the single system permitted each country under the 1972 Anti-Ballistic Missile Treaty. To this end, the United States should propose to the Soviets continuation in force of the ABM Treaty and its improvement through a supplementary understanding that eliminates existing Treaty ambiguities in the distinction between laboratory research, which is permitted under the treaty, and field testing, which is not permitted; and eliminating ambiguities in definitions of the components of ABM defenses, including radar arrays. Research in defensive weapons would be permitted, but not testing and deployment, unless the superpowers agreed in their regular five-year review to amend the treaty to permit testing or deployment of specified additional defensive systems. A ban on the testing and deployment of anti-satellite weapons (ASATs) is necessary to maintain the integrity of vital U.S. communications links and intelligence sensors and to prevent the undermining of the ABM agreement through deploying weapons with related technology. Field testing and deployment of defenses against tactical ballistic missiles,

which could result in evasion of the ban against testing of ABM components, should also be prohibited.

REDUCING NUCLEAR WARHEADS

On offensive weapons, the United States should propose an agreement reducing strategic and intermediate-range nuclear warheads by 50 percent. The warhead level is a critical element in the U.S.-Soviet military confrontation. Warheads are the lethal part of nuclear weapons, and a telling measure of nuclear capability.

The U.S. proposal should reduce warheads deployed on intercontinental- and intermediate-range delivery systems by one-half over a five-year period to a single level of 5,500 for each side, moving toward elimination of first-strike capability for both countries. To simplify, the nuclear warheads of intercontinental- and intermediate-range ballistic and cruise missiles, and gravity bombs delivered by long-range bombers, should be included in a single total for each country. This total should include warheads on intermediate-range ballistic and cruise missiles deployed in Europe as well as those on intercontinental missiles because, in the nuclear sense, the defense of the United States and the defense of Western Europe are one problem, not two problems; if nuclear war starts in either area, it will almost certainly spread to the other. (The warhead totals are around 11,000 for both countries as of 1985.)

With four exceptions, the United States and the Soviet Union would be free to decide what warheads each would eliminate to reach the 5,500 ceiling.

First, both sides would be required to forgo deployment of any new MIRVed ICBMs (intercontinental ballistic missiles with multiple independently targetable warheads) and MIRVed SLBMs (submarine-launched missiles equipped with multiple independently targetable warheads). Highly accurate MIRVed intercontinental ballistic missiles, like the American MX and the Soviet SS-X-24, are the most dangerous and deadly weapons in the arsenal of either country. Increasingly accurate MIRVed submarine-launched ballistic missiles would give each side an additional potential first-strike capability from the sea. Modernization through deployment of limited-payload single warhead intercontinental- or submarine-launched ballistic missiles would be permitted under the 5,500 warhead limit; this limit would of itself strongly encourage conversion to single warhead missiles so as to increase the number of targets for the other side.

Second, because the Soviet Union's increasing emphasis on accurate intercontinental ballistic missiles with multiple heavy warheads is considered to pose a special threat to American land-based intercontinental missiles, the Soviet Union would be required to include in its reductions a large portion of its nearly 6,000 warheads deployed on a total of only 800 SS-17, -18 and -19 missiles. The Soviet Union is likely to reduce these highly MIRVed missiles and their warheads sharply under any agreement calling for cuts to a 5,500-warhead ceiling in order to avoid concentrating its land-based missiles in a relatively few easily destroyed targets. But if desired to provide extra assurance, the Soviet Union could be required to include a specified number of these heavy warheads in its reductions, while the United States could include a lesser number of warheads from its own accurate Minuteman III missiles. As a consequence, the ratio of accurate and heavy missile warheads to the silos housing intercontinental missiles—one measure of the vulnerability of land-based missiles—would be significantly reduced for both sides.

In addition to reducing its own accurate first-strike weapons, the United States would compensate this specified Soviet reduction by withdrawing its Pershing II missiles from Western Europe, which the Soviets claim could carry out a "decapitating" first strike against Soviet command and control installations. (Some American ground-launched cruise missiles deployed in Europe could remain even after reductions.) Under the prohibition on MIRVed SLBMs described above, the United States would also relinquish deployment of the Trident 2 D-5 submarine-launched missile. Moreover, in agreeing to the proposed reductions, the Soviet Union would be expected to take into account the forthcoming U.S. position on SDI.

Third, the Soviet Union would be required to reduce its intermediate-range SS-20s deployed in Europe to a total roughly matching present French and UK nuclear forces; SS-20s deployed in Asia would be capped at their present level. (In any event, the Soviet Union would probably reduce its SS-20s sharply to meet the 5,500-warhead requirement if it wished to avoid still further cuts in its intercontinental-range forces.) The United States would not compensate the Soviet Union for the present level of UK and French nuclear warheads or suggest a limit on them, but would give the Soviet Union assurances covering some adjustment in U.S. warhead levels for the event of major increases in UK or French warhead totals. (The United Kingdom would of course be forgoing Trident D-5 deployment because of the cancellation of American deployment.)

Warheads would be reduced by dismantling and removing their launchers. The remaining deployed launchers would provide the basis for verification. The maximum number of warheads delivered by each missile type in tests is known. As established in SALT II, each side would assume for purposes of verification that each missile carried this maximum number. The United States and the Soviet Union would affirm their intention not to undercut SALT I and SALT II; limitations established there would continue in effect until revised by agreement.

Fourth, sea-launched cruise missiles (SLCMs) would be banned by both sides. The rationale for deploying nuclear sea-launched cruise missiles is questionable at best. The administration says they are needed as a "strategic reserve," presumably for a "protracted" nuclear war. But large-scale deployment of these weapons by both sides—the United States has already started to do so and the Soviet Union is testing—would make impossible any agreement to make major reductions of land- and submarine-based intercontinental ballistic missile warheads. Sea-launched cruise missiles equipped with nuclear warheads would be very hard to verify, as it is impossible to distinguish between the conventional and nuclear types without first-hand inspection. Conventional cruise missiles are not needed to secure the navies of either side, which have many other weapons. Both types should be banned for both countries.

COMPLETING NEGOTIATION OF COMPREHENSIVE TEST BAN

The United States should press for conclusion of a Comprehensive Test Ban Treaty (CTBT), which would forbid all underground nuclear tests or, alternatively tests above some very low threshold in the one-to-several kiloton range. Recently, technical advisory panels to the Defense Department and the CIA have confirmed analysis [1] demonstrating that the Soviet Union is in compliance with the Threshold Test Ban Treaty, which allows underground test up to 150 kilotons. That same method of analysis [2] can, with high confidence, distinguish earthquakes from nuclear explosions of very low yield. It thereby answers doubt concerning our ability to verify a CTBT.

PREVENTING BREAKOUT FROM THE ABM TREATY

(Peter Clausen)

Under article I of the 1972 ABM Treaty, "Each Party undertakes not to deploy ABM systems for a defense of its country and not to provide a base for such a defense." The treaty and its 1974 Protocol permit each country a single ABM deployment, consisting of no more than 100 interceptors and centered either on the national capital or an ICBM silo field. The Soviet Union currently deploys a permitted ABM system—the Galosh system around Moscow—while the United States does not.

The treaty allows development and testing of fixed-site, land-based ABM systems and components at specified test ranges. It prohibits development and testing of ABM systems and components that are space-based, sea-based, or mobile land-based. An agreed statement appended to the treaty provides that ABM systems and components based on "other physical principles" than interceptor missiles and radar sensors cannot be deployed without amending the treaty. These technologies may be developed and tested under the same restrictions that apply to traditional ABM systems. Finally the treaty imposes restrictions on early warning radar, which must be located on the periphery of the national territory and oriented outward, and on non-ABM weapons (such as air defenses, ASATs, or ICBMs), which must not be given ABM capabilities or tested in an ABM mode.

These restrictions on ABM development are intended to give the treaty a margin of safety by preventing either country from laying the groundwork for a "breakout"—the rapid development of an extensive ABM system. However, as a result of technological evolution and the actions of both parties, this margin of safety is now eroding. Both the United States and the Soviet Union have reason to question the other's Commitment to the ABM Treaty. U.S. concerns include the large phased array radar under construction at Krasnoyarsk, and new Soviet air defenses that are designed to have an anti-tactical missile (ATM) capability and may have some effectiveness against strategic ballistic missiles. The Soviet Union is concerned about the Strategic Defense Initiative (SDI), which, in addition to pursuing an ultimate objective that is clearly prohibited by the treaty, includes near-term technology demonstrations that are at least questionable under the treaty's provisions.

It is essential to stem this erosion and to restore confidence in the ABM Treaty by alleviating the two parties' concerns. A self-reinforcing cycle of mutual breakout fears will lead to protective actions by both parties and ultimately undermine the treaty. Since

[1] See *Science*, 31 May, 1985, p. 1072.

[2] See L.R. Sykes and J.F. Evernden, *Scientific American*, October, 1982, pp. 47-55.

these fears are fed by "worst-case" perceptions of intentions and capabilities, professions of formal compliance with the treaty's provisions will not solve the problem. If the parties proceed to exploit the treaty's loopholes to the fullest, and/or commit themselves politically to objectives that are incompatible with the treaty, the erosion will continue even if both countries' legal advisers insist that they are technically in compliance.

Maintaining the ABM Treaty requires both a political reaffirmation of the two parties' continuing commitment to its objectives and a series of practical steps to clarify ambiguities and close loopholes in the treaty text. The increased assurance for both countries which will result from these changes will be the best safeguard against breakout. The following issues in particular need to be addressed.

1. Distinction between permitted laboratory research and prohibited field testing. This distinction is inherently imprecise but crucial, given that a total ban on ABM research is not verifiable. According to the U.S. interpretation offered during the Senate ratification hearings, "The prohibitions on development contained in the ABM Treaty would start at that part of the development process where field testing is initiated on either a prototype or breadboard model. It was understood by both sides that the prohibition on 'development' applies to activities involved after a component moves from the laboratory development and testing stage to the field testing stage, wherever performed." However, the SDI program plan includes a number of technology demonstrations or "experiments" that are, in effect, field tests. A clearer, agreed definition of the threshold between permitted and proscribed activities should be worked out among the negotiators at Geneva in the Standing Consultative Commission (SCC).

2. A more explicit definition of ABM components. The Reagan administration has attempted to reconcile the SDI technology demonstrations with the ABM Treaty provisions in part by defining the systems to be tested as "subcomponents" or "adjuncts" rather than ABM components per se. Use of the first term implies that the treaty restrictions on development and testing apply only to the largest components of ABM systems, in particular interceptors, launchers, and radar. The term "adjunct" implies that a given technology is intended to operate in conjunction with a major ABM component (e.g., an airborne optical sensor working in conjunction with a ground-based radar) rather than substituting for it. Legal specialists knowledgeable about the ABM Treaty negotiations dispute the administration view and regard some of the planned SDI tests as inconsistent with the treaty. At the very least, these tests will move the United States deep into gray areas of the treaty, and they will certainly be perceived as violations by the Soviets. It is unrealistic to expect that the United States can proceed with the full SDI program over the rest of the 1980s while simultaneously reversing the erosion of the ABM Treaty (the avowed US objective, as stated by administration leaders).

3. More precisely defined radar restrictions. The United States has questioned the legality of the large phased-array radar being built by the Soviet Union at Krasnoyarsk. Under the treaty, this radar would be prohibited whether intended for ABM battle management or for early warning of attack (the latter being the more likely purpose, according to many experts). The Soviets maintain, however, that the radar is for the permitted function of tracking space objects, and in turn charge that the new U.S. "PAVE PAWS" early warning radars violate treaty restrictions. Resolution of these issues is critical to any reestablishment of long-term confidence in the treaty. Possible solutions might include a ban on new large phased-array radars for any purpose or a tightening of treaty language on permitted radar types and charactertistics. Such an agreement might either require that radars in both countries that are the current focus of controversy be modified or that no further radars of either type be constructed.

4. Tactical ballistic missile defense. The treaty defines ABM as a system "to counter strategic ballistic missiles or their elements in flight trajectory," and thus implicitly allows the deployment of defenses against short-range ballistic missiles. This loophole was originally sought by the United States to accommodate a NATO ATM system, but it is the Soviets who have taken best advantage of it in practice. The newest Soviet air defense system, the SA-12, is assumed to have some effectiveness against tactical and theater-range ballistic missiles, and has reportedly been tested against the former. The NATO Patriot system now in development is intended to have a similar dual capability. The treaty forbids giving such systems ABM capabilities or testing them in an ABM mode, but these restrictions are in practice very imprecise, especially for defense against intermediate-range missiles whose trajectories may be quite similar to those of SLBMs. Because ATMs seem destined to erode the effectiveness of the ABM Treaty and to invite growing controversies over compliance, they should be prohibited by agreement.

5. Anti-satellite weapons. ASATs are another increasingly relevant loophole in the ABM Treaty. Given the substantial overlap between ASAT and advanced ABM technologies, the development and testing of anti-satellite weapons offers a stepping stone to missile defenses within the formal constraints of the ABM Treaty. Reagan administration officials have explicitly acknowledged that the SDI will exploit this loophole, and this if of course one reason for the current US opposition to an ASAT treaty. However, ASAT restrictions are an essential part of any serious effort to shore up the ABM Treaty. A ban on the testing of dedicated ASAT weapons would significantly strengthen the treaty (in addition to capping the development of US and Soviet ASAT capabilities before these weapons become a dangerously destabilizing addition to the arms race). A test ban could be adequately verified (in contrast to a total ban on ASAT possession) gives the characteristics of the existing U.S. and Soviet ASAT systems. While new ASAT technologies could be researched under such a treaty, these would not be reliable, operational weapons in the absence of extensive testing.

An Appropriate Ballistic Missile Research Program for the United States

(Richard Garwin)

The purpose of technology development and research is not industrial competitiveness, not eliminating a "strategic defense expenditure gap," and not "to try something new now that arms control has failed." The purpose of strategic defense R&D is to maintain and, if possible, strengthen deterrence; to reduce damage if deterrence fails; and, as much as possible, to prevent the Soviet Union from moving in directions dangerous to U.S. and Western security.

This program is based on the consensus in the technical community, both within the government and outside, that the Soviet Union cannot be prevented from delivering numbers of nuclear weapons capable of destroying U.S. society, and therefore the United States also will have to maintain strategic offensive forces capable of retaliation—in order to deter Soviet attack, blackmail, and the like.

Given that only about 20 percent of U.S. strategic retaliatory warheads are in the land-based ICBM force, which are assumed to be vulnerable to accurate, numerous, Soviet MIRVs, it would be foolhardy to increase the survival of these 20 percent from zero to perfect, if that meant freeing the Soviet Union to provide a BMD system capable even of 50 percent attrition against all U.S. strategic ballistic missiles. Assuming 60 percent of the submarines at sea, this would bring us from our present 60 percent of the strategic warheads landing on their targets to something like 40 percent—hardly a good return on a massive investment in perfect defense of the land-based retaliatory force.

This is a graphic example of the proposition that "improving the survivability of the strategic retaliatory force" is best done within the ABM Treaty, because to abandon the ABM Treaty would give up the penetration capability of our entire ballistic missile force, jettison all agreed limitations on Soviet strategic offensive warheads, and, indeed, probably all other restraints on Soviet activities.

We who live in the glass house of deterrence not only shouldn't throw stones, but we should not do the R&D to teach others to throw stones.

DEPLOYABLE SYSTEMS

To guard against accidental launch of U.S. and Soviet missiles (which seems to be a substantial fear of many who advocate the SDI), we should move to install a "command destruct" link in our operational force, providing non-survivable transmitters and a communication system capable in peacetime of disarming and destroying our own missiles after launch. We could have a formal or informal agreement with the Soviet Union that they would do the same. Evidently, the Soviet Union does not want to destroy the United States by accident, whether or not they want to destroy us on purpose. This command-destruct link is used in every U.S. missile test, so that the range safety officer can destroy an errant missile.

To counter "rogue nation launch of ICBMs," we should review and augment the peacetime capability of our infrared (IR) surveillance systems for tracking one or a few boosters, and examine the potential of use of the Minuteman-II nuclear-armed ICBM to make a point-in-space intercept. We should also review and have contingency plans for before-launch covert action against such a clear threat to U.S. security.

DEVELOPMENT OF SYSTEMS FOR POTENTIAL DEPLOYMENT

Systems that would defend numerous ICBM silos are not in themselves destabilizing. The problem has always been that such systems are not unambiguously silo defense, but, if provided with substantial growth capability, could appear to defend large areas of the nation and thereby imperil the ABM Treaty. Two such unambiguous silo-defense systems are the SWARMJET multiple-launch system of few-kg rockets, to inter-

cept incoming RVs at a distance of 500–1,000 meters from the individual silo, triggered by expendable micro-silo-based radars. The SWARMJET launchers, like the radars before they are exposed, are as hard as the ICBM silos. Radars are very cheap, so that after each explosion of an enemy RV, new radars can be brought into the fray at a cost-effective exchange ratio, and the SWARMJET launchers are never exposed except to expend their interceptor swarms.

SWARMJET has problems with handling close-spaced RVs, since the initial nuclear explosions blow later SWARMJET unguided rockets off course. Development would be useful on extremely fast-burn carrier rockets for projecting 1,000 2-kg darts to a distance of 500–1,000 meters within 2 seconds; the large carriers could be stabilized against crosswinds.

Some $50 million total would be useful to provide full-scale development and test of SWARMJET options, bringing it to a deployable status.

A second unambiguous silo-defense system, judged effective by the Army Ballistic Missile Defense Program Office (BMDPO), but not avidly desired by U.S. governments thus far, would use crude silo-based radars to trigger the explosion of a 100-kiloton nuclear explosive buried in the ground one kilometer north of each ICBM silo. The 100 kilotons of earth blown into the air by such an explosion would bar access to any number of enemy RVs over a period of many minutes, allowing retaliatory strike. The nuclear weapons laboratories should be supported in the application of Plowshare technology (explored aggressively in the 1960s for digging of canals and nuclear excavation) to provide such explosions with minimal fallout. A 100-kiloton explosion need only have about 3 kilotons of fission energy, and the neutrons from the explosive could be kept from activating the soil by a surround of borated water. Indeed, the material of the nuclear explosive could be forced to enter a well below the explosive, where it would be trapped and kept from the atmosphere. In any case, an effective defense of this type would never contribute fallout, because the silo would never be attacked if the exchange ratio were favorable to the defense.

COUNTERS TO THE SOVIET BMD

Since the United States must retain its deterrent retaliatory capability, we must be assured that the Soviet Union cannot "breakout" of the BMD Treaty with an effective defense of its territory and society. To this end, we should have an aggressive program for development and test of penetration aids, so that a Soviet "conventional BMD"—terminal nuclear-armed interceptors—would be defeated by US high-altitude decoys, ladder-down techniques, and the like. The SDI program has nothing to do with penetration of Soviet defenses—old-fashioned or new, and this must be a prime aspect of US BMD research, as it was until March 1983.

The United States should explore what the Soviets are doing and might do in "exotic BMD," including space-based lasers, and the like. But in the spirit of "not showing the Soviet Union how to throw stones," we should not bring our investigations to the point of demonstrating such capabilities, or even of high confidence that such capabilities can exist. Rather, we should concentrate on countermeasures to such capabilities—a much easier job.

Generic countermeasures include space mines, and we should do research in the laboratory and even development of such space mines—but without tests in space. Similarly, we should explore on paper the potential of nuclear-armed BMD interceptors, such as the SPRINT and SPARTAN missiles, to destroy possible Soviet BMD satellites. It is important to do this work early, with a commitment to success, in order to deter Soviet evolution in this direction.

The United States should observe a moratorium on nuclear explosions, so long as the Soviet Union does. Because a Comprehensive Test Ban Treaty would be in U.S. interest, we should therefore not count on development of the x-ray laser (which must be powered by a nuclear explosion) to help in countering Soviet attack.

ROBUST WARNING OF NUCLEAR ATTACK

Although it is beyond our means to provide cost-effective protection of our society against nuclear attack, it is important to have reliable warning and assessment. The replicated low-performance IR satellite sensors of ICBM and SLBM boost described in my 1979 International Security paper, "Launch Under Attack . . .",[1] provide a robust, affordable early warning system. The satellites should be developed, together with the communication system to support the assessment of attack and control of the forces.

Reasoning from the magnitude of the BMD research program before the president's March 23, 1983, Star Wars speech, a constant level of $1.4 billion should be adequate to support an aggressive development and assessment program.

Of course, at the same time, we should seek to strengthen adherence to the ABM Treaty, to negotiate a ban on ASAT tests and on space weapons, and to negotiate a CTBT.●

RAOUL WALLENBERG

● Mr. BOSCHWITZ. Mr. President, I rise today to honor Raoul Wallenberg, the famous Swedish diplomat who saved tens of thousands of people from the hands of the Nazis during World War II. Recently in my home State of Minnesota, State Representative Wesley Skoglund had the pleasure of introducing four members of the Raoul Wallenberg Association of Sweden to the Minnesota House of Representatives. I ask that his remarks be entered in the RECORD as a tribute to Raoul Wallenberg Association and the man it honors.

The remarks follow:

STATEMENT OF MINNESOTA STATE REPRESENTATIVE WESLEY J. SKOGLUND

Mr. Speaker, Members of the House . . .

One of the privileges of serving in the House of Representatives is having the opportunity to meet people, prominent in the making of our civilization.

This afternoon I rise to a point of personal privilege to introduce some very special guests to the body.

Wars produce many heroes and a lot more victims. All of us in this Chamber represent people in our district who fall in both categories; some Members of this House personally qualify for both distinctions.

Today, we are fortunate to have with us a group of people representing someone who has been called the "greatest 'life-saving' hero" of World War II, Mr. Raoul Wallenberg.

Raoul Wallenberg is a Swede who volunteered to serve the American Government to save Jews and other religious minorities in Hungary from being exterminated by Hitler's number one murderer—Adolph Eichmann.

As a citizen of Sweden, a neutral country, Wallenberg went to Hungary and established himself as secretary of the Swedish Legation. By a variety of daring, cunning, and heroic measures, Wallenberg implemented a number of schemes to rescue Jews who were destined for the gas chambers. Most of his tactics required his personal intervention. Daily he faced death and was even ordered to be killed by Adolph Eichmann. However, through bravado, cszupath, brains, and the grace of God, he avoided that fate.

All told, this "modern day Moses" personally saved over 20,000 Jews by intervening when the SS or its Hungarian counterpart, the Arrow Cross, attempted to arrest them. He literally pulled Hungarian Jews from trains departing for the death camps and claimed these people were Swedish citizens.

Through several other ingenious means, ranging from bribery, to blackmail of Nazis, to others, such as saying a ghetto had to be quarantined and any Nazis who entered would get typhoid fever, he saved an additional 70,000 to 80,000 people.

However, like Moses, who never reached the promised land, neither did Raoul Wallenberg. When the Russians captured Budapest, Wallenberg's "reward" was arrest and life-time imprisonment in a Gulag somewhere in the Soviet Union. In 1957, after 12 years of saying Wallenberg wasn't there, Andrei Gromyko said that Mr. Wallenberg died of a "heart attack" in his early 30's. However, since that time there have been at least 20 reports from former inmates, now released from Soviet prisons, who had direct contact with this famous Swede, one being as recent as 1975. Today, new hope arises for information about Raoul Wallenberg with the change in Soviet leadership.

Twice Wallenberg was nominated for the Nobel peace prize—the first time by Albert Einstein and the second time in 1981.

Also in 1981, the Minnesota Legislature made Wallenberg a citizen of our State—an honor never given to anyone else. Later that year, the U.S. Congress, and the President, made Raoul Wallenberg an honorary citizen of the United States—an honor that has only been given to General Lafayette and Winston Churchill.

In recognizing Raoul Wallenberg's contribution to our world, we recognize everything that is good and noble in all of us and reaffirm our stand for justice and freedom that millions had to die for.

Today, continuing that work in attempting to free Raoul Wallenberg and to fight for the principles that all of us hold dear, we have a distinguished group of people who I would like to introduce.

First, Mr. Raoul Wallenberg's sister, Ms. Nina Lagergren. Ms. Lagergren spearheads the Raoul Wallenberg movement and has been here in Minnesota to premiere a 4-hour movie to be broadcast in April, on NBC, about her brother and in his honor and to open a concert about the holocaust.

Accompanying her is Mr. Per Anger, the former Swedish Ambassador to Canada and Australia. Mr. Anger served in Budapest

[1] R.L. Garwin, "Launch Under Attack—Kill or Cure?" Paper delivered to the 31st Pugwash Conference, Banff, Canada, August 28, 1981. R.L. Garwin, "Launch Under Attack to Redress Minuteman Vulnerability?" International Security, 4 (no. 3): 117–139.

with Wallenberg and personally stood face-to-face with Nazis to save people from death in Hitler's gas chambers.

Also, we are honored to have Ms. Ingrid Garde Widemare, a former Swedish legislator and a former Swedish Supreme Court Justice. Ms. Widemara is chairman of the Raoul Wallenberg Association.

Accompanying them is Mr. Karl-Eric Andersson, who is the consul general of the Swedish Consulate in Minneapolis.

Their American escort is Ms. Candy Johnson-Rausch, from Roseville, who arranged the visit of this distinguished party.

I would like to ask this Chamber's body to give them the welcome that people who represent freedom so strongly deserve.●

THE IMPACT OF TAX REFORM ON OIL AND GAS PRODUCTION INDUSTRY

● Mr. JOHNSTON. Mr. President, today I testified before the Senate Finance Committee on the impact of tax reform on the oil and gas industry. I ask that a copy of my remarks be included in the RECORD.

The remarks follow:

STATEMENT OF SENATOR J. BENNETT JOHNSTON ON THE IMPACT OF TAX REFORM ON THE OIL AND GAS PRODUCTION INDUSTRY

Mr. Chairman, Louisiana's unemployment rate is 11.2 percent and rising. This rate is 4 percent higher than the national average; and, in sections of the state that are most directly involved with oil and gas and petrochemical production, the rate is even higher. For example, the chemical industry is the prime employer in Lake Charles where unemployment exceeds 14 percent.

Throughout the state, chemical manufacturing plants and refineries are laying off employees or completely shutting down. For example, at one time Ethyl Corporation was the largest industrial employer in the Baton Rouge area. Earlier this month it announced that it was completely shutting down its chemical manufacturing plant and thus putting 700 people out of work. In March, American Hoechst laid off 150 workers and, during the past two years Kaiser has reduced its work force from 5,000 to 1,700. The 1,700 employees who are left gave up $4.50 in salary and benefits to retain their jobs.

Mr. Chairman, 62 of Louisiana's 64 parishes are involved in oil and gas production. In January 1985, 81,000 individuals were involved in oil and gas extraction activity. By May, this number has decreased to 79,200. That represents a 2.2 percent decrease in just five months. Activity of this nature is occurring in every sector of my State's energy production industry and I do not know how much more we can take. Neighboring States are also in bad shape, but I will let them speak for themselves.

This bleak economic condition is directly caused by the recession in the oil and gas industry. For example, in the first week of June, only 1,821, or 40 percent of rotary drilling rigs were operating in the United States. The other 60 percent are idle. In Louisiana, the oil and gas industry is the backbone of the State's economy; it pays out more than $3 billion in earnings to 120,000 workers. In FY 84, severance tax collections exceeded $800 million; and bonuses, royalties, and rental payments totaled $500 million. Thus you can see that this industry directly pumps more than $1.3 billion annually into the State's treasury; and these figures do not even begin to account for income that is derived from businesses that provide support services to the oil and gas industry. Taken together, it is clear that in Louisiana idle drilling rigs translate into unemployment and State revenue loss.

Mr. Chairman, the condition of the world oil market is partially responsible for the poor condition of our domestic oil and gas industry. This market is suffering a production surplus which is causing prices to fall. On a world basis, the surplus has caused oil prices to decrease from a high of $34 per barrel in 1982 to $26 per barrel in June 1985. Just last week Mexico announced that it was further reducing the price of its oil by approximately $1.25 per barrel and experts predict that within months world oil prices could decline to $20 per barrel. While declining prices fare well for the consumer, they create havoc for the domestic energy production industry.

Declining oil prices not only affect the health of the oil and gas production industry, but also severely affect downstream activities, such as refining and marketing, as well as businesses that provide support services to the oil and gas industry. In 1984, Louisiana's operating refining capacity was below the national average and it does not appear that this trend will improve in 1985.

Despite a recent $1 billion tax increase, the state's FY86 deficit is expected to reach $200 million, and that is based on a high oil price projection. It is generally believed that each dollar decline in crude oil prices costs Louisiana $32 million yearly in direct revenues; i.e., royalties and severance taxes.

Consequently, I have a direct and parochial interest in any legislation affecting oil and gas. Any further blow to the oil and gas industry would move it from the infirmary to the morgue.

In this regard, Mr. Chairman, I was deeply upset when Treasury I proposed eliminating virtually all of the oil and gas tax provisions. Clearly gains have been made and Treasury II is a more appealing proposal; however, it is not perfect, and, I fear that its adoption will add one more nail to the coffin of an already beleagured industry. In Louisiana, it will result in less exploration and production, loss of employment and a reduction to our oil and gas reserves.

Mr. Chairman, the most onerous energy related provision of Treasury II is the proposal to repeal percentage depletion. Depletion is to natural resources what depreciation is to equipment. It is a means of recognizing consumption of a finite asset. Percentage depletion, was adopted in 1926 to further encourage the search for oil and, throughout the subsequent 60 years, it has become an integral part of the oil and gas industry. Today it is only available to independent producers and royalty owners and is used by them to entice outside capital to an inherently risky investment. With the current industry recession, it is an essential component of the industry's survival.

Mr. Chairman, the Interstate Oil Compact recently completed a study which shows that between 1986 and 1991 repeal of percentage depletion will have an enormous impact on the national and Louisiana energy production industries. I would like to share with you some of the IOCC's findings.

Average impact 1986–91	National	Louisiana
Reduction in annual drilling expenditures.	$932,000,000/year	$243,000,000/year.
Reduction in jobs	46,500/year	12,150/year.
Reduction in number of wells drilled.	2,500/year	654/year.
Reduction in drilling rigs in operation.	90/year	24/year.
Reduction in oil and gas production.	41,000 BOE per day	10,700 BOE per day.
Reduction in annual oil and gas revenues.	$294,000,000/year	$76,000,000/year.
Reduction in severance tax payments.	$24,000,000/year	$10,000,000/year.
Reduction in oil and gas reserves added [1].	465,000,000 BOE	121,000,000 BOE.

[1] Reserves are cumulative 1986–91. All other numbers are averages per year.

Mr. Chairman, as you can see, repeal of percentage depletion will result in roughly 12,000 Louisianians losing their job each year for the period 1986–1991. That represents an annual decline of 10 percent of all individuals who are employed by the State's oil and gas production industry.

Repeal of percentage depletion will also decrease the State's severance tax collections by an average of $10 million per year for the same period. That represents an annual decrease of 12.5 percent. My state's economy simply cannot sustain losses of this magnitude.

Mr. Chairman, the findings of the IOCC study also indicate that percentage depletion is an efficient and cost effective incentive to encourage energy production. This is especially evident when you compare the cost of the current SPRO program with the revenue that will be raised should percentage depletion be repealed. The IOCC study indicates that by repealing percentage depletion we can expect our reserves to be reduced by 465 million BOE during the 1986 to 1991 period. By foregoing this drilling, the Treasury expects to collect an additional $4.2 billion in tax revenues. However, the reserve's loss exceed the 451 billion BOE stored in the SPRO at a cost to the Treasury of $14.5 billion. Therefore, it appears that the Federal government could have saved $10.3 billion by doing nothing.

Mr. Chairman, as I mentioned earlier, oil and gas production is an inherently risky investment. This risk is real and is supported by statistics. 70 percent of all wells and 21 percent of all development wells are dry holes. In 1983, the direct cost of these wells amounted to $7.75 billion; or, 31 percent of total U.S. drilling and well equipment expenditures. It has been suggested that without tax incentives, the increased risk could be recouped by increased wellhead prices. However, given our world oil glut, it is unlikely that oil prices will adequately compensate investors for the risk factor of their investment.

Of equal importance, Mr. Chairman, is the fact that under current law percentage depletion is only available to independent producers. Therefore, repeal of this provision will disproportionately affect one of the most important sectors of the oil and gas production industry. The importance of independents to the industry cannot be overstated. Historically, independents have accounted for 90 percent of wildcat drilling and 85 percent of all domestic drilling, both onshore and offshore. Independents find more than 80 percent of significant new discoveries and have accounted for 56 percent of new reserves found. Without the contributions of independents, domestic production today would be about 1.1 million barrels per day below the 1979 production rate. Recent reports indicate that under Treasury II independents would see their profitability decline an equivalent of $2 to $3 barrel of oil

for onshore and offshore drilling projects. This would translate into a decline in production of about 130,000 barrels a day by 1990. It is simply too high a price to pay for tax simplification.

Finally, Mr. Chairman, I would like to remind the Committee that a viable U.S. petroleum industry is an essential component of national security. One need only recall the energy crises of the 1970's to realize the importance of maintaining a workable energy production industry. I hope that we have learned our lessons; and will not do anything to increase the risk that our nation will once again be hostage to OPEC for our energy requirements.

Mr. Chairman, I sincerely question the wisdom of repealing percentage depletion and urge the committee to reject this proposal. I will be pleased to answer any questions you may have.●

SALUTE TO LUCY HARTWELL AND GLORIA CONGDON

● Mr. DURENBERGER. Mr. President, I am proud to say that over the past 10 years, residents of my home State of Minnesota have been among the most generous and hospitable in welcoming newly arrived refugees to this country from the war-torn nations of Southeast Asia.

Although an accurate count is not available, there are now an estimated 26,000 individuals from the nations of Vietnam, Cambodia, and Laos who have made their homes in Minnesota.

The large majority of these new residents have made the transition to living in a new country with a very different climate with remarkable success. There have been many difficult challenges along the way, however, and this transition would not have been possible without the generous assistance of thousands of Minnesotans working through their churches and other organizations.

Two of these individuals are Lucy Hartwell and Gloria Congdon who were recently honored by the Minneapolis Rotary Club for their efforts in behalf of the 8,500 member Hmong community now living in Minnesota.

For the past 2½ years, Lucy and Gloria have contributed thousands of dollars and much of their time to establishment of the Hmong Folk Art Center. The center is actually a store located in south Minneapolis which sells the intricate needlework made by Hmong women. More than 600 Hmong women now sell their needlework from this store, receiving all the income from the sales except what is needed to meet the expenses of the operation. Neither Lucy Hartwell or Gloria Congdon have received compensation for their work on the project.

Because of the outstanding contributions made by these two women, and because of the spirit of generosity and good will among peoples represented by this project, I ask that the following article be printed at this point in the RECORD.

The article follows:

HMONG ART CENTER GREW OUT OF VOW TO HELP

(By Wendy S. Tai)

Lucy Hartwell remembers sitting in her kitchen and trying to explain the Holocaust to her teen-aged son 10 years ago. He had asked, "How could you just sit there and not do anything when you know what's going on?

Though she was a grade-school girl at the time of the Holocaust, she was deeply touched by her son's remark. She vowed that if she ever learned of a tragedy again, she would act. In 1982, after becoming aware of the desperate plight of the Hmong, Hartwell and a friend founded the Hmong Folk Art center, a store on Hennepin Av. that sells the intricate needlework made by Hmong women.

"You just feel you're in the right place at the right time," Hartwell said Friday after she received the Service Above Self Award from the Minneapolis Rotary Club. "So often in life you pray to be in the right place at the right time . . . I feel very privileged."

In the past 2½ years, she and cofounder Gloria Congdon have contributed thousand of dollars, long days and nights "and in-between and in our dreams" to help the Hmong, Hartwell said. She and Congdon take no money; the 615 Hmong women who sell art there set their own prices.

"It's more than a business," the Wayzata mother of four said. "We do have goals, such as to help them become sufficient, (be) a link with the Hmong community, to help them find happiness in their new home. We don't think in terms of dollars and cents."

The nonprofit center is a way for the Hmong women to earn some money from a centuries-old skill that's passed from mothers to daughters, but one that may die eventually because young girls here don't seem interested, Hartwell said.

It also provides an outlet for an art that's evolving through the Hmong's experiences, such as the "story blankets" that depict life in their homeland and other scenes.

First you'd see a stick elephant, a rat, a monkey," Hartwell said. "Six months later, we started to see people. Six months later, the people are moving. It's very informative." A tapestry of the detailed needlework can take up to a year of full-time work to finish, she said.

Hartwell, 51, wearing a pink "Lucy Dress" the Hmong designed for her, said the idea for a store came to her suddenly in 1982. "I don't know why the idea flashed in my mind," she said. "We had a lot of people who thought we were crazy, but we both felt it was the right thing to do."

But the decision to open the store was much more than happenstance. She first heard about the villagers in Laos about two years earlier in a magazine article. She said she cried.

The first meeting occurred several months later, when the magazine writer was in Minnesota to do a follow-up story. Hartwell and her husband, John, listened to the Hmong accounts of their aiding the United States in a secret war in Laos, of injuries that never heal and of surviving in the jungle.

"We were almost sick to our stomachs," she recalled.

The first store opened in October 1982, at 2411 Hennepin Av. S., with work from 20 Hmong women in Minnesota. "We laughed so much together. We made so many mistakes," Hartwell said. "We were really confused with numbers."

The stored moved to the present site at 3037 Hennepin Av. S., near Calhoun Square, in March 1984, and will be inside the square in August.

It now takes work from 615 women, most from Minnesota, she said. "Whatever (price) they want, they get," she said. Another 30 percent is then added to the price to cover the cost of running the store.

Hartwell and Congdon have employed four Hmong women at the store full time; Congdon works with dress designs and custom orders. Hartwell will take over fund raising this year. The $1,000 she received from the Rotary yesterday will go to the store.

"I'm proud of the Hmong people and what they've accomplished," she said, crediting much of the work to Congdon, the Hmong women and many volunteers, including her husband, who help at the store. "I think I've been so enriched by the many, many people who have touched my life through this, Hmong and Americans. Everyday it's very inspirational."●

TRIBUTE TO MRS. BRIGITTE GERNEY

● Mr. MOYNIHAN. Mr. President, some weeks ago in New York City, a large construction crane collapsed, trapping Mrs. Brigitte Gerney beneath it. The city and the Nation were horrified by this calamity, and inspired by the remarkable story that ensued.

Mrs. Gerney remained pinned under that 35-ton weight for 6 hours. Withal, she remained conscious, calm and composed, hopeful and prayerful, never complaining.

In the press, attention to Mrs. Gerney's case has faded following the mishap. The Senate will be heartened to know, however, that her condition has improved greatly. Doctors fully expect that Mrs. Gerney will be able to walk again, and she could be released from Bellevue Hospital within 1 month.

Mr. President, Mrs. Brigitte Gerney's courage and fortitude inspired us all, and for this we salute and thank her.●

ORDER OF BUSINESS

Mr. DOLE. Mr. President, it is my understanding that we are going to go out here very quickly. There are only a couple of items of business, unfortunately.

Let me say to my colleagues that there are a number of bills we hope to dispose of this month. I should think most of it could be done in rather short order if there is a willingness on the part of the Members to cooperate.

I also indicate to Members that for September and October, the schedule is already crowded, so it would be in their interest to bring up these bills in July under some time agreement or possibly even work it out so we could handle bills in wrap-up sessions, as we do frequently. That is a matter that

might be of interest to a number of Members on each side.

REYNOLDS NOMINATION

I also indicate that having visited with the members of the administration, it is not the intention of the majority leader to attempt to discharge the Judiciary Committee from further consideration of the nomination of Bradford Reynolds. In my view, had Mr. Reynolds' nomination come to the Senate floor, it could have been confirmed, but I am advised that the administration and members of the administration, after consultation with Mr. Meese, Mr. Reynolds, the chief of staff, Donald Regan, and others, have indicated—they did indicate to me earlier through Max Friedersdorf—that it would not be their intent to ask us to pursue that nomination further.

REMOVAL OF INJUNCTION OF SECRECY—SUPPLEMENTARY EXTRADITION TREATY WITH THE UNITED KINGDOM

Mr. DOLE. Mr. President, as in executive session,

I ask unanimous consent that the injunction of secrecy be removed from the Supplementary Extradition Treaty with the United Kingdom, with annex, signed at Washington on June 25, 1985 (Treaty Document No. 99-8), transmitted to the Senate today by the President of the United States.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Supplementary Extradition Treaty between the United States of America and the United Kingdom, with annex, signed at Washington on June 25, 1985.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the Supplementary Treaty.

The Supplementary Treaty adds to and amends the Extradition Treaty between the United States and the United Kingdom, signed at London on June 8, 1972.

It represents a significant step in improving law enforcement cooperation and combatting terrorism, by excluding from the scope of the political offense exception serious offenses typically committed by terrorists, e.g., aircraft hijacking and sabotage, crimes against diplomats, hostage taking, and other heinous acts such as murder, manslaughter, malicious assault, and certain serious offenses involving firearms, explosives, and damage to property.

The Supplementary Treaty, in addition to narrowing the application of the political offense exception to extradition, will also help improve implementation of the current Extradition Treaty in several other respects. I recommend that the Senate give early and favorable consideration to the Supplementary Treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *July 17, 1985.*

FLEXIBLE AND COMPRESSED WORK SCHEDULES FOR FEDERAL GOVERNMENT EMPLOYEES

Mr. DOLE. Mr. President, I send a bill to the desk on behalf of the distinguished Senator from Alaska [Mr. STEVENS] and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1455) to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, the bill I am introducing today would temporarily extend the Federal Alternative Work Schedules Program until the end of the fiscal year—September 30, 1985. The current statutory authority for this important program expires on July 23, 1985.

This highly successful program was established in 1978, and was extended in 1982. It has allowed agencies to establish and administer flexible and compressed work schedules for Federal employees. Generally, flexible schedules permit employees, within limits, to vary the times they report for and depart from work. Compressed schedules permit employees to work longer than 8 hours per day and thereby complete their biweekly work schedules in less than 10 days. More than 300,000 Federal employees, in nearly every agency, are currently working under alternative work schedules.

The successes of the Federal program and numerous private sector programs are legion. According to the Office of Personnel Management [OPM], the program has proven to be generally successful, to benefit employees, and to have had positive effects on productivity and service to the public. It has also been beneficial to employees by allowing them more flexibility to meet their personal needs and commitments. For instance, parents may arrange their work hours to meet family and household responsibilities.

Unfortunately, for reasons unrelated to its merits we have been unable to pass a permanent reauthorization of the program under my unanimous consent request of July 11, 1985. Hopefully, we can extend it on a temporary basis, and subsequently take up legislation to permanently reauthorize flexitime and compressed work schedules for the Federal workforce.

Mr. TRIBLE. Mr. President, I rise in support of this measure and I commend the efforts of my distinguished colleague, Senator STEVENS, to ensure continuation of the Federal Employees Flexible and Compressed work schedules program. I am an original cosponsor of similar legislation to permanently authorize this program.

The Flexible and Compressed Work Schedule Program, or flextime, permits Federal agencies to offer employees work schedules which vary from the standard 40-hour, 5-day schedule. I believe this program contributes to the effective and efficient operation of the Federal Government and have enthusiastically supported it as a member of the House and Senate. These alternative schedules were first approved in 1978 and allowing Federal employees to stagger their work hours or compress work weeks has been an unqualified success.

Permitting employees to develop a work schedule which meets their professional and personal needs has increased productivity and morale. Moreover, the extended hours of agency operation have enabled the Federal Government to provide better service for the American public.

The benefits of this program are derived at no cost to the Federal Government. Flexitime has no budgetary impact. In fact, the program has led to reduced tardiness and absenteeism, thus reducing government costs.

The legislation under consideration would reauthorize the Flexitime Program for civil service until the end of this fiscal year. And this measure merits unanimous support the program is supported by this administration, affected employees and by Federal employee unions and associations. The Flexitime Program has met with success since its establishment and should continue to be successful.

I am pleased to support this measure and I urge my colleagues to join me in voting for this legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is amended by striking out "three years after the date of the enactment of this Act" and inserting in lieu thereof "September 30, 1985".

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of John William Bode to be an Assistant Secretary of Agriculture.

Mr. BYRD. Mr. President, I have no objection to the Senate going into executive session to consider the nomination of Mr. John William Bode.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF AGRICULTURE

The assistant legislative clerk read the nomination of John William Bode, of Oklahoma, to be an Assistant Secretary of Agriculture.

Mr. BOREN. Mr. President, I have known John Bode for many years. He served as a student intern and later became a member of my staff when I was Governor. In both positions, he did an outstanding job. In 1979, he became a professional staff member of the Senate Agriculture Committee and superbly handled his responsibilities there.

I am pleased the President has nominated a young man with the ability and integrity of John Bode. As an Oklahoman, I am extremely proud of the record which he has made.

I urge my colleagues to confirm his nomination to be Assistant Secretary of Agriculture for Food and Consumer Services.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that, once the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Thursday, July 18, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SEVERAL SENATORS TOMORROW

Mr. DOLE. I ask unanimous consent that following recognition of the two leaders under the standing order, there be a special order in favor of the following Senators for not to exceed 15 minutes each: Senators PROXMIRE, SASSER, EVANS, and MATTINGLY.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. DOLE. Following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIVE QUORUM AND CLOTURE VOTE TOMORROW

Mr. DOLE. At 12 noon, a live quorum will begin under the provisions of rule XXII, to be followed by a rollcall vote on the cloture motion on the motion to proceed to consideration of S. 43, the line-item veto bill.

What may happen later on in reference to the legislation will depend on what happens in that vote. I assume rollcall votes can be expected throughout Thursday's session.

I think it is fair to indicate that we hope we will have enough to keep us busy for a good part of the time on Friday.

RECESS UNTIL 11 A.M., THURSDAY, JULY 18, 1985

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until Thursday, July 18, 11 a.m.

The motion was agreed to, and at 6:23 p.m. the Senate recessed until tomorrow, Thursday, July 18, 1985, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 1985:

DEPARTMENT OF JUSTICE

Douglas H. Ginsburg, of Massachusetts, to be an assistant attorney general, vice J. Paul McGrath, resigned.

Richard Kennon Willard, of Virginia, to be an assistant attorney general, vice William F. Baxter, resigned.

DEPARTMENT OF AGRICULTURE

Raymond D. Lett, of Virginia, to be an Assistant Secretary of Agriculture, vice C.W. McMillan, resigned.

Vance L. Clark, of California, to be Administrator of the Farmers Home Administration, vice Charles Wilson Shuman, resigned.

The following-named persons to be members of the board of directors of the Commodity Credit Corporation:

John William Bode, of Oklahoma, vice Mary Claiborne Jarratt.

Raymond D. Lett, of Virginia, vice C.W. McMillan.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Joyce A. Doyle, of New York, to be a member of the Federal Mine Safety and Health Review Commission for the remainder of the term expiring August 30, 1986, vice Rosemary M. Collyer, resigned.

NATIONAL SCIENCE FOUNDATION

Richard S. Nicholson, of Virginia, to be an assistant director of the National Science Foundation, vice Edward A. Knapp.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Anthony J. Calio, of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration, vice John V. Byrne, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate July 17, 1985:

DEPARTMENT OF AGRICULTURE

John William Bode, of Oklahoma, to be an Assistant Secretary of Agriculture.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Wednesday, July 17, 1985*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, as we confess that You are the Creator of every person, so teach us to live as though we are part of the human community. Enable us to understand the needs of others that our abundance will be shared and suffering will be eased. We pray that the blessings of food and freedom, of justice and peace, will be our blessings and the blessings of people everywhere. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) entitled "An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes."

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 154. Joint resolution to designate July 20, 1985, as "Space Exploration Day"; and

S.J. Res. 163. Joint resolution to designate July 16, 1985, as "National Atomic Veterans' Day."

APPOINTMENT AS MEMBERS OF THE DELEGATION TO THE CONFERENCE OF THE INTERPARLIAMENTARY UNION IN OTTAWA, CANADA, ON SEPTEMBER 2 THROUGH SEPTEMBER 7, 1985

The SPEAKER. Pursuant to the provisions of 22 United States Code 276a-1, the Chair appoints as members of the delegation to attend the Conference of the Interparliamentary Union to be held in Ottawa, Canada, on September 2 through September 7, 1985, the following Members on the part of the House:

Mr. PEPPER of Florida, chairman;
Mr. HAMILTON of Indiana, vice chairman;
Mr. HAWKINS of California;
Mrs. BOGGS of Louisiana;
Mr. BONIOR of Michigan;
Ms. OAKAR of Ohio;
Mr. DYMALLY of California;
Mr. HAMMERSCHMIDT of Arkansas;
Mr. HYDE of Illinois; and
Mr. ROTH of Wisconsin.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1626

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1626.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE RUSSIAN BEAR GETS TOUGH

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, the Soviets continue to play brutal hard ball and our State Department does little about this new Soviet aggressiveness. Recent information leads me to believe that the Department was even reluctant to fly the flag at half mast in East Germany to show our anger over the murder of Major Nicholson. We have put up with Soviet harassment for far too long. Let's get tough with the Russian bear.

The Soviets have been harassing and brutalizing American observers of the U.S. military liaison mission in East Germany. The Soviets are masters at using intimidating tactics in dealing with Western observers in East Germany who are assigned there under clearly defined agreements. Last year, a French observer was killed when his vehicle was rammed by an East German truck. Maj. Arthur D. Nicholson, Jr., was shot to death in March by a Soviet soldier in East Germany. The major was in an area open to liaison personnel under existing agreements. The Soviets have yet to formally apologize for that murder. They refused to pay compensation to the family.

In June, a British observer vehicle was struck so hard by a Soviet truck that the wheels fell off the vehicle. Soviet soldiers then harassed the officers for 5 hours.

On Monday, another Soviet truck rammed a U.S. military vehicle from behind and injured one of the occupants. The two military observers were operating in an area open for access when the intentional ramming occurred.

What are we doing in response to this new Soviet aggressiveness? Very little. I am concerned about the Department of State's alleged refusal to fly the American flag at half mast in East Germany when Major Nicholson was killed. While flying the flag at half mast is only symbolic, it does express the feeling of outrage that Americans share over the tragic loss of that fine officer.

The Department of State insists that we must hold our tongue. They say we should turn the other cheek and try to influence Soviet behavior by persuasion.

Come on State Department, let's try a different approach. Using traditional diplomacy in dealing with the Russian bear has failed more than it has succeeded. Let's play hard ball for a change. Maybe we will get better results than by having tea with that foul-smelling bear. It's worth a try.

A SINCERE SALUTE OF LOVE AND RESPECT FOR OUR PRESIDENT, RONALD REAGAN

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I rise today to offer a sincere salute of love and respect to our President, Ronald Reagan.

In a sense, the heartbeat of every American stopped for just a moment Monday upon hearing the news that President Reagan has cancer.

Fortunately, however, the good news is that the odds for a full and speedy recovery are in the President's favor. The prayers of our country are for just such an order.

Mr. Speaker, I suggest that there is no better time than now for each and every American to pause for just a moment and thank our Good Lord for allowing us to live in this grand and free land.

Because our forefathers guaranteed the preservation of freedom back when our country was born, Americans for the last 209 years have been opening new doors of hope and opportunity on all fronts and in every aspect of the American way of life.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

There is no better testament to this claim than merely noting the significant advances that have been made in recent years in the ongoing research to treat cancer patients and eventually, find a cure to rid this dreaded disease from the face of the Earth.

No other country in the world is doing as much as we are in the pursuit of this goal. Our freedoms that we so often take for granted afford us this opportunity.

To our First Lady, and the entire Reagan family, I speak for all of south Alabama by simply saying, "our prayers are with you all."

And to our beloved President, I salute you as the winner that you are. In the eyes of every American, you stand taller than life and I know with all of my heart that this too will be another victory you will one day be able to notch under your belt.

In closing, Mr. Speaker, I would like to refer all of my colleagues to an editorial cartoon that appears in Tuesday's edition of the Washington Post.

In a way that words could never express, the artist captured the sentiments of every American—"thumbs up, Mr. President. We're with you."

CONGRESSIONAL SUPPORT FOR INTELLIGENCE COMMUNITY

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, recently, my distinguished colleague from Georgia, Mr. NEWT GINGRICH, charged that, in the late 1970's the intelligence community had been emasculated by "the leftwing ostrich mentality" of Congress.

This is a red herring that the conservatives refuse to let go. To repeat it over and over, as they do, is to do the Nation and the intelligence community a grave disservice. President Reagan made this accusation last September, when he blamed the bombing of our Embassy in Beirut on intelligence failures caused by severe cutbacks in the intelligence community by the Carter administration. When presented with the facts, the President had the good grace to withdraw the charge. I hope my distinguished colleague will follow the example of the President when he hears the facts in this matter.

It is true that the Carter administration made some CIA personnel cuts in 1977, but these cuts were based on CIA recommendations developed during President Ford's administration. These cuts were decided upon as part of the drawdown in intelligence personnel that began in the Nixon administration after the end of the war in Vietnam. CIA personnel were reduced principally at headquarters, not in the field.

Throughout the Carter years, intelligence collection about terrorism received higher and higher priorities. Other requirements were added as well. The numbers of CIA clandestine collection personnel were increased. So, too, were analytical personnel. That trend of collection personnel has continued to increase during the Reagan administration.

CIA officials testified repeatedly before the Intelligence Committee that the number of personnel in the budget was adequate to meet the requirements levied upon them. Since 1978, the midpoint of the Carter administration, Congress has approved consistent and substantial increases in funding for intelligence activities in support of many new requirements such as, for terrorist intelligence and drug trafficking intelligence. Congress has supported those requests.

Collecting intelligence on terrorism is among the most difficult of intelligence tasks. Yet the record is not all failure as Mr. GINGRICH implies. Indeed, U.S. intelligence has had some significant successes in collecting intelligence on terrorist groups.

If there are shortcomings on terrorism, and there are, they are shortcomings of this administration, which has had 5 years to develop an antiterrorist strategy and has failed to do so.

□ 1010

LIMIT USE OF FEDERAL LEGAL SERVICES FUNDS ON ABORTION QUESTION

(Mr. DEWINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEWINE. Mr. Speaker, I want the Members of the House to be aware of the procedural situation that will arise later today during our consideration of the appropriation bill. I will be asking the Members to defeat the motion to rise at the end of the debate so that an amendment can be offered on the legal services section of that bill.

Because of the rule, points of order cannot be raised against that section of the bill that appropriates without authorization. The only way that a Hyde-type amendment, which I intend to offer, can be offered to the legal services section of the bill will be to defeat the motion for the Committee to rise. Once the motion to rise is defeated, I will offer an amendment to limit the use of Federal legal services funds on the abortion question.

WE MUST ACT QUICKLY ON NEW SUPERFUND LAW

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, today, the Committee on Energy and Commerce of this body begins in earnest the development of a new Superfund law. In just 2½ months, on September 30, the Comprehensive Environmental Response Compensation and Liability Act (Superfund) expires.

We must act quickly and decisively to reauthorize this vital program. The peril posed by improperly disposed of hazardous waste is so vast that a statement of the facts sound like an exaggeration. It is not. Every year we produce over 90 billion gallons of harzardous waste in this country—more than enough for six 55-gallon barrels for every man, woman, and child; and over half of it is improperly disposed of.

There are 19,000 sites in America at which toxic chemicals are leaking into the ground water, poisoning our land and our air. The estimated price tag for cleanup is, by the EPA's estimates, $23 billion; the GAO says $40 billion, and the OTA says $100 billion.

It is clear from the comments of the members of the Energy and Commerce Committee that there is little disagreement regarding the dangerous nature of this situation. There is little disagreement that dramatic steps must be taken. Today we begin those efforts to produce a strong Superfund.

INCOMPARABLE WORTH

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the proponents of the concept of "comparable worth" are oh-so-quick to camouflage the issue by declaiming "equal pay for equal work." Or equal pay for similar work. Or equal pay for what we consider to be equally important work.

This is nonsense. Nobody quarrels with the premise that a given job should pay the same, regardless of whether it is done by a man or a woman. Jobs are prioritized according to need and value, people should be allocated those jobs according to merit and ability, and there should be no gender discrimination for the same position.

But to equate secretaries with, for example, plumbers makes a mockery of the issue of equal pay. Any comparison of one type of occupation with a different type can only be subjective. A link is tenuous at best. After all, how would we in Congress like it?

Mark Twain observed in "Pudd'nhead Wilson's New Calendar":

> It could probably be shown by facts and figures that there is no distinctly native American criminal class except Congress.

Let's rush right out and give incarcerated felons $75,100 in annual "compensation" for their troubles. After all, Mark Twain's word is as good as

anybody else's in determining what occupations are comparable to others.

METHANOL VEHICLE INCENTIVES ACT OF 1985

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I would like to call the body's attention to a bill that I hope many of my colleagues will cosponsor, H.R. 2955, the Methanol Vehicle Incentives Act of 1985. It is designed to give American automobile manufacturers a break if they start producing cars that run on methanol.

The CAFE—corporate average fuel economy—standard, developed in the 1970's, sets forth certain standards that manufacturers must meet using the miles-per-gallon ratings of all the models they produce. My bill, H.R. 2955, would give a credit toward meeting this industrywide standard if the engines burn methanol.

I note with interest, Mr. Speaker, the Department of Transportation is considering the petition by several automobile companies to lower the 27.5-miles-per-gallon CAFE standard to 26 miles per gallon because of the difficulty some U.S. automobile producers are having in meeting this standard.

This bill would address much of that problem and give an incentive to methanol production. My legislation has two purposes. First, American companies would be greatly encouraged to manufacture small, highly efficient methanol vehicles to compete with foreign products; and second, would help create a market for methanol fuel in the United States. The legislation does not require money, does not require tax expenditures, and does not require a large synthetic fuel subsidy.

I am excited, Mr. Speaker, about the positive influence my legislation could have. More coal miners working, cleaner air, no OPEC oil blackmail, and our domestic auto industry would be given a tremendous shot in the arm. I urge my colleagues to cosponsor this legislation.

HOW SYRIA GOT FOUR TWA HOSTAGES AWAY FROM THE SAME GROUPS STILL HOLDING SEVEN AMERICANS IN LEBANON

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, information now coming out about the arrangements for the release of the Americans taken hostage in Lebanon when the TWA flight was hijacked seems to set an example for releasing the seven Americans still held hostage there.

According to front-page reports in today's Washington Times, four of the TWA hostages were being held in Baalbek, a city in the Syrian-controlled Bekaa Valley, the same area where seven remaining American hostages are thought to be held to this day.

The TWA four were under the guard of the Hezbollah, a radical Shiite group with ties to Iran, the same group thought to be holding the seven Americans still in captivity.

When the Hezbollah balked at releasing the TWA four, Syrian President Assad sent a convoy to the Bekaa to bring out the four Americans. The convoy consisted of 20 trucks of Syrian Special Forces troops. Seven helicopters descended simultaneously with the arrival of the trucks in the Bekaa. "They knew exactly where to go to find the missing Americans," an intelligence source told the Washington Times.

Mr. Speaker, it appears that Syria knows how to deal with the groups still holding seven Americans.

Today is the 435th day of captivity for Rev. Benjamin Weir.

Today is the 488th day of captivity for William Buckley.

Today is the 190th day of captivity of my good friend, Father Lawrence Jenco.

Today is the 123d day of captivity for Terry Anderson.

Today is the 37th day of captivity for Thomas Sutherland.

Today is the 51st day of captivity for David Jacobsen.

Today marks the 225th day of the disappearance of Peter Kilburn.

Mr. Speaker, the hostage crisis is not over. Seven Americans are still held hostage in Lebanon.

□ 1020

THE SCIENTIFIC SIDE OF COMPARABLE WORTH

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in this body, we are constantly asked to make decisions, and in that process, we must sort out information. In a general sense, information can be divided between science and scenario.

Later this month, we will be asked to make a decision regarding a notion called comparable worth or pay equity. The scenario which supports this bad idea has been based largely on a simply statistical observation that the working women in America today make 64 percent or 59 percent, variously reported, of what the men earn. The proponents of this legislation argue that if that is the case, it can only derive from some tacit discrimination even though it may not be defined nor documented.

Let us look for a moment at the scientific side. This is a myth. The fact is that reputable scholars in sociology, anthropology, and economics have documented the reasons for this 64 percent difference. Women make different decisions than men. Women on the average work 35.7 hours per week versus 44 hours for men. The average man has been on the job for 4½ years, the average woman for 2.6 years. Women are 11 times more likely to leave jobs than men. I see my time has expired.

More on this later, Mr. Speaker. But there is a science by which we can approach this subject.

THE COST IS TOO GREAT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the business sections of the newspapers have been filled these last weeks with commentary that the European Community shows greater GNP growth and profits than the United States, because they have been selling so much to the United States.

We are even warned that were we to tighten up our tariffs on them that they would go into a major recession. At the expense of American jobs and industries, we are to let them keep breaking steel quotas—already in place—because we would be responsible if their economies fail.

I suggest most strongly, Mr. Speaker, that we stop worrying about Europe and the rest of the world and look to our own economy. It is reported that of the 10 major industrial nations, our GNP ranks ninth, followed only by Norway.

Of those 10 nations, we are the only debtor nation. We are losing capacity to manufacture at an alarming rate—fasteners, ball bearings, steel, machine tools, foundries, steel cranes. Our unemployment is stubborn and steady at above 7 percent despite the summer months which usually show an increase in jobs.

I don't doubt that Europe could have a recession if we take back some of our markets and our industries and our jobs—we have allowed great leeway on their exports. However, I predict that if we don't encourage and revitalize our industries—and very soon—America will have a depression. Then where will Europe and the rest of the world be?

INTERIOR SECRETARY HODEL AND OTHERS LAUDED FOR CALIFORNIA OCS AGREEMENT

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, yesterday, members of the California congressional delegation and Secretary of Interior Donald Hodel reached an historic agreement on the controversial issue of offshore oil development. Although this agreement will meet with opposition from both the environmental community and oil developers, it is carefully balanced to insure that California continues and increases its contribution to the Nation's domestic supplies, yet protects another valuable resource, the largely undeveloped California coastline.

Credit for this accord goes to our colleagues LEON PANETTA and BILL LOWRY. Without their tireless, patient, and dedicated work, negotiations would have deteriorated into the squabbles that have characterized similar attempts to reach agreement in the past. Our State's two Senators and coastal members of our delegation from both parties are also to be commended.

In my opinion, the true hero in this effort was Interior Secretary Donald Hodel. While unswerving in his mission to increase our oil supplies, Mr. Hodel also recognized that orderly progress of the OCS Program can best take place in a spirit of cooperation rather than acrimony.

His integrity, honesty, and genuine desire to push forward toward agreement despite monumental pressure is truly worthy of the position of public confidence and trust he holds and all Americans owe a debt of gratitude to this true gentleman and outstanding public servant.

COMPARABLE WORTH AT ODDS WITH FREE ENTERPRISE SYSTEM

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, I rise today to voice my concerns about comparable worth legislation that the House will consider soon. While cloaked as merely a study of the Federal wage scale, this legislation, H.R. 27, would have a serious and negative impact on our country's free enterprise system.

Comparable worth, while being promoted as a women's issue, is much more than that. Comparable worth would toss out the window the determination of wages based upon supply and demand factors. Comparable worth is not present law. It is a radical new concept which would require the determination of wages based upon the intrinsic worth of jobs that are determined to be of equal value.

Comparable worth would not help women. In fact, comparable worth would push more women into predominantly female-occupied jobs by artificially raising the pay of these jobs. Comparable worth would not encourage women to enter higher-paying nontraditional occupations.

If Congress wants to help women, then we must work to see that existing laws are vigorously enforced. We must encourage women to further their education and to enter nontraditional jobs. We must work to ensure equal opportunity in the marketplace for women and minorities. Comparable worth would not promote the advancement of women in the labor force, but would only prove to be a setback, while also tampering with America's free enterprise system.

THE NATION LOSES IF RESOLUTION ON THE BUDGET IS NOT REACHED

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, in a few minutes, the conferees of the House and Senate on the budget will meet, and as reports in today's paper indicate, an agreement on the budget resolution is on very shaky grounds.

Mr. Speaker, a while ago, there was almost unanimous agreement, not only in this House, not only in the other body, but also by Chairman Volcker, the White House, commentators, columnists, and editorialists, that if this Congress could reduce the deficit by $50 billion, it would be taking a large step in budget reduction.

Well, both Houses have reduced the deficit by that amount, and the disagreements among them when resolved will not push the deficit reduction amount below that amount. In other words, even if all the disagreements could be resolved on the high side, the budget would be reduced by $50 billion. Yet the process is in jeopardy of going under.

Mr. Speaker, it would be a terrible shame if, because of a disagreement over a $2 or $3 billion in the deficit whether it should be $56 or $58 billion in 1 year, or $272 or $275 billion in 3 years, we would let the process go down the drain.

Mr. Speaker, if that process went down the drain over such a minor disagreement, the Nation would be the loser.

THE 92 GROUP BUDGET DESERVES ANOTHER LOOK

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, the American people are demanding that Congress make substantial progress toward reducing deficit spending, and they are becoming impatient with the inability of House and Senate budget conferees to reach agreement on cutting the deficit next year. The longer the budget impasse continues, the more our constituents question our resolve and our ability to control the budget.

Perhaps it is time for the conferees to take a second look at the 92 Group budget proposed by House Republican moderates. The 92 Group comprehensive freeze budget plan is well suited to serve as a vehicle for compromise between the House and Senate budget positions.

It proposes a freeze on defense spending at the fiscal year 1985 level—a key feature of the House-passed budget proposal, while it also includes balanced reductions in over 75 domestic programs. The 92 Group's budget plan leaves Social Security COLA's out of the budget debate and therefore reflects the growing agreement that Social Security COLA's should be "off the table" as far as the budget conference is concerned.

The 92 Group budget plan is a balanced and responsible blueprint for deficit reduction. It is realistic in the budget savings it would achieve and it does not rely on doubtful assumptions.

I urge the budget conferees to give consideration to the 92 Group budget plan as a basis for resolving the current deadlock and assuring that a workable deficit reduction plan is enacted for the coming fiscal year.

□ 1030

GERSHWIN GOLD MEDALS

(Mr. GROTBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROTBERG. Mr. Speaker, the late composers George and Ira Gershwin have struck many memorable golden notes in their brilliant musical careers.

It was, therefore, only fitting Monday that the House approved House Joint Resolution 251 providing for special gold medals honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and honoring Ira Gershwin be presented to his widow, Lenore Gershwin, and that duplicate bronze medals be struck for sale to the public.

The Gershwin brothers provided many fond musical memories for generations of Americans, including several Broadway productions—"Scandals," "Lady Be Good," "Oh Kay," and "Funny Face" for George; and "A Star

Is Born," "Lady in the Dark," and "The Barkleys of Broadway" for Ira.

Critic Walter Damrosch, upon the premier of Gershwin's "Concerto in F," wrote:

> Lady Jazz, adorned with her intriguing rhythm, has danced her way around the world * * * But for all her travels and her sweeping popularity, she has encountered no knight who could lift her to a level that would enable her to be received as a respectable member in musical circles. George Gershwin seems to have accomplished this miracle.

America's own distinctive musical art form is jazz. George Gershwin was the first American composer to promote it in his compositions. In fact, "Porgy and Bess," the first American opera and the first noted opera for the Gershwin brothers, celebrates the 50th anniversary of its first performance this year.

I commend my colleagues, particularly the gentlemen from Illinois, Mr. YATES and Mr. ANNUNZIO, for supporting these golden tributes to the two brilliant Gershwin composers who have provided so many golden musical memories for all of us.

THE FLOOD OF TEXTILE AND APPAREL IMPORTS

(Mr. COBEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COBEY. Mr. Speaker, there is a major crisis occurring in this country and the Reagan administration doesn't appreciate the magnitude of the problem. The crisis I'm referring to is the flood of textile and apparel imports that is drowning many of our communities such as Wake, Franklin, Chatham, and Randolph Counties in North Carolina.

In May, textile imports increased 12.8 percent while apparel imports increased 19.8 percent over May 1984. A recent study reported that textile employment in North Carolina has dropped to its lowest level in 35 years. The answer to the problem is for Congress to adopt H.R. 1562, the Textile and Apparel Act of 1985.

Last month, the present administration sent Members of Congress a letter which stated the reasons for its opposition to H.R. 1562. The letter is misleading and factually incorrect.

Mr. Speaker, we must face up to the import crisis that is plaguing our country. If we don't, we have only ourselves to blame.

DEMOCRATS DEVELOPING TRADE POLICY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, after several years of neglect current attention is being focused on the fact that the United States has no trade policy to guide American producers in international trade. Several years of ignoring the trade problem has resulted in a projected merchandise trade deficit of an estimated $160 billion for the coming fiscal year.

Democratic leaders have taken deliberate action on this issue by appointing a 22-member Democratic Task Force on Trade which has already begun deliberations that will include at least four regional hearings around the Nation. The purpose of the trade task force is to formulate an alternative to the present disastrous trade policy. It will take several months to achieve this task. I am confident that under the leadership of our chairman, the gentleman from Washington [Mr. BONKER] that a successful trade policy can be formulated.

Meanwhile, I would encourage Members to actively participate in this process and to cooperate with Chairman BONKER in achieving this goal.

CELEBRATING 10TH ANNIVERSARY OF APOLLO-SOYUZ RENDEZVOUS IN SPACE

Mr. NELSON of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology be discharged from further consideration of the concurrent resolution (H. Con. Res. 172) to celebrate the 10th anniversary of the Apollo-Soyuz rendezvous in space, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, I shall not object, but I do so in order to allow time to some Members who want to speak on the topic.

Mr. Speaker, I yield first to the chairman of the Space Subcommittee, the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Speaker, I thank my colleague.

Mr. Speaker, I rise in support of this resolution, which marks today as the 10th anniversary of the Apollo-Soyuz rendezvous in space.

This observance provides a perfect opportunity to reflect upon the benefits that both our countries, the United States and the Soviet Union, have enjoyed as a result of that joint space mission.

It was an exciting technical achievement. It provided man's growing technical competence in mastering the challenges of manned space flight.

Over 20 different experiments involving space science, space processing and manufacturing, earth survey, and life sciences were conducted jointly.

Finally and most importantly, in this area of confrontation that we find ourselves in, it demonstrated that the two superpowers with very different cultural and political ideologies could in fact come together and work toward a common objective of a successful space flight mission showed we could cooperate.

So I urge the successful consideration of this resolution.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, as the gentleman from Florida has pointed out, this day does mark the 10th anniversary of the only rendezvous in space between the spacecraft of two nations. In July 1975 the United States and the Soviet Union conducted a joint spaceflight in which an American Apollo and a Soviet Soyuz spacecraft docked and conducted various scientific experiments.

For those 2 days in the summer of 1975 the crews of the combined American and Russian mission orbited the Earth once every 90 minutes showing that it is possible that men from different cultures and societies can undertake joint projects for their common good.

Now, 10 years later, we are in a period of tension between our two nations. There seem to be indications on both sides that our Governments would welcome the lessening of tension. It seems to me that we should look back to Apollo-Soyuz as a guide that shows us that it is possible for us to join in a common endeavor. It is through the construction of bridges of understanding in areas such as spaceflight that we may build the foundation to larger agreements in areas of profound concern to all citizens of the world.

I am struck by the fact that the single most common expression of wonder that we have heard from astronauts and cosmonauts from all nations is that from the vastness of space there are not national boarders. From that unique perspective in orbit around the globe they realize the fundemental truth that we are all passengers on spaceship Earth, and that we must find ways to survive together.

On this 10th anniversary of Apollo-Soyuz I join in congratulating all who were involved in that landmark project, and say that the time has arrived for us to consider another joint endeavor.

Mr. Speaker, I yield to the gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, too, rise in commemoration of this out 10th anniversary of the Apollo-Soyuz rendezvous and docking.

Mr. Speaker, the space program has always seemed to me to be a good program for improved international rela-

tions. In fact, it has proved to be so in many instances; one, of course, we celebrate here today.

We see the results of good international relations in the European community, the Canadian community, and we are looking to the Japanese to participate in the Space Station Program.

□ 1040

As a matter of fact, Mr. Speaker, one of the projects that I am involved in would be to bring in our Latin American neighbors into the space program in some cooperative spirit.

So, Mr. Speaker, programs like the Apollo-Soyuz and these others that I have mentioned are a good way of fostering good international relations, and I urge the support of the resolution and join my colleagues in commemorating this 10th anniversary of the docking of Apollo-Soyuz.

● Mr. FUQUA. Mr. Speaker, I rise in support of House Congressional Resolution 172, to celebrate the 10th anniversary of the Apollo-Soyuz rendezvous in space.

In July 1975, a U.S. Apollo spacecraft carrying three American astronauts—Thomas P. Stafford, Donald K. Slayton, and Vance D. Brand—docked with the Russian Soyuz spacecraft carrying U.S.S.R. cosmonauts Aleksey A. Leonov and Valeriy N. Kubasov. The two spaceships remained docked for 2 days, while the crews conducted joint experiments and exchanged national momentos.

The flight was the culmination of several years work between the two nations. A 1972 formal agreement providing for the first joint manned space mission between the United States and the Soviet Union was followed by 3 years of joint meetings and crew exchanges. The American astronauts learned Russian and the Russian cosmonauts spoke English.

The principal objective of the Apollo-Soyuz test project was to develop a compatible docking system and rendezvous and crew transfer procedures that might be appropriate for future international manned space missions.

Another objective was the program of scientific investigations conducted during the mission. NASA's science program was planned to make abundant use of the experimental opportunities afforded by the mission parameters and spacecraft capabilities.

After the mission was completed, NASA addressed what was gained through the joint mission. Mr. George Low, then Deputy Administrator of NASA, told Congress that—

Both sides gained insight into how the other approaches the operational aspects of manned flight missions, but neither learned how the other proceeds in turning design concepts into actual flight hardware. NASA specialists gained an understanding of Soviet manned flight systems. The Soviets had a similar opportunity to understand ASTP-related NASA systems, but in view of the fact that the open NASA program is so fully reported in readily available technical literature, the advantage in this exchange was ours.

Mr. Speaker, in the decade since the Apollo-Soyuz test project, space cooperation with the Soviet Union has declined as a consequence of our political relationship with the Soviets.

Opportunities for greater cooperation do exist, however. The President's invitation to the Soviets to cooperate in a joint space rescue mission is currently pending. The Subcommittee on Space Science and Applications will be holding hearings at the end of this month on United States-Soviet civilian space cooperation. Our purpose today, however, is commemorative of this historic event between the two superpowers.

The mission exemplifies the value of international cooperative missions and provides both nations with the impetus to pursue future mission opportunities.

I urge Members to support House Concurrent Resolution 172.●

● Mr. BROWN of California. Mr. Speaker, today marks the 10th anniversary of the Apollo-Soyuz joint U.S.-U.S.S.R. mission. This event demonstrated the ability of our two nations to put aside our differences and work together for a peaceful purpose. Unfortunately, the past 10 years has seen a deterioration of the cooperative spirit developed at that time. Today, rather than aggressively pursuing further cooperative peaceful ventures in space, the two superpowers are preparing to engage in military conflict in the heavens. I encourage my colleagues to use part of this day to review how far we have drifted from the mutual trust and friendship expressed during the Apollo-Soyuz mission.

Of course, U.S.-U.S.S.R. joint space initiatives did not end with Apollo-Soyuz. In fact, the United States helped develop onboard devices of the Soviet Union's Vega spacecraft launched in December 1985. Vega is scheduled to fly by Halley's comet in March 1986. The onboard cameras were partially developed at the University of Arizona and will track the comet's movement against a background of known stars. In return, the images generated by Vega's cameras will be available to NASA scientists for study. In general, exchange of space science information between the two nations has been open, particularly in the life sciences. As responsible legislators, we should foster and expand our cooperative activities with the Soviet Union. And what more exciting joint activity than the exploration and development of space?

There are some promising space initiatives on the horizon which could unite nations toward a common goal. One important project could be an international effort to globally track geological and climatological variations on the Earth's surface. The scientific information gathered from a network of satellites would give a complete picture of the Earth as a closed ecosystem. Such a geosphere/biosphere monitoring system would greatly benefit industry, developing countries, and our understanding of world weather behavior. This ambitious project would require a significant commitment in both resources and scientific talent by all participating nations. The United States and the Soviet Union, along with Japan, Europe, China, and India could all take part in this effort.

One of the grandest scenarios for international cooperation in space would be a joint U.S.-U.S.S.R. manned mission to Mars. For centuries, travel to Mars has gripped the imagination of men and women. Because of the costs involved, any serious discussion of a project the size of a manned Martian mission should include international cooperation. Since a mission of this scale would be one that would benefit the world, all nations should be welcomed to participate, as well as share the costs. The United States and the Soviet Union, because of their experience in manned space flight, would be the natural leaders in this effort. I am looking forward to the day, and I believe it will come, when our two nations can work together on projects as complex and long term as a Mars mission.

Mr. Speaker, the urge to explore the unknown is present in men and women worldwide. I believe the United States should seek to engage in space projects with other nations, especially the Soviet Union. And perhaps, as we reach further out into space together, the borders dividing our countries on Earth may not seem so rigidly defined.●

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, further reserving the right to object, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter before the House.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 172

Whereas July 1985 marks the tenth anniversary of the first international manned space flight;

Whereas the Apollo-Soyuz mission resulted from an agreement on cooperation in space between the United states and the Union of Soviet Socialist Republics, signed by President Nixon and Premier Kosygin on May 24, 1972;

Whereas the Apollo-Soyuz test project brought together American and Soviet spacecraft in Earth orbit to test compatible rendezvous and docking systems for manned spacecraft;

Whereas the Apollo-Soyuz test project provided an opportunity for American astronauts and Soviet cosmonauts to exchange visits and to conduct joint scientific experiments;

Whereas the success of the Apollo-Soyuz mission was due to the dedication and efforts of the National Aeronautics and Space Administration and the Soviet Academy of Sciences;

Whereas the American astronaut team was ably commanded by Thomas P. Stafford, Donald K. Slayton, and Vance D. Brand;

Whereas the Union of Soviet Socialist Republics cosmonauts were ably represented by Aleksey A. Leonov and Valeriy N. Kubasov; and

Whereas the Apollo-Soyuz mission exemplifies the value of international cooperative missions between the United States and the Soviet Union and provides both countries with the impetus to pursue future mission opportunities: Now, therefore, be it

Resolved, That the Committee on Science and Technology commemorate this occasion of the tenth anniversary of the Apollo-Soyuz test project.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT THURSDAY, JULY 18, 1985, DURING 5-MINUTE RULE

Mr. BOSCO, Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule in the House on Thursday, July 18, 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2965, THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1986

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 225 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 225

Resolved, That during the consideration of the bill (H.R. 2965) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of Rule XXI are hereby waived: beginning on page 2, line 18 through page 7, line 7; beginning on page 8, line 11 through page 9, line 15; beginning on page 10, line 16 through page 14, line 7; beginning on page 14, line 16 through the colon on page 15, line 21; beginning on page 15, line 24 through page 21, line 7; beginning on page 22, line 6 through the colon on line 25; beginning on page 23, line 9 through page 29, line 2; beginning on page 33, lines 8 through 20; beginning on page 35, line 11 through page 36, line 4; beginning on page 37, lines 1 through 13; beginning on page 38, line 20 through page 39, line 7; beginning on page 39, line 16 through page 40, line 22; beginning on page 41, lines 6 through 20; and beginning on page 43, line 18 through page 46, line 9; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6 of Rule XXI are hereby waived: beginning on page 6, line 11 through page 7, line 7; and beginning on page 41, line 22 through page 42, line 7. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 225 waives points of order against several provisions of H.R. 2965, the Departments of Commerce, Justice, and State, the judiciary, and related agencies appropriation bill for fiscal year 1986. The rule does not provide for the bill's consideration since general appropriation bills are privileged under the rules of the House. Provisions relating to time for general debate are also excluded from the rule. Customarily, general debate is limited by a unanimous-consent request by the chairman of the Appropriations Committee prior to consideration of the bill.

The rule waives all points of order against specified provisions of the bill for failure to comply with clauses 2 and 6 of rule XXI. Clause 2 of rule XXI prohibits unauthorized appropriations and legislative provisions in general appropriation bills. Clause 6 of rule XXI prohibits reappropriations or transfers in general appropriation bills. The specific provisions of the bill which have been granted waivers are detailed, by reference to page and line of the bill, in the rule. I also have a copy of a letter from Chairman WHITTEN further describing the provisions protected by the waivers. Please note that waivers are provided only for those provisions requested by Chairman WHITTEN.

The sections granted a waiver of clause 2 of rule XXI in title I of the bill provide appropriations for a number of Department of Commerce activities and programs including economic and statistical analysis; the Economic Development Administration; the Minortiy Business Development Agency; the U.S. Travel and Tourism Administration and programs under the International Trade Administration. Funding for programs under the National Oceanic and Atmospheric Administration and the National Telecommunications and Information Administration as well as funds for the National Bureau of Standards and the Patent and Trademark Office are also protected from points of order by the rule.

Clause 2, rule XXI waivers are also necessary to provide for consideration of all appropriation items in title II of the bill except those provisions dealing with the assets forfeiture fund and several sections relating to Office of Justice Programs.

In title III, the title of the bill which provides appropriations for the Department of State, all of the appropriation items need a clause 2, rule XXI waiver. In title IV, only one item needs this waiver and that is the court security appropriation.

Title V, the section which provides funding for related agencies, needs a clause 2, rule XXI waiver for several sections of the title including those sections providing funds for the Maritime Administration; the arms control and disarmament and the Board for the International Broadcasting.

Mr. Speaker, many of the provisions which have been granted clause 2, rule XXI waivers are in various stages of the legislative process. In some instances, authorizing legislation has been passed by the House or is in conference. Since the authorization bills have not been enacted into law, the provisions specified in the rule are unauthorized and constitute legislation in an appropriation measure. Therefore, a waiver of clause 2 of rule XXI is necessary.

The rule also protects two sections of the bill against points of order for failing to comply with clause 6 of rule XXI. One section provides funds for operations, research and facilities for the National Oceanic and Atmospheric Administration. The other section provides funds for salaries and expenses for the Small Business Administration. Since both sections include provisions for transferring unobligated balances from specified trust funds, they are in violation of clause 6 of rule XXI and a waiver is needed.

Finally, the rule provides that in instances where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph.

Mr. Speaker, there are only two instances in which portions of a paragraph are not protected against waivers. The first instance in which an entire paragraph is not covered by a waiver begins on page 15, line 21 and continues to line 24 of the same page. This section of the measure provides $13.1 million for constructing and equipping new facilities at the FBI Academy in Quantico, VA.

The second instance in which an entire paragraph is not covered by a waiver begins on page 22, line 25 and continues to page 23, line 8 of the bill. This portion of the bill authorizes the Department of State to determine the standard level user charge paid to the General Services Administration.

Mr. Speaker, although this rule does not waive points of order against the bill for failing to comply with section 303(a) of the Congressional Budget Act of 1974, that is the rule which prohibits consideration of budget legislation prior to the adoption of the first budget resolution, H.R. 2965 is protected against such points of order by virtue of passage of House Resolution 221. House Resolution 221 which passed the House July 16, by a vote of 239 to 181, provided that all such points of order be waived for any general appropriation bill reported by the Appropriations Committee before July 12, 1985. Therefore, Mr. Speaker a section 303(a) Budget Act waiver was not necessary in this rule.

Mr. Speaker, H.R. 2965 is an important measure providing appropriations for a number of agencies including the Department of Justice, Commerce and State.

The rule provides only those waivers which are necessary for expeditious consideration of this bill. Therefore, I urge that we adopt the rule.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague has ably described this rule. The rule waives clauses 2 and 6 of rule 21 against numerous unauthorized and legislative provisions in the State-Justice-Commerce appropriations bill, H.R. 2965. I think I counted some 32 unauthorized agencies, programs, and departments requiring waivers in the request letter from the chairman of the Appropriations Committee, Mr. WHITTEN.

Mr. Speaker, I opposed this rule in the Rules Committee and oppose it here for one very simple yet important reason. We are, by this rule and the rule adopted yesterday, ratifying the upending of our legislative and budget processes. We are turning the Capitol dome on its head by taking up appropriations bills before we have agreed to a budget resolution and before we have enacted the necessary authorization bills.

Oh, I know we've done this before; and I know the argument is made that this bill is in line with the House-passed budget resolution, even though we have not yet had the section 302(a) Budget Act allocation that would really tell us whether or not this is in compliance with the House-passed budget resolution. But you can make all these rationalizations until you are blue in the face and it still won't alter the fact that you're throwing your normal budget and authorization process out the window in order to process appropriations bills.

I just think the time has come for the House to say, "stop": Let's quit marching backward when we don't know where we're going or when we might just march off a cliff; let's turn around and march forward, with eyes front, and with one foot in front of the other in logical sequence. We just can't go on stumbling into the future backward, hoping that everything will somehow turn out right. We've got a road map called the budget plan that we can and should follow. But we shouldn't start this fiscal journey before we finalized that map.

Mr. Speaker, I do not offer my remarks in criticism of the Appropriations Committee; it's only doing its job in trying to put these bills in place prior to October 1. I don't offer these remarks in criticism of the Rules Committee; it's only trying to help the leadership with its scheduling plans. I'd like to say I'm not blaming the authorizing committees; but they are in part to blame by looking at the May 15 deadline for authorizations as the starting date for reporting all bills. We should have been considering these bills in February and March and April, rather than waiting until summer. I'd like to say that I don't blame the Budget Committee, but it's in part to blame for waiting for the other body to act before bringing its own resolution to the floor. And now the ball is in the House Budget Committee's court to come up with sufficient savings to compensate for removing the COLA issue from the table. Yes, there's enough blame to go around. But now it's up to the House to set things right.

Mr. Speaker, I don't ask for the defeat of this rule lightly. As a member of the leadership on this side, I do appreciate the importance of moving forward as much as we can as fast as we can in order to avoid pushing everything off onto a continuing resolution in September. But I have finally come to the opinion that it doesn't matter how much we get done if we are doing it all wrong—if we throw logical process out the window. If we decide to go forward now, full speed ahead, with all the appropriations bills, without either authorizing bills or a budget resolution in place, then we have sacrificed the most important features of our legislative process—policy guidelines and fiscal targets and limits. We will have sacrificed two-thirds of what this legislative branch should be all about. If we simply limit our focus and concerns to providing money to the executive branch, without adequate policy guidance for a fiscal framework, then we will have failed miserably in our responsibilities. We will have become the purse without the strings—a black hole into which tax dollars flow.

Mr. Speaker, let me just give one example of what I am talking about. This bill appropriates nearly $64 million to the Federal Trade Commission, even though there is not an authorization in place for that agency. The FTC has gone for the last 3 fiscal years without an authorization, and has only been kept alive by the appropriations process. The ranking Republican on the Energy and Commerce Committee, Mr. BROYHILL, made a very reasonable request of the Rules Committee given this past history of nonauthorizations. He asked us to make in order amendments to prevent final FTC rules until an authorization is enacted, and to extend certain restrictions from existing law.

These are all provisions that have been in previous FTC authorization or appropriations measures, both in order to keep a tight rein on the agency and to ensure that an authorization bill would be enacted. And yet, the Rules Committee denied the request of the gentleman from North Carolina and thus relieved any pressure for enactment of the authorization.

The Commerce Committee has not shown any urgency to begin with about bringing this bill to the House. Even though it ordered the FTC bill reported on May 15, it did not file its report until June 6, and did not request a rule until July 10. That's 2 months alone just to get the bill to the Rules Committee. If we approve this rule, I would predict that the committee will feel no need whatsoever to press its request before the Rules Committee. The FTC will have received another free ride on the appropriations process. I would say for every committee that plays this little game and is not willing to subject its bills to the scrutiny of the full House, maybe we had better reconsider the need for your committee, or at least your jurisdiction over those bills you don't have the guts to bring to the floor.

In conclusion, Mr. Speaker, this rule should be opposed for a whole variety of reasons, all of which get down to the need to restore orderly process to

the House. Let's stop the games being played; the free rides, copouts, and no-shows. And most importantly, let's salvage the budget process by putting our feet down in opposition to any efforts to circumvent that most important process.

At the outset of my remarks I observed that by reversing the normal legislative and budget processes, we had turned the Capitol dome on its head. If we don't set it right now, we will only be setting it spinning wildly out of control. And one of the spinouts that may be lost to us forever is a meaningful budget process. Let's not sacrifice that process. It's our only hope for fiscal sanity and responsibility. Vote down this rule.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 188, not voting 11, as follows:

[Roll No. 230]

YEAS—234

Ackerman	Clinger	Gejdenson
Addabbo	Coelho	Gephardt
Akaka	Coleman (TX)	Gibbons
Alexander	Collins	Gilman
Anderson	Conte	Glickman
Andrews	Conyers	Gonzalez
Annunzio	Coughlin	Gordon
Anthony	Coyne	Gradison
Applegate	Crockett	Gray (IL)
Aspin	Daniel	Gray (PA)
Atkins	Daschle	Green
AuCoin	de la Garza	Guarini
Barnes	Dellums	Hall (OH)
Bateman	Derrick	Hamilton
Bedell	Dicks	Hatcher
Beilenson	Dingell	Hawkins
Bennett	Dixon	Hayes
Berman	Donnelly	Heftel
Bevill	Dorgan (ND)	Hertel
Biaggi	Dowdy	Horton
Bliley	Downey	Howard
Boggs	Duncan	Hoyer
Boland	Durbin	Hutto
Boner (TN)	Dwyer	Jones (NC)
Bonior (MI)	Dymally	Jones (TN)
Bonker	Dyson	Kanjorski
Borski	Early	Kaptur
Bosco	Eckart (OH)	Kastenmeier
Boucher	Edgar	Kennelly
Boxer	Edwards (CA)	Kildee
Breaux	Evans (IL)	Kleczka
Brooks	Fascell	Kolter
Brown (CA)	Fazio	Kostmayer
Bruce	Florio	LaFalce
Bryant	Foglietta	Lantos
Burton (CA)	Foley	Leach (IA)
Bustamante	Ford (MI)	Lehman (CA)
Byron	Ford (TN)	Lehman (FL)
Carper	Fowler	Leland
Carr	Frost	Levin (MI)
Chappell	Garcia	Levine (CA)
Clay	Gaydos	Lipinski
Lloyd	Oakar	Smith (NE)
Long	Oberstar	Solarz
Lowry (WA)	Obey	St Germain
Luken	Ortiz	Staggers
Lundine	Owens	Stark
Manton	Panetta	Stokes
Markey	Parris	Stratton
Martinez	Pease	Studds
Matsui	Pepper	Swift
Mavroules	Perkins	Synar
Mazzoli	Pickle	Torres
McCloskey	Price	Torricelli
McDade	Quillen	Towns
McHugh	Rahall	Traficant
McKinney	Rangel	Traxler
Mica	Regula	Udall
Mikulski	Reid	Valentine
Miller (CA)	Richardson	Vento
Miller (OH)	Ridge	Visclosky
Mineta	Rodino	Walgren
Mitchell	Roe	Watkins
Moakley	Rogers	Waxman
Mollohan	Rose	Weaver
Montgomery	Rostenkowski	Weiss
Moody	Roybal	Wheat
Morrison (CT)	Rudd	Whitley
Mrazek	Sabo	Whitten
Murphy	Savage	Williams
Murtha	Scheuer	Wirth
Myers	Schroeder	Wise
Natcher	Schumer	Wolpe
Neal	Seiberling	Wright
Nelson	Shelby	Wyden
Nichols	Skelton	Yates
Nowak	Smith (FL)	Yatron
O'Brien	Smith (IA)	Young (MO)

NAYS—188

Archer	Grotberg	Molinari
Armey	Gunderson	Monson
Badham	Hammerschmidt	Moore
Barnard	Hansen	Moorhead
Bartlett	Hartnett	Morrison (WA)
Barton	Hendon	Nielson
Bates	Henry	Olin
Bentley	Hiler	Oxley
Bereuter	Hillis	Packard
Bilirakis	Holt	Pashayan
Boehlert	Hopkins	Penny
Boulter	Hubbard	Petri
Broomfield	Huckaby	Porter
Brown (CO)	Hughes	Pursell
Broyhill	Hunter	Ray
Burton (IN)	Hyde	Rinaldo
Callahan	Ireland	Ritter
Campbell	Jacobs	Roberts
Carney	Jeffords	Robinson
Chandler	Jenkins	Roemer
Chappie	Johnson	Roth
Cheney	Jones (OK)	Roukema
Coats	Kasich	Rowland (CT)
Cobey	Kemp	Rowland (GA)
Coble	Kindness	Saxton
Coleman (MO)	Kolbe	Schaefer
Combest	Kramer	Schuette
Cooper	Lagomarsino	Schulze
Courter	Latta	Sensenbrenner
Craig	Leath (TX)	Sharp
Dannemeyer	Lent	Shaw
Darden	Lewis (CA)	Shumway
Daub	Lewis (FL)	Shuster
Davis	Lightfoot	Sikorski
DeLay	Livingston	Sisisky
DeWine	Loeffler	Skeen
Dickinson	Lott	Slattery
DioGuardi	Lowery (CA)	Slaughter
Dreier	Lujan	Smith (NH)
Eckert (NY)	Lungren	Smith (NJ)
Edwards (OK)	Mack	Smith, Denny
Emerson	MacKay	Smith, Robert
English	Madigan	Snowe
Erdreich	Marlenee	Snyder
Evans (IA)	Martin (IL)	Solomon
Fawell	Martin (NY)	Spence
Feighan	McCain	Spratt
Fiedler	McCandless	Stallings
Fields	McCollum	Stangeland
Fish	McCurdy	Stenholm
Flippo	McEwen	Strang
Franklin	McGrath	Stump
Gallo	McKernan	Sundquist
Gekas	McMillan	Sweeney
Gingrich	Meyers	Swindall
Goodling	Michel	Tallon
Gregg	Miller (WA)	Tauke
Tauzin	Vucanovich	Wortley
Taylor	Walker	Wylie
Thomas (CA)	Weber	Young (AK)
Thomas (GA)	Whitehurst	Young (FL)
Vander Jagt	Whittaker	Zschau
Volkmer	Wolf	

NOT VOTING—11

Crane	Fuqua	Schneider
Dornan (CA)	Hall, Ralph	Siljander
Frank	Hefner	Wilson
Frenzel	Russo	

□ 1110

Messrs. KINDNESS, MOORE, HILLIS, VOLKMER, and ROWLAND of Georgia changed their votes from "yea" to "nay."

Messrs. GLICKMAN, PANETTA, and APPLEGATE changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 1460, ANTI-APARTHEID ACT OF 1985

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees: From the Committee on Foreign Affairs on all provisions (except section 17 of the Senate amendment) and modifications committed to conference: Messrs. FASCELL, SOLARZ, BONKER, WOLPE, CROCKETT, DYMALLY, BERMAN, WEISS, GARCIA, BROOMFIELD, SILJANDER, DORNAN of California, DEWINE, and BURTON of Indiana; and

From the Committee on Banking, Finance and Urban Affairs, for section 17 of the Senate amendment and modifications committed to conference, and as additional conferees for the following sections: Section 3, section 4, section 5, section 14(6) and section 14(7) of the House bill, and section 8 and section 15 of the Senate amendment: Messrs. ST GERMAIN, GONZALEZ, ANNUNZIO, MITCHELL, NEAL, BARNARD, MORRISON of Connecticut, WYLIE, MCKINNEY, LEACH of Iowa, and HILER.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 116

Mr. RUDD. Mr. Speaker, I ask unanimous consent that my name be re-

moved as a cosponsor of House Resolution 116, a resolution expressing the sense of the House with regard to an exchange of travel between leaders of the United States and the Soviet Union.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2965) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, and that I be permitted to include tables, charts, and other extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1986

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2965) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Illinois [Mr. O'BRIEN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2965, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. O'BRIEN] will be recognized for 30 minutes.

The Chair recognized the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

□ 1120

Mr. Chairman, the total new budget authority in this bill is $12,039,723,000. That is a net decrease below 1985 funding of $17,942,200, and it is below the subcommittee's tentative 302 allocation by $3,273,000.

The tentative 302 allocation under the Budget Act was made utilizing the assumptions of the budget resolution that passed the House, and we are within the total even though the final budget resolution has not passed. Seventy-one percent of the funding is for programs that have not been authorized, however, I point out, most of these programs have either been passed out of the House or they have been passed out of committee.

Overall, this bill is essentially a freeze. I repeat that because some people will come in the door here just before we vote and they will be asking about this. This is essentially a freeze. We are talking about freezing programs in this bill. Overall, the bill is a freeze, but we shifted some things; we had to, because the administration left out completely some programs that everybody knows that the majority in both Houses want, but we were able, by shifting the money around to stay essentially within the 1985 total amount for appropriations.

The principal increases in the bill that are over the President's budget come in the Commerce Department. I point this out because a number of people are very interested in these programs. There were EDA; sea grant; trade adjustment assistance, that were all proposed for elimination by the President's program. A number of NOAA programs; public telecommunications facilities grants; and others; all of those were accommodated at last year's level or less; however, we did accommodate them one way or another by shifting some money around.

However, the bill provides $2,119,887,000 for the Department of Commerce, which is $10 million less than 1985 even though it is over the President's request. So that is a little bit less than a freeze. The Justice Department is over fiscal year 1985 because it includes some additional amounts for drug enforcement, for prison facilities, and to implement the Comprehensive Crime Control Act which passed last fall. If we are going to implement that act, of course, it takes some money to do it, so you cannot stay within the 1985 amount for that purpose.

The bill restores the same dollar level for the Juvenile Justice Program which is authorized, and that is $70 million. The FBI appropriation here is $8,468,000 above the budget request, and that is for 191 positions for the Domestic Terrorism Program. The FBI had wanted this; they had asked for it, but it was cut out by the administration. We put it in this bill.

DEA is $7,750,000 over the budget request, but that is to pay for additional resources in the Foreign Cooperative Investigations Program, for Assistance to State and local governments in preventing division of controlled substances and the State and local task forces.

INS is the full amount that was requested by the administration. The State Department, however, is $34,178,000 less than was requested as a result of some of the shifting of resources, and it is $63,221,000 less than the total for 1985. However, I believe we were able to do this in a way that will not reduce their ability to carry out their responsibilities.

The level for Legal Services Corporation represents a freeze. It is $305 million the same amount as last year. There are a number of related agencies in this bill. Overall, some of them are increased some, but some of them are reduced also. For example, SBA is reduced substantially. We also fund the Maritime Administration, the Arms Control Agency, Bicentennial Commission on the Constitution, EEOC, FCC, Office of the U.S. Trade Representative, USIA, the Civil Rights Commission, Federal Maritime Commission, International Trade Commission, the FTC, the Mammal Commission, and the SEC.

Again, I repeat that we were able to take care of, I believe in the right way, all of these things and still be $17 million-plus below the 1985 funding. We are also below the subcommittee's tentative 302 allocation based upon the House-passed budget resolution.

I think it is a good bill, and I ask the Members to support it.

I would like to insert my prepared statement in the RECORD at this point.

COMMERCE, JUSTICE AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATION BILL FISCAL YEAR 1986 (H.R. 2965)

Mr. Chairman, total amount of new budget authority in H.R. 2965 recommended by the Committee for FY 1986 is $12,039,723,000. This amount is a decrease of $17,942,200 below the amounts provided for FY 1985, including the Supplemental as passed the House. In addition, the amount recommended is $3,277,000 below the tentative allocation to this Subcommittee and is consistent with the Budget Resolution which passed on May 23, 1985. Although the amount recommended is $265,519,000 above the budget requests, it should be noted that these requests were reduced by a total of $409,133,000 and amounts totalling $674,652,000 were added to fund programs which the Administration had proposed to reduce or eliminate and to provide for a number of program enhancements, which

many individual Members and Committees of the House support and view as necessary at this time. The major items in this category include the following programs:

Economic Development Administration (+$192,000,000);

Trade Adjustment Assistance Program (+$22,000,000);

National Oceanic and Atmospheric Administration (NOAA) programs (+$255,974,000);

Public Telecommunications Facilities Grants (+$24,000,000); and

Department of Justice programs (+$111,707,000).

A total of $2,119,887,000 is provided in title I of the bill, for the Department of Commerce. The Committee restored funding, at least in part, for several programs in the Department that Members were interested in, for which there were no budget requests or which were targeted for substantial reductions. These programs include the Economic Development Administration for which the bill includes $206,000,000 for EDA programs and administrative costs, compared with only $14,522,000 requested by the Administration, and the trade adjustment assistance program in the International Trade Administration, for which the bill includes $22,000,000. The President's budget did not include any request for this program. In addition, title I of the bill provided $189,374,000 above the Administration's request for several programs of the National Oceanic and Atmospheric Administration, which are of vital interest to many Members, and which were not included in the President's budget or were targeted for substantial reductions. These include the Great Lakes Environmental Laboratory, Fisheries Loan Fund, Sea Grant, the polar orbiting satellite program, fisheries grants to States, Coastal Zone Management and specialized agricultural weather programs. Also, title I of the bill includes $24,000,000 for Public Telecommunications Facilities Grants, for which there was no budget request. This amount is the same as was provided for FY 1985 and is within the amount contained in the proposed authorization for this program for FY 1986 as reported by the Senate Commerce Committee.

The bill provides a total $3,896,189,000 in title II for the Department of Justice. This amount includes funding for several critical programs for which there were either no budget requests or for which substantial reductions were proposed. The most significant of these is the Juvenile Justice and Deliquency Prevention Program for which $70,282,000, including administrative costs, is provided in the bill. In addition, the bill includes $10,018,000 for the U.S. Trustees Program under United States Attorneys and Marshals. This program was again proposed for elimination in 1986, and the amount recommended will permit this experimental program to continue in all 18 pilot districts. The bill also includes $9,900,000 for the State and local drug grants program and $5,000,000 to reimburse the State for the cost of incarcerating Mariel Cubans. Both of these items were eliminated from the President's budget.

Title II also includes $9,000,000 for the Cooperative Agreement Program compared with $5,000,000 requested by the Administration. This program provides for modernization and expansion of State and local jail facilities that house Federal prisoners. In addition, the bill provides $8,468,000 above the budget request for the Federal Bureau of Investigation for the domestic terrorism program. This increase will permit the FBI to allocate resources to this program in a more orderly manner and establish and fully staff joint terrorism task forces in several metropolitan areas. The bill also provides $7,750,000 for the Drug Enforcement Administration above the President's request to strengthen DEA's resources in several key areas in the Nation's battle against drugs: The Foreign Cooperative Investigation Program; diversion of controlled substances; and State and Local Task Forces. Title II of the bill also includes a total of $3,000,000 above the budget request for the Federal Prison System to improve security and relieve overcrowding through the hiring of additional correctional officers and restoration of the contract community treatment centers program to the FY 1985 level.

The bill provides a total $2,526,440,000 in title III for the Department of State. This amount includes funds for all administrative cost increases requested, payment of assessed contributions to international organizations and a portion of the program increases requested. These program increases include funds requested for strengthening reporting and analysis, communications and information systems and security installations at overseas posts. With respect to assessed contributions to international organizations, the bill includes $480,235,000 for payment of the annual obligations of United States membership in such organizations as authorized by conventions, treaties or specific acts of Congress. The Committee recommendation is a reduction of $15,000,000 from the budget request due to exchange rate gains that have accrued in recent years in this account. The Committee also approved all of the funds requested for the State Department's foreign buildings program. However, the Committee has directed the State Department, in the report, to submit a reprogramming proposal before funds are obligated for certain staff housing projects because of our concern over the extemely high cost estimates for such housing.

The Committee recommendation for the State Department also includes a total of $9,900,000 for Protection of Foreign Missions and Officials. The recommendation will provide for reimbursement of State and local government in cases of extraordinary need for protection of foreign missions and officials throughout the United States ($2,605,000) and protection of foreign missions and officials accredited to the United Nations and to other international organizations ($7,295,000).

The Committee has added $1,326,000 above the budget request for the International Boundary and Water Commission, United States and Mexico to maintain the program of reimbursement to the City of San Diego for its expenses in treating sewage from Tijuana, Mexico. The total in the bill for this project is $1,800,000.

The bill includes a total of $1,081,800,000 in title IV for the Judiciary. This amount is a decrease of $57,251,000 from the total amount requested for the Judiciary for fiscal year 1986 but is an increase of $41,385,000 over the amounts appropriated to date for the current fiscal year. The reduction from the budget request is associated primarily with additional positions requested but not allowed, as well as space and furniture and other support items related to those positions. The increase over the current year level will provide for certain administrative cost increases as well as additional positions related primarily to increased caseloads.

Title V of the bill provides for a total of 18 related agencies and commissions. Included in this amount is $92,285,000 for the Federal Communications Commission, $63,900,000 for the Federal Trade Commission and $109,767,000 for the Securities and Exchange Commission. The bill also provides $79,712,000 in new budget authority for the Maritime Administration, including $2,000,000 for training ship fuel oil assistance for the six state marine schools, and $8,500,000 for financing from prior year appropriations that was assumed in the budget but will not be available because the deferral to make these funds available was disapproved.

In addition, title V includes $6,175,000 above the budget request for the Equal Employment Opportunity Commission. These funds will restore administrative reductions and a program freeze and provide for additional work years to assist the Commission in its enforcement programs.

The Committee recommends $305,000,000 in Title V for the Legal Services Corporation for fiscal year 1986. This amount is the full budget request submitted by the Corporation for fiscal year 1986, but is $4,00,000 less than appropriations for the current fiscal year, including an amount in the FY 1985 supplemental as passed the House. The reduction from the current year level reflects an amount in the Supplemental for the nonrecurring cost of a clinical program. The Committee recommendation of $305,000,000 for FY 1986 is the same dollar level appropriated for FY 1985, but will result in a decrease when inflation is considered. The law provides that the Corporation shall submit its request directly to the Congress. No funding was requested for the Legal Services Corporation in the President's budget for fiscal year 1986.

The Committee intends that the funds provided in the bill for the Legal Services Corporation be used strictly in accordance with the restrictions and provisions contained in current law until an authorization bill is passed by the House, at which time the funds could be used only in accordance with the terms of such a bill, or until authorizing legislation is enacted into law, at which time the funds could be used only in accordance with the terms of such legislation. The Committee has inserted language in the bill which will achieve this objective. Thus, under the provisions of the bill, all current limitations applicable to the Corporation will apply until changes are approved by the House at each stage of the authorizing process.

The $305 million dollar fund level should not be construed to support the Legal Services Corporation's proposed plans to reduce migrant and non-Census based programs by 21 percent or to cut national support centers by 10 percent or to reduce certain other programs as the Corporation has proposed. It is our intent that Legal Services Corporation maintain funding for Census and non-Census based programs funded under section 1006(A) (1) and (3) of the Legal Services Corporation Act of the same level as the programs were funded in FY 1985. In the event that there is any extra money in this appropriation which does not come from Census or non-Census based programs such as the one-time appropriation in FY 1985 for development of materials for a clinical program for the elderly, these funds should be used for distribution to Census-based basic field programs consistent with the funding formula. The formula has the purpose of reducing the funding disparity

between programs on one hand and bringing programs closer to the minimum access funding level on the other. Under the provisions incorporated by reference in this appropriations bill, the Corporation is still able to suspend, terminate, reduce or deny refunding to those programs which are found in substantial violation of the Legal Services Corporation Act and regulations.

The Committee recommendation includes $8,883,000 to provide initial funding for the State Justice Institute which was authorized by the State Justice Institute Act of 1984. The Act established the Institute as a private non-profit corporation to improve the administration of justice and operation of the courts of the States. The objectives of the Institute are to be met through grants to State courts, their support organizations, law schools and other organizations working in the field of judicial administration.

Title V of the bill also includes a total of $511,400,000 for the Small Business Administration. This amount is a reduction of $66,600,000 from the request for SBA and is a reduction of $217,350,000 from appropriations provided for the current fiscal year. The Committee recommendation will provide for a program level of $216,000,000 for direct loans in the Business Loan and Investment Fund, a 16 percent reduction from the current level. The Committee has also included $35,000,000 in the bill for Small Business Development Centers.

The bill includes a total of $887,896,000 for the United States Information Agency. This amount includes funds for certain administrative cost increases as well as selected program increases. Included in the recommendation are funds that will permit USIA to enhance its WORLNET broadcasts and replace and improve TV facilities, expand Voice of America program operations, expand the Sports America program and enhance the performing and fine arts programs. In addition the recommendation provides for FM stereo coverage of the German Democratic Republic via satellite, development of a worldwide book initiative and expand its program of book translation and distribution in Central America. In addition, funds are provided to establish a new post in China and to increase staff at overseas missions. Also included in the Committee recommendation is $124,310,000 for the Radio Construction account. This amount together with carryover balances, should provide sufficient resources for the Agency to continue its facilities modernization program for the Voice of America. In addition, the Committee recommendation includes $11,202,000, the full budget request, for Radio Broadcasting to Cuba.

The Committee recommendation also provides for a total of $144,412,000 for the educational and cultural exchange programs of the USIA. This amount will provide $127,671,978 for Fulbright and International Visitor programs and includes a number of the program enhancements requested. In addition, the Committee recommendation provides $19,300,000 for the National Endowment for Democracy which is the same amount as was authorized in the FY 1986 authorization bill (H.R. 2068) which passed the House on May 9, 1985.

Finally, the Committee recommendation reflects the requested reductions for these departments and agencies associated with the Administration's proposal to reduce basic pay for Federal employees by five percent. The Committee understands that the Administration will submit a budget request for these funds if the legislation authorizing this proposed reduction in salary rates is not enacted.

Mr. Chairman, I believe that I have discussed the highlights of the bill. Further details on each item are included in the report.

In closing, I would like to thank all the Members of our Subcommittee for their support in helping to carry out the work of the Subcommittee this year, and especially in helping to put this bill and report together.

Mr. O'BRIEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, speaking from the opposite side of the aisle, I wish to commend my chairman, Mr. SMITH, for a remarkably competent job. He does that regularly, but I think it was especially well done this year.

I am indebted to Messrs. WHITTEN, CONTE, REGULA, ROGERS, ALEXANDER, EARLY, DWYER, CARR, and the distinguished Member from Massachusetts, Mr. BOLAND, for considerable effort and help in getting this bill through to your attention. I will not forget the staff debt, which is considerable. To John Osthaus, Terry Bevels, and particularly, Drew Hiatt, and Jim Fairchild, I am personally indebted.

Mr. Chairman, the committee has made the tough choices; its decisions are based on a thorough review and consideration of department and agency needs. You will note that the appropriation totals $12,039,723,000. Now, the figure itself is not remarkable, but if one compares it with the total 1985 appropriation which was $12,057,665,200 the significance becomes clear, a reduction of almost $18,000,000.

Mr. Chairman, Congress is told it can hardly manage its own affairs let alone those of the Nation, and we are often told that we hesitate to take a firm stand. We are asked what we have done to reduce the deficit and control spending, and we simply have had no reply. But the problem extends beyond this hill. We are a nation that is simply not accustomed to self-denial. We tend to waste rather than to conserve. But the bill before you today represents a real change, a break with the past, a departure from old, lazy fiscal irresponsibility. With this bill, we are changing not only our spending habits but we are making a dramatic gesture to reduce that deficit. I cannot go to any corner of my district, the Fourth, of Illinois, be it urban or rural, when this is not the first question: "What are you going to do about the deficit?"

This bill represents a considered effort of the entire committee, hammered out in sometimes heated debate. It is not perfect, but it is certainly worthy of your support. By supporting this bill, you support a change that is good for the Nation. I urge a favorable vote.

Mr. Chairman, I reserve the balance of my time.

□ 1130

Mr. SMITH of Iowa. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to commend NEAL SMITH, the chairman of the State, Justice, Commerce Appropriation Subcommittee and GEORGE O'BRIEN, the ranking Republican for reporting an excellent appropriation for the Drug Enforcement Administration for fiscal year 1986. The subcommittee's bill recognizes that fighting the deadly illegal drug traffic is a major national priority.

The bill, H.R. 2965, adds $7.75 million to the Administration's request for three important programs that are central to an effective fight against drug trafficking.

First, the committee has added 11 positions to DEA's Foreign Cooperative Investigations Program. This program had been cut—as a result, DEA agents overseas are exposed to unnecessary danger, and our ability to gather intelligence, vital to interdicting the supply of drugs, had been undermined. This action restores the overseas program—which I might add is one of the most respected of American activities overseas.

Second, the committee restored the State, and Local Task Force Program, almost to the 1980 level. The 26 Federal, State, and local task forces are one of the most effective programs at reducing the supply of drugs in the neighborhood. Studies of this program show that it is one of the most cost effective of all Federal drug enforcement programs, generating high quality arrests that impact the drug marketplace; $4.2 million and 70 positions have been restored.

Finally, the committee has appropriated $3 million for the State and Local Assistance Program to control diversion of prescription drugs—the drugs responsible for three-quarters of the deaths and injuries that are due to drug abuse.

The committee's recommendation puts some muscle in the Federal drug enforcement strategy where it is necessary and achieve results. I urge my colleagues to support this appropriation.

Mr. Chairman, I say to my colleagues that we make a lot of noise around this institution trying to send signals that we are strong in drug enforcement. Just a few weeks ago we decided to send battleships and cruisers and what have you to try to ferret out and interdict those who are trafficking in drugs. Sending signals is important. Sending troops is much more important—it's effective. We are going to find out whether we are really serious about drug enforcement today. I want the Members to watch the votes today,

because an amendment is going to be offered to cut the drug enforcement programs across the board by 4 percent.

Let me tell my colleagues that those Members who voted a few weeks ago to send battleships ought to think hard about this vote, because this is where we send the troops, the resources. Drug enforcement is labor intensive. Signals are not going to stop the drug traffickers; sending the troops is going to send the drug traffickers the kind of signals that will worry them.

So I suggest to my colleagues that they ought to support this bill. It is a good bill. It does put a litle more muscle in our drug enforcement efforts, and it warrants your strong support.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I would be happy to yield to my colleague, the gentleman from New York, a distinguished Member and very active in this entire area of drug enforcement policy.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from New Jersey [Mr. HUGHES] for his remarks and for his intensive, continuing efforts to put some teeth in our Nation's drug enforcement efforts.

We urge a lot of words about fighting drug abuse and in conducting a war against drugs, but unless we put some significant money where our words are and provide the kind of manpower and equipment needed to do the job, we are not going to win this war. Accordingly, I urge my colleagues to fully support this measure and I commend the distinguished committee chairman, Mr. SMITH, and the ranking minority member, the congressman from Illinois [Mr. O'BRIEN], for bringing the excellent measure to the floor at this time.

Mr. HUGHES. I thank the gentleman, and the gentleman is absolutely right.

Mr. O'BRIEN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to compliment the committee, as well, for the long hours and days of effort that they put into this bill before they brought it to the House. I would like to compliment especially my colleague, the gentleman from Massachusetts [Mr. EARLY] who played a major role in providing additional funding in this bill for domestic counterterrorism.

Having served for 6 years as a member of the Intelligence Committee, I have badgered witnesses day after day, time after time, with "Are you really aware of the growing threat from terrorism? Are you doing something about the growing threat from terrorism?"

In this bill, there is an additional $8,468,000 that has been appropriated for the purpose of combating, giving the FBI the tools to combat domestic terrorism. There is still a job that needs to be done, though. There are still additional requirements in the field of battling international terrorists. The international counter-terrorism program needs more money than is provided for in this bill, and the threat from international terrorists is on the front pages of our newspapers and on our television news programs every day.

We need to add to this bill another $9,493,000 to provide the FBI with additional tools to fight the international terrorists. When they have this additional money, and unfortunately the specifics of what they would do with this money and why they need it are classified, but for those Members who would like to have the classified data, if they will come to the desk I will be very happy to provide it to them on a classified basis, but an additional $9,493,000 is needed by the FBI in their battle against international terrorism.

When the FBI has the tools to do their work, they are very, very effective. Just let me give a couple examples from just last year.

On March 12, FBI information led to the arrest of four members of an Armenian terrorist group planning to murder the Turkish Commercial Attaché in Ottawa.

Again in March, three members of the Armenian terrorist group were arrested for attempting to bomb the Air Canada cargo entry area at the Los Angeles International Airport.

In October, four Armenian terrorists were convicted of involvement in an attempt to bomb the Turkish honorary consulate in Philadelphia.

In May, two Libyan students, one a former Libyan military officer believed to be a Libyan intelligence officer, were arrested in Philadelphia after buying handguns and silencers from an FBI undercover agent.

In June, the FBI arrested a Mexican in Puerto Rico who was wanted by the Mexican Government for a threat against the life of the Mexican President.

In November, eight individuals were arrested in Miami in connection with a plan to stage a coup and assassinate the President of Honduras. The Director of the FBI, in a speech to the American Bar Association on July 9, made this comment about that effort in Honduras. He said:

> Our work against international terrorists has also led us to investigate plots to overthrow foreign governments by dissidents and exiles living in this country. In a very recent case in Miami, an informant came to us after he was approached by people interested in hiring a hit man to assassinate Honduran President Robert Suazo, so we arranged for the informant to introduce an undercover agent to the group. The plotters struck a deal with our agent and agreed to pay $300,000 for the assassination.
>
> During the course of the investigation, we found that some of their group were also involved in drug trafficking and were using drugs as a basis to finance their coup.
>
> We brought down the operation by arresting 8 of the plotters. In addition to preventing the assassination of President Suazo, we seized 3 airplanes, a 158-foot freighter converted to carry marijuana, and 345 kilos of cocaine valued at more than $10 million.

When they have the tools, the FBI is very, very effective. Mr. Chairman, the threat of terrorism is immediate, and it is growing. I say again, if you do not believe it, just read the newspapers every day and watch the television news.

□ 1140

The problem that we have if we do not provide this additional $9 million for the FBI in their battle against international terrorism is that they are going to have to fight the fight anyway. Because it is immediate, they are going to have to do the things needed to protect America, Americans, and our interests.

But where will they get the money if we do not appropriate it, if we do not agree to an amendment later in this bill? Well, they will have to take it from funds and assets they now use to battle organized crime, to battle racketeering, corruption, graft, extortion, arson, loan-sharking, and pornography. They will have to take it from their divisions that fight white-collar crime, government fraud, public corruption, and financial crimes. They will have to take it from the moneys they use for carrying on the fight against kidnaping, extortion, killing of Federal officials, et cetera. The list goes on.

Mr. Chairman, let us amend this bill at the proper time to add that $9 million that the FBI needs to fight the terrorists of this world.

Mr. SMITH of Iowa. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Chairman, I rise in support of H.R. 2965, as reported by the Committee on Appropriations. I commend the chairman of the subcommittee and manager of the bill—the gentleman from Iowa, Mr. NEAL SMITH—for his dedication in fashioning the legislation. I do not agree with all that the committee has done but believe that, as a whole, the legislation is quite supportable, and should be approved by this body.

I am particularly pleased that the committee has incorporated many provisions which I recommended as chairman of the Judiciary Subcommittee

on Courts, Civil Liberties, and the Administration of Justice.

An element of the bill that I strongly support is the funding for a State Justice Institute. The Institute was authorized by the title II of Public Law 98-620.

The State Justice Institute Act was the subject of extended consideration by my subcommittee during the 96th, 97th, and 98th Congresses. The Institute has been carefully designed to provide a resource to assist State courts with common problems transcending State lines, while providing an appropriate relationship between State court systems and the Federal Government. I expect that the Institute will play an important role in the resolution of critical jurisdictional questions and other issues affecting the Federal courts as well as State judicial systems. The bill provides an appropriation level of $8.8 million, well below the budget authority of $13 million. This reasonable budgetary request will permit a timely launching of the Institute's program, a program critically needed if State courts are to continue to fill the basic role assigned them in our dual State-Federal judicial system.

Supporters of the act, in addition to the Conference of (State) Chief Justices, include the Chief Justice of the United States, the American Bar Association, and the Judicial Conference of the United States. Recently, on March 10, 1985, at the closing session of the Seventh Annual Seminar on the Administration of Justice (Colonial Williamsburg, VA), Attorney General Edwin Meese added his name to the list of supporters of the Institute. He characterized the Institute's budget submission as being quite reasonable and justified.

I am pleased that the funding for the Bureau of Prisons includes 50 additional positions (over the budget request) to provide additional correctional officers at existing facilities. During the 98th and 99th Congress, the Judiciary Subcommittee which I chair has reviewed the overcrowded Federal Prison System and sought to make it a safer place for the employees to work and for the inmates to live. Adequate staffing is a necessity, and these additional positions will be helpful. I am also pleased that the bill includes $2 million for additional population in community treatment centers in light of the projected increase in CTC population. It is both cost effective and good sense to put inmates in the least restrictive setting consistent with security and classification requirements, and relieves the pressure on overcrowed prisons. Additional funding of $250,000 for legal assistance to inmates in civil matters and $200,000 to continue and expand the Prison MATCH Program to four prisons are wise investments. Inmate legal assistance can have a calming influence on an inmate population, since they are made aware that there is a channel for their grievances. Prison MATCH, which provides needed services to inmates—particularly inmate mothers—and their children, increases the opportunities for family reunification and serves as an incentive for rehabilitation.

I am pleased that this bill includes funding for the Legal Services Corporation, although I would have preferred a higher funding level than the freeze level of $305 million. In the authorization bill, H.R. 2468, the Committee on the Judiciary had supported a level of $319 million—consistent with the House budget resolution. This amount reflected a CBO inflation factor of approximately 4.6 percent. The Appropriations Subcommittee had recommended $312 million figure. The Corporation and particularly its grantees have still not recovered from the budget cuts since the fiscal year 1981 level of $321.3 million, at which point each county in the Nation had a legal services program.

The subcommittee which I chair has been concerned about the actions of the Corporation, its staff, and its Board during the past 3 years. The recess board which was appointed last year was confirmed and sworn in this June, and I would like to believe that the Corporation will act more cautiously and deliberatively—studying first and acting later out a reasoned basis. However, preliminary actions by this Corporation Board in its budget request and possible reorganization plans have indicated the contrary.

The authorization bill (H.R. 2468) which the Committee on the Judiciary ordered reported in June addresses many of these concerns—requiring accountability from the Corporation as well as from the local programs in their actions. A plan would be required to be submitted to Congress before the Corporation embarked on major policy changes. Timely investigations of programs would be required, and the procedures and standards for sanctioning programs for violations of the act and regulations would be streamlined and clarified. Further limitations are placed on recipients—relating to lobbying, class actions, and abortion cases. An additional class of aliens—covered last year in the committee's bill but not in the appropriation law—"temporary agriculture workers" would be allowed to be represented. H.R. 2468 is a sound bill, allowing programs to be controlled and case priorities and the delivery system to be set at the local level, as the original act intended.

I support the provisions of H.R. 2965 with the understanding that it is a freeze bill—intended to keep its grantees and contractors including non-census-based programs at the current 1985 funding level, and with the expectation that surplus funds be distributed to census-based filed programs. It would be unfair to rob Peter to pay Paul, and I support the funding level of $305 million with that understanding.

Mr. O'BRIEN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Kentucky [Mr. ROGERS].

(Mr. ROGERS asked and was given permission to revise and extend his remarks.)

Mr. ROGERS. Mr. Chairman, I thank my colleague for yielding this time, and I rise in strong support of another of the appropriation bills.

I want to commend specially the chairman of our subcommittee, the very strong and able gentleman from Iowa [Mr. SMITH] and, of course, our friend, the ranking member of our subcommittee, the gentleman from Illinois [Mr. O'BRIEN].

As a new member of this subcommittee, I can attest to the strong leadership that we are privileged to have in that subcommittee on both sides of the aisle and to the hard work that goes into the making of this bill and the dedication that I have seen to crafting a good bill.

The bill includes funding for many important programs, ranging from economic development to international trade and national security. There are a few highlights in the bill that I would like to point to.

First, it restores funding in this bill for EDA grant and loan programs that are important to many.

It maintains the funding for the U.S. Travel and Tourist Administration to promote foreign travel in this country. And even at that funding level, we are behind most of the tourist nations of the world.

It continues the current funding level for public telecommunication facility planning and construction grants, a provision which is very important to our public broadcasting systems.

It increases the funding for the FBI to address the growing concern of domestic terrorism.

It increases funding for the DEA to step up the battle against illegal drug trafficking.

It maintains the funding for the juvenile justice programs, funding which is so very important for maintaining proper treatment of juvenile delinquents to help prevent them from becoming adult criminals.

It provides the administration-requested funds for the Arms Control and Disarmament Agency to pay our costs for the arms talks in Geneva.

It funds important USIA programs, especially the Voice of America and Radio Marti, which can play such an important role in presenting accurate

51-059 O-86-28 (Pt. 14)

news to countries beseiged by Soviet propaganda.

Finally, I would like to bring to our colleagues' attention two other items in which I am particularly interested and which I think add to this bill very much. The first concerns small business involvement in Government procurement. The committee report directs the SBA to use its authority to expand the scope of their current breakout operations. Now, the SBA is already operating a breakout program for small contractors for spareparts procurement with the defense agencies. By opening up more spare parts contracts for competitive bid, they have expanded small business participation and saved the Government in excess of $200 million.

Through this report language, SBA is directed to expand the scope of this program on a pilot-project basis to include SBA procurement involvement at research and development installations and in systems development at an early stage. This offers great potential for increased competition in our procurement process, which should mean more small business involvement and even more procurement savings for the Nation.

Another item of particular concern is an instruction in the report for the Commerce Department to pursue a highly promising financing package for coal exports, using Exim long-term insurance. If successful in just one country, this could mean over 1 million tons of additional coal exports per year to an industry that is beseiged at the moment.

□ 1150

So in conclusion, Mr. Chairman, the bill before us is an excellent bill. It balances the need to control spending with a twin need to continue important programs for our Nation and I urge our colleagues to support this bill.

Mr. O'BRIEN. Mr. Chairman, I yield 6 minutes to my long-time friend and great colleague, the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this bill is well crafted. The chairman, the gentleman from Iowa [Mr. SMITH] and the gentleman from Illinois [Mr. O'BRIEN], the ranking member, put a lot of effort into the management responsibilities covered in this bill. The entire membership of the committee made a diligent effort to develop a responsible bill in a bi-partisan environment.

It covers a broad range of agencies, all of which are important to our Nation, the State Department, the FBI, the Justice Department, the U.S. Trade Representative and many other agencies that have significant impact on the policy decisions of the U.S. Government as these policies affect our Nation's well-being.

I want to highlight a couple items that are in this bill that I think are important to all of us. First, the bill requires that the U.S. Trade Representative prepare a report on the feasibility of a defense tariff program. Historically, the United States has taken responsibility in a leadership role for free world security. This has been a very expensive undertaking on the part of our Nation. To give you some idea, we spend in excess of $6 billion for U.S. military personnel in Japan and Okinawa. This does not include operations and maintenance costs. That $6 billion, obviously, contributes substantially to the balance-of-payments problem.

I feel that it is time that our allies in the free world take a much greater financial responsibility for the security of the free world.

Historically, we have had a lot of promises. For example, the Japanese promised to do antisubmarine warfare patrolling for an area of 1,000 miles around the islands. As yet, very little of that has happened. This is just one example.

I have introduced legislation that would impose a tariff on our allies equal to an amount we spend on their security. This bill requires that the Trade Representative provide a feasibility study as to whether or not this could be applied as a practical matter.

I hope we can go forward with some type of legislation along these lines. It seems to me this would be one way to ensure that our allies provide a greater share of the costs for protecting the free world.

The Japanese Government spends 1 percent of its gross national product on defense. The U.S. Government spends about 7 percent. The result of this is that the Japanese Government has a lot of capital to invest in technology and modernization and in the process to take advantage of world markets, particularly those in the United States. If we did not have a large expenditure of our capital for free world security, we in turn, too, could have much greater modernization of our industrial infrastructure.

A second feature of the bill is that of requiring a study by the Securities and Exchange Commission as to the possibility of regulating Government securities. The news has been filled in the past several months, particularly in Ohio and Maryland, about the problems that the savings and loan industry has suffered as a result of bad investments on the part of many of those respective States' financial institutions. Other States have the same potential threat. Part of this has resulted from the fact that there is not an adequate regulatory mechanism for investments in many of the various types of Government securities.

We request the Securities and Exchange Commission in this bill to determine if there is an adequate way that there could be designed a regulatory mechanism that would protect depositors in the savings and loan institutions, as well as other financial institutions of our Nation insofar as their interest is impacted by investment policies of financial institutions.

Third, included in the report language is a section that would encourage the U.S. Information Agency to purchase American manufactured equipment to the extent possible in its program of modernization for the Voice of America facilities. It would seem to me and to the members of the subcommittee that wherever possible, agencies of the U.S. Government and particularly in this instance the USIA should use equipment manufactured in America for the purposes of modernizing the broadcast facilities of the agency around the world.

I might add here that the Voice of America is an effective instrument in bringing the message of freedom to many parts of the world. I had occasion to be in the Soviet Union and make some inquiries as to the impact of the Voice of America and the USIA activities on the Eastern bloc nations.

Mr. Chairman, I was advised by our Embassy people that this is an effective instrument to convey the message of freedom, to convey a true picture of what happens in the free world.

I would hope we could expand the ability of the USIA to reach out to those people that are in the Eastern bloc nations and tell the accurate story of the United States and the free world. It seems to me that accurate information is perhaps the most powerful instrument we can promote. This is one of the things this bill provides for in terms of financing.

Mr. Chairman, I urge my colleagues to support this legislation. It is responsible. It is basically a freeze at the 1985 spending levels.

I believe that the chairman and the ranking member and other members of the committee have made a very diligent effort to ensure that there is good management of the taxpayers' dollars in financing many important activities of the U.S. Government.

Mr. O'BRIEN. Mr. Chairman, I yield 5 minutes to my distinguished friend, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank my able and distinguished colleague for yielding this time.

Mr. Chairman, from the beginning of this year I have been admonishing the House that the $200 billion deficits that we are running year after year are a threat to our children and to the future of this country; that the cost to each of our children entering the work force is going to be $100,000

a year on average in extra taxes just to pay the interest on $2 trillion of national debt; and that if we do not get control of it soon, the debt will go to $3 trillion by 1990 and the cost to our children throughout their lifetimes will be even more horrendous.

Mr. Chairman, the budget conferees of both the House and the other body have not had the courage to come to grips with this terrible problem, but certainly the Appropriations Subcommittees that I have seen so far acting on their budgets have shown the kind of courage that I think is necessary to address it.

Yesterday under the chairmanship of the gentleman from Alabama [Mr. BEVILL] and the ranking minority member, the gentleman from Indiana [Mr. MYERS], we considered and adopted an energy and water appropriations bill that was not higher than that for fiscal year 1985, a freeze.

Today, the gentleman from Iowa Mr. NEAL SMITH, the chairman, and my colleague, the distinguished gentleman from Illinois, the ranking minority member, Mr. GEORGE O'BRIEN, have brought forth, with the able members of their subcommittee, a Commerce, Justice and State Department appropriation that also is not higher than last year's level. In fact, it is below it.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I am glad to yield to the distinguished chairman.

Mr. SMITH of Iowa. Mr. Chairman, because I neglected to do so, and I should have during my remarks, I want to say it was not just the gentleman from Illinois [Mr. O'BRIEN] and myself. It was also every member of our subcommittee. We worked together and it takes some work to get the bill down to last year's dollar level.

I thank the gentleman.

Mr. PORTER. Mr. Chairman, as a former member of the subcommittee, I certainly commend not only the chairman and the ranking minority member, but all the members of the committee for bringing out a bill that is so responsible.

The legislative branch appropriation which will come before the House very soon under the chairmanship of the gentleman from California [Mr. FAZIO] and the ranking minority member, the gentleman from California Mr. JERRY LEWIS, will also be a freeze. As a member of this subcommittee I commend these gentlemen for their leadership.

The Interior appropriations of the chairman, the gentleman from Illinois [Mr. YATES], the ranking minority member, the gentleman from Ohio Mr. RALPH REGULA, and their subcommittee will also be, just a little bit below, but will be below last year's figure.

The Foreign Operations, Subcommittee of Appropriations, on which I am privileged to serve, last night marked up, ending our work about 10 p.m. We will be $4 billion under last year's spending level.

I certainly commend my chairman, the gentleman from Wisconsin [Mr. OBEY] for his great efforts in bringing in a bill that is so fiscally responsible.

□ 1200

The HUD Subcommittee, we are told, is going to come in $1 billion under, and that is under the chairmanship of the gentleman from Massachusetts [Mr. BOLAND] and the gentleman from New York [Mr. GREEN].

Finally, I know that the chairman of third subcommittee on which I am most privileged to serve, Labor, HHS and Education, under the gentleman from Kentucky [Mr. NATCHER], and the ranking minority member, the gentleman from Massachusetts [Mr. CONTE], are striving to come in under last year's figures and with a very, very large bill, indeed, still expect to be below fiscal 1985.

The gentleman from Mississippi [Mr. WHITTEN], chairman, and the gentleman from Massachusetts [Mr. CONTE], as ranking minority member, have a right to be proud that the appropriations subcommittees are acting so responsibly. I commend each one of these subcommittees and their leaders. This is exactly what is absolutely necessary ultimately to bring under control deficits that are already out of hand.

So, I certainly commend the distinguished gentleman from Iowa [Mr. SMITH], and the able gentleman from Illinois [Mr. O'BRIEN], and their subcommittee members for the fine work they have done today in bringing out a very, very responsible bill.

I yield back the balance of my time.

Mr. O'BRIEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH] who has added his own luster to an already illustrious name.

Mr. FISH. Mr. Chairman, I would like to address the Legal Services section title 5 of the measure before us.

If I could take my colleagues back in time, Legal Services was a Republican initiative. In recent years there has been some very justifiable criticism of its operation and the result of this has been that we have gone for 4 years without authorizing legislation.

Incorporated in appropriation bills during these years have been limitations on the activities of the Legal Services attorneys. This again has been achieved by the actions of former Republican members of your Judiciary Committee, Mr. RAILSBACK of Illinois, Mr. BUTLER of Virginia, Mr. SAWYER of Michigan, and the gentleman from California, Mr. MOORHEAD, and the gentleman from Florida, Mr. MCCOLLUM. I think it is fair to say that these colleagues of ours have literally saved the Legal Services Corporation. The most recent appropriation laws incorporating these limitations are Public Law 98-411 and Public Law 98-396.

Mr. Chairman, title 5 of H.R. 2965 contains an appropriation for fiscal year 1986 to continue the operations of the Legal Services Corporation. H.R. 2965 proposes an appropriation of $305 million for this purpose.

However, this provision goes on to state that "none of the funds appropriated in this paragraph shall be expended for any purposes prohibited or limited by, or contrary to any of the provisions" of the following:

(1) Public Law 98-411 and Public Law 98-396; unless

(2) The House of Representatives passes a Legal Services Corporation authorization bill for Fiscal Year 1986; or

(3) Authorization legislation for Legal Services Corporation for FY 1986 is enacted into law.

Paragraphs (1) and (3) do not trouble me—since both are based either on relevant prior enactments of Congress or on an authorization bill to be acted upon by both Houses, which then in fact becomes the law of the land. However, paragraph (2) holds open the possibility that a House-passed version of an LSC authorization bill could ultimately determine the policies of the Corporation for fiscal year 1986.

In essence, we are being asked to vote today on what a House bill might contain. We are doing this before we even know what the provisions of such legislation might be. Now, the last time I read article I of the Constitution, Congress was a bicameral legislative body. That is, law is made by the actions of both Houses and with the approval of the President—or two-thirds approval over his veto, again by both Houses. How can we fairly, logically, or even perhaps constitutionally approve the provisions in paragraph (2)? Ironically, paragraph (2) is a sort of reverse "legislative veto"—where one House sets itself up as the final determinant of what national policy should be.

This language is a blatant attempt on the part of some to potentially codify the very troublesome and ill-advised provisions contained in H.R. 2468, LSC authorization legislation recently reported by the Committee on the Judiciary. Unfortunately, the Judiciary Committee bill contains none of the traditional protections against legal services activities relating to lobbying, political activity, and legal advice on abortions. For the first time in the history of our committee's consideration of Legal Services Corporation authorization legislation, a bill was reported on a straight party line vote—21 to 14—with unanimous Republican opposition.

As a Member of this House that has consistently supported the concept of legal aid to the poor, this is a disap-

pointing and troubling situation. H.R. 2468 represents a radical departure from previous bipartisan cooperation in our committee. This approach has done nothing but to further politicize an already controversial and difficult subject.

It is my understanding that since this is a limitation on spending, that the House rules prevent me from offering an amendment which would strike paragraph (2), page 40, lines 18-20. This provision ought to be stricken and the Members of this House should have an opportunity to make this legitimate legislative policy judgment. Instead, this language will now go to the other body, where I have every confidence that they will view it in a negative light—seeing it as the presumptuous power play that it is.

The clients and recipients of Legal Services Program benefits, are not being served by these events. I remain hopeful that the Legal Services Corporation, as reconstituted, will be able to proceed in an efficient and effective manner to deliver the legal services for which it was originally intended.

● Mr. BOLAND. Mr. Chairman, I want to indicate my strong support for H.R. 2965, the fiscal year 1986 appropriations bill for the Departments of Commerce, Justice and State, the Judiciary, and related agencies.

This is my first year as a member of the subcommittee which crafted this bill, and I wanted to pay tribute to the efforts of our chairman, the gentleman from Iowa [Mr. SMITH], and the ranking minority member, the gentleman from Illinois [Mr. O'BRIEN]. Their efforts to forge a consensus on the many difficult issues brought before the subcommittee, has produced a bill which has true bipartisan support. In addition, I want to compliment the subcommittee's dedicated staff for the effective assistance which they have provided in the preparation of this measure.

H.R. 2965 contains appropriations for some of the most essential functions of our Government. The subcommittee heard hours of, oftentimes compelling testimony in support of appropriations for such disparate activities as those performed by the Drug Enforcement Administration, the Foreign Service, and the Federal Trade Commission. We were faced with reconciling the real needs of the agencies within the jurisdiction of the subcommittee, with the realities of the budget problems we face. I believe we have met that responsibility by providing an overall freeze on budget authority levels, while insuring that those activities most in need of additional funding receive it.

I want to take particular note of the subcommittee's action on two issues, terrorism and the effect of imports on domestic businesses and their employees. We have seen all too frequent examples of the threat posed by terrorism to civilized societies. Our country and its citizens have been victims of some of the most reprehensible acts ever perpetrated by members of terrorist groups. We have an obligation to do everything possible to protect our citizens from this threat, and to make sure that terrorist groups that seek to operate from within our borders are not permitted to do so. H.R. 2965 addresses these issues by providing $30.8 million and 141 positions to be used in a continuing State Department program to strengthen security at overseas posts. There is no question as to either the need or the urgency for this program. In addition, the bill provides $8.5 million and 191 positions for the Domestic Terrorism Program of the Federal Bureau of Investigation. These funds will allow the Bureau to devote more attention and more resources to meeting the threat posed by terrorist groups who desire to commit their criminal acts in the United States.

I doubt that there is a single Member of this House who has not witnessed the effects of imports on a business in his or her district. The United States is experiencing a flood of imports in various industries, and that torrent has already washed away hundreds of thousands of American jobs and is threatening many thousands more. If we have a trade policy in this country other than letting the market work its will I would love to know what it is. It seems to me that we have a responsibility to assist those workers and firms that are being battered by imports. One of the programs that I believe can be of assistance in this area is the Department of Commerce's Trade Adjustment Assistance [TAA] Program. I know the administration does not like TAA—they have certainly done their best to kill it over the years. I also know that a number of businesses in my district have used the technical assistance grants and loans available through TAA to improve their ability to compete with foreign manufacturers. Jobs and companies have been saved as a result. It is my belief that, if enthusiastically administered, TAA could be of even greater benefit. I hope that the subcommittee's continued support of the program will encourage the International Trade Administration to take a fresh look at it, and to make sure that its effectiveness is not impaired by an insufficient commitment of resources to its management.

Mr. Chairman, H.R. 2965 is a good bill which I wholeheartedly endorse. I urge my colleagues to do likewise.●

● Mr. JONES of North Carolina. Mr. Chairman, I rise to voice my concern about the proposed appropriation levels for the Maritime Administration. Some of the amounts that are proposed are too low to adequately fund MarAd for fiscal year 1986.

This has happened through no fault of the distinguished leadership of the Appropriations Committee. The amounts they are proposing today were included in the administration's proposal authorization earlier this year.

After careful examination of the figures they proposed, the Committee on Merchant Marine and Fisheries reached the conclusion that some of the administration numbers could not be justified because they require statutory change which may not happen, or they require a regulatory change which probably will not result in the anticipated savings to the Treasury which the administration predicts. Our committee's conclusions are explained more fully in House Report 99-60, accompanying H.R. 1157, the maritime authorization bill for fiscal 1986, passed by this House on May 14, 1985.

For example, the administration believes that it can save the Treasury $11.6 million by eliminating the requirement that a vessel owner notify MarAd before going off subsidy on a nonessential trade route. From our committee's examination of this issue we conclude that this will not save the Government that much, especially when you look at another regulatory proposal to expand the essential trade areas to virtually all parts of the globe. This proposal leaves very few geographic areas in which you can ever operate off subsidy. As Admiral Holloway, president of the Council of American-Flag Ship Operators, testified before our committee, these savings are "speculative" and "short of wishful thinking."

Mr. Chairman, I am not going to offer an amendment to increase the appropriations what we on the Authorization Committee think they should be. I just wanted to point out the potential shortfalls to the committee leadership. It may very well be that we are setting ourselves up for the need for supplemental appropriations for the Maritime Administration later in the fiscal year.●

● Mr. SHUMWAY. Mr. Chairman, I rise today in strong opposition to the $305 million appropriation in H.R. 2965 for the Legal Services Corporation. It is absolutely senseless for the Congress to continue appropriating millions of taxpayers' dollars for a political lobbying service that continues to operate in blatant violation of the legislation which authorizes it. While I recognize that the original motivation behind the Legal Services Corporation was well-intentioned, and I certainly agree that all Americans, regardless of their economic status, must enjoy equal access to justice, I cannot condone the continued support for an

agency which has proven to be unsound, wasteful, and abusive of the law. Simply stated, the LSC, its staff, and its grantees have, under the guise of providing needed legal assistance, consistently made use of Federal funds to pursue broad social and political objectives, often in direct violation of law and congressional intent.

Congress has tried repeatedly, in the original Legal Services Corporation Act, and in subsequent restricting amendments on the Corporation's appropriations, to prevent the politicization of the Corporation and to ensure that it fulfills the mission for which it was created. The Corporation has circumvented every attempt to regulate its activities; congressional limitations have not been effective in preventing the Corporation and its recipients from assuming the role of federally financed advocates for political and social causes. The Corporation has used taxpayer's money for lobbying efforts initiated, in many instances, not in behalf of the poor, but for the larger purpose of social reform. Those who insist that the Legal Services Corporation only works in pursuit of its overriding goal to provide equal access to our judicial system for low-income Americans should take another look at the evidence.

During the 98th Congress, the Senate Labor and Human Resources Committee undertook investigative hearings on the Legal Services Program and confirmed yet again the extensive violations that have occurred there. Among the abuses brought to light were the formation of "dummy corporations" as a means of evading congressional prohibitions against lobbying; use of funds to advocate "a public policy of fighting threatened budget cuts in the LSC and other Federal social benefit and entitlement programs"; and indications of LSC staff destroying files that documented activities of the questionable legality.

Mr. Chairman, the Legal Services Corporation and its recipients are clearly not prepared to abide by the wishes of Congress. Why, then, should we once again throw away over $300 million of scarce taxpayers' dollars to prop up an irresponsible and unworkable system of legal assistance? In my view, the responsibility for providing legal services to the poor should be returned to the bar where lawyers have always in the past willingly donated their time to assist those in need.

As we ask our constituents to accept increasingly painful spending cuts in worthy domestic programs, I believe that we simply cannot justify the appropriation before us for the Legal Services Corporation, an agency with an 11-year record of reckless and improper activity.●

● Ms. MIKULSKI. Mr. Chairman, I rise in strong support of H.R. 2965, legislation making appropriations for the Departments of Commerce, Justice, State and the Judiciary for fiscal year 1986.

I commend the chairman of the Appropriations Subcommittee, Representative NEAL SMITH, for his excellent work on crafting a bill that is both fiscally responsible and at the same time keeps vital Federal programs intact.

As chairwoman of the Subcommittee on Oceanography, and a member whose district includes both Baltimore Harbor and parts of the Chesapeake Bay, I am pleased that Chairman SMITH included funding, at my request, for two projects essential to the growth and protection for the State of Maryland.

I. CHESAPEAKE BAY TIDAL GAUGES

The first of these projects is $100,000 for the construction of five tidal gauge, real-time, navigational stations in the Chesapeake Bay.

Tidal gauges are the most current, state-of-the-art navigational aid which have been developed by the National Oceanic and Atmospheric Administration in helping shippers and vessel pilots in navigating shipping channels.

The key to these gauges is that they provide computerized, up-to-the-minute information on a channel's water depth, tide flow, and wind speed. Their ability to predict when a channel will be at its deepest because of atmospheric conditions can provide deep-draft vessels with more draft to navigate otherwise unnavigable waters.

In addition, the accuracy which tidal gauges provide makes the planning of marine transportation for vessel operators, port managers, and shippers more efficient, reducing their costs and improving the competitive posture of our domestic maritime industry.

In fact, testimony presented to my subcommittee earlier this year indicated that for each inch of draft gained in a shipping channel from a tidal gauge, a ship operator can save $10,000.

The construction of tidal gauge stations in the Chesapeake Bay will enable the bay pilots to more easily navigate those portions of the bay where channel depth is often a problem in moving large container vessels in and out of the Port of Baltimore.

The tidal gauge station which is constructed for the Chesapeake and Delaware Canal with part of these funds will make a significant impact of the use of the canal by container ships, giving further incentive for vessels to use the canal as a shortcut from the open sea to the Port of Baltimore.

Further draft for shippers through the canal will strengthen the competitive posture of the Port of Baltimore for years to come.

In recent weeks we have heard about the failure of our domestic maritime industry to compete with the international maritime community. The development of the tidal gauge concept by NOAA, however, is clearly a sign that we are able to fashion new ideas which will foster our Nation's shipping and Port-related industries.

In working on this tidal gauge project, I particularly want to thank Capt. Mike Watson, president of the Maryland Association of Pilots, the individuals who navigate ships through the Chesapeake Bay, for his assistance in fashioning the rationale for this Chesapeake Bay tidal gauge venture. I am including for the RECORD a letter Captain Watson wrote me earlier this year which provides more detail about the benefits of tidal gauges for navigation in the Chesapeake Bay and the Port of Baltimore.

II. CHESAPEAKE BAY CLEANUP APPROPRIATIONS THROUGH NOAA

Also included in H.R. 2965 is a total of $2.3 million for the restoration of the Chesapeake Bay as a natural resource which was proposed for elimination in the President's budget.

Of this money, $300,000 is earmarked in the form of an interstate coastal zone management grant for the Chesapeake Bay region States of Maryland, Virginia, and Pennsylvania. These funds will be used by these three States in a joint effort to coordinate the work of their coastal zone management programs with the overall work of the Environmental Protection Agency in restoring the bay.

Some $1.5 million will be used to continue NOAA's role in the Chesapeake Bay cleanup effort. Key research questions about the decline in the Chesapeake's oyster population, the role of dissolved oxygen in the decline of the bay's fisheries, and a compilation of accurate statistics about the bay's recreational and commercial fisheries.

Finally, $500,000 has been restored by the committee to continue the important work done by NOAA on striped bass. This species has suffered a precipitous decline in the bay over the last decade. But it has not been determined, however, what specifically is causing the decline in rockfish in the bay.

The seafood industry in Maryland is a particularly important one, providing $120 million annually to the State economy and employment for roughly 20,000 Marylanders.

As a result, it is important that we continue to do everything possible to bring the Chesapeake Bay's fisheries back to viable commercial and recreational levels.

That is why it is wholly appropriate that NOAA uses its expertise in living and nonliving marine resources to help restore marine life in the Chesapeake, the Nation's largest and most productive estuary, to what it once was.

ASSOCIATION OF MARYLAND PILOTS,
Baltimore, MD, May 6, 1985.

Hon. BARBARA A. MIKULSKI,
Federal Building,
Baltimore, MD.

DEAR CONGRESSWOMAN MIKULSKI: In order to make maximum use of a dredged channel, exact tidal data must be made available to the ship's pilot; predicted tide levels are not sufficient. In early 1983, and with this goal in mind, the Association of Maryland Pilots sought to provide "real time" data for each pilot. Aided by some private companies, the Association attempted to install a tide gauge to monitor Baltimore Harbor and Brewerton Eastern Extension. Having exact tidal data for these areas would prove beneficial in two ways. First, bulk cargo ships could sail from Baltimore with deeper drafts and second container ships transiting the C&D Canal route might, under correct conditions, utilize the Brewerton Extension Channel, thus saving 12 miles and more than an hour sailing time. Unfortunately, and for several reasons, these efforts did not succeed.

Then, in early 1984, we learned that the National Oceanic and Atmospheric Administration (NOAA) was beginning a pioneer program in "real time" tide and current acquisition. NOAA also wanted to make this data available to interested parties.

After a series of negotiations, the Association and NOAA began a cooperative agreement whereby "real time" tidal levels were displayed on a CRT in the pilot office. This display includes Annapolis Harbor as well as Baltimore.

From experience, pilots know that published tidal predictions are not accurate enough when literally inches of water under a ship's keel are typical operating conditions. We had no idea, however, how inaccurate the published predictions could be. This is particularly true given extreme weather conditions. As a case in point, during the weekend of February 15th, we had tides of more than 4 feet below predicted levels. A number of ships could not get underway until more normal tide levels were reached.

Extreme weather conditions and the length of the Chesapeake Bay often result in long transit times. For example, when a ship sails from Baltimore on high tide, it becomes virtually impossible to determine what tidal conditions will be encountered 125 miles and 12 hours away. Similarly, when transiting the route using the C&D Canal, a ship's air draft becomes a factor because of the fixed bridge clearances. Therefore the question arises as how to best determine the accurate tide levels in order to allow a safe passage. At this point in time we simply do not know. Of course, we can approximate the time levels, but in order to get the most productivity from any channel configuration "real time" tide levels must be available.

Therefore, to monitor all 180 miles of Chesapeake Bay, the Association of Maryland Pilots proposes that the following additional tide gauges be established:

(1) At Chesapeake City in the C&D Canal;

(2) At Gloucester City, Virginia for data in the Rappahannock Shoal Channel;

(3) The South Island of the Chesapeake Bay Bridge Tunnel for monitoring Cape Henry Channel;

(4) Old Plantation Flats for monitoring York Spit Channel; and

(5) Piney Point Terminal Pier.

Two criteria were used in choosing these sites. First, each tide datum corresponds to a given channel. Second, each site either has an operating tide gauge or has one now in some state of structural being. In consulting further with NOAA technicians and scientists, we may determine that one or possibly more of these sites are not optimal placements and therefore may have to be changed. With the information we have available at this time, we believe them to be appropriately positioned. Depending on the cooperation from NOAA, this entire system, including IBM hardware to be located at the pilot station in Lynnhaven, Virginia, can be established for approximately $100,000, or about $20,000 per station.

With this chain of five stations operating with the already existing two an immediate increase of our recommended drafts for the port would be proposed by the Association. This increase could be recommended without additional dredging other than scheduled maintenance. With drafts of 41'00" available to shippers, we have reason to believe that a greater number of "CAPE" class bulk carriers will call on the Port of Baltimore, thus increasing the amount of coal that could be exported.

Just as the gauges we now have permit maximum use of the Brewerton Extension Channel in a safe and prudent manner, it can be expected that even larger efficiencies can be expected once the system is completed.

Very truly yours,

MICHAEL R. WATSON,
President.●

● Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment to H.R. 2965 which would delete funding for the Economic Development Administration [EDA]. As a Member from New York City, I can personally attest to many of the successful projects funded by the EDA which would never have succeeded without this funding. One of the most successful projects funded by EDA money is Fordham Plaza which is located in my district.

Fordham Plaza is a $60 million project in the Bronx. $2.7 million of that came from an EDA grant. The EDA grant was used to purchase the 3.2 acres necessary for the project; to clear the site; and to acquire and clear another property across the street. This land was used to construct a 15-story office complex with 300,000 square feet of commercial space and 50,000 square feet of retail space, enough to accommodate about 15 stores. In addition to the main building, a 500-car garage and a postal facility is also being built. This project will create 1,400 permanent and temporary jobs and is due for completion in 1986. Fordham Plaza is just one example of an EDA aided project which will be a great help to the economy of the Bronx, and to all of New York. None of this might have occurred without the EDA funding that this amendment proposes to delete.

There are many other projects in New York City that may never have come to fruition without EDA funds. The South Street Seaport is one of the better known projects which received EDA funds. The Seaport project received $7.5 million in an EDA grant to help renovate the seaport area. The South Street Seaport has been a boon to New York's tourist trade as well as to the enjoyment of all New Yorkers.

New York's industrial life has been greatly aided by the EDA as well. The Mid-Bronx Industrial Park, whose roads were in a state of disrepair, received a $1.3 million grant from EDA for internal road work in order to make more efficient use of its land. $1.7 million has been authorized in an EDA grant to the College Point Industrial Park to aid work on the park's infrastructure, without which the park might not be able to function.

The cultural centers of New York City have also benefited from the EDA money. Carnegie Hall recently underwent renovation with $950,000 in EDA funds. In addition the Astoria Film Studio received almost $5 million in EDA aid for renovation and modernization of its facilities. New York's culture is one of its most important aspects and I am glad that these projects were able to be completed thanks to EDA funding. $5 million in additional funds have already been authorized for New York projects, pending final approval.

Clearly, the work done with the help of EDA funds has been very important to all aspects of life in New York City and in other cities as well. I strongly urge that this amendment, which would prevent more of these projects from being completed by deleting the EDA fund from H.R. 2965, be defeated. There is no question in my mind that the adoption of this amendment would be detrimental to New York and to many other communities throughout the country.●

● Mr. McMILLAN. Mr. Chairman, I rise in support of the amendment of the gentleman from Indiana [Mr. HILER].

One of the dangers of breaking a pattern of proper procedure is acting on an appropriations bill prior to both budget and authorization, is that we make bad mistakes. We have the opportunity to correct this mistake, and I hope that we seize upon it.

My Small Business Committee colleagues on both sides of the aisle and I spent long hours in markup. A major concern of ours was to divest a loan program which had been sustaining heavy losses.

After considering total elimination of the direct loan program, we added back for minorities, handicapped, and veterans. At the same time, we specifically eliminated all other direct loans.

Yet this appropriation is continued at 1985 levels in H.R. 2965. This is contrary to the markup bill which was unanimously reported by those of us on the Small Business Committee just last week!

I urge my colleagues to support the Hiler amendment, which would make this bill consistent with the committee's markup.●

● Mr. BOULTER. Mr. Chairman, when we, as citizens, have an idea that sounds good but doesn't work right the first time, we will often give it another try. However, when something fails, time after time and revision after revision, to live up to our initial intentions, we must, sooner or later, give up.

That is why I rise in strong opposition to the appropriation for the Legal Services Corporation. Mr. Chairman, since its inception, this quasi-official Government agency, funded by taxpayer dollars, has failed to serve those it was designed to assist, and has instead produced an elite corps of powerful lawyers who have created a social agenda which they pursue through the LSC, with LSC funds.

Beyond those concerns are the fiscal concerns that must be priority to each of us. We need to reduce Federal spending by eliminating programs like, and including, the LSC. It strikes me as almost criminal that we are even proposing to spend $305 million more taxpayer dollars on this folly.

It is time to chalk one up to experience, and call 'em as they are. The Legal Services Corporation no longer merits congressional support, or taxpayer funding.●

● Mr. RANGEL. Mr. Chairman, I rise in support of H.R. 2965, the Departments of Commerce, Justice, and State, and Judiciary and Related Agencies Appropriations Act for fiscal year 1986. As chairman of the Select Committee on Narcotics Abuse and Control, I particularly want to note a few of the bill's provisions that will help strengthen our Nation's efforts to control illicit drug trafficking.

The bill includes $353,421,000 for the Drug Enforcement Administration, approximately $7,750,000 more than the administration's budget request and $16,327,000 more than appropriated for 1985. For the FBI, the bill provides $1,194,132,000, an increase of $35,244,000 above the amount appropriated for 1984. This amount is also an increase of $8,468,000 above the budget request. The amounts provided are sufficient to fund all requested program increases.

The increases recommended by the committee are to enhance DEA's efforts in the Nation's battle against illegal drug trafficking. These additional resources include $550,000 and 11 positions for the Foreign Cooperative Investigation Program. Based upon the Select Committee on Narcotics' overseas study mission, the DEA presence in foreign countries, particularly source countries, is essential to our efforts to attack narcotics trafficking at its source. Additionally, the Select Committee on Narcotics recognizes and wholeheartedly acknowledges the need for the increases which will provide $3 million for assistance to State and local governments in preventing the diversion of controlled substances. We share the Appropriation Committee's belief that a substantial increase in resources is necessary in the area of diversion in light of the extremely high number of casualties resulting from the abuse of prescription drugs which are diverted from legitimate channels.

Another program increase provided in the bill includes $4,200,000 and 70 additional work years for DEA's State and Local Assistance Program. I firmly believe that close cooperation between Federal, State, and local law enforcement agencies is essential to successfully combat the steadily growing street level trafficking of drugs in our Nation. This appropriation will continue support of approximately 20 Federal-State-local task forces across the country which are involved in joint investigations and the exchange of drug intelligence among Federal, State, and local drug law enforcement agencies.

I commend the gentleman from Iowa, the members of the subcommittee, and the full Appropriations Committee for providing increased levels of support for our drug enforcement efforts. I urge my colleagues in the House to support H.R. 2965.●

The CHAIRMAN. The gentleman from Illinois [Mr. O'BRIEN] has 2 minutes remaining and the gentleman from Iowa [Mr. SMITH] has 16 minutes remaining.

Mr. O'BRIEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed $2,000 for official entertainment, $31,609,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $88,662,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $105,111,000, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, $30,543,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $180,000,000: *Provided,* That during fiscal year 1986 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $26,000,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1986.

AMENDMENTS OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I have two amendments relating to this section of the bill and I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the amendment is as follows:

Amendments offered by Mr. WALKER: On page 2, strike everything between line 22 and line 19 on page 3.

Mr. WALKER. Mr. Chairman, what I am proposing to do here is to kick a sacred cow. I recognize that, and I just think that the Members ought to think a little bit about what it is we are doing in this particular part of the bill.

I am proposing to strike the money that is in the bill for the Economic Development Administration. That would save the taxpayers something on the order of $200 million, $200 million of appropriated money, and $150 million in loan money.

I think we ought to consider doing this because I think that it is some-

thing very much in line with where the American people believe we ought to be going on solving deficit problems, because I think one of the first questions we have to ask ourselves about EDA is who is it that wants that program. Do the people who run the program want the program; do the people who are administering the program want the program? The answer to that question is no.

Let me read to you from the administration's budget document what they have to say about the EDA Program and what it has done. The administration says "Over the past 8 years, EDA programs have added $9.4 billion to the Federal deficit by making bad loans and grants to weak and wasteful projects," $9.4 billion of additional deficit money in 8 years with bad loans and wasteful projects.

The administration also says:

> The Federal Government now has an exposure for EDA direct and guaranteed loans of just over $900 million. Almost 55 percent of the direct loans, $500 million plus, are delinquent. Nearly 90 percent of those loans are in liquidation, and half of them are in bankruptcy.

Another point: The one time that EDA attempted to sell some of its loans it was offered for those loans less than 10 cents on the dollar.

□ 1210

This low value reflects the high expected rates of default and, in other words, many of the loans turn into outright subsidies for inefficient borrowers. That is what we are doing with the EDA Program. The jobs generated by 12 EDA projects sponsored by the Emergency Jobs Appropriation Act of 1983 cost nearly $20,000 per person per month of employment. In other words, we were having to pay $20,000 per person per month in order to run these programs. The administration also points out that EDA's eligibility criteria between areas with great need and those with lesser need make 80 percent of the U.S. population areas eligible for assistance under EDA criteria.

Now that is what the administration says about the program. They have called, in their budget, to eliminate this program because of these kinds of things. It is wasteful, it costs vast amounts of money, and it is increasing the loan liability to the Federal Government enormously.

They are saying, "Get rid of it." So they do not want it.

Do the authorization committees around this House, around this Congress want this program? Well, I think we can take a look at what has happened over the last several years. There has been no authorization for this program over the last several years, no authorization whatsoever. Now you may find that the authorization chairman and all kinds of people who will speak up for this program, but the fact is they have not been able to get an authorization bill out of Congress. And the only was that we have been able to keep this program alive is through the Appropriations Committee. In other words, in this bill we are making the specific decision, the specific decision to spend the money that the administration says is wasteful.

The appropriations process saved this program. Last year when this bill came to the floor I had this particular program struck out of the bill on a point of order because it was not properly authorized.

What happened? The Appropriations Committee went to conference and, sure enough, they came back out of conference, they saved the program in conference.

Did the House want it? No, it was struck out in the House. But the Appropriations Committee saved this $180 million wasteful spending program.

What about this year? Well, this year it would also be eligible to be stricken out on a point of order based upon the fact that there is no authorization but, once again, the Appropriations Committee is protecting the bill. They went to the Rules Committee and asked for a rule that protected this program. So, once again, the Appropriations Committee is trying to save this wasteful program.

What I am suggesting to the House is we ought not be doing that. If you do not believe me that it is wasteful, consider what the author, Don Lambro, found when he took a look at this program some months ago.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. The author, Don Lambro, in his book "Fat City" took a look at this program some months ago, and this is not the most up-to-date material but it does show what one researcher found when he looked down into the depths of EDA and found out what we were spending the money for. Here are some of the things that he found we are spending the money for: More than $85,000 was spent on an international conference and study program concerning balanced growth in European countries. That hardly sounds to me like something that was doing a lot of good in economically deprived areas of this country. Then $125,000 went to fund a student loan intern program. Another $125,000 went to fund the Educational Development Center for another intern program; $10,000 was spent on a panel to review the final draft of a National Science Foundation-OMB task force report. Another $90,000 went to the National Center for Public Service for an internship program in the Southern States, $101,000 went to Northeast-Midwest Institute for six research and dissertation projects.

We were spending all over the place that had nothing to do with economic development.

The question is: In times of high deficit, is this how we ought to be spending our money? That is really the question. If the people who run the program do not want it, if the authorization committees have not properly gotten an authorization through, if researchers, when they look at this program. Consider it one of the more wasteful efforts that we have at the Federal level, should we in times of high deficit be funding such a program? I think we have to ask ourselves one of two questions: Which direction are we going? Here is the first proposition we ought to put before ourselves: Is this the proposition we want to abide by? There is nothing more important in fiscal policy than reducing the Federal deficit and some questionable programs must be eliminated to do that job. That is one way of looking at appropriations.

The other way of looking at appropriations is there are some things more important than eliminating the deficit, and EDA is one of those things. That is a proposition that the Appropriations Committee has put before you. They are saying there are some things more important than eliminating the deficit, and EDA is one of those things.

I contend that the American people believe that there is nothing more important to our fiscal policy than reducing the Federal deficit and that some questionable programs must be eliminated in order to do that job.

The way you eliminate a questionable program is right here with this amendment. You save money. You save some money so it can go toward an FBI program perhaps that will sponsor additional funding for acts against terrorism, with the gentleman from Florida [Mr. YOUNG], is going to propose.

There are other things to be done with the money or we can just save the money and make certain we reduce the deficit some.

But you cannot, you cannot justify EDA, you cannot justify EDA in light of $200 billion deficits. There is just too much questionable activity going on in that agency.

I would ask for a "yes" vote on my amendment. Let us save the taxpayers 200 million bucks.

Mr. HOWARD. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendments.

I thank the chairman.

Mr. Chairman, I would like to say about the Economic Development Act, this is one of the programs that has been a great success for many, many

years. We can always find some people who will say it is not a good program or it is a wasteful program. These may be people who are not interested in helping some of the areas that are in greater economic distress than others.

The one thing about this program I would like to correct, among others: The House did pass, not the entire Congress, economic development legislation last year 306 to 112, a bipartisan passing of that legislation.

At the present time we are in a situation where the Committee on Public Works and Transportation passed out a few weeks ago an economic development bill this year unanimously by voice vote. We have been to the Rules Committee, we do have a rule. Were there no appropriation bills up this week, that legislation would be on the floor of the House, having passed out of the committee unanimously by voice vote.

This is one of the programs which one of the ranking Members of our committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], said is one of the great society bills that follows the precepts traditional to the Republican Party, to be able to put some Federal money into a program that will generate a great deal more of private investment.

This program has done this down through the years.

To try to find out how much money might be generated we had a situation at the New Jersey shores where in one of my cities the convention hall had its structure out over the ocean which was weakened to a degree. That hall might not have been able to hold boat shows, camper shows, and some of the heavier meetings that we have there. But with a small infusion of money by the Federal Government and the city putting up money, I think this was corrected. What has happened? What has happened from that situation is that we did get an extension of the improvement of the economy because these shows will be there at the convention hall.

We found up and down the boardwalk that people were able to invest private money into improving their own businesses so that they could get money. We found hotels doing business that would not have done it; motels doing business, restaurants, bars, even an increase in the number and amount of tolls coming from the Garden State Parkway. This is the kind of program that everyone should be for, where we can put in a little bit of seed money and then get many times, 7, 8 or 9 times the infusion of private money into the economy so that we can help other economically distressed areas. Early on we had in the State of West Virginia a great deal of difficulty. Their difficulty was their own topography. There are great resort areas there, but in an area like that, it costs 3 or 4 times as much per mile to build roads to those resorts. Much of the EDA money early on went into those roads. We have seen improvements in the economy in those areas. This is a program that everyone should like. The Democratic view of having the Congress instigate programs like this and the Republican view of doing something where the Federal activity will bring about a great deal of private investment. This bill will be on the floor as soon as we can get there, aside from the other appropriation bills. I feel certainly that it will pass overwhelmingly, as it did in the last Congress. I do hope that the House will then defeat this amendment so we can go on concerning ourselves with a good stable program to help improve the economically distressed areas.

Mr. Chairman, I yield back the balance of my time.

□ 1220

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, EDA is a program that pays its own way. It is a program that, throughout its years of operation, has created jobs, targeted its assistance to areas of high and persistent, chronic unemployment, and the balance sheet shows that the program has paid for itself.

I served first as a staff member in this body in the Committee on Public Works when the Public Works and Economic Development Act of 1965, now known as EDA, was written and passed the Congress in 1965, and later, for the past 4 years, as chairman of the Subcommittee on Economic Development of the House Committee on Public Works and Transportation.

In 1981, our subcommittee conducted an extensive, in-depth review of the entire EDA Program. We laid out a balance sheet for the Congress to look at, with the participation of our colleague, the ranking member of that subcommittee, the gentleman from Pennsylvania [Mr. CLINGER], which demonstrated that in the 17 years of operation of the EDA Program, the Federal Government had invested $4.5 billion in EDA Programs.

Those funds leveraged an additional $9 billion in private and non-Federal public investment, creating 1.5 million jobs. Every year those jobs return to Federal, State and local treasuries $6.5 billion, every year, in taxes. Every year EDA is paying for itself in taxes returned to Federal, State and local jurisdictions.

The just-departed Director of the Office of Management and budget, Mr. Stockman, criticized EDA, saying that there was no net national job creation in the country; that EDA simply relocated jobs from one area to another.

Let me tell you what the president of a company had to say about Mr. Stockman's response: Mr. John Sheehan, president of Reading Industries in Reading, PA. Mr. Sheehan comes with good credentials; he was appointed by President Nixon to serve on the Federal Reserve Board.

An EDA loan guarantee to Reading Industries enabled the company to hire 700 employees, provide $45 million annually in wages, $150 to $250 million in supporting jobs, wages created in the surrounding communities, and he said Yes, it did relocate jobs—from Germany to Pennsylvania, because his company was in the export business, and took away markets from German firms that were exporting their commodities to America and displacing American jobs.

Mr. Sheehan said, "If it were not for the EDA loan guarantee, our company could not have restructured itself and could not have stayed in business and competed in the international marketplace."

There were criticisms also that the EDA had become too diffuse; that its benefits were spread to too many people and too much of the population. We addressed that issue, in the National Development Investment Act, H.R. 10, in the 97th Congress, in the 98th Congress, and again in this Congress. In that bill, with the participation of the gentleman from Pennsylvania [Mr. CLINGER], we narrowed the focus of the EDA Program; targetted its efforts down to only those hardest hit areas of the country.

The program continues to operate, even though that legislation was not enacted into law; it continues to be managed by the Economic Development Administration so that its benefits go to only those hardest hit areas; to a very narrow segment of the population.

H.R. 10 had such broad appeal that, as Chairman HOWARD said a few moments ago, it passed the House by a nearly 3-to-1 vote in the last Congress. It has had overwhelming support, this new legislation, from the business sector, public and private groups alike, and it has had broad, bipartisan support in this body.

Because it addresses one fundamental economic fact: That despite the economic recovery that has been brought about in the last 3½ years, there are areas in this country that have been bypassed and have not benefited in the general economic prosperity of this country; northeastern Minnesota being one, Steel Valley, the Monongahela Valley area in Pennsylvania being another.

(By unanimous consent, Mr. OBERSTAR asked and was given permission to proceed for 1 additional minute.)

Mr. OBERSTAR. In those areas of the country, we lack the financial re-

sources, the banking institutions, the private lending, the private venture capital; we need a helping hand. We need someone to come in and provide just a little bit of stimulus to areas where investment is not as good as it is elsewhere in the country; and help people go back to work, create jobs, return their tax dollars into the Treasury; with such programs we take people off the welfare rolls and put them on productive payrolls, and that has been the job of the Economic Development Administration; that has been its track record: a successful one, and I urge the Committee to reject the amendment of the gentleman from Pennsylvania [Mr. WALKER].

Mr. CLINGER. Will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman.

Mr. CLINGER. I thank the gentleman for yielding. I would like to associate myself with the gentleman's remarks, as one of the coauthors of the bill, which would affect many of the reforms that the gentleman from Pennsylvania [Mr. WALKER] alluded to as being abuses in the program.

I think it is necessary to point out that what we have heard here is past history.

(On request of Mr. CLINGER and by unanimous consent, Mr. OBERSTAR was allowed to proceed for 3 additional minutes.)

Mr. CLINGER. If the gentleman will continue to yield, we recognized that there had been weaknesses in the program, and we undertook to redraft the reauthorization bill for the program, and I think we have addressed those major concerns.

Let us be very candid. I think the major opposition to EDA is in the mind of one man, and that is the retiring Director of the Office of Management and Budget, who has a sort of macroeconomic view of the program which says that any money that is used to create a job in Minnesota or in Pennsylvania is taking a job away from California or Nevada.

There is overwhelming evidence that demonstrates that that is a faulty assumption. Moreover we have addressed the issue of 80 percent of the country being authorized, and as you have indicated, the agency is presently administering the program to target assistance only to those most necessary, most hart-hit areas of the country.

The loan program: We recognize there were faults in that; we in effect made a major reform of that program by putting the direction at the local level, where they are better able to administer the loan program.

So those were the two major objections to the bill, I think. They are addressed in this legislation. As the gentleman has indicated, it has received bipartisan support over the last two Congresses; we anticipate that in the next week or so it will receive bipartisan support again, and it will effect these reforms.

The point is that despite the OMB Director's feeling that a rising tide lifts all boats, that is just not true; there are some boats that are left behind, and they happen to be in areas that you and I represent. I think we can both testify to the fact that this program is very cost-effective, has really put people to work in the private sector, and that really is what we should be all about. We are not talking here about creating a big boondoggle with public sector funding; we are trying to create jobs in the private sector. The program has worked when it is administered effectively; it has worked, will continue to work, and I would urge defeat of the amendment.

Mr. OBERSTAR. Mr. Chairman, the gentleman has stated the case extremely well. It is a program that targets jobs into the private sector; permanent, ongoing jobs.

One final point that I should make, Mr. Chairman, is that the Economic Development Administration program budget has been cut 70 percent in the last 4 years. It has contributed its share of foregone revenues to deficit reduction. Let us not cut it any further or eliminate it altogether, as the proposed amendment would do.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, from the standpoint of pure political politics I suppose that I should express my sincere appreciation to the gentleman from Pennsylvania [Mr. WALKER] for providing this opportunity to stand up and be counted, by offering this amendment to strike funds for EDA from the appropriations bill. While there are many good, sound Government programs, I know of no Government program that has received such universal approval in the region of Arkansas that I represent, and, in fact, the entire State, than the Economic Development Programs, administered by the Economic Development Administration. These provide assistance to local sponsors, in most cases communities or counties, to acquire industrial parks, and to extend utilities to those parks so they can attract industries that will provide employment.

□ 1230

Just this past week, in my home State of Arkansas, Trumann, a town in my district, dedicated a new industry that will employ several hundred people that were made jobless by the closing down of a Singer manufacturing plant some 3 years ago. That plant closing caused an unemployment rate of more than 20 percent in that community. Those people in Trumann, like other workers in industries all over the country, have benefited from EDA Programs to stimulate job opportunities in private industry and business, to attract business and industry that can provide private jobs.

In my State, since 1967, more than 78,000 private-sector jobs have been created as a result of the Economic Development Administration investments. Data shows that the workers who are employed in those factories and businesses pay $127.6 million in Federal taxes each year. Thus, within every 18 months, in the State of Arkansas, these 78,726 people that are employed because of the EDA-local government investment partnership repay the total amount EDA has invested in Arkansas in all the years since 1967.

These are not public service jobs. They are jobs manufacturing goods and products that are sold in our country and exported overseas. And, they are jobs in private business. They are jobs that exist because of a government that had the wisdom to invest in building blocks for the future, to make investment in local communities that permitted people to help them help themselves.

I have a letter that is published in our subcommittee's hearing record, from the Conway Corp. Conway is a community over in the north-central part of the State. This is a letter from the manager of the company. He says:

Total EDA investments to Conway and Faulkner County exceed $4.3 million, creating or saving 4,224 jobs, at a cost of $1,034 per job. This, along with approximately $6 million of the city of Conway's money, is a substantial investment not only in the jobs already created but many jobs that will be created because of the potential for expansion that now exists—

As a result of this investment by our Government.

With the new Conway Industrial Park East presently under construction, we anticipate these figures to increase dramatically.

My colleagues, the Economic Development Administration is a sound program. It is an investment in the future. It is an investment in America. It pays for itself over and over again every 18 months in taxes generated from the wages that are earned by decent hard-working American citizens who are looking for an opportunity to have a job, to pay taxes, to provide support for their family, to buy a decent home, to have dignity as citizens, to make a contribution to our society.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. ALEXANDER] has expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. And, here we are in Congress, considering an amend-

ment to strike this program, to strike this program which has provided so much for so many in our country, without the cost of a single dime to the American taxpayer.

This is an example of being penny wise and pound foolish.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Michigan.

Mr. PURSELL. I think maybe the gentleman from Pennsylvania offered an appropriate amendment but for the wrong reason.

Really, the investment and the jobs that are produced are really private-sector jobs. You are talking about an investment of $1 of Federal money for $7, $8, $9 of private money. That is where the investment is. To me, if the investment is so good and worthwhile and can be marketed at regular rates, I do not really see a need for the Federal Government, in my opinion, with a major deficit and with its borrowing 20 percent of our revenue to say to local private sectors, "We will give you $1 if you invest $7 or $8." So I think it is questionable. And I do think the administration ought to clean up the program, with the bad loans and the bankruptcies, and I really fault the administration and the administration effort of not cleaning up the program to that extent.

Mr. ALEXANDER. I will respond to the gentleman. I appreciate the gentleman's remarks, and I am pleased to yield to him. I would say that there may be examples of bad administration. But, there are dozens and dozens, maybe hundreds, of examples of good administration. I can point out to the gentleman hundreds of cases in the State of Arkansas where jobs have been created as a result of good administration. It may be that in other States they are not so similarly disposed. But, I can tell the gentleman about my State and the States that I have become familiar with good administration of EDA Programs produces jobs. If the Members will read the hearing record and look at the examples in about page 700, you will see those examples made a part of the record.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. ALEXANDER] has again expired.

(On request of Mr. PURSELL and by unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. PURSELL. If the gentleman will yield further, I just suggest that most local communities that I have been familiar with over the years set up industrial corporations, local governments, local county operations have financing mechanisms with local full-faith and credit of local governments, who have a balanced budget, who are fiscally sound and can do that, to take those investment risks at less interest and less money on the loan, from a borrowing standpoint, for those who may need some additional help. But I am not sure now that the role of the Federal Government should be in that position, and I think those local governments, those State governments who feel it is necessary to invest in urban areas—and we have our Detroit, MI, and we use EDA grants, some of them have been excellent grants, some of them have been very bad administrative grants and administrative loans—so I suggest that maybe the role ought to shift here, to do the same kind of job, to help the enterprise areas, the cities, reinvest dollars to attract new jobs, new high tech and new diversification. We need that in urban areas. But I suggest now maybe historically the time has passed that the Federal Government should play that role when we are borrowing 20 percent of our revenue.

Mr. ALEXANDER. I would like to invite the gentleman to Trumann AR, to see a recent example where jobs have been created for people who have been unemployed for about 2 years, that have taken advantage of the Economic Development Administration Program that helps people help themselves. Since the plant closing I mentioned, EDA investments have helped generate 500 new jobs. Another 100 jobs are expected to come on line in the near future.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New Jersey.

Mr. HOWARD. Just on the idea that "private investment is so large in this area, therefore we do not need the public," very often the private investment comes only if the public facility is enhanced. You are not going to get private industry to fix public facilities. But if public money is used to fix public facilities, then the private interests around there will invest their money.

Mr. ALEXANDER. You do not have one without the other. And without the Government's seed money, then the investment in the private community would not be made. I have letters from local government and industrial leaders in Arkansas which document the value of EDA "seed" money investments in Arkansas.

Letters follow:

CONWAY CORPORATION,
February 28, 1985.

It is our understanding that EDA has again been included in the recision proposal sent to Congress. We are also aware that you have co-sponsored Senate Resolution 41 expressing the sense of the Senate disapproving the proposal to rescind EDA funds. To assist you in these efforts, we would like to share with you the success which Conway has received from EDA investments directly targeted for long term employment opportunities.

The City of Conway has long since recognized the need for expanded job opportunities through its role as a sub-regional trade center.

To accomplish these objectives the Economic Development Administration provided the initial water system improvements to a 318 acre industrial park and contiguous areas for the City of Conway. Today, this industrial park is filled to capacity with 41 industries employing 1,775 employees. This industrial park includes such bluechip industries as Kimberly Clark, FMC Corporation, and CCX, Inc. Three (3) other major industries located just outside the park—American Transportation Company, Virco Industries, and Baldwin Piano Company, employ approximately 1500 persons during peak season.

EDA has continued to recognize the industrial growth potential of Conway and our role as an economic development center. This was evidenced by providing water improvements to an additional 300 acre industrial area directly across Interstate 40 from the original park known as Conway Industrial Park East. Completed in 1983, these improvements have provided 132 jobs as originally planned within the first year after project approval. EDA has also provided sewer improvements to this same area under a separate grant; we expect over 600 jobs to be initiated within five (5) years after project completion.

The total EDA investments in this industrial area alone exceed $1.7 million, creating and/or saving 3,407 jobs, or $502.00 per job. The job creation resulting from these EDA investments have played a significant role in the economic base of Conway. The City of Conway has enjoyed a 31.4 percent growth rate from 1970 through 1980. The University of Central Arkansas experienced a six percent (6%) enrollment increase in one year when all other state universities experienced a decline. This University is a beneficiary of EDA project No. 08-01-00110; water to afford expansion of this campus is a direct result of EDA investment.

In addition to their current programs, EDA has been the agency utilized by Congress and previous administrations to carry out emergency public works and capital improvement programs. Through these programs the City of Conway has now been afforded the opportunity to provide professional medical care through expansion of what is now one of the State's most modern hospitals. The Faulkner County government has developed a model area wide rural fire protection and emergency medical dispatching center through an EDA-LPW project. These projects, including the hospital expansion, provided immediate construction jobs to our local economy at a time when the construction industry and Faulkner County was experiencing the highest unemployment rates. A drought relief aid project funded by EDA provided water to 250 homes and businesses whose unit water systems were completely dry.

Total EDA Investments to Conway and Faulkner County exceed $4.3 million creating or saving 4,244 jobs, at a cost of $1,034 per job. This, along with approximately $6 million of the City of Conway's money, is a substantial investment not only in the jobs already created but many jobs that will be created because of the potential for expansion that now exists. With the new Conway Industrial Park East presently under construction, we anticipate these figures to increase dramatically.

EDA has proven to be an agency capable and proficient in providing economic and industrial growth to our entire state and nation. This Agency should be maintained and utilized by our Federal government as the cognizant economic development.

We in Conway recognize that EDA is the most viable partner we have as we put forth our efforts to provide employment for the people of this area. Many Federal dollars are spent to accommodate the needs of the unemployed, but it is our belief that few dollars spent for economic development of our community are far more practical expenditures of Federal funds than the many, many dollars expended to cope with unemployment.

Thanking you kindly for your efforts to continue EDA as a resource for people seeking gainful employment, I am

Yours very truly,

JAMES H. BREWER,
Manager, Conway Corporation.

WOODRUFF COUNTY, AR,
OFFICE OF COUNTY JUDGE,
Augusta, AR, March 1, 1985.

Hon. WILLIAM V. ALEXANDER,
Cannon Building,
Washington, DC.

DEAR CONGRESSMAN ALEXANDER: The funding of the Economic Development Administration, the planning districts and the public works projects has always been of the utmost importance to this region.

I am enclosing three examples of EDA projects within our area. As you can see, the job creation and tax dollars generated prove them to be most worthwhile investments.

Inasmuch as the area has been critically depressed with high unemployment, the EDA projects have created new jobs and provided economic opportunities for persons within our territory.

I urge your continued support of the Economic Development Administration.

Sincerely,

JOHN DAVIS,
President, White River Planning and Development District, Inc., Board of Directors.

Enclosures.

In Heber Springs (Cleburne County), EDA funded a water expansion and upgraded water treatment facility. The grant also provided for extending water to the new industrial park. The industrial park is now filled to capacity (see below). EDA invested $900,000 in Heber Springs to create new jobs, with an average cost per job of $1,034. The average annual payroll is approximately $10,301,200. With an average tax rate of 14%, it would take the federal government approximately 8 months to recapture the investment. The project was funded and completed in the early seventies, and has paid for itself several times over.

HEBER SPRINGS

Employer	Average employees	Annual payroll
Aeroquip	250	$3,016,000
Skil Corporation	550	6,635,200
Glove Corporation	25	260,000
Garlinghouse Brothers	25	182,000
Bridges Electric	20	208,000
Total	870	10,301,200

The Mountain View Folk Cultural Center was funded in late 1968. The total amount of funding was $2,650,000. This was and is still the focal point of the economy for Stone County and surrounding area. The Ozark Foothill Craft Guild has established an organization of craft persons and products year around to provide a non-seasonal economy. The folk center begins its season in April with the annual Folk Festival and ends its season in October with the Fiddle Jamboree. Since the project became a reality, Stone County has seen the Blanchard Springs Caverns expand, construction of two motels, and the establishment of several restaurants. Over $1,210,000 in service sales were generated in 1983, with the majority of this contributed from the Folk Center and the remainder in secondary businesses resulting from the Folk Center. The table below depicts average employment and payrolls.

Employer	Average employees	Annual payroll
Folk Center	[1] 103	$800,000
Banquet Foods	20	208,000
Blanchard Shirt	250	2,080,000
Dulcimer Shoppe	10	83,000
Fane Walnut Specialty	20	166,400
Quality Machine Carving	20	166,450
Total	320	3,295,800

[1] Seasonal and full time employees.

The EDA funds spurred the economic and capital growth within Stone County.

In Searcy (White County), EDA has funded two projects: one for an industrial site and the other for water expansion. The two projects totaled $821,546. The development of the industrial site has enabled several new industries to locate in Searcy (see below). The industries located at the industrial park employ approximately 1,900 employees with a total annual payroll of $16,832,329. The cost per job is 1,900 employees divided by $821,546=$432.00. The payback of this project, based on an average income tax rate of 14%, occurred after three months.

SEARCY

Employer	Average employees	Annual payroll
ITT Higbee Manufacturing	150	$1,560,000
Land O'Frost	700	7,280,000
Owatonna Tool Company	100	1,040,000
Speed Queen	300	3,750,000
Sperry Vickery	450	9,584,000
Swank	200	1,664,000
Total		24,878,000

When comparing the amount of benefits received due to the impact of EDA participation within the local community, the tremendous impact EDA has can be immediately recognized. In addition, the project had a quick payback rate to the federal government and is a long-term asset to all residents.

HIGHLAND INDUSTRIAL PARK,
March 1, 1985.

Prior to the 1950's Arkansas was an agrarian state and the majority of its income was derived from agricultural and lumbering occupations. In the early 1950's efforts were made to encourage industry to locate in the state in order to produce a more balanced economy between agriculture and industry. During the early 50's few secondary schools had training programs for the industrial jobs which were becoming available, therefore, in the late 50's a series of post-secondary vo-tech schools were planned. It was widely believed that once these schools were operational and their programs developed, these schools would provide entry-level skills for most industrial jobs which would be locating in Arkansas.

As industry came to Arkansas it became very apparent that there was a critical shortage of skilled technicians. With that need in mind the leadership in Arkansas planned Southwest Technical Institute at East Camden.

Six buildings and 75 acres of land for Southwest Technical Institute were donated to the State of Arkansas by the family of George and Herman Brown. Renovation of the buildings and the purchase of the then "state of the art" instructional equipment was accomplished primarily through a grant from the Economic Development Administration of the United States in the amount of $750,000.00.

Southwest Technical Institute was established by Act 534 of the 1967 Arkansas General Assembly. At the time and for several years, Southwest Technical Institute was the only institution of its kind in the state. Southwest Technical Institute was devoted to providing technical education awarding an Associate Degree in technical areas. Since the creation of Southwest Technical Institute, Phillips County Community College and Westark Community College have established technical training divisions and offer some technical courses along with community college offerings.

Classes began at Southwest Technical Institute in September of 1968 with 148 students. The first class graduated in 1970 when 67 graduates were awarded Associate Degrees in Applied Science. Enrollment at Southwest Technical Institute remained constant until 1975 when the Arkansas General Assembly moved the institution from the Department of Vocational Technical Education to the Department of Higher Education under the governance of Southern Arkansas University. Enrollment since 1975 has increased to over 800 with over 100 Associate Degrees in Applied Sciences being awarded yearly.

Southwest Technical Institute and Southern Arkansas University Technical Branch has been an important ingredient in the development of Highland Industrial Park where thirty-five industries and over four thousand employees prosper.

Sincerely,

ROY E. LEDBETTER.

JEFFERSON COUNTY
INDUSTRIAL FOUNDATION, INC.,
Pine Bluff, AR, February 20, 1985.

Hon. BILL ALEXANDER,
House of Representatives, Washington DC.

DEAR CONGRESSMAN ALEXANDER: I am writing in behalf of the Officers and Directors of the Jefferson County Industrial Foundation. Because the Economic Development Administration has been of great benefit to Pine Bluff in our effort to attract new industry, new jobs and new tax base, we would like to share with you the following.

In the past, Pine Bluff's economy was heavily oriented toward agriculture, and although agriculture is still an important part of our economy, mechanization in the past 25 years has steadily eliminated job opportunities for a large segment of our labor force. the Jefferson County Industrial Foundation, a not-for-profit organization was established in 1965 by business and civic leaders in an effort to attract industrial expansion and create jobs for this area.

At the outset, our community leaders recognized that prepared industrial sites—with

all utilities and services available—would be essential if we were to succeed. In 1968, through a $275,000 grant from the Economic Development Administration and $965,000 in local financing, construction was started on 785-acre Jefferson Industrial Park. In 1969, 200 acres were ready for occupancy with utilities, streets and drainage improvements in place. Further development of the Jefferson Industrial Park in 1976, through a $360,000 grant from EDA, a $216,000 grant from the Ozarks Regional Commission and $155,000 is local financing, added water mains, sanitary sewers, streets and drainage improvements to prepare an additional 158 acres not included in the original development.

We have been fortunate in attracting 13 industries to this park, with total investment of over $30 million. Over 1,000 direct and 700 indirect new jobs have been created as a result of these developments and an annual economic impact on our area exceeding $27,800,000. In addition, and because of past EDA assistance, another new industry expects to locate in this area with a $500 million projects, over 800 new manufacturing jobs, and some 2,200 construction jobs.

As you can see, the EDA programs have been extremely beneficial to our area. We are grateful to you and the EDA for past assistance which has been crucial for our community. Let me urge you to do everything humanly possible to keep the EDA alive, well and functioning so others may benefit as we have.

Respectfully yours,

WALLACE A. GIERINGER, CID,
President.

□ 1240

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

There was no objection.

Mr. WALKER. Mr. Chairman, the statement I made at the beginning shows up to be absolutely true here on the floor. I took a kick at a sacred cow. What we are hearing is the screams of that cow once kicked. I think we ought to look at some of the things that we have been told here on the floor in light of what OMB tells us about this program.

We have heard a lot of talk about the reforms that are being instituted. Yes, those reforms are being instituted in the bills that are being passed by this House, but those bills are not being enacted into law. So none of those reforms are really in law. What you have got is you have got, if you accept the money that is in this bill, is you are buying a pig in a poke, because the fact is that you are not getting those reforms in this bill. The bill that has the reforms in it has not been passed.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. OBERSTAR. I thank the gentleman.

Mr. Chairman, I want to reemphasize that the agency is really making a tremendous effort to correct the problems of the past which we have pointed out in legislation, and is essentially administering the program in the way proposed in the legislation which passed the House last year.

Mr. WALKER. I thank the gentleman for that. I know we would accept in this House if the Defense Department told us that "Do not legislate anything with regard to procurement; do not do anything about reforms in the House, and we will take care of it here at the agency."

We would really buy that here in the House of Representatives, I know from past experience. But that is exactly what we are saying with regard to EDA. "Despite past abuses, trust us." I just do not think that the American people ought to trust them given the past record.

We have heard, for instance, that building boardwalks at the Jersey shore is a good way of using taxpayers' money under this program. I would suggest that a lot of my constituents vacation at the Jersey shore and one of the things that they might want to question is whether or not we ought to be putting their taxpayer money at a time of $200 billion deficits into building boardwalks at the Jersey shore. Yet, that was one of the things that was offered here as helping an economically depressed area.

We are told by all kinds of people, "It pays its own way." How often have we heard that on the floor with regard to programs? Every program that we have asked to be cut in this House over the last couple of years, we have had at least one person come to the floor and say, "Do not worry about this program, it pays its own way." Good heavens, my friends, we have got 200 billion dollars' worth of deficit. These programs cannot all be paying their own way or we would not have deficits.

As a matter of fact, if you buy that kind of logic, what we ought to do is increase all these programs enormously because then they would all pay their own way by more than what it costs, and we would wipe out the deficit. Anybody who knows any kind of economics knows that that is just plain nuts. It seems to me that that is what we are doing here; we are coming to the floor once again saying, "This is going its own way; do not worry about it."

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. ALEXANDER. I thank the gentleman.

Is the gentleman saying that the size of the Federal deficit is caused from domestic spending programs? Is that what the gentleman is saying?

Mr. WALKER. I will tell the gentleman that that is certainly one factor in what it costs. This particular program, I would say to the gentleman, added over the last 8 years, $9.4 billion to the deficit according to the Office of Management and Budget.

I yield to the gentleman.

Mr. ALEXANDER. But that is $9.4 billion for domestic programs. The deficit is estimated at about——

Mr. WALKER. No, that is just one domestic program. Just one domestic program has added $9.4 billion to the Federal deficit. That is a substantial amount from this one spending program.

Mr. ALEXANDER. If the gentleman will yield, I do not agree with the gentleman, but is it not so that the size of the deficit is attributable to two other factors which are dominant in the contribution to the deficit? They being the increase in defense costs in this country and the tax cut which eliminated revenues from the Federal Treasury? Is that not true?

Mr. WALKER. The gentleman has made that point on the floor on several occasions. I would say to the gentleman we are raising more revenue from the Federal tax system today than ever before in our history——

Mr. ALEXANDER. We are not talking about raising revenues; we are talking about deficits.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] controls the time.

Mr. WALKER. I would say to the gentleman that the fact is that we are raising more in revenue now than ever before in our history as a result of the economic growth that took place as a result of those tax cuts. Of course, if the gentleman wants to say that we should not have economic growth and the Federal Government ought to go on taxing and spending, that certainly is a point that the gentleman can take, and that has certainly been the liberal point of view that has wrecked the economy in this country, and I congratulate the gentleman for defending it.

I would say to the gentleman that that is certainly not something that I accept in my kind of logic. I only have limited time and let me say to the gentleman that I want to make a couple of other points, including some points about what the gentleman raised.

The gentleman, for instance, says that only a few parts of this program have had a problem. That you can point to all kinds of success stories. According to the Office of Management and Budget, 55 percent of all the loans in the program, in other words, a majority of the program, are delinquent and half of those are in bankruptcy. That is hardly a few little problems out there when the majority of the program is working well.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. In addition, what we have here is we have an argument that areas of the country have been bypassed by the economic recovery. Everybody admits that, but 80 percent of the country? According to OMB, 80 percent of the country is eligible under this program. Eighty percent of the country has not been bypassed by the economic recovery. These loans have turned into outright subsidies for inefficient borrowers. That is the point here. We are not funding the most efficient part of the economy that creates jobs, the small business interests that are creating a lot of jobs out there as a result of individual entrepreneurship, that is not what is happening out there with this program. We are financing the most inefficient borrowers.

We were told that we know of no Government program that has such universal approval. Sure, if you have got some place that got $20,000 per person, per month, per job, I will bet you that they are all for that. But I will tell you that there are a lot of average families out there that are only earning $17,000, that is the average income of taxpaying families in this country, they are only earning $17,000 a year, who would think that maybe that is a little bit much to have to pay for this particular program.

My point is simply this: Big government and big spending are being presented here in this program as being the solution to our problem. I will tell you this: In my opinion, big government and big spending are the problem, and here is one way to begin to deal with that problem.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, there are a couple of points that need to be made. First of all, over the last 4 years, revenue in this country has increased by over 20 percent. Spending in the country has gone up over 40 percent. So when an argument is made that somehow the tax cuts contributed to the deficit, when revenues actually went up over 20 percent during the last 4 years and spending ballooned by twice as much, it is easy to see that such an agrument does not hold water.

Second, I am disturbed when I listen to the gentleman from Arkansas make the point about defense spending because I think as a House, we are trying to come together with significant deficit reduction.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. KASICH and by unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. I continue to yield to the gentleman.

Mr. KASICH. I made the point when we had the Defense bill on the floor, and I would like to repeat it for the gentleman from Arkansas, that as one who is a strong advocate of a strong defense, I understand the reasoning behind a defense spending freeze at the 1985 level. But I pointed out to those who think that we can achieve significant savings by making 50 percent of the deficit reduction by cutting a single item that represents only 25 percent of the budget, it just won't work.

In other words, if defense spending only represents 25, 26 percent of the Federal budget, which is about half of what it was under JFK and LBJ, and we think that we can achieve significant savings by taking half of our deficit reduction out of defense spending, then we are really using smoke and mirrors. If we are really going to get to the business of effective deficit reduction, yes, we can make defense spending play an important role this year, but in the outyears it cannot because the numbers simply are not there and the dollars simply are not there.

I would say to the gentleman that if we are really serious about deficit control, we have got to look at nondefense areas.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. ALEXANDER and by unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. ALEXANDER. I thank the gentleman for yielding.

I will admit to the gentleman in the presence of all our colleagues that it is easy to confuse the facts on the causes of the deficit. We will not agree on the causes of the deficit because I am convinced that the principal cause of the deficit is the increase in defense spending and the tax cut which eliminated enormous amounts of tax revenues to the Treasury that contributed to the enormous deficit.

Mr. WALKER. The gentleman is entitled to his opinion, but in my opinion he is wrong.

Mr. ALEXANDER. I think that it is a disservice to the American people to lump in the Economic Development Administration in this argument because this program is a job-creating program. It creates economic opportunities for Americans; it pays for itself. It does not contribute to the deficit except when it is poorly managed and the percentage of poor management is peanuts compared to the benefits that this program contributes to the American people.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Mr. Chairman, I would simply respond to the gentleman by saying that a program where 55 percent of the loans are delinquent is not exactly a well-managed program, and that is the question that we have here. I would also say to the gentleman that we have a job-generation machine in this country right now, it is called the small business community. One of the main things that is happening out there is that we are creating millions upon millions of jobs in small businesses across the country.

□ 1250

One of the things that undermines small business is that when government interferes in the economic marketplace, that keeps them from getting the kinds of loans at low interest rates that allow them to build and survive. That is precisley what this program does. It undermines small business borrowing. It undermines the ability of small businesses to grow. It raises interest rates. It does all of the things that are wrong for the small business community that is generating far more jobs in 1 year than this program has in the 20 years that it has been in existence.

So I would say to the gentleman that what we need is to get away from the kind of big spending programs that raise interest rates and truly change the economic mix to the detriment of small business.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Pennsylvania.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield to me just for a moment?

Mr. RAHALL. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond in finality to the gentleman from Pennsylvania by saying that the delinquent loans on the books are current loans, not loans that have been repaid, not all the thousands and tens of thousands of loans that have been repaid and have generated income over and over and over again to repay the cost of this program.

I want to quote one comment from David Stockman in response to the gentleman about the deficit:

After 4 years as OMB Director, I am convinced that the large share of the problem is us. By that I mean Republicans in Congress. These guys get away with making speeches about how spending is out of control, but when it comes to their own piece of turf they say, "Do not cut you, do not cut me; cut the other fellow behind the tree."

Mr. RAHALL. I thank the gentleman from Arkansas for his comments.

Mr. Chairman, I rise in opposition to this amendment. The fact that H.R. 10 has been introduced in the Congress and has passed the Public Works Committee with 173 of my colleagues as cosponsors shows that, indeed, we are making efforts to reform the EDA program and correct many of the deficiencies that may exist.

My colleague, the gentleman from Pennsylvania, says that is all good, but it has not yet passed the Congress. I would remind the gentleman that many of the reforms that we all would like to see made in Pentagon defense spending have not yet passed the Congress of the United States; yet, I do not see my colleague getting up and offering an amendment to eliminate the Pentagon.

There is a parallel here. EDA is important for the defense of this country. EDA helps build and rebuild the infrastructure of this country. It does create jobs. It is a program that is working. It is an investment in our Nation's future, and if we are going to be strong in this country militarily, if we are going to be strong in our defense, then we have to have something strong to defend right here at home. That is what EDA helps do.

Yes; there are horror programs in EDA programs as there are many other Federal programs including defense to which one could point a finger and say, "Look at the extravagant spending. Look at big government at play."

But big government is not the question here. The EDA is making reforms. The EDA has been dramatically reduced from past spending levels. It, along with the ARC and other programs very important to the rural regions of this country, are helping to build our infrastructure. It is helping to develop rural regions of our Nation, regions of this Nation where so much of our coal is mined that is important for our national energy policy if we are to be independent of foreign suppliers of oil. EDA is helping parts of our country not currently experiencing the so-called economic recovery underway.

So I say to my colleagues that the amendment does not make good human sense. It does not make good economic sense for the long-term best interests of this country, and I urge that the amendment be rejected.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I just want to reply to the comment made by the gentleman from Arkansas. He has been parading that comment around the House here for the last couple of days.

I would tell the gentleman that the Office of Management and Budget and Director Stockman fully support my amendments. So here is a Republican coming to the floor offering an amendment fully supported by OMB, and it seems to me that we have a number of Democrats, a lot more Democrats opposed to the amendment than there are Republicans. Therein lies the spending problem, so you can quote David Stockman all you want, but the spending problem often lies on your side. It is opposition from your side that has made a major impact on this debate.

Mr. RAHALL. Mr. Chairman, if I may reclaim my time, I would say to the gentleman in regards to spending programs, the gentleman is fully aware of the foreign aid bill that this Congress passed last week and of the amounts, some $13 billion, give or take a few billion here or there, that go to many foreign countries in economic aid.

What we are talking about here is economic aid for America. So let us remember that foreign aid bill and try to provide at least a miniscule amount of those dollars for our own country right here at home. Let's do something for America.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the other gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding.

Mr. Chairman, I just want to address a couple of points that have been raised in this debate.

I take exception to some of the figures that OMB has used to try to discredit the program. Specifically, one of the studies that was alluded to, a study that was done of the loan program is grossly misleading. The gentleman from Pennsylvania has cited the atrocious figure of supposed defaults and bankruptcies cited in that report.

The point I would make is that the vast majority of those loans which are considered in default are loans that were made under something called the Trade Adjustment Assistance Program, which is not a part of EDA's normal legislation. It is a separate program which was given to EDA to administer. The fact is that this Congress directed the Economic Development Administration to be the lender of last resort in the trade adjustment assistance area. That meant that most of the loans that were made under the program were in fact basket cases. I speak from some experience because I was chief counsel of the agency at the time that most of these loans were being made.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. RAHALL] has expired.

(On request of Mr. CLINGER and by unanimous consent, Mr. RAHALL was allowed to proceed for 1 additional minute.)

Mr. CLINGER. If the gentleman will yield further, it is unfair to castigate the entire agency for a peripheral program that really was not part of the normal authorization. That is where mainly almost all of the really bad loans were made, at the direction of this Congress.

Mr. RAHALL. I appreciate the gentleman's comments.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I just want to make one point. The gentleman mentioned the foreign aid bill. This gentleman was out on the floor and offered fund limitation amendments to the foreign aid bill, too, that were adopted, so I think my record is fairly consistent on those matters.

Mr. RAHALL. That's true. However, my point is to show from where the real spending and from where the real contributions to our Federal deficit is coming.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this bill, which is brought to us under the guise of some kind of fiscal frugality, is, in fact, a very large increase over last year's spending.

Discretionary appropriations in the committee reported bill are up $472 million. That is $500 million over last year. Total appropriations are over $12 billion, and almost all of those are discretionary appropriations.

When we begin to look at what the pattern of supplementals have been and what the total expended is, we can see that this bill is not going to save us money. It is going to cost us $500 million over the freeze level.

There are going to be many suggestions about how we can save that $472 million. At least part of them are being offered by the gentleman from Pennsylvania. It may be that his is not the most appropriate amendment. I happen to believe that it is.

What I would like to invite the committee's attention to is the fact that we are over in discretionary spending and that by the time the fiscal year is

out, we will be $500 million over the previous year. The fiscal legerdemain of hiding discretionary increases under various shells has worked very well in this House. Each committee, each entity of government, has a different baseline, a different set of facts, and each committee always brings before us a bill that is frugal and is a freeze.

This one is not frugal. It isn't a freeze. We must achieve an additional $500 million in savings if we really believe in a freeze. I think the gentleman's amendment is a good place to start. I recommend that it be adopted.

Mr. NOWAK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think we have had a good and complete examination of this program, and I cannot help but feel that when we talk about EDA and talk about other domestic programs when we are looking for areas to reduce the deficit, the gentleman from Pennsylvania and others will be offering other amendments to many, many bills that have impact on our domestic economy and act as a spur. But I know of no other program, Mr. Chairman, that has made such a unique contribution to the development of especially those economies which have had problems adjusting to this world transition that all of our industries in the United States have had to face, that competition which has reduced greatly a number of people who have had jobs in the past and whose industries have all of a sudden become uncompetitive for one reason or another and are looking to find a place for themselves, or a piece of the pie, as it is so often referred to.

□ 1300

I think this bill, with the improvements that have been made in the authorization legislation and with the expertise of Members like the gentleman from Pennsylvania [Mr. CLINGER], who not only have legislative experience but who have participated on the other side in the administration of this program and well knew of the programs and have taken a good, hard stance in revising the act so that those types of problems will not occur again, is a greatly improved bill. The committee testimony shows that we have generated over its 15-year history some 1.5 million jobs. Those jobs continue. They are permanent jobs, and the new program that is devised is certainly one that will lead us in a more efficient way to bring out the best that our localities can create.

What we are trying to do is adjust to this world economy, and this program just gives us a little more minimal presence in the whole economic base out there on which we think we can have some effect and try to help many communities which were left out of the mainstream.

We talk about the defense buildup, we talk about the money that has been spent, and we talk about how much we have appropriated for other economies in foreign countries through the foreign aid bill that we had on the floor, and certainly we should do no less for those communities that have been left out of the mainstream because of this world competition. If we can give large sums of money, billions of dollars, certainly this $180 million in EDA should be sustained for all of our communities.

Mr. Chairman, I would certainly think that is the least we should do, and I urge the defeat of the amendment.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we have been on this amendment more than an hour, and I hope we are very close to voting. I just want to point out three or four things.

First of all, this is a very straightforward amendment—eliminate EDA. There are no fuzzy things about it. That is what it is, and that is what the Members will vote on here in a few minutes.

I would point out, however, that most of the criticisms seem to be about loans. There is no money in this bill for loans. As a matter of fact, we have not appropriated any funds for EDA to make loans for about 3 years. We provide for grants and salaries and expenses. Incidentally, the amendment strikes all the salaries and expenses, which means they would not have any money with which to administer and monitor the repayment of those loans that have been made in prior years.

We have heard all these arguments. We have been hearing them for 3 or 4 years. We have been cutting back on EDA. They have been cut back 70 percent in a 3-year period. In this bill they are cut back an additional 10 percent. It is the feeling of the committee that with the amount in this bill now, we are down to a minimum to maintain an infrastructure in which a stronger assistance program could be generated if we have a more severe recession or we need to do something to counterbalance a rapid and severe deterioration in our economic situation. If that happens, we will need this program, and we will need it fast. So we think we are down to the minimum without really eliminating the program.

So, Mr. Chairman, I oppose the amendment.

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just cannot help but raise an issue that needs to be addressed accurately as we move through discussions about what we are going to do on deficit reduction, and out of respect for the committee chairman I will make my comments as brief as possible.

We have been in the middle of a debate here as to what has caused this deficit, whether it has been defense spending or whether it has been tax cuts, and I would like for a second to address that. I think the best way to take a look at that is to use some historical perspective.

If we take a look at what percentage of GNP is represented by defense spending and what percentage of GNP is represented by nondefense, we find some very interesting things. I think as we get through our budget deliberations now and on into the future, we ought to pay attention to this. Let me very quickly point some things out.

From 1962 to 1965, during the period of J.F.K. and L.B.J., defense spending represented 8.5 percent of GNP, and nondefense spending represented 9.2 percent of GNP. Let me go through that one more time—8.5 percent for defense, and for nondefense, 9.2 percent. Today defense spending represents 6.6 percent of GNP, which is 2 percent less than it was under J.F.K. and L.B.J., and nondefense spending is 15 percent of GNP.

So if we take a look at where our revenues have come from and where our problems have been created, it is not in the areas of defense spending. Although defense spending does play a role in deficit creation, when we take a look at where we are spending our money, we are really at almost historically low levels of defense spending in this country, even after the buildup of the past 4 years.

Let me point out another thing. There are some people who argue that one of the reasons we have the deficit is because of the tax cut. Since 1981, revenues have gone up $137 billion, but spending is up $280 billion. Now, in terms of revenues and spending, when we talk about whether we are collecting enough taxes, from 1962 to 1980, revenues were about 18.9 percent of GNP and spending was about 20.6 percent of GNP. In 1985, with revenues at their historically high level of 18.9 percent, spending now is up to 25 percent. That is why we have problems.

I think this clearly illustrates that, if we are going to have a level of defense spending that is necessary for this country to be a leader of the free world, we are not excessively spending here. We only have 6.6 percent of GNP going to defense. Under John Kennedy and Lyndon Johnson, we were at 8.5 percent, 2 full percentage points higher, in defense spending, and in nondefense spending we were at only 9.2 percent under those two

Presidents, and today we are at 15 percent. So when it comes time to address deficit reduction, we cannot continue to take giant chunks of money out of an area that represents 6.6 percent of GNP while we essentially ignore that area of the budget that represents 15 percent of GNP.

So the bottom line is, I think, that we had better do our arithmetic carefully. I think the chairman of the Budget Committee wants to do that, but I also think we have got to make some tough decisions about where our spending should be changed, or should be cut, and I urge the Members of the House to support the amendment offered by the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, as a member of the Budget Committee, I am interested in the gentleman's comparison of our defense needs to GNP. Is the gentleman saying that the richer this Nation becomes, the more tanks we automatically need? What is the relationship between this Nation's wealth and our defense needs?

Mr. KASICH. Let me say this: Our defense needs are based on the defense posture statement that we arrive at every year. What I am trying to point out simply for the gentleman is that defense represents 6.6 percent of GNP, 2 percentage points less than what it represented under John Kennedy and Lyndon Johnson. And in fact the candidate of the Democratic Party for President, Walter Mondale, wanted a 4-percent increase in defense spending, but we are down to no increase again.

So for the people who today think the reason we have the big deficits is solely because of a massive increase in defense spending, I would say that all we are trying to do is get it to the level that Democratic Presidents have historically supported. So let us not try to mix apples and oranges and smoke and mirrors with the figures.

Mr. Chairman, I am glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I was going to seek my own time, but let me just say that I commend the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I yield back the balance of my time.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are not too many occasions on which I do not agree with my colleague, the gentleman from Pennsylvania [Mr. WALKER], on the need to reduce the deficit.

□ 1310

I have voted consistently throughout my tenure here in the House toward that ultimate goal, but I believe that for the most part the presentation that has been made through this amendment by the gentleman from Pennsylvania is now moot. His point is correct. His philosophy is correct and I join with him in making that point and in extending that philosophy to this debate; but I believe, as I said, that it is now moot.

The budget process which has brought us to this date in the form of the deliberations now being conducted in which our other colleague, the gentleman from Pennsylvania [Mr. GRAY] is involved, have considered fully this particular issue and this particular program.

Some programs have been targeted for elimination, others for reduction, others for reinstatement through a freeze, others to increase the amount of spending.

I am satisfied as an individual rank and file Member interested in this process as always that this program has been fully considered in this budget process.

I am willing then to go along with and support the final conclusion of the Budget Committee that indeed this program ought to be reduced by 20 percent, which is what the gentleman from Pennsylvania [Mr. GRAY] has indicated to me is going to be the final result, so I will support that. That seems to me to be a fair treatment of this program in line with the deficit reduction program in which we are all interested.

I must add a personal note of intent on my part and that is, I intend to vote as I stand here now for that ultimate deficit reduction package no matter what it contains, so if the final result of that budget process shows an elimination of this program, so be it, because I want to be a part of the solution, not a part of the problem. Therefore, I will support that final product, but for now I am satisfied to go along with the parameters set by the Budget Committee and move toward deficit reduction in that stable manner which we feel will finally terminate with the final vote on the budget package brought to this House.

Mrs. JOHNSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. Ironically, going on in my district right now at this very hour is a major groundbreaking on a project that could only happen had an EDA loan guarantee been available. This project is going to mean economic revitalization for one of the major cities that I represent. It is going to mean jobs for adults and young people. It is going to rehabilitate an asset of great historic importance and assure the survival of recreational facilities that have been enjoyed by generations and that will now continue to bring people to Bristol, CT, from all over New England.

Furthermore, this is a community that has seen its last brass company close. It has seen the machine tool industry shrink. It has seen people lose their jobs in bearing factories. It has suffered the human tragedy of what we mask through the words "structural adjustment, economic dislocation."

It is EDA grants that have helped this community create the circumstances through which it can attract new employment, new jobs, those industries that are going to provide the vitality, the employment and the economic growth in the future.

The EDA Program has been a critical and most fruitful Government policy to address those issues of structural change that are so much a part of our lives now and our futures.

Consequently, I rise in strong support of the EDA Program and in opposition to this amendment, knowing full well that the current budget resolution does require a significant reduction in that program in recognition of the serious deficit problems that face our Nation.

I urge my colleagues to oppose the amendment and support this valuable program that has so much to do with the vitality of our economy in the years ahead.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 98, noes 315, not voting 20, as follows:

[Roll No. 231]

AYES—98

Archer	Fiedler	McCandless
Armey	Fields	McCollum
Badham	Frenzel	McMillan
Bartlett	Goodling	Meyers
Barton	Gradison	Monson
Bereuter	Gregg	Moore
Bilirakis	Grotberg	Moorhead
Bliley	Hansen	Nelson
Boulter	Hartnett	Oxley
Broomfield	Hiler	Packard
Brown (CO)	Holt	Petri
Broyhill	Hopkins	Porter
Burton (IN)	Hunter	Pursell
Carney	Hyde	Roberts
Cheney	Ireland	Roemer
Cobey	Kasich	Roth
Coble	Kemp	Rudd
Combest	Kindness	Schaefer
Coughlin	Kolbe	Schulze
Daniel	Kramer	Sensenbrenner
Dannemeyer	Lagomarsino	Shaw
Daub	Latta	Shumway
DeLay	Livingston	Slaughter
DeWine	Loeffler	Smith (NE)
DioGuardi	Lowery (CA)	Smith (NH)
Dorgan (ND)	Lungren	Smith, Denny
Dreier	Mack	Snyder
Eckert (NY)	Marlenee	Solomon
Fawell	Martin (IL)	Stangeland

Stenholm	Swindall	Wylie
Stump	Thomas (CA)	Young (FL)
Sundquist	Walker	Zschau
Sweeney	Wolf	

NOES—315

Ackerman	Fish	McCurdy
Addabbo	Flippo	McDade
Akaka	Florio	McEwen
Alexander	Foglietta	McGrath
Anderson	Foley	McHugh
Andrews	Ford (TN)	McKernan
Annunzio	Fowler	McKinney
Anthony	Frank	Mica
Applegate	Franklin	Michel
Aspin	Frost	Mikulski
Atkins	Gallo	Miller (CA)
AuCoin	Garcia	Miller (OH)
Barnard	Gaydos	Miller (WA)
Barnes	Gejdenson	Mineta
Bateman	Gekas	Mitchell
Bates	Gephardt	Moakley
Bedell	Gibbons	Molinari
Beilenson	Gilman	Mollohan
Bennett	Glickman	Montgomery
Bentley	Gonzalez	Moody
Berman	Gordon	Morrison (CT)
Bevill	Gray (IL)	Morrison (WA)
Biaggi	Gray (PA)	Murphy
Boehlert	Green	Murtha
Boggs	Guarini	Myers
Boland	Gunderson	Natcher
Borski	Hall (OH)	Neal
Bosco	Hamilton	Nichols
Boucher	Hammerschmidt	Nielson
Boxer	Hawkins	Nowak
Breaux	Hayes	O'Brien
Brooks	Heftel	Oakar
Brown (CA)	Hendon	Oberstar
Bruce	Henry	Obey
Bryant	Hertel	Olin
Burton (CA)	Hillis	Ortiz
Bustamante	Horton	Owens
Byron	Howard	Panetta
Callahan	Hoyer	Parris
Campbell	Hubbard	Pashayan
Carper	Huckaby	Pease
Carr	Hughes	Penny
Chandler	Hutto	Pepper
Chappell	Jacobs	Perkins
Chappie	Jeffords	Pickle
Clay	Jenkins	Price
Clinger	Johnson	Quillen
Coats	Jones (NC)	Rahall
Coelho	Jones (OK)	Rangel
Coleman (MO)	Jones (TN)	Ray
Coleman (TX)	Kanjorski	Regula
Collins	Kaptur	Reid
Conte	Kastenmeier	Richardson
Cooper	Kennelly	Ridge
Courter	Kildee	Rinaldo
Coyne	Kleczka	Ritter
Craig	Kolter	Robinson
Crockett	Kostmayer	Rodino
Darden	LaFalce	Roe
Daschle	Lantos	Rogers
Davis	Leach (IA)	Rose
de la Garza	Leath (TX)	Rostenkowski
Dellums	Lehman (CA)	Roukema
Derrick	Lehman (FL)	Rowland (CT)
Dickinson	Leland	Rowland (GA)
Dicks	Lent	Roybal
Dingell	Levin (MI)	Russo
Dixon	Levine (CA)	Sabo
Donnelly	Lewis (CA)	Savage
Dowdy	Lewis (FL)	Saxton
Downey	Lightfoot	Schroeder
Duncan	Lipinski	Schuette
Durbin	Lloyd	Schumer
Dwyer	Long	Seiberling
Dymally	Lott	Sharp
Dyson	Lujan	Shelby
Early	Luken	Shuster
Eckart (OH)	Lundine	Sikorski
Edgar	MacKay	Sisisky
Edwards (CA)	Madigan	Skeen
Edwards (OK)	Manton	Skelton
Emerson	Markey	Slattery
English	Martin (NY)	Smith (FL)
Erdreich	Martinez	Smith (IA)
Evans (IA)	Matsui	Smith (NJ)
Evans (IL)	Mavroules	Smith, Robert
Fascell	Mazzoli	Snowe
Fazio	McCain	Solarz
Feighan	McCloskey	Spence
Spratt	Torres	Weiss
St Germain	Torricelli	Wheat
Staggers	Towns	Whitehurst
Stallings	Traficant	Whitley
Stark	Traxler	Whittaker
Stokes	Udall	Whitten
Strang	Valentine	Williams
Stratton	Vander Jagt	Wise
Studds	Vento	Wolpe
Swift	Visclosky	Wortley
Synar	Volkmer	Wright
Tallon	Vucanovich	Wyden
Tauke	Walgren	Yates
Tauzin	Watkins	Yatron
Taylor	Waxman	Young (AK)
Thomas (GA)	Weaver	Young (MO)

NOT VOTING—20

Boner (TN)	Fuqua	Scheuer
Bonior (MI)	Gingrich	Schneider
Bonker	Hall, Ralph	Siljander
Conyers	Hatcher	Weber
Crane	Hefner	Wilson
Dornan (CA)	Lowry (WA)	Wirth
Ford (MI)	Mrazek	

□ 1330

The Clerk announced the following pair:

On this vote:

Mr. Dorman of California for, with Mrs. Schneider against.

Mr. GEJDENSON changed his vote from "aye" to "no."

Mr. PURSELL changed his vote from "no" to "aye."

so the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $253,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $196,472,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1986 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $3,500,000. During fiscal year 1986, commitments to guarantee loans shall not exceed $10,000,000 of contingent liability for loan principal.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $44,802,000, of which $31,495,000 shall remain available until expended: *Provided*, That not to exceed $13,307,000 shall be available for program management for fiscal year 1986: *Provided further*, That none of the funds appropriated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and including employment of aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $8,000 for representation expenses abroad; $12,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; $1,121,228,000, to remain available until expended, and in addition, $28,000,000 shall be derived from the Airport and Airways Trust Fund; and in addition, $30,000,000 shall be derived by transfer from the Fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"; and in addition, $8,000,000 shall be derived by transfer from the Coastal Energy Impact Fund: *Provided*, That unobligated balances in the account "Coastal Zone Management" are merged with this account on October 1, 1985: *Provided further*, That grants to States pursuant to section 306 and secton 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $450,000.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $750,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94-265), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $4,500,000, to remain available until expended.

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, $1,800,000, to be derived from the receipts collected pursuant to that Act, to remain available until expended.

FISHERIES LOAN FUND

For expenses necessary to carry out the provisions of section 221 of the American Fisheries Promotion Act of December 22, 1980 (Public Law 96-561) there are appropriated to the Fisheries Loan Fund, $2,500,000 from receipts collected pursuant to that Act: *Provided*, That during fiscal year 1986 not to exceed $300,000 of the Fisheries Loan Fund shall be available for administrative expenses.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, $84,739,000 and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $123,985,000, to remain available until expended, of which not to exceed $3,708,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided by law, of the National Telecommunications and Information Administration, $13,186,000, of which $700,000 shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $24,000,000, to remain available until expended: *Provided*, That not to exceed $750,000 shall be available for program management as authorized by section 391 of the Communications Act of 1934, as amended.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advance payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

This title may be cited as the "Department of Commerce Appropriation Act, 1986".

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $72,533,000.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $9,681,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $200,777,000, of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1987; and of which $3,088,000 shall be for the Office of Special Investigations.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 11, line 9, strike "$200,777,000" and insert in lieu thereof "$200,277,000".

Mr. YATES. Mr. Chairman, this is an amendment to strike $500,000 from the salaries and the expense account of the Department of Justice. It represents the sum of money which was placed in the bill to pay for the lawyers of non-Indians who are defendants in three water rights cases which are pending in the State of New Mexico.

Members of the House have received a "Dear Colleague" letter from our colleagues from New Mexico, Messrs. SKEEN and RICHARDSON, calling for what they say is a simple matter of justice. Nothing is further from the truth because justice is on the other side of the matter. It is with the Indian people whose rights are being invaded by this gift of $500,000 to pay for the lawyers for their non-Indian constituents who are defendants in the case.

As I indicated, these are water rights cases in New Mexico which were not brought by the Indian people.

The Indian people are required as defendants in this case to defend their water rights which were granted to them by treaty with the Federal Government many years ago. The Federal Government has a trust relationship with those Indians under which it is required to protect the property rights of those Indians. In order to do so, it represents the Indian people in court cases through the Department of Justice. If there is a conflict of interest, the Department of Justice provides funds to the Indian people to pay their lawyers.

That is what happened in these cases.

Now our colleagues from New Mexico have requested and have received the approval of the Committee on Appropriations to have the Federal Government pay the legal fees of their non-Indian constituents as well. The only reason that they advance for this is that the Indian people are receiving money to pay for their lawyers, the non-Indian people also should receive money with which to pay their lawyers.

But of course law, history, what happened in the past is entirely on the side of the Indian people. There is a legal requirement for the Federal Government to provide the funds for the Indian people. There is no such requirement for the Federal Government to provide funds for the non-Indian people.

□ 1340

And as a result, you have got the Federal Government now, as a result of the action of the Appropriations Committee, providing money for both sides of the case. As a matter of fact, in the three cases, it is providing money for non-Indian people who are on the opposite side of the case that the Federal Government is on.

It is interesting to note that when this matter was before the Committee on Appropriations, our colleague from Wisconsin, DAVID OBEY, took his feet to say that he has an Indian fishing rights case in Wisconsin, and he asked whether his non-Indians in that case could receive the same treatment as the non-Indian defendants were receiving in the water rights cases in New Mexico.

He was turned down in that case even though he had fully the same rights as the non-Indian people in the State of New Mexico, but the truth is that none of them, none of the non-Indian people should have received

this gift from the Appropriations Committee for this purpose.

My colleagues from New Mexico called it a simple matter of justice. For whom is this a matter of justice? Where does justice lie? With the Indian people or with the non-Indian people? There is not a people in this country who have suffered more than the Indian people have.

Historically, their lands, their water were taken away from them by conquest and they were assured by promises from the Federal Government their rights would be protected. They occupy a special position.

The non-Indians of New Mexico occupy no such special position. The Indian people have the special position, to have the Federal Government protect them.

If the action of the Appropriations Committee is sustained, the sky is the limit: Every non-Indian defendant in an Indian's rights case in the country will be allowed to have his lawyer's fees paid under the precedent that is established.

(By unanimous consent, Mr. YATES was allowed to proceed for 3 additional minutes.)

Mr. YATES. Under a precedent that was established 2 years ago, when a comparable figure was given on the insistence of a Member of the other body, but why continue a bad precedent?

It seems to me, Mr. Chairman, that if we want to do justice in this case, we must support an effort to strike the funds that will provide the money to carry on the legal representation for the non-Indian people.

Mr. UDALL. Will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. UDALL. Mr. Chairman, I rise in support of the gentleman's amendment.

As I understand the situation, H.R. 2965 contains no language providing for an appropriation of funds to pay the legal fees of private non-Indian litigants in pending water rights cases. However, the committee report contains a paragraph which recommends that $500,000 of the $200,777,000 appropriated for legal activities be used to pay the legal costs of non-Indian litigants in three active water lawsuits in the State of New Mexico.

Mr. Chairman, I support the rationale that the gentleman from Illinois has advanced in opposition to this proposal.

Mr. Chairman, if H.R. 2965 contained specific language making appropriations to the Justice Department for the payment of these private legal fees, I am confident that it would be subject to a point of order on the grounds that there is no authorization for the appropriation of funds for this purpose. While I stand to be corrected, I cannot find in any existing act of Congress authorization for the appropriation of funds to generally pay the legal fees of private litigants.

The bill does not contain any such language, so evidently, a point of order cannot be raised, however, Mr. Chairman, since the bill does not specifically appropriate and authorize funds for this purpose, it is my opinion that simple report language cannot confer legal authority on the Attorney General to expend money for that purpose.

While I support the gentleman's amendment, it would be my position that, even with the report language intact and no reduction in the legal activities appropriation, the Attorney General will still lack authority to spend any of the funds for the stated purpose.

Mr. YATES. I thank the gentleman from Arizona [Mr. UDALL].

Mr. Chairman, during the 1820's, the white people who lived in the Carolinas looked upon the lands that were owned by the Cherokees and decided that they were too good for the Indians to have. That same feeling is present in New Mexico today where water is the key to survival in great measure.

The Indian people have their water rights and others are now trying to take their water rights away from them. We had the Trail of Tears starting out from the Carolinas in the 1820's that continued across the country, and now extends into New Mexico, if in fact this amendment is voted down.

The funds should not be provided for the non-Indian people to fight the Indian people. I hope my amendment is sustained.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us not get all mixed up with your feeling about Indians or against Indians; we have got a situation that is different than most others.

What we have is three cases involving some water rights. In one of the cases, the Senate 2 years ago passed on the floor, after they had a fight, by a vote of 53 to 16, $450,000 for the non-Indian litigants. So the funds in this bill are not a precedent.

Well, why did they do that? The amendment came back to the House, and there was no objection to it in the House. Here is the reason they did it. It is because the Interior Subcommittee on Appropriations has appropriated, over a period of years, $3 million to pay private attorneys to represent the Indians against these little Hispanic farmers. We do not have a precedent like this.

These are little Hispanic farmers; the program is operating under a memorandum of agreement between the court and the Justice Department; the funds are limited only to individuals; corporate and public entities are not eligible, and the court in its discretion may reduce the amount or deny any award to the extent that the private party during the course of the proceedings engages in conduct which unduly and unreasonably protracts the final resolution.

If the Government attorneys would operate that way, this case would have been settled 15 years ago. The Government hires these people who have gone out and kept these cases going for 17 years, and these little Hispanic farmers cannot even keep up with court costs, let alone financing the attorneys' fees in the case.

Well, what did these litigants do? They put up, 2,000 of them—we are talking about 2,000 little Hispanic farmers now—they raised $200,000. That is $100 apiece. That is quite a little money for somebody with 5 or 6 acres to raise. They raised that, but they cannot raise anymore.

Legal Services put in $15,000, but they are overwhelmed in this area; there is 35 percent unemployment in the area; legal services is overwhelmed with many cases and they don't have the expertise to handle this kind of a case anyway. So what we have is an attempt to get the minimum necessary for some equal access to justice. Now if this were such a clear case, why do you need to worry about it? Why not let the court go ahead and rule instead of giving them money year after year after year to keep this case running? Make them come to a resolution of the case.

It must not be clear. I say to the gentleman from Illinois [Mr. YATES], you are assuming here what the conclusion will be; that the plaintiffs are right. I do not know if they are or they are not, but that is what is in the case, and we need to go to court and have some minimum access to justice on the non-Indian side in order to determine the question.

So I think that this is justified in this particular case; the Senate provided bonds for the first case; the other two cases are coming up. They have not even gotten a district court decision, mind you, in the first case, after 17 years; and so maybe by getting a little help on the other side, they can perhaps help the court toward reaching some kind of decision and a resolution of this matter.

I ask you to vote down the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in reluctant support of the Yates amendment, and I do not enjoy this, because I do not enjoy opposing my good friend from Iowa [Mr. SMITH] and I frankly am not sure that I agree with all of the

justifications given by the gentleman from Illinois [Mr. YATES].

I have no idea, and in this sense I would agree with the chairman of the subcommittee [Mr. SMITH]; I have no idea where the legal equities lie in the New Mexico case. And I for one have had more than my share of arguments with attorneys for Indian tribes. I do not mean to ascribe this conduct to all of them by any means, but I have certainly dealt with some who would rather make a fine legal point than settle a problem.

I want to say that I think there is an entirely different inequity presented by the committee position today which would be corrected if the Yates amendment passes.

We have a wide variety of cases which involve not just Indian water rights but a wide variety of cases involving land, involving hunting rights, involving fishing rights. In none of those cases does the Federal Government provide court costs for the non-Indians to pursue their cases through the court system.

□ 1350

Only in New Mexico, if this committee provision survives, only in New Mexico will we be doing that. And I just do not think that makes any sense. In Wisconsin, you have the Lac Courte Oreilles versus Voigt decision. You have a problem in Minnesota. The State of Michigan has had a similar court case. The State of Washington had a very famous court case. It seems to me that it is very strange logic indeed to say that we are going to provide support for non-Indians in the case of New Mexico but we did not do it in the case of Wisconsin or in the case of Minnesota or in the case of Michigan or in the case of any other State that might encounter this same kind of a problem.

Now, the committee says this is a unique case. I guess that is so only if you assume that water cases are any more unique than hunting rights or fishing rights cases or land rights cases. Let me tell you the principles involved are the same, the controversies are just as fierce, just as imminent, just as severe, and I urge you not to walk down this road trying to deal with only one area's problems. If you are going to walk down this road, if you are going to set this precedent, then what you ought to do is you ought to set the same rules for everybody.

I have a situation in my own State which I do not want to get into because it is very complicated, but I simply want to say that in the Wisconsin case you have Federal money going to pay the court costs of tribal attorneys—the same situation as you have in a lot of other States. No real difference, no real difference between the New Mexico situation and the Wisconsin situation. The practical results are the same.

I would just urge you, if you really want the United States to start financing both sides of a legal question, then you do not do this, as the subcommittee does. Do it for everybody, do not just do it for New Mexico. Do it for Wisconsin, Minnesota, for Michigan and for all of the other States that have the problem too. It will cost you a bundle. I promise you it will cost you a bundle. But it is the only fair way to approach it if you are going to start walking down this road. If you are not, you ought to support the Yates amendment today.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment is patently unfair, just on the very face of it. If you look at the situation, the tribes are able to get millions of dollars to present their case. On the other side, you have these small farmers who are just barely making a living that cannot afford the long legislation that will be coming because of this case. We all know what will happen, that there will be appeals and appeals and appeals, and from now on that will be the case.

Now, this has been characterized as something that New Mexico is trying to do to steal the water from the tribes. Nothing could be further from the truth, Mr. Chairman. This is a piece of litigation that goes on for the adjudication of water rights to see who owns what amount of water, to make an equitable distribution.

We might say, as the gentleman from Illinois has said, that all the water belongs to the Indians because they were here first. Well, what are the rest of us going to drink, what are the rest of us going to water our crops with or run our factories with?

So it is an attempt to bring order into this whole water dispute case.

Now, it is unique, I would tell the gentleman from Wisconsin, that this particular case is a unique case not because it happens to be in New Mexico. I would feel the same about any case like this regardless of where it was. It happens to be in my own State. It will be the first to be decided, this kind of a case, this kind of a water case. Now, what will happen as a result of this, it will be a landmark case, and it will really set the pattern for the adjudication of thousands of other water suits that are in this country. It will set for us a pattern by which we can come to get a method that we can settle later disputes.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. LUJAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. If this case is so unique, if your case is correct that this is the route that the Feds ought to go, then why should not other cases which are presently costing millions of dollars be included for Federal reimbursement? Why should not the Wisconsin situation be dealt with or the Michigan or the Minnesota or any of the others?

Mr. LUJAN. I will tell the gentleman that the reason that we are asking for this is because this is going to be the first one to be decided, this is the very first one that will set the framework for us to settle later claims.

Let me make a couple of points further before I yield to the gentleman, and then I will be happy to do so. The question has been raised, the point has been raised, why not let Legal Services go ahead and pay for that. We tried that, Mr. Chairman. We went to the Legal Services Corporation and said, "Would you take on this case?" The first thing that we were told is that it takes a particular kind of attorney with particular kind of expertise in water law and that not just anyone can go in and settle that kind of a case. Therefore, they felt that they did not have the expertise within the Legal Services office there that we want to to be able to provide the necessary expertise. We then said, "Well, maybe we can hire outside attorneys, Legal Services Corporation could hire outside attorneys." And they said, "We don't have the resources, we don't have the money."

We could put it into Legal Services, I suppose, the additional money.

Now, the only alternative if we do not do this, in order to be fair about the whole situation, is to say something like this, at the end, in the general provisions: No part of any appropriation contained in this act shall be used for hiring outside attorneys.

Then that would probably put us on an equal par. But as long as the situation remains where the Justice Department goes out and hires the proper expertise and brings those lawyers in and spends—it has been estimated what?—$3 million, what are these poor little farmers going to do with the resources of the Federal Government, their own tax money, fighting them for their own water rights?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Illinois.

Mr. YATES. Did the gentleman ever hear of a trust relationship between the Federal Government and the Indian people? There is no such relationship between the Federal Government and your poor farmers. There is a definite obligation, a legal obligation by the Federal Government to protect the property interests of the Indian people.

Mr. LUJAN. And I will tell the gentleman that that is an inequity in our system.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. LUJAN] has expired.

(On request of Mr. OBEY and by unanimous consent, Mr. LUJAN was allowed to proceed for 2 additional minutes.)

Mr. OBEY. If the gentleman will yield further, I would like to ask the gentleman this question: In practical terms, what is the difference between tribal lawyers obtaining funds through the Justice Department and tribal lawyers obtaining funds through BIA? The practical results are the same for anybody who is on the opposite side of them in a legal argument, and it would seem to me that if you are going to take care of one kind of problem you ought to take care of the other and you should not differentiate just because the money is coming from a different spigot. It is still taxpayers' money.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from New Mexico.

Mr. SKEEN. I think the easy answer to that is that those are two totally different sources of funds. Tribal funds come from tribal resources.

Mr. OBEY. No.

Mr. SKEEN. The funds that we are spending on trust, if I may continue, come from the Justice Department, and the two are totally different. Tribal attorneys are one thing, the Department of Justice is another.

Mr. OBEY. If the gentleman will yield again, that is the point I am trying to make. The source is the same. It is the taxpayers' wallet, the taxpayer pays for it whether it goes from the Justice Department or whether it comes from the BIA.

Mr. SKEEN. If the gentleman will yield, you are totally wrong. Once again I say to the gentleman that your general tribal funds come from tribal resources, not from taxpayers' money.

Mr. LUJAN. If I may reclaim my time, the gentleman is correct, whether it comes from the BIA or from Justice, it is the same pocket.

Mr. OBEY. You betcha.

Mr. LUJAN. However, we do not have the BIA authorization here. We have the Justice Department. We can put it on the BIA also.

Mr. OBEY. Good luck.

Mr. LUJAN. It is just an effort to create a little fairness, I will say to the gentleman.

Mr. OBEY. By creating a lot of unfairness.

□ 1400

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise in opposition of the Yates amendment.

This is a unique one-time appropriation request.

My rationale for requesting this appropriation is to ensure that non-Indian litigants in three active water disputes in New Mexico are ensured equal access to justice.

How would you feel if you were paying your tax dollars to sue yourself? This is precisely the case in three pending water disputes and is what my appropriation request seeks to remedy.

Under current law, native Americans are provided with unlimited legal resources from the Federal Government in water rights cases. I am in no way challenging that Federal responsibility. I would like to ensure that non-Indian parties in such disputes receive equal treatment and have included an appropriation in H.R. 2965 to do so.

At issue in these three pending cases, is whether non-Indian defendants will have the ability to present their cases fully to the court, if at all. In all three disputes, non-Indian defendants are small landowners of modest means who must protect their water interests—many cannot hire private attorneys to do so.

In the New Mexico versus Aadmodt case landowners have been faced with fighting a court challenge for over 17 years. Many of these non-Indian landowners are living on land that has been in their family for over 300 years.

In the United States versus Abousleman case the average non-Indian landowners owns an average of 10 to 20 acres of land and in some cases fighting to retain water well rights to their private homes.

In one of these cases, the Federal Government has spent over $3 million for private attorneys to represent the Indians. In two other cases, the Justice Department is providing legal counsel to the Indians who, in addition, have gone out and hired their own private attorneys.

This is a matter of simple justice. This appropriation will ensure that non-Indian litigants have the ability to prepare their case fully to the court. I hope my colleagues will recognize the unique circumstances surrounding these three water cases and vote against this challenge.

Water is a scarce commodity in the United States, particularly in the West. Water rights are crucial to land use, commerce, and future development. The New Mexico water rights cases will determine that future of water use in New Mexico and will set a precedent for similar disputes throughout the country. The final outcome of these disputes will ultimately be decided by the courts. At issue, however, is whether non-Indian defendant in these lawsuits will have the ability to present their case fully to the court.

Congress recognized the unique nature of New Mexico versus Aamodt in fiscal year 1984, when $450,000 was appropriated to the non-Indian defendants. To the best of our knowledge approximately $218,500 remains in the court administered account. This year's appropriation for $500,000 would set aside another $200,000. In a letter to Senator Pete Domenici, date June 18, Federal District Court Judge Edwin Meechem lists some 13 additional court steps that need to be completed before a ruling is rendered in the base. Most of the legal work is done, true, but no one can estimate if any more work will need to be done or how much an appeal will cost. Allegedly the non-Indian attorney has estimated the cost of an appeal of anywhere from $60 to $100,000. Keep in mind also that unused moneys automatically revert back to the U.S. Treasury.

I represent a congressional district in New Mexico with the largest native American population in the country. It surprises and shocks me that Mr. YATES is painting a picture of my amendment containing an anti-Indian element. Nothing could be further from the truth. I support the special position that Indian people have in their relationship with the Federal Government and with the people of the United States. I am presently sensitive, and my legislative record reflects that sensitivity, that historically Indian people have been made to suffer and that their lands and their water have been taken away from them by conquest under agreements that assured them of a limited measure of Federal protection. These three water rights disputes represent a special case and require a special solution. I believe the Federal Government has a responsibility to ensure due process and equal access to justice for all people Indian and non-Indian. I reiterate that in one of these disputes the Federal Government has gone out and hired private attorneys and spent over $3 million. In the two other cases the Justice Department is providing legal counsel but at the same time the Indian Pueblos have hired their own private attorneys from tribal government funds. Is it fair for taxpayers to pay to have the Government sue them? I think not.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman.

Mr. OBEY. I would like to ask the gentleman where is the equal justice when you do what you are talking about in one State but you do not do it in five others with similar situations?

Mr. RICHARDSON. Earlier in my remarks I told the gentleman that I think the gentleman has a point. I have introduced legislation to do that, to create a Federal arbitration panel that treats both equally on all sides; attorneys' fees and everything.

Mr. OBEY. If the gentleman will yield, but that is not the question. The subcommittee was asked whether they

would accept other cases. They said, no, they did not think they could do that. I do not see how I can support the gentleman's position given that fact.

Mr. SKEEN. Mr. Chairman, I rise in oppositon to the amendment.

Mr. Chairman, I think a lot of good points have been made in this debate, and I have total respect for the opinions of Mr. YATES and Mr. OBEY. I see exactly what they are talking about, but when you base this argument on a thing called precedent, let us take a look at the precedent that has already been set.

You have possibly a bad precedent. Of course, that is nothing new to this body. We have set bad precedents all the time. But in this case, you are talking about a bad precedent that may have been set a couple of years ago in this one case in New Mexico. I would hazard a guess that great argument took place at that particular time when this was initiated? I think that it possibly was a consideration that created a lot of problems.

However, there is another bad precedent to this thing. We have set a precedent of allowing, under our trust obligations, unlimited legal fees to be given to a special group of U.S. citizens. I have much regard and respect for Indians. I am probably the only person in this room that has ever worked for an Indian tribe for some time. I spent a lot of time with them and have had an ongoing relationship, and one of mutual respect. So I do not think anybody can question this basis from which we go. But we are setting a bad precedent here because there are only 5 cases like this out of 50 litigations going on now. I see the gentleman from Wisconsin shaking his head; this is the information that I have. There are only five cases in which the Justice Department has allowed the hiring and the paying of private attorneys to represent Indians that are involved in this kind of a case.

So I think that even the Justice Department would say to the gentleman from Wisconsin and the gentleman from Illinois that this is a rather unique case. First of all, they had to recuse themselves from defending it with Government attorneys. We had to go out and hire attorneys.

We have been not 17 years, but 19 years in deliberating on this case. Some $3 million spent in behalf of our obligation to the Indian trust. So I think that you are talking about two precedents; both of them equally bad, but in a sense of equity, which I think is the basic determination that we are trying to arrive at here this afternoon, that the money that was expended some 2 to 3 years ago, the $450,000 grant that was made or the appropriation that was made, not all of which has been spent, has been handled by the courts because there was a recognized inequity right from the very start.

□ 1410

There was a recognition that this was a very unique and, I think, probably a kind of pivotal water suit determination. That is why we are standing up here beating on this drum, because it does reflect on New Mexico, but it could have probably happened in many other Western States, but nowhere in the Western part of the United States do we have highly concentrated Indian populations with as many diverse and complex Indian water right and non-Indian water right claims, as New Mexico.

So I will just make that point and sit down on this thing, but I do oppose the amendment. I think you have done the right thing. Precedents, though bad or good, I think is aside from the question totally.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. YATES. Mr Chairman, reference has been made to the small Hispanic farmers who are getting the benefits of the committee's grant in this particular case, in being able to pay their lawyers.

Mr. Chairman, I spoke to one of the attorneys who is in the case, the Aamodt case in New Mexico. He said that not only the poor people's lawyers are being paid, but those for some of the wealthy people are being paid as well. That was the reason for my statement. I got it right from the horse's mouth in New Mexico.

That has been sought to be corrected by the committee in this instance by language that they have added to the revised part of the report.

But this is a precedent-setting case. It is precedent setting not only in the payment of fees for non-Indians established in the instance of the Senator from New Mexico a couple of years ago, but it raises the other precedent that was created by my friend, the gentleman from New Mexico [Mr. RICHARDSON], and that is, he raises a question as to whether or not the trust relationship between the Federal Government and the Indian people should be continued.

If one has equality before the law and we provide the same resources to non-Indians as we do to Indians, there is no such thing as a trust relationship. The trust relationship is supposed to provide some measure of special protection to the Indian people. Let me read to my colleagues from the report of the American Indian Policy Review Commission on the trust relationship, and this is taken from the cases of the Supreme Court. It says this:

> There is legal authority that the U.S. trust duty is much broader. The purpose behind the trust is and always has been to insure the survival and welfare of Indian tribes and people.

Not of the Hispanics, and I do not hold anything against the Hispanics, but there is a special relationship with the Indian people.

> This includes an obligation to provide those services required to protect and enhance Indian lands, resources, and self-government, and also includes those economic and social programs which are necessary to raise the standard of living and social well-being of the Indian people to a level comparable to the non-Indian society.

The trust relationship is based upon the inhumane and barbarous treatment that many Indian people received in days gone by. It stems from incidents like the "Trail of Tears."

The point I am trying to make is, we cannot equate the rights of our poor Hispanics with those of the Indian people. There is a special relationship in that instance. In order to take care of the poor Hispanics, there is created in this bill the Legal Services Corporation, and as the gentleman from New Mexico pointed out, you tried to go to the Legal Services Corporation and they said they could not handle the case. I doubt that the gentleman tried, in connection with his offer to the Legal Services Corporation, to make available to them the $500,000, which is this special fund that you created here. They did not have that money then, did they?

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New Mexico.

Mr. LUJAN. Would the gentleman support such an amendment on the floor?

Mr. YATES. For the Legal Services Corporation?

Mr. LUJAN. Yes.

Mr. YATES. I would. If you offer it, I will.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I would just like to make the point that I think the gentleman from Illinois makes a correct legal distinction, and I fully recognize that.

The point I would add in addition to that, however, is that if, in spite of that distinction, that line is to be broached today, then it ought to be done in a comprehensive way to deal with the entire problem, not just a specific case which happens to be a water case. There are a wide range of issues involving the rights of Indian tribes and the rights of persons in

court in opposition to those rights, and it seems to me that if we do not deal with the entire ball of wax, we are simply creating a very large inequity in addition to violating that line that separates trust responsibilities from other responsibilities.

Mr. YATES. The gentleman is exactly right. This is a precedent-setting case. It is the kind of a case that ought not to be argued on an appropriation bill. It is a special, privileged gift that is being given in this instance to the non-Indian people of New Mexico, and I do not think that it ought to take place.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to my friend, the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Chairman, I stand by my previous statement about the wealthy and nonwealthy that benefit or do not from this bill. While I accept and appreciate all the help the gentleman gives native American peoples, I would hope that he would respect the views of those of us in the West who represent them and then have to live with them every day.

I submit to the gentleman that I do not need a lecture on the trust relationship. I am not opposing the trust relationship.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(On request of Mr. RICHARDSON and by unanimous consent, Mr. YATES was allowed to proceed for 2 additional minutes.)

Mr. RICHARDSON. If the gentleman will yield further, what I am simply saying to the gentleman is that it is a matter of equity. The gentleman cannot tell me here that it is right that he intends the Justice Department and private attorneys to represent the Indians. Is that the intent of the gentleman also? Does he realize this is the case?

The Indians have the Justice Department. They have the use of the BIA lawyers and private attorneys. Does the gentleman feel that is equal justice?

The Hispanics have nothing. They do not have the money to pay. In some cases they have delayed going to court because they do not have the money to represent them.

Mr. YATES. Does the gentleman object to representation of the Indian people by the Department of Justice?

Mr. RICHARDSON. No.

Mr. YATES. All right.

Mr. RICHARDSON. But I object that they have the Department of Justice and private attorneys. The gentleman did not answer my question.

Mr. YATES. I am answering the question.

Mr. RICHARDSON. What about private attorneys? Is that all right, too?

Mr. YATES. I am answering your question in my own way.

Mr. RICHARDSON. Is that all right, too?

Mr. YATES. Mr. Chairman, I will reclaim my time and answer as I want to answer, not as the gentleman wants me to answer.

The Department of Justice represents the Indian people in their litigation. Occasionally the Department of Justice is put into a conflict-of-interest situation, as it is in your water cases in New Mexico where you have conflicting claims not only between the non-Indians and the Indians, but between four Pueblo Indian tribes. Obviously, the Department of Justice cannot represent all four tribes.

Under those circumstances, the Department of Justice provides the funds for tribes——

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. YATES. No, I will not yield.

Mr. RICHARDSON. He is not correct.

Mr. YATES. I am not yielding. I decline to yield.

I am answering the gentleman's question as to why other attorneys come into the case.

With respect to the gentleman's non-Indian constituents, you have relief. The gentleman from New Mexico [Mr. LUJAN] pointed out the avenue that he tried to take. You do not have enough funds in that. I told him I would support money to take care of those who qualify for the Legal Services Corporation benefits. I think that perhaps your Hispanic people should have that.

But the point I am making is that I think that, despite the fact that the gentleman thinks that I was lecturing him on the trust relationship, which I was not doing, what I was trying to do was to make known to the House again what the present relationship is between the Federal Government and the Indian people in protecting their resources.

Mr. Chairman, I urge support of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. YATES. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 232]

ANSWERED "PRESENT"—417

Ackerman	Daub	Holt
Addabbo	Davis	Hopkins
Akaka	de la Garza	Horton
Alexander	DeLay	Howard
Anderson	Dellums	Hoyer
Andrews	Derrick	Hubbard
Annunzio	DeWine	Huckaby
Anthony	Dickinson	Hughes
Applegate	Dicks	Hunter
Archer	Dingell	Hutto
Armey	DioGuardi	Hyde
Aspin	Dixon	Ireland
Atkins	Donnelly	Jacobs
AuCoin	Dorgan (ND)	Jeffords
Badham	Dowdy	Jenkins
Barnard	Downey	Johnson
Barnes	Dreier	Jones (NC)
Bartlett	Duncan	Jones (OK)
Barton	Durbin	Jones (TN)
Bateman	Dwyer	Kanjorski
Bates	Dymally	Kaptur
Bedell	Dyson	Kasich
Beilenson	Early	Kastenmeier
Bennett	Eckart (OH)	Kemp
Bentley	Eckert (NY)	Kennelly
Bereuter	Edgar	Kildee
Berman	Emerson	Kindness
Bevill	English	Kleczka
Biaggi	Erdreich	Kolbe
Bliley	Evans (IA)	Kolter
Boehlert	Evans (IL)	Kostmayer
Boggs	Fascell	Kramer
Boland	Fawell	LaFalce
Boner (TN)	Fazio	Lagomarsino
Bonker	Feighan	Lantos
Borski	Fiedler	Latta
Bosco	Fields	Leach (IA)
Boucher	Fish	Leath (TX)
Boulter	Flippo	Lehman (CA)
Boxer	Florio	Lehman (FL)
Breaux	Foglietta	Leland
Brooks	Foley	Lent
Broomfield	Ford (MI)	Levin (MI)
Brown (CA)	Ford (TN)	Levine (CA)
Brown (CO)	Fowler	Lewis (CA)
Broyhill	Frank	Lewis (FL)
Bruce	Franklin	Lightfoot
Bryant	Frost	Lipinski
Burton (CA)	Gallo	Livingston
Burton (IN)	Garcia	Lloyd
Bustamante	Gaydos	Loeffler
Byron	Gejdenson	Long
Callahan	Gekas	Lott
Campbell	Gephardt	Lowery (CA)
Carney	Gilman	Lowry (WA)
Carper	Gingrich	Lujan
Carr	Glickman	Luken
Chandler	Gonzalez	Lundine
Chappell	Goodling	Lungren
Chappie	Gordon	Mack
Cheney	Gradison	MacKay
Clay	Gray (IL)	Madigan
Clinger	Gray (PA)	Manton
Coats	Green	Markey
Cobey	Gregg	Marlenee
Coble	Grotberg	Martin (IL)
Coelho	Guarini	Martin (NY)
Coleman (MO)	Gunderson	Martinez
Coleman (TX)	Hall (OH)	Matsui
Collins	Hamilton	Mavroules
Combest	Hammerschmidt	Mazzoli
Conte	Hansen	McCain
Conyers	Hartnett	McCandless
Cooper	Hatcher	McCloskey
Coughlin	Hawkins	McCollum
Coyne	Hayes	McCurdy
Craig	Heftel	McDade
Crockett	Hendon	McEwen
Daniel	Henry	McGrath
Dannemeyer	Hertel	McHugh
Darden	Hiler	McKernan
Daschle	Hillis	McKinney

McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1430

The CHAIRMAN. Four hundred seventeen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Illinois [Mr. YATES] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 244, noes 177, not voting 12, as follows:

[Roll No. 233]

AYES—244

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
Atkins
AuCoin
Barnard
Barnes
Bartlett
Barton
Beilenson
Bennett
Bereuter
Berman
Boehlert
Bonker
Boucher
Boulter
Boxer
Breaux
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Burton (CA)
Byron
Callahan
Carney
Chandler
Chappie
Clay
Cobey
Coble
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Crockett
Daniel
Dannemeyer
Darden
Daub
Davis
DeLay
Dellums
Derrick
DeWine
DioGuardi
Dixon
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fiedler
Fields
Fish
Flippo
Ford (TN)
Fowler
Franklin
Frenzel
Gallo
Gekas
Gibbons
Glickman
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grotberg
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hawkins
Heftel
Hendon
Hertel
Horton
Howard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kleczka
Kolter
Kramer
Lagomarsino
Latta
Leach (IA)
Lehman (FL)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lundine
Mack
Martin (IL)
Matsui
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McHugh
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Natcher
Neal
Nichols
Oberstar
Obey
Olin
Owens
Panetta
Pease
Penny
Perkins
Petri
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Ridge
Rinaldo
Rodino
Roe
Roemer
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Schroeder
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Skelton
Smith (FL)
Smith (NH)
Smith (NJ)
Snowe
Snyder
Solarz
Solomon
Spratt
St Germain
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swindall
Synar
Tallon
Tauke
Tauzin
Torricelli
Traxler
Udall
Valentine
Vento
Visclosky
Walgren
Weaver
Weber
Wheat
Wilson
Wirth
Wise
Wolpe
Yates
Young (AK)
Zschau

NOES—177

Addabbo
Applegate
Badham
Bateman
Bates
Bedell
Bentley
Bevill
Biaggi
Bilirakis
Bliley
Boggs
Boland
Boner (TN)
Borski
Bosco
Brooks
Bryant
Burton (IN)
Bustamante
Campbell
Carper
Carr
Chappell
Cheney
Clinger
Coats
Coleman (MO)
Coleman (TX)
Coyne
Craig
Daschle
de la Garza
Dickinson
Dicks
Dingell
Donnelly
Dowdy
Dwyer
Dymally
Dyson
Early
Emerson
Fazio
Feighan
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Hansen
Hartnett
Hatcher
Hayes
Henry
Hiler
Hillis
Holt
Hopkins
Hoyer
Hubbard
Hunter
Hyde
Ireland
Jones (NC)
Kemp
Kennelly
Kildee
Kindness
Kolbe
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Leland
Lent
Levin (MI)
Lewis (CA)
Lowry (WA)
Lujan
Luken
Lungren
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Mavroules
McCloskey
McEwen
McGrath
McKernan
Miller (WA)
Mitchell
Mollohan
Monson
Morrison (CT)
Mrazek
Myers
Nelson
Nielson
Nowak
O'Brien
Oakar
Ortiz
Oxley
Packard
Parris
Pashayan
Pepper
Pickle
Richardson
Ritter
Roberts
Robinson
Rogers
Rose
Rowland (CT)
Scheuer
Schuette
Schumer
Shelby
Shuster
Sikorski
Sisisky
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Spence
Staggers
Stallings
Stangeland
Strang
Stump
Sweeney
Swift
Taylor
Thomas (CA)
Thomas (GA)
Towns
Traficant
Vander Jagt
Volkmer
Vucanovich
Watkins
Waxman
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wolf
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)

NOT VOTING—12

Bonior (MI)
Coelho
Courter
Crane
Dornan (CA)
Edwards (OK)
Fuqua
Hall, Ralph
Hefner
Schneider
Siljander
Torres

□ 1440

Messrs. WYDEN, BILIRAKIS, and NOWAK changed their votes from "aye" to "no."

Mr. FAWELL, Mrs. JOHNSON, Mr. GRAY of Pennsylvania, Mr. ANDREWS, Mrs. MARTIN of Illinois, and Messrs. HERTEL of Michigan, BARTON of Texas, and KOLTER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $43,476,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $700,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys, marshals, and bankruptcy trustees; including acquisition, lease, maintenance, and operation of aircraft, $471,500,000.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal insitutions, $53,240,000; and in addition, $9,000,000 shall be available under the Cooperative Agreement Program until expended for the purposes of renovating, constructing, and equipping State and local correctional facilities: *Provided,* That amounts made available for constructing any local correctional facility shall not exceed the cost of constructing space for the average Federal prisoner population to be housed in the facility, or in other facilities in the same correctional system, as projected by the Attorney General: *Provided further,* That following agreement on or completion of any Federally assisted correctional facility construction, the availability of the space acquired for Federal prisoners with these Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative agreement.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; $47,900,000, to remain available until expended, of which not to exceed $550,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $33,217,000, of which $26,583,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided,* That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund: *Provided,* That in the aggregate, not to exceed $10,000,000 shall be available for expenses authorized by subsections (c)(1)(B), (c)(1)(E), and (c)(1)(F) of that section.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed one thousand six hundred forty passenger motor vehicles of which one thousand four hundred fifty will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $1,194,132,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1987; of which $30,000,000 for research related to investigative activities shall remain available until expended; and of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism: *Provided,* That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than $13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further,* That $13,120,000 shall remain available until expended for constructing and equipping new facilities at the FBI Academy, Quantico, Virginia: *Provided further,* That not to exceed $45,000 shall be available for official reception and representation expenses.

POINT OF ORDER

Mr. HOWARD. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from New Jersey will state his point of order.

Mr. HOWARD. Mr. Chairman, I make a point of order against the language which appears on page 15, line 21 after the colon beginning with the proviso down through and including line 23 ending with Virginia. This is a violation of rule XXI, clause 2. This is legislation in an appropriation bill.

The CHAIRMAN (Mr. BROWN of California). Does anyone else desire to be heard on the point of order?

In the opinion of the Chair, the amount is unauthorized and the language is legislative in character and the point of order is sustained.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 15, line 4 strike "$1,194,132,000" and insert "$1,203,625,000".

□ 1450

Mr. SMITH of Iowa. Mr. Chairman, I reserve a point of order on the amendment.

Mr. EDWARDS of California. Mr. Chairman, I also reserve a point of order on the amendment.

Mr. YOUNG of Florida. I thank the Chairman.

Mr. Chairman, this is the amendment that I discussed earlier during general debate that would provide an additional $9.5 million for the FBI for use in their counterterrorism program.

The details as to how the $9.493 million would be spent, unfortunately, are very classified and cannot be discussed openly in this debate today but the information is available here.

For Members only I would be more than happy to make available to them the data as to what the money would provide and why it is so desperately needed.

It is something that needs to be done now. Thanks to the efforts of the subcommittee, and I compliment the subcommittee for their work in this field, the funding for the FBI's battle against domestic terrorism has been taken care of adequately. The funding, though, for their international terrorist activities has not been funded to the extent that they require.

Now I realize that several points of order have been reserved and I would hope those points of order would not be pressed.

The time to give the FBI the tool to battle terrorism is now. We do not want any more airplane hijackings, and if we do have any, we want to be able to respond; we do not want any more assassinations; we do not like the fact that the White House is barricaded; the Capitol of the United States has garbage trucks parked around it at night to protect against terrorists; and two bombs have exploded in this Capitol Building since I have been a Member of this House.

The time to act is now. We can eventually, if the points of order lie today, we can eventually get another vehicle by which we will be able to consider this money, maybe later on this year, probably next year.

But the case is made strongly, though, that we need to give the FBI the tools that they need right now to battle international terrorism. We are only talking about $9.5 million. The House spends that much every week just in the legislative budget.

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I would be happy to yield to my colleague.

Mr. EARLY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would suggest that the gentleman has offered a very progressive amendment. To reiterate what happened with regard to terrorism, I think foreign and domestic terrorism are related. Chairman SMITH and Mr. O'BRIEN, the ranking minority member, put $1.3 million into the supplemental for 191 positions for domestic terrorism, which was stricken on a point of order. It is in this bill. As the gentleman from Florida, whom I have much respect for—you know

every spending measure is in the eyes of the beholder; he is the leader in the fight to save the Social Security COLA and here he comes in with a very valid attack on terrorism and to prevent it and to save money before the problem occurs.

Now, with the 191 positions we have in this bill, we are not doing a whole lot for the FBI. All we are doing with regards to terrorism in this respect is giving the FBI the resources they utilized in 1984 and what they utilized in 1985.

But what happened? The Bureau had to borrow from Narcotics, white-collar crime and other activities.

Now as to the specific amendment of the gentleman, during general debate he identified several specific cases that are all very accurate. Members interested in the additional material, which is classified, would see how necessary this money is.

I would urge the gentleman, though, to withdraw the amendment because the Chairman of the subcommittee, Mr. SMITH of Iowa, and, I think, Mr. O'BRIEN are in agreement but were just prohibited by the rule. Let us work our will because we know what a priority this is and we hope that it will get in the next financial vehicle because it is a necessary amendment.

Mr. YOUNG of Florida. I would like to compliment the gentleman, Mr. EARLY, for the work that he has done in providing the funding already in the bill for the domestic counterterrorism programs. I would ask the gentleman if he would be able, as a member of that subcommittee, to give us some idea, if we withdraw this amendment, when we might be able to get consideration of the amendment to provide these funds?

Mr. EARLY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I would be happy to yield to my colleague.

Mr. EARLY. I thank the gentleman for yielding.

Mr. Chairman, the first vehicle, the first vehicle that we can get, I can assure the gentleman, only speaking for myself as a member of the subcommittee, that I will try to insert the money.

As I told the gentleman, as I suggested to this House, Chairman SMITH had done it in the supplemental. Recently we read an article about a Member of the other body in which he had suggested they were doing something. There is nothing new here.

The CHAIRMAN. The time of the gentleman from Florida [Mr. YOUNG] has expired.

(On request of Mr. EARLY and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for three additional minutes.)

Mr. YOUNG of Florida. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. EARLY. I thank the gentleman for yielding further. As to what the gentleman suggested, Mr. Chairman, there was not one new thing that this subcommittee did not try to do in this funding bill. I would assure the gentleman that in the first vehicle, the first vehicle that we have available, I would at least try to put in this foreign counterintelligence money.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yeild?

Mr. YOUNG of Florida. I would be happy to yield to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Florida, Mr. YOUNG. I recognize the germaneness problems involved in it, but one of the problems we have is that the Subcommittee on Civil and Constitutional Rights absolutely refuses to deal with the increase in authorization that is necessary to finance this amendment. I think the need for this amendment is abundantly clear, and we certainly do not wish to see any more acts of terrorism committed against the United States and against the citizens of the United States, either here or overseas.

It is a very necessary amendment in order to get the FBI out to speed so that they will be able to do the job that we all hope will be successful. So, that is why I would hope that the point of order would not be pressed, and we would be able to provide the FBI with this additional money today because every day we wait in not providing the money that is requested is one more day that the terrorists can strike and embarrass this country, and threaten the lives of our diplomatic personnel overseas and threaten the lives of our citizens.

(By unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Florida. I think what we are seeing here is a debate indicating that most everyone is supportive of recognizing the need of the FBI, which the FBI has in these two specific cases that this money would provide for. Second, it appears that everyone seems to be in agreement that if there was some way to have this amendment offered without it being in violation of the Budget Act that they would be willing to do that.

I would like to add this thought, as we deal with the Budget Act, so far we have only passed the first budget resolution and it has not passed both bodies. We have not passed the second budget resolution. My understanding is that the first budget resolution is not binding anyway. In the last 10 years, only once, that was in 1978, did we ever pass a second budget resolution on time.

So, I have strong reason to believe that we can make a persuasive argument in opposition to a point of order against this amendment, but whether we can do that or not remains to be seen. But before we get to that point I would like to ask my friend and colleague with whom we have cooperated many times, successfully on a number of issues, if, in fact, he would be willing, on the next vehicle, to seek the type of a rule that would protect the right to offer this type of an amendment.

□ 1500

Mr. EARLY. I will just say to the gentleman from Florida [Mr. YOUNG] that as far as, other than the normal procedure here, I will do anything I can to help to get the funds through. That is the rule, that is anything that we have to do to make sure that the FBI gets this tool to carry out what the gentleman from Wisconsin [Mr. SENSENBRENNER] just suggested.

Mr. YOUNG of Florida. I appreciate the gentleman's comment, and I know of the many hours that he spent on this subject at the FBI and in his committee office.

I yield to the chairman.

Mr. SMITH of Iowa. I do not want to preclude what we might do on a rule, but I want to say that we have tried our best to cooperate; we do not have the administration's request for this and I think if it were urgent and they submitted a request that it would be approved today.

As the gentleman knows very well, there are a number of ways these things are financed. We are trying our best to take care of them, but we are also under constraints here today because we are operating under our tentative limitation on 302 allocations. Even though we do not have a budget resolution yet, we are voluntarily, in the Appropriations Committee, staying within our 302 allocation according to the budget resolution that passed the House; and if we start violating that I do not know where this bill will go.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. Mr. Chairman, I understand that, and I appreciate the comments that have been made.

Yes; I yield to the gentleman.

Mr. EDWARDS of California. I thank the gentleman from Florida [Mr. YOUNG] for yielding. I know the gentleman from Florida understands the high respect that I have for him and for my friend from Massachusetts [Mr. EARLY] and the request that you are making today.

I think the record ought to be made clear, however, that at the hearings the Judiciary Committee subcommittee had on the FBI's request for funds

the FBI did not ask for this money. Indeed, I have asked Director Webster on several occasions whether or not he needed the money, and to the best of my recollection he said, "Well, we can always use more money, but no, we are not asking for the money," referring to the money for 191 new agents with regard to domestic terrorism.

(By unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 3 additional minutes.)

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. EDWARDS of California. I appreciate the gentleman yielding. The subcommittee that I chair has jurisdiction over terrorism and has had extensive investigations and hearings, and has written a report on it.

We have kept very careful count of the incidents of terrorism in the United States, and it is a real problem and I certainly understand that. However, the FBI is doing a very good job, and we have always supported any request that the FBI has made in this area.

Let me point out to you, Mr. Chairman, that terrorist incidents in the United States have fallen off from an average of over 100 a year a few years ago to 51 in 1982, 31 in 1983, and 13 in 1984. In the first 6 months of 1985 there have been only 2 incidents in the United States, according to FBI records. In 1984, no one was killed or injured as a result of terrorist activity in the United States.

At the same time, in the first 6 months of this year, at current funding levels, the FBI was able to successfully thwart 17 terrorist incidents before they occurred.

Moreover, Mr. Chairman, I should emphasize that last year in this country, there was not one single international terrorist incident in the United States. International terrorist incidents are those in this country committed by foreign groups. All of the terrorist incidents in this country last year were by domestic groups. The FBI does not generally have jurisdiction over terrorist incidents abroad. The gentleman from Massachusetts [Mr. EARLY] has added additional funds for 191 agents to counter terrorism by domestic groups, and I am in agreement with the gentleman. I cannot agree with the gentleman from Florida's [Mr. YOUNG] amendment on international terrorism.

I should also note that the FBI's counterterrorism program is unrelated to its foreign counterintelligence program. This year, for the 3d straight year, the bill contains substantial increases for foreign counterintelligence, and I fully support those increases.

The FBI has increased the staffing of its counterterrorism program by reassigning agents from other areas. An increase in funding would increase overall staffing for the Bureau but would not increase counterterrorism staffing. Holding funding at present levels will require the FBI to set its priorities, as every agency in the Federal Government must. It will not prevent the Bureau from continuing to allocate substantial resources to counterterrorism and it will not interfere with the continued success of the FBI's counterterrorism program.

That is the reason that the FBI has not come forward and asked for this money. However, we are not going to object to the request of the gentleman from Massachusetts [Mr. EARLY] for the 191 new agents. We know that he is making this request in good faith, and even though the administration and OMB do not want this to go through, as far as we are concerned, we are not going to object to it.

The issue raised by the gentleman from Florida [Mr. YOUNG] is something else. It certainly should be the subject of hearings, it should be the subject for the Department of Justice and the FBI to come and ask for it, which they have not done. We really ought to follow some orderly processes in this body.

Mr. SENSENBRENNER. Will the gentleman from Florida yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. SENSENBRENNER. Mr. Chairman, just to make sure that the record on this subject is complete, the hearings before the Subcommittee on Civil and Constitutional Rights are far from complete. As a matter of fact, last month the three minority members of the subcommittee, the gentleman from Ohio [Mr. DEWINE], the gentleman from California [Mr. DANNEMEYER] and myself, specifically attempted to invoke the House rule that provides for a minority day of hearings, to hold hearings on this subject; and we were rejected by the chairman of the full committee, Mr. RODINO.

So there were no hearings on this subject, and the record ought to be perfectly clear on where the obstructionism is; it is in the majority side of the aisle on the Committee on the Judiciary why we have not been able to deliberate on this subject before the authorization committee.

Mr. EARLY. Will the gentleman from Florida yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. EARLY. I want to clear the record, too, on this for my good friend from California [Mr. EDWARDS]. With regards to domestic terrorism, the gentleman said they have had hearings and there has been no request for the money.

The gentleman from California, and everyone on the Committee on the Judiciary knows, and everyone in this House should know, the FBI spent much more than originally available for domestic terrorism in 1984 and in 1985.

(By unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. EARLY. If the gentleman will yield further, for the past 2 years, utilization of work-years for this area has outstripped the work-years assumed, given the appropriation levels.

In 1984, they had to increase resources that we provided by 118 percent. In 1985, they had to increase them by 150 percent.

If the gentleman wants to suggest that domestic terrorism is not a threat, I quote from a Washington Post article, a matter of months ago:

> Files seized in a Baltimore apartment used by self-proclaimed revolutionaries contain detailed plans to bomb the Old Executive Office Building in the White House complex.
>
> Documents found in a file drawer marked "in progress" include "very detailed" plans to bomb up to a dozen other federal offices.

A threat is of no concern if the person has never done it before. These particular groups; this particular group, the United Freedom Front, has bombed 16 Federal buildings; so they have done it. These are legitimate threats.

This money, that the gentleman from California [Mr. EDWARDS] suggests the FBI has not requested, and in this particular amendment from the gentleman from Florida [Mr. YOUNG] there is no question that I think they will come back in 1987 for this particular funding, and it should be funded and should not be a partisan issue.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman is exactly correct about the threat from domestic terrorists; the threat from international terrorists is equal, if not greater, and the FBI is going to meet that threat. They are going to do the job to the best of their ability, but if they take resources to fight terrorism that we have not provided, they are going to take it from their battles against organized crime. It is going to have to come out of their racketeering or corruption or graft or extortion operations, or out of their white collar crime funds.

Something else is going to have to suffer. Terrorism is here. It is now, it is immediate, and the FBI is going to do the very best job they can to meet that threat; but something else is going to suffer, and I do not think any of us want that to happen.

(On request of Mr. EARLY and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. EARLY. Will the gentleman yield for one more point?

Mr. YOUNG of Florida. I am happy to yield.

Mr. EARLY. Mr. Chairman, I would like the House to look at the FBI's budget. They have almost $1,200 mil-

lion for their whole operation. It is almost all in personnel.

Now this bill includes the $8.5 million that we put in for domestic terrorism. If, later on in the day, this House adopts a 4-percent across-the-board cut, you will cut $47.8 million from the FBI. It will give them less money than they had in 1985. There is no way the FBI will be able to approach domestic terrorism or what the gentleman from Florida [Mr. YOUNG] is talking about.

So I urge the Members as we vote, the only type of cuts we get today are across the board because every one of us can run and hide when we do that. I have never voted for an across-the-board cut. I do not saying that bragging; I am just saying it is not responsible.

Each Member that wants to cut 4 percent as the items come up, stand and ask to reduce it 4 percent. If the 4 percent prevails, the FBI cannot do any of the domestic terrorism work. The 4-percent cut would leave the FBI with less than they had last year.

□ 1510

POINTS OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. EDWARDS] insist on his point of order?

Mr. EDWARDS of California. Mr. Chairman, did the gentleman from Florida [Mr. YOUNG] withdraw his amendment?

Mr. YOUNG of Florida. Mr. Chairman, I did not withdraw the amendment, no.

Mr. EDWARDS of California. Mr. Chairman, it was my understanding there was a commitment made to withdraw the amendment. If that is not true, I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. EDWARDS] will state his point of order.

Mr. EDWARDS of California. Mr. Chairman, the amendment violates clause 2 of House rule XXI, which provides no appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized by law.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to press his point of order?

Mr. SMITH of Iowa. I do, Mr. Chairman. I have a different point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Iowa. I am very reluctant to make a point of order, but I feel I have to in this case.

It would add budget authority for fiscal year 1986. The waiver of the points of order against the provisions in the bill did not waive points of order against amendments. Therefore, an amendment to add money to the bill would not be in order.

I am very constrained to do that, but if I do not do that in this case, I know there will be a lot of amendments all over the place.

The CHAIRMAN. Does the gentleman from Florida [Mr. YOUNG] wish to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, I do.

Regarding the point made by our colleague, the gentleman from California [Mr. EDWARDS], that it is an unauthorized item, this paragraph in question is not authorized but it is protected by the rule. It is well established under the precedents of the House that where an unauthorized appropriation is permitted to remain in the bill by waiver of points of order, that appropriation may be amended to increase the sum, provided the amendment does not add unauthorized items.

My amendment does exactly that, and I believe that that point of order should be overruled.

On the point of my friend and colleague from Iowa [Mr. SMITH], dealing with the Budget Act, again, Mr. Chairman, I suggest that the point of order is not well taken. The purpose of House Resolution 221, the rule covering points of order against the Budget Act, is to allow an appropriations bill to be considered on the House floor before the first concurrent budget resolution has been approved by Congress. And since consideration of an appropriations bill on the House floor generally does not require a rule and does not limit amendments, interpretation of this language should follow usual House procedures and allow amendments to appropriations bills whether the amendment would increase or decrease an uncertain budget ceiling.

Therefore, the point of order I think should be overruled. I make the point again that the first budget resolution is still pending, it has still not been finalized by the Congress.

Second, on the same point, Mr. Chairman, House Resolution 221, the rule covering points of order against the Budget Act, provides that all points of order for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974, Public Law 93-344, are hereby waived. Section 303(a) of the Budget Act states that "it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) * * *." Since House Resolution 221 does not specifically limit amendments and since it is to be read in conjunction with section 303(a), my amendment offered during consideration of a general appropriations bill that was reported by the Appropriations Committee prior to July 12, 1985, should be allowed and the point of order overruled.

The CHAIRMAN (Mr. BROWN of California). If no one else wishes to be heard on the point of order, the Chair is prepared to rule.

With regard to the point of order raised by the gentleman from California [Mr. EDWARDS], as to appropriation without authorization, the Chair is constrained to overrule that point of order on the grounds that a waiver has been provided in the rule against the amount in the bill, and the amendment merely increases that amount without an earmarking for an unauthorized purpose.

With regard to the point of order made by the gentleman from Iowa [Mr. SMITH] as to whether it has not been waived by the rule, the Chair is constrained to uphold that point of order on the grounds that, while consideration of the bill itself has in House Resolution 221 received a waiver from section 303(a) of the Budget Act, that does not apply to amendments adding new budget authority to the bill and the Chair, therefore, sustains the point of order.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 15, in line 4, strike "$1,194,132,000," and insert in lieu thereof "$1,203,625,000, of which $9,493,000 shall be derived by transfer from the appropriation in this Act for "National Endowment for Democracy",".

Mr. YOUNG of Florida. Mr. Chairman, this is the same amendment, the same money to be applied to the FBI's Counterterrorism Program, but in this case, in order to comply with the Budget Act and the rules, we attempt to transfer that same money from another section of the bill dealing with the National Endowment for Democracy. This is somewhat of a controversial program, to begin with, Mr. Chairman, the National Endowment for Democracy. What it does is provide money for certain private organizations to get involved in international diplomacy. According to the report, the Endowment would promote pluralism, democratic governments and political processes, education, culture and communications, research and international cooperation, and it provides that the Endowment itself would not do any of these things but would provide funding for organizations like the AFL-CIO and the U.S. Chamber of Commerce or other private organizations and groups to use this money.

The Federal Government is already doing this, with the expenditure of a lot of money from a lot of sources, and I would remind my colleagues that on the last vote we had on this issue on May 31, 1984, 226 of our colleagues voted for an amendment to strike the funding for this Endowment. The other body put the money back in.

I am not suggesting that it is a bad program or that it is a good program.

What I am saying is that I do not think it has the priority that fighting international terrorism does. So let us take the $9.5 million that the FBI needs from the National Endowment for Democracy and put it into the FBI account. Do this and we will have struck a good blow in the fight against international terrorism. Again, I do not want to abuse the time of the committee by carrying on the argument. I think everyone is convinced we need the money. Here is a way to do it and do it under the rules and within the provisions of the Budget Act.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. The gentleman has really got me between a rock and a hard place. We have got to get rid of NED, but I did not want to give it to the FBI this way. I hope this survives the test of the parliamentary challenge that is in front of it. But the gentlemen is quite right, NED is the biggest waste of a small amount of money that has happened in quite a while. I reluctantly go half way with the gentleman on his amendment.

Mr. YOUNG of Florida. I would say to the gentleman that this is basically a compromise because we do not take all of the money from the Endowment fund. We just took $9.5 million. We are going to leave about $10 million there. If the gentleman thinks we ought to get rid of that as well, I would probably be happy to support his amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to press his point of order?

Mr. SMITH of Iowa. Yes, Mr. Chairman, I do.

My point of order is that it is in violation of clause 7, rule XVI. It involves an increase in the FBI by a transfer of funds. There are no transfers in the bill for the FBI. The money would be transferred from a source that is entirely different and unrelated, and therefore taking money that is intended for one purpose and transferring it to an entirely different purpose when it is offered as an amendment is not germane.

The CHAIRMAN. Does the gentleman from Florida [Mr. YOUNG] desire to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, I am in opposition to the point of order. The amendment does not violate section 303 of the Budget Act because the amendment does not provide new budget authority but rather provides funds by transfer from elsewhere in the bill.

The amendment does not violate rule XXI, clause 2, because it is in order to perfect a paragraph in the bill permitted to remain by a waiver of points of order, so long as the amendment does not add legislation or unauthorized items. A transfer of funds within the confines of an appropriation bill is not considered legislation, and clearly the amendment does not add unauthorized items. The amendment is germane to the bill which contains numerous other transfers. For example, I call to the Chair's attention page 6 and page 7, where there are numerous transfers from one fund to another in that section of the bill alone.

So I would hope that the Chair would overrule the point of order.

The CHAIRMAN (Mr. BROWN of California). If no one else wishes to be heard on the point of order, the Chair is prepared to rule.

The Chair believes that the amendment is not germane to this paragraph because there are no other transfers involved in this particular paragraph and it would effect an account in an unrelated portion of the bill.

The Chair, therefore, upholds the point of order made by the gentleman from Iowa [Mr. SMITH].

□ 1520

AMENDMENTS OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The text of the amendments is as follows:

Amendment offered by Mr. KASICH: Page 15, line 4, strike out "$1,194,132,000," and insert in lieu thereof "$1,199,647,924,".

Page 25, line 10, strike out "$480,235,000:" and insert in lieu thereof "$474,719,076:".

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SMITH of Iowa. Mr. Chairman, reserving the right to object, I yield to the gentleman from Ohio [Mr. KASICH] to explain his amendments.

Mr. KASICH. I thank the gentleman for yielding to me.

Mr. Chairman, I was trying to bring my amendment up under the same procedure that Mr. YOUNG was attempting to use to transfer some money. What my amendment would do is freeze our operations support of the United Nations at the 1985 level, taking the $5 million that would be saved and transferring it to the FBI domestic counterintelligence area. The reason being that there is great concern expressed by a number of people, including Mr. Lichenstein, who was our Alternate Representative at the United Nations, about the problem of espionage involving Soviet personnel, at the United Nations.

Let me elaborate for a second and explain that when someone goes to work for the Secretariat, they are asked to take an oath of office. In that oath they swear that they will not seek or accept any instructions in regard to the performance of any of their duties from any government or any authority external to the organization.

What we have found, of course, is a consistent violation of this oath on the part of the Soviets. We have 333 Soviet personnel who work for the Secretariat. According to the Senate Intelligence Committee, the Soviet citizens assigned to the United Nations civil servants report directly to the Soviet missions and are part of an organization controlled by the Soviet Foreign Ministry, the Soviet intelligence services, KGB and GRU, and the Central Committee of the Communist Party.

The Soviet Union, according to the Senate Intelligence Committee, has gained significant advantage over the West through a comprehensive strategy of using the U.N. Secretariat for its own ends. Beyond the Secretariat, there are 295 accredited Soviet diplomats at the U.N. mission in New York, plus the 333 Soviet nationals who are employed by the U.N. Secretary. That does not include 18 accredited personnel representing the Ukranian Soviet Socialist Republic. There are also 27 Ukranian U.N. Secretariat employees, 14 Belorussian diplomats, and 11 Belorussian U.N. Secretariat employees.

What is particularly disturbing about this is that if you add together the delegation from the Secretariat, add together all the Soviet diplomats, all of the Soviet employees of the Soviet Union and bloc nations, we are talking about somewhere in the vicinity of 2,750 Soviet bloc personnel in New York State alone.

Now, the FBI estimates that 35 percent of these people are spies, which means that there are 1,000 spies working directly or indirectly through satellite governments for the U.S.S.R. at the United Nations. The FBI arrived at the 35-percent figure by counting only those personnel who had received formal intelligence training.

Mr. Shevchenko, who we are all familiar with now, who defected from the Soviet Union, estimates that 50 percent of their personnel are working as spies in some capacity, and a Romanian defector says 70 percent of his fellow nationals in New York are espionage agents.

We had a big debate up here with Mr. MCCOLLUM's amendment on whether we should have the death penalty for those people who engage in espionage. After a major debate in this House, it passed. We are concerned about the Walker case and what could be the overwhelming implications, the threats to America's national security. We just got done talking about the need to beef up the area of antiterrorist activity, and we find that we have a tremendous number of Soviet bloc personnel, who our own FBI says are actually spies that we pay for. Twenty-five precent for the

funding for the United Nations comes from the United States. Keep in mind that former FBI Director Clarence Kelly said that if you are going to have effective counterintelligence you have got to have an agent on ever one of these people.

We are not meeting that now. We do have a program that is moving along which is intended to beef this section up. I think it ought to move more quickly. We can see the tremendous implications of espionage activity.

Charles Lichenstein, who was the Alternate Representative to the United Nations, said, "We are in effect subsidizing a hostile intelligence effort on our own soil." DON SUNDQUIST, not long ago, offered an amendment on this floor that asked for a study in the State Department to check Soviet laundering of money that we pay to them that they launder back to the Soviet Union in order to use for bribes; for espionage purposes.

Let me tell you what the Soviet employees in the Secretariat do. They have complete access to all the personnel files at the United Nations. They can make determinations as to whether people have financial troubles. We know from the Walker case that monetary reward is becoming a seemingly more interesting reason to try to tempt people. Yet, we have Soviet personnel who the FBI says could be spies having access to this kind of information.

Mr. SMITH of Iowa. Mr. Chairman, I hope we will not take too much longer on this. As the gentleman knows, this subcommittee is nonpartisan. On the subcommittee we cooperate 100 percent. This subcommittee and the Intelligence Committee are taking care of things in the best way we can, and I think very satisfactorily.

After all, the United Nations is in New York; it is a fact, you cannot just kick the United Nations out with an amendment on a bill like this. We have to pay our assessment as we are doing; we also have to watch the employees who might want to do this country harm. The problem is not just limited to New York. There are other places that are included. I know the gentleman is very interested in this, but I would hope that the gentleman would not offer these amendments because we cannot address these issues properly in an appropriations bill.

Mr. KASICH. If the gentleman would yield, the chairman is certainly within his right to object to the unanimous-consent request, and I understand that he will. I am disappointed that he objected to the amendment by the gentleman from Florida; I am disappointed he objects to this.

We are not trying to kick everybody out. I tell the chairman what we are simply saying is let us freeze U.N. funding at the 1985 level and take that $5 million and give it to the FBI for counterintelligence activity. I think tomorrow is too late; we have got to get on with it today.

Mr. SMITH of Iowa. I would explain to the gentleman that your amendment does not really accomplish anything because we are paying, in this budget for 1986, our dues for calendar 1985. Just by taking $5 million out of the payment that we have got to make for last year's dues does not eliminate what we owe; the bill is still there. It will have to be paid. So you are not really finding extra money to transfer to the FBI; that bill has to be paid.

Mr. KASICH. If the gentleman will yield, let me just say this. What I am suggesting is that for this year's activity and operation we spend no more than what we spent last year. There has been some discussion that if we were to reduce our level of reimbursement to the United Nations it would violate a treaty. It certainly does not because the provision in the law says that if the funding of any of these organizations or activities could work to the detriment of this Government, we certainly are within our rights to withhold some payments. When the FBI estimates that 35 percent of the Soviet employees at the United Nations are working as spies and Mr. Shevchenko is saying it is as high as 50 percent, I think we have a problem.

I do appreciate the gentleman's concern on this issue; I understand his reasons for objecting. I think they are more parliamentary than they are substantive, and I would hope that the committee would address this issue.

□ 1530

We are going to hear more about it. We are going to hear more about it on Soviet travel and Soviet laundering of money and activity within the Secretariat.

Mr. SMITH of Iowa. I am sure we will hear more about it.

Mr. KASICH. I appreciate the gentleman's attention and his graciousness in yielding time to me.

Mr. HUNTER. Mr. Chairman, would the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I wonder if it might be possible on this bill to adopt a sense-of-the-Congress resolution of some sort that would prescribe, in light of the continuing Soviet abuses in East Germany and other places.

Mr. SMITH of Iowa. First of all, that is legislation in an appropriations bill.

Mr. HUNTER. I understand that.

Mr. SMITH of Iowa. But second, I especially do not like sense-of-Congress resolutions. That is like simply playing you are in Congress. A sense of Congress just expresses an opinion. Anyone who wants to can offer an opinion, and I am one who objects to having 20 or 30 or 40 bills on the House floor every year as sense-of-Congress resolutions. Again, that is playing like you are passing legislation when you are not really doing anything. So I really do not like sense-of-Congress resolutions.

Mr. HUNTER. If the gentleman would continue to yield, the reason I offered that was because the chairman did not like and indicated he would object to the gentleman's amendment. I was trying to think of something that would send a message. I think there is a value in message sending in light of the three or four attacks on American and British personnel in East Germany recently, and the abuses with regard to Soviet officials in the United States.

Mr. SMITH of Iowa. I think the colloquy here indicates that there is no difference of opinion on the substance at all and there is no reason to put another resolution in because everybody is in agreement on the substance, as far as I know.

Mr. HUNTER. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, would the gentleman withdraw his unanimous-consent request?

Mr. KASICH, Mr. Chairman, I would rather not withdraw it. I would rather the gentleman object.

Mr. SMITH of Iowa. I have to object on this issue, Mr Chairman.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed five hundred fifty-two passenger motor vehicles of which four hundred eighty-nine are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $353,421,000, of which not to exceed $1,200,000 for research shall remain available until expended and not to exceed $1,700,000 for purchase of evidence and payments for information shall remain available until September 30, 1987.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certifcate; purchase for police-type use (not to exceed four hundred ninety, all of which shall be for replacement only) and hire of passenger motor vehicles;

acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $577,510,000, of which not to exceed $400,000 for research shall remain available until expended: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed one hundred nine, of which ninety-four are for replacement only) and hire of law enforcement and passenger motor vehicles; $550,334,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of federal penal and correctional institutions: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, $12,226,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $46,063,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,070,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $6,920,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice Assistance Act of 1984, Runaway Youth and Missing Children Act Amendments of 1984, and the Missing Children Assistance Act including salaries and expenses in connection therewith, $135,197,000 to remain available until expended; and for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $70,282,000, to remain available until expended. In addition, $5,000,000 for the purpose of making grants to states for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1985 through September 30, 1986 following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1986 a listing of names of such Mariel Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1986, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed $12,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. A total of not to exceed $75,000 from funds appropriated to the Department of Justice in this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 202. Notwithstanding any other provision of law or this Act, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

SEC. 203. Appropriations for "Salaries and expenses, General Administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Federal Prison System", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

This title may be cited as the "Department of Justice Appropriation Act, 1986".

TITLE III—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945), expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acqusition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicle may be purchased without regard to any price limitation otherwise established by law; $1,452,689,000: *Provided*, That amounts included in this appropriation for payment of Standard Level User Charges by the Department of State to the General Services Administration shall be reduced by the amount determined by the Secretary of State, after consultation with the Administrator of General Services, to be necessary for the costs of operating and maintaining the main Department of State building under delegation of authority to the Department from the General Services Administration.

POINT OF ORDER

Mr. HOWARD. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOWARD. Mr. Chairman, I make a point of order against the language which appears on page 22, line 25, after the colon and continuing on page 23 down through and including line 8.

Mr. Chairman, this is a violation of rule XXI, clause 2, legislation in an appropriation bill.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] wish to be heard?

Mr. SMITH of Iowa. It is in violation, Mr. Chairman. We did it because the State Department is having problems down there with security and they want to hire their own people, but it is subject to a point of order.

The CHAIRMAN (Mr. BROWN of California). The gentleman from Iowa [Mr. SMITH] concedes the point of order, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States consulates as specified in section 103

of the Department of State Authorization Act, fiscal years 1982 and 1983, $1,700,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, $4,700,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 605 of Public Law 98-164, and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, $9,900,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $341,992,000, to remain available until expended.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), $2,707,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service to be expended pursuant to the requirement of 31 U.S.C. 3526(e), $4,400,000.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (92 Stat. 14), $10,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $118,174,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $480,235,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

AMENDMENT OFFERED BY MR. RUDD

Mr. RUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RUDD: Page 25, line 10, strike out "$480,235,000" and insert in lieu thereof "$460,235,000".

Mr. RUDD. Mr. Chairman, my amendment is very simple: It reduces the appropriation for our assessed contributions to international organizations by $20 million. Specifically, it is my intent that these funds be taken from the amount for the United Nations and its affiliated agencies.

Why $20 million?

This is the amount the Soviet Union receives each year in salary kickbacks from Soviet employees of the United Nations. Under the current system, we are not only subsidizing Soviet participation in the United Nations, but we are also helping to finance espionage against ourselves.

This is not just my reading of the situation. It is the conclusion of a report prepared for the Senate Intelligence Committee.

There are some 800 Soviet employees of the United Nations. Of this number, 200 are either members of the Soviet intelligence service, the KGB, or its military intelligence apparatus, the GRU, the remaining Soviet employees, in the words of the Senate report, "must respond to KGB requests for assistance." The remaining 600 employees are not innocent bystanders; rather, they must perform the duties the KGB assigns to them.

So there will be no misunderstandings, Soviet employees do not participate in this kickback system out of the goodness of their hearts. They are required to turn their U.N. paycheck over to the Soviet mission to the United Nations, which then pays them at the rate of a regular Soviet employee. The remainder is pocketed by the Soviet Government and is used for, among other things, espionage against the United States.

The kickback system is an added insult to American support for the United Nations at a time when: 90 percent of salaries for Soviet U.N. employees are paid from contributions by other states; the Soviet Union is some $200 million in arrears on its contribution to the United Nations; and the United States finances 25 percent of the total U.N. budget.

Mr. Chairman, since 1965, U.S. policy has favored the withholding of a portion of our U.N. contributions when it is in our national interest. Known as the Goldberg reservation, this policy states,

> The United States reserves the right to withhold assessments for U.N. activities which, in our opinion, do not serve our national purpose.

Congress has followed this reservation by withholding our proportionate share of funds that support the Palestine Liberation Organization [PLO] and the Southwest Africa Peoples Organization [SWAPO]. In the 1984 continuing appropriations, Congress prohibited funds for programs for the PLO, SWAPO, Libya, Iran, and Cuba.

My amendment adds the KGB to that list by withholding the U.S. proportionate share of what the Soviets get in kickbacks.

The American taxpayer should not be asked to finance Soviet espionage based from the United Nations. We should not continue to support Soviet abuse of the international civil service system.

Mr. Chairman, we have a constitutional responsibility to make certain U.S. funds are used to promote our interests, and not help those seeking to subvert us and our allies. A vote for my amendment is a vote to end the subsidizing—and there is no other word for it—the subsidizing of KGB and GRU activities originating from the United Nations.

□ 1540

Mr. O'BRIEN. Mr. Chairman, I regret that I have to do this, but I do rise in opposition to this amendment.

I think there are few of us in this room who would not agree with the spiritual intent and the thrust of the amendment, but I do not believe that this is the way to go about it. For example, when we withdrew from Unesco, I think we gave notice of about a year before we pulled out—and pull out we did.

Mr. Chairman, although I am sympathetic with the intent of the gentleman from Arizona, I still feel that this is not the way to go, and I do oppose the amendment.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I agree with everything the gentleman from Illinois has said. In addition to that, I would say that passing the amendment does not change anything at the United Nations anyway. The $20 million is still owed, and as the gentleman from Illinois said, if we want to get out of one of the organizations, then we have to do it before the assessed contribution comes due. The gentleman's amendment does not change this, and I am opposed to the amendment.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I have great respect for the chairman of the subcommittee and for the ranking member, and I understand what they are saying. But I do think that it makes a difference. It makes a difference in the United Nations to let them know that we intend to follow more closely what we are doing.

It takes a long time to reduce the support that we should be reducing for the United Nations because they do not represent the United States in the way they should. The Soviets who use the United Nations as a cheap base for espionage have become better known every year for what they are

doing. But it takes a long time to withdraw those things, and I think every little bit will help get this on the right track.

That is the purpose of the amendment. It will not hurt any operation at all. In fact, it will help the United States of America and the citizens of the United States of America in the responsibilities that they have assumed in paying the 90 percent of what goes on in the United Nations anyway.

Mr. SMITH of Iowa. Mr. Chairman, when the administration found that Unesco was not accomplishing its objective, they, in a legal way, gave notice that they would withdraw, and the United States withdrew a year later. Therefore, we took the money out of the bill. That is the proper way to do these things.

If there are other organizations that are not performing their functions properly as intended by the charter, I assume that the administration would make a proposal to withdraw we would examine it. In the meantime, we either pay what we owe to these organizations that we are members of and that we are obligated to support or else we get out. I have seen billboards to the effect from time to time, that we get out of the United Nations, but I do not think anything of that sort has ever passed the Congress. So I oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. RUDD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RUDD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 234]

Ackerman	AuCoin	Berman
Addabbo	Badham	Bevill
Akaka	Barnard	Biaggi
Alexander	Barnes	Bilirakis
Anderson	Bartlett	Bliley
Andrews	Barton	Boehlert
Annunzio	Bateman	Boggs
Anthony	Bates	Boland
Applegate	Bedell	Boner (TN)
Archer	Beilenson	Bonker
Armey	Bennett	Borski
Aspin	Bentley	Bosco
Atkins	Bereuter	Boucher
Boulter	Gephardt	Mazzoli
Boxer	Gilman	McCain
Breaux	Gingrich	McCandless
Brooks	Glickman	McCloskey
Broomfield	Gonzalez	McCollum
Brown (CA)	Goodling	McCurdy
Brown (CO)	Gordon	McDade
Broyhill	Gradison	McEwen
Bruce	Gray (IL)	McGrath
Bryant	Green	McHugh
Burton (CA)	Gregg	McKernan
Burton (IN)	Grotberg	McKinney
Bustamante	Guarini	McMillan
Callahan	Gunderson	Meyers
Campbell	Hall (OH)	Mica
Carney	Hamilton	Michel
Carper	Hammerschmidt	Mikulski
Chandler	Hansen	Miller (CA)
Chappell	Hartnett	Miller (OH)
Chappie	Hatcher	Miller (WA)
Cheney	Hawkins	Mineta
Clay	Hayes	Mitchell
Clinger	Hendon	Moakley
Coats	Henry	Molinari
Cobey	Hertel	Mollohan
Coble	Hiler	Monson
Coelho	Hillis	Montgomery
Coleman (MO)	Holt	Moody
Coleman (TX)	Hopkins	Moore
Collins	Horton	Moorhead
Combest	Howard	Morrison (CT)
Conte	Hoyer	Morrison (WA)
Conyers	Hubbard	Mrazek
Cooper	Huckaby	Murphy
Coughlin	Hughes	Murtha
Courter	Hunter	Myers
Coyne	Hutto	Natcher
Craig	Hyde	Neal
Crockett	Ireland	Nelson
Daniel	Jacobs	Nichols
Dannemeyer	Jeffords	Nielson
Darden	Jenkins	Nowak
Daschle	Johnson	O'Brien
Daub	Jones (NC)	Oakar
Davis	Jones (OK)	Oberstar
de la Garza	Jones (TN)	Obey
DeLay	Kanjorski	Olin
Dellums	Kaptur	Ortiz
Derrick	Kasich	Owens
DeWine	Kastenmeier	Oxley
Dickinson	Kemp	Packard
Dicks	Kennelly	Panetta
DioGuardi	Kildee	Parris
Dixon	Kindness	Pashayan
Donnelly	Kleczka	Pease
Dorgan (ND)	Kolbe	Penny
Dowdy	Kolter	Pepper
Downey	Kostmayer	Perkins
Dreier	Kramer	Petri
Duncan	LaFalce	Pickle
Durbin	Lagomarsino	Porter
Dwyer	Lantos	Price
Dymally	Latta	Quillen
Dyson	Leach (IA)	Rahall
Early	Leath (TX)	Rangel
Eckart (OH)	Lehman (FL)	Ray
Eckert (NY)	Leland	Regula
Edgar	Lent	Reid
Edwards (CA)	Levin (MI)	Richardson
Emerson	Levine (CA)	Ridge
English	Lewis (CA)	Rinaldo
Erdreich	Lewis (FL)	Ritter
Evans (IA)	Lightfoot	Roberts
Evans (IL)	Lipinski	Robinson
Fascell	Livingston	Rodino
Fawell	Lloyd	Roe
Fazio	Loeffler	Roemer
Feighan	Long	Rogers
Fiedler	Lott	Rose
Fields	Lowery (CA)	Rostenkowski
Fish	Lowry (WA)	Roth
Flippo	Lujan	Roukema
Florio	Luken	Rowland (CT)
Foglietta	Lundine	Rowland (GA)
Foley	Lungren	Roybal
Ford (MI)	Mack	Rudd
Ford (TN)	MacKay	Russo
Fowler	Madigan	Sabo
Frank	Manton	Savage
Franklin	Markey	Saxton
Frenzel	Marlenee	Schaefer
Gallo	Martin (IL)	Scheuer
Garcia	Martin (NY)	Schroeder
Gaydos	Martinez	Schuette
Gejdenson	Matsui	Schulze
Gekas	Mavroules	Schumer
Seiberling	Stenholm	Walker
Sensenbrenner	Stokes	Watkins
Sharp	Strang	Waxman
Shaw	Stratton	Weaver
Shelby	Studds	Weber
Shumway	Stump	Weiss
Shuster	Sundquist	Wheat
Sikorski	Sweeney	Whitehurst
Sisisky	Swift	Whitley
Skeen	Swindall	Whittaker
Skelton	Synar	Whitten
Slattery	Tallon	Williams
Slaughter	Tauke	Wilson
Smith (FL)	Tauzin	Wirth
Smith (IA)	Taylor	Wise
Smith (NE)	Thomas (CA)	Wolf
Smith (NH)	Thomas (GA)	Wolpe
Smith (NJ)	Torricelli	Wortley
Smith, Denny	Towns	Wright
Smith, Robert	Traficant	Wyden
Snowe	Traxler	Wylie
Snyder	Udall	Yates
Solarz	Valentine	Yatron
Solomon	Vander Jagt	Young (AK)
Spratt	Vento	Young (FL)
St Germain	Visclosky	Young (MO)
Staggers	Volkmer	Zschau
Stallings	Vucanovich	
Stangeland	Walgren	

□ 1600

The CHAIRMAN. Four hundred twelve Members have answered to their names, a quorum is present, and the Committee will resume its business.

(By unanimous consent, Mr. WRIGHT was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. WRIGHT. Mr. Chairman, I ask for this unanimous consent to speak out of order for 1 minute in order to make an announcement that will be of interest to all of the Members concerning the schedule for the remainder of the week.

Mr. Chairman, we have been making very good progress on this bill, and there has been splendid cooperation from both sides of the aisle. If we are able to complete this State, Justice, Commerce appropriation bill, and then tomorrow to complete the legislative appropriation and the intelligence authorization, which comes to us under a 1-hour rule with only 1 amendment permitted, and it allowed 20 minutes of debate, there will be no Friday session. That ought to be an incentive for all of us.

Mr. MICHEL. Mr. Chairman, will the distinguished majority leader yield?

Mr. WRIGHT. Of course, I will be delighted to yield to my friend from Illinois.

Mr. MICHEL. Let me say I thank the gentleman for that information. Yesterday when I announced to the House the death of our former colleague, Les Arends, I also said that we would probably want to have a special order at some other time. We have decided on that for tomorrow, Thursday, July the 18th, after regular legislative business.

Further than that, the funeral has now been scheduled for 2 o'clock out in Melvin, IL, on Friday. I have already spoken with several Members who have inquired about the availabil-

ity of an Air Force plane to go out there, and that will be done. So if there are other Members who feel inclined to attend that funeral, if you would be so good as to let the House Sergeant at Arms, Mr. Jack Russ, at extension 52456, know immediately so that we can make appropriate plans.

I thank the majority leader and the Speaker for their consideration out of certainly some respect to our late distinguished colleague who was such a force in this House, and the fact that we do not meet Friday will then give some of us an opportunity in this body to attend that funeral.

Mr. WRIGHT. Absolutely, and that is one of the impelling reasons for seeking to expedite this schedule, in order that we may not have a Friday session, to facilitate permission for those who desire to so attend the funeral of the late Les Arends.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Arizona [Mr. RUDD] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will note that this is a 5-minute vote.

The vote was taken by electronic device and there were—ayes 302, noes 116, not voting 15, as follows:

[Roll No. 235]

AYES—302

Addabbo	Coleman (MO)	Gordon
Akaka	Coleman (TX)	Gradison
Anderson	Combest	Gray (IL)
Andrews	Coughlin	Green
Annunzio	Courter	Gregg
Anthony	Craig	Grotberg
Applegate	Daniel	Guarini
Archer	Dannemeyer	Gunderson
Armey	Darden	Hammerschmidt
Badham	Daschle	Hansen
Barnard	Davis	Hartnett
Bartlett	DeLay	Hatcher
Barton	Derrick	Hendon
Bateman	DeWine	Henry
Bennett	Dickinson	Hertel
Bentley	Dicks	Hiler
Bereuter	DioGuardi	Hillis
Bevill	Dorgan (ND)	Holt
Biaggi	Dowdy	Hopkins
Bilirakis	Dreier	Horton
Bliley	Duncan	Hubbard
Boehlert	Dyson	Huckaby
Boner (TN)	Eckart (OH)	Hughes
Borski	Eckert (NY)	Hunter
Boucher	Edwards (OK)	Hutto
Boulter	Emerson	Hyde
Breaux	English	Ireland
Brooks	Erdreich	Jacobs
Broomfield	Evans (IA)	Jeffords
Brown (CO)	Fawell	Jenkins
Broyhill	Fiedler	Johnson
Burton (IN)	Fields	Jones (NC)
Bustamante	Fish	Jones (OK)
Byron	Flippo	Jones (TN)
Callahan	Florio	Kanjorski
Campbell	Foley	Kaptur
Carney	Fowler	Kasich
Carper	Franklin	Kemp
Carr	Frenzel	Kennelly
Chandler	Gallo	Kindness
Chappell	Gaydos	Kleczka
Chappie	Gekas	Kolbe
Cheney	Gephardt	Kolter
Clinger	Gibbons	Kramer
Coats	Gilman	Lagomarsino
Cobey	Gingrich	Latta
Coble	Glickman	Leath (TX)
Coelho	Goodling	Lent
Lewis (CA)	Ortiz	Smith (NJ)
Lewis (FL)	Oxley	Smith, Denny
Lightfoot	Packard	Smith, Robert
Lipinski	Parris	Snowe
Livingston	Pashayan	Snyder
Lloyd	Penny	Solomon
Loeffler	Pepper	Spence
Lott	Perkins	Spratt
Lowery (CA)	Petri	Staggers
Lujan	Pickle	Stallings
Luken	Porter	Stangeland
Lungren	Price	Stenholm
Mack	Quillen	Strang
Madigan	Rahall	Stratton
Marlenee	Ray	Stump
Martin (IL)	Regula	Sundquist
Martin (NY)	Reid	Sweeney
Martinez	Richardson	Swindall
Mavroules	Ridge	Tallon
Mazzoli	Rinaldo	Tauke
McCain	Ritter	Tauzin
McCandless	Roberts	Taylor
McCloskey	Robinson	Thomas (CA)
McCollum	Roe	Thomas (GA)
McCurdy	Roemer	Torricelli
McDade	Rogers	Traficant
McEwen	Rose	Traxler
McGrath	Rostenkowski	Udall
McKernan	Roth	Valentine
McMillan	Roukema	Vander Jagt
Meyers	Rowland (CT)	Volkmer
Mica	Rowland (GA)	Vucanovich
Michel	Rudd	Walgren
Mikulski	Russo	Walker
Miller (OH)	Saxton	Watkins
Miller (WA)	Schaefer	Weaver
Molinari	Schuette	Weber
Mollohan	Schulze	Whitehurst
Monson	Sensenbrenner	Whitley
Montgomery	Sharp	Whittaker
Moore	Shaw	Whitten
Moorhead	Shelby	Wilson
Morrison (WA)	Shumway	Wirth
Mrazek	Shuster	Wolf
Murphy	Sikorski	Wortley
Murtha	Sisisky	Wyden
Myers	Skeen	Wylie
Natcher	Skelton	Yatron
Neal	Slattery	Young (AK)
Nelson	Slaughter	Young (FL)
Nichols	Smith (FL)	Young (MO)
Nielson	Smith (NE)	Zschau
Olin	Smith (NH)	

NOES—116

Ackerman	Foglietta	Moody
Alexander	Ford (MI)	Morrison (CT)
Aspin	Ford (TN)	Nowak
Atkins	Frank	O'Brien
AuCoin	Frost	Oakar
Barnes	Garcia	Oberstar
Bates	Gejdenson	Obey
Bedell	Gonzalez	Owens
Bellenson	Gray (PA)	Panetta
Berman	Hall (OH)	Pease
Boggs	Hamilton	Rangel
Boland	Hawkins	Rodino
Bonker	Hayes	Roybal
Bosco	Howard	Sabo
Boxer	Hoyer	Savage
Brown (CA)	Kastenmeier	Scheuer
Bruce	Kildee	Schroeder
Bryant	Kostmayer	Schumer
Burton (CA)	LaFalce	Seiberling
Clay	Lantos	Smith (IA)
Collins	Leach (IA)	Solarz
Conte	Lehman (CA)	St Germain
Cooper	Lehman (FL)	Stark
Coyne	Leland	Stokes
de la Garza	Levin (MI)	Studds
Dellums	Levine (CA)	Swift
Dixon	Long	Synar
Donnelly	Lowry (WA)	Towns
Downey	Lundine	Vento
Durbin	MacKay	Visclosky
Dwyer	Manton	Waxman
Dymally	Markey	Weiss
Early	Matsui	Wheat
Edgar	McHugh	Williams
Edwards (CA)	McKinney	Wise
Evans (IL)	Miller (CA)	Wolpe
Fascell	Mineta	Wright
Fazio	Mitchell	Yates
Feighan	Moakley	

NOT VOTING—15

Bonior (MI)	Dingell	Heftel
Conyers	Dornan (CA)	Pursell
Crane	Fuqua	Schneider
Crockett	Hall, Ralph	Siljander
Daub	Hefner	Torres

□ 1610

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, $47,400,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $6,839,000, to remain available until expended, of which not to exceed $207,000 may be expended for representation as authorized by law.

Mr. LUNDINE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in reading the report accompanying this bill, I noticed a section on pages 11 and 12 where the report instructs the Center for Utilization of Federal Technology, known as CUFT, to establish training and educational programs for technology transfer agents at Federal laboratories.

Mr. Chairman, I would like to commend the chairman and members of the Appropriations Committee for recognizing that technology transfer is an area of critical importance to America's ability to compete and it is an area where Federal activity, increased activity, is needed.

Mr. Chairman, the Subcommittee on Science, Research, and Technology of the Committee on Science and Technology is also very concerned with this issue and would like to work with the gentleman and others interested for a meaningful Federal program in this area. We have held 3 days of hearings this year on technology transfer and we are moving in preparation for legislation in this area.

One proposal under consideration would establish the Federal Laboratory Consortium for Technology Transfer, an organization that has been a leader in working with the Laboratory Technology Transfer Agency in promoting technology transfer from the Federal laboratories.

In the report, the Appropriations Committee has directed CUFT to contract out the education and training program described in the report.

Mr. Chairman, I trust that the committee does not intend to preclude the

Federal Laboratory Consortium from developing educational programs with the funds provided by CUFT, and also trust that the chairman will work with us as our authorizing committee makes changes in the way these Federal technology transfer functions are mentioned in the future.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. I thank the gentleman for yielding.

Mr. Chairman, I know of the genuine interest of the gentleman from New York in technology transfer, and I also know of the interest of the chairman of the full committee in this area who had been chairman of the Subcommittee on Science and Technology at the time we enacted the Stevenson-Wydler Act, which refers to chapter 11. I was the author of chapter 11 in the Stevenson-Wydler Act, establishing the technology transfer and also the CUFT Program.

It is our intent and I know it is the genuine interest of the gentleman from New York in the value of technology transfer to stimulate economic growth which we must improve in this country.

One thing we discovered and the reason for this language is that the Federal Laboratory Consortium has many different ways that they are going about doing or in many cases not doing technology transfers mandated by the Stevenson-Wydler Act. This could be because they do not have adequate direction or proper definition in their job description.

So in working with the chairman of this particular subcommittee we felt it important that we have some money to move in the direction of contracting out, primarily to more of an independent source that could work with the Federal Laboratory Consortium on designating their role of getting technology transferred into industry, manufacturing, the productivity area, and to have the growth that is needed. It is important that we not have the Federal Laboratory Consortium looking at themselves because that would be evaluating what they are doing right now in their own program, but it is important that an outside source with an economic industrial job development thrust look at it and say, "Hey, look, this is how you can best serve industry and best serve the needs of business and industry in this country with a technology transfer."

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the chairman of the subcommittee, the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, first, the subcommittee supports the Stevenson-Wydler Act. We have funded it even when there has been no request. But it is certainly not our position or our intent to try to preclude the authorizing committee from doing what it thinks is appropriate.

□ 1620

Mr. LUNDINE. I thank the chairman and I thank the gentleman from Oklahoma, and I wish to respond to him, but I certainly do not mean to preclude any independent evaluation.

Up to this time, this laboratory consortium has not been organized with the specific goal of trying to see that technology is transferred to commercial applications, and I simply, as we review the Stevenson-Wydler Act, want to preserve the opportunity for the best delivery system we can get, and I know that is the gentleman's objective.

Mr. WATKINS. Will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman.

Mr. WATKINS. I share the gentleman's frustration with the Federal laboratories and concur completely, that we must require a better job in technology transfer from those Federal laboratories. I understand you are going to have hearings in your subcommittee, and would like to be invited to testify.

I think the gentleman and I have the same goal in mind; and that is trying to make Fed labs a much more viable program to transfer that technology to CUFT so that technology can get to business, industries, agriculture and energy in order to enhance our economic growth.

I think we envision the same thing, by involving an outside group would tremendously benefit your cause and your goal as well as mine and the goal of the language in this subcommittee and the authorizing committee.

Mr. LUNDINE. I look forward to working with the gentleman, and yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $11,392,000: *Provided,* That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further,* That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further,* That not to exceed $1,800,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, to remain available until expended, $2,257,000.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $6,000 for representation, $3,755,000; for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $11,300,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia $2,000,000, to remain available until expended.

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, $10,000,000, to remain available until expended.

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses not otherwise provided to enable the Secretary of State to reimburse private firms and American institutions of higher education for research contracts and graduate training for development and maintenance of knowledge about the Soviet Union and Eastern European countries, $5,000,000.

GENERAL PROVISION—DEPARTMENT OF STATE

SEC. 301. Funds appropriated under this title shall be available, except as otherwise

provided, for services as authorized by 5 U.S.C. 3109; and hire of passenger or freight transportation.

This title may be cited as the "Department of State Appropriation Act, 1986".

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice and not to exceed $10,000 for the purpose of transporting Associate Justices, hire of passenger motor vehicles; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $15,000,000.

CARE OF THE BUILDING AND GROUNDS.

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract, and for security installations both without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); $2,200,000, of which $200,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for all necessary expenses of the court, $5,500,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; $6,400,000: *Provided*, That travel expenses of judges of the Court of International Trade shall be paid upon written certificate of the judge.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands); judges of the United States Claims Court; Bankruptcy judges; and justices and judges retired from office or from regular active service under title 28, United States Code, sections 371, 372, and 373; $103,000,000.

SALARIES OF SUPPORTING PERSONNEL

For the salaries of secretaries and law clerks to circuit, district, and bankruptcy judges, magistrates and staff, circuit executives, clerks of court, probation officers, pretrial service officers, staff attorneys, librarians, the supporting personnel of the United States Claims Court, and all other officers and employees of the Federal Judiciary, not otherwise specifically provided for, $480,000,000: *Provided*, That the secretaries and law clerks to judges shall be appointed in such number and at such rates of compensation as may be determined by the Judicial Conference of the United States: *Provided further*, That the number of staff attorneys to be appointed in each of the courts of appeals shall not exceed the ratio of one attorney for each authorized judgeship.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by law; $64,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses and refreshments of jurors; compensation of jury commissioners; and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure; $45,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

For necessary operation and maintenance expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, $139,000,000, of which $6,000,000 shall be available for contractual services and expenses relating to the supervision of drug dependent offenders.

SPACE AND FACILITIES

For rental of space, alterations, and related services and facilities for the United States Courts of Appeals, District Courts, Bankruptcy Courts, and Claims Court, $150,000,000.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities; $32,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, hire of a passenger motor vehicle, and rent in the District of Columbia and elsewhere, $30,000,000, of which an amount not to exceed $5,000 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $9,700,000.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210.

SEC. 403. The position of Trustee Coordinator in the Bankruptcy Courts of the United States shall not be limited to persons with formal legal training.

SEC. 404. Notwithstanding any other provision of law, the Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Administrator of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1986.

This title may be cited as "the Judiciary Appropriation Act, 1986".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of title IV?

Are there any amendments to the remainder of title IV?

If not, the Clerk will read title V.

The Clerk read as follows:

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $299,500,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities, as authorized by law, $9,900,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $69,812,000, to remain available until expended: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing

Fund" for administrative expenses in support of that program.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $43,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $25,614,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Lnc., $98,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution authorized by Public Law 98-101 (97 Stat. 719-723), $775,000, to remain available until expended.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $12,061,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For expenses necessary for the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $550,000 to remain available until expended: *Provided*, That not to exceed $6,000 of such amount shall be available for official reception and representation expenses.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $19,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act; $165,000,000.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $700,000 for land and structures; not to exceed $200,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed ten) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $92,285,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1987, for research and policy studies.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; $11,606,000: *Provided*, That not to exceed $1,500 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; the sum of $63,900,000.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $28,900,000.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $305,000,000;

AMENDMENT OFFERED BY MR. LUJAN

Mr. LUJAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUJAN: On page 40, line 12, delete. "305,000,000" and insert in lieu thereof "305,500,000".

Mr. LUJAN. Mr. Chairman, I will not go into all the discussion about it, but we had a vote a little while ago reducing the Department of Justice by $500,000, which was for litigants in the water suit case in New Mexico.

The gentleman from Illinois [Mr. YATES] offered an amendment removing those $500,000, and at that time indicated that he would favor putting them in under Legal Services Corporation. I talked to him later on; he said that was agreeable with him, and I ask that this amendment be supported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. LUJAN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That none of the funds appropriated in this paragraph shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

(1) Public Law 98-411 and Public Law 98-396 unless paragraph (3) or (3) applies;

(2) authorizing legislation for fiscal year 1986 for the Legal Services Corporation as passed by the House of Representatives unless paragraph (3) applies; or

(3) authorizing legislation for fiscal year 1986 for the Legal Services Corporation as enacted into law.

AMENDMENT OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELAY: On page 40, strike line 12 and insert in lieu thereof: "1974, as amended, $274,500,000: *Provided*, That none of".

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order that we have already passed an amendment to that action.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. DELAY. Mr. Chairman, my amendment was prepared, I believe if I am not correct, in advance of the amendment of the gentleman from New Mexico. I just hoped to be able to offer my amendment at this point in the RECORD.

The CHAIRMAN (Mr. BROWN of California). The Chair is constrained to support the point of order of the chairman of the subcommittee in that this figure has already been amended once, and that precludes a further amendment to the figure.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to offer my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SMITH of Iowa. Mr. Chairman, I am constrained to object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $900,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consult-

ants as authorized by 5 U.S.C. 3109, $13,158,000: *Provided*, That not to exceed $72,000 shall be available for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $109,767,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed $2,500 for official reception and representation expenses, $170,000,000; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended, $35,000,00. In addition $80,000,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster Loan Fund".

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

For necessary expenses of the White House Conference on Small Business as authorized by Public Law 98-276, $3,000,000, to remain available until expended.

REVOLVING FUNDS

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to its revolving funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster Loan Fund", the "Business Loan and Investment Fund", the "Lease Guarantees Revolving Fund", the "Pollution Control Equipment Contract Guarantees Revolving Fund", and the "Surety Bond Guarantees Revolving Fund".

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business Loan and Investment Fund", $80,400,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business Loan and Investment Fund", $216,000,000, to remain available without fiscal year limitation.

□ 1630

AMENDMENT OFFERED BY MR. HILER

Mr. HILER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILER: On page 43, in line 6, strike "$216,000,000" and insert in lieu there of "$121,000,000".

Mr. HILER. Mr. Chairman, this is a fairly straightforward amendment and a fairly simple amendment. It would lower the amount of direct loan authority granted in the appropriation bill by $94 million. Last week, in the Small Business Committee, we passed out of committee an authorization bill that would allow for $121 million in direct loan authority. The appropriations bill would grant $216 million of authority. What this amendment would do is bring the appropriations bill in line with the authorization bill that was passed out of the Small Business Committee last week.

Within the $121 million that would remain in the direct loan authority, $15 million would be for direct loans to the handicapped, $45 million would be in direct loans for economic opportunity, $41 million would be in direct loans for MESBIC's, minority enterprise small business investment companies, and $20 million would be included for direct loans to veterans.

We passed last week out of committee a fairly substantial program for the Small Business Administration, to make it leaner, and meaner, and more efficient. This amendment that I offer today would not go to any of the other provisions that we passed in committee but would strictly apply to the business loan and investment fund. And it would strictly be to bring the appropriations bill in line with that authorization bill that we passed last week.

Now, my personal feelings might be to eliminate completely the direct loan money in the Small Business Administration, but that is not what this amendment does. After a great deal of discussion and a great number of votes, the Small Business Committee did pass $121 million in direct loan authority.

Also in that bill, we touched on the amount of guarantee authority which, in the report language, the appropriations bill would allow for approximately $3,431 million in guarantee authority. In our full committee bill that we reported out of committee, we would only allow $2,862 million, a reduction of something over $500 million. But we do not touch that at all, either, in this particular amendment.

I would hope that the committee would support this amendment to bring the appropriations bill in line with what the Small Business Committee did pass last week. I know that we hope that the small business authorization bill will be reported to the full House probably in the month of September, and if by chance the House worked its will that there was to be more money in direct loans and if it survived the conference with the other body, there could always be a figure plugged in next year in the supplemental that is probably going to occur, given what we did in the energy and water bill yesterday. I would hope for positive action.

So I would urge my colleagues to support this amendment and urge the committee to accept this amendment.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to point out, first of all, that the amount of new budget authority in this bill is $48.6 million less than the budget request for the business loan and investment fund of the Small Business Administration. In addition, the amount in the bill is $215,201,000 less than the appropriations for the current fiscal year for this item.

Now, the amount provided for the SBA direct loan program is also $41 million or 16 percent less than the program level for direct loans approved by Congress for the current fiscal year.

We do not know what is going to happen to the authorization bill. But after all, the Small Business Administration has really taken a shellacking. Why try to massacre it? They have done enough. They have taken a lot more than their share of the reductions that may be needed in this budget, and I just think that we ought not to reduce the SBA direct loan program any further than what the committee has already done.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Indiana.

Mr. HILER. The gentleman is on the Small Business Committee and the gentleman was present for these votes last week that occurred where we reduced the amount down to the $121 million figure. And while I recognize that the Appropriations Committee and yourself might like to spend more, the fact is that the authorizing committee has reported out to this floor a bill that would bring it down to $121 million.

Now, if the House works its will when the authorization bill is on the floor in September and if after going through an authorization process the figure is more, then there is always the outlet of a supplemental which, from the discussion on the energy and water bill that occurred yesterday, we know there will be a supplemental.

So my point would be that while the Appropriations Committee might feel that the Small Business Administration has taken some cuts, the fact is that the authorizing committee that has jurisdiction over the SBA has passed a bill that would reduce this figure by $95 million, because in the authorization committee's view, who has direct jurisdiction over this administration, in the authorizing committee's view that was necessary to make the SBA leaner, and meaner, and more efficiently managed.

Mr. SMITH of Iowa. Well, I think it is leaner and more efficiently managed under the bill that is before us today. The bill you are referring to was ordered reported on a very close vote in the Small Business Committee. I do not remember exactly what the vote was, but it was a close vote on that particular amendment on reducing the direct loan program. We do not know

what is going to happen. If some limitation is put on at a later time, why, so it is put on; but I do not think that we ought to massacre the Small Business Administration here on the floor of the House in this appropriations bill. They have already taken a significant reduction already. And surely other agencies ought to take a cut before we administer any further reductions to SBA.

In addition, I point out that the Direct Loan Program is terribly important to some of the depressed areas of this country. The small bankers are in trouble in this country. If they do not have loan guarantees, if they do not have the opportunity to work with the Small Business Administration, some of them are going to be in a lot more trouble than they are now, and more of them are going to close their doors than have already.

Mr. HILER. If the gentleman will yield, the gentleman made that argument in the committee when we took this bill up on 3 separate days to pass it. The Small Business Committee, which has continual oversight hearings, decided against the gentleman's view.

Mr. SMITH of Iowa. By a very small vote and, besides that, the Small Business Committee as presently constituted does not fully represent the House of Representatives.

Mr. HILER. If the gentleman will yield further, when the Small Business authorization bill comes to the floor, we will find that out.

Mr. SMITH of Iowa. That is right.

Mr. HILER. But it seems to me totally inappropriate that the Appropriations Committee would take this opportunity under a waiver of a point order, because this program is not authorized for 1986, would authorize more money——

Mr. SMITH of Iowa. The gentleman is incorrect on that. It is authorized for 1986 at higher levels than we have in the bill. The bill the gentleman is talking about would reduce the already authorized programs for 1986.

Mr. HILER. That is correct, and it was passed in the committee.

Mr. SMITH of Iowa. In the committee.

Mr. HILER. And the final vote was a very, very positive vote for the authorization bill. I do not think that there was a dissenting vote for the authorization bill.

Mr. SMITH of Iowa. That is for the whole bill, so as to get something out of the committee. But on this particular matter, it was very, very close. I do not remember the exact vote.

Mr. HILER. The majority still rules, is my understanding.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. O'BRIEN. Forgive my naivete, but suppose we appropriate, as we have in our bill, and the authorizing committee brings its bill to the floor and it comes out at the levels suggested by Congressman HILER, that is an authorization less than we have appropriated and both would be on the verge of becoming law. How do we deal with that?

Mr. SMITH of Iowa. Well, I cannot answer definitively. There are a number of possibilities. One possibility is that it would not have any effect. Another possibility is that the way it is done that it would have an effect; it would compel the administration not to use as much money as they have in the business loan and investment fund.

Mr. O'BRIEN. I thank the gentleman.

Mr. CARR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to congratulate the gentleman from Indiana for offering this amendment, and I do so with great respect for my chairman, the gentleman from Iowa [Mr. SMITH]. I suspect that a lot of how we feel about this amendment is how we feel about the SBA and its impact on our individual districts. I know that, from many conversations I have had with our chairman, he feels that the SBA has done a lot of good in his area. He is a strong supporter of the SBA, and I think those people who support the SBA should give Chairman SMITH a round of applause for his stalwart defense of the SBA.

On the other hand, some of us happen to come from districts where we do not think it has done very much, where our association of our offices with SBA offices around the country have not found that a rewarding relationship, where our own local business people tell us that they do not even know that an SBA exists, and if they know it exists, they have not made any use out of it. And among those who have made a use of it, they have not found the use or the relationship they have had to be very satisfactory. We do need to find some economies in this country. We do have a very large deficit that we have got to attack, and I think all of us have to come to our own judgment on the basis of the district that we represent whether any particular program is a good program or not.

□ 1640

I do not like standing here and disagreeing with my esteemed chairman, but in this particular instance, I am constrained to go with the gentleman from Indiana and say that the people in my district just have not found this to be a priority worth keeping. In that regard, we probably would support elimination of the SBA, but I think that the gentleman from Indiana has taken a very responsible approach to this measure.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the gentleman's amendment. As a member of the Small Business Committee, I take strong exception to the chairman of this committee's suggestion that the Small Business Committee does not represent the small business community in the House of Representatives or does not represent the will of the House.

I wish to state that the Small Business Committee did vote, did argue, did debate this particular issue, and did come to the conclusion, in a majority vote, that the number of $121 million is appropriate. It is very interesting to me to listen to some individuals debate the merits of the Budget Committee, debate the merits of whether the Budget Committee has the authority to compel authorizing and appropriating committees to do anything, and then at the same time, have an authorizing committee say, yes, we can make cuts; yes, we do have to make changes in the manner in which the Small Business Administration is affecting small business. Yes, we can meet the needs of small business with far less money, and then to have that challenged and suggesting that we should spend more money and at the same time have the majority of this House against deficit spending.

This is an effort, this is an opportunity for us to actually reduce spending without doing material damage to the individual constituency of which we are all concerned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HILER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Iowa. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 158, not voting 18, as follows:

[Roll No. 236]

AYES—257

Andrews	Bliley	Chappell
Annunzio	Boehlert	Chappie
Anthony	Boland	Coats
Archer	Bonker	Cobey
Armey	Borski	Coble
Aspin	Bosco	Coleman (MO)
Atkins	Boucher	Combest
AuCoin	Boulter	Conte
Badham	Brooks	Cooper
Barnard	Broomfield	Coughlin
Bartlett	Brown (CO)	Courter
Barton	Broyhill	Craig
Bateman	Burton (IN)	Daniel
Bates	Byron	Darden
Beilenson	Callahan	Daschle
Bennett	Campbell	Daub
Bentley	Carney	Davis
Bereuter	Carper	DeLay
Berman	Carr	Derrick
Bilirakis	Chandler	DeWine

Dickinson	Lagomarsino	Roth
DioGuardi	Lantos	Roukema
Dorgan (ND)	Latta	Rowland (CT)
Dowdy	Leach (IA)	Rowland (GA)
Dreier	Leath (TX)	Rudd
Dyson	Lent	Saxton
Eckert (NY)	Lewis (CA)	Schaefer
Edwards (OK)	Lewis (FL)	Schuette
Emerson	Lightfoot	Schulze
English	Lipinski	Sensenbrenner
Erdreich	Livingston	Sharp
Evans (IA)	Loeffler	Shaw
Fawell	Lott	Shumway
Feighan	Lowery (CA)	Shuster
Fiedler	Lujan	Sikorski
Fields	Lungren	Sisisky
Fish	Mack	Skeen
Franklin	MacKay	Skelton
Frenzel	Madigan	Slattery
Gallo	Martin (IL)	Slaughter
Gaydos	Martin (NY)	Smith (FL)
Gekas	Mazzoli	Smith (NE)
Gibbons	McCain	Smith (NH)
Gilman	McCandless	Smith (NJ)
Gingrich	McCloskey	Smith, Denny
Glickman	McCollum	Smith, Robert
Goodling	McCurdy	Snowe
Gordon	McDade	Snyder
Gradison	McEwen	Solomon
Gray (IL)	McGrath	Spence
Green	McKernan	Spratt
Gregg	McKinney	Staggers
Grotberg	McMillan	Stallings
Gunderson	Meyers	Stangeland
Hall (OH)	Mica	Stenholm
Hamilton	Michel	Strang
Hammerschmidt	Miller (OH)	Stratton
Hansen	Miller (WA)	Stump
Hartnett	Molinari	Sundquist
Hendon	Monson	Sweeney
Henry	Montgomery	Swindall
Hertel	Moody	Synar
Hiler	Moore	Tallon
Hillis	Moorhead	Tauke
Holt	Morrison (CT)	Tauzin
Hopkins	Morrison (WA)	Taylor
Horton	Myers	Thomas (CA)
Hubbard	Neal	Thomas (GA)
Huckaby	Nelson	Torricelli
Hunter	Nichols	Traxler
Hutto	Nielson	Vander Jagt
Hyde	Olin	Visclosky
Ireland	Oxley	Volkmer
Jacobs	Packard	Vucanovich
Jeffords	Parris	Walker
Jenkins	Pashayan	Weaver
Johnson	Penny	Weber
Jones (OK)	Petri	Whitehurst
Kaptur	Porter	Whittaker
Kasich	Pursell	Wolf
Kemp	Ray	Wylie
Kennelly	Ridge	Yatron
Kindness	Rinaldo	Young (AK)
Kolbe	Ritter	Young (FL)
Kostmayer	Roberts	Zschau
Kramer	Roemer	

NOES—158

Ackerman	de la Garza	Gejdenson
Addabbo	Dellums	Gephardt
Akaka	Dicks	Gonzalez
Alexander	Dixon	Guarini
Anderson	Donnelly	Hatcher
Applegate	Downey	Hawkins
Barnes	Duncan	Hayes
Bedell	Durbin	Howard
Bevill	Dwyer	Hoyer
Biaggi	Dymally	Hughes
Boggs	Early	Jones (NC)
Boner (TN)	Eckart (OH)	Jones (TN)
Boxer	Edgar	Kanjorski
Breaux	Edwards (CA)	Kastenmeier
Brown (CA)	Evans (IL)	Kildee
Bruce	Fascell	Kleczka
Bryant	Fazio	Kolter
Burton (CA)	Flippo	LaFalce
Bustamante	Florio	Lehman (CA)
Clay	Foglietta	Lehman (FL)
Clinger	Foley	Leland
Coelho	Ford (MI)	Levin (MI)
Coleman (TX)	Ford (TN)	Levine (CA)
Collins	Fowler	Lloyd
Conyers	Frank	Long
Coyne	Frost	Luken
Crockett	Garcia	Lundine
Manton	Pickle	Stark
Markey	Price	Stokes
Marlenee	Quillen	Studds
Martinez	Rahall	Swift
Matsui	Rangel	Towns
Mavroules	Regula	Traficant
McHugh	Reid	Udall
Mikulski	Richardson	Valentine
Mineta	Robinson	Vento
Mitchell	Rodino	Walgren
Moakley	Roe	Watkins
Mollohan	Rogers	Waxman
Mrazek	Rose	Weiss
Murphy	Rostenkowski	Wheat
Murtha	Roybal	Whitley
Natcher	Russo	Whitten
Nowak	Sabo	Williams
O'Brien	Savage	Wilson
Oakar	Scheuer	Wirth
Oberstar	Schroeder	Wise
Ortiz	Schumer	Wolpe
Owens	Seiberling	Wortley
Panetta	Shelby	Wyden
Pease	Smith (IA)	Yates
Pepper	Solarz	Young (MO)
Perkins	St Germain	

NOT VOTING—18

Bonior (MI)	Fuqua	Miller (CA)
Cheney	Gray (PA)	Obey
Crane	Hall, Ralph	Schneider
Dannemeyer	Hefner	Siljander
Dingell	Heftel	Torres
Dornan (CA)	Lowry (WA)	Wright

□ 1700

The Clerk announced the following pair:

On this vote:

Mrs. Schneider for, with Mr. Bonior of Michigan against.

Messrs. WOLPE, KANJORSKI, and SCHUMER changed their votes from "aye" to "no."

Messrs. MONTGOMERY, GILMAN, DORGAN of North Dakota, TORRICELLI, HORTON, ANTHONY, and McEWEN changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $7,000,000, to remain available without fiscal year limitation.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute authorized by the State Justice Institute Act of 1984 (Public Law 98-620; 98 Stat. 3336-3346), $8,883,000.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $270,000, of which $250,000 is to facilitate United States participation in international expositions abroad); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $20,000; $569,672,000: *Provided*, That not to exceed $734,000 may be used for representation abroad: *Provided further*, That not to exceed $5,704,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $144,412,000, of which $8,982,000 is for the Private Sector Exchange Programs.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $124,310,000, to remain available until expended.

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $11,202,000, to remain available until expended.

AMENDMENT OFFERED BY MR. TAUKE

Mr. TAUKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUKE: Page 45, line 18, strike out "$11,202,000," and insert in lieu thereof "$8,500,000,".

Mr. TAUKE. Mr. Chairman, this is another freeze amendment. This amendment relates to Radio Marti funding. Last year we appropriated $8.5 million for Radio Marti. The bill that is before us calls for $11.2 million. The amendment that I am offering would freeze the level of last year's funding requirement of $8.5 million.

Mr. Chairman, the freeze level of funding still provides a level of funding that is four times greater than the amount that is spent by the largest commercial radio stations in this country. It provides a level of employment that is three times greater than the

largest radio stations that we can find in the country, and those stations broadcast 24 hours a day.

Let the Members of this House understand that the level of funding being requested in the committee bill provides for 89 positions in program operations. It provides for 33 positions in program direction and administration. It provides 31 positions for research and policy and 34 positions for technical operations.

Now, I know that many of the Members of this House want to maintain a strong Radio Marti program, but we do not have to goldplate the program. With the 89 positions for program operations and 33 for program direction and administration, we must conclude that they have to be stumbling over one another to figure out how to put all of that programming on the air in 14 hours a day.

Mr. Chairman, I am simply suggesting that instead of providing more money for this particular program, we should freeze funding for Radio Marti at what is already a very generous level.

Mr. ALEXANDER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, it is not often—in fact, this may be the first time—that I have supported an amendment which is against the bill on the floor which I helped produce as a member of the subcommittee, but on numerous previous occasions I have spoken out against the wastefulness of Radio Marti and the duplication of effort that the existence of Radio Marti presents to the American people and to the listening audience in Cuba.

For more than 20 years, maybe 30 years, people of Cuba have listened free, without any money from the taxpayers of the United States, to Radio Miami, without a penny's debit to the Treasury of the United States. In this bill we attempt to appropriate $11,202,000 to duplicate at taxpayers' expense what Radio Miami provides to the people of Cuba for free.

I recognize the political realities. This was a campaign promise of the President to the Cuban community in Miami. It is a reality, and I accept that reality.

□ 1710

But we are going to experience many abuses by Radio Marti and one of them has been brought to my attention just today. I have a letter here from Dr. James Dunn who is the executive director of the Baptist Joint Committee on Public Affairs, dated today.

BAPTIST JOINT COMMITTEE
ON PUBLIC AFFAIRS,
Washington, DC, July 17, 1985.

Hon. BILL ALEXANDER,
House of Representatives,
Washington, DC.

DEAR MR. ALEXANDER: Friends of religious freedom and the separation of church and state are alarmed when taxpayer-supported programs include the broadcast of the Roman Catholic Mass on Radio Marti. Religious radio is no part of the business of government.

The worship services of a church are not a proper subject for the Voice of America. We do not object to reporting religion in the news or discussions about religious topics. But as Thomas Jefferson said, "to compel a man to pay taxes for the propagation of opinions which he disbelieves is sinful and tyrannical."

Thank you for giving attention to this matter which we see as a serious violation of the spirit of the First Amendment.

Sincerely,

JAMES M. DUNN.

Now, I personally do not object to the broadcast of any religious program whatever and I oftentimes watch religious programs broadcast on television, especially on Sundays, but I do object to spending American taxpayers' money for that purpose. I object to wasting those dollars, spending them to duplicate what is done for free for over 20 years by the establishment of this outrageous broadcast system known as Radio Marti. It is wrong. It is wasteful. It is fundamentally against the principles for which our Government stands and I come here today to support the amendment of the gentleman from Miami to reduce the amount that is suggested for the appropriations from $11 million to $8 million, as is proposed by the gentleman from Iowa.

Mr. Chairman, I thank the gentleman, and I urge all my colleagues to support this amendment.

Mr. O'BRIEN. Mr. Chairman, I rise in opposition to the amendment. I shall not speak for the entire 5 minutes, but with respect to the comments made by my friend, the gentleman from Arkansas, I do not think Radio Marti would resist if my favorite rabbi, Morry Hershman asked to have a service transmitted, nor would one of my ministers be refused a similar request.

The problem is they just would not have any audience and the notion is to get word through and get the people inclined to listen to what we are doing. I think the broadcasting of Mass is a simple and very easy way to get peoples' attention, because that is the service they will attend, if they can, in Cuba.

I do not like to oppose the ideas of my friend, the gentleman from Iowa [Mr. TAUKE], because most of them I support, but in this instance I differ and I oppose the amendment.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I am happy to yield.

Mr. TAUKE. Mr. Chairman, I understand the gentleman's position on the issue, but I want to clarify, first of all, that I am not arguing at the moment about the content of broadcasts. I just want to freeze the funding.

Can the gentleman tell us what the justification is for 89 people in program operations, with 33 in program direction and administration and a $2.7 million increase in funding?

Mr. O'BRIEN. I am not really in a position to argue the structure of the administration. I can only tell the gentleman from what I have picked up, and I think the Wall Street Journal had an article about it, that Radio Marti is being pretty well managed, and that the information that is going out is authentic and American. It is not too heavily loaded one way or the other, with the possible exception of the Catholic Mass, the faith of 90 percent of the Cubans.

By and large, I would say we really have not given it a chance to demonstrate whether it is good, bad, or indifferent.

My final point, would be that we have gone over the issue of the merits of Radio Marti very, very closely. It has been a heated debate. We decided to go with it, and I would give Radio Marti a year of two more time before we reduce it below what we in the committee believe it ought to have.

Mr. RINALDO. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, with this amendment we will turn our back on the Cuban people. The Castro regime continues to violate the human rights of its citizens at home, while serving as a Soviet surrogate in Central America, Angola, and South Yemen.

While truth is a precious commodity, one has great difficulty discerning the truth on an island that exists under the iron rule of a Communist dictator.

Radio Marti is a new program, yet early reports indicate that it is being well received by the Cuban people.

The gentleman from Iowa [Mr. TAUKE], my good friend, says that his amendment would only freeze their budget. The facts indicate, Mr. Chairman, that is far from the truth, and let me explain why.

This is not a freeze amendment. The amendment is going to reduce funding. It is not going to freeze funding as the author of the amendment suggests. The administration agreed to an $87.7 million appropriation for fiscal year 1985 because there was more than $6 million in supplemental funds that were carried over from earlier years. These carryover funds are being spent this year. Almost $4 million of the carryover funds are being spent for nonrecurring capital expenditures.

In addition, $11.2 million is being spent in fiscal year 1985 to operate Radio Marti, so what we are doing in the committee bill is freezing fiscal year 1986 spending at fiscal year 1985 levels. The freeze has already taken place and what the proponents are actually offering is a further reduction

because they have always been opposed to the creation of Radio Marti.

The budget for Radio Marti is not bloated. While its budget is in fact larger than many commercial radio station's budgets, Radio Marti is not a typical commercial station.

First of all, Radio Marti of necessity has far more informational programming than most commercial stations. It is more expensive to produce informational programming than to spin records, for example, which constitutes the bulk of a commercial station's programming schedule.

Second, Radio Marti's informational programming is more expensive than informational programming broadcast by regular commercial stations. Commercial stations can rely on mass-produced programming, such as network news, to a substantial extent. Radio Marti must produce all its own programming, and there is no other station to help share production costs. Radio Marti's informational programming is also more expensive to produce because Radio Marti's function is to broadcast news about events in Cuba. It is difficult and expensive to obtain accurate information about Cuba because of travel restrictions and the fact that Cuba is a closed communistic society.

Radio Marti's operating budget is actually much smaller than the budgets of other radio stations that have a similar mission as Radio Marti. For example, the operating budget for Radio Marti's Russian language broadcasting is $15 million. The program employs 294 people. The $11 million appropriation for Radio Marti would cover the salaries of 160 authorized personnel. Therefore, Radio Marti is operating on a budget which is 35 percent smaller than the Russian Language Service. Radio Marti has 45 percent fewer employees than the Russian Language Service.

Mr. Chairman, the proponents of this amendment were opposed to Radio Marti when it was first brought up on the floor of the House.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. RINALDO] has expired.

(By unanimous consent, Mr. RINALDO was allowed to proceed for an additional 30 seconds.)

Mr. RINALDO. Mr. Chairman, they are still fighting that battle. They are fighting the battle of Radio Marti, yet the will of the House was to have Radio Marti take effect and become operational.

Let us give it a fighting chance. Let us not cut back at this critical point in our history on the truth that is being broadcast to the Cuban people.

Let us reject the cut in spending that is not a freeze and that is designed to cripple Radio Marti.

□ 1720

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

I must take exception to the statement just made by the gentleman from New Jersey. I was a Member who voted in favor of Radio Marti. I believe that it can perform a valuable service in providing information to the Cuban population about some of the values that we hold dear in this country.

But despite that fact, I stand here in support of the amendment by the gentleman from Iowa [Mr. TAUKE] because I believe he has raised some valid points about the level of expenditure and the amount of money that is being put into this project.

There is not a Member of the House of Representatives who does not spend some time in his or her life inside a local radio station which broadcasts to our constituents on a regular basis the news and information of the day, and it is not uncommon for us to find those stations on the air 24 hours a day.

Radio Marti is on the air 14 hours a day, and I believe that it bears repeating that the level of staffing which is being requested by the administration for Radio Marti—listen if you will—this administration is asking us to spend $11.2 million for this radio station for the next fiscal year to staff 187 domestic positions. Ladies and gentlemen of the House, it is hard for me to imagine a single radio station in my area, or even in any major city in the United States, which could absorb 187 staff positions a year. In program operations, 89 people. Program direction and administration, 33 positions. Research and development policy, 31, technical operations, 34.

This, of course, goes without saying, that this radio station has access, of course, to all of the information of the Federal Government and does not need to go into its own research capacity to come up with information to supply to those listening in Cuba. I believe that we can cut back on this appropriation and still keep the commitment which many of us made to keep Radio Marti on the air.

I rise in support of the amendment offered by the gentleman from Iowa [Mr. TAUKE] and I think it is responsible.

Mr. SLATTERY. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Illinois and commend the gentleman from Iowa for his effort in this area.

I think again we are talking about freezing basically the funding level for Radio Marti at $8.5 million and I think at this time when we are asking all other agencies of the Federal Government to live with the freeze, we can certainly ask Radio Marti to live with the freeze.

I think the gentleman from Illinois has made some excellent points, as has the gentleman from Iowa as well.

With respect to the 187 positions that we are talking about, this operation is adequately funded, adequately staffed at this time, and I think that by voting for the Tauke amendment, we are in effect saying to Radio Marti: Live under the same tight budgetary restraints that we are going to ask other agencies of this Government to live with during the next few years.

So I commend the gentleman from Iowa for his amendment and really appreciate the remarks of the gentleman from Illinois.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding. I appreciate the remarks the gentleman made, because in the context of a normal debate between an orange and an orange they would be appropriate. But I think that in the context of this debate you are trying to portray an orange and an apple in the same sense, and I do not think it will work.

The reality of Radio Marti is extremely different than normal radio stations. Yes, the Federal Government has expertise and research, but all of that has to be made into original programming. All of that is extremely expensive.

Normal, commercial radio stations generally have news services, wire services, and the like which, in effect, are there for the purpose of culling the news, making up the program on an easy basis. It is very different when dealing with this situation in a foreign country where you have to take their news, their happenings, their information, and bring it back, reprogram it, make new programming out of it, and then broadcast it out over the air. It is much more expensive.

I appreciate the gentleman yielding and I would hope he would understand that this is very different than the normal circumstance of one radio station versus another.

Mr. DURBIN. I would like to reclaim my time and say to the gentleman from Florida that I hope it is really very different because what this radio station wants is four times the level of spending of any normal radio station. This goes far beyond giving them some extra help, because they are, in fact, in some sort of influential capacity trying to change minds in Cuba. We are talking about whether or not we can justify 89 positions in programs operations. I do not have a single radio station that I have ever walked into that could absorb 89 people.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Oregon.

Mr. SWIFT. I think the point raised about the apples and the oranges has some merit. Having spent about 25 years in the commercial broadcasting field, I might say that this station does not have to have some of the staff positions that a commercial radio station has to have. It does not have to go out and sell its time, among other things, and it has no sales staff to deal with.

If I have ever seen a gold-plated radio station in my life, it is Radio Marti. There is no commercial station that could be this inefficiently run and expect to survive.

I understand they have some additional programming needs and staff positions. There is no question.

The CHAIRMAN. The time of the gentleman from Illinios [Mr. DURBIN] has expired.

(On request of Mr. SWIFT and by unanimous consent, Mr. DURBIN was allowed to proceed for 1 additional minute.)

Mr. SWIFT. I think it is a perfectly valid observation carried to an extreme by Radio Marti. I do not think there can be any remote justification for this amount of goldplating of a radio station that is largely duplicating the work, the programming that these people can get if they will just tune to any commercial station coming out of Miami, FL.

I thank the gentleman for yielding.

Mr. RINALDO. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I will be happy to yield to the gentleman from New Jersey.

Mr. RINALDO. I want to point out the important thing, once again, and I think that my good friend from Florida emphasized it in his statement, this is not a normal radio station. It has only been in service since May. We are here in July attempting to cripple it, and it is ironic that in most cases the same people who are speaking out in favor of a cut in funding are the same people who led the fight against Radio Marti.

Mr. DURBIN. If I might reclaim my time, I made it clear at the beginning of my statement that I voted in favor of Radio Marti. I support it.

But I might also remind the gentleman that in program operations in Radio Marti for 89 positions, the average salary for those serving in program operations is not what you might expect from some midwestern radio station, or even eastern, or southern station. The average salary is $33,600.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has again expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 2 additional minutes.)

Mr. DURBIN. In program operations for 89 positions, it is $33,600.

Mr. RINALDO. Will the gentleman yield again?

Mr. DURBIN. I yield to the gentleman from New Jersey.

Mr. RINALDO. We pointed out on many occasions already in this debate the reason for that.

The important thing is the funding in this bill, as it now stands, is a freeze. To go back any further, we are cutting beyond a freeze, and we are cutting without giving Radio Marti a chance. And I certainly think that it should be given a chance it deserves in fiscal year 1986.

Mr. DURBIN. I think Radio Marti has had more than a chance and the fact is that it received more than $8.5 million last year, which it was really the intention of Congress to give it some startup funds. We had some carryover funds available to Radio Marti, and I believe that $8.5 million is more than adequate to serve the purposes. And the request of $11.2 million goes far beyond what is necessary in this time of budget deficits.

I yield back the balance of my time.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I do not stand here as an expert as to what it should cost the taxpayers to run this station. I do not know.

But I do know the immediate effect that it had, and I think that this is something that the House ought to consider very carefully. When Radio Marti first went on the air back in May, Fidel Castro went into an absolute tirade. He canceled out some agreements he had made with our Federal Government for the return of prisoners.

In other words, what it had done is it had struck a very sensitive and delicate nerve. That meant that Fidel Castro felt that Radio Marti was going to do his particular administration some damage, and that is what it was for. It was simply to bring the truth to the Cuban people.

There is still a resistance effort in the minds of the Cuban people living on the island of Cuba. And I think that it is most important that we continue to broadcast on Radio Marti, and do it at the proper levels.

I think that the message that would go out from this Congress in calling this a freeze, and it is clearly not a freeze, would be the wrong signal to send. The funding last year with the carryover funding actually amounted to $14.7 million, not $11.2 million. So the existing appropriation level is very much in line with last year. In fact, it would be a rollback because of the carry-forward that they had last year.

So let us not be mistaken. This is not a freeze in any sense of the word. This is a cutback from the funds that were available to Radio Marti last year.

If we were in error then, then perhaps we are in error now. But I do not believe that to be the case. I think it is very important that we support Radio Marti. I think it is very important that we support the figures that have been supplied to us, and then next year we will have an opportunity to see how effective this has been and how this has operated.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I will be glad to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Florida for yielding. I rise in opposition to the amendment and I urge my colleagues to consider how important this radio initiative is in its impact on what we are attempting to do to offset some of the Cuban aggression in Central and Latin America.

□ 1730

Mr. Chairman, I urge my colleagues to also consider the fact that there was some $8 million that was allocated in 1985, but on top of that was some $6 million in supplemental funds. So when we are talking about a fiscal year 1985 freeze, we are reducing the budget and not freezing it. So I would urge my colleagues please give a great deal of consideration to the freeze measure; it is not a freeze.

If we are interested in doing something important in Central America and in Cuba by way of a Radio Marti, let us be supportive of our effort and vote in opposition to the amendment being offered by the gentleman.

Mr. SHAW. Mr. Chairman, in conclusion I would like to again point to the statement of my friend from Florida, which was to the effect: How are you going to compare this with a normal radio station that has access to all of the networks? If you were to say how many people do they employ, directly or indirectly, any hometown radio station would have thousands of employees because of the resources that it has at hand, Associated Press, Mutual Broadcasting Company, CBS.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I would be glad to yield to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, does the gentleman have any idea how much time the average commercial radio station in the United States today spends on the network?

Mr. SHAW. I am not talking about the average commercial station—I am talking about the accumulation of news and information.

Mr. SWIFT. Does Radio Marti use AP, UPI?

Mr. SHAW. Well, a commercial station is either a news station or a music station, it is either spinning records or it is with network news. I hope that we are doing a lot more than that on Radio Marti.

Mr. SWIFT. I thank the gentleman for yielding, but if you cannot run a radio station, even like Radio Marti, with less money than they are asking for, then you had better get some professionals to run it.

Mr. SHAW. Well, I am all for getting more professionals, always. But I would say that right here the facts we have is in a request from the administration, and we have a lot of guessing here on the floor; we have a new program. We know that the new program is one that Fidel Castro is very sensitive to. We know that he wants it to shut down. We know how he would vote if he were here today.

Please vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I want to perhaps introduce a part of this debate that has been left unspoken by the last few speakers who have dwelt on the money aspect and to some degree the origination of the program.

I want to associate myself with the remarks made by the gentleman from Florida and the others who have spoken against this amendment, but I want my colleagues to understand the ramifications.

Last week in this House we debated the foreign aid bill. In that bill we repealed the Clark amendment, we dealt with Mozambique. We began to send signals, we are putting money into the non-communist rebels in Cambodia, $5 million, doing a number of other things to begin around the world to signal our support for the anti-Communist forces.

Now we come to a radio station, not anything susceptible to being made as or pictured as or painted as a military operation, a covert operation or anything underhanded. This is an up-front, out in the open attempt to let people, 5 to 6 million of them, living 90 miles off the coast of the United States under Communist rule for 20 years and more, to let them know what is going on in their own country because they cannot find out what is going on in their own country as to what Cuba is doing around the rest of the world, troops in Angola, troops in Mozambique, exporting revolution to Central America and all the other things, including the latest, which is Mr. Castro's attempt to have the South American and Latin American countries pressure us to forgive over $400 billion in debts owed to us by those countries because it is a very popular issue with those countries.

Those are ideas, those are things happening in those countries that they do not know about because they are precluded from getting that information.

This program does nothing more than tell people inside Cuba what is going on in their country and what is going on in our country, letting them know that they have friends here in this country who are still willing to stand up for them and tell them that because Castro happens to be the head of the government now, it may not always be that way and some day they may be better off because their future may include a democratic form of government. But it will not, if we do not talk to them, explaining to them what democracy is all about and giving them all of the relative information they need. This is a program that just talks to people, that is all it is. It is not covert, it is not military, it is news and informational. We are always sending signals from this Chamber. Everything we do sends a signal. And now we are really sending a signal, a radio signal, and some want to cut it back.

I am in favor of sending that radio signal and not sending American troops or sending arms. What we need to do is to make them understand that Americans in this country believe in the Cuban people and their ability to get out from under a Communist dictatorship. What is wrong with that? We spend billions of dollars to send all kinds of foreign aid, including military aid, and here is a small sum of money, in perspective to the rest of that total amount, and we want to cut it back. The reality is, as Mr. RINALDO said, and he is correct, it is not a freeze, it is a reduction because there was more money in it last year. The reality is that it would be a very hurtful thing to this exercise in democracy, the purest form of democracy, communication between people, and we want to cut back the small amount that we are funding. It is wrong, and I urge my colleagues to reject this attempt to bring democracy there.

Mr. RINALDO. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Chairman, I want to commend the gentleman on his statement.

Mr. Chairman, we are now debating, and we have debated Radio Marti ad infinitum, the $2.7 million cut that the gentleman from Iowa proposes is going to send the wrong signal to the people of this country and all over the world about our desire to get the truth to the Cuban people.

Mr. SMITH of Florida. If I may reclaim my time, I want to make a final statement. Mr. ALEXANDER from the well read a letter from the Baptists Joint Committee on Public Affairs that objected to the use of Radio Marti for the purpose of broadcasting Roman Catholic mass. First of all, over 90 percent of the people on that Island are Roman Catholics, and they are denied any ability to get religious services or to participate in religious organizational services.

I told Mr. ALEXANDER, after I heard him speak, that I would be very happy to recommend to Radio Marti that they allow Baptist services to come out over the radio or any other religious service.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. SMITH of Florida. Mr. Chairman, I want to make a final point that I would much rather have people get religious services broadcast from the United States than to be living in an atheistic society.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Ladies and gentlemen, I have another amendment so I am not going to take much time here. But now that the Communist-bashing is reaching the decibel level and we are now talking about what we are doing to harm Radio Marti, might I just point out that we are continuing to fund it but we are not adding the obscene number of unnecessary positions that are being requested here. I do not think a vote for this amendment is a vote against Radio Marti. I think that that construction misses the point completely.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. Yes, I yield to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think it is interesting to note that during the course of this debate none of the proponents of the position that is carried in the bill has stood up and told us why we should give an increase in funds over last year's appropriated level. How can they justify 187 domestic positions for Radio Marti? I might just indicate to the House that the argument here is not over whether or not we should have a radio station. That was settled before. The question now is how gold-plated should it be?

I think people who are in favor of Radio Marti should take a lesson from some of our other expenditures in the past.

We have in the past in fits of patriotism refused to question appropriations to other branches of Government—the Department of Defense comes to mind—and said we would not want to send the wrong signal by questioning how they were spending the money.

□ 1740

Now because we did not question how they are spending the money, we are running into lots of problems; and those who were in favor of a strong defense are seeing their position undermined.

Those who favor Radio Marti have a lot at stake in ensuring that it is well run, not gold plated, does not spend much more than is needed, and that the expenditures are justified. Nobody yet has told us why they need 89 positions for program operation, 33 for program direction and administration, 34 for technical operations, and 31 for research and policy; which is far beyond anything that we can find in any domestic radio station in the country.

Mr. CONYERS. Will the gentleman yield?

Mr. TAUKE. I yield to the gentleman.

Mr. CONYERS. You are not going to hear it, sir, because there is no justification for it, and I would yield back, as I promised, the balance of my time.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, if we can just maybe take a deep breath and settle down on some facts here and the situation, first the amount already includes a freeze.

Second, it has not been mentioned, and it should be mentioned, that this is the first year that Radio Marti is moving into full operation. It started broadcasting only 2 months ago. I might add that this is my first year as chairman of the committee that oversees this, and I am concerned about some of the figures and facts that I heard here today.

I support Radio Marti. I know there is a difference of opinion here as to whether or not we should even have a Radio Marti.

However, the fact of the matter is, the House did make that decision. The fact of the matter is that in number of hours, the United States is only the seventh broadcaster in that region, far behind the Soviet Union and many others, in trying to get a message out, particularly to a country with which we have severe problems all over the world. We are getting into some emotion here; we have some concerns about facts and figures, used here, that really need to be looked into in a little more depth.

For instance, they are purchasing property right now; $3 million, purchasing property where the transmitters are located. They purchased transmitters. Radio Marti had to hire people and go in and create brandnew tapes of every single second of broadcast to try to live by the guidelines that we, the Congress, imposed on them.

I am not here in any way, shape, or form to defend all of the personnel and every nickel that they need. As the new chairman, I have seen some of the expenditures on land now, on equipment, on facilities, on transmitters. It is starting for the first time to get an aura on "Radio Free Europe/Radio Liberty," "Voice of America," as well as acceptance—they have already started to correct some of the mistakes. It is starting to build a reputation in Cuba, and we need to make this investment.

I would be happy to convene my subcommittee as quickly as possible, and take an appropriate look at the expenditures and the personnel I know and you know that startup levels will be a little higher, and there may be some spending that we feel can be cut back, but the fact of the matter is that this bill request does not represent a budget freeze.

To stop now would be the signal that not only do we not want to participate in certain military activities which are debated in this House, and not only do we not want to participate in humanitarian activities which are debated in this House, we are not even going to participate in the war of words, the war for the mind that is going on all over this hemisphere.

This is a minimal investment. You have my commitment to look at this in a logical, fair fashion, and try to cut back every penny we can save, and if it is 90 percent I will recommend a 90-percent cut. But this is the wrong signal at the wrong time.

Mr. HYDE. Would the gentleman yield?

Mr. MICA. I yield to the gentleman.

Mr. HYDE. I agree with the gentleman and support what he said

Radio Marti, unlike Radio Miami, is designed and targeted for the people in Cuba, and you hear from prisoners who have spent many years in Cuban prisons; they get an opportunity to send their message back to the people in Cuba.

The greatest invention in the world is a little transistor radio, which many of the Cubans have, and they get to hear for the first time compatriots of theirs, like Armando Valladares, who wrote "From My Wheelchair"; a poet who spent 22 years in a Cuban prison.

It is unique, it is necessary; and never forget the Cubans broadcast to us over 200 hours a week over many stations, political propaganda directed at us.

So a little bit of turnabout is indeed fair play. It is a good program; let us support it.

Mr. MICA. I thank the gentleman.

In conclusion, Mr. Chairman, let me just say that I offered a freeze amendment on our own State Department authorization, and we cut and we cut not once but twice and then offered a freeze amendment. I am willing to do that; we will do it and try to address the concerns, but I think to do it in this fashion on the floor at this time would be a terrible mistake, not only in foreign policy but in what the real will of the Nation and the will of this House are.

Mr. PEPPER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in only 1983 did the Congress authorize the Radio Marti Program. It was a complicated matter to get it in motion; so it was only installed and moved into operation May 20, 1985. It has not been in use and operation 2 months yet. Has it made such an abysmal record in 2 months that the Congress of the United States is going to make such a significant cut in its funds as is proposed here? Reducing the funds to support this program from $11 million down to something over $8 million?

In 1985, the reason the appropriation was a lesser amount than the administration has requested for this year is because there was a carryover of funds, and that is contained here on page 77 of the committee report that deals with this matter.

So what we are doing is without the carryover funds, the administration asks the amount that we had in 1985, for all substantial intents and purposes therefore, would accomplish the intent of the amendment.

Why are we proposing here today to discredit Radio Marti within less than 2 months after its inception by making such a significant reduction of its funds? Are we opposed now to the idea of telling the people of Cuba the truth about one of the most despotic governments on the face of the Earth?

We were dealing with Angola here the other day, and the attention of this House was called to the boast of the Dictator Castro, that he had sent over 200,000 soldiers to Angola; and he said, "I'm prepared to send another 200,000 soldiers."

Were those the sons of Castro that he proposed to send? We want to tell the people of Cuba the truth: They are their sons that Castro sent, and their sons that he says he has got ready to send in the future, if necessary to serve the imperialistic ends of his master Russia.

□ 1750

Some of my colleagues and I a few years ago were in Iceland, and we were told by our military people there that

there was a constant stream of submarines and airplanes going through the Straits of Iceland from Russia to Cuba.

We are talking about saving $4 million or $5 million. How many dollars are we having to spend on our defense system because of the fact that we allow Castro to be an armed base, a submarine base, and practically an armed camp for the Russians, 90 miles from the shores of our country? Yet, when we are trying to tell the people of Cuba the truth about what this dictator is doing to them, somebody says we can save $5 million. Are they going to reduce the number of hours of the broadcast? There has been no experience yet with Radio Marti as to how much money the system should have. The administration requested $11-odd million that is provided in this appropriation bill. What is wrong with that? Is it too much? What experience have you that shows there is an error in the estimate that has been made?

I am saying to this House, do you think Castro wants this program to be effective? Why did he threaten to block our signal? Because he did not want his people to hear what we had to say. Do you think the Russians would like us to spend $11 million, or would they prefer that we spend $8 million? I guess they do not favor our telling the Cubans the truth either.

Let us not silence, let us not soften the voice of liberty and freedom and democracy. Let us put wherever we can the arm of words, as we did in other days of this country with our Declaration of Independence, ideas more powerful than guns. Let us not silence, let us not soften, let us not diminish the voice of freedom that we are holding out to these people, the cry that they too may have liberty in this day, in the 20th century.

So let us not cut this program. Let us not cut this program until there is justification, at least, for doing so. Let us not muzzle the call for freedom for one of the most oppressed people in the world.

The CHAIRMAN. The time of the gentleman from Florida [Mr. PEPPER] has expired.

(On request of Mr. WIRTH and by unanimous consent, Mr. PEPPER was allowed to proceed for 2 additional minutes.)

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to my friend, the able gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, I just simply want to say that I join the gentleman in his remarks. I am in opposition to the amendment. The proponent is a nice gentleman, but he did not like this proposition, to start with. There is not as much reason for doing what he is talking about as there is for doing what we are talking about. So I think, just from a commonsense standpoint, we ought to vote down the amendment.

Mr. PEPPER. I thank the gentleman.

Mr. WIRTH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we have debated in this Chamber for the last 4 years Radio Marti. The issue in front of us is not Radio Marti. We have had that debate over and over again. The issue in front of us is how thick are we going to plate the gold on the microphones of Radio Marti. How thick is this Congress going to make the gold?

We are not arguing as to whether or not we are going to broadcast to Cuba. We are going to do that. But we are going to do it, however, with a budget and a staff that is far beyond that of any experience, I will bet, of any Member of the Congress.

Let me ask all of you to think about the radio stations that you have been into in your districts. Think about the largest, best run, best organized, most successful radio station in your district. Imagine how many people are working there. There will probably be about half the station involved in the selling of advertising, involved in marketing the services of that station.

Radio Marti does not have to do that. There is nobody around selling commercials, there is nobody around selling eggs, whatever it is.

So cut out half the people, and you would be left in that largest and most successful radio station with how many positions? Ten? Twelve? Fifteen? Certainly not what we have in this, 187 positions.

Can you imagine what any broadcaster in your district would do with 187 positions? I cannot. There is not enough time for those people to do anything. But most broadcasters in your districts operate how many hours a day? Twenty-four hours a day. So you would think, "Well, we want to spread those positions 24 hours." How many hours does Radio Marti operate with 187 positions? Not 24, not 20, not 16, but 14 hours a day. There are enormous numbers of people churning out what? We do not know. At what cost? We have figured out it is very clear 187 positions are there, and then, to add insult to injury, the gentleman from Kansas, to whom I am going to yield, identifies what the average salary is of the people who are twirling the knob and polishing up the gold on the microphones of Radio Marti.

I yield to the gentleman from Kansas.

Mr. SLATTERY. I thank the gentleman for yielding.

Mr. Chairman, it would be interesting to know that in these 187 positions, according to the information that I have, it is anticipated that about $2.99 million will fund 89 positions for program operations, at an average salary of $33,600 a year, and the research and policy operation——

Mr. WIRTH. If the gentleman will yield back for a moment, program operations means the engineers in the radio stations; is that correct? The average engineer is making about $33,000.

I might yield to the gentleman from Washington [Mr. SWIFT], a former broadcaster, who has been in the radio and television business, how much does the average engineer in the average radio station make?

Mr. SLATTERY. If the gentleman will further yield, I think what he would probably be referring to under the job descriptions we are looking at is the technical operations, and there we apparently are authorizing over $1 million for 34 positions, at an average salary of in excess of $30,000. Research and policy, almost $1 million. Again, 31 positions, average salary of $31,000. Program direction and administration, over $1 million. Thirty-three positions, average salary of more than $35,000.

Mr. WIRTH. If the gentleman will yield back, let us put that in context, if I might yield to the gentleman from Washington, the context of how much people running radio stations make in this day and age.

Mr. SWIFT. Here we had, in technical operations, the average salary of $30,200.

Mr. WIRTH. In Radio Marti?

Mr. SWIFT. In Radio Marti. The chief engineer of the television station I worked for made less than the average engineer is making working for Radio Marti.

Mr. WIRTH. I think the gentleman has just very eloquently made the point.

The issue here in front of us is not whether or not we are supporting Radio Marti. The issue is, are we going to treat Radio Marti like we treat every other authorization and appropriation that has come through here and freeze it at last year's level? Last year's level was $8.5 million. There has been requested $11.2 million. We are simply here to say $2.7 million and not gold-plate Radio Marti.

So I would ask my colleagues to support the amendment offered by the gentleman from Iowa.

Mr. RINALDO. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from New Jersey.

Mr. RINALDO. I have a lot of respect for my good friend, the chairman of the Subcommittee on Telecommunications. Yet I think he will agree with me that we have had no hearings, absolutely none, on the operation of Radio Marti. Our committee has no

documentation whatsoever to justify any cut, and that is what this is, a cut.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. WIRTH] has expired.

(By unanimous consent, Mr. WIRTH was allowed to proceed for 2 additional minutes.)

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Chairman, I think, first of all, the Members should realize that the committee records show that last year there was over $6 million spent in nonrecurring expenditures by Radio Marti, which more than exceeded the carryover costs from previous years. So this indeed is a freeze for operational levels.

The second point I would like to make is, that the problem is, there is no justification from the Appropriations Committee for increasing the level. During this 1½ hours of debate we have not heard one sentence of justification for the number of positions that are being offered into Radio Marti or the appropriations level.

The hearing record is very clear on the issue. The issue just was not raised in the Appropriations Committee, and that is why we have this debate on the floor. We should not have to justify holding down the funding at current levels. Let those who want to spend this much money justify it.

Mr. WIRTH. Mr. Chairman, I will just close out by asking all of the Members to think about any radio station that they have ever been into that has 187 people in it broadcasting only 14 hours a day.

Now, come on.

Let us freeze it. Let us support the amendment offered by the gentleman from Iowa.

Mr. HARTNETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I know the hour is late, and I know the Members want to vote, but I was awfully amused by the debate this afternoon on this amendment. I commend the gentleman from Iowa for his amendment, and I guess it is somewhat out of character for me to support this amendment. But I could not help but think, if I am going to be out of character and support this amendment, how out of character it was for my colleagues who have come to this rostrum from the other side of the table here to speak in behalf of the amendment.

Gentlemen, you have spoken about 187 employees at Radio Marti. Do you know how many staffers there are probably in the Telecommunications Subcommittee? I wonder if the chairman would like to tell us how many staffers he has on the Telecommunications Subcommittee. Do you know how many employees there are in the U.S. Department of Energy and in the U.S. Department of Agriculture? Do you know how many employees we have in every Federal agency, in Health and Human Services, administering the Food Stamp Program? Do you have any idea what the director of the Food Stamp Program makes?

□ 1800

Do you know how many Federal employees we have at every Federal agency that would make the salaries of their civilian counterparts pale? I think it would be interesting if I could rhetorically ask the question of the chairman of the Telecommunications Subcommittee exactly how many employees he has and the chairman of each committee here: How many staffers do you have? The Armed Services Committee has somewhat upward of 50 staffers and only 45 Members. Yet, when I look around for around for my individual staffer I cannot find him or her.

So as out of character as it might be, Mr. Chairman, for this conservative Members who is real hard on Communists to support this amendment, I tell you, it is passing strange that my liberal friends on the left over here would be at all aghast at the size of the staff and the amount of the payroll going to those dedicated anti-Communists who broadcast from Radio Marti. Although it is out of character, I would say to my colleagues from Iowa, I will strongly support your amendment because I think it is fiscally correct, fiscally conservative, and I am very much gladdened to see all my colleagues on the left who have joined this fiscal conservative effort which we have tried to put forth on this side of the aisle since the beginning of this, the 99th Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TAUKE].

The amendment was agreed to.

The Clerk read as follows:

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $19,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $19,300,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Mr. DEWINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DEWINE. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman.

Mr. Chairman, the Chair did not announce that we were leaving title V, and I was not able to offer my amendment to title V.

The CHAIRMAN. The Chair would state that the gentleman from Ohio [Mr. DEWINE] has the floor; the Clerk read the paragraph. If the gentleman was not listening, the Chair regrets that very much.

We are now on section 601 of title VI and the gentleman from Ohio has been recognized.

Mr. DEWINE. I thank the Chair.

Mr. Chairman, I rise at this point to alert Members about a matter that will be coming up very shortly, and that is, of course, the motion to rise. I take this 5 minutes because this is the only time I have, under our rules, to talk about this particular issue.

I am urging a "no" vote on the motion to rise so that I can have the opportunity and that we can have the opportunity to debate my amendment. That amendment is very simple, is a very straightforward amendment. What it says is that no Federal tax dollars can be used by the Legal Services Corporation or any recipient to engage in any litigation involving abortion. Let me read the exact language.

None of the funds appropriated by the Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion.

This is very simple and very straightforward language. But unless we vote "no" on the motion to rise, we will never have the opportunity to vote on this particular issue. This is a Hyde-type amendment, Mr. HYDE. It carries forward the policy that this Congress has followed for a number of years and that is that our constituents' Federal tax dollars shall not be used to promote abortion.

Now, you may say, "Well, Mike, has it really been used to promote abortion under current law?" The answer is: "Yes." Let me give you some examples.

I have a whole sheet full of examples of how the Legal Services Corporation and their clients have engaged in proabortion litigation. Let me give a couple of examples. Pre-Term Inc. versus Dukakis. The Greater Boston

Legal Services Corporation challenged a Massachusetts law limiting expenditures of State funds to abortions necessary to prevent the death of the mother.

Another example: Zarac versus Quern. The Legal Assistance Foundation of Chicago this time successfully sought an injunction against enforcement of an Illinois statute preventing State medical payments for abortion except when necessary to save the life of the mother.

A Michigan case: Stovasky versus Milliken. In this case, they filed an amicus brief in favor of a Governor's line item veto of a provision barring State funds for nontherapeutic abortions. It goes on and on; example after example.

This language is very simple; there is nothing complicated about it. It is very precisely drawn and very clear. I ask for a "no" vote on the motion to rise. A "no" vote on the motion to rise is a prolife vote. A "no" vote on the motion to rise will allow us to offer a Hyde-type amendment. A "no" vote on the motion to rise will mean that your constituents and my constituents will not have money taken out of their pockets to give to the Legal Services Corporation when some attorneys, located in whatever State might be the case, decide they want to become proabortion. When some attorneys, even if they might be in the minority, decide that they want to challenge a state law. That is what a lot of these examples are.

So a "no" vote on the motion to rise is a prolife vote. It will say that we will have, as a House, the opportunity to debate this issue, and you will have the opportunity to vote to stop Legal Services funding to be used for these purposes.

I urge a "no" vote on the motion to rise.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. CHAIRMAN. The Chair would like to apologize if he inadvertently was not recognized, but at this time his only recourse is the unanimous consent procedure.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to offer the amendment that I would present at the end of title V.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. MICA. Mr. Chairman, reserving the right to object, if I reserve the right to object at this time, the gentleman would be given the 5 minutes to present his case and then I would be allowed to object if I so desired?

The CHAIRMAN. The Chair would state the gentleman has 5 minutes to speak; he cannot offer his amendment without the unanimous-consent permission.

Mr. MICA. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. CONYERS. Mr. Chairman, I think that Members of the House ought to face a little bit of reality tonight. This is a controversial amendment that has, on two occasions, had a very difficult time in coming to the floor. Now, I have been on the floor twice before to offer this amendment. As we specifically concluded a title, without, for the first time today, announcing or raising the question if there were any further amendments. I think that we ought to look at this proposal that would eliminate the funding of the National Endowment for Democracy for what it really is.

This is not an easy or pleasant amendment to bring to the Members' attention, and I am very sensitive of that.

□ 1810

This is an amendment that would take the Republican Party, the Democratic Party and the labor movement and the chamber of commerce, the four biggest political interests in the United States of America, out of the public trough in which they have created a project from which to get Federal dollars. It is a living embarrassment to everybody who has examined it. It is one of the worst outrageous proposals that has ever come down the pike, with the board members allocating to their organization more than 80 percent of the total amount of money going to the National Endowment for Democracy.

What does it use the money for? Oh, just to influence political parties, just for funding trips back and forth, just for everything that a Federal Government should not be doing. As a private enterprise, it is a beautiful idea, and that is exactly where it should remain.

So this amendment will not come before this appropriation consideration this evening, but I will tell my colleagues that it is not dead by a long shot.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, I just want to associate myself with the position of the gentleman from Michigan. I am sorry he is being objected to in trying to offer the amendment.

At a time when we are talking about reducing a number of admittedly essential programs, to continue to finance this venture in globe trotting to preach democracy, in many cases to the converted as I look to where it is being preached, but just to do it in general is, I think, one of the appalling inconsistencies in the posture we have adopted.

So I admire the gentleman for his efforts and I hope we will have a chance to vote on this at some point.

Mr. CONYERS. Mr. Chairman, I would like to point out to the body that, contrary to all the other agencies in Government, the Freedom of Information Act does not apply to the National Endowment for Democracy. What are they doing so secret? Well, they are dividing the money up.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. The gentleman who objected to my presenting the motion wants me to yield? Yes, I will yield to the chairman, the gentleman from Florida.

Mr. MICA. I thank the gentleman for yielding.

Mr. Chairman, I want the gentleman to know that I tried to object in a way that would allow the gentleman to have his 5 minutes, but I just want to point out——

Mr. CONYERS. I want to tell the gentleman that when you strike the last word, you cannot stop me on this particular point from having my 5 minutes. But I thank the gentleman for his terrible approach.

Mr. MICA. It was strictly out of concern to be fair to the gentleman that I tried to object and make that parliamentary inquiry. But the point in the RECORD was passed.

In addition, I would just like to point out that the Freedom of Information Act has been raised time and again. The strongest opponents in this body raised it. The subcommittee that I chair, addressed that by providing open access to all information to anyone at both ends of the spectrum on NED, and I would be happy to go over it with the gentleman at the appropriate time.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(On request of Ms. OAKAR and by unanimous consent, Mr. CONYERS was allowed to proceed for 2 additional minutes.)

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Chairman, did the gentleman say that the chamber of commerce—the national, that is, because we all know that they do not represent local chambers of commerce, at least they do not represent mine—did the gentleman say that the chamber of commerce benefits from this?

Mr. CONYERS. They not only benefit, but one of the directors sits on the board that appropriates the money back to the chamber of commerce.

Ms. OAKAR. The same chamber of commerce that is doing the most unbe-

lievable, outrageous, heavy-duty lobbying against a pay equity study that relates to the first time in history since we have had civil service that would take a look at how we treat our Government workers. Since 1923 we have not done that, and they want to expand all their money on ending that study.

I just want to commend the gentleman for pointing that out to me, because I did not know that they were the recipient of some of those funds. I want to tell the gentleman that I object to the type of lobbying they are doing and the misinformation they give on just about any issue, and I want to go on record as saying that I commend the gentleman for pointing that out.

Mr. MITCHELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes. Every Member has every right to take a position consonant with his constituents and his beliefs on the abortion issue. Since I have been in the House, I have seen abortion amendments tied onto everything. I imagine if we planned to do a rehabilitation of Mount Rushmore, there would be an antiabortion amendment. To my utter chagrin, in the markup of the Small Business Committee, an antiabortion amendment was offered.

That is all right. It is allowable. But here we have reached another unusual dimension in this House where the antiabortion amendment gets tied to a procedural amendment; that the motion to rise would somehow or another be a vote against those who believe in abortion.

If we follow it to its conclusion, then we will have to tie that onto the vote to approve the Journal every day, we will have to tie it onto every unanimous consent request that is made.

I am simply suggesting to the gentleman that I think it is a serious mistake to try to tie an antiabortion amendment onto a procedural amendment of the House. Even though I disagree with it, I respect the right to do this on various pieces of legislation where it is germane, and it has been done. But unless I am grossly mistaken, I have never seen it tied to a procedural vote in the House.

Mr. DEWINE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I would be delighted to yield to the gentleman from Ohio.

Mr. DEWINE. I thank the gentleman for yielding.

Mr. Chairman, I would just respond to the gentleman that under the House rules, this is the only way this House is going to have the opportunity to vote on this. This is the only way we can vote on it. It is a straightforward vote, and the vote is simply going to be whether our tax dollars, your constituents', my constituents', should be used to promote abortion, and the specific examples I have given in the well of the House.

Mr. MITCHELL. I understand what the gentleman is doing.

Mr. DEWINE. This is the only way we can get the vote.

Mr. MITCHELL. But the gentleman is establishing for me a very dangerous precedent by beginning to attach that kind of amendment or other similar kinds of amendments onto procedural votes in the House.

The gentleman asked me to yield to him. I have one quick question I would like to ask of him. May I ask a question of the gentleman?

Is it the gentleman's intention to vote for the Legal Services component?

Mr. DEWINE. It depends on what is in the final version of the bill. I have a difficult time justifying the use of tax dollars for the type or ridiculous lawsuits that were brought. No matter what you think about the merits of the lawsuits, why do your tax dollars and my tax dollars get on one side of that issue. When the Legal Services Corporation funds are so limited, they should be used to help poor people.

Mr. MITCHELL. Mr. Chairman, I reclaim my time. I thank the gentleman for his "iffy" answer.

Ladies and gentlemen of the House, be very careful what you do in terms of eroding sound principles of this institution. In may be popular. It might be a good cause, a sellable, marketable issue, but somewhere down the line we are going to have to look at the procedures of the House, and I think it is a serious, serious mistake to begin to use this kind of tactic for any kind of amendment on a procedural vote.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. None of the funds appropriated in titles II and V of this Act may be used for any activity to alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws: *Provided*, That nothing in this provision shall prohibit any employee of a department or agency for which funds are provided in titles II and V of this Act from presenting testimony on this matter before appropriate committees of the House and Senate.

□ 1820

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: At the end of title VI, add the following new section:

SEC. 606. Notwithstanding any other provision of this Act, each amount appropriated by this Act not required to be appropriated by previously enacted law shall be reduced by four percent, except that this reduction shall not apply to the "Business Loan and Investment Fund."

Mr. FRENZEL. Mr. Chairman, except for the procedural motion and votes that may come after that, this may be the last amendment that we deal with with respect to this bill.

My problem with the bill is that the committee indicates that it is a freeze level or no more than last year. I would describe it differently. We all have difficulty relating to different baselines and different sets of data. What the committee is telling us is that this bill does not exceed the amount of money spent in last year's appropriation, plus a supplemental appropriation that amounted to nearly 5 percent of the original appropriation.

As close as I can come to it, the discretionary appropriations in the committee-reported bill, H.R. 2965, are $472 million over last year's appropriation. That is nearly half a billion dollars. My amendment simply tries to reduce that $472 million across the board with a 4-percent cut.

I included an exception because this committee took a very large bite out of SBA business loans. And so I exempted it from the 4-percent cut. There was a smaller bite taken out of Radio Marti that was not exempted because it seemed it was not large enough to worry about.

Now, I am really serious about trying to keep this House on a freeze basis. Our Budget Committees of the two bodies do not seem to be making great progress. This House's only opportunity to make a significant hold-the-line operation in Federal expenditures for this year is going to occur on appropriations bills. If we do not do a good job in trying to hold back these appropriations, we are going to be in real trouble.

Mr. Chairman, I note standing on the other side the gentleman from Oklahoma [Mr. JONES], who is a cosponsor of this amendment, and I yield to him at this time.

Mr. JONES of Oklahoma. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the gentleman from Minnesota for offering this amendment.

We have had a lot of rhetoric and actually quite some good action this year in terms of freezing Federal spending. What the gentleman from Minnesota does is to freeze Federal spending at last year's basic appropriation level.

It is important to note two distinctions. First of all, the gentleman's amendment only freezes discretionary spending, those things over which we have control each year. Second, it freezes that spending at the basic level of appropriations made last year or in effect this year. It does not count the supplemental appropriations made after the basic appropriation.

Now, in this particular appropriation bill there has been a supplemental in 7 out of the last 8 years, and every indication is that there will be another supplemental this year. By taking the action on the recommendations of the gentleman from Minnesota and freezing at this year's basic appropriation, we will still be coming back in the spring next year with a supplemental, and it is our hope that that supplemental will then be freezing at the level of spending that we have this year. If we do not pass this amendment, we are going to increase spending in this appropriation by the time of next spring's supplemental.

Mr. FRENZEL. Mr. Chairman I thank the gentleman from Oklahoma for his contribution.

Mr. Chairman, it is often said by the committee handling any bill that an across-the-board amendment like this is a meat-ax approach, and I do not deny that. It is a difficult approach. We do not have a better way to make this kind of cut.

What this amendment is saying is that we are honoring the decisions made by the committee and simply reducing each one of them, leaving them in the proportion that the committee has determined.

There are Members who say: "Hey, I can't vote for this because it cuts some small item in the bill that is before us." Unfortunately, I cannot offer a cut that does not cut something. So for those who are distressed that we may be offering a small cut to the SBA, or the FBI, or the DEA, or the USCR, or the ITA, or anything in here, all I can say is that we are offering the same kind of cut for everybody.

Remember, stopping or reducing appropriations is the last line of defense. The budget negotiations seem to have broken down.

Mr. Chairman, I urge the support of my amendment to maintain a freeze equal to last year's appropriation.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Minnesota has pretty well described the amendment. It is a 4-percent cut for every amount in this bill. It is a straightforward amendment.

I would like to point out, however, that as to mandatory programs, there are only three in the bill: Salaries of Judges, Fees and Expenses of Witnesses, and the payment to the Foreign Service Retirement Fund. Everything else except the Business Loan and Investment Fund, which he exempts is covered by this amendment.

Now, this is the way a reduction like this works. For example, as it applies to NOAA it permits the administration to take the 4 percent out wherever they want to with NOAA. The administration again this year has asked for no funding for the Sea Grant Program. We have $39 million in here for Sea Grant. If they want to, they can take out the whole amount; they can eliminate the Sea Grant Program.

They can reduce public telecommunications. We cut $20 million from the Economic Development Administration and they would be able to reduce even more, although not the whole amount.

The Cooperative Agreement Program within Justice would be cut by 4 percent. Weather and Endangered Species Programs that we restored could be completely eliminated.

On Trade Adjustment Assistance, I do not know how many Members have been to see the committee about that. Even though there is only $22 million in that item, it is included within a larger account and they could take $8 million out of that $22 million.

Coastal Zone Management is funded at $34 million; the whole program could be eliminated. In National Bureau of Standards, they could take $5 million; Juvenile Justice, $2,8 million; and for State and Local Drug Assistance $396,000 could be taken out.

Then there is another item that I have not yet mentioned. We have about $60 million that could come out of the Drug Enforcement Administration and the FBI.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. Yes; I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, I wanted the gentleman to yield to clarify a point. The gentleman indicated or at least I understood him to indicate that the amendment would give the agency the authority to cut everything out.

Mr. SMITH of Iowa. Yes.

Mr. JONES of Oklahoma. That is not what the amendment does. The amendment deals with everything you have in your bill and cuts it equally by this 4 percent, and you have the authority in conference to redistribute that as you see fit.

Mr. SMITH of Iowa. Well, for example, I do not remember what the exact NOAA amount is, but it is over a billion dollars. They can take the 4 percent out of NOAA wherever they want to. They can take the whole $39 million out of the Sea Grant Program.

Mr. JONES of Oklahoma. I beg to differ with the gentleman on that. Whatever you have in your bill now——

Mr. SMITH of Iowa. But it is not in the bill. We put the breakdown in the report because it covers two pages. We have in the bill an amount of $1.1 that I am talking about, and in the report we itemize where it should be spent.

Mr. JONES of Oklahoma. Mr. Chairman, if the gentleman will yield, my point is that you have the ability in conference to redistribute that as a majority of the conferees sees fit.

Mr. SMITH of Iowa. We would have to write a conference report as big as a Sears, Roebuck catalog to get all that detail into it.

Mr. JONES of Oklahoma. All we are doing is to cut back in total to what was appropriated in the basic appropriations bill last year, so it is frozen at that level.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding.

I support the gentleman's opposition to this amendment, and let me, if I may, ask the gentleman whether I am correct in this.

This amendment, if passed, would cut money from the Immigration and Naturalization Service even though we have more refugees than ever before flooding our shores; Is that correct?

Mr. SMITH of Iowa. That is correct.

Mr. SMITH of Florida. We would have fewer positions than we had last year even though we need more?

Mr. SMITH of Iowa. That is correct.

Mr. SMITH of Florida. This amendment, if passed, would cut more positions in the DEA so that even with more drugs reaching our shores, we would have fewer people to deal with the problem rather than the numbers we need; Is that correct?

Mr. SMITH of Iowa. That is correct.

Mr. Chairman, I want to repeat, we do have in here a freeze. Now, how can you ignore the fact that there has been a supplemental and say we should ignore the supplemental? The supplemental, for example, covered cost-of-living salary increases. You cannot give employees a cost-of-living increase and in the next fiscal year start from a base that does not include it.

□ 1820

We have got a freeze level in this bill or a little less than that from the fiscal year 1985 appropriations. I think we have done a good job with this bill. You have taken out another $118 mil-

lion today, so we are down even lower on this bill. If every bill that comes in here will be a freeze, including the Defense Department bill, we will save more money than what we are talking about now in the conference.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. SMITH] has expired.

(At the request of Mr. MITCHELL, and by unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, Radio Marti is not one of my favorite projects. This House just voted to cut funding for Radio Marti.

Now, would not this gentleman's amendment cut it further by another 4 percent?

Mr. SMITH of Iowa. It would cut it another 4 percent.

Mr. MITCHELL. Now, you reach a point, let us say poor dear old Radio Marti, which has been mortally wounded, but let us not inflict cruel and inhuman punishment on it by accepting the gentleman's amendment.

I agree with the gentleman. Let us vote this down. There has been enough cutting, enough blood is on the floor of the House and on the walls. Let us end this foolishness and vote down the gentleman's amendment.

Mr. SMITH of Iowa. I think it is a very clear amendment. Let us vote.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA TO THE AMENDMENT OFFERED BY MR. FRENZEL

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida to the amendment offered by Mr. FRENZEL: Before the period at the end of the amendment, insert: ": *Provided*, That any reduction made by this section shall not apply to any appropriation in this Act for the Federal Bureau of Investigation.".

Mr. YOUNG of Florida. Mr. Chairman, although we did not get to consider the amendments that I offered earlier dealing with the additional funding for the FBI's counterterrorist programs, I certainly would like to make sure that we do not reduce them any further. That is the whole purpose of this particular amendment. I just hope that our colleagues consider the FBI's battle against terrorism important enough that we will at least protect this from any further cut and that is it. If specifically excludes the FBI account in this appropriations bill from this 4-percent cut.

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. YOUNG of Florida. I am happy to yield, yes.

Mr. HUGHES. Mr. Chairman, I think the gentleman's amendment is certainly an improvement, because we are talking about a potential cut of about 1,000 positions for the FBI, but the gentleman does not deal with the problems that will be faced by the Drug Enforcement Administration, because according to my calculations we would have to cut about 140 workyears out of the DEA budget. That means 70 agents would have to go.

We would have to cut the Intelligence Analysis Program, the Diversion Control Inspector's Program, laboratory chemists would have to be let go.

A 4-percent cut in the area of the U.S. attorney and U.S. marshals means that we would have to cut about 560 positions at a time when in fact we need more positions for U.S. attorneys. We cannot in fact prosecute more cases without more U.S. attorneys.

This 4-percent cut would make it very difficult really for us to maintain the present levels of prosecution.

We just passed last year the comprehensive crime control bill. In that legislation we have new laws dealing with drug traffickers, money launderers, white-collar criminals, child pornography, all those new initiatives have to be funded. We do not have enough moneys to fund at last year's level, because it is in essence a freeze.

If this 4-percent cut would be effective, we would have to cut in those programs. We could not implement those new crime initiatives.

So even though I think the gentleman's amendment is an improvement because it does fence the FBI cuts, it does nothing about these other law enforcement areas.

I say to my colleagues, we are great around here at sending signals, but when it come to sending the money, the resources to do something about the crime problem, we take a walk.

It sound good to vote for a 4-percent across-the-board cut, but when you get right down to it, if you really are for good, effective drug enforcement, if you really want to do something about terrorism and all the other problems that people have great concerns about in this country, then now is the time to reject the 4-percent cut.

Even though the gentleman's amendment I think is attractive and I will probably support it because it is a step in the right direction, we have got to defeat the Frenzel-Jones amendment.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman's support for my amendment to the amendment.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Florida discused this amendment with me earlier. I thought at the time he was going to try to exempt some FBI antiterrorist expenditures from my amendment. Apparently he could not because of the way the bill was structured.

The FBI, of course, gets over $1,100,000,000. If the amendment of the gentleman from Florida is accepted, it will kill about 10 percent of the savings that are included in my amendment. That will vitiate the amendment, in my judgment, and will result in a freeze not being achieved.

For those who are worried about the FBI, it is getting $147,000,000 under the committee bill. Under my amendment, it gets $146,000,000, which is a freeze.

For the DEA, even giving effect to my amendment, instead of getting $329.9 million, it will get $339 million; so it is going to get a $10 million increase anyway.

For those who will cry about the various programs, I am very sorry. I do not blame them for wanting to preserve what they think are meritorious programs.

I will say again what I said earlier, Mr. Chairman. Unfortunately, we cannot reduce spending without cutting something.

So for those for whom a certain program in here goes beyond the needs of the budget, goes beyond the U.S. economy, goes beyond the Republic, and the needs of our taxpayers, then, yes, vote down my amendment if you must. But, if you really believe in making some savings, if you are committed to a freeze, if you went home and told your constituents you are going to support a freeze, then you ought to vote for my amendment.

Mr. EARLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Frenzel-Jones amendment, two usually very responsible Members; but here we have an amendment of which they could have come in on any individual account and offered the amendment to cut, but they did not, because they want to hide behind an across-the-board cut.

I ask this House to go to title 2, the Department of Justice. In that particular section, the only amendment added today was the Legal Services, that added $500,000.

Neither one of them appeared on the floor to oppose that amendment.

Legal Services is funded at the amount it was funded last year.

On the Antitrust Division, this amendment will take the Antitrust Division to less money than it had last year.

To the U.S. attorneys and marshals, last year as the gentleman from New Jersey [Mr. HUGHES] led the fight to pass the Crime Control Act, we put a ton of responsibilities in there. Now we must have the staff to do it. This will cut those particular positions.

With regard to the FBI, I applaud the gentleman from Florida, because he stood in here today with the rest of us and tried to add money for foreign counterterrorism.

We added money for domestic terrorism. Everyone stood for it. We added $8.5 million just to let them do what they did last year.

Now the two gentlemen want to come in here and cut the FBI, not just what we added on domestic terrorism, not what we are going to try to get on foreign terrorism, but they want to cut the FBI to less than what they had last year.

Is that responsible?

With regard to immigration and naturalization, this bill has less money than they had last year. The Chairman has a steady flow of Members in this House, especially from Texas, asking for an increase. This has less in INS than they had last year. The two gentlemen want to reduce it another $19 million. Everyone is for drug enforcement. Everyone wants to cut back on these abuses. These two gentlemen want an amendment which they can hide under because it is across the board, which will give DEA less money than they had last year.

With respect to prisons, this bill has less money in it than they had in 1985.

□ 1840

In 1984, we had five correctional guards murdered in our prisons and everyone was upset.

We want to give them less in the bill now, and the gentlemen want to reduce it ever further and at the same time, they want to open up a new facility, the Oakdale, LA, Alien Detention Center, and they want to build buildings in La Tuna, TX, Butner, NC, Milan, MI, Montgomery, AL, Allenwood, PA, Otisville, NY, Seagoville, TX, and a few other places.

You have to put guards in prisons. The two gentlemen want to just cut across the board.

You can go on and on. I think we must be responsible.

Would the two gentlemen tell us what they want to cut with regard to the Department of Justice? Tell us what agency they want to cut?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. EARLY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank my friend for yielding. I think he has made a very profound statement.

I would just like to make one very brief comment, that my friend from Minnesota, Mr. FRENZEL, made the point that this would freeze the FBI's activities in the field of antiterrorism, counterterrorism. What I would like to say to my friend from Minnesota is that the terrorists of the world are not freezing their activities. They are not freezing their ability to raise money. They are, in fact, expanding their terrorist activities, and it is time that we do something to put a stop to it.

I thank the gentleman for yielding.

Mr. EARLY. I hope the amendment is defeated.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. EARLY. I yield to the gentleman from Florida.

Mr. MICA. I would just like to point out that this discussion is on domestic terrorism and I understand we are talking about a 4-percent cut. The Members should also know that there is about $500 million in here for Embassy security that was voted on, virtually unanimously, and supported by every Member of this body.

So while we are trying to fight international terrorism, the gentleman is proposing to cut moneys for counterterrorism that every Member of this body said was necessary.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. EARLY. I yield to the gentleman from New Jersey.

Mr. HUGHES. Something else. Most of the Members here during reelection last year pointed with great pride, and justifiably so, to the omnibus crime bill.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. EARLY] has expired.

(On request of Mr. HUGHES and by unanimous consent, Mr. EARLY was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. If the gentleman will continue to yield, Members pointed with great pride to the omnibus crime bill. It was ushered in as the most sweeping, the most far reaching and the most comprehensive, the most hard-hitting crime legislation that we have seen in perhaps this century, if not in the history of the Congress.

I would say that if, in fact, we are successful, if in fact, my colleagues are successful in affecting this 4-percent cut, it will be in effect a repeal of the crime legislation. You cannot possibly usher in 56 new measures dealing with law enforcement and not expect to provide the troops to carry out the investigations and the prosecutions.

In effect, what this legislation would be, would be to turn the clock back and we would lose resources. It is not a freeze. We would lose resources. We would lose resources in the DEA and we would lose resources in the U.S. Marshal Service. We would lose U.S. attorneys and we would lose FBI.

If that is what this Congress wants to do, I think they ought to know exactly what the net effect of this 4-percent cut is going to be.

Mr. EARLY. The only thing we really lose with this amendment is we lose all of our integrity for responsible voting. I certainly hope the amendment is rejected.

Mr. O'BRIEN. Mr. Chairman, I move to strike the last word.

While I am usually far less temperate and much more emotional than my friend from Massachusetts, I generally subscribe to his comments. But in the classic words of Al Smith, I would like to say let us look at the record.

When you look at this entire bill, we came in with a pretty good case, and now we have taken $20 million off intelligence organizations, we have taken $95 million off of SBA, we have taken $2.7 million off Radio Marti.

So with floor amendments, we have already brought our bill down in excess of $117 million. That means the bill is now $11.9 billion, and that is $120 million below the budget allocation as it might be, and $136 million below 1985.

I urge the defeat of the Frenzel amendment and support of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. YOUNG] to the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 266, not voting 18, as follows:

[Roll No. 237]

AYES—149

Applegate	Dorgan (ND)	Kramer
Archer	Dreier	LaFalce
Armey	Dyson	Lagomarsino
AuCoin	English	Latta
Badham	Evans (IA)	Leach (IA)
Bartlett	Fawell	Lightfoot
Barton	Fiedler	Loeffler
Bennett	Fields	Lott
Bentley	Franklin	Lujan
Bereuter	Frenzel	Madigan
Bliley	Gekas	Martin (IL)
Boulter	Gingrich	McCandless
Breaux	Goodling	McEwen
Brown (CO)	Gordon	McGrath
Broyhill	Gradison	McKernan
Callahan	Gregg	McKinney
Campbell	Grotberg	McMillan
Carper	Gunderson	Meyers
Chandler	Hamilton	Michel
Chappie	Hansen	Miller (OH)
Cheney	Hartnett	Miller (WA)
Coats	Hendon	Molinari
Cobey	Hertel	Monson
Coble	Hiler	Montgomery
Coleman (MO)	Holt	Moore
Combest	Hopkins	Moorhead
Cooper	Hubbard	Murphy
Coughlin	Huckaby	Nielson
Craig	Jacobs	Oxley
Daniel	Jeffords	Packard
Daub	Johnson	Pashayan
Davis	Jones (OK)	Penny
DeLay	Kasich	Petri
Dickinson	Kindness	Pickle
DioGuardi	Kolbe	Quillen

Ray	Shuster	Swindall
Ritter	Slaughter	Tauke
Roberts	Smith (NE)	Taylor
Roemer	Smith (NH)	Thomas (CA)
Roth	Smith, Denny	Vander Jagt
Roukema	Smith, Robert	Volkmer
Rowland (CT)	Snyder	Vucanovich
Russo	Solomon	Walker
Saxton	Spence	Weaver
Schaefer	Stangeland	Weber
Schroeder	Stenholm	Whittaker
Schulze	Strang	Wortley
Sensenbrenner	Stump	Wylie
Sharp	Sundquist	Zschau
Shumway	Sweeney	

NOES—266

Ackerman	Florio	McCurdy
Addabbo	Foglietta	McDade
Akaka	Foley	McHugh
Alexander	Ford (MI)	Mica
Anderson	Ford (TN)	Mikulski
Andrews	Fowler	Miller (CA)
Annunzio	Frank	Mineta
Anthony	Frost	Mitchell
Aspin	Gallo	Moakley
Atkins	Garcia	Mollohan
Barnard	Gaydos	Moody
Barnes	Gejdenson	Morrison (CT)
Bateman	Gephardt	Morrison (WA)
Bates	Gibbons	Mrazek
Bedell	Gilman	Murtha
Beilenson	Glickman	Myers
Berman	Gonzalez	Natcher
Bevill	Gray (IL)	Neal
Biaggi	Green	Nelson
Bilirakis	Guarini	Nichols
Boehlert	Hall (OH)	Nowak
Boggs	Hammerschmidt	O'Brien
Boland	Hatcher	Oakar
Boner (TN)	Hawkins	Oberstar
Bonker	Hayes	Obey
Borski	Henry	Olin
Bosco	Hillis	Ortiz
Boucher	Horton	Owens
Boxer	Howard	Panetta
Brooks	Hoyer	Parris
Broomfield	Hughes	Pease
Brown (CA)	Hunter	Pepper
Bruce	Hutto	Perkins
Bryant	Hyde	Porter
Burton (CA)	Ireland	Price
Burton (IN)	Jenkins	Pursell
Bustamante	Jones (NC)	Rahall
Byron	Jones (TN)	Rangel
Carney	Kanjorski	Regula
Carr	Kaptur	Reid
Chappell	Kastenmeier	Richardson
Clay	Kennelly	Ridge
Clinger	Kildee	Rinaldo
Coelho	Kleczka	Robinson
Coleman (TX)	Kolter	Rodino
Collins	Kostmayer	Roe
Conte	Lantos	Rogers
Conyers	Leath (TX)	Rose
Courter	Lehman (CA)	Rostenkowski
Coyne	Lehman (FL)	Rowland (GA)
Darden	Leland	Roybal
Daschle	Lent	Rudd
de la Garza	Levin (MI)	Sabo
Dellums	Levine (CA)	Savage
Derrick	Lewis (CA)	Scheuer
DeWine	Lewis (FL)	Schuette
Dicks	Lipinski	Schumer
Dixon	Livingston	Seiberling
Donnelly	Lloyd	Shaw
Dowdy	Long	Shelby
Downey	Lowery (CA)	Sikorski
Duncan	Lowry (WA)	Sisisky
Durbin	Luken	Skeen
Dwyer	Lundine	Skelton
Dymally	Lungren	Slattery
Early	Mack	Smith (FL)
Eckart (OH)	MacKay	Smith (IA)
Edgar	Manton	Smith (NJ)
Edwards (CA)	Markey	Snowe
Edwards (OK)	Marlenee	Solarz
Emerson	Martin (NY)	Spratt
Erdreich	Martinez	St Germain
Evans (IL)	Matsui	Staggers
Fascell	Mavroules	Stallings
Fazio	Mazzoli	Stark
Feighan	McCain	Stokes
Fish	McCloskey	Studds
Flippo	McCollum	Swift
Synar	Visclosky	Wise
Tallon	Walgren	Wolf
Tauzin	Watkins	Wolpe
Thomas (GA)	Waxman	Wright
Torricelli	Weiss	Wyden
Towns	Wheat	Yates
Traficant	Whitehurst	Yatron
Traxler	Whitley	Young (AK)
Udall	Williams	Young (FL)
Valentine	Wilson	Young (MO)
Vento	Wirth	

NOT VOTING—18

Bonior (MI)	Eckert (NY)	Kemp
Crane	Fuqua	Schneider
Crockett	Gray (PA)	Siljander
Dannemeyer	Hall, Ralph	Stratton
Dingell	Hefner	Torres
Dornan (CA)	Heftel	Whitten

□ 1900

Messrs. MOODY, EDWARDS of Oklahoma, and BILIRAKIS changed their votes from "aye" to "no."

Mr. VOLKMER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall be very brief, but I think that it is important that I respond to remarks that were made earlier that I consider very unfair and ought to be corrected.

The gentleman from the other side of the aisle who opposes Mr. DEWINE, who will make a motion when the motion to rise is made, to defeat the motion to rise, charged Mr. DEWINE with perhaps an unfairness; doing something dangerous in that his amendment which he seeks to offer, which is a limitation on the expenditure of appropriated funds, and will be made following a procedural motion.

Now I think the remarks critical of Mr. DEWINE, confuse the victim with the victimizer. Last Congress, the majority party, rankling at the limitation of expenditures that were offered on the floor, changed the rules and erected a very high fence; a wall between Members who seek to offer limitations on spending as amendments to an appropriations bill.

This rule, which is XXI, subparagraph 2, says that the only time you can offer those amendments is if you defeat a motion to rise. Now that is a very high procedural wall; it is a very difficult test to meet, but Members of this body who have amendments which are important to them and important to other Members of this body ought to have an opportunity to present them for debate and vote.

No matter how tough the rules are, no matter how narrow the road or how small the eye of the needle that one must thread, to offer an amendment that limits spending on this appropriation bill; if that is the way the rules are drafted, that is what we will have to accommodate, but to charge somebody or to imply, rather, that somebody is doing a dangerous thing because someone must abide by the rules that have been established by the majority party seems to me very unfair.

Now, limitations on appropriations are a time-honored amendment in this Chamber. During the Vietnam war they were offered regularly and routinely and were hallowed, I might add; but when the subject, the uncomfortable, depressing subject of abortion comes along, nobody likes to deal with it; I do not like to deal with it—who likes to deal with such a tragic, difficult issue?

It is a matter of life and death to many of us and if Mr. DEWINE has an amendment that restricts the Legal Services Corporation from using taxpayers dollars to engage in litigation on abortion, he ought to be heard; he ought to have his chance. That is what this whole body is all about; debate, democracy, and voting.

So the difficult procedural vote that of necessity you have imposed on him, do not blame him for; do not say he is doing the dangerous thing.

Now this procedure has been used once, I might add. October 27, 1983, Representative SMITH of New Jersey had an amendment having to do with the Treasury and Postal bill, and a motion to rise was made, and it was defeated, and Mr. SMITH's amendment was passed.

I might point out that while it comes in the guise, or is clothed as a procedural amendment, Planned Parenthood counted it as an abortion vote one way or the other, so did the National Right to Life.

I regret that we have to go through this convoluted procedure to get an amendment up here that a Member has a right to offer and that we have a right to have debated and voted on.

□ 1910

But you have set the rules, and we are just abiding by them.

I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as "the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986".

The CHAIRMAN. Are there further amendments to the bill not prohibited by clause 2(c) of rule XXI?

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

In just a moment, I am going to make the motion to rise and report the bill back to the House with amendment.

I want to point out that I do not know to whom the gentleman from Illinois is referring, but nobody at this table that I know of made any disparaging remarks about anybody's amendment. The point is this: If this motion does not carry, there will be

more than one amendment. There is at least one on the line-item veto. There might be half a dozen others. It will probably take us another day on this bill, and we cannot possibly conclude by tomorrow night the program that was previously announced.

It is just necessary to pass this. And this is also in accordance with the rules of the House.

So I am asking an aye vote on the motion to rise.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield on that point?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. LUNGREN. Is it not correct, under the rules of the House, that if the gentleman from Ohio were to offer his amendment and that amendment were to be adopted, the Chairman of the Committee would have the right at that point in time to renew his request that the Committee do now rise?

Mr. SMITH of Iowa. You can renew the request each time an amendment is offered. I do not know who would be recognized first, either.

Mr. LUNGREN. As I understand, if you move at this time and that is defeated, and the gentleman from Ohio offers this single amendment, you then have the right to get up and to have us again vote on the Committee rising.

Mr. SMITH of Iowa. Tomorrow afternoon we could get the bill up, if the gentleman from Ohio is recognized first, and then make the same motion to rise prior to somebody else making another amendment.

Mr. Chairman, at this time I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Iowa) there were—ayes 147, noes 132.

RECORDED VOTE

Mr. DEWINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 232, not voting 18, as follows:

[Roll No. 238]

AYES—183

Ackerman	Bennett	Bustamante
Addabbo	Berman	Byron
Akaka	Bevill	Carper
Alexander	Boehlert	Carr
Anderson	Boner (TN)	Chandler
Andrews	Bosco	Chappell
Anthony	Boucher	Clay
Atkins	Boxer	Coelho
AuCoin	Brooks	Coleman (TX)
Barnes	Brown (CA)	Collins
Bates	Bryant	Conyers
Beilenson	Burton (CA)	Cooper
Coyne	Jacobs	Rahall
Daschle	Jenkins	Rangel
Dellums	Johnson	Richardson
Derrick	Jones (NC)	Rodino
Dicks	Jones (OK)	Rose
Dixon	Jones (TN)	Roukema
Downey	Kaptur	Rowland (GA)
Dwyer	Kastenmeier	Roybal
Dymally	Kolbe	Sabo
Early	Kostmayer	Savage
Eckart (OH)	Lantos	Scheuer
Edgar	Lehman (CA)	Schroeder
Edwards (CA)	Lehman (FL)	Schumer
Erdreich	Leland	Seiberling
Evans (IL)	Levin (MI)	Sisisky
Fascell	Levine (CA)	Smith (FL)
Fawell	Lowry (WA)	Smith (IA)
Fazio	Lundine	Snowe
Feighan	MacKay	Solarz
Flippo	Markey	Spratt
Florio	Martin (IL)	Staggers
Foglietta	Martinez	Stark
Foley	Matsui	Stokes
Ford (MI)	McCurdy	Studds
Ford (TN)	McHugh	Swift
Fowler	McKernan	Synar
Frank	McKinney	Thomas (CA)
Frenzel	Meyers	Thomas (GA)
Frost	Mica	Torricelli
Gallo	Mikulski	Towns
Garcia	Miller (CA)	Traficant
Gejdenson	Mineta	Udall
Gekas	Mitchell	Valentine
Gilman	Moody	Visclosky
Glickman	Morrison (CT)	Watkins
Gonzalez	Morrison (WA)	Waxman
Gordon	Mrazek	Weaver
Gray (PA)	Myers	Weiss
Green	Neal	Wheat
Guarini	Oakar	Whitley
Hall (OH)	Obey	Whittaker
Hamilton	Olin	Williams
Hatcher	Ortiz	Wilson
Hawkins	Owens	Wirth
Hayes	Panetta	Wise
Horton	Pease	Wolpe
Howard	Pepper	Wright
Hoyer	Perkins	Wyden
Hughes	Pickle	Yates

NOES—232

Annunzio	Daub	Hunter
Applegate	Davis	Hutto
Archer	de la Garza	Hyde
Armey	DeLay	Ireland
Aspin	DeWine	Jeffords
Badham	Dickinson	Kanjorski
Barnard	DioGuardi	Kasich
Bartlett	Donnelly	Kemp
Barton	Dorgan (ND)	Kildee
Bateman	Dowdy	Kindness
Bedell	Dreier	Kleczka
Bentley	Duncan	Kolter
Bereuter	Durbin	Kramer
Biaggi	Dyson	LaFalce
Bilirakis	Edwards (OK)	Lagomarsino
Bliley	Emerson	Latta
Boggs	English	Leach (IA)
Boland	Evans (IA)	Leath (TX)
Bonker	Fiedler	Lent
Borski	Fields	Lewis (CA)
Boulter	Fish	Lewis (FL)
Breaux	Franklin	Lightfoot
Broomfield	Gaydos	Lipinski
Brown (CO)	Gephardt	Livingston
Broyhill	Gibbons	Lloyd
Bruce	Gingrich	Loeffler
Burton (IN)	Goodling	Long
Callahan	Gradison	Lott
Campbell	Gray (IL)	Lowery (CA)
Carney	Gregg	Lujan
Chappie	Grotberg	Luken
Cheney	Gunderson	Lungren
Clinger	Hammerschmidt	Mack
Coats	Hansen	Madigan
Cobey	Hartnett	Manton
Coble	Hendon	Marlenee
Coleman (MO)	Henry	Martin (NY)
Combest	Hertel	Mavroules
Conte	Hiler	Mazzoli
Coughlin	Hillis	McCain
Courter	Holt	McCandless
Craig	Hopkins	McCloskey
Daniel	Hubbard	McCollum
Darden	Huckaby	McDade
McEwen	Ridge	Solomon
McGrath	Rinaldo	Spence
McMillan	Ritter	St Germain
Michel	Roberts	Stallings
Miller (OH)	Robinson	Stangeland
Miller (WA)	Roe	Stenholm
Moakley	Roemer	Strang
Molinari	Rogers	Stratton
Mollohan	Rostenkowski	Stump
Monson	Roth	Sundquist
Montgomery	Rowland (CT)	Sweeney
Moore	Rudd	Swindall
Moorhead	Russo	Tallon
Murphy	Saxton	Tauke
Murtha	Schaefer	Tauzin
Natcher	Schuette	Taylor
Nelson	Schulze	Vander Jagt
Nichols	Sensenbrenner	Vento
Nielson	Sharp	Volkmer
Nowak	Shaw	Vucanovich
O'Brien	Shelby	Walgren
Oberstar	Shumway	Walker
Oxley	Shuster	Weber
Packard	Sikorski	Whitehurst
Parris	Skeen	Wolf
Pashayan	Skelton	Wortley
Penny	Slattery	Wylie
Petri	Slaughter	Yatron
Porter	Smith (NE)	Young (AK)
Price	Smith (NH)	Young (FL)
Pursell	Smith (NJ)	Young (MO)
Ray	Smith, Denny	Zschau
Regula	Smith, Robert	
Reid	Snyder	

NOT VOTING—18

Bonior (MI)	Eckert (NY)	Quillen
Crane	Fuqua	Schneider
Crockett	Hall, Ralph	Siljander
Dannemeyer	Hefner	Torres
Dingell	Heftel	Traxler
Dornan (CA)	Kennelly	Whitten

□ 1930

Mr. ASPIN changed his vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DE WINE

Mr. DEWINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEWINE: On page 47, after line 11, add the following new section:

"SEC. 606. None of the funds appropriated by the Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion."

Mr. DEWINE. Mr. Chairman, the hour is late. I will speak no more than 60 seconds. I think everyone knows what the issue is.

The question is very basic and simple and it is contained in the language of the amendment: None of the funds appropriated by the act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation.

The key word is "litigation" with respect to abortion. That is all this does. Tax dollars are not involved for litigation involving abortion.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the gentleman indicated, everybody knows what the issue is. I think it is a foregone conclusion what the vote would be. Why don't we get it over with quickly? I

would hope that no one else would speak extensively.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be extremely brief, as is fitting for this time.

There are two other amendments that are proposed to be offered. We would like to have the opportunity to offer them. The opportunity under the rule is available for the gentleman from Iowa to move again to rise.

One of the amendments to be offered has to do with the limitation of funds not to be used by the Department of Justice or the Legal Services Corporation or its grantees to interfere with the voluntary exercise of individual or group prayer in public schools.

The other amendment has to do with the issue of abortion with relation to the Small Business Administration.

Those are the two that I know of. I would just like to urge the adoption of the pending amendment and the opportunity to be available for the other two issues to be considered as well. None of them has to take very much time. I think all of us would expect that to be a fair procedure, once the vote has already been cast against the motion to rise. These will go very quickly.

● Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of Mr. DEWINE's amendment to proscribe the use of LSC funds in abortion cases.

I commend the gentleman from Ohio, a member of the Judiciary Committee, for offering this important amendment today.

I will be brief this evening and would suggest to my colleagues that this amendment should be supported for at least two principal reasons:

First, there is a growing recognition among Members of this body that abortion terminates the lives of children, and that abortion methods including injection of saltwater into the baby in order to poison the child, literal dismemberment, and other methods, are wrong. Thus we have annually approved the Hyde amendment and other similar enactments. The amendment today clearly and unambiguously ends LSC involvement in abortion litigation.

Let me say that if abortion rights groups want to challenge local ordinances, State statutes or other laws relevant to abortion, that's their right, but they will have to do so with their own attorneys, their own funds, not Uncle Sam's.

The second reason for supporting this amendment stems from the fact that absent this limitation language, scarce funds in the LSC account could well be diverted from the essential mission of Legal Services—the defense of poor people—and could be channeled into costly abortion advocacy litigation.

I urge support for the DeWine amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. DEWINE].

The amendment was agreed to.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KINDNESS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 185, not voting 21, as follows:

[Roll No. 239]

AYES—227

Ackerman	Dowdy	Jones (NC)
Addabbo	Downey	Jones (OK)
Akaka	Durbin	Jones (TN)
Alexander	Dwyer	Kanjorski
Anderson	Dymally	Kaptur
Andrews	Early	Kastenmeier
Annunzio	Eckart (OH)	Kildee
Anthony	Edgar	Kleczka
Aspin	Edwards (CA)	Kolbe
Atkins	Erdreich	Kolter
AuCoin	Evans (IA)	Kostmayer
Barnes	Evans (IL)	LaFalce
Bates	Fascell	Lantos
Bedell	Fawell	Leath (TX)
Beilenson	Fazio	Lehman (CA)
Bennett	Feighan	Lehman (FL)
Berman	Florio	Leland
Bevill	Foglietta	Levin (MI)
Biaggi	Foley	Levine (CA)
Boehlert	Ford (MI)	Lowry (WA)
Boland	Ford (TN)	Luken
Boner (TN)	Fowler	MacKay
Bonker	Frank	Manton
Borski	Frenzel	Markey
Bosco	Frost	Martin (IL)
Boucher	Gaydos	Martinez
Boxer	Gejdenson	Matsui
Brooks	Gekas	Mavroules
Brown (CA)	Gephardt	McCloskey
Bruce	Gibbons	McCurdy
Bryant	Gilman	McDade
Burton (CA)	Glickman	McHugh
Bustamante	Gonzalez	McKernan
Byron	Gordon	McKinney
Carper	Gray (IL)	Meyers
Carr	Gray (PA)	Mica
Chandler	Green	Mikulski
Chappell	Grotberg	Miller (CA)
Clay	Guarini	Mineta
Coelho	Gunderson	Mitchell
Coleman (TX)	Hall (OH)	Moakley
Collins	Hamilton	Moody
Conte	Hatcher	Morrison (CT)
Conyers	Hawkins	Morrison (WA)
Cooper	Hayes	Mrazek
Coyne	Hertel	Murtha
Daschle	Horton	Myers
de la Garza	Howard	Natcher
Dellums	Hoyer	Neal
Derrick	Hughes	Nowak
Dickinson	Jacobs	Oakar
Dixon	Jeffords	Oberstar
Donnelly	Jenkins	Obey
Dorgan (ND)	Johnson	Olin
Ortiz	Schroeder	Traficant
Owens	Schumer	Traxler
Panetta	Seiberling	Udall
Pease	Sharp	Vento
Penny	Sikorski	Visclosky
Pepper	Sisisky	Walgren
Perkins	Slattery	Watkins
Pickle	Smith (FL)	Waxman
Price	Smith (IA)	Weaver
Pursell	Snowe	Weiss
Rahall	Solarz	Wheat
Rangel	Spratt	Whitley
Richardson	Staggers	Williams
Rodino	Stallings	Wilson
Roe	Stark	Wirth
Rose	Stokes	Wise
Rostenkowski	Studds	Wolpe
Roukema	Synar	Wright
Roybal	Thomas (CA)	Wyden
Sabo	Thomas (GA)	Yates
Savage	Torricelli	Young (MO)
Scheuer	Towns	

NOES—185

Applegate	Hillis	Regula
Archer	Holt	Reid
Armey	Hopkins	Ridge
Badham	Hubbard	Rinaldo
Barnard	Huckaby	Ritter
Bartlett	Hunter	Roberts
Barton	Hutto	Robinson
Bateman	Hyde	Roemer
Bentley	Ireland	Rogers
Bereuter	Kasich	Roth
Bilirakis	Kemp	Rowland (CT)
Bliley	Kindness	Rowland (GA)
Boggs	Kramer	Russo
Boulter	Lagomarsino	Saxton
Breaux	Latta	Schaefer
Broomfield	Leach (IA)	Schuette
Brown (CO)	Lent	Schulze
Broyhill	Lewis (CA)	Sensenbrenner
Burton (IN)	Lewis (FL)	Shaw
Callahan	Lightfoot	Shelby
Campbell	Lipinski	Shumway
Carney	Livingston	Shuster
Chappie	Lloyd	Skeen
Cheney	Loeffler	Skelton
Clinger	Long	Slaughter
Coats	Lott	Smith (NE)
Cobey	Lowery (CA)	Smith (NH)
Coble	Lujan	Smith (NJ)
Coleman (MO)	Lungren	Smith, Denny
Combest	Mack	Smith, Robert
Coughlin	Madigan	Snyder
Courter	Marlenee	Solomon
Craig	Martin (NY)	Spence
Daniel	Mazzoli	St Germain
Darden	McCain	Stangeland
Daub	McCandless	Stenholm
Davis	McCollum	Strang
DeLay	McEwen	Stratton
DeWine	McGrath	Stump
DioGuardi	McMillan	Sundquist
Dreier	Michel	Sweeney
Duncan	Miller (OH)	Swindall
Dyson	Miller (WA)	Tallon
Edwards (OK)	Molinari	Tauke
Emerson	Mollohan	Tauzin
English	Monson	Taylor
Fiedler	Montgomery	Valentine
Fields	Moore	Vander Jagt
Fish	Moorhead	Volkmer
Flippo	Murphy	Vucanovich
Franklin	Nelson	Walker
Gallo	Nichols	Weber
Gingrich	Nielson	Whitehurst
Goodling	O'Brien	Whittaker
Gradison	Oxley	Wolf
Gregg	Packard	Wortley
Hammerschmidt	Parris	Wylie
Hansen	Pashayan	Yatron
Hartnett	Petri	Young (AK)
Hendon	Porter	Young (FL)
Henry	Quillen	Zschau
Hiler	Ray	

NOT VOTING—21

Bonior (MI)	Eckert (NY)	Lundine
Crane	Fuqua	Rudd
Crockett	Garcia	Schneider
Dannemeyer	Hall, Ralph	Siljander
Dicks	Hefner	Swift
Dingell	Heftel	Torres
Dornan (CA)	Kennelly	Whitten

□ 1950

Mr. MOLLOHAN and Mr. LUJAN changed their votes from "aye" to "no."

Mr. GEKAS and Mr. THOMAS of California changed their votes from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Accordingly the Committee does now rise.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GEPHARDT] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2965) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. YOUNG of Florida. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. YOUNG of Florida moves to recommit the bill, H.R. 2965, to the Committee on Appropriations with instructions to report the same to the House forthwith with the following amendment:

On page 15, line 4 strike "$1,194,132,000" and insert "$1,203,625,000".

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SMITH of Iowa. Mr. Speaker, I am very reluctant to do this, but I feel that I must. This would add budget authority for the fiscal year 1986.

The rule waives points of order against provisions in the bill, but not amendments, and amendments in this case would include the motion to recommit, so it would still be in violation, the same as if it were an amendment offered in the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. YOUNG].

PARLIAMENTARY INQUIRY

Mr. YOUNG of Florida. Mr. Speaker, before responding to the point of order, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. YOUNG of Florida. Mr. Speaker, I wonder if the Chair or the gentleman from Iowa would state specifically the rule that prohibits the use of a motion to recommit and would make it apply the same as the rule did under the question of authorization.

Mr. SMITH of Iowa. Mr. Speaker, may I reply to the gentleman?

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] is recognized.

Mr. SMITH of Iowa. Mr. Speaker, the bill cannot be brought up at all unless there is a waiver of the Budget Act, section 303. That is what was done here and it was done in a very specific way and a very limited way. It did not include making amendments through a motion to recommit or through amendments either one that increase the budget authority under the bill.

The SPEAKER pro tempore. The Chair will state that instructions in the pending motion to recommit propose an amendment to the bill and therefore are subject to any point of order which would lie against the amendment proposed in the motion.

Mr. YOUNG of Florida. Mr. Speaker, let me respond then to the point of order if I may.

The SPEAKER pro tempore. The gentleman from Florida [Mr. YOUNG] is recognized.

Mr. YOUNG of Florida. Mr. Speaker, I searched the rules and, frankly, I did not find a rule that I felt had any precedence assigned to that rule or a rule itself that would preclude a motion to recommit, so I searched the precedents.

I found in Deschler's Precedents this following statement:

The Chairman of the Committee of the Whole declined to determine in response to parliamentary inquiries whether a motion in the House to recommit with instructions could include an amendment not in order in Committee under a modified closed rule.

This took place on August 8 of 1974 when consideration of H.R. 1690 was before the House; so I would submit that not only did we not find a specific rule, but the precedent would seem to indicate that there is at least reasonable cause to believe that this amendment as part of a motion to recommit would be in order.

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. SMITH] wish to he heard?

Mr. SMITH of Iowa. Yes, Mr. Speaker.

Mr. Speaker, the precedent the gentleman cites was prior to the passage of the Budget Act and the Budget Act is incorporated in the rules of the House, so that changes everything.

The SPEAKER pro tempore. Does the gentleman from Florida [Mr. YOUNG] wish to be heard further?

Mr. YOUNG of Florida. Yes, Mr. Speaker.

Mr. Speaker, I just believe that the motion to recommit is separate and above the question that the gentleman from Iowa suggests.

As a matter of fact, we argued these points of order earlier in the day and I submitted at that time to the chairman of the committee that I would again submit to the Speaker of the House.

First of all, the first budget resolution is nonbinding, even if it had been passed. As we stand here tonight, the first budget resolution has not been passed by the Congress. The second budget resolution is not even up for consideration.

I suggest that I disagreed with the ruling of the Chairman of the Committee of the Whole House on the State of the Union. I do believe that there is ample reason to believe that this motion to recommit with instructions is in order. I feel very strongly about that. I think this precedent establishes that.

The SPEAKER pro tempore. The Chair will rule on the point of order.

The Chair states that the precedent that was cited related to the refusal of the Chairman of the Committee of the Whole to respond to an inquiry as to procedures back in the House, but in this case the Speaker is in the chair and therefore that precedent does not apply.

The Chair rules that section 303(a) of the Congressional Budget Act of 1974 states that it shall not be in order in either the House or the Senate to consider any bill or resolution or amendment thereto, which is the case here, which provides not budget authority for a fiscal year until the first concurrent resolution on the budget for such year has been agreed to.

For that reason, the Chair sustains the point of order.

□ 2000

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 273, nays 136, not voting 24, as follows:

[Roll No. 240]

YEAS—273

Ackerman	Frost	Nelson
Addabbo	Gallo	Nichols
Akaka	Gaydos	Nowak
Alexander	Gejdenson	O'Brien
Anderson	Gephardt	Oakar
Andrews	Gibbons	Oberstar
Annunzio	Gilman	Obey
Applegate	Glickman	Ortiz
Aspin	Gonzalez	Owens
Atkins	Goodling	Panetta
Barnard	Gordon	Parris
Barnes	Gray (IL)	Pease
Bateman	Green	Pepper
Bedell	Guarini	Perkins
Beilenson	Hall (OH)	Pickle
Bennett	Hamilton	Porter
Bentley	Hatcher	Price
Bereuter	Hawkins	Pursell
Berman	Hayes	Rahall
Bevill	Henry	Rangel
Biaggi	Horton	Regula
Bilirakis	Howard	Reid
Boehlert	Hoyer	Richardson
Boggs	Hughes	Ridge
Boland	Hutto	Rinaldo
Boner (TN)	Hyde	Robinson
Bonker	Jenkins	Rodino
Borski	Johnson	Roe
Bosco	Jones (NC)	Rogers
Boucher	Jones (TN)	Rose
Boxer	Kaptur	Rostenkowski
Breaux	Kastenmeier	Rowland (CT)
Brooks	Kildee	Rowland (GA)
Brown (CA)	Kleczka	Roybal
Bruce	Kolter	Russo
Bryant	Kostmayer	Sabo
Burton (CA)	LaFalce	Savage
Bustamante	Lantos	Saxton
Byron	Leach (IA)	Scheuer
Carper	Leath (TX)	Schuette
Carr	Lehman (CA)	Schumer
Chandler	Lehman (FL)	Seiberling
Chappell	Leland	Shaw
Clay	Lent	Sikorski
Clinger	Levin (MI)	Sisisky
Coelho	Levine (CA)	Skeen
Coleman (MO)	Lewis (CA)	Smith (FL)
Coleman (TX)	Lewis (FL)	Smith (IA)
Collins	Lipinski	Smith (NE)
Conte	Livingston	Smith (NJ)
Conyers	Lloyd	Snowe
Cooper	Loeffler	Snyder
Coyne	Long	Solarz
Darden	Lowery (CA)	Spratt
Daschle	Lowry (WA)	St Germain
Davis	Lujan	Staggers
de la Garza	Mack	Stallings
Dellums	MacKay	Stark
Derrick	Manton	Stokes
DeWine	Markey	Strang
Dixon	Martin (NY)	Stratton
Donnelly	Martinez	Studds
Dorgan (ND)	Matsui	Swift
Dowdy	Mavroules	Synar
Downey	Mazzoli	Tallon
Duncan	McCloskey	Tauzin
Durbin	McCollum	Thomas (GA)
Dwyer	McDade	Torricelli
Dymally	McGrath	Towns
Dyson	McHugh	Traficant
Early	McKernan	Traxler
Eckart (OH)	McKinney	Udall
Edgar	Mica	Valentine
Edwards (CA)	Mikulski	Vander Jagt
Emerson	Miller (CA)	Vento
Evans (IL)	Mineta	Visclosky
Fascell	Mitchell	Volkmer
Fawell	Moakley	Walgren
Fazio	Mollohan	Watkins
Feighan	Moody	Waxman
Fish	Moore	Weiss
Florio	Morrison (CT)	Wheat
Foglietta	Morrison (WA)	Whitehurst
Foley	Mrazek	Whitley
Ford (MI)	Murtha	Williams
Ford (TN)	Myers	Wilson
Fowler	Natcher	Wirth
Frank	Neal	Wise
Wolf	Wright	Yatron
Wolpe	Wyden	Young (AK)
Wortley	Yates	Young (MO)

NAYS—136

Anthony	Hammerschmidt	Oxley
Archer	Hansen	Packard
Armey	Hartnett	Pashayan
AuCoin	Hendon	Penny
Badham	Hertel	Petri
Bartlett	Hiler	Quillen
Barton	Hillis	Ray
Bliley	Holt	Ritter
Boulter	Hopkins	Roberts
Broomfield	Hubbard	Roemer
Brown (CO)	Huckaby	Roth
Broyhill	Hunter	Roukema
Burton (IN)	Ireland	Schaefer
Callahan	Jacobs	Schroeder
Campbell	Jeffords	Schulze
Carney	Jones (OK)	Sensenbrenner
Chappie	Kanjorski	Sharp
Cheney	Kasich	Shelby
Coats	Kemp	Shumway
Cobey	Kindness	Shuster
Coble	Kolbe	Slattery
Combest	Kramer	Slaughter
Coughlin	Lagomarsino	Smith (NH)
Courter	Latta	Smith, Denny
Craig	Lightfoot	Smith, Robert
Daniel	Lott	Solomon
Daub	Luken	Spence
DeLay	Lungren	Stangeland
Dickinson	Madigan	Stenholm
DioGuardi	Marlenee	Stump
Dreier	Martin (IL)	Sundquist
Edwards (OK)	McCain	Sweeney
English	McCandless	Swindall
Erdreich	McEwen	Tauke
Evans (IA)	McMillan	Taylor
Fiedler	Meyers	Thomas (CA)
Fields	Michel	Vucanovich
Flippo	Miller (OH)	Walker
Franklin	Miller (WA)	Weaver
Frenzel	Molinari	Weber
Gekas	Monson	Whittaker
Gingrich	Montgomery	Wylie
Gradison	Moorhead	Young (FL)
Gregg	Murphy	Zschau
Grotberg	Nielson	
Gunderson	Olin	

NOT VOTING—24

Bates	Eckert (NY)	Lundine
Bonior (MI)	Fuqua	McCurdy
Crane	Garcia	Rudd
Crockett	Gray (PA)	Schneider
Dannemeyer	Hall, Ralph	Siljander
Dicks	Hefner	Skelton
Dingell	Heftel	Torres
Dornan (CA)	Kennelly	Whitten

□ 2010

The Clerk announced the following pair:

On this vote:

Mrs. Schneider for, with Mr. Rudd against.

Mr. KANJORSKI changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS AND HUMAN RESOURCES OF THE COMMITTEE ON GOVERNMENT OPERATIONS TO MEET TOMORROW, THURSDAY, JULY 18, 1985 DURING THE 5-MINUTE RULE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Intergovernmental Relations and Human Resources of the Committee on Government Operations be permitted to meet tomorrow during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. FAWELL. Mr. Speaker, reserving the right to object, I would ask the gentleman, has this been cleared with the minority?

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, this has been indeed, cleared with the ranking minority member, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FAWELL. Further reserving the right to object, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, this is something that was cleared with me on provision that we did not meet in executive session to consider subpoenas tomorrow.

Mr. Speaker, it is my understanding it is going to be a hearing only and that that would be the order.

Mr. WEISS. Mr. Speaker, if the gentleman will yield, the gentleman from Pennsylvania [Mr. WALKER] is correct.

Mr. FAWELL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. WEISS]?

There was no objection.

□ 2020

PEACE TAX FUND

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, protection of the rights of Americans who hold conscientious objections to military service is a long established tradition of the United States.

The conscientious objector exemptions in the Selective Service law embody the respect which this country accords the principle of conscientious objection, a fundamental constitutional right.

Unfortunately, the Federal Tax Code does not evidence that same respect for the rights of conscientious objectors. Rather, it imposes on those Americans who have deeply held religious or philosophical objections to contributing to military expenditures the intolerable choice of violating either their conscience or our Tax Code.

The issue for these Americans is not approval or disapproval of any particu-

lar aspect of American military policy, such as the production of an individual weapons system or the deployment of American troops in a single action. For these Americans, the conflict is infinitely broader. Theirs is an absolute rejection of the expenditure of funds for military purposes, for weapons whose only potential use—either offensively or defensively—is the taking of life.

Our tax law requiring conscientious objectors to fund these military expenditures, undercuts the first amendment guarantees of their right to the free exercise of conscience.

While I do not share the conscientious objectors' total rejection of military expenditures, I have no doubt that we should recognize their right to exercise those beliefs. We should act to remove the conflict between tax law and conscience which hundreds of thousands of deeply principled Americans face every year.

To that end, today, with Congressman TOM TAUKE and 38 other cosponsors, I am introducing the U.S. Peace Tax Fund.

This legislation would allow conscientious objectors to have that portion of their taxes which would otherwise go to military expenditures to be paid instead into the Peace Tax Fund.

An 11-member Board, of which the President would appoint 9 members, would administer the fund. The President pro tempore of the Senate and the Speaker of the House would each appoint one member.

Fund revenues would support significant peace activities, such as retraining American workers displaced by conversion from military production or other military activities to civilian production and civilian activities or services; research directed toward developing and evaluating nonmilitary solutions to international conflict; disarmament efforts; and improvement of international health, education, and welfare.

To be eligible to have that portion of their taxes corresponding to the military component paid into the fund, a taxpayer would have to complete a separate IRS form in which the taxpayer would certify that he or she is conscientiously opposed to war in any form so as to meet the legal definition of a Conscientious Objector in the Military Service Act.

If the IRS disallowed the claim of conscientious objector status, the taxpayer would bear the burden of proof in a court challenge. The peace tax fund legislation does not reduce by 1 cent an individual's income tax liability. There is no financial incentive for an individual to misrepresent his or her views with respect to conscientious objector status.

Throughout our history, the United States has recognized in varying degrees the opposition of conscientious objectors to military activity; such persons have been accorded unique status in our constitutional and legal system. The long-established tradition of recognizing those profoundly held views now offers sound precedent for proceeding with this legislation.

The House should not divide on this legislation in the same manner and along the same ideological lines as we do when we consider the appropriate level of military spending for a particular fiscal year. Rather, the issue here is whether we will act to allow Americans with deeply held beliefs to obey both their consciences and our tax laws.

This legislation reaffirms a fundamental characteristic of the American Republic—respect for conscience.

THE GLOBAL ENVIRONMENT

(Mr. YATRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATRON. Mr. Speaker, last week I introduced H.R. 2957 and H.R. 2958 to address two critical international environmental problems: tropical deforestation and biological diversity.

Every year an area approximately the size of Pennsylvania is deforested. If this loss is not arrested, the consequences for both developed and developing nations could be catastrophic. Tropical forests are an essential source of food, medicines and other basic necessities for millions of people. Forests also help maintain soil quality, limit soil erosion, preserve climatic stability, modulate seasonal flooding, stabilize hillsides, and protect marine resources. They also contain two-thirds of the world's approximately 4.5 million plant and animal species. The devastating effects of deforestation are tragically displayed in the horrors of the African famine.

Biological diversity, which refers to wildlife preservation—both plant and animal—is related to tropical deforestation but is more comprehensive in scope. While the effects of wildlife loss parallel those of deforestation, the implications can be even more severe for the developed world. Scientists estimate that by the year 2,000, as many as 2 million species may be lost forever. The United States is becoming increasingly dependent on these diverse species for new medicines, food sources, and a host of critical industrial products. For example, our corn crop has been helped by the increased resistance to disease provided by crossing with Mexican wild grasses. The tropical periwinkle plant is important to the treatment of leukemia and other forms of cancer.

My bills are the result of extensive hearings I have conducted on these issues, as chairman of the Foreign Affairs Subcommittee on Human Rights and International Organizations. They do not authorize new spending, but seek to strengthen existing provisions of the Foreign Assistance Act pertaining to tropical deforestation and biological diversity. They call on the administration to accelerate efforts to incorporate measures for preserving forests and wildlife into foreign development assistance, design new projects and programs, and ensure that ongoing activities do not destroy these critical resources.

Clearly, deforestation and wildlife loss warrant an immediate, intensified effort. I appeal for your support for these measures to ensure U.S. military and economic security and sustained growth in the developing world.

The bills follow:

H.R. 2957

A bill to amend the Foreign Assistance Act of 1961 to protect tropical forests in developing countries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating section 118 (22 U.S.C. 2151p) as section 117;

(2) by striking out subsection (d) of that section; and

(3) by inserting after that section the following new section 118:

"SEC. 118. TROPICAL FORESTS.

"(a) IMPORTANCE OF FORESTS AND TREE COVER.—In enacting section 103(b)(3) of this Act the Congress recognized the importance of forests and tree cover to the developing countries. The Congress is particularly concerned about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries, which pose a serious threat to development and environment. Tropical forest destruction and loss—

"(1) result in shortages of wood, especially wood for fuel; loss of biologically productive wetlands; siltation of lakes, reservoirs, and irrigation systems; floods; destruction of indigenous peoples; extinction of plant and animal species; reduced capacity for food production; and loss of genetic resources; and

"(2) can result in decertification and destabilization of the earth's climate.

Properly managed tropical forests provide a sustained flow of resources essential to the economic growth of developing countries, as well as genetic resources of value to developed and developing countries alike.

"(b) PRIORITIES.—The concerns expressed in subsection (a) and the recommendations of the United States Interagency Task Force on Tropical Forests shall be given high priority by the President—

"(1) in formulating and carrying out programs and policies with respect to developing countries, including those relating to bilateral and multilateral assistance and those relating to private sector activities; and

"(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

"(c) ASSISTANCE TO DEVELOPING COUNTRIES.—In providing assistance to developing countries, the President shall place a high

priority on conservation and sustainable management of tropical forests and shall—

"(1) engage in dialogues and exchanges of information with recipient countries—

"(A) which stress the importance of conserving and sustainably managing forest resources for the long-term economic benefit of those countries, as well as the irreversible losses associated with forest destruction, and

"(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation;

"(2) support projects and activities—

"(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

"(B) which help developing countries identify and implement alternatives to colonizing forested areas;

"(3) support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests;

"(4) help end destructive slash-and-burn agriculture by supporting stable and productive farming practices in areas already cleared or degraded and on lands which inevitably will be settled, with special emphasis on demonstrating the feasibility of agroforestry techniques and on other kinds of small-scale, affordable, resource-conserving, low-risk, local projects which use technologies and methods suited to the local environment and traditional agricultural techniques and feature close consultation with and involvement of local people at all stages of project design and implementation;

"(5) help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded through support of reforestation, fuelwood, and other sustainable forestry projects and practices, making sure that local people are involved at all stages of project design and implementation;

"(6) support project and other activities to conserve forested watersheds and rehabilitate those which have been deforested, making sure that local people are involved at all stages of project design and implementation;

"(7) support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing, including reforestation, soil conservation, and other activities to rehabilitate degraded forest lands;

"(8) support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation, including research in agroforestry, small-scale farms and gardens, small-scale animal husbandry, wider application of traditional practices, and suitable crops and crop combinations;

"(9) conserve biological diversity in forest areas by—

"(A) supporting and cooperating with the International Union for Conservation of Nature and Natural Resources, the World Wildlife Fund, United States Government agencies, other donors (both bilateral and multilateral), and other appropriate government, intergovernmental, and non-governmental institutions in efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis;

"(B) whenever appropriate, making the setting aside of protected areas a condition of support for activities involving forest clearance of degradation; and

"(C) helping developing counties identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas;

"(10) engage in efforts to increase the awareness of United States Government agencies and other donors, both bilateral and multilateral, of the immediate and long-term value of tropical forests;

"(11) require that any program or project under this chapter significantly affecting tropical forests (including projects involving the planning of exotic plant species) be based upon careful analysis of the best sustainable use of the land and take full account of the impacts of the proposed activities on biological diversity; and

"(12) deny any direct or indirect assistance under this chapter for—

"(A) activities which would result in the conversion of forest lands to the rearing of livestock, unless it has been demonstrated that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and is the least harmful way of doing so;

"(B) the construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undegraded forest lands, unless it has been demonstrated that there exist adequate safeguards to prevent unplanned forest destruction and that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and is the least harmful way of doing so;

"(C) the colonization of forest lands, unless it has been demonstrated that the soils in the area are capable of sustained agriculture, that there exist adequate safeguards to prevent unplanned forest destruction, and that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and is the least harmful way of doing so;

"(D) the construction of dams or other water control structures which flood relatively undegraded forest lands, unless it has been demonstrated that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and is the least harmful way of doing so.

"(E) the procurement or use of logging or timber processing equipment, unless it has been demonstrated that all timber harvesting operations involved will be conducted in an environmentally sound manner which minimizes forest destruction and that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and is the least harmful way of doing so; and

"(F) actions which invade or significantly degrade national parks or similar protected areas which contain tropical forests or introduce exotic plants or animals into such areas.

"(d) PVO'S AND OTHER NONGOVERNMENTAL ORGANIZATIONS.—Whenever feasible, the President shall accomplish the objectives of this section through projects managed by private and voluntary organizations or regional or national nongovernmental organizations in the region or country where the project is located.

"(e) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of the actions necessary in that country to achieve the goals of this section and of the extent to which the actions proposed for support by the Agency meet the needs thus identified.

"(f) ANNUAL REPORT.—Each annual report required by section 634(a) of this Act shall include a report on the implementation of this section.".

H.R. 2958

A bill to amend the Foreign Assistance Act of 1961 to protect biological diversity in developing countries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151q) is amended—

(1) by adding at the end of subsection (b) the following sentence: "For each fiscal year beginning with fiscal year 1987, not less than $10,000,000 under this part shall be allocated for these purposes."; and

(2) by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy statement or other country plan prepared by the Agency for International Development shall include a detailed plan to assist that country in the conservation of biological diversity. Each such plan shall include, as appropriate, assistance in carrying out all the types of efforts specified in subsection (b).

"(d) LOCAL INVOLVEMENT.—To the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.

"(e) PVO'S AND OTHER NONGOVERNMENTAL ORGANIZATIONS.—Whenever feasible, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations, or international or regional or national nongovernmental organizations, which are active in the region or country where the project is located. For each fiscal year beginning with fiscal year 1987, the Agency for International Development shall allocate not less than $3,000,000 under this part for projects managed by such organizations.

"(f) ACTIONS BY AID.—The Administrator of the Agency for International Development shall—

"(1) cooperate with appropriate international organizations, both governmental and nongovernmental, and recognize the coordinating role played by the International Union for Conservation of Nature and Natural Resources and the World Wildlife Fund;

"(2) look to the World Conservation Strategy (which was prepared by the International Union for Conservation of Nature and Natural Resources, the World Wildlife Fund, and the United Nations Environment Program, and is now widely accepted) as an overall guide for actions to conserve biological diversity;

"(3) engage in dialog and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries which directly or indirectly contribute to loss of biological diversity;

"(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

"(5) whenever possible, enter into long-term agreements in which the recipient

country agrees to protect ecosystems or other wildlife habitats recommended for protection by the International Union for conservation of Nature and Natural Resources or as a result of activities undertaken pursuant to paragraph (2), and the United States agrees to provide additional assistance necessary for the establishment and maintenance of such protected areas;

"(6) support, as necessary and in cooperation with the International Union for Conservation of Nature and Natural Resources and other appropriate institutions, efforts to identify and survey ecosystems in recipient countries worthy of protection;

"(7) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadevertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after the date of enactment of this paragraph on the actions taken pursuant to this paragraph);

"(8) enure that environmental profiles sponsored by the Agency include information needed for conservation of biological diversity; and

"(9) deny any direct or indirect assistance under this chapter for actions which invade or significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

"(g) ANNUAL REPORTS.—Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this section.".

TRADE CRISIS IS AT OUR DOORSTEP

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, the trade crisis is at our doorstep. The time for coming to grips with it is now. We must tackle it with all the resources in our economic arsenal. The trade imbalance has more than one cause. One is the overinflated dollar overseas brought on by massive budget deficits here at home. But even if the budget deficit were gone tomorrow, there is no logic that says all the harm to our manufacturing and agricultural industries would then be reversed automatically. Some businesses that are being wiped out are in need of special attention. But there is a whole lot more to it. We must look at the trade barriers that our trading partners use against us, like excluding our products and even the undervaluing of currency by countries like Japan. And finally, we must look at our own lack of industrial competitiveness in some areas. Any relief given to domestic industries by our Government must be accompanied by a commitment to modernize and improve productivity here at home. We as a nation must regain that competitive edge that for decades led the way in the industrial marketplace. After all, under the Constitution, we here in the House take an oath of office to provide for the common defense and secure the blessings of liberty, including our standard of living, for ourselves and our posterity. Restoring a positive balance of trade is the place to begin.

I call to the attention of my colleagues an article from the Wall Street Journal of July 11 on this topic, as follows:

TRADE BLUES AREN'T JUST A MATTER OF GREEN

(By A. Gary Shilling)

If the decline in the dollar now under way brings it down substantially against other major currencies, U.S. foreign-trade problems should largely evaporate.

Many firmly believe this. They point to the surge of imports that has accompanied the soaring dollar in recent years. And, indeed, that flood of imports has been devastating to some sectors. A study completed by my firm shows that in the current recovery, 31 industries, or one-fifth of the total, have seen 50% or more of the growth in their markets captured by imports. They were minor participants in growth in their own back yards. No wonder that protectionist sentiment in Congress is rising by the day, and that some otherwise moderate Republican senators are calling for across-the-board tariff increases.

Furthermore, all-out protectionist measures may become irresistible as soon as the next recession occurs. Then, management and labor leaders in those 31 industries probably will converge on Washington with one simple message: "We were patient, but the entire business expansion has come and gone without our getting our share. That's not the way we want this country to be run."

LACK OF COMPETITIVENESS

Obviously, anything that could prevent comprehensive protectionism by the U.S.—and the resultant retaliation from our trading partners and other disastrous global consequences—is most welcome. Unfortunately, even a substantial decline in the dollar wouldn't do the job. As we squeeze one end of this balloon of world-trade woes, it just expands someplace else.

First of all, the basic problem U.S. industry faces is not the strong dollar but the lack of competitiveness in world markets: Our producers simply haven't kept up with productivity increases elsewhere.

True, the value of the dollar weighted by the shares of trade with the major industrialized countries has risen 50% since its 1980 low, and is now about 25% above the relatively stable value it had enjoyed in the 1960s. But a much different picture emerges when the trade-weighted dollar is adjusted for differences in inflation rates among the countries. This adjustment is needed since exchange rates are not only affected by currency demands but also move to offset inflation differences. For example, if the U.S. had 2% less inflation than its trading partners, the value of the dollar would be expected to be 2% stronger relative to the other currencies. Since inflation abroad has been consistently higher than in the U.S. over the years, the inflation-adjusted, or real trade-weighted dollar, despite its rise in recent years, is only back to the levels of the 1960s.

American business and labor must bear much of the blame for the industry's inability to compete in today's world markets. In the past eight years, annual productivity growth in the U.S. averaged 0.7%, compared with Western Europe's 1.8% and Japan's 3.4%. Until American performance in this area at least equals that of our trading partners, any relief to manufacturers here from a collapse of the dollar would be only temporary.

Furthermore, a sharp decline in the dollar would not appreciably alter international competition. Western European countries have an unemployment rate that averages 11%. Pressure in those countries—which remain much more socialistic than the U.S.—to unload those unemployment problems by increasing exports and decreasing imports would continue or even intensify if the dollar fell sharply. Underdeveloped countries desperately need dollars to service their crushing foreign-debt loads; in order to earn dollars, they will continue to export any thing, even if production cost exceeds the price. Thus, the value of the dollar against the mark or the yen has little to do with the exporting zeal of the Brazils or Argentinas of the world.

Canada, our largest trading partner, basically runs its monetary policy so as to keep its dollar at a deep discount to the U.S. dollar. And, the new Canadian government is increasing the competitive pressures on the U.S.—cutting the price of its natural-gas exports, for example.

Finally, newly developed countries such as Korea and Taiwan have become aggressive exporters and fierce competitors with the U.S. As a result, sizable chunks of America's basic industries may no longer be salvageable, regardless of the value of our currency. American steelworkers, for example, are paid more than $25 an hour, including fringe benefits, while those in Korea earn about $3 an hour and operate more modern equipment. This gap seems irreconcilable for any feasible decline in the dollar's value.

Even if a sharp drop in the dollar's value did result in U.S. export increases and declines in imports, severe problems for the rest of the world probably would follow, coming back to haunt the U.S. Another of my firm's recent studies shows that Europe and Japan are increasingly unable to generate their own growth in business recoveries. Instead, they depend upon exports to get their economies rolling. In fact, in the current recovery, German export growth accounted for 60% of that country's GNP growth. The same statistic was more than 80% for the U.K. and more than one-third for Japan. These numbers, if anything, understate the case since they only count exports and do not pick up the further stimuli as the incomes generated by exports are spent and respent.

Not only is European and Japanese growth export-led, but the U.S. has become the only locomotive pulling up their exports and, hence, their economies. Their other export stimulators, such as Eastern Europe, the lesser-developed countries and OPEC, are out of money and hopelessly in debt. In effect, the import surge that has so devastated U.S. industry in this expansion is the only reason the rest of the world has seen any meaningful recovery at all.

As a result, anything that increases America's exports or reduces its imports substantially would lead quickly to business weakness abroad. This in turn would cause global financial problems that would have major negative effects on the U.S. For instance, OPEC probably couldn't survive another world-wide slowdown—if it holds together until then. The end of OPEC as an effective cartel and the resulting collapse in oil prices

would soon turn financially weak oil producers such as Mexico into financial basket cases. This could seriously reduce confidence in the U.S. banks that have lent heavily to those countries.

Although unlikely to result from a decline in the dollar, such a shift in trade—favoring the U.S. but hurting our trading partners—could develop from the U.S. recession that we believe our economy is in, or close to entering. As usual, business weakness would lead to import declines. Across-the-board tariff increases or new quota systems in the U.S. would have the same effect.

Unhappily and ironically, improvements in U.S. productivity may themselves pose a danger to the world economy that we depend upon. At first blush, it is encouraging that these gains are taking place. U.S. business has recently begun to attack costs and promote productivity with a consistent and lasting determination not seen here since the 1930s. Businessmen had little choice in the aftermath of the early 1980s recessions, which left them with high real interest rates, deregulation of many industries, intense foreign competition and markets in which additional production costs simply couldn't be passed through in the form of higher prices.

Productivity-enhancing efforts are also taking on new directions. One manager said he had recently painted the employee lunchroom at a cost of $200 and got such a meaningful improvement in morale that he wonders why he had'nt done it years before. Others say they are now asking the man on the factory floor how management can help him do his job better and getting a surprising number of good suggetions. In effect, U.S. management and labor are moving away from the British model, in which relations are confrontational and centered on slicing up the pie with little regard to increasing its size, to the Japanese model, in which worker and managers strive together, fearing that if they don't, the pie will be eaten up by their domestic and foreign competitors.

THREE POSSIBLE OUTCOMES

American products may well regain much of their lost market shares here and abroad, and this will leave the export-dependent rest of the world with three possible outcomes.

First, another export sponge may develop to replace the U.S., but none has appeared. Some have suggested China, but that country probably wouldn't be able to absorb major quantities of others' exports for several decades. Furthermore, East Asian countries themselves have a habit of building their economies by flooding the world with cheap exports.

Second, Western European countries and Japan could generate internal growth, but there has been little evidence of this happening so far. Private domestic demand remains weak in those countries and their governments are reluctant to increase public spending in view of already high government deficits.

Third, if all else fails, the disappearance of the U.S. as the happy dumping ground for the world's exports would lead to a scramble for what export markets remain and mounting, perhaps even irresistible, pressures for global protectionism.

The real world, then, is one in which U.S. productivity growth has not kept pace with that of our major trading partners, one in which excess supplies of men and machines will continue fierce international competition, and one in which the rest of the world is so dependent on exports to the U.S. that anything that improves our competitive position could wreak havoc on a global scale. This is not a world in which a decline in the dollar will deflate the trade-woes balloon—ours or anyone else's.

(Mr. Shilling is president of the New York economics consulting firm that bears his name.)

CALIFORNIA OUTER CONTINENTAL SHELF PROTECTION AGREEMENT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, yesterday the California delegation and the Secretary of the Interior concluded a landmark preliminary agreement relating to the protection and development of the Outer Continental Shelf off California.

I want to take this opportunity to thank the Secretary of the Interior and both United States Senators from the State of California for their cooperation and a bipartisan group of Members from the California delegation for their help in achieving this historic agreement. It is a symbol, I believe, of good government in that the effort was made by both the Congress and the administration to resolve our differences on this issue. More importantly, it is a symbol of good stewardship in that it provides for a balanced approach to the protection and development of our natural resources.

Mr. Speaker, I include at this point the text of the agreement that was arrived at, as follows:

CALIFORNIA OUTER CONTINENTAL SHELF PROTECTION AGREEMENT

After an extensive period of negotiations, the Secretary of the Interior and representative members of the California delegation have reached a preliminary agreement regarding protection and development along the California Outer Continental Shelf.

It is felt that a final agreement cannot be concluded until there is further consultation with state and local officials as well as other interested parties.

The general outlines of the agreement consist of the following:

First, 150 of the 6,460 tracts contained within the present moratoria would be offered for leasing in accordance with environmental safeguards required by existing law.

Second, the deleted areas would be protected until the year 2000 subject to a national energy emergency condition.

Third, one COST well could be authorized in each of the following three basins—Pt. Arena, Bodega, and Santa Cruz—on the condition that it not be closer than 18 miles from the shoreline and these wells would be subject to standard environmental safeguards required by existing law. A COST well is a well drilled for the purpose of obtaining stratographic information.

Pursuant to the above preliminary agreement, action on continuing the existing moratoria will be deferred until the consideration of the conference report on the interior appropriations for 1986 or the continuing resolution for fiscal year 1986. At that time, subject to the advice of state and local officials and concerned members of the public, the final agreement would be incorporated into that legislation.

INTRODUCTION OF RESOLUTION TO HALT CLOSING OF SOCIAL SECURITY OFFICES

(Mr. MANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, last Thursday, I introduced a resolution that expresses the sense of the House that the local field office structure of the Social Security Administration should be maintained and strengthened. I introduced this resolution, along with the chairman of the Select Committee on Aging, because I am concerned about the number of offices which have recently been downgraded or closed and the plans of SSA to continue this trend.

I would like to commend the chairman of the Aging Committee for his leadership on this issue and for his diligence in fighting to protect the rights of Social Security beneficiaries.

Mr. Speaker, 14 local Social Security offices are scheduled to be closed in 1985. These closings are scheduled despite the repeated assurances from the administration that none have been targeted.

In 1981, the Social Security Administration began an informal review of its field office structure. Since 1981, there have been 68 instances of field offices being closed or downgraded. Furthermore, the Social Security Administration recently implemented a formal review of local field offices which jeopardizes the existence of 760 local Social Security offices nationwide.

There are currently 36 million Social Security beneficiaries. That number is expected to increase to 40 million in 1990. Additional closings, downgradings and staff reductions will hamper the Social Security Administration's ability to respond to public inquiries and to efficiently administer the benefit program. It is totally inappropriate to cripple the Social Security Administration's ability to provide competent and effective service delivery in the face of increasing demand.

Mr. Speaker, 1985 marks the 50th anniversary of the Social Security Administration. It is a time to strengthen the program, not turn back on the SSA's long standing tradition of serving the American people. I urge my colleagues to join me in ensuring that the Social Security beneficiaries of today and tomorrow will not be deprived of the essential services to which they are entitled.

ADM. HYMAN G. RICKOVER RECOVERING FROM ILLNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, Adm. Hyman G. Rickover is recovering from the stroke he suffered on July 4, and is due to be discharged from the Bethesda Naval Hospital this week.

Admiral Rickover is a true American hero. He designed the nuclear propulsion system for the first nuclear powered ship, the *Nautilus* submarine, and remained in charge of all nuclear powered warships built for the Navy until his retirement 3 years ago.

His initial efforts to build nuclear powered ships had to overcome lethargy within the Navy and an attitude of skepticism that turned to resentment when he succeeded. Congress forced the Navy to promote him to admiral, and then forced it to keep him on active duty when he passed the official age of retirement. He remained in the Navy for an amazingly productive 63 years, more than two full average careers. He not only survived, he prevailed.

Admiral Rickover is not only the father of the nuclear Navy, he was also her husband, brother, chaperone, and protector.

Among his many other accomplishments was his war against waste, inefficiency, and dishonesty in defense contracting. He dedicated himself to rooting those elements out of Navy contracting and testified many times before Congress on what was wrong and how to fix it. Many of his suggestions were adopted, but many were not.

I remember well Admiral Rickover's advocacy of uniform accounting standards for defense contractors. He argued, in the late 1960's, that contractors could double charge costs to the Government by using different accounting methods for different contracts, and that the lack of uniformity in accounting systems among defense firms was making it nearly impossible for the Government to monitor costs. I joined his advocacy; this led to the establishment of the Cost Accounting Standards Board which promulgated uniform accounting standards.

Congress, in a fit of false economy stimulated by the defense contractors and the Pentagon in the late 1970's, abolished the Cost Accounting Standards Board. In the same period, Congress abolished the Renegotiation Board which was the only Government agency authorized to recapture excess profits on defense contracts. Admiral Rickover had also been a strong advocate of the Renegotiation Board and the need to curb defense profiteering. The American Public has been paying a heavy price for the misguided decisions to abolish the Cost Accounting Standards Board and the Renegotiation Board.

It ought to be clear that, had Congress and the Navy listened to Admiral Rickover's wise counsel more attentively, defense contracting would not be in the mess it is today. But some Government officials never learn and some bureaucrats never forgive one, such Admiral Rickover, whose hard work and lifetime achievements are a source of resentment and embarrassment. The Navy would do well to spend less time hounding and persecuting retired admirals for accepting momentos at ship launchings, and more time cracking down on defense waste and abuse.

I would like to close this brief tribute by wishing the admiral a complete recovery. I know that many of my colleagues and millions of Americans join me not only in prayers that he get well but in gratitude for all he has done for his country.

A reporter for the Day in New London, CT, Jacky Flinn, recently interviewed Admiral Rickover about the origins of the *Nautilus* submarine. I ask unanimous consent that the article about that interview that appeared in the Day, July 3, 1985, be inserted in the RECORD at the close of my remarks.

HE MADE AN IDEA REAL FROM DREAM TO REALITY

(By Jacky Flinn)

Retired Adm. Hyman G. Rickover remembers the day well—the day 35 years ago when he called Electric Boat's O.P. Robinson with a monumental challenge.

"I was in the Portsmouth naval yard and the commander there said 'no, it was too risky, nuclear power was too risky,'" Rickover recalled. Then in an aside, he added, "It made no difference to him—one way or the other, his job was safe.

"So I said, 'May I use your telephone?' and leaned over the desk and called O.P. Robinson from right there and said I was coming down.

"Thank you and goodbye," Rickover recalled saying with finality to the Portsmouth commander. He borrowed the commander's car and drove with several aides three hours straight to EB.

That February night in 1950 a small group of EB engineers met at Robinson's home with Rickover, who was then a captain, and scientists from Rickover's naval group.

Rickover outlined his vision for the world's first nuclear-powered submarine. EB jumped at the challenge.

The course of naval warfare would be changed irrevocably by nuclear power and EB would gain international eminence for designing and building the Nautilus. With that hurried meeting led by Rickover, the future of submarines and of EB were locked together.

In a rare interview in his office at the Washington Navy Yard, Rickover recently talked about this concept for the Nautilus that took form 35 years ago—for harnessing nuclear power for what he perceived would be the good of mankind.

At 85, having been forced to retire three years ago, Rickover recalls with clarity every facet of one of his foremost contributions to the Navy. Apparently, it is not personal pride that compels him to speak, but an appreciation in a historic sense for what the Nautilus has meant.

Sitting behind a functional desk where he continues to work long hours, virtually surrounded by books, Rickover described what had to be done to translate the Nautilus from vision to reality.

A prototype had to be built so each system could be tested and each officer could be fully trained on the actual equipment before the ship ever touched water.

Rickover chose a desert in Idaho for the site.

"I went out there. It was a huge area 60 miles long and 20 miles wide. I found the right place, peed on the spot and said that was where the administration building should be," the admiral confided with obvious delight at his story.

"It was 60 miles away from the nearest town so the young men (who were building and training) couldn't see the girls," he added. To be sure, he controlled transportation to and from the site, which was surrounded by barbed wire.

Rickover said he allowed the crew to have Sundays off for church.

"They were fully occupied with work," the admiral said. "They had nothing else to put their minds on." That's the way Rickover wanted it.

To Rickover, the Arco, Idaho, prototype was perhaps the most important element in ensuring success with something that had never been done before.

"It was not a model. It was a real nuclear power plant with exactly the same dimensions and same materials so it would be no different when they (the crew) would be operating the submarine," Rickover said. "It was the best kind of training they could have."

Much thought went into that training. Rickover said he adapted study areas he had seen at Princeton for the crew. Each sailor had a study cubicle with a light. No talking was allowed.

The admiral was fairly certain that the crew would respond well—he personally selected each member.

Interviews lasted at least a half hour. Rickover confirmed the tales of his sawing off the two front legs of a chair to keep the occupant off balance.

"I would ask them all kinds of questions to see if they had natural intelligence. If so, I could teach them. Some I turned down in feeling," Rickover explained.

The bottom line for Rickover was getting things done. When the Navy balked at trying nuclear power to propel ships, Rickover turned to the Atomic Energy Commission, where he was head of the newly established naval reactors branch.

"I had duty with the Atomic Energy Commission and the Navy so I could write myself orders from the Navy. Sometimes if I didn't have the time, I would tell myself and then write the order later," Rickover said impishly. "No one else ever tried that system."

The Arco prototype cost $40 million, Rickover said. Partly because of that testing and training, there never has been a fatal nuclear accident aboard a U.S. submarine.

When the Nautilus was being designed at EB, Rickover spent a lot of time at the shipyard. For the first time a hull could be designed for going fastest under water, rather than above, because nuclear power would allow the sub to operate mostly submerged.

Only 30 months after Rickover's first meeting about the Nautilus that February night at Robinson's home, then-President Harry S. Truman was welding his initials on the keel plate. That was June 14, 1952. Eighteen months later, first lady Mamie Eisenhower was christening the boat.

It was an astounding record from idea, to design, to reality.

Rickover speaks almost reverently of the engineering involved in the designing and the skill in building the Nautilus. When asked of his feelings, however, he brushes aside the notion of sentimentality.

On Jan. 17, 1955, when Cmdr. Eugene Wilkinson guided the Nautilus from EB's docks with the now famous words "Under way on nuclear power," Rickover was aboard as he would be for the initial sea trials of each of his submarines for the next two decades.

Asked how he felt when the Nautilus was under way for the first time on nuclear power—the first time in the world a ship was propelled by atomic energy—Rickover replied: "It was absolutely no different. We had done it all exactly with the prototype."

It worked—he knew it would—and that's what mattered.

The Navy was less modest. "Rickover has accomplished the most important piece of development work in the history of the Navy," then-Navy Secretary Dan A. Kimball said.

The same practicality and diligence to detail that brought the Nautilus into being remain Rickover's trademarks in his daily work.

The admiral's office, where he continues to put in long days, has an atmosphere that is functional yet literary. It reflects him well.

The admiral conducts his varied business from a mustard-colored rocking chair he bought in the 1930s for $1.98. The paint on the arms is worn down, exposing the wood. Three thin green cushions on the seat are getting threadbare.

Immediately behind his desk on a bookcase is a yellowed paperback copy of Clay Blair Jr.'s book about the Nautilus, "The Atomic Submarine and Adm. Rickover." It sits near copies of testimony he has given Congress over the years on a variety of subjects, next to some inexpensive chocolate.

A color photograph of Eleonore, his second wife, is on his desk on the opposite side of a 'doggie' pencil holder—a gift from an aide's son who made it from a juice can, burlap and felt. All of the dozen or so pencils are freshly sharpened.

On his desk is a copy of "Pepper, Rice and Elephants," written by his first wife, Ruth, about Southeast Asia. Rickover had been reading Chapter 9, "Back to Bangkok" again. He likes the words and sentence construction.

Along an entire wall are two bookcases, their shelves filled with volumes he has compiled and organized according to 99 areas of thought, such as Traits of Mankind. The bottom shelf on the left is devoted to letters he wrote to and received from Ruth years ago.

Fondly, Rickover leafs through the pages of the letters and thoughts compiled over a lifetime as the noise from rush-hour traffic on Eleventh Street comes through the two open windows. Probably no one would publish his volumes, he muses, so he'll leave them for the Library of Congress.

Rickover, father of the nuclear Navy, receives letters and telephone calls from former President Richard M. Nixon and Jimmy Carter, among others, now and then.

But it is words and ideas that impress him, not accomplishments or greatness.

Asked how he feels about being considered the father of the nuclear Navy for developing the Nautilus, Rickover said simply:

"I don't concern myself with junk of that kind. I did the best I could."

DEFENSE AUTHORIZATION CONFEREES ABDICATE TO SENATE ON ASAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker the conferees on the House/Senate fiscal year 1986 Department of Defense [DOD] authorization conference are reported to have reached an agreement on the question of the antisatellite weapon. My colleagues will recall that this body approved a bipartisan amendment, which I offered with my colleague Representative COUGHLIN, in addition to Representatives MOAKLEY, SNOWE, DICKS, LEACH, FOLEY, FRENZEL, SEIBERLING, ZSCHAU, FAZIO, PURSELL, MCHUGH, CHANDLER, LEVINE, PORTER, and MRAZEK, to establish a 1-year moratorium on tests of the ASAT against objects in space as long as the Soviet Union does not test a similar weapon. The House adopted an identical measure last year, and is clearly on record in strong support for an ASAT test moratorium.

Mr. Speaker, in light of the strong support expressed by this body over the last 2 years for an ASAT test moratorium, I am dismayed and shocked to learn that the conferees abdicated to the other body on this issue, in flagrant disregard for the House position. The conferees, by allowing the Air Force to conduct three tests and by not providing for a moratorium of any duration, have rejected outright the House position in support of a moratorium. This cannot be described as a compromise by any stretch of the imagination. This is particularly true in light of the fact that three tests is the maximum number of tests the Air Force can hope to conduct under any circumstances during fiscal year 1986 due to serious technical difficulties and significant cost overruns experienced by the program. In fact, the Air Force is near completion of a reassessment of the entire ASAT Program. This is hardly the time to encourage them to charge ahead with ASAT tests, as the conferees have done.

Mr. Speaker, I urge my colleagues to defeat the conference committee bill, and I insert the following articles outlining the technical difficulties of the ASAT Program for the RECORD.

[From the Washington Post, July 11, 1985]

AIR FORCE REASSESSES ANTISATELLITE PROGRAM

(By Walter Pincus)

The Air Force is reassessing whether its seven-year-old, fighter-launched, antisatellite weapon development program, which has had a continuing series of technical problems, is now obsolete in the face of new space technology.

One administration source said the study could provide a "graceful way of ending" the controversial $4 billion, F15 rocket-launched system and replacing it with more futuristic laser weapon technology.

The present system has the backing of top Defense Department civilians, one administration official said, but "has never had the full support of the Air Force."

The study, ordered in May by Air Force Undersecretary Edward C. Aldridge, Jr., will "update the threat" and "look for ways to improve the program," the Air Force spokesman said. If the current program is retained, the study will also look at the possibility of setting a new operational date because of the delays in development, according to the spokesman.

It comes just before the House-Senate conference on next year's defense authorization bill with the two bodies split over the antisatellite (ASAT) program, which to date has had only two of 12 planned development tests.

The House wants to ban further tests of the system as long as the Soviet Union refrains from testing a similar weapon. The Senate voted to permit tests as long as the president certifies that he is seeking to negotiate an antisatellite treaty with the Soviets.

Critics of the present program say the planned system, which involves an infrared homing device launched by a rocket carried aloft by an F15 fighter, will not be able to attack the next generation of maneuverable Soviet satellites.

"It takes hours to reprogram, rather than minutes needed in the future," one nongovernment expert said yesterday of the existing ASAT weapon.

Meanwhile, Capitol Hill opponents said the homing vehicle, which was scheduled to be tested for the first time against a target in space this month, has been returned to its manufacturer, the Dallas-based LTV Corp., for repairs. An Air Force spokesman said the service would have "no comment" on that report.

Last week, the Air Force confirmed that the target vehicle for the scheduled July test had been returned to its manufacturer, the Avco Corp., after a check in June showed its communications system was not working.

An LTV official said yesterday, "I don't think the program is in trouble. We had a homing device problem and another with thrusters," he said, but added that those were being worked on.

He said he did not know about the broad Air Force reassessment, however.

Administration officials who support the program have argued that it is needed because the Soviets have had an antisatellite weapon for 10 years. Some have also contended that in the event of conventional war the United States should be equipped to destroy Soviet satellites that would be used for targeting U.S. warships and other weapons systems.

Others, however, have argued that the Soviet system is rudimentary. During the House debate on prohibiting tests of the U.S. antisatellite weapon, Rep. George E. Brown Jr. (D-Calif.) argued that "no critical U.S. satellite can be threatened by the Soviet present [antisatellite] capability."

Rep. Norman D. Dicks (D-Wash.), another critic of the current antisatellite program,

said the Soviet system was guided by "a primitive radar sensor that is extremely vulnerable to countermeasures."

Last month, the General Accounting Office reported to Congress that the Air Force now considered last year's Nov. 13 test of the system against a point in space only a "partial success." At the time the test was announced, the Pentagon refused to comment on its results.

One source said the homing vehicle, which for that test was aimed at a star, did not function properly so that its infrared telescope could search out the target.

The GAO report also disclosed that an independent Air Force technical review group reported there were 30 "technical concerns that needed to be resolved before conducting" the July test against a target in space. Sixteen of those problems involved the antisatellite vehicle itself, including two that were described as "high risk" concerns. The other 14 problems involved the target vehicle.

The ASAT system was originally proposed by the Defense Department under President Jimmy Carter at a time when the administration was seeking to negotiate with Moscow on an overall ban of such weapons. The Air Force system was to be a bargaining chip for those talks.

The negotiations deadlocked when the Soviets wanted to include restrictions on the U.S. space shuttle and ended altogether after Soviet troops invaded Afghanistan in 1979.

In 1983, the then-Soviet President, Yuri Andropov, said his country would not test an antisatellite weapon as long as the United States refrained from doing so.

The Reagan administration has steadfastly refused to accept that proposal, arguing that the Soviets already have an operational, low-altitude, orbital antisatellite weapon while the United States has none. Administration spokesmen also have said that there is no way to verify compliance with such a ban since many space vehicles could be used as antisatellite weapons.

[From the Los Angeles Times, July 4, 1985]

U.S. DELAYS FIRST ANTI-SATELLITE ARMS TEST ON PHYSICAL TARGET

(By Robert C. Toth)

WASHINGTON.—The first test of a U.S. anti-satellite weapon against a physical target in space has been delayed indefinitely because technical difficulties forced postponement of the target launching, the Pentagon said Wednesday.

Until the cause of the problem is found, Air Force officials said they will be unable to estimate when the test might be rescheduled. But John Pike, an official of the Federation of American Scientists, which opposes development of the ASAT weapon, estimated that the flight could be delayed by three months or more.

Two of the 12 test flights planned by the Air Force for the controversial weapon already have been conducted, but they were aimed at a point in space, not a physical target. The third test, in which the weapon was to have been fired at one of two six-foot-diameter target ballons in orbit, had been rescheduled several times this year—apparently for technical reasons—before being set for July.

The House voted last week to block funds for ASAT tests in fiscal 1986. A similar vote was taken last year, but, in the end Congress approved three test flights during this fiscal year, which ends Sept. 30.

The ASAT weapon is a two-stage rocket that has a heat-sensing homing vehicle in its nose. The weapon, which would be launched from beneath an F-15 fighter jet that soars high into the atmosphere, would intercept and destroy its target on impact. The Reagan Administration believes that an American ASAT system is needed to match the Soviet Union's comparable weapon, which has been operational for more than a decade.

Proponents note that the Soviets showed interest in banning ASAT weapons only after the United States decided to begin developing its own.

However, opponents point out that the Soviet weapon threatens only low-altitude satellites and is only marginally effective. They argue that Washington and Moscow should agree to ban all tests of ASAT weapons, rather than allow the United States to develop its own system.

A technical difficulty in the radio link between the target payload and ground control aborted the June 22 launch of a Scout missile that was to have carried the balloons into orbit, Pike said. Another attempt to launch the targets will not be made for three to four months, with a similar delay in the scheduled test of the weapon itself, he said.●

FANS ARE THE REAL SUPPORT FOR BASEBALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, we hear talk again of a baseball strike. And, as the rumors circulate, the positions of the owners and the players are highlighted. But aside from an occasional man-in-the-street interview, no one mentions the fans.

This is not just another labor dispute. If it were, we could go back through the history of increasing salaries, recalcitrant owners, arbitration and incentive clauses. But baseball, in addition to being big business, is also the national pastime. Children grow up watching and playing baseball. Adults review the box scores every morning. Families go to the ballpark together.

In the last analysis, the players probably are not as pampered as many people think and the owners are not as obsessed with profits. And the issues at stake are no doubt important ones. In some ways, we have come a long way from the days of Babe Ruth and Ty Cobb, through the era of Jackie Robinson, to the present. Desegregation and free agency representation were important victories for the players. The owners have done well by night baseball and television contracts.

But throughout these changes, the constant source of support has been the fans. If no agreement is reached by August 6, it will be the fans who suffer the greatest disappointment of all.

MEDICAID COVERAGE FOR HOSPICE PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing legislation with Representative BILL GRADISON to further encourage and make available the services provided by Hospice Programs. Legislation we are introducing today would make hospice care an option under the Medicaid Program and would make permanent the hospice benefit under Medicare.

As you know, Congress adopted legislation in 1982 to provide full coverage and recognition of hospice care under Medicare. The legislation approved by Congress received the bipartisan support of more than 240 Members in the House and more than 50 Members in the Senate.

Under the present program, Medicare beneficiaries are eligible for hospice care for up to 210 days if they are certified to be terminally ill and have less than 6 months to live. Certified Hospice Programs must provide care on a 24-hour basis in the home, on an outpatient basis, as well as inpatient care which must be limited to 20 percent of the total days of care. In addition, Hospice Programs must offer bereavement counseling to family members. The present program is scheduled to terminate at the end of September 1986.

The results of the hospice benefit under Medicare, thus far, have proven that hospice deserves to be a permanent part of the Medicare Program and a full-fledged component of our Nation's health care delivery system. While participation in the program has been slow, patients and family members who have utilized the benefit have been very pleased with the services delivered. Furthermore, as expected, cost savings have been achieved as a result of Medicare beneficiaries utilizing the hospice benefit rather than receiving regular Medicare benefits. As we seek to reduce the cost of Health Care Programs, we must recognize the benefits of a greater utilization of hospice care.

The greatest concern the Hospice Program has experienced has centered around the implementation and administration of the program by the Department of Health and Human Services. We have seen constant delays in the issuance of regulations, deadlines not being met, and program personnel not being cooperative.

I am hopeful that by making this program permanent the attitude of the department will change and we will see this program being implemented in a more effective and responsive fashion. Also, removing the current sunset provision should eliminate any

uncertainty felt by health care providers about the future of hospice under Medicare. I trust that we will see greater participation in the program as a result of making this program permanent. I urge the support of my colleagues for this legislation.

Also, Mr. Speaker, legislation is being introduced today with the support of Representative WAXMAN which would make hospice care an option States can make available under the Medicaid Program. Even though more than 80 percent of the terminally ill patients are reported to be elderly, persons eligible for Medicaid benefits should also be entitled to choose the hospice alternative. This legislation would make such an option available under Medicaid. Following is the text of the legislation to extend coverage to Medicaid and I request your support.

H.R. 3027

A bill to amend title XIX of the Social Security Act to provide coverage for hospice care under the medicaid program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) IN GENERAL.—Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) hospice care (as defined in section 1861(dd)(1)) provided by a hospice program (as defined in section 1861(dd)(2)); and".

(b) CONFORMING AMENDMENTS.—(1) Section 1902(a)(10)(c)(iv) of such Act is amended by striking out "through (17)" and inserting in lieu thereof "through (18)".

(2) Section 1902(j) of such Act is amended by striking out "(18)" and inserting in lieu thereof "(19)".

(c) EFFECTIVE DATES.—The amendments made by subsection (a) shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than sixty days after the date of the enactment of this Act.●

THE SUPERFUND AUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. JONES] is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, if we were members on a baseball team named Superfund, we'd be having a miserable season. The first sluggers in our batting rotation have been up, yet we've managed to get only one player to first base—and that was because of a walk. Management is wanting to cut its overhead costs, some players are hinting there may be a strike, and our fans want to rename the club: Toxic Shock Syndromes.

You might say we sorely need a homerun performance by our cleanup hitter.

The first 5-year authorization of the Superfund Program is about to expire. We now have a 5-year compendium on what's gone wrong, and what little has been done right. The record is quite clear. After 5 years of effort, the number of sites on the national priorities list has grown, not diminished. More people are drinking dirty water, not cleaner. Our citizens are still exposed to harmful contaminants, and waste is still being emitted into our environment. In short, we seem further from our goal—not closer.

Have we been running the bases backward?

Soon the House will be considering legislation that provides additional funding over the next 5 years to cleanup the Nation's worst, neglected toxic waste sites. No one seems to question the need for or general purpose of Superfund authorization. In fact, there's widespread consensus among Members that there is no environmental problem more threatening than the thousands of abandoned toxic waste sites which years of neglect in our waste management procedures have created.

Like most of the House, I recognize the need of Superfund to be reauthorized at greatly expanded levels. If the past 4 years have taught us anything, it is the fact that EPA should be guided by stricter rules and tighter deadlines so we may eventually finish the job we began in 1980.

We all know we need to pay more. But we don't know who should pay and at what rates.

Last year when the House passed a reauthorization bill, I supported its passage. I gave my support, however, with some reservations about both the funding and program titles of the legislation. With regard to the funding title, I was concerned that there was not adequate consideration of both the total amount of funding needs and whether such money could be spent efficiently as well as the effect of the method of funding on the industries paying the Superfund tax.

As we begin anew on Superfund reauthorization, it is appropriate to reconsider the sources of funding that have been relied upon during the first 5 years. One of my colleagues, in testimony before the Ways and Means Committee, captured my sentiments exactly when he said:

Business and economic expansion and protection of our environment are not mutually exclusive goals. Instead, a balance must be struck. Those responsible for the waste must pay for its cleanup, but those who benefit from the economic expansion and cleanup should also share in the cost.

Mr. Speaker, the question of who should be paying for the Superfund cleanup has troubled me for some time. I recently saw a list of responsible parties that have been identified as associated with known waste sites. It was most enlightening. The list read like a Who's Who of the Fortune 500, and 1000. There were many oil and chemical companies identified on the list, but there were an astonishing number of companies that have never been associated with hazardous waste problems. We must find a more equitable tax base. The current feedstock tax is seriously flawed. There is virtually no correlation between the present Superfund tax base and who is bearing the cost of cleanup and the various waste appearing at Superfund sites. Who reaped the fruit of past mismanagement in waste practices? Past customers of products fabricated in waste-producing plants; past shareholders; and, past workers. But the burden of the tax falls today on current customers, shareholders and workers. Furthermore, the tax is imposed without regard to either the current or past waste disposal practices of the tax base. As a consequence, a company with cleaner-than-required waste management policies has the same tax burden as those who we might say have "dirty hands." Not only is the theory behind the feedstock tax flawed, but its application is even worse. According to EPA, of the 30 most frequently found substances at 881 hazardous waste sites, only 11 are subject to tax. Moreover, petroleum refiners generate less than 5 percent of the Nation's wastes, yet they currently provide about 15 percent of the Superfund revenues.

As a result, many of those who are responsible for and who benefited from past mismanagement of hazardous wastes are escaping responsibility altogether. Hazardous waste mismanagement is a societal problem. Hazardous waste management is a benefit to all of our society.

If we consider further increases in feedstock taxes, such action will greatly impact both our chemical and refining industries. It would be a trade policy disaster. Recently, a Congressional Research Service report depicted the petrochemical industry as a sector mired in rapidly declining profits, swiftly reduced product demand, and fierce international competition for market share.

Our Nation's refiners face an even graver outlook. A higher crude oil tax would come at a time when our country's refining industry, particularly our independent refiners, are witnessing razor-thin profit margins and shutdowns in operating capacity. Although the "oil patch" is publicly perceived as a highly profitable, easily taxed target, the petroleum refining and marketing sector is facing an environment of intense marketplace competition and greatly expanding capacity overseas.

The Department of Energy reports that, in the 3 years between January 1, 1981, and January 1, 1984, the number of U.S. operating refineries has declined 32 percent, with 82 refin-

eries shutting down before 1983. In 1984, numerous other refiners filed for bankruptcy, with many others on the brink of similar disaster. For the vast majority of independent refiners, who by definition do not own or operate upstream reserves, the outlook is even grimmer. Unlike the larger oil refiners, independent refiners cannot finance downstream losses with development of crude oil reserves.

Refiners of all sizes would face a double setback if the crude oil tax is increased. Our Nation's refiners would be facing increases of taxes on the domestic front and increased foreign competition from abroad. I must point out to my colleagues that the per-barrel tax which is imposed as the crude enters the refiners' gates is the second tax to be imposed on this resource. At the production level, our oil producers have already paid stiff windfall profits taxes. Furthermore, if the crude is used to produce petrochemical feedstocks, a third feedstock tax is imposed on these products.

U.S. refiners are also facing grave conditions and intensified competition from foreign sources. In 1985, sources throughout the industry predict, a flood of refining capacity will be brought on board in the Middle East, including three Saudi Arabian refineries capable of handling 800,000 barrels per day. We may be witnessing a 100-percent increase or more in Persian Gulf petroleum product exports. It is not difficult to imagine what impact this will have on our domestic refining industry. Quite simply, we are mistaken in believing this industry is an inexhaustible source of revenue.

This situation, Mr. Speaker, leads me to the conclusion that the House would be well advised to study carefully the revenue title passed by the Senate Finance Committee on an 18-1 vote. Our colleagues concluded the only workable solution to the Superfund revenue needs is the adoption of a broad-based tax. I want to commend the excellent work done by Senators BENTSEN and WALLOP in developing the Superfund Excise Tax, known as SET.

Today, I am proud to join their efforts by introducing a similar bill which is really a tax on sales of manufactured goods and raw materials from the point of production. Such an approach has many advantages, particularly from a trade perspective.

The SET would apply to sales or leases of tangible personal property by the person who manufactured or produced the property at a rate of 0.08 percent of the sales price or customs value that is, $8 of tax per $10,000 of taxable amount). The tax would apply to imports of tangible personal property, and property destined for export would not be subject to tax. To prevent compounding of the tax, a credit is permitted for the tax paid on qualified inventory costs, including direct materials and manufacturing equipment. The SET exempts small manufacturers—those with less than $10 million of taxable receipts—and exempts all business not considered to be manufacturing, such as retailers, wholesalers, or distributors.

There are many advantages to this approach. SET would not harm the ability of U.S. companies to compete with foreign business, something that is not true of the current feedstock tax. Imports would be subject to tax, and therefore would not have a competitive advantage over U.S. goods. The rebate of the tax on U.S. exports is one of the most attractive features of my legislation. Furthermore, the SET could be easily administered and readily calculated.

The most important aspect of this proposal is the fact that it bears a fair relationship to the purpose and benefits of Superfund. It is a more equitable, rational approach. While I recognize that until the Ways and Means Committee actually begins its deliberations, none of us will know what revenue target needs to be met, it is nonetheless very clear to me we will be contemplating a significant increase in funding. The SET certainly fits part of the bill. We should maintain the feedstock levy at current levels and find a new source of revenue for the remainder. As we begin the search for funding sources. I look forward to working with my colleagues on Ways and Means on a broadbase approach.

Mr. Speaker, this legislation may not be the homerun Superfund sorely needs. But it is clearly preferable to all alternatives I have considered.

UNITED STATES-JAPAN TRADE PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, I want to repeat for my colleagues in the House some remarks I delivered on June 22, 1985, at West Point, NY, at a joint meeting of Members of Congress and members of the European Parliament. The remarks follow:

The U.S. global trade deficit, which tripled from $40 billion in 1981 to $123 billion in 1984, currently represents approximately 3 percent of total U.S. GNP.

Japan ran a global trade surplus in 1984 of $44.2 billion. Its bilateral surpluses with the United States and European Community totaled $37 billion and $10 billion, respectively. Following the termination of automobile voluntary export restraints by President Reagan, the United States-Japan bilateral trade imbalance is likely to exceed $50 billion this year.

The U.S. trade deficit—1985 forecast of $140 to $150 billion—is cited by most economists as the major reason for the recent slackening of domestic economic growth from a 10.7-percent annual rate in the first quarter of 1984 to a 0.7-percent rate in the first quarter of 1985. In addition, the United States became a debtor nation this spring for the first time in 70 years. It may owe foreign lenders as much as $1 trillion dollars by 1989.

Unemployment in the United States (7.4 percent) and Western Europe (10.3 percent) is still high relative to that in Japan (2.7 percent). These figures are particularly troubling, considering that OCED nations are more than 2 years beyond the trough of the 1980-82 recession.

Much of Japan's bilateral trade surplus with the United States is due to recent surges in market penetration in industries which are major employers in concentrated geographic areas—autos, steel, electronics, et cetera. The American public has come to perceive a link between Japan's trade surplus and joblessness in these areas. Questions naturally arise as to whether Japan is living up to its international responsibility as the world's second largest economic power—it recently surpassed the U.S.S.R.

These concerns are accompanied by angry charges that the Japanese engage in unfair competitive practices by impeding imports and subsidizing and targeting exports and foreign markets.

Although United States-Japanese bilateral negotiations have led to five market-opening initiatives since 1982, little concrete progress has been made in opening Japanese markets to foreign goods. Yet another round of negotiations aimed at liberalizing the Japanese market in four sectors in which the United States is widely acknowledged to be internationally competitive—telecommunications, forest products, electronics, and pharmaceuticals—was inaugurated earlier this year following the President's meeting with Prime Minister Nakasone. Again, little progress has been reported.

Accumulated frustration in the United States with Japanese trade relations has translated into tremendous political pressure to adopt a sweeping, unilateral solution.

This spring, the U.S. Senate unanimously passed a resolution—Senate Concurrent Resolution 15—requiring the President to retaliate against Japanese imports if Japan does not dramatically open its markets. The House passed a similar, more mildly worded resolution calling on the President to act within 90 days to obtain greater access to the Japanese market and to reduce the trade deficit. In addition, legislation proposing to place a 20-percent surcharge on Japanese imports for 3 years was introduced by a Republican member of the Senate Subcom-

mittee on International Trade (S. 770 Heinz). Similar legislation is being contemplated by Democrats in the Senate and House Subcommittees on International Trade (Senator BENTSEN and Representative GEPHARDT).

The prospect of these measures becoming law prompted Prime Minister Nakasone to make an unprecedented, direct appeal to his countrymen to buy more foreign products. He also pledged to redouble efforts through a New Economic Initiative to meet U.S. negotiating demands. Questions persist, however, as to whether midlevel bureaucrats and administrators as well as Japanese consumers will follow through on his popular appeal.

In fairness, the Japanese are not solely responsible for the current trade imbalances.

The persisting strength of the U.S. dollar in defiance of economic fundamentals such as trade balances, differential rates of inflation (and, increasingly, interest rate differentials), is estimated to account for one-half to two-thirds of the U.S. global trade deficit.

Also, bilateral trade balances should not be overly emphasized. Japan traditionally runs a merchandise trade surplus to offset its role as a net importer of raw materials and primary products. In addition, Japan has a relatively high rate of savings and a low rate of consumption, and, until recently, a financial system insulated from foreign capital flows. These underlying characteristics of the Japanese economy cause an export surplus in the form of merchandise trade and foreign investment as well as a persisting overvaluation of the dollar vis-a-vis the yen as this rising Japanese foreign investment is denominated in dollars on account of the still limited use of the yen for international transactions. Japanese investment in U.S. industry, for example, jumped from roughly $4 billion in 1982 to $16.5 billion by March 1984. Western Europe, by contrast, has attracted much lower levels of Japanese investment ($1.1 billion as of March 1984).

Finally, there is some truth to the claim that American firms in Japan have not been as aggressive as their Japanese counterparts in the United States. Marketing, product design, and personnel strategies by and large have not been ambitiously adapted to the Japanese market.

However, there is only limited validity to the argument advanced by some Japanese that allegedly inferior and costly products and halfhearted business strategies account for the poor sales by American firms in Japan.

Taiwan, South Korea, and other aggressive, cost-efficient Asian producers of manufactured goods have had similar problems trying to sell into the Japanese market despite the fact that the yen has appreciated significantly vis-a-vis their currencies in recent years.

While the United States and western Europe import about 58 and 23 percent, respectively, of all manufactured goods exported by developing countries, Japan accounts for only 8 percent. This unequal distribution cannot be explained solely by Japan's dependence on raw materials or the alleged inferior quality of imports.

As a result, Japan has been accused of not playing by the rules of the international trading system. In fact, since Japan has the lowest average tariff level of any industrialized country (approximately 3 percent—a major exception is the highly protected agricultural sector), it apparently adheres to the formal rules of the system. It is with regard to the informal or as yet unwritten rules of the international trading system that these charges have the most legitimacy.

For example, even though the United States is a world leader in telecommunications equipment, American firms have only $100 million annual sales in Japan, while their Japanese counterparts sell over $1.5 billion of equipment here.

In addition, the Japanese have recently conquered the world market in semiconductors largely by selling chips at a loss through large industrial conglomerates which, in turn, offset these losses with profits made by other parts of the organization.

These examples are symptoms of a more fundamental problem. Japan operates differently from the United States and Europe in a number of areas that affect trade flows: Government microeconomic/industrial policy; large conglomerate industrial groups and cartels; trading companies; financial system; distribution system; and Government procurement procedures.

Japanese practices in these areas are not presently subject to the GATT and may not lend themselves to reform through future efforts by Japan's trading partners to modify GATT.

But, as Japan's role in an increasingly interdependent world economy grows, it is only appropriate to ask when the Japanese themselves will come to fully appreciate, one, the disruptive effect of these practices on the international trading system, and, two, the attendant need for them to initiate corrective action, rather than wait until pressure from abroad reaches the boiling point.

Prime Minister Nakasone's historic speech may signal the beginning of such a process. In the meantime, the Japanese Government must apply to the task of opening its markets to imports the same degree of rigorous planning and direction that it presently employs in the development and expansion of its export markets. In other words, Japan must set and meet goals for the expansion of specific imported goods, just as they have done with regard to exports. The four sectors that are the focus of the current negotiations represent an appropriate place to begin.

Prime Minister Nakasone stated in a Cabinet meeting last week that Japan must be prepared to control exports either by a program of voluntary export restraints or by an export surcharge. That is a course which we in the United States and our trading partners in Europe should encourage in every possible way.

In my view, the United States and European Community ought to join forces to influence Japan to produce results on both fronts: opening its markets to imports and controlling its exports. Moreover, we should insist that the focus be on actual results—a reduction in the size of trade imbalances between Japan and the United States and between Japan and the European Community.

I readily admit that it is unusual to expect a nation to restrain exports of products for which it has a comparative advantage. But I recognize, as apparently does Prime Minister Nakasone, that export restraint will be far less costly to Japan in the long run than arbitrary restrictions which the United States and European Community in their growing frustration, might otherwise impose.

In the United States as, I suspect, in Europe, there is currently extreme pressure for unilateral, protectionist action. The European parliamentary system is somewhat better insulated from these pressures than our system of government. Nonetheless, a coordinated, concerted effort is necessary on our part within the OECD to preempt protectionist measures before further deterioration in our trade accounts or a new recession lends them further momentum.

□ 2030

INFRASTRUCTURE CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. CLINGER] is recognized for 60 minutes.

GENERAL LEAVE

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLINGER. Mr. Speaker, I am delighted to be joined in this special order by my distinguished chairman, the chairman of the Committee on

Public Works and Transportation, the gentleman from New Jersey [Mr. HOWARD], and by my distinguished leader of the Economic Development Subcommittee, the gentleman from New York [Mr. NOWAK].

Mr. Speaker, I ask unanimous consent to yield to the gentleman from New Jersey [Mr. HOWARD] 30 minutes of my special order time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLINGER. Mr. Speaker, I yield to my chairman.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that I be permitted to yield a portion of the time yielded to me by the gentleman from Pennsylvania [Mr. CLINGER] to other Members of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FINANCING THE INFRASTRUCTURE

Mr. HOWARD. Mr. Speaker, I would first like to congratulate the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican member on the Subcommittee on Economic Development, for his leadership and initiative on the whole problem of infrastructure financing. Education is a vital part of solving this problem, and the gentleman from Pennsylvania has recognized this need with this special order and with the Wednesday Group symposium he organized in February.

Mr. Speaker, of all the issues currently facing the Nation, none may be more critical in restoring economic vitality than the choices embodied in the development and implementation of a national infrastructure program.

The word "infrastructure" is a relatively new term that describes the basic network of facilities that drive the economy. It has been used broadly to encompass a wide variety of different capital facilities and public functions. Some of these relate to advances in health, knowledge, and general welfare, which are often defined as "social infrastructure." Other facilities are directly related to commercial transactions and the provision of necessities such as water and sewer services. These are defined as "physical infrastructure." It is the latter—specifically publicly operated, physical infrastructure facilities—which are at the forefront of concern.

Today, more than ever before, the United States faces a serious problem related to the condition and adequacy of its basic infrastructure—surface transportation, water supply, and distribution, sewer collection and treatment facilities. The water main failures in Boston and New York, the collapsing of a bridge in Connecticut, the bursting of a dam in Colorado, and depletion of ground water acquifers in New Mexico and Oklahoma have provided recent and dramatic examples of the country's aging and failing infrastructure. A system which was once a source of pride has become a source of peril.

At the same time, economic data indicate that the country's investment in its infrastructure has not kept pace with its needs. Between 1971 and 1981, spending by all levels of government on highways, bridges, mass transit, water, and sewers dropped from 1.5 percent of GNP to 0.78 percent. We can hardly expect to elevate the competitiveness of the American economy while permitting a continued decline in our infrastructure systems. The issue is not only potholes; it is productivity as well. Yet, in the debate over how to improve our productivity, the role of infrastructure is often overlooked.

While no inventory exists of public works in the United States which prevents a firm assessment of the extent of infrastructure deterioration and of needed investment to meet infrastructure needs, various organizations have surveyed existing literature and studies on infrastructure needs.

According to one such survey that was done by the Joint Economic Committee of Congress entitled "Hard Choices," the United States is faced with a $1 trillion bill for highways, roads, mass transit systems, water supply, and wastewater treatment systems for the rest of the century. However, based on current projections of revenues, we will be approximately $450 billion short of meeting that goal.

While all Americans fully recognize the need to control inflation, reduce the deficit, and adhere to wise and prudent funding policies, failure to meet pressing infrastructure needs will lead us in an economic downward cycle as industrial development, investment, and productivity falter.

Clearly, the longer the delay in restoring our transportation and water systems, the harder and more expensive the task will become. But the issue is larger than this. Just as clearly, all citizens will suffer a loss in the quality of their lives and the choices open to them.

CAUSES

A number of factors have contributed to the decline of the U.S. infrastructure including the following:

A coincidence of life cycles. Physical facilities eventually wear out or become obsolete, and studies indicate that the life cycle of much of the U.S. infrastructure is concurrently drawing to a close.

Those portions of public infrastructure traceable to industrialization and urbanization between the late 1880's and 1930's, such as urban water, sewer, and public transport facilities, are reaching the twilight of their natural lives, resulting in a peak level of new investment and repair needs for users and taxpayers of the 1980's.

Shifts in population and industry. Studies show that Americans are migrating from the Northeast and Midwest to the South and West, and from city centers to suburbs.

These population shifts have resulted in two different infrastructure problems—those of the older regions and those of growing areas. The infrastructure of older regions may no longer be the right size for the diminished market served. This can mean a competitive disadvantage for established cities and regions, as well as the loss of tax base. On the other hand, expanding population centers in the South and West demand large, new infrastructure investments.

High inflation and high interest rates. Unprecedented high levels of inflation in the late 1970's and high interest rates since 1980 have contributed to the postponement of needed infrastructure spending.

High inflation and interest costs are a problem for any enterprise, private or public, that seeks to create capital assets. They raise current dollar estimates of future funding required for needed investments. They also add to investor uncertainty, discouraging investments that produce benefits in the future—a characteristic of infrastructure projects. Moreover, revenues are less likely to keep pace with cost increases during periods of high inflation.

Declining share of GNP devoted to infrastructure. Although total Federal, State, and local government expenditures have risen as a percentage of gross national product during the past 20 years, government investment expenditures have declined as a share of GNP.

Federal program emphasis on capital projects rather than repair and maintenance. The Federal Government historically has emphasized the capital cost of public works projects rather than operating or maintenance costs. An example is the Interstate and Defense Highway System where, until recently, Federal funds covered 90 percent of construction costs, but no repair costs.

Growth in social relative to investment expenditures. One explanation for shortfalls in infrastructure funding is that social priorities are changing. Expenditures for public facilities have become less popular, compared with other claims on Federal, State, and local budgets. Some observers speculate, for example, that the rise of social spending has squeezed out resources otherwise available for physical infrastructure.

NEEDS

Unlike those programs of assistance to individuals or specific sectors of so-

ciety which have been advanced as Federal responsibilities in recent decades, the traditional public works investment programs have evolved more slowly. They have grown from modest beginnings with post roads and early inland navigation to encompass activities responsive to the needs of a modern, continental United States.

For example, the construction and preservation of an adequate highway system has been and remains an essential element of the national economy.

However, the Federal-aid highway system in which have been invested billions over the past quarter century—$74 billion for the Interstate alone—is deteriorating at an alarming rate. Nearly 26,000 miles of Interstate, arterial, and collector highways are in immediate need of major resurfacing or reconstruction, and on the Federal-Aid System alone there are more than 55,000 deficient bridges. Merely to restore the highways to their 1975 condition and keep them that way would have required an annual investment of $14 billion a year for capital investments in 1975 constant dollars, according to a 1977 U.S. Department of Transportation needs report. Between now and the year 2000, according to the Joint Economic Committee report, the estimated need for bridge and highway repairs is $720 billion. In the Surface Transportation Assistance Act of 1982, funds were added not only to pay for these problems but to target repairs. However, it is still estimated that we will be $265 billion short in meeting the highway and bridge needs for the rest of the century.

The capital needs of our Federal-Aid Highway System are only part of the picture. With the nationwide awakening to the new realities of energy and economy in transportation, greater than ever demands have also been placed on the Nation's public transit systems.

Transit use and its capital needs have increased accordingly. In fact, the Joint Economic Committee policy study projects needs of about $178 billion for urban transit requirements through the year 2000, compared to estimated revenues of only $88 billion.

Only through the continued support for capital investment in mass transit can the demonstrated need for this mode be met. The future of public tranportation depends on continuation of our financial investment at levels that will assure essential service and reliability for our transit systems.

A similar case can be made for the protection of our capital investment in water supply and distribution systems. Faced with inadequate sources of water supply, contamination of water supply, and deterioration of systems, it is estimated that we can provide only $55 billion of the $96 billion necessary to meet short-term needs.

In water pollution, $29 billion has been committed over the past 8 years in the form of Federal grants for wastewater treatment plants. Despite delays and an array of other problems, some headway has been made and we can now identify rivers, lakes, and streams which have started a turnaround after generations of neglect. Yet, the Joint Economic Committee survey indicates that for the final 15 years of this century, some $163 billion will be required to meet the Nation's water needs and to restore and protect our waters for the future. Resources, however, are estimated at $114 billion over the same period.

SOLUTIONS

Recognizing this, and fearing that the country is on the verge of an infrastructure crisis of growing proportions, I, along with a number of my colleagues, introduced legislation to address the problem.

H.R. 1776, the National Infrastructure Act, rests on five assumptions.

First, infrastructure renewal and development is of clear national importance. Each State will have unmet needs in the next 15 years.

Second, because of the budget crisis, the Federal Government is unable to respond to the emergency by simply increasing spending, as it has done in the past.

Third, we must establish a new long-term, sustained commitment to building and repairing public works which recognizes the advantages of our federal system of government.

Fourth, infrastructure renewal represents an investment in the future. It is not wasted money, particularly when Federal loans are repaid.

Finally, a competitive national economy depends upon a sound infrastructure.

A National Infrastructure Fund [NIF] would be established in the Treasury Department. Its sole function would be to make 20-year, interest-free loans available to the States and to make certain that they are repaid. It would allocate $3 billion per year for 10 years according to a formula based on State population, though that and other specifics of the current proposal could be modified.

Since funding by the NIF is capital intensive, its operations would be considered off-budget. This, coupled with the repayment feature, negates any effect on the deficit of the unified budget.

The States would set up infrastructure banks or revolving funds which would lend money to finance infrastructure construction and repair. This money would be paid back to the State fund through taxes and/or user fees in equal, annual increments, thereby permitting the original Federal loan to finance more infrastructure construction and/or repair. According to estimates by the Congressional Budget Office, the $30 billion in loans would create about $76 billion in new infrastructure spending over the 30-year period the program lasts.

The States would be required to spend the loans only on roads, bridges, mass transit, water supply and distribution systems, and sewerage systems. Each State would be required to set aside at least 30 percent of its loans for municipal and county governments to invest.

The States would not be permitted to substitute the funds for projects which otherwise would have been carried out. Nor would they be permitted to provide the non-Federal share of the cost of any project from the loan. The NIF is designed to supplement existing programs.

After 1 year, the States would be required to pay a percentage of their loan, determined by the Secretary of the Treasury, into a sinking fund in the NIF. There, the deposits would earn enough interest to repay the original repayable grant. This would limit the impact of the program somewhat, and it would ensure repayment. At current interest rates, it is estimated that States would pay back $1 for every $6 they receive.

After the States have completed repaying their last loan, 30 years after the program begins, a permanent pool of infrastructure capital equal to the interest income earned by the sinking fund will remain. That is calculated to be around $25 billion. This money would continue to be recycled to finance additional infrastructure projects.

The Comptroller General and the Secretary of the Treasury would be empowered to review compliance, conduct audits, and to issue reports to Congress on the status and operation of the program.

In general, the proposal has three overriding attractions. It provides a steady, dependable stream of capital to the States so that managers can plan for future needs. It leaves selection and direction of projects with State and local governments, though the projects would be restricted to infrastructure needs whose impact on the national economy is greatest. Finally, because the funds would be repaid, the cost to the Treasury will be contained.

I have been extremely gratified by the response that has been received from both public officials and the private sector since I introduced the bill. The State of Illinois, for example, recently adopted a resolution [H. Res. 402, May 20, 1985] urging:

> Members of the United States Congress to pass pending legislation regarding infrastructure loan programs for the states of this Nation.

It is my intention that hearings be held in all parts of this Nation to re-

ceive input on the bill and to understand better the magnitude of infrastructure needs and the financing capacity of State and local governments to meet those needs. The first hearing was held in Fort Worth, TX, on April 26.

CONCLUSION

In rebuilding our capital stock, we all share a commonality of purpose and responsibility. As we look to the future of the Nation's economy, it should be self-evident to all of us that its health rests, to a great extent, upon upgrading basic infrastructure systems.

The challenge now faces all of us. In the years ahead we are going to find out whether we have the resourcefulness and the determination to meet it.

Together, I believe we can.

□ 2040

Mr. Speaker, I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, we have a number of Members who want to participate in this special order, and some are under time constraints. Before I give my remarks, I would like to yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman for yielding to me.

Mr. Speaker, I am proud to sit on the Economic Development Subcommittee with the gentleman from Pennsylvania and on Public Works and Transportation with Chairman NOWAK. I rise in support today of the national infrastructure financing which I consider vital to maintaining and improving the quality of life in every part of our Nation for the rest of the century.

Maintenance and new construction of bridges, roadways, wastewater treatment plants, public buildings, waterways, water supply, and mass transit is imperative to the preservation and extension of our infrastructure. A sound infrastructure system is essential to a healthy national economy. Any delay by this Congress in meeting our infrastructure needs only compounds the costs and puts our Nation at an economical disadvantage with the international market.

As a matter of fact, Mr. Speaker, probably the principal reason our Nation has been able to develop and grow industrially, and its cities have functioned so well over the past century is because the superior infra-structures we built up, and in those counties where there is little or poor infrastructures, their cities are a disaster as far as even simple services are concerned.

We must reverse the declining trend of our eroding industrial base by providing public capital investment for the national infrastructure. Every Member of this Congress is directly affected by the national infrastructure.

As a member of the Committee on Public Works and Transportation, I recently attended an infrastructure hearing in Fort Worth, TX, the first of several hearings to be held throughout the country to review the national infrastructure legislation. The city of Fort Worth is a city where the benefits of past government investment in infrastructure as well as emerging needs of the 21st century can be observed.

Unfortunately, not every part of our Nation can boast of infrastructure development. Most of our public facilities are wearing out faster than they are being repaired or replaced. The city of Baltimore which is adjacent to my district is one where sewer and water systems are wearing out. Baltimore is one of those older cities, going back more than two centuries. The State of Maryland has need for improvements of bridges and roadways as well as sewage disposal plants. Our system of waterways and locks are so worn out that they can barely handle current traffic requirements.

By the end of this century it is expected that the Nation's inland waterways will be unable to handle over 100 million tons of commodities. Many of our wastewater treatment plants are outdated and parts of our Nation experience drought and need an improved water supply. Bridges and roadways are in need of maintenance to promote economic development——

Now is the time to act to ensure that an infrastructure financing is made possible to prevent any further deterioration of our infrastructure. Let us not allow our infrastructure deteriorate when we have the means to prevent it.

Mr. CLINGER. Mr. Speaker, I thank the gentlewoman very much for her very excellent remarks. I think she has identified very clearly the major problem that addresses the entire country, whether it be new construction or the renovation and rehabilitation of elderly infrastructure.

Mr. Speaker, at this time I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding to me.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I would like to thank my colleague and committee chairman, JIM HOWARD, for the opportunity to add my voice in support of revitalizing our Nation's infrastructure.

There is definitely a growing recognition that maintenance, replacement and new construction of public infrastructure—highways, bridges, water supply, and treatment facilities, solid waste disposal, and the like—is a problem that is becoming one of the most pressing policy issues of our time.

The Joint Economic Committee's recent study estimates that it will cost $1 trillion to meet the needs I have mentioned through the end of this century. In the face of that staggering price tag, the study projected that based on current funding, we face a shortfall in infrastructure spending of $450 billion. For the Federal highway system alone, estimates are that we must spend close to $500 billion to eliminate all the deficiencies in that very vital system. This Joint Economic Committee report is called. "Hard Choices: A Report on the increasing Gap Between America's Infrastucture Needs and Our Ability to Pay for Them." I agree with that title, we are faced with hard choices, especially in financing the program.

In my own State of Texas, it is estimated that they will need $61.1 billion over the next 20 years for infrastructure development. This would require about $3 billion a year, almost a 100-percent increase over spending in 1983. These facts have touched off a lively debate over this pending crisis in Texas.

Four principal financing mechanisms have been proposed in Texas, three of which are tax hikes with the fourth focusing on bond financing.

Now I strongly believe that infrastructure is primarily the responsibility of State and local government. The Federal role, if any should be limited to capital financing. That is why I like Chairman HOWARD's bill so much because of the revolving loan fund it establishes. However, that still costs money and in these times of $200 billion budget deficits, we really need to look at all alternatives to pay for these programs at the local level without pushing that deficit further in the red.

I understand that your bill, Chairman HOWARD, will require State and local governments to eventually repay this national infrastructure fund and I applaud that purpose. We also need to look at cost sharing, matching funds, and user fees on the local level to supplement this fund.

In fact, the city of Fort Worth in Texas has found that when Federal funds were scarce, that they could come up with some creative ideas that would give them more local control over their own projects. They recommended at the first infrastructure hearing in Fort Worth earlier this year, that our bill be amended to require that 50 percent, rather than the current 30-percent level, be required at the local level. They also urged that the bill contain provisions which would create a rational, objective process for distributing funds through a block grant process. Finally, they suggested that the program be funded through a pay-as-you-go basis so it does not add to the Federal deficit. I totally concur with those conclusions.

Again, I commend Mr. HOWARD and our Economic Development Subcom-

mittee Chairman, HENRY NOWAK, and the subcommittee's ranking minority member, BILL CLINGER, for their leadership in bringing this matter before the House at this time. I especially applaud their efforts to finance the urgent need of infrastructure in our country in a way that will not increase our national deficit. So it does not become a question of whether this work will be carried out. It is a question of how and when. We can start paying this bill now when it is cheaper instead of paying a whole lot later.

Mr. CLINGER. I thank the gentleman for his excellent remarks and I would applaud him for the efforts that I think have been made in the great State of Texas in coming up with some innovative approaches to the financing of this overwhelming infrastructure problem that we have. Some creative efforts at privatization in some areas. The user fee concept.

I think Texas is to be applauded for the very good efforts that they are making to address a very serious problem.

Mr. Speaker, I reserve the balance of my time.

Mr. HOWARD. Mr. Speaker, I would like to respond to the gentleman from Texas who just spoke. I would like to thank him for his remarks. We have only had one full committee hearing on this in the State of Texas, and he enumerated several of the suggestions that were made by the people there, both on the State and the local level as to how we could improve the legislation that I introduced. I want to thank him and thank his people for that. I am sure as we go around the country we will get a lot more good information and better ideas, as he said, not are we going to, but how, and how best to do it. I wish to thank him for the contribution he has made.

□ 2050

Mr. Speaker, at this time I would like to yield to the chairman of our Economic Development Subcommittee, a gentleman who has worked on this problem for quite some time, the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. I thank the gentleman for yielding.

Mr. Speaker, few issues facing this Nation touch the lives of every single person, quite so thoroughly and personally, as does the condition and adequacy of the public facilities, that constitute our physical infrastructure. The evidence is vast and growing that, in all areas of the Nation, facilities that directly relate to commercial transactions, and provide basic necessities such as water and sewer services, are insufficient or wearing out faster than they are being repaired or replaced.

Our roads, bridges, ports, water supply and wastewater treatment facilities, which account for 80 percent of capital investment expenditures, by all levels of government, are the vital underpinnings of our country's life and economy. Our jobs, our general health and welfare, our ability to function efficiently and productively, depend on our having sufficient and well-maintained public capital investments.

Without adequate facilities, communities cannot participate in economic development. The private sector will not invest, economic growth cannot occur, and job opportunities will not be created. Communities locked into a no-growth status, cannot contribute to the national economy, and that affects the Nation's ability to successfully compete in the world economy.

Although many reasons are cited as contributing to our present infrastructure dilemma, the fact is that over the last 15 to 20 years investments by all levels of government for repair, replacement, or new construction of public structures have not kept pace with our needs and have declined markedly as a percentage of our gross national product.

Infrastructure needs exist nationwide, but the problems vary considerably not only by type of facility but also by geographical location. Differences occur within regions, among States, and within States. Clearly, the public works issues facing my home area of Buffalo, NY, one of the older cities of the Northeast, with aging facilities that must cope not only with severe weather but changing demands due to population and industry losses which have an impact on our tax base, are not quite the same as those in Florida or the Southwest, or other parts of the country with growing populations and industry, different terrain and weather.

As we in the Buffalo area strive for economic revitalization, we are inherently aware of the importance of rebuilding our deteriorating network of public works. A report prepared by the city of Buffalo, for example, has estimated the total infrastructure needs for the city at about $400 million. The problem of our aging water systems and our sewer construction needs are at the top of the list. The Corps of Engineers has calculated that needed capital repairs for the water supply distribution system alone would cost a minimum of $171 million over the next decade. Roughly half of the 800 miles of pipeline in the system were installed before the turn of the century, many of which are wooden. Additionally, we will need at least $200 million to repair our local streets, bridges and other public facilities.

Nationally, problems in many areas can be readily seen, and various studies and needs estimates indicate the magnitude of the infrastructure problems is enormous. For example:

Some 13 percent of the Nation's aging dams are classified as "high hazard";

Nearly 1 of 2 paved miles of highways needs resurfacing or complete reconstruction;

Nearly half of America's bridges are too old or weak to adequately and safely handle today's traffic;

Fifty-six of 184 principal locks on the Nation's inland waterway system will require major repairs over the next 20 years;

Deepwater ports, a key to exporting American goods, have insufficient capacity and are stifling trade.

The job of rebuilding the Nation's public infrastructure is likely to be the most expensive challenge facing us in this decade and possibly the next. Estimates of the costs nationwide range from $1 trillion to $3 trillion in the next 10 years just to maintain today's level of service on public facilities. Building new facilities or replacing existing ones and upgrading could double the estimated figures.

The Joint Economic Committee Report "Hard Choices" suggests needs of about $1 trillion, and further estimates that the total national infrastructure gap between revenue and needs for highways and bridges, other transportation, water supply and distribution and wastewater collection and treatment, through the year 2000, will be above $400 billion.

The report concludes that the infrastructure problem is solvable and the solutions are manageable.

However, I admit I was stunned by the estimates contained in the report for my own State of New York. More than $107 billion may be needed for transportation, water supply and wastewater treatment by the year 2000. Based on estimates of available revenues ranging from about $65 billion to about $77 billion, the report predicts a shortfall of between $28 billion and $39 billion.

Such figures are alarming, but we must remind ourselves that they are not firm assessments and there is no consensus on either dollar needs or infrastructure needs.

At present we have no inventory of public works in the United States, no hard knowledge of the extent of deterioration, of aging, or the number of inadequate facilities that is based on common criteria. This does not mean we should disregard these wide ranging and extreme figures for they serve a useful purpose in helping to focus on the important questions of needs, priorities and of what is affordable.

Whatever the total turns out to be, we know it will be substantial. It will take the responsible efforts and resources of all levels of government with a strong assist from private industry and financial institutions to rehabilitate our Nation's infrastructure.

A small step was taken last year when the Capital Budgeting Act was signed into law. It can be an effective decisionmaking tool to help Federal, State, and local officials allocate scarce dollars in the most effective way for construction, repair, or replacement of needed public facilities.

The act calls for a National Council on Public Works Improvement and requires the President's budget to separately identify and summarize the capital investment expenditures of the United States. Hopefully, appointments to the council will soon be completed and it can proceed, along with a 12-member advisory group also called for in the act, to develop and publish uniform guidelines and criteria for inventorying and assessing public works and reporting construction, acquisition, rehabilitation, and maintenance data.

There is much to be done, however. We all know the efforts within our own States, counties, and communities to deal with the many problems of assessing infrastructure needs, setting priorities and finding innovative solutions.

Here in Congress, the difficult job of moving toward a program for the Federal Government to meet its responsibility in restoring the Nation's multibillion dollar capital investment continues.

I am pleased to have joined with JIM HOWARD and other Public Works and Transportation Committee members in cosponsoring H.R. 1776, the National Infrastructure Act, which would create a National Infrastructure Fund.

Interest-free loans would be provided to States to create revolving loan funds for statewide use, 30 percent of which must go to local governments. State repayments of these loans would go into a sinking fund within the National Infrastructure Fund forfeiture use.

Chairman HOWARD has announced hearings on infrastructure issues to be held throughout the country using H.R. 1776 as a starting point for obtaining recommendations and alternative approaches.

Having participated in the first of these hearings in Fort Worth, I know firsthand the importance and value of the information received, on this nationwide problem.

We must keep moving toward the solutions to our infrastructure problems. We cannot ignore them, they will only get worse the longer we delay.

Mr. Speaker, I just want to take a minute to congratulate Chairman HOWARD and certainly BILL CLINGER, who is my ranking minority member, for their leadership on this issue. They have participated for many years trying to structure a well-placed bill, and I think they have gone far afield to make sure that what they will have in place will not only be welcomed by the country, but accepted by this Congress and certainly by the administration.

Mr. HOWARD. Mr. Speaker, I wish to thank the gentleman from New York for his statement and the work he has already done on infrastructure, and especially as chairman of the Subcommittee on Economic Development of the House Committee on Public Works and Transportation, to praise him and the gentleman from Pennsylvania [Mr. CLINGER], for the work they have done on the Economic Development Act, which we expect to be on the House floor within the next week or two, sort of an underpinning for this major problem that we are confronting with the entire infrastructure.

Mr. Speaker, I would like to yield now to the chairman of our Surface Transportation Subcommittee, a gentleman who has done so much to help improve the transportation facilities in our country, the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. I thank my chairman for yielding time to me, and I, too, want to congratulate the gentleman from Pennsylvania, BILL CLINGER, for taking this special order.

Mr. Speaker, too often, it is the glitter and the frills that capture the public's attention, rather than the basic framework that lies beneath. This attitude helped lead to the deterioration of our Nation's infrastructure. The term "infrastructure" describes the basic network of facilities that drive our economy: Our transportation, water and wastewater systems, and other public properties. Admittedly, these are not headline-grabbing issues, unless by chance one of these very systems, that we take for granted collapses or somehow becomes completely inadequate to meet our needs. Then, people become very concerned and the spotlight shines on the failures, as suddenly they become problems that impact people directly and immediately.

This past April, in Fort Worth, TX, the House Public Works and Transportation Committee begin hearings nationwide on the issue of infrastructure. The issue is certainly a national one, as the country's total gap between revenues and needs through the year 2000 is over $400 billion. Although these needs and their scope vary from State to State, the single most dominant need across the country is for improvement of our highways, bridges, and transit systems.

As chairman of the Subcommittee on Surface Transportation, I am firmly committed to tackling this problem. The public not only deserves, but for future economic growth, our country requires an adequate transportation network. The costs of neglect are just too high, and can no longer be tolerated. It costs the average U.S. driver at least $185 per person more each year for driving on bad roads and bridges than on roads in good condition. It also costs more to ship raw materials and manufactured products on rough and worn county roads than on good highways. And as companies incur higher transportation expenses, these costs are, of course, passed along to the consumer. Neglect of our roads also leads to the unnecessary loss of human lives, as it is the second leading cause of accidents, preceded only by drunk driving.

In my own State of California, the mounting problem is severe. According to a recent study, over 40,000 miles of county roads need to be resurfaced and 5,000 county bridges need to be repaired or replaced in California alone. Because of budget constraints at all levels of government, however, only one-fourth of what is needed to repair these systems is currently available. With travel increasing and estimates of California's population growing by the year 2000 from the present 24 million to 30 million, this is clearly not the place to cut corners.

Nationally, our 42,500 mile interstate system is deteriorating at the rate of 2,000 miles a year. It costs 4 to 5 times more to replace than to maintain roads, so the problem only compounds as the system wears out. Over 50 percent of our interstate system is rated as being in only "fair" condition, and over 12 percent is considered "poor." This data, along with case after case of bridge collapse and other failures, illustrates the need to focus attention and funding on this problem immediately. The reconstruction of our infrastructrue will require a long-term response and commitment by the Federal Government. It is imperative that both Congress and the administration face up to the fact that if we are to have a vital and expanding economy, the Nation must have a strong, modern public infrastructure. Private industry cannot survive without well-maintained water and sewer systems and a sound network of roads, bridges, and mass transit.

Mr. Speaker, it is for this reason that a new highway/transit bill will be introduced in this Congress extending these critical national programs through 1990. And it is for this reason that I joined Chairman HOWARD in introducing H.R. 1776, to establish a revolving fund to serve as a source of loans to our cities and States to help them finance those infrastructure improvements they deem necessary.

Mr. Speaker, we can sit idly by and watch our Nation's infrastructure deteriorate. Or, we can exercise a little foresight, and rededicate ourselves to the efforts begun in 1982 with passage of the Surface Transporation Assistance Act, and help assure a healthy economy for our country by solving

the infrastructure crisis that confronts us. We must act vigorously. We must enact an extension of our Surface Transportation Programs and H.R. 1776 before the 99th Congress expires.

□ 2100

Mr. HOWARD. Mr. Speaker, I thank the gentleman from California [Mr. ANDERSON] for his very fine statement and for the work he has done for transportation in this Nation.

Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. YOUNG], the chairman of our Subcommittee on Public Buildings and Grounds, a very active subcommittee of the Committee on Public Works and Transportation.

Mr. YOUNG of Missouri. Mr. Speaker, I am very pleased to have the opportunity to add my remarks to those of the distiguished chairman of the Committee on Public Works and Transportation and other distinguished Members who have spoken today on the critical needs of the Nation's infrastructure. I would also like to take this opportunity, as a cosponsor of Chairman Howard's H.R. 1776, to congratulate the chairman and the chairman [Mr. NOWAK] and ranking minority member [Mr. CLINGER] of the Subcommittee on Economic Development for their efforts on behalf of a solution to this important national problem.

If we stop to think about it, we all understand that our roads, bridges, and water and sewer systems, waterways and buildings are at the heart of the economy of this Nation. Unfortunately, for too long our attention has been occupied by other issues, often the "crisis of the day." Unless we find ourselves trapped in traffic jams for hours on the way to work, or buying bottled water, or watching garbage float down the neighborhood creek, we haven't bothered much about the condition of those systems which are the backbone of our economy. When we do find ourselves facing such an emergency, the solution has often been a quick fix, a temporary patch that we hope will last until the next emergency.

Let me give you some examples of the long-term needs we face from my own State and district. According to a recent report, more than half of the Interstate Highway System in Missouri is in poor condition and requires repair. That means, according to the Federal Highway Administration, that the roads are "characterized by rutting, uneven pavement, and potholes. Unfortunately, the condition of our bridges is even worse.

Five bridges cross the Mississippi at St. Louis, connecting Missouri and Illinois. Three of those bridges were built between 1874 and 1917, and the other two have been in constant use for 17 to 30 years. A recent report by a joint Missouri and Illinois committee which studied the condition of the bridges provided a clear and disturbing picture of the problem.

With the exception of the Poplar Street Bridge, the newest of the five, all of these key crossings require major rehabilitation. One has been closed to auto traffic since 1981, when it was barricaded after large chunks of concrete fell from the deteriorating deck. Erection of a safety net under another bridge, built in 1951, has been recommended to protect visitors to historic Laclede's Landing from debris which periodically crumbles from the bridge. The historic Eads Bridge, built in 1874 as the first link across the Mississippi, badly needs rehabilitation to restore it to acceptable condition. Overall, it is estimated that we must spend nearly $13 million per year to repair and maintain the structures and to retire existing debt. That figure is more than 2½ times the annual revenue collected, and we don't know where the additional money can come from.

Similar decay affects our underground infrastructure, and the costs are even more staggering. The St. Louis Metropolitan Sewer District has been faced with an average of 4,000 caveins each year. In the city of St. Louis, most of our combined sewers are more than 80 years old. Some, built in the 1850's, are brick or stone, with wooden bottoms, and twisted into circular shapes. These systems are a credit to the engineers who designed them and the workers who built them. They have already lasted much longer than anyone could have expected. Now, however, failures are increasingly yearly. We must begin to rehabilitate these sewers before failures occur. Fortunately, no one has yet been injured in a collapse, but we can't afford to bet that our luck will hold. For repair of this antique system alone, we face an estimated bill of $750 million. The cost for repairing the sewer system in the entire St. Louis area is $2.5 billion.

In St. Louis, as all over the country, the time has come to address these problems with long-term solutions. The National Infrastructure Act provides a sensible, feasible approach to filling the long-term need for investment in the Nation's public structures. It is an investment that will be repaid many times over, not only directly, but through its beneficial effects on our local, State, and National economies. I hope that the series of hearings that the Public Works Committee is holding nationwide will increase public knowledge and support for a comprehensive infrastructure program. We must get on with the job.

Mr. HOWARD. Mr. Speaker, I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, before beginning my statement, I would like to commend JIM HOWARD for his excellent bipartisan leadership of the Public Works Committee, and also for his efforts to bring the focus of public and congressional attention on the issue of infrastructure. As you may know, Chairman HOWARD has announced a nationwide schedule of Public Works Committee hearings on infrastructure. They'll be held in cities throughout the country, giving many Members the opportunity to gain a firsthand look at our Nation's inventory of public works facilities. It will also serve to elevate the issue before the eyes of the public, and I think it's equally important to educate them about the deteriorating condition of our public services resources.

Mr. Speaker and colleagues, the word of the day is infrastructure.

By definition, infrastructure encompasses a broad range of public facilities from schools to highways and bridges. And as a legislative issue, infrastructure represents one of the greatest paradoxes now before Congress. The paradox, simply, is whether we can continue to afford paying for these necessary public works, and if so, how.

Infrastructure development has historically been one of the major responsibilities of government at all levels. It is public works. It is literally the sinews of what makes society possible. For the Romans it was the Forum, the aqueducts and the Appian Way; for the Chinese the Great Wall; and for the Greeks it was the Parthenon and the Colossus at Rhodes. In these modern times, it's our bridges, roads, airports, water and wastewater treatment plants, power generation systems, and public buildings.

The paradox of affordability is now confronting us. As Chairman HOWARD pointed out, we are facing a $1 trillion bill for infrastructure repair, maintenance and construction between now and the year 2000, and absent any changes in our current tax effort, we'll wind up $450 billion short.

The proof of our deteriorating infrastructure is all around us. There are probably very few among us who haven't been delayed due to congested airports and airways, or who've driven over pothole filled roads. Millions of us live in communities that can have no economic growth because their wastewater treatment systems are at capacity.

The Corps of Engineers reports that the average age of the principal locks on our inland waterway system is 40 years old.

The Department of Transportation reports that its road and bridge system is deteriorating, with over 120,000 bridges judged as structurally deficient and an additional 120,000 as obsolete. The Federal Highway Administration reports that half of the Nation's primary, secondary and urban

roads are now listed in only fair condition.

There's an easy explanation for this dilemma; we aren't spending enough to maintain our infrastructure. In fact, we're spending less today than we have in the recent past. Measured in constant 1972 dollars, all forms of government invested $30 billion during 1965 but only $25 billion in 1984. That's a 17-percent decline. And measured against the gross national product, we reduced spending from 3.2 percent of our GNP in 1965 to 1.5 percent in 1984—a 52-percent decline. Most disturbing is the fact that the most precipitous decline has occurred at the State and local levels of government.

It's no secret that all levels of government are cutting back on construction and maintenance in order to balance budgets, in order to hold down tax rate growth, and to finance a growing agenda of social services.

Deferred maintenance is, unfortunately, a common practice to gain short-term savings, and it's likely to continue in the near future. But let me state here that the current high cost for infrastructure repair is not a recent phenomenon, it's been around for a good while. Many cities have been well aware of the outstanding physical improvement needs for many years.

For many capital systems, maintenance and replacement can be reasonably deferred for a time without significant damage as long as the necessary work is later resumed. But the danger lies more in the precedent of deferral. Temporary postponements of repairs tend to stretch into permanent neglect. More and more towns and cities are now adopting replacement cycles that well exceed the original design expectations for public works projects such as roads and water and sewer systems. One need only to witness the practice used by many older cities to extend their replacement cycle for streets, sewers, and waters to extraordinary lengths that, in some instances, begin to span centuries.

Acknowledging this outstanding backlog of work and the extraordinary cost it will take to complete it, what can we do to begin making meaningful headway?

First, I suggest we've already made a start in the 98th Congress with its enactment of the "Public Works Improvement Act of 1984." This legislation requires—for the first time—that the President actually survey and assess the state of repair of our inventory of public works. It calls for the creation of a National Council on Public Works Improvement and directs it to analyze the condition of existing public works facilities and recommend appropriate Federal actions. It is to prepare an annual report on the state of our Nation's infrastructure and focus on the improvements necessary to help sustain our current and anticipated economic growth. This would include highways, bridges, mass transit, resource recovery facilities, airports, water supply and distribution systems, wastewater systems—everything important to the economic health of our country.

Second, I suggest Congress begin to focus on developing methods to finance our outstanding infrastructure needs and to encourage our local governments to begin this work as soon as practicable. As many of you know, both Chairman HOWARD and I have separately introduced bills calling for creation of a National Infrastructure Bank, whose sole purpose is to help provide affordable financing. JIM HOWARD and I share the same goal of moving our country off dead center on the issue of infrastructure repair. We suggest different financing schemes, but we're both committed to providing a degree of Federal impetus to get the work underway. There is, however, in my view a compelling need to arrest and reverse the decline of State and local government investment in public facilities.

Third, I believe we should give greater weight toward the concept of applying user fees wherever possible. Fee-for-service charges have a number of built-in economic incentives for efficiency; they guarantee a flow of revenues needed to sustain a service; and the fee is assessed to those who actually benefit from the service provided. And most importantly, considering the $450 billion shortfall facing this country, user fees can go a long way toward helping bridge the funding gap. I also believe we need to explore and encourage many of the innovative efforts underway in some sections of the country to privatize the financing and construction of vital public facilities.

And fourth, during its consideration of the tax reform legislation in the months ahead, Congress should reject any efforts to repeal the current uses of industrial development bonds, accelerated depreciation, and investment tax credits, as these practices apply to our infrastructure. The tax reform package proposed by the White House would seriously damage the ability of State and local governments to finance needed infrastructure improvements at a reasonable cost if enacted in its current form.

I'd like to draw your attention to a recently completed study undertaken by the accounting firm of Touche Ross, together with city and State magazine. They did a survey of local officials to learn how they plan to deal with the cost of infrastructure repair in their own communities. Within the week, I'll provide each Member with a copy of the Touche Ross report and I commend it to your attention.

But for the moment, let me share with you a few of the report's highlights. Responses indicate that:

One-third of the local officials claim that one or more of their infrastructure systems pose a serious threat to the health and safety of their citizens. Most of the threat is posed by waste water systems and roads, bridges, and streetlights.

60 percent of the respondents plan to spend at least twice as much for infrastructure during the next five years as they did during the last five years. 24 percent said they will spend 3 times as much in the next five years as they did in the previous five years. This is enormously encouraging.

85 percent of the respondents felt that taxpayers do not understand the cost of infrastructure repair and expansion.

Respondents were equally divided as to whether privatization is a viable funding option. Only 25 percent of the respondents have used privatization. My feeling is that this is a vastly underutilized technique.

78 percent of respondents believe that government regulations controlling bidding, contract awarding and material specifications and change orders inflate the cost of infrastructure projects.

Mr. Speaker, infrastructure will remain a national issue because the problem, I fear, is going to get worse because there is little indication that the root causes are going to be addressed soon. State and local finances cannot deal with the problem without major changes. The basic tension in this issue for the future is determining who is responsible for what. Is infrastructure a national, local, or State issue, and what role should the private sector play?

I submit that Congress can no longer allow these questions to go unanswered, and I also submit the Congress must take the leadership in resolving this issue.

Public works is both a cause and a consequence of urban development. It is a facilitator and—when neglected—it can be an equally powerful inhibitor to economic growth. Without adequate public facilities, the quality of life itself is reduced.

I am hopeful that in the weeks and months ahead, all Members will take an earnest look at the condition of the infrastructure within their own districts, talk to local officials, and draw their own conclusions about the ability of their local public works to encourage or sustain growth.

Infrastructure's promises and its problems transcend our Nation without regard to region or economy. It is time that all of us recognize its influence on our daily lives.

□ 2110

Mr. Speaker, I yield to my colleague, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I have enjoyed listening to this special order this evening,

and I want to begin by commending the gentleman for taking this out.

The gentleman from Pennsylvania [Mr. CLINGER] knows me from serving on our committee, and the gentleman knows me as a hard rock laissez faire conservative who believes there is very little the Government ought to be doing. As I have been here in this body, I have noticed all too many times our expending our effort and our time and eventually the taxpayers' money and the Nation's resources on a lot of activities that perhaps may not be the legitimate business of the Government.

It is for that reason that I particularly appreciate the gentleman taking the time this evening to initiate this kind of a dialog to get us thinking in terms of these essential areas where our Government must perform and provide the infrastructure.

It is a well-known fact among people who have studied the economic development of our emerging Nation that without a sound infrastructure they can never build a sound economy. For us to forget that lesson with respect to our own economy, I think would be a tragic error.

I appreciate again the initiative the gentleman is showing and the good analytic work that the gentleman has done with us tonight.

Mr. CLINGER. Mr. Speaker, I thank the gentleman from Texas very much. As he has indicated, he is indeed a committed and very excellent conservative. I think the gentleman has pointed out that there are some functions of government that really are essential and those that cannot be done by the people themselves, by the individuals themselves, must be done by government.

Historically, public works, whatever you might think of it, generally has been one of those activities. Without the Federal Government's commitment to building a highway system, or a rail system, as a matter of fact, we would not have had the kind of growth we have seen in this country.

So, I am very grateful for the gentleman's comments and remarks.

Mr. Speaker, I am happy to yield to my distinguished chairman, the gentleman from New Jersey [Mr. HOWARD].

□ 2120

Mr. HOWARD. I thank the gentleman. I wish to congratulate him for the fine statement he has made, being such a leader in helping us to face up to this problem.

I would just like to point out one thing you did say concerning this infrastructure problem. It does not get people riled up, it does not get the juices up.

I think, however, if we think about some of the aspects of it, perhaps, we can get our juices up. For instance, just on roads and streets, and the 2,000 miles of interstate that need major repair every year, we can certainly get our juices up when we think of how many Americans, men, women, and children, totally unnecessarily die and are killed each year on our highways, not because of drunk driving, which is a cause very often, not because of speed, not because of a faulty vehicle, but because of a bad road, because of a pothole or something also that is wearing down. We lose lives that way.

Aside from lives, what other costs do we have? It is estimated that we have somewhere between $125 and, I believe, $135 per year per vehicle in damages every year. That is a cost that will be eliminated.

So, what we are doing in infrastructure repair is really an investment and a savings in many area.

I think of our bridges, and we can get our juices up when we think of the 504,000 bridges in this Nation and 46 percent of them, 260,000 of them are unsafe. That does not mean they are closed. They are being used, but they are unsafe, structurally deficient, functionally obsolete. Repair or replacement will be $60 billion.

We have a bridge collapse in this Nation on the average of 1 every 2 days. Sure, every one of them is not a major urban bridge with commuter traffic on it, but a lot of unnecessary loss of equipment and lives takes place in that area.

You know, what is a liberal or conservative? I am a liberal, perhaps a conservative. There is no liberal or conservative view on what you do with a bad bridge, and you cannot say, well, if we just ignore it for a while, maybe it will get better by itself. It will never heal itself, it will just be worse. We have to fix it, and we have to fix it soon. The longer we wait, the more danger, and the greater the cost.

Pure, clear water. Water, perhaps, at the same time the cheapest, yet the most valuable commodity on this earth. Nothing can live, nothing can grow without pure water, and that is one area, water pollution control, one problem we can solve by throwing money at it. We know where the pollution is coming from. We do not need new technology. We know how to clean it up.

So we have two things to do to arrange to clean it up. We know how to do it, if we just make the commitment to do it. And then also, of course, to protect what we have that is pure and not yet polluted.

So, the gentleman mentioned user fees which are a great idea. I like to use the word benefitter's fees, something like the Highway Trust Fund. The more you use it, the more you pay. The less you use it, the less you pay. If you do not use it, you do not pay, and it does so much good for so many people in the economy of this Nation.

As to a local share, this whole program is developed on a local or non-Federal share because it is a loan program. And with that loan we also give flexibility.

Construction, reconstruction under my legislation, whether it be water, surface transportation, because the needs in the East are very different from the Southwest and the far West, and some may have greater water needs, and some may have rehabilitation needs in transportation. Some need new construction. Many of us in the older areas need reconstruction.

So we stand here today, and we are facing this problem. I do not mean just the gentleman from Pennsylvania and myself, or the Public Works and Transportation Committee, or the Congress of the United States. The entire society of the United States, every man, woman, and child, we face this urgent problem of the basic problem of the opportunity to continue the expansion and the benefits, economically and socially, that we can give to this country by facing this problem. It is a big problem. The shortfall right now is $450 billion, but it is not all an expense either.

We have to realize that next to housing, I think public works construction probably has the greatest ripple effect on the economy. There are an awful lot of people who are going to work to supply the materials, to deliver the materials, as well as building and the economic expansion that comes to it. So it is really an investment, and a great deal of money that does come back in jobs, in less outlay for unemployment benefits and welfare, in tax money by people who are working. So it is really a progressive idea.

And I want to thank the gentleman and I want to thank the other members of our committee and the others who have participated in this debate. We can work together. It is a big problem, and it will not go away. We have to face it, but we can do an awful lot of good for the future of this Nation, for the future generations by facing up to it and beginning this long road to rehabilitation that we hope to have before the House before this Congress ends at the end of next year.

I wish to thank the gentleman for his participation, and yield back the balance of my time.

Mr. CLINGER. I want to thank the chairman for that impassioned, deservedly impassioned and brilliant explication of what we are talking about here, because I think the need we have at this point is to get some passion behind this issue.

I think the thing I would stress, and what you have been saying, I think you made the point so well, is that

these are public facilities and public works, not something that is over there and that has no relation to anything else that goes on. It is not just nice to have bridges and highways and waste water treatment systems. They are vital for economic development.

I serve, as the chairman knows, on the Economic Development Subcommittee. My interest in this issue is generated by the very fact that I recognize that there is a direct linkage between what we have in the way of public facilities and our ability to have economic growth and development. And without it, I think that we are going to see a decline in our ability to grow, a decline in our standard of living.

So there is a terribly important imperative here that we need to address.

You know, the most startling statistic which was first mentioned, as a matter of fact, in the book "America in Ruins" by our colleague, Pat Choate, was that 50 percent of the communities in this country can have no growth, because they are at capacity as far as their waste water treatment systems.

I suspect that if the people in those communities realized the limitations placed upon them by the fact that they had not addressed this very real issue, that they would be screaming to us to do something about this or screaming to their local officials to do something about it.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I will be happy to yield to the gentleman from Texas.

Mr. ARMEY. I would like to also make another point. Sometimes our infrastructure can be a hidden treasure. Say, for instance, a city may find itself having grown across as much land mass as is available, and the only possible way to expand the city's capacity to handle the population might be rehabilitation of the inner city. If we, for example, were to take something like the investment tax credit to rehabilitate older, and rebuild and reconstruct older buildings, we can often make a wonderful landmark in one of the communities, and a wonderful community beginning, and we find that it is sitting under a wonderful treasure of all of this infrastructure already in place which we can avoid rebuilding. That is an opportunity for us to look at the Tax Code and the revision and see how we can use that to save what is already there and put it back to productive use.

These are the kinds of initiatives that if we search we can find, and we can save existing infrastructure and rehabilitate it. We can do the maintenance, the repair, and we can really indeed save America from that dilemma that Pat Choate described so very vividly, Pat Choate, by the way, my former graduate school colleague, describes so vividly in his book "America in Ruins."

Mr. CLINGER. I thank the gentleman again for the comments. And I would like to applaud again the chairman for making this the year of the infrastructure, because I think it is, indeed, an issue whose time has come.

Hopefully, it is not an issue whose time has passed, or we have lost the attention of the American people. So, it is an initiative that is so vital. And the fact that you have scheduled and indicated that we are going to have regional hearings, because we are going to be looking, I know, for all kinds of options, funding options and a whole range of issues that are involved in this very, very vital issue, is something I look forward to.

So, I would commend the chairman for the hearings. I look forward to participating in them, and I hope that we are going to energize the American people to recognize that their future, their very quality of life is directly linked to the success we have in addressing the infrastructure crisis in the country.

Mr. HOWARD. I thank the gentleman for his very valuable contribution.

● Mr. GALLO. Mr. Speaker, this may be the most important discussion to take place on the floor of the House in this Congress. We will not enter the 21st century as the world's most powerful Nation unless we address the critically important needs of our national infrastructure.

We have consistently deferred needed maintenance on our vital public facilities. For whatever reason this delay has occurred, the time to face the music for years of postponements is upon us.

As a Member of Congress from the Garden State of New Jersey and original sponsor of infrastructure bank legislation in that State's general assembly, I would like to share with my colleagues a success story of great importance to us here today.

New Jersey communities have a lot in common with communities throughout the Northeast and Midwest. In older communities, aging sewer and water systems need to be replaced. In areas experiencing suburban growth, existing sewer and water systems need to be expanded to meet increasing needs.

While most older communities with greatest infrastructure needs are located in the Northeast and Midwest, Members from all parts of the country represent communities that share common problems associated with growth and progress.

The traditional role of the Federal Government has been to provide limited amounts of grant money to States for a limited number of sewer and water projects. Over the last decade, the number of Federal requirements placed on local governments in these areas has increased, while the capacity of the Federal Government to provide grant money has declined.

The result has been increasing pressure on local governments to do more and more with less and less.

In 1983, Governor Thomas H. Kean of New Jersey proposed an innovative solution to address the infrastructure needs of communities through creation of a revolving fund to provide loans at little or no interest to finance sewer, water, and transportation system improvement and expansion projects in these communities.

As the minority leader of the New Jersey General Assembly at that time, I was proud to be the original sponsor of the Nation's first infrastructure bank legislation, based on concept developed by the Kean administration. The transportation portion of the legislation was enacted in 1984 as the transportation trust fund for New Jersey, providing a loan pool of $3 billion to repair existing roads, bridges, and mass transit systems.

Since that time, a number of other States have been seriously considering bills to create infrastructure banks. A proposal now before the New Jersey Legislature calls for the creation of the portion of Governor Kean's proposal dealing with environmental issues.

In Congress, an innovative proposal within H.R. 8, the Water Quality Renewal Act of 1985, calls for replacement of the current direct grant program for construction grants with a new grant program to be used by States to establish water pollution control revolving funds. The bill is designed to meet the Federal Government's commitment to environmental safety in spite of current budget deficits, because our future is at risk if we delay further.

Beginning with the 1991 budget year, this fund will begin providing Federal money to revolving funds in each State. A total of $6 billion will be available to States between 1991 and 1994, under provisions of H.R. 8.

The result of this important legislation will be more money for more communities than is available under the current grant program. Loans issued by States from these revolving funds will provide communities with attractive alternatives to current methods of borrowing money, because of the low or no interest provisions associated with a fund of this type.

H.R. 8 is an important first step toward a new system of dealing with our infrastructure needs. Under the direction of Chairman JAMES HOWARD of New Jersey, the Public Works and Transportation Committee is in the process of scheduling hearings in order to develop a comprehensive proposal to deal with our increasing needs

in the area of infrastructure repair and development.

I urge my colleagues in the House to take a very close look at this method of financing our real needs for repair and expansion of local sewer, water, and other infrastructure systems.

This is a concept that will benefit all regions of the country now and in the years ahead. It is an idea with a future, if it is given a chance.

If we are to reverse this disastrous decline in our infrastructure, we must act soon to develop a financing strategy to restore our basic needs and protect our environment. This is not a parochial issue.

From coast to coast and border to border, our Nation's crumbling stock of public facilities is destroying our capacity to support renewed economic growth and provide basic community services. It poses an enormous challenge, and one from which we dare not shrink.

Thank you.●

● Mr. RAHALL. Mr. Speaker, today I would like to join with my colleagues to express my great concern with our Nation's deteriorating infrastructure system and to urge the 99th Congress to address this fundamental issue.

Our country's infrastructure—bridges, roadways, wastewater treatment plants, public buildings, waterways—is the responsibility of Federal, State, and local governments. Unfortunately, little public attention is given to infrastructure matters unless a community's infrastructure fails or becomes greatly deteriorated. In recent years, as fewer Government resources have been put into these vital services, infrastructure failures have occurred at an alarmingly rapid rate. The problem has become common and widespread throughout the United States.

The time to address this growing crisis has long since passed. We must act quickly to address both infrastructure maintenance and new construction needs. The sooner we turn our attention to this issue, which affects every district in our country, the more quickly we can draft an appropriate and much needed remedy.●

● Mr. KLECZKA. Mr. Speaker, I applaud Chairman HOWARD and the other members of the Committee on Public Works and Transportation for organizing this special order, and join them in calling attention to America's growing infrastructure crisis.

I share the feeling of most Members of this House that reducing the huge Federal budget deficit must be a top congressional priority. But cutting the deficit is not an end in itself; it is, rather, a means toward preserving America's economic vitality and providing decades of economic development and growth. Fiscal restraint alone, moreover, will not provide growth; among other things, an extensive and effective American infrastructure is absolutely essential to a healthy economy.

A visit to my Milwaukee district or to any industrial area offers vivid illustration of the complex and crucial role which the facilities we call infrastructure play in the economy. Roads and bridges carry workers to their jobs, consumers to the market, raw materials to factories, and finished products to the store. Reservoirs, water mains, and sewage treatment plants provide a flow of clean water to homes and industries, and prevent pollution from damaging public health and natural resources. Clearly, the accelerating deterioration of these facilities across America is a major obstacle in the path of economic development. The public works of 20, 30, and 40 years ago will simply not last forever.

Of Wisconsin's 12,822 bridges, for example, 4,324—33.7 percent—are considered structurally deficient, and 2,032—15.8 percent—are functionally obsolete. Of particular concern is the fact that 1,695 bridges—27.3 percent—on the Federal aid [FA] system are structurally deficient. The FA system carries about 80 percent of the motor vehicle traffic in Wisconsin; this deficiency percentage is third worst in the Nation.

According to the Department of Transportation, Wisconsin urban interstate routes rank fifth worst in the Nation in terms of deficient pavement—42.0 percent—and rural interstates rank seventh worst—28.2 percent.

On the other hand, with regard to wastewater treatment, my district contains what many view as a model infrastructure project for the 1980's. The Milwaukee Metropolitan Sewerage District's 8-year-old water pollution abatement program is ahead of schedule and under budget. The program demonstrates that proper planning and financing, combined with creative technology, can produce cost effective and durable infrastructure facilities for the future.

Mr. Speaker, even with the best technology, there will be no easy solution to the infrastructure crisis. The rehabilitation of roads, bridges, water treatment plants, and other facilities will cost money. I do suggest, however, that the problem is a manageable one if Congress and the administration commit themselves today toward facing the crisis head on. We need a long-term strategy to carry us forward into the next century; our economic survival depends upon it.●

● Mr. ROSE. Mr. Speaker, I am pleased to join my colleagues today to discuss this country's infrastructure crisis. I would like to commend the House Public Works and Transportation Committee for the hearings it is holding around the country this year. I believe that those hearings, combined with the discussion we have here today, will bring about some effective and meaningful solutions to the infrastructure crisis that is affecting every congressional district.

Mr. Speaker, there is no question that we already have a real crisis on our hands. Crisis means "a crucial state of affairs," and that is exactly what the situation is. Our roads, bridges, and water and sewer systems are in disrepair in the Northeast, while in the fast-growing South and Southwest, there is a severe lack of adequate roads, sewer systems, and other services that are essential to accommodate the growth that is taking place.

Mr. Speaker, maintaining and enhancing our infrastructure is not something that is done overnight. It takes long-term planning, and a careful assessment of what our Nation's infrastructure needs are now and will be in the future. This is no simple task. So, for this reason, developing our roads, waterways, bridges, wastewater treatment plants, and ports has to become a top priority.

Economically, the United States has always done extremely well because of its superior infrastructure. It is no accident that the Founding Fathers chose to settle in America. Navigable rivers and good harbors made America an ideal place for commerce. Both George Washington and Thomas Jefferson, as well as all the early Presidents, recognized the importance of an inland waterway and road system to the economic potential of the United States in those early days. These men made it a priority, and the United States prospered because of it. I believe we can continue our economic growth, but Mr. Speaker, if we shrink away from our responsibility of developing a superior infrastructure, our economy will suffer. At a time when the U.S. trade deficit is at an all time high, we cannot afford to have inferior ports, or inferior roads and waterways. As our economy becomes more and more intertwined with the world's economy, we must be able to ship our goods to foreign markets efficiently and cheaply. To compete worldwide, the United States must have ports, waterways, and roads that are top-notch, and we must be willing to make the development of these essential resources an ongoing commitment.

I would like to thank Chairman JIM HOWARD and the Committee on Public Works and Transportation for organizing this important discussion today, and I urge all my colleagues to work together to find solutions for the infrastructure crisis.

Thank you.●

● Mr. FEIGHAN. Mr. Speaker, I want to congratulate Chairman HOWARD, and my colleagues, HENRY NOWAK and BILL CLINGER for the leadership they have demonstrated by conducting a

special order to discuss the country's growing infrastructure crisis. I owe a special debt of gratitude to Chairman HOWARD and my colleague, Congressman ROE, for the support they gave me on behalf of my constituents to reimburse them for the Rocky River Wastewater Treatment Plant. All of us in Congress are indebted to the dynamic leadership shown by members of the Public Works and Transportation Committee to address the problem of this Nation's deteriorating infrastructure.

There are probably few legislative topics as unexciting—and perhaps as unappealing—as the issue of the infrastructure. Bridges, roadways, wastewater treatment plants, public buildings; these and other similar Federal, State, and local responsibilities receive very little public attention except when a key piece of a community's infrastructure fails or is threatened with imminent failure. As less and less Government resources are directed toward these critical services, the number of failures increase year after year.

The need to address acute infrastructure maintenance and new construction are needed throughout our entire country. The older industrialized areas—like northeast Ohio—must undertake extensive repairs on existing systems, and growing communities in the South and Southwest fight to cope with current demands on their services. In discussions I have had in my district, with mayors, community leaders, public officials, and residents, the No. 1 issue brought to my attention is the deteriorating condition of the infrastructure, and the need to do something about it.

In 1980, the community capital investment strategy [CCIS], the governing body of the build up Greater Cleveland program, was established to develop a workable strategy to address the crucial infrastructure problems facing the community. This strategy will detail how to finance, repair, or replace roads, bridges, water, sewer, and transportation systems in Cuyahoga County. Renewal of the area's infrastructure is an excellent example of what public-private cooperation can do in a large metropolitan community. Public officials responsible for local infrastructure and civic leaders from business, industry, law, and banking have cooperated fully in developing and implementing plans to finance the rehabilitation or replacement of Greater Cleveland's roads, bridges, transit, water, and sewer systems in the 1980's and 1990's.

Mr. Speaker, the completion of such projects in my district such as the Heights/Hilltop Interceptor and the Southwest Interceptor are crucial components in the reconstruction of the area infrastructure. The completion of I-480 will complete Greater Cleveland's interstate highway network. Infrastructure funds were used to reimburse the residents of Bay Village, Rocky River, Fairview Park, and Westlake $2.3 million in their 13-year battle over the Rocky River Wastewater Treatment Plant. Because of $9 million in infrastructure moneys, the city of North Olmsted will be able to complete its wastewater treatment plant in 1986. At some point in the future, it may become necessary to address the needs of the Westview Sewage Treatment Plant.

In June 1984, I sponsored the first annual municipal officials conference on the infrastructure inviting municipal officials to let me know what infrastructure needs were most pressing. Each expressed a need "to do something" about the area's deteriorating infrastructure. This special order coincides with a series of nationwide hearings Chairman HOWARD has scheduled by the House Public Works and Transportation Committee to seek solutions to this problem. I have written the chairman inviting the committee to Cleveland and hear firsthand of our needs. I would welcome the opportunity to host this honorable delegation.

All of us must better acquaint ourselves with the complexities surrounding the broad issue of infrastructure. The need to act is reaching crisis proportions, and the sooner Congress begins to turn its attention to this fundamental issue, the sooner we can begin to constructively deliberate on the proper legislative remedy.●

● Mr. HAMILTON. Mr. Speaker, one useful byproduct of our national economic afflictions has been increased attention to the issue of productivity. Unfortunately, the discussion has not focused upon one important component of economic efficiency: the condition of our infrastructure.

While we have stressed the development of a fifth generation of computers, we have neglected the preservation of the current generation's transportation and water systems. Years of declining investment in our basic life-support systems have undermined—and will continue to increasingly undermine—our Nation's productive and commercial capacity.

Between 1971 and 1981, spending by all levels of government on highways, bridges, mass transit, water, and sewer dropped from 1.5 percent of GNP to 0.78 percent. Measured in 1972 dollars, total investment in all public works fell from $30 billion in 1965 to $25 billion in 1984, a 17-percent decline. On a per capita basis, public works investment in constant dollars dropped from $236 per person in 1965 to $142 in 1984, a 40-percent decline.

The longer we delay restoring our transportation and water systems, the harder and more expensive the task will become. But the issue is larger than paying for public works projects. The ability to move people and goods quickly and to provide an adequate supply of clean water is essential for future economic growth.

Fearing that we could face a crisis of growing proportions, the Joint Economic Committee commissioned an advisory panel under the direction of its former chairman, Henry Reuss, to study the condition of our infrastructure and to make recommendations on how to finance its repair and construction. The study was based on a survey of 23 States, and its conclusions represent the best available data.

The advisory panel discovered a severe problem. Although the country's regions have differing requirements, all have widespread needs. While the Northeast and Midwest encounter growing deterioration of facilities built decades ago, the South and the West cannot keep up with new demands for expansion.

The advisory panel estimated that to meet tomorrow's demands, the United States must increase planned spending by $450 billion through the year 2000. It estimated that to finance repair and reconstruction of highways and bridges, we will need $720 billion through the end of the century. Of that, only $455 billion will be available under existing programs, leaving a shortfall of $265 billion. For water supply and distribution, the spending gap is $41 billion; for wastewater collection and treatment, $49 billion; and for mass transit, $88 billion.

The advisory panel found that, while the financial requirements are large, they are also manageable. Although the $450 billion needed for infrastructure spending in the next decade and a half is a large sum, it is within our means. The Joint Economic Committee's estimates are less alarming than some, which have put the cost of needed investment in the trillions.

We cannot ignore these needs. If we do, we will endanger the health of our economy. The public takes its transportation and water system for granted. We had better not.

What can we do? The Joint Economic Committee has made several recommendations. These include establishing a capital budget to help define our resources and needs, reviewing obsolete technical standards which impair intelligent investment, and, where appropriate, granting the States greater latitude to determine how to spend scarce Federal infrastructure dollars.

But, most important, Congress, we believe, should establish a National Infrastructure Fund, which would help the States address the deterioration the JEC advisory committee, as well as others, have so conclusively documented.

That is why I am pleased to have joined Congressman HOWARD and other members of the Public Works

and Transportation Committee in introducing the National Infrastructure Act, H.R. 1776, which creates such a fund. This bill, which Senator HART has introduced in the Senate, rests on five assumptions.

First, infrastructure renewal and development is of clear national importance. Each State, as our study has shown, will have unmet needs in the next 15 years.

Second, because of the budget crisis, the Federal Government is unable to respond to the emergency by simply increasing spending, as it has done in the past.

Third, we must establish a new long-term, sustained commitment to building and repairing public works which recognizes the advantages of our federal system of government.

Fourth, infrastructure renewal represents an investment in the future. It is not wasted money, particularly when, as we are proposing, Federal loans are repaid.

Finally, as I have already noted, a competitive national economy depends upon a sound infrastructure.

The National Infrastructure Fund, which we are proposing, would be financed by the U.S. Treasury at the rate of $3 billion a year for 10 years. It will be a small office in the Treasury Department, whose sole function would be to make 20-year, interest-free loans available to the States and to make certain that they are repaid. It will allocate funds to the States according to a formula based on population, though that could be modified.

The States, in turn, will set up infrastructure banks or revolving funds which will lend the money to finance infrastructure construction and repair. This money will be paid back to the State fund through taxes and/or user fees in equal, annual increments, thereby permitting the original Federal loan to finance more infrastructure construction and/or repair. We have calculated that $30 billion in loans will create about $76 billion in new infrastructure spending over the 30-year period the program lasts.

The States will be required to spend the loans only on roads, bridges, mass transit, water supply and distribution systems, and sewerage systems. These, we consider, the core, life-support systems of our economy. Each State will determine how to allocate its Federal funds. Obviously, New Mexico's priorities will differ from New York's, but each will decide separately how to invest its capital. The States will be required, however, to set aside at least 30 percent of its loans for municipal and county governments to invest.

The States will not be permitted to substitute the funds for projects which otherwise would have been carried out. Nor will they be permitted to provide the non-Federal share of the cost of any project from the loan. The National Infrastructure Fund is designed to supplement existing programs.

After 1 year, the States will be required to pay a percentage of their loan, determined by the Secretary of the Treasury, into a "sinking fund" in the National Infrastructure Fund. There, the deposits will earn enough interest to repay the original "repayable grant." This will limit the impact of the program somewhat, but it will ensure repayment. At current interest rates, we estimate those combined payments will average $65 million per year.

After the States have completed repaying their last loan, 30 years after the program begins, a permanent pool of infrastructure capital equal to the interest income earned by the sinking fund will remain. We calculate that that will be around $26 billion. This money will continue to be recycled to finance additional infrastructure projects.

The Comptroller General and the Secretary of the Treasury will be empowered to review compliance, conduct audits, and to issue reports to Congress on the status and operation of the program.

As I noted earlier, we regard infrastructure expenditures as an investment in the future. The projects funded will have a real and tangible value. They should not, therefore, be regarded as operating expenses. Rather, they represent an investment for which, as any good business recognizes, it is proper to borrow. We have consequently proposed that the moneys appropriated for the National Infrastructure Fund, which will be repaid, be considered off-budget in a separate capital account.

This proposal has three overriding attractions. It provides a steady, dependable stream of capital to the States so that managers can plan for future needs. It leaves selection and direction of projects with State and local governments, though the projects would be restricted to infrastructure needs whose impact on the national economy is greatest: roads, bridges, mass transit, sewerage, and water supply and distribution systems. Finally, because the funds would be repaid, the cost to the Treasury will be contained.

In conclusion, I want to address a question we have been asked many times since we first introduced the National Infrastructure Act last June. How, when the Federal budget deficit is so large, can we propose that Washington undertake a new spending program, no matter how necessary, meritorious, or fiscally prudent?

The answer, I believe, is clear. We must increase our investment in infrastructure because failure to do so will hurt us in the future. Without a sound infrastructure, economic growth becomes more difficult. Without strong growth, all our other social and economic goals, including a balanced budget, will be harder to achieve.

In short, the cost of continuing to neglect our national infrastructure needs is truly something we cannot afford.

Others have asked if it would not be more appropriate for the States to meet the challenge of revitalizing our infrastructure, rather than the Federal Government. They note that, after all, most States have budget surpluses and that infrastructure spending has historically been a State responsibility. They also point out that the State share of total spending on public works has declined from 70 percent in 1959 to 52 percent in 1983.

Unfortunately, the nationwide task of infrastructure renewal is too large and too important to leave to the States alone. So great are the needs for repair and expansion that all levels of government must participate in order to keep our national economy strong.

The National Infrastructure Act will raise only a fraction—about one-sixth—of the total revenue the Joint Economic Committee study indicated we will need by the year 2000. The States, and the cities, therefore, will have no choice but to increase spending, though today, unfortunately, too few have concrete plans to do so.

By requiring the States to establish infrastructure banks, or revolving funds, H.R. 1776 in fact creates a catalyst which will stimuate the process of infrastructure renewal. It recognizes that Washington cannot today simply increase its grants for development. Rather, we wish to utilize the virtues of our federalist system of government, with its shared responsibility for the tasks of government. By creating cooperation between Washington and the States, the proposal addresses the problem in what, I believe, is a new and potentially very productive way. At the same time, the bill underlines the Federal Government's two century commitment to the building and security of this Nation.

We must increase investment in infrastructure. Because our economy depends on it, we have no alternative. Failure to increase essential public works spending will only crimp our economy's competitiveness in the future, something we cannot afford.●

● Mr. LUNDINE. Mr. Speaker, I want to compliment my colleague from New Jersey for serving as a catalyst to organize a discussion of a subject that is essential to the economic and social well-being of our Nation.

The Nation's infrastructure is its system of public facilities, both publicly and privately funded, which provide for the delivery of essential services and a sustained standard of living.

This interdependent set of structures provides for our mobility, shelter, services, and utilities. It is the Nation's highways, bridges, railroads, ports, and mass transit systems. It is our sewers, sewage treatment plants, water supply systems, and reservoirs. It is our courthouses, jails, fire houses, police stations, schools, post offices, and government buildings. America's infrastructure is the base upon which society rests.

Our Nation's infrastructure affects every aspect of our lives, from local sewage treatment plants to our balance of trade. Unfortunately, our national infrastructure is in desperate need of repair, and in all too many cases, these repairs are not being done. Our interstate highway system is in some States incomplete, and in many more areas in terrible disrepair. Many ports throughout the country cannot accommodate the large ships needed to carry exports to other countries.

In our district in upstate New York, the need for improvements in many aspects of the infrastructure is significant. Many projects desperately need to be repaired or upgraded. The most obvious example of a project that has an enormous impact on almost every aspect of economic and social life in the southern tier of New York, and which, years after its inception remains uncompleted, is the Southern Tier Expressway. This highway is a limited access, four lane highway originally designed to run between Harriman, NY, and Erie, PA. This road is virtually the only major route across the southern part of New York State. Yet, it remains unfinished in at least two places. Federal funding is needed to complete these segments of the road. The Southern Tier Expressway is important for area industries which transport their products by truck. Without this highway, there is no direct, high speed cross-State route. It is time to complete the Southern Tier Expressway. Because of inadequate resources at the State level, it is doubtful that the highway can be finished without additional Federal assistance. Money spent on completion of this road will be money well spent: Increased access to the southern tier will stimulate industrial and commercial growth.

In addition to the Southern Tier Expressway, there are many other infrastructure problems in our rural district that await improvement or completion. In the village of Silver Creek, a new filtration plant and water transmission lines from the local reservoir are needed if the town's water supply system is to meet State health regulations. The village of Forestville has no community sewer system, and suffers water supply and distribution problems. The village of Celeron needs money to correct drainage problems and rebuild some of the local roads. The town of Poland needs funds to upgrade its sewer system. In Elmira, the largest city in my district, funding is needed to complete the second phase of a regional waste water treatment facility. Without this facility, it will be virtually impossible for new industries to locate in the Elmira region; the plant is therefore essential to the city's economic development.

Mr. Speaker, I could continue. There are many projects in my district that I have not mentioned today that need funding. Throughout our Nation, many portions of the country's infrastructure need refurbishing and upgrading. The problems are everywhere in the United States, and they affect the everyday lives of almost every American. Investment in infrastructure is an absolute necessity, even in these times of fiscal belt-tightening. The improvements we make in our roads, bridges, and water systems will benefit us in the long run. An improved and updated infrastructure will result in greater economic growth. We cannot afford further decline in our Nation's infrastructure. I urge the Congress to take action very soon.

Thank you.●

● Mr. EDGAR. Mr. Speaker, I commend the gentleman from New Jersey [Mr. HOWARD], the distinguished chairman of the Public Works and Transportation Committee, as well as my colleagues Mr. NOWAK of New York and Mr. CLINGER of Pennsylvania, for taking this time tonight.

When we were alerted to this special order, the letter of invitation stated that

> There are probably few legislative topics as unexciting—and perhaps as unappealing—as the issue of infrastructure.

Well, I don't believe that. I believe that people are worried about whether their roads are paved, about whether their bridges are safe. They are worried about whether clean water comes out of their faucets. Americans may not call it infrastructure, but they do care.

When you tell people in Pennsylvania's Mon Valley and in Beaver County that we need 10 million tons of steel a year for the remainder of the century to rebuild our bridges and roads, they may not call it infrastructure, but they do call it appealing and exciting. When you tell people in Pennsylvania that reconstruction of the McKees Rocks Bridge in Pittsburgh, the Catawissa Bridge in Columbia County, and the Walnut Street Bridge in Philadelphia will create almost 2,000 jobs, they don't call it infrastructure, but they do call it vital to public safety and commerce. When you tell people in Pennsylvania that sewer construction statewide generates over 4,300 jobs annually, they don't call it infrastructure, but they do call it important to our economic and environmental health.

For this reason, I have often said that if I'm ever on the cover of Time magazine, I want to be known as the infrastructuralist of the year.

My State of Pennsylvania and the Nation as a whole is reaching a critical juncture—a crisis created by the steady aging of our region and exacerbated by the short-sighted policies and proposals of this administration.

Pennsylvania's cities and public works, for example, are the oldest in the Nation. The deterioration of my State's highways, bridges, railroads, water and sewage systems, fire stations, prisons, parks, libraries, reservoirs, aqueducts, paved streets, street lights, schools and community buildings is slowly strangling our economy and resulting in increasing unemployment.

The decaying of Pennsylvania is costing us jobs to other regions and foreign countries. In fact, between January 1981 and February 1985, while the Nation was gaining 6½ million jobs, Pennsylvania was losing 6,000 jobs, and much of this loss comes from our crumbling infrastructure. Unless we take action soon, many more jobs will be lost, communities will be further devasted, and hopes for long-term economic recovery will dashed forever.

The decline of older industrial States is nothing new. Indeed, strong leadership, clear planning, and imaginative financing could have prevented the suffering our State is now experiencing. But over the past 4 years, we have not seen improvement in Pennsylvania, but rather policies that ignore the vital needs of our region and Nation.

Ronald Reagan said that if we just cut taxes for the rich, there will be plenty of growth to balance the budget and put everyone back to work. And look what happened, the rich got richer and the deficit has skyrocketed, more Pennsylvanians are out of work, and Pennsylvania still leads the Nation in decaying bridges and lost industries.

Now I realize that we must also attack the deficit problem and that we will have to make some sacrifices to achieve that goal. But I believe that as a Nation we must set appropriate priorities.

So what do we do to reverse the situation? How can we plan to repair and rehabilitate our aging infrastructure, to put people to work rebuilding my State and others, and to create more jobs in a rebuilt America?

I am pleased to serve on the Public Works and Transportation Committee, which has taken a leadership role in addressing this crisis. In 1982, our committee convinced the administration of the necessity of a strengthened road and transit system, and the result was the landmark Surface Transporta-

tion Assistance Act. For the first time, we dedicated part of the gas tax to mass transit financing. In addition, we have made clear the importance of reconstructing and rehabilitating our Nation's roads and highways, not just building new ones.

This year we have sent to the full House a bill to reauthorize the Clean Water Act and its Sewer Construction Grants Program; a reauthorization of the Economic Development Act; and a package of water legislation that is remarkable because of its firm steps to set up a national water policy and rebuilt our ports, inland waterways, and water supply system.

Perhaps most important from a planning perspective, in 1984 we took a historic step to bring coherence to public works decisionmaking and program administration. A bipartisan group of Representatives, led by Congressman BILL CLINGER and myself and supported by the Public Works Committee, passed legislation to create a national capital budget within the context of the unified budget.

Beginning with the fiscal year 1986 Federal budget, the President will submit to the Congress each year detailed information on the condition of the Nation's public facilities including: the anticipated costs of repair, replacement and rehabilitation; what part of that task will be assumed by the national government; and which public works will be given priority. This information will also highlight and explain the public works-related actions proposed within that Federal budget.

The Clinger-Edgar capital budget bill signed into law by the President last year will require the Federal Government to better plan for our Nation's infrastructure needs. As a result, more attention and funds will be allocated to rebuilding our Nation's infrastructure. This means jobs and hope for our future.

The capital budget bill was a first step on the road to making our economy competitive. But we need to go further. For years, we have had at the State, local, and Federal levels a variety of infrastructure programs. Yet, we have had no infrastructure policy. Some of our capital resources have received attention from government—others have not.

Mr. Speaker, we cannot continue to place band-aids over some of our problems without addressing all of them. For example, you and I both know the pointlessness of repairing a road when it could be ruined by the rupture of a century-old water pipe. Today, cities can spend Federal funds on the road, only to risk wasting the money because the water pipe is not eligible for repair funds.

It's time for a new attitude. It's time for us to set forth clear goals in rebuilding our Nation, goals that are regionally equitable. I believe that three major goals should be set: restoring existing capital plant; planning for financing of growth where needed; implementing strict maintenance programs to avoid a new crisis.

These goals center around preserving our current infrastructure investment and planning how best to spend for the future. In order to have a future, I think that we must adopt some basic principles for action:

First, we need to move further toward a capital budget so that we invest wisely in capital assets. Congress must enact legislation building on the 1984 capital budget.

We must preserve the integrity of existing Federal capital programs. We cannot underfund the highway trust fund, the airport and airway trust fund, and others without delaying the work they have started. Any new infrastructure programs should be a supplement to, not a replacement for, existing trust fund programs.

Next, flexibility at the State and local level is vital. We must expand the list of projects eligible for Federal funding to keep that bursting water main from destroying that federally funded road.

In return for this flexibility, States and localities must begin to provide a realistic funding share for capital projects. We need to make sure that projects are funded on a merit basis, with allowances, of course, for communities in distress or those with special needs.

Finally, strict maintenance standards, including financial plans, should be a prerequisite for Federal aid. We need to insure that an investment of the Federal taxpayer's dollars will be upkept.

I know that we can restore common sense and reason to policies affecting millions of Americans. We need to balance our budget priorities before we can ever bring down the budget deficits. I am confident that we can rebuild our country for ourselves and for our future.

Therefore, I once again commend JIM HOWARD and my colleagues on the Public Works Committee for taking this time to discuss the infrastructure crisis. As they have mentioned, we are about to embark on a series of nationwide hearings to explore this issue in depth. I look forward to attending many of these hearings and taking part in developing a national infrastructure policy to address the problems facing us in this area. We owe nothing less to ourselves and future generations.

Mr. Speaker, I yield back the balance of my time.●

● Mrs. LONG. Mr. Speaker, the decay of America's infrastructure is one of the most serious problems facing this Nation today. America's extensive network of roads, bridges, sewers, rails, and mass-transit systems is heading toward collapse. The situation now poses a growing obstacle to sustained national recovery.

Infrastructure problems are widespread and do not respect regional or Stae boundaries. Today, one-quarter of the Interstate Highway System is worn out and in need of resurfacing. Communities cannot expand because their water treatment systems are at or near capacity. According to a U.S. Army Corps of Engineer's study of 9,000 dams inspected, 2,884 were unsafe including 132 which need emergency action to prevent imminent collapse.

In my home State of Louisiana, where water-related activities amount to more than 17 percent of the State's total gross product, experts claim that structures, like the Old River Control Structure located in Upper Point Coupee Parish, erected just two decades ago to contain the Mississippi River in its current channel are already insufficient to keep the river from changing its course to the gulf. Not only would this severely hinder the use of the Mississippi as a navigation highway, but it would also deprive people and individuals in the Baton Rouge-New Orleans corridor of fresh water for drinking and industrial use.

Estimates of the cost to maintain existing levels of service by rebuilding and replacing what has already deteriorated range from several hundred billion dollars to several trillion dollars. Add to this high cost an administration that favors cutting Federal aid for highways, bridges, and pollution control projects and I see great difficulty meeting the costs necessary to rebuild public facilities essential to public health and welfare, industrial manufacturing and commerce as well as national defense.

Because it is impossible for all infractructure projects to be funded, this Congress will face some hard choices in deciding what parts of the overall infrastructure will receive priority. I commend the Public Works and Transportation Committee and Chairman HOWARD for planning a series of hearings across the country to examine the infrastructure problems facing this great Nation. We cannot neglect the public works projects which have shaped this Nation's character and have accommodated its growth.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join with the distinguished chairman of the House Public Works and Transportation Committee, the Honorable JAMES J. HOWARD, in calling to the attention of Congress the current infrastructure crisis which is facing our Nation.

In recent years in the Midwest with the constant drain of population, businesses, and resources from the Frost

Belt to the Sun Belt, there has also been an ever-increasing gap between the infrastructure needs of our communities, and the ability of cities and suburbs to pay for them. The eroding tax base due to a decreasing population and the recent reductions in Federal funding have made this problem ever more severe.

In the northwest side of the city of Chicago, and in the 12 suburbs which make up the 11th Congressional District of Illinois which I am honored to represent, infrastructure needs are critical. The maintenance and repair costs of sewage systems, roads and highways, the regional mass transportation system, public libraries, schools, and parks, are escalating each year.

Facilities, roads, and transportation services are decaying faster than they can be repaired or replaced. Where there are roads in need of repair, where there is a poor transportation system, where schools, libraries, and parks are inadequate, new businesses are not attracted to the community and other businesses already in the community leave. The crumbling infrastructure has been a major contributing factor in the decline of Midwest urban communities.

We need a national strategy to reverse this trend and rebuild America. Repairing, maintaining, and modernizing public works increases employment opportunities, it increases the GNP, and it enhances the community making it more attractive to new businesses and to families. A national strategy regarding our deteriorating infrastructure can truly put areas hard hit under recent recessions back on the road to economic recovery.

Mr. Speaker, the need to address infrastructure maintenance and modernization is serious and immediate, and I commend the chairman of the House Public Works and Transportation Committee, for bringing this important issue before Congress.●

● Mr. BEVILL. Mr. Speaker, I want to commend our colleagues who serve on the Public Works and Transportation Committee. They have undertaken a vitally important task, exploring the status of our Nation's infrastructure. The hearings which they are holding around the country will play a large part in helping to determine what might be done to rebuild and better maintain our bridges, roads, water systems, public buildings, waterways, and other public works investments.

I am deeply concerned with all aspects of our infrastructure, but I am particularly involved with those relating to our water resources. As chairman of the Appropriations Subcommittee on Energy and Water Development, I have studied the water resource needs of our country and have personally inspected every major waterway facility in the Nation in need of repair or replacement. These facilities represent an opportunity for America to make money on appropriations. Every tax dollar invested in rebuilding or expanding America's waterways and ports enables our farms, coal mines, and businesses to export their products to the international marketplace more economically. This low-cost, energy-efficient transportation helps make American products more competitive and brings trade dollars into our economy. As you know, the United States desperately needs to restore fiscal integrity to its balance of trade. The deficits in our foreign trade account are at record levels. The result is that we are exporting American jobs.

I have proposed, and will continue to support, legislation which will enable us to start construction at some of the most urgently needed water projects across the country. In addition to restoring our facilities, this construction will put people to work on useful projects which will strengthen our economy.

If America turns its back on the renovation and continued development of our public works projects, our physical capability for interstate commerce will be greatly diminished. That would prove costly, indeed, and would be devastating to the agricultural, mineral, and industrial sectors of America's economy.

All of us understand that our Nation faces massive Federal deficits which demand the strictest control over Federal spending. But if we ignore the need for improvements to our infrastructure, our deficit problem could pale in comparison to the disasters arising from a deteriorating infrastructure. To me, there is no doubt that we should make the investment to improve America's infrastructure. If we delay administering emergency treatment to our ailing water systems, roads and highways, waterways, and other facilities, by the time our deficit problem is solved the patient might be too weak to respond.

America's growth has been due, in large measure, to its elaborate network of transportation, public utilities, and lanes of commerce interconnecting every community in our Nation. It is one of our finest resources and it must be maintained. I am thankful that the Public Works and Transportation Committee, under the leadership of my good friend, JIM HOWARD, is working to safeguard this vital American treasure.●

● Mr. MOLLOHAN. Mr. Speaker, I appreciate having the opportunity to convey my support for congressional action to address our Nation's long-neglected infrastructure needs and to discuss the specific infrastructure shortcomings in my home State of West Virginia.

First, I would like to commend Mr. HOWARD of New Jersey for sponsoring this special order on infrastructure. I wholeheartedly support his legislation, H.R. 1776, the National Infrastructure Act of 1985, which seeks to establish a national infrastructure fund to provide the moneys necessary to repair and construct highways and bridges, water and sewer systems, mass transit improvements, as well as public buildings.

From his position as chairman of the House Public Works and Transportation Committee, Mr. HOWARD is certainly in an advantageous post to witness firsthand our Nation's infrastructure needs. His introduction of H.R. 1776 makes a strong statement about the need to take action on this critical issue.

I also would like to acknowledge the cosponsorship of this special order on infrastructure by Mr. NOWAK, who chairs the Subcommittee on Economic Development, and Mr. CLINGER, the committee's ranking minority member. Your time and attention on infrastructure needs are greatly appreciated, and I look forward to working closely with you on this and other public works and transportation priorities.

Each State has its own unique infrastructure needs, and West Virginia is no different. Our mountains are beautiful and we are blessed with plentiful rivers and streams which provide a full complement of attractions for recreation and industry alike. However, the mountainous terrain also makes it more expensive and time-consuming to build roads, water and sewer systems, housing, and to keep pace with mass transit needs.

Also, the State's many rivers and streams necessitate the construction and repair of more bridges and create significant erosion and flooding problems. Likewise, the Ohio River to our west and the Monongahela River to our north are great transportation modes; however, the repair and maintenance of adequate lock and dam facilities is awesome.

Thus, West Virginia's natural resources serve at times to work against us and create special circumstances for our State.

At this time, I would like to share with you some of West Virginia's specific infrastructure needs:

AIRPORTS

According to the National Airport System plan, revised statistics, 1980–89, which is compiled by the Federal Aviation Administration [FAA] West Virginia's 30 airports have identified approximately $50 million in equipment needs and improvements. In addition, West Virginia's rural make-up and mountainous terrain make airport and runway development especially difficult. Consequently, there are half a dozen areas of West Virginia which are not served by any airport and are isolated in the event of an emergency

or disaster. The FAA manager in West Virginia says he has requests for $23 million in airport and airway development, some dating back to 1974.

The Airport and Airway Improvement Trust Fund and Transportation Department Discretionary Funds provide West Virginia almost $5 million annually, but this is not enough to address the immediate needs of airports throughout West Virginia.

SCHOOLS

A 1983 needs analysis conducted by the West Virginia Department of Education, which was confirmed this year by private consultants, shows that $875.45 million is needed to meet West Virginia's educational infrastructure needs.

This can be broken down into the following categories: $127.73 million for health and safety improvements; $134.06 million to resolve severe overcrowding problems; $303.65 million for modernization and alterations; $210.65 million for new schools $48.25 million for support facilities, such as school buses, bus maintenance, garages, and warehousing; and $51.11 million for site improvements—expansion of school grounds and landscaping.

The West Virginia Legislature and county school boards have nowhere near the resources needed to address this situation. In addition, a State court ruling—the *Recht* decision—further complicates the scenario. The ruling struck down the present system of allocating school funds in West Virginia and set higher standards for our State's educational facilities and curriculum.

According to the director of school facilities planning at the West Virginia Department of Education. The *Recht* decision sends West Virginia's school infrastructure needs above the billion dollar mark.

MASS TRANSIT

Public transportation alternatives are always more difficult to operate and maintain in rural settings like West Virginia. It seems that ridership revenues rarely keep pace with the demand for new equipment and facilities, let alone the everyday operations.

The U.S. Department of Transportation operating subsidies and capital improvement funds are dwindling, but mass transit alternatives are still needed.

The Governor's office of economic and community development in West Virginia recently completed a statewide mass transit infrastructure study, and it reveals the State's urban, small urban, and rural mass transit providers could use $3,278,600 to keep the buses rolling. Moneys, in addition to Federal, State, and local resources are needed for the procurement of newer buses, maintenance of existing fleets, acquisition of property, and construction of new terminals and garages, as well as the rehabilitation of older facilities.

ROADS AND BRIDGES

The current 10-year needs study completed by the West Virginia Department of Highways illustrates an overwhelming need for further Federal highway and bridge moneys.

The highway department study indicates West Virginia would need $3.8 billion to reconstruct, widen, and resurface all substandard roadways, $2 billion to reconstruct existing bridges and build new spans where old ones are in disrepair, $1.2 billion to complete Appalachian corridors D, G, and H, and $80 million to complete the State's Interstate Highway System.

Two of the main priority highway and bridge projects in my district are the U.S. Route 22 bypass project in Weirton, and the completion of U.S. Route 50 (corridor D) in Parkersburg.

Knowing the high priority transportation has in West Virginia, I feel confident that a portion of the State's national infrastructure fund moneys would be devoted to highway and bridge work.

LOCKS AND DAMS

Although waterways are not identified by H.R. 1776 as eligible infrastructure projects, I believe certain lock and dam repair and replacement projects should be a focus of this legislation.

As I mentioned previously, West Virginia's location near the Ohio and Monongahela Rivers creates special waterway needs. Because industry relies on these rivers for basic transportation of its products and resources, lock and dam facilities must constantly be repaired and modernized to keep pace with our economy.

Unfortunately, the Federal Government has not maintained several critical locking facilities along the Ohio and Monongahela Rivers and, as a result, we all are paying for the river accidents, barge backups, and funding problems that complicate the replacement of the Gallipolis lock and dam on the Ohio as well as the replacement of locks 7 and 8 on the Mon.

These locking facilities are so old and outmoded that repair and modernization are no longer a viable alternative instead, total replacement of each is urgent and the cost to do so adds up to hundreds of millions of dollars.

According to Dinamo/Ovia—development of interstate navigability on the Allegheny, Monongahela, and Ohio/Ohio Valley Improvement Association—the current cost of the replacement of each locking facility is $370 million for Gallipolis; $98 million for lock 7, Gray's Landing; and $70.1 million for lock 8, Point Marion.

These particular infrastructure needs are not only local and regional in nature, but national priorities for the smooth flow of products and resources in the Eastern United States.

SOIL AND WATER CONSERVATION

Soil and water conservation needs are other possible infrastructure needs that could be addressed by H.R. 1776. According to the U.S. Soil Conservation Service [SCS] in West Virginia, State inland rivers and streams cause average annual flood damages of approximately $25 million.

To reduce the threat of continued flooding, SCS proposes that over 500 miles of channel work and 30 flood prevention dams are needed statewide.

Furthermore, SCS says erosion of pastureland in West Virginia is the highest in the Nation. This is at a time when the administration wanted to eliminate funding for SCS and water conservation activities.

SEWER PROJECTS

According to the States 1984 needs survey, the estimated construction requirements through year 2000 for sanitary sewer projects throughout West Virginia is $1.996 billion. The current fiscal year allotment for West Virginia is $38,136,000, which will fund only six projects.

In a letter of July 1, West Virginia Governor Arch A. Moore, Jr., said, and I quote:

> If we are to adequately address the water pollution control needs of our various municipalities, we must receive our equitable share of any national appropriation. In reality, our efforts are currently frustrated because the annual allotments are not sufficient to fund the overwhelming number of projects which are ready to proceed.

RAILROADS

The rail situation in West Virginia is difficult to assess, because most of the railroad lines are owned by private railroad companies. However, I would like to share a situation in my congressional district which illustrates the need for additional funding to meet community and rail needs.

Conrail abandoned a 3-mile stretch of track between Newell and Chester, WV, in the northern panhandle of the State. While sufficient business may not now be available along this New Cumberland secondary line, it is important for local officials to maintain this line if future economic development is to be realized in this area.

Therefore, the West Virginia Railroad Maintenance Authority is considering the possible purchase of the line from Conrail. It would normally be an easy decision for State rail officials; however, the situation is complicated by the location of two orphan rail bridges spanning Second and Third Streets in Chester.

The ownership of these bridges is uncertain, and both demand substantial repair for any industrial customer to be afforded adequate rail service between Newell and Chester. Conrail says it is not responsible for repairing

the bridges, Chester pleads the same, and the West Virginia Railroad Maintenance Authority is not anxious to assume the ownership and costly repair of the bridges when no industrial prospect has been identified to locate on the New Cumberland secondary line.

I understand there are four other such orphan bridges in West Virginia and numerous more around the country.

WATER PROJECTS

The West Virginia Water Development Authority, in preparing for its 1983-84 budget presentation, found that 182 water projects, totaling $241,607,000, were proposed at that time. Since then, some of these projects have been constructed, but it is difficult to say how many, particularly since Federal funds to carry out water system construction and extensions have been diminishing.

These 182 projects constitute the development of a water system in a core area, so it does not take into consideration the many requests for funding to extend water service to areas which may still be using wellwater.

Also not a part of the $241 million needed for water project funding are the numerous routine maintenance and emergency repair projects in communities which have existing water systems.

A prime example is Wheeling, the largest city in my district. Wheeling's water system was built in the mid-to-late 1800's and for that timeframe, was a state-of-the-art system since its water pipes were made of cast iron. However, over 100 years later, Wheeling City Manager Wayne Barte advises that the city experiences at least one major waterline break each year which demands around-the-clock attention.

Barte said several years ago a water main broke at the busy intersection of 16th and Eoff Streets in downtown Wheeling. The city manager said it was like being injured in the palm of your hand because the waterline break rendered the city helpless until it was finally repaired at a cost of between $30,000 to $50,000.

Currently, Wheeling undertakes a capital improvement of its water system only if a rate increase is granted by the West Virginia Public Service Commission [PSC] or an emergency occurs. If H.R. 1776 would be enacted, Wheeling and other cities nationwide would be able to adequately maintain its existing water systems and avoid preparing for annual waterline breaks.

CONCLUSION

In closing, I would like to reiterate my support for H.R. 1776 which would create a national infrastructure fund. The revolving loan fund the State of West Virginia could set up with its 20-year, interest-free loan from the Treasury Department could be put to good use.

It would not only allow communities to meet the infrastructure needs and make for a better place to live and work, the national infrastructure fund would create thousands of jobs—welcome news in West Virginia.●

● Mr. DE LA GARZA. Mr. Speaker, without question, I join the chairman in his concern about the diminution of the Nation's infrastructure.

My district—the 15th Congressional District of Texas—is a minute section compared to the Nation, but its infrastructure, never overwhelmingly perfect, has been suffering from benign neglect. Not that everything is not working or we aren't seeing some successes, but there is room for improvement.

Unpaved streets, crumbling buildings, and failing highway maintenance are but just a few of the severe infrastructure problems confronting areas in my district. More life threatening in terms of the health hazards it poses is the lack of potable water and sanitary sewer systems.

Out of 28 applications for Federal community development block grant funds submitted by one of the local council of governments in my district, 25 of the cities' applications are for water-related and/or sewer improvements.

Among the water facility needs of the cities are improvements relating to drainage, water pumping storage, wellhead, and replacement of badly deteriorated water lines and fire hydrants. Many of these improvements, if not enacted, could prove perilous both in terms of drinkable water as well as adequate fire protection.

To journey through a good many of the small towns and communities scattered throughout my district which extends north from the United States-Mexico border some 250 miles is to take a step back in time. As an example, the tiny city of Encinal in La Salle County boasts a network of 50 dirt roads, but has no development of any kind. Outhouses abound as there is no sewer system and what water is available is divied out through a co-op water system of neighbors sharing.

To the southeast of La Salle County is what is known as the Lower Rio Grande Valley lies Starr County which is among the poorest counties in the Nation. A recently awarded community development block grant will make possible the infrastructure development of an industrial factory site which will help substantially in bringing new jobs to the area. Although helpful, this is but one urgent need that will in part be filled. There are households in Starr County that still must rely on cesspools or outdoor privies for their plumbing needs.

Adjacent to Starr County lies Hidalgo County whose unemployment in 1984 ranged form a low of 18 percent to a high of 25 percent. Recent housing starts have occurred primarily in the county's numerous colonias which are poor, rural, unincorporated communities with 20 or more dwelling units. Almost none of the residents of these developments have sewer service and only 50 percent of the households are served with water. When rainfall occurs in these areas, serious flooding is likely to result because drainage is virtually nonexistence.

Hidalgo Country officials estimate that it would cost approximately $75 to $100 million to maintain and put into place within the county the basic infrastructure needs of water, sanitation, sewer, roads, and drainage. Due to the small tax base, low personal income and high unemployment rate, the county alone cannot accomplish these means without assistance.

To the north of Hidalgo County just below San Antonio lie the mostly agriculture based counties of Frio, Atascosa, Wilson, and Karnes. These countries' needs, like most of the rural areas in my district, center around the replacement of corroded water lines, extension of sanitary sewer service and water to areas not presently served, improved drainage, and the paving and resurfacing of priority roads.

Frio County, with the largest city of the four counties, estimate that street improvements within the county would cost in the neighborhood of $6 million. All four countries combined estimate that street improvements alone for the four county region would cost in excess of $18 million, followed closely by water improvements in excess of $6 million, sewer improvements in excess of $5 million, and drainage improvements of around $4 million. These figures do not reflect the three other priority areas of fire, police, and public buildings that the four countries have targeted as areas of concern. Monetary needs for all four countries combined in each of the seven target areas is estimated to be in excess of $43 million.

I could go on and on giving you information about the mostly urban infrastructure needs of my district—needs which most of us live in urban areas take for granted other than on those infrequent occasions when we are required to rough it up on a camping expedition or we have the misfortune of suffering property damage at the hands of a violent tornado or some equally dangerous inclement weather fluctuation.

What comprehensive infrastructure presently exists in my congressional district was largely developed through the Economic Development Administration and other Federal agencies. It was the EDA who was responsible for sanitation facilities being brought to

the untold thousands of poverty-stricken people in my part of the country with the construction of the Military Highway Water Supply Corporation.

You must consider that this project meant for the first time people could remove outdoor privies, have running water and forgo taking a burro or a bicycle to the Rio Grande to draw water.

The Farmers Home Administration's water projects have also been of help. There have been water districts developed that have provided water supply services to thousands of households. The expanding population has taxed these facilities overwhelmingly.

If existing infrastructure conditions prevail during the next 10 years, the already bleak situation will further deteriorate. We must look toward ways of effectively resolving the growing infrastructure crisis if we want to arrest the problems before they intensify.●

● Mr. ROSTENKOWSKI. Mr. Speaker, I join Mr. HOWARD in asking my colleagues to turn their attention to the critical problem of the Nation's infrastructure. While the maintenance and development of our roads, bridges, sewers, transit, and water facilities is not among the most glamorous of our responsibilities, it is an important one. A strong infrastructure is essential to our economic well-being, and indeed, to our way of life.

Chicago and other established cities are encountering serious problems in maintaining and improving their very foundations—water supplies are being overdrawn, sewers near the end of their useful lives, bridges must be replaced, major roads and neighborhood streets need resurfacing.

Simultaneously, Federal assistance has been cut back, and local governments face increased difficulty in raising revenue. As a result, vital investments in our infrastructure have been long delayed or canceled. For example, the Chicago area metropolitan housing and planning council reported recently that 83 sewer facilities in Illinois have reached capacity and require major construction to manage additional sewage. The council also estimated that two-thirds of the viaducts over major streets in Chicago are so low that they impede truck traffic to the city's businesses.

The deterioration of public facilities is at best an inconvenience to our communities; at worst, a severe hazard. Further delay will only increase the cost of maintenance and new construction. Accordingly, I urge my colleagues to work together toward a Comprehensive Infrastructure Program, involving all levels of government. I pledge my active participation in this effort.●

● Mr. BORSKI. Mr. Speaker, I appreciate having the opportunity to address my colleagues on the critical infrastructure crisis which faces our Nation and would like to commend the chairman of the Public Works and Transportation Committee, JIM HOWARD, the chairman of the Subcommittee on Economic Development, HENRY NOWAK, and the ranking minority member of the Subcommittee on Economic Development, BILL CLINGER, for organizing this special order.

The role transportation plays in modern America is often not deeply thought about, in large part because the American people have come to expect good highways, air transport, railroads, and public transportation and to assume their continued maintenance and existence. We tend to forget that these facilities were difficult to come by, and that their existence represents decades of hard work in both the public and private sectors. We also need to be continually reminded that public works constructed by man wear out, and that we must provide funds for rehabilitation and restoration if our transportation facilities are to meet our future needs.

To understand the importance of transportation to our Nation, we need to pause and think of an America without adequate highways, public transportation, airports and airlines, and railroads. The raw materials from our farms and from our mines could not move, nor could manufactured goods reach their intended destinations. Economic activity across our Nation made possible by the interstate highway system would not have occurred, and millions of Americans would be leading very different, and poorer lives. Nor would personal mobility—the hallmark of our democracy—be possible, something that is simply unimaginable to today's Americans.

Without adequate highways, motor carriers could not do their jobs, and traffic delays and accidents would be greater, and the quality of our lives lower. Cities like my own Philadelphia depend immeasurably on the effective combination of mass transit and good highways. Losing use of either of these systems would cripple the daily life of most of our citizens.

The programs of the Urban Mass Transportation Administration have stemmed the serious decline of the Nation's public transportation system and almost all urban areas experienced public transit ridership gains during the past decade. However, the continued smooth-running of our Mass Transit Programs is in jeopardy due to budget constraints and the current administration's lack of commitment to public transportation. The Southeastern Pennsylvania Transportation System [SEPTA], The public transportation system which serves the Philadelphia area, received $32 million in Federal operating subsidy in 1985. This amount represents only 80 percent of the funding SEPTA received in 1982. Although the funding level has dropped, losing this subsidy is completely unthinkable. Neither State nor local funding sources can provide the necessary funds to SEPTA.

SEPTA operates a system which includes many facilities from the early part of the century. The subway surface trolley lines started operations in 1905. The Market-Frankford and the Norristown high-speed lines opened in 1907. The average age of SEPTA's 475 commuter rail bridges is 75 years. Given the age of these facilities, it is likely that many of the system's bridges and tracks will have to be repaired or replaced soon.

In addition to the problems facing our public transportation systems, extensive rehabilitation and restoration is needed for many of our Nation's bridges and highways. Pennsylvania is in the process of impementing a Landmark Bridge Program—A $1.4 billion program which promises to address 979 deficient bridges. The success of this program depends heavily on Federal assistance—some $790 million. We cannot afford to let our Nation's bridges deteriorate any further.

Pennsylvania is firmly committed to completing all of its interstate highways by the congressionally mandated deadline of 1990. Pennsylvania's Interstate Program—now valued at $1.2 billion—has been negotiated very carefully with local officials and has gained the cooperation and acceptance of local governments. Presently, Pennsylvania's goal is to have all segments under construction by December 1986. It is extremely critical that Congress continue to support these programs through prompt release of interstate cost estimate funds.

Unfortunately, the needs of Philadelphia's public transportation system and Pennsylvania's Bridge and Highway programs are not unique. Similar rehabilitation and construction is commonplace in cities throughout the Nation, especially in the older urban centers in the Northeast United States. The Nation's highways, bridges, water system, sewage plants, dams, and other public facilities are falling apart because of age and neglect.

Consider these statistics:

One of every two miles of highways in the United States needs resurfacing or complete reconstruction.

Half of all railroad ties should be replaced over the next 5 years.

Almost half of America's bridges are too old or too weak to handle traffic adequately.

These facilities comprise America's infrastructure. Yet, despite evidence that our Nation's infrastructure is slowly crumbling, investment in public facilities has been declining over the past 15 years. While total Government expenditures have grown, spending on

public construction has not kept pace with inflation.

Clearly, we must act on this crisis before it becomes even worse. The cost of rebuilding our deteriorating public facilities will be expensive, but it also offers benefits in employment, public health and safety and economic growth. We cannot afford to do any less.

I would like to thank the distinguished leadership of the Public Works and Transportation Committee for yielding me this time.●

● Mr. RODINO. Mr. Speaker, as a nation, we often celebrate what's new, modern, and innovative without giving due credit to the basic facilities and structures that really make our system work. What I am referring to is our infrastructure—our bridges, roadways, waterways, sewage systems, public buildings, and mass transit—without which the economy and Nation would effectively grind to a halt. It is for good reason that our infrastructure is commonly called our Nation's life support system.

But all is not well with our infrastructure. A recent study by the Joint Economic Committee indicates that a strong national commitment—including a massive infusion of money—is needed to revitalize our ailing facilities. The national interest cannot be served by postponing action any longer. I therefore commend my colleague from New Jersey, JIM HOWARD, as well as my colleagues, HENRY NOWAK and BILL CLINGER, for their leadership in bringing our growing infrastructure crisis to the Nation's attention.

The development of an infrastructure first became necessary in the latter years of the 19th century, when industrialization and overcrowding were taking a toll on our Nation's fledgling cities. At that time, a rainstorm could turn a street into a pool of mud and unsanitary conditions could create great public health hazards. With great pride, urban reformers paved the roads, cleaned up the waterworks, and built transportation systems not only within cities but between them. Better organized, our cities became magnets for economic growth. By the middle of this century, America's infrastructure had become the marvel of the world.

But systems so essential cannot be taken for granted. We cannot expect an aging infrastructure to last forever without regular repairs and upkeep. Yet for years, we have sacrificed rehabilitation of existing facilities for the construction of new ones; and we have sacrificed the need for new revenues to the desire to limit tax increases. As a result, we are at the point of a crisis, trying to extend the life of existing facilities with insufficient funds, knowing at the same time that Band-Aid solutions to structural decay is no solution at all.

Consider some of the facts. The Joint Economic Committee reports that over $1 trillion will be needed to meet our infrastructure needs through the end of this century, but that current revenue projections suggest we will fall $450 billion short. Bridge and highway repairs alone will cost upward of $720 billion. But future shortfalls only reflect past neglect. During the previous decade, capital investment fell to a dangerous low, which has continued today. In the mid-1960's, spending by all levels of government on infrastructure amounted to 3.2 percent of GNP, as compared to 1.5 percent today. Per capita spending on the infrastructure, adjusted for inflation, was $207 in 1965 but only $120 in 1982. Capital investment just hasn't kept pace with national needs. We have not been investing in the future.

Infrastructure failure shows up in a number of ways. Daily it causes great frustration as well as economic loss through traffic jams, wasted energy resources, water and waste leakage, and unproductive work time. It can also cause tragedy, as in the I-95 bridge collapse in Connecticut in 1983, which took three lives. Estimates indicate that half of our Nation's bridges have structural defects or are functionally obsolescent. Half of our sewage systems need treatment. One of every two highway miles needs resurfacing or complete reconstruction. Thirteen percent of our dams are classified as "high hazard," and nearly a third of our principal locks in our Nation's waterways require major repairs.

And the problem is nationwide. Sixty-three of Maine's highway miles need immediate repair, as do over half of Alabama's bridges. Sunbelt cities must find ways to cope with burgeoning needs, and older cities must renovate aging facilities.

In my home State of New Jersey, the Joint Economic Committee estimates that infrastructure needs will outstrip revenues by over $15 billion from now till the end of the century. I am particularly concerned about the aging infrastructure in my district, especially in Newark. For example, 85 percent of the pipe in Newark's water supply system was installed prior to 1930, and more than 20 percent of the city's sewer lines date back to the 19th century. Nor is access to the surrounding New York metropolitan area any better; nearly half of the connecting bridges need significant repairs.

Clearly, this is no time to be penny-wise and pound foolish. We must begin to establish long-term goals. For a society that can explore the frontiers of space and build fifth-generation computers, it should not be difficult to begin a nationwide effort to revitalize our infrastructure. We can, and we must.

For if we do not, the economic implications are severe: There will be fewer jobs, a lower standard of living, a decline in public services, and heavier local taxes. Just imagine what would happen in New York if one of the two water tunnels broke down. Lack of water for climate control would shut down thousands of computer installations, causing severe disruption in the financial transactions not only of the city, but nationally and internationally as well. The health and safety of millions of people would also be jeopardized. Businesses, fearing further decay, might decide to relocate, dealing potentially hazardous blows to the region's economy.

And if this scenario seems improbable, consider what happened when one of Jersey City's main aqueducts failed in July 1982: More than 300,000 people had no fresh water during a 6-day heat wave, and hundreds of businesses were forced to close, causing severe economic disruption and financial loss.

The decay might seem invisible today, but the consequences will be painful tomorrow if we do nothing to improve it.

There are no easy solutions to this problem, but we must begin now by affirming our national commitment to a rebuilding process. For this reason, I am cosponsoring H.R. 1776, the National Infrastructure Act. Besides setting up a financial structure that will help States fund infrastructure renewal, this bill will mark the first step in developing a comprehensive national approach to the infrastructure crisis. Our nation's future depends on a healthy economy, and a healthy economy rests on a solid, sturdy infrastructure. Now is the time to make it a top national priority.●

● Mr. SHUSTER. Mr. Speaker, our Nation faces many potential crises in today's turbulent world, but none could be more threatening than the collapse of our basic infrastructure. Knowing the nature of our adversaries abroad, we can easily perceive the danger they pose to our national interests and welfare. On the other hand, it may be more uncomfortable to realize that the crumbling of our vast network of vital public facilities is largely a problem of our own making.

We learned at the start of this decade that our national infractructure facilities—that remarkable network of roads, bridges, mass transit systems, airports, public buildings, dams, waterways, wastewater treatment plants, and water supply systems they were being repaired and replaced.

The National transportation Policy Study Commission, which I had the privilege to chair, reported in mid-1979 that our transportation system, the

world's best, was in danger and that existing levels of public and private investment would not preserve the system that Americans have come to expect and, indeed, deserve.

In other words, we were not making the necessary financial investment in maintaining what we had spent billions of tax dollars to build, and I might add, which we could justifiably take great pride.

The realization that our infrastructure was repidly deteriorating, especially our aging highway network, helped spur Congress to pass the 1982 Surface Transportation Assistance Act in the closing hours of the 97th Congress. That legislation created a 5-cents-per-gallon gasoline tax and substantially increased funding to rebuild the Nation's wornout transportation facilities.

However, considering that estimates for restoring and expanding the current network of basic publicly financed infrastructure systems runs as high as $3 trillion, we have a long way to go in effectively restoring our national infrastructure.

I am reminded of just how far we have to go when I realize that despite the massive increases in 4-R funding provided in the 1982 highway bill, Interstate 80 in my own State of Pennsylvania is literally crumbling and yet, the State lacks the hundreds of millions of dollars necessary to reconstruct that valuable road.

As the infrastructure decay becomes more extensive and spreads to other public facilities throughout America's communities, both rural and urban, the price tag for repair, replacement and rehabilitation will continue to rise.

That price tag is a very significant factor in this dilemma we face. The Joint Economic Committee's report, "Hard Choices," issued last year, concluded that we will need an additional $450 billion over the next 15 years to meet our current infrastructure needs.

In its report, the joint committee stated that the single most dominant need across the country is for investment in highways and bridges. For a nation that prides itself on having the world's greatest transportation system, the statistics are alarming and clearly unacceptable.

Over 120,000 of the Nation's 557,000 bridges are structurally deficient, while another 121,000 are obsolete. Half of our primary, secondary, and urban roads are now listed by the Federal Highway Administration as in only fair condition, and over 45 percent of all bridges need either replacement or repair. As a result of this staggering level of deterioration, projected highway and bridge needs through the year 2000 approach $720 billion.

The story is much the same in other areas of our infrastructure. The problem demands attention, and not simply at the Federal level. Since the development of a sound infrastructure is of national importance, a strong Federal role is appropriate today, as it has been historically. However, it is important that we deal with the issues affecting our national infrastructure at all levels of government. The revitalization of America is important to all of our citizens.

I had the opportunity to travel to Fort Worth, TX, in April to participate in the first in a series of regional hearings being conducted by the Public Works and Transportation Committee on funding needs for infrastructure construction and rehabilitation. I can tell you that there is great concern in State and local government over how public facilities will continue to accommodate growth and expansion, and there is an urgency to seek solutions to financing the improvements that must be made.

In conclusion, I want to express my appreciation to Chairman JIM HOWARD; Economic Development Subcommittee Chairman HENRY NOWAK; and subcommittee ranking minority member BILL CLINGER for making this vital issue the subject of today's special order.●

● Mrs. ROUKEMA. Mr. Speaker, it has none of the glamour nor the excitement of rebuilding this Nation's military defenses, but the task of reconstructing America's network of bridges, roads, mass transit, water and sewer facilities is every bit as important to the future of this Nation. Clearly, without the underlying foundation of a sound infrastructure America's economic might, the engine of our Republic, is in serious jeopardy.

We are all painfully aware of the potential hazards posed to our health by roads and bridges in poor condition. The traffic accidents those conditions foster contribute to the injury and death of millions of Americans annually. We are also becoming increasingly aware that our health is threatened by unsafe and inadequate water treatment plants and sewers which taint our drinking water supply and agricultural products.

Less obvious is the corrosive effect infrastructure failure has on our national economy. Clearly, the time to act is now, before the increase in accidents, epidemic diseases and a slowdown commercial activity forces America's economy to come to a screeching halt.

The problems plaguing the infrastructure are certainly not new. Quite expectedly, bridges, roadways, sewers dams, water treatment plants, and so forth, all begin to wear out the moment they go into operation. Thus, it is also quite expected that these vital facilities must be replaced or rehabilitated as they age. In many cases, though, because of fiscal constraints or legislative shortsightedness, they have not been replaced or upgraded and their deterioration is reaching crisis proportions. Indeed, in the past few years, the number of failures has increased in direct proportion to the decrease in Federal, State, and local government assistance directed toward rehabilitation.

We tend to take our bridges, roadways, wastewater treatment plants, public buildings and waterways for granted—until a piece of a community's infrastructure fails. That was the case with the tragic Mianus River Bridge collapse 2 years ago. Closer to home, spring 1984 flooding caused damage to the Ringwood Avenue Bridge in Wanaque. Beyond the danger posed by flood damage to the span itself, the public health and safety was further put at risk when local officials were forced to prohibit ambulance and fire-fighting equipment from using the vital bridge until repairs were made. In addition, the U.S. Postal Service has refused to make the daily run up Harrison Mountain Lake Road in Ringwood because it was in such terrible condition.

No region in America has escaped these infrastructure problems. While the South and West are struggling to build to meet new demands caused by burgeoning population growth, the Midwest and Northeast are facing the deterioration of roads and sewers built decades ago.

According to a Joint Economic Committee [JEC] report, "Hard Choices: A Report on the Increasing Gap Between America's Infrastructure Needs and Our Ability To Pay for Them," released in February, 1984, 40 percent of New Jersey's 33,396 miles of streets and highways and 16 percent of the 5,786 bridges—all of which are among the most heavily traveled in the Nation—are considered in poor condition.

The report further explains that New Jersey's railroads and public transportation system require substantial maintenance, rehabilitation and revitalization of existing facilities in order to maintain and improve the State's economic well being.

Newark International Airport is quickly becoming the busiest airport in the northern New Jersey/New York metropolitan area and has been properly identified as one of the State's prime economic assets. To meet the long-range airport development plans, the New Jersey Department of Transportation has identified several investment needs including new construction of airport terminal buildings, access roads, fire-and-rescue buildings, as well as for purchasing and upgrading facilities and equipment.

Many components of New Jersey's water supply system and wastewater disposal network are well over 100 years old—in some cases dating back

to the pre-Civil War era. Out and out decay is naturally a significant problem. In addition, there are 20th century problems that are now having an impact on the State's water supply. In West Milford, Passaic County, a number of drinking water wells have been tainted by gasoline. Because of the difficulty in neutralizing the gasoline or removing its carcinogenic components, alternative water supplies must be developed.

These and other critical areas require significant capital expenditures. The JEC report estimates $18 billion in New Jersey alone. Projected State revenues for capital projects, however, are estimated at only $962 million. Accordingly, the gap between the State's infrastructure needs and the State's ability to support them is estimated at $15.1 billion for the rest of the century. According to the report, New Jersey faces a gap between its infrastructure needs and its ability to meet those needs of $15.1 billion by the year 2000. The corresponding national figure is estimated to be $450 billion.

The challenge of rebuilding America's infrastructure requires a cooperative effort between citizens and decisionmakers. I want to commend the efforts of Chairman HOWARD and the Committee on Public Works and Transportation in beginning to promote a general awareness of the complex issues surrounding America's infrasture situation through a series of nationwide hearings.

If America is going to sustain economic growth, the quality of its public facilities must be improved. To do that, we must reinvest in America. However, we must do so in a way that acknowledges this Nation's $200 billion budget deficits. The days of profligate Government spending, even for such essentials as highways and water systems, are over. Instead, we must proceed through a combination of capital-funding avenues, including user fees, cost-sharing programs, and private investment.

One means of funding capital investment is through the establishment of a National Infrastructure Fund, as proposed in Chairman HOWARD's legislation, H.R. 1776. This fund, which is similar to the intent and program design to Gov. Thomas Kean's 1982 proposed infrastructure bank, would provide interest-free loans to States to fund construction and rehabilitation of our decaying infrastructure.

I am pleased to cosponsor Chairman HOWARD's legislation because it begins to address the deterioration of our public facilities while limiting the cost to the Federal Government. In addition, it allows the individual states those governmental units most familar with their local infrastructure needs, to choose how best to spend the money.

Mr. Speaker, I urge this Congress to begin the arduous task of meeting these vital infrastructure needs in order to foster economic growth and development and protect the public health and safety. The time for decisive action is here and now. We must take action to build a solid foundation for tomorrow.●

● Mr. HAYES. Mr. Speaker, I am honored to be here today to add my voice to those who support the full funding of our Nation's infrastructure system which has suffered acutely over the years. My congressional district in Chicago is evidence of the years of neglect and suffering caused by the lack of critically needed services.

Infrastructure is not as glamorous as economic development or ribboncutting on a new building, but it is crucial to a thriving economy and to our very way of life. Infrastructure is basic public works, the upkeep of roads, bridges, sewers, transit, and water supply facilities, that allow our communities to function. Without infrastructure, we could not draw water from the tap, have someplace to put our garbage, get to work without wading through mud, or use many industrial processes that require pure water or that produce waste that must be treated.

Health infrastructure is crucial for both attraction and retention of jobs. A new highway interchange or sewer line is often followed by an office park or housing development. Just as important is the effect of the condition of existing infrastructure on the economy. For instance: There are 83 sewer facilities in Illinois that have reached capacity and cannot handle additional sewage without major construction. The State restricts these areas from issuing new sewer hookup permits, thus halting major economic expansion in these communities. Two-thirds of the viaducts over major streets in Chicago are so low that they impede trucking to area businesses.

A 1984 survey by the Metropolitan Housing and Planning Council of Chicago uncovered $2.6 billion in need for infrastructure investment in the next 5 years in over 200 municipalities across the State. Funds are available for only $1.2 billion of that need, leaving a $1.4 billion shortfall. These problems are found in communities large and small, rich and poor, urban and rural. Federal funds are being cut. Borrowing costs are high. local governments which bear most of the infrastructure costs, face a property tax base that last year, for the first time in Illinois history, failed to grow.

In another study done by the Metropolitan Housing and Planning Council results show that Illinois communities face many types of infrastructure problems:

First, two-thirds of the sewers in Chicago and many other older communities are over 60 years old, but their useful life is estimated at only 80 to 100 years.

Second, more than a quarter of the township-owned bridges in Illinois need to be replaced.

Third, two-thirds of the major roads in the six-county northeast Illinois area are in poor to fair condition, meaning resurfacing needs will increase 2½ times in the late 1980's. Local streets are in worse shape.

These problems are symptoms of a lack of comprehensive approach to infrastructure planning, management, and finance.

In Chicago, budget cuts from infrastructure programs will be keenly felt. Cuts in funds to the Economic Development Administration means elimination of three grants which were to provide infrastructure improvements to attract and retain businesses (such as new street lighting, industrial street resurfacing, and so forth); and to "write down" property purchases for industrial expansion. Planned cuts in EDA funding to the city total about $8.1 million through fiscal year 1988.

Even more alarming are the planned cuts in transportation funding. Mass transit operates as an infrastructure for the trip to work. Its impairment will add to labor costs and diminish the operational efficiency of the Chicago labor market. At present we're looking at a $35.5 million cut (29 percent) in rapid transit funds to modernize local transportation lines.

Mr. Speaker, I strongly urge my colleagues to turn their attention to this fundamental issue before another major crisis, such as the I-95 bridge collapse in Connecticut, catches us in an embarrassing situation. It is may hope that our debate today, initiated by the members of the Committee on Public Works and Transportation, will encourage the House to take swift action.●

Mr. CLINGER. Mr. Speaker, I yield back the balance of my time.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

GENERAL LEAVE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, I took this time tonight for the purpose of addressing the House and allowing

others to address the House with regard to the subject of tax reform.

The President having put his proposal before the American people, we are now prepared to have a debate in the United States about our tax system, about whether or not our tax system is the way we want it to be. And if we decide it is not, how we would like to change it.

I believe that as Democrats we have for a very long time been advocates of tax reform. In my 9 years in the Congress, I have seen at least 3 or 4 initiatives by the Democratic side of the aisle to initiate tax reform and to achieve tax reform.

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This particular debate that is going on now was started about 3 years ago when Senator BRADLEY and I put before the Congress the Fair Tax Act which, like the President's proposals and many other proposals, calls for a broader-base and a lower-rate tax system. I thought it would be well at the outset of this special order to try to set out the general principles that I believe Democrats believe in with regard to tax reform.

First, I think we believe that tax reform is more than an empty catchphrase. It is not just words that we want to reform the tax system; it is a serious set of proposals by which we will broaden the base, so we can lower the rates. I think Democrats believe that a fair Tax Code is a progressive Tax Code. And to have tax reform result in a less progressive Tax Code, in my view, would not be tax reform.

I think we believe that a fair Tax Code treats all Americans in similar circumstances in a similar fashion. I think we believe that one of the wrongs of today's Tax Code is that families who are in the same circumstances are often taxed in very different ways.

I think that a fair Tax Code will treat all income the same and that a fair tax will not be riddled with special preferences, deductions, and credits, and that, in order to broaden the tax base, we can allow for reduced tax rates.

As I came to the subject of tax reform about 3 years ago, it occurred to me we had simply gone too far with special preferences, deductions, and exemptions, and that we needed to back up to a simpler and fairer code. Twenty-seven years ago we had $37 billion worth of tax preferences in the code; today we have $370 billion worth. Half the income in the country is not subject to the income tax because of legal preferences that we put into the code.

As a result, we have three bad outcomes that we need to solve through tax reform. First we need to achieve more fairness. Seventeen families in the country last year who were making over $1 million in earned income paid exactly no taxes legally; 222 families who earned over $200,000 last year also paid no taxes legally.

As I said a moment ago, I think that kind of unfairness is understood by the American people. People know that family and relatives in similar circumstances are paying very different taxes and that sense of unfairness is perhaps the greatest reason that we need to change our tax laws.

The head of one of the greatest corporations in America came up to me the other night at a meeting and said that his corporation had paid no taxes in each of the last 5 years and that last year they had an executive meeting within the corporation to decide whether or not to have a charitable contribution by the corporation to the U.S. Government Treasury in order to avoid the bad publicity that might come from their failure to pay taxes.

When you have those kinds of situations happening in the country time and time again, I think everyone could conclude that the Tax Code is unfair.

Second, it is too complicated. I do not think I need to spend a lot of time arguing that. We have more people in the tax-preparation business than we have in the Air Force and the Navy Reserve combined. The biggest growth industry we have in the country is trying to help people fill out their tax forms. I had a schoolteacher in Portland recently at a hearing tell me that he used to fill out his tax forms, his short form, but after IRS had called or written him on three occasions and told him he had made mathematical mistakes in the way he had filled out his form, he decided better go for expert help. He said, "It is a heck of a note when you have to spend between $150 to $200 to go to an expert to tell you how to fill out your short form." But clearly that is where we are today when we have a Tax Code too complicated. So through tax reform we can achieve some measure of tax simplicity.

Last, I think we can make the economy work better if we have reform. We have simply gone too far with the incentives, preferences, and all the things we put into the code to get people to put their money into different kinds of investments.

The head of one of the biggest corporations in St. Louis told me recently that he was sending 2,000 jobs to Ireland because his taxes in America are too high. Because we have given some corporations great tax breaks and other corporations no tax breaks, we have some corporations paying at the top rate of 46 percent and other corporations paying at a rate of zero percent or 2 percent and some of these corporations are competing against one another.

What this executive told me was that because his competition is taxed at 2 percent and he is taxed at 46 percent, the only choice he had was to send his jobs overseas so that he could go to a tax haven in Ireland so that he would not have to face the competition of his competitors who were being taxed at a much lower rate.

When we achieve a tax system in America that taxes corporations at those kinds of different rates we really have gone too far with what we have tried to do through the Tax Code in the name of economic growth.

So I submit to you that if we will change our Tax Code to make it more neutral between corporations, if we will equalize to a greater extent the amount of tax rate on corporations, we will encourage economic growth in America, we will encourage jobs being kept in America, which is all to the good of the U.S. economic system.

Before I end, let me simply posit my basic criticism of the Reagan tax reform proposal.

Let me start by saying that I commend the President for having a proposal that broadens the base and lowers the rate. But let me quickly add that I think Congress can do a better job than the President has done with tax reform. My main complaint with the President's proposal is that it is not fair to the middle class. And if we cannot pass tax reform in this country with, at the same time, helping middle-class taxpayers, then we should not do tax reform. The taxpayers in America that are bearing the greatest burden of the tax system are people that are earning between $20,000 and $50,000 a year. The majority of the Social Security tax is paid by those taxpayers. The base on which we pay the Social Security tax is now up to nearly $40,000 a year. The Social Security tax rate is nearly 7 percent, very soon will be 7 percent. If we pass tax reform without giving the lion's share of tax relief in the form of tax reform to those taxpayers, we should not do it. The Reagan proposals give tax relief and tax-rate reduction to those middle-income taxpayers of about 7 percent; yet their proposal gives tax relief to taxpayers earning over $200,000 a year of 14-percent break. In the Bradley-Gephardt bill we give tax relief to people in the middle of 14 percent, tax relief to people earning over $200,000 a year of 6 percent. That difference between the proposals is really the heart of my criticism of the Reagan tax proposal. I think we need tax reform but if we need it we need it for the middle class. And that is why I advocate tax reform that is fair to the middle class, to those taxpaying families that are paying the largest burden of taxes in our country.

And my hope and my belief is that in the Ways and Means Committee and in the House and hopefully in the Senate we can change the Reagan pro-

posal so that it is broad-based, lower-rate, but fair to those families earning between $20,000 and $50,000. That will be my effort and my hope and my work, and I am sure that many of the Members who are here tonight and many of the Members in the Ways and Means Committee in the House generally will be working in that regard.

Mr. Speaker, I submit into the RECORD the testimony of the Northeast-Midwest Congressional Coalition of the House of Representatives which was offered today before the House Committee on Ways and Means by the Honorable HOWARD WOLPE of Michigan and the Honorable FRANK HORTON of New York.

TESTIMONY OF HON. HOWARD WOLPE, COCHAIR, NORTHEAST-MIDWEST CONGRESSIONAL COALITION AND HON. FRANK HORTON, COCHAIR, NORTHEAST-MIDWEST CONGRESSIONAL COALITION, BEFORE HOUSE WAYS AND MEANS COMMITTEE, JULY 17, 1985

Mr. Chairman and Members of the Committee:

Good morning. As co-chairs of the Northeast-Midwest Congressional Coalition, we are here to oppose what is potentially the most damaging element of the administration's tax reform plan—the elimination of the deductibility for nonbusiness state and local taxes. Eliminating the deduction would pit state against state, region against region, taxpayer against taxpayer. For the first time in our nation's history, taxpayers would be faced with the specter of double taxation—an increased burden which would hit hardest on middle-income taxpayers.

We, as the leaders of the Coalition, a bipartisan organization of nearly 200 members of the House from the 18 states of the region, welcome the president's desire for a comprehensive overhaul of the federal tax code, and we applaud the Chairman's leadership in seeking tax reform. Congress now has the opportunity—and the obligation—to reevaluate the tax code and develop legislation that will make it simpler, fairer, and more equitable.

Working families must no longer file their tax returns with bitterness and frustration, with, as the Chairman has said, the "nagging feeling that they're the biggest suckers and chumps in the world." We share your concern that we ought to let the American people know that their government wants simplicity and equity in the tax code.

But simplicity and equity are not synonymous. What is simple is not always fair, and what is fair is not always simple. The proposal to eliminate the deduction for state and local taxes fails on both accounts—adding neither simplicity nor fairness to the tax code.

FEDERALISM

In a desire to find new sources of revenue with which to lower overall individual and corporate tax rates, the administration has linked the deductibility of nonbusiness state and local taxes with a long list of tax subsidies and shelters—without distinguishing either the historical role of deductibility or its existence in the tax code, not as a tax loophole, but as a fundamental element of federalism.

The deduction of state and local taxes is the oldest deduction in the federal tax system. It originally was allowed in an emergency national income tax in 1864 and later incorporated into the federal code when the individual income tax was formalized in 1913. The 1913 tax was simple, it was straightforward, and most people thought it was fair. It was only 3 pages in length, and it included a deduction for state and local taxes. Deductibility was then taken for granted as an essential and integral part of our federal system of government, so that the federal government would not engage in "double taxation"—taxing individuals on income already paid as taxes to state and local governments.

Contrary to the advocates of repeal, we believe that policy was necessary and proper when it was adopted initially, and it remains a valid and sound principle of fiscal federalism we should continue to follow today. Without this policy, the federal tax system would limit the ability of state and local governments to raise revenues and provide services to their citizens.

It also must be noted that eliminating the deduction for state and local taxes would run counter to another element of our federal system—that of "reciprocal tax immunity," whereby state and local governments are not allowed to tax federal property and, in turn, the federal government does not tax state and local activities.

In our view, therefore, the administration's proposed repeal of the state and local tax deduction not only would strike at the basic principles of federalism, but it also would establish an unfair and unnecessary double standard. For, it would continue to allow the federal government to deduct its $4 billion worth of property tax liabilities each year from state and local governments, but taxpayers in those areas no longer would be able to deduct their state and local property taxes from their federal income taxes—instead, they would be subject to a tax on a tax.

Mr. Chairman, it also must be pointed out that in contrast to the proposed elimination of the deduction for state and local taxes, the administration's plan would retain the foreign tax credit, which allows individuals and corporations in foreign countries to get not just a deduction but a full tax credit on taxes they pay to other countries. The Treasury report explicitly states that the foreign tax credit, which costs the government over $22 billion a year, must be retained to avoid "double taxation". If the administration thinks it is worthwhile for people to be able to get a credit for the taxes they paid to foreign governments, we ask, why should they not be able to deduct the income paid to our own states and localities?

Let us now turn to another point that we think deserves special emphasis and should be addressed today. That is whether, as some supporters of repeal have charged, this deduction for state and local taxes is just another "special interest" group issue. It seems to us that whether you are talking about states, cities, towns, counties or the federal government, you are talking about one system of government that is intended to be mutually reinforcing. We must not forget that under our constitutional system, state and local governments are in the same business as the federal government—providing needed services to their citizens. We also must not forget that the tax deduction is taken by taxpayers throughout the country in all income levels and in all walks of life—and not by the state and local governments themselves. It is essential that we understand both the direct and indirect impacts that repeal of the deduction for state and local taxes would have on our system of federalism and intergovernmental relations.

EQUITY

Mr. Chairman, that brings us to the question of who benefits from the state and local tax deduction. We are concerned that the elimination of the deduction for nonbusiness state and local taxes will have a very significant impact on our middle-income taxpayers. Unfortunately, the Treasury Department mistakenly argues that the state and local deduction only benefits a few high-income taxpayers in a few high-tax states. Data collected by the Internal Revenue Service, however, shows that this is simply not true. More taxpayers claim the state and local tax deduction than any other deduction, including the home mortgage interest deduction. In 1982, 33 million households claimed the state and local tax deduction, while 25 percent fewer households, 24.5 million, claimed the home mortgage interest deduction. It is these people who will forfeit their right to deduct money they have already paid on property, sales and income taxes.

It also is clear from the data that deductibility is not a special tax break for the privileged few. About 51 percent of households who itemize state and local taxes report incomes of less than $30,000, and 87 percent were from households whose incomes were less than $50,000.

In addition, half of all households that make between $20,000 and $25,000 a year deduct their taxes. Two-thirds of all households that make between $25,000 and $30,000 use the deduction, while eight out of the ten households that make between $30,000 and $50,000 used it.

This deduction also is important to the elderly. In 1981, the latest year for which the data is available, taxpayers 65 or over had larger average deductions for state and local taxes, relative to the deductions reported by all other taxpayers. An analysis of the administration's plan done for The Hartford Courant in May gives an example of how important this deduction can be to elderly families. The analysis showed that a retired couple living in Connecticut with $27,000 a year income ($8,000 in Social Security) would have a substantial increase in taxes—from $1,012 under the current law to $1,451 under the administration's tax plan. The analysis assumed the couple owned a home and had paid off the mortgage. The couple's biggest loss would be from the elimination of its deduction for state and local tax payments.

Advocates of repeal argue that deductibility is elitist and unfair because it is taken by only one-third of all taxpayers; two-thirds of all taxpayers, they claim, get no benefit from the deduction. But these figures are very misleading because they count all tax returns, whether they are single or joint, as one taxpayer. When the figures are adjusted so that joint returns are properly counted twice—as 2 taxpayers—the proportion of taxpayers itemizing jumps to 41 percent nationally and to over 50 percent in our home states of New York and Michigan. Indeed, in Utah, 59 percent of all taxpayers itemize their returns. [See Table 1 for a state-by-state breakdown of taxpayers who itemize and their average marginal tax rate.] By no stretch of the imagination can these people be called a minority or a privileged few.

Furthermore, it must be pointed out that the administration's rationale for repealing the state-local tax deduction—that it is simply a subsidy of itemizers by non-itemizers—is a criticism that is not restricted to the state and local tax deduction; it is true

of all deductions. Yet, the administration in its tax plan does not propose to eliminate all deductions. Instead, it retains many of them. One may question why these deductions should have a higher priority than retention of the state and local tax deduction. Is it more important to encourage taxpayers to borrow money to buy yachts, vacation homes, and other goods (provided the interest charges do not exceed $5,000 per year), rather than to pay taxes to provide education for elementary and secondary school children or minimal income security for the poor? We do not think so. Fundamentally, it is a matter of priorities and we urge you to give a very high priority to the preservation of a healthy system of federalism by retaining the deductibility of state and local taxes.

"REVERSE ROBIN HOOD?"

Advocates of repeal also allege that the deduction for state and local taxes is a "reverse Robin Hood"—taking money from the poor states and giving it to the richer states. They allege that low-tax states, through the deduction of state and local taxes, subsidize the activities of high-tax states.

The administration is correct when it says that taxpayers in higher tax states like New York and Michigan enjoy larger deductions for state and local taxes than in many other states. [See Tables 2-6 for state-by-state breakdowns of the value of deductibility.] But it is incorrect when it says that these states are being subsidized by others. For it is citizens in these states that for the last decade have been sending more revenues to Washington than they got back in federal spending. And they have done so out of a belief that we are one nation indivisible and that the Union is stronger when each region is able to meet its needs. Last year, for example, for every dollar New Yorkers contributed, they received only $.92 in federal outlays, while Michigan taxpayers only received $.78. "Reverse Robin Hood?" We think not.

Indeed, we fear just the opposite. For we know our region's balance of payments will deteriorate even further if the deduction for non-business state and local taxes is repealed. Of the new revenues generated by repeal, 57 percent will come from taxpayers in the Northeast and Midwest, which represent 44 percent of the nation's population.

Furthermore, to single out the deductibility of non-business state and local taxes as the only redistributive component of federal policy is, we believe, selective and unfair. The federal tax system is full of interstate subsidies. For example, the energy-producing states of Wyoming, Texas, and Louisiana—all of which are at the bottom in terms of benefits from deductibility—benefit substantially from the very favorable tax provisions afforded to the oil and gas industries, provisions that have been basically kept intact in the administration's tax reform plan.

Contrary to the administration's allegations, maintaining the deduction for non-business state and local taxes also would not aid the "rich" states at the expense of the "poor" states—those with the least fiscal capability. Data from the Advisory Commission on Intergovernmental Relations (ACIR) shows that only 4 of the 10 states which benefit the most from deductibility have fiscal capacities above the national average, while 8 of the 10 states which benefit the least had fiscal capacities greater than the national average.

In our judgement, Mr. Chairman, repeal of the deductibility of state and local taxes could be the most devastating setback to improved delivery of government services we have seen. The outlay side of the federal budget tells state and local governments that they must bear a greater responsibility for government services. But repeal of the deduction for state and local taxes tells them they will no longer will have the tools to do the job. We are particularly concerned about the impact of repeal on education. Education is the single largest expense of state and local governments—representing 36 percent of all expenditures—and is usually the only one taxpayers can vote on directly.

Nevertheless, it is precisely the state and local governments which already fund a greater portion of their services from their own coffers—and rely less on the federal government for assistance—that would be hit hardest by the repeal of the state and local tax deduction.

The potential for inequity is particularly evident when one examines varying levels of state and local support for programs for the poor, such as Medicaid and AFDC, and education. Of the 10 states whose citizens stand to lose the most if deductibility is ended, 7—including our states of New York and Michigan—already pay 50 percent of their Medicaid and AFDC costs, while only 3 of 10 states least affected by the plan pay over 50 percent. In fact, half of them pay less than 35 percent from their own revenues. The ten most affected states on the average also depend on the federal government for a lower proportion of their education spending.

It is for these reasons, Mr. Chairman, that we tell you without hesitation that the deduction for state and local taxes is not a "reverse Robin Hood", and that the repeal of the deduction would send a conflicting and discriminatory signal that has no place in true tax reform.

REGIONAL IMPACT

In conclusion, while we recognize that many of the concerns raised in our testimony are national in scope, we would be remiss in our responsibility if we did not address the fact that repeal would have an uneven impact on different regions of the country, forcing taxpayers in Northeastern and Midwestern states to pay a disproportionate share of the cost of eliminating the deduction.

The administration claims that this disparity is caused solely by the fact that Northeastern and Midwestern states are high-tax states, but we believe this argument is both simplistic and inaccurate. By eliminating only the deduction for non-business state and local taxes, the administration's proposal would effectively discriminate against taxpayers who live in states that are not able to raise revenues through energy severance taxes. Citizens in energy-producing states, on the other hand, have been able to maintain lower personal tax rates by replacing some portion, if not all, of their income, sales, and property taxes with taxes on oil, gas, and coal.

Therefore, it is estimated that taxpayers in energy-producing states that have high severance taxes would not lose as much because of the elimination of the deduction for non-business state and local taxes as taxpayers elsewhere in the country. This would occur because the administration's plan would consider energy severance taxes—which ultimately are paid by individual consumers throughout the country—to be business taxes. Unlike other personal state and local taxes, they would remain deductible from federal taxes. Such a proposed policy does not create fairness in the tax code but only further inequity.

A perfect example of this inequity can be found if one looks at how the administration's plan treats Wyoming and Alaska. These states would be 2 of the least affected by the elimination of the deduction of non-business state and local taxes even though they are the 2 highest taxed states in the country. Alaska's per capita state and local taxes were $4,908 in 1983 and Wyoming's were $2,443, compared with a national per capita average of $1,214. This is because they derive a substantial amount of their revenues from energy severance taxes which remain deductible as business expenses.

Mr. Chairman and members of the Committee, we thank you for the opportunity to present our views this morning and we would be pleased to answer any questions you may have.

Mr. GEPHARDT. Mr. Speaker, I yield to my friend from Texas, Mr. BUSTAMANTE, who I believe would like to make a statement at this point.

□ 2140

Mr. BUSTAMANTE. Mr. Speaker, I wish to thank my distinguished colleague and friend, Mr. GEPHARDT, for scheduling time under special orders to discuss the timely issue of tax reform. This issue has far-reaching consequences that will vitally affect the current economic environment. The decisions we will make in committee and in this Chamber will determine if our pursuit of tax fairness will help or hurt the national interests.

It is easy to state toward what end our national tax system should strive: Fairness, simplicity and efficiency are qualities we seek in our tax policy. Also, we want a policy that stimulates economic growth, keeps Americans working, encourages savings, and promotes future progress. No one can argue against these goals.

The current political environment presents us with a promising chance to develop a better and fairer tax system. Since submitting his tax reform plan to Congress, the President has received both acclaim and criticism. Whatever particular differences we have with his proposal, the President must be commended for bringing the issue of tax reform up for debate. At the same time, we must ask ourselves if his plan will deliver tax equity and simplicity as he promised.

Since the plan was introduced in Congress, we have learned that it is not as revenue neutral as earlier assurances indicated. The Congressional Budget Office estimates that between 1986 and 1990 key corporate provisions of the administration's proposal would lose nearly $35 billion. Five years after implementation, the total revenue shortfall would amount to $23 billion. As we struggle to control budget deficits, it is time to recognize that we need to prevent any loss in Federal revenues. The administration's plan likewise is not neutral to business. A

disproportionate share of increased revenues will be borne by heavy manufacturing, finance, energy, housing and real estate industries. Traditional, capital-intensive industries lose out to smaller, high-tech companies for preferred tax treatment. The merits of each tax credit and loophole closing can be debated indefinitely. Our overriding concern, however, should be how these changes will affect the nation's overall economic performance for the future. A consensus is growing among economists who predict that the short-term impact of the President's measure would reduce growth sharply. Although we must concentrate on America's longer term economic health, we must also recognize that short-term economic effects sometimes have long-term consequences.

If fairness is our goal, I believe all sectors of business must be treated equitably. Each business sector must be equally afforded the opportunity to weather the upswings and downturns of the business cycle. Our tax policy should not promote the decline of one industry to advance others. Redirecting the flow of investment capital away from heavy industries to those with the highest short-term return rate may reduce economic activity and produce greater economic dislocations. The administration's plan has pluses and minuses for individuals. The President's proposal does benefit those who earn the least. His proposal corrects the inequities of the 1981 tax cut, which increased the tax burden on poor income groups. The largest reduction is given to income groups who earn under $20,000. Those with incomes below $10,000 will receive an average tax cut of over 35 percent. The average tax cut for those earning over $200,000 a year is 10.7 percent. The average dollar reduction is $9,254. Again, tax advantages go to those who benefit the most from our economic and political system. The group which gains the least tax relief is the middle class. The average tax cut for those in the $20,000 to $30,000 income bracket is 8.7 percent. They are the ones most affected by the curtailment of certain tax preferences. Eliminating State and local tax deductions and taxing fringe benefits impact the middle class more than could be compensated through a reduction in tax rates. I believe Congress would be making a great mistake if we changed the current treatment of these items.

No issue is more appealing than tax reform. It is an issue we share concern with the President. We need to restore public faith in our tax system and make the system more just. We can move toward a fairer system. But, as we pursue the goal of fairness, let us not rush to judgment before we know and have all the facts.

Mr. GEPHARDT. I thank the gentleman for his statement.

I would now like to yield to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. I thank the gentleman for yielding.

Mr. Speaker, I, too, would like to congratulate the gentleman from Missouri [Mr. GEPHARDT] for his fine example in tax reform and for calling this special order. I can remember as a freshman in this body, one of the first special orders I talked on was another special order on tax reform.

Much has happened since then, as the gentleman points out, that now we have the President who has gotten behind tax reform, we have a lot of public debate on that, and I think that is all good.

I would point out, Mr. Speaker, as an example that a bad tree cannot produce good fruit. This fact, well known by the many fruit producers in my district, is mentioned in a book written by one of the most famous tax collectors in history—"Christ's Disciple Matthew."

Our current tax code is not unlike a bad fruit tree. It has been pruned, bored full of holes, been watered down and an ample amount of fertilizer has been applied. However, our current tax system continues to put forth bad fruit.

We can only assume that what we have is a bad tree that needs to be replaced.

Moreover, the climate in which a tree is grown will greatly affect its ability to bear fruit. I submit that our current tax system is existing in a climate of public dismay and frustration.

By all measures, the American people hold our current tax code to be unfair and far too complex. Average Americans, who earn their living by the sweat of their brow, feel that they are the only ones left paying their taxes.

This feeling is understandable as we hear about highly profitable corporations paying little or nothing in income taxes; the frustration is not so hard to understand when we realize the extent of tax-reducing loopholes for those who can afford experts to find them.

The current drive for tax reform is a result of growing public awareness and a call for action. We must not try the patience of those we represent. We must act.

With all the emotion that has been caused by this issue on both sides of the aisle, I think it would be wise for us to follow the advice of Benjamin Franklin.

The town of Franklin, MA, which was named for him, sent a letter to the aged doctor in Philadelphia saying, "We have named our town after you and we should like a donation of a sum of money from you in order that we may put a bell in the town hall steeple."

Dr. Franklin wrote back, "I am very much honored, very glad indeed to send you a sum of money, only don't buy a bell with it. Buy a public library because I have always preferred sense to sound."

I agree with the gentleman's assessment of the goals of what we need for tax reform. I think that we do need a fair tax system; one that is not another Trojan Horse; one that does go toward the middle class and helps the families of the United States; I think we need a simple tax system; a system that everyone can understand and the example that the gentleman used about the schoolteacher, I think, really underlines that we need a simple tax system.

What we have got now is a public debate, and I think that debate is good; the debate of what our tax system is all about; where we want to go.

The frustration that the people are feeling, I think, is now coming forth, and I am hopeful that as the gentleman continues his leadership, and as the chairman of the Committee on Ways and Means, Chairman ROSTENKOWSKI—and I think he should be congratulated.

I am hopeful, as we wind our way through this, that we will come up with true tax reform, which is fair to the majority of the people; which is simple, that all of us can understand; and I am hopeful that as the Committee on Ways and Means works its will that we will have a bill before the House.

Mr. GEPHARDT. I thank the gentleman for his fine statement, and would like to now yield to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I would like to commend the gentleman from Missouri [Mr. GEPHARDT] for taking this special order, and for exhibiting considerable leadership over the last 3 years in the whole area of tax reform.

I think it is understandable that the President would get most of the attention for his tax reform efforts this year. I think we all ought to remember that the gentleman from Missouri was an advocate of tax reform at least 3 years ago, and has really pioneered a lot of the tax reform proposals that are before us.

I consider myself to be a supporter of tax reform. I would like to make just three points:

First, tax reform is alive and well, despite any appearances to the contrary, in the public press.

□ 2150

When President Reagan announced his tax reform plan about 2 months ago, there was a large flurry of publicity about it, and then things died down

and we have not heard much in recent weeks; and what we have heard has largely been the criticism of the President's tax reform plan on the part of interest groups that appeared before the Ways and Means Committee day after day after day.

A lot of the reporters and news people would like to interpret that to mean that tax reform has lost its momentum and that there is little chance the Congress will pass tax reform this year. I think that is not correct. Actually, this is the schedule that we envisioned in the first place. It is impossible to sustain public interest for a long time at a high level in tax reform or any other subject.

President Reagan made his announcement, public opinion and interest was there, and then we settled into the process which has been going on in the Ways and Means Committee where we are spending 2 months, really, maybe 3 months, day after day, allowing every conceivable interest group and individual who might be affected by tax reform to come in and tell us how and why that person or that organization would be affected.

We owe that to the American people when we are thinking about making a really major change in our Tax Code necessarily, that is a long process. We are meeting essentially 6, 7, 8, 9 hours a day in the Ways and Means Committee in order to hear all of these people and, understandably, they are bringing to us their concerns about tax reform.

So it appears as if we are entering into a negative phase on tax reform, but I suggest that this phase will be over in September and that the Ways and Means Committee will settle down to the process of writing a tax reform bill. We are very hopeful of getting a bill written beginning at the end of September and probably extending into and perhaps through October, perhaps having a bill on the floor sometime in November, and at that time, when we start to write the bill, and when it comes close to the time when it will come to this House floor, that is the time for President Reagan to again enter the public debate and make sure that tax reform has a high visibility.

That is the first point.

The second point is that it is important for American citizens and taxpayers to focus on the big picture of tax reform, on what they will gain from tax reform rather than what they will give up. Again, this is somewhat contrary to human nature. Human nature is to take for granted what you are going to get out of something, and look at, focus on, what you are going to lose. Certainly, the interest groups which have appeared before the Ways and Means Committee have helped that process. They come in and say to us, as they say to their constituent members all across the country, "My gosh, you are going to lose the ability to deduct charitable contributions if you don't itemize. You are going to lose the ability to deduct interest and taxes on your second home. You are going to lose the ability to deduct State and local taxes," and on and on and on.

If citizens focus on what they lose, naturally, they would prefer not to lose it. It is crucially important, it seems to me, that all of us who are interested in tax reform help the American people to concentrate on the total package, what they lose, naturally, but also what they gain.

It seems to me that if people will consider for a moment that the personal exemption under President Reagan's plan will be increased from $1,080, which it is currently, to $2,000 per person in the family, they will see that that is a significant factor in lowering their taxes. If they look at the reduction in tax rates, they will see that in almost every case Americans will be in a lower tax bracket then they are now. If they look at the zero bracket amount, they will see that is an increase in the zero bracket amount, which has the effect of reducing their taxes.

I know I found in my own State of Ohio, in the matter of the deduction for State and local taxes, that even if Ohioans cannot deduct State and local taxes, the average family with a spouse, a wage earner and a spouse and two children, earning perhaps $40,000 a year, losing the ability to deduct State and local taxes, will be still significantly farther ahead with the President's plan than they are now. I would hope that we can emphasize that for our constituents.

The third point is this: As far as I am concerned as a member of the Ways and Means Committee, the Reagan tax plan is not written in stone. I do not think the President considers that it is. We in the Ways and Means Committee will be looking at each and every one of those provisions. We will be judging which ones ought to be retained and which ones ought to be changed or modified.

The Reagan package, frankly, is a good starting point, but it can be improved. It can be made a better package, fairer, more simple, better from the point of view of economic growth. I hope that we in the Congress will accomplish that purpose.

One thing in the President's package that I am particularly concerned about is the distribution of the tax cuts under the plan. As other speakers have mentioned this evening, a great virtue of the President's plan is that it substantially reduces taxes for the poorest people in America. In fact, it would cause a lot of poor people who are now paying Federal income taxes not to have to pay taxes at all. And that is a very good aspect of the plan.

But as you move through income brackets, there is a glaring point that stands out, and that is that the percentage of tax cut is modest for all income groups, $20,000 and $30,000, $30,000 to $50,000, $50,000 to $100,000, $100,000 to $200,000. But over $200,000, those folks would get a tax cut of 10.7 percent, roughly twice the amount of tax cut in percentage terms as those in some other bracket would get.

Roger Smith, the president of General Motors Co., came before the Ways and Means Committee recently and testified, and said:

> I am not pushing tax reform. I had my accountant check out what would happen to me as president of General Motors under President Reagan's plan, and I can tell you that I would get a tax cut of $127,000 under President Reagan's plan.

He was not asking for that, and we should not allow that as a Congress. We should make sure that those who are the wealthiest persons in America continue to pay their fair share and that we not redistribute the burden away from the wealthiest and onto the middle class.

This comes about, of course, because of the changes the President is changing in the capital gains tax, reducing the rate to 17½ percent, and dropping the top marginal rate from 50 percent to 33 percent.

I would remind my colleagues that the top marginal rate only 4 years ago was 70 percent. So if the President's plan is adopted, we will have cut from 70 percent to 33 percent, more than half the top marginal rate. That is what produces the excessive, in my view, benefits for people earning over $200,000. I hope that we can correct that.

Well, I would like simply again to reiterate my support for tax reform, my admiration for the gentleman in the well for the leadership that he has shown. I hope that we can all work together and make the President's bill even better.

Mr. GEPHARDT. I thank the gentleman very much for his statement, and I enjoy and appreciate very much working with him on the Ways and Means Committee and look forward to working with him on this bill.

I thank the gentleman for being here.

I now would like to yield to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. I thank the gentleman for yielding.

I would also like to thank the gentleman for calling this special order and particularly for the leadership that the gentleman has shown on the issue of tax reform not just over the last several months but over the last several years.

During the past 2 years, as I served as Delaware's Congressman, I held a host of town meetings throughout the State, and at virtually every one of those dozens of town meetings the question of whether or not our Tax Code should be or could be reformed to make it somehow more fair and more simple invariably came up. We had a lengthy discussion in every town meeting on a number of different proposals on what to do with the Tax Code. One of those proposals was simply to do nothing, to maintain the status quo. A rather draconian change in flat tax, as proposed by some, was discussed at some length, and we also discussed at some length the modified flat tax, really the Fair Tax Act that the gentleman coauthored and sponsored.

□ 2200

I am happy to report that almost without fail, following a fairly lengthy discussion in the straw polls that we had and the straw votes that we had, the Fair Tax Act seemed to generally gain, almost unanimously gain the majority of support from people who attended.

I also received a lot of mail over the course of the last 3 years on the issue of tax reform. The last 2 years, my first 2 years in Congress, the mail generally seemed to say: "We think there is something wrong with our Tax Code, and we think it can be made more fair and simpler and we would like for you to do something about it."

The tenor of the mail has changed this year. The mail that we get now, the postcards start off by saying pretty much the same thing, "We think the Tax Code should be changed and made more fair or equitable, but please do not do so at the expense of my special or favorite deduction or exemption."

There are many people who are saying now this year as we face squarely the possibility of actually doing something about the Tax Code, there are many people who tell us that it is not politically possible; it is not politically possible to actually make the kind of reforms that we have discussed.

I came across something not long ago, some quotes by people who said that one thing or the other was not possible. I just thought I might take a moment and interject a little levity into this evening's festivities and share those.

For example, the Director of the Patent Office in 1899 in this country once said that "Everything that can be invented has been invented." That was said in 1899.

In 1927, the president of Warner Bros. Pictures said: "Who the hell wants to hear actors talk?" I am sure he was not talking about our President or any other one seeking political office, but I think he was suggesting that the silent films would be with us for a long time.

In 1905, Grover Cleveland is quoted as saying: "Sensible and responsible women do not want to vote."

In the year 1895, a fellow who was the president of the Royal Society said: "Heavier than air flying machines are impossible"; 5 years later, Orville and Wilbur proved him wrong.

So for those people who say that it is not politically possible to actually adopt in this House a comprehensive tax reform measure this year, I would simply say let us learn from history that some of the things we thought are impossible actually did not prove to be that.

Some other people say that it is politically dangerous for us to proceed along this course, and that we risk the possibility of alienating not only many and diverse special-interest groups, but also a lot of rank-and-file constituents that we represent throughout our country. One of my favorite sayings is: "In politics our friends come and go, but our enemies accumulate."

I suppose in looking at tax reform we face the possibility of accumulating a few enemies, but I think in terms of the common good of the country it is a risk that is well worth taking, and I salute you for helping to encourage us to pursue that option.

Finally, some of my colleagues have contended that they are concerned that our President, who now has taken up the cause and is saying that tax reform should be pursued and actually has become a leader in his own right in this regard, some people in my own party, in the Democratic Party, are suggesting that what if the President ends up getting all the credit? All the political credit, and we as Democrats have very little to gain ourselves. I would just say that I think that whoever sits as President, whether he is a Democrat or Republican, has a special opportunity by virtue of the office to take the credit or receive the blame on almost any issue, and it is going to be virtually impossible for us to deny the President credit. I think he deserves credit for the leadership that he is showing. Not all of the credit, but certainly some of the credit.

I would also say if tax reform fails, and if it fails in the House, there is going to be a lot of blame to be passed around. That blame could just as easily go to us as it could to be Members of the other party. I would certainly like to make sure that on the one hand, we do not receive the blame for seeing tax reform fail, and on the other hand, that we do take a measure of the credit that I think will improve if it does prevail.

Finally, I would just like to mention the quote by Lyndon Johnson who once said: "All of us want to do the right thing; the tough part of that is deciding what is the right thing to do."

We will all quibble about just what that final tax reform package should look like. For me, it is difficult to argue that the right thing to do is not to reform the Tax Code. The right thing to do is clearly to try to reform the Tax Code. To give it our best effort. I am just happy to be here tonight to lend my presence, to lend my vocal support to what you are trying to do, and to say that I look forward to working with you and with other Members, not only of our party but of the Republican Party and with the President for what I think should not be a political issue. It should not be a partisan issue at least, and one that we can hopefully see through to fruition in this Congress.

Mr. GEPHARDT. I thank the gentleman for a very fine statement and I am happy to have four examples of things that were thought to be impossible but were found to be not only possible but probable. I have written them down and I will now use them in my speeches about tax reform because I think a lot of people feel that tax reform is impossible. I join with you in believing that it is not and that in fact it is going to be done in 1985.

Mr. Speaker, I yield to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Speaker, I commend my colleague, Mr. GEPHARDT, for setting aside this time to discuss tax reform and in particular, the goals and principles that should guide our efforts in this area.

Few Members of the House have devoted more thoughtful time on this issue than the gentleman from Missouri. I want to compliment him for the leadership he is showing to help move this country toward a fairer, simpler tax system and a better investment climate for the economy in general. He introduced 3 years ago the Bradley-Gephardt Fair Tax Act which was one of the first major reform bills to be put forward.

Now, the President has put a tax reform plan of his own on the table. He is taking a personal leadership position in making tax reform a priority and I commend him for that.

The debate now begins as to what is the fairest way to go about overhauling the Tax Code. The Ways and Means Committee is holding hearings on the President's bill and it will be several months before a final product is presented to the House. Nevertheless, I believe there are a number of significant policy questions that must be addressed during this process.

Most Americans believe our tax system is a mess. And for good reason. Taxpayers watching the nightly news and reading their morning papers

have been treated to a seemingly endless stream of stories about highly profitable corporations paying little or no income tax, the proliferation of exotic tax shelters, and the kinds of tax-reducing loopholes available to those who can afford to hire expensive accountants to beat the system. It's simply not fair and it's not conducive to economic growth.

In April, I held a hearing in my district with Congressman GEPHARDT to hear the views of Oregonians on tax reform. The testimony we heard strengthened our shared conviction that an overhaul of the Tax Code is past due. More recently, I've been hearing this same message in letters from my constituents.

Let me give you a few examples:

When one working woman making only $12,500 in one year pays more in taxes than our largest oil companies, then we are all in bad trouble. Yes, we need tax reform as soon as possible.

Another person:

I have been opposed to the middle class carrying the burden of all corporations who pay no taxes. Let everyone pay their fair share.

A third person wrote to say:

I applaud your efforts on behalf of tax reform. It is past time to do something constructive. We sincerely hope that you and your colleagues will be able to accomplish it.

Achieving genuine tax reform will not be easy. The President himself has acknowledged that there can be no real tax reform without stepping on the toes of special interest groups. And there will be huge political pitfalls along the way.

To make sure that we stay on track, we need to establish some measure—some principles—upon which we can build a true reform plan that will in the President's words:

* * * tax those large corporations and wealthy moguls who have not paid their fair share—and reward working families who have been caught in the squeeze for so long.

Yet, all reports indicate that the President's plan hits the middle class like a ton of bricks, especially those with two working parents. For instance, the plan calls for families earning more than $42,000 a year to pay the same rate as those earning $1 million or more.

In my own State of Oregon, the Department of Revenue recently released a study which my collegue [RON WYDEN] sought, and that study confirms that typical families would not necessarily benefit under the current structure of the Reagan plan. The study shows that middle-income Oregonians who itemize, including two-children families where both spouses work, would find their taxes going up.

This is of great concern to me. The last thing we should be doing is raising taxes on average Americans who are already paying more than enough. I hope the House will rewrite parts of the plan to correct this.

Another concern is the Federal deficit. Economic recovery cannot continue under the weight of $200 billion deficits. Any tax reform we undertake should not make matters worse. By Treasury Secretary Baker's own calculations, the President's reform bill could lose between $9 billion and $18 billion.

So, as we air these problems, it becomes clear that it's not enough to simply wave the banner of tax reform. We have to craft a tax reform proposal that will significantly improve the economic climate in which working Americans live and work. We have to craft a tax reform proposal that is sensitive to our industry's efforts to maintain a technological and competitive edge overseas.

Tax reform which wipes out the gimmicks, ensures that profitable corporations pay their fair share, produces fewer distortions in business decisions, and doesn't shortchange the needy or the middle income, would be a good thing for this country. This is what I believe we must strive for.

For my part, these are the tests that I believe we should apply in weighing the various tax reform plans, and there are at least four:

First, that it not increase the deficit.

Second, that it be fair—following the principle that those who earn more pay more and that people with equal incomes pay about the same.

Third, that it offer the lowest possible tax rates for the largest number of people.

Fourth, that it retain the best features of previous reform efforts which have encouraged innovation, productivity, growth, jobs, and payrolls.

Before I leave the floor, I again want to thank the gentleman for organizing this special order. His concepts serve as an excellent basis for an equitable and well-balanced tax reform plan.

The road to reform will be long and hard. It will take the President's strong leadership and the leadership of tax reform proponents like the gentleman from Missouri. It will take the commitment of members on the Ways and Means Committee.

I'm convinced that we can give the American people the kind of tax reform they're asking for—the kind of tax reform they deserve—if we work together and not lose sight of our shared goals, Member to Member here in the House and in the other body, and the Congress vis-a-vis the White House, in laying aside partisan differences and really trying to do something that is worthy, as Daniel Webster said, of being remembered, and that is to change this code, which is patently unfair, to one that is fair and design a code that encourages good economic outcomes, if I can use the flip side of the coin, the phraseology that the gentleman from Missouri has used, good economic outcomes where ideas themselves in the marketplace can attract the capital they need to make America competitive again.

□ 2210

Mr. Speaker, I think these are the goals the gentleman is after. I think he would agree with the four stipulations that I have stated here. I just want to compliment him for his superb leadership on this question, the taking of the time again tonight and the leadership I know he is going to continue to give to this issue and to so many others in the Congress.

Mr. GEPHARDT. I thank the gentleman for an excellent statement. I deeply appreciated the ability to be in his district in Oregon to talk to his constituents about tax reform. Many of the ideas, and stories, and anecdotes, and feelings that came out of that hearing have been important to me in carrying on this effort. I have related some of the stories that I heard in the hearing in Portland and other places throughout the country and here in Washington.

Mr. Speaker, the gentleman has well identified the four major goals that we have in tax reform, and I believe that in working with people like him we can achieve those goals. It will not be easy. There are special interests who would much rather have their particular preference in the code than to have tax reform, but if we really stay intent on our goals we can achieve them and we can get tax reform that is fair, and simpler, and creates better economic outcomes and does not increase the deficit, which we all share.

I thank the gentleman for an excellent statement and look forward to continuing to work with him.

● Ms. OAKAR. Mr. Speaker, it is a privilege to join my Democratic colleagues today in this special order on tax reform. This is a critical issue that goes to the heart of what our Nation stands for: fairness and equity. It is an issue that we must give serious consideration to as we approach the historic task of rewriting the Nation's Tax Code.

We must be careful not only of our rhetoric but also of the consequences of our actions. What we do in this Congress will affect our citizens and our Nation for decades to come. I would like to take the opportunity to discuss how I feel that tax reform should be approached.

I applaud the President's leadership and his proposal as a first step to enact a comprehensive tax reform package. We have a tremendous challenge ahead. We have ignited expectations that we must seek to fulfill. A year ago, polls showed that the American public—especially the rich—were generally happy with the amount of taxes they paid. Recently, an ABC News poll showed that 69 percent of

all Americans thought they paid too much in taxes.

All of us must work with DAN ROSTENKOWSKI—ROSTY—to fashion a legislative package that meets the true test of fairness. What we do to help the middle-income families will be an important measure of our success.

I believe that in developing a tax reform package, we must be guided by six principles:

First, we must provide real relief for middle class Americans—the backbone of our country.

Second, we must have realistic tax rates for all Americans and all businesses. All individuals and corporations must pay their fair share. A working single mother with three children and a poverty level income of $10,500 a year paid higher taxes—$1,186—than six defense contractors paid altogether in 1983, although these corporations earned $13.7 billion in profits.

Third, we must end preferential treatment for certain industries and not penalize rustbelt industries. This is especially critical for the Midwest where basic industries are still going through the process of retooling and regaining a competitive position.

Fourth, we must have a stiff, broad-based minimum tax for wealthy corporations and the very rich to assure that they pay their fair share. This minimum tax must be designed to recapture significant tax revenues that are lost through loopholes and other tax preferences that may remain in the new Tax Code.

Fifth, we must continue the deduction for State and local taxes. The so-called high tax States are serving far more needy, disadvantaged, and aged citizens. We must not let the Federal Government walk away from them. We must do nothing to encourage State and local governments to walk away from this responsibility for our fellow citizens.

And, sixth, we must ensure that our reforms do not add to the already crippling deficits that thwart economic growth.

My review of the President's tax proposal has led to several concerns about the administration's approach to tax reform. We need real tax reform that follows that principles I have just enunciated.

Unfortunately, the administration tax plan is not what was thought to be on first inspection. Flag-waving rhetoric is being used to promote a bill that is the somewhat the opposite of what it was said to be.

Let us take a look at what we have.

The administration's tax bill is really anti-middle class. The President promotes his plan as pro-middle class but the rhetoric and reality do not mesh. While the average tax cut would be $104 for the family earning under $10,000 a year, and $211 for the middle-class family earning between $30,000 and $50,000 a year, the average tax cut for the family earning over $200,000 a year would be $9,254.

Contrary to the President's claims, his tax proposal will not make filing tax returns much simpler for the average taxpayer. In fact, many will find calculating their taxes more complicated under his plan. The main simplification for most people would come from eliminating some deductions and credits that they now use to lower their taxes. These are legitimate deductions for the middle-class taxpayer, not the special interests or very rich.

A significant number of middle-income taxpayers would have their taxes raised by the Reagan plan—not because they are currently failing to pay their fair share but rather because they happen to use one of the basic middle-class tax provisions the President wants to repeal.

Although the administration's plan is termed "pro-family," it reserves its greatest benefits for the traditional family—where the husband works and the wife stays home and takes care of the children. Families where both the husband and wife are employed and single parent families might actually see their taxes go up under the Reagan plan. This is a result of the repeal of the two-earner deduction, commonly known as the marriage penalty, and the retargeting of the child care credit from lower income to higher-income taxpayers.

Even though the poor would benefit by the President's tax plan, they would still be worse off than they were before the Reagan administration took office. A family living at the poverty level would pay more Federal taxes under the Reagan plan that it did in 1978.

Defense contractors who have bilked the Government of billions of dollars in overcharges and through waste, fraud, and abuse and have avoided taxes, under the Reagan 1981 tax cut would emerge as big winners under the President's tax plan. The Wall Street Journal recently quoted administration officials as conceding that defense contractors would fare far better than most other business groups under the Reagan plan.

Added to these problems is the ideological component that we see in this administration's approach to the Federal budget. This administration does not like the progressive income tax and is determined to achieve former Treasury Secretary Andrew Mellon's goal of not only bringing down the top tax rates but also virtually eliminating the progressive income tax. Let us remember that Mr. Mellon headed the Treasury Department in the 1920's and through the Great Crash of 1929.

In fact, this administration is using tax reform as a means of shrinking the Government's revenue base. The President is doing this through the Trojan Horse of tax reform. Treasury Secretary Jim Baker acknowledged before the House Ways and Means Committee that the Reagan bill might cut Government revenues by $12 billion in the next 5 years.

I welcome the thorough, dispassionate approach to tax reform being taken by Chairman ROSTENKOWSKI and the Ways and Means Committee. They are to be commended for assessing the full ramifications of the administration proposal and of tax reform in general before they begin the arduous task of drafting a tax reform bill.

Only by taking this approach can a true tax reform bill be drafted and enacted that will serve the general public interest and the national interest and bring fairness and equity to the Nation's Tax Code. I hope that we will not leave out the majority of Americans—the middle class. They deserve to be treated fairly for a change.●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague, Representative RICHARD GEPHARDT, for reserving this time to discuss some of the important issues facing us as we undertake a historic and critical reform of our Nation's tax laws. I would also like to compliment the distinguished gentleman from Missouri for his leadership in Congress in introducing the Bradley-Gephardt tax bill and his commitment to comprehensive tax reform that embraces the notions of fairness, equity, and efficiency.

With the submission to Congress of President Reagan's tax reform proposals, we have a historic opportunity for fundamental tax reform. We must not let this "window of opportunity" be wasted or slip away.

I welcome perhaps a once-in-a-lifetime opportunity to restore public confidence in our tax laws and to create a system that is based on solid principles and sound goals. I believe that the plan submitted to us by President Reagan contains many of the essential ingredients that must be included in any tax reform legislation ultimately enacted by Congress. Nevertheless, the administration plan also contains several critical flaws which if not corrected by Congress would undermine the positive aspects of his plan.

Most importantly, any comprehensive restructuring of the Tax Code must, in my opinion, include a reduction in overall tax rates, especially for low- and the middle-income families, and a broadening of the tax base by eliminating excessive tax preferences and tax shelters now largely benefiting the wealthy and the corporate sector. Moreover, I believe that the progressivity of our tax system must be restored.

51-059 O-86-31 (Pt. 14)

When the income tax system was first adopted in 1913, the system allowed only 10 tax preferences. Today, there are 102 such tax breaks and, in 1984, they cost the Federal Treasury about $330 billion—almost twice the 1984 budget deficit. In large measure, these tax preferences have worked to the benefit of wealthy individuals and corporations. In 1960, corporations and the wealthiest 1 percent of Americans paid 43 percent on Federal taxes. Their share has now dwindled to only 17 percent of all Federal income taxes paid. The 1981 tax cut benefited these same companies and upper income families at the expense of the poor and the average American family. As a result, between 1981 and 1983, 65 of America's most profitable corporations paid no income taxes at all.

We now have an opportunity and the obligation to correct a shameful situation in which many poor and working poor families, who are struggling to make ends meet, pay more in Federal income taxes under our current tax laws than the biggest corporations. By providing significant tax relief to the low-income and working class families, and increasing the corporate share of taxes paid, we can correct a Tax Code that has become increasingly regressive and burdensome to those least able to pay taxes. The President's tax proposals which would remove low-income taxpayers altogether from income taxation are laudable. I remain concerned, however, about the impact of other provisions which grant significant relief to those families earning more than $200,000 annually at the expense of moderate- and middle-income, two-earner families. There is no sound public policy rationale for this bias in favor of upper income individuals; it must be corrected if the notion of fairness is to have any real meaning in tax reform.

These considerations must be the overriding concerns as Congress proceeds in the development of new tax policies. We must now move thoughtfully and deliberately toward devising a tax reform package that ensures no one pays more than his or her fair share of the tax burden.●

● Mr. LUNDINE. Mr. Speaker, since coming to Congress I have been an advocate of comprehensive tax reform. It is clear that our current tax policy is not well suited to our objectives for the Nation. It is complicated and unfair. It gives special benefits to a few people at the expense of most taxpayers, and it has made complying with our tax laws difficult for everyone.

We now have a historic opportunity to achieve tax reform this year. I am very pleased that the President has decided to make tax reform one of his top priorities. With the President's support and the leadership and expertise of long-time tax reform advocates such as Representative GEPHARDT and Senator BRADLEY, comprehensive tax reform is within our reach. It is my sincere hope that we will not let this unusual opportunity slip away for lack of courage, from giving in to special interests, or because we refuse to compromise.

There are two clear principles that must guide us through the debate on the various tax reform proposals. In my view, the Tax Code must encourage economic growth and provide basic equity for all taxpayers.

First, the present tax system distorts investment, the economic cost of which is impossible to appraise accurately. The accumulation of credits, deductions, and exclusions divert resources from their most productive uses—those with highest rates of return before taxes—into uses that are less productive but yield higher after-tax returns. The result is reduced national output, lower productivity, and more sluggish economic growth.

Even the preferences and incentives provided with the best of intentions have had unrecognized and unintended consequences. While we may get the intended result from certain tax provisions, the inclusion of such a preference often spawns unintended results which do not contribute to our economic goals. Frankly, I believe that we should not use the Tax Code as backdoor social and industrial policy. With very few exceptions, our tax laws should simply raise revenue to finance the legitimate responsibilities of the Federal Government.

The current tax system inhibits growth by allowing a deduction for interest paid on borrowing while taxing income from savings. I believe this is largely responsible for a national savings rate that lags far behind that of our major competitors. The United States has a national savings rate of about 6 percent as compared to approximately 12 percent in Germany and 22 percent in Japan. No wonder Germany and Japan have capital for investment.

By taking a pure approach to tax reform, by eliminating as many preferences, deductions, and exclusions as possible and, by making saving as attractive as consuming, I believe we can unleash the system for growth.

Second, the tax system is not fair. Many people feel that the tax system is too complex for them to understand and lack confidence in the system's fairness. In addition, I suspect that the widespread assumption that the Tax Code cheats hardworking taxpayers has led to more cheating.

All of the major tax reform proposals must be weighed in terms of their fairness to the poor and to middle-class working Americans. While the President's tax reform proposal is a good starting point for the debate, his proposal preserves too many loopholes and gives a far bigger tax cut to the rich, people earning over $200,000 a year, than he offers to middle-income Americans.

In particular, I am concerned that in his efforts to devise a plan which is profamily, the President has yet to recognize the changing characteristics of the family in our society. Under a recent analysis of the President's plan, it has been determined that working couples in the median income range in several States would face widespread tax increases, while couples in which one spouse stays home would have tax cuts.

Finally, I strongly oppose the President's poposal to eliminate the deduction for State and local taxes. The President has argued that this deduction subsidizes high-tax States. In fact, this deduction simply means that the Federal Government will neither subsidize nor penalize States for their tax policies.

Since the Federal income tax was imposed in 1913, Congress has recognized that it should not interfere with State and local governments in their ability to raise revenue. For the past 72 years, the Tax Code has allowed a person to deduct State and local taxes from his or her Federal income tax. In effect, this gives local governments the first chance to raise revenue, and the Federal Government is able to tax only what income is left.

It seems to me that eliminating this deduction would be a mistake. It would amount to double taxation: you would have to pay Federal taxes on income that had already been taxed at the local level. It would also penalize some States, like New York, that have higher taxes because of geography or population. Eliminating the deduction for those taxes would mean that the Federal Government would no longer recognize local differences, but would force all States to have similar tax policies.

Still, I am glad that the President has endorsed the idea of tax reform. Now it is up to Congress to improve upon the President's proposal, making it fairer and simpler for working Americans. I am confident that we can pass legislation that will end special tax breaks and genuinely reform our tax laws.●

● Mr. GRAY of Pennsylvania. Mr. Speaker, the current tax system needs repair. Democrats BRADLEY and GEPHARDT responded to the need in 1982; others have since joined the cause, including the President. His leadership is needed to accomplish tax reform. But his new plan has serious flaws that need to be corrected.

WHAT'S WRONG WITH THE CURRENT SYSTEM?

The current tax system is too rich on subsidies and too poor on fairness.

Yes; savings and investment are important; life insurance is worthy; oil

and gas are important raw materials; and fringe benefits improve the quality of life. But the accumulation of preferential credits, deductions, and exclusions lose a great deal of revenue for what they accomplish; they conflict with one another, and they allow many taxpayers to escape their fair share of taxes.

If most of the special preferences had been proposed as direct expenditure programs, they never would have been enacted. They disproportionately benefit those who do not need subsidies and reward activity that would have taken place anyway.

The result is a narrow and anemic tax base with needlessly high tax rates. Incentives encourage certain investments while higher tax rates discourage other investments. Our current tax system causes business to bypass superior investments in favor of tax shelters.

The limited partnerships and leveraged real estate investments which receive so much publicity are just symptoms of greater waste caused by our tax system. This waste is reflected in the fact that corporate tax revenues have fallen sharply, but tax considerations drive corporate takeovers, mergers, and investments in favored equipment while more productive investment opportunities go begging.

Many individuals are now certain that, while they struggle to pay their taxes, some of their peers are using tax scams to avoid their share. Some taxpayers are paying two or three times the amount paid by other taxpayers in the same income bracket. Why else do so many taxpayers with essentially simple affairs pay for help with their tax returns? They want to find those loopholes too.

This loss of confidence in our tax system is a long-term threat to public confidence in government; it undermines our ability to finance government responsibly—with taxes rather than borrowing.

TAX REFORM

Tax reform will allow us to put our economic resources to better use, to simplify the tax system, and to restore fairness. With tax reform we can restore the corporate tax as a source of revenue and lift taxes from the poor—a group on which we have put greater and greater burdens since 1980.

President Reagan's plan makes some commendable progress on cutting back tax subsidies, lowering tax rates, and relieving tax on the poor. But it also has serious weaknesses.

PROBLEMS WITH THE REAGAN PLAN

AGGRAVATION OF THE DEFICIT PROBLEM

The President's plan, in fact, is likely to undermine revenues and worsen the deficit problem.

The plan is likely to lose revenue because it was designed backward. Instead of designing the best tax base and setting the tax rates to raise the necessary revenue, the President dictated that the outcome be a large cut in the top rate to 35 percent. As a result, the Treasury had to put together a patchwork of provisions to try to keep up revenues.

In the near term, 1986 to 1990, there are several of these patches that may not survive public scrutiny.

One is the "recapture tax" that prevents companies from getting the advantage of lower rates on income deferred by recent fast depreciation. The Treasury's logic may be correct as far as it goes, but they have taken a piecemeal view of the problems of winners and losers. Many of the companies that would have won from lower tax rates on "deferred income" will lose from features of the Reagan plan like the elimination of the investment tax credit. Many who will win because of other income deferrals, like tax-preferred retirement contributions or oil drilling writeoffs, are not touched. Without this arbitrary recapture tax, the plan loses $70 billion over 5 years.

The President has left out some major transition rules than are usually employed in tax bills in order to prevent undue hardship. For example, he does not provide for a "completed contract" exemption for investment set underway before the repeal of the investment tax credit.

The President also treats State and local governments very harshly, ending the tax exemption for revenue bonds, and ending the deductibility of State and local taxes without any phaseout provisions.

Even with these unrealistic provisions included, the plan is likely to lose more revenue in 1986–90 than the $12 billion acknowledged by the Treasury's revenue estimators. The Congressional Budget Office has just reviewed the general corporate provisions for me and found that they lose an additional $23 billion in revenues over the next 5 years. Signs of revenue loss after 1990 are also ominous:

After 1990, some of the major ways by which the President pays for his tax rate cuts expire. The biggest is the temporary corporate "recapture" tax that between 1986 and 1990 pays for half of his corporate tax rate reductions.

After 1990, businesses will get back those depreciation deductions that the Reagan plan postpones by ending the front loading of current law. The depreciation changes effectively shift the revenue losses from early to later years. The CBO estimates that the depreciation changes, which Treasury says will rise $15 billion by 1990, will be a large revenue loser thereafter.

In real terms, tax revenues from the taxation of health insurance up to $25 per month will be falling.

After 1990, individuals with capital gains will be able to play a "heads, I win; tails you lose" game with the Treasury, choosing an exclusion when it minimizes tax but choosing "indexing" when that is more advantageous.

Let us learn from the sad experience of 1981. Tax reform must not be used again to cut revenues and drive up the deficit. Tax reform and deficits must not be used again as ideological weapon to force future Congresses to repair the damage with one-sided, unfair spending cuts.

THE THREAT OF HIGHER DEFICITS

The administration has decided to sell the Reagan tax plan as a "tax cut" that will please individual taxpayers and stimulate the economy. In the face of large budget deficits, the American people should be suspicious of this sales pitch. This economy cannot afford a reduction in tax revenues.

President Reagan naturally likes to run against taxes. He did so successfully in 1980 and 1984 and is still doing it today. However, the results of the 1981 Reagan tax cuts were massive budget deficits and a lien on our children's future. Today, that tax cut is costing us nearly $200 billion in deficits and over $125 billion a year in merchandise trade deficits, along with several million jobs that go with them.

Contrary to the promises of 1980, tax cuts did not "pay for themselves" through added economic growth. They did not spur individual savings. Although they may have stimulated some forms of business investment, business is now all dressed up with no place to go because deficits and the overly strong dollar have destroyed its markets. Even now, manufacturing is operating at only about 80 percent of capacity. Productivity gain in the current recovery has been lower than average; in the first quarter of 1985 it was minus 2.5 percent.

The supply siders told us in 1981 that cutting marginal income tax rates would increase the incentives to earn more income and save a larger share of it. It did not work out that way. In the last year and a half the personal savings rate was 5.8 percent, compared with 6 percent in 1980 before the tax rate cuts went into effect. Because the tax cuts didn't induce higher saving, we have had to finance our deficits and our investment by importing saving from abroad, which in turn has made our huge trade deficits inevitable.

Lowering tax rates and other tax reforms will not by themselves bring a new era of growth and prosperity. They will not end the massive borrowing that crowds out private investment and, through its effects on interest rates and the value of the dollar, destroys the markets of our basic industries and agriculture.

Manipulation of tax incentives for saving, growth, "basic industries," or agriculture cannot undo the damage

from large deficits. No amount of tax reform can restore "international competitiveness" and revive the growth that is being sacrificed due to large deficits.

We can't solve our No. 1 economic policy problem—the budget deficit—by talking only about spending cuts when dealing with the budget, and only talking "reform" when dealing with taxes. The President's sales pitch should not distract us from the need to increase revenues once we have made all the spending cuts we can agree on.

EFFECTS ON THE ECONOMY

The way to make the tax system more fair and to get more productive use out of our resources is to reduce tax favoritism. However, some of our citizens and businesses have depended on this tax favoritism. Too harsh a withdrawal program can temporarily cost jobs, lower investment, and be unfair. This is not just President Reagan's problem, it is every tax reformer's problem.

For example, the Reagan plan levels the mountain ranges of supertax rates for some investments and fills in the valleys of tax preferences for others. This means that, in the long term, the most productive investments are less likely to be bypassed by tax avoidance.

However, there is a short-run risk that the rediscovery of some investment opportunities will take time, while the tax changes shut down other activities. There is no use trying to get to the promised land of a reformed tax code if too few survive the journey. The temporary "recaptive" tax should be reduced or eliminated if it hits businesses that will have difficulty making adjustment to permanent provisions of the new law. Care should be taken to craft adequate phasein provisions.

WHAT WE NEED

If we are to enact major tax reform, it should be one that achieves better balance than the Reagan plan.

It should have better balance between the rich and the middle class, especially those with both husband and wife working.

The Treasury's own data show too much tilt in favor of the rich. Those with income over $200,000 get more than five times as much percentage increase in their after-tax income as those in the $20,000 to $50,000 income range. Those over $200,000 get cuts averaging over $9,000, while those in the middle range get less than $200. Families in which both spouses work to make ends meet will have very small or nonexistent tax cuts.

Before we take the short-term economic risk from too sudden a cutback in general investment incentives, we should reexamine continued tax favoritism for certain sectors like oil and gas, defense contractors, and public utilities.

The plan should not pit the overburdened cities against the suburbs, and the higher against the lower tax rate States.

Complete elimination of deductions for State and local taxes runs the risk of pushing higher income taxpayers out of the cities that try to provide for their low-income citizens and their special economic and social problems. At a time when budget problems are causing cutbacks in programs like education that States and cities find difficult to support on their own and public facilities need upgrading, Federal tax policy should not be inspiring State and local tax revolts. Some revision is needed.

We need an alternative to the President's proposal to tax the first $25 per month of employer-paid health insurance, while leaving other fringe benefits untaxed. This makes no economic sense. It is merely an ad hoc way to raise dollars to pay for the reduction in the top tax rate. It isn't fair, since an upper income household with the most generous fringe benefits package would be taxed the same amount as a lower income worker with a modest package. Furthermore, it makes no contribution to solving the economic problem of accountability for massive increases in health care costs.

We need to level with the American people about what tax simplification means and how to get it. It is a myth that a three-bracket tax system, or a top rate as low as 35 percent, is essential to simplification. The number of brackets has no bearing on the complexity of the tax tables that taxpayers use to look up their tax bills. If an added bracket and higher tax rate is needed to sustain revenues and make the plan fair, they should be used.

Neither should the economy suffer from protracted uncertainty about tax reform, nor should the massive Reagan proposal be enacted too hastily. Our job will be to reform the tax base insofar as it can be done sensibly and fairly, and then set the tax rates necessary to sustain revenues. Ultimately, tax reformers should also be prepared to adjust their plans and to accommodate efforts to solve the budget problem with higher taxes, if need be.●

□ 2220

THE ISSUE OF SOVIET ACTIVE MEASURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

GENERAL LEAVE

Mr. LUNGREN. Mr. Speaker, at the outset, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LUNGREN. Mr. Speaker, it may be too soon to tell, but during Mikhail Gorbachev's brief tenure as leader of the Soviet Union there have been no significant signs of change in Soviet foreign policy. If anything, Mr. Gorbachev has brought more aggressiveness to that nation's foreign policy.

Like his predecessors, he has concentrated on three important themes: fomenting discord between the United States and its Western allies, strengthening the unity of the Socialist community, and posing as the champion of developing countries.

The Soviet Union has also stepped up its so-called peace offensive, which was reformulated at the end of last year on the eve of the resumption of the Geneva arms control talks. At the talks the Soviet Union has insisted that there can be no progress unless the United States abandons its strategic defense initiative.

Not surprisingly, the Soviet's proposals in the area of arms control have broken no new ground. Their moratorium on the deployment of medium-range missiles in Europe failed to impress either the United States or most of its European allies because the moratorium would give the Soviet's an obvious advantage in medium-range missiles.

Mr. Gorbachev's statements since he has taken office suggest that he might not be the pragmatist some originally thought him to be. His world view now appears to be depicted in stark black and white terms with the Socialist camp on one side and the capitalist-imperialist on the other.

Based on what we have seen so far, I think we can only conclude that Mikhail Gorbachev will continue to pursue a foreign policy that varies little from past Soviet leaders. His predecessor, Constantine Chernenko, in a speech at a regular plenary meeting of the CPSU Central Committee held from June 14–15, 1983 in Moscow, said:

> The battle of ideas in the international arena is going on without respite . . . Our entire system of ideological work should operate as a well-arranged orchestra in which every instrument has a distinctive voice and leads its theme, while harmony is achieved by skillful conducting . . . Propaganda is called upon to embrace every aspect of social life and every social group and region and to reach every individual.

Both of these Soviet leaders have affirmed their belief in "coexistence," but have always emphasized the irreconcilable difference between capitalism and socialism.

Mr. Speaker, this brief discussion of the lack of signficant change in Soviet

foreign policy brings me to the main topic I wanted to discuss this evening, the issue of Soviet "active measures."

ACTIVE MEASURES

Since its inception in 1917, the U.S.S.R. has sought the support of non-Communist individuals and groups to lend credibility and general appeal to its domestic and foreign policies. Lenin embarked on a new course when he introduced the notion that there is no distinction between war and peace and that until the aims of the proletariat state are achieved worldwide, the Soviet Union use whatever tactics were necessary—including the tactics of communication warfare—during times of peace. The Soviets call these tactics "active measures."

The term "active measures" itself is a literal translation from the Russian "aktivnye meropriyatiya." That is the name of the organization in the KGB's First Chief Directorate responsible for worldwide direction of these activities. As the Soviets use the concept, active measures encompass a wide range of practices, including disinformation, manipulating the media in foreign countries, the use of Communist parties and Communist front groups, and other operations to expand Soviet political influence. Unlike overt Soviet diplomatic and informational efforts, active measures involve an element of deception and frequently employ clandestine means to mask Moscow's involvement.

Before I proceed with my remarks, it may be helpful to my colleagues to be aware of terms related with active measures that will be discussed tonight. Richard Shultz and Roy Godson, authors of "Dezinformatsia" present several terms for review:

Active Measures: Active measures may entail influencing the policies of another government, undermining confidence in its leaders and institutions, disrupting relations between other nations, and discrediting and weakening governmental and non-governmental opponents.

Agent of Influence: is a person who uses his or her position, influence, power, and credibility to promote the objectives of a foreign power in ways unattributable to that power.

Covert Propaganda: is information (written or oral) which deliberately seeks to influence/manipulate the opinions of a given target audience.

Correlation of Forces: refers to the assessment of world power. In Soviet doctrine, policy priorities and offensive and defensive strategy at any given stage of history are to flow from a determination of the correlation of forces.

Disinformation: is a non-attributed or falsely attributed communication, written or oral, containing false, incomplete, or misleading information.

Forgery: is one of the many disinformation techniques, is the use of authentic-looking but false documents and communiques. The main targets tend to be foreign governmental entities, or even mass audiences.

International Department, CPSU: (established in the mid 50s) is the department that is responsible for foreign policy planning concerning non-Communist governments and non-governmental organizations, and planning, coordinating, and conducting active measures.

International Front Organizations: while reporting to be independent non-governmental, in reality international front organizations are established and directed by the CPSU to promote its foreign policy objectives.

International Information Department, CPSU: established in 1978, some Western analysts believe it was created to improve the Soviet foreign propaganda effort through more centralized and efficient integration of the wide range of outlets.

Overt Propaganda: is written or oral information from an unconcealed government source which deliberately seeks to influence to manipulate the opinions and attitudes of other persons. Soviet overt propaganda increasingly has been characterized by intensity and concentration; flexibility and adaptability; and centralized control and coordination.

Political Warfare: broadly defined, political warfare is the threat to employ or actual use of overt and covert political, economic, and military techniques to influence politics and events in foreign countries.

Service "A" of the KGB's First Chief Directorate: has the responsibility for planning and conducting covert active measures. These include agent-of-influence operations, oral and written disinformation, forgeries, and other types of covert political action.

As a policy tool, active measures trace back to the 1920's when the Soviets sought to discredit emigre groups in Western Europe, particularly in France, by spreading disinformation.

Even before the 1917 revolution, the czarist secret police employed similar deception techniques. They used agents abroad not only to collect intelligence but also to sow dissent within emigre groups. They also gave covert subsidies to selected journals to stimulate a better press for imperial Russia.

After World War II, the Soviets institutionalized these activities. They established a disinformation unit—department D—within the First Chief Directorate of the KGB, the Soviet overseas intelligence arm.

In the mid-1970's, KGB active measures department was upgraded to a service, a further indication of the importance the Soviet leadership attached to active measures operations. This change meant that the chief of the service would have to be a KGB general officer.

The timing of the shift in the mid-1970's suggests a connection with Soviet disappointment with "détente"—during which time forgeries dropped off sharply. There seemed to be a willingness to employ deception techniques on a larger scale in support of Soviet aims. Reflective of this, the Carter administration was targeted with an upsurge of active measures, frequently involving fake U.S. documents. These were particularly directed against the United States-Egyptian relationship and the Camp David process. I will discuss in greater detail other examples of active measures during the course of my remarks.

According to the U.S. State Department:

The KGB Active Measures Service has the primary role of backstopping foreign active measures operations, which are directed in general terms at the Politburo level—the summit of the Soviet hierarchy.

The service is organized along functional and geographic lines with half a dozen departments. It is believed to employ directly about 300 people. According to the State Department:

It is believed to monitor ongoing active measures around the world; process proposals for new operations; maintain liaison on active measures with the KGB regional and country desks and with overseas operations; and provide technical support for operations through preparation of forgeries and fabrications, translation of documents, and printing and publication of materials.

In July of 1982, the House Permanent Select Committee on Intelligence report revealed in an excerpt from the interagency intelligence study on Soviet active measures that:

Ultimate approval for the use of active measures, like all major decisions affecting Soviet foreign policy, rests with the highest level of the Soviet hierarchy, the Politburo and the Secretariat of the Central Committee of the Communist Party of the Soviet Union. Most decisions concerning implementation are carried out by the KGB in close coordination with two elements of the Soviet party bureaucracy, the International Department and the International Information Department. The extensive participation of these two powerful party components in active measures indicates both the importance attached to such activities by Soviet leaders and their appreciation of the policy implications of such activities.

The Interagency report revealed that:

Active measures are in essence an offensive instrument of Soviet foreign policy;

Active measures remain a major element of Soviet foreign policy even during "Détente;"

The primary target of active measures is the U.S., which the Soviets has long regarded as its main opponent;

The Soviet regime generously provides the necessary financial, technical, and personnel resources necessary to support active measures operations.

The Interagency report concluded that:

Soviet active measures is well integrated with other Soviet foreign policy actions but that the impact, while frequently effective, varies on place and circumstance.

The 1982 hearing also released testimony given earlier in the year by former KGB Maj. Stanislav Levchenko, who defected to the United States in 1979. At the time, Levchenko was in charge of Soviet active measures in Japan.

His testimony made it abundantly clear that the Soviets were making an extensive effort to influence Japanese political and public opinion through the full panoply of active measures:

Use of agents of influence, including senior journalist and politicians, to spread rumors and disinformation (i.e., alleged serious splits in the Chinese hierarchy over the border fighting with Vietnam, rumors of a secret nuclear deal between China and Italy, a false political testament of the Chinese leader Zhou En-Lai, and a concerted effort to label President Carter "neutron" Carter); and

Use of agents of influence in Japan's internal politics. (Through such agents of influence, Levchenko asserted that the KGB played a behind-the-scenes role in some Japanese opposition groups).

Soviet active measures goals, prepared annually by the KGB residency, according to Levchenko, "mirrored Soviet policy toward Japan, and active measures were designed to support specific policy aims" to:

Improve Soviet-Japanese relations;

Increase tensions between Japan and China;

Increase tensions between Japan and the United States;

Convince the Japanese that it was hopeless to work for the return of the northern territories.

Levchenko was recently quoted:

There is a collection of techniques called active measures. These include disseminated or hidden propaganda, organization of mass demonstrations, control of international organizations, forgeries, falsification of documents, utilization of agents of influence, sabotage and terrorism. By weakening or destroying the consensus within a free country, active measures *do more than classical espionage.* In the West, *few* people understand this concept.

A recent Washington Times interview with Levchenko was very interesting. When asked who in the Soviet system decides on major disinformation themes, he responded by stating:

All these decisions are centralized and depend on the Politburo. The different services of the KGB and the International Department establish programs of action. But it is always the Politburo that decides major operations. The orders are then given to each functionary who is expected to take immediate action.

According to Levchenko, "$3 to $4 billion a year expended for propaganda is a reasonable estimate." This includes both internal and external propaganda, which are essential for the survival of the regime. The former is as important as the latter. It consists of a systematic brainwashing of generations upon generations of people since the time of the revolution. There is no comparable example in the world.

Levchenko remarked about the major themes of Soviet propaganda in the world, stating that there are essentially three of them:

(1) To present the Soviet Union as a country that is fundamentally committed to a gigantic peace effort; (2) Try to get rid of the Pershings in Europe and to weaken NATO; (3) To back up so-called liberation movements. Beyond that the slogans remain directed against the "principal enemy" the United States.

Levchenko described at great length the Soviet victory against the neutron bomb as "strategically decisive." He stated that:

Exploiting the visceral fear of Western opinion, the Soviet Union managed to erase from the debate the effectiveness of the neutron weapon system against 21,000 Soviet tanks in East Germany.

□ 2230

Mr. Speaker, this is extremely important, because if anyone would suggest that there are more humane bombs versus less human bombs, the neutron bomb would certainly come in the prior category, because what it attempted to do was to scale down the area of injury to the battlefield; that is, to allow the use of that sort of weapon and confine its effect to the area which would be populated by the individuals that were fighting on behalf of the Eastern bloc in the Soviet Union, and instead of that being the argument the Soviet Union was allowed or assisted in having the debate really revolve around the question of whether this bomb would kill people, but not devastate property, and therefore the suggestion that the Americans and their allies were suddenly confronting Europe with a hideous bomb.

I am not suggesting that the bomb would not destroy life, would not kill people. What I am suggesting is that it was a bomb that would be effective against the onslaught of 21,000 Soviet tanks that we currently find in East Germany. If one believes in the concept of deterrence, one has to believe that we need effective deterrence against the possible onslaught of those tanks in Western Europe.

Why? Because if we fail in that deterrent policy, most analysts suggest that the Soviets and their allies could overrun ourselves and our allies in terms of conventional force structure in Western Europe and then put ourselves in the very difficult situation of deciding whether we allow that to continue or whether we in the United States and our allies are forced to introduce nuclear weapons into the battlefield of the kind that are not in any way confined to the battlefield and once you introduce such weapons to the battlefield, how do you stop from escalating the intercontinental ballistic missiles? How do you stop from escalating to nuclear weapons carried on manned bombers? How do you stop from using nuclear weapons that are discharged from our submarines around the world?

One of the things that we have got to say is that there were some very sincere people in Western Europe who sincerely believed that the neutron bomb was not the proper thing to do, but in fact it is extremely difficult for us to gauge exactly how much of what occurred in Western Europe was the result of Soviet disinformation and other aspects of their active measures.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

The gentleman I think was quoting the Soviet official when he said with regard to the neutron bomb that the Soviets had won a strategic victory.

Mr. LUNGREN. Strategically decisive were the words he used.

Mr. WALKER. A decisive victory, and I think maybe that very language is somewhat significant because we spend a lot of time on this floor discussing strategic weaponry. In most instances we are talking about spending multi-billions of dollars in order to increase our strategic arsenal.

If I understand what the gentleman is quoting the Soviet official as stating, the Soviets through the use of the disinformation campaign indeed achieved a strategic victory against the West by the use of disinformation.

I think that very language shows how important the message that the gentleman from California is delivering to us tonight, because what it is saying is that despite those things that we do to try to increase our military armament in this country, the fact is that the Soviets in their disinformation campaign are winning major military victories, such as the one that was won on the neutron bomb and I think it really underscores the importance of what the gentleman is telling us here.

□ 2240

Mr. LUNGREN. I appreciate those remarks because it hearkens back to other remarks made by Levchenko in which he said, and I would repeat, that by weakening or destroying the consensus within a free country, active measures do more than classicial espionage. And right now we are in the midst of determining how much espionage we have involved in some aspects of our military, espionage directly connected to the Soviet Union.

His statement is that even worse than some of that classical espionage are the results of active measures. And then he goes on to say "In the West, few people understand this concept."

Perhaps that is one of the most important parts or most important messages that I would like to convey in this special order, which is that there is a knowledge gap, if we can use that term, on the part of many elected officials, and certainly on the part of many in the general public population concerning this whole area, and that as long as there is lack of knowledge, a lack of infromation about how important this is to the Soviet Union, how they consider it important for their

strategic purposes, it weakens our ability to respond to it, because in the absence of information, or confined to the parameters of ignorance, we are very much restricted in our ability to pass legislation which effectively responds to this. And oftentimes we do not even realize that some of our debate is being influenced by this.

I am not suggesting any Member here is doing that intentionally, or any member of the press is doing it, or the electronic media. What I am suggesting is most of us, if not all of us, are in the dark on this and do not fully appreciate what it means. And it just stikes me that the more we get this information out, and the more we understand the full seriousness of it, the greater the chances that we will not only do things, but support measures that are already ongoing, and strengthen those efforts so that we can, in fact, deal with this form of modern warfare that the Soviet Union is so much engaged in.

Mr. WALKER. Will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Just to emphasize the gentleman's point, a lot of the American people have heard in recent days Navy officials talking about the tremendous damage that was done to our military by the espionage that was carried out on by a number of people that I regret to say have been labeled "the Walker ring." But it, I think, is important then to note that in the mind of this Soviet official, despite whatever damage may have been done by espionage, that the disinformation campaign is regarded by the Soviets as being even more important to their long-term interests than that kind of espionage activity.

So the way and the fact that major damage was done by espionage, and then ratchet that up a little bit higher to understand what disinformation does in terms of advancing the Soviet cause, and once again I think it emphasizes again the need for us to have a better understanding of just what is happening.

Mr. LUNGREN. One of the interesting things I have found in looking into this subject is the number of analysts believe that the Soviet Union has really become the first modern state to institutionalize these practices to the extent they have, and to make them a fundamental instrument of state policy. Members of the KGB and the 15,000 or so persons who work in Moscow at Soviet embassies and elsewhere, press agencies and numerous Soviet front organizations, all work in harmony to carry out this effort at the active measures, and to undermine, or in many cases at the same time embarrass the United States.

A State Department report recently revealed that "Soviet active measures have increased significantly in the last 2 years, particularly in the Third World, and in a few instances have resulted in the loss of life." In these campaigns, the United States has been falsely blamed for killing 7,000 persons in Brazil's Amazon Basin through chemical warfare, plotting the assassination of Pope Paul II, firing astronaut Neil Armstrong because he allegedly converted to Islam after hearing the Moslem call to prayer on the Moon, attacking the whole Mosque in Mecca, which touched off an attack on the U.S. Embassy in Islamabad, placing cruise missiles in South Africa, planning the Balkanization of India, and using food for political blackmail against that country.

And while these tactics may seem ridiculous, particularly when you talk about the Armstrong incident, they attempt to play on religious hatred, and also political and racial unrest. The phony plan to Balkanize India was circulated just before the nonaligned nations of the world met in India for an international conference. And what is so sad is that this stupid rumor gained so much credibility that it was written about in major papers, and denounced by members of the Indian Parliament before we in the United States had a chance to deny it.

For those who downplay the danger of these tactics, the false story that Americans had attacked the holy Mosque ignited an angry mob which attacked and burned our Embassy, and several Americans died in the riot.

My point is that unfortunately, for decades we certainly have ignored Soviet disinformation campaigns by somehow believing that whistleblowing on the Soviets would only give credibility to their efforts. The deaths in Islamabad and the recent rash of terror aimed at the Americans, all Americans around the world, I think ought to bring us to the realization that all active measures need to be countered to increase the odds of protecting American citizens around the world.

In 1981 an interagency task force suggested that "an information network be put in place to track Soviet active measures, and that a rapid-response system be established so that our Foreign Soviet officials could be given accurate and appropriate guidance to defuse disinformation ploys that might have potentially damaging consequences to our national security."

So I would suggest that the U.S. Information Agency should be commended for its efforts to expose Soviet-inspired campaigns against the United States.

Such examples include this: Quick action by the U.S. Embassy and Austrian officials averted political fallout from a forged letter supposedly written by an ambassador suggesting that Austria compromise its historical military neutriality and join NATO.

It exposed the Soviet-inspired campaign to blame the United States for implicating the Soviets in the Bulgarians' attempted assassination of Pope Paul II by pointing out major defects in a supposedly authentic cable. These mistakes actually were so glaring that the result was adverse Italian press again the Soviets.

So in places where we anticipated what the Soviets might do, immediately found them, and immediately responded, we were able to turn that around.

Some people may say well, what is it you are engaged in, some sort of a game, tit for tat? Unfortunately, there is a big game being played out there by the Soviet Union which influences people, because they taken it seriously, and at times, we have not taken it seriously.

According to active measures experts Herb Romerstein and Jan Hemming of USIA:

> The anatomy of a typical Soviet disinformation campaign often starts in so-called "legitimate" Western papers although sometimes it is "planted" in sympathetic Communist publications. USIA cites the example of the Nov. 1, 1984 Greek newspaper Ethnos which carried a lead story on the front page that the CIA was behind Indira Gandhi's assassination.

According to USIA:

> That same day similar reports cropped up in numerous English-speaking dailies in India quoting government and Communist party officials who believed "foreign powers" or U.S. imperialists were behind the Ghandi assassination.

What is fascinating is the next day the same theme was repeated in selected papers throughout Argentina from the extreme left wing daily La Voz to the right wing paper La Prensa. Allegations of U.S. involvement were printed in papers in Nepal and Indonesian papers including the respected Sinar Harapin.

According to USIA, by November 5:

> The story line had spread to the Gulf Daily News in Bahrain and appeared in the General-Anzeiger in Bonn and ABC in Spain. The German and Spanish papers—both pro-Western, quoted Pravda which attempted to implicate the CIA in Ghandi's death.

So you have it going from small stories appearing in admittedly Communist papers to somehow gaining currency so it appears in newspapers not only in Third World countries but in pro-Western countries. And it gains some credibility and some currency, and by the time we run it down and deny it, the damage has been done.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, first of all, I would like to thank Mr. LUNGREN

for organizing this special order, and commend him for attempting to expose and clarify the many shapes and forms that Soviet "active measures" take.

Last month I circulated a "Dear Colleague" entitled "Disinformation Through Revisionist History" which dealt with the tendency of Communist regimes to pervert certain national heroes, historical causes, and important phrases and words in order to influence Western opinion, subvert confidence in Western institutions, and generally to advance Soviet interests. I would like to briefly outline several points in my Dear Colleague, because I believe this is an interesting case study of semantic corruption and disinformation through revisionist history.

Historically, Communist regimes have been adept at disguising the totalitarian nature of their rule by associating national heroes with their cause. This historical disinformation has been exploited to the fullest by the Communist Directorate in Nicaragua which has skillfully associated itself with the Nicaraguan national hero, Augusto Cesar Sandio, in an attempt to lend a certain degree of credibility to their cause.

The Sandinista movement dates back to the early 1920's when Sandio began to build a political movement based upon three fundamental themes: First, sovereignty; second, nationalism; and third, democratic socialism. "Sandinismo," then, is a political movement which can in no way be identified with Marxist-Leninism which is inherently internationalist, totalitarian and atheistic. Sandinismo, on the other hand, is nationalistic, democratic, and religious.

In short, Marxist-Leninism is a view of man and state antithetical to Sandinismo and the two cannot be confused without doing a grave injustice to the goals and intentions of Sandino as well as democratic resistance movements around the world.

With this in mind, it is reasonable—in spite of the efforts of the present Government of Nicaragua to align itself with Sandino—that we no longer refer to the present Government of Nicaragua as the Sandinista National Directorate. To do so is to pervert the true spirit of Sandinismo and the national pride and spirit of Nicaragua. Marxist-Leninism is a political orientation which runs counter to the history and culture of Nicaragua, and our political vocabulary should not be insensitive to this fact.

As Eden Pastora stated on May 24, 1984:

> It is not true that the Managua regime is Sandinista. The regime is communist and only communist. Sandinismo is totally opposed to communism because communism is internationalist and Sandinismo is nationalistic, Sandinismo is democratic and communism is totalitarian, Sandinismo is religious and communism does not believe in God. Let us not be confused.

This is, unfortunately, not an isolated case of inaccurate history, but part of a systematic campaign to legitimize the international Communist cause by associating it with folk heroes. The Soviet Union has done this time and time again using artists and poets to lend a certain "folk" credibility to their cause, when in fact these poets and artists would certainly oppose the repressive Soviet regime if they were alive today.

The importance of using the reputations of certain national figures to legitimize the Communist cause was revealed by a leading Stalinist official, Georgi Dimitrov, in 1935. And I quote, "A writer of reputation, or a retired general, are worth more than 500 poor devils who won't know any better than to get themselves beaten up by the police."

Another major weapon of Soviet disinformation by revisionist history is more subtle, but no less dangerous, and can be called semantic corruption. Semantic corruption is the practice of redefining the meanings of words in order to aline them with Marxist-Leninist political objectives.

Semantic corruption may seem to be a trivial exercise, but Soviet leaders have placed an extremely high priority on the power of redefining words. As Stalin himself said, "the most important weapon in my arsenal is the dictionary. Let me choose the words and concepts by which you think, and I will tell you what and how to think."

Examples of semantic corruption abound. Recently, the editors of the Oxford English Dictionary were surprised to find that the definition of socialism had changed from "a theory or policy of social organization * * *" in the British editions, to "a system which is replacing capitalism * * *" in the Soviet version. Likewise, the definition of capitalism in the Soviet version turned out to be, "an economic and social system based on * * * the exploitation of man by man."

In fact, the Soviets pervert the meaning of nearly every important political word or phrase. For example, they make a mockery of the word "democracy" by proclaiming in their constitution that they have the only true and "genuine democracy." Democracy, in the Western sense, connotates a free and pluralist society. Democracy, in the Soviet sense, has nothing to do with freedom or pluralism, but is based upon equality—or better, equality enforced—and requires a strong mechanism with which to enforce democratic equality. Despite the long history of the word "democracy," it has never, by no stretch of the imagination, been defined in such a manner. This is only one of the more obvious examples of semantic corruption which abound in the Soviet vocabulary.

Semantic corruption and disinformation through revisionist history are two of the most powerful Soviet active measures. The only way we can deal with the subtle workings of these two measures is to expose them in discussions such as these. So at this point, I would like to thank Mr. Lungren once again for organizing this session, and hope that they will continue in the future.

□ 2250

Again I want to commend the gentleman from California [Mr. LUNGREN] for his effort and the initiative he has shown in this special order.

Mr. LUNGREN. I thank the gentleman very much for his comments. I appreciate his comments and I appreciate his being here at this late hour.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, with the mention of the assassination of Indira Gandhi and the assassination attempt on John Paul, I cannot help but tell the story that I saw recently with regard to the Soviet Union, the story about Chernenko and Gromyko. Supposedly, at one point, Chernenko went to Gromyko and told him, "You got to do something about international time zones." Gromyko was somewhat confused. He said, "Well, why do we have to do something about the international time zones?" Chernenko said, "They are confusing me. They are causing me all kinds of problems and you have to do something about them." Gromyko said, "Well, what kind of problems?" And Chernenko said, "Well, for example, when Indira Gandhi was assassinated I called with my condolences 1 day too late. And when there was an assassination attempt on John Paul II, I called one day too early." I thank the gentleman for yielding.

Mr. LUNGREN. I thank the gentleman for his comments.

Mr. Speaker, we all know the story about Grenada, which I refuse to call the invasion, but I call the liberation of Grenada. But it raises an interesting issue for discussion in the context of this special order. Romerstein and Hemming of USIA make an interesting observation. They recently remarked that: "Most Soviet disinformation campaigns take place far from America's shores, but there is now indisputable evidence that disinformation was used in Grenada during the New Jewel movement's seizure and expansion of power. Documents captured by American forces after they secured the island reveal that Grenada was securely in the Communist sphere. Copies of a secret speech delivered by Maurice Bishop, leader of the New

Jewel movement, outlined ways in which Washington and the rest of the free world would be deceived into thinking that Grenada had created a moderate government embracing conservative elements within the country."

Romerstein and Hemming stated: "The deception was so effective, that prior to Bishop's last trip to America before his assassination he was coached by the American wife of Cuban Ambassador Julian Torres Rizo, on how to manipulate the American press. Ambassador Rizo is a high-ranking intelligence officer with experience in active measures. Most of Mrs. Rizo's recommendations—including blaming the Reagan administration for bad relations, speaking directly to the American people as their friend through the American press, finding sympathetic forums to express grievances about American treatment of Grenada, and announcing the construction of a modern airport facility to attract American tourists rather than accommodate Russian jets—actually worked. Secret documents found later showed the intended military use of the airport."

In one document, Marshal Ogarkov, chief of staff of the Soviet Armed Forces, boasted in 1983 to Major Louison, chief of staff of the Grenadian Army, that "over two decades ago, there was only Cuba in Latin America, today there are Nicaragua, Grenada, and a serious battle is going on in El Salvador."

Mr. Speaker, the citizens of our great country need to know that we sincerely desire peace. The Soviet Union, however, through its intricate propaganda network does make a significant effort to convince the world that the United States supports the nuclear arms race and is thwarting attempts to negotiate a nuclear arms freeze.

What deeply concerns me is the fact that the same Soviet active measures that have been used in Western Europe and elsewhere in the world are also being used here in America.

The Intelligence Division of the Federal Bureau of Investigation released a report—which is unclassified—entitled "Soviet Active Measures Relating to the U.S. Peace Movement" which describes Soviet efforts in the United States. The FBI report states that:

It is extremely difficult to determine the extent to which various organizations and coalitions are being influenced or manipulated by the Soviet Union. An assessment of the effect of the Soviet active measures other U.S. peace movement is particularly difficult because the Soviets have endeavored to capitalize on or manipulate existing sentiments within peace organizations such as the desire for a nuclear freeze, that parallel or tend to promote Soviet propaganda objectives.

As the 1981 Interagency Intelligence Memorandum on Soviet Active Measures noted: "Whenever a political movement supports policies that coincide with goals or objectives of Soviet foreign policy, the exact contribution of Soviet active measures is impossible to determine objectively."

Mr. Speaker, the point here, however, is we must come to some sort of realization that there does exist an effort to discredit us, to isolate us from our allies, and the rest of the world.

I share the observations of the FBI that the Soviets do not seek a dominant role in the U.S. peace or nuclear freeze movements, or that they seek directly to control or manipulate the movement.

The Soviets do not view control of a movement as a necessary condition for successful active measures. Much of the Soviets efforts are designed to focus public attention on new U.S. weapon systems and policies to create the impression that they are the more interested party to serious arms control negotiations and disarmament negotiations.

Mr. Speaker, the American public must understand that the Soviet Union does attempt to manipulate the sentiments of the Western desire for peace. They do so with the use of the Soviet worldwide propaganda apparatus, international fronts and local Communist parties, and trusted contracts and agents.

□ 2300

Mr. Speaker, we have many, many examples of what the Soviets have done over the last number of years. Perhaps one of the most egregious efforts that they made to try and disinform the rest of the world was their response to the shoot down of the KAL 007 in 1983, and as we remember, there were a number of Americans aboard that flight, including one of our colleagues in the House, the Congressman from Georgia.

The first Soviet response to news of the shoot-down was simple disinformation. Tass reported September 2, 1983:

* * * on the night of August 31 to September 1 this year, an unidentified plane rudely violated the Soviet state border and intruded deep into the Soviet Union's air space. . . .

In violation of international regulations, the plane flew without navigation lights, did not react to radio signals of the Soviet dispatcher services and itself made no attempts to establish such communication contact * * *

Soon after this the intruder plane left the limits of Soviet air space and continued its flight toward the Sea of Japan. For about ten minutes it was within the observation zone of radio location means, after which it could be observed no more."

The U.S. response was to release the tape of the Soviet intercepter pilots radio transmissions which showed that the plane had navigational lights, even the strobe lights used by civilian aircraft (spy planes are painted black). In addition the Soviets had shot the plane down. The Soviet transmissions included:

1821:35 Su-15 (805): The target's (strobe) light is blinking,

* * * * * *

1825:11 Su-15 (805): I am closing on the target, am in lock-on. Distance to target is 8 (kilometers).

* * * * * *

1826:20 Su-15 (805): I have executed the launch.

1826:22 Su-15 (805): The target is destroyed.

1826:27 Su-15 (805): I am breaking off attack.

On September 9 Marshal Ogarkov, then Soviet Chief of Staff admitted that the Soviets had shot down the plane.

He told a press conference in Moscow:

The order to terminate the flight was issued at 06.24 local time over the Soviet Union's territory in the area of Pravda settlement on the southwest coast of the island of Sakhalin. The order was fulfilled over the Soviet territory.

After that the intruder plane continued a descending flight for some time, and then radar aids lost contact with it and could observe it no longer.

The Soviet air defense systems, acted strictly in accordance with the Law of the State Border of the USSR. The decision to terminate the flight was taken by the command of the air defense district.

From the start the Soviets have claimed that KAL was a spy plane.

For example, Moscow television broadcast on September 8, 1983, that—

It has been irrefutably proven that the flight of the South Korean liner was a reconnaissance one. The aircraft was crammed with the appropriate apparatus.

This, of course, was false. The Soviets had shot down a KAL plane in 1978. When the Soviets recovered the aircraft, it did not have any spy gear on board.

Soviet propagandists and KGB assets in non-Communist countries continued to repeat the false story that KAL was a spy flight.

An example is Akira Yamada, in Japan, who uses the pen name Akeo Yamakawa. Former KGB officer Levchenko has identified him as a KGB agent. Yamada has repeated the false story that KAL was a spy plane in articles for legitimate Japanese publications.

Just one example, and an outrageous example, of where the Soviets, of course, when caught with what they had done, first denied it and then tried a disinformation campaign in which they made statements which on their face appeared to be very silly, but then they had those who seemed to write their line on a continual basis actually writing articles for publication in legitimate publications in other countries outside the Soviet Union.

Mr. Speaker, I would just suggest that the American people need to

know far more about what the Soviet Union is doing with respect to the full panoply of active measures. It is, in fact, an effective means that they are using; it is one that we are attempting to respond to, albeit slowly at times and without sufficient resources, and it is one that should be kept uppermost in the minds of many of our elected officials when they have to make the very difficult decision about ensuring the finances for our intelligence communities, and not just so that we can get this information and analyze it, but that we can do it in a timely fashion, not only for internal research and internal filing for intelligence purposes, but for an external response and a timely external response by ourselves.

Because often, it is the timeliness of the response which will really determine whether or not the Soviets are effective in the active measures that they have utilized.

I would just like to say, Mr. Speaker, that a number of different Members have sought time to take during my special order. Because of the lateness of the hour, they have entered their statements in the RECORD, and I would just hope that my other colleagues would take the time to look at the prepared and well-researched statements that will appear in the RECORD along with this special order, so that we can all become a little better informed as to what it is the Soviet Union is up to, how well organized they are, how extensive their apparatus is for utilizing this information, and the necessity of our response, the necessity of the maintenance of our response and the necessity of us to do far more, so that we can have a more effective response in the future.

● Mr. LAGOMARSINO. Mr. Speaker, let me first say that I greatly appreciate the gentleman from California reserving time this evening to discuss Soviet active measures. Surely, there has been too little published in open sources on this topic to date. Yet, Soviet efforts in this regard are known to be massive and increasing. It is incumbent upon this body to pass on our knowledge of these activities to our constituents and, indeed, to the people throughout the free world. For the stakes in this deadly game are quite high. The future security and stability of the free nations depends upon our ability to recognize and combat this growing menace. Again, let me congratulate the gentleman on his initiative.

Mr. Speaker, Soviet active measures pose a serious threat to the security and well-being of the United States, our allies and other non-Communist nations and undermine our combined efforts to defend ourselves against Communist-inspired overt aggression and political warfare. Such activities fly in the face of repeated assertions from Soviet leaders and spokesmen that it is the Soviet Union which yearns for world peace and that theirs is the side most desirous of the return of détente. Of course, we have seen in Afghanistan, the Baltic States, Eastern Europe, and in other countries and other regions of the globe what peace on the Soviet's terms has wrought. It is, therefore, vital for free people everywhere to study and understand these active measures, and recognize that they are part of a systematic attempt by the Soviets and their proxies to subvert and undermine our ability and resolve to respond to Communist aggressive intentions and actions. The Soviets hope to achieve their objectives through the use of false or misleading information and propaganda; the distribution of inaccurate or fabricated stories—including the use of forgeries—in the Western and other media; the use of front organizations; political influence operations; and a host of additional tactics.

Let me turn for a moment, Mr. Speaker, to how some analysts have described the goals and importance of Soviet active measures. Charles Sorrels authored an excellent expose for the U.S. Arms Control and Disarmament Agency [ACDA] on the "Soviet Propaganda Campaign Against NATO." He views the Soviet's long-term goals in pursuing active measures as follows:

One, to influence American as well as world opinion against U.S. national security policies and programs that are perceived as threatening to Soviet objectives—such as the domination of Western Europe.

Two, to portray the United States as an aggressive "Imperialist" power which, unlike the Soviet Union, is an obstacle to maintaining peace or making progress in arms control negotiations.

Three, to isolate the United States from its allies and friends and to discredit governments and political leaders that cooperate with it and support it.

Four, to create a favorable environment for the execution of Soviet foreign policy.

Five, to undermine the political resolve of the United States and other Western Nations to protect their interests against Soviet encroachments.

The common thread that runs through all active measures is a high degree of manipulation and misrepresentation, whether to disguise Soviet involvement in a particular activity or to conceal the real purpose behind an activity in which a Soviet element is overtly involved.

According to testimony from deputy director of the Central Intelligence Agency [CIA], John McMahon, during a House permanent Select Committee on Intelligence hearing on this topic in July 1982:

> Active measures are in essence an offensive instrument of Soviet foreign policy. They contribute effectively to the strategic Soviet purpose, central to Soviet foreign policy, of extending Moscow's influence and power throughout the world. The primary target of Soviet active measures is the United States, which the Soviet Union has long regarded as its main opponent and the principal obstacle to carrying out its policies. The Soviet regime generously provides the financial, technical and personnel resources necessary to support active measures operations . . . the basic aims of active measure operations are to weaken the opponents of the U.S.S.R. and to create a favorable environment for advancing Moscow's views and international objectives worldwide.

Finally, Richard Shultz and Roy Godson have written perhaps the most authoritative exposé on Soviet active measures, entitled, "Dezinformatsia." they argue that:

> For the Soviet Union, active measures constitute a dynamic and integral array of overt and covert techniques for influencing events and behavior in, and the actions of, foreign countries. These measures are employed to influence the policies of other governments, undermine confidence in the leaders and institutions of these states, disrupt the relations between various nations, and discredit and weaken major opponents. This frequently involves attempts to deceive the target, and to distort the targets of perceptions of reality.

Their thorough analysis of Soviet active measures is must reading for all interested students of Soviet political warfare and operations against the West and the United States in particular.

I would like to request unanimous consent at this point, Mr. Speaker, to include extraneous matter following my remarks as they appear in the RECORD of today's proceedings. Among this information are declassified CIA studies on trends in Soviet active measures and additional reports and analyses of forgeries which have surfaced in Western Europe and elsewhere, all designed to disrupt U.S. relations with our friends and allies.

The Soviet active measures campaign is not new, Mr. Speaker. Propaganda, for example, played a key role in Lenin's earliest attempts to discredit the existing regime, by the publication of "Iskra" (The Spark)—a newspaper that according to Lenin would "blow every spark of class struggle and popular indignation into a general conflagration." As noted by Shultz and Godson, the Bolsheviks were able to seize power from the provisional government largely by a combination of propaganda and political influence techniques, in addition to the use of armed force. Current Soviet active measures techniques, they argue, are, therefore, "a logical outgrowth of the Bolshevik struggle for power, especially during the period between the two revolutions of 1917." The Bolsheviks also used active measures to discredit

emigre groups in France and throughout Europe.

Given the Soviets' historical affinity for using this foreign policy tool, it is not surprising, say Shultz and Godson, that:

> After the Bolshevik revolution first Lenin and then Stalin applied these measures not only against the remnants of non-Communist forces in the new Soviet state, but also against rival factions in the Communist Party, Soviet Union [CPSU]. The campaigns against Trotsky—who has dubbed first a "Menshevik," then an enemy of the Soviet state, and finally an outright Nazi German and Japanese agent—serve as good examples.

After World War II, the Soviets set up a disinformation unit, called Department D, within the first chief directorate of the KGB. Department D's title was subsequently changed to the Active Measures Department. Today's KGB active measures service is headed by a KGB officer of general rank, and is directed and overseen by the ruling Politburo itself.

Thus we can see, Mr. Speaker, that political warfare is an important and indeed integral part of Soviet foreign policy. They seek to exploit opportunities for creating tensions between us and our allies and create problems where in fact none exist. They willfully acknowledge, however, that the "war of ideas" between East and West is ongoing and that Marxist-Leninist ideology is the philosophical foundation upon which the struggle between capitalism and communism is based. Theirs is an ideology with a world view, a purpose—that is to unite men of all nations and in all regions under the banner of Marxism-Leninism.

We have seen, however, Soviet-style communism in practice. We have seen the tremendous inequities between an analytical view of Marxist theory and the ideology in practice. We have seen the gulags, the prison camps, the forced famines, the secret police, the refuseniks, the suffering and the hardships and many of the other, less attractive aspects of Soviet-style communism. We know that Marx's visions have led some leaders to turn whole countries into vast prison camps. Those Russian leaders who picked up on Marx's writings and created this century's second totalitarian, expansionist European power are the same leaders who turned to active measures in the early 1920's in an attempt to insure their own political survival and the extinction of other groups vying for power following the demise of the provisional government. Active measures are by no means a new addition to the mighty Soviet arsenal.

Now, I wish to turn to one aspect of Soviet active measures or "aktivnyye meropriyatiya" in Soviet parlance—that is, disinformation. Of course, disinformation is only one component of the overall Soviet active measures compaign, but it certainly deserves our attention here today. Let me briefly discuss the two types of disinformation and then summarize my remarks.

As stated, there are in fact two types of disinformation: One is tactical disinformation, the other is strategic disinformation. Tactical disinformation is designed primarily to confuse the enemy about Soviet political, economic, and military capabilities; for example; the number of Soviet tanks facing Western Europe, the number of independently targetable nuclear warheads on a particular sea-launched ballistic missile or even the level of shortfall in the annual wheat harvest. This type of disinformation seeks to persuade the enemy that Soviet capabilities or performance are different from those projected or actually in existence. Another example of Soviet tactical disinformation can be seen in the Soviets' recent negotiating behavior in the mutual and balanced force reduction [MBFR] talks on European security. There, the Soviets consistently misrepresented and underestimated Warsaw Pact troop strength levels by a huge number, around 150,000 to 180,000 men. The Soviets know the figure they have proferred is inaccurate, and they know that we know it is inaccurate. And, yet, they have stood by this figure in an attempt to mislead the United States about the danger we confront. Needless to say, the United States has seen through this relatively ineffective smokescreen.

The second type of disinformation is of greater concern to long-term U.S. national security. That is, namely, the masking of real Soviet intentions vis-a-vis the United States and the West through strategic disinformation.

Due to the closed nature of Soviet society, the West knows very little about how foreign policy is formulated in the councils of the Kremlin. Given this lack of solid information, we are often left without specific knowledge about true Soviet intentions or motives underlying certain policy decisions or actions. This lack of knowledge could lead to a dangerous escalation of conflict during periods of increased tensions or outright hostility due to false analysis of Soviet intentions on the part of U.S. decisionmakers. The possibility of such a scenario certainly cannot be ruled out. The likelihood of such an occurrence is increased by Soviet strategic deception and disinformation.

Let us look at a specific example of Soviet strategic disinformation and deception. Détent, for example, was viewed by many in this country as a mutual, viable policy whereby East and West would both lessen their hostile rhetoric and cease those activities deemed especially threatening by the other party. Certainly, the United States kept up its end of the bargain. We abandoned Vietnam, drastically curtailed arms expenditures, deployed no new strategic nuclear weapons systems and initiated a policy of trade and aid designed to wean the Soviets and their proxies away from committing acts which we would consider dangerous and provocative. Leaders in this country and Western Europe looked to détente as an opportunity to make genuine progress in arms control, trade, cultural exchanges, emigration, et cetera. We yearned for a relaxation of tensions and eagerly accepted CPSU chief Brezhnev's word that the Soviets, too, sought only peaceful relations with the West and expanded cooperation and trade.

Yet, the grandiose expectations regarding détente proved illusory. The Soviet continued to brutally repress their people and the people of Eastern Europe, they embarked on a massive nuclear and conventional arms buildup—as yet unmatched in the annals of history—almost 100,000 Soviet Red Army troops rolled across the border into Afghanistan, and Soviet proxies helped entrench repressive regimes and advance Soviet interests in virtually every region of every continent, including our own Western Hemisphere. In a word, detente was a hoax perpetrated against an unwitting and susceptible America.

According to Leonard Shapiro, in an article entitled "Totalitarianism In Foreign Policy":

> The use of overwhelming military presence and the maximum espionage and subversion presence are part of what has always been described in Soviet terminology as "ideological struggle," which is repeatedly asserted as the necessary concomitant of "peaceful coexistence." . . . In essence, this view is the logical implementation of Lenin's policy of combining trade and correct diplomatic relations, on the one hand, with subversion and political warfare, on the other.

The Soviets' ability to mislead the United States about its true motives and intentions vis-a-vis the United States and the West, through strategic disinformation and deception, is dangerous and needs to be understood and corrected.

Soviet active measures have the potential to greatly affect our relations with our friends and allies across the globe. I trust our discussions today have shed some light on the Soviets' behavior and perhaps, just perhaps, increased the likelihood of a favorable United States response to this very real and increasing component of the Soviets' ongoing political warfare campaign being waged against the West.

SOVIET ACTIVE MEASURES

(Following is an address by William E. Knepper, Deputy Assistant Secretary, Bureau of Intelligence and Research, before the Chicago Council on Foreign Relations, Chicago, May 30, 1984.)

I'm delighted to be here and appreciate this opportunity to help shed some light on one of the aspects of Soviet clandestine activities which attempt to influence world

public opinion. One of the activities that falls within the purview of my new responsibilities has been an interagency working group on Soviet active measures. To us "active measures" means unorthodox and covert Soviet and Soviet-bloc efforts to affect political attitudes and influence public opinion in the noncommunist world. State chairs the group which includes representatives from several agencies including the Defense Department, Federal Bureau of Investigation, and U.S. Information Agency. Among its several responsibilities, the group is charged with identifying forged documents prepared by Soviet KGB [Committee for State Security] operatives or the closely coordinated East European or Cuban intelligence services.

Our Embassies abroad have as a priority requirement reporting likely forgeries that may appear in the press or be circulated privately among influential foreign leaders and opinionmakers. Our active measures working group meets every other week to review the "surfacing" of possible forgeries any place in the world. Confirmed forgeries are officially denied and publicly exposed in discussions such as this one.

Larry Eagleburger, who retired May 7 as the Under Secretary of State for Political Affairs—the highest ranking position then held by a career officer in the State Department—wrote in a recent article:

Soviet Active Measures need to be countered by public exposure. They are infections that thrive only in darkness, and sunlight is the best antiseptic. Governments should make available to their publics as much as possible of our growing knowledge of Soviet practices.

OVERVIEW

Before we see some examples of forgeries, let's look behind the cloak of secrecy with which the Soviets seek to shroud their intelligence operations.

The term "active measures" itself is a literal translation from the Russian aktivnye meropriyatiya. That's the name of the organization in the KGB's First Chief Directorate responsible for worldwide direction of these activities. As the Soviets use the concept, active measures encompass a wide range of practices, including disinformation, manipulating the media in foreign countries, the use of communist parties and communist front groups, and other operations to expand Soviet political influence. Unlike overt Soviet diplomatic and informational efforts, active measures usually involve an element of deception and frequently employ clandestine means to mask Moscow's involvement.

Intelligence operations and propaganda can be grouped in three categories; white, black, and gray. White refers to openly acknowledged government positions, policies, and statements. Black operations are supposedly never officially acknowledged or attributed. Gray affairs fall somewhere in between.

Looking at the whole spectrum of Soviet foreign policy, diplomatic, trade, and informational programs may be considered white or overt activities. The use of procommunist fronts, local communist parties, or traditional media information outlets fall into a gray category. Spreading rumors, planting false stories, surfacing forgeries, and use of agents of influence—collaborators, voluntary or paid—are black or clandestine operations. Active measures thus involve either gray or black operations, depending on the specific circumstances. Characteristic of Soviet active measures is their wide scope, geographic spread, and persistence over time, as well as the frequent use of fabricated documents to underpin disinformation operations.

As a policy tool active measures trace back to the 1920s when the Soviets sought to discredit emigre groups in Western Europe, particularly in France, by spreading disinformation. They also lured emigre activists back to Russia through various subterfuges. Some of you may have watched last fall on PBS the 10-part series, "Reilly, Ace of Spies." A character in the series was lured back to his death in Russia by a supposed exile organization, "The Trust," which was in reality a KGB black operation. Even before the 1917 revolution, the tsarist secret police employed similar deception techniques. They used agents abroad not only to collect intelligence but also to sow dissent among emigre groups of that era. They also gave covert subsidies to selected journals to stimulate a better press for imperial Russia.

After World War II, the Soviets institutionalized these activities. They established a disinformation unit—Department D—within the First Chief Directorate of the KGB, the Soviet overseas intelligence arm. In the 1960s, the term "active measures" first appeared when the Soviet changed the name of Department D to the Active Measures Department. The switch conveyed that the scope of the department's activities was far broader than mere dissemination of false stories in the press or floating forged documents.

Some of our best information on Soviet and Soviet-bloc intelligence operations is provided by defectors. In 1968 the one-time chief of the disinformation section of Czechoslovak intelligence, Ladislav Bittman, defected and has provided unusual insights into active measures operations. Bittman recounts that one of the main aims of Czech activities was to brand West German officials as Nazis. But he was also involved in anti-U.S. operations taking place as far afield as Indonesia and Central Africa.

Bittman's experience underscores the close cooperation between the Soviets and satellite intelligence services. Indeed, it is often difficult to know whether the Soviets or one of their surrogates are implementing an operation. Since their overall purpose is the same, the difficulty in differentiating a Russian from an East German or Cuban effort is an interesting challenge but not really significant.

In the mid-1970s, the KGB active measures department was upgraded to a "service," a further indication of the importance the Soviet leadership attached to active measures. This change meant that the chief of the service would have KGB general officer rank. The timing of the shift in the mid-1970s suggests a connection with Soviet disappointment with the fruits of detente—during which time forgeries had fallen off sharply. It indicated renewed willingness to employ deception techniques on a larger scale in support of Soviet aims. Reflective of this, the Carter Administration was targeted with an upsurge of active measures, frequently involving fake U.S. documents. These were particularly directed against the U.S. Egyptian relationship and the Camp David process.

Organizationally, the KGB Active Measures Service has the primary role of backstopping foreign active measures operations, which are directed in general terms at the Politburo level—the summit of the Soviet hierarchy. The service is organized along functional and geographic lines with roughly half a dozen departments. It is believed to employ directly about 300 people. They monitor ongoing active measures around the world; process proposals for new operations; maintain liaison on active measures with KGB regional and country desks and with overseas operations; and provide technical support for operations through preparation of forgeries and fabrications, translation of documents, and printing and publication of materials.

Our best view under the Soviet cloak of secrecy has been provided by Stanislav Levchenko, a former KGB major and active measures specialist who defected to the United States in 1979 while working as a "journalist" in Japan. At the time of this defection, Levchenko was acting chief of the active measures section of the KGB "residency" in the Soviet Embassy in Tokyo. He supervised five case officers or KGB operatives. They, in turn, ran a string of 25 agents of Japanese or third-country nationalities. Levchenko was sentenced to death by a Soviet military tribunal meeting in secret in August 1981. He has declared open opposition to what he views as ". . . the corrupt Soviet system." The Soviets are preventing his wife and teenage son from joining him in the United States.

According to Levchenko, KGB "residencies" or foreign stations operating under diplomatic cover in Soviet Embassies or missions consider active measures part of their core operational work, along with espionage. Residencies submit proposals for new active measures and assessments of old activities in the annual plan sent to Moscow every December. Residencies can take the initiative in proposing new operations to take advantage of perceived opportunities at any time during the year. Final approval, however, rests with KGB headquarters as approved by the Politburo. Moscow can, of course, instruct residencies to undertake active measures at any time.

Most official or quasi-official Soviet representatives abroad are likely to be involved from time to time in active measures. Even Soviet scholars, journalists, and representatives of the Russian Orthodox Church, who are often accepted abroad as legitimate counterparts by their non-Soviet colleagues, also often engage in these types of active measures. Unlike their free-world counterparts, they often must play a dual role. Their legitimate academic or other pursuits sometimes play a subsidiary role to their political activities on behalf of the Kremlin. They are required to obey instructions from the bodies which plan and control Soviet active measures.

While the specifics of active measures vary widely, Levchenko stresses that all are specifically designed to reinforce Soviet policy objectives in a particular country or region. The United States and NATO are the Soviet Union's principal worldwide targets. However, as Major Levchenko's activities in Japan show, other countries are also on the receiving end of active measures.

When Levchenko defected, he was ostensibly working as a correspondent for the Soviet news magazine, *New Times*. He found cover as a journalist to be especially useful for active measures operations, since it provided broader access than more traditional diplomatic cover.

Ideally, the KGB seeks publication of disinformation in reputable noncommunist media. The Soviet press then replays the story, citing credible sources. It may also be replayed elsewhere, for example by wire services or others unaware that they are re-

peating disinformation. Sometimes the KGB runs disinformation in pro-Soviet news outlets. This is in the hope that the phony story will gain acceptance through frequent repetition, even though the initial surfacing vehicle lacks credibility.

Spreading rumors is perhaps the crudest form of active measures. This was done on a considerable scale by both the Axis and the Allied nations in World War II. In recent years, there are indications that the Soviets may have resumed the practice. In 1979 after the seizure of the Grand Mosque in Mecca by religious fanatics, U.S. Embassies picked up numerous reports that the Soviets were falsely spreading the word to Arab contacts that the United States was implicated. Levchenko told the House Permanent Select Committee on Intelligence that he personally participated in several operations to spread rumors in Japan directed against the People's Republic of China. One such effort was to suggest secret collusion on nuclear matters between the Chinese and the Italians.

FORGERIES

Many disinformation operations gain acceptance by showing tangible "proof." Fabricated documents and forgeries are provided as "evidence." In some cases a Soviet role in manufacturing these documents may be uncovered by content and forensic analyses of the document, the method of surfacing, the relative level of sophistication of the forgery, or its nearly instantaneous replay by the Soviet media. While it is not entirely clear why the Soviets have made forgeries such a specialty, the fake U.S. Government document has become a postwar hallmark of Soviet disinformation operations. In 1961 then CIA Assistant Director Richard Helms told the Senate Judiciary Committee that some 32 forgeries of U.S. Government documents had been uncovered during the preceding 4 years. These ranged from fake high-level plans on Middle East policy, involving Secretary of State John Foster Dulles and then New York Governor Nelson Rockefeller, to false Pentagon documents alleging that most U.S. strategic bomber pilots were medical wrecks.

Nineteen years later in February 1980, John McMahon, a successor to Helms as chief of the CIA's clandestine service, told the House Intelligence Committee a similar tale of fabricated U.S. Government documents. He provided background on the renewed Soviet surfacing of forgeries following the establishment of the Active Measures Service in the mid-1970s. McMahon elaborated on some two dozen forgeries, such as a series intended to create frictions in U.S.-Egyptian relations.

Since 1980, the KGB forgery curve has continued to rise. According to CIA testimony before the House Intelligence Committee in 1982, and our own State Department reports on Soviet active measures, 4 forgeries surfaced in 1980, 7 in 1981, 9 in 1982, and 12 in 1983—or over 30 since 1980. In addition, several earlier forgeries have been purposely resurfaced a number of times.

The technical quality of recent forgeries has improved over earlier KGB products. The formatting is on the whole good, certainly sufficient to deceive those unfamiliar with U.S. Government documents. There are, however, almost always some discrepancies and mistakes. It is difficult for an outsider to duplicate U.S. Government documents with total accuracy, given the frequent changes in form and procedures. (It's even difficult for us insiders to do it "by the book"—skilled secretaries and word processors are highly prized.) While the American English in most forged documents is colloquial, there are occasional linguistic flaws, use of stilted language or of British rather than American phrases or spelling. In some instances, literal translations expose the likely Soviet authorship. In a fake U.S. document that was surfaced in Nigeria, the term "wet affair" was used to describe a proposed assassination. "Wet affair" is the euphemism in the Soviet intelligence lexicon for "assassination." In a letter from the New Orleans-based aviation personnel agency to the South African Air Force chief, the term "competent bodies" is used. "Competent bodies" is the way the Soviets describe their security services.

In contrast to the 1950s when the Soviets were often satisfied with surfacing forgeries in the communist press, in recent years the KGB has sought publication in noncommunist media. When successful, this enhances the credibility of the disinformation operation and provides more believable sourcing for replay by communist media. A number of respected noncommunist journals have been victimized by fabrications during the past 2 years.

The Soviets sometimes surface forgeries through blind mailings sent to newsmen with no return address or other indication of the sender's identity. This is a random affair since most serious media outlets will either reject an anonymously sent document or, at the least, check before printing. The Soviets also use journalists working as KGB agents of influence to surface disinformation. They also try to plant fakes with newsmen either gullible or unprofessional enough to accept the authenticity of a document without checking.

Some fabrications are circulated privately and do not seem intended for publication in the media. This method prevents the alleged author from finding out about the forgery and thus is unable to publicly deny the document's authenticity.

Many fabrications never attain uncritical publication or surface only in communist or procommunist journals; still, forgeries are one of the most popular tools of disinformation. One reason forgeries are so frequently used is the difficulty in rebutting them effectively. The United States or other offended parties can forcefully deny fabrications. However, once published, a story frequently assumes a life of its own. Either the denial does not catch up with the original false report or a few people are willing to believe the story simply because it is in print.

Now let's review several examples of forgeries that dovetail with Soviet propaganda themes.

Probably the most enduring set of forgeries are the so-called Holocaust papers, designed to create tension between the United States and European allies. This is a collection of altered and authentic U.S. war plans that date from the early 1960s. The papers allege that the United States would sacrifice Western Europe by nuclear bombing strikes during a prospective world war II to save the continental United States. The papers surfaced initially in a Norwegian magazine in 1967. More recently, they were the subject of questions in the town council of Graz, Austria, in December 1982. At least 20 separate surfacings have been identified.

The Soviets received at least some of the authentic documents from an espionage agent, a U.S. Army sergeant. The sergeant was stationed in Paris as a military courier in the early 1960s. In 1965 he was tried and convicted of espionage and given 25 years in prison. He passed a wide variety of U.S. documents to the Soviets, some of which still occasionally appear in altered form.

In November 1981 an attempt was made in Madrid to surface a forged letter from President Reagan to the King of Spain. The forgery was technically well done with the correct White House stationery and transcript. In terms intended to offend Spanish sensitivities, the letter urged the King both to join NATO and to crack down on groups such as the "Opus Dei pacifists" and the "left wing opposition."

After an initial blind mailing to Spanish journalists failed to obtain publication, the forgery was circulated on November 11 to all delegations (except the U.S. and Spanish) to the Conference of Security and Cooperation in Europe (CSCE) then meeting in Madrid. This time several Madrid newspapers ran stories that exposed the letter as a fabrication, probably of Soviet origin.

This forgery of an alleged June 1979 letter from then NATO Commander Alexander Haig to NATO Secretary General Joseph Luns surfaced in April 1982. The letter discusses a possible nuclear first strike and calls for ". . . action of a sensitive nature to jolt the faint hearted." The letter is intended to stimulate the nuclear disarmament campaign by suggesting a Haig-Luns collusion against opponents of the modernization of nuclear forces in Europe. Technically, the quality is good but does include mistakes, such as inappropriate stationery and also the "Dear Joseph" greeting instead of the "Dear Joe" habitually used by General Haig. The forgery was surfaced in a leftist Belgian weekly and reported to Belgian television and radio. Its appearance coincided with numerous antinuclear demonstrations in the spring of 1982.

In January 1982, a forged letter and an accompanying research analysis dated September 23, 1981, from Judge William Clark, then Deputy Secretary of State, to the U.S. Ambassador to Greece, Monteagle Stearns, was surfaced in Athens. This forgery indicated U.S. support for the conservatives in the October Greek elections. It alluded to a possible military coup if socialist leader Andreas Papandreou won at the polls (as he did). On the basis of Embassy assurances that the letter was a fake, it was not initially published. Several weeks later, after copies had been circulated at the CSCE in Madrid, a small Athens daily published it. However, the daily described the letter as of doubtful authenticity and probably attributable to a "third-country" intelligence service.

Two faked 1982 telegrams were allegedly from the U.S. Embassy in Rome. They depict the Italian investigation of a possible Bulgarian connection in the assassination attempt against Pope John Paul II as a campaign orchestrated by the United States. The forgery appeared in a leftist Rome newsweekly in late July 1983. The cables are cleverly done and read much like State Department cables. An exception is the use of the term "spynest Sofia" and various technical formatting errors. The fabrication apparently was designed to provide "credible evidence" for Soviet media allegations that the United States had orchestrated the arrest of the Bulgarian intelligence officer, Antonov, as part of an effort to blame the Soviets and Bulgarians for the papal assassination attempt.

Another active measure alleging military cooperation with South Africa is a forged letter from the U.S. Defense Mapping

Agency, addressed to a Lt. Gen. Dutton, South African Defense Force. This purports to be a positive reply to a South African request for satellite-produced maps and charts of Angola, Zambia, and Mozambique. Let me point out that Lt. Gen. Dutton has not held a command in the South African forces for years. There are many other features about this letter which indicate that the Defense Mapping Agency would never have written it, such as curious and ungrammatical punctuations—even for U.S. Government bureaucratese. The word "concretize" is used, which is similar to a Russian word in general usage.

Jeune Afrique, an influential French-language newsweekly published in Paris and widely read in Francophone Africa, reported on November 17, 1982, that despite the U.S. embargo on arms sales to South Africa, Northrop Aviation was offering to sell South Africa its new Tigershark fighter. To "prove" the point, Jeune Afrique published a picture of a letter ostensibly sent by Northrop's vice president for marketing to the commander of the South African Air Force. When Northrop called the letter a fake, Jeune Afrique ran a new story on January 19, 1983, suggesting that the denial was untrue and the original letter was authentic.

In this case, the perpetrator of the active measure apparently obtained a copy of a genuine letter that Northrop had routinely sent to many countries, but not to South Africa, and simply typed in the South African addressee. The purpose of this active measure was to suggest that the U.S. embargo on military sales to South Africa was a sham. The envelope also had a 20¢ stamp—not enough to reach South Africa.

In Lima, Peru, last year a report surfaced that the United States was planning to sell nuclear-tipped cruise missiles to Chile. Nothing, of course, could be further from the truth. The obvious intent was to stir up trouble between Peru and Chile and make the Peruvians suspicious of and antagonistic toward the United States. The report was based on a fake airgram appearing there. The Peruvians quickly realized that an attempt was being made to dupe them, and nearly every newspaper in Lima denounced the report as a forgery, most likely of Soviet inspiration.

IMPACT OF ACTIVE MEASURES

The box score for disinformation and other media influence efforts is mixed. Despite extensive KGB active measures operations, it is hard to perceive any major impact on well-established, non-communist, Western media outlets. Most fabrications or disinformation efforts are able to achieve publication only in obscure journals or in those known for their predilection for the Soviet line. Probably more damaging are repeaters. Even though exposed, through repeated surfacing and occasional uncritical publication, the impression can be created that "where there is smoke, there is fire."

Unfortunately for the United States, the Soviets have had much more success with active measures in the Third World. In Africa and South Asia, in particular, they have probably significantly added to U.S. image problems. Over the years, the KGB and its allies have developed well-established outlets to float disinformation. They also have had considerable success in arranging for press plants of distorted news stories in Africa.

In gauging the overall impact of active measures, it is important to view it through Soviet, not just American, eyes. The Soviets, as Levchenko points out, take a long-term view. They are not seeking immediate, short-term gains or necessarily a big impact from any one operation. Rather, they regard active measures like pawns in a chess game, able to damage the opponent at the margin. If Dr. Goebbels espoused the technique of the "big lie," the Soviets in active measures operations have more modest aspirations. They take the long-term view and by all accounts appear satisfied that the cumulative impact makes their considerable investment worthwhile.

MOLES WHO BURROW FOR MICROCHIPS

Were it not for a few telltale antennas and a curious whitewashed rooftop coop, the handsome brick ediface in San Francisco's tony Pacific Heights could be easily mistaken for a small, posh hotel. In fact, the owner is the Soviet Union and the occupants are at least 41 Soviet officials. That is an unusually large number of diplomats for a consulate in a medium-size American city, but the Soviets did not come to the Bay Area to stamp tourist visas. About half the consular officials, the FBI estimates, are actually spies.

The Soviets bought the building for its sweeping vistas of the bay, as well as its unobstructed microwave reception. The electronic gadgetry on the roof scans the airwaves and can pluck out conversations when a computer recognizes certain words or phrases. On a clear day, the Soviets can watch Navy aircraft carriers cruising under the Golden Gate Bridge and jets taking off from the Alameda Naval Air Station to the east. But the activity that truly intrigues the Soviets is 40 miles to the south, in Silicon Valley.

There, amid the taco joints and shopping malls, are hundreds of burgeoning high-tech firms that help give the U.S. its essential—but fast shrinking—edge over the Soviets in high-technology equipment. From their high-rent spy nest in San Francisco, KGB agents fan out through the valley, looking for Americans who can be bought and secrets that can be stolen.

Moscow's hunger for high tech has transformed the ancient art of spying. No longer are the Soviets principally interested in the traditional fruits of espionage—the enemy's order of battle, troop movements and codes—even though, as the Walker case vividly demonstrates, they would dearly like to know the secrets of U.S. antisubmarine warfare. High tech has both raised the stakes and broadened the game. It has made the Silicon Valley microchips as valuable as NATO war plans, and it has made traitors out of civilian engineers as well as Navy code clerks.

Kremlin scientists cannot possibly compete with their U.S. counterparts in the race of microchips and laser beams that have increasingly become the sinews of modern warfare. The Soviets have long been able to build powerful rockets and sturdy tanks, but their home-designed computers are slow and crude. To close the gap, the Soviets have waged a massive and successful campaign to capture America's technological wizardry. Since the late '70s, estimate U.S. intelligence experts, the Soviets have made off with 30,000 pieces of high-tech equipment and 400,000 technical documents. As a result, declares Assistant Secretary of Defense Richard Perle, they have cut the U.S. technological lead from ten years to as little as three. For the U.S. and its NATO allies, who rely on brains to beat brawn, on "smart weapons" to counter the larger Warsaw Pact forces, the high-tech drain is a factor of consequence in the precarious balance of power.

The Reagan Administration has tried to limit the sale of high-tech equipment that can be put to military use and to crack down on the international "technobandits" who purchase or steal for the Soviets what they cannot directly buy. But in an open society that must trade freely with the world, the Reaganauts have about as much chance of preventing high-tech secrets from flowing out of the U.S. as they do of stopping cocaine and marijuana from flooding in.

Stealing high-tech secrets is nothing new; the Soviets have been doing it since at least the 1930s, when Communist agents made off with Western inventions like Eastman Kodak's formula for developing color pictures. In the late '40s the Russians even managed to steal atomic secrets. But in the 1960s, as the U.S. outmatched the Kremlin's big missiles with more accurate ones, Soviet spies were ordered by their masters to make high tech their No. 1 target. It is U.S. computer technology that the Soviets truly covet, for the ability to process masses of information in milliseconds is what makes modern weapons so deadly. Says FBI Counter-intelligence Chief Ed O'Malley: "Science and technology is the KGB's largest growth industry."

Détente, with its scientific exchanges and increased East-West trade, was an enormous windfall for the Soviets. Pentagon officials still shake their heads over the guile of Soviet engineers who, as they toured a U.S. aircraft factory during the 1970s, would wear sticky-soled shoes to pick up metal filings. When the U.S. sent young scholars to Moscow to study Slavic languages, the Soviets exchanged "graduate students" who were often middle-age technocrats with a more than academic interest in the microcircuitry. A huge truck factory built in the Soviet Kama region with U.S. financing and know-how, all acquired above-board, was put to work making the army transports that now convoy Soviet troops over the Afghanistan countryside. Far worse, grinding machines that can craft tiny ball-bearings, legally sold to the Soviets by a small Vermont company in 1972, have in the estimate of U.S. intelligence experts saved the Soviets about a decade of R. and D. on improving the accuracy of their ICBMs.

Today many Soviet weapons are reasonable facsimiles if not exact duplicates of American ones. The Soviets AWACS and space shuttles are carbon copies of earlier U.S. models. The Boeing short takeoff and landing (STOL) prototype, a breakthrough aerodynamic design, miraculously appeared just 16 months later as the Soviet AN-72. The SU-15 fighter that shot down the Korean Air Line's Flight 007 two years ago did so with a missile guidance system designed in the U.S. The Soviets do not even attempt to create their own computers anymore: the Kremlin's mainframe RIAD computer is IBM's 360 and 370 series of mainframes, right down to the color of its wires, while the Soviet AGAT personal computer is a copy of the Apple II.

The Soviets decide what to buy or steal by wading through the flood of technical journals and documents freely available in the U.S. Specialized translators at the Soviet State Committee for Science and Technology (GKNT) assess some 1.5 million scientific papers a year. A favorite source: *Aviation Week and Space Technology* a trade journal so informative that it is known as "Aviation Leak." Several dozen copies of the magazine

are put on a plane to Moscow every week. They are translated in mid-flight.

From such public documents the Kremlin technocrats draw up shopping lists for the KGB and GRU, the chief intelligence directorate of the Soviet military. Last year, for instance, German officials uncovered a secret guide of high-tech items requested by the Kremlin. It was the size of a telephone book. KGB agents, like salesmen with a quota, were required to produce at least four items a year from the list.

The Soviets in the past preferred to wait until the Americans worked the bugs out of a weapons system before stealing it, says retired Admiral Bobby Ray Inman, the former deputy director of the CIA. "They didn't have to worry about competitive bidding, or 'fly before buy' or 'test before buy,' and in three or four years they could have their own version of it in operating forces." But lately the Soviets have become less interested in stealing the finished product than in getting the known-how used to build it. Says a former FBI counterintelligence official: "It's not the cruise missile they want, it's the theory to build it.

"Laser technology," he warns, "is next." Unnerved by the threat of the U.S.'s erecting a space-based nuclear umbrella, the Soviets are beginning to zero in on Star Wars devices. This spring British agents caught two GRU officers trying to steal a laser gyroscope made by British Aerospace that can keep killer satellites precisely in orbit.

Many of the items that Moscow desires in order to modernize its arsenal were developed first in the U.S. for commercial use. "Virtually any high-tech advance can be turned by the Soviets into a military use tomorrow," says former CIA Director Richard Helms. The microcircuitry of some video games can be re-engineered to be guided missiles; industrial pipe and tubing can make stronger tank barrels; drilling equipment can be adapted to produce a better armor-piercing shell.

The Soviets would prefer simply to buy this hardware on the open market. Like any careful consumer, they would prefer reliable warranties and servicing and to be able to order spare parts. U.S. export laws, however, ban the sale of more than 200,000 items that might have military application to East bloc countries. So the Soviets have to steal most of what they want or buy it on the black market.

To satisfy the Kremlin's discriminating high-tech palate, the KGB has more than doubled its presence in the U.S. during the past decade. No longer the cloddish thugs of the late-night movies, many are university graduates with smooth manners and fluent English. They can be spotted anywhere military secrets or high-tech gadgets are to be found: trolling night spots outside U.S. military bases or browsing through the booths at trade fairs.

Their most prized hunting ground is Silicon Valley. There they seek out civilians with secrets and a willingness to sell them. The contact often begins with casual friendship, formed in a trendy bar or at a trade show. The agent, perhaps posing as an East European émigré, tries to get his target—for example, a high-tech engineer who has a security clearance and a large mortgage or heavy alimony payments—into the habit of handing over information. At first the documents are innocuous, such as an in-house phone directory. Gradually, however, the American is caught on a barbed hook. The cultivation of a turncoat can take months and even years, but, says the FBI's O'Malley, "the KGB is very patient." Christopher Boyce, 32, serving a 40-year sentence for spying, sums it up: "The KGB is forever."

High-tech spying can seem relatively innocuous, at least to those predisposed not to ask too many questions. The Soviets regularly use European middlemen to buy high-tech gadgetry, which itself often seems harmless. "People rationalize," says Herbert Clough, a security consultant. "This little thing can't do any damage. It won't start World War III."

In 1982, Customs officials found the garage of Millie McKee, a divorcee living in the San Francisco suburb of Redwood City, stuffed with high-tech gear. Charged with illegally exporting laser components and sophisticated electronics to Switzerland, where authorities believe it was transshipped to the Soviet Union, McKee was given a six-month work release sentence for making a false statement. She described the crime as "all technical violations," like driving 60 m.p.h. in 55 m.p.h. zones.

"There's been little fear of heavy sentences. It's more often a slap on the wrist," says Robert McDiarmid, a Santa Clara County private investigator who handles high-tech security for industry.

The feds are trying to crack down, however. A bureaucratic struggle between free traders in the Commerce Department and Pentagon officials appalled by high-tech transfer has been resolved by the Reagan Administration in favor of tougher export controls. The military won the right to review export licenses, and has blocked sales like the shipment of machinery to test concrete strength to the Soviets, on the grounds that the equipment could be used to help harden missile silos. Since 1981 the Customs Service's Operation Exodus has stopped at the docks some 4,000 illegal shipments abroad, including crates destined for the Soviet Union full of C-130 transport aircraft parts and satellite scanners. "The Russians are sweating," declares Customs Service Commissioner William von Raab. "They used to be able to carry off all our technology by the truckload. Now we're making them pay more and take longer."

Also work harder. Earlier this month, for instance, the Soviets expanded the definition of "diplomatic pouch" to ship 35 tons of cargo marked embassy "household goods" out of Baltimore harbor without the presence of even a single Customs inspector. Pentagon officials blamed the State Department for naively waving the shipment through and failing to notify the proper Customs officials of the impending Soviet move.

The KGB has set up some 400 dummy corporations in Europe to buy high-tech exports. The Soviets can rely on dozens of unscrupulous Western technobandits eager to cash in on the Kremlin's 500% markups by acting as middlemen. So numerous and willing are the technobandits that the Soviets are able to get three or four bids for a single transaction. A valuable piece of high-tech gadgetry can sail a circuitous route before it "jumps the wall," in Customs agents' parlance, to the East bloc. Last month U.S. marshals arrested Marino Pradetto, 46, the Italian operator of a West German electronics firm who was in California for a trade fair, and charged him with illegal diversion of a powerful VAX II/780 mainframe computer to Czechoslovakia through San Jose, Haiti and Switzerland.

What the Kremlin cannot purchase in the U.S. it can often buy from other countries. In 1979 and 1981, the Soviets bought two huge dry docks from Sweden and Japan, promising to use them only for commercial shipping. They are now tenders for *Kiev*-class aircraft carriers.

The Reaganauts have leaned hard on U.S. allies to tighten their own export restrictions. The Pentagon is not above threatening to withhold export licenses from Western governments if they are not more careful about the re-export of U.S. technology to the Soviets. Western nations have been resentful of pressure from Washington to restrict exports, suspecting that the real motive is economic protectionism rather than national security. Nonetheless, NATO allies and Japan have agreed to ban the export of particularly sensitive high-tech equipment in return for the U.S.'s easing up on the export of less sophisticated gadgetry the Soviets already possess.

The U.S. cannot afford to clamp down too hard on trade. "An important element of national security is a strong economy,"says John McTague, deputy director of the White House Office of Science and Technology Policy. "If you try to stop the release of everything, you may slow down our own industrial growth and do some rather serious harm." Cumbersome licensing procedures mean delay; the vagaries of bureaucracy mean inaction. Businessmen complain, for instance, that Texas Instruments' elementary Speak & Spell game, available at toy stores everywhere, was until recently under export controls because of an embedded microprocessor.

For the Administration, the Kremlin campaign to steal high-tech secrets poses a dilemma. It cannot give the Kremlin carte blanche to buy without endangering security. It cannot simply cut off high tech trade, or the U.S. will lose valuable markets—without really thwarting the Soviets, who always seem to find less scrupulous sellers. Worse, if the U.S. restricts access to scientific information, it will dampen the spirit of innovation that gave the country its high-tech edge in the first place. The only answer, albeit a less than perfect one, appears to be heightened vigilance. If, as the old Government posters warned, loose lips sank ships in the last World War, then loose microchips could launch missiles in the next one.—*By Evan Thomas. Reported by Jay Branegan/Washington and Richard Woodbury/Los Angeles.*

Why the Ship of State Leaks

Americans cannot keep a secret. Or so it increasingly seems to frustrated Government officials who decry what retired Admiral Bobby Ray Inman, former deputy director of the CIA, terms the "hemorrhaging" of classified information. The experts have no trouble identifying the reasons: "Too much, too many and too little," says Senator William Roth of Delaware, too much classified information, too many people with security clearances to look at it and too little investigation of those getting the clearances. The Walker case has stirred demands in the national security establishment to patch up the storehouse of Government secrets, but an open society makes the cure elusive.

At least 4.2 million have security clearances, most of them civilians who work for the Pentagon or defense-related industry. About 920,000, including 121 Soviet emigres, have access to classified documents all the way up to top secret. The number of security clearances has increased by more than 40% in the past five years.

As the Walker scandal reverberated last week, Defense Secretary Caspar Weinberger vowed to cut the numbers back. But he may find the task difficult. During his tour as director of the CIA for the Carter Administration, retired Admiral Stansfield Turner tried to put a freeze on the number of clearances granted, "But the pressure became so intense that after three years I had to relax it," he ruefully admits. "In many cases people kept their clearances just as a matter of prestige."

A multitude of different agencies hand out security clearances, usually after the most perfunctory record check for convictions and firings. "It's harder to get an American Express card," says Senator Roth. Of the 200,000 clearances requested last year, only about 160 were denied. Christopher Boyce, now serving a 40-year sentence for selling codes to the Soviets that he stole as a low-level clerk at TRW, a CIA contractor, noted that his sister was required to take a polygraph test to get a job at a 7-Eleven convenience store, but that investigators took no notice of his own counterculture life-style before letting him handle some of the nation's most sensitive secrets. Reclearance, mandated every five years for those approved for access to top-secret information, is even more haphazard. The feds currently have a ten-year backlog. During the 15 years Jerry Whitworth is accused of having spied for the Soviet Union, the Navy twice reinstated his clearance to handle top secrets.

Defense contractors and high-tech firms have been notorious for lax security. At TRW, according to Boyce, "security was a joke." He and his co-workers used the code-destruction blender in YRW's ultra-secret "black vault" for mixing banana daiquiris. The Boyce scandal forced TRW to tighten up, and other firms as well are becoming more careful, contend authorities in Silicon Valley.

The military is also lax. Says retired Admiral Clarence Hill: "When I was a sub commander in World War II, we never sent anything over four lines. Everything had to be coded and decoded by hand. Now they think nothing about sending three or four pages, and many of these are being sent just because you can send them." Admits Turner: "There is no question that our entire procedure for handling classified documents in this Government is sloppy." Horror stories abound. Turner recalls that, when CIA Clerk William Kampiles sold a classified manual on satellite surveillance to the Soviets (for $3,000), the CIA checked and could not find 13 other authorized copies of the same document.

There may just be too many secrets to keep. It has been estimated that there are 19.6 million authorized copies of classified documents. That, of course, does not take into account the photocopier. "The Xerox machine is one of the biggest threats to national security ever devised," says retired Admiral Thomas Moorer. "Even if documents are numbered and accounted for, it is easy to slip one out over lunch and copy it quickly."

Other technological breakthroughs have made secrets harder to keep. Most phone messages now pass through the air-waves rather than over wires, which facilitates interception by the microwave gadgetry atop Soviet consulates and in offices. Sophisticated laser devices can eavesdrop on conversation in a room by picking up the vibrations from the windowpane. The most insecure place to store information is probably a computer. A study by the Department of Defense Computer Security Center in Fort Meade, Md., concluded that only 30 out of about 17,000 DOD computers are even minimally secure against intrusion by clever hackers. Though no one has ever been caught doing it, the mere thought of Soviet intelligence plugging into Defense Department computers, particularly the ones that command the American nuclear arsenal, is the stuff of Hollywood chillers.

The Pentagon this week will announce steps to eliminate leaks, including cutting back on both the number of security clearances and the number of classified documents. "If we don't do these things and do them soon," warns Senator Sam Nunn of Georgia, "we're going to have a lot more Walker cases in the future." But no one is suggesting the kind of drastic steps that would protect state secrets as securely as they are held, in the Soviet Union. Says John Martin, chief of the Justice Department's Division of Internal Security: "You've got to maintain an open society, or you're no better than your adversaries."—By Evan Thomas. Reported by David Beckwith/Washington

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WHERE SPIES ARE SUPERSTARS

Understandably enough, the Walker spy scandal is an occasion for American self-examination and self-criticism. The revelations are being pondered for what they say about how democracy sometimes allows human venality to thrive and vital state secrets to perish. But there is another lesson in the whole shocking, sordid affair. It is a reminder that spying comes naturally to the Soviet Union in a way that is difficult for Americans to understand.

For most in the West, notably including political leaders, spying is deemed necessary largely because everyone does it, but it is relegated to the shadowy sidelines of the more legitimate enterprises of diplomacy and soldiering. Opening each other's mail is a business gentleman pursue only with a certain self-conscious distaste.

Even in fiction, espionage is treated as the dirty little secret of modern international politics. James Bond is good escapist fun, but the world of John le Carré is recognized as the real thing. The bookish, perpetually cuckolded George Smiley is not a hero because he champions Western civilization; rather, he is the melancholy rationalist, penetrating the ingenuity of other people's deceit. He is more honest, and braver in his honesty, than his colleagues. Yes, he fights Karla, his Soviet counterpart, but Smiley also does battle against the corruption of his own organization and society.

No such dark brooding is in order in the Soviet Union. Spies are good guys, pure and simple, as long as they are on the Soviet side. Even in czarist times, secret agents were regarded as legitimate and indispensable protectors of a sprawling empire that was surrounded by hostile forces and infested with political malcontents and agitators. Backward in so many other respects, Russia was precocious in developing a police apparatus. That institution was ready-made for the Bolsheviks, with their militant ideology and their conspiratorial, secretive methods. According to Marxism-Leninism, politics is a continuation of war by other means. Spies are in the front line of that war.

The concept of the security of the Soviet state is sacrosanct in a way roughly comparable to the concept of personal freedom in the West. In Russian, security is *bezopasnost*—the B in KGB. The word literally means "the absence of danger." As a profession, security means vigorously identifying and, whenever possible, eliminating danger.

Hence, in the Soviet Union, the mentality of the spy is part and parcel of the mentality of the commissar and, beyond that, of the citizen. The relationship between an agent and his source, between a secret policeman and his informer, is not only an honorable estate but an essential one.

Secret agents, once their work is done, are lionized in the U.S.S.R. Richard Sorge, a German who spied for Joseph Stalin in Japan during World War II, is honored on a postage stamp. Rudolph Abel, one of the most notorious Soviet agents of the '50s, was awarded the Order of Lenin after he was traded for U-2 Pilot Francis Gary Powers in 1962. KGB anniversaries are occasions for rallies and testimonials. "The competent organs," a common euphemism for the intelligence services, make up a kind of superelite. For years it was a basic tenet of Kremlinological wisdom that the head of the KGB was too much distrusted by his comrades ever to become General Secretary of the party. Yuri Andropov disproved that rule of thumb in 1982. He personified the Soviet obsession with security and reverence for the guardians of security.

Anyone caught spying against the Soviet Union is worse than an enemy and deserving of a fate worse than mere execution. After Oleg Penkovsky, a colonel in military intelligence, was discovered to be working for the CIA in 1962, he was put to death. The assumption at the time was that he had been shot. Subsequently, however, it was reported that in fact he was hurled alive into a crematorium furnace. Thus, there is a brutal converse of the Soviet Union's adulation of spies who serve its cause around the world.—By Strobe Talbott●

● Mr. COURTER. Mr. Speaker, my colleague from California, Mr. LUNGREN, has organized a special order of the House for this evening on the subject of Soviet disinformation. The topic is a worthy one, because efforts to disinform are a critical aspect of what Marxist-Leninists call "the war of ideas."

In recent years, Intelligence has uncovered KGB manipulation of an eminent conservative Japanese newspaper, a French journalist who rendered services to Moscow for 20 years, and untold numbers of letters and documents created to discredit NATO and American military officials.

The KGB tried twice to recruit Arnaud de Borchgrave when he was with Newsweek. Other journalists have apparently been more willing. These include the Englishman Ralph Parker, who was a Prague correspondent for the New York Times just before World War II, and Wilfred Burchett, an Australian who feigned independence while writing for newspapers in his country and Europe but in fact worked for North Vietnam, Cuba, and other Communist countries.

There is thus good cause for thanking Mr. LUNGREN for his initiative, and I hope my other colleagues will be present this evening.●

● Mr. SOLOMON. Mr. Speaker, let me first of all thank the gentleman

from California for his initiative in calling this special order today. This is not an academic exercise, nor is it a way of passing the time of day with empty and idle speculation. The subject of this special order—the relentless offensive by the Soviet Union to defame, discredit, and, ultimately, defeat the United States and our democratic allies—is the greatest issue facing our country. It concerns the very survival of human dignity, free societies, and democratic institutions throughout the world for our time—and for all time.

Let us not be reluctant or embarrassed to speak the truth. The Soviet Union's ultimate objective is world domination. The pursuit of that objective necessarily entails the elimination of the United States of America as a free country, the only obstacle standing between Soviet communism and the realization of its perverted goals. As our colleague from Illinois, Mr. HYDE, frequently reminds us, Soviet communism is the greatest assault on the human spirit ever known in recorded history.

Soviet communism is so implacably opposed to the legitimate aspirations of human nature that it can only come into power by violence—and it can only remain in power by force. It's only moral code is a dogmatic promotion of world revolution. How ironic it is that the most reactionary theory of political and social development to ever keep the human spirit in bondage is also the blueprint for global conquest, all the while pretending to be concerned about peace, justice, and liberation. But such is the only way that Soviet communism can justify itself. It cannot and will not present its true face to the world.

But the goals of Soviet communism cannot be advanced by this kind of deception alone. Soviet communism must also lie about those individuals and countries who dare to challenge its claim on the future, those who deny that Soviet communism is the fulfillment of human destiny.

Mr. Speaker, the issue is clear: The war against totalitarianism did not end in 1945 with the defeat of fascism. What happened in 1945 is that the war entered into a different and more complicated phase. The struggle is no less deadly, nor would the consequences of our losing it be any less hideous. It is, however, a phase which is much more subtle—a conflict fought with ideas, diplomacy, and psychological warfare. And the Soviet Union has devoted an inordinate amount of effort and resources for purposes of propaganda—to maintain constant pressure and intimidation on the nations and people of the free world.

It is this particular aspect of our struggle against the Soviet Union that places our country at a peculiar disadvantage. A country whose preeminent characteristics include political pluralism and a free flow of information and ideas simply cannot resort to the deception, manipulation, and distortion that is part and parcel of propaganda warfare. Jean-Francois Revel, in his compelling new book "How Democracies Perish," makes this very point. He analyzes at some length the Soviet disinformation campaign directed against the United States and other Western Democracies. He concludes that we and our allies simply cannot respond in kind to this sort of attack. A propaganda disinformation campaign mounted by a democratic country is bound to fail because it is inherently inconsistent with other democratic values and practices that we profess.

Moreover, the policies of our own Government and those of our allies are subject to the pressures of public opinion, something the Communists know nothing about. It is this aspect of democracy that caught the attention of Alexis de Tocqueville, the young French nobleman who toured the United States in the 1830's and wrote the prophetic study "Democracy in America." He noted, and I am quoting now, "It is especially in the conduct of their foreign relations that democracies appear to me decidedly inferior to other governments."

De Tocqueville went on to say, and again I am quoting, that "A democracy can only with great difficulty regulate the details of an important undertaking, persevere in a fixed design, and work out its execution in spite of serious obstacles. It cannot combine its measures with secrecy or await their consequences with patience."

I would add one further point, and that is that our country is trying to pursue constructive purposes and policies in the world. When our enemy is only concerned with creating chaos and destabilization, our job becomes that much more difficult. The ground rules, so to speak, covering our actions are much more stringent and impose many more limits than does the code governing Soviet behavior.

What then are we to do? Must we concede defeat in the war of ideas and leave the field wide open for the Soviets to exploit? My answer—and the answer of every Member participating in this special order—is an emphatic no! The United States must use every means and opportunity at its disposal to expose Soviet deceit and duplicity. This means pursuing a more positive and forceful approach at the United Nations and other international meetings, instead of listening in benign indifference to the attacks that are made against us there. This means that our Government must be candid with the American people about Soviet treaty violations and about the massive and unwarranted buildup of Soviet military power—an expansion of military power that is consuming over half of the Soviet Union's industrial capacity. This means requiring our allies to contribute their fair share to the defense of the West.

It goes without saying, of course, that the maintenance of our own national security and an effective strategic deterrent are indispensable. In all of our congressional debates about entitlement programs, let us remember that the Constitution mandates national defense, first and foremost, as the protection to which all Americans are entitled. The price of freedom is always high, but Americans have always paid it.

An effective strategy to counter the Soviet assault on freedom and human dignity necessarily includes a renewal of our belief in the efficacy and goodness of our democratic values and institutions. This means that we have to get off the guilt trip—that we have to quit flagellating ourselves about our lack of perfection. We will never fully live up to the values that we aspire to, but at least we have set a lofty standard that will continue to serve as an inspiration to ourselves and succeeding generations. The Soviets have no trouble living up—or should I say down—to their standards, which are based on the most bestial instincts that have ever debased human nature.

Finally, our only sure defense is an enlightened and responsible sense of citizenship. The Founding Fathers of this free republic were very outspoken in their belief that the ultimate success or failure of the American experiment in self-government is in the hands of the American people. There is no substitute for civic virtue—the fact that every civil right carries with it a civil responsiblity. We, as representatives of the American people, have a unique obligation to serve as examples of the higher duties of citizenship without which a free society cannot survive.

At the same time that Alexis de Tocqueville was touring the United States in the 1830's, a young man from Illinois, a struggling young lawyer, was making the first public speech in a career that would take him from the county court house in Illinois to the White House in Washington. "Shall we expect some transatlantic military giant to step the ocean and crush us at a blow?" asked Abraham Lincoln. He answered: "Never! All the armies of Europe, Asia, and Africa combined * * * could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years."

Lincoln went on, and I am quoting again, "If destruction be our lot, we must ourselves be its author and finisher. As a nation of free men, we must live through all times, or die by suicide."

The "transatlantic military giant" that Abraham Lincoln talked about is a reality in our time. And the doctrine of containment was formulated under President Truman as a means of dealing with this new challenge. I can only conclude my remarks today by quoting the final paragraph in George Kennan's article in the Foreign Affairs Journal that first outlined our policy of containment.

It reads:

The thoughtful observer of Russian-American relations will find no cause for complaint in the Kremlin's challenge to American society. He will rather experience a certain gratitude for a providence which, by providing the American people with this implacable challenge, has made their entire security as a nation dependent on their pulling themselves together and accepting the responsibilities of moral and political leadership that history plainly intended them to bear.

Let me just repeat that: Our entire security as a nation is dependent on our pulling ourselves together and accepting the responsibilities of moral and political leadership that history plainly intends us to bear. This is the greatest issue facing each and every American citizen in 1985. We can only live up to this challenge by renewing our dedication as citizens of this blessed country. With a renewed spirit of patriotism, citizenship, and sacrifice we need not fear the slings and arrows of the Soviet Union. Free men and women will prevail.●

● Mr. HYDE. Mr. Speaker, at the outset, I wish to commend my distinguished colleague from California [Mr. LUNGREN], for taking the lead on this most important matter. The objective of this special order is to educate ourselves as well as the American people on a special kind of Soviet clandestine activity that is designed to influence public opinion and thereby further Soviet foreign policy objectives.

When it comes to disseminating false information, the Soviets are without peer. Much of the free world, however, did not realize this until not too long ago. In fact, it is probably safe to say that many Americans first learned of this Soviet ruse when they read Spike, the best selling novel by Arnaud de Borchgrave and Robert Moss that was published several years ago.

More recently, a book entitled "Dezinformatsia: Active Measures in Soviet Strategy," authored by Profs. Roy Godson and Richard H. Schultz has served as a definitive source on the subject. Particularly instructive are the two academics' observations regarding covert disinformation which they define as a—

* * * non-attributed or falsely attributed communication, written or oral, containing intentionally false, incomplete, or misleading information (frequently combined with true information), which seeks to deceive, misinform, and/or mislead the target. Either foreign governmental and non-governmental elites, or a foreign mass audience, may comprise the target.

The objective of disinformation is to lead the target to believe in the veracity of the message and consequently to act in the interests of the nation conducting the disinformation operation. This technique may be advanced through rumors, forgeries, manipulative political actions, agents of influence, front organizations, and other means. Until the 1950's, the term dezinformatsia was used in some Soviet circles to refer to what Soviet leaders now call "active measures". Dezinformatsia currently is used in Moscow to refer to a specific type of active measures technique, here called "disinformation."

Paul B. Henze, a former National Security Council official in the Carter administration and a longtime student of Soviet behavior, has this to say about disinformation:

It is impossible to draw a clear boundary between misinformation and disinformation. The two categories are part of a continuum which in Soviet practice extends from distortion to total falsification, misrepresentation and forgery. All parts of this spectrum are interconnected and consciously manipulated to achieve desired results. Thus false information planted abroad and seemingly originating from sources that have no connection with the USSR or Eastern Europe is fed back into the Soviet propaganda system, cited in the Soviet press as authoritative confirmation of views which the CPSU propagandists want to spread, and then it is disgorged by TASS and Novosti in their international services. Thus spewed out again into international information channels, it becomes self-confirming. Sometimes the process goes through several cycles. Not only current news, but even scholarly research and intelligence are influenced.

To those familiar with Soviet techniques and objectives, such operations are relatively easy to identify, but often difficult to prove. To accomplish their purposes, Soviet propagandists and KGB operatives do not rely only on the credulity and predisposition to believe of Western and Third World journalists, writers and intellectuals.

They exploit the readiness of reporters to accept cash or other favours in return for doing their bidding. In Soviet usage, dezinformatsia means deliberately concocted, falsely attributed or distorted information brought to the surface through ostensibly non-Soviet channels or outlets. Of course, the more legitimate (and unwitting) these are, the better.

Duplicity in the pursuit of objectives is an acknowledged Soviet tactic and has been employed from the earliest days of the Soviet revolution. Lenin, for example, told Felix Dzerzhinsky, head of the CHEKA, the predecessor of the KGB, "Tell they what they want to hear."

Following World War II, the Soviets decided to institutionalize their disinformation activities in a move that underscored the importance they attached to such measures. Specifically, they set up a disinformation component within the KGB directorate responsible for Soviet intelligence activities abroad. By the mid-1970's, this active measures unit had been upgraded to a service and its chief was given the rank of a KGB general officer.

Some of the best insights we have regarding Soviet disinformation activities have been furnished by Soviet and Eastern bloc defectors who were erstwhile intelligence operatives. One of the most important is Ladislav Bittman. In 1968, this former head of a disinformation unit in the Czechoslavak Intelligence service defected to the West and provided much useful information regarding Czech activities to brand West German officials as Nazis. In addition, he told about anti-United States activities that he participated in vis-a-vis Indonesia and Central Africa.

Bittman also revealed just how closely the Soviets work with their Communist allies. It is so close, in fact, that it is often difficult to determine who is carrying out an operation.

Circulating rumors may be the oldest and most primitive form of disinformation but it is still used with some degree of effectiveness by the Soviets. Especially informative are the observations of Stanislav Levchenko, a former KGB major who specialized in active measures before he defected to the United States in 1979 while pretending to be a Soviet journalist in Japan. Among other things, he indicated that he was involved in rumor spreading operations in Japan that were targeted against the People's Republic of China. Levchenko also pointed out that while the United States and NATO are the Soviet Union's main targets, other nations have operations directed against them to support Soviet policy objectives.

Forgeries, of course, have played an important role in a number of Soviet disinformation operations. They are sometimes complete falsifications, but they also can be clever alterations of, for instance, genuine documents, photos, or tape recordings. A common ploy is to fake a U.S. Government document.

An interesting fake hit the streets in Western Europe in April 1982. It was a forgery of a reputed June 1979 letter from then NATO Commander Alexander Haig to then NATO Secretary General Joseph Luns. According to William E. Knepper, Deputy Assistant Secretary of the Bureau of Intelligence and Research, this letter was—

Intended to stimulate the nuclear disarmament campaign by suggesting a Haig-Luns collusion against opponents of the modernization of nuclear forces in Europe. Technically, the quality is good but does include mistakes, such as inappropriate stationery and also, the "Dear Joseph" greeting instead of the "Dear Joe" habitually used by General Haig. The forgery was surfaced in a leftist Belgian weekly and reported to Belgian television and radio. Its appearance coincided with numerous anti-nuclear demonstrations in the spring of 1982.

Although it may be true that none of these forgery efforts have had a devastating impact on the United States, there is no doubt that collectively they have been injurious and put us on the defensive. They are clearly intended to raise suspicions about the United States and in that sense they have accomplished their purpose.

In conclusion, Mr. Speaker, I would like to cite what Larry Eagleburger, the former Under Secretary of State for Political Affairs, has recommended with respect to coping with the U.S.S.R.'s active measures:

Soviet active measures need to be countered by public exposure. They are infections that thrive only in darkness, and sunlight is the best antiseptic. Governments should make available to their publics as much as possible of our growing knowledge of Soviet practices.●

● Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to discuss the efforts of Soviet intelligence and policy agencies to divert and duplicate U.S. high-technology commodities. My district in coastal southern California stretches from Del Mar in the south to Mission Viejo in the north. That region is rapidly turning into California's southern Silicon Valley. Computer firms, high tech manufacturing companies, semiconductor producers, innovative energy companies, and defense contractors all maintain a highly visible presence in the region. It is these types of companies that are the primary industrial espionage targets for the Soviet Union.

Americans were shocked to learn that John Walker, his son and their family friends betrayed our Nation and sold Navy secrets to the Moscow government. In fact, there have been many others. In the 1970's, two misguided young men from Palos Verdes, CA, decided that our Government was corrupt and that the Soviet Union offered a better way. Christopher Boyce and Daulton Lee stole secret encryption information from TRW, a major Government contractor, and sold that material to the Soviets through their Embassy in Mexico City.

Boyce's problem was that he believed the propaganda fed to the Western media by the Soviets and their collaborators. The kind of persistent disinformation tactics used by the KGB and other East-bloc intelligence services portrayed the Communist system as a benevolent, humanitarian regime. Conversely, our democratic system was characterized as a cruel deception and an evil imperial force. Those of us who have watched our country grow up, who have participated in the formation of public policy and who have fought in Congress and on the battlefield to prevent the spread of totalitarianism know better. Unfortunately, the unsuspecting minds of our youth absorb many lies that masquerade as the truth. Those lies become the basis for a distorted view of the world—a view the Soviets promote.

Others have also fallen prey to that disinformation and espionage effort. William Bell, a radar engineer in Los Angeles whose personal problems made him a perfect target for the typical Soviet gambit of propaganda and financial incentives, succumbed to the temptation. That engineer and his next-door neighbor, a Polish national, joined forces to sell defense secrets. It just happend that Bell's next-door neighbor was active in the Polish Intelligence Agency.

This story is repeated time and time again. Some of the characters are American and some are European. The end result is the same. American high technology information ends up in the hands of scientists and defense strategists behind the Iron Curtain. Jan Stankovsky, an East-West trade expert at the Vienna Institute for Economic Research was quoted by the Wall Street Journal describing our effort to prevent technology transfer as "a Sisyphus job." We all remember that Sisyphus was condemned to Hades, where his eternal task was to push a boulder up a hill, only to have the boulder roll back down again.

In some respects, our job of restricting the flow of secrets is becoming tougher. American high tech firms are spreading out. As our older industrial base retools with newer machinery and processes, those kinds of products and methods that the Soviets so desperately seek become more available.

Major telecommunications and computer firms have offices and plants not only in the Santa Clara Silicon Valley, but also in Texas' Silicon Gulch, in the Chicago area, in the Raleigh-Durham Research Triangle, in Phoenix and Tucson, the Pacific Northwest, in suburban Boston and in my area. One common theme we see evolving in our high tech industry is the coalition of business and academic institutions.

As State universities and private institutions like Stanford, Harvard, MIT, Duke, and Northwestern participate in industrial innovation, it becomes easier for Soviet scholars to infiltrate our most modern facilities and take our newest technology with them. This is no exaggeration. The average Soviet exchange scholar is a scientist or engineer, has the equivalent of a U.S. Ph.D., is 35 years old and has 8 years of practical experience in their specialty. To quote Air Force magazine, they are "capable scientists usually involved in military related work in the U.S.S.R. Not too surprisingly, they seek out research activities involving technologies that have direct military applications in fields in which the Soviets are deficient."

These techno-thieves do their work in a gray area of American law. Nothing prevents the scientific community from sharing new ideas. When those ideas have military applications, though, the result can be quite damaging. We are also guility of other unwitting transfers of information that have aided the Soviet war effort. After World War II, the U.S. Government transferred the engineering principle behind the shaped-charge warhead to oil tool and mining applications. Over the years, universities and other nondefense related commercial interests acquired the technology. Results on developments in this area were published in open literature. The Soviet military R&D shops exploited this information and applied their acquisition to developing higher-grade munitions.

U.S. publications continue this historic problem. Aviation week, well known for publishing sensitive information has earned the nickname aviation leak, not a positive distinction in our security sensitive age.

The list of high tech ripoffs perpetrated by Soviet agents is frighteningly impressive. Richard Mueller, a German citizen who operates front-companies designed to divert computer equipment to Moscow, was successful in shipping 8 of 15 parts of a Vax 11/782 computer. He was able to accomplish this feat by routing the parts through South Africa, Germany, and Sweden. Seismograph equipment used to detect underground atomic tests was seized by U.S. Customs officials in Germany after a similar tour through free-world nations. William Bell, the radar engineer, was responsible for giving the Soviets the F-15 look-down/shoot-down radar, the B-1's quiet radar system, all weather radar for tanks, an experimental Navy radar system, the Patriot surface-to-air missile, a shipboard surveillance radar, the improved Hawk missile, a NATO air defense system and a handful of other radar-related systems.

All you have to do to see the extent of Soviet penetration into our technological industries is compare our current conventional military forces. The new "Blackjack" Soviet bomber is composed of major portions of the B-1A. Our technology also contributed to designing the Soviet AN-72; a short-takeoff vehicle copied from the Boeing YC-14 STOL. Trucks used in the invasion of Afghanistan were built using technology acquired from the West. Lenin was right when he said that the capitalists would sell Russia the rope by which he would hang them.

The process by which the Soviets obtain our new technical information and dissect it is referred to as "reverse engineering." The principle is the same as the curious youngster who gets a new radio and proceeds to take it apart to see how it worked.

The entire Soviet Government, it seems, has committed itself to cultivating Western sources of information and to fulfilling quotas for that information. The KGB and the GRU—the Chief Intelligence Directorate for the Soviet General Staff—head the list. They account for 70 percent of all high tech espionage. Items of particular interest include those that have civilian and military uses, such as computers, microelectronics, fiber optics, metal powder compounds, composite synthetics and associated manufacturing equipment. The KGB relies on its own "directorate 'T'" to identify the most crucial items on the Soviets' agenda. The State Committee for Science and Technology and the Ministry of Foreign Trade also put together wish-lists of Western data they would like to have—virtually at any cost. Eastern bloc intelligence services and foreign trade missions also manage to assist their mentor in this effort.

If the Soviet activities I describe sound like a combination of James Bond and Buck Rogers, the U.S. countereffort borders on the Keystone Kops. We are unable to enlist more than casual support from the Austrians. They ferociously defend their neutrality, which makes it much more difficult to protect equipment and materials going to other European nations. The Department of Commerce and the U.S. Customs Service can barely keep up with the newest technology that should be withheld from the East bloc. Our Defense Department has been engaged in an ongoing jurisdictional dispute with the State Department and with the Commerce Department. I agree with DOD's assessment that we need strict controls over exports. We cannot, however, place indefinite delays on legitimate exports because of questions of national security. I have already handled several of these cases this year. A computer company in my district and a laser-process manufacturing firm had to request my personal assistance in working with the International Trade Administration to expedite export licenses that allowed millions of dollars of goods to leave U.S. loading docks for foreign destinations. Only my direct intervention enabled these firms to export legitimately nonsensitive devices.

Now that we are directing our attention to the issue of technology transfer, espionage and other active measures, I hope that this body, and our colleagues on the other side of the Hill can work through the appropriate legislative committees and executive agencies to enact reforms that protect our security while insuring the proper degree of free trade for nonsensitive American products.

To learn more about the issue of tech-transfer, I recommend reviewing the December 1984 issue of Air Force magazine, the 1984 edition of Soviet Military Power, and the Defense Department's 1984 report, "The Technology Transfer Control Program."●

● Mr. MICHEL. Mr. Speaker, I am glad to have this opportunity to join with the gentleman from California [Mr. LUNGREN] in bringing to the attention of our colleagues Soviet active measures—a broad range of activities, ranging from hidden propaganda, to sabotage, and terrorism, to expand Soviet political influence.

We have become so used to saying that we are in a "war of ideas" that we have forgotten how literally true that statement is. The official philosophy of the Soviet Union is based on the idea that the Communist Party possesses, through its understanding of the concepts of Marxist-Leninism, not just a useful political tool, but a scientific understanding of all aspects of human history and an absolute guide to general trends in the future.

I mention this only to emphasize a point that is too often forgotten: the Communist Party of the Soviet Union looks to Marxist-Leninism as a source of legitimacy. Without this philosophy to support its assertion of total dominance of society, the Communist Party has no legitimacy because it rules without—indeed against—the approval of the majority of its people.

Thus, ideas are all important to the Soviet rulers. That's why they spend so much time and money trying to influence ideas in the West. The question is: Are we capable of winning this war of ideas? I think we are—but we must understand the nature of the war we are in. I'm not at all certain we do fully understand how important ideas are in international affairs.

We in the United States like to say we are "pragmatic." By this we usually mean we confront problems as they present themselves to us, with little or no preconceived, philosophical view or ideology to use as guidelines in solving them. We look upon every problem as one that can be solved by hard work, technological expertise, individual initiative, and, especially, human freedom. This kind of thinking is anathema to Communists. Their official ideology demands that all problems be referred to Marxist-Leninism as the sole source of wisdom. This explains, to a great degree, their total failure to give the people of the Soviet Union a decent standard of living. The people there are victims of the rigid, doctrinaire myths of Marxist-Leninism and there is nothing they can do about it. But this unyielding adherence to Marxist-Leninism does not mean the Communists are inflexible when it comes to tactical matters. They are very pragmatic at that level.

This means that the Soviet Union has an arsenal of propaganda and disinformation techniques, each used for a special purpose. Active measures can best be understood as weapons in this great arsenal, weapons aimed at the values, the confidence, and the very existence of Western freedom.

Let me give an example of how the Soviet Union engages in this war of ideas. I refer to the campaign against NATO Theater-Nuclear-Force [TNF]. According to the State Department's "Forgery, Disinformation, Political Operations" (October 1981):

> In this campaign, Soviet diplomats in European countries pressured their host governments in many ways. In one European country, the Soviet ambassador met privately with the Minister of Commerce to discuss the supply and price of oil sold by the Soviet Union to that country. During the discussion, the ambassador gave the minister's a copy of the Leonid Brezhnev's Berlin speech dealing with TNF. He suggested that if the host government would oppose TNF modernization, the Soviet Ministry of Foreign Affairs might persuade the Soviet Ministry of Foreign Trade to grant more favorable oil prices.
>
> Moscow has spurred many front groups to oppose the TNF decision through well-publicized conferences and public demonstrations. To broaden the base of the anti-TNF campaign, front groups have lobbied non-Communist participants, including antinuclear groups, pacifists, environmentalists, and others. In some cases, the activities of these broad front groups have been directed by local Communist parties. Soviets have predictably devoted the greatest resources to these activities in NATO countries where opposition to the TNF modernization decision is strongest.

Bribes, threats, front groups, infiltration of non-Communist groups—these methods are only part of the arsenal of persuasion at the disposal of Communist leaders. But the overall strategy is the same: the gradual weakening of Western will, the growing acceptance of Communist viewpoints among Western opinion leaders, and the steady, inexorable disintegration of Western security and defense. That is what the war of ideas is all about.

We have our own ways of waging this war of ideas. We do it through the public diplomacy of the Voice of America. We do it by telling the truth to the people of Eastern Europe and the Soviet Union through Radio Free Europe and Radio Liberty. We do it through Worldnet, the U.S. Information Agency's [USIA] satellite-television program. We do it by telling the truth about our society and about Communist society as well.

But we also have to expose Soviet disinformation programs. One of the most useful ways of identifying such programs is the USIA publication "Soviet Propaganda Alert." Produced by the Office of Research of USIA, the "Alert" identifies and gives examples of various Soviet propaganda campaigns, and their major themes. But how many newspaper editors or citizens in the United States ever see this useful publication? Not many, because

USIA is forbidden to disseminate its products in this country. I support such a ban, but I do wish that there were some way that certain USIA products could be made available. If we are in a war of ideas, the people of the United States should have some opportunity to see what weapons we are using.

USIA carries out its important tasks with only a tiny fraction of the budget that the Soviet Union uses in its campaign of abuse, slander, disinformation, and forgery. The Soviet Union spends more in electronically jamming our international radio broadcasts than we do in making the broadcasts themselves. So although we are in a war of ideas, our side is badly underfunded.

Yet we do a good job of defending and communicating our values. And it doesn't mean we engage in heavy-handed propaganda. One of the best ways we have of communicating with people under Communist domination is "Music USA," a program of the Voice of America. Indeed it is said that Willis Conover, associated with this program since its inception, is probably the best-known American behind the Iron Curtain. Conover brings the best in American music to people all over the world. Jazz, the uniquely American art form, has become an international musical language and it is a language that those deprived of freedom understand and appreciate. Jazz is not propaganda about America; in its essence, it is part of America itself. Millions around the world, listening to American music through "Music USA," come to appreciate the society that gave the world this great music which combines freedom and order in a creative way—just as our country does.

So we have our own ways of waging the war of ideas. It might be a recording of a great American jazz artist broadcast to Russia; it might be a USIA public affairs officer talking to a group of journalists and setting the record straight somewhere in Africa; it might be a Worldnet television program in which American Government officials in Washington are questioned by journalists in Brazil or some other country—whatever the method is, the message is the same: the United States wants to tell its story frankly and fully and then let the world judge. I think that is the best way to combat Soviet disinformation.

At the same time, we have to become more aware of the deceitful and sometimes dangerous ways the Soviet Union's Communist Party has of trying to influence opinion here and among our allies. The more we know about their methods, the easier they will be to fight. That is why I am glad we took this opportunity to talk about the ideas that lie behind the geopolitics of our time.

I want to thank the gentleman from California [Mr. LUNGREN] for this chance to say a few words about the war of ideas.●

● Mr. LIVINGSTON. Mr. Speaker, in November 1980, a purported State Department "Dissent Paper on El Salvador and Central America" surfaced. Allegedly circulated through the Department's "dissent channel," the paper's authors warned that U.S. policy toward Central America would lead to the introduction of American forces into the region. The media, including Flora Lewis of the New York Times, quoted from this document in their reporting on our Central America policy.

In 1983, shortly after the joint United States-Organization of Eastern Caribbean States rescue of Grenada, a story appeared in the Indian press claiming that the United States was responsible for the death of Maurice Bishop. Another charge, this time carried by the Soviet media, claimed that 2,000 Grenadians had been killed by chemical weapons and that the United States had filmed this grisly episode.

In February 1984, two memos came to light in Peru which proved the United States was planning to provide Chile with large supplies of weapons, including Pershing missiles. The Soviet Union cited the story as evidence of United States-Chilean collusion to destabilize South America and as a violation of the Tlatelalco treaty prohibiting nuclear weapons in Latin America.

Mr. Speaker, all these stories were false. Each was designed to discredit American policy in Latin America and sow discord between us and our southern neighbors. And each is an example of Soviet active measures.

The term "active measures" is relatively new to the American intelligence lexicon. Active measures covers a wide range of activities, including disinformation, media manipulation, agents of influence, forgeries, and the use of front groups. They are implemented in coordination with overall Soviet foreign policy objectives. The primary target of active measures is the United States.

Briefly, I will review some examples of active measures in Latin America. All examples are from the public record.

Active measures in Latin America mirror Soviet—and Cuban—foreign policy goals. Active measures seek to discredit U.S. foreign policy, increase regional tensions, strengthen pro-Moscow and pro-Havana movements and governments, and destabilize countries.

Destabilizing El Salvador and generating support for the leftist insurgency there have been primary active measures operations. In a 1982 declassified study, the CIA noted that Moscow decided "in late 1979 or early 1980 that the time was ripe for decisive action in El Salvador." To this end, all resources and assets, ranging from the covert supply of arms to overt diplomatic support, were mobilized.

After the establiishment of the Democratic Revolutionary Front [FDR], which represents the Salvadorans abroad, the decision was made to develop solidarity committees. In the words of the CIA, these committees served as "propaganda outlets, conduits for aid, and organizers of solidarity meetings and demonstrations." The success of these efforts can be seen in the 70 demonstrations held from mid-January to mid-March 1981.

The Soviet Union played up the demonstrations through its official media. Soviet media reported that the United States had a "genocide policy" and was preparing to intervene militarily in El Salvador. Izvestiya made reference to "Operation Centaur," a plan that allegedly "provides for the physical elimination of many thousands of Salvadorans." Operation Centaur existed only in the minds of the active measures specialists in Moscow.

On an international diplomatic level, a 30-man Cuban delegation to the Non-Aligned Movement meeting in New Delhi worked with the Soviets present to press for a condemnation of U.S. policy in El Salvador.

In the spring of 1982, the World Front of Solidarity with the Salvadoran People was established as the umbrella group for the various national solidarity committees. Also in 1982, prior to the March Salvadoran elections, 12 cities witnessed demonstrations in opposition to U.S. policy in El Salvador.

The U.S. affiliate of the World Front is the Committee in Solidarity with the People of El Salvador, most commonly known by its acronym CISPES. It was CISPES which distributed the purported dissent paper forgery that I referred to the beginning of my remarks.

In fact, CISPES resulted from a 1980 trip to the United States by Farid Handel for the express purpose of organizing support for the Salvadoran guerrillas. Farid Handel, by the way, is the brother of Shafik Handel, the head of El Salvador's Communist Party. We know of Farid's activities because of documents captured at a terrorist safe house in El Salvador. His trip report describes the help he received from the Cuban Mission to the United Nations, the Communist Party, U.S.A., and the U.S. Peace Council, the American affiliate of the World Peace Council.

Forgery has been used a number of times against U.S. policy toward Latin America.

On March 12, 1982, the Ethiopian Herald carried an article on CIA chem-

ical and bacteriological warfare against Cuba. The article's proof of such warfare was "U.S. Document No. 502988/1-77" and a partial map from this. The document, which is on sale at the Government Printing Office, is an unclassified map of Cuba from seven vantage points, including population, land, and economic activity. The Ethiopian article took the economic activity map as evidence of CIA-sponsored chemical warfare.

Sometime in May or June 1982, a fake Defense Department press release on the Falklands crisis circulated among Latin American diplomats at the OAS. This release overstated U.S. support for Great Britain, alleged joint United States-British operational planning, and contained insulting references to Argentina. Denounced as a forgery by DOD, the release was obviously intended to exacerbate United States-Argentinian relations at a critical time.

Shortly before the 1983 meeting of the Non-Aligned Movement, the Indian press reported on a speech by Jeane Kirkpatrick, then-U.S. Ambassador to the United Nations. According to the bogus speech, the United States planned to create a "South Atlantic Treaty Organization," uniting South America with South Africa. Leftist media in Latin America gave this report extensive play, while Moscow used the speech as evidence that,

> Washington was the chief guilty party responsible for the tragedy of Latin American peoples.

The Falklands resurfaced as the subject of another disinformation operation in May 1983 when Que Pasa, the weekly Argentine Communist Party publication, asserted the Falklands were being converted into a NATO military base. Moscow, which never misses an opportunity to blast the United States, replayed the story in Latin America through "Radio Peace and Progress" and the Novosti press agency.

A final aspect of Soviet and Cuban active measures in Latin America is the use of international front groups. Earlier I mentioned the World Front of Solidarity with the Salvadoran People. This is not the only front organization active in promoting Soviet foreign policy objectives in Latin America. The World Peace Council [WPC], the World Federation of Democratic Youth [WFDY], and the International Union of Students [IUS] have all sponsored solidarity meetings for the Salvadoran guerrillas and the Sandinistas in Nicaragua.

For example, the 1982 CIA report on active measures noted:

> The WPC agreed to pay for the travel of representatives of communist and leftist organizations in a Latin American country who wanted to seek support in Europe for the insurgency movement in their country.

In April 1983, the WPC held a conference in support of the Communist Sandinista regime and Maurice Bishop's rule on Grenada. The conference took place in Managua. In November 1983, after the liberation of Grenada, the WPC held an emergency meeting in Mexico City, and in April 1984, Guyana served as host to a WPC-sponsored "Caribbean and Latin America Peace Conference," which condemned U.S. policy.

Mr. Speaker, as I noted earlier, all these examples of active measures are from the public record. Many have come to light in published records of congressional hearings.

Finally, Mr. Speaker, it is important that we understand how the Soviet Union and its allies seek to take advantage of the sincere political debate in this country on the best policy for peace and democracy in Latin America. I commend my colleague from California, Mr. LUNGREN, for holding this special order on an important topic.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Texas (at the request of Mr. WRIGHT), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FAWELL), to revise and extend their remarks and include extraneous material:)

Mrs. MEYERS of Kansas, for 60 minutes, July 24.
Mr. HANSEN, for 60 minutes, July 24.
Mr. MICHEL, for 60 minutes, July 18.
Mr. MADIGAN, for 60 minutes, July 18.
Mr. ARMEY, for 60 minutes, July 23.
Mr. ARMEY, for 60 minutes, July 24.
Mr. ARMEY, for 60 minutes, July 25.
Mr. ARMEY, for 60 minutes, July 30.
Mr. ARMEY, for 60 minutes, July 31.
Mr. ARMEY, for 60 minutes, August 1.
Mrs. BENTLEY, for 10 minutes, July 18.
Mr. RITTER, for 60 minutes, today.

(The following Members (at the request of Mr. HOWARD) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.
Mr. BROWN of California, for 5 minutes, today.
Mr. BUSTAMANTE, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. JONES of Oklahoma, for 5 minutes, today.
Mr. PEASE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FAWELL) and to include extraneous matter:)

Mr. MCMILLAN in two instances.
Mr. DAVIS.
Mr. HYDE in two instances.
Ms. SNOWE.
Mr. FRENZEL in five instances.
Mr. CONTE.
Mr. JEFFORDS.
Mrs. ROUKEMA.
Mr. LENT.
Mr. BARTON of Texas.
Mr. GEKAS.
Mr. DENNY SMITH.
Mr. WOLF.
Mr. LEACH of Iowa.
Mr. PARRIS.
Mr. BILIRAKIS
Mr. COURTER.

(The following Members (at the request of Mr. HOWARD) and to include extraneous matter:)

Mr. OWENS.
Mr. EDGAR.
Mr. SMITH of Florida in two instances.
Mr. BARNES.
Mr. MAVROULES.
Mr. RANGEL.
Mr. JONES of Oklahoma.
Mr. LELAND in two instances.
Mr. RODINO in two instances.
Mr. RICHARDSON in two instances.
Mr. MILLER of California in two instances.
Mr. LIPINSKI.
Mr. ROSE.
Mr. JENKINS.
Mrs. LLOYD.
Mr. MARKEY.
Mr. STARK.
Mr. HEFTEL of Hawaii.
Mr. WEISS.
Mr. MATSUI.
Mr. DORGAN of North Dakota.
Mr. CLAY.
Mr. FRANK.
Mr. AUCOIN.
Mr. HAWKINS.
Mr. DYMALLY in two instances.
Mr. KILDEE.
Mr. FORD of Tennessee.
Mr. FAUNTROY.
Mr. TORRICELLI.
Mr. MOODY.
Mr. HUBBARD.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 154. Joint resolution, to designate July 20, 1985, as "Space Exploration Day"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 40. Joint resolution to designate the month of October 1985 as "National Down's Syndrome Month."

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, July 18, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1695. A communication from the President of the United States, transmitting a request for supplemental appropriations for fiscal year 1985, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-84); to the Committee on Appropriations and ordered to be printed.

1696. A letter from the Secretary of the Navy, transmitting notification that the Phoenix Missile Program has now exceeded a 25-percent increase beyond the unit cost baseline and that reasons will be forthcoming, pursuant to 10 U.S.C. 139(b)(3)(A); to the Committee on Armed Services.

1697. A letter from the Chairman, Federal Communications Commission, transmitting the 50th annual report of the Commission including information required by the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, pursuant to the Act of June 19, 1934, chapter 652, section 4(k) (66 Stat. 711); to the Committee on Energy and Commerce.

1698. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter of Offer to Turkey for defense articles and services estimated to cost $33 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1699. A letter from the Office of the U.S. Trade Representative, transmitting the second portion of the comprehensive study of foreign industrial targeting and remedies for such targeting, pursuant to Public Law 98-573, section 625 (98 Stat. 3042); to the Committee on Ways and Means.

1700. A letter from the Chairman, Federal Reserve System, transmitting the Midyear Monetary Policy Report, pursuant to the Full Employment and Balanced Growth Act of 1978, and the act of December 23, 1913, chapter 6, section 2A (92 Stat. 1897); jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

1701. A letter from the Secretary of Health and Human Services, transmitting a report on the skilled nursing facility benefit under Medicare, pursuant to Public Law 98-369, section 2319(f)(2) (98 Stat. 1083); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on Office of Surface Mining: Beyond reclamation? (Rept. No. 99-206). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BENTLEY (for herself, Mr. MURTHA, Mr. SMITH of New Jersey, Mr. WALGREN, Mr. DINGELL, and Ms. KAPTUR):

H.R. 3013. A bill to ban importation of consultation steel products from the European Community until new arrangements have been negotiated with the United States; to the Committee on Ways and Means.

By Mrs. BENTLEY (for herself, Mr. CLINGER, Mr. MURTHA, Mr. WALGREN, and Ms. KAPTUR):

H.R. 3014. A bill to amend sections 301 and 304 of the Trade Act of 1974, as amended, and section 48(a)(7) of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 3015. A bill to name the Federal Building at One Federal Plaza, New York, NY, the "Paul P. Rao Federal Building"; to the Committee on Public Works and Transportation.

By Mr. BLAZ:

H.R. 3016. A bill to permit foreign-built dredges of foreign registry to operate in the Territory of Guam; to the Committee on Merchant Marine and Fisheries.

H.R. 3017. A bill to amend the Internal Revenue Code of 1954 to treat banks organized in a possession of the United States in the same manner as other corporations organized in such possession with respect to the taxation of interest on obligations of the United States; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. STARK, Mr. PEASE, and Mr. Bosco):

H.R. 3018. A bill to amend the Internal Revenue Code of 1954 to establish certain rules regarding the regulatory treatment of certain Federal tax credits and deductions allowable to regulated electric utilities; to the Committee on Ways and Means.

By Mr. GIBBONS (by request):

H.R. 3019. A bill to amend the Tariff Schedules of the United States to permit the importation of furskins from the Union of Soviet Socialist Republics; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 3020. A bill to revise and reinstate the Renegotiation Act of 1951; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3021. A bill to provide adequate mental health care and psychiatric care to all Americans; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GRAY of Illinois:

H.R. 3022. A bill to amend title XVIII of the Social Security Act to provide for direct Medicare payment for services of registered nurse anesthetists; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JEFFORDS (for himself and Mr. GOODLING):

H.R. 3023. A bill to amend the Education for Economic Security Act in order to clarify certain of its provisions and improve the operation of programs authorized by that act, and for other purposes; to the Committee on Education and Labor.

By Mr. LEATH of Texas (for himself, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT):

H.R. 3024. A bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. YOUNG of Alaska, Mr. JONES of North Carolina, Mr. BATEMAN, Mr. HARTNETT, Mr. DAVIS, Mr. MCKERNAN, Mr. MILLER of Washington, and Mr. LOWRY of Washington):

H.R. 3025. A bill to establish a Commercial Fishing Industry Vessel Advisory Committee in the Department of Transportation; to the Committee on Merchant Marine and Fisheries.

By Mr. MRAZEK:

H.R. 3026. A bill to amend title 10, United States Code, to establish under the Uniform Code of Military Justice the offense of espionage during peacetime and to provide for a sentence of life imprisonment for any person convicted of the offense; to the Committee on Armed Services.

By Mr. PANETTA (for himself, Mr. GRADISON, and Mr. WAXMAN):

H.R. 3027. A bill to amend title XIX of the Social Security Act to provide coverage for hospice care under the Medicaid Program; to the Committee on Energy and Commerce.

By Ms. SNOWE:

H.R. 3028. A bill to amend the Food Stamp Act of 1977 to allow as a deduction from income a percentage of certain educational loans otherwise considered as income for purposes of participating in the Food Stamp Program; to the Committee on Agriculture.

By Mr. WOLF:

H.R. 3029. A bill to provide for a temporary extension in the authority for Federal employees to work under flexible or compressed work schedules; to the Committee on Post Office and Civil Service.

By Mr. JONES of Oklahoma (for himself, Mr. GRADISON, Mr. GIBBONS, Mr. CAMPBELL, Mr. RALPH M. HALL and Mr. PICKLE):

H.R. 3030. A bill entitled "the Superfund Excise Tax of 1985"; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. HOYER, Mr. PARRIS, Mr. BARNES, Mr. BATEMAN, and Mr. WHITEHURST):

H.R. 3031. A bill to amend title 5, United States Code, to expand the class of individuals eligible to receive a rebate or other return of contributions when amounts held in contingency reserve under the Federal Employees Health Benefits Program exceed certain levels; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. TAUKE, Mr. DELLUMS, Mr. EDGAR, Mr. LEACH of Iowa, Mr. ACKERMAN, Mr. BEDELL, Mr. BONKER, Mr. BROWN of

California, Mr. CLAY, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRANK, Mr. GARCIA, Mr. GRAY of Pennsylvania, Mr. HAYES, Mr. JACOBS, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. MARTINEZ, Mr. MARKEY, Mr. MAVROULES, Mr. MITCHELL, Mr. MURPHY, Mr. OWENS, Mr. SAVAGE, Mr. SEIBERLING, Mr. STOKES, Mr. STUDDS, Mr. TOWNS, Mr. WALGREN, Mr. WEAVER, Mr. WEISS, and Mr. WIRTH):

H.R. 3032. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes; to create the U.S. Peace Tax Fund to receive such tax payments; to establish a U.S. Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Ways and Means.

By Mrs. SMITH of Nebraska:

H. Con. Res. 177. Concurrent resolution expressing the sense of Congress in opposition to the erosion of local control and participation by farmer- and rancher-borrowers in the farmer- and rancher-owned farm credit system and in opposition to the large-scale consolidation and mergers of the production credit associations and Federal land bank associations within the farm credit system; to the Committee on Agriculture.

By Mr. HENDON (for himself, Mr. DREIER of California, Mr. BURTON of Indiana, Mr. SUNDQUIST, Mr. SMITH of New Hampshire, Mr. DENNY SMITH, Mr. HUNTER, Mr. GALLO, Mr. GINGRICH, Mr. LIGHTFOOT, Mr. BROWN of Colorado, Mr. MARLENEE, Mr. HANSEN, Mr. DELAY, Mr. FIELDS, Mr. GROTBERG, Mr. MONSON, and Mr. CRAIG):

H. Res. 226. Resolution directing the Secretary of Defense to furnish certain information to the House of Representatives relating to American prisoners of war in Southeast Asia; jointly, to the Committee on Armed Services and Permanent Select Committee on Intelligence.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DICKINSON introduced a bill (H.R. 3033) to relieve Alabama Christian College of the liability to pay certain sums owed to the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. BIAGGI.

H.R. 13: Mr. OBEY.

H.R. 44: Mr. VALENTINE, Mr. BARTON of Texas, and Mr. KASTENMEIER.

H.R. 228: Mr. RANGEL.

H.R. 370: Mr. MILLER of Washington and Mr. FLORIO.

H.R. 431: Mr. CLINGER and Mr. ECKART of Ohio.

H.R. 445: Mr. SCHUMER and Mr. WOLPE.

H.R. 479: Mr. FISH.

H.R. 481: Mr. FISH.

H.R. 670: Mr. ADDABBO, Mr. BEILENSON, Mr. BERMAN, Mr. BONIOR of Michigan, Mrs. BURTON of California, Mrs. COLLINS, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. ECKART of Ohio, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FRANK, Mr. FUSTER, Mr. GARCIA, Mr. GUARINI, Mr. HAYES, Mr. HOYER, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KILDEE, Mr. KOLTER, Mr. LELAND, Mr. LOWRY of Washington, Mr. MINETA, Mr. MITCHELL, Mr. NOWAK, Mr. OWENS, Mr. RAHALL, Mr. RANGEL, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SEIBERLING, Mr. STOKES, Mr. SWIFT, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, and Mr. WHEAT.

H.R. 671: Mr. ACKERMAN, Mr. ADDABBO, Mr. BARNES, Mr. BEILENSON, Mr. BERMAN, Mr. BIAGGI, Mrs. BOGGS, Mr. BONIOR of Michigan, Mr. BROWN of California, Mrs. BURTON of California, Mr. CARR, Mr. CLAY, Mrs. COLLINS, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. ECKART of Ohio, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FORD of Tennessee, Mr. FRANK, Mr. FUSTER, Mr. GONZALEZ, Mr. GRAY of Pennsylvania, Mr. GUARINI, Mr. HAYES, Mr. HOYER, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KILDEE, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. MATSUI, Mr. MAVROULES, Mr. MINETA, Mr. MITCHELL, Mr. MURPHY, Mr. NOWAK, Mr. OWENS, Mr. RANGEL, Mr. RAHALL, Mr. REID, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROYBAL, Mr. SAVAGE, Mrs. SCHROEDER, Mr. SCHEUER, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. SUNIA, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WILLIAMS, Mr. YATES, and Mr. YOUNG of Missouri.

H.R. 747: Mr. KLECZKA, Mr. ORTIZ, Mr. DASCHLE, and Mr. BEILENSON.

H.R. 776: Mr. ADDABBO.

H.R. 887: Mr. CONYERS, Mr. MARKEY, and Ms. KAPTUR.

H.R. 903: Mr. BARNES, Mr. GEPHARDT, Mr. UDALL, Mr. BERMAN, Mr. LEVINE of California, Mr. MARKEY, Mrs. SCHNEIDER, Mrs. BOXER, Mr. KILDEE, Ms. KAPTUR, Mr. ECKART of Ohio, Mr. EDWARDS of California, Mr. CROCKETT, Mr. DELLUMS, Mr. SEIBERLING, Mr. KOSTMAYER, Mr. FEIGHAN, Mr. GEJDENSON, Mr. CONYERS, Mr. EDGAR, and Mr. BUSTAMANTE.

H.R. 1179: Mr. SHUMWAY, Mr. GILMAN, and Mr. MINETA.

H.R. 1207: Mr. SCHUMER, Mr. WOLF, and Mr. DARDEN.

H.R. 1222: Mr. EVANS of Illinois.

H.R. 1324: Mr. DELLUMS and Mr. BATES.

H.R. 1524: Mr. NIELSON of Utah, Mr. GUARINI, Mr. EARLY, Mr. TRAXLER, and Mr. GRAY of Pennsylvania.

H.R. 1562: Mr. FROST, Mr. MCCLOSKEY, Mr. LEHMAN of California, Ms. FIEDLER, and Mr. SHAW.

H.R. 1572: Mr. DURBIN and Mr. ATKINS.

H.R. 1616: Mr. PENNY and Mr. LEHMAN of California.

H.R. 1689: Mr. DERRICK and Mr. TALLON.

H.R. 1701: Mr. LAGOMARSINO, Mr. HENDON, Mr. TALLON, Mrs. BENTLEY, and Mr. COELHO.

H.R. 1732: Mr. DUNCAN.

H.R. 1770: Ms. OAKAR.

H.R. 1776: Mrs. BOXER.

H.R. 1875: Mr. MCDADE and Mr. GEKAS.

H.R. 1940: Mr. GRAY of Pennsylvania, Mr. WISE, and Mr. LELAND.

H.R. 1980: Mr. GARCIA.

H.R. 2014: Mr. HAWKINS, Mr. DWYER of New Jersey, Mr. DELAY, Mr. OXLEY, Mr. TOWNS, and Mr. HAMILTON.

H.R. 2156: Mr. BURTON of Indiana.

H.R. 2205: Mr. BATES, Mr. FAWELL, Mr. HALL of Ohio, Mr. HERTEL of Michigan, Mr. GRAY of Illinois, Mr. RANGEL, Mr. ROSE, Mrs. ROUKEMA, Mr. SHUSTER, and Mr. WEISS.

H.R. 2235: Mr. SUNIA, Mr. LELAND, Mr. STUDDS, and Mr. TORRES.

H.R. 2277: Mr. FRANKLIN, Mrs. MARTIN of Illinois, and Mr. WATKINS.

H.R. 2282: Mrs. SCHROEDER.

H.R. 2303: Mr. VANDER JAGT.

H.R. 2342: Mr. WEAVER, Mr. CROCKETT, Mr. LOWERY of California, Mr. NEAL, Mr. MILLER of Ohio, Mr. HOYER, Mr. LIVINGSTON, Mr. ACKERMAN, Mr. BATEMAN, and Mr. ADDABBO.

H.R. 2383: Mr. MARTINEZ and Ms. KAPTUR.

H.R. 2496: Ms. FIEDLER and Mr. NOWAK.

H.R. 2557: Mrs. BURTON of California, Mr. GILMAN, Mr. STOKES, Mr. SAVAGE, and Mr. CLAY.

H.R. 2624: Mr. STOKES.

H.R. 2676: Mr. FISH, Mr. SWIFT, Mr. CARPER, Mr. OLIN, Mr. MARTINEZ, Mr. HALL of Ohio, and Mr. QUILLEN.

H.R. 2745: Mr. LOWERY of California.

H.R. 2762: Mr. PARRIS, Mr. RICHARDSON, Ms. KAPTUR, and Mrs. LLOYD.

H.R. 2793: Mr. FROST, Mr. CROCKETT, Mr. LANTOS, Mr. BEREUTER, Mr. WOLF, Mr. MITCHELL, Mr. BARNES, Mr. WORTLEY, Mr. LELAND, Mr. FASCELL, Mr. VENTO, Mr. ORTIZ, Ms. KAPTUR, Mr. STOKES, Mr. CONYERS, Mr. ADDABBO, Mr. JACOBS, Mr. COATS, Mr. MARTINEZ, Mr. ROE, Mr. BATEMAN, Mr. SMITH of Florida, Mr. GROTBERG, Mr. SUNIA, Mr. WILLIAMS, Mr. MURPHY, Mr. SABO, Mr. WEBER, Mrs. BOXER, and Mr. WYDEN.

H.R. 2802: Mr. SMITH of New Hampshire.

H.R. 2807: Mr. HOYER.

H.R. 2854: Mr. FORD of Michigan and Mr. MCCLOSKEY.

H.R. 2866: Ms. SNOWE and Mr. BARNARD.

H.R. 2904: Mr. FASCELL, Mr. GUARINI, Mr. HORTON, Mr. VANDER JAGT, and Mr. FRENZEL.

H.J. Res. 3: Mr. SLATTERY, Mr. MACKAY, and Mr. NOWAK.

H.J. Res. 41: Mr. SMITH of Florida.

H.J. Res. 47: Mr. MARKEY and Mr. EDGAR.

H.J. Res. 141: Mr. VENTO, Mr. TRAFICANT, Mr. MARTINEZ, Mr. HYDE, Mr. MCKERNAN, Mr. GILMAN, Mr. LAFALCE, Mr. MONSON, and Ms. SNOWE.

H.J. Res. 183: Mr. AKAKA, Mrs. BENTLEY, Mr. DANIEL, Mr. DONNELLY, Mr. LEVIN of Michigan, Mr. PERKINS, Mr. PORTER, Mr. RINALDO, Mr. STANGELAND, Mr. TRAXLER, Mr. VANDER JAGT, Mr. WOLPE, and Mr. CLAY.

H.J. Res. 206: Mr. SAVAGE, Mr. LELAND, Mr. ROSE, Mr. WEISS, Mr. BERMAN, Mrs. COLLINS, Mr. SCHEUER, Mr. PANETTA, Mr. GRAY of Illinois, Mrs. BOXER, Mr. COELHO, Mr. SABO, Mr. KOLTER, Mr. GEKAS, Mr. DE LA GARZA, Mr. RANGEL, Mr. FEIGHAN, Mr. HORTON, Mr. MARTINEZ, Mr. VENTO, Mrs. HOLT, Mr. FAUNTROY, Mr. OWENS, Mr. WOLPE, Mr. GILMAN, Mr. BROWN of California, Mr. VANDER JAGT, Mr. GARCIA, Mr. GUARINI, Mr. UDALL, Mr. AKAKA, Mr. LEVINE of California, Mr. ADDABBO, Mr. ACKERMAN, Mr. CHAPPIE, Mr. MATSUI, Mrs. BURTON of California, Mr. MILLER of California, Mr. DIXON, Mr. DYMALLY, Mr. LEHMAN of California, Mr. MRAZEK, Mr. TOWNS, Mr. BIAGGI, Mr. WIRTH, Ms. OAKAR, Mr. ANDREWS, and Mr. CLAY.

H.J. Res. 210: Mr. WAXMAN, Mr. TOWNS, Mr. LEHMAN of Florida, Mr. SUNIA, and Mr. MARTINEZ.

H.J. Res. 218: Mr. NEAL, Mr. APPLEGATE, Mr. VOLKMER, Mr. EMERSON, Mr. SILJANDER,

Mr. HUTTO, Mr. IRELAND, and Mr. DOWDY of Mississippi.

H.J. Res. 245: Mr. KINDNESS and Mr. SMITH of New Hampshire.

H.J. Res. 287: Mr. ADDABBO, Mr. ALEXANDER, Mr. ANDREWS, Mr. BARNES, Mr. BEVILL, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BROOMFIELD, Mr. BRYANT, Mr. CHAPPIE, Mr. CONYERS, Ms. OAKAR, Mr. ORTIZ, Mr. PANETTA, Mr. PARRIS, Mr. PURSELL, Mr. RAHALL, Mr. REID, Mr. ROTH, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. SOLARZ, Mr. TALLON, Mr. WALGREN, Mr. WAXMAN, Mr. WEISS, Mr. WYDEN, Mr. YOUNG of Missouri, Mr. GILMAN, Mr. GONZALEZ, Mr. GRAY of Pennsylvania, Mr. HANSEN, Mr. HATCHER, Mr. JEFFORDS, Mr. LUNDINE, Mr. MCEWEN, Mr. MCGRATH, Mr. MCKERNAN, Mr. MARKEY, Mr. MARTINEZ, Mr. MINETA, Mr. MOAKLEY, Mr. MOORE, Mr. MOORHEAD, and Mr. MRAZEK.

H.J. Res. 299: Mr. FISH, Mr. VENTO, and Mr. FEIGHAN.

H.J. Res. 300: Mr. CROCKETT, Ms. OAKAR, Mr. STRATTON, Mr. STOKES, Mr. SISISKY, Mr. BERMAN, Mr. SWINDALL, Mr. AKAKA, Mr. GREGG, Mr. SHAW, Mr. RICHARDSON, Mr. OWENS, Mr. MURTHA, Mr. GILMAN, Mr. CHAPPIE, Mrs. VUCANOVICH, Mr. SOLARZ, Mr. BONER of Tennessee, Mr. NEAL, Mr. MAVROULES, Mr. COYNE, and Mr. FISH.

H.J. Res. 305: Mr. MANTON, Mr. LOWERY of California, Mr. WOLF, Mr. COLEMAN of Missouri, Ms. OAKAR, Mr. GRAY of Illinois, Mr. GRADISON, Mr. BOEHLERT, Mr. MORRISON of Washington, Mr. LIPINSKI, Mr. MCKERNAN, Mr. STOKES, Mr. FISH, Mr. MILLER of California, Mr. MITCHELL, Mr. FAWELL, Mr. LUJAN, Mr. GROTBERG, Mr. BONIOR of Michigan, Mr. ASPIN, Mr. NATCHER, Mr. LEACH of Iowa, Mr. ROWLAND of Connecticut, Mr. ROBERT F. SMITH, Mr. BATEMAN, Ms. SNOWE, Mr. MCKINNEY, Mr. TRAXLER, Mr. WEBER, Mr. LIVINGSTON, Mr. HORTON, Mr. PORTER, Mr. HAWKINS, Mr. CLINGER, Mr. DIOGUARDI, Mr. BLAZ, Mr. KANJORSKI, Mr. ROBINSON, Mr. TRAFICANT, Mr. ATKINS, Mr. WHITTAKER, Mr. BARTLETT, Mrs. SMITH of Nebraska, Mr. HYDE, Mr. ECKERT of New York, Mr. ZSCHAU, Mr. DYSON, Mr. BARNES, Mr. VISCLOSKY, and Mr. COYNE.

H.J. Res. 327: Mr. NELSON of Florida, Mr. LENT, Mr. FRANK, Mr. NOWAK, and Mr. ACKERMAN.

H. Con. Res. 37: Mr. CONTE, Mr. KEMP, Mr. QUILLEN, Mr. LEWIS of California, Mr. ROGERS, Mr. CLAY, Mrs. COLLINS, Mrs. BURTON of California, Ms. OAKAR, and Mr. RODINO.

H. Con. Res. 45: Mr. ADDABBO.

H. Con. Res. 129: Mr. WILSON, Mr. BATES, Mr. ENGLISH, Mr. GROTBERG, Mr. WHITLEY, Mr. EDWARDS of Oklahoma, Mr. REID, and Mr. BLILEY.

H. Con. Res. 169: Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. MAZZOLI, Mr. RAHALL, Mr. BEILENSON, Mr. WEAVER, Mr. WILSON, Mr. ROE, Mr. CONYERS, and Mr. FROST.

H. Res. 107: Mr. MILLER of California and Mr. MILLER of Washington.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1626: Mr. SYNAR.

H. Res. 116: Mr. RUDD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 8

By Mr. LENT:

—Page 70, after line 4, insert the following:

SEC. 25. MARINE SANITATION DEVICES.

Section 312(f)(1) of the Federal Water Pollution Control Act is amended by inserting "(other than a houseboat)" after "vessel" and by inserting at the end the following new sentence: "For purposes of this paragraph, the term 'houseboat' means a vessel which, for a period of time determined by the State in which the vessel is located, is used primarily as a residence and is not used primarily as a means of transportation."

By Mr. MCKINNEY:

—Page 113, after line 10, insert the following:

SEC. 53. MAINTENANCE OF WATER QUALITY IN ESTUARIES.

(a) MANAGEMENT CONFERENCE.—

(1) CONVENING OF CONFERENCE.—In any case where the Administrator determines, on his own initiative or upon request of one or more States any portion of which is located within the estuarine zone of an estuary, that the attainment or maintenance of that water quality in such estuary which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water, requires the control of point and nonpoint sources of pollution in more than one State, the Administrator shall convene a management conference. The members of such conference shall include the Administrator, the Administrator of the National Oceanic and Atmospheric Administration, a representative of each of those States which are located, in whole or in part, within the estuarine zone of the estuary for which the conference is convened, a representative of each interested Federal agency as determined appropriate by the Administrator, a representative of any interstate agency having jurisdiction over all or a significant part of the estuary, and representatives of local governments within the estuarine zone as deemed appropriate by the Administrator. In any case in which an interstate agency has jurisdiction over all or a significant part of the estuary, such agency shall be the lead agency for purposes of carrying out this section. The Administrator shall give priority consideration under this section to Long Island Sound; Buzzards Bay, Massachusetts; Delaware Bay, Delaware and New Jersey; and Albemarle Sound, North Carolina.

(2) BOUNDARY DISPUTE EXCEPTION.—In any case in which a boundary between two States passes through an estuary and such boundary is disputed and is the subject of an action in any court, the Administrator shall not convene a management conference with respect to such estuary before a final adjudication has been made of such dispute.

(3) EXCEPTION FOR EXISTING PROGRAMS.—Notwithstanding any other provision of this section, the Administrator shall not convene a management conference with respect to an estuary if he determines that there exists a management program for the estuarine zone of such estuary with sufficient authority to achieve the purposes of this section.

(b) PURPOSES.—The purposes of any management conference convened with respect to an estuary under subsection (a) shall be—

(1) to develop a comprehensive master plan for such estuary;

(2) to coordinate the implementation of the master plan by the States participating in the conference;

(3) to recommend priority corrective actions and compliance schedules to address point and nonpoint sources of pollution posing the most serious problems; and

(4) to monitor the estuary to determine the effectiveness of actions taken pursuant to the master plan.

(c) ITEMS IN MASTER PLAN.—The master plan developed pursuant to paragraph (1) of subsection (b) may include, but need not be limited to any of the following standards and practices which are necessary for the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water:

(1) development of water quality standards for waters within the estuarine zone;

(2) development of toxicity-based standards for toxic pollutants;

(3) development of water quality based effluent standards for significant point sources of pollution; and

(4) development of best management practices to control nonpoint sources of pollution.

In developing a master plan under this section, the management conference shall survey and utilize existing reports, data, and studies relating to the estuary that have been developed by or made available to Federal, interstate, State, or local agencies.

(d) PERIOD OF CONFERENCE.—A management conference convened under this section shall be convened for at least five years. Such conference may be extended by the Administrator, and if terminated after the initial five-year period, may be reconvened by the Administrator at any time thereafter, as may be necessary to meet the requirements of this section.

(e) DEFINITIONS.—For purposes of this section, the terms "estuary" and "estuarine zone" have the meanings such terms have in section 104(n)(4) of the Federal Water Pollution Control Act, except that the term "estuarine zone" shall also include those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher. For purposes of this section, the term "State" has the meaning such term has in section 502(3) of such Act.

(f) GRANTS FOR IMPLEMENTATION OF MASTER PLAN.—

(1) AUTHORITY.—The Administrator is authorized to make grants to States and interstate agencies participating in a management conference which has adopted a comprehensive master plan pursuant to this section for the estuary which is the subject of such conference. The amount of the grants to any State or interstate agency for a fiscal year shall, subject to such amounts as are provided in appropriation Acts, be equal to 50 percent of that State's or agency's cost of implementing the master plan for such fiscal year.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection not to exceed

$10,000,000 for the fiscal year ending September 30, 1986; $30,000,000 for the fiscal year ending September 30, 1987; $50,000,000 for the fiscal year ending September 30, 1988; $75,000,000 for the fiscal year ending September 30, 1989; and $75,000,000 for the fiscal year ending September 30, 1990. Amounts appropriated under this subsection shall remain available until expended.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator not to exceed $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, for—

(1) expenses related to the administration of management conferences under this section;

(2) grants to State water pollution control agencies, State coastal zone management agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals for research, surveys, studies, and modeling and other technical work necessary for the development of a comprehensive master plan under this section; and

(3) monitoring the implemenation of a comprehensive master plan by the management conference or by the Administrator in any case in which the conference has been terminated.

Redesignate succeeding sections accordingly.

By Mr. STUDDS:

—The Committee substitute is amended by adding at the end thereof the following new section:

"SEC. . RIGHTS AND LIABILITIES UNDER OTHER FEDERAL LAW.

Section 505 of the Federal Water Pollution Control Act is amended by inserting the following new subsection (f) and by designating the succeeding subsections accordingly:

'(f) Nothing is this Act shall affect or modify the rights or liabilities of any person under other Federal law with respect to damages caused by noncompliance with any requirement of this Act or any permit issued under this Act.' ".

H.R. 2942

By Mr. COBEY:

—Page 30, before line 4, insert the following new section:

SEC. 306. Not withstanding any other provision of this Act, all amounts appropriated by this Act shall be reduced by 2.7 percent.

—Page 2, line 5, strike out "$150,000" and insert in lieu thereof "$145,950".

—Page 2, line 8, strike out "$3,357,000" and insert in lieu thereof "$3,266,361".

—Page 2, line 8, strike out "$775,000" and insert in lieu thereof "$754,075".

—Page 2, line 10, strike out "$688,000" and insert in lieu thereof "$669,424".

—Page 2, line 12, strike out "$767,000" and insert in lieu thereof "$746,291".

—Page 2, line 14, strike out "$603,000" and insert in lieu thereof "$586,719".

—Page 2, line 16, strike out "$524,000" and insert in lieu thereof "$509,852".

—Page 2, line 21, strike out "$47,914,000" and insert in lieu thereof "$46,620,322".

—Page 2, line 22, strike out "$13,656,000" and insert in lieu thereof "$13,287,288".

—Page 2, line 23, strike out "$18,259,000" and insert in lieu thereof "$17,775,737".

—Page 2, line 25, strike out "$6,678,000" and insert in lieu thereof "$6,497,694".

—Page 2, line 25, strike out "$2,075,000" and insert in lieu thereof "$2,018,975".

—Page 3, line 4, strike out "$73,000" and insert in lieu thereof "$71,029".

—Page 3, line 6, strike out "$623,000" and insert in lieu thereof "$606,179".

—Page 3, line 7, strike out "$219,000" and insert in lieu thereof "$213,087".

—Page 3, line 9, strike out "$859,000" and insert in lieu thereof "$835,807".

—Page 3, line 11, strike out "$2,800,000" and insert in lieu thereof "$2,724,400".

—Page 3, line 11, strike out "$434,000" and insert in lieu thereof "$422,282".

—Page 3, line 12, strike out "$617,000" and insert in lieu thereof "$600,341".

—Page 3, line 13, strike out "$617,000" and insert in lieu thereof "$600,341".

—Page 3, line 14, strike out "$994,000" and insert in lieu thereof "$967,162".

—Page 3, line 24, strike out "$44,325,000" and insert in lieu thereof "$43,128,225".

—Page 4, line 8, strike out "$4,275,000" and insert in lieu thereof "$4,159,575".

—Page 4, line 15, strike out "$296,000" and insert in lieu thereof "$288,008".

—Page 4, line 18, strike out "$166,762,000" and insert in lieu thereof "$162,259,426".

—Page 4, line 22, strike out "$133,426,000" and insert in lieu thereof "$129,823,498".

—Page 4, line 23, strike out "$81,000,000" and insert in lieu thereof "$78,813,000".

—Page 4, line 24, strike out "$16,946,000" and insert in lieu thereof "$16,488,458".

—Page 4, line 25, strike out "$1,000,000" and insert in lieu thereof "$973,000".

—Page 5, line 1, strike out "$500,000" and insert in lieu thereof "$486,500".

—Page 5, line 2, strike out "$1,200,000" and insert in lieu thereof "$1,167,600".

—Page 5, line 4, strike out "$32,158,000" and insert in lieu thereof "$31,289,734".

—Page 5, line 8, strike out "$622,000" and insert in lieu thereof "$605,206".

—Page 5, line 17, strike out "$46,960,000" and insert in lieu thereof "$45,692,080".

—Page 7, line 20, strike out "$2,670,000" and insert in lieu thereof "$2,597,910".

—Page 7, line 23, strike out "$910,000" and insert in lieu thereof "$885,430".

—Page 8, line 4, strike out "$3,705,000" and insert in lieu thereof "$3,604,965".

—Page 8, line 24, strike out "$1,056,000" and insert in lieu thereof "$1,027,488".

—Page 9, line 4, strike out "$1,361,000" and insert in lieu thereof "$1,324,253".

—Page 10, line 2, strike out "$109,000" and insert in lieu thereof "$106,057".

—Page 11, line 13, strike out "$104,211,000" and insert in lieu thereof "$101,397,303".

—Page 11, line 17, strike out "$867,000" and insert in lieu thereof "$843,591".

—Page 12, line 8, strike out "$11,000" and insert in lieu thereof "$10,703".

—Page 12, line 20, strike out "$15,300,000" and insert in lieu thereof "$14,886,900".

—Page 13, line 8, strike out "$16,609,000" and insert in lieu thereof "$16,160,557".

—Page 13, line 23, strike out "$5,417,000" and insert in lieu thereof "$5,270,741".

—Page 14, line 5, strike out "$20,000" and insert in lieu thereof "$19,460".

—Page 14, line 11, strike out "$235,000" and insert in lieu thereof "$228,655".

—Page 14, line 25, strike out "$11,405,000" and insert in lieu thereof "$11,097,065".

—Page 15, line 4, strike out "$3,041,000" and insert in lieu thereof "$2,958,893".

—Page 15, line 19, strike out "$22,318,000" and insert in lieu thereof "$21,715,414".

—Page 16, line 11, strike out "$23,495,000" and insert in lieu thereof "$22,860,635".

—Page 16, line 23, strike out "$38,963,000" and insert in lieu thereof "$37,910,999".

—Page 17, line 19, strike out "$69,405,000" and insert in lieu thereof "$67,531,065".

—Page 18, line 14, strike out "$2,197,000" and insert in lieu thereof "$2,137,681".

—Page 19, line 6, strike out "$136,569,000" and insert in lieu thereof "$132,881,637".

—Page 19, line 23, strike out "$17,631,000" and insert in lieu thereof "$17,154,963".

—Page 20, line 10, strike out "$33,864,000" and insert in lieu thereof "$32,949,672".

—Page 20, line 16, strike out "$832,000" and insert in lieu thereof "$809,536".

—Page 20, line 24, strike out "$891,000" and insert in lieu thereof "$866,943".

—Page 21, line 4, strike out "$126,610" and insert in lieu thereof "$123,192".

—Page 22, line 6, strike out "$5,785,000" and insert in lieu thereof "$5,628,805".

—Page 22, line 10, strike out "$519,000" and insert in lieu thereof "$504,987".

—Page 22, line 19, strike out "$11,655,000" and insert in lieu thereof "$11,340,315".

—Page 23, line 8, strike out "$25,981,000" and insert in lieu thereof "$25,279,513".

—Page 25, line 23, strike out "$300,992,000" and insert in lieu thereof "$292,865,216".

—Page 27, line 21, strike out "$750,000" and insert in lieu thereof "$729,750".

H.R. 2942

By Mr. GOODLING:

—On page 8, line 24, strike the period and insert a semicolon and add the following new language: ": Provided that none of the funds provided in this paragraph may be used to provide chiropractic care to Members of Congress.".

H.R. 2965

By Mr. CONYERS:

—Line 12, page 47, add the following new section:

"SEC. 606. None of the funds appropriated in any of the titles of this act may be used for the National Endowment for Democracy.".

On page 46, strike lines 5 through 9.

EXTENSIONS OF REMARKS

THE EL SALVADOR MEDICAL PROJECT OF AESCULAPIUS INTERNATIONAL MEDICINE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. BARNES. Mr. Speaker, I wish to bring to the attention of my colleagues the activities of Aesculapius International Medicine on behalf of improved health care in El Salvador. The following document on this organization's El Salvador Medical Project contains alarming information about the health situation in El Salvador, as well as a description of the activities of this very worthy organization. I know that we all appreciate the efforts of this dedicated group of medical professionals to improve the health of the people of El Salvador.

EL SALVADOR MEDICAL PROJECT

SUMMARY

The civil war in El Salvador has produced well over half a million displaced persons and led to the collapse of the national health infrastructure. This has resulted in a profound crisis in public health. Aesculapius International Medicine has responded to this crisis by sending a health team from the United States to provide critically needed primary health care, preventive medicine, and health education to a population whose needs fall outside the scope of existing programs.

The project was established in August of 1984 in a rural village 50 kilometers north of San Salvador. Working directly and through health promoters, the project is responsible for the health of more than 35,000 people. Over 2,000 patients have been seen in the clinic during its first 6 months of operation. The Aesculapius team has participated in the training of 40 health promoters. Sixteen of these are from Chalatenango, the department in which our clinic is situated, and will join the 37 health promoters already working in the area. All 53 are under the medical supervision of the Aesculapius team.

The Aesculapius project is recognized in El Salvador as being strictly nonpolitical and humanitarian. This has permitted the project to continue, despite increasing tensions in the area.

INTRODUCTION/NEED

The health situation in El Salvador has been in a continuous state of crisis since 1981. Infant mortality has climbed; the reported rate of tuberculosis is increasing; and from 1980 to 1981, there was a 5-fold increase in reported cases of measles; a 3-fold rise in reported cases of whooping cough; a similar increase in reported cases of typhoid; and a doubling of reported cases of chicken pox [United States Agency for International Development—Office of Foreign Disaster Assistance (USAID-OFDA), March 1982]. Intestinal parasitism is widespread. Malnutrition and debilitating diarrheal diseases have reached epidemic levels among the displaced. Eighty percent of children under 5 years of age were found to suffer from some degree of malnutrition; 38 percent suffered from second degree (moderate to severe) and 5 percent had third degree (severe malnutrition) (AID, March 1984; Gellhorn and Lawrence, et al. 1983).

Although the 5 years of civil war has precipitated this crisis, other factors contribute to its exacerbation. The Ministry of Health's budget since 1981 has been cut by more than 50 percent. This has made staffing and the provision of services in the major hospitals difficult and caused the elimination of most primary health and preventive medical services (Gellhorn and Lawrence, 1983). The country's only medical school was closed in 1980 for 5 years. Consequently, the quality of medical training has been greatly reduced. Although medical students receive a year of inpatient clinical experience, they receive no clinical training in outpatient medicine, public health, sanitation or nutrition. Students continue to perform 1 year of obligatory social service in rural medical posts, but they have little knowledge of how to provide ambulatory care in this setting (AID, Report to Congressman Long, 1984). Furthermore, medical professionals providing care to the poor or displaced have been frequent targets for reprisals by extremist groups, making their already difficult jobs even more tenuous (Gelhorn and Lawrence, et al, 1983).

In many rural areas of El Salvador, a lack of essential services is combined with an increased demand due to the influx of thousands of displaced persons from areas of conflict. To receive desperately needed provisions or medical services displaced persons must register with the government of El Salvador relief agency CONADES. Yet, recent reports estimate that more than 200,000 of the 500,000 displaced persons inside El Salvador have not registered. Fear of harrassment, arrest, disappearance or death constitute the principal reason for an unwillingness to register. This fear appears to be well founded as it has been demonstrated that simply fleeing from a geographically suspect region may result in reprisal or discrimination. In addition, CONADES registration lists are believed to be routinely shared with military and intelligence forces. By association these fears have been extended to AID and other U.S. government programs. Private voluntary and nongovernmental institutions in El Salvador that have assumed responsibility to protect the unregistered displaced are similarly distrustful of both CONADES and AID.

This has created a situation of extreme need, and simultaneously separated those in need from the major relief programs. Similarly the private Salvadoran institutions providing services to unregistered displaced people will accept support only from sources not associated with the governments of El Salvador and the United States. Recognizing the need for experienced health personnel and the inability of U.S. government related organizations to meet this need, Aesculapius International Medicine in August of 1984 sent a U.S. health team to work in El Salvador.

OBJECTIVES

The project's goal is to provide essential health services to persons whose needs fall outside the scope of existent programs. This is done through the provision of curative and preventative health services and the training of nonphysician health workers by the Aesculapius team. The burden of providing services to nonregistered dispersed displaced people has largely fallen to local community or parish structures. The sites of greatest need are in the poorest rural areas. Thus, the Aesculapius project is based in a poor rural community. The Aesculapius team and community health committees jointly define local priorities for the health work. Protocols are followed for the provision of a wide range of health services. Emphasis is on prevention, education and the control and treatment of common ailments. The team relies on locally available medical supplies and technologies, thus avoiding the creation of an extreme dependence on outside agencies and funding. In order to maximize their effectiveness, the team also consults informally with other humanitarian organizations providing medical assistance in El Salvador.

IMPLEMENTATION

A clinic has been established in a rural town of 3,000 people. The clinic directly serves a population of between 8–12,000 people. The exact population is difficult to define as the shortage of health services in the region causes people to travel great distances in search of care. Over 70% of patients are coming from outside the clinic's township. Of the total population, a large percentage is comprised of displaced persons.

The clinic is staffed by the Aesculapius team, two health promoters and two local villagers. Medical and nursing services as well as patient education are routinely provided three days a week. Emergency services and immediate attention for those who have travelled a great distance are available on a 24-hour basis.

The Aesculapius team began work in September. Since then an average of 275 patients have been seen each month. Forty-five percent of the patient population is under the age of 14, and 35 percent are adult women. Respiratory infections, malaria, diarrheal diseases and skin disorders constitute the majority of problems encountered. Malnutrition is common, although few cases of severe malnutrition have been seen. A well baby clinic is being established. It will be staffed by a trained villager. Infants and children will be weighed, given a general physical exam, and vaccinated. Mothers will be taught about normal child develoment and nutrition. The Aesculapius team is responsible for the organization and management of the clinic, supervision of the well baby program, and direct patient care.

Regular communication and travel is frequently disrupted by the war. This leaves large groups of people cut off from regular medical care. The establishment of a rural network of locally trained, nonphysician health promoters can meet the basic needs of these people, and will effectively supplement the activities of the clinic. The Aescu-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

lapius team, working with Salvadoran health workers and educators is adapting established curricula for the training of Salvadoran health promoters. The current training program is divided into four courses of one week each. The cycle is to run twice in 1985. The Aesculapius team participates in all aspects of the training program. They also provide follow-up by regular visits to each of the promoters in their area. During follow-up sessions further training and clinical supervision is provided.

Two major concentrations of unregistered displaced are situated within twenty kilometers of the clinic. These people have not been receiving any aid. The Aesculapius team has established outreach programs to these communities so as to provide for their essential needs—food, shelter, medical services. Food and shelter is provided in cooperation with other private agencies. The medical services are provided by the Aesculapius team.

EVALUATION

To further assure the success of the team's efforts, Aesculapius plans quarterly support and evaluation missions by health professionals from the United States. Their task is to ensure that accepted medical standards, appropriate to the setting, are maintained. In addition, they will provide technical assistance and medical consultation to the incountry team. These missions will incorporate specialists in primary care and public health.

Recognizing that humanitarian programs of this sort often perpetuate medical practices without solid evidence of their effectiveness in improving health and health conditions, Aesculapius attempts to evaluate changes in the population's health status over time. This is done by assessing basic health measures such as: infant mortality, levels of malnutrition among young children, birth weight, infectious disease incidence and changes in sanitary conditions. Such indicators will provide evidence of the program's impact in order to provide not just a humanitarian gesture, but the best health care possible given the realities of the situation.

ADMINISTRATIVE STRUCTURE

Since the team is connected to a larger Salvadoran structure, that of the Archdiocese of San Salvador, minimal administrative support is required. A project coordinator based in the United States is responsible for the logistical needs of the team, preparing and organizing support missions, and maintaining contact with the other humanitarian organizations from North America and Europe that work in El Salvador. Aesculapius International Medicine recruits health workers, prepares them, does fundraising, and takes overall project responsibility.

AESCULAPIUS INTERNATIONAL MEDICINE

Aesculapius International Medicine is a private, nonprofit organization which responds to urgent health problems throughout the world in situations where the local, regional, national or international agencies prove inadequate or disinterested. Aesculapius International Medicine is non-sectarian and non-political, except for the respect of basic human rights. Aesculapius International Medicine has no ideologic platform.

All medical workers participating in Aesculapius International Medicine projects are expected to have completed professional training. Persons on short-term projects will usually be unpaid volunteers, while those on long term missions may receive a stipend. Aesculapius International Medicine is responsible for the orientation of team members to the special medical needs of each project and potential cross cultural issues. Regardless of the extent or duration of each project, one goal that Aesculapius International Medicine views as crucial to any health care effort is the meshing of first world approaches with local practices.

All Aesculapius team members who work in El Salvador must be Spanish speaking and must make a minimum commitment of six months to the project.

Aesculapius International Medicine is a tax-exempt organization under Section 501(C)(3) of the Internal Revenue Code.

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AMERICAN SHIPBUILDING AND THE CAPITAL CONSTRUCTION FUND

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. MAVROULES. Mr. Speaker, our Government has long recognized that it is in the interest of our Nation's commerce and its defense mobilization capability to maintain a healthy shipbuilding industry.

The present administration has attempted to dismantle every incentive for ship operators to purchase vessels constructed in American shipyards. One of the few remaining programs, the Capital Construction Fund, is now under attack.

My colleague from Massachusetts, Mr. DONNELLY, recently testified in defense of the CCF. His comments prompted a thoughtful discussion of the issue in an editorial in the Patriot Ledger of Quincy, MA, which I would like to share with the House.

DESTRUCTIVE SHIPBUILDING POLICY

American shipyards, including the Quincy yard of General Dynamics, that remain in business today owe their survival to the Navy's ambitious shipbuilding program. Civilian shipbuilding in this country is dead in the water.

Even so, Congress should not foreclose the civilian shipbuilding option. The national interest requires an adequate shipbuilding capacity after the Navy gets its bigger fleet.

The Reagan administration has taken an extremely short-sighted position in its maritime policies. While its ambitious Navy program has brought work to U.S. yards, the administration has been pushing a program to give incentives to U.S. shipping companies to increase their fleets by purchasing foreign-built vessels. The result of this policy would be to scuttle any revival of commercial shipbuilding in the United States.

U.S. Rep. Brian J. Donnelly, D-Dorchester, a consistent critic of the administration's maritime policies, repeated this message in his strong opposition last week to another attempt by the administration to use a tax-break intended to encourage commercial shipbuilding in U.S. yards for the purchase instead of foreign-built vessels. Testifying before the House Merchant Marine Subcommittee. Donnelly called the issue "probably the final and most crucial battle over American shipyards."

While it might not be the final battle, it certainly is an important one. For several years, the administration has been attempting, unsuccessfully, to get Congress to approve the use of a special tax-deferred ship construction fund for the purchase of foreign ships.

The Capital Construction Fund allows U.S. ship operator to save up money in a tax-deferred fund. Under current law, when the money is withdrawn. It must be spent on the construction of ships in U.S. yards, or lose its special tax treatment. The administration now wants to abolish the fund, and allow operators to use the $900 million collected in it to build ships in foreign yards.

That's tantamount to shipping jobs abroad and a complete distortion of the original purpose of establishing the tax-sheltered fund. It also would remove a potentially important way to encourage commercial shipbuilding in the United States whenever there is a demand for civilian ships. That demand may not be there now, but why guarantee that when a U.S. operator needs a new ship, the contract will be sent abroad thanks to a tax break from Uncle Sam?

Money from that fund would have been used, Donnelly pointed out, to build ships in Quincy had the local yard's anticipated contract to build four container ships for United States Lines gone through U.S. Lines decided against the deal last year.

Donnelly is right that the administration's position would undermine any future revival of commercial shipbuilding in the U.S. The administration should be working to preserve U.S. shipbuilding capacity, not to further erode it. Congress should heed Donnelly's reminder that the nation must retain a shipbuilding capacity after the Navy boom is over, and reject the latest administration effort to subvert the tax-deferred ship construction fund.●

QUESTIONNAIRE RESULTS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. JONES of Oklahoma. Mr. Speaker, I rise to commend to my colleagues' attention the results of questionnaires I sent to my constituents in the First District of Oklahoma who had expressed interest in certain issue areas.

The response rate was surprisingly high, and indicates the great concern Oklahomans have in these areas. I hope the results are as helpful to my colleagues as they have been to me in my work.

DEFICIT QUESTIONNAIRE

(2,282 returns, 13.7-percent return rate)

1. Do you support an across-the-board freeze on federal spending?

Yes—81 percent; No—15 percent; Don't know—4 percent.

2. As part of a major deficit reduction package, which of the following programs or departments would you eliminate?

a. Export-Import Bank—36.5 percent.

b. Small Business Administration—24.5 percent.

c. Strategic Petroleum Reserve—16.7 percent.

d. Rural Electrification Administration—30.6 percent.

e. Amtrak Rail Subsidies—55.6 percent.

f. Economic Development Administration—37.4 percent.

g. All of the above—21.1 percent.

3. as a further part of that program, which of the following programs would you cut?

a. Farm price supports—42.5 percent.

b. Education—16.4 percent.

c. Child Nutrition—15.5 percent.

d. Public Housing—53.9 percent.

e. Food Stamps—48.5 percent.

f. Veterans Medical Care—11.6 percent.

g. All of the above—13.3 percent.

4. As part of a freeze-plus package, would you support a one year freeze on cost-of-living adjustments for Social Security, civil service, and military retirement programs?

Yes—77 percent; No—18 percent; Don't Know—5 percent.

EDUCATION QUESTIONNAIRE

(745 returns, 10.4-percent return rate)

1. Would you support a one year across-the-board budget freeze, if it truly applied to the entire federal budget?

Yes—75 percent; No—14 percent; Unsure/Don't know—10 percent.

2. Do you believe that the quality of a state's educational system is a major factor in attracting new industry?

Yes—84.2 percent; No—9.7 percent; Unsure/Don't know—4.6 percent.

3. Which of the following do you feel is the most vital federally-funded education program? (Please, choose only one program.)

a. Financial assistance for college student—27.9 percent.

b. Vocational education—30.6 percent.

c. Child Nutrition (school lunch)—15 percent.

d. Education for the handicapped—9.4 percent.

e. Education for the disadvantaged—9.2 percent.

f. Other—7.9 percent.

4. Do you feel children today are receiving an education which prepares them for the demands of our changing economy?

Yes—21.7 percent; No—55.9 percent; Unsure/Don't know—15.4 percent.

DEFENSE QUESTIONNAIRE

(556 returns, 14.3 percent return rate)

1. Now that funds have been voted for 42 MX missiles, should a moratorium be placed on further MX funding in order to reduce the federal deficit?

Yes—83 percent; No—12 percent; Don't know—5 percent.

2. Do you support sending U.S. troops to Central America to overthrow the government of Nicaragua.

Yes—7 percent; No—89 percent; Don't know—4 percent.

3. Should the U.S. threaten to withdraw some of our troops from Europe unless our NATO allies share a greater portion of NATO's defense?

Yes—83 percent; No—9 percent; Don't know—8 percent.

4. Should obsolete military bases be closed as a means of cutting military spending regardless of the local economic impact in the states involved?

Yes—75 percent; No—12 percent; Don't know—13 percent.

5. Should research and development funds for the President's Strategic Defense Initiative (commonly called Star Wars) be approved?

Yes—35 percent; No—49 percent; Don't know—16 percent.

6. Should our current military retirement program (half pay after 20 years; 75 per cent after 30 years) be brought into line with less generous private pension plans as called for in the Grace Commission Report?

Yes—68 percent; No—23 percent; Don't know—9 percent.

NUCLEAR ARMS QUESTIONNAIRE

530 RETURNS, 11.3 PERCENT RETURN RATE

1. Do you support mutual and verifiable reductions in the level of nuclear arms?

Yes—95 percent; No—3 percent; Don't know—2 percent.

2. Should our negotiating objective be:

a. A freeze on nuclear arms—25 percent.

b. Reductions in nuclear arms—69 percent.

c. Continued expansion of nuclear arsenal—1 percent.

d. Don't know/No opinion—3 percent.

e. Other—5 percent.

3. Should the Defense Department continue purchasing MX missiles beyond the 42 already procured?

Yes—6 percent; No—88 percent; Don't know—6 percent.

4. Should the President put the controversial Star Wars proposal "on the table" at the Geneva arms talks?

Yes—40 percent; No—42 percent; Don't know—18 percent.

5. If Star Wars is not on the table, should Congress:

a. Proceed with the funding—8 percent.

b. Fund only research and development—45 percent.

c. Scrap funding altogether—33 percent.

d. Don't know/No opinion—8 percent.

e. Other—6 percent.●

A TRIBUTE TO JIM LAWSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Jim Lawson, who recently passed away in Harlem.

Jim Lawson was a unique man who was part of a unique tradition. Harlem has generated many well-known leaders and orators. These men and women were the spokesmen for the common man in the street, articulating the needs and concerns of their fellow citizens.

Jim Lawson became known as a community activist by his street-corner speeches. The issues which fired his passions were those which also meant the most of Harlemites: Community safety, housing, and political power. His dedication was appreciated by all.

Mr. Speaker, I would like to submit the following article for inclusion in the CONGRESSIONAL RECORD.

[From the New York Daily News, July 12, 1985]

ANOTHER VOICE IS SILENCED

His life had two sides. There was the politics that made his name known in a wide circle, and then there was the other side "The soft side that nobody knew about," his wife said.

His name was Jim Lawson, and there wasn't much in his life to get him into the history books. But in Harlem, where he lived, he was a legendary figure.

Lawson was a part of a time gone by. He was a link to Marcus Garvey and he preached the politics of Africa and of "our (blacks) getting a piece of the action" and he did it mostly from a ladder on Harlem's famed corner, Seventh Ave. and 125th St. Once there was a collection of those speakers, and from that corner, the issues of each generation were debated. But Lawson was one of the last. Street-corner speaking is all but gone. The word now moves around in other ways.

Lawson, though, was not just a street-corner speaker. He wrote a column that he had mimeographed and would personally carry to newspapers, large and small, all over the city. And when there was nobody else to print what he wrote, he'd have many copies made and he would distribute those himself. It always came back to politics. And he understood the influence he could have by putting his ideas on paper and moving the paper around.

He was big, gruff man, and on the corner, he needed no more than a glare to stop any hecklers.

"But we were a close-knit family," his wife, Martha, said. "I'm going to bury him in the suit his girls bought him for Father's Day." He had two daughters. There was Kathryn and there was the younger Birhane. "An Ethiopian name," his wife said. "It means 'my light.' "

He had two lives, but one never pushed in on the other.

"I met him 50 years ago," his wife said. "It was on the 28th of June. At the Renaissance Casino, at a graduation dance. They had graduation dances there in those days. He was in the Harlem Labor Union then. I had never met anybody like him. He took me into a world I never dreamed of seeing."

Jim Lawson liked to call himself "a country boy." It had to do with his background. He was born in Macon, Ga., and came to New York in the early '30s. "He lived a very full life," his wife said. "Very full."

She mentioned the medal. "One of the things he fought for was Ethiopia," she said. "It was a long time ago. He even went to jail for that and he was decorated by Haile Selassie." That was the other side, the public side that got him recognition from the most famous African leader ever.

In the late afternoon yesterday, Charles Kenyatta stood in the plaza outside the Harlem State Office Building. From there, he looked over at the corner where generations of speakers worked. Kenyatta is the last in the line. He still has a ladder and carries issues to the corner.

Kenyatta had on a tan safari suit. "Look at this mess," he said, and he pointed up 125th St. to the wire garbage baskets. "They haven't been emptied in weeks," he said. "Just look at that mess. I just went upstairs (to a Community Planning Board meeting) and I told them, if something isn't done, I'm going to burn that garbage right out on the street."

Kenyatta did not mention Lawson but he stared a long time at the corner, at the most famous corner in Harlem, and memories of a time gone by came in waves.

"We're getting old," he said.

In the '80s, on the ladders outside the Theresa Hotel, it was Ed (Pork Chop) Davis, Jim Lawson and Charles Kenyatta. They argued against drugs; they argued for Africa; they told stories of exploitation, and each of them had a way and a style that made people stop and listen. Only Kenyatta is left. Davis' health went bad, and that took him away. Jim Lawson died on Tuesday and the funeral is tomorrow, at St. Phillip's Church.

They may not get a mention in the history books, but in Harlem, they were legend.●

CO-WORKERS HELP STUDENT REGAIN SIGHT AFTER BIZARRE ATTACK

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. LELAND. Mr. Speaker, I rise today to applaud the heartfelt work of a group of great people in my district. In February, an innocent boy, David, was brutually shot in the head and subsequently blinded in an act of unexplained violence. He was without insurance or adequate resources to cover his medical costs.

A group of friends and coworkers at the cafe where David had worked started a fund to raise money for his steadily mounting medical bills. Among those taking a great interest in David's plight were the employees of LeFevre & Associates, a Houston advertising firm. They contacted an area eye doctor, Dr. Steven LauKaitis, who urged them to send David in to see him. Dr. Laukaitis removed the bullet fragments and glass slivers from David's eyes. The treatment and surgical expenses not covered by the donations were absorbed by the Houston Eye Associates and the Texas State Commission for the Blind.

I would like to commend the work of the people who have supported David and the courage of David himself. I submit to the CONGRESSIONAL RECORD the following article published in the Houston Chronicle outlining the details of this heart warming story.

CO-WORKERS HELP STUDENT REGAIN SIGHT AFTER BIZARRE ATTACK

(By Brenda Beust Smith)

One minute, 22-year-old David, a student at Texas Southern University, could see just fine. The next, he was blind. If it hadn't been for the concern of his fellow employees at a local cafe, David might still be blind today. He doesn't know who fired the shots that blinded him. And he doesn't want his full name used for fear his assailant might return.

It happened Feb. 20, Ash Wednesday, of this year. David's girlfriend, Sharon, had tickets to see Billy Ocean at the Houston Livestock Show and Rodeo. As he got ready to leave his South Houston home, his mother reminded him that he needed to go to Mass that evening to be anointed with ashes. He joked, "I'll go next year."

After the rodeo, David and Sharon parked for awhile in a dark area near his neighborhood junior high. Suddenly he sees what he thought was a child's head pop up next to his car window.

He knocked on the window and shouted, "Hey, what's going on?" He found himself instead looking into the face of a man. The man moved in very close to the glass and said, "Get away from the window."

Before David had a chance to react, the man pulled a gun and shot through the window. The bullet struck him in the center of the forehead and, he learned later, lodged in the skull. David saw the gun, heard the shot and then saw the glass go white as it shattered. He threw his hands up just before the man shot again. The second bullet passed through his ring finger and lodged between the upper and lower bones on his left eye.

"I thought, 'He's going to kill me, and there's nothing I can do about it." I was screaming, and my girlfriend was screaming."

Then he got mad. "I don't know how I did it, but I jumped through the window. I thought, 'If he's going to kill me, I'm at least going to get a piece of him.'" He cut his stomach and leg on the shattered window. He never saw the man leave, but later Sharon described him as stumbling away, as though he were on drugs.

Sharon wasn't hurt, but she was in a panic and screamed at David to get back in the car. He stood up and could feel the swelling in his head closing in over his eyes. He turned back to her but couldn't see the car. He reached out and felt it along with a shooting pain in his hand. He crawled back in, and Sharon drove them away.

David feels now that even though the assailant was no more than 2 feet from his face, neither bullet killed him because the gun, a .22 snub nose, was of such a small caliber and the force of the bullet was reduced somewhat by the glass. He also feels that his own excellent physical condition (he played high school here and college football out of state) helped save his life.

The assailant has never been found. The incident left David not only blind, but with bullet fragments still lodged in his head. He had no insurance. Although the management of the cafe where he worked assured him his waiter's job would be waiting, David went home from the hospital unable to see out of either eye (the right eye had been filled with shattered glass). He was convinced he would never see, or work, again.

The pain was ever-present and intense, but he shrugs it off now. "It was either that or be dead," he says. Fits of deep depression followed, and he thought about suicide every day. But David is Catholic and believes suicide is a sin. "I didn't do it because I was scared to," he says. "I don't want to go to hell."

On his good days, David marveled at how much sharper his other senses became. "I could hear the kids playing at the high school a half-mile from our house. And smells were so much stronger, like my mother's roses. And suddenly food tasted so much better."

David's fellow employees at the cafe, including girlfriend Sharon, felt they could at least help with the bills which were mounting steadily. They set up a collection pot, where it could be seen by customers. David remembers vividly the day they brought in the check for the almost $2,000 they had collected. He was still in the hospital at the time, and his mother had been warning him they would have to sell his car to pay the bills.

Among the customers who took an even greater interest in David's plight were employees of LeFevre & Associates, an advertising firm which numbered among its clients the Houston Eye Associates. They contacted Dr. Steven LauKaitis, who urged them to send David in.

LauKaitis removed the bullet fragments, and a multitude of glass slivers were picked out of his eyes piece by piece. "To do it, they clamp your eyes open," David explains. It was extremely painful. The treatment and surgical expenses not covered by the donations were picked up by Houston Eye Associates and the Texas State Commission for the Blind.

Today David is back at work at the cafe on a shortened schedule, and he sees well enough to drive around familiar places. But reading is still very difficult. As his eyes mend, they will continue to improve, LauKaitis assures him, even though he will always need corrective glasses.

David is planning to return to TSU in the fall and says now things like making good grades seem much more important to him than they did before. He doesn't intend to ever allow himself to be victimized again. "I'll never put myself in a situation like that, alone in a dark place. You've got to plan ahead."

Another thing's for sure, too, David says. He'll never miss another Ash Wednesday Mass.●

CARNIVAL CONTROL MIRAGE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. HYDE. Mr. Speaker, it is a rare and noteworthy event when a Washington bureaucrat or regulator doesn't want to expand the authority of his or her agency or program.

The Chairman of the U.S. Consumer Product Safety Commission [CPSC], Terrence Scanlon, recently wrote an op ed piece on the subject of amusement ride safety. While we here in Congress debate the question of increasing the Federal role in amusement parks, Chairman Scanlon raises questions about the current Federal jurisdiction over mobile or carnival type amusement rides.

I believe his persuasive arguments document the need for further study of the current laws and regulations and the necessity of investigating what Federal agency, if any, should oversee this issue. My legislation, House Joint Resolution 230, calls for

such a study rather than arbitrarily assigning more authority to an agency which does not currently have the money or manpower to properly do the job.

I commend to my colleagues Chairman Scanlon's article:

[From the Washington Times, July 15, 1985]

CARNIVAL CONTROL MIRAGE

(By Terrence M. Scanlon)

The Georgia Legislature has enacted a law requiring state inspection of fixed-site amusement rides, to promote greater public safety. The Georgia bill exempts traveling carnival rides, since such portable rides are already under the jurisdiction of the U.S. Consumer Product Safety Commission.

Unfortunately for carnival-goers, this federal presence is not necessarily concomitant with safety. From 1982, the first year after Congress took fixed-site ride jurisdiction away from the commission, to 1984, amusement-ride "related" injuries declined 16.7 percent. The agency's remaining regulatory power didn't help consumers much, either, for example, last year the commission spent zero dollars on and conducted *no pre-operation inspections* of mobile rides. This is because the numerous mobile carnival rides moving from church, school, and shopping-center parking lots each week, from location to location, cannot be inspected adequately by federal inspectors located hundreds of miles away.

Since 1981 in Congress and across the nation a debate has been raging over who should regulate amusement rides in this country, the federal or local government. During the course of that debate last summer, I used the term "regulatory mirage" to describe my concern as to what might happen if the federal government attempted to regulate amusement parks. My own view is that this is best left to state and local governments. They are on the scene, they can conduct inspections cost-effectively, and they are closer to those most affected by any regulation.

Again this summer, the national debate has started, and once more several bills are pending in Congress to give the federal government regulatory jurisdiction over fixed-site amusement rides. But before some members of Congress jump to further expansion of CPSC's jurisdiction over fixed-site amusement rides—at more than 600 parks in this country—they ought to examine carefully the federal role in the carnival- or mobile-type rides we already regulate.

During 1984, the CPSC, in a mere *reactive* mode, spent just $35,000 and only 35 staff months on mobileride safety for the entire country. This, incidentally, was primarily all after one major accident on a mobile ride at the State Fair of Texas. Much of the money was spent on press efforts, air fare, lodging, and other expenses unrelated to *preventing* accidents. So, if the Georgia Legislature or anyone else thinks they ought to leave mobile-ride safety to the federal government, a careful examination of the limited abilities of CPSC in this area should dissuade them and others as well. Thus the concern of the "regulatory mirage."

My greater concern as to expanding our jurisdiction over fixed-site rides would be that we create an even greater mirage, and discourage states and localities from assuming their proper and effective role in this area of public safety at the more than 600 fixed-site theme parks. Many states have already demonstrated that they are capable, efficient, and most of all successful at designing an inspection program tailored to their needs. North Carolina, for example, incorporated amusement-ride inspections into its existing elevator-inspection program, making a yearly 2,596 on-site inspections at $9.09 an hour and at 22 cents a mile in privately owned vehicles, for a total of $33,450, representing only 14 percent of the total elevator-inspection budget. I don't know anyone who would believe the federal government could do so at such a low cost.

Even if the CPSC intended to inspect rides prior to operation, the safety impact would be minimal, since only 19 percent of fatalities occur as a result of ride or maintenance failure. The rest are a result of rider misbehavior, operator failure, or unknown causes.

Today more than 26 states and the District of Columbia regulate amusement rides, either mobile or fixed-site, and are doing an effective job in protecting public safety. Effective Jan. 1, 1985, new laws went into effect requiring state inspection of all amusement rides in heavily populated Illinois, Ohio, and Pennsylvania.

We in Washington should weigh carefully any action that could discourage such state and local governments from assuming their proper responsibilities in this area.

I agree with President Reagan, who has said on the whole subject of consumer safety, "I want to make sure that they [regulations] aren't the legitimate function of another level of government, and that they can't be better done by another level of government."●

E-6A TACAMO AIRCRAFT

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. DAVIS. Mr. Speaker, I would like to bring to the attention of my colleagues the words of experts analyzing the E-6A TACAMO aircraft. The first collection of quotes is from a book called, "Strategic Command and Control: Redefining the Nuclear Threat," written by Bruce Blair and published by the Brookings Institute. The second is an article written for "Defense Science and Electronics" by Vice Admiral Kirksey, the Director of the Space, Command and Control in the Office of the Chief of Naval Operations.

Both writings detail the important need for the E-6A TACAMO aircraft as an essential part of our strategic nuclear deterrent system.

The articles follow:

QUOTES ON TACAMO FROM STRATEGIC COMMAND AND CONTROL: REDEFINING THE NUCLEAR THREAT

(By Bruce G. Blair)

PREEMPTIVE SOVIET ATTACK POTENTIAL

"Although the standard assessment produces the comforting conviction that the United States could absorb the Soviet's maximum nuclear attack and inflict socially mortal damage in retaliation, the Soviet Union has actually posed a severe threat to U.S. retaliatory capability since the mid 1960's. In all likelihood, Soviet strikes against the C³I system would have severely impaired and possibly blocked U.S. retaliation." [p. 5]

[Soviet planners can hardly fail] "to appreciate that their only chance to block retaliation would be to paralyze United States C³I. And even if it did not succeed, such an attack could still serve to blunt retaliation. Compared to a strategy designed to knock out Minutemen missiles, bomber, or submarines, strikes against C³I would better serve to limit damage to the Soviet Union that U.S. forces could inflict in retaliation." [p. 283]

"Since the mid 1960's, the Soviet Union has possessed the military strength needed to disrupt the process by which the United States would organize strategic forces for coordinated attack." [p. 282]

IMPORTANCE C³I

"Command performance is quite possibly not just an important factor but the key determinant of real strategic capability." [p. 3]

"If command performance is really the central question of national security, then heavy reliance on standard enumeration to gauge the Soviet threat and determine (or at least rationalize) the pattern of future U.S. investment incurs high costs in misplaced emphasis, unwise resource allocations, and unwarranted confidence. Strategic forces would be upgraded at the expense of the command system, an allocation that could prove wasteful and counterproductive no matter what the strategy or purpose behind it." [p. 4]

EC-130 DEMONSTRABLE FAULTS

[When operational, in 1972] "TACAMO by no means ensured a secure, reliable link between higher authorities and submarine commanders. The system featured propeller-driven (280 knots an hour cruise speed and 4,530 mile range), unrefuelable EC-130 aircraft. . ." [p. 170]

"Limitations in range discouraged basing alert TACAMO aircraft in the continental United States; they were normally forward-based at locations such as Wake Island, Guam, Bermuda, and Western Europe. As a result, they were more susceptible to detection and more vulnerable than were U.S.-based PACCS aircraft." [p. 172]

"A variety of deficiencies . . . plague the TACAMO fleet. The EC-130 aircraft lack adequate protection from EMP, their communications equipment needs to be modernized, and they are 10,000 pounds overweight, causing airframe stress and limiting endurance . . ." [p. 268]

"TACAMO itself is vulnerable to EMP and VLF jamming and has limited endurance. Currently the ECX, a replacement for the EC-130 aircraft, is proposed to fortify TACAMO's link to the submarines." [p. 266]

"The ECX will be EMP-hardened and employ fan-jet engines that provide twice the airspeed of the EC-130 aircraft. Aircraft endurance with refueling could be as long as several days, and maximum endurance without refueling could exceed fourteen hours." [p. 269]

POLICY DECISIONS

"The future of TACAMO also hinges on the procurement of replacement aircraft. Citing budgetary constraints, the Navy decided against buying the first ECX in fiscal year 1985 as originally planned, a postponement that again raises doubts about the true priority of strategic C³I modernization

and its ability to withstand budgetary pressures from the services." [p. 269]

"The necessary C³I improvements already planned and funded are too exposed to service efforts to delay or eliminate them. A prime example is the navy's decision in fiscal year 1985 to postpone the initial purchase of TACAMO ECX replacement aircraft (while vigorously pursuing a 600 ship fleet) that is the key to modernizing communications with submarines. A fleet of fifteen ECX aircraft is planned, but such plans have historically tended to be sidetracked during service budgetary deliberations and not to be reinstated." [p. 295]

"That weapon programs are the main preoccupation of the Department of Defense and the main beneficiary of the Administration's defense largess if further suggested by the fact that key C³I programs, such as the E4-B command post and the TACAMO ECX replacement aircraft were scaled down or stretched out during Reagan's first term." [p. 247]

RECOMMENDATIONS

"The assistant secretary of defense for C³I ought to possess the authority to create a special national C³I account that is exempt from control from the service budgets. Among the key C³I programs that ought to be fenced off in this account are the TACAMO ECX program . . . ECX procurement should be accelerated." [p. 295, 296]

"More enduring or reconstructable command, control, communications, and intelligence systems must be provided if effective delayed retaliation is to succeed." [p. 291]

[From Defense Science and Electronics, June 1985]

NAVY STRATEGIC COMMUNICATIONS—KEEPING THE TEETH IN DETERRENCE

(By Vice Adm. Robert E. Kirksey)

The year is 2000. Significant progress has been made toward moving US-Soviet Union relations from the standoff of "Mutually Assured Destruction" to the Strategic Defense program initiated in the 1980s. Work continues on the complex technical and arms control problems.

At sea the Tridents—magnificent ships still the most effective warships of their kind, quiet, fast, equipped with 24 ballistic missiles, remain on guard. Tridents, vital guardians of peace, alone, submerged in the dark oceans with virtually unlimited range and endurance, remain hidden by the vastness of the world's oceans, performing their mission of deterrence. The key to credibility of this deterrent force is command and control.

Command and control, it must be there.

As a newcomer to the technical world of command and control, and having spent most of my career at sea, I must confess to being totally occupied by the complexity of the job of Director of the US Navy's Space Command and Control establishment. The classic in-briefs of a new director presented the expected challenge of the "fire hose" treatment. Understanding the big picture and what the Navy requires to meet the threat in the 21st century is one thing. However, sorting out where C³ programs are headed in the torrent of acronyms and jargon—the "alphabet soup" of command and control—is quite another.

Despite my increasing familiarity with some of the terms of the command and control trade, it is fundamentally clear to me one of our problems is to "communicate" with the customer, the operator, the people who command and operate Naval forces at sea. If only one thing I hope to accomplish, it is to express the mysteries of the command and control world in terms of the operator. During the few months I have been in my new job (since last August), a number of points have become evident.

Point one. The tools of command and control are essential to all Navy missions, but they do not appeal aesthetically or economically to the seagoing naval officer in the same manner as a new submarine aircraft or destroyer. Thus, the few percentage points of the total Navy budget represented by command and control will remain, even into the next century, roughly the same. As our tools become more complex and more expensive, we simply won't get all of them, and we will have great trouble getting even those we believe essential.

Since it is frequently a tough call—and we believe all programs are needed—we usually sacrifice some to keep most alive. Our need, obviously, is to identify the "must have" programs critical to warfighting, fund them and fight for them. The tactical Navy simply will not be provided all of the good ideas industry and bright, young naval officers consider necessary. We must keep a lid on the overall plan and move relentlessly to get the essentials—anti-jam tactical communications, assured longhaul connectivity to the fleet in the face of severe threats, over-the-horizon targeting and the like.

Point two. Programs to meet requirements have been well thought out, given the threat and political conditions at the time, particularly in an area as critical as strategic communications.

Fresh from the operations forces, I started by reviewing the strategic field from the view of the fleet operator, then progressively up the line to see the field through the eyes of the national commander. I was familiar with the excellence of our nuclear submarines and associated submarine programs, and with the unique strengths and successes which have marked the Polaris, Poseidon and Trident missile programs. I found the cement to hold all of these superb building blocks together had not been ignored or short-changed. Obviously, too, with the national importance of our SSBNs, the entire defense establishment has assured that strategic command and control is abreast of the threat today.

Point three. Regardless of how well our systems under development match the threat projection, the time it takes to field those systems allows the threat to advance in pace or faster.

I have found we still have a lot to do to assure good, solid connectivity to our SSBNs continues as the threat changes. We have improved our submarines to a degree that our enemies would have to shoot virtually at the quiet spot in the ocean. The missile range of Trident can reach all the important targets from almost any ocean area. Let's look at how our command and control system matches up.

First, SSBN communications suffer from the same threat as any of our other C³ systems. In a day-to-day peacetime posture our SSBNs enjoy virtually perfect connectivity. However, in wartime, weapons and jamming may well degrade communications or destroy fixed stations. But this action would have very little impact to the strategic submarines themselves. It is this situation that sets aside strategic naval communications as a unique task. The system must be as enduring as the SSBNs it supports.

For strategic communications, the Navy has recognized that no sure cure exists and for years has stressed redundancy and mobility as "hole cards" which could prevent an opponent from thinking he can cripple our strategic deterrence by the kill of fixed communications systems alone.

The Extremely Low Frequency (ELF) System, once termed Sanguine, later Seafarer provides an interesting backdrop for looking at Navy strategic communications. From the outset of the Polaris program there were doubters of our ability to communicate with submerged submarines some great distance from the US. In fact, until that capability was demonstrated, President Eisenhower withheld release of funding for the third, fourth and fifth SSBNs.

Much effort was placed on development of an enduring, threat-resistant communications system. One proposal, Project Whisper, actually featured a "wire-guided submarine." A 10,000-mile wire was to be laid out by the patrolling submarine, connected all the while to the US. I understand the scheme invariably produced a broken wire at somewhere near 30 miles. Also, great clouds of dipole metal rods in space to reflect signals were proposed. Finally, an eminent scientist came up with a proposal for ELF, a medium which promised to penetrate hundreds of feet of ocean depths as compared to the tens of feet afforded by the Very Low Frequency (VLF) in use.

Recognizing that the ELF development would require some years, our Polaris planners seized upon an expedient to offset the threat of destruction to the long-range, fixed-VLF systems. The old workhorse C-130 aircraft, slow moving but capable of carrying a heavy load, was married to a low-powered VLF transmitter and fitted with a three-mile wire transmitting antenna which, with the aircraft maneuvering in a tight orbit, produced the antenna verticality necessary to communicate with distant submarines.

The system, called TACAMO (Take Charge and Move Out) was originally a "quick-fix," pending deployment of Sanguine or some other supersystem. This unique mobile system offers survivability of the command and control link against attack upon fixed transmitting sites, much in the manner of the Strategic Air Command airborne link, "Looking Glass." It is interesting, and at the same time disconcerting, to note that even today these two links offer the only continuously airborne, mobile and highly survivable potential for strategic command and control.

From Sanguine to ELF. What happened to the "supersystem" Sanguine? It offered a very hard, buried, thousands-of-miles-long antenna which would be spread over a large area of Wisconsin with many buried transmitter pods to feed the grid. Unfortunately, droves of studies, years of briefings, political interventions and vacillating decisions followed. To avoid the accusation that such a hard system was a "provoking" first-strike system. Sanguine was recast as Seafarer, a soft, nonsurvivable system. In addition, the Soviets increased accuracy and MIRVing of its missiles could now counter even the hard, large Sanguine.

Ultimately, Seafarer was sized to a minimal system—Extremely Low Frequency (ELF)—which could provide only formatted short messages to submarines, but whch would permit the submarines to exploit fully the natural concealment of the oceans. ELF was repeatedly declared "unworkable" by a vocal minority, despite experimental proof of its operation as early as 1959. Daily tests during the 1970s clearly showed the

system to be useful in directing operations as submarines. Finally, after almost 30 years of resolving technical, political and environmental issues, an ELF system is under construction.

Meanwhile, anticipating Sanguine or an alternative, the Navy had allowed the aging TACAMO to begin a slow decline. Only absolutely essential expenditures were made for modifications and improvements. As C-130s reached end of life, assets were drawn down in the Pacific to maintain the Atlantic squadron at peak level. The only other mobile node, the cruiser *USS Northhampton* equipped with a helicopter-carried VLF antenna powered from the ship, was decommissioned in an economy measure. Simple, mobile systems to provide more redundancy were deferred in the aura of Sanguine, which defense planners by 1973 acknowledged to be the keystone of the Minimum Essential Emergency Communications Network (MEECN)

As Sanguine evolved to ELF, Navy planners rallied to the thesis of mobility as had been embraced by the Air Force with their airborne command posts. Plans were laid for rebuilding the airborne communications line, TACAMO, which not only was aging, but by the mid-1970s was presenting an increasing worrisome problem to both aviation and command and control leaders. The C-130 aircraft was operating at maximum gross weight; it was slow and with the greatly increased operating areas available for the Trident system, a very large force would be required to perform even a passable job in the late 1980s. In addition, considerations for providing for assured communications during the conduct of a war, conventional or nuclear, drove our planners to look for a much improved platform which could provide marked gains in survivability over that offered by the C-130 aircraft or C-130 derivative. The resultant of industry proposals led to the E-6A aircraft, development of which has been ongoing for the past few years. As with the more costly efforts in C^3, the complexity of the systems required for the task always seems to push those programs onto the margin of the budget. Unfortunately, that also is the story of the E-6 today.

Military history shows development of counters to every "supersystem" except the quiet missile submarine. The importance of a credible deterrent in today's nuclear world points up the folly of reliance on a single node or a single system. The complex picture we use to show the many means of communicating with SSBNs clearly shows the redundancy. However, by superimposing one threat after another, one can see the gradual erosion of each of those paths until only the mobile ones, the day-to-day airborne TACAMO and airborne command posts, remain. Should we, as an economy measure, remove the others? On on your life, or, rather, not on the free world's life. They require strengthening, updating to resist the threats and to up the ante in the mind of an attacker.

Strategic deterrent systems must not be placed in a position of dependency upon any one system for control or direction, because doing so would invite disaster. Faced with greatly escalating defense costs, there is little wonder that an individual congressman or layman not indoctrinated in the wonders of communication can bridle at the appearance of yet "another layer." For this reason, it would be well to cover the spectrum of strategic communications as seen by the Navy.

ELF. The Extremely Low Frequency system, being built as a small system in Michigan and Wisconsin will permit submarines to recieve messages while traveling hundreds of feet in depth, at high speeds if required and while maneuvering. Messages will be very short and formatted. Longer messages, essential to operations still will be sent in message schedules over other systems, but the submarine will be free from the risks of near-surface operations for the bulk of the patrol.

VLF. Very Low Frequency fixed stations will remain the backbone of submarine long-haul communications for operational and administrative messages. This permits the submarine to receive messages while submerged, but not at preferred deeper depths. The fixed VLF stations, so useful in peacetime, are considered vulnerable in a conventional or nuclear war, necessitating a mobile VLF system for continuity during a war.

TACAMO. The airborne VLF system provides for a mobile, alert link always. Lower in power than fixed VLF, it is more susceptible to jamming efforts, particularly in the advanced areas it must patrol to assure message delivery to far-ranging SSBNs. I consider the TACAMO system with the faster longer endurance E-6 aircraft, the most important step we can take in the near term for Navy Strategic Communications. It will have marked advantages in survivability, plus the mobility to enable us to "fly the message" to SSBNs against increased threats which are anticipated by the next century. The E-6 is extremely important in carrying out the policy for an enduring connectivity as war progresses; it can be free from more vulnerable island operational basing, provide for greater ranges and thus larger SSBN operating areas.

Mobile VLF. While available to some degree in the past, the only assets today are the airborne. We need to consider again several of the schemes on paper for providing an affordable, mobile VLF injection link from the US. Rather than try to solve all problems, and thus grow to an unaffordable size or to present a scheme considered absurd by Congress, the mobile VLF should remain fairly simple, not high-technology.

Mobile HF. While many consider the High Frequency (HF) medium to be jammable or subject to nuclear blackout, they should review operational locations of all Navy assets and note the degree to which ground wave HF can augment capability to deliver the all-important firing orders to SSBNs. We would expect to use all ships and aircraft for relay of critical orders to the strategic force.

UHF satellite. While not robust for operations in jamming environment, the Ultra High Frequency (UHF) satellites will provide a means for high volume message traffic to the fleets in worldwide areas.

EHF satellite. Extremely High Frequency (EHF) provides a robust antijam capability for delivering long and critical messages worldwide. Since it, as UHF, requires the submarine to be at periscope depth with an antenna exposed, it would be useful to SSBNs mainly where complete outage of other lower frequency assets has been noted, and as a critical link to the TACAMO aircraft.

Laser satellite. While many engineering, technical, survivability and affordability issues remain to be addressed and solved, the laser offers a promising means for message delivery to submerged submarines. Because of satellite costs and lifetime, it probably will not logically supplant other means for delivering high volume, worldwide message traffic. If successful, it can provide a redundant path for SSBN messages which would provide additional assurance and credibility in a wartime, jamming environment.

Admiral Watkins, the chief of Naval Operations, recently described deterrence in terms of a Mark Twain short story.

Twain wrote: "The other day two bulldogs met. They circled, snarling and growling. Both were bluffing, so nothing happened. And they were about to walk off when one of them opened his mouth. He had no teeth. So the other dog tore him to pieces."

Watkins said: "Today, if we lacked the teeth of deterrence, we would surely be torn to pieces in this world of violent peace. So, the issue is not whether deterrence should be abandoned, for it cannot be abandoned, but rather what will keep the teeth in deterrence. The issue is how deterrence can best be preserved and strengthened to meet changing strategic circumstances, a growing threat to free societies and a world of exploding technologies."

We will be ready to bite.●

TEXTILE QUOTA BILL HARMS IMPORTANT U.S. INTERESTS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. FRENZEL. Mr. Speaker, among the many allies who will be injured by passage of the textile quota bill, H.R. 1562, are the ASEAN nations, or Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

ASEAN considers the textile bill to be inconsistent with our obligations under the multifiber arrangement, clearly discriminating against developing countries, some of which have little to sell to the United States other than textile/apparel products.

Considering the strategic importance of our ASEAN allies, their growing economies which are our potential markets, and their natural resources, this bill is, at the least, unwise policy, and certainly an embarrassment to our effort to strengthen those countries, maintain stability in Southeast Asia, and expand our own markets.

The U.S. textile/apparel industry, already the most protected industry in the country, has not yet demonstrated that it deserves this kind of extreme protection. Textile imports have not increased in the first 6 months of 1985.

The communication from the ASEAN Washington Committee follows:

ASEAN WASHINGTON COMMITTEE,
ROYAL THAI EMBASSY,
Washington, DC, July 3, 1985.

DEAR CONGRESSMAN FRENZEL: 1. We the Ambassadors of the member countries of the Association of Southeast Asian Nations (ASEAN)[1] wish to register the ASEAN gov-

[1] ASEAN comprises the nations of Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand.

ernments' grave concern over the legislation entitled "The Textile and Apparel Trade Enforcement Act of 1985" currently pending before the United States Congress which would drastically roll back exports of clothing and textiles to the U.S. from a vast number of exporting countries. We believe very strongly that this legislation, if enacted, is bound to have serious and widespread repercussions on the ASEAN countries and a host of other textile-exporting developing countries.

2. The unilateral approach to imposition of import restrictions suggested in the proposed legislation is wholly inconsistent with U.S. international commitments under the Multi-Fiber Arrangement and the bilateral agreements under the MFA which seek to provide some measure of assurance and certainty for signatory countries in the textiles trade. In particular, the legislation is not in conformity with the provisions of the MFA for its seeks to introduce a regressive method of calculating base level and sets lower growth rates than those permitted under the MFA.

3. It has long been recognized that cooperation between exporting countries and importing countries through consultations and negotiations is fundamental to the operations of the MFA. The exporting countries have agreed to forego their potential market right in exchange for an export controlled system so as to provide the much needed certainty to their exporters. Thus, the import licensing control proposed in the legislation runs counter to the letter and spirit of the MFA.

4. It is an acknowledged fact that the MFA itself is a derogation of GATT principles and puts severe restrictions on exports from developing countries in one of the few products in which they are able to maximize their comparative advantage and export cost efficiently to the U.S. and other developed countries. The legislation in effect would further impair the ability of the developing countries, including the ASEAN countries, in increasing their export earnings in order to meet their development needs and to enable them to contribute to the expansion of the global economy. If the developing countries' textile exports are curtailed, these countries' ability to purchase goods from the industralized countries certainly will be affected. It will also affect the developing countries' efforts to rely less on foreign aid and assistance.

5. The proposed legislation is clearly discriminatory. It curtails the textile exports of the developing countries and yet allows the textile exports of Canada and the European Community to grow freely. Such treatment totally contradicts the time-honored most-favored-nation principle of GATT.

6. Collectively, the ASEAN countries' textile exports to the U.S. account for less than 10% of the U.S. total imports. Precisely because the ASEAN countries are new entrants and relatively small suppliers, they stand to be penalized and suffer the most from the way the provisions in the legislation are structured. In contrast, the European Community and Canada collectively accounted for 15.6% of U.S. imports in 1984. More seriously, their textile exports grew by 73.5% in the period between 1983-84. It would therefore hardly be fair that the proposed legislation seeks to punish smaller exporters with weaker economies while letting bigger exporters with stronger economies off the hook.

7. The ASEAN countries confront the problems of falling commodity prices, growing debt service and the pressing need to create new jobs for the continually expanding work force. In tackling this problem, the ASEAN countries are strenuously attempting to diversify their economies into manufacturing, including textiles and apparel. At a time when ASEAN's development strategy based on free trade and free enterprise, is beginning to bear fruit, it finds itself in danger of being denied reasonable access to the U.S. markets. The debilitating consequences that the legislation could have on the ASEAN economies thus cannot be over emphasized.

8. In terms of ASEAN-U.S. relationship, the ASEAN countries, collectively, rank as the U.S.' fifth largest trading partner with the volume of two-way trade reaching 26.3 billion dollars in 1984. Needless to say, the ASEAN countries' continued economic progress would open up new opportunities for the expansion of mutually beneficial trade and economic relationship with the U.S. The ASEAN countries are also recognized by the U.S. as a pragmatic and moderating influence in international economic relationships and fora.

On the security front, ASEAN is widely acknowledged as a vital force for peace and stability in Southeast Asia and the larger Pacific region where the U.S. and its allies have ever-growing vital economic and security interests. Therefore, the imposition of any additional trade restrictions such as the proposed legislation which threatens seriously to undermine the ASEAN countries' political and economic strength would certainly not be in the broader economic and security interests of the U.S.

9. The proposed legislation goes against the grain of the comparative advantage principle. In so doing, it will unfairly penalize cost efficient exporters and U.S. consumers. The net result for the U.S. consumers would be higher retail prices and narrower choice of textile and apparel products. More significant, other domestic industries would have to bear the costs resulting from an economic misallocation of capital and human resources. In addition, U.S. export industries and farmers would be particularly hurt by reduced demand in overseas markets, because of the developing countries' reduced purchasing power, not to mention the risk of possible retaliatory action.

10. In view of these considerations, we therefore wish to reiterate our grave and legitimate concerns over the serious consequences that the passage of the legislation would have on the ASEAN countries and other exporting countries in the developing world as well as the long-term interests of the U.S. itself.

11. We fully recognize that consideration of this and other legislation restricting imports to the U.S. are taking place against the backdrop of economic difficulties in certain sectors of the U.S. economy. Nonetheless, we are equally convinced that the U.S. Congress will continue to exercise leadership of a high order in the promotion of an open and freer international trading system.

Rest assured that the ASEAN countries stand ready to cooperate fully with the U.S. in seeking to expand and liberalize world trade for the benefit of every country.

Yours sincerely,

KASEM S. KASEMSRI,
Ambassador of Thailand, Chairman
ASEAN Washington Committee.

PENGIRAN HAJI IDRISS,
Ambassador,
State of Brunei Darussalem.

A. HASNAN HABIB,
Ambassador,
Republic of Indonesia.

DATO' LEW SIP HON,
Ambassador of Malaysia.

LEONIDES T. CADAY,
Chargé d'Affairs,
Embassy of the Philippines.

JACK E.K. CHOO,
Chargé d' Affairs,
Embassy of Singapore.●

ACCOUNTANTS MUST CLEAN UP THEIR ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. SYNAR. Mr. Speaker, the May 1985 issue of Management Accounting magazine, published by the National Association of Accountants, the largest organization in the world devoted to the profession of management accounting, featured in its cover story an interview with Representative JOHN D. DINGELL, chairman of the House Committee on Energy and Commerce and chairman of the Subcommittee on Oversight and Investigations, in which Chairman DINGELL explained the reasons his subcommittee is holding investigative hearings into the accounting profession and its regulatory process. The work of the accounting profession exercises significant influence on the economy as a whole and on each of us as individuals whether we are aware of it or not. Therefore, because of widespread interest in this important subject and because the chairman has made his points so cogently, I commend the article to my colleagues of the House:

ACCOUNTANTS MUST CLEAN UP THEIR ACT

(ESM Government Securities . . . General Dynamics . . . Penn Square Bank . . . Continental Illinois . . . Drysdale Government Securities. The mounting list of financial institution collapses, corporate failures and abuses, alleged audit failures, and lawsuits linked with the names of prominent accounting firms has generated increasing concern outside the profession about the effectiveness of the entire financial reporting system as it exists today and the ability of accountants to regulate themselves.

(The Securities & Exchange Commission and CPAs acting as external auditors have come under heaviest fire thus far. Although audits are designed to render an opinion on the fairness of an organization's financial statements—not specifically to detect fraud or other illegalities—when a business receives a clean opinion one day, then collapses the next, many ask why. When an independent CPA helps set up a company, offers it financial and management advice, then performs an audit of its books, questions are raised about the ability of that accountant to remain objective in his dealings. When the partner of one of the large public accounting firms is charged with allegedly receiving kickbacks of $125,000, the question is asked: what happened to effective regulation?

(Public accountants have called these and similar events isolated—microscopic in relation to the hundreds of thousands of audits performed each year from which no questions or problems arise. Nevertheless, the public's perception is akin to something being rotten in the state of Denmark.

(To see just how well the accounting profession is functioning, especially in the area of self-regulation, and to determine how well the SEC is overseeing the accounting profession under its charge, the House Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce has begun a series of investigative hearings which are predicted to extend through the remainder of 1985. Chaired by Rep. John D. Dingell (D-Mich.), who also chairs the full Committee, the Subcommittee has made it clear that it is engaged in a fact-finding mission concerning a rules-making and regulatory process—not a witch hunt.

(In the first few sessions, some well-respected government and industry leaders have testified, among them: John S.R. Shad, chairman of the SEC; Philip B. Chenok, president of the American Institute of CPAs; Donald J. Kirk, chairman of the Financial Accounting Standards Board; and professors Abraham Briloff and Robert Chatov. Although the current emphasis is on the work of CPAs and the SEC, as the hearings progress and more information comes to light, management accountants will likely be next.

(To give NAA members a better insight into the hearings, NAA Executive Director Robert L. Shultis and Feature Editor Kathy Williams met with Rep. Dingell in his offices in the Rayburn Building. Excerpts from that interview are published below.)

MANAGEMENT ACCOUNTING. What prompted the current hearings on the accounting profession?

JOHN DINGELL. A number of rather extraordinary accounting cases became a matter of concern because the federal regulatory process is in good part dependent upon data and information received from auditors and accountants—audits and work of that sort. The consequences of it are of special concern to me because our Committee has jurisdiction over much of the federal regulatory process, all of which is dependent on a accounting information. For example, the SEC deals with informing the investor about judgments he must make to participate in the financial market. The Federal Energy Regulatory Commission deals with the information to be generated in connection with the creation and the marketing of energy. The Federal Communications Commission in many instances deals with regulation on communications, which sometimes is developed entirely on information produced by accountants and auditors. I don't have to tell you about the IRS—which is not under jurisdiction of our Committee but which has an interest in seeing that information it receives is factual, accurate, correct, timely, and enables the regulatory process to do the things that it is supposed to do.

MA: What do you see as the objective of the current hearings?

JD: We are unsure of what the objectives are other than to see if the federal regulatory process is functioning and if the accounting profession . . . the auditors . . . auditing practices are producing the information that is necessary for the regulatory process to function and for the agencies and programs under the jurisdiction of this Committee to properly carry out their assigned Congressional responsibilities.

MA: Approximately how long do you think the hearings will take?

JD: It's impossible to tell. They could run through the best part of this year, perhaps longer.

MA: At this time do you have any specific recommendations in mind as to possible future legislation or something like that?

JD: We have no specific concerns at this time other than that it is becoming rather clear to us that the regulatory process is not being well served in many instances by the work being performed by auditors and accountants.

MA: Auditors, the public accountants as well as the management accountants, the inside accountants, the accounting profession as a whole?

JD: Yes. For example, we're finding that large numbers of expenditures are being improperly charged to the federal government. We're finding instances that what the heads of corporations are telling us are deliberately false entries in accounting. We're finding that a spectacular corporate collapse is preceded—by one day—by a clean bill of health.

We're finding that one of the Big 8 would participate in setting up a securities dealer, serve as its financial advisor, and four months later the whole thing collapses amid statements by the SEC that the particular business was bankrupt from its inception. In one case we found apparently massive payoffs being made to an auditor—or charges to that effect—under circumstances where the accounting firm which audited believed that these things were so. We're finding huge judgments for malpractice being collected, papers being sealed, and no way to ascertain how the events that are sealed in the files in fact impinge on the regulatory process.

But the accounting profession tells us with considerable enthusiasm that these are only a microscopic percentage of the total number of audits, and yet one of them was sufficient to bring about the collapse of the entire state-regulated savings and loan industry in the State of Ohio and was attended by a significant drop in the value of the dollar. We learned in the Depression, but seem to have forgotten, that the system runs on confidence and not on money. When confidence is shaken, the system may fail in total. Fortunately, in the case of the Ohio situation, the matter was contained by some rather speedy action by the governor. I'm not sure how many more events like Ohio can be sustained by our economic system before a serious widening of the collapse will occur.

MA: Do you see any participation by management accountants in your hearings? We like to consider the accounting profession as an umbrella with the public accountants and auditors over here, but the big block in the center is the management accountants.

JD: Until now we have been dealing more with the independent accountants, but we have found some events which have led us to believe that perhaps we ought to have a look. In the case of General Dynamics, there were a number of entries—expenditures improperly charged to the federal government—and there were some instances of possibly worse behavior. I can only assume that those events involve at least the management accountants' side of the corporation. The chief financial officer, whom I assume is in charge of those matters, had to admit that he had signed a number of vouchers on matters that were improperly charged to the federal government, including some gifts that were given to federal employees in violation of federal contracts and federal statutes, which were charged off not as gifts for that purpose but as retirement watches. We asked him to explain why that event occurred; he said he couldn't. I said, "Well, you signed the voucher, can you explain to me how it was you signed that voucher?" He said he couldn't.

MA: NAA has recently issued a code of ethics for management accountants which prohibits these types of things. Do you see any impact it might have on your hearings or the hearings on a code of ethics?

JD: We are not going to hold hearings on codes of ethics as such, but I have to say that given some of the things we have seen it is a very good sign. We will be interested to see its substance, see how it relates to the problems that we find, and see how it is enforced. Rules without enforcement tend to work very poorly, and I don't care whether you are talking about raising children or dealing with major U.S. corporations. The situation seems to be almost identical. Rules without adequate enforcement seem to breed a rather health degree of contempt and, I suspect, rightly so.

MA: You mentioned audit failures. Do you think that the Congress in general or the American public realizes the standard audit is not really designed to uncover fraud—it merely involves testing records on a sample basis to render an opinion as to the reasonableness of financial statements? Do you see a broadening of audit procedures being required?

JD: It's hard to say. These audit failures seem to involve both management accountants and independent accountants—or else the corporations seem to have no internal accounting process. That boggles the mind when you are talking about one of the Fortune 500 companies or when you are talking about a corporation that deals on a routine day-to-day basis with very large amounts of federal securities and fairly large amounts of cash. I'm not sure whether the public perception of the narrowness of the accountants' responsibility is the same as the accountants'. The accountants say they cannot catch fraud. We found some instances where we can reasonably believe that accountants in the ordinary exercise and skills of their trade, or just reasonable prudence, should have uncovered fraud. We found others where accountants may even have been chargeable with participating actively in fraud.

I find it very curious, for example, that one day a corporation gets a clean bill of health and within one or two days thereafter it collapses amidst massive charges of fraud—and fraud that was going on for eight or nine years. One must ask, "Are the rules deficient or are the qualifications of the auditor or accountant adequate? Are the qualifications that are imposed by the profession sufficient? Are the statutes involved here with the federal government or the states sufficient? Is the self-policing of the accounting profession sufficient?" In the case to which I'm referring, the fraud and possibly incompetence that are charged here appear to be supported by enough evidence to give everybody real concern. The representative from Alexander Grant & Co. said the events are not defensible. Collapse of the Ohio state-regulated savings and loan system occurred, millions of dollars were probably stolen, certainly lost, and may involve persons not only in the accounting profession, not only in the corporation collapse, but elsewhere. The interesting thing is the Ohio insurance system had neither the funds nor the skills to address this kind

of problem. They trusted the accountants, the investors trusted the accountants, the SEC trusted the accountants, the Federal Reserve and the Comptroller of the Currency trusted the accountants, the Ohio bank and savings and loan regulators trusted the accountants, and the depositors trusted the accountants. Apparently the trust for every one of them was misplaced.

MA: Do you see this as a tip of an iceberg or is this still to be determined?

JD: Well, let's put it this way. The tip of an iceberg if it's big enough to bring down the whole fabric of the Ohio state-regulated savings and loan system, is big enough to be big.

By the way, this event had not occurred at the time we announced the beginning of our inquiry, nor had it occurred prior to the time that we commenced the actual hearings. We tend to view it as corroborative of some of the concerns that we felt at the time we could not explain. We had a study made by the staff of some of the matters that troubled us in connection with this. You will find in some instances criminal acts, in some instances incompetence, and always substantial losses to people who have relied on the accounting profession. Penn Square, Continental Illinois, and ESM are all examples that came close to shaking the faith of the entire country in the banking system. It was so bad that to preserve public confidence, the FDIC had to go in and pay off 100 cents on a dollar to depositors instead of just insuring the first $100,000 as the law requires. United American Bank, Drysdale Government Securities, Baldwin United—we are told these are isolated events. Some of them involve the same accounting firm on more than one occasion. . . . But interestingly enough, it never makes all the parties who are involved in these events whole. We've got other problems. We have accountants who are going into the business of being financial advisors as well as accountants. A lawyer would regard this as a rather clear conflict of interest were he supposed to scrutinize the behavior of a client and report on it and at the same time advise that client on how it is supposed to behave.

MA: Do you think it is possible for accountants who do become financial advisors to be objective?

JD: Well, all things are possible under Allah as the Moslems say, but it does strain credibility a little bit. Let's just take Drysdale, which is a very good example of that. In the case of Drydale, one of the Big 8 helped set the corporation up. They audited them over a period of four months. When the SEC looked at the situation, they said "Why, my goodness! The firm was bankrupt right from the beginning." Maybe it works better in other instances, and of course the accounting profession is quite anxious to proclaim that I am simply looking at a few isolated instances. That may be, given the total number of audits, but these are not piddling events, And I would say that anybody who pays $30, $40, $45 million, does not regard that settlement as a piddling event.

MA: Do you see a problem with the accounting standards and the accounting standards-setting process as well as the system itself?

JD: First of all, you have accounting failures. Clearly they have a cause somewhere. In some instances it's criminal behavior by somebody—maybe the accountant, maybe somebody else. In some instances it appears to be plain damned incompetence. In some instances it may very well be federal regulatory failure under the jurisdiction of this Committee. The federal regulatory process depends on these audits and the activities of the accountants to generate the necessary information that is appropriate for them to carry out their responsibility. So, you've got several potential failures here. Now the accountants, like lawyers and doctors, have regulated themselves since the beginning of the profession. In that regulatory undertaking they have been left rather alone. Like the necromancers of old, they function in their own arcane jargon, and amidst vast sawings of the air, emissions of smoke, sound, and light they come forward with the pronouncement that all is well. And all the peons down on the plain below say "hallelujah, all is well" and they run out and buy the stock. Sometimes it turns out that they are right, and sometimes it turns out that they are not. Somebody has been regulating this whole business.

Little by little, as we deal with the issue, we begin to see some of the causes for the failures that we are seeing. And of course when you get a failure as resounding as some of these that we are looking at, there's a prodigious pointing of fingers, and everybody is diligently going to proclaim that it was Joe Doakes down the street who had the failure. Once I was involved in an admiralty case, and when the lawsuit was over the judge pronounced from the bench that he couldn't imagine how this accident could ever have occurred because none of the three vessels involved in a three-way collision in the middle of the Detroit River in a fog was within half a mile of the point of the impact!

You have an analogous situation here. But we have been looking a little at the matters of the rules and the regulatory process that affect auditors and accountants, and we do observe that it is pretty hard for anybody outside the profession to be absolutely sure what's going on because of the peculiar imbalance of skill between the ordinary citizen and the accountant and because the regulatory process functions entirely outside the public eye. It's impossible for anybody like me to tell you what's going on at this particular time because we find papers are destroyed after the case is concluded, after the regulatory process is at end. We find that court files are sealed.

We find that despite the spectacular events that have occurred, there has never been a single incident that we can find of discipline of a member of the profession, especially the Big 8. We find that the Big 8 pay the cost almost entirely—the rest of the accountants contribute some—and the policy making seems to be conducted largely by the Big 8, the same way it's done in the legal profession. This is because the big firms seem to have both the time and the money whereas the average guy who has to scramble around out in the real world has an insufficiency of both.

One must inquire against the modest background of the cases we have reviewed why there wasn't some kind of disciplinary action taken by the profession and why the rules were not changed to afford sterner regulations to avoid the kind of abuses that the cases that I mentioned to you point out. I asked the folks from Alexander Grant the other day if they wouldn't have been better off had there been a better set of rules to protect them against the potential liability that they are looking in the eye. They have a $300 million lawsuit against them. I don't say that with any gloating because I take no joy in that kind of event any more than I do from widows trying to get their social security check out of a closed savings and loan because it has been sent by electronic transfer. I take no pleasure in suffering on either side.

MA: Do you see the peer review of one public accounting firm reviewing the procedures of another as being ineffective? Should it be strengthened or changed?

JD: Its effectiveness has yet to be established in the minds of those at firms we've looked at. The records of the Committee afford us small comfort that peer review was working in some matters. In one case, peer review inside the firm was supposed to take place, but in point of fact it did not. We also found that this same firm audited some of the cities who were investing in the financial products of the firm being audited. The auditor didn't even catch the fact that the documents which were necessary to assure system control of the securities were not present. Internal failure and failure of the peer review and the rules appear to be present.

I'd like to stress a very important thought. I don't particularly want to have the federal government regulating professions. I don't particularly want to see the federal government regulating lawyers; I don't particularly want to see the federal government regulating the doctors of medicine; I don't particularly want to see it regulating the accounting industry. But, as a lawyer, I am aware of several things. First, you have to have a rule that means something. Second, it has to be adhered to and enforced. Without these two things, rules don't work.

Laying it flat on the line, the accounting profession has to understand that it has problems. It can't say, "Oh, these are just isolated events. . . ." When you have the number of warnings to everybody that we've had in connection with accounting failures, it behooves everybody to get out and straighten up the problems. For a while yet, accountants and auditors and the accounting profession have better knowledge of the situation than the Congress and this Committee do—they probably will always have better knowledge—we are gaining on them fast. And that means that the time to correct the abuses that are there is running out. It is running out for the accountants, for the Congress, and for the federal regulatory process. The accountants can still clean it up. I'm very much hopeful that they will and that they will give us some evidence they have done so in a sufficient fashion that we can begin to trust their work as we can and as we should.

Some of the people who have been denouncing the work that we're doing—making these inquiries—are going to have an opportunity to be before the Committee to analyze with us their successes and failures. They are going to have a chance to say to us, "Why this was just a piddling little error; we settled for only $45 million," or the profession's going to have a chance to say, "Look, Dingell. We have a sorry mess here. We've cleaned it up. We've got a real program to see to it that our rules do justify confidence in our work product." I'd much rather have them do that than for us to have to push something through. We had a similar situation in the securities business, and we said, "Fellows, we are not going to regulate you. You are going to regulate yourselves, and the SEC is going to see to it that you do it." All we told them to do is tell the truth. That was violently resisted because it was regarded as radical and to a fair

degree even un-American. But it worked, and it has instilled confidence. The major part of that situation, and the protection of the confidence of every one of us, is the accountants who serve as perhaps the mainspring or at least the principal cog in that whole machine.

DINGELL: A CONGRESSIONAL POWER

Almost a 30-year Congressional veteran, Rep. John D. Dingell (D-Mich.) wields a powerful influence on the business world as well as on Capitol Hill. It has been estimated that his Committee on Energy and Commerce has jurisdiction over nearly 40% of all legislation introduced into the House of Representatives.

John Dingell came by politics naturally—from his father who served 11 terms in Congress until his death in 1955. Vowing to carry on the family tradition, he ran in a special election to fill his father's seat—and won—at age 29. It was not his first government job: he had served as a Capitol page and as a park ranger for the Department of the Interior, 1948-52. He also was assistant prosecutor for Wayne County, Mich. He earned a B.S. degree from Georgetown University in 1949, then a law degree in 1952. In World War II, he served in the U.S. Army.

Both John, Sr. and John, Jr. were interested in securities activities. John, Sr. helped create the SEC, and John, Jr. was the chief architect of the 1975 amendments to the securities laws which gave the SEC overall authority to dictate accounting disclosures for securities of publicly traded companies. Now he wants to see how well the SEC is performing these duties.

A strong conservationist, Congressman Dingell has been a leader in energy and environmental issues. He is called a father of the National Environmental Policy Act, the Endangered Species Act, the Marine Mammal Protection Act, and the National Wildlife Refuge System. He was a leader in the enactment of the Clean Air Act of 1970. He is a member of the Michigan State Bar, the Board of the Office of Technology Assessment, the Migratory Bird Conservation Commission, and the Board of the National Rifle Assn. An avid hunter, his office is filled with trophies and memorabilia of that sport.

At 6'3" and 200 pounds, he has been called imposing, but it's his dedication to Congress and his constituents that one remembers. Although he wants to give visitors as much time as possible, when Congress calls, he responds immediately—amid shrilling buzzers and bells summoning members to assemble within 15 minutes for a crucial vote—trying to make one last point on his way out. He has been called singleminded, erratic, determined, concerned, cordial. Accountants will come to realize that he'll delve into the matters before him with enthusiasm and tenacity. As one staff investigator remarked, "It will take a lot more to satisfy him than just some sort of blind promise that everything is fine." ●

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1986

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2959) making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes.

● Mr. GAYDOS. Mr. Chairman, the energy and water appropriations bill before us contains navigable waterway projects that are vital for the economic stabilization of two areas of this Nation hardest hit by the recession of the early 1980's and still suffering despite the economic growth of the rest of the country.

I am speaking about western Pennsylvania and West Virginia. The Monongahela, Allegheny, Ohio, and Kanawha Rivers are the lifeblood of the region. Thousands of jobs are directly dependent on the flow of goods along those waterways. Thousands of jobs have already been lost because the locks and dams on those rivers are too old and inefficient for the modern barges in use today.

Those jobs have been lost because the goods that would have moved along the river to other markets have been shipped by other, more expensive means. For example, on 1 gallon of fuel, a truck will carry a single ton about 59 miles. That same ton would travel 202 miles on our railroads. But, on a river barge, that ton could be shipped 514 miles, reducing the costs substantially.

And that means that goods that are too expensive to compete with foreign goods might be more competitive.

That's just one of the reasons why this amendment to eliminate these key projects from this bill is so damaging. The sponsors of this amendment have failed to recognize anything more than the dollars and cents of the issue.

And, even in that regard, they have lost sight of the cost benefits of the waterway projects. There is no question that stripping these waterway projects from this appropriations bill would save millions of dollars. No one would argue with that.

But, are we prepared to assume the costs for providing an array of benefits for those additional people who will become unemployed if we fail to improve waterway traffic?

Spending these dollars now to repair and modernize the locks and dams will save jobs and, perhaps, help create new ones. At the very least it will be cost efficient in that sense.

A recent study commissioned by the Association for the Development of Interstate Navigability in America's Ohio Valley noted that a failure to improve and modernize the locks and dams on the Monongahela River alone would result in the loss of 15,200 jobs directly related to river traffic by the year 2000. And the number of jobs lost would increase to more than 19,000 by 2040.

Are we prepared to add these additional unemployed to the already burgeoning number of unemployed in western Pennsylvania and West Virginia?

In the long range, the dollars spent on these waterway projects would be very cost efficient. In my mind, I believe that the savings to be gained by eliminating these water projects would be only a small share of the costs needed to provide for the additional unemployed and for training them for new jobs—assuming there would be jobs available for them in other industries.

The proposed amendment is a bad one, Mr. Speaker. It would make worse an already desperate situation in an area that is among the worst off economically.

Eliminating these water projects would be tantamount to telling the people who depend on our waterways for their livelihoods that we don't care.

I urge my colleagues to defeat this amendment. ●

FOOD STAMP RECIPIENTS PENALIZED BY STUDENT AID

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Ms. SNOWE. Mr. Speaker, today I am introducing a bill to correct a major inequity in the Nation's Food Stamp Program which penalizes recipients who seek to remove themselves from poverty by furthering their education.

Under current law, all loans, except student loans, are excluded from consideration as income. Educational loans and grants are counted as income for purposes of determining eligibility for the Food Stamp Program. While the recipient is permitted to deduct the portion of the loan used for tuition and mandatory expenses, the amount he or she must use for books, transportation, and other expenses incidental to attending school, is fully countable as income.

Counting this financial aid as income often causes the recipient to lose a portion or all of his or her food stamp benefits. This situation, in turn, causes an individual to have to choose between going to school and jeopardizing the health of the family.

An example may serve to illustrate this problem more clearly. One case in Maine involved a woman who had two children and was recently divorced. With the loss of family income, she was forced to apply for AFDC and food stamps, which she received. Shortly after, she decided to enroll in an associate degree program in the construction trades at a local vocational technical institute. In order to finance this educational program she re-

ceived a small Pell grant and a guaranteed student loan. Entering the program necessitated her investing in car repairs, arranging day care for her children, and purchasing tools and winter clothing needed for the course of study, as well as paying the mandatory tuition fees.

After making all these arrangements, however, she learned that her food stamp benefits would be decreased from $161 a month to $23 a month. Clearly, this amount is insufficient to feed a family of three for a month. Because the law fails to recognize that attending school requires financial outlays in excess of mandatory school fees, this woman is being penalized for trying to go back to school.

There has been much attention drawn recently to the need to encourage recipients of public assistance to become self-sufficient. Reducing food stamp benefits for individuals returning to school is certainly not consistent with this goal.

The bill I am introducing today will help correct this problem by allowing food stamp recipients attending school to disregard 18 percent of their loans or grants above and beyond the portion used for mandatory expenses, when applying for food stamps. Current law allows food stamp recipients who are employed a like deduction to cover the added expenses of going to work. This measure would simply recognize the fact that going to school causes added financial strains similar to those incurred by going to work.

I have chosen this course of action because I believe that our Nation's deficit demands that moderate, cost-effective legislative remedies be found whenever possible to preclude having to make major new outlays of Federal dollars. The added costs to the Federal Government will be minimal, and these costs will be in the form of benefits for resourceful, hard-working individuals, only, not increased administrative costs of the Government.

I urge my colleagues to join me in supporting this measure. At a time when we must work to use Federal resources in the most efficient manner possible, it is essential that we provide incentives and encouragement to those who are working hard to become self-supporting members of society.●

INFANT MORTALITY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. MILLER of California. Mr. Speaker, the District of Columbia's infant mortality rate rose an alarming 16.5 percent last year to one of the worst rates of any major city in the United States. This rise is unacceptable. As early as 1982, we were warned that this could happen if we turned our backs on preventive strategies.

WE KNOW HOW TO SOLVE THE PROBLEM

Experts have told us that comprehensive prenatal care can make the difference in reducing the incidence of low birth weight—the greatest determinant of infant mortality. If the problem is complicated by alcohol and drug abuse, we know how to mitigate those problems too. A comprehensive prenatal care program can provide the intervention necessary to reduce these risks. And experts estimate that we could save $360 million annually by investing in this strategy.

Now we learn that 202 infants under 1 year of age died last year in the District of Columbia—in our own backyard. This complete reversal in the trend of improving infant mortality rates is cause for more than just concern. We need action.

Around the corner, in our neighboring State of Virginia, the infant mortality rates in Newport News and Norfolk are almost as high as in the District.

The Virginia Department of Health attributes the higher-than-average infant mortality rates in the two Tidewater cities to the absence of timely prenatal care. Nearly 50 percent of teenage mothers in these cities receive no or delayed prenatal care.

These statistics from our own and neighboring communities confirm recent Department of Health and Human Services reports of a halt in the improvement of infant mortality rates nationwide, and a widening gap between black and white infant mortality rates. Provisional data for 1984, show that for the first time in 20 years, the decline in the infant mortality rate has slowed dramatically.

Cities nationwide will only continue to report tragic consequences if we don't assume responsibility for a problem we know how to solve.

Continued study of the causes of the increase are beneficial, but to delay or cut back our investments in solutions we know work—that is, timely, available comprehensive prenatal care—is an outrage. I ask my colleagues to respond by making accessible, affordable comprehensive prenatal care a national priority.●

DADE COUNTY SCHOOL SYSTEM CELEBRATES 100 YEARS—GIVING THE GIFT OF KNOWLEDGE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. SMITH of Florida. Mr. Speaker, I want to pay special tribute to Dade County (FL) School System in honor of its centennial celebration. June 27, 1985, marked the 100th anniversary of the first recorded school board meeting held in Dade County. For the past 100 years, the Dade County School System has been promoting equality and excellence in the Dade County community. It seems fitting, therefore, to commemorate the founding of this school system and to look forward to its 2d hundred years.

This event was marked by the centennial slogan, "Giving the Gift of Knowledge for 100 Years" and a Centennial Celebration Banquet on June 27, 1985. The banner was hosted by Gov. and Mrs. Bob Graham and was the highlight event for the centennial project.

Dade County was a huge underpopulated wilderness 100 years ago, encompassing the territory from north of Lake Okeechobee to the Monroe County line. Public schools were introduced into Dade County much later than in other parts of the country. The first recorded meeting of the Dade County School Board was not until June 27, 1885. Although frontier life would continue until the railroad arrived in 1896, the opening of the first public schools helped bring order and stability to the wilderness. A commitment to the future had been made and other institutions such as churches, libraries, and community associations would soon follow.

Since its inception 100 years ago, the Dade County School System has grown from a one-room schoolhouse serving 12 students to 277 schools meeting the needs of nearly a quarter of a million students and from 1 teacher to more than 13,000. The school system's annual budget has grown from just over $800 in 1885 to more than $1 billion in 1984-85. The Dade County Public School System has become the fourth largest and one of the most progressive school systems in the country. The school system faced incredible challenges 100 years ago and overcame them to serve the many needs of the children of south Florida.

There are many distinguished individuals that have gone through the Dade County Public School System. Among these are: actress Victoria Principal, Gov. Bob Graham, former baseball player Russell Earl "Bucky" Dent, and Miami Dolphin Nat Moore.

From what was, in 1885, an untamed but innocent wilderness overrun with alligators, panthers, and rattlesnakes, Dade County has become a progressive, dynamic community, one of the Nation's fastest-growing areas. It is to the perseverence and courage of the pioneers and to the legacy today's leaders work to preserve that this centennial celebration is dedicated.

I salute the people of the Dade County Public School System and the students they serve, and I wish them

continued success in their responsibilities to educate our children who are our future. I want to especially recognize Dade County teachers who have provided invaluable assistance in building the Dade County School System into a system of distinction that has contributed immeasurably to the growth of the State of Florida.●

SUPPORT SUPERFUND REAUTHORIZATION

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. ECKERT of New York. Mr. Speaker, H.R. 2817 sets up a responsible and effective program for cleaning up hazardous waste. I shall support it. Superfund is very important to the people in my district and throughout western New York.

There is currently one national priorities list site in my district and a second will be placed on the list shortly. The adjoining congressional district has the infamous Love Canal site.

Superfund is also very important to the people in my district who are employed by numerous chemical-producing and chemical-using companies. For example, I want to ensure that none of the approximately 60,000 persons employed by Eastman Kodak are thrown out of work as a result of being taxed out of business, regulated to the point of losing their competitive edge, or having their important trade secrets opened up to their foreign or domestic competitors.

We need a clean environment. I am committed to a clean environment and reauthorization of Superfund. I am also committed to protecting the jobs of the thousands of people working in the Greater Rochester area in these important industries which have helped to create a quality of life which a recently prepared study for the U.S. Environmental Protection Agency ranked Rochester third in the Nation, the only community east of the Mississippi River so acclaimed, for outstanding quality of life in economic, political, environmental, health, education, and social components of urban living.

This bill is a bipartisan effort that strikes a balance between the need to continue full economic growth and employment and the need to keep the environment in as clean a state as possible. I have some reservations about the bill, including the provision that calls for a spending level of $10 billion—a sum which exceeds what the EPA says it can effectively spend. On the positive side I find that the taxing provisions are more broad based and designed to provide the funds necessary to move ahead with cleanup without penalizing a very few industries.

The bill accomplishes six very important things.

First, the bill establishes a schedule for cleanup by requiring the EPA Administrator to initiate remedial investigation and feasibility studies [RI/FS] at 150 sites a year, and to start remedial actions at 90 percent of these sites within 12 months of completing the RI/FS's.

Second, the bill establishes cleanup standards at national priority list sites.

Third, the bill allows citizens to become involved in the Superfund process by allowing them to participate in the selection of the cleanup plan, sue the Administrator of EPA if he fails to perform a required act or to sue individuals or corporations who violate the regulations established under the bill.

Fourth, the bill ensures the protection of the community by establishing a workable community right to know plan that will provide those involved in responding to emergency situations the information to carry out their responsibilities.

Fifth, the bill emphasizes the cleanup of sites over litigation, while still providing citizens new rights to sue in order to enforce the law.

Sixth, the bill provides for adequate contractor cleanup by reducing the exposure to liability except in those cases where contractors willfully or negligently carry out their duties under the law.

The bottom line is a bill that is a bipartisan consensus that reflects the give and take of the legislative process, a bill that moves the cleanup of hazardous wastesites forward without costing thousands of people their jobs. I would urge my colleagues to support the compromise.●

THOUSANDS OF HOMELESS CHILDREN IN NEW YORK CITY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. OWENS. Mr. Speaker, I would like to direct the attention of this body toward a serious and often ignored problem. In 1982, in New York City, there were 3,187 homeless children in shelters and hotels. In 1985, that number rose to 8,000.

Why have these children ended up homeless? The six most common reasons are:

One, fires destroyed their homes;

Two, their run-down apartments have been condemned by city agencies, because of landlords' violations that create dangerous fire, health, and safety hazards;

Three, evictions for nonpayment of rent that poor tenants cannot afford or that the city will not pay on behalf of welfare recipients;

Four, evictions by primary tenants in a shared household;

Five, sales of buildings for conversions to high-priced co-ops or condominiums; viz, gentrification; and

Six, battered women escape from persistent physical assaults by husbands or male friends.

What prices do we pay for this disgrace? In cash, we pay an average of $3,000 per month—mostly Federal funds—for a family to live in a hotel. Why, you might well ask, do we allow this to go on? The answer is clear. The welfare shelter allowance for a family of four in New York City is $270 per month. There are virtually no apartments available at that price. Apartments in most parts of New York City average $650 per month for a family of four. Unable to pay the balance, the family remains homeless.

What other prices do we pay for allowing children to be maintained in a homeless state? Parents and teachers report that youngsters in this transient environment develop antisocial attitudes and behavioral problems. Parents report that they lose control in an environment which was never intended for children. A teacher at a community gathering told me that children are sent to school sick because they can lie down in the nurse's office and they are locked out of their rooms during the day in many hotels. Children are transfered from school to school as they move from the home neighborhood to a hotel and subsequently among hotels.

Children, despite their surroundings, continue to have a need for food. The restaurant allowance, made necessary by the lack of cooking facilities, is $2.13 per person per day. I know that many of you have visited New York and are well aware of the fact that $2.13 can barely buy breakfast, much less three nutritionally sound meals.

What can be done to help homeless children? The Citizens Committee for Children of New York proposes:

One, close down all barracks-type shelters as soon as possible. In the meantime furnish partitions or curtains to separate sleeping areas from other living space, and provide curtains for showers and doors for all bathrooms;

Two, place a full-time staff person in every hotel where more than 50 children are housed, to make certain that every child attends school, receives proper health care and recreation, and is not abused;

Three, ban placement of infants and children with chronic health problems and pregnant women in hotels that lack refrigerators for food and medicines;

Four, ban placement of families with children in hotels where known or suspected drug dealers, pimps, prosti-

tutes, or pornographers are in residence.

I endorse these proposals and suggest that each member look into the problem of homeless children in their districts. Even one child subjected to this horror is too much.

I commend those who have brought this problem to my attention. Children cannot speak for themselves and they need concerned adults in our communities and in this body to learn of their plight and to work to relieve their suffering.●

CONGRESSMAN MILLER SALUTES SUPERVISOR SUNNE WRIGHT McPEAK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. MILLER of California. Mr. Speaker, Supervisor Sunne Wright McPeak of Contra Costa is truly one of the outstanding young public servants in the State of California.

I have worked closely with Sunne for many years on a wide variety of issues of critical importance to our constituents, including delta protection, water policy reform, education and child care.

Sunne's leadership has just been acknowledged by the United Way, which named her the recipient of a Volunteer Merit Award for her "dedication and demonstrably effective commitment" which has "cultivated and sustained the efforts of the United Way throughout the five counties of the Bay Area."

I would like to share with Members of the House the United Way's testimonial to Supervisor McPeak on the occasion to announcing this prestigeous award:

As important as county governance is, Sunne Wright McPeak's community involvement goes far beyond her key role as Supervisor, District 4, for Contra Costa County. Elected Supervisor in 1978 and re-elected in 1982, Supervisor McPeak chairs a 60-member, United Way-convened Child Care Task Force engaged in a four-year plan for insuring an effective child care system in the face of Contra Costa's population explosion predicted for the next decade.

Supervisor McPeak serves as president, director and member of a number of health, human care and professional organizations, including four United Way agencies. Her numerous national and local awards in these fields—along with recognition from labor and government organizations—bear eloquent testimony to Sunne Wright McPeak's commitment and compassion.

I congratulate Sunne on her receipt of the Volunteer Merit Award, and know that we will continue our work together for many years to come.●

MOORMAN'S: THE FIRST 100 YEARS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. DURBIN. Mr. Speaker, this year marks the 100th anniversary of the founding of the Moorman Manufacturing Co., which is headquartered in Quincy, IL. Moorman's grew from a part-time family business to a corporation which now manufactures some 240 products and employs nearly 4,000 people in 34 States.

This company got its start from Thomas R. Moorman's ailing hogs back in Big Spring, KY. Mr. Moorman sent a postcard to the U.S. Department of Agriculture describing his hogs' condition and received in return a formula. When administered, the medicine cured Mr. Moorman's hogs, and his neighbors urged him to manufacture and market the remedy. He did, with a cautious slogan that proved prophetic of the company's approach. "Moorman's Hog Powder," read the package; "Believed To Be Good for Hogs."

In 1910, two of Thomas' sons, E.V. and C.A., established new headquarters for the firm in Quincy. Their business was one based on restraint and the making of no claims that could not be proven. That spirit led them in the 1920's to lease experimental farms where it could develop new products.

Moorman's survived the Depression and World War II, continuing to expand its line of livestock feed supplements and medicines. Today, the sound business practices first shown by Thomas Moorman continue to serve Moorman Manufacturing. The 240 products it makes and markets also include livestock feed and equipment and parasite control products. The company operates out of 12 manufacturing sites.

Moorman's is an outstanding corporate citizen of the 20th District of Illinois and the United States. Its record is one of the success stories of American business and serves as a good example in these days of challenge to American enterprise.

Mr. Speaker, I congratulate Moorman Manufacturing on its 100th anniversary and notable record of accomplishment and commend it to my colleagues as representative of the best in American business.●

MENTAL HEALTH INSURANCE FOR ALL AMERICANS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. GONZALEZ. Mr. Speaker, the National Institute of Mental Health issued a report last year—the most comprehensive survey of mental illness ever conducted—stating that at any given time about 29 million Americans, nearly one in five adults, suffer psychiatric disorders ranging from mildly disabling anxiety to severe schizophrenia.

The National Institute of Mental Health found:

Anxiety disorders, which include phobias, panic disorders, and obessive-compulsive disorder are among the most common illnesses. Approximately eight percent of the people surveyed suffer from an anxiety disorder. Although some of these disorders are relatively mild, others are so severe that afflicted individuals have been afraid for years of venturing outside their homes.

Abuse of, or dependence on, alcohol or drugs was found in six to seven percent of the population. About four-fifths of these individuals have a disorder related specifically to alcohol.

Affective disorders—major depression, manic-depression, and dysthymia—affect six percent of the adult population.

Schizophrenic disorders, the most severely disabling of mental illnesses, was found in the NIMH study to affect about one percent of our country's population. Schizophrenia can involve psychotic disturbances in thought, accompanied by withdrawn or bizarre behavior and hallucinations.

Another one percent of our population is affected by antisocial personality disorders—deeply ingrained behavior patterns, such as a low frustration level and an incapacity to feel guilt—that bring a person into conflict with others.

An earlier NIMH report states that there are an estimated 12 million children under 18 suffering from mental disorders—such as hyperactivity, depression, and infantile autism—hindering vital developmental processes essential for normal maturation to occur.

The most alarming aspect of mental illness is that it is growing in scope, and continues to have negative effects on individuals, families, and the entire U.S. economy. Mental illness can incapacitate large segments of society, composed of people who could otherwise be productive, hard-working citizens. Millions of dollars are needlessly lost each year due to the lessened productivity of millions of American workers who suffer from these various forms of mental illness.

For about a decade, I have advocated a "Mental Health Insurance Program for All Americans"—the aim of which is to provide comprehensive health coverage as part of a national health insurance program, or in lieu of that,

the mental health program could be implemented on its own.

The proposal would be funded through a mental health tax with the funding mechanism similiar to other proposed national health insurance bills. A national health insurance program, covering both physical and mental illnesses, is long overdue for our country. We are the only industrialized nation in the world not having such a program.

I am introducing my mental health care insurance proposal again today.

Under the terms of my mental health insurance bill, the benefits provided to an individual shall consist of entitlement to have payment made for; First, psychiatric hospital care, second, psychotherapeutic care, third, prescription drugs, fourth, psychotherapeutic home care, fifth, day mental hospital care, sixth, night mental hospital care, seventh, halfway house care, and eighth, community mental health center services.

Mr. Speaker, I ask that you and our colleagues here in the House study my proposal during the 99th Congress and consider the tremendous need for enactment of such legislation as a necessary step to insure the well-being and the future of a majority of the citizenry of our country.

Mental disorder is an increasingly pervasive and devastating illness affecting not only the patient, but whole families and other members of the community.

While at least some of the poor and lower middle income Americans are eligible to receive treatment through community and State mental health facilities for little or no cost, the struggling middle class family can be destroyed by the cost attached to extended hospitalization and treatment for a mentally ill member of the household.

A survey of coverage for psychiatric and mental health care included in present day private and group insurance policies indicates that, at best, such coverage is limited.

Recently, the daughter of a Texas women was released from a neurological center after extended hospitalization. The balance for the cost of the hospitalization, after the insurance company paid what was allowed under its terms, was $14,000.

A representative from the hospital's business office called the woman and asked her how she was going to take care of the $14,000 balance. She replied that she was going to pay them $100 right away, and that each payday she would pay $200 a month until the bill was paid off. The hospital spokesperson told the woman that the amount was inadequate, and that they would have to turn the matter over to a collection agency.

The hard-pressed east Texas woman replied, "Well, get on with it, but there is no way that I am going to be able to do any better than what I said I would do." The hospital official later called back, and said that the hospital would agree to the payment terms offered by the woman.

This type of situation is repeated all over the country, time and time again, and in many instances the demands for payment are much more ugly than what the working mother, whom I just described, experienced.

A few years ago, I was involved in negotiations with Blue Cross/Blue Shield at Dallas regarding nearly 100 claims which had been rejected for payment for psychiatric hospitalization by San Antonians and other south Texas residents. Eventually, Blue Cross/Blue Shield made at least partial payment on most of the claims which ranged from a few thousand dollars to several thousands of dollars, but there was clear indication that the insurance company was reluctant to continue to pay for treatment which, in the judgment of the doctors, was necessary for the men and women involved.

There is no doubt that the average working American cannot afford the going rates for psychiatric or mental health care, whether as an outpatient or an inpatient, especially if his or her insurance program pays little or nothing for such care.

Many of my colleagues will oppose this bill from the first mention of it because of the cost involved, but over the long term, providing resources for mental health care is cost effective and enhances national productivity.

The following data bears this out.

A Kennecott Corp. study estimated a six to one benefit to cost ratio when its experimental group of 150 men received needed psychotherapeutic services. Work attendance improved by 52 percent, and medical/surgical costs declined by 74.6 percent.

The Equitable Life Insurance Association found in another study that for every dollar of treatment costs there was a $3 return. A longitudinal study in Texas reported that access to needed mental health treatment caused a reduction of length of stay of over 65 patients in inpatient facilities from 111 days to 53 days, at a savings of $1.1 million.

The availability of mental health services to all Americans ensures that we can detect and treat mental illness in children earlier, and oftentimes prevent the type of psychiatric disorders that might otherwise persist into adolescence and adulthood.

Many psychiatrists readily admit that psychiatry is still a very imprecise science, and that there is much that we do not yet understand about the causes for mental illness and how to treat people who suffer from them in order to help them be whole and healthy again.

Just a few years ago, theories advancing a chemical or biological reason for schizophrenia and other mental diseases were scoffed at even by some of the medical community. Now, recent research has made it clear that a complete understanding of the chemistry of an individual who is ill is the key to helping that person.

There is no doubt that environmental factors continue to play a big role in the mental health of the individuals who make up this great Nation.

And, it is obvious that many mental health problems can be more readily treated than others, if there is a therapist or a treatment facility available. For many years, for example, a State of Texas employee at Del Rio had to commute for 3 hours by car whenever he saw his doctor in San Antonio because there was no one in his town to see him.

It is time that we who are elected to serve the people of this country understand what we are confronted with and what is at stake.

Increasing support of research efforts, and the development of a national health insurance program, including mental illness, should be priorities on our legislative agenda.●

COMMEMORATING THE GOLDEN ANNIVERSARY OF MSGR. PAUL D. RIEDL'S ORDINATION TO THE PRIESTHOOD

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. CONTE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a very special man on a very special occasion in his life. Msgr. Paul D. Riedl, pastor of St. Joseph's Church in my hometown of Pittsfield, MA.

Though a native of Worcester, Monsignor Riedl has long been a pillar of strength in faith for the Catholic community of Berkshire County. The monsignor first came to our area as a curate for St. Joseph's in 1942. Although his duties took him away from the Berkshires for the entire decade of the 1960's as he served as rector of the American College in Louvain, Belgium, he has been back with us for the past 15 years. You know, it was during his tenure in Louvain, that I was given the chance to appreciate first hand the determination of this man. It seems that many of the families of the graduating class were having some problems arranging a flight to Belgium. After a short while of dealing with the bureaucratic mish mash, the monsignor decided it was time to cut through all the redtape. Monsignor Riedl picked up the phone, made a transatlantic call to convince this Member of Con-

gress to help the cause. I readily agreed to try and straighten the situation out but politely insisted that it would have to wait a few hours—the monsignor, unmindful of the time difference, was determined to settle it then and there—3 a.m., my time!

Monsignor Riedl holds many distinguished positions and titles within the diocese of Springfield, among them; episcopal vicar and diocesan consultor. However, the cream of the monsignor's work is found in his role as pastor. He is a great comfort to so many in his parish; the young and the old, the rich and the poor. In fact, even though I am a parishioner of another church in Pittsfield, I have on occasion attended mass at St. Joseph's and have immensely enjoyed the beautiful simplicity of his services. I have also had the absolute pleasure of hearing this man's wonderful singing voice.

Mr. Speaker, Monsignor Riedl deserves the greatest respect, and not just for the respectful positions he holds. He is as true to the people he serves as he is to his faith. It is for this reason that I am truly honored to share this tribute to him with my colleagues in the House. Thank you Mr. Speaker.●

PHYSICS PROFESSORS CITE SIMILAR REASONS FOR THEIR OPPOSITION TO SDI

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. MARKEY. Mr. Speaker, last Friday, the Defense Department's strategic defense initiative was dealt a resounding blow in the resignation of one of its top scientists and its denunciation by many prominent scientists in the field. Prof. David L. Parnas, from the University of Victoria, and the overwhelming majority of physics professors at the University of Illinois, the Nation's second largest physics department, both cite similar reasons for their opposition to SDI.

The scientists agree that SDI is not technologically feasible due to the impossibility of creating the computer programs necessary to implement the system. Furthermore, even if these technologies are discovered, we can never be positive of their effectiveness. The usual scientific methods; testing, locating and solving the problems, and then testing again to evaluate the solutions, cannot be used since it is obviously impossible to fully simulate a nuclear war. The scientists wonder, as do I, how a system which we are unable to fully test, is going to lend stability to the arms race.

A statement, signed by 47 members of the University of Illinois's physics department reads in part, "We believe the Star Wars Program is technically dubious and politically unwise. Antiballistic missile defense of sufficient reliability to defend the population of the United States against a Soviet first strike is not technically feasible in the foreseeable future. A system of more limited capability will only serve to escalate the arms race by encouraging the development of both offensive overkill and an all-out competition in antiballistic missile weapons." Dr. Parnas, resigning as a consultant to the Office of Naval Research in Washington, stated, "Because of the extreme demands on the system and our inability to test it, we will never be able to believe, with any confidence that we have succeeded. Most of the money spent will be wasted." He writes that meeting the President's challenge to the scientific community to make nuclear weapons obsolete and impotent is unachievable, "I believe that it is our duty, as scientists and engineers, to reply that we have no technological magic that will accomplish that. The President and the public should know that." Most of the scientists added that while there is likely to be substantial opposition to their statements, they expect a large number of similar efforts to be launched at major universities and research centers across the country.

While encouraging my colleagues to take note of the comments of these respected authorities, I would also like to commend the integrity and sacrifice of these scientific pioneers. It would have been extremely easy for them to encourage the belief that the SDI is a practicable proposition, and in doing so receive large research grants for themselves and their universities. But these courageous scientists have put self interest and personal ambition aside, instead laying their reputations on the line, by speaking out against what they felt would be a tragic mistake on the part of this Nation. We must not let their efforts go to waste by leaving the call unheeded.●

THE ENTREPRENEURIAL INCENTIVE ACT OF 1985

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. JENKINS. Mr. Speaker, on May 14, 1985, I introduced H.R. 2496 the Entrepreneurial Assistance Act of 1985, along with my colleague from Maryland Congressman PARREN J. MITCHELL. Our legislation encourages entrepreneurial activity by providing tax incentives for investments in small business enterprises.

One of the primary obstacles facing potential entrepreneurs and small businessmen and women is access to capital. Entrepreneurs do not have the ready access to capital of larger businesses, and accumulating the necessary funds to start up a new enterprise can often be the barrier to the formation of a new and innovative small business.

The legislation that we have introduced contains provisions that would:

First, allow taxpayers to defer capital gains taxes if they reinvest the proceeds in a qualified small business. The maximum deduction would be $125,000.

Second, allow taxpayers an immediate deduction for investment in a qualified small business. This provision would be merely accelerating the benefits conferred under current law dealing with "1224 stock." The maximum deduction would be $15,000 for single taxpayers and $30,000 for married couples.

Third, allow taxpayers to take ordinary loss deduction for investments in a qualified small business. This provision would change section 165(g) IRC from capital loss deduction to ordinary loss deduction for a bond, debenture, note or other evidence of indebtedness.

Fourth, allow qualified small business corporations a deduction up to $50,000 for dividends distributed to shareholders. Under current law there exists a bias or preference toward debt as opposed to equity. The deductibility of interest on debt is one example to the bias toward debt under current law. This encourages corporations to finance their operations with debt rather than equity. The reliance on debt capital increases the vulnerability of small corporations both to bankruptcy and to cyclical changes in the economy.

This provision represents a policy shift from debt capital to encouraging investors to make equity investments. This would also end the farce of small corporations using corporate profits for everything under the sun—for examples, bonuses, luxury offices and cars, expensive fringe benefits—excepting distributing dividends.

Today I am adding two additional cosponsors to H.R. 2496, Congresswoman BOBBI FIEDLER and Congressman HENRY NOWAK. H.R. 2496 contains several similar provisions that were included in legislation introduced by Ms. FIEDLER in the 98th Congress.

We believe that H.R. 2496 provides entrepreneurs with useful and important mechanisms to attract and retain equity capital. We hope that this legislation will receive the early and favorable consideration of Congress.●

HONORING ART PETACQUE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. HYDE. Mr. Speaker, Chicago Sun-Time columnist Art Petacque was recently given an award by the Illinois Academy of Criminology for his outstanding coverage of the justice department and in particular for his investigative reporting on the Greylord cases. The latter involves a wide ranging investigation of judicial corruption in the Cook County Illinois area and has produced many indictments and convictions.

Proving once again that a free and fearless press is the most effective guardian of our system of justice, Mr. Petacque richly deserves this recognition.●

A TRIBUTE TO ILLINOIS STATE SENATOR LEROY W. LEMKE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. LIPINSKI. Mr. Speaker, I rise today before my colleagues to recognize the actions of a distinquished citizen of the Fifth Congressional District of Illinois, State Senator Leroy W. Lemke. Senator Lemke has generously donated a 6-foot-high statue of Madame Marie Curie to Curie High School, located at Archer and Pulaski Roads in Chicago.

This 300-pound statue was sculpted by Polish artist Halina Bajorska Flisakowa Zwiezen. A native of Lwow, Poland, Mrs. Zwiezen came to the United States in 1972. She is highly experienced in sculpture and graphic arts as a result of her studies at the Lwow College of Artistry and the Academy of Fine Arts in Krakow. Her award winning religious sculptures and paintings are located in 34 cities throughout Poland.

The statue, commemorating the numerous outstanding accomplishments and achievements of the great Polish scientist, Marie Sklodowska Curie, is an excellent example of the ever-present need to honor the countless foreign-born men and women who have contributed greatly throughout the centuries to the betterment of our society. Once dedicated and placed in the library of Curie High School, this statue will be an inspiration to the countless students who will view the likeness of this great lady each day.

Therefore, Mr. Speaker, it gives me great pleasure to join the residents of the Fifth Congressional District in thanking Senator Lemke for his generous gift and honoring him for his outstanding service to our community.●

CHRISTOPHER J. MATTHEWS, HE WHO SPEAKS FOR THE SPEAKER

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. LELAND. Mr. Speaker, on June 21, the New York Times published a profile of Christopher Matthews, administrative assistant to Speaker O'NEILL. As many of you know, Chris Matthews has loyally and ably represented Speaker O'NEILL and his ideals. He has proven himself to be a distinguished public servant.

For this reason, I have included this New York Times article in the CONGRESSIONAL RECORD and I recommend it to my colleagues.

[From the New York Times, June 21, 1985]

HE WHO SPEAKS FOR THE SPEAKER

(By Martin Tolchin)

WASHINGTON, June 20.—Christopher J. Matthews tries vainly to keep a poker face and to contain his pride of authorship. A buoyant six-footer, he hovers above Speaker Thomas P. O'Neill Jr., who sits at this desk reading a statement to reporters at the start of a news conference.

"President Reagan, the Great Communicator, has failed to sell his policy in Nicaragua," Mr. O'Neill reads.

Mr. Matthews's arms are folded impassively in front of him, but he is betrayed by an increasing redness of face, which finally breaks into a boyish grin.

"Doing press for Tip O'Neill is like doing makeup for Catherine Deneuve," he later observed. "The best work is done before you get there."

Mr. Matthews went to work for the Massachusetts Democrat in the summer of 1981, succeeding Gary Hymel, a self-effacing Louisianian and behind-the-scenes operative who was one of Mr. O'Neill's links to conservative Democrats. In both style and substance, the two men are a study in contrasts. Many reporters say they find Mr. Matthews considerably more accessible and candid. At times, by Congressional standards, he is even outrageous.

Whether or not Mr. O'Neill is the most partisan member of Congress, as many believe, Mr. Matthews is just about the most partisan of Congressional aides. The Speaker acknowledges, moreover, that he has had to rein him in on occasion.

MASTER OF THE ONE-LINER

Mr. Matthews, 39 years old, is a master of the one-liner. Unlike many aides on Capitol Hill who are both secretive and anonymous, he is gregarious, enjoys being quoted and has a knack for reducing complex issues to a quip or a phrase.

His most famous phrase, "Atari Democrats," ridiculed those who were swept up by the allure of high technology at the expense of smoke-stack industries.

When he thought Larry Speakes, the President's spokesman, had impugned the patriotism of the Democratic Congressional leaders, Mr. Matthews accused him of "McCarthyism—Charlie McCarthyism."

"I'm a wise guy," Mr. Matthews acknowledges.

He obviously enjoys his position as a Congressional aide who publicly responds to the President of the United States at the behest of the Speaker of the House of Representatives.

When Mr. Reagan recently announced creation of a bipartisan commission to review Pentagon spending procedures, for example, the Democratic response came from Mr. Matthews. "You don't need a commission to find a $7,700 coffeepot," he countered.

Mr. Matthews, a Philadelphian who once ran for Congress and later wrote speeches for Jimmy Carter, is the only non-Bostonian in the Speaker's inner circle.

"When he sat me in that chair the day he hired me, he said he wanted me to be one of his political advisers," said Mr. Matthews, whose official title is Administrative Assistant.

From all accounts, his advice has been welcome.

"He's politically hip," said the Speaker, bestowing what Mr. Matthews considers the ultimate compliment. "He's also a very good writer. But he's a little severe—we had to restrain him."

Last year Mr. Matthews encouraged the Speaker to make Social Security a campaign issue and stressed the "fairness" issue that sought to depict Republicans as catering to the rich at the expense of the poor.

His major effort, however, has been bringing the Speaker out from the backrooms, where Mr. O'Neill had long labored and felt comfortable.

Mr. Matthews put him in front of the television cameras, where he had never felt comfortable, confident that the Speaker could sell himself.

"HE'S THE OPPOSITION"

"The debate in this country for the last four and a half years has been between the Speaker and the President," Mr. Matthews said. "He's the opposition. He's expected to respond every time the President speaks. Nobody on the Hill has had that role since Bob Taft, who was 'Mr. Republican.' The Speaker is 'Mr. Democrat.' "

Mr. Matthews also is adept at selling the Speaker's message.

"In Washington, there's such a thing as 'bounce,' " he said. "Put a story in the right place and it bounces around, from the mets—The New York Times and The Washington Post—to the nets [networks], wires and weeklies. If you can get a statement to the White House press corps in the morning, reporters ask, 'Larry, what about O'Neill's statement?' and it winds up on the evening news."

But Mr. Matthews does not limit himself to feeding the press, one-liners and speaking for Mr. O'Neill. He also is a contributor to The New Republic, sometimes writing sharply critical material about President Reagan.

In the capital Mr. Matthews is not without critics, of course, some of whom say he seems more intent on drawing attention to himself than to the Speaker. But Mr. Matthews can point to polls indicating that, since he came on board, Mr. O'Neill's name recognition and popularity both have soared.●

THE TRUTH HURTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. CLAY. Mr. Speaker, I call to the attention of my colleagues an article appearing in the July 17 edition of the Washington Post written by its ombudsman, Sam Zagoria. The column by Mr. Zagoria reveals that the Chairman of the National Labor Relations Board, Donald Dotson, has been actively seeking to stifle coverage of the National Labor Relations Board. On numerous occasions Mr. Dotson and his staff have called editors, reporters and others to rail against their coverage of Mr. Dotson's activities. The conduct of Mr. Dotson is nothing short of an attempt to intimidate the press and once again calls into sharp question Mr. Dotson's ability to administer one of the more sensitive posts in Government.

Mr. Dotson's harassment of the press also calls into question his commitment and ability to carry out one of the primary responsibilities of the chairman of the Labor Board; protecting the free expression of workers regarding unionization. The gross insensitivity to workers that has characterized Mr. Dotson's tenure as Labor Board chairman is now being felt by labor reporters, editors and academics as well.

Last year the Labor-Management Relations Subcommittee adopted a report which stated that labor relations are undergoing a crisis due in part to the failure of labor law. We were critical of Mr. Dotson's performance as administrator and of his undermining the intent of labor law by failing to understand the sensitivities of the workplace. Mr. Zagoria has now provided further evidence that Mr. Dotson's insensitivity extends beyond the workplace.

Since the issuance of the report, the situation has continued to deteriorate in no small part because of the role played by Mr. Dotson. Apparently it was the reporting of his failures that has provoked Mr. Dotson's tirades against the media. The continuation of Mr. Dotson as Chairman of the NLRB can only deepen the crisis in labor relations.

I commend the following column to my colleagues' attention:

MR. DOTSON'S PRESS FIGHT

(By Sam Zagoria)

Some readers may find it hard to believe, but the Reagan-appointed chairman of the National Labor Relations Board, Donald L. Dotson, is complaining that The Wall Street Journal, Business Week and the Los Angeles Times have linked arms with organized labor, a Southern Methodist University law professor and a sociology professor whom Mr. Dotson labels "a Marxist scholar" seeking to do him in.

In a speech to a North Carolina employers' group in May, Mr. Dotson charged that "if you want to make a difference in the labor relations area, you will run afoul of a three-ply defense designed to stop it. That defense is composed of three groups bound together by ties of interest and ideology. They are institutional labor, the working press and a large segment of the academic community."

Mr. Dotson was worried not only about how the triple-decker attack would affect the public, but also "those inside a conservative administration who lack technical expertise in labor law."

After references to articles in The New Republic in 1983 and in Newsweek in 1984, Mr. Dotson aimed his guns at Business Week. The business journal, he charged, picked up on the critical New Republic article, but "the inflammatory rhetoric was accompanied by statements that reflected simple ignorance of the [National Labor Relations] board's powers and history."

Robert E. Farrell, Washington bureau chief of Business Week, said, "We stand by what we wrote, of course. We got information from several administration sources, including the NLRB itself. The people who wrote the material for us don't even read New Republic."

The Wall Street Journal drew the heaviest Dotson barrage. First, in discussing a board decision on Feb. 27, it "committed an egregious error." Mr. Dotson said, "We contacted The Wall Street Journal in a short letter, as we have done before, to correct their misapprehension. They wrote us back saying this time that we were, of course, correct but their error didn't make any difference to their story. I wish they had printed our response and let the public and the labor-management community judge the effect of the error," he said. He then told of another episode in which he did elicit a correction from the Journal, after some difficulty.

Albert R. Hunt, Washington bureau chief for the Journal, said Mr. Dotson's complaints "are totally and absolutely baseless" and were not offered as a letter to the editor. Mr. Hunt said he and several colleagues had spent 30 to 40 hours looking at Mr. Dotson's grievances, "including personal attacks on the motives of our reporters" and allegations "that we were deceitful in our byline policy," substituting one reporter's name for another. "It's hard to deal with people like that," Mr. Hunt said.

Next on the target list was the Los Angeles Times for publishing an op-ed piece Prof. Maurice Zeitlin, of the University of California in Los Angeles, headlined, "The Growing Assault Against Unions—U.S. Labor Board's Ruling Aids Attack by Business."

Mr. Dotson said, "We checked Prof. Zeitlin's background and scholarly publications. We found that he is a Marxist-oriented sociologist." Mr. Dotson's chief counsel, Charles M. Williamson, contacted the Times several times seeking corrections and a notice to its readership of Prof. Zeitlin's alleged "Marxist orientation." He also wrote the chancellor of UCLA, Mr. Zeitlin said. Mr. Zeitlin said he stands by his article's interpretations and that his background as a longtime academic, author and Guggenheim fellow has been identified in previous Times articles. He described himself as a Democrat with both a large and a small "d."

Anthony Day, editor of the Times editorial page, said he had heard from Mr. Dotson's counsel numerous times and at great length about the Zeitlin article and others mentioning the board. "I simply told him we had looked into his allegations, concluded we made one small error of fact but it was utterly inconsequential. The rest of his allegations were simply about a matter of opinion, and opinion is what we publish on the op-ed page."

As one who served on the NLRB more than 15 years ago, I know that criticism is no stranger to the quasi-judicial body. But it is surprising now to find a Reagan-appointed chairman railing against such publications as The Wall Street Journal and Business Week. I was also surprised The Post was not on his hit list, but I suspect this column may fix that.●

HEALTH RESORT RESORTS TO TAX CHICANERY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. STARK. Mr. Speaker, the members of the Ways and Means Committee have been spending many hours sitting through tax reform hearings, listening to a range of arguments in favor of a variety of tax breaks. Many of the panelists testifying can be very convincing in their advocacy of certain programs which they feel are deserving of Government support through some limited tax breaks, and many of their arguments have some merit. As often happens, though, when the Government tries to encourage certain behavior through tax incentives, a variety of charlatans jump into the fray, siphoning off tax breaks for dubious programs which, though they qualify for tax benefits under the letter of the law, fail miserably in fulfilling the spirit of the idea.

An example of this is a corporate stress management clinic in Vero Beach, FL called Pierre-Par-La-Mer. Masquerading in the cloak of a medical center, it is underneath an opulent, extravagant, exclusive executive playground offering services that the resort's managers claim should be deductible as legitimate medical expenses.

The newspaper ad for this latter-day Babylon invites companies to "invest in your most important corporate assets, while gaining significant medical and tax advantages. Call before the fat lady sings." Well, judging from the luxuries this place offers, the fat lady won't be singing because she's crouched in front of the Federal trough, slopping up tax breaks.

Take a look at some of the stress prevention devices being proposed: 24-hour limousine fleet, private helicopter, charter air service, gourmet dining room for room service, country club privileges in the surrounding area, 24-hour international Watts line.

Mr. Speaker, reading that newspaper ad and talking to the marketing direc-

tor of this place raised a few questions in my mind. First, what kind of disease requires the palliatives listed above, and which, if any, should be deductible as health-related expenses?

Second, the complex is only open to chief executive officers. Are they the ones under stress or is it more the people who work for them? Should not legitimate benefits, deductible from taxes, be available to all employees, and are they not otherwise exclusive perquisites that should be included in taxable income?

Third, the condominiums at this oasis cost between $200,000 and $400,000. I don't have information yet on how much extra the various services will cost. Nevertheless, in this price range, they are unaffordable for most small businesses. Given that 80 percent of small businesses fail within the first 5 years, and that often the owner's personal fortune is invested in that business, who is under more stress—the small business executive struggling to keep his head above water or the CEO of a huge corporation keeping a guiding hand on the status quo?

Is this a health clinic or a wealth clinic? Let's be realistic and call a charade a charade.

Mr. Speaker, obviously these outrageous transgressions are not commonplace but they do provide an example of the unconscionable liberties that can be taken with the tax laws. How is it that we cannot adequately fund Medicare and Medicaid but we can give away piles of money to these guys to subsidize their corpulent getaways? Ripoff artists like these are the best argument for comprehensive tax reform that would help the honest consumers and producers. I hope that in the months ahead the American people will realize that undermining this proposal would only help frauds like these who would bilk the Government out of its tax revenue and heap the burden of picking up the slack on the shoulders of the average citizens.

PIERRE PAR LA MER.

DEAR CORPORATE EXECUTIVE: Thank you for your interest in the luxurious Pierre Par-La-Mer corporate complex.

I look forward to discussing with you the many medical, recreational and business advantages of this unique corporate lifestyle improvement center.

An introductory brochure has been prepared and I am anxious to send it along to you as soon as possible. In the meantime, as the final details are being completed to make ready its lush enclave of 71 oceanfront condominiums for late summer occupancy, I invite you to take a few minutes to complete the enclosed questionnaire and return it in the envelope provided. This will enable our staff to be totally prepared to provide all the services you may need.

Please call me personally for an appointment so that we may meet and discuss all the advantages of your corporation becoming a part of Pierre Par-La-Mer.

Cordially,

Marketing Executive.

PIERRE PAR-LA-MER CORPORATE COMPLEX

As a prospective corporate resident at the Pierre Par-La-Mer Corporate Complex, your opinions are especially meaningful to us. Please rate the features below according to the relevance to you and your needs in our corporate lifestyle improvement center. If there are any needs not listed that you find important, please feel free to write them in.

CORPORATE COMPLEX RATING SCALE

1—Essential 2—Important 3—Unimportant

Residential: Secluded Getaway—; Spacious Condominiums—; Relaxed Oceanfront Living—; Underground Parking Garage—; Private Tower Elevator Entrances—; Maid Service—.

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TAXATION OF LIFE INSURANCE

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. AuCOIN. Mr. Speaker, I recently received a letter from Benjamin Whiteley, president of the Standard Insurance Co. of Portland, OR. I believe his thoughtful comments are worthy of our consideration.

Ben Whiteley supports the President's efforts to achieve a Tax Code that is simpler, more fair, and more conducive to economic growth. However, he expresses grave concerns about the proposed measure that would place a tax on the annual increase in the value of a life insurance policy.

I feel that Mr. Whiteley raises some very valid points and I urge my colleagues to read his comments.

STANDARD INSURANCE CO.,
Portland, OR, June 6, 1985.

Hon. LES AuCOIN,
Rayburn House Office Building, Washington, DC.

DEAR LES: In earlier communications regarding the President's tax reform proposal, only generalities had been covered since the details were not known. Now that the final package has been released, I would like to comment more specifically.

I am in favor of what the President is attempting to accomplish. Loopholes that have been abused should be closed and the entire process simplified. The overall emphasis seems to encourage thrift, with which I agree.

However, I am concerned over the proposal to tax the annual gain in cash values of individual life insurance and annuities. This would apply immediately to new policies and to existing policies on a phased-in basis, beginning in 1988. This proposal would discourage thrift and seriously hamper the capital formation process in our economy.

It is not fair to tax something that the taxpayer has not received and that would be the case. The only way the individual can use the cash value, without surrendering the policy, is by borrowing and paying interest. By what stretch of the imagination could such a "value" be considered taxable income?

Taxation of cash values would not simplify our system of taxation—it would complicate it. I don't see how the more than 100 million Americans who own cash value life insurance and annuities could be expected to include the annual gain in cash values in their taxable income and still utilize the President's "no return" system. If life insurance companies will be expected to report and/or withhold on such gains, we will be saddled with an expensive, complex system that most people will not understand.

In summary, taxing the annual gain in cash values:

1. Would not be fair;
2. Would not be simple; and
3. Would discourage thrift and inhibit capital formation.

In addition, only a miniscule amount of revenue would be raised. Frankly, I am puzzled as to why it is included in a "tax reform" proposal.

I hope you will oppose this part of the plan. If you need additional information, I will be pleased to provide it.

Cordially,

BENJAMIN R. WHITELEY,
President.●

ECONOMIC DEVELOPMENT COMPLEMENTS MANSFIELD, MA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. FRANK. Mr. Speaker, sometimes it's the unfortunate responsibility of Members of Congress to bring bad news to public attention, so that we can mobilize support for correcting a situation. This can lead to an unduly pessimistic picture being painted, because the good news is too often omitted. So I want to share with my colleagues, today, an article from the Boston Globe real estate section last weekend which highlights some very good news about the town of Mansfield, MA.

Recently, I was fortunate enough to be invited by a good friend, former Massachusetts Transportation Secretary James Carlin, to preside in the happy ceremony of a ground breaking for a new industrial building in Mansfield. And I'm particularly pleased to be able to note that this was only one of many such recent events. The people of Mansfield are to be congratulated for the energy and skill with which they have provided a good atmosphere for economic development, while simultaneously maintaining the town as a lovely place to live. The people of Mansfield show that it is perfectly compatible to be concerned about the quality of residential life, as well as the history of an old New England town, and at the same time progress with the economic development that is so important to all of us.

I ask that the article from the Boston Globe highlighting the great success of the town of Mansfield be reprinted here.

HIGHWAYS, INDUSTRIAL PARK BOOSTED MANSFIELD'S FORTUNES

(By Jeuley Ortengren)

MANSFIELD—In the late 1950s, Mansfield seemed to some to be a dying town. Much of its industry had moved and the residents and businesses that were sticking it out were facing hard times. "You could have bought the whole town for $5,000," wryly observed Gerry Abbott, owner of Gerry Abbott Realtors and third-generation resident of Mansfield.

In 1960, however, Interstate 95 came through town, and brought with it the beginnings of a new industrial and residential growth. The advent of Interstate 495 in the 1970's and, with it, the development of the Cabot, Cabot & Forbes Industrial Park brought Mansfield into the forefront.

The 800-acre industrial park, the largest in the state, is the key to Mansfield's rebirth. In it are such businesses as Codex. Texas Instruments, Zayre Corporation, Datel, Nissen Corporation, Sprague Electric and Augat, along with almost 25 others. The winding roads are as attractively landscaped as some subdivisions and "the park" as it is called in Mansfield, is the envy of many neighboring communities.

"This is now a very exciting and growing town," said Abbott. "It is the crossroads of southeastern Massachusetts and able to attract a stable industrial base that gives people jobs and keeps taxes down."

"If it wasn't for the industrial park, we couldn't afford to live here," said Mansfield resident and broker Edward Tartufo, who is associated with the Abbott agency. "Every town around us has higher taxes."

That fact has not been lost on the many new buyers in the Mansfield market. Starting prices for new residential construction is $125,000 with prices going up to near $200,000 in some areas. "Mansfield has never been a transient town or had really expensive homes," said Abbott. "Lately, however, we are attracting the executives who want nice neighborhoods. The figures boggle my mind now," she said.

Prime areas are Cedar Meadows in East Mansfield where a four bedroom colonial can be bought for about $139,000–$159,000; Hallett Crossing with homes starting at $129,000; and Austin Farms beginning at $130,000. The Fulton Pond residential area has lovely old Victorian style homes that are in the $200,000 range.

Abbott said that many young couples are also attracted to the Mansfield area because of the affordable resale homes in nice areas. Prices for these homes start at $112,000 for a two-bedroom, 1½-bath colonial. Abbott noted, however, that this same type of home sold for $85,000 only a year ago. "Mansfield may have the last affordable housing, but it isn't going to last. I've never seen the market going at such a clip," she emphasized.

Condominiums are another alternative for the Mansfield buyer. The Fairfield Park near the town center and the Edgewood Condominiums are selling in the $70,000 price range. A former apartment complex called the Bristol Arms is converting to condos in the $40,000–$50,000 area.

Mansfield will also soon become the home of the Great Woods Performing Arts Center. The Center is a 100-acre, $15 million project of John Drew, who developed the Bayside Exposition Center in Dorchester. The facility, similar to Tanglewood in western Massachusetts will be the summer home of the Pittsburgh Symphony Orchestra and the Boston Ballet. It will have seats for 7000 indoors and another 8000 outside and is schedule for completion in 1986.

Great Woods is named for one of the last remaining woodlands in Massachusetts that dates back to before the American Revolution.●

TEMPORARY EXTENSION OF ALTERNATIVE WORK SCHEDULES PROGRAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. WOLF. Mr. Speaker, I am introducing legislation today which would extend the authority of the Office of Personnel Management to administer the Alternative Work Schedules [AWS] Program through September 30, 1985.

The AWS or "flexitime" program was authorized as an experimental program in 1978 and again in 1982. On May 20 of this year the House passed legislation to permanently extend the program, which is set to expire on July 23, less than a week away. However, this legislation has not been approved by our colleagues in the other body. As a result, I am introducing this extension legislation.

Over 450,000 Federal employees participate in the flexitime program. The benefits of this program have been well documented by both private consultants and the Office of Personnel Management. To allow this program to expire on July 23 would create many problems and hardships. For example, many families utilize alternative work schedules so that one parent can be home when their children leave for school in the morning and another at home when the child returns in the evening. In addition, the Federal Government would lose many benefits including increased public accessibility to Government agencies and reduced building energy consumption.

Mr. Speaker, this program has received wide and strong support from both employers and employees in the public and private sectors. I urge my colleagues to carefully consider the impact of allowing this program to lapse and to support this critically important legislation.

The bill follows:

H.R. 3029

A bill to provide for a temporary extension in the authority for Federal employees to work under flexible or compressed work schedules

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is amended to read as follows:

"SEC. 5. The amendments made by this Act shall not be in effect after September 30, 1985.".●

NEW CENTER FOR IRON AND STEELMAKING RESEARCH

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. EDGAR. Mr. Speaker, I am pleased to report that a Center for Iron & Steelmaking Research has been established at Carnegie-Mellon University in Pittsburgh as one way to counter a long-term decrease in basic research in that economically depressed industry.

The center was established as part of a National Science Foundation program in materials engineering and processing, and an effort to support industry-university cooperative research centers supported by industry. It is organized to be responsive to the needs of the iron and steel industry, and was

created through a $450,000 grant over a 5-year period from the NSF to Carnegie-Mellon. In addition, the center received a $40,000 grant for the first year of operation from the State of Pennsylvania. Further funding is being provided by 14 companies that have already joined the center.

The significance of this grant is that the industry recent years has not been able to generate the necessary amount of the basic and long-term research essential to the future of the industry. One way of solving this is through collaborating on funded research at the new center. The center can provide an economical approach for a large research program that could support the knowledge base needed to improve steelmaking technology.

The Northeast-Midwest region's steel industry is in the midst of a serious and ongoing crisis. While employment in the steel industry in the region began to decline over the last 10 years, it is clear that the massive loss of jobs and steel-producing capacity in the region has mostly occurred since the beginning of this decade. Between 1979 and January 1985, employment in the region in primary metals industries declined by almost two-fifths, with a loss of over 300,000 jobs. In the same period the region lost almost half of its employment in blast furnaces and basic steel projects. In this sector alone the number of jobs declined from 416,000 in 1979 to 221,000 in January 1985. In terms of raw steel production tonnage there has been a decline from over 100 million tons produced in 1979 in the region's six major steel-producing States to less than 65 million tons in 1984. We cannot long endure such an erosion of our Nation's industrial base.

Mr. Speaker, we need more of this type of research. We need to pull all of our research dollars into a concerted effort to regain our international competitiveness, and save the jobs we are losing daily because we fail to understand the problems confronting this Nation.●

A TRIBUTE TO REV. BOB MORGAN

HON. J. ALEX McMILLAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. McMILLAN. Mr. Speaker, I rise today to recognize a constituent whose work deserves to be brought to the attention of our Nation.

For 13 years, Rev. Bob Morgan of Seigle Avenue Presbyterian Church in Charlotte, NC, has been a source of strength and courage to the community that he serves.

As pastor of this inner-city church, Bob Morgan exemplifies a special public servant. While others chose the certainty of secure parishes, he chose to provide security to an uncertain parish. The true testimony to his ministry lives with those who found renewal in his commitment.

On July 28, Reverend Morgan will deliver his last sermon at Seigle Avenue. Although he and his family will be missed, the spirit of their deddication and sacrifice will continue to thrive, and provide spiritual strength and guidance to this church and its community.

In the midst of commitments by this House to those in need on a global scale, we must not forget that there are many people in our midst who are served daily in a personal caring way. Through his spiritual role in the church, Reverend Morgan has given his love. Through his leadership role in the community, he has given them his encouragement.

As we take up the important work of this Nation's business, let us hold up the work of Rev. Bob Morgan as an example of the kind of selfless dedication that is the foundation of our country's achievements.●

PUERTO RICAN STATEWIDE PARADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. RODINO. Mr. Speaker, on July 28, as I have done for the past 23 years, I will have the pleasure of attending the annual Puerto Rican Statewide Parade. It will be a day of celebration for the many citizens of the Puerto Rican community and their many friends. And it is a time when we join in tribute to the achievements and accomplishments of the people of Puerto Rican heritage and express our appreciation for their outstanding contributions to our society. It is a time to celebrate the rich cultural heritage and traditions of the Puerto Rican people. And it is a time when all of us—of every ethnic background—salute our friends in the Puerto Rican community and join them in this spirit of celebration.

This year, we are being honored by the participation of several dignitaries from the Island, including the keynote speaker, Hon. Carmen Sonia Zayas, secretary of social services for the Commonwealth of Puerto Rico. In addition, there will be a delegation of mayors: Hon. Angel O. Berrios, Mayor of Caguas, PR; Hon. Roque Oterio, Mayor of Ciales, PR; Hon. Juan de J. Mendez, Mayor of Moca, PR; and Hon. Bernardo Negro, Mayor of Villalba, PR.

The parade is being dedicated to Mr. Tony Perez, a prominent Hispanic businessman. The grand marshal will be Hon. Angel Quinones, a councilman from Perth Amboy, NJ.

The statewide parade caps a week of festivities as the Governor has proclaimed Puerto Rican Week in the State of New Jersey. The Puerto Rican Statewide Parade Committee works year round to ensure the parade's success, and there are many people responsible for this mammoth undertaking. This year the honorary members of the committee are Mayor Kenneth Gibson of Newark, Gov. Thomas Kean, and Hon. Rafael Hernadez Colon, Governor of the Commonwealth of Puerto Rico. The executive committee is made up of: Hon. Juan A. Rivera, president; Eliu Rivera, first vice president; Ralph Soria, second vice president; Lydia Trinidad, third vice president; William Valentin, executive secretary; Diego Santiago, treasurer; Antonia Ortiz, vice treasurer; Carmen Santiago, recording secretary; Luis Rodriguez, sergeant at arms; Vicente A. Perez, public relations officer; and Roberto Rivera, general coordinator.

It will indeed be a privilege and pleasure to join once again with my friends in the Puerto Rican community in this year's outstanding celebration of the statewide Puerto Rican parade.●

1985 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. SMITH of Florida. Mr. Speaker, today I rise to bring to the attention of my colleagues the latest Soviet attempts to eradicate Jewish culture from Soviet society. I also pray for the countless number of Jews who remain in the Soviet Union against their will and are waiting for permission to emigrate to the State of Israel.

In the past month, many of my colleagues, and I have received an increasing number of reports from the Soviet Union of inhumane treatment of Soviet Jewish refuseniks imprisoned in labor camps. We have been particularly concerned about the most recent outrageous treatment of Yuli Edelshtein, a Hebrew teacher currently imprisoned in Camp Vidrino on the Sino-Soviet border. Edelshtein is being subjected to brutal beatings on a daily basis. He is being tortured because he is continuing to practice his religion in jail. He has been promised that this brutality will continue until his religious ideas are "beaten out of him." Edelshtein is 27 years old.

Yuli Edelshtein was taken into custody or allegedly possessing a cigarette

containing opium that was planted in his home. He was sentenced to 3 years in a prison camp for the false charge of illegal drug trafficking. During the search of his home, Soviet authorities also confiscated all books, letters, and notebooks written in Hebrew along with all objects of religious ritual. The investigators were interested in one religious object in particular—tefillin—because they thought it was related to the use of drugs. Tefillin is simply leather straps connected to a symbolic box containing selected Hebrew prayers and Torah portions and tied around the arm and head to bring heart and soul together in prayer.

The Soviets also reported that the house contained other religious items allegedly left by foreigners, whom the Soviets accused of "coming and corrupting Jewish youth with medieval and mystical drug rituals." Charges surrounding Edelshtein's case suggest Soviet intentions to not only indict individuals but also Jewish tradition itself, particularly by linking faith with criminal deeds of drug rituals and the possession of weapons. As you know, the practice of Judaism has never required the use of any substance in ritual, except sacramental grape wine.

Last fall, soon after this arrest, I wrote to then General Secretary Konstatin Chernenko regarding the arrests of four leading Hebrew teachers, including Edelshtein. In an unprecedented move, these Hebrew teachers were arrested and sentenced on trumped up charges of "hooliganism" and "drug possession" when their only crime was a dedication to maintaining their religious and cultural identity and helping others to do so.

I, along with my colleagues, consider preposterous the false charge made against Edelshtein. His case is alarming evidence that the Soviets have stepped up their determined campaign to eradicate Hebrew teachers, and subsequently Jewish culture, from Soviet society. It is frightening that this new action of mounting persecution and harassment is aimed at scaring Soviet Jews and curbing the movement for repatriation to Israel.

We are all aware that emigration levels have steadily declined since 1979, when 51,320 Soviet Jews were permitted to emigrate to Israel. In 1984, only 896 Jews were granted exit visas reports, according to the National Conference on Soviet Jewry. Twenty percent of the worldwide Jewish population resides in the Soviet Union. The time has come to improve the plight of Soviet Jewry by working on such causes as releasing Soviet dissidents such as Anatoly Shcharansky from prison, ending the state-sponsored anti-Semitic campaign of harassment of Hebrew teachers, and allowing the thousands of refuseniks to emigrate such as my adopted Soviet refusenik Dr. Yuri Tarnopolsky.

I hope, Mr. Speaker, that my colleagues will join me in my commitment to doing everything humanly possible to facilitate the free emigration of Jews and other persecuted minorities from the Soviet Union.●

CONGRESSMAN GEORGE MILLER SALUTES TOM WALTER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. MILLER of California. Mr. Speaker, Tom Walter of Contra Costa County, CA, has been named an "outstanding county operations volunteer" by the United Way of the San Francisco Bay Area. I would like to take this time to congratulate Tom for his outstanding work, and for the recognition which he so richly deserves.

Tom has been quoted as saying that he respects United Way because the organization "combines a strong sense of compassion with the sound business virtues of economy and effectiveness." The very same testimonial may be said for Tom Walter himself.

United Way cited Tom because his "dedication and expertise have contributed significantly to improving the quality of human care services within the community." Let me cite the full commendation:

Strategies for a Decade, the Valleys Corridor Project, Contra Costa's United Way Steering Committee, Comprehensive Information and Referral Assistance Computer System (CIRACS), The Contra Costa County Speakers Bureau—if you're talking human service projects in Central Contra Costa County, you're talking Tom Walter.

Walter's leadership in public/private community problem-solving efforts has taken programs like those dealing with the child care, health and mental health needs of east and central county residents from the planning and developmental stages into a successful implementation phase.

Walter has parlayed his professional experience as Division Marketing Director at Chevron Corporation, along with the public/private enterprise contacts developed through his leadership in county projects, into valuable United Way *campaign* effectiveness as well.

His dedicated efforts have helped bring together the energies and interests of businesses, funders, churches, agencies (like the San Ramon Valley Community Center, where he volunteers as a board member) labor, elected officials, consumers, and, for the first time, private practitioners in the areas of child care, health and mental health.

I know that all Members of the Congress will want to join me in saluting Tom Walter for this tremendous achievement and his outstanding contributions to human service programs throughout Contra Costa County.●

TERRY SANFORD: IN PURSUIT OF EXCELLENCE

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. ROSE. Mr. Speaker, recently the Washington Post ran a column by its perceptive columnist and book editor, Jonathan Yardley, about Terry Sanford of North Carolina, and I would like it to be printed in the RECORD along with my remarks, because I think the Members of the House who may have missed it will want to read it. I say that because, although Terry Sanford is retiring as president of Duke University, he is a long way from true retirement.

Terry has had a remarkable career, and I'm glad to be among the North Carolinians who have been associated with it.

As the column points out, Terry was a progressive, ameliorative Southern Governor when the style was belligerent confrontationalism. He was building solutions to education problems in North Carolina before the seriousness of the problems were being recognized elsewhere in the country. He is, as Mr. Yardley writes, "a genuinely serious public man." Now that he leaves Duke, he will have more time to devote that genuine seriousness to public affairs, and we will benefit.

The article follows:

[From the Washington Post, July 1, 1985]

TERRY SANFORD: IN PURSUIT OF EXCELLENCE

(By Jonathan Yardley)

Terry Sanford's tenure as president of Duke University ended the other day, and with it one of the most remarkable careers in contemporary American public life. This is not, to be sure, intended as a premature obituary; Sanford is youthful and vigorous at 68, and the possibility that the political itch will once again strike him cannot be discounted. But his departure from/Duke closes out a significant chapter of his life, and provides a suitable opportunity to pay tribute both to his accomplishments and to the man himself.

To do so at this particular moment is especially appropriate, for Sanford's entire career has been spent in service to the educational causes to which the nation now seems determined to recommit itself. From his term as governor of North Carolina in the early '60s through his decade and a half at Duke Sanford has worked—perhaps more successfully than any other individual in the country—to improve education at every level from kindergarten through graduate school. He lifted North Carolina's public schools off the bottom of the heap, then guided Duke into the elite of higher education; more important than either, perhaps, he set an example that has been widely emulated in many other states and the federal government as well.

Not many would have predicted such a record for Sanford when he entered the 1960 governor's race in North Carolina. He was then widely viewed as a callow and perhaps opportunistic professional politician;

for that matter his eventual victory was something of a fluke that owed much to a three-way split of the "moderate" vote in the first Democratic primary. When he became an early supporter of John F. Kennedy, he alienated many conservative North Carolinians and raised further doubts about opportunism; his victory in the general election was by a margin relatively narrow for what was then still a solidly Democratic state.

Yet if his critics (among whom I, as a student editor at Chapel Hill, was numbered) had looked more objectively at Sanford's endorsement of Kennedy, they would have recognized it as a sign of the independence and courage he subsequently exercised with impressive frequency. Immediately upon taking office he presented a major education program to the General Assembly—a body noted primarily for its rigid conservatism and provincialism—and guided it to enactment. Teacher salaries went up 22 percent, a statewide system of community colleges was established, the North Carolina School of the Arts was created; the foundation was laid by Sanford for the more sophisticated and expensive educational improvements that may prove to be the chief legacy of the state's most recent ex-governor, James B. Hunt Jr.

Sanford was similarly enlightened on matters of race. In his inaugural address he said that "no group of our citizens can be denied the right to participate in the opportunities of first-class citizenship"—fighting words, in the North Carolina of 1961—and then went about doing as much to guarantee that right as the political climate permitted. This was well before it had become established in law that government had a responsibility to take affirmative action to ensure civil rights, so Sanford's principal recourse was to encourage voluntary action, primarily through a series of Good Neighbor Councils that he set up around the state. The effect of his efforts was not so much to alter institutions—that awaited the Civil Rights Act of 1964 and the Voting Rights Act of 1965—as to change the climate of opinion, to ease the way for white North Carolinians to accept desegregation without violence.

When his term expired in 1965—North Carolina's governor could not then succeed himself—Sanford returned to the practice of law, though not with much evident enthusiasm. His real energies were reserved for the promotion of causes that interested him; he directed a major study of state governments, he became involved in educational television, he wrote a couple of intelligent if turgidly statesmanlike books. When Duke came calling in 1969, he leaped at the opportunity to reenter the educational wars, even as president of the archrival of his own alma mater, the University of North Carolina.

The wars at Duke were particularly bloody in 1969. The student protests had hit the campus so hard that the previous president had been driven away; there was immediate hostility toward Sanford, whom students were quick to dismiss as a mere "politician." But he handled the protests with humor and patience; recently he recalled, in an interview with The Chronical of Higher Education, that when a student leader angrily threatened to take over the administration building, he replied, "Well, if you take over Allen Building, take me with you, because I've been here for a month trying to take it over, and I haven't succeeded yet."

After that the students were Sanford's most ardent supporters, and he was freed to undertake the more difficult task of making Duke a first-class university. Though it already had many excellent faculty members and other assets purchased by the Duke tobacco fortune, it also had a reputation as a second-rate imitation (both academic and architectural) of an Ivy League school—a place where Princeton's rejects went, where the principal business was partying. That business still goes on, but Duke after 16 years of Sanford is a very different place: an internationally respected university with strong connections in the corporate and political worlds, connections made in large measure through the sheer force of Sanford's reputation. Duke now even has the dubious distinction of being one of the country's "hot" universities, one that this year turned down seven applicants for each one accepted.

Duke has been Sanford's principal business since 1969, but not his only one. In 1972 and again in 1976 he sought the Democratic nomination for the presidency, though he never got close and indeed the second time around was widely ridiculed in the political press as a perpetual candidate, an heir to the tradition of Harold Stassen. This said more about the insularity and myopia of the press than about Sanford, who in both 1972 and 1976 was by far the most distinguished, experienced, thoughtful candidate in either party. He should have gotten the job—he deserved it—and it is our loss that the did not.

This is because throughout his career Terry Sanford has been that greatest of rarities, a genuinely serious public man. Like many others he loves the arena of politics, with its fireworks and schemes, but more than anything else he has been deeply engaged with the real issues of the day. By contrast with the lightweights, charlatans and mountebanks who have been wished upon us as public figures in recent experience, Sanford has committed his career not to obfuscation and duplicity but to the pursuit of excellence. He has achieved about as much of it as anyone could reasonably hope for; if the fishing hole is really where he's headed, he deserves nothing but whoppers.●

BUDGET DEFICITS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 17, 1985, into the CONGRESSIONAL RECORD:

The most important job for the President and Congress this year is to cut the federal deficit.

A month ago, it appeared that Congress would make substantial progress against the deficit. The House and Senate passed bills to cut spending sharply over the next three years. But so far members have been unable to reconcile differences in the plans. Every member denounces the deficit, but most are unwilling to give up their favorite programs—social security, defense, tax cuts—to solve the deficit problem. As frustration mounts, and as other topics, most notably tax reform, divert congressional attention, the campaign to reduce the deficit has lost steam.

Tax reform is important, but it should not distract us from deficit reduction. It is easier to promise tax cuts instead of painful budget cuts. But while the President championed tax reform, Congress dawdled over the deficit. Growing deficits risk long-term economic damage, and it is vital that we begin to cut the deficit now. The Congressional Budget Office found, however, that actual savings in the House and Senate plans will be closer to $38 billion than to the $56 billion claimed.

Part of the reason the savings are lower is that we use gimmicks to overstate savings and mask the true size of the deficit. Each year the Congress and the President claim they have cut spending, and forecast the end of deficits. But year after year, the deficits get larger.

The biggest culprits are the overly optimistic economic assumptions we use to make budget decisions. For example, budget makers assumed the economy would grow 4% after inflation this year, a goal that is virtually impossible after slow growth early in the year. Slower growth means fewer tax receipts, and a larger deficit. Likewise, the assumption that interest rates would fall significantly, requiring less federal spending for interest payments on the debt, is probably too optimistic. It is unwise to base our spending plans on wishful assumptions instead of on the most objective data available.

Another gimmick is to compare cuts to projected, instead of actual, spending to make cuts seem larger. For example, when the President requested a 6% increase in 1986 defense spending he billed it as a $9 billion "savings" because he originally asked for an 8.4% increase. His proposal is not an actual cut in defense spending (in fact it is an increase). It is a cut only from his earlier request.

Accounting changes also exaggerate savings. In 1981, the President put the Strategic Petroleum Reserve "off-budget" so that money spent on it was not included in the formal budget tally. This year the President put it back "on-budget" so he could cut oil purchases and claim $1.7 billion in savings. In the House budget resolution, off-shore oil leasing fees for the next four years are applied to reduce this year's deficit. Another gimmick is to claim savings from unspecified sources. The House claimed hundreds of millions of dollars in savings from unspecified improved contracting procedures even though no such procedures have been developed.

My concern is that we are violating the fist rule of sound public finance: government must raise in taxes what it spends in benefits and protection, if not every year then over several years. The experience of the federal government this May should shock us to our senses: the government spent twice what it took in, setting a new monthly budget deficit of $40.5 billion.

My hunch is that we will end up with enough budget cuts this year to prevent the deficit from rising, and perhaps cut spending modestly. That is less than we hoped for, but it is an important step. The smaller savings do mean that reducing the deficit will be even harder next year and for years to come. But the emphasis on the size of the deficit reduction package is misplaced; the focus should be on the size of the deficit. The deficit has become so large and permanent that we are in effect mortgaging our economic future. Interest payments on past debt will cost nearly $150 billion in the next year alone.

I will urge the budget conferees to keep at it. The paramount fact is that the deficit is

out of control, and strong measures are needed. The Senate and the House have passed workable resolutions, and the differences are within the range of compromise. The House favors no cut in cost of living increases, including social security; the Senate and the President want full inflation adjustments for defense. Defense and Social Security are the largest spending programs, making up 46% of federal spending, and the conferees cannot avoid them. A deadlock would risk unpleasant consequences for the economy.

I keep thinking that the deficit problem should not be so hard to resolve. To reduce the $200 billion budget deficit significantly, we must cut spending massively, raise taxes dramatically, or do a mixture of both. My guess is that we will, in the end, do both, although perhaps not this year. Most people recognize that our current high interest rates and large deficits are not good policy when we need more investment, productivity, growth and jobs. Massive borrowing by the federal government, which accounted for almost a third of all borrowing in the U.S. in 1984, reduces the amount of credit available for private borrowing and drives interest rates up.

No miracles are needed to solve our deficit problem, and, if the sacrifices are spread broadly, the pain can be minimized. We do not need to cut defense spending, only to reduce its growth; we do not need to cut entitlement benefits, only to reduce by a little the increases beneficiaries will get under present law. If we take these steps, the deficits will come down within a few years. More important, we will strengthen our economic future. If we do not succeed in reducing the deficit in a period of economic growth, when the next recession comes the deficit will increase dramatically from a very large number to an astonishing one.●

VIOLA STRAIT, CIVIL SERVANT, RETIRES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. DYMALLY. Mr. Speaker, I have long felt that those who devote their working lives to the civil service receive too little positive recognition. Their pay is often a target for freezes and their work is often undervalued. Yet without them the services our citizens expect from Government would be impossible. I want to bring to the attention of my fellow Members of Congress the record of an outstanding civil servant, Mrs. Viola Strait. For the past 35 years Mrs. Strait has been a librarian and an Equal Employment Opportunity official. I want to take a few moments and recount the career of this dedicated and valued woman who will retire officially on August 2, 1985.

Mrs. Viola Washington Strait is a native of El Paso, TX. She was graduated from Douglass High School in El Paso. Following high school she attended Huston-Tillotson College in Austin, TX, where she graduated with a bachelor of arts degree in sociology with a minor in education. She also obtained a 2-year business certificate and a permanent Texas teacher's credential.

Upon graduation, Mrs. Strait returned to El Paso where she became secretary-bookkeeper for the U.S.O.-YWCA. At the same time she worked as a substitute teacher. In 1950 she took her first civil service job when she was hired as a clerk typist for the Fort Bliss Army Air Defense Center, Special Services Library. She quickly moved up the GS scale, first to branch librarian, then to cataloger, then to post librarian and finally to chief librarian. Along the way she attended the University of California and earned a master of science degree in the field of library science. As chief librarian, Mrs. Strait had primary administrative responsibility for one main library, five branch libraries and a bookmobile.

It was after she became chief librarian that she began her involvement with Equal Employment Opportunity. In addition to her main administrative responsibilities, she served as an EEO counselor on the Federal Women's Program Committee. In this capacity she presented the Equal Employment Opportunity segment of training programs to the supervisors and managers of Fort Bliss.

In 1971 Mrs. Strait was selected after a national search for qualified candidates to become the Equal Employment Opportunity Officer for the Army Air Defense Center, Fort Bliss, TX. In this position she reported directly to the commanding general. She was responsible for all affirmative action on the base and handled the tough job of resolving discrimination complaints. Mrs. Strait fulfilled the duties of her office with distinction. And testament to that fact is borne by the official recognition she received in the form of an outstanding award, plaques, letters, and other commendations.

While still in El Paso, Mrs. Strait was actively engaged in a wide variety of EEO oriented programs, having worked with many special interest organizations and church groups. She participated in intensive registration drives for minority voters, taught executive management courses, lectured on Government employment opportunities and worked with the then Civil Service Commission and community organizations providing jobs for minority youth. Mrs. Strait has been instrumental in the compilation and distribution of publications regarding various minority groups in the United States and has reviewed books and made speeches on varied topics for civic groups, churches, libraries, and schools. She also worked with radio and television networks in providing minority education programs. She holds a radio broadcaster's license, and for 2 years prior to coming to Los Angeles she hosted a religious radio program on a prominent radio station in El Paso. Mrs. Strait was also widely known for her work as minister of music for the Shiloh Baptist Church. She served in that capacity for 14 years prior to her move to California. Her interaction with the Hispanic community has helped her to gain comprehensive insight into the EEO related problems of Hispanics, and she has been supportive of their needs in many areas. She is fluent in the Spanish language.

Before leaving her home town of El Paso, Mrs. Strait had several honors of which she is particularly proud: She was among the first group of women to be admitted to Toastmasters International; she was accorded the honor of serving as honorary chairperson of the city of El Paso for its annual observance of National Library Week; feted with a testimonial dinner for her faithfulness in her radio show production and work with the community; and selected for inclusion in Who's Who.

Mrs. Strait was active in every kind of church work, was an active member of the order of the Eastern Star, the Alpha Kappa Alpha sorority, the NAACP, the Federal Women's Program Committee, EEO Officer's Committee, and the Executive Women of El Paso.

In November 1972, Mrs. Strait was hired by Capt. Richard C. Fay and Mr. James Houston, now deceased, as the first Deputy Equal Employment Opportunity Officer for the Long Beach Naval Shipyard. She, with the help of her small staff, established an office and a fully responsive EEO program for the shipyard. She advised five shipyard commanders, their managers and supervisors regarding Equal Employment Opportunity requirements. Also, she wrote EEO affirmative action plans for minorities, women, handicapped individuals, and disabled veterans. In cooperation with the employment division, she processed complaints of discrimination from the informal stage through U.S. district court. She presented EEO training sessions, supervised a full-time staff of EEO professionals. In short, Mrs. Strait carried out a full range of EEO duties in an outstanding manner.

While there are many, many accomplishments of which Mrs. Strait is proud, I would like to mention just a select few to my colleagues. The EEO training she and her staff provided helped increase awareness of and support for Equal Employment Opportunity. She was instrumental in the selection of the shipyard's first minority superintendents: two black persons and one Hispanic. She helped to increase the number of minority general foremen and foremen. Her efforts

raised the total Hispanic work force from 6 percent to 9 percent. Through her encouragement, Long Beach Naval Shipyard carried out recruiting at engineering schools with high minority and female enrollment. And that encouragement resulted in the hiring of more female, Hispanic, and black engineers. Through her, women were included in the apprentice program. She helped to fill numerous upward mobility positions. Her EEO office encouraged more women to pursue wage-grade positions and assisted them in that environment when needed. She has resolved a multitude of discrimination complaints. And she offered sound and wise guidance through her participation on the EEO Advisory Committee, the Federal Women's Program Committee, and through the Hispanic Employment Program Committee.

Mrs. Strait's career as a civil servant has been awesome in its impact. Her work has opened possibilities for those who did not know they had options. The lives of her coworkers have been changed for the better because Viola Washington Strait cared for them and their needs. Viola Washington's working life had made a difference.

Viola now is looking forward to returning to El Paso to reunite with her daughters, sons-in-law, grandchildren, and with her church and community. We have been blessed by Viola's time with us in California, and as she returns to her other home we wish her adios y buena suerte.●

COMMEMORATING THE 20TH ANNIVERSARY OF VISTA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. HOYER. Mr. Speaker, I am delighted to join my colleagues in singing the praises of Volunteers In Service to America [VISTA]. The VISTA Program is a shining example of American volunteerism put to work to benefit those least able to help themselves.

In the 20 years of its existence, the VISTA Program has envolved to more closely reflect the profile and needs of the individual constituencies and communities it serves. Today, 20 percent of all VISTA's are 55 years of age or older, a significant percentage are themselves low-income, some have Ph.D.'s and some no formal education, some work in isolated rural areas, others in crowded urban centers. What they all have in common is a shared commitment to spend a year of their life helping to improve the quality of life of the poor, the elderly, and the needy.

I had the privilege to participate in the 20th anniversary celebration of VISTA recently held at the home of Sargent Shriver, the first Director of the Office of Economic Opportunity and the first Director of the Peace Corps. Shriver, along with former Gov. George Romney, serves as the cochairperson of Friends of VISTA, a bipartisan organization that has led the fight to protect and preserve the VISTA Program.

As a part of the celebration, numerous congressional friends of VISTA auctioned off magnificent crafts and other items made by low income cooperatives started by VISTA volunteers. The one noncrafts item that I had the honor of auctioning was a rare late 1960's VISTA recruitment poster featuring Dustin Hoffman, the star of "The Graduate." The poster was a picture of Hoffman with the caption "What'll you do after you graduate?" at the bottom of the poster in bold print was the name VISTA and under it in fine print was the following phrase "put off plastics for a year." For those of you who remember "The Graduate," you probably have not forgotten Hoffman being told that plastics was the key to the future. Twenty years later VISTA is still the alternative to plastics—to computers and to the "me" generation.

I firmly believe that citizens are willing to answer a call from our national leaders to serve their country, to give of themselves, to help those in need. The problem is that today no one is making that clarion call.

One of the best kept secrets is the fact that the VISTA Program is still very much alive and that volunteers who are motivated, skilled, energetic, and dedicated to working to improve the lives of the poor and disadvantaged are desperately needed. Those currently in charge of the VISTA Program refuse to conduct any national recruitment or public awareness efforts in support of VISTA. There are no VISTA recruitment posters. There are no public service announcements. There are no recruitment drives on college campuses or in senior centers.

In recent years, VISTA's budget has been dramatically reduced from $34 million to $17 million. In 1979 there were nearly 60 VISTA's assigned to 14 different organizations throughout the State of Maryland; today there are fewer than 20 VISTA's at only 5 projects. Unfortunately, none are serving in my district.

Maryland, like every other State in the Union has experienced a dramatic increase in poverty in recent years due to high levels of unemployment and massive Government social service cutbacks. Hunger, homelessness, illiteracy, and unemployment are all on the rise.

VISTA volunteers are playing a crucial role in Maryland, as elsewhere, in dealing with these newly emerging national emergencies. At this time, Mr. Speaker, I would like to share with my colleagues the remarkable accomplishments of the VISTA volunteers assigned to the Maryland Food Bank. In the most recent fiscal year, VISTA's assisted the food bank in the distribution of over 7 million pounds of food. This 6-year-old food bank now distributes 450,000 pounds of food monthly thoughout the States of Maryland and Delaware.

VISTA volunteers are directly responsible for boosting the food banks member agencies—organizations that directly feed the hungry on a daily basis through soup kitchens and food pantries to over 450. Each month the VISTA recruits on the average seven additional member agencies. More than 100 private sector corporate donors, including Giant and Safeway Foods are coordinated by VISTA's. The VISTA's serve as the food bank's primary liaison and monitor of member agencies, develop new neighborhood networks, and coordinate donation and distributions.

According to the food bank director, Ann Miller, "We tried to use nonstipended, part-time volunteers before we had VISTA volunteers, but it just didn't work. We need full-time VISTA's who aren't afraid to go to the agencies, who can oversee the work and who get something to live on so they can afford to work for us."

Noting that the food bank is working steadily for the day when unpaid community volunteers, trained by VISTA's, will be able to take over the VISTA's role, Miller noted, "We just aren't at that point yet and VISTA is just crucial for our work."

Unfortunately due to the lack of publicity and public awareness, the food bank is now having an extremely difficult time recruiting volunteers with the necessary skills and dedication who are willing to make a full-time 1-year commitment to working with the food bank. While there is a tremendous amount of interest on the part of local residents, Miller has found that many of their potential VISTA's are looking for much more pay than VISTA provides and quit once they find a better paying job. I share her view that national publicity and recruitment is essential if projects such as hers are going to be able to recruit talented, committed and dedicated volunteers who knowingly and willingly will dedicate a year at this time to serving the poor in exchange for VISTA's poverty wages and the satisfaction of knowing that they are helping fellow citizens in need.

VISTA is playing a vital role in attacking hunger and homelessness, illiteracy and unemployment in Maryland, and doing so in a manner which mobilizes and utilizes already existing com-

munity resources and makes the local self-help projects all the more effective, self-sufficient and long-lasting. I commend the fine work done by the 80,000 Americans who have served this country as VISTA volunteers and pledge my continued support to the values and principles upon which this vital program is deeply rooted.●

TRIBUTE TO LES ARENDS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. RODINO. Mr. Speaker, I was deeply saddened to learn of the passing of our former colleague, Les Arends.

While we were of opposite parties, and more often than not were on opposite sides of legislative issues, I valued Les as a good and warm friend. During his long career he served with distinction in the leadership of the Republican Party in the House. I extend my sympathy to Les' wife Betty and their daughter Letty.

Mr. Speaker, I ask that there be included in the RECORD an obituary from today's Washington Post which describes very well the achievements of our good friend Les Arends.

LESLIE C. ARENDS, 89, DIES; FORMER GOP HOUSE WHIP

(By Richard Pearson)

Leslie C. Arends, 89, an Illinois Republican who served in Congress for 40 years and who was his party's whip from 1943 until retiring from the House of Representatives in 1975, died of a heart ailment yesterday at a hospital in Naples, Fla. He had a vacation home in Naples.

During his years in the House, he rose to a senior position on the Armed Services Committee and was a leading member of the conservative wing of the Republican Party in Congress. Although the GOP controlled the House for only four of the years in which Mr. Arends served in it, it was as whip, or deputy party leader, that he made his mark.

The job of a whip is to act as a channel of communications between the party leadership and the members. He must try to persuade members to follow the leadership and see that the rank-and-file are present for important votes. He must keep them informed about the legislative calendar and know where they are during legislative sessions.

The whip also must keep the leadership informed of what the members are thinking. He must know how members feel concerning various issues and what particular problems they might face in their districts, and he must report his findings to the leaders.

Mr. Arends seemed to thrive on these time-consuming tasks, although they garnered him comparatively little credit in his own district. His problems were threefold: holding his own House seat, keeping the trust of House members, and working effectively with other party leaders.

Mr. Arends kept his seat until he chose to retire. His Midwest brand of conservative Republicanism was typical of his time and place. Before World War II, he opposed Lend Lease, the relaxation of the neutrality laws and naval construction projects. After the war, he voted against organized labor and in favor of farm programs.

He surprised many observers with the ease with which he turned back a 1965 challenge by Peter H.B. Frelinghuysen (R-N.J.) for the whip's post. House Republican leader Charles Halleck had just been defeated for reelection by the more moderate Gerald R. Ford (R-Mich.) and Mr. Arends was thought vulnerable. Yet Mr. Arends defeated his challenger 70 to 59, and was heard to say he had nine more votes in reserve.

Many considered his victory over Frelinghuysen to be the natural result of the qualities that made him so successful on Capitol Hill. Mr. Arends exhibited unquestioned honesty, genuine friendliness, true loyalty and good humor. In a career such as his these seemingly modest gifts can be as important as towering leadership or vaulting ambition.

Leslie Cornelius Arends was born Sept. 27, 1895, on a farm near Melvin, Ill., about 100 miles south of Chicago. One of seven children, he was educated in public schools and attended Oberlin College.

"I was brought up right," he once said, "as a Republican."

After serving in the Navy during World War I, he farmed, and had farming interests in Melvin until his death. He also entered banking, becoming president of the Commercial State Bank in Melvin. The first elective office he ever sought was a seat in the House of Representatives, which he won in 1934.

A noted golfer, he was a member of the Burning Tree Club. He also was a Mason, a member of the American Legion and a trustee of Illinois Wesleyan University.

In addition to his vacation home in Naples, he maintained residences in Washington and Melvin.

Survivors include his wife, Betty; a daughter, Letty Arends Eckel of Brookline, Mass., and one grandchild.●

PATRICIA SHAW

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. FORD of Tennessee. Mr. Speaker, we in the Memphis community have suffered a great loss in the passing of Patricia Walker Shaw, a young woman who challenged and conquered the corporate community with her great success. Pat Shaw worked her way up through the ranks of Universal Life Insurance Co. to become the first woman president of a major insurance company in America. Pat Shaw was also a dedicated public servant, becoming the first black member of the board of Memphis Light, Gas & Water among her many other contributions. As a mother, a businesswoman, and a community leader, she accepted all challenges and set an example for all to follow. The history of woman has produced only a few. I ask that an article from a recent edition of the Memphis Commercial Appeal be included in the RECORD as part of the tribute to Mrs. Shaw.

The article follows:

[From the Memphis Commercial Appeal, July 2, 1985]

MRS. PATRICIA SHAW

Mrs. Patricia Walker Shaw, who died Sunday, had a vision of what Memphis should and could become.

She discussed that vision in one of a series of "Conversations about Memphis" that run on the editorial pages of The Commercial Appeal last year.

Mrs. Shaw had been a social worker. But she became a successful businesswoman, working her way up to the presidency of University Life Insurance Co. She also was active in community affairs, serving, among other places, on the board of Memphis Light, Gas & Water Division.

So she brought to urban issues a combination of theory, experience and practical business sense.

In the "conversation," she talked of the need to reach out to the "sick part of us"—the poor, the uneducated, the have-nots. But she objected to the idea of "social programs."

"You stigmatize it by calling it a social program," she said. ". . . I'm talking about an economic program. It's social in that it reaches people, but it's economic in that the people then contribute to the tax base. I think we need to stop thinking in terms of helping 'them,' or helping the poor, or helping blacks or whatever it is. You're not just helping them. You're helping yourself, too. . . . It would be matching people with opportunities."

Her hope was to see that "sick part of us" become a productive part, to see all Memphians contribute to "a healthier community in terms of skills and the ability to work" and to see a growth of "happy people."

One day that vision will be realized if enough Memphians work at it. Pat Shaw will have helped make it so. She already has been part of what gives Memphis its potential to become a great city.●

NATIONAL POW/MIA RECOGNITION DAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. BILIRAKIS. Mr. Speaker, As we all know, July 19 is National POW/MIA Recognition Day. Many communities around the country are taking the time to tell the families of the 2,464 servicemen and civilians still missing in Southeast Asia that America has not forgotten their loved ones and the service they have given this country.

In Tampa Bay, under the leadership of two of my constituents, Dana Chwan and Marty Comer, the entire community is turning out to read the names of those still missing and to march through the streets for a special candlelight "freedom walk." I know this will be vary moving tribute for everyone concerned.

It is an extra special privilege to tell you about the efforts of another community in my district the city of Dunedin, FL. Not only will Dunedin residents have their own ceremony honoring the American POW's/MIA's, but they have the distinction of being one of the first communities in the Nation to recognize the plight of those missing and of their families who still await answers.

It was back in June 1968 that a committee was formed by the citizens of Dunedin to find a way to honor the soldiers of Vietnam. The committee included: Michael Santarelli, Helen Newcomb, Betty Crowley, Ellsworth J. Flowers, Francis Freeman, Robert Jennings, and Gerald Rehm.

A new sports stadium was already in construction in Dunedin so the group obtained permission from the Pinellas County School board to name it the Dunedin Memorial Stadium. At the dedication ceremeony on September 15, 1968, the stadium was dedicated:

In memory of our loved ones who have served courageously, with valor, honor and dignity in the Armed Forces of their country during the Vietnam conflict, to insure the Freedom of Mankind, thus making a better world in which to live.

We are all proud of the men and women who served in Vietnam and we remain committed to pursuing the fullest possible accounting for those who have never returned. I am also proud of my constituents who have taken the time to say to our Vietnam veterans and their families what is often felt but rarely expressed; and that is, simply, that we thank you * * * and we care.●

THE PLIGHT OF SOVIET JEWS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. KEMP. Mr. Speaker, a number of my colleagues have just returned from the Soviet Union. This trip occasioned this special order on Soviet Jewry. I would like to thank the gentleman from Florida and the gentleman from Ohio for giving Members the opportunity to speak on this important issue.

I remember vividly my impressions of my visit to the Soviet Union 2 years ago. I was deeply moved by the reception we received by the people of Russia. They welcomed us into their homes; they had already taken us into their hearts. If there had ever been any doubt in my mind about the importance of our activities on behalf of Soviet Jewry, they were forever dispelled.

There are a large number of organizations and individuals around the world whose goal it is to maintain communication with refuseniks and prisoners of conscience. My wife, Joanne, is a member of the Committee of 21 which is composed of congressional spouses, each of whom writes to her adopted refusenik every 6 weeks. Joanne has faithfully sent registered letters to Aleksander and Polian Cherniak in Kiev. We have yet to receive the return receipt or an acknowledgment from Cherniak. But some communications do get through. Even if it's 1 out of every 10, we must keep up our efforts.

These contacts are essential to the survival of Jews in the Soviet Union. If we do not speak for them, they will have no voice. If organizations such as the National Conference and the Union of Councils on Soviet Jewry were to cease their tireless efforts for the cause, then the refuseniks and the prisoners of conscience would indeed be lost, as the Jews were lost during the nightmare of the Holocaust.

My good friend Elie Wiesel's remarks about the victims of the Holocaust apply also to victims of Soviet persecution, "Jews were killed by the enemy, but betrayed by their so-called allies who found political reasons to justify their indifference or passivity." When I was in the Soviet Union, I brought with me a dozen copies of Elie's books autographed in Hebrew. These were confiscated by Soviet officials upon our arrival, but restored to us on the eve of our departure through the efforts of our own Embassy. When Joanne and I gave these books to our new-found friends, we saw tears in their eyes, tears of appreciation for the support of those outside the Soviet Union. They, too understand the lesson of the Holocaust.

The impressions from my visit to the Soviet Union are as vivid now as they were them. Above all, I know from firsthand experience how much our activity on behalf of Soviet Jewry means to them. As long as I have a voice, I shall speak on behalf of Jews in the Soviet Union.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 18, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 19

9:00 a.m.
Conferees
Closed, on S. 1160, authorizing funds for fiscal year 1986 for the Department of Defense.
S-407, Capitol

9:30 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Atlantic Striped Bass Conservation Act (P.L. 98-613).
SD-406

Finance
To continue hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on parental kidnapping.
SD-226

JULY 22

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 522, to prohibit the use of Federal financial assistance to perform abortions except where the life of the mother would be endangered.
SD-226

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1418, the Tobacco Improvement Act of 1985.
SR-328A

10:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on water supply issues of the Mid-Atlantic Region encompassing those States contiguous with the Delaware River Basin.
SD-366

JULY 23

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine problems facing the Nation's electric utility industry, focusing on the prospect of serious shortages of electric power by the early 1990's.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Com-

mission licensees or Department of Energy contractors.
SD-406

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 866, authorizing funds for fiscal years 1986, 1987, and 1988 for the Patent and Trademark Office, Department of Commerce.
SD-562

Labor and Human Resources
Business meeting, on pending calendar business.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1245 and S. 747, bills authorizing funds for programs of the Magnuson Fishery and Conservation Management Act, and S. 1386, to promote the Americanization of domestic marine fishery resources.
SR-253

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Security and Terrorism Subcommittee
Business meeting, to consider S. 274, proposed Antinuclear Terrorism Act.
SD-226

1:30 p.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on the flow of Federal agency information to Congress.
SD-226

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on the continuation of most-favored-nation (MFN) treatment for Hungary, Romania, China, and Afghanistan, and S. 925, to deny MFN status to Afghanistan.
SD-215

Foreign Relations
To hold hearings on the nominations of Bernard Kalb, of Maryland, to be an Assistant Secretary of State, and George C. Montgomery, of Tennessee, to be Ambassador to the Sultanate of Oman.
SD-419

JULY 24

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Charles A. Trabandt, of Virginia, to be a Member of the Federal Energy Regulatory Commission, Russell F. Miller, of Maryland, to be Deputy Inspector General of the U.S. Synthetic Fuels Corporation, and William P. Horn, of Virginia, to be Assistant Secretary of the Interior for Fish and Wildlife.
SD-366

Environment and Public Works
To hold hearings on the nominations of William P. Horn, of Virginia, to be Assistant Secretary of the Interior for Fish and Wildlife and Parks, and J. Winston Porter, of Virginia, to be Assistant Administrator for Solid Waste and Emergency Response of the Environmental Protection Agency.
SD-406

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on immigration marriage fraud.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To continue hearings on the flow of Federal agency information to Congress.
SD-562

Rules and Administration
To hold hearings on S. 581, S. 582, S. 583, and S. 1311, bills authorizing funds for certain activities of the Smithsonian Institution.
SR-301

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy.
SH-219

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings to review a report of the General Accounting Office on "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems."
SD-342

Select on Indian Affairs
Business meeting, to mark up S. 1398, to revise certain provisions of Title XI of the Education Amendments of 1978, relating to Indian education programs, S. 1349, to provide for the use and distribution of certain judgment funds awarded to the Mdewakanton and Wahpekute Eastern or Mississippi Sioux Tribes, and S. 1106, to provide for the use and distribution of judgment funds awarded to the Saginaw Chippewa Tribe or Michigan.
SR-485

11:30 a.m.
Select on Intelligence
Closed briefing on counterintelligence.
SH-219

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Foreign Relations
To hold hearings on the nomination of Bruce Chapman, of Washington, to be the U.S. Representative to the Vienna Office of the United Nations, and U.S. Deputy Representative to the International Atomic Energy Agency.
SD-419

JULY 25

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings to examine problems facing the Nation's electric utility industry, focusing on the prospect of serious shortages of electric power by the early 1990's.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-406

Finance
To continue hearings on the President's tax reform proposal.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on money laundering activities in Puerto Rico.
SD-342

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the impact of the Supreme Court's ruling in Garcia vs. San Antonio Metropolitan Transit Authority on the coverage of state and local government employees under the Fair Labor Standards Act.
SD-430

10:00 a.m.
Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for activities of the Overseas Private Investment Corporation.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings to review a report of the General Accounting Office on "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems."
SD-138

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the manufacture of designer drugs.
SD-562

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 177, American Defense Education Act.
SD-562

4:00 p.m.
Select on Intelligence
To continue closed hearings on the development of a national intelligence strategy.
SH-219

JULY 29

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings to examine certain problems encountered by employers in the funding of retiree health benefits.
SD-215

1:30 p.m.
Finance
Health Subcommittee
To hold hearings to examine the causes of higher costs experienced by hospitals treating low-income patients.
SD-215

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 824, authorizing funds for programs of title I of the Marine Protection, Research, and Sanctuaries Act of 1972, and related measures.
SD-406

JULY 30

10:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406

Foreign Relations
To hold hearings on pending treaties.
SD-419

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

JULY 31

9:30 a.m.
Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

Select on Intelligence
To hold closed hearings on counterintelligence.
SH-219

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

Foreign Relations
To hold hearings to review current U.S. financing of foreign military exports.
SD-419

11:30 a.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
Business meeting, to mark up S. 992, to discontinue or modify certain requirements for agency reports to Congress, and S. 1134, to permit Federal Agencies to impose monetary penalties on individuals or companies which submit certain false claims to the government.
SD-342

AUGUST 1

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor to examine the scope of illiteracy.
SD-430

SEPTEMBER 5

10:00 a.m.
*Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on competitiveness in the long-distance telephone markets.
SR-253

SEPTEMBER 11

2:00 p.m.
*Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on competitiveness in the long-distance telephone markets.
SR-253

SEPTEMBER 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 17

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 19

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

CANCELLATIONS

JULY 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1310, to improve the effectiveness of the political broadcasting laws.
SR-253

SENATE—*Thursday, July 18, 1985*

(Legislative day of Tuesday, July 16, 1985)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, in a large family like the Senate, many may be hurting and no one know anything about it. We pray this morning for those among us who in some way have need. We remember Senator ARMSTRONG and his family in the loss of his father and all others in our midst who grieve because a loved one is gone. May their hearts be filled with Your peace. We pray for those who are ill in hospital or at home or have a loved one who is sick. May each be aware of Your presence and comfort. We pray for any who are alienated, whether it be in the family or in a Senate staff. Grant that they may find the way of reconciliation. Be with those who are frustrated, discouraged, depressed, or feel their situation is hopeless. May they find their hope in Thee. For any in financial difficulty or facing a job change or unemployment, we pray that Thou will meet such need.

Father in Heaven, Thou hast commanded us to love Thee and one another. Help us to be obedient to that mandate. Help us to support one another, to encourage one another, and to bear one another's burdens. Unite the great Senate family—the Senators, all of the staffs, and all of our families—in caring and loving and serving. Be with the President and Mrs. Reagan and thank Thee, Father, for his amazing recovery. In His name Who lived to love and serve. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by special orders not to exceed 15 minutes each by Senators PROXMIRE, SASSER, EVANS, and MATTINGLY, with routine morning business following that not to extend beyond the hour of 12 noon with statements limited therein to 5 minutes each.

Then at 12 noon, a live quorum will begin under the provisions of rule XXII, to be followed by a rollcall vote on a cloture motion on the motion to proceed to S. 43, the line item veto.

Rollcall votes, I would guess, could be expected throughout today's session.

Again I make the same plea that I made yesterday a time or two, that we wish to eliminate from the calendar a number of these rather noncontroversial pieces of legislation, and as I noted yesterday, September and October are going to be very crowded. We will have all the appropriations bills, or a good number of them, when we return, and there are other items that we have already committed to take up in September and early October. If I had a bill on the calendar I would not delay it by just saying, "We will take it up later in the year." We would do our best, but I indicated to my colleagues that we believe we can dispose of most of these bills without controversy and I hope that we can have cooperation of Members on both sides to start disposing of a number of these measures.

I am now advised that we have a number of bills cleared. That is a start. We only have about 25 or 30 remaining. So we are making progress.

Some, of course, cannot be disposed of without considerable debate.

It is still my hope to have the farm bill up, if not Monday, maybe Wednesday of next week. The supplemental appropriations is a must to do before we leave. There is the compact of free association. There are a number of bills that we must dispose of before the August recess.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, the democratic leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time for use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar: Calendar No. 307, Chester Evans Finn, Jr.; Calendar No. 308, Joe M. Rodgers; Calendar No. 309, Mae Neal Peden; Calendar No. 310, Allie C. Felder, Jr.; Calendar No. 311, Richard F. Hohlt; and all nominations placed on the Secretary's desk.

There being no objection, the Senate proceeded to consideration of executive business.

The PRESIDING OFFICER. The first nomination will be stated.

DEPARTMENT OF EDUCATION

The legislative clerk read the nomination of Chester Evans Finn, Jr., of Tennessee, to be Assistant Secretary for Educational Research and Improvement.

Mr. HATCH. Mr. President, I am pleased to support the confirmation of Dr. Chester E. Finn to be Assistant Secretary of Education for Research and Improvement. The Committee on Labor and Human Resources has unanimously reported his nomination. The members all feel that Dr. Finn is highly qualified for the job.

The Office of Educational Research and Improvement is undergoing an extensive reorganization that has been long overdue. The Federal educational research programs were never coherently arranged or administered within the new Department of Education. Secretary Bennett has proposed revisions that will consolidate the research operation under the Assistant Secretary for Research and Improvement. Because of the greater responsibilities that will now attend this position and because major reforms are always difficult to orchestrate, it is especially important that the next Assistant Secretary for Research be a person who is both politically and academically able and who is firmly grounded in the field of educational research.

I believe that Dr. Finn has the necessary qualifications. He is codirector of the Center for Educational Policy and the Institute for Public Policy Studies at Vanderbilt University. He has been a prominent proponent of educational reform through numerous books and articles and through his testimony at congressional hearings. He is a member of at least 12 organizations dedicated to the advancement of education. Dr. Finn has worked in the White House and has even had Capitol Hill experience as legislative director for Senator MOYNIHAN. I can't think of anyone who would be better quali-

fied to direct the development of a credible Federal educational research effort.

I urge the Senate to confirm Dr. Finn to be Assistant Secretary of Education for Research and Improvement.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Joe M. Rodgers, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Mr. GORE. Mr. President, last year, when Joe Rodgers served as chairman of the Ambassadors for Tennessee Program, the rest of us didn't realize that this was what he had in mind.

In fact, that cultural exchange program is just one of dozens of civic activities in which Joe Rodgers has taken part. Since he moved to Tennessee over 20 years ago, Joe has been an integral member of the Nashville civic scene.

Joe Rodgers is a dynamic builder, on the cutting edge of economic development in Nashville. As a member of commissions to study job training, agricultural development, and industrial growth, he has always shared his vision and his talents with us all. Through the efforts of Joe Rodgers and others like him, Nashville has become a rising hub in the Southeast.

Joe Rodgers brings a distinguished record of accomplishment to this assignment. As an enterprising corporate president, he has shown a lasting commitment to progress. His achievements as a civic leader are just as impressive.

Joe Rodgers is a fair and thoughtful man, who has done much to promote the interests of his city and his State. I am sure that as Ambassador to France, he will continue to do the same for his country.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

The legislative clerk read the nomination of Mae Neal Peden, of Virginia, to be an Assistant Administrator of the Agency for International Development.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Allie C. Felder, Jr., of the District of Columbia, to be a member of the Board of Directors of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Richard F. Hohlt, of Indiana, to be a member of the Board of Directors of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Foreign Service placed on the Secretary's desk.

Mr. DOLE. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. DOLE. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 35 seconds remaining.

Mr. DOLE. Mr. President, I yield the balance of my time to the distinguished Senator from Oregon, Senator HATFIELD, to be used at any appropriate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that a quorum call not be charged against my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

HOW SECRECY FAVORS NUCLEAR PROLIFERATION

Mr. PROXMIRE. Mr. President, the control of nuclear proliferation is an essential element of our life and death struggle to preserve peace in this increasingly nuclear world. In the first 40 years of the nuclear age, the number of nuclear armed states has been held down to less than a dozen, perhaps less than half a dozen. We have been extraordinarily lucky. After all, nuclear weapons are becoming easier and cheaper to produce with every passing year. Furthermore, nuclear weapons provide an overnight increase by a hundredfold or more of military power for any country acquiring them—so there is an enormous temptation to use them, and certainly to acquire them. We have been told that a single Trident submarine carries more explosive power than all the immense firepower exploded by mankind in the long history of the world—one submarine. To be sure, nuclear armed submarines are far beyond the capability of all except a tiny handful of countries. But an immense variety of nuclear weapons fit within the easy reach of scores of nations and the number is increasing very rapidly. What an invitation to military power the acquisition of nuclear weapons represents. Can any realist expect, particularly if such weapons proliferate, that the next 40 years will continue to permit the nations of the world to get along without the outbreak of a nuclear war at some level? Mr. President, unless we drastically improve our antiproliferation policies, the chances of this old world escaping at least a small scale nuclear war that could escalate to the final Armageddon, are about as good as the chance of winning a million dollars with a lottery ticket. In other words, we have very little chance unless we improve our antiproliferation policies.

Unfortunately, the possibility of discussing specific nonproliferation policies in this body are extremely constrained. The State Department and its ambassadors negotiate with foreign leaders on a strictly classified basis. Sometimes they work out executive agreements, parts of which may never be put into writing—not even initialed. Leaders of foreign countries that work out nuclear transfer arrangements with our Ambassadors and the State Department may prefer that critical elements of such agreements be off the record. To accomplish this they might insist that parts of the agree-

ment are classified and cannot be released publicly.

Suppose our Ambassador reports to Members of the Congress that the foreign country to which we will transfer nuclear material has made a firm agreement that the United States can veto the retransfer of sensitive technology or equipment to another country—but crucial parts of such agreement are oral. Mr. President, they almost always are. What good is such an agreement? How do we enforce it? Let us assume that the country that makes such an agreement decides for whatever reason that it wants to retransfer sensitive technology or equipment produced by the United States. Assume the country has agreed verbally with the U.S. Ambassador not to do so. At least that is the American Ambassador's understanding. Between language differences, the slippery ambiguity of the typical agreement, the rapid turnover—through the years of Ambassadors, there is not much of an enforceable contract. And, Mr. President, I might add that we are dealing with dynamite. But, of course, we are dealing with something far more potent than dynamite.

The Congress has lost the power it held for 30 years until the Supreme Court decision in the 1983 Chadha case to veto agreements to transfer U.S. nuclear technology.

In the past we have had the power, we have had the authority here in the Congress to say no if the President wanted to approve the sale of a nuclear plant to some foreign country. We lost that with the Chadha decision. We lost that in 1983. We had that for 30 years. Now it is gone. Now there is no restraint on the President transferring that nuclear capability.

We have made a modest effort to correct this in part in the export administration bill that passed the Senate a few weeks ago. We now will require the President to specifically address in writing, the nine nonproliferation criteria in the Atomic Energy Act, and to state whether he is waiving any of them. The President must then submit the nuclear technology transfer agreement and the nonproliferation statement to both the House Foreign Affairs Committee and the Senate Foreign Relations Committee for a 30-day informal review.

These committees then advise the President on whether he has complied with the nonproliferation criteria and whether, if he has not done so, he should be asking for an exemption from any of them; any other criteria, that is.

If either committee advises that the agreement does in fact violate any of the criteria, the President may—may, not must, may—if he wishes to do so, ask for an exemption. If he does ask for an exemption, the Congress can deny it and, therefore, thereby avoid the proposed agreement. If he does not request an exemption—there is no compulsion on the President to request it—if he does not request it, even after Congress advises him to do so—the Congress can only kill the agreement by passing a joint resolution of disapproval which, of course, the President can veto. So in effect, we do not have any real power except the little public pressure, in persuasion—and Members of Congress can visit the President and ask him. But the real power with the Chadha decision of the Supreme Court that we cannot veto an action by the President—we have lost our power over preventing nuclear proliferation. Of course, if the President flagrantly ignored congressional advice regarding a need for an exemption, theoretically a veto might be overridden, but that will almost never happen. How many vetoes have we overridden? We have overridden, I think, one or two of President Reagan's vetoes, and by and large, Presidents may have had one or two vetoes overridden during the course of their 4-year term.

Of course, if the President has flagrantly ignored congressional advice regarding the need for an exemption, a veto might be overridden, but it would be difficult.

Mr. President, in this country we have a vigorous, private nuclear energy industry. It is in strong competition with producers of nuclear technology in other nations. Obviously, our balance of trade is a serious problem. So our Government will be under heavy and constant pressure to make nuclear transfer agreements as permissive as possible—even to smooth over negotiating difficulties by oral understanding. We have experienced that. This Senator has been under pressure by people from various States, and by Senators, to permit, to approve, and not complain about or speak about the transfer of these nuclear facilities. We can expect that pressure to continue.

The desire for promotion of sales of nuclear technology is understandable. So is the pressure we can expect on the Congress to make such sales as easy and simple as possible. Mr. President, that is a pressure this body should be prepared to resist, and vigorously resist, for the stakes are too high. They involve our national and even world survival.

MYTH OF THE DAY: THAT THE PRESENT REPUBLICAN ADMINISTRATION IS CONSISTENTLY ANTI-COMMUNIST

Mr. PROXMIRE. Mr. President, I would like to present my myth of the day. Each day I have presented a myth, a belief, that the general public may have that is in my view not true. I try to expose that myth. I have done that for the last 2 or 3 weeks. I expect to continue it for some time.

Is the present conservative Republican administration strongly or consistently anti-Communist? That seems pretty obvious. The answer would be "of course." If you did you are wrong. The anticommunism of the administration is a myth.

Here are five examples of why this is a myth.

First, this administration proposed giving U.S. military assistance to Marxist Mozambique where there is a growing pro-Western rebellion underway against that Marxist one-party state called the People's Republic of Mozambique.

Second, this administration proposes selling arms to the People's Republic of China, the second largest Communist power in the world, and the second most powerful after the Soviet Union.

Third, this administration wants to sell the Peoples Republic of China sophisticated civilian nuclear technology without adequate safeguards.

Fourth, this administration has become the first to provide Marxist Angola with Eximbank loans despite the presence of Cuban troops in that country, and its constant diplomatic and international criticism of the United States.

Fifth, this administration was the first since 1946 to provide Eximbank credits to the People's Republic of China.

Conclusion: If a liberal Democratic administration had undertaken such actions, it would be called soft on communism, fellow traveling or worse. But for this conservative, Republican administration, get out the Teflon.

MEMORIAL FOR DR. MICHAEL McCULLOCH

Mr. PROXMIRE. Mr. President, exceptional men deserve recognition. Particularly when their lives and their works enrich all of us. Dr. Michael McCulloch may not be well known in the Halls of Congress, in corporate offices, or in households outside of his own city of Portland, OR. But he was an exceptional man.

Friends, acquaintances, and relatives describe him as a devoted family man, deeply caring for his wife, his four children, and a nephew who was welcomed to the family following the tragic loss of his parents.

Colleagues and patients describe him as conscientious, professional, sensitive. "An able physician," "a leader in psychiatry," a man whose "quiet suggestions" made a real difference in the lives of those he touched.

His training in psychiatry gave him a special understanding of human behavior. His love of animals, beginning at an early age, made him keenly

aware of the special affinities between people and animals. He believed, his brother recalls, that through medicine he could help people, and through knowledge of people-animal relationships, he could improve the healing art.

As a scientist, Dr. McCulloch wrote:

Although there is strong sentiment and anecdotal information to suggest that relationships with animals can be beneficial in many ways, the actual data is sparce * * * although animal facilitated therapy programs began over a century ago, strict scientific documentation didn't begin over a century ago, strict scientific documentation didn't begin until 20 years ago * * * we are just beginning to understand the psychological effects of pets on individual, and vice versa * * * if pet therapy offers hope for relief of human suffering, then it is our professional obligation to explore every available avenue for its use.

To understand the human/companion animal bond, McCulloch called for a disciplined effort by scientists from several fields, and initiated his own careful studies.

In 1977, he helped establish the Delta Society to study human/animal relationships, and how they may be used to facilitate therapy. The society grew: Its membership spread across the United States and drew from many disciplines. It became the leading professional organization conducting research on the effect of animals on human health; initiating companion animal programs for disturbed children, handicapped persons, prisoners, and patients in hospitals and nursing homes; and educating Americans about the benefits of human/animal interaction. The research and education activities of the Delta Society played a key role in securing passage of the pets in elderly housing bill which I introduced in 1983.

This legislation, which prohibits discrimination against elderly or handicapped persons who wish to have a pet companion, reflects recent research findings that pet ownership can significantly improve the physical and emotional health of older or handicapped people.

Those who heard Dr. McCulloch speak about the bonds that link humans and companion animals recognized him as an exceptional communicator. He marshaled his information about human psychology, medicine, and animal behavior carefully. He conveyed complex matter with professional clarity. He described the wondrous results of human/animal interaction with a quiet, but convincing passion. Both in his lectures and in his writings, Dr. McCulloch revealed himself as an uncommon teacher.

On Wednesday morning June 26, Dr. Michael McCulloch was shot to death in his office by a deranged, former patient.

He will be missed. The loss will be felt not only by his family, his friends, and others who knew him. This exceptional man, who worked so hard to increase our understanding of the bonds which link all living creatures, and to use this knowledge to cure those who are ill and comfort those who cannot be cured, will be remembered by all of us.

Mr. President, I ask unanimous consent that the list of writings prepared by Dr. McCulloch be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

McCulloch, M.: Animal Facilitated Therapy: Overview and Future Direction; presented at the International Conference on Human/Companion Animal Bond, U. of Pennsylvania, Oct., 1981; California Veterinarian 8/1982.

McCulloch, M.: The Pet as Prothesis. In: Fogle, B., ed. Interrelations Between People and Pets, C.C. Thomas, Springfield, IL 1981.

McCulloch, M.: The Veterinarian in the Human Health Care System. In: McCullough, L. & Morris, J. eds. Implications of History and Ethics to Medicine, College Station, TX: Texas A&M Univ. Press, 1978.

McCulloch, M.: Contributions to Mental Health. In: A Report Prepared by R.K. Anderson, Dept. of HEW, Contract #231-76-0202.

McCulloch, M.: The Pet-Owner Relationship; paper to American Veterinary Medical Association, July, 1975.

McCulloch, M. & Crawford, R.: Companion Animals and Mental Health, Video-Cassette Tape, Washington State U., 1972.

THE MISKITOS' UNION

Mr. PROXMIRE. Mr. President, an article in the June 22 Washington Post reports that warring groups of Miskito Indians in Nicaragua have united against both the Sandinista government and the U.S.-backed Contras.

Neither side has helped the Miskitos.

Long ignored by the mainstream Nicaraguan culture and economy, the Miskitos backed Sandinista resistance to Anastasio Somoza in the hopes of gaining some regional autonomy. Instead, the Sandinistas forcibly relocated the Indians and tried to eradicate their-native traditions and languages.

Many Indians took up arms with the Contras, but now have discovered that the Contras are equally insensitive to Miskito concerns.

The Indians claim that the Nicaraguan Democratic Force, the anti-Sandinista group, refuses to provide funds to continue the Indians' war effort.

Also, the Unified Nicaraguan Opposition speaks of the Miskitos in the same terms that the Sandinistas do. This fact proves to Armstrong Wiggins, an Indian Human Rights activist, that the Contras "use the same language the Sandinistas use" to describe the Indians indicating a similar attitude toward the Indians.

Exploitation by both sides led to the union of the Miskito Indians.

The union may be a potent new force in the Nicaraguan battles, and we should carefully watch the growth of the Miskitos' power.

The union is important for another reason. It proves that the Miskitos will never let anyone wipe out their culture.

Mr. President, genocide is an atrocity if it takes place in Nicaragua or anywhere else. Our Nation should combat such genocide with ratification of the Genocide Convention.

We should learn from the Miskitos' example. Their determination to avoid genocide should increase our determination to ratify the Genocide Convention.

Mr. President, I yield whatever time I have remaining to my good friend from Oregon, the distinguished senior Senator, Senator HATFIELD.

Mr. HATFIELD. I thank the Senator.

Mr. President, what is the time the Senator has remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has yielded 2½ minutes to the Senator from Oregon.

Mr. HATFIELD. I thank the Chair.

RECOGNITION OF SENATOR SASSER

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. SASSER] is recognized for not to exceed 15 minutes.

UNEMPLOYMENT: THE FORGOTTEN ECONOMIC VARIABLE

Mr. SASSER. Mr. President, today I would like to comment on a particularly troubling aspect of our economy: Persistent unemployment.

In these times of high budget deficits there is much discussion of the adverse impact that these deficits can have upon numerous economic variables: Interest rates, economic growth, inflation. There is also a great deal of discussion about the negative impact or our overvalued dollar and our ever-expanding international trade deficit, currently projected to reach $150 billion this year alone.

In all this discussion, however, the stabilization of the unemployment rate at the 7.3-percent rate appears to be taken for granted. Our 7.3-percent unemployment rate has remained constant over the past 5 months. There is no indication that it will fall lower than this, and as this economic recovery runs its course it can be assumed that the unemployment rate may actually increase. Consequently, we may very well be looking at a redefinition of what constitutes a full employment economy.

It was not too long ago when most economists generally agreed that a 4-percent unemployment rate constituted full employment in this economy. Today, I would venture to say that most economists might consider an unemployment rate of 5 or 5½ percent to constitute full employment. With each succeeding recession, this number appears to rise.

The 1981-82 recession saw unemployment climb to almost 11 percent. While the current economic recovery has brought unemployment down to the level of 7.3 percent, the apparently encouraging news is marred by the fact that today fewer unemployed individuals are receiving unemployment insurance benefits than at any time since the Labor Department started recording these statistics.

A study released by the Center on Budget and Policy priorities this week reports that as of June, nearly 3 out of every 4 unemployed workers received no benefits. This amounts to more than 6.4 million unemployed workers last month alone.

At the depths of the 1982 recession, when unemployment stood at 10.7 percent, the number of unemployed without benefits stood at 6 million. Thus, today there are 400,000 more jobless workers without benefits than at the height of the 1982 recession.

Nationwide, of the more than 8.7 million unemployed, 6.4 million do not receive benefits, accounting for more than 73.1 percent. In my State of Tennessee, where unemployment has run above the national average for the past 4 years and continues to outpace the national average by more than one-half a percentage point, of the 177,500 unemployed, more than 126,370 do not receive unemployment benefits.

In other States, the situation is even worse. In Florida, for instance, of the 362,000 unemployed, 307,379 do not receive benefits. In Texas, of the 624,000 unemployed, more than 530,000 do not receive unemployment benefits.

These statistics provide further evidence that we must strive to encourage economic development throughout areas in this Nation which have not benefitted from the current economic recovery. We must encourage by every means economic development which provides permanent, full-time jobs and reduces unemployment.

Mr. President, these statistics serve to remind us that unemployment is an insidious form of economic decay which we simply cannot affort to ignore. Unless we take action to pass a budget that at one and the same time contributes to deficit reduction and econourages economic development, our unacceptably high level of unemployment must be addressed through constructive and prudent budgetary action.

Mr. President, I ask unanimous consent that data on unemployment and unemployment insurance coverage provided by the Center of Budget and policy priorities be printed in the RECORD.

There being no objeciton, the materiel was ordered to be printed in the RECORD, as follows:

TABLE 1.—EXTENT OF UNEMPLOYMENT INSURANCE COVERAGE AMONG ALL UNEMPLOYED FOR JUNE 1985

[Eleven most populous States]

States	Unemployment rate (Percent) [1]	Number unemployed [2]	Percent receiving benefits [2]	Number of unemployed not receiving benefits
California	7.8	964,000	37.3	604,828
Florida	6.9	362,000	15.1	307,379
Illinois	8.9	539,000	25.6	401,005
Massachusetts	3.7	123,000	45.7	66,826
Michigan	10.3	450,000	19.9	360,597
New Jersey	5.4	214,000	39.3	129,945
New York	6.4	549,000	33.9	362,966
North Carolina	4.6	170,000	32.2	115,188
Ohio	8.6	440,000	24.6	331,588
Pennsylvania	8.8	517,000	32.3	349,949
Texas	7.2	624,000	15.0	530,190
U.S. total	7.3	8,753,000	26.9	6,397,526

[1] Seasonally adjusted.

[2] These figures are not seasonally adjusted. Data on the number of unemployment insurance beneficiaries are available only on an unadjusted basis. To determine the percentage of unemployed receiving unemployment benefits, unadjusted figures must therefore be used.

Sources.—U.S. Department of Labor, Bureau of Labor Statistics, News, "The Unemployment Situation: June 1985," July 5, 1985, and, U.S. Department of Labor, Employment and Training Administration, Unemployment Insurance Claims: Reference Week of June 22, 1985.

TABLE 2.—EXTENT OF UNEMPLOYMENT INSURANCE COVERAGE AMONG ALL UNEMPLOYED FOR APRIL 1985

[Excludes 11 most populous States]

States	Unemployment rate (percent)	Number unemployed	Percent receiving benefits	Number of unemployed not receiving benefits
Alabama	9.1	164,400	31.6	112,511
Alaska	10.0	25,500	93.2	1,727
Arizona	5.7	84,300	24.8	63,411
Arkansas	7.9	80,900	38.8	49,481
Colorado	5.8	98,600	33.8	65,244
Connecticut	4.7	78,600	34.6	51,386
Delaware	5.3	16,500	29.7	11,597
District of Columbia	8.0	25,700	40.2	15,360
Georgia	5.9	168,300	26.6	123,608
Hawaii	4.7	22,600	48.0	11,753
Idaho	8.9	41,800	58.1	17,523
Indiana	8.3	224,600	25.7	166,836
Iowa	8.4	121,400	30.5	84,427
Kansas	4.4	53,900	42.8	30,851
Kentucky	7.6	128,500	33.5	85,506
Louisiana	11.2	216,900	35.2	140,561
Maine	6.5	36,000	53.6	16,713
Maryland	4.8	107,000	36.7	67,715
Minnesota	5.7	126,500	43.5	71,430
Mississippi	9.9	107,900	30.3	75,153
Missouri	6.8	163,900	31.6	112,169
Montana	7.7	31,900	46.1	17,200
Nebraska	5.0	40,500	35.3	26,199
Nevada	8.2	41,100	32.1	27,888
New Hampshire	5.4	28,200	16.6	23,513
New Mexico	8.2	52,600	28.7	37,481
North Dakota	6.4	21,600	49.5	10,915
Oklahoma	6.9	106,700	27.5	77,341
Oregon	10.6	139,100	41.5	81,422
Rhode Island	5.4	26,400	67.3	8,638
South Carolina	6.1	95,700	41.8	55,721
South Dakota	5.1	17,600	22.4	13,659
Tennessee	7.9	177,500	28.8	126,373
Utah	6.5	47,800	31.6	32,704
Vermont	5.7	15,500	55.2	6,943
Virginia	4.8	137,700	21.7	107,836
Washington	8.7	183,700	45.0	101,007
West Virginia	12.5	93,800	38.5	57,663
Wisconsin	6.8	161,900	51.6	78,403
Wyoming	NA	NA	NA	NA
U.S. total	7.3	8,150,000	38.0	5,056,920

Note.—All data are not seasonally adjusted.

Sources.—U.S. Department of Labor, Bureau of Labor Statistics, News, "State and Metropolitan Area Employment and Unemployment: April 1985," U.S. Department of Labor, Employment and Training Administration, Unemployment Insurance Claims: Reference Week April 20, 1985.

Data on unemployment insurance coverage—June 1985

Number of unemployed	8,753,000
Number of unemployed receiving unemployment benefits	2,355,474
Percentage of unemployed receiving benefits	26.9
Number of unemployed not receiving benefits	6,397,526
Percentage of unemployed not receiving benefits	73.1
Distribution of benefits:	
Number receiving regular unemployment benefits	2,321,637
Number receiving extended benefits	4,114
Number receiving Federal supplemental compensation benefits [FSC]	29,723
Total	2,355,474

Note.—Numbers cover 50 states and the District of Columbia, while excluding Puerto Rico and the territories. Numbers are not seasonally adjusted (data on receipt of unemployment insurance benefits are not available on a seasonally adjusted basis).

Source.—The Employment Situation: June 1985, Bureau of Labor Statistics, U.S. Department of Labor and Unemployment Insurance Claims, Reference Week: June 22, 1985, Employment and Training Administration, U.S. Department of Labor.

Mr. SASSER. Mr. President, I yield the remainder of my time to the distinguished Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. Without objection, 3 minutes 45 seconds will be yielded to the Senator from Oregon [Mr. HATFIELD].

RECOGNITION OF SENATOR EVANS

The PRESIDING OFFICER. Under the previous order, the Senator from Washington [Mr. EVANS] is recognized for not to exceed 15 minutes.

LINE ITEM VETO

Mr. EVANS. Mr. President, we have been treated over the last day, 24 hours, to eloquent and extended remarks from my distinguished colleagues from Oregon and Kentucky and my former colleagues as Governors, Senator HATFIELD and Senator FORD. I yield to no other Senator in my admiration for my colleagues from Oregon [Mr. HATFIELD], and the fact that he is wrong on this issue does not diminish in any respect at all my admiration for him and his considerable accomplishments.

These Senators pointed out that, somehow, an item veto is radical nonsense. Rather than that, it is a carefully constructed trial. It makes good sense, it seems to me, when given the opportunity to conduct a 2-year trial without embarking on the permanency that is attached a constitutional amendment.

We have heard at length arguments in opposition to an item veto, but it all

boils down to relatively few arguments. The term "radical" has been used in relation to the item veto. What is radical, Mr. President, is the shift of power which has occurred during the course of the last 30 to 40 years—the shift of power away from a President and toward a Congress in terms of the use and, yes, I would say the abuse of a continuing resolution and its many amendments.

No one in this place even knows what the term "germane" means any more, much less cares. Last year, 84 percent of the appropriations of the Congress, of the Senate, were through a continuing resolution.

Let us just examine a few of the inconsistencies in the arguments which were used yesterday.

First, it was portrayed as a malignant shift of power from Congress to a President. But then, the opponents turned right around and said, "But it only really affects 11 to 14 percent of the budget and, therefore, cannot really have much effect."

Well, Mr. President, you cannot have it both ways. Either it is a very large shift of power or it only affects a small percentage of the budget and the opposition should not be quite so intense. In fact, even if confined to 11 to 14 percent of the budget, which I do not for 1 minute agree with, that is significant. In fact, the budget conference, which is having so much difficulty today trying to reach a fiscal package for 1986, is dealing primarily in those areas represented by that 11 to 14 percent of the budget.

I do not think any proponent of the item veto has suggested that this was the only tool for fiscal control or even the biggest. It is one of a number, but I think it is an important one.

Then the argument was used that, somehow, this would make czars and unusual emperors out of enrolling clerks. Mr. President, how bizarre. Because, on the other hand, they were quick to point out and expound on exactly how many separate bills the continuing resolution of last year or some of the appropriations bills would have been divided into—2,043 was one number; 540 was another. If the enrolling clerks have that much latitude, how in the world could staff so easily distinguished the precise number of separate bills which those resolutions would be divided into?

Of course, the bill itself sets quite clearly the way in which those bills will be divided. I do not think any enrolling clerk is going to have any more power or any less than they have today.

Then the argument was used, how could the President possibly look into each one of those many bills? The thought was expressed that little gnomes in the Office of Management and Budget or the White House would be making all the decisions.

Well, Mr. President, not one additional word would be added to an appropriations act passed by this Congress. There would be exactly the same number of words, exactly the same number of provisions, exactly the same number of dollars, just divided instead of all lumped into one big package. The same analysis would have to be conducted as now.

Or perhaps what is really at stake is that the opponents suggest that tucking things into a very large package, a huge bill, might cause the President to overlook those things, not to see them and to let them sneak through. Perhaps that is really what is at stake, the fear—the fear that items would somehow be before the President for clear and separate examination.

Some claim was made that those who support this bill only do so based on supporting the current occupant of the White House. That is not so. It certainly is not so for this Senator. It does not make a difference whether a President is conservative or liberal. No veto I have ever seen of an appropriations act allows for the spending of more money. If an item veto results in a more careful look and even a small reduction in spending, regardless of the philosophy of the President, that is a move in the right direction.

The further claim from my former gubernatorial colleagues is that an item veto at the State level does not save any money. The fact is that the States have a unified budget. It makes sense under a unified budget, a single appropriations act, for a Governor to play a larger role than just a yes or no vote on one single, unified appropriations act. That was not the case for the United States. But we are approaching that—one bill, a continuing resolution, with all of the appropriations. It seems to me it is time to give the President what he once had—at least a small element of shaping; at least a little time and opportunity to help not only the size of the budget but the shape of that budget.

Mr. President, let us summarize: We are in fiscal shambles today in this Nation and, more explicitly, in this Congress. New ideas are worth trying. This is a low-risk trial. It rebalances what has become unbalanced over the last generation. It is not a superfiscal tool, but it is one of them. I ask my colleagues to let us have a vote. Or does the opposition fear that the majority may work its will?

I urge my colleagues to vote to allow us to proceed and then to thoroughly debate on the bill itself this important issue.

RECOGNITION OF SENATOR MATTINGLY

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia [Mr. MATTINGLY] is recognized for not to exceed 15 minutes.

Mr. MATTINGLY. I thank the Chair.

LINE ITEM VETO

Mr. MATTINGLY. Mr. President, I do not intend to speak at length on the motion to proceed to the consideration of Senate bill 43.

I believe that the support which the bill has garnered in the Senate, along with the fact that the item veto idea apparently has the endorsement of a large majority of the American people, provides reason enough for the Senate to agree to the pending motion.

The continuing problems that have so far prevented an agreement on a budget for next year provide additional emphasis to the need for Congress to examine new methods of controlling the level and the quality of Federal expenditures.

We have heard some of the arguments that have been advanced against the legislation by its opponents. I hope that we can quickly move to the bill itself to that my colleagues can hear from the supporters of the legislation some of the many reasons that substantiate our belief that the Senate should pass the proposal.

In his opening remarks, the distinguished chairman of the Appropriations Committee [Mr. HATFIELD] struck a judicial theme of sorts, indicating that, like a trial attorney, he would prove his case over the next several days before the Senate jury.

Well, Mr. President, I hope that the Senate, after a proper period in which each side presents its case and calls all witnesses, so to speak, would be able to vote on the merits of the bill and render its verdict.

The trial metaphor is appropriate, Mr. President, because our sincerity about taking substantive action to control Federal spending is on trial here. Will we actually vote to do something about the deficit that we have all talked about or will we vote to retain the status quo?

We were urged to read the committee report and hearings transcript, Mr. President, and I hope all my colleagues do so—particularly the comments of Mr. Johnny Killian, one of our Nations foremost constitutional scholars, who seems to dismiss arguments against S. 43 about power shifts between the executive and legislative branches as "too formalistic," or the comments of one of the members of the panel of expert witnesses who talked about the failure of the current rescission process, or the comments of Prof. Judith Best, who talks about congressional encroachment on the President's right to veto and who says that this proposal does not give more

power to the President; it merely is an attempt to restore the equilibrium between the executive and legislative branches that was originally envisioned by the founders.

Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks an editorial from this morning's Wall Street Journal entitled "A Senator's Choice."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. MATTINGLY. Mr. President, let me quote one section of that editorial:

> The item veto will clearly allow individual members of the Senate to sometimes step off the escalator of a political spending system that is no longer edifying or admirable. Senators might find that the public respect accorded them then would be far more genuine and satisfying.

Listening to the arguments of the opponents yesterday, I could not decide if they were more concerned with the line item veto falling in its purpose or succeeding. The one clear message seems to be their dedication to the status quo.

Let me bluntly state my opinion that we are in the midst of an institutional crisis. Our budgeting and spending procedures are outmoded. The system is collapsing despite the tremendous efforts of some of our colleagues who struggle to bring order out of chaos.

The opponents of S. 43 are trying to defend the status quo and in doing so they are defending failure. To do nothing, to keep the same old politically comfortable system without the slightest alteration, is not a reasonable option. We cannot afford to stand with the Emperor Nero watching Rome burn as the opponents of S. 43 would seem to have us do. Opponents of item veto ignore the fiscal fires that are now ablaze. The would appear to in fact, ignore everything but protecting their little corner of the universe. They seem to be afraid that any change in the current system might somehow lessen their power and influence.

The opponents talked a great deal about the oath of office we all took upon entering the Senate. We are all pledged to uphold the Constitution and I yield to no Senator a greater loyalty to that oath. There is an expert opinion available for study that says this bill is constitutional. The chairman and the ranking minority member of the Senate Judiciary Committee are cosponsors of S. 43. That speaks more to its constitutionality than what we heard on this floor yesterday.

Mr. President, I ask unanimous consent that a letter received by me from the President be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 18, 1985.

Hon. MACK MATTINGLY,
U.S. Senate,
Washington, DC.

DEAR MACK: As you know, I have again and again called for line item veto authority, which I am convinced would work as a powerful tool against wasteful or extravagant spending by the Federal Government.

As I have said before, forty-three of our fifty states grant their governors the right to veto individual items in appropriations bills without having to veto an entire bill. It only makes sense that this reform in our budget process would go a long way toward assisting our efforts to provide sound fiscal management at the Federal level.

I commend you for your leadership in this area, and thank you for your resolve and support. As consideration of the line item veto issue continues, I want to reiterate how strongly I favor this important reform.

Sincerely,

RON.

Mr. MATTINGLY. Mr. President, the vote we are about to take is not on the merits of this issue. It is merely to bring S. 43 up for debate and consideration. I suppose there may be another filibuster on the bill itself because the opponents apparently feel they cannot defeat S. 43 on an up or down vote on its merits. I ask my colleagues to vote to allow the Senate to debate and vote on S. 43.

EXHIBIT I

[From the Wall Street Journal, July 18, 1985]

A SENATOR'S CHOICE

Over the next 48 hours, each of the 100 members of the U.S. Senate will have to make a choice about the way the government manages the people's money. Bill S. 43, which would give the president a line-item veto over individual appropriations, is finally before the Senate. The bill's opponents, led by Sen. Mark Hatfield (R. Ore.), are attempting to kill it with parliamentary procedures that would prevent the full Senate from voting on the measure. The bill appears to have enough votes for passage, but whether 60 votes exist to kill Sen. Hatfield's filibuster is uncertain.

We suspect that most senators have thought about the item veto and its possible usefulness. With the voting finally at hand, however, senators might want to give some thought to how comfortable they are with the budgetary status quo. It is our sense that the politics of managing a federal budget now totaling $900 billion simply don't square with what most thought they'd be doing in Washington when they entered public life.

We're not talking about the traditional hardball of big-league politics. Men and women have come to Washington and played that game well and honorably since 1789. We're talking about something more peculiar to modern American politics.

The 535 members of the Senate and House now preside over a set of government functions, a bureaucracy and a federal budget whose scale is unimaginably large and complex. Each January the members return to Washington and again set to work at the task of parceling out $900 billion or whatever, which happens to be quite a few more billions than their constitutents are willing to contribute in taxes. The Constitution quite specifically assigns this function to Congress, and for that reason the process and its participants command a certain level of respect. But that's not the only reason so many people pay their respects to the members.

The main reason is that federal spending is big bucks. You have the power of the purse over that much money and you get a lot of respect. But the respect now accorded the members isn't the same as it was, say in 1960 when John Kennedy undertook to revitalize America. By comparison, Washington was a lean and vibrant place then. Today it's a built-up town of associations—thousands upon thousands of them, all pressing some legitimate claim on that $900 billion.

Over the course of any budget process now there will be deals, political payoffs, pork-packed supplementals, grand-scale log-rolling between liberals and conservatives, continuing resolutions written when the rest of the country is literally asleep and campaign solicitations mailed out to all those endless polite and deferential association people. We were struck last Friday by an item in the Journal's Washingotn Wire column: "At a $500-a-head fund-raiser for Rep. Rostenkowski, lobbyists received buttons saying, 'I did more than write Rosty.' " This is what the Founding Fathers had in mind when they wrote Article I, Section 7 of the Constitution?

A prominent senator called our office recently, and the discussion turned to the floundering budget process. "We're institutionally incapable of changing," the senator said. "And there's no use you wasting your time writing editorials slamming us for spending. We won't change because we can't." This man is a liberal.

We're certain this view of the institution's debilitating paralysis is shared by many more Democratic senators than have cosigned Sen. Mack Mattingly's item-veto proposal. We also doubt that many senators take seriously Sen. Hatfield's current filibustering argument that the item veto would shift the balance of power unfairly in the president's favor. And we doubt that many have been distracted by the red-herring argument that the item veto's reach won't significantly reduce the deficit. Surely the senators who will be casting votes on the motion to shut off the filibuster know what the real issue here is.

The issue is that there are two words a politican needs to be able to say: yes and no. We now have a federal presence where the two words most used are yes and yes. That's why we have a $900 billion budget. Congress has demonstrated beyond a doubt that it cannot change this on its own. Its budget process has become the equivalent of trying to walk down the world's longest rising escalator.

The presidential item veto would provide one significant outside presence responsible for saying no. Yes, of course, Sen. Hatfield is right—the item veto won't wave away the deficit overnight. But the item veto will clearly allow individual members to sometimes step off the escalator of a political spending system that is no longer edifying or admirable. Senators might find that the public respect accorded them then would be far more genuine and satisfying.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I wonder if the Senator from Washington would be willing to yield for a question.

Mr. EVANS. I am delighted to yield.

Mr. HATFIELD. Mr. President, I should like to pose a question. If I understood the Senator from Washington State correctly, I believe he indicated he felt that the line-item veto as proposed in Senate bill 43 would apply to more of the budget than the 11 to 14 percent that has been used. Will the Senator indicate to me what other area of the budget to which it would apply?

Mr. EVANS. It seems to me that when you include both defense and domestic spending, as I understand the figures the Senator from Oregon has used, the assumption is that the President would not at any time investigate defense spending as a share of his reduction of the budget. I am not sure that is true.

Mr. HATFIELD. Can the Senator from Washington give me an example of where the President has ever suggested a reduction in such a budget?

Mr. EVANS. Mr. President, I am not sure the President will seek to reduce the budget in any respect. I am not trying to second guess the President. This is an issue that goes far beyond an individual incumbent in office. It is a question of process, and I think that process is worth trying. The President, whether this one or any other, has precious little opportunity to deal with the question of a budget if he has only one chance—on a continuing resolution, which is about all we have now.

Mr. HATFIELD. Mr. President, I thank the Senator from Washington.

In all reality, we have to look at Senate bill 43 that has but a 2-year life and then look at the situation. The Senator from Washington may not know of the President's views on this matter of reducing the Federal military budget, but I can assure you, Mr. President, that as chairman of the Appropriations Committee, having been at the White House on dozens and dozens of occasions, working out agreements, including the Rose Garden agreement, working out other agreements on spending in general and the budget in particular, there has been no propensity, no example that I can recall when this administration would in any way seek to use the line-item veto on the defense budget.

In fact, the battle has been between the White House and Congress as to what highest level we should have.

I offered an amendment on the floor to bring the fiscal year 1986 military budget, in the budget resolution, to a zero plus inflation for 1986 and for a 3-percent increase in 1987 and for a 3-percent increase in 1988. That was from the budget resolution, the committee's recommendation of 3-3-3.

The administration, as represented by the Secretary of Defense, Mr. Weinberger, blanched on that one; and, as the Senator may have read in the papers, that was down from a 5-percent request initially.

We have had nothing but one consistent request from this administration to increase, increase, increase the military spending budget; and wherever there has been reduction in the military, it has been by Congress.

Mr. MATTINGLY. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. MATTINGLY. Does the Senator believe that if this President found waste, fraud, or abuse in the defense budget, in a particular item, that he would not indeed use the item veto?

Mr. HATFIELD. That is a totally irrelevant question.

Mr. MATTINGLY. It is not irrelevant.

Mr. HATFIELD. The President has already done this as a matter of procurement. He has already taken administrative actions he has the power to take to remove waste.

CLOTURE MOTION

The PRESIDING OFFICER. One hour having passed since the Senate convened, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 43, to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President.

Dan Quayle, Mack Mattingly, Jesse Helms, Bill Proxmire, Bob Kasten, Strom Thurmond, John H. Chafee, John Heinz, Thad Cochran, Paul Laxalt, Jake Garn, Don Nickles, Nancy Landon Kassebaum, Pete Wilson, John Danforth, Bill Roth, James A. McClure, Bob Dole, John Warner, Al Simpson, Chuck Grassley, Steve Symms, Daniel Evans, Richard G. Lugar, John East, Joe Biden, Orrin G. Hatch, James Abdnor, Frank H. Murkowski, Gordon Humphrey, Malcolm Wallop, Mitch McConnell, Barry Goldwater, Chic Hecht, Paul Trible, Phil Gramm, Rudy Boschwitz, Jeremiah Denton, and David Durenberger.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. GRASSLEY). Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The bill clerk called the roll, and the following Senators answered to their names:

[Quorum No. 12 Leg.]

Bingaman	Grassley	Mitchell
Bradley	Harkin	Stafford
Cohen	Hatfield	Warner
Evans	Kasten	
Glenn	Mattingly	

The PRESIDING OFFICER. A quorum is not present

The clerk will call the names of absent Senators.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 12 Leg.]

Abdnor	Gore	Moynihan
Andrews	Gorton	Murkowski
Baucus	Gramm	Nickles
Bentsen	Hart	Nunn
Biden	Hatch	Packwood
Boren	Hawkins	Pell
Boschwitz	Hecht	Pressler
Bumpers	Heflin	Proxmire
Burdick	Heinz	Pryor
Byrd	Helms	Quayle
Chafee	Hollings	Riegle
Chiles	Humphrey	Rockefeller
Cochran	Inouye	Roth
Cranston	Johnston	Rudman
D'Amato	Kassebaum	Sarbanes
Danforth	Kennedy	Sasser
DeConcini	Kerry	Simon
Denton	Lautenberg	Simpson
Dixon	Laxalt	Specter
Dodd	Leahy	Stennis
Dole	Levin	Stevens
Domenici	Long	Symms
Durenberger	Lugar	Thurmond
Eagleton	Mathias	Trible
East	Matsunaga	Wallop
Exon	McClure	Weicker
Ford	McConnell	Wilson
Garn	Melcher	Zorinsky
Goldwater	Metzenbaum	

The PRESIDING OFFICER. A quorum of Senators is present.

VOTE

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 43, a bill providing for a line item veto, shall be brought to a close? The yeas and nays are automatic under the rule.

Now the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—57

Abdnor	Danforth	Exon
Biden	DeConcini	Garn
Boren	Denton	Goldwater
Boschwitz	Dixon	Gorton
Chafee	Dole	Gramm
Cochran	Domenici	Grassley
Cohen	East	Hatch
D'Amato	Evans	Hawkins

Hecht	Mattingly	Rudman
Heinz	McClure	Simpson
Helms	McConnell	Stafford
Hollings	Murkowski	Stevens
Humphrey	Nickles	Symms
Kassebaum	Nunn	Thurmond
Kasten	Pell	Trible
Kennedy	Pressler	Wallop
Laxalt	Proxmire	Warner
Leahy	Quayle	Wilson
Lugar	Roth	Zorinsky

NAYS—42

Andrews	Glenn	Melcher
Baucus	Gore	Metzenbaum
Bentsen	Harkin	Mitchell
Bingaman	Hart	Moynihan
Bradley	Hatfield	Packwood
Bumpers	Heflin	Pryor
Burdick	Inouye	Riegle
Byrd	Johnston	Rockefeller
Chiles	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
Dodd	Levin	Simon
Durenberger	Long	Specter
Eagleton	Mathias	Stennis
Ford	Matsunaga	Weicker

NOT VOTING—1

Armstrong

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

LINE-ITEM VETO

Mr. DOLE. Mr. President, it will be the intention of the leadership to file a second cloture petition. I am not certain whether that will be done today or tomorrow. I think this is a very close issue. It is controversial and there is a great deal of interest in it. I know the President is deeply interested in getting to the line-item veto. I had hoped we would be permitted to proceed. Some of our colleagues who expressed themselves in opposition felt this way, a second or third cloture vote, might be a way to let us proceed with this important issue.

Having said this, I understand there are Senators who want to speak. I will assure my colleagues on either side that we are going to protect everyone's rights, but it is also my hope that after those who have spoken on the motion have completed their speeches, we might be able to move to other business by agreement. I will be discussing that with the minority leader. In the meantime, we are still on the motion to proceed.

Mr. METZENBAUM. Will the majority leader yield for a question?

Mr. DOLE. Yes.

Mr. METZENBAUM. Would the majority leader be willing to consider under a time agreement some opportunity for us to raise the matter of CAFE standards before the Senate, maybe with a 2-hour time limit?

Mr. DOLE. I would be willing to consider that.

Mr. METZENBAUM. Is that a negative answer?

Mr. DOLE. No, but I would want to check. As I understood earlier from the chairman of the Commerce Committee, he may not be able to do that with a time agreement. Let me check with Senator DANFORTH.

Mr. FORD. There are others on the floor other than the chairman who would object to that.

Mr. DOLE. I knew there was some opposition from the Commerce Committee. I did not know where else it was coming from.

Mr. BYRD. Mr. President, if the majority leader will yield, could he tell us——

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. I am happy to yield to the minority leader.

Mr. BYRD. Mr. President, could the distinguished majority leader give us a definite date for the next cloture action?

Mr. DOLE. I would prefer to do that a little later in the afternoon. I will give a definite date between now and 3 or 3:30. It may come late on Monday or Tuesday. What I would like to do in the interim, again in the interest of cleaning up a lot of minor items which are important but not major, is to take up some other business in the interim, if that is satisfactory to those on both sides of the motion to proceed.

Mr. BYRD. I doubt that the majority leader can answer this question, but if he can, we will all be grateful. Can he indicate how many times we are going to go through this wringer of cloture?

Mr. DOLE. I do not know how to characterize it, but I would guess at least a couple more times. Hopefully, only one more time. I think the wisdom of this measure should sink in on at least three more Members before the next vote.

Mr. BYRD. In other words, we might expect two more cloture votes?

Mr. DOLE. I would think that would probably be a reasonable number.

Mr. BYRD. I thank the majority leader.

Mr. WEICKER. If the majority leader will yield, I do not want to give the impression that my speech in opposition to the bill is necessary at this time, if he wants to proceed to other business. I want to make clear that we are not trying to block the business of the Senate. I am prepared to speak on the bill, but I do not want the impression to be given that if there is other business the majority leader would like to proceed to, speaking for this Senator only, I would not be unwilling to let him proceed.

Mr. DOLE. I would be pleased if the Senator would speak for about the next 45 minutes. I have an engagement with the distinguished minority leader.

Mr. BYRD. If the distinguished majority leader will indulge me once more, and I know he cannot be accurate specifically in his response, he indicated there might be two more cloture votes. Is he talking about the overall cloture situation involved here with the motion to proceed? If we do proceed, how many cloture votes overall would there be?

Mr. DOLE. I am not certain. I have not had that much experience on this. I would have to go back and check the averages. I guess it would depend. If you did not have 45 votes on cloture, you would not want too many like that. But if you had 55 or 57, it would be somewhat different. Certainly, we will not string it out an inordinate length of time. I think once Members have firmly indicated their preference, we will make a judgment as quickly as we can.

Mr. BYRD. In other words, the distinguished majority leader is saying that we are going to have two more cloture votes and there may be more cloture votes on the motion to proceed, and that if there is a vote on the motion to proceed that brings the bill before the Senate, then there may be one or two cloture votes on the bill itself.

Mr. DOLE. At least one or two.

Mr. BYRD. I hope all Senators will prepare their schedules accordingly. I thank those Senators who voted against cloture today. I am glad it has been made clear that there will be further cloture votes. I would hope that Senators will continue to stay closely in tune with the situation. We do have several Senators ready to speak on this side. I thank the majority leader.

Mr. DOLE. As I understand it, those who are for cloture should stick around. If you are against cloture, it is not quite as important, if you had some important conflict. But those for cloture, do not leave town.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Will the Senate please be in order?

The Senator is entitled to be heard when he speaks.

The Senator from Connecticut.

Mr. WEICKER. I thank the Chair.

Mr. President, I rise in opposition to S. 43, the so-called item veto bill now before the Senate. It is said that the origins of this legislation, as, indeed, the origins for the balance-the-budget constitutional amendment that has been proposed by various Senators, Congressmen, and the President himself, are the financial difficulties in

which this country finds itself. That is, the failure to balance the budget or, to put it the other way around, the inclination to spend ever-increasing amounts while failing to initiate commensurate revenues. Mr. President, the irony of all this is that both the legislation and the rhetoric emanate from those who have the power to balance the budget.

This is not any citizens' movement. This is not a grassroots development. The call for a balanced budget, and more particularly, a line item veto and balance-the-budget amendment, comes from those who have the power to balance the budget.

I heard the President in his State of the Union Address call for these new laws. I thought it ironic at the time; I think it ironic now. If the President wants to balance the budget, then he ought to present a balanced budget. Never mind line item veto legislation. Let him present a balanced budget.

For the President to call for these various machinations, be they legislation, be they constitutional amendment, is no different than a quarterback of a football team leaving the team on the field, going up into the stands, and yelling, "We want a touchdown."

Now, the President is not the only one engaged in this charade. What is wrong with the U.S. Senate? What is wrong with the House of Representatives? If they want to balance the budget, let them balance the budget—not by writing a few words into the Constitution, not by casting a piece of legislation. They have the figures before them; let them balance it right now.

Even as this Senator is on the floor, the distinguished Senator from New Mexico [Mr. DOMENICI] is in a very difficult conference with the House. Apparently, the matter of balancing the budget, reducing the deficit, is secondary to the question of politics when it comes to the Democratic leadership of the House. I do not want anybody to misinterpret my criticism of the President as meaning I consider this to be unique to my party. This is a problem that more likely is unique to the House. They do not want to balance the budget. They want issues to take to the voters in the next election.

Probably the worst mistake that has been made in the course of this debate over the finances of the Nation was the President coming forth with his tax reform plan. Regardless of the merits or demerits of that tax reform plan, the one thing that is incontrovertible is that it took the eyes of this Nation off of the deficit and had them focused on something that would be nice to have in the future. The minute we started to forget about the deficit, the more likely it became that the various politicians of both parties would not make the hard choices to reduce the deficit.

There is one overriding problem confronting this Nation. It is the deficit. It is not going to go away by tax reform; it is not going to go away by a line item veto; it is not going to go away by constitutional amendment. It is going to go away by hard choices being made by the President, by the Members of the House, by the Members of the U.S. Senate, by the Republican and Democratic parties.

There is only one way the deficit is going to go away. It is going to go away through a reduction in defense spending; it is going to go away through a raising of taxes; and it is going to go away by reform of entitlements. Only when all of that is accomplished will the deficit disappear.

The difficulty is that, in a general sense, the Republicans do not want to reduce the defense budget. Our Democratic friends do not want to touch the entitlements. And neither party wants to raise taxes. Instead, we come here trying to give the impression that something is going to be done if we pass a constitutional amendment, if we have a line item veto, if we have a balance-the-budget amendment.

Really? The deficit is real. It is not philosophical, it is real. Dollars are raised by either cutting expenditures or raising revenues, or a combination of both.

We are paying a very tough price right now for this little tax reform ploy. I lay that one at the doorstep of the President. The country was thinking deficit before that, and as long as it was thinking deficit, the politicians did not mind making the hard choices, because the alternative—that is, a runaway deficit leading to a recession or a depression—was unpleasant enough that the least unpleasant choice was the choice to be made with regard to defense, COLA's, and all the rest. But there had to be that unpleasant alternative out there in the public mind. As soon as we started talking about tax reform, everybody forgot about the deficit.

Well, I think it is safe to say that if the deficit continues at its present amount and its current rate, this country is going into the damndest recession you every saw. It is just as simple as that, Mr. President. However, anybody would be nicked by their participation in reducing the deficit is nothing compared to what they are going to feel when we go into that recession—whether you are old, whether you are in the military, whether you are young—whatever. So let us understand that there is no mystery to this business of the deficit—no mystery at all.

I do give Senator DOMENICI and the U.S. Senate—Republican and Democratic alike—credit for facing up in a very tough way to the deficit problem.

However, I am critical of the Presidential sponsorship of this type of legislation or the Presidential sponsorship of tax reform, believe me, I think it fair to point a very accurate finger at the Democratic leadership of the House, that is totally misleading the American people as to how we get out of this problem. I urge that they get down to brass tacks with my friend, Senator DOMENICI, and report out a budget that will reduce the deficit. That means everybody is going to have to participate—old and young and everybody in between. So those are the origins of what we have before us.

No. 1, it fails on the account of what it will accomplish in terms of the deficit. Now, at least to me of equal importance, and, in some ways, of far greater importance, is what this legislation does to our Constitution, to the protection that we all have afforded us by three separate but equal branches of Government.

(Mr. McCONNELL assumed the chair.)

Mr. WEICKER. Mr. President, I think the American people should know that of all the things wrong in this Nation, there is one item that does not need fixing, and that is the Constitution of the United States. Certainly, we have mortgaged our future in a thousand different ways, whether it be our fiscal future, or our future conceptually in terms of the various goals of Government. As never before in our history, this generation seems to be a consuming generation, bound and determined to enjoy life to its fullest regardless of consequences for the future. But there should be one element of our lives in this Nation that remains constant, and that is the Constitution.

I remember back in 1981 when I was involved in an extended debate that lasted 8 months and 2 weeks with my good friend, Senator HELMS, Senator HELMS being supported, I might add, by a majority of the U.S. Senate. What was the issue then? Very simple. Various Senators, a majority of them, did not like some Supreme Court decisions. This was the famous court stripping debate, or, as it was phrased by the proponents of the amendment, a debate concerning busing. It was the legislative branch of Government trying to impose itself on the judicial branch, in effect saying when we do not like what you decide—in this case, the remedy applied by the courts to adjudicated discrimination—we will tell you what you can or cannot do. In this case you cannot have the remedy of busing. But do not be misled about busing. The precedent to be established was Congress telling the courts of this Nation what to do. That was the reason why I stood in this very same place and argued for 8 months

against this branch of Government taking away from that other branch of Government—in this case the judicial branch—part of its powers.

Today we are talking about the executive branch taking part of the power away from the legislative branch. In the case of court-stripping, I pointed out that time to time most all of us disagree with individual decisions of the Supreme Court, and yet it is absolutely necessary that that branch of Government remain independent of the two other branches and independent of politics or of philosophy. Most of our rights as Americans have either been established or affirmed or reaffirmed not by the Congress of the United States, not by Presidents of the United States, but by the courts of this Nation.

When my time comes for justice, I hope that I stand before an independent bench, not one receiving its direction from the Senate or from the House or from the President. The rights of all of us as Americans, it stands to reason, are best protected by three—far better than two, far better than one—three separate but equal branches of Government. So when somebody comes to you and says, "Well, let's take away a little power from here, sort of bring it down a little closer to two or one," it is the man and woman on the street who ought to object. They have three now. Why should he or she have any less? Who would argue that the most efficient way to run the United States of America is by one person? There is no question about the fact it is far and away the most efficient way to run our Government, but in the nature of this Government, this very unique Government in the history of mankind, its distinguishing feature has not been its efficiency. Indeed, its distinguishing feature has been that each one of us has been so terribly important within the system. And it is something, believe me, that is disregarded from time to time by Presidents or disregarded by the courts or disregarded by the Congress but never disregarded by all three at the same time. That is what the issue was all about in 1981 as Congress made a power grab for part of the constitutional authority of the judicial branch of Government. And today we have the President making a power grab, aided and abetted enthusiastically by colleagues of mine on the floor, for legislative authority in the name of budget crisis. Indeed, there is that budget crisis but it is entirely capable of resolution with the powers that we now have. The fact that nobody has the courage to do anything about it is not the fault of the Constitution.

Mr. President, I do not absolve the American people. I do not absolve the American people in all of this. They are part of this constitutional process. They elect the Senators and the Congressmen and the Presidents. They elect them. Or, as is the case today, in the year 1985, they choose to do nothing, neither elect nor defeat, just don't vote. In a year's time the American people can go ahead and say whether or not they want a balanced budget. Let them go ahead and ask it of the various candidates. If somebody said, "I don't want to balance it," fine, kick him out or maybe for a good reason you want to keep him. But make no mistake about it, the American people are not speaking at all. That is the problem. Why do they need a new system by virtue of constitutional amendment when they are not even using the one they have? What is a majority now to elect a Congressman in the United States? It is probably somewhere around 20 percent. What is a majority to elect a U.S. Senator? It is to the point where 21 or 22 percent is now a majority.

That is just plain laziness. Maybe some day we will all give up a part of the Constitution, but I am not going to give it up because the American people are being lazy, any more than I am willing to give it up today because there is a lack of courage on the part of the elected representatives to do their jobs, or an excess of politics. Those are not good reasons. I cannot conceive of a reason that would be sufficient, very frankly, to change the Constitution today.

It is amazing to me that with every hot legislative issue that comes along—every one—it is said, "Let's have a constitutional amendment. Let's have one on abortion. Let's have one on busing. Let's have one on the budget." Line item veto, balance the budget, abortion, busing, prayer, and so on down the line.

The Constitution of the United States is a broad statement of our rights and our freedoms and our responsibilities as a people. It was never meant to substitute as an epistle for the courage that can only be exhibited by flesh and blood in the legislative process.

So this amendment fails on the second count. It fails in a constitutional sense. You might balance the budget, but you are going to create an imbalance in the Constitution in this instance in favor of the executive branch of Government.

Not very much changes over time. I know that many of us view the past as something that was fine in its time but has no application today. Let me read a few words:

> It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. . . . If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.
>
> Respect for the Constitution's authority, compliance with its laws, acquiescence in its measures are duties enjoyed by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory on all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.
>
> Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault maybe to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus undermine what cannot be directly overthrown.

These are the comments of George Washington in his farewell address, back in 1796.

What we have before us is clearly a legislative attempt to circumvent the Constitution and to ignore the past and create an imbalance in the checks and balances that presently exist between the three separate but equal branches of Government.

So, whether it be court-stripping in terms of reducing the powers of the courts, or whether it be a line item veto, which reduces the power of the legislative branch, no such change is called for. What is called for is a good deal more courage and integrity than have been exhibited up to this point in dealing with the deficit. I hope we will come to our senses, understanding that there will be no easy out to the deficit. I hope we will come to our senses and make those very hard choices.

I managed to achieve some success in that portion of the budget for which I am responsible, in terms of increasing the figures presented to the Senate by the administration. I was pleased that we got additional funding, for example, for the elderly in terms of the research done at the National Institutes of Health on Alzheimer's disease; the additional funding we received for geriatric training for our young doctors in the medical schools of the Nation; in the various medical programs where we achieved

substantial increases. I am also pleased to say that, as chairman of the Subcommittee on the Handicapped, we managed to protect some of the programs for the retarded, disabled, and handicapped.

So, all in all, it was a fair balance. The funding was considerably more than the administration had asked.

I do not think I have ever been as hurt or as angry as when I was told by friends of mine in Connecticut that there appeared on one of the entry doors of a senior citizens' center in the State a poster saying that Senator WEICKER sold out the elderly for the retarded because he has a retarded child. What kind of commentary is that?

The fact is that all of us did the best we could to make sure that the weakest in our society would be cared for. The weakest in our society also includes those who know they will be saddled with an enormous debt in the decades ahead. That is also something that received our consideration.

So, I only point out that in any discussion of a deficit, choices will be made. none of us will be totally satisfied with all of the choices. I, for one, think we spend far too much on defense and still do under the Senate compromise. But I also recognize that the administration came a long way down. But it also means the House had best stop playing politics with the issue of Social Security, where I believe there has to be a temporary adjustment, not a reduction, but a temporary adjustment.

The budget enacted by the Senate this year in the first concurrent budget resolution was a progressive budget. Those that could be hurt the least were hurt the least; those who could take the greatest cuts took the greatest cuts.

Maybe there is still more cutting to be done as far as defense is concerned and I will support it. But at least we get into the process where hard choices are being made, there is a give and take and we do not sit there and say to the country all we have to do is have a little legislative amendment, give the President a little more authority; all we have to do is say, "Let us balance the budget," and everything is going to be all right.

That will not work, and that leaves us all with a terrible minus compared to what we enjoy, all of us, as citizens today.

If you ask me to choose in terms of priority, I will tell you I am going to come up and choose for the Constitution every time, the Constitution undiluted. That involves all of us. Not one of us is excluded in terms of what it affords us by way of protection and by way of opportunity.

If you want to give away the whole candy store, go ahead and do it, but at least leave that Constitution intact. That is the reason why, as every year goes by, hundreds and thousands of Americans are better off than preceding generations, because of that Constitution.

Presidents come and go; Congresses come and go; Republican control, Democratic control, philosophies come and go, that is temporary.

That Constitution stays the same. That is what is at issue on this floor. It is not the dominance of a conservative philosophy. It is not whether or not a Republican President can deal with a budget or a Republican Senator or Democratic Congress. What is at issue is the Constitution.

Has the Nation benefited by virtue of the Constitution, the ideals therein, and the mechanisms therein? The answer is yes.

The immediate problem is easily taken care of. All the power in the world exists in the hands of the President, the Senate, and the House of Representatives today to do away with the deficit. The deficit is still there. It is not being reduced because of the lack of guts, pure and simple, and that includes the President. He keeps going around talking about these balance-the-budget constitutional amendments and line item vetoes. It is his deficit as much as anyone else's. Sure he inherited a portion of it, but he sure has added on to it. If he wants to balance the budget, let him present a balanced budget to the Congress for our consideration.

If Senators MATTINGLY, EVANS, BIDEN, THURMOND, ARMSTRONG, KASTEN, CHAFEE, DOLE, GRAMM, RUDMAN, MURKOWSKI, MCCONNELL, PRESSLER, ABDNOR, WILSON, WARNER, SYMMS, EXON, NICKLES, HELMS, HECHT, WALLOP, COCHRAN, SIMPSON, HEINZ, GRASSLEY, BOSCHWITZ, QUAYLE, TRIBLE, STEVENS, DANFORTH, DENTON, EAST, LUGAR, KASSEBAUM, MCCLURE, PROXMIRE, HUMPHREY, GOLDWATER, D'AMATO, LAXALT, GARN, ZORINSKY, HOLLINGS, BOREN, and ROTH, the cosponsors of this measure, want a balanced budget—you almost have a majority of the Senate right there—let them balance the budget.

The fact is here we have all these Senators saying "Let us have a line item veto." I know that most of these Senators also would probably vote to go ahead in every way they could to balance the budget. Let them balance the budget. They do not lack any power. The President does not lack any power. Balance the budget.

But I will tell you, if you go ahead and give the President his line item veto power, there is no point in having any Congress. The power of the purse is what it has always been, whether through English history or American history. It is the power to set the course of action. It is absolute. And that power is something that should be shared in the systems of checks and balances by the President and by Congress.

So enough of this foolishness as far as the budget is concerned.

The budget resolution should be devised by the House of Representatives and the Senate, and we should be working on that. We should be supporting budget figures that actually reduce the deficit. Then, most importantly, we should be protecting this Constitution from all of these forays, all these adventurers out here on the Senate floor who feel the American people do not know anything about the Constitution. Therefore, they say, "let us have a little run at it." And for the most part, the American people do not know about the Constitution. No one knows that better than I.

We love to simplify everything in this country of ours. That is one of our great strengths. That is one of our great weaknesses. Certain concepts are not capable of being simplified.

I mention the court stripping bill, which I have tried to explain, put political or congressional control on the courts. But I had to fight that battle in the context, "Oh, this is busing, Senator WEICKER is for busing."

It was not a question as to whether Senator WEICKER was for or against busing. I personally feel the court has the right to apply any remedy which will do the job as to someone who has been convicted of violating the laws of this Nation.

Busing is only ordered when someone has been found guilty of discrimination. Is that not too bad? Why should I be concerned over someone who has broken the law? In this case they have discriminated. Why should I be concerned with their penalties? Where is all this concern for convicted rapists and murderers? It is all right to convict a discriminator. That is not bad. Oh, yes, it is. Whatever remedy is appropriate should be applied.

What I was speaking for was not busing, but it was for the courts to be able to operate independently of Congress or the President.

Maybe in this case it was black schoolchildren who were unpopular, so we do not hesitate to go in and tell the courts. Maybe it will be unpopular one day to be old. Maybe it will be unpopular to be retarded. Maybe it will be unpopular to be a middle American.

I mean, these things change. But the Constitution should not change for that very reason.

The courts should stand alone and independent of opinion or philosophy.

That was the argument. It is very difficult in the context, "Senator WEICKER is for busing."

The Constitution is not simple but it is vital to be understood by every American.

Can you imagine the abuse that I personally have gone through and

others on my side who have stood up here on the issue of prayer in school. That first amendment is so important and basically it requires that religion in this Nation be a personal matter, not an official one. Religious freedom, this aspect of our Constitution that makes us unique among all nations in the world.

And I hear, "Senator WEICKER is against prayer." What I am against is Government telling me what to pray. That is one of the reasons this Nation was founded. It certainly is the reason you have the first amendment when it came to the States themselves trying to impose State religions, and for those people who say, well, that really is all a matter of history, it does not happen anymore nowadays—it really does not? What, pray tell, is going on in Lebanon right now? That is not a fight over a National Football League franchise. What is going on in Northern Ireland? What is going on in our own Nation as individual after individual, institution after institution, tries to impose their version of religion on anybody else.

Oh, no, I think I understand the complexities of the first amendment. I do not want to be accused of being against prayer. I just want to make sure that the people of this Nation pray anyplace, anyway, anyhow they want to, not be told by their Government in school or anywhere else where it will take place or what the contents of prayer shall be.

So it is important that we understand, in this instance when we get to the business of line item veto, this other constitutional concept of checks and balances of three separate but equal branches of Governments, and they are equal. Believe me, they have powers.

I have powers as a chairman of an appropriations subcommittee or chairman of the Subcommittee on the Handicapped, or chairman of the Small Business Committee.

Yes, the administration wants the Small Business Administration eliminated, and we passed the bill 94 to 3 the other day. We still have it in being with its powers curtailed, with the spending curtailed. That was the compromise between the President and this chairman and the Senate. Where would that have been if you had a line item veto? It would have been what the President wanted—no Small Business Administration.

He had merit in his proposal in that there was waste, and so we went after that, and there were some programs that were not working and we went after that.

But we also understand the value of what that administration has done for so many people—not big guys, but so many small people who wanted to share in this economic system that we have in the United States.

The President is a big boy. He has all the power he needs. I do not care what his name is. Congress has all the power it needs. It does not need to get any from the courts. And the courts are the final arbiter of the power that was afforded them, and it is sufficient to protect each one of us as an individual.

So I would hope this tinkering would stop, and I can assure you, Mr. President, in conclusion, I do not care whether it is prayer amendments or abortion amendments or line item vetoes or balance-the-budget amendments, I am going out on this floor every single time to do everything I can within my physical power to assure that regardless of how dry we are running the well financially or fiscally or conceptually in this country, there is one well that remains full to the top for my children and all Americans, and that well is the Constitution.

Mr. President, I wonder if I might inquire of my good friend from Oregon as to whether or not he might have some statements to make at this time?

Mr. HATFIELD. Mr. President, I am happy to respond to my colleague. As I understand the situation at the moment, the leader is attempting to work out some kind of an agenda of other legislative business for the remainder of this day.

We, the Senator from Connecticut and I, appear in opposition to the line item veto and are holding the floor for that purpose.

I am prepared to take over on that matter, but before I do. I wish to make a few comments to the Senate in response to his statement that I have heard part of and know the gist of his statement.

I know the gist of the Senator's statements. I was not privileged to hear all of the statements.

When the Senator from Connecticut yields the floor, I shall raise today in a continuum of the thesis that the Senator from Connecticut has carried; that is, the relationship to two previous efforts that have been made—in these two previous cases relating to the third branch of Government, the judicial branch; namely, the court-packing attempt in the 1930's, and the court-stripping attempt in the 1980's—the Senator from Connecticut having given extraordinary leadership to defend the balance of power in the three-branch Government to get the court-stripping efforts made. As the Senator recalls, and as he has commented here today, no matter how we may feel on the subject, or the issue itself relating to the court-stripping effort that was made here on this floor in this decade, we really had an issue that transcended those specific items.

The Senator from Connecticut and I hold a different view on the question of abortion. But nevertheless, the thing that united the Senator from Connecticut and myself on that particular effort that was made to strip the court of certain authority that would be applied to the question of abortion—it could have been but more preemptive in our thinking of whether we agreed on disagreed on the issue of abortion—was something more fundamental, and that is for self-government,the framework is the Constitution, if we may call it the Constitution, of the United States. And to get to a specific position on that issue to in effect attempt to destroy that marvelous orchestrated balance that our forefathers devised, is to me—and I know to the Senator from Connecticut—an unreasoned attack, and acertainly is not a worthy effort to make against the institution of Government formed under our Constitution.

I state that whatever we think about the issue of the line item veto—whether we are for or against it—I am sure there are many dedicated, sincere coleagues who support it. The Senator from Connecticut today has again raised a greater issue than the line item veto. That greater issue is the constitutional separation and the constitutional balance—the checks and balances—that go with it. That should transcend any of our thinking on the line item veto, abortion, school prayer, or whatever it might be.

I again appreciate it, and the Senator from Connecticut has stood here many times, and if anyone were privileged to visit him in his office, they would see the marvelous, beautiful plaques and other recognition that the Senator has been given by those many groups in our country who are devoted and dedicated to the maintenance of the viability and the defense of the Constitution of this United States because the Senator has received every major award, I think, that any such group ever gives for his work over the years in which he has served in the Senate. I am proud for the Senator. I am proud to be the Senator's friend. I am proud to be the Senator's colleague. I am proud to be in harness in the battle against these attacks on the Constitution.

So I want to thank the Senator not only today, but for this statement being in a long line of many statements, many efforts, and for much energy which the Senator has expended. The Senator has raised the issue again to something more than a single idea of a line item veto. But it is a multiple and complex issue of really a constitutional question. I think it also is indiciative of why the proponents of this measure decided to go the statutory route rather than to go the constitutional amendment route.

So I want to thank the Senator and commend him for his efforts on this issue.

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Oregon. I especially want to thank him for his help in the past, and also for his leading the fight on this matter. Again, the Senator is correct. Certainly the individual issues that have precipitated these fights we disagree on, but on the issue of preserving the Constitution there is no disagreement. I see—and I believe the Senator from Oregon sees—that nothing in the national fabric causes us to come before this body or the American people and say that it needs change. If you want to balance the budget, balance the budget. It is as simple as that. Nobody knows better than the distinguished Senator from Oregon. He is chairman of the Appropriations Committee. No one has worked better, I might add, with the administration in trying to go ahead and see to it that all points of view are heard. Nobody has worked harder at the element of compromise than the distinguished Senator from Oregon. The process works. But after all trivia and trappings are over with; at the very tail end of that process there are some very tough decisions to be made. In this instance, it was felt that it would be far easier to come forth before this body with this kind of an amendment than to make those tough decisions.

I yield the floor at this juncture, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that at the conclusion of my remarks, that it not be considered the end of my speech for the purposes of the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, it is my understanding there will be a caucus called at 2 o'clock of the Republican Party and the Democratic Party, and that the leadership expects to perhaps recess or adjourn at that point. I do not know.

Mr. President, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 o'clock.

There being no objection, the Senate, at 2:04 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WARNER].

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. CHILES. Mr. President, much has been said about the line item veto. The Senator from Florida has spoken on this subject more times than I recall, and I know of no particular area of Government that I feel more strongly on than this.

I have made certain arguments many, many times. I have been listening to the arguments some of my colleagues have been making and to some of the talk in the dining room and in the cloakroom and hearing some of the reasons why we should have a line item veto. It is suggested that maybe we should try the line-item veto as a 2-year experiment. One of those reasons given is that the deficit is so enormous—and that's true and a source of grevious concern to the Senator from Florida—that the people are frustrated and we should therefore do everything we can—even with the Constitution's separation of powers—to cut deficits.

Of course, I have heard people say the President is using this as a trojan horse, saying that "If I had the line item veto I could reduce the deficit myself," I and others have argued that cannot be true. The line item veto will not cover entitlements which compose a large percentage of the budget. This President would not use the line item veto on any defense numbers which also cover a large area of the Federal budget. Therefore, we would be left with only about 15 to 17 percent of Government programs to which the line item veto would apply. And those happen to be the domestic programs like parks and highways and schools, Coast Guard and Customs, those areas that are vital to running the Government, and those same programs that have already been tightly squeezed by both Congress and the White House.

If you look back to 1981 the nondefense domestic programs are the ones that have been easier to cut, so we cut them then, and we are cutting them again.

So while those programs are targets for the line-item veto, they are hardly the ones that can balance the budget even if the President used a line-item veto and cut those programs to the bone.

Yet I still hear people say: "Even though the line-item veto won't work, the public thinks it will. So let us try it for 2 years even if it fundamentally alters the 200-year-old craftsmanship and wisdom of the Founding Fathers.

I wonder if those who swore an oath to defend the Constitution should be playing games with it now.

My concern is that we are tampering with the Constitution of the United States. We are tampering with our national charter, a document unexcelled in the history of government. I happen to think it has to be divinely inspired. I do not think some men just sat down and wrote it out. In some ways, just as we know the Bible was divinely inspired, I think there was some inspiration in the Constitution. The wisdom of it continues to show itself to us time after time. If you look and see how it has been treated by this Senate, this Congress, and our people, you will see. We have not amended that document many times, Mr. President. It is not an easy document to change.

I hold the seat occupied for 24 years with such distinction by Senator Holland. He was instrumental in one of the amendments to the Constitution, an amendment that abolished the poll tax. The poll tax required people to pay money before they could exercise their right to vote, and it was wrong.

We know it was used to hold people down. But it took years to approve my amendment, to go through the careful process in which two-thirds of both the Senate and the House proposed it, and three-fourths of the States ratified it.

The Senator from Florida was in the Florida Legislature when the ratification of the poll tax amendment came before it. I voted for ratification as a member of the State legislature. But as clear as that proposition seems to be today, it was not done hastily, it was not done through some statute change, and it was not done by allowing some enrolling clerk to put everything together and fashion it out of star dust. It was thorough, detailed exacting work. And every time we changed the Constitution we did it the same way. Whether it was prohibition proposed or prohibition repealed.

Both took some time. The amendment that put in the income tax again was not done hastily. The amendment that granted women suffrage—the right to vote—took an awfully long time. But the interesting thing to note

is those things that took a long time made sense. There were good reasons to amend the Constitution but the process—by design—resembled salmon swimming upstream. They have to cross the rocks and the rapids. But the salmon has existed a long time because only the strong made the swim.

When it comes to amending the Constitution, the strain could continue to be strong. This country has endured because it has not been easy to tamper with this document. It has not been easy to trifle with it. I would say to my colleagues who are as concerned about the deficit as I am, join me, cut the deficit, but do not damage the Constitution in the process.

I say to them, "Do not take a short cut here. Do not tamper with this document. Do not try to do by statute what so clearly should be a constitutional provision."

Mr. President, let me read from article I, section 7 of the Constitution:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his Objections to the House in which it shall have originated . . .

That could not be clearer.

I remember the statement of our great constitutional scholar, Sam Ervin, who stood on this floor so many times challenging us not to take some action that was unconstitutional, talking to us about the dangers of tampering with this document. And he did it so much better than I can with such greater skill. We miss him. I wish his voice was here to be raised now. But I remember well when he said "I understand English very well. It is my mother tongue."

This is very clear. It could not be clearer. He shall sign it—that bill—or he shall reject it—that bill—which shall be presented to him.

Now, Mr. President, what are we doing with this clever amendment; this clever Senate bill before us? We are going to have the House enrolling clerk take the bill and break it down into as many little bills, mini bills, as the enrolling clerk thinks proper. Well, Mr. President, I do not know how you run for enrolling clerk. I do not know what the term of office is. But under this bill he would become "Super Legislator." He is going to be a heck of a lot more powerful than a U.S. Senator from Florida, because he is going to be the one that determines what this Constitution says is a bill that will go to the President, whether we take two lines and put that together, a paragraph and put that together, or two items and put that together. It will be the enrolling clerk who makes that determination.

Mr. President, I would say again to those colleagues who want to show concern over the deficit, think back to what the Founding Fathers were about. The members of the convention working on the Constitution had a lot of experience with kings. They had been under the tyranny of a king. And most of them were well-read in the classics. They had studied history. Many of them could read and speak Greek. They knew from the earliest times of history what happened when power accumulated. They knew well that Lord Acton was correct when he said power corrupts and absolute power corrupts absolutely. They were good students.

Not only were they students, they had been subjects of that kind of tyranny and of that kind of power. They had been among those who has protested at Boston about the tax. They had protested to tobacco tax, the stamp tax, and all the other taxation imposed upon the Colonies without any kind of representation. They had been subject to that kind of restraint, and that kind of unfair practice. And they knew that in creating this new Government they did not want to create that kind of power.

So much of this document is about how to diffuse power. That is why they set up the equal branches. That is why they set the legislature as a coequal branch. That is why they set the courts as a coequal branch. They were trying to divide that power. We are custodians of a part of that power. We have a responsibility as the custodian of that power to operate as best we know how. We take an oath when we come in here to protect, defend, and uphold the Constitution of the United States. I know we all take that very seriously. I want my colleagues to think about that, and to think about that responsibility. That is not a short-term responsibility. It is a responsibility accepted when you come to this body. It is a sacred trust to see that we try to honor the power that is given to the Congress, the scheme that was laid down by those Founding Fathers to see that power did not accumulate in one area.

The Senator from Florida has not a long history in the U.S. Senate. He came here in 1971. But I did have a chance to see and to live in the imperial Presidency days—in the days of Richard Nixon. I saw what happened through the accumulation of power, and through the Congress surrendering its responsibility and its power over a number of years. That surrender did not happen in the 1970's. It started back in the 1930's. It started for a very good purpose. We were in the depths of the Depression. In the depths of that Depression, Franklin Roosevelt was elected, and he asked for and was granted emergency power.

They were very strong powers. In many instances, some of the actions that Franklin Roosevelt took were declared unconstitutional by the courts. He changed his mind and was going to pack the courts. He was going to defeat some Senators who did not like what he was doing about packing the courts. That backfired on him, thank goodness.

I think Franklin Roosevelt did a lot of wonderful things, but I think also he accumulated too much power and he could not handle all that power.

Those emergency powers were given to him in the height of the Depression. Additional powers were given to him when we entered World War II. Other powers were granted to the Presidency in the Korean conflict and the Vietnam conflict. So that we had over those years, at least from the thirties, is Congress surrendering its powers, and the office of the President picking up those powers.

What happened? What happened was "Watergate." What happened was Richard Nixon. I think had it not happened then, it would have happened under someone else later because we allowed the balance to erode. We created the imperial Presidency.

The general public does not pay as much attention perhaps as to how we handle or how we are doing as custodians of the duties and responsibilities we have been given.

Many of us finally realized we had to make some changes in the post-Watergate era. We adopted the War Powers Act, the Budget Impoundment Act, and others—because Nixon, through the use of impoundment, was usurping the powers that were supposed to belong to the Congress. He had stopped projects. He withheld money. He was, in effect, exercising the line item veto. The courts held he did not have that authority. Every single case of Nixon's impoundment was reversed. In addition to that, we moved in and said, "We are going to reassert our power of the purse."

Now—in such a short time—are we going to give that away? Are we going to surrender that? Could it be that the eventual legacy of Watergate is a still stronger President and a weaker Congress?

To me, the question before us now, what were these Founding Fathers about? They were saying, "Do not let all of this power reside in a king. Do not have all of it reside at one place. We have been through that. We have read history. We have read it from the time of Alexander. We have seen Napoleon. We have lived under King George. We know what happens when kings rule. We want to do better, so we are going to diffuse the power."

It seems to me we owe it to the Founding Fathers and all their living children to respect the Constitution. If we change it, then it should be changed through the amendment process, not by statute.

Here we are talking about taking a statute and making this change. It is beyond me that we should take such a short view of the Constitution.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. CHILES. I do.

Mr. HART. The Senator quite properly goes back to the framing of the Constitution in addressing this problem. It is not a near-term problem. It is not a problem, when you get down to it, of balancing the budget. It is a question of power.

Is it not true in the constitutional history of this Nation, and this is the very crux of the debate, that this is what Hamilton and Jefferson were all about, and is it not true that Hamilton wanted a powerful, central government and Jefferson wanted a diffusion of power, carrying on the debate of what is really at the heart of what this issue is all about?

Does the Senator find it further ironic that since Roosevelt, the Democratic Party being labeled as a central and all-powerful party, is, in fact, providing much of the resistance to a measure that would have exactly the result that Hamilton wanted originally, which is concentration of political power not only in the Government but in one branch of the Government?

Mr. CHILES. The Senator from Colorado is so right. We can go back even a little bit more as to makeup and philosophy, Hamilton's philosophy of government and Jefferson's, Hamilton believing that only the aristocrat should rule. In effect, the trained should rule. Jefferson had his belief that the people, properly informed, could make the right decision with representative government as the basis of this Republic. He believed that the people properly informed could make the right decision or could vote for people who would exercise those decisions for them.

This was such a noble experiment, and it was at that time, because until then no one had really trusted the Jeffersonian belief in government by the people. There is literally no other government that has followed it or put its trust in it the way we have.

Yet the bill before us would begin to unravel that and move us toward the Hamiltonian philosophy that only a king knows what is right, that only with the President should power reside.

Mr. HART. If the Senator will yield further for a question, would it not also be the case and follow therefrom that the Congress and the powers given the Congress—not just the existence of the Congress but the powers given to the Congress under the Constitution, unique powers not only in the United States but really the world—is really the outcome of the influence of the Jeffersonian argument, that diffusion of power is the best protection of democracy and democratic liberties, of freedom? Far from the allegations that the Congress is an all-powerful institution, we are 535 individuals, each of whom is elected by a constituency. As difficult as we find it, these days particularly, in the absence of certain leadership, to formulate consensus, bipartisan consensus, which would enable us to govern, we still are the best check against the unrestrained executive power of the sort which the Senator rightly refers to in the abuses of the Roosevelt administration, in certain abuses of the Johnson administration, and certainly in the abuses of the Nixon administration.

So if people are concerned, and they are, around this country about a too powerful Government, does the Senator from Florida believe that a referendum on this issue across the broad spectrum of the American electorate would find overwhelmingly they are opposed to this concentration of power?

Mr. CHILES. I think they would, to the concentration of power. I think an argument could be made that the line-item veto fiscally makes sense, on the premise that maybe it allows you to go and get some of those turkey projects. I think you could make a good argument that way. But I think a debate would have to take place if you were amending the Constitution in a proper way, and that debate would have to take place in here to require the requisite votes to amend the Constitution and then to go to the State legislatures and, therefore, go to the countryside.

I would put my faith in how that argument would come out as to whether this would be ratified or not because I think then there would be a time for everyone to speak and the people to weigh this issue.

The basis of that Jeffersonian theory of government is that the majority of the people, properly informed, will make the right decision. I think that would be a way that they could hear both sides of this issue and be informed. I would say, Mr. President, while I would be against amending the Constitution that way.

I think before the Senator from Colorado arrived here, I was saying that we have not amended that document that many times, and the amendments that are there now appear to be very clear to me and I do not understand why they should take any time. Abolishing the poll tax, women's rights—they did take a long time; they had to go through that process. But that process has also screened out and kept from becoming amendments many, many other weaker proposals that may have sounded very good on short notice to take care of a particular problem. But, after it went through the continued, thoughtful process which, again, the Founding Fathers put in there to set this system of checks and balances and to see that we did not undo it right away sensible changes survived. Others fell by the wayside.

Mr. HART. If the Senator would be kind enough to yield for one final question, it is the recollection of the Senator from Colorado that the Senator from Florida is a law school graduate.

Mr. CHILES. I am handicapped with a law degree.

Mr. HART. And a very good lawyer at that.

That being so, let me ask him, is it not the case that all of us who have that disadvantage, from the first day we walked through the doors of a law school, wherever we went, heard the old adage that hard cases make bad law? That is exactly, it seems to the Senator from Colorado, what is behind this amendment. We have a hard case. We are struggling with a deficit from the budget and an almost total absence of concern on the part of the executive branch. Or that has seemed the case for the past few years. Now we are about to make bad law to try to solve a hard case. If the Senator will accept that proposition——

Mr. CHILES. I do agree with that.

Mr. HART. That is what I think we have here: Quite often people want to solve a hard case with a law that turns out to be bad, if not for that case, for all the cases that follow it. I think that is what the Senator from Florida is trying to point out.

Mr. CHILES. It is. I do not know whether the Senator finished his thought, but I would say that we are able to converse about this now, under the U.S. Senate's right of extended debate, that no other parliamentary body in the world has. It is the right of allowing less than a majority an opportunity to raise its voice and to allow that voice to go to the countryside so that a majority cannot automatically impose its view.

I guess there could have been a time when the Senator from Florida, coming from a State legislature where they did not have that, where there were great limitations on when he could speak, and chafing at times at people's use of this unlimited debate, wondered whether we should have that or not. I do not wonder anymore. I think it is very necessary.

My experience has told me that it is, even though at times, it is operating against things I want to do.

If we were to surrender our power of the purse, our power to designate where spending should be made, will this not just be a step in a progression that means we are not ready to be responsible or we do not want to take the lead, or we do not believe in what was set up originally here, that maybe

we are not equal to the task of being a coequal branch of Government?

What does the Senator from Colorado think that bodes for the future of this Government if we do that?

Mr. HART. The Senator from Colorado cannot offhand recall any time in this country's history, short of a time of war or some national emergency, where the Congress has given power to the executive branch that it has not later regretted. I think that ought to teach us a lesson.

The Senator from Colorado will conclude his questioning of the Senator from Florida with this statement: The Senator from Florida mentioned the turkey projects. The general public thinks the budget of the Government of the United States is loaded down with big pork barrel projects which only the President has the courage to kill or to strike, that Members of Congress do not have that courage. I only observe and ask the Senators' observations on this thought: If a policy is good—let us take what are usually referred to by most people as pork barrel, water projects. It has been the policy of the United States of America in the area of the Senator from Florida, through the Corps of Engineers, and in the area of the Senator from Colorado, through the Bureau of Reclamation, to work on flood control or restore the streams of this Nation—from the very beginning that has been the policy. In fact, I think that is in the Constitution as well.

After 10 years here, it seems to the Senator from Colorado that one cannot get one of those projects passed, first of all, unless there is clearly one more than half of the Senate and one more than half of the House of Representatives concurring, and that would seem to fulfill that policy underwritten at the outset.

That does not mean every Corps of Engineers project or every Bureau of Reclamation project is a sound one. It does mean that, throughout the history of this country, certainly in the 20th century, that policy has been to carry out a meaningful program for this country, one that has worked to the benefit of East and West alike.

I would be interested in the thoughts of the Senator from Florida, whether he feels it would be that easy to get a so-called turkey project into the budget that does not either carry out that policy or is not for the benefit of the broad-based population.

Mr. CHILES. I am not familiar with past practice, Mr. President, but I have heard a lot about when you are on the right side of the chairman, you can put something in. But the Senator from Florida has to agree with the Senator from Colorado: I have not found it easy. I have found you have to make an awfully persuasive case. Again, with the budget restraints we are under, and with the Office of Management and Budget saying, "We are not going to pass on this bill with these projects in," it occurs to me if you look at how many water projects have been placed in legislation in the last 6, 8, or 10 years, and how many projects there are, how many new starts, I think that is literally the answer to his question. There just have not been any.

But there still are, I say to my good friend from Colorado, some turkeys that get into the bill. And there will be. One of the things about this kind of government, I think, is that it has to learn somewhat by its mistakes. But I see every time we start tampering with something so that we think we are going to correct those mistakes, especially if it is concentrating power in a President we had better determine what new mistakes we are getting ready to create: what is the check on that power? What will be the check on the Executive as he gets this additional power?

This would be additional power to say which, under the line-item veto, I say to my good friend from Colorado as I would say to the senior Senator from Massachusetts, if he were here, that I think he really ought to be concerned about this.

The line-item veto would allow you to take a language provision that says where funds should go, or a restriction on funds without information to the Congress—arms, counterinsurgency, anything like that—and to excise that language without excising the funds. And where will we be in that kind of situation in which, many times here, the compromise has been, yes, we will provide the money but we want the presidential report first, we want conditions to be met. That can be excised out.

I thank the Senator from Colorado.

So, Mr. President, the argument the Senator from Florida is trying to suggest today to my colleagues is that I hope they will not look at the short-term provisions of this bill, being able to answer your mail and say I am concerned about the budget, I am willing to give the President this power; that they will remember their responsibilities as a result of being elected to this body; that they are passed down from the Founding Fathers the coequal branch, the authority that goes with that, the right to be the check.

To the Senator from Colorado and others I say when you give up the power of the purse, you are giving up much of your ability to check the executive, because the executive can use the purse against you, and so you will not be free.

We all know that if you go to the banker and you say, "Mr. Banker, I have to borrow some money from you," you do not sit equal with the banker. You need the money and he has the money. And if he wants to ask you about some other subjects while you are there making the loan, you are going to be awfully easy to deal with. You are going to be trying to curry, certainly if not his favor, not incur his disapproval. You are not going to tell him exactly how you feel on some of those subjects where you know he feels differently.

We will not be coequal any longer. We will be a subordinate branch of the Government because we will not stand for the same authority. And when a group goes down to talk to the President or talk with the President's men, we will not be talking as a coequal branch. Each one of us will be individually thinking about those projects and whether they are going to have a line through them, whether they are going to be vetoed or not, and that is not going to bode well for the country. I am not talking about how it bodes for us. It may not bode well for us. But it will not be good for the country because you will not have a branch of the Government saying, "Mr. President, we think that is not wise. We think you should do it another way or we are going to withhold our approval from what you are attempting to do."

Now, there are problems with having a Congress that is sometimes at odds with the President, and people sometimes do not understand that. But I think it is healthy. I think it is better than having a President that is so strong and has so much power that he can exercise that power and judgment without restraint.

Historically, our system has served us well. It has served us very, very well. We go through periods in which the President accumulates greater power and then we see some scandal, something that causes an adjustment of that power. If the Congress accumulates too much power, that in turn is changed by the courts, as the courts struck down our two-House rule, that the President had to get the approval of two Houses. The courts stepped into that and said you stepped over the line. You are trying to get too much power. They were the arbiter, the referee, and they said you cannot have it both ways. When you give it to the executive branch to exercise, you have to let it exercise it. We chafed at that. We did not like it. In hindsight, we know it is right and it was probably healthy because we wanted to have it both ways. We wanted to pass the law and give them the authority to write rules and regulations, but we wanted either House to be able to veto that and check those rules and regulations. The court stepped into that. So historically it seems to have served us well.

I note, Mr. President, just as an aside that we have what we call Convention II. This involves young people who come to Washington every year.

They are picked from all across the country. This is the journal of the 10th anniversary session in which they set up their proposals. There is a cover letter here from Ronald Reagan saying:

DEAR FRIENDS: I am pleased to send my greeting to all of you participating in the 10th anniversary session of Convention II. It is encouraging to me to know that young people like yourselves appreciate our country's Constitution. The time that you spend today studying the historical and practical aspects of this wonderful, living document will help you become tomorrow's well-informed citizens. Your interest in our Nation's Constitution tells me that America will be in good hands in the years to come. God bless you.

RONALD REAGAN.

A wonderful letter to the young people who came to that convention.

They took up a number of issues. They took up one relative to establishing a uniform penal code, one relative to the recall of Senators and Representatives. Thank goodness, Mr. Minority Leader, that was defeated 29 to 73. They defeated a proposal relative to abolishing the death penalty. But they also took up one relative to granting the President line-item veto. They defeated that, this young leadership group, 50 to 57. A close question, but they defeated it. So the President may have sent a nice letter, but the students had a message of their own: "No" the line-item veto.

I think it is great that we bring some of our outstanding young leadership to Washington and that they study the Constitution. I think also, Mr. President, every Senator ought to study the Constitution a little bit more. I hasten to add the Senator from Florida could do better; I have not taken the document down often enough and read it, studied it, read some of the papers which had to do with its adoption. I was exposed to that in my early study, and some of that I think has stuck. But I should be doing it more because part of the responsibility of being in the Senate is to determine how you live under this document.

I say again it has served us so very well. This bill is an experiment that would trifle with that by a device—and I am trying to be careful not to use adjectives that I often want to use to label that, but a device that does indirectly what you cannot do directly through a bill.

When you read about that, it says so clearly that:

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes law, be presented to the President of the United States. If he approves, he shall sign it but, if not, he shall return it.

That is so clear. There is no way that we cannot recognize what we have before us is a device to do indirectly what this Constitution says you must do through the bill. And this Constitution then provides the way that you change it. You change it by proposing a constitutional amendment. And that goes through study by the appropriate committees. It comes out to this floor, is debated, must pass by the two-thirds vote, and then goes off to our States for ratification.

Mr. BINGAMAN. Mr. President, will the Senator from Florida yield for a question?

Mr. CHILES. I am delighted to yield to my good friend from New Mexico.

Mr. BINGAMAN. It has occurred to me that the main justification for this amendment is the need to get to a balanced budget and to control the expenditures of Government. Perhaps a variation on this theme would be this: That when the President sends us his budget in January or early February of each year, has anyone considered the possibility of returning that document to him with the direction that the line-item veto enough in that budget to get us to a balanced budget, so that his proposal to us early in the year would be balanced? At that point, we could then exercise the authority of Congress in reviewing that proposal and seeing what we agreed with and what we disagreed with.

That would not be a sort of optional line-item veto. It would be more of a direction from Congress, or at least a request from Congress, that the President use the authority he has in making up the budget each year to present to us a document that is in balance, so that we could then carry out his objective in pursuing this proposal that is before the Senate today, as I understand the justification for its being offered.

I am interested in whether or not the Senator from Florida has considered any such option.

Mr. CHILES. I do not know that it was done exactly as the Senator from New Mexico has outlined, but maybe the Senator from New Mexico is familiar with the fact that 2 years ago the Senator from Florida joined some others in a Senate resolution to allow the President to submit two budgets—his budget and one that was balanced, to show us how he would get to a balanced budget.

We also introduced a measure instructing the President to take back his budget and report back with more cuts.

So, literally, that would be another way of accomplishing what the Senator from New Mexico is talking about.

I can tell the Senator, that that proposal was not accepted very warmly by the White House, or by the party at the White House that was in power, and we did not get too far with that proposal.

However, it was our feeling that we would not put the President on a spot, to say, "You have to have a balanced budget," because many believe that is impossible today. But we would say, "Send your budget, if you want to, but then send us one as to how you would balance, so we can see what projects you would line item out."

Mr. BINGAMAN. It strikes me that it would be useful. I think the Senator from Florida has taken the lead, as much as any Senator and more than most, in trying to make some of the hard decisions that go with dealing with our budget deficit. But it would certainly clarify the debate on the issue before the Senate and clarify the debate on the whole deficit problem and the whole question of spending, if we were to have a recommendation by the administration on how we are to make these tough decisions.

I know that the Senator from South Carolina likes to say that we need to bite the bullet and quit sucking on it, and I think that may be a good expression. In fact, I think it would be easier for Congress if it had some direction from the President as to how he feels we should come to grips with this difficult problem, something along the lines of what the Senator from Florida suggested about two alternative budgets—one that would be in balance and one that might not be. That might be a good way to focus the debate.

I certainly think that should be considered. If the administration favors this line item veto as a way to get to a more constrained level of spending, I have difficulty seeing how they can resist an effort to do the kind of thing we are talking about here.

Mr. CHILES. I think that some Members of the Senate, those on our side, and Members of the other body of Congress have been trying for a number of years to have the President submit either a balanced budget or a balanced budget together with the other budget, but to no avail so far. I believe it could be helpful.

I have just a few more remarks about the historical perspective I am trying to place on this.

President Reagan—and I think we should clearly state this in his defense—is not the first President to seek the power to line item veto. The first President who wanted the line item veto was George Washington, and I suspect that it has been thought about by virtually every President. I hope Thomas Jefferson did not seek it, and I would hate to think he did, and I doubt that he did.

But I suspect that virtually everyone else who went to the White House, if he did not seek it, secretly would have liked to have had it. It would be easier to operate under. Why not? Why have to be bothered with that Congress down there who, for some reason, think they know how we should be spending money?

We have seen that exercised with Roosevelt and others. Nixon, through his impoundment, was doing the same thing as a line item veto. But we can say that in each of those instances when that power was sought, it was blocked. It was blocked by the courts in some cases, and they have defined over the years, in a number of cases, what the power of Congress is in this regard. I think it is very clear now. It has been blocked by the Members of this body and the body down the hall as well, because over those years, when the Members looked deep into their consciences, they felt that this was a power—in effect, a duty, a responsibility—that was given to them under the Constitution, and it was something they should not give away, that they should not fritter away.

History tells us that there are all kinds of stories in which somebody felt they could give away a power they had and that something was more important at the time. Isaiah gave away his birthright for a bowl of porridge. He regretted it from then on. He was hungry at the time. The birthright did not seem to be worth much on the day he was hungry. But when Jacob started to give his blessing, it was a little different. He wanted to be blessed. But he had already surrendered that birthright for the bowl of porridge.

I think we do have this responsibility. I think it has to weigh heavily on all of us, how we support, protect, and defend the Constitution of the United States.

I hope our colleagues will take that into consideration when they again think about any short-term responsibility, as to how people might think they are not as agitated as they should be about the deficit and not as concerned as they should be. There are times when we have to be willing to stand for what we think is right and what we think our duties and responsibilities are. We have to be willing to do that, or we should not be here. We have to be willing to go home and stand on the stump and stand with someone who wants to challenge us on that and speak to that. If we cannot do that, let the people send someone else.

John Kennedy wrote the book "Profiles in Courage," about some Senators who stood for what they thought their responsibility was.

Over history I think those are the ones who are remembered and those are the ones to whom this country owes some gratitude. Again I think that is a responsibility that each of us have.

I hope, Mr. President, that we will not make some temporary experiment and trifle with the Constitution, this document that has stood us in such good stead.

I hope that we will not make what we think is a short-term political goal to either put the President on the spot or get ourselves off of the spot, either one of those or any of those kind of motives.

I hope we will think through what this means as we as the people's representatives are given the right to determine what we take their money for, because we are the ones who tax them and determine what it should be spent for. We will not give that power away to what I have called this faceless, nameless green-eye-shaded fellow down in the bowels of OMB who is looking through a list of projects and he finds one he has never liked, and remember this is a guy that is not elected. Whether the Democrats are in power or Republicans are in power, he does not change. He has a status. You cannot write him a letter and no constituents can come and look him in the eye. You cannot tell him whether he is going to be there or not. But he says, "Put that one on the list, put that one down on the list." Now, I am not talking about a vindictive President.

I am not talking about a David Stockman. I am talking about that guy that just sits down there and decides he knows a heck of a lot better what should be done than a Senator who has been home and held hearings and had people come and tell him what the needs of his State are, had to carry that project and go through the Appropriations Committee and the authorizing committee and get it authorized and then every year try to get an appropriation for it. But he says that does not make sense under his so-called belief or his so-called theory and he is going to put that project on the list. It is going to be pretty small in instances. It is going to be hard to stand up here and try to get the votes to override it in the House and Senate. It is not going to be that big a deal.

But what are you doing? You are shifting away from the people's representative, you are shifting away the authority. Maybe in some ways it is easier because you can go home and say it is not my responsibility they vetoed, put that on the line-item veto.

The way it is now it is my responsibility. If something needs to be done in my State if I cannot get it done or Senator BYRD cannot get it done in his, they judge you by that. This is one more way of removing that judgment, that responsibility from you as to whether you are carrying out your role, and you would be protected against your mistakes. Someone can run against you on that basis, too. The newspaper can find that in there. A candidate can come and get you and face you on the stump and say you put something in that benefited you or that benefited this little segment of people or benefited the people that gave you their money whether it is for your campaign or others and take you to task for that.

But now we are not going to have you face up to that responsibility anymore; we are going to override that with this so-called line item veto.

We need to look at history in a wider perspective. We do not look through that peepsight. We better look in a broader base and we look and see the times we have amended this Constitution. If you look at the list of those that failed, in most instances, I think we will say we can understand why they failed. They would not stand the test of having to go through that process of approval in both Houses with more than a majority vote, approval in the number of legislative bodies, going out into the debate in the countryside and all of the scrutiny that goes through that.

And here we are talking about amending this document with a simple vote of both Houses, giving away a responsibility and a power that was granted 200 years ago, that has stood us well since that time, not that it has not been challenged by the Executive since that time, because it has, repetitively so.

But here this Senate is making some noise like it is on the verge of surrendering and giving that away. Heaven forbid. Heaven forbid if you would do that. I thank that it would be something that we would regret for a long, long time. I think it would be something more than that, that the people would regret and would pay a price for.

This document has been so carefully crafted that it stood the test of time. This balance, it is like a wonderful fine watch, a 21-jewel watch. If you look at it it is hard to determine why it runs, how it works and yet over the years those jewel watches that were so fine, they work, they run.

Our Constitution has run like that jewel watch. Some outsiders might wonder why. How in the world can you do this? You have a President, but he does not have all the powers. You have a Congress but they do not have all the power. You have a judicial system but it does not have all the power and each one can check on the other.

The President has this right of veto but Congress has this right of overriding and this court has this right to declare laws unconstitutional.

I expect some scholars when they looked at it when it first started, laughed. They do not laugh now because if you look and see what has happened to other governments that tried to exist 200 years and tried to keep themselves in balance, you find none that have operated the way ours has. Why in the world should we tinker with it? You would not take that beautiful watch, that 21-jewel watch and you would not decide I want to take a few wheels out of it and

I am going to move them, I am going to take them from one side and move them to another. I am going to take a few of those jewels and balance them on the other side. You would not tinker with it if it works regardless of how it looked.

You would allow it to stay just the way it is. That is why we should not tamper with it.

I had one of the Senators in here asking me the other day if you could change the Budget Act, what would you change in the Budget Act to fix the deficit? I had to think about it a minute. I had to tell him if I could change the Budget Act, I have a list of things I would do. But none of them could, I tell you, would fix the deficit because the deficit is a problem of will. The deficit is a problem of an absence of will, absence of will, in the people that can do something about it, and you can change anything in that budget document you want to. I do not think that you would fix the problem. I will tell you you can change the line item veto and that will not fix the problem, either.

The problem can be fixed if the will is there, and if you put these temporary things in you will never have the will. The people never understand that it is a responsibility and they have to pinpoint that responsibility. They have to look to us. They have to look to the President. They have to determine where the problem is and fix that responsibility. You will not do it if you have this particular thing.

Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. CHILES. I am delighted to withhold.

Mr. BYRD. Mr. President, I have sat and listened with great attentiveness and interest to the remarks that have been made by the distinguished Senator from Florida [Mr. CHILES].

He has touched upon a number of important points in which I, at some future time, probably will want to say a few things also.

But there is one in particular that he mentioned that I would like to comment. When he spoke of those who feel that, by shifting this constitutional responsibility of ours onto the President for 2 years, the President will in the course of those 2 years slash this program and that program and the other program and so on and act in such ways that the people will be very angry and will react at the polls against that President's party.

Mr. President, it is a very clever trick. If that is the motivation behind one's support for this proposal to transfer power, we should all regret it.

The distinguished Senator from Florida spoke of the oath of office. We all take that oath of office to support and defend the Constitution. And each time we are reelected we take the oath again; the same oath. "So help me God." That is the way it ends, does it not?

Mr. CHILES. It does.

Mr. BYRD. "So help me God." We take that oath to support and defend the Constitution of the United States. Now, is transferring this power and this responsibility of the people's branch to the President for 2 years—waiving the Constitution for 2 years—is that the way one lives up to a Senator's oath of office that he will support and defend the Constitution of the United States against all enemies, foreign and domestic? Ah, what a cute, clever, partisan move. How would one then, having voted on that basis, be able to stand and criticize the President if he later cuts appropriations for health research, for cancer research, for heart research, for stroke research, for education? How can one vote on that basis, and then have the brass to stand on a future day and criticize the President for having made such cuts?

Mr. CHILES. I think the minority leader is eminently correct. That is one of the points that I was attempting to make. That is not a very valid reason for trying to do this.

Mr. BYRD. I thank the distinguished Senator.

Mr. HATFIELD. Will the Senator yield?

Mr. CHILES. I am happy to yield to my friend.

Mr. HATFIELD. Mr. President, I would like to commend the Senator from Florida for a very eloquent statement. I have not been able to listen to every word of it. But I shall read it. As a distinguished Member of this body, I know how strongly he feels about the Constitution. I just do not think, frankly, that there is any way we can guage any form of redundancy by talking about the constitutional issue here for us. I have spoken about it. Senator WEICKER has spoken about it, Senator MATHIAS spoke about it, Senator CHILES and Senator FORD, and I am sure that most Senators who are opposing this line-item veto issue will in some way refer to that basic underlying question that is involved; that is, the Constitution.

I also want to engage a little bit further in this colloquy that the Senator from Florida had with the Democratic leader. The Democratic leader was raising a certain scenario here of how any one could criticize the President for vetoing one of these programs that we individually or as a group may be very supportive of, if we turn first of all and vote to give this kind of authority to the President.

Let me carry that out just one further step. As it is now, if the President wants to get rid of a program, legal aid, library construction services, student aid, or some other form of educational program or many of the others, he has to have 51 votes of the Senate, or a majority. If we give him this kind of authority, he only has to get 34 votes because as the Democratic leader said, he can excise the appropriation for that program, which in effect kills the program, and it takes only 34 votes to sustain that action, whereas if he wants to go head on as he would now in terms of dealing with the program from an authorizing point of view, he would have to get 51 votes.

I think we had better look at the numbers game involved here as well.

Mr. BYRD. Mr. President, I ask unanimous consent that the statements that have been made by the distinguished Senator from Oregon, and the statement that I—if one wishes to call it a statement—just made and the speech Mr. CHILES just made will not count as a speech as the first of two speeches in the same legislative day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise in opposition to S. 43. I would like to commend the Senator from Oregon, Senator HATFIELD, as well as the minority leader, Senator BYRD, from West Virginia, and others, Senator MATHIAS, from Maryland, Senator FORD, from Kentucky, and Senator CHILES from Florida.

They have been the vanguard of protecting the Constitution in opposition of this bill. I think they should be commended very resoundingly for the action they are taking in so doing.

Mr. President, one can easily understand why this is a beguiling statute not only to some people in the country, but also to some Members of the U.S. Senate and some Members of the U.S. House of Representatives. After all, we are in a period of very high budget deficits. Our national budget deficits are now at roughly the annual rate of $200 billion a year. The fact of the matter is, our total national debt has doubled in about the last 6 years. That is about equal to the last 6 years of accumulated annual deficits on top of the earlier national debt. So it has approximately doubled in the last 6 years.

Unfortunately, there is no end in sight. Unfortunately, the President and the Congress have not lived up to our joint collective responsibilities by getting the Federal budget deficit under control. We have not done what we should be doing. The House Budget Committee, the Senate Budget Committee, the President, and the Congress have not bitten the bullet to get the Federal budget deficit reduced. We are still rationalizing. We are still taking the easy way out. We are not

living up to our responsibilities. I think we all know that. We are politically intimidated. We are politically afraid. We are scared. We are frightened that some one group that might get cut a little bit might get upset, and we are stymied into timidity, into inaction. It is unfortunate. I hope that both ends of Pennsylvania Avenue very quickly come to their senses, and get the budget deficit reduced quickly.

In the meantime, someone has suggested the line-item veto. It has beguiling appeal. Why not allow the President the authority to veto appropriations bills passed by the Congress on a line-item basis. Why not let him select certain items, certain lines in an appropriations bill so he, the President, can select which ones he wants to veto and which ones not. It is a very beguiling proposition. Many think it is a good idea. Why not?

Mr. President, among the various problems in all that, let me begin with one. That is this: The U.S. Congress is virtually the only legislative body in the free world that has any significant authority and power. Every other legislative body, not only in the free world but in the entire world, has less authority and power than does the U.S. Congress.

When our Founding Fathers left Europe, when they left to come over to America a little over 200 years ago, they came over with various reasons in mind, some to seek new opportunities, many of them to escape tyranny and injustice.

Certainly, one of the tyrannies and injustices they wanted to escape was the dictatorial authority, the tyrannical authority, of executive powers of many European countries at that time.

So our Founding Fathers came to this country and wrote a Constitution. The genius of that Constitution is the separation of power and the system of checks and balances between the judiciary, the executive branch, the legislative branch as three coequal branches of Government, each checking the authority and the power of the other two.

They did not give disproportionate power to the executive branch. Rather, it was a balance of powers, with checks and balances. That system sometimes causes delays, even though that sometimes causes the American people to be frustrated, that the President is not doing what he should be doing, that the Congress is not doing what it should be doing. But as Winston Churchill once said, democracy for all its fits, starts, delays, and frustrations, is one of the world's worst governments, but obviously there is none better. That is one of the prices of democracy: checks and balances.

Probably the most important power that resides in the U.S. Congress is the power to appropriate and spend money, the power of the purse. Under the Constitution, our forefathers felt it best that the Congress have that power, but that the Congress be checked so it does not have too much power. Therefore, they also allow the Chief Executive to veto appropriations bills that the Congress passes, and that veto can only be overridden by a two-thirds vote of both Houses of Congress.

However, our Founding Fathers did not give the President absolute authority to pick and choose. Rather, our Founding Fathers said the President can veto appropriations bills that Congress sends to the President but not bits and pieces of those bills. Again, checks and balances.

Mr. President, I think it is important that we maintain those checks and balances because we in our country do not want to give too much power to one person, be it a man or a woman, who is elected President of the United States. We want power dispersed. Lord Acton once said that power corrupts and absolute power corrupts absolutely.

He was a wise man. I think our Founding Fathers probably listened to Lord Acton when they decided to disperse power, not to concentrate too much power in one person, regardless of what political party he belongs to, regardless of his political persuasion.

To give the President line-item veto authority would render the appropriations power of the U.S. Congress virtually meaningless. The Congress would no longer have the most important power given to it by our Founding Fathers.

Mr. President, this body, the U.S. Congress, would then be only a rubberstamp of the executive branch. We would be giving almost absolute authority to the President over the policies and priorities of the Federal Government.

In the ocean of history, executive power ebbs and flows. It depends partly on the personality of the President, and partly upon who holds office in the Senate and the House. It also depends upon changing technologies. The world changes. Our country changes.

With dramatic increases in communication technologies in this country, the power of the President has been significantly enhanced. The national media, the television networks, the national press, logically pay more attention to the President than they do to the Congress.

This President, has more power, as a practical matter, than have had prior Presidents. So I ask, Mr. President, why should the Congress become a rubberstamp, give up the main power that it does have, the power of the purse, to the President of the United States? It does not make sense and I do not think the American people want it.

I say, Mr. President, that in looking at it as a practical matter it does not make sense. I also say from a constitutional point of view it does not make sense. It does not make sense for the Congress to pass legislation which renders the separation of powers concept meaningless. The cornerstone of the Constitution is the separation of powers. For Congress to nullify that theory is, in my view, unconstitutional.

It is also unconstitutional for the Senate to attempt to pass such a bill because the plain words and meaning of the Constitution say any "bill" passed by Congress, not any line item passed by Congress, should be sent to the President for his signature to either pass or not pass. That is the plain meaning. That is the English language. That is what it says. Therefore, it would be unconstitutional for this body to attempt to pass legislation which is unconstitutional under the clear language of the Constitution.

Someone might ask, "Gee, it may be unconstitutional for Congress to attempt to do so, but leave that to the courts. Leave that to the U.S. Supreme Court to decide."

Mr. President, I first met this argument when I was in law school taking a constitutional law course. When I sat in class, my constitutional law professor first raised this point, I thought that was a good idea: Let the Congress do what they want to do and let the Court strike down any unconstitutional acts. Let that be the Federal judicial responsibility. Legislators should not have to worry about that.

Upon more reflection, Mr. President, I think that my earlier thought was incorrect. I believe so for the following reason:

When we are elected to hold office in the Senate of the United States, when we are elected by our people to represent our States in the U.S. Senate, we take the oath of office. We stand down in the well, Mr. President, each of us. The Vice President administers the oath of office. Each of us raises his right hand, the other hand on the Bible. we take the oath of office. The oath of office is to protect and defend the Constitution of the United States.

I am hard-pressed to think of a more solemn responsibility than to protect and defend the Constitution of the United States. Mr. President, I think it is foolhardy, I think it is irresponsible for anyone who takes this oath of office to blink his eye, to wink, to look in the other direction, to sweep all the obvious constitutional infirmities under the rug and let the Supreme Court knock down the statute as unconstitutional.

We take an oath to protect and defend the Constitution of the United States. That is our solemn oath; that

is our solemn responsibility. As U.S. Senators, we owe it to the people who elect us, we owe it to ourselves as individuals, we owe it to the country to live up to that responsibility and not to be tempted by the beguiling, easy argument to let the Federal judiciary strike down our actions as unconstitutional.

Mr. President, there is another reason why this bill transfers power unwisely. In one bill alone, one continuing resolution alone, there may be over 2,000 separate items—2,000. If you add up the other items that would be included in other appropriations bills, one can only imagine how great a number that would be that would theoretically be subject to a line-item veto if this bill were to pass. You cannot tell me that the President of the United States is going to look at all these hundreds of items.

Well, Mr. President, who is going to look at all these separate items, if not the President? It is not going to be the Vice President. He does not have that much time. It is not going to be main White House staff, although some of them may look at portions.

It will be someone in the Office of Management and Budget, maybe even the OMB Director himself; maybe the Assistant OMB Director, maybe a Deputy Assistant OMB Director; maybe somebody will look at these separate items. Mr. President, the line item veto authority will then be given to a bureaucrat—maybe low down, maybe high up—but in all cases, someone who is not elected, who never ran for office, and someone who is not beholden to the American people.

Legislators run for office. Presidents run for office. They either get elected or unelected. We all self-destruct in 2 years, 4 years, 6 years. It is part of the process, part of the system. We are all reevaluated every 2 years, 4 years, or 6 years. But that bureaucrat over there is never evaluated; he never has to chance it.

So I ask you, Mr. President, what in the world are we going to do here if we are giving so much power over to the bureaucrats at the OMB?

Second, who is going to decide what certain items can be enrolled in separate bills? Under this legislation, it is going to be the House enrolling clerk who is going to decide. Mr. President, the House enrolling clerk does not run for office. He is not elected to hold that position. He does not self-destruct in 2 years, 4 years, or 6 years.

Who is he? How many people in the United States know who the House enrolling clerk is? What is his name?

Mr. President, he will have immense power. Members of the Senate and Members of the House are going to be paying homage to the enrolling clerk of the House of Representatives to make sure their item is packaged right, so it will not be vetoed.

Everybody in the country is going to be paying homage to the enrolling clerk. Think of all the lobbyists in the country who are going to be going over to the enrolling clerk. Think of the power he will have. Is that what we really want to do here in passing this bill, to give so much power to the enrolling clerk?

To ask the question is to answer it: Of course, we do not.

Mr. President, however you cut it, however you slice it, this bill, if passed, would be an unconstitutional delegation of authority and power to the executive branch of the United States or to the House enrolling clerk. In any event, we would be making ourselves, U.S. Senators, as rubber stamps, and giving ourselves even less power than we already have.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. BAUCUS. I am happy to yield to the distinguished minority leader.

Mr. BYRD. Mr. President, I compliment the distinguished Senator from Montana on his fine statement.

He made reference to a continuing resolution of last fall, in which there were over 2,000 numbered sections and unnumbered paragraphs.

Over 2,000. Would the Senator have seen any one of those little itsy-bitsy bills that the enrolling clerk of the House of Representatives would be required to enroll?

Mr. BAUCUS. Mr. President, as I understand the question, it is whether any one of those small line items that would be included in the continuing resolution would ever be seen individually by Members of the U.S. Senate.

Mr. BYRD. That is right.

Mr. BAUCUS. I think they would not be.

Mr. BYRD. Customarily, in which body do appropriations originate?

Mr. BAUCUS. The Senator knows, as a good student of this process, that by custom, appropriations bills originate in the House.

Mr. BYRD. All right, Mr. President, let us say that the House sends over an appropriations bill and the distinguished Senator from Montana offers an amendment to that bill and it is adopted. Let us say that the bill goes to conference and then, after it is all said and done, the bill is sent to the White House in little, itsy-bitsy pieces; that one of these little, itsy-bitsy pieces is the amendment that the distinguished Senator from Montana offered to that bill; that one of those clerks down there in the subterranean passages of the Office of Management and Budget determines that this particular language that was put in by the Senate as an amendment to the House bill should be vetoed by the President; and that the President vetoes that little so-called line item.

The Constitution says that if the President vetoes a bill, and Congess is in session, goes back to the House in which it originated.

Well, now, the Senator's amendment, when it went down there as one of those little itsy-bitsy pieces, had a number on it. Is it going down with the House number or is it going down with a Senate number? It was the House bill that came over here. It was the amendment of the Senator from Montana that was attached here, and the enrolling clerk of the House broke it out as one of the 2,000 pieces that suddenly shot up like the prophet's gourd overnight from what was at one time one House of Representatives bill.

Now, to which House will the vetoed amendment of the Senator from Montana be returned? Will it go back to the House? Will it have originated in the House or will it have originated in the Senate?

(Mr. RUDMAN assumed the chair.)

Mr. BAUCUS. The Senator, as always, makes a very good point, a perceptive analysis of the problems with these kinds of bills. He is essentially pointing out a central feature of the Constitution where acts of Congress and vetoes by the President are referred to in the singular, as "the bill." In this case, if S. 43 ever were to become law, I ask the question do we not have many items instead of "the bill."

The Senator's question in and of itself is pointing out the constitutional infirmities of this bill, because the question itself is pointing out that we now do not have "the bill." We have something that is pieces of "the bill."

The President decides to veto the measure that originated in the Senate. Under the Constitution, should it be sent back to the House where the major appropriations bill originated or should it be sent to the Senate where the amendment originated? It raises a good question.

Mr. BYRD. Mr. President, if the Senator will yield, can the Senator envision the enrolling clerk of the House putting a Senate number on the amendment that was added in the Senate by the Senator from Montana to a House bill? Can the Senator believe that that House enrolling clerk is going to put a Senate number on that particular single, so-called line item which was put in by the Senate?

Who is going to believe, since the House insists on its customary prerogative of originating appropriations bills, that there, all of a sudden, we find an appropriation bill which originated in the Senate? It originated as an amendment offered by the Senator from Montana.

Does the Senator believe that the House enrolling clerk is going to put a Senate number on that bill?

Mr. BAUCUS. Mr. President, it is obvious, given the jealousy of each body,

the House with its responsibilities and prerogatives and the Senate with its, the House Clerk is not going to put a Senate number on that measure.

Mr. BYRD. Well, then, who can claim that that bill—the Senator's amendment—originated in the House? I used to see the old-time vaudevillians and magicians perform their tricks. This would be a real sleight-of-hand act. Who would believe that the Senator's amendment to a House bill originated in the House of Representatives as a House appropriations bill?

Mr. BAUCUS. The Senator is correct.

Mr. BYRD. All right. Then, if the President vetoes the Senator's little itsy-bitsy "bill," to which body is it going to be returned? Under the Constitution, a bill goes back to the House in which it originated. Yet, it originated as an amendment over here, did it not?

Mr. BAUCUS. The Senator is correct. Undoubtedly, it would be sent back to the other body first.

Mr. BYRD. And if it goes back to the other body and the House fails to override it or simply puts it aside and says, "We will not try," as they sometimes have to do because they see the handwriting on the wall, then the poor Senator from Montana will never have an opportunity to override the President's veto of the Senator's verbiage which originated in the Senate.

Mr. BAUCUS. The Senator is absolutely correct.

Mr. BYRD. I thank the Senator.

Mr. BAUCUS. Mr. President, I think the Senator from West Virginia is making a very critical point, an invaluable addition to this argument. Not only does this bill, S. 43, transfer—unconstitutionally, I might add—power to the executive branch to render the congressional branch almost a rubber stamp, but, in addition, S. 43 transfers power from the Senate of the United States to the House of Representatives of the United States, another unwise transfer of power.

Mr. President, our Founding Fathers in setting up coequal branches of government—judicial, legislative, and executive—also contemplated setting up two coequal houses in the legislative branch of the Congress an equal Senate and an equal House of Representatives, with House Members elected to serve 2-year terms given the authority to originate revenue bills. Under the Constitution they do not have authority to originate appropriations bills. It is a custom that has developed over the years. But the House is given already that authority above and beyond the Senate to originate revenue bills, tax bills. Our Founding Fathers decided to give the Senate something the House does not have, the power of advise and consent, power to confirm or not confirm executive branch nominations, judicial nominations, Cabinet officials. That is a power that resides in the Senate. It does not reside in the House of Representatives.

So to pass this bill to give clerks in the House of Representatives additional power over the Senate is another infirmity.

I think, if Senators reflect upon the consequences of that action, they will think twice before voting for this bill or to invoke cloture. If they think through the manifestations, the consequences of this bill, which transfers additional authority to the executive branch—and in addition passes even more authority away from the Senate to the House of Representatives—I believe they will not want to do what they otherwise think they want to do.

I very much applaud and thank the Senator from West Virginia for drawing out that distinction. It is one about which I think many Senators have not thought. Frankly, we have not thought about it because we do not have the experience of the Senator from West Virginia.

The Senator from West Virginia is not making a partisan argument. He is arguing to maintain the integrity of the institution of the U.S. Senate. That is the point of the Senator from West Virginia.

I applaud the Senator for making that point. He has made a very valuable contribution to this debate.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Did the Senator read in yesterday's Washington Post about that brave White House official who said—with reference to the nomination of Mr. Reynolds, which was rejected by the Senate Judiciary Committee—that the committee was going to have to be brought into line?

Mr. BAUCUS. I saw that, and I was disturbed to see it.

Mr. BYRD. The distinguished Senator from Montana is a member of the Judiciary Committee. Does the Senator know that he should be brought into line?

Mr. BAUCUS. I might say that it is not the first time I faced the prospect of being brought into line.

Mr. BYRD. I do not believe the Senator from Montana is going to be brought into line against the direction of his own conscience.

Is it the Senator's responsibility under the Constitution to study carefully all nominations that are sent by the President to the Senate and then referred to the Judiciary Committee?

Mr. BAUCUS. Absolutely.

Mr. BYRD. Does the Constitution suggest even a whisper to the effect that if Senators on the Judiciary Committee who—by virtue of their conscience, render judgments based upon the facts that are brought before the attention of that committee—do not see eye-to-eye with the President, whether he be Democrat or Republican, they should be brought into line? Does the Constitution say anything to the effect that members of that committee have to be rubber stamps to any President with respect to his nominations that are referred to that committee?

Mr. BAUCUS. The Constitution is very clear, Mr. President, that the U.S. Senate has sole responsibility to exercise its independent judgment as to whether to confirm or not confirm nominations.

Mr. BYRD. The point I am getting to is this: If S. 43 were to become law—perish the thought—can the Senator then imagine what may be said by that arrogant White House official who is unnamed, unhonored, and unsung? Can the Senator from Montana imagine what that same official, who made that arrogant, impertinent, dumb statement about the Judiciary Committee and how it should be brought into line, would have to say about bringing the Senator from Montana into line if S. 43 were to become law?

Once this power of the purse is placed in the hands of one man in the Oval Office, imagine the arrogance we would see on the part of administration officials, whether in a Republican administration or in a Democratic administration.

Any Senator, I think, should give careful and long thought to this transfer of power, the power of the purse, to one man in the Oval Office. I do not believe that the American people want such awesome power to go to one man. It is the power of determining the national priorities—whether we will have a little more money or less money or none at all for heart research or coal research or cancer research or for education or for anyone of a blue-million things

Once the power of the purse is transferred down there, some Senators might be brought into line—maybe not the Senator from Montana.

Mr. BAUCUS. Mr. President, not only can this Senator imagine the attempt of the White House and the executive branch to try to bring various Senators into line, but also, this Senator would expect that effort. This Senator would expect that various officials at the White House, OMB, or wherever, because of certain axes they have to grind, would indeed attempt, inappropriately and unfairly, to influence Members of the U.S. Senate, whether they be members of the Judiciary Committee or not.

Mr. BYRD. I do not want to belabor the point, but the Senator can be brought into line by the people of Montana. This Senator can be brought into line by the people of West Virginia. They can remind me that the way to Washington leads back home.

To think of transferring this massive power, which the constitutional forefathers vested in the legislative branch, to someone in the Oval Office should cause one to sit up and stop, look, and listen before going in that direction. If an unnamed White House official—and it was not the President who said that; it was an unnamed White House official—can display that kind of arrogance in talking about the U.S. Senate, and the Judiciary Committee in particular, because that Judiciary Committee is carrying out a role and a responsibility and a duty placed upon that committee by the Constitution of the United States, which says that the President may appoint, by and with the advice and consent of the Senate—when that committee is carrying out its sworn duty under the Constitution, once this transfer of power of the purse is completed, then on what meat will this, our little Caesar—the unnamed White House official—feed?

I thank the Senator.

Mr. BAUCUS. I thank the Senator from West Virginia.

Mr. President, I might add that, as the Senator from West Virginia has stated, it is not only that this gives inappropriate, additional power to the President, but also, because of the large number of line items, the practical result is that additional power is likewise given to other White House officials, OMB officials, various Cabinet officials, who will see this as a means to enhance their own personal power over Senators or House Members, whatever the case may be.

These are people who are unelected, people you do not know; you do not know their names. They are faceless; they are nameless. And to give each of them 2,000, 3,000, 4,000 separate line items as a club over a Senator who runs for office, over a House Member who runs for office, is something that we do not want to do. I think it is something that the American people do not want us to do.

Mr. President, I ask every Member of this body to think carefully, look at their consciences, and ask themselves what is right here. This is a critically important moment, maybe one of the most important moments that many of us will face, the decision we must make is whether to transfer so much power away from one coequal branch of government to another branch of government that the executive branch will essentially dominate the Congress in the future.

I ask each Senator to think long and hard about that decision.

I think, Mr. President, the more we think long about it, the more Members of this body are going to realize it will be unwise to pass this bill.

Mr. President, it is my understanding that the Senator from Alaska wishes to seek recognition at this point.

I yield to the Senator from Alaska.

Mr. MURKOWSKI. I thank my colleague from Montana for yielding.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, for the information of all Senators I have been asked by the majority leader to announce that there will be no further rollcall votes which will occur during the remainder of tonight's session. The minority leader is in the process of clearing five or six calendar items to be passed by the Senate yet this evening. Also, we are in the process of clearing several other calendar items to be cleared for action on tomorrow.

Mr. BYRD. Mr. President, it is my understanding that Mr. METZENBAUM or Mr. MATHIAS will be on the floor shortly to speak on the motion to proceed to the consideration of the line-item veto legislation.

In the meantime, may I state, 41 national organizations have contacted me in opposition to the line-item veto legislation.

Mr. President, I feel that this breadth of opposition to the bill certainly is worthy of reference at this point. So I would like to read into the RECORD a list of these 41 organizations that have contacted my office expressing opposition to the line-item veto. They are as follows:

The AFL-CIO; the American Library Association; the United Mine Workers of America; the American Association of University Women; the American Federation of Government Employees; the National Urban League; the Communications Workers of America; the American Council on Education; the United Automobile Workers of America, the National Association of Federally Impacted Schools; the United Steelworkers of America; the Committee for Education Funding; the American Federation of Teachers; the National League of Cities; the International Ladies Garment Workers Union; the International Union of Bricklayers & Allied Craftsmen; the Service Employees International Union; the Paralyzed Veterans of America; the United Food & Commercial Workers International Union; the Lutheran Council in the U.S.A.; the Food & Allied Service Trades Department of the AFL-CIO; Congress Watch; the Amalgamated Clothing & Textile Workers Union; Common Cause; the National Farmers Union; the Americans for Democratic Action; the Seafarers International Union of North America; the United Church of Christ, Office for Church in Society; the National Association of Letter Carriers; the United States Student Association; the Brotherhood of Railway & Airline Clerks; the Council of Great City Schools; the American Federation of State, County, & Municipal Employees; the Children's Defense Fund; the Consumers Union of America; the National Education Association; the Consumers Federation of America; the National Council of Senior Citizens; the Coalition on Block Grants and Human Needs; the National Association for the Advancement of Colored People; and the American Association of Retired Persons.

Mr. President, I feel that this is a clear indication of the broad interest in this matter throughout the country. Those of us in this body who oppose the proposed transfer of this power from the Congress of the United States to the President of the United States likewise, are, very, very serious in our determination to defect this proposed unconstitutional transfer of power from the Congress to the executive branch.

Mr. CRANSTON. Mr. President, the bedrock principle underlying our constitutional democracy is equality of power between branches of the Federal Government.

A Congress equal in power to the President is what distinguishes constitutional democracy from one-man government.

And the "equalizer" is the power of the purse.

Our Founding Fathers knew that.

Every constitutional scholar knows that.

Every strict constructionist knows that.

That is why the Constitution gives Congress exclusive power over the public purse.

Take that power away from Congress—as a line-item veto would in effect do—and you unbalance the delicate balance of powers that has made our democracy the greatest in the world.

You give to an overly ambitious President effective control over all of Government—for better or worse.

Some people think that giving this power to President Reagan would be for the better.

That may or may not be.

But I want to remind my colleagues that we would be giving this power not just to President Reagan but to an unknown future—to all future Presidents, whatever may be their economic proclivities or political ambitions.

Playing Russian roulette with the future of our constitutional democracy is a dangerous game.

It is also dangerous politics.

I ask my Democratic friends:

Think: What would Richard Nixon have done had he the power of a line-item veto?

Is that what you really want?

I ask my Republican friends:

Think: What would Lyndon Johnson have done had he the power of a line-item veto?

Is that what you really want?

I ask my Republican friends among the leadership another question:

What do you think of President Reagan's recent exercise of a version of the line-item veto?

What do you think of his unilateral decision to declare Social Security "off the table" in current budget negotiations?

Is this a Presidential power you want to enshrine into law?

I expect not.

I happen to favor protecting Social Security COLA's by taking them off the bargaining table.

But that does not change my view that a line-item veto in any form is bad government and radical political science.

It is also a bad way to try to cut Government spending.

It will not do it.

In fact, it could lead to more Government spending, not less.

Some of the most thoughtful analyses, Mr. President, of the line-item veto issue has been engaged in by Norman Ornstein of the American Enterprise Institute, a think-tank generally viewed as quite conservative. Norman Ornstein happens to be a great admirer of the balance of power within our Government, and one who is dedicated to the preservation of that balance of power and to Congress as an essential part of that balance.

As Norman Ornstein of the American Enterprise Institute pointed out in the January 7 issue of Fortune magazine, conservatives should join in opposing the idea of a line-item veto.

Rather than help contain spending, Ornstein wrote, a line-item veto would probably do just the opposite—it would increase Government spending.

He points out, for example, that if President Reagan had the power of a line-item veto last year when Congress cut 25 percent from his proposed outlays for the MX missile, the White House would have put pressure on Members of Congress that a favored dam or building would be item-erased if that Member did not support the MX.

The bottom line, Ornstein says, is that we would have paid for all those dams and buildings—and more MX's.

He is right.

He is also right in noting that military spending and wars have been the major cause of Government deficits and unbalanced budgets. And that time after time Congress has had to protect the public purse from Presidents pursuing expensive military objectives.

Up to the 1970's, he reports, our national debt was almost entirely rooted in the massive deficits of our major wars.

In contrast, over 180 years of peacetime, our budgets were on the average virtually in balance.

The line-item veto is offered as the cure for congressional pork barrel.

But Presidents also have their pork.

Listening to Ornstein once again, he notes that Presidents generally support the kinds of programs that clearly stands out as wasteful.

And President Reagan is no exception.

Mr. Ornstein notes that President Reagan has not taken strong action to reduce subsidized electric power in the West—his strongest political base and the home of his closest supporters.

And President Reagan has not done much about subsidized Federal grazing lands in the West or water projects that President Carter tried to eliminate.

Most importantly, Mr. Ornstein notes that the vast bulk of Government spending is not pork and would be beyond the reach of a line-item veto.

Of the $926 billion in the fiscal 1985 budget: $188 billion goes for Social Security, $116 billion goes to net interest payments, which a President could not line-item veto; $90 billion goes to Medicare and Medicaid—also beyond a line-item veto; $123 billion is mandated by past legislation; $171 billion is for obligations under contracts signed in past years.

That leaves $237 billion. But $175 billion of that is for Defense, which President Reagan will not touch.

So all that is left is $62 billion in domestic spending as a possible target for line-item vetoes.

But that $62 billion includes general operating expenses of the Federal Government—including the CIA, the FBI, the National Parks, and so forth.

I have noted that many of our colleagues who have been Governors before coming to the Senate support the line-item veto because of their pleasant experience—or what they think was a pleasant experience—they had with the line-item veto as Governors. Norman Ornstein comments on that also.

Yes, but what about President Reagan's claim that the item veto exists and has worked well in 43 states? We have significant evidence that the line item veto, overall, is not terribly effective inside states. As Benjamin Zycher has catalogued in the Wall Street Journal, per capita spending in the seven states lacking item veto authority actually is lower on average than in states with some form of line item veto. Zycher concludes that the data "do not support the conclusion that the item veto power provides an effective constraint on government spending."

Finally, I would like to quote from another piece of incisive writing by Mr. Ornstein, his essay on "The Politics of the Deficit" in which he said:

The Founding Fathers set up a structure of government to prevent a powerful central government from exercising undue control, first and foremost, over the power of the purse. To restrain government power over spending and taxing, they deliberately and explicitly gave more control to the Congress of the United States than to the president, expecting that the direct representatives of the people, in a system of checks and balances, would be more restrained.

Indeed, the great growth in federal debt and the periodic problems with deficits are much more the result of massive expenditures to support major wars and the activist policies of presidents striving to make their mark on American society and in American history.

Mr. President, that is the end of the quote, and the end of the speech.

● Mr. DANFORTH. Mr. President, I have not always been a supporter of the line-item veto. I am troubled by the institutional and political consequences it might have on our system of government. At the same time, I am utterly convinced that a failure to come to grips with the Federal deficit will have disastrous consequences, both short and long term, for our country.

We worry around here about the trade deficit, which hit $123 billion last year and will go to $140 billion or more this year. We worry about the plight of the farmer, and farmers are certainly in very bad shape in my State. And yet when it comes time to do something about the cause of these problems—the deficit and its effect on interest rates—we back down. We shy away from the painful decisions that have to be made.

We have heard this year from economists from all points on the political spectrum, and the advice they give is the same advice I receive from my constituents: We cannot live beyond our means forever, mortgaging the future of our children and grandchildren to $200 billion deficits stretching as far as the eye can see.

The line-item veto is not the answer. but it is an answer. It could only affect appropriation bills and thus could touch less than half of the budget. But it would enable the President to focus his fire on over-budget programs and wasteful, unjustified pork-barrel items that now find their way into mammoth spending measures, without forcing the President to shut down the Government in order to indicate his disapproval.

I share the concerns expressed by many of my colleagues about the effect this legislation would have on the balance of power between the executive and legislative branches. But S. 43 would provide the line-item veto to the President—to this President—for only 2 years. If the test period proves successful, it could be extended. Otherwise, it would die a quiet death.

Congress must be willing to take strong action to reduce the deficit. Yet, the long struggle over the budget resolution gives scant hope that success will be achieved there. The line-item veto is an alternative that we must turn to now if we are to make any headway on what must be our top

priority—preserving the economic health and stability of the Nation.●

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

(The following proceedings occurred earlier:)

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 214, Senate bill 444, the Alaska Native Claims Settlement Act as amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, reserving the right to object, and I shall not object, this measure has been cleared on this side of the aisle.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, will the Senator from Alaska yield for a question?

Mr. MURKOWSKI. I am happy to yield for a question from my friend, the Senator from Ohio.

Mr. METZENBAUM. Mr. President, if the Senator from Alaska will respond, this is the bill that was taken up in the Energy Committee that provided for the transfer of some rights in real estate. Am I correct about that?

Mr. MURKOWSKI. The Senator from Ohio is absolutely correct. This is the bill that was reported out from the Energy Committee unanimously.

Mr. METZENBAUM. It is my recollection that the Senator from Alaska and the Senator from Ohio agreed in committee that the passage of this particular piece of legislation will not set a precedent or be used in order to have additional legislation passed that follows the procedures that are provided for as provided for herein or as have failed to be provided for herein, my recollection being there was no appraisal provided in connection with the transfer of this property.

Mr. MURKOWSKI. I believe my colleague is referring to title XI, which we discussed in the Energy Committee. There was some examination about the Department of the Interior's failure to establish rules under title XI to address this and other issues.

My friend from Ohio is correct that it is not the intent of the Senator from Alaska that this necessarily set a precedent. It is simply the only alternative available because of the deficiency of the Department of the Interior to establish appropriate regulations.

Mr. METZENBAUM. I am certain the Senator from Alaska did not mean to imply anything special with respect to his use of the words "necessarily set a precedent," and that he tends to indicate it was not intended, that this would indeed set a precedent of future legislation.

Mr. MURKOWSKI. I am sure my colleague can recognize the dilemma of the Senator from Alaska: The requirements of title XI are in existence, of the Alaska National Interest Land Conservation Act but we do not have the appropriate regulations by the Department of the Interior, and we have no other alternative but to proceed with this legislation.

Mr. METZENBAUM. But we may not have an alternative 6 months or 1 year from now or 2 years from now if it is enacted.

Mr. MURKOWSKI. I assure my colleague from Ohio I will do everything I can to see that these regulations are developed. They are certainly in the best interests of the Federal Government and the State of Alaska.

Mr. METZENBAUM. Can the Senator give me some reasonable assurance that he will not be bringing forth any similar legislation until those regulations are put into effect.

Mr. MURKOWSKI. I can give the Senator reasonable assurance. But, on the other hand, I represent the people of the State of Alaska as the Senator of Ohio represents his people and when they come in and request certain things we have an obligation to present it to the committee, which I have done in this case. The Senator from Ohio has been kind enough to understand the particular predicament the citizens of my State are in inasmuch as the Federal Government has not seen fit to discharge its duty and respond by issuing appropriate regulations. I can only give my colleague from Ohio my best assurances that we will attempt to continue to encourage the Department of the Interior to come up with these regulations.

Mr. METZENBAUM. Does the Senator from Alaska know or has he heard of any other similar concerns that might necessitate his bringing another piece of legislation back to us?

Mr. MURKOWSKI. Not similar concerns, no.

Mr. METZENBAUM. I wish to say to my colleague from Alaska that I agreed to this bill coming out of committee and I have no objection to it being passed at this point with the distinct understanding that it would not be a precedent.

I wish to serve notice that if similar legislation is brought to the committee or the floor I will do everything possible to defeat the legislation because I think that we should have an orderly procedure, we should have an appraisal, and we should not be giving away Federal lands and rights. In this instance, I am satisfied that it is not a giveaway and that it is on a fair basis.

But I wish to put my colleague on notice that if some similar legislation were to come up I would be constrained to oppose it rather vigorously.

Mr. MURKOWSKI. Mr. President, I appreciate the concern of my colleague, the Senator from Ohio. I can assure him it is not the intention of the Senator from Alaska to make an exception. I feel that the proposal, that has been supported by my friend from Ohio, is indeed a fair one involving an exchange of land, a like exchange. I do not anticipate anything like it coming up in the immediate future.

If there is no further objection, I ask unanimous consent to proceed with the matter pending before the Chair.

The PRESIDING OFFICER. Unanimous consent has already been granted to proceed to the matter.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 444) to amend the Alaska Native Claim Settlement Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment.

On page 1, line 4, strike "(43 U.S.C. 1601, et seq.) is amended", and insert "(85 Stat. 688, 43 U.S.C. 1601-28)".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Alaska Native Claims Settlement Act *(85 Stat. 688, 43 U.S.C. 1601-28), as amended, is further amended* by adding at the end thereof the following new section.

"SEC. 42. The Secretary shall convey to NANA Regional Corporation, Incorporated, in accordance with the terms and conditions set forth in an agreement entitled 'Terms and Conditions Governing Legislative Land Consolidation and Exchange between NANA Regional Corporation, Incorporated, and the United States,' which was executed by the parties on January 31, 1985, lands and interests in lands in exchange for lands and interests in lands of NANA Regional Corporation, Incorporated, upon fulfillment by NANA Regional Corporation, Incorporated, of its obligations under said agreement."

Mr. MURKOWSKI. Mr. President, I rise today in support of a measure of great interest to the people of northwest Alaska, S. 444. I introduced this legislation, along with my colleague Senator STEVENS, to affirm the terms and conditions of a land consolidation and exchange agreement between Nana Regional Corp., Inc., a corporation pursuant to the provisions of the Alaska Native Claims Settlement Act, and the United States, acting through the Department of the Interior. The agreement negotiated by Nana and the Secretary of the Interior is, by its own terms, specifically subject to congressional affirmation.

The basic purpose of this land exchange is to allow the construction of an access road to a mineral deposit that the Nana Regional Native Corp. hopes to develop. I want to stress that the access road is proposed to be built

along the environmentally preferred route. Other alternatives have been studied, a complete environmental impact statement has been prepared, and a general consensus exists that a land exchange is necessary to allow the road to be built along the preferred route, across what is now the Cape Krusenstern National Monument.

This exchange will accomplish three major objectives: First, it will be a major step toward fulfillment of the economic promise of the Alaska Native Claims Settlement Act by making development of Nana's Red Dog Mine possible.

Second, the exchange will benefit the Cape Krusenstern National Monument by reducing private inholdings and providing for the consolidation of land ownership patterns and more rational management within the monument. The interests of the public in the ownership and management of our public lands is served by the exchange.

Finally, the exchange will benefit the United States by enhancing our mineral security and improving our balance of trade.

The Red Dog Mine is landlocked and it is located northeast of Cape Krusenstern National Monument. Before the mine can be developed, an access road and port site will have to be built. A September 1984 environmental impact statement for the project determined that the environmentally preferred as well as economically acceptable route for such an access road was across the monument.

Mr. President, this legislation is exceptionally important to Nana, the Native corporation which selected and received the lands containing the Red Dog deposit pursuant to the Alaska Native Claims Settlement Act [ANCSA]. Since that selection, Nana has negotiated an agreement with Cominco Alaska, a mining company, to develop that deposit. Passage of this legislation will permit actual development of Red Dog to begin in the near future. Timely development of the Red Dog Mine is essential if the Nana shareholders are to enjoy the potential benefits of ANCSA.

At the present time there is no economic base within the Nana region that can offer even remotely sufficient job opportunities to the residents. This is an area comparable in size to the States of Rhode Island and Delaware combined with a population of less than 5,000 and an unemployment rate of about 70 percent. As a result, many of Nana's residents are seeking employment outside the region, creating a great deal of dislocation. Development of the Red Dog Mine will change all of that. When fully developed, the mine will employ approximately 400 individuals, most of whom will be residents of the Nana region and Nana shareholders. The estimated life of the project is 50 years, and the annual income from these jobs is estimated to be approximately $15 million.

S. 444 will result in Nana receiving title to 62,084 acres within the national monument through which the road will be constructed; easements for two winter use trials across monument and other Federal lands between Kivalina and Noatak; title to 1,915 acres outside the monument; and final conveyance of 31,844 acres in the northwest corner of the monument which Nana had a right to select under ANCSA. This last conveyance will prevent the road corridor from splitting the monument into two segments.

The Cape Krusenstern National Monument will also be enhanced by the land exchange. The Federal Government will receive 1,345 acres of prime coastal lands now belonging to Nana; relinquishment of Nana's existing rights to select 103,338 acres located in the eastern portion of the monument which contain the headwaters of all the major rivers running through the monument; conservation easements for the protection of 10,942 acres of prime archeological and cultural interest near Sheshalik; easements and public use rights to a 5-acre inholding in Kobuk Valley National Park; interests and easements for the study and protection of resource values within the tract traversed by the road; and trail easements for public access across Nana lands to monument lands.

By making development of the Red Dog Mine possible, this legislation will also promote national security and improve our balance of trade. That development will increase our recoverable reserves of zinc by more than 33 percent, from almost 25 million tons to almost 40 million tons of metal. When in full operation, the Red Dog Mine will produce 300,000 tons of zinc per year, almost doubling the Nation's annual production. Domestic mines now produce less than one third of our annual zinc requirements. The zinc from this mine alone will increase annual production to two thirds of our requirements. While the enhanced ability to mine this resource is important to our national security the ability to market the resource abroad can help reduce our trade imbalance, particularly with Japan. Exports from the Red Dog Mine are expected to total about $250 million a year in current dollars. About a third of the exports will go to Japan, hence the project will be particularly helpful in reducing our staggering trade deficit with that nation.

Some of my colleagues may suggest that this bill should be amended and may encourage the House to do just that. I do not believe that the majority of the Members of this body support that approach. It certainly is not representative of the position of the Committee on Energy and Natural Resources. The committee by a unanimous voice vote recommended that S. 444 pass the Senate in its present form. The bill is a good bill as it stands. It does not need to be, nor should it be amended.

S. 444 is supported by the Department of the Interior, National Park Service, State of Alaska, Alaska Federation of Natives, National Parks and Conservation Association and the National Audubon Society. The Energy and Natural Resources Committee has sent the bill to the floor with a favorable recommendation. S. 444 approves a land exchange which is environmentally sound, enhances the Cape Krusenstern National Monument, and will bring economic stability to the northwest region of Alaska. I urge my colleagues to join with me in supporting this bill.

Mr. STEVENS. Mr. President, the passage of S. 444—the Cape Krusenstern land exchange bill—may mark the beginning of a change in the way Alaska lands issues are considered in Congress. It proves that legislation concerning the management of lands in my home State can be considered on the merits in a calm and rational manner if extremist rhetoric is put aside. This change—if it is indeed a change and not merely a temporary departure from the usual course of events—is long overdue.

I want to commend two of the most important conservation organizations in our country—the National Audubon Society and the National Parks and Conservation Association—for coming forward in support of S. 444. At a very early stage in the process, these organizations recognized the massive benefits that would accrue to the Cape Krusenstern National Monument as a result of a land exchange and made their views public. I greatly appreciate their honesty and their concern for the interests of the Alaska Native shareholders of the NANA Regional Corp.

As I have noted before, Mr. President, the Department of the Interior already has the authority to effect the Cape Krusenstern land exchange under the provisions of the Alaska National Interest Lands Conservation Act. Senator MURKOWSKI and I have proceeded with S. 444 solely to circumvent unreasonable efforts to delay or derail the exchange through litigation.

Finally, Mr. President, I want to congratulate my colleague from Alaska and good friend, Senator MURKOWSKI, who has shepherded this major piece of legislation through the Energy and Natural Resources Committee and floor consideration with great skill and finesse. I hope that the House of Representatives will move quickly to consider and approve S. 444.

Mr. PROXMIRE. Mr. President, along with Senators LEAHY, SIMON, BINGAMAN, ROTH, EAGLETON, CHAFEE, METZENBAUM, MOYNIHAN, PACKWOOD, BIDEN, GORE, KENNEDY, DODD, BRADLEY, and HART, I have serious concerns regarding S. 444 which would ratify a land exchange in Cape Krusenstern National Monument in Alaska. If passed, the bill would be the first amendment to the landmark Alaska National Interest Lands Conservation Act of 1980 [ANILCA].

ANILCA was a delicately balanced compromise, arrived at only after many years of work. For this reason, the Congress should exercise great caution before reopening any of its provisions.

S. 444 as drafted sets a bad precedent for the implementation of ANILCA by evading a major provision of the act, title XI.

Title XI was designed to address the exact situation covered by this bill; the need to locate transportation corridors through conservation system units. S. 444 removes lands from the monument so that a road can be built to the Red Dog Mine.

Under title XI, Congress established a process for Federal agency study and expedited congressional review of right-of-way applications for transportation and utility systems within or across conservation units.

The Department of Interior, however, has failed to promulgate any title XI regulations. By passing S. 444, the Senate would condone over 4 years of departmental inaction.

We expect that the House will take a very different approach to Cape Krusenstern. Instead of removing lands from the monument, they are considering a plan that, among other things, would give only a right-of-way, with ownership retained by the U.S. Government. In return, NANA Regional Corp. would relinquish various holdings in the region, including the eastern and southern parts of the monument.

This compromise minimizes the road's impact on the monument, and increases the land under Park Service control.

We are encouraged that the NANA Regional Corp. is favorably considering this compromise language and urge our colleagues to give it their approval should it pass the House.

The PRESIDING OFFICER. Is there further debate on the committee amendment?

Mr. METZENBAUM. Mr. President, will the Senator from Alaska assure the Senator from Ohio that the amendment we are talking about is the amendment that was discussed in committee?

Mr. MURKOWSKI. I can give the Senator from Ohio the utmost assurance.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 444), as amended, was passed.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I thank the majority leader for the accommodation. I very much appreciate that. I also thank the minority leader.

Mr. BYRD. Mr. President, the distinguished Senator is welcome.

(Conclusion of earlier proceedings.)

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

FEDERAL CHARTER FOR THE PEARL HARBOR SURVIVORS ASSOCIATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order No. 228, H.R. 1042, the Pearl Harbor Survivors Association bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1042) to grant a Federal charter to the Pearl Harbor Survivors Association.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 532

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendment No. 532.

The amendment reads as follows:

On page 2, line 8, delete the word "devices" and insert in lieu thereof "devises".

On page 6, line 11, delete the word "the".

Mr. INOUYE. Mr. President, these amendments are purely technical and typographical. I ask for their immediate consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment of the Senator from Hawaii [Mr. INOUYE].

The amendment (No. 532) was agreed to.

Mr. INOUYE. Mr. President, I am very pleased to rise in support of H.R. 1042, a bill that would grant a Federal charter to the Pearl Harbor Survivors Association. Further, I have sponsored similar legislation in both this Congress as well as the 97th Congress. I thank my 54 colleagues who cosponsored the Senate bill.

Mr. President, the devastation of December 7, 1941, is still fresh for many of us. It was the catalyst for a personal sacrifice that could never be exceeded. The Pearl Harbor Survivors Association is comprised of men and women who defended our Nation against the onslaught of the Japanese attack on the Pacific Fleet at Pearl Harbor. Since 1941, survivors of the Pearl Harbor attack have formed many local and regional groups across the Nation. There are now approximately 127 active chapters located in almost every State. It is a nonprofit corporation which is organized and dedicated to the purpose of promoting and promulgating the obligations of citizenship and patriotism.

The purpose of this legislation is merely to recognize an existing State-chartered organization, and to honor those members of the Armed Forces who sacrificed so much for their country during the attack on the Pacific Fleet at Pearl Harbor. It does not expand any corporate rights or relieve any corporate responsibilities established by State charter. Further this bill requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation.

Mr. President, I support this bill, and ask my colleagues to do the same. In all fairness, I feel that this is the least that the Members of this distinguished body can do to honor these men and women, who so willingly gave of themselves to protect our Nation during this infamous attack.

Mr. DOLE. Mr. President, let me commend the distinguished Senator from Hawaii [Mr. INOUYE], for this effort. It is good legislation. I certainly support it.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 1042) was passed.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPEAL FOR THE RELEASE OF SOVIET JEWRY

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order No. 233, Senate Joint Resolution 161, appeal for the release of Soviet Jewry.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 161) to appeal for the release of Soviet Jewry.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the joint resolution.

(At the request of Mr. DOLE, the names of Mr. BYRD, Mr. INOUYE, Mr. GORTON, Mr. MATTINGLY, Mr. BINGAMAN, and Mr. EXON were added as cosponsors of the joint resolution.)

AMENDMENT NO. 533

(Purpose: To appeal for the release of Soviet Jewry)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 533.

Paragraph (3) is amended to read as follows: "(3) to allow those thousands of Jews who wish to emigrate to join their relatives abroad, or to be repatriated to their historic homeland, to leave this year and pledge that such cases shall be dealt with expeditiously and in a humanitarian way during the next 3 years, thus enabling those who have requested exit permits to leave."

Mr. BYRD. Mr. President, will the distinguished majority leader allow me to become a cosponsor of his amendment?

Mr. DOLE. I am very pleased to have the distinguished minority leader [Mr. BYRD], the distinguished Senator from Hawaii [Mr. INOUYE], the distinguished occupant of the chair, the Senator from Washington [Mr. GORTON], and, the distinguished Senator from Georgia [Mr. MATTINGLY], added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 533) was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (S.J. Res. 161) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 161

Whereas President Reagan recently stated that "Soviet Jewry suffers from persecution, intimidation, and imprisonment within Soviet borders":

Whereas President Reagan stated further that "We will never relinquish our hope for their freedom and we will never cease to work for it," and that "If the Soviet Union truly wants peace, truly wants friendship, then let them release Anatoly Scharansky and free Soviet Jewry.": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled That, in support of the President's position, the Congress calls on the Soviet Union, as an initial gesture—

(1) to release immediately Anatoly Scharansky, Yosef Begun, and all other Prisoners of Conscience, and allow them to leave the Soviet Union;

(2) to issue immediately exit permits to the many known long term "Refuseniks" such as Ida Nudel and Vladimir Slepak; and

(3) to allow those thousands of Jews who wish to emigrate to join their relatives abroad, or to be repatriated to their historic homeland, to leave this year and pledge that such cases shall be dealt with expeditiously and in a humanitarian way during the next three years, thus enabling those who have requested exit permits to leave.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ASBESTOS WORKERS' RECOVERY ACT—S. 1265

Mr. PELL. Mr. President, I am pleased to join in cosponsoring S. 1265, the Asbestos Workers' Recovery Act [AWRA]. I cosponsored identical legislation last year, and I believe now, as I did then, that the need for congressional action in this area is critical.

AWRA is designed to provide a remedy for one of the most serious problems facing American workers: the tragedy of cancer and other deadly diseases caused by exposure in the workplace to asbestos dust. It has been estimated that, among the 21 million living American men and women who were occupationally exposed to asbestos between the years 1940 and 1980, there will be between 8,000 and 10,000 deaths from asbestos-related cancer each year for the next 20 years.

Many of these workers were exposed to asbestos in shipyards owned or controlled by the Federal Government during World War II and the Korean war. I have a particular concern in this regard because Rhode Island was a major source of Government shipbuilding during these wars, exposing thousands of citizens from my State to what we now know were dangerous asbestos products.

For many victims, State and Federal workers' compensation programs have been inadequate to provide for medical bills and loss of income which result from these debilitating diseases. Of necessity, they have turned to the courts for relief. The resulting strain on the court system has been staggering—approximately 32,000 asbestos compensation cases are now pending in State and Federal courts; new cases are being filed at the rate of 500 per month.

The Federal courts have begun to recognize that continued piecemeal resolution of the growing number of asbestos suits is exacerbating an already critical situation—further clogging the judicial system; delaying or denying victims' recoveries; awarding those victims who do recover vastly different sums, even when similarly situated; and adding to the growing list of bankrupt miners and manufacturers.

Under the current system there is a strong likelihood that defendants—primarily miners of asbestos and manufacturers of asbestos products—will go bankrupt defending against and paying claims for compensation. Their bankruptcy will result in lost jobs, lost tax revenues, and perhaps most important, the elimination of an important source of financial support for victims, leaving them entirely dependent on the public welfare system for assistance.

I believe it is critically important that Congress act now to enact comprehensive legislation to address this situation. The legislation we have proposed would establish an administrative mechanism for compensating victims of asbestos-related diseases without resort to costly and inefficient tort litigation. The objective of AWRA is to provide injured workers with prompt compensation, without expanding enormous sums on legal fees

and without extended delay in the courts. The act achieves this goal without creating a new Federal bureaucracy and without Federal intervention or preemption of State-controlled workers' compensation systems.

Under AWRA, a worker who contracted an asbestos-related disease would first file a claim with the appropriate State or Federal workers' compensation program. In most cases, approval of that claim would automatically entitle the worker to supplemental benefits—payable from a special asbestos-related disease trust fund. The trust fund would be financed by assessments imposed on asbestos manufacturers, their insurers, and the Federal Government. The Government would contribute 50 percent of the trust fund's financing—up to an annual maximum of $150 million.

I urge my colleagues to join with me to assure that S. 1265 gets prompt and careful consideration. Enactment of this legislation is vital. It will assure that the United States assumes the full obligation for its responsibility in the asbestos tragedy; that unjustified bankruptcies of manufacturers and miners are prevented; and, most importantly, that victims are guaranteed expeditious and just compensation.

MICHAEL A. WERBOFF: PAINTER OF KINGS

Mr. PELL. Mr. President, a recent article in the New York Times profiled the life and career of a very dear and longtime friend, Michael A. Werboff. Much of his life has been devoted to the fine art of portrait painting and, at the age of 88, he is as active and prolific as ever. In fact just last year he traveled to India at the invitation of the late Prime Minister, Indira Gandhi, to paint a very distinctive full-length portrait of her. This work has been added to a long list of fine Werboff portraits of presidents, performing artists and royalty including many maharajahs.

His style of painting is in the classical mode and he can capture the characters of his subjects with startling clarity and insight. I have been a great admirer of Michael Werboff's work for many years and value his friendship immensely. The story of his rich life is a fascinating one which began in Russia in the last century. I would respectfully urge my colleagues to read of Michael Werboff's long career as a "painter of kings" and ask unanimous consent that the article from the New York Times of Sunday, July 14, 1985, be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 14, 1985]

AT 88, PAINTER OF KINGS IS STILL BUSY

When Michael Alexander Werboff sits down in his rent-stabilized apartment in upper Manhattan, kings, queens and maharajahs surround him.

Perhaps the most imposing in the gatherings is Athenagoras I, an ecumenical patriarch of Istanbul, with his jeweled cross and flowing white beard. But all around him in the living room of the Cathedral Parkway apartment some of the most prominent, political, cultural and religious figures of the century vie for attention.

Athenagoras and most of the others are long dead, but Mr. Werboff, an 88-year-old Russian-born artist, continues his career, surrounded by the oil portraits that are his life's work.

"That is the Grand Duke Dmitri, one of the killers of Rasputin," he said, pointing to a drawing in the corner with a steady finger. "He was wonderful. One of the nicest, most simple, most amusing men."

WORKS IN MANY MUSEUMS

Mr. Werboff's dark, cluttered apartment, where he does most of his work, is across the street from the Cathedral of St. John the Divine. The apartment is stuffed with canvases, tubes of paint and the relics of a lifetime spent painting an electric range of people in Europe, Asia and the United States.

Mr. Werboff said he was the only living artist who has a painting hanging in the Prado museum in Madrid, his portrait of the 17th Duke of Alba. He also has paintings in the permanent collections of such museums as the Metropolitan Museums of Art, the National Portrait Gallery in Washington and the Tretyakoff Gallery in Moscow.

Mr. Werboff has painted five kings, as well as poets, priests, presidents, opera singers, other artists, a maharajah of Patiala and every signer of the Declaration of Independence. The signers were his only portraits not done from life.

"They are the only complete set of drawings of the signers scientifically researched and classically drawn," the artist said proudly, "and I read every biography ever written about them." The project took him four years and was completed in time for the 1976 Bicentennial celebrations.

A VISIT TO INDIA

Perhaps the most notable of his recent projects is a full-length portrait of Indira Gandhi, which he completed in New Delhi last year, six months before her assissination. "I was treated not like a prince, but like a king," he said of his visit.

"I stayed for two and a half months," he added. "I liked her very much. She had two completely different parts in her face. Enormous black eyes, very strong, and a very feminine mouth. I told her, 'It's just like having Caesar and Cleopatra in the same face.'"

He resists the term émigré, preferring to be called simply an American artist. "I fell in love with this country right away," he said, recalling his 1933 arrival in New York. He recently received an award from the U.S.O. for 100 portraits of servicemen drawn for their mothers during World War II.

"I only did it for the mothers," the artist, who has never married, said with a chuckle, "Wives and sweethearts are a passing fancy, sometimes."

RUSSIAN REVOLUTION RECALLED

Mr. Werboff is the last surviving pupil of the renowned Russian realist painter Ilya Repin, and he still paints in the classical tradition of the Russian Silver Age, that final flowering of the arts before the Revolution. In 1917, he was 20 years old and a student at the Academy of Fine Arts in St. Petersburg. He was at a party, he recalled, when the Bolsheviks gained control.

"We were having a celebration," he said. "A big party for the students. And suddenly, we were told that we could not leave, because the bridges were separated and there was shooting in the streets. And so, for three days, we stayed inside, having a wonderful time. Then, when we got out, we saw the proclamations of the Soviet Government taking over."

As the first vice president of the American Artists Professional League, a nationwide organization with almost a thousand members, for more than 20 years, he has been conducting what he called a "very friendly, but very persistent fight" with the National Endowment for the Arts.

According to Mr. Werboff, the endowment "has become a private welfare fund for the avante-garde contingency of American art" at the expense of other artists. He contended that "all branches of art should be judged on an equal footing" and financed by the endowment accordingly.

He is a man of many talents. "My father wanted me to be an opera singer," he said, "and I enrolled in the conservatory in Petersburg. Later, I studied voice with Titta Ruffo in Florence in 1948," referring to the Italian baritone.

He is also "guilty of a movie," as he put it, in playing a role in a 1938 film from Paramount, "Hotel Imperial." He played a Russian Cossack. "The one thing I have in common with President Reagan," he said, "is a voluntary suspension from the Screen Actors Guild."

THE MYTH OF THE BOOMING SUN BELT

Mr. BIDEN. Mr. President, it has become fashionable in this city and especially in the ivory towers of the "supply side" economic thinkers who craft this administration's economic policies to talk about an economic boom. These experts like to talk about the future of this Nation shifting away from the industrial Northeast, the "rust belt" as they are fond of describing it, toward the radiant "sun belt." This sun belt extends from the sunny shores of North and South Carolina clear across the southern half of this Nation to the contented suburbs of the Silicon Valley in California.

Sometimes it's important to get beyond the beltway and look at real cases to realize that this idealized view of the world does not comport with reality. An excellent case in point is the small town of Sugar Ditch, MS outside Tunica, MS. An article in this past weekend's Jackson Clarion-Ledger brings home the plight of that small town and places in perspective the musings of those who purport to rebuild the economy of this country.

The article describes in painful detail the plight of 60 black families who live in the poorest county in Mis-

sissippi, indeed the poorest county in the Nation. Two hundred twenty-seven Americans who in this next to the last decade of the 20th century still do not have indoor plumbing but live in old wooden shacks which seem to be slowly slipping into the open ditches in which their human sewage is dumped.

Let me make it absolutely clear, that this is not that classic simple-minded image many Northerners have of a racist white city government attempting to repress poor blacks. According to the Reverend Jackson who brought this case to my attention and the article in the Clarion-Ledger, white State and local officials are honestly trying to correct the situation. They are directing State funds and as much of the dwindling Federal resources to that community as they can get their hands on to build new housing for the residents of Sugar Ditch.

Its hard to disagree with those like the Reverend Jackson that this is rather flagrant evidence of "the hole in the Federal Government's safety net." Indeed, those of us who understand that there is still poverty in America and are genuinely committed to the safety net have become increasingly outmaneuvered by the President's real agenda on the Federal budget. The programs that we care about, programs that we support, programs that might prevent other "Sugar Ditches," have been sacrificed on the altar of ending a deficit, a deficit which has been deliberately created by this administration.

This is neither the time nor the place for exploring how we put ourselves in this predicament. Nor is it the time to question the need for reducing the Federal deficit. Indeed a strong case can be made that it is high interest rates and an overvalued dollar, caused by huge budget deficits that price southern products out of international markets and choke economic recovery in the South.

As a matter of fact, the economic problems of the Deep South are much deeper than simply plugging the safety net by salvaging some Federal programs—which must be done.

Sugar Ditch is really just one example of hundreds of other southern rural communities, many of which are not as black nor as poor but suffering just the same, painting a very different portrait of the "booming sunbelt." An article which appeared this past spring in the New York Times helps to place Sugar Ditch in this broader perspective.

The article states in part:

With unemployment higher and job growth slower in the rural South than in most of the region's metropolitan areas, a picture is emerging of two Souths, says Jesse L. White Jr., head of the Southern Growth Policies Board, the Raleigh-based economic and development agency that represents 13 states.

"The myth of the booming Sun Belt goes down well in Atlanta and Charlotte," said Mr. White, noting that the region's aggregate population and economic growth continued to be strong. "But in the small towns and rural communities, it is increasingly a different situation."

The article goes on to point out that the South as a region has more people living in nonmetropolitan areas than most of the rest of the Nation. When farming began its decline in the South well before the Depression most small southern communities became increasingly reliant on industries like shoes, textiles, and steel, most vulnerable to foreign produced goods. As another expert pointed out "We're in direct competition with underdeveloped countries." In other words southern rural workers, black and white, are losing their jobs to workers in Asia, South and Central America who are willing to work for even lower wages.

As the Times article goes on to point out not only are these problems in the small industrial and mill towns a function of a troubled national economy, especially a deficit that prices southern products out of international markets, but are further complicated:

. . . by the Reagan administration's plan to cut back or eliminate rural economic development programs, such as those run by the Appalachian Regional Commission or the Tennessee Valley Authority.

So the portrait that this article paints of the South may not be as extreme as the shanty town in Sugar Ditch but it is one that is even more pervasive, suggesting that before we congratulate ourselves on the sun-belt boom perhaps we should venture forth from the air-conditioned comfort of the Atlanta airport. It is a portrait of one town after another, with a closed shoe, apparel or steel plant and hundreds of families out of work; with little prospect that a new industry will come in and unemployment insurance expiring. There are hundreds of other towns in the South like Hot Springs, NC where a quarter of the residents of that small mountain town were thrown out of work when the Melville shoe factory closed and moved to South America.

Indeed a case can be made that the sun-belt boom is actually reversing remarkable progress made in the South between 1969 when average per capita income in the South rose from 62.9 percent of the national average to 85.6 percent in 1980. While in 1983 that percentage had dropped two points for the whole region and in Mississippi per capita income as a percentage of the national average slipped back to where it was a decade ago.

In conclusion, we must have the courage to look beyond the myth of a sun-belt boom and face the reality. I say that not as a southerner but as an American who recognizes that the degradation and humiliation of an unemployed black in the sweltering Mississippi delta town of Sugar Ditch, MI or of an unemployed mountain man from Hot Springs, NC who must face the bitter truth that some poor South American now has his job is no different than the unemployed steel worker in Wilmington, DE. They are all Americans and we better start penetrating the mythology of economic boom and seeing their reality too, in the Northeast and in the Deep South, in all regions of this Nation.

I ask unanimous consent that the article from the Clarion-Ledger and the Times be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Clarion-Ledger (Jackson, MS), July 13, 1985]

JACKSON VISITS SUGAR DITCH RESIDENTS

TUNICA.—The Rev. Jesse Jackson stood at the fetid core of a Mississippi Delta slum Friday and said the nation's poor are nothing more than hostages from a lost war on poverty.

"When the war has been conceded, the people are held hostage," Jackson said.

Jackson, founder of Operation PUSH, People United to Save Humanity, met with residents of a Tunica slum called Sugar Ditch, which sits beside a stinking open sewer five feet wide. Residents do not have enough money to connect with the city's sewer system.

Jackson called Sugar Ditch "America's Ethiopia."

"While we are experimenting with 'star wars,' we need to focus on job training and illiteracy." Jackson said, 'Star wars' is the Reagan administration's space weapons plan. "We need another war on poverty. These people have been left hostages."

With Jackson were Rep. Charles Hayes, D-Ill., and Rep. Augustus Hawkins, D-Calif., chairman of the House Education and Labor Committee.

They visited the three-room clapboard shack where Jearlean Simmons, a 35-year-old divorced mother of nine, lives with eight of her children.

Simmons, who married at 14 and was a mother a year later, supports her family on $192 a month in welfare payments and $554 in food stamps.

She pays $25 a month rent to live within 10 feet of Sugar Ditch.

"Sometimes the odors from the ditch at night wake me up," Simmons said.

Her peeling tile floor was freshly washed and the three double beds shoved into one small room were neatly made with ragged covers, but roaches in the kitchen showed little fear of human contact.

She lifted up a piece of cardboard covering a wall in the home and more roaches appeared. She said she has to keep covers on her pots when cooking to make sure none of the roaches drop in.

"I have roaches, fleas, rats, mice," Simmons said. "You name it, I've got it I didn't come down here because I wanted to. I didn't have a choice."

Jackson also toured the home of Margaret Boyd, who lives in a three-room wooden shack with her unemployed husband and four children.

Boyd receives a $168 government check and spends $45 a month on rent. She said all she wanted was for the government to give her a job and better housing.

"Everything we do is in either a bucket, pan or pot," Boyd said.

She pointed out a bucket that her family uses for a bathroom. She said the waste is dumped into Sugar Ditch. She turned on a faucet at the entrance of her home and said that was the only running water they have.

There is a hole in the wooden floor where water from the faucet drops to mix with garbage under the home.

Hayes and Hawkins met later in the day with a group of Sugar Ditch resident, and Jackson said he hopes to convince members of Congress that the war on poverty has been abandoned.

"The issue of jobs and poverty has been wiped away from the national agenda," Jackson said.

The state is prepared to move 17 house trailers into Tunica as emergency shelter for some of Sugar Ditch's residents, and Shirley George, head of the Governor's Office of Community Development, said the federal government will finance a housing development to replace the slum, which is home for 227 poor blacks.

But local government has to provide the land, she said, and it can't be at Sugar Ditch because the area floods after any heavy rain. Tunica Alderman Ellis Darby said the city has no land to give and no private citizens have offered to donate any land.

Jackson said Tunica officials have been unable to find a site for the new housing because they want Sugar Ditch residents out of town where they can't vote in city elections.

And he said progress on the housing project is entirely too slow.

State Rep. Clayton Henderson of Tunica said Jackson's visits to Tunica will help get others concerned.

According to the U.S. Census Bureau Tunica County is the nation's poorest county.

[From the New York Times, Mar. 21, 1985]

Rural Southern Towns Find Manufacturing Boom Fading

(By William E. Schmidt)

Hot Springs, NC.—What used to be the Melville Shoe factory now sits empty and abandoned on a bluff above this little mountain town of 700 people. Until last summer, when the plant shut down, it employed 435 workers and had a weekly payroll of nearly $100,000.

More than a third of the town's dozen retailers have gone out of business. Both the Trail Cafe and the Corner Kitchen have closed, and so have two dry-goods stores. "And most of the rest are just barely scraping by," said Mayor Deborah Baker.

What is happening in Hot Springs is typical these days of many other small towns across the rural South. From the 1940's through the mid-1970's, manufacturers of anything from textiles and shoes to automobile parts and electric motors sought out rural sites like these, seeking inexpensive land for their factories and large pools of low-skilled, nonunion labor willing to work long hours for something close to the minimum wage.

By 1970, according to one study, nearly 40 percent of the South's industry was in rural or small-town settings, proof of the success most Southern states had met in selling an industrial development strategy rooted in assurances of low taxes and cheap labor.

Effect of Foreign Competition

Today hundreds of plants, factories and mills in rural communities have been closed, many of them manufacturers of products especially susceptible to competition from cheaper foreign-produced goods because they rely heavily on labor to make their products.

In the textile industry alone, employment in the Southeast fell to 499,900 jobs in December, a drop of 28,600 from the year before.

Many of these plants are unlikely to ever open again, a prospect that spells economic woe for scores of rural communities already crippled by the decline in farming income.

A Picture of Two Souths

With unemployment higher and job growth slower in the rural South than in most of the region's metropolitan areas, a picture is emerging of two Souths, says Jesse L. White Jr., head of the Southern Growth Policies Board, the Raleigh-based economic and development agency that represents 13 states.

"The myth of the booming Sun Belt goes down well in Atlanta and Charlotte," said Mr. White, noting that the region's aggregate population and economic growth continued to be strong. "But in the small towns and rural communities, it is increasingly a different situation."

According to data from the Census Bureau, a larger share of the South's population lives in smaller communities or rural areas, outside metropolitan population centers, than elsewhere in the nation. Nationally, 28 percent of the population lives in nonmetropolitan areas. In Arkansas, Georgia, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina and Tennessee the figure exceeds 40 percent.

As a result, Mr. White says the center is working on a rural employment project, financed by the Ford Foundation, to help states in the South devise new ways to spread economic development beyond the larger metropolitan areas. Among other things, there is continuing emphasis on improving the basic literacy of a rural work force that has long been less well educated than that in the cities or other regions.

As a further measure of the urgency of the problem, the Federal Reserve Bank of Atlanta held an unusual day-long session March 18 in Birmingham at which officials of the agency counseled Alabama communities on economic development.

"Many of our board of directors come from small communities and expressed concern about recent unsuccessful attempts to attract additional business," said Frederick R. Herr, vice president and manager of the Birmingham branch of the Federal Reserve Bank of Atlanta.

Fear of Federal Cuts

State officials and economists say that the troubled future of the regional small industrial and mill towns might be further complicated by the Reagan Administration's plan to cut back or eliminate rural economic development programs, such as those run by the Appalachian Regional Commission or the Tennessee Valley Authority.

The problems afflicting the South's industrial economy are a direct reflection of changes in the larger national economy and the overall decline in the growth of the manufacturing sector, particularly in those industries, like shoes and textiles and steel, that have been most vulnerable to competition from foreign-produced goods.

The shoes that were made at the Melville plant in Hot Springs, for example, are now manufactured by the company in South America and then exported to the United States at a considerable saving in production costs.

Over the past year the problem of foreign competition has been compounded by the strength of the dollar in international currency markets, which makes foreign goods even more attractive in this country. A recent Congressional study said the high-value dollar had cost the nation two million new jobs, including 97,000 in North Carolina alone.

"In the North and the Midwest, most of the job displacement that resulted from these trends has been in the big cities," said Stuart A. Rosenfeld, director or research for the Southern Growth Policies Board. "The difference in the South is that here the lost jobs and the lost income have been occurring mostly in small towns and rural areas."

Meanwhile, the shift away from manufacturing and toward services and technology-related business has tended to concentrate new job opportunities in metropolitan areas, to the further detriment of rural areas. Atlanta last year added 100,000 jobs, which accounts for 11.5 percent of the job growth an eight-state Southeastern region.

Admittedly, even within each of the metropolitan areas, which often encompass several counties, there is a great deal of economic diversity. In Atlanta, for example, much of the fastest job growth and lowest unemployment are occuring in the semi-rural suburban counties north of the city, far from the inner-city residents who most need the work.

In part, that is because rural communities lack the installations, facilities and amenities that help attract companies that make their business selling services like insurance, finance, real estate and information.

Calvin Beale, of the Agriculture Department's Economic Research Service, said that unemployment rates in nonmetropolitan areas have usually been lower than those in metropolitan areas. But that trend reversed itself in 1980, and since then the differences have grown ever sharper, underscoring the kinds of difficulties small towns and rural areas have had in coming out of the recession.

Mr. Beale said that part of the problem was the crisis in agriculture and the ripple effect that declining farm income has had on the rural economy. But in the South, where rural communities have developed a heavy dependence on manufacturing jobs, the effect has been even more dramatic. "Among other problems, people who lose their jobs at the textile plants can't just fall back on the farm," said Mr. Beale.

Indeed, the effect of economic decline in the rural South has fallen heavily on blacks and the elderly. According to the Southern Growth Policies Board, more than 90 percent of the blacks and elderly who live in rural areas reside in the South.

As a result, economists say the rural and small-town South now faces a challenge reminiscent of what happened in the first part of this century. Back then, the decline of the region's agricultural economy produced large pools of unskilled labor that helped make possible the development of an industrial economy.

Bitter Lessons

Now, with the decline in the region's industries, that make heavy use of labor, large numbers of unskilled laborers have again found themselves displaced, just as a generation of Southern workers did in the 1930's. According to Mr. Rosenfeld, it is a situation that is not likely to improve. Ac-

cording to projections published by the policy center, the number of manufacturing jobs in the South is expected to decline by 14 percent by the year 2000.

For Hot Springs, the lessons of the last six months have been bitter. For a while there had been hope that an Ohio auto parts company would re-open the plant, but the deal fell through.

As a result, probably a quarter of the town's residents who worked at the shoe plant remain out of work. And unemployment insurance for most of them runs out this spring. "If something doesn't happen by May, those that can will just give up and move away," said Waylon Puryear, a member of the town council.

Mr. Puryear says the problem in finding someone else to take over the plant is compounded because so many other small communities are also seeking to replace industries that have fled. "We just want investors to know that if they do come in and develop this town, we'll roll over backwards," said Mr. Puryear. "There isn't anything short of illegal we won't do to help them."

SOVIETS THREATEN ALASKA'S SECURITY AND COMMERCIAL/ENERGY INTERESTS

Mr. MURKOWSKI. Mr. President, the change of leadership in Moscow had done nothing to alter an increasing trend of Soviet threats to Alaska's security and commercial interests. These threats include incidents of deliberate harassment which violate U.S. territorial claims in the disputed Navarin Basin area of the Bering Sea and pose a serious danger to the safety of American lives.

I have been in contact with the Department of State on several occasions to urge that formal protests be lodged against the Soviet Union for these practices. I believe it is essential that these incidents be halted immediately. In addition, I have sought to bring to the public's attention the increasing air threat posed by the Soviet Union's strategic bomber force, as well as the need for improved, timely warning against Soviet aircraft exercises off the coast of Alaska.

SOVIET AIR THREAT

Mr. President, we in Alaska have a unique perspective concerning the Soviet threat in light of the geographical proximity between our State and the Soviet superpower. In effect, we view the reality of Soviet military strength face to face.

On July 3, for example, F-15 fighter aircraft of the Alaskan Air Command intercepted a total of four Soviet Bear bombers off the coast of Alaska. In the first instance, F-15's based at Galena Air Force Station intercepted two Soviet Bear A aircraft which had flown within 45 miles of the Alaskan coast. Shortly thereafter, two Soviet Bear H bombers were intercepted by F-15's based at King Salmon Air Force Station, but not before they had approached to within 80 miles of the Alaskan mainland. I need not remind my colleagues that the Bear H bombers are capable of carrying AS-15 air-launched cruise missiles with a range of approximately 3,000 kilometers.

The United States, and particularly the Alaskan Air Command, needs timely, accurate warning against such Soviet air activity off our coast. In this regard, I would note that the Department of Defense has several important radar modernization programs in the works. These include:

SEEK IGLOO

An upgrade of 13 existing Alaskan aircraft control and warning (AC&W) network with minimally attended, long-range radar. This program will be essentially complete by August 1985, with a final radar at Murphy Dome to be operational in FY 1988.

NORTH WARNING SYSTEM

The North Warning System will consist of five radars (two long-range and three short-range) as an upgrade to the DEW-Line radars currently in operation. There are six DEW-Line radars in Alaska. The North Warning System will come on line beginning in 1986 and be completed by 1990.

OTH-B RADAR

The OTH-B or Over-the-Horizon Backscatter Radar will provide wide-area, long-range, all-altitude surveillance of the coastal approaches out to 1,800 nautical miles. There are plans for two OTH-B sites in Alaska which will be deployed during the 1989-1990 timeframe.

Mr. President, it is critical that these programs be fully funded by the Congress and implemented expeditiously by the Pentagon. The Soviet air threat will undoubtedly increase as more Bear H bombers are armed with cruise missiles and the new intercontinental Blackjack bomber enters the force. These deployments will involve increased Soviet air exercises off Alaska's coast that will require a steady, timely response. In this regard, I should also point out that E-3 AWACS [airborne warning and control system] aircraft—without which the intercepts I referred to previously might not have been possible—must play an increasingly active role in Alaska in addressing the Soviet air threat.

HARASSMENT OF ENERGY AND SCIENTIFIC PROJECTS

Mr. President, in a series of incidents beginning on June 21 of this year, the Soviet Union has deliberately undertaken actions to harass United States companies involved in energy exploration in the Navarin Basin area of the Bering Sea. Specifically, the Soviets have conducted aircraft overflights of these drillings in a manner which interferes with the safe operation of helicopters carrying American workers to and from the oil rigs. Weather conditions in this area are generally poor, with particularly low visibility. Thus, Soviet actions needlessly threaten the lives of American workers. In addition to overflights, the Soviets have also sent gunboats into the area within the rigs' anchor line pattern while refusing to respond to inquiries concerning their actions.

It is imperative that these provocations cease, I urge the Secretary of State to continue in his efforts to pressure the Soviets to put an end to these activities.

In another incident, the Soviets interfered with the legitimate scientific research activities of a vessel, the *Alpha Helix*, operated by the University of Alaska. In this case, a Soviet vessel came within a few hundred feet of the *Alpha Helix*, and did not respond to radio signals from the American ship questioning its intentions. Although the American vessel was sailing in waters close to the disputed boundary line area, it should be emphasized that it had not encroached upon waters claimed by the Soviet Union. The Soviet actions were unjustified and unnecessary. Again, they constitute needless harassment of American activities in a manner that poses serious dangers to safety.

Mr. President, the new leadership in Moscow has an opportunity to clear the air on these matters and put a stop to these incidents. I urge the Department of State to work toward this end.

CANCER RESEARCH

Mr. HEFLIN Mr. President, the events of the last few days have again focused the hearts and the minds of all Americans on our Nation's Capital and their President. The President is in all of our prayers. As we all know, President Reagan was operated on this past Saturday to remove a growth from his colon. To the horror of the Nation, the biopsy revealed that the tumor was malignant—and yes, our President has cancer.

What is cancer? Cancer is a large group of diseases characterized by uncontrolled growth and spread of abnormal cells. If the spread is not controlled or checked, it results in death. However, many cancers can be cured if detected early and treated properly.

Who gets cancer? Cancer strikes at any age. It kills more children 3 to 14 than any other disease. And cancer strikes more frequently with advancing age. In the 1970's there were an estimated 3.5 million cancer deaths, over 6.5 million cancer cases, and more than 10 million people under medical care for cancer.

Today, about 71 million Americans will eventually have cancer; about 30 percent according to present rates. Over the years, cancer will strike approximately 3 out of 4 families. In 1985, about 910,000 people will be diagnosed as having cancer. This year, about 462,000 Americans will die of the disease cancer—1,266 people a day—about 1 every 68 seconds. Of

every five deaths from all causes in the United States, one is from cancer.

How many people are surviving cancer? In the early 1900's few cancer patients had any hope of long-term survival. In the 1930's less than one person was alive less than 5 years after treatment. In the 1940's it was 1 in 4, and in the 1960's it was 1 in 3.

Today about 340,000 Americans, or 3 out of 8 patients who get cancer this year will be alive 5 years after diagnosis. The gain from 1 in 3 to 3 in 8 represents about 50,000 persons this year. This 3 in 8, or about 39 percent is called the observed survival rate. When normal life expectancy is taken into consideration—factors such as dying of heart disease, accidents, and disease of old age—49 percent will be alive 5 years after diagnosis. This is a relative survival rate, and is considered a more accurate yardstick of our battle against cancer.

Mr. President, these gains in the treatment of cancer patients are a direct result of the discoveries which have occurred in the field of cancer reseach. Further, research being conducted today offers more promise than all the important discoveries of the past. Scientists have begun to understand the nature of cancerous transformation as they are uncovering the secrets of what we now call oncogenes. Monoclonal antibodies are being used as research, diagnostic and therapeutic tools. We are beginning to understand the importance of diet in preventing cancer. The leaders of the National Cancer Institute [NCI] now believe that it is possible to reduce cancer mortality by 50 percent of today's rate by the year 2000.

Much of this progress is due to the research performed directly or indirectly through the NCI and research programs funded by private sector groups such as the American Cancer Society [ACS]. The promise that lies ahead will not be realized if the Federal Government does not continue its commitment to the war against cancer. It is very important to note that at the present budget levels the NCI is only able to fund 30 percent of the approved research projects. Just as alarming the ACS, which neither solicits or receives Government moneys, is only able to fund about 10 percent of their approved research projects. This year the ACS expects to spend more than $70 million on research. Moneys are awarded to research institutions like the University of Alabama at Birmingham in my home State.

In 1971, under the leadership of President Richard Nixon and the Congress—cancer was placed at the top of the Nation's health research priority list. This priority has been reaffirmed repeatedly by successive Presidents and Congresses. At the present time, the momentum in the battle against the disease cancer is in danger of being compromised by proposed budget reductions, and by the fact that the special authorities of the National Cancer Institute have not been reauthorized since 1982.

With the events unfolding at the Bethesda Naval Hospital, we are offered the perfect opportunity to reestablish cancer as the top health priority of this Nation.

Despite the grim facts and figures, there is a message of great hope: the Congress should immediately concern itself with continued, adequate funding, not of a losing battle, but of a dynamic national investment that is finally breaking down the seemingly impenetrable barriers that cancer used to represent.

Mr. President, on March 14, 1985, I addressed this body relative to the funding issues pertaining to directives by the Office of Management and Budget to officials of the National Institutes of Health with respect to the sharp reductions in the number of new and competing biomedical research grants in fiscal year 1985. I am sure that the Members of the Senate will recall that these OMB directives would require that the number of competing grants proposed for funding in 1985 would be cut to 5,000 instead of the 6,526 grants that were allowed in the 1985 appropriations bill for the Departments of Labor, Health and Human Services, Education, and related agencies. Further, approximately 800 of those projects were proposed by OMB to be funded on a multiyear basis and the research centers which have been mandated by Congress would not be funded if OMB were successful in its efforts to require NIH to use the fiscal year 1985 appropriations to support a significant number of projects for a 2-to 3-year period, rather than the traditional 1-year period.

A resolution of the fiscal year 1986 budget funding legislation remains uncertain and the current fiscal year will soon expire. However, the Senate Appropriations Committee in its supplemental appropriations bill for fiscal year 1985 instructs the National Institutes of Health to fund at least 6,000 grants immediately. Nevertheless, for unrelated reasons this legislation faces continued delay. Therefore, it is urgent that officials of the National Institutes of Health be allowed by OMB to proceed with the funding of the 6,000 grants mandated by the fiscal year 1985 appropriations bill.

The investment that this country has made in biomedical research is certainly paying off for those who have experienced cancer of all types. In my State of Alabama, at the Comprehensive Cancer Center at the University of Alabama at Birmingham, which is an integral part of our National Cancer Program, exciting research in the field of monoclonal antibodies is finding new ways to diagnose and treat colorectal cancer. This work focuses on the most serious aspect of this type of cancer, that being the recurrence of the disease. In the President's case, we can all be pleased that optimal treatment has been accomplished and that he has an optimistic outlook for cure. However, diagnosing and treating colon cancer when it recurs is much more difficult, and intensive research efforts, like those now underway at UAB, are vital to our full understanding and success in achieving an outright victory over cancer of the colon and rectum.

Considerable research across the country is attacking the problem of recurrent colon cancer. The work at the Comprehensive Cancer Center in Alabama involves monoclonal antibodies, which are substances which can be produced in the laboratory and react specifically with cancer cells. They offer great hope in diagnosing and possibly treating colorectal cancer.

Our cancer center is clearly at the cutting edge of clinical application of monoclonal antibodies, with researchers concentrating on diagnosis and treatment. Treatment offers the most hope but is at its earliest state of development. The most successful use of these antibodies so far has been in the detection of cancer. By tagging the monoclonal with a small amount of radiation, researchers, through a process known as "imaging," can detect cancerous cells and help pinpoint specific areas requiring further treatment, such as surgery. Eventually, as this research grows, these monoclonal antibodies may by themselves be able to inflict damage on tumor cells or be tagged with doses of drugs or toxins strong enough to kill cancer cells, becoming "magic bullets" of treatment.

Other important research through grants from the National Institutes of Health is being carried on at the University of South Alabama in Mobile. Our scientists at the University of South Alabama are experimenting with one of the most exciting procedures in the chronicles of cancer research history. These scientists have developed a series of monoclonal antibodies that will estabish a serum screening method for the early detection of cancer. In the treatment of colorectal cancer, early detection is the key. When cancer of the colon and rectum is found and treated in an early, localized stage, the 5-year survival rate is 87 percent for colon cancer and 78 percent for rectal cancer. These tremendous strides that have been made at the University of South Alabama with respect to the early diagnosis and treatment of cancer must not and cannot be interrupted. These unprecedented advances

have provided limitless opportunities to find the cure for cancer.

Likewise, research particularly crucial to our efforts to conquer cancer is being done at the Southern Research Institute in Birmingham. Since the institute was established in 1941, it has experienced steady growth and established a reputation for diverse scientific capabilities and the highest level of technological expertise. The work of the scientist at Southern Research keeps it in the forefront of advances in medical technology. Southern Research Institute scientists were responsible for the design and synthesis of anticancer drugs. Scientists at the Southern Research Institute are hoping to improve cancer chemotherapy by developing new uses of compounds that interfere with the formation and functioning of microtubules and prevent cell division.

Southern Research scientists are also studying the possible killing effect that DNA-protein cross-linking induced by alkaylating drugs has on cancerous cells. It is generally believed that these drugs kill cancer cells primarily by causing cross-linking of complimentary strands of DNA. Studies are continuing at the Southern Research Institute to gain more knowledge of this process so that new protocols for cancer chemotherapy can be developed.

Let's review some of the other strides that have been made in cancer research in just the past few years. People have been wondering whether it is possible to prevent cancer through changes in the their lifestyle. Research is showing us that the answer is yes. One important key is diet. Most Americans consume about 40 percent of their calories in the form of fat. It they cut down their consumption to 30 percent they would reduce their chances of getting colon cancer, breast cancer and possibly cancers of the prostate and ovaries. At this moment, the National Cancer Institute is conducting a long-term study of over 12,000 women, to determine whether a low-fat diet can protect women who are at a high risk of developing breast cancer. This diet—in which only 20 percent of the calories are derived from fat—is also being tested in women who have had breast cancer to find out whether lowering fat intake can lower their risk of recurrence.

Cancer research requires long-term planning, dependable funding and perhaps most important, a cadre of well-trained, intensely motivated scientists to do the work.

The far-sightedness of Congress in the past has provided the American cancer research effort with these crucial elements. As a result, this country unquestionably leads the world in cancer research. The great discoveries in the last decade, which may well lead to the conquest not only of cancer but of many other diseases have come largely from American laboratories—or have been based on the work of American investigators.

Dr. Robert Weinberg of the Massachusetts Institute of Technology and Dr. Stuart Aaronson of the National Cancer Institute have been pioneers in the study of oncogenes. These are genetic switches in normal cells which can be turned on under the wrong circumstances, leading the cell to become malignant.

Recombinant DNA methodology enables scientists to dismantle the genetic material of a cell and study it part by part. This technique has been invaluable in the study of oncogenes and many other genetic characteristics in normal and cancer cells.

The discovery of monoclonal antibodies was built directly on the work by Dr. Michael S. Potter of the National Cancer Institute.

Most of the research I have just described was underwritten directly or indirectly by the National Cancer Institute and the American Cancer Society.

The tradition of adequate funding, established by the National Cancer Act of 1971 has created a unique climate in which excellence has flourished. The intellectual excitement of fast-moving cancer research and treatment, at institutions like UAB, has attracted the best and the brightest of young scientists. The pace has quickened. The momentum of research and treatment has brought us to the brink of new discoveries and has allowed individuals like the President of the United States to expect that he will recover from his experience with cancer and return to his desk in the Oval Office. Now is not the time to reduce our effort against cancer. We must move forward to renew the National Cancer Act and provide as much funds as we possibly can to support the extraordinary research efforts of the National Cancer Institute.

Thank you, Mr. President.

THE 75TH ANNIVERSARY OF THE CHILDREN'S AID SOCIETY OF UTAH

Mr. HATCH. Mr. President, at this time I would like to focus the attention of my colleagues on the Children's Aid Society of Utah, a private, nonprofit organization whose mission it is to foster the well-being of children within our State.

This year, the Children's Aid Society celebrates 75 years of service to the children of Utah. This group of concerned citizens interested in promoting the welfare and happiness of children who are neglected or homeless first met on February 25, 1910, to plan and meet their objectives. There being no public welfare agency at the time, the Children's Aid Society initially performed many functions that are today taken on by the public sector. Mrs. Virginia Spooner, current executive director, documents that the Children's Aid Society at first provided "substantial help to seven families, placed three children in temporary homes, provided groceries and milk for several families and babies and clothing and heating coal for others."

With many of these responsibilities now assumed by State and local governments, the society currently focuses on aid to unwed mothers, adoption and foster care services. It is a recognized adoption agency matching loving parents with parentless children. It also places children who, for various reasons, cannot remain in their own homes, in quality, substitute homes with carefully trained foster parents. Over the years more than 3,000 children have been adopted and many more have been placed in foster care.

The society estimates that over 100 pregnant teens are served annually through an outstanding Young Mothers Counseling Program which assists teen mothers-to-be in making responsible decisions about raising a child as a single parent or releasing the child for adoption. For these young citizens who opt to keep their children, educational services are available that help the mother contend with the increased responsibilities of parenthood and infant care.

Because of its long history of selfless service to the youth of Utah and because of its continued involvement in the happiness and well-being of Utah children and families, I today salute the Children's Aid Society of Utah and request that you, my colleagues in the Senate and the citizenry of this free Nation, also recognize the priceless contributions of this great voluntary organization and commend it on its 75th anniversary.

VOTE ON SOUTH AFRICAN APARTHEID

Mr. SIMON. Mr. President, I was out of the country last week when we voted on the South African resolution. I would have joined the majority in support of that resolution.

I just recently had the opportunity of reading a book called "The Abandonment of the Jews," by David Wymann. It is a powerful lesson in our failure to act during particularly the early 1940's but really prior to that.

What we were doing then was saying that what was happening in Germany was wrong, but we were not using any muscle. I fear the same thing is happening in South Africa. And so I think it is extremely important that we not only say what is happening is wrong but we put some muscle there. One of

the lessons from Hitler and from Germany is that institutional racism, if it is tolerated, if it is not changed peacefully, is going to erupt in violence, and that violence is not going to be confined to the borders of any one country. I am afraid that that lesson of history is not being learned; if we do not move in a solid, constructive direction to get peaceful change in South Africa, inevitably there is going to be massive bloodshed and that bloodshed is not going to be confined to the borders of any one country.

I had the opportunity about a year ago of spending a half a day with Bishop Tutu, the distinguished Anglican leader in South Africa, who said South Africa is headed toward unbelievable bloodshed. He said there is only one country that can prevent it and that is the United States with its economic power.

I hope we will do what we can. I will continue to push in this body to see that we apply pressure on South Africa, not as a country that has solved all its problems, not piously saying to them we know all the answers, but as friend to friend, friend to blacks and whites in South Africa, saying you have to solve this problem in a constructive, peaceful way or you are heading toward great calamity.

A CODE OF CONDUCT FOR AMERICANS ABROAD

Mr. MOYNIHAN. Mr. President, one of the first rules of conduct an American in public life learns is that no matter how much you may oppose a President at home, you invariably defend him when abroad.

This really is a rule. It is breached on occasion, but that breach is invariably noticed, and the offending citizen not infrequently rebuked and even shamed.

It is a rule, moreover, that goes beyond the standard categories of party politics. In general, Americans refrain, or ought to refrain, from criticizing our institutions for the delectation of foreigners.

It is a healthy rule, this. A democracy of necessity is noisy and fractious. Generations ago we learned the wisdom, and even perhaps the necessity, of letting other nations know that this in no way was a sign of weakness, much less of divided loyalties.

For that reason, Mr. President, I must admit to some unease at the sight of our Attorney General traveling to Great Britain, albeit to an American meeting there, and joining in what appears to have become an administration-sponsored generalized assault on the American news media, especially the television networks. The context, of course, is the coverage of the recent hijacking of TWA Flight 847 at the Athens airport.

The United States was successful in obtaining the release of those hostages, all save, of course, Robert Dean Stethem, who was murdered while on board. It seemed to me the administration, and especially the President, handled the matter with great judgment and success, and one wonders at the seeming decision of others in the administration to start blaming the media. For what?

I bring no speical knowledge to this matter, although I was present at the Frankfurt airport when the hostages landed safely after their flight from Damascus. I observed the press on that occasion. A more restrained, sensitive, supportive group of men and women could hardly be imagined: cameramen, reporters, journalists, all.

Is it not disturbing then to read that the legal adviser of the U.S. Department of State journeyed to a foreign land to denounce those very persons, or at least their fellow workers? I cite the account in this morning's Washington Post.

> Since the June 30 release of 39 American hostages held by TWA airliner hijackers in Beirut, a number of administration spokesmen have been sharply critical of media coverage of the crisis, which included extensive television interviews with the hostages, arranged by their captors, in which they appeared to sympathize with the hijackers' aims.
>
> During an ABA panel Monday, State Department legal adviser Abraham D. Sofaer described a "media extravaganza that gave irresponsibility and tastelessness a new meaning."

Is it not alarming that the Attorney General of the United States saw fit to travel to a foreign country to raise the possibility that the administration may have decided to intrude on the freedom of the American press in a manner and to an extent hardly known in our history? I cite this morning's New York Times.

> MEESE ASSERTS U.S. FAVORS PRESS CODE—ON VISIT TO LONDON, HE BACKS IDEA OF NEED FOR RESTRAINT IN REPORTING TERRORISM
>
> LONDON, July 17.—Attorney General Edwin Meese 3rd said today that the United States Government might ask news organizations to adopt a voluntary code of restraint in reporting terrorist incidents.

I am sure we all welcome Mr. Meese's statement that he would be "hesitant to any legal remedy" to restrict the media. Let me cite the Post account.

> "I don't think any legislative approach can be effective," he said. "The ability of the press to speak freely is an important tenet of our constitutional guarantees.
>
> "I think on the other hand that there is an area of mutual good will on the part of the press and law enforcement authorities . . . there are areas where the press itself is not only willing but anxious to cooperate."

Need it be said that the Attorney General is responsible for enforcing the antitrust laws; that were he to learn that the networks had quietly gathered together somewhere to agree on how they would handle the news that he might have to prosecute them with great energy?

Does it occur to the Attorney General that the power of the Federal Government over television is necessarily different from that over the print media? No matter how strong our first amendment convictions, the fact is inescapable that the airways are owned by the public and only licensed to the networks and their affiliates and independent stations.

Does it occur to the Attorney General that to associate himself with an enterprise of this portent at very least suggests that some specifics be offered? Which extravaganzas? Whose notions of irresponsibility? Whose standards of taste?

There are witnesses to the event with very different views. Thus, on July 2, hostage Claude Witmoyer of Maryland said:

> To the press, I appreciate everything you have done . . . it was in the best interest of everybody.

He was referring to the fact that the media withheld the fact that he was an Air Force sergeant with a top secret clearance and works for the Electronic Security Command of the Air Force.

The networks also withheld early knowledge that there were several Navy men among those held on the flight, and the Navy has thanked the networks for withholding comment and speculation on this matter.

One particular network, NBC, had obtained footage of interviews with 11 hostages, but did not broadcast it for 4 days because there was a concern that if broadcast immediately, it would jeopardize the lives of the hostages.

Mr. President, I mean no disrespect for our Attorney General. He is new at his work. So also is the legal adviser to the Department of State. It may be that they do not know of the longstanding code of behavior for Americans abroad. (I would be happy to supply an account of the Honorable Arthur F. Burns, defending the economic policies of the Kennedy administration to a skeptical Swiss audience in the early 1960's.) Surely we will let this one instance pass. But let us hope they do learn lest in the future they embarrass themselves and their countrymen.

And while I have the floor, Mr. President, let us hope we can all agree to leave the first amendment alone. It is so simple: "Congress shall make no law * * *." There is a corollary: The executive shall make no rules.

APOLOGY TO DEPARTMENT OF AGRICULTURE

Mr. MELCHER. Mr. President, I have done an injustice to the Department of Agriculture on July 16 and 17

by describing a new farm bill proposal as being authored and recommended by the USDA.

Secretary John Block yesterday informed me that this proposal, the Family Farm Income Protection Act, was not their recommendation and that the Department's only involvement with it was to provide cost estimates as they have done for every other proposal.

I apologized to Secretary Block for my mistaken attribution of the bill to the Department of Agriculture and I repeat it today for the record.

I am glad it is not a bill recommended by the Department—it is a bad bill.

GRANITE SCHOOL DISTRICT IN UTAH RECEIVES AWARDS

Mr. HATCH. Mr. President, I have just learned that the Granite School District in my great State of Utah, has been awarded two citations for outstanding educational efforts in the field of home and family living. As you know, Mr. President, I have been one who has constantly championed the home as the basic unit of our society. We are all aware that the moral fiber of our society is determined more by the hearthside values of the home than by any other force.

Moreover, Mr. President, I have also promoted the notion that the private sector can do more than the Federal Government in assisting schools achieve excellence in many fields—the preservation of and the integrity of the home, being one.

The Granite School District in Salt Lake City, UT, has just been recognized by the American Vocational Association and others as having achieved the distinction of developing exemplary programs in parenthood/child development programs. The Granite School District's kindergarten through high school parent education program, which includes one elementary school, two junior high schools, and two high school courses is one from a field of 79 selected for this honor. This award, sponsored by the W.K. Kellog Foundation, is one of the most prestigous awards in the field which acknowledges the home as the basic unit in our society.

Mr. President, the second recognition of the Granite School District is the National Dairy Board Award which is awarded after looking at outstanding programs in nutrition education in the public schools. Here again, the Granite School District was chosen as one of six from a field representative of every State in the Nation.

Mr. President, I ask unanimous consent that the statement on "Nutrition in Good Taste," which outlines the Granite program, along with the Voc Ed Special Report which discusses the parenthood education curriculum in the Granite School District be printed in their entirety in the CONGRESSIONAL RECORD immediately following my remarks. These two programs can serve as a model for other school systems to emulate in developing programs with resources other than Federal.

Mr. President, I would also like to say at this time that J. Reed Call, superintendent of the Granite School District and Almina Barksdale, coordinator for home economics education, should be commended for the outstanding contribution they are making in fostering better cooperation between school systems and the private sector where promoting the family and its importance as a unit in society is concerned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUTRITION WITH GOOD TASTE—GRANITE SCHOOL DISTRICT'S ELEMENTARY SCHOOL NUTRITION PROGRAM

Elementary school teachers generally do not take a college class in nutrition. This would indicate a limited knowledge of nutritional concepts and how to effectively teach them. This lack of training is one reason why few teachers in the elementary schools get involved in teaching nutrition.

With this information in mind, Granite School District, Salt Lake City, Utah, began a nutrition program in the elementary schools in 1973. One teacher with a degree in home economics was hired to develop and teach the course. It was organized so that the nutrition teacher taught a series of six 30-45 minute lessons, one per week, for six weeks to each classroom. A worksheet, or a related puzzle, was a follow-up activity for each lesson. Optional inservice workshops were provided for elementary classroom teachers.

Presently there are four nutrition specialists serving 30 of the 60 elementary schools. Schedules are rotated each year to accommodate the entire district. This means about 14,000 students are taught nutrition by a qualified teacher each year.

The curriculum is called "Nutrition With Good Taste." A highlight in each lesson is a tasting experience that reinforces the concept taught in that lesson. In some cases the children help with the food preparation. All teaching must be done with portable equipment because the nutrition specialist moves from room to room carrying her equipment on a utility cart.

The curriculum is designed so that learning is sequential. Level "A" is for grades K-2, and focuses on acquainting the children with a wide variety of foods. Each food group is introduced, and learning activities help students identify which foods belong in each group. Other topics, such as good breakfasts, dental hygiene, cleanliness, and manners are also discussed.

The focus in Level "B", for grades 3-4, elaborates on the Basis 4 guide to good nutrition. Planning balanced meals, learning the simple functions of six nutrients (Vitamins A, C, D, Calcium, Iron, and Protein), and the food sources of these nutrients are the topics emphasized.

The focus of Level "C", for grades 5-6, is to expand the knowledge of nutrients and their functions. Planning balanced menus for a whole day and learning the six nutrient categories (protein, carbohydrates, fats, vitamins, minerals, and water) and their functions, are topics that are covered.

All concepts are taught at the cognitive levels of the students involved.

This program has been well received by students, teachers, principals and parents. The students look forward to the "nutrition lady." Some teachers have commented that there is increased attendance on nutrition days. Principals welcome the program in their school, and parents are impressed and influenced by it. The nutrition specialists must be flexible in order to accommodate the school's ongoing schedule.

Granite School District has also published a 287 page book called "Classroom Nutrition—Ideas and Projects by the Teachers of Granite School District." This is a compilation of ideas that were developed as part of the teacher inservice workshops. These workshops were held each year for elementary classroom teachers who wanted more background and ideas for teaching nutrition. The book contains ideas for worksheets, bulletin boards, food experiences, projects, etc. This publication is an excellent resource for any elementary teacher who wants new ideas for teaching nutrition.

ORGANIZATIONS UNITE TO PROMOTE PARENTING

The comprehensive K-12 parenthood education curriculum for the Granite School District in Salt Lake City, Utah, was developed by the home economics department with special state and federal funds.

The project was initiated as a result of action by the national PTA and the March of Dimes. Additional research by the Utah state and Granite District PTAs ascertained that parents want schools to do more to prepare students to be responsible parents and adults.

The four-year project resulted in the development of a five-part curriculum that includes "Parenthood Education" and "Family Life" at the senior high school level, "Teen Living" and "Family Life Units" in the junior high and middle school, and "All About Families" for grades K-6.

The PTA study found three areas of concern common to all curriculum levels. They are: interpersonal relationships, family resource management and child rearing. These areas of concern are the connecting link and focus of the project.

Objectives targeted by the PTA include:

Improving the quality of family life by developing student skills and positive attitudes dealing with self, family and peer relationships.

Identifying values and goals and recognizing their importance in the decision-making process.

Developing positive attitudes toward the care of children.

Identifying critical nurturing and parenting skills.

Developing resource management abilities.

The senior high and junior high/middle school programs also include sections on issues of immediate concern to the adolescent. These include: where to find help in crisis situations; how to cope with stress, loneliness and rejection; how to help others.

The elementary school curriculum is designed to be infused into the teacher's subject areas, rather than being a self-contained unit of study. The family focus concept encourages the students to share the lesson learnings with their families. Parents are asked to feed back to the teacher the results of this interaction.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:09 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1617. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes; and

S.J. Res. 144. Joint resolution to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. THURMOND].

At 4:13 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 1455. An act to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees; and

S.J. Res. 154. Joint resolution to designate July 20, 1985, as "Space Exploration Day."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 46. Concurrent resolution to express the sense of the Congress regarding Americans missing in Southeast Asia.

The message further announced that the Speaker appoints Mr. BONKER as a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2068) entitled "An Act to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes," vice Mr. YATRON, resigned.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2965. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

At 6:13 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 124) entitled the "Safe Drinking Water Amendments of 1985," disagreed to by the Senate, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. BROYHILL, and Mr. MADIGAN as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 342. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 1455. An act to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees; and

S.J. Res. 154. Joint resolution to designate July 20, 1985, as "Space Exploration Day."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2965. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for the other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-322. Joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Appropriations.

"JOINT RESOLUTION

"Whereas federal student financial aid provides vital assistance to students attending Oregon's post-secondary institutions; and

"Whereas federal student financial aid has been reduced by 20 percent over the past four years; and

"Whereas the federal Department of Education budget for fiscal year 1986 proposes an additional reduction of $1.7 billion in student financial aid programs and severely restricts eligibility for aid; and

"Whereas an estimated 22,000 students in Oregon would have their aid eliminated or significantly reduced under these budget proposals; and

"Whereas the proposed reductions in federal grant and loan programs will severely limit access to higher education; and

"Whereas many low and middle income students will be unable to afford higher education should these proposals be adopted; and

"Whereas the nation's security and economic growth depends on a well educated citizenry; now, therefore, be it

"Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to resist these drastic reductions in federal student financial aid programs and urged to maintain the current level of funding for student financial aid programs for fiscal year 1986.

"(2) A copy of this memorial shall be transmitted to the Speaker of the House of Representatives, the President of the Senate, and to each member of the Oregon Congressional Delegation."

POM-323. A resolution adopted by the Council of the City of Jacksonville, Florida, urging Congress to provide financial help to the southeastern states and their local governments currently being affected by a mysterious fish disease to investigate the cause of the problem and possible preventative measures or cures for the problem; to the Committee on Appropriations.

POM-324. A resolution adopted by the United Methodist Church opposing Strategic Defense Initiative; to the Committee on Armed Services.

POM-325. Joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"JOINT RESOLUTION No. 43

"Whereas the ability to rapidly and efficiently airlift military personnel and equipment is vitally necessary to enable the United States to protect its global interests and to respond in crisis situations through rapid deployment; and

"Whereas, Presently, the nation's airlift forces are deficient both in numbers and in technology, as defined in recent studies, including a congressionally mandated mobility study; and

"Whereas, The Joint Chiefs of Staff support the requirement for an airlift aircraft capable of intratheater delivery of all types of cargo, including outsize equipment, to austere airfields; low altitude airdrop of large size equipment; airlift of various key, modernized equipment; and intertheater performance with the capability of transition to an intratheater role for the onward movement of units, equipment, and supplies; and

"Whereas, The United States Air Force C-17 airlift aircraft is specifically designed to meet the requirements of the United States defense strategy; and

"Whereas, The validation report for the C-17 airlifter, which has been endorsed by the Secretary of Defense, the Joint Chiefs of Staff, and the armed services concerned, describes the ability of the C-17 to increase both intertheater and intratheater airlift capability, thereby improving the total airlift system, and describes the design characteristics and performance capabilities incor-

porated within the C-17, thereby making the C-17 the optimal solution to overall airlift requirements and long-range objectives; and

"Whereas, The development and full-scale production of the C-17 airlifter will provide significant economic development and employment opportunities to the State of California; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress of the United States to support and enact funding for the C-17 airlifter program of development and full-scale production leading to early delivery of these aircraft to the United States Air Force; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-326. Joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"JOINT RESOLUTION No. 8

"Whereas, Prior to World War II when the Philippine Islands were an American territory, a select unit of Filipinos, known as the Philippine Scouts and numbering about 12,000 were organized under the direction of General Douglas MacArthur; and

"Whereas, The Philippine Scouts were later incorporated into the United States Army and remained an elite troop with a high esprit de corps in which membership was considered an honor by Filipinos and the strictest standards were followed in selection; and

"Whereas, The United States Armed Forces operating in the Pacific Theater during World War II were provided invaluable assistance in combat by soldiers of the Philippine Scouts, and the scouts played a pivotal role in the valiant defense of the Bataan Peninsula; and

"Whereas, General MacArthur described the Philippine Scouts as "excellent troops, completely professional, loyal, and devoted" and, during recruitment, the general pledged that "every member of my command shall receive equal pay and allowances based on the United States Army pay scale, regardless of nationality"; and

"Whereas, The Philippine Scouts were in fact paid much less than their American counterparts, so that at a time when an American private's pay was $50 a month a Philippine Scout of comparable grade received only $18 for the same hardships and dangers; and

"Whereas, This discrepancy has persisted for over 40 years despite the recommendation of the Secretary of War to the Congress in 1942 that different pay scales constituted unjust discrimination which should be eliminated; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation authorizing lump-sum payments to former Philippine Scouts or their survivors representing the difference between their pay and the pay of American soldiers of comparable grade during World War II and for a corresponding increase in the future pension benefits of surviving former scouts; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-327. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"JOINT RESOLUTION No. 11

"Whereas the United States shipbuilding and repair industry is a vital element in the nation's national defense capability; and

"Whereas, America's shipbuilding and repair facilities are rapidly diminishing and falling behind those of the rest of the world; and

"Whereas, Since 1981, approximately 20 shipyards in this country have closed operation, resulting in the loss of 40,000 skilled labor jobs and incalculable hardships for many individuals and communities; and

"Whereas, Current shipyard employment in California is approximately 14,000, but this is down from 20,000 only four years ago; and

"Whereas, A soundly established and geographically dispersed United States maritime industry is essential to an adequate defense mobilization base; and

"Whereas, Federal, state, and local recognition of the economic and strategic importance of the American maritime industry are long overdue, and decisive measures are urgently needed to revive this vital national asset; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of California respectfully memorializes the President and Congress of the United States to recognize the shipbuilding and repair industry as important to the economic strength and defense of the nation and an economic necessity for the people of California and to do everything possible for the revitalization and strengthening of this important national asset; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-328. Joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"JOINT RESOLUTION No. 6

"Whereas, California has over 1,000 miles of coastline, one of the longest and most spectacular coastlines in the nation, and a coastal population of 16 million that is expected to grow to 18.3 million by the year 2000; and

"Whereas, There is a national interest in the continuation of ocean and coastal resource management programs developed under the federal Coastal Zone Management Act; and

"Whereas, State coastal management programs provide the primary vehicle for the wise management and protection of this nation's valuable coastal and marine resources; and

"Whereas, California has had a federally-approved Coastal Management Program under the federal Coastal Zone Management Act since 1977 which provides California with a program for reviewing federal projects, including offshore oil and gas development, to ensure consistency with California's coastal program; and

"Whereas, The United States Department of the Interior is implementing a program along California's coastline to expand and accelerate Outer Continental Shelf oil and gas leasing over 59 million acres which can have significant social, economic, and environmental impacts on the state's coastal local governments; and

"Whereas, Accelerated development of Outer Continental Shelf mineral resources may benefit the nation through increased energy supplies, but California and its coastal local governments must plan for and finance public services and facilities necessitated by that development, while protecting and managing their coastal resources; and

"Whereas, At the same time the federal government is expanding and accelerating Outer Continental Shelf oil and gas leasing, federal funding for state and local coastal programs has been eliminated or reduced; and

"Whereas, California and its local governments receive compensation for burdens associated with onshore federal oil and gas leases under the Mineral Leasing Act of 1920, but receive no revenues to plan and compensate for burdens associated with federal offshore oil and gas leases; and

"Whereas, An equitable share of the revenues derived from a nonrenewable offshore natural resource, which belongs to the citizens of the United States, should be reinvested in coastal programs which provide for the sound management of affected renewable coastal resources; and

"Whereas, The United States House of Representatives and the Senate passed an Outer Continental Shelf revenue-sharing bill during the 98th Congress, and legislation to share a portion of federal revenues generated from Outer Continental Shelf oil and gas leasing with coastal states and local governments has now been introduced in the 99th Congress; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation which would allocate an equitable share of revenues from Outer Continental Shelf oil and gas development along California's coastline to California to support the continued sound management of its coastal resources; and, due to the importance of this revenue to coastal local governments, to earmark an equitable portion of these revenues to affect local governments.

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-329. A resolution adopted by the Whitesboro United Methodist Church concerning charitable deductions for federal income tax; to the Committee on Finance.

POM-330. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"JOINT RESOLUTION No. 7

"Whereas, Promotion of international trade with the Pacific Rim nations is essential to the economic well-being of the United States; and

"Whereas, The uniform regulation of all West Coast ports by the United States Customs Service provides continuity and is essential for the continued growth of international trade in the Pacific Basin; and

"Whereas, The West Coast ports are increasingly dominant in the United States international water borne trade; and

"Whereas, Statistics demonstrate that international trade for the West Coast far exceeds trade for the East and Gulf Coasts; and

"Whereas, In order to ensure the continued movement of goods through West Coast ports, it is vital that the United States Customs Service maintain uniform jurisdiction over all the West Coast ports; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Untied States Customs Service to maintain uniform jurisdiction over all West Coast ports and to increase customs inspectors on the West Coast to ensure the continued movement of international trade through West Coast ports; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Commissioner of the United States Customs Service."

POM-331. A resolution adopted by the United Methodist Church opposing the elimination of charitable gifts deductions for federal income tax; to the Committee on Finance.

POM-332. A resolution adopted by the United Methodist Church opposing apartheid in South Africa; to the Committee on Foreign Relations.

POM-333. A resolution adopted by the United Methodist Church opposing government-sponsored prayer in schools; to the Committee on the Judiciary.

POM-334. A resolution adopted by the United Methodist Church opposing unfair denial of refugee status to immigrants; to the Committee on the Judiciary.

POM-335. A resolution adopted by the Council of the City of Braunifels, Texas urging Congress to modify the Fair Labor Standards Act; to the Committee on Labor and Human Resources.

POM-336. A resolution adopted by the United Methodist Church opposing cuts in Student Financial Assistance; to the Committee on Labor and Human Resources.

POM-337. Joint resolution adopted by the General Assembly of the State of Illinois; to the Committee on Armed Services.

"JOINT RESOLUTION No. 78

"Whereas, As part of the program to reduce federal government expenditures and deficit spending, legislation has been introduced in the United States Congress which would effectuate the closing of military bases in Illinois; and

"Whereas, The two bases that would be affected are the O'Hare Air Reserve Forces Facility, at O'Hare Airport, and the Great Lakes Naval Tranining Center, in Lake County, two installations that are vital militarily to the nation and vital economically to the State of Illinois; and

"Whereas, The O'Hare Air Reserve Forces Facility, the only totally joint-use Air Reserve Forces Facility in existence, is located on federal title-free land and is utilized by the Illinois Air National Guard, the United States Air Force Reserve, and the Defense Contracting Administration Service Region, employing over 1,400 full-time employees and 2,500 reservists; and

"Whereas, O'Hare Airport is an ideal location for the operation of large military aircraft because of its multiple long runways and large fuel rseserves, and the metropolitan Chicago area is an ideal location for the recruitment of military personnel, as evidenced by the fact that all Air National Guard and Air Force Reserve units based at O'Hare maintain a constant 100% strength; and

"Whereas, With its central location and excellent logistical support virtually unmatched by any other location, the O'Hare Air Reserve Forces Facility is able to operate as a prime staging site during national emergencies, enhancing the overall strategic importance of this installation in support of national defense; and

"Whereas, The Great Lakes Naval Base, located in Lake County, Illinois, with its military population of 20,000, plus 3,500 civilian employees and 5,000 military dependents, has an annual impact on the Illinois economy of $250 million; and

"Whereas, The largest training base in the United States Navy, providing instruction for 40% of all enlistees, Great Lakes is also the largest technical training base in the Navy, with more than 26,000 sailors trained each year, and has the only diesel engine school in the Navy; and

"Whereas, The fifth largest Naval base in the country and the home of 30 commands, the Great Lakes facility has played a vital role in our national defense establishment since it began operation in 1911; and

"Whereas, As a major industrial State, Illinois has seen its economy suffer in recent years, and the suggested military base closings at O'Hare Airport and at Great Lakes would impact severely on an already strained economy; and

"Whereas, A strong national defense vitally depends on a strong and dynamic economy and the support of the population in general, and dismantling the defense installations in Illinois may result in the effective erosion of public support in this State for national defense spending; and

"Whereas, In the interest of both the economy of the State of Illinois and the defense of these United States of America, the O'Hare Air Reserve Forces Facility and the Great Lakes Naval Training Center must remain open and functioning; therefore, be it

"Resolved, by the Senate of the Eighty-Fourth General Assembly of the State of Illinois, the House of Representatives concurring herein, That we respectfully, yet steadfastly, urge the members of the Congress of the United States to defeat proposed legislation aimed at closing the O'Hare Air Reserve Forces Facility, at O'Hare Airport, and the Great Lakes Naval Training Center, in Lake County, two excellent military installations vital to the economy of the State of Illinois and to the strategic military defense of our country; and be it further

"Resolved, That suitable copies of this preamble and resolution be respectfully submitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Illinois Congressional Delegation."

POM-338. A resolution adoped by the Legislature of the State of Minnesota; to the Committee on Environment and Public Works.

"A RESOLUTION

"Whereas, acid deposition is one of the most serious unaddressed environmental problems of the North American continent; and

"Whereas, the Minnesota Legislature in 1982 stated that acid deposition resulting from the conduct of commercial, industrial, and transportation operations both within and without the state poses a present and severe danger to the delicate balance of ecological systems within the state, and that the failure to act promptly and decisively to mitigate or eliminate this danger will result in untold and irreparable damage to the forest, agriculture, water, fish, and wildlife resources of the state; and

"Whereas, the Minnesota Legislature in 1982 passed this nation's first state program to control acid deposition; and

"Whereas, Minnesota businesses and industries have reduced emissions more than 50 percent over the last ten years; and

"Whereas, recent studies indicate that lakes in the Voyageurs National Park, Superior National Forest, and the Boundary Waters Canoe Area Wilderness are highly sensitive to acid deposition; and

"Whereas, acid deposition has a potential of destroying crops, reducing forest productivity, debilitating aquatic life cycles, and corroding metals and man-made structures; and

"Whereas, acid deposition can contribute to the increasing levels of heavy metal concentrations in surface and groundwaters which can pose a threat to human health; and

"Whereas, acid deposition that may cause acidification of lakes and loss or reduction of game fish threatens the sport-fishing industry of Minnesota; and

"Whereas, the pollutants responsible for acid deposition can be carried hundreds of miles from their source which reflects the national and international nature of the acid deposition problem; and

"Whereas, approximately 70 percent of acidic deposition in Minnesota results from sources outside the state of Minnesota; and

"Whereas, the current federal Clean Air Act and Environmental Protection Agency regulations do not specifically address the acid deposition issue or provide relief to states like Minnesota that are significantly affected by the long-range transport of air pollutants; and

"Whereas, the State of Minnesota has entered into a memorandum of understanding with the Province of Ontario for the purpose of sharing scientific data and technical expertise, collaborating on efforts to develop a better understanding of the causes and effects of acid deposition, and on the establishment of integrated national action plans to reduce and prevent emissions; and

"Whereas, Canada has announced the adoption of a comprehensive emission reduction and funding package to combat the acid deposition problem by mounting an aggressive effort to reduce sulfur dioxide emissions by 50 percent by 1994, and in so doing, recognized the threat posed by acid deposition; and

"Whereas, present and future generations of Minnesotans will be adversely affected by any delay in establishing federal controls of emissions that cause acid deposition; now, therefore,

"Be it resolved by the Legislature of the State of Minnesota, That the President and

Congress should take immediate action to reduce the emission of pollutants that cause acid deposition by amendment to the Clean Air Act, or by separate comprehensive legislation, and by providing adequate funding to the Environmental Protection Agency for monitoring and enforcement.

"Be it further resolved, That the Secretary of State of Minnesota is instructed to transmit enrolled copies of this memorial to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Chief Clerk of the United States House of Representatives, to Minnesota's Senators and Representatives in Congress, and to the Canadian Ambassador to the United States."

POM-339. A resolution adopted by the Synod of the South Presbyterian Church relating to Sanctuary Workers; to the Committee on the Judiciary.

POM-340. A resolution adopted by Council of the City of Maui, Hawaii opposing aerial spraying of lower case toxic herbicides; to the Committee on the Judiciary.

POM-341. A resolution adopted by the Synod of the South Presbyterian Church relating to South Africa; to the Committee on Foreign Relations.

POM-342. A resolution adopted by the Evanston Human Relations Commission concerning the Boy Scouts of America; to the Committee on Labor and Human Resources.

POM-343. A resolution adopted by the United Methodist Church relating to the federal deficits and reduction of military spending; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 106: Joint resolution designating August 1985 as "Polish American Heritage Month".

S.J. Res. 51: Joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week".

S.J. Res. 145: Joint resolution designating November 1985 as "National Diabetes Month".

S.J. Res. 147: Joint resolution to designate a calendar week in 1985 as "National Infection Control Week".

S.J. Res. 160: A bill designating the week beginning November 10, 1985, as "National Disabled Veterans Week".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation.

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1985;

Jennifer Ann Hillings, of California, to be an Assistant Secretary of Transportation; and

Rebecca Gernhardt Range, of the District of Columbia, to be an Assistant Secretary of Transportation.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on the Judiciary:

Roger J. Miner, of New York, to be U.S. Circuit Judge for the Second Circuit;

Roger L. Wollman, of South Dakota, to be U.S. Circuit Judge for the Eighth Circuit;

Roger G. Strand, of Arizona, to be U.S. District Judge for the District of Arizona;

Richard H. Mills, of Illinois, to be U.S. District Judge for the Central District of Illinois; and

John M. Walker, Jr., of New York, to be U.S. District Judge for the Southern District of New York.

By Mr. LUGAR, from the Committee on Foreign Relations:

Ex. O. 81st Cong. 1st Sess: International Convention on the Prevention and Punishment of the Crime of Genocide, adopted unanimously by the General Assembly of the United Nations in Paris and signed on behalf of the United States on December 11, 1984 (with additional and supplemental views) (Exec. Rept. No. 99-2).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ZORINSKY:

S. 1458. A bill to amend the Internal Revenue Code of 1954 to provide that an activity relating to the free distribution of low cost articles by certain nonprofit organizations and veterans' organizations in connection with the solicitation of charitable contributions does not constitute an unrelated trade or business of such organization; to the Committee on Finance.

By Mr. BRADLEY:

S. 1459. A bill to provide secure job opportunities to workers displaced by imports; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1460. A bill to continue the medicare reimbursement waivers for certain hospitals subject to regional hospital reimbursement demonstrations; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 1461. A bill to direct the Secretary of the department in which the United States Coast Guard is operating to cause certain vessels to be documented as vessels of the United States so as to be entitled to engage in the coastwise trade, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOSCHWITZ:

S. 1462. A bill for the relief of Abu-ras; to the Committee on the Judiciary.

S. 1463. A bill for the relief of Okyno Duran; to the Committee on the Judiciary.

S. 1464. A bill for the relief of Maria Elena Rodriguez-Huitzil; to the Committee on the Judiciary.

S. 1465. A bill for the relief of Maria Leticia Rodriguez-Huitzil; to the Committee on the Judiciary.

S. 1466. A bill for the relief of Fadia Salem; to the Committee on the Judiciary.

By Mr. BOSCHWITZ (for himself and Mr. D'AMATO):

S. 1467. A bill for the relief of Wladyslaw Wyrwa; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 1468. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes; to create the United States Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Finance.

By Mr. JOHNSTON:

S. 1469. A bill to establish a program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy and initiate a program for the disposal of nuclear waste from civilian activities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUMPHREY:

S. 1470. A bill to require the Secretary of Health and Human Services to establish the National Adoption Information Clearinghouse; to the Committee on Labor and Human Resources.

By Mr. PRESSLER (for himself and Mr. ABDNOR):

S. 1471. A bill to authorize the Lyman Jones and West River Rural Water Development Projects; to the Committee on Energy and Natural Resources.

By Mr. BOSCHWITZ:

S. 1472. A bill for the relief of Allen Gam; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1473. A bill to amend title II of the Social Security Act to remove the restriction that only earnings before the year of attainment of age 62 may be used in the transitional provision commonly referred to as the "notch" provision) relating to individuals born between 1917 and 1921; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Con. Res. 57. Concurrent resolution expressing the sense of Congress in opposition to the erosion of local control and participation by farmer- and rancher-borrowers in the farmer- and rancher-owned Farm Credit System and in opposition to the large-scale consolidation and mergers of production credit associations and Federal land bank associations within the Farm Credit System; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ZORINSKY:

S. 1458. A bill to amend the Internal Revenue Code of 1954 to provide that an activity relating to the free distribution of low cost articles by certain nonprofit organizations and veterans' organizations in connection with the solicitation of charitable contributions does not constitute an unrelated trade or business of such organization; to the Committee on Finance.

DISTRIBUTION OF LOW COST ARTICLES BY CERTAIN NONPROFIT AND VETERANS' ORGANIZATIONS

Mr. ZORINSKY. Mr. President, this legislation will help some of our Nation's most deserving groups. The bill simply enables nonprofit organizations, such as the Veterans of Foreign Wars, to raise funds through charitable contributions as Congress orginally intended. For example, in my home State of Nebraska the VFW solicits contributions through the distribution of Christmas cards. Incredibly, in some areas of the country, this kind of program has been classified by the IRS as "non-business related." Such programs are then subject to all kinds of taxation. Wherever the IRS makes this ridiculous classification of a fundraising program, proceeds received are taxed as unrelated business income. And, any expenses incurred are not deductible. Thus, in some areas, nonprofit organizations like the VFW are taxed on their expenses and the contributions they receive. This clearly runs contrary to the original intent of Congress. My bill will eliminate this misunderstanding by explicitly defining such fundraising programs as business related activities. This will free the contributions and the expenses from taxation.

More precisely, my bill amends the Tax Code so that the free distribution of low-cost articles by certain nonprofit and veterans' organizations in connection with a solicitation of charitable contributions does not constitute unrelated business of such organizations. This will allow the VFW and other nonprofit organizations to continue their worthwhile endeavors without being forced to divert a portion of their collected contributions to paying off the IRS. This simple remedy deserves quick action. I call on my colleagues to give the bill their full consideration, for it merits their full support. The Senate should never allow the Federal Government to inhibit groups such as the VFW from providing the vital services they bestow on our Nation.

By Mr. BRADLEY:

S 1459. A bill to provide secure job opportunities to workers displaced by imports; to the Committee on Finance.

JOB SECURITY BANK ACT

Mr. BRADLEY. Mr. President, today, I am introducing the Job Security Bank Act of 1985, to provide secure job opportunities for workers dislocated by imports. The program provides real job security to the broadest base of dislocated workers without any burden on the U.S. taxpayer. It focuses on timely targeted training to build long-term skills and to match experienced workers with employers in high-growth industries.

We all know by heart the unprecedented size of the U.S. trade deficit in 1984. But it is our constituents who have felt the real impact of this imbalance. Someone who has just been told, "You are doing a great job but there is no more work here for you," understands more about the trade deficit than any statistical analysis of the current account. While legislators debate the irrelevance of free trade ideology and the perils of protectionism, more and more workers find themselves dislocated by market and competitive forces operating way outside our traditional business boundaries. It is time to think about who carries the real burden of this trade deficit, what we have done to help, and how we can best provide workers some meaningful job security in an increasingly competitive world.

The bottom line of the problem of the trade deficit is that workers dislocated by imports need to find new work. If we have a problem with global competitiveness, it boils down to the ability of individuals to get jobs. Our immediate and most direct responsibility in trade policy is to help dislocated workers move into new jobs and careers with a minimum of pain. We cannot wish away the problem of dislocated workers, because there will always be change in international markets and industrial competitiveness. We cannot legislate away the problem of dislocated workers without cutting ourselves off from world progress, because there will always be new competitors with new ideas or lower costs taking aim at the rich U.S. market. Economic change will always outrun legislation, no matter what the prevailing trade ideology or temper of Congress.

The only way to address the immediate problem of dislocated workers is to ease career changes with measures that are in keeping with the dignity and needs of people who have often been in the work force for 20 years and built up a solid foundation of general skills. If banks, such as the World Bank, can protect the security of businesses, it takes only a sense of fairness and some imagination to see that a bank can also be created to protect workers' jobs.

The Job Security Bank I am proposing today will provide virtually all dislocated workers with significant retraining opportunities and interim assistance during the search for a new job. Funded primarily through a small import fee, the bank would be open to workers either unemployed or in danger of losing their jobs through no fault of their own but because of imports. This includes workers dislocated by the impact of imports on critical customers.

The Job Security Bank would offer a 3-month unemployment insurance extension and relocation assistance for maximum flexibility in finding a new job for those already out of work. Workers would also have the option of taking the unemployment insurance supplement as a 50-percent increase in benefits during the 26 weeks of regular coverage.

Out of work or not, all participants in the Job Security Bank Program would have the greatest possible freedom of choice in retraining options. Through a straightforward voucher system, the worker would be able to pay for up to $3,000 of retraining. This retraining is necessary for many experienced workers to secure a job in a new field. Workers would also be able to pay for retraining while still employed in a job likely to disappear. As an alternative, the worker could use the retraining voucher, or any part of it, to pay for on-the-job training provided by a union or employer in a new job. Another possibility is skill-targeted training in union- or college-sponsored programs run outside working hours. Any college, union, or employer offering retraining would need certification by the Department of Labor and a local private industry council to be able to redeem Job Security Bank vouchers.

Effectively, the voucher lets the worker offer prospective employers the chance to help direct retraining to bring the worker up to speed in specific skills. This is a chance for an employer to custom-train the worker at no extra cost. Since training and start-up cost are fast becoming a major part of total labor cost in growing industries, this becomes an increasingly powerful reason to hire an experienced worker who has use of a training voucher.

An anticipated 85 percent of the funding for the Job Security Bank will come from a small, uniform import fee (initially equal to two-thirds of 1 percent) levied on all imports. About 15 percent of the funding would come from contributions by workers who have used training vouchers to find new employment and have drawn unemployment insurance supplements through the program. They will make a contribution to the program in proportion to both the benefits they receive under the unemployment insurance supplement and their starting salary in a new job. At a maximum, the contribution would come to 8 percent of the part of a reemployed worker's first-year salary which is above the poverty level. Without weighing too heavily on the worker, the contribution sends a strong signal to prospective employers that workers retrained through the Job Security Bank mean business.

The President would have 1 year to negotiate a GATT agreement permitting any GATT member to impose a fee of up to 1 percent for the purposes of trade adjustment. After 1 year's time, if we failed to secure an agree-

51-059 O-86-34 (Pt. 14)

ment, the fee would be imposed unilaterally and GATT members would have to bring up objections in a new round of multilateral trade talks if they had any. After 1 year, the level of the import fee could vary up to a rate of 1 percent to cover the costs of the program.

Any overhaul of trade adjustment policy needs to meet four criteria: It must be broad-based; it must build employer confidence in hiring retrained workers; it must not add to our budget deficits; and it cannot tax industries that are most heavily affected by international competition. The Job Security Bank meets these criteria.

First, the Job Security Bank will provide training to virtually all who may need it. One estimate, drawing on current population surveys, the work of Bendick and Devine, and a CBO study, narrowed the range of dislocated workers in 1984 to between 435,000 and 815,000. It would seem that the current program, serving well under 100,000 workers, can only distort unfairly the competition for jobs within the larger class of dislocated workers. To be fair, the Job Security Bank will be prepared to provide significant help to at least 500,000 workers interested in significant retraining.

Second, the program will build employer confidence in hiring its participants. By using artificial hiring incentives such as tax breaks, we end up harming the long-term prospects of the dislocated workers the program seeks to help. Employers will naturally ask themselves why the Government needs to offer a bonus to businesses prepared to reemploy these workers. Any trade adjustment program, to be successful in the long run, must help workers offer extra value to a new employer. That means real skills, narrowly targeted at the new position.

Third, since the Job Security Bank is not financed from general revenues, it will not add to our budget deficit. Higher deficits would only fan the flames closing down our factories. To be fair, the new program will limit its revenue impact to those directly benefiting from expanded imports: namely, import-consumers and importers. By tying revenue for the Job Security Bank to import levels, we do more than create a fair financing mechanism for the program that has no budget impact. We set up a fiscal thermostat that heats up the program when imports, and thus displacements, rise, and cools it off when imports fall.

Fourth, the Job Security Bank will not throw the burden of trade adjustment on industries that can least afford it. Most trade-affected industries will survive, and some will emerge stronger from the current chaos. But they will not have a chance if we force them to shoulder the burden of worker retraining. A program funded through an expanded employer contribution to unemployment insurance threatens to be grossly unfair and counterproductive. That is why the Job Security Bank relies on a small import fee.

Today manufacturing constitutes 25 percent of the American economy. By the year 2000 economists project that manufacturing will still be as significant, but 15 million fewer workers will be required to produce the same amount of goods. The Job Security Bank says to those workers that their experience is important, that there are opportunities ahead, that those opportunities are within their reach. And it does so without a huge new government bureaucracy and without adding to our deficits.

The program I am proposing today would meet all these needs simply, fairly, and without any burden on the taxpayer. The Job Security Bank is a straightforward, direct answer to unemployment caused by roller-coaster trade conditions in America today. It helps where it should help, and it rests only on those benefiting most from trade. Most important, it stops forcing dislocated jobseekers to bail out into unsatisfying, short-term positions that will never solve our twin problems of job security and long-term productivity. The Job Security Bank makes on-the-job and concurrent-with-job training a practical answer to industrial change.

By Mr. MOYNIHAN:

S. 1460. A bill to continue the medicare reimbursement waivers for certain hospitals subject to regional hospital reimbursement demonstrations; to the Committee on Finance.

HOSPITAL PROSPECTIVE REIMBURSEMENT PROGRAMS

● Mr. MOYNIHAN. Mr. President, I rise today to offer legislation that would allow the Rochester Area Hospitals' Corporation [RAHC] and the Finger Lakes Area Hospitals' Corporation [FLAHC] programs to continue their hospital prospective reimbursement programs, so long as they continue to meet certain standards specified in the Social Security Amendments of 1983—Public Law 98-21.

The Hospital Experimental Payments [HEP] Program of the RAHC began on January 1, 1980, and serves some 1 million persons in the New York counties of Monroe and Livingston. Over the past 4 years, HEP has worked. Under the demonstration project, a communitywide revenue cap has been imposed on total costs, covering Medicare, Medicaid and the Rochester area Blue Cross. From 1980 through 1983, HEP hospital costs rose 37.9 percent, compared with 40.6 percent elsewhere in New York State and 61.1 percent nationwide.

For the 1979-82 period—the most recent data—part A costs per elderly Medicare beneficiary in the Rochester SMSA declined from 89 percent to 71 percent of the national average—adjusted for variations in wages, age, and sex of the population. Blue Cross costs in Rochester are equally low, as compared with national, multisited firms. For example, the monthly premium paid by General Motors Corp. for salaried employees with two or more dependents is $148 in Rochester, as compared to $242 in Detroit and $311 in San Diego. In addition, the Rochester Area Hospitals' Corporation has used its revenues to finance a variety of research and evaluative projects, sharing the results with State and Federal officials. I might add that no governmental grant funds have been used to help the program.

The Rochester area program is a genuine national strategy involving competition, cooperation, and self-regulation on a local voluntary bases. This program will continue to provide valuable experience and data analysis of critical importance to health policymakers for years to come.●

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 1461. A bill to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause certain vessels to be documented as vessels of the United States so as to be entitled to engage in the coastwise trade, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF CERTAIN U.S. BUILT SHIPS

● Mr. INOUYE. Mr. President, so far our efforts to increase the size of the U.S.-flag passenger cruise fleet without compromising the integrity of our laws limiting the domestic trades to U.S.-built vessels have not materialized. I am hopeful that the legislation the distinguished senior Senator from Alaska and I are introducing today will help us achieve these twin objectives, however.

Our bill would:

Permit any passenger cruise vessel that was built in the United States and subsequently sold foreign to be reflagged United States, with Jones Act privileges. It is my understanding that several vessels might be able to avail themselves of this opportunity.

With the exception of one of them, the SS *Liberte*, any vessel taking advantage of this permission could, for the first 2 years of its operation, sail anywhere in our domestic trades, except the intra-Hawaiian Islands trades; and just the opposite would be true for the SS *Liberte*.

The window provided by this bill would have a 2-year life.

If, at the end of the 2-year window provided in the bill, a need for more U.S.-flag tonnage still exists, I believe we will have to consider additional measures.

Ideally, I had hoped that at least one of the several proposals to build new cruise vessels in U.S. yards would have materialized in the past few years. For one reason or another, however, this has not happened, and we do not believe it is in the national interest to forebear any longer.

The bill we are introducing today does, I believe, offer a realistic opportunity to create a U.S. passenger cruise fleet without jeopardizing our cabotage laws.●

By Mr. HATFIELD:

S. 1468. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes; to create the U.S. Peace Tax Fund to receive such tax payments; to establish a U.S. Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Finance.

UNITED STATES PEACE TAX FUND ACT

Mr. HATFIELD. Mr. President, in the past few months an extraordinary number of speeches and articles have detailed the need for tax revision. We all agree that the current Tax Code is unfair. Everyone knows that changes should be made. Today I am proposing a change in the Internal Revenue Code of 1954, which does not serve to lessen tax burdens for a specialized interest group, but instead allows people who are barred by their conscience to pay Federal taxes to once again join the ranks of law-abiding citizens. It is a great honor once to again have Senator MATHIAS of Maryland and Senator WEICKER of Connecticut, both of whom are nationally recognized for their efforts to insure personal freedom, join me in cosponsoring the U.S. Peace Tax Fund Act. It is also a pleasure to have a former sponsor of the House version of this bill join us, Senator HARKIN of Iowa.

Since 1977 I have had the privilege of bringing this bill to the Senate for consideration. You may recall that the bill was formerly entitled the World Peace Tax Fund; the new name is just one of the many changes made which make this idea something we should all support. Although the name is new, the idea is not and I want to share some history regarding the dilemma faced by an estimated 15,000 Americans who are tormented by their consciences each time their money is spent on the military.

Conscientious objectors have been recognized for centuries although society has treated them in various ways. Citizens opposed to serving active military duty were ignored, enslaved or forced to serve in the Armed Forces despite their objections. In this country conscientious objectors have been treated with a measure of respect, and in 1940 Congress passed legislation allowing alternative service for drafted conscientious objectors. Three churches, the so-called peace churches, were instrumental in shepherding the 1940 legislation: The Church of the Brethren, the Mennonites, and the Quakers.

While a conscientious objector has not been forced to serve an active combat role in our Nation for 45 years, they are still compelled by law to provide tax dollars which support the military. This contradiction impels many to withhold payment of the military portion of taxes. Because this is not a legal recourse these tax resistors are fined when the IRS catches up to them. Other citizens deliberately keep their income levels low to avoid taxation, often to the hardship of their families. The willingness to jeopardize their freedom or to assume near-poverty status for the sake of their moral beliefs is a clear indication of the sincerity of a conscientious objector.

Who are these conscientious objectors? They are your constitutents who wrote you poignant letters each time they were asked to pay taxes, detailing how difficult it was to come to the decision not to pay a portion of their taxes, and conveying their desire to pay in full without violating their conscience. They are the estimated 10 to 20 thousand American citizens who are morally opposed to war. Conscientious objectors are asking that we accommodate their unique moral beliefs and allow them to fully participate in our Federal tax system.

The U.S. Peace Tax Fund Act would bring pragmatism to the difficult questions surrounding the conscientious objector. This legislation would not lower total payments or diminish tax obligations as many current exemptions now do. The bill recognizes deep moral convictions and removes the dilemma facing conscientious objectors who have to choose between disregarding moral beliefs or disobeying laws of the country. Under this legislation, conscientious objection would be determined by criteria similar to that in the Selective Service Act.

Those who qualify may choose to have a percentage of their tax dollars put into a new trust fund administered by a board of citizens. The board of trustees, appointed by the President and Congress, would disperse the fund to Federal programs of a peace-related nature, such as research directed toward nonmilitary and nonviolent solutions to international conflict, the retraining of displaced by conversion from military production and others. All suggested appropriations of the fund would be congressionally reviewed and authorized.

Thanks to the hard work of scores of supporters, this new bill represents many important changes. A preamble clarifies the purpose of the bill. Specific language permits qualification of both genders, and a provision for joint returns is included. Additionally, the definition of a conscientious objector is clearly stated and the administrative burden of eligibility determination is lessened. The IRS will no longer be required to challenge a conscientious objector claim in the U.S. District Court. Instead, the burden of proof on eligibility now falls upon the claimant.

Mr. President, each day our tax dollars are used to design new weapons systems; weapons with the firepower to destroy millions. Our tax dollars feed technology, and the military consumes technology. Charles DiSalvo stated the transition of our defense systems in this way: "Masses of infantrymen are now no longer necessary to launch and wage wars; they have been replaced by a few men capable of deploying thousands of costly, sophisticated nuclear missiles. Technology now supersedes the foot soldier in importance; the conscription of dollars precedes the conscription of persons."

Four decades ago this country established alternate service for persons with sincere moral or religious oppostion to the participation in war. In the mind of the conscientious objector, supporting the military through taxes is active participation. Just as Congress established alternate military services for conscientious objectors, we should establish a U.S. Peace Tax Fund. With this bill no citizen will be compelled to violate the law or his conscience when it comes time to pay Federal taxes.

By Mr. HUMPHREY:

S. 1470. A bill to require the Secretary of Health and Human Services to establish the National Adoption Information Clearinghouse; to the Committee on Labor and Human Resources.

NATIONAL ADOPTION CLEARINGHOUSE ACT OF 1985

Mr. HUMPHREY. Mr. President, I am pleased today to introduce the "National Adoption Information Clearinghouse Act," which amends title X of the Public Health Service Act, the family planning program.

For too long, our image of family planning has been exclusively family planning through the prevention of pregnancy, the limiting of family size, or the spacing of pregnancies. It is time to recognize the importance of positive family planning, that is the formation of families through adoption, for those who would otherwise not be able to establish a family.

Across this country interest in adoption is running high. This concern encompasses both infant adoption and special needs adoption, which involves children who are older, handicapped, members of a minority, or in sibling groups. I am heartened by this intense

interest in adoption because I believe finding permanent homes for needy children is one of the most worthwhile things we can do.

To help focus and channel congressional interest in adoption, and to support and supplement the work of the committees of jurisdiction, I have recently formed the "Congressional Coalition on Adoption." The purpose of the coalition is to help raise public awareness of the benefits of adoption for all concerned: the child, the birth parents, and the adoptive parents. Already in my work with the coalition it has become apparent that there exists a serious deficit in our support for infant adoption and in the information available about both infant and special needs adoption.

If a young, single woman finds herself pregnant, she may not know much about adoption, and the counselors she encounters in the social service system may be poorly informed also. Even if a single woman considers adoption she may dismiss it prematurely as too expensive or too difficult, and instead choose to have an abortion or raise her child out-of-wedlock. A study recently completed by Edmund V. Mech of the School of Social Work at the University of Illinois at Urbana-Champaign, showed a significant adoption gap among counselors. Counselors believe that most pregnant adolescents will not choose the adoption option, use nondirective counseling techniques, and rarely initiate discussion of the adoption option. As a result, adoption is not often considered as an alternative in the counseling of pregnant adolescents.

An important new initiative in the private sector is the development of pregnancy counseling services, formed to assist pregnant women, particularly young, single women. In addition, many churches and religious groups have arranged shelter for pregnant women and established maternity homes to offer support and indepth counseling. Volunteers help a woman facing a crisis pregnancy make a reasoned decision which is right for her, and allow her the opportunity to give the adoption option serious and realistic consideration. No pregnant woman should ever be coerced into releasing her child for adoption, but she should be allowed to make an informed decision, after considering all of her alternatives.

Under the direction of Dorcas Hardy, Assistant Secretary for Human Development Services at the Department of Health and Human Services, the Department's national special needs adoption initiative has made great strides in increasing public awareness and finding homes for waiting children. This progress is demonstrated in the latest figures which show a decline in the numbers of children in foster care, from over 501,000 in 1977 to 243,000 children age 18 or under in 1982. Of the total number of children in care, 54,000 children are estimated to be legally free for adoption. These numbers show great progress, but more needs to be done to find permanent homes for those nearly 250,000 children still caught up in the foster care system.

I believe we must supplement the important work being done to foster special needs adoption and strengthen the Federal commitment to infant adoption. The legislation I am introducing today is a start in that direction.

The National Adoption Information Clearinghouse Act amends section 1001 of the Public Health Service Act to authorize family planning projects to offer adoption services. This amendment would not require family planning programs to offer adoption services, it simply states in the statute that adoption services may be offered by recipients of family planning funds. By so doing we would acknowledge that adoption services, along with natural family planning methods, infertility services, and services for adolescents, are an important aspect of family planning.

In addition, this legislation directs the Secretary of Health and Human Services to establish a "National Adoption Information Clearinghouse." The clearinghouse will collect data and information on both infant and special needs adoption, and maintain up-to-date directories of information concerning emergency pregnancy services, shelters and residences for pregnant women, training programs for counselors who work with pregnant women, educational programs on adoption, licensed adoption agencies, State laws relating to adoption, statistics on adoption, and any other services relating to adoption for pregnant women, infertile couples, adoptive parents, unmarried individuals who want to adopt children, individuals who have been adopted, birth parents who have placed a child for adoption, adoption agencies, social workers, counselors, or other individuals who work in the adoption field. Most importantly, the clearinghouse will disseminate to the American public current and complete information relating to all aspects of adoption.

Recently I participated in a series of hearings in the Labor and Human Resources Committee, chaired by Senator HATCH, which focused on the barriers to special needs adoption. One of the barriers mentioned in these hearings was the lack of adequate, reliable data and statistics on adoption and foster care. Also it appears there may be some disagreement among those working in the child welfare field about the number of homes available, and the availability of children for those who wish to adopt.

I know that adoption and foster care generally fall under the jurisdiction of the States, and I am certainly not one to impose the Federal Government's jurisdiction over an issue which properly belongs to the States. But we need reliable, national data before we can take the necessary steps to bring together children needing homes and individuals longing to establish families.

Mr. President, we have established national clearinghouses through the Department of Health and Human Services to provide information on arthritis, cancer, drug abuse, and smoking and health, to mention just a few. Surely we can afford to establish a "National Clearinghouse on Adoption," to collect and disseminate information on both infant and special needs adoption. Some of the information gathering and disseminating required by my legislation has already begun through the Office of Human Development Services, under the Adoption Opportunities Act and the national special needs adoption initiative. My bill will expand that effort to include infant adoption and consolidate all such activities relating to adoption under a "National Adoption Information Clearinghouse."

President Reagan has repeatedly advocated increased support for adoption, both in public addresses and in his statements during private meetings. In his Father's Day radio address last year he stated:

> We want to see fewer abandoned, handicapped, or underprivileged children left in foster care; and we want to see the unborn child given his or her chance to love and to know the joys of life. Adoption is often the best option. Too often, it has been the forgotten option.

Similarly in a proclamation issued in relation to "National Adoption Week of 1984," The President spoke strongly in favor of adoption, both infant adoption as an alternative to abortion and special needs adoption.

This legislation will supplement the important work of the special needs adoption initiative. It will demonstrate, in the title X Family Planning Program, this administration's support for infant adoption. Adoption has been called "The Loving Option." I urge my colleagues to support my effort to help ensure that adoption is not the forgotten option.

Mr. President, I ask unanimous consent that the text of the National Adoption Information Clearinghouse Act of 1985 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Adoption Information Clearinghouse Act of 1985".

SEC. 2. (a) Title X of the Public Health Service Act is amended by adding at the end thereof the following new section:

"NATIONAL ADOPTION INFORMATION CLEARINGHOUSE

SEC. 1010. The Secretary shall establish, either directly or by grant or contract, a National Adoption Information Clearinghouse. The Clearinghouse shall—

"(1) collect and synthesize data and information obtained from studies, research, and reports by public and private agencies, institutions, or individuals concerning all aspects of infant adoption and adoption of children with special needs;

"(2) compile, maintain, and periodically revise directories of information concerning—

"(A) emergency pregnancy services;

"(B) shelters and residences for pregnant women;

"(C) training programs for counselors who work with pregnant women;

"(D) educational programs on adoption;

"(E) licensed adoption agencies;

"(F) State laws relating to adoption;

"(G) statistics on adoption; and

"(H) any other services relating to adoption for pregnant women, infertile couples, adoptive parents, unmarried individuals who want to adopt children, individuals who have been adopted, birth parents who have placed a child for adoption, adoption agencies, social workers, counselors, or other individuals who work in the adoption field; and

"(3) disseminate the most current and complete information regarding adoption, including the directories compiled, maintained, and revised pursuant to paragraph (2).".

(b) Section 1001(a) of such Act is amended by inserting after the first sentence the following new sentence: "Such projects may also offer adoption services.".

By Mr. PRESSLER (for himself and Mr. ABDNOR):

S. 1471. A bill to authorize the Lyman-Jones and West River rural water development projects; to the Committee on Energy and Natural Resources.

LYMAN-JONES AND WEST RIVER RURAL WATER PROJECTS

● Mr. PRESSLER. Mr. President, I am introducing legislation today to authorize the construction of the Lyman-Jones and West River rural water projects in western South Dakota.

The Lyman-Jones and West River rural water projects would be similar to the WEB pipeline project which is currently under construction in north-central South Dakota. The projects would provide good quality Missouri River water for domestic and livestock use in 6 western South Dakota counties and 12 rural communities in the area. The water quality in these communities is poor. The water has dissolved solids in excess of the recommended EPA limit. In fact, most of the water supplies in the area would be considered brackish by EPA standards. The large amount of dissolved solids in the water is not only bad for human health, but also substantially increases the cost of maintaining water systems and household appliances.

In this area, most of the water comes from deep wells. The wells are very costly to drill and have a short useful span. The average community must spend near one-quarter of a million dollars to drill a new well. The area ranchers also pay an average of between $10,000 and $30,000 to drill a well. Even with these high costs, the average lifespan of a well is only 4 to 12 years with annual maintenance costs at an average of 10 percent of the construction costs. Having to live with this poor quality water and expensive water systems has made the area residents very thirsty for good quality water from the nearby Missouri River.

The Lyman-Jones rural water system was originally organized in 1971. Initially, no signup fee was assessed; but later, when the signup fee was collected, approximately 85 percent of the area residents paid the signup fees. Six municipalities also signed up for the project. A similar signup occurred in the West River rural water system area in the 1980's. The need and desire for good quality water in the area has been clearly demonstrated.

When the Lyman-Jones rural water system was first organized, the cost of the project was estimated at $17 million. The cost has since increased, due to inflation. The estimated total cost of both projects is now just below $50 million. The size of the projects makes it impractical for the Farmers Home Administration to provide financing for the projects. Due to the limited funds available through the FmHA Rural Water Program, the FmHA has recommended that the two projects try to obtain funding similar to that received by the WEB project in South Dakota.

The WEB project, which will serve north-central South Dakota with domestic water, has been a great success story. After a somewhat complicated authorization and reauthorization process, the work on the WEB project has been moving forward at a remarkable rate. In fact, $7 million was recently reprogrammed to the WEB project to speed construction. The bids on the WEB project are coming in well below estimates and the local support for the project continues to grow. A similar event could occur if the Lyman-Jones and West River rural water projects were authorized.

Efforts to achieve water development in South Dakota have a long history. When the Pick-Sloan Missouri River program was authorized and four mainstem Missouri River dams constructed on the river in South Dakota, the Federal Government made a commitment of water development to South Dakota. In return for the sacrifice of prime farmland to construct the dams, South Dakota was promised major water development. To date, the WEB project is the only project to be constructed to fulfill this promise. The WEB project is a relatively small water project, as are the Lyman-Jones and West River rural water projects. The construction of these projects would fulfill only a small portion of the Federal commitment to South Dakota for water development. South Dakota is not asking for any special treatment, but would like to be compensated for sacrifices made many years ago.

Mr. President, I feel that our No. 1 priority in water development should be to provide good quality water supplies for human consumption. The consequences of a poor quality water supply go far beyond the problems of maintaining water systems. Poor water quality can cause health problems and reduce the rate of growth in livestock. With this in mind, I urge my colleagues to join me in support of this legislation.●

● Mr. ABDNOR. Mr. President, I join Senator PRESSLER today in introducing legislation which would authorize the planning and construction of the Lyman-Jones and West River rural water systems.

Over my years in public service, I worked diligently to authorize and construct various water development projects in South Dakota. One of my greatest successes has been the WEB pipeline system in the north-central portion of my State. This rural water system will assist more than 21,700 people by assuring them reliable supplies of good quality water for household use and for 531,000 head of livestock.

Construction is underway on WEB, and the first water will be delivered by the end of this year. This project will be of immeasurable benefit to the portion of South Dakota it will serve.

With the Lyman-Jones/West River project, we can continue to build upon the great progress and gains which have been made in rural water development during my work in the U.S. Senate and House of Representatives. This area of South Dakota desperately needs good, safe drinking water. Most of the water in this area does not even pass the Safe Drinking Water Act's secondary standard for water. I know; I grew up in this area and farmed the land. It is vital that a safe, stable source of water be developed for this area.

Currently, the average cost of a well in the western portion of South Dakota is from $10,000 to $30,000 each. A municipal well can be as high as $250,000. These costs are outrageous, and the farmers and family communities cannot afford these kinds of costs for a semisafe, semistable water supply.

Support for this project is strong. Already, many of the farmers and small-town people have signed up for these projects, 80 percent in the Lyman-Jones area, for example. Under this legislation, project participants would receive water delivered by pipeline from the Missouri River, where the supplies are virtually inexhaustible and the potential for development benefiting the people of South Dakota is tremendous.

Mr. President, I urge my Senate colleagues to recognize the inadequate and unsafe water supply in the western region of South Dakota and support this legislation.●

By Mr. GRASSLEY:

S. 1473. A bill to amend title II of the Social Security Act to remove the restriction that only earnings before the year of attainment of age 62 may be used in the transitional provision (commonly referred to as the "notch" provision) relating to individuals born between 1917 and 1921; to the Committee on Finance.

SOCIAL SECURITY "NOTCH" PROBLEM

Mr. GRASSLEY. Mr. President, I rise to introduce legislation that will address the so-called Social Security notch problem. As my colleagues are well aware, the notch problem was created in 1977 when the Congress realized that Social Security benefits were rising to unintended levels due to a flaw in the benefit formula which overcompensated for inflation. Under the automatic benefit increase provision enacted in 1972, benefits for many individuals would have risen higher than their actual earnings before retirement. Recognizing that this unintended windfall in benefits would present a long-term problem that could jeopardize the very solvency of the Social Security trust fund, Congress substantially changed the way that Social Security benefits would be computed after 1978 in Public Law 95-216.

However, to protect benefits of people already receiving or about to receive Social Security, Congress provided a special method of computation to those persons reaching retirement age in the first several years after the new rules went into effect. These special rules were to prevent persons who would not have much time to adjust their retirement plans based on the prior law from being affected too adversely by the new law.

Individuals becoming eligible for retirement benefits by reaching age 62 in 1979-83 were allowed to compute their benefits under the new rules or under the old rules with some limitations, whichever would result in higher benefits. The modified old law formula is called the transitional guarantee and is available to all individuals born from 1917 through 1921. Had the persons born in this period not received this transitional guarantee, their benefits computed under the new rules would have been much lower, in many instances.

Despite efforts to provide equity for those born from 1917-21, many "notch babies" find that their benefits are substantially lower than persons with identical work histories that were born in 1916 and earlier. In some cases, benefits for "notch babies" may be as much as $150 less than a prenotch pension, although the average difference is much lower.

Although I support the change made by Congress in 1977 to bring future benefits in line with the ability of the system to pay for them, I am concerned with the significant disparity that exists between benefits for prenotch retirees and the "notch babies." Therefore, I am introducing legislation that will help mitigate that disparity.

The measure I am introducing will allow the computation of earnings after 61 when determining benefits under the transitional guarantee method, which will result in higher benefits for notch retirees. Ordinarily, under both the old law and the new law, earnings after age 61 may be taken into account in computing a Social Security benefit. However, several limitations were imposed in the transitional guarantee including the disallowance of earnings after age 61 in the computation of benefits. My bill would remove that restriction. All earnings back to 1979 would be included, with the revised computation effective January 1985.

I feel that this is the fairest, most realistic approach that would equalize the treatment of earnings after age 61 in the transitional guarantee, with the treatment of those earnings in both the old and the new law. This measure is also a much more responsible approach than some of the more familiar bills, such as H.R. 1917. Although this notch bill has drawn the interest and support of many notch groups, it stands little chance of congressional action because of its tremendous cost of $92.6 billion through 1990. Not only would this bill jeopardize the short-term financial stability of the Social Security Program, but it would also require a substantial increase in the tax rate paid by all workers covered under the program.

Although the scope of my bill is more moderate, it would remove the most unfair aspect of the computation of benefits for those individuals born from 1917-21. Yet, it would do so in a fiscally responsible manner that will not not jeopardize the solvency of the Social Security system that millions of our elderly depend upon. Although I have not received Congressional Budget Office revenue estimates, actuarial studies from the Social Security Administration indicate this proposal would require additional Social Security payments of $11.8 billion.

I do want to emphasize the necessity of congressional action in 1977 to eliminate the unintended benefits that occurred during years of high inflation in the early 1970's. Due to the 1972 benefit formula that overcompensated for inflation, the average replacement rate of retirement benefits to wages had risen from 30 percent in 1970 to an average of 54 percent in 1981. The 1977 law has ensured that the average replacement rate of 45 percent will be provided for all postnotch retirees.

However, we must also insist that senior citizens are not unfairly penalized in the transition from the old overindexed formula to the new formula. My bill provides for a more fair transition. I urge my colleagues to join me in seeking an appropriate legislative solution to this problem.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD as follows.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) REMOVAL OF RESTRICTION.—Section 215(b)(4) of the Social Security Act is amended by striking out all that follows "shall remain in effect" and inserting in lieu thereof a period.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to monthly benefits payable for months after December 1984.

ADDITIONAL COSPONSORS

S. 676

At the request of Mr. BENTSEN, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 676, a bill to establish the title of States in certain resources.

S. 680

At the request of Mr. THURMOND, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 680, a bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

S. 797

At the request of Mr. HATCH, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Virginia [Mr. WARNER], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 797, a bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938, which shall terminate on September 30, 1987, and for other purposes.

S. 929

At the request of Mr. HEINZ, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 929, a bill to amend the Railroad Retirement Act of 1974 to eliminate the COLA offset provisions, and restore amounts offset under those provisions after January 1984.

S. 951

At the request of Mr. GORTON, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 951, a bill to amend the Fair Debt Collection Practices Act to provide that any attorney who collects debts on behalf of a client shall be subject to the provisions of such act.

S. 987

At the request of Mr. EXON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KERRY], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 987, a bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-1865.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Florida [Mrs. HAWKINS], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1153

At the request of Mr. D'AMATO, the names of the Senator from Texas [Mr. BENTSEN], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 1153, a bill to provide for the distribution within the United States of the U.S. Information Agency film entitled "Hal David: Expressing a Feeling."

S. 1233

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1233, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 1249

At the request of Mr. HEINZ, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1249, a bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under Medicare and Medicaid.

S. 1277

At the request of Mr. BRADLEY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to provide that States may provide home or community-based services under the Medicaid Program without the necessity of obtaining a waiver.

S. 1434

At the request of Mr. WILSON, the names of the Senator from Idaho [Mr. MCCLURE], the Senator from North Carolina [Mr. EAST], the Senator from Nevada [Mr. HECHT], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1434, a bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that Act relating to maximum hours.

S. 1450

At the request of Mr. HEINZ, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1450, a bill to prohibit the Secretary of Health and Human Services from changing reimbursement levels or methodologies for home health services under the Medicare Program prior to October 1, 1986, or during a freeze period.

SENATE JOINT RESOLUTION 105

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 105, a joint resolution to designate July 23, 1985, as "Ulysses S. Grant Day."

SENATE JOINT RESOLUTION 147

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 147, a joint resolution to designate a calendar week in 1985 as "National Infection Control Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. WILSON, the names of the Senator from Florida [Mr. CHILES], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 160, a bill designating the week beginning November 10, 1985, as "National Disabled Veterans Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from South Carolina [Mr. THURMOND], the Senator from South Dakota [Mr. ABDNOR], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Idaho [Mr. MCCLURE], the Senator from Delaware [Mr. ROTH], the Senator from Vermont [Mr. STAFFORD], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Nevada [Mr. LAXALT], the Senator from Oklahoma [Mr. NICKLES], the Senator from Idaho [Mr. SYMMS], the Senator from Alabama [Mr. DENTON], the Senator from Texas [Mr. GRAMM], the Senator from Nevada [Mr. HECHT], the Senator from Wyoming [Mr. WALLOP], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Missouri [Mr. DANFORTH], the Senator from Florida [Mrs. HAWKINS], the Senator from California [Mr. WILSON], the Senator from Wyoming [Mr. SIMPSON], the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. RIEGLE], the Senator from Tennessee [Mr. SASSER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Oklahoma [Mr. BOREN], the Senator from Florida [Mr. CHILES], the Senator from Michigan [Mr. LEVIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Texas [Mr. BENTSEN], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. LONG], the Senator from Ohio [Mr. GLENN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maine [Mr. MITCHELL], the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from West Virgina [Mr. BYRD], the Senator from Georgia [Mr. MATTINGLY], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Nebraska [Mr. EXON], were added as cosponsors of Senate Joint Resolution 161, a joint resolution to appeal for the release of Soviet Jewry.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 51, a concurrent resolution to congratulate the Society of Real Estate Appraisers on the 50th anniversary of its founding.

SENATE CONCURRENT RESOLUTION 57—RELATING TO THE FARM CREDIT SYSTEM

Mr. GRASSLEY submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 57

Whereas the Farm Credit system is the single largest agricultural lender in the United States and provides essential financial services to many hundreds of thousands of farmers and ranchers through production credit and Federal land bank association;

Whereas the Farm Credit System was created by Congress with the objective of farmer- and rancher-borrower participation in the management, control, and ownership of a permanent system of credit for agriculture, as reaffired in the Farm Credit Act of 1971;

Whereas any merger of Federal land bank and production credit associations requires the approval of the majority of voting member-borrowers and is intended, under

the provisions of the Farm Credit Act of 1971 to improve service to borrowers;

Whereas the Farm Credit System is actively pursuing the merger of land bank and production credit associations without borrower approval or authorization; and

Whereas such action is inconsistent with the intent of Congress as stated in the Farm Credit Act of 1971: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) local control and participation by farmer- and rancher-borrowers in the Farm Credit System should not be diminished; and

(2) wide-scale consolidations and mergers of Federal land bank associations and production credit associations should not be pursued by the Farm Credit System or accomplished through coercive action such as the threat of liquidation of dissenting associations.

Mr. GRASSLEY. Mr. President, I rise to submit a concurrent resolution. Congresswoman VIRGINIA SMITH of Nebraska is submitting an identical concurrent resolution in the House. The purpose of this legislation is to send a clear signal from the Congress that it believes in a strong farmer controlled Farm Credit System. This resolution would express the sense of the Congress that we do not want local control and participation by farmer- and rancher-borrowers in the Farm Credit System to be diminished. We in Congress would be giving notice to officials in the Farm Credit System that we are not going to tolerate coercive pressure to force wide-scale consolidations and mergers and weaken local control.

It has become increasingly and painfully clear that the Farm Credit System is losing sight of its primary mission, serving the family farmer. Not a day goes by that I do not receive an extraordinary number of letters, phone calls, and personal visits from farm borrowers and officials of Federal Land Banks and Production Credit Associations who feel they have lost control over the major decisions affecting their banks and associations. I have even received communications from elected board members on every level who are confused and angered that they have been either overlooked or just plain ignored by the officials in the Farm Credit System.

Mr. President, this cannot continue. Federal Land Bank members in many States, who are already facing overwhelming adverse conditions in agriculture, awoke the first of this month to find that their interest rates had been increased a full three-quarters of 1 percent and they had nothing to say about it. They are stockholders of the Federal Land Bank but had no voice in this decision. Members of Production Credit Associations across my State and other States have had their PCA stock frozen without any voice in the decision. It is tragic that the stock which legally represents their ownership of the association is frozen without anyone even asking for their input.

We have read reports of the long-term plans being considered by the Farm Credit System to shift even more power and authority away from the member/stockholders in the Farm Credit System. This deeply concerns me. It's astonishing that some of these officials believe they can abandon its primary mission of serving family farmers, under farmer-borrower control, and think Congress will sit by quietly. To even consider this shift in policy will spur a backlash by Congress and Farm Credit System borrowers.

Mr. President, for these reasons, I will be introducing legislation which will give farmer member/stockholders access to lists of other member/stockholders of the Farm Credit System. This will allow stockholders to communicate, coordinate, and organize with other member/stockholders in the Farm Credit System. I find no real excuse for the present obstructive policies which bar stockholders from knowing who their colleagues are. It makes no sense to say that the Farm Credit System is member/borrower controlled and then put up barriers that do not allow them to communicate with each other. How can they truly control this System without knowing who their colleagues are? How can they compare notes or coordinate efforts? Farmers can't manage a system in the dark or in a vacuum. They have a right to know what is going on and who the other stockholders are.

I urge my colleagues to join me in sending this strong signal to farmers in the Farm Credit System that Congress cares and insists that the Farm Credit System remain bound to its original mission of serving family farmers. Congress must put on notice those officials within the Farm Credit System that action abandoning the family farmer will not be tolerated.

AMENDMENTS SUBMITTED

PEARL HARBOR SURVIVORS ASSOCIATION

INOUYE AMENDMENT NO. 532

Mr. INOUYE proposed an amendment to the bill (H.R. 1042) to grant a Federal charter to the Pearl Harbor Survivors Association; as follows:

On page 2, line 8, delete the word "devices" and insert in lieu thereof "devises".

On page 6, line 11, delete the word "the".

RELEASE OF SOVIET JEWRY

DOLE (AND OTHERS) AMENDMENT NO. 533

Mr. DOLE (for himself, Mr. BYRD, Mr. INOUYE, Mr. GORTON, and Mr. MATTINGLY) proposed an amendment to the joint resolution (S.J. Res. 161) to appeal for the release of Soviet Jewry; as follows:

Paragraph (3) is amended to read as follows:

"(3) to allow those thousands of Jews who wish to emigrate to join their relatives abroad, or to be repatriated to their historic homeland, to leave this year and pledge that such cases shall be dealt with expeditiously and in a humanitarian way during the next 3 years, thus enabling those who have requested exit permits to leave."

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet in closed session, during the session of the Senate, on Thursday, July 18, at 4:30 p.m., to conduct a hearing on counter-intelligence issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet in closed session, during the session of the Senate, on Thursday, July 18, at 4 p.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 18, 1985, in order to conduct a business meeting to mark up omnibus water resources development bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, Reserved Water and Resource Conservation, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, July 18, to hold an oversight hearing on National Park System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Trans-

portation be authorized to meet during the session of the Senate on Thursday, July 18, 1985, in order to conduct a meeting on S. 1312, the Federal Communications Commission Network Acquisition Approval Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 18, 1985, in order to mark up S. 616, the farm bill, and related measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CAPTIVE NATIONS

● Mr. D'AMATO. Mr. President, I rise today in somber recognition of this week as "Captive Nations Week." At this time we must raise our voices for all the world to hear of the oppression of peoples all around the globe who have lost their right of self-determination.

It is this fate that we must refuse to accept. Since the beginning of recorded history, man has invaded, annexed, engulfed, and subjugated his neighbor and his neighbor's country. Ever since the Egyptian Empire enslaved the Ethiopians, the Hebrews, and others of the region, we have witnessed a world in which mankind has shamelessly usurped the right to govern from his brothers and sisters.

Presently, there are approximately 30 nations considered to be captive nations. They include Armenia, Azerbaijan, Bielorussia, Cossackia, Georgia, Ida-Ural, North Caucasia, Ukraine, Far Eastern Republic, Turkestan, Mongolia, Estonia, Latvia, Lithuania, Albania, Bulgaria, Yugoslavia, and Poland. In this oppressed group we also find Romania, Czechoslovakia, North Korea, Hungary, East Germany, Tibet, Vietnam, Cambodia, Laos, and Cuba.

Mr. President, let's look at a few of the countries in this group. There is Ukraine, with 50 million citizens, which declared independence on January 22, 1918 and was invaded by the Russian Communists in 1920. In 1933, Moscow inflicted a famine on Ukraine designed to destroy the intellectual elite, break the will of the people, and significantly reduce its population.

In Poland, the Nazis invaded during World War II and raped the countryside and slaughtered its people. Then the Soviet Union moved in with no reprieve. Since World War II, the Polish people have labored under further oppression. When it appeared that solidarity might move the Soviet puppets of the Polish Government in the direction of humanitarian reform, Moscow once again played puppet master and removed the foundation of hope upon which the Polish people were marching.

In the area of Vietnam, Cambodia, and Laos, the atrocities are endless. Millions of people have been murdered, while hundreds of thousands of others have fled the homes of their ancestors while forces have flowed back and forth over their borders as though they were playing a human chess game.

This is the despair of human folly that we mourn this week. We, as Americans, believe that free will is one of the traits truly worth living, and dying, for as free-thinking human beings. It is our task as leaders of the free world to support self-determination wherever it is threatened; 200 years ago Patrick Henry proclaimed "Give me liberty or give me death." Has liberty become any less precious in the last two centuries?●

MAYOR TED CROZIER: TENNESSEE MUNICIPAL LEAGUE'S NEW PRESIDENT

● Mr. SASSER. Mr. President, Mayor Ted Crozier of Clarksville was elected president of the Tennessee Municipal League [TML] for the coming year during last month's annual TML convention.

As keynote speaker at the convention, I can attest to both the popularity of, and wisdom of, the choice by local officials from throughout the State to select Ted as their leader for 1985-86.

He brings with him to his position a rich background. The son of an Oklahoma county judge who came to Washington as a congressional assistant, he attended school here in our Nation's capital and elsewhere, went on to a distinguished career in the U.S. Army, where he served in two wars, and worked in the aereospace industry before running successfully for mayor of Clarksville in 1978.

As quoted in the Tennessee Town & City, TML's newspaper, Ted's motto is: "How can we do this better?"

I suspect that many who know him would answer that having Ted Crozier as their leader is one way any organization can do better.

Along with his fellow mayors and municipal officials from throughout the State, I want to wish Mayor Ted Crozier the very best during his tenure as TML president.

In order that others know more about this distinguished public servant, I ask that a July 15, 1985 article in Tennessee Town & City on Ted Crozier be printed in the RECORD.

The article fellows:

[From the Tennessee Town & City, July 15, 1985]

TML PRESIDENT CROZIER IS USED TO INNOVATE ORGANIZING

(By Gael Stahl)

Mayor Ted Crozier, TML President for 1985/86, has a perpetual quest in Clarksville; he persistently seeks the innovative, more productive efficient way to get things done.

Oddly enough, his motto: "How can we do this better?" was forged experientially in the sometimes "Catch-22" world of the military. He spent an awful lot of his career reorganizing elements of that gigantic bureaucracy.

Crozier is sterling proof that all universal statements (including these) are suspect. Although accustomed to command in the military, as mayor he meticulously crafts improvements in concert with the city council. No mayoral martinet here. Municipal officials who best know him expect president Crozier's obvious high energy to be expended in advancing cooperative efforts for the common good of all Tennessee towns and cities.

Mayor Crozier's administration is best described by his oft-repeated refrain: "How can I run Clarksville with the city council and department heads just like we would run a business, doing things better for less using imaginative ideas, and to project with a fifteen-year plan, ("The 2K Plan"), where we want Clarksville to be in the year 2000?

Each year the mayor comes up with 20 objectives on how to make Clarksville a better place to live, work and play. His aim, like that of all mayors, is to improve the livability of his town. He probably has a few ideas up his sleeve for TML and NLC, too.

Ted Crozier grew up on an Indian reservation in Pawhufka, Oklahoma where his dad was country judge until he became campaign manager for a Congressional candidate who won in the first Oklahoma district representing the Tulsa area. As Congressional administrative assistant, he took the family to Washington, DC. He planned to stay two years and then return to Oklahoma. Twenty-eight years later Ted finally moved his mother out of D.C.

Ted's father, an attorney, also taught judge advocate procedures to the Army during WWII. Ted went to school in the District, swearing he'd never be a "blankety blank" politician.

He attended Mercersburg Academy in Pennsylvania, and was at the Citadel military academy in Charleston, S.C., when he was drafted just six months before graduation. That meant entering the Army as a lowly private. He rose to PFC and corporal when it dawned on him that "old dad was right about studying."

So off he went to Officer Candidate School in Fort Benning, Georgia. It was all upwards from there (literally); first to parachute school, then to the Far East with the Eleventh Airborne Division, and from Japan to Fort Campbell, Ky., in 1949. The year the Eleventh arrived, Clarksville jumped from a town of 12,000 to 16,000 people.

There Ted met and married Mary Thom Wall. It was a moving, in fact, global experience for Mary Thom and the kids. In the next 32 years, they moved 34 times.

Ted served in Korea with the 187th Airborne Regimental Combat Team. His later assignments included parachute school instructor, flight school for single engine fixed wing and instrument training, and helicopter school.

After more schooling he was sent to the US Army Europe Headquarters Operations Division and assumed command of a mechanized infantry in Worms, Germany, for 18 months. Back at the Pentagon he was the Army representative on the Dept. of Defense intra-theater transportation study which considered all strategic means of transportation including oil pipeline, air, and sea.

After that he was assigned to the US Army War College at Carlisle, PA, and became the first aviation group commander and aviation officer of the 101st in Vietnam. His mission was to form the parachute unit into air-landed units using 426 helicopters and four fixed-wing aircraft. His units were heavily involved in combat operations in the Ashau Valley.

Crozier then served in a command position at an aviation school until promoted to brigade commander and deputy post commander of seven battalions for aviation training and maintenance of helicopters. Then he was "sent back screaming" to the Pentagon in the office of the Assistant Chief of Staff for Force Development.

Crozier's finale in the service was as Chief of all aviation warrant officers and Chief of Staff of the 101st Airborne Division (Air Assault) at Ft. Campbell, Ky., for two and a half years.

Colonel Crozier retired three years early in 1977 "to see what the free enterprise system was like." He formed a personnel consulting firm, a radiant glass heating firm, and was a consultant to Boeing Aerospace in Seattle, Wash., in the design of its troop carrying aircraft until he ran for mayor in the fall of 1978 and was elected for his first term starting Jan. 1, 1979.

He's been applying business reorganization techniques to Clarksville ever since. He claims he learns many of them from his participation in the Tennessee Innovations Group and wishes more mayors were members.

Crozier has three children, two of whom are in the military. He, Mary Thom, and two children all graduated from Austin Peay State University in Clarksville. His oldest son graduated from West Point but is now back at APSU and will get a degree soon from the University of Southern California extension program at Fort Campbell.●

AIRBAGS FOR SAFETY

● Mr. DANFORTH. Mr. President, it has long been my belief that every car should be equipped with an airbag so that the American public may benefit from the very best crash protection technology available. The lifesaving effectiveness of the airbag was again demonstrated in a recent incident involving Melanie Stephenson, a Travelers Insurance employee.

The Insurance Institute for Highway Safety in its Status Report of July 6, 1985, tells of how Ms. Stephenson avoided serious injury following a head-on collision with a 28,000 pound truck. She was indeed fortunate that her Ford Tempo was part of her company's new fleet equipped with airbags. An investigation following the accident revealed that Ms. Stephenson would have been seriously injured had the car not been equipped with an airbag.

I would like to commend the Travelers Co. and the General Services Administration for their recent purchases of fleets of Ford Tempos equipped with airbags. Such fleet purchases are a positive step. As commendable as equipping two fleets with airbags is, however, it is simply not enough. The airbag should be available in any new car purchased in the United States. It makes sense that the American public should be allowed to purchase the most effective and least intrusive crash protection technology available today.

Earlier this year I introduced S. 864, legislation that would require airbags to be installed in every new car sold in the United States on a phased-in basis. The timetable established in my bill is as follows: 10 percent of all automobiles manufactured on or after September 1, 1986, are to be equipped with an airbag; 25 percent of all cars manufactured on or after September 1, 1987; 40 percent of all automobiles manufactured on or after September 1, 1988; and 100 percent compliance would be required on or after September 1, 1989. Mr. President, I urge my colleagues to support this legislation. If enacted into law, thousands of lives would be saved and hundreds of thousands of injuries prevented each year, not to mention a significant saving in the economic cost of nearly $60 billion associated annually with traffic accidents.

Mr. President, I ask that the article describing Ms. Stephenson's accident and how an airbag prevented her from being seriously injured be included in the RECORD.

The article follows:

[From the Insurance Institute for Highway Safety, July 6, 1985]

STATUS REPORT—TEMPO AIR BAG SAVES DRIVER FROM SERIOUS INJURY IN COLLISION

A Travelers Insurance employee escaped serious injury when the air bag equipped Ford Tempo she was driving skidded into an oncoming propane gas tanker.

Melanie Stephenson reports she was driving on a narrow, winding, hilly road at about 10:30 a.m. on June 18, 1985. The road was wet from rain.

As she rounded a downhill blind curve to the right, she said she was surprised by a tanker truck approaching from the opposite direction and braked sharply. The Tempo she was driving skidded to the left, into the 28,000 pound truck's path and the left front of the car hit the truck.

Stephenson was wearing her lap/shoulder belt when the crash occurred and reports that she was not aware that the air bag had deployed until after the crash was over. Her knees struck the dashboard and there was evidence of moderate loading of the seat belt, Institute engineers who investigated the crash reported. The crash was equivalent to hitting a solid barrier at 23 mph, the Institute analysis concluded.

The crash caused both doors to jam on the left side of the car. The investigators concluded that the impact "was sufficiently severe that without the seat belt and air bag, the driver would have experienced significant injuries to the head, chest, and knees."

Other Ford Tempos equipped with driver air bags deployed in less severe crashes. So far, the General Services Administration (GSA) has reported five crashes of Tempos in its fleet.●

THE FUTURE OF FREDDIE MAC AND THE SECONDARY MORTGAGE MARKET

● Mr. GARN. Mr. President, I would like to take this opportunity to inform my fellow colleagues of the Federal Home Loan Mortgage Corporation's 15-year anniversary celebration.

Since its creation by Congress in 1970, Freddie Mac has been a catalyst in the secondary mortgage market. Its past accomplishments guided and significantly improved the beginnings of the secondary market. Freddie Mac is certain to help the future of the market as well.

Freddie Mac buys mortgages from lenders, pools and packages them into securities, and then sells these securities to investors. This process created a new secondary mortgage market with the original purpose of helping financial institutions reallocate funds from capital-surplus to capital-deficit areas. Both Freddie Mac and the market have progressed from a small, inefficient, costly system to a sophisticated, fast-paced, multifaceted financial trading system.

During the 15 years following Freddie Mac's creation, we have witnessed tremendous growth and continued success in the secondary mortgage market. Freddie Mac has an impressive record; from 21,000 mortgages purchased in 1971 to 560,000 purchased in 1984, or more than 2,000 every business day. Sales in the securities markets have grown from $778 million in 1971 to $21.9 billion in 1984.

Freddie Mac has worked hard at leading the future of the secondary market through new marketing strategies, development of new products, and development of a broader investor base. In addition, Freddie Mac is upgrading the technological capabilities of its human resources, reorganizing its management, and installing a new electronic mortgage transferring system, all to prepare for an efficient, profitable future.

Freddie Mac's goals without a doubt will advance the secondary market. Its past performance illustrates the future. The corporation and its staff have done an outstanding job. The secondary market is clearly much better organized and functioning smoother than ever before in its history as a result of Freddie Mac's activities. Standardization has brought greater efficiency to the marketplace; investor confidence in the mortgage has increased; and nontraditional investors have been attracted to the sec-

ondary mortgage market which has helped generate additional mortgage credit like never before.

The secondary mortgage market of the future will dominate the housing finance industry in America, with Freddie Mac in a lead position I am sure. Through the market's continuing development, homebuyers will have more choices for purchasing a home and the growing demand for additional mortgage money will be met.

Congratulations Freddie Mac and good luck in the future●

SUPPLEMENTARY EXTRADITION TREATY BETWEEN THE UNITED STATES, THE UNITED KINGDOM, AND NORTHERN IRELAND

● Mr. LUGAR. Mr. President, yesterday the President submitted a Supplementary Extradition Treaty between the United States, the United Kingdom of Great Britain, and Northern Ireland to the Senate for advice and consent. Considerable interest in the treaty has already been expressed. For the benefit of all interested parties, I submit a copy of the treaty together with Secretary of State Shultz' letter of transmittal to the President for the RECORD.

DEPARTMENT OF STATE,
Washington, July 3, 1985.

The PRESIDENT,
The White House.

MR. PRESIDENT: I have the honor to submit to you the Supplementary Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with annex, signed at Washington on June 25, 1985. I recommend that the Supplementary Treaty be transmitted to the Senate for advice and consent to ratification.

The Supplementary Treaty supplements and amends the Extradition Treaty between the United States and the United Kingdom, signed at London on June 8, 1972 (28 U.S.T. 227; TIAS 8468). The Supplementary Extradition Treaty would exclude specified crimes of violence, typically committed by terrorists, from the scope of the political offense exception to extradition. It therefore represents a significant step to improve law enforcement cooperation and counter the threat of international terrorism and other crimes of violence.

Article 1 of the Supplementary Treaty effectively limits the scope of Article V, paragraph (1)(c)(i) of the current Extradition Treaty—the political offense exception—by listing the crimes which shall not be regarded as offenses of a political character, namely: aircraft hijacking; aircraft sabotage; crimes against internationally protected persons, including diplomats; hostage taking; as well as murder; manslaughter; malicious assault; kidnaping; and specified firearms, explosives, and serious property damage offenses.

Article 2 of the Supplementary Treaty amends Article V, paragraph (1)(b) of the current Extradition Treaty by providing that extradition shall be denied if prosecution would be barred by the statute of limitations of the requesting State. The current treaty provision permits the statute of limitations of either the requesting or requested State to apply.

Article 3 of the Supplementary Treaty amends Article VIII, paragraph (2) of the current Extradition Treaty by providing that the requesting State shall have as much as 60 days following provisional arrest to submit evidence in support of an extradition request, and that if by that time such evidence has not been submitted the person arrested shall be set at liberty. The current treaty allows only 45 days.

Article 4 of the Supplementary Treaty provides that its provisions shall apply to any offense committed before or after the entry into force of the Supplementary Treaty, but shall not apply to an offense committed before the Supplementary Treaty enters into force if the offense in question was not an offense under the laws of both Contracting Parties at the time of its commission.

Article 5 of the Supplementary Treaty provides that it shall form an integral part of the current Extradition Treaty and sets forth its territorial application for the United States and the United Kingdom, respectively.

Article 6 of the Supplementary Treaty provides that it shall enter into force upon the exchange of instruments of ratification and shall be subject to termination in the same manner as the current Extradition Treaty.

The Department of Justice joins the Department of State in favoring transmission of this Supplementary Treaty to the Senate at the earliest possible date.

Respectfully submitted,

GEORGE P. SHULTZ.

SUPPLEMENTARY TREATY CONCERNING THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, SIGNED AT LONDON ON JUNE 8, 1972

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland;

Desiring to make more effective the Extradition Treaty between the Contracting Parties, signed at London on 8 June 1972 (hereinafter referred to as "the Extradition Treaty");

Have resolved to conclude a Supplementary Treaty and have agreed as follows:

ARTICLE 1

For the purposes of the Extradition Treaty, none of the following offenses shall be regarded as an offense of a political character:

(a) an offense within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, opened for signature at The Hague on 16 December 1970;

(b) an offense within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, opened for signature at Montreal on 23 September 1971;

(c) an offense within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, opened for signature at New York on 14 December 1973;

(d) an offense within the scope of the International Convention against the Taking of Hostages, opened for signature at New York on 18 December 1979;

(e) murder;

(f) manslaughter;

(g) maliciously wounding or inflicting grievous bodily harm;

(h) kidnapping, abduction, false imprisonment or unlawful detention, including the taking of a hostage;

(i) the following offenses relating to explosives:

(1) the causing of an explosion likely to endanger life or cause serious damage to property; or

(2) conspiracy to cause such an explosion; or

(3) the making or possession of an explosive substance by a person who intends either himself or through another person to endanger life or cause serious damage to property;

(j) the following offenses relating to firearms or ammunition:

(1) the possession of a firearm or ammunition by a person who intends either himself or through another person to endanger life; or

(2) the use of a firearm by a person with intent to resist or prevent the arrest or detention of himself or another person;

(k) damaging property with intent to endanger life or with reckless disregard as to whether the life of another would thereby be endangered;

(l) an attempt to commit any of the foregoing offenses.

ARTICLE 2

Article V, paragraph (1)(b) of the Extradition Treaty is amended to read as follows:

"(b) the prosecution for the offense for which extradition is requested has become barred by lapse of time according to the law of the requesting Party; or"

ARTICLE 3

Article VIII, paragraph (2) of the Extradition Treaty is amended to read as follows:

"(2) A person arrested upon such an application shall be set at liberty upon the expiration of sixty days from the date of his arrest if a request for his extradition shall not have been received. This provision shall not prevent the institution of further proceedings for the extradition of the person sought if a request for extradition is subsequently received."

ARTICLE 4

This Supplementary Treaty shall apply to any offense committed before or after this Supplementary Treaty enters into force, provided that this Supplementary Treaty shall not apply to an offense committed before this Supplementary Treaty enters into force which was not an offense under the laws of both Contracting Parties at the time of its commission.

ARTICLE 5

This Supplementary Treaty shall form an integral part of the Extradition Treaty and shall apply:

(a) in relation to the United Kingdom: to Great Britain and Northern Ireland, the Channel Islands, the Isle of Man and the territories for whose international relations the United Kingdom is responsible which are listed in the Annex to this Supplementary Treaty;

(b) to the United States of America;

and references to the territory of a Contracting Party shall be construed accordingly.

ARTICLE 6

This Supplementary Treaty shall be subject to ratification and the instruments of ratification shall be exchanged at London as soon as possible. It shall enter into force

upon the exchange of instruments of ratification. It shall be subject to termination in the same manner as the Extradition Treaty.

In Witness Whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Supplementary Treaty.

Done in duplicate at Washington this twenty-fifth day of June, 1985.

For the Government of the United States of America:

——— ———.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

——— ———.

ANNEX

Anguilla.
Bermuda.
British Indian Ocean Territory.
British Virgin Islands.
Cayman Islands.
Falkland Islands.
Falkland Islands Dependencies.
Gibraltar.
Hong Kong.
Montserrat.
Pitcairn, Henderson, Ducie and Oeno Islands.
St. Helena.
St. Helena Dependencies.
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.
Turks and Caicos Islands.●

IMPORTANCE OF THE AGRICULTURAL EXTENSION SERVICE AND THE 4-H PROGRAM

● Mr. PRESSLER. Mr. President, for several years, I have paid tribute annually to the success and value of the agricultural research and extension programs. These programs benefit farmers, ranchers, consumers, and youth throughout America. The Cooperative Extension Program has been one of our Government's most productive programs and agricultural efforts have helped to keep American farmers as the most productive in the world.

Having grown up on a small family farm, I know from personal experience that strong support for agricultural research and the Cooperative Extension Service is vital to America. In these times of extreme hardship on the family farm, if we are to continue to increase agricultural productivity, considerable strides in agricultural research and continued effective extension services are essential. The efforts of these agencies to improve farm management and efficiency are now more important than any time in our history. Not only do these programs provide for research, but also the Cooperative Extension Service guides the fastest growing youth organization in the country. This organization is 4-H.

As a member of the local 4-H Club, the Humboldt Hustlers, for 9 years, I enjoyed many great experiences, as will the 4.5 million youth currently enrolled in the 4-H Program. I was fortunate enough to attend two 4-H Club congresses in Chicago; the 1961 World Agricultural Fair in Cairo, Egypt; and had the honor of giving the "National Report to the President" to the late John F. Kennedy in the White House in March 1963. While not all young people are as fortunate as I was in my 4-H involvement, these youth organizations are still extremely important in the lives of a large number of young people.

Currently, there are over 45 million alumni, or 1 out of every 6 Americans. While 4-H reaches over 50 percent of all farm youth, accounting for about 16 percent of the total membership, the remaining 3.8 million members are from small towns and urban areas. This shift from rural to urban members has been coupled with a shift ●and broadening of 4-H programming through the years. 4-H has met these challenges of change with its strong traditions of self worth, achievement, and leadership.

From its conception, 4-H has consistently challenged young people to give their best—helping them to grow to their fullest potential and motivating them to work toward their goals. 4-H'ers are addressing contemporary concerns while helping their peers and others in their communities take a positive approach to the art of living. Typical of teenage involvement is Tammara Kretschmer, a South Dakota 4-H'er who launched a public awareness campaign emphasizing increased availability of facilities for the handicapped. Kretschmer, a national 4-H Club congress delegate, spent countless hours lobbying for reforms for handicapped individuals. She reached thousands of people in presentations at school assemblies, parent-teacher associations, in classrooms, and at other State and National organizations.

In the agricultural arena, young people are turning 4-H projects into self-sufficient business enterprises. Sixteen-year-old Scott Fleming from Georgia operates his own poultry business and raised prize-winning swine and beef. Alice Beth MacMillen from New York learned about chick development and hatching through the 4-H embryology project. She sells fresh-dressed turkey and has set up a self-service egg business.

One main ingredient for the success of these 4-H'ers is the more than 630,000 volunteer leaders. Volunteer leaders, backed by a highly qualified professional staff, work directly with young people to help them develop interpersonal and practical skills. These volunteers give an extraordinary amount of time to 4-H. The average 4-H volunteer donates 220 hours per year in preparing for and teaching youth. Last year, these volunteers gave over $1.1 billion to the 4-H Program in terms of mileage, materials donated, and contributions. In fact, for every Federal dollar invested in the 4-H Program, 10 matching dollars are given by other sources. It is this kind of cost-effective management that makes 4-H so attractive to Government and to the private sector.

President Reagan has cited 4-H as an outstanding example of a unique and beneficial partnership between individuals, educators, Government, and the private sector.

For more than six decades, the private sector has recognized the value of creative approaches to practical learn-by-doing education. With this support, youth are motivated to strive for excellence through incentives and awards, innovative educational aids, and pilot programs. At the same time, young people explore careers and pursue personal goals that lead to lifelong success. Some of this support provides for unique learning opportunities through travel.

This year alone, over 16,000 4-H'ers will receive national or international trips or scholarships worth nearly $1 million. In fact, just recently I spoke to 128 South Dakota 4-H'ers here in Washington who were attending the Citizenship-Washington Focus, a week-long summer program focusing on citizenship and Government. Close to 5,000 young people will attend this informative and exciting conference in our Nation's Capital—making it the largest youth conference in the Nation.

Mr. President, programs such as these are vital to America. Through these programs, young people will learn and become motivated on their way to becoming tomorrow's leaders. I support and commend 4-H youth, the Extension Service, and the many dedicated 4-H volunteers across the Nation.●

SALUTE TO RICK McCARTHY AND MARGARET BARNARD

● Mr. DURENBERGER. Mr. President, several weeks ago, I had the honor and privilege to speak at the commencement exercises for graduating seniors at the College of St. Thomas in St. Paul.

Among the graduates honored was Rick McCarthy, a 24-year-old young man from Bloomington.

What made Rick McCarthy's case special was the fact that he was joined in receiving his diploma by his grandmother, Margaret Barnard, 70, who has been Rick's eyes and legs and arms for the past 5 years—pushing his wheelchair from class to class, reading his assignments aloud, writing his test and paper from dictation, and even dissecting a frog in biology class.

To recognize her contributions to furthering her grandson's education, St. Thomas officials presented Margaret Barnard with an honorary degree in English at the same time Rick received his bachelor's degree in the same subject.

By coincidence, the topic of my speech at these commencement exercises was a subject which has been much on my mind lately, generational equity.

Too many of us these days do not give enough thought to the impact which our use and overuse of fiscal and natural resources will have on future generations.

Unfortunately, discussions on the need to give greater attention to generational equity issues often ends in shouting matches between generations. Over the past year, I have been trying through my chairmanship of a new organization called Americans for Generational Equity [AGE], to direct these concerns into more rational discussions within families and among generations.

All of us must realize that we have a stake—to our children and grandchildren—leaving this world with at least the same bounty of material and human and natural resources which we were given by our own parents and grandparents.

The example of Margaret Barnard and Rick McCarthy should serve as a shining example to all of us as we pursue this goal. Because of the inspiration which these two individuals can provide us all, I ask that the following article on them be printed in the RECORD.

The article follows:

GRANDMOTHER DUE HONORARY DEGREE

(By Lucy Dalglish)

Like typical College of St. Thomas students, Rick McCarthy and Margaret Barnard spent all of two nights this week proofreading final versions of three term papers and studying for a final exam.

"That's the only way to get them done, I guess," she said with a sigh of relief after handing in the last paper.

As usual, McCarthy will get credit for the papers and the test. But college officials have decided his grandmother should share in the glory when he receives his diploma on Saturday.

For five years, Barnard, 70, has been McCarthy's legs, eyes and hands as he pursued his dream—a bachelor's degree in English.

She has pushed McCarthy's wheelchair from class to class, read his assignments out loud, written his tests and papers as he dicated them to her, and even dissected a frog in biology.

The slightly built woman with a quick laugh and loving touch was there every day for McCarthy, who has cerebral palsy.

And when it came time for her to pick up McCarthy's cap and gown last week, a sales clerk sort of spilled the beans on one of the biggest, happiest surprises St. Thomas officials have planned in a long time.

"She said, 'Gee, I think you should have one, too,' " Barnard said.

On Saturday afternoon, when she pushes McCarthy across the stage to pick up his diploma, Barnard will be dressed in a gown and mortarboard and will receive her own honorary degree in English.

McCarthy, 24, usually needs help moving his wheelchair more than a few feet. He attended Michael J. Dowling school for disabled children until he was mainstreamed into regular classes at Bloomington Jefferson High School, where he graduated in 1980.

Barnard and McCarthy live with his mother, Irene McCarthy, in Bloomington. "I started doing this to help out his mother," said Barnard, who also accompanied McCarthy during his last two years of high school.

Although the family is Catholic, he said the biggest factor in his decision to go to St. Thomas was its accessibility and willingness of college officials to accommodate him.

McCarthy may have been able to finish college without his grandmother's help.

"But even if I could have, it would have taken me a lot longer than five years," he said. "Things would start piling up and get tough to handle and she was very patient with me."

Sometimes, McCarthy said, he would worry that he would not be able to finish college.

"I don't think you had any more doubts than any other student did," his grandmothers told him in a gentle voice, then turned and said proudly, "He made the dean's list last semester."

She and McCarthy share more than a family relationship. They are best friends in search of an education.

His job was to learn.

"She was responsible for making sure I got to class on time," he said.

"That's right," she said. "You can't sit around the coffee shop drinking coffee and yakking all the time."

Although McCarthy was the official student, he usually consulted with her before he chose a course.

His favorite was 20th century British literature. She liked history and psychology. "Psychology—Oh, I loved that—the study of the mind," she said.

"The hardest part was keeping up with the textbook reading," she said. Barnard had to read for McCarthy because cerebral palsy affects a person's eye control.

"Some nights we'd have three assignments of 80 pages each," she said. "You know, it takes longer to read out loud than to read to yourself."

Not all classes were tough. During one January interim, they decided to have fun. "She talked me into taking a class on soap operas," McCarthy said.

Barnard got to check up on "All My Children," which she hadn't seen since summer break, and McCarthy, who said he didn't much care about the plots, said he has retained some of the knowledge he picked up about daytime television marketing and advertising.

After five years of waiting for specially equipped buses, daily classes and studying four to six hours each night with his grandmother, McCarthy said he is looking forward to a summer break of playing cards, watching television and painting watercolors.

"And I'd like to take off for the back woods for about two months," Barnard said.

McCarthy's new dream is to be a college English professor. A small college like St. Thomas with a faculty and administration sensitive to his special needs would be perfect, he said.

By next winter, he said he hopes to be enrolled in graduate school. "It will take me another six to eight years to do what I want, so I'd better start soon," he said.

Will she go to graduate school with him?

"I presume so," she said rolling her eyes and shaking her head.

It's obvious this scene has been played out before between grandmother and grandson.

"What do you mean?" he said. "You've come with me this far. You're not leaving me now.

She just grinned.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD the notification I have received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 17, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-40, concerning the Department of the Army's proposed Letter of Offer to Turkey for defense articles and services estimated to cost $33 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

GLENN A. RUDD,
Acting Director.

[Transmittal No. 85-40]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Turkey.

(ii) Total Estimated Value: Major Defense Equipment,[1] $27 million; Other, $6 million; Total, $33 million.

(iii) Description of Articles or Services Offered: Components and subassemblies for 15 UH-1H helicopters for final assemply by the Government of Turkey with essential assembly assistance services.

(iv) Military Department: Army (USI and USL).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 30 June 1984.

(viii) Date Report Delivered to Congress: July 17, 1985.

[1] As defined in sec. 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

TURKEY—COMPONENTS AND SUBASSEMBLIES FOR UH-1H HELICOPTERS

The Government of Turkey has requested the purchase of components and subassemblies for 15 UH-1H helicopters for final assembly by the Government of Turkey with essential assembly assistance services. The estimated cost is $33 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Turkey; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The sale of these helicopters will enhance the lift capability of the Turkish Army. The in-country assembly of these helicopters will enhance the Turkish defense industrial capability. The helicopter components and subassemblies will be provided in accordance with and subject to the limitations on use and transfer provided for under the Arms Export Control Act, as embodied in the terms of sale. The sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The prime contractor will be Bell Helicopter Textron of Fort Worth, Texas.

Implementation of this sale will require the assignment of one additional U.S. Government employee to Turkey for two months. Also, contractor representatives will be required as follows: one representative for nine months, one for six months, two for eighteen months and two for four months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 15, 1985.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Turkey of 15 UH-1H helicopters at an estimated cost of $33 million is consistent with principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the above-named articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

WILLIAM SCHNEIDER, Jr.●

NEW JERSEY STATEWIDE PUERTO RICAN DAY PARADE

● Mr. LAUTENBERG. Mr. President, it is my great pleasure to participate in the 22d annual New Jersey Puerto Rican Day Parade next Sunday, July 28. The parade completes a week of events which pay tribute to the varied and numerous accomplishments of members of the New Jersey Puerto Rican community.

This year's parade should attract some 25,000 onlookers to the Broad Street parade route in Newark, NJ. In the parade's 22-year history, it has grown from a small event into one in which a significant number of Puerto Rican community organizations participate. Although the majority of the participants are from the Puerto Rican community, this parade gives us all a reason to celebrate the ethnic diversity which has made New Jersey and our country great. The parade will be led by Grand Marshal Angel Quinones, councilman from Perth Amboy, and will include Lilian Negron, Miss Puerto Rico of New Jersey for 1985, as its queen.

The parade follows many other related activities, including the opening of a Puerto Rican cultural exhibit at the Newark Museum on July 26, and the mayor's breakfast, hosted by Hon. Kenneth Gibson, mayor of Newark.

The parade also caps off a year of activities for its sponsor, Puerto Rican Statewide Parade of New Jersey, Inc. This nonprofit organization provides college scholarships to needy Puerto Rican students from New Jersey. Last year, 10 deserving students received a total of $5,000 in scholarship moneys. Most of the money for the parade and the scholarships is raised through the Miss Puerto Rico of New Jersey Pageant.

Mr. President, the people responsible for organizing these cultural events, and ensuring their success, deserve our congratulations. Although their names are too numerous to list, they all deserve recognition for the great amount of work they have done.

Events such as these make being a public official a real pleasure. Once again, my deepest congratulations to my many friends in the New Jersey Puerto Rican community during their days of celebration.●

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today it stand in recess until the hour of 10 a.m. on Friday, July 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. Mr. President, I further ask unanimous consent that, following the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special order in favor of Mr. PROXMIRE, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m. with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Following routine morning business, the Senate will resume the motion to proceed to S. 43, the line item veto. It will also be the intention of the majority leader to consider any legislative items which have been cleared for action. I am encouraged to learn that there may be as many as three or four that we can clear by unanimous consent. I have indicated that, though we will take action tomorrow on these and other matters that are available, there will be no rollcall votes tomorrow so Members will be on notice that they will not have to miss votes. But if they care to discuss or debate any of the matters that we will consider tomorrow, they should also be on notice, or if they wish to discuss the motion to proceed to S. 43, the line item veto.

ROUTINE MORNING BUSINESS

Mr. DOLE. I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond the hour of 6:50 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order just entered, that the Senate stand in recess until the hour of 10 a.m., Friday, July 19, 1985.

Thereupon, at 6:46 p.m., the Senate recessed until tomorrow, Friday, July 19, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 1985:

DEPARTMENT OF STATE

Robert Vossler Keeley, of Florida, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Francis J. Meehan, of Virginia, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the German Democratic Republic.

John Pierce Ferriter, of Florida, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

DEPARTMENT OF COMMERCE

Orson G. Swindle III, of Georgia, to be an Assistant Secretary of Commerce, vice J. Bonnie Newman, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 18, 1985:

DEPARTMENT OF EDUCATION

Chester Evans Finn, Jr., of Tennessee, to be Assistant Secretary for Educational Research and Improvement, Department of Education.

DEPARTMENT OF STATE

Joe M. Rodgers, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Mae Neal Peden, of Virginia, to be an Assistant Administrator of the Agency for International Development.

Allie C. Felder, Jr., of the District of Columbia, to be a member of the board of directors of the Overseas Private Investment Corporation for a term expiring December 17, 1987.

Richard F. Hohlt, of Indiana, to be a member of the board of directors of the Overseas Private Investment Corporation for a term expiring December 17, 1987.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FOREIGN SERVICE

Foreign Service nominations beginning Thomas W. Stukel, and ending Diane Granzow Simpson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 8, 1985.

HOUSE OF REPRESENTATIVES—*Thursday, July 18, 1985*

The House met at 10 a.m.

Archpriest Basil Micek, Three Saints Russian Orthodox Church, Garfield, NJ, offered the following prayer:

Blessed is our God, always, now and forever!

O ever-living and eternal Father, who exists uncreated before all ages, we praise Your all-holy name and confess You to be the Supreme Guide of all peoples of this world. Be present here in this congressional assembly today with Your invisible presence and guide and support these honorable men and women as they take up their appointed responsibilities before You and our God-protected country. Instill into their hearts a love and earnest desire for true and lasting peace and justice among all nations. Inspire these esteemed Representatives with Your divine spirit, and grant that, through their tireless efforts, the people of our land and, indeed, all the inhabitants of this Earth, may come closer to seeing the day of never-ending peace and justice.

For You are the King of Peace and the Saviour of our souls, and we ascribe glory to You, now and forever, and for all ages. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 408. An act to amend the Small Business Act to establish program levels and authorizations for the Small Business Administration, and to amend the Small Business Investment Act of 1958, and for other purposes; and

S. 1455. An act to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees.

GUN LEGISLATION

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, I would first like to say how proud I was to have Father Basil Micek of Garfield, NJ, with us today and how inspired I was by his prayer.

I want as well to address a disturbing situation that has been caused by the other body in legislation that is being sent to this House. Last week, an assault was made on the protection—the right to be protected from illegal guns by every American.

Against the advice of every law enforcement agency, legislation has been sent to this House that would weaken, indeed cripple, the laws of our country to protect Americans from illegal handguns, permitting the interstate sale of guns, ending surprise visits by Federal inspectors, allowing escape from the recordkeeping provisions by dealers, and allowing gun dealers, on the strength of a $10 license, to interpret State laws and decide who shall receive the right to buy guns in other States.

Mr. Speaker, this is madness. This House, this Congress, our country needs not to escape the legitimate laws enacted so many years ago, but instead to be moving toward waiting periods, to protect Americans from illegal guns.

I have authored a letter to Chairman RODINO, being circulated to the Members of this House, letting him know that this is not the kind of step back that America needs, and asking him to use his influence to work with his committee to protect us from this major retreat.

DEFICITS

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, since Reaganomics was implemented in 1981, the domestic deficit has increased from $58 billion to $200 billion per year. The national debt has doubled from $900 billion to over $1.8 trillion.

This has led to a trade deficit going from $50 billion surplus to $150 billion trade deficit, with a 45-percent overvalued dollar, which is equivalent to a 45-percent tariff on U.S. exports, resulting in the fact that our country, under Reaganomics, has become a debtor nation for the first time since 1914. And the United States has exported approximately 5 million jobs overseas with industry.

This year our country will come all the way from a surplus nation to the Nation with the largest foreign debt in the world.

Mr. Speaker, that is why I have requested of you in a letter that you establish by House resolution a bipartisan ad hoc committee on trade similar to what you did on energy in 1977. We have a national crisis in trade. Mr. Speaker, we have a trade war in trade around the world, and we must address this problem before it is too late.

COMPARABLE WORTH

(Mr. MONSON asked and was given permission to address the House for 1 minute.)

Mr. MONSON. Mr. Speaker, the comparable worth concept has lost some of its momentum in recent months because people have started to realize it is based solely on empty rhetoric which avoids practical concerns. It is based on the idea of promoting equality. Yet, like its cohort, the defeated equal rights amendment, it is filled with tangles, complications and Government expansion ploys.

The concept behind comparable worth is that all jobs can be categorized and rated according to their worth. How could we actually devise an effective rating system where dissimilar jobs could be compared and paid on the basis of comparable worth? Would we establish a Federal agency to implement the program? Then increase taxes to pay for a Federal budget to accommodate it?

Many of my colleagues wax eloquent in these Chambers by associating this concept with justice, fairness, and equality. What they fail to outline is exactly how such a brainstorm could be implemented.

Every effort to catalog and rate jobs through a convoluted, bureaucratic program should be rejected. A systematic program to compare jobs and determine pay scales would be nothing short of chaotic and ridiculous.

□ 1010

TRIBUTE TO BILL RUDY

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, an unusual event happened at LaCenter, in Ballard County, KY, on Saturday night, July 6.

More than 400 came to Ballard Memorial High School to pay tribute to a local man who filed for bankruptcy last March.

Ballard County Judge Executive Mike Magee named July 6 "Bill Rudy Appreciation Day."

Yes, and since July 6 the tributes have continued for 61-year-old Bill Rudy, a beloved, respected businessman who owned and operated Rudy's Farm Center business at three far western Kentucky stores.

Through the years Bill Rudy sold agricultural merchandise on credit to farmers, many of whom ultimately could not pay their bills at Rudy's Farm Center.

Mr. Rudy suffered a broken back last month, adding to his financial dilemma.

Unsolicited contributions by friends of Bill Rudy have poured in from more than 1,000 sources.

When told his Congressman was planning to speak on this, Mr. Rudy asked that any tribute by me be for the people of Ballard County, KY.

How does Mr. Rudy describe all this? He said this week, "It's a tidal wave of Christian charity."

Mr. Rudy is living proof that in America we truly appreciate someone who deserves it.

SEVEN AMERICANS STILL HELD HOSTAGE IN LEBANON

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, since the civil wars in Lebanon exploded 10 years ago, 2 percent of the population of Lebanon has been killed at the hands of other Lebanese.

Just to dramatize this condition into American terms, consider this: That percentage would be equivalent to 4.62 million Americans. The entire population of the Philadelphia area. Two out of every five people in the State of Illinois. The entire population of nine congressional districts.

Nearly 200 cease-fires have been called in the 10-year war. About 199 of them have been broken.

Today another cease-fire is in effect in Beirut. The killing has slowed for a day or two.

Mr. Speaker, today is the 489th day of William Buckley of Medford, MA, being held hostage in Lebanon.

Today is the 436th day of captivity for Rev. Benjamin Weir.

Today is the 191st day of captivity of my good friend Father Lawrence Jenco of Joliet, IL.

Today is the 124th day of captivity for Terry Anderson of Batavia, NY.

Today is the 38th day of captivity for Thomas Sutherland.

Today is the 51st day of captivity for David Jacobsen.

Today marks the 226th day of the disappearance of Peter Kilburn.

Mr. Speaker, the hostage crisis is not over. Seven Americans are still held hostage in Lebanon.

RIP VAN WINKLE ADMINISTRATION SHOULD WAKE UP TO TRADE DEFICIT CRISIS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, once again the White House has missed the mark on a key economic prediction. This time, they were off by a country mile. The administration reported this morning that our gross national product [GNP] for the quarter grew by an anemic 1.7 percent. Just a few weeks ago, the White House estimated that it would be a healthy 3.1 percent. Well, reality finally caught up with public relations. For months, the flood of foreign imports and declining exports have been choking off economic growth. America's factories are closing or cutting back production. Since January, our Nation has lost 220,000 manufacturing jobs. And whether this administration likes it or not, manufacturing is still the driving force in our economy. When manufacturing suffers, the entire economy suffers with it. It's just that simple. It is time for this Rip Van Winkle administration to wake up to the trade deficit crisis in America. Phony numbers and out of whack economic predictions just don't cut it anymore. They're not fooling us and most of all they're not fooling America's manufacturing work force who is paying the price for this administration's neglect of the trade issue. To paraphrase my good friend and colleague JOHN DINGELL, "This Congress draw its salaries from American workers and American business." It's about time this administration begin taking these words to heart.

LET THE MARKETPLACE DETERMINE COMPARABLE WORTH

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, ladies and gentlemen of the House, comparable worth, words that have an innocuous ring at first blush. During the 1983-84 session of the North Carolina General Assembly, of which I was a member, the issue of comparable worth reared its head. An appropriation of approximately one-half million dollars was being considered for the study of comparable worth.

Mr. Speaker, I opposed spending this money because in my opinion it served no good purpose. The appropriation was approved, however, but this legislation was recently repealed because of its cost and defective premises. It was a quick-fix approach. It was a Band-Aid approach. It was an approach that appeared to create more problems than it solved.

Mr. Speaker, let us concern ourselves with resolving the formidable deficit that plagues our every step and dominates our every thought, and permit the matter of comparable worth to be addressed in a more appropriate forum, the marketplace.

I thank the Speaker.

RUNAWAY TAX INCENTIVES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the investment tax credit and the accelerated cost recovery system have cost America jobs.

It is unfair that these special tax incentives be extended to foreign made products. If the goal is to have economic growth in America, it is counterproductive to create an incentive for buying foreign products.

This is why I am submitting a bill to deny the investment tax credit and accelerated depreciation for any item which is not made in America and having at least 85 percent domestic content.

There are opponents who will cry protectionism but this is wrong for two reasons. First, I have put into this bill a provision that for cases where the item is not made in America the purchaser could still receive the investment tax credit and accelerated depreciation. Second, this bill would not deny the regular depreciation deductions for businesses which buy foreign-made goods. It only sets forth the principle that if you want to take advantage of America's tax incentives, you must buy American.

These two tax breaks do not provide help for the American worker when foreign items are purchased. It is time we began weeding out laws and plugging loopholes which have cost American jobs. The "trickle down" theory of economics which this administration defends has not worked. It's time we started creating American jobs.

A PROFILE IN COURAGE

(Mr. HILER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILER. Mr. Speaker, I rise this morning to share with this Congress my pride in a Hoosier profile in courage.

One of the hostages on the hijacked TWA flight 847 was Clinton Suggs, a young man from my district who is now stationed at Norfolk with the U.S. Navy. He was on the underwater construction team with young Robert Stetham who was brutally beaten and murdered by the hijackers.

Because he is a military man, he was singled out to be the next to die. A sudden turn of events that diverted

the hijackers' attention and the intervention of a flight stewardess saved Clinton's life. None of us will ever really know the thoughts racing through his mind as he prepared to follow his close personal friend and fellow seaman, Robby Stetham.

But we do know this. He faced that moment with a square jaw and guts and grace. And what I find even more inspiring is that he came out of this ordeal more committed than ever to serving and defending America. I can only speculate that in those fleeting moments when he prepared to die, he realized freedom sometimes requires that kind of awful sacrifice because it is the most precious of our commodities, both as individuals and as a nation.

Mr. Speaker, most of us go about our daily business taking that freedom for granted. My guess is that Clinton will never take it for granted again, and I think we should follow his example. With America now the direct victim of 40 percent of the terrorist attacks around the world, we must remember that freedom isn't something that is ours just because we won it 209 years ago. Freedom, because it's so precious, is something we will have to defend for as long as we want to keep it.

On Saturday, Clinton Suggs is coming home to Elkhart, IN, for a reunion with his family and for a parade through his hometown. We in Indiana are proud of our young native son, and we feel secure that our future and our country's defense are in the firm, unwavering hands of Clinton and others like him.

I ask this Congress to join me in saying to Clinton Suggs, we salute your courage in a moment of terror, and we are very glad that you regained your freedom without having to die for it. Welcome home, Clinton.

□ 1020

CUT THE DEFICIT AND PRESERVE JOBS FOR OUR CHILDREN

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I am an optimist by nature; I have not changed that, but in the Banking Committee yesterday we had some 3 hours of testimony from Paul Volcker, Chairman of the Federal Reserve System, and he was but another voice among the many, the last few weeks, that say that our economy is in difficulty.

As a matter of fact, if you take a long-term view, jobs for our children, our economy is in grave difficulty. Although there are jobs in America, they tend to be of a service and low-paying wage scale versus the manufacturing strength that we have enjoyed for years.

Now there are a lot of things we might do to correct that imbalance. Some of those things are not in our power. One thing that is within our power is to lower the deficit, and so I rise this morning to add my small voice to those who are asking the conferees on the budget to take some meaningful cuts; and I will give three examples:

Why not take the lowest of the defense figures? The lowest of the defense figures would still allow us an all-time large contribution to national defense.

Why not take a cut from the entitlement programs that will not cut any checks but would stop the COLA's for a year? Or for a percent or two for a period of time.

Finally, why not add a corporate minimum tax to corporations that make big profits and pay no taxes?

Tough medicine, but if we want to put our political future where our pretty speeches are, we will cut the deficit and give our children some jobs.

EQUAL PAY FOR UNEQUAL WORK?

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, later this month we are going to be asked, under the Suspension Calendar, to address a radical new concept that is a fundamental attack against the free enterprise market system that built this country so strong.

One of the names under which this concept flies is pay equity. I would like for a moment to talk about this question of pay equity. In the last 20 years, I think the strongest voice in America for real pay equity, equal pay for equal work, has been the working women of America, who have said, "we will do our job, we do do our job and ask to be paid the same for that job as anyone else." These women have made enormous progress pursuing true pay equity; equal pay for equal work.

Today, people pretty well accept that we have eliminated unequal pay for equal work, but now we have a new voice emerging, asking for something different: A new concept of pay equity, "equal pay for unequal work," is now the cry. "We want to be paid extra even though we do not do the extra work." We want a woman who is working in an office, in air-conditioned comfort, to be paid more, for example, to have her pay raised in comparison with a woman such as the one I saw working in Dallas last week, moving steel and working hard in the hot Sun.

Because there are 70 percent of the people employed in the office that are women and less than 70 percent working out in the hot Sun, somehow it is going to be deemed that it should be a fair thing that we freeze the wages of those people working in the hot Sun moving heavy metal and instead raise the wages of those who have made the voluntary free choice to work instead in a comfortable, air-conditioned office under ideal working conditions.

Mr. Speaker, let us examine this proposition carefully before we go off half-cocked.

PENSION PLAN TERMINATION FOR ALLIS-CHALMERS

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, yesterday, after several anxious months for more than 7,000 loyal workers and retirees, the Allis-Chalmers Corp., formally asked the Federal Pension Benefit Guaranty Corporation for authority to terminate its pension plan.

Allis-Chalmers, a firm which has had financial problems for several years, has an unfunded pension liability of nearly $170 million. This liability is now turned over to the Pension Benefit Guaranty Corporation [PBGC], a Federal entity which guarantees private pension funds. Fortunately, Congress had the wisdom 10 years ago when it passed the Employee Retirement Income Security Act [ERISA] to guarantee pension benefits, and to protect workers from the tendency of corporate America to disregard contracts entered into with workers—contracts which guarantee the future income and well-being of these individuals and their families. We have seen this happen all too often.

Thanks to the existence of the PBGC, most of the pension benefits of Allis-Chalmers retirees—many of whom reside in Wisconsin's Fourth Congressional District—will be guaranteed.

Still, the PBGC faces a serious problem. They are "inheriting" a potential unfunded pension liability of $170 million, by far the largest pension plan termination they have ever faced. What's more, this "inheritance" will bring total unfunded liabilities for the PBGC to nearly $900 million. In essence, the problem has been shifted from one financially troubled institution to another.

About 29 million American workers are covered by the PBGC and will rely on it should their pension benefit plans fold. It is incumbent upon the Congress to take steps to insure the solvency of this guaranty corporation. It should be noted that the President's budget request, as well as both the House and Senate budget resolutions, assume a premium increase for PBGC from the current level of $2.60 per par-

ticipant per year, to a more reasonable level of $7.50. This premium level is the minimum necessary to eliminate the current deficit faced by PBGC over a reasonable period of time and to finance future expected claims.

Congressman CLAY and Congresswoman ROUKEMA have introduced several bills which would not only raise the premium level but also institute much-needed reform in plan termination procedures to prevent "dumping" of the unfunded liabilities on the Federal Government. This type of corporate welfare must cease.

For the future of American workers, I urge my colleagues to take swift action on the Clay-Roukema bills.

COSPONSOR LEGISLATION TO GIVE POULTRY FARMERS RECOURSE IN BANKRUPTCY OF POULTRY FIRMS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the poultry industry has undergone several critical periods during the recent past, what with diseased flocks, destroyed flocks and all kinds of financial difficulties—including bankruptcy.

One facet of this that has not met with total attention of the public is that when a poultry firm goes bankrupt, the producer of the poultry, the chicken farmer himself, has no recourse, unlike some other livestock producers who have the protection of several statutes that would allow the producer to have some access to the bankruptcy funds and to be recompensed in part or in whole.

I have introduced legislation that would place the poultry producers on a par with other kinds of livestock producers so that in the event of bankruptcy or other financial difficulties, they would at least have the opportunity in the first instance to get some compensation back for the disaster that has befallen them.

I ask for cosponsorship of the membership on this legislation.

COMPUTER EDUCATION COURSES SHOULD NOT CONTRIBUTE TO CRIMINAL MISUSE OF COMPUTERS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the disclosure earlier this week that a group of seven teenagers from New Jersey had successfully tapped into Government computers raises a number of serious issues. Of perhaps greatest concern was the successful ability of these computer pirates to tap into sensitive and top-secret Pentagon files as well as orbiting communications satellites.

According to one account in the New York Daily News, "Many of the youths learned to use computers in their high school classes." The superintendent of schools for South Plainfield, NJ, said the system's goal was to have all students literate in computers by 1986. In a classic understatement he noted, "Apparently we have been doing our job too well."

As computer courses continue to proliferate in our Nation's schools, let us make certain that those teaching these courses do not contribute to the criminal misuse of computers. Courses should advise students of the penalties involved in tapping into government or financial institution computers. As a senior member of the House Education and Labor Committee, I intend to focus on this issue in greater degree in the coming months. If we are going to educate new and future computer wizards, let us not do so at the expense of jeopardizing our own national security.

THE SYNTHETIC FUELS CORPORATION

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, it was announced yesterday that the Synthetic Fuels Corporation has agreed to provide an additional $720 million subsidy to bail out the hopelessly uneconomic Great Plains project.

While budget conferees are engaged in difficult negotiations—with critical programs hanging in the balance—the SFC has decided to provide a huge corporate welfare payment to five of the Nation's largest energy companies. Three of these are profitable companies that paid no net Federal income tax from 1981 to 1983. Is this the administration's definition of the "truly needy"?

Unfortunately, under current law, there is nothing that we, as Members of Congress, can do but complain. The Energy Security Act gave the SFC free reign to waste the taxpayers' money at will, and they have done so at every opportunity.

But we can prevent future bailouts of this kind. I urge my colleagues to support efforts to immediately abolish the SFC and reestablish a sound synfuels program at the Department of Energy.

FUNERAL ARRANGEMENTS FOR LES ARENDS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I rise on this occasion just to bring Members up to date on the funeral plans for Les Arends, which will be held tomorrow afternoon at 2 p.m. at the First Methodist Church at Melvin IL. We have now finalized plans to have a bus leave the Capitol, the House steps, tomorrow morning about 10:45, so that we can have wheels up at Andrews at 11:30. We will be returning, hopefully, with wheels up around 4, which would get us back to Andrews roughly at 7 o'clock our time tomorrow evening.

Members wishing to attend that funeral are asked to simply contact the Sergeant at Arms at 52456, and we can finalize the group that will be going out.

COMPARABLE WORTH WOULD CRIPPLE PROGRESS MADE IN AREA OF SEXUAL EQUALITY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, coming before this House very shortly are two bills that deal with an issue that, if adopted, would drastically cripple the progress we have made in this country in the area of sexual equality. I am speaking of the concept of comparable worth.

Proponents of this concept contend that intervention in the marketplace is necessary to eliminate sexual job discrimination. The intent, social equality, is good; the result, however, will be the institutionalization of jobs classified according to sex. To me, labeling a particular job as "female" or "male" is the most sexist action I can conceive of. If people are dissatisfied with the existing world of employment, why would they want to freeze the system in its present form?

Anyone who has lived for more than a decade can easily see that job categories change as society changes. Statistics show that women are entering into jobs that were traditionally held by men and this trend will continue. By allowing men and women to exercise the freedom to chose their type of employment without regard to the sexual classification of the job, the lines between male and female jobs will fade away. This is progress.

If comparable worth legislation were implemented and enforced, proponents will find that they may win the battle but lose the war. Such action will only relegate women to traditional roles and deny them the opportunities to move into employment fields that were once almost totally dominated by men.

Mr. Speaker, I urge my colleagues to vote for progress, not stagnation, and defeat the institutionalization of a sexist job market.

PAY EQUITY

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, I hope the women of America are listening to the 1-minute speeches today, because they will see great, gross misinformation given about a very simple issue, pay equity, which is simply the elimination of sex-based wage discrimination.

Mr. Speaker, the poorest people in this country are older women, our grandmothers and our great-grandmothers, and do you know why they are poor? Because their pensions and Social Security checks are based on what they made when they were younger.

Now, I want my colleagues to go tell—which I heard today—the secretaries of this country, the nurses of this country, the teachers of this country, the airline stewardesses of this country—one of which we heard heralded because she saved so many lives of hostages—I want my colleagues to go tell these hardworking individuals who serve our country so well that the value of their work should not be paid fairly.

The issue is simply fairness, nothing more, nothing less.

Thirty-five States have launched interest in this area. The Federal Government should serve as a role model. I have legislation that is going to come up in the House. Do you know what it does, why there is all this hysteria? All it asks for is a study on how we treat our Government workers. We know that the women are clustered in the bottom eight rungs of the ladder, and that is why the U.S. Chamber of Commerce has launched this campaign, movement against fairness. The national chamber of commerce is not concerned about the enormous trade deficit which has put so many corporations out of business. Now, once again, they show their great prejudice toward women. Fortunately most businesses do not agree with the national chamber of commerce's narrow mentality.

COMPARABLE WORTH

(Mr. COBEY asked and was given permission to address the House for 1 minute.)

Mr. COBEY. Mr. Speaker, comparable worth is proclaimed as an issue of fairness. We just heard that. This theory is based on a false assumption that wage discrimination against women by employers can be solved by enacting comparable worth legislation.

Title VII of the Civil Rights Act ensures women equal access to jobs. The Equal Pay Act mandates no discrimination in pay for equal work.

□ 1040

Currently, Federal law prohibits discrimination based on equal work. Comparable worth is an economic issue, a method which, framed in the terms of equity, would artificially inflate wages in certain female-dominated jobs. Because comparable worth would call for substantial pay increases without any productivity increases, it would harm the very individuals that it intends to help. It is simply a matter of economics to realize that when wages for certain jobs are increased without productivity increases, the number of those jobs will likely be reduced, and the one thing we surely do not need in this country is a reduction in the number of jobs.

Let us not be deceived and let us not deceive ourselves into thinking that comparable worth is a solution to waste or discrimination.

SUPPORT URGED FOR LEGISLATION TO EXPEDITE CONSIDERATION OF BLACK LUNG APPEALS

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, In America today, there are more than 21,000 coal miners who are awaiting decisions on their black lung appeals. A tremendous backlog in those cases often results in a miner actually dying before a decision is made. The situation is intolerable.

The call for action is growing stronger. This year, 70 of my colleagues joined me in urging the Secretary of Labor to take decisive action to address the problem.

One of the causes of the backlog is an obscure rule in the Office of Personal Management that prohibits upper grade administrative law judges from working on the black lung case load. As a result, the few judges that are authorized to handle black lung appears are swamped while at the same time the upper grade judges have room on their calendars to aleviate the backlog.

Mr. Speaker, today I am introducing legislation that would remove the bureaucratic roadblock that has translated into long and painful waiting for coal miners who have a right to be considered for benefits as a result of their service in the mines for America.

Experts estimate that it could take 35 years to reduce the backlog unless action is taken. I urge my colleagues to support this bill for those coal miners who deserve to have their claims processed expeditiously.

NATIONAL POW-MIA RECOGNITION DAY

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, tomorrow, July 19, is National POW-MIA Recognition Day. This day should serve as a reminder to all Americans of the plight of those still unaccounted for in Southeast Asia. While the war in Southeast Asia has been over for more than a decade for most Americans, it sadly continues for the families of the more than 2,000 POW's and MIA's, like Mr. and Mrs. Albert Page, of Deerfield, NH, whose son has been missing for 17 years.

This tragedy must come to an end. We owe it to the families of those who have sacrificed so much for our country. The President has declared that the MIA issue would be a matter of national priority. Tomorrow, we should rededicate ourselves to that goal, and reaffirm our commitment to do whatever it takes to achieve a full accounting of all those still missing in Southeast Asia and bring home all servicemen, those deceased, and those who I still believe are alive in Southeast Asia.

CHINA NUCLEAR COOPERATION

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, the text of a nuclear cooperation agreement between the United States and the People's Republic of China was initialed in Beijing on April 30, 1984. Since that time there have been extensive discussions between our two governments in a forthright effort to clarify each other's nonproliferation policies and practices in international nuclear trade.

I recently led a trade mission to China—where we held substantive discussions with senior Chinese officials on both the terms and conditions of the nuclear agreement and on China's nonproliferation policy. Based on these discussions, and on concrete assurances, I am convinced that China is committed to nonproliferation.

Briefly stated, the Chinese oppose, and will not support, the attempts of additional countries to develop nuclear weapons; they will require the application of International Atomic Energy Agency safeguards to their nuclear exports; and they are discussing with the IAEA the application of safeguards in China on items they import, consistent with the practices of other nuclear weapons states, including the United States.

I am hopeful the President will now submit the negotiated nuclear coop-

eration agreement between the United States and China for its required congressional review. The convergence of views between the United States and China on the norms of international transfers of nuclear technology is such that, all other things being equal, the United States should enter into a formal relationship in civil nuclear energy with the PRC. The overall relationship between the United States and China has, I believe, progressed to a point where it is inconceivable there would not be cooperation in the nuclear field between our two countries. China's nuclear policy has similarly been refined and clarified to a point where it is consistent with U.S. security interests as well to engage in such trade. And China has taken the sovereign decision to employ nuclear-generated electricity as part of its program of economic development.

Much speculation has arisen regarding the text of the United States-China nuclear agreement, and many conclusions have been drawn regarding the adequacy of the controls on U.S. exports to China, even though the text has not to my knowledge been released outside the executive branch. The agreement needs to be very closely scrutinized by the Congress to determine its compliance with United States and international nonproliferation standards. If the agreement meets the terms of the Atomic Energy Act there is no reason why Congress shall object and the agreement be allowed to take effect.

COMPARABLE WORTH HAS LITTLE VALUE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, the ultimate product of comparable worth legislation which would result in the Federal Government placing an arbitrary value on all jobs is something that I do not think this Congress wants to see, and I was just listening to a statement as to the value and the worth of stewardesses. I concur that they do a magnificient job and the stewardesses who performed in the recent hostage crisis were very courageous.

Today, on the airlines that I travel on, you see almost as many stewards as stewardesses, and they were brought there not by a Government mandate but by a free market. I think that is the force and the genius that makes this country work so well and that makes our free enterprise system work so well. I do not think that we need career paths that are directed by a Federal Government. I think if we get to that point, men and women are going to be losers.

Employers must have the flexibility to take into account market factors and worth of particular jobs to their unique requirements in specific situations.

In summary, so-called comparable worth, Mr. Speaker, has little value.

LET US NOT ALLOW OUR BEST EFFORTS TO ADD UP TO NOTHING

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, there is a new math working in the Congress today, and this math says that $56 billion, plus or minus $2 or $3 billion equals zero. The practitioners of this new math have been doing their mathematical wizardry in the budget process, but the equations spell disaster.

To throw $56 billion in agreed-upon cuts because the final deficit reduction number should be $2 or $3 billion higher or lower, or because one or two programs are cut too much or not cut enough is simply insanity. It is bad for the budget; it is bad for the Congress; it is bad for the President; it is bad for the Nation.

Mr. Speaker, when we started this budget process, $50 billion was our goal. Back in February, when the President first introduced his fiscal 1986 budget, Paul Volcker as well as many administration officials set a goal of reducing the budget by $50 billion. Few thought we could reach that goal. Both bodies met that goal and then exceeded it, and did it without raising taxes.

To have come this far, only to have a final compromise stymied at the last moment would be a disservice to the American people and to the budget process. To give up now and to allow this dangerous new math, would be to allow all our best efforts to add up to nothing.

EXPRESSING THE SENSE OF CONGRESS REGARDING AMERICANS MISSING IN SOUTHEAST ASIA

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 46) to express the sense of the Congress regarding Americans missing in Southeast Asia, and ask for its immediate consideration in the House.

The SPEAKER. The Clerk will report the Senate concurrent resolution.

The Clerk read as follows:

S. CON. RES. 46

Whereas the President has declared the issue of two thousand four hundred and eighty-three Americans missing and unaccounted for in Indochina a matter of highest national priority and has initiated high level dialog on this issue with the Governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam;

Whereas the Congress, on a bipartisan basis, fully supports these initiatives to determine the fate of Americans still missing in Indochina and realizes that the fullest possible accounting can only be achieved with the cooperation of the Indochinese governments; and

Whereas the Government of the Soviet Republic of Vietnam has pledged to accelerate efforts to cooperate with the United States Government in resolving this humanitarian issue, separate from other issues dividing our two countries, and the Government of the Lao People's Democratic Republic has taken some positive actions to assist the United States Government in resolving the status of missing Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should—

(1) ensure that officials of the United States Government consciously and fully carry out his pledge of highest national priority to resolve the issue of two thousand four hundred and eighty-three Americans still missing and unaccounted for in Indochina;

(2) work for the immediate release of any Americans who may still be held captive in Indochina and for the immediate return of the remains of all American servicemen and civilians who have died in Southeast Asia whose remains have not been returned; and

(3) make every effort to secure the further cooperation of the Lao People's Democratic Republic and the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance.

SEC. 2. The Congress calls on the Socialist Republic of Vietnam to fulfill their pledge to accelerate cooperation with the United States in achieving the fullest possible accounting for Americans missing or unaccounted for in Indochina.

□ 1050

Mr. SOLARZ (during the reading). Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Is there objection to the original request of the gentleman from New York for the immediate consideration of the Senate concurrent resolution?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. SOLARZ] is recognized for 1 hour.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very briefly, this resolution enjoys broad bipartisan support in the House. It has been sponsored by 207 Members. It expresses the sense of the Congress that the resolution of the POW/MIA question must be one of our highest national priorities.

It also calls on the President to insure that the executive branch car-

ries out his personal and very sincere commitment to see that this is a matter of the highest national priority for our Government so that we can resolve the ultimate fate of 2,466 Americans who are still tragically missing and unaccounted for in Indochina.

The resolution also calls on the President to work for the immediate release of any Americans who might still be held captive in Indochina and for the immediate return of the remains of American servicemen and civilians who died in Southeast Asia.

Finally, it calls on the President to make every effort to secure the further cooperation of the Lao People's Democratic Republic and the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance. In recent weeks both the Governments of Vietnam and Laos have been willing to cooperate with us a little bit more than they have in the past.

This is a significant step forward. It gives some reason to hope that we can make some further progress in resolving this issue.

Mr. Speaker, I urge all my colleagues on both sides of the aisle to support this resolution which will make it clear that until such time as the fate of these brave men is accounted for, the final chapter of our involvement in Indochina will not be written.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to the chairman of the full committee.

Mr. FASCELL. Mr. Speaker, I rise in support of Senate Concurrent Resolution 46, which expresses the sense of Congress concerning those Americans still missing in Southeast Asia. A companion measure, House Concurrent Resolution 37, was introduced in the House by Congressman GILMAN.

This resolution expresses the sense of Congress that the search for those missing servicemen should continue to receive the highest level and most intense national attention. The resolution should serve to bolster the many efforts that are underway within our own Government and in cooperation with the Lao and Vietnamese Governments.

As Members should be aware, the Foreign Affairs Committee has devoted many resources to help resolve this matter. The special task force under the Subcommittee on Asian and Pacific Affairs has worked tirelessly so that all possible evidence will be given thorough review, so that clues about the whereabouts of missing Americans can be followed up with action.

In recent years, both the Lao Government and the Vietnamese Government have lent some support for the humanitarian effort to resolve this matter which causes so much hardship for many American families. Today, we will also be stressing that these Governments should continue their cooperation and in fact accelerate it.

I urge the adoption of the Senate Concurrent Resolution 46.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to the distinguished ranking minority member of the Foreign Affairs Committee.

Mr. BROOMFIELD. Mr. Speaker, I am happy to be a cosponsor of this resolution which expresses the sense of Congress regarding Americans missing in Southeast Asia.

I commend the administration for giving the issue of missing and unaccounted-for Americans such high priority. Our Government has taken new and commendable initiatives with the concerned governments in Southeast Asia. Those governments have, in general, responded positively.

Recognizing the progress which has been made in resolving this problem, I know our Government, under President Reagan's leadership, will continue to give this important issue the highest national priority. We must continue to work for the immediate release of any American who may be in captivity in Indochina.

We must also work to expand cooperation with the concerned governments in Asia in resolving this vital humanitarian issue. This is the minimum that we can do for those who gave their lives for our country. I urge my colleagues to join me in supporting this resolution.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to my very good friend, the gentleman from New York [Mr. SOLOMON], who is the chairman of the task force on POW's and MIA's.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding to me, and I also want to thank the Speaker for allowing this resolution to come on the floor at this particular time since we do have the annual meeting of the League of Families tomorrow morning, with their annual breakfast. We appreciate that very much.

I just want to commend both the chairman of the full committee, the gentleman from Florida [Mr. FASCELL], and the chairman of the subcommittee, the gentleman from New York [Mr. SOLARZ], and certainly I commend my cochairman, the gentleman from New York [Mr. GILMAN]. I commend them for the fine work they have done, particularly in making this the highest priority, and I thank the administration also for making it its highest priority. We finally are beginning to have some results. For all of those who have been so involved, we, speaking for the League of Families, deeply appreciate it.

This resolution is very straightforward. It makes note of the fact that President Reagan has established as a matter of the highest national priority a full accounting of the 2,400 Americans still listed as missing in Southeast Asia. The resolution calls upon the President to make sure that U.S. officials are consciously and completely carrying out his pledge to the American people that this issue will be resolved. Moreover, the resolution calls upon the President to seek the immediate release of any living Americans who may be held against their will in Southeast Asia, as well as to seek the immediate return of remains of American servicemen or civilians presently being held by authorities in Southeast Asia.

The resolution also addresses the two governments in Southeast Asia that are involved in this matter; namely, the Socialist Republic of Vietnam and Lao People's Democratic Republic. It calls upon the Government of Vietnam, in particular, to fulfill its pledge of accelerated cooperation with the United States to achieve the fullest possible accounting of Americans missing in Southeast Asia.

Mr. Speaker, it is a sad duty for all of us in the House to even have to consider a resolution such as this, especially since 12 years have already gone by since American involvement in Indochina was terminated—and a full accounting of lost Americans still eludes us. But, we can take heart at a number of very encouraging developments recently. Within the last year:

First, an American team has excavated the crash site of an Amercian aircraft that was shot down in Laos in 1972. This is the first time in 12 years that Americans have examined a crash site in Indochina. Some 13 sets of remains were recovered from the site and positively identified—a miracle of modern forensic science.

Second, an agreement has been reached with the Vietnamese to increase the number of technical meetings held in Hanoi between representatives of our two countries. We will have six such meetings per year, instead of four.

Third, within the past several weeks, an American team has visited the crash site of an American aircraft shot down near Hanoi. This is the first such visit in Vietnam since the war. We are hopeful that a full-scale excavation of the crash site will soon be permitted to begin.

Fourth, the Government of Vietnam has recently announced that 26 sets of remains of American servicemen will soon be turned over to American authorities. This would represent the largest number of remains turned over by the Vietnamese at any one time since 1973. In making the announcement, the Vietnamese also revealed

their willingness for the first time to engage in high-level Government-to-Government negotiations with the United States concerning the issue of missing Americans.

Mr. Speaker, we can be encouraged by these recent developments. The patience and fortitude of the American people are starting to be rewarded. Our Government's policy in this matter is starting to bear fruit, and I hope that this resolution today will serve as a positive step in the direction toward a full accounting of missing Americans in Southeast Asia. I urge its immediate and overwhelming adoption.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to the former chairman of the task force on POW's and MIA's and its current vice chairman, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of Senate Concurrent Resolution 46, and thank our distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], and our ranking minority member, the gentleman from Michigan Mr. BROOMFIELD], for enabling the House to consider this measure at this appropriate time, as the National League of Families of Our Missing gather together in Washington for their annual meeting.

Mr. Speaker, last January, when some of my colleagues and I introduced House Concurrent Resolution 37, expressing the sense of the House regarding the status of the brave, yet unaccounted for, Americans who did not return from Southeast Asia, we did so with the fervent hope and desire that 1985 would prove to be a breakthrough year on the MIA issue.

Today, over 6 months later, we are pleased to report that much progress has, indeed, been made. From February 10 through 21, the Government of the Lao People's Democratic Republic allowed an American excavation team to inspect and work at a crash site near Pakse. As a result of that excavation, 15 remains were recovered, repatriated, and identified.

Soon after the Pakse excavation, the Government of Vietnam, in Hanoi, agreed to an increase in our schedule of Government-to-Government technical meetings, and returned several sets of American remains at that time. As we are all well aware, a few weeks ago even more conclusive developments occurred in Hanoi, with the announcement of the imminent return of 26 more remains, along with Hanoi's statement that it wishes to resolve this issue within the next 2 years.

The point that we in this Chamber must remember, Mr. Speaker, is that these and the other significant developments which have taken place over the past few months would not have transpired were it not for the determination and the dedication of our administration to this issue. For the first time since the cessation of hostilities, a President is in the White House who has given the issue of a full accounting of our missing a top national priority, and a Secretary of State with the wherewithal to carry out that policy.

It has been stated that Hanoi is only now cooperating on the MIA issue because of their chaotic economy and political situation, worsened by Vietnam's isolation from the entire world.

To this we respond constructively. The only practical way we are ever going to obtain a full accounting is by Government-to-Government negotiations. If we are to obtain a full accounting—and if we are ever to free any Americans who might possibly still be alive—we must maintain the course of firmness that the President is pursuing.

This resolution, Senate Concurrent Resolution 46, which has been approved by the other body in virtually the same language as introduced in the House, calls upon the President to ensure that officials of the U.S. Government consciously and fully carry out his pledge of highest national priority to resolve the issue of the 2,400 Americans still missing in action. It calls upon the President to work for the immediate release of any Americans who may still be held captive in Indochina, as well as the return of the remains of any who may have died. It also calls upon our President to make every effort to secure the further cooperation of Laos and Vietnam in this endeavor, and calls upon those nations to fulfill their pledges of accelerated cooperation.

The issue of our MIA's is undoubtably more prominent now than ever before. Fanned by Hollywood sensationalism, many Americans, although genuinely concerned, are erroneously perceiving the reality and the complexity of the MIA problem.

In fact, while we have received a number of conflicting reports, we have not received definitive evidence that Americans are still alive in Southeast Asia. I know I speak for all of my colleagues on the House task force on our missing in action when I state that we will not rest until we know for certain the fates of each of our brave American heroes.

By approving the Senate language to this resolution, Senate Concurrent Resolution 46, we are sending a signal throughout the world, especially to Southeast Asia, that our resolve on this issue will endure until the last of our missing Americans are accounted for. We can do no less for those who gave so much.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to my favorite conservative in the House, my very, very good friend, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding.

I just want to join my colleagues, also as a former chairman of this task force and thanks to the graciousness of the Subcommittee on Asian and Pacific Affairs, to say that this committee has certainly been the most perfect example of bipartisanship, camaraderie, hard work, and steadfastness of any effort in this House. And that goes also for our distinguished chairman of the Committee on Foreign Affairs through the distinguished gentleman from New York and other Members on both sides of the aisle.

I think this is not only the very least we can do for these courageous families who are meeting tomorrow, as I mentioned in my 1-minute speech today, but it is a bond of faith we are showing that will always exist between this Congress and our fighting men and women around the world, wherever they are, that they will never be forgotten, no matter how many pages of history are turned.

Mr. Speaker, I really thank our subcommittee chairman for his excellent work on this issue.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for his observations.

Mr. McCAIN. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I now yield to the extraordinary gentleman from Arizona [Mr. McCAIN], who has been very staunch and steadfast on this issue.

Mr. McCAIN. Mr. Speaker, I thank the gentleman very much for yielding.

I would like to extend my deep appreciation to the gentleman and our other colleagues, the gentleman from New York [Mr. SOLOMON], and particularly the gentleman from New York [Mr. GILMAN], who for so many years has worked so hard on this issue.

I would just like to mention a couple of items, since this is the occasion of a meeting of the families of those men who are still missing in Southeast Asia. We have received, thanks to the leadership of the gentleman from New York [Mr. SOLOMON] and the gentleman from New York [Mr. SOLARZ], some very interesting testimony before the Task Force on MIA's and POW's and before the subcommittee of the gentleman from New York, ranging from allegations of coverup of this issue to other items, including some very important testimony from a former head of the Defense Intelligence Agency, General Tighe, who states that he believes that there could be or that there are men still missing, being held against their will in Southeast Asia.

I believe that there is every reason to give credence to allegations that possibly not enough reporting has

been followed up, and that perhaps not the correct procedures have been used in certain specific cases where there are live sightings and other reasons to believe that men are still alive. I hope that, through our efforts and the increased efforts of the DIA and others, we will be able to investigate each of these allegations.

We will devote every resource we have, whether it be satellites or human intelligence capability, in order to ascertain this, but I do reject, and I believe the members of the committee along with me, reject the allegations that there has been some kind of a coverup on the part of this administration or previous administrations on this issue. There are too many men and women in uniform in the military who have been involved in this issue intimately, and I believe that such a thing as a coverup is simply impossible.

Now, there are a lot of organizations about the country today, and for whatever reasons—I would say that most of them are patriotic—some of them are making allegations that there is a massive coverup on the part of this and previous administrations, as well as personal allegations made to various Members of Congress who have devoted literally hundreds of days and man-hours on behalf of trying to resolve this issue.

So I think it is very important at this time to reassure the families who are meeting here in Washington that we in the Congress and this administration and previous administrations will emphasize this issue and we will continue to make every effort to resolve this terrible issue. However, we cannot and will not accept this scurrilous and, in my opinion, totally unfounded allegation of a coverup.

I would like to mention one other aspect of this, if I may—and I know the time is limited, Mr. Speaker, and I appreciate the indulgence. We have other issues between the United States and Vietnam. One is about 20,000 Amerasian children who are still residing in South Vietnam, and, believe me, those Amerasian children can never fit into the society of Vietnam. They will be outcasts in that society, and we must also address our attention to this very human and real issue of the Amerasian children.

We also have approximately, and the numbers vary, 50,000 former Vietnamese Government officials and members of the military who are kept in the so-called reeducation camps in South and North Vietnam.

We also, of course, have the issue which the chairman of the Subcommittee on Pacific and Asian Affairs, the gentleman from New York [Mr. SOLARZ], has addressed, and that is the invasion and contained occupation of Cambodia by the North Vietnamese.

□ 1100

My point is that we must not neglect those other three issues as we devote this Nation's attention justifiably on those missing in action.

Finally, I do believe that there is reason for cautious optimism in the fact that the Vietnamese Government has returned recently what they claim are remains of 26 Americans. I think we will find ultimately, in my opinion, that these bodies are those of individuals who pretty well died back between the years 1965 and 1972.

We should have some cautious optimism. I believe there is reason for dialog on this issue and I believe that dialog can do no harm.

Let us, however, not raise the expectations again of these four family members who have been on an emotional roller coaster throughout these many years on this issue.

I thank the gentleman very much for his indulgence.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for his observation.

Mr. Speaker, I yield to my very, very good friend, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, may I say to the gentleman from New York [Mr. SOLARZ] that I have nothing to add except I want to make a point. If the public thinks that this issue is not a consuming one with this Congress, they are mistaken.

I think the gentleman from New York [Mr. SOLARZ], the gentleman from New York [Mr. GILMAN], the gentleman from Florida [Mr. FASCELL], the gentleman from New York [Mr. SOLOMON], and the gentleman from California [Mr. DORNAN] have made this almost a central issue of their congressional work. Many hours have been spent going over the files and meeting with military people.

The gentleman from New York [Mr. GILMAN] has done heroic work, as has the gentleman from New York [Mr. SOLARZ].

I have been on trips with the gentleman from California [Mr. DORNAN] when his recreation was spent going through the files of people missing in action.

So I just want to assure the public that the dedication, the commitment to this cause, is total on behalf of the gentleman from New York [Mr. SOLARZ], the gentleman from New York [Mr. GILMAN], the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. DORNAN], and so many others.

So I want to salute their constancy and their persistence and con.mend them for their excellent work in this very tragic and important issue.

Mr. SOLARZ. Mr. Speaker, coming from the gentleman from Illinois, that is indeed a high compliment and I deeply appreciate it.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Illinois [Mr. HYDE] and a number of people have spent a lot of time working in this area. I am one of those persons, having gone to Vietnam 13 times, more than any other Member of Congress, trying to come up with some answers, and we are entitled to better answers than the Vietnamese have given us.

Mr. Speaker, I rise in support of this resolution. There are several things in the resolution that I would have preferred to have been worded differently. I asked the gentleman from New York [Mr. GILMAN] and it did not work out under the parliamentary procedure, which he might have done to accept some wording in here that would have done what the gentleman from Arizona said to make it a little easier on the families and not to give them extra hope that any Americans were coming back from Vietnam; but I do support the resolution. We are entitled to as much information as we can get to resolve the status of the 2,400 Americans still listed as missing in action.

I would emphasize again that I do not agree with a portion of the resolution which calls for the immediate release of any Americans who may still be held captive. I have worked on this issue for some 15 years and have made 13 trips to Southeast Asia. While I sincerely hope I am wrong, it is my belief that no Americans are being held captive against their will in Indochina as a result of our involvement in the Vietnam war.

I chaired the House Select Committee on Missing Persons in Southeast Asia in 1975–76 and served on the Woodcock Commission which went to Hanoi in 1977. Both committees conducted extensive investigations and concluded there was no evidence to support the claim that Americans were being held captive. I continue to receive briefings from the Defense Intelligence Agency and have seen no evidence to this day to confirm the possibility that Americans are still being held.

But I am also strongly supportive of efforts between our Governments to get the fullest accounting possible of Americans listed as missing in action. It is not possible to get a total accounting of our MIA's. Missing soldiers are a part of war. In Southeast Asia, the problems are compounded by the passage of time and humid tropical conditions. In addition, many of our servicemen went down into the sea or crashed in dense jungles.

The latest overture by the Vietnamese could be a positive sign they are willing to resolve the issue. The Laotians have also been more cooperative in recent months.

I join with my colleagues in calling on these Governments to follow through on their pledge to cooperate on the MIA issue. We owe it to the families of those listed as missing in action, and to the American people to get the fullest possible accounting of our missing servicemen.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. Yes, I yield to my friend, the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding.

Seeing the gentleman from Mississippi [Mr. MONTGOMERY] at the microphone reminds me that I have made a significant omission in naming people who have made this a primary concern. The gentleman from Mississippi [Mr. MONTGOMERY] has been, to my recollection, the first and the foremost to dedicate so much time and effort to this cause. I want to salute him and beg his pardon for omitting him.

I know I have omitted several. I am just naming those who come to mind most readily.

● Mr. LENT. Mr. Speaker, I am pleased to take this opportunity to express my strong support for Senate Concurrent Resolution 46, legislation similar to a House bill which I have cosponsored.

Senate Concurrent Resolution 46 expresses the sense of the Congress that the President continue his efforts to resolve the fate of Americans missing or unaccounted for in Indochina. But this legislation goes much further than just urging the President's action on this vital issue. Passage of Senate Concurrent Resolution 46 will demonstrate to the families of those missing Americans, and to men and women currently in the military, that we have the resolve to secure a full accounting of our POW's and MIA's, and that we care. These brave Americans have made the ultimate sacrifice for their country, and we have an obligation to ensure that their fate is resolved. The legislation before us can help to achieve this goal. I urge my colleagues to join with me in supporting Senate Concurrent Resolution 46 and to send a clear message to the families of these missing servicemen and to those in military service that we will never forget.●

● Mrs. LLOYD. Mr. Speaker, this Friday has been designated as "National POW/MIA Recognition Day."

Passage of the resolution, of which I was a cosponsor, underscores our Nation's debt to all those men and women who have served to defend our freedom. It also recognizes the unique sacrifice of the families of unaccounted-for Americans, and our Nation's debt to these brave men, women, and children. National POW/MIA Recognition Day serves to increase public awareness in the United States, and throughout the world, that there remain over 2,478 Americans still unaccounted for in Indochina.

I believe as long as there is the slightest chance that even one American may still be held captive—as long as there is even one American whose whereabouts is still unaccounted for—then, the Congress must continue to press for a complete resolution of this issue. We must remain involved in POW/MIA accountability until every case is resolved and every family is relieved of the anguish and pain of uncertainty about the fate of their loved ones. As a nation, we must stand behind our fighting men and women. We must also keep faith with them and their families. I, personally, will continue my efforts to see that an accounting is made. I urge my colleagues to join with me in giving strong support to this effort.●

● Mr. IRELAND. Mr. Speaker, on July 19, 1985, National POW/MIA Recognition Day, Americans will take time to honor a group of genuine heroes. It is fitting that we salute all former prisoners of war, those still missing in action, and their families that await their return. These brave Americans and their relatives have endured much suffering in defense of our freedom. We owe them our most sincere gratitude. For those still missing, this day provides not only a tribute to their efforts, but also provides for their families the assurance that their loved ones have not been forgotten. All Americans anxiously await their return home.

We are encouraged by recent word from Hanoi that more remains of American servicemen may soon be released, but we must not overlook the possibility that American soldiers may still be held prisoner in Indochina.

This day recognizes POW's and MIA's from all wars. Therefore, I would like to call to your attention the existence of POW's in our current unconventional war against terrorism. We call them hostages, yet they are, in fact, POW's. This is a war, complete with flag-draped caskets arriving at Andrews Air Force Base and Americans being held prisoner. The Americans who have been held hostage in this war also deserve to be honored for their sacrifices. Let us redouble our efforts and vow to the families of those still missing that American will not rest until all our fellow citizens are accounted for, safe, and secure.●

● Mr. MORRISON of Connecticut. Mr. Speaker, tomorrow, July 19, we will commemorate National POW/MIA Recognition Day.

Tomorrow, our Nation will join in the personal vigil of the families of the 2,491 Americans still missing from the Vietnam conflict. For them, every day is a day of remembering, waiting, and wondering.

For most Americans, the tragedy of Vietnam is in the past. But for the wives, children, parents, brothers, and sisters of those who are unaccounted for, the war is not over.

Legislation designating the observance of National POW/MIA Recognition Day passed both Houses of Congress with strong support. But, today there is another important piece of legislation pending before us, which I urge my colleagues to join me in supporting: Senate Concurrent Resolution 46, expressing the sense of the Congress that the President continue his efforts to resolve the fate of those Americans missing or unaccounted for in Indochina.

Mr. Speaker, in light of the hopeful news we have heard recently about the willingness of the Vietnamese to cooperate, it is especially important that we redouble our efforts to obtain a full accounting of those Americans who are still missing.

We owe no less to those who have given so much for their country, and those who wait. I am proud to support this bill, Mr. Speaker, and I hope all my colleagues will do so as well.●

Mr. SOLARZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO HAVE UNTIL 5 P.M., FRIDAY, JULY 19, 1985, TO FILE A REPORT ON H.R. 1957, THE OCEAN DUMPING AMENDMENTS ACT OF 1985

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until 5 p.m. Friday, July 19, 1985, to file a report on H.R. 1957, the Ocean Dumping Amendments Act of 1985.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPACE EXPLORATION DAY

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 154) to designate July 20, 1985, as Space Exploration Day, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

Mr. CHENEY. Mr. Speaker, reserving the right to object, I do so to give the gentlewoman an opportunity to explain what it is and whether or not it has been cleared with the minority.

Ms. OAKAR. Mr. Speaker, if the gentleman will yield, to my knowledge, it was cleared. I am substituting for the gentleman from New York [Mr. GARCIA], the chairman of the Census Subcommittee.

Mr. Speaker, American history has been driven by the need to explore, to find out what lies beyond the horizon. Once we reached the limits of our continental frontier, we heeded the call of the "New Frontier" and entered into the era of space exploration. Manned, as well as unmanned, space flights have expanded our knowledge of the universe and the human spirit.

Space Exploration Day commemorates the triumphant day in 1969 when Neal Armstrong took a small step for man and one large step for mankind on the surface of the Moon. Hundreds of thousands of men and women combined their talents and efforts for that particular mission. As an Ohioan, I share our State's pride in the role played by Neal Armstrong as well as JOHN GLENN, the first American to pilot an orbital flight. Their cool, professional, and self-effacing manner in risky and highly experimental undertakings exemplified the qualities shared by all the men and women who have made our space program such a huge success.

Mr. NELSON of Florida. Mr. Speaker, I rise in full support for Senate Joint Resolution 154 to designate July 20, 1985, as Space Exploration Day. The broad support this resolution has received exemplifies the unanimity of feeling among Members as to the importance of this Nation's space exploration activities.

During the last 25 years, we have virtually completed the "reconnaissance" phase of our solar system's inner planets through the very successful Viking and Pioneer space exploration programs.

Looking forward, our space exploration program is beginning to unravel the evolutionary mysteries of the giant outer planets and our Sun through continuation of the Voyager Program and the upcoming Galileo and Ulysses missions scheduled for next year.

In addition to these programs, the Hubble space telescope will be placed in orbit in 1986. This automated in-orbit observatory will enable us to glimpse at the stars and galaxies beyond our solar system with unequalled clarity and detail.

Great nations are often characterized as having an insatiable appetite for truth, knowledge, and understanding. Our space exploration program is part of this country's quest for knowledge and a better understanding about life here on Earth and the origin of the universe.

Mr. Chairman, history will record this quest as a true measure of this Nation's greatness.

Mr. CHENEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio [Ms. OAKAR]?

Mr. TAYLOR. Reserving the right to object, Mr. Speaker, this has been cleared with the minority.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 154

Whereas on July 20, 1969, people of the world were brought closer together by the first manned exploration of the moon;

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind;

Whereas the United States space program has provided scientific and technological benefits affecting many areas of concern to mankind;

Whereas the United States space program, through Project Apollo, Viking, and Voyager missions to the planets, the space shuttle, and other space efforts, has provided the Nation with scientific and technological leadership in space;

Whereas the National Aeronautics and Space Administration, the United States aerospace industry, and educational institutions throughout the Nation contribute research and development to the United States space program, and to the strength of the economy of the Nation;

Whereas the space program reflects technological skill of the highest order and the best in the American character—sacrifice, ingenuity and the unrelenting spirit of adventure;

Whereas the spirit that put man on the moon may be applied to all noble pursuits involving peace, brotherhood, courage, unity of the human spirit, and the exploration of new frontiers; and

Whereas the human race will continue to explore space for the benefit of future generations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 20, 1985, is designated as "Space Exploration Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 154, designating July 20, 1985, as Space Exploration Day.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 2068, DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The SPEAKER laid before the House the following resignation as a conferee:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 17, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my appointment to the conference committee on H.R. 2068, authorizing appropriations for Fiscal Years 1986 and 1987 for the Department of State and related agencies.

Thank you for your consideration.

With best wishes, I am.

Sincerely yours,

GUS YATRON,
Chairman, Subcommittee on Human Rights and International Organizations.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Washington [Mr. BONKER] to fill the existing vacancy on the conference committee.

The Clerk will notify the Senate of the change in conferees.

RE-REFERRAL OF H.R. 2743, NUCLEAR REGULATORY COMMISSION PROCEDURES REQUIREMENTS, TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS AND COMMITTEE ON ENERGY AND COMMERCE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2743, a bill to require the Nuclear Regulatory Commission to adhere to certain procedures in the conduct of its

meetings, originally referred solely to the Committee on Interior and Insular Affairs, be jointly referred to the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce and that the RECORD include at this point an exchange of letters between Chairman UDALL and Chairman DINGELL related to this request. The letters indicate the concurrence of the chairmen of both committees to the re-referral of this bill.

I would like to note that this matter has been raised with the minority on both committees, and they have no objection. I appreciate their cooperation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The letters above referred to are as follows:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 27, 1985.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, Washington, DC.

DEAR MO: As you know, the Speaker has referred to your Committee H.R. 2743, which requires that the Nuclear Regulatory Commission adhere to certain procedures in the conduct of its meetings. I have no disagreement with the propriety of this referral and believe it to be consistent with the primary jurisdiction the House Rules vest in the Interior Committee over the regulation of the domestic nuclear energy industry.

Because this bill is of particular interest to our Subcommittee on Energy Conservation and Power, which held a hearing on the subject matter of the bill recently, this letter is to request your concurrence to a re-referral of the bill jointly to this Committee and yours.

I am requesting a re-referral in this particular case, while recognizing that neither you, nor I, wish to establish any precedent for future bills relating to the NRC. I am satisfied that it will not impinge on our jurisdiction. I presume you feel the same way in regards to your Committee's jurisdiction. If so, I suggest that you and Ed Markey do it, subject, of course, to clearance with the respective Minority of the Committees.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, DC, June 26, 1985.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter requesting my approval of a referral of H.R. 2743 dealing with certain procedural requirements of the United States Nuclear Regulatory Commission.

I agree that the original referral was correct under the Rules of the House and that the Committee on Energy and Commerce could seek a sequential referral of the legislation. In order to permit early consideration of the bill by the Committee on Energy and Commerce, however, I have no objection to a joint referral of the measure at this time. My acquiescence is made in the interest of comity among the committees and with the express understanding that the referral in no way modifies the allocation of jurisdiction between the committees or the rules by which subsequent legislation will be referred on the same subject matter as H.R. 2743, or measures amending its text should H.R. 2743 become law.

Sincerely,

MORRIS K. UDALL,
Chairman.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1986

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 224

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the following amendments, which shall not be subject to amendment: (1) the amendments recommended by the Permanent Select Committee on Intelligence now printed in the bill, and said amendments shall be considered en bloc; and (2) the amendments printed in the Congressional Record of July 16, 1985, by, and if offered by, Representative Hamilton of Indiana, and said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole and said amendments shall be debatable for not to exceed twenty minutes, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1110

The SPEAKER. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 224 provides for the consideration of H.R. 2419, the Intelligence Authorization Act for fiscal year 1986. The resolution is a modified closed rule with 1 hour of general debate.

Section 402(a) of the Congressional Budget Act is waived against consideration of the bill. This section of the Budget Act prohibits consideration of authorizing legislation not reported by May 15 prior to the fiscal year to which it applies. This waiver is necessary because, as the result of a clerical error, the legislation contains an authorization for fiscal year 1985. Since the bill was not reported prior to May 15, 1984, it is in violation of section 402(a) of the Budget Act. However, since it is the intention of Chairman HAMILTON of the committee to offer an amendment that cures this Budget Act violation during the amendment process, this waiver of section 402(a) is purely a technical waiver.

The rule allows only the following amendments which are not amendable: The committee amendments printed in the bill, to be considered en bloc; and the amendments by Representative HAMILTON printed in the CONGRESSIONAL RECORD of July 16, 1985, to be considered en bloc and not subject to a division of the question in the House or in the Committee of the Whole. The Hamilton amendments are debatable for 20 minutes, equally divided and controlled by Mr. HAMILTON and a Member opposed to the amendments.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, the rule recommended by the Rules Committee is somewhat unusual for an authorization bill. The Rules Committee has traditionally attempted to grant open rules to authorization bills so Members can offer amendments and express their views on the legislation. In this instance, the Rules Committee was faced with unanimous bipartisan testimony from members of the Intelligence Committee that a modified closed rule was necessary. First, the legislation is noncontroversial. Second, the Intelligence Committee was advised by the leadership that a modified closed rule would lend itself to expeditious floor consideration of the legislation. Third, and most importantly, the unique relationship between the H.R. 2419, the Intelligence Authorization Act and H.R. 1872. The Department of Defense Authorization Act is such that the amendments to be offered by Mr. HAMILTON are necessary to reconcile the authorization levels contained in the Intelligence bill, H.R. 2419, with the House-passed authorization levels contained in H.R. 1872.

For these reasons, the Rules Committee felt that a modified closed rule was appropriate for the consideration of H.R. 2419. The Rules Committee is not aware of any opposition to this proposed modified closed rule.

Mr. Speaker, H.R. 2419 authorizes appropriations for fiscal year 1986 for the intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Committee staff, and for the Central Intelligence Agency retirement and disability system. The legislation also amends certain administrative provisions relating to the Central Intelligence Agency and Intelligence Community Staff.

The legislation contains a provision that makes clear that the prohibition that applies to supporting Nicaraguan insurgents applies only to the provision of funds, goods, equipment, civilian or military supplies, or any other material, but does not prohibit the provision of intelligence information or advice to the Contras.

In addition, H.R. 2419 requires notification to the Intelligence and Appropriations Committees both for intelligence activities in excess of authorized amounts or transfers by an intelligence agency of military equipment or services worth more than $1 million per item to a foreign government or group.

House Resolution 224 is, we believe, a fair rule that provides for the expeditious consideration of H.R. 2419 and I urge its adoption.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 224 is a modified rule under which the House will consider legislation that authorizes appropriations for our Nation's foreign intelligence programs.

This rule represents the recommendation of the Committee on Rules as the best way for the House to deal with the issues contained in H.R. 2419, the Intelligence authorization bill for 1986, and the best way to facilitate House consideration of this important legislation in a timely manner.

Mr. Speaker, the rule limits the number of amendments to H.R. 2419, and this limitation is provided at the unanimous, bipartisan request of the members of the Permanent Select Committee on Intelligence.

Mr. Speaker, it was the feeling of the Committee on Rules that the request of the Permanent Select Committee on Intelligence for restrictions on amendments on H.R. 2419 ought to be allowed because of the time constraints we face in completing House action on the bill prior to completing action on the Defense authorization conference report.

The rule does contain a waiver of section 402(a) of the Budget Act, to permit consideration of the bill. Due to a clerical error, the bill was printed with a fiscal year 1985 authorization date for the Central Intelligence Agency retirement and disability fund. The Intelligence Committee intended for this authorization to be effective for fiscal year 1986 appropriations, and will offer an amendment to correct the authorization date.

In this situation, the Budget Act waiver is technical in nature and is provided in the rule in order to permit the committee to correct the printing mistake.

Mr. Speaker, the rule provides for 1 hour of general debate, and for 30 minutes of debate on the amendments specifically made in order.

The two amendments specified in the rule are not subject to further amendment. The first amendment will be the committee amendments, which are printed in the bill, and which will be considered en bloc. Under the rules of the House, debate on the committee amendments is limited to 10 minutes.

The second amendment made in order by the rule is one to be offered by the distinguished chairman of the Intelligence Committee, the gentleman from Indiana, [Mr. HAMILTON]. The Hamilton amendments are printed in the CONGRESSIONAL RECORD of July 16, and will be debatable for 20 minutes. These amendments will also be considered en bloc, and will not be subject to division in the House or in committee.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, H.R. 2419 provides authorization for our national foreign intelligence programs and tactical intelligence programs of the Department of Defense. The programs and dollar amounts of the authorizations are described in a classified annex to the committee report, which is available to all Members.

About 98 percent of the funds authorized in H.R. 2419 are contained in the Defense authorization bill, H.R. 1872, which passed the House on June 27. The conference committee on that bill expects to finish its work this week, and this rule is designed to accommodate the Permanent Select Committee on Intelligence prior to final action on the conference report.

Mr. Speaker, the committee amendments made in order by this rule narrow the focus of our current legal prohibition on assistance to the democratic resistance forces in Nicaragua.

The committee amendment continues the prohibition on expenditure of funds for materiel assistance to the Nicaraguan democratic resistance, including arms, ammunition, or other equipment or material. The committee amendment does allow U.S. intelligence agencies to share intelligence information or advice, and is, therefore, generally consistent with the action this House took on June 12 as part of H.R. 2577, the supplemental appropriations bill.

Mr. Speaker, there was no opposition to the procedure outlined in this rule during our hearing in the Committee on Rules. The members of the Permanent Select Committee on Intelligence were unanimous in their request for this type of rule.

In the interest of timely action by the House, I urge support for this rule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP], the ranking minority member of the Intelligence Committee.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of House Resolution 224.

This rule was requested by the committee and supported by both the majority and the minority, and I urge its adoption.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time on this side either, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 224 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2419.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Ms. KAPTUR in the chair.

The Clerk read the title of the bill.

□ 1120

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 2419, the Intelligence Authorization Act for Fiscal Year 1986.

As Members know well, this bill—like its predecessors—offers little information to the reader. The figures and all the details of its recommendations for the intelligence budget are to be found in the classified schedule of authorizations and the classified annex which accompanies the committee's report. Those materials are available today, as they have been since June 3, in the offices of the Intelligence Committee and I urge Members who have not done so to take the time to read them.

These documents support something we all know—that intelligence is as essential a government function as any in the United States. A great power like the United States cannot survive without good intelligence. Intelligence is receiving, and should receive, increasing priority for a whole range of tasks and targets, among which—to name only a few—are: The threat of terrorism; the counterintelligence response to hostile intelligence services acting in this country and abroad against American interests; the security of our embassies and other facilities overseas, both physical and electronic; and such traditional intelligence concerns as support to arms control negotiations. The committee members believe that U.S. intelligence agencies perform a vital service for the national security.

Members of the Intelligence Committee also believe that even intelligence, as important as it is, must be subjected to the same rigorous budget scrutiny applied to other elements of Government.

Acting in the present austere budget climate, your committee has recommended a percentage cut in the intelligence budget comparable to that recommended by the Committee on Armed Services. This is the largest cut the Intelligence Committee has ever made in the budget. It was taken with appropriate concern for the national security of the United States and with clear appreciation that cuts were necessary.

Since the committee reported out H.R. 2419. The House has passed the Defense authorization bill as amended by the Aspin amendment. The Aspin amendment freezes Defense expenditures at the fiscal year 1985 appropriation level. The Intelligence Committee recognizes that this sets a strong precedent for the intelligence budget and, accordingly, at the direction of the committee, I will offer an amendment today to limit the intelligence authorization bill to a level consistent with those Defense levels set by the Aspin amendment.

Ninety-eight percent of the intelligence programs in this bill are contained in the Defense budget. Authorization levels for most intelligence programs are contained within the various appropriation category totals in the Defense authorization bill. Adjustments which we have made to intelligence programs have been coordinated with the Armed Services Committee and are accurately reflected in the totals contained by the Defense bill.

The amendment that I will offer at the direction of the committee recognizes that the intelligence budget is essentially a subset of the Defense budget. Moreover, it recognizes that it is the total Defense budget that we want to freeze, not its individual components. My amendment limits intelligence authorizations so that they cannot cause the Defense freeze to be breached. This is not to say that no intelligence programs have increased. They have, even after our substantial cuts. We all recognize that many components of the Defense budget have increased despite the freeze. Some components increase, some decrease. The essential feature of an overall freeze is that the total amounts not be exceeded. Consider SDI, for example. Despite cuts to the program by both House and Senate, the programs will have at least $2.5 billion in funding next year, an increase of almost 80 percent over last year. Nevertheless, the Defense freeze is not breached. The same is true for intelligence programs.

What does this amendment do? First, it states legislatively the principle that we can't do anything in this bill to breach the Defense freeze. This could have a significant practical effect if the correspondence between the Defense and intelligence bills is lost as the legislative process continues. The amendment prevents any excess of authorization for intelligence. Second, some reductions in the Defense bill are unallocated. Some of these reductions will ultimately be allocated to intelligence programs. The amendment causes the relevant accounts in this bill to be reduced accordingly.

These are the committee's objectives and we believe they are consistent with the will of the House.

Madam Chairman, there are other important features of the bill worth mentioning. With respect to Nicaragua, the committee has amended the familiar Boland amendment language to permit the provision of CIA intelligence and advice to the Contras. It continues the prohibition on other intelligence agency support to the Contras but is consistent with the Michel amendment to the supplemental appropriations bill adopted by the House.

In another provision, the committee has made permanent a requirement that has long appeared in intelligence authorization bills. This provision requires the Intelligence and Appropriations Committees be told of the intent to exceed the authorized amount for any intelligence or intelligence-related program.

Another provision requires that the intelligence committees receive prior notice of clandestine transfer of an item of military equipment or services where the item or service equals or exceeds $1 million in value. This is an area of high congressional interest and sensitivity for U.S. foreign policy. Such transfers deserve to be subject to the special notice requirements that apply to other significant anticipated intelligence activities.

Finally, Madam Chairman, the bill contains a provision which requires a report from the Director of Central Intelligence on the security of U.S. installations overseas in the face of efforts by foreign governments, electronic or otherwise, to exploit U.S. confidential communications or other activities. This is a high priority of the committee and one that I believe is shared by the intelligence community.

In closing, I pay tribute to LOU STOKES and BOB STUMP and the other members of the committee for their work and devotion to the review of the intelligence budget. They, and the excellent staff of the subcommittee, have worked hard. They have produced a result which meets the committee's tradition of full bipartisan support and they have done so in the difficult circumstances of budget austerity and increasing intelligence priorities. I believe they deserve the thanks of the House for a job very well done.

Madam Chairman, at this point. I yield to the gentleman from Ohio, the distinguished chairman of the Subcommittee on Program and Budget Authorization, Mr. STOKES.

Mr. STOKES. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I want to take a moment to express my appreciation to all of the members of my subcommittee for their tireless and conscientious committee work in producing this bill. In particular I want to commend the gentleman from Indiana [Mr. HAMILTON], the chairman of the full committee for his hard work both as full committee chairman and as a member of this subcommittee.

I also want to express my appreciation to the gentleman from Arizona [Mr. STUMP], the ranking minority member. I appreciate his cooperation and I have enjoyed working with him. I also appreciate and want to make special mention of the other subcommittee members who never missed a meeting in over 50 hours of hearings on this bill; Mr. KASTENMEIER, Mr. DANIEL, Mr. ROE, Mr. CHENEY, and Mr. LIVINGSTON.

Other members of the full intelligence committee who were not members of our subcommittee but who often attended our meetings and made

a contribution were Mr. BEILENSON, Mr. BROWN, Mr. MCEWEN, Mr. MCHUGH, and Mr. DWYER.

I also want to thank our committee staff; Marty Faga, Duane Andrews, Bob Fitch, Bob Surret, and Carol Thompson for their highly professional work.

Madam Chairman, H.R. 2419, the Intelligence Authorization Act for fiscal year 1986, is the eighth such bill in as many years reported out by the Permanent Select Committee on Intelligence. I am proud to say, like its predecessors, it's budget provisions were approved unanimously in committee, and was supported by the Committee on Armed Services.

This bill authorizes all the funds for the next fiscal year for the intelligence and intelligence-related activities of the U.S. Government.

The category of "intelligence activities" includes all the activities of the Central Intelligence Agency; the Defense Intelligence Agency; the National Security Agency; other intelligence components of the Department of Defense, and the Departments of the Army, Navy, and Air Force; the Bureau of Intelligence and Research of the Department of State; the intelligence divisions of the Federal Bureau of Investigation, intelligence elements of the Departments of Treasury and Energy, and the Drug Enforcement Administration; and the intelligence community staff of the Director of Central Intelligence. These activities provide intelligence for the use of the President, the Cabinet, the National Security Council and the Joint Chiefs of Staff.

Further, this bill authorizes intelligence-related activities of the Department of Defense, which are programs that are integral to the defense force structure, but which are similar to national intelligence programs and are often tasked for national intelligence purposes, particularly in peacetime.

The similarity of programs and functions between the national intelligence programs and the intelligence-related activities of the Defense Department is the reason that both are considered by the Permanent Select Committee on Intelligence and authorized in this bill. We have worked to insure that the program areas are complementary and mutually supportive but not duplicative. The referral of this bill to the Committee on Armed Services has assured that the judgments we have made from an intelligence viewpoint are equally sound from a military perspective. We have worked closely with that committee on a continuous basis and achieved a position agreeable to both committees.

Madam Chairman, most intelligence activities are classified and necessarily so. In some cases, even the very existence of the program or activity is held secret. This sensitivity limits the description we can offer here on the floor. The schedule of authorizations to accompany the bill and the classified annex to the report have been available to Members since June 3. The subject material is complex, but we have worked to make these classified reports as readable as possible.

The committee continues to recommend that the budget for intelligence not be disclosed. The disclosure of a single budget number might not itself be harmful, but some explanation of the content and meaning of the number would be essential. But such an explanation would be excessively revealing. Moreover, the committee recognizes that intelligence is inherently secret, and any disclosure is the beginning of an erosive process. In some cases, the mere awareness of an intelligence activity can easily reduce or eliminate its effectiveness, may endanger lives, and may lead to the collection of false information contrived by our adversaries to confuse or mislead us.

Madam Chairman, I would like to summarize briefly the organization of this bill.

Title I provides for the bulk of our intelligence and intelligence-related activities. As I said earlier, funds and program details are in the classified schedule of authorizations and the annex to the report. One exception is the authorization for the Domestic Counterterrorism Program of the FBI, which is unclassified. The bill provides $15.2 million for this function.

Title II provides necessary authorities for the intelligence community staff, whose function is to assist the Director of Central Intelligence with his responsibilities for overall coordination of intelligence and preparation of the budget. The staff is made up of representatives of all elements of the intelligence community. Administratively, it is treated as though it were part of the CIA. The bill provides $21.9 million for this purpose. An amendment will be offered reducing this amount to $21 million.

Title III provides authorization of $101.4 million for the Central Intelligence Agency Retirement and Disability System. This is a program established by Congress in 1964 to provide for those CIA personnel who perform hazardous duties or are in special situations, usually abroad, which may limit the length of their careers. The bill incorrectly states that the amount authorized is for fiscal year 1985. A technical amendment will correct this to read fiscal year 1986.

As Chairman HAMILTON has stated, title IV provides in section 401 that the Congress must be notified before intelligence funds are obligated or expended for a purpose other than that originally authorized. Section 401 also requires notification if defense activities or services exceeding $1 million in value are to be transferred in conjunction with an intelligence activity. Section 402 requires a report from the Director of Central Intelligence of the vulnerability of our confidential activities abroad.

Title V provides that this bill does not authorize intelligence activities not otherwise authorized by the laws and Constitution of the United States. It also provides authorization for appropriations to pay for increased pay or benefits to Federal employees if they are enacted in other legislation.

Madam Chairman, as in the last fiscal year, this bill authorizes less than the administration requested. Some specific proposals have been recommended for deferral, others for termination, while a few have been increased. I believe that the authorization provided is adequate to meet the country's needs.

Madam Chairman, let me close by stating that, as in year's past, the committee has made, and continues to make, the classified annex to it's report available to all Members of the House during business hours in the committee's rooms. I would invite Members who have not yet had an opportunity to do so to read this annex.

□ 1130

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 2419, the Intelligence Authorization Act, with the committee amendments printed in the bill and the committee freeze-type amendment printed in the CONGRESSIONAL RECORD of Tuesday, July 16.

The funding authorizations contained in this bill for intelligence and intelligence-related activities ensure that U.S. policymakers will continue to have the capability to collect needed intelligence on foreign powers, to detect and counter hostile activities by foreign powers, and to influence world events.

Because the effectiveness of intelligence programs depends in part upon their secrecy, the details of intelligence programs and the associated funding levels must remain concealed.

Consequently, I will not discuss the details of the committee's recommendations. Those details are in the classified schedule of authorizations and classified annex to the committee's report, which have been available for review by all Members of the House since June 3, 1985.

I believe that H.R. 2419 represents a balanced and effective allocation of scarce resources to U.S. intelligence programs.

The authorization levels for intelligence activities established by this bill generally represent bipartisan agreement on programs and budgets for in-

telligence matters of critical importance to national security.

Section 105 of this bill, relating to aid to the Nicaraguan Democratic Resistance, is not exactly what I would have preferred.

As the minority views in the Intelligency Committee report on the bill state, the minority believes that the Congress should support military aid to the resistance.

A majority of the committee did not agree with that position, but it did agree that the U.S. Government should be able to exchange intelligence and advice with the resistance.

Thus, section 105 of the bill with the committee amendments only prohibits intelligence agencies from providing material assistance to the resistance.

The committe position on section 105 is generally consistent with the will of the House expressed in the adoption of the Michel-McDade-McCurdy language on the supplemental appropriations bill, which provides for humanitarian aid to the resistance administered by an agency other than CIA or DOD, and allows the exchange of information with the resistance.

I urge the House to support the committee's authorization decisions by approving H.R. 2419.

Madam Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. I thank the gentleman for yielding.

Madam Chairman, I rise in support of H.R. 2419. This has been my 1st year to serve on the Intelligence Committee, and I must say I found it a fascinating experience in part because of the spirit of bipartisanship that was mentioned previously by the chairman.

It has been a privilege to serve with the gentleman from Arizona [Mr. STUMP], the ranking Republican, and the gentleman from Indiana [Mr. HAMILTON], the chairman of the full committee, and the gentleman from Ohio [Mr. STOKES], who chaired the Budget Subcommittee.

I think it is extremely important for the House and for the committee to seek bipartisan efforts and conclusions with respect to the intelligence program and I was indeed pleased that we were able to achieve that this year.

As the gentleman from Arizona [Mr. STUMP] mentioned, many of us believe that the provisions with respect to Nicaragua are inadequate; we would have preferred to support military assistance to the Democratic resistence in Nicaragua; but we did in fact reach a compromise; we did agree to modify section 105 of the bill so that it does continue the prohibition of the Boland amendment against military assistance, but it does in fact make it clear that the prohibition does not prevent information sharing or advice with the Nicaraguan Democratic Resistance.

Section 105 is intended to bar the Central Intelligence Agency, the Department of Defense or any other U.S. Government agency or entity involved in intelligence activities from providing directly or indirectly arms, ammunition, or other equipment or material to support the military or paramilitary activities of the Nicaraguan insurgent forces.

It is not intended to prohibit the provision of intelligence information and advice to these groups, nor does it preclude the United States from furnishing political, administrative, or other forms of nonmilitary support for activities of the Nicaraguan Democratic Resistance.

In other words, it is consistent with the provision of humanitarian assistance to the armed Nicaraguan Democratic Resistance, as previously approved by the House this year on the supplemental appropriations bill.

Madam Chairman, this is a good piece of legislation. I am proud to have served on the committee that produced it, and I would urge my colleagues to approve it.

□ 1140

Mr. STUMP. Madam Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I wonder if I might ask the chairman, the gentleman from Indiana [Mr. HAMILTON], one question. First of all, I want to identify with everything that the gentleman from Arizona [Mr. STUMP] has said and what the gentleman from Wyoming [Mr. CHENEY] has said, complimenting the committee on its excellent leadership and the effort to attain bipartisan consensus, which most often we do.

With reference to section 105, is it the gentleman's understanding that that section does not conflict in any way with the McCurdy-Michel-McDade amendment which we adopted in this Chamber on previous legislation?

Mr. HAMILTON. Yes, basically that is my understanding, that there is no conflict.

But let me respond in more detail. The Michel amendment appropriates $27 million in 2 fiscal years to be distributed by an agency of Government other than the Central Intelligence Agency or the Department of Defense for humanitarian aid to the Contras. Section 105 of this bill prohibits any intelligence agency from providing assistance to the Contras, material assistance to the Contras. It does not prohibit, as the gentleman from Wyoming said, the provision of intelligence or advice to the Contras.

Now, the Michel amendment would not have restricted or does not restrict the use of the State Department in distributing aid to the Contras. Section 105 does prohibit the State Department from being the agency for that purpose.

Other than that, there is no conflict or difference between the two provisions, and I think that difference is a minor one.

Mr. HYDE. I thank the chairman very much for that explanation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding.

Madam Chairman, I rise in support of H.R. 2419, the Intelligence Authorization Act for Fiscal Year 1986. This bill provides classified authorizations of appropriations for intelligence and intelligence-related programs which are essential to the security interests of the United States.

I note, however, that one section of the bill, section 105 relating to Nicaragua, in my view does not fully satisfy the security interests of the United States. As the minority views contained in the Intelligence Committee's report make clear, the committee-recommended version of section 105 is only tolerable in comparison to the alternative it replaced—the full Boland prohibition, which the House recently rejected in considering the supplemental appropriations bill.

Section 105 of H.R. 2419 as introduced would have carried forward to fiscal year 1986 the Boland prohibition on support for military or paramilitary operations in Nicaragua contained in section 8066(a) of the DOD Appropriations Act, 1985 and section 801 of the Intelligence Authorization Act for Fiscal Year 1985. The committee amendment to section 105, which is printed in the bill, more narrowly tailors the prohibition to the concerns some in the Congress have expressed in the past about U.S. policy toward Nicaragua and the armed democratic resistance in that country. Also, the committee amendment to section 105 was crafted so that it does not interfere with use of the U.S. Armed Forces consistent with the War Powers Resolution to protect U.S. citizens, or U.S. efforts to fulfill collective security treaty obligations.

Instead of the Boland prohibition, section 105 as recommended by the committee establishes two narrower prohibitions on the use of funds during fiscal year 1986 by the CIA. DOD, and other U.S. intelligence entities. First, the amendment prohibits use of funds by intelligence agencies for material assistance to the armed democratic opposition, referred to as the Nicaraguan Democratic Resistance. Second, the amendment prohibits use of funds by intelligence agencies which would have the effect of providing arms, ammunition, or other weapons of war for military, or paramilitary operations in Nicaragua by

any group, organization, movement, or individual.

Although this revised section 105 does not fully meet the need to support the resistance in the fight for freedom in Nicaragua, it is better than the Boland amendment it replaced and is generally consistent with the Michel-McDade-McCurdy language the House adopted on the supplemental appropriation bill. Aside from the failure of revised section 105 to go far enough in renewing support for the Nicaraguan resistance. I believe the rest of the bill provides the support needed for the Nation's vital intelligence activities. I urge my colleagues to support the bill for that reason.

I emphasize again that the two narrow prohibitions contained in revised section 105 were carefully crafted to meet both congressional concerns and the needs of U.S. foreign policy. In revised section 105, the term "material assistance" refers to any corporeal items. Thus, no goods of any type may be furnished by intelligence agenies to the resistance in Nicaragua. In contrast, the amendment does not prohibit nonmaterial, that is, noncorporeal, assistance, such as advice or intelligence information. Lest there be any confusion about it, such intelligence information or advice does not become material assistance merely because it may be physically embodies in pieces of paper.

As I interest it, amended section 105 is not intended to prohibit the sharing of intelligence and conduct of normal liaison contact, or to encumber the political, administrative, or other support for nonparamilitary activities. Thus, any authority for material assistance of a political or administrative nature, such as typewriters or photocopiers, to democratic opposition elements who are not engaged in armed resistance, would not be affected.

The other prohibition contained in amended section 105 precludes use of funds by intelligence agencies which have the effect of providing arms, ammunition, or other weapons of war for military, or paramilitary operations in Nicaragua. Unlike the first prohibition, which applies only with respect to the Nicaraguan Democratic Resistance, the second prohibition applies with respect to military operations by any "group, organization, movement or individual." The deletion of the word "nation"—which appeared in the rejected Boland prohibition—from the list of actors to whom the United States may not give aid for operations in Nicaragua, makes clear that section 105 does not prevent use of U.S. intelligence funds to support U.S. military operations in Nicaragua consistent with the War Powers Resolution, should such operations become necessary, for example in rescuing U.S. Embassy personnel in an emergency. The deletion of "nation" also makes clear that, in the event of a Nicaraguan attack on any of our allies in the region, intelligence funds could be used in support of collective self-defense operations under the Rio Treaty.

Madam Chairman, I say again to my colleagues that amended section 105 is not perfect. I believe, as do many other Members of the House, that the United States should provide material aid—and every other kind of aid—to the Nicaraguan Democratic Resistance to continue the fight against Sandinista Communist tyranny in Nicaragua.

Notwithstanding the shortcomings of section 105, however, the remainder of the bill is fully satisfactory in meeting the intelligence needs of the United States, and I would urge my colleagues to support it on that basis.

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to take this opportunity to commend the gentleman from Indiana, the chairman of the committee, the gentleman from Ohio [Mr. STOKES], the chairman of the Budget Subcommittee for their leadership and fairness in developing this bill. I would especially like to commend the new Members on both sides of the aisle for demonstrating their willingness to spend many hours behind closed doors to bring about this bill. And lastly, but not least, the staff, who, as usual, has done a tremendous job, and I commend them for that.

Mr. HAMILTON. Madam Chairman, I concur in all of the statements the gentleman has made, and I thank him for his expression of appreciation.

● Mr. PRICE. Madam Chairman, this is the 7th year that the Permanent Select Committee on Intelligence and the Armed Services Committee worked together to report the authorization bill for intelligence and intelligence-related activities of the intelligence community.

As the Members will recall, the Armed Services Committee shares responsibility for authorizing certain elements in the intelligence authorization bill with regard principally to intelligence-related activities for the Department of Defense, and I am most pleased to report on the continued excellent working relationship with, and cooperation of, the select committee members and staff in arriving at complete agreement on all items of joint responsibility.

As part 2 of the report states, the results of our recommendations are classified and are included in the classified annex to the report H.R. 2419 prepared by the select committee.

I urge the Members to support the intelligence related activity authorizations reported in this bill.●

Mr. HAMILTON. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except the following amendments, which are not subject to amendment:

(1) The amendments recommended by the Permanent Select Committee on Intelligence now printed in the bill, which shall be considered en bloc; and (2) the amendments printed in the Congressional Record of July 16, 1985, by, and if offered by, Representative Hamilton, which shall be considered en bloc and shall be debatable for not to exceed twenty minutes, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto.

The text of H.R. 2419 is as follows:

H.R. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1986".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1986 for the conduct of the intelligence and intelligence-related activities of the following elements (or offices, agencies or subelements thereof) of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1986, for the conduct of the intelligence and intelligence-related activities of the elements (or offices, agencies or subelements thereof) listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 2419 of the Ninety-ninth Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 103. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1986 the sum of

$15,200,000 for the conduct to the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

SEC. 104. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1986 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element (or offices, agencies or subelements thereof) of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

SEC. 105. During fiscal year 1986, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1986 the sum of $21,900,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-three full-time personnel as of September 30, 1986. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1986, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1986, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1986, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1985 then sum of $101,400,000.

TITLE IV—PROVISIONS RELATING TO INTELLIGENCE AGENCIES

SEC. 401. (a) Title V of the National Security Act of 1947 (50 U.S.C. 413), relating to accountability for intelligence activities, is amended by adding at the end thereof the following:

"NOTICE TO CONGRESS OF CERTAIN EXPENDITURES AND CERTAIN TRANSFERS OF DEFENSE ARTICLES

"SEC. 502. (a)(1) Funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity only if—

"(A) those funds were specifically authorized by the Congress for use for such activity; or

"(B) in the case of funds from the Reserve for Contingencies of the Central Intelligence Agency and consistent with the provisions of section 501 of this Act concerning any significant anticipated intelligence activity, the Director of Central Intelligence has, subject to the provisions of section 501, notified the appropriate congressional committees of the intent to make such funds available for such activity; or

"(C) in the case of funds specifically authorized by the Congress for a different activity—

"(i) the activity to be funded is a higher priority intelligence or intelligence-related activity;

"(ii) the need for funds for such activity is based on unforeseen requirements; and

"(iii) the Director of Central Intelligence or the Secretary of Defense has notified the appropriate congressional committees of the intent to make such funds available for such activity.

"(2) Fund available to an intelligence agency may not be made available for any intelligence or intelligence-related activity for which funds were denied by the Congress.

"(b)(1) The transfer of a defense article or defense service exceeding $1,000,000 in value by an intelligence agency to a recipient outside that agency shall be considered a significant anticipated intelligence activity for the purpose of section 501 of this Act.

"(2) Paragraph (1) does not apply if—

"(A) the transfer is being made to a department, agency, or other entity of the United States (so long as there will not be a subsequent retransfer of the defense articles or defense services outside the United States Government in conjunction with an intelligence or intelligence-related activity); or

"(B) the transfer—

"(i) is being made pursuant to authorities contained in part II of the Foreign Assistance Act of 1961, the Arms Export Control Act, title 10 of the United States Code (including a law enacted pursuant to section 7307(b)(1) of that title), or the Federal Property and Administrative Services Act of 1949, and

"(ii) is not being made in conjunction with an intelligence or intelligence-related activity.

"(3) An intelligence agency may not transfer any defense articles or defense services outside the agency in conjunction with any intelligence or intelligence-related activity for which funds were denied by the Congress.

"(c) As used in this section—

"(1) the term 'intelligence agency' means any department, agency, or other entity of the United States involved in intelligence or intelligence-related activities;

"(2) the term 'appropriate congressional committees' means the intelligence committees and the Committee on Appropriations of each House;

"(3) the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate;

"(4) the term 'specifically authorized by the Congress' means that—

"(A) the activity and the amount of funds proposed to be used for that activity were identified in a formal budget request to the Congress, but funds shall be deemed to be specifically authorized for that activity only to the extent that the Congress both authorized the funds to be appropriated for that activity and appropriated the funds for that activity; or

"(B) although the funds were not formally requested, the Congress both specifically authorized the appropriation of the funds for the activity and appropriated the funds for the activity;

"(5) the terms 'defense articles' and 'defense services' mean the items on the United States Munitions List pursuant to section 38 of the Arms Export Control Act (22 CFR part 121);

"(6) the term 'transfer' means—

"(A) in the case of defense articles, the transfer of possession of those articles, and

"(B) in the case of defense services, the provision of those services; and

"(7) the term 'value' means—

"(A) in the case of defense articles, the greater of—

"(i) the original acquisition cost to the United States Government, plus the cost of improvements or other modifications made by or on behalf of the Government; or

"(ii) the replacement cost; and

"(B) in the case of defense services, the full cost to the Government of providing the services.".

(b) The table of contents at the end of the first section of such Act is amended by inserting the following after the item relating to section 501:

"Sec. 502. Notice to Congress of certain expenditures and certain transfers of defense articles.".

COUNTERINTELLIGENCE VULNERABILITY REPORT

SEC. 402. (a) The Director of Central Intelligence shall review and evaluate the vulnerability of confidential United States Government activities abroad, and information concerning such activities, to efforts by foreign powers to detect, monitor or counter such activities, or to acquire such information.

(b) Within one hundred and twenty days after the date of enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a comprehensive report on the matters described in subsection (a), including plans for improvements which are within his authority to effectuate, and recommendations for improvements which are not within his authority to effectuate.

(c) The report described in subsection (b) of this section shall be exempt from any requirement for publication or disclosure.

TITLE V—GENERAL PROVISIONS

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 501. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 502. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 4, strike out line 14 through line 21 and insert the following:

"SEC. 105. During fiscal year 1986, no funds available to the Central Intelligence Agency, Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended, directly or indirectly, for material assistance to the Nicaraguan democratic resistance including arms, ammunition, or other equipment or material which could be used to inflict serious bodily harm or death, or which would have the effect of providing arms, ammunition or other weapons of war for military or paramilitary operations in Nicaragua by any group, organization, movement or individual."

Page 7, line 12, strike out", subject to the provisions of section 501,".

Page 8, line 1, strike out "Fund" and insert "Funds".

Mr. HAMILTON. Madam Chairman, I urge support for the committee amendments.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Madam Chairman, pursuant to the rule, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMILTON: Page 5, line 11, strike out "$21,900,000" and insert in lieu thereof "$21,000,000".

Page 6, line 19, strike out "1985" and insert in lieu thereof "1986".

Page 12, after line 15, add the following new section:

LIMITATION ON BUDGET AUTHORITY

SEC. 503. Notwithstanding any other provision of this Act, appropriations pursuant to authorizations in this Act for any element of the United States Government for the conduct of intelligence and intelligence-related activities for fiscal year 1986 may not be made in an amount that would cause the total amount of budget authority for the department or agency from which such element receives funds to exceed—

(1) the total amount of budget authority authorized for such department or agency for fiscal year 1986; or

(2) if there is no Act authorizing appropriations for such department or agency for fiscal year 1986, the total amount appropriated for such department or agency for fiscal year 1985.

Mr. HAMILTON (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN, Pursuant to House Resolution 224, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Madam Chairman, I offer this amendment at the direction of the Permanent Select Committee on Intelligence. It is a freeze-type of amendment. It is offered because the committee is aware that this House has imposed spending restraints on all spending bills to date. The committee believes that intelligence should not be immune from a fair share reduction.

The committee has made significant cuts in the fiscal year 1986 budget request of the administration. These cuts were the largest ever made by the committee. They were made in view of the fiscal restraints imposed by the deficits. We believe that all our allocations were fair and have not done serious harm to any important intelligence programs, or to the national security interests of the United States.

The committee's reductions and the reasons for them are fully explained in the classified annex to the committee's report. That classified annex is available in the offices of the committee for review by any Member of the House.

In structuring the amendment before us, the committee wished to establish the principle that spending for intelligence programs should be frozen at the fiscal year 1985 appropriation level, or the authorization level for fiscal year 1986 for the departments or agencies within whose budgets intelligence funds are located.

Ninety-eight percent of the moneys authorized by this intelligence bill are contained within the Department of Defense authorization. Nearly all of them are hidden in various authorization categories for security purposes. They are, in effect, subelements of the Defense budget, even though they are separately authorized by the intelligence bill and reviewed by the Intelligence Committee.

Therefore, these intelligence programs were among those which were affected by the Aspin freeze amendment adopted by the House to the Defense authorization bill. Now, some intelligence programs—like some Defense programs within those large authorization categories—will experience real growth in fiscal year 1986. An example would be the strategic defense initiative which, despite significant cuts by both House and Senate, still exceeds the fiscal year 1985 appropriation level by 80 percent.

First, this amendment says that no intelligence program may exceed a level which would have the effect of making the combination of intelligence and nonintelligence programs exceed the level set by the Aspin amendment. This approach is the essence, I believe, of the Aspin amendment, which was to limit the total amount of Defense expenditures in fiscal year 1985. My amendment will ensure the intelligence authorization figures will not result in exceeding that fiscal year 1985 spending cap.

Second, this amendment provides that in the case of cuts to the Defense budget that are, in effect, unallocated, such as those affecting operations and maintenance, whatever allocable share is eventually determined to apply to intelligence programs will be automatically taken from those programs. The amendment ensures, in effect, an automatic adjustment of the relevant spending accounts to take account for those across-the-board unallocated cuts that were made to the Defense bill.

This amendment will not require reductions in all intelligence programs. It will only require reductions where without them defense categories would exceed the Aspin freeze levels or where the intelligence budget's share of defense cuts can be allocated. There will be some real growth in many intelligence programs. That, however, is a function of both the committee's and the administration's belief that these subelements of the Defense budget are important and deserve priority. The committee has not given the administration all that it sought.

As I indicated earlier, we have made some significant cuts in many intelligence programs, but we believe that the total package of intelligence recommendations, combined with the effect of this amendment, results in an intelligence budget that support essential intelligence functions at defensible spending levels. I urge the adoption of the amendment.

Madam Chairman, I yield to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. I thank the gentleman for yielding.

Madam Chairman, I rise in support of the committee amendment offered by the gentleman from Indiana.

The amendment will make absolutely clear on the face of the bill that the bill will not break any overall budget

ceilings which may be established by the DOD Authorization Act, in which 98 percemt of intelligence funds are contained.

I emphasize to my colleagues on both sides of the aisle that this amendment does not preempt or override any authorization decisions which have been—or will be—made on other authorization bills.

The amendment simply ensures that authorization decisions made in this bill for intelligence programs of the various Government department and agencies will be fully consistent with decisions on the overall budget of those departments and agencies made in other authorization bills, such as the DOD Authorization Act.

I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Ms. KAPTUR, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 224, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1150

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

EXTENDING AUTHORITY TO ESTABLISH AND ADMINISTER FLEXIBLE AND COMPRESSED WORK SCHEDULES FOR FEDERAL GOVERNMENT EMPLOYEES

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1455) to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is amended by striking out "three years after the date of the enactment of this Act" and inserting in lieu thereof "September 30, 1985".

The SPEAKER pro tempore. The gentleman from New York [Mr. ACKERMAN] is recognized for 1 hour.

Mr. ACKERMAN. Mr. Speaker, S. 1455 is a noncontroversial measure, and it has been cleared with the minority. It is an emergency measure to continue alternative work schedules for Federal employees. The present authority is scheduled to expire on July 23, next Tuesday. This measure is the only way to avoid the unnecessary and costly disruption which would occur in Federal agencies if the program were to lapse.

S. 1455 is similar to a bill, H.R. 1534, which the House of Representatives approved under suspension of the rules on May 20 of this year. H.R. 1534 would have granted permanent authorization to the Alternative Work Schedules Program. The other body, for reasons totally unrelated to the merits of this program, has delayed action on H.R. 1534, thus making this emergency measure necessary.

Mr. Speaker, the Alternative Work Schedules Programs is a proven success. It has strong bipartisan support in both Chambers, and it is strongly endorsed by Federal employees, Federal managers, as well as the administration.

I urge my colleagues to support this temporary measure, in order to continue a worthwhile program.

● Mr. WOLF. Mr. Speaker, I rise today in support of the legislation which would extend the authority of the Office of Personnel Management to administer the alternative work schedules [AWS] or flexitime program through Sepember 30, 1985. Because of my concern over the possibility that this highly successful program might lapse, I introduced legislation yesterday to temporarily extend it.

On May 20 of this year the House passed legislation to permanently extend the flexitime program, which is set to expire on July 23, less than a week away. However, this legislation has not been approved by our colleagues in the other body. As a result, we must pass this emergency extension legislation to prevent the program from expiring.

Over 450,000 Federal employees participate in the flexitime program and one of the largest ASW experiments is located in my Congressional District. I strongly support continuation of this program which benefits Federal employees, the Federal Government as well as the American taxpayer. To allow this program to expire on July 23 would create many problems and hardships for everyone involved.

Mr. Speaker, major changes in the pay and benefits of Federal employees have been proposed during recent months. These proposals have resulted in a demoralized Federal work force that feels it is the first group to be singled out when cuts need to be made. Flexitime is a program that has been a proven employee morale booster with significant advantages to the Federal Government and the American taxpayer. I urge my colleagues to prevent this vital program from expiring by supporting the legislation at hand.●

● Mr. GILMAN. Mr. Speaker, I rise in strong support of S. 1455, providing for a temporary extension of the Federal Employees Flexible and Compressed Work Schedules Act. I commend the gentleman from New York, our distinguished colleague, Mr. ACKERMAN, for taking the initiative to make certain that this program does not expire prior to Senate consideration of H.R. 1534, the House-passed legislation to make this invaluable program permanent. S. 1455 extends the flexitime program, which was due to expire on July 23, 1985, until September 30, 1985. I am hopeful that this extension of time will afford the Senate ample time to consider this important measure.

Since the authorization by Congress in 1978 of experimental programs in the use of flexible and compressed work schedules, the majority of comments regarding this program have been very positive.

This experiment, sometimes referred to as flexitime, afforded Federal public employees the opportunity to participate in a number of work schedule designs other than the traditional 5-day, 40-hour work week.

This program has not been without some weaknesses when used improper-

ly outside the framework of management consultation, but as with the private sector experience, flexible work schedules result in innumerable benefits, increased usage of buildings and equipment, decreased traffic congestion, improved work attendance, and heightened productivity and worker morale.

Recent published results of a study conducted by the GAO in conjunction with OPM assessing the success of the flexitime program showed that it is highly productive and is beneficial to both our Federal Government and its employees; representing a permanent step toward accessible, efficient government.

I look forward to Senate consideration of H.R. 1534, legislation making permanent the Federal Employees Flexible and Compressed Work Schedules Act. Accordingly, I urge my colleagues to support S. 1455, temporarily extending this vital program until that time.●

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on S. 1455, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 8, WATER QUALITY RENEWAL ACT OF 1985

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 222 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 222

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. Immediately after the enacting clause of the bill is read, it shall be in order to consider, before any other amendments, the amendments to the committee substitute printed in the Congressional Record of July 16, 1985, by, and if offered by, Representative Howard of New Jersey, said amendments shall be considered en bloc and shall be in order although amending portions of the substitute not yet read for amendment, and said amendments shall not be subject to a demand for a division of the question in the House or in Committee of the Whole. If said amendments are adopted, they shall be considered, as finally adopted, to have been adopted in the House and in Committee of the Whole, and it shall be in order to consider the committee amendment in the nature of a substitute, as so modified, as an original bill for the purpose of amendment under the five-minute rule, and each section shall be considered as having been read. It shall also be in order to consider an amendment to said substitute printed in the Congressional Record of July 16, 1985, by, and if offered by, Representative Jones of North Carolina, said amendment shall be considered as having been read, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, except as otherwise provided by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 222 is an open rule that provides for the consideration of H.R. 8, the Water Quality Renewal Act of 1985. The resolution provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. The rule waives points of order under section 402(a) of the Congressional Budget Act against consideration of the bill. Section 402(a) provides that it shall not be in order to consider any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15 preceding the beginning of such fiscal year.

H.R. 8 would reauthorize water quality programs administered by the Environmental Protection Agency for fiscal years 1985 through 1990. Since the bill authorizes the enactment of new budget authority for fiscal years 1985 and 1986, and since it was not reported by the May 15 deadline for either fiscal year, it violates section 402(a) of the Budget Act.

In addition, Mr. Speaker, House Resolution 222 makes in order the Public Works and Transportation Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment to be considered by sections, with each section to be considered as read. The rule also provides that immediately after the enacting clause is read and prior to the consideration of any other amendments, it shall be in order to consider the amendments to the committee substitute by Representative HOWARD, printed in the CONGRESSIONAL RECORD of July 16, 1985. These amendments shall be considered en bloc, and the amendments shall not be subject to division of the question and shall be in order although amending portions of the substitute not yet read for amendment either in the House or the Committee of the Whole.

Mr. Speaker, if the Howard amendments are adopted, the committee substitute as amended shall be considered as original text for amendment, with each section to be considered as read. Mr. Speaker, House Resolution 222 also makes in order an amendment printed in the CONGRESSIONAL RECORD of July 16, 1985, to be offered by Representative JONES of North Carolina. The rule provides that the amendment shall be considered as read, and waives all points of order against the amendment for failure to comply with the provisions of clause 7, rule XVI, the germaneness rule. Finally, Mr. Speaker, House Resolution 222 provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 8 the Water Quality Renewal Act of 1985 would provide for a 5-year extension of the authorization for various water quality programs to be administered by the Environmental Protection Agency. The bill would provide a balanced and comprehensive reauthorizaton of one of the Nation's most important environmental laws, the Federal Water Pollution Control Act, also referred to as the Clean Water Act. This act was first implemented in 1972 to control the discharges of pollutants into the Nation's water. Mr. Speaker, H.R. 8 contains a number of provisions designed to improve the Nation's water pollution control programs. The bill for con-

struction grants program authorizes $12 billion through fiscal year 1990.

Mr. Speaker, under current law the Federal share of any construction project will not exceed 55 percent of the project's total cost; provisions in H.R. 8 would retain that figure. In addition, H.R. 8 authorizes a new revolving fund program to assist communities within each State for the construction of needed wastewater treatment facilities. Each State would contribute at least 20 percent of the amount of its grant into the fund. The purpose of this revolving fund process is to eventually transfer all responsibility of treatment facilities construction from the Federal Government to the States and local communities.

Mr. Speaker, H.R. 8 would also authorize funds for a nonpoint source pollution control program. These types of nonpoint source pollution are a result of farm and forest land storm runoff. Nonpoint sources are estimated to account for 50 percent or more of the pollutant loads in the U.S. lakes and streams.

Mr. Speaker, H.R. 8 is similar to H.R. 3282 which passed the House by a vote of 405 to 11 during the 98th Congress. However, this measure failed to become law because the other body failed to take their bill to the floor. This year, however, the Senate has passed legislation dealing with pollution control. Mr. Speaker, the passage of this bill would allow the Federal Government to begin the programs that would improve the quality of our Nation's waterways. Mr. Speaker, I strongly urge the adoption of the resolution.

Mr. Speaker, I yield to the gentleman from Tennessee, for the purpose of debate only.

Mr. Speaker, I move the previous question on the resolution.

□ 1200

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, this is a somewhat complex rule as has been ably explained by my friend, the gentleman from Massachusetts [Mr. MOAKLEY]. I am not aware of any objection to the rule, however, and I urge its adoption.

H.R. 8 is a major bill setting the pace for our national water pollution control effort. The bill is similar to last year's water quality renewal bill which passed the House by a vote of 405 to 11. The other body failed to act on its version prior to adjournment.

The changes in the Federal Water Pollution Control Act of 1972 embodied in H.R. 8 are the result of a great deal of work undertaken over the past 3 years by the members of the Public Works and Transportation Committee. Although there is controversy regarding this bill, I think the leadership and members of the committee, on a completely bipartisan basis, are to be commended for writing a strong environmental bill that is realistic and also responsive to the needs of economic development.

H.R. 8 renews a great number of existing programs and creates several new programs to help in the Federal effort to reduce pollution in our Nation's waters. One new initiative, in particular, deserves our support.

The bill creates a new revolving fund program through which States will be able to provide loans, guarantees, and interest subsidies to their communities. After repayment, the States will be able to use the money again to help other communities construct additional pollution control facilities. It is expected that this new program will allow many more communities to receive funding for needed construction projects than is now possible. This is an innovative approach to stretch our scarce dollars as far as possible to meet serious pollution problems throughout the country.

Mr. Speaker, I urge adoption of the rule so that we can begin work on this important bill.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The motion was agreed to.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2942) making appropriations for the legislative branch for the fiscal year ending September 39, 1986, and for other purposes, and that I may be permitted to include extraneous material, tabular matter, and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1986

Mr. FAZIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2942) making appropriations for the legislative branch for the fiscal year ending September 30, 1986, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. LEWIS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. FAZIO].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Missouri [Mr. GEPHARDT] as Chairman of the Committee of the Whole and requests the gentleman from Massachusetts [Mr. MOAKLEY] to assume the chair temporarily.

□ 1208

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2942, with Mr. MOAKLEY [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may require.

Before I begin, with leave I have already obtained, I would like to insert a table in the RECORD.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 2942)

	Fiscal year 1985 enacted [1]	Fiscal year 1986 estimates [2]	Committee recommendation	Committee recommendation compared with	
				Enacted	Estimates
TITLE I—CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	75,100			−75,100	
Mileage of Members					
Mileage of Members	210,000	210,000	150,000	−60,000	−60,000
House Leadership Offices					
Office of the Speaker	771,000	775,000	775,000	+4,000	
Office of the Majority Floor Leader	682,000	688,000	688,000	+6,000	
Office of the Minority Floor Leader	760,000	767,000	767,000	+7,000	
Office of the Majority Whip	598,000	603,000	603,000	+5,000	
Office of the Minority Whip	520,000	524,000	524,000	+4,000	
Total, House leadership offices	3,331,000	3,357,000	3,357,000	+26,000	
Salaries, Officers and Employees					
Office of the Clerk	13,599,000	13,856,000	13,656,000	+57,000	−200,000
Office of the Sergeant at Arms	18,430,000	18,669,000	18,269,000	−161,000	−400,000
Office of the Doorkeeper	6,820,000	6,878,000	6,678,000	−142,000	−200,000
Office of the Postmaster	2,165,000	2,145,000	2,075,000	−90,000	−70,000
Office of the Chaplain	72,000	73,000	73,000	+1,000	
Office of the Parliamentarian	623,000	623,000	623,000		
Office of the Parliamentarian	(414,000)	(414,000)	(414,000)		
Compilation of precedents of the House of Representatives	(209,000)	(209,000)	(209,000)		
Office for the Bicentennial	193,000	267,000	219,000	+26,000	−48,000
Office of the Law Revision Counsel	839,000	889,000	859,000	+20,000	−30,000
Office of the Legislative Counsel	2,933,000	2,989,000	2,800,000	−133,000	−189,000
House Democratic Steering Committee and Caucus	578,000	617,000	617,000	+39,000	
House Democratic Steering Committee	(440,300)	(479,100)	(479,100)	(+38,800)	
House Democratic Caucus	(137,700)	(137,900)	(137,900)	(+200)	
House Republican Conference	578,000	617,000	617,000	+39,000	
Six minority employees	431,000	434,000	434,000	+3,000	
Other Authorized Employees	992,000	994,000	994,000	+2,000	
Technical assistant, Office of the Attending Physician	(45,000)	(47,000)	(47,000)	(+2,000)	
L.B.J. Interns and Former Speakers' staff	(850,000)	(850,000)	(850,000)		
Miscellaneous items	(97,000)	(97,000)	(97,000)		
Total, salaries, officers and employees	48,253,000	49,051,000	47,914,000	−339,000	−1,137,000
Committee Employees					
Professional and clerical employees (standing committees)	41,619,000	44,325,000	44,325,000	+2,706,000	
Committee on Appropriations (Studies and Investigations)					
Salaries and expenses	4,315,000	4,500,000	4,275,000	−40,000	−225,000
Committee on the Budget (Studies)					
Salaries and expenses	329,000	329,000	296,000	−33,000	−33,000
Members' Clerk Hire					
Clerk hire	166,762,000	169,641,000	166,762,000		−2,879,000
Contingent Expenses of the House					
Allowances and Expenses					
Official expenses of Members	73,803,000	83,261,000	81,000,000	+7,197,000	−2,261,000
Supplies, materials, administrative costs and Federal tort claims	18,160,000	16,946,000	16,946,000	−1,214,000	
Furniture and furnishings	1,270,000	1,150,000	1,000,000	−270,000	−150,000
Stenographic reporting of committee hearings	500,000	600,000	500,000		−100,000
Reemployed annuitants reimbursement	1,782,000	1,200,000	1,200,000	−582,000	
Government contributions	32,822,000	33,279,000	32,158,000	−664,000	−1,121,000
Miscellaneous items	500,000	622,000	622,000	+122,000	
Totals, allowances and expenses	128,837,000	137,058,000	133,426,000	+4,589,000	−3,632,000
Standing Committees, Special and Select					
Salaries and expenses	45,667,000	46,960,000	46,960,000	+1,293,000	
Total, contingent expenses of the House	174,504,000	184,018,000	180,386,000	+5,882,000	−3,632,000
Total, House of Representatives	439,398,100	455,431,000	447,465,000	+8,066,900	−7,966,000
JOINT ITEMS					
Contingent Expenses of the Senate					
Joint Economic Committee	2,644,000	2,680,000	2,670,000	+26,000	−10,000
Joint Committee on Printing	917,000	945,000	910,000	−7,000	−35,000
Total, contingent expenses of the Senate	3,561,000	3,625,000	3,580,000	+19,000	−45,000
Contingent Expenses of the House					
Joint Committee on Taxation	3,605,000	3,897,000	3,705,000	+100,000	−192,000
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,007,000	1,078,000	1,056,000	+49,000	−22,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 2942)—Continued

	Fiscal year 1985 enacted [1]	Fiscal year 1986 estimates [2]	Committee recommendation	Committee recommendation compared with	
				Enacted	Estimates
Capitol Police					
General expenses	1,471,000	1,670,000	1,361,000	−110,000	−309,000
Capitol Police Board	141,188	109,000	109,000	−32,188	
Total, Capitol Police	1,612,188	1,779,000	1,470,000	−142,188	−309,000
Official Mail Costs					
Expenses	85,797,000	144,458,000	104,211,000	+18,414,000	−40,247,000
Capitol Guide Service					
Salaries and expenses	820,000	954,000	867,000	+47,000	−87,000
Statements of Appropriations					
Preparation	13,000	13,000	11,000	−2,000	−2,000
Total, joint items	96,415,188	155,804,000	114,900,000	+18,484,812	−40,904,000
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	15,692,000	17,000,000	15,300,000	−392,000	−1,700,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	17,541,000	18,455,000	16,609,000	−932,000	−1,846,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	5,212,000	5,675,000	5,417,000	+205,000	−258,000
Contingent expenses	235,000	235,000	235,000		
Total, Office of the Architect of the Capitol	5,447,000	5,910,000	5,652,000	+205,000	−258,000
Capitol Buildings and Grounds					
Capitol buildings	11,643,850	12,621,000	11,405,000	−238,850	−1,216,000
Capitol grounds	2,896,000	3,364,000	3,041,000	+145,000	−323,000
House office buildings	22,873,000	41,323,000	22,318,000	−555,000	−19,005,000
Capitol power plant	22,990,000	25,375,000	23,495,000	+505,000	−1,880,000
Total, Capitol buildings and grounds	60,402,850	82,683,000	60,259,000	−143,850	−22,424,000
Total, Architect of the Capitol (except items in title II)	65,849,850	88,593,000	65,911,000	+61,150	−22,682,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	40,333,000	43,292,000	38,963,000	−1,370,000	−4,329,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	80,800,000	78,900,000	69,405,000	−11,395,000	−9,495,000
Total, title I—Congressional operations	756,029,138	857,475,000	768,553,000	+12,523,862	−88,922,000
TITLE II—OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	2,080,000	2,197,000	2,197,000	+117,000	
LIBRARY OF CONGRESS					
Salaries and expenses	139,325,000	146,607,000	136,569,000	−2,756,000	−10,038,000
Authority to spend receipts	−4,300,000	−4,300,000	−4,300,000		
Net, salaries and expenses	135,025,000	142,307,000	132,269,000	−2,756,000	−10,038,000
Copyright Office, salaries and expenses	17,301,000	18,081,000	17,631,000	+330,000	−450,000
Authority to spend receipts	−6,000,000	−6,000,000	−6,750,000	−750,000	−750,000
Net, Copyright Office, salaries and expenses	11,301,000	12,081,000	10,881,000	−420,000	−1,200,000
Books for the blind and physically handicapped, salaries and expenses	36,592,000	38,402,000	33,864,000	−2,728,000	−4,538,000
Collection and distribution of library materials (special foreign currency program):					
Payments in Treasury-owned foreign currencies	2,811,000	711,000	711,000	−2,100,000	
(Release of sec. 311 funds)	(300,000)			(−300,000)	
U.S. dollars	507,000	121,000	121,000	−386,000	
Total, collection and distribution of library materials	3,318,000	832,000	832,000	−2,486,000	
Total funds available (including sec. 311 funds)	(3,618,000)	(832,000)	(832,000)	(−2,786,000)	
Furniture and furnishings	1,673,000	5,915,000	891,000	−782,000	−5,024,000
Total, Library of Congress (except Congressional Research Service)	187,909,000	199,537,000	178,737,000	−9,172,000	−20,800,000
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	5,799,000	7,380,000	5,785,000	−14,000	−1,595,000
COPYPRIGHT ROYALTY TRIBUNAL					
Salaries and expenses	722,000	758,000	519,000	−203,000	−239,000
Authority to spend receipts	−505,000	−531,000	−363,000	+142,000	+168,000
Net, salaries and expenses	217,000	227,000	156,000	−61,000	−71,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 2942)—Continued

	Fiscal year 1985 enacted [1]	Fiscal year 1986 estimates [2]	Committee recommendation	Committee recommendation compared with	
				Enacted	Estimates
GOVERNMENT PRINTING OFFICE					
Printing and binding	13,200,000	14,500,000	11,655,000	−1,545,000	−2,845,000
Office of Superintendent of Documents, salaries and expenses	28,868,000	28,868,000	25,981,000	−2,887,000	−2,887,000
Total, Government Printing Office (except congressional printing and binding)	42,068,000	43,368,000	37,636,000	−4,432,000	−5,732,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	299,704,000	339,639,000	300,992,000	+1,288,000	−38,647,000
RAILROAD ACCOUNTING PRINCIPLES BOARD					
Salaries and expenses	1,000,000	1,000,000	750,000	−250,000	−250,000
Total, title II—other agencies	538,777,000	593,348,000	526,253,000	−12,524,000	−67,095,000
Grand total, new budget (obligational) authority	1,294,806,138	1,450,823,000	1,294,806,000	−138	−156,017,000
RECAPITULATION					
Title I—Congressional operations	756,029,138	857,475,000	768,553,000	+12,523,862	−88,922,000
Title II—Other agencies	538,777,000	593,348,000	526,253,000	−12,524,000	−67,095,000
TITLE I—CONGRESSIONAL OPERATIONS					
House of Representatives	439,398,100	455,431,000	447,465,000	+8,066,900	−7,966,000
Joint items	96,415,188	155,804,000	114,900,000	+18,484,812	−40,904,000
Office of Technology Assessment	15,692,000	17,000,000	15,300,000	−392,000	−1,700,000
Congressional Budget Office	17,541,000	18,455,000	16,609,000	−932,000	−1,846,000
Architect of the Capitol (except Library buildings and grounds)	65,849,850	88,593,000	65,911,000	+61,150	−22,682,000
Congressional Research Service, Library of Congress	40,333,000	43,292,000	38,963,000	−1,370,000	−4,329,000
Congressional printing and binding, Government Printing Office	80,800,000	78,900,000	69,405,000	−11,395,000	−9,495,000
Total, title I—Congressional operations	756,029,138	857,475,000	768,553,000	+12,523,862	−88,922,000
TITLE II—OTHER AGENCIES					
Botanic Garden	2,080,000	2,197,000	2,197,000	+117,000	
Library of Congress (except Congressional Research Service)	187,909,000	199,537,000	178,737,000	−9,172,000	−20,800,000
Architect of the Capitol (Library buildings and grounds)	5,799,000	7,380,000	5,785,000	−14,000	−1,595,000
Copyright Royalty Tribunal	217,000	227,000	156,000	−61,000	−71,000
Government Printing Office (except congressional printing and binding)	42,068,000	43,368,000	37,636,000	−4,432,000	−5,732,000
General Accounting Office	299,704,000	339,639,000	300,992,000	+1,288,000	−38,647,000
Railroad Accounting Principles Board	1,000,000	1,000,000	750,000	−250,000	−250,000
Total, title II—Other agencies	538,777,000	593,348,000	526,253,000	−12,524,000	−67,095,000
Grand total, new budget (obligational) authority	1,294,806,138	1,450,823,000	1,294,806,000	−138	−156,017,000

[1] Includes supplementals approved in H.R. 2577.
[2] Includes the following budget amendment for fiscal year 1986: H. Doc. 99–69, $70,000.

Mr. Chairman, it is a privilege for me to come to the floor today to present the legislative appropriations bill. I say that because I think we have met our responsibilities in a way that, frankly, is consistent with what we have done over the past several years. Also, in this particular year of high deficits and with the potential terrible impact those can have on the economy of the country, we have gone even further to exhibit, I think, the kind of responsible attitude that the legislative branch of government must show if it is to provide the leadership to restrain spending and to reduce deficits throughout the Federal budget.

I am also very privileged to serve with very capable Members. I have a very solid subcommittee that I work with, one that is replete with experienced and capable Members, most of whom have had more experience in Congress than I have had and many of whom have had great experience in dealing with the problems of the legislative branch that are well known by longtime observers:

For example, the gentleman from Wisconsin [Mr. OBEY], who is probably more experienced than any other Member in the area of legislative procedural reform and changes in the way in which we manage the House of Representatives;

The gentleman from Arkansas [Mr. ALEXANDER], a solid Member, who is chief deputy whip and who is very interested in the legislative branch;

Of course, we have the gentleman from Pennsylvania [Mr. MURTHA], who has long been the champion of the concerns of the average Member and family;

The gentleman from Michigan [Mr. TRAXLER], who we sometimes refer to fondly as the loyal opposition, a good man who serves the committee well and places a great deal of emphasis on our activities;

And, of course, the gentlewoman from Louisiana [Mrs. BOGGS], who is probably the expert in the body, now that Mr. Hightower has left us, on the actions of the Library of Congress and the Folklife Center and other cultural enrichments which are contained within the legislative branch.

We are also privileged to have the gentleman from Mississippi [Mr. WHITTEN], the full committee chairman, and the gentleman from Massachusetts [Mr. CONTE], the ranking minority member of the full committee, who sits with us on the subcommittee. The gentleman from Massachusetts, I am sure, will have some comments on the bill. He is joined by two other Republican members who invest a great deal of their own personal time in the work of the subcommittee: the gentleman from Indiana [Mr. MYERS], who is one of the busiest Members, with several responsibilities serving the Members and the House, a member of the Page Board and a member of the Gym Committee, and one of the hard-working members of the Ethics Committee, a real Member's Member; and the gentleman from Illinois [Mr. PORTER], who is doing a great deal of good in bringing legislative branch spending down through his penchant for detail.

□ 1210

And, of course, the man that I really want to say the most about is the gentleman from California [Mr. LEWIS] with whom I am privileged to serve in the second legislative body in our lives, having come from the California State Assembly Legislature of that great State. Together I think we have forged a very positive partnership, one that protects the interests of the American people and at the same time looks out for the needs to provide for this institution that we serve and love so well.

This bill, a little less than $1.3 billion, can be easily understood if you think of it initially as divided between the operations of the Congress, the Senate and the House, and those other agencies that serve both the legislative branch of Government or public and the Government at large.

There is $769 million of the $1.3 billion for congressional operations, $526 million for the other agencies.

This bill has been cut by 11 percent from the submissions that were made directly to the Office of Management and Budget by these agencies in the legislative branch; $156 million less than was requested by those agencies has been provided in this bill. In fact, it freezes the legislative branch at the 1985 spending level when the pending supplemental appropriations and the original appropriation for 1985 are combined. That is $138 less than we spent in 1985.

We froze this budget for a number of reasons. We are under tremendous pressure to reduce spending everywhere.

The President in an unprecedented suggestion, but one which we respected and took to heart, in his budget submission recommended a 10-percent reduction in the legislative branch of Government. We do not take that as a mandate, but we did take it as an admonition, a recommendation and we have gone him one further to 11 percent.

We have reduced employment in the legislative branch by 1.5 percent, or 429 jobs. We have abolished 155 of them and we have not funded 274. We have blocked them in effect. We have told the agencies with responsibility to keep them open.

In title I, congressional operations, we have provided funding of $447 million for the House, and $115 million for the joint items that we share with the Senate.

The Office of Technology Assistance received some $15.3 million.

The Congressional Budget Office, under tremendous strain to work with us in the solution of our budget crunch, is $16.6 million.

The Architect of the Capitol in his support of the physical plant of the Congress, $66 million.

The Congressional Research Service has been awarded $39 million.

Congressional printing necessary for the operation of the Congress is funded at $69.4 million.

The Botanic Gardens, the Library of Congress, the Library and building and grounds account, the Copyright Tribunal, the GPO, excluding congressional printing, the GAO and the Railroad Accounting Principles Board, are the items covered in title II of the bill.

Title III provides for a variety of provisions, most of which are traditional, to facilitate the operations of Congress.

This is a very tight and austere budget. It anticipates reductions in service; at the same time we have tried to protect the core legislative functions that allow us to operate as an independent branch of government; but nobody has been exempted. No entity, no Member should feel that they do not have the responsiblity to attempt to make reductions in spending and to live within their means, certainly those means that we provided in the current fiscal year.

We are particularly concerned about the one growing burden that we seem to have a problem bearing each year, the cost of postage. We have made a $40 million reduction in what the Postal Service had estimated will be the cost of outgoing mail. In the face of a postal rate increase, that is going to be difficult.

We have provided, however, for $18 million more this year over 1985 and we have urged and will work with the Franking Commission in their efforts to study ways of bringing down congressional mailing costs despite an increase in mail to us from constituents concerned with a variety of fundamental issues. For example, the major tax reform bill that is before us at this time is generating a great deal of mail that needs answering.

The Senate has included, I think, a similar approach in their legislative efforts to reduce the cost of postage. I hope with the involvement of our leadership on a bipartisan basis, we are going to be able to make some real progress in this area.

I would like to provide some perspective before we begin the debate on this bill. Very often, Members find it easy to be self-critical. It is good politics at home. It is very easy to justify cutting into the legislative branch of government. It almost becomes an orgy of self-flagellation at some point. Many Members have found that this kind of issue seems to be more important in their constituencies than others of greater dollar value and perhaps greater significance. So I thought we ought to take just a moment to summarize where we are.

Under the unanimous consent request I have already obtained, I would like to submit charts for the RECORD.

[Charts not printed in the RECORD.]

FEDERAL BUDGET AUTHORITY IN CURRENT AND CONSTANT DOLLARS FOR EXECUTIVE AND LEGISLATIVE BRANCHES, FISCAL YEAR 1978–86

[With index of change based on fiscal year 1978 = 100]

Government branch	Fiscal year—								
	1978	1979	1980	1981	1982	1983	1984	1985	1986
Executive branch (current dollars):									
Budget authority (millions)	$535,140	$596,446	$708,515	$789,401	$854,565	$937,000	$999,953	$1,118,993	$1,125,285
Change (indexed on fiscal year 1978 = 100)	100.00	111.46	132.40	147.51	159.69	175.09	186.86	209.10	210.28
Executive branch (constant 1985 dollars):									
Based on fiscal year CPI (1985, millions)	$894,045	$903,432	$944,687	$947,756	$954,961	$1,011,707	$1,037,277	$1,118,993	$1,084,563
Change (indexed on fiscal year 1978 = 100)	100.00	101.05	105.66	106.01	106.81	113.16	116.02	125.16	121.31
Legislative branch (current dollars):									
Budget authority (millions)	$1,087	$1,131	$1,318	$1,251	$1,414	$1,687	$1,770	$1,766	$1,785
Change (indexed on fiscal year 1978 = 100)	100.00	104.05	121.25	115.09	130.08	155.20	162.83	162.47	164.21
Legislative branch (constant 1985 dollars):									
Based on fiscal year CPI (1985, millions) [1]	$1,816	$1,713	$1,757	$1,502	$1,580	$1,822	$1,836	$1,766	$1,720
Change (indexed on fiscal year 1978 = 100)	100.00	94.33	96.77	82.71	87.01	100.30	101.10	97.25	94.74
Legislative branch title I (current dollars):									
Appropriations (millions)	$692	$763	$791	$811	$908	$993	$1,052	$1,060	$1,078
Change (indexed on fiscal year 1978 = 100)	100.00	110.26	114.31	117.20	131.21	143.50	152.02	153.18	155.78
Legislative branch title I (constant 1985 dollars):									
Based on fiscal year CPI (1985, millions)	$1,156	$1,156	$1,055	$974	$1,015	$1,072	$1,091	$1,060	$1,039
Change (indexed on fiscal year 1978 = 100)	100.00	99.97	91.23	84.22	87.77	92.74	94.39	91.69	89.87
Consumer price index (calendar years): Based on 1978 = 100	100.00	111.26	126.31	139.41	147.95	152.71	159.21	164.94	171.39
Consumer price index (fiscal years): Based on fiscal year 1978 = 100	100.00	110.30	125.30	139.15	149.50	154.73	161.06	167.07	173.34

[1] Budget authority for legislative branch includes current and permanent appropriations, U.S. Tax Court, Commission on Security and Cooperation in Europe, and Prospective Payments Assessment Commission.

Sources: Budget authority (fiscal year 1978–85): Office of Management and Budget, "Historical Tables, Budget of the United States, Fiscal Year 1986," table 5.2. Budget authority (fiscal year 1986): Based on House reported Legislative Appropriations Act and OMB estimates for the Senate. Title I: Regular annual and supplemental legislative branch appropriations acts, except for fiscal year 1986. CPI (1978–84): Council of Economic Advisers, "Economic Indicators," April 1985, p. 23. CPI (1985–86): Data Resources, Inc., "U.S. Forecast Summary for June 1985."

I would urge my colleagues to look at the three charts which I have in the well with me at the present time. The first chart is a bar graph of executive and legislative budgets. You can barely see the legislative budget because it sits along the bottom and is barely visible, but it is there in blue.

The red is the larger bar graph which shows an increasing, but then generally flattening amount, for the executive budget. Steady growth in the executive budget since 1978 has gone from $535 billion to an estimated $1.1 trillion in 1986.

Legislative budget growth has been very slow, from $1.1 billion to $1.8 billion. As you can see, the legislative amount has been flat since 1983.

Chart No. 2 is expressed in constant dollars. It shows the growth or decline as it relates to constant dollar spending amounts.

I think the most important point I would like to make here is that the red line showing upward growth in the executive branch purchasing power until fiscal year 1985 showed a constant increase.

In 1986, the real purchasing power of the executive branch budget will still be 21 percent higher than in 1978.

The blue line, however, that for the legislative budget, shows that our purchasing power has declined. It declined abruptly, rose again and continues to decline once more from 1984 to the current 1986 fiscal year.

I might add that during this period, we made a number of major decisions necessary to maintain the physical plant; for example, to renovate the Jefferson and Adams Buildings of the Library of Congress, to move ahead with the restoration of the west front of the Capitol, to finish the Madison Building at the Library of Congress.

We did all these things, of course, not to serve the Congress, that is a misnomer, but to serve the American people, because these buildings and institutions essentially are for them.

I would like to go one point further and that is to indicate that the green line on chart No. 2 reflects congressional operations itself, the House and the Senate and in our own support agencies.

Title I of the bill, as I indicated earlier, has declined even more—a 10-percent reduction since 1978 in the purchasing power of the dollar in the legislative branch; so while the entire legislative bill, the blue line, shows a decline, those of us here in Congress, those of us who are concerned about whether we, in fact, are cutting back and making the sacrifices that need to be made, can be assured that we are going even beyond the reductions made in noncongressional operations.

□ 1220

By pointing to the employment changes, we see a similar story on chart 3; I might dramatize this even more because the House and Senate have personnel and computer costs perhaps far greater than any other entities in the Federal Government. The Executive is up, as you can see the red line is escalating straight up. The legislative staff is down over the past 8 years. Through February 1985, executive employment is up some 3.1 percent over 1978 and, as I said, is on an increasing trend.

On the other hand, the legislative branch has reduced its employment by some 2.6 percent, and the trend continues downward.

So I do not think any of us have to feel that we have not made the effort, not only in this budget but in recent budgets, that is required of us to set the example that I know we all feel must be made to get our budget deficits under control.

This has probably been the very toughest year that I have had since taking the chairmanship of this subcommittee, and this will be my fifth bill. The gentleman from California [Mr. LEWIS] replaced his former colleague from California, Mr. Burgener, who was one of the finest Members who has served in this body, and served as ranking Republican Member in the first 2 years I was here. Mr. LEWIS shares with me the concern that we feel, that other Members hopefully will share after they understand the data that I have just presented to you. The Members can be assured that we have trimmed to the maximum, and they need to make no apology. Yet at the same time we do not deserve any further meat-ax across-the-board approaches to further reduce this bill. I think the committee has taken the responsible approach in an item-by-item way. We have accepted the responsibility of bringing a bill to the floor that we think should be passed intact. We have not attempted, as some have recommended, to bring a bill to you that would allow for further reductions that the Members could have a vote to talk about during their election campaigns in 1986.

We ask for a mature and studied consideration of the appropriation bill we bring you, and I believe if you support us, you can hold your head high as a Member of a branch of Government that truly does understand the dilemmas that face our Nation.

I would urge a vote for the bill, and reserve the remainder of my time for others who might wish to comment on my side.

Mr. GRAY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Illinois.

Mr. GRAY of Illinois. Mr. Chairman, I thank my friend for yielding. Mr. Chairman, I want to commend the distinguished chairman and ranking member of the subcommittee, the two distinguished gentlemen from California [Mr. FAZIO] and [Mr. LEWIS] for bringing out a good lean bill.

I would ask the chairman if it is not a fact that for every $1 we spend in the legislative branch, the executive branch spends approximately $1,000.

Mr. FAZIO. I think that is in the general range, and the gentleman's point is, of course, well taken.

Mr. GRAY of Illinois. Mr. Chairman, as one who has been around this body off and on for the past 31 years, I can tell you that the workload has increased several hundred percent in my district. I have 532,000 people with only 18 employees. My district is larger in geography than the States of New Jersey, Rhode Island, and Delaware, and I can tell the membership that we are grossly understaffed. There certainly is no fat in my budget. I had lunch yesterday with the chairman of the St. Clair County, IL Board, and he told me that he had 700 employees working for the county. Of course, our duties are different but I think anyone would recognize that it would be an impossibility to run a city or county with over a half-million people with 18 employees. That is what we are asked to do in this bill, so I say again, there is no fat here.

In closing, I again commend the committee and hope the bill can be supported in essentially its present form. Thank you.

Mr. FAZIO. I thank the gentleman for his support.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me speak briefly in support of this bipartisan effort to develop a fiscally responsible appropriations level for the legislative branch.

I would like to share with my colleagues a little of the 1-on-1 communication that I have had with my chairman as we went about laying the foundation for preparing this bill. It became very clear early in the legislative year that the Appropriations Committee faced almost a historic challenge in preparing for the 1986 appropriation process.

The gentleman from California, Chairman FAZIO, in his early discussions, suggested to me that the Appropriations Subcommittee that handles the legislative branch had an opportunity to provide and demonstrate some real leadership as we go forward in our

efforts in the appropriations process this year. We recognize that this bill is designed to fund the responsibilities, the requirements of the Members and associated agencies that support the Members as we carry out our work representing the people of the country through the House of Representatives.

The Chairman suggested, early in the process, that we ought to take a hard look at whether it was feasible or not for us to do everything possible to hold our legislative appropriation as close to last year's expenditure as possible. We went about evaluating the various categories and sections of this bill, realizing that in past years, the Congress itself had been pretty tough on itself in its own expenditures in recent years.

Once we got to the subcommittee level, we had come very close to freezing the requested appropriation at the 1985 level. There were some categories where it had been very difficult to cut any deeper, but in a bipartisan way, the full committee responded to the chairman's direction, and we were responsive in what we were about. And as a result of amendments and work within the full committee markup, this bill reflects an absolute freeze of a combination of the 1985 appropriation bill and the 1985 supplemental.

Now I think most of the Members recognize that usually we have a good deal of difficulty with this bill at supplemental time, and that difficulty comes from the reality that we attempt to set certain targets for spending around this place, and very often individual Members find themselves with unusual and difficult individual circumstances. In some cases, a Member may be faced with a disaster in his district, and that involves an extra special sort of need for service delivery in that district. There may be a huge influx of mail and need for communication as a result of a natural disaster, for example.

Under those circumstances, you cannot very well pinpoint in a hard way just how much we are going to spend on the mail. Nonetheless, the subcommittee went about attempting to draw some very tough lines, and as a result of that work we took some very deep cuts in the bill.

We cut, for example, Members' official expenses by over $2 million, to be exact $2,260,000 from the 1986 request. We reduced our clerk-hire, the funds for staff salaries by almost $3 million. We reduced the funding for mail costs by some $40 million.

Let me explain to the Members that that is not going to be a figure within this bill that is going to be easy to hold to. In doing so, we are going to have to go to the Franking Commission, for example, a body on which I have the questionable privilege to serve, and ask that the Franking Commission consider cutting back in a significant way some of our unsolicited mail. For example, we may be asking the Members to participate in a reduction from six postal patron mailers a year to five.

In the past when such suggestions have been made, there has been an uproar around here on both sides of the aisle. Indeed, I have in the past experienced a good deal of protest from some of the more fiscally conservative Members from my side of the aisle about cutting back vehicles and means for communicating with their constituencies. So it is not an easy job. We are asking the Members to participate in this, take a hard look at your own mail, what you are doing in your own office with clerk-hire and hold the line. We will see if it works.

If indeed the Members are responsive, we will have taken a historic step. If some of the Members are not responsive, then we could find ourselves later on next year with a very sizable supplemental request reflecting some of the Members' inability to provide the kind of restraint that often we talk about on the floor.

Beyond the membership, we have asked our support agencies, such as the Congressional Research Service, the Office of Technology Assessment, the Congressional Budget Office, all of these agencies, many of them to take as much as a 10-percent cut. Some people suggest those agencies know that this will be business as usual and we will go forward with this budget, and we will count on a huge supplemental. The chairman and I, in personal communications, have tried to suggest that as far as we are concerned, it is not going to be business as usual. As a matter of fact, we are going to be very tough on those support agencies, as well as the membership in attempting to hold the line on this bill and in any planned supplemental.

The Legislative Branch Appropriations Subcommittee has the responsibility of providing the funding whereby Members exercise their responsibility and service to the people they represent.

□ 1230

Clearly we do not want to hamstring the membership's ability to serve their people well. At the same time it is very clear that across the land we are asking for the public to be restrained. We are attempting to cutback budgets across the board, from defense all the way to the social programs that are so important to many elements of the public. Today we are asking the House to be restrained in terms of the amount of money which we require for ourselves.

Now before I close let me say that it is traditional, almost, for Members to come to the floor of the House and to beat their chests to reflect their economic conservatism by taking on the money that the legislature would spend on itself, if you will.

It is very easy to take on this bill and suggest that we are going to fight "business as usual." Let me suggest to the membership that the subcommittee itself has attempted to take that giant step before you in and of itself in the work of this subcommittee. It is clear that we can make a fundamental point here. This bill calls for a freeze at the 1985 level for expenditures for the legislative branch.

If this can serve as an example, as the watershed for the other subcommittees of appropriations, if the Members will respond in turn as they address themselves to the areas of interest to themselves insofar as spending taxpayers' moneys are concerned, if they will be restrained in terms of what they are asking for in terms of services for their States and for their people, then indeed this symbol of fiscal restraint which is the legislative appropriations bill, will have served us very well as we go forward in the 1986 appropriations process.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] has consumed 8 minutes.

Mr. FAZIO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Louisiana [Mrs. BOGGS] one of the more valued and experienced members of our subcommittee.

Mrs. BOGGS. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I rise in strong support of this legislation and in commendation of the chairman of the committee and the subcommittee and the ranking member of the subcommittee, the two gentlemen from California, and all the members and all the staff.

I would like to point out, Mr. Chairman, that the Legislative Branch Subcommittee considers many, many items within its jurisdiction. It is oftentimes misunderstood that there are other agencies involved that do work that is outside of congressional work, which are included in this appropriations bill.

I would like to point out such agencies as the Railroad Accounting Principles Board, the Copyright Royalty Tribunal, the Government Printing Office, the Government Accounting Office and those areas of the Library of Congress work which is additional to the Congressional Research Service and the Architect of the Capitol's work which does not have to do with the work of Congress itself.

So that I would ask everyone to support this bill. We worked long and hard to cut it down to a freeze from last year and it was cut 11 percent in order to do this.

I would hope that everyone in the House would support the hard and effective work of the subcommittee and its chairman and its ranking member.

I thank the chairman.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the ranking member for yielding.

Mr. Chairman, the phone has been ringing off the hook this morning in my office since I had an amendment printed in the RECORD yesterday. The question to my staff seems to be "What does Congressman GOODLING have against chiropractors?" Well, I have not had anything against chiropractors; they have had a few things against me, namely their hands, when they were treating me.

The issue I was introducing had nothing to do with chiropractic—medicine. My surprise was when I got to page 17 of the committee report and saw that we were providing for the care of a chiropractor on an on-call basis when requested by a Member of Congress.

My concern, of course, was that at a time when we are asking our constituents as a matter of fact to take cuts, to tighten their belts, that somebody may get the idea that as a matter of fact while we are asking them to sacrifice, we are adding some perks to ourselves. That is why I have asked for a colloquy and depending on the answers that I get in the colloquy, I may not have to introduce the amendment at a later date.

So I would ask the subcommittee chairman or the ranking minority member both to respond to the questions that I have.

As I indicated, on page 17 of the committee report the gentlemen talk about providing for care of a chiropractor on an on-call basis when requested by a Member of Congress.

My first question would be: Was this amount that it would take to provide this on-call service included in the $1,056,000 that the gentlemen have in this particular part of the budget? Was that service included in that amount? Was office space or the necessary equipment, et cetera, that would be needed, if we had this kind of service, was it all included in this $1,056,000 amount?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I will be happy to respond to the gentleman from Pennsylvania. I am sure other Members share his concern. It was simply my point in accepting the report language offered by the gentleman from Oklahoma [Mr. WATKINS] to ensure that if the services rendered to Members by the Navy Medical Corps include chiropractic care, that they would be available to people who needed them. I have no bias, as the gentleman does not either, against that form of health care. But I certainly indicated at the time that the report language was offered that this will have to be done within the budget provided to the attending physician. There would be no contracting for care that would not be provided within the amount that is provided as reimbursement to the Navy. There would be no facilities built to accommodate them. In other words, if the attending physician does not have the chiropractic care to draw upon from the naval facilities in the region that he works with, then it would not be available to the individual Member who might request that kind of care.

Mr. GOODLING. So the gentleman basically is saying, since the Navy does not at the present time, as I understand it, have chiropractic services, the doctor must not contract out for such services if one of our Members walked in and said "I need that service"?

Mr. FAZIO. The gentleman is correct. In fact, I have a letter from Dr. Cary which indicates that he does not believe that the Navy employs chiropractors. If that belief on his part is true, I am sure that would be of some disappointment to the individual Member or Members interested, but that would be the final word as far as I am concerned.

Mr. GOODLING. I suppose I have a little different opinion of what these services are for, in the first place. In my estimation, we have medical services here on the Hill to treat Members, in case of an emergency, because of the hours that we spend here or to treat those who are visiting the Capitol where there may be an emergency. It is not my opinion, although I guess I do not express the opinion of all of the Members of Congress, it is my opinion that when I need medical care on a nonemergency basis it is my responsibility to get that care back in my district or at GW or Georgetown, or wherever one goes to get that kind of service. I want to make sure, very sure, that we are not asking our constituents to make sacrifices and at the same time we are somehow or other getting an addition to the services presently provided.

Mr. FAZIO. Mr. Chairman, I can assure the gentleman that is not the purpose of the subcommittee. It would be perhaps opportune for me to just in general express my understanding of how the system works.

It is one that is very much like that of the gentleman from Pennsylvania [Mr. GOODLING]. I am not aware of any Member of this body who does not carry health care insurance for the individual Member and his family. The people who use our naval or Army medical facilities in the area reimburse them for the care that occasionally is provided by them from their health care insurance. Many of us utilize the attending physician in the building on the basis that the gentleman from Pennsylvania [Mr. GOODLING] does and it is a misleading thing for the public to believe that we have the only national health insurance, for example, as I have heard some candidates on the stump say, that exists in the country. That is not the case.

□ 1240

Mr. GOODLING. With those assurances, in all probability it will not be necessary for me to offer my amendment, and I again say the amendment has nothing to do with chiropractic services; it has to do strictly with what we should be doing in relationship to containing the budget.

Mr. FAZIO. I thank the gentleman for his clarification.

Mr. LEWIS of California. I yield 2 minutes to a member of the committee, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I would like to commend my chairman, the gentleman from California [Mr. FAZIO], and my ranking minority member also, the gentleman from California [Mr. LEWIS], and the members of the subcommittee for bringing to the floor what I consider to be a very responsible legislative branch appropriations bill.

Mr. Chairman, we have brought out of the Committee on Appropriations six bills already; Energy and Water, Interior, State-Commerce-Justice, Foreign Operations will soon be out, and HUD and Agriculture this morning, all of which have been under the fiscal year 1985 appropriation levels. This afternoon we add to that rollcall of responsible legislation the bill for the appropriation for our own operations, legislative branch, and for all the services that Congress has immediately at hand; and I think that the freeze on our expenditures is the accountable approach.

Mr. Chairman, it says to the American people that we recognize that we have a tremendous problem with the deficit, and that the Congress itself, in its own operations, in its own needs, is going to hold the line and put a freeze on our budget, which actually amounts to an inflation decrease, and live within our means for the next fiscal year. I certainly commend my chairman and my ranking Republican member for the statesmanship that they have brought to this process and the bill that they have laid before the House for its consideration.

It is a responsible bill; it lives up to my standards for beginning the proc-

ess of getting control over our fiscal destiny and the needs of our country, and I commend both of them and my fellow members on the subcommittee for acting in so responsible a manner.

Mr. LEWIS of California. Mr. Chairman, I yield 8 minutes to the ranking member of our committee, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I rise with some good news and some bad news for the managers of this legislative branch appropriations bill.

The good news is that the chairman of the subcommittee and the ranking minority member, Mr. FAZIO and Mr. LEWIS, the bobsy twins from California, have done the right thing in bringing this bill out at $138 below fiscal 1985. I supported the Fazio amendment in full committee which reduced the bill to this level, as I had supported the idea of a freeze amendment when the subcommittee marked up the bill.

So I commend the managers of the bill on the fiscal responsibility they have displayed—so far.

The bad news I have for them is that I think we can do even better. As closely as they have shaved this budget, I think there is still a little stubble left.

When this bill is read under the 5-minute rule, I intend to offer a modest amendment to reduce the outrageous number of bodies around here. My specific target today will be the utterly superfluous garage attendants, but I will also serve notice that in the future, I will go after 1,227 Capitol Police and 72 doorkeepers now on the House and Senate payrolls.

I have nothing against the policemen; I think they do a good job; but I think there are too many—I do not want to fire anyone—but through attrition we can reduce their number.

Right now we have 2.3 policemen for every Member of the House and Senate. Instead of protecting us, it looks like we are being held hostage here in the Capitol.

I say: Free the Members! Free the Members!

My amendment would begin what I hope will be a steady reduction of garage attendants until we get down to zero. Any security which is necessary at the doors can be better handled by some of those 1,227 police. It would give them some additional duties.

In the House garages alone, we now have 60 full-time and 4 part-time garage attendants. That is in addition to the policemen that you see down there in the doors in the morning, which I have a very difficult time every morning not running over.

There are 64 bodies sitting around, doing nothing, in four garages, and one parking lot, costing $1.4 million in fiscal year 1986. There are 30 garage attendants in the Rayburn Building alone.

Including the Senate side, there are over 100 garage and parking lot attendants. There were 10 when I came to the Congress in 1959.

We have got to tighten up around here, and we need to get rid of the deadwood. We need to get our house in order, and I hope you will support this very small, modest amendment.

Before closing, Mr. Chairman, I want to stress that if we are going to make the reductions in this bill stick, it is going to take a great deal of self-restraint on the part of all Members and their staffs. Otherwise, we will have a supplemental for all of these things that you are cutting out this year.

I am talking about the sizable reductions from the budget estimates for members clerk hire, Congressional printing and binding, and in the agencies which must respond to Congressional requests for assistance—namely, the Congressional Research Service, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the General Accounting Office.

I am also talking about using restraint in regard to official mail costs. We have more or less arbitrarily reduced the estimate for mail costs by $40.2 million below the fiscal year 1986 estimate of $144.5 million. That is a whopping 28-percent cut, and I, frankly speaking, do not know if we can make it stick.

I supported Mr. FAZIO and Mr. LEWIS when they came in here with a supplemental this year, and others were trying to knock that out; and I said you have got to pay the cost.

That 1986 mail cost estimate of $144 million compares with a 1985 request for $74 million. That is an increase of 95 percent in only 1 year. We simply must get a handle on these mail costs if we are to freeze the legislative budget. It is the fastest growing element in this budget.

As you may recall, there have been instances in the past when I have tested the institution of comity between the House and Senate here on the House floor. Far be it from me to test it again, but one of the problems we have had in regard to increasing mail costs is referred to in page 18 of the committee report on this bill.

□ 1250

The report states:

> The Senate plans to convert from address mail to postal patron rates.

That would save a tremendous amount of money. There are millions and millions and millions of pieces of mail going out from some place in this Capitol that I cannot mention, going ou at 22 cents a letter. That is wrong. Individually addressed newsletters cost the full first-class letter rate of 22 cents, while the postal patron bulk rate here in the House is 7.7 cents. That is a difference of more than 14 cents for each piece of mail. To put this in the most positive context, I congratulate the other body for this belated attempt at economy.

I support the bill, and I commend the subcommittee chairman again, the gentleman from California [Mr. FAZIO], my good friend, and my good friend from California, Mr. LEWIS, for their efforts in bringing a freeze level to this bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. LEWIS of California. I wonder if the ranking minority Member would clarify something for me. In the gentleman's amendment that he intends to propose later relative to garage attendants, is it the gentleman's intention that we would develop that reduction in force by way of attrition?

Mr. CONTE. I would do it through attrition, if possible.

Mr. LEWIS of California. So that if we have people not leaving in the meantime, and if there were a shortfall, you would find yourself in the circumstance where we would put the money back in the supplemental, or——

Mr. CONTE. I have not made a study, and I will be glad to do that, to see who is retiring. Some of them have been around here for a long time. I would not fill those vacancies at all.

Mr. LEWIS of California. I am asking the question by way of communicating with the gentleman. I may, when the time is appropriate, find myself supporting the gentleman's amendment. I am not certain yet.

Mr. CONTE. I want to tell the gentleman from California [Mr. FAZIO] that I want to be fair about this. If they do not retire, then we can come in with a supplemental. I will support you. You can tell me that none of them have retired. But I want to cut down on that force.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. FAZIO. I would be happy to point out—because I have just frankly learned it myself when I investigated the situation that the gentleman has identified—that we have reduced the staff in recent years. In fact, under the leadership of the gentleman from Illinois [Mr. MICHEL] when he was a member of the subcommittee, I might point out. We have seen some significant reductions. Some six employees were removed in the 1979-80 period. In the period since then, every employee who has replaced a retiring attendant has been brought in at a far lower wage scale. We are now paying the minimum amount that anyone is paid under the House wage schedule for

the entry positions that replace people who retire at higher wages. So we have saved a good deal of money in this area using attrition, and bringing in people at a far more reasonable pay scale.

Mr. CONTE. Well, I hope that even at a lower pay scale we will not bring them in. I hope we will have attrition, and as they retire, not fill those positions, because there are just too many. And I am concerned about those poor people. As you drive in the garage in the morning you see them. They must have terrible back problems because they sit in those chairs all day long. They keep rocking themselves back on those chairs. One of these days they are going to fall over, break a shoulder, and we are going to have all kinds of workman's compensation suits. The other thing, I do not want to run over any of them in the morning. They have a hard job getting out of my way when I am driving into the garage. I think we can do a better job through attrition.

Mr. LEWIS of California. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina [Mr. COBEY].

The CHAIRMAN. The gentleman from North Carolina [Mr. COBEY] is recognized for 5 minutes.

Mr. COBEY. I thank the gentleman from California and commend our ranking minority member and the chairman for the job that they have done in bringing this bill forward and the efforts that they have made.

Mr. Chairman, I rise to advise the Members that I will be offering an amendment later, under the 5 minute rule—and I appreciate being able to do that, also, that the chairman and the ranking minority member will allow that—and this is an important amendment that we need to deal with. What it does is reduce this bill by just 2.7 percent across the board. It respects the work of the committee but reduces it down to presupplemental levels of 1985.

Now, in an indirect way, I have been accused today, and others who will speak to it, of kind of self-flagellation and perhaps beating my chest, and I recognize that. Certainly the people of America will find this a very popular amendment. But I have also found that it is perhaps not a very popular amendment in the House, particularly among the leadership of the House. So it is not altogether a totally win situation. Maybe I even risk some action against me in later years, some punitive action because I offer this type of an amendment.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. COBEY. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I would certainly be willing to indicate to the gentleman from North Carolina that I would do anything I could to prevent any action of that sort. The gentleman has every right to offer his amendment. I am sure he will present it well, and I hope we dispose of it properly, which is to defeat it, for reasons that I will express in a minute, but I would not want the gentleman to be concerned about any limitation, formal or informal, on his right to present this amendment at this time.

Mr. COBEY. I appreciate the gentleman's statement. I was not referring to the chairman. I appreciate the spirit that the gentleman has received this thing.

I believe that when we look and try to compare it against the executive branch, I do not believe that that is really a fair comparison. I do not believe we should be comparing ourselves to anybody. When we look at a 17-percent increase in the employees or the money we are going to spend on employees of committees, committee staffs that already, from what everybody seems to generally agree that looks at the issue fairmindedly, that the staffs on committees are already too big, and also calls for a 41 percent—let me say that again, a 41 percent—increase in the cost of mailings going out of here. And I think that already we recognize that we live in a virtual blizzard of paperwork around here. It is incredible the amount of paper that flows around there. I doubt that there is any staff in this House that can possibly read one-tenth of the material that comes to their attention.

Mr. FAZIO. Mr. Chairman, will the gentleman yield on that point?

Mr. COBEY. I yield to the gentleman from California.

Mr. FAZIO. I want to try to clarify this so that we can deal in appropriate terms.

What was the period in which committee staff went up 17 percent? I would like to document that if I could get some assistance.

Mr. COBEY. All right. The figures that I have back at the desk are that when we compare the unsupplemented appropriation of last year to the committee's recommendation this year, it is an increase of 17 percent. I will get the exact figures.

Mr. FAZIO. I would be happy to work with the gentleman to tie that down very tightly. It does not seem to me to be an accurate statement, but before we contest it, we should research it, and I appreciate the gentleman giving me this year reference. It is a 1-year increase, is that what the gentleman is saying?

Mr. COBEY. Right. From the unsupplemental level to the committee's recommendation this year.

Mr. FAZIO. That is an increase in the number of people, is that what the gentleman is saying?

Mr. COBEY. No. Seventeen percent increase in the amount of money that we are spending in that area.

Mr. FAZIO. We will attempt to verify that.

Mr. COBEY. I think the people of America—I know the people in North Carolina, I do not know about the people in every State or every district—are crying out to us to cut back on what we are spending in Government. With a $200 billion deficit, we must take the leadership here. I think this is really a question of leadership. If we are not willing to make not just the same sacrifice or about the same sacrifice but even a greater sacrifice than the rest of the country, then I do not think that we are really fulfilling our role as leaders of this country.

So I would just like to bring it to the attention again of the Members that this amendment will be coming up fairly shortly to reduce the committee's recommendation by 2.7 percent.

Mr. FAZIO. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Colorado [Mr. BROWN], who indicates that he needs that time to harass me.

Mr. BROWN of Colorado. I thank the gentleman from California.

Mr. Chairman, I would like to add my commendation to both gentlemen from California [Mr. LEWIS and Mr. FAZIO]. I do not think it is any secret to any Member of the House that these gentlemen are under tremendous pressure not only by those of us who think the legislative appropriation is far too high but by the others who see additional needs in this area. They have dealt with this pressure, I think, with some fortitude, and I think that while the bill is not what I would hope it would be, they are to be commended for their efforts to face up to it.

I would just ask the gentleman from California, if he would be so kind, to give me his feelings with regard to the need for a supplemental in 1986. Is the bill that the gentleman has brought to the floor one that will meet the needs and that we can rely on not being overspent, or is it one that we will be facing another supplemental on?

Mr. FAZIO. Well, there are always unforeseen needs that come along that we cannot anticipate, but I would think that the supplemental request in fiscal year 1986 would be much less than normally would be the case in the context of the plan to provide no pay increase for any employee of the Federal Government. That means that the normal question that we have in our mind as to what that percentage would be and to where it would be provided, does not really at this point apply. I would not anticipate any change in the agreement on the budget resolution.

I do not anticipate any change in the agreement that the Senate and the House Budget Committees have reached, and which I understand the administration has signed off on to provide for no cost-of-living increases. As a result of that, the largest element of the supplemental would probably not be anticipated.

I would not want to indicate that there will not be supplementals. In fact, we have discussed already the concern we have about the increasing cost of postage, and mail volume, and our efforts in concert with the Franking Commission and our leadership to try to restrain that. That may well be one of the areas for further consideration.

Mr. BROWN of Colorado. Would it be fair to characterize the gentleman's position that he would oppose any supplemental for 1986 that was not the direct result of some unforeseen circumstances?

Mr. FAZIO. If the gentleman would yield, I would; I certainly have in this year eliminated all the supplemental requests. We have a very tight supplemental; it is part of the supplemental bill currently awaiting conference. It would have cost us $71.6 million just to provide for commitments, mandatory commitments that were made and normal routine personnel actions. We required the asorption of 56 percent of the pay raise by the legislative branch agencies, and the supplemental fell to something close to half that what we calculate are mandatory increase in the fiscal year 1985 base, $34.5 million.

So we already do have a record of being very tough and rigorous on supplementals and that will continue to be our practice.

● Mr. FORD of Michigan. Mr. Chairman, I rise today to express my deep concern about what our actions on the 1986 appropriations for the legislative branch may mean for one of our most effective legislative support agencies—the Congressional Research Service. In our zeal to cut the legislative branch appropriation back to a freeze level, we have disproportionately reduced CRS below its 1985 base by $1.4 million, or 3.4 percent. In an agency where nearly nine-tenths of its total budget goes for personnel, this can only mean deep service reductions, and the possibility of severe staff dislocations—perhaps even courting the risk of furloughs.

The Congressional Research Service provides important services to the Congress, often acting as an augmentation of our staff in the legislative process on some of the most important and complex issues to come before this body. For example, a team of CRS researchers has worked with the House Committee on Post Office and Civil Service to develop a computerized actuarial model and analytical report to help the committee analyze the effects of various options for modifying the Civil Service Retirement System to fit with Social Security coverage now mandated for employees of the Federal Government hired after January 1, 1984. This team effort was supplemented with contractual and consultant support that would be difficult to duplicate under anticipated budgetary circumstances in the future. The end product of the CRS efforts is of immense value to the committee and the Congress in trying to make thoughtful choices in the complex area of civil service retirement policy. Ironically, there may not be enough money to run the model after the first 6 months of next year, given the level of appropriations for CRS for fiscal year 1986. This degree of constriction is obviously self-defeating—leaving the Congress without the answers it needs to important questions. Moreover, it leaves us without the appropriate services for our constituents in our representational role—since CRS is the only congressional support agency that offers assistance to us in that important aspect of our responsibilities.

Several of my colleagues have conveyed their concern to the Appropriations Committee at an earlier point in this process. I would like to insert in the RECORD the following joint letter from Chairman DINGELL and subcommittee Chairman WAXMAN of the Energy and Commerce Committee urging that the Congressional Research Service not be reduced below its 1985 base because of the valuable services that CRS renders to that committee.

I hope that the Senate sees fit to restore the reductions made in the CRS budget at least to the freeze level, and that the House in conference is open to moving to the higher Senate level.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1985.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our concern about the appropriation for the Congressional Research Service for Fiscal Year 1986. As we understand the current status of the CRS request, the Subcommittee on the Legislative Branch has marked up that bill and provided CRS with an appropriation of $39.9 million. That amount is below a 1985 freeze level. That is bad news enough for the Committee on Energy and Commerce, which makes extensive use of CRS services and has come to count on the close legislative support provided by service experts on a daily basis.

However, an even greater concern arises from the fact that the full Committee on Appropriations will have presented to it on Wednesday proposals for further reductions in the Legislative Branch appropriations that could take CRS even further below its current operating level, and run serious risk of serious staff disruptions. We want you to know of our concern and urge you to protect the CRS budget from reductions that would take it below the $39.9 million level recommended by the Subcommittee. CRS is the legislative support agency that we use most often and extensively in the legislative process. To apply such a severe cut to that agency is tantamount to reducing our own capacity as a committee.

We thank you in advance for your understanding of and assistance on this important concern to our Committee.

Sincerely,

JOHN D. DINGELL,
Chairman,
Committee on Energy and Commerce.
HENRY A. WAXMAN,
Chairman,
Subcommittee on
Health and the Environment.●

● Mr. FRENZEL, Mr. Chairman, I am opposed to the legislative appropriations for fiscal year 1985.

This bill contains $1,294,806,000 in total spending. When the Senate is added, the total will rise to $1.6 billion. Of the House portion, $636,879,000 is discretionary spending. That is $2,190,038 less than last year's level, a cut of three-tenths of 1 percent. Mandatory spending, on the other hand, increases $36,698,000, or 5.9 percent over last year's level.

If there is any facet of Federal spending the public does understand, it is what we spend on our own services. I believe we spend too much. The Library of Congress, the GPO, and our staff make up the lion's share of this spending. All can take deep cuts.

I am dismayed, moreover, that this bill does not represent total spending for fiscal year 1986. This bill, too, is routinely supplemented.

Last year, the chairman of this subcommittee indicated that his final bill was $5 million below his subcommittee's allocation. Since then, we have passed $34,507,962 in supplementals. We have far exceeded last year's allocation. I fear that a similar supplemental will come for this bill, destroying what little savings are in the bill.

Moreover, even if we froze total spending in this bill, even if we reduced it by 10 percent, this bill would be too expensive. Committee staff size is outrageous. Support staffs are too large. We allow far too much mailing and printing at taxpayer's expense.

The subcommittee has done a better job than usual. Using last year's spending as a guide we've started out, at least, much closer to what I consider a real freeze.

But last year's overspending is a poor standard. Spending on the legislative branch should be reduced. The House can make do with less. It will probably do better with less. I urge a no vote on this bill.●

Mr. FAZIO. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $150,000.

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $3,357,000, including: Office of the Speaker, $775,000, including $18,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $688,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $767,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $603,000, including $1,000 for official expenses of the Majority Whip and not to exceed $145,540 for the Chief Deputy Majority Whip; Office of the Minority Whip, $524,000, including $1,000 for official expenses of the Minority Whip and not to exceed $76,840 for the Chief Deputy Minority Whip.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $47,914,000, including: Office of the Clerk, $13,656,000; Office of the Sergeant at Arms, including overtime, as authorized by law, $18,269,000; Office of the Doorkeeper, including overtime, as authorized by law, $6,678,000; Office of the Postmaster, $2,075,000, including $46,722 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $16,278 per annum each; Office of the Chaplain, $73,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $623,000; for salaries and expenses of the Office for the Bicentennial of the House of Representatives, $219,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $859,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $2,800,000; six minority employees, $434,000; the House Democratic Steering Committee and Caucus, $617,000; the House Republican Conference, $617,000; and Other Authorized Employees, $994,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this head may be transferred between the various offices and activities within this appropriation, "Salaries, officers and employees", upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $44,325,000.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $4,275,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e), of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $296,000.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $166,762,000.

CONTINGENT EXPENSES OF THE HOUSE

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $133,426,000, including: Official Expenses of Members, $81,000,000; supplies, materials, administrative costs and Federal tort claims, $16,946,000; furniture and furnishings, $1,000,000; stenographic reporting of committee hearings, $500,000; reemployed annuitants reimbursements, $1,200,000; Government contributions to employees' life insurance fund, retirement fund, Social Security fund, Medicare fund and health benefits fund, $32,158,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions and gratuities to heirs of deceased employees of the House, $622,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this head may be transferred between the various categories within this appropriation, "Allowances and expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $46,960,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated in fiscal year 1986 for the House of Representatives under the headings "Committee employees", "Standing Committees, special and select", "Salaries, officers and employees", "Allowances and expenses", and "Members' clerk hire", such amounts as are deemed necessary for the payment of salaries and expenses may be transferred among the aforementioned accounts upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. (a) The first sentence of section 5 of House Resolution 1238, Ninety-first Congress, as enacted into permanent law by Public Law 91-665 (84 Stat. 1989) and supplemented by subsection (a) of Public Law 93-532 (88 Stat. 1723), is amended by striking out "not to exceed $3,000" the first place it appears and inserting in lieu thereof "not to exceed the then current rate for step 5 of level 11 of the House Employees Schedule", by striking out "not to exceed $3,000" the second place it appears and inserting in lieu thereof "not to exceed the then current rate for step 9 of level 8 of such Schedule", and by striking out "not to exceed $9,000" and inserting in lieu thereof "not to exceed the then current rate for step 1 of level 6 of such Schedule".

(b) House Resolution 1238, Ninety-first Congress, as so enacted and supplemented, is further amended by striking out sections 3 and 6, by striking out, in section 2, "in the manner provided by applicable provisions of the Legislative Appropriation Act, 1955, as amended by the Act of June 13, 1957 (71 Stat. 82; Public Law 85-54)" and all that follows through "as amended or supplemented after such date," and inserting in lieu thereof "an allowance equal to the base allowance component of the Official Expenses Allowance then currently in effect for each Member of the House (to be paid in the same manner as such Allowance)", by striking out "reimbursement, from" and inserting in lieu thereof "have", and by inserting "be available for payment of" after "of the House" the first place it appears.

SEC. 103. (a) Two additional employees are authorized for each of the following:

(1) the House Democratic Steering and Policy Committee; and

(2) the House Republican Conference.

(b) The annual rate of pay for the positions established under subsection (a) shall not exceed 60 percent of the annual rate of pay payable from time to time for level V of the Executive Schedule under section 5316 of title 5, United States Code.

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,670,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $910,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $3,705,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $600 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $200 per month each to not to exceed eleven assistants on the basis heretofore provided for such assistance; and (5) $744,800 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,056,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $80 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chair-

man of the Board, $1,361,000, to be disbursed by the Clerk of the House: *Provided,* That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further,* That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000.

CAPITOL POLICE BOARD

Funds available for obligations for fiscal year 1986 to enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, $109,000, to be disbursed by the Clerk of the House. Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Mayor of the District of Columbia is authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided,* That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and the benefits to the same extent as though such detail had not been made, and at the termination thereof any such person shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs, $104,211,000, to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $867,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than twenty-eight individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the Ninety-ninth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, $11,000, to be paid to the persons designated by the chairman of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $3,000 from the Trust Fund), and rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under Section 1886 of the Social Security Act as amended by Section 601 of the Social Security Amendments of 1983 (Public Law 98-21), $15,300,000: *Provided,* That none of the funds in the Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further,* That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $16,609,000: *Provided,* That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 222 staff employees: *Provided further,* That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to Section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $5,417,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, to incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704), and to meet unforeseen expenses in connection with activities under his care, $235,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $11,405,000.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, $3,041,000: *Provided,* That the passenger motor vehicles authorized by Public Law 94-440 (90 Stat. 1453), approved October 1, 1976, to provide a shuttle service for Members and employees of Congress may be used for the transportation of House Pages to and from special events associated with their education when approved by the House of Representatives Page Board: *Provided further,* That the use of the said passenger motor vehicles for transportation of House Pages shall not interfere with the shuttle service for Members and employees of the Congress.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $22,318,000, of which $1,500,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $23,495,000: *Provided,* That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1986.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $38,963,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued

by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further,* That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); and printing and binding of Government publications authorized by law to be distributed to Members of Congress, $69,405,000: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) or for printing and binding copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

THIS TITLE MAY BE CITED AS THE "CONGRESSIONAL OPERATIONS APPROPRIATION ACT, 1986".

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there points of order against title I?

If not, are there any amendments to title I?

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 15, line 19, strike "$22,318,000" and insert in lieu thereof "$22,088,000".

Mr. CONTE. Mr. Chairman, this amendment reduces the House Office Buildings account under the Architect of the Capitol by $230,000. The intent of the amendment is to reduce by 10 the number of garage attendants now on the payroll in the 4 House garages and 1 parking lot.

There are currently 60 full-time and 4 part-time garage attendants on the House side of the Capitol. The total cost of paying these people and providing related benefits in fiscal 1986 is $1,421,177. Four of the garage personnel work in the administrative office in the Rayburn Building, 30 work in the Rayburn garage, 6 in the Cannon garage, 7 in each of the east and west underground garages, and 6 in parking lot No. 1. The four part-time attendants also spend off-payroll time washing cars for a fee of $3 per car.

My amendment would cut $230,000 and 10 full-time attendants. I propose that these 10 positions be reduced in the following manner: one from the administrative office, five from the Rayburn garage, one from the Cannon garage, one each from the east and west undergound garages, and one from parking lot No. 1. The amendment is based on the average salaries and benefits at each of these locations.

When I first considered this amendment, I hoped that this reduction could be accomplished by attrition. However, my intent is to reduce the number of such attendants to zero in a reasonable amount of time. According to the current attrition rate of about 3 percent per year, it would take more than 30 years to get rid of those bodies sitting around down there. They've got a good deal, and they know it. They don't leave.

I don't want to fire anyone, but I want to keep the pressure on to lower this number. I will consider a supplemental later, but better be well justified.

I believe this amendment is entirely justified. Including the Senate side—which unfortunately I cannot touch under our rules of comity—but including the Senate side, there are over 100 garage and parking lot attendants. There were 10 when I came to the House in 1959.

And what are they doing down there. Go down and look. They are sitting around in groups of two, three, or four, just talking to each other and watching the cars go by. My amendment would reduce the size of those groups by one this year. They might lose their bridge foursome, but they could manage.

Next year, I would intend to make a similar reduction, and do the same in the future. Over a period of 6 years we could eliminate those dinosaurs.

An legitimate security considerations in the garages and the parking lot can be handled by some of the 1,227 Capitol Police we have around here. They aren't doing anything else—we ought to give them a job.

And if they need any help, they can call upon the 72 doorkeepers now on the payroll in the House and Senate. We had 42 of these door watchers when I came to Congress, and I can't for the life of me find any more doors to the floor or the gallery than we had then.

I had originally intended to offer an amendment including reductions in the number of police and doorkeepers, but I am afraid I might send some people into withdrawal if I take away too much of the deadwood around here all at once. But I am serving notice today to the Sergeant at Arms and the Doorkeeper that if they do not whittle down those outrageous numbers and improve the performance of those remaining, that we still do it here on the House floor in next year's bill.

Mr. Chairman, I urge my colleagues to support this amendment to make a start toward more sensible personnel policies around the Capitol. We can no longer afford business-as-usual cronyism in filling and maintaining these wasteful positions. Support my amendment.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman.

Mr. Chairman, the gentleman indicated in general debate earlier that it would be his intention not to have any permanent firings or layoffs, and if that is the gentleman's intent and he would be willing to indicate support for a supplemental to replace any funds that might be needed to preclude layoffs, I would be happy to accept the gentleman's amendment at this point.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. LEWIS of California. Mr. Chairman, with that understanding as we discussed in general debate, I would concur with the amendment as well.

Mr. CONTE. I do not want to fire anyone, as I said in general debate, but I do want to keep the pressure on to lower this number, and I will consider working with the gentleman on a supplemental if no one leaves or retires for many reasons. We will monitor these employees, and I hope the committee will monitor with me very, very closely so that if we do have someone leave or someone dies or someone decides they want to move, that we will not fill the vacancy, until we reach that reduction of 10.

Mr. FAZIO. If the gentleman will yield further, I appreciate his willingness to cooperate and I assure the gentleman that Mr. LEWIS and I share your concern. We will work with you to further streamline this activity and hopefully with attrition we can make some further economies. Failing that, we appreciate the commitment that the gentleman has made at this point, and we thank you for your cooperation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado: Page 15, line 19, strike "$22,318,000" and insert in lieu thereof "22,211,800".

Mr. FAZIO. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order has been reserved against the amendment.

The Chair recognizes the gentleman from Colorado [Mr. BROWN] for 5 minutes.

Mr. BROWN of Colorado. Mr. Chairman, I have an amendment No. 2, and because I am sure the chairman's point of order is appropriate because this section has already been dealt with, Mr. CONTE's amendment, under the rules of the House, if someone cares to exercise that objection, could well be used to prevent a further amendment in this area.

Mr. Chairman, my request at this point, my hope at this point was that the gentleman would be willing not to exercise that option to him and allow us to bring this amendment to the floor.

I yield to the gentleman for his response.

Mr. FAZIO. I would be happy to discuss this with the gentleman, but I would not at this point be prepared to allow the amendment to go forward without further conversation. I am not aware of the nature of it, and I would like to discuss it with the gentleman.

The CHAIRMAN. Is the amendment that is now pending the amendment the gentleman wants to offer?

Mr. BROWN of Colorado. Mr. Chairman, the amendment that is now pending needs to be adjusted by the appropriate figures of the action that has already been taken by the House. So it is not the amendment that I would like to offer in this area in light of the adoption of the Conte amendment.

Mr. Chairman, we are at this point drafting the amendment, and I ask unanimous consent to withdraw this amendment and revise it in accordance with the Conte amendment numbers.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

□ 1310

The CHAIRMAN. Are there further amendments to title I?

For what purpose does the gentleman from Colorado [Mr. BROWN] rise?

Mr. BROWN of Colorado. Mr. Chairman, I intend to offer an amendment to title I that deals with the figures that the amendment offered by the gentleman from Massachusetts [Mr. CONTE] dealt with and that reduces the $22 million.

The CHAIRMAN. The Chair will advise that if the gentleman will strike the last word, he may discuss the issue.

Mr. BROWN of Colorado. I thank the Chairman for his advice, and at this point I move to strike the last word.

The CHAIRMAN. The gentleman from Colorado [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Colorado. Mr. Chairman, I will be offering for consideration in the Committee of the Whole an amendment that would delete $106,200. That amount relates to the increase in funding provided for in 1986 for elevator operators.

The budget that is proposed would provide for a net increase of five additional elevator operators over 1985. The point of the amendment is that in a year in which we are freezing many titles in the budget it seems to me inappropriate to provide for a 20-percent increase in the cost of providing elevator operators for automatic elevators. It is ludicrous for us to go to the American people and suggest that we do not have the money to increase funding for NASA, we do not have the money for some of the military needs of this country, we do not have the money to give hard-working civil servants a pay raise, but we do have money for a 20-percent increase in elevator operators that operate automatic elevators.

The amendment thus will provide us with an opportunity to address that issue so as to reduce the expenditures in this area back down to a figure that is comparable with the money appropriated in 1985.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado: On page 15, line 19, strike the figure "$22,088,000" and insert the figure "$22,211,800".

POINT OF ORDER

Mr. FAZIO. Mr. Chairman, I make the point of order that this section has already been amended and is not available for further amendment.

The CHAIRMAN. Does the gentleman from Colorado [Mr. BROWN] wish to respond?

Mr. BROWN of Colorado. Mr. Chairman, I would certainly acknowledge to the gentleman from California that the point of order has a valid basis. Unfortunately, the rules do provide that we cannot go back and amend an area twice if indeed a point of order is raised against it.

I would simply plead with the gentleman to allow this amendment to come to the floor and be considered.

In a year in which we face a crushing deficit, to arbitrarily deny an opportunity to consider an area where we can save money is not, I think, in the interest of this body nor in the interest of the gentleman from California, and I would thus ask him to withdraw his point of order.

Mr. FAZIO. Mr. Chairman, I may agree with the gentleman in his comments in reference to the gentleman from California, but I must insist on my point of order because this issue has been before us. It has been debated and voted upon on the floor, and I know that my colleagues feel there are other important issues that need to be dealt with.

So I would insist on my point of order, Mr. Chairman.

The CHAIRMAN (Mr. GEPHARDT). The gentleman from California insists on his point of order. The point of order is obviously conceded and is sustained.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Ohio: On page 11, line 13, strike "$104,211,000" and insert in lieu thereof "$94,211,000".

Mr. MILLER of Ohio. Mr. Chairman, I rise to offer an amendment to this legislation which would reduce the amount appropriated for official congressional mail from 104 to 94 million, in that I feel we in this House are violating the practices that we preach with respect to the maintenance of efficient Government operations.

Unlike years past, I feel this year's legislative appropriations measure is a fairly lean bill. However, there are some areas of this bill which can and should be reduced. We have appealed to our respective constituencies to tough it out, to do their part to reduce our Nation's budget deficit, yet we as a body have done little to better monitor and constrain our own spending. What is good for the goose is good for the gander and it is time that we in the House take note of this fact.

Toward this end, I would like to call upon my colleagues to join with me in an effort to rein in some of the perquisites that are ours as Members of Congress. As we all know we are each allowed under the Rules of the House, to make six, or the equivalent thereof, districtwide postal patron mailings a year at Government expense. It is contended that though some send the maximum allowed, most only send a fraction of the number allotted. Frankly, I was a little concerned when I attempted to look into this subject in more detail to find that no one is officially charged with tracking who is sending out what. The Franking Commission oversees the content of these newsletters to make sure they meet the conditions required for the use of the frank, but no one seems to be keeping an official count of the numbers that are being sent. Apparently

this count is left to the individual Members to maintain. So in effect, though we have a stated limit of postal patron pieces we can send, which for most is approximately 1.2 million pieces annually, no one is specifically charged with accounting for these limits.

I think it is high time that we not only bring order to this process but that we also acknowledge that six newsletters a year at taxpayer expense is more than the public should be asked to bear. When I first came to this body, Members had to use their own financial arrangements to pay for the production of their newsletters. Given that fact, most Members limited such mailings to one or two per year. Now that Uncle Sam is picking up the full tab for these newsletters, the tendency is to send out as many as possible. The average districtwide mailing of a Member's postal-patron newsletter costs the taxpayer roughly $17,000. By reducing the allotted number of these districtwide postal patron mailings to three per year, we could save the taxpayers as much as $22 million annually.

At this juncture let me clarify that this amendment would not in fact cut the allotment for postal patron mailings that I mentioned from 6 to 3, but would simply cut the appropriations which now goes to pay for these mailings. It would serve as a signal, as pressure, if you will, to those responsible for the establishment of these postal patron mailing limits, to take heed of the wishes of the House in this regard.

For some of the big spenders in this body, $22 million may sound like peanuts, but we have all heard the expression of being nickel and dimed to death. This issue is a nickel-and-dime issue, and if we go about our responsibilities as budget cutters in the manner we should, there will be many other nickel and dime cuts we as a body can make as well. When viewed in the aggregate these nickel and dime issues can rapidly add up to significant savings. So I call upon my colleagues to join me in supporting this amendment. If we in good conscience expect the American public to do without some of the questionable Government services to which they have grown accustomed it is time we did the same.

□ 1320

Mr. ARMEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment. I want to congratulate the gentleman for his courage in offering this amendment.

The fact of the matter is that this franking privilege is really most beneficial in protecting incumbency.

The fact is a great many times in campaigns and during election years the people in a district are really trying to rise up to throw a rascal out. It must be very frustrating for those taxpayers when they are trying to make a change in their representation to see their own tax dollars going to support the case for the person that they are working against.

I think this is a small step in the right direction of more effective use of this mailing privilege and one that perhaps is not quite so abusive of the taxpayers' money.

Mr. LEWIS of California. Mr. Chairman, I wonder if the gentleman would yield.

Mr. ARMEY. Yes, I yield.

Mr. LEWIS of California. Mr. Chairman, I think the gentleman is making a very good point in terms of the needs of the House, for the body to restrain itself in the use of taxpayers' dollars, the only dollars we have available to us for communication purposes, some of which from time to time may be self-serving.

I would suggest to the gentleman who is the author of the amendment, however, that within this bill we have already made a cut of some $40-plus million in the appropriations available for mailing purposes.

The difficulty with these circumstances is that while I agree with the thrust of the gentleman's amendment, the reality is that unless the membership does restrain itself and unless the membership chooses not to mail, then we are going to have to pay the bill in the final analysis, so that bill will be paid through the supplemental process.

I would submit to the gentleman who proposed the amendment that if he truly wanted to impact this area, he could have an amendment, for example, that would say that none of these funds appropriated by this bill should be used to pay for more than three postal patron mailings, let us say. That would actually accomplish what the gentleman intends.

We have attempted to move in the direction suggested by the amendment, but I have got to say that we will have failed miserably in this preliminary effort if the Members do not self-restrain or if we do not change the rules. Otherwise, we will have to pay the bill by way of a supplemental.

Mr. ARMEY. Well, Mr. Chairman, I appreciate that and I want to point out that this is 41 percent above and beyond the nonsupplemented amount of last year.

Furthermore, we do not always use restraint and the gentleman's amendment, I think, would compel a little more.

In any event, I did not intend to speak so long. I know we want to move along. Thank you.

Mr. FAZIO. Mr. Chairman, I rise in reluctant opposition to the amendment. I say reluctant because I think everyone on the floor realizes that there needs to be some discipline and some real effort to tie down specifically and reduce in general the kind of expenditures that we are making for postage here, but I think we have already shown, as the gentleman from California, my ranking member, has indicated, that this committee is mindful of that problem. By increasing the postage amount over last year by only $18 million, we have shown a great deal of restraint already.

We are trying to provide direction to the Congress on this item. We look to the leadership, to the Franking Commission and the appropriate committee for the direction that they, as authorizing entities perhaps is the analogy, could be providing; but I think it is also important to indicate to the Members that we are swimming upstream here. We have seen a 30-percent increase in incoming mail, for example, in the last year. That will probably be even greater as we look to the future because of the tremendous concern that the general public has about issues. For example, the comprehensive tax reform bill and the budget deficit that will touch about every American.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my colleague, the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I am not sure I understood the gentleman correctly. Would he recite that figure again, please?

Mr. FAZIO. That is correct. We have had a 30-percent increase in incoming mail, which means for Members to be responsive to their constituents, a great deal of mail must also go out.

Mr. TRAXLER. Mr. Chairman, I thank the gentleman for that startling and unbelievable figure.

Mr. FAZIO. Mr. Chairman, I would also like to point out to my colleagues that we have had a 10-percent increase in postal rates, some $11 million increase in terms of its impact on us.

This is something we simply cannot ignore. It would be irresponsible for us to underfund what some have estimated to be an even greater demand on our franking requirement next year.

I think it can only be observed with the budget reductions that are being proposed for a whole myriad of Federal programs that many more of our constituents will address themselves to us, contact us, and we certainly want to be responsive to that.

So I appreciate the direction the gentleman takes us. I think he will be of great assistance to us as we attempt to work with the other jurisdictions that have responsibility for establishing the framework under which we do use the franking privilege.

We have already reduced this item by some $40 million. Beyond that, I think we are making an effort to re-

strain the growth of this account in the wrong place and at the wrong time; so I must at this point insist on opposition to this amendment and ask for its defeat.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the last word. I rise in support of the amendment.

Mr. Chairman, at this point I yield to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Chairman, I apologize to the chairman of the committee for not having the amendment available prior to this, but I would like to point out one thing. When we speak of the increase in mail coming into the congressional offices that needs to be answered, that is true. We have that increase.

This amendment would not affect that increase. You still would be able to answer the mail. This is a newsletter districtwide mailing that we are talking about and talking about cutting those from six to four.

This would send a signal to those responsible for formulating the regulations. They would know that they need to change the regulations. If we have to do it by law, I will drop a bill in the hopper to do that, but the money would not be available and therefore we would be compelled to lower the amount of districtwide mailings.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I appreciate the point that the gentleman from Ohio just made. It would be necessary for the gentleman to accomplish his purpose to drop in a bill that would amend the House rules or somehow affect the number of districtwide mailings that go out under the jurisdiction of the Franking Commission.

We cannot accomplish the gentleman's purpose in this bill. All the amendment that the gentleman has introduced does is simply to reduce the amount available for mail.

I understand the gentleman's goal. I think it probably is the approach that should be taken to restrain the cost of our postage, but it is not possible to accomplish it in this bill and that is one of the reasons I indicated earlier my reluctant opposition to it.

I think the proper approach would be to introduce that legislation and take it through the authorizing process.

Mr. MILLER of Ohio. Mr. Chairman, if the gentleman will yield further, I have heard so many times when I have offered reductions in spending bills that this is not the place to do it. This is never the place to do it. In this case, though we might be doing it backwards, we would be accomplishing a reduction. We can reduce by $10 million and put everyone on notice that there shall be only four newsletters instead of six and that can be accomplished before this bill goes into effect.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I thank the gentleman for his kindness.

Let me assist my friend, the gentleman from Ohio. I am fearful the scenario that he has painted may not come true.

If the gentleman will follow me on the exercise, the six newsletters in a sense are an entitlement program. When the gentleman offers his amendment reducing the postage, we have not affected, and I think the gentleman will agree with this, we have not reduced the number of newsletters. Is that correct?

Mr. MILLER of Ohio. That the amendment does not reduce the number of newsletters?

Mr. TRAXLER. That is correct.

Mr. MILLER of Ohio. That is correct. It reduces the dollar value from $104 million of $94 million. It reduces it by $10 million, but it also puts those people on notice who are responsible for newsletters that we do not have the money to do it.

Mr. TRAXLER. I appreciate that. I just want to make it perfectly clear so the gentleman has no misunderstanding and so the body has no misunderstanding. The gentleman in this amendment is not cutting the number of newsletters, period.

I thank the gentleman for yielding.

The CHAIRMAN pro tempore (Mr. SMITH of Florida). The question is on the amendment offered by the gentleman from Ohio [Mr. MILLER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MILLER of Ohio. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a period of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 241]

Ackerman	Annunzio	Atkins
Addabbo	Anthony	AuCoin
Akaka	Applegate	Badham
Alexander	Archer	Barnard
Anderson	Armey	Barnes
Andrews	Aspin	Bartlett
Barton	Evans (IA)	Levine (CA)
Bateman	Evans (IL)	Lewis (CA)
Bates	Fascell	Lewis (FL)
Bedell	Fawell	Lightfoot
Beilenson	Fazio	Lipinski
Bennett	Feighan	Livingston
Bereuter	Fiedler	Lloyd
Berman	Fields	Loeffler
Bevill	Fish	Long
Biaggi	Flippo	Lott
Bilirakis	Florio	Lowery (CA)
Bliley	Foglietta	Lowry (WA)
Boehlert	Foley	Lujan
Boggs	Ford (MI)	Luken
Boland	Ford (TN)	Lundine
Boner (TN)	Fowler	Lungren
Bonior (MI)	Frank	Mack
Bonker	Franklin	MacKay
Borski	Frenzel	Madigan
Bosco	Frost	Manton
Boulter	Gallo	Markey
Boxer	Gaydos	Marlenee
Brooks	Gejdenson	Martin (IL)
Broomfield	Gekas	Martin (NY)
Brown (CA)	Gephardt	Martinez
Brown (CO)	Gibbons	Matsui
Broyhill	Gilman	Mavroules
Bruce	Gingrich	Mazzoli
Bryant	Glickman	McCain
Burton (CA)	Gonzalez	McCandless
Burton (IN)	Goodling	McCloskey
Bustamante	Gordon	McCollum
Byron	Gradison	McCurdy
Callahan	Gray (IL)	McDade
Campbell	Green	McEwen
Carney	Gregg	McHugh
Carper	Grotberg	McKernan
Carr	Guarini	McKinney
Chandler	Gunderson	McMillan
Chappell	Hall (OH)	Meyers
Chappie	Hamilton	Mica
Cheney	Hammerschmidt	Michel
Clay	Hansen	Mikulski
Clinger	Hartnett	Miller (CA)
Coats	Hatcher	Miller (OH)
Cobey	Hawkins	Miller (WA)
Coble	Hayes	Mineta
Coelho	Heftel	Mitchell
Coleman (MO)	Hendon	Moakley
Coleman (TX)	Henry	Molinari
Collins	Hertel	Mollohan
Combest	Hiler	Monson
Conte	Hillis	Montgomery
Conyers	Holt	Moody
Cooper	Hopkins	Moore
Coughlin	Horton	Moorhead
Courter	Howard	Morrison (CT)
Coyne	Hoyer	Morrison (WA)
Craig	Hubbard	Mrazek
Crockett	Huckaby	Murphy
Daniel	Hughes	Murtha
Dannemeyer	Hunter	Myers
Darden	Hutto	Natcher
Daschle	Hyde	Neal
Daub	Ireland	Nelson
Davis	Jacobs	Nichols
de la Garza	Jeffords	Nielson
DeLay	Jenkins	Nowak
Dellums	Johnson	O'Brien
Derrick	Jones (NC)	Oakar
DeWine	Jones (OK)	Oberstar
Dickinson	Jones (TN)	Obey
Dicks	Kanjorski	Olin
Dingell	Kaptur	Ortiz
DioGuardi	Kasich	Owens
Dixon	Kastenmeier	Oxley
Donnelly	Kemp	Packard
Dorgan (ND)	Kennelly	Panetta
Dornan (CA)	Kildee	Parris
Dowdy	Kindness	Pashayan
Downey	Kleczka	Pease
Dreier	Kolbe	Penny
Duncan	Kolter	Pepper
Durbin	Kostmayer	Perkins
Dwyer	Kramer	Petri
Dymally	LaFalce	Pickle
Dyson	Lagomarsino	Porter
Early	Lantos	Price
Eckart (OH)	Latta	Pursell
Eckert (NY)	Leach (IA)	Quillen
Edgar	Leath (TX)	Rahall
Edwards (CA)	Lehman (CA)	Rangel
Edwards (OK)	Lehman (FL)	Ray
Emerson	Leland	Regula
English	Lent	Reid
Erdreich	Levin (MI)	Richardson

Ridge	Skelton	Torres
Rinaldo	Slattery	Torricelli
Ritter	Slaughter	Towns
Roberts	Smith (FL)	Traficant
Robinson	Smith (IA)	Traxler
Rodino	Smith (NE)	Udall
Roe	Smith (NH)	Valentine
Roemer	Smith (NJ)	Vander Jagt
Rogers	Smith, Denny	Vento
Rose	Smith, Robert	Visclosky
Rostenkowski	Snowe	Volkmer
Roth	Snyder	Vucanovich
Roukema	Solarz	Walgren
Rowland (CT)	Solomon	Walker
Rowland (GA)	Spence	Watkins
Roybal	Spratt	Weaver
Rudd	St Germain	Weber
Russo	Staggers	Weiss
Sabo	Stallings	Wheat
Savage	Stangeland	Whitehurst
Saxton	Stark	Whitley
Schaefer	Stenholm	Whittaker
Scheuer	Stokes	Whitten
Schroeder	Strang	Williams
Schuette	Stratton	Wilson
Schulze	Studds	Wirth
Schumer	Stump	Wise
Seiberling	Sundquist	Wolf
Sensenbrenner	Sweeney	Wolpe
Sharp	Swift	Wortley
Shaw	Swindall	Wyden
Shelby	Synar	Wylie
Shumway	Tallon	Yates
Shuster	Tauke	Yatron
Sikorski	Taylor	Young (FL)
Sisisky	Thomas (CA)	Young (MO)
Skeen	Thomas (GA)	Zschau

□ 1350

The CHAIRMAN. Four hundred seventeen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. MILLER] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 217, not voting 12, as follows:

[Roll No. 242]

AYES—204

Applegate	Dannemeyer	Hammerschmidt
Archer	Daub	Hansen
Armey	DeLay	Hartnett
Badham	DeWine	Heftel
Barnard	Dickinson	Hendon
Bartlett	DioGuardi	Henry
Barton	Dornan (CA)	Hiler
Bateman	Dowdy	Hillis
Bennett	Dreier	Holt
Bentley	Duncan	Hopkins
Bereuter	Dyson	Hubbard
Bilirakis	Eckert (NY)	Huckaby
Bliley	Edwards (OK)	Hunter
Boehlert	Emerson	Hutto
Boulter	English	Hyde
Broomfield	Erdreich	Ireland
Brown (CO)	Evans (IA)	Jacobs
Broyhill	Fawell	Jeffords
Burton (IN)	Fiedler	Johnson
Byron	Fields	Kanjorski
Callahan	Fish	Kasich
Campbell	Franklin	Kemp
Carper	Frenzel	Kindness
Chandler	Gallo	Kolbe
Chappie	Gekas	Kramer
Cheney	Gilman	LaFalce
Coats	Gingrich	Lagomarsino
Cobey	Glickman	Latta
Coble	Goodling	Leach (IA)
Coleman (MO)	Gordon	Lent
Combest	Gradison	Lewis (FL)
Coughlin	Green	Lightfoot
Courter	Gregg	Livingston
Craig	Grotberg	Lloyd
Daniel	Gunderson	Loeffler
Lott	Packard	Smith (NH)
Lowery (CA)	Panetta	Smith, Denny
Lujan	Parris	Smith, Robert
Lungren	Pashayan	Snowe
Mack	Penny	Snyder
MacKay	Petri	Solomon
Madigan	Pursell	Spence
Marlenee	Quillen	Stangeland
Martin (IL)	Ray	Stenholm
Martin (NY)	Regula	Strang
McCain	Ridge	Stump
McCandless	Ritter	Sundquist
McCollum	Roberts	Sweeney
McDade	Roemer	Swindall
McEwen	Rogers	Tauke
McKernan	Roth	Taylor
McMillan	Roukema	Traficant
Meyers	Rowland (CT)	Vander Jagt
Michel	Rudd	Volkmer
Mikulski	Saxton	Vucanovich
Miller (OH)	Schaefer	Walgren
Miller (WA)	Schroeder	Walker
Molinari	Schuette	Weber
Monson	Schulze	Whitehurst
Montgomery	Sensenbrenner	Whittaker
Moore	Sharp	Wirth
Moorhead	Shaw	Wise
Morrison (WA)	Shumway	Wolf
Murphy	Shuster	Wortley
Nelson	Skeen	Wylie
Nielson	Slattery	Yatron
O'Brien	Slaughter	Young (FL)
Oxley	Smith (NE)	Zschau

NOES—217

Ackerman	Early	Martinez
Addabbo	Eckart (OH)	Matsui
Akaka	Edgar	Mavroules
Alexander	Edwards (CA)	Mazzoli
Anderson	Evans (IL)	McCloskey
Andrews	Fascell	McCurdy
Annunzio	Fazio	McHugh
Anthony	Feighan	McKinney
Aspin	Flippo	Mica
Atkins	Florio	Miller (CA)
AuCoin	Foglietta	Mineta
Barnes	Foley	Mitchell
Bates	Ford (MI)	Moakley
Bedell	Ford (TN)	Mollohan
Beilenson	Fowler	Moody
Berman	Frank	Morrison (CT)
Bevill	Frost	Mrazek
Biaggi	Gaydos	Murtha
Boggs	Gejdenson	Myers
Boland	Gephardt	Natcher
Boner (TN)	Gibbons	Neal
Bonior (MI)	Gonzalez	Nichols
Bonker	Gray (IL)	Nowak
Borski	Guarini	Oakar
Bosco	Hall (OH)	Oberstar
Boxer	Hamilton	Obey
Brooks	Hatcher	Olin
Brown (CA)	Hawkins	Ortiz
Bruce	Hayes	Owens
Bryant	Hertel	Pease
Burton (CA)	Horton	Pepper
Bustamante	Howard	Perkins
Carney	Hoyer	Pickle
Carr	Hughes	Porter
Chappell	Jenkins	Price
Clay	Jones (NC)	Rahall
Clinger	Jones (OK)	Rangel
Coelho	Jones (TN)	Reid
Coleman (TX)	Kaptur	Richardson
Collins	Kastenmeier	Rinaldo
Conte	Kennelly	Robinson
Conyers	Kildee	Rodino
Cooper	Kleczka	Roe
Coyne	Kolter	Rose
Crockett	Kostmayer	Rostenkowski
Darden	Lantos	Rowland (GA)
Daschle	Leath (TX)	Roybal
Davis	Lehman (CA)	Russo
de la Garza	Lehman (FL)	Sabo
Dellums	Leland	Savage
Derrick	Levin (MI)	Scheuer
Dicks	Levine (CA)	Schumer
Dingell	Lewis (CA)	Seiberling
Dixon	Lipinski	Shelby
Donnelly	Long	Sikorski
Dorgan (ND)	Lowry (WA)	Sisisky
Downey	Luken	Skelton
Durbin	Lundine	Smith (FL)
Dwyer	Manton	Smith (IA)
Dymally	Markey	Smith (NJ)
Solarz	Thomas (GA)	Wheat
Spratt	Torres	Whitley
St Germain	Torricelli	Whitten
Staggers	Towns	Williams
Stallings	Traxler	Wilson
Stark	Udall	Wolpe
Stokes	Valentine	Wright
Stratton	Vento	Wyden
Studds	Visclosky	Yates
Swift	Watkins	Young (AK)
Synar	Waxman	Young (MO)
Tallon	Weaver	
Thomas (CA)	Weiss	

NOT VOTING—12

Boucher	Garcia	McGrath
Breaux	Gray (PA)	Schneider
Crane	Hall, Ralph	Siljander
Fuqua	Hefner	Tauzin

The Clerk announced the following pair:

On this vote:

Mrs. Schneider for, with Mr. Garcia against.

Mr. PARRIS changed his vote from "no" to "aye."

Mr. McCLOSKEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer two amendments, and I ask unanimous consent to offer them en bloc.

The text of the amendments is as follows:

Amendments offered by Mr. BROWN of Colorado: Page 15, line 19, strike "$22,318,000" and insert in lieu thereof "$22,211,800".

Page 30, after line 5, add the following new section:

"SEC. No funds appropriated in this Act may be used to hire new staff to operate the elevators in the House Office Buildings."

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. FAZIO. Reserving the right to object, Mr. Chairman. I would object to consideration of the amendments if offered en bloc.

The CHAIRMAN. Objection is heard.

□ 1400

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado: On page 15, strike out all of lines 19 and 20 and insert in lieu thereof the following: "$21,981,800, of which $1,500,500 shall remain available until expended.".

Mr. BROWN of Colorado. Mr. Chairman, I will be brief and succinct. This is a simple issue. The budget, as it now stands, proposes a 20-percent increase in the funding for elevator operators. These are elevator operators who serve on automatic elevators. These

are jobs that there is no justification whatsoever. The amendment does not propose to eliminate elevator operators. It does not propose to do away with any jobs. I wish it did. All the amendment says is that in a year where you are going to freeze civil service employees' pay, in a year when you are going to freeze many vital expenditures in the budget of this Nation, it is unjustified to have a 20-percent increase in funding for elevator operators. This measure does not propose cutting or eliminating elevator operators. I wish it did. The jobs are totally useless. They are an outrageous waste of taxpayers' funds. What the amendment does is suggest that you should not increase by 20 percent, as the committee bill does, the funds expended for elevator operators. This, in effect, is a freeze on new elevator operators. It suggests no increase in the amount of money we have squandered for elevator operators on automatic elevators. In a year in which we are freezing some vital functions of the Federal Government, it is totally unjustified to have a 20-percent increase in funding for elevator operators. So the amendment is a suggestion that we not increase by 20-percent.

I would hope the amendment would have the unanimous support of this body. It is clearly an area of waste if this body chooses to go ahead with the increase.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I rise in support of the amendment, and I want to congratulate the gentleman for his initiative, his perseverance and his ingenuity in getting this amendment on the floor at this time.

Mr. BROWN of Colorado. I thank the gentleman for his objective comments.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. BROWN].

I may not need the entire 5 minutes. My arguments are as simple and I think even more direct as the gentleman who offered the amendment.

I know we are all anxious to expedite the enactment of this bill, but we do have to have some rebuttal time for the amendments that are made, and I would appreciate it if the Members would participate in the debate.

In 1977, we had 52 elevator operators working under the aegis of the Architect of the Capitol in the House Office Buildings. Now we have 14.

We had, including the Capitol, 74 serving the House. We now have 29.

These are people, many of them senior citizens or disabled people, earning a basic per annum salary of $13,064 a year. They are not getting rich. They are, however, prodcutively employed. Some of them, I know, would find it difficult to find employment elsewhere because of their various disabilities.

This amendment I understand would reduce their salaries by a little more than half, from $182,000 in total down to something close to $82,000. So we are essentially taking 14 people earning $13,000 a year and cutting their salaries by about 70 percent.

Why are they there? Well, they are there because—and I think every Member ought to understand this fully—Members who are in their offices expedite their travel to the floor to cast their votes with the help of these people. For example, their operation of one elevator in the Longworth Building makes the other elevators available to tourists and other people visiting our buildings. If we did not have these people, we would be in a position where we would end up missing votes or perhaps, as an alternative, our constituents and visitors to the Capitol and others would be required to vacate elevators during periods when votes are being taken in the House. That, as I understand it, was a practice here a few years ago, when the police would clear all elevators.

I do not think this amendment is worth a great deal of debate or excitment. It is simply a way in which we expedite the legislative process the way we minimize the time spent between our offices where we must conduct business and the floor where we are required to be to vote.

We also find these people very helpful, I am sure, to tourists and others who are trying to find their way around the building.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I want to commend the chairman for his statement. I think the gentleman put it simply.

Basically, what we are talking about is a cut for mostly minority women and handicapped people and some of the seniors. It would mean that those of you who use the Longworth elevator may deprive the handicapped person who runs that elevator, to make sure that you get on time, that that individual's salary would be cut. It would mean that the black woman who serves some of us who use the elevator in the Rayburn Building, that there would be a cut in that area. It would mean those of you who use the Cannon Building, who very frequently have the handicapped individual who operates the elevator, you would see a cut in that type of personnel. I think it is a kind of cruel amendment, to be honest, and I hope that we solidly reject it and get on with more substantial areas where we could really save taxpayers' money.

I thank the gentleman for yielding.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to my colleague, the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, as I understand the amendment that has been offered by the gentleman from Colorado [Mr. BROWN], it does not cut the amount that would be funded for the elevator operators but, rather, freezes it at the existing level, so that the statements that were made indicating that there would be a dramatic reduction do not seem to square with the intent of the gentleman's amendment.

Mr. FAZIO. If the gentleman would allow me to reclaim my time, I really do not understand how you can come to any other conclusion. The amendment that we have seems to provide for a reduction of that amount. I do not know where else we would take it if we do not take it out of the personnel category that it applies to. I am not trying to obfuscate. That is my reading of the amendment. A $100,000 reduction in an activity where we now spend $182,000.

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has expired.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the author of the amendment.

Mr. BROWN of Colorado. I thank the gentleman for yielding.

Mr. Chairman, we have checked with the Architect of the Capitol and the folks who are involved. The folks who have expressed a concern will be happy to know that this does not cut elevator operators. We had 44 elevator operators in 1985. If we review the debate of last year on this subject, we will confirm that number.

Mr. FAZIO. We have 14 now. I have already indicated we had 52 in 1977. We now have 14.

Mr. BROWN of Colorado. The gentleman is correct in referring to 14 as the number who are in the House office buildings.

Mr. FAZIO. That is where the amendment that the gentleman offered applies, in the House office buildings. So I do not know what other elevator personnel we are cutting here.

Mr. BROWN of Colorado. Perhaps I can clarify it. What we are talking about is a total overall of elevator operators in the Capitol of 44 in——

Mr. FAZIO. But the gentleman is amending the category in the bill on page 15 under "House Office Buildings."

Mr. BROWN of Colorado. If the gentleman will permit me to continue, the overall number is at 45, and it is the same as we had last year. The proposal in this is to raise the funding to 49. The total funds expended for elevator operators in this budget go from $533,900 last year to $640,100. The proposal in the new budget is to increase the number of elevator operators by five. All this does is leave the funding for elevator operators at the same level it was the past year. No one is cut.

Mr. FAZIO. If I could reclaim my time, my staff informs me that the Senate added five elevator operators last year.

□ 1410

Maybe this is where some of the confusion comes in. But the gentleman's amendment goes to House Office Buildings, and in that category we have only 14 personnel. I understand what he is attempting to do, but his amendment does not accomplish it.

Mr. BROWN of Colorado. If the gentleman would yield, I know the gentleman's deep regard for the Senate, but the Senate funded those apparently not out of funds for this purpose but out of other funds, and they are attempting to continue those on through additional appropriations in this area. This merely brings us back to where we were last year.

Mr. THOMAS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentlewoman from Ohio [Ms. OAKAR].

Mr. Chairman, I understand the gentlewoman's concern, if we went from 14 to 0 in terms of her very careful enumeration of who would be deprived of a job. The black woman in the Rayburn Building; the handicapped individual in the Longworth Building, et cetera.

Ms. OAKAR. I was giving examples of the type of individuals.

Mr. THOMAS of California. Yes.

My question is: If we now have 14 of those and they would all lose their jobs, what happened in terms of going from 44 to 14? Was there a distillation process used in which those individuals who were only partially handicapped were removed first, and then those who were more handicapped kept? What was the process in terms of the House winding up with the elevator operators that we have now?

I yield to the gentlewoman for her response.

Ms. OAKAR. I think your question is really very facetious; I think you know that, Bill. I was giving examples of the type of people that we affect and your side of this aisle, and this morning's comments and other times seem to go after the people who make the least amount of money, namely, minorities and women and handicapped people. That is the thrust of what I was saying, and I am not going to change my stand, because that is the way I feel, and you know it.

Mr. THOMAS of California. I certainly do not think you should change your stand.

Ms. OAKAR. You know it; you served on House Administration with me.

Mr. THOMAS of California. Reclaiming my time——

Ms. OAKAR. You asked me to engage in a colloquy.

Mr. THOMAS of California. Mr. Chairman, reclaiming my time.

The CHAIRMAN. The gentleman from California [Mr. THOMAS] has the time.

Mr. THOMAS of California. I thank the Chair.

Mr. Chairman, I really think that the question ought to be whether or not there is a convenience factor in putting operators on automatic elevators, and not that the operators that are there ought to be justified on whatever particular category they might fall in of either a minority or handicapped. That is my concern, that we justify this operation by virtue of those individuals who are currently employed. It means then that probably we cannot change those individuals, and I would like to focus on the question of whether or not we ought to have individuals on the elevators that are automatically operated, and I would ask the gentleman from California if he could give me any information as to what the other body does in this regard. That is, what does the other body do in terms of the Senate Office Building elevators.

Mr. FAZIO. If the gentleman would yield, I do not spend a great deal of time over there but I have spent some time in the last 2 weeks attending conferences in the Dirksen Building, and I have seen three elevators reserved for Members of the Senate only, and remember, there are only 100 of the gentlemen and ladies.

Those are totally unavailable to the public, and it seems to me that they have perhaps solved their problem by really reducing the efficiency of the building and limiting the access that the average tourist or visitor would have. I think it is a bit much to have three elevators reserved only for Members of the body. It would seem that our approach is much more fair to the other people that use the building.

Mr. THOMAS of California. Your concern is access and convenience for individuals and not necessarily the individuals that happen to be hired at the current time and running the elevators?

Mr. FAZIO. If the gentleman would yield, I think I can say that I have more than one concern, but certainly the one the gentleman points to is one of my concerns.

Mr. THOMAS of California. I thank the gentleman.

Mr. SLATTERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the things I think we ought to focus on is exactly what this amendment does, and there seems to be some confusion as to whether we are talking about the entire appropriation for all the elevator operators here on Capitol Hill or only those in the House Office Buildings. Here is a copy of the amendment and I will read a copy of the amendment to you. It says on page 15 of the bill, "By striking out all of lines 19 and 20," and 19 and 20 come under the heading "House Office Buildings."

I think when you read the amendment, it does something other than what the gentleman from Colorado wishes his amendment to do. Therefore, I would respectfully request that if the gentleman from Colorado's intention is to freeze the appropriation for all elevator operators on Capitol Hill, then he ought to withdraw his amendment and rewrite it to achieve that objective, because the way it is currently written, it does not do that. In fact, it would cut, as I read this, somewhere in the neighborhood of close to $400,000 out of the House operation only. I do not think the gentleman wants to do that.

I yield to the gentleman for his response.

Mr. BROWN of Colorado. First of all, I know the gentleman's comments are in complete sincerity with regard to the dollar figure. The $400,000 figure is no longer an appropriate comparison because this area was amended earlier by Congressman CONTE, and so the impact of this particular amendment changes those total figures, and the impact is a $106,000 reduction.

Mr. SLATTERY. Earlier, I thought I heard the gentleman from Colorado say though that his amendment was intended to apply to all the operators here on Capitol Hill. Did I understand the gentleman correctly?

Mr. BROWN of Colorado. If the gentleman would yield, the gentleman is quite right. This section deals with the House funds. We are dealing with about a $22 million fund here.

Now, the other amendment that I have deals with a specific limitation with regard to spending.

Mr. SLATTERY. That is another amendment that the gentleman has?

Mr. BROWN of Colorado. If the gentleman would let me complete, first of all, the amount is not $400,000; it is $106,000. Second, with regard to the specificity of exactly how that $106,000 reduction is achieved, I have an amendment that deals with that in

the limitation section. I thought it was appropriate to have that as part of the debate. I offered it en bloc, and of course, our chairman objected to it, which is his right.

I think you ought to know in terms of the specifics of how that is achieved, it is not the advocates of freezing the elevator operators that have taken the position that you should not have specificity on it; it is the opponents of freezing the elevator operators that have taken that position.

Mr. SLATTERY. I thought there was some confusion with respect to what we were talking about, and I wanted to know myself whether we were talking about dealing with all of the operators on Capitol Hill or whether we were just focusing this amendment on those that serve the House. It is clear from the language that we are talking about those that serve the House and not those that serve the Senate. I just wanted that point clarified.

Regardless of how the Members decide to vote on this issue, I think they ought to know exactly what they are voting on.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I yield to the gentleman.

Mr. LEWIS of California. I think the gentleman makes a very important point for the House to recognize. Indeed, if we were talking about all proposed 49 elevator operators, including those newly added in the other body, I would be very empathetic to the discussion of putting the brakes on. But because of the circumstances of the condition of this bill at this moment, the amendment does address itself just to the House Office Buildings, not to the Capitol, not to the other body, thereby we are affecting a very limited number and a very special group of people, and I am not sure the House wants to address itself to those individuals and those people who would be affected.

Mr. SLATTERY. I am wondering if the gentleman from Colorado has an idea of which elevator operators he would like to eliminate or which elevator operators' salaries he would like to cut, because it seems to me that we do have Federal employees operating these elevators, and I will be candid in saying I think they perform a very vital service around here.

When I first reported for duty around here several years, ago, I was a little bit cynical about what they did, but after you have been around here for a couple of years, you can appreciate that at very critical times they are important. They are Federal employees. I do not think that we should treat them any differently than we treat other Federal employees. If we want to fire them, then let us fire them. But let us not cut the salaries of these people when they are making maybe 10, 12, $13,000 a year, by 20 to 50 percent.

So does the gentleman have an idea which operators he would like to cut?

The CHAIRMAN. The time of the gentleman from Kansas [Mr. SLATTERY] has expired.

(On request of Mr. BROWN of Colorado and by unanimous consent. Mr. SLATTERY was allowed to proceed for 2 additional minutes.)

Mr. SLATTERY. I yield to the gentleman.

Mr. BROWN of Colorado. I thank the gentleman.

Let me say that it is very clear that this does not require anyone to be fired or let go. No one. What it does do is limit the ability to hire new elevator operators.

□ 1420

So we are not talking about eliminating any jobs. I wish we were. We are not talking about firing any people who perform totally useless jobs. I wish we were. All we are talking about here is not hiring new operators.

Mr. SLATTERY. Mr. Chairman, reclaiming my time for just a second, then the gentleman's objective is to freeze the number of elevator operators that we have currently in service; is that correct?

Mr. BROWN of Colorado. That is correct.

Mr. SLATTERY. The second objective of the gentleman from Colorado, then, is to freeze their pay as we would freeze all other Federal employees' pay.

Mr. BROWN of Colorado. That is correct.

Mr. FAZIO. Mr. Chairman, if the gentleman will yield to me, I would be happy to state the situation as I read it.

First of all, the amendment affects the House Office Building. That is where the amendment is made. There are 14 operators, paid $13,064 a year, for a total of $182,000. If the gentleman's amendment cuts $106,000 from $182,000, it would mean a pro rata reduction in those salaries of perhaps down to $6,000, something in that category, which means that to retain those 14 operators we would have cut their pay by over 70 percent.

I think that is probably not the intent of the gentleman from Colorado, but that would be the effect of his amendment as it is currently drafted.

Mr. BROWN of Colorado. I might say Secretary Weinberger has heard the gentleman's explanation of how not increasing becomes a cut, and he has asked if you would be willing to consider a job at the Pentagon.

Mr. FAZIO. I am dealing with the figures provided by the gentleman from Colorado.

Mr. SLATTERY. Mr. Chairman, reclaiming my time, if that is the intent of the gentleman from Colorado, I would have no problem with his amendment, but I do not believe that is what his amendment would achieve, and I am going to continue to study this as the debate proceeds here. But I do not believe, based on what I know now, that is what it achieves.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Colorado.

Mr. Chairman, we are indulging in an age-old legislative act of mischief called blowing smoke over an amendment.

The reason that the gentleman has phrased his amendment the way he has is because that is the only way he can do it under the rule. Our friends in the majority have so structured the rules that we can only get at one number. We cannot add other restrictions.

The amendment contains no reductions in the amount of money spent last year, no intended reductions in elevator operators. If the gentleman from Colorado had had more courage, he would have cut some operators, because they are operating elevators that operate for themselves. It is utterly ridiculous that they are manned at all.

We also had another participant in the adventure say that we were going to be laying off black, handicapped, and women. I did not know that our elevator operator program was a jobs program in the first place. I thought we had elevators to get up and down to various floors of the Capitol. Since they are automatic, there is not any reason to have anybody in them.

There is no firing; there is no reduction; there is simply the same amount of total money for House elevator operators as we voted for last year. The problem is, the gentleman from Colorado has no other way to attack this bill or to make a change.

If we do not accept the gentleman's amendment, we are going to have a 20-percent increase in the amount of money voted for elevator operators. Even if there is some wage increase that comes later, we are going to have more elevator operators than we had last year.

That won't make much difference, because we have a lot of automatic elevators that run themselves, and if we have some extra people to help the people who are already running automatic elevators, I know the taxpayers will be just thrilled to know that we have spares.

This is a 20-percent increase without the amendment.

We are also told that there is limited access for the tourists. I have to tell

the gentleman from California that tourists from my district can punch a button in an elevator. I will bet they can find the second floor and the basement if they want to on an automatic elevator.

We are arguing about $100,000 in a bill that probably has $1.2 billion for the House side and the joint items, so there is probably $600,000 in here more than we need to spend. We are arguing about $100,000. I would love to be campaigning against the person who votes to spend more money than who are going to run automatic elevators.

Mr. REID. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to this debate here today and it reminds me of the famous book, "Parkinson's Law," where the British Parliament spent a matter of hours going through the budget on defense, transportation, health care, and other matters. When they finally came to the debate of the annual Christmas party, they spent 2 days discussing the issue. That is similar to what we are doing here today.

I think it is important to note a number of things. First of all, as the gentleman from Colorado mentioned the name of Weinberger, it is too bad the gentleman doesn't spend the same amount of time talking about the waste and inefficiency in Mr. Weinberger's Defense Department budget that he has spent here today talking about this elevator situation.

The point of the matter is that here we are pointing directly to what David Stockman mentioned in his remarks that appeared in one of the local newspapers this past weekend, in effect Stockman said after 4 years he has been convinced that a large share of the problem is us. By that he said he meant Republicans in Congress. These guys, according to Stockman, get away with making these speeches about how spending is out of control. But when it comes to their own piece of turf, they say "don't cut you, don't cut me, cut the other fellow behind the tree."

Mr. Chairman, this certainly deals with something that we have to talk about and talk specifically. The public needs to know that an automatic elevator is not as portrayed by the other side. Of course it is an automatic elevator. But in the four elevators in the office building that I am in, there are tens of thousands of people who go through those elevators each day. One of the House rules is that we have 15 minutes in which to vote. Realistically, if I am in the middle of a telephone call or in conference with someone when a vote is called, I have a very difficult time making it over here to vote within the 15-minute time period. It is important that there is somebody there operating the elevator who can get me down to the floor so that I can walk over here within the 15-minute time period.

If that is wrong, then we should change the 15-minute time period.

I think it is a function that is important to the orderly conduct of the business of this House. I think we are wasting a lot of time talking about something that sounds dramatic; that is, whether we need operators on automatic elevators. The truth of the matter is that, with very rare exception, wherever we have elevator operators today, the elevators are automatic. That is whether it is in New York City, Los Angeles, CA, or in Washington, DC. It sounds like a very big campaign issue, and it is too bad that people would make a campaign issue out of something that is very simple; namely, that we have a building or buildings that are very busy, and some Members who do not have the more plush offices in the Rayburn Building, together with a subway have trouble making a vote in 15 minutes.

Mr. FAZIO. Mr. Chairman, would my friend yield?

Mr. REID. I would be happy to yield to the chairman, the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, first of all I would like to thank the gentleman for his very calm and lucid explanation of the situation that exists here, because I am sure many of the people who will be listening to or reading this debate will not fully understand it unless they listen to the gentleman's comments.

I would like to reiterate that we currently have 14 operators. In 1977 we had 52. We have had 14 since 1980. We reduced the number from 52 to 14 and we have leveled it there. If there is an increase in this category at all, it is in the other body, which in 1983 increased the number of operators from 15 to 20. We have not increased them in this House now for 6 years. I know of no intention to do that.

We are simply talking about the minimum number of people required to operate the necessary elevators in each of the buildings at various points so they can override the automatic switch when votes are on and get Members to the floor expeditiously. I think at this point we ought to end the debate. I think it has been pretty clear. We ought to stay out of the activity of the other body. It has always been important to observe comity between the bodies.

I do not think the gentleman understood it, but if his amendment is directed only at the other body, I would think it would be inclined to start a battle back and forth between the two bodies that can only end up injuring this body as well. If the gentleman's amendment is directed at the other body, I think the best place for us to deal with it would be in conference with the other body.

□ 1430

Mr. SHAW. Mr. Chairman, will the gentleman yield to me?

Mr. REID. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to comment on what the gentleman from California just said with regard to the Members of the other body. Having watched some of them progress to that side, I think they can go up and down by levitation and they do not even need elevators. Be that as it may, I would like to make this further comment.

The CHAIRMAN. The time of the gentleman from Nevada [Mr. REID] has expired.

(On request of Mr. SHAW, and by unanimous consent, Mr. REID was allowed to proceed for 1 additional minute.)

Mr. SHAW. Mr. Chairman, if the gentleman will yield further, I would like to comment on the question of the distance between the offices and the floor. I have the office which is in the far corner of the Cannon Building, which I believe is probably, from the standpoint of time, the furthest you can possibly be from the floor.

If I leave my office during a vote and I leave in 6½ minutes, I can make it. That gives me 6½, 7, or 8½ minutes to get off the phone and do whatever I am doing. So I do not think the burden of getting back is that great.

Mr. REID. What floor is the gentleman on?

Mr. SHAW. I am on the third floor of the Cannon Building. I use the steps, and I come on over here and it takes me 6½ minutes.

Mr. REID. Mr. Chairman, reclaiming my time, that is fine if you are on the third floor, and maybe that works well for you. But I was stuck on the seventh floor back on the Longworth Building, and it is difficult to go down seven flights of stairs—in fact, it is nine flights if it is in the wintertime and you are going to the basement. To make that vote in 15 minutes is not easy.

I respectfully submit that if the time period is something that is critical, then we should change the time period so some of us could have adequate time to get here to vote. I pride myself in voting 99 percent of the time for my district. I would like to continue to do so. I, therefore, oppose the gentleman's amendment.

Mr. TRAXLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time by moving to strike the requisite number of words.

This amendment is one that is a perennial. I am going to support the

amendment. I yield back the balance of my time.

Mr. SWINDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is no greater illustration of why we have a deficit and why the American people have lost total confidence in this Congress to address the deficit than to examine the nonsensical issue before this committee today.

Last year I talked frequently in my district about this very issue. I used it as an illustration in my own campaign of the nonsense of Congress when it comes to cutting the deficit. The point that I made was that when you take an automatic elevator operator, it seems common-sensical that you do not need someone in the elevator taking up more space to punch buttons. During this debate it has been mentioned that tens of thousands of people ride these elevators each year. I would suggest that thousands more people could ride these elevators each year if you did not have one unnecessary person taking up space to operate an automatic elevator.

But what was even more intriguing to me, as I used that illustration, talking to thousands of people in my district in Georgia, was that most did not believe me. They did not believe that Congress could have possibly voted to waste money this way in times of huge deficit, and, as the gentleman just said, we have for the past 10 years debated this issue and for the past 10 years we have had deficits.

It would seem to me that it is very obvious that the American people do not want a tax increase. If they do not want a tax increase, it is very obvious that the next step to take is to find unnecessary expenses and eliminate them. One of the most obvious expenses in this House is this particular position. Further, how can we in good conscience talk about reducing the deficit and then not sacrifice our own luxuries such as automatic elevator operators. Truthfully, the American people ought to be disgusted by such obvious abuse by Members of Congress who should be setting an example by "tightening our own belts" til the deficit is eliminated.

I heard the gentlewoman from Ohio argue that we would in effect be hurting blacks, the handicapped, and the women who operate these elevators. My response to the gentlelady is, that we are hurting blacks, women, and handicapped taxpayers who expect more from us than to waste their hard-earned money on something as frivolous as this.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. SWINDALL. I will yield in just a moment.

We should not talk about this from a personal perspective; rather we should talk about it from a perspective of the general deficit mess we have today. Let me just for a moment, first of all, dispute the gentleman from Florida who says he has the office farthest from the Capitol. I believe I have the farthest office. Under the lottery system, I ended up in 508 of the Cannon Building, on the top floor, the farthest possible point from this Capitol. I go down one of two freight elevators to get here, neither one of which has an automatic elevator, and I have found that if I leave my office when the vote commences, I will get here with 6½ minutes to spare, never using an automatic elevator. Furthermore there is no subway from my office to the Capitol as there is between the Rayburn House Office Building and the Capitol.

My point, is that the American people are fed up with this type of discussion over all types of nongermane issues when the bottom line is whether we are going to save $106,000. That is a tremendous amount of money. In fact, many Americans could buy two or three homes for that amount of money.

At this point, Mr. Chairman, I would be glad to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I was just going to say that the gentleman was talking before about the space, and so forth, if you eliminate one operator. That is right, because you would eliminate an elevator operator who has braces, and so on, and that takes up space, too.

But I wish the gentleman had the same zeal that he has about this issue about the $7,000 coffee pots that American taxpayers pay for, the $600 toilet seats that American taxpayers pay for, and all the cost overruns, 9 out of 10 of which——

Mr. SWINDALL. Mr. Chairman, I would reclaim my time.

Ms. OAKAR. Mr. Chairman, I wish the gentleman would yield further.

Mr. SWINDALL. My point is very simple. Let us deal with the budget evenhandedly. We have taken many steps necessary to eliminate those problems. We have frozen the defense budget this year. All the amendment offered by the gentleman from Colorado [Mr. BROWN] would do would be to freeze this aspect of that budget, so let us deal evenhandedly with all the issues.

Ms. OAKAR. Mr. Chairman, will the gentleman yield further?

Mr. SWINDALL. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I would ask, did you vote for BARBARA BOXER's amendments and other amendments that would directly target that waste, fraud, and abuse in the Pentagon spending?

Mr. SWINDALL. As a matter of fact, I have voted for every amendment that would responsibly address such abuses, waste, and fraud. But again I think the folly that we go through every year is that we talk about apples when we should be talking about oranges.

□ 1440

We are not here to talk at this moment about the defense budget. We are here to talk about something that outrages the people of my district and every congressional district in our country and that is the fact that we are paying people to punch buttons that we are perfectly capable of punching ourselves.

I would simply say that if we are really concerned about reducing the deficit, this is an excellent first step even if it is "only $106,000." Obviously, we must begin somewhere. If Congress itself is unwilling to sacrifice automatic elevator operators it is unreasonable to expect others to make much more difficult sacrifices.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I just have a few comments to say and then I want to yield to the gentleman from Colorado.

I think what we are talking about in this whole debate today is symptomatic of the problems of this Capitol, which I think then bleed out into our other activities and into other departments.

When you look around this Capitol, when you look in front of the Capitol office buildings, and let me ask something, if you are in the free trade area, if you were dealing with an independent landlord and the Federal Government was not paying your rent, would you put up with the filth and the awful conditions that are existing in front of all these buildings? They are not properly kept up. You have people on the payroll who are spending half their time playing cards and drinking coffee. I think the whole situation is absolutely disgraceful.

It is time that we lean up not only on this vote, but on all these things we are paying for around here and let the employees of the Capitol know that we expect an hour's work for an hour's pay. We are not getting it and the buildings are filthy. You have paint coming off the walls.

While we are on the matter of elevators in that the maintenance of the elevators is in here, too, if you want to see all kinds of obscenities, go read the walls of these elevators. They are in there and those words stay in there month after month without even an attempt to remove them.

So we talk about how people feel about us in the Capitol when they come and get on an elevator to come up to your office or my office, try the elevator right across from 322, the

freight elevator. There are obscenities in there all the time. It is like a new one every week.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I am glad to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I just want to point out that the House Public Works Committee holds oversight jurisdiction over some of the architectural activities.

I certainly would second the gentleman's statements and urge that he and other members of the committee do what they can to improve the maintenance of the buildings.

Mr. SHAW. Well, I thank the gentleman for that, but we do not have any control over the maintenance of these buildings. I wish we did, or we would have some rather extensive hearings on it. As a matter of fact, I will discuss that with the chairman and maybe we should.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman.

I would just make a couple points quickly that have been brought up by some concerned Members.

First of all, there was a concern expressed about getting to a vote. Certainly getting to a vote is an important function and we want to be careful about that.

I might make these observations. First of all, there is no time lost for a Member pushing a button versus an operator pushing a button. Our Members are capable of that.

Second, the Senate handles that by having reserved—I see the gentleman disagrees with that first point—the Senate handles this problem of people coming from their offices by having reserved elevators. Our system is set up for that. There is no problem with having reserved elevators working. That is the way the Senate works.

Third, there is a concern expressed about tourists getting information from the operators. Let me suggest that we have over 1,200 policemen on Capitol Hill handling our offices in this building. We are not short of people to offer advice.

Fourth, the tourists are not allowed on those elevators.

Fifth, I might mention the question was raised whether it is a cut or an increase. I can tell you this. Our office contacted the people who supervise all the elevators operators, the Architect's Office and others. We were advised of a 20-percent increase in the fund for elevator operators this year. Even if that 20 percent were not the case, it would be perfectly possible to achieve savings in the House offices alone simply by not hiring replacements when you look at the normal turnover, so we are not firing people. We are not letting people go. We are simply saying let us not increase them and I hope we would not hire new ones.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. BROWN].

The question was taken; and on a division (demanded by Mr. BROWN of Colorado) there were—ayes 34, noes 29.

RECORDED VOTE

Mr. FAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 221, not voting 21, as follows:

[Roll No. 243]

AYES—191

Andrews	Heftel	Ray
Archer	Hendon	Ridge
Armey	Henry	Rinaldo
Aspin	Hiler	Ritter
Badham	Hopkins	Robinson
Bartlett	Hubbard	Roemer
Barton	Huckaby	Rogers
Bateman	Hughes	Roth
Bereuter	Hunter	Roukema
Bilirakis	Hutto	Rowland (CT)
Bliley	Hyde	Rowland (GA)
Boulter	Ireland	Rudd
Brooks	Jacobs	Saxton
Brown (CO)	Jenkins	Schaefer
Broyhill	Johnson	Scheuer
Burton (IN)	Jones (OK)	Schroeder
Byron	Kanjorski	Schuette
Callahan	Kasich	Schulze
Campbell	Kindness	Sensenbrenner
Carper	Kolbe	Sharp
Carr	Lagomarsino	Shaw
Chandler	Latta	Shelby
Chappie	Leach (IA)	Shumway
Cheney	Leath (TX)	Shuster
Clinger	Lent	Sisisky
Coats	Lightfoot	Skeen
Cobey	Lloyd	Slattery
Coble	Lott	Slaughter
Coleman (MO)	Lujan	Smith (NE)
Combest	Luken	Smith (NH)
Conte	Lungren	Smith (NJ)
Craig	Mack	Smith, Denny
Dannemeyer	MacKay	Smith, Robert
Darden	Marlenee	Snowe
Daub	Martin (IL)	Solomon
DeLay	Martin (NY)	Spence
DeWine	McCain	Stallings
Dickinson	McCandless	Stenholm
DioGuardi	McDade	Strang
Dornan (CA)	McKernan	Stump
Dreier	McMillan	Sundquist
Early	Meyers	Sweeney
Eckert (NY)	Mica	Swindall
Edwards (OK)	Michel	Tallon
English	Miller (OH)	Tauke
Erdreich	Miller (WA)	Taylor
Evans (IA)	Molinari	Thomas (CA)
Fawell	Monson	Traxler
Fiedler	Montgomery	Valentine
Fields	Moore	Vander Jagt
Flippo	Moorhead	Volkmer
Frenzel	Morrison (WA)	Vucanovich
Frost	Nelson	Walker
Gallo	Nichols	Weber
Gekas	Nielson	Whitehurst
Gibbons	Olin	Whittaker
Gingrich	Oxley	Wirth
Glickman	Packard	Wolf
Goodling	Parris	Wolpe
Gradison	Pashayan	Wortley
Gregg	Pease	Wylie
Grotberg	Petri	Young (FL)
Hamilton	Pickle	Zschau
Hansen	Pursell	

NOES—221

Ackerman	Addabbo	Akaka
Alexander	Fowler	Natcher
Anderson	Frank	Neal
Annunzio	Franklin	Nowak
Anthony	Gaydos	O'Brien
Applegate	Gejdenson	Oakar
Atkins	Gephardt	Oberstar
AuCoin	Gilman	Obey
Barnes	Gonzalez	Ortiz
Bates	Gordon	Owens
Bedell	Gray (IL)	Panetta
Beilenson	Green	Penny
Bennett	Guarini	Pepper
Bentley	Gunderson	Perkins
Berman	Hall (OH)	Porter
Bevill	Hammerschmidt	Price
Biaggi	Hatcher	Quillen
Boehlert	Hawkins	Rahall
Boggs	Hayes	Rangel
Boland	Hertel	Regula
Boner (TN)	Holt	Reid
Bonior (MI)	Horton	Richardson
Bonker	Howard	Roberts
Borski	Hoyer	Rodino
Boxer	Jeffords	Roe
Broomfield	Jones (NC)	Rose
Brown (CA)	Jones (TN)	Rostenkowski
Bruce	Kaptur	Roybal
Bryant	Kastenmeier	Russo
Burton (CA)	Kemp	Sabo
Bustamante	Kennelly	Savage
Carney	Kildee	Schumer
Chappell	Kleczka	Seiberling
Clay	Kolter	Sikorski
Coelho	Kostmayer	Skelton
Coleman (TX)	LaFalce	Smith (IA)
Collins	Lantos	Snyder
Conyers	Lehman (CA)	Solarz
Cooper	Lehman (FL)	Spratt
Coughlin	Leland	St Germain
Coyne	Levin (MI)	Staggers
Crockett	Levine (CA)	Stangeland
Daniel	Lewis (CA)	Stark
Daschle	Lewis (FL)	Stokes
Davis	Lipinski	Stratton
de la Garza	Livingston	Studds
Dellums	Long	Swift
Derrick	Lowery (CA)	Synar
Dicks	Lowry (WA)	Thomas (GA)
Dingell	Lundine	Torres
Dixon	Madigan	Torricelli
Donnelly	Manton	Towns
Dorgan (ND)	Markey	Traficant
Dowdy	Martinez	Udall
Downey	Matsui	Vento
Duncan	Mavroules	Visclosky
Durbin	Mazzoli	Walgren
Dwyer	McCloskey	Watkins
Dymally	McCollum	Waxman
Dyson	McCurdy	Weaver
Eckart (OH)	McHugh	Weiss
Edgar	McKinney	Wheat
Edwards (CA)	Mikulski	Whitley
Emerson	Miller (CA)	Whitten
Evans (IL)	Mineta	Williams
Fascell	Mitchell	Wilson
Fazio	Moakley	Wise
Feighan	Mollohan	Wright
Fish	Moody	Wyden
Florio	Morrison (CT)	Yates
Foglietta	Mrazek	Yatron
Foley	Murphy	Young (AK)
Ford (MI)	Murtha	Young (MO)
Ford (TN)	Myers	

NOT VOTING—21

Barnard	Garcia	Loeffler
Bosco	Gray (PA)	McEwen
Boucher	Hall, Ralph	McGrath
Breaux	Hartnett	Schneider
Courter	Hefner	Siljander
Crane	Hillis	Smith (FL)
Fuqua	Kramer	Tauzin

□ 1500

The Clerk announced the following pair:

On this vote:

Mrs. Schneider for, with Mr. Garcia against.

Mr. BOEHLERT changed his vote from "aye" to "no."

Mr. PICKLE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,197,000: *Provided*, That appropriations under this head shall be available for Bartholdi Fountain repairs without regard to section 3709 of the Statutes, as amended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care and maintenance of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center and the American Television and Radio Archives in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $136,569,000, of which not more than $4,300,000 shall be derived from collections credited to this appropriation during fiscal year 1986 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $4,300,000: *Provided further*, That, of the total amount appropriated, $4,717,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $17,631,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 1986 under 17 U.S.C. 708(c), and not more than $750,000 shall be derived from collections during fiscal year 1986 under 17 U.S.C. 111(d)(3) and 116 (c)(1): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,750,000.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $33,864,000.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 20, line 10, strike out "$33,864,000" and insert in lieu thereof "$33,761,000".

Mr. WYLIE. Mr. Chairman, this is a copy of Playboy reproduced in braille by the Library of Congress with taxpayers' money. This is an example of your taxpayers' money at work.

[Laughter, Members moved to the desk to pick up copies.]

Mr. WYLIE. It will not help you, gentleman, it will not help you unless you can read braille. Gentleman, this is a serious amendment, and I do not regard it as a joke. The only joke is that taxpayers' moneys are involved in reproducing Playboy in braille.

The Library of Congress through the National Library Service for the Blind and Physically Handicapped is using taxpayers' money to reproduce and distribute Playboy magazines in braille free for all who ask for it.

Now I regard this as an unwise use of taxpayers' money, especially when we have a deficit of $200 billion. There are about 11,000 magazines published in the United States each year. Last year 36 were chosen by the Library of Congress to be published in braille. Among those chosen were the New York Times Weekly magazine, Popular Mechanics, Fortune, Good Housekeeping, National Geographic, to name a few.

□ 1510

In the case of Playboy, it was reportedly selected for its literary merit, its potential and expressed interest to readers, and the value to the collection of the Library of Congress.

Now, in the case of Playboy, the articles were selected by Playboy magazine, and they include the Playboy Advisor—here is a copy of the Playboy magazine that was reproduced in braille—Playboy Party Jokes, and I got this from the Library of Congress, and they will certify this; Good Rockin' Tonight, and so forth and so on.

You can see those if you want to.

Making material with literary merit and value available to the blind I think is a lauditory and valid purpose, but I do not feel, I honestly do not feel that Playboy meets those standards, and I do not think the public should be left with the impression that the Federal Government sanctions the promotion of sex-oriented magazines such as Playboy.

I have asked the Library of Congress to stop using money to reproduce Playboy in braille. They have not stopped using the money for this purpose, and so I am offering this amendment today. Simply stated, at page 20, it would reduce the amount of money available to Books for the Blind and Physically Handicapped, salaries and expenses from $33,864,000 to $33,761,000. The reduction of $103,000 is the amount I was given as being the cost to reproduce and distribute Playboy in braille last year.

Now, understand that there will still be available $33,761,000 to reproduce books and magazines for the blind and the physically handicapped.

I was on a talk show in my district about this back in 1981. I had the amendment ready then, and I will be frank to say I was outmaneuvered when the bill did not come to the floor. The issue came up under unanimous consent under the continuing resolution.

During this talk show which I was on as a part of a blind reading radio program, I received many calls from blind constituents of mine, and most of them agreed with me that this is not a good use of taxpayers' money; they would rather have the money used for some other purpose.

Now, this magazine right here cost the taxpayers $85, to provide each individual who requests it. Last year, this program, the books for the blind and physically handicapped reading program, accommodated 700,000 persons in the United States. Only about 1,027 received the Playboy on a monthly basis, and they will continue to receive it on a monthly basis if they request it unless my amendment becomes law.

It seems to me that reproducing Playboy in braille does not have literary merit, and it is not a good use of the taxpayers' money, and I urge adoption of my amendment.

(On request of Mr. KASICH and by unanimous consent, Mr. WYLIE was allowed to proceed for 30 additional seconds.)

Mr. KASICH. Will the gentleman yield?

Mr. WYLIE. I yield to the gentleman.

Mr. KASICH. Since I am certain that there are those in this House who will try to somehow clothe this argument with some phony excuse, I wonder if the gentleman from Columbus would tell us how he uncovered this situation?

Mr. WYLIE. Well, a blind person in my district told me about it back in 1981. That is how I came on to it. I could not believe it at that time; I do not believe it now. I do not believe that it is still going on, but I think we have a chance to stand up and say that this is not a good use of taxpayers' money, and I hope you vote for my amendment.

(On request of Mr. DREIER of California, Mr. WYLIE was allowed to proceed for 2 additional minutes.)

Mr. DREIER of California. Will the gentleman yield?

Mr. WYLIE. I yield to the gentleman.

Mr. DREIER of California. I would like to ask the gentleman what assureance he has that that $103,000 reduction will not see the elimination of some other publication and transfer instead to publish Playboy magazine anyway.

Mr. WYLIE. I think the debate here on the floor will clearly indicate my intent in introducing this amendment; I do not believe there will be any misconception in anybody's mind; I have written to the Library of Congress on several occasions, suggesting that the practice be discontinued; and if we get a good resourcing vote in favor of my amendment, I have a feeling that the Library of Congress will discontinue publishing Playboy in braille for free distribution.

Mr. DREIER of California. I wholeheartedy support the gentleman's amendment and hope that is the way it is interpreted.

Mr. WYLIE. I thank the gentleman for his contribution.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment, and I do so knowing full well that there will be a lot of people here who think it is very difficult to come up with any arguments; because after all, there may be an assumption that there are people out there who would not understand any countervailing point of view to those expressed by Mr. WYLIE.

I want to tell the Membership, this is a serious vote for the people who think they represent the interests of the disabled and the blind, let alone those people concerned about censorship or freedom of speech.

I say that because the people who determine which publications are going to be translated into braille at the Library, in their Books for the Blind Program, are the blind themselves. The people who are members of organizations of blind and physicially handicapped people.

They determine which of the thousands of publications that we have in this country every year to be included in this program.

It might be of some interest to you to know that of the 36 magazines that are included in the program, only 7 are more popular than this one. They are not only selected by, but they are clearly read by, people who are interested in the literary content of this magazine.

I might remind some of my conservative friends that just in discussions I have had here in the last few minutes, the names of the following people have been mentioned as those who have been interviewed in the Playboy interview pages, which have gotten a lot of press coverage and a lot of news coverage for people: Jerry Falwell, BARRY GOLDWATER, Bill Buckley, and President Carter. I am sure there are others; I am sure you remember their names.

There is not any question that there are no pictorial materials reproduced; I think those Members who inspected the braille edition of Playboy quickly learned that. No pictorial materials are reproduced.

So it is clearly the literary aspect, and there is some; I will not certainly attest to it all, but the literary aspect of the Playboy publication that people have decided they want to have accessible to them.

Now, it costs $98,000 to produce this in a budget of $4.3 million; it is not a lot of money; this is obviously offered for symbolic purposes.

I certainly hope the Members would be mature about this and really reflect on the diversity of American life, and the fact that that same diversity exists in the community of the handicapped, of the blind; and I think we ought not to intrude; I do not think we ought to become the censor; I do not think we ought to make the decision that should be best left to the people who utilize the service, who among other publications decide they would like access to Playboy.

Mr. MITCHELL. Will the gentleman yield?

Mr. FAZIO. I yield to the gentleman.

Mr. MITCHELL. I thank the gentleman for yielding.

Mr. Chairman, I am approaching this in a very serious vein. The history of erotica in literature has been a long, contested subject. Courts have been unable to make definitive decisions on where something assails and prevails and appeals to the prurient interest.

If you start dealing with erotica and manifestations of erotica, you need to read James Joyce, his book "Ulysses"; which I am sure is printed in braille. You need to read the great works of Faulkner, "Sanctuary" and his other novels; which get kind of earthy in certain descriptive passages.

I think we get into a very dangerous area of attempting to define in this Congress what constitutes erotica, what assails or appeals to the prurient interest of this Nation; so I would oppose the amendment because I think it is a kind of bad precedent for us to get into, this kind of definition.

Mr. FASCELL. Will the gentleman yield?

Mr. FAZIO. I yield to the gentleman.

Mr. FASCELL. I think the chairman of the subcommittee has laid out the issue just as clearly and as plainly as it needs to be laid out for all of us to make a proper, sensitive, and intelligent vote.

The gentleman from Ohio [Mr. WYLIE] is obviously very serious and disturbed and upset, but every mechanism that makes reasonable sense is in place for determination on this issue.

It just seems that for us to get into the censorship business on making available to a community that makes its own determination as to what it will use and they still have the final decision as to what would be read; then leaves only the question as to whether or not public funds should be used in the process.

The criteria for that again is a broad, representative body of literature.

□ 1520

To make a judgment I think that this is not representative, especially when it has been selected by the blind themselves to be put in the representative group, is not an objective view.

I hope the amendment would be defeated.

Mr. FAZIO. I thank my friend.

I yield to my colleague, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank my colleague for yielding, and I would like to associate myself with the remarks of the gentleman who just spoke, Chairman FASCELL, as well as the gentleman from Maryland.

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has expired.

(By unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. FAZIO. I yield further to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. By way of information, the membership should know that we are currently spending in the neighborhood of $4,346,000 for converting books and magazines in total to braille for use of the blind. From that category, approximately $1 million of that involve magazines which the blind use and enjoy. It involves magazines like the Ladies' Home Journal, the New York Times large print weekly, Better Homes and Gardens, and among those is Playboy magazine. I think it is fundamental to recognize that we are really talking about censorship here in a very basic way. The question is one of the policy, and if we agree with the policy that makes books and magazines available to the blind in this country, a longstanding policy, then I personally believe that it is a very dangerous time for the House to begin crossing the line and designing what they would censor and what they would not censor.

I appreciate the chairman yielding.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Chairman, I think my point here has escaped some of the Mem-

bers. We have very highly limited resources as far as finances are concerned, and the question is not a decision of whether this is or is not censorship. The question is whether this is a good use of taxpayers' money and whether we ought to give the impression that buying Playboy magazine and reproducing it for free distribution is a good use of taxpayers' money.

Now, if blind persons want to purchase Playboy magazine in braille, so be it. If Playboy magazine wants to promote its magazine and reproduce it in braille and distribute it free, so be it. Maybe that is what they should do. But the question I ask you today is: Why should the taxpayers of the United States be financing it?

I have come to grips with it on several occasions, and nobody in my district can give an affirmative answer as to why $103,000 a year should be spent on reproducing Playboy in braille, and I would say, without fear of equivocation, that most of the blind people in my district think there is a better way to use their money.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. MILLER of California. If the author of the amendment would yield for a question——

Mr. WALKER. I have the time, and I said I would be very glad to yield to the gentleman.

Mr. MILLER of California. I thank the gentleman.

Mr. Chairman, I just do not understand. What is it the gentleman has read in Playboy that he does not like and does not want blind people to be able to read?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. WYLIE. I have a list of articles which are reproduced from the Playboy magazine that clearly deal in sexual relationships. They are described in the——

Mr. MILLER of California. But is that comprehensive of all of the articles that have appeared in Playboy?

Mr. WYLIE. It does not include all of the articles, some talk about wanton idleness, of wanton and illicit sex, and so forth, and it does not seem to me as if right now this is the time we should be using taxpayers' money to promote that sort of thing.

Mr. MILLER of California. Does that include the Playboy interviews? Over the history of the magazine——

Mr. WALKER. Mr. Chairman, reclaiming my time, I appreciate the opportunity, since it is my time to yield to Members here, without having a shouting match going back and forth.

Mr. MILLER of California. If the gentleman will continue to yield, does that include all of the Playboy interviews, or——

Mr. WYLIE. The articles which were reproduced in the magazine I have here reproduced in braille are selected by Playboy.

Mr. MILLER of California. That is the one with the brown cover.

Mr. WYLIE. Some of the articles are interviews, that is correct. But I would suggest that Mr. Hefner, or whoever his successor is, is not a good person to determine what should or should not be published by the Library of Congress at taxpayers' expense.

Mr. WALKER. Mr. Chairman, reclaiming my time, I would simply say that the issue here is $200 billion in deficit, and whether within that deficit we ought to be spending $100,000 or more of taxpayers' money for this particular project. That is the only issue.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. WYLIE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WYLIE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 244]

Ackerman	Bosco	Coughlin	Emerson	Lewis (CA)	Rodino
Addabbo	Boulter	Coyne	English	Lewis (FL)	Roe
Akaka	Boxer	Craig	Erdreich	Lightfoot	Roemer
Alexander	Brooks	Crockett	Evans (IA)	Lipinski	Rogers
Anderson	Broomfield	Dannemeyer	Evans (IL)	Livingston	Rose
Andrews	Brown (CA)	Darden	Fascell	Lloyd	Rostenkowski
Annunzio	Brown (CO)	Daschle	Fawell	Long	Roth
Anthony	Broyhill	Daub	Fazio	Lott	Roukema
Applegate	Bruce	Davis	Feighan	Lowery (CA)	Rowland (CT)
Archer	Bryant	de la Garza	Fiedler	Lowry (WA)	Rowland (GA)
Armey	Burton (CA)	DeLay	Fields	Lujan	Roybal
Aspin	Burton (IN)	Dellums	Fish	Luken	Rudd
Atkins	Bustamante	Derrick	Flippo	Lundine	Russo
AuCoin	Byron	DeWine	Florio	Lungren	Sabo
Badham	Callahan	Dickinson	Foglietta	Mack	Savage
Barnes	Campbell	Dicks	Foley	MacKay	Saxton
Bartlett	Carney	Dingell	Ford (MI)	Madigan	Schaefer
Barton	Carper	DioGuardi	Ford (TN)	Manton	Scheuer
Bateman	Carr	Dixon	Fowler	Markey	Schroeder
Bates	Chandler	Donnelly	Frank	Marlenee	Schuette
Bedell	Chappell	Dorgan (ND)	Franklin	Martin (IL)	Schulze
Beilenson	Chappie	Dornan (CA)	Frenzel	Martin (NY)	Schumer
Bennett	Cheney	Dowdy	Frost	Martinez	Seiberling
Bentley	Clay	Downey	Gallo	Matsui	Sensenbrenner
Bereuter	Clinger	Dreier	Gaydos	Mavroules	Sharp
Berman	Coats	Duncan	Gejdenson	Mazzoli	Shaw
Bevill	Cobey	Durbin	Gekas	McCain	Shelby
Biaggi	Coble	Dwyer	Gephardt	McCandless	Shumway
Billey	Coelho	Dymally	Gilman	McCloskey	Shuster
Boehlert	Coleman (MO)	Dyson	Gingrich	McCollum	Sikorski
Boggs	Coleman (TX)	Early	Glickman	McCurdy	Sisisky
Boland	Collins	Eckart (OH)	Gonzalez	McDade	Skeen
Boner (TN)	Combest	Eckert (NY)	Goodling	McEwen	Skelton
Bonior (MI)	Conte	Edgar	Gordon	McHugh	Slattery
Bonker	Conyers	Edwards (CA)	Gradison	McKernan	Slaughter
Borski	Cooper	Edwards (OK)	Gray (IL)	McKinney	Smith (FL)
			Gray (PA)	McMillan	Smith (IA)
			Green	Meyers	Smith (NE)
			Gregg	Mica	Smith (NH)
			Grotberg	Michel	Smith (NJ)
			Guarini	Mikulski	Smith, Denny
			Gunderson	Miller (CA)	Smith, Robert
			Hall (OH)	Miller (OH)	Snowe
			Hamilton	Miller (WA)	Snyder
			Hammerschmidt	Mineta	Solarz
			Hansen	Mitchell	Solomon
			Hatcher	Moakley	Spence
			Hawkins	Molinari	Spratt
			Hayes	Mollohan	St Germain
			Heftel	Monson	Staggers
			Hendon	Montgomery	Stallings
			Henry	Moody	Stangeland
			Hertel	Moore	Stark
			Hiler	Moorhead	Stenholm
			Holt	Morrison (CT)	Stokes
			Hopkins	Morrison (WA)	Strang
			Horton	Murphy	Stratton
			Howard	Murtha	Studds
			Hoyer	Myers	Stump
			Hubbard	Natcher	Sundquist
			Huckaby	Neal	Sweeney
			Hughes	Nelson	Swift
			Hunter	Nichols	Swindall
			Hutto	Nielson	Synar
			Hyde	Nowak	Tallon
			Ireland	O'Brien	Tauke
			Jacobs	Oakar	Taylor
			Jeffords	Oberstar	Thomas (CA)
			Jenkins	Obey	Thomas (GA)
			Johnson	Olin	Torres
			Jones (NC)	Ortiz	Torricelli
			Jones (OK)	Oxley	Towns
			Jones (TN)	Packard	Traficant
			Kanjorski	Panetta	Traxler
			Kaptur	Parris	Valentine
			Kasich	Pashayan	Vander Jagt
			Kastenmeier	Pease	Vento
			Kemp	Penny	Visclosky
			Kennelly	Pepper	Volkmer
			Kildee	Perkins	Walgren
			Kindness	Petri	Walker
			Kleczka	Porter	Watkins
			Kolbe	Price	Weaver
			Kolter	Pursell	Weber
			Kostmayer	Quillen	Weiss
			Lagomarsino	Rahall	Wheat
			Lantos	Rangel	Whitehurst
			Latta	Ray	Whitley
			Leach (IA)	Regula	Whittaker
			Leath (TX)	Reid	Whitten
			Lehman (CA)	Richardson	Wilson
			Lehman (FL)	Ridge	Wirth
			Leland	Rinaldo	Wise
			Lent	Ritter	Wolf
			Levin (MI)	Roberts	Wolpe
			Levine (CA)	Robinson	Wortley

Wright	Yates	Young (FL)
Wyden	Yatron	Young (MO)
Wylie	Young (AK)	Zschau

□ 1540

The CHAIRMAN. Four hundred five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. WYLIE] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 193, answered "present" 1, not voting 23, as follows:

[Roll No. 245]

AYES—216

Andrews	Gingrich	Nichols
Applegate	Goodling	O'Brien
Archer	Gordon	Olin
Armey	Gradison	Ortiz
Badham	Gray (IL)	Oxley
Bartlett	Gregg	Packard
Barton	Grotberg	Parris
Bateman	Gunderson	Pashayan
Bennett	Hall (OH)	Penny
Bentley	Hamilton	Petri
Bereuter	Hammerschmidt	Pursell
Bevill	Hansen	Ray
Bilirakis	Hendon	Regula
Bliley	Henry	Ridge
Boehlert	Hiler	Rinaldo
Boggs	Hopkins	Ritter
Boner (TN)	Hubbard	Robinson
Bonker	Huckaby	Roemer
Boulter	Hunter	Rogers
Broomfield	Hutto	Rose
Brown (CO)	Hyde	Roth
Broyhill	Ireland	Roukema
Burton (IN)	Jenkins	Rowland (GA)
Byron	Johnson	Rudd
Callahan	Jones (OK)	Saxton
Campbell	Jones (TN)	Schaefer
Carper	Kanjorski	Schroeder
Carr	Kaptur	Schuette
Chappie	Kasich	Schulze
Cheney	Kemp	Sensenbrenner
Clinger	Kennelly	Shaw
Coats	Kindness	Shelby
Cobey	Kolter	Shumway
Coble	Lagomarsino	Shuster
Coleman (MO)	Latta	Sisisky
Coleman (TX)	Leath (TX)	Skeen
Combest	Lent	Skelton
Conte	Lewis (FL)	Slattery
Coughlin	Lightfoot	Slaughter
Craig	Livingston	Smith (NE)
Daniel	Lloyd	Smith (NH)
Dannemeyer	Long	Smith (NJ)
Darden	Lowery (CA)	Smith, Denny
Daschle	Lujan	Smith, Robert
Daub	Luken	Snowe
Davis	Lungren	Snyder
DeLay	Mack	Solomon
Derrick	MacKay	Spence
Dickinson	Madigan	Spratt
DioGuardi	Martin (NY)	Stallings
Dorgan (ND)	McCandless	Stangeland
Dornan (CA)	McCollum	Stenholm
Dowdy	McCurdy	Strang
Dreier	McDade	Stump
Duncan	McEwen	Sundquist
Eckart (OH)	McKernan	Sweeney
Edwards (OK)	McMillan	Swindall
Emerson	Meyers	Tallon
English	Mica	Tauke
Erdreich	Michel	Taylor
Fiedler	Miller (OH)	Traficant
Fields	Monson	Valentine
Flippo	Montgomery	Vander Jagt
Florio	Moore	Volkmer
Fowler	Moorhead	Vucanovich
Franklin	Morrison (WA)	Walker
Frenzel	Murphy	Watkins
Gallo	Natcher	Weber
Gekas	Nelson	Whitehurst
Whitley	Wolf	Wylie
Whittaker	Wortley	Yatron
Whitten	Wyden	Young (FL)

NOES—193

Ackerman	Gaydos	Oakar
Addabbo	Gejdenson	Oberstar
Akaka	Gephardt	Obey
Alexander	Gibbons	Owens
Anderson	Gilman	Panetta
Annunzio	Glickman	Pease
Anthony	Gonzalez	Pepper
Atkins	Gray (PA)	Perkins
AuCoin	Green	Pickle
Barnes	Guarini	Porter
Bates	Hatcher	Price
Bedell	Hawkins	Quillen
Beilenson	Hayes	Rahall
Berman	Heftel	Rangel
Biaggi	Hertel	Reid
Boland	Holt	Richardson
Bonior (MI)	Horton	Rodino
Borski	Howard	Roe
Bosco	Hoyer	Rostenkowski
Boxer	Hughes	Rowland (CT)
Brooks	Jacobs	Roybal
Brown (CA)	Jeffords	Russo
Bruce	Jones (NC)	Sabo
Bryant	Kastenmeier	Savage
Burton (CA)	Kildee	Scheuer
Bustamante	Kleczka	Schumer
Carney	Kolbe	Seiberling
Chandler	Kostmayer	Sharp
Chappell	Lantos	Sikorski
Clay	Leach (IA)	Smith (FL)
Coelho	Lehman (CA)	Smith (IA)
Collins	Lehman (FL)	Solarz
Conyers	Leland	St Germain
Cooper	Levin (MI)	Staggers
Coyne	Levine (CA)	Stark
Crockett	Lewis (CA)	Stokes
de la Garza	Lipinski	Stratton
Dellums	Lowry (WA)	Studds
DeWine	Lundine	Swift
Dicks	Manton	Synar
Dingell	Markey	Thomas (CA)
Dixon	Marlenee	Thomas (GA)
Donnelly	Martin (IL)	Torres
Downey	Martinez	Torricelli
Durbin	Matsui	Towns
Dwyer	Mavroules	Traxler
Dymally	Mazzoli	Udall
Dyson	McCain	Vento
Early	McCloskey	Visclosky
Eckert (NY)	McHugh	Walgren
Edgar	McKinney	Waxman
Edwards (CA)	Mikulski	Weaver
Evans (IA)	Miller (CA)	Weiss
Evans (IL)	Miller (WA)	Wheat
Fascell	Mineta	Williams
Fawell	Mitchell	Wilson
Fazio	Moakley	Wirth
Feighan	Molinari	Wise
Fish	Mollohan	Wolpe
Foglietta	Morrison (CT)	Yates
Foley	Murtha	Young (AK)
Ford (MI)	Myers	Young (MO)
Ford (TN)	Neal	Zschau
Frank	Nielson	
Frost	Nowak	

ANSWERED "PRESENT"—1

Moody

NOT VOTING—23

Aspin	Hall, Ralph	McGrath
Barnard	Hartnett	Mrazek
Boucher	Hefner	Roberts
Breaux	Hillis	Schneider
Courter	Kramer	Siljander
Crane	LaFalce	Tauzin
Fuqua	Loeffler	Wright
Garcia	Lott	

□ 1550

Mr. GEKAS and Mrs. BOGGS changed their votes from "no" to "aye."

Mr. FRANKLIN changed his vote from "present" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. FOWLER). The Clerk will read.

The Clerk read as follows:

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS (SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, $832,000, of which $711,000 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $891,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $126,610, of which $47,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $5,785,000.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $519,000, of which $363,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $11,655,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $107,000); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; $25,981,000: *Provided,* That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 1512), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided,* That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That during the current fiscal year the revolving fund shall be available for the hire of eight passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS–18: *Provided further,* That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent to the present Government Printing Office, and is bounded by Massachusetts Avenue and the southern property line of the Government Printing Office, between North Capitol Street and First Street. The land to be purchased is identified as Parcels 45–D, 45–E, 45–F, and 47–A in Square 625, and includes the alleys adjacent to these parcels, and G Street, N.W. from North Capitol Street to First Street: *Provided further,* That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and expenses" together may not be available for the employment of more than 5,480 employees at any time.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $5,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS–18; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $300,992,000: *Provided* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further,* That this appropriation shall be available to finance a portion, not to exceed $50,000 of the costs of the Governmental Accounting Standards Board: *Provided further,* That this appropriation shall be available for the expenses of planning the triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI) to be hosted by the U.S. General Accounting Office in Washington, D.C., in 1992.

SEC. 203. Section 7(b) of Public Law 90–545 (16 U.S.C. 79g(b)) is amended to read as follows:

"(b) Judgments against the United States, including final partial judgments and compromise settlements of claims referred to the Attorney General for defense of suits against the United States, for amounts in excess of the deposit in court in actions under section 3 of this Act shall be paid in accordance with the provisions of section 1304 of title 31, and section 2414 of title 28, United States Code. Final partial judgments and compromise settlements are payable only after certification by the Attorney General to the Comptroller General that it is in the interest of the United States to do so."

RAILROAD ACCOUNTING PRINCIPLES BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Railroad Accounting Principles Board, $750,000, to be expended in accordance with the provisions of H.R. 4439, 98th Congress, as passed by the House of Representatives on February 7, 1984.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided,* That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) Section 311 of title 44, United States Code, is amended by inserting "(a)" before "Purchases" and by adding at the end the following:

"(b) In addition to the authority to negotiate otherwise provided by law, the Public Printer may negotiate purchases and contracts for supplies or services for which the Public Printer determines that it is impracticable to secure competition by advertising. The Public Printer may not award a contract under this subsection unless he justifies the use of negotiation in writing and certifies the accuracy and completeness of the justification. The justification shall set out facts and circumstances that clearly and convincingly establish that advertising would not be practicable for such contract. Such a justification is final and a copy thereof shall be maintained in the Government Printing Office for at least 6 years after the date of the determination. The Public Printer may designate one or more employees of the Government Printing Office to carry out this subsection.".

(b)(1) The heading for section 311 of such title 44 is amended by adding at the end the following: "; **contract negotiation authority**".

(2) The table of sections of chapter 3 of title 44, United States Code, is amended by striking out the item relating to section 311 and inserting in lieu thereof the following:

"311. Purchases exempt from the Federal Property and Administrative Services Act; contract negotiation authority.".

This Act may be cited as the "Legislative Branch Appropriations Act, 1986".

51–059 O–86–36 (Pt. 14)

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order against the remainder of the bill?

For what purpose does the minority leader rise?

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

ADDITIONAL FUNDING FOR THE COMMMODITY CREDIT CORPORATION

(By unanimous consent, Mr. MICHEL, was allowed to speak out of order).

Mr. MICHEL. Mr. Chairman, I greatly appreciate the indulgence of the Chair and the Members in allowing me this time.

I and other Members on this side have been on the receiving end of some complaints from constituents and others for holding back legislation to replenish the Commodity Credit Corporation with funding necessary to meet farm credit demands. The CCC is running into trouble because its additional funding is part of a supplemental appropriation bill which, as we recall, was passed in this body on June 12 but was held from conference until Tuesday, more than a month after passage.

□ 1600

As I understand it, the distinguished chairman of the Appropriations Committee delayed that conference by refusing to appoint conferees as a way of applying leverage on the other body to cave in on a couple key issues in contention, issues that frankly have nothing to do with the Commodity Credit Corporation.

The CCC has been the victim of another typical little power play around here that makes a mockery of the legislative process. And who is taking the rap for it? Well, I guess those of us here who have the least amount of influence over the process.

I was asked yesterday if I would agree to taking up the CCC problem separately by unanimous consent by the distinguished chairman, so that the chairman could in effect have his cake and eat it, too, and I said no, quite frankly, I will tell the membership.

I said no because I think it is a mockery to consider such legislation under a procedure for any reason, but particularly to accommodate the politics going on with the other body.

I guess what really galls me is the fact that this public campaign is now underway to foist the blame for this on we House Republicans.

We are now finally, as I understand it, going to get a conference on that critical supplemental bill after more than a month's delay.

I will say yes, CCC has run out of borrowing power, but that is just the beginning. The Federal Crop Insurance Corporation is near the point of not being able to make indemnity payments; food stamp recipients may soon find their benefits cut by one-third; employees of the Interstate Commerce Commission may find themselves furloughed. U.S. marshals will not be able to pay their bills and the Bureau of Land Management may have to say that they just cannot pay those folks who have been out West fighting those forest fires of late.

Aid to the Contras, an issue on which I felt so strongly and on which the Speaker was good enough to give me an opportunity for an amendment to the supplemental to move expeditiously is also involved in that supplemental.

So in my judgment, there is no excuse for it. I want to see the movement of the supplemental that we passed 5 weeks ago. There may be several hundred amendments added by the other body, but I would suspect that most of them are frivoulous amendments and can be disposed of.

I guess I would simply ask those of you who are so caught up and interested in the CCC problem that you join with the rest of us who simply want to see the entire supplemental move.

I notice that the distinguished chairman is on the floor and will undoubtedly ask me to yield, and if I can get his firm commitment in the body here that we are going to make some progress on that overall supplemental, I would be happy to yield to the gentleman.

Mr. WHITTEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, may I say I have no excuse, but I have very sound reasons. Our friends on the other side must have understood this to be a continuing resolution. There are 341 Senate amendments, over 100 of them contain legislation.

Now, we have had continuing resolutions and it looks like we are headed that way again, not through any choice of mine.

In a continuing resolution, legislative committees have had all year to authorize, and where they have not, Congress has some justification for authority in an appropriations bill. We have gone ahead to authorize and appropriate.

This is a supplemental appropriation bill. It has the Nicaragua problem involved in it. It has a change in the law for water systems where local contributions are required, which would constitute a change in national policy and should be handled by a legislative committee. Certainly it is questionable whether you should have such a change in policy in an appropriation bill. It is even worse to have it in a supplemental appropriation bill.

I spent some time trying to get some understanding as to what the Senate would insist upon. I have sought time to meet in conference.

I finally have got an agreement that we will meet Monday afternoon.

So I do not have any excuse, but I do have sound reasons. We need to find out what the other side really wants with 341 amendments, with over 100 amendments taking over the legislative jurisdiction of our legislative committee in violation of the rules of the House.

I have tried to clear a way to see what we could do. I do not think that is a reason to let the debts owed by our Government go unpaid when we can handle it here, but all I can do is ask our friend, the gentleman from Illinois, and others, to join in this effort to take care of the CCC, so it can meet existing obligations.

The gentleman has had my private assurance and my public assurance that we are going to move ahead. I do not think we should penalize the people owed money by the CCC.

The Mr. CHAIRMAN pro tempore (Mr. FOWLER). Are there any other amendments to the bill?

AMENDMENT OFFERED BY MR. COBEY

Mr. COBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBEY: Page 30, before line 4, insert the following new section:

SEC. 306. Notwithstanding any other provision of this Act, all amounts appropriated by this Act shall be reduced by 2.7 percent.

Mr. COBEY. Mr. Chairman, I again would like to begin by commending the fine work of the committee chairman, the gentleman from California [Mr. FAZIO], and the ranking minority member for the work they did in reporting this bill out of the committee. The committee has gone a long way toward reducing legislative branch expenditures, but I sincerely believe that the committee has not gone far enough.

The purpose of my amendment is to get back to last year's unsupplemented appropriation level. This can be accomplished by a 2.7 percent across-the-board reduction in all legislative branch expenditures.

I submit that the adoption of the committee recommendations would not actually result in a true freeze. It is only a freeze if the legislative branch supplemental appropriations of $34 million is included in the total.

My amendment would simply reduce the overall request by $34 million, or 2.7 percent across the board, to produce the same unsupplemented appropriation as of last year of $1 billion, 260 million.

Thus, my amendment is the only alternative that results in a true freeze. By law, the budget estimates submitted by the legislative branch are included in the President's budget request without change.

I submit that the 11-percent reduction the committee claims it made in the President's request is really irrelevant, since the committee itself, not the President, made the request.

Mr. FAZIO. Mr. Chairman, will the gentleman yield on that point?

Mr. COBEY. Yes; I am glad to yield to the gentleman.

Mr. FAZIO. Mr. Chairman, I know the gentleman does not want to mislead anybody, but it is not the committee that makes requests. Each entity in the legislative branch, the General Accounting Office, the Government Printing Office——

Mr. COBEY. Mr. Chairman, I stand corrected on that.

Mr. FAZIO [continuing]. All these individual entities request of OMB the next fiscal year's funding. OMB incorporates them in the President's budget. That is the way every agency operates throughout the executive branch with OMB. They submit them. OMB adjusts them and sends them to the Congress. Then it is our turn to go to work on them and I submit we have. We have cut the legislative branch requests by 11 percent.

Mr. COBEY. Mr. Chairman, I stand corrected. I appreciate the gentleman's information there.

Mr. Chairman, the American people will be watching all of us on this vote. If we fail to further reduce our own expenditures, the people will see that we are not really serious about reducing the monstrous deficits that threaten our long-term economic well-being.

How can we ask the small businessman, the senior citizen, and low-income individuals to take a cut in their benefits for programs if we are unwilling to reduce our own expenditures?

How can we ask our constituents to stand for further reductions in their benefits when the requested appropriation for committee employees would grow by 17 percent from last year's unsupplemented level?

How do we explain to our constituents that the official mail cost would skyrocket 41 percent over last year's unsupplemented appropriation?

I have received many letters from constituents who have written that they are willing to share the burden of reducing this monstrous deficit as long as their leaders are willing to do the same.

One constituent wrote: "I am more than willing to accept a reduction or freeze in my benefits, as long as all of you do the same."

Mr. Chairman, I would like again to praise the subcommittee chairman for the good work of the committee.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. COBEY. Yes, I yield.

Mr. FAZIO. Mr. Chairman, I hate to have the gentleman yield in the middle of the praise he is raining on me, but I did want to just point out to the Members that the reason there was an increase of that magnitude is that in that account, for the first time, we had funded the Select Committee on Intelligence. That committee has recently been added to the committees eligible for funding under that account by the rules of the House. That is why it appears to be something out of line, as well as the practice of some committees to shift their higher salaried employees to that account. So it has gone up something beyond the 3.5-percent increase or so that would normally be provided for cost of living adjustments, and perhaps a little bit more for in-grade increases.

I wanted to make that point.

Mr. COBEY. Again, Mr. Chairman, I want to thank the subcommittee chairman for his cooperation, but it is important that we start reducing this legislative branch expenditure.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. COBEY] has expired.

(At the request of Mr. PORTER, and by unanimous consent, Mr. COBEY was allowed to proceed for 2 additional minutes.)

□ 1610

Mr. COBEY. However, I believe my amendment would go the final step in making fair reductions in the appropriation.

I urge my colleagues to share the resolve to reduce the Federal deficit by supporting my amendment. It is important for us if we truly are the leaders of this country to not just sacrifice a little, and this is only a very little. I think that we should sacrifice a great deal for the people of this country, and I would urge your support for this.

This is not doing much. We could do probably more efficiently with far less people, and far, far less functions around here, and I urge you to get behind this amendment.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. COBEY. I yield to the gentleman from Illinois.

Mr. PORTER. I thank the gentleman for yielding.

I wonder, because we worked so hard in the subcommittee to get us to a freeze level, I wonder why the gentleman is focusing upon an unsupplemented freeze, and why this supplemental, which I believe is going to pass, is not included in the gentleman's thinking as to reaching a freeze? I believe we are at a freeze level.

Mr. COBEY. We are at a freeze level if you include the supplemental that was added for this fiscal year.

Mr. PORTER. Why do you not include the supplemental?

Mr. COBEY. Because I believe a real freeze is going back to the 1985 unsupplemented level. I believe that just because we overspent the budget this year gives us no reason to go ahead and continue that kind of expenditure.

Mr. PORTER. I do not think the supplemental indicates that we overspent the budget. It makes some adjustments and we have a supplemental almost every year.

Mr. COBEY. It is $34 million over what was appropriated.

Mr. PORTER. I understand what the gentleman is trying to achieve. Let me say I believe we have done the very best we can by getting a freeze on last year's spending overall. I commend my chairman and my ranking minority Member and the members of the committee for working so hard to get to that level. I think we have done a very good job of reaching a fiscally responsible level of spending.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment of the gentleman from North Carolina.

I understand the concern the gentleman has. I think it is the same concern that all of us have, that the legislative branch set an example and show that it is at least as capable, perhaps more so, of making the difficult decisions that we are all going to have to make in the Federal Government if we are going in the direction of a balanced budget, at least a deficit that is within the historic scope that it was in 1980.

We have done that in this bill. We are 11 percent below the submissions that went to OMB as part of the budget process. We have frozen this budget at a level $138 below the total spending we anticipate for fiscal year 1985.

The gentleman's point obviously is that we should not factor in the supplemental when we do that. It would be misleading and unfair if we did not. First of all, let us look at what could have submitted as a part of the supplemental and what rightfully should be added to the 1985 base when we consider the fiscal year 1986 amounts. Legitimately we had $71.6 million in additional mandatory items which we would have to consume, we would have to fund somehow in the fiscal year 1986 just to stay even with 1985. We had $26 million in the January 1985 cost-of-living raise. For routine, in-grade, longevity increases, promotions, and benefits, these kinds of things we estimate $20 million. The postal rates increase for congressional mail alone was $11 million. Recent telephone rate increases for the House of Representatives have occurred, and we have to

pay them, of $6 million. We have that kind of mandatory, required expenditure which we calculate totals $71.6 million. In lieu of funding that total amount, the supplemental has provided $34.5 million, something less than half. In fact, we absorbed 56 percent of the pay raise in all of the agencies in the legislative branch.

I might point out that in the executive branch they have only been able to absorb some 30 percent of the pay that was mandatorily passed on to Federal workers.

We have done a good job in the supplemental, and now I think we are asking you to ratify the decision that the committee made on a bipartisan and unanimous basis to come in at a freeze, at the 1985 level.

I might point out that the administration asked for a 10-percent reduction and we felt that was an important target, and we exceeded it.

I would hope that my colleagues would not encourage the committee to come to the floor with an inflated budget at some point in the future, assuming that there will always have to be a cut so that somebody can go home and take credit for having done some damage to the legislative branch of the Government. We all know how popular we can make that sound in an election year. The bill is under the budget by $156 million, and some $25 million under the budget resolution passed in the House.

I do not think we can do anything more. I do not think the issue could be any clearer. I hope my colleagues will support the committee in its effort to do an honest, mature and a straightforward job of doing the very best we can. All of us have have been told that we have cut too deeply in some areas. I am sure as the year unfolds, others will tell us that even more plainly.

I hope this cut this year will be felt by my colleagues, because it is a real one, and it deserves to be supported by the Members of the House.

Mr. DIOGUARDI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Cobey amendment. We are now confronted with a $200 billion budget deficit that threatens to plunge this Nation into an unprecedented economic catastrophe. To this day, I have not seen one Member rise to applaud the deficit and praise the healthy contribution it is making toward the American economy.

While we all agree that cuts must be made, there is great debate as to where those cuts should take place. Some argue for reductions in military spending while others call for the slashing of domestic programs. I believe that if we are ever going to make credible cuts anywhere in the budget, we must get our own house in order and make cuts in the legislative branch.

Since World War II, the sector of our economy which has shown the most tremendous sustained growth is the legislative branch of the Federal Government. The personal staffs of Congressmen and Senators have grown fivefold and sixfold since that time and committee staffs in the House have increased an obscene twelvefold in the same time period. More people are employed by the U.S. Congress than in any other legislative branch of any other government in the world. In fact, with more than 31,000 individuals employed, our legislative branch has more than 10 times the number of people working for it than the second most heavily staffed legislative branch—that of the Canadian Parliament.

The proliferation of committees and staff has diffused the responsibilities of all members and many important policymaking decisions have been put in the hands of staff instead of the individuals who were elected to make those decisions.

Surely we have gone too far.

With the Senate and House budget conferences still deadlocked and unable to reach an agreement on a budget resolution, the economic vitality of our Nation is placed in jeopardy. In going forward with appropriations in the House, we must make the hard choices now. When every other branch of the Federal Government is under scrutiny it is obvious we can make significant cuts today in this appropriation.

Adoption of the Cobey amendment will not cripple the Congress. It only seeks to achieve a true freeze on legislative appropriations. Personally, I believe that we can enact even greater cuts in the cost of Congress, but the Cobey amendment provides us with a good start.

By voting for the Cobey amendment, we will be sending a strong signal to the Senate, the President and more importantly, the people of the United States of America that the House is serious about reducing the deficit. If we are going to ask the American public to accept cuts and freezes in programs which have been important to them, it is only appropriate that we cut the cost of Congress today.

I commend the gentleman from North Carolina on his tremendous efforts to bring this amendment to the floor and urge a yes vote on the Cobey amendment.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment and I want to commend my colleague from North Carolina [Mr. COBEY] for offering this amendment to the House.

I would like to draw the attention of my colleagues to this rare opportunity that we have through this amendment to speak to the level of overstaffing in this House of Representatives in which we serve.

Some of us, 4 or 5 years ago, drew the attention of the body to the overstaffing by offering resistance to the committee funding resolutions as they came out of the House Administration Committee. Well, the leaders of the House Administration Committee got wise to that, and so they structured a procedure so as to not expose the House's ability or any Member to offer an amendment to cut the spending level for committee funding activities for the calendar year.

□ 1620

The vehicle they used was an amendment in the nature of a substitute by which the issue was brought to the floor which precludes procedurally any Member from offering an amendment to cut that level of staffing for that particular committee. All we had was an up-or-down vote on the committee funding resolution. But this amendment gives the Members of this body an opportunity of not just voting up or down on the whole subject of spending for staff for the legislature but modestly talks about reducing it by some 2.7 percentage points or $34 million, which establishes what I think procedurally we have set for most funding levels for other appropriation bills, mainly a freeze in 1986 to 1985 level.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman, Mr. DANNEMEYER, makes a powerful argument.

Will the gentleman join with us in seeking reduction in the White House staffing and OMB staffing in the same fashion that he is here?

Mr. DANNEMEYER. I will support, quite frankly, an amendment that the gentleman would offer to cut spending levels, whether they are in the executive branch or in the legislative branch. I do not think we need whittling the judiciary branch because the money we spend there is peanuts compared to the excesses of the executive branch and the legislative branch.

I want to ask my colleague from Michigan, Mr. Chairman, does he have an amendment to cut off spending in the executive branch?

Mr. TRAXLER. If the gentleman will yield, the gentleman knows the bill is not before us. The gentleman can be sure that we will be watching this one carefully and we will make a

determination at that time accordingly.

Mr. DANNEMEYER. Well, I would be happy to join my colleague at that time.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think it is important to try to define here just what the gentleman from North Carolina [Mr. COBEY] is trying to get at. The committee talks about the fact that what they are coming in under is a supplemented budget. So what you have is layer built upon layer. First of all, we have an appropriation, and then we pass supplemental bills, and then they come back the next year and say, "Well, it is the original appropriation plus the supplementals that we are now under." Of course, this year I predict we will have more supplementals that will build upon this level, and then next year we will come back and we will talk about staying under the supplemented level. So it will be layered upward, this budget, all the time saying that we are spending less.

What the gentleman from North Carolina is saying is, "Let's go back to the original appropriated level from last year and then if we have any additional supplementals come in, maybe we will stay at least somewhere close to what the real spending level is for this year." Otherwise, what we are going to get is the fantastically higher increases, just as we have all the time in the past, and that is what we are voting on here. You can make a decision: Do you want to go back and start from ground zero or don't you? I thank the gentleman.

Mr. DANNEMEYER. I thank my friend for his comments.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Chairman, I just ask the gentleman from California [Mr. DANNEMEYER] if he views it the same way as the gentleman from Pennsylvania [Mr. WALKER] does and that is when we add up all the money that we spend in a fiscal year we should not add and count any supplementals? Because that is the effect of what he just said; it does not count. Supplementals don't count, so, therefore, that is not really what we spent. Is that the gentleman's view?

Mr. DANNEMEYER. My view is if we are going to establish as a principle the freeze, the freeze should be based on the spending level without the supplemental.

Mr. COLEMAN of Texas. In other words, what we did not spend?

Mr. DANNEMEYER. No, the spending level without the supplemental.

Mr. COLEMAN of Texas. Not what we spent? The freeze should be based on what we did not spend, do I understand your logic?

Mr. DANNEMEYER. I phrase it that we base the freeze on what we did then, without the supplemental.

Mr. COLEMAN of Texas. Well, if the gentleman will yield, I just say to him that this is the most ridiculous statement I have ever made on his side of the aisle, that we should base it on something we did not spend.

Mr. DANNEMEYER. The gentleman has the ability to reflect his assessment of this motion by how he votes.

Mr. COBLE. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, the hour is late and I assure you I will be brief. I am reluctant to do this because it is easy to propose, difficult to oppose.

Proponents are perceived very favorably; opponents conversely are received negatively, as you all know, particularly this far into the shank end of the day. But I would be remiss if I did not stand in support of my colleague here.

I think the committee has done a good job, I think they are to be commended. But, ladies and gentlemen, if there were ever a time to disseminate a symbolic signal that would be favorably received by taxpayers across this land, this is the time. This is the time to send it.

Now, my district, for the most part, Mr. Chairman, is provincial. I have a couple of cities over 75,000 people, and by our standards that is metropolitan. But, for the most part it is provincial, taxpayers who pay the fiddler, who keep the wheels turning, and I think it would be appropriate for all of us to say, "OK, taxpayers who pay the fiddler, we are going to cut back our own belt, we are going to bite our own bullet and we expect you to do the same," and I think they would more easily and more voluntarily do it under those conditions.

I thank the Chairman.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to close by way of responding to some of the colleagues on this side of the aisle who have expressed the very same sentiment just expressed by Mr. COBLE. It is critical for us to recognize that this is a very, very important matter for Members to understand, that my chairman, the gentleman from California [Mr. FAZIO], early on in the year came to me and said, "You know, it seems to me that we ought to attempt to send a message with our bill this year. It is a critical appropriations year. The American public is looking to Congress to provide some leadership in terms of our budget, and if our committee which deals with the funding for the legislative branch is not willing to bite the bullet, to take the tough lead and say that we have got to freeze expenditures in this category, then where are we going to be credible anywhere in the appropriations process?" So, in an unprecedented fashion, the chairman agreed to go about freezing our bill at the expenditure of the 1985 year.

Now, there has been some discussion about the supplemental process. I think it is important to briefly address that.

We have within this measure, Mr. Chairman, an effort to reduce our mail costs by $40 million, almost a third of the anticipated mail costs.

Frankly, that reduction itself is a lot softer than I would like it to be.

The reason it is is because Members tend, after they make their speeches on the floor, to go back to their offices and mail anyway. Indeed, if you do mail, we are going to have to pay that bill, and we will do it by way of supplementals. We have no choice for we have to pay our bills.

We have asked those organizations who support the Congress, the Congressional Budget Office, the Library of Congress, et cetera, to take 10 percent cuts in their budgets. Some are saying, without any question, if they go any further they have got to start leaving places vacant that are critical places in the service that they provide for the Congress. This is an effort on the part of the legislative branch to say that we must, as Members of the House, demonstrate our willingness to tighten our belts in terms of the legislative process. The bill is a freeze at the 1985 level. There is not any fat in this package. Friends, if you want to make the point, then support this bill. If you support this bill quickly and we have a voice vote on final passage, we can go home early.

Mr. Chairman, I appreciate the consideration of the committee.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. COBEY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. COBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 211, not voting 29, as follows:

[Roll No. 246]

AYES—193

Applegate	Badham	Bateman
Archer	Bartlett	Bates
Armey	Barton	Bennett

Bentley	Holt	Rinaldo
Bereuter	Hopkins	Ritter
Bilirakis	Hubbard	Robinson
Bliley	Huckaby	Roemer
Boehlert	Hughes	Rogers
Boulter	Hunter	Roth
Broomfield	Hutto	Roukema
Brown (CO)	Hyde	Rowland (CT)
Broyhill	Ireland	Russo
Burton (IN)	Jacobs	Saxton
Byron	Jeffords	Schaefer
Callahan	Johnson	Schroeder
Campbell	Kanjorski	Schuette
Carper	Kasich	Schulze
Chandler	Kemp	Sensenbrenner
Chappie	Kindness	Sharp
Cheney	Kolbe	Shaw
Clinger	Kolter	Shumway
Coats	Lagomarsino	Shuster
Cobey	Latta	Slattery
Coble	Leach (IA)	Slaughter
Coleman (MO)	Leath (TX)	Smith (NE)
Combest	Lent	Smith (NH)
Coughlin	Lewis (FL)	Smith (NJ)
Craig	Lightfoot	Smith, Denny
Daniel	Lujan	Smith, Robert
Dannemeyer	Luken	Snowe
Daub	Lundine	Snyder
Davis	Lungren	Solomon
DeLay	Mack	Spence
DeWine	MacKay	Stallings
DioGuardi	Madigan	Stangeland
Dornan (CA)	Marlenee	Stenholm
Dreier	Martin (IL)	Strang
Duncan	Martin (NY)	Stump
Eckart (OH)	McCain	Sundquist
Eckert (NY)	McCollum	Sweeney
Emerson	McEwen	Swindall
English	McKernan	Tallon
Erdreich	McMillan	Tauke
Evans (IA)	Meyers	Taylor
Fawell	Miller (OH)	Thomas (CA)
Fiedler	Miller (WA)	Traficant
Fields	Molinari	Valentine
Franklin	Monson	Vander Jagt
Frenzel	Montgomery	Volkmer
Gallo	Moore	Vucanovich
Gekas	Moorhead	Walker
Gilman	Morrison (WA)	Weber
Gingrich	Murphy	Whitehurst
Glickman	Nelson	Whitley
Goodling	Nichols	Whittaker
Gradison	Nielson	Wirth
Gregg	Olin	Wise
Grotberg	Oxley	Wolf
Gunderson	Packard	Wortley
Hamilton	Pashayan	Wylie
Hammerschmidt	Penny	Yatron
Hansen	Petri	Young (FL)
Hendon	Ray	Zschau
Henry	Regula	
Hiler	Ridge	

NOES—211

Ackerman	Clay	Fazio
Addabbo	Coelho	Feighan
Akaka	Coleman (TX)	Fish
Alexander	Collins	Flippo
Anderson	Conte	Florio
Andrews	Conyers	Foglietta
Annunzio	Cooper	Foley
Anthony	Coyne	Ford (TN)
Aspin	Crockett	Fowler
Atkins	Daschle	Frank
AuCoin	de la Garza	Frost
Barnes	Dellums	Gaydos
Bedell	Derrick	Gejdenson
Beilenson	Dickinson	Gephardt
Berman	Dicks	Gibbons
Bevill	Dingell	Gonzalez
Biaggi	Dixon	Gordon
Boggs	Donnelly	Gray (IL)
Boner (TN)	Dorgan (ND)	Gray (PA)
Bonior (MI)	Dowdy	Green
Bonker	Downey	Guarini
Borski	Durbin	Hall (OH)
Brooks	Dwyer	Hatcher
Brown (CA)	Dymally	Hawkins
Bruce	Dyson	Hayes
Bryant	Early	Hertel
Burton (CA)	Edgar	Horton
Bustamante	Edwards (CA)	Howard
Carney	Edwards (OK)	Hoyer
Carr	Evans (IL)	Jenkins
Chappell	Fascell	Jones (NC)
Jones (OK)	Mrazek	Sisisky
Jones (TN)	Murtha	Skeen
Kaptur	Myers	Skelton
Kastenmeier	Natcher	Smith (FL)
Kennelly	Neal	Smith (IA)
Kildee	Nowak	Solarz
Kleczka	O'Brien	Spratt
Kostmayer	Oakar	St Germain
Lantos	Oberstar	Staggers
Lehman (CA)	Obey	Stark
Lehman (FL)	Ortiz	Stokes
Leland	Owens	Stratton
Levin (MI)	Panetta	Studds
Levine (CA)	Parris	Swift
Lewis (CA)	Pease	Synar
Lipinski	Pepper	Thomas (GA)
Livingston	Perkins	Torres
Lloyd	Pickle	Torricelli
Long	Porter	Towns
Lowery (CA)	Price	Traxler
Lowry (WA)	Pursell	Udall
Manton	Quillen	Vento
Markey	Rahall	Visclosky
Martinez	Rangel	Walgren
Matsui	Reid	Watkins
Mavroules	Richardson	Waxman
Mazzoli	Rodino	Weaver
McCloskey	Roe	Weiss
McCurdy	Rose	Wheat
McDade	Rostenkowski	Whitten
McHugh	Rowland (GA)	Williams
McKinney	Roybal	Wilson
Mica	Rudd	Wolpe
Mikulski	Sabo	Wright
Mineta	Savage	Wyden
Mitchell	Scheuer	Yates
Moakley	Schumer	Young (AK)
Mollohan	Seiberling	Young (MO)
Moody	Shelby	
Morrison (CT)	Sikorski	

NOT VOTING—29

Barnard	Fuqua	Lott
Boland	Garcia	McCandless
Bosco	Hall, Ralph	McGrath
Boucher	Hartnett	Michel
Boxer	Hefner	Miller (CA)
Breaux	Heftel	Roberts
Courter	Hillis	Schneider
Crane	Kramer	Siljander
Darden	LaFalce	Tauzin
Ford (MI)	Loeffler	

□ 1640

The Clerk announced the following pairs:

On this vote:

Mr. Crane for, with Mr. Boland against.

Mr. McCandless for, with Mr. Garcia against.

Mrs. Schneider for, with Mr. Ford of Michigan against.

Mrs. KENNELLY changed her vote from "aye" to "no."

Mr. TALLON and Mr. VALENTINE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. TRAXLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to take just a few seconds not to speak on the bill but, if the body will permit me, to extend my sincere appreciation, as I am sure each of the Members must feel, to the two gentlemen who have the responsibility for husbanding and fathering probably the most difficult piece of legislation that comes before this body each year. The gentleman from California [Mr. FAZIO], the majority member, and the gentleman from California [Mr. LEWIS], the minority member, have done an outstanding job on this piece of legislation.

This bill has no constituency other than those of us sitting on this floor, and there are no thanks outside of this body. It is an easy bill on which to, shall we say, demagogue, it is an easy bill on which to make some points back home. That has probably been done today. The House has worked its will. But, by and large, the Members should know that as the bill came to the floor it represented a considerable effort on their part, the best they could do, to put forth a bill to the Members that represented a rational approach to legislation, a bill that represented efficiency and cost effectiveness.

□ 1650

I want to tell you as a member of the subcommittee, I thought they went too far in many instances, and many other people felt the same way. In any event, Mr. Chairman, the reason I rose is to extend my deep appreciation to both of those gentlemen. I am confident I speak for the Members of this body when we say that we may not always treat you fairly in terms of amendments, but you are very dear to our hearts, and we are most appreciative of the efforts that you have put forward here.

Mr. FAZIO. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. FASCELL, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2942) making appropriations for the legislative branch for the fiscal year ending September 30, 1986, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the SPEAKER announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 136, not voting 34, as follows:

[Roll No. 247]

AYES—263

Ackerman	Florio	Morrison (CT)
Addabbo	Foglietta	Mrazek
Akaka	Foley	Murphy
Alexander	Ford (TN)	Murtha
Anderson	Fowler	Myers
Andrews	Frank	Natcher
Annunzio	Franklin	Neal
Anthony	Frost	Nichols
Applegate	Gaydos	Nowak
Aspin	Gejdenson	O'Brien
Atkins	Gephardt	Oakar
Barnes	Gibbons	Oberstar
Bateman	Gonzalez	Obey
Bedell	Gordon	Ortiz
Beilenson	Gray (IL)	Owens
Bennett	Gray (PA)	Panetta
Bereuter	Green	Parris
Bevill	Guarini	Pease
Biaggi	Hall (OH)	Pepper
Bliley	Hamilton	Perkins
Boehlert	Hatcher	Pickle
Boggs	Hawkins	Porter
Boner (TN)	Hayes	Price
Bonior (MI)	Hertel	Pursell
Borski	Horton	Quillen
Brooks	Howard	Rahall
Brown (CA)	Hoyer	Rangel
Bruce	Hughes	Regula
Bryant	Hutto	Reid
Burton (CA)	Hyde	Richardson
Bustamante	Jeffords	Ridge
Byron	Jenkins	Robinson
Campbell	Jones (NC)	Rodino
Carney	Jones (OK)	Roe
Carper	Jones (TN)	Rogers
Carr	Kaptur	Rose
Chappell	Kastenmeier	Rostenkowski
Clay	Kennelly	Rowland (GA)
Clinger	Kildee	Roybal
Coleman (MO)	Kleczka	Rudd
Coleman (TX)	Kolter	Russo
Collins	Kostmayer	Sabo
Conte	Lantos	Savage
Conyers	Leath (TX)	Scheuer
Cooper	Lehman (FL)	Schulze
Coughlin	Leland	Schumer
Coyne	Lent	Seiberling
Crockett	Levin (MI)	Sikorski
Daniel	Levine (CA)	Sisisky
Daschle	Lewis (CA)	Skeen
Davis	Lipinski	Skelton
de la Garza	Livingston	Slaughter
Dellums	Lloyd	Smith (FL)
Derrick	Long	Smith (IA)
Dicks	Lowery (CA)	Smith (NE)
Dingell	Lowry (WA)	Smith (NJ)
Dixon	Lundine	Snowe
Donnelly	Manton	Snyder
Dorgan (ND)	Markey	Solarz
Dowdy	Marlenee	Spratt
Downey	Martinez	St Germain
Duncan	Matsui	Staggers
Durbin	Mavroules	Stallings
Dwyer	Mazzoli	Stangeland
Dymally	McCloskey	Stark
Dyson	McCurdy	Stokes
Early	McDade	Stratton
Eckart (OH)	McHugh	Studds
Edgar	McKinney	Swift
Edwards (CA)	Mica	Synar
Edwards (OK)	Michel	Tallon
English	Mikulski	Taylor
Evans (IL)	Mineta	Thomas (CA)
Fascell	Mitchell	Thomas (GA)
Fawell	Moakley	Torres
Fazio	Molinari	Torricelli
Feighan	Mollohan	Towns
Fish	Montgomery	Traficant
Flippo	Moody	Traxler
Udall	Weiss	Wortley
Valentine	Wheat	Wright
Vander Jagt	Whitehurst	Wyden
Vento	Whitley	Wylie
Visclosky	Whitten	Yates
Walgren	Williams	Yatron
Watkins	Wilson	Young (AK)
Waxman	Wolf	Young (MO)
Weaver	Wolpe	

NOES—136

Archer	Gunderson	Olin
Armey	Hammerschmidt	Oxley
AuCoin	Hansen	Packard
Badham	Heftel	Pashayan
Bartlett	Hendon	Penny
Barton	Henry	Petri
Bentley	Hiler	Ray
Bilirakis	Holt	Rinaldo
Bonker	Hopkins	Ritter
Boulter	Hubbard	Roemer
Broomfield	Huckaby	Roth
Brown (CO)	Hunter	Roukema
Broyhill	Ireland	Rowland (CT)
Burton (IN)	Jacobs	Saxton
Callahan	Johnson	Schaefer
Chandler	Kanjorski	Schroeder
Chappie	Kasich	Schuette
Cheney	Kemp	Sensenbrenner
Coats	Kindness	Sharp
Cobey	Kolbe	Shaw
Coble	Lagomarsino	Shelby
Combest	Latta	Shumway
Dannemeyer	Leach (IA)	Shuster
Daub	Lewis (FL)	Slattery
DeLay	Lightfoot	Smith (NH)
DeWine	Lujan	Smith, Denny
Dickinson	Luken	Smith, Robert
DioGuardi	Mack	Solomon
Dornan (CA)	MacKay	Spence
Dreier	Madigan	Stenholm
Eckert (NY)	Martin (IL)	Strang
Emerson	Martin (NY)	Stump
Erdreich	McCain	Sundquist
Evans (IA)	McCollum	Sweeney
Fiedler	McEwen	Swindall
Fields	McKernan	Tauke
Frenzel	McMillan	Volkmer
Gallo	Meyers	Vucanovich
Gekas	Miller (OH)	Walker
Gilman	Miller (WA)	Weber
Gingrich	Monson	Whittaker
Glickman	Moore	Wirth
Goodling	Moorhead	Wise
Gradison	Morrison (WA)	Zschau
Gregg	Nelson	
Grotberg	Nielson	

NOT VOTING—34

Barnard	Darden	Lott
Bates	Ford (MI)	Lungren
Berman	Fuqua	McCandless
Boland	Garcia	McGrath
Bosco	Hall (TX)	Miller (CA)
Boucher	Hartnett	Roberts
Boxer	Hefner	Schneider
Breaux	Hillis	Siljander
Coelho	Kramer	Tauzin
Courter	LaFalce	Young (FL)
Craig	Lehman (CA)	
Crane	Loeffler	

□ 1700

The Clerk announced the following pairs:

On the vote:

Mr. Barnard for, with Mr. Hartnett against.

Mr. Darden for, with Mr. McCandless against.

Mr. Ford of Michigan for, with Mr. Lungren against.

Mr. Coelho for, with Mr. Craig against.

Mrs. Schneider for, with Mr. Crane against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL 5 P.M., FRIDAY, JULY 19, 1985, TO FILE REPORT ON HOUSE JOINT RESOLUTION 187, APPROVING COMPACT OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE MARSHALL ISLANDS

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Merchant Marine and Fisheries Committee have until 5 p.m. on Friday, July 19 to file its report on House Joint Resolution 187, approving the Compact of Free Association with the Federated States of Micronesia and the Marshall Islands.

This request has been approved by the minority leadership of the committee.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, JULY 19, 1985, TO FILE TWO INVESTIGATIVE REPORTS AND ONE LEGISLATIVE REPORT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday, July 19, 1985, to file two investigative reports and one legislative report.

Mr. Speaker, this has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1710

REPORT ON H.R. 3036, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1986

Mr. ROYBAL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 99-210) on the bill (H.R. 3036) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. SKEEN reserved all points of order on the bill.

REPORT ON H.R. 3037, AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 99-211) on the bill (H.R. 3037) making appropriations for Agriculture, Rural Development, and related agencies for fiscal year 1986, which was referred to the Union Calendar and ordered to be printed.

Mrs. SMITH of Nebraska reserved all points of order on the bill.

REPORT ON H.R. 3038, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION BILL, 1986

Mr. TRAXLER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 99-212) on the bill (H.R. 3038) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mrs. SMITH of Nebraska reserved all points of order on the bill.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3011, INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1986

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-213) on the resolution (H. Res. 227) waiving certain points of order against consideration of the bill (H.R. 3011) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON S. 124, SAFE DRINKING WATER AMENDMENTS OF 1985

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 124) entitled the "Safe Drinking Water Amendments of 1985," with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, reserving the right to object, I take this opportunity to ask the gentleman from California whether or not this has been cleared by the gentleman from North Carolina [Mr. BROYHILL].

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield, I believe it has. This request is to appoint conferees, and it has been run by the minority and, I assume, agreed to by the minority.

Mr. WALKER. Well, I would say to the gentleman that we have not had any word on our side whatsoever about this particular request.

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield further to me, I am informed that the gentleman from North Carolina [Mr. BROYHILL] has signed off on this.

Mr. WALKER. The Gentleman is giving me the assurance that the gentleman from North Carolina [Mr. BROYHILL] has signed off on it?

Mr. WAXMAN. Yes; that is what I understand.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, BROYHILL, and MADIGAN.

REPORT ON PROGRESS TOWARD ACTION ON SUPPLEMENTAL APPROPRIATION BILL

(Mr. WHITTEN asked and was given permission to address the House for 1 minute.)

Mr. WHITTEN. Mr. Speaker, the Committee on Appropriations has made an appointment with our colleagues on the Senate side to go to conference on Monday, which is the earliest possible date, on the supplemental appropriation bill. This is a bona fide effort in which we will try to get together with the Senate.

Insofar as our success is concerned, I can only say that they have added 341 amendments to the bill. Over 100 of the amendments are legislative in nature and in violation of the rules of the House.

We have four or five very controversial problems before the conference, including Nicaragua and many other things. So I can only assure the House that we will make a bona fide effort to get together as soon as possible.

In connection with that, one of the items in it is to provide funds for the Commodity Credit Corporation. I am advised by the Secretary of Agriculture that he has notified the country as a whole that we will be unable to finance anything that is financed by the Commodity Credit Corporation. My friend, the gentleman from Illinois [Mr. MICHEL], the Republican leader, has discussed this with me. He wants some assurance on the supplemental conference, and I have given him that heretofore and do now as a matter of record, that we will make a special effort. Since the Commodity Credit Corporation is the vehicle which pays all the farmers and dairymen under existing law and many other things, I, therefore, Mr. Speaker, will make a unanimous-consent request for consideration of House Joint Resolution 338.

REQUEST FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 338, URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, FISCAL YEAR 1985

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 338) making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MICHEL. Mr. Speaker, reserving the right to object, let me take this opportunity again to at least make the comment that earlier in the day, the gentleman from Mississippi [Mr. WHITTEN], the distinguished chairman of the committee, and I had a brief exchange with respect to my concerns about our having had passed a supplemental appropriation bill, not only for CCC but for a variety of programs that necessarily have to be funded within a short timeframe here, including aid to the Contras in Nicaragua.

I made mention of the fact that the Speaker was good enough earlier on to offer us a special amendment so that we might include it in the supplemental appropriation bill as the quickest vehicle for getting some kind of an answer. It has been 5 weeks since that measure passed the House, and it was only within the last few days that we have had conferees actually appointed now to deal with this supplemental problem.

So on the matter of the urgency of CCC, we knew it was there 5 weeks ago, 4 weeks ago, and 2 weeks ago, and, of course, it is upon us now.

I just want the assurance of the distinguished chairman of the committee that when those committee members meet in conference on Monday, he is going to do everything he can within his power to get a quick resolution of that entire supplemental so that we do not leave here the 3d of August for our recess without having enacted a supplemental appropriation bill. Otherwise we are going to be into September, the last month of the fiscal year, and then it is a little bit academic considering what we are talking about.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, my colleague, the gentleman from Illinois, wants me to give an assurance that goes beyond my reach. I assure the gentleman that I will do everything possible except agree to the Senate bill.

Mr. MICHEL. I understand that.

Mr. WHITTEN. I cannot go that far. On the subject of the delay we have had, we were asked in the supplemental to take over the jurisdiction of about 20 legislative committees in the House. I have been trying to reach a private agreement with the Senate that they would not insist on that, and I think the whole Committee on Appropriations and the House of Representatives are involved in this controversy.

But I assure my colleague that I will do everything honorably that I can short of agreeing to take over the legislative jurisdiction of our committees. That has been the only reason for the delay, and I assure the gentleman that I will make every effort I can to bring back a proper solution.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for that assurance. I would surely have to agree with him that in my judgment, too, the other body has gone way out of line in attempting in a supplemental appropriation bill to reach so far and wide for everything but the kitchen sink.

Mr. WHITTEN. May I add to my colleague that in the calls I have had, I have not used his name or anyone else's. I just said that we had to have agreement, and we did not get it.

Mr. MICHEL. I understand that. The gentleman has served frequently with the distinguished chairman, and I know the give and take that he has to take into account.

□ 1720

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Several of us have been working with the chairman and with the other body trying to resolve this impasse of the numbers of amendments offered by the other body. It has not been an easy task. We do recognize that it has been a very difficult time and we appreciate the concern of our leader here in making sure that this very difficult problem in Central America is included in that resolution in the compromise and in the resolve that we make with the other body.

We have been talking this afternoon with Chairman WHITTEN and in my experience in the years here, not as many as the minority leader has had, but I have always found Chairman WHITTEN to be absolutely fair and honest. He has promised that he will make every effort to get that bill out very quickly next week; but of course, no one can make the absolute assurance that we can resolve all the 341 differences or anything else; but with the attitude now that we hear coming from the other body, I feel certain that that will not be a difficult task.

I do not think there is any way possible of finishing it Monday, but we could finish it early next week, I hope.

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield further, may I say to my colleague, the gentleman from Indiana, he has made his usual fine contribution.

Mr. MYERS of Indiana. I share the concern of the gentleman from Illinois [Mr. MICHEL], our leader, that he is concerned about helping the people in Central America, because that commitment was made quite some time ago; but the 5-week interval here has not been Central America that has tied it up. It is the other issue, I can assure the gentleman.

Mr. MICHEL. I understand that and, of course, there are those other things, food stamps that I mentioned earlier and a number of other agencies that will be running out of money, so it is not only one item.

I would certainly have to agree with the chairman that the other body went so far wide that it would seem to me that at least 100 of those amendments could probably be discarded within a short period of time. We know the process that exists over there, but I simply want that assurance. I do not want it on my shoulders that we have farmers all around this country left out in the cold for lack of financing to market a tremendous bumper crop, particularly now in the wheat area.

By the same token, we are so limited in the leverage that we have in getting what we would like to see happen by way of a productive conference that I had to use this mechanism to dramatize it and to get a public airing of the assurance the chairman has given us today.

Mr. MYERS of Indiana. Mr. Speaker, if the gentleman will continue to yield, I am not faulting the leader for taking a position, but the mere fact that it has now been argeed on the conferees that will be there, and I will be one of the conferees and a number of us will be. The chairman will be there making sure we get the best.

It just has been one of those impasses. There are so many issues that we cannot resolve easily. We do think we are there now.

I appreciate the attitude of our leader in being able to resolve it.

The Commodity Credit Corporation is out of money. We have been talking about this. They do have commodities that are in storage that could be sold in their capacity and we hope to get them to dispose of this in the future. That is a different issue, but right now we do have obligations to our farmers who have done what they are required to do in deficiency payments. It provided in this program to hold down production and so forth. They need to be paid, so it has got to be done.

Mr. MICHEL. Mr. Speaker, may I conclude under my reservation by asking the distinguished chairman one question.

Is the amount in the measure which the gentleman proposes to have passed here in a separate resolution the same amount as was incorporated in the supplemental that did pass this body 5 weeks ago?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, it is exactly the same amount.

Mr. MICHEL. So there has been an affirmative vote in the House of Representatives overall for the entire supplemental.

Mr. WHITTEN. That is correct.

Mr. MICHEL. And that would include the Commodity Credit Corporation.

Mr. WHITTEN. Yes.

Mr. MICHEL. Mr. Speaker, with that, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Mississippi [Mr. WHITTEN]?

Mr. WALKER. Reserving the right to object, Mr. Speaker, do I understand that what we are doing here is passing this bill by unanimous consent?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. WALKER. And how much money is involved in the bill that we are passing by unanimous consent?

Mr. WHITTEN. There is $3,935,000,000. This is to the Commodity Credit Corporation, which will go into the coffer. It does not mean that it will be spent. It makes it available to meet the obligations of the Commodity Credit Corporation.

May I say to my colleague that in addition to the appropriation which we make here, the Corporation is entitled to use any funds that it receives from sales. This is a $25 billion Corporation. This is the amount requested by the Bureau of the Budget. It is an amount that the House passed by overwhelming vote in the supplemental. The need as we have pointed out now is that these obligations are already incurred. They have been prohibited from paying them because the Corporation at present has spent all it is allowed under the law.

Mr. WALKER. Mr. Speaker, this gentleman understands that, but we are talking about $3.9 billion and we are talking about passing by unanimous consent.

I would ask the gentleman whether or not, given the obligations that the

CCC has, whether or not we could not have a more limited bill that would get us over a period of the next 2 weeks or so, so that we could get by that without passing a $3.9 billion bill. We have done that on several occasions in the past when we have reached this kind of impasse.

I am wondering why we have to get the whole amount here this evening. Why not just give us a limited amount of money? That would continue to put the pressure on that we think is necessary to get us a supplemental appropriation bill, rather than passing nearly $4 billion worth of spending at a late hour by unanimous consent here on the House floor.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, may I say that the Commodity Credit Corporation, as the gentleman knows, is a Government corporation organized to do a wide variety of things.

This is a case of making available the same amount of money recommended by the Office of Management and Budget, passed by the House overwhelmingly, passed by the Senate overwhelmingly. It is a corporation where many, many obligations fall due, so we are trying to restore the capital impairment as requested by OMB so that it may carry out the obligations that the law gives under its charter.

Mr. WALKER. The gentleman from Pennsylvania is thoroughly aware of that, but my point is simply that we are coming here, we are going to do the whole thing by unanimous consent. It seems to me that we could have come forward if we wanted to do it by unanimous consent with a far more limited kind of bill that would get us past this impasse and get us past the immediate problem without doing everything that OMB and the agencies want to do in one fell swoop late in the evening by unanimous consent.

Mr. FOLEY. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I hope that the request of the distinguished chairman of the Appropriations Committee will be granted. As the chairman has said, the House has adopted this overwhelmingly, as has the Senate. This is not an item that would be subject to any difference in conference.

We are at a point where the funding of the CCC has reached a critical point. If we were in conference, this matter would be resolved and will be resolved exactly as the chairman of the Appropriations Committee is requesting.

It is of great importance to Members from rural areas on both sides of the House, and I am sure the gentleman from Pennsylvania will find that all those on his side of the aisle who represent rural and agricultural districts would entreat him tonight not to interrupt this request and not to put further strain on the already very fragile condition of the CCC.

Mr. WALKER. Mr. Speaker, I do not think the gentleman is understanding what this gentleman is saying. I understand that we are up against a crisis. It is partially a crisis that we created for ourselves, combined in both Houses of Congress. We have created that crisis because we cannot agree on matters around here and so then what we do is we come up with piecemeal solutions which we then run through here by unanimous consent.

My question is, Why could we not have come in here with a more limited request that takes care of the immediate crisis at this moment so that we continue to have the pressure on the committee to get us a full supplemental appropriation bill, rather than taking this piecemeal approach? That is my question.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, the answer is that the Congress has already decided on this amount in both bodies. The gentleman has voted for it and so has everyone else.

Mr. WALKER. I do not think this gentleman did.

What I am saying to the gentleman is that is partly the point that this gentleman is making. I am concerned about the process we are using. We are talking about $4 billion here by unanimous consent.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, to respond to the specific point of the gentleman, I hope this will help him. The gentleman may not like this answer.

The probabilities are that this sum of money will get us into August. I am sure the gentleman appreciates that.

Mr. WALKER. Well, the point of this gentleman is that I think a number of us would like to see the entire matter resolved by August, so the gentleman has answered my question.

Why do we not just come up with an amount of money that gets us through here for the next week or so and keep pressure on the committee to act?

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, this is the amount of money that was requested by the administration, by the Department of Agriculture, through OMB. I do not think our committee can tell you just what is obligated to be spent immediately. There is a large sum of this that will go out in the next week. It may all go out. We do not really know. I do not think we have that information, nor did we ask for it, because it was requested by the administration.

The point that the whip is making is the fact that it is requested. It has already been passed by the House. This is going to come out of the supplemental when we finally get over there. This is an advance.

Why do it piecemeal, just as the gentleman is talking about piecemeal, why do it piecemeal? Let us do it this way. It will come out of that supplemental appropriation. It will reduce the supplemental by that amount of money. Instead of piecemeal, we do it all in one package.

Mr. WALKER. Well, I understand what all these gentlemen are saying to me here. The point is that because the way the rules of the House are structured we cannot fully discuss this matter. This gentleman understands what I am being told, that there are lots of authorization amendments that have been put in by the other body.

What I am saying is that I think there are a number of Members of the other body who are also extremely concerned about the emergency nature of the CCC.

□ 1730

And if, in fact, we put some kind of pressure there, that you might, in fact, get the other body to be a little bit more responsive to get us toward a more reasonable bill. If we have no pressure, you are not going to get there.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. I presume I should have asked leave to lift from the pending supplemental this item, because this is what we do. It has been adopted by both the House and the other body by an overwhelming vote. What we are doing is asking to bring this one item forward because of the immediate situation which it faces.

Now let me explain the way the corporation is set up. It is set up to handle many, many things. You need to do this expeditiously because it has authority to buy and sell and do all of these other things. But the money it has is not spent except where there is an obligation which is incurred, and it is not withdrawn from the Treasury until they actually spend it. So the fact is that the authority is here, and the money we spend only is required by the law by the Commodity Credit Corporation and will not come out of the Treasury until it does spend it.

So they need some capital so they can meet their requirements as they may arise, and a whole lot of them have already risen. We need to act now or else we default on our obligations under existing law.

Mr. WALKER. I agree with the gentleman completely, I agree with what the gentleman from Mississippi has told me, the point being that what I am hearing all of the time here is about the need for pressure in order to get done everything that everybody wants done.

There is no pressure if we can take the pressure out of the equation. So are we going to come in piecemeal the next time that we have pressure on the food stamps, or are we going to bring that back here under the same kind of provision?

Mr. WHITTEN. I would say to the gentleman I do not know that we need the pressure. I certainly do not need the pressure, and we should not take advantage of the American people who are owed this money.

Mr. WALKER. Once again, I will reclaim my time.

Mr. WHITTEN. I do not feel that I need any pressure, and I do not know of anybody on the conference that needs pressure.

Mr. WALKER. Once again, I was suggesting to the gentleman that a good compromise might be to come up with enough money for an immediate solution for the next week or so, and then we can see whether or not we can get this thing resolved.

But the gentleman is asking for the whole loaf at one time, and that is what this gentleman is objecting to, to do it by unanimous consent here late in the day.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, I can see where the gentleman is coming from, and it is good logic to keep some pressure on, and I say we will keep some pressure on this thing. However, no one in this body can tell us, unfortunately, at this point just how much the Commodity Credit Corporation will need to pay its present obligations, and in the next few days it may have to make other commitments that will obligate it. But, of course, we cannot make the obligation unless they have the appropriations already passed.

I agree completely with the gentleman, and maybe the other body, by the time it gets there tomorrow, will have found this information and revised this. I do not know.

Mr. WALKER. But we will not have any chance to react to it, because we will have sent it through here by unanimous consent.

Mr. MYERS. of Indiana. The gentleman is correct.

Mr. WALKER. And I am just not certain that that is the manner in which we should proceed.

I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

FUNDING FOR THE COMMODITY CREDIT CORPORATION

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and to extend his remarks.)

Mr. FOLEY. Mr. Speaker, I wonder if the gentleman from Pennsylvania would consider that this is a problem that affects farmers throughout the United States. I think it would be an extraordinarily unfortunate thing for a bill that has been passed in the House and in the other body in exactly the same amount, without any variation at all, not to be able to go forward tonight on the assumption that we are passing a bill by unanimous consent. We are not passing a $3.9 billion bill by unanimous consent. In fact, we are just ratifying what the House and the other body have already done by a large majority.

At a time when agriculture is in very grave difficulty throughout the country, with many regions probably in more serious trouble than ever before in my experience in the Congress, if not my lifetime, it would be extremely unwise to take a chance shorting the Commodity Credit Corporation and attempting to hold this agency hostage. I would plead with the gentleman from Pennsylvania, as I know his colleagues on the Republican side that represent agricultural districts would reconsider this position. It will not help. It will not advance the interests of the bill itself, but it will perhaps place in serious jeopardy the agricultural interests of this country, represented by both sides of the aisle here.

In a few minutes I am going to be meeting with the Secretary of Agriculture, and I know that he is deeply concerned about this issue.

FUNDING OF THE COMMODITY CREDIT CORPORATION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I would ask the gentleman from Washington [Mr. FOLEY] whether the gentleman is aware of what figure would be the proper figure to keep the Commodity Credit Corporation going without passing by unanimous consent the entire amount of $3 billion? What is necessary to keep the CCC going by itself? Is the entire $3 billion necessary?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Washington.

Mr. FOLEY. That is for the Commodity Credit Corporation.

Mr. GEKAS. I understand that they requested that, but I understand to keep it going for another extended period so that we do not get bogged down here tonight is what I am saying.

Mr. FOLEY. I do not know that that figure is available.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say that this is a $25 billion corporation. It has many, many obligations.

We restore the capital impairments as they arise, and I have a note here from the Department of Agriculture where they are incurring obligations around $100 million a day under present conditions. So I think the money is badly needed, to have it on hand, to meet the obligations of the Corporation, and I would urge my friend from Pennsylvania to think about the folks to whom this money is owed, and let this go ahead.

May I say again that this is just a lifting out of the conference of this one item at the same amount, and the restrictions on the Commodity Credit Corporation will govern. But let them go ahead. I am advised by the Department that the money is necessary.

Mr. GEKAS. If I may reclaim my time, it seems that the gentleman from Pennsylvania would be willing to withdraw his objection if we were able to amend here now, if it is possible, the figure downward to allow the CCC to be funded for a reasonable period for the next month or so, without resorting to a unanimous-consent request for the entire $3 billion.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. Certainly I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. We all recognize that, but no one on this floor or the committee can tell you what that dollar amount is. We can only accept what the CCC asked for. This was the amount.

Whether they need all of it tomorrow, or next week, we cannot say. No one can tell you what it is. At least not to my knowledge, and that is why we are offering this request.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. My guess is that $1 billion would probably get them through the weekend. And you know what I am talking about is the fact that the procedure we are using here just is not a right procedure.

The point has been made that both Houses have voted overwhelmingly here. Why not, why not do a $1 billion bill and then come back next week, and we will have a vote on it. Let us vote on $2.9 billion sometime next week, and bring it out here on the floor where we can have a vote on it and do it under the regular process, and find out if this is the direction the House wants to go.

To come in here late this evening with a $4 billion request by unanimous consent, I just do not think it is the right way to proceed.

I think that we could resolve the impasse. That is what I have been saying all the way along. And I would hope that the gentleman would simply amend his bill, put the new figure in it, and we can pass it here and I will not object.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. Mr. Speaker, is it possible to amend the present requested $3 billion downward to $1 billion by unanimous consent?

The SPEAKER pro tempore. The Chair would state to the gentleman that the chairman of the Committee on Appropriations, Mr. WHITTEN, could offer an amendment to the joint resolution, if it is considered, or he could offer a different joint resolution by unanimous consent.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, the problem is, and I see exactly where the gentleman is coming from and I do not disagree, except that we do not know. Unfortunately we do not know what the right answer is; $1 billion might be very inadequate, we do not know.

But we are going to need it sometime in the very near future, we know that.

Mr. GEKAS. The $1 billion would certainly carry us to Monday, would it not? Therefore, that seems to be a good compromise. The gentleman from Pennsylvania would withdraw his objection, and we could proceed, and we can come back here on Monday and do this exercise all over again.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The problem we have here is whatever we pass here I am just informed is probably going to be referred to the committee in the other body anyhow. That is the information I have.

So at the very least, what we do, what we ought to do if we are doing it by unanimous consent, is to do it for a minimal amount that we think will get us through the weekend, and as I say, I will accept that, and I will not object to a bill that has a $1 billion figure in it, figuring that that $1 billion for one weekend is probably enough to sustain it.

□ 1740

Mr. MYERS of Indiana. Does the gentleman realize that this is not an outlay? This is not money? This is budget authority we are talking about, not an outlay.

Mr. GEKAS. Whatever it is, whatever it is the gentleman from Pennsylvania [Mr. WALKER] has objected.

What we are trying to arrive at is a figure to which he would not object. Therefore, to expedite the business of the House we asked the chairman of the Committee on Appropriations to amend his request down to $1 billion and we can reconvene here on Monday or Tuesday and do the rest of the exercise.

Mr. WHITTEN. Mr. Speaker, under the circumstances, and I want to say here that we will not save a dime, but in order to get along I will ask unanimous consent to change the figure to $1 billion to satisfy the gentleman from Pennsylvania.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, FISCAL YEAR 1985

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 342) making an urgent supplement appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 342

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1985; namely:

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

For an additional amount to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a/12), $1,000,000,000.

● Mr. ALEXANDER. Mr. Speaker, I rise today in support of House Joint Resolution 342 to provide emergency supplemental appropriations for the continuing operation of the Commodity Credit Corporation. The American farmer is suffering under economic conditions not seen in this country since the days of the Great Depression. Rates of bankrupcy in districts like my own in Arkansas are at levels among the highest in history.

Farmers are desperate, Mr. Speaker. I believe it is the role of Government first of all to help people—people who serve this country by producing food which feeds the world. We are a nation which must learn to live within its means. However, we are also a nation whose Government has succeeded, because of its compassion and concern for its people. Americans can be proud of the work of the CCC. It is one of those agencies of Government which has strengthened our Nation, by investing in our people.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this 1 minute for the purpose of inquiring of the distinguished majority whip the program for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority whip.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, we have concluded the program for the week and it will be my intention after announcing the program to seek unanimous consent to meet on Monday next.

On Monday we will consider six bills under suspension of the rules with all votes ordered on any suspensions postponed until Tuesday, July 23. The six bills under the suspensions are:

H.R. 729, Panama Canal Act amendments re procedures for vessel damage claims in the canal;

H.R. 1602, SEC—Securities and Exchange Commission authorizations for fiscal year 1986 and 1987;

H.R. 1603, Shareholder Communications Act of 1985;

H.R. 1802, employment security for veterans in certain civil service positions; and

H.R. 2455, Hate Crime Statistics Act.

Also we will take up the bill, H.R. 8, the Water Quality Renewal Act, under an open rule, 1 hour, with general debate only taking place on Monday.

Mr. MICHEL. If I might interrupt the gentleman, he mentioned six bills under suspension. Was that just a typo? There are really only five?

Mr. FOLEY. The gentleman is correct. I misspoke. There are five bills under suspension of the rules at the present time.

I thank the gentleman for that correction.

Mr. Speaker, on Tuesday, July 23, the House will meet at noon. It is a suspension calendar day but no suspensions are currently planned for Tuesday.

We will have recorded votes on those suspensions debated on Monday, July 22, and the bill H.R. 3011, Interior appropriations fiscal year 1986, subject to a rule being granted.

On Wednesday and the balance of the week we will meet at 10 a.m. and consider the following unnumbered H.R. bills:

The Housing and Urban Development appropriations, the Agriculture appropriations and the Treasury Department appropriations fiscal year 1986. Also to be considered are H.R. 1409, the Military Construction authorizations for fiscal year 1986 under an open rule, 2 hours of debate; and H.R. 8, the Water Quality Renewal Act on which we will complete the general debate having been completed on Monday, July 22.

Mr. Speaker, this announcement is made subject to the usual reservations that conference reports may be brought up at any time and additional program may be announced later.

Mr. MICHEL. I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 22, 1985

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There being no objection.

DISPENSING WITH CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

DESIGNATION OF THE HONORABLE THOMAS S. FOLEY TO ACT AS SPEAKER PRO TEMPORE UNTIL JULY 23, 1985

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

WASHINGTON, DC,
July 18, 1985.

I hereby designate the Honorable Thomas S. Foley to act as Speaker pro tempore to sign enrolled bills and joint resolutions until July 23, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation of the gentleman from Washington is accepted.

There was no objection.

GENERAL LEAVE

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that all Members may have one legislative day to revise and extend their remarks on House Joint Resolution 342 previously considered and passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

GENERAL LEAVE

Mrs. BOGGS. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Louisiana?

There was no objection.

HOUSE WEDNESDAY GROUP EXPOSES HOLLOW SAVINGS FIGURES IN BUDGET PROPOSALS

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLINGER. Mr. Speaker, I would like to bring to the attention of our colleagues, particularly those serving as conferees on the budget, an article by Jodie Allen which appeared in Tuesday's Washington Post.

This article, which draws upon the research conducted by the House Wednesday Group, which I currently chair, dramatically exposes some of the hollow savings figures behind the optimistic reductions of both budget proposals.

At this critical juncture in the budget process, we must confront the deficit issue directly and honestly. It makes little sense for Congress to produce a budget rife with hokum. By this I mean deficit reductions which include over $12 billion in savings through such specious proposals as reforming Government contracting. As Ms. Allen rightly points out, such slight of hand policies mean we will likely produce less than half of the spending restraint we all believe needs to be achieved. This approach ultimately fools no one, and has been referred to as "a default on responsibility."

Mr. Speaker, I recommend this article to all of our colleagues and I include it and the Wednesday Group report as part of the RECORD.

[Memorandum]

THE HOUSE WEDNESDAY GROUP,
Washington, DC, June 27, 1985.

To: WG Members.
From: Steve Hofman.
Re: FY '86 Budget Resolution.

Attached, for your information, in a comparison of the proposed spending reductions—over and above reductions achieved by a general freeze—contained in the House and Senate budget resolutions.

Prepared by Michael Bopp of the WG staff, this data should be useful to you in examining whatever product eventually emerges from the House-Senate budget conference.

The following sources were used in preparing this summary: Congressional Quarterly for the House proposal; CRS and the Senate Budget Committee for the Senate proposal; WG staff for numerous overall totals in both proposals.

PROPOSED MAJOR BUDGET SAVINGS: HOUSE AND SENATE

Category and area to cut	1986	1987	1988
Defense			
House: Freeze at 85 level for 1986, 3 percent above inflation in 1987 and 1988	[1] $27.5	[1] $45.2	[1] $64.6
Senate: Inflation adjusted growth in 86, 3 percent above in 1987 and 1988	[1] 21.5	[1] 38.3	[1] 55.5
International Affairs			
House:			
Limit export assist loans to foreign countries	[2] 100	[2] 300	[2] 450
Limit approps to foreign countries (excluding Egypt and Israel)	[2] 500	[2] 600	[2] 700
Fund other discretionary programs, excluding low income programs, at half the level of inflation for 1987–88 (the above programs will be referred to as "discretionaries")		[2] 250	[2] 700
Senate:			
Terminate Export-Import Bank Direct Loan Program	[2] 50	[2] 100	[2] 150
Consolidate foreign aid and restrain information and exchange activities	[2] 50	[2] 100	[2] 150
Science and Technology			
House: Discretionaries		[2] 250	[2] 700
Senate: General freeze at 1985 levels for discretionary programs (NASA, DOE, etc.)	[2] 300	[2] 400	[2] 400
Energy			
House:			
Cut strategic petroleum reserve to 50,000 barrels per day	[1] 1.1	[1] 1.1	[1] 1.2
Slow construction of strategic petroleum reserve	[2] 100	[2] 25	[2] —100
Decrease uranium enrich programs	[2] 100	[2]150	[2] 200
Decrease Rural Electrification Program credit	[2] 550	[2] 600	[2] 650
Decrease naval petroleum reserve fund	[2] 50	[2] 50	[2] 50
Trim NRC and impose user fees	[2] 50	[2] 50	[2] 50
Discretionaries		[2] 100	[2] 200
Senate:			
Decrease Rural Electrification Administration	[2] 150	[2] 300	[2] 400
Decrease budget for fossil energy research 11 percent in 1986, increase at inflation in 1987–88	[2] 25	[2] 25	[2] 50
Reduce budget for uranium enrichment to electrical utilities	[2] 100	[2] 200	[2] 250
Moratorium on filling strategic petroleum reserve	[1] 1.7	[1] 1.8	[1] 1.8

PROPOSED MAJOR BUDGET SAVINGS: HOUSE AND SENATE—Continued

Category and area to cut	1986	1987	1988
Reduce energy conservation programs 14 percent in 1986, increase at inflation in 1987–88	[2] 25	[2] 50	[2] 50
General freeze on other programs at 1985 levels for 1986, increase at inflation in 1987–88	[2] 150	[2] 200	[2] 300
Natural Resources and Environment			
House:			
Fund waste cleanup "Superfund"	[2] −250	[2] −600	[2] −950
Unspecified reductions	[2] 300	[2] 600	[2] 650
Discretionaries		[2] 150	[2] 350
Senate:			
Reduce fund for discretionary land acquisit 42 percent in 1986, increase at inflation in 1987–88	[2] 50	[2] 100	[2] 100
Impose user fees of 25 percent of costs of managing Federal recreation lands	[2] 100	[2] 100	[2] 100
Reduce water resources programs 6 percent in 1986	[2] 100	[2] 50	
Reduce Agriculture Department soil and water conservation subsidies to farms 15 percent in 1986–88	[2] 50	[2] 100	150
Decrease funds for reclamation	[2] 100	[2] 100	[2] 150
Agriculture			
House:			
Unspecified cuts	[1] 1.8	[1] 2.8	[1] 5.1
Discretionaries		[2] 50	[2] 50
Senate:			
Reform farm credit programs	[1] 2.7	[1] 2.9	[1] 3.4
Reform agricultural stabilization and conservation service programs	[2] 500	[1] 1.1	[1] 3.9
Commerce and Housing Credit			
House:			
Twenty percent decrease in rural housing programs	[2] 400	[2] 600	[2] 700
Discretionaries		[2] 50	[2] 100
Senate:			
Revise Small Business Administration [SBA] outlays for business assistance by 50 percent	[2] 400	[2] 600	[2] 600
Eliminate most postal rate subsidies appropriations		[1] 1.3	[2] 600
Reduce Farmers' Home Administrative by 50 percent	[1] 1.8	[1] 1.9	[1] 1.6
Transportation			
House:			
Sell Conrail	[1] 1.2		
Revise ship construction	[2] 200		
Decrease Federal highway aid obligations	[2] 100	[2] 500	[2] 600
Decrease Amtrak rail service	[2] 50	[2] 50	[2] 50
Coast Guard user fees	[2] 50	[2] 50	[2] 50
Discretionaries		[2] 100	[2] 350
Senate:			
Reduce urban mass transit subsidies 20 percent in 1986, freeze at this level in 1987–88	[2] 200	[2] 450	[2] 750
Reduce grants for airway equipment construction, and R&D	[2] 25	[2] 100	[2] 200
Sell Conrail	[1] 1.2		
Reduce Federal highway aid programs	[2] 50	[1] 1.0	[1] 1.6
Reduced Amtrak subsidies 12.5 percent in 1986, 25 percent in 1987, and 40 pecent in 1988	[2] 100	[2] 200	[2] 300
Eliminate railroad improvement programs	[2] 25	[2] 25	[2] 25
Community and regional development			
House:			
Ten percent decrease in community development block grants	[2] 25	[2] 150	[2] 300
Ten percent decrease in TVA and Appalation Regional Commission	[2] 25	[2] 50	[2] 50
Twenty percent reduction in SBA	[2] 100	[2] 250	[2] 250
Decrease Farmers' Home Administration	[2] 100	[2] 25	[2] 25
Discretionaries			[2] 50
Senate:			
Reduce community development block grants 10 percent	[2] 25	[2] 150	[2] 300
Reduce urban development action grants 20 percent in 1986, terminate program in 1987	[2] 25	[2] 150	[2] 300
Terminate rental housing development grant progression and impose 2-year moratorium on rental rehabilitation grants	[2] 50	[2] 200	[2] 300
Terminate economic development administration and Appalation Regional Commission	[2] 50	[2] 150	[2] 250
Reform SBA disaster assistance programs	[2] 150	[2] 400	[2] 450
Reduce funding to TVA and Bureau of Indian Affairs	[2] 50	[2] 150	[2] 150
Education, Training, Employment, and Social Services			
House: Discretionaries		[2] 250	[2] 250
Senate:			
Reform impact aid, part B	[2] 100	[2] 100	[2] 100
Reduce guaranteed student loans	[2] 200	[2] 300	[2] 400
Terminate work incentive program	[2] 200	[2] 300	[2] 300
Reduce funding for community services block grant program by 36 percent in 1986, terminate in 1987	[2] 100	[2] 350	[2] 400

PROPOSED MAJOR BUDGET SAVINGS: HOUSE AND SENATE—Continued

Category and area to cut	1986	1987	1988
Decrease funding for Job Corps by 30 percent in 1986, and reduce funds for the U.S. Employment Service	[2] 200	[2] 750	[1] 1.1
Health			
House:			
Transfer insurance reserves to help reduce Government premium outlays	[2] 300		
Discretionaries		[2] 150	[2] 300
Senate:			
Medicaid reductions	[2] 300	[2] 400	[2] 500
Reduce funding for Indian Health Services	[2] 50	[2] 50	[2] 50
Reform Federal employees health benefits program	[2] 50	[2] 150	[2] 200
Medical Insurance			
House:			
Unspecified cuts without increased costs to beneficiaries	[1] 1.0	[1] 1.0	[1] 1.0
Discretionaries		[2] 50	[2] 50
Senate: Reduce Medicare outlays	[1] 3.6	[1] 5.3	[1] 7.4
Income Security			
House:			
Increase premiums for Pension Benefit Guaranty Corp. [PBGC]	[2] 300	[2] 300	[2] 300
Unspecified changes in public housing	[1] 1.6	[1] 1.6	[1] 1.6
Enact child nutrition and food stamp legislation	[2] −400	[2] −400	[2] −400
Discretionaries			[2] 50
Senate:			
Freeze the COLA for military retirement for 1 year and further reform the system	[2] 650	[2] 950	[1] 1.1
Increase premiums to cover PBGC liabilities	[2] 200	[2] 200	[2] 250
Reform railroad retirement			[2] 25
Contributions to Civil Service Retirement Fund	[2] −400	[1] −1.3	[1] −1.4
Reform financing of public housing (including reduced funds to operate existing housing projects)	[1] 1.5	[1] 1.7	[1] 1.8
Reform food and nutrition service programs	[2] 400	[2] 550	[2] 700
Social Security			
House:			
One-year freeze on salaries and expenses for administrative personnel	—	[2] 100	[2] 150
Discretionaries	—	50	100
Senate:			
Freeze COLA's for 1 year	[1] 5.8	[1] 8.0	[1] 8.1
Improve administration of Social Security Program	[2] 100	[2] 150	[2] 250
Veterans' Benefits and Services			
House:			
Unspecified changes	[2] 300	[2] 300	[2] 300
Discretionaries	—	[2] 200	[2] 300
Senate:			
Freeze COLA's for veterans' compensation for 1 year	[2] 300	[2] 400	[2] 450
Freeze COLA's for veterans' pensions for 1 year	[2] 100	[2] 150	[2] 150
Reform VA hospital and medical care	[2] 400	[2] 700	[2] 850
Increase VA housing loan origination fee from 1 percent to 3.8 percent by 1990	[2] 200	[2] 250	[2] 250
Administration of Justice			
House:			
Assume funding for 800 new U.S Customs Service jobs	[2] −50	[2] −50	[2] −50
Increase in tariff collections due to above jobs	[2] 50	[2] 350	[2] 750
Senate: Freeze at 85 levels for 1986, increase at inflation in 1987–88	—	—	[2] 100
General Government			
House:			
Increase Customs Service users' fees	[2]50	[2]50	[2]50
Fund 1,000 new IRS examiners	[2]−50	[2]−50	[2]−50
Increased tax collections due to above jobs	[2]400	[2]400	[2]400
Unspecified cuts	[2]100	[2]100	[2]100
Discretionaries		[2]100	[2]150
Senate:			
Increase Customs Service users' fees	[2]450	[2]500	[2]500
Fees for Government sponsored credit agencies (such as agricultural credit agencies)	[2]25	[2]50	[2]100
General Purpose Fiscal Assistance			
House: 25 percent revenue sharing decrease in 1986, phase out in 1987	[2]850	[1]3.8	[1]4.9
Senate: Abolish general revenue sharing at the end of 1986		[1]3.6	[1]5.0
Allowances			
House:			
Civilian pay freeze for 1986, increase 3.8 percent January 1987, and 4.7 percent January 1988		[2]700	[1]1.2
Reform Government contracting	[1]4.0	[1]4.1	[1]4.3
Decrease Government workforce 2 percent through attrition	[2]350	[2]650	[2]700
Alter Walsh-Healy Public Contracts Act	[2]50	[2]300	[2]500
Maintain practice of using 2,087 hrs as full work year for Federal employees	[2] 100	[2] 100	[2] 100

PROPOSED MAJOR BUDGET SAVINGS: HOUSE AND SENATE—Continued

Category and area to cut	1986	1987	1988
Senate:			
Freeze Federal and military pay in 1986	[1] 1.2	[1] 2.1	[1] 2.6
Management and workforce reforms (including 44,000 Federal workforce reduction)	[1] 1.6	[1] 2.5	[1] 2.9
House:			
Decreased receipts by cutting 2 percent attrition of Federal employees	[2] −50	[2] −50	[2] −50
Settle disputes with States on drilling operations revenues	[1] 4.0	[1] −1.5	[1] −1.1
$1 billion per year of petroleum overcharge funds released from escrow account	[1] 1.0	[1] 1.0	[1] 1.0
Senate:			
Adusted to reflect policy changes such as federal pay freeze	[2] −500	[2] −300	
Totals			
House:			
Savings from functions and general freeze	[1] 53.9	[1] 74.9	[1] 102.0
Debt interest savings	[1] 2.7	[1] 9.0	[1] 16.6
Total savings [3]	[1] 56.2	[1] 82.9	[1] 119.9
Senate:			
Savings from reconciled functions and defense	[1] 48.6	[1] 80.6	[1] 108.5
Savings from unreconciled programs excluding defense and interest payments	[1] 6.5	[1] 12.0	[1] 14.8
Interest savings	[1] .9	[1] 7.3	[1]16.0
Total savings	[1] 56.0	[1] 99.9	[1] 139.3

[1] Billion.
[2] Million.
[3] Totals do not completely balance due to rounding off.

[From the Washington Post, July 9, 1985]

DEFICITS: THE DEFAULT SOLUTION

(By Jodie T. Allen)

Want to know a fast way to get rid of the federal deficit once and for all? Default on the national debt.

Think of the benefits. Right away—without cutting one program or raising one tax—the current budget would be almost in balance. That's because a single item—interest on past debt—will cost the government nearly $150 billion in the next year alone. The way things are going, by 1990 annual interest costs will reach $230 billion.

Defaulting would wipe out this big budget item in one fell swoop. Getting rid of the remaining $60 billion or $70 billion deficit projected for next year ought to be easy with a little trimming back of defense and a tuck here or there in the domestic budget.

This is no stopgap solution. Defaulting would not only put the current budget in balance, it would absolutely ensure that the federal government would never run a deficit again.

It would do this, moreover, without any need for a constitutional amendment, a line-item veto or even a congressional budget process. That's because no investor would ever again buy a federal note or bond. It's what you might call a "supply-side" solution. No supply of money to borrow, no way to fall in to debt.

The naysayers and hand wringers will say that so simple a solution will never work. The banks and other holders of government bonds will put up a fuss about having assets wiped out. The Eurobond markets, which have provided so many new buyers for our government debt, will go into a tizzy. Latin American debtors may start talking again about defaulting on their own piles of debt. But no one ever said that balancing the federal budget was going to be easy.

Is this a serious plan? Of course not. But neither is what Congress—or for that matter, the administration—has been doing. The trouble isn't simply that the budget conferees threw up their hands in despair

before taking off for a prolonged celebration of American political, if not fiscal, independence. The trouble is that even as they get back to business, the course they're on doesn't lead far.

Both Senate and House have proudly produced budget resolutions that, they claim, will "save" more than $50 billion next year and put the federal budget on a safe course. But there is a great deal less to those claims than makes the headlines.

The House Wednesday Group, composed of moderate Republicans, has thoughtfully laid out the actual program cuts called for by each resolution. Discount program cuts so vaguely specified that there isn't a chance there would actually be made such as the $400 million in "unspecified cuts" in "General Government"; simple bookkeeping subterfuges, such a shifting export loans off-budget; and widely inflated estimates (savings billions by reducing government contracting or improving customs service operations).

Be generous: Do *not* delete such polically difficult measures as reforming veterans' health care, dismantling Amtrak, or making big cuts in highway aid programs. Leave in unspecified savings of billions from farm programs despite the fact that farm bill conferees have been deadlocked for months and support costs are climbing.

And still the expected savings amount to a hill of beans—at most $15 billion in the House plan and $24 billion in the Senate, with $7 billion of the Senate's savings coming from a three-year curb on Social Security and other retirement programs that some key House Republicans don't even support. These savings are barely enough to cover the *increases* in actual defense spending called for in both resolutions. (Remember that those defense "cuts" they talk about are simply reductions in still bigger increases wanted by the Defense Department.)

It's always possible that Congress might coalesce behind a plan designed along the lines of the one being pushed by moderate Senate Republicans and Democrats. It calls for real cuts in some domestic programs, restraint on defense increases and a needed boost in federal revenues. It really would make permanent inroads in the deficit. But adopting it would require political courage and statesmanlike compromise on all sides—scarce quantities in political life.

With congressional elections next year and the start of presidential campaigns to follow, this may be the best chance for real progress on the deficit for some time to come. Some people may judge that progress no more likely than a decision to default on the debt. But Congress should keep in mind that in action—or fake action—is no less a default: a default on responsibility. The consequences, while deferred, may ultimately be even more catastrophic.

BOSTON GLOBE GERSHWIN TRIBUTE AHEAD OF ITS TIME

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, on Monday, the House passed unanimously House Joint Resolution 251, legislation to award congressional gold medals to George and Ira Gershwin for their outstanding contributions to American music.

I am happy to say that a well-known publication, the Boston Globe, was way ahead of its time when it printed an editorial tribute to Ira Gershwin on his 85th anniversary in 1981.

It is appropriate that Congress has recognized the Gershwins' contributions in such a fitting tribute, and I commend the Boston Globe for its foresight. I submit for the RECORD the Boston Globe editorial.

IRA GERSHWIN AT 85

In time the Rockies may crumble, Gibraltar may tumble, but the songs written by the Gershwins are here to stay, built in the clay of genius and love. Born 85 years ago today, Ira defined love and laughter for generations with wit and words as his brother did with music.

The brothers first worked together in 1918 and wrote more than a dozen shows, movies and the opera "Porgy and Bess," before their collaboration ended. "Love is Here to Stay," written in 1937, was the last song George and Ira wrote together. Six weeks later, George was dead of a brain tumor at 38.

Like many of their songs, it was at first almost cut from a forgettable show ("The Goldwyn Follies" movie), then revived artfully (by Gene Kelly in "An American in Paris" in 1951). "The Man I Love" had trouble cracking a final Broadway score in the 1920s.

The son of Russian immigrants, Ira grew up in New York and worked as a clerk in a Turkish bath and treasurer of a carnival. The Gershwins wrote songs determinedly American, as were the settings of their shows. "Girl Crazy" in 1930 introduced Ethel Merman and Ginger Rogers, along with "Embraceable You," "I Got Rhythm" and "Biding My Time." The show is set on a dude ranch in Arizona.

This week also marks the 50th anniversary of another major American accomplishment. On Dec. 8, 1981. "Of Thee I Sing" opened at the Majestic Theatre in Boston. With lyrics by Ira, music by George and a script by George S. Kaufman and Morrie Ryskind, it was the first musical awarded a Pulitzer Prize. "Of Thee I Sing" is the stage's most durable satire on American politics, with the befuddled, anonymous—but immortal—Vice President Alexander Throttlebottom.

When the opening chorus salutes "Wintergreen for President," saying "He's the man the people choose/ Loves the Irish and the Jews," the audience knew it was in for something different. "Don't they know we're kidding love?" the mordant Kaufman asked of the favorable audience reaction. "We're championing love and the audience knows it" George Gershwin replied.

The Gershwin contribution to the legend of love was that it and wit were compatible. Ira Gershwin's lyrics rescued love from the mooning-at-the-moon earnestness of post-ragtime popular music. He was a precursor of Cole Porter in the well-turned interior rhyme.

In "Love is Sweeping the Country," love sweeps "all the sexes from Maines to Texas" and folks "feel that passion 'l soon be national." In "Nice Work If You Can Get It," written for Fred Astaire, love is firmly defined: "The only work that really brings enjoyment/is the kind that is for girl and boy meant."

Ira Gershwin lives in Beverly Hills, a donnish, retiring sort unlike his gregarious brother George. In 1917, Gershwin was published in "The Smart Set" by H.L. Mencken and George Jean Nathan. The late Oscar Levant once accused him of being an eccentric. Ira protested, saying he was one of the most normal people in Hollywood. "Yes," Levant replied. "that's what makes you so eccentric."

Ira Gershwin is also a perfectionist. He wrote lyrics for a tune George considered "Brahmsian," and said he found himself "wallowing in a swamp of vague generalities." The song was a hit, but that didn't stop Ira from changing the original title, as he wrote later: "What particularly bothered me was the injection of 'right' after 'Love Walked In'—obviously a padding word. This I deleted from the title when the song was sent to the publisher."

After George's death, he worked with Kurt Weill, Vernon Duke and with Harold Arlen on "The Man That Got Away." One of his most popular songs, written with Jerome Kern, is "Long Ago and Far Away." At the time, Ira saw it as "a collection of words adding up to very little."

Ira Gershwin's titles are imbedded in the language as slogans and catchwords: "They All Laughed," "It Ain't Necessarily So," "Let's Call the Whole Thing Off." His phrases are rooted in the world's subconscious, as evidenced in a recent interview in a Beirut basement with the unembraceable Yasser Arafat. The Palestinian guerrilla leader used a Gershwin phrase to describe the proper attitude of the United States to Israel: "Don't be a naughty baby."

According to his biographer, Edward Jablonski, Gershwin deliberately mocked his own trade, rhyming "amorous" and "glamorous" as satire: "What Gershwin accomplished with a twinkle in his eye, countless imitators attempted in dead earnest."

Ira Gershwin, who celebrates his birthday quietly today, seems an unusually kind man. The only unkind remark friends can remember him saying came after an uptown, too-arch, too-sophisticated revue. He said of the lyrics, "They're precious, but not valuable."

He has been someone to watch over love. Ira Gershwin is a valuable national treasure. He has made millions seem embraceable. He has struck up the band with a fascinatin' rhythm that built a stairway to paradise.

His birthday tribute should come from Richard Rodgers, who summed up the Gershwin legend by saying:

" 'S Wonderful."

□ 1750

ORDER OF BUSINESS

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that my special order precede the special order of the gentleman from Texas [Mr. GONZALEZ]. That is of course with his permission and assent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ORDER OF BUSINESS

Mr. MICHEL. Mr. Speaker, I also ask unanimous consent that the special order of the gentleman from Illi-

nois [Mr. MADIGAN] immediately follow my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE MIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, I want to join in the nationwide concern expressed on this floor and in many other quarters across the country for our missing in action in the long saga of the war in Vietnam.

As all of you know, there are special ceremonies being observed throughout the Nation this coming weekend, and I want to add to the RECORD in this very tragic situation a poem that I humbly say that I wrote myself back in 1976, when even then, 10 years ago, we were concerned about the missing in action. Here we are, 10 years later, still bemoaning and still worried about that unsolved situation, and it behooves every single American to add his or her voice to that overwhelming concern.

I enter into the RECORD, then, the poem that I wrote in 1976 on the missing in action:

THE MIA

The MIA is well remembered here
By us who hope his day of light is near
We believe he's waiting patiently
For us to urge the world to set him free
He wants us all to know his whereabouts
To finally erase out painful doubts
The message we transmit to him today
Repeats a pledge we make with full display
We'll strive with all the vigor in this land
To find the men of combat's lost command
Be patient, MIA, another night
You know we'll never cease the lonely fight
So long as people care for brothers lost
The search for you will live at any cost.

INTRODUCTION OF H.R. 3035

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, I am today, along with 57 of my colleagues, introducing the Trade Emergency and Export Promotion Act, which is designed to deal effectively but fairly with the growing emergency over the U.S. trade deficit. The bill is intended to make it a national priority to reverse the enormous shortfall in our balance of trade which, if not corrected, will undermine the U.S. economy, destroy the Nation's industrial and agricultural base, reduce our standard of living, and eventually cause great harm to the world trading system and the world economy as a whole.

In order to prevent these inevitable consequences of current policy, the legislation sets forth tough new measures to deal with the three primary causes of the widening trade gap, which are: First, the overvalued U.S. dollar; second, the persistent growth of foreign unfair trade barriers; and third, the lack of a coherent U.S. trade policy. These measures focus on the following: The urgent need for strong Presidential action to reduce the trade deficit through a variety of means; the need for vigorous action against nations which, though unfair and discriminatory trade policies, build up large inequitable trade surpluses; the need to strengthen administration of trade policy by giving the U.S. Trade Representative greater responsibility for coordinating and executing trade policy decisions.

The bill also preserves our Nation's fundamental commitment to free trade by only mandating duties on countries which maintain, through unfair trade policies, large and inequitable trade balances, and even then only if all other measures to reduce the trade deficit have failed.

Finally, the bill recognizes the important causal link between the overvalued dollar and persistent U.S. budget deficits by seeking to ensure that any revenues derived from new import duties will be devoted exclusively to reducing such deficits.

I include herewith a summary of the bill:

1. Declaration of Trade Emergency and Trade Deficit Reduction Authority

These provisions recognize the urgent nature of our trade problem by declaring a National Emergency over our growing merchandise trade and current account deficits, and by granting the President extraordinary powers to reduce these deficits through negotiated agreements or even unilateral measures. Such authority is temporary in nature and is in addition to any other trade authority under existing law. These provisions give the President the broadest possible latitude to deal with the trade problem.

2. Mandatory GATT Action Against Japan, the European Communities, and other major trading partners

These sections require the Administration to initiate action against our major trading partners before the GATT and other appropriate international bodies in order to obtain redress against the unfair policies of such countries—policies which have nullified and impaired our benefits from these agreements. The purpose of these actions is to obtain negotiated concessions which will remedy our inequitable trade balances with these nations without having to impose higher U.S. duties.

3. Stand-by Import Duty on Countries with Large and Inequitable Trade Surpluses

In the event that Administration actions to reduce the trade deficit are not successful, the bill would mandate a stand-by duty of 25 percent on major trading countries that maintain an inequitable surplus in their trade with the U.S. or with the world as a whole. This duty would not be assessed until October, 1986, and even then only on countries which are maintaining unfair trade barriers. The scheme is thus intended to penalize countries which do not liberalize their trade policies, and any country can avoid new duties by simply eliminating their import barriers. The stand-by duty formula is quite complex, but basically it is designed to reduce the excessive trade surpluses of major countries which do not practice free trade. Stand-by duties would only apply if the following conditions are met:

(a) The country has over 7 billion dollars in trade with the United States (adjusted annually for inflation).

(b) The country's exports to the United States exceed its imports from the United States by 65 percent or its exports to the world exceeded its imports from the world by 50 percent (these figures exclude oil trade).

(c) The President has not found the country to be free of unfair restrictions on trade which contribute to such surpluses.

(d) The country has not reduced its surpluses with the United States by a specified percentage below the 1984 trade surplus. These percentages are increased in subsequent years to provide greater discipline on such surpluses.

As soon as any of the above criteria are no longer met, duties on any given country would be removed in the subsequent year. The system, therefore, imposes stand-by duties only until large and inequitable trade surpluses are eliminated. Moreover, no duties will be assessed once the overall U.S. trade deficit falls below 1.5 percent of GNP.

4. Budget Deficit Reduction

This provision recognizes the important link between our trade problems and the huge federal budget deficit. The bill requires that all stand-by duties be placed in a separate account with the understanding that they will be used to reduce the budget deficit. Of course, it is impossible to ensure that such funds will not be used to offset higher federal spending, but the measure goes a long way toward recognizing the need for devoting any revenues to the budget deficit, which is the biggest underlying cause of the trade deficit.

5. Plan to Reduce Overvalued Dollar and Stabilize Exchange Rate Fluctuations

The bill requires the Treasury Secretary to draw up and begin action on a plan to restore the value of the dollar to more competitive levels through coordination of monetary and economic policies, and to stabilize exchange rate fluctuations.

6. Strengthening of U.S. Trade Representatives

This provision recognizes the need for a strong central voice in charge of U.S. trade policy. The U.S. Trade Representative would be given final decisionmaking authority under various trade laws. Currently the President must decide all issues and this leads to interagency conflict and delay.●

● Mr. GEPHARDT. Mr. Speaker, today, Chairman ROSTENKOWSKI and I, along with Majority Leader WRIGHT, Representative ECKART, and over 50 other Members, are introducing bold new legislation to forge a coherent, comprehensive foreign trade policy.

Joined by a companion bill introduced by Senator LLOYD BENTSEN, the Trade Emergency and Export Promo-

ton Act declares war against our soaring trade deficit.

And it's long overdue.

The future economic strength and security of our Nation depends directly on the ability of our products to enter and compete in foreign markets.

Today, foreign trade accounts for nearly 25 percent of our gross national product. And, over time, it will play an increasingly crucial role in our economy.

Moreover, nearly three-fourths of U.S. manufactured goods directly compete with foreign products.

The conclusion is self-evident: If we can't compete fairly and fully in markets around the world, we won't long remain the strongest economic power in the world.

Thus, we must act—swiftly and resolutely—to restore our economic strength by reversing the accelerating slide toward ever more staggering foreign trade deficits.

That's why we so urgently need this legislation.

Since 1980, our trade deficit has soared fivefold to $123 billion. And this year, it may climb higher than $150 billion.

As a result, we have seen millions of jobs lost, hundreds of factories boarded up, and thousands of farms foreclosed—all testimony to a failed U.S. trade policy.

The spiraling foreign trade debt threatens to undermine our economic base, reduce our standard of living—and ultimately dim the promise of the American dream for ourselves and our children.

This is simply unacceptable.

We are the most favored nation in history—blessed with the most abundant resources, the most innovative people, and the most skilled workers in the world. We must never become a second rate economic power.

Yet, increasingly, we export not goods but jobs. And, for the first time since 1914, we have become a net debtor nation.

Our deteriorating foreign trade picture has many causes—from this administration's unconscionable budget deficits and "voodoo" economic policies to relentless and rapid changes in the world economy.

Still, a primary cause is the unfair rules under which we trade with many other countries. While we open our markets to foreign imports, our products run into artificial barriers and restrictions in markets abroad.

For too long, our trading partners have written their own rules, while we play by rules of the Marquess of Queensbury.

For example, while U.S. import duties average between 3 and 7 percent, Brazil imposes duties up to 200 percent on some goods.

And while we offer virtually unconstrained access to our markets, Korea imposes a licensing scheme that all but bans imports of many goods, including tobacco, glassware, and electronic products.

And virtually every U.S. industry suffers. We've all seen the catastrophic consequences of unfair foreign trade rules for the so-called rust belt industries—such as steel and automobiles.

Yet, now, two industries that have traditionally enjoyed more open foreign trade—agriculture and high-tech—have encountered unfair restrictions to foreign markets. These two vital industries represent the foundation and the future of our economy. If they can't compete fairly abroad, it's time this Nation took some tough action.

Our bill would do just that. It would reverse this administration's "sink-or-swim" trade policy—where we sink in trade abroad while we swim in red ink at home.

It would send a powerful signal to our trading partners that they must open their markets to our products, just as we open our markets to theirs.

And let me make one final point: This is not a protectionist bill. Far from it. The authors have spent months crafting a thoughtful, new approach that will swiftly and surely address our foreign trade problems and ultimately restore an open world trading system.

First, we have taken a global approach to the problem—we don't target any specific country or any specific product.

Second, the bill allows our trading partners to redress serious trade imbalances with us in whatever manner they deem appropriate. Thus, it encourages other countries to remove artificial restrictions and open their markets to American products.

Third, the bill gives our trading partners a full year to take these steps—before any sanction is triggered. And it gives the administration a full year, through trade negotiations, to encourage our trading partners to play by fairer rules.

Finally, it recognizes that this administration's disastrous economic policies and historically high budget deficits—by driving up the price of the dollar—have made U.S. products less competitive abroad. Therefore, the bill establishes a deficit reduction account to receive all revenues from any import surcharge that may be imposed. This money can go only toward reducing the deficit, not increasing Federal spending.

If we view world trade as, in effect, a basketball game, we have foolishly allowed our trading partners to commit an unlimited number of fouls—without ever having to leave the game. And now, they're threatening to steal the ball.

Our bill, to continue the analogy, limits all our trading partners to the regulation six fouls, before they suffer any penalty.

We will all play by the same rules—set well in advance.

Mr. Speaker, this administration must recognize they have bungled U.S. foreign trade policy, given their vehement response to our bill. They rejected our proposals even before the ink had dried.

But, if I were a U.S. trade official in this administration, I would want this bill enacted. I would want to enter trade talks with the leverage this bill provides—the threat of an import surcharge if our trading partners don't remove barriers from their markets.

No one wants free and open world trade more than I do. And no one recognizes that our economic future depends on unfettered foreign trade more than I do.

Yet, by 1990, we may run up a trillion dollar trade deficit, according to some estimates. that's $4,000 for every U.S. citizen. And that's far too much.

When it comes to foreign trade, it's time we stood up for America.

And with this bill, we can ensure that the words "Made in America" won't appear only in the history books.

We invite bipartisan support for this bill, as a first step toward opening foreign markets and establishing a free and unfettered world trading system.●

● Mr. LUNDINE. Mr. Speaker, today I am joining DAN ROSTENKOWSKI and DICK GEPHARDT in introducing the Trade Emergency and Export Protection Act for House consideration. This bill is a long overdue attempt to come to grips with our trade deficit.

Our trade imbalance between imports and exports is out of control. Last week, the Commerce Department released its midyear trade outlook. This outlook projects that the U.S. trade deficit may reach $160 billion this year. If this comes to pass, it will represent a 30-percent increase in our trade deficit since last year. Earlier this year, the United States became a net debtor country for the first time since 1914. Soon if drastic action is not taken we will owe more in foreign debt than all the developing countries combined.

Trade means jobs. Every $1 billion of deficit in U.S. trade accounts represents 25,000 jobs the United States has lost or not created. This means that the United States will lose over 1 million jobs next year due to its trade deficit.

The answer to our trade problem cannot be for the United States to close its borders to foreign products and resources. We rely on important foreign products and resources for sustained economic growth, healthy competition, and to help in our ongoing battle to fight inflation. At the same time, we cannot afford to keep our do-

mestic market, which is the largest in the world, open to foreign producers who are unwilling to grant U.S. producers access to their markets.

We all have examples of what I am talking about in our congressional districts. Corning Glass Works, in our congressional district, pioneered the optical fiber used in fiber optics. The world market for fiber optic systems is expected to grow at a compound annual rate of 30 percent, reaching approximately $3.2 billion by 1989. Currently, because Corning is the world technological leader, they have 95 percent of the U.S. market, 20 percent of the European market, 10 percent of the South American market, but 0 percent of the Japanese market. The Japanese, through various nontariff barriers have simply made it impossible for Corning and other U.S. manufacturers to penetrate the Japanese market.

It is practices like these which the bill we are introducing today is designed to address. We must take action to reestablish some control over our international economic destiny. We cannot quarrel with instances where foreign markets are open to U.S. producers so that they can compete. But, we must have the courage to stand up to those countries whose markets are not open to our products.

While I applaud the efforts of my colleagues in fashioning this bill, and while I join them in their efforts to move it forward through the legislative process, there are two aspects of this proposal which I believe warrant especially detailed consideration in the weeks ahead.

Earlier this year I introduced legislation to impose a 2-year, temporary, across-the-board import surcharge similar to the one we are proposing today for a few selective countries. The only exception to application of my temporary surcharge would be that it would have been cut in half for debt-ridden developing countries.

I proposed this measure as a short-term budget reduction measure and a longer term trade measure. I continue to believe that our Federal budget deficit remains a substantial obstacle in creating the kind of economic climate we need to bring the value of the dollar more in line with competitive realities and eventually improve U.S. international competitiveness. Moreover, reducing the U.S. budget deficit is in the interest of our trading partners, many of whom are unable to attract capital investment because of the persistently high value of the dollar on foreign exchange markets.

The scope of the surcharge contained in the Trade Emergency and Export Promotion Act is narrowed considerably from what I proposed to apply only to countries meeting the criteria in the bill of excessive bilateral and multilateral trade deficits. The program would apply for a maximum of 5 years. In the weeks ahead, we must carefully consider the selective nature of this proposal. We should consider whether or not it makes sense to reduce the 5-year timeframe of the program and broaden its scope to help more in achieving our goal of reducing Federal budget deficits.

The second aspect of this bill which I believe deserves further scrutiny involves the impact on Brazil. While Brazil certainly does qualify under the criteria of the bill as having an excessive bilateral and multilateral trade deficit with the United States and the world, it also is a country which currently is seriously burdened with external debt.

The International Development Institutions and Finance Subcommittee of the House Banking Committee which I chair has been holding a series of oversight hearings where we have looked extensively at the status of the developing country debt problem. It has been clear from the testimony received at those hearings that we have made significant progress toward dealing with the initial debt crisis which hit in 1982 by providing some short-term stability to the international financial system. At the same time, it is clear that we are still dealing with a very tenuous situation which even under optimistic scenarios will extend well into the next decade. In fact, over the next 5 years when the bill we are introducing today would be in effect, about two-thirds of developing country debt is scheduled to fall due.

Brazil is the largest Latin American debtor, with an external debt exceeding $100 billion, a large portion of which is owed to U.S. banks. In addition, like many other Latin American countries Brazil has made a transition to a democratic form of government, which because of this debt is under severe strain. It is in the U.S. political interest to support these democracies.

The only means Brazil has for paying off its debt is through foreign exchange earnings it secures through exporting. Since foreign exchange is desperately needed to service debt, it is scarce for the purchase of foreign products from the United States and other countries. Brazil has stopped importing many foreign products largely at the insistence of the International Monetary Fund. This notwithstanding, Brazil has been able to recover somewhat from the initial devastation of the debt crisis in 1982 and worldwide recession. As a result of this relative improvement, last year Brazilian imports from the United States rose by 16 percent. In addition, the United States is Brazil's largest foreign investor, and American firms are the largest exporters of products from Brazil.

I believe that Brazil is in a fundamentally different category than Japan, South Korea, and Taiwan. It simply doesn't make sense for the United States to support stabilization in debt ridden countries through the International Monetary Fund and then turn around and punish those who have had to carry out these measures through another channel.

The character of today's world economy is indeed very complex. As we go forward in the weeks ahead to act on this bill, it is important that in fashioning a trade program that makes sense, we do not throw the baby out with the bath water. It will do us no good to take steps to reduce our trade deficit which at the same time runs a high risk of precipitating a financial crisis.

Having said this, however, the bill we are jointly introducing today is a major step forward toward taking off our ideological blinders and dealing with our trade problems as they exist in the real world. I commend the major authors of this legislation Mr. GEPHARDT and Chairman ROSTENKOWSKI for their diligent efforts. I look forward to continuing to work with them in future weeks to move an aggressive trade program to the floor of the House.●

THE POLYGRAPH LIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. NEAL] is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I want to bring to the attention of my colleagues an article which appeared in today's edition of the Washington Post. Entitled "I Know the Polygraph Lied," by George Wilson, the article details an actual incident at the Pentagon which demonstrates an important point about polygraph testing—which is that it is not a reliable indicator of whether a person is lying or telling the truth. Polygraphs reveal stress; however, the stress may result from emotional causes other than guilt—emotions such as fear, surprise, or anger, none of them necessarily related to lying. In short, then, the polygraph can and does often label truthful persons as liars.

Any real success with polygraph testing depends very heavily on the belief and attitude of the individual being tested. If a person has the mistaken belief that the polygraph is a highly dependable scientific means of lie detection, he or she might be more disposed to tell the truth—or, if actually lying, to confess. On the other hand, it is not difficult for a person to lie and beat the polygraph, if acquainted with the proper techniques or trained to do so. The problem is that we often can't know when these aberrations occur. As a consequence, the polygraph brands some truthful persons as liars, and some liars as

truthful persons. So branding, it seems to me, would be a terrible thing to do to a loyal employee of the Department of Defense, and a very dangerous thing to do to an active or potential spy. As the article shows, we would certify some true spies as trustworthy and pass them on to positions of greater sensitivity. We also would humiliate, embarrass, and possibly ruin the careers and lives of perfectly innocent people.

Within the Department of Defense, where the polygraph screenings are to be conducted, internal documents indicate that even if the polygraph is assumed to be 90-percent accurate, a very dubious assumption since Government Operations Committee hearings have indicated accuracy of polygraphs as no better than chance, for every 1,000 persons tested at least 100 would be incorrectly labeled as liars. Since more than 4 million Federal employees and contractor employees would be tested—under the Pentagon's plan to screen everyone with access to classified information—at least 400,000 Americans will be erroneously deemed disloyal or untrustworthy.

As the article reveals, Mr. Tillison already has been caught up in the polygraph lie. This injustice well may be heaped on hundreds of thousands more if we allow polygraphing to be instituted as our Nation's answer to espionage.

The article follows:

[From the Washington Post, July 18, 1985]

I KNOW THE POLYGRAPH LIED

(By George Wilson)

Three years ago the Pentagon notified John Tillson, a civilian executive in the defense manpower and logistics office, that he was going to be fired. He has flunked three lie-detector tests administered by the Pentagon to find out who had told me about an embarrassing—and secret—briefing within the Defense Resources Board. That board, made up of top Pentagon civilian executives and the Joint Chiefs of Staff, had been warned on Jan. 7, 1982, that paying for President Reagan's rearmament program might well cost $750 billion more than projected over the next five years.

Frank C. Carlucci, then deputy secretary of defense, had chaired the meeting. He exploded over the story that appeared in The Post on this discrepancy. He ordered an investigation, complete with polygraphs, to find who had leaked it.

Carlucci himself, the service secretaries, the chairman of the Joint Chiefs of Staff, and Tillson, who had shown the slides at the secret meeting, were among those strapped to lie detectors. Only Tillson flunked the polygraph tests. This decorated Army combat officer received official notice that he was to be dismissed.

I have always suspected the needle jumped at the mention of my name only because we knew each other when he worked for the Senate Budget Committee staff. But whatever the reason, he was in fact absolutely innocent. I had not talked to him and did not even know he had been in the room during the presentation.

Tillson successfully fought to keep his job, and this year his boss, Lawrence J. Korb, assistant secretary of defense for manpower, recommended him for an outstanding service award. Tillson, along with many others, did not make the White House cut of the long list. Even if he had, an award from a government that had falsely accused him could not make up for his pain, humiliation and expense.

Nonetheless, Congress, in its rush to do something—anything—to prevent another Walker espionage case, is on its way to risking new "Tillsons" in regard to the use of lie detectors at the Pentagon.

The House on June 28 voted 333 to 71 to require the Pentagon to conduct random polygraph tests among the roughly 4 million government and contractor personnel with access to sensitive information. The lawmakers were so lathered up over the Walker case that they batted away, on a 281 to 121 vote, a more thoughtful amendment by Chairman Jack Brooks (D-Texas) of the Government Operations Committee. Having taken a long look at lie detectors, Brooks pleaded in vain with his colleagues not to give in to hysteria—to at least wait for the results of a study in which the Pentagon is giving 3,500 people polygraph exams and assessing the results.

"There is no scientific basis for relying on the polygraph as a valid indicator of veracity," Brooks warned. He said Soviet agents are trained to beat polygraph tests. John F. Beary III, a medical doctor who served as assistant secretary of defense for public affairs, has warned on the basis of his own study of the evidence that "no machine can detect a lie. The machine can only detect stress; however, the stress may result from several emotional causes other than guilt, such as fear, surprise or anger. . . . The polygraph misclassifies innocent people as liars."

House backers of the broad lie-detector amendment contend people who would be wired would be questioned only about contacts with foreign agents and unauthorized release of classified information. But this is no limitation at all in the real world of the Pentagon. There, virtually every piece of enlightening information bears some kind of classification cover. The briefing paper about the $750 billion gap between rhetoric and reality was classified, for example, although Sen. Sam Nunn (D-Ga.) and the Pentagon saw no damage to the national security in holding an open Senate hearing on the issue after the story broke. Beary's memo on the flaws of the polygraph also was classified when first presented.

Members of the Senate and House armed services committees are now hammering out a compromise version of their rival 1986 defense authorization bills, with the House polygraph amendment one of the questions at issue. The recent arrest of Sharon Marie Scranage, a CIA employee, on charges of giving secrets to a Ghanaian, is expected to strengthen the hand of the House conferees. Suspicions about her were aroused by her reactions during a routine polygraph test. And whether lie detectors are reliable or not, it can be argued that the threat of being wired to them scares and inhibits people.

Widening their use would indeed make it more difficult for reporters, senators, representatives, government staff people, pressure groups and plain citizens to find out what is going on inside the Pentagon. But I doubt the Russians would lose much from this intimidation of the bureaucracy. The record shows that the Soviets in most cases obtained the really sensitive information through old-fashioned espionage: buying secrets from dishonorable people who could probably beat a lie-detector test.

Before they submit millions of Defense Department employees to the threat of the polygraph which indicated an innocent Tillson was guilty, the lawmakers should ask how knowledgeable they and other Americans can expect to become on questions of national defense if a blanket of intimidation is allowed to fall over the Pentagon.●

COMPUTER CRIMINALS STRIKE AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, last year, this body responsibly responded to the threat of a new kind of criminal—a highly sophisticated criminal that uses the tremendous capabilities of computer to steal money and data. In October, the first Federal computer crime statue was included in the United States Code and we established a much needed deterrent to computer crime.

However, we must now finish the job we started. Just yesterday, the Washington Post again carried another headline of computer theft, describing the recent looting of nationwide computers by youths in New Jersey. In addition to intruding into systems that contained private telephone numbers, medical and financial records and defense information, these individuals used credit card numbers that they had discovered to purchase stereo equipment from companies which take purchase orders by computer. They also used computers to make overseas telephone calls using communications satelites.

I suggest this is only the tip of the iceberg. Our society is fast becoming computer dependent. We use these machines in our banking system, in every facet of Government activity and in almost every business office across the country. And, computer use is only expected to increase.

The distinguished chairman of the Judiciary Subcommittee on Crime, has been most gracious in his consideration of my bill, H.R. 930, the National Computer Systems Protection Act, which would extend safeguards against such criminals who break into computer systems. This legislation provides penalties against persons who intrude into computer systems which operate in interstate commerce or are operated by a financial institution. In late May the subcommittee held hearings on this subject and I understand is now working to reach agreement between all interested parties on the matter.

I congratulate the chairman from New Jersey for his attention to this issue and look forward to continue working with him in efforts to expand

the current law to provide deterrents against this kind of behavior.

I include the Washington Post article, "Computer Theft Charged to Seven," at this point in the RECORD:

COMPUTER THEFT CHARGED TO SEVEN

SOUTH PLAINFIELD, NJ, July 16.—Seven youths gained access to computers nationwide, collecting telephone numbers of Pentagon generals as part of their electronic loot, a prosecutor said.

The youths, all from New Jersey, were charged with juvenile delinquency in connection with theft, computer fraud and conspiracy, and their computers and software were seized, Middlesex County prosecutor Alan Rockoff said. He did not say whether the youths had been arrested.

The software contained private telephone numbers of generals, computer companies that handle medical and financial records, and a computer system of TRW Inc., a Cleveland-based defense contractor, Rockoff said. The TRW system has information about parts used in military tanks, Rockoff said.

Authorities believe the youths shared information about how to obtain credit card numbers and then used them to order equipment such as stereos from companies that take orders via computer, Rockoff said.

In addition, they allegedly made long-distance telephone calls and billed them to other numbers, he said, adding that the youths even made telephone calls overseas via communications satellites.

"They were changing the positions of satellites up in the blue heavens" to make telephone calls, he said.

Among the information found on the software were formulas for creating explosives with household chemicals, Rockoff said.

He estimated that it is "going to take thousands of man-hours" to find out the extent of the juveniles' activities. The Secret Service and the Federal Bureau of Investigation were involved in the investigation, he said.

Investigators also have the names of at least 500 people nationwide who may have used computer systems to steal goods and services, Rockoff said.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

● Mr. TORRES. Mr. Speaker, I was not present for rollcall votes No. 233 through No. 240 on Wednesday, July 17. Had I been present on the House floor, I would have cast my votes in the following manner:

Roll No. 233—Yates amendment striking $500,000 for legal fees of non-Indian litigants in certain New Mexico water rights cases; "aye."

Roll No. 235—Rudd amendment striking $20 million from funds for international organization; "no."

Roll No. 236—Hiler amendment striking $95 million from small business direct loan obligations; "no."

Roll No. 237—Frenzel amendment reducing discretionary funding by 4 percent; "no."

Roll No. 238—Smith motion to rise; "aye."

Roll No. 239—Smith motion to rise; "aye."

Roll No. 240— final passage of Commerce, Justice, State, Judiciary Appropriations bill, H.R. 2965; "yea."●

LES ARENDS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, in room H-227 of the United States Capitol five portraits of Republican leaders can be seen. They represent Republican leadership in the House for almost 50 years.

There is a portrait of Joe Martin, of Charlie Halleck, of Gerry Ford, and of John Rhodes. Each of these men served as either Speaker, majority leader, or minority leader of the House.

But the fifth portrait is of a man who never served in any of these capacities. Yet anyone who knew him can tell you why Les Arends has his portrait alongside Republican colleagues who were official leaders of their party in the House.

Les was, by title, the Republican whip. He held that title for 31 years, longer than anyone in the history of the House, in either party. But everyone knew he was a Republican leader in his own right, a uniquely respected and revered leader.

So although he never officially held the title of Republican leader, or Speaker, Les was truly at the head—and the heart—of his party for 40 years.

On July 15, Les Arends died. When I learned of his death, I knew it was more than the passing away of a beloved colleague, mentor, friend, and model of integrity.

It was the passing away of an age, an age of civility and honor, when firmness in principle was combined with courtesy of manner in this House, an age when this institution was graced by Les Arends and other giants of his time.

With the passing of Les Arends, that age is now formally closed. In paying tribute to him today, we also pay tribute to a way of legislating and of debating and working together that has become a victim of what is sometimes called "progress."

Les Arends was born on September 27, 1895, in Melvin, IL. During the First World War he served in the U.S. Navy. After a career in farming and banking, he was elected to represent the 17th District of Illinois in 1934. He served as elected whip of the Republican Party in the House for 31 years. For most of his congressional career he served as ranking member of the House Armed Services Committee.

I also should make mention at this point that during that period Les' right hand man in the office was the late William Pitts, Sr., the father of the bright young man you all know who roams this floor as my floor assistant and parliamentarian.

In November of 1973 Les Arends announced that he would retire at the end of his current term. Up to that time there had been approximately 9,500 citizens who had been elected to this House of Representatives throughout our history. Of this group Les had served with 2,100 of them—a little more than one-fifth of all those who ever served. There have been, as a matter of fact, only 10 other Members who have served longer in this body than Les.

Those are the facts and the statistics of Les Arend's life. But they really don't tell you much about Les—at least not much that is important. It was his presence, his genial personality, his sense of humor and his commitment to principle that are important.

On December 16, 1974, I joined with our colleagues in paying tribute to Les upon his retirement. That tribute took 18 pages in the CONGRESSIONAL RECORD. But you could have filled up twice that number of pages if you included tributes from all of his colleagues who had known him through the years.

After each of us had had his say, it was Les' turn to respond. And he did so with such characteristic grace that I am going to insert his remarks in the RECORD, because they are a classic statement of good humor, good sense, and old-fashioned patriotism.

But for the moment I just want to quote Les' last words that day. Listen to what he said:

To be a Member of the Congress is not solely an honor. It is both a responsibility and an opportunity as well. I have tried to merit the trust which the people of my respective districts, my State of Illinois, and my colleagues here have placed in me for so long. Like my constituents—and like each of you here—I have always been proud to be an American. I hope this pride has been reflected in my service here.

And so—as I say farewell and retire to private life, I do so confident in the future of our great Nation, confident in our system of

government, confident in the wisdom of the American people to make the right decisions—and confident that as long as there are in the Congress dedicated men and women such as those I have known in these 40 years, then our children and generations to come will always be able to come to these Halls and say—as Alexander Hamilton did before us: "Here, sir, the people govern."

That was Les Arends all right. Anyone who knew him could recognize Les in those words, just in the way he phrased his farewell.

And that is what I mean when I say that we are witnessing the passing of an age. There was no neurotic anxiety in Les, no need to prove himself, no obsession to appear tougher than the other guy, to dominate, to manipulate. He had such a firm and clear set of values that there was no room in him for the kind of doubt and lack of self-confidence that so often results in bullying and shouting and a lack of civility. He has an innner integrity that shone through his every action.

Someone, upon seeing Les for the first time said:

"He looks just like a Congressman should."

And in fact he did, with his long white hair and sense of presence and genial look. He looked like the kind of Congressman all of us would like to resemble.

But it wasn't only his outward appearance that made Les Arends a model for other Congressmen. It was what was inside him—the kind of decency and dedication to duty—that made him truly a Congressman. He was one of those rare individuals who instinctively is prepared to come together with others in order to achieve mutual goals for the betterment of our country.

Too often we forget that Congress means coming together. Too often we fall victim to the temptation to move away from each other. But Les Arends, for 40 years, knew that in coming together, we in Congress make a commitment to work together—not for ourselves or for the party but for our Nation. And he knew that coming together does not demand abandonment of principle. To the contrary, it is only by working together that we in Congress strengthen and enhance our values, and put them to work for others.

In a much more personal and lighthearted way, I don't know how there could conceivably be a eulogy of Les Arends without mentioning those wonderful golf games he had over the years with so many of his friends and they would include Presidents Eisenhower, Nixon, and Ford, the Speaker and so many Members of both Houses of Congress not to mention his host of friends at Burning Tree here and all around this country.

If I were to begin to tell the stories I know about Les, I would be here for hours.

But already I can see Les looking over my shoulder and gently reminding me that there are others who want to have their say.

And so I conclude these remarks in sorrow and in joy. Sorrow because Les is gone. Betty Arends and his daughter Leslie, her husband, and granddaughter Leslie Elizabeth have our profound sympathy.

But there is also a sense of joy. Les was with us for all those years and he radiated a kind of good will and decency and dedication that are his legacy. He taught so many of us what it means to be a Member of the House of Representatives, not just in the sense of teaching us the ropes and the traditions, but in showing us through his example what respect for one's fellows, for one's own values and for this institution can accomplish, when we work together for the good of the American people.

For that and for so much else we say: So long Les, thanks for all that you have meant to each and every one of us.

□ 1800

Mr. Speaker, I am including for the RECORD at this point the full text of Les' response on the occasion of our tribute to him on December 16, 1974:

Mr. ARENDS. I thank the gentleman from Illinois for carrying on this exercise tonight. I want to say thank you from the bottom of my heart to all who participated.

Mr. Speaker, and my colleagues on both sides of the aisle:

Your warm and generous comments this afternoon leave me almost speechless. How can I possibly express what is in my heart as I look around this Chamber where I have shared so many memories with such good friends and colleagues over these past four decades. With only one exception—that of my good friend from Texas (Mr. PATMAN) who preceded me by a few years—I have served with each of you here since the very day you took your first oath of office. It has been a wonderful association.

What a great experience—what a rare privilege—what a unique opportunity I have had. I am told that in the history of the Congress there have been a few less than 9,500 citizens elected to serve here. Of this group I have worked with approximately 2,100 of them—about 22 percent. And if the calculations of my office are correct, only 10 of this total number have served longer.

As in all other callings, our work here likewise has its ups and downs—and its peaks and valleys—its times of frustration as well as elation. I am always reminded of a night session we were holding many years ago—the hour was late, tempers were short, the compromise we were seeking was elusive, everything was a stalemate.

One of our colleagues stalked into the cloakroom and roared, "What a helluva way to make a living."

Whereupon, someone else replied, "Yes, but there ain't no heavy lifting."

I have only one regret as I leave these Halls—and that is that I did not keep a diary from the beginning. I hope each of you here will do so. We have the CONGRESSIONAL RECORD, to be sure. But the RECORD cannot begin to convey in any meaningful way the warm human qualities and deep dedication of the men and women who labor here. Then, too, having served with seven Presidents and having sat in on thousands of meetings, both on and off the record, here again there are many insights I wish I could share with our people.

But we seem to get so preoccupied with the making of history in these Halls that we tend to neglect the recording of the hundreds of unreported and unnoticed ways each Member of the Congress contributes to the greatness of this Nation day in and day out.

It has been said that friendships are the real rewards for public service—and if this be true, then I am rich indeed. I shall always be grateful to each of you for your gift of friendship over the years—for your many courtesies and kindnesses. Let me add a special word of deepest appreciation to my colleagues on my side of the aisle for granting me the honor of serving as your whip for over 31 years. And to you, Mr. Speaker, and all those in the leadership on both sides of the aisle for these 31 years, I shall always cherish the memories of our long association together.

To be a Member of the Congress is not solely an honor. It is both a responsibility and an opportunity as well. I have tried to merit the trust which the people of my respective districts, my State of Illinois, and my colleagues here have placed in me for so long. Like my constituents—and like each of you here—I have always been proud to be an American. I hope this pride has been reflected in my service here.

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that a statement of our former colleague, Mr. Bob McClory, may be inserted in the RECORD immediately following my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The statement of Mr. Bob McClory follows:

TRIBUTE OF FORMER CONGRESSMAN BOB MCCLORY TO A LONG-TIME FRIEND AND COLLEAGUE, CONGRESSMAN LESLIE ARENDS

No Member of the Congress influenced my own career in the U.S. House more than the beloved Republican Whip, Congressman Les Arends.

In terms of integrity, legislative effectiveness and adherence to the highest principles of honor and loyalty, Les Arends always stood apart and tall.

Les Arends accompanied President Gerald Ford [then the Republican House Leader] to my Illinois District during an early period of my congressional service. This demonstration of support and friendship expanded my own political following and enhanced my position in the Congress. During the succeeding years of our joint service in the House, our friendship and mutual respect increased, contacts with Les and Betty Arends became more frequent, and a warm affection developed in our respective hearts and minds.

In terms of physical appearance and activity, including the lively gait of his stride and his respectable game of golf throughout the years of his long life, Les Arends was an example for all older Americans to emulate.

In reflecting upon Les Arends' highly useful life and nationally recognized con-

gressional career, I sense a deep appreciation for his manifold contributions to me and to all of the citizens of the Nation. I honor his many talents of leadership and public service. I acknowledge the love and devotion which bound him to his beloved wife, Betty, and his daughter, Leslie Eckel.

Les Arends was a giant among men, a beloved person within his home and among his friends and colleagues.

While our paths have not crossed frequently in recent years, I have often been in the company of former Congressman Arends' capable and erstwhile right arm, Ruth Kilroy, who has reported on the Arends' welfare and activities.

In this final tribute to Congressman Les Arends, my wife Doris joins with me—as do my former constituents in the old 13th District of Illinois, in expressing respect, sympathy and affection to his wife, Betty Arends, to his daughter, Leslie Eckel, and to all other members of the family.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished gentleman on the other side of the aisle, Mr. ROSTENKOWSKI.

Mr. ROSTENKOWSKI. Let me say, Mr. Speaker, that I would like to congratulate my colleague, Mr. MICHEL, for taking this special order. It certainly is an honor for me to be associated in the views that he has had about a truly great American.

I think, if we could cast the perfect legislator, Les Arends would serve as a near-perfect model. He rose to one of the highest ranks in the House of Representatives. He was an imposing force on the legislative floor, maneuvering voting blocs in some of the country's most historic decisions. While he was a national figure to all in Washington, he was first an Illinoisan. Les Arends had a great capacity for reducing national issues to their impact on Illinois and its cities and its communities. At the same time, he could rise above regional conflicts and reshape a legislative agenda that distributed benefits and sacrifice fairly across the Nation.

But Les Arends was really more than a political force. He was an institutionalist. When he walked the floor here, there was no aisle between Republican and Democrat. Tall and dignified, he walked among the seats as if we were one family, undivided and committed to a common purpose. And the force of his personality very often made that so. He knew the partisan clashes only sapped the strength of the institution and led to often faulty policy. It was very much in that vein that Les Arends offered advice and friendship to a very young Congressman from Chicago's Northwest Side. He saw me through my formative years in Congress with a measure of humor and sternness. He brought me into the workings of the Illinois delegation and introduced me to the expanse of our shared concerns. Again and again he proved the power of bipartisanship and friendship.

For those of us tutored in those early years, the lessons and image of Les Arends are still with us, and we are very much better for it.

The last time I had the privilege of being in Les' company was on a golf course where he was very much at home, and it wasn't that I was playing golf with him. As a matter of fact, I was playing golf with my colleague, BOB MICHEL. But he drove across the fairways just to say hello, because Les at that time had a bad knee. You know, it was really something to see that silver-haired gentleman coming across the fairway just to say hello.

I think that Les' lifestyle, his humor, are pretty much personified in sayings of the game he loved so well. It was always a tremendous thrill, really, to hear Les giggle if when you putt and you were no closer to the hole when you were when you hit the ball, he would say, "Danny, do you know the three saddest words in golf?"

"You're still away."

Or the old adage that every stroke in golf makes someone happy and someone sad. When Les Arends hit the golf ball, it was always a happy time. I am going to miss him. I think we all are.

I thank the gentleman for yielding.

Mr. MICHEL. I thank the gentleman for his comments and ending on the note on the great game that Les loved to play as frequently and often as he could. I am reminded, too, within a few days of the time the gentleman made mention of seeing him golfing with another one of our former colleagues from the other body, who just happens to be the same age, 89 years old, former Senator Lausche from Ohio, and to see the two of them at their age, walking the fairways, says something I guess about what preserves life over an extended period of years.

Mr. Speaker, I take this opportunity to yield to the distinguished gentleman from Illinois [Mr. MADIGAN], who succeeded Mr. Arends in that old 17th District which then ultimately became the 15th District.

Mr. MADIGAN. I want to thank the distinguished minority leader both for yielding to me and for taking this special order tonight to commemorate the memory of a man who was such a very good friend of so many of us.

My father was an alderman and the Republican City Chairman in our hometown when Les Arends first began running for Congress, and my father told me that they hired a man who played the bones to stand on the corner and draw a crowd, and when they had a large enough crowd they would bring Les Arends out and introduce him to the people and let him campaign among them. He told me stories about how Les Arends would stand outside a tavern while other people went inside the tavern to campaign. Les never went into a tavern in all the years he campaigned for election and reelection. My father and I were together in an audience one night when Les was running for reelection for his 18th term, and from the podium he promised the people in the audience that if they would reelect him he would make a career out of his job here as a Member of Congress.

We could tell Les Arends stories forever. I would just like to say to the gentleman in the well that I wish all of the people both in public life and in private life who in some way were helped by Les Arends could be with us here in this Chamber tonight, because there would not be enough seats on the floor or in the gallery. When I came here, it was after the second redistricting that separated his district from my home county. So I was here with him. We were here together for a 4-year period of time. Because he was the Whip and our member on the Committee on Committtees at that time, I wound up having seats on both the Agriculture Committee and the Energy and Commerce Committee and was the only Republican Member of the Congress of the United States to have two major committee assignments. And Les Arends said to me, "You tell your dad when you go home that I took care of you." And he did. He did on many, many other occasions, and he took care of other members of my family and people all over central Illinois. I will miss him, as I know you will and as so many of us will, and I thank the gentleman for yielding.

□ 1810

Mr. MICHEL. Mr. Speaker, I now yield to the gentleman from Illinois [Mr. O'BRIEN].

Mr. O'BRIEN. I thank the gentleman for yielding to me.

Mr. Speaker, it would be, I think, unwise of me to try and enhance the dimension of Leslie Arends in this House beyond the remarks of the distinguished minority leader, BOB MICHEL, and DAN ROSTENKOWSKI and ED MADIGAN.

Perhaps what little I could add about the stature of this fellow, this famous Les Arends, goes a little beyond our experiences here on the Hill. Let me recount my first awareness of the man and then my first meeting with him. I recall long before I dreamed of coming to Congress, watching television at home in Joliet and seeing the results of a political rally here in Washington where the position of the minority whip was to be filled. The minority leader was then Jerry Ford.

The contest was between Leslie Arends and Peter Frelinghuysen, and it was a bitterly debated and argued and fought contest and I was very interested in it. I recall when it was all

over, the TV cameras quickly focused in on Peter and Les and Jerry, and all of us were waiting for some acrimony, but you would have never known that there was such a contest. Les had his arm around Jerry and his arm around Peter, and he handled the difficult situation with great grace, which was typical of him.

The other particular experience I wanted to mention was my first meeting with Leslie Arends. That occurred in Joliet long before I dreamed of coming to Congress. My law partner was the Will County Republican chairman, and I was just leaving the office on the 4th floor of the Rialto Building to rush over to the courthouse to do some important legal thing like recovering a dog or something, and I got in the elevator just as someone came out, and as I got to the bottom of the elevator shaft where I stepped out, I remembered, I realized that was Leslie Arends. So I came back upstairs and walked into the office right behind him, introduced myself and said, "My partner, Tom Feighan, Mr. Arends, is in trial and he cannot see you now." Tom was the chairman. "But let me take you to Clara Woodard over in the courthouse who was our county clerk. She will show you around to see the right people."

So I took him quickly to the courthouse and bid him goodbye and that was it. That was my first meeting and my second meeting was 2 years later. I saw him at a Republican rally down in, I think it was at the Drake Hotel or the Palmer House, and a huge crowd was there and I was coming in like dutiful Republicans did, and as I walked across the room, he was standing with his back toward me. He turned around and I had not seen him since that little experience in Joliet, and as I walked up and extended my hand, he said, "Oh, hello, Mr. O'BRIEN. How are things in Joliet?" A little characteristic of Les, reflecting a quality of Les that may partially account for how frequently he was returned to this House.

I think politically he was wise ahead of his time. He disallowed the old adage of "Wait until you get in to get even." He was of the school that said, "When you win you can afford to be generous."

When I came here, I served two terms with him on Armed Services, sat to the side of him and learned a lot from him. In my view, he was the complete Congressman: competent, conscientious, and caring, and like the rest of us Illinoisans in particular, I will sorely miss him.

Mr. MICHEL. I thank the gentleman and I yield at this time to the gentlewoman from Louisiana [Mrs. BOGGS] whose husband preceded her in this House and knew Les so very well for so many years until his very untimely and tragic death in that plane accident.

Mrs. BOGGS. I thank the gentleman for yielding, and I thank him for allowing me to participate in his special order to honor one of the most beloved Members of this House. This genial yet disciplined man was really working always to the betterment of this institution and for the betterment of its Members.

During 9 of Les' 31 years as the minority whip of this House, Hale, my husband, served as a majority whip. They enjoyed a relationship that was really remarkable. They loved each other, they respected each other, and they worked in a very splendid bipartisan effort to perfect legislation that could be accepted by both sides of the aisle—legislation that took our Nation through some very trying times.

While Les was here working for the Nation's good in the House, Betty Arends was participating very significantly in the civic and cultural and philanthropic life of our Nation's Capital. Hale and Les and Betty and I had a most affectionate relationship which they have carried on for me now that Hale has not been here.

So to Betty and Leslie and all the members of the family, I extend my most sincere sympathy and my love and my prayers.

Mr. MICHEL. I certainly thank the gentlewoman from Louisiana, and tomorrow when those of us who will be attending the funeral personally out there in Melvin, IL, we will convey those thoughts and expressions to Betty. I know particularly that she will be happy, pleased, and comforted to get those remarks from the gentlewoman from Louisiana.

Mr. Speaker, I now yield to the gentleman from Illinois [Mr. GROTBERG].

Mr. GROTBERG. I thank the gentleman for yielding, and I thank him for taking this time to honor our friend and gentleman and former colleague for you, but I never served with him, Les Arends.

Mr. Speaker, although I did not have the opportunity to serve with him in this Chamber, I did have the pleasure of meeting and visiting with him often. During his last term in the U.S. House of Representatives I served in the Illinois House of Representatives, and we shared the representation and the campaigning among the residents in four counties in central Illinois. It is to that that I would address my remarks never having been on this floor with the gentleman.

The gentleman from Illinois [Mr. MADIGAN] referred to the campaigning techniques. It was the first thing that I noticed. I was in my first campaign when I walked the streets of the towns of Illinois looking for my first votes and he was looking for his 20th one; it would have been that, he served for 40 years, did he not?

Mr. MICHEL. That is right.

Mr. GROTBERG. His long legs, here is a gentleman that was 30 years older than I, sir, and in 1974, he was 76 and I was 46. I swore to heaven I never wanted to campaign with that man again because of the way he could cover ground. He walked me to a frazzle down the streets and the hot, hot central Illinois sun coming down in Seneca, IL. I will never forget it. I wanted all of the votes, so I was not discriminatory about taverns and cooling off places in my solicitation of the people.

There I was with my tongue hanging out in the hot sun with the gentle, long-haired man in a full suit, and he would not turn in for help in a single oasis in my district, and I will never forget that part of Les Arends and I loved him dearly for it. When I think that I have the fortune now of being here, and in a sense, replacing him in those areas where several others have served in between, that those long legs and big shoes are still out of Seneca, IL, and what an honor it is for someone like me to even try to fill them.

So a truly remarkable and able individual, Les Arends will be missed by all of us. He was indeed the Grand Old Man of the Republican Party in Illinois and in this body. My wife Jean and I extend our sympathy to Betty and the Arends family.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. FRENZEL].

□ 1820

Mr. FRENZEL. I thank the gentleman for taking this special order.

Mr. Speaker, Les Arends is a person much beloved in this House, even long years after he had retired from its membership. I know very few people in Congress who ever met Les who did not love him very deeply and very dearly.

When I first came to Congress, he was part of the leadership team with an obscure fellow by the name of Ford from Michigan. Les was the tough one of the two. I remember he used to whip me and try to get me back off the reservation, and on those infrequent occasions when I would vote differently from what Les would wish, he would say, "Well, I am going to put you down for a case of temporary dementia and I will expect full recovery tomorrow morning." It was very hard not to go along with Les when he asked you to do something.

Les was full of good stories. He did not invent the "There ain't no heavy lifting" story, but he told it often and always to a good reception. Whenever he did anything good and he was congratulated for it, I remember his phrase, "Even a blind hog can find an acorn every now and then."

Les was the kind of a guy who inspired you by his actions, by his humanity, by his sensitivity to your problems, and by his persistence in his own job. He served a succession of Republican conferences and a succession of Republican leaders in this House and he served every one of them with 100 percent of his ability.

I can recall most recently seeing him in his retirement down in Florida, where he used to complain whenever I saw him that he was only able to shoot his age on the golf course, and he was getting 1 year older each year, which was raising cane with his ability to drink free off of his golfing opponents.

He is an extraordinary man. In his 40 years of service, I believe he once told me he had known something like a third of the people who had ever served in the U.S. House of Representatives. I suspect if you canvassed them all, they would all put him near the top of their list, as I do, of the nicest most genuine people who have ever served in this body.

I share the sorrow of the gentleman from Illinois, the minority leader. I would like to have him also tell Mrs. Arends that all of us here mourn his passing. Every once in a while we would see him in the cloakroom here on his trips through Washington and he always brightened our day when he was around.

So to all of the Arends family, our deepest sympathy and our congratulations on their good luck of having had Les with them for 89 wonderful years.

Mr. MICHEL. I thank the gentleman for his having made mention of Les' return from time to time to the cloakroom and the comment of our two lovely ladies, Helen and Eleanor who he always had a good word for and some byplay between the three of them there.

I will be extending those sincere feelings also to the family.

Mr. Speaker, I would be happy to yield to the gentleman from Indiana, who I think represents the district right across the line from Les in Indiana.

Mr. MYERS of Indiana. I thank our colleague for taking this time and yielding to me today to give us the opportunity to thank the memory of Les Arends. It is too bad it is coming on Thursday evening, this opportunity, when Members have obligations to meet airplanes, because since our learning of the passing of Les, a great many people have expressed their sorrow at his loss and the kind things that they remember about Les when he served here.

Like many others who have come and gone through this great Chamber, I remember 19 years ago, a little over that, when I came as a freshman Member, one of the first persons I met was Les Arends. Not that he took anyone under his wing necessarily, but he and Charlie Halleck were great friends and leaders at the time, and they took everyone under their wing, I think, and tried to help us through the difficulties of learning the ropes here.

But I remember the kind thing about Les, the fact that he was the whip and, as the word itself implies, it is a difficult job; that you have to get votes in line once in a while, and as freshmen, and even yet today, I guess, we get out of line and vote differently than some people would like to see us vote once in a while. It happened today, as some will remember.

But I remember that Les always had such an easy way of telling us, "You are wrong. You have to vote differently." And he could do it in a way that you were not offended or would get mad, and he was able to persuade people to change their votes so easily and so casually, and usually, if not always, he was right. Historically, we look back and say, "The old guy did know what he was doing."

I remember being a farmer adjoining his district in Illinois, on my side in Indiana, that we frequently would get together even after he left here, and we would talk about soybean prices and what he has done with his soybeans. I used to kid him and he would kid me about what we did with our crop. "Did you store it or sell it?" And each one would say to the other one, "Whatever you did, I want to do the opposite." But I will tell you that if you followed Les' advice on farming, you could not go wrong.

So it is a great honor that many of us have had the opportunity of serving with Les here in this body. The country is a much better place to live, and this is a better place to serve because people like Les Arends served here and helped others. I think this is one of the kindest and best things we can remember anyone by, that they were good and they did the right thing. Les always did that.

So we thank the memory of Les, and we appreciate the gentleman taking the time today to remember that, if you will, tomorrow, I may be able to get there, my home is just 70 miles from where Les lived and I am going to try to get there, but I have a noon obligation, and if I do not get there, please give Betty our best wishes and tell her that our prayers are with her for the memory of Les.

Mr. MICHEL. I thank the gentleman, and particularly for his remarks relative to Les' mannerisms and methodology by which he whipped our Members into line. It was my good fortune then to succeed him as our Republican whip, and obviously those were some tremendously big shoes to fill. There were so many, many things that I was privileged to learn under his stewardship. Maybe we did not perform as well. We tried to emulate as much as possible, because as has been expressed before during the course of these proceedings, the respect for Les' ability is not only on our side, but on the other side.

Mr. Speaker, I would be happy at this time to yield to the distinguished gentleman from Texas, who was kind enough to give us the opportunity to proceed with our special order even though he had preference.

Mr. GONZALEZ. I, in turn, want to thank the distinguished minority leader for taking this special order. I do not consider that I did anything special other than what should have been done, and gladly so, because I wish to join the gentleman in expressing to the family my condolences and ask as a personal favor that when he goes to Illinois to the funeral services tomorrow if he would be so gracious and kind enough, if he can, to convey, my personal condolences to the widow.

Nobody who ever had a chance to meet and know Les Arends could ever forget him and do less than revere his memory. The fact is that when I came up, and I think the gentleman from Illinois [Mr. MICHEL] and I are almost contemporaries, Les Arends had the great challenge of coming into the leadership role with the Republican Party in the House at a time when there was a drought period of republicanism in the House. They had very severe differences in the number of Members, and a great, overwhelming majority of Members and differentiation.

So I constantly respected his innate ability to perform. I am also appreciative of something, not having held that kind of power, that I think the gentleman from Illinois now certainly knows better than I: that being elected from a purely local geographical entity and emerging into the national scene as a lone individual from a given district, but then as a Member of the body eventually reaching some kind of leadership which then propels him into a national position in which he will find constant challenges to perform faithfully his duties first and foremost toward his district transcending that in his new role up here. You do not get elected leader in the House, you do not get elected Speaker, by the people back home, and yet you are challenged constantly, and sometimes I can imagine the choices must be awfully difficult.

But Les Arends had that tremendous capability that he could, together with his own immediate leadership, and if I recall correctly, the leader at the time I came was the gentleman who preceded the gentleman from Indiana.

□ 1830

Mr. MICHEL. That was Mr. Joe Martin.

Mr. GONZALEZ. Yes, Joe Martin, who at one time had been the Speaker of the House. At that point, that was the time when I arrived on the scene.

Now, the test of the real greatness of an individual, I think, is not when he is dealing out of power but when he has power of any nature and he is exercising it in his dealings with those who would be considered subalterns like myself. I was a freshman, a minority in my own delegation, and yet Les Arends had the great nobility to come over, introduce himself, welcome me aboard and say, "Well, I understand that even General Eisenhower couldn't prevail against you." He said, "You must have something behind you, and I want to welcome you aboard."

Well, that is one thing you never forget to your dying day. But what it meant to me was that here was a man who, though he had considerable influence and power within the confines of this body, had not lost the common touch. And I assume, after hearing the testimony rendered here today, that that is the way he was when he went back home, that he just reverted to being Les Arends from Illinois, that he was not a big shot and was not throwing his weight around in any way whatsoever.

Yet I noticed the way he would handle difficulties at a time when his party in point of numbers could have been ridden over roughshod, and I saw him earn some victories even in the context of that difficult position.

So I really am very grateful that the gentleman from Illinois, my pitching opponent from the baseball games here a few years ago, has seen fit to call this special order and give the likes of me the opportunity to express for the record these memories.

In a democracy I do not think any one of us should look for monuments of a physical nature necessarily. I think the real monuments are always in the hearts of the citizens, those who elect us and those with whom we must work. Alone in a body like this, one cannot do anything. One must work in concert. As the gentleman said at the very outset of this special order, we are in Congress, we are congregated, and we must reason.

I think that Lyndon Johnson's apt comment, "Let us come reason together," was far more identified with Les Arends than anyone else I can think of.

So, Mr. Speaker, I thank the gentleman again, and I repeat my statement and say that if he was able to, I believe he would say that this relatively unknown Member of the House recalls vividly, with great gratitude and reverence, the memory of Les Arends.

Mr. MICHEL Mr. Speaker, I thank the gentleman for his very, very kind remarks.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Illinois for yielding and for taking the leadership in paying tribute to Mr. Arends.

I, of course, did not serve with him at the time, but I was maritime editor of the Baltimore Sun in the days when Mr. Arends was the minority whip, and I recall on ever so many occasions the industry saying, when there was important legislation pending, that even though Mr. Arends was not on the Merchant Marine Committee or he did not come from a maritime State, they always depended on him. They said, "We've got to go and talk to Les Arends and clear it with him." They knew they had a friend, one who would guide them properly in getting legislation through.

Mr. Speaker, I know that many of those from that era would want to have their appreciation and sympathy extended to the Arends family.

Mr. MICHEL. Mr. Speaker, I thank the gentlewoman from Maryland, and I want to thank all the Members for participating in this special order memorializing the life of Les Arends and just recalling the good relationship that each and everyone of us has had over the period of years with our dear departed friend, Les Arends. We will surely, as we go out to the funeral tomorrow, convey to members of the family, if called upon to make some appropriate remarks, as I expect we will be at that time, and convey to those gathered there in the Methodist church in Melvin, IL, the expression of the feelings of respect the Members of this House wanted to be sure to convey to each and everyone present there and to the members of that community that was once represented so well by one special person, Leslie C. Arends.

● Mr. GILMAN. Mr. Speaker, I want to thank our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], for taking out this special order enabling all of us to reflect on the many contributions and significant achievements of the late and beloved Leslie Arends.

Les Arends served in this body for 40 years. Although I served with Les for only 2 of those 40 years, his wisdom and leadership made a lasting impression upon me. As one of our minority leaders, Les addressed our freshman class in 1973, imbuing all of us with the importance of working with one another, regardless of party. Indeed, as I sat listening to this special order, I heard time and time again how effectively his bipartisanship served this body throughout his years of service.

Although I never had the privilege of sharing a golf course with Les, I was struck by his vitality and vigor. As a minority whip, he was always there, on the floor, in the cloakroom, in the lobby or in his office, he always had time to patiently listen, one of the greatest gifts of all.

His guidance, his wisdom, and his leadership have been sorely missed in these hallowed halls since his retirement in 1975, and we must now say a final farewell. Our best wishes go out to his widow Betty and to his family, who we hope are heartened by the knowledge that Les Arends will always be remembered by this body as both an outstanding lawmaker and a great leader.●

● Mr. McDADE. Mr. Speaker, I rise to join my colleagues in saluting the memory of one of my former colleagues who was near and dear to all of us who knew him. I speak of my close personal friend, Les Arends.

When I look about me, I realize that almost three-fourths of this House did not have the opportunity to serve with Les, even though it has only been 10 years since he was among our ranks.

Les was an extremely imposing figure—well over 6 feet tall. His grey mane was his trademark. When he walked through these Halls of Congress, he gave the impression of being a man who knew where he was going and the business he was about.

In his 40 years in the House of Representatives, he had at least two careers. Les represented his district extremely well. He was also able to devote 32 of those years to a leadership post, namely Republican whip. And, I might add, he was extremely effective. He knew the issues, he knew his Members and he knew how to count.

He turned back a challenge in 1965, even though the Republican leader had been defeated by an upstart group who put forward Jerry Ford for that post.

Les continued in the position of Republican whip over the years because he had the qualities mentioned in yesterday's Washington Post obituary which were highly valued by his colleagues, "Unquestioned honesty, genuine friendliness, true loyalty and good humor."

As with so many of my colleagues, his experience prior to coming to the Congress led him in certain directions here. He served in the Navy during World War I and rose to be the ranking minority member on the House Armed Services Committee. In this position, he recognized the need for a strong military within the boundaries of fiscal conservatism.

On this lighter side, I must add he was a good golfer. Some of my colleagues know that as much business can be transacted on the golf course as on the House floor.

After a long career of service, I am delighted that Les was able to enjoy

retirement with his family, living in Florida and in Illinois.

While we share grief over his passing, his family and those of us who knew him have wonderful memories of our association with this truly great American.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join the distinguished minority leader, the Honorable ROBERT H. MICHEL, in paying tribute to the Honorable Leslie C. Arends, our former colleague, whose recent death is a tremendous loss to our Nation.

Les served in Congress for 40 years, and I had the privilege of serving with him from the time I came to the 89th Congress in 1965 until his retirement from the House of Representatives in 1975. He was a good friend, and I shall always cherish his wise counsel and goodwill that he so generously extended to me.

Born on September 27, 1895, Leslie Arends graduated Oberlin College and received his law degree from Illinois Wesleyan University. He served in the U.S. Navy with distinction during World War I, and returned to Illinois, as a prominent farmer and banker in the city of Melvin.

Leslie Arends was elected to the 74th Congress on November 6, 1934, and served as the minority whip from 1943 until his retirement from Congress. He served as minority whip longer than any other Member of the House of Representatives, and ranks 15th in total number of years of service as a Member of the House.

During his years of service in Congress, Leslie Arends had an outstanding record of achievement as the ranking minority member of the House Armed Services Committee, and was highly respected by his colleagues for his knowledge, honesty, integrity, and fairness.

Leslie Arends was a dedicated and devoted American, and a Congressman of great ability, deep compassion, and courage, who dedicated his life to public service, representing the same congressional district of Illinois for 40 years.

Mr. Speaker, Mrs. Annunzio and I extend our deepest sympathy to the members of Les Arends' family that survive him.●

● Mr. QUILLEN. Mr. Speaker, I wish to join my colleagues on this sad occasion to pay tribute to the memory of our friend Les Arends, who passed away several days ago.

Leslie C. Arends served in this body for 40 years until his retirement at the end of the 93d Congress in 1974. For 30 years, he was the House Republican whip, a demanding job which he performed with great competence and genuine distinction. He also served for most of his long congressional career as the ranking Republican member of the House Armed Services Committee where his staunch support for the national security and defense of the country in war and in peacetime is a matter of public record.

Congressman Les Arends was an outstanding Member of the House. He was a great American and a great man.

I was privileged to serve with Les for 12 years. I will never forget his kindness to me when I began my freshman year here in 1963. Les was a friendly source of sound advice and guidance, and I remain forever grateful for the time he took to help me get started here in my congressional career.

Les made his mark here in the House. He was a man respected by all who served with him. He was a man of strong conviction, but also of great good humor. Les had many friends among his colleagues in the House. I am proud to count myself as one of them.

I wish to extend my profound sympathy to Les' beautiful wife, Betty, and his daughter, Leslie, on this sad occasion.●

● Mr. ADDABBO. Mr. Speaker, I was saddened to learn of the passing of a good friend and former colleague, Les Arends. He will be missed by everyone who had the priviledge of knowing and working with him.

Until his retirement in 1975, he represented his Illinois district with distinction. He also left a considerable mark on this body and the Nation in his many years as Republican whip.

Les Arends was respected and admired by political allies and adversaries alike. His honesty and integrity were unquestioned in his 40 years on the Hill. Les' friendliness and good nature endeared him to his colleagues in both parties.

I would like to extend my personal condolences to his wife Betty and daughter Letty. I share their sorrow at the passing of a friend. ●

● Mr. HORTON. Mr. Speaker, it was with great remorse that I read of the passing of former Congressman Leslie Arends. Les died of a heart ailment in a hospital near his vacation home in Naples, FL. He was 89 years old.

Les was a long-time personal friend of mine. During the 14 years we served together, I developed tremendous admiration for his honesty, loyalty, and hard work. He never faltered in his efforts to represent his constituents and his party.

Les Arends was elected to Congress by the people of Illinois in 1934. He served as a respected member of the Armed Services Committee and worked his way up through the Republican whip; a post he held until his retirement in 1975.

The task of the whip is a difficult one. You must balance your need to represent the party leadership with your obligation to represent the needs and interests of your constituents. Few find this task easy. Les resolved it through humor, loyalty, and unquestioned honesty. In the 40 years he served, no one doubted his integrity or his ability.

I once heard a story which illustrates the strength of his Republican convictions. When Les was questioned about the fervor of his beliefs, he responded, "I was brought up right—as a Republican." Regardless of whether they were "brought up right" or "wrong," I know that my colleagues on both sides of the aisle share my sadness at the passing of this outstanding former Member.

My wife Nancy and I would like to extend our deepest sympathies to Les's wife Betty, and his daughter Letty.●

● Mr. BROYHILL. Mr. Speaker, I am deeply saddened to learn of Les Arends' passing. He was my leader for the 12 years that we served together in the House of Representatives. I used to tease him that when I was in grade school, I had to memorize the fact that he was the whip, but I certainly never thought that we would be working in the Congress many years later. Les and I also enjoyed several games of golf together. Although he was older in age, he was much more proficient in that game than I was then or am today.

Les always carried out his responsibilities as whip with good humor and the ability to reach out to bridge whatever differences existed. There will always be a warm spot in my heart and memory for Les.

Louise and I extend our deepest condolences to Betty and their family on the passing of this special individual.●

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

ORDER OF BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to precede the gentleman from Texas [Mr. GONZALEZ] and give my remarks at this time rather than the time that had been previously scheduled.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

PROPOSED NEW QUOTAS FOR "CONSULTATION STEEL" PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 10 minutes.

Mrs. BENTLEY. Mr. Speaker, I want to thank the gentleman from Texas [Mr. GONZALEZ] for permitting me to precede him in special orders.

Mr. Speaker, yesterday, Mr. Gilbert Kaplan, Acting Deputy Assistant Secretary for Import Administration at the Commerce Department, left for Europe to join ongoing meetings with the European Community on an extension of the 1982 Carbon Steel Agreement and negotiations of new quotas for "consultation steel" products.

Consultation products are: semi-finished steel, alloy rod, wire and wire products, black plate, electrical sheet and strip, tin-free steel, cold-rolled strip, cold finished and other bar, small bar shapes, rail and track accessories, wheels and axles, reinforcing bar.

In the 1982 agreements, signed October 1981, there was an understanding with the European Community that these consultation products would not be exported to the United States above 1981 levels. However, consultation steel imports increased by 2.6 percent in 1981, 3.8 percent in 1982, 3.9 percent in 1983, 8.9 percent in 1984, and in the first quarter of 1985, by 10.5 percent.

The European Community has chosen to "misunderstand" the understanding with a particular vehemence these last 18 months.

The EC is demanding 100,000 tons of American production—above quota—on the All-American Pipeline in exchange for sitting down at the table to renegotiate the Carbon Steel Agreement and licensing of the consultation products.

Having broken their word on the previous deal, they are now asking for one-third of production on an American project to come to an agreement about how much of our market we allow them to enter. I think they are asking us to say "pretty please, with sugar on it" and I think we are doing just that. Our enforcers seem to be shutting their eyes.

Yesterday, I introduced a bill H.R. 3013 which when passed will stop all importation of consultation steel products until new agreements on all products within that category have been signed. Nowhere is the word "please" used in it.

The Constitution gives the power of levying tariffs to the Congress—we do not have to say "please."

I am proud of having the support and original cosponsorship of Chairman MURTHA and Chairman DINGELL, Mr. SMITH of New Jersey, Mr. WALGREN, and Ms. KAPTUR.

I believe it is urgent that the Congress express its intentions to enforce the rights of American industry to equal and fair trade. It is time the European Community know that we will not put up with the breaking of agreements.

The second piece for legislation which I introduced yesterday H.R. 3014 is an amendment to sections 301 and 304 of the 1974 Trade Act. This amendment will allow for a U.S. corporation found to be injured by foreign trade practices under appeal to section 301 of the 1974 Trade Act by the U.S. Trade Representative's office to appeal to the Federal courts should the President overturn the Trade Representative's decision.

It will also provide that once the Trade Representative has found against the foreign company, all tax credits allowed by the IRS for purchase of any of those products will be stopped immediately.

Effectively, this will make the foreign product less competitive with a comparable American product. It will put the foreign company at a great marketing disadvantage—especially on the more expensive products.

I am very pleased that Chairman MURTHA, Mr. CLINGER, Mr. WALGREN, and Ms. KAPTUR are original cosponsors of this bill.

I hope that there will be many cosponsors in the coming weeks.

It is time for us to signal our intentions to the rest of the world on trade issues. We cannot afford to lose any more industries to overseas countries and foreign competitors who do not compete fairly or who do not stick to agreements signed in good faith by our Government.

□ 1840

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, first, I had no idea that the gentlewoman who preceded me was going to develop a theme that is right pertinent to the thing that has been the underlying factor in what I have said now for several years. In fact, going back to the first year that I came to the Congress, that being the issue of the General Agreement on Trade and Tariffs, the Kennedy initial year, and my inability to go along with the President. I was sort of a lonely "no."

The President having been a very close personal friend of mine, his emissaries and special assistants from the White House could not understand. The reason I gave was very simple and that was that there was no cognizance of the emergence of the European Common Market.

As a matter of fact, we can look at the entire 10 or so volumes of the collective addresses and papers of General Eisenhower during the latter part of his terms of office. This emerging rising of power should have been recognized as something that had to be confronted on a consultative basis. It was not. There is not one word of reference to what turned out to be the European Common Market, but in 1962, which was the year that I was sworn into the Congress in January, that was the issue and the U.S. affirmation of the General Agreement on Trade and Tariffs.

I looked over the wording of the legislation and saw one paragraph that gave me great trouble. I asked the then chairman of the subcommittee presiding over the legislative process about that and he kind of waved me off impatiently, as if to say, "Well, you don't know anything about it. Stop asking silly questions."

So not having an answer to the question, I did what I have done all my life. I just voted no. So soon I had all the emissaries from the White House wanting to know why I had not gone along with the administration.

I said that there was one clause there that bothered me, because inherent in it was the possibility of damage to the American industrial complex.

They said, "Well, we have taken care of it."

I said, "Well, I don't see how."

They said, "This won't hurt. This will further stimulate the free flow of trade, intercourse, and commerce."

I said, "Then why do you have this clause that says in case any detriment is suffered by any American industrial entity that a commission is being provided to look into it, ascertain what can be done, and come up with recommendations?"

I said, "That is absolutely ridiculous. If there is any damage, you are not doing anything to try to either attenuate or prevent further damage to the American production system."

Then after that, of course, everything was lost sight of in the course of the rapid succession of events, which seemed to mark our existence here in the so-called post-war period.

But inherent in that also was the fact that at that time the big issue was whether or not Great Britain ultimately would join the European Common Market. This was one of the big holdouts of the time.

My question posed to these advisers, and in fact they got so disturbed with me they sent me one of the experts from the Department of Commerce who was an economist, but he could not answer the questions any more than anybody else could.

Now, the truth is that behind all this overt action which the Congress

was going through, the ritual of approving, as required under the Constitution, the real forces that were compelling these very, very serious movements with grave implications to the future productivity of the United States, as well as to its labor force, as well as to ultimately what we have been proud of calling the American standard of living, were really being influenced; that is, the decisions were being made on levels that were not accountable to the people. They were in the great over-arching regions of these tremendous developments which we now call supranational—they used to call them, before and after World War I, cartels, but what we defined as cartels in that world was a far cry from the refinement and the tremendous enhancement of power that these interests that transcend the ability of any national sovereignty to control has become so saturated in its impact that in effect hanging on the balance today is not only America's well-being, but the traditional American standard of living.

So what the gentlewoman is reporting to us is that even a formal agreement entered into with the European competitors, with respect to steel and some form of steel products, has not even been respected by the signatories, so she is offering legislation that would once and for all shut down the tariff walls on the importation of these products that the European associates had promised to either control, reduce, or somehow be amenable to the American productive ability and the American standard of living to produce on the basis of free labor, honored labor, decent standards of pay and conditions of labor, that certainly has not existed, probably never will, in these other entities.

Now, this is the reason that I have risen lately, night after night, on occasion after occasion, to make what I call an appeal and my advice to these vested interests that I call, in imitation of that great American patriot that I have made reference to before, the great poet who during the Revolutionary War was one of the chaplains for the Revolutionary Army and was a great thinker, a great pamphleteer, a true revolutionary, alongside of Tom Paine.

Joel Barlow was a poet. He was a writer and he was a thinker and a great philosopher. He addressed in the midst of an equally turbulent period of time in the world's history, at least the Western World, what he called "My advice to the privileged orders of Europe."

□ 1850

Well, today these are so interlocking that in effect even the question of war and peace is being decided in these secretive inner councils in which these great exercises of power, and these great, great malefactors of wealth, in the words of Franklin Roosevelt, actually are deciding our fate. And we can dance here like puppets to these strings that are actually being pulled outside of our sight.

The truth is that I specifically appeal to the privileged orders because we have reached a point where not only the United States, but the world is on the verge of a very serious dislocation. Hopefully I am wrong. Up to now, I have not been.

And so I wanted today briefly, because it is not my intention, Mr. Speaker, to make full use of the 60 minutes, the hour is late, and I hope I have never abused the privileges of special orders, on two scores because they are related, and they go back to the points of origin which were World War II. Everybody considers World War II as having ended. The truth of the matter is it has not. We have 300,000 of our troops in Germany alone.

But what is the issue at the bottom of all of the conflict that has arisen, that has prevented a peace treaty, for example, for every war. In World War I, for example, we had the Treaty of Versailles. We had almost the same, except we insisted this time, there at the end of the hot shooting aspects of World War II and our conquest of Europe and Nazi Germany, that we would accept no conditions, unconditional surrender.

Now in 1919, it was different. At least even though it was almost tantamount to an unconditional surrender, which the great French leader, the Tiger, they called him, Clemenceau, with a burning hatred of all things Germany wanted. He won an unconditional surrender, but it was Woodrow Wilson who tempered the whole spirit, and the United States at that time, and for the first time, was the only creditor Nation involved in that world conflict.

In World War II again, the United States was the only real creditor nation.

For what reason have we sunk now for the first time since 1914 to a debtor status, for the first time at the end of last year? Well, it coincides with this great, catastrophic, international accounts or trade deficit which is more than $140 billion and growing that no country can tolerate. Something has to break and, of course, that is saying that a crisis is inevitable.

But in the meanwhile these are symptoms. Earlier this week we had a group of our colleagues that came back from a trip to Japan. Some of the Members constituting this visiting group were from our rural, agricultural producing sector, some were from what we now call the rust belt, but what used to be the glory of America's production. It was the heart and soul of the war effort in World War II. It was, in the words again of Franklin Roosevelt, the arsenal of democracy in time of war.

But why the crisis? What are the origin points?

Well, nobody wants to discuss that. So while we have these Europeans now saying, as the gentlewoman from Maryland is reporting to us, hey, look, we do not care what we agreed to in 1982, we are saying to you if you even want to discuss anything, then you have got to take as a matter of compulsion our exports.

But as of December of last year, also, we have become a nonproducing country. We are now a dumping ground. We are the dumping ground of the products of all of these countries.

But essentially what has been happening is also a reflection by way of other symptoms, the hostage-taking. Some may say it is fantastic and stretching it a bit too far, and straining to say that there is a connection, but there is a direct connection. Let us look at it.

Where are our 300,000 American troops in Germany? How many troops do the so-called allies still have in Germany?

Let us see. I think Britain at this point has about some 7,700. France has, I would say, somewhere around 10,000. And of course, Germany has been split and dismembered, and there is no peace treaty.

So the ancient hatreds and rivalries, and what I call the battle of epithets of ancient origin in this great, mixed-up area known as Middle Europe, are broiling and churning under the surface. They are not reported in our press, but any diligent study of the presses of those nations will show that it is there burning and churning.

Now what is that section of Germany wherein the British are occupying? Well, they saw to it that at the time we split up Germany they would occupy the Rhur. Well that happens to be the steel-producing area, because the British have always been pragmatic, they have always been practical, and they have always ganged up on what in these interludes between wars they called not Uncle Sam, but Uncle Sap. And just like they got away and made the creditor eat his debts, notwithstanding that the consequences were grave dislocations called depressions, because these forces are not amenable to accountability. These are forces that all through mankind's history have existed, and have been the cause for the very reason for the establishment of governments, to protect the common wheel, if you please.

At this point, our American people have been stripped naked of any protection. I have been saying this for 20 years.

In 1966, I saw it necessary to get on record, and that is when actually I began this fundamental thrust to try to bring and focus attention on what really is happening, that ultimately is going to have to demand some confrontation on our part. But rather than going in that direction, I find with great misgivings that our leaders now have forsaken policies in the new world that have worked and have reverted to ancient, outworn and very dangerous, and for the United States potentially catastrophic policies in those areas south of the border, south of our border.

And I rise on this occasion to summarize my concern in two respects. First, to begin with, unless and until the United States and its allies, if we can still call them that, are willing to go back and pick up where they would not in 1945, 1946, 1947, the United States will be constrained to this folly of taxing its people this year $315 billion, over half of which is for what I defined as the defense of Europe.

□ 1900

But even during World War II, at the height of World War II, these great panjandrums of vested interests were dealing with each other.

For example, great American corporations were doing business with Hitler. Standard Oil of New Jersey, in 1944, was providing the Nazi army with oil through Switzerland. The bankers never ceased commingling through what is known as the Bank for International Settlements located in Basel, Switzerland. That bank is the real power.

We can talk all we want to about the budgetary processes breaking down or tomorrow we can announce that the House and the Senate got together on a budget resolution, but it will not mean one piddling thing if the Federal Reserve Board and Mr. Volcker decide that that is not the policy they want, and the European counterparts who now have us by the throat, as I have reported to this House as of May when the President went to the summit economic meeting in Bonn. Tragically the thing that everybody read about was his most unfortunate visit to the Bitburg cemetery. But the real thing was that the finance ministers of what we call the Group of Six finally told our people, including Paul Volcker and the former Chairman of the Federal Reserve Board who now is our Ambassador to West Germany, that they have finally fleshed out what they call the ECU, European currency unit, and EMS, the European monetary system, which system they are now going to make available to countries outside of the European area, that is Japan and the like, but with the primary and the main purpose being the dislocation, the knocking out of the dollar as the international medium of exchange.

These are the cruel but the cold-hearted facts. It is folly to bury our head in the sands and say that this is beyond us, that we have no responsibility. The truth is that the Constitution places that ultimate responsibility right on our shoulders.

The Federal Reserve Board, which is not a Federal agency, it is owned, controlled, and dictated to by the private commercial bank systems of the United States, and now to all intents and purposes controlled and run by seven of the largest big international bankers. They are now great entities where banks such as the First City of New York and its so-called conglomerate, international in scope, can speculate against the dollar anytime that it befits its purposes, even violating some of the foreign countries' laws such as their tax laws in Europe.

I have been the only one in the Congress that has even mentioned the European currency unit, the European monetary system. And what I first came out with, which was just barely a little baby in swaddling clothes 18 years ago, the tremendous incremental development of what I call the Latin dollar market which now is way up, in the hundred-billion-dollar category. We hear a lot about the European money markets and the Eurodollar but we really have had this development of the Latin dollar which means that these giant, giant vested interests have domestically bled the American people white; the immediate reason for extortionate rates of interest which is killing this Nation's economy, it has already; we are dead on the vine and do not know it.

And Congressmen tell me that they do not want to do anything to impact on the independence of the Federal Reserve Board? Why the Federal Reserve Board is a creature of the Congress but it has run away; it is not accountable to the President and it is not accountable to the Congress. It represents now and is completely controlled by the most greedy interests that mankind at any time has produced and still produces. And the more they have the more they will want. That has been the case and the rule throughout man's known history. And yet we supinely sit here and that it is beyond our ken, beyond our scope.

Well, I think that maybe perhaps ultimately, and maybe only after a crisis; I have never seen why we should have to sit and wait for crisis any more than the policies that have resulted up to now catastrophically in the Middle East and more particularly south of the border.

So I wanted to refer again to what I left off the last time that I addressed my colleagues; and that is that I introduced a resolution again, as I did after the Iranian hostage-taking, in which I am appealing to my colleagues to given me an audience in the suitable committee on that resolution which is appealing to title I, section 8, clause 10 of the Constitution that imposes a duty on the Congress, not the President, and gives it the power to do something about piracies and acts of piracy and violations of the laws of nations which all of this is. We also have in the preceding clause, Congress has, the Commander in Chief, the power to grant letters of marque and reprisal. We cannot sit here and let what has happended with impunity in Beirut, happen and happen and happen and it will continue to happen. We have a responsibility and we can do something about it.

And I am specifically suggesting that there is no reason we cannot grant letters of marque and reprisal so we can send our troops in there for whatever reason. We can grant letters of marque and reprisal and get at these scavengers, these criminals, these international criminals. We are not going to tolerate for long, our American citizens, by the mere fact that they are American citizens, constantly under the shadow of victimization and hostage-taking and captivity. This is why governments have been established, not only to prevent it but to punish the criminals. And I cry for that as I did after the Iranian hostage-taking. And even after their release. And what was their release based on? On the very thing that I was the first to suggest to the Carter administration in December 1979. And that was: Use every means. And I was the first and continue to be the only one referring to article I, section 8, clause 10, clause 9; and I recommended then, not force because it was too late for that, but the equivalent. Freeze all their financial assets which we could still reach.

But those are just ad hoc measures we must take in the light of the total collapse of our diplomacy in that part of the world. And I am advocating other policies in view of the imminent collapse, in fact it has collapsed around our ears, in our total diplomatic failure south of the border unnecessarily. The United States has an inherent leadership it cannot escape. Exercise it. But in order to do so you must have some knowledge and some wisdom, knowledge of history and wisdom to act at the right time, a sense of timing. Who reads about the hostages in Beirut recently captivating all of the headlines? Why should we be aggravated because our news-disseminating agencies are reporting?

□ 1910

Are we to say that we want to impose censorship? And to have them prevent letting the American know? We might control NBC and CBS and ABC, but we will not control Reuters. Do any of my colleagues think for a

moment that Reuters will not report and supplant the American dissemination of news? Of course. That is not the answer.

The answer is fundamental, and it goes back to restructuring our policies. What is the genesis of this failure? It goes back to when our CIA and our power then in the so-called postwar period, when the imperial powers of France and England that had been present as colonial powers in the Middle East for more than 100 years—in fact, France was so ready to get rid of what we call Lebanon today that they dumped it on our lap in the middle of the war, in 1943.

In 1970, Britain withdrew, but before that we, through the CIA, destabilized the Mossadegh regime in Iran because we considered it leftist. The British and the Russians installed the Shah Pahlavi in power, and we inherited him.

In 1970, President Nixon more or less announced the Nixon doctrine. The doctrine was simple: We would depend on two client states to do our job in the Middle East. One would be Iran, the Shah; so we armed him to the teeth, and we gave him the most sophisticated weaponry; F-15's galore; and the Saudi, the Saudi lords and overlord and sheiks in Saudi Arabia.

Of course when those collapse, where is the United States? We might have shored up the Shah to come back and take over from the Mossadegh regime, but we ended up with Khomeini, and an Islamic religious war—and where are we there now? What is our policy?

Now let us go to Central America. This President has decided—I never could believe it until I saw the massive presence that the President ordered simultaneously with his appointment of the so-called bipartisan Commission on Central America, the heaviest military presence in the history of this part of the world.

The President has poured over $2.5 billion alone in that effort, not counting what he poured into the ad hoc situations in El Salvador and a couple of other places.

The word has changed, just like Europe. To hear the debates here on this defense, $315 billion item, you would think, and the President's mindset reflected from his statements—you would think that we are dealing with a 1947 Europe. That is gone and gone forever.

There is a fervor, as always has been among the German people, for reunification; and they are now fully once again engaged in playing off the East and the West if you want to call it that, but their main—and I cannot blame them; we should have confronted that, but we could never get together so that we could have some kind of a peace treaty because we are the ones that have unilaterally rearmed Germany.

The Russians, of course, having lost 20 million Russians to a German invasion, are still paranoid.

So then the stupidity of our policy; about a year and a half or two ago the President went, with great fanfare, to China, entered into some kind of a secret agreement with the Chinese Communist mainland government that we still do not know anything about, on the basis that this would maintain the cleavage, ancient in origin, because Russia and China have been at war off and on for 200 years.

This is something that our perceptions of the world by our leaders would never, never take into play. This is why I believe to this day that that misperception led to the catastrophe in Southeast Asia and the loss, in my book needlessly, of over 55,000 Americans.

Because our concept, in and out of our leadership's mind, was a perception of a world that was not so; it was not the real world any more than it is today on Latin America.

Now, what are we building up? We are building up catastrophe for our children and our grandchildren and our great-grandchildren. This is too great a country and has too great a people inhabiting it to be let down so abysmally by our leaders in and out of the White House and in and out of the Congress, if I say so.

In these countries, forlorn, with very different streams of cultural and historical lines of development, certainly in these teeming masses now to the south of the border, and for the first time as of about 15 years ago, they now exceed us in population by over 70 million. We had better reckon with that; we had better start knowing what these countries are all about.

We better start realizing a little bit of the history so that to go back and revert to the gunboat diplomacy of 1929 is sheer folly, after the great good neighbor principle of Franklin Roosevelt that succeeded in undoing the damage of that latest venture, 1929 gunboat diplomacy of Calvin Coolidge.

We reverted back. It is unbelievable, but what are the reasons? The reasons are that the basic decisions in the formulation of these actions are in the back rooms of that high coterie of authoritarian, powerful vested interests that so much influence this administration.

I would say Peter G. Grace has more to say about who defines whom as a Communist south of us than anybody else; but Peter G. Grace happens to be a billionaire authoritarian who says, would not it be nice for us to have a benevolent dictator so we could have order in our Government, in the United States, and who also happens to be the owner of the conglomerate that now owns what used to be United Fruit.

United Fruit is still the entity that to all intents and purposes in those countries is the United States. United Fruit owns and runs Honduras, which we are occupying, and that is the only reason we are occupying it. The Honduran people do not want us; they do not want to fight Nicaragua. They do not want war, but we are occupying their land.

Sumner Welles, that great Under Secretary for Latin American Affairs during the Roosevelt regime who was a real expert and knew history, wrote a whole book, for instance, on the history of Santo Domingo, and he took his inspiration after reviewing the history and communicating with those people, and he referred to the scripture that says:

> And Naboth said to Ahab, The Lord forbid it me, "that I should give the inheritance of my fathers unto thee."

This is what the Latin American people are telling us, but we are in the hands once again, as we were after World War I, of these powerful vested interests that transcend any particular national allegiance, some may be based corporately in the United States, but their allegiance is not to the United States.

There is not a day in the trading markets—now, for instance, we have the so-called—the speculative market that was born of the Nixon devaluation and the floating international exchange system; floating rates. Some of us then sitting on the committee that had jurisdiction were a lone voice.

□ 1920

We got overwhelmed, and we were pointing out what was involved. There was not a newspaper in the United States that called Richard Nixon's action in August 1971, a devaluation. Actually, 1970. And then in 1971, as a result thereof, the administration came and insisted that we approve the so-called Economic Stabilization Act, that is, in common words, wage and price controls. And it was not these liberals like HENRY GONZALEZ that imposed them. HENRY GONZALEZ was the holdout until the end against it. It took the chairman, the great chairman, Wright Patman, my fellow Texan, to call me in, because I had joined with a very conservative man on the other side of the committee room, a former executive secretary of the John Birch Society, who for other reasons opposed that kind of action, and we got together and through dilatory tactics we holed up that bill in

committee for 30 days, until the chairman called me in and said, "Now, look, I am going to have to do something drastic, and you might call it gagging but I am going to have to gag you because we have got to help brother John." Well, he was referring to Secretary of the Treasury John Connally, the former Governor of Texas, whom I knew well. He was a neighbor. He comes from Floresville, TX. That is where my wife was born. But it made no difference to me. The issue was whether or not the American people were going to grant the President the greatest grant of power anybody has ever had, more power than Mussolini was given in Italy, more power than Hitler was given, more power than Franklin Roosevelt was given all during World War II. And they called that the so-called Economic Stabilization Act, but which gave the President complete ultimate powers over every single industrial and producing element in our country.

I still say that when that was imposed it did not work, and then we had no wisdom on how to remove them, that that is the primary reason that we have this phenomenon known as stagflation, the mirage of recovery today, where it is predicated on an accepted 8 million unemployed Americans. The $140 billion trade deficit I referred to earlier, for every $10 billion of the $140 billion, what that means is that America has lost one-quarter of a million, at least, American jobs forever. So I can have my colleagues talking about a bill that is going to do this, it will not work. They are beyond that. They really think they have us by the throat and, in a way, they have, because we have been sold out. We have been sold out by the people and the forces that we have allowed to take control of our credit allocation resources, of our monetary and fiscal policies. This has never happened since the beginning of the Nation, and yet it was a No. 1 issue, it was the thing that Thomas Jefferson was caused to be complained of, of ranting and raving against what he called the bankers of that day; Andrew Jackson in 1837; Abraham Lincoln, the week he died, that is what he had uppermost in mind; Woodrow Wilson, in 1916 and 1917, after the enactment of the 1913 Federal Reserve Board Act, that is what he had in mind. He said, "Wait, you cannot let these forces take over the allocation of a nation's credit. This is what has caused our depressions, to begin with."

And you certainly have no record in the annals of mankind's history, going back to 7,000 years before Christ, to the Code of Hammurabi, where they had to have absolute prohibition of usury, extortion, indecent, unconscionable rates of interest. No nation can tolerate at any time the rates of interest that have been flagellating our country. But we have to go to the root cause, and we cannot sit here as dandies, saying, "Well, this is an act of God," like the two chairmen of the Federal Reserve Board tried to tell me when they came before the Committee on Banking. The United States at this point is in an era in which its hegemony throughout the world is crumbling very much like England was a little more than 100 years ago.

I am going to make reference for the record now to selections from "Fors Clavigera—Letters to the workmen and labourers of Great Britain," by John Ruskin, Vol. 1:

Denmark Hill.
1st January 1871.

We begin today another group of ten years, not in happy circumstances, although, for the time, exempted from the direct calamities which have fallen our neighbouring states, believe me, we have not escaped them because of our better deservings, nor by our better wisdom, but only for one of two bad reasons, or for both; either that we have not sense enough to determine in a great national quarrel which side is right, or that we have not courage to defend the right, when we have discussed it.

I believe that both these bad reasons exist in full force; that our own political divisions prevent us from understanding the laws of international justice; and that, ever if we did, we should not have to defend, perhaps not even to assert them, being on the first of January, 1871, in much bodily fear; that is to say, afraid of the Russians; afraid of the Prussians; afraid of the Americans; afraid of the Hindoos; afraid of the Chinese; afraid of the Japanese; afraid of the New Zealanders; and afraid of the Caffres; and very justly so, being conscious that our only real desire respecting any of these nations has been to get as much out of them as we could * * *.

I have listened to many ingenious persons, who say we are better off now than ever we were before; but I know positively that many very deserving persons of my acquaintance have great difficulty in living under these improved circumstances; also, that my desk is full of begging letter, eloquently written either by distressed or dishonest people; and that we cannot be called, as a nation, well off, while so many of us are living either in honest or in villainous beggary.

That could have been written by any one of us attempting to represent constituents in America today.

Mr. Speaker, I yield back the balance of my time.

"FACTS AND ANALYSIS" ON NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 15 minutes.

Mr. HYDE. Mr. Speaker, on June 3 my colleague on the Intelligence Committee, Chairman LEE HAMILTON, submitted for the CONGRESSIONAL RECORD (pp. 13943-13947) a statement of "factual and analytical predicates" to answer common questions raised during the debate over aid to the Contra resistance movement in Nicaragua. Mr. HAMILTON has indeed contributed significant information. However, as he acknowledged, it is possible to arrive at conclusions different from those which he may have preferred. In this respect, I would like to submit today, prior to consideration of the intelligence authorization bill (H.R. 2419), additional facts and alternative logic which favor different conclusions. This is not meant to be a comprehensive review of Chairman HAMILTON's statement, but rather a selective discussion of some of its more important themes. As usual, classification restrictions also preclude thorough discussion of some of the issues.

Mr. HAMILTON evidently believes it is plausible that the Nicaraguan military buildup has been largely defensive and reactive to Contra activities, on grounds that the majority of military deliveries occur after 1982. However, this "action-reaction" thesis has, to a great extent, been discredited. Most people, now admit the Sandinistas are and always have been communists ideologically committed to regional revolution, and that they have eagerly sought and welcomed political, economic and military dependence on the U.S.S.R. The U.S.S.R. and the Sandinistas undoutedly planned a steep buildup even before the Contras were established. Its timing appears related more to Nicaraguan absorptive capacity than to Contras activities; as Mr. HAMILTION concedes, there was also probably a lag due to normal planning lead times as well. In both absolute and percentage terms the largest aid increases occurred in the 1980-82 period; equipment deliveries quintupled in 1981 and doubled again in 1982. According to the chairman's June 3 document, the Contras did not have their first organizational meeting until September 1981 and did not become capable of patroling inside Nicaragua until 1983.

It is probably true, however, that the character and to a lesser extent the timing of the Nicaraguan buildup were affected by Contra actions. Any previous United States aid to the Contras was designed to force the Sandinistas to pay an economic and political price for their aggression and to necessitate a diversion of their resources to defensive rather than simply offensive needs. The preplanned Sandinista buildup probably anticipated active external opposition once Sandinista sponsorship of insurgencies became known, but Contra successes may have given it more impetus. To the extent that this is the case, and to the extent that the equipment received now reflects counterinsurgency rather than offensive uses and constitutes a continuing strain preventing Sandinista

domestic consolidation, this represents a policy success for the United States. These forced sacrifices are the best instrument to effect a change in Sandinista policies.

While saying that most Sandinista weaponry falls in the counterinsurgency or defensive class, Mr. HAMILTON concedes that the Sandinistas have a preponderance in certain weapons normally considered offensive, such as tanks, artillery and attack helicopters. I believe it requires a great leap of faith, not endorsed by Nicaragua's neighbors, that there is no evidence the Sandinistas will use this equipment to attack their neighbors and alleged that the tanks are largely useless in Central America. No one claims a conventional attack to seize and hold land is the anticipated threat. But, as Chairman HAMILTON's statement concedes, there is a great deal of evidence that the Sandinistas are sponsoring guerrilla insurgencies against various neighbors and will continue to do so. Offensive weaponry is useful within unconventional warfare both to prosecute the Contra threat through relatively ruthless techniques such as creation of free-fire zones and to hit guerrillas across borders when they take sanctuary in other countries. It is also true, however, that once the prolonged unconventional phase of a Nicaraguan-sponsored insurgency in neighboring Central American countries is prosecuted successfully, such weaponry may be used, as in Vietnam, to launch a conventional offensive delivering the final coup de grace. In this latter respect, there is indeed only one avenue for a tank invasion of Honduras; but that area is only lightly defended since overtaxed Honduran forces are concentrated further north. If such a move eventually were needed, fuel supplies and logistics would then be supplied. In the meantime, tanks are useful for population control—consolidation of the communist bridgehead in Nicaragua.

While I do not wish to discuss here the details of specific figures, Mr. HAMILTON's statistics clearly indicate that the Sandinistas are assembling an army and weaponry much greater than that of their neighbors. Although other Central American countries fighting Marxist insurgencies may equal or somewhat exceed Nicaraguan holdings in a few weapons categories, the Sandinistas have large advantages against individual neighbors and often outnumber the entire region in the areas of: helicopter gunships, tanks, antiaircraft guns, artillery, armored personnel carriers and troops.

The facts presented in Mr. HAMILTON's June 3 document could be used to support the argument that Sandinista interference with neighboring countries is on a small scale, and has only been a limited and justifiable reaction to prior Costs Rican and Honduran policies of giving sanctuary to Contras attacking Nicaragua. It is true that the Sandinistas now must concentrate their energies selectively, given their current domestic vulnerability. To the extent that this vulberability is a result of U.S. economic policies and support for the Contras, this once again is a tribute to the administration's success. One of the Sandinistas' top priorities is the support for the guerrilla insurgents in El Salvador, but there is evidence that they are establishing, encouraging, or have liaison with guerrilla infrastructures in Costa Rica, Guatemala, and Honduras; these infrastructures can be expanded and exploited as opportunity permits. Mr. HAMILTON concedes that the Sandinistas are motivated by "revolutionary pride and solidarity." There is good reason to believe their ideological drive will not be limited to El Salvador, either in the short or long term. Indeed, the considerable risks that the Sandinistas have taken since the very outset of their 6-year rule indicates the depth of their ideological commitment to revolution. The Sandinistas became a conduit for and supporter of the Salvadoran revolution even as the United States naively provided them massive amounts of aid and despite the probability that they would lose that aid, which was conditioned on their noninvolvement in terrorism and subversion. They have done so even while insecure and troubled domestically, and in the full knowledge that such provocative behavior would only invite the retaliation of their neighbors and the "Yankee imperialists." For as Interior Minister Tomas Borge said on September 5, 1980, while rejecting preconditions on U.S. aid: "If they could buy us with $75 million or with $1 billion, we would stop being revolutionaries. We revolutionaries would rather starve if necessary before falling on our knees in the face of Yankee imperialism. Let them refuse once and for all to give us the $75 million. They think we are going to beg. How little do they know the Sandinistas." If the Sandinistas have behaved in such a manner even while insecure at home, what may we except once they have consolidated their hold internally, and Nicaragua is transformed into a communist bastion?

More recent information and developments also undermine the concept that Nicaragua under the Sandinista regime does not have extra territorial intentions. Unarmed Costa Rica is now so concerned abut Sandinista subversion that it has sought military training from the United States. Two Costa Rican border patrols were ambushed and several Costa Ricans killed within the past several months. Honduras also is discovering more attempted penetrations, not all of them directed at the Contra camps. The documents captured in April from the Salvadoran guerrilla commander Nidia Diaz reveal regional guerrilla links and penetrations of all concerned countries.

The Sandinistas took over in Nicaragua enjoying the good will and active support of neighboring countries; any hostility Nicaragua subsequently incurred was earned—the result of deliberate Sandinista policies and actions. Nicaragua's neighbors actively supported the successful Sandinista overthrow of Somoza. Costa Rica provided the Sandinistas safe haven and even suspended Defense Minister Humberto Ortega's jail sentence for murder so he could join the fight. Subsequently, Costa Ricans realized that the Sandinistas were not just introverted totalitarians, but also extroverted communists, committed to regional revolution. Later concerns for their own safety led to a tactical tolerance of opposition activity by Nicaraguan democrats. Which came first—the threat against them or their alleged provocative behavior? Congressmen attempting to blame Nicaraguan subversion on Costa Rica and Honduras have a confused sense of history, logic and fundamental fairness. We should be congratulating these countries for their wisdom, not indirectly condemning them for alleged provocative behavior.

I believe the chairman's June 3 document may have understated information Nicaraguan ties with various terrorist groups and wrongly belittled the significance of cooperation with such groups and with regional insurgents. For instance, it was indicated that the plans of regional insurgents to participate in military action against the Contras could be viewed as "spontaneous support for the Sandinista revolution" rather than indicators that Nicaragua is "a focal point for subversion in the Western Hemisphere." Even were this logic more persuasive in the abstract, its validity has been decisively refuted by the Diaz documents captured from Salvadoran insurgents this April. These show that the Salvadoran guerrillas were willing to help fight a United States invasion of Nicaragua because they considered Sandinista aid and the consolidation of communism there to be absolutely essential to the ultimate success of their own insurgency: "* * * the determining factor for our liberation process, as well as the defense of Nicaragua, is the internal consolidation of the Sandinista Popular Revolution," the FMLN stated. These documents also reveal conclusively that Nicaragua is far from passive in its involvement with regional insurgents. Salvadoran guerrillas not only depend on Nicaragua for critical aid and logistics but also coordinate their "political line" with them and accept their sometimes brusque dictates.

As mentioned earlier, evidence regarding Sandinista association with

terrorist groups residing in Nicaragua appears to be understated. The report indicates that "there is no evidence to confirm" reports of a Red Brigade presence there, but Prime Minister Craxi of Italy, where the Red Brigades are most active, has publicly affirmed his conviction that members of the Red Brigade are in Nicaragua. It is mentioned that there has been a PLO "relationship to the Sandinistas since before 1979." More specifically, however, it should be noted that that association was very close indeed, to the extent that the Sandinistas have even admitted taking part in PLO airline hijackings in the Mideast and Europe during that period. The suspected or proven presence in Nicaragua of PLO, Libyan, Iranian, and Red Brigade representatives, the report says "does not indicate joint terrorist operations or Nicaraguan complicity in terrorism" by those countries and groups. This seems to establish a very high standard of evidence and a very limited definition of complicity. We are aware that the Sandinistas previously participated in terrorist acts and that at minimum they knowingly provide terrorist groups safe haven and implicit encouragement. We can assume that they are indebted to their long-time PLO supporters. Is it not justifiable to define such a relationship as complicity, and even to assume the probability of a complicity more active than mere tolerance and protection? Must we capture a high Sandinista government official in a hijacking attempt before complicity can be proven?

In any case, regardless of the intelligence uncertainties—and gaps—regarding individual cases or nuances, the list of Nicaragua's associations is alone a breathtaking revelation of Sandinista preferences and proclivities; Soviets; Cubans; PLO; Red Brigades; Libya; Iran; North Korea; East Europeans; and Guatemalan, Salvadoran, and Honduran insurgents. Scarcely a single country or organization on this planet which conspires against democracy is not active in Nicaragua. By their company ye shall know them. Even the most generous and naive interpretation of these relationships constitutes a damning indictment of the Sandinistas. It indicates close ties and compatible ideology with the worst enemies of freedom worldwide. It shows that Nicaragua is a security threat to the United States, not just indirectly, through the threat to its neighbors, but directly, through support of groups physically attacking U.S. persons and interests throughout the world today.

I would also take issue with some of the conclusions and assessments made in the chairman's document. It is claimed that there is "clear factual evidence of the widespread nature" of Contra human rights abuses and of their "continuing nature." With regard to the Sandinistas, however, we are led to believe that: Allegations of genocide against the Miskitos were untrue and abuses against the Indians have largely disappeared; Sandinistas are not necessarily antireligion. The Sandinistas are said to have good relations with the "people's church" and many foreign missionaries operate freely and praise Sandinista social programs; censorship is a reaction to Contra attacks; their election policy was not bad in many respects, and was no different from that of many countries with whom the United States is friendly; and in any case, the Sandinistas would have won even had elections been totally free.

Unfortunately, the chairman did not focus on many of the facts I consider to be relevant, such as the manner in which the Sandinistas have prosecuted the war and managed Nicaraguan society—for example, forcible seizures of young men for military duty; pervasive surveillance by block committees which control individual food allocations; punitive measures and discrimination against private business; detention without trial, torture and forced confessions, especially against peasants from combat zones. Many such instances have been documented by the independent Nicaraguan Commission on Human rights—the only internationally recognized internal human rights organization—in its January 1985 report.

The Hamilton report also interprets other instances of Sandinista abuses in an implausibly benign manner. The Sandinistas banned polls and initiated informal, and then formal, censorship well before the Contras became militarily active. As a result of these controls it is impossible to know whether the opposition would have won an election, but the Sandinistas themselves were not sufficiently confident to take the chance. Even the few opposition members which participated and won have since been muzzled by Sandinista-imposed changes in legislative rules, thereby further corroborating the wisdom of the opposition's decision not to legitimize Sandinista elections by their participation. The church has every right to protest human rights violations and did not thereby invite upon itself Sandinistas retaliation, as the analysis intimates. The "popular church" is known to be an artificial construct fronting for the Sandinistas to promote irreligion and discredit real religious institutions; the fact that foreign missionaries stand virtually alone in their praise of the Sandinistas is a telling commentary on their ideological biases. Although the Sandinistas eased their policy toward the Indians to promote negotiations splitting them off from other Contra forces, these negotiations then broke down due to total Sandinista intransigence regarding Indian rights; in any case, the record of abuses against the Indians is greatly understated; and continued forced mass relocations and destruction of property cannot be justified by the greater military convenience and effectiveness of a free-fire, scorched earth policy.

Treatment of alleged Contra abuses is also highly questionable. Although the U.S. Government consistently has said it has no independent information on allegations of repeated atrocities and although a Sandinista disinformation campaign is known to exist, the report appears to accept many uninvestigated accusations as fact. State Department analysis has found serious flaws in the evidence or objectivity of the Americas Watch and Brody reports. Since refugees are readily available, there is no need to parrot such allegations without first undertaking a serious study of their validity.

Even the Americas Watch report acknowledges that there are many disputes regarding what constitutes a "law of war" and hence an "atrocity" or violation of such a law. In particular, there is much debate over how international legal guidelines apply to the relatively new phenomenon of unconventional war. For instance, it is not clear whether attacks on villages organized as part of a defensive position or on economic targets, particularly export-earners like coffee plantations, are violations of the laws of war. In Nicaragua, nonuniformed militia participate in the fighting and civilians may ride in the same vehicles as combatants or take refuge from attack in the same locations as militia and regular forces. It may be extremely difficult to distinguish during battle which persons are combatants and even to judge with the wisdom of hindsight whether an attack producing civilian casualties was justified. Eyewitness accounts corroborating such casualties in themselves may not be evidence that deliberate atrocities have occurred. Most importantly, it should be stressed that even proven isolated incidents do not establish that the Contras are guilty of atrocities. Isolated abuses exist in any war; these are not defensible and should be punished, but what concerns us here is whether there is a deliberate and systematic policy of promoting or tolerating such abuses. FDN leaders have admitted that several commanders were found guilty of human rights abuses and have said that they were expelled and punished; the infamous resistance "manual" apparently was an attempt to establish better discipline and operational guidelines for various situations such as entry into a captured village, and despite its unfortunate language about "neutralizing" certain people, it also stressed the importance of treating the populace well so that its support could be obtained.

51-059 O-86-37 (Pt. 14)

Many allegations of Contra atrocities stem from the pre-1983 period, before Mr. HAMILTON says the Contras began military patrols inside Nicaragua; such incidents may be largely traceable to several groups of former National Guardsmen which often operated as bandits near the border but which were not connected to the Contras, although some of their members may later have joined the resistance. In the mind of the populace, however, these depredations apparently were ascribed to the Contras. The Smith/Rugg report, based on interviews of refugees from areas of military activity, concluded that isolated Contra violations of the laws of war probably continue, but that there is no evidence of a systematic Contra policy of commiting or approving atrocities. The authors indicate that improvements in Contra discipline and behavior after 1982, plus a deterioration in Sandinista behavior, have now resulted in widespread and growing Contra popularity among the public. Robert Leiken, a former Sandinista supporter, also wrote 8 months ago in the New Republic that he was amazed by the extent of Contra popularity. Visitors from Nicaragua claim that this now extends to the urban areas also. It should be borne in mind, too, that as guerrilla insurgents, the Contras' chances for success depend in large part on the support of the population; recent Contra activity, requiring an infrastructure and local collaboration, extended further into the interior than ever before, despite constraints due to the U.S. funding cutoff.

Also troublesome are attempts to establish a presumption of Contra atrocities and of their ulterior goals by branding them as Somocistas and former National Guardsmen. Allegations regarding Samocista influence apparently derive from a report by the Arms Control and Foreign Policy Caucus relying on clearly outdated documents and the word of two disgrunted former Contras with personal grievances against the FDN leadership. There can be no doubt that the FDN has become a broadly based group in recent years, and that ex-Guardsmen are greatly outnumbered even by ex-Sandinistas. Former Guardsmen, due partially to their military training, do occupy some of the top military posts, but do not dominate the field command and would have no rank and file support even if they wished to establish undemocratic institutions in Nicaragua. Most such persons were of low rank under Somoza and were not part of the privileged elite committee to his rule.

It is contended that the Contras consistently have attempted to overthrow the Sandinistas and install a new government, and that their democratic political platform is a meaningless "afterthought" and that they are uneducated, and their impetus may be as much religious as it is political. Ironically, this contention appears completely incompatible with the coexisting notion that the Contras are dominated by Machiavellian Somocistas with an authoritarian agenda. The Contras have a very explicit political platform which seeks democratic elections. They have even offered to allow President Ortega to continue in office pending the results of free elections. If the Sandinistas loose total control or become a minority by virtue of such elections, some might call this an overthrow, but it would be a misleading use of the term. Some Contras may anticipate that Sandinista obduracy regarding democratic power sharing will continue despite effective military and other pressures; if this does prove the case, the Contras will be left with little choice other than to seek an overthrow or give up the fight even if they are doing well. It would not be surprising if thereupon the resistance were to decide upon forcible overthrow; but if the Sandinistas forced this choice, it would be difficult to criticize the Contras. In the meantime, it remains to be seen whether the most pessimistic predictions of Sandinista intransigence will be fulfilled. Communist governments in Angola and Mozambique have proven surprisingly conciliatory when confronted with the possibility of military defeat. We will never know if the Sandinistas would be more reasonable as well unless the Contras, with our aid, are able to place them is a similar position.

It would not be surprising if the Contras' political platform were somewhat of an "afterthought." Most resistance movements, especially those involving disparate ethnic groups and geographic areas as in Nicaragua, are concerned and motivated initially by what they dislike, by the known evil, and their ideas about a new order are at first rather general and inchoate. The statement that Contra motivations have been as much religious as anything else should not be construed as derogatory. Freedom from religious persecution is a fundamental political and personal right and one of the core principles of democracy.

Indeed, the Contras may have progressed more rapidly than most in setting down an explicit agenda. On March 1 of this year, leaders of the military and political opposition sought a church-mediated dialog with the Sandinistas and agreed to accept Daniel Ortega as head of the executive branch pending a plebiscite. They sought a cease-fire in place, lifting of the state of emergency, absolute freedom of expression and assembly, a general amnesty and pardon for political crimes, full respect for legal rights, and full protection of opposition leaders taking part in a dialog within Nicaragua. The Sandinistas spurned this proposal. On June 12, opposition military and political groups announced their intention to unite, proposed the general principles for national reconciliation and a democratic government and sought internationally supervised elections within a year, again allowing Ortega to head an interim government with participation by all segments of society. In fact, the Contras have been unusually specific in their platform and they are now the only reasonably unified anti-Communist resistance group in the world.

Finally, we should examine closely the contention that the Contras are a creation of the United States with no popular base, and have never been able to capture and hold territory. U.S. support may have been critical to initial Contra operations, but this movement has since assumed a momentum of its own. As discussed earlier, there is evidence of their growing popularity within Nicaragua. Since the Sandinistas allow no polls and the populace is understandably afraid to discuss its opinions for fear of reprisal, it is difficult to determine how anyone can reach a conclusion that what little popularity the Contras do enjoy is due to the endorsement of them by the political arm of the opposition. Nonetheless, it should be noted that the political opposition's endorsement of the military resistance alone is an indicator of rising support for an alternative to the Sandinistas and also reflects that respected political figures are now satisfied that the Contras are not dominated by Somocistas. It is difficult for anyone to explain away the rapid growth in volunteers for the Contra cause by saying that Contra numerical growth parallels the provision of U.S. aid. This is untrue—their volunteers have increased in number since U.S. aid was cut off, although many more would join if sufficient arms could be provided. Contra manpower appears to be more a result of their own popularity and growing disgust with the Sandinistas than of U.S. aid. The intimation that the Contras remain a "creation of the United States" in that their volunteers are "bought" cannot be supported by the historical record. People do not take up arms merely because arms are available, and in this case we have certainly not helped make them available.

Nor can Contra popularity and effectiveness be disparaged by the statement that they have never captured or held territory. Once again this is irrelevant. Guerrilla-type insurgencies do not seek to capture and hold territory unless they are well advanced or near victory. Contra success cannot be measured by this standard. The correct measure is the diversion it has

caused to the Sandinistas' export or subversion. If Congress expects territorial conquests of them it will have to provide larger scale and consistent aid as well as heavier weapons, and exercise more patience than heretofore.●

FOREIGN LANGUAGE ASSISTANCE FOR NATIONAL SECURITY ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 15 minutes.

● Mr. PANETTA. Mr. Speaker, global interdependency is a fact of life. America can no longer exist in this world wearing linguistic blinders. The time is long overdue for us to recognize the need to enhance our awareness of the languages and cultures of other nations. As the 1979 President's Commission on Foreign Languages and International Studies phrased it, "Nothing less is at issue than the Nation's security."

In today's highly competitive international economy, inferior language capabilities are handicapping our domestic industries from the outset. Former Assistant Secretary of Commerce for Industry and Trade Frank A. Weil has noted that our language deficiency is "one of the most subtle nontariff barriers to our export expansion." Example abound:

The Italian advertising campaign for Schweppes tonic translated the product as bathroom water;

Colgate-Palmolive introduced a toothpaste in France called Cue Toothpaste—Cue is a well-known French pornographic publication;

A Coca-Cola ad was phonetically translated into Chinese characters as "bite the wax tadpole";

Advertising is not the only aspect of international business which demands linguistic sophistication. In order to keep up on the latest technological developments—which are no longer occurring exclusively in English speaking countries—and to conduct sound business deals with our foreign counterparts, American industry must have access to a large pool of competent professionals possessing a thorough understanding of the languages and cultures of the world.

Likewise our diplomatic and intelligence sectors are equally disadvantaged by their lack of qualified language specialists. The statistics are shameful. The State Department is able to fill less than 75 percent of its positions requiring language skills; the Defense Department only half. Before the Vietnam war, the U.S. Government did not have even five professionals able to speak that language. During the takeover of the U.S. Embassy in Iran, only two of the hostages could communicate with their captors. The former Director of the Defense Intelligence Agency, Lt. Gen. Eugene F. Tighe, testified before the Subcommittee on Postsecondary Education in 1983 about an incident in which negotiations between the United States and a NATO ally over an extremely large defense contract approached a total breakdown due to a grossly inaccurate translation of vital documentation. The translation was done by an outside agency because the Government did not have its own qualified translators. Clearly such incidents will continue to multiply unless we act now to correct the situation.

We must improve the quality and the scope of our foreign language training at all educational levels. Given that the ease of learning a second language is inversely proprotional to age, it is discouraging to find that only 1 percent of students in our elementary schools receive any kind of foreign language training. Moreover, a 1982-83 survey showed that only 21.3 percent of all high school students were enrolled in foreign language courses, 88 percent of which were in Spanish and French. A large majority of our colleges and universities are no longer designating minimal language skills as a requirement for either entrance into or graduation from their institutions.

The Foreign Language Assistance for National Security Act of 1985 which I am introducing today addresses these deficiencies. The bill is designed to encourage the creation, development, and expansion of foreign language programs at all levels; $75 million would be authorized in assistance to States and higher education institutions to promote cultural and linguistic studies. Specifically, the bill would provide funding for: model foreign language programs on both the elementary/secondary and community/junior college level awarded to the States on a competitive basis.

H.R. 3048

A bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "Foreign Language Assistance for National Security Act of 1985".

SEC. 2. The Congress finds that—

(1) the economic and security interests of this Nation require significant improvement in the quantity and quality of foreign language instruction offered in the Nation's educational institutions, and Federal funds should be made available to assist this purpose;

(2) many endeavors in both the public and private sectors involving such matters as international relations or multinational business transactions require the skills of individuals with knowledge of foreign languages; and

(3) the educational institutions of the Nation should provide students with an understanding of the history and culture which influence the perspectives, values, and attitudes of the people of other countries, and foreign language instruction is one means of achieving this goal.

SEC. 3. (a) The Secretary shall make grants to State educational agencies whose applications are approved under subsection (b) in order that such agencies may fund model programs, designed and operated by local educational agencies, providing for commencement or improvement and expansion of foreign language study for students residing within their school districts. Any State whose application is approved shall receive an amount equal to the sum of (1) $275,000, plus (2) the product of $0.06 multiplied by the population of the State (as determined in accordance with the most recent decennial census). The amount described in the preceding sentence shall be made available to the State for two additional years after the first fiscal year during which the State received a grant under this section if the Secretary determines that the funds made available to the State during the first year of funding were used in the manner required under the State's approved application.

(b) Any State educational agency desiring to receive a grant under this section shall sumit an applicaiton therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No application may be approved by the Secretary unless the application—

(1) contains a description of model programs designed by local educational agencies, and representing a variety of alternative and innovative approaches to foreign language instruction, which were selected school district of the local educational agency shall be eligible to participate in any model program funded under this section (without regard to whether such children attend schools operated by such agency);

(3) provides assurances that, if the application of the State educational agency is approved, each model program described in the application shall have available to it sufficient funds from State and local sources, in addition to any funds under this section, to ensure that the program is carried out as described in the application; and

(4) provides that the local educational agency will provide reliable and valid evaluations of pupils' proficiency at appropriate intervals in the program, and provide such evaluations to the State educational agency.

(c)(1) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and which meet the requirements of this section. Expenditures for educational services and arrangements pursuant to this subsection for children in private schools shall be equal (taking into account the number of children to be served and the needs of such children) to expenditures for

children enrolled in the public schools of the State or local educational agency.

(2) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children from private schools as required by paragraph (1), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children which shall be subject to the requirements of this subsection. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

(d) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which State educational agencies may receive under subsection (a), the amount of such grants shall be ratably reduced.

(e)(1) From sums reserved for each fiscal year pursuant to section 11(b)(1) to carry out the provisions of this subsection, the Secretary is authorized to make grants to local educational agencies whose applications are approved under paragraph (3) in order that such agencies may support exemplary programs providing for commencing or improving and expanding foreign language study for students residing within their school districts.

(2) The Secretary may not approve any application for a grant under this subsection unless the Secretary determines that the exemplary program described in the application is consistent with the State programs approved under subsection (a) for the State in which the local educational agency is located.

(3) Each local educational agency desiring to receive a grant under this subsection shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information and assurances as the Secretary may require.

SEC. 4. (a) The Secretary shall make grants to State agencies whose applications are approved under subsection (b) for the purpose of providing assistance to model programs designed and operated by community and junior colleges providing for the commencement or improvement and expansion of foreign language studies at those institutions. Any State whose application is so approved shall receive an amount equal to the sum of (1) $30,000, plus (2) the product of $0.01 multiplied by the population of the State (as determined in accordance with the most recent decennial census).

(b) Any State desiring to receive a grant under this section shall, through a State agency designated (in accordance with State law) for this purpose, submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No application may be approved by the Secretary unless the application—

(1) contains a description of model programs designed by community and junior colleges, and representing a variety of alternative and innovative approaches to foreign language instruction, which were selected by the State agency for funding under this section;

(2) provides assurances that, if the application of the State agency is approved, each model program described in the application shall have available to it sufficient funds from State and local sources, in addition to any funds under this section, to ensure that the program is carried out as described in the application; and

(3) provides that the community and junior colleges will provide reliable and valid evaluations of pupils' proficiency at appropriate intervals in the program, and provide such evaluations to the State agency.

(c) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which State agencies may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 5. (a)(1) The Secretary shall make grants to institutions of higher education to reimburse such institutions for part of the costs of providing undergraduate foreign language instruction to students at such institutions. Any institution of higher education desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

(2)(A) An institution of higher education shall not be eligible for a grant under this section for a fiscal year unless—

(i) the sum of the number of students enrolled at such institution in qualified postsecondary language courses on October 1 of that fiscal year exceeds 5 per centum of the total number of students enrolled at such institution; and

(ii) such institution requires that each entering student have successfully completed at least two years of secondary school foreign language instruction or requires that each graduating student have earned two years of postsecondary credit in a foreign language (or have demonstrated equivalent competence in a foreign language).

(B) For purposes of subparagraph (A)(i), the total number of students enrolled in an institution shall be considered to be equal to the sum of (i) the number of full-time degree candidate students enrolled at the institution, and (ii) the number of part-time degree candidate students who are enrolled at the institution for an academic workload which is at least half the full-time academic workload, as determined by the institution in accordance with standards prescribed by the Secretary.

(3) As a condition for the award of any grant under this section, the Secretary may establish criteria for evaluating programs assisted with funds under this section and require an annual report which evaluates the progress and proficiency of students in such programs.

(b)(1) Any institution of higher education which submits an application under this section for a grant for any fiscal year, and which has sufficient undergraduate enrollment in postsecondary language courses and foreign language requirements as required under subsection (a)(2), shall be eligible to receive an amount equal to the sum of the following:

(A) To provide assistance for the costs of postsecondary foreign language instruction at the level of the first or second year of postsecondary study of a language, an amount equal to—

(i) $30, multiplied by

(ii) the remainder, if any, of—

(I) the number of students enrolled in a qualified postsecondary foreign language course at such level on October 1 of such fiscal year, minus

(II) the number of students equal to 5 per centum of the total number of students enrolled at such institution.

(B) To provide assistance for the costs of foreign language instruction above the level of the second year of postsecondary study of a language, an amount equal to—

(i) $40, multiplied by

(ii) the number of students enrolled in a qualified postsecondary foreign language course at such level on October 1 of such fiscal year.

(2) Any institution which is eligible to receive an amount under paragraph (1) shall be eligible to receive an additional amount equal to $40 multiplied by the number of students enrolled (at any level of instruction) in any foreign language instruction in language determined by the Secretary to be less commonly taught.

(c) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which an institution of higher education may receive under subsection (b), the amount of such grants shall be ratably reduced.

SEC. 6. (a) The Secretary shall make grants to an institution of higher education (or a consortium of such institutions) in each Federal region whose application is approved under subsection (b) for the purposes of providing assistance to summer intensive language training institutes for exceptional secondary school students. Any institution or consortium whose application is so approved shall receive an amount equal to not more than $3,000 multiplied by the number of students, not to exceed one hundred and fifty, enrolled in such institute.

(b) Any institution of higher education or consortium of such institutions desiring to receive the grant for its region shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of intensive instruction, which may include, but is not limited to, the languages described in section 8(b)(1);

(2) provides adequate assurance that students from any Federal region who wish to participate will be selected on the basis of aptitude in that language, as determined by appropriate testing and verified by their teachers, and of motivation;

(3) provides assurances that the institution of higher education will seek to enroll at least eighty qualified students in the institute; and

(4) provides assurances that the program of intensive instruction will be developed and operated in close cooperation with secondary school teachers and administrators.

(c) The Secretary shall encourage, to the extent possible, diversity in the languages taught in institutes during any summer with the United States.

(d) Awards under this section shall be made to institutes (or consortia) on the basis of excellence of the program proposed in the application, taking into consideration such elements as library resources, faculty achievement, and language learning facilities.

(e) Funds available to institutes under this section may be used to cover costs associated with enrollment in an institute, including tuition, fees, administration, and living expenses.

(f) If sums appropriated to carry out this section are not sufficient to permit the Sec-

retary to pay in full the grants which institutions of higher education may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 7. (a) The Secretary shall make grants to an institution of higher education (or a consortium of such institutions) in each Federal region whose application is approved under subsection (b) for the purposes of providing assistance to summer language training institutes for the professional development of the proficiency of elementary and secondary school language teachers. Any institution or consortium whose application is so approved shall receive an amount equal to not more than $3,000 multiplied by the number of teachers, not to exceed three hundred, enrolled in such institute.

(b) Any institution of higher education or consortium of such institutions desiring to receive the grant for its region shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of instruction;

(2) provides adequate assurance that teachers from any Federal region who wish to participate will be selected on the basis of recommendations from a principal or other supervisory official and a demonstrated commitment to the teaching of the language studied in the institute; and

(3) provides assurances that the institution of higher education will seek to enroll at least eighty qualified teachers in the institute.

(c) Awards under this section shall be made to institutes (or consortia) on the basis of excellence of the program proposed in the application, taking into consideration such elements as library resources, faculty achievement, and language learning facilities.

(d) Funds available to institutes under this section may be used to cover costs associated with enrollment in an institute, including tuition, fees, administration, and living expenses.

(e) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which institutions of higher education may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 8. (a) The Secretary shall make grants to institutions of higher education, or to consortia of such institutions, whose application is approved under subsection (b) for the purposes of providing assistance to enable advanced foreign language students to develop their language skills and their knowledge of foreign cultures and societies through study abroad. Such study abroad may be combined with an internship in an international business enterprise. Any institution or consortium whose application is so approved shall be eligible to receive a grant in an amount not to exceed one-half the cost of providing such assistance.

(b) Any institution of higher education or consortium of such institutions desiring to receive a grant under this section shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of study abroad in any of the following areas:

(A) Latin America, the Caribbean, and Puerto Rico for the study of Spanish, Portuguese, and other major languages of that region;

(B) the Middle East for the study of Arabic and other major languages of that region;

(C) Japan for the study of Japanese;

(D) the People's Republic of China or the Republic of China for the study of Chinese;

(E) the Republic of Korea for the study of Korean;

(F) the Union of Soviet Socialist Republics for the study of Russian and other major languages of that region;

(G) Africa for the study of major languages of that region;

(H) South Asia for the study of Hindi and other major languages of that region;

(I) Eastern Europe for the study of major languages of that region; and

(J) Southeast Asia for the study of major languages of that region;

(2) provides adequate assurance that those who wish to participate will be selected on the basis of demonstrated proficiency in the language, as shown by testing comparable to that conducted by the Foreign Service Institute of the Department of State; and

(3) demonstrates that the program will provide the opportunity to combine language study with the study of journalism, international business, finance, economic development, science, engineering, political science, international studies, or other related areas and is open to students majoring in those areas if they can qualify under paragraph (2).

(c) Funds available to institutions under this section may be used to cover costs associated with the study abroad program, including tuition, fees, administration, and living expenses.

(d) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which institutions of higher education may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 9. No grants shall be made or contracts entered into under this Act except to such extent, or in such amounts, as may be provided in appropriation Acts.

SEC. 10. For purposes of this Act:

(1) The term "institution of higher education" means any institution of higher education, as defined under section 1201(a) of the Higher Education Act of 1965, which is located within a State, but does not include a community or junior college.

(2) The terms "community college" and "junior college" mean any institution of higher education, as defined under section 1201(a) of such Act, which is located within a State and which provides a two-year program for which awards an associate degree or which is acceptable for full credit toward a bachelor's degree.

(3) The terms "local educational agency" and "State educational agency" have the same meaning given such terms under section 198 of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "qualified postsecondary foreign language course" means a course of foreign language instruction which (A) is scheduled to meet at least five days each week for at least fifty minutes each day, or (B) provides instruction each week for a period of time equivalent to the period described under clause (A).

SEC. 11. (a) There are authorized to be appropriated for fiscal year 1986 such sums as may be necessary to carry out the provisions of this Act.

(b) There are authorized to be appropriated for each of the fiscal years 1987, 1988, and 1989—

(1) $35,000,000 to carry out section 3 of this Act of which $5,000,000 in each fiscal year shall be available to carry out subsection (e) of section 3;

(2) $4,000,000 to carry out section 4 of this Act;

(3) $11,000,000 to carry out section 5 of this Act;

(4) $5,000,000 to carry out section 6 of this Act;

(5) $10,000,000 to carry out section 7 of this Act; and

(6) $10,000,000 to carry out section 8 of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Texas (at the request of Mr. WRIGHT), on July 18, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. HYDE, for 15 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

Mr. BARTON, of Texas, for 60 minutes, July 30.

Mr. ROTH, for 60 minutes, July 23.

(The following Members (at the request of Mrs. BOGGS) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. NELSON, of Florida for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RAY, for 15 minutes, today.

Mr. PANETTA, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NELSON of Florida, prior to the vote on Senate Joint Resolution 154.

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. CONTE.
Mr. BADHAM in two instances.
Mr. KEMP in three instances.
Mr. HYDE.
Mr. WOLF.
Mr. SHUMWAY.
Mr. SUNDQUIST.
Mr. WORTLEY.
Mr. BROOMFIELD.
Mr. GEKAS in two instances.
Mr. DANNEMEYER in two instances.
Mr. MICHEL in two instances.
Mr. COURTER.
Mr. RITTER.
Mr. HANSEN.
Mr. CRANE.
Mrs. JOHNSON.

(The following Members (at the request of Mrs. BOGGS) and to include extraneous matter:)

Mr. EDWARDS of California.
Mr. RANGEL.
Mr. UDALL.
Mr. DYMALLY.
Mrs. COLLINS.
Mr. BARNES.
Mr. MONTGOMERY.
Mr. SCHUMER.
Mr. TRAFICANT.
Mr. DARDEN.
Mr. KASTENMEIER.
Mr. STARK.
Mr. HUBBARD.
Mrs. LLOYD in two instances.
Mr. BROWN of California.
Mr. FLORIO.
Mr. KOLTER.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1617. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 1455. An act to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees;

S.J. Res. 144. Joint resolution to authorize the printing and binding of a revised edition of Senate procedure and providing the same shall be subject to copyright by the author; and

S.J. Res. 154. Joint resolution to designate July 20, 1985, as "Space Exploration Day."

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1617. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, July 22, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1702. A letter from the Deputy Assistant Secretary of the Army for Programs and Commercial Activities, transmitting notice of the decision to convert to contractor performance the training and audio visual support center, Ft. Dix, NJ, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

1703. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a report on operations under the War Claims Act of 1948, as amended, pursuant to the Act of July 3, 1948, chapter 826, section 2(6) (79 Stat. 1312); Public Law 96-209, section 101; to the Committee on Foreign Affairs.

1704. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1705. A letter from the Administrator, General Services Administration, transmitting copies of lease prospectuses, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

1706. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Norfolk Harbor and Channels, VA, in response to resolutions adopted June 20, 1969 and June 24, 1974, by the Committee on Public Works of the U.S. Senate and also in response to resolutions adopted October 3, 1968 and October 10, 1974 by the Committee on Public Works of the U.S. House of Representatives (H. Doc. No. 99-85); to the Committee on Public Works and Transportation and ordered to be printed.

1707. A letter from the Secretary of Commerce, transmitting a comprehensive study of foreign industrial targeting and remedies for such targeting, pursuant to Public Law 98-573, section 625 (98 Stat. 3042); to the Committee on Ways and Means.

1708. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for the recovery by the U.S. Customs Service of the cost of customs processing, and for other purposes; to the Committee on Ways and Means.

1709. A letter from the Secretary of Health and Human Services, transmitting the annual report on the aid to families with dependent children, pursuant to Public Law 96-499, section 966(h) (95 Stat. 802); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2466. A bill to make miscellaneous changes in laws affecting the U.S. Coast Guard, and for other purposes; with an amendment (Rept. No. 99-207). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2455. A bill to provide for the collection of data about crimes motivated by racial, religious, or ethnic hatred. (Rept. No. 99-208). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 2698. A bill to designate the U.S. courthouse in Tucson, AZ, as the "James A. Walsh United States Courthouse". (Rept. No. 99-209). Referred to the House Calendar.

Mr. ROYBAL: Committee on Appropriations. H.R. 3036. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1986, and for other purposes. (Rept. No. 99-210). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 3037. A bill making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1986, and for other purposes. (Rep. No. 99-211). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Committee on Appropriations. H.R. 3038. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1986, and for other purposes. (Rep. No. 99-212). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 227. Resolution waiving certain points of order against H.R. 3011, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1986, and for other purposes. (Rep. No. 99-213). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X the following action was taken by the Speaker:

Referral of H.J. Res. 187 to the Committee on Ways and Means extended for a period ending not later than July 22, 1985.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS (by request):

H.R. 3034. A bill to impose fees necessary to cover the costs of providing certain customs services, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. GEPHARDT, Mr. FORD of Tennessee, Mr. JENKINS, Mr. RUSSO, Mr. MATSUI, Mr. ANTHONY, Mr. FLIPPO, Mrs. KENNELLY, Mr. DONNELLY, Mr. COYNE, Mr. WRIGHT, Mr. APPLEGATE, Mr. BONIOR of Michigan, Mr. BORSKI, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CARR, Mr. COELHO, Mr. DARDEN, Mr. DASCHLE, Mr. DINGELL, Mr. DURBIN, Mr. ECKART of Ohio, Mr. EVANS of Illinois, Mr. FORD of Michigan, Mr. FROST, Mr. GAYDOS, Mr. GEJDENSON, Mr. GLICKMAN, Mr. HALL of Ohio, Mr. HOYER, Mr. KANJORSKI, Mr. KLECZKA, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. LUKEN, Mr. LUNDINE, Mr. MACKAY, Mr. MCCURDY, Mr. MOLLOHAN, Mr. MURTHA, Mr. NEAL, Mr. NELSON of Florida, Ms. OAKAR, Mr. OBERSTAR, Mr. REGULA, Mr. RICHARDSON, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. SIKORSKI, Mr. SYNAR, Mr. TORRICELLI, Mr. TOWNS, Mr. VOLKMER, Mr. WALGREN, Mr. WATKINS, Mr. WEAVER, Mr. WHITLEY, Mr. WILLIAMS, Mr. YOUNG of Missouri, Mr. ADDABBO, and Mr. NOWAK):

H.R. 3035. A bill to restore balance in international trade, to improve the operation of the Trade Agreements Program, and for other purposes; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 3036. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1986, and for other purposes.

By Mr. WHITTEN:

H.R. 3037. A bill making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1986, and for other purposes.

By Mr. BOLAND:

H.R. 3038. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1986, and for other purposes.

By Mr. ANDERSON:

H.R. 3039. A bill to make permanent the increase in the tax on cigarettes and to provide cost-of-living adjustments in the amount of such tax, and to allocate a portion of the tax receipts to the Medicare trust fund; to the Committee on Ways and Means.

By Mr. DYMALLY:

H.R. 3040. A bill to amend title 32, United States Code, to provide that the protections afforded to Federal employees under subchapter II of chapter 75 of title 5, United States Code, be extended to National Guard technicians; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. FAZIO:

H.R. 3041. A bill to provide for the awarding of a special congressional gold medal to Aaron Copland; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAYES:

H.R. 3042. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for dropout prevention demonstration projects; to the Committee on Education and Labor.

By Mr. HYDE:

H.R. 3043. A bill relating to restrictions on activities of U.N. employees; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER:

H.R. 3044. A bill to amend section 455 of title 28, United States Code, with respect to disqualification of Federal judges in class actions; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 3045. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MOLLOHAN:

H.R. 3046. A bill to amend the classification of certain GS-16 administrative law judges; to the Committee on Post Office and Civil Service.

By Mr. MURPHY (for himself, Mr. KINDNESS, Mr. COYNE, and Mr. KOLTER):

H.R. 3047. A bill to repeal title IV of the Regional Rail Reorganization Act of 1973, eliminating the requirement that Conrail be sold, and to require certain repayments by Conrail of loans made by the United States; to the Committee on Energy and Commerce.

By Mr. PANETTA (for himself, and Mr. HAWKINS):

H.R. 3048. A bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction; to the Committee on Education and Labor.

By Mr. RODINO.

H.R. 3049. A bill to amend title 28, United States Code, to provide for judicial review of certain orders of the Federal Maritime Commission and the Maritime Administration in the U.S. Courts of Appeals; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. WRIGHT, Mr. LOTT, Mr. ACKERMAN, Mr. BATES, Mr. BIAGGI, Mr. BREAUX, Mrs. BYRON, Mr. CAMPBELL, Mr. COLEMAN of Texas, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DEWINE, Mr. DOWDY of Mississippi, Mr. ECKART of Ohio, Mr. RALPH M. HALL, Mr. HUBBARD, Mr. HUCKABY, Mr. KINDNESS, Mr. LAGOMARSINO, Mrs. LLOYD, Mr. MCKERNAN, Mr. MRAZEK, Mr. NICHOLS, Mr. NIELSON of Utah, Mr. NOWAK, Mr. RAHALL, Mr. REID, Mr. ROEMER, Mr. ROSE, Mr. SENSENBRENNER, Mr. STENHOLM, Mr. TALLON, Mr. TAUKE, Mr. THOMAS of Georgia, Mrs. VUCANOVICH, Mr. WILSON, Mr. WYDEN, and Mr. YOUNG of Alaska):

H.R. 3050. A bill to provide that interest earned on certain passbook savings accounts shall be excluded from gross income of the taxpayer as an incentive to taxpayers to increase savings in local banks and savings institutions; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 3051. A bill to deny an investment tax credit and accelerated cost recovery for any property not made in the United States and having less than 85 percent domestic content, except property for which there is no substitute having not been made in the United States with at least 85 percent domestic content; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself and Mr. DELLUMS):

H.R. 3052. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to facilitate the issuance of bonds and notes by the District of Columbia, to establish a formula-based annual Federal payment authorization, and for other purposes; to the Committee on the District of Columbia.

By Mr. WHITTEN:

H.J. Res. 342. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture; considered and passed.

By Mr. ANDERSON:

H. Res. 228. Resolution authorizing printing of the transcript of proceedings of the Committee on Public Works and Transportation incident to presentation of a portrait of the Honorable James J. Howard; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. LAFALCE.

H.R. 75: Mr. WORTLEY.

H.R. 97: Mr. WORTLEY.

H.R. 236: Mr. ATKINS and Mr. ANDERSON.

H.R. 472: Mr. SWEENEY, Mr. CHENEY, Mr. COBEY, and Mr. HYDE.

H.R. 580: Mr. SPENCE and Mr. SILJANDER.

H.R. 585: Mr. GEKAS.

H.R. 1021: Mr. TORRES.

H.R. 1072: Mr. FEIGHAN.

H.R. 1138: Mr. REGULA, Mr. COATS, and Mr. VANDER JAGT.

H.R. 1363: Mrs. BENTLEY, Mr. BORSKI, Mr. DONNELLY, Mr. DYMALLY, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. HAWKINS, Ms. KAPTUR, Mr. MARTINEZ, Mr. MRAZEK, Mr. MITCHELL, Mr. TOWNS, and Mr. SMITH of Florida.

H.R. 1423: Mr. BATEMAN and Mrs. BENTLEY.

H.R. 1613: Mr. MARKEY, Mr. MINETA, and Mr. DOWDY of Mississippi.

H.R. 1625: Mr. DIOGUARDI, Mr. MONSON, Mr. BARNARD, Mr. SEIBERLING, Mr. RINALDO, Mr. SAXTON, and Mr. EDWARDS of Oklahoma.

H.R. 1627: Mr. MAZZOLI.

H.R. 1715: Mr. STOKES, Mr. MICA, Mr. SMITH of Florida, and Mr. YOUNG of Florida.

H.R. 1720: Ms. KAPTUR, Mr. ROE, and Mr. NEAL.

H.R. 1824: Mr. DURBIN and Mr. DIOGUARDI.

H.R. 1825: Mr. DURBIN and Mr. DIOGUARDI.

H.R. 1826: Mr. DURBIN.

H.R. 1827: Mr. DURBIN and Mr. DIOGUARDI.

H.R. 1828: Mr. DURBIN and Mr. DIOGUARDI.

H.R. 1884: Mr. DERRICK, Mr. BOEHLERT, Mr. HUCKABY, Mr. GUNDERSON, Mr. JONES of North Carolina, Mr. GLICKMAN, Mr. SLATTERY, Mr. JONES of Tennessee, Mr. DAVIS, Mr. CARR, Mr. BROWN of Colorado, Mr. MCKERNAN, Mr. KRAMER, Mr. PETRI, and Mr. KOLTER.

H.R. 1950: Mr. WRIGHT, Mr. WATKINS, Mr. BORSKI, Mr. SENSENBRENNER, Mr. CONTE, Mr. TALLON, Mr. HUGHES, Mr. TORRES, Mr. GUNDERSON, Mr. MARTIN of New York, and Mr. BOEHLERT.

H.R. 1972: Mr. BARNES, Mr. MCEWEN, Mr. OBERSTAR, Mr. MILLER of California, Mr. YATES, Mr. LUKEN, Mr. ECKART of Ohio, and Mr. MARKEY.

H.R. 1980: Mr. CONYERS, Mr. SAVAGE, and Mr. LELAND.

H.R. 2004: Mr. ANDERSON.

H.R. 2015: Mrs. MARTIN of Illinois.

H.R. 2235: Ms. MIKULSKI.

H.R. 2428: Mr. CRANE, Mr. EDWARDS of Oklahoma, Mr. NIELSON of Utah, Mr. SENSENBRENNER, and Mr. TORRICELLI.

H.R. 2429: Mr. CRANE, Mr. NIELSON of Utah, Mr. SENSENBRENNER, and Mr. TORRICELLI.

H.R. 2522: Mr. EDGAR, Mr. BIAGGI, and Mr. RUSSO.

H.R. 2535: Mr. WHITEHURST, Ms. KAPTUR, Mr. SMITH of Florida, Mr. SMITH of New Jersey, Mr. ROSE, Mr. TOWNS, Mr. FORD of Tennessee, Mr. CROCKETT, Mr. DAUB, Mr. CHANDLER, Mrs. MARTIN of Illinois, and Mr. STOKES.

H.R. 2591: Mr. EDGAR, Mr. MINETA, Mr. WEISS, Mr. CHANDLER, Mr. GEKAS, Mr. HANSEN, Mr. HOWARD, Mr. EMERSON, Mr. SAXTON, Mr. KASTENMEIER, Mr. GONZALEZ, Mrs. MEYERS of Kansas, Mr. ANNUNZIO, Mr. BONER of Tennessee, Mr. COELHO, Mr. CONYERS, Mr. DELLUMS, Mr. DORGAN of North Dakota, Mr. DYMALLY, Mr. TOWNS, Mr. UDALL, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. HOYER, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. NEAL, Mr. OWENS, Mr. RANGEL, and Mr. REID.

H.R. 2598: Mr. ANDREWS and Mr. RANGEL.

H.R. 2607: Mr. FOGLIETTA, Mr. APPLEGATE, Mr. LEHMAN of Florida, Mr. MARKEY, and Mr. ATKINS.

H.R. 2620: Mrs. BENTLEY and Mrs. BURTON of California.

H.R. 2660: Mr. HYDE, Mr. BRYANT, and Mr. STAGGERS.

H.R. 2768: Mr. KOLTER and Mr. BLAZ.

H.R. 2797: Mrs. MARTIN of Illinois and Mr. KOLTER.

H.R. 2814: Mr. BARTON of Texas and Mr. EMERSON.

H.R. 2860: Mr. BIAGGI, Mr. BOEHLERT, Mr. BRUCE, Mr. CONYERS, Mr. GUARINI, Mr. LELAND, Mr. SABO, Mr. STALLINGS, Mr. TOWNS, Mr. WHEAT, and Mr. WILLIAMS.

H.R. 2904: Mr. BROOKS, Mr. DASCHLE, Mr. LAGOMARSINO, Mr. STARK, and Mr. TALLON.

H.R. 2936: Mr. GRAY of Illinois, Mr. STENHOLM, Mr. KINDNESS, Mr. TALLON, and Mr. MILLER of Ohio.

H.R. 2939: Mr. WEISS, Mr. YATRON, Ms. MIKULSKI, Mrs. COLLINS, and Mr. RIDGE.

H.R. 2955: Mr. HORTON, and Mr. MURPHY.

H.J. Res. 60: Mr. RANGEL, Ms. SNOWE, Ms. KAPTUR, Mr. ROE, Mr. WAXMAN, Mr. WIRTH, Mr. REID, Mr. MITCHELL, Mr. NEAL, Mr. LEHMAN of Florida, Mr. BATEMAN, Mr. FROST, Mr. BURTON of Indiana, Mr. WOLPE, Mr. ACKERMAN, Mr. HOPKINS, Mr. FRENZEL, Mr. CARNEY, Mr. WYDEN, Mr. ROBERTS, Mr. EVANS of Illinois, Mr. BONER of Tennessee, Mr. WHEAT, Mr. COELHO, Mr. DWYER of New Jersey, Mr. PERKINS, Mr. BONIOR of Michigan, Mr. HORTON, Mr. MARKEY, Mr. MOAKLEY, Mrs. COLLINS, Mr. HOYER, Mr. KOLTER, Mr. DIOGUARDI, Mr. DARDEN, Mr. LEACH of Iowa, Mr. HYDE, Mr. WHITTAKER, Mr. SUNDQUIST, and Mr. OBERSTAR.

H.J. Res. 171: Mrs. BENTLEY, Mrs. BURTON of California, Mr. BLILEY, Mr. CHENEY, Ms. FIEDLER, Mr. GILMAN, Mr. HUNTER, Mr. LIVINGSTON, Mr. LUJAN, Mr. LUNGREN, Mr. MACK, Mr. MOORE, Mr. MRAZEK, Mr. PEPPER, Mr. PICKLE, Mr. PORTER, Mr. ROGERS, Mr. RUDD, Mr. SABO, Mr. SCHEUER, Mr. WATKINS, Mr. WEAVER, Mr. WYLIE, Mr. MCCLOSKEY, Mr. LUKEN, Mr. HYDE, Mr. TAUKE, Mr. WHEAT, Mr. WEBER, Mr. MATSUI, Mr. COUGHLIN, Mr. LEWIS of California, Mr. LOWERY of California, Mr. MILLER of Ohio, Mr. REGULA, Mr. YOUNG of Florida, Mr. FRENZEL, Mr. WAXMAN, and Mr. HILER.

H.J. Res. 175: Mr. RODINO, Mr. GREGG, Mr. EDGAR, Mr. CONYERS, Mrs. ROUKEMA, Mr. WYDEN, Mr. TRAFICANT, Mr. KOSTMAYER, Mr. RUSSO, Mr. SNYDER, Mr. SCHEUER, Mr. UDALL, Mr. YOUNG of Alaska, Mr. VALENTINE, Mr. STAGGERS, Mr. SAXTON, Mr. SYNAR, Mr. ORTIZ, and Mrs. COLLINS.

H.J. Res. 219: Mr. RUDD, Mr. KINDNESS, Mr. WHITEHURST, Mr. LOWERY of California, Mr. WALKER, Mr. BARTON of Texas, Mr. ECKERT of New York, Mr. WILSON, Mr. NOWAK, Mr. LAGOMARSINO, Mr. DORNAN of California, Mr. MCGRATH, Mr. WEBER, Mr. LIGHTFOOT, Mr. BURTON of Indiana, Ms. MIKULSKI, Mr. WORTLEY, Mr. MAVROULES, Mr. GINGRICH, Mr. SMITH of Florida, Mr. DIOGUARDI, Mr. DANNEMEYER, Mr. ARMEY, Mr. RITTER, Mr. BIAGGI, Mrs. BENTLEY, Mr. CONTE, Mr. DAUB, Mrs. MARTIN of Illinois, Mr. SILJANDER, and Mr. MONSON.

H.J. Res. 221: Mr. TALLON, Mr. MCCAIN, Mr. STUMP, Mr. SPENCE, Mr. MRAZEK, Mr. YOUNG of Missouri, Mr. TAYLOR, Mr. CAMPBELL, Mr. LOEFFLER, Mr. SKELTON, Mr. SPRATT, Mr. COLEMAN of Missouri, and Mr. HUTTO.

H.J. Res. 222: Mr. ANDERSON, Mr. ANNUNZIO, Mr. CALLAHAN, Mr. DYSON, and Mr. HEFTEL of Hawaii.

H.J. Res. 229: Mr. LUKEN, Mr. BROOKS, Mr. KOLBE, Mr. FLIPPO, Mr. MCKERNAN, Mrs. MEYERS of Kansas, Mr. MCCAIN, Mr. SILJANDER, Mr. COURTER, Mr. MACKAY, Mr. ERDREICH, Mr. GEJDENSON, Mr. BROYHILL, and Mr. BEREUTER.

H.J. Res. 296: Mr. BILIRAKIS, Mr. WEBER, Mr. CARPER, Mr. SLAUGHTER, and Mr. STENHOLM.

H.J. Res. 305: Mr. SHUMWAY, Mr. MAVROULES, Mr. BIAGGI, Mr. IRELAND, Mr. BILIRAKIS, and Mr. SCHUETTE.

H.J. Res. 326: Mr. MURPHY, Mr. DASCHLE, Ms. FIEDLER, Mr. WOLF, Mr. MONSON, Mr. VENTO, Mr. WORTLEY, Mr. DORNAN of California, Mr. LAGOMARSINO, Mrs. BOXER, Mr. FAZIO, Mr. PANETTA, Mr. COATS, Mr. HENRY, Mr. ROE, Mr. FROST, Mr. VOLKMER, Mr. O'BRIEN, Mr. FRENZEL, Mr. DANNEMEYER, Mr. HORTON, Mrs. BENTLEY, and Mr. FEIGHAN.

H. Con. Res. 54: Mr. SCHEUER, Mr. DORNAN of California, Mr. KOLTER, Mr. FAZIO, Mr. SWIFT, Mr. LEVIN of Michigan, Mr. MRAZEK, Mr. WOLPE, Mr. VENTO, Mr. MORRISON of Connecticut, Mr. CONTE, Mr. KILDEE, Mr. SUNIA, Mr. WAXMAN, Mr. ANDERSON, Mr. HOYER, Mr. GUARINI, Mr. LOWRY of Washington, Mr. LEHMAN of California, Mr. CHANDLER, and Mr. BATES.

H. Con. Res. 69: Mr. GEKAS and Mr. NEAL.

H. Con. Res. 144: Mr. MICHEL.

H. Con. Res. 158: Mr. BONKER, Mr. MARTINEZ, and Mr. LEVIN of Michigan.

H. Con. Res. 173: Mr. HORTON, Ms. SNOWE, and Mr. DORNAN of California.

H. Con. Res. 175: Mr. SCHUMER, Mr. LELAND, Mr. MITCHELL, and Mrs. COLLINS.

H. Res. 152: Ms. SNOWE.

H. Res. 180: Mr. ARMEY, Mr. BROOMFIELD, Mr. BURTON of Indiana, Mr. HORTON, and Mr. HUNTER.

H. Res. 188: Mr. HENRY, Mr. RAHALL, Mr. HARTNETT, Mr. O'BRIEN, Mr. PERKINS, Mr. BARTON of Texas, Mr. OLIN, Mr. ROE, Ms. KAPTUR, Mr. MCEWEN, Mr. LEVIN of Michigan, Mr. JEFFORDS, Mr. COLEMAN of Missouri, Mr. RAY, Mr. MINETA, Mr. VOLKMER, Mr. ROBERTS, Mrs. LLOYD, Mr. ENGLISH, Mr. ROWLAND of Georgia, Mr. BERMAN, Mr. DORGAN of North Dakota, Mr. FRENZEL, and Mr. HORTON.

H. Res. 203: Mr. ROE, Mr. DYMALLY, Ms. SNOWE, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. DAUB, Mr. DARDEN, Mrs. BENTLEY, Mr. DELAY, Mr. ERDREICH, Mr. MINETA, Mr. MCKERNAN, Mr. FROST, Mr. WILSON, and Mr. HORTON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

170. By the SPEAKER: Petition of the Students of the American Academy of San Pedro Sula, Honduras, relative to Central America; to the Committee on Foreign Affairs.

171. Also, petition of the Commission for World Mission, Uniting Church in Australia, Sydney, Australia, relative to Sri Lanka; to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 8

By Mr. EDGAR:

—Strike line 16, page 54, and all that follows through the period on page 56, line 8, and insert in lieu thereof the following:

(a) Section 301 of the Clean Water Act is amended by adding the following new subsections:

"(n)(1) The Administrator, with the concurrence of the State, may establish an alternative requirement under subsection (b)(2) or section 307(b) for a facility that modifies the requirements of national effluent limitation guidelines or categorical pretreatment standards that would otherwise be applicable to such facility, if the owner or operator of such facility demonstrates to the satisfaction of the Administrator that—

"(A) the facility is fundamentally different with respect to the factors (other than cost) specified in section 304(b) or (g) and considered by the Administrator in establishing such national effluent limitation guidelines or categorical pretreatment standards;

"(B) the application is based solely on information and supporting data submitted to the Administrator during the rulemaking for establishment of the applicable national effluent limitation guidelines or categorical pretreatment standard specifically raising the factors that are fundamentally different for such facility;

"(C) the alternative requirement is no less stringent than justified by the fundamental difference; and

"(D) the alternative requirement will not result in a nonwater quality environmental impact which is markedly more adverse than the impact considered by the Administrator in establishing such national effluent limitation guideline or categorical pretreatment standard.

"(2)(A) An application for an alternative requirement under this subsection shall be submitted to the Administrator not later than one hundred twenty days after the publication of the final effluent limitation guideline or categorical pretreatment standard in the Federal Register. The Administrator shall deny any application that is not complete, without providing an opportunity for reapplication.

"(B) an application for an alternative requirement under this subsection shall be deemed to have been denied, if not approved by final agency action within two hundred forty days after submission to the Administrator.

"(C) For the purposes of this subsection, an application for an alternative requirement based on fundamentally different factors which is pending on the date of enactment of the Clean Water Act Amendments of 1985 shall be deemed to have been submitted to the Administrator thirty days after such date of enactment.

"(3) an application for an alternative requirement under this subsection shall not stay the applicant's obligation to comply with the effluent limitation guideline or categorical pretreatment standard which is the subject of the application.

"(4) The authority of this subsection shall apply only to those primary industrial categories identified in the permit regulations issued under section 402 as of the date of enactment of the Clean Water Act Amendments of 1985.

"(o) The Administrator shall prescribe and collect from each applicant fees reflecting the reasonable administrative costs incurred in reviewing and processing applications for modifications submitted to the Administrator pursuant to section 301(c), (g), (h), (i), (m), and (o), section 304(d)(4), and section 316(a) of this Act. All amounts collected by the Administrator under this subsection shall be deposited into miscellaneous receipts of the Treasury.".

"(b) Section 301(1) of the Clean Water Act is amended by striking "The" and inserting in lieu thereof "Other than as provided in subsection (o) of this section, the".

—Strike line 13, page 63, and all that follows through the period on page 70, line 4, and insert in lieu thereof the following:

(a) Section 309 of the Clean Water Act is amended by adding a new subsection (g) as follows:

"(g)(1) ADMINISTRATIVE PENALTIES.—In addition to any other relief provided, whenever on the basis of any information available the Administrator finds that any person has violated section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or has violated any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by him or by a State, or in a permit issued under section 404 by a State, or any requirement imposed in a pretreatment program approved under section 402(a)(3) and (b)(8) of this Act, the Administrator may, after notice to the State in which the violation occurs, issue an order assessing a civil penalty of not more than $10,000 per day for each violation, up to a maximum administrative penalty of $125,000. In addition to any other relief provided, whenever on the basis of any information available the Secretary of the Army finds that any person has violated any permit condition or limitation in a permit issued under section 404 of this Act by the Secretary of the Army, the Secretary may, after notice to the State in which the violation occurs, issue an order assessing a civil penalty of not more than $10,000 per day for each violation, up to a maximum administrative penalty of $125,000," "(2) The authority provided in paragraph (1) of this subsection shall expire on September 30, 1990."

"(3) PROCEDURE.—(A) A civil penalty assessed by the Administrator or the Secretary of the Army under this subsection shall be by an order made after opportunity (provided in accordance with this subparagraph) for a hearing. Before issuing the order, the Administrator or the Secretary of the Army shall give to the person to be assessed a civil penalty written notice of the Administrator's or Secretary's proposal to issue such order and the opportunity to request, within thirty days of the date the notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

"(B) The Administrator or the Secretary of the Army shall provide public notice of and reasonable opportunity to comment on any proposed assessment.

"(C) Any citizen who comments on a proposed assessment under subparagraph (B) shall be given notice of any hearing held under this subsection and of any order assessing a penalty. In any hearing held under subparagraph (A), such citizen shall have a reasonable opportunity to be heard and to present evidence. If no hearing is held prior to issuance of the order assessing the penalty, then upon presentation by such citizen, within thirty days of issuance of the order, of evidence that such order was inadequate or improper, the Administrator or the Secretary of the Army shall set aside such order immediately and provide a hearing in accordance with subparagraph (A) on the proposed order.

"(D) Any order issued under this subsection shall become final thirty days following its issuance unless an appeal is taken pursuant to paragraph (6) or the order is set aside pursuant to subparagraph (C).

"(4) CONTENT OF ORDER.—In determining the amount of a civil penalty, the Administrator or the Secretary of the Army shall take into account the seriousness of the violation or violations, the ecomomic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require.

"(5) EFFECT OF ORDER.—(A) Action taken by the Administrator or the Secretary of the Army pursuant to this subsection shall not affect or limit the Administrator's or Secretary's authority to enforce any provision of this Act: *Provided, however,* That any violation with respect to which the Administrator or the Secretary of the Army has commenced and is diligently prosecuting an action under this subsection, or for which the Administrator or the Secretary of the Army has issued a final order not subject to further judicial review and the violator paid a penalty assessed under this subsection, shall not be the subject of a civil penalty action under section 309(d), section 311(b), or section 505 of this Act: *Provided further,* That the foregoing limitation on civil penalty actions under section 505 of this Act shall not apply with respect to any violation for which (i) a civil action under section 505(a)(1) of this Act has been filed prior to commencement of an action under this subsection, or (ii) a notice of violation under section 505(b)(1) of this Act has been given prior to commencement of an action under section 505(a)(1) of this Act is filed prior to 120 days after such notice is given.

"(B) Nothing in this subsection shall change the procedures now existing under other subsections of section 309 of this Act for issuance and enforcement or orders by the Administrator.

"(C) No action by the Administrator or the Secretary of the Army pursuant to this subsection shall affect any person's obligation to comply with any section of this Act or with the terms and conditions of any permit issued pursuant to section 402 or 404 of this Act.

"(6) JUDICIAL REVIEW.—Any person against whom a civil penalty order is issued or who commented on a proposed assessment pursuant to paragraph (3) may file an appeal of such order in the United States district court for the District of Columbia or in the district in which the violation is alleged to have occurred. This appeal may only be filed within the thirty-day period beginning on the date the civil penalty order is issued. Appellant shall simultaneously send a copy of the appeal by certified mail to the Administrator or the Secretary of the Army and to the Attorney General. The Administrator or the Secretary of the Army shall promptly file in such court a certified copy of the record on which the order was issued. The district court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

"(7) COLLECTION.—If any person fails to pay an assessment of a civil penalty—

"(A) after an order is final under paragraph (3), or

"(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Administrator or the Secretary of the Army, the Administrator or the Secretary of the Army shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus costs, attorneys' fees, and interest at currently prevailing rates from the date of the final order or the date of such final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"(8) SUBPOENA.—The Administrator or the Secretary of the Army may, in connection with administrative proceedings under this subsection, issue subpoenas compelling the attendance and testimony of witnesses and subpoenas duces tecum, and may request the Attorney General to bring an action to enforce any subpoena under this section. The district courts shall have jurisdiction to enforce such subpoenas and impose sanctions.".

—Page 113, after line 13, insert the following:

SEC. 54. MODIFICATION FOR NONCONVENTIONAL POLLUTANTS

(a) Section 301(g)(1) of the Clean Water Act is amended by striking all preceding "upon a showing by the owner or operator" and inserting in lieu thereof "The Administrator, with the concurrence of the State, may modify the requirements of subsection (b)(2)(A) of this section with respect to the discharge from any point source of ammonia, chlorine, color, iron, or total phenols (4AAP) (when determined by the Administrator to be a nonconventional pollutant under this Act)".

(b) Section 301(g) of the the Clean Water Act is amended by adding the following new paragraphs:

"(3) The Administrator may evaluate pollutants subject to this subsection prior to the enactment of the Clean Water Act Amendments of 1985, and if the Administrator determines that for one or more pollutants satisfactory test methods and data are available to make the determination required by paragraph (1), may recommend to the Congress the inclusion of such pollutants under this subsection.

"(4) Any request for a modification under this subsection shall be deemed to have been denied, if not approved by final agency action within one year after submission to the Administrator.

"(5) The amendment made to this subsection by the Clean Water Act Amendments of 1985 shall apply to all modification requests under ths subsection pending on the date of enactment of the Clean Water Act Amendments of 1985. Such amendment to this subsection shall not have the effect of extending or reopening the deadline established in section 301(j)(1)(B).".

(c) Section 301(j)(2) of the Clean Water Act is amended by inserting after the first sentence thereof the following: "An application for a modification under subsection (g) shall not stay the applicant's obligation to comply with effluent limitations for all pollutants not the subject of an application for modification, and nothing in this section shall preclude the Administrator (or the State as appropriate) from issuing a permit containing effluent limitations for all pollutants not subject to a stay under this subsection pending a final decision on the request for modification.".

(d) Section 301(g)(1) as amended by inserting "(1)" immediately after "subsection (b)(2)(A)."

By Mr. STANGELAND:

—Page 58, after line 17, insert the following:

(c) EQUIVALENT LOCAL PRETREATMENT DEMONSTRATION PROGRAM.—Section 307 is amended by adding at the end the following new subsection:

"(f)(1) Any State may apply to the Administrator to operate an equivalent local pretreatment demonstration program under this subsection with respect to one or more qualifying treatment works located in such State.

"(2) For purposes of this subsection, the term 'qualifying treatment works' means a publicly owned treatment works which—

"(A) is in compliance with applicable effluent limitations pursuant to sections 301 and 302 of this Act and with all requirements of section 402(b)(8) of this Act;

"(B) has had approved by the Administrator before the date of enactment of this subsection the design for a pretreatment program meeting the standards established by the Administrator under subsection (b) of this section; and

"(C) is implementing an equivalent local pretreatment system—

"(i) with respect to which the owner or operator of such treatment works has sufficient funds, equipment, and personnel to effectively administer such equivalent system;

"(ii) with respect to which such owner or operator has adequate technical capability to effectively sample and monitor the quality of (I) the discharges regulated by such equivalent system and the discharge from the treatment works, (II) the sludge resulting from the operation of the treatment works, and (III) the water into which discharges are made from the treatment works;

"(iii) with respect to which such owner or operator has adequate legal authority to enforce and ensure continued compliance with all requirements of such equivalent system; and

"(iv) which will not impair the ability of such owner or operator to safely use or dispose of sludge resulting from the operation of the treatment works.

"(3) For purposes of this subsection, the term 'equivalent local pretreatment system' means a system developed by the owner or operator of a publicly owned treatment works of regulating the introduction of pollutants into such works, which system is different from that required under subsection (b) of this section and section 402(b)(8) of this Act but equally or more effectively prevents the discharge through such works of pollutants which interfere with, pass through, or otherwise are incompatible with such works or which impair current or planned sludge use or disposal.

"(4) The Administrator shall not approve demonstration programs with respect to more than four qualifying treatment works in each of the ten regions of the Environmental Protection Agency. If applications are received by the Administrator with respect to more than four qualifying treatment works for any such region, the Administrator shall select the treatment works for which programs will be approved taking into account—

"(A) whether or not the State in which the treatment works is located has promulgated water quality standards for the pollutants covered by the equivalent local pretreatment system for such treatment works;

"(B) whether or not the State in which the treatment works is located has an approved permit program under section 402;

"(C) the number and type of indirect dischargers that would be subject to the equivalent system;

"(D) the record of compliance achieved by the treatment works in meeting applicable effluent limitations;

"(E) the extent to which the treatment works is exceeding the requirements of secondary treatment under section 301(b)(1)(B); and

"(F) the effectiveness of the equivalent system in encouraging the recycling of pollutants compared to the effectiveness expected of the treatment works under the requirements of subsection (b) of this section in recycling pollutants.

"(5) The Administrator, or the State in any case in which the State has an approved permit program under section 402(b), shall, after notice and opportunity for hearing, modify any permit issued under section 402 for a publicly owned treatment works with respect to which a demonstration program is approved under this subsection in order to permit such treatment works to operate an equivalent local pretreatment system. Any such modification shall not be effective after September 30, 1990.

"(6) If the Administrator or the State, as the case may be, determines that the owner or operator of a treatment works for which a permit has been modified under paragraph (5) is not meeting the requirements of this subsection, the Administrator or State may, after notice and opportunity for hearing, modify the permit of such treatment works under section 402 to—

"(A) rescind such permit modification, or

"(B) make such additional modifications in such permit as may be necessary to operate the equivalent local pretreatment system in accordance with the requirements of this subsection.

"(7) If a demonstration program application under this subsection is denied or if a permit modification under this subsection is rescinded or ceases to be in effect, the affected source or sources shall, upon notification, be immediately subject to the applicable pretreatment standards under subsection (b) of this section and section 402(b)(8) of this Act. Each such source shall comply with such standards in the shortest possible time (as determined by the Administrator or State, as the case may be), which in the case of the denial of a demonstration program application shall not exceed the amount of time that the source had remaining for compliance when such application was filed.

"(8) Each State with an approved demonstration program under this subsection shall operate such program during the period beginning on the date of approval of such program and ending September 30, 1990. Each such State shall report annually to the Administrator on the status of such program.

"(9) Not later than September 30, 1989, the Administrator shall submit a report to Congress on the implementation and effectiveness of the demonstration program carried out by each State under this subsection, along with recommendations on whether the program should be continued after September 30, 1990.".

H.R. 1409

By Mr. STENHOLM:

—Add the following new section to the General Provisions of the bill:

SEC. . APPLICATION OF MODIFIED DAVIS-BACON AND COPELAND ACT REQUIREMENTS TO MILITARY CONSTRUCTION CONTRACTS.

(a) APPLICATION OF MODIFIED DAVIS-BACON REQUIREMENTS.—(1) The provisions of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (commonly referred to as the 'Davis-Bacon Act') (40 U.S.C. 276a—276a-5) shall be applied with the modifications described in paragraph (2) to military construction projects and military family housing projects.

(2) The modifications referred to in paragraph (1) are as follows:

(A) The Davis-Bacon Act shall be applied to contracts with advertised specifications in excess of $1,000,000 rather than in excess of $2,000.

(B) The area for which the prevailing wage is to be determined shall be the particular urban or rural subdivision (of the State) in which the work is to be performed rather than the city, town, village, or other civil subdivision of the State.

(C) In determining the prevailing wage for a class of laborers or mechanics where more than a single wage is being paid to the corresponding class of laborers or mechanics, the entire range of wages being paid to such

corresponding class in the particular urban or rural subdivision (of the State) in which the work is to be performed shall be established as the prevailing wage.

(D) In determining the basic hourly rate of pay, the basic hourly rates of pay of individuals whose wages are established pursuant to requirements of the Davis-Bacon Act or another Act incorporating such Act by reference shall be excluded.

(E) Helpers of a class of laborers or mechanics shall be considered as a separate class and prevailing wages for such helpers shall be determined on the basis of the prevailing wages of the corresponding class of helpers.

(b) PAPERWORK REDUCTION.—Section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (40 U.S.C. 276c) shall be applied to military construction projects and military family housing projects in a manner which requires that a statement concerning the weekly wages paid each employee, pursuant to a contract entered into with respect to such a project, be made only at the beginning and at the conclusion of the period covered by the contract rather than on a weekly basis.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to contracts entered into with respect to military construction projects and military family housing projects authorized by this Act or any other Act enacted on or after the date of the enactment of this Act.

EXTENSIONS OF REMARKS

HEALTH CARE INDUSTRY TAKES THE SPOTLIGHT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. TORRICELLI. Mr. Speaker, an article appeared in last Sunday's Newark Star Ledger entitled "Health Care Industry Takes The Spotlight," about some of the exciting changes and developments that have occured in the health care industry in New Jersey.

Prominently featured in this article is a young New Jersey attorney named Peter W. Rodino III—the son of our distinguished colleague Representative PETER W. RODINO, Jr., the chairman of the House Judiciary Committee and the dean of the New Jersey congressional delegation.

It is clear from reading this article that the younger Rodino has a great many of the qualities for which we all know his father—intelligence, hard work, integrity, and dedication. Those of us who know and have worked with both Rodinos will not be surprised to learn that Peter Rodino III is earning tremendous success and respect.

When he was a young boy, Peter Rodino recognized the dangers of nuclear war, and although he was only 10 years old, he decided to do something about it. After he wrote a letter to Nikita Khrushchev, imploring him to put an end to the arms race, young Peter started a program called "Little People to Little People," a letter-writing campaign to the children of the Soviet Union. His idea was that the children of the world could influence their elders to put a stop to the nuclear nightmare.

He earned a great deal of attention for this. He received an invitation to the White House and met with President Johnson, appeared on the popular television quiz show "I've Got A Secret," and was commended by UNICO as "Boy of the Year" and by the Columbian Civic Club as "Outstanding Youth of the Year." This all took place before he reached his 12th birthday.

This early promise was realized in his later professional and academic achievements. After graduating from Georgetown University and Seton Hall Law School, Peter Rodino established an active law practice in New Jersey. In addition, he has been involved in numerous civic and political activities. Among the highlights of these are his appointment by President Carter to serve on the National Highway Safety Commission, and his role as vice chairman of the 1980 Carter-Mondale campaign.

Mr. Speaker, as one who is very fond of the entire Rodino family, it is a great pleasure for me to insert this article into the RECORD to share with my colleagues.

[From the Newark Star Ledger, July 14, 1985]

Once again, the business spotlight is on the Garden State, in still another dimension.

Its focus now is on the multibillion dollar, multifaceted health-care industry which is going through a performance involving major metamorphosis and keen competition.

And prominent Jerseyans, past and present, are center stage. Also in the scene of action are such giant corporate entities as Prudential Insurance Co. of America and the Hospital Corp. of America and such organizations as the nationwide Blue Cross and Blue Shield Association and its New Jersey unit; the American Hospital Association, and scampering about are a host of Health Maintenance Organizations, (HMO's), no fewer than 11 of Jersey origin.

"New Jersey is the hotbed of HMOs," says Peter W. Rodino 3d, visibly pleased after wrapping up a deal that places Crossroads Health Plan of New Jersey under the wings of the broad-scoped AmeriCare Health Corp. and himself in an enviable and challenging role in the industry.

In the latest HMO consolidation involving a Jersey health insurer, the 33-year-old Roseland attorney—son of New Jersey's congressional delegation dean, Peter W. Rodino, Jr.—will continue as chairman of the Crossroads subsidiary and take on a director's portfolio on the board of the publicly-owned AmeriCare.

A former Jerseyan, George Deubel is president and chief executive of AmeriCare, headquartered in Sacramento, CA. Of Deubel, Rodino says he is a "management pro, among the best in the health care industry," a credential of vital importance in any changing business.●

A NATIONAL SERVICE PROGRAM FOR YOUNG AMERICANS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. WEISS. Mr. Speaker, I would like to share with our colleagues an insightful column written by journalist Pete Hamill and entitled, "Let's Draft the Yuppies." It was published recently in the June edition of Mother Jones magazine.

Americans who are in no danger of being sent off to fight an American-sponsored war in Central America, Mr. Hamill observes, are more likely to support reckless American intervention. He offers a provocative, if surprising, solution.

I do want to note that I do not share Mr. Hamill's advocacy of a return of the military draft. I do see merit in a broad-based, voluntary national service program for our youth.

With the exception of perhaps the peace Corps and VISTA, we presently have no nonmilitary opportunities for young Americans to serve our country that are equal to military service in commitment and scope.

Participants in a national service program could help rebuild the decaying neighborhoods found in many of our cities. They could clean up the environment, help eliminate illiteracy, or help care for our growing nursing home population. With the appropriate support and guidance, they could redefine the idea of community service.

I encourage our colleagues to take a moment to read Mr. Hamill's thoughts. I think there is something to be learned from his observations.

The column is reprinted below:

LET'S DRAFT THE YUPPIES

(By Pete Hamill)

It's time to bring back the draft. I know, I know: the draft was one of the great bogeys of the Left during the Vietnam era. The draft drove thousands of young men into exile in Canada, Sweden, and other countries, where many remain. It was the focus of gigantic demonstrations that sometimes unraveled into violence. The military draft had a class and racial bias that sent too many blacks, Hispanics, and working-class whites off to fight and die in Asia while their more affluent white fellow citizens stayed at home, acquiring the skills that allowed them to evolve, god help us all, into yuppies. The draft was unfair. The draft was heavy-handed. The draft was inefficient. I was one of the millions of Americans who were glad to see it go.

But now, after a decade of American life without the draft, I think I was wrong.

We can see the results of a draft-free America all around us. There is, to begin with, the bizarre militarism and hypernationalism that infect all levels of American life. This phenomenon is inaccurately labeled patriotism by the people, from Ronald Reagan down, who are spreading the virus. Safe, soft, well-paid American white men watch television and growl about the need to invade Nicaragua.

I don't think these armchair nationalists would be so brave if their own kids were obligated to do the fighting. In Nicaragua, of course, the Reaganistas have learned at least one crucial lesson from the Vietnam War: instead of ending the commitment with "Vietnamization" (the use of local cannon fodder), they have begun with it, paying the contras to do the fighting that American soldiers should be doing themselves. The so-called covert war againt the

Nicaraguan government is, of course, a United States war, funded by the United States to further the policies of the United States. But the Reagan people also know that if body bags don't come back stuffed with broken young Americans, if the only dead are Nicaraguans, there will be no public uproar.

But young Americans themselves are also safe from the responsibilities that should go with their fervid embrace of Reaganism. Most exit polls after last year's election indicated that 60 percent of those in the 18-to-24 age bracket and 65 percent of the self-described young professionals voted for Reagan, therefore licensing his murderous policies in Central America and his hard-line Cold War policies elsewhere. Why not? To most of the young, Ronald Reagan is merely a principal character in a TV movie, part of the remote events that will never have any direct consequences to them. They can sit around listening to Madonna sing "Material Girl" and watch Lifestyles of the Rich and Famous while young Nicaraguans bleed in the mountains along the Honduran border. They can do what many Americans enjoy doing all the time: being tough with their mouths. In the world where most young Americans live, guns are fired only on television, violence is acted out by Clint Eastwood, and if there is pain, discomfort, unhappiness, you merely call Daddy collect and get some money to handle the problem.

The draft would change all of that. Certainly, the ideal draft would be a valuable instrument of a true democracy. If all Americans, male and female, rich, middle-class, and poor, from age 18 to 25 were subject to the draft, this would be a social and racial equalizer. There are many Americans who had never met black people until they walked into a basic-training camp. There are many blacks who had not intimately encountered whites until they met them in foxholes. Some even became friends; none were ever the same again in their perceptions of race and class.

Obviously, the military could not absorb all young people who turn 18. For that reason, the concept of national service would be the best structure for any future draft. Many young Americans would enter the armed forces; others would serve in Job Corps (if it survives Reagan's budget cutters), Peace Corps, or some form of urban corps, charged with salvaging America's wounded inner cities. I would make national service a condition for all federally supported educational benefits; a citizen simply could not attend a university that receives federal funds without having first served the country. Nobody could pass through two years of national service without learning to read and write; some of the draftees could teach the others, using the literacy campaigns of Cuba and Nicaragua as models. All would be sent far from home, not only breaking the domestic umbilical cords, but also learning about the diversity of their own country and understanding the vast range of the outposts of the American empire. I don't think any of the young would emerge the same; I always remember that George Orwell became a socialist after serving as a British imperial cop in Burma.

People who never assume responsibilities remain children. The genius of Ronald Reagan is that he has made adolescent irresponsibility a national ideal. When things go wrong, Reagan is never blamed. He smiles the boyish grin and shakes his head and goes on to recite the latest glorious statistics about the GNP, and the American young smile in a brainless way and are happy once more.

A national draft might change that. If we follow the logic of our current national rhetoric and invade Nicaragua, then the people who voted for Reagan should bleed and die alongside those in Central America who didn't have the chance to make that choice. If Reagan's giddy optimism ignores the devastation of the cities, the heartbreak of the small farmers, the humiliation of welfare and unemployment, then some instrument must be devised to make young people aware of the other America that the president chooses to ignore. That instrument should be a universal, democratic, national service draft.●

PROPOSED TAX CHANGES MAY DRIVE UP RENTAL HOUSING COSTS

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. HEFTEL of Hawaii. Mr. Speaker, one of the concerns some of us have about the administration's tax proposal is that it may have unrevealed consequences. So far-reaching a shift in tax policy is almost certain to create fundamental changes.

Analyses of these changes are beginning to emerge and as we gain insights from them we need to consider whether or not we are prepared as a nation to accept these consequences. If we are not, we have to look for alternatives.

One such study has just been released which offers some ideas worth considering carefully. It is study of the effect of tax changes on the Nation's rental housing market, a subject of special interest to me as the State of Hawaii has one of the largest percentages of rental housing in the country.

The study, conducted jointly by Harvard, MIT, and Wharton Econometric Forecasting, argues that by eliminating the incentives for investing in housing which the current tax law provides, the cost of building such housing will rise significantly.

Capital costs of building conventionally financed apartment projects will increase by 44 percent, the study says, thereby greatly reducing their number. There will be virtually no reason left to invest in low and middle-income housing, it argues.

As a result, apartment building in this country will slow almost to a dead stop, reducing the housing stock by approximately 1,880,000 units by 1994.

The effect of this will be increased demand for existing housing and increases in rents from between 20 percent and 24 percent by 1991.

It is conceivable that some other aspect of the tax proposal may to some extent counteract some of these consequences. But we still need to ask ourselves whether or not we are prepared to deal with the effect of higher housing costs on low- and middle-income families who make up the bulk of renters.

The study also points out that the rent increases may well far outweigh the tax reduction renters will get from lower tax rates.

The administration has promised that in exchange for giving up certain tax breaks and incentives, most people's taxes will be reduced through lower rates. But, the study argues, a rent increase is a hidden tax, far greater than the typical savings from lower rates.

A rental household consisting of two workers earning less than $25,000 a year for example, it argues, can expect tax savings of about $100 a year from the lower rates.

If their rent goes up even half of the 20 percent projected by the study, they will, on the average, be paying $450 more a year. They will, therefore, be behind by $350.

Another hidden consequence, the study argues, may be increases in State and local taxes. If tax incentives for investing in low-income housing disappears, local governments will have to pick up the added cost of providing housing for those who can't pay for conventional housing, a group which may well increase as rents go up.

There is, then, a real possibility that local taxes will rise to pay for this cost.●

DE EPIMAETHEUS DAMON WILLIAMS HONORED BY WATTS/WILLOWBROOK CONGREGATION ON 92D BIRTHDAY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. DYMALLY. Mr. Speaker, it is an honor for me to participate in the festivities surrounding the 92d birthday of De Epimaetheus Damon Williams by bringing to the attention of my fellow Members of Congress Mr. Williams' spectacular feat of longevity. The celebration in our community is going to be particularly joyous on July 28, 1985 because not only will we celebrate a significant birthday but we will also be dedicating a new sanctuary for the Watts/Willowbrook Church of Christ. We will present the following resolution to Mr. Williams. And, Mr. Speaker, I ask that a copy be printed in the CONGRESSIONAL RECORD, the official record of the proceedings of the U.S. Congress:

RESOLUTION FOR DE EPIMAETHEUS DAMON WILLIAMS

Relative to the celebration of success upon retirement Where As, Mr. De Epimaetheus Damon Williams, a distinguished California Minister and Civic Leader has,

through his Religious Commitment and voluntary efforts, contributed extensively and given unselfishly to his Community, State, and Country, and in recognition thereof, He is deserving of special honor and commendation; And

Where As, A native of Port Gibson, Mississippi, Mr. Williams began ministering at Mobile, Alabama in 1946, pursued God's work earnestly, with pride and integrity in his service, While keeping God at the center of all, He gained administrative and organizational experience with the establishment of religious congregations at Lynette, Alabama, Hattisburg, Laurel, Columbia and Gulfport, Mississippi between 1954 and 1963; At which time he also established the Watts/Willowbrook Church of Christ congregation for which a new edifice is in the making today and relative to the celebration of his success on his 92d Birthday this July 28, 1985 at the Airport Park Hotel.

Where As, In pursuit of knowledge and education, He studied at Alcorn, A & M in Mississippi, Southern Christian Institute, Armstrong Business College and the University of California at Berkeley where he also worked and served the local congregation at Berkeley, California in 1962. Such pursuit has carried over to his ten children, all of which have attended college, one attained a Doctorate Degree and four others with Master's degree, all a reflection of the power and greatness of their father and mother, the late Katye Kathryn Williams;

Where As, The achievements and advancements he has made through recognized publications and the electronic media include: Which Church Is The Right Church, 1950; Things You Should Know To Understand The Bible; What Must I Do To Be Saved, 1952; What Value Is The Word Of God To Me, 1954; and weekly radio programs, Bible Correspondence courses coupled with extensive Marriage and Family Counselling, which reflects strength, determination and committment which are required for success; Now Therefore, Be it

Resolved By Congressman Mervyn Dymally, That we take great pride along with Pepperdine University which bestowed its highest honor in Christian Service; The County of Los Angeles which bestowed the Community Service Award; The Rules Committee of the State of California which bestowed The Christian Service Award; The American Biographical Institute which labeled him as a "Distinguished American Citizen," Nominated by Pepperdine University and listed in the Archives for the Disciples of Christ; Listed in the Preachers of Today Book; and the Charles Drew Postgraduate Medical School bestowed a Christian Service Award in honoring and commending De Epimaetheus Damon Williams on his exemplary display of service to, and concern for the spiritual upliftment of his Community, State and Country in that he has touched the hearts of the poor and even the spirit of former President Franklin D. Roosevelt, and the hearts of the rich, and we extend our gratitude for his great contributions to his community, state and country. Furthermore, the new edifice underway that will be the sanctuary of the Watts/Willowbrook Church of Christ located in Compton, California will be dedicated in his honor; And be it further

Resolved, That a suitably prepared copy of this Resolution be transmitted to Mr. De Epimaetheus Damon Williams.●

EXPLAINING THE ATTRIBUTES OF FOOD IRRADIATION

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mrs. LLOYD. Mr. Speaker, I would like to bring to the attention of my colleagues the following article on food irradiation which was originally published by the Council for Agricultural Science and Technology [CAST]. The article provides an excellent explanation of the food irradiation process and the applications of it which hold so much promise for increased production and preservation of food. The recent ban on ethylene dibromide [EDB] has necessitated finding alternative methods for pest control in plant products and the irradiation of food can be used to disinfest agricultural products.

Our Committee on Science and Technology felt so strongly about the benefits of this process that we designated $5 million from the fiscal year 1986 Department of Energy budget authorization to be used to initiate a Civilian Byproducts and Beneficial Uses Program. This major program will allow the Department of Energy to begin a Civilian Integrated Byproducts Program, with emphasis on food irradiation and other food-related technologies.

The article follows:

FOOD IRRADIATION

Mention radiation to the average American, and you conjure up images of laser guns zapping comic book villains with deadly rays, ghostly medical X-ray images, and atomic bombs. Radiation suffers from a negative (if unrealistic) public image. For the food industry, however, radiation is essential, and certain kinds of radiation can be a powerful and economical means of preserving foods and keeping them wholesome. For consumers, radiation used as a preservative can provide food products with less microbial contamination and a longer shelf life. This adds up to better health and lower food costs.

WHAT IS ELECTROMAGNETIC RADIATION?

Electromagnetic radiation is energy that moves through space at the speed of light by simultaneous variation of the intensity of electric and magnetic fields. The intensity of the radiation at a particular point changes periodically, and the period may be represented by either the number of times per second the electromagnetic field makes a complete excursion and returns to its original condition (the frequency) or the distance in meters (1 meter=1.1 yards) between corresponding points on two successive waves (the wavelength). Both methods are used, and their relationship is indicated in the accompanying diagram, where the velocity of propagation of the waves through space (3×10^8 meters per second) is equal to the product of the frequency in periods or cycles per second (hertz) and the wavelength in meters. The diagram shows both the "kinds" of electromagnetic radiation and the uses that are made of certain portions of the spectrum.

Wavelengths of electromagnetic waves cover a great range, and several portions of the spectrum are given different names. The longest are radio waves. They range from many meters down to one-thousandth of a meter. The shortest radio waves overlap infrared radiation. Infrared radiation, visible radiation (light), and ultraviolet radiation occupy successively shorter wavelengths. X-radiation overlaps ultraviolet radiation, and gamma radiation overlaps both ultraviolet radiation and X-radiation. Not shown in the diagram is cosmic radiation, which has wavelengths shorter than those of gamma radiation. Also not shown is another kind of radiation, accelerated electrons.

RADIATION AND FOOD PRODUCTION

Electromagnetic radiation plays an essential role in food production. Some of the energy from the visible light range of the electromagnetic spectrum is captured by plants in the process of photosynthesis. The light energy is converted to chemical energy, which is stored in the organic compounds produced by plants. This stored chemical energy is essential for animal and human life, and it functions as the origin of the petroleum, natural gas, and coal we use as sources of stored energy. Additionally, plants and animals, from which human foods are derived, are all grown under exposure to electromagnetic radiation in the ultraviolet, infrared, and other portions of the electromagnetic spectrum.

RADIATION AND FOOD PROCESSING

Broiling and baking are accomplished by electromagnetic radiation in the infrared range. The energy moves through space from the source to the food. Broiling and baking have been used for centuries as traditional methods of food preparation. The more recent exercise of cooking by microwave was readily accepted to be as safe as broiling a steak or baking a cake in a gas or electric oven.

Fresh meats, poultry, and fish, properly irradiated with gamma rays, X-rays, or accelerated electrons, can be freed of bacteria and other microorganisms, including such pathogens as *Salmonella,* giving them a longer shelf life under refrigeration. Cooked meats that are sterilized by ionizing radiation after they have been sealed under vacuum in economical containers can be preserved as long as heat-sterilized meats without refrigeration.

The banning of ethylene dibromide (EDB) as a fumigant has given new impetus to the search for ways to control insects in plant products. Irradiation effectively controls insects in stored grain and can substitute for some uses of EDB on fresh fruits and vegetables.

IONIZING RADIATION

The scales in the diagram of the electromagnetic spectrum show how the energy of the radiation increases as the wavelength decreases. As the energy of the radiation multiplies, the greater is its tendency to cleave the food molecules with which it interacts into smaller ionized or electrically charged particles. Light energy has this property to a small degree, and the property becomes more pronounced as the wavelength of the electromagnetic radiation decreases. Gamma radiation, accelerated electron radiation, and X-radiation have very short wavelengths and a relatively strong tendency to produce ions. As a result, they are often called ionizing radiation.

TREATING FOODS WITH IONIZING RADIATION

The value of ionizing radiation in food preservation and pest control is that in proper doses it can split enough of the molecules in the bacteria and other living organisms in certain foods so they are no longer functional, without at the same time splitting so many of the molecules in the foods that the foods are damaged. The ionizing radiation used to treat bulky food products is almost exclusively gamma rays that are emitted by decay of radioactive cobalt or cesium.

Foods can be treated with accelerated electrons and X-rays as well as with gamma radiation. On the microscopic or atomic level, the effect is the same. They all cleave some molecules into smaller ionized particles. But the penetrating power of electrons is very limited. Gamma rays with energy of 1.3 million electron volts can penetrate 20 to 30 centimeters (8 to 12 inches) of water, while electrons with energy of 10 million electron volts (the maximum energy proposed for irradiating foods without inducing measurable radioactivity) can pass through only about 3.5 centimeters (1.4 inches) of water. The relatively poor penetration of electrons, therefore, limits their practical application in food preservation and pest control to foods that can be irradiated in layers no more than 3.5 centimeters thick in specially constructed units.

Processing of foods by ionizing radiation for preservation and pest control has been approved in many countries. But in the U.S., only minor uses have been approved, including irradiation of spices to reduce the count of microorganisms, irradiation of wheat and wheat flour to control insects, and irradiation of potatoes to inhibit sprouting. Development and use of the technology in the U.S. has been inhibited by a number of problems.

THE PSYCHOLOGICAL PROBLEM

Excessive exposure of humans to ionizing radiation may produce cancer, other medical problems, and death. Humans need special protection when sources of strong ionizing radiation are used. Visible light radiation can be seen, and infrared radiation can be felt. But ionizing radiation in moderate amounts can neither be seen nor felt, although it may have profound health consequences that occur later. No wonder people view it as a mysterious and lethal force (1).

The hazard of excessive human exposure to ionizing radiation has tended to be linked psychologically to the process of exposing foods to ionizing radiation. Public concerns fall into two categories. One is a general aversion to any use of nuclear energy and the radiation it produces. Second is the fear that treating foods with radiation may make them unhealthful.

There have been two questions about health effects. One is that if direct exposure to ionizing radiation is hazardous to humans, isn't indirect exposure also hazardous when one eats foods that have been treated with ionizing radiation? This anxiety about exposure to radiation is without scientific foundation. Ionizing radiation is merely radiant energy. It disappears when the source is removed, the food products that have been treated are not made radioactive and there is no radiation hazard in consuming them.

Another worry is how do we know if we have tested for all possible hazardous substances that may have been created in foods by irradiation and that we have verified that no hazard exists? This question is more serious than the one about the alleged radiation hazard. Ionizing radiation does split some molecules in foods, causing changes in chemical composition. The scientific and toxicological problems raised by this question are discussed following the legal roadblock.

THE LEGAL ROADBLOCK

Enough public uncertainty existed about the use of ionizing radiation for treating foods to cause the Congress to act. In the Food Additives Amendment of 1958, the Congress classed ionizing radiation with food additives on the basis that it may affect the characteristics of food. Because of the working of this law, the Food and Drug Administration, prior to approving any use of ionizing radiation as a food treatment, had to be assured that the proposed use satisfied the requirements for safety of chemical food additives. This legal roadblock created a toxicological problem and indirectly an economic problem.

THE SCIENTIFIC PROBLEM

Scientifically, the question about testing for all possible hazardous substances and verifying that no hazard exists can never be fully answered. No matter how many substances have been found and proved to be innocuous at the levels present, one can never be sure that all the substances formed as a result of food irradiation have been identified or that they are all harmless. The same, of course, can be said for foods processed by heat. Heating creates more chemical changes than does irradiation with the high doses needed for sterilization.

THE TOXICOLOGICAL PROBLEM

An insurmountable experimental problem is created by the fact that the changes in chemical composition of foods associated with ionizing radiation are diverse and that the products are not separate from the foods for testing in the proportions in which they exist. In gauging the risk of using a chemical additive in our food supply, the procedure used by toxicologists is to feed different doses of the substance to the animals to find the relationship between the doses ingested and the responses of the test animals. The maximum dose that does not produce a harmful effect is found from the response curve. This information is used to estimate a practical margin of safety, that is, the difference between the maximum "no-effect level" of intake by the test animals and the maximum level that should be allowed for human consumption.

The standard toxicological procedure to estimate a margin of safety for human consumption works well for chemical food additives, which are expected to remain in foods to serve a specific purpose, but it is unrealistic for irradiated foods. Although new chemical products from irradiation can be identified, their concentrations are very low, generally measurable in parts per million or parts per billion. Some of the new products could be added in increasing quantities for testing purposes like chemical food additives, but it is unlikely that all the new products will ever be known, and certainly they cannot be added in increasing quantities in precisely the proportions in which they occur. This means that the standard kind of evidence needed to verify that the levels of chemical food additives are safe cannot be obtained for the substances that have been formed in foods by irradiation.

However, in 30 years of extensive animal feeding studies with irradiated foods in the U.S. and other countries and on several different species of animals, there has been no confirmed evidence of any harmful effect of irradiating food with the doses needed to control insect pests and bacteria. It has not been proved that the effects of ionizing radiation on the chemical composition of foods are more extensive or more dangerous than those of any of the other commonly accepted forms of radiant energy, such as infrared radiation (heat) or microwaves, used in food preparation.

The chemical changes produced in foods by high (sterilizing) doses of ionizing radiation are minor. None of the compounds found to be produced by ionizing radiation are unique products of the irradiation. Rather, they are identical with naturally occurring substances, and they are found in smaller quantities than are produced when foods are cooked.

THE ECONOMIC PROBLEM

The experimental impossibility of obtaining the toxicological evidence required for approval of irradiation in the sense of a chemical food additive creates an economic problem. Much additional supplementary evidence is needed to obtain regulatory sanction for use of a specific dose of radiation on a particular product. Because of the expense involved and the lack of assurance that the proposed procedure would win approval from the Food and Drug Administration, companies generally are unwilling to invest the money required. This discourages the use of irradiation. As a consequence, more energy is needed to refrigerate and prepare food, and processors must use additional amounts of chemicals as fumigants and preservatives.

IRRADIATION NOT FOR EVERY PRODUCT

Some food products are better candidates for irradiation than others. Generally, a product that is dry, such as grain, can tolerate more radiation without detrimental effects than a moist product, such as fresh fruits, vegetables, and meats.

At low doses (up to 1 kilogray [2]], beneficial effects of irradiating food commodities of plant origin include (a) inhibition of sprouting of tuber, bulb, and root crops, including potatoes and onions; (b) control of insects in some fresh fruits and vegetables, nuts, dried fruits and vegetables, cereal grains, and legume seeds; and (c) delay of ripening of certain tropical fruits.

At higher doses (between 1 and 3 kilograys), irradiation has bactericidal and fungicidal effects that can be useful for controlling decay in some commodities that suffer little or no injury from irradiation. Used on fresh (chilled) or frozen meats, poultry, fish, and shellfish, such doses can increase the shelf life under refrigeration and can greatly reduce the level of bacterial pathogens, such as *Salmonella*. Fresh plant commodities with high water content, however, generally do not tolerate irradiation doses exceeding 3 kilograys without detrimental effects. Irradiation in doses of 2 to 4 kilograys, which are effective in controlling decay of fresh fruits and vegetables, adversely affects their quality, especially texture.

On the other hand, irradiation at doses of 4 to 10 kilograys is a very effective treatment for reducing the numbers of microorganisms in spices, dried vegetables, and frozen foods (shrimp, beef, poultry) without detrimental effects on their flavors. This treatment also modifies the textural quality of dried vegetables and legumes and has been shown to reduce the cooking time.

THE VERDICT

A large and impressive collection of scientific evidence from across the years and the world suggests that properly applied doses of irradiation are no more harmful then any of the conventional processing and cooking techniques. And irradiated food is far less dangerous (or distasteful) than spoiled or buggy food.●

DON'T PENALIZE EMPLOYEES AND PROFIT-SHARING PLANS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. HUBBARD. Mr. Speaker, I am receiving hundreds of letters, postcards, and telephone calls from my constituents about the President's tax reform proposals. I would like to share an excellent June 28 letter to me from Palmer H. Warren, of Paducah, KY, who has written about his concerns regarding the President's tax reform package.

Palmer Warren, like so many others who have contacted me, is strongly opposed to changing the taxation of profit-sharing programs that are actually designed to encourage savings.

I urge my colleagues to read his comments and reflect upon his views in opposition to profit-sharing program changes and tax increases. I, too, share his views.

The letter from Palmer H. Warren follows:

PADUCAH, KY, *June 28, 1985.*

Representative CARROLL HUBBARD, Jr.,
Washington, DC.

DEAR MR. HUBBARD: There are many good things about the President's tax reform proposal which I favor, but there are some parts of it that I oppose and, thereby, request your support in eliminating them from passage without affecting the overall tax package. I work for Sears in Paducah, Kentucky, and our company provides us with a Profit Sharing Program designed to encourage savings. Employees who use this program wisely can develop a nice retirement nest egg which makes them less dependent on this country's struggling social security benefits. I find that as I review the changes, (1) withdrawals from profit sharing will be taxed at a substantially higher rate and (2) the amount of pre-tax deposits that I can make will be reduced. These two proposals are contradictory to this country's desire to offer savings incentives and should be deleted from the package.

Let me try, as briefly as possible, to describe how the proposal will substantially increase taxes and, thereby, reduce my savings for retirement. Under the current law, I can retire from my company at age 55. My profit sharing account would be closed and distributed to me. I can elect to roll it over into an IRA and begin drawing it out at 59½ and pay ordinary income tax on these withdrawals. Or, more importantly to me, I could take the proceeds from my profit sharing and invest in other ways that would provide an income for me in retirement after age 55, but before 59½. Under today's law, this kind of distribution at the time of retirement has a favorable "10 year forward averaging" tax method. Under the new proposals, if I retire before age 59½ and do not roll over the distribution at retirement, I will be required to pay an additional 20% "early distribution" penalty tax on top of being taxed at ordinary income tax. This type of taxing will be so damaging to my retirement that I will not be able to retire at age 55, which has been my goal for over thirty years. Even if I wait until 59½ to retire and my withdrawal exceeds $112,500, I will be assessed a 10% tax penalty, plus ordinary income tax. I am sure you agree these are not "savings incentives". I would appreciate your support in opposing any proposal that would damage retirement plan distributions with penalty taxes and taxing as ordinary income rather than "averaging".

Secondly, under today's law, we are permitted to make pre-tax deposits into our Profit Sharing account up to 10% of our salary. This is in addition to IRA contributions. I understand that the present administrative rules would be substantially changed and will cause such burdens and complexities in complying with the new rules that our 10% pre-tax rate would probably have to be substantially reduced. This will negatively impact upon "savings" in our profit sharing plan and, therefore, I request that you oppose this proposal to change the current laws pertaining to pre-tax deposits into retirement plans.

In closing, much has been done lately to encourage savings and the results are obvious . . . a manageable inflation rate. Let's not tear down what we have struggled so long to fix . . . please eliminate any proposal that would adversely affect working America's retirement plans by increasing taxes on withdrawals and by reducing the pre-tax deposits. We can eliminate these from the package and not affect the overall intent at all. I'm counting on your support.

Sincerely,

PALMER H. WARREN.●

AMENDMENTS TO THE EDUCATION FOR ECONOMIC SECURITY ACT

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. JEFFORDS. Mr. Speaker, I am introducing legislation today on behalf of the administration to amend the Education for Economic Security Act (Public Law 98-377), commonly known as the math-science bill of 1984. This major initiative evolved from a Presidential challenge issued by President Reagan in his 1983 State of the Union Address. Recognizing the timeliness of this important issue, Congress swiftly adopted a comprehensive measure which enjoyed solid bipartisan support. The administration's plan provided the initial incentive for addressing the volatile problems of teacher shortages nationwide, as well as heightened concerns over improving educational quality in the fields of math, science, computer learning, and foreign languages.

The Department of Education is in the process of awarding $89 million in formula grants to States under title II of the act for developing teacher training programs; for revising curricula to meet the ever-changing demands to the workplace; and for devising cooperative arrangements between school districts and private industry for the improvement of foreign language, math and science instruction.

The amendments being offered here today would extend the authorization for this program through fiscal year 1986. In addition these amendments make a number of technical changes which provide greater uniformity in the use of terms. The proposal also gives added flexibility to the math/science program by allowing the Secretary to conduct discretionary programs through a variety of avenues, reducing the number of mandated activities in the discretionary program, and granting full or partial waivers in channeling funds to activities beyond the scope of math and science teacher training.

This legislation attempts to simplify the method by which funds for the math/science program are distributed within the State. Instead of creating a new funding mechanism, States would distribute 50 percent of their moneys in accordance with the chapter 1 [ECIA] allocation formula. The other 50 percent would be allocated within the State based on either the total number of children enrolled in public and private nonprofit schools or in the public and private nonprofit schools that request inclusion in the math/science initiative.

The administration has included in their package of technical amendments to Public Law 98-377 a proposal to dismantle the Federal Education Data Acquisition Council [FEDAC]. The rationale for eliminating FEDAC is that the Office of Management and Budget coordinates the review of all Federal paperwork requests and this additional supervisory authority is redundant. While I am in favor of eliminating unnecessary duplication of function, there are situations where redundancy as a form of check and balance is not a bad thing. I would hope that this section of the proposal will stimulate an examination of the necessity of FEDAC to determine whether it makes a unique contribution to data management.

Mr. Speaker, these amendments are not considered controversial and would strengthen the Education for Economic Security Act. By providing greater flexibility and ease in administration they should stimulate participation in this program, thereby, producing a generation of young Americans sophisticated in the advances of this technological era.●

A CONGRESSIONAL SALUTE TO LIONEL L. RIAVE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. MATSUI. Mr. Speaker, on August 29, 1985, Mr. Lionel L. Riave will be honored by his friends and colleagues for 11 years of dedicated and outstanding service to the State of California.

Educated at the University of California, Berkeley, the University of Maryland, and Cambridge University, Mr. Riave began his legal career by serving as judge advocate, U.S. Air Force in such positions as staff judge advocate, 10th TAC Recon Wing, Alconbury, England; chief, Legislative Division Headquarters, U.S. Air Force, Washington, DC; staff judge advocate, U.S. Air Force, Korea; and staff judge advocate, Sacramento Air Logistics Center, McClelland Air Force Base.

After having held teaching positions at Syracuse University and the University of Maryland, Mr. Riave was appointed administrative law judge, Unemployment Insurance Appeals Board on April 15, 1974, and was later appointed chief counsel to the Unemployment Insurance Appeals Board on September 15, 1976.

Mr. Speaker, I ask that my colleagues join me now in thanking Mr. Riave for his dedicated service to the people of the State of California and in relaying our best wishes for a happy and successful retirement.●

HEALTH PREMIUM REBATE FOR FEDERAL EMPLOYEES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. WOLF. Mr. Speaker, the Office of Personnel Management announced yesterday its approval of Blue Cross/Blue Shield's proposed health premium rebate for Federal employees. I am pleased that a decrease in health costs coupled with an increase in alternative resources have resulted in a $754 million surplus for the major health carrier. I feel those subscribers in the BC/BS program who have contributed to this surplus should receive the benefit of the rebate.

Through a technical oversight in the statute, however, such a rebate will only be available to active Federal workers. I feel certain this was not the intent of Congress and I am introducing legislation today with my colleagues Mr. BARNES, Mr. HOYER, Mr. BATEMAN, Mr. PARRIS, and Mr. WHITEHURST and Senator PAUL TRIBLE in the other body to ensure that all Blue Cross/Blue Shield subscribers in the Federal Employees Health Benefit Program are included in Blue Cross/Blue Shield's proposed premium rebate program.

Equity and the appearance of fairness are important ingredients in this type of program. I believe it would be unfair to exclude retirees and former spouses, who have paid into the system, from such a rebate. Likewise, I am curious why other Federal health carriers are not offering such rebates allowing all Federal workers in the FEHBP to participate.

I recognize there is a great deal of confusion and many unanswered questions about this matter. Questions involving individual contributions, Government funds and determinations to rebate rather than redirect, should be handled by the appropriate congressional authorizing committees to ensure that all interests—the employees, the carriers, the Government and the taxpayers—are fairly represented.

Mr. Speaker, this is a positive benefit for employees. However, I believe it would be unfair to exclude Federal retirees and other enrollees from this payback. I urge my colleagues to support this legislation and I urge them to ensure that all interests are fairly represented. It is my sincere hope that committee hearings and markup on this legislation can be quickly under taken to resolve this problem which would otherwise preclude annuitants and former spouses from participating in this premium rebate program.

H.R. 3031

A bill to amend title 5, United States Code, to expand the class of individuals eligible to receive a rebate or other return of contributions when amounts held in contingency reserve under the Federal employees health benefits program exceed certain levels

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 8909(b) of title 5, United States Code, is amended by striking out "employees" and inserting in lieu thereof "enrollees".●

ESTABLISHMENT OF A COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. LENT. Mr. Speaker, during the last year, the Committee on Merchant Marine and Fisheries and many Members of Congress have been contacted by fishing industry constituents who explain that the rising cost of protection and indemnity [P&I] and hull insurance have forced some of them to go to sea without insurance on their vessels or their crews, or to tie up their vessels because insurance has become unaffordable. Although the rising cost of hull insurance is important, the P&I problem seems to be the greater of the two and the one which most proposed solutions are focusing on.

Long-established principles of admiralty law treat fishing vessel crewmen and seamen within the jurisdiction of the admiralty courts. The crewmen can sue vessel owners for negligence and unseaworthiness without limitations on the vessel owners' liability. Court settlements have been as high as several hundred thousand dollars for correctable occupational injuries. While annual P&I insurance premiums have risen by several hundred percent in some fisheries, the insurance industry is experiencing loss ratios which exceed 100 percent, and many domestic and offshore insurance companies no longer write policies for the commercial fishing industry.

Although the fishing industry's insurance problems are a microcosm of the impact of a difficult market situation throughout both the international and domestic insurance community, the Merchant Marine and Fisheries Committee is struggling to formulate some solution that could relieve the crisis now facing fishermen throughout the country.

Some of the few insurance companies remaining in this shrinking market are beginning to demand safe vessel practices of those that they insure and are beginning to show signs of responding to voluntary safe practices within the fishing industry by continuing to make insurance available, even though it may be at a high cost at this time. It is this kind of cooperation between insurers and vessel operators that we should be encouraging.

I am concerned however that some will call for fishing vessel safety regulations, rather than focus on all factors regarding the market problems affecting marine insurance in the fishing industry. Because I believe that these problems can only be comprehensively addressed with the active participation of all parties, I have today introduced legislation to establish a Commercial Fishing Industry Vessel Advisory Committee.

Establishing this advisory committee will ensure that representatives of all aspects of the commercial fishing industry play a lead role in the formulation of any Federal response to the marine insurance problem which may be prescribed to encourage fishing vessel safety and require Coast Guard or other agency regulations. Also, the advisory committee can help to establish a more cooperative, educational relationship between the fishing and marine insurance industries and may assist the Coast Guard in their efforts

to share with fishermen their voluntary vessel standards, safety awareness, and crew qualification programs that are not being developed.

During the last month, I have solicited comments on this legislation from nearly 100 fishing and marine insurance industry members. Generally, those comments have been supportive and some suggested changes are included in the bill that I am introducing today. The Merchant Marine and Fisheries Committee intends to hold a series of hearings regionally, as well as in Washington, on the fishing industry's marine insurance problems, and the concept of this advisory committee can be more fully explored during these hearings.

Thank you, Mr. Speaker.●

PREVENTING SEXUAL ASSAULTS ON CHILDREN

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. DENNY SMITH. Mr. Speaker, in recent years, we have all become aware of the dramatic increase in the reported incidents of sexual assaults on children. These young victims are tragically scarred for life by such assaults.

Gov. Victor Atiyeh of Oregon has just issued an excellent publication dealing with this sensitive issue. The report is entitled "The Parent's Handbook: Understanding Child Sexual Assault." This report provides practical suggestions on the ways in which parents can help prevent their children from becoming victims. It also provides information on ways to detect if a child has been victimized and what to do about it, as well as a county-by-county list of agencies that can help children who have been abused.

This publication is outstanding, and I cannot recommend it too highly to my colleagues. I believe the publication could serve as a model for similar publications in other States. If any of my colleagues would like a copy of this publication, they should contact Mr. Jeffrey Lewis in the Governor's office in Salem, OR.●

SALUTING CENTRAL FREIGHT LINES AND WILLIAM WOODY CALLAN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. BARTON of Texas. Mr. Speaker, I would like to share with you and my colleagues one of the amazing business success stories in Texas.

Central Freight Lines, Inc., has become the 25th largest trucking company in the United States, despite the fact that it limits its service area to the State of Texas.

Much of the company's success is due to the hard work and dedication of William Woody Callan, its president and chairman of the board.

The company recently observed its 60th anniversary and was the subject of a business profile in the Bryan College Station Eagle. The article traces the history of the firm and the unique role of Mr. Callan in guiding it. I'd like to share that article with you.

The article follows:

CENTRAL FREIGHT CELEBRATES 60TH BIRTHDAY

(By Hugh Nations)

Sixty years ago this month, a youngster just weeks out of his teens took to the steering wheel of a Model T Ford truck to wrestle it regularly over Waco's rutted streets.

Today, that Model T has expanded to more than 7,000 pieces of equipment. The sleek diesels that are its successors ply Texas from border to border over many-laned, high-speed highways.

But the same hand is still at the wheel, at least figuratively.

William Woody Callan—the Woody is not a nickname—has headed Central Freight Lines Inc., either as sole proprietor, president, or chairman of the board since its inception in 1925.

The Bryan resident has overseen Central Freight's rise to the largest trucking company in the nation that serves only one state.

Callan, the epitome of Southwestern gentility, would be quick to disclaim sole credit for Central's success. The company's employees are due most of the credit, he said.

And well the employees should be concerned with Central's success. The freight company is entirely employee owned; only Central employees and their immediate families are stockholders.

Callan is a comparative newcomer to Bryan-College Station. In 1967, the widowed trucking pioneer remarried, to the former Kathleen Seale. Seven years ago, the couple built a French-chateau styled home here, and three years ago they began spending most of their time in the house on 31st Street. They also maintain a home in Waco.

Although he has a low profile here, Callan heads two local businesses that are heavily involved in the community. He is chairman of the board of both KBTX-TV and Western National Bank.

He also is board chairmen of two banks in Waco and another in Calvert; and he holds similar posts at KWTX-TV in Waco and at television stations in Sherman-Denison and Lafayette, La.

His primary interest, though, is Central Freight Lines. After 60 years at the helm, Callan is Central Freight.

Throughout all that time, Central has turned a profit every year; neither war nor Depression has slowed its growth. The Depression, in fact, probably gave Central one of its biggest boosts.

Callan had started the freight company in June 1925, after three years with a Waco transfer and storage company. Within three months, he was making overland hauls to and from Dallas.

It was an all-day trip just one way in the solid-tire Model T. The good roads were gravel; most were just dirt ruts. After a couple of months, he acquired another truck and two drivers, and since then has not actively engaged in the actual drayage.

The descent of the Depression wrought a major change in merchandising. Retailers who previously had purchased inventory for six months found they could not afford such major expenditures, and began buying in smaller increments from regional wholesalers.

More frequent out of town inventory purchases meant more frequent trips to haul it to Waco, and Central cashed in on the change in buying habits.

During World War II, Callan served two years in the Army supply services, emerging as a lieutenant colonel. Although absent, he nonetheless retained the Central presidency.

It was in 1948 that Callan, still sole owner of the burgeoning freight company, took the first step in a direction that eventually would transform the firm he had founded.

He sold some of his stock to four key employees.

The resulting improvement in their productivity was so great that in 1952 he made Central stock available to all employees who had been with the company for three years or more.

In 1958, that was reduced to one year.

Today, Callan is a minority stockholder in the company he has headed for 60 years. He owns only 10 percent of the stock. An employee ownership plan holds the largest block, 35 percent; the remainder is held individually by employees, retirees, or their immediate families.

To maintain the employee ownership, Central retains a first-refusal option on all proposed stock transfers to outsiders.

Almost 5,000 people work for Central. Of those, 700 own stock individually, and 4,000 belong to the stock ownership plan, which has $50 million in assets.

Central serves only Texas. And it doesn't plan to serve any areas outside the state. Early in the decade of the 1950s, the company decided that there was enough business available in Texas to provide for any reasonable size that it wanted to achieve.

Callan can make a compelling case for the decision to remain only an intrastate carrier.

There are, he said, 3,100 towns in Texas, of which only 1,200 are incorporated cities and only 500 have more than 2,500 population.

With 2,600 smaller communities that many freight lines don't want to serve, 16,000 regular shippers, and 350,000 regular consignees in the state, Central figures there is ample room to grow.

And grow it has. One of the ways it has expanded both its size and its service area has been to buy other freight lines. In the past three years, it has bought three West Texas lines. It now has pending an application before the Texas Railroad Commission to buy Santa Fe Trails Transportation Co.

If that application receives the expected approval, Central will then serve Texas from the Oklahoma border to Brownsville, and from Orange to El Paso.

It will not be operating in only two areas of Texas, Del Rio-Eagle Pass, and Columbus. Both are served by local companies that Callan said are doing good jobs.

From 1925, when Callan said the fledgling company grossed less than $10,000, to last year, when it grossed $200 million, Central has become about the 25th largest trucking

company in the nation, though it serves only one of the 50 states.

It operates the country's largest freight terminal, in Irving, and in 1983 was given the industry's highest honor, the American Trucking Association's President's Trophy.●

INVESTMENT TAX CREDITS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, under current law, electric utilities recover the cost of their Federal income taxes through customer electric bills. Customers are charged as if the electric utilities did not receive the full benefit of their investment tax credits [ITC's] or accelerated depreciation allowed by the Tax Code. These provisions combined with other tax breaks substantially reduce the taxes which a utility pays. According to a Joint Tax Committee study, on average, utilities only paid an effective tax rate of 15.6 percent in 1982. Over the life of a powerplant, perhaps 30 years, utilities are required to slowly return the value of the ITC's to their customers, and are supposed to pay deferred taxes to the Government, although the full amount is never fully returned.

This is how it works. During construction, utilities receive a 10-percent ITC on the cost of building a new plant. At the same time, they include the value of that 10-percent ITC in determining the cost of a plant. Although the utility did not have to raise the capital for this 10-percent, the utility can charge its customers a rate of return on what is, in fact, a Government grant. The utility is actually earning a profit on funds contributed by the country's taxpayers. Then, over the life of the plant, they slowly remove the ITC from the rate base.

A utility is also allowed to reduce its taxes through the accelerated cost recovery system [ACRS]. This provision was included in the 1981 Economic Recovery Tax Act. A utility may take a deduction for the expenses incurred in depreciating the cost of the powerplant over a 10- or 15-year period depending on the type of plant being built. Under this system, a utility may be able to deduct 54 percent of the depreciation expenses of a powerplant in just 5 years. However, the utility charges its customers as if it were depreciating the plant over its full useful life of, perhaps, 30 years.

As an example, if a utility could reduce its total taxes by $300 million from depreciation expenses, as much as $162 million of that reduction could be recovered in deductions during the first 5 years of its plant's existence. But during that same time, consumers' electric bills would only be reduced by $50 million. Again, consumers pay the utility's taxes as if it depreciated its plant over its full useful life, rather than the Tax Code's accelerated depreciation life. Under this example, customers would have effectively loaned $112 million to their utility. These ratemaking practices are called normalization.

Currently, if a utility commission found this practice unreasonable and required the utility to pass its tax savings on to its consumers, then the law would take away the utility's eligibility for these tax breaks. The money would revert to the Treasury and neither the customer nor the company would receive any benefit.

This bill permits any State public utility commission to require that these tax savings be flowed through, or immediately returned, to customers instead of "normalizing" the benefits as the law now requires.

In summary, the bill returns to States the ability to regulate electric utilities as they see fit. A commission may hold hearings and then establish a least-cost energy plan for utilities. The commission may then order that the tax benefits be used in the way that provides for the lowest cost of electric service. It may require that Federal tax benefits be flowed through to the consumers; it could also choose a middle path, flowing through some of the benefits but not others, as consistent with its least-cost energy analysis; or, it may find that the utility needs the cash flow because it is in bad financial shape.

At the Federal level, the bill gives the Federal Energy Regulatory Commission [FERC], which regulates wholesale sales of power from one utility to another, authority to do the same thing as the States.

In addition, the bill requires that the FERC not allow electric utilities to earn a rate of return on the ITC. Current FERC policy does allow this equivalent of profit based on a Government grant. Thus, the bill sets a maximum on the normalization benefits rather than a minimum as the law now requires.

Current law prevents utility commissions from fully protecting the consumer interest. This bill allows utility commissioners to remove an incentive which not only raises electric rates in the short term, but which also encourages investor owned utilities to build powerplants costing billions of dollars which may not be needed. During the last dozen years, over 100 powerplants were abandoned before they were completed. Electric utilities spent over $10 billion in this decade on plants which will never generate any electricity. Consumers will pay a substantial amount of those costs in higher electric bills. The Government, both Federal and State, also pays for much of this cost because utilities deduct the loss on their taxes.●

SCHOOL EXCELLENCE AND REFORM ACT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. HAWKINS. Mr. Speaker, on June 21 I introduced H.R. 2840, the School Excellence and Reform Act. In my view, this measure points the way for a logical next step in Federal aid to education. The bill authorizes a major new program that will reinforce the current educational excellence movement being undertaken by State and local governments, while ensuring that these reforms do not pass by children who are historically unserved or underserved.

Since the push for excellence in education began, nearly every State in the Union has initiated some action to improve the quality of education, from requiring competency tests, to raising graduation requirements, to lengthening instructional time. As these reforms take hold, two difficult problems are emerging.

First, State and local funding sources are insufficient to meet the heightened expectations the demand for quality education has generated. For example, it has been estimated that to carry out the recommendations of just one of the reform reports—"A Nation at Risk"—would cost $14.1 billion, and if the recommendations for a longer school day and textbook reform are included, this would cost $23.1 billion. States and localities, by and large, are doing their share, but providing a quality education for all students demands the attention and financial support of all levels of government, including the Federal Government. It is time that we at the Federal level shoulder a share of the responsibility.

Unfortunately, the Federal Government has recently become a worse partner in education, not a better one. In school year 1980–81, the Federal Government provided 10.6 percent of the total educational expenditures. By school year 1984–85, we had dropped to 8.3 percent. H.R. 2840 would move toward improving this situation.

Second, the emphasis on higher standards and more testing has revealed the existence of a large group of students with special needs for whom the current reforms, and even schools in general, are not working. These are the students who are not passing the tests or staying in school long enough to take them; or who are denied access to advanced opportunities because of lower expectations, dis-

crimination, or lack of special programs to meet their needs.

Statistics show us how we are failing these students. About 28 percent of American 17- and 18-year-olds do not graduate from high school; in some urban areas the dropout rate is over 50 percent; for black youth it is 40 percent and for Hispanic youth, almost 50 percent. Many students who are in school lack the basic skills to pass minimum competency tests; in Pennsylvania, for example, 35 percent of the public school students in three grades tested failed a new statewide test. Yet, funding for remediation and other special programs for students in need is not always there. Education funding varies widely among wealthy and poor school districts; in some States, the highest spending districts spend three times as much as the lowest spending ones, where children with great needs are often concentrated.

Equity for students with special needs has been a traditional area of Federal concern and should continue to be an emphasis of any Federal role in school reform. As a distinguished board convened by the National Coalition of Advocates for Students concluded earlier this year in the report, Barriers to Excellence: Our Children at Risk:

> We reject the implication raised in current public debate that excellence in education for some children can be made available only at the expense of other children. Indeed, it is our deepest belief that excellence without equity is both impractical and incompatible with the goals of a democratic society.

This report recommended a significant Federal role in improving the quality of education for these children at risk. Similarly, a staff report of the Education Commission of the States, prepared for its Business Advisory Commission, stated:

> A reform movement that bypasses at-risk, apathetic, and unproductive youth . . . will only invite disappointment and cynicism. It is imperative, therefore, to broaden and deepen the reform movement now. The coalitions are in place, the climate for change remains positive and the timing could not be better.

H.R. 2840 confronts both the problem of underfinancing of school reform and the problem of providing access to excellence for all children. The bill authorizes two types of grants to States, one addressing each of these problems. One-half of the funds appropriated would be distributed to the States on the basis of school-age population, to be used for general improvement and excellence programs. These funds would be distributed within the State to local school districts based upon a formula which takes into account school-age population, with a heavier weighting for poor children. The local school districts would use these funds to pursue general educational reform and to improve instruction in mathematics, science, communication skills, foreign languages, technology, and, where necessary, guidance and counseling.

The other half of the funds would support the second type of grant, to be used for reform and equity. These grants would flow to States based on the number of poor children and would be distributed within State only to those local school districts with the highest concentrations of poor children. At the district level, these funds would support special categorical projects including dropout prevention, improving basic skills instruction at the secondary level, development of effective school programs, inservice teacher training, early childhood education, and school day care.

In short, H.R. 2840 would help all school districts generally improve the quality of education, especially in those areas where studies show enhancement is needed, and would also aid the poorest areas in establishing special activities to address their urgent priorities. For these purposes, $2 billion would be authorized for fiscal year 1987 and such sums as may be necessary for the 4 succeeding fiscal years.

However, we would not simply be directing money at a problem with this bill; we would be asking for results. The school districts would have to be able to demonstrate progress after 3 years in order to receive continued funding. Progress would be judged in terms of general improvement in the educational system, including improvements in such areas as dropout rates, instructional time, and class size, or specific improvement in the areas on which funds were focused.

I believe H.R. 2840 provides school districts the degree of flexibility necessary to target funds where they are most needed, while providing a clear delineation of an appropriate Federal role in the educational excellence effort. For this reason, a number of educational organizations and associations are supporting this bill. These groups include the following:

National Education Association; Council of the Great City Schools; American Federation of Teachers; American Association of School Administrators; Council of Chief State School Officers; Children's Defense Fund; American Association for Counseling and Development; National Association of Elementary School Principals; International Reading Association; and the National Council of Teachers of Mathematics.

SECTION-BY-SECTION SUMMARY—SCHOOL EXCELLENCE AND REFORM ACT—H.R. 2840

SEC. 1 SHORT TITLE

"School Excellence and Reform Act."

SEC. 2 FINDINGS AND PURPOSE

The Congress finds that it is in the national interest to reinforce current educational excellence movements and to ensure that reform and equity extend to children historically unserved by State and local efforts. The purpose of the Act is to promote educational excellence and reform and to improve access to education for poor and minority youth.

SEC. 3 AUTHORIZATION

$2 billion is authorized for fiscal year 1987 and such sums as may be necessary for each of the four succeeding fiscal years.

SEC. 4 PAYMENTS FOR GENERAL IMPROVEMENT AND EXCELLENCE

A. State formula.—Half of the amount appropriated for the Act is to be used for general improvement and excellence payments to States. Before making formula grants to the States, the Secretary first reserves 1% for payments to the territories. The Secretary then allocates funds to the States based upon each State's share of the total number of children aged 5 to 17, with a minimum State payment of 0.5 percent of the total.

B. Local formula.—Each State may reserve 1% of its allotment for State administration of these programs. States must distribute the remaining general improvement and excellence to local educational agencies (LEAs) based upon the sum of 1) 2.25% of the designated payment rate multiplied by the number of poor children aged 5 to 17 (as counted under Chapter 1 of the Education Consolidation and Improvement Act) in the LEA, and 2) 2% of the payment rate multiplied by the number of non-poor children in the LEA. The payment rate is the State or national average per pupil expenditure level, whichever is higher. If the allocation to any LEA or consortia of LEAs under this formula would be less than $1000, that amount must be reallocated to other LEAs.

SEC. 5 PAYMENTS FOR REFORM AND EQUITY

A. State formula.—The other half of the amount appropriated for the Act is to be used for reform and equity payments to States. After reserving 1 percent for the territories and 1 percent for business involvement grants, the Secretary distributes these funds to the States based upon each State's share of poor children as counted under Chapter 1.

B. Local formula.—Each State may reserve 15 percent of its grant for administration of these projects and for State-operated categorical projects. States must distribute the remaining reform and equity funds to LEAs based upon a formula that takes into account the numbers of Chapter 1 children, the graduation rate, the absentee rate, and the number of low-achieving children, with each State making its own determination about the relative weights of these factors.

SEC. 6 AUTHORIZED ACTIVITIES

A. General improvement and excellence.—These funds may be used by LEAs to pursue educational excellence and improve instruction in mathematics, the sciences, communication skills, foreign languages, technology, and where necessary, for guidance and counseling.

B. Reform and equity.—LEAs may use these funds for the following categorical projects: (1) early childhood education, (2) school day care, (3) inservice teacher training, (4) dropout prevention, (5) effective schools, and (6) improvement of secondary school basic skills instruction.

SEC. 7 APPLICATION REQUIREMENTS

A. State application.—Each State must submit an application for funds containing general assurances regarding proper admin-

istration and fiscal accountability and describing the intended uses of the State portion of reform and equity funds.

B. LEAs may submit a single application for Sec. 4 or Sec. 5 grants, or both. For Sec. 4 general funds, two or more LEAs may apply as a consortium. For Sec. 5 equity funds, only those LEAs with 5,000 poor children as counted under Chapter 1 or with poor children constituting 20 percent of their enrollment (whichever is less) are eligible. Local applications must describe the school district's plans for educational improvement and the programs to be conducted. The application must also assure (1) that the projects are designed and implemented in consultation with parents and teachers; (2) that funds will be used to supplement and not supplant funds from non-Federal sources; and (3) that the State and local fiscal effort will be maintained at no less than 90 percent of the preceding year's level, with waivers for exceptional circumstances.

SEC. 8 EDUCATIONAL ACCOUNTABILITY

Each participating LEA is required to submit to the State educational agency evidence of progress in those particular areas for which funds are spent, or evidence of general improvement in the system (such as reductions in absenteeism, discipline problems and dropouts; more instructional time; and smaller class size). No LEA is eligible for an allocation after the third fiscal year unless this evidence demonstrates progress, as verified by the State. States may conduct audits on a sampling basis to verify the accuracy of the local evidence submitted.

SEC. 9 BUSINESS INVOLVEMENT MATCHING GRANTS

From the 1 percent of the Sec. 4 equity funds reserved for this purpose, the Secretary may make matching grants to LEAs that obtain cash or in-kind donations from local business concerns to conduct programs under this Act. The Federal share may not exceed 50 percent of the fair market value of such donations.

SEC. 10 DEFINITIONS

Definitions used in the Act are generally the same as those used in other Federal elementary and secondary education programs.●

THE ADMINISTRATION'S PROPOSAL TO REPEAL SECTION 936 STRIKES OUT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. RICHARDSON. Mr. Speaker, included in President Reagan's tax reform package is a proposal to repeal section 936 of the Internal Revenue Code and to establish a limited wage-credit for U.S. corporations operating in Puerto Rico. The Congressional Hispanic Caucus opposes this proposal because of the harm it would cause to Puerto Rico, the Caribbean region, and the entire United States.

On July 11, the House Ways and Means Committee held a hearing on the President's section 936 proposal. More than a dozen witnesses testified during the hearing—all in opposition to the administration's proposal.

Because section 936 involves more than just tax issues, the President's proposal warrants careful examination. I commend to your attention the statement of one of the hearing witnesses, Millie Torres, chair of the National Puerto Rico Coalition. The coalition's statement explains in simple yet eloquent terms why the President's proposal is a guaranteed loser.

STATEMENT OF MS. MILLIE TORRES, CHAIR, NATIONAL PUERTO RICAN COALITION ON THE PRESIDENT'S TAX PROPOSALS RESPECTING SECTION 936

Good Afternoon, Mr. Chairman, Members of the Committee. My name is Millie Torres and I am the Chairperson of the National Puerto Rican Coalition. With me is the Coalition's President, Louis Nunez. We appreciate the opportunity to testify on the President's tax proposal respecting section 936 of the Internal Revenue Code.

The National Puerto Rican Coalition was established in 1978 to further the social, economic, and political well-being of the Puerto Rican community. Directly and through its 49 member organizations (list attached) and individual members, the Coalition represents and serves more than 3 million people in Puerto Rico and over 2 million Puerto Ricans who reside in the States.

Although geographically dispersed, the Puerto Rican community is united by a distinctive history and common cultural and ethnic heritage. Even more fundamentally, Puerto Ricans are united as a community in search of greater economic, social, and educational opportunities.

The Coalition is currently preparing two tax policy research reports—one on section 936, and a larger report on all other tax issues of importance to the Puerto Rican community. As soon as these reports are completed, they will be sent to you. I hope you will give them your attention and serious consideration.

Fairness, Growth, and Simplicity—these are the three objectives of the tax proposals President Reagan transmitted to Congress in May.

President Reagan often uses analogies to baseball to make a point. Given the passion of the Puerto Rican community for the President's favorite sport, I will indulge in a baseball metaphor myself.

With respect to each of the President's tax objectives—Fairness, Growth, and Simplicity—the proposal to scrap section 936 and to institute a limited wage-credit swings and misses. It strikes out.

STRIKE NO. 1: FAIRNESS

You don't have to be an economist or historian to know that Federal tax policy has been an essential ingredient in Puerto Rico's phenomenal post-war economic development. Section 936, enacted in 1976, and the even more generous exemption afforded under section 931 have helped to propel the Island's economic development.

But more is involved that just Federal tax policy. After all, Puerto Rico remained the "poorhouse of the Caribbean" for three decades following enactment of section 931, and adoption of section 936 followed, rather than preceded, Puerto Rico's explosive economic growth during the 1950's and 1960's.

To understand Puerto Rico's economic transformation, one has to appreciate the impact of World War II. Over 65,000 Puerto Ricans served in the U.S. Armed Forces during the second World War. Like other American soldiers, Puerto Rican veterans experienced the ordeals of battle, the comraderie that comes from collective action in pursuit of a just cause, and the pride which attends victory. But Puerto Rican veterans experienced something more.

Through their military service, Puerto Ricans learned about their country and the world. Puerto Rican soldiers witnessed firsthand the fullness of their nation's material wealth and technological might. And they saw that their fellow U.S. citizens living on the mainland enjoyed the highest standard of living of any people in the world.

The revelation of American wealth and power fundamentally altered the economic attitudes, aspirations, and expectations of the Puerto Rican people. This revelation inspired Puerto Rico's post-war economic revolution.

Puerto Rico's economic revolution is remarkable in so many ways. It was started by economic planners not soldiers, and it was sustained by ballots not bullets. Unlike most revolutions, it was propelled by emulation rather than envy; its goal was to create—not to confiscate or to capture—material wealth.

But the fundamental distinction of Puerto Rico's economic revolution was its ideology—the ideology of American capitalism. Unlike their struggles for social and economic change, including the American revolution, Puerto Rico's economic revolution was based on faith in the power of private enterprise. Private enterprise would liberate the productive potential of the Puerto Rican people!

And so, after the War, the Puerto Rican government launched a capitalist revolution. This revolution, aptly called "Operation Bootstrap", augmented the Federal tax incentives available under section 931 with an array of self-help measures designed to attract private American business capital to the Island.

In 1948, the government of Puerto Rico passed the Industrial Incentives Act. This law gave a ten-year exemption from Island taxation to firms which established or expanded manufacturing operations in Puerto Rico.

In addition to tax exemptions, the Puerto Rican government set up an agency, Fomento, to promote the island's development. Fomento's strategy, a strategy now followed by State and local development agencies on the mainland, was to entice private industrial investment through an array of incentives including the provision low-interest loans, leasing of plant facilities on concessionary terms, and government-sponsored training of new workers.

Over the years, Puerto Rico has adjusted and improved its self-help development program to respond to changes in world economic conditions and U.S. tax law. And while economists argue about the precise effects of these incentives, no one disputes the magnitude or impact of Puerto Rico's uniquely "American" economic revolution.

The President's section 936 proposal is fundamentally unfair and must be rejected by Congress.

This proposal should be rejected because of what it is—a unilateral repudiation of a democratic decision to pursue a capitalist model of economic development.

This proposal should be rejected because of what it would do—collapse the Puerto Rican economy; devastate the Puerto Rican society; and fray the political bonds that unite us.

This proposal should be rejected because of how it will appear to the rest of the world—a crippling blow to the only Democratic capitalist revolution in this Hemisphere.

STRIKE NO. 2: GROWTH

In terms of promoting Puerto Rico's economic growth, the President's section 936 proposal is a guaranteed loser. It provides no new incentives to promote the Island's economic development, and it would curtail existing incentives for those industries which are most responsible for Puerto Rico's recent growth.

Even with the legislative restrictions contained in TEFRA and administrative restrictions imposed by the IRS, section 936 is more generous than the President's proposed wage-based tax credit. No existing section 936 corporation, and no U.S. firm considering new or expanded operations in Puerto Rico would gain from the President's plan, and many would lose.

But section 936 is not meant to help corporations; it is meant to help the people of Puerto Rico. It's stated purpose is to assist U.S. possessions in obtaining employment-producing investments by U.S. corporations.

And it is in this regard that President Reagan's proposals to institute a wage-based tax credit for possession corporations has a superficial appeal. After all, even with section 936, Puerto Rico's unemployment rate hovers around 23 percent, more than twice the national average. And so, the Treasury Department argues that a wage-credit would be a more "direct, efficient, and cost-effective" way to promote employment than section 936.

I leave to economists discussion of the relative efficiency and cost-effectiveness of the President's section 936 proposals, knowing that I cannot resolve their wide-ranging differences of opinion on these issues. As an American of Puerto Rican ancestry, I am concerned with the EFFECTIVENESS of Federal tax incentives to promote employment and economic growth in Puerto Rico.

That President Reagan's proposal would have a negative impact on Puerto Rico's employment levels is certain. Both the Treasury and the President's report on section 936 recognized that the proposed wage credit may be less attractive than the existing income-based credit for certain corporations, primarily those in industries such as pharmaceuticals and electronics which have lower than average employment levels and higher intangible income, and that immediate repeal of the existing higher credit could cause undesirable short-term economic dislocation in the possessions.

How does the President propose to deal with this inevitable "dislocation"? By instituting a five-year grandfather period "to allow existing firms a generous transitional period to recover their existing investments and restructure their operations."

Recover their existing investments and restructure their operations—What does this mean? It means that the section 936 corporations have time to leave the Island without losing money!

But what about the Puerto Rican workers? How many would be idled, for how long? Although these vital questions elude a certain answer, all available information indicates that the number of idled workers would be large, and would grow with time.

The industries which would be hardest hit by the President's proposals are the high-tech industries. While it is true that these industries enjoy larger profit margins and have proportionately smaller (but higher per worker) payrolls than low-tech operations, they are the very industries that have been expanding and providing new employment opportunities to Puerto Ricans.

During the eight-year period 1976-1984, manufacturing employment in Puerto Rico increased by less than .5% annually. During this same period, employment in construction dropped sharply, agricultural employment continued to decline, and employment in Puerto Rico's petroleum refineries was scaled-back.

Despite unfavorable economic conditions, employment in high-tech industries during this period grew at an annual rate in excess of 4.5 percent. The high-tech companies which are sure to be "dislocated" under the President's proposal—pharmaceuticals and computers—had annual employment gains of better than 7 percent and 15 percent respectively. Last year, high-tech firms, which are primarily section 936 operations, accounted for approximately 42 percent of manufacturing employment in Puerto Rico.

Mr. Chairman, no set of numbers can describe the harm to the Puerto Rican economy which would result from adoption of the President's proposals. Lay-offs of section 936 hi-tech employees would idle workers in all sectors of the Puerto Rican economy. These workers would not only lack employment, but they and their children, and their children's children, would also lack any reasonable prospect for employment.

Economic life leaves little room for romance. Progress creates its own momentum. Federal regulations, currency exchange and interest rates, and a host of economic factors restrict the development opportunities available to Puerto Rico. Like the States, the Island cannot compete with other nations in the production of certain goods and services. Puerto Rico cannot look back to the tobacco, apparel, and other labor-intensive low-tech industries which once propelled the island's development for its future growth and survival.

STRIKE NO. 3: SIMPLICITY

It is hard to see how the President's section 936 proposal simplifies our tax scheme; in fact, for the short term it does just the opposite. The grandfather clause preserves, for at least 5 years, the complexities associated with section 936, and the proposed wage-credit is sure to generate its own progeny of regulations, revenue rulings, advisory bulletins, and court decisions. Add to that the complexities associated with the option under which existing firms can elect between income- and wage-based credits during the grandfather period, and you have complexity compounded.

The only way in which the Administration's section 936 proposal advances simplicity is by employing the simplistic and absurd assumption that repeal of section 936 would not substantially alter corporate behavior or investment in Puerto Rico.

Why would Treasury economists employ such an assumption? Two reasons are obvious.

First, it's a whole lot easier and obviously more palatable to say that this proposal wouldn't affect Puerto Rico than to discuss its likely impact.

Second, the Treasury Department's rosy revenue-gain projections depend on this assumption. Without this assumption, the Treasury would have had to calculate the costs of its proposal—in terms of Puerto Rico's reduced GNP; resultant Federal and Puerto Rican revenue losses; additional Federal, Commonwealth, and State outlays for unemployment and other social services; the list goes on and on.

And when the inevitable costs associated with this proposal are added up, the projected revenue-gain evaporates! More likely than not, the President's proposal would prove to be a net revenue-loser! Strike four!●

TRIBUTE TO MRS GAIL HURLEY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. GEKAS. Mr. Speaker, I am pleased to note in the CONGRESSIONAL RECORD that I recently had the honor to attend the 17th graduation ceremony of the Academy of Medical Arts and Business in Harrisburg, PA. An extended privilege was also granted to me when I had the extreme pleasure to assist in presenting the Outstanding Medical Assistant Student Award to Mrs. Gail Hurley.

Mrs. Hurley's selection was made from some 30 national finalists representing 150 schools accredited by the Accrediting Bureau of Health Education Schools. The basis of her selection was for the excelled scholastic performance, attendance, professional attitude, extra-curricular activities and interpersonal skills she had displayed throughout her years of schooling. Not only did the American medical technologists recognize her for professional abilities, but she was also given special recognition by her classmates when they chose her outstanding student of the 17th class at the academy. She is currently employed by the Yellow Breeches Family Practice Center in Boiling Springs, PA, which was the site of her internship while attending school.

Of the 46 students who graduated from the academy, two other outstanding students were recognized for their displayed talent. Rosanne Marie Thompson of Harrisburg, PA, was named outstanding dental assistant and Stacy J. Readinger of Tower City, PA, was cited outstanding medical secretary. Both women are to be congratulated for their fine performance.

All of the women in the graduating class have exhibited their vast medical abilities and I commend them for a job well done.●

BRADDOCK ROAD CYCLONES, FROM VIRGINIA'S EIGHTH DISTRICT, FINALISTS AGAIN AT ROBBIE TOURNAMENT

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. PARRIS. Mr. Speaker, a year ago this month, I pointed with pride to the achievements of the Braddock Road Cyclones and the Fairfax Blazers, both from my district; related the merits of the outstanding Robbie International Soccer Tournament in Toronto; and urged the Olympic Committee to include girls' soccer in Olympic competition.

I am now aware of the fact that my remarks were reprinted in this year's official Robbie program and hope that our mutual efforts will continue to strengthen the bonds between our nations. I also know my comments came to the attention of the Olympic Committee, I am pleased to report that girls' teams will enter the World Cup games in 1987. In addition, girls' soccer will be included in an exhibition program in the 1988 Olympic games—the usual step before recognition as an official Olympic event.

As to last year's Robbie champs, the Cyclones, I was delighted to meet with the girls in my office, not long after their return from Canada. Since that time, they have won the Fairfax Journal Tournament, the Washington Area Girls' Soccer [WAGS] regular season championship, the WAGS International Invitational Tournament, the Dougherty Invitational Tournament, and the Reston International Tournament.

Incidentally, I have, including the youth clubs from Annandale, Little River, Braddock Road, Springfield, Fairfax, and Vista, about 15,000 boys and girls in my district playing organized soccer. When the parents and volunteers are included, almost 50,000 constituents are involved in soccer alone. Mr. Speaker, my colleagues will also be interested to learn, by way of a constituent, Bruce Brill, Dougherty Tournament director, that the above, and other soccer tournaments, bring into my district, $1.5 to $2 million in revenues each year.

As to those Cyclones, they did return to the Robbie this year. Because they are girls who were born in 1970, they could not officially defend their title because this is the odd year for the Robbie. Only teams whose players are born in odd years were included in particular age brackets. This is alternated each year, and, if an "even year team," such as the Cyclones, is honored by an invitation, they must play in the upper age bracket. The Cyclones played in the 1969 division with little hope of advancing through the older age group of 40 teams, among the 8,000 athletes, again at the Robbie.

However, on their way to the finals, they beat: Oshawa, ON, 1-0; South Ottawa, ON, 4-0; Malvern, ON, 4-0; Jackson Vic's, New Jersey, 2-0; North Delta, BC, 2-0; and Greenhills, OH, 3-2.

In the finals, the Cyclones met the Scarborough United All-Stars of Toronto. After regulation and two overtimes, it was 1 to 1. And, in leaving Birchmount Stadium amid the cheers of the Canadian fans, it eased the pain of having lost the "shootout," 4-3. But I predict the Cyclones will be back!

Maureen "Mo" Ross, goalie, was voted most valuable player for the Cyclones by Robbie officials. Again, much credit goes to Dr. Rick Rice, who still manages to drill a few teeth while drilling soccer techniques. He is assisted by his wife, Carolyn, Lake Braddock High School girls' varsity soccer coach, and Sue Vodicka of the George Mason University girls' varsity soccer team.

In 1992, very possibly the first official Olympic year for girls' soccer, the Cyclones will be seniors in college and prime prospects—watch for these names: Kim Alcorn, Tracy Arwood, Amanda Cromwell, Debbie Griesse, Kristine Healy, Ann Marie Kennedy, Sonya McCarthy, Jode Osborn, Meghan Owings, Anne Porter, Patti Reeder, Cathy Reid, Emily Rice, Maureen Ross, Nancy Stengel, Laura Teter, and Malissa White.●

KILDEE HONORS FLINT PROFESSIONAL BLACK NURSES ASSOCIATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. KILDEE. Mr. Speaker, the Flint Professional Black Nurses Association in cooperation with the Flint Osteopathic Hospital, will be presenting its "Third Semi-Annual Scholarship and Achievement Awards Dinner" on Friday, July 19, 1985, in Flint, MI. The purpose of the Flint Professional Black Nurses Association [FPBNA] is to enhance wellness in the Flint community, identify the needs of black minority youth and the means by which the family and the community can meet those needs. Methods of accomplishing these noble goals are numerous and effective.

Two outstanding keynote speakers for the evening will be Ms. Lenore Crowdy of the Flint Board of Education and Mr. Marvin C. Pryor, principal of Northern High School, Flint.

Speaking to the theme, "Youth Pioneers of the Future," Ms. Crowdy and Mr. Pryor will identify elements that influence the formation of a positive self concept in children. They will identify the needs of children and means by which families and communities can meet those needs. And lastly, they will identify prominent day to day concerns of adolescents as determined by children themselves.

Each year the Flint Professional Black Nurses Association selects community leaders who have been nominated by the community, and this year by the youth community as well, as exemplary role models. Over 50 recipients will receive the FPBNA award. They include leaders, professors, lawyers, judges, social workers, ministers, physicians, and nurses. Students of great academic achievement will also receive recognition.

I am very proud of the dedicated members of the FPBNA, the recipients of the association's awards, and the community they serve.●

A SALUTE TO VISTA AND M.A.U.D.

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. MOODY. Mr. Speaker, as we celebrate VISTA's 20th anniversary I would like to bring my colleagues' attention to the many fine achievements of not only VISTA, but an organization in the city of Milwaukee that has tirelessly worked to improve the lives of many Milwaukeeans.

Milwaukee Associates in Urban Development [M.A.U.D.], Ltd. was formed in 1967 to support the development of community organizations in the Milwaukee area. Originally, representatives of nine churches made up the organization's membership. Today, there are over 70 member organizations ranging from unstaffed, unincorporated groups to established community organizations with large staffs. M.A.U.D., under the leadership of its Executive Director Linda Sunde, sponsors three programs for the benefit of its members—VISTA is one of these programs.

M.A.U.D., Ltd. has sponsored the VISTA Program in Milwaukee since 1967, making it the oldest continuing VISTA sponsor in the United States. Over its 17-year history M.A.U.D. has used VISTA resources to address the widest possible spectrum of community problems. VISTA volunteers have helped established community health centers, community schools, mental health programs, neighborhood organizations, programs for older adults, and advocacy programs that benefit thousands of Milwaukee residents. Furthermore, as the community changes, as new issues are identified or as the urgency of issues is repriori-

tized, M.A.U.D. has responded to these changing needs with VISTA resources. The M.A.U.D. structure has allowed new, emerging organizations with innovative programs to compete successfully for VISTA resources.

The successes of M.A.U.D. VISTA projects would be too numerous to list here. The record does, however speak for itself in just the "first" VISTA's have been responsible for in Milwaukee. The first shelter for battered women, the first, second, and third neighborhood credit unions, the first and now largest transportation system for the elderly, the first citizen advocacy program for retarded citizens, and the first parent-run community schools all began as VISTA projects. Well over 500 VISTA volunteers have served the community through M.A.U.D. They represent an investment of well over $1 million in the development of community based solutions to the problems of poverty, and have generated 20 times that amount in other resources.

M.A.U.D. has continued throughout its 17-year history to provide quality services and quality programs. In 1977 M.A.U.D. received ACTION's Award for Excellence in Volunteerism. In 1980 M.A.U.D. received a special recognition award from ACTION for its years of service as a VISTA sponsor, and in 1983, they received the Milwaukee Boys' Club 1982 Key Award for Outstanding Community Service. M.A.U.D. was awarded the Wisconsin Community Development Society's first Outstanding Communtiy Development Organization Award in 1984.

I would also like to draw my colleagues' attention to some of the many VISTA projects that currently serve not only the people of Milwaukee, but those residing in my district. All of the examples listed below can be found in Wisconsin's Fifth Congressional District.

First Hub Credit Union, a neighborhood financial institution in the Riverwest community of Milwaukee, had a VISTA from 1978 to 1980. During that time the VISTA was instrumental in bringing 300 new members into the credit union and increasing assets to a current $170,000. The project has made over $300,000 in consumer and home improvement loans for that neighborhood. First Hub is the only credit union in Milwaukee to take part in the Neighborhood Housing Conservation Program, which gave out over $200,000 in rehab loans in the special reinvestment area.

Interfaith Program for the Elderly used VISTA volunteers to create an over 55 job referral project. The volunteers were successful in obtaining several hundred jobs for older adults in Milwaukee. Another VISTA helped to found the Nursing Home Information Program, which is now serving several hundred seniors each year.

VISTA volunteers organized the task force on battered women which was responsible for the first shelter for battered women in the State of Wisconsin. One VISTA organized a statewide organization, the Wisconsin Coalition Against Women Abuse. Debbie Neas, executive director of the task force said, "VISTA's have given a lot of creative energy and a lot of positive direction to our grassroots organizing approach."

Over a 2-year period a VISTA volunteer working with the Harambee Ombudsman project has recruited over 30 residents of that north-side Milwaukee community to be block leaders with the organization. Block clubs are formed so that people in the neighborhood can solve problems and help each other to maintain a good quality of life in their neighborhood.

Highland Community School on the near west side of Milwaukee used VISTA volunteers to develop and solidify the curriculum of this alternative school. VISTA's were instrumental in the development of resources for the academic program and, most recently, resources for the families of the school. Over 150 families or 500 people have benefited from VISTA volunteers who facilitated the involvement and commitment of parents in their children's education.

Eldercare Line, which began as a VISTA project, is now, in its 10th year, the largest provider of transportation for the elderly in the State. Serving the 60 and older population of Milwaukee, it now has 22 vehicles providing 15,000 rides per month.

Urban Day School, an inner-city alternative school, used VISTA volunteers to develop "Grassroots" plant store in Milwaukee. The store is a business venture which helps to support the school, provide business skills to the parents who help operate it, and educate students who are involved in growing some of the starter plants.

Work exchange is a personal care and home repair barter network serving the vulnerable yet independent older Milwaukeeans. It started as a pilot project in 1975 and used VISTA resources to serve nearly 100 elderly in its first year. Today work exchange resources, including VISTA, total over $87,000 and the program has served over 500 people each year.

Mr. Speaker, as you can see VISTA is alive and well in the city of Milwaukee. Thousands of Milwaukee citizens have been helped by the fine and outstanding work of MAUD and VISTA. On the occasion of the 20th anniversary of VISTA I would like to offer my deepest appreciation for all of the fine work being done in Milwaukee and throughout the United States.●

BOMBING OF THE RAINBOW WARRIOR

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. LEACH of Iowa. Mr. Speaker, a tragedy of symbolic proportions occurred last week when the *Rainbow Warrior*, the good ship of the Greenpeace movement, was bombed and sunk in a New Zealand harbor, killing one crew member.

For 14 years Greenpeace has strived to prevent nuclear testing and save endangered sea animals. It is a sad irony that an organization dedicated to peace and symbolizing nonviolence has fallen victim to a senseless act of terrorism.

Although the policies and confrontational tactics of Greenpeace may not be appreciated by everyone, its organizational efforts stem from a deep-felt sense of humanity.

This shocking incident demonstrates a growing worldwide intolerance and the ugly tendency of increasing numbers of people to vent their disagreements through violence. The sabotaging of the *Rainbow Warrior* is yet another addition to the growing list of terrorist attacks on the world's innocents. It must be condemned by all civilized people.●

CHRIS SMITH, TONY HALL, FRANK WOLF ON TRADE PRIVILEGES FOR ROMANIA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. COURTER. Mr. Speaker, the question of why Romania possesses most-favored-nation trading status is one which is frequently raised, and with good reason.

Under the Jackson-Vanik amendment, Romania holds American MFN privileges only so long as the U.S. President annually (a) certifies that Romania permits its citizens to emigrate, or (b) explicitly suspends that requirement for freedom of emigration. A consultation of U.S. State Department and other reports can lead to but one conclusion: Very few Romanians are allowed to emigrate, and the rest are permitted few of the human rights enshrined in the United Nations Declaration.

Together with Congressman TONY HALL and FRANK WOLF, my colleague from New Jersey CHRISTOPHER SMITH has closely monitored the human rights situation inside Romania. The three Members made a trip there during the past month to examine

governmental practices at first hand. Upon returning, they addressed a letter to the Romanian Government which I think will be of interest to all their congressional colleagues.

I also attach a very interesting news story on the congressional trip by Mr. Scott Orr of New Jersey's Star-Ledger.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 1985.

His Excellency STEFAN ANDREI,
Minister of Foreign Affairs of the Socialist Republic of Romania, Bucharest.

DEAR MR. MINISTER: We are grateful for the hospitality and courtesies afforded us during our recent trip to Romania.

Like you, we believe that the warm relationship and economic ties which our two nations have enjoyed over the years have reaped important benefits for the people of both the United States and Romania. We recognize the constructive role Romania has played in promoting improved relations among diverse factions in the Middle East. We note with respect that Romania continues to demonstrate in its national pride with sovereignty by pursuing an independent foreign policy. On matters relating to emigration, it appears that new protections for potential Romanian emigres will soon be forthcoming as per agreements with U.S. Counselor Edward Derwinski.

We note with deep sadness, however, that religious freedom is far less than it could be in Romania. While there is significant value to continued economic ties between our two countries, we believe that ensuring human rights and religious freedoms is a moral responsibility from which we cannot shrink and is the foundation for any meaningful bilateral relationship. As Members of Congress, we are deeply committed to promoting freedom of thought, conscience, and religion around the globe.

As you well know, in recent months there has been a upsurge in interest in the United States concerning the status of religious liberty in Romania. Numerous reports of religious repression and harassment and the recent resignation of Ambassador David Funderburk are causing many congressmen and others to rethink old notions and opinions.

While we acknowledge that there is the semblanace of some religious liberty in Romania, it is clear that the fourteen denominations permitted by the goverment are largely circumscribed. It is our view, based on authoritative reports and our own personal observations, that religious practice puts some at great risk.

In the hope of underscoring our concerns and pursuing a resolution to these problems, we bring to your attention a few specific examples which are eminently solvable. These include:

(1) The immediate emigration of Father Gheorge Calciu to the West.

(2) Release from prison for Dorel Catarama of Brasov, Emil Mocanu of Bacau, and Constantine Sfateu of Iasi.

(3) Cessation of the demolition of Orthodox churches in Bucharest and the restoration of the Reformed Church of Brazar, the Baptist Church of Bistrita, the Giulesti Baptist Church of Bucharest, the Cimpia Turzii Pentecostal Church, and Baptist Church of Blaj.

(4) Authorization for the following churches to build new sanctuaries: The Second Baptist Church of Oradea, Hateg Baptist Church, Resita Baptist Church, the Pentecostal Church of Medias, Tirgu-Mures Pentecostal Church, the Baptist Church of Timisoara, the Baptist Church of Marghita, and the Tiganesti Baptist Church which we visited in Alexandria.

(5) Licenses to the following pastors: Ioan Stef and Benjamin Cocar of Medias, Daniel Cedean and Stancu Dragomir of Deva, Ilie Tundrea of Bucharest, Daniel Chivoiu of Bacau, Viroel Codreanu of Ipotesti-Suceave and Buni Cocar of Julesti Bucharest.

(6) Authorization for the following churches to function legally: the Second Baptist Church of Brasov, Bethany Baptist in Timisoara, and Voluntari-Bucharest Baptist Church.

(7) Restoration of the house built by Mr. Petre Popescu as the sanctuary of the Baptist Church in the village of Gaujani-Rimnicu Vilcea.

(8) The Baptist Mrs. Florica Farcas was fired from her position as a French teacher after a 12 year career simply because of her Christian faith. She has not been able to obtain employment for three years. She should be rehired.

(10) Explanation and resolution to the problem approximately 80 Romanian Christians experienced in June 17, 1985, when they were prohibited from leaving Otepeni Airport to go to East Germany, a country for which they had received transit visas. In particular, we would like to see the safe emigration of Augustion and Hiriscau Lidia and their children.

(11) Meaningful jobs for Zoltan and Elizabeth Egyed (STR 6 Martie #99, Bloc D2 7th floor, Apt. 31, Oradea) and permission to send their daughter to school as they await final approval to emigrate to the United States.

(12) Permission to export into your country as a gift, over the course of ten years, 100,000 copies (per year) of the Cornilescu Version Bibles.

Mr. Andrei, we believe that the state of Romanian-U.S. relations is at a crossroads. As you know, the reauthorization of Most Favored Nation Status (MFN) is under review by the Congress. It is possible that MFN may be permitted for another year thereby continuing to provide Romanian industries with open access to markets in the West and a yearly trade of approximately one billion dollars. But you should be aware that disturbing reports of new arrests of believers—prisoners of conscience—continued harrassment of Christians and other violations of the Helsinki Accords have resulted in a serious but not irreversible erosion of American confidence in Romania's commitment to human rights.

Be advised that Congress, unlike in previous years, is now poised to begin a lengthy process of serious review of religious repression in Romania, a scrutiny to which we are strongly committed.

Short of revocation of MFN, Congress has a myriad of options available to it to encourage reforms in Romania. We are presently studying these alternatives, should they be necessary.

We trust you share our concern and hope you will view our comments in the spirit of friendship, candor and truth.

Sincerely,

TONY P. HALL.
CHRISTOPHER H. SMITH.
FRANK R. WOLF.

[From the Star-Ledger, July 4, 1985]

U.S. URGED TO PRESSURE ROMANIANS ON RELIGIOUS, EMIGRATION RESTRICTIONS

(By J. Scott Orr)

WASHINGTON.—Rep. Christopher Smith (R-4th Dist.), just back from a trip to Romania, said he believes the U.S. must continue to put pressure on the Eastern European nation to ease its restrictions on religious freedom.

Smith is among congressmen who have advocated using Romania's most-favored-nation trade status as a lever to force it to stop persecuting religious leaders and to ease restrictions on emigration.

Smith, a member of the House Foreign Affairs Committee, was encouraged after meeting with top Romanian officials, but added that he does not believe the Romanian government will institute reforms without further U.S. prodding.

Despite attempts by the Romanian government to jam Smith's schedule with official meetings, he said he was able to find time to visit with religious leaders and their parishioners.

"The religious fervor is very high in Romania. The government feels that to try and stamp it out would be useless. They allow certain denominations to exist, but they put a lot of restrictions on what they can do," he said.

"They draw lines all over the place, figuratively speaking, and if you step on those lines, they get after you. It's very arbitrary. These churches feel they are between a rock and a hard place.

"You can just see how they (the churches) are playing ball with the government, because either they've been co-opted by the government or because they (church leaders) feel it is in the best interests of their church."

Smith said he was able to get a commitment from Romanian officials that Father Gheorghe Calciu, a religious leader who repeatedly has been jailed by authorities, will be permitted to emigrate to the U.S.

Smith said he also spoke with authorities about the case of a Trenton couple working to allow their adult daughter and her family to move to the U.S. Though he said he got no firm commitments from officials in the case of Mr. and Mrs. Josif Boka of Trenton, he said the U.S. Embassy in Romania promised to add the case to its agenda.

Smith said the Romanian government attempts to limit emigration by its citizens by refusing passports and visas to those who are likely to be accepted for emigration by the U.S. In addition, he said, those who seek passports are fired from the jobs and their children are denied access to state-run schools.

Romania's most-favored-nation status, which must be renewed each year by the U.S. President and Congress, is likely to go through this year, Smith said. He added, however, that he will be pushing for a more thorough review next year.

The status, Smith said, is essential to the Romanian economy.

"They need it desperately; that's why it can be such an effective lever for us to use," he said.●

WORLD ASSEMBLY ON VEDIC SCIENCE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. FAUNTROY. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the convening of a world assembly on natural law here in the District of Columbia.

On January 9, 1985, Maharishi Mahesh Yogi, founder of Maharishi International University College of Natural Law and Maharishi Vedic University, in Washington, DC, inaugurated the World Assembly on Vedic Science, being held July 8-18 at the Washington Convention Center.

More than 6,000 experts in the Maharishi Technology of the Unified Field are gathered for the assembly to practice this technology twice daily and create an influence of positivity and coherence in world consciousness. At the assembly, leading scientists are presenting the latest and most complete knowledge of natural law from the perspectives of the different disciplines of modern science and ancient Vedic science as brought to light by Maharishi. They are examining the discovery of the unified field of all the laws of nature in an attempt to raise the administration of every government to that supreme level of efficiency displayed by the government of nature in its most orderly administration of the entire universe. They are also considering, in depth, the application of this knowledge through the Maharishi Technology of the Unified Field aimed at enriching all fields of life, including economics, education, health, administration, and national defense and create a peaceful and happy world family of nations.

Mr. Speaker, on behalf of the citizens of the District of Columbia, I extend a warm welcome to these persons from all 50 States in the United States of America and 50 other countries and encourage them in their activities on behalf of world peace and harmony.●

TRIBUTE TO SOCIAL SECURITY ADMINISTRATION OFFICES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. MATSUI. Mr. Speaker, on August 14, 1985, hundreds of local Social Security offices in cities and towns throughout the Nation will celebrate the 50th anniversary of the signing of the Social Security Act, which has brought much needed economic assistance to millions of needy persons faced with unemployment, disability, or old age.

On August 14, 1935, then President Franklin Delano Roosevelt signed into law one of the most historic pieces of legislation in our country's history—the Social Security Act. The country was just climbing out of the Great Depression that challenged and virtually ripped asunder the very social fabric of this Nation.

Today, because of the foresight and compassion of such great government leaders as Roosevelt, 36 million Americans, both young and old alike, have been given a sense of hope and security and the feeling that "somebody really does care."

For families suffering from the tragedy of lost loved ones, Social Security has meant enough supplemental income for surviving spouses to raise their children and provide for their education. For those individuals who have been victims of unfortunate career-ending injuries, Social Security has provided disability benefits, which have often served as reassurance and encouragement in those troubled times. For those persons who have retired from the active work force and who must cope with inflation, rising food and shelter costs on fixed incomes, Social Security has served as a stable source of financial assistance.

I believe a statement made almost 25 years ago by another great former president, John F. Kennedy, about the greatness of our country being measured not in our riches and wealth but in our willingness to help those who are less fortunate, demonstrates the continued need for Social Security.

Mr. Speaker, I ask my colleagues to join me in acknowledging the services provided by the Sacramento district office of the Social Security Administration and hundreds of other offices just like it, to millions of people around our great country. Through programs like Social Security, we reaffirm to the world that America's heart is big enough and sensitive enough to reach out with compassion to its jobless, its disabled, and its elderly.●

A SALUTE TO SANTA FE, NM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. RICHARDSON. Mr. Speaker, this year the people of Santa Fe, NM will join together to celebrate their city's 375th anniversary. The people of Santa Fe are justifiably proud of their unique city. They look forward to a constructive future for they are building on a solid past. Santa Fe citizens, my constituents, join with me in sharing with the Congress the special occasion of our city's 375th anniversary.

Mr. Speaker, Dr. Tom Chavez, Jr., from the Museum of New Mexico and a member of the 375th anniversary commission has written a reflective article on the colorful history of the oldest capital city in the United States. I hope that my colleagues in the Congress will take the time to read this thoughtful piece:

Three hundred seventy five years ago Don Pedro de Peralta traveled from Mexico City to Nueva Espana's far northern frontier to establish a new, more centrally located capital city in an area known then and now as New Mexico. Governor Peralta founded La Villa de Santa Fe in 1610—some ten years before the landing of the Pilgrims and eighteen years before the Puritans. Today, Santa Fe is the oldest capital city in the United States. Except for a thirteen year period from 1680 until 1693 when it was occupied by Pueblo Indians following their revolt which had driven the Spaniards into exile near El Paso, it has been the seat of government for the northernmost frontier of the colonial viceroyalty of New Spain until 1823.

After Mexico won Independence from Spain in 1821, New Mexico, with its capital at Santa Fe, became a part of the new republic until August 18, 1846 when Brigadier General Stephen Watts Kearny, commanding the Army of the West during the Mexican War, took possession of the city and proclaimed annexation of New Mexico in the name of the United States. In the Compromise of 1850, Congress made Santa Fe the capital of the new territory of New Mexico. For two weeks, in the spring of 1862, Confederate forces from Texas occupied the city until forced to retreat after the Union victory at the Battle of Glorieta. Finally, on January 6, 1912, with the signing of the statehood bill by President William Howard Taft, Santa Fe became the new sovereign State of New Mexico, the forty-seventh state admitted into the Union.

For the full extent of its 375 years, Santa Fe has been a mecca for "the sensitive minds" as Henry Adams referred to the intelligencia. From enlightened people such as Bernardo Miera y Pacheco, a contemporary of Benjamin Franklin and Mary Austin, Santa Fe has developed into a true artists' and writers' community. Today the city's long, lustrous cultural heritage is supplemented by numerous museums, the Santa Fe Opera, the Chamber Music Festival, Annual Indian and Spanish Markets, and the Fiesta de Santa Fe among other events. The Palace of the Governors, the initial ediface built with Santa Fe's founding, is the oldest continuously occupied, as well as oldest government building in the United States and is today the hub of Santa Fe's ambiance.●

TRIBUTE TO MALCOLM N. JOSEPH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. BIAGGI. Mr. Speaker, today I rise to pay special tribute to the remarkable accomplishments of Sgt. Maj. Malcolm N. Joseph, a native New

Yorker who is retiring from the military after 36 years of distinguished service in the U.S. Coast Guard and the New York Army National Guard.

Sergeant Major Joseph, is a Bronx constituent who was born in New York and attended Franklin K. Lane High School, Boro Hall Academy, and Lehman College. His civilian employment has been with the New York Army Reserve National Guard where he held clerical and administrative positions. He is married and has three grown children. Sergeant Major Joseph was inducted into the U.S. Coast Guard in November 1943. During his tour of duty he participated in the invasions of the Island of Luzon in the Philippines, the Island of Palau, Caroline Islands, and the Island of Eniwetok, Marshall Islands; receiving an honorable discharge as seaman first class in March 1946.

On January 12, 1948, he enlisted in the New York Army National Guard and was called to active duty with the 715th AAA Gun Battalion during the Korean conflict. He has also served with the following New York National Guard units: 77th Transportation Company, HHD 141st Transportation Battalion, HHC 2d Battalion 106th Infantry, HHB 4th Battalion 257th Field Artillery, and the 1st Battalion 258th, 155MM Towed, 8-IN SP, Field Artillery. His distinguished service record has earned him the following awards and decorations: American Campaign Medal, Asiatic-Pacific Campaign Medal earned two service stars; World War II Victory Medal, National Defense Service Medal, Armed Forces Reserve Medal, Army Reserve Components Achievement Medal, NCO Professional Development Award, Philippine Ribbon, earned one service star; New York State Military Commendation Medal, two awards; New York State Long and Faithful Service Decorations, 35 years; Duty in Aid of Civil Authority Medal, three awards; and the Medal for Humane Service to New York State.

I am especially proud to honor Sergeant Major Joseph for the gallantry he displayed while facing insurmountable odds. His heroism during operations against army enemy forces is to be commended. The achievements he has earned while in the service of his country is indeed an inspiration to those who will follow in his footsteps. Through his dedication and selfless work in the military, Malcolm Joseph has demonstrated the qualities which are so very important to motivating others. His dedication and loyalty to his country has made a difference for those who served with him and remember his diligence and indefatigability.●

THE NASA BUDGET FREEZE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. UDALL. Mr. Speaker, Dr. Eugene H. Levy, the head of the University of Arizona's Planetary Science Department and the director of the Lunar and Planetary Laboratory, has written a recent article on the effect of a freeze on the NASA budget. As one of the Nation's foremost planetary scientists, he makes a strong case for a vigorous space science program. As he says in the article:

The Nation has an investment in knowledge, and in scientific and technical expertise. That investment has built a critical national resource upon which we rely, and which we should not fritter away. * * *

While addressing long-term budgetary considerations, his immediate concern is H.R. 1714, the NASA authorization for fiscal year 1986, now awaiting conference action. As such, his remarks are especially timely. At this point I would like to submit an article into the RECORD and to commend it to my colleagues.

THE NASA BUDGET FREEZE

(By Dr. Eugene H. Levy)

In its first budgetary action of the new session, the House of Representatives rejected its authorizing committee's bill for NASA, and cut the NASA program below the fiscal-year 1985 level of effort by nearly $400 million. The Congress is normally supportive of vigorous U.S. research and technology efforts. This year's action marks a departure from recent years, in which the Congress tried, with limited success, to forestall the continuing real erosion of our nation's basic research and technology development in the civilian sector.

Congress reduced the NASA budget in the name of a "freeze". Although that word makes Congress' action seem careful and measured, it is worth looking a little deeper. To a large extent, the NASA budget is made up of specific programs, each with a limited cost and a finite duration—typically about ten years. In fact, almost all of NASA's major basic research and development projects fall into this category. In a typical project, for example, a spacecraft mission to Mars, the yearly budget starts out small, climbs to a maximum rate of expenditure after a few years, and then falls to zero as the project winds down, perhaps a decade later.

Most other government programs go on automatically, year after year, unless specific action is taken to change them. By contrast, NASA research and development will disappear automatically in the absence of continuing replenishment by new project starts. The NASA budget presented by the Administration for fiscal-year 1986 contained no new projects, except for a small rocket vehicle to be associated with the Space Station. The program, as presented, was already frozen.

Virtually all of the 5% increase called for in the President's 1986 NASA budget was attributable to the pre-set spending pattern of projects started in previous years. Indeed, because the NASA science budget is largely a construction of small, short-lived parts, a stagnated year, such as this one, with no new projects actually builds a future reduction into NASA's scientific programs. But the budgetary effect of this reduction will not show up until several years in the future.

The fact that the President's budget built this future decrease into the NASA science program caused considerable concern in the scientific community. The cost of basic scientific research is not large; the entire NASA space science budget is about one-fifth of one percent of the federal budget. Nonetheless, the symbolic value of "holding the line" seemed important enough to justify a temporarily diminishing program; and, for the most part, the response from space scientists was muted.

The more recent "freeze" action on the House floor changes the situation. Now, with an approximately $400 million decrease below the previously-frozen level of effort, current programs will have to be cut. Curiously, the House action contained no instructions about how the program cuts are to be taken. The original NASA budget included several programs of basic research which have been nurtured along by the Congress for several years, as well as some programs mandated entirely by the Congress, which otherwise would not even be in the budget.

Scientific programs sponsored by NASA and the other federal science agencies, including the National Science Foundation, are uniquely a function and responsibility of government. Our society is critically dependent on new knowledge, as well as on scientific and technological expertise. However, the economic return from any particular basic research project is neither assured nor immediate. While much of the benefit to society from basic research is felt quickly, a great deal of the benefit is indirect and some of it comes only after a number of years; too long to look attractive on corporate balance sheets.

As important as today's scientific research is for our present prosperity, it is a crucial legacy for the future. Much of what we have accomplished technologically is based on discoveries and knowledge created by our parents and grandparents. The knowledge that they transmitted to us is perhaps their greatest collective legacy; it is the foundation of our expanding wealth.

Today we are legitimately concerned about saddling our children with a burden of debt. We should be equally concerned to leave them a legacy of new knowledge and discovery, so that today's technologically-based prosperity will not have been a fleeting thing. If basic scientific research is not vigorously supported by the federal government, it will wither; and our future will wither with it. There are no alternatives.

It is not yet clear where the NASA program will be cut if Congress' action holds; and there is not room here to examine the details of NASA's program. However, some facts are worth considering.

Scientific research and technology development are people-intensive activities. The scientific and technical resources of the United States reside largely in the minds of people; in the specialized expertise of individuals and teams of men and women, carefully assembled and nurtured over a great many years. This accumulated knowledge and expertise is a national treasure which represents both an investment by the coun-

try, and the resources on which much of our future depends.

The suspension of scientific programs is something which must be taken very cautiously. If projects stop—even for one year—scientific teams may be disbanded, and individuals forced to go elsewhere for employment. The damage cannot easily be undone by restarting the projects a year later. People cannot be "freeze-dried" during the lean years, only to be reconstituted when the budget pressure diminishes. The accumulated knowledge and expertise, once having been dissipated, is not easily recovered. Several years may be necessary to undo the damage of even one year's thoughtless action.

In these difficult economic times, I understand the peril of arguing that the nation's scientific enterprise ought to be sheltered, perhaps more than some others, from the hazards of economic change. To the extent that that sounds like special pleading for a group to which I belong, I feel uncomfortable. But, the issue is really one of national policy and national self-interest. It seems to me that there is a broad consensus about the importance of science and technology. If science and technology are important to the common good, then we must be realistic about supporting it.

The message is inescapable. The nation has an investment in knowledge, and in scientific and technical expertise. That investment has built a critical national resource upon which we rely, and which we should not lightly fritter away. If the challenges confronting us—economic and otherwise—are severe, then that message is all the more true.

There is another uncomfortable aspect to my argument. I am arguing that even with the President's requested dollar increase for the 1986 NASA budget, U.S. space science had been set on a decreasing course, because of the way NASA programs progress and because of the absence of any new program starts. It has not escaped me that the argument seems overly facile, and one that is too often heard in the Washington budgetary shell game.

However, I do not see how that really can be evaded. The House of Representatives' NASA authorization bill, if it stands, will force an immediate reduction in the overall NASA program. It is difficult for me to see how that reduction can be sustained without cancelling several scientific and technical projects which already are under way. So far, however, Congress has managed to evade this issue by not confronting the question of from where to remove the money. Calling its action a "freeze" might make the Congressional action seem palatable, but it does not diminish the harmful impact, something with which the Congress will eventually have to deal.

During the past several years, overall federal programs in research and technology have increased. However, this increase was concentrated largely in military activities. Civilian research has stalled, not even having recovered from major real decreases of the past 15 years. A recently published analysis by the National Science Foundation shows the military share of federal research and development having increased from 50% of the total in 1975 to 70% in 1985.

This is an alarming trend. Civilian research has the most direct benefit for our technological economy, both because its results are not held secret and, perhaps even more importantly, because it fosters the research and educational environment in universities, where basic knowledge is being produced and the next generations of scientists and engineers are being trained.

Strong national defense is certainly an important priority, and sound budget policy is also a high priority. Our continued prosperity and security depend on them. But, in the modern world, prosperity and security depend to an increasing degree on technology, knowledge, and research. Prosperity and security also depend on the nation's cadre of highly trained scientists and engineers, who, for the most part, are trained in conjunction with civilian basic research and technology programs.

Civilian basic research is not expensive on a national scale. We can hardly afford to further diminish the already-too-small civilian basic research and development enterprise of our nation. To be sure, this is not a year in which basic research is likely to expand. But the nation cannot afford to fall back in the way dictated by recent Congressional actions.●

COMPARABLE WORTH

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. SHUMWAY. Mr. Speaker, I rise today to address one of the most radical notions ever to come before this body. I do so because I fear that some here champion this notion without having thoroughly studied it and its potential impact on the American public. The notion is comparable worth, and it is a concept as deceiving as its euphemistic title.

The doctrine of comparable worth is that men and women should be paid equally when their work has the same value to the public—not just when they have done the same work, but when their differing work is valued comparably by the public. But what does this really mean, and how does it differ from current law?

Current law is equal pay for equal work; comparable worth is equal pay for unequal work;

The law allows the worth of work to be determined within the free market system; comparable worth assumes this worth can and should be determined by the Government;

The law requires compensation on the basis of an agreement between what an employee is willing to work for and what an employer is willing to pay; comparable worth is compensation on the basis of what the Government says employers should pay;

The law provides incentives for women to achieve true equality with men in the job market—equality of opportunity, skill, education, and achievement; comparable worth offers no incentive for women to achieve equality, except in their wages;

The law advances women; comparable worth would only hold them back.

And the list goes on. Mr. Speaker, comparable worth is not a legitimate claim under existing law, and it would be detrimental to men and women if enacted into law. The title sounds harmless enough, but its doctrine is not, and I would hope that each Member of this body will commit to carefully studying the issue before advocating comparable worth as the panacea for sex discrimination. Such study will certainly reveal it to be a concept that would neither eliminate sex discrimination nor advance women, but would instead eliminate the legal framework which allows them to achieve true equality.●

CALL TO CONSCIENCE VIGIL: ALEXANDER PEVZNER

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. BARNES. Mr. Speaker, the Call to Conscience Vigil for Soviet Jewry continues again this year with the dedicated support of many Members of Congress who will persist in the battle for freedom of Soviet Jews. We continue to work for this cause because the problem, the Soviets' policy toward the Jewish population, is still very much unchanged. Despite hopes that this policy might be somewhat liberalized as the new Gorbachev administration comes into power, there has been no significant increase in the number of Soviet Jews allowed to migrate; and we must persist in applying pressure for change.

I would like to stand up today for someone whose release I have fought for personally for over 5 years. Alexander Pevzner has suffered repeated humiliation and harsh treatment, as a result of requesting permission to emigrate from the Soviet Union. He and his family have been denied exit visas several times, even though his parents and his sisters were allowed to leave. This intentional separtion of the Pevzner family directly violates the family reunification clause of the Helsinki agreement, which states that signatory nations will facilitate, not hinder, the movements of individuals to be united with their family members. But beyond protesting this violation, our own principals as freedom-loving men and women compel us to denounce this betrayal by the Soviet Union of its own citizens.

I continue to correspond personally with Lev Pevzner, Alexander's father, who now resides in the United States. I have persistently pressed Alexander's case with various Soviet officials, and have written many letters to them regarding Alexander's situation. I have urged them to reconsider their restrictive emigration policies. My hope is

that Soviet officials will do what is right, and allow him to leave.

I am grateful to all my colleagues who continue to contribute to the efforts of the Conscience Vigil. The work that each of us is doing gives Alexander, and other "refuseniks," sustained hope that their efforts are girded by the protests of the free world.

We here in Congress, as well as citizens of democratic societies around the world, call for universal religious and cultural freedom, and freedom to emigrate, as "basic human rights" of all individuals.

We must continue to work on behalf of these powerless individuals, not only the known victims of Soviet oppression, but also the thousands of unknown, silent victims. We have not been silenced just because our protests are not always acknowledged. We persist in our protest of the Soviet Union's repeated violations "in letter and spirit," of the Helsinki accords. Soviet Jews, such as Alexander Pevzner, are denied even their most fundamental freedoms: the freedom of thought, of religious and cultural practice, and the freedom to be with loved ones. As representatives of the U.S. Government, and the American people, we will continue to impress upon the new Soviet administration the importance of progress on this issue.

My personal vigil for Alexander will continue until I meet him face to face in the free world. Alexander and the many victims of human rights violations around the world have taught us all more of the meaning of freedom and the importance of fighting for it.●

ENGLISH LANGUAGE AMENDMENT, HOUSE JOINT RESOLUTION 96

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. BADHAM. Mr. Speaker, the Washington Post recently printed a series of articles on bilingual education. As an original cosponsor of the English Language Amendment (H.J. Res. 96) introduced by my distinguished colleague, Representative NORMAN D. SHUMWAY, I would like to state that these articles clearly point out the need for the enactment of the English language amendment. This series confirmed my belief that bilingual education is an unproven method of teaching non-English-speaking children the English language. Passage of the amendment would clarify to newcomers that learning English is indispensable for participation in American society. In response to the Post's series, Representative SHUMWAY wrote a letter which was printed in the Washington Post on July 13, 1985, and which I ask to be printed in the CONGRESSIONAL RECORD for the benefit of the Members of the House. I wholly support Mr. SHUMWAY in his efforts to reaffirm the importance of English in our national life, and I urge the support of my colleagues to achieve this goal.

[From the Washington Post, July 13, 1985]

As the primary sponsor of the English Language Amendment (ELA) declaring English the official language of the United States, I read with great interest the series on bilingual education.

To my way of thinking, the series resulted in the same conclusion that motivated me to introduce the ELA: There continues to be no substantive or consistent evidence that bilingual education is having the desired result of assimilating language minorities into the American mainstream by providing them with English fluency.

Conversely, I believe that limited, experimental efforts to "immerse" students in intensive language training have demonstrated great effectiveness. Why, then, should we continue to pour scarce federal dollars into the unproven bilingual approach?

I agree with the 1983 findings of the Twentieth Century Fund: "Children to whom English is an alien language are being cheated if it remains unfamiliar to them; they will never swim in the American mainstream unless they are fluent in English."

The ELA would not deny language minorities necessary training; it would not prohibit bilingual education in areas where such an approach were deemed necessary by school officials, and it would not undermine the cultural background of newcomers. It would simply help to guarantee that those newcomers to our shores gain confidence and have opportunity as they fully assimilate the culture of their adopted nation.

NORMAN D. SHUMWAY,
U.S. Representative (R-Calif.), Washington.●

VETERANS' ADMINISTRATION—A ROBUST 55

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. MONTGOMERY. Mr. Speaker, on Sunday, July 21, the Veterans' Administration will celebrate its 55th birthday. I want to congratulate the Administrator of Veterans' Affairs, Mr. Harry Walters, and the 242,000 dedicated individuals employed by the agency who perform such a great service for our Nation's veterans in regional offices, hospitals, outpatient clinics, loan guaranty offices, data processing, research, and counseling centers, and in so many other places throughout the country.

As a veteran of World War II and Korea, I appreciate their great work, and as chairman of the Committee on Veterans' Affairs, I want all VA employees to know we are grateful for what they do. I'm sure my colleagues in the House share my feelings and join me in celebrating the agency's 55th birthday.

The agency's office of Public and Consumer Affairs recently issued the following release highlighting the scope of activities during the past 55 years:

The U.S. Veterans Administration turns 55 on July 21, and in the words of current Administrator Harry N. Walters, "is more than ever dedicated to serving America's finest."

The VA was created in 1930 to centralize the federal government's responsibility for providing benefits to veterans and their dependents. Paralleling the vast increase in the number of veterans over the last 55 years, the VA has grown dramatically and is now the nation's largest independent federal agency.

The present veteran population of 28 million is almost six times the 4.7 million veterans living in America in the VA's founding year. Eighty-one of every 100 living veterans served during defined periods of armed hostilities and account for 59 percent of all Americans who ever served in war in over two centuries.

Altogether, 81.5 million persons—veterans, dependents and survivors of deceased veterans—are potentially eligibility for VA benefits and services. This is almost one-third of the nation's population.

To meet this challenge, the VA is providing the most comprehensive and diverse benefits programs in its history.

From 54 hospitals in 1930, the VA hospital system has grown to include 172 medical centers, 228 outpatient clinics, 116 nursing home care units (by the end of September), and 16 domiciliaries. It is the nation's largest medical care system.

With nearly 80,000 beds, the medical centers annually treat 1.3 million patients, and nursing homes and domiciliaries care for an additional 30,000. Outpatient clinics register more than 18 million visits a year.

Since 1979, the VA has operated a nationwide system of Vet Centers which provide readjustment counseling services to Vietnam Era veterans. By the end of 1985, 189 of these "storefront" centers will be in business around the country. More than 250,000 veterans and their family members have received counseling for a variety of problems—including employment, marital and post-traumatic stress disorder.

While providing high quality health care to the nation's veterans, VA also conducts an array of research activities concentrating on some of the most difficult research challenges facing medical science today.

VA research helped to conquer tuberculosis; to develop the heart pacemaker; to perfect kidney transplants and to develop the laser cane for the blind. The VA is recognized as a world leader in the research and development of prosthetic devices. Recent VA innovations include a robotic arm, omnidirectional wheelchairs and aids for diminished vision.

VA researchers are exploring ways to improve the treatment of the spinal-cord injured, including spinal cord rejuvenation, and are developing new, improved artificial limbs for amputees. VA psychiatrists and physiologists are continuing to develop treatment techniques for schizophrenia, alcoholism, and the long-term psychic effects of war.

VA disability and death compensation and pension expenditures run about $14 billion annually, with monthly payments going to nearly 3 million veterans and 1.3 million widows and other survivors of veterans.

Since 1944, when the first GI Bill became law, over 18.2 million beneficiaries have received education and training assistance, and 11.7 million have made use of the home loan guaranty program.

Veterans educated under the GI Bill include 7.8 million from World War II, 2.4 million from the Korean Conflict, and 8 million from the Post-Korean and Vietnam Eras.

The VA has guaranteed over $230 billion in home loans under the 41-year-old program which not only aided veterans, but helped spur one of the greatest building booms in history.

Another of the VA's responsibilities is operation of one of the largest life insurance programs in the world. In 1984, the VA administered and supervised approximately $146 billion in policies for 7.4 million veterans and military personnel.

Since 1973, when the VA took over the National Cemetery System, nine new national cemeteries have been established and two more have been approved. Today, there are 109 cemeteries in 38 states and Puerto Rico. Interments are expected to increase from 47,000 in 1984 to 80,000 in the year 2000.

The VA also provides over 250,000 headstones or markers each year to mark the graves of veterans buried in private and national cemeteries.

Reflecting today's concerns, Administrator Walters has set several programs in motion that will add to the VA's capabilities to care for veterans in the decades ahead.

A major effort is being made to improve services for women veterans and to insure that they are aware of their eligibility for veterans benefits, on an equal basis with male veterans.

Walters has added a goal for the VA to: "Provide better service to veterans and their families through the use of modern automatic data processing and telecommunications technology." Work has already begun on installing a Decentralized Hospital Computer Program which will greatly enhance clinical laboratory functions, pharmacy activities, patient scheduling, and patient admission/transfer/discharge processing.

A physical fitness advocate, Walters has also inaugurated a nationwide program designed to emphasize exercise and fitness as an essential part of health care, focusing mainly on promoting wellness and independence for disabled and aging veterans.

The biggest challenge to the VA in the future lies in the aging veteran population. Veterans 65 and older will increase from the present mark of 3.9 million to nearly 8.8 million before the turn of the century. By 1995, over 60 percent of U.S. males over age 65 will be veterans.

In addition to hospital and nursing home care, the VA is exploring noninstitutional extended care programs such as hospital-based home care and residential placements in "personal care homes." Congress has also authorized the VA a pilot, five-year adult day-care program.

The VA is a pioneer in exploring the whole subject of care for the aged and is deeply involved in research of Alzheimer's disease and other problems of the aging.

Eleven Geriatric Research, Education and Clinical Centers have been established at VA medical facilities to help push the state of the art in caring for the aging.

Without question, the nation has, and will continue to heed Abraham Lincoln's admonition to "care for him who shall have borne the battle and for his widow, and his orphan."

Through September 30, 1984, the VA and its predecessor agencies spent $432 billion for benefits the nation has provided those who served in its military forces. The proposed Fiscal 1986 budget of about $26.7 billion is the third largest among federal agencies, ranking behind only the Departments of Health and Human Services and Defense.

As of December 1984, there were 241,929 employees on the VA rolls. Of these, 220,591 were in the Department of Medicine and Surgery, 13,887 in the Department of Veterans Benefits, and 1,163 in the Department of Memorial Affairs. The rest, 6,288 employees, were in the various staff offices needed to support the three major departments.

At age 55, the VA is indeed, robust and ready.●

IT'S THE QUALITY OF MONEY, NOT QUANTITY, THAT IS IMPORTANT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. KEMP. Mr. Speaker, evidence continues to build that monetarism has become irrelevant to today's economic challenges. While monetarists fret about inflation and an overheated economy, our economy continues to suffer from puny economic growth, a high international value of the dollar, deflation in commodity markets, a fall in farm land values, a record number of bank failures, and continuing distress in manufacturing.

To solve these problems, we need to maintain the quality of money, not its quantity. A stable and predictable currency value is a bridge between present and future generations, a crucial link of confidence for long-term investment and saving, and a necessary precondition for a strong economic recovery and lower interest rates.

We must stop the deflation, ease monetary policy, and let interest rates fall. I have sent telegrams to the members of the Federal Reserve's Open Market Committee—which recently met to consider monetary policy—asking them to reduce immediately the discount rate by 1 percent. Eventually, we must also consider linking the dollar to gold, to assure public confidence and assurity in the dollar's long-term value.

Main Street has never believed in monetarist theories. But I commend to my colleagues Maxwell Newton's recent article based on an investment summary by E.F. Hutton. He argues that Wall Street has also become disillusioned with monetarism. The investment community and many others are beginning to understand that it is the quality of money, not its quantity, that the Federal Reserve Board must target.

[From the New York Post, July 9, 1985]

MONETARISM KEEPS LEADING WALL STREET ASTRAY

I received a copy of the June 24 Investment Summary by E.F. Hutton and I must say it contains more sense than I have read in the work of any Wall Street economist except Ed Hyman, the lynx-eyed chief economist at C.J. Lawrence, and myself.

The Hutton team has realized something that I took up as my theme a year or so ago—namely, that the traditional monetarist model does not work and that deflation, not inflation, is the problem.

In his introduction to the study, Thomas B. Stiles II, director of research said: "Notwithstanding the potentially satisfactory current economic numbers, we continue to be deeply concerned about the second half of 1985 and increasingly nervous about the early 1986 outlook.

"The manufacturing sector of the economy is already in recession and it is an open question as to what extent this will spill over into the rest of the economy. The optimists take solace from the continuing strong gains in the service sector but the manufacturing sector is a tried and true leading indicator, while the service sector is at best a coincident and more often a lagging indicator. Additionally, the failure of the dollar to decline by any substantial magnitude is only exacerbating the current problem and further clouding the potential for a strong 1986.

"While our current forecast sees a soft landing in the form of less than 2 percent growth in the second half of 1985, we would readily acknowledge that the risks to our forecast are predominantly on the downside. In this sense, we are clearly raising the specter of recession but we urge people not to get too anxious about this.

"Of at least equal concern is the continuing and growing presence of a number of forces and influences that are patently deflationary. In fact, we believe that one should be more concerned about the potential for deflation than about the potential for a resurgence of inflation.

"Scanning the current landscape, one is confronted by the approximate 17 percent decline in commodity prices over the last year with continuing downward pressure evident. Land values in the farm sector are declining sharply and there are pockets of pressure on values throughout the real estate sector. Wage rates are continuing to ebb and visible inflation in raw materials, intermediate materials, finished goods and consumer prices is rapidly approaching zero.

"The failure of the dollar to react in any truly meaningful manner to substantial interest rate declines has confounded many forecasts, including our own. We still believe that the dollar is central to our current dilemma and that a 15-20 percent decline from current levels is critical to an outlook for satisfactory growth in 1986 and beyond. Why hasn't the dollar declined? One possible explanation relates to perceptions and levels of real interest rates. One year ago when rates were hovering around the 14 percent level, inflationary fears were widespread and there were numerous forecasts of an 8-9 percent inflation rate by year-end 1984.

"If we accept 8 percent as a reasonable level of long-term inflation expectations, this would indicate a real rate of approximately 6 percent. Currently it could be

argued that long-term inflation expectations are in the 4 to 5 percent area and eroding. With reates at roughly 10½ percent, this implies that the real rate is still around 6 percent. In other words, inflation expectations have declined in parallel with interest rates, leaving instant a compellingly high real interest rate level.

"In our view the performance of the economy, the emergence of deflationary influence and the strength of the dollar are all shouting the same message—nominal and real interest rates are too high and until they come down they will continue to restrain the economy, fuel deflationary forces and prop up the value of the dollar.

"This combination of linkage and policy action provides the potential for a long-term interest rate structure of 7-8 percent to emerge. While this may sound aggressive, we would in fact argue that the more timid and tardy policy response is, the lower rates will ultimately have to go, not to speak of the higher risk of greater deflationary pressures along the way."

Readers will have read most of these ideas in my columns in *The Post* over the last two years as the poverty of the monetarist model has become apparent. Nevertheless, it is pleasing that the E.F. Hutton team has provided a lucid summary of the case against the orthodoxy that still dominates Wall Street thinking and persistently leads Wall Street economists into error.●

A TRIBUTE TO RICHARD G. WILSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. ANDERSON. Mr. Speaker, in every community we find a handful of individuals who are always in the forefront of community leadership and activity. In the case of Long Beach, one of these outstanding individuals is Richard G. Wilson. The Long Beach city charter prohibits the reappointment of a commissioner of the Port of Long Beach after 12 consecutive years of service, so, having reached this period of longevity, Dick Wilson retired from the harbor commission June 30 of this year.

Dick Wilson was born in Olympia, WA, graduating from high school in that State in 1946, and attending both Washington State University and the University of Washington, gaining first a B.A. degree in marketing and finance, and then an LL.B. degree in 1953.

Intrigued with the sea and maritime activities, after graduation he entered the U.S. Navy and was commissioned and ensign. His Navy training included the Explosive Ordinance Disposal School in Indian Head, MD, and the Deep Sea Divers School in Washington, DC. These, Mr. Speaker, are hardly schools sought after by those who look forward to quiet and uneventful careers behind a desk. During his 4 years of active duty he was assigned to a minesweeper, the U.S.S. *Impervious;* and was also officer-in-charge of the harbor defenses of Los Angeles. He remained active in the Naval Reserve until his retirement as a commander in 1975. Upon leaving the service, Dick Wilson decided to use this LL.B. degree in earnest, and commenced the practice of law in the city of Long Beach at the same time performing 2 years of graduate study at the USC Law School, specializing in corporation and tax law.

Dick has devoted much time to the benefit of the city of Long Beach. He served 10 years on the armed services commission, 9 of which he was chairman. In 1973 he was appointed to the board of harbor commissioners, and in recognition of the outstanding contribution he made to the development of this great port was reappointed for a second 6-year term in 1979. As president of the board, in 1979 he led the Long Beach delegation to the Peoples Republic of China, the first to be invited to China after normalization of trade relations between the United States and that country. Besides his law practice and work for the city and the port, he has forced himself to make time to serve as the president of the Pacific Association of Port Authorities in 1982, and as president of the Long Beach Bar Association in 1983.

In a letter to me announcing his retirement as a commissioner, Dick wrote:

> After 25 years of consecutive public service to the city of Long Beach I have no intention at this time of seeking either an appointive or elective office.

I hope he does not really mean that, and I feel quite sure, despite his protestations to the contrary, if he is asked to once again serve his adopted city in a public capacity, he will do so—and will do so in the same outstanding manner he has served in the past.

My wife Lee joins me in wishing Richard Wilson, his remarkable wife Peggy, and their two children, Richard and Martha, all the best in the future—and we know that his contributions to our community will continue to be as great or greater than they have in the past.●

TIME TO CORRAL U.N. SPIES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. HYDE. Mr. Speaker, U.N. employees when they are in the United States ought to be treated as diplomats. Most Americans, and many in Congress, may believe that this is current practice. Unfortunately, it is not.

The result is that U.N. employees are given the freedom to roam wherever they please in the United States, to carry out whatever activities they care to.

Most U.N. employees working in or visiting the United States are, of course, international civil servants of the highest order. As professionals attached to the United Nations they adhere to the oath of members of the Secretariat which binds them "to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept any instructions in regard to the performance of my duties from any Government or other authority external to the organization."

The scandal is that a number of intelligence agents and operatives, dancing to the tune of their own or other governments, are blatantly masquerading as apolitical civil servants while raiding United States and other intelligence sources as well as orchestrating the political agenda of governments within the United Nations. Not surprisingly, the most obvious users of their special U.N. status are Soviet employees or those of governments allied or servile to Moscow.

This problem is comprehensively and brilliantly outlined in a May 1985 report, "Soviet Presence in the U.N. Secretariat," issued by the Senate Select Committee on Intelligence (Senate Print 99-52). This is fortunately available to the American public and to all of our colleagues.

The ominous warning of the Senate Intelligence Committee report is that a network has been created by Soviet and Soviet client employees within the United Nations which bilks the U.N. of millions of dollars in salary, raids free world open information to assist the U.S.S.R., manipulates the U.N. agenda for Soviet and Soviet-colony propaganda purposes, and—worst of all—uses the unrestricted right of travel to obtain sensitive information vital to the security of the United States and other free countries so that it can be passed back to the Kremlin.

The magnitude of the problem is large. Worldwide 800 direct Soviet employees can be found in the U.N. system, and at least 25 percent of them are intelligence agents. Agents from other countries and especially those of Soviet colonies swell this total.

The senior Senator from Delaware, WILLIAM V. ROTH, JR. has done our country a great service by successfully offering an amendment to the pending State Department authorization bill which would impose on United Nations employees the same strictures which now can be used to limit the activities of foreign spies pretending to be diplomats.

I am today introducing a free-standing bill which would allow Members of

the House the opportunity to affiliate themselves with this excellent insurance policy against U.N. employees who act as intelligence agents while sojourning in the United States.

The legislation is being introduced on the same day as our consideration of the intelligence authorization bill in the House. It would have been timely to offer this language as an amendment to that legislation, but I am prevented from doing so by a closed rule which limits amendments. I would hope that Members of the other body, not being so constrained, offer—as an amendment to intelligence authorizations—this modest yet crucial policy change to assist U.S. counterintelligence efforts to monitor and control spies who seem always to behave as it is open season on classified information.

I commend Senator ROTH and efforts by the gentleman from Arizona, ELDON RUDD, in attempts to implement the Senate Intelligence Committee's report. I strongly recommend its review by our free press, our colleagues, and by the American people as its message is both urgent and soundly documented.

I also ask that my colleagues review the language of the Roth-Hyde language and associate themselves with it through cosponsorship and the widest possible publication to the people we represent.●

ANATOLIA COMMEMORATES THE HOLOCAUST: ANNOUNCES MEMORIAL SCHOLARSHIP FUND

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. CONTE. Mr. Speaker, my dear friend, Ambassador Edmund Gullion, has served since the late 1970's as the chairman of the board of trustees of Anatolia College, a distinguished Greek-American School in Thessaloniki. Ambassador Gullion recently returned to Greece to dedicate a memorial tablet to honor the Greek members of the Jewish community of Thessaloniki who died in the Holocaust. He then announced the opening of an Anatolian scholarship fund in memory of the victims.

Mr. Speaker, in February 1941, David Tiano, then an employee of the American Consulate, was executed by the Nazis for the crime of being a prominent Salonika Jew.

Forty-three years later, Ambassador Edmund A. Gullion, Anatolia board chairman and former (1941) vice-consul at Thessaloniki, who describes Mr. Tiano as his "friend and mentor," dedicated a tablet at the consulate general to him—and to the victims of the Holocaust. He then announced the opening of an Anatolian scholarship fund in memory of the victims.

The ceremony coincided with the commemoration of the Holocaust by the Council of the Jewish community and members of the Hellas-Israel Friendship Society, headed respectively by Mr. Ben Mayor and Mr. Michael Karabela. It took place in the same apartment Gullion had occupied in 1941. Here is what he said:

Consul General Sternberg, distinguished guests, ladies and gentlemen: As we enjoy the gracious hospitality of our hosts in this pleasant home, I am bound to recall another occasion—a very somber one—some 43 years ago. I lived here then, in these same rooms, a very young untried Vice Consul.

My country was not yet at war, but war had come to Greece. The invading fascist army of Mussolini had been driven back from the borders, deep into Albania, by the epic defense of the Greeks. But now the Nazi army had penetrated the northern front and was closing in on this city. The British and Greek forces had withdrawn to the south.

On the day I recall, In April 1941, I was not alone in this residence. Crowded into these rooms were about two score members of the Jewish community who had come here for refuge.

From that balcony—there—we watched the ugly tanks, swaddled in swastikas, crawling along the shore toward the White Tower.

We watched while fires burned in the harbor; the day before we had watched while, against a backdrop of flame, the foreshore was black with people trying to escape by sea. We watched while the waiting Stuka bombers maneuvered over Karabounaki.

My friends, you know too well what I am about to tell you; of those who were with me that day—your parents and relatives among them—hardly any survived. They knew a few weeks, even months of uneasy quite before the horror began. Then came the Holocaust. Most perished at Auschwitz.

The great and unique Sephardic community, which for centuries had shed its light in this city, was no more. its light extinguished, its members exterminated. The Jews who were at home here among the friendly Greeks had a home no more, only the death camp, the unimaginable hell invented by the Nazis. The men and women who had shown here what Jewish life could be were plunged into the furnace.

This unspeakable tragedy, a slaughter so monstrous, so inhuman that the truly human mind could not conceive it, was made intensely personal for me by the loss of close friends.

I speak now of David Tiano, for twenty years an employee and mainstay of this consular office, friend and mentor who took me in hand and made me at least a credible representative of my country. David, a warm, wise, generous, impulsive, and courageous man whose human sympathies were so intense that he could never have suspected the evil that moved the men who killed him. David Tiano was executed by machine gun in this city on February 7, 1942.

I speak also of another friend, colleague and tutor, Emmanuel Carasso who was imprisoned with Tiano. After incredible hardships he survived, and he is here with us today, to our joy and by God's Grace. Peace and love to you, Manoli!

Mr. Carasso has prepared his own heartfelt tribute to David Tiano and has asked me to read it for him."

With us also today is another of the band of brothers at the former Consulate, John Vafiades, whom I remember with fondness and gratitude.

I speak also today of all those men of the Jewish faith who died alongside the embattled Greeks in the army of the Hellenes and later in the Resistance.

I speak today because to my knowledge the destruction of this flowering of the Sephardic culture has been too little recorded or remembered in my own country.

I shall tell my countrymen of the great efforts in remembrance of the few members of the surviving community, in the Council presided over by Mr. Ben Mayor, and by the Hellas-Israel Friendship Association headed by Mr. Karabela.

I am here today because these sacrifices and memories bind me to this city. It is largely for this reason that I came to my present post as Chairman of the Board of Trustees of Anatolia College, a calling which makes possible my visit to this city.

The tablet which is about to be presented today records my own tribute and that of all who have served or shall serve in this consular office to Tiano and to those who died in the Holocaust.

In those long ago days we in this consular office tried to help Anatolia College—and Anatolia surely helped us—and the Jews and the Greeks—during the war as a Greek Army hospital, and later in distributing relief to the needy.

At Anatolia today we are happy that the children and grandchildren of the survivors continue to attend our school. We have tried to think of ways to commemorate the victims in a manner they would approve and that would also mean something to the living. We have therefore conceived the idea of a living memorial in the form of scholarships to Anatolia and the creation of a Jewish archive in our library. For this endeavor we expect to find understanding and support from friends in America, and would, of course, welcome aid or counsel from friends in Greece.

Our students at Anatolia are in the springtime of youth and have confident expectations of the future. We think it well, however, to provide them cause to meditate—just now and then—on the elders and their tragedy—so that it may never happen again.

As survivors all, we can do no less.●

PEORIA AND BASEBALL: TOGETHER AGAIN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. MICHEL. Mr. Speaker, for all of the thrills and excellence associated with major league baseball, there is something quintessentially American about minor league baseball. It is in the minor leagues, in smaller cities and towns, that the fans and the owner and the team work together and get to know each other. The sight of 25 young men trying their best to make the major leagues is not only a

part of minor league tradition—it is symbolic of what has made America great, the kind of spirit and ambition and skill and optimism we all are proud of.

Peoria, IL, a great American city, has a minor league baseball team these days, after a lapse of many years. The Chicago Tribune recently paid tribute to this team, to the owner, and to this great city.

At this point I insert in the RECORD, "Cubs help ignite a baseball boom in Peoria," by Linda Young, the Chicago Tribune, Thursday, July 18, 1985:

[From the Chicago Tribune, July 18, 1985]

CUBS HELP IGNITE A BASEBALL BOOM IN PEORIA

(By Linda Young)

PEORIA, ILL.—The rain, which had swept in viciously without warning during the lunch hour, settled into a soft but steady patter as 4 p.m. approached. Less than four hours remained before game time on this night that the Famous Chicken was booked to appear at Meinen Field.

The brass in the Peoria Chiefs' front office expected a full house of 5,500 paying customers to see the team, in its first season as the Cubs' Class A Midwest League farm, play baseball against the Springfield Cardinals.

But now nature's cruel twist of fate, which had flooded much of the uncovered infield, threatened this Thursday night promotion bonanza, the most lucrative in a season filled with promotions. No game, no hot dogs eaten; no game, no beer guzzled; no game, no baseball caps or T-shirts sold; no game, no revenue produced.

No wonder owner Pete Vonachen and his staff could do little more than check the weather service and the clouds as they huddled in Vonachen's plush new clubhouse office. Ticket manager Michelle Shadid, the oldest of Vonachen's five children, shivered at the thought of issuing rain checks on the some 2,000 advance tickets—an unprecedented number.

Canceling the game meant canceling the Chicken, who first clucked to fame as the San Diego Chicken a decade ago. That in turn mean waving good-bye to all that revenue, to the hoped-for league-leading 150,000 season attendance and perhaps even a season's operating profit margin.

Let the rain stop, as it would moments later, and maybe the game could go on. Yes, Meinen Field groundskeeper and Bradley University baseball coach Dewey Kalmer assured Vonachen, give him three or four hours and a hundred bags of drying compound and the soggy infield could be fooled into believing that well over an inch of rain had never soiled its basepaths.

Forget batting practice, forget infield, forget all the formalities. Give Kalmer time to groom the field, and the game—not to mention the Chicken—would go on.

A torrent of rain can't block the sunlight under which baseball is shinning in this central Illinois city. Minor-league baseball, under the watchful eye of second-year owner and Peoria legend Vonachen, is at long last alive and healthy in this economically distressed community where unemployment remains in double digits.

"I didn't know anything about running a baseball team, but I knew this community needed help," said the 60-year-old Vocachen, who has made a more than comfortable living running businesses ranging from restaurants to hotels to blacktop, but never baseball. "We've tried to create an atmosphere here in which kids love to play baseball. We want kids to feel at home; that's why we work extremely hard on these promotions. Players are pumped up when they play in front of big crowds, and they know they're going to be playing in a good facility, not a rag-tag field."

Breathing life into professional baseball in Peoria has been a long, tedious struggle. Not since 1957, when the old Peoria Chiefs of the long-defunct Three-I League left rickety Woodruff Field downtown, had professional baseball players sharpened their skills in this city of 110,000. With Woodruff crumbling, there was no adequate place to house a professional team. The stadium finally fell victim to the wrecker's ball six year ago.

Meinen Field, run by the city's park district, was used almost exclusively for Bradley University baseball. The sod was in sorry shape, the wooden bleachers had lost much of their green paint, concessions were run out of a trailer. There were far too few restrooms.

Nevertheless, 26 years after the original Chiefs folded, a group of Florida investors secured a working agreement with the California Angels and brought baseball back in 1983. They were called the Suns, but little sun shone in that year. Long-distance management could lure only 49,000 people through the gates, an average of only 700 a night.

"Even I didn't come out here much because it was such a bad operation," Vonachen said.

So Vonachen, with plenty of prodding from his son Rocky, city officials and Cub broadcaster and old friend Harry Caray, bought the team, which was still connected with the Angels. He and his staff brought back history, renaming the team the Chiefs. He worked out a mutually advantageous financial deal with the park district to spruce up the ballpark. He talked local businesses into advertising along the outfield fence and in the team's game program. He waded headlong into the community and promoted his product. He got 116,000 fans to buy tickets in 1984.

"Dad makes people feel welcome, that's what he does best," said Michelle Shadid. "He tries to make people feel like they belong at the ballpark."

Vonachen has not only brought people into the park, but he's also brought pillows to throw in the pressbox as a means of his objection to an umpire's call. He used to toss a folding chair Bobby Knight-style, but complaints from press box occupants forced him to alter weapons.

Finally, Vonachen got what he really wanted—a working agreement with the Cubs. Now, the Cub and Chief logos are interlocked everywhere. Even the club's red, white and blue van that office and player personnel drive to Kiwanis luncheons and the like trumpet Peoria Chiefs Affiliated With the Chicago Cubs in loud letters. They take the van to speaking engagements every day peddling the ballclub.

"The marriage, coupled with the Chiefs' first-place perch in the Southern Division standings, seems to have provided the last piece in the puzzle of baseball success in this city, whose major-league loyalties are split between the Cubs and the St. Louis Cardinals.

They considered renaming the team the Cubs. But why bother?

"Anybody in central Illinois that doesn't know we're affiliated with the Cubs, I don't know where they've been," said general manager Rod Thompson.

Attendance is averaging nearly 2,000 fans a night, although the club probably will fall short of its goal of 150,000.

"This ballclub's been a blessing to the community," said Peoria mayor Jim Maloof. "It's like having another Chicago Cubs team right here in Peoria. Pete knows how to promote. Initially, you do have to wonder, will a professional baseball team play in Peoria? Well, it has."

Every minor-league organization must go out in the community and push its product. Virtually every minor-league owner must be on a first-name basis with many of his club's patrons. But the Vonachens make a conscious effort to provide just a bit more hospitality.

"It seems like fun here," said Chiefs' second baseman Bryan House, a Lockport native. "If I lived in town, I'd want to come out and see the games."

"It's much easier to promote here than in a smaller town," said the elder Vonachen. "And it's easier still when you win. It will get easier still when economic conditions improve.

"If you don't have support of the business to buy outfield space, program space and run promotions you can forget it," added Vonachen, who has bought two outfield signs for his own businesses. "If you lose support of business, you're stone cold dead in the market.

"You can't put out inflated ticket prices because you're not the Cubs, you're not the St. Louis Cardinals, you're not the New York Yankees. You're 25 hustling young men trying to make the big leagues. That's your product."

That's why the most expensive ticket costs $3.50.

"Dad wants to do everything first class," said Rocky Vonachen. "A lot of the things we've done, we've done on our own. This year, people and groups were coming to us. We want the players that come through here to remember Peoria and the Chiefs."

Players will remember how the ballclub picks up their sandwich and drink tab after a particularly long, grueling game. They'll remember how the front office staff took them to dinner and found them temporary living quarters when they first hit town. They'll remember how the ballclub sets up doctor appointments for medical emergencies. They'll remember the Sunday brunches the ballclub picks up.

Jackie Davidson, the Cubs' No. 1 draft pick in 1983, endured the Class A Cubs' 50–88 record in 1984 at Quad Cities, the worst in professional baseball. Peoria is a haven for the transplanted Texan.

"This is not minor league," said the 20-year-old right-hander. "This is like you'd get treated in Triple-A or the big leagues or something. Last year, it seemed like every day I was hoping it would rain. Nobody there cared if we won or lost. We feel like family here. Pete cares about us. It makes us want to come out to the ballpark."

"Pete's first class all the way," added first-year field manager Pete Mackanin, who spent nine seasons of his 16-year playing career in the minors. "He makes it fun to go to the ballpark. Consequently, I do my best to put a winning team on the field."

For 35 years, Pete Vonachen looked forward to the day he and his wife, Donna, could retire and take it easy. Oh, he still looks forward to the day he can retire from the blacktop business. But Donna Vonachen

can plan on retiring to the ballpark, not the Riviera.

"Now I can hardly wait till I retire so I can do this full time," Pete said.

"This is all right," Donna Vonachen insisted. "Everybody's always at the ballpark. I don't have to cook."●

ISRAEL, A PROVEN ALLY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mrs. JOHNSON. Mr. Speaker, we have a friend and ally in the Middle East in a nation where justice is sacred and democracy is flourishing. That friend and ally is Israel.

In a region dominated by repressive authoritarian regimes and cursed by state-sponsored terrorism it is reassuring to see that this hard-pressed democracy has the courage to exercise the checks and balances to effectively police herself.

While Syria, Iran, and Libya provide sanctuary and training facilities as well as arms, ammunition and even diplomatic cover for the militantly anti-Western terror network, Israel demonstrates judicial integrity and an enduring commitment to law and order.

Above all, Israel has proven, again, that it is a society of law.

[From the Los Angeles Times, July 12, 1985]

ISRAEL: A GOOD COUNTRY IN A BAD NEIGHBORHOOD

(By Zev Chafets)

JERUSALEM.—When the District Court here found 15 members of Israel's Jewish terror ring guilty of murder, attempted murder, conspiracy and lesser crimes on Wednesday, it did more than simply render justice in one of Israel's most controversial legal cases. The court demonstrated that Israel, despite pressures and self-doubt, remains, as it has been, a good country in a bad neighborhood.

Not everyone was certain that it would work out that way. From the beginning—the maiming of two Arab West Bank mayors by terrorists bombs in 1980—skeptics wondered if Israel might be succumbing to the lure of vigilante violence. Some critics charged that Menachem Begin, then the prime minister, had ordered the security services to go slow in investigating the bombings. Begin, it was whispered, was not displeased by the attack, and the fact that it took four years to catch the terrorists fed this suspicion.

Finally, in April, 1984, the terror ring was broken after an exhaustive investigation that Begin had in fact initiated. The government of his successor, Yitzhak Shamir, announced the arrest of a group of Orthodox Jewish West Bank settlers, who were charged with the attack on the mayors as well as a murderous assault on students at an Islamic college, planning the demolition of the Dome of the Rock Mosque, and attempting to bomb Arab buses in Jerusalem.

Critics were forced to concede that the governments had indeed caught the terrorists, but many pointed to the existence of the "Jewish Underground" as proof that Israel had degenerated to the level of its Arab adversaries.

This notion was reinforced by the refusal of a vocal minority of Israelis to condemn the terrorists, whom advocates portray as basically good men driven to desperate acts by the government's inability to maintain law and order in the West Bank. Some observers predicted that the political pressure tactics of his minority would pervert the course of justice.

This expectation was strengthened when Israel released more than 1,000 Arab security prisoners two months ago, in exchange for three Israeli POWs held by a faction of the Palestine Liberation Organization. Arab terrorists who had murdered Jews were allowed to return to their families; Jews who had terrorized Arabs were still in custody. It seemed illogical, and some politicians, notably the Likud's Yitzhak Shamir, demanded that the trial be stopped and the Jewish defendants be released.

The demand struck a responsive chord. A poll taken shortly after the release of the Arab terrorists showed that almost three-fourths of the Israeli public favored a pardon for the Jewish terrorists. Opponents of clemency, led by Prime Minister Shimon Peres, pointed out that such an action would make a mockery of due process and seriously jeopardize the independence of the judiciary. And, in a rare public statement, Begin said that there was no connection between the release of the Arab terrorists and the trial of the Jewish ones.

The opponents of clemency were right, of course, and in the end they prevailed. The trial proceeded, and ultimately the terrorists were convicted—three of them of murder, which carries a mandatory life sentence.

But much more than legal niceties were at stake. At the heart of the clemency debate, which will heat up again once the terrorists are sentenced, was nothing less than a struggle to define the basis moral values of the state of Israel.

Many foreigners are bemused by the claim that the terrorists are, in the words of Deputy Prime Minister Shamir, "excellent boys who took a wrong turn," but a great many Israelis, including those who are repelled by the terrorists' actions, realize the truth of this remark. Almost without exception the members of the underground are family men in their late 20s and 30s. Most are well-educated, highly motivated patriots, and many served in elite combat units. They hardly fit the usual terrorist profile, and, in a country where the "us and them" principle is extremely powerful, they are recognizably part of "us."

Moreover, the terrorists did not act in a vacuum. There is truth to their claim that the government was lax in combating Arab terrorism, and that this laxity threatened them and their families. They are correct when they point to an alarming rise in Arab violence against Jews in recent years.

What arouses the most sympathy, and the most alarm, is the fact that the terrorists acted out of fear and frustration—emotions that few Israelis are not subject to from time to time. There is nothing surprising about this; generations of war and unremitting Arab hostility have left people here increasingly vulnerable to such outbursts. The fact that the perpetrators were among the best Israelis, and not simply deranged misfits, causes all of us to ponder the limits of our self-restraint and how we might react to similar stress.

This is precisely why the decision of the court is so important, and so reassuring. Israel is not a nation of saints, but it remains a society of law. It is the role of law to prevent raw human emotions from overcoming civilized and decent behavior, and the District Court of Jerusalem, by reaffirming this principle and by forthrightly condemning Jewish terrorism as an illegal and immoral phenomenon, has done the entire country an enormous service. Israel, after all, has an army to protect it from its Arab enemies, but only we can protect ourselves from our own darkest impulses.

Zev Chafets is the author of "Double Vision: How the Press Distorts America's View of the Middle East" (William Morrow).

[From the New York Times, July 14, 1985]

ISRAEL'S WORTHY DOUBLE STANDARD

Even as its air force again claimed an eye for an eye in Lebanon last week, Israel's judical arm declared private vengeance by Jews against Arabs to be terrorism and murder. At considerable political cost, this hard-pressed democracy will jail some of its most dedicated pioneers and decorated soldiers to proclaim the sanctity of life and law.

Such an assertion of legal limits even in the midst of a terror war deserves wide admiration. But for the right reason: Israel's concern for justice for the Arabs under its administration is no mere magnanimity. It is a vital act of self-definition, an effort to add moral armor to Israel's military strength.

After a trial of 13 months, an Israeli court convicted three Jewish settlers of murder and 12 others of crimes ranging from manslaughter to belonging to a terrorist organization. The defendants were not from some militant fringe. They included revered army officers and West Bank pioneers who justified their plots against Arab students, politicians and a Moslem holy shrine as self-defense.

Many Israelis think of them not as terrorists but as an underground, necessary to avenge or deter Arab assaults on Jewish settlers. And now that the trial is ended, the clamor for clemency will become a potent political issue, dividing an already tense coalition cabinet. The Government will be asked how it dares to jail its sons so soon after releasing 1,150 convicted Palestinian terrorists in exchange for three Israeli prisoners.

Even a light punishment, however, would not obliterate the symbolic value of last week's verdict. All too often Israelis complain that they are judged by a double standard, held to higher norms than are their enemies. To their everlasting credit, that is also how they judge themselves.●

FRANK GATSKI, JOE NAMATH, O.J. SIMPSON, ROGER STAUBACH AND PETE ROZELLE TO BE ENSHRINED IN PRO FOOTBALL HALL OF FAME

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. KEMP. Mr. Speaker, enshrinement in the Hall of Fame in Canton, OH, is pro football's highest award and a genuine slice of immortality for those very few and very special foot-

ball greats who reach this pinnacle. On August 3, 1985, the professional football Hall of Fame will induct five new members into its honored ranks. Center Frank Gatski, quarterback Joe Namath, running back O.J. Simpson, quarterback Roger Staubach, and Commissioner Pete Rozelle, who celebrates his 25th year as commissioner this year, are men who will long be remembered for their contributions to football. As I said, Mr. Speaker, these men have reached the peak of professional excellence. To fully appreciate the enormity of this accomplishment, we must see the Hall of Fame for what it represents.

As I was privileged to say when I spoke at the induction ceremonies for the Hall of Fame in 1973, the real meaning of the Hall of Fame is to serve as an example, a symbol and a beacon by which young men and women, and indeed all people around this country can gain inspiration and motivation in their own lives from the lives and careers of those who achieve greatness. In our free society, sports play a vital role in expressing qualities such as competition and cooperation which prove that not just the strong can succeed, but the weak as well. All are lifted up not only by their efforts, but by the inspiration and help they receive from those who achieve the highest. As a microcosm of our Nation, sports help teach the type of perspective that is so necessary if one is to gain the hope and vision to overcome obstacles and turn them into opportunities. In sports as in all human experience, we win and lose, try and fail and try again, get knocked down, and get up, and learn, hopefully, to never give up or give in. Problems are not roadblocks, they're challenges and each of these great men has proven in their own lives and careers what they are made of.

The Hall of Fame honors that transcendent quality of the human spirit that unites us all, black and white, young and old, male and female. The spirit that derives strength from challenge. The spirit that never gives up. I believe that is the spirit upon which America was founded, and these five men epitomize the qualities so endemic to our Nation and so vital to its future. These five enshrinees I'm privileged to know, and while I know some better than others, they are all friends and it is my pleasure now to say something about each individual.

Frank Gatski was the great center for the Cleveland Browns from 1946 to 1956 and for the Detroit Lions in 1957. Over those 12 seasons, Frank played on eight championship teams and in 11 championship games. he was an all-pro selection four times and his ability to anchor the line of the Browns earned him the reputation as the toughest and greatest center of his era. It is a pleasure to see Frank placed beside the immortal heroes who are in pro football's Hall of Fame.

One of football's greatest memories was engineered by a good personal friend of mine, Joe Namath of the New York Jets. Joe deserves credit for proving the equality of the American Football League [AFL] with the National Football League in 1969. Joe Namath and the New York Jets, 17 point underdogs, beat the Baltimore Colts in Super Bowl III, and led our old league, the AFL, to parity with the NFL. The significance of Joe's charismatic leadership cannot be understated for his team's victory helped bring about the merger of the two leagues in the minds of the pro football fans of America.

Joe played for the Jets from 1965 to 1976 and in 1977, he played for the Los Angeles Rams. He was an all-pro in 1968 and 1972. In that incredible season of 1968-69, Joe was AFL player of the year and his style reelected the enthusiasm with which he turned the AFL into a great success story. He now is an analyst for Monday night football, he is married to a lovely lady, Debbie Namath, and has a great career ahead of him.

My friend and former teammate O.J. Simpson set the standard against which all running backs are measured. He received the Heisman Trophy as the finest collegiate football player of 1968 for his feats of skill at the University of Southern California. His incredible running electrified the Nation and, with great expectations, he started his professional career with the Buffalo Bills. He played in Buffalo from 1969 through the 1977 season and finished his career with the San Francisco 49'ers, his hometown team, where he played for the 1978 and 1979 seasons. O.J. was an all-pro five times and was the NFL's most valuable player in 1973. That year, O.J. rushed behind the "electric company" on his way to becoming the first running back to rush for 2,000 yards in a season. By the end of his inspiring career, O.J. had become the second leading rusher in NFL history.

The great quarterback of Dallas, Roger Staubach, also worked hard to be the best. He was quarterback of the Cowboys from 1969 through 1979 and the winner of the Heisman Trophy in 1963 while a midshipman at the Naval Academy. Before joining the Cowboys, Roger served 4 years on active duty in the U.S. Navy; his tour included time in Vietnam. As a Dallas Cowboy, Roger led his team to two Super Bowl victories. In his 11 years, his determination to succeed led the Cowboy's to six National Football Conference championship games and he was selected all-pro four times. Roger is a wonderful example of a family man and the Christian life in sports and a fine example for the youth of America to emulate.

Commissioner Pete Rozelle is generally recognized as the premier commissioner of all pro sports. He has led the NFL to unprecedented popularity in his 25 years as commissioner. One of his finest accomplishments was presiding over the merger of the AFL with the NFL; he also negotiated the first league-wide television contract. And it has been within his tenure that the Super Bowl, the world's greatest single-day sporting event, was created. Pete's brilliance as a manger has been shown time and again by his handling of the many challenges facing pro football and pro sports in general. The commissioner works hard to give people a great product and with fairness and class. Pete's wife Carrie is a dear friend of the Kemps as well, and she shares in this honor. Carrie and Pete have done marvelous work for charity, particularly the United Fund and the Foundation for Children With Learning Disabilities, which Carrie created. All five inductees are "Men For All Seasons." They represent the best in professional football. They are hard working and successful men from varied backgrounds and with separate interests with a common bond that lies in their desire to be the best in everything they do. They are men to be proud of, symbols of excellence. They are Hall of Famers, and I'm proud to be their friend.●

CONGRATULATIONS TO OUR SERVICE ACADEMIES' GRADUATES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. BROOMFIELD. Mr. Speaker, each year our service academies graduate some of the finest young men and women in our country to serve the United States and her people as officers in the armed services and the merchant marine.

They are certainly to be congratulated for these young people have gone through a rigorous 4-year trial of their academic talents, leadership skills, determination and tenacity, and physical fitness to earn their place among the honored ranks of those academy graduates who proceeded them.

While these new officers have reported to their new duty stations, we in the Congress join their parents, family, and friends in the pride over their accomplishments because, in most instances, we had the privilege of appointing them to their respective academies.

I know my colleagues in the House and Senate join me in wishing the 1985 graduates of the Military Academy at West Point, NY; the Naval Academy at Annapolis, MD; the Air

Force Academy at Colorado Springs, CO; the Coast Guard Academy at New London, CT; and the Merchant Marine Academy at Kings Point, NY, every success in their new careers.

Mr. Speaker, at this time, I also wish to recognize and congratulate those graduates, listed below, from my own congressional district in Michigan. I am proud of each of them and know they will serve our great Nation with honor and distinction.

Military Academy: John Crews, Birmingham; Fred L. Campbell, IV, West Bloomfield; Richard B. Ellis, Farmington Hills; Janice Higuera, Bloomfield Hills; and Gregory Kuznecoff, Union Lake.

Naval Academy: Karl T. Diedrich, Troy; Andrew M. Fremuth, Birmingham; Stephen Devore, Farmington Hills; Mark Fletcher, Romeo; Matthew Fletcher, Romeo; and Michael Stepaniak, Northville.

Air Force Academy: Phillip J. Beaudoin, Northville; Stephen S. Johnson, Farmington Hills; Marc J. Kornmesser, Birmingham; Darren Reed, Pontiac; Charles Morrison, Pontiac; and Dwayne Hardin, Pontiac.

Merchant Marine Academy: Margaret Mooney, Rochester.●

A COURAGEOUS YOUNG MAN, JOHN ZIMMERMAN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. BADHAM. Mr. Speaker, I rise today in memory of the courage of a young man from Fountain Valley, CA, in my district. John Zimmerman, son of Richard and Sandy Zimmerman, was a 15-year-old freshman at Fountain Valley High School when muscular dystrophy ended his life in January. However, his final request made headlines around the Nation.

You see, John wanted more than anything to become a U.S. marine. His inspiration came from the friendship he developed at camp in San Diego County 4 years ago with two marines who had volunteered their time to act as attendants for these young MD victims.

Gunnery Sgt. John Gorsuch and S. Sgt. Bob Menke told John honestly that his crippling disease made it impossible to join the marines but they offered instead to become his friends. With the help of these and other friends, his family and Senator PETE WILSON, John asked President Reagan to make him an honorary member of the U.S. Marines so that he might be buried in the Punchbowl National Cemetery of the Pacific in Hawaii. His courage and love of country so touched America and the President that this final request was granted.

On August 8. 1985, the Muscular Dystrophy Association of Orange County will conduct the John Zimmerman Memorial Dinner, hosted by Senator WILSON and members of the Marine Corps. All proceeds from a special dinner auction will go toward supporting the association's patient care and summer camp programs, assuring many other young people of the kind of special opportunity that so inspired and enriched the life of John Zimmerman.●

EQUIVALENT LOCAL PRETREATMENT DEMONSTRATION AMENDMENT

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. STANGELAND. Mr. Speaker, earlier today the House approved House Resolution 222 which provided for the consideration by the House of H.R. 8, the Water Quality Renewal Act of 1985, under an open rule with 1 hour of debate. As the ranking minority member on the Subcommittee on Water Resources of the Committee on Public Works and Transportation, I have been actively involved in the development of this important and worthwhile piece of legislation. BOB ROE, chairman of the subcommittee, and JIM HOWARD and GENE SNYDER, chairman and ranking Republican member, respectively, of the Committee on Public Works and Transportation, are to be congratulated for developing a comprehensive and balanced bill which will reauthorize one of the Nation's most important environment laws.

Despite my general strong support for and consponsorship of the bill that has been developed, I intend to offer a floor amendment, which is printed in today's CONGRESSIONAL RECORD.

While I support the bill in its totality, I also believe that there is one area concerning which the committee could have done more to improve the act's flexibility and its overall ability to ensure efficient and effective water pollution control. I believe that the act should be amended to allow, under limited and protective conditions, certain municipalities to operate under a local alternative to the nationally mandated standards pursuant to section 307 of the act for pretreatment of pollutants discharged into publicly owned treatment works.

The National Categorical Pretreatment Program, called for under section 307 of the act, is appropriate for the majority of communities in the United States. At the same time, there are cities that can and have developed and are operating their own pretreatment programs very successfully. These cities should be recognized for their excellent performance and allowed to continue to operate under their different but environmentally protective local pretreatment programs.

The amendment I will offer would provide a limited number of cities an opportunity to operate under equivalent pretreatment programs if they could adequately show to the satisfaction of their State and the Administrator of the Environmental Protection Agency that implementation of the city's locally developed program is at least as effective and environmentally protective as that required by the national categorical pretreatment standards.

Under my amendment, in order to proceed with an equivalency option, a local treatment program would have to control indirect industrial dischargers to avoid passthrough of pollutants, prevent interference with treatment works operations, and preserve sludge disposal options. Before being approved for operation, the publicly owned treatment works [POTW] would have to be achieving secondary treatment and would have to show that it had adequate funding and resources—technical, legal, and administrative—to implement the local program.

POTW's that are not inclined or do not have the resources to develop and maintain a local program would continue to be required to comply with the national categorical standards.

The current EPA pretreatment program, centered on national technology-based pretreatment standards, does not properly take into account whether all of the treatment required by the national standards is needed in every case. This can, and often does, result in costly, redundant, and wasteful treatment by industry and POTW's.

I believe that, as a general rule, local conditions are handled best by local entities developing locally responsive programs. Because many water quality problems are uniquely site specific and cannot readily be solved by uniform national standards, I believe that functioning equivalent, locally controlled pretreatment programs should be able to direct resources to particular site-specific problems rather than to treatment for treatment's sake.

In 1977 Congress amended the act to provide that, if a POTW were capable of removing pollutants without causing problems with its operations, industrial dischargers into the POTW should be given credit for such removals. In response to this mandate, EPA developed the present removal credit regulations, which were supposed to alleviate the problem of redundant treatment by POTW's and industrial dischargers. However, the regulations are so complex and restrictive that many POTW's have not applied for those removal credits. Industrial dischargers must therefore often continue to install treatment technology and meet pretreatment limits even though a POTW may remove some or all of

the pollutants and even though the environment and the operation of the POTW could be protected as well or better under a different locally developed program. Implementation of a locally controlled pretreatment program would allow for reasonable resolution of this problem. In most cases the national program will be used. The efficiency and savings of local control, however, make a local option program desirable in certain situations.

I want to stress that the approach reflected in my amendment is not a proposal promoted solely by industry. It is also strongly supported by the State, cities, and sewage treatment agencies throughout the Nation. The amendment I am offering has the support of the National Governor's Association, the U.S. Chamber of Commerce, the U.S. Conference of Mayors, the National League of Cities, the National Environmental Development Association, and others.

Under my amendment, a rigorous monitoring program would be required for every local system obtaining the authority provided. The monitoring is envisioned as going beyond current Federal law and would be specifically designed to advance the state of the art of biological monitoring and the development of toxicity data for receiving streams.

My proposal would not eliminate any existing enforcement authority. Both the local and State governments have undiminished enforcement authority over industrial users of a POTW through the requirements of this proposal and through the existing provisions of the act. Federal and citizen enforcement is available through section 309(f), 505 (a), and (f), section 307(d) and EPA's general pretreatment regulations.

In summary, I believe that it is unwise to require compliance with Federal categorical standards when other, perhaps less costly, methods are available which are just as effective in achieving the goals of the act. Furthermore, a rigid approach may inhibit the development of new initiatives that could greatly improve water quality if greater flexibility were allowed to be employed by the act. Accordingly, when H.R. 8 is brought to the floor, hopefully next week, it should be further amended to authorize a demonstration program for local pretreatment programs which achieve pretreatment at least equivalent to that required under national standards but which employ a method of pretreatment which is different from the categorical pretreatment standards mandated under section 307(b) of the Act.

I urge my colleagues to support my amendment to allow this needed flexibility with respect to Federal pretreatment standards.●

DISINFORMATION IN GREECE?

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. COURTER. Mr. Speaker, my thanks to the gentleman from California [Mr. LUNGREN], for organizing the special session on Soviet disinformation.

A single news item or article can certainly be an effective medium of disinformation when quietly inserted into a wholly legitimate newspaper. But another method, far more direct, is covert funding or ownership of an apparently independent newspaper.

This may be occurring in Greece today. The largest daily newspaper there, Ethnos, has distinguished itself by its anti-American excesses. A reader learns that Korean Airlines flight 007 was a CIA provocation, that Lech Walesa is a CIA agent, that our President is a "paranoid monster," and that the United States is dropping poisons on Afghanistan. The Soviet empire, by contrast, is said to be "the world's first peace bloc." Of course, there are few barriers in Democratic societies to the publication of such nonsense. What a free society can and should demand is that the sponsorship of openly-circulated publications be open to public inspection. Considerable evidence has emerged which indicates that while Ethnos appears to be an entirely Greek newspaper it is not an entirely Greek newspaper.

Ethnos was begun in 1981, and immediately became popular. Its format is professional and slick; its tabloid character is attractive to readers in a country where most newspapers are more sober; its intensive coverage of local news and sports is appealing. Circulation rose to nearly 200,000. But a long and important book has been published about Ethnos, creating a scandal about its possible Soviet financing and direction.

The book is "Take the Nation in Your Hands," by Paul Anastasi, Athens' correspondent for London's Daily Telegraph, a stringer for the New York Times, and the editor in chief of a New Greek paper, the Athens Star. It is based on profusely detailed documents and telexes to and from the Soviet Union and Athens, all obtained by a business partner to George Bobolas, founding editor of Ethnos. The evidence is remarkable. Having seen some of it, one cannot readily understand how the author Paul Anastasi could lose a libel case in Greek courts for calling the editor Bobolas an "agent in influence" of the Soviet Government. It is much easier to see how a higher Greek court, examining the verdict, refused to allow Anastasi to be sent to prison.

Ethnos publisher George Bobolas owns several companies. One is Worldtech Hellas Ltd. On its stationary, Bobolas apparently proposed to the State Committee for Foreign Economic Relations of the U.S.S.R. Council of Ministers in 1979 collaboration on "worldwide technology transfer," the hope was to give a lot of help to technology transfer on an international base.

Another Bobolas enterprise was the exclusive publishing contract for the Greek language version of "The Great Soviet Encyclopedia." Sales were high, and profits considerable. According to the Anastasi book, the KGB proposed, and Bobolas accepted, plans for establishing a newspaper from the profits of the encyclopedia sales. No money was to return to the U.S.S.R.; all was to be reinvested covertly in Ethnos. The Soviet broker for this deal was allegedly Vassily Sitnikov, Deputy Director of the Soviet Copyright Office, and a man identified by Soviet defectors as Deputy Director of the KGB's Disinformation Department. Sitnikov reportedly was assisted by Ivan Udaltchov, former Soviet Ambassador to Greece and an apparent KGB agent, Evgeni Chistiakov, former press attaché at the Soviet Embassy in Athens, expelled as a spy in 1980, and Boris Pankin, Director of the Soviet Copyright Office, identified as one-time Chief of the KGB's Disinformation Branch.

The paper was born as Ethnos in 1981. Bobolas became its publisher. The journalists include Britain's Stanley Harrison, until 1981 an editor with Britain's Communist Party paper Morning Star, and Carl Morzani, the U.S. correspondent, a man who served 3 years in an American jail for not disclosing his Communist activities inside the OSS during the Second World War.

Perhaps never before has there appeared such a heavily documented—if not yet corraborated—account of Soviet covert involvement with a popular western newspaper. It remains difficult to draw hard conclusions about the men behind Ethnos: several lawsuits remain unsettled. But the paper obviously has had ill effects on Greek-American relations. It represents and magnifies all which is most unfortunate about the foreign policy of the American-educated Greek Prime Minister. Its writers say about America and the world just about what writers for Tass and Pravda say, but legitimate it by saying it in Greek, an esteemed democratic tongue, and by saying it from Athens, birthplace of the principles of intellectual and political freedom.

The irony is bitter. The Soviet gain is obvious. The Greek Government's failure to carry out a fullsome official investigation of the origins of Ethnos is an embarrassment.●

KOREAN WAR MEMORIAL URGED BY VETERANS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. FLORIO. Mr. Speaker, I ask that the RECORD include the following letters which I have recently received from veterans of the Korean war. The Korean War Memorial Act, H.R. 2205, which I introduced in April, was the subject of a hearing before the Task Force on Libraries and Memorials last week. The distinguished chair of that committee, my friend and colleague the Honorable MARY ROSE OAKAR, has referred the bill out to the full Committee on House Administration. I join with the 129 current cosponsors of H.R. 2205 in hoping that we can attain a speedy markup before the full committee.

Mr. Speaker, the names of the writers of the following letters are known to all Americans. Yet, as each letter is read you will see, very readily, that each writer is conveying the thoughts of thousands of other veterans of that "forgotten war" in Korea. I am grateful for the remarks of General Ridgway, Ed McMahon, and Ted Williams. It is because they cared enough to remember the exploits and deeds of their comrades 35 years ago that we are now so close to the success of having a permanent memorial approved.

Mr. Speaker, the letters follow:

CARSON PRODUCTIONS, INC.,
TONIGHT SHOW,
Burbank, CA, June 28, 1985.

Hon. JAMES J. FLORIO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. FLORIO: I was so very interested to read your letter regarding the bill you have introduced in the House of Representatives. You wholeheartedly have my support for the Korean War Memorial Act. It has always seemed somewhat unjust that there is no memorial dedicated to the memory of those courageous Americans who lost their lives in this war. I certainly do have recollections of that time. All of us who fought in Korea remember with sadness that we were caught up in a so-called "police action" but those who were fighting there called it a war. The Marines I flew with had a very sarcastic phrase about the Korean War, "It's not the best war but it's the only one we've got!"

As much as I would like to participate at the hearing on July 10, I'm sorry to say that I have to decline. My wife and I leave for a three-week trip to Europe on June 29 and will not be returning until July 22. If I can be of any other help in showing my support for those forgotten veterans please let me know.

All good wishes.
Cordially,

ED MCMAHON.

GEN. M.B. RIDGWAY,
Pittsburgh, PA, June 22, 1985.

Hon. JAMES J. FLORIO,
Rayburn House Office Building, Washington, DC.

DEAR MR. FLORIO: I am most appreciative of your invitation for me to join you and your cosponsors of the proposed "Korean War Memorial Act," and of the generosity of your gracious remarks about my service in combat in Korea. It was an honored privilege to have been given that command assignment.

While I felt that there was little or nothing of substance I could contribute at your meeting and therefore respectfully declined, I wish to endorse enthusiastically the proposed H.R. 2205, initiated by you and the Chairman and ranking minority member of the House Veterans Affairs Committee, for the erection and maintenance by the Federal Government of a memorial to honor the members of the Armed Forces of the United States who served in the Korean War.

I believe this is an honor richly deserved and long overdue.

With high respect, I am,
Sincerely,

M.B. RIDGWAY,
General, U.S. Army (Retired).

Hon. MARY ROSE OAKAR,
Chair, Task Force on Libraries and Memorials, U.S. House of Representatives, Washington, DC.

DEAR MS. OAKAR: I write you to express my support of initiatives recently taken in the House of Representatives to honor and remember those Americans who served in the Korean War. As one of those Americans I can tell you that it is a long overdue measure and I am happy to see that it is finally taking place.

My years in the U.S. Marine Corps which I spent in Korea were years of sacrifice and pain for many Americans. Too often, I think, we are concerned with those who actually fought in combat and the need to honor their courage and bravery. There was no shortage of heroes in Korea. But, I can't forget those at home either. We as a country were fighting in Korea—and we as a country suffered in Korea. By honoring those who fought in Korea we would honor this entire country which did in fact preserve freedom in those years.

I am confident that any veteran of the Korean War would support this measure. I hope that you and the Task Force on Libraries and Memorials can see fit to report this bill, H.R. 2205, The Korean War Memorial Act on to the whole Committee on House Administration for consideration. Many thousands of Americans will be indebted to you if you did.

Thank you for this chance to express my thoughts to you and the Task Force. Thank you for all of your efforts to remember the dedication of our people over thirty years ago.

Sincerely,

TED WILLIAMS.●

THE PLIGHT OF SOVIET JEWRY

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. WHEAT. Mr. Speaker, I am proud to join with a number of my colleagues today in participating in the 1985 Congressional Call to Conscience for Soviet Jews. The Congressional Call to Conscience is an important bipartisan effort of many Members of Congress to focus attention on the gross human rights violations perpetrated by the Government of the Soviet Union against its Jewish citizens.

When Soviet leader Mikhail Gorbachev came into power, many of us were hopeful that the change in leadership would facilitate a change in the Soviet Union's systematic denial of basic human rights to Soviet Jews. On the contrary, the repressive measures used by Soviet officials against Russian Jews have increased both in magnitude and severity under the leadership of Gorbachev.

The level of Jewish emigration from the Soviet Union has declined 98 percent over the last 6 years, from 51,000 in 1979 to a mere 896 in 1984. Thus far in 1985, 499 Soviet Jews have been permitted to emigrate, with the level reaching a low of 36 people in June. As troubling as these numbers are, they reflect only one portion of the officially sanctioned antisemitic campaign being waged against Soviet refuseniks under Gorbachev.

The "Anti-Zionist Committee of Soviet Citizens," a group founded by Soviet military commander Col. Gen. D.A. Dragunsky, makes the outlandish claim that the problem of Jewish emigration has now been resolved since all Jews who wish to leave the Soviet Union have already done so. The committee has also staged press conferences and assisted in numerous other public efforts aimed at linking Zionists to Nazis.

While such measures are obvious examples of the vicious tactics used by Soviet leaders, equally distrubing are the more subtle forms of repression practiced daily against Soviet Jews. For example, the doors to higher educational institutions are gradually closing to qualified Jewish applicants in the Soviet Union. Entrance examinations to universities, usually a 1- or 2-hour oral examination for non-Jewish applicants, are often extended up to 5 hours for Jewish applicants. Jewish students have been expelled from highly ranked educational institutions and forced to enroll in lesser institutions. The Soviet Jewish student population has declined at a rate three times greater than that of the overall Soviet Jewish population since 1968.

The cruelty of these policies is abhorrent and a source of continual strain on efforts to improve relations between the United States and the Soviet Union. In light of the deteriorating situation encountered by Soviet Jews today, it is particularly important that President Reagan forcefully

present our concerns that the Soviet Union respect the basic human rights of its minority populations and allow emigration for refuseniks when he meets with Mr. Gorbachev in November. The prospects for improved relations between our two countries would be greatly enhanced if the leaders of the Soviet state took meaningful steps to dismantle their system of oppression against the entire Jewish population. I call upon my colleagues and all concerned Americans to join in this collective effort to raise the world's awareness and concern for the repressed people of the Soviet Union.●

FREEDOM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. EDWARDS of California. Mr. Speaker, I wanted to call to the attention of my colleagues a stimulating article which appeared in the Christian Science Monitor on Wednesday, July 10.

Authored by your own administrative assistant, Chris Matthews, this eloquent essay is a timely reminder that there are people all over the world who yearn for the freedom we enjoy in this country. Although it would be easy to get the impression from what we see and hear that America is scorned by the world community, this article highlights the reasons why, happily, that is not the case.

I know my colleagues will be interested in reading this outstanding article.

FREEDOM

(By Christopher J. Matthews)

The TWA hostages are home, but we are left once again with the terrible image of gun-waving fanatics fuming with anti-American slogans and trampling our flag. For us Americans, it is not a pretty picture of the world outside. Fortunately, it is also not an accurate one.

Several years ago I had a close-up glimpse of what many third world people really think of the United States. I was just out of the Peace Corps and working my way homeward through East Africa and the Middle East. With little money. I had to live frugally. But because of how I traveled and where I stayed I had a chance to learn directly what some average people felt about our country. It was quite a lesson.

On Zanzibar, I met a young Indian in his late teens who grabbed at the chance to tell a young American what life was like for him on that exotic but terrible island. He showed me what it meant to live as a minority under a brutal, revanchist dictatorship. Regimentation on that island was then absolute, from hair length to courtship. Even holding hands in public was forbidden. The Indian youth could not engage in business; neither could he leave the island.

The only refuge for this lonely victim of repression was his small apartment, which turned out to be his own personal shrine to everything American. The walls were covered with posters and album covers of the latest rock stars. There, in this island within an island, he had transported the culture and freedom of a far-off land. He could not wait to get me in that room and turn the music up.

Weeks later I was living in a dollar-a-night hotel room above the old walled city of Jerusalem. Each evening I would wander through the Arab quarter, following the maze of passageways and shops that wind through the city. Peering through the displays of leather goods and ornaments, I could see a familiar picture hanging in the little shops. It was that of Muhammad Ali, the American boxer.

In Cairo, I made my way through the crowded streets, besieged by young boys. "Do you know John Wayne? Do you know Muhammad Ali? Don't say anything against Muhammad Ali; he's my friend."

I had seen it all before. During my two-year stay in southern Africa I had come in regular contact with older British expatriate families who spoke lovingly about "the Yanks" and Fred Astaire and Ginger Rogers. They had come to appreciate America during World War II and felt all the wonders of a country that spoke the same language and had the same democratic institutions but whose freedom was so much more real than in the class-ridden isles they had left behind.

I had seen the love that desperate black South Africans felt for anything American, particularly jazz, that freest of all musical forms. For them, aspiration and freedom were synonymous with the promised land of America. It was a place where people could do things, man!

It takes strangers to show us what we have in America. It was John Lennon who once called New York "the center of the consciousness of the universe." For him, freedom was not just an ideal, but a city, a place to be and to enjoy.

What some Americans cannot see is that our great cultural influence in the world is exerted not so much through diplomats in pin stripes as by free-living Americans in blue jeans. What people find irresistible about us is not freedom in the abstract, but what comes of it: the music, the clothes, the look and feel of freedom.

There is a wonderful bit of dialogue in Paul Mazursky's movie "Moscow on the Hudson," when a couple of CIA bureaucrats are grilling the young Soviet musician played by Robin Williams on his reasons for defecting to America.

"Why are you defecting?" the officials demand.

"Freedom."

"Artistic freedom or political freedom?"

"Freedom."

Like the Eskimo who has 13 different words for snow, we Americans make an art of such distinctions. But those who see the wonder of it for the first time just want to go sledding.

Christopher J. Matthews is administrative assistant to House Speaker Thomas P. (Tip) O'Neill, Jr.●

FIRST SLOVAK CATHOLIC CARDINAL, JOSEF TOMKO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. KEMP. Mr. Speaker, I would like to rejoice with my Slovak American constituents, as well as all the Slovaks in the Free World, on the elevation of Archbishop Josef Tomko of the Vatican to the rank of cardinal during the recent ceremony in the Eternal City.

Cardinal Josef Tomko, born in Slovakia in 1924 and ordained a priest in Bratislava, Czechoslovakia, was, prior to his elevation, secretary general for the World Synod of Bishops in the Catholic Church. As cardinal, he has been appointed Prefect for the Evangelization of the Peoples, a most important position in the church. His portfolio includes oversight over some 1,200 bishops and 52,000 clergy worldwide.

His studies included the Pontifical Lateran University and the Pontifical Gregorian University where he obtained doctor of theology, canon law, and social sciences degrees. He also taught at the International University "Pro-Deo" (1955-56) and the Gregorian University (1970-78). Besides his Slovak mother tongue, he speaks Italian, Polish, English Czech, French, German, and Spanish.

He was vice rector of the Pontifical Nepomucene College (1950-65) and of the annexed school of higher studies for priests of various nationalities including missionaries from Latin America. From 1962, he was an official, then from 1966, head of the doctrinal department of the Congregation for the Doctrine of the Faith. During that period, he was chosen special secretary for the first Assembly of the Synod of Bishops in 1967. From December 1974, he was undersecretary of the Congregation for Bishops, and in July 1979, nominated secretary general of the Synod of Bishops and titular archbishop of Doclea. He was ordained by John Paul II in the Sistine Chapel on September 15, 1979, Feast of Our Lady of Sorrows, Patroness of Slovakia.

Josef Cardinal Tomko has also worked as member, consultor, and participant in the field of ecumenism. In 1969, in Cartigny, and in 1972, he took part in the delegation sent by the Holy See to the World Lutheran Federation and to the World Council of Churches in Geneva. He was also a member of the mixed Commission of Catholic-Lutheran-Reformed Clergy on the Theology of Matrimony. On the issue of the Affairs of the Family, he guided the delegation of the Holy See to meeting of the European Cabinet Ministers in Rome in 1981. On the

subject of the missions, he took part in the Superior Council on the Pontifical Mission/Aid Societies of Religious Life, Justice, Peace, and of Laity.

In the midst of these serious engagements, he also carried out his pastoral ministry in the various parishes in the Appian area of Rome, and in neighboring diocese of Porto and Santa Rufina. He preached monthly retreats, and as a bishop, administered confirmation. In recent years, he was invited to give conferences in many Italian cities and also abroad. His activity on religious problems of his compatriots in Slovakia has been positive. As cofounder of Slovak language religious review and of the Slovak Institute of Sts. Cyril and Methodius in Rome, a spititual center with a secondary and seminary prep school, he has recruited many sons of Slovak emigrants to priesthood. He has also visited the numerous Slovak communities in the United States, Canada, and Europe and broadcast on the Slovak section of Radio Vatican.

Being really the first cardinal of Slovak heritage, the Slovaks in Czechoslovakia and in the non-Communist world see his elevation as a symbolic gesture of encouragement for their persecuted church. Out of eight dioceses in Slovakia, only two bishops have been sanctioned by the Holy See. Some have been without bishops for over 30 years. Recently, the U.S. Senate Foreign Relations Committee held hearings on "Religious Persecution" inside Soviet block countries, including Czechoslovakia.

The new cardinal is also a prolific writer and has published books in Italian, English, German, and Slovak on subjects ranging from the theology to law, and from history to spirituality.

To better understand the situation of the local churches, Cardinal Josef Tomko has traveled extensively on all the continents visiting Iran, India, Sri Lanka, Thailand, Hong Kong, Japan, the Philippines, Australia, Egypt, Morocco, Kenya, the Cameroons, Zaire, North America, Mexico, Colombia, Brazil, and Peru.

These meetings, above all, the Assemblies of the Synod of Bishops, have provided him with a good insight of the particular churches, their pastors, and their problems. He has learned to understand the dimensions of the universal church to better guide the missionary activities.

In this jubilee year of 11 centuries of the martyrdom of St. Methodius, who with his brother Cyril, brought Christianity to the Slav peoples translating the Holy Scripture into their vernacular, the elevation of Cardinal Josef Tomko (originating as he does from a suffering church now under communism) is a most significant sign to the Slavic nations yearning for freedom of worship. The erudite inculturation of the Gospel which was accomplished by Sts. Cyril and Methodius is a good omen for the new Prefect of the Congregation for the Evangelization of Peoples. The motto of the new cardinal: "ut Ecclesia aedificetur" (That the church may be built up) is indeed a mighty task to accomplish and promote.

On behalf of all my God-fearing constituents, we wish the new Cardinal Josef Tomko our congratulations and prayers.●

JUST A LITTLE MISUNDERSTANDING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. MICHEL. Mr. Speaker, when the Reagan administration, the President's Bipartisan Commission on Central America and the House Intelligence Committee all stated that Nicaragua sends weapons to the Marxist-Leninist guerrillas in El Salvador, there were still those who doubted the story.

Well, we have it on the word of none other than President Ortega of Nicaragua that weapons were indeed sent from Nicaragua to the El Salvador Communists. But he assures us that the Sandinistas knew nothing at all about it. He tells us "members of the Nicaraguan Armed Forces had sent such shipments, but they had done so without Government sanction."

So now we know how it all happened. The Sandinistas' backs were turned for a few minutes and some Nicaraguan staff sergeants or first lieutenants, without the knowledge of the comandantes, decided on their own to send weapons and ammunition to El Salvador. These members of the armed force keep on doing this for years, but the comandantes don't know a thing about it. Do the comandantes know that the headquarters of the El Salvador rebel enterprise is in Managua? Probably not, if we are to believe Daniel Ortega.

I can see it now: A meeting of the comandantes in which Ortega announces: "Comrades, you won't believe this, but somebody in the army has been sending guns to El Salvador." Shouts of disbelief are heard around the table. Foreign Minister d'Escoto weeps in disappointment. "We'll just have to keep a better eye on things," says Ortega, writing a note of apology to the Government of El Salvador.

At this point I wish to insert in the RECORD, "Sandinista Asserts War Has Taken 12,000 Lives," by Stephen Kinzer, the New York Times, July 18, 1985:

SANDINISTA ASSERTS WAR HAS TAKEN 12,000 LIVES

(By Stephen Kinzer)

MANAGUA, NICARAGUA.—President Daniel Ortega Saavedra said this week that the war against United States-backed rebels had cost the lives of 12,000 Nicaraguans in the last four years.

It was by far the highest estimate of war dead the Government has given. Mr. Ortega said the toll included civilians as well as fighters for both sides.

Mr. Ortega said the war "could be interminable" because the Reagan Administration seems determined to continue its support of the rebels. He said the Sandinistas planned no new diplomatic overture to Washington.

"We can't do more than we've already done," he said.

Mr. Ortega, 39 years old, appearing relaxed in blue jeans and a black T-shirt, spoke in an extended late-night interview as the governing Sandinista Front prepared for celebration Friday of its sixth anniversary in power.

GROWTH OF DISCONTENT

Mr. Ortega conceded that Nacaraguan territory had once been used to ship weapons to guerrillas in El Salvador, acknowledged the growth of discontent over economic troubles, insisted that Nicaragua posed no security threat to the United States and spoke sympathetically of President Reagan and former President Jimmy Carter.

Most of all, Mr. Ortega seemed eager to warn of the consequences if the United States intervened militarily in Nicaragua. Sandinista leaders say they believe the United States may be preparing to do so.

"The war would not be limited to Nicaragua," Mr. Ortega said in the interview, which took place Monday night. "The revolutionary strategy would not be to get the United States out of Nicaragua, but to make revolution throughout Central America."

The United States is providing millions of dollars in aid to guerrillas trying to overthrow the Sandinistas, but Mr. Ortega said the effort was doomed to failure. "Sooner or later," he said, "the United States will have to realize that they cannot destroy the Nicaraguan revolution with mercenary forces. The only thing that would be left would be to use American troops."

WAR WOULD SPREAD

If that happened, he said, "war would spread all over Central America."

Asked about his Government's growing ties with the Soviet bloc, Mr. Ortega said Nicaragua "is not allied with anyone."

He compared Nicaragua's voting record in the United Nations to those of India, Yugoslavia and Zimbabwe.

Mr. Ortega said the poor in Nicaragua were becoming dissatisfied with the worsening economic situation. "When I go out to the barrios and ask people if things are good or bad, they tell me things are bad," he said.

He said inflation was 125 percent annually, a much higher figure than the Government had previously acknowledged.

But he said that a majority of Nicaraguans supported the Government and that even those who oppose it favored revolutionary change.

Mr. Ortega said opposition groups were respected in Nicaragua and would continue to function here.

"Dissidence has a space in Nicaragua," he said. "We are going to respect this space. That is a guarantee."

Lino Herenández, an attorney who is a leader of the Permanent Commission for Human Rights, a non-Sandinista group, challenged Mr. Ortega's assertion.

"Their respect for the opposition only exists in limited doses for foreign consumption," Mr. Hernández said. "The fact is that we are constantly hearing of members of political parties and independent labor unions who are being arrested or pressured to become informers for the security police. The Government allows these groups to subsist only as long as they remain small and pose no threat."

SANDINISTAS SAID TO BE CONSULTED

Six months after assuming the presidency, which he won overwhelmingly in an election last year, Mr. Ortega said he was continuing to make major decisions in concert with the other eight members of the Sandinista National Directorate.

Mr. Ortega said the powers of the National Assembly which is now virtually impotent, would expand after it completes work on a new constitution. He said the Assembly, where the Sandinistas hold a large majority, would ultimately be able to review the national budget because "that is elemental" to any parliament.

Mr. Ortega also said the Sandinistas would support proposals to hold local elections, and he predicted that some would be won by opposition parties. He would not say when such elections might be held.

A long conversation with Mr. Ortega is arranged and conducted with a tropical flavor. The invitee is advised to remain near a telephone, and finally, usually well after dark, it rings.

PRIVATE LIFE IS GUARDED

In this case the President, who jealously guards his private life, declined requests to be interviewed in his lavish home, which sits behind an imposing wall in a section of Managua known as El Carmen. Instead, he received a visitor Monday at his office in one of the few downtown buildings that survived the devastating 1972 earthquake.

As Mr. Ortega spoke, an unobtrusive but attentive waiter in white shirt and black bow tie served Nicaraguan coffee, heavily sweetened with Nicaraguan sugar.

Mr. Ortega recalled his meeting at the White House in September 1979 with President Carter as "truly historic" because "it left us with the sense that it was possible to overcome the problems which we have had with the United States over 100 years of history."

But he said that in the months that followed, Mr. Carter became weakened by the Iran hostage crisis and was unable to befriend Nicaragua.

Soon after the White House meeting President Carter criticized the Sandinistas, after accusations arose that they were sending weapons to revolutionaries in El Salvador.

Mr. Ortega said that members of the Nicaraguan armed forces had aided such shipments but that they had done so without Government sanction.

Mr. Ortega was restrained in his comments about President Reagan, whom he has previously accused of genocide and compared to Hitler. President Reagan has portrayed Mr. Ortega as a committed Marxist-Leninist who is acting in concert with Soviet and Cuban strategies to subvert American interests.

"The problem is that President Reagan has not been able to rise above the failure of American leaders to understand Latin America over the last century," Mr. Ortega said. "President Reagan is only inheriting this vision which the United States has, which has caused it to make innumerable errors in dealing with Latin America."●

SALMONELLA OUTBREAK IN ILLINOIS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mrs. COLLINS. Mr. Speaker, in March of this year, a serious health problem erupted in the State of Illinois and a number of Midwestern States involving contaminated milk. Marked as the Nation's single largest milkborne outbreak, this crisis has taken its toll on over 16,000 people and reportedly has caused two deaths. My concern over this matter stems from two facts. First, countless numbers of my constituents have contracted salmonella poisoning as a result of drinking the impure milk. I should digress to note that salmonellosis is fairly common in many foods, and is so widespread that it is the leading cause of death due to foodborne disease in this country. According to the U.S. Centers for Disease Control, the number of salmonella poisoning cases has risen sharply since 1977, to an estimated 2 to 4 million cases every year.

The second reason for my interest in this matter is that the dairy at which the contaminated milk was produced is located in a Chicago suburb and within my district.

Fortunately, the tide has turned and the rising numbers of victims have abated. Efforts are now underway to determine the cause of the outbreak. Experts from the U.S. Food and Drug Administration and the CDC, State health officials, representatives from the Hillfarm dairy, and microbiological testing consultants have been brought together to form a task force which is inspecting the plant facilities and its various milk suppliers, in addition to reviewing the chain of events leading up to the crisis.

Early in May, the task force released a preliminary report of its findings which indicated that the exact cause of the incident has not yet been pinpointed. However, the report did reveal some anomalies in the plant's design which, it theorized, could have a casual connection to the milk contamination.

The investigation is still ongoing in the hope that the factor or factors contributing to this accident can be identified. While sabotage has not been completely ruled out, it is unlikely that willful tampering of the plant's equipment took place, given that the salmonella contamination resulted from three separate production runs at least 1 week apart. A comparatively minor salmonella outbreak also occurred last August which involved milk produced at the Hillfarm dairy.

I wish to bring this issue to the attention of my colleagues, not to unduly create alarm or to suggest that the cause of the incident in Chicago is endemic to the entire milk-producing industry. Rather, this incident raises some fundamental questions regarding the efficacy of our milk safety programs at the State and Federal level. For example, was the accident at Hillfarm an isolated fluke? Do the FDA's voluntary milk requirements, which are to be enforced by States, provide adequate health protection? Are the pasteurization and blending processes used at other dairies around the country like those employed by the Hillfarm plant? Are other dairies equipped or designed in a manner similar to Hillfarm and thus could pose a health hazard? And what lessons can be learned from the Hillfarm episode and should corrective action be pursued? Only after the evidence is in will we know whether the tragedy in Illinois is a temporary blip on the safety record of the fluid milk producers or whether more stringent safeguards are needed.

I have been monitoring the situation in Illinois very closely and searching for answers to these and other questions. Notwithstanding the fine efforts of the State and Federal agencies to uncover the reasons why this incident happened, I believe it is important, perhaps imperative, for us in Congress to review the matter in a more generic light. We in this country go to great lengths to investigate major disasters in order to turn hazards and errors in judgment into increased margins of safety for our people. In my mind, the mishap at the Chicago dairy is no less serious and it deserves the same degree of scrutiny.

As with any accident, however, we must be careful not to arbitrarily indict a whole industry. The milk industry is no exception. According to the FDA, less than 1 percent of population outbreaks of foodborne illness results from milk. This supports the fact that the fluid milk producers have had a largely good track record as far as safety is concerned.

But given the tremendous volume of milk and milk products consumed by Americans each year—approximatey 26 billion quarts of milk according to 1983 figures—and its high nutritional benefits, we must determine whether there exists the chance for another outbreak from another U.S. plant.

In view of the Chicago episode and the more recent troubles with two southern California dairies which produced tainted cheese that has led to the death of over 60 people, I have written the General Accounting Office to request that an independent investigation be conducted. I have asked the

GAO to examine the safety designs and procedures of other U.S. dairy plants, as well as whether current FDA standards and State enforcement activities are adequate. I have also asked GAO to determine whether corrective actions by the milk industry or by State and Federal health authorities are needed, and if congressional legislation might be useful in providing greater safeguards in the fluid milk industry.

I will keep my colleagues informed of the outcome of the GAO investigation and as more information about the Chicago incident comes to light.●

MAKING THE TAX CODE FAIRER TO THE AMERICAN WORKER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. TRAFICANT. Mr. Speaker, since I first came to Congress several months ago I have been speaking out and introducing legislation to help the American worker.

We all talk about how we want to be fair to the average American. But there's too much talk and not enough action. I think it's time to act, and that's why I'm here today.

The investment tax credit and the accelerated cost recovery system are two examples of measures which have helped American industries recover from the recession, but which have hidden in them an unfairness for the American worker.

It is unfair that these special tax incentives be extended to foreign made products. If the goal is to have economic growth in America, it is counterproductive to create an incentive for buying products not made in America.

This is why I am now submitting a bill to deny the investment tax credit and accelerated depreciation for any item which does not have at least 85 percent domestic content.

Now I know there are some of you out there who will say that this is just another protectionist measure, and that protectionist measures are not the answer to our economic problems. This is wrong for two reasons. First, I have put into this bill a provision that for cases where the item does not have a domestically produced substitute the purchaser could still receive the investment tax credit or accelerated depreciation. Second, this bill would not deny the regular depreciation deductions for businesses which buy foreign made goods. It only sets forth the principle that if you want to take advantage of these special tax incentives, placed in the Tax Code to promote America's economic prosperity, you must buy American.

The investment tax credit and accelerated depreciation are important measures to help American businesses. But, unfortunately, this tax break does not necessarily provide much help for the American worker. It is time we began weeding out laws which help American businesses, but not necessarily the American worker. The "trickle down" theory of economics which this administration holds has never worked. It is time for us to act for fairness for the American worker.

The reprinted bill follows:

H.R. 3051

A bill to deny an investment tax credit and accelerated cost recovery for any property not made in the United States and having less than 85 percent domestic content, except property for which there is no substitute having not been made in the United States with at least 85 percent domestic content

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF INVESTMENT TAX CREDIT FOR PROPERTY NOT MADE IN THE UNITED STATES WITH INSUFFICIENT DOMESTIC CONTENT.

Section 48(a) of the Internal Revenue Code of 1954 (relating to the definition of section 38 property) is amended by inserting at the end thereof the following new paragraph:

"(11) EXCLUSION OF PROPERTY NOT MADE IN THE UNITED STATES WITH INSUFFICIENT DOMESTIC CONTENT.—

"(A) GENERAL RULE.—The term 'section 38 property' does not include any property which is not manufactured or assembled in the United States and less than 85 percent of which is attributable to domestic content.

"(B) EXCEPTION.—Subparagraph (A) does not apply to any property for which there is no substitute manufactured or assembled in the United States, at least 85 percent of which substitute is attributable to domestic content.

"(C) DEFINITION OF DOMESTIC CONTENT.—For purposes of this paragraph, the term 'domestic content' means labor performed, and materials manufactured, within the United States."

SEC. 2. DENIAL OF ACCELERATED COST RECOVERY FOR PROPERTY NOT MADE IN THE UNITED STATES WITH INSUFFICIENT DOMESTIC CONTENT.

Section 168(e) of the Internal Revenue Code of 1954 (relating to recovery property excluded from the accelerated cost recovery system) is amended by inserting at the end thereof the following new paragraph:

"(6) PROPERTY WITH INSUFFICIENT DOMESTIC CONTENT.—

"(A) GENERAL RULE.—The term 'recovery property' does not include any property which is not manufactured or assembled in the United States and less than 85 percent of which is attributable to domestic content.

"(B) EXCEPTION.—Subparagraph (A) does not apply to any property for which there is no substitute manufactured or assembled in the United States, at least 85 percent of which substitute is attributable to domestic content.

"(C) DEFINITION OF DOMESTIC CONTENT.—For purposes of this paragraph, the term 'domestic content' means labor performed, and materials manufactured, within the United States."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to property placed in service after December 31, 1985, in taxable years ending after such date.●

CAPTIVE NATIONS WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. BIAGGI. Mr. Speaker, this week marks the 26th anniversary of Captive Nations Week, commemorating the millions of freedom-loving people in captive nations throughout the world. This year its observance is of greater importance than ever before. A new sense of optimism pervades the Soviet bloc countries as unprecedented steps are being taken to resist Soviet-imposed rule. In addition, the improved United States-Soviet relations have given new hope to the captive people of the world for improvements in their situation in the near future.

The United States, since its inception, has championed fundamental freedoms. We must remain dedicated in our efforts to press for the recognition of basic human rights for all people. We must reaffirm our pledge of obtaining rights for nations under Communist dominion. We as a Nation must uphold the fundamental principle of self-determination and encourage the captive nations in their struggle for freedom from the oppression of the Soviet Union.

Beginning with the Soviet invasion of Armenia in 1920, the list of Soviet-occupied nations has grown steadily, leaving no continent untouched by their tyrannical rule. Invasion and occuption of Afghanistan marked the most well-known example of Soviet expansionism but not the last. However, the Afghan's resistance and upon challenge to Soviet rule serves as an example to all other countries similarly oppressed, and to fellow freedom fighters throughout the world.

I am proud to be an original cosponsor of the resolution soon to be introduced which will update and revise our annual observance of Captive Nations Week. This year's captive nation resolution is especially important. Since the Captive Nation Declaration was signed by the President in 1959, the legislation has failed to include the people of the Soviet Union as captive people. The label "U.S.S.R." is forced upon the people of Russia itself just as it is forced upon so many other people throughout the world. It is time we corrected this error that has until now excluded native Russians. In fact, it is the Soviet Government which has oppressed so many nations around the world.

Although there has been increasing action and hope for the cause of oppressed people around the world we must still focus on the latest examples of Soviet adventurism, whether in Europe, Africa, or Central America. The oppressive policies of the Soviets in Poland must be recognized and acted upon. Solidarity, the Polish labor union, has come to mean much more than that to the Polish people and to people around the world. The leaders of Solidarity must be loudly applauded for their refusal to submit to the yoke of Soviet tyranny.

In addition, the Soviet Union is beginning to encroach on Central America. The recent events in Nicaragua and El Salvador have given us cause to fear an even stronger Soviet adventurism in Central America. Africa, too, is subject to Soviet expansionism and this must also be recognized and acted upon. As a first step toward recognizing the spread of Soviet adventurism, the resolution which I am cosponsoring will list the most recent countries to come under Soviet influence. These are: South Vietnam, Cambodia, Laos, Nicaragua, Ethiopia, and Mozambique. Suffice it to say that the fight against Soviet expansionism and oppression is far from over.

We must commit ourselves to the release of the oppressed from the imposition of Soviet rule in the captive nations, where all fundamental freedoms have been repressed. As long as the Soviets continue to station troops on the borders of Eastern bloc countries, ready to invade; as long as they continue to rule by force and terror; and as long as they continue to deny people such national rights as the freedom of expression, religion, and the right to emigrate, the United States must encourage and pledge our full support for all captive nations in their efforts to be free.●

SOVIET DISINFORMATION

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1985

● Mr. McCAIN. Mr. Speaker, for many decades the United States produced more raw materials than its growing industrial complex could consume. From a nation possessing surplus raw materials we have become a raw materials deficient nation—dependent upon waterborne commerce to bring to our shores, from every region of the Earth, the many products so essential to our high velocity, 20th century industrial system.

America is no longer self-sufficient. Almost half of the free world's mineral production is channeled to the needs of our technologically advanced industries. In turn, many other nations are dependent upon American material production to sustain healty economies at home. American investment capital and trade expertise have spawned numerous overseas industrial plants. These operations are dependent upon waterborne commerce for the import of raw materials and the export of finished products to global consumer markets. These arteries of international commerce, so vital to a strong American industrial machine and our huge skilled labor force, are inherently critical to our national security.

In light of these facts, I believe it is essential to our strategic posture that: First, raw materials throughout the world be fed into the U.S. industrial complex by waterborne commerce; second, manufactured products continue to be moved into the world marketplace by ocean shipping; third, sea lanes be kept open and secure—and denied to our enemy in time of war.

These are the objectives of American policy, secured by our naval force doctrine. But we cannot be complacent about this. The Soviets, like the Nazis during their existence, understand that political warfare is the most cost effective form of international struggle. "Disinformation" is a term used in the intelligence community to describe covert or "black" propaganda, notably forgeries, false leaks, and planted articles all designed to confuse and weaken an adversary. These tactics are regularly employed by the principle organs of Soviet political warfare such as the World Peace Council and its various national affiliates, including the U.S. Peace Council.

The Russian intelligence network has conducted its disinformation campaign in recent years, including successful efforts to expand and move this program to the top echelon of the Kremlin, under the name of "active measures." There are several favorite themes of Soviet overt and covert propaganda, such as urging Western military restraint when NATO was stronger than the Soviet Union, contrasted with realism in making concessions now that the Soviets have drawn even or taken a lead in many areas. Using peace as their central propaganda theme, the Soviets have undertaken various endeavors which include the placing of Communists on the executive board of the June 12 committee, helping move the demonstrations during the U.N. special session on disarmament in 1982 to its anti-U.S. orientation.

However, these are only minor objectives. The primary Soviet goal is to inflame relations between the United States, its allies and other countries which border our vital trade routes. For example, if the Russians can seize control of Namibia they can bisect the route between the Cape of Good Hope and the West. This would be no small feat, for we depend on the platinum mines in South Africa for 84 percent of our platinum needs and our NATO friends draw 70 percent of their fuel oil via the Cape. There are other strategic locations receiving similar Soviet attention, such as the Straits of Malacca which skirt the coast of Malaysia. Here too, attempts by the U.S.S.R. to foment instability through active measures are a major hazard to our security interests. From this region we draw 72 percent of our tin imports. This would be a minor loss when compared to the potential loss of our trade lines to Japan and New Zealand, two countries that have already felt the influence of Soviet worldwide front groups in attempts to hamper U.S. Navy port calls.

Perhaps the most manipulative active measures with the most serious consequences for the immediate future of our country are occurring off our southern waters, in the Caribbean Basin. Here the Soviets have realized the importance of the waterways we use for the vast majority of our imported fuel oil from Mexico and Venezuela and have undertaken operations there to breed problems and discontent. This twofold scheme also takes into account the opportunity to disrupt continuous-voyage trade vessels from Norway and Belgium delivering 96 percent of our cobalt supply, vital to our high performance fighter planes.

In a world where a closed society with a tradition of political indoctrination, secrecy, and conspiratorial struggle has immense natural advantages over an open society, the Soviets are all too eager to exploit their opportunities. The readiness of the Soviets to keep their society closed is demonstrated by their willingness to spend more money to jam Voice of America broadcasts than we spend to transmit them. However, this is a fairly small expenditure when compared to the $3 to $4 billion the U.S.S.R. is estimated to spend annually to operate their world peace front groups.

The U.S.S.R. has diversified its skill in active measures to include the orchestration of agents in the media to advance such Soviet objectives as weakening their opponents' defense, undermining their will, and sowing distrust among friends and allies. The KGB's adventures with the media are supported by Soviet forgeries, typically of U.S. official documents, which push the same themes as the rest of the Russian official and covert propaganda. One of the most successful forgeries, which is often slipped to newspapers in the countries concerned, has been a fake U.S. Army field manual instructing Army intelligence personnel on subverting local officials and using extreme leftist organizations as fallback resources.

When we combine the necessity of U.S. strategic planning to keep seatrade lanes open with the deliberate planning of the Soviet Union to disrupt and distort American interests in areas adjacent to these trade lanes, a very real, potentially perilous problem is at hand. We must recognize the presence of Soviet active measures and formulate a plan of action which will reinforce our beliefs in the principles of free trade and the desire to improve social and economic conditions throughout the world. At the same time we must devise measures of our own to thwart the undermining of our global stature by those who do not share our beliefs.●

LABOR UNIONS THREATENED

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. OWENS. Mr. Speaker, today America's labor unions are threatened by the greatest danger they have faced in the past 50 years. This danger is caused by nationally high unemployment, the proliferation of union busting management consulting firms, and the policies of the Reagan administration. These union busting consulting firms are dedicated to the elimination of unions, like the union busters of 50 years ago, but they are much more sophisticated and professional. A report recently released by the New York State Assembly Labor Committee, chaired by Assemblyman Frank Barbaro, states that management consulting firms pose the greatest single threat to union organizing activities and fair, effective, collective bargaining.

Right now, there are as many as 1,000 union busting management consulting firms with annual fees totaling more than $500 million, according to the AFL-CIO. Such consulting firms are estimated to be involved in two-thirds of all union organizing campaigns, and their activities coincide with decreasing union success rates. These consulting firms almost always evade the spirit and often the letter of U.S. labor laws. The firms practice all manner of devious tactics in order to undermine the adoption of a new worker's union.

The Labor Committee found that antiunion consultants will prepare and distribute antiunion speeches, literature, and films, and that they interogate and spy on workers to determine their union sympathies or activities. The antiunion consultants sometimes recommend that managers isolate, harass, or fire union supporters, and that managers should delay elections, union recognition, and negotiations in order to demoralize an organizing campaign. Some firms even recommend that managers bargain in bad faith to provoke a strike or to extract concessions.

Besides union busting consultant firms, the committee's report mentioned other stategies used by management to break unions. For example, in this country there are now a number of States with laws which are highly favorable toward management, and which make it difficult for unions to become established. Many companies which are unwilling to deal with union demands simply move their places of business to the so-called right-to-work States.

Another way in which employers destroy and demoralize unions is through physical intimidation of the workers. Some companies with striking workers hire armed security guards to allegedly defend their property, but really to frighten workers. The violence caused by these armed guards is well documented and resembles in some ways the union troubles at the beginning of this century.

Besides encouraging violence during strikes, some managers use strikes as a tool to break unions. A prolonged strike can cause the union to lose credibility with its rank and file and if the strike can be prolonged for more than a year, the union will lose its certification. This strategy is clearly against the spirit of responsible management, and it raises serious ethical questions.

The New York State Assembly Labor Committee's extensively researched and documented report makes it clear that between the activities of union busting managment consulting firms, moving workplaces, physical intimidation, and misuse of strikes, the labor union movement in the United States is in serious trouble. For the past several years, unions have been blamed for our country's economic problems and their credibility has diminished. We must not lose sight of the very positive achievements of the unions. Improvements in working conditions have come about in large part as a result of union activity. Labor-management efforts in this, as well as productivity gains, have been important to our economy and our competitive position in the world market.

Labor-management relations must balance both competing and shared interests. A tilt in either direction hurts our economy and our people. A state of war between labor and management may provide momentary gains for one side or the other, but it is not in the long-term best interests of our Nation. Certainly, the hiring of union busting consulting firms should no longer be accepted as a legitimate business expense. The hiring of such firms should be considered an unfair labor practice.●

LOWERING THE CORPORATE AVERAGE FUEL ECONOMY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. CRANE. Mr. Speaker, in March, I sent a letter to Secretary of Transportation Dole urging her to exercise the Department's authority to reduce the current fuel economy standard from 27.5 miles per gallon to 26.0 miles per gallon. While I would argue that corporate average fuel economy (CAFE) standards have outlived their usefulness, at the very least, a reduction in the standards to a realistically achievable level is urgently needed.

Sparked by the energy crisis in the early 1970's, the fuel economy standards were established by the Energy Policy and Conservation Act of 1975. Presently, a number of the domestic automobile manufacturers are having trouble meeting the 27.5 miles per gallon fuel economy standard and consequently, are faced with the prospect of either paying enormous fines or having to limit the production of their larger, family-sized cars. A GM-Ford cutback in large cars could lead to an annual loss of 750,000 new U.S.-made automobiles and an attendant loss of up to 110,000 jobs, according to a Department of Commerce study. Furthermore, with fierce competition from imported automobiles, it would be disastrous to penalize or force reduced production of our rebounding domestic automobile industry at this time.

The following article by Robert Crandall, noted economist from the Brookings Institution, traces the progression of the CAFE standards and comes to the conclusion that they are no longer in the interest of consumers or manufacturers. He contends that market forces and the profit motive will provide the necessary incentives for the automakers to maintain as high a fuel standard as possible.

Mr. Crandall has been invited by the Ways and Means Trade Subcommittee on several occasions to testify on auto-related issues. Most recently, he provided a well-documented and in-depth commentary relating to the voluntary restraint agreement on Japanese automobiles. I urge my colleagues to carefully consider the arguments made by Mr. Crandall in the following article on CAFE standards.

[From the Brookings Review, Spring 1985]

WHY SHOULD WE REGULATE FUEL ECONOMY AT ALL?

(By Robert W. Crandall, a senior fellow in the Economic Studies program at Brookings)

In the 1970s, it seemed only natural for the government to regulate the fuel efficiency of passenger cars. Thus, when the

Energy Policy and Conservation Act (EPCA) was passed in 1985, requiring that automobile producers meet increasingly strict "corporate average fuel economy" (CAFE) standards, few demurred. This was a period, after all, in which we were reacting to the shortage of oil by keeping its domestic price artificially low—and by transferring billions of dollars in purchasing power to the Arab states that had created the shortage in the first place. It was common wisdom that the world price of oil would rise in the next several decades—and that, therefore, we could not allow automobile companies to produce cars designed for a regime of artificially low U.S. gasoline prices.

In the 1980s, we have begun to come to our senses. Oil and gasoline prices have been deregulated, and, lo and behold, they have fallen. Surprisingly, the CAFE program remains intact, an anachronism in an age of deregulation. The two largest domestic auto companies would like to see CAFE eased, but no one seems to be pressing for its abolition. Why has the Reagan administration not targeted this program for elimination? How, in 1985, can we justify the continued regulation of passenger-car fuel economy?

CAFE: THE STANDARD MENU

In 1975, Congress decreed that every seller of automobiles in the U.S. market had to achieve, for its fleet of new cars in the 1978 model year, a minimum average fuel economy of 18 miles per gallon (MPG). Thereafter, this standard was to rise in increments, reaching 27.5 MPG by the 1985 model year unless modified by the secretary of transportation. The secretary does have some latitude under the statute to make adjustments, but it appears that she cannot reduce the fuel economy standard below 26 MPG for 1985 or future model years. Domestic automobile companies may not count their captive imports in calculating their compliance with the standard. However, if they exceed the minimum average required for any given model year, they are permitted to carry forward the surplus into subsequent years. Moreover, in some circumstances they may borrow against future surpluses.

TABLE 1. THE BIG THREE'S COMPLIANCE WITH CAFE STANDARDS

Model year	CAFE standard	GM	Ford	Chrysler
1978	18.0	19.0	18.4	18.4
1979	19.0	19.1	19.1	20.4
1980	20.0	21.8	22.0	21.3
1981	22.0	23.2	23.3	26.4
1982	24.0	24.3	24.5	27.0
1983	26.0	23.5	23.8	27.0
1984	27.0	[1] 24.8	[1] 25.3	27.1
1985	27.5	[2] 25.1	[2] 25.9	[3]

[1] Mid-year.
[2] Predicted by the companies.
[3] Not available.

Source: NHTSA and Automotives News, January 7, 1985, p. 1.

TABLE 2. AUTOMOBILE SIZE, FUEL PRICES, AND FUEL EFFICIENCY

Model year	EPA estimate of average fuel economy (miles/gallon)	Average weight of new passenger cars (lbs.)	Average engine displacement (cu. in.)	CPI motor fuel (1967=100)
1973	14.15	3969	285.5	118.1
1974	14.21	3968	289.3	159.9
1975	15.79	4058	287.9	170.8
1976	17.46	4059	286.3	177.9
1977	18.31	3944	279.0	188.2
1978	19.89	3589	251.6	196.3
1979	20.25	3485	238.1	265.6
1980	23.51	3100	187.4	369.1
1981	25.16	3073	181.4	410.9
1982	26.06	3051	174.2	389.4
1983 [1]	26.01	3115	180.9	376.4
1984 [1]	26.59	3103	179.1	370.7

[1] Based upon estimated production volumes.

Sources: R.M. Heavenrich et al., "Passenger Fuel Economy . . . Trends thru 1984," U.S. Environmental Protection Agency, SAE Paper 840499, 1984; Bureau of Labor Statistics.

Failure to meet CAFE standards can be very expensive. As Table 1 shows, General Motors (GM) and Ford fell short in 1983 and 1984 and are likely to do so once again in 1985. A manufacturer is penalized five dollars per car for each one-tenth of a gallon that its average fuel economy falls below the standard. For example, if, as seems to be the case, GM has no carryforward or carryback credits to use in 1985 and if it averages 25.5 MPG—instead of the 27.5 that the standard requires—across a production of 4 million cars, it could be liable for $400 million in fines. In order to avoid large penalties, GM and Ford are now pleading for a reduction of the standard to 26.0 MPG. Chrysler, on the other hand, expects to meet the standards and wants it to remain at 27.5 so that virtue will be rewarded. The difference, of course, is that large cars account for a smaller proportion of Chrysler's production than of GM and Ford's.

U.S. manufacturers do derive some benefit from the CAFE program. The fact that importers must meet the MPG standards is an important constraint upon some European firms participation in the U.S. market. (That same fact reduces the chances that AMC or Chrysler would return to competition with GM and Ford in the large-car market—which may be why GM and Ford have not yet suggested abolition of the entire program.)

ORIGINS

In 1975, when Congress passed EPCA, oil and gasoline prices were being held below equilibrium by regulatory programs devised in response to OPEC's 1973-74 successes. Congress could have and should have encouraged petroleum conservation by allowing prices to rise, but that course of action was discouraged by a political imbalance: Many more buyers of petroleum products than sellers vote in congressional elections.

Since Congress had artificially suppressed gasoline prices, so that they did not reflect the scarcity of petroleum, Detroit had no signal to produce appropriately fuel-efficient cars. (Of course, when rationing become severe in 1974 and again in 1979, some consumers might have shown an interest in fuel efficiency—or at least in larger gasoline tanks—in the hopes of avoiding long waits at their local filling stations). Congress decided that Detroit should not continue to produce cars the fuel economy of which was geared to pre-1974 gasoline prices; then, instead of inducing greater fuel efficiency by letting gasoline prices rise, it opted for a direct approach to CAFE standards.

IMPROVEMENTS IN FUEL ECONOMY

Even without government requirements, automobile companies were smart enough to provide car buyers with increasing fuel efficiency during a period of rising gasoline prices. The price of gasoline began rising sharply in 1973. Over the next three years, the EPA-rated average fuel efficiency of new passenger cars rose by more than 20 percent (Table 2). Most domestic car companies then began to downsize their fleets, and consumers, knowing a good thing when they saw a small one, shifted their purchasing patterns accordingly. Thus, General Motors, which had started planning its weight-reduction campaign as early as 1971, had by 1976 introduced new downsized standard-size models and the Chevette.

The rate of improvement in fuel efficiency was greater between the 1973 and 1977 model years than between 1978—the model year in which CAFE requirements first applied—and 1984. The second oil shock in 1978-79 led consumers to skew their purchases much more dramatically towards smaller cars. The sales of Japanese imports soared, and the average size of U.S.-produced cars fell. But fuel economy is not just a matter of car size; manufacturers can increase the efficiency of their automobiles, large as well as small, by redesigning transmissions, ignition systems, body shapes, and fuel injection systems. In recent research,[1] I have found that between 1970 and 1983 the rates of improvement in fuel economy for vehicles of any given weight and engine size were almost precisely what would have been expected given the costs of engineering and building in fuel economy and the shifts that took place in gasoline prices. It seems clear that as a factor in inducing fuel-efficient design innovations, CAFE has been largely irrelevant.

Since 1981, the price of motor fuel has fallen by more than 10 percent (Table 2), creating a problem for GM and Ford. Both the average engine size and the average weight of new cars sold have turned up slightly, as consumers have begun to shift away from smaller cars. Consumers no longer want as much fuel efficiency as their government insists they should have.

THE CASE AGAINST CAFE

Why should we have supposed that Congress was able to divine well in advance, with only partial information and in a political process, the optimal rate of fuel consumption for passenger cars in any given year? Even if it had done the best job of standard-setting imaginable in those circumstances, the subsequent intrusion of reality—for example, changes in economic conditions and in the technology of automobile production—would have made its handiwork obsolete. And why should Congress have worried only about the consumption of gasoline by automobiles? Surely, it makes no sense to regulate automobile fuel economy and to let energy use in other sectors continue to respond to the distorted prices of crude oil and its refined cousins. Why should the manufacturers of electrical generating equipment, locomotives, or oil furnaces be allowed to design their products to reflect current oil prices? And why is oil different from, say, chromium or copper? Is there not a danger that we may be consuming too much of these precious materials, given their current low prices?

So long as gasoline prices were high and rising, the CAFE standards were without effect. After 1979, no one had to tell automobile companies that they should produce fuel-efficient cars in 1980 and 1981; Japanese imports were giving them this message. And, indeed, in both of those years, the average MPG figures for GM, Ford, and Chrysler were all substantially above the levels mandated by CAFE. But now, with the demand for larger automobiles rising as fast as the dollar, U.S. producers cannot build big cars fast enough—and with the relaxation of the so-called voluntary restrictions on the export of Japanese automobiles to America, they will find it more difficult to sell smaller cars. Ford and GM are succeeding in the market place with their larger cars, but they are failing in the regulatory arena.

If the CAFE standards are continued in this era of declining energy prices, automobile manufacturers will respond in two ways: first, by raising the prices of large cars, and reducing the prices of small cars, in the short run; and second, by reducing engine size or investing in designs that provide more fuel efficiency than the motoring public desires. The higher prices of large cars will induce some buyers to settle for small ones. But all cars will cost more or have lower performance than they would without CAFE regulation. In short, consumers will lose more than one dollar—through either higher prices or diminished performance—for every dollar's worth of gasoline saved.

Some believe that CAFE will also reduce automobile safety by pushing consumers into smaller cars. This may occur to some extent, but not all of the shift in car buying will be toward smaller cars. Larger automobiles will be outfitted with more fuel-efficient, and less powerful, engines. These cars will deliver less performance on the dollar, but they probably will not be less safe—except on the acceleration ramps of California or Texas freeways.

The CAFE standards, it must be said, are a form of trade protection for U.S. workers. General Motors will be less free to import fuel-efficient small cars from Japan or Korea if CAFE remains, because these imports do not count toward its CAFE rating. If it brings its small cars in from overseas, and produces only large cars in its domestic plants, it will fall far short of CAFE.

This implicit limit on imports will reduce the pressure on the United Autoworkers to agree to the elimination of restrictive work practices and to wage rates that are more in line with the average for U.S. industry. Autoworkers in Japan earn only about 20 percent more than the average for industrial workers there. By contrast, our autoworkers, who are less productive than their Japanese counterparts, earn about 60 percent more than the average U.S. industrial wage. With CAFE in place, U.S. producers will not be able to use as a bargaining chip the threat of foreign supply of small cars.

Chrysler, which currently imports a larger share of its cars from Japan than either Ford or GM does, may benefit if those companies cannot increase their captive imports. But if Ford and GM continue to be constrained by CAFE, they may have to lower the prices of their smaller cars while raising the prices of their larger ones. This will obviously hurt Chrysler, since it sells mainly smaller cars. Perhaps Chrysler is setting up its rivals for a costly predatory pricing suit.

OTHER BASES FOR CAFE?

Are there, lurking beneath the surface of public debate, inarticulated but cogent rationales for CAFE? A brief survey suggests not. One might contend, for example, that oil is different from other natural resources because its consumption is less easily postponed in a national emergency or because it is owned disproportionately by warring Middle Eastern states. But while this line of reasoning might justify the maintenance of larger reserves, it does not provide a plausible basis for artificially rationing the consumption of oil in only one of its many uses.

Alternately, one might say that oil prices are bound to rise again and that government can protect consumers from making fuelish investments in long-lived, gas-guzzling cars. But that argument cannot be taken seriously, given the government's sorry record of forecasting price shifts. Moreover, if government has a reasonable expectation that oil prices will rise, it can communicate its belief to automobile buyers. Or if it cannot resist activism, it can attempt to impose higher federal taxes on all liquid hydrocarbons. Such a strategy might risk voter disapproval in the next election, of course, but if CAFE is chosen for this reason, then duplicity becomes a guiding principle of government.

Finally, one might argue that CAFE is needed to weaken the OPEC cartel. But if that is our goal, a more powerful mechanism would be a tax on all imports of petroleum or petroleum products. If taxes of this sort were imposed by all petroleum-importing nations, OPEC might collapse. We would then have to weigh the desirability of low oil prices against the costs of instability in the Middle East.

WHERE DO WE GO FROM HERE?

One would hope that we have learned something from our counterproductive interventions in energy markets during the 1970s. We have now deregulated oil and gasoline and are moving towards the deregulation of natural gas. There is serious discussion of deregulating the generation of electric power. In short, we seem to be reaching a societal consensus that markets generally work better without than with government meddling.

At the very least, the supporters of CAFE should be asked to articulate a colorable rationale for continuing this form of social engineering. Gasoline prices are no longer held below market-clearing levels. If we want to reduce gasoline use, let us at least use a gasoline tax that would discourage consumption by owners of older cars as much as by buyers of new ones. If we want to punish OPEC, however belatedly, let us enact an import surcharge on oil and refined products. The path from here seems clear, except for political obstructions: We should let CAFE pass into memory, along with all of those other pleasant events of the 1970s.●

EXPLAINING THE ATTRIBUTES OF FOOD IRRADIATION

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mrs. LLOYD. Mr. Speaker, I would like to bring to the attention of my colleagues the following article on food irradiation which was originally published by the Council for Agricultural Science and Technology [CAST]. The article provides an excellent explanation of the food irradiation process and the applications of it which hold so much promise for increased production and preservation of food. The recent ban on ethylene dibromide [EDB] has necessitated finding alternative methods for pest control in plant products and the irradiation of food can be used to disinfest agricultural products.

Our Committee on Science and Technology felt so strongly about the benefits of this process that we designated $5 million from the fiscal year 1986 Department of Energy budget authorization to be used to initiate a Civilian Byproducts and Beneficial Uses Program. This major program will allow the Department of Energy to begin a civilian integrated byproducts program, with emphasis on food irradiation and other food-related technologies.

FOOD IRRADIATION

Mention radiation to the average American, and you conjure up images of laser guns zapping comic book villians with deadly rays, ghostly medical X-ray images, and atomic bombs. Radiation suffers from a negative (if unrealistic) public image. For the food industry, however, radiation is essential, and certain kinds of radiation can be a powerful and economical means of preserving foods and keeping them wholesome. For consumers, radiation used as a preservative can provide food products with less microbial contamination and a longer shelf life. This adds up to better health and lower food costs.

WHAT IS ELECTROMAGNETIC RADIATION?

Electromagnetic radiation is energy that moves through space at the speed of light by simultaneous variation of the intensity of electric and magnetic fields. The intensity of the radiation at a particular point changes periodically, and the period may be represented by either the number of times per second the electromagnetic field makes a complete excursion and returns to its original condition (the frequency) or the distance in meters (1 meter = 1.1 yards) between corresponding points on two successive waves (the wavelength). Both methods are used, and their relationship is indicated in the accompanying diagram, where the velocity of propagation of the waves through space (3 x 108 meters per second) is equal to the product of the frequency in periods or cycles per second (hertz) and the wavelength in meters. The diagram shows both the "kinds" of electromagnetic radiation and the uses that are made of certain portions of the spectrum.

Wavelengths of electromagnetic waves cover a great range, and several portions of the spectrum are given different names. The longest are radio waves. They range from many meters down to one-thousandth of a meter. The shortest radio waves overlap infrared radiation. Infrared radiation, visible radiation (light), and ultraviolet radiation occupy successively shorter wavelengths. X-radiation overlaps ultraviolet radiation, and gamma radiation overlaps both ultraviolet radiation and X-radiation. Not

shown in the diagram is cosmic radiation, which has wavelengths shorter than those of gamma radiation. Also not shown is another kind of radiation, accelerated electrons.

RADIATION AND FOOD PRODUCTION

Electromagnetic radiation plays an essential role in food production. Some of the energy from the visible light range of the electromagnetic spectrum is captured by plants in the process of photosynthesis. The light energy is converted to chemical energy, which is stored in the organic compounds produced by plants. This stored chemical energy is essential for animal and human life, and it functions as the origin of the petroleum, natural gas, and coal we use as sources of stored energy. Additionally, plants and animals, from which human foods are derived, are all grown under exposure to electromagnetic radiation in the ultraviolet, infrared, and other portions of the electromagnetic spectrum.

RADIATION AND FOOD PROCESSING

Broiling and baking are accomplished by electromagnetic radiation in the infrared range. The energy moves through space from the source to the food. Broiling and baking have been used for centuries as traditional methods of food preparation. The more recent exercise of cooking by microwave was readily accepted to be as safe as broiling a steak or baking a cake in a gas or electric over.

Fresh meats, poultry, and fish, properly irradiated with gamma rays, X-rays, or accelerated electrons, can be freed of bacteria and other microorganisms, including such pathogens Salmonella, giving them a longer shelf life under refrigeration. Cooked meats that are sterilized by ionizing radiation after they have been sealed under vacuum in economical containers can be preserved as long as heat-sterilized meats without refrigeration.

The banning of ethylene dibromide (EDB) as a fumigant has given new impetus to the search for ways to control insects in plant products. Irradiation effectively controls insects in stored grain and can substitute for some uses of EDB on fresh fruits and vegetables.

IONIZING RADIATION

The scales in the diagram of the electromagnetic spectrum show how the energy of the radiation increases as the wavelength decreases. As the energy of the radiation multiplies, the greater is its tendency to cleave the food molecules with which it interacts into smaller ionized or electrically charged particles. Light energy has this property to a small degree, and the property becomes more pronounced as the wavelength of the electromagnetic radiation decreases. Gamma radiation, accelerated electron radiation, and X-radiation have very short wavelengths and a relatively strong tendency to produce ions. As a result, they are often called ionizing radiation.

TREATING FOODS WITH IONIZING RADIATION

The value of ionizing radiation in food preservation and pest control is that in proper doses it can split enough of the molecules in the bacteria and other living organisms in certain foods so they are no longer functional, without at the same time splitting so many of the molecules in the foods that the foods are damaged. The ionizing radiation used to treat bulky food products is almost exclusively gamma rays that are emitted by decay of radioactive cobalt or cesium.

Foods can be treated with accelerated electrons and X-rays as well as with gamma radiation. On the microscopic or atomic level, the effect is the same. They all cleave some molecules into smaller ionized particles. But the penetrating power of electrons is very limited. Gamma rays with energy of 1.3 million electron volts can penetrate 20 to 30 centimeters (8 to 12 inches) of water, while electrons with energy of 10 million electron volts (the maximum energy proposed for irradiating foods without inducing measurable radioactivity) can pass through only about 3.5 centimeters (1.4 inches) of water. The relatively poor penetration of electrons, therefore, limits their practical application in food preservation and pest control to foods that can be irradiated in layers no more than 3.5 centimeters thick in specially constructed units.

Processing of foods by ionizing radiation for preservation and pest control has been approved in many countries. But in the U.S., only minor uses have been approved, including irradiation of spices to reduce the count of microorganisms, irradiation of wheat and wheat flour to control insects, and irradiation of potatoes to inhibit sprouting. Development and use of the technology in the U.S. has been inhibited by a number of problems.

THE PSYCHOLOGICAL PROBLEM

Excessive exposure of humans to ionizing radiation may produce cancer, other medical problems, and death. Humans need special protection when sources of strong ionizing radiation are used. Visible light radiation can be seen, and infrared radiation can be felt. But ionizing radiation in moderate amounts can neither be seen nor felt, although it may have profound health consequences that occur later. No wonder people view it as a mysterious and lethal force (1).

The hazard of excessive human exposure to ionizing radiation has tended to be linked psychologically to the process of exposing foods to ionizing radiation. Public concerns fall into two categories. One is a general aversion to any use of nuclear energy and the radiation it produces. Second is the fear that treating foods with radiation may make them unhealthful.

There have been two questions about health effects. One is that if direct exposure to ionizing radiation is hazardous to humans, isn't indirect exposure also hazardous when one eats foods that have been treated with ionizing radiation? This anxiety about exposure to radiation is without scientific foundation. Ionizing radiation is merely radiant energy. It disappears when the source is removed, the food products that have been treated are not made radioactive, and there is no radiation hazard in consuming them.

Another worry is how do we know if we have tested for all possible hazardous substances that may have been created in foods by irradiation and that we have verified that no hazard exists? This question is more serious than the one about the alleged radiation hazard. Ionizing radiation does split some molecules in foods, causing changes in chemical composition. The scientific and toxicological problems raised by this question are discussed following the legal roadblock.

THE LEGAL ROADBLOCK

Enough public uncertainty existed about the use of ionizing radiation for treating foods to cause the Congress to act. In the Food Additives Amendment of 1958, the Congress classed ionizing radiation with food additives on the basis that it may affect the characteristics of food. Because of the wording of this law, the Food and Drug Administration, prior to approving any use of ionizing radiation as a food treatment, had to be assured that the proposed use satisfied the requirements for safety of chemical food additives. This legal roadblock created a toxicological problem and indirectly an economic problem.

THE SCIENTIFIC PROBLEM

Scientifically, the question about testing for all possible hazardous substances and verifying that no hazard exists can never be fully answered. No matter how many substances have been found and proved to be innocuous at the levels present, one can never be sure that all the substances formed as a result of food irradiation have been identified or that they are all harmless. The same, of course, can be said for foods processed by heat. Heating creates more chemical changes than does irradiation with the high doses needed for sterilization.

THE TOXICOLOGICAL PROBLEM

An insurmountable experimental problem is created by the fact that the changes in chemical composition of foods associated with ionizing radiation are diverse and that the products are not separable from the foods for testing in the proportions in which they exist. In gauging the risk of using a chemical additive in our food supply, the procedure used by toxicologists is to feed different doses of the substance to test animals to find the relationship between the doses ingested and the responses of the test animals. The maximum does that does not produce a harmful effect is found from the response curve. This information is used to estimate a practical margin of safety, that is, the difference between the maximum "no-effect level" of intake by the test animals and the maximum level that should be allowed for human consumption.

The standard toxicological procedure to estimate a margin of safety for human consumption works well for chemical food additives, which are expected to remain in foods to serve a specific purpose, but it is unrealistic for irradiated foods. Although new chemical products from irradiation can be identified, their concentrations are very low, generally measureable in parts per million or parts per billion. Some of the new products could be added in increasing quantities for testing purposes like chemical food additives, but it is unlikely that all the new products will ever be known, and certainly they cannot be added in increasing quantities in precisely the proportions in which they occur. This means that the standard kind of evidence needed to verify that the levels of chemical food additives are safe cannot be obtained for the substances that have been formed in foods by irradiation.

However, in 30 years of extensive animal feeding studies with irradiated foods in the U.S. and other countries and on several different species of animals, there has been no confirmed evidence of any harmful effect of irradiating food with the doses needed to control insect pests and bacteria. It has not been proved that the effects of ionizing radiation on the chemical composition of foods are more extensive or more dangerous than those of any of the other commonly accepted forms of radiant energy, such as infrared radiation (heat) or microwaves, used in food preparation.

The chemical changes produced in foods by high (sterilizing) doses of ionizing radiation are minor. None of the compounds

found to be produced by ionizing radiation are unique products of the irradiation. Rather, they are identical with naturally occurring substances, and they are found in smaller quantities than are produced when foods are cooked.

THE ECONOMIC PROBLEM

The experimental impossibility of obtaining the toxicological evidence required for approval of irradiation in the sense of a chemical food additive creates an economic problem. Much additional supplementary evidence is needed to obtain regulatory sanction for use of a specific dose of radiation on a particular product. Because of the expense involved and the lack of assurance that the proposed procedure would win approval from the Food and Drug Administration, companies generally are unwilling to invest the money required. This discourages the use of irradiation. As a consequence, more energy is needed to refrigerate and prepare food, and processors must use additional amounts of chemicals as fumigants and preservatives.

IRRADIATION NOT FOR EVERY PRODUCT

Some food products are better candidates for irradiation than others. Generally, a product that is dry, such as grain, can tolerate more radiation without detrimental effects than a moist product, such as fresh fruits, vegetables, and meats.

At low doses (up to 1 kilogray [2]), beneficial effects of irradiating food commodities of plant origin include (a) inhibition of sprouting of tuber, bulb, and root crops, including potatoes and onions; (b) control of insects in some fresh fruits and vegetables, nuts, dried fruits and vegetables, cereal grains, and legume seeds; and (c) delay of ripening of certain tropical fruits.

At higher doses (between 1 and 3 kilograys), irradiation has bactericidal and fungicidal effects that can be useful for controlling decay in some commodities that suffer little or no injury from irradiation. Used on fresh (chilled) or frozen meats, poultry, fish, and shellfish, such doses can increase the shelf life under refrigeration and can greatly reduce the level of bacterial pathogens, such as Salmonella. Fresh plant commodities with high water content, however, generally do not tolerate irradiation doses exceeding 3 kilograys without detrimental effects. Irradiation in doses of 2 to 4 kilograys, which are effective in controlling decay of fresh fruits and vegetables, adversely affects their quality, especially texture.

On the other hand, irradiation at doses of 4 to 10 kilograys is a very effective treatment for reducing the numbers of microorganisms in spices, dried vegetables, and frozen foods (shrimp, beef, poultry) without detrimental effects on their flavors. This treatment also modifies the textural quality of dried vegetables and legumes and has been shown to reduce the cooking time.

THE VERDICT

A large and impressive collection of scientific evidence from across the years and the world suggests that properly applied doses of irradiation are no more harmful than any of the conventional processing and cooking techniques. And irradiated food is far less dangerous (or distasteful) than spoiled or buggy food.●

NIKOLA TESLA—A GREAT SCIENTIST

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. GEKAS. Mr. Speaker, many Americans know of the extraordinary accomplishments of Thomas Edison and Gugliemo Marconi, but unfortunately few are familiar with the many scientific contributions made by Nikola Tesla. Born of Serbian parents, Tesla immigrated to the United States where his scientific discoveries helped ignite the industrial revolution. Among his many accomplishments, his discovery of the practical applications of alternating currents has been a significant landmark in high voltage technology.

Working in small laboratories from midtown Manhattan to Colorado, Tesla invented the polyphase electric motor, the bladeless steam engine, and the radio-guided torpedos. Many scientists even believe that Tesla was the first to conceive of "Star Wars" or the military shield in space.

During his lifetime and thereafter, he was the recipient of numerous awards and honors in recognition of his findings. These awards include high honorary degrees from Yale, Columbia, the High Technical School of Vienna, Universities of Belgrade and Zagreb. He additionally received honorary fellowships from the American Association for the Advancement of Science, American Electro-Therapeutic Association, and the American Institute of Electrical Engineers.

In a banquet honoring Tesla, Bernard Betrand once said:

Were we to eliminate from our world the results of his work, the wheels of industry would cease to turn, our electric cars and trains would stop, our towns would be dark, our mills would be dead and idle. His name marks an epoch in the advance of electrical science. From his work has sprung a revolution.

Nikola Tesla was not just an exceptional scientist, but an exceptional American. He was neither motivated by fame nor fortune, but instead freedom to pursue the work he loved most. All Americans should pay homage to Nikola Tesla, one of our Nation's greatest scientists.●

APPEAL RIGHTS FOR CIVILIAN TECHNICIANS IN THE NATIONAL GUARD

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. DYMALLY. Mr. Speaker, as a member of the Committee on Post Office and Civil Service, I have become very concerned about the rights of Federal and postal employees when adverse personnel actions are taken against them. I believe that employees are entitled to receive a fair and objective review of an adverse action and should be given the opportunity to present their version of the matter before an independent panel or review board.

Earlier this year, I introduced legislation (H.R. 917) which extends to certain employees in the "excepted service" the same procedural and appeal rights in an adverse action situation which are currently afforded competitive service personnel and veterans preference eligibles in the excepted service. H.R. 917 has received bipartisan support and the Subcommittee on Civil Service has held hearings on the measure.

However, it has come to my attention that a particular group of excepted service employees will not benefit from H.R. 917 because of a law which explicitly excludes them from being covered under the adverse action sections of title 5, United States Code. Although the nearly 40,000 civilian technicians in the Army and Air Force National Guards are, by definition, employees of the Civil Service, they do not have many of the rights afforded Federal employees in other Government agencies. One of these rights, which I believe to be fundamental to our system of due process, is the right to an independent review of a conduct-related adverse action.

Title 32, United States Code, currently provides that a civilian technician may not appeal an adverse personnel action above the adjutant general, the highest ranking National Guard officer in the jurisdiction concerned. While I recognize that an internal review procedure is better than having no rights at all, I fear that a system where an appeal is decided by the same individual who is responsible for the original adverse action does not lend itself to fairness and objectivity. The Merit Systems Protection Board (MSPB) was established by the Civil Service Reform Act of 1978 as an independent review board to ensure access to an impartial review of adverse actions. Yet, civilian technicians are denied access to the MSPB under their governing statute.

Today I am introducing legislation which amends title 32, United States Code, to extend to civilian technicians in the National Guard the same adverse action procedural and appeal rights which are afforded other Federal employees under chapter 75, subchapter II of title 5, United States Code. In conjunction with H.R. 917, this bill will give a unique group of employees who are intimately involved in our Nation's defense the statutory right of due process and the right to

present their case in an adverse action situation before an impartial panel, the MSPB. This is the third bill I have introduced during this Congress which attempts to ensure that Federal and postal employees can receive an objective review of conduct-related adverse personnel actions. I am hopeful the appropriate committees will act favorably on this bill.●

PHILIP I. BERMAN: A LIFE AS CHALLENGE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. RITTER. Mr. Speaker, even decades later, the impression made by one student in the one-room schoolhouse near Klinesville, PA, remained vivid. "I remember you," teacher Chester Sames told Allentown resident Philip I. Berman after a gap of some 40 years. "You were the 8-year-old who always used to catch on fast."

Fast indeed. In the intervening years, Phil Berman has not had time to be told anything twice. The crowded list of his accomplishments could fill a book many times this size.

Consider Berman the businessman, not content with a highly successful career in trucking and heavy equipment. In 1968 he ventured into an entirely different field by purchasing Hess's Department Store in Allentown, PA—to the Lehigh Valley what Macy's is to New York City. Under Berman's continuing guidance, even under the subsequent ownership of Crown American Corp., Hess's has blossomed into one of the fastest growing department chains in the United States.

There is Berman the civil activist. His awards are too numerous and varied to begin to list. As a sampling: He helped fund the Pennsylvania State Public Television Network Commission, and led the board for the Lehigh Valley's station, WLVT-TV. He was a founding member of the Allentown Housing Development Corp. He sponsored the Muriel and Philip Berman Campership Fund, aiding disadvantaged boys to participate fully with the Lehigh County Boy Scout Council programs. He served as national director for corporate sales of bonds for Israel. He was a U.N. Delegate to the 43d ECOSOC meetings in Geneva.

There is Berman the philanthropist. Lehigh University in Bethlehem now has a Philip and Muriel Berman Professor of Judaica. This is only the first phase in announced plans for a Lehigh Valley Center for Jewish Studies. At Hebrew University in Jerusalem there is the Philip and Muriel Berman Program, supporting teaching fellowships, undergraduate and graduate merit scholarships, visiting professorships, and fellowships for scholars and scientists.

There also is Berman the collector. Trustees of the Philadelphia Museum of Art recently dedicated a Muriel and Philip I. Berman room, honoring the couple for their gift of 2,400 drawings by the old European masters. This is only a portion of the work he has lavished on colleges, universities, and museums worldwide—even to the pontiff. He participates in the Art in the Embassy Program for the U.S. State Department, with collections in 50 embassies. The Philadelphia Inquirer in 1982, in recognizing his level of patronage, labeled him the "Medici of the Lehigh Valley."

Finally, but hardly least, there is Berman the parent. He and his wife Muriel, a doctor of optometry, have raised three children who are credits to both their parents and to the community. Nancy, a Wellesley College scholar, is director of the Skirball Museum in Los Angeles. Nina received a master's degree from Bryn Mawr where she was elected to Phi Beta Kappa. Steven, after graduating with honors from Brandeis University, received a master's in business administration from Harvard University.

Last month, fulfilling a promise, Berman stepped down as chairman of the board and chief executive officer of Hess's Department Store. He told an interviewer from the Morning Call in Allentown that he has no regrets. "I'm in no way retiring," he said. "I'm going to continue to fine-tune my activities in areas which I've been involved in all my life."

There are sure to be many surprises. Such is Philip Berman's life and life's work.

As he explained to a New York Times reporter in 1971, "People in business need a challenge. Expansion gives it to them and challenge, in turn, creates further expansion. It's a circle that need never end as long as people respond to challenge."●

A SALUTE TO SANTA FE, NM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. RICHARDSON. Mr. Speaker, this year the people of Santa Fe, NM, will join together to celebrate their city's 375th anniversary. The people of Santa Fe are justifiably proud of their unique city. They look forward to a constructive future for they are building on a solid past. Santa Fe citizens, my constituents, join with me in sharing with the Congress the special occasion of our city's 375th anniversary.

Mr. Speaker, Dr. Tom Chavez, Jr. from the Museum of New Mexico and a member of the 375th anniversary commission has written a reflective article on the colorful history of the oldest capital city in the United States. I hope that my colleagues in the Congress will take the time to read this thoughtful piece:

Three hundred seventy-five years ago Don Pedro de Peralta traveled from Mexico City to Nueva Espana's far northern frontier to establish a new, more centrally located capital city in an area known then and now as New Mexico. Governor Peralta founded La Villa de Santa Fe in 1610—some ten years before the landing of the Pilgrims and eighteen years before the Puritans. Today, Santa Fe is the oldest capital city in the United States. Except for a thirteen year period from 1680 until 1693 when it was occupied by Pueblo Indians following their revolt which had driven the Spaniards into exile near El Paso, it has been the seat of government for the northernmost frontier of the colonial viceroyalty of New Spain until 1823.

After Mexico won Independence from Spain in 1821, New Mexico, with its capital at Santa Fe, became a part of the new republic until August 18, 1846 when Brigadier General Stephen Watts Kearny, commanding the Army of the West during the Mexican War, took possession of the city and proclaimed annexation of New Mexico in the name of the United States. In the Compromise of 1850, Congress made Santa Fe the capital of the new territory of New Mexico. For two weeks, in the spring of 1862, Confederate forces from Texas occupied the city until forced to retreat after the Union victory at the Battle of Glorieta. Finally, on January 6, 1912, with the signing of the statehood bill by President William Howard Taft, Santa Fe became the new sovereign State of New Mexico, the forty-seventh state admitted into the Union.

For the full extent of its 375 years, Santa Fe has been a mecca for "the sensitive minds" as Henry Adams referred to the intelligencia. From enlightened people such as Bernardo Miera y Pacheco, a contemporary of Benjamin Franklin and Mary Austin, Santa Fe has evolved into a true artists' and writers' community. Today the city's long, lustrous cultural heritage is supplemented by numerous museums, the Santa Fe Opera, the Chamber Music Festival, Annual Indian and Spanish Markets, and the Fiesta de Santa Fe among other events. The Palace of the Governors, the initial ediface built with Santa Fe's founding, is the oldest continuously occupied, as well as oldest government building in the United States and is today the hub of Santa Fe's ambiance.●

THE BURR TRAIL SHOULD BE PAVED

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. HANSEN. Mr. Speaker, in southern Utah there has been an issue raging for years over the paving of the Burr Trail. The word "trail" is a misnomer. The Burr Trail is a dusty 66-mile road between Boulder and Bullfrog which is used by 18 wheelers, automobiles, trailers, and campers.

Some of it does run through scenic areas and a small portion of a National Park. But the main point is the Burr Trail is an existing road. It has a roadbed. It has been graded, however, it does need additional engineering, roadwork, and paving.

The controversy over the road is quickly becoming a rallying point to those of us who want progress. We want to improve a road and allow more people into a region while strident environmentalists fear that damage would arise from the influx of the traffic. To paraphase Shakespeare, "to see or not to see" or "to enjoy or not to enjoy" the region is the real question regarding the paving of this road.

The proposed road is not a super highway, far from it, it is a strip of asphalt following existing roadway with minimum cuts and fills. The cost has been estimated at $21 million. The average speed would be 30–45 miles per hour. A dirt road on the other hand discourages traffic into the area plain and simple.

What would the road mean to southern Utah?

First, it would offer a paved road experience through Capitol Reef National Park where a normal passenger car could safely and pleasantly travel. Second, the road could provide more access to the Lake Powell region.

Lake Powell has over 2 million visitors a year and tourism in the area is growing by leaps and bounds. It has as many visitors as Yellowstone National Park. In addition, visitors to Lake Powell continue to increase while Yellowstone's numbers have leveled off. The point is that Lake Powell has been growing in spite of the poor access into southern Utah and studies indicate that 250 more people could travel through this area daily with such a road.

The road would enhance the tourist business in southern Utah and those who have examined it in Utah Government all agree with that point. These same people also believe that it can be built in such a way that it will not hinder the environment. In fact, a paved road will stop the dust pollution, the erosion problems and deter people from driving off an existing road to the detriment of the adjoining areas.

Recently, there were three National Park Service hearings in southern Utah regarding the paving of the Burr Trial. The overwhelming majority of those in attendance [roughly 98 percent] favored the paving of the road. This is a significant point because a preliminary environmental assessment and other documents prepared by the Park Service have not accurately represented the intensity of the feeling to pave the road.

In the 12-county radius of the Burr Trail, every county commissioner supports the paving of the Burr Trail. The entire congressional delegation and the Governor of Utah supports the paving of the Burr Trail. If you wish to enject partisan politics, the previously elected Senator Ted Moss and House Member Gunn McKay, both Democrats, also favored the paving of the Burr Trail. The two previous Governors, both Democrats, also favored the paving of the Burr Trail. The State Legislature recently passed a resolution recommending the paving of the road. In short, every major elected official in Utah pass and present from both political parties have supported this project. The people of Utah have spoken on this issue through their Representatives and they want the road paved.

This is not a partisan issue. It is a clash between those who want to see better access to beautiful scenic areas on a paved road against those who fear such access will destroy the environment.

To summarize, the road is meritorious. The people of Utah and their elected representatives want to see the road paved. It will improve the park and not destroy it or change it adversely. It will provide important access to southern Utah and will be a asset and not a liability economically to the region. And finally, I look forward to demonstrating these points to my colleagues on the Parks Committee during an upcoming inspection of Utah's parks and scenic attractions and I am hopeful that they will approach these issues with sensitivity to Utah's desires and an open mind.●

A TRIBUTE TO JUSTICE ERNEST FINNEY, JR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. RANGEL. Mr. Speaker, I rise to commend Ernest Finney, Jr. for his recent election to the Supreme Court of South Carolina. Justice Finney is the first black supreme court justice since 1877, when, J.J. Wright stepped down after serving on the bench for 7 years.

This is quite an accomplishment, Mr. Speaker. South Carolina was at one time a stereotype of all that was wrong in the South. Jim Crow thrived at all levels of public life. Blacks were denied economic, political, and social equality. They could not travel where they wanted to travel, live where they wanted to live, or worship where they wanted to worship.

Times have certainly changed for the better in South Carolina. In less than one generation, black professionals and public officials are steadily climbing the ladder of success. Justice Finney's example is a positive one, and will give impetus to a heightened sense of achievement among his fellow South Carolinians.

I am very proud of Justice Finney, Mr. Speaker, and wish him the very best of luck in the future.●

PROPOSALS TO DELAY THE SCHEDULED TRANSITION OF THE MEDICARE PROSPECTIVE PAYMENT SYSTEM REPRESENT BAD PUBLIC POLICY

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. FLIPPO. Mr. Speaker, the time is drawing near for the various committees of the House to begin the difficult and painful task of reconciliation. Never any easy task, reconsideration will be particularly difficult this year because we are being used to cut into the bone of programs that provide vital services to millions of Americans. The Medicare Program is a prime example of the difficulties inherent in the reconciliation process.

The administration has proposed several changes in the Medicare Program designed to substantially reduce outlays. The keystone of the administration budget recommendations for Medicare is the proposed freeze on payments to hospitals and physicians in fiscal year 1986 at fiscal year 1985 levels. The House passed budget resolution projects that such a freeze would result in savings of about $2.45 billion in fiscal year 1986.

The likelihood of a freeze on Medicare providers has prompted some Members to introduce legislation to delay the scheduled transition of the Medicare prospective payment system [PPS] from the current ratio of 50–50 percent to the 75–25-percent level of regional/national and hospital specific prices. Some have even introduced legislation to permanently freeze the transition at the 50–50-percent level.

I rise today, Mr. Speaker, to register my strong opposition to any delay in the transition schedule. And, further, to advise my colleagues that this issue is not related to the administration budget recommendations regarding Medicare. The adoption of this proposed transition freeze would not produce budget savings, improve the delivery of Medicare services, or make the delivery of hospital care more efficient. In fact, Mr. Speaker, a pause in the transition could have the opposite effect, weakening the prospective payment system and, in the end, returning the Medicare Program to the cost plus reimbursement scheme that was the root cause of the outrageous inflation in Medicare prices for far too long.

The intentions of the sponsors of transition pause or freeze may be benign. I along with many others believe that this would be the wrong course for the House to follow. There are many within the hospital industry who support moving on schedule to the fully national PPS rate schedule. The hospital association in 16 States located throughout the United States have adopted a resolution supporting the transition to the 75-25-percent level of regional/national and hospital specific prices on schedule and in opposition to any delay or permanent freeze. The State associations adopting this resolution include: Alabama, Arkansas, Colorado, Idaho, Iowa, Kentucky, Louisiana, Mississippi, Montana, New Jersey, New York, Oklahoma, South Carolina, Tennessee, Texas, and Utah.

A review of the legislative history of the prospective payment system shows that a pause or freeze in the transition schedule is unwarranted and unjustified. It would be counterproductive and negate the tremendous progress we have made in strengthening the finances of the Medicare Program and health care in general.

The PPS payments methodology is in a congressionally mandated 4-year transition from a cost-based, retrospective system to prospective pricing. Congress designed the prospective payment system to control Medicare costs and to provide incentives for all Medicare hospitals to operate more efficiently. This process was initiated with the cost-per-case limits imposed by the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248) and continued with Medicare prospective pricing via the Social Security Amendments of 1983 (Public Law 98-21).

A total of 5,405 or 81 percent of all Medicare hospitals nationally were operating under the prospective pricing system by the end of the first year of the PPS phase in on September 30, 1984. In this the second year of the scheduled transition the payments for Medicare hospital care equal 37.5 percent of the regional average price per diagnostic review group, plus 12.5 percent of the national average price plus 50 percent of a hospital specific cost-per-case amount—that is, a 50-50 ratio. The transition to the 75-25 ratio is scheduled to take place on October 1, 1985.

As anticipated the move in 1984 from the 25-75 ratio to a 50-50 split between regional/national and hospital specific prices generated financial problems for some hospitals. Many hospitals were forced to make difficult decisions to cut costs and adjust to the reality that a smaller portion of the Medicare payments would be tied to past performance in an era of rising and uncontrolled costs.

In response to the concerns of hospitals experiencing severe financial problems adjusting to the new prospective pricing system, the American Hospital Association developed an alternative price blending proposal in 1984. During the fiscal year 1985 budget deliberations, the American Hospital Association requested that Congress delay the transition from the 25-75 ratio to the 50-50 split for 1 year while considering the alternative price blending proposal. The administration opposed any delay and Congress refused to delay the phase in.

The administration's proposal to freeze fiscal year 1986 prospective payment prices at fiscal year 1985 levels has been incorporated in the budget resolutions adopted by the House and Senate. The freeze on provider payments would affect all hospitals receiving Medicare payments. However, some historically high-cost hospitals would be particularly hard-hit by the combination of the freeze on payments and the scheduled move to the 75-25 split between regional/national and hospital specific prices.

The cries of anguish are not surprising. Prospective pricing was introduced into the Medicare Program to reduce costs and penalize high-cost hospitals. A business-as-usual approach is no longer a managerial option for hospital administrators. It is also not surprising that the high-cost hospitals have joined together to ask Congress for a delay in the transition to a fully national rate.

As noted previously, legislation has been introduced in the House to delay the transition for 1 year or for as long as Medicare hospital prices are frozen and the resumption of the transition to changes in the PPS to account for severity of illness, the wage index, graduate medical education, regional disparities and methodology regarding payments to disproportional share facilities. Opponents of a well-designed transition schedule would have us believe that it is necessary to delay efforts to reduce costs until all the problems associated with developing a severity of illness of physicians, and urban hospitals treating an unusually high proportion of Medicare and Medicaid patients. This approach does not make sense.

We must move in a timely manner to solve these difficult issues. But, a pause in the transition to a fully national rate will not make these tasks easier. In fact it could make it more difficult. Tampering with the transition schedule would send a signal that Congress will yield to the pressures of special interests thereby encouraging others to exert pressure that would make it impossible to design and implement a severity of illness index and revise graduate medical education.

PPS is working. Although some of our Nation's hospitals have experienced difficulty adjusting to the 50-50 split, the majority of hospitals have overwhelmingly responded to the new payment incentives under prospective pricing. This favorable response by hospitals which now operate more efficiently should not be disrupted with a transition delay. They should be rewarded with the scheduled move to a 75-25 rate in October. We should not delay implementing a system that is providing positive benefits while we attempt to solve what may be intractable problems.

Supporters of the transition delay advance several arguments as justification for the delay. Their major argument appears to be that if Congress freezes the overall Medicare payments to all providers, doing so should not subject the hospitals already penalized by the 50-50 payment rate to the additional financial impact that a move to the 75-25 level would provide. Consequently, transition delay supporters argue that for these hospitals a "bad situation should not be made worse."

Transition delay supporters also argue that certain regions of the country with lower cost labor should not be permitted to benefit from a move to the 75-25 level at the expense of some regions of the country which are faced with higher cost labor situations. It was inevitable that some hospitals with higher labor costs would seek some protection from the incentives of the system and call for a delay in the transition. Additionally, arguments are advanced that the intensity of care provided in certain regions of the country is higher than that provided in the low-cost regions. However, this claim has yet to be substantiated with verification data.

Those seeking a delay in the transition argue that a delay at the 50-50 split would allow time to address perceived problems with the urban and rural designations. This argument was used during the fiscal year 1985 discussion of the transition issue as a justification for delaying at the 25-75 levels. The Reagan administration has corrected urban/rural designation problems through the establishment of regional referral centers.

Moreover, in response to the special problems faced by rural hospitals, the administration has greatly expanded its definitions of regional referral centers, thereby increasing flexibility in this area.

In addition, Congress recognized the problem of the use of metropolitan statistical area designations and in the Deficit Reduction Act of 1984—Public Law 98-369—allowed for a 3-year transition for hospitals that were formerly designated as urban facilities to adjust to the transition to rural payment rates.

The effects of Public Law 98-369 and the expanded use of a regional referral

center will effectively rectify any discrepancies in the urban/rural designations. Concerns were also voiced at that time about the application of the area wage index used in the PPS payment calculations. The Health Care Financing Administration [HCFA] submitted a report to Congress in March 1983 that detailed a survey it conducted of all prospective payment hospitals on the wage index issue. In the rules proposed to govern PPS in the next fiscal year published on June 10, 1985, HCFA would correct this problem by using an index developed from the survey. Preliminary indications show that implementation of this revised wage index would shift millions of dollars among the States. In fact, the new index will primarily benefit many of the same States currently calling for a transition delay.

Any delay would adversely impact those hospitals which have responded positively to the incentives provided under the prospective pricing system. These hospitals have accepted the challenge by implementing difficult cost reduction programs and operating in a more efficient manner by controlling costs. Consequently, the Federal Government has dramatically slowed expenditures for the Medicare, and the prospects for long-term financial stability of the Medicare Program have been enhanced.

Prospective payment hospitals have based their upcoming strategy, competitive, and fiscal plans on the expected shifts between the regional/national and hospital-specific rates. The system has allowed institutions to benefit financially from management efficiencies, and has enhanced their fiscal predictability. A transition delay would severely disrupt the necessary predictability for hospitals which have responded to the system in good faith. Clearly all PPS hospitals have had to modify their operating behavior, and, over the same amount of time.

I agree with hospital representatives who argue that any delay in the continuation of the phasein would indicate that Congress does not have any long-range intentions of using incentive-based programs to deal with health care financing. This signal will prompt some to propose harsh regulatory hospital cost control legislation which will stifle innovative, cost cutting by the States and punitive State hospital cost containment legislation will proliferate as a result.

Very little data is available that shows how higher and lower cost hospitals are responding to the incentives of the PPS. Clearly, the scheduled transition phasein has brought about noteworthy changes in the delivery of health care by our Nation's hospitals. Full-time equivalents [FTE's] are dramatically-down from just a year ago. In that same time period, lengths of stays have been reduced nationally by over 2 days. Hospital productivity is at an all-time high. Most importantly, private and third party payers, as well as the Medical Program, have all benefitted from the effects of prospective pricing. Such successes are sure to multiply with the continuation of the phasein. Any delay in the transition would surely disrupt the systems future positive effects.

All of these reasons convince me that Medicare PPS transition delay legislation must not be made a portion of the upcoming reconciliation package from the Ways and Means Committee. I urge my colleagues to join with me in opposing any attempts to delay the scheduled transition. A delay would simply be bad public policy.

For the benefit of my colleagues, I would like to submit the full text of the resolution adopted by 16 States hospital associations located in every region of the country in opposition to a delay in the transition to a fully national PPS rate:

RESOLUTION: SUPPORT FOR THE SCHEDULED MEDICARE PPS TRANSITION

We, the undersigned representatives of the hospital industry in our respective states, wish to go on record as supporting the scheduled transition of the Medicare prospective payment system (PPS). We oppose any efforts that would delay the move from the current 50/50 percent level of hospital specific and regional/national prices to the 25/75 percent level of hospital specific and regional/national prices.

We believe that the prospective payment system's design to reorient hospital incentives, has been overwhelmingly successful. Full time equivalents (FTEs) are dramatically down from just a year ago. In that same year, lengths of stay have been reduced nationally by over two days. Hospital productivity is at an all time high. The prospective payment system has also fostered long-term financial stability for the Medicare program. Besides saving the federal government billions of dollars, the prospective payment system has benefited third party and private payers, as well as beneficiaries in the Medicaid program.

Fiscal predictability for hospitals was one of the cornerstones of the prospective payment system. Stopping the transition will severly disrupt the necessary fiscal predictability for hospitals, which have responded to the system in good faith. Such a delay will prompt some members of Congress to propose harsh regulatory hospital cost containment legislation which will stifle innovative, cost cutting initiatives already under way. Such action will not be overlooked by the States, and punitive state cost containment legislation will proliferate as a result. We urge you to strongly oppose all efforts to delay the scheduled Medicare prospective payment transition.●

INTRODUCED H.R. 1322

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. OWENS. Mr. Speaker, I am deeply concerned that the labor statistics which we hear everyday tend to make us think that almost all of the people in this country are enjoying the privilege of employment. This is simply not true. The national unemployment figures disguise great differences in the job markets around our country. I have introduced H.R. 1322 to require the Bureau of Labor Statistics to collect and report unemployment and related statistics by congressional districts. This measure will allow Federal funds to be allocated according to the real need of a given congressional district. Distribution of benefits based on either national, State, or city unemployment rates is not the best way of assuring funding to the areas with the greatest need, as we can easily see when we examine these various figures.

Last year the national unemployment rate was 7.4 percent. Although this figure sounds reasonably low, it is very helpful to look at individual States and their unemployment rates to get an idea of the variation in the economic climate across the country. This 7.4 percent represents a range of from 5 percent in New Hampshire to 12.2 percent in Alabama, 12.8 percent in Michigan, and 17.9 percent in West Virginia! We can use the most recent Labor Department statistics to observe this phenomenon at the level of congressional districts within a given State; New York for example.

Last year the New York State unemployment rate was 7.3 percent; this rate represents a wide range of employment situations. The Fourth District had the lowest unemployment in the State with 4.4 percent. Twelve of the State's 34 congressional districts enjoyed an unemployment rate below 6 percent, which is considered by some to be an acceptable employment rate. At the same time, however, 9 of these 34 districts suffered from unemployment at or above 9 percent.

Unemployment in the city of New York was estimated to be 8.4 percent in 1984. This figure is as misleading as the national and statewide unemployment rates; of the 19 congressional districts that are a part of New York City, 7 of them had rates higher than 9.4 percent; 5 of the 19 districts enjoyed unemployment rates under 5.4 percent.

The State and national unemployment rates are good rough estimates of the condition of the economy in general, but they do not help us assess the actual employment situations for

smaller cross-sections of the American population. General and overall estimates are also not very useful to us as lawmakers if we wish to knowledgably address our country's unemployment problem. We must examine smaller areas, such as congressional districts, in order to understand the employment situations of millions of American workers. Clearly we need a national economic and legislative policy which will fairly address the specific employment needs of all Americans.●

JUDICIAL DISQUALIFICATION REFORM ACT OF 1985

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. KASTENMEIER. Mr. Speaker, I rise today to introduce the Judicial Disqualification Reform Act of 1985. This bill amends title 28, United States Code, section 445—relating to judicial disqualification—in order to solve problems that have arisen when judges disqualify themselves because either the judge or members of the judge's family are class members or own a financial interest in a class action.

Currently, the statute requires a judge to be disqualified if the judge or members of his family are parties in the case or have a financial interest in a party to the proceeding. In addition, recent case law holds that class members are sometimes considered parties for purposes of the disqualification statute.[1] These rules are easy to apply in simple, nonclass action litigation. The judge can simply compare the families' financial holdings with the names on the caption of the complaint. However, in a complex multidistrict class action, the litigation may be well underway before a comprehensive class list can be compiled or a motion for class certification decided. In most cases, the judge may not realize a conflict exists until the class list is compiled. At that point, the judge must remove himself from the case and a new judge must be appointed. Switching judges at that point wastes judicial time and can constitute a substantial financial burden for the parties. A new judge has to educate himself concerning the case, delaying the trial and ultimately the relief sought by the parties.

The case of *In re: Cement and Concrete Antitrust Litigation*, 515 F. Supp. 1076 (D. Ariz. 1981) illustrates the absurdity in the current law. In that case, the judge had to disqualify himself in the trial's sixth year after the court had entered 75 pretrial orders and decided countless motions. This disqualification took place simply because the judge's wife owned stock in 7 of 210,000 class members involved in the class action and her financial interest in the case was calculated to be between $4.23 and $29.70. To transfer 5½ years of work and paper to a new judge seems absurd and a waste of judicial resources given the minute size of the wife's interest.

The bill I am introducing today eliminates this problem by classifying an absent class member as a person with an interest that could be affected by the outcome of the case. Therefore, an absent class member would no longer be considered a party for purposes of the disqualification statute. Thus, judges would only have to disqualify themselves if they or a family member's interest would be substantially affected by the outcome of the suit.

Other alternatives I considered included permitting the judge to continue to sit on the case if the judge or members of the judge's family divested their interests within 2 weeks of the certification of the class. However, a problem arises with this solution because it may permit a judge with an actual conflict to decide preliminary motions—including a class certification motion—subject to the limited sanctification possible through a subsequent divestiture. Therefore, this alternative language would appear to be unworkable.

The solution I did choose will result in a more efficient judidical system while maintaining the integrity of judges. I would like to thank Mr. John Frank of Phoenix, AZ, for bringing this problem to my attention.●

[1] *In re Cement and Concrete Antitrust Litigation*, 515 F. Supp. 1076 (D. Ariz. 1981). (Judge recused because wife owned shares of stock in several members of the plaintiff class); *In re City of Houston*, 745 F.2d 925 (1984). (Black Judge a member of the class of black voters in a voting rights case not considered a "party"); see also *In re New Mexico Natural Gas Antitrust Litigation*, 620 F.2d 794 (10th Cir. 1980). (A remote, contingent benefit, such as a possible effect on future utility bills, is not a "financial interest" within meaning of Federal disqualification statute.)

THE FEDERAL REGULATORS ADDRESS INTERSTATE BANKING

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. WORTLEY. Mr. Speaker, on April 24 and 25 the Subcommittee on Financial Institutions Supervision, Regulation and Insurance held hearings on interstate banking. The Chairman of the Federal Reserve Board and representatives of the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency testified at those hearings. The three Federal banking regulators addressed the numerous public policy concerns surrounding the debate on interstate banking, namely, the impact of interstate banking on consumers, the safety and soundness of the Nation's financial system, concentration of resources, regional banking arrangements versus nationwide banking, the viability of small banks and the dual banking system.

Today I would like to submit comments on two of those issues, consumer benefits and safety and soundness, as described by the Comptroller of the Currency's office and the Federal Deposit Insurance Corporation.

On April 25, the Comptroller's office said the following about consumer benefits from interstate banking:

We believe bank customers would benefit from increased competition. The removal of geographic barriers to bank expansion would be especially beneficial to consumers and small businesses. Unlike large corporations and wealthy individuals who often can purchase financial services from a nationwide market, lower and middle income households and small business are generally limited to the financial services of local institutions. Full interstate banking should expand the range of products and services available to these customers. The experience in branch banking states compared to that in unit banking states demonstrates, we believe, the benefit of more permissive geographic expansion laws. Statewide branching has led to the availability of a wider range of services for local communities. Furthermore, the banks that operate statewide consistently employ a greater proportion of their deposits for loans. We are aware of no evidence to support claims that banks use their branches to transfer funds to head offices in urban areas. Rather banks transfer funds among their offices as dictated by demands for credit.

On April 25, the Federal Deposit Insurance Corporation's representative addressed the safety and soundness aspect of interstate banking in the following manner:

As the deposit insurer, one of our major concerns relates to the effects of interstate banking on safety and soundness of individual banks and of the system as a whole. As indicated earlier, geographic expansion should afford the opportunity to diversify and reduce risks. Although the benefits of geographic lending diversification should not be disregarded, perhaps the most significant risk reduction for many banks to rise from building a more stable retail deposit base. This may mean that an increased number of banks compete for a relatively fixed amount of retail deposits in local markets that could result in reduction in the extreme funding vulnerability of a few institutions. Another concern relates to the danger that banks or bank holding companies may be willing to pay an unjustifiable premium to gain an early entry into selected markets. While mistakes undoubtedly will be made, the need to capitalize acquisitions and the accounting treatment of premiums paid, should provide a significant deterrent to unwise decisions.

Perhaps the greatest risks to the insurance fund of interstate banking emanates from the probable increased number of large banks and the potential for a significantly increased size of the largest banks. The statutory, and more importantly, the practical restraints placed on the FDIC normally mean that larger failing bank situa-

tions are more difficult to handle than small to moderately sized banks, and can result in a proportionately larger exposure to loss. However, in a world of interstate banking, there probably would be a larger number of eligible potential acquirers which may more than counterbalance the negative effects of the greater number of large institutions.●

A TRIBUTE TO JOHN CUNNINGHAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. CLAY. Mr. Speaker, one of my constituents, a dear friend and outstanding business and community leader, Mr. John Cunningham, passed away on Saturday, July 13, 1985. I wish to enter his brief obituary from the St. Louis Post Dispatch in the CONGRESSIONAL RECORD, but I cannot let his many, many contributions to the St. Louis community go unrecorded without mention of the kind of person that he was.

John Cunningham was visionary. He championed causes that were not only unpopular but dangerous in the 1950's and 1960's. He and his wife, Nettie, were among the staunchest supporters of the N.A.A.C.P. Youth Council, when it was in the forefront of attacking racial barriers in our city. They provided the meetingplace, the impetus to go forward with commitment and dedication, and often paid the cost for such meetings. John walked the picket lines at the banks and restaurants and other places of public accommodation. He did so proudly at the front of the crowd and was an inspiration to all of us—I was among the young people serving as the youth leader who valued his contributions so much.

John was among the first of the recognized and established business and community leaders to participate in the sometimes humiliating experience of the sit-ins.

When I first ran for Congress, John was a strong supporter in every way; financially, as an adviser and wise counsel, as a worker in my headquarters and as a writer of slogans, and provider of meetingplaces. His wife, Nettie, was the first treasurer of my Congressional Campaign Committee.

You can see that the close working and personal relationship goes back to the fifties. My admiration and respect for this great community leader and businessman is without bounds.

John Cunningham was more—much more—than a visionary and committed leader. John was a warm, vibrant, and personable human being. I never saw him when he did not have a smile for everyone, a joke to tell, or an upbeat story to relate. He was one of those unusual people who upon entering a room instantly became the focus of the group, because he brought joy—he brought news and insights and hope to the crowd. He was effervescent, an ebullient human being. He was loved and will be missed by all who knew him.

JOHN CUNNINGHAM; RAN FUNERAL HOME

A funeral service for John K. Cunningham, owner and president of a funeral home, will be at 10 a.m. Saturday at Visitation-Holy Ghost Church, 4515 Evans Avenue. Burial will be in Calvary Cemetery.

Mr. Cunningham, 70, died of leukemia Saturday at Barnes Hospital. He had been in the hospital since Feb. 28.

Mr. Cunningham, of north St Louis founded the Cunningham & Moore Funeral Home in 1952. He was owner and president of the home at the time of his death. Mr. Cunningham earned a bachelor's degree from Webster College and graduated from the St. Louis College of Mortuary Science.

He served in the Army Air Force in the South Pacific in World War II and was discharged as a sergeant in 1945 after more than three years of service.

Mr. Cunningham was a past president of the St. Louis and Missouri chapters of the Embalmers & Funeral Directors Association and a member of the Gateway Funeral Directors Association and the National Funeral Directors & Morticians Association. Mr. Cunningham was a life member of the National Association for the Advancement of Colored People.

Surviving are his wife, Nettie; a son, Elvin; two daughters, Inez Griffin, and Susie Cunningham, all of St. Louis; a sister, Sue Lewis of Dayton, Ohio; and two grandchildren.●

LAW WEEK NATURALIZATION CEREMONY ESSAY WINNERS

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. SUNDQUIST. Mr. Speaker, recently I had the privilege of attending the Memphis and Shelby County Bar Association Law Week Naturalization Ceremony. As part of the week's festivities an essay contest on "Law Makes Freedom Work" was held for Memphis and Shelby County High School students. The first-place winner of the contest was Jina Marie Rhodes of Kirby High School; second place went to Judith Marie Farris of Briarcrest High School; and third was awarded to Angela Middleton of Central High School. The text of the above-mentioned winners' essays is as follows:

FIRST PLACE ESSAY—JINA MARIE RHODES

To explain how law makes freedom work, one must make clear several things. We must first define freedom. Freedom is one's right to choose. Without freedom, our world would be one of insensitive persons without personality, goals, or compassion. Next, what is a law. Can you see it, or touch it? Law is an idea of how we think we can insure every man or woman justice. Justice can be seen as getting what one is due, or one's personal freedom. All of these things affect our lives, environment, and how we live and adapt in our environment.

To live in a perfect environment and society is quite impossible, because of conflicting opinions within. Therefore, laws are needed to regulate disputes among people. Any law limits your freedom, but most laws are directed toward bad behavior and made to insure what is considered the common good. Everyone needs law. Law sets boundaries which are necessary in a society and points one's choice (freedom) toward the good.

Law is an opinion of what is good and bad, hoping to insure the good. By doing this, it protects one's personal freedom from being infringed upon by another. For example, the law strictly forbids the murdering of a human being. If one commits murder, they are taking away another's freedom to live. One has the freedom to choose between good or bad. Law insures not only personal freedom, but also, freedom for others.

SECOND PLACE ESSAY—JUDITH MARIE FARRIS

Quite contrary to the beliefs of some citizens, this country could not be the "land of the free" without laws. Without some form of order, the nation would be in a chaotic state. There must be an accepted governmental system in which someone has an authoritative position. John Locke explained this situation as the theory of popular sovereignty. This theory explains the fact that people must give up some of their rights and freedoms in order to live in harmony with other people. By giving up some of their rights, people are able to obtain together what they might not be able to obtain alone. For example, if there were no laws, simple subjects such as property rights would become major issues. People would claim that they could live anywhere they wanted and conduct themselves in any manner which they saw fit. The laws are set up to protect the rights of every citizen, not to limit them. Americans must recognize some people to have higher authority than themselves in order to protect these rights. Without an established group of people with higher authority, anyone could claim power. Although there is a presidential office, no one person has enough power to decide the fate of the nation. The House of Representatives and the Senate were set up as authoritative organizations in order to prevent the Executive of the nation from having absolute power. Thus we are protected from living under any type of dictatorship. Yet, at the same time, we are not in an unruled anarchy situation. As a result, we are "free".

THIRD PLACE ESSAY—ANGELA MIDDLETON

The precept perhaps most cherished in America is the idea that this country is the home of the free. Americans believe themselves to be one of the last bastions of democracy in a world quickly becoming socialistic and communistic in nature.

The idea of this country as a "free" nation has its roots in the American Revolution. The war was fought to "free" people from the tyranny of the British government. However, the revolutionary leaders soon realized that freedom must be protected if it was to continue. Freedom in name was much different from freedom in fact.

The Founding Fathers discovered that well-constructed laws were a good way to protect freedom. These laws insure that each person is free to do as they wish but not free to interfere with the wishes of others. No person is "free" if they cannot think and act for themselves. Laws protect

freedom by protecting society from overbearing and malicious individuals. If too much freedom is given to each individual, their own personal desires might bring harm to other persons.

In essence, law makes freedom work by restricting freedom. Unquestionably, everyone values their freedom very highly. Society has developed a variety of ways of protecting this prized possession. The construction of good laws is one of the best methods.●

TAXES ON PROFIT SHARING

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. HUBBARD. Mr. Speaker, I am receiving hundreds of letters, postcards, and telephone calls from my constituents about the President's tax reform proposals. I would like to share an excellent June 21 letter to me from J. Wilson Witter of Paducah, KY, who has written about his concerns regarding the President's tax reform package.

Wilson Witter, like so many others who have contacted me, is strongly opposed to changing the taxation of profit-sharing programs that are actually designed to encourage savings.

I urge my colleagues to read his comments and reflect upon his views in opposition to profit-sharing program changes and tax increases. I, too, share his views.

The letter from J. Wilson Witter follows:

PADUCAH, KY, *June 21, 1985.*

Hon. CARROLL HUBBARD,
Rayburn House Office Building,
Washington, DC.

DEAR CARROLL: Recently, President Reagan proposed to Congress major changes in our income tax laws. Many of these proposals, I agree with. However, there is one key proposal I do not agree with and this is the way in which my profit sharing account would be taxed when I leave my job at Sears, i.e.,

1. Under present law, lump sum distribution is taxed under 10 year forward averaging. Under the proposed method as I understand, ordinary income rates would apply.

2. At present, partial withdrawals are not taxed unless it exceeds my after tax deposits. The proposed method would fully tax the withdrawal if there remained any accumulated income in the account.

3. A penalty tax of at least 10 percent would be applied to my taxable profit on withdrawals from the fund before I reach the age 59½.

4. My pre-tax deposits of 10 percent would probably have to be reduced to 5 to 7 percent.

I have been working for 25 years in the hopes that when I retired, I would have accumulated an appreciable sum that would allow me to live in a fairly comfortable manner for the balance of my life.

I plead to you for your support in deleting these items from the overall tax package. Can I count on your support?

I also oppose any taxation of income from Municipal Bond income. This is another very important segment of my planned income for retirement years.

Thanks for your time and hopefully, your assistance in getting these items deleted from the proposal.

Sincerely,

J. WILSON WITTER.●

JACKSON'S LANDMARK CONVENTION SPEECH: CULMINATION OF A CAMPAIGN THAT FOREVER CHANGED AMERICAN POLITICS.

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. CONYERS. Mr. Speaker, It was exactly a year ago this week that the Reverend Jesse Jackson's historic campaign for the Presidency of the United States culminated in his historic speech to the Democratic National Convention. In his brilliant prose, he won the hearts and minds of millions of Americans by building bridges of unity among a sea of divided philosophies and goals.

During this campaign Reverend Jackson unleashed a torrent of hope and optimism among millions of Americans who previously felt all political options foreclosed to them. In doing so, he renewed our alliance with democracy. Today, the reverberations of his historic campaign are still to be felt. American politics were changed forever by it.

Even to his critics and skeptics, the Reverend Jackson won the praise of nearly all as the man of principle, brilliance and commitment. I enter the speech into the CONGRESSIONAL RECORD at this point. I am sure it is not to be forgotten.

JESSE JACKSON'S SPEECH TO DEMOCRATIC CONVENTION

(Following is the Associated Press text of the Rev. Jesse Jackson's July 17 speech as delivered to the Democratic National Convention, in San Francisco.)

Tonight we come together bound by our faith in a mighty God, with genuine respect and love for our country, and inheriting the legacy of a great party—a Democratic Party—which is the best hope for redirecting our nation on a more humane, just and peaceful course.

This is not a perfect party. We are not a perfect people. Yet, we are called to a perfect mission: our mission, to feed the hungry, to clothe the naked, to house the homeless, to teach the illiterate, to provide jobs for the jobless, and to choose the human race over the nuclear race.

We are gathered here this week to nominate a candidate and write a platform which will expand, unify, direct and inspire our party and the nation to fulfill this mission.

My constituency is the damned, disinherited, disrespected and the despised.

They are restless and seek relief. They've voted in record numbers. They have invested the faith, hope and trust that they have in us. The Democratic Party must send them a signal that we care. I pledge my best not to let them down.

There is the call of conscience: redemption, expansion, healing and unity. Leadership must heed the call of conscience, redemption, expansion, healing and unity, for they are the key to achieving our mission.

Time is neutral and does not change things.

LEADERSHIP

With courage and initiative leaders change things. No generation can choose the age or circumstances in which it is born, but through leadership it can choose to make the age in which it is born an age of enlightenment—an age of jobs, and peace, and justice.

Only leadership—that intangible combination of gifts, discipline, information, circumstance, courage, timing, will and divine inspiration—can lead us out of the crisis in which we find ourselves.

Leadership can mitigate the misery of our nation. Leadership can part the waters and lead our nation in the direction of the Promised Land. Leadership can lift the boats stuck at the bottom.

I have had the rare opportunity to watch seven men, and then two, pour out their souls, offer their service and heed the call of duty to direct the course of our nation.

There is a proper season for everything. There is a time to sow and a time to reap. There is a time to compete, and a time to cooperate.

I ask for your vote on the first ballot as a vote for a new direction for this party and this nation; a vote of conviction, a vote of conscience.

But I will be proud to support the nominee of this convention for the president of the United States of America.

I have watched the leadership of our party develop and grow. My respect for both Mr. Mondale and Mr. Hart is great.

I have watched them struggle with the cross-winds and cross-fires of being public servants, and I believe that they will both continue to try to serve us faithfully. I am elated by the knowledge that for the first time in our history a woman, Geraldine Ferraro, will be recommended to share our ticket.

Throughout this campaign, I have tried to offer leadership to the Democratic Party and the nation.

If in my high moments, I have done some good, offered some service, shed some light, healed some wounds, rekindled some hope or stirred someone from apathy and indifference, or in any way along the way helped somebody, then this campaign has not been in vain.

For friends who loved and cared for me, and for a God who spared me, and for a family who understood, I am eternally grateful.

If in my low moments, in word, deed or attitude, through some error of temper, taste or tone, I have caused anyone discomfort, created pain, or revived someone's fears, that was not my truest self.

If there were occasions when my grape turned into a raisin and my joy bell lost its resonance, please forgive me. Charge it to my head and not to my heart. My head is so limited in its finitude; my heart is boundless in its love for the human family. I am not a perfect servant. I am a public servant. I'm doing my best against the odds. As I develop and serve, be patient. God is not finished with me yet.

This campaign has taught me much: that leaders must be tough enough to fight, tender enough to cry, human enough to

make mistakes, humble enough to admit them, strong enough to absorb the pain, and resilient enough to bounce back and keep on moving. For leaders, the pain is often intense. But you must smile through your tears and keep moving with the faith that there is a brighter side somewhere.

BATTLE IS OVER

I went to see Hubert Humphrey three days before he died. He had just called Richard Nixon from his dying bed, and many people wondered why. And, I asked him.

He said, "Jesse, from this vantage point, with the sun setting in my life, all of the speeches, the political conventions, the crowds and the great fights are behind me now. At a time like this you are forced to deal with your irreducible essence, forced to grapple with that which is really important to you. And what I have concluded about life," Hubert Humphrey said, "When all is said and done, we must forgive each other, and redeem each other, and move on."

Our party is emerging from one of its most hard-fought battles for the Democratic Party's presidential nomination in our history. But our health competition should make us better, not bitter. We must use the insight, wisdom and experience of the late Hubert Humphrey as a balm for the wounds in our party, this nation and the world. We must forgive each other, redeem each other, regroup and move on.

AMERICA IS A QUILT

Our flag is red, white and blue, but our nation is a rainbow—red, yellow, brown, black and white—we're all precious in God's sight. America is not like a blanket—one piece of unbroken cloth, the same color, the same texture, the same size. America is more like a quilt—many patches, many pieces, many colors, many sizes, all woven and held together by a common thread.

The white, the Hispanic, the black, the Arab, the Jew, the woman, the Native American, the small farmer, the business-person, the environmentalist, the peace activist, the young, the old, the lesbian, the gay, and the disabled make up the American quilt.

Even in our fractured state, all of us count and fit somewhere. We have proven that we can survive without each other. But we have not proven that we can win or make progress without each other. We must come together.

From Fannie Lee Hamer in Atlantic City in 1964 to the Rainbow Coalition in San Francisco today; from the Atlantic to the Pacific, we have experienced pain but progress as we ended American apartheid laws; we got public accommodations; we secured voting rights; we obtained open housing; as young people got the right to vote; we lost Malcolm, Martin, Medgar, Bobby and John and Viola.

The team that got us here must be expanded, not abandoned. Twenty years ago, tears welled up in our eyes as the bodies of Schwerner, Goodman and Chaney were dredged from the depths of a river in Mississippi. Twenty years later, our communities, black and Jewish, are in anguish, anger and pain.

Feelings have been hurt on both sides. There is a crisis in communications. Confusion is in the air. We cannot afford to lose our way. We may agree to agree, to agree to disagree on the issues; we must bring back civility to these tensions.

We are co-partners in a long and rich religious history—the Judeo-Christian traditions. Many blacks and Jews have a shared passion for social justice at home and peace abroad. We must seek a revival of the spirit, inspired by a new vision and new possibilities. We must return to higher ground. We are bound by Moses and Jesus, but also connected to Islam and Mohammed.

These three great religious—Judasim, Christianity and Islam—were all born in the revered and holy city of Jerusalem. We are bound by Dr. Martin Luther King Jr. and Rabbi Abraham Heschel, crying out from their graves for us to reach common ground. We are bound by shared blood and shared sacrifices. We are much too intelligent; much too bound by our Judeo-Christian heritage; much too victimized by racism, sexism, militarism and anti-Semitism; much too threatened as historical scapegoats to go on divided one from another. We must turn from fingerpointing to clasped hands. We must share our burdens and our joys with each other once again. We must turn to each other and not on each other and choose higher ground.

RAINBOW COALITION GROWING

Twenty years later, we cannot be satisfied by just restoring the old coalition. Old wine skins must make room for new wine. We must heal and expand. The Rainbow Coalition is making room for Arab-Americans. They too know the pain and hurt of racial and religious rejection. They must not continue to be made pariahs. The Rainbow Coalition is making room for Hispanic-Americans who this very night are living under the threat of the Simpson-Mazzoli bill, and farm workers from Ohio who are fighting the Campbell Soup Company with a boycott to achieve legitimate workers rights.

The Rainbow is making room for the Native Americans, the most exploited people of all, a people with the greatest moral claim amongst us. We support them as they seek the restoration of their ancient land and claim amongst us. We support them as they seek the restoration of land and water rights, as they seek to preserve their ancestral homelands and the beauty of a land that was once all theirs. They can never receive a fair share for all that they have given us, but they must finally have a fair chance to develop their great resources and to preserve their people and their culture.

The Rainbow Coalition includes Asian-Americans, now being killed in our streets—scapegoats for the failures of corporate, industrial and economic policies. The Rainbow is making room for the young Americans. Twenty years ago, our young people were dying in a war for which they could not even vote. But 20 years later, Young America has the power to stop a war in Central America and the responsibility to vote in great numbers. Young America must be politically active in 1984. The choice is war or peace. We must make room for Young America.

The Rainbow includes disabled veterans. The color scheme fits in the Rainbow. The disabled have their handicap revealed and their genius concealed; while the ablebodied have their genius revealed and their disability concealed. But ultimately we must judge people by their values and their contribution. Don't leave anybody out. I would rather have Roosevelt in a wheelchair than Reagan on a horse.

The Rainbow is making room for small farmers. They have suffered tremendously under the Reagan regime. They will either receive 90 percent parity or 100 percent charity. We must address their concerns and make room for them. The Rainbow includes lesbians and gays. No American citizen ought be denied equal protection under the law.

We must be unusually committed and caring as we expand our family to include new members. All of us must be tolerant and understanding as the fears and anxieties of the rejected and of the party leadership express themselves in many different ways. Too often what we call hate—as if it were deeply rooted in some philosophy or strategy—is simply ignorance, anxiety, paranoia, fear and insecurity. To be strong leaders, we must be long-suffering as we seek to right the wrongs of our party and our nation. We must expand our party, heal our party and unify our party. That is our mission in 1984.

We are often reminded that we live in a great nation—and we do. But it can be greater still. The Rainbow is mandating a new definition of greatness. We must not measure greatness from the mansion down, but the manger up.

Jesus said that we should not be judged by the bark we wear but by the fruit that we bear. Jesus said that we must measure greatness by how we treat the least of these.

REAGAN ADMINISTRATION

President Reagan says the nation is in recovery. Those 90,000 corporations that made a profit last year but paid no federal taxes are recovering. The 37,000 military contractors who have benefited from Reagan's more than doubling the military budget in peacetime, surely they are recovering. The big corporations and rich individuals who received the bulk of the three-year, multibillion tax cut from Mr. Reagan are recovering. But no such recovery is under way for the least of these. Rising tides don't lift all boats, particularly those stuck on the bottom.

For the boats stuck at the bottom there is a misery index. This administration has made life more miserable for the poor. Its attitude has been contemptuous. Its policies and programs have been cruel and unfair to working people. They must be held accountable in November for increasing infant mortality among the poor. In Detroit, one of the great cities of the Western world, babies are dying at the same rate as Honduras, the most underdeveloped nation in our hemisphere.

This administration must be held accountable for policies that contribute to the growing poverty in America. Under President Reagan, there are now 34 million people in poverty, 15 percent of our nation. Twenty-three million are white, 11 million black, Hispanic, Asian and others. Mostly women and children. By the end of this year, there will be 41 million people in poverty. We cannot stand idly by. We must fight for change, now.

Under this regime we look at Social Security. The 1981 budget cuts included nine permanent Social Security benefits cuts totaling $20 billion over five years.

Small businesses have suffered under Reagan tax cuts. Only 18 percent of total business tax cuts went to them—82 percent to big business.

Health care under Mr. Reagan has been sharply cut.

Education under Mr. Reagan has been cut 25 percent.

Under Mr. Reagan there are now 9.7 million female-head families. They represent 16 percent of all families; half of all of them are poor. Seventy percent of all poor chil-

dren live in a house headed by a woman, where there is no man.

Under Mr. Reagan, the administration has cleaned up only 6 of 546 priority toxic waste dumps.

Farmers' real net income was only about half its level in 1979.

Many say that the race in November will be decided in the South. President Reagan is depending on the conservative South to return him to office. But the South, I tell you, is unnaturally conservative. The South is the poorest region in our nation and, therefore, has the least to conserve. In his appeal to the South, Mr. Reagan is trying to substitute flags and prayer cloths for food, and clothing, and education, health care and housing. But President Reagan who asks us to pray, and I believe in prayer—I've come this way by the power of prayer. But, we must watch false prophecy.

He cuts energy assistance to the poor, cuts breakfast programs from children, cuts lunch programs from children, cuts job training from children and then says, when at the table, "let us pray." Apparently he is not familiar with the structure of a prayer. You thank the Lord for the food that you are about to receive, not the food that just left.

I think that we should pray. But don't pray for the food that left, pray for the man that took the food to leave. We need a change. We need a change in November.

Under President Reagan, the misery index has risen for the poor, but the danger index has risen for everybody.

Under this administration we've lost the lives of our boys in Central American, in Honduras, in Grenada, in Lebanon.

A nuclear standoff in Europe. Under this administration, one-third of our children believe they will die in a nuclear war. The danger index is increasing in this world.

With all the talk about defense against Russia, the Russian submarines are closer and their missiles are more accurate. We live in a world tonight more miserable and a world more dangerous.

While Reaganomics and Reaganism is talked about often, so often we miss the real meaning. Reaganism is a spirit, Reaganomics represents the real economic facts of life.

In 1980, Mr. George Bush, a man with reasonable access to Mr. Reagan, did an analysis of Mr. Reagan's economic plan. Mr. Bush concluded Reagan's plan was "voodoo economics." He was right. Third-party candidate John Anderson said that the combination of military spending, tax cuts and a balanced budget by '84 could be accomplished with blue smoke and mirrors. They were both right.

Mr. Reagan talks about a dynamic recovery. There is some measure of recovery, three and a half years later. Unemployment has inched just below where it was when he took office in 1981. But there are still 8.1 million people offically unemployed, 11 million working only part-time jobs. Inflation has come down, but let's analyze for a moment who has paid the price for this superficial economic recovery.

Mr. Reagan curbed inflation by cutting consumer demand. He cut consumer demand with conscious and callous fiscal and monetary policy. He used the federal budget to deliberately induce unemployment and curb social spending. He then waged and supported tight monetary policies of the Federal Reserve Board to deliberately drive up interest rates—again to curb consumer demand created through borrowing.

Unemployment reached 10.7 percent; we experienced skyrocketing interest rates; our dollar inflated abroad; there were record bank failures; record farm foreclosures; record business bankruptcies; record budget deficits; record trade deficits. Mr. Reagan brought inflation down by destabilizing our economy and disrupting family life.

BUDGET DEFICIT

He promised in 1980 a balanced budget, but instead we now have a record $200 billion budget deficit. Under President Reagan, the cumulative budget deficit for his four years is more than the sum total of deficits from George Washington to Jimmy Carter combined. I tell you, we need a change.

How is he paying for these short-term jobs? Reagan's economic recovery is being financed by deficit spending—$200 billion a year. Military spending, a major cause of this deficit, is projected over the next five years to be nearly $2 trillion, and will cost about $40,000 for every taxpaying family.

When the government borrows $200 billion annually to finance the deficit, this encourages the private sector to make its money off of interest rates as opposed to development and economic growth. Even money abroad—we don't have enough money domestically to finance the debt, so we are now borrowing money abroad, from foreign banks, government and financial institutions—$40 billion in 1983; $70 to $80 billion in 1984 (40 percent of our total); over $100 billion (50 percent of our total) in 1985.

By 1989, it is projected that 50 percent of all individual income taxes will be going to pay just for the interest on that debt. The U.S. used to be the largest exporter of capital, but under Mr. Reagan we will quite likely become the largest debtor nation. About two weeks ago, on July 4, we celebrated our Declaration of Independence. Yet every day, supply-side economics is making our nation more economically dependent and less economically free. Five to six percent of our gross national product is now being eaten up with President Reagan's budget deficit.

To depend on foreign military powers to protect our national security would be foolish, making us dependent and less secure. Yet Reaganomics has us increasingly dependent on foreign economic sources. This consumer-led but deficit-financed recovery is unbalanced and artificial.

DEMOCRATIC CHALLENGE

We have a challenge as Democrats: support a way out. Democracy guarantees opportunity, not success. Democracy guarantees the right to participate, not a license for either the majority or a minority to dominate. The victory for the rainbow coalition in the platform debates today was not whether we won or lost; but that we raised the right issues. We can afford to lose the vote; issues are negotiable. We cannot afford to avoid raising the right questions. Our self respect and our moral integrity were at stake. Our heads are perhaps bloodied but not bowed. Our backs are straight. We can go home and face our people. Our vision is clear. When we think, on this journey from slaveship to championship, we've gone from the planks of the boardwalk in Atlantic City in 1964 to fighting to have the right planks in the platform in San Francisco in '84. There is a deep and abiding sense of joy in our soul, despite the tears in our eyes. For while there are missing planks, there is a solid foundation upon which to build. Our party can win. But we must provide hope that will inspire people to struggle and achieve; provide a plan to show the way out of our dilemma, and then lead the way.

JUSTICE

In 1984, my heart is made to feel glad because I know there is a way out. Justice. The requirement for rebuilding America is justice. The linchpin of progressive politics in our nation will not come from the North; they in fact will come from the South. That is why I argue over and over again—from Lynchburg, Va., down to Texas, there is only one black congressperson out of 115. Nineteen years later, we're locked out of the Congress, the Senate and the governor's mansion. What does this large black vote mean? Why do I fight to end second primaries and fight gerrymandering and *(unintelligible)* and at large. Why do we fight over that? Because I tell you, you cannot hold someone in the ditch and linger there with them. If we want a change in this nation, reinforce that Voting Rights Act—we'll get 12 to 20 black, Hispanic, female and progressive congresspersons from the South. We can save the cotton, but we've got to fight the boll weevil—we've got to make a judgment.

It's not enought to hope ERA will pass; how can we pass ERA? If blacks vote in great numbers, progressive whites win. It's the only way progressive whites win. If blacks vote in great numbers, Hispanics win. If blacks, Hispanics and progressive whites vote, women win. When women win, children win. When women and children win, workers win. We must all come up together. We must come up together.

I tell you, with all of our joy and excitement, we must not save the world and lose our souls; we should never short-circuit enforcement of the Voting Rights Act at every level. If one of us rises, all of us must rise. Justice is the way out. Peace is a way out. We should not act as if nuclear weaponry is negotiable and debatable. In this world in which we live, we dropped the bomb on Japan and felt guilty. But in 1984, other folks also got bombs. This time, if we drop the bomb, six minutes later, we, too, will be destroyed. It's not about dropping the bomb on somebody; it's about dropping the bomb on everybody. We must choose developed minds over guided missiles, and think it out and not fight it out. It's time for a change.

Our foreign policy must be characterized by mutual respect, not by gunboat diplomacy, big stick diplomacy and threats. Our nation at its best feeds the hungry. Our nation at its worst will mine the harbors of Nicaragua; at its worst, will try to overthrow that government; at its worst, will cut aid to American education and increase aid to El Salvador; at its worst our nation will have partnership with South Africa. That's a moral disgrace. It's a moral disgrace. It's a moral disgrace.

When we look at Africa, we cannot just focus on apartheid in southern Africa. We must fight for trade with Africa, and not just aid to Africa. We cannot stand idly by and say we will not relate to Nicaragua unless they have elections there and then embrace military regimes in Africa, overthrowing Democratic governments in Nigeria and Liberia and Ghana. We must fight for democracy all around the world, and play the game by one set of rules.

Peace in this world. Our present formula for peace in the Middle East is inadequate; it will not work. There are 22 nations in the Middle East. Our nation must be able to talk and act and influence all of them. We

must build upon Camp David and measure human rights by one yardstick and as we *(unintelligible)* too many interests and too few friends.

There is a way out. Jobs. Put Americans back to work. When I was a child growing up in Greenville, S.C., the Rev. *(unintelligible)* who used to preach every so often a sermon about Jesus. He said, if I be lifted up, I'll draw all men unto me. I didn't quite understand what he meant as a child growing up. But I understand a little better now. If you raise up truth, it's magnetic. It has a way of drawing people. With all this confusion in this convention—there is bright lights and parties and big fun—we must raise up the simple proposition: if we lift up a program to feed the hungry, they'll come running. If we lift up a program to study war no more, our youth will come running. If we lift up a program to put American *(sic)* back to work, an alternative to welfare and despair, they will come working. If we cut that military budget without cutting our defense, and use that money to rebuild bridges and put steelworkers back to work, and use that money, and provide jobs for our citizens, and use that money to build schools and train teachers and educate our children, and build hospitals and train doctors and train nurses, the whole nation will come running to us.

As I leave you now, vote in this convention and get ready to go back across this nation in a couple of days, in the campaign, I'll try to be faithful by my promise. I'll live in the old barrios, and ghettos and reservations, and housing projects. I have a message for our youth. I challenge them to put hope in their brains, and not dope in their veins. I told them like Jesus, I, too, was born in a slum, but just because you're born in a slum, does not mean the slum is born in you, and you can rise above it if your mind is made up. I told them in every slum, there are two sides. When I see a broken window, that's the slummy side. Train that youth to be a glazier, that's the sunny side. When I see a missing brick, that's the slummy side. Let that child in the union, and become a brickmason, and build, that's the sunny side. When I see a missing door, that's the slummy side. Train some youth to become a carpenter, that's the sunny side. When I see the vulgar words and hieroglyphics of destitution on the walls, that's the slummy side. Train some youth to be a painter, an artist—that's the sunny side. We need this place looking for the sunny side because there's a brighter side somewhere. I am more convinced than ever that we can win. We'll vault up the rough side of the mountain; we can win. I just want young America to do me one favor.

Exercise the right to dream. You must face reality—that which is. But then dream of the reality that ought to be, that must be. Live beyond the pain of reality with the dream of a bright tomorrow. Use hope and imagination as weapons of survival and progress. Use love to motivate you and obligate you to serve the human family.

Young America, dream. Choose the human race over the nuclear race. Bury the weapons and don't burn the people. Dream of a new value system. Teachers, who teach for life, and not just for a living, teach because they can't help it. Dream of lawyers more concerned with justice than a judgeship. Dream of doctors more concerned with public health than personal wealth. Dream (sic) preachers and priests who will prophesy and not just profiteer. Preach and dream. Our time has come.

Our time has come. Suffering breeds character. Character breeds faith. And in the end, faith will not disappoint.

Our time has come. Our faith, hope and dreams will prevail. Our time has come. Weeping has endured for the night. And, now joy cometh in the morning.

Our time has come. No graves can hold our body down.

Our time has come. No lie can live forever.

Our time has come. We must leave racial battleground and come to economic common ground and moral higher ground. America, our time has come.

We've come from disgrace to Amazing Grace, our time has come.

Give me your tired, give me your poor, your huddled masses who yearn to breathe free and come November, there will be a change because our time has come.

Thank you and God bless you.●

LAWYERS ABUSE TAX CODE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. STARK. Mr. Speaker, many people say that America has too many lawyers. I have a way to solve that problem.

Ten thousand lawyers have gone to London this week for an American Bar Association Convention. More have gone to London for their convention than came to Washington for the first half of the convention. The reason: the Tax Code is picking up a large part of the cost of the trip by allowing the convention expenses to be deducted as a necessary business expense. Baloney.

As the papers are reporting, many lawyers are not really attending the convention meetings—they are out shopping and sight seeing.

As a tax reform measure I am introducing a bill denying the tax deductibility of foreign conventions, effective today.

This may also solve the lawyer glut by causing many of them to stay in England rather than return home at their own expense.●

THIRD WORLD MARONITE CONGRESS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Ms. OAKAR. Mr. Speaker, this morning in Montreal, Canada, the Third World Maronite Congress convened to consider the present situation of Maronites in Lebanon and throughout the world. Thousands of Maronite Catholics from some 40 countries will participate in seminars, the election of new officers, drafting of resolutions, as well as traditional entertainment features. The Congress will close Sunday, July 21, 1985, with a solemn litergy at the Cathedral of St. Maron in Montreal.

The Maronites are one of the oldest Christian religions in the world. The church was founded in the late fourth and early fifth centuries by St. Maron, a Syrian hermit who brought Christianity to the previously pagan region in Lebanon and Syria. Hardy, independent mountaineers, the Maronites have always valiantly preserved their liberties and folkways, even under difficult conditions of occupation, ranging from the Byzantine Empire in the 7th century to the Ottoman Empire in the 20th century. The Maronites endured many difficult times, including a brutal massacre in 1860 and an Ottoman-imposed famine that claimed 100,000 victims from starvation and attendant diseases during the 4 years of World War I. The Maronites were not afraid to die for their faith.

One of the major themes of the Third World Maronite Congress is the plight of contemporary Lebanon and the role of Maronites in the resolution of the conflict there. The major focus for the World Maronite Community this year is on youth. The preparatory committee for the Congress has established a special program for youth which includes sports, social, cultural, and religious activities.

The Maronites have proven to be a resourceful people. They understand the difficulties their communities face and the role they must play in helping to resolve some enormous problems. By facing them squarely at their Congress and by preparing a constructive role for their young people, they take the first important step toward a better future for their homeland and their communities. I join all the friends of the World Maronite Community in wishing them a successful and productive Third World Congress.●

PERSONAL EXPLANATION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. DANNEMEYER. Mr. Speaker, unfortunately I was not present for the latter part of the session on July 17, 1985, and I subsequently missed five rollcall votes numbered 236 to 240. Had I been present I would have voted:

"Aye" on the Hiler amendment to strike $95 million for small business loan obligations from the Business Loan and Investment Fund;

"Aye" on the Frenzel amendment that sought to reduce each discretionary funding amount by 4 percent;

"Nay" on the motion to rise and report the bill back to the House;

I would have subsequently agreed to the DeWine amendment to prohibit any Legal Services Corporation funds to be used for litigation with respect to abortion;

"Aye" on the second motion to rise and report the bill back to the House as amended;

"Nay" on the final passage of the bill H.R. 2965, making appropriations for Departments of Commerce, Justice, State, Judiciary, and related agencies for fiscal year 1986.●

TRIBUTE TO CITIZENS AND OFFICIALS OF MEDFORD

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. MARKEY. Mr. Speaker, many Americans were shocked and outraged by the recent hijacking of TWA flight 847 in Beirut. The average citizens' feelings of anger were compounded by the frustration of being unable to do anything to relieve the situation. In a nation of achievers, most felt unusually helpless.

The knee-jerk reaction on the part of many was to call for immediate retribution against those responsible for the hijacking and their associates. This, however, would only have led to more bloodshed and an increase in tensions in an already volatile region. Fortunately, there were citizens who were able to see beyond blind indignation and instead to realistically attempt to make what difference they could.

Among these foresighted and prudent groups stand the citizens of Medford and their city council. Under the direction of Deputy Mayor Frederick Dello Russo, the city of Medford articulated to me and to other Federal officials the need for the hostages to be given the just treatment they deserve upon their release. Their city council resolution calls for the hostages to be treated "as heroes for having to undergo such a terrible ordeal." They further give support to the development of a formal program to see that all those who are taken captive abroad, through no fault of their own, are provided for by this Government and given necessary medical treatment and transportation. The city of Medford recognizes the need for the United States to protect its citizens and to treat them as representatives of our country when they are endangered.

Mr. Speaker, I would like to take this opportunity to commend the citizens and officials of the city of Medford for their concern and sense of responsibility and urge my colleagues to take note of the issues they raise.●

SERBIAN-AMERICANS CELEBRATE "GLORIOUS DEFEAT"

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. GEKAS. Mr. Speaker, the people of Serbian descent celebrate an event every year known as Vodovdan, or the Battle of Kosovo. This battle marks the defeat of the Serbian people by the Turks in 1389 and marks the beginning of over 400 years of Turkish rule over the Serbs. Normally such a defeat would be the low point for a country but for the Serbians it is a glorious defeat. Their final endeavor at the Field of Kosovo not only demonstrated their refusal to be subjugated, but their strong belief in their religion because although they were ruled by the Turks they kept their religious faith alive and strong and finally overcame this rule in the 1800's.

The Turkish drive to conquer all of Europe began in the 1330's. By 1371, the Turks had surprised the Serbian King, Vukashin Mrnyavchevick, at the bank of the river Maritsa. The unprepared Serbian army was defeated and their king was annhilated. This battle, which was nicknamed the "Serbian Disaster," enabled the Turks to control all of Thrace and Macedonia. Although this decisive Turkish victory gravely injured the Serbs, they continued to fight until the Battle of Kosovo. This battle, which marked the fall of the Serbs as an independent state, did not weaken the Serbian people. Instead, they continued to struggle for religious and personal freedom with the encouragement of the Serbian Orthodox Church.

The battle on the fields of Kosovo eventually led to the complete domination of the Serbian people. By 1459, Serbia had become part of the Ottoman empire and was under the cruel domination of the Turks. For the next 400 years, the Serbs were subjected to cruel and inhuman treatment by Ottoman overloads. Nevertheless, the Serbian people endured the cruelty and remained united through the Serbian Orthodox Church.

When the declinging Ottoman empire faded in 1830, the Serbs were given the opportunity to regain their autonomy and eventually their independence in 1882. Following World War I, the Serbian dynasty led the way in establishing the Kingdom of Serbs, Croatians, and Slovenians, later renamed Yugoslavia. In 1945, the monarchy was abolished after the Communist invasion of Yugoslavia. The Communists government banned the official observance of the Battle of Kosovo in an effort to destroy the national pride and heritage of the Serbians.

Mr. Speaker, I cannot help but admire the courage of the Serbian people in their continual fight to retain their cultural heritage against all odds. This struggle, which is embodied in the commemoration of the Battle of Kosovo, demonstrates the dedication of a people to patriotism and freedom, and thus is an incentive to all peoples. I join, with pride, Mr. Speaker, the Serbian-Americans who commemorate the Battle of Kosovo.●

CHINABERRY CUP CAPTURED BY MARIETTANS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. DARDEN. Mr. Speaker, one of the most coveted prizes of competitive tennis, the Chinaberry Cup, has once again been claimed by a group of amateur tennis players from Marietta, GA. At the Eighth Annual Chinaberry Cup Tennis Tournament at prestigious Litchfield Racket Club on April 27, Marietta's team earned the right to carry home the coveted trophy from a spirited team from Cheraw, SC.

The opponents from Cheraw, a team of highly disciplined, skilled tennis professionals, made a valiant effort to retain possession of the trophy, but the efforts of the Marietta team to retrieve the prize were overwhelming.

The Cheraw, SC, team captain was W. Glen Anderson, gentleman farmer and brick manufacturer. The team coach is Malloy Evans, assisted by Fred Craft, both of Cheraw Yarn Mills, Inc., a Pride in America Manufacturer. Other members of the unsuccessful team were Frank Andrews, professional wrestler employed at Palmetto Brick Co.; Dr. B.E. Coggeshall, Jr., surgeon; Dr. Walter Crosby, dentist; W.F. (Ricky) Baker, entrepreneur; Jackie Furr, understudy to Mr. Baker; M.B. Godbold, C.L.U.; and Jimmy Spruill, country squire and attorney.

The Marietta team consists of A.D. Little, captain and entrepreneur; Jon Burke, investment analyst; Terry Segars, music educator; Charles Walters, contractor; Dr. Dan Norris, dentist; Ronald H. Francis, bank president; Dr. Clem Doxey, dermatologist; Bill Rohner, financier; John Elliot, building contractor; George (Buddy) Darden, part-time attorney; H. Neil Barfield, substitute and bank executive; and Wallace Montgomery, semi-retired member and realtor.

Mr. Speaker, certainly the Cheraw team deserves our commendation for a fine effort, but the Marietta team was determined to bring home the prize; and that determination could not be denied.

In this case, as in many times in the past, the Marietta team turned certain defeat into apparent victory.●

A TRIBUTE TO NEW YORK CITY'S BELLEVUE HOSPITAL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. SCHUMER. Mr. Speaker, on May 30, 1985, a construction crane fell on unsuspecting pedestrians along Third Avenue near 63d Street on Manhattan's East Side. All but one of the pedestrians escaped with minor injuries. One woman, Ms. Brigette Gerney, was pinned beneath the crane for 6 hours, while the city of New York mobilized every police and medical resource at its disposal in a miraculous rescue attempt.

Emergency medical service workers responded to the call instantly and provided essential life-support functions that kept Ms. Gerney alive—risking their own lives in the process. Hundreds of New York City police officers rerouted the traffic in the area as the day wore on. Doctors and other personnel from Bellevue Hospital Center were rushed to the scene and remained there thoughout the ordeal. A medical unit was set up at the accident site and doctors were lowered under the toppled crane again and again to check Ms. Gerney's condition.

Once the courageous woman was freed, traffic was stopped for 30 blocks, clearing the road to Bellevue. At the hospital, a team of doctors in the emergency room treated Ms. Gerney as soon as she arrived. They made the first determination that her crushed legs might be saved.

Upstairs in the operating room, a group of skilled microsurgeons, neurologists, orthopedic, vascular, and plastic suregons went to work to save both legs. When the operation was over, Ms. Gerney's legs were termed "viable." Her chances of recovery are considered excellent.

Today Brigette remains a patient of Bellevue, having undergone more surgery since her arrival. She is alive, her spirits are high, she is on the road to recovery. Bellevue is there for Brigette Gerney, as it has been for countless others during its 249 years of continuous service.●

TRIBUTE TO ART TOWNSEND

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. BROWN of California. Mr. Speaker, I would like to take this opportunity to recognize one of my district's leading citizens. Mr. Art Townsend, who was voted "Publisher of the Year" by the West Coast Black Publishers Association, is celebrating the 20th anniversary of his newspaper, the Precinct Reporter. This publication was the product of Mr. Townsend's involvement in the civil rights movement in the 1960's. Today, this weekly newspaper serves readers in more than 15 different communities throughout the inland empire.

Born in Florida, Mr. Townsend moved to California after a tour of duty in the U.S. Navy. He completed a B.A. degree at the University of California at Los Angeles before moving to San Bernardino. Art has shown his commitment to the principles that inspired his publishing career by active and distinguished participation in the community. He has served as commander of American Legion Post 710, and is a branch president of the NAACP. Art is a charter member of the San Bernardino Juvenile Commission and the founder of the San Bernardino Boys' Club.

A man of many talents, Art is not only an award-winning publisher, but he has a successful property management business with his son, Michael. Largely due to his efforts, San Bernardino and Ila Ife, Nigeria have become sister cities. As a result of this diplomatic effort, Mr. Townsend and his family have hosted Nigerian royalty and high officials who have visited southern California.

I would like to join the many friends and distinguished local leaders in wishing Art and his wife Mary Ruth a hearty congratulations for their 20 years of service to the inland empire. I wish them continued success as the Precinct Reporter enters its third decade of service as a driving educational and cultural force, echoing the themes of black pride in a diverse community.●

WE CAN NEVER FORGET!

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mrs. JOHNSON. Mr. Speaker, as we begin the observance of National POW-MIA Recogniton Day I thought I would share an article which recently appeared in one of the newspapers in my district, the Farmington Valley Herald. It is a moving story which shows how one American did not forget and it shows us all that we can never forget those who gave their lives for their country and our dearly held principles.

I urge my colleagues to read this article and pay special note to the epilog and the closing poem, "Do not stand by my grave and cry. I am not there: I did not die. As long as someone remembers me, and what I tried to do, I am alive." We must never forget those who sacrificed their lives and those who remain POW-MIA's.

[From the Farmington Valley Herald, May 23, 1985]

"WAR STORY" PROVIDES VIETNAM-SIMSBURY LINK

(By Lou Ball)

WHAT IS PAST IS PROLOGUE

The following is a true story. It might have happened to any one of us, given the circumstances. There is an incredible interweaving of events and relationships, starting in 1967-68, when this writer was advisor to Simsbury's first A.F.S. exchange student.

One of Rudi's friends was a junior, a good student and fine soccer player, and very serious about his loyalties. This friend graduated in 1969, and enlisted in the U.S. Army. His was another face in that yearbook, until we received a touching letter of inquiry. That letter set off a succession of events that will reach a high point on Monday, May 27, at the annual observance of Memorial Day.

The story needs no writer, for the events and people speak for themselves.

THE FIRST LETTER COMES

January 7, 1985.

To the EDITOR:

I am appealing to you for help which I doubt will be available otherwise. First of all, I do not wish to disturb anyone else for fear of opening old sorrows.

I lived in Connecticut from 1955 to 1976, mostly in Bristol and then Winsted, New Hartford. In 1976, I returned to active duty at the Pentagon and have been in the Washington area since that time.

In June 1970, I stopped by Fort Bragg en route to Fort Benning, Ga. At my quarters' reception desk, I met a young sergeant from Simsbury awaiting orders to go to Vietnam. I offered to deliver message or anything else for him as I would be returning to Connecticut in September, but he said he'd be on leave anyway. I did not see him after that.

In February, 1971, I was stunned to read in the paper that a "Simsbury native" was "killed in Vietnam." That would mean he had barely arrived in Vietnam for a few months. I have been constantly moved by that thought and saddened.

I want very much to lay a wreath in his memory at the Vietnam Memorial in Washington. Unfortunately, I could not remember his name. . . . I cannot find a casualty from Simsbury in that period of time. . . . As I mentioned in the beginning, I do not want to bother anybody if the boy still has family, certainly not to reopen wounds and sorrow. I just want to remember a young boy who came into my life so briefly.

If it helps, I remember the story of his death saying something about his thinking of going to West Point, but deciding to join the Army first to see how he would like it. If you can help me I shall be eternally grateful.

Respectfully,

Colonel JOHN LEE.

THE FIRST CONNECTION MADE

Dear Colonel Lee:

There were three casualties from Simsbury in Vietnam. LT William Keithline, SGT Arthur Smith, and PFC William Markarian. SGT Arthur Smith, son of Mr. and Mrs. William Smith, Cardinal Road, Simsbury, U.S. Army Special Forces (Green

Berets), died on January 28, 1971, while engaged on a combat mission into Cambodia with a helicopter assault team. He was returned to America in February, 1971, and interred in Arlington National Cemetery: Grave 154-a, Section 25.

He was awarded the Bronze Star, two decorations from the Republic of South Vietnam, the Army Good Conduct Medal, the Combat Infantryman's Badge, the Paratrooper's Wings, and recommended for the Purple Heart. Survivors: mother, Mrs. William (Judy) Smith; a sister, Annaliese; and father, William Smith, U.S. Navy (deceased).

HIS MOTHER SPEAKS

I was born in Germany and was a little girl during World War II. I remember relatives who were taken away to "old age" camps and others who were arrested because they didn't agree with the party people. I didn't understand why they took so many, but we knew it was wrong. We prayed for the Americans to come, even if they came in big bombers to destroy the cities and to drop fire bombs. Darmstadt was practically wrecked.

I recall as clearly as yesterday that the fighter planes we called "jabboes" flew very low to the ground to protect the B-17's and to find flak stations. We were playing in a marked playground when a fighter came over low and firing his machine guns. Two of us managed to escape unhurt into a ditch. My mother said that maybe he's just lost some comrades in one of the planes that were shot down, and was angry. She told us there was a big difference between anger and hate, as anger passes, but hate destroys.

When the war was over and the Americans came, we found that they were not mean like other soldiers, but anxious to help us restore our lives and homes. They came here to destroy the evil that had taken over Germany, and to let people be free again. I promised myself that I would try to go to America and be like them, and let my children grow up without fear or hatred, as in Europe.

America was a new country and its people were basically good, and their fighting troops by far the kindest.

My wish came true and I became an American. You can't understand what it's like to be free after living in a dictatorship. We taught Artie and his sister that there was evil in the world, and we had to be aware of it and fight it, not stand back in silence. He took that responsibility very seriously, and we talked a lot about history and the evil in Asia. He volunteered to go to Vietnam, you know.

HIS TEACHER REMEMBERS

Artie was a good student and excelled in soccer. As his advisor, I was aware that he was troubled about injustice and the fighting in the world. Congressman Meskill wanted to recommend him for West Point, but I suggested he try the army first to see if he liked it, and then make his decision about college and a career.

Like most men, he had some selfdoubt, and as a former Green Beret myself, I told him he might try for selection into the Special Forces, suggesting that the discipline and effort would prepare him for anything he might face in life with confidence and purpose.

I have felt badly that if he hadn't tried so hard to succeed that he might have taken another path. Yet, I was very proud of him when he made it, and came to Simsbury High to show me his uniform.

VIETNAM VETERANS RECALL

We were all kids, really. All we knew about war was what we saw in the movies. And being able to compete successfully with other young men from across America is stimulating.

When we go to 'Nam, it wasn't fun any more. The big camps weren't too bad, but out in the boonies, you really felt you were all alone, a long way from home.

THE MOTHER SPEAKS

Artie wrote home a lot. He said waiting for the assignment to Vietnam was difficult, because one day it was Alaska, and the next somewhere else, and the next, wait for orders. He was very proud of his unit, and I thought: My little boy is grown up to be a man.

THE SECOND LETTER COMES

To the EDITOR:

Thank you for kind and, may I add, your very uplifting letter concerning Artie Smith. You cannot guess how it has affected me, and I too, have been disturbed somewhat over the years at not being able to do something to remember him. I know that it was just a passing meeting back so long ago, but the brief acquaintance made it all the more poignant for me. When the Vietnam Memorial finally was unveiled, I knew that I just had to do something.

I came to the U.S. from China in 1949, never expecting to see my parents again ever. I watched the marines come down the main boulevard in Peking and greeted them with English. Later on I met a naval officer who helped me get enrolled at Colby College in Maine when the Communists closed in and I had no place to go. I owe this country and some super individuals much (my life, to start).

This past June, I served at the U.S. Embassy in Beijing, People's Republic of China for a couple of weeks. It is true that you "can't go home again." I was glad to be back in the States which is my home and my country.

THE MOTHER SPEAKS

There was a lot of mixup when the sergeant came to tell me Artie had been killed in Cambodia. First he was, then he wasn't. Then a colonel came to tell me what happened. They told me that since Artie was on a secret mission, I shouldn't discuss it outside my family.

If it wasn't for Father Cunningham and the Sisters at St. Mary's, I would have gone crazy. And they are still saying it was an "unpopular war." Just a few days ago, when they had the parade in New York, the lady on television said "unpopular" twice.

Has there ever been a popular war? Has there ever been a mother who was "glad" that her only son gave his life in some far off place we never heard of?

When they brought him back, everything inside me said "No-no-no. That isn't Artie at all." Then after the funeral, I started getting his last letters from Vietnam. For 14 years, I have held out hope that somewhere, he's still alive. And when Bill died, and Father Cunningham died, I had to keep that pain inside. And then you came along.

VIETNAM VETERANS RECALL

The nights were the worst. During the day, you saw and did things that were so horrible that you had to puke. Do you have any idea of what those jungle booby traps can do to a man? Or those fiendish wooden bullets?

After a while, you didn't know whether it was a man, woman or child shooting at you, but you just knew it was either them or us.

But at night, the silence was something you felt—heavy and oppressive. And there was a cold, dripping acid fear that made you start awake at the slightest sound—was that your buddy getting his throat cut by those phantom VC—or just snoring? You just never knew.

THE MOTHER SPEAKS

The holidays are the worst. And January. I dread January 28, and there's no place to hide. I force myself to send a wreath for Artie's grave, and I keep hoping someone will call to say they've found Artie.

I want to think I gave my only son so that others might be free. The irony is that they forgot even to give him the Purple Heart. There are over 57,000 heroes! Do you know that?

I can't bring myself to see that wall, because I'm a mother. Did I do wrong to bring him up to protect others and to do what had to be done to stop wars? Yes, to stop wars!

VIETNAM VETERANS RECALL

We were afraid that no one would ever know that when our country called, we gave it out best—whatever it cost. There are no words for it. You knew you did what you had to do and you wish to hell somebody cared. I'm no hero and I'm not asking for anything special. I gave up something. Call it "innocence" or whatever, but there is something down deep inside me that hurts and I don't want to face it. We're angry because we think we were used by that administration, but now, people are beginning to really care.

THE THIRD LETTER COMES

JANUARY 28, 1985.

Enclosed are some pictures of the flowers I placed on his grave. You mentioned that someone else would be placing a wreath, which explains the one on the right. I do not know who did it. It was a rather bleak and soggy day, but the grave itself is not hard to locate. While I was there, I could hear the three-volley salute at another funeral in the distance, and the sound of Taps, which added a further poignant note. Afterwards, I went to the Vietnam Memorial. During the day, a day of work, there were not too many people. But I have noticed that, even on a weekend, it seems to be rather quiet, even more so than Arlington National Cemetery. Just people trying to get a glimpse of someone's name, lost in their own thoughts.

ON THIS MEMORIAL DAY

This Memorial Day.—On Monday, May 27, Simsbury will observe Memorial Day, SGT Paul Dlubac, Adjutant of Metacomet Post 1926, Veterans of Foreign Wars, and Dick Dart, Adjutant of Tomalonis Hall Post 84, American Legion, have extended an invitation to the public to participate in ceremonies at Eno Memorial Hall following a parade which will start at 1:30. Colonel John Lee of Alexandria, Virginia, will be Parade Marshal and speaker.

He will present the medal and citation for the Order of the Purple Heart to Mrs. Waltraud Smith Jones, mother of SGT Arthur Smith, who died a hero in Cambodia on January 28, 1971. Full military honors will be observed, including a fly-over by aircraft of the Connecticut Air National Guard. All veterans, particularly those who served in Vietnam, were asked to stand and be present, to be honored by their fellow countrymen and those who hold freedom close to their hearts.

But in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this or that ground or honor these men and women who have struggled and suffered to permit other men and women to be free. Is there a greater sacrifice in giving one's life in a burst of unutterable pain, or in being left behind, to weep, to wish and to wonder? What is the real cost of liberty—eternal vigilance, or a currency that we cannot understand until we have paid the full price?

Vietnam was a unique war: one that we could see on the 6 o'clock news, one which we could hear, but not smell or taste or feel. It was a war where we discovered that women and children were killed as readily as combat troops, a fact of every war in history. It was a war where we learned that there are no winners—just losers. It was a war which taught us that there cannot be another war, but neither can there be freedom without someone to defend it.

AN EPILOGUE

"Do not stand by my grave and cry. I am not there: I did not die." From a poem written by an anonymous soldier who reportedly was killed in action. In the poem, the soldier wrote that, although he might die, his spirit would live on.

"As long as someone remembers me, and what I tried to do, I am alive."●

TO ROLLBACK THE CORPORATE AVERAGE FUEL ECONOMY STANDARD IS NOTHING SHORT OF SCANDALOUS.

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. STARK. Mr. Speaker, while the move today by the administration to rollback the corporate average fuel economy standard [CAFE] is absolutely foolish, it is not surprising. This administration has a consistent history of reversing programs like the CAFE standards which are devoted to fuel economy program begun during the mid-1970's energy crisis.

The National Highway and Traffic Safety Administration [NHTSA] assigned to the fuel economy program in the 1980, 27 employees. Now, there are six. The light truck CAFE standard had been set for 21 miles per gallon for 1985. Now, it is 19.5 miles per gallon. For many years, the Federal Trade Commission has specified that advertisers of new cars use the standardized EPA fuel economy ratings. Now, the FTC is proposing that advertisers of new cars be allowed to use the fuel economy ratings of their choice.

The record is long and consistent. Rolling back the standard reverses 8 years of steady increases in auto fuel economy and seems to say that there is no longer a need to deal with energy problems. This could not be further from the truth.

Gasoline imports have more than doubled since 1980. Last year alone these imports rose 8 percent and close to one-third of U.S. demand for oil was met by foreign imports. If the Lebanon hostage crisis reminds us of anything, it's the world's vulnerability to a cutoff of some—or all—Mideast oil.

Retaining the CAFE standard at 27.5 could have saved millions of barrels of oil a year. Instead, this administration has chosen to renege on past administrations' commitments to energy conservation, to increase U.S. dependence on foreign imports, and to penalize those companies that have strived toward, and met the standard.

This move by the administration is nothing short of scandalous. We will pay for it in the future with gasoline lines and billions in higher oil prices.●

A TRIBUTE TO MRS. SALLY G. HEIMBROOK

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1985

● Mr. KOLTER. Mr. Speaker, today I would like to recognize the achievements of Mrs. Sally G. Heimbrook, a constituent of mine from Beaver, PA. On September 10, 1985, Mrs. Heimbrook will be installed as president of the Pennsylvania Association of Realtors. This honor is certainly both well-founded and commendable.

Election to this esteemed position promises to serve as a culminating factor of her real estate career which has, thus far, constituted 28 years of work and dedication. In addition to a background of active membership in and involvement with the Beaver County Board of Realtors, Mrs. Heimbrook has, since 1975, been active with the Pennsylvania Association of Realtors. Furthermore, this busy woman is presently serving as a director to the National Association and is a member of National's State and Board Forum and the Economics and Research Committee.

Mrs. Heimbrook's impressive and extensive background in the real estate business includes being recipient of the 1973 Relator of the Year for the Beaver County Board, as well as being recipient to the Outstanding Service Awards for years 1975, 1980 and 1983. Citation of Mrs. Heimbrook's nomination for Beaver Country Woman of the Year must also be included in her long list of merits.

I am proud to congratulate Mrs. Sally G. Heimbrook on her forthcoming presidency of the Pennsylvania Realtors Board and I offer my best wishes for her continuing contributions to the real estate field.●

SENATE—*Friday, July 19, 1985*

(Legislative day of Tuesday, July 16, 1985)

The Senate met at 10 a.m., on the expiration of the recess and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of justice and mercy, today is National POW/MIA Day. We remember with gratitude those thousands who sacrificed with their lives during this period of our history filled with so much controversy, vituperation, and dissention. We recall with shame our ungrateful response to the brave men and women who returned from Vietnam and should have been welcomed with honor and thankfulness.

But most of all, Father in Heaven, we remember the wives and children whose loved ones did not return—who have had to live under the worst kind of uncertainty and apprehension without relief. May they be encouraged by the recognition of this day that they and their loved ones have not been forgotten—that there are those who continue to care and to seek answers. Gracious God, be with those who are working on this aggravating problem—resolve it to the relief of those who have been waiting so long and to Thy glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the two leaders will have 30 minutes each, followed by a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes. Following the execution of the special order, there will be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m. with statements limited therein to 5 minutes each.

Following routine morning business, the Senate will resume consideration of the motion to proceed to the consideration of S. 43, the line item veto.

It is my understanding we have maybe three, four, or five bills we will be able to take care of today without rollcall votes. We would like to take care of those, in addition to any items on the Executive Calendar.

We are encouraging Senators to let us proceed with other noncontroversial matters today and Monday so that we can clear the decks of nearly every noncontroversial matter before the August recess.

It will be my intention to file a cloture motion on the motion to proceed to consideration of S. 43, later on today and to have a vote on the cloture motion at about 2 o'clock on Tuesday.

I hope that we will have the votes necessary to proceed to the consideration of S. 43.

I have indicated before, Mr. President, this is a matter of special interest to the President of the United States, a matter he feels strongly about. It seems to me that if 43 Governors have the right to exercise line-item vetoes, the President should have some similar power to more or less balance the interests between the legislative and the executive branches, particularly when we are being overcome with the Federal debt, which is growing, growing, and growing.

It is pretty hard for me to understand how we can say we are serious about the deficit if we are not willing to give the President one of the tools he needs to fight this problem.

In any event, there will be a cloture motion filed later today. And hopefully as I noted earlier, we will dispose of four, five, or six items on the Legislative Calendar and probably recess fairly early today.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MATTINGLY). The distinguished minority leader is recognized.

NATIONAL POW/MIA RECOGNITION DAY

Mr. BYRD. Mr. President, America is a nation with far-flung interests and commitments in all major regions of the globe. As a great power, America today is exercising her responsibilities with particular focus on Central America, the Middle East, NATO, and Soviet relations. Over time, our Nation's interests shift to meet the challenges of the moment. This is in the nature of things, of course, but in executing such shifts in national attention, our collective national memory is too short. Such is the case with reference to Southeast Asia.

It is perhaps inevitable that the stinging disappointments that we experienced in the prolonged Vietnam conflict have resulted in a serious lack of attention to the human tragedy that now engulfs the states of what was formerly called Indochina—Vietnam, Laos, and Cambodia. It is important that we remind ourselves that America always has been, and remains an Asian power with important military and commercial interests across the arc of the Pacific. It is important that we maintain a sense of responsibility to that region, an adequate level of awareness of events; an awareness of the interests of our Asian allies in maintaining a sufficient level of involvement there; and a commitment to America's unfinished business.

At the top of the list of America's unfinished business is the matter of the over 2,400 missing in action—both civilian and military—in the Vietnam theater.

Each of these Americans, each of these men and women, is precious to a father, mother, wife, husband, son, or daughter. They are beyond our sight, but never beyond the reach of our love and caring.

Ten years after the end of the Vietnam war, the fate of these brave men and women remains a mystery. Accounting for these Americans is a matter of national policy.

In large measure, we retain this commitment because of the dedication and strength of spirit shown by the families of those missing or unaccounted for. Through the years of disappointment, uncertainty, and pain, they have organized vigils, met with officials, written countless letters, and articles—all to the end that those Americans not be forgotten. That profound concern has prodded our national conscience. It has kept the issue before us. It has forged a kinship with millions of Americans who share the need to know about the fate of so many of our countrymen.

Two years ago, as I looked over that long list of names of those missing, I became convinced that the Congress needed to reaffirm its commitment to them in a tangible way. I could think of no more fitting way to accomplish this than by striking a commemorative medal to be awarded to those missing in action or otherwise unaccounted for and to be presented to their families by Congress. I introduced legislation to authorize a national commemorative medal by the U.S. mint. My colleagues concurred with my sentiments, and the bill passed unanimously in the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Senate, was approved by the House, and was signed into law. The result of those efforts is an enduring symbol of this country's commitment to those missing or otherwise unaccounted for.

I am glad that I was able to help create a tangible symbol of this country's commitment to those brave Americans. I am grateful for the opportunity to join with my colleagues in a national day of recognition of the sacrifices which they—and their families—have made on our behalf.

Mr. President, I ask unanimous consent that I may reserve the remainder of my time throughout the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for a period not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

THE GENOCIDE CONVENTION: ON THE CALENDAR—LET'S MOVE

Mr. PROXMIRE. Mr. President, in the closing hours of the 98th Congress, the Senate declared its resolve—by a whopping 87-to-2 vote—to debate the Genocide Convention as one of its first orders of business this year.

After many discouraging delays, we are now back on track.

Today, the Foreign Relations Committee will file its report on the Genocide Convention and the treaty will at long last take its place on the Executive Calendar and be available for consideration.

Mr. President, this is a happy day. This is the calendar; the No. 1 item on the calendar now is the International Convention on the Prevention and Punishment of the Crime of Genocide.

We have waited 35 years for this. It is the sixth time it has been reported by the Foreign Relations Committee. We have not acted on it. Now, at long, long last, perhaps we can get some action.

Mr. President, it has been a long road to reach this point.

When the 98th Congress adjourned, the Foreign Relations Committee had already held 12 days of public hearings since the Genocide Convention was first submitted to the Senate, hearing from 87 witnesses, receiving well over 200 submissions for the record and compiling a hearing record stretching nearly 1,500 pages in length. The committee had recommended ratification five separate times.

This year, the committee decided to hold a 13th day of hearings on March 5, and heard from an additional 12 witnesses, adding over 200 pages to that record.

In addition, the committee held two excutive sessions in considering its recommendations and, on May 21, ordered the treaty reported for the sixth time. Today, nearly 2 months later, the committee report has now been filed.

Mr. President, the last excuse is not gone. The Genocide Convention is now on the Executive Calendar. Now is the time to act.

Why wait any longer?

The Senate has had six separate recommendations from the Foreign Relations Committee over a 15-year period to ratify this treaty.

Seven Democratic and Republican Presidents—including President Reagan—have asked us to act.

Our own resolution from last year declared our intent to move ahead expeditiously. Now that the treaty is on the Executive Calendar, it is time for the leadership to move the Genocide Convention to its "A" list of priorities.

After all, the budget resolution is still before the conference committee with the prospects for a quick compromise growing dimmer each day.

We have no appropriations bills pending on the calendar. There is no reconciliation bill waiting in the wings. And the tax bill is still many months away.

What could be better? We have an opportunity to debate and adopt the Genocide Convention in the next few weeks before we adjourn for the August recess. And we should seize that opportunity.

Mr. President, I have been speaking on the floor of the Senate now every single day since January 11, 1976, that the Senate has been in session, pleading with the Senate to, at long last, outlaw the planned, premeditated murder or extinction of an entire ethnic group. I am talking about what the Nazi Party did to the Jews in Europe before and during World War II, the terrible genocide of Cambodians by the Communists more recently—a terrible international crime that goes on and on. Every other developed nation in the world has passed a genocide treaty except the United States of America. Every President since Eisenhower has called on the Senate to pass this treaty, including President Reagan. The Senate has refused to do it. At long, long last, we can act.

MYTH OF THE DAY: THAT DEMOCRATS OPPOSE AMERICAN MILITARY STRENGTH

Mr. PROXMIRE. Mr. President, the myth of the day today is the widely shared belief that many Democrats including a large number of those elected to the Congress oppose virtually all new military procurement and vote to cut military spending on all fronts. In fact, one of the most highly respected columnists in the country, David Broder, reported on Wednesday that Chairman LES ASPIN, chairman of the House Armed Services Committee, said:

> It would help the Democrats "to be for something" in defense, since polls during and after the 1984 election showed a great many voters thought Democrats had never met a weapons system or military expenditure they didn't reflexively despise.

So how about that? Is this widely believed opinion true or is it a myth?

Mr. President I speak as one whose opposition to some of the military procurement proposed by the Defense Department has been as consistent as that of any Democratic Member of the Congress. I say the opinion is a myth—a total myth. Sure, many of us oppose binary nerve gas, the MX, the B-1B bomber, the new aircraft carriers.

This Senator opposes every one of those weapons systems and, because they have been included in most of the recent Defense authorization and appropriations bills, I have voted against the entire bills as a protest. Does that mean that those of us who oppose these weapons "never met a weapon system or military expenditure we didn't despise." I am sure that myth is widely believed in the public. Why is it untrue?

Here is why: In every case this Senator and my colleagues Democratic and Republican who voted "No" on these weapons were convinced that they were a waste of money. For instance, we oppose the MX because it is a fixed stationary, land-based missile, a sitting duck. On the other hand, if there is any opposition from any congressional Democrat to the D-5, hard target kill missile, I have not heard it. Why do we support the D-5? For the same reason we oppose the MX. The MX is vulnerable so we oppose it. The D-5 is not vulnerable; we favor it. The D-5 would be based in submarines, that move constantly, quietly, and invisibly under the ocean. The D-5 and the MX both have similar missions. I enthusiastically support the D-5. I oppose the MX. Ideology has nothing to do with it. Practicality and workability have everything to do with it.

Similarly, many of us Democrats strongly opposed the B-1B bomber. Sure, it is a newer bomber than we previously had in our arsenal. But it has a radar cross-section like the Washington Monument and the single biggest military advantage enjoyed by the Soviets is their heavily defensed air space. No way the B-1B can penetrate that air space. On the other hand, virtually every congressional Democrat strongly favors the Stealth bomber—that will be available in 3 or 4 years. It has the same mission, but it has a great advantage: It can penetrate Soviet air space because its tech-

nology enables it to evade radar. The B-1B cannot. Again, there is no ideological problem here. Simply a question of: Will it work or won't it? The Stealth will work. The B-1B will not.

Then there is the aircraft carrier. Just think of it, Mr. President, we are the only country in the world building the big majestic, glamour girls of the fleet—the aircraft carriers. The United States already has 13 large attack carriers. We are now adding two more at a cost—including the necessary planes and task force support ships—of $15 billion for each carrier. And what similar force do we oppose in the Soviet Union's fleet? They have two small carriers. How much of an advantage do we need? Admiral Rickover told the Senate in his swan song testimony 2 years ago that, in a war with the Soviet Union, our entire aircraft carrier fleet would last about 2 days.

Now how about the Trident submarine? Here is a weapon system that constitutes this country's prime deterrent. Each submarine has enough explosive power to wipe out—and I mean totally eliminate—every major city in the Soviet Union. Do Democratic Members of the Congress oppose it? No, indeed; we enthusiastically support it. Again, this is not a matter of despising a weapon system. There is no ideological antidefense prejudice here. It is a matter of saying let us spend the colossal amount we pay for our defense on our most effective weapons. Let us not waste money on ineffective weapons.

Finally, how about the binary nerve gas? Mr. President, this country has an abundance of poisonous gas now. It is true the binary nerve gas may be more efficient. Nerve gas is a hideous weapon, but this Senator would have no problem voting for it on that account. I oppose it because this is the nuclear age. It is not 1914 or even 1941. No country is going to use nerve gas or any other poison gas against a nuclear power, not if they want to stay alive.

Sure, the Soviet Union probably has used chemical or biological warfare against the Afghans. Would they or anyone else use it against American troops? No. And not because we have our own supplies of poison gas, but because we have nuclear weapons and a chemical or biological attack would provoke an overwhelming military response—if necessary, with nuclear weapons. Such a response would be more decisive and more justified morally than the chemical or biological attack that provoked it. In any event, America's vast nuclear arsenal makes the likelihood of a chemical or biological attack on the troops of this country virtually nil.

So, Mr. President, the contention that Democrats despise deadly military weapons is nonsense. I have observed my colleagues and talked with them at length on military spending. We fully understand the unfortunate fact that we must have military weapons that will kill and destroy. Like virtually every other human being, we regret that fact. But simply because we vote against those weapons that are wasteful and inefficient does not mean we oppose military strength for our country. The notion that we do is a myth.

WHY NO DEBATE IN THE SENATE ON THE ARMS RACE?

Mr. PROXMIRE. Mr. President, in this land of the Bill of Rights that enshrines dissent as a sacred right, why is there almost no visible dissent over the onrushing arms race? The marvels of science that have brought us radio and television, a miraculous and safe landing by man on the Moon, computers that can make millions of calculations in the wink of an eyelash, are now more and more being directed in each superpower to find quicker, surer ways to destroy our fellow man. What a perversion.

We stand on the very brink of finding a cure for diseases that have plagued mankind. Already medical science has crashed through the age-old barriers that for so long blocked progress against cancer—the agonizing killer. Now, for the first time, a cancer victim—like President Reagan—has a better-than-even chance of surviving. Even against the biggest threat to human life of them all—heart disease—brilliant medical scientstists have succeeded with greatly improved bypass operations to prolong full and healthy lives. Transplantation of human hearts and other vital organs have also extended the miracle of life.

So what does the Bill of Rights and America's great pride in dissent have to do with our superb scientific progress? For the answer, consider another question. Why have we failed to engage in a debate worthy of the immensity of the issue on the wisdom and merit of this America diverting its great treasure of scientific genius from building a fuller, richer, healthier life for our citizens—indeed, for all mankind—to building even more destructive nuclear weapons with which to bury all mankind? Why death over life? Oh, sure, the big pitch now is for nuclear defense—a star wars. And, yes, the expressed purpose of this defense is to intercept and defeat the missiles of death from the other side. What is wrong with that?

Plenty. Virtually every star wars breakthrough—from laser beams designed to smash incoming missiles to skin hardening of star wars hardware to protect against laser and heat and concussion, almost all of the star wars technology is at least as well suited to serve the offense. These spectacular star wars breakthroughs will themselves destroy any dream of a star wars defense. They will simply enable offensive missiles to rain down a surer and swifter storm of death and destruction.

As long as the two superpowers channel more and more of the genius of their scientists into a technology that is designed to gain military victory, whether in offense or defense, the arms race speeds on, closer and closer to death and destruction. Here we have the U.S. Senate, the one parliament on Earth where we have unlimited debate in the cradle of freedom and dissent—the United States of America. But where are the voices of protest?

This Senator believes we must continue to strengthen our strategic; that is, our nuclear forces with such, as I just stated, as the Trident submarine, the new D5 hard target kill missile—to be deployed on the Trident. I favor, as I said, the new Stealth bomber that can penetrate the heavily defensed air space of the U.S.S.R.

Why do I favor this degree of America's participation in the arms race? Because I believe this kind of military muscle will serve us in negotiations with the U.S.S.R. to end the arms race. But anyone with an eye to see and a brain to think understands that unless the superpowers negotiate in good faith, the buildup to strength will only lead to a more terrible and cataclysmic war. Arms control negotiations are crucial. So what are the prospects for successful arms control? Will they succeed? The negotiations in progress now at Geneva will not stop the arms race. Why? Here is why: The President has made it clear that the end of the arms race is not his purpose. The expressed Reagan purpose for the Geneva arms control talks is to reduce offensive missiles on both sides. That is mission impossible as everyone except President Reagan seems to understand. Why impossible? Because the Soviets will not, cannot agree to reduce the number of the offensive missiles at the very time the United States is preparing to throw its full scientific resources into an antimissile defense. Why not? Because star wars can only succeed if the U.S.S.R. agrees to stop building more offensive missiles and agrees to reduce the number of missiles they now have. What possible consideration could persuade the U.S.S.R. to make our day by agreeing to collapse the credibility of the deterrent that makes them a superpower? That is precisely what our negotiators are proposing at Geneva. Is there any wonder why the Soviets won't do it?

So the arms race goes on. And where is the challenge in this greatest deliberative body in the world calling for an end to this headlong rush to nuclear extinction?

In the Soviet Union they do not allow public dissent from their party

line. That is their weakness. In this country we treasure debate and dissent from our most vital public policies. But where is it?

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business to not extend beyond 11 a.m., with statements therein limited to 5 minutes each.

TRIBUTE TO FORMER U.S. REPRESENTATIVE LESLIE ARENDS OF ILLINOIS

Mr. THURMOND. Mr. President, I was greatly saddened to learn of the death on Tuesday of an outstanding gentleman and dedicated public servant, former Congressman Leslie Arends of Illinois. I rise today to pay tribute to Les Arends, whose service in Congress is remembered by everyone who knew him as truly distinguished.

Mr. President, Les Arends was a superlative public servant. Indeed, he dedicated much of his life to serving the people of Illinois and of the entire Nation. A man fiercely devoted to the principles of conservative Government, Les Arends was, nonetheless, an individual respected and admired by Members of Congress on both sides of the aisle. He will be missed, not only by those who served with him in Government, but by his countless friends and supporters who admired his warmth, integrity, and friendship.

First elected to the House in 1935 to represent Illinois' 17th District, Les Arends quickly gained the respect and affection of his Republican colleagues. A short 8 years after his first election to the House, Les was selected as minority whip—a post which he continued to hold until his retirement from Congress in 1975.

A graduate of Oberlin College in Ohio and a veteran of the U.S. Navy, Les also served his State as a member of the Ford County Farm Bureau and as a member of the board of trustees for Illinois Wesleyan University at Bloomington.

He is best remembered, however, for his 40 years of service in the House, a tenure of office during which I had the distinct pleasure and privilege of working with him on many issues.

Among his many accomplishments in the House, Les was renowned for his service on the Armed Services Committee—where he was a tireless and effective voice for building a defense second to none. He believed in a strong America, one which could always withstand the threat of enemies seeking to subvert and overrun our people and their freedom.

Les carried the banner of a strong defense during a time when that philosophy was not always popular. He always fought valiantly for maintaining a strong military and for a conservative and responsive Government. Perhaps his greatest quality, though, was his ability to fight hard for what he believed in without incurring enemies. His most stalwart opponents always acknowledged their great respect and friendship for Les Arends, and that, Mr. President, is a special accomplishment indeed.

We are saddened by the death of Leslie Arends, but we remember with fondness his accomplishments and his service in this building. I know all of my colleagues join me in extending to his lovely wife, Betty; his daughter, Leslie Eckel; and other members of the Arends family our deepest sympathy and condolences on his death.

Mr. President, in order to share more about the life and accomplishments of Les Arends with the Senate, I ask unanimous consent that two articles from the New York Times and the Chicago Tribune to printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LESLIE C. ARENDS, HOUSE MEMBER FOR 40 YEARS, DIES

[From the New York Times, July 17, 1985]

(By Joan Cook)

Leslie C. Arends, who represented Illinois for 40 years in Congress and served as House Republican whip for more than 30 years before he retired in 1975, died of a heart attack yesterday at Naples Community Hospital in Naples, Fla. He was 89 years old and maintained a home in Washington as well as in Naples.

Representative Arends was considered the consummate partisan; his devotion to the Republican Party was so great that his entire career was spent supporting it, defending it and praising it with all of his considerable vigor and diligence.

Leslie Cornelius Arends was born Sept. 27, 1895, in Melvin, Ill.

"I was brought up right," he once said, "as a Republican."

He grew up on his father's farm and, after two years at Oberlin College in Ohio and three years in the Navy in World War I, he returned to Ohio to begin farming and banking with his father. For several years he was president of the Commercial State Bank in Melvin, started by his father. He operated two farms, both of which he rented on a share-cropping basis.

ELECTED IN 1934

In 1934 he was elected to Congress to represent the 17th District, which began south of Chicago and ran south into the central part of the state, and included Melvin.

In 1943 he was elected Republican whip. The chief duties of the whip, or assistant party leader, are to round up party members and see that they are on the floor for major votes, along with keeping them informed on the legislative schedule and helping the House party leader hold a solid block of votes in line for the party's side of major issues.

As ranking Republican member of the Armed Services Committee, he had a voting record that was considered conservative; he was responsible several times for blocking the proposed closing of Chanute Technical Training Center, the Air Force base in Rantoul, Ill.

In 1971, Mr. Arend's area was redistricted and became the 15th District. In October 1973 he said he would not seek re-election when his term ended in January 1975, giving Republican John J. Rhodes, Republican from Arizona, a clear shot at his replacement as whip.

"Now more than ever we need unity, not division in the Republican ranks and in the Republican leadership in Congress," he had said shortly before he announced he would not seek re-election.

"Mrs. Arends and I have now decided the time has come for us to do as a family many of the things my official duties have forced us to postpone in the past," he said.

In 1976, Mr. Arends was named to President Ford's expanded Foreign Intelligence Advisory Board as part of the overhaul of the Central Intelligence Agency and other intelligence gathering agencies.

He is survived by his wife, the former Betty Tychon, a daughter, Leslie Eckel, and a granddaughter.

A funeral service is scheduled at 2 P.M., Friday, at the First Methodist Church in Melvin, Ill.

[From the Chicago Tribune, July 17, 1985]

L. ARENDS, 40 YEARS IN CONGRESS

(By Kenan Heise)

Leslie C. Arends, 89, who represented east-central Illinois in Congress for 20 terms, was House Republican whip for a record 30 years. He voted on issues to ease the Depression, to declare war, to agree to peace, to admit two states to the Union and to deal with Watergate. An adamant Republican, he was a loyalist to President Richard Nixon to the end and felt the country lost by Nixon not finishing his term.

Mr. Arends died Tuesday morning in a hospital in Naples, Fla., where he retired after leaving Congress in 1974. He broke his kneecap in May and recently underwent a third operation on it.

"That was just too much strain for an older heart," his wife, Betty, said. He entered the hospital Sunday with congestion and suffered a heart attack early Tuesday.

He was born in November, 1895, about 100 miles south of Chicago in Melvin, Ill., a farming community that Mr. Arends and his Republican presidential visitors helped make famous.

Mr. Arends studied law at Oberlin College in Ohio and at Illinois Wesleyan University, but he worked as a banker and a farmer, except for a stint in the Navy in World War I.

He was first elected to the House in 1934. Described as "a big-boned farm boy from an Illinois farm town," he was the only Republican to unseat an incumbent Democratic congressman in that landslide election.

In 1943, he was chosen House Republican whip. Of the 20 sessions of Congress in which he served, only two them were Republican-dominated.

"I would have enjoyed it more if Republicans controlled both the White House and the Congress more often," he said when he retired.

He also was a member of the Republican Policy Committee and was for a time the ranking Republican on the House Armed Services Committee. He was the senior Republican in the House at the time he retired.

"I was brought up right," Mr. Arends once said, "as a Republican."

Besides his wife, survivors include a daughter, Leslie Eckel; and a granddaughter, also named Leslie.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

TWENTY-FIFTH ANNIVERSARY OF THE FIRST FLEET BALLISTIC MISSILE LAUNCH

Mr. WARNER. Mr. President, Senator WILSON Joins with me in recognizing that 25 years ago this coming Saturday, July 20, the first Polaris fleet ballistic missile was launched from a submerged submarine. That was a landmark event in the United States' strategic weapons systems development. It proved the emergence of a new and powerful weapon system—whose presence immediately became a survivable deterrent to aggression. The triad was realized.

Rear Adm. William F. Raborn, Jr., the Navy's program director, on board the U.S.S. *George Washington* for the launch, sent President Eisenhower a dramatic message which allowed the Nation to breathe a bit easier:

Polaris: From out of the deep to target. Perfect.

A month after the launch, on August 9, 1960, President Eisenhower reported to Congress:

Never in my long military career has a weapon system of such complexity been brought from its original conception to the operations stage with such sureness and speed—an achievement that in its entirety has taken less than five years * * *.

To this day, Admiral Raborn remains a modest unassuming man, one of the keys to his historic success.

The successive generations of the sea leg of the Triad have continued with the technical excellence and speed, ensuring a reliable and highly survivable deterrence. Since November 1960 when the *George Washington* began her initial patrol there have been more than 2,300 patrols carrying that initial version and 4 later ones. The modernization of our strategic force at sea continues with the Trident II, the sixth generation of that initial Polaris. As we mark this 25th anniversary, we should reflect on the message Admiral Raborn sent to Adm. Arleigh Burke, Chief of Naval Operations, from the *George Washington:*

God grant that we will never have to use this new and powerful sea star in anger, but will be allowed to keep it below the oceanic curtain in the world's greatest hiding place on a silent peace patrol for free men.

Senator WILSON asks that an editorial from the July 18, 1985, Wall Street Journal, entitled Midgetman Vulnerability, be printed in the RECORD.

The editorial follows:

[From the Wall Street Journal, July 18, 1985]

MIDGETMAN VULNERABILITY

As we go to press, the population of the MX, the baby seal of strategic weapons, continues to dwindle. Once a potential 3,000 to 4,500 warheads, the MX count is down to 500. House and Senate members conferring on the budget may continue the slaughter.

As usual, critics of Missile Present favor the Missile Future: the mobile, single-warhead Midgetman, which they say will be harder to attack than the heavy, fixed MX. Yet Midgetman has vulnerabilities of its own. A General Accounting Office report questions both its effectiveness and cost, flaws worth noting if Congress uses Midgetman as an alibi to gut vital programs available now.

For one thing, Midgetman would violate the Carter-Reagan SALT II agreement. Midgetman would be a second "new-type" missile since SALT II, which allows one, was signed. MX skeptics Sam Nunn and Les Aspin suggest that we research and develop Midgetman, which won't be deployed until the 1990s, and worry about SALT II then. Hmmm. This sounds like the administration's plan to research strategic defenses, whose deployment would violate the ABM treaty, and sort out the treaty later—a plan Mr. Aspin and Mr. Nunn attack.

Hypocrisy, of course, is an inescapable part of arms control. Far more troubling is the growing Soviet missile force. It is claimed that Midgetman could survive a first strike by two means: mobility and concealment. But Midgetman's mobility is only 30 miles per hour. It will take Soviet ICBMs 30 minutes to reach U.S. soil; submarine-launched missiles could take less. Whether targeted Midgetmen could be moved far enough to survive is highly problematical. Midgetman launchers can be hardened—but only at a penalty to mobility.

Of course, Midgetman, unlike the MX, carries only one warhead, and is thus a "less attractive target" for the Soviets to strike at, Mr. Aspin says. That's another way of saying it may not be an effective weapon. To make up for cuts in MX, the U.S. must build 1,000 Midgetman missiles. The cost, says the Air Force, would be roughly $100 billion—or $100 million per warhead, against $20 million for MX.

Midgetman does add more targets for the Soviets to aim at, but even if it eluded space/based sensors, the Soviets could overwhelm it with a "dumb barrage." This means chopping up all the areas where Midgetman roams into a finite number of quadrants. If Midgetman is deployed on hard mobile launchers, targeting every single square would take perhaps 500 SS-18 missiles, according to an Air Force estimate, or 5,000 warheads.

By the time Midgetman is produced, the Soviets will have an estimated 20,000 nuclear warheads. (See our July 16 editorial.) Thus even a dumb barrage would not be unthinkable. And the Soviets will not rely on this strategy. They will at worst detect large areas where Midgetman isn't, and leave those untargeted.

Finally, to maintain their deterence value, U.S. missiles must be capable of penetrating robust defenses the Soviets are busily erecting. For that task, the single-warhead Midgetman of the future is likely to be inferior to the multiple-warhead of MX of the present.

Of course, assessing a missile that does not yet exist is highly speculative. But that's the point: Midgetman's merit, as a replacement for existing programs, is at issue. Even Mr. Aspin admits that to survive, Midgetman requires a significant reduction of the Soviet missile force, which doesn't sound to us like a good bet. The safest option is to deploy the surviving MXs and get busy on a missile defense to catch up with the defense the Russians are deploying. Congress will eventually grasp that point. The big question is when?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

LINE-ITEM VETO

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of S. 43.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 43, to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President.

Bob Dole, Mitch McConnell, Al Simpson, Chuck Grassley, Jeremiah Denton, Orrin G. Hatch, Paul Laxalt, Mack Mattingly, Bob Kasten, William Proxmire, Daniel J. Evans, John Warner, Strom Thurmond, Paul Trible, Chic Hecht, John East, John H. Chafee.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond the hour of 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield to the distinguished Democratic leader.

Mr. BYRD. Mr. President, I hope that Senators who wish to speak on the motion to proceed to the consideration of S. 43 will do so. There are a number of speakers, I am sure, on my side of the question, who are against the motion to proceed and against S. 43. We are prepared to speak during the afternoon.

This is a serious matter, Mr. President, and we are all concerned about it, so I should like to take this moment just to urge that Senators who wish to speak, please come to the floor, or let us know that they wish to speak on this subject.

I know there are speeches to be made. I could speak myself, easily, for 12 hours, 15 or 20 or whatever, but I do not want to stand in the way, at this point, of other Senators who may wish to speak. Several Senators on this side of the aisle have indicated that they are prepared to speak. I hope that the cloakroom will get the word out and inquire as to what Senators would like to come to the floor and then we shall do our best to accommodate them as to which Senators want to go first and which Senators would like to wait.

I thank the distinguished Senator from Oregon for yielding. I compliment the distinguished Senator for leading this effort on his side of the aisle to protect the Constitution of the United States and protect the American people against efforts that may be made by well-intentioned Senators but, nevertheless, action which would not, in the long run, inure to the people's benefit—at least in the minds of some of us.

Mr. HATFIELD. Mr. President, I was happy to yield to the Democratic leader. I join him in his request that Senators who have comments and statements to make on this matter of the line-item veto come to the floor and demonstrate the seriousness with which we approach this issue. Of course, I should be very happy to have Senators who support the line-item veto come on this floor and engage in debate as well.

THE CALENDAR

Mr HATFIELD. Mr. President, I have been asked by the majority leader to handle some routine business on the calendar that has been cleared, as I understand it, on both sides of the aisle.

PRIMARY CARE AMENDMENTS OF 1985

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 221.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, if the Chair would withhold before he puts the question—there is no objection on this one.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

A bill (S. 1282) to revise and extend the Public Health Service Act relating to primary care.

The Senate proceeded to consider the bill.

● Mr. HATCH. Mr. President, I urge my colleagues to join with me in approving S. 1282, the Primary Care Amendments of 1985. A complete legislative history, analysis of the bill, and committee views is available in Senate Report 99-104. This bill was unanimously approved by the Labor and Human Resources Committee on June 27, and is identical to legislation passed in the 98th Congress, which reauthorized Federal support for community health centers and migrant health centers and provided State grants for primary care research and demonstration projects, enabling States to become more capable of managing these important health services research programs. The community health centers and migrant health clinics authorized by this legislation represents a significant component of the "safety net," that is the Federal programs necessary to care for those of our citizens least able to care for themselves. Although recent Federal efforts have been successful in restraining the increase in health care costs, traditional medical care is still beyond the reach of some of our citizens. These community based clinics help economically disadvantaged people throughout the land. By providing basic preventive and primary care services they save millions of dollars to Federal entitlement programs by reducing the need for costly hospital care.

Mr. President, I urge my colleagues to join with me in approving this legislation. It will provide the means for states to assume more responsibility for management of these programs. But until States are willing and able to fully manage these programs, Federal involvement is absolutely essential.●

Mr. KENNEDY. Mr. President, I rise in support of the reauthorization of the Community Health Centers, and Migrant Health Centers Program. I am pleased to join with my colleagues, Senator HATCH, in support of this bill, which was reported unanimously out of our committee.

This legislation before us today will help ensure the continued development and vitality of community based health centers. Community health centers have provided essential health services to those most in need for more than 20 years. Study after study has shown that community health centers provide high quality, cost effective care to those who would otherwise lack access to essential health services.

Last year alone community health centers were the primary source of health care services to more than 5 million Americans. Because community health centers are such attractive and effective providers of primary care services, the Federal grant dollars provided leverage services valued at more than twice as much as the direct Federal grants, including funding by Medicare, Medicaid, State programs, private insurance and patient fees.

The need for community health centers is greater today than ever before. The number of Americans without health insurance has increased 40 percent since 1977, from 25 million people to 35 million. The number of the poor and near poor without Medicaid coverage has increased from 37 percent to 50 percent during the same period. Community health centers obviously cannot fill all these gaps, but they are a key resource in providing care to the poor and the underserved at a time when other institutions in our society are doing less and less to meet these important needs.

In addition to reauthorizing the Community Health Centers Program, this legislation includes several important improvements. It encourages expanded activities by State governments in primary health care by establishing a new program of grants to the States for planning and development of primary care services. In addition, the legislation includes several provisions designed to encourage even more effective coordination of State and Federal primary care activities.

Just as the community health centers have provided essential health services to the poor and underserved in urban and rural areas throughout the country, migrant health centers have provided health services to one of the most deprived groups in our society—migrant farm workers. For this group in particular, the services of health centers have often literally meant the difference between life and death.

As the Community Health Centers Program enters its third decade, we in the Congress can express our satisfaction with their accomplishments and our recognition of the continued need for a Federal commitment to health care for the poor and underserved by prompt passage of this legislation.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1282) was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Primary Care Amendments of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

MEDICALLY UNDERSERVED POPULATIONS

SEC. 3. Section 330(b) is amended—

(1) by striking out the second, third, fourth, and fifth sentences of paragraph (3); and

(2) by adding at the end thereof the following:

"(4) In carrying out paragraph (3), the Secretary shall by regulation prescribe criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall—

"(A) take into account comments received by the Secretary from the chief executive officer of a State and local officials in a State; and

"(B) include infant mortality in an area or population group, other factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.

"(5) The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

"(A) the chief executive officer of such State;

"(B) local officials in such State; and

"(C) the State organization, if any, which represents a majority of community health centers in such State.

"(6) The Secretary may designate a medically underserved population that does not meet the criteria established under paragraph (4) if the chief executive officer of the State in which such population is located and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.".

MEMORANDUM OF AGREEMENT

SEC. 4. Section 330 is amended by redesignating subsection (g) as subsection (i) and by inserting after subsection (f) the following new subsection:

"(g) In carrying out this section, the Secretary may enter into a memorandum of agreement with a State. Such memorandum may include, where appropriate, provisions permitting such State to—

"(1) analyze the need for primary health services for medically underserved populations within such State;

"(2) assist in the planning and development of new community health centers;

"(3) review and comment upon annual program plans and budgets of community health centers, including comments upon allocations of health care resources in the State;

"(4) assist community health centers in the development of clinical practices and fiscal and administrative systems through a technical assistance plan which is responsive to the requests of community health centers; and

"(5) share information and data relevant to the operation of new and existing community health centers.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. (a) Paragraphs (1) and (2) of section 330(i) (as redesignated by section 4 of this Act) are amended to read as follows:

"(1) There are authorized to be appropriated for payments pursuant to grants under this section $405,000,000 for the fiscal year ending September 30, 1986, $437,000,000 for the fiscal year ending September 30, 1987, and $472,000,000 for the fiscal year ending September 30, 1988.

"(2) The Secretary may not in any fiscal year—

"(A) expend for grants to serve medically underserved populations designated under subsection (b)(6) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year; and

"(B) expend for grants under subsection (d)(1)(C) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year.".

STATE GRANTS FOR PRIMARY CARE RESEARCH, DEMONSTRATION, AND SERVICES

SEC. 6. (a) Part C of title XIX is repealed.

(b) Title XIX is amended by adding at the end thereof the following new part:

"PART C—STATE GRANTS FOR PRIMARY CARE RESEARCH, DEMONSTRATION, AND SERVICES

"PURPOSE; AUTHORIZATION OF APPROPRIATIONS

"SEC. 1921. (a) For the purpose of—

"(1) improving access to primary health services for medically underserved populations,

"(2) improving the delivery of primary health services to medically underserved populations, particularly the effectiveness, efficiency, and quality of such services, and

"(3) improving the health status of such populations, through reductions in—

"(A) the incidence of preventable diseases and illnesses and premature death, and

"(B) the need for costly inpatient and long-term care services,

the Secretary shall make payments under allotments, in accordance with the provisions of this part, to States for the conduct of activities authorized by this part.

"(b) For allotments under this part, there are authorized to be appropriated $17,500,000 for fiscal year 1986, $20,000,000 for fiscal year 1987, and $23,500,000 for fiscal year 1988.

"ALLOTMENTS

"SEC. 1922. (a)(1) Except as provided in paragraph (2), from the amounts appropriated under section 1921 for each fiscal year, the Secretary shall allot to each State an amount equal to the product of—

"(A) the total amount appropriated for such fiscal year, multiplied by

"(B) the ratio (stated as a percentage) that the total number of low-income persons residing in the State bears to the total number of low-income persons residing in the United States.

"(2) Notwithstanding paragraph (1)—

"(A) the total amount of the allotment for each of the several States, the District of Columbia, and Puerto Rico for each of the fiscal years 1986, 1987, and 1988 shall not be less than 1 percent of the total amount appropriated under section 1921 for such fiscal year;

"(B) the total amount of the allotment for each of the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands for each such fiscal year shall not be less than one-fourth of 1 percent of the total amount appropriated under section 1921 for such fiscal year; and

"(C) the total amount of the allotment for each of American Samoa and the Commonwealth of the Northern Mariana Islands for each such fiscal year shall not be less than one-sixteenth of 1 percent of the total amount appropriated under section 1921 for such fiscal year.

"(b) To the extent that all the funds appropriated under section 1921 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1925 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1906(b)(3) (as such section applies to this part pursuant to section 1925(e));

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(c)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this subpart,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for a fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved under subsection (a) as the total number of low-income persons in the tribe during such fiscal year bears to the total number of low-income persons residing in the State during such fiscal year.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the persons for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 1923. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment

under section 1922 from amounts appropriated for that fiscal year.

"(b)(1) Except as provided in paragraph (2), any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State if the Secretary determines that there is good cause for such funds remaining unobligated.

"(2) If the amount paid to a State under this part for a fiscal year which remains unobligated at the end of such fiscal year exceeds 20 percent of the amount allotted to such State under section 1922 for such fiscal year, the amount of such excess shall not remain available for the next fiscal year to such State under paragraph (1) and shall be returned to the Treasury and credited as miscellaneous receipts.

"USE OF ALLOTMENTS

"SEC. 1924. (a) Amounts paid to a State under section 1923 from its allotment under section 1922 may be used to—

"(1) make grants to eligible entities to provide primary health services to medically underserved populations in the State; and

"(2) conduct, or make grants for the conduct of, research, demonstrations, or the development of methods to evaluate—

"(A) alternative systems of reimbursement for primary health services;

"(B) new or innovative methods for the provision of primary health services;

"(C) methods of attracting and retaining primary health service providers (including physicians, dentists, physician assistants, nurse practitioners, and other health professionals), both individually and as teams, to train and practice among medically underserved populations;

"(D) different types of organizational models and relationships, including federations of providers of primary health services, designed to meet unique primary health and dental health service needs; and

"(E) methods of reducing long-term institutional costs by improving service connections between providers of primary health services and home and community-based services; or

"(F) such other matters which will enhance the availability or accessibility of primary health services.

"(b)(1) A State may not use funds allotted under section 1922 for the purposes of administering this part or administering an agreement under section 330(g).

"(2)(A) Of the amounts paid to a State under section 1923 for each fiscal year—

"(i) not less than 80 percent shall be used to make grants under paragraph (1) of subsection (a); and

"(ii) not more than 20 percent may be used to conduct, or to make grants for the conduct of, activities described in paragraph (2) of subsection (a).

"(B) Not more than 10 percent of the amounts paid to a State under section 1923 for each fiscal year may be used for activities described in paragraph (2) of subsection (a) which are directly conducted by the State.

"(3) If a State makes a grant under paragraph (1) of subsection (a) for the provision of primary health services to a medically underserved population which is in the service area (determined in accordance with section 330(e)(3)(I)) of an entity which is a recipient of a grant under section 330, the State shall make such grant to such entity.

"(c) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

"(d) A State may not use amounts paid to it under section 1923 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of health services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) provide financial assistance to any entity other than a public or nonprofit private entity.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

"SEC. 1925. (a) In order to receive an allotment for a fiscal year under section 1922 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require. Each such application shall contain assurances that the legislature of the State has complied with the provisions of subsection (b) and that the State will meet the requirements of subsection (c).

"(b) After the expiration of the first fiscal year in which a State receives an allotment under section 1922, no funds shall be allotted to such State for any fiscal year under such section unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under section 1923 for such fiscal year.

"(c) As part of the annual application required by subsection (a), the chief executive officer of each State shall certify that the State—

"(1) agrees to use the funds allotted to it under section 1922 in accordance with the requirements of this part;

"(2) has identified the populations, areas, and localities in the State with a need for the primary health services for which funds may be provided by the State under this part;

"(3) has established an appropriate mechanism to administer grants to be made under section 1924, and to comply with the requirements of this part;

"(4) will participate in the coordination of activities supported under this part with the activities of other providers of primary health services within the State (including entities which are recipients of grants under sections 329 and 330), to ensure that such activities are carried out in an effective manner and without duplication of effort;

"(5) will establish, after providing reasonable notice and opportunity for the submission of comments, reporting requirements and reasonable criteria to evaluate the fiscal, managerial, and clinical performance of entities which receive grants under section 1924;

"(6) will not require, for purposes of compliance with paragraph (5), entities which are recipients of grants under section 1924 and under section 329 or section 330 to comply with different reporting requirements and criteria than are required under section 329 or section 330, as the case may be; and

"(7) agrees that Federal funds made available under section 1923 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d)(1) The chief executive officer of a State shall, as part of the application required by subsection (a), also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1923 for the fiscal year for which the application is submitted, including—

"(A) a description of the populations, areas, and localities in the State which the State has identified as needing primary health services;

"(B) a statement of goals and objectives for meeting the needs identified pursuant to subparagraph (A);

"(C) information on the activities to be supported and services to be provided with payments under this part;

"(D) after the expiration of the first fiscal year in which the State received payments under section 1923, a description of the criteria and methods that will be used by the State for the distribution of payments under such section, and the relationship of such criteria and methods to the achievement of the purposes of this part; and

"(E) the information and data which the State intends to collect respecting activities supported under this part.

"(2) The description required by paragraph (1) shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

"(e) Except where inconsistent with the provisions of this part, the provisions of section 1903(b), section 1906(a), paragraphs (1) through (5) of section 1906(b), section 1906(c), and sections 1907, 1908, and 1909 shall apply to this part in the same manner as such provisions apply to part A of this title.

"DEFINITIONS

"SEC. 1926. As used in this part:

"(1) The term 'low income person' refers to those individuals and families whose income is determined to be below the official poverty line as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act.

"(2) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'medically underserved population' has the meaning given to such term by section 330(b)(3).

"(4) The term 'primary health services' means the preventive, diagnostic, treatment, consultation, referral, and other services rendered, on an ambulatory basis, by a phy-

sician and, where feasible, by a physicians' assistant or nurse practitioner. Such term includes, at a minimum, access to routine associated laboratory services, diagnostic radiologic services, preventive health services, and emergency medical care.

"(5) The term 'eligible entity' means a public or nonprofit private entity capable of providing primary health services to medically underserved populations.".

MIGRANT HEALTH CENTERS

SEC. 7. The first sentence of section 329(h)(1) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$50,000,000 for the fiscal year ending September 30, 1986, $56,000,000 for the fiscal year ending September 30, 1987, and $61,000,000 for the fiscal year ending September 30, 1988".

REGULATIONS

SEC. 8. By the earliest possible date, but not later than June 30, 1986, the Secretary shall promulgate separate final regulations to carry out part C of title XIX of the Public Health Service Act (as added by section 6(b) of this Act) which take into account the provisions of such part which are different from the provisions of parts A and B of such title.

TECHNICAL AMENDMENT

SEC. 9. Section 329(d)(2) is amended by inserting before the semicolon "and the costs of repaying loans made by the Farmers Home Administration for buildings".

EFFECTIVE DATE

SEC. 10. This Act and the amendments made by this Act shall take effect on October 1, 1985, except that section 8 of this Act shall take effect on the date of enactment of this Act.

Mr. HATFIELD. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HEALTH SERVICE CORPS AMENDMENTS OF 1985

Mr. HATFIELD. I ask unanimous consent that the Senate now turn to Calendar No. 222, which is S. 1285.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection, Mr. President.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

A bill (S. 1285) to amend provisions of the Public Health Service Act relating to the National Health Service Corps.

The Senate proceeded to consider the bill.

● Mr. HATCH. Mr. President, I urge my colleagues to join with me in approving S. 1285, the National Health Service Corps Amendments of 1985. This legislation was unanimously approved by my colleagues on the Labor and Human Resources Committee on June 27. A complete legislative history, analysis, and committee views can be obtained in Senate Report No. 99-107. It represents an ongoing, albeit limited, role for the Federal Government in supporting this program both through service-obligated individuals and, increasingly, through direct hiring of physicians. Sufficient funds are authorized to continue support for corps members already practicing in medically underserved areas throughout our Nation. Also, a limited number of new scholarships are authorized (150 per year for the next 3 years) in order to ensure that we will have a cadre of committed health professionals willing to serve in those few medically underserved regions of our country for which only service obligated individuals are likely to be willing to service. Although the number of such areas have diminished over the years, due in part to successes of other Federal programs to encourage training more professionals, there is still a foreseeable need for corps members to help serve in those areas which simply cannot attract and maintain health professional services.

Mr. President, I urge my colleagues to join with me in supporting this legislation.●

● Mr. KENNEDY. Mr. President, I support this bill to reauthorize the National Health Service Corps Field Program and the National Health Service Corps Scholarship Program. I am pleased to join with my colleague, Senator HATCH, and other Senators in supporting this legislation, which was reported unanimously out of committee.

The National Health Service Corps is the only Federal program which assures that health care providers are available to serve in health manpower shortage areas. In fiscal year 1985, the NHSC will have over 3,100 doctors, dentists, and other health care providers in underserved communities.

These providers make an absolutely vital contribution to the health of the communities in which they are posted. This year alone, the NHSC will serve over 2.5 million people. Were it not for the NHSC, these communities would lack essential health services. The poor would especially suffer, but in many places all members of the community would be denied access to the health care they need.

The Reagan administration has proposed to eliminate the NHSC scholarship program entirely and phase out the field program over time. The stated rationale is that the current and projected oversupply of physicians will eliminate remaining shortages of physicians without Federal intervention.

In point of fact, there are areas of the country that will continue to have shortages of physicians and other essential health manpower for the forseeable future. The bipartisan sponsorship of this bill expresses the Congress' determination that the Federal Government will fulfill its responsibility to see that people in the most remote rural areas and the most deprived parts of inner cities will continue to have access to the health servvices that they need.

I urge my colleagues to support enactment of this bill. Essentially identical legislation was passed unanimously by the Senate last year, and the need for the corps is as great today as it was then.●

Mr. GORTON. Mr. President, I rise today to support the creation of a National Institute of Nursing within the National Institute of Health [NIH]. Because this provision is not included in the Senate version of the Health Research Extension Act of 1985 (S. 1309). I urge the distinguished chairman of the Committee on Labor and Human Resources to support this proposal when it is considered by the House and Senate Conference Committee.

Given that a large proportion of Federal health care expenditures are spent on nursing care, I believe that adequate nursing research efforts are necessary to develop this vital aspect of our health care delivery system. Although nursing research has increased in the past few years, the scope is still limited and funding is often sporadic. A National Institute of Nursing would provide comprehensive training and education programs for doctorally-prepared nurses. As demand for these industry leaders increases in the next few years, the Nursing Institute's role of supporting competitive research will be a key factor in promoting innovative and cost-effective approaches to health care delivery.

There is approximately $16 million available for starting the institute in 1986. This includes $5 million appropriated but not spent in 1985 for the Nursing Institute and $11.4 million in Health Resources Administration nurse training moneys. Thus, these transferred funds eliminate the need for new startup moneys in 1986.

A National Institute of Nursing is an overdue and vital component of our Nation's health care research programs. I urge, therefore, my distinguished colleagues on the Conference Committee to support the House version of the 1985 Health Research Extension Act to include the National Institute of Nursing.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1285) was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Amendments of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or

other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 3. (a) Section 338(a) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$70,000,000 for the fiscal year ending September 30, 1986; $65,000,000 for the fiscal year ending September 30, 1987; and $60,000,000 for the fiscal year ending September 30, 1988".

(b) Section 338F is amended—

(1) by striking out the last sentence of subsection (a) and inserting in lieu thereof the following: "For the fiscal year ending September 30, 1986, and each of the two succeeding fiscal years, there are authorized to be appropriated such sums as may be necessary to make 150 new scholarship awards in accordance with section 338A(d) in each such fiscal year and to continue to make scholarship awards to students who have entered into written contracts under the Scholarship Program before October 1, 1988.";

(2) by striking out subsection (b); and

(3) by striking out "(a)" before "There".

DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS

SEC. 4. Section 332(a)(1) is amended by adding at the end thereof the following: "The Secretary shall not remove an area from the areas determined to be health manpower shortage areas under clause (A) of the preceding sentence until the Secretary has afforded interested persons and groups in such area an opportunity to provide data and information in support of the designation as a health manpower shortage area of a population group described in clause (B) of such sentence or a facility described in clause (C) of such sentence, and has made a determination on the basis of the data and information submitted by such persons and groups and other data and information available to the Secretary."

SCHOLARSHIP PROGRAM

SEC. 5. Section 338A(g) is amended—

(1) by striking out "A scholarship" in paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (4), a scholarship"; and

(2) by adding at the end thereof the following new paragraph:

"(4)(A) Notwithstanding any other provision of this subsection, the maximum total amount of a scholarship provided to a student in a course of study or program under a written contract under the Scholarship Program may not exceed $15,000 for the school year ending in the fiscal year ending September 30, 1986.

"(B) The maximum total amount of a scholarship which may be provided to a student in a course of study or program, as specified under subparagraph (A) and as previously adjusted (if at all) in accordance with this subparagraph, shall be increased by the Secretary for each school year ending in a fiscal year beginning after September 30, 1986, by an amount (rounded to the next highest multiple of $1) equal to such maximum total amount multiplied by the tuition increase index for such course of study or program for such school year. For purposes of the preceding sentence, the tuition increase index for a course of study or program for a school year is the estimated percentage (determined by the Secretary) by which the average tuition for such course of study or program at all institutions in the United States for such school year will increase over the average tuition for such course of study or program at all such institutions for the immediately preceding school year.".

OBLIGATED SERVICE

SEC. 6. Section 338B(b)(5) is amended to read as follows:

"(5)(A) With respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy or clinical psychology the date referred to in paragraph (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1985, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or after October 1, 1985, the Secretary may defer such date in accordance with the provisions of clause (i).

"(B)(i) With respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be three years.

"(ii) With respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, pharmacy or clinical psychology the number of years referred to in subparagraph (A)(i) shall be one year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) With respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the academic training leading to such a degree.".

PRIVATE PRACTICE

SEC. 7. (a) Section 338C(a)(2) is amended by inserting before the period the following: "for which the Secretary has made the evaluation and determination described in section 333(a)((1)(D)".

(b) Section 338C(b) is amended by inserting at the end thereof the following: "The Secretary shall take such action as may be appropriate to assure that the conditions of the written agreement prescribed by this subsection are adhered to.".

SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE

SEC. 8. (a) Subsections (a) and (b) of section 338E are amended to read as follows:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of the profession of such Corps member in a health manpower shortage area (designated under section 332) for a period of not less than two years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than one year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with the provisions of section 338C(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section.

Such a loan shall be used to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b) The amount of a loan under subsection (a) to an individual shall not exceed $25,000.".

(b) Subsection (c) of such section is amended by striking out "grant or" in the first sentence.

(c) Subsection (d)(1) of such section is amended by striking out "this section," and inserting in lieu thereof "this section (as in effect prior to October 1, 1985),".

(d) Section 338C(e) is amended by striking out paragraph (1) and by striking out "(2)" before "Upon".

PERSONNEL PLAN FOR THE NATIONAL HEALTH SERVICE CORPS

SEC. 9. (a) By October 1, 1986, the Secretary of Health and Human Services shall prepare and transmit to the Committee on Labor and Human resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for the recruitment, employment, and retention of personnel for the National Health Service Corps which assures that—

(1) the Corps will continue to improve the delivery of health services in health manpower shortage areas (as designated by the Secretary under section 332 of the Public Health Service Act) during fiscal years 1989 through 1992; and

(2) during each such fiscal year, the total number of Corps members shall be the number the Secretary considers necessary to serve the demonstrated needs of health manpower shortage areas.

(b) The plan required by subsection (a) shall include alternative propoals for the recruitment, employment, and retention of personnal for the National Health Service Corps, estimates of the amounts that would be required to carry out each such proposal during each of the fiscal year with which the plan is concerned, and such recomendations for legislation and administrative action as the Secretary considers appropriate.

(c) The Secretary shall prepare the plan required by subsection (a) in consultation with State governments, voluntary organizations, and organizations representing health professionals.

TECHNICAL ASSISTANCE TO STATES

SEC. 10. (a) Section 332 is amended by adding at the end thereof the following new subsection:

"(i) In order to assist a State in carrying out data collection and public information activities to enable the State to make recommendations regarding the designation of

health manpower shortage areas in the State, the Secretary may provide technical assistance of an appropriate nature to the State or, at the request of the State, to entities within the State. Such technical assistance may be provided through grants, contracts, or cooperative agreements.".

(b) Section 338 (as amended by section 3(a) of this Act) is further amended by adding at the end thereof the following new subsection:

"(c) To carry out the purposes of section 332(i), there are authorized to be appropriated $500,000 for the fiscal year ending September 30, 1986, and for each of the two succeeding fiscal years.".

EFFECTIVE DATE

SEC. 11. This Act and the amendments made by this Act shall take effect on October 1, 1985.

Mr. HATFIELD. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HEALTH PROFESSIONS TRAINING ASSISTANCE ACT OF 1985

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 224, the Health Professions Training Assistance Act.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection, Mr. President.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

A bill (S. 1283) to amend title VII of the Public Health Service Act, relating to health professions training assistance.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Professions Training Assistance Act of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM

SEC. 101. (a) The first sentence of section 728(a) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$250,000,000 for the fiscal year ending September 30, 1985; $275,000,000 for the fiscal year ending September 30, 1986; $290,000,000 for the fiscal year ending September 30, 1987; and $300,000,000 for the fiscal year ending September 30, 1988".

(b) The second sentence of such section is amended by striking out "1987," and inserting in lieu thereof "1991,".

SCHOLARSHIPS FOR STUDENTS OF EXCEPTIONAL FINANCIAL NEED

SEC. 102. Section 758(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$7,000,000 for the fiscal year ending September 30, 1986, $7,000,000 for the fiscal year ending September 30, 1987, and $7,000,000 for the fiscal year ending September 30, 1988".

DEPARTMENTS OF FAMILY MEDICINE

SEC. 103. Section 780(c) is amended by striking out "and" after "1983," and by inserting a comma and **[**"$5,000,000**]** *"$7,500,000* for the fiscal year ending September 30, 1986, **[**$5,000,000**]** *$7,500,000* for the fiscal year ending September 30, 1987, and **[**$5,000,000**]** *$7,500,000* for the fiscal year ending September 30, 1988" after "1984".

AREA HEALTH EDUCATION CENTERS

SEC. 104. The first sentence of section 781(g) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$18,000,000 for the fiscal year ending September 30, 1986, $18,000,000 for the fiscal year ending September 30, 1987, and $18,000,000 for the fiscal year ending September 30, 1988".

PHYSICIAN ASSISTANTS

SEC. 105. Section 783(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and **[**"$4,000,000**]** *"$4,800,000* for the fiscal year ending September 30, 1986, **[**$4,000,000**]** *$4,800,000* for the fiscal year ending September 30, 1987, and **[**$4,000,000**]** *$4,800,000* for the fiscal year ending September 30, 1988".

GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

SEC. 106. Section 784(b) is amended by striking out "and" after "1983," and by inserting before the period a comma and **[**"$18,000,000**]** *"$18,500,000* for the fiscal year ending September 30, 1986, **[**$18,000,000**]** *$18,500,000* for the fiscal year ending September 30, 1987, and **[**$18,000,000**]** *$18,500,000* for the fiscal year ending September 30, 1988".

FAMILY MEDICINE AND GENERAL PRACTICE OF DENTISTRY

SEC. 107. (a) The first sentence of section 786(c) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$36,000,000 for the fiscal year ending September 30, 1986, $36,000,000 for the fiscal year ending September 30, 1987, and $36,000,000 for the fiscal year ending September 30, 1988".

(b) The second sentence of such section is amended by striking out "and" after "1983," and by inserting "September 30, 1986, September 30, 1987, and September 30, 1988," after "1984,".

EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

SEC. 108. The first sentence of section 787(b) is amended by striking out "and" after "1983," and by inserting before the period a comma and **[**"$20,000,000**]** *"$24,000,000* for the fiscal year ending September 30, 1986, **[**$20,000,000**]** *$24,000,000* for the fiscal year ending September 30, 1987, and **[**$20,000,000**]** *$24,000,000* for the fiscal year ending September 30, 1988".

CURRICULUM DEVELOPMENT AND FACULTY TRAINING GRANTS

SEC. 109. Section 788(f) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and **[**"$4,000,000**]** *"$8,000,000* for the fiscal year ending September 30, 1986; **[**$4,000,000**]** *$8,000,000* for the fiscal year ending September 30, 1987; and **[**$4,000,000**]** *$8,000,000* for the fiscal year ending September 30, 1988".

ADVANCED FINANCIAL DISTRESS ASSISTANCE

SEC. 110. The first sentence of section 788B(h) is amended by inserting before the period a comma and **[**"$4,000,000**]** *"$5,600,000* for the fiscal year ending September 30, 1986, and **[**$4,000,000**]** *$5,600,000* for the fiscal year ending September 30, 1987".

GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

SEC. 111. Section 791(d) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,500,000 for the fiscal year ending September 30, 1986, $1,500,000 for the fiscal year ending September 30, 1987, and $1,500,000 for the fiscal year ending September 30, 1988".

TRAINEESHIPS FOR STUDENTS IN OTHER GRADUATE PROGRAMS

SEC. 112. Section 791A(c) is amended by striking out "and" after "1980;" and by inserting before the period a semicolon and "and $500,000 for the fiscal year ending September 30, 1986, and each of the next two fiscal years".

PUBLIC HEALTH TRAINEESHIPS

SEC. 113. Section 792(c) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$3,000,000 for the fiscal year ending September 30, 1986; $3,000,000 for the fiscal year ending September 30, 1987; and $3,000,000 for the fiscal year ending September 30, 1988".

TRAINING IN PREVENTIVE MEDICINE

SEC. 114. Section 793(c) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,600,000 for the fiscal year ending September 30, 1986, $1,600,000 for the fiscal year ending September 30, 1987, and $1,600,000 for the fiscal year ending September 30, 1988".

TITLE II—PROGRAM REVISIONS

SCHOOLS OF CHIROPRACTIC

SEC. 201. (a) Section 701(4) is amended—

(1) by striking out "and" after " 'school of veterinary medicine',";

(2) by inserting a comma and "and 'school of chiropractic' " after " 'school of public health' ";

(3) by striking out "and" after "a degree of doctor of veterinary medicine or an equivalent degree,"; and

(4) by inserting "and a degree of doctor of chiropractic or an equivalent degree," before "and including advanced training related to".

(b) Section 701(5) is amended—

(1) by striking out "or" after "pharmacy,"; and

(2) by inserting "or chiropractic," after "public health,".

(c) Section 737 is amended by striking out paragraph (2) and by redesignating para-

graphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

TRAINING OF PHYSICIAN ASSISTANTS

SEC. 202. Section 701(8) is amended to read as follows:

"(8)(A) The term 'program for the training of physician assistants' means an educational program which (i) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary health care under the supervision of a physician, and (ii) meets regulations prescribed by the Secretary in accordance with subparagraph (B).

"(B) After consultation with appropriate organizations, the Secretary shall, not later than October 1, 1986, prescribe regulations for programs for the training of physician assistants. Such regulations shall, as a minimum, require that such a program—

"(i) extend for at least one academic year and consist of—

"(I) supervised clinical practice, and

"(II) at least four months (in the aggregate) of classroom instruction,

directed toward preparing students to deliver health care;

"(ii) have an enrollment of not less than eight students; and

"(iii) train students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

SCHOOLS OF ALLIED HEALTH

SEC. 203. (a) Section 701(10) is amended—

(1) by inserting "college," before "junior college,"; and

(2) by striking out "in a discipline of allied health leading to a baccalaureate or associate degree (or an equivalent degree of either) or to a more advanced degree" in subparagraph (A) and inserting in lieu thereof "to enable individuals to become allied health professionals or to provide additional training for allied health professionals".

(b) Section 701 is amended by adding at the end thereof the following new paragraph:

"(13) The term 'allied health professional' means an individual—

"(A) who has received a certificate, an associate's degree, a bachelor's degree, a masters' degree, a doctoral degree, or postbaccalaureate training, in a science relating to health care;

"(B) who has responsibility for the delivery of health care services or related services, including—

"(i) services relating to the identification, evaluation, and prevention of diseases and disorders;

"(ii) dietary and nutrition services;

"(iii) health promotion services;

"(iv) rehabilitation services; or

"(v) health systems management services; and

"(C) who has not received a degree of doctor of medicine, a degree of doctor of osteopathy, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of veterinary medicine or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry or an equivalent degree, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of pharmacy or an equivalent degree, a graduate degree in public health or an equivalent degree, a degree of doctor of chiropractic or an equivalent degree, a graduate degree in health administration or an equivalent degree, or a doctoral degree in clinical psychology or an equivalent degree.".

GRADUATE PROGRAMS IN CLINICAL PSYCHOLOGY

SEC. 204. (a) Section 701 (as amended by section 203(b) of this Act) is further amended by adding at the end thereof the following new paragraph:

"(14) The term 'graduate program in clinical psychology' means an accredited graduate program in a public or nonprofit private institution in a State which provides training leading to a doctoral degree in clinical psychology or an equivalent degree.".

(b) Section 701(5) (as amended by section 201(b) of this Act) is further amended—

(1) by striking out "or" after "chiropractic,"; and

(2) by inserting "or a graduate program in clinical psychology," after "health administration,".

(c) Section 737 (as amended by section 201(c) of this Act) is further amended by striking out paragraph (2) (as redesignated by section 201(c) of this Act) and by redesignating paragraphs (3) and (4) (as redesignated by section 201(c) of this Act) as paragraphs (2) and (3), respectively.

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

SEC. 205. (a) Section 702(a) is amended by striking out the last sentence and inserting in lieu thereof the following: "Of the appointed members of the Council—

"(1) twelve shall be representatives of the health professions schools assisted under programs authorized under this title, including—

"(A) one representative of each of schools of veterinary medicine, optometry, pharmacy, podiatry, public health, and allied health, and graduate programs in health administration; and

"(B) at least six persons experienced in university administration, at least one of whom shall be a representative of a school described in subparagraph (A);

"(2) two shall be full-time students enrolled in health professions schools; and

"(3) six shall be members of the general public.".

TECHNICAL ASSISTANCE

SEC. 206. Section 709(d) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

RECOVERY OF ASSISTANCE

SEC. 207. (a) Section 723 is amended to read as follows:

"RECOVERY

"SEC. 723. (a) If at any time within twenty years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a)—

"(1)(A) in case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605,

"(B) in case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of section 720(a), the owner of the facility ceases to be a public or nonprofit school, or

"(C) in case of a facility which was a facility with respect to which funds have been paid under section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity,

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use not later than 10 days after the date on which such cessation or change of use occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d)(1) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(2) In addition to the authority of the Secretary under paragraph (1), the Secretary may waive the recovery rights of the United States under subsection (a) with respect to a hospital affiliated with a school of medicine if the Secretary determines, in accordance with regulations, that adequate provision has been made, through establishment of an irrevocable trust or other legally enforceable means, to assure that the teaching and other obligations assumed with respect to the facility as a condition of assistance under this title will continue to be met.

"(e) The right of recovery of the United States under subsection (a) shall not, prior

to judgment, constitute a lien on any facility.".

(b) In the case of any facility that was or is constructed on or before the date of enactment of this Act or within 180 days after the date of enactment of this Act, the period described in subsection (c)(2)(B)(i) of section 723 of the Public Health Service Act (as amended by subsection (a) of this section) shall begin no earlier than 181 days after the date of enactment of this Act.

(c) The amendment made by subsection (a) of this section shall not adversely affect other legal rights of the United States.

HEALTH EDUCATION ASSISTANCE LOAN PROGRAM

SEC. 208. (a)(1) Section 731(a)(1)(A) is amended by striking out "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and".

(2) Section 731(a)(1)(B) is amended by striking out "and" at the end of clause (ii), and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and".

(b)(1) Section 731(a)(2)(B) is amended to read as follows:

"(B) provides for repayment of the principal amount of the loan in installments over a period of not less than 10 years (unless sooner repaid) nor more than 25 years beginning not earlier than 9 months nor later than 12 months after the later of—

"(i) the date on which—

"(I) the borrower ceases to be a participant in an accredited internship or residency program of not more than four years in duration;

"(II) the borrower completes the fourth year of an accredited internship or residency program of more than four years in duration; or

"(III) the borrower, if not a participant in a program described in subclause (I) or (II), ceases to carry, at an eligible institution, the normal full-time academic workload as determined by the institution; or

"(ii) the date on which a borrower who is a graduate of an eligible institution ceases to be a participant in a fellowship training program not in excess of two years or a participant in a full-time educational activity not in excess of two years, which—

"(I) is directly related to the health profession for which the borrower prepared at an eligible institution, as determined by the Secretary; and

"(II) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in a program described in subclause (I) or (II) of clause (i) or prior to the completion of the borrower's participation in such program,

except as provided in subparagraph (C), except that the period of the loan may not exceed 33 years from the date of execution of the note or written agreement evidencing it, and except that the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the costs of insurance premiums, or other default by the borrower, as may be authorized by regulations of the Secretary in effect at the time the loan is made;".

(2) Section 731(a)(2)(C) is amended—

(A) by inserting "(including any period in such a program described in subclause (I) or subclause (II) of subparagraph (B)(i))" before the comma in clause (ii);

(B) by striking out "or the 33-year period" in clause (vi);

(C) by striking out "or" after "National Health Service Corps," in clause (v); and

(D) by inserting "or (vii) any period not in excess of two years which is described in subparagraph (B)(ii)," after "Domestic Volunteer Service Act of 1973,".

(3)(A) The provisions of clause (i) of section 731(a)(2)(B) of the Public Health Service Act (as amended by paragraph (1) of this subsection) and the provisions of clauses (ii) and (vi) of section 731(a)(2)(C) of such Act (as amended by subparagraphs (A) and (B) of paragraph (2)) shall not apply to any individual who, prior to the effective date of this Act, received a loan insured under subpart I of part C of title VII of such Act.

(B) The provisions of clause (ii) of section 731(a)(2)(B) of the Public Health Service Act and clause (vii) of section 731(a)(2)(C) of such Act (as added by the amendments made by paragraphs (1) and (2) (D) of this subsection, respectively) shall apply to any loan insured under subpart I of part C of title VII of such Act after the effective date of this Act.

(4) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out clause (ii) of section 731(a)(2)(B) of the Public Health Service Act and clause (vii) of section 731(a)(2)(C) of such Act (as added by the amendments made by paragraphs (1) and (2) (D) of this subsection, respectively). Such regulations shall—

(A) prescribe criteria for the determination of the types of fellowship training programs and full-time educational activities which will be permitted under such clauses; and

(B) establish procedures for a borrower to apply to the Secretary for a determination concerning whether a particular fellowship training program or full-time educational activity will be permitted under such clauses.

(c) Section 731(b) is amended by striking out "3½" and inserting in lieu thereof "3".

(d) Section 731(c) is amended—

(1) by striking out "section 731(a)(2)(C)" and inserting in lieu thereof "subsection (a)(2)(C)"; and

(2) by inserting before the period a comma and "unless the borrower, in the written agreement described in subsection (a)(2), agrees to make payments during any year or any repayment period in a lesser amount".

(e) Section 732(c) is amended—

(1) by redesignating clauses (1) and (2) of the second sentence as clauses (A) and (B), respectively;

(2) by inserting "(1)" before "The" in the first sentence;

(3) by striking out "2" in the first sentence and inserting in lieu thereof "4";

(4) by striking out "in advance, at such times" in the first sentence and inserting in lieu thereof "in advance at the time the loan is made"; and

(5) by adding at the end thereof the following new paragraph:

"(2) The Secretary may not increase the percentage per year on the principal balance of loans charged pursuant to paragraph (1) for insurance premiums, unless the Secretary has, prior to any such increase—

"(A) requested a qualified public accounting firm to evaluate whether an increase in such percentage is necessary to ensure the solvency of the student loan fund established by section 734, and to determine the amount of such an increase, if necessary; and

"(B) such accounting firm has recommended such an increase and has determined the amount of such increase necessary to ensure the solvency of such fund.

The Secretary may not increase such percentage in excess of the maximum percentage permitted by paragraph (1) or increase such percentage by an amount in excess of the amount of the increase determined by a qualified accounting firm pursuant to this paragraph.".

(f) The first sentence of subsection (a) of section 734 and the first sentence of subsection (b) of such section are each amended by inserting "collection or" before "default".

(g)(1) Section 729(a) is amended by inserting "allied health," after "public health," each place it appears.

(2) Section 737 (as amended by sections 201(c) and 204(c) of this Act) is further amended—

(1) by inserting a comma and "allied health," after "public health" in paragraph (1); and

(2) by adding at the end thereof the following new paragraph:

"(4) The term 'school of allied health' means a program in a school of allied health (as defined in section 701(10)) which leads to a masters' degree or a doctoral degree.".

(h) Section 728(a) (as amended by section 101 of this Act) is further amended—

(1) by striking out "The" in the first sentence and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Any portion of the total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 737) to borrowers which is—

"(A) permitted under paragraph (1) to be covered by Federal loan insurance under this subpart for a fiscal year; and

"(B) is not, prior to the end of such fiscal year, subject to commitments for the provision of such coverage,

shall be available for such commitments in the next fiscal year succeeding such fiscal year. Any amount available under the preceding sentence in a succeeding fiscal year shall not decrease the total principal amount of new loans made and installments paid pursuant to lines of credit to borrowers which pursuant to paragraph (1) may be covered by Federal loan insurance under this subpart for that succeeding fiscal year.".

HEALTH PROFESSIONS STUDENT LOAN PROGRAM

SEC. 209. (a)(1) Section 740(b)(4) is amended by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry".

(2) Section 741(b) is amended by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry".

(3) Section 741(f)(1)(A) is amended by inserting "doctor of pharmacy or an equivalent degree," before "or doctor of podiatry or an equivalent degree".

(4) Subpart II of part C of title VII is amended by adding at the end thereof the following new section:

"DEFINITION

"SEC. 745. For purposes of this subpart, the term 'school of pharmacy' means a public or nonprofit private school in a State that provides training leading to a degree of bachelor of science in pharmacy or an equivalent degree or a degree of doctor of pharmacy or an equivalent degree and which is accredited in the manner described in section 701(5).".

(b) Section 741(b) (as amended by subsection (a)(2) of this section) is further amended by inserting "(1) who is" after "student" and by inserting before the period a comma and the following: "(2) who, if pursuing a full-time course of study at the school leading to a degree of doctor of medicine or doctor of osteopathy, is of exceptional financial need (as defined by regulations of the Secretary), and (3) who, if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section.".

(c)(1) Section 741(c) is amended to read as follows:

"(c) Such loans shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins one year after the student ceases to pursue a full-time course of study at a school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine, excluding from such ten-year period—

"(1) all periods—

"(A) not in excess of three years of active duty performed by the borrower as a member of a uniformed service;

"(B) not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act; and

"(C) during which the borrower participates in advanced professional training, including internships and residencies; and

"(2) a period—

"(A) not in excess of two years during which a borrower who is a full-time student in such a school leaves the school, with the intent to return to such school as a full-time student, in order to engage in a full-time educational activity which is directly related to the health profession for which the individual is preparing, as determined by the Secretary; or

"(B) not in excess of two years during which a borrower who is a graduate of such a school is a participant in a fellowship training program or a full-time educational activity which—

"(i) is directly related to the health profession for which such borrower prepared at such school, as determined by the Secretary; and

"(ii) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in advanced professional training described in paragraph (1)(C) or prior to the completion of such borrower's participation in such training.".

(2) The provisions of section 741(c)(2)(A) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) shall apply to—

(A) any individual who received a loan under subpart II of part C of title VII of the Public Health Service Act and to whom the provisions of such section (if such provisions had been in effect) would have applied between June 17, 1982, and July 7, 1983; and

(B) any individual who, after the effective date of this Act, is a full-time student in a school referred to in such section and who (prior to, on, or after the effective date of this Act), received a loan under such subpart to assist such student in such student's studies in such school.

(3) The provisions of section 741(c)(2)(B) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) shall apply to any loan made under subpart II of part C of title VII of such Act after the effective date of this Act.

(4) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out section 741(c)(2) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) with respect to any loan made under subpart II of part C of title VII of such Act on or after the effective date of this Act. Such regulations shall—

(A) with respect to the provisions of subparagraph (A) of such section—

(i) prescribe criteria for the determination of the types of full-time educational activities which will be permitted under such subparagraph;

(ii) require the school in which the borrower was enrolled as a full-time student to determine, prior to the borrower's leaving such school, whether an educational activity in which the student proposes to engage qualifies for purposes of such subparagraph and such regulations; and

(B) with respect to the provisions of subparagraph (B) of such section—

(i) prescribe criteria for the determination of the types of fellowship training programs and full-time educational activities which will be permitted under such subparagraph; and

(ii) establish procedures for a borrower to apply to the Secretary for a determination concerning whether a particular fellowship training program or full-time educational activity will be permitted under such subparagraph.

(d) Section 741(i) is amended to read as follows:

"(i) Subject to regulations of the Secretary, a school may assess a charge with respect to loans made under this subpart to cover the costs of insuring against cancellation of liability under subsection (d).".

(e) Section 741(j) is amended—

(1) by inserting "and in accordance with this section" after "Secretary" in the first sentence;

(2) by striking out "may" in such sentence and inserting in lieu thereof "shall"; and

(3) by striking out the second sentence and inserting in lieu thereof the following: "No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment.".

(f) Section 741 is amended by adding at the end thereof the following new subsection:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.".

(g) Section 742(b) is amended by adding at the end thereof the following new paragraph:

"(5) Any funds from a student loan fund established under this subpart which are returned to the Secretary in any fiscal year shall be available for allotment under this subpart, in such fiscal year and the fiscal year succeeding such fiscal year, to schools which, during the period beginning on July 1, 1972, and ending on September 30, 1985, established student loan funds with Federal capital contributions under this subpart.".

(h) Subpart II of part C of title VII (as amended by subsection (a)(4) of this subsection) is further amended—

(1) by redesignating section 745 (as added by subsection (a)(4) of this section) as section 747; and

(2) by inserting after section 744 the following new sections:

"STUDENT LOAN INFORMATION BY INSTITUTIONS

"SEC. 745. (a) With respect to loans made by a school under this subpart after June 30, 1986, each school, in order to carry out the provisions of sections 740 and 741, shall, at any time such school makes such a loan to a student under this subpart, provide thorough and adequate loan information on loans made under this subpart to the student. The loan information required to be provided to the student by this subsection shall include—

"(1) the yearly and cumulative maximum amounts that may be borrowed by the student;

"(2) the terms under which repayment of the loan will begin;

"(3) the maximum number of years in which the loan must be repaid;

"(4) the interest rate that will be paid by the borrower and the minimum amount of the required monthly payment;

"(5) the amount of any other fees charged to the borrower by the lender;

"(6) any options the borrower may have for deferral, cancellation, prepayment, consolidation, or other refinancing of the loan;

"(7) a definition of default on the loan and a specification of the consequences which will result to the borrower if the borrower defaults, including a description of any arrangements which may be made with credit bureau organizations;

"(8) to the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance; and

"(9) a description of the actions that may be taken by the Federal Government to collect the loan, including a description of the type of information concerning the borrower that the Federal Government may disclose to (A) officers, employees, or agents of the Department of Health and Human Services, (B) officers, employees, or agents of schools with which the Secretary has an

agreement under this subpart, or (C) any other person involved in the collection of a loan under this subpart.

"(b) Each school shall, immediately prior to the graduation from such school of a student who received a loan under this subpart after June 30, 1986, provide such student with a statement specifying—

"(1) each amount borrowed by the student under this subpart;

"(2) the total amount borrowed by the student under this subpart; and

"(3) a schedule for the repayment of the amounts borrowed under this subpart, including the number, amount, and frequency of payments to be made.

"PROCEDURES FOR APPEAL OF TERMINATIONS

"SEC. 746. In any case in which the Secretary intends to terminate an agreement with a school under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

(i) Section 743 is amended by striking out "1987" each place it appears and inserting in lieu thereof "1991".

(j) Section 740 is amended by adding at the end thereof the following new subsection:

"(c)(1) Any standard established by the Secretary by regulation for the collection by schools of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine of loans made pursuant to loan agreements under this subpart shall provide that the failure of any such school to collect such loans shall be measured in accordance with this subsection.

"(2) The measurement of a school's failure to collect loans made under this subpart shall be the ratio (stated as a percentage) that the defaulted principal amount outstanding of such school bears to the matured loans of such school.

"(3) For purposes of this subsection—

"(A) the term 'default' means the failure of a borrower of a loan made under this subpart to—

"(i) make an installment payment when due; or

"(ii) comply with any other term of the promissory note for such loan,

except that a loan made under this subpart shall not be considered to be in default if the loan is discharged in bankruptcy or if the school reasonably concludes from written contacts with the borrower that the borrower intends to repay the loan;

"(B) the term 'defaulted principal amount outstanding' means the total amount borrowed from the loan fund of a school that has reached the repayment stage (minus any principal amount repaid or cancelled) on loans—

"(i) repayable monthly and in default for at least 120 days; and

"(ii) repayable less frequently than monthly and in default for at least 180 days;

"(C) the term 'grace period' means the period of one year beginning on—

"(i) the date on which the borrower ceases to pursue a full-time course of study at a school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine; or

"(ii) the date on which ends any period described in paragraph (1) or (2) of section 741(c) which is applicable to such borrower, whichever is later; and

"(D) the term 'matured loans' means the total principal amount of all loans made by a school under this subpart minus the total principal amount of loans made by such school to students who are—

"(i) enrolled in a full-time course of study at such school; or

"(ii) in their first grace period.".

[(j)] *(k)* Section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "ADMINISTERED BY THE DEPARTMENT OF EDUCATION" before the period in the paragraph heading of paragraph (4); and

(2) by adding at the end thereof the following new paragraph:

"(5) INDIVIDUALS WHO HAVE DEFAULTED ON STUDENT LOANS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

"(A) IN GENERAL.—Upon written request by the Secretary of Health and Human Services, the Secretary may disclose the mailing address of any taxpayer who has defaulted on a loan made under part C of title VII of the Public Health Service Act or under subpart II of part B of title VIII of such Act, for use only by officers, employees, or agents of the Department of Health and Human Services for purposes of locating such taxpayer for purposes of collecting such loan.

"(B) DISCLOSURE TO SCHOOLS AND ELIGIBLE LENDERS.—Any mailing address disclosed under subparagraph (A) may be disclosed by the Secretary of Health and Human Services to—

"(i) any school with which the Secretary of Health and Human Services has an agreement under subpart II of part C of title VII of the Public Health Service Act or subpart II of part B of title VIII of such Act, or

"(ii) any eligible lender (within the meaning of section 737(2) of such Act) participating under subpart I of part C of title VII of such Act,

for use only by officers, employees, or agents of such school or eligible lender whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such subparts for the purposes of collecting such loans.".

SCHOLARSHIPS FOR FIRST-YEAR STUDENTS OF EXCEPTIONAL FINANCIAL NEED

SEC. 210. (a) Section 758(b) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) A scholarship provided to a student for a school year under a grant under subsection (a) shall consist of—

"(A) payment to, or (in accordance with paragraph (4)) on behalf of, the student of the amount (except as provided in section 710) of—

"(i) the tuition of the student in such school year; and

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

"(B) payment to the student of a stipend of $400 per month (adjusted in accordance with paragraph (5)) for each of the 12 consecutive months beginning with the first month of such school year.

"(3) Notwithstanding paragraph (2), the total scholarship award to a student for each year shall not exceed the cost of attendance for that year at the educational institution attended by the student (as determined by such educational institution).

"(4) The Secretary may contract with an educational institution in which is enrolled a student who has received a scholarship with a grant under subsection (a) for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (2)(A). Payment to such an educational institution may be made without regard to section 3324 of title 31, United States Code.

"(5) The amount of the monthly stipend, specified in paragraph (2)(B) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary for each school year by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.".

(b) Section 338A(g)(1) is amended by striking out "or under section 758 (relating to scholarships for first-year students of exceptional financial need),".

CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

SEC. 211. (a)(1) Section 770 is amended to read as follows:

"CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

"SEC. 770. (a)(1) The Secretary shall make annual grants to schools of public health for the support of the education programs of such schools. The amount of the annual grant to each such school with an approved application shall be computed for each fiscal year in accordance with paragraphs (2) and (3).

"(2) Each school of public health shall receive for the fiscal year ending September 30, 1986, and for each of the next two fiscal years, an amount equal to the product of—

"(A) $1,400, and

"(B) the sum of (i) the number of full-time students enrolled in degree programs in such school in the school year beginning in such fiscal year, and (ii) the number of full-time equivalents of part-time students enrolled in degree programs in such school, determined pursuant to paragraph (3), for such school for such school year.

"(3) For purposes of paragraph (2), the number of full-time equivalents of part-time students for a school of public health for any school year is a number equal to—

"(A) the total number of credit hours of instruction in such year for which part-time students of such school, who are pursuing a course of study leading to a graduate degree in public health or an equivalent degree, have enrolled, divided by

"(B) the greater of (i) the number of credit hours of instruction which a full-time student of such school was required to take in such year, or (ii) 9,

rounded to the next highest whole number.

"(b) Notwithstanding subsection (a), if the aggregate of the amounts of the grants to be made in accordance with such subsection for any fiscal year to schools of public health with approved applications exceeds the total of the amounts appropriated for such grants for such schools under subsection (e), the amount of a school's grant for such fiscal year shall be an amount which bears the same ratio to the amount determined for the school under subsection (a) as the total of the amounts appropriated for that year under subsection (e) for grants to

schools of public health bears to the amount required to make grants in accordance with subsection (a) to each of the schools of public health with approved applications.

"(c)(1) For purposes of this section, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school or in a particular year-class in a school on the basis of estimates, on the basis of the number of students who in an earlier year were enrolled in a school or in a particular year-class, or on such other basis as the Secretary deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a graduate degree in public health or equivalent degree.

"(d) In the case of a new school of public health which applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of full-time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

"(e) For payments under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1986, and for each of the two succeeding fiscal years.".

(2) Section 731(a)(1)(A)(ii) is amended by striking out "(as defined in section 770(c)(2))" and inserting in lieu thereof "(as defined in section 770(c)(2) (as such section was in effect on September 30, 1985))".

(b) Section 771 is amended to read as follows:

"ELIGIBILITY FOR CAPITATION GRANTS

"SEC. 771. (a)(1) The Secretary shall not make a grant under section 770 to any school of public health in a fiscal year beginning after September 30, 1985, unless the application for the grant contains, or is supported by, assurances satisfactory to the Secretary that—

"(A) the enrollment of full-time equivalent students enrolled in degree programs in the school in the school year beginning in the fiscal year in which the grant applied for is to be made will not be less than the enrollment of such students in degree programs in the school in the school year beginning in the fiscal year ending September 30, 1983; and

"(B) the applicant will expend in carrying out its functions as a school of public health during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the fiscal year preceding the fiscal year for which such grant is sought.

"(2) For purposes of subsection (a)(1)(A), the number of full-time equivalent students enrolled in a degree program in a school in a school year is equal to the sum calculated under section 770(a)(2)(B) for that school year.

"(b) The Secretary may waive (in whole or in part) application to a school of public health of the requirement of subsection (a)(1)(A) if the Secretary determines, after receiving the written recommendation of the appropriate accreditation body or bodies (approved for such purpose by the Commissioner of Education) that compliance by such school with such requirement will prevent it from maintaining its accreditation.".

(c)(1) Section 772(b) is amended—

(A) by striking out "or subsection (a) or (b) of section 788";

(B) by striking out "medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, or podiatry," and inserting in lieu thereof "public health,";

(C) by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education"; and

(D) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Education".

(2) The section heading for section 772 is amended to read as follows:

"APPLICATIONS FOR CAPITATION GRANTS".

(d) The heading for part E of title VII is amended to read as follows:

"PART E—GRANTS TO IMPROVE THE QUALITY OF SCHOOLS OF PUBLIC HEALTH".

DEPARTMENTS OF FAMILY MEDICINE

SEC. 212. Section 780 is amended by redesignating subsection (c) (as amended by section 103 of this Act) as subsection (d) and by inserting after subsection (b) the following:

"(c) In making grants under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to family medicine in their medical education training programs.".

AREA HEALTH EDUCATION CENTERS

SEC. 213. (a) Section 781(a)(2) is amended by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and by striking out all that precedes clause (i) (as so redesignated) and inserting in lieu thereof the following:

"(2)(A) The Secretary shall enter into contracts with schools of medicine and osteopathy—

"(i) which have previously received Federal financial assistance for an area health education center program under section 802 of the Health Professionals Educational Assistance Act of 1976 in fiscal year 1979 or under paragraph (1), or

"(ii) which are receiving assistance under paragraph (1),

to carry out projects described in subparagraph (B) through area health education centers for which Federal financial assistance was provided under paragraph (1) and which are no longer eligible to receive such assistance.

"(B) Projects for which assistance may be provided under subparagraph (A) are—".

(b) The last sentence of section 781(g) is amended by striking out "may" and inserting in lieu thereof "shall".

(c) Section 781(d)(2)(F) is amended to read as follows:

"(F) conduct interdisciplinary training and practice involving physicians and other health personnel including, where practicable, physician assistants and nurse practitioners;".

GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

SEC. 214. Section 784 is amended by redesignating subsection (b) (as amended by section 106 of this Act) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) In making grants and entering into contracts under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to general internal medicine and general pediatrics in their medical education training programs.".

FAMILY MEDICINE AND GENERAL DENTISTRY

SEC. 215. (a) Section 786(b) is amended—

(1) by inserting "or an approved advanced educational program in the general practice of dentistry" before the semicolon in paragraph (1); and

(2) by striking out "residents" in paragraph (2) and inserting in lieu thereof "participants".

(b) Section 786 is amended by redesignating subsection (c) (as amended by section 107 of this Act) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) In making grants under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to family medicine in their medical education training programs.".

(c) Section 786(d) (as amended by section 107 of this Act and redesignated by subsection (b) of this section) is further amended by inserting before the period in the second sentence a comma and "and shall obligate not less than 7.5 percent of such amounts in each such fiscal year for grants under subsection (b)".

EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

SEC. 216. (a) Section 787(a)(1) is amended—

(1) by inserting "chiropractic," after "allied health,"; and

(2) by inserting after "podiatry" a comma and "public and nonprofit private schools which offer graduate programs in clinical psychology,".

(b) Section 787(a)(2) is amended—

(1) by striking out "and" after the last comma in subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a comma and "and"; and

(3) by inserting after subparagraph (E) the following:

"(F) paying such stipends [(including allowances for travel and dependents)] as the Secretary may determine for such individuals for any period of health professions education at such a school.

The term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in clinical psychology.".

(c) Section 787(b) is amended by adding at the end thereof the following new sentence: "Not less than 25 percent, and not more than 35 percent, of the funds appropriated under this section for any fiscal year shall be obligated for stipends under subsection (a)(2)(F) to individuals of exceptional financial need (as defined by regulations promulgated by the Secretary under section 758).".

SPECIAL PROJECTS

SEC. 217. (a)(1) Section 788(a)(1) is amended to read as follows:

"(a)(1) The Secretary may make grants to maintain and improve schools which provide the first or last two years of education leading to the degree of doctor of medicine or osteopathy. Grants provided under this paragraph to schools which were in existence on September 30, 1985, may be used for

construction and the purchase of equipment.".

(2) Paragraph (2) of section 788(a) is repealed and paragraph (3) of such section is redesignated as paragraph (2).

(3) Section 788(a)(2) (as redesignated by paragraph (2) of this subsection) is amended by inserting "or last" after "the first", by inserting "or osteopathy" after "medicine" and by inserting "or be operated jointly with a school that is accredited by" after "accredited by".

(b) Section 788(b) is amended to read as follows:

"(b)(1) The Secretary may make grants to and enter into contracts with any health profession, allied health profession, or nurse training institution, or any other public or nonprofit private entity for projects in areas such as—

"(A) health promotion and disease prevention;

"(B) curriculum development and training in health policy and policy analysis, including curriculum development and training in areas such as—

"(i) the organization, delivery, and financing of health care;

"(ii) the determinants of health and the role of medicine in health; and

"(iii) the promotion of economy in health professions teaching, health care practice, and health care systems management;

"(C) curriculum development in clinical nutrition;

"(D) the development of initiatives for assuring the competence of health professionals; and

"(E) curriculum and program development and training in applying the social and behavioral sciences to the study of health and health care delivery issues.

"(2)(A) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (g)(1), at least 75 percent shall be obligated for grants to and contracts with health professions institutions, allied health institutions, and nurse training institutions.

"(B) Any application for a grant to institutions described in subparagraph (A) shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(C) The Secretary may not approve or disapprove an application for a grant to an institution described in subparagraph (A) unless the Secretary has consulted with the National Advisory Council on Health Professions Education with respect to such application.

"(3) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (g)(1), not more than 25 percent shall be obligated for grants to and contracts with public and nonprofit entities which are not health professions institutions, allied health institutions, or nurse training institutions.".

(c) Section 788(d) is amended to read as follows:

"(d)(1) The Secretary may make grants to and enter into contracts with schools of medicine and osteopathy or other appropriate public or nonprofit private entities to assist in meeting the costs of such schools or entities of providing projects to—

"(A) improve the training of health professionals in geriatrics;

"(B) develop and disseminate curricula relating to the treatment of the health problems of elderly individuals;

"(C) expand and strengthen instruction in methods of such treatment;

"(D) support the training and retraining of faculty to provide such instruction;

"(E) support continuing education of health professionals and allied health professionals who provide such treatment; and"

"(F) establish new affiliations with nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers in order to provide students with clinical training in geriatric medicine.

"(2)(A) Any application for a grant under this subsection shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(B) The Secretary may not approve or disapprove an application for a grant under this subsection unless the Secretary has consulted with the National Advisory Council on Health Professions Education with respect to such application.".

(d) Section 788 is amended by redesignating subsection (f) (as amended by section 109 of this Act) as subsection (g) and by inserting after subsection (e) the following:

"(f) The Secretary may make grants to schools of veterinary medicine for—

"(1) the development of curricula for training in the care of animals used in research, the treatment of animals while being used in research, and the development of alternatives to the use of animals in research;

"(2) the provision of such training; and

"(3) large animal care and research.".

(e) The heading for section 788 is amended to read as follows:

"TWO-YEAR SCHOOLS OF MEDICINE, INTERDISCIPLINARY TRAINING, AND CURRICULUM DEVELOPMENT".

ADVANCED FINANCIAL DISTRESS ASSISTANCE

SEC. 218. Subsections (b)(1) and (f) of section 788B are each amended by striking out "five" and inserting in lieu thereof "six".

GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

SEC. 219. Section 791(c)(2)(A)(i) is amended by inserting before the semicolon a comma and "except that in any case in which the number of minority students enrolled in the graduate educational programs of such entity in such school year will exceed an amount equal to 45 percent of the number of all students that will be enrolled in such programs in such school year, such application shall only be required to contain assurances that at least 20 individuals will complete such programs in such school year".

PROGRAM ELIMINATIONS

SEC. 220. (a) Section 703 is repealed.

(b) Section 708(c) is repealed.

(c) Part D of title VII is repealed.

(d) Section 782 is repealed.

(e) Section 785 is repealed.

(f)(1) Section 788A is repealed.

(2) The second sentence of section 788B(a) is amended by inserting "(as such section was in effect prior to October 1, 1985)" after "section 788A".

(3) Section 788B(f) (as amended by section 218 of this Act) is further amended by striking out the last sentence.

(4) Section 788B(h) (as amended by section 110 of this Act) is further amended—

(A) by striking out "and section 788A" in the first sentence; and

(B) by striking out the second sentence.

(g) Section 789 is repealed.

ANALYSIS OF FINANCIAL DISINCENTIVES TO CAREER CHOICES IN HEALTH PROFESSIONS

SEC. 221. By October 1, 1986, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report which contains—

(1) an analysis of any financial disincentive to graduates of health professions schools which affects the specialty of practice chosen by such graduates or the decision of such graduates to practice their profession in an area which lacks an adequate number of health care professionals; and

(2) recommendations for legislation and administrative action to correct any disincentives which are identified pursuant to clause (1) and which are contrary to the achievement of national health goals, including recommendations concerning the appropriateness of providing financial assistance to mitigate such disincentives.

STUDY ON COMPLIANCE WITH SELECTIVE SERVICE ACT

SEC. 222. The Secretary of Health and Human Services, in cooperation with the Director of Selective Service, shall conduct a study to determine if health professions schools are engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or are engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act (and any proclamation of the President and regulations prescribed under that section) and have not so registered. The Secretary shall complete the study and report its results to the Congress not later than one year after the effective date of this Act.

STUDY OF THE ROLE OF ALLIED HEALTH PERSONNEL IN HEALTH CARE DELIVERY

SEC. 223. (a)(1) The Secretary of Health and Human Services shall arrange for the conduct of a study concerning the role of allied health personnel in health care delivery. The Secretary shall request the National Academy of Sciences to conduct the study under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by subsection (c). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(2) If the National Academy of Sciences is unwilling to conduct the study required by paragraph (1) under the type of arrangement described in such paragraph, the Secretary shall enter into a similar arrangement with one or more appropriate nonprofit private entities.

(b) The study required by subsection (a) shall—

(1) assess the role of allied health personnel in health care delivery;

(2) identify projected needs, availability, and requirements of various types of health care delivery systems for each type of allied health personnel;

(3) investigate current practices under which each type of allied health personnel obtain licenses, credentials, and accreditation;

(4) assess changes in programs and curricula for the education of allied personnel and in the delivery of services by such personnel which are necessary to meet the needs and requirements identified pursuant to paragraph (2); and

(5) assess the role of the Federal, State, and local governments, educational institutions, and health care facilities in meeting

the needs and requirements identified pursuant to paragraph (2).

(c) By October 1, 1987, the Secretary of Health and Human Services shall transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make available to the public, a report—

(1) describing the study conducted under this section;

(2) containing a statement of the data obtained under such study; and

(3) specifying such recommendations for legislation and administrative action as the Secretary considers appropriate.

RECOVERY OF ASSISTANCE FOR COMMUNITY MENTAL HEALTH CENTERS

SEC. 224. (a) Section 2115 is amended to read as follows:

"RECOVERY

"SEC. 2115. (a) If any facility with respect to which funds have been paid under the Community Mental Health Centers Act (as such Act was in effect prior to October 1, 1981) is, at any time within twenty years after the completion of remodeling, construction, or expansion or after the date of its acquisition—

"(1) sold or transferred to any entity (A) which would not have been qualified to file an application under section 222 of such Act (as such section was in effect prior to October 1, 1981) or (B) which is disapproved as a transferee by the State mental health agency or by another entity designated by the chief executive officer of the State, or

"(2) ceases to be used by a community mental health center in the provision of comprehensive mental health services,

the United States shall be entitled to recover from the transferor, transferee, or owner of the facility, the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The transferor and transferee of a facility that is sold or transferred as described in subsection (a)(1), or the owner of a facility the use of which changes as described in subsection (a)(2), shall provide the Secretary written notice of such sale, transfer, or change not later than 10 days after the date on which such sale, transfer, or cessation of use occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects as the amount of the Federal participation bore to the cost of the remodeling, construction, expansion, or acquisition of the project or projects.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which such sale, transfer, or cessation of use occurs, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after such sale, transfer, or cessation of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

(b) In the case of any facility that was or is constructed, remodeled, expanded, or acquired on or before the date of enactment of this Act or within 180 days after the date of enactment of this Act, the period described in subsection (c)(2)(B)(i) of section 2115 of the Public Health Service Act (as amended by subsection (a) of this section) shall begin no earlier than 181 days after the date of enactment of this Act.

(c) The amendments made by subsection (a) of this section shall not adversely affect other legal rights of the United States.

EFFECTIVE DATE

SEC. 225. (a) Except as provided in subsection (b), this Act and the amendments and repeals made by this Act shall take effect on October 1, 1985.

(b)(1) The provisions of section 207 of this Act and the amendment made by subsection (a) of such section shall take effect on the date of enactment of this Act.

(2) The amendment made by section 209(j) of this Act shall take effect June 30, 1984.

[(2)] *(3)* The provisions of section 224 of this Act and the amendment made by subsection (a) of such section shall take effect on the date of enactment of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

AMENDMENT NO. 534

(Purpose: To make technical corrections)

Mr. HATFIELD. Mr. President, I send to the desk an amendment in behalf of Mr. HATCH.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. HATCH, proposes an amendment numbered 534.

On page 20, strike out lines 21 and 22, and insert the following:

(3) by striking out "2 percent per year" in the first sentence and inserting in lieu thereof "6 percent".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 534) was agreed to.

● Mr. HATCH. Mr. President, I urge my colleagues to join with me in approving S. 1283, the Health Professions Training and Assistance Act of 1985. A complete legislative history, analysis of the bill, and committee views are available in Senate report No. 99-105. This bill reauthorizes programs in title VII of the Public Health Service Act, maintaining Federal support for training health professionals, albeit significantly reduced from the time this authority was established. We have heard from many health policy experts that there is a pending surfeit of physicians and other health professionals. This is due in large part to the success of past Federal incentives designed to address a serious shortfall of health professionals. However, all incentives to train increasing numbers of health professionals have been eliminated from this bill. The level of funding is significantly reduced from the authority in existing law, and maintains support at 1985 appropriation levels.

This legislation, as approved by the Labor and Human Resources Committee, now focuses on maintaining support for student loans and a limited number of scholarships directed at students of exceptional financial need. These are intended to maintain access to our health professional schools for minority students as well as other academically qualified young people who simply could not participate in expensive educational programs without some assistance. To improve management of student loans, however, all recommendations provided by the administration to improve economy and efficiency have been included.

This bill also provides ongoing support for training programs in the primary care specialties—family practice, general internal medicine, and general pediatrics. Although there is a well identified excess of many specialists in medicine, there is also a well documented continuing need for primary care specialists, particularly in rural areas. Such specialists hold the promise of providing much needed preventive and primary care services which are critical if we are going to get a handle on increasing health care costs. And finally, this bill provides ongoing support for educational programs conducted by area health education centers. These activities have been very successful in providing interdisciplinary training for health professionals in a wide variety of settings outside of our academic health centers, that is conducting teaching in living laboratories where the health care needs of our citizens can be seen and understood.

Mr. President, there is one technical noncontroversial amendment to S. 1283 as reported. It simply changes the administration of the insurance premium charged to students participating in the Health Professions Student Loan Program. The amendment enables students to pay the insurance premium over the life of the loan, and allows the Secretary of HHS to charge up to 6 percent of the principle of the loan for the insurance premium. These charges are designed to make payback of loans less burdensome for students, as well as guarantee suffi-

cient funds be available in the insurance trust fund to remain solvent.

Mr. President, I urge my colleagues to join with me in approving this legislation. It has been tailored for the times and represents an appropriately reduced, but nonetheless essential role for the Federal Government in health professions training.●

Mr. KENNEDY. Mr. President, it is my pleasure to join the chairman of the Labor and Human Resources Committee in support of the reauthorizing legislation for programs which have far reaching importance for education in the health professions. These programs, which comprise title VII of the Public Health Service Act, represent elements of a manpower policy that has been carefully constructed over more than two decades to provide for changing national needs. These programs support undergraduate and graduate training in a broad spectrum of health fields. They also provide special assistance to economically disadvantaged individuals to increase their access to health careers and to medically underserved communities to improve their access to health providers.

The list of health fields named in title VII for which educational support is available is long. It includes medicine, dentistry, osteopathy, podiatry, optometry, chiropractic medicine, pharmacy, veterinary medicine, public health, preventive medicine, health administration, the allied health professions, and clinical psychology. Taken together, this list of health professions represents the principal health fields which comprise our health system. Some of the programs provide direct aid to students and some provide aid to educational institutions or their faculty. Specific curricular objectives have also been encouraged through grant moneys provided by title VII.

The validity of title VII programs remains as strong today as when they were first authorized. These programs were intended to compensate for imbalances and inadequacies in the present health system by stimulating the growth of educational programs that would represent national priorities. They have clearly done that.

Programs funded by title VII fall into a number of categories. They include student loans and scholarships programs, programs which provide direct aid to educational institutions to help them train disadvantaged students, programs to stimulate the training of primary care physicians and dentists, and programs which support training in public health, preventive medicine, and other health disciplines. In addition, there are effective mechanisms for attracting health professionals to medically underserved parts of the country.

Area health educations centers [AHEC's] are one example. The AHEC Program is intended to alleviate the persistent geographic maldistribution of health providers which is experienced as a manpower shortage by many communities. The program has succeeded well in bringing health professionals into medically underserved areas. Proof of this success is that the 22 AHEC's around the country have obtained State matching funds over Federal outlays in a ratio of 5 to 1.

Other examples are the programs which support training in three primary care fields of medicine—general internal medicine, pediatrics, and family practice. Over the past decade, these programs have already contributed to rebuilding the country's supply of primary care physicians. This supply was undermined by the pronounced trend toward specialization that manifested itself in the last decade.

Family practice programs in particular have contributed to resolving the geographic maldistribution of physicians. Fifty percent of the graduates of family practice residencies settle in communities of less than 25,000 people.

Primary care training contributes to the solution of problems of geographic and specialty maldistribution of physician manpower. While it is true that there is an impending surplus of physicians, the surplus is not manifested in all fields of medicine. It is found chiefly in the subspecialties of internal medicine and surgery, and in obstetrics and gynecology.

The fee-for-service reimbursement system currently reinforces this tendency by rewarding specialty procedures and in-hospital care disproportionately. Those services stressed by primary care physicians—outpatient and preventive services—are rewarded poorly by comparison. This weakens the financial base for primary care training and provides incentive for graduating medical students to seek careers in specialty medicine. Title VII programs provide direct support to primary care programs to encourage the training of primary care physicians.

Public health and preventive medicine and other academic fields are given support funds in this legislation. Public health schools generally have limited sources of funding despite their important role in supplying a steady source of graduates for State and local health departments around the country. Preventive medicine is a relatively new academic field which will clearly grow in importance as the developing consensus for preventive services solidifies.

Only minor changes have been made in title VII loan programs about which there have been many concerns this year. In the Health Education Assistance Loan Program [HEAL], maximum interest rates will be reduced slightly and the premium paid by student borrowers for default insurance may increase slightly pending actuarial assistance. The total sum the Federal Government will insure will rise over 3 years to $310 billion from the current $250 billion.

The Health Professions Student Loan Program [HPSL] and the program which gives complete scholarships to worthy students of exceptional financial need are vital programs which ensure that the opportunity for careers in health will be open to all based on merit, not financial wealth. They assure that we continue to keep alive the American dream of opportunity for all.

Funding levels for all of the reauthorized programs are based on two factors: First, the budget figures already agreed upon this year by the Senate; and second, an assessment of the relative importance of all the programs contained in the health function (550) of the budget. Programs which support financially disadvantaged students have been given priority as have programs which offer direct medical service to the public.

The PRESIDING OFFICER. The question is on engrossment of the amendments and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate turn to the Consideration of Calendar No. 231, H.R. 2410, a House companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2410) to amend the Public Health Service Act to revise and extend the programs under title VII.

Mr. HATFIELD. Mr. President, I move to strike all after the enacting clause and insert the text of S. 2183, as amended.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2410), as amended, was passed.

Mr. HATFIELD. Mr. President, I move to indefinitely postpone S. 1283.

The motion was agreed to.

JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of Senate Resolution

197, a resolution to agree to cooperate with the Jacob K. Javits Senate Fellowship Program, and I ask for its immediate consideration.

Mr. BYRD. Mr. President, reserving the right to object, I apologize to the distinguished Senator from Oregon. I am not sure at the moment that that request has been cleared on this side.

Mr. President, I apologize again. I thank the Senator for his indulgence. There is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 197) to agree to cooperate with the Jacob K. Javits Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 197) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

SENATE RESOLUTION 197

Whereas Jacob K. Javits served with distinction in the United States Senate for twenty-four years and in the House of Representatives for eight years;

Whereas Senator Javits was known, during his tenure, for his intellectual acumen, his effectiveness in legislation, and his broad expertise;

Whereas the Jacob K. Javits Foundation has proposed a Senate Fellowship Program to be established under its jurisdiction for the purpose of promoting the ideal of excellence in public service;

Whereas the foundation will support this fellowship program at no cost to the United States Senate;

Whereas highly qualified and greatly talented young men and women will be selected by the foundation, based upon their academic credentials, achievements, and their goals in public service, to participate in the Jacob K. Javits Senate Fellowship Program whereby these fellows, after two years of graduate study, would interview for employment with Senate Members, committees, or officers; and

Whereas the Senate is the greatest deliberative body in the world and, therefore, would provide the opportunity for these fellows to closely observe and participate in the legislative and public policy process and then utilize this experience to contribute to society and to the Nation in the years to come: Now, therefore, be it

Resolved, That the Senate agrees to cooperate with the Jacob K. Javits Senate Fellowship Program and furthermore directs the Office of the Secretary of the Senate to provide assistance as may be necessary for the success of this fellowship program.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the resolution was adopted.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. HATFIELD. Mr. President, I should like to inquire of the Democratic leader if he is in a position to pass the following calendar items: 234, 235, 236, 237, and 238.

Mr. BYRD. Mr. President, there is no objection on this side, all of the items mentioned having been cleared.

Mr. HATFIELD. Mr. President, I thank the Democratic leader. I now ask unanimous consent that the calendar items just identified be considered en bloc and agreed to en bloc and all preambles be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ADOPTION WEEK

The joint resolution (S.J. Res. 51) to designate the week beginning November 24, 1985, as "National Adoption Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 51

Whereas the week of November 24 has been commemorated as National Adoption Week for the past ten years;

Whereas we in Congress recognize the essential value of belonging to a secure, loving permanent family as every child's basic right;

Whereas aproximately fifty thousand children who have special needs—school age, in sibling groups, members of minorities, or children with physical, mental, and emotional handicaps—are now in foster care or institutions financed at public expense and are legally free for adoption;

Whereas the adoption by capable parents of these institutionalized or foster care children into permanent, adoptive homes would insure the opportunity for their continued happiness and long-range well-being;

Whereas public and private barriers inhibiting the placement of these special needs children must be reviewed and removed where possible to assure these children's adoption;

Whereas the public and prospective parents must be informed of the availability of adoptable children;

Whereas a variety of media, agencies, adoptive parent and advocacy groups, civic and church groups, businesses, and industries will feature publicity and information to heighten community awareness of the crucial needs of waiting children; and

Whereas the recognition of Thanksgiving week as "National Adoption Week" is in the best interest of adoptable children and the public in general; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 24 through November 30, 1985, hereby is designated "National Adoption Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DIABETES MONTH

The joint resolution (S.J. Res. 145) designating November 1985, as "National Diabetes Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 145

Whereas diabetes with its complications kills more than any other disease except cancer and cardiovascular diseases;

Whereas diabetes afflicts twelve million Americans and over five million of these Americans are not aware of their illness;

Whereas more than $14,000,000,000 annually are used for health care costs, disability payments, and premature morality costs due to diabetes;

Whereas up to 85 per centum of all cases of noninsulin dependent diabetes may be preventable through greater public understanding, awareness, and education;

Whereas diabetes is particularly prevalent among black Americans, Hispanic Americans, Native Americans, and women; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1985 is designated as "National Diabetes Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint reosolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL INFECTION CONTROL WEEK

The joint resolution (S.J. Res. 147) to designate a calendar week in 1985 as "National Infection Control Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 147

Whereas nosocomial infections directly cause more than twenty-thousand deaths each year and indirectly contribute to sixty-thousand additional deaths;

Whereas one third of all such infections are preventable;

Whereas the spread of infection in day care centers is a new source of concern;

Whereas scientific evidence demonstrates that improved hand-washing practices in health care facilities, day care centers, and educational facilities would significantly reduce infections;

Whereas the Department of Health and Human Services and the T. Bear Foundation are working together to implement an infection control campaign; and

Whereas increased public awareness, dissemination of information, and assistance are essential to combat and prevent the problem of infection: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a calendar week in 1985 be designated as "National Infection Control Week" and that the President is authorized and requested to issue a proclamation designating a particular calendar week in 1985 as "National Infection Control Week" and to call upon Federal, State, and local government agencies and the people of the United States to observe such week with appropriate programs, activities, and ceremonies.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DISABLED VETERANS WEEK

The joint resolution (S.J. Res. 160) designating the week beginning November 10, 1985, as "National Disabled Veterans Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 160

Whereas there are two million three hundred thousand disabled veterans in the United States;

Whereas disabled veterans have sacrificed their well-being in the service of their country;

Whereas disabled veterans endure severe disabilities, such as loss of limb, paralysis, blindness, deafness, and delayed-stress syndrome;

Whereas these disabled veterans consistently experience inordinately high rates of joblessness; and

Whereas disabled veterans have important contributions to national welfare: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the contributions that disabled veterans have made to the welfare of the United States, the week beginning November 10, 1985 is designated "National Disabled Veterans Week". The President is requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe that week with appropriate programs, ceremonies, and activities.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

POLISH AMERICAN HERITAGE MONTH

The Senate proceeded to consider the joint resolution (H.J. Res. 106) designating August 1985 as "Polish American Heritage Month."

POLISH AMERICAN HERITAGE WEEK

(By request of Mr. BYRD the following statement was ordered to be printed in the RECORD.)

● Mr. SIMON. Mr. President, on June 17, 1985, I introduced a joint resolution designating August 1985 as "Polish American Heritage Month." This resolution, Senate Joint Resolution 146, is identical to House Joint Resolution 106, which passed the full House of Representatives on July 12. I am pleased to note that when the House passed the resolution, there were 30 cosponsors in the Senate for this measure, and there are now 31.

I will not take up the time of this body extolling the great and varied contributions Polish Americans have made to American culture and in American history. Americans of Polish descent have fought in our wars, helped guide our national policy, and enriched all of our lives through their leadership in the educational, cultural, scientific, athletic, and entertainment worlds. I am proud to represent the largest concentration of Polish Americans, and am pleased that one-third of my colleagues have seen fit to cosponsor a resolution honoring Polish Americans in designating August 1985 as "Polish American Heritage Month."

Mr. President, I ask for expeditious action in bringing the House-passed measure to a vote in the Senate, so that we may usher in August 1985 as "Polish American Heritage Month."●

The joint resolution was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar, which I understand have been cleared on both sides of the aisle: Calendar No. 312, Calender No. 313, and Calendar No. 314.

Mr. BYRD. Mr. President, there is no objection on this side, all of the items mentioned having been previously cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to the consideration of executive business.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the nominations just identified be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1985. (Reappointment)

DEPARTMENT OF TRANSPORTATION

Jennifer Ann Hillings, of California, to be an Assistant Secretary of Transportation.

Rebecca Gernhardt Range, of the District of Columbia, to be an Assistant Secretary of Transportation.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATIONS—COMMODITY CREDIT CORPORATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Joint Resolution 342, urgent supplemental appropriations for the Commodity Credit Corporation.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection on this side.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 342) making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HATFIELD. Mr. President, this is an urgent supplemental passed by the House in the amount of $1 billion for the Commodity Credit Corporation. The supplemental appropriation

bill that has been passed by both the House and the Senate and awaiting now a conference, which will convene on Monday next, includes $3.9 billion, I believe is the figure, for the Commodity Credit Corporation. The situation has reached such urgency that the House opted to adopt this particular appropriation to tide the Commodity Credit Corporation over until the Senate and the House and the White House act upon the urgent supplemental. Assuming this bill is passed and signed into law, this amount would then be deducted from the amount within the supplemental appropriation.

That is the purpose of the House acting and why we now urge on behalf of the Appropriations Committee that the Senate take similar action and bridge the gap for the funding of the Commodity Credit Corporation. I move the adoption of the joint resolution.

Mr. COCHRAN. Mr. President, the bill now before us, House Joint Resolution 342, is an urgent supplemental appropriation bill of $1 billion to reimburse the Commodity Credit Corporation [CCC] for net realized losses. This emergency action is necessary because the CCC is faced with a perilous cash position and has reached its statutory limit on borrowing authority of $25 billion.

Many of you will recall that the regular 1985 supplemental appropriations bill (H.R. 2577) contains almost $4 billion for this purpose. That bill is awaiting conference action, and the conferees are scheduled to meet Monday afternoon at 1 p.m.

In the meantime, because of the perilous cash position of the CCC, some of its responsibilities as required by law have been curtailed. Specifically, the Corporation has had to terminate disbursements for farm program payments and loans.

The reasoning behind providing only $1 billion, rather than the full $4 billion, which is in the regular supplemental, is to carry the CCC through the next couple of weeks with sufficient funds to meet its obligations, without reducing the urgency for final action on the regular supplemental appropriations bill.

It is uncertain exactly how long these funds for the CCC will last, because daily funding requirements vary. However, the Department of Agriculture estimates that without the additional funds provided in the regular supplemental, the CCC will not be able to make over $2 billion in program payments by September 1.

The urgency of this situation cannot be overemphasized. This is a critical time for farmers in many parts of the country. Without this emergency funding, many farmers will not get funds they are entitled to by law.

I urge the Senate to adopt this bill.

Mr. BENTSEN. Mr. President, I strongly support passage of this bill to provide emergency funding to allow the Commodity Credit Corporation to resume operations. I appreciate very much the consideration shown by the leadership of the Senate and of the Senate Appropriations Committee for my request for expeditious action. The distinguished chairman of the committee, the Senator from Oregon [Mr. HATFIELD], and my old and dear friend, the Senator from Mississippi [Mr. STENNIS], who is the ranking minority member of the committee, have gone to extraordinary lengths in bypassing normal procedure so that this emergency legislation can be passed as soon as possible. They have also been greatly assisted in this effort by the support and cooperation of the chairman and ranking minority member of the Agricultural Appropriations Subcommittee, the distinguished Senator from Mississippi [Mr. COCHRAN], and the distinguished senior Senator from North Dakota [Mr. BURDICK]. The cooperation and support of the distinguished majority leader [Mr. DOLE] and the distinguished minority leader [Mr. BYRD] has enabled this bill to be scheduled for floor consideration as soon as possible.

Wednesday evening the Commodity Credit Corporation announced that they had reached the limits of their borrowing authority and directed all of their offices to stop disbursing funds. This CCC action means that farmers in Texas and other States who are now harvesting cannot put their crops under CCC loan.

This action hurts farmers throughout my home State of Texas and many others as well. Corn and milo have been harvested and the first bale of cotton has been brought in the Rio Grande Valley. The feed grain harvest has moved into the coastal bend, and rice is being cut near Houston. The wheat harvest is substantially complete in Texas and has moved north into other States, but not all Texas wheat farmers have had their CCC loans processed. In addition, dairy farmers cannot get milk payments and payments cannot be made for losses insured by the Federal Crop Insurance Corporation. Within the next few weeks layoff notices may start going to the employees that run many of these programs.

Funding for CCC to continue operations has been requested by the administration and included in both the House and Senate versions of the supplemental appropriations bill, H.R. 2577. It is my understanding that the conferees on this bill are not scheduled to begin meeting until next Monday and that there are substantial and controversial differences that must be resolved between the House and Senate versions of this bill before it can be passed.

Farmers are already badly strapped for cash due to the disastrous economic conditions in agriculture. Any delays in making these CCC funds available will cause great damage to farm financial plans that are already being squeezed to the limit. For that reason, it is imperative that we get emergency funds to the CCC immediately.

The House of Representatives responded to this need and to the prompting of my distinguished fellow Texan, Chairman KIKA DE LA GARZA of the House Agriculture Committee, by passing House Joint Resolution 342 yesterday to provide $1 billion of emergency funds to keep the CCC operating. This bill was received by the Senate today, and passage of this legislation now by the Senate will clear it for the President and allow the fastest possible resumption of these vital services to farmers.

Mr. President, on behalf of the farmers of Texas I again thank those Senators in leadership positions who assisted so graciously in my efforts to expedite this bill and I urge its immediate passage.

Mr. BAUCUS. Mr. President, I rise in support of this emergency legislation to provide the Commodity Credit Corporation with $1 billion for badly needed crop loans to farmers.

Agriculture in Montana is severely depressed. Farmers are seeing their lowest wheat yield since 1961 and their lowest total production since 1956.

I can't think of a worse time for delays in checks to farmers who put grain under CCC loans. This emergency legislation will eliminate the delays and permit CCC to give farmers the loans they desperately need.

The supplemental appropriations bill, which would provide $3.9 billion for CCC until September 30, has been bottled up in the Senate-House conference committee. I am optimistic that the committee will complete action on the bill when it meets on Monday.

Until then, this emergency legislation should tide us over. The $1 billion is estimated to last about 1 week to 10 days, taking into account that there is probably a sizable backlog of applications awaiting the release of these funds.

The loans can be issued within 24 hours after the paperwork is completed. I urge the CCC to act as quickly as possible once this funding is approved.

Mr. ZORINSKY. Mr. President, I strongly support the legislation providing $1 billion in funding for the operations of the Commodity Credit Corporation.

The level of funding provided under this bill will allow the Commodity Credit Corporation to resume its normal operations until at least the beginning of August. This will allow time for Congress to complete its con-

sideration of the supplemental appropriations bill for fiscal year 1985.

At the present time, our Nation's farmers are being refused Commodity Credit Corporation price support loans because the Corporation has virtually run out of funds. In addition, many other essential agricultural programs—including export promotion and food assistance programs—that are funded through the Commodity Credit Corporation have been shut down.

Wheat farmers throughout the Midwest are harvesting their corps. Many of those farmers want to use part or all of their crops to obtain Commodity Credit Corporation loans that are desperately needed to pay operating and living expenses.

Adequate funding for the Commodity Credit Corporation would be provided for the remainder of this fiscal year under the supplemental appropriations bill that is currently in conference. I have sent a letter to the members of the committee of conference to bring this problem to their attention.

However, if the Commodity Credit Corporation funding problem is not addressed immediately, there will be a further erosion of confidence in our Nation's agricultural programs and farmers will be denied access to an important source of credit.

For those reasons, it is essential that the Senate take immediate action to provide funds on an emergency basis to the Commodity Credit Corporation.

I urge my colleagues to support this measure and I ask unanimous consent that the text of the letter I referred to earlier be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 18, 1985.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MARK: I urge you the conference committee on the supplemental appropriations bill for 1985 (H.R. 2577) to complete its work as soon as possible.

On July 17, 1985, the Department of Agriculture temporarily suspended all disbursements to farmers under loan programs administered by the Agricultural Stabilization and Conservation Service due to lack of funding for the Commodity Credit Corporation. This precludes farmers from receiving any price support loans, as well as diversion payments and producer storage payments.

Without supplemental appropriations, CCC will be unable to provide funds as necessary for the Department to honor its commitments to farmers. The consequences to farmers nationwide could be devastating—if the problem is not corrected immediately.

In view of the tremendous financial pressure this places on farmers, I strongly recommend that the conference committee complete its work forthwith so that Congress can conclude action on the supplemental appropriations bill and send it to the President.

Sincerely,

EDWARD ZORINSKY.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 342) was ordered to a third reading, was read the third time, and passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. HATFIELD. Mr. President, what is the question now pending before the Senate?

The PRESIDING OFFICER. The Senate is still in morning business. If there is no further morning business, morning business will be closed.

Mr. HATFIELD. Mr. President, I inquire of the Democratic leader if there is any further morning business from his side of the aisle?

HEALTH RESEARCH EXTENSION ACT OF 1985

Mr. HATFIELD. Mr. President, I now have some further calendar items which I understand have been cleared on both sides of the aisle. I ask unanimous consent that the Senate now turn to Calendar 223, which is S. 1309, the National Institutes of Health.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1309) to amend the Public Health Service Act to revise and extend the authorities under that Act relating to the National Institutes of Health and National Research Institutes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 535

Mr. HATFIELD. Mr. President, I send an amendment to the desk on behalf of Senator HATCH and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. HATCH, proposes an amendment numbered 535:

On page 111, line 15, strike out "$223,000,000" and insert "$244,000,000".

On page 111, line 16, strike out "$235,000,000" and insert "$260,000,000".

On page 111, line 16, strike out "$245,000,000" and insert "$275,000,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 535) was agreed to.

(By request of Mr. HATFIELD, the following statement was ordered to be printed in the RECORD:)

● Mr. HATCH. Mr. President, I urge my colleagues to approve S. 1309, the Health Research Extension Act of 1985. This legislation reauthorizes the two largest institutes at our National Institutes of Health, the National Cancer Institute, and the National Heart, Lung and Blood Institute. It also provides a long overdue focus on research into our most common and debilitating disorders by establishing a new National Institute of Arthritis, Musculoskeletal and Skin Diseases. Furthermore, title IV of the Public Health Service Act has been rewritten to clarify the research mission of the 11 current institutes at NIH, and establishes four time-limited committees or study groups to make recommendations regarding future research on health problems of growing national concern.

This legislation was unanimously approved by my colleagues on the Labor and Human Resources Committee on June 27, and represents a modified version of legislation which Congress passed unanimously in October of 1984, but which was subsequently vetoed by the President. The memorandum of disapproval cited objections: Creating two new institutes at NIH—the Arthritis Institute as well as a National Institute of Nursing; providing unnecessary congressional direction in the management of NIH; and an excessive budget. In reintroducing this legislation we have attempted to listen to what the administration had to say. In fact, this bill includes every recommended change provided by the administration to limit administrative burdens and streamline the management of NIH. It does not authorize the National Institute of Nursing, but I have made clear to the administration as well as my colleagues in the Senate and the House that I am prepared and anxious to work with them to improve the opportunities for nurses to conduct research funded by NIH, and participate in the management and policy decisions of each of the respective institutes. And finally, the authorization levels are consistent with those agreed to in negotiations with the Office of Management and Budget. Thus, the two institutes for which an authorization level is provided, is sufficient to fund their share of 6,000 new and competing grants per year at NIH. In short, the legislation as approved by the committee is more consistent than last year with policy articulated by this administration.

Mr. President after this bill was approved by my colleagues, it came to my attention that an error had been made regarding the funding level for National Research Service awards; therefore, a technical amendment has been submitted to correct this. As reported, the bill authorized appropria-

tions for this very important provision sufficient to fund only those traineeships administered by the National Institutes of Health. However, the authority in this legislation is also used by the Alcohol, Drug Abuse and Mental Health Administration to fund science trainees. Therefore, a technical amendment has been submitted to correct this oversight which increases the NRSA funding level by $21 million in 1986, $25 million in 1987 and $30 million in 1988. I am advised that this is sufficient to maintain current traineeship, provide a 4½-percemt increase in stipend to keep up with inflation, and provide a modest increase in the number of traineeships awarded. The total is consistent with the Senate's budget resolution. A complete legislative history and analysis of the bill and committee views can be obtained in Senate Report No. 99-108.

Mr. President, I urge my colleagues to join me in approving this legislation. It represents years of hard work by me, my colleagues, and will provide the authority and support necessary to maintain what is unquestionably one of our most successful Federal efforts—our national biomedical research programs. This legislation is in the best interest of our citizens and people worldwide.●

Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HATCH, in support of the reauthorizing legislation for the National Institutes of Health. This bill contains specific 3-year authorizations for the National Cancer Institute and the National Heart, Lung, Blood Institute. It accomplishes a long overdue recodification of the law regarding NIH. The legislation includes a provision of which I am particularly proud—the creation of a Congressional Office of Biomedical Ethics patterned after the Office of Technology Assessment. It also creates a new institute, the National Institute for Arthritis, Musculoskeletal and Skin Diseases.

This has been a trying year for our Nation's biomedical researchers. Reauthorizing legislation introduced by us last year that was nearly identical to the bill we are introducing today was vetoed by the President. That veto, coupled with an attack on the NIH budget by the Office of Management and Budget, has created considerable alarm among researchers throughout the country.

After the 1985 appropriations bill for the NIH was passed by Congress and signed by the President, the Office of Management and Budget took the unprecedented action of impounding a portion of the funds and holding them aside to spend in future years. The number of new and competing grants that could be awarded in 1985 decreased by 1,500 grants from 6,500, the number intended by Congress, to 5,000.

Not only was this action illegal and contrary to the intent of Congress, it was also based on ignorance of the scientific funding process. When this action was taken, the first of three cycles of funding was complete. Many scientists had received their priority scores for the year. Some had begun to hire new colleagues based on expectations of funding. The reduction of the budget meant, that priority scores high enough to win funding in the first cycle could not win funding in the second. A fair and predictable process had been transformed into a lottery.

The negative reaction from the scientific community was marked. Many scientists took time out from their busy schedules to visit Washington. Hearings were held. There were disturbing revelations including instances where Nobel Prize-winning scientists were denied funding becasue of the damaged funding process.

Together with my colleague, Senator WEICKER, I introduced Senate Joint Resolution 89 to restore funding for the full 6,500 grants appropriated by Congress. A similar resolution was introduced in the House of representatives. These resolutions and the pressure brought to bear by the scientific community led to a compromise. The administration promised to raise the level for the year to 5,500. To this date, no new directive has been given to the directors of the National Institutes to bring the grant level to the compromise number.

The reauthorization levels in the bill we are introducing today are based on the budget already adopted this year by the Senate. They allow for the award of 6,000 new and competing grants for each year from 1986-88. While this is somewhat less than last year's target, it will be the largest number of new grants ever awarded by the Institutes. I am particularly pleased to point out that this legislation also creates a new institute which will focus on one of our country's more common disabling afflictions—arthritis.

There are a number of different kinds of arthritis. To this date, research on these conditions and many related disorders, has been carried out under the auspices of the National Institute of Arthritis, Diabetes, Digestive and Kidney Disorders. The creation of a separate Institute for Arthritis will signify special emphasis to be placed on finding a cure for this condition which contributes disproportionately to pain and suffering and days lost from work.

It is with special pleasure that I mention another feature of this reauthorizing legislation, the creation of a Congressional Office of Biomedical Ethics patterned after OTA. There are no more difficult sets of questions that daily confront medical practitioners, patients, families, researchers, and public policy makers than the ethical issues arising around medical practice and biomedical research. The President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research showed that an independent panel to think through these issues could provide invaluable guidance to those who must take responsibility for hard decisions in this area. It is essential that this type of assistance be available on a continuing basis.

Finally, let me say that this has been a particularly successful year for our Nation's biomedical researchers. I would like to mention one accomplishment which, in many ways, symbolizes the tremendous progress of the last decade. Without the progress in virology, gene cloning, genetic engineering, and monoclonal antibodies of recent years, it would not have been possible to identify the virus which causes the acquired immunodeficiency syndrome [AIDS] and develop a test to protect the Nation's blood supply.

There can be no better evidence of the wisdom of Government than the resources it has invested in this preeminent research institution. Surely, there can be no better answer for those naysayers who endlessly berate the accomplishment of Government programs than to point to the National Institutes which were established by the Federal Government and run exclusively on public monies. There can be no more valuable commitment to our Nation's future than the reauthorization of the National Institutes of Health.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later the following proceeding occurred:)

Mr. HATFIELD. Mr. President, I ask unanimous consent that the passage of S. 1309 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2409, the House companion bill to the National Institutes of Health bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2409) to amend the Public Health Service Act, to revise and extend the authorities under that act relating to the National Institutes of Health and the National Research Institutes, and for other purposes.

Mr. HATFIELD. Mr. President, I move to strike all after the enacting clause and insert in lieu thereof the text of S. 1309, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

H.R. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCE TO ACT; AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Health Research Extension Act of 1985".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Public Health Service Act.

TABLE OF CONTENTS

Sec. 1. Short title; reference to Act; and table of contents.
Sec. 2. Revision of title IV of the Public Health Service Act.
"TITLE IV—NATIONAL RESEARCH INSTITUTES
"PART A—NATIONAL INSTITUTES OF HEALTH
"Sec. 401. Organization of the National Institutes of Health.
"Sec. 402. Appointment and authority of Director of NIH.
"Sec. 403. Report of Director of NIH.
"PART B—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES
"Sec. 405. Appointment and authority of the Directors of the National Research Institutes.
"Sec. 406. Advisory councils.
"Sec. 407. Biennial report.
"Sec. 408. Authorizations of appropriations.
"PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES
"SUBPART 1—NATIONAL CANCER INSTITUTE
"Sec. 410. Purpose of Institute.
"Sec. 411. National cancer program.
"Sec. 412. Cancer control programs.
"Sec. 413. Special authorities of the Director.
"Sec. 414. National cancer research and demonstration centers.
"Sec. 415. President's cancer panel.
"Sec. 416. Associate Director for Prevention.
"SUBPART 2—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE
"Sec. 418. Purpose of the Institute.
"Sec. 419. Heart, blood vessel, lung, and blood disease prevention and control programs.
"Sec. 420. Information and education.
"Sec. 421. National heart, blood vessel, lung, and blood diseases and blood resources program.
"Sec. 422. National research and demonstration centers for heart, blood vessel, lung, and blood diseases, sickle cell anemia, and blood resources.
"Sec. 423. Interagency technical committee.
"Sec. 424. Associate Director for Prevention.
"SUBPART 3—NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES
"Sec. 426. Purpose of the Institute.
"Sec. 427. Data systems and information clearinghouses.
"Sec. 428. Division Directors for diabetes, endocrinology, and metabolic diseases, digestive diseases and nutrition, and kidney, urologic, and hematologic diseases.
"Sec. 429. Interagency coordinating committees.
"Sec. 430. Advisory boards.
"Sec. 431. Research and training centers.
"Sec. 432. Advisory council subcommittees.
"Sec. 433. Biennial report.
"SUBPART 4—NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES
"Sec. 435. Purpose of the Institute.
"Sec. 436. National arthritis and musculoskeletal diseases program.
"Sec. 437. Research and training.
"Sec. 438. Data systems and information clearinghouses.
"Sec. 439. Interagency coordinating committees.
"Sec. 440. Arthritis and musculoskeletal diseases demonstration projects.
"Sec. 441. Multipurpose arthritis and musculoskeletal diseases centers.
"Sec. 442. Advisory board.
"SUBPART 5—NATIONAL INSTITUTE ON AGING
"Sec. 443. Purpose of the Institute.
"Sec. 444. Special functions.
"Sec. 445. Alzheimer's Disease Centers.
"SUBPART 6—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
"Sec. 446. Purpose of the Institute.
"SUBPART 7—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT
"Sec. 448. Purpose of the Institute.
"Sec. 449. Sudden infant death syndrome.
"Sec. 450. Mental retardation research centers.
"Sec. 451. Associate Director for Prevention.
"SUBPART 8—NATIONAL INSTITUTE OF DENTAL RESEARCH
"Sec. 453. Purpose of the Institute.
"SUBPART 9—NATIONAL EYE INSTITUTE
"Sec. 455. Purpose of the Institute.
"SUBPART 10—NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE
"Sec. 457. Purpose of the Institute.
"Sec. 458. Spinal cord regeneration research.
"Sec. 459. Bioengineering research.
"SUBPART 11—NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES
"Sec. 461. Purpose of the Institute.
"SUBPART 12—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES
"Sec. 463. Purpose of the Institute.
"PART D—NATIONAL LIBRARY OF MEDICINE
"SUBPART 1—GENERAL PROVISIONS
"Sec. 467. Purpose and establishment of the Library.
"Sec. 468. Functions of the Library.
"Sec. 469. Board of Regents.
"Sec. 470. Library facilities.
"SUBPART 2—FINANCIAL ASSISTANCE
"Sec. 472. Authorization of appropriations.
"Sec. 473. Definitions.
"Sec. 474. National Medical Libraries Assistance Board.
"Sec. 475. Grants for training in medical library sciences.
"Sec. 476. Assistance for special scientific projects, and for research and development in medical library science and related fields.
"Sec. 477. Grants for establishing, expanding, and improving the basic resources of medical libraries and related instrumentalities.
"Sec. 478. Grants and contracts for establishment of regional medical libraries.
"Sec. 479. Financial support of biomedical scientific publications.
"Sec. 480. Grant payments; records and audit.
"PART E—OTHER AGENCIES OF NIH
"Sec. 482. Division of Research Resources.
"Sec. 483. John E. Fogarty International Center for Advanced Study in the Health Sciences.
"PART F—AWARDS AND TRAINING
"Sec. 485. National research service awards.
"Sec. 486. Visiting scientist awards.
"Sec. 487. Studies respecting biomedical and behavioral research personnel.
"PART G—GENERAL PROVISIONS
"Sec. 489. Institutional review boards; ethics guidance program.
"Sec. 490. Peer review requirements.
"Sec. 491. Protection against scientific fraud.
"Sec. 492. Research on public health emergencies.
"Sec. 493. Animals in research.
"Sec. 494. Use of appropriations under this title.
"Sec. 495. Gifts.
"Sec. 496. Fetal Research.
"Sec. 497. Construction of title.".
Sec. 3. Conforming amendments.
Sec. 4. Plan for research involving animals.
Sec. 5. Research on lupus erythematosus.
Sec. 6. National Research Service Award study.
Sec. 7. Interagency Committee on Spinal Cord Injury.
Sec. 8. Study of personnel for health needs of elderly.
Sec. 9. Interagency Committee on Learning Disabilities.
Sec. 10. Review of disease research programs of the National Institute of Diabetes and Digestive and Kidney Diseases.
Sec. 11. Biomedical ethics.
Sec. 12. Effective date.

REVISION OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 2. Title IV of the Public Health Service Act is amended to read as follows:

"TITLE IV—NATIONAL RESEARCH INSTITUTES

"PART A—NATIONAL INSTITUTES OF HEALTH

"ORGANIZATION OF THE NATIONAL INSTITUTES OF HEALTH

"SEC. 401. (a) The National Institutes of Health is an agency of the Service.

"(b)(1) The following national research institutes are agencies of the National Institutes of Health:

"(A) The National Cancer Institute.

"(B) The National Heart, Lung, and Blood Institute.

"(C) The National Institute of Diabetes and Digestive and Kidney Diseases.

"(D) The National Institute of Arthritis and Musculoskeletal and Skin Diseases.

"(E) The National Institute on Aging.

"(F) The National Institute of Allergy and Infectious Diseases.

"(G) The National Institute of Child Health and Human Development.

"(H) The National Institute of Dental Research.

"(I) The National Eye Institute.

"(J) The National Institute of Neurological and Communicative Disorders and Stroke.

"(K) The National Institute of General Medical Sciences.

"(L) The National Institute of Environmental Health Sciences.

"(2) The following entities are agencies of the National Institutes of Health:

"(A) The National Library of Medicine.

"(B) The Division of Research Resources.

"(C) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

"(c)(1) The Secretary may establish in the National Institutes of Health one or more additional national research institutes to conduct and support research, training, health information, and other programs with respect to any particular disease or groups of diseases or any other aspect of human health if—

"(A) the Secretary determines that an additional institute is necessary to carry out such activities; and

"(B) the additional institute is not established before the expiration of 90 days after the Secretary has provided the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate written notice of the determination made under clause (i) with respect to the institute.

"(2) The Secretary may reorganize the functions of any national research institute and may abolish any national research institute if the Secretary determines that the institute is no longer required. A reorganization or abolition may not take effect under this subparagraph before the expiration of 90 days after the Secretary has provided the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate written notice of the reorganization or abolition.

"(d) For purposes of this title, the term 'national research institute' means a national research institute listed in subsection (b) or established under subsection (c). A reference to the National Institutes of Health includes its agencies.

"APPOINTMENT AND AUTHORITY OF DIRECTOR OF NIH

"SEC. 402. (a) The National Institutes of Health shall be headed by the Director of the National Institutes of Health (hereafter in this title referred to as the 'Director of NIH') who shall be appointed by the President by and with the advice and consent of the Senate. The Director of NIH shall perform functions as provided under subsection (b) and as the Secretary may otherwise prescribe.

"(b) In carrying out the purposes of section 301, the Secretary, acting through the Director of NIH—

"(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

"(2) shall coordinate and oversee the operation of the national research institutes and administrative entities within the National Institutes of Health;

"(3) shall assure that research at the National Institutes of Health is subject to review in accordance with sections 405(c)(3) and 490(b);

"(4) for the national research institutes and administrative entities within the National Institutes of Health—

"(A) may acquire, construct, improve, repair, operate, and maintain, at the site of such institutes and entities, laboratories, and other research facilities, other facilities, equipment, and other real or personal property, and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed ten years;

"(5) may secure resources for research conducted by or through the National Institutes of Health;

"(6) may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups as are needed to carry out the requirements of this title and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups;

"(7) may secure for the National Institutes of Health consultation services and advice of persons from the United States or abroad;

"(8) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(9) may, for purposes of study, admit and treat at facilities of the National Institutes of Health individuals not otherwise eligible for such treatment;

"(10) may accept voluntary and uncompensated services; and

"(11) may perform such other administrative functions as the Secretary determines are needed to effectively carry out this title.

The Federal Advisory Committee Act shall not apply to any peer review group appointed under paragraph (6). The members of such a group shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of such group. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

"(c) The Director of NIH may make available to individuals and entities, for biomedical and behavioral research, substances and living organisms. Such substances and organisms shall be made available under such terms and conditions (including payment for them) as the Secretary determines appropriate.

"(d)(1) The Director of NIH may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the period of service) the services of not more than two hundred experts or consultants, with scientific or other professional qualifications, for the National Institutes of Health.

"(2)(A) Except as provided in subparagraph (B), experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment.

"(B) Expenses specified in subparagraph (A) shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

"(e) The Director of NIH shall—

"(1) advise the agencies of the National Institutes of Health on medical applications of research;

"(2) coordinate, review, and facilitate the systematic identification and evaluation of, clinically relevant information from research conducted by or through the national research institutes;

"(3) promote the effective transfer of the information described in paragraph (2) to the health care community and to entities that require such information; and

"(4) monitor the effectiveness of the activities described in paragraph (3).

"(f) There shall be in the National Institutes of Health an Associate Director for Prevention. The Director of NIH shall delegate to the Associate Director for Prevention the functions of the Director relating to the promotion of the disease prevention research programs of the national research institutes and the coordination of such programs among the national research institutes and between the national research institutes and other public and private entities. The Associate Director shall annually report to the Director of NIH on the prevention activities undertaken by the Associate Director. The report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

"REPORT OF DIRECTOR OF NIH

"SEC. 403. The Secretary shall transmit to the President and to the Congress a biennial report which shall be prepared by the Director of NIH and which shall consist of—

"(1) a description of the activities carried out by and through the National Institutes of Health and the policies respecting the programs of the National Institutes of Health and such recommendations respecting such policies as the Secretary considers appropriate;

"(2) a description of the activities undertaken to improve grants and contracting accountability and peer review procedures of the National Institutes of Health and the national research institutes;

"(3) the reports made by the Associate Director for Prevention under section 402(f) during the period for which the biennial report is prepared; and

"(4) the biennial reports of the Directors of each of the national research institutes.

The first report under this section shall be submitted not later than April 1, 1986, and shall relate to the fiscal year ending on the preceding September 30. The next report shall be submitted not later than December 30, 1988, and shall relate to the two-fiscal-year period ending on the preceding September 30. Each subsequent report shall be submitted not later than 90 days after the end of the two-fiscal-year period for which the report is to be submitted.

"PART B—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"APPOINTMENT AND AUTHORITY OF THE DIRECTORS OF THE NATIONAL RESEARCH INSTITUTES

"SEC. 405. (a) The Director of the National Cancer Institute shall be appointed by the President and the Directors of the other national research institutes shall be appointed by the Secretary. Each Director of a national research institute shall report directly to the Director of NIH.

"(b)(1) In carrying out the purposes of section 301 with respect to the human diseases or disorders or other aspects of human health for which the national research institutes were established, the Secretary, acting through the Director of each national research institute—

"(A) shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences related to—

"(i) the maintenance of health,

"(ii) the detection, diagnosis, treatment, and prevention of human diseases and disorders,

"(iii) the rehabilitation of individuals with human diseases, disorders, and disabilities, and

"(iv) the expansion of knowledge of the processes underlying human diseases, disorders, and disabilities, the processes underlying the normal and pathological functioning of the body and its organ systems, and the processes underlying the interactions between the human organism and the environment;

"(B) may, subject to the peer review prescribed under section 490(b) and any advisory council review under section 406(a)(3)(A)(i), conduct the research, investigations, experiments, demonstrations, and studies referred to in subparagraph (A);

"(C) may conduct and support research training (i) for which fellowship support is not provided under section 485, and (ii) which is not residency training of physicians or other health professionals;

"(D) may develop, implement, and support demonstrations and programs for the application of the results of the activities of the institute to clinical practice and disease prevention activities;

"(E) may develop, conduct, and support public and professional education and information programs;

"(F) may secure, develop and maintain, distribute, and support the development and maintenance of resources needed for research;

"(G) may make available the facilities of the institute to appropriate entities and individuals engaged in research activities and cooperate with and assist Federal and State agencies charged with protecting the public health;

"(H) may accept unconditional gifts made to the institute for its activities, and, in the case of gifts of a value in excess of $50,000, establish suitable memorials to the donor;

"(I) may secure for the institute consultation services and advice of persons from the United States or abroad;

"(J) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(K) may accept voluntary and uncompensated services; and

"(L) may perform such other functions as the Secretary determines are needed to carry out effectively the purposes of the institute.

The indemnification provisions of section 2354, title 10, United States Code, shall apply with respect to contracts entered into under this subsection and section 402(b).

"(2) Support for an activity or program under this subsection may be provided through grants, contracts, and cooperative agreements. The Secretary, acting through the Director of each national research institute—

"(A) may enter into a contract for research, training, or demonstrations only if the contract has been recommended after peer review required by regulations under section 490; and

"(B) may make grants and cooperative agreements under paragraph (1) for research, training, or demonstrations, except that—

"(i) if the direct cost of the grant or cooperative agreement to be made does not exceed $50,000, such grant or cooperative agreement may be made only if such grant or cooperative agreement is recommended after peer review required by regulations under section 490, and

"(ii) if the direct cost of the grant or cooperative agreement to be made equals or exceeds $50,000, such grant or cooperative agreement may be made only if such grant or cooperative agreement is recommended after peer review required by regulations under section 490 and is recommended under section 406(a)(3)(A)(ii) by the advisory council for the national research institute involved.

"(c) In carrying out subsection (b), each Director of a national research institute—

"(1) shall coordinate, as appropriate, the activities of the institute with similar programs of other public and private entities;

"(2) shall cooperate with the Directors of the other national research institutes in the development and support of multidisciplinary research and research that involves more than one institute; and

"(3) may, with the approval of the advisory council for the institute and the Director of NIH, appoint peer review groups in addition to those appointed under section 402(b)(6).

"ADVISORY COUNCILS

"SEC. 406. (a)(1) Except as provided in subsection (h), the Secretary shall appoint an advisory council for each national research institute which (A) shall advise, assist, consult with, and make recommendations to the Secretary and the Director of such institute on matters related to the activities carried out by and through the institute and the policies respecting such activities, and (B) shall carry out the special functions prescribed by part C.

"(2) Each advisory council for a national research institute may recommend to the Secretary acceptance, in accordance with section 2101, of conditional gifts for study, investigation, or research respecting the diseases, disorders, or other aspect of human health with respect to which the institute was established, for the acquisition of grounds, or for the construction, equipping, or maintenance of facilities for the institute.

"(3) Each advisory council for a national research institute—

"(A)(i) may on the basis of the materials provided under section 490(b)(2) respecting research conducted at the institute, make recommendations to the Director of the institute respecting such research,

"(ii) may review applications for grants and cooperative agreements for research or training and for which advisory council approval is required under section 405(b)(2) and recommend for approval applications for projects which show promise of making valuable contributions to human knowledge, and

"(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the institute;

"(B) may collect, by correspondence or by personal investigation, information as to studies which are being carried on in the United States or any other country as to the disease, disorders, or other aspect of human health with respect to which the institute was established and with the approval of the Director of the institute make available such information through appropriate publications for the benefit of public and private health entities and health professions personnel and scientists and for the information of the general public; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b)(1) Each advisory council shall consist of ex officio members and not more than eighteen members appointed by the Secretary.

"(2) The ex officio members of an advisory council shall consist of—

"(A) the Secretary, the Director of NIH, the Director of the national research institute for which the council is established, the Chief Medical Director or the Chief Dental Director of the Veterans' Administration, and the Assistant Secretary of Defense for Health Affairs (or the designees of such officers); and

"(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

"(3) The members of an advisory council who are not ex officio members shall be appointed as follows:

"(A) Two thirds of the members shall be appointed by the Secretary from among the leading representatives of the health and scientific disciplines relevant to the activities of the national research institute for which the advisory council is established.

"(B) One third of the members shall be appointed by the Secretary from the general public and from among leaders in fields of public health, behavioral science, social science, public policy, law, health policy, economics, and management, and at least one of such members shall be from the general public.

"(4) Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The other members of an advisory council shall receive, for each day (including traveltime) they are engaged in the performance of the functions of the advisory council, compensa-

tion at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule.

"(c) The term of office of an appointed member of an advisory council is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and the Secretary shall make appointments to an advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to an advisory council before two years from the date of expiration of such term of office. If a vacancy occurs in the advisory council among the appointed members, the Secretary shall make an appointment to fill the vacancy within 90 days from the date the vacancy occurs.

"(d) The chairman of an advisory council shall be the Director of the national research institute for which the advisory council is established.

"(e) The advisory council shall meet at the call of the chairman or upon the request of the Director of the national research institute for which it was established, but at least three times each fiscal year. The location of the meetings of each advisory council is subject to the approval of the Director of the national research institute for which the advisory council was established.

"(f) The Director of the national research institute for which an advisory council is established shall designate a member of the staff of the institute to serve as the executive secretary of the advisory council. The Director of such institute shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions. The Director of such institute shall provide orientation and training for new members of the advisory council to provide them with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) Each advisory council may prepare, for inclusion in the biennial report made under section 407, (1) comments respecting the activities of the advisory council in the fiscal years respecting which the report is prepared, (2) comments on the progress of the national research institute for which it was established in meeting its objectives, and (3) recommendations respecting the future directions and program and policy emphasis of the institute. Each advisory council may prepare such additional reports as it may determine appropriate.

"(h)(1) Except as provided in paragraph (2), this section does not terminate the membership of any advisory council for a national research institute which was in existence on the effective date of the Health Research Extension Act of 1985. After such date—

"(A) the Secretary shall make appointments to each such advisory council in such a manner as to bring about as soon as practicable the composition for such council prescribed by this section;

"(B) each advisory council shall organize itself in accordance with this section and exercise the functions prescribed by this section; and

"(C) the Director of each national research institute shall perform for such advisory council the functions prescribed by this section.

"(2)(A) The National Cancer Advisory Board shall be the advisory council for the National Cancer Institute. This section applies to the National Cancer Advisory Board, except that—

"(i) appointments to such Board shall be made by the President;

"(ii) the term of office of an appointed member shall be 6 years;

"(iii) of the members appointed to the Board, not less than five members shall be individuals knowledgeable in environmental carcinogenesis (including carcinogenesis involving occupational and dietary factors);

"(iv) the chairman of the Board shall be selected by the President from the appointed members and shall serve as chairman for a term of two years;

"(v) the ex officio members of the Board shall be the Secretary, the Director of the Office of Science and Technology Policy, the Director of NIH, the Chief Medical Director of the Veterans' Administration, the Director of the National Institute for Occupational Safety and Health, the Director of the National Institute of Environmental Health Sciences, the Secretary of Labor, the Commissioner of the Food and Drug Administration, the Administrator of the Environmental Protection Agency, the Chairman of the Consumer Product Safety Commission, and the Assistant Secretary of Defense for Health Affairs (or the designees of such officers); and

"(vi) the Board shall meet at least four times each fiscal year.

"(B) This section applies to the advisory council to the National Heart, Lung, and Blood Institute, except that such advisory council shall meet at least four times each fiscal year.

"BIENNIAL REPORT

"SEC. 407. The Director of each national research institute, after consultation with the advisory council for the institute, shall prepare for inclusion in the biennial report made under section 403 a biennial report which shall consist of a description of the activities of the institute and program policies of the Director of the institute in the fiscal years respecting which the report is prepared. The Director of each national research institute may prepare such additional reports as the Director determines appropriate. The Director of each national research institute shall provide the advisory council for the institute an opportunity for the submission of the written comments referred to in section 406(g).

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 408. (a) In addition to amounts otherwise authorized to be appropriated under this title for the National Institutes of Health, the following amounts are authorized to be appropriated:

"(1)(A) For the National Cancer Institute (other than its programs under section 412), there are authorized to be appropriated $1,194,000,000 for fiscal year 1986, $1,270,000,000 for fiscal year 1987, and $1,344,000,000 for fiscal year 1988.

"(B) For the programs under section 412, there are authorized to be appropriated $68,000,000 for fiscal year 1986, $74,000,000 for fiscal year 1987, and $80,000,000 for fiscal year 1988.

"(2)(A) For the National Heart, Lung, and Blood Institute (other than its programs under section 419), there are authorized to be appropriated $809,000,000 for fiscal year 1986, $871,000,000 for fiscal year 1987, and $927,000,000 for fiscal year 1988. Of the amount appropriated under this subsection for any such fiscal year, not less than 15 percent of such amount shall be reserved for programs respecting diseases of the lung and not less than 15 percent of such amount shall be reserved for programs respecting blood diseases and blood resources.

"(B) For the programs under section 419, there are authorized to be appropriated $82,000,000 for fiscal year 1986, $90,000,000 for fiscal year 1987, and $98,000,000 for fiscal year 1988.

"(b)(1) Not later than December 31, 1987, and December 31 of each succeeding year, the Secretary shall report to the Congress the amount obligated in the fiscal year preceding such date for administrative expenses of the National Institutes of Health and the total amount appropriated for the National Institutes of Health for such fiscal year. The Secretary shall consult with the Comptroller General in preparing each report.

"(2) For purposes of paragraph (1), the term 'administrative expenses' means expenses incurred for the support of activities relevant to the award of grants, contracts, and cooperative agreements, and expenses incurred for general administration of the scientific programs and activities of the National Institutes of Health. In identifying expenses incurred for such support and administration, the Secretary shall consult with the Comptroller General of the United States.

"PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"SUBPART 1—NATIONAL CANCER INSTITUTE

"PURPOSE OF INSTITUTE

"SEC. 410. The general purpose of the National Cancer Institute (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention, and treatment of cancer and the continuing care of cancer patients and the families of cancer patients.

"NATIONAL CANCER PROGRAM

"SEC. 411. The National Cancer Program shall consist of (1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes, including an expanded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens, and (2) the other programs and activities of the Institute.

"CANCER CONTROL PROGRAMS

"SEC. 412. The Director of the Institute shall establish and support demonstration, education, and other programs for the detection, diagnosis, prevention, and treatment of cancer and for rehabilitation and counseling respecting cancer. Programs established and supported under this section shall include—

"(1) locally initiated education and demonstration programs (and regional networks of such programs) to transmit research results and to disseminate information respecting—

"(A) the detection, diagnosis, prevention, and treatment of cancer,

"(B) the continuing care of cancer patients and the families of cancer patients, and

"(C) rehabilitation and counseling respecting cancer,

to physicians and other health professionals who provide care to individuals who have cancer;

"(2) the demonstration of and the education of students of the health professions and health professionals in—

"(A) effective methods for the prevention and early detection of cancer and the identification of individuals with a high risk of developing cancer, and

"(B) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer; and

"(3) the demonstration of new methods for the dissemination of information to the general public concerning the prevention, early detection, diagnosis, and treatment and control of cancer and information concerning unapproved and ineffective methods, drugs, and devices for the diagnosis, prevention, treatment, and control of cancer.

"SPECIAL AUTHORITIES OF THE DIRECTOR

"SEC. 413. (a) The Director of the Institute shall establish an information and education center to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to cancer patients and their families, physicians and other health professionals, and the general public, information on cancer research, diagnosis, prevention, and treatment (including information respecting nutrition programs for cancer patients and the relationship between nutrition and cancer). The Director of the Institute may take such action as may be necessary to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Institute and other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(b) The Director of the Institute in carrying out the National Cancer Program—

"(1) shall establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for cancer research and set standards of safety and care for persons using such materials;

"(2) shall, in consultation with the advisory council for the Institute, support (A) research in the cancer field outside the United States by highly qualified foreign nationals which can be expected to benefit the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(3) shall, in consultation with the advisory council for the Institute, support appropriate programs of education (including continuing education) and training in fundamental sciences and clinical disciplines in order to enable investigators, physicians, and allied health professionals to participate in clinical programs relating to cancer;

"(4) shall encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) may obtain (with the approval of the advisory council for the Institute and in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the period of service) the services of not more than one hundred and fifty-one experts or consultants who have scientific or professional qualifications;

"(6)(A) may, in consultation with the advisory council for the Institute, acquire, construct, improve, repair, operate, and maintain laboratories, other research facilities, equipment, and such other real or personal property as the Director determines necessary;

"(B) may, in consultation with the advisory council for the Institute, make grants for construction or renovation of facilities; and

"(C) may, in consultation with the advisory council for the Institute, acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(7) may, in consultation with the advisory council for the Institute, appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments to advise the Director with respect to the Director's functions;

"(8) may, subject to section 405(b)(2) and without regard to section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5), enter into such contracts, leases, cooperative agreements, as may be necessary in the conduct of functions of the Director, with any public agency, or with any person, firm, association, corporation, or educational institution;

"(9) shall maintain and operate the International Cancer Research Data Bank, which shall collect, catalog, store, and disseminate insofar as feasible through the use of information systems accessible to the public, general practitioners, and oncologic investigators, the results of cancer research and treatment undertaken in any country for the use of any person involved in cancer research and treatment in any country; and

"(10)(A) shall, notwithstanding section 405(a), prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for the National Cancer Program, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Institute's advisory council; and (B) may receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Institute.

"(c) Except as otherwise provided, experts and consultants whose services are obtained under paragraph (5) of subsection (b) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel to and from their place of service and for other expenses associated with their assignment. Such expenses shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under such paragraph unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Director of the Institute. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States. The Secretary may waiver in whole or in part a right of recovery under this subsection.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"SEC. 414. (a) The Director of the Institute is authorized to provide for the establishment of new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for cancer. Such centers may be supported under subsection (b) or under any other applicable provision of law.

"(b)(1) The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for cancer.

"(2) Federal payments made under this subsection in support of a cooperative agreement under paragraph (1) may be used for—

"(A) construction (notwithstanding any limitation under section 494);

"(B) staffing and other basic operating costs, including such patient care costs as are required for research;

"(C) clinical training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting cancer; and

"(D) demonstration purposes.

"(c) As used in this section, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which National Research Service Awards may be provided under section 485.

"(d) Support of a center under this section may be for a period of not to exceed five years. Such period may be extended by the Director for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"PRESIDENT'S CANCER PANEL

"SEC. 415. (a)(1) The President's Cancer Panel (hereafter in this section referred to as the 'Panel') shall be composed of three persons appointed by the President who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Program. At least two members of the Panel shall be distinguished scientists or physicians.

"(2)(A) Members of the Panel shall be appointed for three-year terms, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term, and (ii) a member may serve until the member's successor has taken office. If a vacancy occurs in the Panel, the President shall make an appointment to fill the vacancy not later than 90 days after the date the vacancy occurred.

"(B) The President shall designate one of the members to serve as the chairman of the Panel for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for

grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties as members of the Panel and shall be allowed travel expenses (including a per diem allowance) under section 5703 of title 5, United States Code.

"(3) The Panel shall meet at the call of the chairman, but not less often than four times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the chairman shall make such transcript available to the public.

"(b) The Panel shall monitor the development and execution of the activities of the National Cancer Program, and shall report directly to the President. Any delays or blockages in rapid execution of the Program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the Program and shall submit to the President, the Secretary, and the Congress an annual evaluation of the efficacy of the Program and suggestions for improvements, and shall submit such other reports as the President shall direct.

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 416. (a) There shall be in the Institute an Associate Director for Prevention to coordinate and promote the programs in the Institute concerning the prevention of cancer. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(b) The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"SUBPART 2—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

"PURPOSE OF THE INSTITUTE

"SEC. 418. The general purpose of the National Heart, Lung, and Blood Institute (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to heart, blood vessel, lung, and blood diseases and with respect to the use of blood and blood products and the management of blood resources.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION AND CONTROL PROGRAMS

"SEC. 419. The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council for the Institute, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"INFORMATION AND EDUCATION

"SEC. 420. The Director of the Institute shall collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to patients, families of patients, physicians and other health professionals, and the general public, information on research, prevention, diagnosis, and treatment of heart, blood vessel, lung, and blood diseases, the maintenance of health to reduce the incidence of such diseases, and on the use of blood and blood products and the management of blood resources. In carrying out this section the Director of the Institute shall place special emphasis upon—

"(1) the dissemination of information regarding diet and nutrition, environmental pollutants, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary and blood diseases; and

"(2) the dissemination of information designed to encourage children to adopt healthful habits respecting the risk factors related to the prevention of such diseases.

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES AND BLOOD RESOURCES PROGRAM

"SEC. 421. (a)(1) The National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (hereafter in this subpart referred to as the 'Program') may provide for—

"(A) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(B) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(C) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including the provision of emergency medical services), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(D) establishment of programs that will focus and apply scientific and technological efforts involving the biological, physical, and engineering sciences to all facets of heart, blood vessel, lung, and blood diseases with emphasis on the refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of such diseases;

"(E) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(F) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of blood resources in the United States, including the collection, preservation, fractionation, and distribution of blood and blood products;

"(G) the education (including continuing education) and training of scientists, clinical investigators, and educators in fields and specialties (including computer sciences) requisite to the conduct of clinical programs respecting heart, blood vessel, lung, and blood diseases and blood resources;

"(H) public and professional education relating to all aspects of such diseases, including the prevention of such diseases, and the use of blood and blood products and the management of blood resources;

"(I) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, hemolytic diseases such as sickle cell anemia and Cooley's anemia, and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to such diseases; and

"(J) establishment of programs for study, research, development, demonstrations, and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases.

"(2) The Program shall be coordinated with other national research institutes to the extent that they have responsibilities respecting such diseases and shall give special emphasis to the continued development in the Institute of programs related to the causes of stroke and to effective coordination of such programs with related stroke programs in the National Institute of Neurological and Communicative Disorders and Stroke. The Director of the Institute, with the advice of the advisory council for the Institute, shall revise annually the plan for the Program and shall carry out the Program in accordance with such plan.

"(b) In carrying out the Program, the Director of the Institute, under policies established by the Director of NIH—

"(1) may, after approval of the advisory council for the Institute, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the period of service) the services of not more than one hundred experts or consultants who have scientific or professional qualifications;

"(2)(A) may, in consultation with the advisory council for the Institute, acquire and construct, improve, repair, operate, alter, renovate, and maintain, heart, blood vessel, lung, and blood disease and blood resource laboratory, research, training, and other facilities, equipment, and such other real or personal property as the Director determines necessary;

"(B) may, in consultation with the advisory council for the Institute, make grants for construction or renovation of facilities; and

"(C) may, in consultation with the advisory council for the Institute, acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(3) subject to section 405(b)(2) and without regard to section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5), may enter into such contracts, leases, cooperative agreements, or other transactions, as may be necessary in the conduct of the Director's functions, with any public agency, or with any person, firm, association, corporation, or educational institutions; and

"(4) may make grants to public and nonprofit private entities to assist in meeting the cost of the care of patients in hospitals, clinics, and related facilities who are participating in research projects.

"(c) Except as otherwise provided, experts and consultants whose services are obtained under paragraph (1) of subsection (b) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel to and from their place of service and for

other expenses associated with their assignment. Such expenses shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under such paragraph unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Director of the Institute. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States. The Secretary may waive in whole or in part a right of recovery under this subsection.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES, SICKLE CELL ANEMIA, AND BLOOD RESOURCES

"SEC. 422. (a)(1) The Director of the Institute may provide, in accordance with subsection (c), for the development of—

"(A) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart and blood vessel diseases;

"(B) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children); and

"(C) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for blood diseases and research into blood, in the use of blood products and in the management of blood resources.

"(2) The centers developed under paragraph (1) shall, in addition to being utilized for research, training, and demonstrations, be utilized for the following prevention programs for cardiovascular, pulmonary, and blood diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular, pulmonary, and blood diseases.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such diseases.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such diseases.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such diseases.

"(E) Programs of continuing education for health and allied health professionals in the diagnosis, prevention, and treatment of such diseases and the maintenance of health to reduce the incidence of such diseases and information programs for the public respecting the prevention and early diagnosis and treatment of such diseases and the maintenance of health.

"(3) The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The Director of the Institute shall provide, in accordance with subsection (c), for the development of ten centers for basic and clinical research into the diagnosis, treatment, and control of sickle cell anemia.

"(c)(1) The Director of the Institute may enter into cooperative agreements with and make grants to public or private nonprofit entities to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for centers for basic and clinical research into, training in, and demonstration of the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases.

"(2) A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH and after consultation with the Institute's advisory council.

"(3) Federal payments made under a cooperative agreement or grant under paragraph (1) may be used for—

"(A) construction (notwithstanding any limitation under section 494);

"(B) staffing and other basic operating costs, including such patient care costs as are required for research;

"(C) training, including training for allied health professionals; and

"(D) demonstration purposes.

"(4) As used in this subsection, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which National Research Service Awards may be provided under section 485.

"(5) Support of a center under paragraph (1) may be for a period of not to exceed five years. Such period may be extended by the Director for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 423. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to the functions of the Committee, as determined by the Secretary.

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 424. (a) There shall be in the Institute an Associate Director for Prevention to coordinate and promote the programs in the Institute concerning the prevention of heart, blood vessel, lung, and blood diseases. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(b) The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"SUBPART 3—NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

"PURPOSE OF THE INSTITUTE

"SEC. 426. The general purpose of the National Institute of Diabetes and Digestive and Kidney Diseases (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, and kidney, urologic, and hematologic diseases.

"DATA SYSTEMS AND INFORMATION CLEARINGHOUSES

"SEC. 427. (a) The Director of the Institute shall (1) establish the National Diabetes Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with diabetes, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing diabetes, and (2) establish the National Diabetes Information Clearinghouse to facilitate and enhance knowledge and understanding of diabetes on the part of health professionals, patients, and the public through the effective dissemination of information.

"(b) The Director of the Institute shall (1) establish the National Digestive Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with digestive diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing digestive diseases, and (2) establish the National Digestive Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of digestive diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"(c) The Director of the Institute shall (1) establish the National Kidney and Urologic Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with kidney and urologic diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing kidney and urologic diseases and (2) establish the National Kidney and Urologic Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of kidney and urologic diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"DIVISION DIRECTORS FOR DIABETES, ENDOCRINOLOGY, AND METABOLIC DISEASES, DIGESTIVE DISEASES AND NUTRITION, AND KIDNEY, UROLOGIC, AND HEMATOLOGIC DISEASES

"SEC. 428. (a)(1) In the Institute there shall be a Division Director for Diabetes, Endocrinology, and Metabolic Diseases, a Division Director for Digestive Diseases and Nutrition, and a Division Director for Kidney, Urologic, and Hematologic Diseases. Such Division Directors, under the supervision of the Director of the Institute, shall be responsible for—

"(A) developing a coordinated plan (including recommendations for expenditures) for each of the national research institutes within the National Institutes of Health with respect to research and training concerning diabetes, endocrine and metabolic diseases, digestive diseases and nutrition, and kidney, urologic, and hematologic diseases;

"(B) assessing the adequacy of management approaches for the activities within such institutes concerning such diseases and nutrition and developing improved approaches if needed;

"(C) monitoring and reviewing expenditures by such institutes concerning such diseases and nutrition; and

"(D) identifying research opportunities concerning such diseases and nutrition and recommending ways to utilize such opportunities.

"(2) The Director of the Institute shall transmit to the Director of NIH the plans, recommendations, and reviews of the Division Directors under subparagraphs (A) through (D) of paragraph (1) and such comments and recommendations as the Director of the Institute determines appropriate.

"(b) The Director of the Institute, acting through the Division Director for Diabetes, Endocrinology, and Metabolic Diseases, the Division Director for Digestive Diseases and Nutrition, and the Division Director for Kidney, Urologic, and Hematologic Diseases shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 485) in the diagnosis, prevention, and treatment of diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, and kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 429. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to diabetes mellitus, digestive diseases, and kidney, urologic, and hematologic diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish a Diabetes Mellitus Interagency Coordinating Committee, a Digestive Diseases Interagency Coordinating Committee, and a Kidney, Urologic, and Hematologic Diseases Coordinating Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors of each of the national research institutes and divisions involved in research with respect to the diseases for which the committee is established, the Division Director of the Institute for the diseases for which the committee is established, the Chief Medical Director of the Veterans' Administration, and the Assistant Secretary of Defense for Health Affairs (or the designees of such officers), and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of NIH (or the designee of such Director). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each Committee shall prepare an annual report for—

"(1) the Secretary;

"(2) the Director of NIH; and

"(3) the Advisory Board established under section 430 for the diseases for which the Committee was established,

detailing the work of the Committee in carrying out paragraphs (1) and (2) of subsection (a) in the fiscal year for which the report was prepared. Such report shall be submitted not later than 120 days after the end of each fiscal year.

"ADVISORY BOARDS

"SEC. 430. (a) The Secretary shall establish in the Institute the National Diabetes Advisory Board, the National Digestive Diseases Advisory Board, and the National Kidney and Urologic Diseases Advisory Board (hereafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who has such a disease and one member who is a parent of a person who has such a disease.

Of the appointed members, at least five shall by virtue of training or experience be knowledgeable in the fields of health education, nursing, data systems, public information, and community program development.

"(2)(A) The following shall be ex officio members of each Advisory Board:

"(i) The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Diabetes and Digestive and Kidney Diseases, the Director of the Centers for Disease Control, the Chief Medical Director of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, and the Division Director of the National Institute of Diabetes and Digestive and Kidney Diseases for the diseases for which the Board is established (or the designees of such officers).

"(ii) Such other officers and employees of the United States as the Secretary determines necessary for the Advisory Board to carry out its functions.

"(B) In the case of the National Diabetes Advisory Board, the following shall also be ex officio members: The Director of the National Heart, Lung, and Blood Institute, the Director of the National Eye Institute, the Director of the National Institute of Child Health and Human Development, and the Administrator of the Health Resources and Services Administration (or the designees of such officers).

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of an Advisory Board is four years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than 90 days from the date the vacancy occurred.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The National Diabetes Advisory Board and the National Digestive Diseases Advisory Board shall—

"(1) review and evaluate the implementation of the plan (referred to in section 433) respecting the diseases with respect to which the Advisory Board was established and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, each Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) Each Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such fiscal year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in such fiscal year; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in section 433.

"(k) Each Advisory Board shall expire on September 30, 1988.

"(l) The National Diabetes Advisory Board and the National Digestive Diseases Advisory Board in existence on the effective date of the Health Research Extension Act of 1985 shall terminate upon the appointment of a successor Board under subsection (a). The Secretary shall make appointments to the Advisory Boards established under subsection (a) before the expiration of 90 days after such effective date. The members of the Boards in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Boards established under subsection (a) for diabetes and digestive diseases, except that at least one-half of the members of the National Diabetes Advisory Board in existence on the effective date of the Health Research Extension Act of 1985 shall be appointed to the National Diabetes Advisory Board first established under subsection (a).

"RESEARCH AND TRAINING CENTERS

"SEC. 431. (a)(1) Consistent with applicable recommendations of the National Commission on Diabetes, the Director of the Institute shall provide for the development or substantial expansion of centers for research and training in diabetes mellitus and related endocrine and metabolic diseases. Each center developed or expanded under this subsection shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary; and

"(B) conduct—

"(i) research in the diagnosis and treatment of diabetes mellitus and related endocrine and metabolic diseases and the complications resulting from such diseases;

"(ii) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such diseases and complications, and in research in diabetes; and

"(iii) information programs for physicians and allied health personnel who provide primary care for patients with such diseases or complications.

"(2) A center may use funds provided under this subsection to provide stipends for nurses and allied health professionals enrolled in research training programs described in paragraph (1)(B)(ii).

"(b) Consistent with applicable recommendations of the National Digestive Diseases Advisory Board, the Director shall provide for the development or substantial expansion of centers for research in digestive diseases and related functional, congenital, metabolic disorders, and normal development of the digestive tract. Each center developed or expanded under this subsection—

"(1) shall utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary;

"(2) shall develop and conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of digestive diseases and nutritional disorders and related functional, congenital, or metabolic complications resulting from such diseases or disorders;

"(3) shall encourage research into and programs for—

"(A) providing information for patients with such diseases, disorders, and complications and the families of such patients, physicians and others who care for such patients, and the general public;

"(B) model programs for cost effective and preventive patient care; and

"(C) training physicians and scientists in research on such diseases, disorders, and complications; and

"(4) may perform research and participate in epidemiological studies and data collection relevant to digestive diseases and disorders in order to disseminate such research, studies, and data to the health care profession and to the public.

"(c) The Director shall provide for the development, establishment, or substantial expansion of centers for research in kidney and urologic diseases. Each center developed, established, or expanded under this subsection—

"(1) shall utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary;

"(2) shall develop and conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of kidney and urologic diseases;

"(3) shall encourage research into and programs for—

"(A) providing information for patients with such diseases and the families of such patients, physicians and others who care for such patients, and the general public;

"(B) model programs for cost effective and preventive patient care; and

"(C) training physicians and scientists in research on such diseases; and

"(4) may perform research and participate in epidemiological studies and data collection relevant to kidney and urologic diseases in order to disseminate such research, studies, and data to the health care profession and to the public.

"(d) Insofar as practicable, centers developed, established, or expanded under this section should be geographically dispersed throughout the United States and in environments with proven research capabilities. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director of the Institute for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"ADVISORY COUNCIL SUBCOMMITTEES

"SEC. 432. There are established within the advisory council for the Institute appointed under section 406 a subcommittee on diabetes and endocrine and metabolic diseases, a subcommittee on digestive diseases and nutrition, and a subcommittee on kidney, urologic, and hematologic diseases. The subcommittees shall be composed of members of the advisory council who are outstanding in the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and members of the advisory council who are leaders in the fields of education and public affairs. The subcommittees are authorized to review applications made to the Director of the Institute for grants for research and training projects relating to the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and shall recommend to the advisory council those applications and contracts that the subcommittees determine will best carry out the purposes of the Institute. The subcommittees shall also review and evaluate the diabetes and endocrine and metabolic diseases, digestive diseases and nutrition, and kidney, urologic, and hematologic diseases programs of the Institute and recommend to the advisory council such changes in the administration of such programs as the subcommittees determine are necessary.

"BIENNIAL REPORT

"SEC. 433. The Director of the Institute shall prepare for inclusion in the biennial report made under section 407 a description of the Institute's activities—

"(1) under the current diabetes plan under the National Diabetes Mellitus Research and Education Act; and

"(2) under the current digestive diseases plan formulated under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.

The description submitted by the Director shall include an evaluation of the activities of the centers supported under section 431.

"SUBPART 4—NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

"PURPOSE OF THE INSTITUTE

"SEC. 435. The general purpose of the National Institute of Arthritis and Musculoskeletal and Skin Diseases (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research and training, the dissemination of health information, and other programs with respect to arthritis and musculoskeletal and skin diseases, including sports-related disorders.

"NATIONAL ARTHRITIS AND MUSCULOSKELETAL DISEASES PROGRAM

"SEC. 436. (a) The Director of the Institute, with the advice of the Institute's advisory council, shall prepare and transmit to the Director of NIH a plan for a national arthritis and musculoskeletal diseases program to expand, intensify, and coordinate the activities of the Institute respecting arthritis and musculoskeletal diseases. The plan shall include such comments and recommendations as the Director of the Institutes determines appropriate. The Director of the Institute shall periodically review and revise such plan and shall transmit any revisions of such plan to the Director of NIH.

"(b) Activities under the national arthritis and musculoskeletal diseases program shall be coordinated with the other national research institutes to the extent that such institutes have responsibilities respecting arthritis and musculoskeletal diseases, and shall, at least, provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through the support of basic research in such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline

which can contribute important knowledge to the treatment and understanding of arthritis and musculoskeletal diseases;

"(2) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, including medical rehabilitation and prevention of arthritis and musculoskeletal diseases;

"(3) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(4) the establishment of mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(c) The Director of the Institute shall carry out the national arthritis and musculoskeletal diseases program in accordance with the plan prepared under subsection (a) and any revisions of such plan made under such subsection.

"RESEARCH AND TRAINING

"SEC. 437. The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 485) in the diagnosis, prevention, and treatment of arthritis and musculoskeletal and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"DATA SYSTEM AND INFORMATION CLEARINGHOUSE

"SEC. 438. (a) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal and skin diseases, including where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis and musculoskeletal and skin diseases.

"(b) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Information Clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of arthritis and musculoskeletal and skin diseases by health professionals, patients, and the public.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 439. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, musculoskeletal diseases, and skin diseases, including sports-related disorders; and

"(2) coordinating the aspects of all Federal health programs and activities relating to arthritis, musculoskeletal diseases, and skin diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Diseases Interagency Coordinating Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the Chief Medical Director of the Veterans' Administration, and the Assistant Secretary of Defense for Health Affairs (or the designees of such officers), and representatives of all other Federal departments and agencies (as determined by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases or skin diseases, as the case may be. Each Committee shall be chaired by the Director of NIH (or the designee of the Director). Each Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Not later than 120 days after the end of each fiscal year, each Committee shall prepare and transmit to the Secretary, the Director of NIH, the Director of the Institute, and the advisory council for the Institute a report detailing the activities of the Committee in such fiscal year in carrying out paragraphs (1) and (2) of subsection (a).

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"SEC. 440. (a) The Director of the Institute may make grants to public and private nonprofit entities to establish and support projects for the development and demonstration of methods for screening, detection, and referral for treatment of arthritis and musculoskeletal diseases and for the dissemination of information on such methods to the health and allied health professions. Activities under such projects shall be coordinated with Federal, State, local, and regional health agencies, centers assisted under section 441, and the data system established under subsection (c).

"(b) Projects supported under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the programs, methods, and means referred to in paragraphs (1), (2), and (3) of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for investigation into the epidemiology of all forms and aspects of arthritis and musculo- skeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis and musculoskeletal diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects assisted under this section, centers assisted under section 441, and other persons engaged in arthritis and musculoskeletal disease programs.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

"SEC. 441. (a) The Director of the Institute shall, after consultation with the advisory council for the Institute, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from arthritis and musculoskeletal diseases, including research into implantable biomaterials and biomechanical and other orthopedic procedures;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping; and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director of the Institute shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis and musculoskeletal diseases.

"(e) Support of a center under this section may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"ADVISORY BOARD

"SEC. 442. (a) The Secretary shall establish in the Institute the National Arthritis Advisory Board (hereafter in this section referred to as the 'Advisory Board').

"(b) The Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members, as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to arthritis, musculoskeletal diseases, and skin diseases; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who has such a disease and one member who is a parent of a person who has such a disease.

Of the appointed members, at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of the Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the Director of the Centers for Disease Control, the Chief Medical Director of the Veterans' Administration, and the Assistant Secretary of Defense for Health Affairs (or the designees of such officers), and such other officers and employees of the United States as the Secretary determines necessary for the Advisory Board to carry out its functions.

"(c) Members of the Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Advisory Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Advisory Board.

"(d) The term of office of an appointed member of the Advisory Board is four years. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than 90 days after the date the vacancy occurred.

"(e) The members of the Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the plan prepared under section 436(a) and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting arthritis, musculoskeletal diseases and skin diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies for Federal agencies involved in the implementation of such plan, the interagency coordinating committees for such diseases established under section 439, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such fiscal year in research, treatment, education, and training with respect to arthritis, musculoskeletal diseases, and skin diseases;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in such fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan prepared under section 436(a).

"(k) The National Arthritis Advisory Board in existence on the effective date of the Health Research Extension Act of 1985 shall terminate upon the appointment of a successor Board under subsection (a). The Secretary shall make appointments to the Advisory Board established under subsection (a) before the expiration of 90 days after such effective date. The member of the Board in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Advisory Board established under subsection (a).

"SUBPART 5—NATIONAL INSTITUTE ON AGING

"PURPOSE OF THE INSTITUTE

"SEC. 443. The general purpose of the National Institute on Aging (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical, social, and behavioral research, training, health information dissemination, and other programs with respect to the aging process and the diseases and other special problems and needs of the aged.

"SPECIAL FUNCTIONS

"SEC. 444. (a) In carrying out the training responsibilities under this Act or any other Act for health and allied health professions personnel, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Director of the Institute shall conduct scientific studies to measure the impact on the biological, medical, social, and psychological aspects of aging of programs and activities assisted or conducted by the Department of Health and Human Services.

"(c) The Director of the Institute shall carry out public information and education programs designed to disseminate as widely as possible the findings of research sponsored by the Institute, other relevant aging research and studies, and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"(d) The Director of the Institute shall make grants to public and private nonprofit institutions to conduct research relating to Alzheimer's Disease.

"ALZHEIMER'S DISEASE CENTERS

"SEC. 445. (a)(1) The Director of the Institute may enter into cooperative agreements with and make grants to public or private nonprofit entities to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for Alzheimer's Disease.

"(2) A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH and after consultation with the Institute's advisory council.

"(b)(1) Federal payments made under a cooperative agreement or grant under subsection (a) may be used for—

"(A) construction (notwithstanding any limitation under section 494);

"(B) staffing and other basic operating costs, including such patient care costs as are required for research;

"(C) training, including training for allied health professionals; and

"(D) demonstration purposes.

"(2) As used in this subsection, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which National Research Service Awards may be provided under section 485.

"(c) Support of a center under subsection (a) may be for a period of not to exceed five years. Such period may be extended by the Director for additional periods of not more

than five years each if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"SUBPART 6—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

"PURPOSE OF THE INSTITUTE

"SEC. 446. The general purpose of the National Institute of Allergy and Infectious Diseases is the conduct and support of research, training, health information dissemination, and other programs with respect to allergic and immunologic diseases and disorders and infectious diseases.

"SUBPART 7—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

"PURPOSE OF THE INSTITUTE

"SEC. 448. The general purpose of the National Institute of Child Health and Human Development (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to maternal health, child health, mental retardation, human growth and development, including prenatal development, and special health problems and requirements of mothers and children.

"SUDDEN INFANT DEATH SYNDROME

"SEC. 449. The Director of the Institute shall conduct and support research which specifically relates to sudden infant death syndrome.

"MENTAL RETARDATION RESEARCH

"SEC. 450. The Director of the Institute shall conduct and support research and related activities with respect to the causes, prevention, and treatment of mental retardation.

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 451. (a) There shall be in the Institute an Associate Director for Prevention to coordinate and promote the programs in the Institute concerning the prevention of health problems of mothers and children. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(b) The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"SUBPART 8—NATIONAL INSTITUTE OF DENTAL RESEARCH

"PURPOSE OF THE INSTITUTE

"SEC. 453. The general purpose of the National Institute of Dental Research is the conduct and support of research, training, health information dissemination, and other programs with respect to the cause, prevention, and methods of diagnosis and treatment of dental and oral diseases and conditions.

"SUBPART 9—NATIONAL EYE INSTITUTE

"PURPOSE OF THE INSTITUTE

"SEC. 455. The general purpose of the National Eye Institute (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and requirements of the blind. The Director of the Institute may carry out a program of grants for public and private nonprofit vision research facilities.

"SUBPART 10—NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

"PURPOSE OF THE INSTITUTE

"SEC. 457. The general purpose of the National Institute of Neurological and Communicative Disorders and Stroke (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to neurological disease and disorder, stroke, and disorders of human communication.

"SPINAL CORD REGENERATION RESEARCH

"SEC. 458. The Director of the Institute shall conduct and support research into spinal cord regeneration.

"BIOENGINEERING RESEARCH

"SEC. 459. The Director of the Institute shall make grants or enter into contracts for research on the means to overcome paralysis of the extremities through electrical stimulation and the use of computers.

"SUBPART 11—NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

"PURPOSE OF THE INSTITUTE

"SEC. 461. The general purpose of the National Institute of General Medical Sciences is the conduct and support of research, training, and, as appropriate, health information dissemination, and other programs with respect to general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other national research institutes or are outside the general area of responsibility of any other national research institute.

"SUBPART 12—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

"PURPOSE OF THE INSTITUTE

"SEC. 463. The general purpose of the National Institute of Environmental Health Sciences is the conduct and support of research, training, health information dissemination, and other programs with respect to factors in the environment that affect human health, directly or indirectly.

"PART D—NATIONAL LIBRARY OF MEDICINE

"SUBPART 1—GENERAL PROVISIONS

"PURPOSE AND ESTABLISHMENT OF THE LIBRARY

"SEC. 467. In order to assist the advancement of medical and related sciences, and to aid the dissemination and exchange of scientific and other information important to the progress of medicine and to the public health, there is established the National Library of Medicine (hereafter in this part referred to as the 'Library').

"FUNCTIONS OF THE LIBRARY

"SEC. 468. (a) The Secretary, through the Library and subject to subsection (c), shall—

"(1) acquire and preserve books, periodicals, prints, films, recordings, and other library materials pertinent to medicine;

"(2) organize the materials specified in paragraph (1) by appropriate cataloging, indexing, and bibliographical listings;

"(3) publish and disseminate the catalogs, indexes, and bibliographies referred to in paragraph (2);

"(4) make available, through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary determines appropriate;

"(5) provide reference and research assistance; and

"(6) engage in such other activities as the Secretary determines appropriate and as the Library's resources permit.

"(b) The Secretary may exchange, destroy, or otherwise dispose of any books, periodicals, films, and other library materials not needed for the permanent use of the Library.

"(c)(1) The Secretary may, after obtaining the advice and recommendations of the Board of Regents, prescribe rules under which the Library will—

"(A) provide copies of its publications or materials,

"(B) will make available its facilities for research, or

"(C) will make available its bibliographic, reference, or other services,

to public and private entities and individuals.

"(2) Rules prescribed under paragraph (1) may provide for making available such publications, materials, facilities, or services—

"(A) without charge as a public service,

"(B) upon a loan, exchange, or charge basis, or

"(C) in appropriate circumstances, under contract arrangements made with a public or other nonprofit entity.

"(d) Whenever the Secretary, with the advice of the Board of Regents, determines that—

"(1) in any geographic area of the United States there is no regional medical library adequate to serve such area;

"(2) under criteria prescribed for the administration of section 478, there is a need for a regional medical library to serve such area; and

"(3) because there is no medical library located in such area which, with financial assistance under section 478, can feasibly be developed into a regional medical library adequate to serve such area,

the Secretary may establish, as a branch of the Library, a regional medical library to serve the needs of such area.

"(e) Section 2101 shall be applicable to the acceptance and administration of gifts made for the benefit of the Library or for carrying out any of its functions, and the Board of Regents shall make recommendations to the Secretary relating to establishment within the Library of suitable memorials to the donors.

"(f) For purposes of this part the terms 'medicine' and 'medical', except when used in section 469, include preventive and therapeutic medicine, dentistry, pharmacy, hospitalization, nursing, public health, and the fundamental sciences related thereto, and other related fields of study, research, or activity.

"BOARD OF REGENTS

"SEC. 469. (a)(1) The Board of Regents of the National Library of Medicine consists of the Surgeons General of the Public Health Service, the Army, the Navy, and the Air Force, the Chief Medical Director of the Veterans' Administration, the Assistant Director for Biological, Behavioral, and Social Sciences of the National Science Foundation, and the Librarian of Congress, all of whom shall be ex officio members, and ten members appointed by the Secretary. The ten appointed members shall be selected from among leaders in the various fields of the fundamental sciences, medicine, dentistry, public health, hospital administration, pharmacology, health communications technology, or scientific or medical library work,

or in public affairs. At least six of the appointed members shall be selected from among leaders in the fields of medical, dental, or public health research or education.

"(2) The Board shall annually elect one of the appointed members to serve as Chairman until the next election. The Secretary shall designate a member of the Library staff to act as executive secretary of the Board.

"(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy in regard to the Library, including such matters as the acquisition of materials for the Library, the scope, content, and organization of the Library's services, and the rules under which its materials, publications, facilities, and services shall be made available to various kinds of users. The Secretary shall include in the annual report of the Secretary to the Congress a statement covering the recommendations made by the Board and the disposition thereof. The Secretary may use the services of any member of the Board in connection with matters related to the work of the Library, for such periods, in addition to conference periods, as the Secretary may determine.

"(c) Each appointed member of the Board shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. None of the appointed members shall be eligible for reappointment within one year after the end of the preceding term of such member.

"LIBRARY FACILITIES

"SEC. 470. There are authorized to be appropriated amounts sufficient for the erection and equipment of suitable and adequate buildings and facilities for use of the Library. The Administrator of General Services may acquire, by purchase, condemnation, donation, or otherwise, a suitable site or sites, selected by the Secretary in accordance with the direction of the Board, for such buildings and facilities and to erect thereon, furnish, and equip such buildings and facilities. The amounts authorized to be appropriated by this section include the cost of preparation of drawings and specifications, supervision of construction, and other administrative expenses incident to the work. The Administrator of General Services shall prepare the plans and specifications, make all necessary contracts, and supervise construction.

"SUBPART 2—FINANCIAL ASSISTANCE

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 472. For the purpose of grants and contracts under sections 475, 476, 477, 478, and 479, there are authorized to be appropriated $12,000,000 for fiscal year 1986, $13,000,000 for fiscal year 1987, and $14,000,000 for fiscal year 1988. Funds appropriated under this section shall remain available for such purposes until the end of the fiscal year immediately following the fiscal year for which they were appropriated.

"DEFINITIONS

"SEC. 473. As used in this subpart—

"(1) the term 'medical library' means a library related to the sciences related to health; and

"(2) the term 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto.

"NATIONAL MEDICAL LIBRARIES ASSISTANCE ADVISORY BOARD

"SEC. 474. (a) The Board of Regents of the National Library of Medicine shall also serve as the National Medical Libraries Assistance Advisory Board (hereafter in this subpart referred to as the 'Board').

"(b) The Board shall advise and assist the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this subpart.

"(c) The Secretary may use the services of any member of the Board, in connection with matters related to the administration of this part for such periods, in addition to conference periods, as the Secretary may determine.

"(d) Appointed members of the Board who are not otherwise in the employ of the United States, while attending conferences of the Board or otherwise serving at the request of the Secretary in connection with the administration of this subpart, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) when attending conferences, traveling, or serving at the request of the Secretary in connection with the Board's function under this section.

"GRANTS FOR TRAINING IN MEDICAL LIBRARY SCIENCES

"SEC. 475. The Secretary shall make grants—

"(1) to individuals to enable them to accept traineeships and fellowships leading to postbaccalaureate academic degrees in the field of medical library science, in related fields pertaining to sciences related to health, or in the field of the communication of information;

"(2) to individuals who are librarians or specialists in information on sciences relating to health, to enable them to undergo intensive training or retraining so as to attain greater competence in their occupations (including competence in the fields of automatic data processing and retrieval);

"(3) to assist appropriate public and private nonprofit institutions in developing, expanding, and improving training programs in library science and the field of communications of information pertaining to sciences relating to health; and

"(4) to assist in the establishment of internship programs in established medical libraries meeting standards which the Secretary shall prescribe.

"ASSISTANCE FOR SPECIAL SCIENTIFIC PROJECTS, AND FOR RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS

"SEC. 476. (a) The Secretary shall make grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or nonprofit private institutions on behalf of such physicians, other practitioners, and scientists for the compilation of existing, or the writing of original, contributions relating to scientific, social, or cultural advancements in sciences related to health. In making such grants, the Secretary shall make appropriate arrangements under which the facilities of the Library and the facilities of libraries of public and private nonprofit institutions of higher learning may be made available in connection with the projects for which such grants are made.

"(b) The Secretary shall make grants to appropriate public or private nonprofit institutions and enter into contracts with appropriate persons, for purposes of carrying out projects of research, investigations, and demonstrations in the field of medical library science and related activities and for the development of new techniques, systems, and equipment, for processing, storing, retrieving, and distributing information pertaining to sciences related to health.

"GRANTS FOR ESTABLISHING, EXPANDING, AND IMPROVING THE BASIC RESOURCES OF MEDICAL LIBRARIES AND RELATED INSTRUMENTALITIES

"SEC. 477. (a) The Secretary shall make grants of money, materials, or both, to public or private nonprofit medical libraries and related scientific communication instrumentalities for the purpose of establishing, expanding, and improving their basic medical library or related resources. A grant under this subsection may be used for—

"(1) the acquisition of books, journals, photographs, motion picture and other films, and other similar materials;

"(2) cataloging, binding, and other services and procedures for processing library resource materials for use by those who are served by the library or related instrumentality;

"(3) the acquisition of duplication devices, facsimile equipment, film projectors, recording equipment, and other equipment to facilitate the use of the resources of the library or related instrumentality by those who are served by it; and

"(4) the introduction of new technologies in medical librarianship.

"(b)(1) The amount of any grant under this section to any medical library or related instrumentality shall be determined by the Secretary on the basis of the scope of library or related services provided by such library or instrumentality in relation to the population and purposes served by it. In making a determination of the scope of services served by any medical library or related instrumentality, the Secretary shall take into account—

"(A) the number of graduate and undergraduate students making use of the resources of such library or instrumentality;

"(B) the number of physicians and other practitioners in the sciences related to health utilizing the resources of such library or instrumentality;

"(C) the type of supportive staffs, if any, available to such library or instrumentality;

"(D) the type, size, and qualifications of the faculty of any school with which such library or instrumentality is affiliated;

"(E) the staff of any hospital or hospitals or of any clinic or clinics with which such library or instrumentality is affiliated; and

"(F) the geographic area served by such library or instrumentality and the availability within such area of medical library or related services provided by other libraries or related instrumentalities.

"(2) Grants to medical libraries or related instrumentalities under this section shall be in such amounts as the Secretary may by regulation prescribe with a view to assuring adequate continuing financial support for such libraries or instrumentalities from other sources during and after the period for which grants are provided.

"GRANTS AND CONTRACTS FOR ESTABLISHMENT OF REGIONAL MEDICAL LIBRARIES

"SEC. 478. (a) The Secretary, with the advice of the Board, shall make grants to and enter into contracts with existing public or private nonprofit medical libraries so as to enable each of them to serve as the regional medical library for the geographical area in which it is located.

"(b) The uses for which grants and contracts under this section may be employed include the—

"(1) acquisition of books, journals, and other similar materials;

"(2) cataloging, binding, and other procedures for processing library resource materials for use by those who are served by the library;

"(3) acquisition of duplicating devices and other equipment to facilitate the use of the resources of the library by those who are served by it;

"(4) acquisition of mechanisms and employment of personnel for the speedy transmission of materials from the regional library to local libraries in the geographic area served by the regional library; and

"(5) planning for services and activities under this section.

"(c)(1) Grants and contracts under this section shall only be made to or entered into with medical libraries which agree—

"(A) to modify and increase their library resources, and to supplement the resources of cooperating libraries in the region, so as to be able to provide adequate supportive services to all libraries in the region as well as to individual users of library services; and

"(B) to provide loan services to qualified users and make available photoduplicated or facsimile copies of biomedical materials which qualified requesters may retain.

"(2) The Secretary, in awarding grants and contracts under this section, shall give priority to medical libraries having the greatest potential of fulfilling the needs for regional medical libraries. In determining the priority to be assigned to any medical library, the Secretary shall consider—

"(A) the adequacy of the library (in terms of collections, personnel, equipment, and other facilities) as a basis for a regional medical library; and

"(B) the size and nature of the population to be served in the region in which the library is located.

"(d) Grants and contracts under this section for basic resource materials to a library may not exceed—

"(1) 50 percent of the library's annual operating expense (exclusive of Federal financial assistance under this part) for the preceding year; or

"(2) in case of the first year in which the library receives a grant under this section for basic resource materials, 50 percent of its average annual operating expenses over the past three years (or if it had been in operation for less than three years, its annual operating expenses determined by the Secretary in accordance with regulations).

"FINANCIAL SUPPORT OF BIOMEDICAL SCIENTIFIC PUBLICATIONS

"SEC. 479. (a) The Secretary, with the advice of the Board, shall make grants to, and enter into appropriate contracts with, public or private nonprofit institutions of higher education and individual scientists for the purpose of supporting biomedical scientific publications of a nonprofit nature and to procure the compilation, writing, editing, and publication of reviews, abstracts, indices, handbooks, bibliographies, and related matter pertaining to scientific works and scientific developments.

"(b) Grants under this section in support of any single periodical publication may not be made for more than three years, except in those cases in which the Secretary determines that further support is necessary to carry out the purposes of this section.

"GRANT PAYMENTS; RECORDS AND AUDIT

"SEC. 480. (a) Payments under grants made under sections 475, 476, 477, 478, and 479 may be made in advance or by way of reimbursement and in such installments as the Secretary shall prescribe by regulation after consultation with the Board.

"(b)(1) Each recipient of a grant under this subpart shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to any grant received under this subpart.

"PART E—OTHER AGENCIES OF NIH

"DIVISION OF RESEARCH RESOURCES

"SEC. 482. The general purpose of the Division of Research Resources is to strengthen and enhance the research environments of entities engaged in health-related research by developing and supporting essential research resources.

"JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

"SEC. 483. The general purpose of the John E. Fogarty International Center for Advanced Study in the Health Sciences is to—

"(1) facilitate the assembly of scientists and others in the biomedical, behavioral, and related fields for discussion, study, and research relating to the development of health science internationally;

"(2) provide research programs, conferences, and seminars to further international cooperation and collaboration in the life sciences;

"(3) provide postdoctorate fellowships for research training in the United States and abroad and promote exchanges of senior scientists between the United States and other countries;

"(4) coordinate the activities of the National Institutes of Health concerned with the health sciences internationally; and

"(5) receive foreign visitors to the National Institutes of Health.

"PART F—AWARDS AND TRAINING

"NATIONAL RESEARCH SERVICE AWARDS

"SEC. 485. (a)(1) The Secretary shall—

"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in matters relating to the cause, diagnosis, prevention, and treatment of the diseases or other health problems to which the activities of the National Institutes of Health and Administration are directed;

"(ii) training at the National Institutes of Health and at the Administration of individuals to undertake such research;

"(iii) biomedical and behavioral research and health services research (including research in primary medical care) at public and nonprofit private entities; and

"(iv) pre-doctoral and post-doctoral training at public and private institutions of individuals to undertake biomedical and behavioral research; and

"(B) make grants to public and nonprofit private institutions to enable such institutions to make National Research Service Awards for research (and training to undertake biomedical and behavioral research) in the matters described in subparagraph (A)(i) to individuals selected by such institutions.

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, agencies, divisions, and bureaus included in the National Institutes of Health or under the Administration, as the case may be.

"(2) National Research Service Awards may not be used to support residency training of physicians and other health professionals.

"(3) In awarding National Research Service Awards under this section, the Secretary shall take account of the Nation's overall need for biomedical research personnel by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.

"(b)(1) No National Research Service Award may be made by the Secretary to any individual unless—

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a)(1)(A)(iii), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the award will be conducted.

An application for an award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(2) The making of grants under subsection (a)(1)(B) for National Research Service Awards shall be subject to review and approval by the appropriate advisory councils within the Department of Health and Human Services (A) whose activities relate to the research or training under the awards, or (B) for the entity at which such research or training will be conducted.

"(3) No grant may be made under subsection (a)(1)(B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section (other than paragraph (1)), National Research Service Awards made under a grant under subsection (a)(1)(B) shall be made in accordance with such regulations as the Secretary shall prescribe.

"(4) The period of any National Research Service Award made to any individual under subsection (a) may not exceed—

"(A) five years in the aggregate for pre-doctoral training; and

"(B) three years in the aggregate for post-doctoral training;

unless the Secretary for good cause shown waives the application of such limit to such individual.

"(5) National Research Service Awards shall provide for such stipends, tuition, fees, and allowances (including travel and subsistence expenses and dependency allowances), adjusted periodically to reflect increases in the cost of living, for the recipients of the awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

"(c)(1) Each individual who is awarded a National Research Service Award (other than an individual who is a pre-baccalaureate student who is awarded a National Research Service Award for research training) shall, in accordance with paragraph (3), engage in health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, for a period computed in accordance with paragraph (2).

"(2) For each month for which an individual receives a National Research Service Award which is made for a period in excess of twelve months, such individual shall engage in one month of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment.

"(3) The requirement of paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's award, as the Secretary shall by regulation prescribe. The Secretary shall by regulation prescribe the type of research and teaching in which an individual may engage to comply with such requirement and such other requirements respecting research and teaching as the Secretary considers appropriate.

"(4)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (3), to comply with such requirements, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A=\phi\left(\frac{t-s}{t}\right)$$

in which 'A' is the amount the United States is entitled to recover; 'ϕ' is the sum of the total amount paid under one or more National Research Service Awards to such individual; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by such individual in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount.

"(5)(A) Any obligation of an individual under paragraph (1) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve substantial hardship to such individual or would be against equity and good conscience.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such awards $244,000,000 for fiscal year 1986, $260,000,000 for fiscal year 1987, and $275,000,000 for fiscal year 1988. Of the amounts appropriated under this subsection—

"(1) not less than 15 percent shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a)(1)(A);

"(2) not less than 50 percent shall be made available for grants under subsection (a)(1)(B) for National Research Service Awards;

"(3) one-half of one percent shall be made available for payments under National Research Service Awards which (A) are made to individuals affiliated with entities which have received grants or contracts under section 780, 784, or 786, and (B) are for research in primary medical care; and one-half of one percent shall be made available for payments under National Research Service Awards made for health services research by the National Center for Health Services Research and Health Care Technology Assessment under section 304(a)(3); and

"(4) not more than 4 percent may be obligated for National Research Service Awards for periods of three months or less.

"VISITING SCIENTIST AWARDS

"SEC. 486. (a) The Secretary may make awards (hereafter in this section referred to as 'Visiting Scientist Awards') to outstanding scientists who agree to serve as visiting scientists at institutions of postsecondary education which have significant enrollments of disadvantaged students. Visiting Scientist Awards shall be made by the Secretary to enable the faculty and students of such institutions to draw upon the special talents of scientists from other institutions for the purpose of receiving guidance, advice, and instruction with regard to research, teaching, and curriculum development in the biomedical and behavioral sciences and such other aspects of these sciences as the Secretary shall deem appropriate.

"(b) The amount of each Visiting Scientist Award shall include such sum as shall be commensurate with the salary or remuneration which the individual receiving the award would have been entitled to receive from the institution with which the individual has, or had, a permanent or immediately prior affiliation. Eligibility for and terms of Visiting Scientist Awards shall be determined in accordance with regulations the Secretary shall prescribe.

"STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

"SEC. 487. (a) Within five years after the date of enactment of the Health Research Extension Act of 1985, and every five years thereafter, the Secretary shall, in accordance with subsection (b), arrange for the conduct of a study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act, at or through national research institutes under the National Institutes of Health and institutes under the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b)(1) The Secretary shall request the National Academy of Sciences to conduct each study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting each such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of each such study.

"(2) If the National Academy of Sciences is unwilling to conduct any such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(3) The National Academy of Sciences or other group or association conducting each study required by subsection (a) shall conduct each such study in consultation with the Director of NIH.

"(c) A report on the results of each study required under subsection (a) shall be submitted by the Secretary to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"PART G—GENERAL PROVISIONS

"INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 489. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secre-

tary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or supported by such entity in order to protect the rights of the human subjects of such research.

"(b)(1) The Secretary shall establish a program within the Department of Health and Human Services under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately.

"(2) The Secretary shall establish a process for the prompt and appropriate response to information provided to the Director of NIH respecting incidences of violations of the rights of human subjects of research for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such violations.

"PEER REVIEW REQUIREMENTS

"SEC. 490. (a)(1) The Secretary, acting through the Director of NIH, shall by regulation require appropriate technical and scientific peer review of—

"(A) grants and cooperative agreements under this Act for biomedical and behavioral research; and

"(B) biomedical and behavioral research and development contracts to be administered through the National Institutes of Health.

"(2) Regulations promulgated under paragraph (1) shall require that the review of grants, contracts, and cooperative agreements required by the regulations be conducted—

"(A) in a manner consistent with the system for scientific peer review applicable on the date of the effective date of the Health Research Extension Act of 1985 to grants under this Act for biomedical and behavioral research;

"(B) to the extent practical, by peer review groups performing such review on or before such date; and

"(C) in accordance with section 405(c)(3).

"(b) The Director of NIH shall establish procedures for periodic, technical, and scientific peer review of research at the National Institutes of Health. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the national research institute involved with such description and the results of the review by the entity.

"PROTECTION AGAINST SCIENTIFIC FRAUD

"SEC. 491. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific fraud in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Secretary any investigation of alleged scientific fraud which appears substantial.

"(b) The Director of NIH shall establish a process for the prompt and appropriate response to information provided the Director of NIH respecting scientific fraud in connection with projects for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such fraud.

"RESEARCH ON PUBLIC HEALTH EMERGENCIES

"SEC. 492. (a) If the Secretary determines, after consultation with the Director of NIH, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that a disease or disorder constitutes a public health emergency, the Secretary, acting through the Director of NIH—

"(1) shall expedite the review by advisory councils under section 406 and the peer review required by regulations under section 490 of grants for research on such disease or disorder or proposals for contracts for such research;

"(2) shall exercise the authority in section 3709 of the Revised Statutes (41 U.S.C. 5) respecting public exigencies to waive the advertising requirements of such section in the case of proposals for contracts for such research;

"(3) may provide administrative supplemental increases in existing grants and contracts to support new research relevant to such disease or disorder; and

"(4) shall disseminate, to health professionals and the public, information on the cause, prevention, and treatment of such disease or disorder that has been developed in research assisted under this section.

The amount of an increase in a grant or contract provided under paragraph (3) may not exceed one-half the original amount of the grant or contract.

"(b) Not later than 90 days after the end of a fiscal year, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on actions taken under subsection (a) in such fiscal year.

"ANIMALS IN RESEARCH

"SEC. 493. (a) The Secretary, acting through the Director of NIH, shall establish guidelines for the following:

"(1) The proper care of animals to be used in biomedical and behavioral research.

"(2) The proper treatment of animals while being used in such research. Guidelines under this paragraph shall specify—

"(A) the appropriate use of tranquilizers, analgesics, anesthetics, paralytics, and euthanasia for animals in such research; and

"(B) appropriate pre-surgical and post-surgical veterinary medical and nursing care for animals in such research.

Such guidelines shall not be construed to prescribe methods of research.

"(3) The organization and operation of animal care committees in accordance with subsection (b).

"(b)(1) Guidelines of the Secretary under subsection (a)(3) shall require animal care committees at each entity which conducts biomedical and behavioral research with funds provided under this Act (including the National Institutes of Health and the national research institutes) to assure compliance with the guidelines established under subsection (a).

"(2) Each animal care committee shall be appointed by the chief executive officer of the entity for which the committee is established, shall be composed of not fewer than three members, and shall include at least one individual who has no association with such entity and at least one doctor of veterinary medicine.

"(3) Each animal care committee of a research entity shall—

"(A) review the care and treatment of animals in all animal study areas and facilities of the research entity at least semi-annually to evaluate compliance with applicable guidelines established under subsection (a) for appropriate animal care and treatment;

"(B) keep appropriate records of reviews conducted under subparagraph (A); and

"(C) for each review conducted under subparagraph (A), file with the Director of NIH at least annually (i) a certification that the review has been conducted, and (ii) reports of any violations of guidelines established under subsection (a) or assurances required under paragraph (1) which were observed in such review and which have continued after notice by the committee to the research entity involved of the violations.

Reports filed under subparagraph (C) shall include any minority views filed by members of the committee.

"(c) The Director of NIH shall require each applicant for a grant, contract, or cooperative agreement involving research on animals which is administered by the National Institutes of Health or any national research institute to include in any application or contract proposal submitted after the expiration of the twelve-month period beginning on the effective date of this section—

"(1) assurances satisfactory to the Director of NIH that—

"(A) the applicant meets the requirements of the guidelines established under paragraphs (1) and (2) of subsection (a) and has an animal care committee which meets the requirements of subsection (b); and

"(B) scientists, animal technicians, and other personnel involved with animal care, treatment, and use by the applicant have available to them instruction or training in the humane practice of animal maintenance and experimentation, and the concept, availability, and use of research or testing methods that limit the use of animals or limit animal distress; and

"(2) a statement of the reasons for the use of animals in the research to be conducted with funds provided under such grant or contract.

Notwithstanding subsection (a)(2) of section 553 of title 5, United States Code, regulations under this subsection shall be promulgated in accordance with the notice and comment requirements of such section.

"(d) If the Director of NIH determines that—

"(1) the conditions of animal care, treatment, or use in an entity which is receiving a grant, contract, or cooperative agreement involving research on animals under this title do not meet applicable guidelines established under subsection (a);

"(2) the entity has been notified by the Director of NIH of such determination and has been given a reasonable opportunity to take corrective action; and

"(3) no action has been taken by the entity to correct such conditions;

the Director of NIH shall suspend or revoke such grant or contract under such condi-

tions as the Director determines appropriate.

"(e) No guideline or regulation promulgated under subsection (a) or (c) may require a research entity to publicly disclose trade secrets or commercial or financial information which is privileged or confidential.

"USE OF APPROPRIATIONS UNDER THIS TITLE

"SEC. 494. Appropriations to carry out the purposes of this title shall be available for the acquisition of land or the erection of buildings only if so specified. Such appropriations, unless otherwise expressly provided, may be expended in the District of Columbia for—

"(1) personal services;

"(2) stenographic recording and translating services;

"(3) travel expenses (including the expenses of attendance at meetings when specifically authorized by the Secretary);

"(4) rental;

"(5) supplies and equipment;

"(6) purchase and exchange of medical books, books of reference, directories, periodicals, newspapers, and press clippings;

"(7) purchase, operation, and maintenance of passenger motor vehicles;

"(8) printing and binding (in addition to that otherwise provided by law); and

"(9) all other necessary expenses in carrying out this title.

Such appropriations may be expended by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

"GIFTS

"SEC. 495. The Secretary may, in accordance with section 2101, accept conditional gifts for the National Institutes of Health or a national research institute or for the acquisition of grounds or for the erection, equipment, or maintenance of facilities for the National Institutes of Health or a national research institute. Donations equal to or in excess of $50,000 for the National Institutes of Health or a national research institute for carrying out the purposes of this title may be acknowledged by the establishment within the National Institutes of Health or national research institute of suitable memorials to the donors.

"FETAL RESEARCH

"SEC. 496. (a) The Secretary may not conduct or support any research or experimentation, in the United States or in any other country, on a nonviable living human fetus ex utero or a living human fetus ex utero for whom viability has not been ascertained unless the research or experimentation—

"(1) may enhance the well-being or meet the health needs of the fetus or enhance the probability of its survival to viability; or

"(2) will pose no added risk of suffering, injury, or death to the fetus and the purpose of the research or experimentation is the development of important biomedical knowledge which cannot be obtained by other means.

"(b) In administering the regulations for the protection of human research subjects which—

"(1) apply to research conducted or supported by the Secretary;

"(2) involve living human fetuses in utero; and

"(3) are published in section 46.208 of part 46 of title 45 of the Code of Federal Regulations;

or any successor to such regulations, the Secretary shall require that the risk standard (published in section 46.102(g) of such part 46 or any successor to such regulations) be the same for fetuses which are intended to be aborted and fetuses which are intended to be carried to term.

"(c)(1) The Biomedical Ethics Advisory Committee appointed under section 381 shall conduct a study of the nature, advisability, and biomedical and ethical implications of exercising any waiver of the risk standard published in section 46.102(g) of such part 46 (or any successor to such regulations). The Committee shall complete the study and report its findings to the Biomedical Ethics Board established under section 381 not later than the expiration of thirty months after the effective date of this section. The report shall include the recommendations, if any, of the Committee on the advisability of the authority for such a waiver and the circumstances under which such a waiver might be granted. The Biomedical Ethics Board shall transmit the report to the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate.

"(2) During the thirty-six-month period beginning on the effective date of this section, the Secretary may not grant (under section 46.211 of part 45 of title 46 of the Code of Federal Regulations or any successor to such section) a modification or waiver for fetal research.

"(3) Effective October 31, 1988, paragraph (2) is repealed.

"CONSTRUCTION OF TITLE

"SEC. 497. This title shall not be construed as limiting (1) the functions or authority of the Secretary under section 301 or of any officer or agency of the United States, relating to the study, prevention, diagnosis, and treatment of any disease for which a separate national research institute is established under this title, or (2) the expenditure of any funds therefor.".

CONFORMING AMENDMENTS

SEC. 3. (a)(1) The National Advisory Health Council established under section 217 is terminated.

(2) Section 217(a) is amended—

(A) in the first sentence—

(i) by striking out "National Advisory Health Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Dental Research Council" and inserting in lieu thereof "National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(ii) by striking out "by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by the Secretary";

(B) in the second sentence—

(i) by striking out "in the case of the National Advisory Health Council, are skilled in the sciences related to health; and"

(ii) by striking out "the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council" and inserting in lieu thereof "the National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(iii) by striking out ", alcohol abuse and alcoholism, and dental diseases and conditions" and inserting in lieu thereof "and alcohol abuse and alcoholism"; and

(C) by striking out the third sentence.

(3) Subsection (b) of section 217 is repealed and subsections (c) through (e) and subsection (g) are redesignated as subsections (b) through (e), respectively.

(4) Section 222(c) is amended to read as follows:

"(c) Upon appointment of any such council or committee, the Secretary may delegate to such council or committee such advisory functions relating to grants-in-aid for research or training projects or programs, in the areas or fields with which such council or committee is concerned, as the Secretary determines to be appropriate.".

(5) Section 301(a) is amended—

(A) in paragraph (3), by striking out "as are recommended" through "for such fiscal year" and inserting in lieu thereof "as are recommended by the advisory council to the entity of the Department supporting such projects or, in the case of mental health projects, by the National Advisory Mental Health Council; and make, upon recommendation of the advisory council to the entity of the department involved or the National Advisory Mental Health Council, grants-in-aid to public or nonprofit universities, hospitals, laboratories, and other institutions for the general support of their research"; and

(B) in paragraph (8), by striking out "recommendations of the National Advisory Health Council" through "as he deems" and inserting in lieu thereof "recommendations of the advisory councils to the entities of the department involved or, with respect to mental health, the National Advisory Mental Health Council, such additional means as the Secretary considers".

(6) Section 1122(a) is amended by striking out "under section 441".

(b) Parts I and J of title III are repealed.

(c) Section 8(w) of the Orphan Drug Act is repealed.

(d) Section 506 is amended by adding at the end thereof the following new subsection:

"(e)(1) If the direct cost of a grant or contract (described in subsection (a)) to be made does not exceed $50,000, the Secretary may make such grant or cooperative agreement only if such grant or cooperative agreement is recommended after peer review required by regulations under subsections (a) and (b).

"(2) If the direct cost of a grant or contract (described in subsection (a)) to be made equals or exceeds $50,000, the Secretary may make such grant or cooperative agreement only if such grant or cooperative agreement is recommended after peer review required by regulations under subsections (a) and (b), and is recommended by the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, or the National Advisory Council on Drug Abuse, as is appropriate.".

PLAN FOR RESEARCH INVOLVING ANIMALS

SEC. 4. (a) The Director of the National Institutes of Health shall establish a plan for—

(1) research to be conducted by or through the National Institutes of Health and the national research institutes into methods of biomedical research and experimentation—

(A) which do not require the use of animals;

(B) which reduce the number of animals used in such research; or

(C) which produce less pain and distress in such animals than methods currently in use;

(2) establishing the validity and reliability of the methods described in subparagraph (A);

(3) the development of such methods which have been found to be valid and reliable; and

(4) the training of scientists in the use of such methods.

The plan required by this paragraph shall be prepared not later than October 1, 1986.

(b) The Director of the National Institutes of Health shall take such actions as may be appropriate to convey to scientists and others involved with research or experimentation involving animals information respecting the methods found to be valid and reliable under subsection (a)(2).

(c) The Director of the National Institutes of Health shall establish within the National Institutes of Health an Interagency Coordinating Committee to assist the Director of the National Institutes of Health in the development of the plan required by subsection (a). The Director of each national research institute shall serve on the Committee.

RESEARCH ON LUPUS ERYTHEMATOSUS

SEC. 5. (a) The Secretary shall establish a Lupus Erythematosus Coordinating Committee to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on Lupus Erythematosus.

(b)(1) The Committee shall be composed of—

(A) the Director of the National Institute of Neurological and Communicative Disorders and Stroke (or the designee of such Director);

(B) the Director of the National Institute of Allergy and Infectious Diseases (or the designee of such Director);

(C) the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases (or the designee of such Director);

(D) the Director of the National Institute of General Medical Sciences (or the designee of such Director);

(E) the Director of the National Heart, Lung, and Blood Institute (or the designee of such Director);

(F) the Director of the National Institute of Diabetes and Digestive and Kidney Diseases (or the designee of such Director); and

(G) the Director of the Centers for Disease Control (or the designee of such Director).

(2) The Committee shall meet at least four times a year. The Secretary shall designate as chairman of the Committee the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases.

(c) The Committee shall prepare a report for Congress on its activities. The report shall include a description of research projects on Lupus Erythematosus conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project. Such report shall be submitted not later than 18 months after the date of the effective date of this Act. The Committee shall terminate one month after the report is submitted.

NATIONAL RESEARCH SERVICE AWARD STUDY

SEC. 6. (a) The Secretary of Health and Human Services shall conduct a study of—

(1) the effect of the service obligation requirement of section 485(c) of the Public Health Service Act on the number and quality of individuals who apply for National Research Service Awards;

(2) the effect of section 485(c)(4) of such Act on the number of persons who engage in health research or training as a career;

(3) the number of persons who receive National Research Service Awards and who engage in health research or training as a career; and

(4) the effectiveness of the grant authority under section 485(a)(1)(B) of such Act in encouraging individuals to engage in health research and training as a career.

(b) The Secretary shall complete the study required by subsection (a) within one year after the effective date of this Act and shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

INTERAGENCY COMMITTEE ON SPINAL CORD INJURY

SEC. 7. (a) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall establish in the National Institute of Neurological and Communicative Diseases and Stroke an Interagency Committee on Spinal Cord Injury (hereafter in this section referred to as the "Interagency Committee"). The Interagency Committee shall plan, develop, coordinate, and implement comprehensive Federal initiatives in research on spinal cord injury and regeneration.

(b)(1) The Interagency Committee shall consist of representatives from—

(A) the National Institute on Neurological and Communicative Disorders and Stroke;

(B) the Department of Defense;

(C) the Department of Education;

(D) the Veterans' Administration;

(E) the Office of Science and Technology Policy; and

(F) the National Science Foundation;

designated by the heads of such entities.

(2) The Interagency Committee shall meet at least four times. The Secretary of Health and Human Services shall select the Chairman of the Interagency Committee from the members of the Interagency Committee.

(c) Within the 18 months after the effective date of this Act, the Interagency Committee shall prepare and transmit to the Congress a report concerning its activities under this section. The report shall include a description of research projects on spinal cord injury and regeneration conducted or supported by Federal agencies during such 18-month period, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project.

(d) The Interagency Committee shall terminate 90 days after the date on which the Interagency Committee transmits the report required by subsection (c) to the Congress.

STUDY OF PERSONNEL FOR HEALTH NEEDS OF THE ELDERLY

SEC. 8. (a) The Secretary shall conduct a study on the adequacy and availability of personnel to meet the current and projected health needs (including needs for home and community-based care) of elderly Americans through the year 2020.

(b) The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by March 1, 1986. The report on the study shall contain recommendations on—

(1) the number of primary care physicians, dentists, and other health personnel needed to provide adequate care for the elderly;

(2) the training needs of physicians and dentists (including specialists) and other health personnel to provide care responsive to the particular needs of the elderly;

(3) necessary changes in medicare and other third party reimbursement programs necessary to support training of primary care and other physicians to meet the needs of the elderly; and

(4) necessary program changes in third party reimbursement programs (including changes in medicare programs) to support training of other health personnel in the care of the elderly.

INTERAGENCY COMMITTEE ON LEARNING DISABILITIES

SEC. 9. (a) Not later than 90 days after the effective date of this Act, the Director of the National Institutes of Health shall establish an Interagency Committee on Learning Disabilities to review and assess Federal research priorities, activities, and findings regarding learning disabilities (including central nervous system dysfunction in children).

(b) The Committee shall be composed of such representatives as the Director may designate, but shall include representatives from the National Institute of Neurological and Communicative Disorders and Stroke, the National Institute of Child Health and Human Development, the National Institute of Allergy and Infectious Diseases, the National Eye Institute, the National Institute of Environmental Health Sciences, the Division of Research Resources of the National Institutes of Health, and the National Institute of Mental Health.

(c) Not later than 18 months after the effective date of this Act, the Committee shall report to the Congress on its activities under subsection (a) and shall include in the report—

(1) the number of persons affected by learning disabilities and the demographic data which describes such persons;

(2) a description of the current research findings on the cause, diagnosis, treatment, and prevention of learning disabilities; and

(3) recommendations for legislation and administrative actions—

(A) to increase the effectiveness of research on learning disabilities and to improve the dissemination of the findings of such research; and

(B) respecting specific priorities for research in the cause, diagnosis, treatment, and prevention of learning disabilities.

(d) The Committee shall terminate 90 days after the date of the submission of the report under subsection (c).

REVIEW OF DISEASE RESEARCH PROGRAMS OF THE NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 10. The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs of the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any of such programs could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within the one-year period beginning on the effective date of this Act.

BIOMEDICAL ETHICS

SEC. 11. Title III (as amended by section 3(b)) is amended by adding at the end the following:

"PART I—BIOMEDICAL ETHICS

"SEC. 381. (a) There is established in the legislative branch of the Government the Biomedical Ethics Board (hereinafter referred to as the 'Board').

"(b)(1) The Board shall consist of twelve members as follows:

"(A) Six Members of the Senate appointed as follows: Three members appointed by the Majority Leader of the Senate from the majority party and three members appointed by the Minority Leader from the minority party.

"(B) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party.

"(2) The term of office of a member of the Board shall expire when the member leaves the office of Senator or Representative, as the case may be, or upon the expiration of eight years after the date of the member's appointment to the Board, whichever occurs first.

"(3) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

"(4) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act as chairman in the absence of the chairman or in the event of the incapacity of the chairman. The chairmanship and vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

"(5) The Board shall meet once every three months unless such meeting is dispensed with by the chairman, and may meet at any time upon the request of four or more members of the Board or upon the call of the chairman.

"(c)(1) The Board shall study and report to the Congress on a continuing basis on the ethical issues arising from the delivery of health care and biomedical and behavioral research, including the protection of human subjects of such research and developments in genetic engineering (including activities in recombinant DNA technology) which have implications for human genetic engineering.

"(2)(A) Except as provided in subparagraph (B), an annual report shall be transmitted to the Congress identifying the issues which were the subject of the study conducted under paragraph (1) and identifying areas, programs, and practices of medicine and biomedical and behavioral research which have significant ethical implications and which would be appropriate subjects for study.

"(B) A report on research and developments in genetic engineering (including activities in recombinant DNA technology) which have implications for human genetic engineering shall be transmitted to the Congress not later than eighteen months after the appointment of the Committee under subsection (d).

"(d)(1) To conduct the studies and make the reports required by subsection (c), the Board shall appoint a Biomedical Ethics Advisory Committee (hereinafter referred to as the 'Committee'). The Committee shall consist of fourteen members as follows:

"(A) Four of the members shall be appointed by the Board from individuals who are distinguished in biomedical or behavioral research.

"(B) Three of the members shall be appointed by the Board from individuals who are distinguished in the practice of medicine or otherwise distinguished in the provision of health care.

"(C) Five of the members shall be appointed by the Board from individuals who are distinguished in one or more of the fields of ethics, theology, law, the natural sciences (other than the biomedical or behavioral sciences), the social sciences, the humanities, health administration, government, and public affairs.

"(D) Two of the members shall be appointed by the Board from individuals who are representatives of citizens with an interest in biomedical ethics but who possess no specific expertise.

"(2)(A) The Committee, by majority vote, shall elect from its members a chairman and a vice chairman and appoint an executive director who shall serve for such time and under such conditions as the Committee may prescribe. In the absence of the chairman, or in the event of the incapacity of the chairman, the vice chairman shall act as chairman.

"(B) The term of office of each member of the Committee shall be four years, except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. Terms of the members shall be staggered so as to establish a rotating membership.

"(C) The members of the Committee shall receive no pay for their services as members of the Committee, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5, United States Code) and other necessary expenses incurred by them in the performance of duties as a member of the Committee, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, United States Code, and regulations promulgated thereunder.

"(D) The executive director of the Committee, with the approval of the Committee, may employ such staff and consultants as necessary to prepare studies and reports for the Committee.

"(3)(A) The Committee may, for the purpose of carrying out its functions, hold such public hearings, sit and act at such times and places, and take such testimony, as the Committee considers appropriate.

"(B) Upon request of the Committee, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Committee to assist the Committee in carrying out its functions.

"(C) The Committee may secure directly from any department or agency of the United States information necessary to enable it to carry out its functions. Upon request of the chairman of the Committee, the head of such department or agency shall furnish such information to the Committee.

"(D) The Committee may accept, use, and dispose of gifts or donations or services or property.

"(E) The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) To enable the Board and the Committee to carry out their functions there are authorized to be appropriated $2,000,000 for fiscal year 1986, $2,500,000 for fiscal year 1987, and $3,000,000 for fiscal year 1988.".

EFFECTIVE DATE

SEC. 12. This Act and the amendments made by this Act shall take effect October 1, 1985.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that S. 1309 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Conclusion of later proceedings.)

LINE-ITEM VETO

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr President, I yield to the Senator from Hawaii, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. MATSUNAGA. Mr. President, when we took our oath of office "to preserve and defend" the Constitution of the United States, implicit in that affirmation was a commitment to the "balance of powers" principle, whereby the three branches of the Federal Government operate as "checks and balances" upon each other and no one branch accrues power unto itself without restraint in its course from another branch.

Proponents of the pending legislation, S. 43, maintain that an executive line-item veto would serve as such a check on the congressional power of the purse. I submit, Mr. President, that its practical effect would be to undermine the independence of Members of Congress in passing judgment on the actions and requests of the executive branch. Indeed, such a device erodes, rather than preserves, the Constitution and the constitutional principle of separation of powers between the legislative and executive branches. It is formidable enough for those of us in the Senate and the House to withstand both the ire and the blandishments from the Oval Office now in the give-and-take of political discourse whereby public policy

is forged. Should that office also have the power to selectively pick and choose among the appropriations for our home States and districts, this Nation would witness a torrent of political log-rolling in which the separation of powers doctrine would be forever submerged and we as lawmakers subservient, or at least more submissive than not, to the will of the President in matters both grave and small. I submit, Mr. President, that a vote for the line-item veto does not square with our oath to preserve the Constitution as it was designed by our Founding Fathers for the purpose of creating a government of checks and balances.

Consider the first section of article one of that inimitable document we call our Constitution, Mr. President. It reads:

All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

I repeat, Mr. President:

All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of the Senate and a House of Representatives.

How, then, can we make a delegation of that legislative power to the Executive without an amendment to the Constitution? We cannot assign our lawmaking power to another branch of the Government by mere legislative fiat on our part. It would take a constitutional amendment.

By its practical effect and its legislative means S. 43 is constitutionally flawed, Mr. President. Why then should we even proceed to consider it?

As a means of curbing future deficits? If that is its purpose it makes even less sense than a balanced budget amendment. Can any Member of this body argue that this device, had it been on the books for the past 5 years, might have spared us the Federal deficits we are now facing? Both branches—Congress and the executive—bear responsibility for them, it is true; but I submit the greater responsibility in recent years when they have soared out of control has rested with the Executive. If a President's tax and budget policies are out of sync, he needs to employ either a pump to "enhance revenues" or an ax to slash expenditures—and preferably both—but a paring knife is of little utility for the size and urgency of the task facing this Nation at this point. A paring knife item veto will do little to reduce the overall deficit but it is likely to cut the heart out of representative government as we know it in this country today.

Mr. President, the distinguished senior Senator from the great State of Kentucky expressed it succinctly and well on this floor the other day when he said: "We alone do not amend the Constitution." By proceeding to consider S. 43, we would be attempting to amend that precious document with complete disregard of the ratification rights of the legislatures of the 50 States and other citizens. We would be undertaking a statutory experiment which flies in the face of the Constitution.

As I reflected on this issue last night I decided to review the arguments made for the Presidential veto in the Federalist Papers by the political forefather for those of my colleagues of the Republican faith, Alexander Hamilton. Nowhere could I find even a suggestion of a justification for what is contemplated in this legislation. Hamilton speaks of the Presidential veto as "chiefly designed" to protect against "an immediate attack upon the constitutional rights of the Executive, or in a case in which the public good was evidently and palpably sacrificed." How, then, can we justify such a small-bore weapon being taken up in puny cause in a spirit of quibble when the principle of a Presidential veto draws its reason for being in such a greater context?

Before coming to this body I was for 14 consecutive years a Member of the House, where I served on the Rules Committee. It gives me pause—and it should give pause to every Member of this body—that the Senate Rules Committee by a vote of 11 to 0 reported this measure unfavorably—Senators from both sides of the aisle and across the political spectrum, members whose commitment to fiscal prudence are second to none in the entire Congress. Why then should we proceed to debate this explosive supraparliamentary device, Mr. President? Let us put this ill-conceived measure aside and proceed with other more important work at hand.

If by the fluke of chance the Congress should actually pass this measure, Mr. President, we shall see the newly authorized item veto exercised day in and day out—not really by the Oval Office, but, as the distinguished minority leader Senator BYRD has so descriptively warned us, by nameless gnomes down in the deepest bowels of the OMB, accountable to no one but their immediate political supervisors who come and go with the tides of office terms. Are we to have accountable government by those who stand for election in the heat of day, or government by these gnomes of the night. This is the choice facing us in this piece of legislation, Mr. President. Let us not even proceed to consider S. 43. Let us bury it here and now.

I thank the Senator from Oregon for yielding.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me for a brief moment?

Mr. MATSUNAGA. I am happy to yield to the distinguished minority leader, the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Hawaii, Mr. MATSUNAGA, for his short but cogent and lucid speech. I have listened to it with great interest. I will also read it. I may read it again and again.

Will the distinguished Senator not agree with me that this really is a lawyer's bill? That is what it is. It is a lawyer's bill. I do not believe that the members of that very honorable profession have really focused on this bill as yet. So when I call it a lawyer's bill, I certainly cast no aspersions on lawyers.

No lawyer is importuning this Senator to enact this legislation. So, why would I call it a lawyer's bill? I say that if this bill becomes law, until such time as the Supreme Court of the United States strikes it down, there will be ample opportunity for lawyers to bring many cases against the U.S. Government because of the violence that will be done by legislation; the violence to the rights of the people who sit as silent witnesses every day above this Chamber. I think often—as we Senators attempt to ponder the issues and arrive at decisions thereon—about the silent array of citizens who are watching daily, who are listening, who are quietly attentive to what is going on here. And they are making judgments in their hearts as they do so.

Mr. President, speaking of lawyers, I attended a political meeting once when the person in charge of the meeting did not want me to talk because I was a candidate whom he did not support for the House of Representatives. He finally relented and introduced me to the audience of West Virginia voters present. In doing so, he referred to me as a man who was running for Congress, that I was a fiddler, which was not meant to be complimentary, judging from his tone on that occasion.

I said, "Well, Thomas Jefferson was a fiddler. What is wrong with that?"

He then referred to me as a butcher, which, of course, was not intended to be complimentary, judging from the tone of his voice.

I said, "Well, Shakespeare worked in his father's meat shop, so what is so bad about that."

In any event, when I did get the floor, I said to the people, "You know, if it is the last thing I ever do, I am going to get a law degree, just to show people like this man right here that a coal miner's son can indeed pass the courses and get a degree."

So I went to school 10 years here in Washington at George Washington University and at the American University College of Law in order to get my law degree, never with any expectancy of becoming a practicing lawyer but just to improve my own capabilities. Finally, I did earn a law degree.

Well, the gentleman who disparagingly spoke of me as a butcher and as a fiddler went on to be disbarred. He was a lawyer. He was later disbarred. I went on to become a Member of the U.S. Senate, thanks to the people of the State of West Virginia.

In any event, this bill is a lawyer's bill. I have three fine grandsons, not one of whom anticipates becoming a lawyer. But I will tell you that if this S. 43 should become law, may God avert, I hope probably to try to encourage at least one of my grandsons to enter the law field. Maybe there are more lawyers around than are needed right now, but I guarantee you if S. 43 becomes law, the field will not be crowded. I would suggest that other young men and women might strive to become lawyers.

S. 43 is full of holes, and many are the reasons why the people should object and bring suits if it becomes law.

May I say to the distinguished Senator from Hawaii, I thank him for taking the time to speak against S. 43. He spoke well and eloquently.

(Mr. HATFIELD assumed the chair.)

Mr. MATSUNAGA. If the Senator will yield, I fully concur with his observations, that if S. 43 should ever pass it would mean a heyday for lawyers. Suit after suit will be filed against legislation which would pass but be vetoed by the President. Nothing definite could be accomplished in the legislative process.

Also, I was very interested in the life story of the Senator from West Virginia. I think his biography will prove, as others have, that this is the greatest country on the face of the Earth, and it is so simply because we have the basic document which has lasted over two centuries without amendments such as would deprive the Congress from being on an equal balance with the executive branch.

Parallel to the biography of the life of the Senator from West Virginia, I might point out that between high school and college I had to work 4 years because of the poverty stricken nature of my family. It was only because I happened to win a newspaper subscription contest and won $1,000 cash in 1937 that I was able to give $600 to my parents and pleaded with them to permit me to matriculate at the University of Hawaii with the $400 which I had left.

Then, of course, when I graduated from the University of Hawaii, it was in June of 1941 and, believe it or not, there was a professor of military science and tactics there by the name of Maurice Kerr. I had obtained a commission as a second lieutenant in the Army Reserve. He said to me, "Sparky, If I were you, in your position, I would volunteer for service today, because Japan and the United States will be at war very soon."

He was making that prediction.

He said, "If that happens, your loyalty will come into question to the degree that you will not even be able to serve as an officer in the U.S. Army."

So I took his advice and I did volunteer for service. Lo and behold, when I was in active service on the Island of Molokai, and as acting commander of a company of infantrymen, Pearl Harbor was bombed. My loyalty, of course, could not be questioned at that time. It was because of my having been in active service at that time that when the military authorities endeavored to take my father and confine him in a so-called relocation camp which, in effect, was a concentration camp, that I flew to Hawaii and pleaded with the authorities there. Of course, I was told, "How could we confine the father of an American officer on active service?"

So my father was released.

But speaking of becoming a lawyer, I was truly amazed at how the Senator from West Virginia became a lawyer, that he was already a Member of the U.S. House of Representatives and attending night school to study law.

Well, after serving in the Army for 5 years, practically, I was about to realize an ambition you may call, or a dream I would prefer to call, which I had formulated when I was a junior in high school. I was inspired by my class counselor, a fellow named Robert W. Clopton. He was from the Midwest. He was a brandnew high school teacher. He was serving his second year at Kauai High School. He was teaching a civics or social studies class, and on this particular day he was preaching the aims of American democracy.

So being a rather sensitive kid, having been brought up on the plantation, when he was talking about the aims of American democracy, I put a question to him.

I said, "Mr. Clopton, is it one of the aims of American democracy to permit a situation where a Caucasian working side by side with an Oriental doing the exact same work, working the same number of hours, be paid three times the wages paid the Oriental?"

And he was shocked, and he said, "Why, of course not," and he said, "Are you trying to tell me, Sparky, that that situation exists in Hawaii today?"

And I said, "Yes, sir."

And much to his credit he went out and did his own investigation and about a week later he called me to his office and said, "Sparky, you spoke the truth. Now, do you know how to correct this situation most expeditiously?" He said, "Change the laws. And how do you change the laws? You become a lawmaker, become a legislator," he said. "And then, if you can't become one, you support those who will change the laws, you know, to bring about justice you seek."

He put that bug in my ear, Mr. President, planted a seed in my brain, and it was then that I determined to go into politics. And he said something further which inspired me. He said, and this was back in 1933, 26 years before Hawaii became a State, and he said, "Sparky, Hawaii is going to become a State someday and when that happens I would like to see you a U.S. Senator from Hawaii."

From then on whatever I did I laid my steps toward a seat in the U.S. Senate.

And when I looked at the roster and I discovered that 63 percent of the Members of Congress at that time were lawyers, I said to myself, "Heavens, if I become a lawyer, I would have a 63-percent chance of becoming a U.S. Senator.

So it was then that I decided to go to law school, and in Hawaii, I did not know any better. I thought there was only one law school, so I went to Harvard Law School.

Mr. President, I might tell you this story because it is rather funny. We were having lunch. The six of us one day in the House restaurant, and Speaker John McCormick was kidding me. He said, "You know, sometimes a young man goes to the wrong law school and turns out very well, like Sparky here, for example. He said, "Sparky what was that law school you went to?"

And I said, "Well, Mr. Speaker, is there more than one law school?"

And he said, "Oh, so you went to Boston College, too."

He was one step ahead of me.

Well, Mr. President, it was for the purpose of becoming a lawmaker that I took up law studies, and being a lawyer, I am still convinced, as the distinguished minority leader is, that if this bill, S. 43, should become law, we will have a field day for lawyers, so that nothing definite would be accomplished. And it is for that reason, again, Mr. President, I say let us bury S. 43 here and now. Let us not waste the time of the Senate. Let us not waste the time of all those who work for the Senate and let us save the Government and the taxpayer some money.

Mr. President, I am happy to yield the floor at this point. I see the Senator from Oregon is back on the floor, and I yield the floor.

The PRESIDING OFFICER (Mr. GRAMM). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is my understanding that it is necessary that I ask for unanimous consent that my speaking at this time will not in any way affect the rights of the Senator from Oregon with respect to the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. I thank the Chair.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. METZENBAUM. Certainly.

Mr. BYRD. I believe the distinguished Senator from Oregon has the floor, does he not?

Mr. BYRD. The order he himself entered is to the effect that he would be able to yield, I am sure.

Mr. HATFIELD. I respond. Whatever the parliamentary situation, I am, as I thought, in charge of the floor at this point, having yielded to the Senator from Hawaii with the unanimous-consent agreement that I not lose my right to the floor. I am most happy to yield to the Senator from Ohio for any amount of time he wishes to take with his remarks.

Mr. METZENBAUM. Without losing his right to the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I thank my colleague and friend from Oregon.

Mr. President, I rise in opposition to the motion to proceed to S. 43, the so-called line item veto legislation.

The Senate really should not be considering this legislation. In my opinion this bill is merely another hypocritical attempt by some to deflect the attention of the American people from the fact that the President's policies are the cause of our immense deficit and our Nation's fiscal woes.

In fact, S. 43 simply will not work as a means of fiscal restraint.

We should not be kidding the American people. If we want to balance the budget, if we want to do the things that are necessary with respect to the budget, then the President has the responsibility to provide the leadership and we in the Congress have the responsibility to move in that direction as well.

The experience of States using this technique demonstrates that the item veto power does not hold down spending—and the President's own Council of Economic Advisers admits this.

What will S. 43 accomplish? It will result in a massive shift in the balance of power between the executive and legislative branches, in favor of the President.

The report of the President's Council of Economic Advisers is refreshingly candid on this point. They concluded as I will discuss in a moment, that adoption of S. 43 will not substantially reduce spending. They do find, however, that the veto will "change the composition of Federal expenditures—from activities preferred by the Congress to activities preferred by the President."

That does not make sense. That is not good judgment. That is not the way the framers of the Constitution expected it to be, and that is not the way it should be.

If you have the line item veto in effect, the President will not only free himself from spending restraints by an item veto of legislative restrictions, he will be able to free himself of policy restraints as well. Often, appropriations are conditional upon the occurence of certain events in foreign policy or upon completion of environmental studies, to cite two examples. These conditions can be swept away, and the President's policies substituted for those of us in Congress.

That is not logical. It is not good government. It is not in the interests of the American people.

This increase in the President's policymaking power will be staggering. The Constitution properly assigns to both the executive and the legislative branches key roles in foreign policy. The principal legislative authority is the power of the purse, while the Executive possesses enormous power as Commander in Chief. S. 43 will virtually obliterate legislative power.

Whether the issue was the bombing of Cambodia, or intervention in Angola, or more recently U.S. involvement in Central America, it has been the Congress that has been responsive to the views of the American people. On each of these occasions, Congress expressed its views through restrictions on appropriations.

Now under S. 43, these restrictions could be vetoed by the President, and sustained if 34 Senators went along with him. Thus, the President would hold unilateral power over almost all foreign policy matters as long as he had one-third plus 1 in either House.

Presidential power will be increased indirectly as well. All of us will be at the mercy of the President, who will have a dramatically increased opportunity to retaliate against individual legislators or who have a special interest in a particular item, or to use the item veto as a threat to achieve his will on legislation having nothing to do with the spending bill in question.

The line item veto is a bad procedure. It is a bad way to run our Government. It has nothing at all to do with who is the occupant of the White House. Whether that person be a Democrat or a Republican, whether that person be a male or female, whether that person be a conservative or liberal, or any political persuasion, the line item veto gives one person too much dictatorial power.

There are those who would say, "Yes, but the President would have restraint and would not use it." Whom are we kidding? Whom are we kidding about that? The President would not hesitate to use this power, and everyone of us in the Congress would expect him or her to be using it.

Mr. President, one of the great strengths of this country is its tripartite form of government. In a nation with the richness and diversity of these United States, a move toward an all-powerful Executive would be an ill-advised step for us to take.

What really concerns me is that some who go out and speak on the campaign trail about their advocacy of strict construction of the Constitution, who indicate how strongly they believe in the Constitution, are the ones who are the strongest advocates of the line item veto. It is amazing to me around these Halls how so many can speak out of both sides of their mouth when they find it convenient to do so.

One of the hallmarks of our constitutional form of Government is the balance of power between the Executive and the Congress. Even when a President's party controls both Houses, the independent political bases of the Members provide a meaningful check on the often-fallible policies of Presidents, both Republican and Democratic.

The combination of a President, elected by all the people, and a Congress that more accurately reflects the breadth and diversity of views in this Nation, and with an independent judiciary to preserve fundamental liberties, that has served us well for almost 200 years. We should be extremely cautious in tinkering with this system: we should not even think of harming this balance of powers in the context of this bill, which will serve no legitimate purpose.

Mr. President, why is this bill being pushed so hard, when it poses such risks to the basic fabric of our constitutional system of government?

The President thinks that if we tinker with the fundamental institutions of government—by placing in the Constitution the economic straightjacket of a balanced budget requirement, or by authorizing a wholesale shift of power to the White House to approve only portions of appropriations bills—somehow, someway we might fool the American people into thinking we are doing something meaningful about our deficits.

The American people have been fooled, fooled once, fooled twice, and fooled day in and day out by this administration. We should not compound that fooling of the American people by passing a line item veto which somehow is supposed to involve all of the problems, be the panacea. We fooled the people when we passed the Tax Reduction Act of 1981.

In fact, it took a lot of Americans in, including this Senator. I voted for it. It is the most embarrassing vote I cast since I have been in this body, because that made it impossible to balance the budget. We provided all sorts of tax shelters and tax loopholes and tax giveaways. Then we tried to come back, to sneak back a little bit, and

pick up some of the lost revenue because some of the loopholes were so egregious. So we picked up a pittance—about $50 billion in 1982. That is not going to balance the budget. We are not going to balance the budget until Members of this body and the President of the United States have the courage to stand up and be counted.

I want to say to Mr. Regan, that great stalwart of balancing the budget, that spokesperson for Wall Street, who came directly from Wall Street into Government, that when he takes off on Congress and blames it on us, he is not stating the facts. He has to accept a major share of the blame.

He came before the Budget Committee; and when we asked him about some of the tax loopholes, he said, no, he could not talk about that. He said he could not talk about those loopholes and was not prepared.

Remember when David Stockman addressed himself to the issue of those loopholes in the Atlantic Monthly article. Mr. Regan separated himself from them.

Mr. Regan is great now in making speeches. He is the major domo. But what about providing some leadership in balancing the budget? The President of the United States with Mr. Regan—Reagan and Regan—have never sent us a balanced budget; nothing like that; does not even approach it. Yet, Mr. Regan has the audacity to make a speech yesterday and castigate Congress—Democrats and Republicans alike. He has a lot of nerve, he has a lot of brass, and he also is 100 percent wrong.

If he wants to balance the budget, let Mr. Regan send us a balanced budget, and we will pass it. But he knows as well as every other well-thinking person in this country, everyone who has studied the issue, that you cannot balance the budget as long as you continue to throw billions of dollars at the Defense Department, which in turn wastes those dollars and has no procedure to see to it that those dollars are not wasted.

They appoint a commission. They are going to have a commission to study it.

What happened to Cap the Knife, who was so good when he was in previous positions? He is no longer Cap the Knife. Now he is Caspar Milquetoast. He stands around while the defense contractors get all the money in the world. He talks about "We have to keep spending more; we have to throw more money into the Department of Defense."

Where is the Treasury Department with respect to coming forward and telling us how we should close some of the loopholes? Ninety thousand corporations in this country do not pay a cent in taxes and made good profits. Why do they not stand up and be counted?

In 1982, the President talked about a minimum corporate tax. He said he was for it. Then I brought that proposal to the floor of the U.S. Senate and everybody on that side of the aisle ran for cover, with but a few exceptions. Where was the voice of the White House? Where was the President in calling them on the telephone? Where was Mr. Regan in calling them on the telephone? They ducked. They ran away from the issue. Now they come back and say, yes, a minimum corporate tax.

If these great defenders of balancing the budget had not already made so many capitulations to the oil and gas interests and other special interests, maybe this Congress might have a chance to do something so far as tax reform is concerned. Tax reform is fine, provided you do not step on the toes of the cronies of the White House.

When the Senator from Georgia, the principal sponsor of this bill, testified before the Rules Committee, he stressed that this legislation was urgently needed because the deficit has doubled in the last 4 years and spending has increased as a percentage of GNP. Of course, my friend from Georgia did not mention that the deficits in spending were due to his President's—our President's—policies. It is the President's leadership in the last 5 years that has caused the deficit in this country to double. Congress did not do it.

The President is continuing to run against Washington, but he has been in Washington for the last 5 years. He has been able to get almost everything through that he wanted, and Congress has supported him. The President now wants to run against Congress. Mr. Regan, as his spokesperson, is doing just that.

This country needs leadership. This country needs cooperation. This country needs the White House and the Democrats and the Republicans working together. But the President says: "You send me a bill with any tax increases in it, and you will make my day. I will veto it."

Hurrah! Is that not great? But that will not get the budget balanced. Neither will the line-item veto.

The President who continued to insist upon a mammoth buildup of the military-industrial complex is the President who pushed through the massive tax cut based on revenue assumptions which had no hope of being realized.

The President and his cronies think that if they can keep pushing bills like this one, they can somehow mesmerize the American people into blaming others for the deficits.

I want to confess and admit publicly that they have done a pretty good job of it. They have done a pretty good job of making the people believe that it is Congress, it is that Washington crowd, that is doing it. But it is the President, who has been our leader for 5 years, who is responsible. It is the same President who has been so successful in almost every undertaking he has had. When the American people look at the facts—if they ever can get to look at those facts—they will find that it is the President's policies that have caused our massive deficits, not Congress.

A careful review of the history of budget policy by Norman Ornstein of the American Enterprise Institute—which certainly is neither a liberal operation, nor a Democratic operation—revealed that until the mid-1960's, deficits were almost solely attributable to financing wars. Since then, however, President Johnson's guns and butter policy and President Reagan's tax giveaways to the wealthy and to corporate America have greatly increased our national debt.

When the American people examine our national budget, they will quickly see why the President's budget and his economic advisers conclude that S. 43 will not help solve the deficit problem. It is the President's budget and the economic advisers who came to that conclusion.

Out of the 1985 budget of $926 billion, $116 billion is for interest on the existing debt, and that debt goes up every day; $118 billion goes to Social Security, an amount fixed through separate legislation and thus not subject to a line-item veto. Medicare and Medicaid are funded to the tune of $90 billion by law, as are another $123 billion for other mandatory programs, all of which would be immune from veto.

Commitments made in prior years require $97 billion for defense and $74 billion in domestic program spending. None of this could be vetoed by the President even if he or she wanted to.

Mr. President, I want to acknowledge that in these remarks today I have, on several occasions, made it clear that this Senator thinks that, at some point in our country's future, when we talk about the President, it will not always be a male figure, that it very well may be a female figure. Therefore, I have attempted to refer to the President as he or she.

But let me come back to my numbers. Using the numbers that I have just been referring to, there would only be left in the budget $237 billion, but $175 billion of that is more defense spending, which the President does not want to veto. In fact, he wants to increase it. Thus if you look at the figures, only $62 billion of a $926 billion budget would even be subject to a line-item veto.

This includes general operating expenses for the CIA, the FBI, the mint,

the national parks, and other items which the President will not realistically veto. Indeed, the President's budget request differed from Congress' 1984 budget in these areas to the tune of only $9 billion.

I do not mean to suggest that $9 billion is not money. Even around here, it is still money. But it is not the kind of money that is significant when you come to balancing the budget.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. METZENBAUM. I certainly will yield, Mr. President.

Mr. BYRD. The distinguished Senator has indicated that there may come a time when a "she" will become President of the United States. He wanted to make it clear that in the use of the pronoun "he," the distinguished Senator from Ohio is not ruling out the fact that there will come a day when a female President will grace the White House. The Constitution does the same thing. Article II, section 1, states, "The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of 4 years," and so on.

The Constitution is a living document for all times, and in the day and age in which we live, the Constitution, although it uses the pronoun "he," is speaking generically and includes both male and female.

I am confident that the distinguished Senator from Ohio will feel even better to know that he walks in the company of those great men who in 1787 wrote this Constitution during the hot summer in Philadelphia.

Mr. METZENBAUM. Mr. President, I very much appreciate that the distinguished minority leader, who is indeed an authority on the Constitution and of the rules of this body, pointed that out to me. I am not certain that I was particularly aware of it but I do not know whether those who wrote the Constitution were as willing as we are today to contemplate that moment when a woman would take the office of President of the United States. I think they had a lot on their minds and perhaps the women's rights movement was not nearly that active back in 1787.

But I am pleased about the fact that all of us agree that, notwithstanding the limited use of the word "he" in the Constitution, we all recognize that when the people of the United States want to elect a woman as President, there will not indeed be any constitutional prohibition and there will be a liberal interpretation of that language.

I am happy to recognize that. I hope I live long enough to see a woman sworn in as President of the United States.

Returning to the line-item veto, I want to say, in sum, a serious look at what is really the cause of the mammoth Federal deficit shows that it is not congressional pork barreling through omnibus spending bills. Rather, the deficit has been caused by the natural result of the President's voodoo economic policy. It is not a surprise to find that OMB Director David Stockman stated that the effect of this proposal on the Federal deficit would be "marginal, if at all. This year's report of the President's Council of Economic Advisers provided that approval of this proposal would not have a significant effect on total Federal spending.

On this issue, they are clearly correct. S. 43 simply will not work.

The principal horror story used to justify passage of this legislation is the congressional pork barrel bill, with billions of dollars in wasteful money being passed along with essential legislation which the President is then forced to sign. The fact is that President Reagan supported funding for nearly all the water projects that President Carter tried to veto.

I want to repeat that: President Reagan supported funding for nearly all the water projects that President Carter tried to veto.

And it was President Reagan who supported the Clinch River breeder reactor even though it could not be economically justified.

When I have come here on the floor and tried to have some impact on some of those water projects which provided for the entire Nation's subsidizing of some parts of the Southwest and the South and the Northwest, where they have borrowed money and have not repaid the money and where, when they do repay it, it is something like a 3-percent rate or a zero-percent interest rate, I have had almost no support from those who sit on the opposite side of the aisle. I certainly have had very little support from the President of the United States.

We have legislation pending now having to do with many of these water projects, having to do with the Bonneville Power Authority, having to do with other projects. We had the Hoover Dam, the biggest giveaway we have had in many a year around here. And you can go back and look at the votes and see who voted against the giveaway and you will find that those who supported the President of the United States, almost with no exception, all supported the giveaway. It took care of them and their constituents in their States.

Now when it comes to these giveaways we do not have to worry about balancing the budget. We do not have to worry about wasteful spending; we do not have to worry about the deficit—provided that the money goes to certain people who are in a certain part of the country where the President gets substantial support and who have Senators representing them here, on the floor of the Senate.

Mr. President, it comes back to one thing and one thing alone: If you want to balance the budget, you will balance the budget when the President provides the leadership. You will balance the budget when the Members of Congress stand up and be counted. You will balance the budget when Mr. Reagan stops making speeches and gets down to work and sends us a balanced budget and when Mr. Baker comes up here with a tax plan that is fair and equitable. That is when you will balance the budget.

You will not do it with the political ploy such as the line-item veto. And that is all that it is. It is a political ploy. It is fun and games. It is giving something a name and trying to kid the people of this country that now we really did something, now the President can get tough.

Where has the President been for 5 years? While the budget has doubled during his term of office, he was in the position to do something about it, but he has not and he will not. And he keeps telling us that if we go down certain roads he will use the veto.

Balance the budget, Mr. Reagan says, but do it by taking it out of the mouths of poor people, taking it from those who are on Medicare and Medicaid, taking it out of the mouths of those who are on WIC programs, taking it out of kids who want to go to college, taking it away from the Environmental Protection Agency so we cannot have clean air and clean water, taking it away from all the programs that mean something about the quality of life in America, but do not touch defense and do not dare try to put a tax on some of my buddies who have tax shelters whose large corporations are getting tax rebates.

It is incredible that 65 American corporations, the largest corporations in America, over a period of 3 years made profits of $49 billion—$49 billion—and instead of paying taxes got $3 billion in tax rebates; $3 billion in tax rebates while making profits $49 billion.

Oh, but the line item veto is going to help so much. How will it help that, Mr. President? How will it help that, you who are sponsors of this bill? Where is your voice on that $3 billion that 65 corporations got back as a refund. Your voices are quiet and still.

But even if Congress were to blame, S. 43 wouldn't solve a thing. All Congress would have to do is follow its usual practice of placing all appropriations for the Army Corps of Engineers in one paragraph; thus the President would still have to sign or veto the whole package. He could not pick and choose among projects, as many might think he could under this legislation.

What the President could veto are the many restrictions on funding which Congress places in many bills. If this legislation had been in effect last

year, the President could have excised restrictive language concerning MX missile production, aid to the Contras, and other matters. This would have resulted in more, not less spending.

We are told that 43 Governors have this power, and therefore the President should too. Frankly, the experience of a number of the States suggests to me the opposite conclusion.

Senator HATFIELD indicated that as a Republican Governor of Oregon faced with a Democratic legislature, he was frequently faced with having to item veto funding programs which the legislature knew were unnecessary or wasteful, simply so he would take the political heat for the veto. Rather than encouraging fiscal responsibility, this suggests strongly that S. 43 will lead to fiscal irresponsibility. Congress will not have to risk shutting down the Government by including wasteful spending in a continuing resolution—it can simply put the President on the hot seat. And if the President also feels the pressure, we will have more spending.

A study of the effects of the item-veto in Pennsylvania agreed with Senator HATFIELD's personal experience. The study showed that legislators tended to pad appropriations bills excessively, knowing they would be cut by the Governor.

In Maryland experience is even more revealing of why, in the real world of politics, the item veto does little to restrain overall spending. Maryland's constitutional provisions go beyond the wildest dreams of the proponents of S. 43. In that State, the legislature may not increase any item in the Governor's budget. But what happens in reality? In reality, the Governor must reach an accommodation with the legislature, if he or she is to obtain passage of appropriations for desired programs. In exchange for getting the requested funds, the Governor then files a supplemental bill requesting those funds which were desired by the legislature but which he or she initially opposed.

This closer look into the actual experiences of the Oregon, Pennsylvania, and Maryland State governments will come as no surprise to statisticians who work for the President's Council of Economic Advisers. They concluded that "per capita spending is somewhat higher in States where the Governor has the authority for line item veto, even when corrected for the major conditions that affect the distribution of spending among States." That is a quote from the President's own team.

Indeed, an item veto could lead to even more spending. By threatening key Senators or Congressmen with retaliatory item vetoes of items of keen parochial interest, the President could win congressional approval of more of his own spending programs, in the absence of any consensus for tax increases, the result will be yet higher deficits.

In sum, S. 43 simply will not serve as an effective device to restrain spending.

Finally, if all these arguments about the lack of merit in S. 43 were not sufficient, I note the serious constitutional problems with the bill.

First, as a matter of constitutional history, it simply is not true as proponents have claimed that the practice of omnibus appropriations bills deviates from the practice at the outset of our Republic. Indeed, the first three budgets were appropriations for the entire Government, sent to President Washington's desk on a take-it-or-leave-it basis.

Second, the bill provides that appropriations will be considered as usual by Congress, but then broken up into hundreds of individual bills by the Clerk of the House or the Secretary of the Senate. These minibills are deemed by S. 43 to have been passed by Congress pursuant to the Constitution. The problem with this language is that these minibills have not passed both Houses, pursuant to the Constitution.

Just as the President currently signs many spending bills which contain individual items he would prefer to disapprove, I vote for many bills which contain individual items I would prefer to vote against. Virtually every appropriations bill represents a carefully crafted compromise which contains enough desirable programs to cause 51 Senators to support it, notwithstanding funding for programs some would disapprove.

I do not see how, by statute, Congress can deem something as a bill which is not a bill, which has not been considered by both Houses, and which may well not even attract a majority of either House.

Some would say that we should ignore the consitutional question, leaving it to the courts. I strongly disagree. We take the same oath as Supreme Court Justices to uphold and defend the Constitution. We abrogate our duty by passing legislation we believe to be unconstitutional just as much as Justices would be derelict in sustaining legislation they believed to be in conflict with our Nation's Charter.

I understand that there are occasions when there may be some doubt as to what an appropriate constitutional interpretation would be as pertains to a particular piece of legislation. And in those instances, I recognize that the Legislature, the Congress, has a right to act and leave the issue up to the courts. But where the issue is as clear as it is in connection with the line item veto legislation, then I think that we have an obligation under the Constitution to turn our backs on that legislation.

I find the pass-the-buck theory with respect to the whole issue of constitutionality particularly ironic coming from many who are critical of Supreme Court activism in defense of individual liberties.

Such a role, while controversial, is what the Court is supposed to do. Indeed, many scholars question whether the Court has any business at all in settling disputes between the President and Congress that do not affect individual rights. In any event, such decisions should be avoided where we can exercise our own sworn duty to defeat unconstitutional legislation. In sum, Mr. President, this bill is a hoax. It may temporarily divert attention from the shortcomings of Reaganomics but in the long run it will have no effect on the massive deficit. It will shift power dangerously toward the White House by using an unconstitutional technique. It has no business being passed by the Senate. It should not even be considered by this body. Let us move on to other measures that can reduce the deficit and uphold our critical constitutional responsibilities to act as the people's representatives in enacting our Nation's laws.

Before I conclude, Mr. President, I want to add one additional word. The U.S. Senate has been spending a number of days on this so-called line item veto that so many of us believe to be unconstitutional, which we think is a political gimmick, which we think is a hoax, and which we think does not make much sense. But this Senate made a solemn commitment last session that at an early point we would deal with ratification of the Genocide Convention. Why are we not doing that? Why are we not bringing that issue to the floor? Why are we not doing that which we promised we would do instead of wasting our time on this political hoax? I say to the leadership of the Senate, you promised. We have been dragging our feet for 36 years. We owe it to the people of this country and to those other nations with whom we agreed to enter into this treaty. We owe it to them. We owe it to ourselves. We owe it to our sense of integrity to live up to the commitment that we made last session. Our failure to do so reflects poorly upon this body. I have spoken before on the floor of this Senate with the leaders and asked them to bring the Genocide Convention to the floor. My colleague from Wisconsin has spoken daily on the issue of ratification of the Genocide Convention, if my recollection serves me right, going back over a period of 27 years. The leadership of the U.S. Senate has an obligation to all of us to bring that issue to the floor. The Foreign Relations Committee reported the measure out. It reported it out in a manner

that some of us may agree with and some may disagree. But we have a right to deal with the issue. We ought to put aside this blatantly political piece of legislation and get on to our commitment to human rights in this country and in this world. Absent that, we are less than the Senators that I think we have a right to claim to be.

I call upon the leadership, I plead with the leadership, I implore the leadership, I urge the leadership, I beseech the leadership—bring the Genocide Convention to the floor. If there are those who want to oppose it, if there is concern about a filibuster, so be it. But let the Senate work its will instead of wasting the time of the Senate on gun control bills, imputed interest bills for the realtors, and this political hoax called the line item veto.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I thank the Senator from Ohio for his statement on this subject and for assisting in the battle we have been waging against the line-item veto.

Mr. President, I ask unanimous consent that the statement made by the Senator from Ohio [Mr. METZENBAUM] not be constituted as the full statement that he may wish to make on this bill or on this day, and not be considered as his first statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I ask unanimous consent that it be placed at the end of his formal remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, on the first day of our extended discussion on this matter of the line-item veto, I led off with an overview of the five points of arguments in opposition to the proposal, Senate bill 43. I indicated, as one who is sort of an opera buff, that it was like the overture. I was going to give an overview of the arguments and then later go into the five acts of the opera. And today is act I in the sense that I am going to take up the structural deficiencies of S. 43 that I alluded to and summarized briefly during that 3-hour discussion.

The interesting thing that has happened thus far, I might just observe, is that the two statements that have been made in support of Senate bill 43 were made under special orders of business. Again, I would urge people who are supporters of this proposal to come to the floor and let us engage in debate and colloquy on these points because I think that to make statements, whether as a proponent or opponent to a bill, that are subject to challenge, it ought to be within the good gentlemanly relationship of Member to Member.

I find myself having to refer back to the CONGRESSIONAL RECORD to refute some of the statements made by proponents and, of course, that is only on the basis of the brevity of their statement, which perhaps, if they were here to engage in colloquy, could be discussed in detail and clarified.

Yesterday, in statements made on the floor, there was one statement made by my good friend, colleague, and neighbor from north of my State, the State of Washington, Senator DAN EVANS. I would like to quote from his statement from the CONGRESSIONAL RECORD of July 18, when he said:

> Then the argument was used that, somehow, this would make czars and unusual emperors out of enrolling clerks. Mr. President, how bizarre. Because, on the other hand, they were quick to point out and expound on exactly how many separate bills the continuing resolution of last year or some of the appropriations bills would have been divided into—2,043 was one number; 540 was another. If the enrolling clerks have that much latitude, how in the world could staff so easily distinguish the precise number of separate bills which those resolutions would be divided into?

The Senator from Washington of course raises a valid point. I think that frankly the range of numbers is precisely the point we are making. Who knows how many numbers it would actually finally be resolved into? No one can predict with precision because again we are confounded by the language of Senate bill 43 in its effort to define what constitutes an item. To illustrate the complexity of this particular issue as it relates to the implementation of Senate bill 43, I have chosen today to take three examples. And in those three examples, I believe that we can demonstrate without question that this bill is not only complex but it really would be impossible to administer.

To give you an idea of the discretion the enrolling clerk will be left with, let me use the first section of the fiscal year 1985 continuing appropriation measure as my first example. Section 101 of the continuing resolution reads as follows:

> SEC. 101. (a) Such sums as may be necessary for programs, projects, or activities provided for in the Agricultural, Rural Development and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report Numbered 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law.
>
> (b) Such sums as may be necessary for programs, projects, or activities provided for in the District of Columbia Appropriation Act, 1985 (H.R. 5899), to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report Numbered 98-1088), filed in the House of Representatives on September 26, 1984, as if such Act had been enacted into law.
>
> (c) Such amounts as may be necessary for programs, projects, or activities provided for in the Department of the Interior and Related Agencies Appropriations Act, 1985, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

As you can see, section 101(a) of the CR incorporates by reference the agricultural appropriation bill as provided for in the conference report and the joint explanatory statement of the committee of conference.

Let me emphasize that it incorporates by reference the District of Columbia appropriation bill in the same manner. It provides appropriations for the Interior Department to the extent and in the manner as specifically provided for after a colon, but then unnumbered paragraphs follow.

It is going to be very difficult to follow verbably. I wish everyone could have a copy of section 101 before them so that we could go line by line and paragraph by paragraph to show that this Senate bill 43 would absolutely be impossible to apply to appropriations measures.

First, section 101 is clearly a numbered section. Subsection (a) is not a new paragraph. I emphasize, it is not a new paragraph. It incorporates by reference the agricultural bill as provided for in the conference report.

Pray tell, can the enrolling clerk break down that conference report into individual bills? Yet that is what S. 43 might say.

Again, I appeal to people, even those who may say, "Well, I think the line-item veto is an excellent idea; I support the concept," to read the bill. Let us not be voting for something that cannot be actually implemented. If the concept is valid in someone's mind, at least let us get a bill that is possible to administer, enforce, and put into action. Let us not throw the Senate one of these mish-mash kinds of bills that one wonders whether whoever drew it should get any kind of salary at all. If the legislative counsel drew this bill, I would suggest we ought to have an investigation. This is absolutely an impossible, unreasonable, and outlandish bill as drafted, even if the idea were good.

Bear in mind that it does not bear any kind of application to the appropriations process, the mechanics of that appropriations process.

Subsection (b) is part of section 101. It is a new, unnumbered paragraph. Is it part of section 101 for the purpose of the creation of a separate bill? Or does it constitute a bill in and of itself?

Then, again, can the District of Columbia conference report be separated into individual bills?

Let me emphasize here, subsection (c) presents the same problem. This time, however, it is different, again, from subsection (b) or subsection (a).

In subsection (c), the details of the Interior bill are contained in the con-

tinuing resolution, not in a report, not by reference, but written into the continuing resolution itself, and they follow a colon at the end of subsection (c) of section 101. But they are presented as unnumbered paragraphs.

Let me go back for just a moment and read the language from S. 43:

"For the purpose of this concurrent resolution," quoting from line 13, page 3, "the term 'item' "—which is what this is all about—how we are going to provide the President with power to veto an item, "the term 'item' means any numbered section and any unnumbered paragraph of any general or special appropriations bill and any bill or joint resolution making supplemental, deficiency or continuing appropriations." But the key is, "the term 'item' means any numbered section and any unnumbered paragraph," and this refers to bills, not to reports on the bill but to bills. It very carefully says—and I suppose this was supposed to be definitive but again obviously it was done in a vacuum, not in any kind of practical relationship to the procedures that the Senate and the House follow in the appropriations process—it is supposed to apply to any numbered section and any unnumbered paragraph.

Well, taking this Interior bill contained in the fiscal year 1985 continuing resolution, I do not know how they would apply it. The provisions of the Interior bill follow a colon at the end of subsection (c) of section 101, but they are presented as unnumbered paragraphs. Does section 101 control or does section 101 and all of its subsections and unnumbered paragraphs constitute separate bills under the definition of an item in this piece of legislation?

I do hope that Senators will take time to read this legislation. I know it is very detailed, very complex, like trying to make something sound sexy out of a tax reform bill. But the right ingredients are not there. The material is not there to work with. I suppose in this presentation, one should ask, "How do you get people interested in looking at the detail or the mechanics of this?"

That is the trouble with much of our legislative process, we do not take time to look at the details.

I used to have people ask me, "What did you find different in your first session in the Oregon Legislature between the theory that you taught in the classroom and the application of that theory in the state capitol building?"

I had to confess, like anyone else who specialized in theory, that there was a world of difference between theory and practice.

Well, there is a world of difference between what may sound good in conceptual language or theory as to the drafting of a bill on line-item veto as represented in S. 43, a world of difference between that and the application, the implementation, of that kind of bill. That is what I am pointing out here today, the impossibility of putting S. 43 into operation. It just is not possible.

Again, I make the statement, as great as the theory sounds and as much as one may be devoted to the concept of the line-item veto, at least let us bring a bill out here on the line-item veto that can be implemented. They used to say to me on occasion, let us get out of the classroom and into the practical field of politics.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. HATFIELD. I would be happy to yield.

Mr. BYRD. Mr. President, I have been interrupted in my attendance on the floor earlier, but I have listened to the distinguished Senator from Oregon. He mentions the impracticality of implementing the substantive language in this bill. I would like to ask the distinguished Senator to answer a question. The bill reads as follows in part: A bill or joint resolution that is required to be enrolled pursuant to paragraph (1) of S. 43 shall—and I will go down to paragraph (2)(C)—"shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designations as may be necessary to distinguish such bill or joint resolution from other bills or joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure."

The appropriations bills, by custom, originate in the House of Representatives, and a bill then comes over to the Senate carrying the designation H.R. 1 or H.R. 10 or H.R. 107, whatever, meaning House or Representatives bill 107 if 107 is the number of the bill.

Under the Constitution, a bill to become law has to pass both Houses and has to pass both Houses in identically the same form. That is why we have conference committees. When the two Houses differ in their actions on a given bill, a conference made up of Members from both bodies meets and resolves the areas of difference between the two Houses on the particular bill.

Under S. 43 an appropriation bill would originate in the House and would come over to the Senate, and if that bill came over bearing the number H.R. 10, let us say, and then the Senate, if it takes up the bill, will amend it or not amend it, but if it does amend it and substitute language of its own or insert language of its own, then that bill cannot go down to the President until the differences have been resolved between the two Houses so that the bill will be exactly the identical product of both Houses as it goes to the White House for presentation to the President.

Now, my question of the distinguished Senator would be: In view of the fact that under S. 43, which is being talked about here, the enrolling clerk of the House of Representatives would be required to break out of the entire bill each numbered section and/or unnumbered paragraph. And each separate, little bill then would go to the White House.

Would the distinguished Senator tell me how this could possibly work?

Now, the enrolling clerk breaks out all of these little items and prepares a separate bill. Each of the little items that are broken out by the House enrolling clerk goes down to the White House. It all started out as one big bill—let us say, H.R. 10. What is it going to be once the enrolling clerk has broken out all of these little pieces? In the case of a bill that has 2,000 different items, are we going to send down 2,000 H.R. 10's? No, because each bill by its title must indicate the content thereof so that the citizens who look at the laws can easily see by the title on a given bill what that bill is all about and what it does.

So in this case there would be 2,000 little bills. What is each going to be numbered? The bill, S. 43, says that the bill "shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such bill or joint resolution from other bills or joint resolutions enrolled pursuant to paragarph (1) with respect to the same measure."

What in the dickens is the enrolling clerk going to designate as the number of each little bill resulting from the dismemberment of H.R. 10? Is it going to be H.R. 10 or son of H.R. 10, or H.R. 10-A, or H.R. 10-B, or H.R. 10-C, or H.R. 10-AAA, or -BBB, or -CCC, or, in Roman numerals, H.R. 10-V for five? What is going to be the designation of each of the many separate little bills?

In the final analysis, in the light of the requirements of the Constitution, how are we going to pretend that the Senate acted upon each of the 2,000 little bills that have different designations because they will involve different items and will carry different contents and do different things?

This to me it seems to be a matter in itself which is worth debating at length. I do not know how, from a practical standpoint, this procedure can work.

The Senator from Oregon is a very distinguished Senator in his own right. He has been a Governor of a State. He is a Senator. He is chairman of the Senate Appropriations Committee. Would he explain how these little itsy-bitsy bills, that will have been broken out by the enrolling clerk, have

reached the desk of the President, without any single one's ever having been acted upon or even seen by the Senate of the United States?

It is a matter that is beyond the finite mind of this West Virginia Senator. I do not know how it can be done. Yet, for 196 years, bills and joint resolutions before going to the President have been passed by both Houses in identically the same form before they are signed by the Speaker and the President of the Senate. Not once in these 196 years has a bill ever been put on the President's desk that is not the identical product of both Houses.

Now, how are we going to manage this legerdemain, this sleight of hand that for the first time in 196 years will result in one little bill on the President's desk that is designated H.R. 10-xyz to distinguish it from H.R. 10-abc—neither of which was actually passed by either House? The Senate will not have acted on any of those bills. The House will not have acted on any one of those bills. The Senator from Oregon will not have seen even one of the mini-bills. He will not have talked about it. He will not have voted on it. Each of hundreds of little bills is suddenly going to be on the President's desk representing combined action of both Houses, while, in fact, neither of the two Houses will have acted on any one of the bills created by the enrolling clerk of the House.

It is beyond me. I cannot conceive of how the Supreme Court would not have a field day in bringing down this monstrosity that we may soon have before the Senate—S. 43. Are we going to disregard the Constitution of the United States? Are we going to turn to new ways of passing legislation? If we do, they will be ways which have never been tried or permitted under the Constitution.

How will the Senator, if he lectures in a course over at American University, let us say, on the legislative process, be able to explain this sudden departure from tradition, custom, and Constitution?

Mr. HATFIELD. Mr. President, I should like to make two observations. First of all, the Senator from West Virginia started out raising one question and obviously, when we are dealing with a hydra-headed monster, all of a sudden many other questions evolve out of the first. That is one observation.

The Senator from West Virginia, the Democratic leader, has really raised a multiplicity of question in an effort, obviously, to point out the deficiencies in this bill.

The second observation is that the Senator from West Virginia has raised questions which this bill cannot answer, or perhaps there are no answers from the standpoint of a proponent of this bill, because he asked the questions such as: Shall we abandon the Constitution? Shall we do this? Shall we do that? Obviously, those questions as rhetorically stated have only one answer, and that is, we cannot, we shall not abandon the Constitution.

Interestingly enough, this bill would in effect not only create that environment, but it would actually propel us away from the Constitution's provisions. It would create not only actions that would end up in court, but, as indicated earlier in statements made by the Democratic leader, it would create a field day for lawyers, a new industry probably for this country, from the legalese in this particular bill.

Mr. President, I would like to respond to the Senator in the matter of a Senate amendment that would be offered and then because of the requirement to put that bill under a House of Representatives title and number, it could create all kinds of possible mischief, of catapulting the Senate amendments in the process of making these enrollments and in acting upon vetoes. We could end up having the House of Representatives determining almost as a single body of the Congress of the United States the ultimate appropriation, rather than having the two Chambers which now constitute the Congress.

When we had our hearing on this bill in the Rules Commmittee, we heard a very excellent statement on this very point made by Louis Fisher. I will not read all of his testimony, but he raises the constitutional question that the Democractic leader has raised today. He says:

> A question might be raised about the constitutionality of the procedures adopted in S. 43.

Now, he continues:

> It states that the "item" to be enrolled as a bill or joint resolution "shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code . . . ." It shall also "bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such bill or joint resolution from other bills or joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure."
>
> In other words, the enrolling clerk would take a numbered section or unnumbered paragraph and add to it an enacting or resolving clause, provide the appropriate title, and presumably affix a new Senate or House bill number (1 U.S.C. 101-105). This procedure must satisfy the constitutional procedure established in Article I, Section 7:

Mr. President, let me continue this because this focuses right on the point that the Democratic leader has made so very well. He said:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States.

Now, this is the key point:

> Such a bill, in the form as fashioned by the enrolling clerk and submitted to the President, would not—

Would not—

> appear to have passed the House of Representatives and the Senate.

So what are we creating, then, in the role of the enrolling clerk?

The Senator has made a powerful point—that it is not just a question of the constitutionality. It is a question of practicality, and it is a question of what we are really creating in the office of the enrolling clerk as a substitutionary action for the action of the House and of the Senate. I do not think any of us want to abdicate that responsibility or attempt to delegate that kind of responsibility to an enrolling clerk, no matter how capable a person he or she may be.

In the first place, it would be trying to impose an impossible job on the enrolling clerk; and, second, it would be empowering him or her with a power that would displace our responsibility as Members of the House and Senate.

Mr. BYRD. Mr. President, I thank the distinguished Senator. May I impose on him a moment further?

Cases brought before the Supreme Court—I am not a practicing lawyer, and I do not know how these things happen—often involve the constitutionality of a piece of legislation that has been enacted by Congress and signed into law, or has become law without the President's signature. I have heard that the Supreme Court may have to refer to the CONGRESSIONAL RECORD, and to the recorded statements of Senators made during the enactment of legislation, during the debate on the legislation, when it was before the Senate, let us say, to determine the intent of Congress.

The Court falls back upon the legislative language, the legislative history, that accompanies that legislation; and in trying to establish the legislative history on a given measure, the Court oftentimes is able to determine the intent of the legislative body with reference to a particular bill. What was the congressional intent? What were the Members of the Senate saying and what were the Members of the House saying when this legislation was before those bodies?

Also, I am told that the Court will go to the committee reports to see if the intent might be construed from those committee reports.

In the Senate, the Journal, I am told, is a matter of greater stature than is the CONGRESSIONAL RECORD in the determination by the Court as to the intent of Congress during the legislative process. What is the Journal going to say?

Each of the little items, we are told by the bill S. 43, shall bear the designation of the measure of which it was

an item prior to such enrollment, and so on.

How is the enrolling clerk going to number each of those? Is he going to say H.R. 10(1)? H.R. 10(2)? H.R. 10(500)? Is that the way it is going to be done?

All right, the Court takes up H.R. 10(13) and the Court goes to the Senate Journal in its search for the congressional intent on that bill.

The Journal clerk comes in. The Court says: "Bring in your Journal. What do you have on your Journal with respect to H.R. 10(13)?"

The Journal clerk looks and says: "I have nothing. There was no H.R. 10(13) passed by the Senate of the United States. I am at a complete loss, your Honor. There is nothing in the RECORD, and I was there that day, and I do not think I overlooked it."

"Well, what else do you have in there? Do you have anything on H.R. 10(51)?"

"No, sir. There is no record, nothing in this Journal about H.R. 10(51). It was never acted upon. H.R. 10(51) was never read by the clerk in the Senate. H.R. 10(51) was never debated. There is no H.R. 10(51). And, sir, over the previous 196 years, we have had no bills that have carried such a number. This is something new in my experience, and I have been the Journal clerk in the Senate for 50 years, going back beyond what my memory can divulge."

So, what is going to happen to H.R. 10(1985)? That is a rhetorical question.

I thank the distinguished Senator from Oregon for his patience.

(Mr. D'AMATO assumed the chair.)

Mr. HATFIELD. Mr. President, the Democratic leader again has painted a very accurate scenario for us, a nightmarish one. I hope and pray that by our actions here, we will never have to experience attempting that answer or being asked that kind of question, for it would be an impossible one to respond to. It would destroy, basically, one of the very important bodies of information upon which the leader has indicated the Court relies in order to make a determination.

We have been talking about a separation of powers, a balancing of powers that this bill would disrupt and throw out of balance. That usually has been presented as between the legislative and the executive, as we have been talking about it. Now the leader has brought in the full picture of what the disruption would be in terms of the relationship among the legislative, executive, and judicial branches of Government. So it is much broader, much more profound, than whether it is a battle between a strong Congress and a strong executive branch. It is now shown that it incorporates the judicial branch of Government.

So, again, this very short, concise, little bill that has been brought to us for consideration today—or in days prior—is not just one of those simple, little things we are going to test for 2 years to see if it works; 1 month, 1 year, 2 years, 1 day, or 1 hour is too long for this type of idea to be implemented or attempted to be implemented.

It is not only in the relationship with the executive, but also, as the Democratic leader has demonstrated, how it would affect the judicial branch of Government in such a profound way that it could be disruptive in the orderly procedures of legal review and court assessment of the constitutionality of questions or any other question on statutory review, as well as the constitutionality issue.

So we come back again to that basic bottom line: The idea is faulty, in my view. The mechanics that are provided to implement it are faulty. Would that this creature had never seen the light of day, frankly; and the sooner we strangle this legislative babe in its crib, perhaps the better our country will be served, because it does not offer a solution to our profound problem of budget deficits. It does not do any of that.

It is totally disruptive.

I appreciate very much the statements made and the analysis, the perception, the very deep and important perception, that the Democratic leader has brought to this subject. He has broadened our perspective again to look beyond the two branches we have been discussing to the third branch and how it is involved and has a very important place here.

Mr. BYRD. Mr. President, I shall not seek to interrupt the distinguished Senator again. I have just one further question in this hypothetical situation.

The Speaker of the House signs the legislation. The Vice President or, in the absence of the Vice President, the President pro tempore of the Senate signs all bills and joint resolutions before they go to the President. Suppose our venerable and beloved, greatly admired President pro tempore of the Senate, the Senator from South Carolina [Mr. THURMOND], should be sitting at the desk and a clerk approaches him with a mountain of bills to sign—the 2,047 bills, was it, that would have resulted from the dismemberment of the continuing resolution of last fall. Here comes the poor clerk and he either has a wheelbarrow or he has some two or three of these nice little boy and girl pages here, carrying all these bills. Here the clerk comes—2,000.

He lays them on the desk and the President pro tempore, being the Southern gentleman that he is, would thank the pages or the person pushing the wheelbarrow.

Then, "What is this?" he says. He reaches over and taps the Parliamentarian on the shoulder.

"What is going on? Here we have 2,000 bills. I have never seen anything like this—the title of this H.R. 10(2047)? Come to think of it, I have never seen this bill. I didn't vote on these bills. You mean to tell me there are 2,000 bills here I am to sign?"

And he fingers through these bundles of bills that are before him and, in each case, he says "My, am I seeing things? This bill was never here. Where was I on the day these bills were passed? I refuse to attach my signature to these bills, because they have never been passed by the Senate.

"Mr. Journal Clerk, do you have any record of H.R. 10(2047)?"

"No, sir."

"Well, I am not going to sign these counterfeit bills.

Then who is going to attempt to force that President pro tempore to sign those bills, not one of which ever passed this Senate?

What a nice, messy problem we shall have if S. 43 should pass the Senate and the House. Does the distinguished Senator from Oregon agree with me this is a nice little knotty problem that should be considered long and skeptically before we go down the road that S. 43 and its sponsors and cosponsors will lead us down?

Mr. HATFIELD. Mr. President, it really taxes the imagination, because we could carry this scenario to, I think, a perhaps even more interesting level. The Senator from South Carolina, our beloved Senator THURMOND, is out of the city, as he was last week. And, as the next ranking Republican, I was honored to be designated as President pro tempore of the Senate for the day. Let us say that wheelbarrow came across the Rotunda from the House on that day when I was sitting there. And out of that resolution in which I have fought the nerve gas, I have fought the MX missile, I have fought the aid to the Contras—all of these are now extrapolated into single, individual bills and I am asked to affix my signature to them.

I was opposed to nerve gas, opposed to the MX missile—I lost all of those votes on the floor from my perspective. I am not a constitutional lawyer so I cannot speak on how important that signature is to the bill's being moved along, but it could certainly be delayed by my refusing to sign those. I could have another crack at those issues that I had lost by majority vote on the floor, or any other issues.

Had the Senator from South Carolina needed to speak to the Parliamentarian, he would have to leave his chair to get the Parliamentarian's attention because the Parliamentarian would be hidden behind that stack of 2,000 bills. Once he leaves the chair, what could happen?

There are all kinds of interesting things that could happen, all kinds of

problems that could be created by this bill.

It is not as if we do not have enough paperwork now. Speaking as one who comes from a State with the greatest amount of timber and timber products in the country, I wonder how many trees we would have to cut down to implement this bill? I would like to have that kind of cost-benefit analysis and have that be part of the RECORD.

We are concerned about conservation in this country—think not only of the number of trees we would have to cut down but the amount of energy we would have to produce in order to carry out the particular paperwork in this bill.

I welcome the interruption at any time by the Democratic leader. I welcome that, so I hope he is not hesitant to interrupt at any time to assist in this discussion, as he has been such a great assistant.

Mr. BYRD. Mr. President, I say to the Senator, it is a little laughable, I suppose. Perhaps we perform a service by pointing out in these ways some of the real problems that will occur if this legislation, S. 43, the lawyer's bill—and again, I say, this is not said with any aspersions on lawyers—should become law. Let me ask the distinguished Senator, in the case of, let us say, 2,047 little teeny, tiny, itsy-bitsy bills that would be broken out by the enrolling clerk, broken out of that huge continuing resolution which was passed last fall, suppose it takes the President pro tempore 5 seconds to write his signature on each of those little bills.

According to the very hurried bit of arithmetic that I come up with here, at 5 seconds per signature, it would require roughly 3 hours of steady, nonstop signature writing, ignoring writer's cramp. It would be a waste of the valuable time of the President pro tempore.

I think the President pro tempore, Mr. THURMOND, simply would not fool with it. I think he would say, "I didn't vote for this. Senator HOLLINGS didn't vote for it, my colleague from South Carolina. This bill has never been seen in the Senate. There is no record of it here on the journal. I am not going to sign this."

The Senator from Oregon knows how much time it takes for him to sign the mail that comes into his office. But perhaps the distinguished President pro tempore would help to bring this matter to a quick resolution by simply refusing to sign those bills and let the court tell us: Does he have to sign them?

This matter will go to the Supreme Court of the United States, I would bet one of my choice violins on that, and in pretty fast order.

I do promise that I will not interrupt the able Senator again this afternoon.

Mr. HATFIELD. I hope the Senator will withdraw that commitment.

Let me just ask the Senator a question. He was talking about the 3 hours it would take the President pro tempore to sign this bill. Then it would take 3 hours for the Speaker of the House to sign the bill, I believe, as he also has to affix his signature to a bill. Then it would take another 3 hours of the President of the United States to sign the bill. Is that correct?

Mr. BYRD. Yes.

Mr. HATFIELD. If the President of the United States is in the middle of a hostage problem or in the middle of another crisis and this bill has a deadline to meet, all of a sudden, in the middle of that crisis, the President is going to have to take 3 hours just to do the paperwork.

How many go down there at one time? Who knows, conceivably, as in the case of the bill being circulated here, they will all arrive at the White House on the same day and that may be in the middle of a crisis. I think we already realize how overburdened Presidents are. Some have said it is too big a job for any one person to run anymore, this country has become so complex, our world leadership is so great, and so forth and so on.

When we should be looking to the Grace Commission to improve efficiency of Government, then to bring something like this that would create such inefficiency because of the demand on the time, if nothing else, and when we should be looking at ways to relieve the burden of the President in order that he can concentrate more on those issues, whether it is international terrorism, or the economy, or trade, or any one of them that would take any three people to deal with singly, here we are with the President trying to give leadership in all of these areas, and then we come forth with saying we are going to demand this much more time just to shuffle the paper, to me is really an unkind and a wrong assignment to give to a burdened President. And all Presidents are burdened.

Mr. President, I had cited two examples of the application of this bill in terms of the diversity of the formats that we follow in the appropriations process, demonstrating how impossible it would be to take the definition of "item" under this bill and apply it to these formats. I had indicated that we have bills incorporated by reference and bills that are written into an omnibus bill. And so here again, as I say, even with a very cursory view, it would be impossible to actually implement the provisions of S. 43.

Now let me give another example, and that is section 8066 of last year's continuing resolution. That section appropriates funds to aid the Nicaraguan rebels and prescribes a procedure for the release of those funds. We call that fencing. And it is a common practice in the Congress of the United States to fence certain appropriations.

Subsections (a) through (c) contain the qualifying language on the release of the funds that are provided for in subsection (d). Again, I know it is very difficult to follow, but if one could have a copy of that section 8066, they would see how clearly this creates a question, many questions.

One question is, are subsections 8066(a) and 8066(b) and 8066(c) and 8066(d) separate items for the purpose of the enrollment or are sections 8066 (a) through (d) considered to be one item for the purpose of enrollment?

Now it matters a great deal because if the appropriation and qualifying language for release of the funds had been enrolled as separate bills, which is conceivable under the wording of the law, the President would have circumvented the congressional directive, intent, and order by signing the appropriation and vetoing the fencing language, or what we would call the conditional provision of the bill. It is conceivable that could be enrolled as two separate items: appropriation and fencing.

If the President wants this badly, as the President has stated, he says, "Instead of following the congressional directive to provide certain conditions that will be meeting those provisions of that fencing language, I will just veto the fencing language, get my money and have no contingency left."

I know the proponents would say that would have to come back up to the Hill and be reviewed by the House and the Senate and they could override that veto on the fencing language. But do not forget there are people who voted for that appropriation on the contingency of that fencing language, others voted for it in spite of it. And you would have to go back over and look at the increased schedule of the calendar and issues that this body would have to consider, and here we are at the present time not able to meet so many of the calendar items because we do not have the time.

Add that layer of activity to getting one issue, controversial issue like Contra aid, resolved. We go through that process. Think of what it could do for abortion, for school prayer, for all these other controversial items that seem like they are coming around the corner anytime we look anyway as it is, and then you would add another round to this kind of debate and discussion on an issue like the so-called Nicaraguan rebel aid.

I would say, again, that we have to look at that procedure on another basis. We provided that Contra aid on a very close vote and all we had to have was a majority vote. Now you bring that issue back to the Senate under the circumstances and scenario that I have described and what hap-

pens? Then all we would have to have is, of course, a one-thirds vote to sustain; or put it another way, in order for the President to have that Contra aid, you would only have to have 34 votes of the Senate without the contingency because it takes a two-thirds vote to override the President's veto. I cannot emphasize that point too much. We passed the Contra aid legislation. I do not recall the exact vote, but let us say we passed the Contra aid by 55 to 45 vote. All right, those of us who are opposed to Contra aid, 45, voted on the side of 45, and we sent it down there with fencing language, the President vetoed the fencing language, signed the bill for the appropriation, and sent the vetoed bill back up here. For those of us who wanted to restore the contingency of that fencing language, we would have to come up with a two-thirds vote, or putting it another way, those who had voted on the 55 side would only have to vote 34 this time in order to sustain that particular item.

So it is not just a question then of the layer of additional work that would be required of the Senate and the House to consider the overrides and what have you relating to the vetoes, but it shifts that vote requirement from the majority to two-thirds. I think that again puts the Congress in a subsidiary role, and secondary role in terms of a joint effort in determining the allocation of expenditures between the executive and the legislative as it exist now.

Let us take another example. That is, the first fiscal year 1984 supplemental appropriations measure. This gives us yet another variation. This is one of those themes that Mozart would have absolutely had a heyday with. He could have probably composed music on this one theme for his entire life. He would never have had to look for another theme. He would have had a beautiful variation, minuet, flute, piano—he could have done any kind of instrumentation on this one bill.

After the House had agreed to the conference report on this bill—talking about the fiscal year 1984 supplemental appropriation bill—the Senate in considering the amendments outside the scope of the conference—that is where we had amendments—accepted a further amendment, and sent that amendment in disagreement back to the House of Representatives where it was accepted.

This bill or this amendment that I am referring to contained an IMF-housing package that resolved a fight that had been going on for over a year between the President and the banking committees of the Congress. This was not Democratic-Republican dispute. This was the Banking Committee, the Democratic-controlled committee of the House, and the Banking Committee of the Republican-controlled Senate and the President. The White House wanted the IMF funding; the House and the Senate Banking Committees wanted a housing authority measure. An agreement was struck between the involved parties and put on the supplemental appropriation conference report as an amendment in disagreement. Some of you may remember that very complex process that we went through. This one amendment alone represents 188 separate sections of that appropriation measure; one amendment representing a composite and compromise of 188 separate sections of the appropriation measure of which it was a part.

Just think of the possible outcome if this amendment had not been included in one bill but instead sent down to the President as 188 separate bills or measures. That itself immediately elicits some imagery of a stack of 188 separate signatures required to deal with one amendment. But look at the other varying little nuances. The President could have back-doored the Congress again by signing into law the two bills he supported relating to the IMF funding and vetoing the other 186 bills.

These and a host of other questions are presented by this measure. I am not sure that we have to cite all of the horror stories that can evolve. We have ample material with which to carry on demonstration of similar scenarios for the rest of this session of the Congress. I think what indicates the treatment of appropriation measures incorporated by reference in a continuing resolution is another question. How do we handle, then, extrapolating, breaking out as the term is used, breaking out by the enrolling clerk of appropriation bills incorporated by reference? You know, that also raises another interesting point that has frequently been said that we can give the President to get to certain pork barrel, parochial projects, whether they be military, water projects, waterway projects, or whatever they might be. But you see, again, people who have drafted this bill obviously have not taken into consideration the simple fact that those projects are not in the appropriation bill. They are referred into that bill by the committee report.

We are not really dealing with giving the President power to get to the committee report. The interesting thing is he already has the power to get to the report of the committee on the line item basis by deferral and rescission. The President today can get at any one of those projects by the authority granted him to have sent up to the Hill for consideration a deferral of funds for that project or a rescission of funds for that project previously appropriated for. There is good reason for providing lump-sum appropriations rather than putting the line item specifics into statutory language. Some people will say, why do you do that in the report; why do you not put it in the bill?

Let me say it serves the purpose of both branches of Government because I emphasize it adds valuable flexibility to the legislative and administrative process. If judgments and predictions on the progress of certain projects, let us say, or any of these specifics are wrong as we get down the line, as we get involved more deeply, then the statute does not have to be rewritten and the committees of the Congress and administrative agencies can agree to depart from the nonstatutory scheme without having to rewrite the legislation. This flexibility has been desired by every administration, Democrat and Republican alike.

I think another very valid question that can be raised and will certainly be raised if this bill should ever become law, which I do not believe it will be, is does a numbered section control when it contains unnumbered paragraphs?

Let me go back to the bill again and read again from that very interesting line on page 3, line 13 and 14. "For purposes of this concurrent resolution the term 'item' means any numbered section and any unnumbered paragraph."

Well, which controls? If you want to say get to a unnumbered paragraph of a numbered section, does the paragraph control? Does the numbered section control? You are going to have to make that determination because of the way we set forth these matters through paragraphs, numbered lines, numbered subparagraphs, and what have you, but not always numbered sections.

Again, to fully appreciate this issue one has to look at an appropriation bill to see exactly the kind of structure that bill represents, the kind of format that we follow, and again with purpose.

These are not just created by caprice, by whim. These traditional formats followed by the appropriations process all have great meaning, great purpose.

Someone could say, "Well, let us recognize the appropriations structure or the appropriations bills."

Fine. That sounds easy. I will be very happy to yield to anyone that authority, if I have it as chairman of the Appropriations Committee. I will be happy to yield anyone that assignment. I would like to see that person after 16 hours of straight effort to try to develop a format to comply with this particular bill. I believe we will be having a person nearing a nervous breakdown by that time or someone who had gone beyond the point of a nervous breakdown.

The system has evolved over 200 years of this Republic. It is certainly

not perfection. It is certainly not one that cannot be improved upon. But if you are going to rewrite and restructure that process at a time when this country has to continue its business, I would just like to ask the person how they think we are going to restructure at a time when we cannot even get 13 appropriations bills through in a normal year. The chair is occupied by the distinguished Senator from New York, who is chairman of a subcommittee in appropriations, who knows how difficult it is to get a signature at the White House on his subcommittee bill and 12 others, without having to go through a continuing resolution.

We are at this time in our legislative history nearing the end of a fiscal year. Do not forget, September 30 ends the fiscal year. I say to my dear colleagues we have not passed one appropriations bill for fiscal year 1986. We have not received one from the House of Representatives. We are starting our markup in the Senate Appropriations Committee on these 13 bills on next Tuesday. But, as yet, we have only a couple appropriation bills that have come to us, as I understand—I will inquire of the Chair. How many appropriations bills from the House of Representatives are pending at the desk?

The PRESIDING OFFICER. I am advised we have received three appropriations bills from the House and the urgent supplemental for Agriculture.

Mr. HATFIELD. I am glad to know that. We will be able to take action next week. Let me say out of the 13 appropriations bills, even if the House has sent us 3, we in the Senate have not passed any. We are now entering the August recess, which means after we come back, following Labor Day, we will have approximately 3 weeks, or less—in fact, less working days if we consider Monday through Friday as the average working week for the Senate—we will have less than 3 weeks of days to pass the major number of appropriations bills.

By the way, I might mention we have not yet even gone to conference on the supplemental appropriations bill, which we will do on Monday.

Mr. President, we are facing the kind of situation in which we have not even yet gotten a budget resolution. Let me remind the Senate that the normal procedure is that the budget resolution is passed in order to give instructions to the Appropriations Committee on the target figures we should be working on in order to get a composite budget. Of course, we are not going to have a budget resolution. That means the Appropriations Committee must move on its own without a budget resolution. That means we must do all of this within 5 weeks at the most, between now, today, and the end of the fiscal year.

On that situation, there are those who want to restructure all appropriations bills and so forth in such a way that it would be much easier to apply as S. 43 is now. That is, I think, an unreasonable and impractical request.

Let me pose another question: If an appropriation and a condition placed on that appropriation constitutes two unnumbered paragraphs, is it permissible for the President to restrict the expenditure of those funds and override congressional intent, to veto the condition placed by the Congress on the expenditure of those funds and override congressional intent?

It is not only on Nicaraguan aid that that would arise, but certainly on a number of other things as well.

This legislation makes no exception for entitlement and other mandatory spending contained in the appropriations measures.

Again, we could easily pose the question: Are we saying the Presdient can veto these items despite the requirements of the underlying substantive law?

I would cite as an example: Can the President veto an appropriation providing for salaries of Federal judges, even though the Appropriations Committee must provide the amount required and the Constitution provides that the salaries of sitting Federal judges shall not be diminished?

What kind of havoc are we going to play here?

Do not forget, these come through the appropriations process, through an appropriation bill.

I would like to pose another complex question: What about the general provisions incorporated in most appropriations bills? We have not touched on that. Those that apply to the entire bill, not just one section, which is why they are called general. They do not apply to just one account; they apply to all accounts. Do we want the President to be able to veto that particular provision of a bill?

It is called line item because that represents one line of an appropriations bill but it applies to all the bill, to every account in the bill.

S. 43 requires that a bill or joint resolution that is required to be enrolled shall be enrolled without substantive revision. A bill or joint resolution that is required to be enrolled shall be enrolled without substantive revision.

Enrolled by the enrolling clerk. That is what it is referring to.

What is and is not considered to be substantive revision for this purpose? I find no guidance in the bill. Do you realize what we are doing? We are saying that an enrolling clerk, a hired employee of the House of Representatives, shall enroll the action of the House and the Senate combined without substantive revision.

What kind of revision would be permissible? Why should any revision be permissible? Even if we misspell a word or use the wrong grammar, that is our action.

That is the most technical, less likely kind of thing to be substantive. But does the enrolling clerk have the right to rephrase the actions of Congress as he or she might think would be more grammatically correct? I would not even want that kind of leeway given or discretion given to the enrolling clerk, and that is the most minimal technical revision that I could think of. Yet it says "without substantive revision."

I think we have seen some of the longest, involved, longwinded, tedious, laborious discussions take place on this Senate floor over technical questions. I would hate to see a balance scale between the time and hours that we have spent on substantive debate as against procedural technical debate. What does the Senator mean when he says he wants unanimous consent to do this or to do that? What does it mean when he says good morning? We have reached a point here where I have gotten up and walked off the floor of the Senate. As I get older I have less patience on what seems to me to be tedious, involved, sober, serious attitudes given to a question of if we are going to recess until 3 o'clock, does that mean that at 3 o'clock we are going to take up this, or we get so involved in procedures, and it seems to me that that is one thing.

But when you get to the substantive question without substantive revision, substantive, let us say, shall be enrolled without major technical revision. It says shall be enrolled without substantive revision and then fails to define "substantive."

I hope the Senator from New York looks carefully at this provision. I hope all Senators in this body look carefully at what we are doing in this S. 43, what power we are putting into the hands of one person, to break out thousands of bills of the continuing resolution of hundreds of bills out of an appropriation measure for the purpose of fulfilling S. 43, the impossibility of the task, and then the power that we are giving that person, to say, "You shall not revise that bill in a substantive way."

Who is to resolve all the ambiguities presented by this bill? The Speaker of the House? The Secretary of the Senate? The House and Senate enrolling clerks between them? I do not know.

I am speaking to an empty Chamber. I had hoped and I have invited, I have urged the proponents of this bill to come to the floor and debate these points. What do they do? They get two special orders of business so they can speak for their 15 minutes and then leave the floor. We have a right to have answers to these questions. If I

offered a bill I would be willing to come over here and defend it. If I offered the bill I would come over here and be willing to answer the questions.

There has not been one peep made on this floor in the general debate period on this bill by the proponents. The empty chairs—you know why? In part, I suppose because they know there are no answers that are satisfactory to these questions that we are raising on this bill because it is just a simple little bill to give the President line-item veto to help reduce the deficit, to help solve the fiscal problems of this country and, after all, the Governors have had it for 92 years. Yes, and those Governors have been in court for 92 years, too, trying to define such things as I am asking here. What is an item?

I thought it was very interesting to hear the former Governor from Washington, one of the greatest Governors Washington State ever had, at least in my memory, probably one of the greatest Governors this country has ever had, our colleague, DAN EVANS. The State that has had more litigation in the last 20-some years has been the State of Washington over the line-item veto.

So, consequently, when we ask these questions, it is not just for the purpose of debate. I hold here in my hand a list of the court cases across this country; Colorado, Massachusetts, Arizona, California, Virginia, Florida, Connecticut, California, Arizona, Oklahoma, Washington, Washington, Arkansas, Virginia, Washington, Arizona, Florida, Texas, Washington, Montana, New Jersey, Florida, Washington, Arizona, Montana, Massachusetts, Washington—on and on it goes.

I do not know how many millions of dollars in legal fees this represents. If I were a lawyer, I suppose out there hungry, looking for a practice, I would be in here lobbying for this line-item veto. Just think what you could do in a Federal court challenging the definition.

No, Mr. President, I do not expect that every Member should be fully informed and in detail about procedures and processes of the Appropriation Committee. As I indicated earlier, I am still learning as the chairman of the committee and as a member of that committee since 1971. They are complex. That makes it all the more reason why when we offer a bill like Senate bill 43, we ought to be very careful that it is a practical bill, that can be applied and implemented even in the mechanics of legislation. I am not suggesting that you want that everyone has to buy in on the constitutional arguments. I think they are absolutely on target and I think they are accurate. But I know people have variations of viewpoint.

I have dear colleagues on both sides of the aisle. I have colleagues from the most liberal spectrum of the political thinking to the most conservative part of the political spectrum who are together as proponents of this bill, the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Georgia [Mr. MATTINGLY]. There is a team in terms of looking at their perspective of political philosophy. But on the other hand, my dearest, most revered Member of this body, the great, one-of-a-kind Senator from Mississippi [Mr. STENNIS], and myself probably one of the most liberal Republicans—Mr. STENNIS is one of the most conservative Democrats—are together in battling against this.

So it does spread across the political spectrum and I am not suggesting that the people who are proponents of this have any conspiracy up their sleeve or anything else, but it merely indicates it is a complex issue, it is a profound question that confronts the Senate and I think it deserves a careful, careful study and review of every Senator in this body before we cast our vote next Tuesday on the second of the cloture motions that will be laid down and mature by that time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HATFIELD. Mr. President, I have two items that have been cleared on both sides. One relates to the Executive Calender and one to the Legislative Calendar.

EXECUTIVE SESSION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar as follows: Calendar Nos. 315, 316, 317, 318, and 319.

Mr. BYRD. Mr. President, these nominations have been cleared for action on this side, and there is no objection on this side.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Roger J. Miner, of New York, to be U.S. circuit judge for the second circuit.

Roger L. Wollman, of South Dakota, to be U.S. circuit judge for the eighth circuit.

Roger G. Strand, of Arizona, to be U.S. district judge for the district of Arizona.

Richard H. Mills, of Illinois, to be U.S. district judge for the central district of Illinois.

John M. Walker, Jr., of New York, to be U.S. district judge for the southern district of New York.

NOMINATION OF RICHARD H. MILLS

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

● Mr. SIMON. Mr. President, it is a distinct pleasure to speak to the Senate on behalf of Judge Richard Mills today. Judge Mills has been nominated to be a U.S. district judge for the central district of Illinois.

I have known him for many years and am confident that he will be a superb Federal judge. Judge Mills has had a distinguished career of public service—both on and off the bench. He served in the U.S. Army during the Korean conflict and is presently a colonel in the Army Reserve. Following his graduation from Mercer University Law School in 1957, he was engaged in private practice in Cass County, IL. In 1958, Gov. William Stratton appointed him legal advisor to the Illinois Youth Commission. He served the commission in this capacity until he was elected State's attorney for Cass County in 1960.

In 1966, Judge Mills became a circuit judge for the Eighth Judicial Circuit of Illinois. Since 1976, he has served as a judge in the Fourth Judicial District of the Appellate Court of Illinois. During his tenure on the bench, Judge Mills has earned a reputation as one of the most thoughtful and dedicated jurists in our State.

During his career, Judge Mills has written numerous articles for professional journals, including the American Bar Association Journal, the University of Illinois Law Forum, and the Illinois Bar Journal. In 1974, he received the ABA's Judge Edward Finch Award, given annually in recognition of the best law day speech in the United States. From 1977 to 1983, he served as a member of the Illinois Law Enforcement Commission and in 1984 he was appointed by Attorney General William French Smith to the advisory board of the National Institute of Corrections. He is also a four-time recipient of the freedoms foundation's George Washington Honor Medal.

Richard Mills has served his profession and his community with great distinction. I know that he will add further luster to this fine record as a member of the Federal judiciary.

Judge Mills has my enthusiastic support, and I urge the Senate to confirm his nomination today.●

Mr. HATFIELD. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with Section 7104(e) of Title 5, United States Code, I hereby transmit the Sixth Annual Report of the Federal Labor Relations Authority, which covers Fiscal Year 1984.

RONALD REAGAN.

THE WHITE HOUSE, *July 19, 1985.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills:

On July 11, 1985:

S. 822. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

On July 12, 1985:

S. 883. An act to reauthorize the Export Administration Act of 1979, and for other purposes; and

S. 1141. An act relating to certain telephone services for Senators.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 19, 1985, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 1455. An act to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees; and

S.J. Res. 154. Joint resolution to designate July 20, 1985, as "Space Exploration Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on today, July 19, 1985:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. Bruce Smart, Jr., of Connecticut, to be Under Secretary of Commerce for International Trade.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 1474. A bill to amend the Internal Revenue Code of 1954 to require interest on overpayments of tax to begin on the date of filing of the tax return if such return is not processed within 45 days of such filing; to the Committee on Finance.

By Mr. COHEN (for himself, Mr. LEVIN and Mr. NUNN):

S. 1475. A bill for the relief of Hamilton Jordan of Lawrenceville, Georgia; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr. ROTH):

S. 1476. A bill to strengthen the Nation's competitive position in international trade and to improve its ability to respond to unfair and injurious foreign trade practices; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WILSON:

S. Res. 201. A resolution commending the State of California for its efforts to provide relief for African famine victims; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ:

S. 1474. A bill to amend the Internal Revenue Code of 1954 to require interest on overpayments of tax to begin on the date of filing of the tax return if such return is not processed within 45 days of such filing; to the Committee on Finance.

INTEREST ON OVERPAYMENTS OF TAX

● Mr. HEINZ. Mr. President, today I am introducing legislation which will correct an inequity in the way the Internal Revenue Service pays interest on refund checks that are paid late. Currently, interest is only paid from April 15, until the refund is made to the taxpayer. If a taxpayer files for his refund before April 15 he is not entitled to any additional interest based on earlier filing. My bill would require that the IRS pay interest on a tax refund if it is not processed within 45 days of the time it is filed. Of course, there would be no interest due for any return filed after April 15.

Under current law, the IRS is required to process all tax returns within 45 days of April 15 or pay interest. However, the interest is only paid back to April 15, no matter when you filed your return. This practice, which is allowed by law, clearly discriminates against taxpayers who file early returns and have to wait more than 45 days for their refund checks. My bill will correct this inequity, and will require the IRS to pay interest on tax refunds that are not processed within 45 days of the time they are filed.

Until this year the average time to process a refund was well within the 45-day limit and the spirit of the law. However, this year the IRS has had massive computer problems across the country. The Philadelphia Service Center was taking up to 12 weeks to process tax refunds this year. Many of these refunds were filed prior to April 15; yet the taxpayers did not receive any interest since the IRS processed their returns before May 30. Unless your tax return is processed after May 30, you are not entitled to any interest, no matter when you filed your refund.

The Philadelphia Service Center received 6,142,000 tax returns that were filed on or before April 15. Over one-half of the refunds were not paid on time. When these people finally receive their refunds they will receive interest but only back to April 15, no matter how early they filed their returns. This is clearly unfair.

What is even more unfair is the treatment of those people who filed their tax returns in January or February and did not receive their refunds

for over 2 months. These delays are unconscionable.

I believe that my legislation will correct some of the injustices. The bill will encourage the IRS to process all tax returns in a timely fashion, or pay interest. It will encourage taxpayers to file their tax returns early, and prevent the April 15 rush. The taxpayers would have a reason to file early, and the IRS will have a reason to process the returns quickly.

Mr. President, I urge my colleagues to cosponsor this legislation, and work for its quick passage. I also ask that the text of an article from the Philadelphia Inquirer on the computer mess at the Philadelphia Service Center be printed in the RECORD at this point, along with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTEREST ON OVERPAYMENTS OF TAX BEGINS ON DATE OF FILING OF RETURN.

(a) IN GENERAL.—Subsection (d) of section 6611 of the Internal Revenue Code of 1954 (relating to interest on overpayments) is amended to read as follows:

"(d) ADVANCE PAYMENT OF TAX, PAYMENT OF ESTIMATED TAX, AND CREDIT FOR INCOME TAX WITHHOLDING.—For purposes of subsection (a), the date of payment of tax shall be the date of the filing of the return of tax imposed by subtitle A.".

(b) NO INTEREST IF RETURN PROCESSED WITHIN 45 DAYS.—

(1) INCOME TAX.—Subsection (e) of section 6611 of such Code is amended to read as follows:

"(e) INCOME TAX REFUND WITHIN 45 DAYS AFTER RETURN IS FILED.—If an overpayment of tax imposed by subtitle A is refunded within 45 days after the date the return of such tax is filed, no interest shall be allowed under subsection (a) on such overpayment.".

(2) WINDFALL PROFIT TAX.—Paragraph (1) of section 6611(h) of such Code (relating to special rule for windfall profit tax) is amended to read as follows:

"(1) IN GENERAL.—If an overpayment of tax imposed by section 4986 is refunded within 45 days after the date the return of such tax is filed for the taxable period, no interest shall be allowed under subsection (a) on such overpayment.".

(c) CONFORMING AMENDMENTS.—

(1) Section 6611(b) of such Code (relating to the period for which interest is paid) is amended by striking out paragraph (3).

(2) Section 6611(f) of such Code (relating to refund of income tax caused by carryback or adjustment for certain unused deductions) is amended—

(A) by striking out "not to have been made prior to" in paragraphs (1) and (2) and inserting in lieu thereof "to have been made on", and

(B) by striking out subparagraph (A) of paragraph (3) and inserting in lieu thereof the following new subparagraph:

"(A) FILING DATE.—For purposes of this subsection, the term 'filing date' means the date of the filing of the return of tax imposed by subtitle A for the taxable year.".

(3) Section 6611(g) of such Code (relating to refund of income tax caused by carryback of foreign taxes) is amended by striking out "not to have been paid or accrued prior to" and inserting in lieu thereof "to have been paid or accrued on".

(4) Section 6611(i) of such Code (relating to no interest until return in processible form) is amended—

(A) by striking out "For purposes of subsections (b)(3), (e), and (h) "in paragraph (1) and inserting in lieu thereof "IN GENERAL.—For purposes of this section", and

(B) by striking out "For purposes of paragraph (1)" in paragraph (2) and inserting in lieu thereof "PROCESSIBLE FORM.—For purposes of paragraph (1)".

(5) Paragraph (3) of section 6601(d) of such Code (relating to income tax reduced by carryback or adjustment for certain unused deductions) is amended to read as follows:

"(3) FILING DATE.—For purposes of this subsection, the term 'filing date' means the last date prescribed for filing the return of tax imposed by subtitle A for the taxable year (determined without regard to extensions).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 1985 for taxable periods beginning after December 31, 1984.

[From the Philadelphia Inquirer, Mar. 27, 1985]

TAX-RETURN BACKLOG GROWS IN WAKE OF COMPUTER WOES

(By Arthur Howe)

Continued problems with a new computer system has produced an extraordinary backup of unprocessed returns at the IRS Regional Service Center in Philadelphia.

As of Friday, the center on Roosevelt Boulevard had processed only 1,383,984, or 35 percent, of the four million returns it had received. By March 22, 1984, the center had processed 2,951,515, or 71 percent, of 4.1 million returns received, the agency reported.

The backlog appears to be growing, and the problem will be compounded as the April 15 filing deadline approaches. An additional 4.1 million returns are expected to be mailed to the Philadelphia center in the 20 days remaining before the deadline.

Exactly one month ago, the IRS had processed 387,000, or 17 percent, of the 2.3 million returns it had received.

The processing slowdown at the Philadelphia center is delaying the issuance of some $1.8 billion in refund checks to hundreds of thousands of taxpayers in the mid-Atlantic region, overseas and living in U.S. territories. The size of the average refund will be $703 this year, the IRS says.

"These people are entitled to their tax refund in a timely manner, and it's simply unfair that they'll have to wait," Sen. John Heinz (R, Pa.) said yesterday.

Heinz has ordered a General Accounting Office investigation of the Philadelphia service center. "I've asked commissioner [Roscoe L.] Egger's office to look into the situation and do what's necessary to solve this problem soon."

IRS spokesman Daniel Seklecki said yesterday that Form 1040 tax returns are taking about 30 days to process at the service center, 11 days longer than it took at this time last year. The shorter-form 1040A returns are averaging 29 days, an increase of 16 days over last year.

The so-called "EZ" individual tax forms are taking 25 days to process, about 16 days longer than last year.

Despite these figures, Seklecki maintained that individual returns would be delayed by the center by only nine days, on average. This compares with a previous IRS estimate of an average four-to-five-day delay.

Seklecki said that most tax refunds should be received by taxpayers within 10 weeks of receipt of the returns.

"We still think that even with the nine-day delay, people should be getting their refunds in close to 10 weeks," he said. "Some returns may exceed 10 weeks, but the only way to determine this is to call the service center, and they will try to find out where in the process it is."

The IRS officials blame the processing delays on persistent problems with a new $11 million Sperry-Univac 1100 computer system and package of new software programs.

Specifically, officials say, the new software program used by employees to type information into the computer system is cumbersome and slows the processing of returns.

Additionally, the center has experienced great difficulty transferring information from its computer system to magnetic tapes for shipment to the IRS's national computer center in Martinsburg, W. Va. As a result, there is a massive bottleneck in the center's data-transcription section.

Employees at the Philadelphia center say that aisles in the vast service center are cluttered with "trucks," or carts, filled with unprocessed tax returns.

"You can't even walk down the aisle there are so many [trucks]," said a transcriber, who requested anonymity. "It's crazy. Nobody seems to know what the problem is. We've never seen anything like it."

Computer problems are not unique to Philadelphia.

Egger testified on March 11 before a House and Ways and Means subcommittee that the IRS had encountered a number of software problems at its nine other service centers. He said then that the problems had not been solved, despite several days of personal meetings with software vendors.

At the national IRS computer center in Martinsburg, 22,503,000 returns had been processed by Friday, about 35 percent less than the 34,465,000 refunds that had been certified by this time last year.

Problems with computer software at the Philadephia center and other IRS regional centers delayed the start of the processing of individual 1985 tax returns by one week this year. Since then, the processing unit of the computer—used to type current tax return information into the system—has operated 95 percent of the time, officials say.

Despite delays caused by the agency's computer problems, taxpayers awaiting refunds from the IRS will not receive interest on those funds until after June 1, or 45 days after the April 15 filing deadline.

The Philadelphia service center also has a backlog of about 148,000 tax returns and other filings made in 1984. These returns have IRS or taxpayer errors, and the problems have not been resolved.●

By Mr. COHEN (for himself, Mr. LEVIN, and Mr. NUNN):

S. 1475. A bill for the relief of Hamilton Jordan, of Lawrenceville, GA; to the Committee on the Judiciary.

RELIEF OF HAMILTON JORDAN

Mr. COHEN. Mr. President, today, I, along with Senators LEVIN and NUNN,

am introducing private relief legislation to compensate Hamilton Jordan, former White House Chief of Staff for President Carter, for attorneys' fees that he incurred as a result of a special prosecutor investigation conducted pursuant to the Ethics in Government Act of 1978.

The special prosecutor process was established by the Congress in order to assure public confidence in the impartial investigation of alleged wrongdoing by officials who are close to the President. The Congress recognized that actual or perceived conflicts of interest may exist when the Attorney General, a political appointee and at times a close advisor to the President, is called on to investigate alleged wrongdoings by senior administration officials.

As passed by the Congress, the Ethics Act provided for the appointment of a special prosecutor to investigator allegations of criminal wrongdoing by certain high-level executive branch officials covered by the act. Under the original law, that has since been amended, the Attorney General was required to conduct a preliminary investigation whenever he received "specific information" that any official covered by the act had violated a Federal criminal law other than a petty offense. The act required the Attorney General, upon completion of a preliminary investigation, to apply to a special court for the appointment of a special prosecutor if the Attorney General found that any further investigation or prosecution was warranted.

Approximately 1 year after the passage of the Ethics Act, a special prosecutor was appointed to conduct an investigation of alleged cocaine use by then-White House Chief of Staff Hamilton Jordan. After a 6-month investigation that was accompanied by extensive, and often adverse, media attention, Mr. Jordan was fully exonorated by the special prosecutor. Specifically, on May 28, 1980, Special Prosecutor Arthur Christy concluded that there was "insufficient evidence to warrant the bringing of criminal charges against Hamilton Jordan" for the alleged offenses. Pursuant to the recommendations of the special prosecutor, no charges were filed against Mr. Jordan. During the course of the preliminary investigation and special prosecutor stages of this process, Mr. Jordan incurred about $68,000 in attorneys' fees.

In 1981, prompted by criticisms that the Ethics Act produced unfairness in the Jordan investigation, the Subcommittee on Oversight of Government Management, which exercises jurisdiction over the Ethics Act, began an inquiry of how well the special prosecutor provisions of the Ethics Act were fulfilling their intended purpose. Based on extensive investigation and hearings, the subcommittee concluded that the special prosecutor law is necessary to guard against dangerous conflicts of interest that can arise in the investigations of top-level officials and to assure the public that its officials are not above the law. Despite this endorsement of the law, however, the subcommittee found serious flaws in the law and recommended substantial amendments to make the special prosecutor process fairer and less burdensome.

Many of the changes proposed by the subcommittee were intended to remedy problems in the law that were revealed by the Jordan investigation. Both Attorney General Benjamin Civiletti and special prosecutor Arthur Christy testified that the allegations against Mr. Jordan would not have been pursued at all in the case of a private citizen and that the investigations were conducted simply due to the requirements of the Ethics Act.

The Congress passed the Ethics in Government Act Amendments of 1982 to correct many inequities of the original law. The amendments made the process fairer by amending the strict standards triggering a preliminary investigation and special prosecutor investigation under the act. The legislation also changed the name "special prosecutor" to "independent counsel" to remove any pejorative connotation of the investigation.

An important provision added to the Ethics Act by the 1982 amendments authorized the independent counsel court to award attorneys' fees to officials who have been exonerated of wrongdoing by an independent counsel, and who would not have incurred these fees but for the independent counsel law. The Congress believed that because the additional costs of the process are primarily for the benefit of instilling public confidence in Government, it is only fair that the Government help compensate its officials for these special costs when no wrongdoing is found.

Since his investigation preceded the 1982 amendments, Hamilton Jordan is not eligible for reimbursement under the current Ethics Act. Because the reimbursement provision was, in large part, inspired by the events of the Jordan case, however, it is appropriate and equitable to reimburse Mr. Jordan for attorneys' fees that he incurred as a result of his investigation by an independent counsel, then known as a special prosecutor.

The legislation I am introducing today will ensure that equitable treatment is extended to Mr. Jordan. This private relief bill authorizes Mr. Jordan to file an application for reimbursement of legal fees incurred from the preliminary investigation and independent counsel phases of his investigation. The legislation authorizes the court, in its discretion, to award reimbursement for all or part of the legal fees requested in the application. In awarding such fees, this legislation directs the court to apply the standards contained in the reimbursement provision of the Ethics Act with one major exception: the court is authorized to award all or part of the legal fees incurred by Mr. Jordan during the preliminary investigation conducted by the Attorney General. Although subjects of investigations arising after the 1982 amendments cannot seek reimbursement for these costs, reimbursement for the preliminary investigation is necessary in this case to compensate for the lower triggering standard that was in effect at the time of Mr. Jordan's investigation. In awarding reimbursement, the court should, as it did recently in its award of attorneys' fees to Attorney General Edwin Meese III, interpret section 593(g) as authorizing reimbursement of reasonable legal fees incurred as a result of the investigation. In the Meese case, the court accurately interpreted section 593(g) as allowing reimbursement of only those reasonable attorneys' fees incurred by the subject of an independent counsel investigation.

Mr. President, allowing the court to award reimbursement to Hamilton Jordan will ensure that the Congress has extended fair, evenhanded treatment to all persons who have been the subject to special scrutiny by the independent counsel process. I ask unanimous consent that three editorials from the New York Times and Washington Post endorsing reimbursement of legal fees for Hamilton Jordan be inserted in the RECORD at this time, and I urge the Judiciary Committee to take swift action on this legislation.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 18, 1984]

INJUSTICE TO MR. JORDAN

Edwin Meese III does not have the same problem. He will, according to his lawyer, seek reimbursement from the government for the legal expenses he incurred while he was the subject of investigation by an independent counsel. Mr. Meese is entitled to that reimbursement, both under the specific terms of a 1982 law and under general principles of fairness. He was subjected to this lengthy process because of charges raised when he held high federal office; he defended himself and was vindicted when the independent counsel found no reason to bring any action against him.

In all these respects Mr. Meese's case is similar to that of Hamilton Jordan, who was the subject of such an investigation in 1979 and 1980. But Mr. Jordan has not been and seems unlikely to be reimbursed, as he would be under the law as it was rewritten in 1982. That's ironic, because the law was rewritten in very large part because a bipartisan majority of legislators became convinced it worked unfairly in cases such a Mr. Jordan's.

So they changed the name of the investigation authority from special prosecutor to independent counsel. They made it clear

that the appointment of such a counsel was not required automatically by the publication of unsubstantiated allegations against an official, but could be made only after the attorney general considered the specificity of the charges and the credibility of the source of information. And they provide for reimbursement of legal fees when the independent counsel finds no basis for bringing a criminal case in the charges.

All these changes operated in Mr. Meese's favor. It was not even clear in this case that appointment of an independent counsel was required by law (that was done at Mr. Meese's own request), and now he's eligible for reimbursement of legal fees. But Mr. Jordan, who was subjected to an investigation that surely would not have been required under the 1982 law, is not eligible for any reimbursement, according to a court ruling this week. The ruling probably won't be reversed on appeal. But it can and should be reversed by an act of Congress. Outgoing Attorney General William French Smith might make it one order of business to support and seek bipartisan support for a measure to right this wrong.

[From the New York Times, Jan. 24, 1985]

PAY THE MEESE, AND JORDAN, BILLS

Lawyers for Edwin Meese, President Reagan's nominee for Attorney General, are asking a Washington court to award more than $700,000 in fees for work to clear him of criminal wrongdoing. That creates a problem for the Justice Department, which almost reflexively resists high fee awards. It has asked the court for more time to give its views. If the department wants to advance the aims of the Ethics in Government Act, it won't oppose a generous award.

The department has been arguing routinely that successful civil rights plaintiffs deserve no more than $75 an hour in legal reimbursements, an amount Washington attorneys consider meager. Mr. Meese's lawyers are said to ask $250 an hour, close to the going rate in Washington.

Their accomplishments for Mr. Meese certainly deserve the going rate. They represented him over the course of a six-month inquiry by a special counsel, Jacob Stein. They succeeded in persuading Mr. Stein that there was no evil motive, and thus no criminal intent, in a pattern of favors for Mr. Meese by persons who later got good government jobs.

Two years ago, Congress sensibly amended the 1978 Ethics in Government Act to pay the legal costs of persons who successfully defend themselves when investigated by a special counsel. The idea is that they cannot be credibly cleared by the Attorney General, their colleague. Congress considered it only fair to reimburse officials who are cleared and who probably wouldn't have been so carefully investigated at all but for their high office.

The issue arose in part because of Hamilton Jordan, chief of staff in the Carter White House, who was completely cleared of drug charges but was saddled with a big lawyers' bill. Unfortunately, Congress forgot to include Mr. Jordan in its 1983 amendments and a court recently denied him compensation. Another amendment to the law is in order to benefit him.

As for Mr. Meese, the independent counsel's report does nothing to qualify him for the job of Attorney General, but it does entitle him to reasonable compensation for the cost of defending himself.

[From the Washington Post, June 11, 1985]

THE TAXPAYERS' LEGAL BILLS

Unless you practice law in this town you might be surprised to learn how much corporations pay attorneys here and what kinds of services that money buys. Fees in excess of $200 an hour are not uncommon, and lawyers routinely bill clients not only for preparing documents and appearing in court, but for taking a Hill staffer to lunch, testifying before a congressional committee, discussing an international trade problem with an ambassador and even dealing with the media. Lawyers are expensive agents for much of this work, but if a wealthy individual or a corporation wants to spend money this way, it's a private matter.

When the government is paying legal bills, though, it's a different situation. In these cases government officials have a duty to keep costs down and to reimburse only for necessary legal work. And the taxpayers pick up a lot of legal bills these days. The large majority of criminal defendants are represented by publicly paid attorneys. Successful plaintiffs in a wide range of civil rights cases win attorney's fees, as do successful defendants in certain small-business cases brought by the government. Public officials who are the subject of an investigation by an independent counsel—formerly known as a special prosecutor—are also entitled to have reasonable legal fees paid if that investigation does not result in an indictment. This brings us to the case of Attorney General Edwin Meese and his lawyers.

Representing Mr. Meese during the investigation that preceded his Senate confirmation was a difficult and time-consuming task for which he chose skilled and high-priced counsel. At the investigation's conclusion, Mr. Meese's lawyers submitted a bill for every hour they spent on the case, asking their customary hourly fees. This was perfectly proper under the law as it is now written. But just as courts scrutinize bills submitted by criminal counsel and civil rights lawyers and routinely disallow some time and reduce some hourly rates, they have done so in the Meese case. His lawyers will be paid only about two-thirds of the amount requested, and no reimbursement will be made for time spent dealing with the media. It is a fair solution.

While public attention is focused on this issue, however, two more steps should be taken. Congress should enact legislation setting a cap on hourly fee reimbursements in all cases where the government pays private attorneys. The Justice Department has repeatedly requested this change, suggesting a limit of $75 an hour. Second, Congress should pass a private bill to reimburse Hamilton Jordan, President Carter's chief of staff, for legal fees he incurred during an independent prosecutor's investigation in 1979 and '80. The Jordan case was concluded, without indictment, before the law was changed to provide for attorney's fees. It is only just, while paying Mr. Meese's lawyers, to treat Mr. Jordan in the same manner.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr. ROTH):

S. 1476. A bill to strengthen the Nation's competitive position in international trade and to improve its ability to respond to unfair and injurious foreign trade practices; to the Committee on Finance.

FAIR FOREIGN TRADE PRACTICES ACT

● Mr. MITCHELL. Mr. President, I am today introducing a bill, along with my colleagues, Senators CHAFEE, BINGAMAN, and ROTH, that is designed to strengthen the ability of the United States to respond to the unfair trade practices of other nations.

This legislation, the Fair Foreign Trade Practices Act, would make a number of changes in section 301 of the Trade Act of 1974 to improve the effectiveness of this mechanism as a means of responding to the unfair trade practices of other nations.

Section 301 was originally added to U.S. trade law in 1962, and then expanded in 1975, in order to provide the executive branch with broad authority to address the increasing use of unfair trading practices around the world. In its current form, section 301 authorizes the President to take "all feasible action" if he determines it appropriate to enforce U.S. rights under international trade agreements or to respond to acts, policies, or practices of foreign nations that are "unjustifiable, unreasonable, or discriminatory" and that burden or restrict U.S. commerce.

The scope of the law is broad in order that the United States may respond to the wide array of practices and policies in other nations that unfairly impact U.S. trade. Correspondingly, it provides wide discretion to the President to take the steps that he believes are necessary to defend the interests of U.S. business and workers. It is, however, this broad grant of discretion in the law that is its basic weakness.

Section 301 has been almost totally ineffective in responding to the unfair trade practices of other nations that have injured U.S. commercial interests. This administration, as well as past administrations, have largely refused to implement this law and take the steps necessary to aggressively respond to the unfair trade actions of other nations.

Mr. President, as we all know, this Nation has a very serious trade problem that continues to grow worse daily. Years of concern in the country about America's international competitiveness have of late turned to stark alarm at the rapid deterioration of our trade position. A trade deficit that was disturbing to Congress a few years ago when it persisted at $30 billion annually has become absolutely unacceptable at a level this year that is expected to reach $150 billion.

Entire sectors of our economy, from agriculture, to mining to manufacturing are suffering from the unfair trade policies of other nations. In my State of Maine, the rapid increase in the importation of footwear, apparel, textiles, lumber products, potatoes and fish are inflicting severe damage on our economy. We recognize that the

overvaluation of the dollar can be blamed for much of the problem but in many cases the harm results from the unfair export promotion policies of our trading partners. The people of Maine cannot understand why our Government tolerates the continuation of these practices that are injuring our workers. I must say that I cannot either.

The apparent indifference of the Reagan administration to the injury this is causing the domestic economy has raised the frustration level of all of us in Congress and of citizens across the Nation. In response, several trade bills have been introduced in Congress in an attempt to deal with this situation by amending our trade laws to facilitate the enforcement of our trade rights or by specifically limiting the importation of foreign products. There are many factors that have contributed to our trade problems and many solutions have been offered.

The overriding cause of our trade problems is the persistently high Federal budget deficits this Nation has run in recent years which have increased the value of the dollar and made our goods less competitive in international trade. That is a problem we are all aware of and know must be addressed.

Another major cause of our trade problems is the growing array of practices and policies other nations have instituted to promote their industries in international trade. The growing use of these export promotion and import limiting practices has been identified in many instances as injurious to U.S. industries and their workers. Unfortunately, as a nation we have been particularly unwilling to aggressively enforce our rights against these unfair trade practices.

The legislation we are introducing today attempts to respond to this aspect of the problem by requiring that action be taken against the offending nation when instances of unfair trade practices are identified. This would be accomplished in several ways.

First of all, this legislation would transfer, from the President to the U.S. Trade Representative, the authority to determine under section 301 whether a response to unfair foreign trade practices is appropriate. This is intended to remove the various political and international pressures from the Presidency that has in the past inhibited the exercise of powers that section 301 grants. We believe the nation's chief trade negotiator, operating outside the constraints of the interagency process, is best equipped to understand the trade problem and take the necessary action in response.

Second, the wide discretion that makes a response under section 301 optional would be removed. Instead, once the USTR determines that some response is appropriate, the law would mandate that action be taken.

The third change would be to replace the wide discretion the executive branch has to take "all * * * feasible action" with a requirement that the USTR must either: suspend trade agreement benefits to the offending nation; impose duties or other import restrictions on the products of the offending nation; negotiate an agreement to eliminate the burden on U.S. consumers of the offending practice; propose executive action or legislative changes; or take a combination of such actions.

Additionally, this bill would add injurious industrial targeting to the list of foreign acts, policies, or practices that require an appropriateness of response determination under section 301. We have witnessed, over the last several years, an increasing use of industrial policies promoting the establishment, growth, and protection of various industries by both developed and developing countries. There is some question whether current law provides the President with the powers to defend U.S. industry against industrial targeting policies of other nations. But whether current law is adequate or not, changes are necessary because in practice the U.S. Government has not taken action to respond to foreign industrial targeting. The addition of foreign industrial targeting to the list of unfair acts will clarify this issue and ensure that we have the means to effectively respond to these acts.

Finally, the bill includes a number of other provisions to strengthen section 301 by providing for time limits on when action must be taken, consultation with private sector representatives, and the creation of an office in the Commerce Department to collect information on the existence and impact of industrial targeting policies.

I am pleased that Congressman DONNELLY has introduced this legislation in the House. This is not a unique approach to our trade problems and other legislation that has been introduced in Congress this year contain similar provisions to strengthen our enforcement tools. We regard this, however, as one of the most important changes that must be made to strengthen our trade laws.

This legislation should be recognized as a free trade approach to our very serious trade problems. The principle of free trade is something that we all want to believe in and support but it is increasingly being undermined by the unfair trade practices of other nations that contribute to the unprecendented size of our annual trade deficits. As more and more sectors of the U.S. economy are injured by the unfair trading practices of other nations, support for trade restrictive action increases and our system of free international trade is threatened. That, as we all know, is not in the long term interests of any nation.

To the extent that the U.S. Government aggressively responds to the unfair trade practices of other nations in defense of our industries and their workers, support for the principles of free trade will endure.●

● Mr. CHAFEE. Mr. President, I am very pleased to join with Senators MITCHELL, BINGAMAN, and ROTH in the introduction of the "Fair Foreign Trade Practices Act of 1985." This legislation will strengthen our Nation's ability to respond to unfair foreign trade practices.

Currently, section 301 of the Trade Act of 1974 permits the President to respond with retaliation to any act, policy, or practice of a foreign government which is unjustifiable, unreasonable, or discriminatory and which burdens or restricts U.S. commerce. The various non-tariff trade barriers would be one such "unreasonable trade practice" which the President could address with section 301.

Section 301 has been seldom utilized and does not currently function as an effective mechanism to protect American companies from unfair foreign trade practices. It is time to provide a better recourse for our industries harmed by unfair trade practices. Our legislation would change section 301 to allow the Office of the U.S. Trade Representative to initiate investigations under that section, either on its own or in response to a private sector petition. Further, it would give USTR authority to make the decision as to whether the trade practice required relatiation. If the USTR identifies a practice which is injurious to U.S. commerce, then he must retaliate. This retaliation could take a number of forms and would be up to that office. There is, however, still an opportunity for the President to disapprove of the action and our legislation lays out a process for his doing so.

We have a terrible problem with our trade deficit and our products are being hurt. Our 1985 foreign trade deficit will be over $140 billion. At every single trade hearing before the Finance Committee, our industries are coming forward asking for protection against foreign imports. In the past, Mr. President, I have opposed these initiatives because upon further investigation I have learned that all too often, we are being asked to protect high salaried workers who refuse to make concessions, as well as managers who refuse to take steps necessary to make their companies competitive. The cost of protection to consumers is absolutely staggering, and those who suffer are often lower-paid workers in other industries dependent upon trade. The auto and steel industries are prime examples. Furthermore, no

industry has ever been made stronger by protecting it from competition. History has taught us that protectionism is a failure.

Protectionism is not the answer and it never will be. My goal is getting foreign countries to open their markets to our products and that is what this legislation is designed to promote. Most nations are not putting up huge tariffs on the importation of our products. Rather, many of these nations are targeting their own domestic industries for growth and creating artificial barriers to keep American products out.

Industrial targeting occurs where foreign governments adopt policies and programs such as direct subsidies, preferential financing, tax incentives, discriminatory procurement practices, encouragement of cartels, government-supported research and development, and other action, to promote the development and export competitiveness of particular industries. This legislation for the first time adds a definition of "injurious industrial targeting" to the Trade Act. Currently the law does not provide an effective mechanism to deal with the adverse consequences to American industries of industrial targeting.

Targeting exists in literally every part of the manufacturing sector. However, one of the most obvious cases is in the semiconductor industry. Our domestic semiconductor industry has experienced major loss of sales in Japan due to targeting by that government.

The Japanese Government ceased officially protecting its domestic semiconductor industry in 1975. However, since that time the market share of American product sales in Japan has remained at the exact same level. The reasons for this are diverse but basically it is because Japan encouraged the creation of a cartel among semiconductor producers, allowed joint R&D efforts by cartel members, and fostered a buy-Japan attitude. It did not help American products that the members of this cartel were also members of Japan's computer cartel. As a result, these companies buy from each other rather than buying from outside sources. All of this was done with the encouragement of the government.

This isn't just idle speculation. The proof of this targeting is in the fact that when our products meet Japanese products head-on, in Third countries, we outsell the Japanese 9 to 1, the exact opposite of the ratio in Japan.

This is an example of one industry's experience and there are many others. I also want to emphasize that this is not only a problem in Japan; many other nations have government policies that foster this kind of unfair competition.

Our legislation is not protectionist at all, Mr. President. Rather, it is targeted at Japanese protectionism. I hope my colleagues will look carefully at this legislation and join our efforts to open foreign markets.●

● Mr. BINGAMAN. Mr. President, I am happy to join with the distinguished Senator from Maine, Mr. MITCHELL, in introducing the Fair Foreign Trade Practices Act of 1985. This legislation is urgently needed. It will, if passed, strengthen the Nation's sagging competitive position in international trade and improve our ability to combat unfair and injurious foreign trade practices.

For some time now I have been concerned with our trade imbalance and its harmful impact on the American people, our economy, and our industrial competitiveness. This legislation attacks these problems and creates a framework for making necessary changes in our trade laws, particularly those relating to our ability to remedy unfair trade practices.

Last year our trade deficit reached a record $123.3 billion. This year it is expected to hit another all-time high—more than $150 billion. This rising trade deficit must be checked. We cannot forever allow our imports to exceed our exports by such a wide margin and expect continued economic prosperity.

The trade imbalance has resulted in the loss of more than 3 million American jobs mostly in the traditional manufacturing sector of the economy. However, all sectors have been hurt, not just manufacturing. Fully 70 percent of our products are now meeting stiff foreign competition in the United States. No industry has been spared, not autos, machinery, hand tools, jet aircraft engines, mining, agriculture, and even semiconductors and computer parts where we have a clear technological edge.

Many factors have contributed to our declining competitveness: The overvalued dollar brought about by our huge Federal deficit, declining productivity, low savings rate, and the lack of any coherent trade strategy.

Recent economic trends show a significant slowdown in our economy. Growth for the last quarter was only 1.7 percent. Combined with earlier figures this translates to a growth rate of only 1 percent for this year, far below the administration projection of between 3 to 4 percent. And our deteriorating trade situation has contributed significantly to this weakening domestic performance.

We need to do several things to reverse these trends. We need to admit that we have a problem. We need more than ever a strategy to compete in the new global economy. We need a trade policy. We need to enhance export promotion. We need a strengthened Presidential commitment to negotiate with trade partners to open foreign markets and eliminate formal and informal barriers. And we need to improve our trade remedy laws.

This bill is directed particularly to the need to improve our trade remedy laws. The current panoply of protection against unfair foreign trade practices simply do not work. Hundreds of unfair trade cases have been brought under various sections of our trade acts. Under section 301 alone, since 1975, 50 cases have been brought, but the President has acted favorably on only two cases. As a result, today's law is much like a shell without a pea.

This legislation meets our needs for improved trade laws. It will strengthen section 301 of the 1974 Trade Act. The law now authorizes the President to take "all feasible action" if he determines it appropriate to enforce U.S. rights under international trade agreements or to respond to acts, policies, or practices of foreign nations that are "unjustifiable, unreasonable, or discriminatory" and that burden or restrict U.S. commerce.

While its scope is broad, section 301 has been seldom used. In part, this is because the various political and international pressures on the Presidency have inhibited the exercise of the powers section 301 grants. In addition, there are no tight time limits within which some determination—affirmative or negative—must be made, and there is no mechanism for public scrutiny of that determination. Finally, neither section 301 nor any U.S. trade law adequately deals with the increasingly critical issue of foreign industrial targeting.

The Fair Foreign Trade Practices Act of 1985 is designed to restructure the section 301 mechanisms and procedures so that international trade agreements are adhered to and unfair foreign trade practices are minimized—as Congress and the President intended when the law was enacted.

The bill would authorize the U.S. Trade Representative [USTR] rather than the President to determine whether a response to burdensome foreign trade practices is appropriate. Once the USTR determines that some response is appropriate, the law would mandate that he take action. Under current law, such action is merely discretionary. Injurious industrial targeting is specifically added to the list of foreign acts, policies, or practices that require an appropriateness of response determination under section 301. Current trade laws provide no effective mechanism to deal with the adverse impacts of industrial targeting on our U.S. industry. The bill provides for consultation with private sector representatives at various stages in the process. In the course of a section 301 investigation, the USTR is empowered to obtain information from other Federal agencies that will enable him to reach a quick and fair decision. He will

be required to make a section 301 determination within 120 days after the initiation of an investigation.

These changes would make section 310 of our trade remedy laws more viable. It would assure industries that can prove injury to get help from the Government. It would begin to fashion a trade policy. It would establish a new cooperative relationship between government and industry on trade matters. And it would help us to begin to turn the huge trade deficit with its damaging impact on jobs, the economy and industrial competitiveness around.

In my State of New Mexico it would provide a glimmer of hope to the beleaguered mining industry and the recently threatened semiconductor industry. These industries are examples of both old and new industries that have suffered from stiff, unfair foreign competition. Copper, potash, and uranium have experienced shutdowns and severe slowdowns as mines have been closed, workers laid off, and local economies dislocated. Both copper and potash have filed unfair trade cases, with findings of injury, but no relief has been forthcoming. The semiconductor industry has also filed an unfair trade practice case, but it, like steel, textiles, footware, and others, is not expected to receive favorable treatment. This bill for section 301 cases would guarantee that some action will be taken if harm is found.

Mr. President, our trade problems have reached a crisis stage. We must make it a national priority to reverse the situation. We must help beleaguered industries, protect our jobs, reverse the threat to our economy, and develop an international competitive strategy. This bill is a good start. I urge my colleagues to support it.●

● Mr. ROTH. I am pleased to join my colleagues Senators CHAFEE and MITCHELL today to introduce the Fair Foreign Trade Practices Act of 1985.

This bill is an important first step toward establishing an effective, powerful trade advocate in our Cabinet. By transferring the decisionmaking power in section 301 cases from the President to the U.S. Trade Representative [USTR], this bill gives the USTR the clout he needs in international trade negotiations. When he threatens retaliation, our foreign trading partners will know that the threats are not idle.

With the passage of this legislation, the Trade Representative will have some real power. Yet, he will still have a tough time protecting America's trade interests. We need to give him as well the institutional muscle to back up his efforts by establishing a Department of International Trade and Industry.

As the head of a new Cabinet Department the USTR and his negotiators would be able to draw directly from experts on international trade data and analysis, foreign market developments and domestic industry trends, among other issues. With only 130 people now on his staff, at present the USTR must go hat in hand to other agencies for the data, intelligences, and even policy proposals that serve as the basis for trade negotiations. Can you imagine how effective a corporation would be if its executives had to get the line work done by asking other, often competing, corporations if they will help out?

In short, I welcome today's bill introduction. It is one step we can take to establish a credible trade policy in this country. It will be even more meaningful if it is accompanied by the passage of S. 1365, the bill I recently introduced with Senators EAGLETON, LEVIN, and COHEN to create a new Department of International Trade and Industry.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 367

At the request of Mr. HART, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 367, a bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

S. 536

At the request of Mr. HART, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 536, a bill to establish a select commission to examine the issues associated with national service.

S. 1033

At the request of Mr. KERRY, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Michigan [Mr. RIEGLE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1033, a bill to amend the Emergency Veterans' Job Training Act of 1983 to establish a veterans' career development and training program; to amend title 38, United States Code, to establish a veterans' computerized job bank program, to enhance readjustment appointments of veterans to positions of employment in the Federal Government, and for other purposes.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Massachusetts [Mr. KERRY], the Senator from California [Mr. CRANSTON], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1097

At the request of Mr. DANFORTH, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1097, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the appropriate treatment of methanol.

S. 1153

At the request of Mr. D'AMATO, the names of the Senator from Tennessee [Mr. GORE], the Senator from California [Mr. CRANSTON], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 1153, a bill to provide for the distribution within the United States of the United States Information Agency film entitled "Hal David: Expressing a Feeling."

S. 1206

At the request of Mr. ROTH, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1206, a bill to require the Director of the Office of Management and Budget to prepare and transmit to the Congress a comprehensive report and plan on the reorganization, restructuring, consolidation, or realignment of Federal field offices, and for other purposes.

S. 1209

At the request of Mr. CHILES, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1209, a bill to establish the National Commission to Prevent Infant Mortality.

S. 1387

At the request of Mr. BINGAMAN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1387, a bill to amend title XVII of the Public Health Service Act to encourage health promotion and disease prevention through the implementa-

tion of a coordinated national nutrition monitoring system.

S. 1393

At the request of Mr. ABDNOR, the names of the Senator from North Dakota [Mr. ANDREWS], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 1393, a bill to provide for a study of the use of unleaded fuel in agricultural machinery, and for other purposes.

SENATE JOINT RESOLUTION 51

At the request of Mr. BOREN, his name was added as a cosponsor of Senate Joint Resolution 51, a joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week."

SENATE JOINT RESOLUTION 146

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 146, a joint resolution designating August 1985 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 156

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of Senate Joint Resolution 156, a joint resolution authorizing a memorial to be erected in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 166

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution to appeal for the release of Dr. Yury Orlov and other Helsinki Final Act monitors.

At the request of Mr. DURENBERGER, the names of the Senator from Texas [Mr. GRAMM], the Senator from Kentucky [Mr. FORD], the Senator from Indiana [Mr. LUGAR], the Senator from Tennessee [Mr. GORE], and the Senator from Wisconsin [Mr. PROXMIRE] were added as cosponsors of Senate Joint Resolution 166, supra.

SENATE RESOLUTION 186

At the request of Mr. MURKOWSKI, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Resolution 186, a resolution expressing the sense of the Senate that the President should call for negotiations with those Democratic nations plagued by terrorism for a treaty to prevent and respond to terrorist attacks.

SENATE RESOLUTION 201—COMMENDING THE STATE OF CALIFORNIA FOR ITS EFFORTS TO PROVIDE RELIEF FOR AFRICAN FAMINE VICTIMS

Mr. WILSON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 201

Whereas ten million Africans are in immediate danger of death from famine and drought;

Whereas donations of food and supplies by foreign governments will leave at least 25 percent of Africa's estimated relief needs unmet;

Whereas the residents of California have been very generous in their volunteer efforts in the past year, including—

(1) the Los Angeles Unified School District, which raised more than $500,000 for African relief;

(2) three Southern California medical supply companies, which donated more than $500,000 of intravenous solution, vitamins, and medical equipment;

(3) the central California growers and packers, who donated 500 tons of raisins and 350 tons of sugar, jointly valued at $450,000;

(4) a Monterey/Carmel business alliance, which has raised $25,000;

(5) the citizens and church organizations in the Fresno area, who have raised approximately $150,000; and

(6) the San Francisco peninsula area, which has raised well over $500,000 through the efforts of Airlift: Africa and the Richmond Unified School District and other area schools; and

Whereas on July 21, 1985, San Diego joined these statewide efforts through its Operation California: Mission San Diego fundraising campaign, including a five-mile Walk for Hunger, a benefit baseball game between the San Diego Padres and the Pittsburg Pirates, and a jazz concert: Now, therefore, be it

Resolved, That the Senate hereby commends and encourages the African relief efforts on-going in San Diego and the State of California as a whole and encourages all similar efforts in communities throughout the United States.

AMENDMENTS SUBMITTED

HEALTH PROFESSIONS TRAINING ASSISTANCE

HATCH AMENDMENT NO. 534

Mr. HATFIELD (for Mr. HATCH) proposed an amendment to the bill (S. 1283) to amend title VII of the Public Health Service Act, relating to health professions training assistance; as follows:

On page 20, strike out lines 21 and 22, and insert the following:

(3) by striking out "2 percent per year" in the first sentence and inserting in lieu thereof "6 percent".

NATIONAL INSTITUTES OF HEALTH AND NATIONAL RESEARCH INSTITUTES AUTHORIZATION ACT

HATCH AMENDMENT NO. 535

Mr. HATFIELD (for Mr. HATCH) proposed an amendment to the bill (S. 1309) to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the National Research Institutes, and for other purposes; as follows:

On page 111, line 15, strike out "$223,000,000" and insert "$244,000,000".

On page 111, line 16, strike out "$235,000,000" and insert "$260,000,000".

On page 111, line 16, strike out "$245,000,000" and insert "$275,000,000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Friday, July 19, 1985, until 12:30 p.m. in order to mark up S. 616, the farm bill, and related measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to meet during the session of the Senate on Friday, July 19, at 2:15 p.m. to mark up S. 616, the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL POW/MIA RECOGNITION DAY

● Mr. QUAYLE. Mr. President, today is National POW/MIA Recognition Day. While the U.S. involvement in Vietnam ended over 10 years ago, almost 2,500 Americans are still listed as missing in action or are last known to have been prisoners of war. For the families and friends of these Americans, there has been no real end to the war and no relief whatsoever from the upset caused by their uncertain status. I join with all Americans today, particularly the families and friends of the 70 Hoosiers still listed as POW/MIA's, in assuring them they are not forgotten.

In 1981, President Reagan became the first President to commit his administration publicly to resolving this tragic situation. This commitment was repeated in 1984 on the occasion of the internment of the Unknown Soldier from the Vietnam war. I am determined to help sustain this commitment and have cosponsored legislation in the last three sessions of Congress to declare a National POW/MIA Recognition Day.

While the remains of only 118 Americans have been returned from Southeast Asia since 1975, I am encouraged by the apparent recent decision of the Vietnamese Government to cooperate with the United States in resolving this tragedy, which is only aggravated

by the disturbing and persistent reports that some Americans may still be alive in Southeast Asia. If Americans remain alive, they must be quickly brought home. Along with other Members of Congress, I will be supporting the President and our Government as efforts continue to resolve speedily and conclusively the status of those 2,464 Americans whose fates in Southeast Asia are unknown.●

ATTACK ON THE GREENPEACE "RAINBOW WARRIOR"

● Mr. PACKWOOD. Mr. President, I rise today to decry the malicious act of sabotage and terrorism that destroyed the *Rainbow Warrior*, the flagship of the international environmental organization Greenpeace. Moreover, this incident is especially tragic because the explosion also caused the death of one of its crew members, Greenpeace photographer, Fernando Pereira.

On July 10, bombs placed by unknown saboteurs sank the ship while it was anchored in Auckland Harbor, New Zealand. Authorities determined this act was carried out with at least two bombs attached to the hull of the vessel.

I have repeatedly denounced terrorism of all kinds. But it is especially disturbing that terrorists should attack members of Greenpeace, an organization with a 14-year history of commitment to peace and ecological security.

Having worked with Greenpeace on many issues, but most closely in seeking an end to commercial whaling, I feel certain that this tragedy will not deter them from continuing their work. I know that they will continue to be a voice of reason and peace for all living things in a very dangerous world.

Mr. President, as I have said in prior statements on terrorism, illegal means to overturn legal rights of expression will never succeed. Such acts of terrorism endanger the liberties of all Americans. I firmly believe that as a nation, our liberties are most secured by a decent respect for diversity, especially on those subjects upon which there is no consensus.

Finally, I hope that the senseless death of Fernando Pereira at the hands of terrorists will not be in vain. My heartfelt sympathy goes out to his two children. They should know that their father's work, and the work of Greenpeace, represents the best of putting global concerns into action.●

FIFTEENTH ANNIVERSARY OF THE FEDERAL HOME LOAN MORTGAGE CORPORATION

● Mr. D'AMATO. Mr. President, I today rise in recognition of the Federal Home Loan Mortgage Corporation. Homebuyers often obtain a mortgage from deposits at savings and loans, savings banks, and other thrift institutions. In recent years, however, these funds have been insufficient to meet the demand of borrowers for new mortgage loans. The primary market network, therefore, has come to rely increasingly on the less well-known network called the secondary market.

The Federal Home Loan Mortgage Corporation [Freddie Mac] is a prime example of a secondary market addressing this need; it provides a large portion of the funds needed for housing. Therefore, it is with great pleasure that I take this opportunity to commemorate the Federal Home Loan Mortgage Corporation's 15th anniversary.

Since its creation in 1970, Freddie Mac has grown to symbolize the secondary mortgage market by effectively providing available and affordable housing credit for American families. Today, the secondary mortgage market is quick, efficient, and beneficial to borrowers, as well as lenders and investors. Freddie Mac overwhelmingly proved that conventional mortgages can be of such investment quality that capital market investors will buy mortgage-backed securities that are not backed by the full faith and credit of the Federal Government. Freddie Mac has also successfully established itself as an innovator and a leader of new methods and new financial instruments, and as a pathfinder for other institutions.

Freddie Mac introduced the first conventional mortgage-backed security in 1971; it is known as the "Mortgage Participation Certificate" [PC]. A PC investor owns an undivided interest in specified first-lien conventional residential mortgages underlying the security and owned by Freddie Mac. Freddie Mac pools loans purchased from a number of lenders; the new type of transaction called the Guarantor Program allows a lender to swap mortgages for PC's; PC's are guaranteed by Freddie Mac but not by the United States or any Federal home loan bank.

Recently, a number of private issuers started selling mortgage securities modeled on the PC. Investors include savings and loans, savings banks, pension funds, insurance companies, commercial banks, investment companies, and individuals. Utilizing the PC and other broad successful products, such as the "Collateralized Mortgage Obligation" [CMO] and the Guarantor Program, the secondary mortgage market is a standardized and safe financial investment.

In 1970, the main problem was convincing investors that the secondary market provided a good return on their investment. However, out of a chaotic secondary market system, Freddie Mac established standard, innovative, market-responsive products, as well as guidelines and underwriting requirements that became the industry standard. High standards of quality are an integral part of making a corporation a truly sound secondary market facility.

The investment community and homebuyers responded to Freddie Mac's expansion of the secondary market. Now it is predicted that the 1980's will show 80 percent of the newly issued mortgages packaged and traded as securities through the secondary market. Greater participation and higher volume are a direct result of Freddie Mac's improved quality mortgage instruments and its efficient, effective intermediary dealer function.

Such quality consciousness keep housing investments attractive and competitive. Secondary market sales of conventional mortgages have grown from $8 billion in 1974 to an estimated $88 billion in 1984—a 1,000-percent increase. The volume of trading in mortgage securities is also impressive; it is estimated that $800 billion in new and existing mortgage securities were traded in 1984, 5 times the 1981 trading volume of $160 billion. Nearly 90 percent of the 1984 volume represented existing securities. Thus, Freddie Mac has come a long way in a short time.

Freddie Mac's progress has changed the traditions of home finance in America. Thanks to their commitment and innovative work, more Americans can now afford housing. Therefore, Mr. President, it is appropriate that we recognize the Federal Home Loan Mortgage Corporation on its 15th anniversary. I trust the Federal Home Loan Mortgage Corporation will enjoy many more successful years.●

VAN FLEET: GREAT GENERAL, GREAT MAN

● Mr. CHILES. Mr. President, my home county in Florida—Imperial Polk—has the distinct honor of claiming one of the most outstanding generals in this country's history as its own.

He is Gen. James A. Van Fleet, who at age 93 still daily raises the American flag at his Auburndale home, continuing to earn a tribute once paid him as "Champion of Liberty, Defender of Freedom, Keeper of the Faith."

Though born in New Jersey, he grew up in Bartow, FL, and was graduated from high school there. On to West Point he finished in a class of 164 which included a fellow named Dwight Eisenhower. Fifty-eight members of that class became brigadier generals or higher.

General Van Fleet served in—and earned many meritorious decorations for—the Mexican Border Campaign, World War I, World War II, and Korea. His courage and wisdom con-

tributed heavily to our Nation's military success for more than 35 years.

Further, Van Fleet stood out as an athlete in high school and at West Point, as an industrialist and professional engineer, as a husband and father, and as valuable citizen.

As a loyal Gator of the University of Florida, I am compelled to spotlight his career time there. The Army sent him to the university in 1921 to direct the ROTC Program and he took on the double duty of coaching football. He was backfield coach for 2 years, then head coach in 1923 and 1924; and finally, from 1929 to 1933, he assisted Coach Charley Bachman to some of Florida's best football results.

Fittingly, July 4—Independence Day—was designated as Gen. James A. Van Fleet Day in Polk County, and he served as grand marshall of the commemorative parade in Bartow, receiving the public appreciation he so richly deserves.

Mr. President, to give greater attention to the extensive contributions General Van Fleet has made to our Nation, I ask that a story published in the Bartow newspaper, the Polk County Democrat, be printed in the RECORD.

The article follows:

TRUMAN CALLED VAN FLEET AMERICA'S GREATEST GENERAL

(By Louise Frisbie)

"General Van Fleet is the greatest general we have ever had," said President Harry Truman in 1953. "I sent him to Greece and he won the war. I sent him to North Korea and he won the war."

This is Polk County's own General James Alward Van Fleet, the ranking four-star general in the United States. He was 93 years old on March 19, and is still active at his ranch in Polk City and numerous other business commitments.

Born in Coytesville, N.J., in 1892, Van Fleet grew up in Bartow and graduated from Summerlin Institute in 1911. He won appointment to the United States Military Academy, graduating there in 1915.

As an Infantry second lieutenant in 1915, he advanced through grades to the rank of four-star general in 1951. He served in the Mexican Border Campaign, 1916-17; overseas during World War I, 1981-19; commander, consecutively, of the Eighth Infantry Regiment, Fourth Division, XXIII Corps and III Corps during World War II, 1941-45; and commander of United Nations forces in Korea, 1951-53.

His peacetime commands included appointments to Governors Island, N.Y., 1947, and Frankfort, Germany, 1947-48. During the next two years he directed the Joint Military Aid Groups in Greece. This involved an extensive training program which the Greeks readily accepted, then used to suppress Communist guerrillas in their homeland.

His decorations include the Distinguished Service Cross with two oak leaf clusters, Distinguished Service Medal with three Oak Leaf Clusters, Silver Star with two Oak Leaf Clusters, Legion of Merit with Oak Leaf Cluster, Bronze Star Medal with two Oak Leaf Clusters, Purple Heart with two Oak Leaf Clusters, World War I Victory Medal with two Battle Stars, World War II Victory Medal, European Theater Medal with Arrowhead and five Battle Stars, and numerous other United States decorations.

Other honors include the United Nations Korean Service ribbon; Distinguished Service Order (Great Britain); Legion of Honor, Croix de Guerre with Palm (France); Croix de Guerre with Palm (Belgium); Distinguished Medal of Honor, Grand Commander Order of George I, Air Fore Cross (Greece); Royal Order, Grade I (Iran); Taekuk Distinguished Service Medal with Gold Star (Republic of Korea); Orden de Boyaca (Colombia); Grand Cross, Order Orange Nassau with Sword (Netherlands); and numerous honors and awards from various other foreign countries.

Van Fleet was an outsanding athlete at Summerline Institue, as Bartow High School was then known, and was a fullback at West Point.

At the end of World War I, he directed the ROTC program and served as an assistant coach at Kansas State University in 1920. He then went to the University of Florida, where he coached on three different occasions. He was backfield coach for the Gators in 1921 and 1922, head coach in 1923 and 1924, and assistant to Coach Charley Bachman from 1929 to 1933, in addition to directing the university ROTC program during those years. He also helped coach the South Dakota State College team during the Spring of 1921 while on ROTC duty there.

At UF for his head coach duties, Van Fleet was paid $600 for the first year. The next year he was given a raise to $1,500 for the three months of coaching the team during the season.

In 1927 he coached the All-Army football team against the All-Marine team for the President's Cup.

After his retirement from the Army, Van Fleet achieved great succes in an industrial and professional career as an engineer. He designed and supervised construction of a large pipe line to transport fresh water from the Mornos River, in the north of Greece, to Athens.

Two marble statues of the general are located in Greece—one in a public park in Athens, and the other in Kastoria, a mountain town in northern Greece which became an advanced headquarters for Van Fleet during the Greek war for freedom. A bronze statue of Van Fleet is located in front of the library of the Korean Military Academy (called the West Point of Korea), where he is known as the Father of the Korean Army.

In 1976 Van Fleet was honored by the National Football Foundation and Hall of Fame as its Distinguished American Award recipient for that year. The Foundation's board chairman, Vincent dePaul Draddy, said in making this announcement: "General Van Fleet is one of America's greatest living Americans, a true patriot and defender of liberty, who carried lessons learned on the football field into a lifetime of service to his nation."

Also in the Bicentennial Year, General Van Fleet was invited to England to take part in ceremonies held there in honor of the U.S. Bicentennial. Among the dramatizations was one of the Battle of Gettysburg, in which some 500 actors, in authentic uniforms and with authentic guns, recreated the event in a large natural amphitheater, as the audience sat on the hills all around.

Another occasion in England was the 25th anniversary of the presentation by General Van Fleet of the Presidential Unit Citation to the Gloucester Regiment in Seoul, Korea, in 1951. This anniversary celebration took place on the grounds of Sudeley Castle east of London.

"The American Presidential Unit Citation was conferred by the general on the Gloucesters—the only British unit ever to have received the decoration," reported the Gloucestershire Echo on June 28.

"A quarter of a century later the general flew into London to be received at Heathrow by Col. E. D. Harding and Capt. P. Edwards of the Gloucesters and again to meet Lt. Col. Digby Grist, who commanded the regiment in Korea in the later stages.

"A guard of honor drawn from the Prince of Wales' Division of Crickhowell—including the Gloucesters, Devon and Dorset, and Royal Regiment of Wales—and a contingent of men of the American Marine Corps, were headed by the band of the Royal Military Academy, Sandhurst.

"The general, who was accompanied by Brigadier A. J. A. Arengo-Jones, colonel of the Gloucesters, and Mrs. Dent-Brockhurst, was received with a general salute.

"He was invited by Lieut. T. G. W. Silverside (Royal Welch Fusiliers), in command of the British detachment, to inspect the men and the Marines.

"Lt. Col. Grist recalled that 25 years ago the general had decorated the unit with the presidential citation in Korea in recognition of their conduct in action and their heroism at the Battle of the Imjin River.

"On behalf of the British troops, Col. Grist presented the general with a framed picture of the painting of Drum Major Buss sounding the Long Reveille in Korea, marking the closing stages of the three-day battle, when Col. Grist said 'nothing remained but courage.'

"The group stayed in position despite orders to fall back in an inspired example of bravery.

" 'What men they were, and what an example they set!' added Gen. Van Fleet. 'I am proud to have commanded such men.' "

On Dec. 25, 1915, Van Fleet married Helen Hazel Moore. (Mrs. Van Fleet died in December, 1983, when the family was on a Caribbean cruise to celebrate the parents' 68th wedding anniversary.) Their children are Helen Elizabeth McConnell, Dempsie Catherine McChristian and the late Capt. James Alward Van Fleet, Jr., USAF, who lost his life in Korea.

Van Fleet and his present wife, Virginia, were married in November, 1984.

Besides his bachelor's degree from West Point, Van Fleet has received honorary LL.D degrees from the University of Florida (1946), Seoul (Korea) National University (1952), Columbia University (1954), Long Island University (1958), and Chung-ang University, Korea (1962).

In his biography in Who's Who of America (1976-77), he is listed as president of James A. Van Fleet Estates, Inc., Withlacoochee Ranch, Inc., Green Valley Ranch, Inc., Overseas Basic Industries, Inc., and Ulen Management Co.; and as director of 20th Century-Fox Film Corp., Sun Bank, Auburndale, Societe des Eaux, Greece, and Motorola (Korea).

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THE CLEANER RIVER

● Mr. CHAFEE. Mr. President, I am happy to note that, in all parts of the country, rivers and lakes are being renewed by the efforts of our Federal,

State, and local authorities through the Clean Water Act.

An article printed in the July 17, 1985, edition of the Boston Globe describes the situation in the Charles River in Massachusetts before and after the passage of the Clean Water Act.

Mr. President, I ask to have printed in the RECORD in its entirely the article entitled "The Clean River" by R.S. Kindleberger.

The article follows:

THE CLEANER RIVER: CHARLES MAY HAVE PUBLIC SWIMMING AGAIN—AFTER 30 POLLUTED YEARS

(By R.S. Kindleberger)

Havey Beach, on the Charles River in West Roxbury, has been closed for 30 years and looks it. The locked bathhouse is crammed with discarded equipment, the beach is overgrown with shrubbery.

But to Rita Barron, who as executive director of the Charles River Watershed Association has spent 12 years pushing for a cleaner Charles, the abandoned beach represents promise, not failure. If all goes well, says Barron, in as little as two or three years Havey Beach could become the river's first beach since the 1950s to be open for swimming.

The Metropolitan District Commission, which at one time opposed reopening its river beaches, now supports the idea. Although he prefers the MDC's Forest Grove beach in Waltham to Havey Beach, Commissioner William J. Geary said in a telephone interview, he is "in enthusiastic accord with returning swimming to the Charles River."

Pollution forced the closing of the river's beaches, some 10 in all, in the late 1940s and early '50s.

In the past few years, after a massive cleanup lasting two decades, the 80-mile river has become generally clean enough for swimming from Bellingham to the Watertown dam, a stretch of 55 miles, according to Paul Hogan of the state Division of Water Pollution Control. And that's needed is a beach to accommodate it. The Charles River Watershed Association recommends against swimming in unsupervised areas where submerged debris present hazards.

Chances are remote that any of the four public beaches in the Charles River Basin, where the river widen between Boston and Cambridge, can be reopened for the foreseeable future, according to Hogan. Because of the basin's special pollution problems, massive expenditures would be required to restore its waters to swimming quality.

The brown color of the river comes from dissolved vegetation and is not an indication of pollution. The color does present a problem, however, in that state regulations require at least 4 feet of visibility in swimming water. But Barron, who has served on a task force investigating modifications in the regulation, said she believes it can be changed without compromising public safety.

Much of Barron's work is devoted to overcoming the outdated public perception that the entire river is polluted. The idea of swimming in the Charles still makes some people shudder.

John Ghizzoni, who is 10 and lives a half-mile away in Dedham, rode his bike with a friend past the abandoned Havey Beach the other day on his way to a nearby Metropolitan District Commission pool. If the beach is reopened, he will continue to swim in the pool, John said, because he believes the river is "pretty much polluted."

Matthew Harie, his 8-year-old companion, took a more adventuresome stance. He would swim in the river, he said, because "I could bring my raft."

"ATTRACTIVE ALTERNATIVE"

Barron believes that with sufficient education about the improvement in water quality, public demand for renewed swimming opportunities in the Charles will build. "Fresh-water swimming is an attractive alternative to chlorinated pools and crowded ocean beaches," she wrote recently in announcing her group's fifth annual Charles Rive swim.

The swim, set for 11 a.m. Saturday at Novitiate Park in Newton after an earlier date was rained out, is aimed at spreading the word about the revived quality of the river's waters. Samples from the site tested by the state in advance of the swim found coliform bacteria counts no higher than one-tenth of permissible levels, according to Barron.

On a sunny morning last week, the slow-moving Charles at Havey Beach was a picture of tranquility. Willows on the opposite bank swayed in a gentle breeze, sun sparkled on the water, and an occasional splash could be heard as a fish broke the surface. The only other noise, a steady but not overpowering drone, came from traffic on VFW Parkway.

Barron hopes that if Havey Beach or Forest Grove are reopened, it will encourage towns on the Charles to revive their municipal beaches.

"WOULD SPREAD THE LOAD"

"I don't see any of the beaches as big Nantasket types," she said. If enough of them could be opened, it would spread the load, she said, and attendance could be limited to prevent any single beach from being overwhelmed.

Barron said her first choice is Havey Beach because its location would make it more accessible to more people. The VFW Parkway passes so close behind the beach that parking would be severely limited, but Barron believes public transportation could take up the slack. Geary, however, believes the parking problem is serious and that heavy traffic on the parkway would complicate access to the beach.

Before Havey Beach could reopen, work would have to be completed to clean up a contaminated storm drain that feeds into the river 500 feet upstream. Some 25 West Roxbury houses that were built during the 1950s were improperly hooked up to a storm water pipe instead of to the sewage system, according to Charles Button, chief engineer of the Boston Water & Sewer Commission.

The commission, which ran down the problem after a laborious search that used dyes and ran a small television camera through drain pipes, plans to dig up the misconnected pipes and correct them at commission expense. The work will begin this summer and should be completed before winter, Button said. He added: "It should have a marked improvement on the water quality of the Charles River in that area.●

ON BEHALF OF POW'S-MIA'S

● Mr. D'AMATO. Mr. President, today we honor our missing fathers, sons, brothers, and husbands with POW-MIA Day. Throughout the history of the United States there have been thousands of Americans, men and women, who have unselfishly sacrificed in order to preserve peace and freedom in the United States and around the world. Not only do we honor all those who have served so admirably and those who died so valiantly in service, but especially at this time we honor those who are lost to us or who are still held captive.

This is particularly hard for the families of these brave individuals. These POW's-MIA's have given their all to preserve our liberty, but, unlike the others, their fate remains undetermined, both for them and their loved ones.

It is painful to imagine the American veterans who may still be held in Vietnam, Cambodia, or Laos. In turn, it is even more painful for the families who must live with the uncertainty or what their son, father, or husband might be going through.

The United States maintains that 2,477 men are still missing in Southeast Asia. While all three of these Indochinese countries have denied that they are still holding Americans, it is difficult for us to fully believe or verify their claims. Until such time as we have a complete accounting for these 2,477 lives, we cannot accept the empty assertions of these countries.

In Vietnam, between February and April 1973, Hanoi released 591 American prisoners. The Vietnamese allowed 68 stranded Americans to leave in 1976, and since then they have returned 99 sets of remains identified as Americans. Additionally, Vietnam provided the Federal Government with 37 American names who died in South Vietnam and 2 of these 37 were returned on March 20, 1985.

In Laos, there are an estimated 600 Americans missing. The Lao Government returned four sets of remains in August 1978; however, two sets of the remains appeared to be locals, one was a missing American, and one is still unidentified.

The war-torn country of Cambodia with its massive state-sponsored massacres remains a tragedy to all mankind. There are numerous Americans still unaccounted for who were captured in Cambodia.

These three countries have done little to help. Unbelievably, they have done even less for their own people.

The stories of the last 25 years in Indochina are cathartic to say the least. In this quagmire of human suffering, we must persist in our efforts to bring home or lay to rest those Americans who have paid a sacred price in the name of freedom.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. GRAMM. Mr. President, today I rise as a participant in the Congressional Call to Conscience for Soviet

Jews and Christians, a matter which I and many of my colleagues regard as crucially important to religious and civil liberties in the Soviet Union. I wish to congratulate my friend and colleague from Minnesota, RUDY BOSCHWITZ, for his leadership in organizing this effort on behalf of the Senate. We know all too well the reality of religious freedom in the Soviet Union and the clear pattern of harassment, intimidation and, often, assault against those who wish to practice their religion freely, or who wish to emigrate for religious purposes or to join other family members abroad.

I wish to bring to the attention of the Senate and the American people the case of Roald and Galina Zelichonok, two Jewish engineers residing in Leningrad; their situation is certainly not unique but, in fact, is commonplace and serves as a perfect example of the harsh treatment accorded refuseniks in the Soviet Union. The zelichonoks first applied for their exit visas in April 1978; their first refusal was received just 2 months later, the official reason being "secrecy." At this time, Roald was warned to stop teaching Hebrew. In October 1981, Roald was seized for no apparent reason and taken to KGB headquarters for interrogation; when he was finally released, he found his home had been vandalized. Only a month earlier, his apartment had been searched, and books by Saul Bellow, Elie Wiesel, I.B. Singer, Chaim Potok, and others, as well as a Hebrew grammar book, dictionaries and prayer books, were confiscated.

Galina Zelichonok suffers from a progressive eye disease and is in need of prompt treatment, without which she will lose her eyesight. In May 1980, she was invited to England for the treatment, but was refused the necessary exit visa—even for such an obvious humanitarian cause—because of claims that she could receive treatment in the Soviet Union. When Galina went to Moscow for the promised treatment, she was told that she had to wait.

In the spring of 1981, Roald and Galina were told that their exit visa applications could be processed "in 15 years," with no certainty that the visas would be approved even after that incredible delay.

Finally, Roald Zelichonok was arrested by security police on June 11, 1985, and accused of "defaming" the Soviet system. His arrest was based on letters he had written to the West which had been confiscated by Soviet officials, yet another clear violation of basic rights and of international postal regulations.

In 1979, some 51,000 Jews were allowed to emigrate from the Soviet Union and join family members abroad; last year, fewer than 900 were given that same basic human right. Not only has the number of exit visas been severely and unnecessarily curtailed, but Soviet authorities have also renewed their vicious program of the past in actively discriminating against and persecuting Jews and other religious minorities—such as Pentecostals and Baptists—who apply for exit visas and try to practice their religion. It is not uncommon for these highly principled Soviet citizens to lose their jobs, housing or other necessities and be reduced to "classless" citizenship.

Although we in the Congress are today focusing on the plight of Soviet Jews and other religious minorities in the Soviet Union, we must maintain interest in the continuing plight of these individuals and families who are fighting what must often seem a losing and hopeless battle. Religious persecution and a total absence of fundamental human rights and civil liberties are the norm in the Soviet Union. While we cannot change the Soviet system, we can hope that public opinion will persuade the Soviet authorities to recognize the value of allowing religious worship and to increase the number of exit visas—if for no other reason than to continue a working relationship with the United States and our Western allies. Whatever the American people can do on behalf of the people of the Soviet Union, we must do, and I invite my colleagues to join me in this worthy call to action.●

POW/MIA NATIONAL REMEMBRANCE DAY

● Mr. CHAFEE. Mr. President, today has been set aside as a day of remembrance for the 2,477 servicemen the United States lists as missing or otherwise unaccounted for in Southeast Asia.

On this day, the people of Rhode Island will remember 10 of our native sons: Lt. Col. Charles E. Cappelli, Comdr. Laurent Dion, Sgt. George H. Jordenais, Col. Curtis A. Eaton, Maj. Kenneth B. Goff, Jr., Lt. Comdr. Orland J. Pender, Jr., Lt. Col. Frederic M. Mellor, Lt. Edward B. Shaw, S. Sgt. James M. Ray, and Pfc. Lewis C. Walton.

The President has assigned the highest national priority to the effort of obtaining the fullest possible accounting of our men who are still missing in Indochina. In this quest for a full accounting, we must not falter.

Vietnam, Laos, and Cambodia have all denied that they are still holding Americans. Yet these governments clearly have available to them considerably more information on missing Americans then they have given to the United States. Vietnam and Laos, however, have recently agreed that accounting for the missing is a humanitarian issue and will cooperate in its resolution. Let us hope that the information will be forthcoming; their assistance so far has been less than it should be.

It would be irresponsible to rule out the possibility that live Americans are still being held in Indochina. We owe a deep debt of gratitude to those who served our country in Indochina. But we have a special obligation to account for those who did not return. Those who serve our country—now and in the future—must know they will never be abandoned, even under trying and difficult circumstances.

We must not rest until we have accounted for every individual who is missing in action.●

ORDERS FOR MONDAY, JULY 22, 1985

ORDER FOR RECESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, July 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DANFORTH AND SENATOR PROXMIRE

Mr. HATFIELD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on Monday, there be a special order in favor of the following Senators, not to exceed 15 minutes each: Senator DANFORTH and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that on Monday, following the two special orders just identified, there be a period for the transaction of routine morning business, not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATIFIELD. Mr. President, following the conclusion of morning business on Monday, the Senate will resume the motion to proceed to the consideration of S. 43, line-item veto.

It will also be the intention of the majority leader to consider any Legislative or Executive Calendar items that have been cleared for action.

RECESS UNTIL MONDAY, JULY 22, 1985

Mr. HATFIELD. Mr. President, I move that the Senate stand in recess until 12 noon on Monday, July 22.

The motion was agreed to, and 3:17 p.m., the Senate recessed until Monday, July 22, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 19, 1985:

DEPARTMENT OF STATE

John Gunther Dean, of New York, a career member of the Senior Foreign Service, class of career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

James W. Spain, of California, a career member of the Senior Foreign Service, class of career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

THE JUDICIARY

Ferdinand F. Fernandez, of California, to be U.S. district judge for the central district of California vice a new position created by Public Law 98-353, approved July 10, 1984.

DEPARTMENT OF JUSTICE

Brian P. Joffrion, of Louisiana, to be U.S. Marshal for the western district of Louisiana for the term of 4 years, reappointment.

DEPARTMENT OF TRANSPORTATION

Leo C. McKenna, of New York, to be a member of the advisory board of the St. Lawrence Seaway Development Corporation, vice Jacob L. Bernheim.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Spence M. Armstrong, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John A. Shaud, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert D. Springer, [redacted] FR, U.S. Air Force.

The following officer for appointment in the U.S. Air Force to the grade of brigadier general, under the provisions of section 624 and 8067, title 10 of the United States Code:

Col. Carmelita Schimmenti, [redacted] FR, Regular Air Force, Nurse Corps.

IN THE ARMY

The following-named Army Judge Advocate General Corps officer for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. Dulaney L. O'Roark, Jr., [redacted], Judge Advocate General Corps, U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 19, 1985:

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1985.

DEPARTMENT OF TRANSPORTATION

Jennifer Ann Hillings, of California, to be an Assistant Secretary of Transportation.

Rebecca Gernhardt Range, of the District of Columbia, to be an Assistant Secretary of Transportation.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Roger J. Miner, of New York, to be U.S. circuit judge for the Second circuit.

Roger L. Wollman, of South Dakota, to be U.S. circuit judge for the eighth circuit.

Roger G. Strand, of Arizona, to be U.S. district judge for the district of Arizona.

Richard H. Mills, of Illiniois, to be U.S. district judge for the central district of Illinois.

John M. Walker, Jr., of New York, to be U.S. district judge for the southern district of New York.

HOUSE OF REPRESENTATIVES—*Monday, July 22, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts reach out, O God, to all those people who experience pain in their lives or who know not the freedoms that we enjoy. We remember victims of violence or those persecuted for their ideas and pray for Your protection upon them. May the justice and mercy and peace that are a part of our lives be a blessing to all the people in Your created world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

NINTH INNING, SCORE TIED, TWO OUTS, TWO STRIKES—PRESIDENT REAGAN IS UP AT BAT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, to break the present deadlock on the budget negotiations, the President's personal intervention is desperately needed because time is running out. Mr. President, please do not send up Donald Regan, your Chief of Staff, to negotiate for you. If anything, he needs to be muzzled. Mr. President, let us also beware of giving so much power to an unelected official.

Mr. President, House Democrats proposed a fair and comprehensive budget that enjoys wide bipartisan support in both parties. It is not our fault if the White House and Senate Republicans do not talk to each other and contradict each other's positions.

It is not our fault that you dropped your support for the Senate's proposal to eliminate COLA increases in Social Security without getting the House to back down on domestic spending.

But we are all to blame and the Nation will suffer if we do not solve this deficit impact.

So, Mr. President, it is the ninth inning, the score is tied, there are two outs, two strikes and you are up to bat. We need you all to deliver. And if we do not win this one and lick the deficit, the fans will know who is to blame.

ENCOURAGING SAVINGS

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, just last week, testifying before a House Banking Subcommittee, Federal Reserve Board Chairman Paul Volcker listed six "imbalances" which affect our economy's long-term stability. The first imbalance he stated this way:

We are borrowing, as a nation, far more than we are willing to save internally.

Encouraging Americans to save more is precisely what the American Passbook Savings Act is about. H.R. 3050 will encourage savings in passbook accounts by excluding the first $5,000 ($10,000 for a joint return) of interest earned on passbook accounts which yield 6 percent or less.

Our Nation needs to make more investments in itself. We need capital to do that, and interest rates lower than current levels. By encouraging savers to use traditional passbook accounts by excluding from taxation the interest they earn on those accounts, we can build a pool of low-cost capital that will help push interest rates down.

If we are going to reform taxes, we ought to do something positive to increase savings and lower interest rates. The American Passbook Savings Act will help do that. The bill was introduced on July 18 with 38 cosponsors from both parties, including Democratic Majority Leader JIM WRIGHT of Texas and Republican Whip TRENT LOTT of Mississippi.

I encourage Members to cosponsor this important initiative to increase savings.

THE SCENIC AND NATURAL WONDERS OF NEVADA

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, possibly, one of the most significant factors we Congressmen consider important to our job performance is our knowledge of our districts and our States. Yet, much to my amazement and pleasure I recently had the opportunity to tour more than 1 million acres of Nevada—much of it for the first time—and experience the State's untouched pristine beauty.

I traveled through Nevada with Public Lands Subcommittee Chairman JOHN SEIBERLING, and several other Members of Congress. The purpose of our trip was to observe the State—its scenery, landscape, natural resources and natural wonders. We were in Nevada to get first-hand knowledge of what exists in my home State in order to work on legislation to protect wilderness areas.

Though I was born and raised in the small mining community of Searchlight, NV, and as a legislator and Lieutenant Governor traveled extensively through the State, on this trip I saw areas of Nevada that I did not know existed, sights that far surpassed a lifetime of experience and imagination.

It is with this in mind that all of us who traveled that 2,000 miles around Nevada will work with diligence to protect the State—that means its land and its resources—for today and the future.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *July 19, 1985.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:15 p.m. on Friday, July 19, 1985, the following message from the Secretary of the Senate: that the Senate passed H.J. Res. 342, making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled joint resolution on Friday, July 19, 1985:

H.J. Res. 342. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication

from the Clerk of the House of Representatives:

WASHINGTON, DC,
July 19, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 10:20 a.m. on Friday, July 19, 1985 and said to contain a message from the President wherein he transmits the sixth annual report of the Federal Labor Relations Authority, which covers Fiscal Year 1984.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

SIXTH ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—1984—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of Friday, July 19, 1985, at page 19814.)

ANNOUNCEMENT BY THE SPEAKER

Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, July 23, 1985.

PANAMA CANAL AMENDMENTS ACT OF 1985

Mr. LOWRY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 729, to amend the Panama Canal Act of 1979 in order that claims for vessels damaged outside the locks may be resolved in the same manner as those vessels damaged inside the locks, and for other purposes, as amended.

The Clerk read as follows:

H.R. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Amendments Act of 1985".

SEC. 2. FILING CLAIMS FOR DAMAGES.

(a) INJURIES IN LOCKS OF CANAL.—Section 1411 of the Panama Canal Act of 1979 (22 U.S.C. 3771) is amended—

(1) in the first sentence—

(A) by striking out "The" and inserting in lieu thereof "(a) Subject to subsection (b) of this section, the"; and

(B) by striking out "under the control of officers or employees of the United States" and inserting in lieu thereof "when the injury was proximately caused by negligence or fault on the part of an officer or employee of the United States acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal";

(2) by striking out the second sentence; and

(3) by adding at the end thereof the following new sentence:

"No payment for damages on a claim may be made under this section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later.".

(b) VESSELS WITHOUT PILOTS IN LOCKS OF CANAL.—Section 1411 of the Panama Canal Act of 1979 is amended by adding at the end thereof the following:

"(b)(1) With respect to a claim under subsection (a) for damages for injuries to a vessel or its cargo, if, at the time the injuries were incurred, the navigation or movement of the vessel was not under the control of a Panama Canal pilot, the Commission may adjust and pay the claim only if the amount of the claim does not exceed $50,000, unless the injuries were caused by another vessel under the control of a Panama Canal pilot.

"(2) The provisions of subsections (c) through (e) of section 1401 of this Act shall apply to any claim described in paragraph (1).".

(c) INJURIES OUTSIDE LOCKS.—Section 1412 of the Panama Canal Act of 1979 (22 U.S.C. 3772) is amended—

(1) in the first sentence by striking out ", and when the amount of the claim does not exceed $120,000"; and

(2) by adding at the end thereof the following new sentence: "No payment for damages on a claim may be made under this section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later.".

SEC. 3. DELAYS FOR MARINE ACCIDENT INVESTIGATIONS.

Section 1414(6) of the Panama Canal Act of 1979 (22 U.S.C. 3774(6)) is amended to read as follows:

"(6) investigation of a marine accident that is conducted within 24 hours after the accident occurs, except that any liability of the Commission beyond that 24-hour period shall be limited to the extent to which the accident was caused, or contributed to, by the negligence of an employee of the Commission acting within the scope of the employee's official duties; or".

SEC. 4. SETTLEMENT OF CLAIMS.

Section 1415 of the Panama Canal Act of 1979 (22 U.S.C. 3775) is amended—

(1) in subsection (a)—

(A) by striking out "(a)";

(B) by striking out "Subject to subsection (b) of this section, the" and inserting in lieu thereof "The"; and

(C) by amending the second sentence to read as follows: "Such amounts may be paid only out of money appropriated or allotted for the maintenance and operation of the Panama Canal."; and

(2) by striking out subsection (b).

SEC. 5. ACTIONS ON CLAIMS.

Section 1416 of the Panama Canal Act of 1979 (22 U.S.C. 3776) is amended—

(1) in the first sentence by striking out "1411" and inserting in lieu thereof "1411(a) or 1412";

(2) by amending the third sentence to read as follows: "Any judgment obtained against the Commission in an action under this subchapter may be paid only out of money appropriated or allotted for the maintenance and operation of the Panama Canal."; and

(3) by adding at the end thereof the following new sentences: "Any action on a claim under this section shall be barred unless the action is brought within one year after the date on which the Commission mails to the claimant written notification of the Commission's final determination with respect to the claim, or within one year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later. Attorneys appointed by the Commission shall represent the Commission in any action arising under this subchapter.".

SEC. 6. INSURANCE.

(a) IN GENERAL.—Subchapter II of chapter 4 of title I of the Panama Canal Act of 1979 is amended by adding at the end thereof the following new section:

"INSURANCE

"SEC. 1419. The Commission is authorized to purchase insurance to protect the Commission against major and unpredictable revenue losses or expenses arising from catastrophic marine accidents.".

(b) CONFORMING AMENDMENT.—The table of contents of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1418 the following new item:

"1419. Insurance.".

SEC. 7. APPLICABILITY OF ACT.

(a) RETROACTIVE APPLICABILITY.—The amendments made by subsections (a) and (c) of section 2, and the amendments made by sections 4 and 5 of this Act, shall apply to any claim arising on or after October 1, 1979.

(b) FUTURE APPLICABILITY.—

(1) SECTIONS 3 AND 6.—The amendments made by sections 3 and 6 of this Act shall apply to any claim arising on or after the date of the enactment of this Act.

(2) SECTION 2(b).—The amendment made by subsection (b) of section 2 shall apply to any claim arising from an incident occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. ALEXANDER). Pursuant to the rule, a second is not required on this motion.

The gentleman from Washington [Mr. LOWRY] will be recognized for 20 minutes and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. LOWRY].

□ 1210

Mr. LOWRY of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor today H.R. 729, the so-called Panama Canal claims bill, which has been given thorough consid-

eration and a favorable reporting by the Merchant Marine and Fisheries Committee.

Before I explain the bill, Mr. Speaker, I would like to compliment the principle sponsor of the bill, my colleague from Louisiana [Mr. TAUZIN], who has been seeking a solution to this very uncertain claims procedure, in both the last Congress and in this Congress. I would also like to compliment the ranking minority member of the subcommittee, my colleague from Texas [Mr. FIELDS], and my colleague from Mississippi [Mr. FRANKLIN], who both contributed substantially to the fashioning of this legislation.

Mr. Speaker, H.R. 729, amends the Panama Canal Act of 1979 to establish a more effective and uniform procedure for the settlement of vessel damage claims resulting from accidents occurring within the Panama Canal. Under the Panama Canal Act of 1979 (Public Law 96-70) claims in excess of $120,000 resulting from accidents which occurred outside the locks are referred to the Merchant Marine and Fisheries for resolution. Thus far, Mr. Speaker, 18 claims in excess of $18 million have been referred to the Merchant Marine and Fisheries Committee, and the committee members are quite knowledgeable about such matters as admiralty law and liability, the committee has concluded that it is not the appropriate body to make such determinations. Therefore, this bill grants the Panama Canal Commission [PCC] the authority to adjust and pay claims exceeding $120,000 for damage which occurs outside the locks and is attributable to the PCC. In other words, claims for vessel damage occurring outside the locks would be handled in the same way as claims for vessel damages occurring inside the locks.

In addition to shifting the authority to the PCC for settling outside the locks claims, H.R. 729 provides claimants with the right to appeal any determination or award of the PCC in the U.S. District Court of the Eastern District of Louisiana. H.R. 729 also authorizes claimants to include as part of their damages the cost of demurrage beyond 24 hours which results from a vessel accident investigation to the extent that the accident was related to the negligence of the PCC employee. Under current law, recovery of any cost due to vessel detention is prohibited.

In addition, Mr. Speaker, in order to limit the exposure of the PCC, this bill would establish a ceiling of $50,000 for any claim resulting from damage to a vessel which is not required to have a Panama Canal pilot on board. Also, to protect the PCC from catastrophic claims, this bill authorizes the PCC to purchase catastrophe insurance to cover any expenses resulting from an unpredictable and catastrophic marine accident.

Finally, Mr. Speaker, H.R. 729 would authorize the attorneys of the PCC to represent the Commission in any action arising under the vessel damage subchapter of the Panama Canal Act. Previously, Justice Department attorneys would represent the PCC in any claims proceedings. In Justice Department testimony before our committee it was pointed out that representation of the PCC by Justice Department attorneys under this revised claims procedure constituted the unbearable burden. In response to this concern, my colleague from Mississippi [Mr. FRANKLIN], offered an amendment to give clear responsibility to the PCC attorneys to represent the PCC for any vessel damage claims proceedings.

Mr. Speaker, our committee has held numerous hearings on this issue and we have developed a legislative response which we believe is an appropriate response to the ambiguous and uncertain treatment of vessel damage claims which exist under current law. We believe that the procedure and authority, as revised under H.R. 729 would provide an effective and uniform treatment of claims by the Panama Canal Commission. H.R. 729 also clarifies the intent of the committee that vessel damage claims be paid only from the PCC fund, and not be awarded from appropriations to the General Treasury.

Mr. Speaker, I believe that this is an appropriate legislative response to a problem which has occurred in the implementation of the Panama Canal Act of 1979, and I would urge the passage of H.R. 729.

Mr. Speaker, with regard to the $50,000 limitation for damages occurring to vessels not requiring Commission pilots. It is the committee's intent that this provision be viewed only as a ceiling on the amount of claims that can be paid and adjusted by the Commission for claims for vessels not having Commission pilots on board. This provision does not mean that a claim of this kind for greater than $50,000 cannot be considered by the Commission. It only means that the Commission can pay and adjust such claims for an amount no greater than $50,000.

Mr. FIELDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as an original cosponsor of H.R. 729, I am pleased that the House is today considering this important legislation.

I would like to compliment both the chairman of the subcommittee, Mr. LOWRY, for his leadership in moving this proposal, and the author of the bill, Mr. TAUZIN, for his perseverance in pursuing a solution to the Panama Canal claims problem.

H.R. 729 is the product of nearly 4 years of hearings and deliberations by the Panama Canal/Outer Continental Shelf Subcommittee.

The bill has been refined, clarified and improved to the point where every Member of this body can and should support its enactment.

This legislation is necessary because the current system of resolving certain accident claims against the Panama Canal Commission is totally unworkable.

Under current law, section 1412 of the Panama Canal Act of 1979 stipulates that all claims in excess of $120,000 for accidents that occur outside the locks of the Canal must be referred to the U.S. Congress.

Unfortunately, however, the language of this section does not indicate how the claims will be resolved, what steps Congress should take, and how a fair settlement is to be achieved.

While our subcommittee conducted several oversight hearings in 1982 and 1983 on various individual accident claims, it became quickly apparent that section 1412 was seriously flawed and that Congress would never adjudicate these claims.

Mr. Speaker, the solution proposed in H.R. 729 is neither new nor is it radical. In fact, it relies heavily upon 28 years of good experience based on when the then Panama Canal Company had the power, from 1951 to 1979, to settle and pay any accident claims against it.

The fundamental purpose of H.R. 729 is to allow the Panama Canal Commission to settle claims for accidents that occur outside the locks in exactly the same manner it now settles accidents that occur within the locks of the Panama Canal.

Mr. Speaker, the Panama Canal, after 70 years of operation, remains a technological wonder. It is unique because it is the only waterway in the world where the master of a ship surrenders operational control of that vessel to a maritime pilot employed by the Panama Canal Commission.

Because of this unique arrangement, the Panama Canal Commission, and not the U.S. Congress, should not only be liable but should be responsible for settling accident claims, no matter where they occur in Canal waters.

Currently, there are 18 outside the locks accident claims pending before the Congress with an additional 12 claims now in the process of being sent to Washington.

The largest of the pending claims is for $5.5 million for damage that occurred to the *American Appolo* in an accident on October 1, 1980. The smallest pending claim is for $139,000 for an accident involving the *Telefair Pioneer* which sustained damage in Canal waters on June 7, 1981.

While the Commission's total liablity for these claims is approximately

$18 million, they have recommended all 18 be settled for $8.5 million.

Despite the fact that the Commission has lacked the power to settle these claims, they have exhibited tremendous foresight by setting aside some $23.3 million from tolls and other revenues in anticipation of having to pay these claims.

Let me emphasize that passage of this legislation will not result in any new Federal expenditures or a drain upon the general fund.

Under no circumstances will the Treasury of the United States be at risk, nor will the taxpayers of this Nation have to compensate vessel owners who suffer economic loss because of an accident either inside or outside the locks of the Panama Canal.

The language of the Panama Canal Act of 1979 is clear; no funds are or can be used for any aspect of the operation of the PCC, including the payment of claims and judgments, unless those funds are appropriated to the PCC by Congress.

In addition, we have incorporated additional language into H.R. 729 to further ensure that taxpayer funds will not be used to pay these claims.

In short, it is, and will continue to be, legally impossible for expenses of the Panama Canal Commission to cause a drain on the general fund of the U.S. Treasury.

Finally, Mr. Speaker, I would like to compliment the gentleman from Mississippi [Mr. FRANKLIN], for his major contribution to this legislation.

During our subcommittee's markup of this proposal, Mr. FRANKLIN offered an amendment, which was unanimously adopted, that stipulates that all vessel damage claims against the Panama Canal Commission be represented in Federal court by attorneys of the Commission and not lawyers from the Justice Department.

This amendment responds to testimony we received indicating that Federal court proceedings involving claims for outside the locks accidents would "place an unbearable burden on the Justice Department."

Mr. Speaker, I strongly support the Franklin amendment because it eliminates this heavy burden on the Justice Department, it saves taxpayer money that would have to be spent on training Justice Department lawyers, and it reestablishes a successful procedure which existed from 1951 to 1979, when attorneys of the then Panama Canal Company represented that U.S. corporation in all court proceedings.

Mr. Speaker, the Franklin amendment is a fine addition and I again compliment the author for his leadership in proposing this improvement to the bill.

Mr. Speaker, this legislation is long overdue. H.R. 729 provides a sound and rational approach to the long-standing problem of outside the locks accident claims.

I urge my colleague to join with me in voting for the enactment of this important legislation.

□ 1220

Mr. LOWRY of Washington. Mr. Speaker, I yield 6 minutes to the gentleman from Louisiana [Mr. TAUZIN], the prime sponsor of the legislation.

Mr. TAUZIN. Mr. Speaker, for nearly 3 years the Committee on Merchant Marine and Fisheries has been trying to settle this problem of disposing claims made against the Panama Canal Commission for vessels damaged outside the locks while those vessels are transiting the canal. Public Law 96-70 requires that these claims be forwarded to Congress. Unfortunately, the law lends no further guidance as to how Congress should review and dispose of those claims. To date 18 claims have been forwarded to us and not one has been settled.

After several hearings before the Panama Canal/OCS Subcommittee the problem is quite obvious. The provision that requires these claims to come to Congress is a bad one. It is totally unworkable. The law is asking Congress to get into the business of arbitrating issues of contributory negligence between masters and crew members and pilots and other Commission employees and even possible acts of nature. If we had to sit as a panal of arbitration for each of these many claims and try to make decisions on the complicated and technical issues of contributory negligence on the high seas, we would never get any other work done. Forget the budget, forget the deficit, forget special days of recognition, we would just sit around here Monday through Friday and try to decide how strong the wind was blowing in the Panama Canal at the time of a given accident.

During our first hearing on this matter, back in December of 1982, I quickly realized that this is a judicial matter and should be handled in the courts. Courts are not only authorized to do this kind of admiralty work, but they are manned with the right personnel, equipment, and expertise to do a good job. Therefore, I introduced in the last Congress H.R. 3953 to allow the Commission to settle all claims and to allow judicial review for disputed claims. That bill did not come up for floor consideration during that Congress, so I reintroduced it as H.R. 729 in this Congress.

Even if Congress did have a procedure to dispose of the claims, the division of the claims resulting from accidents outside the locks is unfair. If the claim is above $120,000, it automatically comes to Congress for review. If the Commission is only liable for $5,000 of that $120,000 claim, it cannot settle. The claim must come to Congress. But at least those accidents were afforded some form of review—albeit an unworkable one. In cases where the claim is under $120,000, we have a situation where individual vessel owners are subject to having their claims adjudicated by the Commission with no review whatsoever. They cannot appeal to anyone. Mr. Speaker, it seems to me that our system should always allow some form of review, either judicial or by some higher authority. That is unfair and should be considered totally unacceptable in our form of government.

As we looked at this issue further, Mr. Speaker, we realized that the existing public law was deficient in several other ways. In addition to establishing a new claims procedure, H.R. 729 establishes a statute of limitations on the filing of these claims. As the law now states, any vessel accident that has occurred since October 1, 1979, will remain on the Panama Canal books as a contingent liability until the year 2000, just because in the original law somebody forgot to write in the normal 2-year limitation on filing a claim after the date of the accident. In other words, a shipowner could wait until December 1999 to file his claim, even though the accident may have occurred in October 1979. The Commission is required to carry this potential liability and calculate that figure into their toll base. The problem is that they are charging tolls and holding money in reserve for claims that may never be filed. By establishing a statute of limitations, tolls are sure to reflect a more precise cost rather than overcharging for those claims that may never be filed.

Another great oversight in the original law is the lock of authority for the Commission to purchase insurance to protect itself from catastrophic accidents and loss of canal revenues as a result of those accidents. Because of the larger ships going through the canal today, it is not unreasonable to consider that some major accident could result in a claim greater than the Commission's ability to pay. Such an accident could involve extensive damage to the locks which would require a capital expenditure larger than the Commission is able to afford, or even result in total blockage of the canal for several weeks causing a tremendous loss of revenue. While no such accident has ever occurred, we should be prepared. To protect us from such, I have included language in H.R. 729 which will allow the Panama Canal Commission to protect itself from major and unpredictable revenue losses or expenses arising from catastrophic marine accidents.

Mr. Speaker, I am certain that we have, over the last 3 years, taken care of all of the concerns related to the issue of settling claims that have been

brought to our attention. But most important, we in Congress have been charged with a responsibility: To settle certain vessel damage claims brought against the Panama Canal Commission. The law that requires settling of these claims by Congress is an unusual and burdensome one. I was not elected to be a judge. I like being a Congressman—a legislator. As such, I don't like being cast into the role of a judge. The law that requires me to impersonate a judge is one that I dislike very much. This law must be changed if we are to properly discharge our responsibilities. After 3 years of hearings and meetings with everyone concerned, the bill before us today seems to be the best method of achieving that goal.

□ 1230

Mr. FIELDS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT], one of the more intelligent and capable Members of the House of Representatives, who is also the ranking Republican member of the full Committee on Merchant Marine and Fisheries.

Mr. LENT. I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to compliment the chairman and members of the full Merchant Marine and Fisheries Committee for their judicious action in marking up and reporting H.R. 729.

At the same time, I would like to commend the prime sponsor of the bill, the gentleman from Louisiana [Mr. TAUZIN], and also the chairman of the Subcommittee on the Panama Canal, the gentleman from Washington [Mr. LOWRY], and the ranking minority member, the gentleman from Texas [Mr. FIELDS].

Mr. Speaker, this bill amends the Panama Canal Act of 1979 to provide for, among other things, consideration in Federal Court of Claims for damage to vessels that resulted from accidents that occur outside the locks of the Panama Canal. This is currently the case for accidents that occur to vessels inside the locks of the Panama Canal.

The legislation we are considering today is much improved over a similar bill the Merchant Marine and Fisheries Committee overwhelmingly reported last year. However, that bill was never considered by the House. It is perhaps because of the improvements in the legislation that the administration has changed their position from strong opposition to last year's bill to one of support for H.R. 729.

As has been outlined by the floor managers of this bill, there are many other provisions of this bill which improve current law and provide more equitable treatment for the Commission in settlement of claims.

For these reasons, I urge my colleagues to join with me in supporting this legislation.

Mr. FIELDS. Mr. Speaker, I have no further requests for time.

Mr. LOWRY of Washington. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. REID). The question is on the motion offered by the gentleman from Washington [Mr. LOWRY] that the House suspend the rules and pass the bill, H.R. 729, as amended.

● Mr. CARNEY. Mr. Speaker, I reluctantly rise in opposition to H.R. 729, a bill to amend the Panama Canal Act of 1979 to allow claims for accidents outside the locks to be adjudicated in Federal court in the event settlement of a claim cannot be agreed to between the claimant and the Panama Canal Commission.

Although I am opposed to this bill, I must, in all candor, admit that the points of opposition that I raised against the bill in the previous Congress have been positively dealt with.

My primary concern for H.R. 729 is that it may make the general fund of the U.S. Treasury vulnerable to claims when judgments are rendered against the Panama Canal Commission and there is not enough Commission revenues to pay the judgments. I have been informed by my good friend, the gentleman from Washington and chairman of the Panama Canal/OCS Subcommittee, that the bill has been significantly amended to require that judgments on claims be paid only out of appropriations for the maintenance and operation of the Panama Canal Commission. He therefore feels that the issue is settled since appropriations for the Panama Canal Commission are from tolls and other revenues raised by the Panama Canal Commission, not from the general fund.

I have also been assured that the catastrophic insurance authorized by H.R. 729 is to pay for loss of revenues and damages resulting from a catastrophic accident.

Again, Mr. Speaker, while I feel this legislation is drastically improved over the bill reported by the Merchant Marine and Fisheries Committee in the previous Congress, I still have reservations concerning the vulnerability of the general fund of the U.S. Treasury.●

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOWRY of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 729, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2078

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California [Mr. ZSCHAU] be removed as a cosponsor of H.R. 2078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MEMBERS URGED TO OPPOSE AMENDMENT TO MEDICARE

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, some of us have viewed with great regret what seems to be a growing effort on the part of some Members to change Social Security and now Medicare from being a social insurance program to being a welfare program where the beneficiaries will have to meet a means test. We know that taxation has been applied to Social Security benefits. Now the gentleman from California [Mr. STARK], I am sure with all good intentions, has brought forth in his Committee on Ways and Means the following amendment:

23. CHANGE THE CALCULATION OF THE MEDICARE PART B PREMIUM.—The monthly part B premium would be a fixed amount per month for calendar years 1986, 1987 and 1988. A tax would be imposed on the excess of adjusted gross income over $20,000 for individuals, $40,000 for couples, and capped at $60,000 for individuals and $120,000 for couples, for all part B enrollees. The provision is designed to finance 25 percent of program costs for these three years.

In other words, the people in the little higher income bracket pay more under that amendment into Medicare than they are required to pay by the general law, which is a part of the social insurance program.

I hope Members will oppose that amendment in the Ways and Means Committee and on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 106. Joint resolution designating August 1985 as "Polish American Heritage Month."

The message also announced that the Senate had passed with amendments in which the concurrence of the

House is requested, a bill of the House of the following title:

H.R. 1042. An act to grant a Federal charter to the Pearl Harbor Survivors Association.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 444. An act to amend the Alaska Native Claims Settlement Act; and

S.J. Res. 161. Joint resolution to appeal for the release of Soviet Jewry.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION OF APPROPRIATIONS, FISCAL YEARS 1986 THROUGH 1988

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1602) to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1986 through 1988 as amended.

The Clerk read as follows:

H.R. 1602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 35. (a) There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $113,647,000 for the fiscal year ending September 30, 1986, and $116,023,000 for the fiscal year ending September 30, 1987. For succeeding fiscal years, there may be appropriated such sums as the Congress may hereafter authorize by law.

"(b) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado [Mr. WIRTH] will be recognized for 20 minutes and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. WIRTH]..

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1602, as amended, is legislation authorizing appropriations for the Securities and Exchange Commission in the amounts of $113.6 million for fiscal year 1986 and $116 million for fiscal year 1987. This legislation was reported, by a voice vote, without opposition, by the Subcommittee on Telecommunications, Consumer Protection and Finance, on May 9, 1985. The legislation was also reported by the Energy and Commerce Committee on May 21, 1985, by a voice vote, without opposition.

Mr. Speaker, at hearings on the legislation we discussed the importance of the SEC and the need to provide adequate funding for this agency. The U.S. securities markets are viewed as the safest, fairest, and most efficient capital markets in the world. Investor confidence in our broad, public markets is the cornerstone of capital formation and economic growth in this country. Maintaining that investor confidence has become more important today than perhaps at any time since the Great Depression, since we need substantial and sustained economic growth in the private sector to provide future jobs and to help reduce the enormous budget deficits.

The SEC is the protector of our capital markets. But with a staff smaller than it had in 1979, it must oversee markets that have grown dramatically in size and complexity. In the past 5 years, while the Commission's staff has decreased by 5 percent:

The value of initial public offerings registered with the Commission has risen 72 percent;

The volume of shares traded on the stock exchanges has increased 228 percent;

The volume of shares traded over the counter has grown 450 percent;

The number of registered broker-dealers has grown 54 percent;

The number of investment companies has grown 60 percent; and

The number of investment advisers has also grown 60 percent.

In this same period of time, with enormous growth in the markets, we also see greater evidence of fraud in the market:

Complaints and inquiries received by the SEC have risen 94 percent, and

Complaints received by the National Association of Securities Dealers have increased 278 percent.

And we have seen market failures that have caused tremendous losses to investors and near panics in our financial markets: Drysdale; Washington Public Power Supply System; E.S.M. Securities, Bevill, Bresler & Schulman, and most recently, the Hutton case, which is a black eye on a brokerage industry which depends on the trust and confidence of investors.

In this environment, adequate funding for the SEC takes on immense importance.

Two years ago, members of the subcommittee and of the Congress recognized our responsibility to ensure that this small, lean agency had sufficient resources to carry out its critical role in protecting our markets. We also recognized our responsibility to reduce the mounting Federal deficits.

As all of us know, the SEC collects fees when companies file documents with the agency, and it collects fees for transactions on the stock exchanges and for other activities. These fees are contributed by the SEC to the Federal Treasury, and the SEC is funded through the appropriations process. Two years ago, when we considered the SEC's authorization request, fees collected by the SEC amounted to about 90 percent of the cost of running the agency. The SEC was almost, but not quite, self-funded.

It was our view that we should try to make the SEC totally self-funded, so the Congress could then make an objective assessment of its needs. We developed an amendment to the Commission's fee structure to impose fees for filing documents in connection with cash tender offers. By that amendment alone, the Commission in less than 2 years has collected more than $23 million in additional funds or more than 10 percent of its overall budget.

Last year, the SEC collected fees that were 129 percent of the cost of running the agency. Under the SEC's projections, in 1986 and 1987 it will contribute to the Treasury $64.9 million more than the appropriations that would be authorized under H.R. 1602 for that 2-year period. I believe there are few agencies in Government that are so profitable to the U.S. Treasury.

An effective SEC is the cornerstone of investor confidence in our markets and, ultimately, economic growth in this country. We have placed a hefty user fee on both the securities industry and corporate issuers who depend on this agency. They and the public at large should get their money's worth.

At this point, I want to recognize the invaluable efforts of the ranking minority member of the subcommittee, the gentleman from New Jersey [Mr. RINALDO], who worked hard to develop a bipartisan bill that would provide adequate funding for this important agency, yet keep it within limits that reflect the concern all of us share in the current budget environment.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

□ 1240

Mr. BLILEY. Mr. Speaker, I urge my colleagues to support H.R. 1602 because the funding levels requested in the legislation are fiscally responsible. H.R. 1602 provides the SEC funding at the following levels: $113.6 million for fiscal year 1986, and $116 million for fiscal year 1987. The authorization levels in H.R. 1602 were approved by the Office of Management and Budget [OMB].

The authorization levels contained in H.R. 1602 are needed if the Commission is to maintain its reputation as the premier independent agency in the Federal regulatory system. The Commission is charged with the enormous task of ensuring that investors main-

tain their high level of confidence in our capital markets.

Although my colleagues on the Energy and Commerce Committee support the authorization levels contained in H.R. 1602, considerable controversy has been generated by some vague language contained in the report accompanying this bill. The confusing language which needs clarification concerns issues regarding the administration and funding of the SEC's EDGAR Program. It is my understanding that a July 18, 1985, letter from Mr. DINGELL to Chairman Shad addresses our concerns by clarifying the report language with regard to the issues regarding the administration and funding of EDGAR. Therefore, it is the understanding and intent of my Republican colleagues that the letter is the dispositive statement of the committee on these issues related to EDGAR.

I, therefore, urge my colleagues to support H.R. 1602.

Mr. Speaker, I made reference to a letter from Chairman DINGELL Mr. Shad. The text of that letter is included with my remarks as follows:

SUBCOMMITTEE ON OVERSIGHT
AND INVESTIGATIONS,
Washington, DC, July 18, 1985.

Hon. JOHN S.R. SHAD,
Chairman, Securities and Exchange Commission, Washington, DC

DEAR CHAIRMAN SHAD: Thank you for your letter of July 9, 1985, transmitting copies of your pre-solicitation proposal for the operational EDGAR system. I appreciate your efforts to be responsive to this Subcommittee's concerns.

I am pleased that the Commission has issued a pre-solicitation release regarding the operational EDGAR system. A release is a constructive way to generate public and Congressional comments on the important issues involved in this project, including its financing. I would encourage potential bidders, filers and users to be fully cooperative and to respond with constructive comments.

The Subcommittee fully supports the Commission's efforts to integate new computer and telecommunications technology into its operations. Such technology has great potential to accelerate the filing, processing and dissemination of corporate information to investors, securities analysts and others; and to increase the Commission's productivity and enforcement efforts, and the efficiency and fairness of the securities markets. To help ensure that these goals are met, it is important that EDGAR goes forward in compliance with Congressional authorization and with applicable procurement regulations and sound procedures designed to ensure maximum practical competitiveness and cost-effectiveness.

Given the implications that the SEC's program has for government information management, the Subcommittee is keenly interested in the precedential value of the EDGAR program, not only for systems development but also for the method by which such programs are financed. I expect the Commission will take notice of the experience of the U.S. Patent and Trademark Office (see GAO report B-217448, dated April 19, 1985; "A Complete Fiasco," *Forbes*, June 17, 1985, p. 178) and avoid the problems that have plagued their efforts to automate.

We look forward to reviewing the results of your pre-solicitation request for comments and anticipate a cooperative mutual effort to implement successfully the operational EDGAR system.

Sincerely,
JOHN D. DINGELL, *Chairman,*
Subcommittee on Oversight
and Investigations.

Mr. Speaker, I have no further requests for time.

Mr. WIRTH. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 1602, legislation reauthorizing the Securities and Exchange Commission. As a member of the Telecommunications, Consumer Protection, and Finance Subcommittee, I have become increasingly concerned about the growing areas of SEC responsibility and the level of SEC enforcement, and I believe this legislation does a good job of addressing these concerns.

Mr. Speaker, the SEC has 5 percent fewer staff than it had in 1979. During that time, the financial markets have grown in size and complexity. Trading on the exchanges and in the over-the-counter market has reached record levels, new products and institutions spanning industry lines have proliferated, taxing the Commission's enforcement capabilities. The volume of new securities registered with the Commission has also surpassed all prior levels, which has placed increased demands on the Commission's disclosure review. As the markets become increasingly internationalized, complex enforcement, surveillance and disclosure issues threaten the SEC's ability to maintain the integrity of U.S. capital markets.

This legislation does not freeze funding for the Commission at last year's level. While I am a firm advocate of an across-the-board Federal budget freeze, I am able to lend my support to this measure due to the fact that during the past 2 years, the SEC has collected fees far in excess of the cost of running the agency. For the next 2 years, the Commission projects that fees will exceed our authorization request by a total of approximately $65 million. This measure also requires that the Commission submit to Congress any budget estimate or request that is submitted to the White House or to OMB. This will provide greater opportunity for congressional oversight in light of the rapid changes taking place in our financial marketplace. I urge my colleagues to join me in supporting this legislation. And I commend the distinguished chairman of the subcommittee for his leadership in bringing this legislation to the floor.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume so that I may engage in a colloquy with the gentleman from Colorado [Mr. WIRTH].

Mr. Speaker, the heart of our securities regulation system is disclosure and the public access to that information. The Securities and Exchange Commission is now initiating a pilot program for conversion from paper reports to electronic data filings. The success or failure of that system can have a substantial impact on other Federal agencies.

The Energy and Commerce Committee report sets out some minimum standards for the Electronic Data Gathering, Analysis, and Retrieval System, known as EDGAR, and other such projects. Because of the public interest involved, such projects may be funded only as authorized before being put into effect. So-called "no cost" contracts may not be appropriate for these systems.

I would ask the distinguished Subcommittee Chairman of the Telecommunications, Consumer Protection and Finance Subcommittee of the House Energy and Commerce Committee to clarify the committee's position on certain aspects of EDGAR.

Mr. WIRTH. Mr. Speaker, if the gentleman will yield, I would be happy to engage in a colloquy with the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman. It is my understanding that, at this time, the committee has no evidence that it constitutes a per se improper conflict of interest for firms acting as contractors to also develop and implement electronic data systems, but there may be a potential for conflicts of interest to develop if information gained under the contract is misused by the contractor to its or its clients' advantage over its competitors.

Mr. WIRTH. That is correct. That was one of the concerns of the committee.

Mr. BLILEY. Is it the intent of the committee in setting out the principles to be followed in developing electronic data filing and retrieval systems that Government agencies seek proposals from private entities that not only have electronic data systems technical expertise, but may also have professional working knowledge of the present paper filing and retrieval systems of those agencies.

Mr. WIRTH. Yes; that is the intent of the committee.

Mr. BLILEY. And is it the committee's intent not to prohibit a firm from receiving contract awards merely because it is a member of a class of firms that are required to file reports or comply with regulations enforced by that agency, either directly or on behalf of others, when such firms may possess a valuable working knowledge of the specific requirements of such filing and compliance systems?

Mr. WIRTH. Mr. Speaker, if the gentleman will continue to yield, yes, that is my understanding.

Mr. BLILEY. Is it also the intent of the committee that the Government agency include penalty clauses or other restrictions in any such contracts to prevent misuse of information gained by such a contractor, and to provide safeguards against any such contractor, gaining an unfair advantage over its competitors, or using such information to gain an unfair advantage for its clients or evading legal filing and disclosure requirements under such electronic data systems?

Mr. WIRTH. Yes; that is the intent of the committee.

Mr. BLILEY. I thank the gentleman for his assurances and clarification of this important issue. With these clarifications, I urge support of the bill.

Mr. WIRTH. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, H.R. 1602 would authorize appropriations for the Securities and Exchange Commission in the amounts of $113.6 million for 1986 and $116 million for 1987. These amounts will permit a slight increase in staffing levels. This funding level is needed for the following reasons:

The SEC staff is 5 percent lower than in 1979. But during this period, the markets under the SEC's oversight have expanded dramatically.

The value of initial public offerings registered with the SEC has risen 73 percent;

The volume of shares traded on the stock exchanges has increased 228 percent;

The volume of shares traded over the counter has grown 450 percent;

The number of registered broker-dealers has grown 54 percent;

The number of investment companies has grown 60 percent;

The number of investment advisers has also grown 60 percent.

In this same period there has also been greater evidence of fraud in the market: Complaints and inquiries received by the SEC have risen 94 percent; complaints received by the National Association of Securities Dealers have increased 278 percent.

In recent years, SEC enforcement resources have been strained by major financial frauds and failures that have caused near panics in the financial markets. These include: The failure of Drysdale Government Securities which resulted in losses of over $300 million; the $2.2 billion default of the Washington Public Power Supply System; the failure of Baldwin-United; the failure of E.S.M. Securities and the resulting savings and loan panic in Ohio; the collapse of Bevill, Bressler & Schulman in New Jersey; major accounting frauds, abuses in corporate takeovers and insider trading.

The SEC collects fees and contributes millions of dollars to the Federal Treasury each year. In 1984, fees collected by the SEC amounted to 129 percent of its appropriation. The SEC estimates that it will contribute $64.9 million to the Treasury in excess of the authorization agreements in H.R. 1602 during fiscal years 1986 and 1987.

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank all the members of the subcommittee, particularly those who are with us today, the distinguished gentleman from Kansas [Mr. SLATTERY], and the distinguished gentleman from Louisiana [Mr. TAUZIN] from the majority, and the distinguished gentleman from Virginia [Mr. BLILEY] on the minority side, for their assistance in moving through this important piece of legislation.

● Mr. RINALDO. Mr. Speaker, I am pleased to join my colleague from Colorado, Congressman WIRTH, in support of this legislation.

The Securities and Exchange Commission has the important task of regulating this Nation's securities markets. During its 50 years of existence, it has been one of this Nation's premier agencies. Our financial markets are the most dynamic and sound in the world.

Under the leadership of SEC Chairman John Shad, the SEC's record of excellence continues. In a period of time of budget constraint they have demonstrated that they can do more with less. The number of enforcement actions has grown dramatically during the past 4 years despite the fact that the Commission's staff has declined in size.

Two years ago, the subcommittee chairman and I worked hard in drafting an amendment which raises the fees charged for documents filed at the Commission. The net results have been positive and the Commission in 1984 took in 129 percent of its appropriation. It is unfortunate that this record cannot be equaled in other Government agencies.

The Commission has the difficult job of regulating a market which has grown and changed dramatically in recent years.

This bill was favorably reported out of the House Energy and Commerce Committee in May. It provides the agency with the authorization levels that were as approved by the Office of Management and Budget Committee. I urge my colleagues to join me in support of this legislation.●

● Mr. LUKEN. Mr. Speaker, I rise in support of H.R. 1602, legislation to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1986 and 1987.

Passage of H.R. 1602 is the first of two actions we can take to restore public confidence following the collapse earlier this year of two unregulated Government securities dealers—ESM Government Securities, Inc. and Bevill, Bressler and Schulman Asset Management Corp.

In recent years, the SEC's responsibilities have increased dramatically. But the Commission today has 5 percent less staff than it had in 1979.

In the enforcement area, for example, major financial frauds and failures, such as ESM and Bevill, Bressler & Schulman this year, Lion Capital Group in 1983, as well as Drysdale Government Securities Inc. and Lombard Wall in 1982, have strained the Commission's resources.

I concur with Chairman WIRTH and my colleagues on the Subcommittee on Telecommunications, Consumer Protection and Finance that the Commission's enforcement program is underfunded and should be allocated additional resources, which we provide in the bill.

The failure of ESM resulted in a "bank holiday" for 71 thrift institutions in the State of Ohio, left millions of innocent depositors without access to their savings for more than 3 months, and forced a major restructuring of Ohio thrifts.

A second important step we can take, which I am confident we will take this session, will be to pass a Government securities bill. The subcommittee will mark up Government securities legislation in the very near future.

Passage of H.R. 1602, coupled with action on Government securities legislation in the near future, will mark a major effort by the Congress to give the SEC and other Federal agencies the tools they need to do their jobs effectively, which in turn will help to ensure investor and public confidence in the stability and integrity of our Nation's securities markets and financial institutions.●

Mr. WIRTH. Mr. Speaker, if the gentleman from Virginia [Mr. BLILEY] has no further requests for time, Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. Wirth] that the House suspend the rules and pass the bill, H.R. 1602, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read "A bill to amend the Securities Exchange Act of 1934 to authorize appropriations for fiscal years 1986 and 1987."

A motion to reconsider was laid on the table.

□ 1250

GENERAL LEAVE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1602, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

SHAREHOLDER COMMUNICATIONS ACT OF 1985

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1603) to amend the Securities Exchange Act of 1934 to authorize the Securities and Exchange Commission to subject banks, associations, and other entities that exercise fiduciary powers, to the same regulations as broker-dealers, pursuant to section 14(b) of the Securities Exchange Act of 1934, as amended.

The Clerk read as follows:

H.R. 1603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Shareholder Communications Act of 1985".

SEC. 2. AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.

(a) APPLICABILITY OF PROXY RULES TO BANKS, ASSOCIATIONS, AND OTHER FIDUCIARIES.—Section 14(b) of the Securities Exchange Act of 1934 is amended by inserting "or any bank, association, or other entity that exercises fiduciary powers," after "under this title,".

(b) IMPLEMENTING REGULATIONS.—Such section is further amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) With respect to banks, the rules and regulations prescribed by the Commission under paragraph (1) shall not require the disclosure of the names of beneficial owners of securities in an account held by the bank on the date of enactment of this paragraph unless the beneficial owner consents to the disclosure. The provisions of this paragraph shall not apply in the case of a bank which the Commission finds has not made a good faith effort to obtain such consent from such beneficial owners.".

SEC. 3. EFFECTIVE DATE

The amendments made by this Act shall become effective one year after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado [Mr. WIRTH] will be recognized for 20 minutes and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1603, the Shareholder Communications Act of 1985, represents a major step toward ensuring that all shareholders receive maximum information about the companies in which they invest. The legislation was reported by a voice vote, without opposition, by the Subcommittee on Telecommunications, Consumer Protection and Finance, on May 9, 1985. The legislation was also reported by the Energy and Commerce Committee on May 21, 1985, by a voice vote, without opposition.

As we all know, informed shareholders are critical to the effective functioning of publicly held corporations in this country and to confidence in the capital markets as a whole. When an investor purchases common stock in a corporation, that investor also obtains the right to participate in making certain major decisions affecting that corporation. In order to ensure that shareholders make informed decisions, corporations must be able to communicate with them. But current regulatory gaps prevent corporations from communicating fully with their investors.

When a shareholder purchases stock in a corporation, he can either hold the stock in his name or leave it with a bank or other association, which will be the shareholder of record. As a result, proxies or any other information the corporation sends to shareholders will be sent to that bank or association. In order for shareholders to receive full information concerning their investments, these proxies and other materials should be immediately passed along to shareholders. However, without this legislation neither the SEC nor bank regulators have authority to regulate the proxy processing activities of banks, associations or other entities that exercise fiduciary powers to ensure that this objective is met. This regulatory gap denies owners of securities held by such organizations the benefits of the Commission's rules that require timely delivery of information. This is especially significant with respect to banks, since they hold 70 percent of the securities registered in nominee name.

The enactment of this legislation will assure that stockholders who have retained the right to vote shares held in another name have the opportunity to vote that stock in a timely manner irrespective of the nature of the institution in whose name the stock is registered. Moreover, this legislation will help ensure direct communication between shareholders and corporations.

This legislation has the support of the corporate community, the National Investor Relations Institute, and the American Society of Corporate Secretaries, all of whom have told us it is a necessary step in ensuring that companies can communicate with their shareholders. It has the support of the Securities Industry Association, whose members have worked closely with the SEC during the past year to develop rules relating to the securities industry in this area. And it now has the support of the banking industry, which has worked with me and my colleagues Mr. SYNAR, Mr. SWIFT, and Mr. RINALDO in developing this bill to address some of the concerns of bankers.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1603 amends section 14(b) of the Exchange Act to make that section applicable to banks, associations, and any other entities that exercise fiduciary powers. H.R. 1603 provides increased investor protection by granting the Commission the authority to adopt rules and regulations that would require bank nominees, association nominees, and other nominees that exercise fiduciary powers to perform certain tasks with respect to proxy voting and distribution of proxies in respect of shares held in nominee name and where voting rights have been reserved.

H.R. 1603 avoids the breach of any confidential relationship between a bank and its present clients by requiring banks to supply the information required by the statute if these present clients "affirmatively consent" to the dissemination of this information. The SEC will promulgate rules covering all clients which a bank acquires after the date of enactment. The SEC has indicated that it will apply a "nonobjection" standard, the standard that will be applied to broker-dealers, to the new customers of bank trust departments.

Therefore, I urge my colleagues to support H.R. 1603.

Mr. Speaker, I reserve the balance of my time.

Mr. WIRTH. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 1603, the Shareholder Communications Act.

This legislation authorizes the SEC to regulate the proxy activities of banks and other entities that exercise fiduciary powers. It would give the SEC the same authority over banks and other entities that exercise fiduciary powers that it now has over broker-dealer proxy activities. The bill specifies that the SEC, in exercising its rulemaking authority, shall not require the disclosure of the names of securities in an account held by a bank, on the date of enactment, unless the owner consents to disclosure. This affirmative consent requirement is an important component of this legisla-

tion, and I would like to commend my colleague, Mr. SYNAR, for offering this point as an amendment during subcommittee markup. In the past, the inability to regulate banks and other entities in this regard has created a gap which denied beneficial owners of securities held by banks and other entities the benefits of the Commission's rules that require timely delivery of information. This bill will help to plug this loophole, and I urge my colleagues to join me in supporting it.

I would again commend the chairman of the subcommittee, the distinguished gentleman from Colorado, for his leadership in bringing this legislation to the floor.

Mr. WIRTH. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, the reason I rise is to direct a couple questions to the gentleman from Colorado.

Mr. Speaker, I realize from the report that during the hearings when SEC coverage was being considered to extend to banks and banking institutions, that the issue was raised about the Bank Fiduciary Act, which of course is within the jurisdiction of the Banking Committee. An amendment offered by a member of the subcommittee corrected the divulging of names and addresses of the fiduciary involved.

The question I have is for what reason have not the regular banking regulators, whether the Controller of the Currency or the Federal Reserve Board, why have they not had jurisdiction over the regulation of the banks' activities in this respect? Does the gentleman know?

I may be asking sort of a nongermane question, but I think it would be interesting to know why and to what extend the regular banking regulators were restricted in regulating banks in this particular activity.

Mr. WIRTH. Mr. Speaker, if the gentleman will yield, I cannot speak to the jurisdiction of the Banking Committee, nor to the rules that might be set up by the Comptroller of the Currency, the Secretary of the Treasury, or whoever. We are dealing in this legislation only with the securities activities of banks, only with the Securities Exchange Act, that is all that is affected in this legislation.

Now, what the Comptroller of the Currency decides to do, what the Secretary of the Treasury might decide to do, what the Chairman of the FDIC might to do is in their bailiwick and that falls within the jurisdiction of the distinguished Banking Committee.

□ 1300

Mr. GONZALEZ. The reason I am asking—again I am doing this as an individual—I am not doing this in the name of the committee I belong to. It is that the Glass-Steagall Act, as long as it has been invoked, and as far as I know is still in force, would restrict and prohibit certain trust and fiduciary activities of these banks. I am just wondering if the gentleman has any knowledge that this particular legislation would in any way enlarge the jurisdiction of the banks in contravention to the existing Glass-Steagall Act?

Mr. WIRTH. If the gentleman will yield, the answer to that is in the negative. No; this would in no way touch the area of Glass-Steagall.

This legislation relates only to shareholder information. That is one of the cornerstones of the Securities Acts, one of the cornerstones of the securities industry, one of the cornerstones of the way in which these markets work, is assuring that there is open information to all shareholders. That is all we are dealing with in this area.

Mr. GONZALEZ. I thank the gentleman for his patience and also congratulate him on his hard work.

Mr. WIRTH. I thank the distinguished gentleman from Texas for his assistance.

● Mr. RINALDO. Mr. Speaker, I am pleased to join Congressman WIRTH in support of this legislation.

It provides the SEC with authority to adopt rules and regulations to require banks and others who hold stocks for beneficiaries to distribute proxy and other materials to shareholders.

The legislation was introduced at the request of the SEC and is consistent with our desire to ensure that corporations have adequate opportunity to communicate with their shareholders. The Commission has recently promulgated rules which require broker-dealers to disseminate this information. It does not, however, have similar authority with respect to banks and other fiduciaries who hold stock for beneficial owners. This legislation seeks to close this regulatory gap and subject banks to similar standards.

It incorporates recommendations made by the banking industry which, during our consideration of this measure, made some very salient arguments that the regulations which were applicable to the securities industry should not be imposed upon them.

I recognize that there are differences between these two industries and supported an amendment that would limit the Commission's authority to require banks to supply only the names of customers who have affirmatively consented to disclosure. Safeguards have been incorporated which will ensure that banks make a reasonably good faith effort to secure this consent.

I urge my colleagues to join me in support of this legislation.●

Mr. BLILEY. Mr. Speaker, we have no further requests for time on this side, and I yield back the balance of my time.

Mr. WIRTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. WIRTH] that the House suspend the rules and pass the bill, H.R. 1603, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1603, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from Colorado?

There was no objection.

EMPLOYMENT SECURITY FOR VETERANS IN CERTAIN CIVIL SERVICE POSITIONS

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1802) to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service.

The Clerk read as follows:

H.R. 1802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3310 of title 5, United States Code, is amended to read as follows:

"§ 3310. Preference eligibles; examinations; guards, elevator operators, messengers, and custodians

"(a) In examinations for positions of guards, elevator operators, messengers, and custodians in the competitive service, competition is restricted to preference eligibles as long as preference eligibles are available.

"(b) An agency may not procure by contract any of the services performed by individuals in any of the positions described in subsection (a) of this section if the performance of such services by contract—

"(1) would cause the involunary separation of a preference eligible from any such position; or

"(2) would preclude the performance of any of such services by a qualified preference eligible in the competitive service.

"(c)(1) For purposes of subsection (b)(1) of this section, neither an involunary reassignment within the same agency nor an involuntary transfer to another agency shall be considered to be an involuntary separation if such reassignment or transfer is to a vacant position—

"(A) which is of the same type as the type of position described in subsection (a) of

this section from which the preference eligible was reassigned or transferred,

"(B) which is within the preference eligible's commuting area,

"(C) for which the preference eligible is qualified (taking into consideration any physical disability which the preference eligible may have), and

"(D) the grade or pay level of which is at least equal to the grade or pay level which was in effect for the preference eligible immediately before having been so reassigned or transferred.

"(2) The Office of Personnel Management shall prescribe regulations necessary to carry out this subsection.

"(d) Subsection (b)(2) of this section—

"(1) shall not preclude the procurement of services by contract if, or to the extent that, qualified preference eligibles are not available; and

"(2) shall not apply with respect to a position which is held by an individual other than a preference eligible on the date that the contract is entered into.

"(e) For the purpose of this section—

"(1) 'qualified preference eligible' means, with respect to a position described in subsection (a) of this section, a preference eligible whose qualifications have been established; and

"(2) 'agency' includes the United States Postal Service and the Postal Rate Commission.".

SEC. 2. (a) Any procurement by the Government of services performed in any of the positions described in section 3310(a) of title 5, United States Code, as amended by this Act, shall be in accordance with applicable provisions of law, including the provisions of the Act entitled "An Act to create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (41 U.S.C. 46-48c), requiring certain procurements of services from qualified nonprofit agencies for the blind and qualified nonprofit agencies for other severely handicapped, and Office of Management and Budget Circular Numbered A-76 (including any supplement thereto).

(b) For purposes of this section, the terms "Government", "qualified nonprofit agency for the blind", and "qualified nonprofit agency for other severely handicapped", each has the meaning given such term under section 5 of the Act so entitled (41 U.S.C. 48b).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1802.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will consider H.R. 1802, a bill to provide employment security and opportunities for veterans preference eligibles in the four civil service occupations reserved for veterans by Veterans' Preference Act of 1944. I refer to the positions of guard, elevator operator, messenger, and custodian, which are restricted to competition among veterans under title 5, United States Code, section 3310, as long as veterans preference eligibles are available.

The House has previously expressed itself on this legislation by approving a similar bill last session under suspension of the rules. I would like to commend the Committee on Post Office and Civil Service, for again approving this important legislation by a bipartisan vote of 18 to 0.

Our country has long recognized the need to reward our veterans for the sacrifices they have made. Ever since the Civil War, various regulations, Executive orders and statutes have provided benefits for those Americans who have served our country on active duty. These benefits include the positions reserved for veterans in the competitive service under the Veterans' Preference Act.

Today, veterans are faced with the loss of the benefits provided under that law. When Congress originally passed the Veterans' Preference Act, the Federal Government did not procure services by contract. Recently, however, there has been an increase in Government efforts to implement OMB circular A-76, which sets forth the policy and guidelines for the performance of commercial activities under contract. The policy of contracting out positions reserved for veterans has often circumvented congressional intent embodied by the Veterans Preference Act and has resulted in veterans being separated from their jobs through no fault of their own.

H.R. 1802 is not a blanket prohibition on contracting out for these services. Rather, it is a carefully balanced piece of legislation which protects veterans who currently hold positions under sect. 3310, while providing opportunities for sheltered workshops to bid for those positions where veterans would not be separated. In the event that agencies do contract for any of these four services, the Javits-Wagner-O'Day Act provides that sheltered workshops have priority in Government contracts for these services.

Mr. Speaker, I urge my colleagues to support H.R. 1802 and thereby to show our veterans that we have not forgotten the sacrifices they made for America.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the principal author of this legislation, the gentleman from New York [Mr. GILMAN], is en route from New York to here. But at least at this time he is temporarily detained at someplace between here and New York and is expected momentarily, so I will cover for him in the meantime.

The gentleman from New York [Mr. ACKERMAN], has done an outstanding job of explaining the bill and the need for it. This is another move to retain veterans' preference that has been a custom for our Government since the Civil War times. Historically we have taken care of our veterans.

But unfortunately, in recent years, the concept of contracting out, which the Government feels is a better way of getting more efficiency out of jobs, has become increasingly in use. And while possibly not intentionally, this has hurt the veterans' preference.

This bill is badly needed because veterans are being denied today access to jobs which historically have been theirs, and those are in Government jobs and Government contracts where the elevator operators, messengers, custodians have all been provided for when a veteran who is eligible to do the job would be hired first. So this would only protect those rights of those veterans which have historically been theirs.

As Chairman ACKERMAN has said, it goes one step further and also protects the contracting of certain jobs where they buy materials from sheltered workshops, both the blind and other handicapped, which is very badly needed also.

Mr. Speaker, this is a bill which deserves the vote of every individual here, and I stand in strong support of this legislation. This is a bill that is badly needed, and I reserve the balance of the time on this side.

Mr. ACKERMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentlemen from Mississippi [Mr. MONTGOMERY], the chairman of the Veterans' Affairs Committee.

Mr. MONTGOMERY. Mr. Speaker, I want to express my strong support for H.R. 1802, the bill we are considering today. I also want to thank the gentleman from New York [Mr. GILMAN] for sponsoring this legislation. The gentleman from New York [Mr. ACKERMAN] for handling the bill. I also thank the gentleman from Indiana [Mr. MYERS].

Beginning in 1944, with the enactment of the Veterans Preference Act, competition in the Federal civil service for the positions of guard, elevator operator, messenger and custodian has been reserved for veterans. This restriction is embodied on section 3310, title 5, United States Code. As a result of the application of the provisions of OMB circular A-76, however, veterans of World War II, Korea, and Vietnam are finding that the opportunties for Federal employment under section 3310 are diminished. Contracting-out of the services reserved by law for veterans is adversely affecting those who

have served in our country's Armed Forces and the intent of Congress is being circumvented.

Although the Committee on Veterans' Affairs does not have legislative jurisdiction over the Veterans Preference Act, our committee does have oversight jurisdiction over all veterans' programs and a particular interest in those matters pertaining to the employment of veterans. We on the Veterans' Affairs Committee are alarmed by any action which dilutes employment opportunities for veterans and have supported efforts in prior Congresses to reduce the negative impact of contracting-out on veterans. In the last Congress, I supported and the House unanimously passed, H.R. 5799, a bill similar to the one we are considering today. The other body failed to act on this legislation before the end of the 98th Congress.

The Office of Personnel Management states that there are 25,974 Federal employees in the four designated occupations reserved for veterans; of these, 73.6 percent are veterans preference employees. There has been a 7-percent decrease in these jobs since December 1982 because of contracting-out. It should be pointed out that, under the 1983 and 1984 continuing resolutions, the General Services Administration was prohibited from contracting out for many of the four services covered under section 3310. If Congress had not added, many more of these positions would have been lost.

Now we are considering H.R. 1802, which will prohibit separation of veterans from the jobs reserved for veterans. This bill proposes to establish governmentwide uniform standards which will apply to all Government agencies. H.R. 1802 will alleviate the concerns of thousands of veterans who could lose the jobs they currently hold and will continue to provide opportunities to those veterans who seek to compete for the 3,310 positions in the future. In addition, H.R. 1802 makes a special effort to ensure that procurement by contract of services by sheltered workshops will be permitted, but if a contract is awarded which would cause a veteran to lose his job, the veteran will be transferred to a similar vacant position in the Federal service. H.R. 1802 represents a reasonable compromise which has reconciled the differences of those interested in these provisions. H.R. 1802 is a meritorious bill and deserves the full support of all of us in this House.

Mr. Speaker, I strongly support the bill. I want to thank the very distinguished gentleman from New York [Mr. ACKERMAN], chairman of the Subcommittee on Human Resources, and the ranking minority member of the subcommittee, a distinguished member of the Veterans' Affairs Committee, my colleague, DAN BURTON of Indiana. In addition, I want to thank the distinguished and very able chairman of the full committee, the gentleman from Michigan [Mr. FORD], and the distinguished ranking minority member of the full committee, Mr. TAYLOR, for allowing this legislation to be considered in the House.

Mr. Speaker, the leadership and other members of the Post Office and Civil Service Committee have always been quick to act on matters relating to our Nation's veterans, and I am sure veterans throughout the Nation are appreciative of their continuing efforts in their behalf.

□ 1310

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Mississippi [Mr. MONTGOMERY] certainly has been an outstanding leader on the floor working for veterans, veterans' rights and veterans' preferences.

Mr. Speaker, I just noted from the report that among the agencies that will be covered under this legislation, the Veterans' Administration is one of the biggest violators. At least they have fewer, a lesser percentage of veterans in the jobs for guards, for custodians. I wonder if the gentleman would not be kind of careful and urge the Veterans' Administration to at least honor the concept of the law.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield to me?

Mr. MYERS of Indiana. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's pointing that out. Certainly this gentleman will look into that matter. Of all persons, the Veterans' Administration should have 100 percent in the area of job preference. We are talking about where the people mainly work with their hands, on the job for 8 hours. It should be veterans in all cases.

Mr. MYERS of Indiana. The only thing I know is from the report because I was not present at the hearings. The report does not show the Veterans' Administration in a very good light with respect to taking care of veterans' preferences. I am sure the gentleman will be looking at that agency.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield further?

Mr. MYERS of Indiana. I yield further to the gentleman from Mississippi.

Mr. MONTGOMERY. Since the gentleman is pointing that up, maybe this will have some effect on those Government employees watching this debate today, that the biggest violators of not paying back educational loans have been some of the Government employees. They ought to pay back these loans. Certainly that comes under the Veterans' Administration and under the supervision of our committee. So we ought to make these corrections.

Mr. Speaker, I appreciate the gentleman pointing out this problem with the Veterans' Administration.

Mr. MYERS of Indiana. I thank the gentleman for his comments and thank him for the service he has given through the years to the veterans.

Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. LEATH].

Mr. LEATH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I join my colleagues in strong support of H.R. 1802, and commend the gentleman from New York [Mr. GILMAN], and the Committee on Post Office and Civil Service for considering, successfully developing and reporting such a safeguard for veteran employment.

Back in 1944, the Congress recognized that, in order for a veteran to fully regain his place in civilian society, to resume normal activities, he needed special consideration in the workplace. He had certainly earned it. From that logical reasoning came a great program, the Veterans' Preference Act.

The provision that restricts guard, elevator operator, messenger, and custodian positions to preference eligibles has remained relatively unchanged since 1944. For 40 years, it has given job security to veterans in these positions. Now, these jobs are threatened by an Office of Management and Budget directive that, if not properly contained, can unnecessarily shove these veterans, many of whom are disabled, into the unemployment line.

We have a conflict. But it can be finally and responsibly resolved with the passage and enactment of H.R. 1802.

OMB Circular A-76, which calls on the Federal Government to contract out these particualr job positions, is circumventing the intentions of this great body, as established 40 years ago. As a result, the opportunities for veterans seeking employment in these positions are decreasing and those already holding the jobs are facing involuntary separation.

With more than 381,000 Vietnam-era veterans alone looking for jobs, it would be unwise to allow this practice to continue.

While contracting-out may or may not have merit, there are certain areas in which it absolutely does not belong, areas in which it can bring about more harm than good. A little common sense shows this to be true in the area of veterans' preference, and there are others.

During the 97th Congress, I introduced legislation, now Public Law 97-306, which prohibits contracting-out in the Veterans' Administration's Department of Medicine and Surgery for services which are determined to be direct patient care or incident to direct patient care. Obviously, this was directed toward the safety and well-being of the veteran patient. H.R. 1802 can provide similar protection for eligible veterans in the job market.

Mr. Speaker, our veterans are some of America's best workers because of the special skills and discipline they bring to the workplace. They have earned special consideration and recognition in seeking employment. When the Congress approved the veterans' preference program, it did not say, "If there are eligible veterans, they shall have preference in these four positions, unless * * *." It said that "eligible veterans shall have preference in these four positions, period."

I urge this great body to reaffirm the intent of that Congress 40 years ago and to sustain the integrity of the Veterans' Preference Act by approving this completely appropriate and urgently needed legislation.

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman from Texas for those very thoughtful remarks and congratulate him on being a pioneer on this issue.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 1802 which provides employment security for veterans in certain civil service positions and I commend the gentleman from New York [Mr. ACKERMAN], the distinguished chairman of the House Post Office and Civil Service Subcommittee on Human Resources for bringing this measure to the floor at this time.

Mr. Speaker, when Congress initially passed the GI bill of rights to address problems faced by returning veterans of World War II, the Congress also set the pace in instituting a comprehensive package of benefits known as the Veterans' Preference Act of 1944, to not only provide for our veterans' secure employment opportunities with the Federal Government, but to also afford reemployment and rehabilitation to our Nation's returning veterans.

An important aspect of veterans' preference, under title V, section 3310, ensures that competition for the positions of guard, messenger, elevator operator and custodian, in the civil service, are reserved for veterans' preference eligibles, as long as preference eligibles are available.

The 99th Congress, just as the 98th Congress, is faced with the erosion of this special benefit—in large part due to the conversion of many of these positions to contract performance—at a time when many veterns can least afford to have this benefit eliminated. Many preference eligibles in the four occupations in question are veterans of World War II and the Korean war. These older veterans may encounter great difficulty in finding other employment so late in their working lives. The forfeiture of full retirement benefits, health benefits, and a portion of their expected income, may prove to be devastating for these veterans.

Additionally, many of our Nation's veterans currently holding these positions are disabled or handicapped. They, too, would encounter barriers in trying to secure alternative employment if they are separated from Government service.

The 78th Congress upheld our Nation's sacred commitment to those who answered its call. The 99th Congress is now being called upon to continue to uphold this precedent which clearly demonstrates that our Government should take the lead in assisting those who have sacrificed for the principles on which our Government was built. Rather than forgetting the reasons for passage of the Veterans' Preference Act, it is time to reaffirm to those who served our country in time of national crisis, and ensure continuation of the act's original intent.

This bill prevents Federal agencies from separating a veteran's preference eligible from the position of guard, messenger, elevator operator, and custodian as the result of a contract award. Veterans must receive first consideration when such vacancies occur, or new become available. The legislation also provides that, when procuring by contract the four services covered under section 3310, a Federal agency must do so in accordance with provisions of the Javits-Wagner-O'Day Act, governing the purchase of services from sheltered workshops for the blind and severely handicapped.

Passage of this legislation will allow this body of Congress to once again demonstrate our commitment to those who served our country in times of national crisis and to remind them that we have not forgotten them in times of peace.

Accordingly, I urge my colleagues to fully support this bill.

Mr. ACKERMAN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

● Mr. RAHALL. Mr. Speaker, the Veterans' Preference Act of 1944 requires that preference be given to veterans over other job applicants in four types of Federal employment—guards, elevator operators, messengers, and custodians. Preference must be given to veterans in selections for openings, unless no eligible veterans are available. Eligible veterans are those who served in the Active-Duty Forces between December 1941 and October 1976, when the All-Volunteer Force went into effect, and those who served in Grenada and Beirut.

In recent years, numerous positions held by veterans in these occupations have been lost due to increased contracting out for services by the Federal Government. Currently, approximately 19,119 veterans, many of whom are disabled or handicapped, hold jobs in the four categories cited above. They constitute 73.6 percent of the total number of Federal employees in those positions.

I rise today in strong support of H.R. 1802, a bill which restates existing provisions of law which mandate preference for hiring veterans as Federal guards, elevator operators, messengers, and custodians, and places new restrictions on contracting out of services which may displace veterans in those positions. The bill prohibits any Federal agency and the U.S. Postal Service from contracting out for any of these four positions if such contracting would result in a veteran being separated involuntarily from an existing position. However, the measure permits an agency to contract out for services if no eligible veterans are available.

Furthermore, the bill permits agencies to reassign or transfer a veteran in one of the four specified occupations, provided that the new position is the same type as the previous one, the position is within the veteran's commuting area, performance of the position does not create undue hardship or inconvenience for a disabled veteran, and the grade and pay level of the new position are at least equal to those already held by the veteran.

It is my belief that this legislation will address the difficulties that many veterans are forced to face as a result of contracting out. It is clear that contracting out has decreased opportunities for veterans preference eligibles and will continue to do so if we in Congress do not address the issue. H.R. 1802 will close the route which has been used to circumvent the original intent of the Veterans Preference Act, thereby by reaffirming our commitment to our Nation's veterans. I have been happy to give this effort my full support during the 99th Congress, and urge my colleagues to support passage of the bill.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, veterans' preference in Civil Service hiring is a well-adjusted policy of the Government which deserves reaffirmation and protection against erosion. It has been a two-way street with veterans benefiting from employment opportunities and with the Government benefiting by gaining good employees.

H.R. 1802 would assure that specific positions—those of guards, elevator operators, messengers, and custodians—continue to be filled by preference-eligible veterans, as they have been since 1944 when Congress first

passed the Preference Act. However, the Office of Management and Budget requirements for contracting out of certain Federal work have led to an erosion of this benefit, contrary to the intent of Congress.

Mr. Speaker, H.R. 1802 would stop the erosion by making it clear that, as long as there are qualified preference eligibles who want to fill certain specified vacancies, those services will not be contracted out. This bill would also prevent any preference eligible veteran from losing these positions by their being contracted out. The Office of Management and Budget would be required to prescribe regulations to carry out these provisions. The bill would make clear congressional intent on this matter.

Mr. Speaker, along with the provisions on veterans, the bill also protects sheltered workshop contracts for the blind and certain other severely handicapped individuals. There is no conflict between the two provisions, because, if any veteran is displaced under such a contract, he or she will be placed in a comparable vacant position. The Post Office and Civil Service Committee developed this approach, and they are to be congratulated on their success in reaching such an excellent compromise.

Mr. Speaker, I congratulate my distinguished colleague from New York, Mr. GILLMAN, for introducing this legislation. I also congratulate Mr. ACKERMAN, chairman of the Subcommittee on Human Resources, as well as Mr. Burton of Indiana, the very able ranking member of the subcommittee, for their work on the bill. Moreover, Mr. FORD of Michigan, the distinguished chairman of the Committee on Post Office and Civil Service, and my distinguished colleague, Mr. TAYLOR of Missouri, the ranking minority member of the full committee, deserve special recognition for their key roles in bringing this legislation to the floor.

Mr. Speaker, contracting out can be a money-saving way of improving services for the Government, but it is not an absolute. And, it should not be permitted to curtail veterans' preference for positions which have traditionally been reserved for veterans. I fully support H.R. 1802, and I encourage all of the Members of this body to vote favorably on it.●

● Mr. DASCHLE. Mr. Speaker, as a cosponsor of H.R. 1802, I want to express my strong support for this legislation which would establish much-needed restrictions concerning the procurement by contract to certain services that are reserved by law for veterans and other preference eligibles.

Over 40 years ago, President Franklin D. Roosevelt signed into law the Veterans' Preference Act of 1944. Included in this act was a provision which reserved the civil service positions of guard, elevator operator, custodian, and messenger for veterans and preference eligibles. This protection was established under section 3310, title 5, United States Code. Through the years, thousands of veterans of World War II, Korea, and Vietnam, many of them disabled, continued to serve their Government as Federal employees in these positions. Recently, however, our Nation's veterans have been facing the virtual elimination of this preference as a result of the implementation of Office of Management and Budget Circular A–76. Veterans who have long held these positions and performed their duties faithfully have been faced with the loss of their jobs. Other veterans now seeking Federal employment under section 3310 are being turned away and told that the positions reserved for them are no longer available. Congressional intent that the specified positions be protected for veterans is being subverted and preference eligibles are being adversely affected because of an executive branch policy.

An amendment offered by Hon. BOB EDGAR, a distinguished member of our committee, to the continuing resolutions for fiscal years 1983 and 1984 prohibited the GSA from contracting-out any of these positions during those years, with an exception being made for fiscal year 1984 for sheltered workshops for the handicapped. The House last year again reaffirmed its commitment to those who have served in the Armed Forces when it unanimously passed H.R. 5799, which prohibited the separation of a veterans' preference eligible from a section 3310 position as a result of a contract award. Unfortunately, the other body failed to act on this legislation which would have spared the veterans of this country the suffering and anxiety they experienced as a result of the loss of their jobs and their inability to obtain Federal employment.

Thanks to the leadership of our colleague, Mr. GILMAN, chief sponsor of H.R. 1802, which we are considering today, we can again act to protect the opportunity for preference eligibles to find and maintain employment in occupations which are reserved for them. H.R. 1802 does not prohibit the contracting-out of those positions contained in section 3310. It does, however, protect those veterans and preference eligibles who are employed under the 3310 provision by prohibiting the involuntary separation of these individuals because of a contract award. The bill further provides that new positions or vacancies that occur in the specified occupations must be made available to preference eligibles. In the event that an agency has made a concerted effort to hire qualified preference eligibles, and it is determined that no preference eligible is available, an agency may procure by contract the services covered under section 3310.

I am aware of, and sympathetic to, the concerns expressed by representatives of sheltered workshops regarding the impact of section 3310 on their clients. I firmly believe, however, that the provisions of H.R. 1802 are structured so that the interests of the sheltered workshops are also protected. The bill clearly directs that when an agency procures by contract any of the services designated in section 3310, that agency must adhere to the pertinent provisions of the Javits-Wagner-O'Day Act which governs the procurement of services from qualified nonprofit agencies for the blind and severely handicapped.

As chairman of the Subcommittee on Education, Training and Employment of the Veterans' Affairs Committee, I have a special interest in, and commitment to, providing for the employment needs of veterans. Caring for the veterans of this Nation is a proud tradition, and a critical component of that tradition is the role of the Federal Government as an employer of veterans. President Franklin D. Roosevelt stated in support of veterans preference in Federal employment,

> I believe that the Federal Government, functioning in its capacity as an employer, should take the lead in assuring those who are in the armed services that when they return, special consideration will be given them in their efforts to obtain employment.

This special national responsibility is one that we ignore at great risk. If our veterans go unassisted or forgotten in the country they served, then we are all diminished.

Mr. Speaker, I again want to thank Mr. GILMAN, who introduced H.R. 1802. I also want to express my appreciation to my distinguished colleague, Mr. ACKERMAN, chairman of the Subcommittee on Human Resources, for his support of this legislation as well as the chairman of the full committee, Mr. FORD. All members of the Committee on Post Office and Civil Service have again demonstrated their support for veterans' programs.●

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 1802.

The question was taken and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HATE CRIMES STATISTICS ACT

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2455) to provide for the collection of data about crimes

motivated by racial, religious, or ethnic hatred.

The Clerk read as follows:

H.R. 2455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

SEC. 2. ACQUISITION OF DATA AND REPORTS.

Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for the calendar year 1986 and each of the succeeding 4 calendar years, about crimes which manifest racial, ethnic, or religious prejudice, including where appropriate the crimes of homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, and threat. The Attorney General shall publish annually a summary of such data.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, for fiscal year 1986 and each of the succeeding 4 fiscal years, such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. EDWARDS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill that was reported in a bipartisan manner from the Subcommittee on Criminal Justice of the Committee on the Judiciary chaired by our colleague, the gentleman from Michigan [Mr. CONYERS], who unfortunately could not be here today.

Mr. Speaker, I rise in support of H.R. 2455, a bipartisan effort to fill an information gap in our knowledge of hate crimes.

There are at present no comprehensive, accurate, and up-to-date statistics kept on the national incidence of crimes motivated by racial, ethnic, or religious hatred. We know that these crimes occur, but we do not know the actual extent of hate crimes, what trends there may be in those crimes, what communities may be particularly prone to have such crimes occur, and what law enforcement techniques may be effective in solving and preventing such crimes. H.R. 2455 provides a mechanism for obtaining data that may help us answer those questions.

At the hearing on the legislation held by the Subcommittee on Criminal Justice, representatives of the Justice Department voiced an objection because the legislation, as introduced, required that the data be collected and published as part of the uniform crime reports. Members of the subcommittee worked with the Justice Department, with the Anti-Defamation League of B'nai B'rith, and with others to develop a bill that would achieve the desired result without utilizing the uniform crime reports. The language in the bill before the House today was added at the subcommittee's markup upon motion of the subcommittee's ranking minority member, the gentleman from Pennsylvania [Mr. GEKAS].

The legislation before us is the product of bipartisan efforts of the members of the Subcommittee on Criminal Justice and the Judiciary Committee.

H.R. 2455, as reported by the Judiciary Committee provides that the data be collected and published independently of the uniform crime reports. The bill also provides that the legislation sunsets at the end of 1990 and authorizes the appropriation, throughout that period, of such sums as may be necessary to carry out the legislation.

Mr. Speaker, this is a modest bill, but it can do a great deal of good. Its enactment will make available accurate statistics about hate crimes, enabling legislators, law enforcement agencies and the public to assess the scope of the hate crime problem, develop preventive measures, and evaluate the success of those measures. I urge my colleagues to suppot H.R. 2455.

□ 1320

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2455.

This legislation would require the Attorney General to compile data concerning racially, ethnically, and religiously motivated crime, and to report annually on such data.

The measure enjoys wide bipartisan support and is meant to help law enforcement officials establish priorities aimed at eradicating a particularly insidious type of criminal behavior that tears at the very fabric of our constitution.

Under the bill, the Attorney General would for the next 5 years be directed to acquire data about crimes manifesting racial, religious, and ethnic hate. I think it especially important to stress the temporary nature of the Attorney General's responsibility under this bill. The 5 year sunset provision, added at my instance, would provide an adequate time to develop meaningful statistics while not creating a burden upon the Attorney General that outlives its usefullness.

The statistics collected under this legislation will highlight the existence and locale of crimes of bias, thus serving as the basis for comprehensive and cooperative efforts by State and Federal law enforcement officials to end once and for all these despicable crimes.

Mr. Speaker, I urge my colleagues to support this positive initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], whose testimony before the subcommittee and whose authorship of the orginal bill were important factors in the crafting of this bill.

Mrs. KENNELLY. Mr. Speaker, I rise in support of H.R. 2455, the Hate Crime Statistics Act. I'd like to commend the members of the Criminal Justice Subcommittee, and particularly the chairman, for the fine work that has been done on this legislation.

Early in this session, I introduced legislation requiring the Justice Department to collect information on crimes motivated by racial, religious, or ethnic hatred. I did so because I was concerned that information about such crimes of hate was not coming to the attention of the police or the public. Without such information, I thought, our efforts to combat such violence were less effective than they should be. This should be a matter of tremendous concern in a society like ours, that prides itself on its tolerance and that thrives on the presence of different racial, ethnic, and religious groups.

In the 4 months since I testified before the subcommittee, crimes of hate have continued to occur. On April 6, for example, I read recently in a AP-report, that a group calling itself the "Legion of Doom" had committed as many as 35 felonies aimed at blacks. The crimes of these nine students included smashing windshields, attempting to firebomb a black student's home, and leaving a disemboweled cat in another student's car. Imagine what this would do to rouse boys families—and neighborhoods.

Is this an isolated incident? Or is it part of a larger picture of hatred and fear? The sad answer remains that we do not know. And until we do, we cannot take the positive steps we must to end such violence.

The Hate Crime Statistics Act would be a significant step in this direction. It would require the collection and publications of statistics on crimes of hate, making this data available to State and local authorities, as well as to the public, should go a long way to make concerted community action against hate crimes possible.

This bill requires the Justice Department to issue an annual document summarizing information on the incidence of hate crimes in the United States. The data contained in that report will ensure that the public and police have the information they need to prevent and to respond to crimes of hate.

Crimes motivated by sheer hatred are personal tragedies for the victims, for the community in which they happen, and for our society at large. No incidents like these should ever occur. But before we can act to prevent them, there is much more we need to know.

We need to know whether these events are isolated incidents or evidence of a more pervasive problem. We need to measure the actual extent of these crimes. We need to know if their incidence is growing larger or smaller. We need to know if there are patterns in such crimes.

Without such information, law enforcement officials are handicapped. They cannot adequately measure trends, develop enforcement strategies, and assign manpower to the areas of greatest need.

But perhaps the greatest service this legislation can perform is to make us aware of the problem of hate crimes. When it comes to crimes of hate, knowledge—not ignorance—is bliss, because knowledge is the first step to dealing with this problem.

Mr. Speaker, this legislation is an important step toward the day when cemeteries, churches, synagogues—and our society itself—will never again be defaced with the stains of bigotry and prejudice. I urge my colleagues to adopt it.

□ 1330

Mr. GEKAS. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. COBLE], a member of the subcommittee.

Mr. COBLE. I thank the gentleman for yielding.

Mr. Speaker, I rise to speak in opposition to H.R. 2455, the Hate Crime Statistics Act.

As a member of the Criminal Justice Subcommittee which had jurisdiction over this bill, I made several observations during hearings. First, I became absolutely convinced that the sponsors and supporters of this bill have the most noble motives. They seek to uphold human dignity and to eradicate prejudice and the pernicious and destructive symbols associated with it. I praise those conscientious Members of this body who work to make fairness and justice realities.

Unfortunately, it seems to me that H.R. 2455 is flawed in its conception. Nothing in this bill, for example, defines for those charged with carrying out its provisions what a hate crime is. Perhaps more importantly, even if a hate crime can be defined in the abstract, it will be the task of some mortal in the Justice Department to determine the motivations of the criminal. It requires getting inside the head of the criminal to determine whether hatred is involved or whether, conversely, it is just plain meanness.

An even more troubling aspect of this bill, it seems to me, is its corresponding failure to come to grips with the realities of cost to the taxpayer. Section 3 of H.R. 2455 gives birth to yet another blank check by authorizing the appropriation of such sums as may be necessary for 5 years. Just how many might be necessary? According to the statement of the Congressional Budget Office contained in the committee report, this bill will cost taxpayers from less than $1 million to about $8 million annually.

While I do not consider myself a veteran of this body, Mr. Speaker, I have been around long enough to figure out which end of that $1 million to $8 million range we will likely be looking at to pay the bill.

Thus, some simple calculations tell me that this innocent, well-intended bill placed on the supposedly noncontroversial Suspension Calendar will likely end up costing the taxpayers a hefty $40 million over the full 5-year period of this bill.

There is not a Member of this House who would conduct his or her personal business by a personal commitment to spend from $1 to $8 million and leave it to someone else to fill in the blanks. Why should we conduct the people's business this way?

Finally, Mr. Speaker, we hear daily cries from constituents—you do and so do I—and from colleagues alike, begging for action on the deficit. Now, I will concede up front that H.R. 2455, when standing alone, will not break the bank; but I warn every Member of this House that just this type bill and all the blank checks that come with them will be disastrous. That is why I intend to vote no on this bill. I think if the Members join me on that vote they can go back and tell the taxpayers in their districts what they did for them today.

In conclusion, Mr. Speaker, I want to thank my distinguished friends and colleagues, the gentleman from Michigan [Mr. CONYERS] and the gentleman from Pennsylvania [Mr. GEKAS], for their conscientious work on our committee and for their work on this bill. I do not denigrate either their motives or their efforts. I simply contend that their bill will not work and that the undetermined price will be too high.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from North Carolina has stated his concerns very eloquently; and, as he knows, I have shared from the moment he became a Member of Congress his concerns about the deficit and about spending and about cutting wherever we could the expenses of Government. And it is those same concerns, I must say to the gentleman, that prompted the gentleman from Pennsylvania to attempt to convince the other members of the subcommittee that we ought not to follow the original concept of this bill but rather to rally into a posture of this bill that would give certain discretion to the Attorney General to accomplish the purposes of the bill. This discretion on the part of the Attorney General would allow that Department, the Justice Department, to in effect deputize the law enforcement agencies of the various States with the least amount of trouble and the least amount of cost simply to refer those statistics back to a central point. It is possible, as I see it—and I say this advisedly—that the cost would be minimal, less than $10,000, let alone less than a million dollars to accomplish this.

But, more importantly, keeping in mind the financial considerations and fiscal implications of this legislation, we insisted and the other members of the subcommittee condescended to agree to allow a sunset provision, so that this will not be a permanent program by any means.

No. 2, in actuality, the funding for this legislation would go into the regular resolution type of annualization of the spending, which will allow the gentleman from North Carolina and the gentleman from Pennsylvania to monitor this on a monthly if not yearly basis, so long as we are careful enough to want to do that—and we will do that.

The other consideration that should be taken into account is that if we had allowed the first version of this bill to go through, in which the crime statistics report would have been the residuary of this information, it would have cost additional funds.

The point I am trying to make, for the benefit of the gentleman from North Carolina, is that I did take into consideration all those concerns which he so adequately expresses.

I yield to the gentleman from North Carolina [Mr. COBLE], if he wishes to respond to my response.

Mr. COBLE. Mr. Speaker, I appreciate the comments of the gentleman from Pennsylvania [Mr. GEKAS], and I am not unaware nor unfamiliar with the work the gentleman did to make a bad bill less offensive. And I am even reluctant to use those words, Mr. Speaker, because I do not want to be perceived as one who is insensitive to the victims of hate crimes. Not at all. And sometimes, I say to my friend, the gentleman from Pennsylvania [Mr. GEKAS], I feel as though maybe I am tilting at windmills, maybe I am a voice in the wilderness, but, folks, this deficit hangs in my craw, and I am concerned about it and I think others are. That is what prompted me to speak today.

I do thank the gentleman from Pennsylvania [Mr. GEKAS] for the work he has done. I just hope that the appropriate parties who are going to

be in possession of this blank check are going to remember what we said today and that they will recall that we are serious about their being prudent and frugal as they go about bringing and implementing this bill into place.

Mr. GEKAS. Recapturing my time, I wish to reassure the gentleman that that is going to be the case. We are going to be watching it very carefully, particularly this piece of legislation.

One other thing as to the merits of the bill: We were also careful to imbed into the wording of this legislation the concept that an act of vandalism, for instance, against a cemetery, by itself, should not find its way into the statistical workings of this bill, but only should it be important, for our purposes, for the purposes of this bill, when it manifestly evidences ethnic or racial or religious bias or prejudice or hate, so that we are not overextending the authority of the Congress or the Justice Department in gathering these statistics. But when a cemetery has a swastika painted on a tombstone or a white cross, flaming cross, implanted in the bed of one of the graves, or some evidence of things we have grown too familiar with in this country about manifest religious hatred or ethnic bigotry, then that statistic would find itself into the records that we intend to keep.

□ 1340

So I wanted to make sure that the gentleman from North Carolina understands that that, too, was a concern and we did not willy-nilly enter into any kind of statistical gathering that would come our way simply by any act of vandalism or children's pranks. What we wanted to do was to go to the root, and that is why we carefully crafted the provisions of the bill.

Mr. COBLE. I thank the gentleman, and if the gentleman will yield further, I did, indeed, understand that. I thank the gentleman again, however, for having explained it, but even with that in mind, I am still concerned about the cost and I hope it plays the way that the gentleman believes that it will play.

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do urge approval of the bill by the House of Representatives. It is a useful bill. If we want to have a peaceful and fair society, then the criminal acts that this bill addresses should be reported.

I might point out, Mr. Speaker, that all of the reports will be on a voluntary basis from the various police departments throughout the country, exactly the same way that the Uniform Crime Reports are reported to the Federal Bureau of Investigation at no real cost to the Federal Government, and as all fingerprints are sent in to the Federal Bureau of Investigation, it is done simply on a voluntary basis by the various sheriffs and police departments at the request of the Director of the FBI or the Department of Justice.

Once again, we should be grateful for the leadership offered by the gentlewoman from Connecticut [Mrs. KENNELLY] in authorizing the original version of the bill, and for her very eloquent words today and her support of the bill that led to its being enacted.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MINETA], who testified before the subcommittee and who also is a coauthor of H.R. 1171, which was the predecessor to the bill today.

Mr. MINETA. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this very important piece of legislation before the Congress. H.R. 2455, the Hate Crime Statistics Act. It is important because it is a piece of legislation that will help protect Americans from the most insidious type of crimes, those motivated by a hated of a person because of race, religious, or ethnic background.

The type of crime this legislation is designed to protect violates all of our country's most fundamental rights and liberties, and leaves a stain on our Constitution and the reputation that this country has of protecting all of its citizens.

In real terms, these hate crimes leave most of us shocked and bewildered that something like this can happen in America, for America likes to believe that it it has turned the page of history on church burnings and lynch mobs; that this country does not tolerate the vandalizing of synagogues and the harassment of the recent immigrant.

Unfortunately, this is not the case. These crimes do occur. All of us have read of them, all of us know of particular incidents. But we do not know much more than that. We do not know the seriousness of the problem, or the frequency of the occurrence, or even the likelihood of this type of crime being reported to the police. This legislation will provide reliable statistical information so that we can begin to assess the information and develop adequate protections.

By passing this bill, we put to rest for good the defense used by some that while there are various newspaper accounts, the data we have on hate crimes is anecdotal, and is not acceptable evidence of any pattern or trend. With this legislation, we will be able to point to the numbers—undeniable statistics—and refute the argument that nothing needs to be, or can be, done.

Mr. Speaker, I can tell you quite confidently that Americans of Asian ancestry are deeply concerned that the violence that is occurring to us because of our ethnic background is reaching alarming proportions in both frequency and degree. Furthermore, we are concerned that our Federal Government is not vigorously enforcing the civil liberties we possess as citizens and residents of the United States.

Recently, we are also hearing of incidents of beatings and harassment of recent immigrants from Laos, Vietnam, Cambodia, the Philippines, and many other Asian-Pacific countries troubled by violence and unrest. As people who came to America to escape violence, and to join in becoming hard-working and contributing members of our great Nation. They should expect that our Government do all in its power to protect them from the hatred of unenlightened and ignorant people, and that includes violence directed toward them here in their new home by agents from repressive governments in the country they left. The Hate Crime Statistics Act is a strong and positive move toward that responsibility to protect.

Mr. Speaker, I would like to thank my distinguished colleague from California [Mr. EDWARDS]; our colleague from Michigan [Mr. CONYERS], for his leadership on this bill, as well as the chairman of the Committee of the Judiciary, Mr. RODINO. Once again, we see these leaders speaking out for the rights of our citizens. And I would like to thank our distinguished colleague from Connecticut [Mrs. KENNELLY], for her work on this bill.

Mr. BIAGGI. Mr. Speaker, as the author of a similar bill, but more importantly, as one who has worked steadily for the past 4 years for a legislative remedy to the national evil of hate crimes, I rise to urge immediate passage of H.R. 2455, the Hate Crime Statistics Act of 1985.

It was February of 1981 when I first introduced legislation to combat what was then identified as a growing national problem—crimes against religious persons, property, and institutions. Today, this problem has expanded to involve crimes involving racial and ethnic, as well as religious prejudice.

As of now, two issues stand in the way of any effective remedy to combat this problem. The first is the absence of any reliable national data to compile incidences of these crimes. The second problem relates to the absence of any specific Federal criminal penalties against those who commit crimes motivated by racial, ethnic, or religious prejudice.

What we do today is offer a solution to the first of these two problems. H.R. 2455, much like my own bill, H.R. 775, would require that Justice Department to collect data on crimes

that "manifest racial, ethnic, or religious prejudice" and to publish an annual summary of the data. Among the crimes for which data would be compiled would include homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, and threat.

However, and let me stress this point, unless we also address the second problem, namely passing legislation to impose stiff new Federal penalties against those who commit these crimes—we are doing only a halfway job on an issue that demands a full and strong legislative response.

It should also be noted that during hearings conducted by the Subcommittee on Criminal Justice, where I testified, there was opposition raised by the Justice Department to compiling data. According to one account of their testimony published in the Washington Post, it said:

Reagan administration officials said yesterday that it would be too difficult to include "hate crime" categories in national crime statistics, and suggested that Congress collect newspaper clippings to obtain such information.

I am pleased that despite this display of bureaucratic arrogance, the House is pushing ahead to deal with this grave problem.

One source of national data that is compiled relative to hate crimes is the annual audit of antisemitic incidents compiled by the Anti-Defamation League of B'nai Brith. Their 1984 report disclosed the following grave statistics.

There was a 6.7-percent increase in the frequency of anti-Semitic vandalism and of other attacks against Jewish institutions, businesses, and homes in the United States as compared to 1983. All told there were a total of 715 of these incidents or the equivalent of—almost 2 a day for the entire year of 1984.

There were a total of 23 bombings, arsons, and cemetery desecrations in 1984—almost twice the total for 1983.

In 1984, the number of persons arrested actually decreased even though the total number of incidents increased. Law enforcement authorities arrested 84 persons in connection with 51 incidents compared to 1983 totals of 115 arrests for 55 incidents.

This problem of anti-Semitism shows no geographic boundaries. It is occurring in more than two-thirds of all of the States. Tragically the highest concentration of incidents is occurring in the Northeast region which includes the District of Columbia. These seven States and the District compiled more than 60 percent of the cases in 1984. Yet, a sharp increase was also noted in the South.

My home State of New York continues to lead the Nation in the number of anti-Semitic acts of violence and vandalism. In 1984 there were a total of 237 incidents up almost 10 percent from 1983 and more than twice as many as any other State in the United States. One of the more despicable of these acts took place right in the heart of my congressional district—in Co-Op City in the Bronx. Let me again quote from the ADL report:

Co-Op City, a massive apartment complex in the Bronx, NY, was the scene of anti-Semitic and racial vandalisms on 17 separate days beginning in April of 1984 and continuing through November. These remain unsolved. On these days and at various buildings in the giant complex, anti-Semitic graffiti, including swastikas and anti-Jewish epithets were smeared on apartment doors. The vandals concentrated mostly on those apartments displaying mezuzahs on their door posts. Some of the anti-Semitic and the racist graffiti was smeared on hallway walls, elevator walls and stairwells.

Mr. Speaker, I know about this case first hand. I went to Co-Op City on several occasions during this sick crime spree. I saw first hand the fear and anger in the eyes of the residents of the complex especially those whose apartments were victimized.

I would also add, Mr. Chairman, that this same Co-op City community was also victimized by an act of racially motivated vandalism. It was late on the night of Sunday, May 20, 1984—the scene was the National Association for the Advancement of Colored People Day Care Center located at 100 Erskine Place in Co-Op City. While most in Co-Op City slept an unknown number of vandals broke into the day care center and unleashed a vicious and wanton attack on the facility. Included in the reign of destruction were the painting of racial slogans, breaking of several windows, flooding of the center, and the stealing of a television and stereo.

For the people of Co-Op City it was another display of hatred manifested in an act of senseless vandalism. For the parents of the children it caused great anxiety and apprehension—would this happen again—could their children be harmed? For the operators of the center it was a desperate thought—how will we be able to afford the repairs. I would add at this point that I contributed $500 to the rebuilding campaign and the generosity of others in the community was outstanding.

The effect of hate crimes whether directed against racial, religious, or ethnic groups—eats away at the very core of our society. It is a form of poison spreading through our land. It effects people physically and psychologically.

Anytime a community is affected by acts of religiously motivated violence or vandalism, it strikes at the very core of one's being. It is an assault on one of our most basic freedoms—the freedom of religion. When there are acts of anti-Semitism, another horror is invoked—the past horror of other eras in our history such as Nazi Germany, when we saw the consequences of the elimination of religious freedoms.

All of the bills pending before your subcommittee, including mine, recognize as you said in your 1981 statement that "anti-Semitic violence is not an isolated phenomenon. There appears to be an increased incidence of criminal violence directed againt members of all minority groups." In addition, all religious groups have experienced the same problem of violence and vandalism.

Let me quote from two New York Post articles:

A gentle Long Island minister who devoted his life to helping young criminals is in a coma today after he was bludgeoned by a thief who invaded his church.

A Catholic priest was viciously attacked in Brooklyn yesterday by four punks who beat him and kicked him even after he offered them his money.

The obvious point is we are dealing with a national problem and we must look to our laws for remedies. At the State level there are far too few laws on the books which address this problem adequately. The most recent information I have points to only 13 States that have laws on the books to deal with hate crimes. This is less than one-half of the total number of States that reported anti-Semitic violence, not to mention the States where other hate crimes occurred. The present Federal law, specifically section 1074 of title 18, is entirely to vague and does not in any real fashion direct its attention or penalties to the various types of antireligious crime that is the reality in today's America.

I contend from my background as a law enforcement officer for 23 years in the city of New York that the law must be strong in dealing with those people who commit these heinous crimes. I recognize, as does the ADL, that what is needed is a combination of "stricter laws against violence motivated by anti-Semitic and racial bigotry, stricter law enforcement, greater attention by the media of public information to the problem of anti-Semitic violence, more education for understanding and good will in the schools and churches, more community meetings to map counter measures and more vocal community response to incidents of violence motivated by hate."

We must act, and we must act now. The problem is with us today. It is serious and it is only getting worse. We must make the commitment to fight back against the dual evils of antireligious violence and vandalism. Anything less than a full-fledged effort

will give license to the continuation of these horrible crimes. To sit back and do nothing of this threat is to invite its growth. As Dr. Martin Luther King once said, "injustice anywhere is a threat to justice everywhere."

I would like to close with a quote contained in a letter of support from an organization which has special concerns about the problem of religious violence and vandalism. They know all too well the consequences that can befall a society which tolerates this type of behavior. The organization is the International Network of Children of Jewish Holocaust Survivors. Their letter reads:

At the last quarterly board meeting of the Network, your (bill against hate crimes) received 100 percent approval and support. The International Network of Children of Jewish Holocaust Survivors has local groups across the country and will do what we can to ensure its passage. Unfortunately we know too well from our parents what effects the damaged destruction and desecration of religious objects and buildings have on people and what it can lead to. That is why we feel it is imperative that your bill be added to the United States Code and be made Federal law.

At this time, Mr. Speaker, I wish to insert a letter on this issue from the distinguished Judiciary Committee chairman, Mr. RODINO:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 26, 1985.

Hon. MARIO BIAGGI,
House of Representatives,
Washington, DC.

DEAR MARIO: Yesterday the Committee on the Judiciary reported favorably on legislation that I know is of great interest to you—H.R. 2455, the "Hate Crime Statistics Act."

You have taken a strong leadership role with regard to this legislation, and your testimony before the Subcommittee on Criminal Justice was most helpful in shaping the legislation recommended by the Committee. I commend you for your efforts on behalf of this legislation and look forward to working with you to secure its final enactment into law.

With kindest regards,
Sincerely,

PETER W. RODINO, Jr.,
Chairman.

● Mr. RODINO. Mr. Speaker, I rise in support of H.R. 2455, a bipartisan product of the Judiciary Committee's Subcommittee on Criminal Justice.

Nearly, every day, in these United States, people are harassed, intimidated, attacked, injured, and sometimes even killed by others who are motivated by racial, ethnic, or religious bigotry. We do not know the full extent of these crimes, or any trends concerning them, because no comprehensive and up-to-date statistics are kept on the national incidence of hate crimes.

H.R. 2455 seeks to remedy this situation by requiring the Attorney General annually to collect and publish statistics on crimes that manifest racial, ethnic, or religious prejudice. For the first time ever, this data would give lawmakers, law enforcement agencies, and the public a picture of the hate crimes problem in this country.

Passage of H.R. 2455 acknowledges that hate crimes are particularly repugnant in a democracy and is evidence of this Nation's willingness to work systematically and forthrightly toward the reduction and eventual eradication of hate crimes.

I urge my colleagues to support the legislation.●

● Mr. TRAFICANT. Mr. Speaker, at this time I would like to rise to express my strong support of H.R. 2455, the Hate Crimes Statistics Act, legislation that passed the House by voice vote yesterday. This bill would require the Department of Justice to annually collect and publish statistics on crimes motivated by racial, ethnic, or religious prejudice.

Mr. Speaker, great strides have been made in this country in the area of civil rights—especially religious freedom. America is indeed a melting pot where people of different ethnic, racial, and religious backgrounds have been able to settle and live without persecution. But, Mr. Speaker, despite the safeguards in our laws to protect religious freedoms and to uphold civil rights for all Americans, legislation has not been able to eliminate hate and prejudice from our society.

Hate crimes involving racial, ethnic, or religious practices continue to plague America. Mr. Speaker, the time has come for our great democracy to take a firm stand against those who violate the sacred norms and laws of our society and commit crimes that manifest ethnic, racial, or religious prejudice. The Congress must recognize the grave nature of this problem. H.R. 2455 would require the Attorney General to acquire data about crimes that manifest racial, ethnic, or religious prejudice.

At present, Mr. Speaker, there are no comprehensive, accurate, and up-to-date information kept on the national incidence of crimes motivated by racial, ethnic, or religious hatred. Despite the lack of these statistics, these vile crimes do take place. I feel that it is an area of legitimate concern that the Federal Government has not taken action to collect national data on these hate crimes. We can ill afford to ignore this disturbing problem. By ignoring the incidence of hate crimes and viewing such crimes in the same vein as other crimes is dangerous. Hate crimes need to be addressed separately.

As a former sheriff, I worked closely with community groups in establishing neighborhood crime watch groups. I know the value of community action in fighting crime. Community groups have been organized throughout this country to combat hate crimes. There is no doubt that the data collected nationwide by the Department of Justice on hate crimes would be of great help to community groups and organizations involved in the fight against racial, ethnic, and religious related crimes. There is much we need to know about hate crimes and H.R. 2455 will allow us to uncover vital information about this disturbing phenomenon. Such information will allow both community groups and law enforcement agencies to better address this problem.

I applaud my colleagues for passing this important piece of legislation and I urge all of my colleagues to continue on in the fight against prejudice and hate.●

● Mr. CONYERS. Mr. Speaker, we Americans agree that cross burnings, swastika painting on synagogues and senseless murders like that of Vincent Chin, bludgeoned to death by unemployed auto workers because he was of Asian descent, represents America at its worst. Yet there is no law enforcement agency or organization of any kind which keeps accurate, comprehensive and up-to-date information on these hate crimes.

H.R. 2455 takes an approach to the problem of the insufficiency of statistical information on hate crimes which has been described as both minimalist and elegant. It simply requires the Attorney General annually to collect and publish statistics on hate crimes. With more accurate statistics on hate crimes, policymakers and community law enforcement personnel could assess the scope of the problem, develop preventive measures, and evaluate the success of those measures. Second, the collection of statistics would emphasize the existence of a hate crime problem which must be addressed. Finally, the devotion of Federal time and resources to the problem of hate crimes would demonstrate a national commitment to eradication of such crimes.

We received much favorable testimony on H.R. 775 and 1171, the original hate crime statistics bills introduced by Representatives MARIO BIAGGI and BARBARA KENNELLY, respectively. The few concerns expressed were worked out in meetings with the Justice Department, the Anti-Defamation League and others.

When the subcommittee met to mark up the legislation, the subcommittee's ranking minority member, GEORGE GEKAS, offered an amendment in the nature of a substitute that made a number of changes. First, the amendment provides that data about hate crimes be collected and published independently of the Uniform Crime Reports. Second, the amendment pro-

vides that the legislation sunsets at the end of 1990, and third, the amendment authorizes the appropriation of such sums as are necessary to carry out the legislation. The subcommittee adopted the amendment by voice vote and reported a clean bill. The clean bill, H.R. 2455, was ordered reported by the Judiciary Committee by voice vote.

H.R. 2455 is a short bill, but its enactment would do a great deal of good. I look forward to its speedy consideration and passage in the Senate.●

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EDWARDS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. EDWARDS] that the House suspend the rules and pass the bill, H.R. 2455.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2455, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR REPRESENTATIVE HOWARD TO OFFER ADDITIONAL AMENDMENTS EN BLOC TO H.R. 8, WATER QUALITY RENEWAL ACT OF 1985

Mr. ROE. Mr. Speaker, I ask unanimous consent that, during the consideration of H.R. 8 in the Committee of the Whole, it may be in order for Representative HOWARD to offer en bloc additional amendments as part of the amendments specifically made in order by the rule and printed in the CONGRESSIONAL RECORD of July 16, 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR CERTAIN SUBCOMMITTEES OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT DURING 5-MINUTE RULE ON TUESDAY, WEDNESDAY, AND THURSDAY, JULY 23, 24, AND 25, 1985

Mr. ROE. Mr. Speaker, I ask unanimous consent that the following subcommittees of the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule of the House:

The Subcommittee on Surface Transportation on Tuesday, July 23, 1985;

The Subcommittee on Water Resources on Wednesday and Thursday, July 24 and 25, 1985; and

The Subcommittee on Public Buildings and Grounds on Thursday, July 25, 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1350

WATER QUALITY RENEWAL ACT OF 1985

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 222, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 8.

The Chair designates the gentleman from Nevada [Mr. REID] as Chairman of the Committee of the Whole, and requests the gentleman from Texas [Mr. GONZALEZ] to assume the chair temporarily.

□ 1350

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, with Mr. GONZALEZ, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes and the gentleman from Minnesota [Mr. STANGELAND] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

● Mr. HOWARD. Mr. Chairman, I take great pleasure in bringing to the floor today H.R. 8, the Water Quality Renewal Act of 1985. This bill makes a number of changes to the Federal Water Pollution Control Program to make it more responsive to the needs for water pollution control and to ensure that our efforts to improve and maintain the quality of our waters will continue in an effective and environmentally sound manner.

I wish to commend Representative ROBERT A. ROE, the chairman of the Subcommittee on Water Resources, the ranking member, Representative ARLAN STANGELAND, and the other members of the subcommittee as well as the members of the full committee for their outstanding work on this bill.

Protection of our waters is among the most important responsibilities we have in the Congress. Water is at the same time the cheapest but most expensive commodity we have. Over the years, we have learned that we can pollute the waters quickly but it takes years to clean them up. Coming from a shore district that is strongly dependent on clean water, I am especially aware of the need to prevent any degradation.

We must continue the efforts that have been made in the last decade to clean up the waters. We have heard many reports of improved water quality, of the return of fish to areas where they had not been for years. H.R. 8 will allow us to continue in that direction.

The 1972 amendments to the Federal Water Pollution Control Act have resulted in significant improvement in the control of discharges of pollutants into the Nation's waters. Studies indicate that, at the very least, pollution loads have not increased even though substantial increases in population and industrial discharges have occurred. However, the program has not performed as well as expected, due primarily to uncertainties in funding, insufficient levels of funding, and delays in promulgation of effluent standards of industrial dischargers.

H.R. 8 is designed to correct difficulties existing with regard to the program and to significantly improve the effectiveness of the Water Pollution Control Program. Among the major features of this bill are:

A $21 billion, 9-year combination grant and loan program for construction of sewage treatment plants;

A program to clean up toxic hot spots that cannot be removed through normal procedures;

A program to set up interstate management conferences to protect and clean up our bays and estuaries;

The cleanup of some of the Nation's major waterways, such as the Chesapeake Bay, the Narragansett Bay and the New York-New Jersey Harbor area;

A ban on the discharge into estuaries of sewage that has not received secondary treatment;

Requirements that industry comply with best available technology requirements within 3 years and 6 months of the promulgation of regulations by E.P.A.;

Provision for interim measures to address stormwater runoff problems until E.P.A. completes a study of the problem; and

Limitations on allowing less stringent effluent requirements in a new or modified permit where the original permit was based on best professional judgement or on water quality standards.

Mr. Chairman, I urge passage of H.R. 8, the Water Quality Renewal Act of 1985, so that we can continue

the efforts to preserve the quality of our environment that were begun with the 1972 act.●

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a pleasure for me to bring to the floor the bill H.R. 8, the Water Quality Renewal Act of 1985. This bill is the result of an enormous amount of effort on the part of the Subcommittee on Water Resources and the full committee, as well as by Chairman HOWARD who has been and is working diligently to develop legislation which is environmentally sound and can be enacted into law. I would like to take this opportunity to thank him for his leadership and dedication, and to acknowledge the most helpful cooperation of the ranking minority member of the subcommittee, Congressman ARLAN STANGELAND, and of course, the ranking minority member of the full committee, Congressman GENE SNYDER.

This bill contains a number of provisions designed to improve the Federal water pollution control program. The bill continues through fiscal year 1990 authorizations at existing levels for a number of programs in the Water Pollution Control Act, including research activities, training of personnel, forecasting the supply of and demand for occupational categories needed in the water pollution control field, grants to State and interstate agencies to assist in administering programs for water pollution control, grants to educational institutions for programs to train personnel in the operation of water pollution control facilities, grants under section 208 for developing and operating areawide waste treatment management planning processes, grants for the Rural Clean Water Program, the Clean Lakes Program, and the general administration of the Federal Water Pollution Control Act by the Environmental Protection Agency.

The Construction Grants Program, which provides a 55-percent Federal grant for the construction of sewage treatment facilities, is continued at its present level of $2.4 billion per year through fiscal year 1990. In addition, a new grant program is authorized which provides funds to the States to establish water pollution control revolving funds. These revolving funds are to be used by the States to make low interest loans, subsidize bonds, and take other similar measures in order to assist communities in the construction of sewage treatment works. The States must contribute 20 percent of their own money to these revolving funds.

The authorized amounts for grants for these revolving funds are $600 million per year for fiscal years 1986 through 1990, $2.4 billion for fiscal year 1991, $1.8 billion for fiscal year 1992, $1.2 billion for fiscal year 1993, and $600 million for fiscal year 1994.

The authorizations for construction grants and revolving fund grants are designed to enable the States to capitalize revolving funds during the period from fiscal year 1986 through fiscal year 1990 when construction grants are still being made. In 1991, the grants for revolving funds are increased to the prior years' construction grants level, then gradually decreased over a 3-year period. This is intended to provide a transition period during which the funding of sewage treatment plants will move from a Federal grant program to a State revolving fund program.

The Environmental Protection Agency estimates, in its 1984 needs survey, that the Federal share, under existing law, for eligible treatment plants through the year 2000 is approximately $35.8 billion. This is almost twice the amount authorized by H.R. 8 for construction grants and revolving fund grants. The committee is optimistic that the combined construction grant and revolving fund grant programs will enable communities to meet the requirements of the act. This is because the revolving funds will provide a continuing supply of funds for assistance. The committee will, however, monitor very carefully the success of this approach, so that it can determine whether the Nation's needs for publicly owned sewage treatment plants will be met on a timely basis.

The bill also contains a number of other provisions to improve our efforts to restore and maintain the quality of our waters.

A program to encourage and assist States in the control of nonpoint sources of water pollution is established. Approximately 50 percent of the pollution entering our Nation's waters comes from nonpoint sources. In order to achieve adequate water quality it is absolutely essential that we begin to address the very serious problem of nonpoint sources of pollution.

The clean lakes provision of the Federal Water Pollution Control Act which establishes a grant assistance program to improve the water quality of lakes, is modified to make it applicable to saline, as well as freshwater, lakes. Also, grants are authorized to be made to States for priority projects for control of nonpoint sources of pollution which are contributing to the degradation of water quality in lakes.

There is a provision for the development and implementation of individual control strategies to achieve compliance with applicable water quality standards where it is determined that such compliance will not result from the application of best available technology and best conventional technology.

The maximum amount of a civil penalty for violating certain provisions of the act is increased from $10,000 per day to $25,000 per day.

A provision is added to the act to provide that dischargers or individuals who knowingly violate or cause the violation of certain of the act's requirements will be subject to criminal penalties of up to $50,000 per day and/or imprisonment for up to 2 years. Also, the assessment of administrative penalties is authorized for violations of the act. These are designed to substantially increase EPA's enforcement capability to ensure compliance with the act.

In addition to these provisions, we intend to offer a number of amendments designed to address other matters relating to the pollution control program.

The question of stormwater discharge permits has become a matter of considerable concern. Under existing law all facilities involving the discharge of stormwater, such as residential, commercial and industrial facilities, and separate storm sewers, are required to obtain a permit regulating the discharge. The Environmental Protection Agency is presently in the process of developing regulations relating to the discharge of stormwater. In the meantime, all facilities discharging stormwater are subject to the requirement to apply for and obtain a permit. We have addressed this problem by establishing procedures to be followed during the 4-year period expiring on December 31, 1989, and directing the Environmental Protection Agency to conduct a study and report to Congress on the regulation of stormwater discharges by December 31, 1987.

Under this amendment, the administrator shall not require a permit for discharges composed entirely of stormwater runoff unless the administrator determines, in the case of a class or category of discharges, that the class or category may be a significant contributor of pollutants to the navigable waters. Also, only those individual discharges which violate a water quality standard or which are significant contributors of a permit are required to obtain a permit.

In the case of discharges from industrial sites, EPA is directed to identify within 1 year those classes and categories which are required to apply for a permit. Within 6 months after the completion of the study on regulation of stormwater discharges, EPA is directed to develop final regulations identifying these classes and categories.

Finally, all discharges from municipal storm sewers must be regulated through the permit process.

The provisions of this amendment expire on December 31, 1989. This will give the Congress 2 years to consider the matter and enact appropriate leg-

islation. Some concern has been expressed that EPA might not meet the date for submittal of the report and recommendations, thereby reducing the time available for the Congress to act. I wish to assure my colleagues that if the study is delayed we will exert our best efforts to obtain the results of the study and, if necessary, develop appropriate legislation whether the study is or is not available.

Another matter addressed by the amendments is the question of whether, and under what circumstances, a discharger may obtain a renewed, reissued or modified permit containing a less stringent effluent limitation.

The committee amendment provides that, for 2½ years after enactment, no effluent limitations which call for a lesser degree of treatment than being achieved under an existing BPJ (best professional judgment) or water quality based permit may be allowed, except as provided in a few limited situations. In addition, where water quality based effluent limitations are involved (limitations more strict than BAT because BAT does not result in water quality standards being met) no change in permit requirements may be made if it would result in a violation of water quality standards.

Section 24 of H.R. 8 provides for the assessment of administrative penalties for violation of the act. A hearing, in accordance with the provisions of the Administrative Procedures Act must be held if requested by the person to be assessed the penalty. The committee feels that the provision for such a hearing is necessary in order to allow the person being assessed the penalty an adequate opportunity to present his case and develop an adequate record for appeal, in the event such an appeal is sought. The committee also believes; however, that the hearing should be conducted as expeditiously as possible, in order to settle the matter of a penalty, and permit judicial review, in a timely manner.

Mr. Chairman, another important matter I wish to discuss concerns the difficulty in obtaining truly meaningful statistics on EPA enforcement actions and citizen suits. Information on the numbers of EPA and citizens' suits are not sufficiently informative, because they do not address those instances in which EPA and the Department of Justice institute judicial proceedings as a result of receiving notice that a citizen suit will be filed if a Federal action is not commenced. Also, it is difficult to make clear statistical comparisons either between EPA's regional offices or between the many environmental laws implemented by EPA where citizens suits are provided for. The situation is complicated even further by the fact that many States exercise enforcement authority in lieu of Federal enforcement. Information as to Federal enforcement activity, citizen suits, and the relationship between the two is necessary for the proper oversight of the environmental laws administered by EPA. The committee therefor directs EPA to improve its data collection on enforcement activities and to make this information available to the Congress periodically.

The last item I wish to address concerns the provision in the bill relating to fundamentally different factors. Section 18 provides that the Administrator may grant a variance from the requirements of an effluent limitation it it is determined that factors relating to the facilities, equipment, and processes of the discharger are fundamentally different than the factors considered in the establishment of the effluent limitation. Under an amendment we will offer, EPA must make a determination on an application within 180 days of its receipt. For applications made prior to enactment of this provision, EPA must make a final determination within 180 days after enactment. Many of the existing applications have been pending for a number of years. The committee expects that EPA will act expeditiously on final decisions relating to both existing and new applications. To ensure that this is done, EPA will be required to submit a report to Congress for our review every 6 months.

Mr. Chairman, H.R. 8, with the amendments we will offer, is a bill which will improve the Federal Water Pollution Control Program and better enable the goals of that program to be met. It is a good bill, a reasonable bill, and a necessary bill. I urge its enactment.

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in support of H.R. 8, the Water Quality Renewal Act of 1985. This legislation is the result of extensive hearings and concentrated efforts by many Members over the course of the past 4 years.

The chairman of our Public Works Committee, the gentleman from New Jersey [Mr. HOWARD] and the gentleman from Kentucky, the full committee's ranking Republican member [Mr. SNYDER], are to be complimented on the encouragement and leadership they have shown with respect to H.R. 8. Special recognition is also warranted for the chairman of our Subcommittee on Water Resources, the gentleman from New Jersey [Mr. ROE], who has worked tirelessly for the past two Congresses holding hearings, researching the issues, and perfecting the bill's, language.

The Clean Water Act, now being reauthorized and amended, has been successful, but it can be made more effective. The act has significantly improved the control of discharges of pollutants into our Nation's waters. It is leading to the cleanup of some of our most polluted waterways, including the St. Louis River in Minnesota, the Potomac River, and the Hudson River. Still, inadequacies of the Clean Water Act have become evident. The fish are sometimes too contaminated to eat. It has kept the Nation's waterways from getting any more polluted, despite substantial growth in industry and population over the past 13 years—a significant accomplishment. The fact remains, however, that overall water quality has not improved in the last 12 years as much as we would like.

Mr. Chairman, H.R. 8 represents a bipartisan effort to fashion a strong, efficient, balanced approach to ensuring cleaner water for all Americans. The bill continues a number of existing programs of the Federal Water Pollution Control Act and also establishes new important authorities which will help meet the goals of the act in a rational, feasible way.

The existing Water Pollution Control Program stems from the complete rewrite of earlier law that was incorporated into the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500. The 1972 act had as its goal to reduce and ultimately eliminate the discharge of pollutants from municipal sewage systems, industrial plants, and other sources into the Nation's waters. Important changes in the law were enacted in 1977. These so-called midcourse corrections included additional authorizations for the Construction Grants Program and the establishment of a program for encouraging innovative and alternative approaches to wastewater treatment. Other significant changes to the 1972 act occurred the 1981 amendments, which related primarily to the Construction Grants Program.

Under the Federal Water Pollution Control Act, the U.S. Environmental Protection Agency [EPA] is required to establish water quality criteria, technology-based effluent limitation guidelines, pretreatment standards, new source performance standards and a national permit program to regulate the discharge of pollutants. A grant program for construction of publicly owned treatment works provides the "carrot" for communities to reach the levels of treatment mandated in the law. States are given the responsibility for developing water quality management programs and for setting water quality standards. The act's technology based limitations prescribe minimum standards of performance for municipal and industrial dischargers without regard to the quality of receiving waters. Water quality standards, by contrast, identify intended uses of particular water bodies and, on the basis of water quality criteria guid-

ance developed by EPA, set forth the biological and chemical conditions necessary to sustain those uses.

Under the act, direct dischargers of pollutants are classified as either point or nonpoint sources. To deal with point sources, the Clean Water Act provides for the National Pollutant Discharge Elimination System [NPDES] which incorporates and applies effluent limitations in individual permits to both municipal and direct industrial dischargers. Under these permits, dischargers are subject to both technology-based treatment requirements and, where necessary to protect a designated use, additional controls based on water quality standards. Technology-based standards also deal, in part, with pretreatment of industrial wastes from facilities that discharge into municipal sewer systems instead of directly into a particular water body. These facilities are referred to as "indirect dischargers." To prevent certain toxic pollutants in these dischargers' waste effluent from passing through a municipal treatment works insufficiently treated or from interfering with the operation of the treatment works, technology-based effluent pretreatment limitations are applied. Delays in getting this program in place and the potential negative impact on already well-performing local pretreatment programs have been continuing problems.

Technology-based does not mean that the agency prescribes the technology that must be used. Rather, EPA reviews the various treatment techniques presently in use or available in each industrial sector to determine what limitations are achievable using available methods. Once EPA adopts effluent limitations for a particular industry, each company or plant can use any method it chooses to achieve these limitations. In practice, however, this range of choice is limited by the availability of technology and its effectiveness in removing pollutants.

The 1972 amendments to the act directed EPA to establish a minimum level of technology based standards for publicly owned treatment works [POTW's] based on secondary treatment as defined by the agency, and to establish best practicable technology currently available [BPT] standards for industrial categories. Both are uniform national standards and had a compliance date of July 1, 1977. Under the 1972 amendments, EPA was also directed to establish a second level of control standards for industrial categories, based on best available technology economically achievable [BAT], to be complied with by July 1, 1983.

The 1972 amendments' control strategy for toxic pollutants required EPA to develop pollutant-specific effluent standards to be applied to all industrial categories regardless of technological or economic achievability. These effluent standards for toxic pollutants were to be based on the nature of the pollutant rather than on the technologies available to treat those pollutants. The 1972 act instructed EPA to, first, identify toxic pollutants, and then to issue effluent standards for those pollutants.

These initial provisions for the development of toxic pollutant standards proved to be cumbersome and time consuming. During the 5-year period immediately following passage of the 1972 amendments, EPA only managed to produce effluent standards for six toxic pollutant standards. The agency was sued by several citizen groups and, as a result of the suit, a consent decree, commonly referred to as the NRDC consent decree, was entered into in June 1976.

In 1977, Congress passed amendments to Public Law 92-500 in the form of the Clean Water Act Amendments of 1977. The new act codified many of the provisions of the 1976 decree. It classified types of pollutants into conventional pollutants, toxic pollutants, and nonconventional pollutants. Conventional pollutants include those traditionally controlled by wastewater treatment systems, including biochemical oxygen demand [BOD], oil and grease, suspended solids, pH and fecal coliform. For industrial control of these traditional pollutants, Congress established separate technology-based control standards referred to as best conventional technology [BCT]. Toxic pollutants include the 65 pollutants and categories of pollutants identified in the NRDC consent decree and section 307(a) of the act. Further subcategories of this number have brought the total to 129 pollutants. Non-conventional pollutants is a catch-all category which includes pollutants not otherwise designated, such as phosphorus, nitrogen, and ammonia.

New compliance deadlines were also established under the 1977 amendments. BAT for toxic pollutants and BCT for conventional pollutants were required to be achieved by all industrial direct dischargers by July 1, 1984. BAT for nonconventional pollutants was to be achieved no later than July 1, 1987, with the possibility of environmental waivers under certain circumstances.

The construction grants amendments of 1981 significantly modified the program for Federal funding of sewage treatment plants that had been in the act since 1972. In 1981, the annual authorized funding level for the program was reduced from $5 billion per year to $2.4 billion per year. Under the 1981 amendments, what had been 75 percent Federal funding reduced to 55 percent in October 1984, and certain categories previously eligible for funding, such as collector sewers, became grant eligible only where a State's Governor chose to fund them under a 20-percent discretionary authority.

The bill to be considered today by the House, H.R. 8, builds on this background, making changes where needed and reinforcing existing parts of the act in order to more efficiently achieve our real goal: Maintenance of the highest practicable in-stream water quality throughout the Nation to support the many uses of that water by the American people.

Generally, H.R. 8 continues the $2.4 billion annual authorization for construction grants and authorizes a separate grant system to enable States to create revolving funds to help their communities construct needed sewage treatment plants. The bill makes eligible for grant assistance combined sewer overflow problems. It also extends the compliance dates for achieving the best available technology and best conventional technology requirements to reflect the delays which have occurred in the promulgation of the effluent limitations called for in the act.

In addition to these provisions, this year's bill, H.R. 8, provides for, among other things:

A 5-year reauthorization of a number of existing programs;

Revisions of some of the act's technology compliance deadlines;

A new non-point-source control program;

Expanded authority for the Governor to elect to use the existing 20-percent discretionary funding under the States' construction grant allotment for non-point-source projects;

Authority for administrative penalties;

Authorization for 10-year National Pollutant Discharge Elimination System [NPDES] permits and partial program delegation to the States;

Continued eligibility for combined sewer overflows [CSO's] and collector systems;

Specific authorization to issue effluent limitation variances based on fundamentally different factors;

Required passthrough of 205(j) grants to substate planning organizations;

A 1¼-percent set aside for investigation and auditing activities within the construction grants program; and

Several site-specific projects to deal with major problem areas.

One of H.R. 8's most innovative proposals is the bill's authorization of a new revolving fund program through which a State will be able to provide financing assistance to its political subdivisions and, upon repayment, be able to use that money again to construct needed pollution control facilities. These funds can be used for loans, guarantees, interest subsidies,

and other nongrant purposes. Under this new authority many more communities will receive funding for construction of needed wastewater treatment facilities. Many communities throughout the Nation have waited in vain for Federal funding, being too far down on the State's priority list, and this new revolving fund program is designed to help those communities meet their requirements under the act.

There is one important area not covered by the legislation that I believe should be. Mr. Chairman, as you know, I advocate greater flexibility with the provisions contained in section 307 of the act requiring the application of national categorical pretreatment standards for indirect dischargers.

It's my view, and the view of many others, that as long as a municipality can adequately demonstrate to EPA that its locally developed system of pretreatment is at least as effective as the different national categorical pretreatment standards recommended by the agency, such a municipality should be afforded the oportunity to move forward with its own program

I believe that it's unwise to require compliance with Federal categorical standards when other less costly methods are available which are just as effective in achieving the goals of the act. Furthermore, such a rigid approach may inhibit the development of new initiatives that could greatly improve water quality.

Accordingly, when we are under the 5-minute rule for the bill, I will offer an amendment to H.R. 8 authorizing a demonstration program pertaining to a limited number of locally developed pretreatment systems which achieve pretreatment at least equivalent to that required under national standards but which employ a method of pretreatment which is different from the categorical pretreatment standards mandated by section 307(b) of the act.

My amendment would require EPA to select up to 40 municipal treatment programs nominated by the states for inclusion in a 5-year demonstration program. In order to be eligible to participate, the owner or operator of the treatment works would have to show that: First, the treatment works is in compliance with applicable secondary treatment and water quality based effluent limitations under section 301 and 302 and with all the requirements of its section 402 NPDES permit; second, that the locally-developed pretreatment system is at least as effective in presenting the pass-through of harmful pollutants as required by the national categorical standards; third, that the POTW can adequately demonstrate effective administration of an equivalent program, including requirements for sampling and monitoring; fourth, that the POTW has adequate enforcement authority to insure compliance with its equivalent system; and fifth, that the equivalent system will not impair safe use and disposal of resulting sludge.

The amendment would also call for annual reports to the Congress by the States on the effectiveness of the demonstration program and final report by EPA prior to the conclusion of the program.

Mr. Chairman, I realize that there are many who feel that any program mandated by EPA is always going to be better than one developed locally. I just frankly don't agree.

I have visited local pretreatment works, have talked to the people who run them, and I believe that there are very dedicated, imaginative, and capable professionals out there that are equal to the challenge of showing to the Federal Government that their programs are every bit as effective as Washington's, if not more so.

To deny them the opportunity to do so, is not only unfair to them, but it is also unfair to the goals of the Clean Water Act.

Therefore, Mr. Chairman, I would ask my colleagues to seriously consider the merits of my proposal and to support my amendment, which would do nothing more than allow states to propose and operate under equally effective approaches to federal pretreatment standards.

In closing, Mr. Chairman, let me just say that, with or without my equivalent local pretreatment demonstration program amendment, H.R. 8 is a vital and greatly needed bill. I can honestly say that this major environmental legislation is crucial to the districts of each and every Member of Congress and that each of us should vote for its passage. We must protect the future of the Clean Water Act. We must strengthen the Clean Water Act. We must finish the job we began 12 years ago.

Last year, this body approved by the overwhelming vote of 405 to 11 a bill quite similar to the one we bring to the floor today. Unfortunately, our colleagues in the other body were not successful in their efforts to bring Clean Water Act reauthorization legislation to floor consideration before the 98th Congress adjourned.

This year, we have a Senate-passed counterpart bill. This year, we are going to complete our work on this major environmental legislation. We are going to send to the President for his signature a Clean Water Act reauthorization bill of which we can all be proud. I believe that there is no reason why we can't duplicate the Senate's unanimous vote of approval in this House. I urge my colleagues to join in supporting the Water Quality Renewal Act of 1985.

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Mr. ROE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Chairman, I rise in support of the committee bill and amendment package of H.R. 8. I have worked on this measure with my colleagues on the Public Works and Transportation Committee over the last few years, and I am pleased that we are able to bring the reauthorization of the Clean Water Act to the floor today.

I want to commend the chairman of the committee for his efforts in fashioning an effective water quality program. This measure builds upon the successes of the past and our hopes for the future of this Nation's waters.

In particular, I want to express my appreciation for the chairman's willingness to incorporate the recommendations I had made during the committee process to address the dilemma in issuing permits ad infinitum for common stormwater discharges.

Under existing law, the Environmental Protection Agency must require National Pollutant Discharge Elimination System [NPDES] permits for anyone who has stormwater runoff on their property. What we are talking about is potentially thousands of permits for churches, schools, residential property, runoff that poses no environmental threat and does not warrant the expense and dilution of personnel and resources that would be required to permit and monitor these harmless discharges.

It was not the intent of Congress that permits be required for every case of stormwater runoff, but due to recent court decisions mandating such extensive permitting, EPA must have the statutory authority to inject some reason back into this process.

The Senate has already adopted an amendment to effect most of the needed changes in the current requirements for NPDES permits. I plan to support the Committee amendment that similarly addresses this situation.

There are still some specific details to be ironed out during this process and I look forward to working with the Chairman to perfect this provision.

The following is the amendment which I believe addresses the existing inadequacy in the time allowed for the completion of the EPA study and the expiration of the exemptions for stormwater discharge permits:

In the matter proposed to be inserted on page 80 after line 14, as paragraph (3)(C) of section 402(1) of the Federal Water Pollution Control Act, strike out "ending on December 31, 1989" and insert in lieu thereof the following: ending on the date two years after the date the Administrator submits to Congress the report on methods of regulating stormwater discharges required by sec-

tion 26(b)(2) of the Water Quality Renewal Act of 1985.

Mr. STANGELAND. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. MCKINNEY].

Mr. MCKINNEY. Mr. Chairman, I am delighted to take in today's debate on the Water Quality Renewal Act. As a cosponsor of this legislation, I would like to commend the members of the Public Works and Transportation Committee, particularly Chairman JAMES HOWARD, Water Resources Subcommittee Chairman ROBERT ROE, and Representatives GENE SNYDER and ARLAN STANGELAND, and their leadership in this critically important area of environmental law.

While the House in June of last year approved by an overwhelming margin a very similar water quality bill, the Clean Water Act rewrite was never enacted due to controversy in the other body. This Congress, however, has seen the other body act promptly on this matter, approving its version on June 13. With House action this week, Congress will stand in a good position to revise and extend the Clean Water Act this year.

When the House considers amendments to this bill later in the week, I had planned to offer an amendment to establish a National Estuary Program. This program was included in last year's House-approved measure, as well as in the legislation recently approved by the other body. However, as reported by the Committee on Public Works and Transportation, the Water Quality Renewal Act did not include this historic program.

At this time, however, I am pleased to find myself commending the committee leadership for having the foresight to include the National Estuary Program in their amendment to the Water Quality Renewal Act. Giving credit where credit is due, it was the Public Works and Transportation Committee who developed this plan during the 98th Congress. It encompasses the best and most practical approaches to estuarine pollution control, and is worthy of our strong support. I filed my amendment in the CONGRESSIONAL RECORD of July 17 to ensure that the House would be given the opportunity to debate this historic pollution control initiative. But because of the committee's commitment to this program, I am pleased to say that I will not have to offer my amendment to ensure this debate.

The Estuary Program, modeled after the existing Chesapeake Bay cleanup plan, would be the first real attempt to instill order into the often haphazard pollution control plans developed for estuaries. In cases of interstate sourced pollution, this program would direct the Administrator of the EPA to convene an interstate management conference to develop a comprehensive plan for water quality improvement. Each conference would include the EPA, the National Oceanic and Atmospheric Administration, representatives from each State, as well as representatives from interstate agencies with jurisdiction over the estuary.

Mr. Chairman, I also am pleased that the committee's version of the estuary plan includes priority consideration for four estuaries: Long Island Sound, Buzzards Bay, Delaware Bay, and Albermarle Sound. Over the last 2 years, I have initiated three pieces of correspondence with the committee leadership on this issue of priority consideration. The most recent letter was dated July 10 and signed by 16 of my colleagues, including the distinguished chairman of the Merchant Marine and Fisheries Committee, the Honorable WALTER JONES. In this letter, we outlined our strong support for a National Estuary Program, as well as our recommendation that four bodies of water receive priority consideration.

In closing, I would like to stress my support for this significant pollution control measure. It is carefully crafted and, with adoption of the committee amendment, is worthy of our approval.

Mr. STANGELAND. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I want to commend the committee for the attention it has shown in this bill to the particular problems of the Great Lakes.

The Great Lakes constitute the largest single system of fresh water in the world and represent the Midwest's most precious and important natural resource. More than 29 percent of all Americans and 30 percent of all Canadians live within the lakes' watershed. The lakes provide clear, dependable water supplies for residential and industrial consumption; an important transportation mode for moving goods and products; clean energy through hydrogeneration; and a recreational wonderland.

Water quality in the Great Lakes is a complex and difficult issue to define and resolve. Problems vary in magnitude and effects from lake to lake and place to place within a given lake. Significant progress has been made in solving Great Lakes water quality problems. However, the divergent and uncoordinated way in which many issues are addressed complicate their resolution.

The committee has recognized its duty to reserve and protect the Great Lakes by anticipating future challenges. This bill, with the full committee amendments, contains several provisions which will help coordinate Great Lakes policy.

The legislation would achieve the goals of the Great Lakes Water Quality Agreement of 1978. It calls for improved organization and definition of mission on the part of the Environmental Protection Agency, funding State grants for pollution control in the Great Lakes area, and improved accountability for implementation of the agreement.

This authorization would further provide for a Great Lakes International Coordination Office within the EPA to take a more active role in coordinating activities and monitoring water quality. It is vital that the EPA more actively pursue its role of watchdog for water quality in the region.

The Great Lakes are a delicately balanced ecosystem. The necessity of maintaining this balance is vital if the region is to meet its economic potential. Solutions, policy directions, and actions affecting the environment can be accomplished only by Federal, State, and provincial, and local government action. That is why I commend the committee for taking an important step in the right direction by coordinating efforts to protect this vital resource.

● Mr. SNYDER. Mr. Chairman and my colleagues, it is with great pleasure that I rise in strong support of H.R. 8, the Water Quality Renewal Act of 1985.

H.R. 8 is the product of years of effort by the Committee on Public Works and Transportation and, in particular, our Subcommittee on Water Resources. We have had countless days of hearings where we received testimony from scores of witnesses. We have looked at every aspect of the Clean Water Act and the way that it is administered at the Federal, State, and local level. The bill we take up today is a synthesis of the suggestions for change from all parties affected by the Clean Water Act.

I want to congratulate the gentleman from New Jersey [Mr. HOWARD], who serves so ably as the chairman of the Committee on Public Works and Transportation, for his leadership and good judgment on this bill. I want also to thank the chairman and ranking Republican member of the Subcommittee on Water Resources, the gentleman from New Jersey [Mr. ROE] and the gentleman from Minnesota [Mr. STANGELAND], for their tireless efforts, their spirit of cooperation and especially for their comprehensive understanding of the issues.

Mr. Chairman, I want to emphasize that this is truly a bipartisan bill. The Members on this side of the aisle have always been strong supporters of environmental legislation in general and the Clean Water Act in particular. Last year's clean water authorization bill passed by the overwhelming margin of 405 to 11. The bill that has been developed this year is based on last year's bill, but has been refined to reflect new information and new needs. I would like to note that one

area of significant difference is in the overall funding called for in the bill. Authorization levels have been significantly reduced from the levels provided for in last year's bill. Despite these significant reductions, this year's bill will not result in any community having to cut back in its program. H.R. 8 would continue funding of Clean Water Act programs which are no less, and in some cases more, than the current funding.

H.R. 8 will also establish new initiatives in a number of areas to assist the Nation in achieving the goals of the act of reducing or eliminating the discharge or pollutants into our Nation's rivers, lakes, and streams. Specifically, the bill would establish a new, expanded program for control of nonpoint source pollution and would establish a new grant program to assist States in setting up revolving funds to finance future capital improvements by municipalities. This latter initiative will be available to provide a more flexible system of funding which will ultimately replace the construction grant program. These revolving funds would be available for use by localities to help pay for improvements needed to achieve water quality objectives without the myriad of Federal procedures and requirements that are applicable under the construction grant program.

While I fully support the bill that has been developed by our committee, I also recognize that there are Members who feel that the bill can and should be improved. I am aware that the gentleman from Minnesota, Mr. STANGELAND, who has served so ably as the ranking Republican member on the subcommittee, will offer an amendment to allow States and localities an opportunity to demonstrate that they have the capability to implement pretreatment programs that are at least as effective as the Federal categorical pretreatment program mandated under section 307 of the act. I believe that this amendment is one that makes eminently good sense and is deserving of your careful consideration and support.

Mr. Chairman, I would hope that we can move quickly, though deliberately, to final passage of H.R. 8. I would hope that we can achieve the level of support that we had last year, if not higher. With the support of our colleagues on this bill, I am very confident that we will have meaningful, comprehensive clean water legislation in this Congress. Last year, we had the support of this body. However, the Senate failed to take their counterpart bill to the floor. This year the Senate has already passed their bill, and I note that they did so without a single vote in opposition. I would hope that this body can achieve a comparable level of support so that we can reconfirm the Congress' unquestioned commitment to the Clean Water Act and need to protect and enhance the quality of the Nation's waters.●

● Mr. EDGAR. Mr. Chairman, I rise in support of H.R. 8 and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I am a cosponsor of H.R. 8 and a strong supporter of the many provisions of this bill which will advance our efforts to clean up our Nation's waters. I strongly commend my colleague BOB ROE of New Jersey, the chairman of the Subcommittee on Water Resources, for bringing this bill before us today. Along with the ranking minority member of the subcommittee, ARLAN STANGELAND, and the chairman of the full Public Works and Transportation Committee, JIM HOWARD, he has worked diligently to produce this reauthorization of the Clean Water Act.

As my colleagues in the House are aware, the Clean Water Act was passed by Congress in 1972 to reduce and ultimately eliminate pollution of our Nation's waters by municipal sewage systems and industrial plants. We established a goal of achieving fishable, swimmable water in rivers, lakes, and streams across our Nation.

Unfortunately, many of the programs and general authorizations contained in the original act have lapsed since 1982, and we have been operating without a regular authorization since that time. The passage of H.R. 8 will fill that gap and will also help address a concern noted in our committee's report on the bill:

> The 1972 act has resulted in significant improvements in the control of discharges of pollutants into the Nation's waters. Studies indicate that at the very least, pollution loads have not increased even though substantial increases in population and industrial discharges have occurred. However, the program has not performed as well as expected due primarily to uncertainties in funding, insufficient levels of funding and delays in promulgation of effluent standards for industrial dischargers.

It is particularly important to reauthorize the Clean Water Act to assure fishable, swimmable water and preserve our environment. But clean water is also important to our continued economic progress. It is commonsense that a healthy environment is essential in attracting new growth and revitalizing our older industries. Our economy needs clean water if it is truly to continue to prosper; otherwise, we face the prospect of wasting a valuable and irreplaceable resource for short-term, elusive paper gains.

Therefore, I am pleased that the centerpiece of this legislation is the authorization of the sewer construction grants program through fiscal year 1990 at current funding levels. This level of funding is vital in preserving and improving water quality throughout the country. In my own State of Pennsylvania, the construction grants program has helped hundreds of communities build much needed sewerage collection and treatment systems while generating over 4,300 construction-related jobs annually.

All of us are painfully aware of the tremendous budget deficits facing our Nation and each of our committees has tried to operate within overall spending constraints. Therefore, the committee also provides for a smooth long-term transition from a grants program to alternative State programs by including in H.R. 8 a separate grant system enabling States to establish revolving funds to assist communities in constructing needed sewage treatment facilities. The program will assure States of maximum flexibility in meeting their sewer construction needs.

In addition, the bill creates a valuable new grant program for the States to control nonpoint pollution from rural and urban runoff. In the committee substitute that Chairman HOWARD will propose, our colleagues will also find funding for targeted efforts to clean up the Chesapeake Bay and other bays and estuaries, and a separate provision adding specific requirements to put the EPA on a schedule of publishing guidelines for the safe use and disposal of sewage sludge.

It is my understanding that Chairman ROE plans to amend the committee substitute to incorporate several further provisions to preserve the environmental gains of the Clean Water Act's first 13 years. Specifically, Chairman ROE's amendment will strengthen the Howard substitute's provisions on "backsliding," or the relaxation of clean water requirements when a permit is reissued. I am pleased that the chairman will include additional antibacksliding provisions in his proposed amendment.

Next, the amendment will modify the substitute's section on administrative civil penalties. As originally drafted, H.R. 8 would give the EPA new authority to assess administrative civil penalties without going to court. However, if the EPA chose to exercise this authority, citizens would be precluded from seeking redress in cases of violation of the Clean Water Act. I understand that the Roe amendment will allow citizens to go to court in the case of continuing violations, which I believe is a fair compromise.

I am pleased that H.R. 8 includes a section clarifying the procedure for fundamentally different factors [FDF] variances, which were originated by the EPA without and specific approval by Congress. The FDF section could be strengthened, though, by setting a firm deadline for the EPA to act on variance applications, and by covering all standards, not just those issued after H.R. 8 is enacted into law. I be-

lieve that these issues will be covered in Chairman ROE's amendment.

Finally, the chairman has covered the issue of modifications for nonconventional pollutants in his proposed substitute. I hope, however, that the final version of the substitute will preserve legislative control over this area by giving Congress the aurthority to expand the list of eligible pollutants rather than leaving that responsibility with the EPA.

I am confident that there will be a full debate of these and other concerns when they consider amendments to H.R. 8. I know that all Members of this House want to produce a responsible Clean Water Act reauthorization which preserves and strengthens our commitment to tough measures to clean up pollution. In general, this is an admirable bill which does just that. The proposed substitute to this bill and the amendment to it developed by Chairman ROE include substantial changes and modifications which address the concerns of many. I look forward to working with the chairman and my colleagues to pass this major piece of environmental legislation in the 99th Congress.●

● Mr. FIELDS. Mr. Chairman, I rise in strong support of the passage of H.R. 8, the Water Quality Renewal Act of 1985.

This important legislation is the product of several years of labor and I compliment the distinguished subcommittee chairman and ranking minority member, Mr. ROE and Mr. STANGELAND, for their perseverance and leadership in producing such an excellent reauthorization of the landmark Clean Water Act.

H.R. 8 is a tribute not only to their tireless efforts but also those of Chairman JAMES HOWARD and Congressman GENE SNYDER.

A debt of gratitude is owed to these fine public servants who, through this legislation, have renewed our Nation's commitment to clean water in our rivers, lakes, and streams.

Mr. Chairman, while there are a number of key provisions contained within this bill, including an extension of the Wastewater Treatment Program, I intend to confine my remarks to section 26(f) of H.R. 8.

Incorporated within this section is the language of my bill to improve water quality in the Lake Houston watershed which is located in my congressional district.

Mr. Chairman, Lake Houston is a 12,000-acre manmade lake located northeast of Houston within Harris County, TX. Owned by the city, Lake Houston was created to provide city residents with an alternative source of drinking water to replace the area's rapidly depleting groundwater supply.

Based on current needs, it is expected that the lake will continue to provide drinking water to some 40 percent of the city's population.

As the Member of Congress who proudly represents the Lake Houston area, I've long recognized the importance of this vital watershed in providing both safe drinking and recreational opportunities for thousands of my constituents.

For these reasons, I have viewed, with alarm, the periodic increases of fecal coliform bacteria in the lake. In fact, during a period last year, the Houston Water Department found that 12 of its 14 sampling locations around the lake exceeded the pollution standards for contact recreation.

While water quality in the lake has fluctuated in recent months, the problem of fecal coliform bacteria remains a serious and unresolved matter.

In response to this problems, I have worked closely with the members of the House Public Works and Transportation Committee. I am extremely grateful that my Lake Houston language has been included within H.R. 8. I am convinced it will have a very significant and positive impact on water quality in this vital watershed.

As written, the amendment is designed to accomplish three objectives. First, it authorizes the Federal Environmental Protection Agency, in cooperation with the State of Texas, to study the water quality problems in the lake and to report their findings to the Congress within 1 year.

Second, it directs EPA to set up a comprehensive monitoring system of the more than 200 wastewater treatment plants that are located in and around Lake Houston. With the tremendous population growth in this area, the number of wastewater treatment plants has increased dramatically. It is these plants, or at least some of them, which have been identified as the source of the pollution problem.

Instead of simply gathering water samples from a few locations, my amendment will allow EPA to comprehensively monitor the discharges of most, if not all, of the wastewater treatment plants.

Finally, the amendment provides EPA with the authority to undertake any interim or emergency cleanup measures that may become necessary. In this way, EPA has the flexibility to respond to any emergency in a timely and expeditious manner.

In order to carry out these functions, my amendment authorizes $10 million to both study and resolve this serious problem.

Mr. Chairman, I anticipate the majority of the funds will be used by EPA to monitor the various treatment plants. In addition, this money will be available for any necessary clean-up efforts to ensure that Lake Houston remains a source of clean drinking water and safe recreational opportunities.

Mr. Chairman, with the enactment of my amendment, we will not only guarantee the water quality of Lake Houston but we will prevent the development of a hysteria that Lake Houston is a dirty, polluted body of water.

Mr. Chairman, Congress made a commitment to the American people, through the Clean Water Act that the Federal Government would improve and maintain the highest quality of our precious water resources.

I believe passage of the Water Quality Renewal Act of 1985 will continue that vital commitment to both our Nation and to the people of the Eighth Congressional District. We must ensure that in the years ahead, our rivers, lakes, and streams are safe and pure for all Americans.

I urge the enactment of H.R. 8.

Thank you, Mr. Chairman.●

● Mr. JEFFORDS. Mr. Chairman, I rise in strong support of the amendment to be offered by the gentleman from Massachusetts [Mr. CONTE] and urge all my colleagues to give this initiative their full consideration and support. I want to commend my good friend from the mountains of Massachusetts, Mr. CONTE, for offering today's amendment to control the damaging environmental effects of acid rain. This is a belatedly historic occasion, as this represents the first time we have had an opportunity to discuss this national and international problem on the House floor. Our response to this issue to date reminds me a little of Emperor Nero and the burning of Rome.

You may ask why are we discussing acid rain during a debate on the Water Quality Renewal Act? Precisely because acid deposition results in a serious deterioration in the water quality of high mountain lakes, ponds, and streams. The impacts can be so devastating that a water body can be left sterile and devoid of all aquatic life.

On numerous occasions I have urged by colleagues to take notice of the serious effects of this byproduct of our modern age. The official national line may be that there is still a need to study the cause and effect relationship between sulfur dioxide emissions and environmental damage. But in Vermont, where we bear the brunt of a disproportionate share of acid rain fallout, the line is that the studies are in, the effects are clear, so let's get on with controlling this environmental menace.

Smokestack emissions from utilities and industries are akin to the nonpoint source pollutants addressed in other sections of the Water Quality Renewal Act. Dispersed high in the atmosphere by behemoth smokestacks, sulfur dioxide and nitrogen oxide emissions cover a broad downwind area; falling to the ground as damag-

ing acid rain miles and miles from the original source.

Vermont, along with much of the New England region, is highly susceptible to the effects of acid rain. Not only are we downwind of the primary sources of smokestack emissions, our geologic formations are extremely sensitive to acidic precipitation. Bedrock with a low chemical buffering capacity cannot neutralize the acidic composition of acid rain. Geologic surveys show that well over 50 percent of Vermont is sensitive to acid rain with medium to no buffering capacity. This area includes most of the Green Mountain and Taconic Mountain ranges and all of the Green Mountain National Forest.

Since 1979, the Vermont Agency of Environmental Conservation has declared 10 high-altitude lakes in these sensitive areas as dead. All of these lakes have displayed high acidity. The agency has also listed 25 lakes in the Green Mountain National Forest as "threshold lakes," meaning that their buffering capacity has been so eroded over the years that their natural ability to rebound from an acidic rain event has been virtually destroyed.

The effects of acid rain are already evident in Vermont and given the sensitivity of a large portion of our State we can only expect the damages to increase. This situation concerns Vermonters and in the Yankee tradition this concern has not been kept quiet. This past March at our annual town meeting day, more than half of our towns felt it was their duty to send Washington a message on acid rain. A resolution urging the Environmental Protection Agency to do all in its power to institute controls over the sources of acid rain was considered at 154 town meetings. It was adopted at all but two and at most by unanimous consent.

This is not the first time that Vermonters have spoken out on this issue. In 1983 the Vermont Legislature adopted a resolution calling on the President and Congress to enact legislation to reduce sulfur dioxide emissions by one-half by 1990. My own legislative survey of last year found 95 percent of the respondents in agreement that something had to be done to control acid rain. Out of this group, an impressive 81 percent were willing to bear a portion of the cost of a cleanup program as long as it meant something would get done.

Where our Government has not acted, the New England region has taken the initiative to control our own, albeit small, contribution to the acid rain problem. Recently the New England Governors and the Eastern Canadian Premiers agreed to a program to reduce sulfur dioxide emissions from within our region. This international effort marks the first time that a concerted effort will be made to control this problem. And this is by a region that is the primary victim of acid rain in North America.

The acid rain amendment to the Water Quality Renewal Act presented here today supports each of the initiatives I have outlined. This is control legislation, calling for reduction goals of 12 million tons for sulfur dioxide emissions and 4 million tons for nitrogen oxides, it is a nationwide plan with each State contributing to the cleanup campaign based on their contribution and it includes a funding mechanism with contributions from all electricity users. Vermonters support this approach, we are willing to help with the solution even though we are not a source of the problem. I hope all States can display as much regard for our environment.

Mr. Chairman, I again want to commend Mr. CONTE for this opportunity to debate acid rain on the House floor. I hope each and every one of my colleagues will give this initiative their full support when it is issued tomorrow. Our environment cannot wait.●

● Mr. CONTE. Mr. Chairman, I rise in support of this effort to protect and preserve the quality of our Nation's water.

With a goal to make our waters drinkable, fishable, and swimmable once again, the Clean Water Act is an important environmental safeguard. However, there is one pressing water quality issue that is not addressed in this legislation. Acid rain poses a national and potentially disastrous threat to the quality of water in this country. Lakes, streams, and reservoirs are dead and dying. In some cases, entire ecosystems are threatened. And most tragically, our drinking water supplies are being contaminated by this "silent killer"—acid rain.

To address this widespread threat to our water quality, I plan to offer an amendment to the bill providing for a comprehensive acid rain control program designed to reduce sulfur dioxide by 12 million tons in 10 years. I realize this is an unusual procedure, but we must act now to control acid rain before the damage is fatal and irreversible.

The time for study is over. The case for acid rain control is so compelling that any reasonable person willing to examine the facts would be moved to action. And this is all I'm asking. For years, this issue has been the subject of countless scientific studies, hundreds of hearings and almost 100 pieces of legislation. Yet during this time, acid rain control legislation has never been debated on the floor of either body of Congress. The economic interests of a few must not override the concern expressed by many that acid rain should be controlled now, before it's too late.

Just look at the facts. Acid rain has a devastating effect on water quality.

In the Eastern States, including the Midwest, OTA estimates that 17,000 lakes and 112,000 miles of stream are at risk from acid rain.

In Massachusetts, over 200 waterbodies are already dead—acidified with no signs of life. One study showed the 82 percent of the surface water in my State is vulnerable to long term acidification. And 20 percent of the water bodies, including the Quabbin Reservoir, are critically close to losing their capacity to neutralize acid.

Let me tell you about the Quabbin, a reservoir that supplies drinking water to the city of Boston. With 85 percent of the service pipes make of lead, the city must spend $1.3 million annually to treat the acidic water from the Quabbin. This deadly combination—lead pipes and corrosive water—presents a significant human health risk.

The damage caused by acid rain is not limited to the Northeast region. In Wisconsin, for example, the Department of Natural Resources reported that 302 lakes in that State are now dead—killed by acid rain—and that another 1,400 are extremely threatened and probably will be dead before long. Recent studies have also documented acid rain damage in the Rocky Mountain region and in the South.

It's clear that in Massachusetts and across the country, the acid reign of terror has ravaged the environment. This threat to our water quality, our health, forests and natural resources must be addressed on a national level in a timely fashion.

We can't afford to wait any longer.●

● Mr. BREAUX. Mr. Chairman, the amendment I am offering to H.R. 8 is intended to improve the stormwater discharge provisions relating to mining and oil and gas operations contained in section 26 of the bill. Under the existing language in the bill, the Administrator would not require a NPDES permit under section 402 of the Clean Water Act for uncontaminated stormwater discharges from these operations. However, the language contained in H.R. 8 would require extensive monitoring to document that the stormwater was not contaminated. Thus, a great many operations which employ sound management practices designed to prevent stormwater contamination would nonetheless be burdened with elaborate monitoring and reporting requirements.

To resolve this dilemma, my amendment would stipulate that discharges composed entirely of stormwater runoff which has not come into contact with any potential pollutant associated with these mining or oil or gas

operations would be exempt from the permit requirement under section 402. Potential pollutants are any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of these operations. Furthermore, such stormwater run-off, which does not have the potential to be contaminated since it has not come into contact with any potential pollutant, would not be subject to the monitoring and reporting requirements. However, any stormwater which has come into contact with any potential pollutant would not be eligible for the stormwater runoff exemption contained in section 26(b)(2) of H.R. 8, and the monitoring and reporting requirements would be mandatory.

Mr. Chairman, I believe that this amendment is wholly in keeping with the intent of the committee, as expressed in report No. 99-189, which states that the limited stormwater exemption—

. . . was developed by the Committee in recognition of the fact that there are numerous situations in the mining and oil and gas industries where stormwater is channeled around plants and operations through a series of ditches and similar devices in order to prevent pollution contamination of the stormwater. Many of these stormwater runoff devices are voluntary means of pollution control. For example, many mining operations located in mountainous and snow-packed areas collect run-off around the mine sites to keep such water from coming into contact with and being contaminated by process water or materials. The Committee believes that, to avoid penalizing operators for using good management practices designed to prevent or minimize pollution and for making expenditures to prevent stormwater diversion devices should not be regulated under the permit scheme of the Act.

My amendment would provide incentives for the use of sound management practices which prevent stormwater contamination by elimination of needless and expensive monitoring of uncontaminated stormwater. At the same time, however, the amendment would ensure that those stormwaters which may be contaminated due to contact with potential pollutants associated with mining, oil or gas operations are not exempt from the section 402 permit requirements.●

Mr. ROTH. Mr. Chairman, I want to commend the committee for the attention it has shown in this bill to the particular problems of the Great Lakes.

The Great Lakes constitute the largest single system of fresh water in the world and represent the Midwest's most precious and important natural resource. More than 20 percent of all Americans and 30 percent of all Canadians lives within the lakes' watershed. The lakes provide clean, dependable water supplies for residential and industrial consumption; an important transportation mode for moving goods and products; clean energy through hydrogeneration; and a recreational wonderland.

Water quality in the Great Lakes is a complex and difficult issue to define and resolve. Problems vary in magnitude and effect from lake to lake and place to place within a given lake. Significant progress has been made in solving Great Lakes water quality problems. However, the divergent and uncoordinated way in which many issues are addressed complicate their resolution.

The committee has recognized its duty to preserve and protect the Great Lakes by anticipating future challenges. This bill, with the full committee amendments, contains several provisions which will help coordinate Great Lakes policy.

The legislation would achieve the goals of the Great Lakes water quality agreement of 1978. It calls for improved organization and definition of mission on the part of the Environmental Protection Agency, funding State grants for pollution control in the Great Lakes area and improved accountability for implementation of the agreeement.

This authorization would further provide for a Great Lakes international coordination office within the EPA to take a more active role in coordinating activities and monitoring water quality. It is vital that the EPA more actively pursue its role of watchdog for water quality in the region.

The Great Lakes are a delicately balanced ecosystem. The necessity of maintaining this balance is vital if the region is to meet its economic potential. Solutions, policy directions, and actions affecting the environment can be accomplished only by Federal, State and provincial, and local government action. That is why I commend the committee for taking an important step in the right direction by coordinating efforts to protect this vital resource.

□ 1410

Mr. STANGELAND. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. ROWLAND of Georgia] having assumed the chair, Mr. GONZALEZ, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GOLDA MEIR MEMORIAL IN DENVER

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, I want to pay tribute to a group of Denverites, led by Esther Cohen, who have formed the Golda Meir Memorial Association.

Golda Meir lived in Denver from 1913 to 1921 when she and her husband emigrated to Palestine in order to help establish an independent Jewish state.

Meir's 8 years in Denver were significant in the development of her political thought and her support for what ultimately became Israel. Forty-eight years after leaving Denver, Meir became Israel's Prime Minister.

Esther Cohen and her association are to be commended for a long, ardous campaign to save the Meir home in Denver from destruction. In cooperation with the Denver city government, they intend to restore the home and turn it into a museum.

Friends of Israel, historians, and preservationists all owe a debt of gratitude to the Golda Meir Memorial Association.

[From the Washington Post, July 22, 1985]

GOLDA MEIR MEMORIAL FINDS A HOME

(By T.R. Reid)

DENVER.—The house that has become Esther Cohen's obsession looks like the very embodiment of the word "ramshackle": charred by an arsonist's fire, marred by black swastikas, it perches forlornly on a pair of steel girders in a weedy vacant lot.

"The Taj Mahal it's not," Cohen concedes.

It is, however, the house where the late Israeli prime minister, Golda Meir, spent part of her childhood. There she first grew interested in political theory and became inflamed with the idea of an independent Jewish state.

And so Esther Cohen and her colleagues in the Golda Meir Memorial Association here have waged a four-year campaign to turn the humble relic into a memorial and museum.

They have fought off the wrecker's ball and the vandal's torch. They have battled apathy and economics.

And last week, they achieved a major milestone when the Golda Meir home, after a circuitous odyssey around the city's west side, finally found a permanent home.

With a grant from the city of Denver, Cohen's association propped the old house on a flatbed truck and moved it to a lot at the edge of a city park in a working-class neighborhood—not far from the spot where it stood in 1913 when young Golda Mabovitz arrived here from Milwaukee to live with her sister and brother-in-law.

The young Russian emigre went to Denver's North High School and worked afternoons in the family drycleaning shop. At night she returned to the modest brick house that had become a meeting place for Denver's Zionist community.

"It was in Denver that any real education began," Meir wrote in her memoirs. "I was fascinated by the people who used to drop into [the] home and sit around talking."

"I listened raptly. . . . I understood and responded fully to the idea of a national home for the Jews—one place on the face of the earth were Jews could be free and independent."

Among the people she met at the house was an ardent young Zionist named Morris Meyerson. They fell in love and were married; in 1921, they set off together for Palestine, changing the family name to the traditional form "Meir."

Over the ensuing decades, the little house fell into obscurity until a neighborhood historian, Jean May, decided in 1981 to track down rumors that Prime Minister Meir had once lived on Denver's west side.

Checking records at the high school, May found the former student's Denver address—and not a moment too soon. That same week, it was scheduled to be demolished to make room for an athletic field.

A group of Jewish activists, including Cohen, the energetic proprietress of an auto glass dealership, raised a hue and cry that saved the home from the bulldozer. The old house was picked up and moved to a field beside the South Platte River as part of ambitious plans for restoration.

But the memorial association was considerably longer on ideas than money. For nearly three years the house sat in the field. Bricks fell out and boards rotted. Somebody set fire to the place. Somebody—probably youthful vandals, police say—painted a row of black swastikas on its wall.

"Oh, it was a very difficult period," Cohen said. "Very, very sad. But we were determined to keep at it. In a way, the best memorial to Golda is the state of Israel, but we thought she should have a memorial here where she first heard of that ideal."

Finally, the memorial association found a friend in the form of the Denver Parks Department. The agency found a spot for the house at the edge of a park and put up the money to have it moved.

Today the house sits in dilapidated splendor beneath a stand of cottonwood trees beside a creek called Sanderson's Gulch. It is in severe disrepair—Cohen estimates that her group will need $150,000 to turn it into a museum. "But at least we still have it—that's something," she said.

"It's not a grand old mansion by any means," said May, the neighbor who rediscovered the house four years ago. "But we need to show our young people that you don't have to come from fabulously rich backgrounds to shake the world."

THE FEDERAL HOME LOAN MORTGAGE CORPORATION AND ITS IMPACT ON HOME BUYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. McKINNEY] is recognized for 5 minutes.

● Mr. McKINNEY. Mr. Speaker, I would like to take this opportunity to pay tribute to the Federal Home Loan Mortgage Corporation usually known as Freddie Mac, on its 15th anniversary.

Freddie Mac's key function is to increase the supply of residential mortgage money through the secondary mortgage market. During its 15-year history it has continually improved the secondary market in order to provide affordable and available mortgage financing for the home buyer.

The Federal Home Loan Mortgage Corporation serves as a conduit between mortgage lenders and capital markets. Without this link, thrift institutions would be forced to balance their mortgage financing against their deposits. We all know what this balancing act did to the thrift industry when high interest rates set in a few years ago. By selling their mortgages to Freddie Mac, thrift institutions gain the additional capital to keep the housing industry alive. Through such transactions home buyers can be assured of getting a mortgage, even if the local bank doesn't have much money in the vault because hard times have forced people to withdraw their savings.

In order to sell their mortgages to Freddie Mac, thrift institutions must provide mortgages that are attractive to investors in the secondary market. Not all home buyers can or wish to obtain standard 30-year fixed-rate mortgages, so Freddie Mac offers to purchase a variety of mortgages. Freddie Mac's portfolio includes standard 30-year fixed-rate mortgages, 15-year fixed-rate mortgages, and innovative adjustable rate mortgages. Thus, the thrift institutions can offer home buyers a menu of mortgages from which to choose. Thanks to its creative marketing approach Freddie Mac also offers the investment community an attractive menu of Mortgage Purchase Programs to keep the secondary mortgage market functioning properly. Through the secondary market, home buyers get a mortgage at interest rates which reflect national capital market investor-increased willingness to provide a good price for mortgage-related securities. In 1984 alone Freddie Mac's mortgage-backed securities or mortgage participation certificates, registered a 23-percent increase in total securities outstanding—$69.8 billion, compared to $56.4 billion in 1983. This willingness translates into lower interest rates than local sources could normally provide.

I am especially pleased with Freddie Mac's work in the secondary market for multifamily development. In 1984, the corporation sold participation certificates backed by conventional multifamily mortgages, becoming the first participant in the secondary market for conventional mortgages to capitalize on this largely untapped market. This initiative will certainly go a long way in helping to bring additional mortgage credit for multifamily development to the marketplace and ultimately more housing selections at reasonable cost for the growing rental segment of our population.

Since Freddie Mac's formation 15 years ago, there has been greater availability of mortgage money at lower cost. I have no doubt that Freddie Mac will continue to strive to find better ways to finance the growing housing needs of this Nation. This publicly chartered corporation, the Federal Home Loan Mortgage Corporation, is making a great contribution to the development of the secondary mortgage market and thereby making more available to the American home buyer mortgage money at reasonable and competitive rates.

I want to congratulate the people at Freddie Mac who have brought the corporation to its present success. In particular, I want to mention the chief gnomes of Freddie Mac, Ken Thygerson and Ed Gray, and wish them much success in the future.●

DISINVESTMENT IN SOUTH AFRICA: ONE LAWYER'S PLEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CROCKETT] is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker and my colleagues, recently a friend of long standing, John McTernan, who is a partner of the law firm Margolis, McTernan, Scope & Epstein in California, shared with me a letter he had sent to his alma mater, Amherst College, concerning that college's investment policy in South Africa. As I told John in my response to him, I thought his letter was one of the best examples of advocacy on this issue that I had seen. I would like to share his letter with my colleagues, and with all those who are in a position to make investment decisions for colleges and universities around the country. I believe they would do well to consider his reasoned and thoughtful arguments for divestment in South Africa:

JULY 10, 1985.

Dr. PETER R. POUNCEY,
President, Amherst, College, Amherst, MA.

DEAR DR. POUNCEY: Only recently have I seen the Statement of the President and Trustees on the Policy of Investment in South Africa. It leaves me less than satisfied, and it causes me to suggest a new ap-

proach to the ending of South African apartheid.

My dissatisfaction arises from ambiguities in the Statement and the College's too heavy reliance on the Sullivan Principles. It endorses Rev. Sullivan's amplification calling for U.S. entities in South Africa to work for full black citizenship and equality in the political process as well as his two-year deadline for achieving "significant progress" toward eliminating apartheid. But it then declares that "prompt and substantial progress", (whatever that may be) must be achieved "within a limited period of time" (however long that may be). It further says that there is a "possibility" that the College "may" change its policy to one of complete divestment. I don't know whether Gilbert & Sullivan or the proverbial Philadelphia lawyer would have more sport in exploring this statement. In any event it seems to convey no sense of determination either to the government of South Africa or to U.S. entities doing business there.

Moreover, in my judgment, realization of the Sullivan Principles is not the measure of the College's responsibility. They are directed to business managers in a business setting. While this may produce improvement in the working and living conditions for the black workers in South Africa (a minute portion of the black work force there), beyond that they ask only that the U.S. entities operating there work for black citizenship and equal participation in the political process. I draw from U.S. history the conclusion that few business managers concern themselves with such things. American business made precious little progress toward racial equality in the United States before passage of the Civil Rights Act. This, notwithstanding the Fourteenth Amendment and the post Civil War legislation. In addition, in South Africa, U.S. business entities are foreigners subject to governmental permission to be there and government approval of their plants and methods of operation. So situated, they are not likely proponents of revolutionary change on the part of the host government. It should be observed that the end of apartheid means for black workers, among other things, unionization, collective bargaining and a marked increased in earnings and benefits. Avoiding these costs was in all likelihood a major reason why U.S. entities initially engaged in business there. It is not reasonable to expect that as a class they will be willing to work for change that so immediately affects their profits.

But I urge a different role for the College in the effort to end apartheid. It is an institution of learning. It cultivates the ageless effort to know the human condition, to search and draw conclusions from increased knowledge, to eliminate restrictions upon the dissemination and exchange of such knowledge, to strike down disabilities in learning and dissemination based upon race and nationality, to open the arena of discussion and debate to all regardless of content, to achieve dignity and respect for all people. Apartheid is a negation of such purposes. It brutalizes the individual, both white and black, and it denies blacks a country in their own land. It eliminates people from the search for and use of knowledge simply because of their race. I would focus the College's opposition to apartheid on this contradiction.

Thus I suggest that the College declare its opposition to apartheid as a function of its obligation as an institution of learning, a teacher and propagator of the humanities. I would further urge that its declaration be broadcast to the entire American academic community enlisting its joining in the call for an immediate end to apartheid as an expression of academia's role in teaching and propagating the values of a humane society directed at the constant improvement of individual liberty and dignity. The collective voice of American institutions of learning can have an important effect in the national and world debate over what to do about apartheid. Amherst has an unrivaled opportunity for leadership in this area. It could awaken the consciousness of America and beyond. It might be instrumental in avoiding a bloodbath in South Africa and terribly devastating wars in South Africa as an outcome of the unavoidable revolution against apartheid.

In this context divestment will take its proper role: Not as a means of placing effective pressure upon multi-national corporations but rather as a symbol of opposition to the blighting of the human spirit, of determination to end the tyranny that threatens liberty even beyond its own borders. Handled in this light divestment can be managed so as to orchestrate the pressure of aroused opinion and to emphasize its voice. Because it could be effected over a longer period of time (Sullivan's two years are a pipe dream), more attention could be given to the fiduciary responsibility of investment managers to preserve principal and maximize return. Indeed these circumstances could assist the formulation of a third prong to fiduciary responsibility in this context: abjuring profit derived from grossly underpaid labor in a brutally repressed labor market.

Sincerely,

JOHN T. MCTERNAN, '31.●

ANALYSIS OF MERGING THE U.S. FOREST SERVICE AND THE BUREAU OF LAND MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 60 minutes.

Mr. HANSEN. Mr. Speaker, four Federal agencies administer 96 percent of the 730 million acres of Federal land in the United States: the U.S. Forest Service in the Department of Agriculture and the Bureau of Land Management [BLM], the National Park Service, and the U.S. Fish and Wildlife Service in the Department of the Interior. These agencies manage the Federal lands for a variety of uses, primarily relating to the conservation, preservation, and development of various natural resources. Each agency has specific statutory mandates and special responsibilities for the lands under its jurisdiction. The Forest Service and the BLM are both directed to manage their lands for multiple uses—including range, recreation, timber, water, wildlife and fish, and wilderness. The similarity of the Forest Service and BLM missions, the oftentimes adjacent locations of their lands, and the fact that the Forest Service is the only one of the four Federal land management agencies not in the Interior Department have frequently led to proposals to transfer the Forest Service lands to the Department of the Interior and to merge the BLM and the Forest Service. My special order presents a brief description of these two agencies, a historical overview of past merger proposals, and a discussion of the potential benefits and limitations of merging the Forest Service and the BLM.

U.S. FOREST SERVICE

Initial Federal interest in forestry came from both the Department of the Interior and the Department of Agriculture. Federal forestry activities began when the Division of Forestry was established in the Department of Agriculture in 1881. Initially, the division focused on informing Congress and the public about the condition of forests in the United States. The division's mission slowly changed to providing forestry assistance to States and to private forestland owners. The division grew slowly, being upgraded to the Bureau of Forestry in 1901.

In 1891, Congress granted the President the authority to establish forest reserves from the existing public lands under the jurisdiction of the Interior Department. Six years later, in what has become known as the Organic Administration Act of 1897, Congress stated that the forest reserves were intended "To improve and protect the forest within the reservation, or for the purpose of securing favorable water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States."

Initially, the forest reserves were administered by Division R (the Division of Forestry) in the General Land Office of the Department of the Interior; the General Land Office (the predecessor of the BLM) was responsible for the public lands from which the reserves were created. This office administered the forest reserves for 14 years, during which time the reserves were increased to 56 million acres and the first Federal commercial timber sales were made. However, Division R relied on the existing Bureau of Forestry in the Department of Agriculture for technical advice on managing the forest reserves.

In 1905, Division R was transferred to the Department of Agriculture and combined with the larger Bureau of Forestry; the agency was named the U.S. Forest Service, and it combined administration of the forest reserves with the advisory responsibilities of the former Bureau of Forestry. President Theodore Roosevelt more than doubled the forest reserve acreage in 2 years following the establishment of the Forest Service, making the total 151 million acres by July 1, 1907. This led Congress to limit the President's authority to designate additional forest reserves (renamed "national for-

ests") from the public lands. However, in 1911, Congress authorized additions to the National Forest System through the purchase of private lands. Under this authority and other specific acts, the National Forest System has grown slowly to its current holdings of 191 million acres in 44 States. These lands are concentrated in the West, but 24 million acres are in the eastern half of the country. These Forest Service lands comprise more than half of all eastern Federal lands.

Management goals for the national forests were articulated in the Multiple Use-Sustained Yield Act of 1960, which states:

> It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes * * * The establishment and maintenance of areas as wilderness are consistent with the purposes and provisions of this Act.

The act directs national forests to be managed for the combination of uses that best meets the needs of the American people. Resource management was to be coordinated for multiple use—considering the relative values of the various resources, but not necessarily maximizing dollar returns nor requiring that areas be managed for all or even more uses. The act also calls for sustained yield—a high level of resource outputs in perpetuity but without impairing the productivity of the land.

Management of the National Forest System is also guided by the Forest and Rangelands Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA). Together, these laws encourage foresight in using the Nation's resources, and establish a long-range planning process for national forest management. RPA focuses on national, long-range direction for forest conservation, and requires an assessment to inventory and monitor the Nation's resource situation and a program to guide Forest Service policies and budgets. NFMA directs the Forest Service to prepare comprehensive management plans for the national forests that the integrated with the national RPA planning process.

Forest Service responsibilities are not limited to managing the national forests. Another principal Forest Service Program is a continuation of the original role of the Bureau of Forestry: To provide forestry assistance to States and to nonindustrial private forest owners. Forestry research is the third principle Forest Service Program. Congress first authorized forestry research in 1928 "to insure adequate supplies of timber and other forest products." The authorities for these two programs were consolidated and clarified in separate acts in 1978.

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management [BLM] was formed in 1946 as a result of a merger of two Department of the Interior agencies: The General Land Office and the U.S. Grazing Service. The General Land Office had been established in 1812 to assist in conveying open-space western lands to pioneers. It was generally responsible for most Federal lands, including the forest reserves until 1905. However, the General Land Office focused on public land disposals, not on public land management.

The U.S. Grazing Service was established by the Taylor Grazing Act of 1934 to make the first effort at managing the public lands, focusing on those lands best suited for livestock grazing. The Taylor Grazing Act authorized management of these lands in order to remedy the deteriorating condition of the public lands, due to overuse and the drought and depression of the 1920's and 1930's. The act also began the process of mandating Federal management of the remaining public lands, which had not been homesteaded or otherwise set-aside for specific purposes.

With the enactment of numerous Federal laws, management authorities for the public lands and resources multiplied and became increasingly scattered. In 1976, after many studies and deliberations during the previous 6 years in three Congresses, a comprehensive public land law was enacted: The Federal Land Policy and Management Act of 1976 [FLPMA]. FLPMA recognized retaining the remaining public lands in Federal ownership was desirable, and directed that—

> The public lands be retained in Federal ownership, unless as a result of the land use planning procedures provided for in this Act, it is determined that disposal of a particular parcel will serve the national interset * * *.

The BLM currently manages 341 million acres, of which 167 million (46.0 percent) are in Alaska. Only 437,000 acres (0.25 percent) of the remaining 174 million acres are located outside the 11 contiguous Western States, and these are concentrated in Minnesota and the Dakotas.

BLM was originally given multiple use direction in the Classification and Multiple Use Act of 1964. This direction was made permanent by FLPMA in 1976. In particular, FLPMA directs that "management be on the basis of multiple use and sustained yield unless otherwise specified by law."

The definitions of multiple use and sustained yield in FLPMA are virtually identical to the definitions for the national forests in the Multiple Use-Substained Yield Act of 1960, although FLPMA gives voice to future needs and values not explicitly identified in the earlier act. FLPMA also establishes a policy of obtaining the fair market value for public lands and resources, except where specific exceptions are enacted by Congress.

FLPMA is also called the BLM Organic Act because it consolidated and articulated the management responsibilities of the BLM. FLPMA amended, repealed, and replaced many of the previous public land laws, including authorities for Federal land withdrawals, acquisitions and exchanges, rights-of-way, advisory groups, designation of specific management areas, and range management. FLPMA requires land use planning for the public lands, stating that—

> The national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts[.]

However, the planning guidance for public lands in FLPMA is substantially less detailed than the guidance for the national forests in NFMA.

HISTORY OF MERGER PROPOSALS

Federal forestry began in the Department of Agriculture almost by accident; money for a forestry study was added to the Department of Agriculture appropriations bill in August 1876, after a bill directing a forestry study by the Department of the Interior had stalled in the House Committee on Public Lands. The forest reserves were established in the Interior Department, because the General Land Office was already responsible for those lands. However, discussions soon began about bringing the foresters (who were providing technical assistance) and the forests together, and the 1901 Report of the Secretary of the Interior recommended transferring the reserves to the Agriculture Department. Although there was substantial congressional opposition to the transfer, a law effecting the transfer was enacted in 1905. Subsequent initiatives then focused on consolidating Federal land management in one department.

Proposals to combine the Forest Service with an agency of the Department of the Interior, or to establish a new land and resources conservation department, began early. The first Presidential proposal appears to have been an Executive order of President Hoover on December 9, 1932, transferring the General Land Office to the Department of Agriculture. This attempt to reorganize Federal land management, and other reorganization recommendations, was disapproved by House Resolution 350 on January 19, 1933.

President Franklin Roosevelt attempted to combine the Forest Service with the Interior Department. Bills to establish a Department of Conservation and Works, using the Interior De-

partment and the Forest Service as a foundation were introduced in the Senate in 1935 (S. 2665) and in the House in 1936 (H.R. 11642). S. 2665 passed the Senate on May 13, 1936, but not until it had been amended to only change the name of the Interior Department to the Department of Conservation. The House bill was reported by the Public Lands Committee on March 9, 1936, but objections were raised and it did not come to a floor vote.

In 1947, Congress established the Commission on Organization of the Executive Branch of Government, chaired by Herbert Hoover. In March 1949, the Hoover Commission recommended that all Federal land management be concentrated in the Department of Agriculture, with all forest and range management in one agency; this view was presented by the Task Force on Agriculture in Appendix M of the report.[1] In a separate report by Vice Chairman Dean Acheson, a Department of Natural Resources was proposed, with a new Forest and Range Service created by combining the Forest Service and the BLM; this proposal was presented by the Task Force on Natural Resources in Appendix L of the report.[2] These reports were presented to Congress and to the President, but no direct actions were taken on them.

In 1953, the President's Advisory Committee on Government Organization, chaired by Nelson Rockefeller, concurred with the Hoover Commission's recommendation for combining forest and range management in the Department of Agriculture.[3] The committee stated that this transfer could be done without separate legislation under then-existing reorganization authority, but that the proposal would be highly controversial. The Senate Committee on Interior and Insular Affairs held hearings on this subject in the winter of 1955–56; their August 22, 1958, report stated:

We recommend the consolidation in the Forest Service of the forestry functions and the surface resource management responsibilities for commercial forest land under the jurisdiction of the Bureau of Land Management and the Bureau of Indian Affairs.[4]

The Department of the Interior and the Bureau of the Budget opposed the recommendation in a letter to the committee chairman.[5] Despite this opposition, President Eisenhower proposed Reorganization Plan No. 1 of 1959 to transfer certain functions of the Secretary of the Interior to the Secretary of Argiculture. Upon further study, however, the President decided not to transmit the reorganization plan to Congress because of the differing timber sale practices of the agencies, and the possibility for disrupting the timber sales programs. The Senate Interior Committee Chairman concurred with the President's decision, but suggested that the problem resulted from not following the committee report recommendations. Specifically:

Mr. President, the administration has just discovered what the Congress told them 3 years ago. The Federal timber selling agencies are not coordinated in their activities and to launch on a consolidation without first harmonizing statutes, regulations, and procedures would create chaos for the dependent timber industry.[6]

In 1964, Congress established the Public Land Law Review Commission to conduct a thorough investigation of Federal land management. The Commission submitted its report to the President and to Congress in June 1970.[7] One recommendation was to transfer the Forest Service to the Department of the Interior, and rename it the Department of Natural Resources. Similar uses of the lands and management objectives for the BLM and the Forest Service were cited as supporting rationale, but a merger of these two agencies was not explicitly proposed. No legislative proposals were presented to effect this recommendation.

While the Public Land Law Review Commission was completing its report, President Nixon's Advisory Council on Executive Organization, under Roy Ash, proposed establishing a Department of Natural Resources [DNR].[8] This proposal recommended combining the Forest Service from the Department of Agriculture, along with the National Park Service and the Bureaus of Outdoor Recreation, of Sport Fisheries and Wildlife, and the BLM from the Department of the Interior, in a Land and Recreation component of the proposed DNR. President Nixon based his reorganization proposal on the Ash Council recommendation, and presented the proposal to Congress in March 1971.[9] This proposal did not exactly follow the Ash Council recommendations, but included combining the Forest Service, BLM and Soil Conservation Service in a land resources agency within a Department of Natural Resources.

Several bills were introduced in the 92d Congress to establish a Department of Natural Resources or of Natural Resources and Environment.[10] The House Committee on Government Operations and Senate Committee on Government Affairs held hearings on the proposals. The discussions focused on general aspects of the reorganization plans, partly because several major areas of concern had not been thoroughly considered, making specific criticisms of the plans difficult. Disruption of operations was one possible problem discussed by the witnesses. Another was that the reorganization would likely disrupt relationships between the interest groups and the agencies; the advantages and disadvantages of this disruption were discussed. It was argued both that a Department of Natural Resources could greatly facilitate the implementation of national resource policies, and that such concentration might reduce the national discussions of policies by keeping policy debates within one department. Finally, the DNR proposal was seen as likely to fragment congressional supervision of resource activities because more committees would have jurisdiction over portions of the department's functions.

Despite the interest in reorganizing Federal land and resource responsibilities, no bills were reported by committee during the 92d Congress. In June 1973, during the 93d Congress, President Nixon presented a revised reorganization proposal, with a Department of Energy and Natural Resources instead of a Department of Natural Resources; however, the natural resources portion of the revised proposal was substantially the same as the previous proposal. Legislation was introduced, but no bills which would establish a new department with a natural resource focus were reported by committee in the 93d Congress.

In 1976, Congress took a step away from merging the BLM and the Forest Service with the enactment of FLPMA. Congress explicitly retained and amended the separate management functions of the BLM in

[1] U.S. Congress. House. Department of Agriculture: Letter from the Chairman, Commission on Organization of the Executive Branch of the Government, Transmitting Its Report on "Reorganization to Department of Agriculture." House Document No. 80, 81st Cong., 1st Sess. Washington, U.S. Govt. Print. Off., 1949. 37 p.

[2] U.S. Congress. House. Department of the Interior: Letter from the Chairman, Commission on Organization of the Executive Branch of the Government, Transmitting Its Report on the Department of the Interior: and, Separately, as Appendixes L, M, and Q, the Related Task Force Reports on Natural Resources, Agriculture, and Public Works. House Document No. 122, 81st Cong., 1st Sess. Washington, U.S. Govt. Print. Off., 1949. 94 p., plus appendices.

[3] President's Advisory Committee on Government Organization. Memorandum for President Eisenhower; Subject: Department of Agriculture. Memorandum No. 7. February 14, 1953. p.

[4] Murray, James E. Consolidation of Federal Forestry Activities. Remarks in the Senate. Congressional Record, v. 105, August 27, 1959. p. 15706-15707.

[5] Ibid.

[6] Ibid. p. 15707.

[7] One Third of the Nation's Land: A Report to the President and to the Congress by the Public Land Law Review Commission. Washington, U.S. Govt. Print. Off., 1970. 342 p.

[8] President's Advisory Council on Executive Organization. Memorandum for the President; Subject: The Establishment of a Department of Natural Resources. May 12, 1970. 37 p.

[9] U.S. President, 1969-1974 (Nixon). Reorganization of the Federal Government—Message from the President of the United States. House Document 92-75, 92d Cong., 1st Sess. Washington, U.S. Govt. Print. Off., 1971. 35 p.

[10] H.R. 653; H.R. 9659; H.R. 6953; H.R. 7274; S. 1025; S. 1431.

FLPMA. While much of the guidance for multiple-use management for public lands in FLPMA was based on Forest Service experience with the laws governing the national forests, substantial differences in the requirements for each agency were outlined.

President Carter established a comprehensive government reorganization project soon after he came to office, and one study centered on restructuring Federal management of natural resources. On March 1, 1979, President Carter announced a reorganization plan to create a Department of Natural Resources from the existing Department of the Interior plus the Forest Service from the Department of Agriculture and the National Oceanic and Atmospheric Administration from the Department of Commerce. The Forest Service, the BLM, and the Conservation Division from the U.S. Geological Survey would be combined into a National Forest and Land Administration.

This reorganization was proposed under the Reorganization Act of 1946, which delegated to the executive branch certain restructuring authority; it was thus deemed to not require legislation. However, this raised concerns about Presidential authority. In a letter to the President, Senator ROBERT BYRD stated:

> I am writing to express my opposition to your intention to create a new Department of Natural Resources by a reorganization plan. I urge you to submit your proposal for such a department to the requirements of the normal legislative process * * *.
>
> I have not reached any judgement about the merits of the proposed reorganization. I am familiar enough with the proposal to believe that proceeding by the reorganization plan would violate the spirit, if not the letter, of the Reorganization Act * * *. Transferring major agencies like the Forest Service * * * are the earmarks of a major reorganization.[11]

The substance as well as the means of effecting the reorganization raised congressional concerns. On March 21. 1979, House Resolution 173 was introduced to express the opposition of the House to the transfer of the Forest Service and the Farmers Home Administration out of the Department of Agriculture. Both the Senate and the House Agriculture Committees held hearings on the President's reorganization plan. Many points, both in support of and opposing the reorganization were raised in the hearings, but a recurrent theme was that the Forest Service professionalism and expertise would likely be diluted and perhaps degraded if the agency were to be merged with the BLM, whose smaller staff managed more acreage (predominately western rangelands and lands in the interior of Alaska). President Carter withdraw the DNR proposal before additional congressional action occurred.

On January 30, 1985, the Reagan administration announced a proposal to exchange certain Federal lands between the Forest Service and the BLM. This proposal does not currently involve a merger of the two agencies, as did the reorganizations discussed above. Instead, more than 10 percent of the lands of each agency would be transferred to management by the other agency. This proposed interchange would require legislation to change the jurisdiction over lands, but sharing of personnel is expected to proceed administratively. Joint BLM/Forest Service field hearings are scheduled for the Summer of 1985 the area affected by the interchange to obtain public comments on the recently completed State-by-State implementation plans. The administration has announced that it will propose legislation to adjust the land jurisdictions, and expects to present a proposal to Congress in September 1985. It is, of course, possible that consideration of the interchange proposal may again lead to debate on merging the Forest Service and the BLM. Therefore, this report examines the implications of such a merger.

POLICY IMPLICATIONS OF A FOREST SERVICE-BLM MERGER

There are both potential benefits and drawbacks to a merger of the Forest Service and the BLM. One very general consideration is the nature of the merger: Will the Forest Service and the BLM be transferred into a new agency, or will one agency absorb the other? Further, will the merged agency be in the Interior Department or in the Agriculture Department? The answers to these questions may determine to a large extent the ways in which a merger would affect the agencies and the perceptions of interested public groups.

BENEFITS OF A MERGER

As the idea of a merger has evolved over the past 50 years, proponents have asserted that numerous benefits will result from a merger of the two Federal multiple-use land management agencies. One of the primary benefits cited is reducing costs by eliminating duplicative personnel and offices. The Carter administration had estimated the benefits of their DNR proposal at $100 million annually, but did not provide details about how all of these savings would be achieved.[12] In 1984, the General Accounting Office reported that 64 locations had both BLM and Forest Service offices; combining these offices could result in an annual cost savings of $33.5 million.[13] The Forest Service and the BLM state that 71 towns have offices for both agencies, and that the proposed interchange will reduce that figure to 22.[14]

Another potential benefit cited by proponents is the creation of a more efficient and effective structure for managing Federal lands and resources. The existence of two agencies, each managing Federal lands for multiple-use, is regarded by many to be inefficient; two agencies—with two sets of laws, regulations, and policies—can lead to public confusion and poor service. Unnecessary differences and the resulting confusion is even graphic when the agencies promulgate different regulations under one law that applies to both agencies, such as the Public Rangelands Improvement Act of 1978 or the Federal Timber Payment Modification Act of 1984. Merging the agencies could enhance service and lead to a better perception of the effectiveness of Government. However, eliminating differences in statutory mandates would require considerable amendments and/or consolidation of existing law.

A merger of the Forest Service and the BLM could also improve the quality of the agencies' performance, it has been argued. Numerous witnesses at the Senate and House Agriculture Committee hearings on President Carter's reorganization testified that the Forest Service was widely respected for its technical expertise and professionalism. If the BLM were absorbed by the Forest Service, as Carter proposed, it might be possible to extend these technical and professional qualities to all Federal multiple-use land management.

The BLM currently manages mineral leasing on all Federal lands, including Forest Service lands. Forest Service responsibility in minerals management is limited to administering access and surface land use. A merger of these two agencies would eliminate the current situation in which two different agencies manage resources on the national forests.

Finally, the consolidation of most Federal land management in one agency could lead to a greater focus

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[11] Talmadge, Herman. Majority Leader Says Natural Resources Reorganization Ought to be Legislated. Remarks in the Senate. Congressional Record, v. 125, March 28, 1979. p. 6587.

[12] U.S. Library of Congress. Congressional Research Service. Proposed Department of Natural Resources: A Summary and Analysis. Report No. 79-79, by Susan R. Abbasi, March 19, 1979. Washington, 1979. 21 p.

[13] U.S. General Accounting Office. Program to Transfer Land Between the Bureau of Land Management and the Forest Service Has Stalled; Report to the Secretaries of Agriculture and the Interior by the Comptroller General of the United States. GAO/RCED-85-21, Dec. 27, 1984. Washington, 1984. 51 p.

[14] U.S. Department of Agriculture Forest Service and Department of the Interior Bureau of Land Management. BLM/FS Interchange: National Summary and Legislative Concepts. Washington, June 7, 1985. p. 5.

and higher priority for land and resource management. Such an agency would have more comprehensive authority and responsibility, and its proponents have argued this would lead to more effective control and more consistent direction. Thus, concentrating Federal land management in one agency could lead to formulation and implementation of a more comprehensive national natural resources policy.

DRAWBACKS AND LIMITATIONS

There are numerous drawbacks and limitations to a Forest Service-BLM merger, which have been stated by critics of such proposals. One concern is drawn from the old adage, "if it ain't broke, don't fix it." Many observers feel that Federal land and resource management is reasonably effective under the current structure, that affected or interested groups understand and can use the existing arrangements, and that improvements can be achieved without merging the agencies.

A merger would likely reduce duplication, but this will not necessarily lead to increased efficiency, it is argued. Duplication may be costly, but both economic theory and business practice suggest that competition may be desirable.[15] This is one reason why many firms develop several competing products for the same market, as well as competing against other firms. A BLM-Forest Service merger could reduce duplication, but it may also eliminate the potential competition that results in alternative management methods.

A merger would also significantly disrupt the personnel of the agencies, observers have argued. It would require transfers and adjustments which could disrupt programs and hurt agency morale. The enhanced service which might result from having a single agency with one set of procedures, cited as a possible benefit, might be more than offset by reduced service due to disruptions, adjustments, and morale problems. In addition, the personnel of the agency which is absorbed, or of both if a new agency is created, may feel a loss of identity; this problem has been particularly noted for the Forest Service, which has been cited as a key example of a highly professional staff with a high degree of exprit de corps which might be permanently lost in a merger with the BLM. There are concerns that, if the Forest Service absorbs the BLM which manages more acreage with fewer people, the technical expertise and professionalism of the Forest Service may be diluted or degraded; this has been cited as a serious loss for the Government.

The different policies and practices of the agencies could make a merger difficult. This is particularly true for the resources which are sold or leased by the agencies. Livestock grazing goals and guidelines are similar, but several other standard practices are different; for example, the BLM relies more on cooperative management agreements between the agency and some livestock permittees, with less day-to-day oversight by BLM personnel. Timber sale procedures are substantially different, with the Forest Service sharing more of the risks due to changing markets and estimating errors. Mineral leasing, as was noted, is currently carried out by the BLM on all Federal lands, including the national forests; Forest Service responsibility is limited to administering access and surface land use.

Differing legal directions might pose the most serious difficulties for a BLM-Forest Service merger. Laws which, for example, guide land use planning and direct the sharing of receipts for the public lands are quite different from those for the national forests. Complicated changes in law would be required unless the new agency were to continue to administer two sets of mandates for the lands it inherited. RPA and NFMA provide explicit, detained guidance for the national forests on the planning process and cycle, on public participation, and on timber management and environmental constraints; FLPMA provides far less information for the public lands on when and how to do land use planning. The complexities of receipt-sharing laws also are very different in each agency; 25 percent of gross Forest Service receipts from timber sales and other revenue sources are used on roads and schools in the counties where the national forests are located. For most public lands outside Alaska, 50 percent of BLM receipts are generally returned to the States (Alaska receives 90 percent), but the rate ranges from 0 percent to 100 percent, depending on the location and source of the receipts and on the specific legal authority involved.

Finally, policies regarding water rights may differ between the national forests and the public lands. Traditionally, national forests have associated Federal reserved water rights dating from the creation of the forest reserve, but grazing probably does not give rise to a reserved water right on the national forests, because grazing was not a primary purpose of the reserves. On the other hand, grazing on BLM grazing districts may give rise to a Federal reserved water right, because grazing is a primary purpose under the Taylor Grazing Act. The issues regarding Federal reserved water rights—on which lands will they exist and with what the priority dates—is likely to complicate any Forest Services—BLM merger proposal.

SUMMARY

Two Federal agencies currently manage Federal lands for multiple uses: the U.S. Forest Service in the Department of Agriculture and the Bureau of Land Management in the Department of the Interior. The similarities of management direction and occasional locations have led to numerous proposals to consolidate these Federal land management agencies. Proposals date back to the 1930's (before the Bureau of Land Management existed, as such), and have been made by Presidents Hoover, Roosevelt, Eisenhower, Nixon, and Carter. In 1985, President Reagan proposed an exchange of some lands and personnel between the agencies, thus raising the concept of a natural resources reorganizational again.

Proponents and critics have cited various benefits and problems associated with merging the BLM and the Forest Service. Estimates of cost savings from reduced duplication range as high as $100 million. In addition, it is argued that a merger would improve Federal land management by providing a more comprehensive structure. However, a merger could be disrupt current programs and harm agency morale. Differing policies and practices now in place for the lands under these two agencies could create difficulties for a merger. It appears necessary to eliminate the differences in the laws governing the agencies if duplication is to be eliminated. Finally, it is questionable whether changes in the current structure are needed, since many observers would argue that the current system is working well.

[15] See, for example: Thurow, Lester C. The Zero-Sum Society: Distribution and the Possibilities for Economic Change. New York, Basic Books, 1980. 230 p. and: Peters, Thomas J. and Robert H. Waterman, Jr. In Search of Excellence: Lessons From America's Best-Run Companies. New York, Harper & Row, 1982. 360 p.

□ 1450

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, once again I gratuitously offer my advice to the privileged orders within our country and to the privileged orders, in effect, those in control of the governments on the key issues and decisions that have to do with the economic well-being not only of the United States but of the world, at least the Western world.

I have risen on more than half a dozen occasions lately to discuss two issues. The first fundamentally has been the need for the Congress not to abdicate its very important constitutional duty in determining the monetary and fiscal policies of the country basically.

Upon the enactment of the Federal Reserve Board Act of 1913, there were those on both sides of the Capitol, including the then President Woodrow Wilson, who accepted the measure on the basis that it was not a final, fixed bit of legislation like holy script, but whatever imperfections or inadequacies, depending on the point of view, I will recall a little bit of history.

After the 1907 economic panic or depression it was obvious that we had had a recurrence in our country of the credit restrictions and convulsions as a result thereby that since the inception of our country as a nation, that is, nationhood, had been the fundamental issue confronting it. It was a fundamental issue confronting the First and Second Continental Congresses, and in their attempts to resolve it they created at that time, or chartered, the Bank of North America.

The issue was who was going to determine the power of allocation of credit resources. Thomas Jefferson spoke adamantly, eloquently and fiercely, and said at the time what had to be done and what through time immemorial and up to our present day and time was necessary to be done by those who were forming a government, and that was to control those interests that, by their very inherent nature, uncontrolled, would rule the roost to the point of detriment economically speaking of any given political entity or society. Thus, such things as interest rates were the issue.

The charter given to a group of bankers to become what was known as the Bank of North America, in effect what they call in legal parlance the fiscal agent for the then established government, which consisted of the Continental Congress. I must remind my colleagues that the first 10 years of our national existence there was no such thing as the Office of the President. Nobody even wanted to think of such a concept. The whole idea was that this was what the Americans were escaping, the abuse and use of tyrannical authoritarian power without accountability.

So subsequent to the formation of the Confederacy, that is, the temporary union based on the Articles of Confederation, which did not last for the basic reason that the necessary sinew and muscle necessary in any government was not present, but then with the Constitutional Convention and the Constitution that resulted, and the setting up of this wondrous, amazing system, viable and still basically with the saving sap in this trunk of democracy, but actually based on each one of the organs of government maintaining their constitutional duties, responsibilities, and the discharge of them.

After the adoption of the Constitution and the operations of the First Congress, again the question of just who is going to be the fiscal agent. In other words, governments; like individuals, have to have a banker. The question is: What kind of power is that banker going to be given? Is he going to be given unrestrained power such as we now have with the Federal Reserve Board, or is it going to be controlled, and such things as interest rates, which are at the heart of the matter and have been since known human society was created, even going back to 7,000 years before Christ and the Code of Hammurabi. As a matter of fact, when our Lord, Jesus Christ, was preaching, there were hard penalties and laws in effect on occasions in that particular part of the world, in the Judaic world, it had even been punishable by death to charge usurious rates of interest or extortionate rates of interest.

So all through mankind's history and known experience these peculiar forces in the human interaction have always had to have control so that the greatest interest of the greatest number would be preserved, and that the insatiable, predatory instincts of the particular activity would be hemmed in, restrained, bridled, controlled.

Today we live in a world in which it is totally out of control. There is no accountability. But even after the experience, the formation, for example, of the first Bank of the United States, with a 20-year charter, and the second Bank of the United States, which President Andrew Jackson dissolved for that very same reason, and then the recurrence of this fundamental problem during and right after the Civil War. As a matter of fact, the historians tell us this issue was foremost in the minds of Abraham Lincoln the week that he was killed.

Then, of course, after the panic of 1895, the formation of the basic structure we call our National Bank System, and then the great panic of 1907, the House of Representatives created what is known as the Pujo Committee, Representative Pujo, and the chairman of the equivalent today of what we call the Banking Committee. After extensive hearings over the course of years, but not quite working in conjunction with the Senate, where we had Senator Aldrich, who had married into the Rockefeller family, in a very powerful situation, that is, a man of great power in the Senate constantly making sure that the main thrust that resulted in the way of suggested legislation after the hearings by the Pujo Committee, would be thwarted.

So finally a compromise was reached. We ended up on its face with a fairly good piece of legislation, and set up what we call the equivalent of our central banker, or what in the statutes and what the Congress said in so many words, was intended to be the fiscal agent of the U.S. Treasury today is the master, not the agent. The Treasury comes with palm outreached to plead for mercy from the Federal Reserve Board.

But what is the Federal Reserve Board? Is it a Federal Government agency? Of course it is not. It is a private agency, totally owned and working in behalf of the 14,000 commercial banks, but actually in practice and accountability operated and run for the exclusive convenience for at least 7 of our top banks. They, in turn, with this awesome power, exercise through what is known as the Open Market Committee, now have the power to determine the rise or fall of any administration, because whether you like it or not, they can control such things, through their policies or absence of policies, as interest rates.

□ 1500

So that as for the misbegotten President, Jimmy Carter, by the time he was leaving office, this was a process that began in October 1979, with the emergence of over 11½ percent so-called prime interest rates, reaching the unbelievable, astounding level of 21 percent by 1980, that was definitely the insurance contract that would bust not only the Carter administration but any other. This is the awesome power inherent now in what was supposed to be and was intended by the Congress to be the fiscal agent of the Treasury. Now, what does that mean? It means simply that the Federal Reserve Board is the one that is issuing our currency, manufacturing our currency, and determining the value thereof. This is an indisputable, exclusive, constitutional power placed in this Congress, not in any other agency. Yet I hear my colleagues saying, "Well, we cannot destroy the independence of the Federal Reserve Board."

Mr. Speaker, the Federal Reserve Board is a creature of the Congress. It is not an agency that came heaven sent. As a matter of fact, this recalls the words of John Adams that he directed against George Washington. As we know, they were great rivals. We do not read this in common history, but there was intense feeling and resentment between them. John Adams was always suspecting that proud, tall Virginian whom he described as one "who thinks he is entitled to be selected like the ancient Hebrew judges, that is, by their height, and who thinks he was heaven-sent, booted and spurred and ready to ride on the hapless backs of mankind." That is a good description of this powerful entity that we call the Federal Reserve Board because that is exactly what it is doing.

There is no such thing as accountability to the Congress; there is no such thing as accountability to the President. So that means that the

American people are unprotected. They are defenseless. They have been flagellated now with these usurious, these extortionate rates of interest, and that in turn has wrecked the basic premise of our economy. It has wrecked the basic premises of our economy, particularly that one structured in the so-called post-World War II period of time.

Now, what to do about it? Well, there are some of us who had been advocating what could be done before the event, not now but 18 years ago, 19 years ago, in 1966, on the occasion of the first so-called credit crunch. In June and July of 1966 it was obvious, and it should have been to anybody, and I think particularly those like myself that should have been charged with knowledge, because I have been assigned now for 24 years to the committee that has the jurisdiction, or should have, over these matters, and for 10 years, that is, 4 years later, from 1970 until 1980 and 1981, I was chairman of the Subcommittee on International Finance, as it was known then.

So if I rise to speak, it is not because I do so in retrospect or as a latecomer but because it has been with a great deal of disappointment and sadness that I came to see those coming events that had very graphically and clearly shone their shadows into reality, to the great quandary and to the great detriment of our American standard of living. It has resulted, for example, in such things as the United States for the first time since 1914 becoming a debtor nation. We had not been one. We were a creditor nation, the only creditor nation during World War I. We were the only creditor nation during World War II. As a matter of fact, had not these great credit resources of this American economic engine been kept by World War I, our so-called allies would not have lasted half a year. And we can say the same thing with respect to World War II.

But how come? And is it too late to do any thing now? Well, I do not know. It seems as if unless we have catastrophe, we refuse to even consider that we have to debate the issue. I see some things that make it very hard to bring about the enactment of what even belatedly might have some kind of an attenuating, restraining impact.

Mr. Speaker, there are two articles that I will include with my remarks in the RECORD that illustrate this dilemma. One is from the editorial/opinion page of the Journal of Commerce for Friday, July 19. It is bylined by Allen R. Ferguson, and it is entitled "The Debt Is a Millionaire's Money Machine," and it brings out these astounding figures that nobody wants to talk about.

The author is talking here about just the amount of interest payment, which is ironic, because as he points out, the very source of the money with which to pay this horrendous interest bill is borrowed from the same private sources that are going to reap the benefit of the payment. But why? That is simply because of the rate of interest, the rate of interest that even the Government has and continues to have to pay. I am going to quote from this article.

> Interest income goes predominantly to the rich. In the most recent year for which we have suitable data, 1972, 33 percent of all interest and rental income was received by the 5 percent of Americans with the largest incomes; 57 percent of such income went to the richest 20 percent.

The reason we have gotten away is that we have forgotten—and I have heard no economist who ever testified before the Banking Committee that defined it so—we have forgotten that the basic definition of "interest" is that it is that mechanism by virtue of which the wealth of a society is transferred within a society. Nobody wants to look at it that way, but that is exactly what it is. Let me quote further from the article.

> The ultimate burden is, of course, borne by taxpayers. Joseph Pechman of the Brookings Institution has recently produced a careful analysis of the distribution of the American tax burden.

The author says that according to Mr. Pechman and his estimates, taxes are now slightly progressive. However, according to a more recent estimate, the tax structure is actually substantially far more regressive, and particularly since the enactment of the 1981 tax bill. "The cuts in corporate and individual taxes * * *." Whose taxes? The richest of the rich, where we had such abnormalities as late as this fiscal year when these tremendous corporations paid not one penny in income taxes. The majority, 99 percent, of the American individuals earning over $200,000 a year paid not one penny in income tax.

□ 1510

That is not only wrong, that is not only sinful, it is criminal and it always has been defined as a crime until now in America.

I have had citizen after citizen say, "But, Henry, we used to think it was against the law to charge more than 10 percent interest."

I said, "Well, maybe on the State level, but since 1865 it hasn't been on the Federal level."

This article by Mr. Ferguson concludes:

> This brings us to the final conundrum: Why would an administration dominated by big business and the very rich oppose the tax increases necessary to avoid such a situation?

Well, that begs the question, in my opinion.

Mr. Speaker, I include the entire article by Mr. Ferguson, as follows:

[From the Journal of Commerce, July 19, 1985]

THE DEBT IS A MILLIONAIRE'S MONEY MACHINE

(By Allen R. Ferguson)

Since the Reagan administration came into power, the federal deficit has increased from $78.9 billion in fiscal year 1981 to $222.2 estimated for fiscal year 1985.

By 1990, the administration predicts, the federal deficit will be reduced to a (a still gargantuan) $140 billion or $1,446 per household, per year. By 1990, the aggregate federal debt will have increased to about $2.5 trillion, or $25,900 per American household.

With a $2.5 trillion debt, interest payments—at a rate as low as 8 percent—will amount to $200 billion in 1990.

Thus, if the administration's plan works, every year's interest payment will exceed the annual deficit. Every dollar in new borrowing will be more than absorbed in paying interest on past borrowing.

One problem with such a huge debt has received little attention: it, alone, will force a significant redistribution of income. With the present tax structure, the debt is a millionaire's money machine.

Interest income goes predominantly to the rich. In the most recent year for which we have suitable data, 1972, 33 percent of all interest and rental income was received by the 5 percent of Americans with the largest incomes; 57 percent of such income went to the richest 20 percent.

Thus, although there will almost certainly be some modification of 1972 shares, by 1990, the government will undoubtedly be paying nearly a quarter of a trillion dollars per year in interest to the rich and the wealthy.

The situation is even more bizarre than that. It will be predominantly the rich who will be lending the money to the government to meet same those interest payments.

To induce lenders to make the loans, interest rates will have to be kept high enough for government bonds to be attractive investments. High interest rates on government bonds will also raise interest rates received on private loans.

Thus, interest income from all sources will be pushed up by the deficits and, by 1990, the deficits would not be required at all if it were not necessary to pay the interest. The deficit, then, provides a safety net for the truly rich.

In spite of the much-publicized large transfer to the lower and middle income groups—social security payments, Medicare, Medicaid, federal pensions and the rest—according to the administration's own forecast, the entire deficit in 1990 could be eliminated if it were not for another transfer, that of interest income, predominantly to the rich.

The ultimate burden is, of course, borne by taxpayers. Joseph Pechman of the Brookings Institution has recently produced a careful analysis of the distribution of the American tax burden.

According to one of Mr. Pechman's estimates taxes are now slightly progressive. However, according to the estimate I find most plausible, the tax structure is actually somewhat regressive, especially at the extremes of the income scale the 10 percent of people in the lowest income bracket pay a larger proportion of their income than do middle income people, while those in the top 5 percent and 1 percent pay a smaller

and smaller proportion than do either middle-income or the low-income taxpayers.

The cuts in corporate and individual taxes, under the 1981 Reagan tax program, made the system more regressive—or still less progressive.

Therefore, without tax reform—genuine reform that makes the system not only simpler but also more progressive—the poorer members of society will be pumping, income into the government to finance interest payments to the wealthiest Americans—and, incidentally, foreign lenders.

This brings us to the final conundrum: Why would an administration dominated by big business and the very rich oppose the tax increases necessary to avoid such a situation?

The other is an article in the New York Times, again for July 19, entitled "In the Nation," bylined by Tom Wicker, headed, "A Deliberate Deficit—Stockman Spilled the Beans." In other words, with his departure, Mr. Stockman finally confirmed that what they thought they could control, that is, a made deficit, made in purpose to try to kill some of the social programs this President and his administration, which they identify as Democratic, that is a big credit, to undo them by mounting such a deficit that no Congress would want to spend money in light of that for these domestic programs. What they say now and lament is that it got out of control.

Well, that is kind of childish, because this kind of tomfoolery, you do not play with. This is not a football game. This is serious, serious business.

Mr. Speaker, at this point I will insert the article by Tom Wicker, as follows:

[From the New York Times, July 19, 1985]

A DELIBERATE DEFICIT

(By Tom Wicker)

To hear Larry Speakes tell it, President Reagan emerged from anesthesia righteously demanding action on the budget deficit "this week." That sounds fine—except that it now appears that the deficit was deliberately created by Mr. Reagan in order to do away with Democratic social programs dating back to the New Deal.

Who says so? David Stockman, the departing Budget Director, at second hand, and Friedrich von Hayek directly. He's the Nobel Prize-winning economist who's been a guru of Reagonomics.

Their comments suggest that the action the President demands, "this week" is what he really wanted as far back as the mammoth tax cuts he steered through a bedazzled Congress in 1981—budget cuts to disembowel post-New Deal government. He's ruled out tax increases, and the disastrous budget "compromise" he engineered last week would result in more military spending and no reduction in Social Security cost-of-living benefits. The only way to compensate is to kill or prune even more social programs—such as student loans or Medicare.

But Mr. Stockman, who claims a reputation for candor, spilled the beans. After the Budget Director's resignation last week, Senator Moynihan of New York said Mr. Stockman had told him that even in 1981 Mr. Reagan knew the tax cuts would mean loss of revenue, but that the President had accepted the resulting rise in the deficit in order to bring pressure on Congress to cut spending.

That sharply contradicts what Mr. Reagan then publicly argued—that cutting taxes would expand the economic base and increase revenues. In his 1980 campaign, he even contended that the increase in revenues resulting from the tax cut would pay for the military buildup he also planned.

But Mr. Moynihan said Mr. Stockman had told him that in 1981, "the plan was to have a strategic deficit that would give you an argument for cutting back the programs that weren't desired. It got out of hand."

Mr. Stockman, a former student of Mr. Moynihan's, has denied "any such conversation" but not the substance of the allegation. Mr. Moynihan said he had had dozens of private talks with the Budget Director; their "thrust," the Senator said, was that "the principal purpose of the tax cuts was to provide a basis upon which to shrink government."

Senator Ernest Hollings of South Carolina, the ranking Democrat on the Budget Committee, has made a similar charge. He told the Association for a Better New York in January 1984 that Mr. Reagan "intentionally created a deficit so large that we Democrats will never have enough money to build the sort of government programs we want."

When I cited the possibility of a planned deficit in an article last spring, it caught the attention of Dr. Eckehart Köhler of the Institute for Advanced Studies in Vienna. He sent me a translation from the German of an interview with Friedrich von Hayek that appeared in the magazine Profil 13, in Vienna, in the issue of March 25, 1985.

After remarking that his work had influenced both Mr. Reagan and Prime Minister Thatcher of Britain, that many of the President's advisers had come from "circles I am acquainted with," and that he was wearing a set of cuff links given him by Mr. Reagan, the economist commented:

"I really believe Reagan is fundamentally a decent and honest man. His politics? When the Government of the United States borrows a large part of the savings of the world, the consequence is that capital must become scarce and expensive in the whole world. That's a problem."

But, Dr. von Hayek continued, "You see, one of Reagan's advisers told me why the President has permitted that to happen, which makes the matter partly excusable: Reagan thinks it is impossible to persuade Congress that expenditures must be reduced unless one creates deficits so large that absolutely everyone becomes convinced that no more money can be spent."

Thus the economist said, Mr. Reagan "hopes to persuade Congress of the necessity of spending reductions by means of an immense deficit. Unfortunately, he has not succeeded!"

But he has, more than Dr. von Hayek could know last March. Now he wants more. While some Americans may agree that a shrunken government makes a deliberately created deficit "partly excusable," such a deficit still reflects a reckless deception with worldwide consequences yet to be calculated. And Congressional Democrats should realize the source of the pressure they're under to sell their political birthright.

Mr. Speaker, the third article I would like to insert in the Record is also from the Journal of Commerce of July 19, last Friday. It is entitled, "Mexican Peso Falls on Free Market."

MEXICO CITY.—The floating peso continues to sink, forcing the government to consider an abrupt cut in the higher "controlled" exchange rate it uses for foreign trade and debt payments.

In other words, our next-door neighbor is in a chaotic financial situation. Those of us that live near or along the border know what this has meant on our side, on our immediate side, since 1982 and beginning of a serious crisis across the border, monetarily and fiscally as well.

What it has meant is a rate of over 23 percent unemployment on our side of the Mexican border.

What it has meant has been extinction of several thousands or more, quite a number of thousands of small businesses wiped out.

At that time I offered a suggestion. I wrote a letter to the then Chairman—well, still the Chairman of the Federal Reserve Board—and the then Secretary of the Treasury, offering a basic suggestion, that had it received any kind of attention, in order to do what—to protect Mexican interests? No, to protect our own, but at the same time also helping our neighbor to stabilize a situation, which if it continues out of control will result in social disturbance, which in turn will pose for our Nation that kind of a crisis that it has postponed with respect to the countries immediately south of Mexico, but which would inevitably we will have to confront. It all depends on how we want to confront it. Do we want to confront it and have our children, and grandchildren, and great-grandchildren committed to an eternal enmity with the very people with whom we must share our destiny from here on out in the New World, or shall we handle it with a lot more traditional American savvy?

Just not forgetting our basic principles is all that has to be done; but I could not get any response. The Secretary of the Treasury in effect gave me a political reply. The Chairman of the Federal Reserve Board gave me a nonanswer, unresponsive.

Yet looking back over that letter and over what has happened since, I just deplore the fact, even if my suggestion had been modified, but basically the basic thrust was, "Look, we have a responsibility. You can handle it right now if you assert American leadership."

Now it is out of control.

This article, "Mexican Peso Falls on Free Market" should be a very alarming one to every one of our national leaders. There are now, it says, $8 billion U.S. in private Mexican dollars debts that have been renegotiated with creditors who agreed to repayment under peculiar terms that are a jerry-built agency that the Mexican Government has built up, together with the private sector, which mandates a long-term amortization re-

scheduling of 6 to 8 years, including an initial grace period.

Mr. Speaker, at this point I include the entire article by William A. Orme, Jr., entitled "Mexican Peso Falls on Free Market."

[From the Journal of Commerce, July 19, 1985]

MEXICAN PESO FALLS ON FREE MARKET

(By William A. Orme, Jr.)

MEXICO CITY.—The floating peso continues to sink, forcing the government to consider an abrupt cut in the higher "controlled" exchange rate it uses for foreign trade and debt payments.

The so-called "super-free" floating rate, employed mainly in the tourist market and in purchases of unauthorized imports, fell below 365 to the dollar in trading Thursday.

The controlled rate, meanwhile, stood at 232 to one—representing a real discount of more than one-third on dollars sold by the central bank to businesses and state agencies.

The falling free-market peso most directly threatens the survival of Mexico's peso-based private debt servicing scheme, finance officials say. Known as Ficorca, its Spanish acronym, the innovative system allows Mexican companies to repay their dollar debts in pesos at the controlled exchange rate. The pesos are collected by the central bank, which acquires the obligation to provide dollars to the foreign creditors.

The growing gap between the controlled an free-market rates is economically unsustainable, government economists now privately acknowledge. Until recently, the spread separating the controlled and free-market cost of dollars was a manageable 18 pesos.

But pressure from the offshore peso market and from the privately operated domestic currency exchange business pushed the peso's real free-market value down below its official "free" parity, widening the gap to 50 pesos a month ago and more than 130 pesos today.

The old free parity, last quoted a week ago at 247 to the dollar, has now been substituted by the new floating rate. This free-market rate is now employed in about one-fifth of Mexico's foreign currency transactions, according to official estimates.

When the new exchange rate was formally adopted by Mexico's state banks July 1, it stood at 325 to the dollar. One month before that, privately operated exchange houses were charging 265 pesos for a dollar.

Forecasts now are that the free-market peso may drop below the psychologically important 400-to-one level before the end of next month.

Without a steep parallel decline of the controlled rate, the central bank will in effect be subsidizing private sector dollar purchases to the tune of more than a thousand billion pesos annually, warned an internal government report leaked to the press here.

There are now more than US $8 billion in private Mexican dollar debts that have been renegotiated with creditors who agreed to repayment under Ficorca's terms, which mandate a long-term amortization rescheduling of six to eight years, including an initial grace period.

The first large Ficorca dollar payments are falling due this year, putting additional strain on a central bank that already has seen its foreign reserves depleted by declining oil income.

This has not been properly handled. This free market rate is now employed in about one-fifth of Mexico's foreign currency transactions, according to official estimates.

No country, including our own with its massive international trade deficit, can long continue without something really happening that will not be contributing to the health and welfare of the American standard of living. Rather, it is a constant threat to this that we call the American standard of living.

Now, that also impacts on the catastrophic course of events that the President has inaugurated with respect to the situation south of the border, south of the Mexican border.

The President, I hope as he recovers and as he has time to ponder and think, will reconsider what by all accounts worldwide is a flawed, a bankrupt, and eventually a catastrophic, course of events. I will not even call it a policy.

In Nicaragua alone—and incidentally, just this past week, the Nicaraguan regime was celebrating its sixth anniversary of what they call its glorious revolution. This means that for 6 years, they have maintained some stability and that the core of the Nicaraguan populace is in support, whether we like it or not; but in the interim, the President has engaged in war and acts of war.

Nobody in the Congress has been wanting to give consideration to a resolution I introduced 2 years ago and again this year in this Congress in which the Congress has a responsibility to summon from the President accountability under the War Powers Limitation Act.

Right now, as of the latest information, in Nicaragua alone, we have had 17 of our service people killed, some of them involved in absolute illegal, that is, outside of the confines of the executive branch and the Commander in Chief in his power to delegate those unfortunate few servicemen to that kind of duty. He has not only, through the resources available to him in the so-called Presidential discretionary budget, which incidentally, while he comes before us and asks us to cut every single domestic program, to abolish some, such as the housing programs, rural and urban, his own discretionary budget has grown 750 percent in 2 years' time—750 percent.

Where does a lot of that money go? Well, when the Congress went through the motion of cutting aid to the Contras, a good portion of it went there.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 60 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. CONTE, for 60 minutes today.

Mr. DELAY, for 5 minutes, on July 23, 1985.

Mr. DELAY, for 5 minutes, on July 24, 1985.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. CROCKETT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. GONZALEZ, for 30 minutes, on July 23, 1985.

Mr. GONZALEZ, for 30 minutes, on July 24, 1985.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GILMAN, on H.R. 1802, employment security for veterans in certain civil service positions, today.

Mr. BIAGGI, during debate on H.R. 2455, Hate Crime Statistics Act, today.

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. GINGRICH.

Mr. BURTON of Indiana.

Mr. PORTER.

Mr. FISH.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. RAY.

Mr. YATRON.

Mr. KANJORSKI.

Mr. HAMILTON.

Mr. ROSTENKOWSKI.

Mr. MARKEY.

Mr. TORRICELLI.

Mr. BARNES.

Mr. MOODY.

Mr. RANGEL.

Mr. FAZIO.

Mr. WAXMAN.

Mr. MONTGOMERY.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were

taken from the Speaker's table and, under the rule, referred as follows:

S. 444. An act to amend the Alaska Native Claims Settlement Act; to the Committee on Interior and Insular Affairs; and

S.J. Res. 161. Joint resolution to appeal for the release of Soviet Jewry; to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that Committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker pro tempore:

H.J. Res. 342. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 23, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1710. A letter from the Acting Secretary of State, transmitting a report on the developments in El Salvador, pursuant to Public Law 98-332 (98 Stat. 285); to the Committee on Appropriations.

1711. A letter from the President, National Institute of Building Sciences, transmitting the 1984 annual report of the Institute, pursuant to 12 U.S.C. 1701j-2(i); to the Committee on Banking, Finance and Urban Affairs.

1712. A letter from the Secretary of Education, transmitting final regulations for the Adult Education State-Administered Program and the National Adult Education Discretionary Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1713. A letter from the Secretary of Education, transmitting final regulations for removal of architectural barriers to the handicapped, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1714. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions for Francis J. Meehan, of Virginia, as Ambassador to the German Democratic Republic, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1715. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions for John P. Ferriter, of Florida, as Ambassador to the Republic of Djibouti, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1716. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions for James W. Spain, of California, as Ambassador to the Democratic Socialist Republic of Sri Lanka and to the Republic of Maldives, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1717. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions for John G. Dean, of New York, as Ambassador to India, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1718. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions for Robert V. Keeley, of New Jersey, as Ambassador to Greece, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1719. A letter from the Comptroller General, General Accounting Office, transmitting a list of General Accounting Office reports issued or released in June 1985, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1720. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to the Act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1721. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component to the National Trails System; to the Committee on Interior and Insular Affairs.

1722. A letter from the Acting Assistant Attorney General, transmitting a draft of proposed legislation to amend section 3565 of title 18 of the United States Code to provide for the payment to the clerk of the court of fines or penalties imposed by a U.S. magistrate, and for other purposes; to the Committee on the Judiciary.

1723. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to permit all enrollees in Federal employees health benefits plans to receive the benefit of contribution reductions for those plans, and for other purposes; to the Committee on Post Office and Civil Service.

1724. A letter from the Comptroller General, General Accounting Office, transmitting an examination of the Federal Savings and Loan Insurance Corporation's financial statements for the years ended December 31, 1984 and 1983, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted July 19, 1985]

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 1957. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972; with amendments (Rept. No. 99-107, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 2402. A bill to establish the Public Buildings Service in the General Services Administration and for other purposes; with amendments (Rept. No. 99-130, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. House Joint Resolution 187. Joint resolution to approve the "compact of free association," and for other purposes; with amendments (Rept. No. 99-188, Pt. III). Ordered to be printed.

[Submitted July 22, 1985]

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Joint Resolution 187. Joint resolution to approve the "Compact of Free Association," and for other purposes; with an amendment (Rept. No 99-188, Pt IV). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on July 18, 1985, the following report was filed on July 19, 1985]

Mr. BROOKS: Committee on Government Operations. Report on Indian oil an gas royalty payments; problems persist (Rept. No 99-214). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 22, 1985]

Mr. BROOKS: Committee on Government Operations. Report on Job Corps program: Its benefits outweigh the costs (Rept. No. 99-215). Referred to the Committee of the Whole Hosue on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on regional information sharing systems: Their place in the national criminal justice system (Rept. No 99-216). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana (by request):

H.R. 3053. A bill to amend title 5, United States Code, to reform the civil service retirement system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCURDY (for himself and Mr. JONES of Oklahoma):

H.R. 3054. A bill relating to the tariff treatment of imported martial arts uniforms; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

205. By the SPEAKER: Memorial of the Legislature of the State of Delaware, rela-

tive to the Fair Labor Standards Act; to the Committee on Education and Labor.

206. Also, memorial of the Legislature of the State of Delaware, relative to the United Nations; to the Committee on Foreign Affairs.

207. Also, memorial of the Legislature of the State of Michigan, relative to the Saginaw Chippewa Tribe of Michigan; to the Committee on Interior and Insular Affairs.

208. Also, memorial of the Legislature of the State of Delaware, relative to children; to the Committee on Post Office Office and Civil Service.

209. Also, memorial of the Legislature of the State of Illinois, relative to the Veterans Educatonal Assistance Act of 1984; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. SHUMWAY introduced a bill (H.R. 3055) to authorize the Secretary of the Interior to convey certain lands in Placer County, CA, to Mrs. Edna C. Marshall, and for other purposes; which was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:

H.R. 22: Mr. CLINGER, Mr. MCMILLAN, Mr. RINALDO, and Mr. SMITH of New Jersey.

H.R. 343: Mr. BARTON of Texas.

H.R. 616: Mr. TOWNS, Mrs. COLLINS, Mr. MOODY, Mrs. SCHROEDER, Mrs. BURTON of California, Mr. DELLUMS, Mr. SUNIA, and Mr. CONYERS.

H.R. 747: Mr. TALLON, Mr. ROE, Mr. MURTHA, Mr. STALLINGS, Mr. MCCLOSKEY, and Mr. WOLPE.

H.R. 933: Mr. YATES.

H.R. 979: Mr. ROE, Mr. SMITH of Florida, Mr. LEVIN of Michigan, Mr. HAMILTON, and Mr. SLATTERY.

H.R. 1123: Mr. JEFFORDS.

H.R. 1161: Mr. SOLARZ.

H.R. 1207: Mr. MOLLOHAN, Mr. SAVAGE, Mr. DWYER of New Jersey, Mr. DICKS, Mr. LEHMAN of Florida, Mr. HOYER, Mr. VANDER JAGT, Mr. GARCIA, Mr. GRAY of Illinois, Mr. NEAL, Mr. TRAXLER, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. MATSUI, Mr. ANNUNZIO, Mr. ANTHONY, Mr. ATKINS, Mr. BARNARD, Mr. BATES, Mr. BEILENSON, Mr. BIAGGI, Mr. BOLAND, Mrs. BOXER, Mr. DAVIS, Mr. DE LA GARZA, Mr. DONNELLY, Mr. GRAY of Pennsylvania, Mr. GEJDENSON, Mr. JONES of North Carolina, Mrs. KENNELLY, Mr. LOWRY of Washington, Mr. OLIN, Mr. MINETA, Mr. MITCHELL, Mr. PRICE, Mr. SMITH of Florida, Mrs. SCHROEDER, Mr. ROEMER, Mr. TORRICELLI, Mr. TRAFICANT, Mr. WIRTH, Mr. UDALL, and Mr. HALL of Ohio.

H.R. 1715: Mr. MACKAY, Mr. DERRICK, Mr. IRELAND, and Mr. SPRATT.

H.R. 2262: Mr. BERMAN.

H.R. 2383: Mrs. BOXER, Mr. DELLUMS, and Mr. LEATH of Texas.

H.R. 2568: Mr. HORTON, Mr. FRENZEL, Mr. KINDNESS, Mr. STUMP, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Mr. DREIER of California.

H.R. 2617: Mr. LIPINSKI, Mr. MURPHY, Mr. GALLO, Mrs. BENTLEY, Mr. OXLEY, and Mr. DOWDY of Mississippi.

H.R. 2626: Mr. BATEMAN, Mr. KOLBE, Mr. HENDON, Mr. RITTER, Mr. GOODLING, Mr. WHITEHURST, Mr. APPLEGATE, and Mr. TAUKE.

H.R. 2697: Mr. CLINGER, Mr. VALENTINE, Mr. COBEY, and Mr. BURTON of Indiana.

H.R. 2954: Mrs. JOHNSON, Mr. SABO, Mr. BENNETT, Mr. DELAY, Mr. KANJORSKI, Mr. NELSON of Florida, Mr. WHITEHURST, Mr. MANTON, Mr. TORRES, Mr. DORNAN of California, and Mr. ORTIZ.

H.R. 2970: Mr. CLINGER.

H.R. 2971: Mr. WALKER and Mr. WORTLEY.

H.R. 3008: Mr. WRIGHT, Mr. BOSCO, Mr. MCKERNAN, Mrs. LLOYD, Mr. BOEHLERT, Mr. WALGREN, Mr. DIXON, Mr. LEVIN of Michigan, Mr. FROST, Mr. MITCHELL, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. COELHO, and Mr. FUSTER.

H.J. Res. 3: Mr. LUKEN, Mr. VOLKMER, Mr. ECKART of Ohio, and Mr. WHITLEY.

H.J. Res. 36: Mr. AUCOIN and Mr. GONZALEZ.

H.J. Res. 101: Mr. PASHAYAN.

H.J. Res. 156: Mr. HOYER.

H.J. Res. 206: Mr. FAZIO, Mr. DARDEN, Mr. DELLUMS, Mr. DOWDY of Mississippi, Mr. CARPER, Mr. SOLOMON, Mr. TAUKE, Mr. CONTE, Mr. JONES of North Carolina, Mr. LUNDINE, Ms. KAPTUR, Mr. PRICE, Mr. RODINO, Mr. ORTIZ, Mr. MURTHA, Mr. BUSTAMANTE, Mr. DANNEMEYER, Mr. RICHARDSON, Mr. SHELBY, Mr. LANTOS, Mr. BOSCO, Mr. SPRATT, Mr. STOKES, Mr. SUNIA, Mr. THOMAS of Georgia, Mr. TRAXLER, Mr. VOLKMER, Mr. WILSON, Mr. YOUNG of Missouri, Mr. BEDELL, Mr. BEILENSON, Mr. WALGREN, Mr. MOODY, Mr. LEVIN of Michigan, Mr. LEHMAN of Florida, Mr. BOUCHER, Mr. MOORHEAD, Mr. WYDEN, Mr. SMITH of Florida, Mr. DIOGUARDI, Mr. CROCKETT, Mr. CHANDLER, Mr. JEFFORDS, Mr. FLORIO, Mr. MOAKLEY, Mr. DAUB, Mr. BRYANT, Mr. SIKORSKI, Mr. RINALDO, Mr. DINGELL, and Mr. FUSTER.

H.J. Res. 222: Mr. BEREUTER, Mr. DANNEMEYER, Mr. GRAY of Illinois, Mr. OBERSTAR, Mr. SHUMWAY, and Mr. VANDER JAGT.

H.J. Res. 223: Mr. CROCKETT, Mr. ERDREICH, Mr. SOLARZ, Mr. ANDREWS, Mr. DYSON, Mr. DIXON, Mr. KOLTER, Mr. CLAY, Mr. HAYES, Mr. HORTON, Mr. BUSTAMANTE, Mr. HEFTEL of Hawaii, Mr. WEISS, and Mr. ATKINS.

H.J. Res. 252: Mr. ADDABBO, Mr. AUCOIN, Mr. BARNES, Mr. BEDELL, Mr. BEILENSON, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BUSTAMANTE, Mr. COYNE, Mr. DELLUMS, Mr. DOWNEY of New York, Mr. DURBIN, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. GARCIA, Mr. JEFFORDS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KILDEE, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MINETA, Mr. PANETTA, Mr. SABO, Mr. SAVAGE, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TOWNS, Mr. TRAXLER, Mr. WEAVER, Mr. WEISS, and Mr. WIRTH.

H.J. Res. 266: Mr. SCHUMER, Mr. LOTT, Mr. OWENS, Mr. HEFTEL of Hawaii, Ms. KAPTUR, Mr. O'BRIEN, Mr. COUGHLIN, Mr. VENTO, Mr. HUGHES, Mr. WHEAT, Mr. STAGGERS, Mr. DENNY SMITH, Mr. TOWNS, Mr. HENRY, Mr. MCEWEN, Mr. JONES of Tennessee, Ms. OAKAR, Mr. REID, Mr. HORTON, Mr. WHITTAKER, Mr. MOLLOHAN, and Mr. NIELSON of Utah.

H.J. Res. 324: Mr. SAXTON, Mr. WHITEHURST, Mr. ECKERT of New York, Mr. SENSENBRENNER, Mr. DORNAN of California, Mr. PORTER, Mr. DIOGUARDI, Mr. EMERSON, Mr. SHAW, Mr. NEAL, Mr. GEKAS, Mr. KOLTER, and Mr. BURTON of Indiana.

H. Con. Res. 150: Mr. STANGELAND, Mr. HANSEN, Mr. SWEENEY, Mr. MCCANDLESS, Mr. MYERS of Indiana, Mr. PACKARD, Mr. MILLER of Ohio, Mr. WHITEHURST, Mr. NIELSON of Utah, Mr. ROGERS, and Mrs. VUCANOVICH.

H. Con. Res. 169: Mr. GRAY of Illinois, Mr. MARTINEZ, Mr. NEAL, Mr. BRYANT, Mr. MITCHELL, Mrs. BURTON of California, and Mr. STUDDS.

H. Res. 154: Mr. EMERSON, Mr. DELAY, Mr. KOLBE, Mrs. SCHNEIDER, Mr. BATEMAN, Mr. ROGERS, Mr. COBEY, Mr. COATS, Mr. COMBEST, and Mr. STENHOLM.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2076: Mr. ZSCHAU.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 8

By Mr. CONTE:

—Page 113, after line 13, insert the following new title:

TITLE II—ACID DEPOSITION CONTROL

SECTION 1. SHORT TITLE.

This title may be cited as the "Water Quality Improvement and Acid Deposition Reduction Act of 1985".

SEC. 2. PURPOSE.

The purpose of this Act is to improve water quality, protect human health and preserve aquatic resources in the United States by reducing the threat of acid deposition.

Subtitle I—Acid Deposition Control, and Assistance Program

SEC. 101. AMENDMENT OF CLEAN AIR ACT.

Title I of the Clean Air Act is amended by adding the following new part at the end thereof:

"Part E—Acid Deposition Control

"Subpart 1—General Provisions

"SEC. 181. PURPOSE OF PART.

"The purpose of this part is to decrease sulfur dioxide emissions in the 48 contiguous States by requiring certain electric utility plants and other sources to reduce their rates of sulfur dioxide emissions. The reduced rates shall be rates which (if achieved by those sources in the emission baseline year) would have resulted in total emissions from such sources 12,000,000 tons below the actual total of sulfur dioxide which those sources emitted in the emissions baseline year. The reduction is to be achieved within 10 years after the date of the enactment of this part. Such reduction shall be achieved through—

"(1) a program under subpart 2 consisting of direct federally mandated emission limitations for 50 of the largest emitters of sulfur dioxide; and

"(2) a program under subpart 3 consisting of State plans to provide for such reductions in the emission rates of others existing sources as may be necessary to achieve the remaining portion of such 12,000,000 ton reduction.

90 percent of the capital costs of continuous emission control technology used for the

purpose of the program under subpart 1 shall be funded through a fee on the generation of electric energy as provided in subpart 4. Such fee shall also be used to provide revenue to the States to carry out the program under subpart 2.

"SEC. 182. CERTAIN ACTIVITIES NOT AFFECTED.

"Nothing in this part shall be construed to—

"(1) prevent the construction or modification of any electric utility unit or any other new source of sulfur dioxide; or

"(2) prevent any oil or gas fired electric utility unit or other oil or gas fired source from changing the fuel which such unit or other source used during the baseline year;

"(3) prevent any existing electric utility plant or any other existing stationary source of sulfur dioxide from at any time increasing rates of production or operation above baseline year levels;

"(4) require any State to reduce emissions under subpart 2 of this part to take into account emissions increases attributable to the construction, modification, or increased utilization of the units or sources referred to in paragraphs (1), (2), and (3); or

"(5) require any State to reduce emissions under subpart 2 of this part to take account of emissions increases attributable to a change in fuel at any existing source of sulfur dioxide which converts from gas as a primary fuel to oil or coal or which converts from oil as a primary fuel to coal.

"SEC. 183. DEFINITIONS.

"As used in this part—

"(1) The terms 'new' and 'modified' when used with respect to an electric utility unit or other source means an electric utility unit or other source which commenced construction (or modification) after December 31, 1980, and which is subject to new source performance standards for sulfur dioxide under section 111.

"(2) The term 'commenced' when used with respect to construction or modification has the same meaning as when used in section 111.

"(3) The term 'fossil fuel fired electric utility generating plant' means all of the fossil fuel fired electric utility steam generating units owned or operated by an electric utility which are located on one or more contiguous or adjacent properties.

"(4) The terms 'steam generating unit', 'electric utility', and 'fossil fuel' have the same meanings as provided in regulations under section 111 applicable to electric utility steam generating units for which construction is commenced after September 18, 1978 (40 CFR 60.41a), except that the term 'steam generating unit' shall include only those steam generating units which are capable of combusting more than 50 million Btu/hour heat input of fossil fuel (either alone or in combination with any other fuel).

"(5) The term 'Btu' means a British thermal unit.

"(6) The term 'technological system of continuous emission reduction' has the meaning provided by section 111(a)(7).

"(7) The term 'sulfur dioxide' when used with respect to emissions means total sulfur emissions expressed as sulfur dioxide emissions.

"(8) The term 'baseline year' means the calendar year 1980, except that in the case of—

"(A) any fossil fuel fired steam generating unit which is not part of an electric utility generating plant; or

"(B) any stationary source of industrial process emissions,

the Administrator may designate a subsequent calendar year as the baseline year if he determines that reasonably reliable data is available for that year with respect to the actual sulfur dioxide emission rates of the unit or source involved.

"(9) The term 'stationary source of industrial process emissions' means any major stationary source in one of the following categories or in any other category of major stationary sources which the Administrator determines, by rule, to contribute significantly to concentrations of sulfur dioxide in any region of the 48 contiguous States: nonferrous smelters, petroleum refineries, Portland Cement plants, natural gas plants, iron and steel mills, sulfuric acid plants, kraft pulp mills.

"SEC. 184. RELATIONSHIP TO OTHER REQUIREMENTS.

"Nothing in this part shall be construed to affect or impair the requirements of section 110 (or of any applicable implementation plan) or of any other section of this Act. Any stationary source which is subject to any such requirements may also be subject to additional requirements under this part.

"Subpart 2—Retrofit Technology for 50 Facilities

"SEC. 185. FEDERALLY MANDATED EMISSION REDUCTIONS.

"(a) IDENTIFICATION OF HIGH EMISSION ELECTRIC UTILITY PLANTS.—The Administrator shall identify each fossil fuel fired electric utility generating plant which emitted sulfur dioxide during the calendar year 1980 at an annual average rate equal to or in excess of 3 pounds per million Btu.

"(b) LIST OF 50 PLANTS.—

"(1) INITIAL PUBLICATION.—Not later than 2 months after the date of the enactment of this part, the Administrator shall publish in the Federal Register a list of the 50 plants among those identified under subsection (a) which have the largest total emissions of sulfur dioxide during the calendar year 1980 and shall notify the owner or operator of each plant on such list.

"(2) FINAL PUBLICATION.—Not later than 4 months after the date of enactment of this part, and after notice and opportunity for comment, the Administrator shall promulgate, and publish in the Federal Register, a final list of the 50 plants among those identified under paragraph (1) which the Administrator determines had the largest total emissions of sulfur dioxide during the calendar year 1980.

"(c) SUBSTITUTION.—

"(1) APPLICATION.—The owner or operator of any plant included on the final list under paragraph (2) of subsection (b) and the owner or operator of any other fossil fuel fired electric utility generating plant located in the same State may submit an application to the Administrator for the substitution of one or more fossil fuel fired steam generating units of such other fossil fuel fired electric utility generating plant for a unit of the plant included on such list. If an owner or operator of a plant included on the final list under subsection (b)(2) owns one or more other fossil fuel fired electric utility plants in the same State, he may submit an application under this paragraph for such a substitution. An application for substitution under this paragraph shall be submitted not later than 18 months after the date of the enactment of this part.

"(2) APPROVAL.—A substitution of units may be approved by the Administrator under this subsection only if the Administrator determines that—

"(A) the total emissions of the substitute unit during the calendar year 1980 were equal to or greater than the total emissions of the original unit; and

"(B) the substitute unit emitted sulfur dioxide during the calendar year 1980 at an annual average rate equal to or greater than 3 pounds per million Btu.

"(3) COMPLIANCE BY EXEMPTED UNITS WITH CERTAIN NSPS.—

"(A) COMPLIANCE WITH NSPS IF OPERATION EXTENDS BEYOND NORMAL USEFUL LIFE.—In any case in which—

"(i) a substitute unit has been approved under this subsection for any unit of a plant, and

"(ii) the normal useful life of such unit of the plant will expire before the date 10 years after the date of approval of such substitution,

the Administrator shall require that during any operation of such unit after the expiration of such useful life, the unit shall comply with the standards of performance applicable under section 111 to electric utility steam generating units which commenced construction after September 18, 1978.

"(B) NORMAL USEFUL LIFE.—For purposes of this paragraph, the normal useful life of a unit for which a substitute has been approved shall be determined by the Administrator at the time of approval of the substitution.

"(C) ENFORCEMENT.—The requirement established under this paragraph shall be treated as a requirement of section 111 and enforced in the same manner and subject to the same penalties and procedures as are applicable to the enforcement of the requirements of section 111.

"(d) EMISSION LIMITATIONS.—

"(1) FOR ELECTRIC UTILITY GENERATING PLANTS.—Except as provided in paragraph (3), each compliance schedule under this section shall provide that—

"(A) a technological system of continuous emission reduction shall be used for each steam generating unit in the fossil fuel fired electric utility generating plant concerned (other than a unit for which a substitute has been approved under subsection (a)(4)), and

"(B) sulfur dioxide emissions from such plant (excluding each unit for which a substitute has been approved under subsection (a)(4) for the calendar year 1995 and for each calender year thereafter shall not exceed—

"(i) 1.2 pounds per million Btu heat input and 10 percent of the total annual sulfur dioxide emissions during the calendar 1980 (90-percent reduction), or

"(ii) 0.6 pounds per million Btu and 30 percent of the total annual sulfur dioxide emissions during the calendar 1980 (70-percent reduction).

"(2) DETERMINATION OF COMPLIANCE.—Compliance by the plant with such emission limitation shall be determined in the same manner as provided for determination of compliance with regulations under section 111 applicable to electric utility steam generating units for which construction is commenced after September 18, 1978, except that (A) such regulations shall be applied on a plantwide basis (including all fossil fuel fired electric utility units which comprise the plant other than those units for which a substitute has been approved under subsection (a)(4)) and (B) compliance with the 1.2 pounds per million Btu and 0.6 pounds per million Btu rates set forth in clauses (i) and (ii) shall be determined on the basis of average annual emissions of the plant in lieu of the 30-day rolling average which is applica-

ble to each steam generating unit under such regulations.

"(3) SUBSTITUTE UNITS. —In the case of a substitute unit approved under subsection (c), each compliance schedule under this section shall provide that—

"(A) a technological system of continuous emission reduction shall be used for the unit, and

"(B) sulfur dioxide emissions from such unit for the calendar year 1995 and for each calendar year thereafter shall not exceed—

"(i) 1.2 pounds per million Btu heat input and 10 percent of the total annual sulfur dioxide emissions during the calendar 1980 (90-percent reduction), or

"(ii) 0.6 pounds per million Btu and 30 percent of the total annual sulfur dioxide emissions during the calendar 1980 (70-percent reduction).

Compliance by the unit with such emission limitation shall be determined in the same manner as provided for determination of compliance with regulations under section 111 applicable to electric utility steam generating units for which construction is commenced after September 18, 1978, except that compliance with the 1.2 pounds per million Btu and 0.6 pounds per million Btu rates set forth in clauses (i) and (ii) shall be determined on the basis of average annual emissions of the plant in lieu of the 30-day rolling average which is applicable to each steam generating unit under such regulations.

"(e) COMPLIANCE SCHEDULES.—

"(1) SUBMISSION BY OWNERS OR OPERATORS.—Not later than January 1, 1985, the owner or operator of each plant listed under subsection (b) and the owner or operator of each substitute unit approved under subsection (c) shall submit to the Administrator a compliance schedule under this section, including increments of progress. Within 1 year after the submission of a compliance schedule, and after notice and opportunity for hearing, the Administrator shall approve or disapprove the schedule.

"(2) PROMULGATION BY EPA.—If a compliance schedule is not submitted on or before the date required under paragraph (1) for any plant listed under subsection (b) or for any substitute unit approved under subsection (c), or if a schedule submitted under paragraph (1) for such plant or unit is not approved by the Administrator before January 1, 1986, the Administator shall promulgate a compliance schedule, including increments of progress, for such plant or unit on January 1, 1986. If, after January 1, 1986, the Administrator determines that any previously approved compliance schedule, including the increments of progress in such schedule, is inadequate to meet the requirements of subsection (d), the Administrator shall require submission of, or promulgate, a modified compliance schedule, including increments of progress, for such plant.

"(3) PUBLICATION.—Each schedule which is approved or promulgated by the Administrator under this subsection shall be published in the Federal Register.

"(4) DEADLINES.—The compliance schedule under this subsection shall provide that—

"(A) contracts shall be entered into for the purchase and installation of the technological systems of continuous emission reduction not later than January 1, 1993;

"(B) such systems shall be installed and in operation not later than January 1, 1985; and

"(C) the emission limitation required under subsection (d) shall be achieved for each calendar year after 1994.

"(f) ENFORCEMENT.—For purposes of sections 113, 114, 116, 120, and 304 of this Act, a compliance schedule under this section (including any increment of progress set forth in such schedule) shall be treated as an emission limitation.

"SEC. 186. PAYMENT FOR CAPITAL COSTS OF CONTROL.

"(a) 90 PERCENT PAYMENT.—From the fund established under subpart 4 of this part, the Administrator shall make available to each owner or operator of a plant which contains a unit subject to a compliance schedule under section 185 such sums as the Administrator deems necessary to pay for 90 percent of the costs of the construction and installation of the technological system of continuous emission reduction necessary to comply with the emission limitation applicable under section 185(d).

"(b) REGULATIONS.—The Administrator, after consultation with the Secretary of the Treasury, shall promulgate regulations under which—

"(1) no payment may be made under this section to a utility for any costs unless the Administrator determines that, under applicable rates schedules, the full amount of such payment will be used to reduce those electric rate increases (payable by customers of the utility) which otherwise would result from the construction and installation concerned; and

"(2) such payments shall be made at such times as will minimize any electric rate increases for customers of the utility.

"Subpart 3—State Plans for Additional Emission Reductions

SEC. 191. CALCULATION OF STATE SHARES.

"(2) SHARE OF 12,000,000 TON REDUCTION.—

"(1) ETA COMPUTATION.—For each of the 48 contiguous States, the Administrator shall compute a State share of the 12,000,000 ton reduction in annual emissions of sulfur dioxide referred to in section 181(a). The Administrator shall compute the State share for each such State as provided in subsection (b) not later than 18 months after the date of the enactment of the National Acid Deposition Control Act of 1985.

"(2) DATE TO BE USED IN COMPUTATION.—In making computations under subsection (b), the Administrator shall use the best available data. To the extent that other better data regarding the emissions of sulfur dioxide from any category of sources is not available on or before the date 18 months after the date of the enactment of the national Acid Deposition Control Act of 1985, the Administrator shall utilize the inventory of emissions developed in fulfillment of the requirements of the memorandum of Intent on Transboundary Air Pollution signed by Canada and the United States on August 5, 1980.

"(b) STATE SHARE.—

"(1) GENERAL RULE.—The State share for each such State shall be the number of tons which is the sum of the amounts computed under subparagraphs (A), (B), and (C).

"(A) ELECTRIC UTILITY EXCESS EMISSIONS TONNAGE.—The tonnage computed under paragraph (2) for fossil fuel fired electric utility plants in the State.

"(B) NON-UTILITY BOILER EXCESS EMISSIONS TONNAGE.—The tonnage computed under paragraph (3) for other fossil fuel fired steam generating units in the State.

"(C) PROCESS EMITTERS EXCESS EMISSIONS TONNAGE.—The tonnage under paragraph (4) for industrial process emitters of sulfur dioxide in the State.

"(2) ELECTRIC UTILITY EXCESS EMISSIONS TONNAGE.—

"(A) FRACTION OF 10,000,000 TONS.—The Administrator shall compute an excess emissions tonnage amount under this paragraph for fossil fuel fired electric utility plants in the State. The amount shall be determined by multiplying 10,000,000 tons by a fraction the numerator of which is determined under subparagraph (B) and the denominator of which is determined under subparagraph (C).

"(B) NUMERATOR OF ELECTRIC UTILITY FRACTION.—The numerator of the electric utility fraction shall be the tonnage of emissions of sulfur dioxide which the Administrator estimates to have been emitted during the baseline year at a rate in excess of 1.2 pounds per million Btu from fossil fuel fired electric generating plants which are located in the State and which, during the baseline year, emitted sulfur dioxide at an annual average rate in excess of 1.2 pounds per million Btu.

"(C) DENOMINATOR OF ELECTRIC UTILITY FRACTION.—The denominator of the electric utility fraction shall be the tonnage of emissions of sulfur dioxide which the Administrator estimates to have been emitted during the baseline year at a rate in excess of 1.2 pounds per million Btu from all fossil fuel fired electric generating plants which are located in the 48 contiguous States and which, during the baseline year, emitted sulfur dioxide at an annual average rate in excess of 1.2 pounds per million Btu.

"(3) NON-UTILITY BOILER EXCESS EMISSIONS.—

"(A) FRACTION OF 1,000,000 TONS.—The Administrator shall compute an excess emissions tonnage amount under this paragraph for fossil fuel fired steam generating units other than those which are part of electric utility plants in the State. The amount shall be determined by multiplying 1,000,000 tons by a fraction the numerator of which is determined under subparagraph (B) and the denominator of which is determined under subparagraph (C).

"(B) NUMERATOR.—The numerator of the fraction under this subparagraph shall be the tonnage of emissions of sulfur dioxide which the Administrator estimates to have been emitted during the baseline year at a rate in excess of 1.2 pounds per million Btu from all fossil fuel fired steam generating units which are located in the State (other than units which are part of a fossil fuel fired electric generating plant) and which, during the baseline year, emitted sulfur dioxide at an annual average rate in excess of 1.2 pounds per million Btu.

"(C) DENOMINATOR.—The denominator under this subparagraph shall be the tonnage of emissions of sulfur dioxide emitted during the baseline year at a rate in excess of 1.2 pounds per million Btu from all fossil fuel fired steam generating units which are located in the 48 catiguous State (other than units which are part of a fossil fuel fired electric generating plant) and which, during the baseline year, emitted sulfur dioxide at an annual average rate in excess of 1.2 pounds per million Btu.

"(4) PROCESS EMITTERS EXCESS EMISSIONS TONNAGE.—

"(A) FRACTION OF 1,000,000 TONS.—The Administrator shall compute an excess emissions amount under this paragraph for industrial process emitters of sulfur dioxide in the State. The amount shall be determined by multiplying 1,000,000 tons by a fraction the numerator of which shall be the amount computed under subparagraph (B)

and the denominator shall be the amount computed under subparagraph (C).

"(B) NUMERATOR.—The numerator of the fraction under this subparagraph shall be the tonnage of emissions of sulfur dioxide emitted during the baseline year at an annual average rate in excess of the rate determined under subparagraph (D) from emissons units of industrial process emitters of sulfur dioxide which are located in the State and which, during the baseline year, emitted sulfur dioxide at an annual average rate in excess of the rate determined under subparagraph (D).

"(C) DENOMINATOR.—The denominator of the fraction under this subparagraph shall be the total tonnage of emissions of sulfur dioxide emitted during the baseline year at an annual average rate in excess of the applicable rate determined under subparagraph (D) from emissions units within industrial process emitters of sulfur dioxide which are located in the 48 contiguous States and which, during the baseline year, emitted sulfur dioxide at an annual average rate in excess of the rate determined under subparagraph (D). The amount computed under this clause shall be referred to as the 'national industrial process excess emissions amount'.

"(D) AVERAGE BACT EMISSIONS LIMIT.—

"(i) For purposes of this paragraph, the average annual rate determined under this subparagraph for any emissions unit within a stationary source of industrial process emisssions shall be the rate which the Administrator determines to be the national average BACT emissions limit for sulfur dioxide for emissions units within the category of process emitters involved.

"(ii) Utilizing the BACT/LAER Clearinghouse data available at the Environmental Protection Agency, the Administrator shall review the emission limitations for industrial process emitters which were established as "best available control technology" (BACT) under this Act during the period August 1977 through December 12, 1984. On the basis of such data, and not later than 1 year after the date of the enactment of the National Acid Deposition Control Act of 1985, the Administrator shall establish a national average BACT emission limit for sulfur dioxide for emissions units within each category of process emitters of sulfur dioxide.

"(c) REALLOCATION AMONG STATES.—Under regulations promulgated by the Administrator, the Governors of any two or more contiguous States may (by agreement) reallot among agreeing States the State share of two or more agreeing States if, under such reallotment, the total reduction in annual emissions of sulfur dioxide from all stationary sources subject to emission limitation under section 193(a) is equal to or greater than, and contemporaneous with, the total reduction in annual emissions of sulfur dioxide from such sources which would be required under this part in the absence of such reallotment. The Administrator may promulgate such regulations under this subsection as may be necessary to carry out the purposes of this part.

"SEC. 192. SUBMISSION AND APPROVAL OF STATE PLANS.

"(a) BASIC REQUIREMENT.—Not later than one year after determination by the Administrator under section 191 of the State share for each State, each State for which a share is calculated shall submit a plan to the Administrator under this section.

"(b) APPROVAL BY EPA.—If a State plan is submitted under this section on or before the required date, the Administrator shall approve or disapprove such plan within 6 months from the date on which such plan is submitted. The Administrator shall approve the plan if he determines that the plan contains provisions, including enforceable increments of progress, adequate to assure that the emission limitations required under section 193 will be achieved as expeditiously as practicable but not later than January 1 of the first year which commences more than 10 years after the date of the enactment of this Act.

"(c) FAILURE TO SUBMIT STATE PLAN.—If no plan has been approved by the Administrator on or before the date two years after the enactment of the National Acid Deposition Control Act of 1985, effective on the date 10 years after such date of enactment all stationary sources of sulfur dioxide in the State which are referred to in subsection (d) and which are not subject to more stringent emission limitations under other provisions of this Act (or under State plans in effect under such other provisions) shall be subject to the emission limitations set forth in subsection (d).

"(d) FEDERAL BACK-UP EMISSIONS LIMITATIONS.—The emission limitations applicable under this subsection in the absence of an approved State plan under this part are as follows:

"(1) 0.8 pounds of sulfur dioxide per million Btu for each steam generating unit of a fossil fuel fired electric generating plant (other than an electric utility steam generating unit which is required to comply with emission limitations under part 1);

"(2) 0.8 pounds of sulfur dioxide per million Btu for each fossil fuel fired steam generating unit which is not part of an electric utility plant; and

"(3) the national average BACT emissions limit for sulfur dioxide for the category of process emitters involved (as developed under section 191) in the case of each industrial process emitter of sulfur dioxide in the State.

The emission limitations applicable under this subsection shall be treated, for purposes of sections 113, 114, 116, 120, and 304 as requirements of an appliable implementation plan.

"SEC. 193 EMISSION LIMITATIONS IN STATE PLANS.

"(a) EMISSION LIMITATIONS FOR COVERED SOURCES.—The plan for each State required to submit a plan under section 192 shall provide for emission limitations applicable to any covered stationary sources. The emission limitations for each stationary source subject to the State plan shall establish an allowable average annual sulfur dioxide emission rate for the source. The allowable average annual sulfur dioxide emission rates for such sources shall be established at such levels that if each source had emitted sulfur dioxide at the allowable rate during baseline year for that source, the sum of the total reductions in actual annual emissions of sulfur dioxide in the State during both baseline years would be equal to—

"(1) the State share determineo under section 191(a), reduced by

"(2) the subpart 2 credit for that State.

"(b) STATE DISCRETION IN MEANS OF COMPLIANCE.—The State plans under this subsection may provide for compliance with the emission limitations applicable under such plans through the use of a technological system of continuous emisson reduction or any other requirements which the State deems approprite to reduce the sulfur dioxide emission rate.

"(c) ENFORCEMENT.—Each requirement of a State plan approved or promulgated by the Administrator under this section shall be treated, for purposes of sections 113, 114, 116, 120, and 304 as a requirement of an applicable implementation plan.

"(d) DEFINITIONS.—For purposes of this section—

"(1) COVERED STATIONARY SOURCE.—The term 'covered stationary source' means for any State a stationary source (other than a plant or unit which is required to comply with emission limitations under subpart 2 of this part) in the State for which—

"(A) the actual annual sulfur dioxide emission rates have been calculated by the Administrator for the baseline year, and

"(B) no new source standard of performance is applicable under section 111.

"(2) SUBPART 2 CREDIT.—The term 'subpart 2 credit' means, for any State, the total annual tonnage reduction in emissions of sulfur dioxide which would have been achieved in the State during the baseline year if all electric utility plants (and units thereof) in the State which are required to comply with emission limitations under subpart 2 were in compliance during that year with those limitations.

"SEC. 194. FINANCIAL ASSISTANCE FOR COMPLIANCE WITH STATE PLANS.

"(a) GRANTS TO STATES.—From the fund established under subpart 5, whenever funds are available under section 196(c)(2), the Administrator shall make available to each State—

"(1) which has in effect a State plan approved under this subpart, and

"(2) in which each plant subject to subpart 2 has achieved the emissions reduction required under subpart 2.

a portion of the total amount available for all States under section 196(c)(2) the fiscal year concerned.

"(b) DATE OF AVAILABILITY.—Sums shall be made available under this section to each State following the later of—

"(1) the date on which funds under section 196(c)(2) are first made available to States, or

"(2) the date on which the State plan for the State concerned is approved under this subpart.

"(c) PORTION ALLOCATION.—The portion allocated to any State under subsection (a) for any fiscal year shall be a percentage of the total amount available for all States during that fiscal year. Such percentage shall be determined by dividing—

"(1) the State emission reduction share calculated under section 191, and reduced by the State subpart 2 credit, as defined in section 193(d), by

"(2) 12,000,000 tons, reduced by the sum of the State subpart 2 credits for all States.

"(d) USE OF AVAILABLE FUNDS.—

"(1) IN GENERAL.—Sums made available to a State under this subpart shall be used by the State in such manner as the State deems appropriate for purposes of—

"(A) providing for the emission reductions required in that State pursuant to this subpart;

"(B) reducing, or providing refunds with respect to, the fee imposed under section 197; or

"(C) funding any other State program which the State deems appropriate to carry out the purposes of this Act.

In any case in which the State has conducted and planning or in which any reductions required under this subpart have been achieved prior to the availability of funds to

the State concerned, the sums available to that State under this subpart shall be treated as reimbursement. Any fee reduction or refund provided pursuant to subparagraph (B) shall be provided on a ratable basis (per kilowatt hour) with respect to all electric utilities in the State which are subject to such fee.

"(2) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to any State under this subpart in any fiscal year may be used by the State for purposes of administration of the State plan under this subpart.

"Subpart 4—Acid Deposition Control Fund

"SEC. 196. ESTABLISHMENT OF FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Acid Deposition Control Fund' (hereinafter in this subpart referred to as the 'Fund'), consisting of such amounts as may be transferred to such Fund as provided in this section.

"(b) CREDITS.—There are hereby credited, out of any money in the Treasury not otherwise appropriated, to the Fund amounts determined by the Secretary of the Treasury (hereinafter in this title referred to as the 'Secretary') to be equivalent to the amount received in the Treasury under section 196.

"(c) USE OF FUND.—

"(1) IN GENERAL.—Amounts in the Fund shall be available only for purposes of making expenditures which are described in this subsection.

"(2) PRIORITIES.—If amounts available in the fund are inadequate to make all expenditures which are required to be made by the Administrator under this part, the Administrator shall make such expenditures in accordance with the following priorities:

"(A) FIRST PRIORITY.—(i) The Administrator shall make payments to utilities under section 197(c) for utility rate reductions specified in section 197(c)(2).

"(ii) Not more than $10,000,000 may be made available from the fund for purposes of the l.i.m.b. demonstration project under section 198(a) of subpart 5.

"(iii) Not more than $10,000,000 may be made available from the fund in any fiscal year for purposes of accelerated research of other technologies under section 198(b) of subpart 5.

"(iv) Not more than $25,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990 may be made available from the fund for purposes of the mitigation program under title III of the Acid Rain Deposition Control Act of 1985.

"(B) SECOND PRIORITY.—The Administrator shall next make expenditures under section 186 and, if amounts in the fund are inadequate to make all expenditures under such section 186, the available amounts shall be allocated first to the facilities which first applied for payment under such section 186.

"(C) THIRD PRIORITY.—If all expenditures which can currently be made under section 186 have been made, the Administrator shall provide funding to States under section 194.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) TRANSFER.—The amounts appropriated by subsection (b) shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the amounts referred to in such subsection (b). Proper adjustments shall be made in the amount subsequently transfered to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(2) REPORTS.—The Secretary shall be the trustee of the Fund, and shall report to the Congress for each fiscal year ending on or after the date one year after the date of the enactment of this part, on the financial condition and the results of the operations of such Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

"(3) INVESTMENT.—It shall be the duty of the Secretary to invest such portion of such Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, such Fund.

"SEC. 197. FEES.

"(a) IMPOSITION OF FEE.—Under regulations promulgated by the Administrator, there shall be imposed a fee for each kilowatt hour of electric energy generated in the continguous 48 States by an electric utility and for each kilowatt hour of electric energy imported into the contiguous 48 States.

"(b) AMOUNT OF FEE.—The fee shall be applied during each calendar quarter at a rate per kilowatt hour which is equal to 1.5 mill multiplied by the inflation adjustment for the calendar quarter in which the electric energy is generated or imported. The inflation adjustment for a calendar quarter is the percentage by which—

"(1) the implicit price deflator for the gross national product for the second preceding calendar quarter, exceeds

"(2) such deflator for the calendar quarter ending on December 31 of the year in which this part is enacted.

For the purposes of this subsection, the first revision of the price deflator shall be used.

"(c) NUCLEAR AND HYDROELECTRIC POWER.—

"(1) EXEMPTION.—The fee imposed under this section shall not apply to any electric energy (including imported electric energy) which is generated by nuclear or hydroelectric power.

"(2) STATEMENT OF EXEMPT FRACTION.—Each electric utility which generates or imports electric energy and sells such electric energy to any other electric utility or to any other person shall determine the fraction of the total number of kilowatt hours of electric energy sold during each billing period which is exempt from the fee under this section by reason of paragraph (1). Where sales of electric energy are made by a utility to two or more other persons, such fraction shall be the same for all electric energy sold during the same period. The amount of the fee imposed with respect to electric energy sold by an electric utility to any person during any billing period, and the total number of kilowatt hours of electric energy sold to such person by any electric utility during such billing period on which such fee has been paid, shall be separately stated on each billing document rendered to the purchaser in connection with such sale.

"(d) LOW-INCOME AND ELDERLY CUSTOMERS.—

"(1) PAYMENTS TO UTILITIES.—Under regulations promulgated by the Administrator, the Administrator shall make payments from the fund established under section 196 to each electric utility which has sold electric energy to any individual customer who certifies that, at the time of such certification, he is—

"(A) receiving aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act;

"(B) receiving supplemental security income benefits under title XIV of such Act;

"(C) receiving low-income home energy assistance under the Low-Income Energy Assistance Act of 1981;

"(D) a member of a household (within the meaning of the Food Stamp Act of 1977) which is receiving food stamps under that Act; or

"(E) receiving payments under section 415, 521, 541, or 542 of title 38 of the United States Code or under section 306 of the Veterans and Survivors Pensions Improvement Act of 1978.

Such certification shall be submitted within 180 days after the date of the sale of the electric energy with respect to which such payment is made.

"(2) RATE REDUCTION REQUIRED FOR LOW-INCOME AND ELDERLY CUSTOMERS.—No payment may be made to a utility under this subsection with respect to electric energy sold to any customer certified under paragraph (1) unless the Administrator determines that—

"(A) under applicable rate schedules, the full amount of such payment will be used to reduce the electric rates of the certified customer; and

"(B) the utility has established adequate procedures to assure that each customer of the utility will be informed in the utility's periodic billings of the payment authorized under paragraph (1) and the rate reduction available under this paragraph.

"(3) AMOUNT OF PAYMENT.—The amount of the payment made under this subsection to an electric utility with respect to sales of electric energy in any period shall be equal to—

"(A) 1.5 mill (multiplied by the inflation adjustment for the preceding calendar quarter) for each kilowatt hour of electric energy sold during that period to customers certified under this paragraph, multiplied by

"(B) a fraction—

"(i) the numerator of which is the total number of kilowatt hours of electric energy sold by the electric utility in that period for which a fee was paid by the generator or importer under this section, and

"(ii) the denominator of which is the total number of kilowatt hours of electric energy sold by the electric utility in that period.

"(e) REGULATIONS.—The regulations of the Administrator under subsection (a) shall be promulgated not later than 6 months after the date of the enactment of this part and shall set forth the time and manner required for payment of the fee imposed under subsection (a), the information required to be reported in connection with the payment of such fee, and the requirements applicable to the exemption and rate reduction provided under this section.

"(f) ENFORCEMENT.—

"(1) CIVIL PENALTIES.—Any electric utility (or importer of electric energy) which fails or refuses to pay any amount of a fee imposed under subsection (a) or which fails or refuses to file any report or other document required by the Administrator in connection

with the imposition of such fee shall, in addition to liability for any unpaid amount of such fee (and interest on any such unpaid amount), be liable for a civil penalty of $50,000 for each day during which such failure or refusal continues. Any person who makes any false or misleading statement in any such report or other document required by the Administrator in connection with the imposition of such fee shall be liable for a civil penalty of $50,000 ($500 in the case of any person who makes any false or misleading statement in a certificate under subsection (d)).

"(2) CIVIL ACTIONS.—The Administrator shall bring a civil action against any electric utility (or importer) which fails or refuses to pay any amount of a fee imposed under subsection (a), fails or refuses to file any report or other document required by the Administrator in connection with the imposition of such fee, or makes any false or misleading statement in any such report or other document required by the Administrator in connection with the imposition of such fee. The Administrator shall bring a civil action against any person who makes any false or misleading statement in any document used for purposes of obtaining an exemption under subsection (d). Civil actions under this subsection shall be brought in the same manner and in accordance with the same procedures as are applicable to civil actions brought under section 113(b) against any person who violates any requirement of an applicable implementation plan.

"(g) CRIMINAL PENALTY.—Any electric utility (or importer of electric energy) which knowingly fails or refuses to pay any amount of a fee imposed under subsection (a) or which knowingly fails or refuses to file any report or other document required by the Administrator in connection with the imposition of such fee shall, in addition to civil liability under subsection (f), be subject to a criminal penalty of $100,000. Any person who knowingly files any false certificate or other document for purposes of obtaining an exemption under subsection (d) shall, in addition to civil liability under subsection (f), be subject to a criminal penalty of $1,000.

"(h) EFFECTIVE DATE; TERMINATION—The fees imposed under this section shall take effect with respect to electric energy generated or imported after December 31 of the year in which this part is enacted. The fee shall cease to apply on December 31 of the first year which ends more than 10 years after such enactment.

"Subpart 4—Accelerated Research on Cleaner Burning Industrial Processes

"RESEARCH FUNDS

"SEC. 198. (a) FULL SCALE DEMONSTRATION PROTECT.—The Administrator is authorized and directed to carry out a full-scale demonstration project to demonstrate the feasibility of the limestone injected multistaged burner (LIMB) technology. Not more than $10,000,000 is authorized to be appropriated from the fund established under subpart 4 for purposes of such project.

"(b) ACCELERATED RESEARCH FOR OTHER PROCESSES.—The Administrator shall make such grants and enter into such contracts and other arrangements as may be necessary to accelerate the research necessary to develop advanced industrial processes (including atmospheric fluidized bed combustion and magnetohydrodynamics (MHD)) other than the limestone injection multistate burner technology which may result in lower levels of sulfur dioxide and oxides of nitrogen. In each of the five fiscal years commencing with the fiscal year 1986, not more than $10,000,000 is authorized to be appropriated from the fund established under subpart 4 for purposes of this subsection.".

CONFORMING AMENDMENTS

SEC. 102. (a) ENFORCEMENT.—Section 113(a)(3) of the Clean Air Act is amended by inserting "or is in violation of any requirement in effect pursuant to subpart 1 of part E," after "inspections, etc.)".

(b) CIVIL ACTIONS.—Section 113(b) of the Clearn Air Act is amended by inserting the following immediately after paragraph (5): "Whenever any person violates any requirement in effect pursuant to subpart 1 of part E, the Administrator may commence a civil action for permanent or temporary injunction or to assess and recover a civil penalty of not more than $25,000 per day of violation, or both.".

(c) CRIMINAL PENALTIES.—Section 113(c)(1)(C) of the Clean Air Act is amended by inserting "or violates any requirement in effect pursuant to subpart 1 of part E," before "or".

(d) JUDICIAL REVIEW.—Section 307(b)(1) of the Clean Air Act is amended by inserting ", any final action taken by the Administrator under part E of title I" after "120" in the first sentence thereof.

Subtitle II—Control of Nitrogen Oxide Emissions

REVISIONS OF NEW SOURCE PERFORMANCE STANDARD

SEC. 201. Section 111 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(k) The Administrator shall revise the standards of performance for emissions of nitrogen oxides from electric utility steam generating units which burn bituminous or subbituminous coal. Such revised standards shall prohibit the emission of nitrogen oxides from such units at a rate which exceeds—

"(1) 0.30 pounds per million Btu's, in the case of subbituminous coal; and

"(2) 0.40 pounds per million Btu's, in the case of bituminous coal,

based on a 30-day rolling average. Such revised standard shall take effect with respect to units which commence construction after the date of the enactment of this subsection. As used in this subsection, the terms 'electric utility steam generating unit', 'bituminous coal', and 'subbituminous coal' have the same meanings as when used in 40 CFR part 60, subpart Da, as in effect on January 1, 1983.

"(l) NSPS FOR NOx EMISSIONS FROM CERTAIN STEAM GENERATING UNITS.—The Administrator shall promulgate standards of performance under this section for emissions of oxides of nitrogen from all fossil-fuel-fired steam generating units which are new sources within the meaning of subsection (a)(2) and which are capable of combusting more than 50 million Btu's per hour heat input of fossil fuel (either alone or in combination with any other fuel). The standards under this section applicable to fossil-fuel-fired steam generating units which are capable of combusting more than 250 million Btu's per hour heat input may vary from the standards applicable to units which are not capable of combusting more than 250 million Btu's per hour heat input.".

EMISSIONS FROM MOBILE SOURCES

SEC. 202. (a) TRUCKS AND TRUCK ENGINES.—Section 202 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(g) OXIDES OF NITROGEN EMISSIONS FROM LIGHT-DUTY TRUCKS AFTER 1987.—Effective with respect to vehicles and engines manufactured during and after the model year 1987, the regulations under subsection (a) applicable to emissions of oxides of nitrogen from trucks and truck engines the gross vehicle weight of which does not exceed 8,500 pounds shall contain standards which provide that such emissions may not exceed the number of grams per vehicle mile specified in the following table:

Gross vehicle weight:	Emission standard
Not in excess of 6,000 lbs	1.2
In excess of 6,000 lbs	1.7

Effective with respect to vehicles and engines manufactured during and after the model year 1987, the regulations under subsection (a) applicable to emissions of oxides of nitrogen from trucks and truck engines the gross vehicle weight of which exceeds 8,500 pounds shall contain standards which provide that such emissions may not exceed 4.0 grams per brake horsepower-hour. Nothing in subparagraph (B) or (E) of subsection (a)(3) shall apply to any standard established under this subsection.".

(b) CONFORMING AMENDMENT.—Section 202(a)(3)-(A)(ii) is amended by inserting "and except as otherwise provided in subsection (g)," after "(E)".

Subtitle III—Acid Deposition Damage Mitigation Program

STATE PLANS; FEDERAL ASSISTANCE

SEC. 301. (a) RESTORATION PROGRAM.—Any State may prepare, and submit to the Administrator for his approval and to the Director of the United States Fish and Wildlife Service for his comment—

(1) a survey of water quality deterioration in such State which has resulted from acid deposition, and

(2) a proposal for research on mitigating the effects of acid deposition on terrestrial and aquatic eco-systems;

(3) proposed methods and procedures to restore the quality of water in such State which has deteriorated as a result of acid deposition.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—From the fund established under section 196 of the Clean Air Act, the Administrator, after consultation with the Director of the United States Fish and Wildlife Service, shall provide financial assistance to States in order to carry out research on mitigation, and to carry out methods and procedures for restoration, which have been approved by the Administrator under this section.

(2) 80 PERCENT LIMIT.—The amount granted under this section to any State for any fiscal year shall not exceed 80 percent of the funds expended by such State in such year for carrying out approved methods and procedures under this section.

(3) APPORTIONMENT AMONG STATES.—The Administrator shall provide for an equitable distribution of sums appropriated under this section among States with approved methods and procedures. Such distribution shall be based on the relative need of each such State for the restoration of water quality which has deteriorated as a result of acid deposition. The amount of any grant to a State under this section shall be in addition to, and not in lieu of, any other Federal financial assistance.

By Mr. LENT:

(As amended by Mr. HOWARD's Amendments.)

—In subparagraph (B) of section 312(f)(1) of the Federal Water Pollution Control Act, as inserted by Mr. Howard's amendments on page 70 after line 4 in the section designated as "SEC. 25. MARINE SANITATION DEVICES.", strike out "is not used as a means of transportation" and insert in lieu thereof "is not used primarily as a means of transportation".

—In subparagraph (B) of section 312(f)(1) of the Federal Water Pollution Control Act, as proposed to be inserted on page 70 after line 4 in the section designated as "SEC. 25. MARINE SANITATION DEVICES.", strike out "is not used as a means of transportation" and insert in lieu thereof "is not used primarily as a means of transportation".

H.R. 3011

By Mr. CONTE:

—Page 45, after line 18, insert the following:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

(RESCISSION)

Except as otherwise provided in this section, all of the funds appropriated to the Energy Security are hereby rescinded. This rescission shall not apply to:

(1) funds transferred from the Energy Security Reserve by this Act;

(2) $500,000,000, which may not be used for payments with respect to projects or modules under the Energy Security Act; and

(3) such amounts as may be necessary to make payments for projects or modules for which obligations were entered into under the Energy Security Act before the date of enactment of this Act.

SENATE—*Monday, July 22, 1985*

(Legislative day of Tuesday, July 16, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Praise ye the Lord. Praise God in His sanctuary: Praise Him in the firmament of His power.

Praise Him for His mighty acts: Praise Him according to his excellent greatness.

Praise Him with the sound of the trumpet: Praise Him with the psaltery and harp.

Praise Him with the timbrel and dance: Praise Him with stringed instruments and organs.

Praise Him upon the loud cymbals: Praise Him upon the high-sounding cymbals.

Let everything that hath breath praise the Lord. Praise ye the Lord.—Psalm 150.

We praise Thee mighty God. With all our hearts we worship and adore Thee. Overrule indifference—unbelief—and anything in us that removes us from Thee. Father in Heaven, the Senate enters 2 weeks crowded with a difficult, controversial agenda. Manifest Thyself in this Chamber and in all the offices, Work Thy will and demonstrate Thy relevance in the most pragmatic of circumstances. Give the Senators cool heads and warm hearts in these pressure days. Be God in this place. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each; followed by special orders in favor of the Senator from Missouri [Mr. DANFORTH] and the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes each; followed by routine morning business not to extend beyond the hour of 1 p.m. with statements limited therein to 5 minutes each.

Following routine morning business, the Senate will resume the motion to proceed to S. 43, the line item veto.

It will be the intention of the majority leader to turn to any legislative or executive items which may be cleared for action.

I will be giving to the distinguished minority leader. Senator BYRD, a list of the bills we might be able to resolve this week. I will also be discussing all these measures tomorrow with the Republicans in our policy luncheon, and I will make the same list available so that it may be discussed in the Democratic caucus or policy luncheon.

It is still our hope that we will at least be able to lay before the Senate the farm bill before the week is out. We are quite near completing action in the committee, but I think we must take a look at the budget impact of the legislation, how far off the mark we are, whether or not we need to go back and refine it in more detail.

But in any event I am still optimistic that there will be something on the floor by the time the week is out.

There are actually not that many major legislative items that I see for the next couple of weeks. There should be hopefully a supplemental appropriations conference report. There could be a budget resolution conference report. I assume if that happens, it will be late next week, depending on what the conferees can agree on, if anything, before the recess.

But I will make all the information I have available to the distinguished minority leader.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

RESPONSE TO THE MAJORITY LEADER

Mr. BYRD. Mr. President, I thank the distinguished majority leader for indicating that he will be working on some items which possibly can be taken up and disposed of before the August break.

I assure him that we on our side will look with interest upon any proposals he might have and we will be happy to see if we can get the support for proceeding and be back to him.

Mr. President, the distinguished majority leader has now given me a preliminary list of the items which he has in mind to handle prior to the recess.

We on our side will develop this effort and see what we can do to cooperate.

LINE ITEM VETO

Does the distinguished majority leader indicate at this time or is he in a position to do so as to how long the line item veto motion will be before the Senate and if that motion should perchance unfortunately, be adopted how long the line item vote bill itself, S. 43, would be before the Senate?

Mr. DOLE. I think we may have some indication, depending on the size of the vote tomorrow. If it starts to shrink we may not pursue it much beyond tomorrow.

I will file another cloture motion today. So we could have another vote on Wednesday.

It is my understanding that the President was watching talk shows yesterday, and he heard the Senator from Kansas indicate we are three votes short. I understand he later called the legislative office of the White House and asked what Senators he should call.

So I am not certain what has happened. But if we should get closer tomorrow, we may have a third vote on Wednesday.

Mr. BYRD. I did not hear the President's call. Perhaps I was out taking my wife to lunch.

Mr. DOLE, I think he had the Senator from West Virginia down as undecided.

Mr. BYRD. I will tell the Senator from Kansas that the President is a diligent user of the telephone. I told him one day I wish he would call me more often. I enjoy talking with him. I wish he would need my vote more often so maybe I could get more calls. But, there is a fundamental and very important issue at stake here involving the very nature of a representative democracy.

I would hope that Senators will keep their eye on the ball, and understand that the decision we render here might affect several generations to come. We are talking about a transfer of influence from the people's elected representatives to unelected, unaccountable bureaucrats and I trust that serious thought will be given by every Senator before taking that unwise step.

I ask unanimous consent, Mr. President, that I may reserve the remainder of my time.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR DANFORTH

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Missouri is recognized for 15 minutes.

SENATE CONCURRENT RESOLUTION 32, THE 1986 BUDGET RESOLUTION

Mr. DANFORTH. Mr. President, the conference on the 1986 budget resolution has apparently reached an impasse. The word "collapse" has been used. Although Senate conferees have called a meeting to make another offer to the House, the prospects for agreement on a common budget strategy for the two Houses of Congress has never been bleaker. We are facing a crisis in this country, and we are paralyzed.

The problem is Government spending. We cannot go on collecting 19 percent of our gross national product in Federal taxes while we are spending 24 percent. And, in my judgment, the American people should not have to surrender 24 percent of their earnings to continue Government programs at their current level. We must bring spending down to meet the funds available.

We have heard a lot of bragging from Members of the House about their so-called resolve to reduce the deficit, about their willingness to cut spending. But when you cut through the rhetoric, what is the reality? The reality is that the Senate's cuts are real, and the House's cuts are not.

The difference between the House and Senate positions on the budget is not our first-year savings of $56 billion versus their $56 billion, or our 3-year $295 billion versus their $259 billion—it is our binding commitment versus their baloney. The difference is whether we will enforce the savings in the budget. The Senate agreed to force authorizing committees to make the 3-year savings laid out by the budget—structural, programmatic, long-term change. The Senate also agreed to have binding caps on appropriations.

What has the House committed itself to? Appropriations cuts for a quick fix in 1986 and nothing at all for the out years. A budget resolution lays out 3 years of spending, but the figures for the last 2 years are nothing but idle promises unless there is a specific legislative mechanism to enforce the cuts. The Senate voted to terminate some programs and make structural reforms in others. The House made no such commitment; its conferees refuse even to discuss their plans for enforcing the cuts they have promised, and they refuse to accept appropriations caps.

We hear comments from the House that the Senate has to decide if it wants a budget. We hear that the Senate is intransigent. We can have a budget. But what kind of budget will it be? Will it help the economy or hurt it? Will it reflect reality or illusion? The Senate made the tough decisions. The House engages in public relations and juggles the numbers.

Consider the rural housing program. The latest House offer accepts 90 percent of the 3-year outlay savings assumed by the Senate. That sounds pretty good. But the program level is reduced only 30 percent, compared to 55 percent in the Senate. The remainder of the savings result from a proposal to sell loans to the private market instead of having the Federal Government hold them. Now that may or may not be a good proposal on its merits, but in this context it is nothing but sleight-of-hand. It shows short-term budgetary savings but does not reduce the long-term cost of the program.

Mr. President, the House budget and the offers made by its conferees are simply attempts to continue business as usual. That is not good enough.

We have heard this year from economists from all points on the political spectrum, and the advice they give is the same advice I receive from my constituents: We cannot live beyond our means forever, mortgaging the future of our children and grandchildren to an endless string of $200 billion deficits or worse. These economists agreed that we had to come up with spending cuts in 1986 of at least $50 billion, and further, we had to be on a trend to a balanced budget by 1990. They told us that this is what we had to do for the sake of the economy. We in the Senate acted on that advice. We took the difficult and politically risky step of cutting good and popular programs to get the Federal deficit under control. We believed, in other words, that correcting the problem of the Federal deficit has to come first and that everything else has to be secondary.

But now the House of Representatives is saying, in effect, that it does not agree with the economists, or that if it does agree, it is not going to act on their advice; that deficit reduction is secondary or tertiary on its list of things to do; that there are many more important priorities, such as holding entitlement programs absolutely harmless.

I am terribly concerned about what we are doing. I think that it is totally irresponsible to disregard the advice of every major economist about the deficit. I believe it is going to have disastrous consequences, short term and long term, for our country.

We worry around here about the trade deficit, which hit $123 billion last year and will go to $140 billion or more this year. We worry about the plight of the farmer, and farmers are certainly in very bad shape in my State. And yet when it comes time to do something about the underlying cause of these problems—the deficit and its effect on interest rates—we back down. We shy away from the painful decisions that have to be made.

Last spring, we had that dramatic night on the floor of the Senate. Senator WILSON, who had just had an emergency appendectomy, was wheeled onto the floor in a wheelchair, with IV's in his hand, in order to pass a budget resolution to save about $300 billion over a 3-year period. We thought at the time that that was one of the great moments of the Senate and that we had done the right thing. It turned out that he may as well have stayed in the hospital. It was all for naught.

Mr. President, we are riding a tiger called the deficit. The problem is not so much getting on as getting off. But get off we must, and quickly, before it eats us up.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOMENICI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE], is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Thank you, Mr. President.

MYTH OF THE DAY: THAT AMERICAN DEMOCRACY AND FREEDOM IS A DISADVANTAGE IN THE STRUGGLE AGAINST SOVIET COMMUNISM

Mr. PROXMIRE. Mr. President, today's myth—I present a myth each day—is that America is at a disadvantage in fighting totalitarian communism in the world because we are too

self critical, too reliant on fickle public opinion, too decent and humanitarian, too open, too affluent, and too frequently victimized by a free press that magnifies dissent and divides our country. That these American characteristics are a disadvantage is a myth. Everyone of these qualities of our country actually give the United States an advantage in competition with the Soviet Union.

TRB in the July 29 issue of the New Republic brilliantly contends why this is so. This Senator agrees with TRB but for somewhat different reasons.

First, self criticism is our real strength. Every one of us elected to this U.S. Senate who will spend 5 minutes in self analysis knows that the biggest improvement in our individual performance comes from the constant, irritating, nagging criticisms of those who disagree with us. We learn and we improve when we find our ideas challenged, our representation challenged, and any and all of our policies challenged. In this Democratic society of ours with our regular, competing elections we are challenged as policymaking officials never can be in the one party dictatorship of the Soviet Union.

Second, our reliance on public opinion requires us to respond to the wisdom of our constituents with understanding and to the ignorance of our constituents with leadership that enlightens that ignorance. The decency and humanitarian context in which we operate requires us to act in a way that wins the force of public support by decent and humanitarian policies. Those policies win support at home as well as abroad.

Third, the openness of our American society may make our country more subject to espionage, but it also encourages the kind of wide ranging, antiestablishment free thinking in science as well as in politics that is a fundamental reason why the United States according to a Defense Department report this year leads the Soviet Union in 15 of the 20 most important military technology areas, is roughly tied in 5. And the Soviet Union leads in none—none.

Fourth, our affluence gives the United States an immense power advantage vis-a-vis the Soviet Union. In the nuclear age as well as throughout history, the military power of a nation depends heavily on its economic strength. Our affluent society has only about 90 percent of the population of the Soviet Union. But our economy produces twice as much in goods and services. We not only have the technological superiority, but we have the economic strength to fully develop the technological potential.

Fifth, and finally, our free press prevents much—certainly not all but much—of the corruption, laziness, and incompetence that plagues every human power center. The unfree press of the Soviet Union and the suppression of news in our great adversary constitutes a serious weakness. The dissent, difference, and debate magnified by the American press does, indeed, aggravate our differences. In the process it forces decisions on logic, honesty, and fairness.

As TRB points out the rightwing American critics ought to show more enthusiasm for these great American advantages. But then as TRB says, "They always blame America first."

Mr. President, I ask unanimous consent that the article by TRB in the July 29 issue of the New Republic be printed at this point in the RECORD. TRB selects different reasons than this Senator selected for characterizing the rightwing criticism as a myth. It is a delightful article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLAMING AMERICA FIRST

One oddity of the so-called new patriotism in America is a subtle undercurrent of contempt for American values. This strain of thinking has been especially noticeable in the reaction of conservative commentators and intellectuals to the Walker spy case and the TWA hijacking. Democracy, liberty, even capitalism are presented as debilitating self-indulgences in the fight against the forces of evil in the world.

Some conservatives speak almost wistfully of the advantages enjoyed by ruthless totalitarians on the one hand and medieval religious zealots on the other, compared to the fluttery, distracted, secular, civilized societies of the West. We are caught, it seems, at a tragically vulnerable stage in political evolution, at the mercy of both the precivilized passions of Islamic fundamentalism and the post-civilized machinations of the Soviet Union. "Democracy," writes Jean-Francois Revel in his oft-cited recent book, *How Democracies Perish* (Doubleday)," . . . is not basically structured to defend itself against outside enemies."

There are five counts in the indictment. First, liberal democratic societies weaken themselves though constant internal criticism. At a recent conservative conference, the philosopher Sidney Hook mourned about "how fragile a self-governing democratic society is. . . . For its very own rationale encourages a constant critical approach that its enemies can exploit to weaken it." Revel, in his book, complains that "democracy faces an internal enemy whose right to exist is written into the law itself."

Second, liberal democracies are fickle. We don't know what we want, or we think we know and then change our minds. We start a defense buildup, and then lose interest halfway through. We lack the single-minded concentration on destroying our enemies that fundamentalism breeds from below and communism imposes from above.

Third, nations like America are too decent and humanitarian for our own damn good. Midge Decter, head of the Committee for the Free World, complained at another recent conservative conference that such scruples had "hamstrung" the Reagan administration about using American military might. Many conservatives argue that a naive fastidiousness about human life, even innocent American human life, stupidly prevented us from giving the Beirut terrorists a taste of their own medicine.

Fourth, the openness of American society makes us too easy a target for espionage and subversion. Secretary of State George Shultz observed at (yes) yet another conservative conference that "the very qualities that make democracies so hateful to the terrorists also make them so vulnerable. Precisely because we maintain the most open societies, terrorists have unparalleled opportunity to strike against us." In the wake of the Walker case, many have made the same point about spies.

Fifth, and most ironic, capitalist affluence itself turns a society flabby and distracts it from the urgent task of survival. Obsessed with consumption, we refuse the necessary sacrifices, financial and personal, to protect ourselves.

And uniting all these complaints is a thorough exasperation with America's free press, which amplifies dissent, undermines consensus, thwarts realpolitik by sentimentalizing every situation, publishes government secrets, and stimulates consumer appetites.

Is it really so grim? In the true spirit of patriotism, why not reflect on some of the obvious advantages a liberal democracy like America enjoys over the world's uncivilized forces, even by the most practical and unsentimental calculation. Consider just four.

First, capitalist prosperity means we don't face any genuinely painful trade-off between a strong defense and satisfying our private appetites. The July 6 *Economist* argues that Mikhail Gorbachev will soon have to choose between "a crash defence build-up" and "rescuing the Soviet economy." Our leaders can't mobilize the entire economy for military production, but they don't need to either.

Second, an open society has practical advantages. The July 8 *Fortune* reports on the primative state of the Soviet computer industry. The Soviets desperately need computers for both economic and military reasons, but dare not let computers develop out of a realistic fear that the arrival of PCs will undermine state thought-control. Closed societies waste valuable resources on internal security, and lose a lot of competitive edge in the process.

Third, freedom and Western culture are priceless assets in the espionage, propaganda, and terror wars. While conservative intellectuals of the West fret about a few leftwing highbrows who aren't sufficiently critical of the Soviet Union; Communist bloc leaders must live with the knowledge that millions of their subjects go to bed dreaming of America. Unlike us, the Soviets have to worry that every diplomat they send abroad may decide to defect at any time. When recruiting spies, the Soviets must find an eccentric adventure-seeker like John Walker. We can approach any number of people who might reasonably long for escape. According to *The New York Times*, even several of the jihad-carzed terrorists of Beirut told the TWA hostages that they'd like their children to live in the United States.

Fourth, even though democratic governments must put up with a lot of carping, they know that the vast majority of their citizens—including the carpers—fundamentally support them. Oppressive regimes can jail the carpers, but are stuck with the silent dissenters. This limits their options. If the Soviets invaded Poland, could they trust their own troops to fight and Polish troops not to rebel? It may be harder for a democ-

racy to start a war—as it should be—but it's easier for a democracy to fight one.

I wish the putative defenders of American liberty and democracy would show a bit more enthusiasm for these fine things. Instead, they criticize America's openness, its idealism, its raucous dissent as unsuitable to this cold world. They present its 18th-century values as disadvantages in battling the forces of the 20th century and the 12th. But then, they always blame America first.

WHY ALLIED SCIENTISTS MAY NOT TAKE PART IN STAR WARS RESEARCH

Mr. PROXMIRE. Mr. President, will the invitation by the Reagan administration to Europe and Japan pull the free world scientific resources into star wars research? The Reagan administration offers a tempting opportunity. Much of the $25 billion of antimissile research spending the Congress would appropriate over the next 5 years and the $50 billion the Federal Government would pay out over a little longer period would go to scientific laboratories in Europe and Japan, if the Reagan administration gets its wish. If these other countries decide to share in the research work, they are told they will swiftly also share in the nonmilitary applications of this vast research. It is very possible, however, that this apparent bonanza might seriously impair the civilian technology of our allies as well as ourselves. Mr. President, this star wars project will eventually absorb tens of thousands of the most highly skilled scientists and engineers in the United States. Where will this scientific skill come from? Obviously the attraction of tens of thousands of free world scientists to military research will drain precisely the kind of scientific capability we need to keep industry competitive. Whatever breakthroughs our scientists make in development the star wars technology will become swiftly available wherever it has nonmilitary application. We cannot hide it. We cannot conceal our findings, and not for long—not even from the Russians and certainly not from our European and Japanese allies. That has been our consistent experience in the past. It will continue to be true in the future. In an article in the July 11, 1985, New York Times, Eric Alterman, a researcher with the World Policy Institute wrote:

Since the Reagan military buildup began, the Pentagon has funded close to 40 percent of all the research and development in the United States. The comparable figure in Japan is less than one percent; yet Japan exports $5 billion more in high-tech products to the United States than it imports from us. Japan's share of the world's high tech markets tripled between 1962 and 1979, while our share declined by nearly one-third. Japan spends less than half what we spend on computer research per year, but between 1970 and 1979 the five largest Japanese computer chip companies filed for four-fifths as many patents as the five largest American firms.

As Alterman points out the Europeans have this choice: They can follow the American example. That means they degrade their industrial capacities with defense dominated research that produces weapons but undermines their world commercial markets. Or they can follow the Japanese example. That would push their research, not into military but, into commercially promising technology.

Of course, both the Japanese and the Western European countries face other noncommercial pressures. Most of these countries are headed by administrations that are friendly and supportive not only of the United States but of the Reagan administration. Participation by their scientific communities in the star wars research on a substantial basis will bring billions of high value American dollars into their countries. But the crucial question for our allies is this: Will the development of this antimissile defense isolate and expose Western Europe and Japan to an attack 15 or 20 years or more from now? Assume, Mr. President, that the marvels of scientific genius work. Assume the scientists of the free world do build the technology that will stop 90 percent or more of the Soviet ICBM's that would otherwise devastate America. Assume that the Russians build a similar system as President Reagan and Secretary Weinberger propose. Assume further that both superpowers agree to a radical reduction in offensive nuclear weapons on both sides. And finally assume that both sides either develop a technology that can stop low flying cruise missiles or negotiate an arms control agreement curtailing these low flying weapons. Where does that leave Japan and our European allies? The Soviet Union could possibly end up safe from a preemptive nuclear strike from the United States. The United States might be safe from such a strike from the Soviet Union. Now, how about Western Europe and Japan? There would almost certainly be no such safety for either the Western European countries or Japan from a Soviet attack—either a purely conventional Soviet attack or a conventional attack supplemented with tactical nuclear weapons. Would all future American administrations—safe behind their star wars defenses—rush to the defense of distant European countries? If not, the tragic consequence for European countries and Japan would be the direct result of the contributions made to the U.S. military technology by the scientists of Western Europe and Japan.

Mr. President, no matter how we twist and turn and squirm, the grim fact is that as long as we continue this nuclear arms race with the Soviet Union we push the world ever closer to nuclear war. Maybe that will not happen in the next few years, or even in the next generation or two. But eventually the continued arms race will lead to increasing power for both offensive nuclear arms and defenses against those offensive nuclear arms. The many scientific breakthroughs that the scientists of the free world can be expected to bring to the star wars missile defense will also enhance offensive nuclear weapons. Lasers for example that can stop offensive nuclear warheads can knock out defenses against nuclear warheads. As long as the arms race continues, the immense cost will rush on, the offensive and defensive arsenals will grow, the uncertainty and instability of this vast powder keg of power will increasingly threaten the continued existence of civilization.

Mr. President, I ask unanimous consent that two articles from the July 11, 1985, New York Times—headlines "The Allied Role in Star Wars"—one by Andrew J. Pierre entitled "An Irritant to Japan?" and the other by Eric Alterman entitled "European Leaders' Quandary," be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AN IRRITANT TO JAPAN?

(By Andrew J. Pierre)

The Western Europeans are not the only ones being pressed to participate in research in the President's Strategic Defense Initiative. The Japanese, too, have been at the receiving end of the Administration's exhortations—somewhat less public pressures that nevertheless risk derailing an otherwise improving defense relationship.

"Star Wars" must not join trade as a source of American-Japanese friction. Nor would the West's interests be served if, as a result of the intiative, the Japanese began to question both superpower nuclear deterrence and their own non-nuclear defense.

The Pentagon, already scouting prospects in Japan, is enthusiastic about Japanese technology and knowhow. In such areas as sensors, computer technology and electronics, the Japanese are seen as more advanced than the Europeans—and the Japanese business community has shown considerable interest in the project. But as in Europe, foreign policy and strategic considerations come before economic interest, and the Japanese are hesitating to join in the initiative.

The opposition parties—the socialists, the Komeito and the Communists—have voiced considerable resistence. Their major concern is that it will lead to the "militarization of space," in contravention of a 1969 Diet resolution that limited Japan's role in peace to "peaceful" purposes. Debate in the Diet has also raised questions—previously avoided—about the adequacy of deterrence, the reliability of American's nuclear guarantee and the extent to which Japan's participation would move it away from the non-nuclear principles adopted after the Second World War.

Prime Minister Yasuhiro Nakasone seeks to expand Japan's international role, including—to a limited degree at least—its defense responsibilities. He sees himself as a friend and supporter of President Reagan, and his early instincts were to back the initiative.

Yet he remained noncommital and cautious both in January, when he saw the President in Los Angeles, and in May, at the economic summit conference in Bonn. He clearly fears the domestic political consequences of support for a strategic defense.

Senior officials in Tokyo say that they are puzzled by the initiative and by Washington's contradictory statements about it. In particular, they wonder, how it would affect Japan. They have been told that it could defend Japanese territory from Soviet land-based missiles—a dubious possibility—but don't know whether it would protect them from the cruise missiles on Soviet submarines.

The Japanese very much want to be seen as supporting a major program of their chief ally. But they also fear being left out on a limb, should the initiative flounder after Ronald Reagan leaves office. Thus, they have tried to distance themselves from the more gung-ho enthusiasts in Washington by supporting senior arms control adviser Paul H. Nitze's view that a strategic defense must be both survivable and more cost-effective than offensive forces. Certainly, the Japanese are unlikely to commit themselves further than our European allies.

Some Americans believe that economic incentives and the inducements of technological cooperation will drive the Japanese to participate in the initiative. They could be mistaken. Japanese business leaders do not want to be left behind should strategic defense research lead to important technological breakthroughs, but they remain highly uncertain about the commercial spinoffs of this new, esoteric space endeavor. They wish to avoid domestic criticism and do not want to place themselves in a "subcontractor" position. Nor would they want to allow the fruits of their endeavors to be subject to American regulations prohibiting the transfer of technology to third countries.

The Administration has every right to seek Japanese support for the initiative, but it should avoid pressing Japan too strongly. Defense, and nuclear weapons in particular, remain highly delicate issues in Japan. We should, therefore, proceed with utmost caution—particularly since we may want Japan's political support more than its technological know-how. Fracturing the non-nuclear consensus in Japan or unhinging the stable Japanese-American security relationship are not worth the price of Tokyo's participation in the uncertain Star Wars project.

EUROPEAN LEADERS' QUANDARY

(By Eric R. Alterman)

President Reagan's Strategic Defense Initiative has put European leaders in a quandary.

Few, if any, Europeans expect the initiative to fulfill Mr. Reagan's dream of rendering nuclear weapons "impotent and obsolete." They are nevertheless extremely nervous about living in a world in which either superpower believed itself to be invulnerable to nuclear attack—for this would only increase European vulnerability to an unprovoked Soviet conventional attack or Soviet retaliation for American adventurism elsewhere in the world.

Yet European leaders are also reluctant to renounce participation in the "Star Wars" project. This is partly for political reasons, but primarily because the Europeans expect that the American investment in new technologies will provide abundant commercial spinoffs and—assuming the Europeans do not participate—lead to increased American domination of European high-technology markets.

In fact, if the past is any guide, these fears are largely unfounded—and Europeans would be wise to listen to the suggestion of President François Mitterrand of France that they decline to participate and instead pool their technological resources for specifically commercial purposes. There is no good reason for Europe to follow America's lead, wasting precious resources on the President's attractive but impossible dream.

Of course, defense research does produce some commercial spinoffs. Integrated circuits, surface acoustic-wave technology, health care instrumentation and modern signaling techniques are but a few of the hundreds of commercially useful technologies engendered by Pentagon research and development funds. But America's defense and commercial needs are no longer as compatible as they were in the early 1960's—and as a result our vast defense spending is now undermining rather than enhancing our economic strength.

Why is this so? Since the late 1960's, the Pentagon has financed very little basic research in high technology. It prefers direct applications for precise purposes. The problem is that as military technology becomes more costly and more specialized (and there is no more costly and specialized technology than the Star Wars program), there is less and less money available for developing the inexpensive, standardized products required for civilian markets.

Consider the examples of semiconductors. Texas Instruments noted that between 1949 and 1959 only five of 112 patents awarded to the company were developed under Government contract, although the Government funded more than 40 percent of its research. Of the five patents, only two proved commercially useful.

Since the Reagan military buildup began, the Pentagon has funded close to 40 percent of all the research and development in the United States. The comparable figure in Japan is less than 1 percent; yet Japan exports $5 billion more in high-tech products to the United States than it imports from us. Japan's share of the world's high-tech markets tripled between 1962 and 1979, while our share declined by nearly one-third. Japan spends less than half what we spend on computer research per year, but between 1970 and 1979 the five largest Japanese computer chip companies filed for four-fifths as many patents as the five largest American firms did.

Western European leaders face a clear choice: They can follow the American lead and degrade their industrial capacities with defense-dominated research that produces costly and unreliable weaponry while it undermines their position in the world's commercial markets. Or they can follow the Japanese example, pooling their resources for research into commercially promising technologies. President Mitterrand's "Eureka" project would do just that—and would allow Europe to declare itself independent from an American Administration whose judgments it finds questionable at best.

In addition to the profound strategic dangers it poses, Star Wars would be a commercial disaster. Europe would be wise to ride its own horse to greater military independence and renewed economic strength.

THE ARMENIAN TRAGEDY

Mr. PROXMIRE. Mr. President, an editorial in the June 14 Hartford Courant discusses the failure of our Nation to condemn genocide.

The editorial describes President Reagan's puzzling refusal to acknowledge the 1915 Turkish massacre of 1.5 million Armenians.

The President's behavior is baffling because his inaction now contrasts with his earlier beliefs about the Armenian genocide. As Governor of California, he annually signed proclamations denouncing the tragedy. Also, in 1981, the President wrote,

> Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.

Very true, Mr. President, but if you acknowledged the Armenian genocide in a proclamation in 1981, why can you not officially recognize the massacre in 1985?

President Reagan argues that acknowledgement of the 1915 genocide would insult Turkey. Present-day Germans have to live with worldwide recognition of a genocide committed by a long-dead government. Surely Turkey can accept our recognition of an even more distant tragedy.

The Hartford Courant also notes that the House has been equally insensitive on this issue. The House failed to approve a simple resolution memorializing the Armenian victims.

But, as the editorial states, perhaps the most upsetting element of this Nation's response to the Armenian tragedy is the failure of this body to ratify the Genocide Convention. The ratification of this treaty would prevent future tragedies. Could there be a better way to memorialize the victims of this massacre? Mr. President, the Hartford Courant is right; it is "inexcusable" that we have not ratified this treaty.

Mr. President, I ask unanimous consent that the editorial from the Hartford Courant be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GENOCIDE AGAIN. AND AGAIN

Genocide, the systematic extermination of a whole ethnic, religious or national group, isn't a subject that always lends itself to rational debate. Even so, President Reagan and many members of Congress are guilty of some sloppy thinking about it.

The president's intransigence over his Bitburg visit brought widespread criticism on his head. He was accused of insufficient sensitivity to the slaughter of 6 million Jews during World War II. Mr. Reagan invites the same kind of criticism by insisting that the United States withhold official recognition of the massacre by Turks of 1.5 million Armenians starting in 1915.

Mr. Reagan has been inconsistent on the subject. As governor of California, he signed annual proclamations commemorating the 1915 tragedy. As president in 1981, he issued a proclamation stating, "Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten."

The president now says congressional acknowledgment of the 1915 genocide would insult the present Turkish government and would encourage Armenians to use terrorism to avenge the slaughter. How so?

The first incident of Armenian terrorism did not occur until 1973—almost 50 years after the genocide. It was perpetrated by an elderly Armenian holocaust survivor goaded to madness by the U.S. government's continued refusal to condemn the act of a Turkish government long since vanished. How could the present Turkish government object to U.S. condemnation of its distant predecessor?

The House's failure to approve a simple resolution memorializing the victims of the Armenian genocide is inexcusable. The vote for the resolution was 233–180—a substantial majority, but short of the two-thirds required under the rules.

Also inexcusable is the Senate's failure to ratify an international treaty that would bring perpetrators of genocide in the future before an international tribunal.

Political distortion on a vast scale is one thing that makes genocide possible. It's almost unbelievable that political distortion on a smaller scale continues to make the condemnation of genocide officially impossible.

Mr. PROXMIRE. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed the hour of 1 p.m., with statements therein limited to 5 minutes each.

NO CONCESSIONS TO RED CHINA

Mr. GOLDWATER. Mr. President, this week high officials of one of the worst tyrannies the Earth has ever seen will visit the Nation's Capital when President Li and the Vice Premier of Red China arrive in Washington tomorrow. An article in last Friday morning's Washington Times reports that one of the primary goals of Mr. Li's mission is to swing American policy in support of Communist China's phony reunification proposal.

Mr. President, Red China professes to be offering a peaceful method of reunifying the Republic of China on Taiwan with the mainland. Peking wants Taipei to accept a ridiculous "one country, two systems" concept which really means total surrender of all sovereighty by the Republic of China to the Communists government in Peking.

All Free China, has to do, according to the slavemasters in Peking, is give up its name, acknowledge before the world that the government in Peking is the only government with a claim to the loyalty of the Chinese people and humble itself before Peking as a mere province, not a national government. This is just for starters.

These concessions by the Republic of China are the preconditions imposed by Red China before any reunification talks would begin. In other words, the Republic of China would have to give up its actual and legal claim to its very reason for existence before the talks even start.

With that out of the way, what else is there to discuss? It would be only a matter of time before Free China would disappear and 19 million Chinese would involuntarily fall under the subjection of a totalitarian state which cannot manage its own affairs.

Whatever happened to the Atlantic Charter? And, does anyone remember that this country was founded upon the principle of self-determination? It is inconceivable to me that anyone from Red China could think he would visit the United States and find an audience with any official of our Government who would allow the freedom of 19 million persons on Taiwan to be raised as a subject of discussion.

The U.S. Government does not have it within its power to switch the legal and political sovereignty over these 19 million persons to Red China even if such a notion should be contemplated. If Mr. Li attempts to raise this subject, I expect that President Reagan will promptly correct him and reassert our Nation's legal commitment, under the Taiwan Relations Act and under the long history of friendly ties between the United States and the Government of Taiwan, to stand by Free China.

What should be discussed in any meeting between our President and Mr. Li is the repeated declaration by Chinese Communist officials that Peking might consider a military attack against Taiwan in the next decade. Red China's party leader, Hu Yaobang, and Red Army general, Wang Zhen, each gave interviews recently in which they mentioned the possibility of imposing a blockade on Taiwan by force or making an attack on Taiwan.

Instead of seeming to condone or cater to these threats, I very much hope that President Reagan will make clear to Mr. Li that the United States has a firm moral and legal commitment to help Taiwan defend herself and that we will live up to that commitment as long as there is any possible challenge to the independence and security of Taiwan and the 19 million people living there.

What Government officials in the United States and the American media must understand is that China remains in the Maoist era. Savage suppressions of human rights occur there every day. Red China remains a one-party, Leninist state keeping tight control over how the Chinese population thinks and behaves. The United States should seek to use any persuasion we have with Red China to change its practices and never should we consider allowing Red China to get its hands on the free people in the Republic of China.

Mr. President, I ask unanimous consent that the news article concerned may appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 19, 1985]

TAIWAN HIDDEN GOAL OF CHINESE LEADER'S VISIT WITH REAGAN

(By Edward Neilan)

President Li Xiannian of the People's Republic of China comes to town next week for a state visit whose ceremonial trappings will mask two high-priority goals for Peking:

Keeping relations with Washington on an "even keel" by utilizing American expertise and high tech equipment for economic modernization and possibly military enhancement while not offending the Soviet Union.

Getting the ball in motion for reunification of Taiwan with China under the so-called "one country, two systems" formula used by Peking and London on the future of Hong Kong.

Mr. Li, 76, is likely to find recuperating President Ronald Reagan, 74, less cooperative in handing over the Republic of China on Taiwan than British Prime Minister Margaret Thatcher was in delivering the capitalist gem of Hong Kong.

Nationalist China is not Mr. Reagan's to give away, but Peking's emissaries treat the problem as if Mr. Reagan—a close personal acquaintance of Taiwan President Chiang Ching-kuo, 75—is the key player.

The White House announced yesterday that Mr. Reagan will welcome Mr. Li to the Oval Office on Tuesday and will attend, at least briefly, the black tie state dinner in the Chinese president's honor Tuesday evening at the White House. Secretary of State George P. Shultz will host President Li and his wife Madame Lin Jiamei, at a lunch on Tuesday.

Other events on the Chinese president's Washington calendar will be a meeting with Secretary of Defense Caspar W. Weinberger, a lunch with members of the National Council of U.S.-China Trade, a dinner in honor of Vice President and Mrs. Bush at the Chinese Embassy Wednesday evening, and a visit to the National Air and Space Museum.

President Li will also open a new Chinese consulate general in Chicago next Friday.

Reading between the lines of Peking publications, it is obvious that the role of newly arrived Chinese Ambassador Han Xu is to soften up the Reagan administration.

China's carrot and stick scenario on Taiwan, which will be relayed by Long March veteran Mr. Li, who joined the Chinese Communist Party in 1926 and commanded troops against both the Nationalists and the Japanese, includes promise of peaceful unification. But the threat of a naval blockade is implicit if Taiwan balks.

There is a time frame to Peking's plan for Taiwan. Deng Xiaoping, 80, China's supreme leader, would prefer to cut a deal with the Kuomintang's Mr. Chiang—son of the late president and generalissimo Chiang Kai-shek.

Both Mr. Deng's modernization plan and other policies may go by the boards when he passes from the scene. He has accomplished a monumental task in guiding China into the 20th century but he is the last leader on the horizon with strong constituencies—power in the army, party and Government. There is bound to be a power struggle when Mr. Deng is gone and there is the likelihood that pro-Soviet factions will rise in all three power centers.

Peking's fear is that if it waits too long, Taiwan might opt for independence. That could come after Mr. Chiang is gone and the Nationalists on Taiwan undergo their own power struggle.

That is the point at which Peking might attempt a blockade since an invasion is out of the question and beyond China's capabilities. The other development that might provoke a Chinese blockade would be Taiwan alliance with Moscow, which is a very remote possibility.

The United States, which signed the Shanghai Communique stating that Taiwan is part of China—a point both Communists and Nationalists endorse—would find itself aiigned embarrassingly against self-determination by Taiwan. A decision by the 19 million people of Taiwan to seek independence would be the height of pragmatism, faced with the alternative of lining up with China.

Taiwan, despite its size, far outstrips the mainland in nearly every economic measurement. In 1984 Nationalist China was the fifth largest trading partner of the United States while Peking was 21st. U.S. trade totaled $20 billion and $6.4 billion respectively. U.S. loans and investments in the Republic of China on Taiwan amount to $6 billion.

Ambassador Han will be lobbying over the next several months for rescinding the Taiwan Relations Act, which assures U.S. continued security commitments to Taiwan. Although the act is domestic legislation, it takes precedence over any communique signed by Peking and Washington.

The central question for the future of the balance between China and Taiwan, particularly as posed by conservative supporters of Taipei, is whether the United States will continue military aid to Taiwan at a level sufficient to maintain that balance.

The suggested answer to that question appeared negative three years ago when China and the United States issued a second Shanghai communique—the first was the instrument signed by former President Nixon and former Prime Minister Chou En-lai, which, in effect, ended communist China's isolation.

Shanghai 2 was essentially a pledge by the United States to hold the line on arms sales to Taiwan and eventually to move toward a reduction. Since the signing, however, there have been no precipitous moves to alter the existing state of affairs.

The Li visit, virtually free of any controversy, marks full acceptance of a mature, ongoing relationship between Peking and Washington as a fact of international life.

For Ronald Reagan, whose sympathies to Taiwan and the anti-communist Chinese cause span half a lifetime, the visit punctuates the complete transformation of his attitudes toward the People's Republic.

NATIONAL DISABILITY IN ENTERTAINMENT WEEK

Mr. DOLE. Mr. President, the week of July 22 to 26, 1985, has been proclaimed as "National Disability in Entertainment Week."

Twelve years ago Congress passed the Rehabilitation Act of 1973 and included within it provisions that would protect the rights of the 36 million Americans with disabilities. This, and subsequent civil rights legislation, has effectively torn down the architectural, educational, occupational, and legal barriers which confronted disabled citizens. However, no legislation can be enacted that can remove the final and most powerful barrier confronting disabled Americans—attitudinal barriers. And it is this prejudice which continues to prevent persons with disabilities from full participation in society.

By projecting persons with disabilities as fully integrated members of society—as doctors, policemen, secretaries, bankers, parents, and so forth—the entertainment industry has helped to promote the disabled as valuable contributors economically and socially.

Attitudes and perceptions are shaped by our experience. While some are firmly rooted in reality, others are projected on television and screen, radio, print or the stage. The media industry represents the most powerful and influential force in creating or eliminating stigmatizing stereotypes. Their productions set trends in terms of fashion, language, actions and role models.

Thanks to the media industry's efforts, Americans are beginning to see that disability is merely a label that frequently obscures individual talents and potential. Increasingly, doors are beginning to be opened to handicapped individuals as those around them become open to their potential.

I know that my colleagues all join me in wishing the media industry continued success in its efforts. With all of us working together, we can win the battle for greater equality, dignity and economic independence for all Americans.

DR. NANCY BROWN

Mr. DECONCINI. Mr. President, over the past year and a half, the Senate has had the extreme fortune of having the services of Dr. Nancy Brown as Director of the U.S. Senate Employees' Child Care Center.

Nancy's performance during the critical and highly demanding first months of the Center was outstanding. Her enthusiastic support and hard work have made the Center the successful operation it is today. I wish to take a few minutes to commend her and express our appreciation for her exceptional service and dedicated efforts.

One of the gravest problems facing our Nation today is the growing number of families who find themselves without quality child care. Nancy recognizes changing family needs and has devoted her career to the benefit of children and their care.

Educated at Wake Forest College, Nancy began her career as a classroom teacher in North Carolina. While receiving her masters and doctorate at the University of Maryland, she held director positions and helped to set up various day care centers throughout Metropolitan Washington, DC. In 1983, Nancy was selected as the first Director of the United States Senate Employees' Child Care Center.

In addition to her outstanding record as an educator, Nancy is known for her achievements in promoting professionalism in the child-care field. She has taught various college courses in child development and helped to set up and became the first project director of the Institute for Child Care Staff Training at the University of the District of Columbia. Nancy is also noted nationally as a "child care computer person," attending and lecturing at various educational computer seminars throughout the country. Her innovativeness never stops. Her achievements are indicative of her outstanding talents and selfless devotion.

In Nancy's book, the child comes first. If it means putting an administrative task aside, or being late for a board meeting, she still takes the time to wipe a nose or tie a shoe. That is just Nancy's philosophy.

The ability she possesses to express her reliable advice and recommendations in a firm but caring manner has been invaluable to many parents and their children at her many centers. She has provided a relaxed and pleasant atmosphere for our children with the support of her able staff. She has not only touched, but had a strong impact on many young lives.

I would like to join the parents and staff of the Senate Employees' Child Care Center in thanking Nancy for an outstanding job. We also send our best wishes as she goes forward in her career with the Office of Child Care Services in the Department of Human Resources back in her home State of North Carolina. May her contributions to child care be as great or greater than they have in the past.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LINE ITEM VETO

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of S. 43.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, the veto power originated with the ancient Romans, and was the first essay of the common people of the Republic toward the securing of their proper liberties. The Plebeians, having long been oppressed by the Patricians, at the instigation of Sicinius 200 years after the founding of the city, made secession to a mountain 3 miles distant from Rome and would not return to the city until they had received from the Patricians compliance with their demand, and the solemn assurance, that the common people should elect magistrates, whose persons should be sacred and inviolable, to whom they could commit the protection of their rights. These magistrates were called Tribunes, a name given by Romulus to the three military officers in chief, selected from the three tribes into which he had divided the city.

The civic tribunes were originally chosen from the Plebeians and no Patrician could hold the office, unless he had been first adopted into a Plebeian family. Their power was at first limited, but at the same time, extraordinary. It was preventive, rather than enforcing; it was to interpose and protect the people from the oppressions and tyranny of their superiors; to assist them in redressing their wrongs, and in maintaining their liberties; and consisted in the utterance of but one word, and that one word was "Veto" (I forbid.).

These officers could prevent the discussion of any question. They could prevent passage of any law. They could prevent the execution of any sentence. They could prevent the levying of any taxes. They could prevent the enlisting of any troops; and they could almost arrest the entire machinery of government by standing up and speaking that one word, "Veto." No reasons were required of them. No one dared oppose them. Their veto was supreme.

My colleagues and I should carefully consider what we are about to do if we were to have even a brief lapse of our senses and vote to give any President of the United States the item veto. We might take a lesson out of the book of history as I have just attempted to do and note what happened to the Tribunes when they were given the veto. Theirs was an absolute veto and, while no one is suggesting at this point, at least, that a President be given the absolute veto, who knows where we may go once we open this Pandora's box?

The item veto was not discussed at the Constitutional Convention in 1787. There is no record of even the suggestion of an item veto's having been discussed. So I think we might rightly infer that our forefathers, in their wisdom, refrained from apparently even the thought of an item veto's being added as a weapon to the President's arsenal.

Again with reference to the Roman Tribunes, no reasons were required of them. No one dared oppose them and their vote was supreme.

It should not be difficult to imagine what the placing of the item veto in the President's hands, any President's hands, would do to the delicate balance that was intended by the writers of the Constitution to exist, so that no one of the three separate, equal, and coordinate branches of Government would become supreme over another of the two branches, the judiciary and/or the legislative.

The power of the purse under the Constitution is obviously lodged for the most part in the hands of the people's branch, the people's branch being the Congress, which consists of a Senate and a House of Representatives. The very first article, the very first section of the first article, of the Constitution speaks of the legislative powers and states without any equivocation that they shall be vested in a Congress which shall consist of a Senate and House of Representatives. Without the money, the Government does not operate; without funds, the laws cannot be interpreted; without funds the laws cannot be executed; and without the money, the Government as we know it would simply not exist; so, the control of the purse is vital if the legislative branch of the Government is to remain independent and equal to each of the other two branches.

The President does participate to a degree in the functions of the legislative branch in that the President was given the power of the veto over any bill, resolution, order, or vote by the legislative. The principal arguments and discussions with reference to the veto, insofar as the records of the Convention show, were as to whether or not the veto would be lodged in the hands of the President only or whether another branch of the Government should share in that veto. There was considerable discussion in support of placing the veto in the hands jointly of the President and the judiciary. So also as to whether the veto would be absolute or whether the Congress would be allowed under a qualified veto to override the President's veto, this was an item of discussion. And if the legislative branch was to be given an opportunity to repass a given piece of vetoed legislation, then the question arose as to whether it should be by a majority or whether it should be a super majority and, if by a super majority, whether it would be by two-thirds or three-fourths.

At one point it was decided it would be by two-thirds, and then it was shifted to three-fourths, and then it was shifted back to what the Constitution now says—namely, two-thirds.

We have been reading and hearing a bit this past weekend, and particularly today, about the President and his calls to Senators in the light of tomorrow's cloture vote, urging Senators to vote for cloture. The President has been quite successful at this kind of lobbying, as we all know. Speaking of lobbyists, the White House is almost always the most powerful lobby in town—hands down. There is really no equal competition insofar as lobbying is concerned, and who or what entity has the most influence and can be the most effective when it comes to lobbying. The White House under any administration normally I think would be the most effective. And there is some talk that sympathy for the President might inhere in the current situation and cause some Senators who have wavered, in the eyes of the White House, to come back home and vote for cloture on tomorrow.

I sympathize with the President; we all do. We have all followed the accounts of his illness. We have all been concerned, and we all wish for him a recovery, an early recovery and a complete recovery. But, Mr. President, sympathy has no place in the decision with respect to the subject of the item veto.

I am sure that it would be no reflection on this President or any President for me to say that when Senators take the oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, they take that oath in good faith; and I do not want to believe that any Senator will cast a vote or change a vote purely on the basis of sympathy for the President's health or the fact that he has undergone a very serious operation.

We all wish him the best. We all wish him well. Why shouldn't we? After all, there are some things that are more important than the material and political and secular things in life.

What we are being asked to do here is to close off debate. I think it has been a good debate up to now, and I think that, as time goes on, many of us will look back on the debate and feel that it was indeed one of the better debates, even though up to now those who support the item veto apparently have not seen fit to come to the floor and say much about it.

We are not talking about something that just has to do with the here and

now. When we talk about giving the item veto to a President, we talk about what may change the course of history in many ways in the days to come, in the years to come, in the decades to come. The Government today still stands, after 196 years without the item veto.

In a sense, the President does already have an item veto. It is already a tool in his arsenal, and I refer to the rescission and deferral provisions in legislation passed by Congress some years ago. These are actions that can be taken even after an appropriations bill has become the law of the land, after the President has signed it into law or after it may have become law without his signature. He can come back; he can ask for deferrals; he can ask for rescissions. So the mechanism is there for any President to impound funds, if there is justification, if circumstances have changed, et cetera. Presidents may impound funds and they have impounded funds, under certain conditions.

Incidentally, the bill before the Senate would deal with appropriations. But Senators should understand that if the President gets the item veto on appropriations bills, perhaps next to come would be the item veto with respect to authorizations. Even though we are just talking about appropriations bills in this debate, the authorization measures may come next.

The first item veto that was suggested by way of legislation came when Senator Faulkner of West Virginia proposed a constitutional amendment to provide the item veto.

I suppose the first actual item veto came about under the government of the Confederacy, at a time when the capital of the Confederacy was located in the Deep South, rather than at Richmond. Under the constitution of that government, the President of the Confederacy had the power of the item veto.

I guess we have all had the good fortune to receive a call from the President once in a while, when our vote was needed. I have never seen anyone who could twist an arm as well and as painfully as could Lyndon Johnson when he was President of the United States.

I do not know what there is about the Presidency, when it comes to a call from that august and lofty position, I just cannot understand what it is that is so awesome about it. There is something that likens it to lockjaw. Some individuals, when they receive a call from the President, apparently do not know how to say "no;" and perhaps the word "no" is the most difficult word to say in the English language under some circumstances.

I simply have no way of explaining what there is about the President's voice on the telephone that apparently causes well-intentioned individuals, now and then, to waiver and crumble.

Lyndon Johnson called me once on the telephone, back in 1964, when the great debate was occurring on the Civil Rights Act.

He said: "Bob, how much do you want that judgeship? How badly do you want that judgeship?"

I said: "I want it pretty badly. I sent a good man's name down to you. I have recommended a good man to be Southern District Judge of West Virginia."

It might have been the then swing judgeship. I do not recall exactly whether it was for the southern district or whether it was a "swinging" district judge who would work both in the northern district and in the southern district of West Virgina.

In any event, the President said, "Bob, send us another name down."

I said, "Why should I send another name?"

He said, "Because this man you have recommended is not qualified."

The President said. "He is too old."

I said, "How old is too old?"

He said, "He is past 60."

I said, "Well, he wasn't past 60 when I sent his name down there."

"Well, he is too old. Send us another name."

I said, "Mr. President, do you recall that when you were running for the nomination for the Presidency, I ran for delegate to the convention in West Virginia, and I ran as an openly avowed delegate for Lyndon B. Johnson. I did not look for any rock to hide under. I proclaimed your name from the steeples. In a field of 57 candidates, I got the most votes. Now, Mr. President, I was not 90 percent for you, I was not 80 percent for you; I was 100 percent.

"When I went out to the convention, I was asked by the political editor of the State's largest newspaper, 'When West Virginia is reached on the call of the roll, if a solid vote of the West Virginia delegation would put Mr. Kennedy over, would you vote for Mr. Kennedy?'

"I said, 'No, because I ran as a delegate for Mr. Johnson.'

"People elected me delegate, knowing I would be a delegate committed to Johnson. I had come to Los Angeles with the intention of voting for Mr. Johnson, having committed myself to Mr. Johnson. There would be only one of three things that could cause me not to vote for him at the convention. One would be that if Mr. Johnson were to withdraw his name from consideration. The second would be if he were to have a heart attack; and the third would be if I were to have a heart attack."

I said: "Mr. President, I wasn't 60 percent or 80 percent for you. I was 100 percent. That is the way I feel about this judgeship. I am not 60 percent for Judge Sid Cristie. I am not 90 percent for him; I am 100 percent for him. So I won't be sending any other name down."

Well, he said, "How are you going to vote on this civil rights bill?"

I said, "Well, there are some things in it I could support. But there are some things in it I can't support. I cannot vote for it as it is written."

So he said, "Well, why couldn't I send you off on a trip somewhere halfway around the world and you could skip cloture and come back and make a report."

I said: "No, Mr. President, that is one reason why I supported you so strongly at the convention. You placed me on the Appropriations Committee of the Senate when I first came here, which, at that time, was something mostly unheard of. Now that you put me on that Appropriations Committee, I can go anywhere I want. I can go halfway around the world as a member of the Appropriations Committee. There are plenty of reasons that could justify my going. But I won't be taking any trips just now."

I said, "I will be here when the vote on cloture occurs."

I said, "You know, Mr. President, if someone were to break into your house and you had nothing but a stick of stove wood you would use that stick of stove wood on the intruder. And the only stick of stove wood we have is the filibuster; we don't have the votes. So, I will support Dick Russell and be voting with him against cloture."

He said, "Well, you love me as good as you do Dick Russell, don't you?"

I said, "I do. But I can't carry water on both shoulders. So I will be here if I have to be brought in on a stretcher."

You see, that was the only way one could talk with President Johnson—courteous and respectful, but yet with a clear note of finality because there was just no other way. If one left the door cracked open just a wee bit, one could expect to be dragged through that door.

And finally, President Johnson said, "OK, Bob, I still love you."

That was one of his sayings, "I still love you." Then he said, "Your judgeship will be sent up on Monday."

So, here was a President who knew very well how to play politics, and knew very well how to twist arms.

But, although I liked Lyndon Johnson a great deal, and he had done much for me when he was majority leader, I felt that I had a higher responsibility; and that higher responsibility was to vote as I thought was best, based on the facts at the time. One must keep in mind those things while being in the eye of a storm.

Hence, I would hope Senators would not be persuaded by a friendly call from the White House, because the

things that are in the balance here are too important. We are talking about voting for a bill which, in my opinion and the opinion of a good many constitutional scholars, is a bill which is not constitutional.

Incidentally, I have said a good many times in recent years that were I to vote again on that 1964 Civil Rights Act, I would vote for it.

I, long ago, came to the conclusion that that would have been the right vote.

I was just a young man out of law school—young at the age of 46, I suppose, at that point when we voted on the Civil Rights Act. I stood in the presence of some great constitutional scholars in this Chamber at that time. Most of them were against the Civil Rights Act—Senator Ervin was in his prime here, Senator Richard Russell, and others. But I have often since thought about my own grandchildren in the context of that legislation that was before the Senate, and I tried to imagine how it would be if one of my grandchildren were with me in a car at night, traveling over a long distance, and if that child were to be turned away from a place to eat, turned away from a restroom because of his color or race, how deeply pained I would be.

I do not know why I did not think of it in those terms in 1964. I suppose I just did not have any grandchildren then, but I had two fine daughters.

In any event, that is the way the President's call went, and that is the way the pressure was applied. So I understand.

We all have an awesome respect for the office of President, but we just need to kind of keep our hands on the wheel and our eyes on the ball when we get such a call. It is not a game. This is not a game of who can register the most points; or who can win this one, who can win that one; "let us win this one;" "it is us against them;" and all that. This is a far more serious matter.

If President Reagan had had the item veto already this year, what are some of the programs that would likely have fallen after having been smitten by the sword of the item veto? What about the education programs? We know of programs that the President and the White House have sought to cut, or have sought to reduce this year, as we have observed the battle of the budget—education programs, economic development, Appalachian Regional Commission, water and wastewater treatment programs, child nutrition, health research, cancer, heart, stroke, Medicare, Medicaid, scientific research, and on and on.

Some of my colleagues who are voting in support of giving the item veto to the President—yet, who have also been very strong supporters of some of the programs I have named, I cannot understand why those very same colleagues would vote to take that power away from the people and give it to any President who is, and can only be, a temporary occupant of the White House.

Five hundred, thirty-five Members of the House and Senate are the elected representatives of the people. It is here where the people can come and be heard. It is here where the committees conduct the hearings on proposed legislation. It is here where the people can come and see their representatives at work carrying out the oversight responsibilities that are ours as Senators, or as Representatives. As we conduct the oversight, as we monitor the course of legislation that has become law, as we monitor programs which have resulted from laws enacted and funds appropriated, it is here where the people may be heard. The White House does not conduct hearings. The President does not chair hearings for the people. It is here in the Congress where the people are heard. This is the people's branch, the Congress, consisting of two equal bodies. And to pass the control or partial control of the purse strings over to the President—any President, Democrat or Republican—is to take that much power away from the people. That is what we are talking about.

We are not talking about a vote for reasons of sympathy because our President has had to undergo a serious operation. We are talking about transferring a power of the people out of the hands of their elected representatives in both Houses of Congress, passing part of that power over to the President of the United States—any President. That is what a vote for the item veto would do.

Are we going to do that on the basis of sympathy? Are we going to do that because we have the high honor of being called on the telephone by the person who is the highest officer in this land and the most powerful single individual in the world?

I say the matter goes deeper than that. It is too serious a matter to merit a change in one's position in this body on an upcoming vote.

I guess it was Robert E. Lee who said, if one stands for that which he does not believe how then can he later explain his actions.

The placing of such veto power, under the early Romans, in the hands of the three tribunes was as originally designed emphatically for the people. It was the people's measure. It was for the people's protection—the necessary balance wielded to equalize the powers of the government which had hitherto been engrossed by the rich, and to give the people that interposing check which the alarming tyranny of the patricians made necessary. Here was all of this power being placed in the hands of the tribune—three tribunes.

Here in this Senate we are about—I hope not—to transfer some of the power of the people, placed by the Constitution in the care of their elected representatives, to the President of the United States. Of course, the intentions and objectives are laudable ones. What they are we often hear. They are for the purpose, we are told, of helping to bring this budget under control, because a President then can make this cut, or cut somewhere else, or cut there, or cut here in this program or that program, and bring the budget down to size. Therefore, the objective would seem to be a good one. The objective of placing these awesome powers in the hands of three Roman tribunes was a good one centuries ago. It was the first attempt at a democratic—in other words, a people-ruling—institution and in all its features, save that of unlimited power, showed the humility of its origin. The tribunes must be not only of the Plebeian order, but they had no insignia of office, save a kind of beadle who went before them. They were not allowed to use a carriage. They had no tribunal, but sat on benches. Their doors were open night and day for the people to proffer their requests or complaints. They were not allowed to enter the senate, and were not even dignified with the name of magistrate. As designed by Sicinius, it was the mere unadorned majesty of the people's voice, assimilated to the lowly pretentions of the people—the visible exponent of their will. These popular traits did not, however, long remain. Let us see what happened. The grasping ambition of some and the restlessness for change in others, soon abused the power. The tribunes themselves became a greater evil than they remedied, and their authority was more tyrannous than the edicts of those they were created to oppose. Veto became a word of despotic power. How might it work under our own system?

Well, if a phone call from a President of the United States who has no item veto can persuade an elected representative of the people to change his vote, imagine what a call from the President of the United States would be like in the event the item veto should become another scepter of the President.

I have a project that is referred to as the Gallipolis Locks and Dam at Gallipolis on the Ohio River. Pork barrel? Well, it depends. Beauty is in the eye of the beholder, I suppose. But in this instance, the benefit-cost ratio of the Gallipolis Locks and Dam is more than 11 to 1 which means that every dollar spent on that project—I will call it a project at the moment—and every dollar spent on the planning, design and construction of the new locks and dam at Gallipolis on the Ohio River—would be returned more than eleven-

fold in benefits to the people. Gallipolis is but one of several locks and dams on the Ohio River. And many States traffic in goods by shipping them on the Ohio down to the Mississippi and so on—coal, steel, chemicals, oil, timber, and on and on. From Gallipolis back up to Pittsburgh. All of the old locks on the Ohio have been replaced. Modernization of the Ohio River navigation system has gone forward, and the same can be said for many miles below Gallipolis. Gallipolis today is a bottleneck. And a slight accident there at Gallipolis can cause a backup of barges on the Ohio River for miles, and can mean greatly increased costs in the shipping of goods where barges have to be delayed in passing through those locks.

Gallipolis, then, is not "pork barrel" that some individuals have in mind as they scorn so-called pork barrel items in appropriations bills. But let us say that there are funds in an appropriations amendment for Gallipolis Locks and Dam. Let us say that the amendment—or rider, as sometimes called—is adopted. Let us say that it is my amendment. Let us say the President has this item veto weapon. And he calls the Senate sponsor of the amendment down to the White House for lunch.

Well, being invited to lunch at the White House, would that not be something to talk about back home? And perhaps a nice photograph. That would be something that I could frame, put on my wall; I could duplicate it and send it out to all newspapers and get a big story. "Senator Byrd lunches with the President."

I wonder if it might be possible to have the picture autographed. My grandchildren would be able to have one of those pictures, a copy of it. What a legacy to leave to my grandchildren. They could say, "My grandfather had lunch with a President of the United States. A President gave my grandfather an autographed photograph at the time he had lunch down at the White House."

My, my. What would this do for my reelection? I might say that the election is some 15 or 16 months away.

In any event, it does not make any difference how many luncheons there are before reelection, but to have that picture and to have been called by the White House by telephone and invited to, "Come down to the White House and have lunch."

Just being there and having lunch would be a tremendous honor. It would be. It would be.

But then I go down to have lunch and the President—Democrat or Republican—says, "Bob, I have been wanting to talk to you about something."

"Yes, Mr. President."

"I know you have some moneys in the appropriations bill for the Gallipolis Locks and Dam."

"Yes, sir."

"The people of West Virginia, in my opinion, are to be complimented in having you as their Senator. I know you have worked hard for that funding and I am sure you feel proud of the work you have done on behalf of the Gallipolis Locks and Dam. By the way, Bob, we have this piece of legislation that is going to be coming up in the Senate in a few days to authorize moneys for the Contras in Central America. Gee, I wish you would support that. I wish you would find your way to support that, Bob, because you know how badly we need that money for the Contras. It will be used only for food and medicines, and so on, humanitarian reasons.

"I respect you for your opposition to that funding. But I wish you would see your way to vote with us next time on that. Can you do it?"

"Well, I will certainly be glad to think about it, Mr. President. I am not sure, but I certainly will take another look at it."

"Well, Bob, I hope you will. And by the way, that money for the heart research center in Morgantown that you have worked for. I will bet your people love you for that."

"Yes, Mr. President. There is a lot of support for that in West Virginia."

"Bob, I have given a lot of thought to that. Be sure and take another look at that item we have, funds for the Contras."

I suppose it might get to the point where I would not want to be seen going to the White House in the daytime, but rather to sneak in under cover of darkness because I know what is going to happen. I will get my arm twisted. My gosh, what is going to happen to my Gallipolis Locks and Dam? The people there do not want all of this foreign aid going out of the country. We have people in our home States who are out of work, who are hungry, who are in need, who are losing a home, who are losing an automobile.

Well, Mr. President, that is the way it might go.

It seems to me that we should see a little bit beyond our noses. There are going to be other Presidents. One day we will have a President from our own Democratic party in the White House. Then how will it be?

The shoe is not always going to be on the foot of those in the majority today. Tomorrow it may be on the foot of those in today's minority.

Can Senators imagine Lyndon Johnson calling me down to the White House saying, "Bob, how badly do you want that U.S. district attorney down in southern West Virginia?"

"Well, I want him pretty badly, Mr. President. After all, that fellow whose name has been sent down here for U.S. district attorney was one of the delegates at the Los Angeles convention who voted for you."

"Yes, Bob, but he is past 60. You better send another name down."

"Mr. President, we only got 5½ votes for you at the convention out of the West Virginia delegation. The national committeeman from West Virginia had one-half vote, and you got his and you got mine. We held onto four more. It was not many, just 5½. This man who is being considered for U.S. district attorney in West Virginia stood with me out there. We stood together, yes, sir, we did, and we both voted for you and worked hard for you. We were a little out of step from the rest of West Virginia. I know you helped me on the Appropriations Committee when I first came here, and I felt I should repay that. Besides, you also helped me to get on the Armed Services Committee when you left that committee and became Vice President and I took your place."

"Well, that is all fine, Bob, but how are you going to vote on this matter that is coming up in your Appropriations Committee next Monday?"

And there we go. I think, Mr. President, while some of these little examples might appear to be a bit in the extreme they are not really so, because a determined, tenacious President could turn many votes, and, in so doing, what we would see would be the power of the people, in some instances, used against them by virtue of an overly strong Executive on the one hand, and on the other, a Congress that had been weakened by the transmittal of some of the appropriations power to the Executive. What we are talking about, I say again, is the power of the people.

It is not always the pork barrel projects that are at stake. We are talking about the weakening of the power and the role of Members of the legislative branch and making it more difficult for them to stand up against a strong President, even when their own consciences would tell them that, in the interest of the people in a given situation, they should not waiver, they should not retreat.

So, Mr. President, it is not this President I am really talking about, it is any President in the future. The Founding Fathers, who wrote the Constitution, had in mind very much the way they had been treated under King George III. They remembered King George III, and the royal governors of the Colonies who had rejected the legislative acts passed by the representatives of the people in colonial legislatures. That memory was very close; it was not far removed. That is why they sought to create three separate, equal, coordinate bodies, each of which would have the tools whereby it could

fight off the predatory actions and efforts by another of the three bodies.

That is what we are talking about. We are talking about a system of checks and balances.

Then, Mr. President, when all is said and done, it is not really the President of the United States to whom Congress would be ceding part of its appropriations power. If it were simply the President, perhaps not too much that would be detrimental to the interests of the people would come about. I think any President is going to do what he in his conscience thinks is best for the country. We have strong Presidents, we have weak Presidents.

This President is a strong-minded President. Lyndon Johnson was a strong-minded President. Harry Truman was a strong-minded President. What we are really talking about here however, is placing this power in the hands of bureaucrats.

The word "bureaucrat" is not necessarily a bad word, just as the word "politician" is not necessarily a bad word. We have to have politicians. If we did not have politicians, we would not have very many statesmen. A person is not going to be a statesman if he is not first a politician, ordinarily. We have to have bureaucrats. We could not do without them. They perform a great service for the people. But what do I wish to say at this point is, they are not elected by the people. They are not chosen by the people. So, what would happen when an omnibus appropriation bill goes down to the President if he has the item veto?

I know full well that, under S. 43, the bill that will be before the Senate in the event cloture is invoked tomorrow, an omnibus appropriations bill would be broken into many parts, each of which would be enrolled by the Clerk of the House of Representatives as a separate bill and sent down to the White House.

I use the word "bill" here in quotes. The decisions would be made, or at least the advice and counsel would come from the Office of Management and Budget for the most part. I do not say that Mr. Stockman would make all the decisions there, but there would be clerks and others under his jurisdiction and guidance who would make the decisions as to whether or not this or that item should be recommended to the President as one to be vetoed—whether or not that bill or whether or not the other bill. We would see decisions affecting the lives and the welfare and well-being of the people of the United States, decisions by persons in OMB or other agencies who were not elected by the people.

In the Senate and in the House there are 535 Members of Congress who are elected by the people. The President is elected by the people. Of course, the Presidential electors may have something to do with it, but in any event, it is in essence, let us say, by the people that the President and Vice President are elected. The electors go through the formality. But it is still the people who count.

But the decisions we are talking about here would be made by unelected bureaucrats; no identity, we do not see them, we do not know their names, we do not know their positions, but it would be their advice that would filter up to the President. Obviously, the President would not be able to devote the time to give close scrutiny to the hypothetical omnibus appropriations bill that we are talking about. The responsibility of studying it and making decisions about it would have to be done by these faceless, anonymous, nameless bureaucrats. And again I do not cast any aspersions on bureaucrats. I am just simply saying that what we are doing here is transferring a power of the people from the hands of the elected Representatives in Congress to a President elected by the people. But the real work with respect to decisions concerning a line-item veto would be in the hands of OMB people perhaps who might be guided by their own little biases and prejudices—even though there were the best of intentions possessed by those who would scribble the words "I advise a veto of this, that or something else."

Back to early Rome, Mr. President, the word veto became a word of despotic power. The decrees of the senate, the ordinances of the people, the entire arrangements of government, bowed to its supremacy; and much with the force of the word, that not only could it stop the proceedings of all the magistrates, but whoever, senator or consul, Patrician or Plebeian, dared oppose it, was immediately led to prison to answer for his crime. And so sacred were the persons of the tribunes, that whoever hurt them was held accursed, and his goods were confiscated. Sylla was the first who resisted the gross encroachments of the tribunes; but on his death they regained their influence, and henceforth it became but the tool of ambitious men, who used it almost to the ruin of the state. Such was its abuse, that, as Cicero says, the popular assemblies became the scenes of violence and massacre, in which the most daring and iniquitous always prevailed. The perversion of the original design of the veto was now completed by the arts of the emperor Augustus, who got the tribuneship conferred on himself, which concentrated in his person the entire and uncontrolled disposition of the state. This was the first instance of the combination of royal and veto power, and its assumption was all that was wanting to make the king a tyrant. From this time it was conferred upon the emperors, though the tribunes still continued to be elected, without, however, the exercise of tribunitian power, until the time of Constantine, when the office was abolished.

The early operation of the veto power in Rome was good, the subsequent disastrous. At first, it protected the people, gave them a voice in the legislative assemblies, and secured their liberties; ultimately, it oppressed the lower orders, excluded them from the councils of the nation, and made them the passive instruments of power-lusting demagogues. The first civil blood shed at Rome was the blood of Tiberius; the tribune battling, imprudently indeed, against the oppressions of the nobility. The last but closed the sanguinary series of intestine wars, created, continued, and tragically ended, by the very perversion of that power which was a first designed to give peace and unity to the Roman nation. So true has it ever been, that the delegated power of the people, when abused, has always reverted to their own destruction. Having traced the veto power, from the simple word of the tribune to the imperial exercise of its rights in Rome, we are prepared to come down to modern times, and cite a few instances of its adoption and influence in European states.

The king of Great Britain possesses the veto right, upon the resolutions of parliament, though no instance of its exercise has occurred since 1692. In fact, constituted as the British government is, the veto is entirely unnecessary. Such is the powerful agency of money and influence, that they will prevent the passage of any law obnoxious to the crown, and the king can, through his ministers, so trim and shape the proceedings of those bodies, as to accommodate them to his views; while, on the other hand, the taking away responsibility from the monarch, and resting it with the cabinet, which varies with the changes of public sentiment, never creates an emergency for the exercise of the royal negative. The same power is also vested with the king of Norway; but if three successive storthings or diets repent the resolution or decree, it becomes a law without the king's assent, though he may have negatived it twice before. As the storthing, however, sits only every third year, the veto of the king, though it may not eventually be ratified, has yet a prohibitory operation on any given law for 6 years. It was thus that nobility was abolished in Norway in 1821. The king had twice vetoed the law, passed by the storthing, against the further continuance of the nobility; but the third diet confirmed the resolutions of the two former, and the law became established, notwithstanding the royal negative.

So we see, Mr. President, as we examine the pages of history, what happened in the instances in which the

king or tribunes, or whatever, were invested with this veto power.

Actually, what we are talking about in respect to the item veto appropriations is in the final analysis, policy. Appropriations shape policy. Appropriations determine policy. Appropriations create and support policy.

Should Congress give up part of its power of the purse which has been vested in it by the people, through the Constitution of the United States? As I have already indicated, it is really the power of the people that is at stake. If part of that power is transferred from Congress, then the delicate system of checks and balances will be affected.

The scales are being weighted against the legislative branch, and this delicate balance that is, at least in theory, back of the whole scheme of constitutional government is rendered unbalanced and the scales tipped against the legislative branch. The legislative branch is then weakened in its role of helping to develop policy, because the wherewithal by which it can shape and develop and support and promote policy is being frittered away, and members of the legislative branch will be less effective in representing the needs and the wishes of the people. The legislative body will thus be weakened.

Some Members can be intimidated by a President—not necessarily this President, not necessarily the next or the next; but one should not find it difficult to understand how it would work and how the results would be unfortunate.

Let us take another look at history and what it should teach us.

The constituent assembly of France conferred the veto power on the king in 1780, but the very first exercise of it proved his ruin. It was preposterous for such a body, and at such a time, to make such a provision in the constitution they were then passing, and as affairs then stood, when judicious temporizing, and not royal prerogative, was required. It was equally preposterous in Louis to employ it. It but showed the waywardness of the popular will, which could at one time grant such a right, and at another punish the exercise of it. The negative is, however, held by the present king, though it has never yet been put into requisition.

The king of Spain was vested with the same power, and it still forms a provision of the Spanish government. In Poland, the vetopower assumed another shape. It was centred, not in the king, but in the former republic. Each member of the diet could prevent the passage of any resolution, and defeat the operations of the rest. On the partion of Poland, Russia confirmed this *liberum veto* to the Polish assembly, with the sinister design of thereby frustrating any effective or independent legislation; well knowing that, in its then distracted state, the continuance of this individual veto, would be, as it proved, destructive to harmony of action and unity of design.

Coming down to our own country:

Upon the proceedings of the American colonial assemblies, there existed a double negative or veto—one vested in the royal governor, the other in the king. By the royal governors the right was often exercised, and the king frequently signified his disallowance of acts which had not only passed the colonial assemblies, but even been sanctioned by the governor. This feature was one strongly set forth as a prime grievance, in recounting the injuries and usurpations of the British monarch, in the Declaration of Independence, and its exercise was highly repugnant to the interests of America.

Dr. Franklin, in the Debates of the Federal Convention, thus shows the influence of the veto power under the proprietary government of William Penn:

"The negative of the governor was constantly made use of to extort money. No good law whatever could be passed without a private bargain with him. An increase of salary, or some donation, was always made a condition; till, at last, it became the regular practice to have orders in his favor on the treasury presented along with the bills to be signed, so that he might actually receive the former before he should sign the latter. When the Indians were scalping the western people, and notice of it arrived, the concurrence of the governor in the incans of self-defence could not be got, until it was agreed that his estate should be exempted from taxation; so that the people were to fight for the security of his property, whilst he was to have no share of the burdens of taxation."

At first sight, then, it appears strange that the framers of our Constitution, when they were originating a new government, which should combine the experience of the past, without borrowing any of its defects, should bring in such a power, the operation of which had proved so baneful, and which had already been so strongly reprobated. But such was the fact. The war of the revolution over, the Articles of Confederation alone bound the states together; and the reaction which took place in several places urgently demanded some new form of compact more adequate for the purposes of government, and more consonant with the altered condition of affairs. Upon the 25th May, 1787, the Federal Convention met in the city of Philadelphia. Having organized themselves by the choice of proper officers, and the adoption of necessary rules, Mr. Randolph, of Virginia, opened the business of the Convention by proposing, on the 29th May, a series of resolutions, imbodying his views as to what the crisis required; and on the same day General Charles Pinckney, of South Carolina, laid before the delegates the draught of a federal government, to be agreed upon between the free and independent states of America. The veto power entered into the schemes of both these gentlemen, though centred by them in different points. The 8th resolution of Mr. Randolph says:

"*Resolved*, That the executive and a convenient number of the national judiciary ought to compose a council of revision, with authority to examine every act of the national legislature before it shall operate, and every act of a particular legislature before a negative thereon shall be final; and that the dissent of the said council shall amount to a rejection, unless the act of the national legislature be again passed, or that of a particular legislature be again negatived by —— of the members of each branch."

The article embracing this feature, in the draft of Mr. Pinckney, reads thus:

"Every bill which shall have passed the legislature shall be presented to the President of the United States for his revision. If he approves it, he shall sign it; but if he does not approve it, he shall return it, with his objections, to the house it originated in; which house, if two thirds of the members present, notwithstanding the President's objections, agree to pass it, shall send it to the other house, with the President's objections; where, if two thirds of the members present also agree to pass it, the same shall become a law. And all bills sent to the President, and not returned by him within —— days, shall be laws, unless the legislature, by their adjournment, prevent their return, in which case they shall not be laws."

Mr. Randolph's views were evidently based on the suggestions of Mr. Madison; for that gentleman, in a letter to Mr. Randolph, a few weeks previous, urged the same idea of a negative by the national government, "in all cases whatsoever, on the legislative acts of the states, as the king of Great Britain heretofore had."

The resolutions of Mr. Randolph became the basis on which the proceedings of the Convention commenced, and, as Mr. Madison says, "to the developments, narrations, and modifications of which the plan of government proposed by the Convention may be traced."

Let us, then, follow out the discussions of this body until the suggested joint revision by the executive and judiciary became altered to the single negative of the President. On the 4th of June, the first clause of Mr. Randolph's eighth resolution was taken up; but Mr. Gerry, from Massachusetts, doubting whether the judiciary

ought to have any thing to do with it, moved to postpone the clause, and introduced the following amendment:

"That the national executive shall have a right to negative any legislative act which shall not afterwards be passed by—parts of each branch of the national legislature."

Rufus King, from Massachusetts, seconded the motion, and the proposition of Mr. Gerry was taken up. Mr. Wilson, of Pennsylvania, and Alexander Hamilton, of New York, wished to strike out the latter clause, so as to give the executive *an absolute* negative on the laws; but, though supported by these gentlemen, it was opposed by Dr. Franklin, Roger Sherman, of Connecticut, Madison, Butler, of South Carolina, and Mason, of Virginia; and was therefore negatived.

Mr. Butler and Dr. Franklin then wished to give a *suspending* instead of a *negative* power; but this was overruled, and the blank of Mr. Gerry's resolution was filled up, *sub silentio,* with *two thirds*; and the question being taken on the motion, as thus stated, it received the votes of eight states, Connecticut and Maryland voting in the negative. On the 6th of June, according to previous notice, Mr. Wilson and Mr. Madison moved to reconsider the vote excluding the judiciary from a share in the revision and negative of the executive, with the view of reënforcing the latter with the influence of the former. But though Mr. Madison urged the plan of associating the judges in the revisionary function of the executive, as thereby doubling the advantages and diminishing the dangers, and as enabling the judiciary better to defend itself against legislative encroachments, it was as eloquently opposed by Mr. Gerry, and others, who thought that the executive, while standing alone, would be more impartial than when he could be covered by the sanction and seduced by the sophistry of the judges; and it was finally rejected. Two days after, at the conclusion of an animated debate, the subject of giving the national legislature a negative on the several state laws, which was first suggested to the convention by Mr. Randolph's resolutions, and subsequently brought up for reconsideration by Mr. Pinckney and Mr. Madison, was also voted down,—three states in the affirmative, seven in the negative, Delaware divided.

On the 18th of June, Mr. Hamilton offered to the Convention a plan of government, in the fourth article of which the veto power was unqualifiedly conferred on the executive. The next day, Mr. Gorham, from Massachusetts, reported from the committee appointed to reconsider the various propositions before the Convention, and the tenth resolution of that report says: "That the national executive shall have a right to negative any legislative act, which shall not be afterwards passed, unless by two thirds of each branch of the national legislature." The Convention proceeded to take up the several articles and clauses of this report, and it was not till the 18th July, that the tenth resolution became the order of the day; it was then passed *nem. con.* On the 21st, however, Mr. Wilson, still entertaining his original views, as to the union of the judiciary with the executive on the veto power, moved an amendment to the resolution, which gave rise to a most interesting debate, in which Mr. Ellsworth, from Connecticut, Mr. Mason, from Virginia, and Mr. Madison and M-Gouverneur Morris, of Pennsylvania, sustained the views of Mr. Wilson; and Messrs. Gorham, Gerry, and Strong, of Massachusetts, Mr. Martin, of Maryland, and Mr. Rutledge, of South Carolina, opposed them, and the amendment was lost. The original resolution, therefore, was again passed.

Having gone critically through with the report of the committee, the various resolutions which had been agreed to were, on Thursday, 26th July, referred to a committee of detail, to report on Monday, August 6th, a draft of the Constitution. This committee, of which Mr. Rutledge was chairman, reported on the day assigned, and the veto power was conferred by the 13th section of the sixth article. This paragraph, as reported by the committee, came under discussion on Wednesday, 15th August, when Mr. Madison moved an amendment, which revived the previously agitated question of uniting the judges of the Supreme Court with the President in his revision and rejection of laws passed by Congress. Much debate followed. Mr. Wilson and Mr. Mercer supported Mr. Madison and Mr. Pinckney opposed. The amendment was lost—three states voting for it, and eight against it. Having thus surveyed the subject in all its bearings, the Constitution, amended, altered, and perfected, was, on the 17th September, 1787, signed by the Convention, and constitutes to this day the basis of our government. The veto power in this Constitution is thus expressed, article 1, section 7:

"Every bill which shall have passed the House of Representatives shall, before it becomes a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it."

The first use of this constitutional power was by Washington, who, on the 5th April, 1792, vetoed the "Representation Bill," which originated in the House of Representatives. As this, from its priority, is an event worthy of extended notice, we give the circumstances of the case, as briefly related by Jefferson, then secretary of state:

"*April 6th.* The President called on me before breakfast, and first introduced some other matter, then fell on the Representation Bill, which he had now in his possession for the 10th day. I had before given him my opinion, in writing, that the method of apportionment was contrary to the Constitution. He agreed that it was contrary to the common understanding of that instrument, and to what was understood at the time by the makers of it; that yet it would bear the construction which the bill put; and he observed that the vote for and against the bill was perfectly geographical—a northern against a southern vote—and he feared he should be thought to be taking side with a southern party. I admitted the motive of delicacy, but that it should not induce him to do wrong, and urged the dangers to which the scramble for the fractionary members would always lead. He here expressed his fear that there would, ere long, be a separation of the Union; that the public mind seemed dissatisfied, and tending to this. He went home, sent for Randolph, the attorney-general, desired him to get Mr. Madison immediately, and come to me; and if we three concurred in opinion, that he would negative the bill. He desired to hear nothing more about it, but that we would draw up the instrument for him to sign. They came;—our minds had been before made up;—we drew the instrument. Randolph carried it to him, and told him we all concurred in it. He walked with him to the door, and, as if he still wished to get off, he said, "And you say you approve of this yourself?" "Yes, sir," says Randolph; "I do, upon my honor." He sent it to the House of Representatives instantly. A few of the hottest friends of the bill expressed passion, but the majority were satisfied, and both in and out of doors it gave pleasure to have at length an instance of the negative being exercised. Written this, the 9th April."

Such is a plain history of the veto power.

And I am indebted to Jonathan Elliot, who, in his debates in the several State conventions on the Federal Constitution, gave us this history of the veto.

As it respects the several States, the executives in some States have the item-veto power and in others not. There is such power in various shapes and forms today vested in the Governors of 43 States of the Union.

This is not, however, on a parallel, should I say, with the situation that we are talking about; namely, the item veto in the hands of a President of the United States. And to say that it may have worked well in the 43 States that have the item veto in the hands of the

51-059 O-86-43 (Pt. 14)

Governor thereof is not to say that it would work equally well in the hands of the Federal Chief Executive. Perhaps I will have more to say in that regard later.

It is interesting, too, Mr. President, that the efforts on the part of Members of the Congress in earlier days to give an item veto to the President, took the form of constitutional amendments. Only in more recent years have their efforts taken another course—that of giving the item veto to the President by way of statute. I do not necessarily recommend it in any event. But if we ever have to have it, I think I would prefer that it come to the hands of the people by way of a constitutional amendment rather than by statute. The bill that we have in mind here, S. 43—in the opinion of various scholars whose writings and statements I have read and heard—would be, in all likelihood, unconstitutional.

Mr. President, I just do not believe that the Congress of the United States is going to enact S. 43 if it is carefully studied, and due reflection is given. I hope Members will carefully study S. 43. It just will not work, in my opinion. The procedure which it recommends is not in consonance with the words of the Constitution governing the passage of a bill. The Constitution says that a bill shall have passed both Houses, the U.S. House of Representatives and the U.S. Senate, before it is presented to the President. That is article I, section 7, paragraph 2. It is interesting to note that those who wrote the Constitution in paragraph 2 referred to a bill. It is also noteworthy in paragraph 3 of section 7 of article I, they wrote of resolutions, orders, and votes. In other words, they were covering the entire legislative landscape. They must have had some second thoughts, and they must have had some concerns with their reference to only a "bill" in their construction of paragraph 2, section 7, Article I. Else, why did they come back in paragraph 3 and refer to resolutons orders, and votes?

Whatever the particular vehicle, whether it be a resolution or vote or an order, it had to travel the same legislative course as was outlined in paragraph 2 for a bill. In other words, whatever it is, it has to be passed by both Houses and presented to the President. He may sign it, he may veto it, he may let it become law without his signature, or he may give it a pocket veto, depending upon the circumstances at the time.

Mr. President, for the time being I will yield the floor. I note on the floor the distinguished Senator from Arizona (Mr. DECONCINI). He is prepared to speak on this subject. Therefore, I yield the floor.

(During the foregoing address Mr. DURENBERGER and Mr. COCHRAN occupied the chair.)

The PRESIDING OFFICER (Mr. HECHT). The Senator from Arizona.

(At this point, Mr. DECONCINI addressed the Senate on a nongermane matter, which is printed earlier in today's RECORD.)

Mr. BYRD. Mr. President, will the Senator yield without it counting as a second speech?

Mr. DECONCINI. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent that his speech not be considered a second speech and that my speech today not be counted as a first, second, or any other numbered speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

Mr. DECONCINI. Mr. President, I rise in opposition to S. 43, the line-item veto bill. The Senate Rules Committee, which I am a member of, reported this bill unfavorably by a vote of 11 to 0. I think the committee's judgment of this bill was excellent for a number of reasons which I would like to discuss in considerable detail.

Let me remind my colleagues of the nature of the legislation we have before us. It is a measure which seeks to alter through legislation the constitutional checks and balances which define the executive and legislative powers of the Government of the United States of America. It does this by directing certain officers of each House of Congress to instruct the enrolling clerks to enroll for presentation to the President each item in appropriations bills as separate pieces of legislation. An item is defined as any numbered section and any unnumbered paragraph of any appropriations bill. This legislation is supposed to be a test of the line-item veto procedure and would, therefore, expire in 2 years.

Now, what are the reasons for my opposition to this bill?

First, the bill is simply not necessary.

The bill's proponents say that congressional practice has changed, that Congress now makes much more frequent use of multipurpose spending bills and that these bills have effectively taken away from the President the veto power vested in him by the Consititution.

This is really not the case. In fact, this is nonsense.

Appropriations bills and many of the authorization bills that we deal with here are by their very nature, omnibus bills.

This is nothing new.

If the President wants to veto one of these bills, he merely has to exercise his constitutional authority and, in some cases, responsibility, as he sees fit and exercise that veto power that is there and veto the bill.

Not only is he able to, but the simple fact of the matter is that he does veto these bills. My good friend and colleague, Congressman MICKEY EDWARDS of Oklahoma, has done a considerable degree of research on this issue and I would like to review at this point an excerpt of a Dear Colleague letter which he sent to me containing a compilation of examples of uses of the veto by Presidents Reagan and Carter on bills containing a wide range of issues of great importance to many of us.

"First, defense authorizations and appropriations are always dealt with by the Congress in omnibus fashion. The package received by the President contains many items, some of which he may favor and others which he may oppose. Yet the current power of the veto is sufficient to enable the President to exert influence over the contents of such legislation. On August 17, 1978, for example, President Carter vetoed the 1979 defense procurement bill—and his veto was sustained.

"Legislation appropriating funds for water development is invariably passed by the Congress in omnibus fashion—many projects, of a variety of worth, lumped together, in a single bill. On October 5, 1978, President Carter vetoed the 1979 Energy and Water Development Act. His veto was sustained.

"Several appropriations bills combined funding for many different agencies and programs scattered throughout different Federal Departments. For example, a single appropriations bill lumps together all spending for the State Department, the Justice Department, and the Commerce Department. Yet on December 13, 1980, President Carter vetoed the State, Justice, and Commerce appropriations for 1981, and his veto was unchallenged.

"Republicans who wish to give President Reagan the power of the line-item veto—perhaps forgetting that a Democrat who succeeds to the Presidency in the future would retain the same power, to use against a different set of targets—have made much of the continuing resolution argument—the claim that President Reagan's power to use the veto has been circumvented by the emergence of the continuing resolution [CR] as a legislative tool to lump together many disparate appropriations and even authorized bills.

"Ironically, the very first veto Ronald Reagan ever cast as President of the United States, on November 23, 1981, was a veto of a continuing resolution—the continuing appropriations for fiscal 1982. And his veto was unchallenged. President Reagan cannot veto appropriations because they are pack-

aged together in continuing resolutions? Nonsense. He can, and he has. I suspect he will in the future.

"Appropriations are similarly lumped together in multipurpose supplemental appropriations bills. Yet Presidents can affect the shape of such bills with the veto power given under the Constitution. On June 24, 1982, and again on June 25, 1982, President Reagan vetoed supplemental appropriations bills, and both times his veto was sustained.

"President Reagan has all the veto power he needs—and all the Founding Fathers intended him, or any President, to have. The problem he has in shaping legislation is not a lack of power, but a failure to use it. In the second session of the 98th Congress, while he was criticizing the level of Federal spending and preparing to run a national campaign based in part on that issue, the President, except for pocket vetoes of relatively minor bills, vetoed only three pieces of legislation."

Let us examine my second reason for opposing the line-item veto. The bill's proponents say that the bill is necessary to save the Government money. I suggest that the amount of extra paper that the enactment of S. 43 would generate would cost as much as the President's exercise of this new power would save. Let's look at the facts.

First, Senate bill 43 is a slap in the face to the Appropriations Committee, which, after all, is responsible for the vast majority of the items that would be veto-eligible under S. 43. Perhaps the sponsors of this measure do not realize that under the fine leadership of Chairman HATFIELD, the Senate Appropriations Committee has reduced the dollar level of appropriated accounts by over 33 percent in the last 5 years.

If the President wishes to improve upon the Appropriations Committee's excellent record by doing something other than vetoing an entire appropriations bill, he can invoke procedures of the Impoundment Control Act of 1974. If Presidents want to delay the obligation of budget authority, they may submit to Congress a proposal for a deferral. The deferral remains effective unless one House disapproves. As a result of the Supreme Court decision in INS versus Chadha—1983—the one-House veto and other forms of the legislative veto are now unconstitutional. To disapprove a deferral, Congress would have to use a bill or joint resolution that is presented to the President for his signature or veto.

The Impoundment Control Act also authorizes the President to submit to Congress a proposal to rescind, or to terminate, enacted budget authority. Unless both Houses support the rescission request within 45 days of continuous session, the funds must be released for obligation. Under this authority, President Reagan submitted to Congress large sums for rescission in fiscal 1981 and 1982 but much smaller sums since then.

Another key factor restricting the dollar amount that could be saved by the enactment of this legislation is the total amount of current Federal spending that comes from nonentitlement programs. That amount is equal to 26.2 percent of current spending. It seems unlikely that President Reagan would want to use line item vetoes against defense spending, so that takes another 15.2 percent of Federal spending out from under the control of S. 43. That leaves 11 percent available for the slash of the line item veto which in dollar terms—not adjusted for offsetting receipts—is $128 billion, only about half the current estimate of the Federal deficit for 1 fiscal year.

The 11 percent of relatively controllable nondefense spending comprises 846 budget accounts. Of these, the largest 12 make up 50 percent—$64 billion—of the $128 billion for all accounts in this category. And these 12 accounts run the gamut from trust fund activities to social programs to NASA.

The 12 accounts are:

Payments to the health care funds, 19.350 billions;

Food Stamp Program, 11.672 billions;

Veterans' Medical Care, 7.903 billions;

Payments to Social Security Trust Funds, 5.763 billions;

Foreign Military Sales Credit, 2.888 billions;

Liquidation of SBA Loan Portfolio, 2.651 billions;

Social Services Block Grant, 2.538 billions;

Highway Trust Fund payment to FHA, 2.389 billions;

Rural Housing Insurance Fund, 2.280 billions;

NASA, 2.231 billions;

REA direct loans, 2.222 and billions;

Trust Fund share of FAA operations, 2.043 billions.

Even that most avid of budget-cutters, Office of Management and Budget Director David Stockman, frankly admitted that the line-item veto's effect on the Federal deficit would be "marginal, if at all." Mr. Stockman clearly indicated what advantages line-item veto ability gives to the President.

Mr. Stockman said:

Line item veto is about political power and political control. It can be used for lots of things. It would be great for the Director of OMB.

This line item veto bill does not say it is for the OMB Director; it gives that authority to the President. But in fact, we know from Mr. Stockman's operation of that agency that he will inherit that veto and will exercise it in behalf of the President. It is a power play, once again, perpetrated upon Congress as something that is going to balance the budget.

Yes, I can certainly understand why the Director of OMB would like the line item bill, and so would any President.

This brings me to the third reason why I oppose the line item veto. There is absolutely no doubt in my mind that the President and I am talking about any President, not just President Reagan could and would use the line item veto or the threat of this veto, to influence Members of Congress to alter their positions on matters of importance to the administration.

My good friend from Maryland and the chairman of the Rules Committee [Mr. MATHIAS], articulated this concern during debate on this bill on Wednesday, when he suggested that a President might very well hold appropriations for the preservation of the Chesapeake Bay for ransom in exchange for his vote on programs or issues of importance to him.

To me as a Senator from a Western State, the possible use of this extremely influential method of lobbying and I suppose it could also be called blackmail, to some extent—is particularly disturbing.

It causes me great concern to even think about the possibility, regardless of whether the President is a Democrat or a Republican, of what that might amount to.

For example, regrettably, both Republican and Democratic Presidential candidates tend to take the West for granted.

Republicans count the Western States as solidly in their camp and Democrats usually assume that the Western States will vote Republican in Presidential elections. That means that a President of either party is not particularly concerned about the needs of the West. Therefore, Senators from the West have had to fight tooth and nail to keep intact critically important projects such as the Central Arizona Project, in my State, and others, and we have had to wage this struggle with Democratic Presidents and with Republican Presidents.

Now, what if I get the clear understanding from one of the many political channels that Presidents use to convey messages to Senators that if I don't vote with the President on increasing gun control regulations or increasing foreign aid or sending troops to Nicaragua, then some key Arizona project or issue is going to get hit with the line item veto ax. What should a Senator do in that situation? Quite clearly to me, a Senator should not be in that kind of a situation. It is unfair, and it makes it virtually impossible for a Member of Congress to be an effec-

tive representative of his or her State or district as well as to be a national policymaker.

I do not want to be in that position. I am prepared to talk with the President about any issue he wants to talk about, whether it be aid to the Contras in Nicaragua or increasing foreign aid, which we have done here more than any time since I have been in the Senate, in my 8½ years here. I am more than happy to talk to President Reagan when he wants to do that.

When President Carter wanted to increase aid to the Middle East, particularly substantial aid to Egypt as part of the Camp David Accord, this Senator was more than happy to talk to him. But I did not want to be put on the spot that either this Senator should find a way to justify a vote in favor of the President's program or look out—look out because something was going to hit me and hit me hard.

Mr. President, my fourth reason for opposing the line item veto is that the bill flies in the face of the system of checks and balances that was carefully crafted into the Constitution by the Founding Fathers. The line item veto bill would in effect give the President the role of being a super Congressman with a vote equivalent to that of two-thirds of the Members of the Congress. What is more, the President would be able to use his super vote on specific items contained in legislation which actual Members of Congress do not get to vote on without going through the time-consuming process of offering and debating an amendment. This procedure is a terrible distortion of the role that the Founding Fathers meant for the President and for the Members of Congress as a body. The veto was meant to be used in situations of major disagreements. This bill expands the power of the President's veto to include every tiny little provision of an appropriation bill under its scope. What is worse is that S. 43 so expands the scope of the veto to the massive executive bureaucracy, largely to the Office of Management and Budget, I would suspect, because no one President could possibly review the thousands of items that would become eligible for this veto under S. 43.

Mr. President, at this time I am going to yield to my distinguished colleague, the chairman of the Appropriations Committee, and I will have more to say on this subject matter in the not-too-distant future.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, again I express my deep appreciation to the Democratic leader for his yeoman duty in this battle formation against the line item veto. I also wish to express my keen appreciation to the Senator from Arizona for his comments on the subject of the line item veto. I understand that the feelings of the Senator from Arizona are strong on this issue and that he also has strong views about procedures within the Senate, so I delineate between his position on the substantive issue and his position on the parliamentary procedure situation that we are in at this moment.

Mr. President, I also wish to say to the Democratic leader that I am very sorry I have not been able to be here this afternoon to give him some relief from carrying the full load of the task at hand, but there have been some serious and important discussions going on with the House of Representatives Appropriations Committee. While he has been carrying the ball on the Senate floor, I have been holding the battle line on the supplemental appropriation, so I want him to know that my absence was not because of any lack of interest I have on this subject.

Mr. President, I have outlined the issue before us Wednesday in my first presentation with an indication that the five points I made then would be discussed in detail in subsequent days when this matter was before us. So today I would like to take up the second of those issues in a little more detail than the overview which I rendered on the first day of presentation.

One of those issues I indicated would cause us great concern is the opportunity for political mischief. The general consensus among the proponents seems to be that we are a body of Members in the Senate and likewise in the House of Representatives made up of special interests. It is contended that somehow we have a more narrow or parochial viewpoint as to the programs and policies which we fund at the Federal level and that the President is in not only a very unique but perhaps singularly important role to deal with the Nation as a whole and to look at problems and programs purely from a national perspective.

I think one only has to go back and reread some of the writings about and some of the minutes of the Constitutional Convention held in Philadelphia almost 200 years ago to recall that the Senate was created as a part of a bicameral system primarily to view the issues from a national perspective; and that the House of Representatives was determined on the basis of population and what you would call local interests, which in and of themselves certainly should not be considered as wrong or evil. It is very legitimate to have our local interests represented. This country is made up of a heterogeneous format, which means that we are of many people. We are a melting pot of races, religions, backgrounds, origins, and ethnic groups, and we also are a very heterogeneous Nation as it relates to economics. All you have to do is look at some of the States. Nebraska calls itself the Cornhusker State. This has some relevance to the fact that Nebraska raises a lot of corn and ordinarily, on matters of world trade with the Soviet Union and with other countries of the world, people of Nebraska through their elected representatives expect those elected representatives to make certain that the interests of Nebraska corn growers are considered.

Our good friend from North Carolina is known as the Senator who looks after tobacco growers, and legitimately so from the standpoint that tobacco represents an important part of his State's economy. Certain Senators are thought of as looking after urban interests because they represent large urban centers. Many people say that I represent the timber interests of my State, which I do proudly. I certainly like to think I represent other than just the timber interests, but certainly I am not going to neglect the timber economy of my State. More jobs in Oregon are related to the timber industry than any other single industry. And we have Senators who come from oil-producing States, and they look after concerns of the oil producers.

Yes, we are a country made up of a lot of special interests, but I think we ought to look at the word "special interest" or "local interest" in a little different light than the normal one applied by proponents of S. 43 as some sinister group that is aspiring to escape taxes or get personal favors from Federal legislation.

Admittedly, I think it is very obvious that there is that part of our whole legislative role—the consideration of special interests—we must always remember, but let us not be naive to think the President of the United States does not also concern himself with those regional, local interests. I need not recite all of the details of the special piece of legislation which was called the timber relief bill that was passed last year, in an election year. It was very obvious that the chairman of the President's reelection campaign in Oregon was very anxious that the President sign that bill, not only because it represented a very important step to help relieve the many illnesses and vicissitudes that hit the timber industry over the last few years, but he was deeply concerned that the President needed to carry the State of Oregon and the election. That certainly was cranked into the White House. I know that from the standpoint of other States and regional groups, they cranked into the President's reelection committee the importance of the President coming to his or her State, and of his knowing those local problems and having been briefed on those local problems and having the ability to demonstrate interest in the local and regional problems. The same was

true on the Democratic side, with Mr. Mondale and Ms. Ferraro.

So I do not think we need to raise any kind of red herring about something that is part and parcel of our national character and our political institutions.

I want to get back to the point that the Senate of the United States was created primarily to look at those issues from a national perspective and a global perspective.

We were given special responsibilities under the Constitution to confirm the President's appointments in the diplomatic corps, for that corps would represent America in foreign capitals of the world; and the Senate was expected to look upon other matters and issues from a broad perspective and not just representing State by State. That is why the Senate was not elected by the people.

In talking to young students today, I find that they sometimes have slipped over that part of our history and our development in terms of how the Senate is elected today and how it originally was elected. The Senate originally was elected by the State legislatures, not by a vote of the people. It was precisely that election procedure that insulated the Senate from parochial, local interests alone and gave them freedom and liberation to look at the issues from a national perspective. Likewise, a 6-year term was given to a Senator in order to give the Senate more opportunity for a national perspective and to cast their votes in accordance with those national interests.

Do not forget that the Senate did not meet in public for many years of its existence. The Senate met in private. No newspaper people, no media people could quote or cover the Senate. The Senate met in secret. That was one more manner in which the Senate was insulated from the public pressures, the lobbies, and all the other things in order to make a determination, after due deliberation on these issues, from a national perspective.

So, even with the direct election of the U.S. Senate today, with the sunshine legislation, where we do our business in the open today, fully reported, fully recorded, let us not lose sight of the fact that the President of the United States is no more removed from political pressures than is Congress.

So I have come to the conclusion that granting the President line-item veto authority creates even greater opportunity for political mischief. I am going to get some examples and get to some more precise definitions of what I mean by political mischief in a moment.

Proponents of this proposal rely on the fact that the anticipation of an item veto somehow will cause Congress to clean up its act in fear of being publicly spanked and humiliated by a President. I think such commentary is really a denigrating commentary on the quality or performance of the Senate. Sure, we have had chapters in our history of which we cannot be the most proud, but let us take a look at the Senate of today, in the 20th century, and especially this last half of the 20th century.

As to sunshine legislation, I can recall, in the time I have been here, when we used to meet in executive session to consider personnel matters or to mark up bills. No longer is that the case. We can have an executive session, under the decision of the committee, for certain things of personnel, but basically today the business of the Senate is conducted totally in the open. Doors are open for the public to come and listen and observe; for the media to come and listen and report.

Therefore, if there is any act to clean up, then, for those who have called for such, it will not be found in the area of whether we are conducting the business of the people in some kind of secretive way or conspirational way or "quid pro quoing" it. Specifically, when we look at the appropriations process, I see nothing that is more in the open and subject to greater scrutiny during its long, laborious process than the appropriations process.

So-called log-rolling is a part of this political mischief and, I might say, is not a trait that is peculiar to this Congress. Local appropriations will still exist in appropriations bills; but, instead, it will be at the President's acquiescence and advantage, and not Congress' direction.

The mere existence of item veto authority will enable the President to hold a mortgage on each Member of Congress—a mortgage. Members of Congress should not be in the position of casting or withholding their votes on major issues, be it AWACS sales to Saudi Arabia, troops in Lebanon, a Panama Canal treaty, or the confirmation of a controversial nominee just because that vote might affect the enactment of local but urgent priorities.

There is the opportunity for political mischief. We all know the persuasive powers of the President, the Office of the President. It varies from President to President.

During my tenure in the Senate, the current occupant of the White House is probably the most persuasive and the most effective occupant of the White House to urge and to request a Member to subscribe to his viewpoint or to subscribe to his position. And that is good. I in no way want to decry that, but only to make an observation.

Now to those powers of persuasion there would be added the line-item veto to that already great capacity of the President to persuade Members of Congress, as he is doing on this issue right now. And he is playing a legitimate role.

But I think that most Presidents, up to now at least, exercised that persuasive capability or that persuasion through personality, through argumentation of the merits of the case.

Since being in the Senate, I have been lobbied by President Johnson, by President Nixon, by President Ford, by President Carter, and by President Reagan.

I have had personal calls like Members of the Senate get, no different, perhaps not as many as some other Senators, but I have had my number of calls from the President.

There is something about it when the page comes and tells you you have a call and you go into the Cloak Room and the fine staff in the Cloak Room will say, "Senator, the President is calling you." That is sort of a very special thrill. The President of the United States is calling me.

I still get goose bumps when I think of the fact that a son of a blacksmith can stand here on the floor of the U.S. Senate, the son of a schoolteacher. You know, no place in the world except in America can people have this upward mobility that we have in America.

Maybe it sounds funny to some but I still get a thrill out of driving up Constitution Avenue and seeing the Capitol once I get beyond the blockage of the east wing of the art museum, or coming up Pennsylvania Avenue and seeing the Capitol dome.

There is hardly a time when I walk on the floor of this Senate without realizing that this is indeed one of the great privileges that can ever be bestowed upon a human being.

I have a great love, great affection for this institution, for my country, and my Government and system. When the President makes a call to me that is very special and important, too.

The Presidents, I might say, have uniformly wanted to make a point about maybe getting my support, my vote on a certain issue.

But, Mr. President, I have not had one President ever say to me, "Mark, you are interested in the Bonneville lock, and I am interested in selling some AWACS to the Saudi Arabians," or "I am interested in the MX missile," or "I am interested in nerve gas," some other issue. Never once have I had one link an Oregon issue or Northwest regional issue to make it so clear that the President of the United States was in a position to help me if I were in a position to help him. I never had one yet link an item.

Now granted, the line-item veto does not in itself create that linkage. I have not said that it will create mischief. I have said it is an invitation to the political mischief of linkage. And that

linkage is what I identify as political mischief.

The President does not have to say, "Look, I will sign a bill in order to give you a project that is in that bill that is dear and near to your heart, provided you understand that I am expecting your response to an issue that is near and dear to my heart."

The President can also say, "I have already acted and I have not stopped this project that you want; I have already acted," or "I will refrain from acting."

So it is both directly or indirectly in which he can exercise this particular power by linkage.

That power is an invitation for linkage and political mischief, which is log rolling in a very blatant, flagrant manner.

But lest one think that this is just a one-way street, let me emphasize again it is an invitation to political mischief in reverse: not the President trying to twist our arms as individual Members of the Senate, or the House, but rather for Congress to play political mischief against the White House.

You can think of all sorts of things.

During the 1984 campaign one of the hot items was Social Security and all of the attendent programs, particularly Medicare, Medicaid, retirement programs, various COLA's.

It is very easy to conceive of a political environment whereby Members of the opposite party from that which is occupying the White House at any given moment could decide to load a bill up with all kinds of amendments that would have broad, wonderful appeal to their local interest groups, whether they be interest groups relating to the aged, or whether they be interest groups related to any particular economic group or ethnic group or religious group. Congress could pass bills loaded up in an irresponsible political manner, with all kinds of goodies, all kinds of appealing provisions and benefits and say, "Well, we don't have to worry about taking fiscal responsibility for this because the President will have to veto those items. The President under no circumstances could sign such a monstrosity into law that we have created."

I have been around here to see quite a few monstrosities, too, believe me, when we get into those "Christmas tree" activities on an appropriations bill.

So, the one party that was in control of Congress could say "Let's really put that other party's President on the spot. He is coming up for reelection next year and he will not dare to veto these programs," or, "He has to veto them."

So there is the President stuck in that kind of a role of having to salvage the honor of our political institutions, playing the role of the fiscally responsible individual.

You can create all kinds of scenarios here to illustrate that the invitation to political mischief is greatly increased, enhanced by creating the line-item veto.

I think that S. 43 reduces, also, this whole matter of responsible legislating. I have indicated that it could be used to embarrass the President, by forcing him to take the heat on unneeded but publicly popular items to counter irresponsible legislative action.

But I must recall that if Members can argue that the President can just disapprove funding items, how can they resist offering amendments to meet constituent demands even in the most defensible nature? If the dollar totals voted upon are not those contained in one bill to be signed into law, how can Congress be aware of the budgetary consequences of its decisions when acting on an appropriation measure?

Mr. President, this subject was touched on in great and profound way during the Rules Committee hearing that Chairman MATHIAS called on this subject of line-item veto, and I reiterate for the record that the Rules Committee, after holding this comprehensive hearing, voted against this bill and reported it out with a recommendation of "do not pass."

Mr. Allen Shick testified before the Rules Committee, and let me make one quote here from Mr. Shick, who certainly is one of our leading observers and analysts on the political process. He said:

> The item veto has the potential of strengthening the position of the President vis-a-vis Congress. For one thing when Congress and the President disagree as to spending priorities, the President would have a better chance of imposing his preferences. The President could either wield the item veto to remove spending added by Congress or he could threaten to exercise a veto unless Congress provided the funds he wanted.

And I would add editorially for perhaps not the same program or the same issue but for something totally unrelated.

Another excellent authority testified, Mr. Louis Fisher. He said:

> The availability of the item veto would give the White House an additional tool to influence Members of Congress. Whether this tactic would restrain or encourage spending is difficult to say. One can imagine scenarios in either direction. The threat of an item veto could force legislators to scale back the size of a program. On the other hand, White House lobbyists could advise Members of the Congress that certain projects in their district or State are being considered for an item veto. The Member could then be asked how he or she plans to vote on the administration's bill scheduled for the following week. Perhaps a minor project would survive in return for the legislator's willingness to support a costly administrative program.

Let me just digress a moment from this quote to indicate that the MX missile is a very good case in point.

When you look at the billions of dollars that the MX missile would cost this Government as related to the paltry handful of dollars that a Bonneville lock would cost—and I constantly use that because I want to use my own State and my own particular project interests as an example, you see danger. In effect, the President could say:

> Well, in order that I might refrain from my desire to exercise through a line-item veto the Bonneville lock, I need your MX vote.

And, again, we are getting into such scenarios that really are almost impossible because the Bonneville lock would not necessarily be in the language of the bill anyway; it might only be in a report. But, let us say, for the sake of argument, that the Bonneville lock was in the bill itself.

The President could refrain from vetoing that line of the bill in return for the MX missile. Is the threatened exercise of line-item veto authority being used here to reduce the deficit? No; that is a line-item veto exercised to increase the deficit. You cannot argue that the line-item veto in any sustantive way or meaningful way is a weapon to reduce the deficit.

As I said, the line-item veto could not affect the deficit in any significant way by one-hundredth of one-thousandth of 1 percent when you begin to look at the base line upon which the line-item veto can be applied, according to Senate bill 43.

Mr. President, Mr. Fisher continued to say:

> This is speculative, of course, but it is fairly certain that the availability of the item veto would introduce a powerful dynamic to executive-legislative relations. Because of the informal and private communications between the branches, it would be difficult to maintain such accountability for fiscal results. Members would vote with new incentives, subjected to pressures and calculations that did not exist before.

Mr. President, again let me emphasize a point here that if we wanted to get to the question of line-item veto as it relates to the matter of cutting deficits and reducing unneeded expenditures or wastes, let me reemphasize again that the President now has that authority.

The Senator from Washington, in that very brief time that he was on the floor on this subject, asked a question of me that if the President of the United States saw waste in military spending, did I not believe the President would exercise the line-item veto to eliminate the waste in military spending? He asked this because I had indicated that defense certainly, under this administration, primarily would be exempt from any line-item veto because we are giving as much money as

the President wants to military spending. So there is little likelihood that the President is going to line item anything that we appropriate out of a bill in the name of reducing the spending level of the military.

On the question of waste in the military, as there is evidence from time to time in reports, of course, President Reagan or any President that I have ever known would exercise the action necessary to remove the continuation of the waste, whether it is military waste or waste in other programs.

Now the impression or the implication in Senator EVANS' question was that somehow the President cannot eliminate waste without the line-item veto. That is simply not true. The President today can take administrative actions, through the Secretary of Defense, Secretary of the Navy, Secretary of the Army, Secretary of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, and whatever other military organization there is. The President today, through the Office of Management and Budget and through his appointed Secretaries and Commandants, can take administrative action to remove waste. They do not have to wait for a legislative directive to do so. They do not have to wait for some kind of special new authority.

Second, the President can attack the waste problem, if there is evidence of waste in such magnitude, by his power of deferral and rescission of programs in which the waste is rampant or evident. He does not need new authority to do it from that standpoint. He can send up to the Congress a message saying that it would be wasteful to continue a construction project for the military that was begun in good faith, with good evidence, with a good cost-benefit ratio, but circumstances have changed and, therefore, it is not necessary to complete this military construction project.

Well, the President does not have to have a line-item veto to do that. We legislate, by law, the project. We appropriate, by law, the project. But the President can send a deferral or rescission message to the Congress and have that project stopped because it would be wasteful to complete it. He does not have to wait for a line-item veto to remove that kind of waste.

So, consequently, again, when you look at it from any angle, the line item veto is not going to be any major or significant tool to reduce spending. That is already in place. The President follows at our elbow, day in and day out.

I have just come from a conference committee with the House of Representatives on the supplemental appropriation bill. The White House was there at that conference committee in the person of Mike Hudson. They are at every conference committee. They are at every markup session. They are at any kind of appropriation hearing. The President is participating day by day in the appropriations process and has a full and free opportunity to indicate his views, to indicate whether he is going to veto something or not.

I just want to say, therefore, that in the 4½ years that President Reagan has been in office and I have been chairman of the Appropriations Committee, we have had in all of the continuing resolutions, in all the supplemental appropriations, and in all the appropriation bills that have passed during that period of time, we have only had two vetoes, as I recall, and that was a supplemental appropriation bill in 1982 and a continuing resolution in 1981.

We adjusted the continuing resolution in 1981 to meet those objections and we overrode the 1982 supplemental appropriation veto, so the Congress' will did prevail. All of the others were signed by the President into law stating his approval of the level of funding that those bills represented. They were negotiated out bill by bill; many times, program by program and item by item. But they were signed by the President.

I hope that if we stay by the criteria, if we stand by the rules of the game that have been established between the White House, through the Office of Management and Budget, through the Senate budgetary process that has occurred thus far, even though we do not have a budget resolution, that any of the fiscal year 1986 appropriation bills that we send down to the White House and those bills being within the scope of the levels of funding approved by the Senate resolution, that the President will sign all of those bills. I want to tell you, as chairman of the committee, I do not intend to send any bill to the President's desk that would indicate, by any imagination, that he will have to veto it. I am going to send bills down there, as far as I am concerned, that I expect the President to sign into law.

We have disagreements. We will continue to do so. That is the dynamic of the political system we have. But we will work them out as people in good faith. I have no doubt that the President will be delighted to find that we can send some bills down there that will be below the target levels that the Senate has acted upon in the budget resolution. Others may be more difficult to keep below that level. Who knows? We may not be able to do so. We may send down some bills that will be above that target level, but let me remind this body that these bills include basically what the President has asked for. Bear in mind that a single appropriation bill is primarily the request of the President. We make variations. We make different systems of allotments.

But some have implied somehow that the Congress is appropriating for programs and policies not only independent but unrelated to what the President requested. The President initiates the budget. Do not forget that we do not initiate the budget. The President sends up a budget request and we review it. We add, subtract, allocate, and do all the other things in the appropriation process again in a continuing relationship with representatives of the White House. With all of those bills we have passed in 4½ years and to only have two vetoes certainly does not make a case that somehow the Congress is the big spender and the President is the fiscally responsible individual—and that he has to wait at the gate there to protect the country from financial ruin because the appropriations bills that we send down to him are beyond budgetary controls, beyond the levels that he has asked for, and that somehow we are going to bankrupt the Nation unless he saves it. That imagery is false.

In fact, Mr. President, during the time of the Reagan administration, take the total number of dollars that we have appropriated for all programs in the length of the Reagan administration thus far, and if you add all those programs up, the Congress has appropriated fewer dollars than President Reagan has requested.

The President has asked in discretionary appropriations for 1980–85, $2.249 trillion. The Congress has enacted a grant total of $2.237 trillion. So let us dispel that conundrum that the Congress is the big spender and the President is the fiscal restraint to the big-spending Congress.

Well, Mr. President, there are going to be other opportunities to express other arguments. But I just wanted to bring to the attention of the Senate today that the line item veto creates an invitation to political mischief. I do not thing that we can argue with any seriousness that because it is only 2 years in length, whatever political mischief created will be short-lived or will not be created by this man in the White House or maybe by some future President. Because once you establish this authority, it will be very difficult under whatever changing political conditions to deny future Presidents this particular role, and this particular power.

Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER (Mr. HATCH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIRTHDAY OF SENATOR ROBERT DOLE

Mr. BYRD. Mr. President, there comes a special day in the lives of everyone. In youth, it seems that this special day does not occur often enough. But beyond the period of youth, when one becomes an adult and starts to work for a living, it seems that the special day comes all too often. Birthdays will and do come to all.

The period that has transpired since my last birthday has seemed to be brief. Let us say it will be 4 months from now if the Dear Lord lets me live, when I will have another birthday. It does not seem that 8 months have passed, but it seems, really, that only 2 or 3 months have passed since my last birthday. Birthdays now come too often.

Mr. President, a birthday has arrived in the life of a good man, a great Senator, our majority leader.

I said to him not too long ago that I lately perceived some gray hair cropping out where not too long ago it was black—no gray—which indicates that the problems of leadership can turn the hair gray.

The majority leader has very little to offer his colleagues in return for support on issues. As a matter of fact, he becomes not the king of his subjects, but a subject of his followers.

I think the majority leader is doing a good job. I have no compunctions against saying so.

I do not have to worry. It used to be when I was majority leader, if a quorum call lasted more than a few minutes, I would come to the floor asking, what is wrong, why can we not keep moving? Now the quorum calls, as indicated by the bells and the lights, do not make too much difference to me.

I know what our distinguished leader has to carry by way of the burdens here. He may look back one day and wonder why, why did he ask for this job.

Mr. President, the reason he asked for it is his patriotism and the desire to serve. Where the action is, is where he wants to be. He wants to be a part of it. He wants to influence, as best he can, the stream of history as it goes by.

Today is his birthday. I join with those in his family, with his friends on both sides of the aisle, and his friends outside this Capitol in wishing him all the best on this very important day. I am hoping that he will have many, many more birthdays, happy birthdays.

> Count your garden by the flowers, never by the leaves that fall;
> Count your days by the sunny hours, not remembering clouds at all;
> Count your nights by stars, not shadows;
> Count your life by smiles, not tears; and on this beautiful July afternoon, Senator DOLE, count your age by friends, not years.

Mr. DOLE. Mr. President, I certainly thank the distinguished minority leader. I find I am always glad when the birthday is over. Then you have another whole year. The most difficult ones are the ones that end with a zero—20, 30, 40, 50, 60, whatever. Those are the hard ones. The others are sort of rest periods between the zeros.

I appreciate very much the kind words expressed by the distinguished Democratic leader, the distinguished Senator from West Virginia, Senator BYRD.

I have had not only that very fine statement by the minority leader, but the President called today to wish me well. I wished him well, and we had a very good discussion about a number of things, including the budget and the line-item veto.

The Chief of Staff of the White House, Donald Regan, visited my office and gave me a nice present, a peace pipe. We both puffed on that for a few minutes. There was nothing in it, but I appreciate that.

I think my wife, Elizabeth, had the best idea of all. We were privileged this morning to visit Sarah's Circle, which happens to be a group of senior citizens. Instead of their giving me presents, we gave them presents. We spent a couple of hours, had a birthday cake and ice cream, and distributed presents and had a good time. So birthdays are exciting in many, many ways.

I appreciate very much the fact that I will not have another one until a year from now. But, God willing, I will have another one a year from now.

HAPPY BIRTHDAY, SENATOR ROTH AND MRS. ROSE KENNEDY

Mr. DOLE. Mr. President, I indicate to the distinguished minority leader something that we were discussing earlier, that it is also the birthday of our distinguished colleague, the senior Senator from Delaware [Mr. ROTH] and also the birthday of the mother of our distinguished colleague from Massachusetts [Mr. KENNEDY]. It is Rose Kennedy's birthday. I extend to them and all others who share the birthday of July 22 my good wishes, not only to those distinguished persons, but many others whose birthday falls on this same day.

I thank my friend and fellow leader. I remember when I first became majority leader, we had a good discussion. He indicated to me that there was not much to pass out to anyone. I discovered that, but I thought, there must be a lot of good things to go with this job. There are a lot of good things, and I am very pleased to have it. But one is not patronage and there is not much of a way to bring about discipline from time to time. But I like my work, I shall put it that way. I have learned a lot from the distinguished minority leader. By my next birthday, I will have learned a lot more from my colleague from West Virginia.

Mr. BYRD. Mr. President, will my distinguished colleague yield? I ask him to yield at this time.

He has mentioned the birthday of our distinguished colleague, the senior Senator from Delaware [Mr. ROTH]. I join him in wishing Mr. ROTH a happy birthday and many more returns for the day, many more happy birthdays.

The distinguished majority leader has also mentioned the fact that a great woman, this very distinguished woman in American life, Mrs. Rose Kennedy, is today having her birthday—her 95th birthday. The psalmist said:

> The days of our years *are* threescore years and ten; and if by reason of strength *they be* fourscore years, yet *is* their strength labour and sorrow; for it is soon cut off, and we fly away.

The psalmist was speaking of the span of years of man as being age 70. But as he said, if by reason of strength, they be 4 score, they are sorrowful and are soon cut off and will fly away.

Mrs. Kennedy has gone beyond the psalmist's promise of 70 and beyond the psalmist's extended length of life as quoted, 80 years. She is 95 today, 95 years of age.

This woman has lived a remarkable life and more than that, she has been a very remarkable woman. Here is a woman who has seen one of her sons die in the service of his country, in war. She has seen three of her sons become U.S. Senators, one of those three became Attorney General of the United States; one of those three sons became the Chief Magistrate, the Commander in Chief, the President of the United States; and the third son, TED, is continuing in his long service in this body.

Senator TED KENNEDY has been truly a very fine, good Senator. He gives careful attention to his committee work and to his work on the floor. I often marvel at the resources he has at his command as he speaks on this floor.

I admire the way he has command of the subject matter in a given situation. He has obviously put a lot of time and effort into whatever amendment or whatever bill he may be promoting or opposing on this floor.

Here is a lady, Mrs. Rose Kennedy, who has possessed great strengths; otherwise, she could not have borne the terrible tragedies that have come into her life, she has seen two of her sons die at the hands of assassins. She has seen much trouble. So I would like to join with the majority leader and

with the Nation in expressing pride in the contributions that Mrs. Rose Kennedy has made, the gifts that she has given to this country.

She reminds me of Cornelia, the mother of the Gracchi. Cornelia had 12 sons and daugthers. She lost all of her children except two, two sons.

One day, a visitor came by to chat with the great Roman woman and the visitor displayed a considerable amount of jewelry. Then she rather haughtily turned to Cornelia and asked Cornelia if she had any jewels.

Cornelia turned to her two remaining sons and, with great pride, said, "These are my jewels."

So, Mrs. Kennedy can be very, very proud of her children and proud that they, too, have been her jewels. For her birthday, I say—

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear,
So may the years that come to you,
Such wealth and good contain
That every moment, hour, and day
Be like a golden chain.

NURSE EDUCATION AMENDMENTS OF 1985

Mr. DOLE. Mr. President, I ask unanimous consent the Senate now turn to Calendar No. 225, S. 1284, nurse education.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1284) to amend title VIII of the Public Health Service Act, relating to nurse education.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with amendments, as follows:

S. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nurse Education Amendments of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SPECIAL PROJECTS

SEC. 3. (a) Section 820(a) is amended—

(1) by striking out "or" after the semicolon in paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (5) the following:

"(6) demonstrate clinical nurse education programs which combine educational curricula and clinical practice in health care delivery organizations, including acute care facilities, long-term care facilities, and ambulatory care facilities;

"(7) demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities; or

"(8) demonstrate methods to encourage nursing graduates to practice in health manpower shortage areas (designated under section 332) in order to improve the specialty and geographical distribution of nurses in the United States.".

(b) Section 820(d) is amended—

(1) by striking out the first sentence and inserting in lieu thereof: "(1) For payments under grants and contracts under paragraphs (1) through (5) of subsection (a), there are authorized to be appropriated $9,500,000 for the fiscal year ending September 30, 1986, $9,500,000 for the fiscal year ending September 30, 1987, and $9,500,000 for the fiscal year ending September 30, 1988.";

(2) by striking out "this subsection" in the second sentence and inserting in lieu thereof "this paragraph";

(3) by striking out "1981," in such sentence and inserting in lieu thereof "1985,"; and

(4) by adding at the end thereof the following new paragraph:

"(2) For payments under grants and contracts under paragraphs (6), (7), and (8) of subsection (a), there are authorized to be appropriated $2,700,000 for the fiscal year ending September 30, 1986, $2,700,000 for the fiscal year ending September 30, 1987, and $2,700,000 for the fiscal year ending September 30, 1988. In making grants and entering into contracts with amounts appropriated under this paragraph, the Secretary shall give priority to applications for grants and contracts under paragraph (7) of subsection (a).".

ADVANCED NURSE EDUCATION

SEC. 4. Section 821 is amended to read as follows:

"ADVANCED NURSE EDUCATION

"SEC. 821. (a) The Secretary may make grants to and enter into contracts with public and private nonprofit collegiate schools of nursing to meet the costs of projects to—

"(1) plan, develop, and operate,

"(2) expand, or

"(3) maintain,

programs which lead to masters' and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, or researchers or to serve in clinical nurse specialties determined by the Secretary to require advanced education.

"(b) For payments under grants and contracts under this section, there are authorized to be appropriated $16,500,000 for the fiscal year ending September 30, 1986, $17,000,000 for the fiscal year ending September 30, 1987, and $17,500,000 for the fiscal year ending September 30, 1988.".

NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS

SEC. 5. (a)(1) Paragraph (1) of section 822(a) is amended to read as follows:

"(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing and public health, public or nonprofit private schools of medicine which received grants or contracts under this subsection prior to October 1, 1985, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) expand, or

"(C) maintain,

programs for the education of nurse practitioners and nurse midwives. The Secretary shall give special consideration to applications for grants or contracts for programs for the education of nurse practitioners and nurse midwives who will practice in health manpower shortage areas (designated under section 332) and for the education of nurse practitioners which emphasize education respecting the special problems of geriatric patients and education to meet the particular needs of nursing home patients and patients who are confined to their homes.".

(2) Paragraph (2) of such section is amended—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) For purposes of this section, the term 'programs for the education of nurse practitioners and nurse midwives' means educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities (where appropriate), and other health care institutions.";

(B) by striking out "training" in the first sentence of subparagraph (B) and inserting in lieu thereof "education"; and

(C) by inserting "and nurse midwives" before the period in the first sentence of subparagraph (B).

(b) Section 822(b) is amended—

(1) by striking out "nursing, medicine, and public health," in paragraph (1) and inserting in lieu thereof "nursing and public health, schools of medicine which received grants or contracts under this subsection prior to October 1, 1985,";

(2) by inserting "and nurse midwives" before the period in the first sentence of paragraph (1);

(3) by inserting "or nurse midwife" after "practitioner" in paragraph (3); and

(4) by inserting "or in a public health care facility" before "for a period" in paragraph (3).

(c) Section 822(c) is amended—

(1) by striking out "training" and inserting in lieu thereof "education"; and

(2) by inserting "and nurse midwives" after "nurse practitioners".

(d) Section 822 is further amended by striking out subsection (d) and by redesignating subsection (e) as subsection (d).

(e) Section 822(d) (as redesignated by subsection (d) of this section) is amended to read as follows:

"(d) For payments under grants and contracts under this section, there are authorized to be appropriated $12,000,000 for the fiscal year ending September 30, 1986, $12,000,000 for the fiscal year ending September 30, 1987, and $12,000,000 for the fiscal year ending September 30, 1988.".

(f) The heading for section 822 is amended to read as follows:

"NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS".

TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES

SEC. 6. (a) Paragraph (1) of section 830(a) is amended to read as follows:

"(1)(A) The Secretary may make grants to public or nonprofit private schools of nursing and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to cover the cost of traineeships for nurses in masters' degree and doctoral degree programs in order to educate such nurses to—

"(i) serve in and prepare for practice as nurse practitioners,

"(ii) serve in and prepare for practice as nurse administrators, nurse educators, and nurse researchers, or

"(iii) serve in and prepare for practice in other professional nursing specialties determined by the Secretary to require advanced education.

"(B) The Secretary may make grants to public and private nonprofit schools of nursing and appropriate public and private nonprofit entities to cover the cost of traineeships to educate nurses to serve in and prepare for practice as nurse midwives.".

(b) Section 830 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking out the first sentence of such subsection and inserting in lieu thereof the following:

"(1) There are authorized to be appropriated for the purposes of subsection (a) $11,500,000 for the fiscal year ending September 30, 1986, $12,250,000 for the fiscal year ending September 30, 1987, and $13,000,000 for the fiscal year ending September 30, 1988.";

(3) by striking out the second sentence of such subsection;

(4) by striking out "subsection (a)(1)(C)" in the third sentence and inserting in lieu thereof "subsection (a)(1)(A)(i)";

(5) by adding at the end of such subsection the following new paragraph:

"(2) There are authorized to be appropriated for the purposes of subsection (b) $1,100,000 for the fiscal year ending September 30, 1986, $1,100,000 for the fiscal year ending September 30, 1987, and $1,100,000 for the fiscal year ending September 30, 1988.";

(5) by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit schools of nursing to cover the costs of post-baccalaureate fellowships for faculty in such schools to enable such faculty to—

"(1) investigate cost-effective alternatives to traditional health care modalities, with special attention to the needs of at-risk populations, such as the elderly, premature infants, physically and mentally disabled individuals, and ethnic and minority groups;

"(2) examine nursing interventions that result in positive outcomes in health status, with attention to interventions which address family violence, drug and alcohol abuse, the health of women, adolescent care, and disease prevention; and

"(3) address other areas of nursing practice considered by the Secretary to require additional study."; and

(6) by striking out "TRAINING" in the section heading and inserting in lieu thereof "EDUCATION".

NURSE ANESTHETISTS

SEC. 7. (a) Section 831(a)(1) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(b) Section 831 is further amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit institutions to cover the cost of projects to improve existing programs for the education of nurse anesthetists which are accredited by an entity or entities designated by the Secretary of Education. Such grants shall include grants to such institutions for the purpose of providing financial assistance and support to certified registered nurse anesthetists who are faculty members of accredited programs to enable such nurse anesthetists to obtain advanced education relevant to their teaching functions.".

(c) Section 831(c) (as redesignated by subsection (b) of this section) is amended to read as follows:

"(c) For the purpose of making grants under this section, there are authorized to be appropriated $800,000 for the fiscal year ending September 30, 1986, $800,000 for the fiscal year ending September 30, 1987, and $800,000 for the fiscal year ending September 30, 1988. Not more than 20 percent of the amount appropriated under this section for any fiscal year shall be obligated for grants under the second sentence of subsection (b).".

(d) The section heading for such section is amended by striking out "TRAINEESHIPS FOR TRAINING OF".

STUDENT LOANS

SEC. 8. (a) Section 835 is amended by adding at the end thereof the following new subsection:

"(c)(1) Any standard established by the Secretary by regulation for the collection by schools of nursing of loans made pursuant to loan agreements under this subpart shall provide that the failure of any such school to collect such loans shall be measured in accordance with this subsection.

"(2) The measurement of a school's failure to collect loans made under this subpart shall be the ratio (stated as a percentage) that the defaulted principal amount outstanding of such school bears to the matured loans of such school.

"(3) For purposes of this subsection—

"(A) the term 'default' means the failure of a borrower of a loan made under this subpart to—

"(i) make an installment payment when due; or

"(ii) comply with any other term of the promissory note for such loan,

except that a loan made under this subpart shall not be considered to be in default if the loan is discharged in bankruptcy or if the school reasonably concludes from written contacts with the borrower that the borrower intends to repay the loan;

"(B) the term 'defaulted principal amount outstanding' means the total amount borrowed from the loan fund of a school that has reached the repayment stage (minus any principal amount repaid or cancelled) on loans—

"(i) repayable monthly and in default for at least 120 days; and

"(ii) repayable less frequently than monthly and in default for at least 180 days;

"(C) the term 'grace period' means the period of one year beginning on—

"(i) the date on which the borrower ceases to pursue a full-time or half-time course of study at a school of nursing; or

"(ii) the date on which ends any period described in clause (A) or (B) of section 836(b)(2) which is applicable to such borrower,

whichever is later; and

"(D) the term 'matured loans' means the total principal amount of all loans made by a school of nursing under this subpart minus the total principal amount of loans made by such school to students who are—

"(i) enrolled in a full-time or half-time course of study at such school; or

"(ii) in their first grace period.".

[SEC. 8. (a)] *(b)* Section 836(b)(1) is amended—

(1) by striking out "and" before "(B)"; and

(2) by inserting before the period a comma and "and (C) if a student who will enroll in the school after June 30, 1986, is of exceptional financial need (as defined by regulations of the Secretary)".

[(b)] *(c)* Section 836(f) is amended—

(1) by inserting "and in accordance with this section" after "Secretary" in the first sentence;

(2) by striking out "may" in such sentence and inserting in lieu thereof "shall"; and

(3) by striking out the second sentence and inserting in lieu thereof the following: "No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment.".

[(c)] *(d)* Section 836 is amended by adding at the end thereof the following new subsection:

"(k) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school of nursing with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.".

[(d)] *(e)* Section 838 is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a)(1) The Secretary shall from time to time set dates by which schools of nursing must file applications for Federal capital contributions.

"(2)(A) If the total of the amounts requested for any fiscal year in such applications exceeds the total amount appropriated under section 837 for that fiscal year, the allotment from such total amount to the loan fund of each school of nursing shall be reduced to whichever of the following is the smaller:

"(i) The amount requested in its application.

"(ii) An amount which bears the same ratio to the total amount appropriated as the number of students estimated by the Secretary to be enrolled on a full-time basis in such school during such fiscal year bears to the estimated total number of students enrolled in all such schools on a full-time basis during such year.

"(B) Amounts remaining after allotment under subparagraph (A) shall be reallotted in accordance with clause (ii) of such subparagraph among schools whose applications requested more than the amounts so allotted to their loan funds, but with such

adjustments as may be necessary to prevent the total allotted to any such school's loan fund under this paragraph and paragraph (3) from exceeding the total so requested by it.

"(3) Funds which, pursuant to section 839(c) or pursuant to a loan agreement under section 835, are returned to the Secretary in any fiscal year, shall be available for allotment in such fiscal year and in the fiscal year succeeding the fiscal year. Funds described in the preceding sentence shall be allotted among schools of nursing in such manner as the Secretary determines will best carry out this subpart, except that in making such allotments, the Secretary shall give priority to schools of nursing which established student loan funds under this subpart after September 30, 1975.

"(b) Allotments to a loan fund of a school shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.".

[e] *(f)* Section 839 is amended—

(1) by striking out "1987," each place it appears in subsections (a) and (b) and inserting in lieu thereof "1991,"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) Within 90 days after the termination of any agreement with a school under section 835 or the termination in any other manner of a school's participation in the loan program under this subpart, such school shall pay to the Secretary from the balance of the loan fund of such school established under section 835, an amount which bears the same ratio to the balance in such fund on the date of such termination as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to section 835(b)(2)(A) bears to the total amount in such fund on such date derived from such Federal capital contributions and from funds deposited in the fund pursuant to section 835(b)(2)(B). The remainder of such balance shall be paid to the school.

"(2) A school to which paragraph (1) applies shall pay to the Secretary after the date on which payment is made under such paragraph and not less than quarterly, the same proportionate share of amounts received by the school after the date of termination referred to in paragraph (1) in payment of principal or interest on loans made from the loan fund as was determined for the Secretary under such paragraph.".

[f] *(g)* Subpart II of part B of title VIII is amended by adding at the end thereof the following new section:

"PROCEDURES FOR APPEAL OF TERMINATIONS

"SEC. 842. In any case in which the Secretary intends to terminate an agreement with a school of nursing under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

[g] *(h)* Section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "ADMINISTERED BY THE DEPARTMENT OF EDUCATION" before the period in the paragraph heading of paragraph (4); and

(2) by adding at the end thereof the following new paragraph:

"(5) INDIVIDUALS WHO HAVE DEFAULTED ON STUDENT LOANS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

"(A) IN GENERAL.—Upon written request by the Secretary of Health and Human Services, the Secretary may disclose the mailing address of any taxpayer who has defaulted on a loan made under part C of title VII of the Public Health Service Act or under subpart II of part B of title VIII of such Act, for use only by officers, employees, or agents of the Department of Health and Human Services for purposes of locating such taxpayer for purposes of collecting such loan.

"(B) DISCLOSURE TO SCHOOLS AND ELIGIBLE LENDERS.—Any mailing address disclosed under subparagraph (A) may be disclosed by the Secretary of Health and Human Services to—

"(i) any school with which the Secretary of Health and Human Services has an agreement under subpart II of part C of title VII of the Public Health Service Act or subpart II of part B of title VIII of such Act, or

"(ii) any eligible lender (within the meaning of section 737(4) of such Act) participating under subpart I of part C of title VII of such Act,

for use only by officers, employees, or agents of such school or eligible lender whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such subparts for the purposes of collecting such loans.".

REPEALS

SEC. 9. (a)(1) Sections 801, 802, 803, 805, 810, 811, 815, and 841 are repealed.

(2) Subpart III of part B of title VIII is repealed.

(b)(1) Part A of title VIII is amended by striking out the headings for subparts I, II, III, and IV.

(2) The heading for part A of the title VIII is amended to read as follows:

"PART A—SPECIAL PROJECTS".

(3) The heading for title VIII is amended to read as follows:

"TITLE VIII—NURSE EDUCATION".

(c)(1) Section 804 is redesignated as section 858 and is amended to read as follows:

"RECOVERY FOR CONSTRUCTION ASSISTANCE

"SEC. 858. (a) If at any time within twenty years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

"(1) the owner of the facility ceases to be a public or nonprofit school,

"(2) the facility ceases to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use not later than 10 days after the date on which such cessation or change of use occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during such period.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(1) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

(2) In the case of any facility that was or is constructed on or before the date of enactment of this Act or within 180 days after the date of enactment of this Act, the period described in subsection (c)(2)(B)(i) of section 858 of the Public Health Service Act (as amended by paragraph (1) of this subsection) shall begin no earlier than 181 days after the date of enactment of this Act.

(3) The amendments made by paragraph (1) of this subsection shall not adversely affect other legal rights of the United States.

(d) Section 851(b) is amended by striking out ", and in the review of applications for construction projects under subpart I of part A, of applications under section 805, and of applications under subpart III of part A".

(e) Section 853(1) is amended by striking out "the Canal Zone," and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands,".

(f) Section 853(6) is amended to read as follows:

"(6) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education, except that a school

of nursing seeking an agreement under subpart II of part B for the establishment of a student loan fund, which is not, at the time of the application under such subpart, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of such subpart if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the agreement with such school is made under such subpart; except that the provisions of this clause shall not apply for purposes of section 838. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.".

EFFECTIVE DATE

SEC. 10. (a) Except as provided in subsection (b), this Act and the amendments and repeals made by this Act shall take effect on October 1, 1985.

(b)*(1)* The provisions of section 9(c) of this Act and the amendment made by paragraph (1) of such section shall take effect on the date of enactment of this Act.

(2) The amendment made by section 8(a) of this Act shall take effect June 30, 1984.

The amendments were agreed to.

AMENDMENT NO. 536

(Purpose: To amend the Federal Cigarette Labeling and Advertising Act to make technical changes and for other purposes.)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Mr. EAGLETON and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. EAGLETON, proposes an amendment numbered 536.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

ROTATION OF LABEL STATEMENTS

SEC. ——. LABEL ROTATION.—Section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)) is amended—

(1) by striking out "The label" in the first sentence and inserting in lieu thereof "(1) Except as provided in paragraph (2), the label"; and

(2) by inserting at the end the following:

"(2)(A) A manufacturer or importer of cigarettes may apply to the Federal Trade Commission to have the label rotation described in subparagraph (C) apply with respect to a brand of cigarettes manufactured or imported by such manufacturer or importer if——

"(i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all the cigarettes sold in the United States in such year, and

"(ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which meet the requirements of clause (i).

If an application is approved by the Commission, the label rotation described in subparagraph (C) shall apply with respect to the applicant during the one-year period beginning on the date of the application approval.

"(B) An applicant under subparagraph (A) shall include in its application a plan under which the label statements specified in paragraph (1) of subsection (a) will be rotated by the applicant manufacturer or importer in accordance with the label rotation described in subparagraph (C).

"(C) Under the label rotation which a manufacturer or importer with an approved application may put into effect each of the labels specified in paragraph (1) of subsection (a) shall appear on the packages of each brand style of cigarettes with respect to which the application was approved an equal number of times within the twelve-month period beginning on the date of the approval by the Commission of the application.".

(b) DEFINITION.—Section 3 of such Act (15 U.S.C. 1332) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following:

"(8) The term 'brand style' means a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration of the cigarette, or packaging.".

(c) EFFECTIVE DATE.—

(1) The amendments made by subsection (a) shall take effect October 12, 1985, except that—

(A) on and after the date of the enactment of this Act a manufacturer or importer of cigarettes may apply to the Federal Trade Commission to have the label rotation specified in section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended by subsection (a), apply to its brand styles of cigarettes and the Commission may take action on such an application, and

(B) a manufacturer or importer of cigarettes may elect to have the amendments apply at an earlier date or dates selected by the manufacturer or importer.

(2) The Federal Trade Commission may, upon application of a manufacturer or importer of cigarettes with an approved application under section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended by subsection (a), extend the effective date specified in paragraph (1) to January 11, 1986. The Commission may approve an application for such an extension only if the Commission determines that the effective date specified in such paragraph (1) would cause unreasonable economic hardship to the applicant. Section 4 of the Federal Cigarette Labeling and Advertising Act, as in effect before October 12, 1985, shall apply with respect to a manufacturer or importer with an application approved under this paragraph.

TECHNICAL AMENDMENT

SEC. ——. Section 8 of such Act (15 U.S.C. 1336) is amended by striking out "4(b)" and inserting in lieu thereof "4".

REPORT DATE

SEC. ——. Section 3(c) of the Comprehensive Smoking Education Act (15 U.S.C. 1341(c)) is amended by striking out "1985" and inserting in lieu thereof "1986".

Mr. EAGLETON. Mr. President, I offer an amendment to the Federal Cigarette Labeling and Advertising Act which I will outline very briefly.

First, the amendment would permit a very limited number of low volume cigarette manufacturers—that is, those manufacturers which have a market share of less than one-quarter of 1 percent, providing that more than half the production of the manufacturer or importer of such brand styles is attributable to such low volume brand styles—to apply to the Federal Trade Commission to have so-called simultaneous rotation of the health warnings required under the statute.

As my colleagues all know, the Cigarette Labeling and Advertising Act provides that as of October 12, 1985, manufacturers and importers of cigarettes "shall rotate * * * four warning labels quarterly in alternating sequence on packages of each brand of cigarettes * * * in accordance with a plan * * * approved by the Federal Trade Commission." The purpose of this requirement is to disseminate more information regarding the possible consequences of smoking.

At the time this legislation was considered by the Senate Committee on Labor and Human Resources, of which I was then a member, I offered an amendment which carried in the committee which would have required so-called simultaneous rotation, that is one warning label with all four warning statements contained therein. I offered this amendment in 1983 because I believed that one specific hard-hitting label rather than a rotating system would be as effective as the rotational labeling system which was finally adopted by Congress. In addition, I recognized the economic impact that the rotational system would have on manufacturers.

It is this economic concern which brings me to the amendment I am offering today.

As I stated initially, the change in the law which I seek to make involves a very small number of cigarette manufacturers and importers. As the Director of the Bureau of Consumer Protection of the Federal Trade Commission described the problem in testifying before the House Subcommittee on Health and the Environment:

There are approximately fifteen * * * small cigarette manufacturing or importing companies in the United States. We are aware that, due to the small number of cigarettes manufactured or imported by these companies, the unpredictability of demand, and the difficulty of inventory control, a requirement that warning statements be rotated quarterly poses special problems for them. Indeed, several of these companies have indicated that compliance with such a requirement would be prohibitively expensive, and might well cause them to cease importing or manufacturing cigarettes.

The Federal Trade Commission felt that it could not adopt a simultaneous rotation plan for these small manufacturers because the statute did not allow them any such discretion.

My amendment would make it clear that the Federal Trade Commission could approve an application for simultaneous rotation if requested by one of these manufacturers or importers.

Second, the amendment I am offering corrects a clerical error in a section reference in section 8 of the act and extends for 1 year the deadline for a report to be prepared by the Department of Health and Human Services.

I urge adoption of the amendment.

Mr. HATCH. Mr. President, the technical amendment to the Federal Cigarette Labeling and Advertising Act offered by the Senator from Missouri permits manfacturers of small volume brand styles to simultaneously rotate warning labels on packages of such brand styles. Its purpose is to alleviate the unintended and disproportionate burden which the current quarterly rotation requirement imposes on manufacturers of small volume brand styles. The amendment has the support not only of such manufacturers, but also of the Federal Trade Commission. The Coalition of Smoking or Health is not opposed to it.

Under the Federal Cigarette Labeling and Advertising Act, all manufacturers and importers of cigarettes must rotate warning labels every calendar quarter, starting in October. While such quarterly rotation is feasible for large manufacturers who produce a relatively limited number of brand styles in high volume, quarterly rotation creates a significant and disproportionate burden on small-volume manufacturers. In some cases, such burdens threaten the existence of small-volume manufacturers. The Director of the Bureau of Consumer Protection of the Federal Trade Commission described the problem for the small-volume manufacturers in testimony before the House as follows:

> There are approximately fifteen • • • small cigarette manufacturing or importing companies in the United States. We are aware that, due to the small number of cigarettes manufactured or imported by these companies, the unpredictability of demand, and the difficulty of inventory control, a requirement that warning statements be rotated quarterly poses special problems for them. Indeed, several of these companies have indicated that compliance with such a requirement would be prohibitively expensive, and might well cause them to cease importing or manufacturing cigarettes.

Although the FTC favors a simultaneous rotation for small volume brand styles, and although the FTC now has jurisdiction to approve rotational plans submitted by cigarette manufacturers, the FTC does not believe that it now has congressional authority to permit simultaneous rotation for smaller companies. Accordingly, the FTC has endorsed the proposed amendment.

The proposed amendment is narrowly drafted to solve the problem of the small brand style manufacturers. A brand style can qualify for simultaneous rotation only if it has a market share of less than one-quarter of 1 percent and only if more than one-half of the cigarettes manufactured or imported by the manufacturer or importer are packaged in brand styles having market shares of less than one-quarter of 1 percent. Under the amendment, manufacturers of small volume brand styles are given until January 11 to commence rotational warnings. The amendment also makes other technical corrections in the Cigarette Labeling and Advertising Act. The due date for the report of the Secretary under section 3(c) is extended for 1 year and a typographical error in a section reference in section 8 of the act is corrected.

The proposed amendment is consistent with the purpose of the Federal Cigarette Labeling and advertising Act which is to increase the public's awareness of the consequences of cigarette smoking. Indeed, as both the FTC and the Coalition on Smoking or Health recognize, simultaneous rotation for small volume brand styles is the only way to ensure that such small volume brand styles will in fact carry all of the four required warnings. As the FTC's Director of the Bureau of Consumer Protection has stated:

> Numerous small volume brands . . . are manufactured during only one or two quarters of the year. Under a quarterly rotation scheme, these brands might never display the warnings for the quarters during which they are not manufactured . . . . Only simultaneous display can assure that smokers of small volume brands will be exposed to all four warning statements on packages.

In sum, the proposed amendment prevents an unfair burden from being imposed on small-volume manufacturers and at the same time is perfectly consistent with the purposes of the Federal Cigarette Labeling and Advertising Act. Because quarterly rotation must start on October 12 and because small-volume manufacturers need a significant lead time to produce new labeling cylinders, this amendment is of an emergency nature.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment [No. 536] was agreed to.

Mr. HATCH. Mr. President, I urge my colleagues to join with me in approving S. 1284, the Nurse Education Amendments of 1985. A complete legislative history, analysis of the bill, and committee views is available in Senate Report No. 99-106. This legislation provides ongoing support for nursing education, but with a focus on post-graduate training. Similar legislation was passed unanimously by the Congress last year but vetoed by the President as part of a package of five Public Health Service Act bills. However, I believe this particular legislation merits approval on its own. The Government must not withdraw from its support of nursing education at this time, and in particular it must continue to assist nursing professionals to advance in their careers. At the request of the administration, the student loan provisions were amended to ensure that Federal support is given only to students with documented financial need, and provisions were included to improve the management and collection of all student loans.

Mr. President, I urge my colleagues to expeditiously approve this bill. It is appropriate for the times and necessary if we are to maintain the excellence of our Nation's nursing profession.

Mr. KENNEDY. Mr. President, I rise in support of title VIII of the Public Health Services Act, the Nurse Education Amendments of 1985. I have long been a supporter of Federal encouragement of educational activities designed to meet our most critical national nursing needs. The administration has proposed eliminating this funding, but the fact that Senator HATCH and I have cosponsored this bill shows there is bipartisan recognition of the continued importance of these programs.

Every study of nurse manpower needs has identified critical deficits in nursing resources. Key areas of need include nurse specialists trained in care of the elderly, nurses educated at the master's level for other areas of specialty practice, and nurses with doctoral level training for vital patient care research.

This legislation provides funds only for advanced nursing practice, the area of greatest unmet need. Funds will be used for development and improvements in curricula, for research fellowships, and for traineeships for geriatric nurse practitioners and nurse midwives.

Rapid developments in medical knowledge and advanced technology have generated to growing need for more sophisticated and specialized nursing care. The aging of our population and the resulting chronic care needs have also placed new demands on the nursing profession—and the national health delivery system of which they are an important part. The programs supported by this legislation prepare nurses for advanced practice in the areas of highest need.

Unlike many other health professions, nurses cannot look forward to future earnings which would make expensive graduate education practical for most practitioners. Without fund-

ing assistance, many nurses will be financially unable to commit themselves to training for practice that our citizens desperately need.

I ask my colleagues to join me in supporting this important investment in our Nation's health.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 232, H.R. 2370, the House companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2370) to amend the Public Health Service Act to extend the programs of assistance for nurse education.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I move to strike all after the enacting clause and insert the text of S. 1284, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2370), as amended, was read the third time and passed, as follows:

H.R. 2370

That this Act may be cited as the "Nurse Education Amendments of 1985".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SPECIAL PROJECTS

SEC. 3. (a) Section 820(a) is amended—

(1) by striking out "or" after the semicolon in paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (5) the following:

"(6) demonstrate clinical nurse education programs which combine educational curricula and clinical practice in health care delivery organizations, including acute care facilities, long-term care facilities, and ambulatory care facilities;

"(7) demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities; or

"(8) demonstrate methods to encourage nursing graduates to practice in health manpower shortage areas (designated under section 332) in order to improve the specialty and geographical distribution of nurses in the United States.".

(b) Section 820(d) is amended—

(1) by striking out the first sentence and inserting in lieu thereof: "(1) For payments under grants and contracts under paragraphs (1) through (5) of subsection (a), there are authorized to be appropriated $9,500,000 for the fiscal year ending September 30, 1986, $9,500,000 for the fiscal year ending September 30, 1987, and $9,500,000 for the fiscal year ending September 30, 1988.";

(2) by striking out "this subsection" in the second sentence and inserting in lieu thereof "this paragraph";

(3) by striking out "1981," in such sentence and inserting in lieu thereof "1985,"; and

(4) by adding at the end thereof the following new paragraph:

"(2) For payments under grants and contracts under paragraphs (6), (7), and (8) of subsection (a), there are authorized to be appropriated $2,700,000 for the fiscal year ending September 30, 1986, $2,700,000 for the fiscal year ending September 30, 1987, and $2,700,000 for the fiscal year ending September 30, 1988. In making grants and entering into contracts with amounts appropriated under this paragraph, the Secretary shall give priority to applications for grants and contracts under paragraph (7) of subsection (a).".

ADVANCED NURSE EDUCATION

SEC. 4. Section 821 is amended to read as follows:

"ADVANCED NURSE EDUCATION

"SEC. 821. (a) The Secretary may make grants to and enter into contracts with public and private nonprofit collegiate schools of nursing to meet the costs of projects to—

"(1) plan, develop, and operate,

"(2) expand, or

"(3) maintain,

programs which lead to masters' and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, or researchers or to serve in clinical nurse specialties determined by the Secretary to require advanced education.

"(b) For payments under grants and contracts under this section, there are authorized to be appropriated $16,500,000 for the fiscal year ending September 30, 1986, $17,000,000 for the fiscal year ending September 30, 1987, and $17,500,000 for the fiscal year ending September 30, 1988.".

NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS

SEC. 5. (a)(1) Paragraph (1) of section 822(a) is amended to read as follows:

"(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing and public health, public or nonprofit private schools of medicine which received grants or contracts under this subsection prior to October 1, 1985, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) expand, or

"(C) maintain,

programs for the education of nurse practitioners and nurse midwives. The Secretary shall give special consideration to applications for grants or contracts for programs for the education of nurse practitioners and nurse midwives who will practice in health manpower shortage areas (designated under section 332) and for the education of nurse practitioners which emphasize education respecting the special problems of geriatric patients and education to meet the particular needs of nursing home patients and patients who are confined to their homes.".

(2) Paragraph (2) of such section is amended—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) For purposes of this section, the term 'programs for the education of nurse practitioners and nurse midwives' means educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities (where appropriate), and other health care institutions.";

(B) by striking out "training" in the first sentence of subparagraph (B) and inserting in lieu thereof "education"; and

(C) by inserting "and nurse midwives" before the period in the first sentence of subparagraph (B).

(b) Section 822(b) is amended—

(1) by striking out "nursing, medicine, and public health," in paragraph (1) and inserting in lieu thereof "nursing and public health, schools of medicine which received grants or contracts under this subsection prior to October 1, 1985,";

(2) by inserting "and nurse midwives" before the period in the first sentence of paragraph (1);

(3) by inserting "or nurse midwife" after "practitioner" in paragraph (3); and

(4) by inserting "or in a public health care facility" before "for a period" in paragraph (3).

(c) Section 822(c) is amended—

(1) by striking out "training" and inserting in lieu thereof "education"; and

(2) by inserting "and nurse midwives" after "nurse practitioners".

(d) Section 822 is further amended by striking out subsection (d) and by redesignating subsection (e) as subsection (d).

(e) Section 822(d) (as redesignated by subsection (d) of this section) is amended to read as follows:

"(d) For payments under grants and contracts under this section, there are authorized to be appropriated $12,000,000 for the fiscal year ending September 30, 1986, $12,000,000 for the fiscal year ending September 30, 1987, and $12,000,000 for the fiscal year ending September 30, 1988.".

(f) The heading for section 822 is amended to read as follows:

"NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS".

TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES

SEC. 6. (a) Paragraph (1) of section 830(a) is amended to read as follows:

"(1)(A) The Secretary may make grants to public or nonprofit private schools of nursing and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to cover the cost of traineeships for nurses in masters' degree

and doctoral degree programs in order to educate such nurses to—

"(i) serve in and prepare for practice as nurse practitioners,

"(ii) serve in and prepare for practice as nurse administrators, nurse educators, and nurse researchers, or

"(iii) serve in and prepare for practice in other professional nursing specialties determined by the Secretary to require advanced education.

"(B) The Secretary may make grants to public and private nonprofit schools of nursing and appropriate public and private nonprofit entities to cover the cost of traineeships to educate nurses to serve in and prepare for practice as nurse midwives.".

(b) Section 830 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking out the first sentence of such subsection and inserting in lieu thereof the following:

"(1) There are authorized to be appropriated for the purposes of subsection (a) $11,500,000 for the fiscal year ending September 30, 1986, $12,250,000 for the fiscal year ending September 30, 1987, and $13,000,000 for the fiscal year ending September 30, 1988.";

(3) by striking out the second sentence of such subsection;

(4) by striking out "subsection (a)(1)(C)" in the third sentence and inserting in lieu thereof "subsection (a)(1)(A)(i)";

(5) by adding at the end of such subsection the following new paragraph:

"(2) There are authorized to be appropriated for the purposes of subsection (b) $1,100,000 for the fiscal year ending September 30, 1986, $1,100,000 for the fiscal year ending September 30, 1987, and $1,100,000 for the fiscal year ending September 30, 1988.";

(5) by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit schools of nursing to cover the costs of post-baccalaureate fellowships for faculty in such schools to enable such faculty to—

"(1) investigate cost-effective alternatives to traditional health care modalities, with special attention to the needs of at-risk populations, such as the elderly, premature infants, physically and mentally disabled individuals, and ethnic and minority groups;

"(2) examine nursing interventions that result in positive outcomes in health status, with attention to interventions which address family violence, drug and alcohol abuse, the health of women, adolescent care, and disease prevention; and

"(3) address other areas of nursing practice considered by the Secretary to require additional study."; and

(6) by striking out "TRAINING" in the section heading and inserting in lieu thereof "EDUCATION".

NURSE ANESTHETISTS

SEC. 7. (a) Section 831(a)(1) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(b) Section 831 is further amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit institutions to cover the cost of projects to improve existing programs for the education of nurse anesthetists which are accredited by an entity or entities designated by the Secretary of Education. Such grants shall include grants to such institutions for the purpose of providing financial assistance and support to certified registered nurse anesthetists who are faculty members of accredited programs to enable such nurse anesthetists to obtain advanced education relevant to their teaching functions.".

(c) Section 831(c) (as redesignated by subsection (b) of this section) is amended to read as follows:

"(c) For the purpose of making grants under this section, there are authorized to be appropriated $800,000 for the fiscal year ending September 30, 1986, $800,000 for the fiscal year ending September 30, 1987, and $800,000 for the fiscal year ending September 30, 1988. Not more than 20 percent of the amount appropriated under this section for any fiscal year shall be obligated for grants under the second sentence of subsection (b).".

(d) The section heading for such section is amended by striking out "TRAINEESHIPS FOR TRAINING OF".

STUDENT LOANS

SEC. 8. (a) Section 835 is amended by adding at the end thereof the following new subsection:

"(c)(1) Any standard established by the Secretary by regulation for the collection by schools of nursing of loans made pursuant to loan agreements under this subpart shall provide that the failure of any such school to collect such loans shall be measured in accordance with this subsection.

"(2) The measurement of a school's failure to collect loans made under this subpart shall be the ratio (stated as a percentage) that the defaulted principal amount outstanding of such school bears to the matured loans of such school.

"(3) For purposes of this subsection—

"(A) the term 'default' means the failure of a borrower of a loan made under this subpart to—

"(i) make an installment payment when due; or

"(ii) comply with any other term of the promissory note for such loan,

except that a loan made under this subpart shall not be considered to be in default if the loan is discharged in bankruptcy or if the school reasonably concludes from written contacts with the borrower that the borrower intends to repay the loan;

"(B) the term 'defaulted principal amount outstanding' means the total amount borrowed from the loan fund of a school that has reached the repayment stage (minus any principal amount repaid or cancelled) on loans—

"(i) repayable monthly and in default for at least 120 days; and

"(ii) repayable less frequently than monthly and in default for at least 180 days;

"(C) the term 'grace period' means the period of one year beginning on—

"(i) the date on which the borrower ceases to pursue a full-time or half-time course of study at a school of nursing; or

"(ii) the date on which ends any period described in clause (A) or (B) of section 836(b)(2) which is applicable to such borrower,

whichever is later; and

"(D) the term 'matured loans' means the total principal amount of all loans made by a school of nursing under this subpart minus the total principal amount of loans made by such school to students who are—

"(i) enrolled in a full-time or half-time course of study at such school; or

"(ii) in their first grace period.".

(b) Section 836(b)(1) is amended—

(1) by striking out "and" before "(B)"; and

(2) by inserting before the period a comma and "and (C) if a student who will enroll in the school after June 30, 1986, is of exceptional financial need (as defined by regulations of the Secretary)".

(c) Section 836(f) is amended—

(1) by inserting "and in accordance with this section" after "Secretary" in the first sentence;

(2) by striking out "may" in such sentence and inserting in lieu thereof "shall"; and

(3) by striking out the second sentence and inserting in lieu thereof the following: "No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment.".

(d) Section 836 is amended by adding at the end thereof the following new subsection:

"(k) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school of nursing with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.".

(e) Section 838 is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a)(1) The Secretary shall from time to time set dates by which schools of nursing must file applications for Federal capital contributions.

"(2)(A) If the total of the amounts requested for any fiscal year in such applications exceeds the total amount appropriated under section 837 for that fiscal year, the allotment from such total amount to the loan fund of each school of nursing shall be reduced to whichever of the following is the smaller:

"(i) The amount requested in its application.

"(ii) An amount which bears the same ratio to the total amount appropriated as the number of students estimated by the Secretary to be enrolled on a full-time basis in such school during such fiscal year bears to the estimated total number of students enrolled in all such schools on a full-time basis during such year.

"(B) Amounts remaining after allotment under subparagraph (A) shall be reallotted in accordance with clause (ii) of such subparagraph among schools whose applications requested more than the amounts so allotted to their loan funds, but with such adjustments as may be necessary to prevent the total allotted to any such school's loan fund under this paragraph and paragraph

(3) from exceeding the total so requested by it.

"(3) Funds which, pursuant to section 839(c) or pursuant to a loan agreement under section 835, are returned to the Secretary in any fiscal year, shall be available for allotment in such fiscal year and in the fiscal year succeeding the fiscal year. Funds described in the preceding sentence shall be allotted among schools of nursing in such manner as the Secretary determines will best carry out this subpart, except that in making such allotments, the Secretary shall give priority to schools of nursing which established student loan funds under this subpart after September 30, 1975.

"(b) Allotments to a loan fund of a school shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.".

(f) Section 839 is amended—

(1) by striking out "1987," each place it appears in subsections (a) and (b) and inserting in lieu thereof "1991,"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) Within 90 days after the termination of any agreement with a school under section 835 or the termination in any other manner of a school's participation in the loan program under this subpart, such school shall pay to the Secretary from the balance of the loan fund of such school established under section 835, an amount which bears the same ratio to the balance in such fund on the date of such termination as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to section 835(b)(2)(A) bears to the total amount in such fund on such date derived from such Federal capital contributions and from funds deposited in the fund pursuant to section 835(b)(2)(B). The remainder of such balance shall be paid to the school.

"(2) A school to which paragraph (1) applies shall pay to the Secretary after the date on which payment is made under such paragraph and not less than quarterly, the same proportionate share of amounts received by the school after the date of termination referred to in paragraph (1) in payment of principal or interest on loans made from the loan fund as was determined for the Secretary under such paragraph.".

(g) Subpart II of part B of title VIII is amended by adding at the end thereof the following new section:

"PROCEDURES FOR APPEAL OF TERMINATIONS

"SEC. 842. In any case in which the Secretary intends to terminate an agreement with a school of nursing under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

(h) Section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "ADMINISTERED BY THE DEPARTMENT OF EDUCATION" before the period in the paragraph heading of paragraph (4); and

(2) by adding at the end thereof the following new paragraph:

"(5) INDIVIDUALS WHO HAVE DEFAULTED ON STUDENT LOANS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

"(A) IN GENERAL.—Upon written request by the Secretary of Health and Human Services, the Secretary may disclose the mailing address of any taxpayer who has defaulted on a loan made under part C of title VII of the Public Health Service Act or under subpart II of part B of title VIII of such Act, for use only by officers, employees, or agents of the Department of Health and Human Services for purposes of locating such taxpayer for purposes of collecting such loan.

"(B) DISCLOSURE TO SCHOOLS AND ELIGIBLE LENDERS.—Any mailing address disclosed under subparagraph (A) may be disclosed by the Secretary of Health and Human Services to—

"(i) any school with which the Secretary of Health and Human Services has an agreement under subpart II of part C of title VII of the Public Health Service Act or subpart II of part B of title VIII of such Act, or

"(ii) any eligible lender (within the meaning of section 737(4) of such Act) participating under subpart I of part C of title VII of such Act,

for use only by officers, employees, or agents of such school or eligible lender whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such subparts for the purposes of collecting such loans.".

REPEALS

SEC. 9. (a)(1) Sections 801, 802, 803, 805, 810, 811, 815, and 841 are repealed.

(2) Subpart III of part B of title VIII is repealed.

(b)(1) Part A of title VIII is amended by striking out the headings for subparts I, II, III, and IV.

(2) The heading for part A of the title VIII is amended to read as follows:

"PART A—SPECIAL PROJECTS".

(3) The heading for title VIII is amended to read as follows:

"TITLE VIII—NURSE EDUCATION".

(c)(1) Section 804 is redesignated as section 858 and is amended to read as follows:

"RECOVERY FOR CONSTRUCTION ASSISTANCE

"SEC. 858. (a) If at any time within twenty years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

"(1) the owner of the facility ceases to be a public or nonprofit school,

"(2) the facility ceases to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use not later than 10 days after the date on which such cessation or change of use occurs.

"(c)(1) The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2)(A) The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during such period.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

(2) In the case of any facility that was or is constructed on or before the date of enactment of this Act or within 180 days after the date of enactment of this Act, the period described in subsection (c)(2)(B)(i) of section 858 of the Public Health Service Act (as amended by paragraph (1) of this subsection) shall begin no earlier than 181 days after the date of enactment of this Act.

(3) The amendments made by paragraph (1) of this subsection shall not adversely affect other legal rights of the United States.

(d) Section 851(b) is amended by striking out ", and in the review of applications for construction projects under subpart I of part A, of applications under section 805, and of applications under subpart III of part A".

(e) Section 853(1) is amended by striking out "the Canal Zone," and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands,".

(f) Section 853(6) is amended to read as follows:

"(6) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education, except that a school of nursing seeking an agreement under subpart II of part B for the establishment of a student loan fund, which is not, at the time of the application under such subpart, eligi-

ble for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of such subpart if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the agreement with such school is made under such subpart; except that the provisions of this clause shall not apply for purposes of section 838. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.".

EFFECTIVE DATE

SEC. 10. (a) Except as provided in subsection (b), this Act and the amendments and repeals made by this Act shall take effect on October 1, 1985.

(b)(1) The provisions of section 9(c) of this Act and the amendment made by paragraph (1) of such section shall take effect on the date of enactment of this Act.

(2) The amendment made by section 8(a) of this Act shall take effect June 30, 1984.

ROTATION OF LABEL STATEMENTS

SEC. 11. LABEL ROTATION.—Section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)) is amended—

(1) by striking out "The label" in the first sentence and inserting in lieu thereof "(1) Except as provided in paragraph (2), the label"; and

(2) by inserting at the end the following:

"(2)(A) A manufacturer or importer of cigarettes may apply to the Federal Trade Commission to have the label rotation described in subparagraph (C) apply with respect to a brand of cigarettes manufactured or imported by such manufacturer or importer if—

"(i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all the cigarettes sold in the United States in such year, and

"(ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which meet the requirements of clause (1).

If an application is approved by the Commission, the label rotation described in subparagraph (C) shall apply with respect to the applicant during the one-year period beginning on the date of the application approval.

"(B) An applicant under subparagraph (A) shall include in its application a plan under which the label statements specified in paragraph (1) of subsection (a) will be rotated by the applicant manufacturer or importer in accordance with the label rotation described in subparagraph (C).

"(C) Under the label rotation which a manufacturer or important with an approved application may put into effect each of the labels specified in paragraph (1) of subsection (a) shall appear on the packages of each brand style of cigarettes with respect to which the application was approved an equal number of times within the twelve-month period beginning on the date of the approval by the Commission of the application.".

(b) DEFINITION.—Section 3 of such Act (15 U.S.C. 1332) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following:

"(8) The term 'brand style' means a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.".

(c) EFFECTIVE DATE.—

(1) The amendments made by subsection (a) shall take effect October 12, 1985, except that—

(A) on and after the date of the enactment of this Act a manufacturer or importer of cigarettes may apply to the Federal Trade Commission to have the label rotation specified in section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended by subsection (a), apply to its brand styles of cigarettes and the Commission may take action on such an application, and

(B) a manufacturer or importer of cigarettes may elect to have the amendments apply at an earlier date or dates selected by the manufacturer or importer.

(2) The Federal Trade Commission may, upon application of a manufacturer or importer of cigarettes with an approved application under section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended by subsection (a), extend the effective date specified in paragraph (1) to January 11, 1986. The Commission may approve an application for such an extension only if the Commission determines that the effective date specified in such paragraph (1) would cause unreasonable economic hardship to the applicant. Section 4 of the Federal Cigarette Labeling and Advertising Act, as in effect before October 12, 1985, shall apply with respect to a manufacturer or importer with an application approved under this paragraph.

TECHNICAL AMENDMENT

SEC. 12. Section 8 of such Act (15 U.S.C. 1336) is amended by striking out "4(b)" and inserting in lieu thereof "4".

REPORT DATE

SEC. 13. Section 3(c) of the Comprehensive Smoking Education Act (15 U.S.C. 1341(c)) is amended by striking out "1985" and inserting in lieu thereof "1986".

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent to indefinitely postpone S. 1284.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVAL

A message from the President of the United States announced that on July 19, 1985, he had approved and signed the following joint resolution:

S.J. Res. 154. Joint resolution to designate July 20, 1985, as "Space Exploration Day."

MESSAGE FROM THE HOUSE RECEIVED DURING THE RECESS

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on July 19, 1985, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore [Mr. FOLEY] had signed the following enrolled joint resolution:

H.J. Res. 342. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture.

Under the authority of the order of the Senate of January 3, 1985, the enrolled joint resolution was signed on July 19, 1985, during the recess of the Senate, by the President pro tempore [Mr. THURMOND].

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2419. An act to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; and

H.R. 2942. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1986, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 172. Concurrent resolution to celebrate the tenth anniversary of the Apollo-Soyuz rendezvous in space.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2942. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1986, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

H.R. 2419. An act to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 172. Concurrent resolution to celebrate the tenth anniversary of the Apollo-Soyuz rendezvous in space.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1500. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to permit the use of foreign firefighting forces in the United States and to provide for reimbursement of their incurred costs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1501. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the Board's midyear monetary policy report; to the Committee on Banking, Housing, and Urban Affairs.

EC-1502. A communication from the Administrator of the GSA transmitting, pursuant to law, copies of certain lease prospectuses; to the Committee on Environment and Public Works.

EC-1503. A communication from the General Counsel of the Department of the Treasury transmitting a draft of proposed legislation to provide for the recovery of the cost of customs processing; to the Committee on Finance.

EC-1504. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State Transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the 60 days previous to July 16, 1985; to the Committee on Foreign Relations.

EC-1505. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-54; to the Committee on Governmental Affairs.

EC-1506. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-55; to the Committee on Governmental Affairs.

EC-1507. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-56; to the Committee on Governmental Affairs.

EC-1508. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-57; to the Committee on Governmental Affairs.

EC-1509. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-58; to the Committee on Governmental Affairs.

EC-1510. A communication from the Administrator of the Health Care Financing Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1511. A communication from the Acting Director of the Office of Personnel Management transmitting a draft of proposed legislation to permit all enrollees in Federal Employee Health Benefits Plans to receive the benefit of contribution reductions for those plans; to the Committee on Governmental Affairs.

EC-1512. A communication from the Comptroller General of the United States transmitting, pursuant to law, the list of GAO reports issued in June 1985; to the Committee on Governmental Affairs.

EC-1513. A communication from the Chairman of the Administrative Conference of the United States transmitting, pursuant to law, the annual report on agency activities under the Equal Access to Justice Act; to the Committee on the Judiciary.

EC-1514. A communication from the Secretary of Education transmitting, pursuant to law, a report on actions being taken to award the fiscal year 1985 funds appropriated for the Strengthening and Special Needs Programs; to the Committee on Labor and Human Resources.

EC-1515. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the Status of Handicapped Children in Head Start Programs; to the Committee on Labor and Human Resources.

EC-1516. A communication from the Secretary of Education transmitting, pursuant to law, a report on activities of the Women's Educational Equity Act Program in fiscal years 1983 and 1984; to the Committee on Labor and Human Resources.

EC-1517. A communication from the Executive Secretary of the Office of the Secretary of Defense transmitting, pursuant to law, the October 1984-April 1985 report on DOD procurement from small and other business firms; to the Committee on Small Business.

EC-1518. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to amend certain laws affecting Federal land purchase, exchange, withdrawals, and disposal; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1519. A communication from the Assistant Secretary of the Treasury transmitting, pursuant to law, a report under the Fishery Conservation and Management Act; to the Committee on Commerce, Science, and Transportation.

EC-1520. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to limit the price of scientifc and technical reports sold by the Secretary of Commerce to their fair market value; to the Committee on Commerce, Science, and Transportation.

EC-1521. A communication from the Chairman of the D.C. Board of Elections and Ethics transmitting, pursuant to law, a copy of D.C. Referendum Measure No. 1; to the Committee on Government Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 192. Resolution providing for the waiver of section 303(a) of the Congressional Budget Act of 1974 with respect to H.R. 752, as reported by the Senate Committee on Veterans' Affairs.

S. Res. 198. Resolution providing for the waiver of section 303(a) of the Congressional Budget Act of 1974 with respect to S. 876, as reported by the Senate Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Lydia E. Glover, of South Carolina, to be United States Marshal for the District of South Carolina for a term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE:

S. 1477. A bill to amend title 38, United States Code, to increase the burial plot allowance for veterans from $150 to $250; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Mr. PROXMIRE, Mr. EXON, Mr. ANDREWS, Mr. BURDICK, and Mr. ZORINSKY):

S. 1478. A bill to amend section 2316 of the Deficit Reduction Act of 1984 to make the application of the revised wage index developed under that section prospective and to provide for periodic updating of that index; to the Committee on Finance.

By Mr. SASSER:

S. 1479. A bill to amend the Public Safety Officer's Death Benefits Act; to the Committee on the Judiciary.

By Mr. WILSON:

S. 1480. A bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia; to the Committee on Rules and Administration.

By Mr. MURKOWSKI:

S.J. Res. 167. Joint resolution to facilitate the provision of readjustment services to the United States citizens who were passengers on the hijacked Trans World Airlines flight number 847 on June 14, 1985, and were held hostage following the hijacking and to other United States citizens returning from captivity as political hostages, and for other purposes; to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE:

S. 1477. A bill to amend title 38, United States Code, to increase the burial plot allowance for veterans from $150 to $250; to the Committee on Veterans' Affairs.

INCREASE IN VETERANS BURIAL ALLOWANCE

Mr. CHAFEE. Mr. President, today, I am introducing legislation to increase the authorization for the burial plot allowance amount, section 903(b),

in the Veterans Benefits Act, as amended. My legislation would raise the burial plot allowance from $150 to $250. This allotment has never been increased since the law was first enacted in 1973 and no longer adequately covers all the expenses. While this supplement would cost the Federal taxpayer only a small amount, it would alleviate the burden placed on both the families of the deceased, as well as on the States that provide cemeteries exclusively for veterans and their dependents.

Presently, the Federal Government provides $150 for each veteran burial. The current estimated cost of a burial in a State-operated cemetery is $260. Burial costs in a private cemetery are even higher. The $110 difference between the amount provided under law and the current estimated cost is a hardship to the States with veterans' cemeteries. For example, last year Rhode Island paid $88,000 above the Federal allowance to bury 800 veterans. This money could better be used for increased personnel to ensure proper burial and improved maintenance of the cemetery sites.

My bill provides a realistic payment to veterans' families and to those States which provide veterans' cemeteries. I hope that the Veterans' Committee will act quickly to remove this hardship currently being borne by families and States so that we can continue to ensure our veterans honorable burial places.

By Mr. GRASSLEY (for himself, Mr. PROXMIRE, Mr. EXON, Mr. ANDREWS, Mr. BURDICK, and Mr. ZORINSKY).

S. 1478. A bill to amend section 2316 of the Deficit Reduction Act of 1984 to make the application of the revised wage index developed under that section prospective and to provide for periodic updating of that index; to the Committee on Finance.

REVISED WAGE INDEX FOR HOSPITALS

Mr. GRASSLEY. Mr. President, today I am joining with Senator PROXMIRE and a number of other Senators, to reintroduce a bill I originally sponsored on June 27 to implement a new area-wage index for Medicare reimbursement to hospitals. Senators PROXMIRE, EXON, and myself have all introduced similar legislation over the past few months to reform the current reimbursement formula which is threatening the survival of our rural hospitals. Today, we join together on a single bill because of the critical need to work for prompt implementation of a more fair wage index.

When the Congress established the Medicare prospective payment system under the 1983 Social Security amendments, it provided for the establishment of different area-wage indices for the reimbursement of rural and urban hospitals. These area-wage indices were based on the assumption that wages in rural communities are lower than urban areas. In implementing this urban/rural wage differential in calculating labor costs among hospitals, the Health Care Financing Administration used 1981 Bureau of Labor Statistics, known as ES-202 data.

The 1981 BLS data has certain limitations. Most importantly, it fails to distinguish between full- and part-time workers in calculating wage and employment costs. As a result of these shortcomings, rural hospitals, which characteristically use more part-time help, are not being adequately compensated under the current reimbursement computation.

HCFA recognized immediately that the hospital wage index resulted in inaccurate and improper geographic variations, and a joint working group was established to evaluate alternatives to the current wage index. Furthermore, Congress directed HCFA in the Deficit Reduction Act of 1984, to develop an improved index that would compensate rural hospitals fairly.

Mr. President, after much delay, the Health Care Financing Administration has finally responded with two alternative wage indices based on an actual hospital survey. One index is based on gross hospital salaries. The other is based on adjusted hospital salaries, eliminating the effect of contracted labor, provider-based physicians, residents and interns. The Health Care Financing Administration has indicated that the gross wage index is more accurate, however, both account fully for full- and part-time employees.

The legislation which I am reintroducing today would implement the new gross wage index on October 1, 1985, and would require the Secretary to provide updates as necessary. My bill would also waive the provision in current law which would apply the new wage index retroactively to October 1, 1983.

Application of the wage index on a retroactive basis would cause much dislocation and hardship to many overpaid hospitals that would be forced to pay back millions of dollars. Congress never intended that correction of the current inequitable index would take 2 years to accomplish. Rural hospitals in Iowa, as well as the American Hospital Association, agree that retroactivity would be unduly punitive. What is critical is that a more accurate area-wage index be implemented quickly that will ensure that future Medicare payments are fair to rural hospitals.

Mr. President, I do want to point out that this is just one step that Congress must take to refine the prospective payment system to provide equity for rural hospitals. To illustrate the extent of the rural-urban problem, let me point out that the standardized labor reimbursement is 25 percent higher for urban than for rural hospitals in the Midwest region, including the State of Iowa. Standardized nonlabor reimbursement is 54 percent higher for urban than for rural hospitals in our region.

The cumulative impact of these differentials, coupled with the current faulty area-wage index, has greatly imperiled all rural hospitals in the Midwest. Rural hospitals in three Midwest States anticipate losses of more than $36 million by 1987.

Clearly, the implementation of a new area-wage index will provide needed relief to our rural hospitals who have waited for almost 2 years for an accurate computation of their labor costs. It is my hope that my colleagues will join Senator PROXMIRE, Senator EXON, and myself in approving this legislation of critical importance to our rural hospitals.

● Mr. PROXMIRE. Mr. President, I am delighted to join Senators GRASSLEY and EXON in introducing this legislation today. All of us have introduced separate bills to address the problems posed by the wage index currently used by Medicare in determining hospital payments. But we are joining together to introduce a single measure today because of our belief in the importance of assuring prompt implementation of the new wage index, based on total gross wages, that has been developed by the Department of Health and Human Services.

In our view the requirement in current law that the new wage index be applied retrospectively is unduly disruptive. A recent report released by the Department of Health and Human Services indicated that application of the new wage index, retroactive to October 1, 1983 as current law requires, could result in millions of dollars in collections from hospitals that have been overpaid since the DRG system was adopted in order to repay those hospitals which had been underpaid.

We are convinced that if Congress had been aware of the size of these repayments and disbursements, the requirement to apply this wage index retroactively would never have been adopted.

That is why our joint bill will apply the new wage index, on a prospective basis only, beginning October 1, 1985, and requires the Secretary to provide updates as may be necessary.

While this new wage index is not perfect, it represents a significant advance over the wage index that the Department now uses. The current wage index is based upon data collected by the Bureau of Labor Statistics, known as ES-202 data. Unfortunately, that data base has a major flaw since it merely contains total numbers of employees and total wages for hospitals. While this data provides a reason-

able estimate of the average wage paid by hospitals which only employ full-time workers, it represents a significant understatement of the average wage for hospitals employing large numbers of part-time employees. This is particularly true for rural hospitals.

The new index which was prepared at the request of Congress more carefully differentiates between part-time and full-time workers so that a more reliable estimate of the average wage level can be constructed.

With wage costs representing 70 percent of the costs a hospital faces, the importance of implementing this new wage index cannot be overestimated. While the Department has overcome its initial hesitation and is now preparing to implement the wage index, the retroactive requirement under current law remains a needless impediment to its prompt adoption and that is why this legislation remains vital in my view.

I am particularly indebted to Senator EXON for his leadership in first bringing this issue to the attention of the Congress, and to Senator GRASSLEY, a member of the Finance Committee, for his willingness to join in this concerted effort.●

● Mr. EXON. Mr. President, I am pleased to join my colleagues, Senators GRASSLEY and PROXMIRE, in introducing this legislation which is of critical importance to rural hospitals across this Nation. Two years ago the Congress approved a new prospective payment system for hospitals under Medicare. In establishing that system, the Congress recognized that reimbursement rates must be adjusted to account for differences between labor costs in urban and rural areas.

Unfortunately, the Health Care Financing Administration [HCFA] adopted regulations implementing this new reimbursement system which penalize many smaller and rural hospitals. The problem is with the wage index, one of the factors used to compute reimbursement rates for hospitals. The current wage index does not accurately account for regional variations in the employment of part-time hospital workers. Many small, rural hospitals use large numbers of part-time employees as a way to control health care costs. By developing a wage index which fails to consider the use of part-time workers, the Health Care Financing Administration effectively penalizes these hospitals.

Mr. President, this Senator and others first brought this problem to the attention of the Health Care Financing Administration in the fall of 1983. HCFA acknowledged the need to devise a new wage index and established a task force to work on the matter. Unfortunately, HCFA did not address the problem as quickly as they acknowledged its existence. Indeed, when month after month passed with no action from HCFA, it was necessary to pass legislation specifically directing the Agency to study the matter and develop a new wage index.

Section 2316 of the Deficit Reduction Act of 1984, Public Law 98-369, directed HCFA to develop a revised index which specifically considered the use of part-time employees. It directed that the Secretary of the Department of Health and Human Services report to the Congress on the matter within 30 days of the date of enactment, which was July 18, 1984. Over 7 months later, the report was finally presented to the Congress.

The HCFA report acknowleged the defects with the current wage index and presented two alternative indexes. Both take account of variations in the use of part-time employees because they are based on paid hours worked, rather than on numbers of employees. One index is derived from total gross hospital wages while the other index is based on adjusted gross hospital salaries. While the HCFA report makes no specific recommendation as to which of the two alternatives should be implemented, it concludes that the adjusted gross index is likely not as accurate as the gross measure for direct wages.

Section 2316 of the Deficit Reduction Act also provides that the new wage index to be developed by HCFA will be applied retroactively to October 1, 1983, the effective date of the prospective payment system. This provision was approved by the Congress because of the inequity of basing Medicare payments on wage data that was acknowledged to be defective.

On May 8 of this year, I introduced legislation, S. 1096, to address this problem. My legislation would require HCFA to implement the total gross hospital wages index by October 1 of this year. It would also require the new wage index to be applied retroactively to October 1, 1983. In order to maintain the concept of budget neutrality, retroactive application of the new index would mean that those hospitals which have been underpaid under the current index must be compensated while those hospitals which have been overpaid under the current index must repay the amount of their overpayment.

Mr. President, I certainly recognize the hardship this would impose on many hospitals which have been overpaid since October 1, 1983. For some, retroactive applications of the new index would require the repayment of several million dollars, which would obviously have a drastic impact on the institutions. At the same time, I cannot overlook the inequity of a formula which has short-changed the hospitals of my State by more than $6 million since the fall of 1983. It is, indeed, unfortunate that the problem could not be corrected within 1 year, as was envisioned by the Congress, so that necessary adjustments would be limited to a single year. If the Department of Health and Human Services had complied with the law and completed its report to the Congress in a more timely fashion, the impact of retroactive application would be much less drastic.

The fact is that the dislocations inherent in retroactive application of the index are so large that it has become apparent that the retroactive provision would cause financial havoc if it is retained. While the retroactive provision is of importance to the hospitals in my State and across the Nation, the most critical thing is the implementation of the new index by this October, so that future Medicare payments are fair to rural hospitals.

These sentiments are best expressed by a recent letter I received from Mr. Harlan Heald, the president of the Nebraska Hospital Association. In a letter dated June 13, 1985, Mr. Heald stated:

> As much as I would like to see the hospitals of Nebraska receive the $6 million that they have been "short-changed" through the application of a flawed data in the Medicare reimbursement methodology, and as much as the hospitals of this State appreciate your efforts to correct this inequity culminating in the introduction of S. 1096, the political realities of the situation call for us to be willing to expedite the implementation of the corrected indices before the "freeze" in the fiscal year 1986 Medicare rates on October 1 by foregoing claim for a retroactive reimbursement adjustment.

For these reasons, I have joined with my colleagues, Senators GRASSLEY and PROXMIRE, in introducing this most important legislation. Our bill would eliminate the retroactive provision of the current law, mandate the implementation of the new wage index, based on total gross hospital wages, and require HCFA to provide periodic updates in the wage index as may be necessary in the future.

Mr. President, it is critical that the Congress act on this matter as quickly as possible. The rural hospitals across the Nation have been waiting for over a year and a half for this inequity to be corrected. I look forward to working with my colleagues on both sides of the aisle to resolve this matter.●

By Mr. SASSER:

S. 1479. A bill to amend the Public Safety Officers' Death Benefits Act; to the Committee on the Judiciary.

PUBLIC SAFETY OFFICERS' DEATH BENEFITS ACT AMENDMENTS

● Mr. SASSER. Mr. President, I am introducing today an amendment to the Public Safety Officers' Death Benefits Act which would provide a $50,000 death benefit to the survivors of members of a legally organized and recognized members of a rescue squad or ambulance crew who die as a direct

and proximate result of a personal injury sustained in the line of duty.

Last year, when an amendment to include firefighters under the coverage of the act went to conference, language to include members of a rescue squad and ambulance crew under the act was inadvertently dropped. House Joint Resolution 648, the voluminous continuing appropriations resolution, included the emergency medical technicians coverage. However, when the bill emerged from conference, coverage for medical rescue squads was missing. There was no objection to the inclusion. It was an oversight.

Unfortunately, this oversight can have devastating effects for the survivors of paramedics and other emergency medical technicians who die in the line of duty.

On June 26, 1984, Milton A. Densford, a Memphis, TN, paramedic who was hired, trained, and qualified as a firefighter, responded to an emergency call in an ambulance owned by the city of Memphis and the Memphis Fire Department. On the way to the emergency, Milton Densford was involved in a vehicular accident that resulted in his death.

Although Mr. Densford death was "as the direct and proximate result of a personal injury sustained in the line of duty," quoting from the law, the Justice Department denied his survivors the $50,000 benefit. They stated:

> Mr. Densford was hired in 1967 as a fire fighter. He transferred to the Ambulance Bureau in 1973 and in 1983 was reclassified as a Paramedic 1. The basis for the denial is that Mr. Densford's transfer and later reclassification terminated his duties and responsibilities as a firefighter.

The Justice Department did not treat this incident callously; they were merely interpreting the law as it was written. But that law is inequitable. For example, in 1977 Memphis Firefighter Henry Rutledge died in a traffic accident. While the survivors of Firefighter Rutledge correctly received the death benefit, Mr. Densford's survivors have been denied.

Emergency medical technicians and paramedics who are members or volunteers of officially recognized safety departments are public safety officers by definition. These people risk their lives to ensure the safety of our families and our neighbors in communities across the Nation. In the name of equity and basic fairness, the PSOB death benefit should be extended to members of rescue squads and ambulance crews who die in the line of duty. The tragic case of Mr. Densford clearly illustrates the urgent need to do so.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Public Safety Officers' Death Benefits Act Amendments of 1985".

SEC. 2. Section 3796b of title 42, United States Code, is amended—

(1) in subsection (3) by deleting the semicolon at the end thereof and inserting in lieu thereof "and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire, rescue or police emergency;"

(2) in subsection (7) by deleting all after the words "law enforcement officer" and adding in lieu thereof ", a firefighter, or rescue squad or ambulance crew."●

By Mr. WILSON:

S. 1480. A bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia; to the Committee on Rules and Administration.

HAYM SALOMON MEMORIAL ACT

● Mr. WILSON. Mr. President, I am introducing legislation today to recognize the contributions of Haym Salomon, an American patriot regarded as the symbol of American-Jewish participation in the struggle for American independence.

This legislation will permit both the placement in the Capitol of a statue honoring Haym Salomon and the erection of a national monument to Haym Salomon on Federal land in the District of Columbia.

Haym Salomon was an American patriot in the true sense of the word. He was born into a Jewish family in Poland and emigrated to America in search of the political and economic freedoms that have become the hallmark of our Nation. Upon arriving in America, Salomon quickly joined the independence effort as a member of the Sons of Liberty. He was instrumental in raising the money necessary to finance the American War of Independence by contributing both his personal resources and his skills as a financier and broker to the cause.

As a result of his commitment to the American Revolution, Haym Salomon was arrested, as a spy, by the British Government in 1776 and again in 1778. Although he was able to escape, Salomon died of an illness contracted during his imprisonment.

While Haym Salomon has long been honored as a financial statesman, we can recognize him today as representing not only himself but all American-Jewish patriots who contributed their resources and committed themselves to the cause of freedom. To this end, my bill allows the placement of a statue in consultation with the Architect of the Capitol and a monument in conjunction with the National Commission on Fine Arts and the National Capitol Planning Commission.

Mr. President, it is important to note that the funds for both the statue and the monument will be raised privately and at no expense to the Federal Government. The American-Jewish patriots and friends of Haym Salomon is a new organization which is organizing a nationwide drive to raise the funds for the statue and monument.

Mr. President, this legislation is a much-deserved tribute to our Nation's greatest Jewish patriot from the Revolutionary War. I invite my colleagues to join in honoring Haym Salomon.●

By Mr. MURKOWSKI:

S.J. Res. 167. Joint resolution to facilitate the provision of readjustment services to the U.S. citizens who were passengers on the hijacked Trans-World Airlines flight No. 847 on June 14, 1985, and were held hostage following the hijacking and to other U.S. citizens returning from captivity as political hostages, and for other purposes; to the Committee on Veterans' Affairs.

READJUSTMENT SERVICES FOR U.S. CITIZENS WHO ARE VICTIMS OF HIJACKINGS AND POLITICAL HOSTAGE-TAKING

● Mr. MURKOWSKI. Mr. President, I rise to introduce a joint resolution which would direct the Veterans' Administration to provide its expertise in traumatic stress disorders, to work with other Federal agencies and other organizations offering psychological counseling and other readjustment services to Americans subject to international terrorism and hostage-taking.

Mr. President, in recent weeks and months, U.S. citizens have experienced, firsthand, some of the realities of international terrorism as victims of hijackings, kidnapings, and other forms of political hostage-taking. Our citizens, traveling abroad, are discovering that America's high political profile makes them vulnerable to such terrifying acts.

All Americans share in the grief when one of our own dies at the hands of terrorists—all Americans pray for the safe return of those held hostage—and all Americans rejoice upon that return. But long after the parades and well-wishing have passed, the memories of confinement, degradation, airborne terror and, as it happened to those passengers of TWA flight 847, the shock of seeing a fellow countryman brutalized and slain, can, in some cases, continue to haunt the victims.

From what we know of traumatic stress—through the study and treatment of combat stress or any life-threatening or dramatic stress that may be inflicted on a person regardless of location or time—such experiences can be expected to evoke, in some victims, certain psychological reactions which may be manifested shortly after

the event or weeks, months, or even years later.

For the Vietnam combat veteran suffering from what is known as post-traumatic stress disorder, or PTSD, there is assistance through the Veterans' Administration program of readjustment counseling centers [Vet centers] and other available networks of psychological counseling. But for civilians who have been held hostage, and subjected to PTSD-like stressors, there are not established programs of counseling or other systematic readjustment assistance, although their need to be treated is no less compelling than that of a combat related stress victim. Such assistance could aid these victims in assimilating their experiences, recognizing reactions, dealing with these reactions, and moving forward in their lives.

Because the Veterans' Administration has developed expertise in providing readjustment assistance to veterans who have experienced traumatic and stressful events outside the range of usual human experience as a result of military combat, I believe their counseling and readjustment expertise can be of great value to Federal agencies and other appropriate organizations who could work with civilians subjected to acts of terrorism.

The legislation I am introducing today would direct the Administrator of the Veterans' Administration to make available the VA's expertise in diagnosing and treating such individuals to Federal agencies and other organizations to encourage the provision of appropriate assistance to the U.S. citizens who were passengers on TWA flight 847 and to other U.S. citizens returning from captivity as political hostages.

The establishment of a national network of experts which could be in place to assist present and future victims of terrorism is a natural extension of the VA's existing efforts to provide similar assistance to other Federal Government agencies and appropriate organizations which furnish readjustment services to U.S. citizens who are victims of floods, tornados, earthquakes, and other natural disasters. This legislation would not establish a formal network, but only encourage the VA to take the lead in contacting appropriate entities in order to make such a network a reality. The VA would continue to provide its services only to eligible veterans, but all American victims of terrorism could benefit from the wealth of experience and expertise in the VA.

Mr. President, I believe it is our responsibility to reach out to our fellow citizens with all the resources we have. The Veterans' Administration stands ready to share its knowledge gained from the development of programs of stress counseling and treatment that are second to none. I urge my colleagues to join with me in endorsing this effort which could result in the availability of professional care to all Americans coming home from the ordeals experienced in an increasingly uncertain world.●

ADDITIONAL COSPONSORS

S. 23

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 23, a bill to reauthorize trade adjustment assistance for workers and firms.

S. 104

At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. LONG] was added as cosponsor of S. 104, a bill to amend Chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets.

S. 274

At the request of Mr. DENTON, the names of the Senator from South Dakota [Mr. ABDNOR] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 361

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as cosponsor of S. 361, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by non-itemizers.

S. 620

At the request of Mr. WARNER, the name of the Senator from South Dakota [Mr. ABDNOR] was added as cosponsor of S. 620, a bill to make permanent the authority to establish and administer flexible and compressed work schedules for Federal Government employees.

S. 929

At the request of Mr. HEINZ, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 929, a bill to amend the Railroad Retirement Act of 1974 to eliminate the COLA offset provisions, and restore amounts offset under those provisions after January 1984.

S. 940

At the request of Mr. ROTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 940, a bill to amend title 10, United States Code, title 31, United States Code, and the Renegotiation Act of 1951 to control the cost of Department of Defense contracts.

S. 974

At the request of Mr. WEICKER,the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 974, a bill to provide for protection and advocacy for mentally ill persons.

S. 1084

At the request of Mr. GOLDWATER, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1105

At the request of Mr. ARMSTRONG, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1105, a bill entitled the "Federal Contractor Flextime Act."

S. 1153

At the request of Mr. D'AMATO, the name of the Senator from Maryland [Mr. MATHIAS] was added as a cosponsor of S. 1153, a bill to provide for the distribution within the United States of the United States Information Agency film entitled "Hal David: Expressing a Feeling."

S. 1223

At the request of Mr. ARMSTRONG the names of the Senator from Florida [Mrs. HAWKINS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Mississippi [Mr. COCHRAN], the Senator from Georgia [Mr. MATTINGLY], the Senator from Texas [Mr. GRAMM], the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. EAST], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Delaware [Mr. ROTH], the Senator from New York [Mr. MOYNIHAN], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Florida [Mr. CHILES], the Senator from North Dakota [Mr. ANDREWS], the Senator from Maine [Mr. MITCHELL], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1223, a bill to authorize the erection of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in the Korean war.

S. 1265

At the request of Mr. ARMSTRONG, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1265, a bill to provide prompt, exclusive, and equitable compensation, as a substitute for inadequate tort remedies, for disabilities or deaths resulting from occupational exposure to asbestos; and for other purposes.

S. 1310

At the request of Mr. DANFORTH, the name of the Senator from Illinois [Mr. DIXON] was withdrawn as a cosponsor of S. 1310, a bill to amend the Communications Act of 1934 regarding the

broadcasting of certain material regarding candidates for Federal elective office, and for other purposes.

S. 1362

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1362, a bill to amend part A of title IV of the Social Security Act to provide for a study of quality control standards and procedures under the Aid to Families With Dependent Children Program, to provide for a moratorium on the imposition of penalties for erroneous payments, and for other purposes.

S. 1436

At the request of Mrs. KASSEBAUM, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 1436, a bill to improve safety and security of persons who travel in foreign air transportation, and for other purposes.

S. 1437

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. DENTON], the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. LAXALT], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1437, a bill to amend the Controlled Substances Act to create new penalties for the manufacturing with intent to distribute, the possession with intent to distribute, or the distribution of "designer drugs," and for other purposes.

S. 1440

At the request of Mr. STEVENS, the names of the Senator from Wyoming [Mr. SIMPSON], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1440, a bill to restrict smoking to designated areas in all U.S. Government buildings.

SENATE JOINT RESOLUTION 132

At the request of Mr. DANFORTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 132, a joint resolution designating October, 1985, as "National Head Injury Awareness Month".

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 134, a joint resolution to designate "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 141

At the request of Mr. SASSER, the names of the Senator from South Dakota [Mr. ABDNOR], the Senator from Maine [Mr. COHEN], the Senator from California [Mr. CRANSTON], the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. HECHT], the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. LAXALT], the Senator from Louisiana [Mr. LONG], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. RIEGLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi [Mr. STENNIS], the Senator from Virginia [Mr. TRIBLE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week beginning May 18, 1986, as "National Tourism Week".

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE JOINT RESOLUTION 161

At the request of Mr. DOLE, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to appeal for the release of Soviet Jewry.

SENATE JOINT RESOLUTION 166

At the request of Mr. MOYNIHAN, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 166, a joint resolution to appeal for the release of Dr. Yury Orlov and other Helsinki Final Act monitors.

At the request of Mr. DURENBERGER, the names of the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. BOREN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Sente Joint Resolution 166, supra.

SENATE CONCURRENT RESOLUTION 46

At the request of Mr. ANDREWS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Concurrent Resolution 46, a concurrent resolution to express the sense of the Congress regarding Americans missing in Southeast Asia.

SENATE RESOLUTION 199

At the request of Mr. HEINZ, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Resolution 199, a resolution to urge the Senate of the United States to reject any tax reform proposal which would impose a tax on the annual increase in the value of permanent life insurance.

AMENDMENTS SUBMITTED

NURSE EDUCATION

EAGLETON AMENDMENT NO. 536

Mr. BYRD (for Mr. EAGLETON) proposed an amendment to the bill (S. 1284) to amend title VIII of the Public Health Service Act, relating to nurse education; as follows:

At the end of the bill, add the following:

ROTATION OF LABEL STATEMENTS

SEC. . LABEL ROTATION.—Section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)) is amended—

(1) by striking out "The label" in the first sentence and inserting in lieu thereof "(1) Except as provided in paragraph (2), the label"; and

(2) by inserting at the end the following:

"(2)(A) A manufacturer or importer of cigarettes may apply to the Federal Trade Commission to have the label rotation described in subparagraph (C) apply with respect to a brand of cigarettes manufactured or imported by such manufacturer or importer if—

"(i) the number of cigarettes of such brand style sold in the fiscal year of the manufacturer or importer preceding the submission of the application is less than one-fourth of one percent of all the cigarettes sold in the United States in such year, and

"(ii) more than one-half of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which meet the requirements of clause (i).

If an application is approved by the Commission, the label rotation described in subparagraph (C) shall apply with respect to the applicant during the one-year period beginning on the date of the application approval.

"(B) An applicant under subparagraph (A) shall include in its application a plan under which the label statements specified in paragraph (1) of subsection (a) will be rotated by the applicant manufacturer or importer in accordance with the label rotation described in subparagraph (C).

"(C) Under the label rotation which a manufacturer or importer with an approved application may put into effect each of the labels specified in paragraph (1) of subsection (a) shall appear on the packages of each brand style of cigarettes with respect to which the application was approved an equal number of times within the twelve-month period beginning on the date of the approval by the Commission of the application.".

(b) DEFINITION.—Section 3 of such Act (15 U.S.C. 1332) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following:

"(8) The term 'brand style' means a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.".

(c) EFFECTIVE DATE.—

(1) The amendments made by subsection (a) shall take effect October 12, 1985, except that—

(A) on and after the date of enactment of this Act a manufacturer or importer of cigarettes may apply to the Federal Trade Commission to have the label rotation specified in section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended by subsection (a), apply to its brand styles of cigarettes and the Commission may take action on such an application, and

(B) a manufacturer or importer of cigarettes may elect to have the amendments apply at an earlier date or dates selected by the manufacturer or importer.

(2) The Federal Trade Commission may, upon application of a manufacturer or importer of cigarettes with an approved application under section 4(c)(2) of the Federal Cigarette Labeling and Advertising Act, as amended by subsection (a), extend the effective date specified in paragraph (1) to January 11, 1986. The Commission may approve an application for such an extension only if the Commission determines that the effective date specified in such paragraph (1) would cause unreasonable economic hardship to the applicant. Section 4 of the Federal Cigarette Labeling and Advertising Act, as in effect before October 12, 1985, shall apply with respect to a manufacturer or importer with an application approved under this paragraph.

TECHNICAL AMENDMENT

SEC. . Section 8 of such Act (15 U.S.C. 1336) is amended by striking out "4(b)" and inserting in lieu thereof "4".

REPORT DATE

SEC. . Section 3(c) of the Comprehensive Smoking Education Act (15 U.S.C. 1341(c)) is amended by striking out "1985" and inserting in lieu thereof "1986".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER AND POWER

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, July 22, to hold an oversight hearing on water supply problems of the mid-Atlantic region.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REALIZING PRODUCTIVE POTENTIAL VIII

THE PEOPLE ON INTERNATIONAL TRADE

● Mr. HEINZ. Mr. President, the American people are without a doubt concerned about our Nation's trade problems. To illustrate this, I would like to bring to Senators' attention a recent article from the June 9, 1985, edition of the New York Times. Entitled "Most in Poll Found To Favor Import Limits To Protect Jobs," this survey attempted to draw out public opinion on trade and the trade deficit.

This New York Times/CBS News poll indicated that nearly a quarter of the respondents ranked trade as "the first or second most important national issue, compared with arms control, tax reform, the budget deficit, and conflicts in Central America." Moreover, 69 percent of the respondents to this national poll felt that job losses were directly related to trade. Based on this data alone, we can conclude that a large portion of our population sees trade as a major problem.

Americans, however, have mixed feelings about the benefits of international trade. Fifty-three percent of respondents believed that trade has helped the U.S. economy, but 38 percent took the opposing position, stating that trade hurt the United States. On a local level, however, opinions were more ambivalent: 47 percent saw trade as harmful to their own communities, but a comparable 47 percent did not see it that way. Those who ranked trade as the first or second major national issue cast a more definitive vote: Of this group, 47 percent said that foreign trade hurts the U.S. economy, and 58 percent stated that trade had adversely affected their communities.

So while trade was seen as beneficial to the United States, Americans definitely felt that there was a price associated with imports. The same poll showed that the American public was strongly in favor of limiting trade. An overwhelming 70 percent of the respondents thought that limiting imports was a good idea; 60 percent favored trade limiting actions even if it meant reducing the consumer's range of choices. Only 21 percent thought that restricting imports was a bad idea.

In sum, the public feels that foreign trade helps the U.S. economy, but they are overwhelmingly in favor of limiting imports. Why is this so? It is because the United States is not reaping the benefits of trade. Moreover, if limiting imports is part of the solution, then part of the problem must come from abroad.

The second half of the article, which described another survey on the U.S. trade deficit, confirms this initial conclusion.

In this second poll, respondents were asked to give their opinions on the factors that enabled Japanese products to sell so strongly in United States markets. Seventy-eight percent felt that lower pay for Japanese workers increased our trade deficit; 68 percent agreed that good labor-management relations and union cooperation in Japan contributed to the trade difference. Finally, 75 percent stated that the inexpensiveness of Japanese products gave them a stronger exporting ability.

Despite this consensus, Americans did not think that the Japanese were more competitive. Only 41 percent agreed that Japanese goods were better in quality than American goods, as opposed to 53 percent who disagreed. Likewise, only 33 percent believed that the Japanese were better businessmen, while 61 percent thought that Americans were equally good or better entrepreneurs.

Essentially, the American public firmly believes in our ability to compete and to produce quality products. It is foreign production and trade practices that have undermined American competitiveness and American confidence in the international trading system. Here, the last statistic is the most damaging: 60 percent of respondents to the New York Times/CBS News poll stated that Japanese trade barriers kept U.S. goods out.

I do believe that the American people are right in their judgment. While the Japanese may have some domestic advantages, the United States is more than willing and able to compete. In addition to competing, however, the United States must work to remove unfair international market restraints. Trade barriers and foreign import restrictions allow other nations to reap the benefits of our open market at the expense of our industries. By keeping our markets open, we effectively pay the price of maintaining the system. Our job, here in Congress, is to remove those trade restrictions, and to create greater equity in the international system. To that end Senator BAUCUS and I have introduced the LICIT trade law reform bill to address these problems, and I urge Senators to consider supporting either that legislation or a related bill, legislation supported by the Trade Reform Action Coalition [TRAC] which will be introduced shortly.●

REASSESSMENT OF THE QUALITY CONTROL SYSTEM OF THE AID TO FAMILIES WITH DEPENDENT CHILDREN

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a vital piece of legislation, S. 1362, introduced by my good friend from Washington. This bill aims to reassess and renovate the quality control system of the Aid for Families with Dependent Children Program.

Quality control was implemented in the 1970's to promote an efficient administering of Federal funds on a State and local level. With the best of intentions, the system was designed to make the most of our taxpayer's dollars—to alleviate redundancy and to encourage sharp, accurate case work.

However, the quality control system has run into a number of logistical walls. Presently, many States have court cases pending because of penalty discrepancies. These court cases take up AFDC's time and energy and make it virtually impossible for AFDC to function effectively. An organization cannot possibly direct its funds to recipients if its administrative overhead increases.

The present quality control system measures a number of factors, some of which are not mispayments, but organizational adjustments and changes in the AFDC Program itself. States are introducing computer systems to handle the large quantity of information that must be processed. Although computerization will make the program function more efficiently in the

long run, the training and adjustment that accompany the introduction of a new system cause an immediate increase in mistakes and errors. The quality control system does not take into account these necessary organizational changes. Instead, the system penalizes the State for these modifications.

In addition, staffs have had to adjust to changes in the AFDC Program itself, changes which inherently require retraining and adjustment. I do not mean to point elsewhere for States inefficiencies. I simply want to point out that some of the inefficiency of the States is due to factors beyond the control of most State organizations. To penalize States for this is simply unfair.

I would like to see States continue to decrease their inefficiency, but I would not like to see frivolous and pointless penalties distort the intent of a quality control system. If the quality control system was designed to penalize inefficiency, we should not allow the system to penalize basic organizational adjustment or organizational renovation. This kind of policy only discourages change and improvement.

A continuation of this kind of quality control policy could have significant detrimental effects on the recipients. Some States are already reporting cases where recipients have been turned away because caseworkers are overly concerned about the possible misuse of funds.

These factors make me believe a better quality control system could be devised which would effectively measure errors in the AFDC Program, while taking into account organizational and logistical factors of different States. I believe this bill would allow us to assess the quality control system in order to provide the best, most effective quality of service possible. I urge its adoption.●

NAM AND THE JAPANESE TECHNICAL LITERATURE ACT

● Mr. BAUCUS. Mr. President, the United States faces formidable challenges in the international marketplace.

Our trade imbalance is reaching dangerous proportions. Our major industries are under attack and many of our workers idle.

Meeting the challenge will require many actions, many of them difficult. There is no quick fix for the problems we face.

There are, however, some small steps that can help make American businesses more competitive. We should take those steps.

It is in this spirit that Senator ROCKEFELLER and I introduced S. 1073, the Japanese Technical Literature Act of 1985 this year.

This legislation is designed to improve our modest efforts to make Japanese scientific and technical information more readily available to American businesses.

We recognize fully that enacting this legislation would not solve our problem. It would be a small step. But it would send a strong signal that we are prepared to take positive steps to improve our international competitiveness.

To improve our international trade position we must adapt more quickly to the new fast-paced and constantly changing global environment. The more we know about technological developments and breakthroughs in Japan, the more quickly we can adapt.

As most of you are keenly aware, the manufacturing industry has been particularly hard hit in the last few years. For this reason, I would like to share with my colleagues a letter of support for S. 1073 that I received from the National Association of Manufacturers Friday. I ask that the letter be printed in the RECORD.

The letter follows:

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, July 18, 1985.

Hon. MAX S. BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: I should like to commend you and to express NAM's support for your authorship of the "Japanese Technical Literature Act of 1985," S. 1073. It is often said, sometimes in jest and sometimes in great earnest, that one of Japan's biggest non-tariff barriers is the Japanese language itself. Americans are not known as linguists, and, compared with the more familiar languages of Europe, Japanese is a hard language for speakers of English. That is an inconvenience, but as a society we cannot afford to allow it to determine what we know.

Japan is today America's principal economic rival. In achieving that position, it has been very much to Japan's advantage that English is the world's second language—for Japanese students, the pay off for learning English can be enormous—and that, in so far as the dissemination of information is concerned, the United States is perhaps the most open society in the world. U.S. industry has no quarrel with the Japanese for learning from us, their competitors. To the contrary, there is general recognition among our members that the time has come to learn more from the Japanese, especially, in areas where they have become the world's leaders as they are in certain process technologies. Your bill takes an important step in that direction by encouraging and assisting the Commerce Department to make more Japanese technical literature available to more American scientists and research people.

As you know, NAM has long been convinced that there can be no meaningful improvement in the U.S. trade performance without correction in the present dramatic misalignments in the exchange rates that link the dollar to the other key currencies of the world, certainly including the Japanese yen. That and efforts to improve the floating exchange rate system are essential, but they are not going to be enough. We are going to be faced with a series of hard policy choices in trade in the next year or two, and I would suggest that none of them will be enough if we are not prepared to look after the details of competitiveness. By itself S. 1073 is only a small step. As an expression of our country's willingness to deal with the nuts and bolts of competitiveness, however, it is an important one. It is for these reasons that NAM is pleased to support this legislation as part of our commitment to competitiveness.

Sincerely,

LAWRENCE A. FOX,
Vice President,
International Economic Affairs.●

SALUTE TO ERNIE PEARSON

● Mr. DURENBERGER. Mr. President, each day, in thousands of locations around the country, the lives of disabled persons are enhanced and enriched in rehabilitation centers such as the Nat G. Polinsky Memorial Medical Rehabilitation Center, Inc., in Duluth, MN.

The success of centers such as this is possible because of the dedicated efforts on employees and volunteers. At the Polinsky Center, one such employee is Ernie Pearson, the center's family services coordinator. Ernie's job is just that much more difficult because he, himself, suffers from a disability suffered in an automobile accident 16 years ago.

Being confined to a wheelchair, however, does not inhibit Ernie Pearson's ability to function on the job, plus coach softball and guide other disabled persons in exploring wildlife trails in northern Minnesota.

Because of the strong human spirit represented by Ernie Pearson, and because of the contributions which he makes both on the job and through volunteer work to enhance the lives of other disabled persons, I ask that the following article be printed in the RECORD.

The article follows:

"A REMARKABLE MAN BY ANYONE'S STANDARDS"

(By Adair Renning)

Many times, families of children with special needs find it more difficult and frustrating to deal with the medical and counseling professionals than it is to deal with their child's challenge. Fortunately for Duluth area residents, there is the Nat B. Polinsky Memorial Medical Rehabilitation Center, Inc. and at Nat Polinsky, there is Ernie Pearson, Family Services Coordinator.

Ernie, a Duluth native, holds a Master of Science Degree, a Bachelor of Arts in Economics, and a BBA in Business Administration. He has been with Polinsky since 1981, and works with children with special needs and their families. He is currently assisting 65 to 70 families per month, taking referrals, scheduling appointments with therapists, and determining the appropriate services once the children enter the school system. He helps determine what resources are available to the family insurance, community, state or federally funded programs—because disabilities are expensive, in

more ways than one. And he does it all with kindness and impassion and gentle good humor.

Pearson has chaired the Duluth Commission for the Handicapped and continues to serve as a member. He was chairman of the Multiple Sclerosis Society for 3 years, co-ordinates a family support group for families of children with special needs, and is active with the Early Childhood Education Advisory Board.

In his spare time, Ernie enjoys driving down a road sometimes, just to see where it goes", exploring wildlife refuge trails, and coaching an adult men's softball team. Ernie plans to drive to Colorado for vacation this year, and it presently looking for a pontoon boat with which to explore the St. Louis River. Ernie Pearson is a remarkable man, by anyone's standards.

In 1969, Pearson was injured in an automobile accident, and is now a C.5/6 quadriplegic. He does his job, softball coaching, and exploring wildlife trails from a wheelchair.

"The accident was definitely a life changing situation," says soft-spoken Ernie. "I was not the best student in high school, and hadn't planned to go to college. After the accident, when all my friends started to enter college, I decided to go along, just for something to do."

Ernie credits his family and friends for never allowing him to stay depressed after his accident. Says Ernie, "Their attitude was, 'O.K. this has happened, and it was a terrible thing, but let's get on with it and see what you can do.' "

Ernie found that he could do plenty, some things just require a little adaptation. At Polinsky, Ernie has designed a filing system and work space to meet this needs. He uses a dictaphone for correspondence because "I can read my handwriting, but not everyone else can," he says with a laugh.

Ernie demonstrated his determination to be as independent as possible by buying a specially equipped van in 1978 and learning to drive all over again. This independence provided him with unlimited opportunities.

"Ernie is known for focusing on his abilities and strengths," says Marcia Hermann, director of the center's pediatric department. It was Hermann who nominated Pearson for the award he recently received. The award was given by the Sister Kenny Institute in Minneapolis at their Projects With Industry awards banquet held Friday, February 8 at the Hyatt Regency Hotel in Minneapolis. The award says, "For outstanding work, performance, leadership, initiative, dependability, individual accomplishments, and contributions to the community."

And that just about says it all. Congratulations, Ernie.●

FIFTEENTH ANNIVERSARY OF FREDDIE MAC

● Mr. HEINZ. Mr. President, I would like to take this opportunity to congratulate the Federal Home Loan Mortgage Corporation, Freddie Mac, on its 15-year anniversary and commend the Corporation for its contributions to providing housing for Americans over the last 15 years.

Since its creation by Congress in 1970, Freddie Mac has blazed new trails in the secondary mortgage market. Before Freddie Mac, documents for conventional mortgages varied signficantly all over the Nation and from one lender to another. Freddie Mac committed itself to establishing standardized mortgage forms and documents. In developing documents, product designs and underwriting requirements for both fixed-rate and adjustable rate mortgages, Freddie Mac was a pathfinder. In addition, Freddie Mac's standardization process for adjustable rate mortgages enabled the ARM to become a strong and viable mortgage instrument.

Freddie Mac was also responsible for the first conventional mortgage passthrough security, "swapping"—where a thrift exchange its mortgages for participation certificates representing a piece of the security and the market's first collateralized mortgage obligation, or CMO, which provided still another instrument to respond to investor needs.

Only 2 years ago, Freddie Mac created the mortgage-backed security backed by 15-year mortgages. Investments in these securities passed the $1 billion mark in January.

Freddie Mac's success reflects more than just increasing growth and profits for the Corporation. It represents a commitment to the success of the secondary market and, most importantly, a commitment to increasing the availability and affordability of housing for millions of American home buyers—the original reason Congress created Freddie Mac.

I commend Freddie Mac for its 15 years of success and I wish it many, many more happy and healthy anniversary celebrations.●

PASSIVE SMOKING

● Mr. STEVENS. Mr. President, last week I introduced a bill to restrict smoking in Federal buildings to designated areas only. The potentially harmful effects of second-hand smoke—so-called passive smoking—are no longer questioned in the scientific world. To quote Donald R. Shopland, Acting Director of the U.S. Office on Smoking and Health, "Therefore, any exposure to cigarette smoke over a sufficiently long period of time must be considered potentially harmful." My bill, the Non-Smokers Rights Act of 1985, is designed to protect Federal workers and visitors to Federal buildings from this known health hazard.

For my colleagues' information, I ask that the following article on passive smoke from the July edition of the Harvard Medical School Health Letter be reprinted here in its entirety.

The article follows:

THE LAST GASP?

This spring, the R.J. Reynolds Tobacco Company—a cigarette manufacturer and one of the nation's largest purchasers of newspaper and magazine advertising—spent a portion of its budget to run a prominent advertisement on the subject of second-hand or "passive" smoking. Although Reynolds could hardly claim to be a disinterested party, the company used its newspaper space to question the scientific basis for worrying that nonsmokers' health is impaired by exposure to second-hand smoke. Around the same time, two new reports appeared in medical journals, both of them strengthening the case that breathing the exhaust of other people's cigarettes is indeed a health hazard.

One of these was a study comparing about 500 cancer patients with a like number of controls (people of the same age, sex, and race, but without cancer). Detailed information was obtained from questionnaires on lifetime exposure to the cigarette smoke of parents, spouses, or others in the same household. The results of this investigation, which the authors cautiously designate as "preliminary," were remarkably strong and consistent: the more smokers one has lived with, the higher one's risk of cancer. However, the cancers in question were not just those usually associated with cigarette smoking but also included cancer of the breast and cervix as well as leukemia and lymphoma.

The authors express appropriate caution about these results, mainly because they were unexpected. The questionnaire had been designed to recover more information about childhood than adult exposure to second-hand smoke. They thus felt that their data did not permit a firm conclusion about the effects of lifelong passive smoking. On the other hand, their "preliminary" results are striking, and are consistent with findings from animal experiments and some other surveys in humans (*Lancet*, February 9, 1985).

Another study followed more than a thousand infants through their first year of life. It revealed that the babies of smoking mothers develop infection of the major airways (bronchitis and tracheitis) much more frequently than children of nonsmokers. The fathers' smoke appeared to play a smaller role, probably because babies generally spend much less time with fathers than mothers (*Pediatrics*, March 1985).

These data support a growing body of research, which demonstrates that infants exposed to cigarette smoke suffer as a result. Such studies are not "perfect"—this kind of research is virtually impossible to do "perfectly." But the investigations have been conducted responsibly and carefully, and they are pointing in the same direction.

The case still hasn't been proved to R.J. Reynolds' satisfaction, but the company has not even admitted what just about everyone else already knows: that people who smoke cigarettes are often killed by their addiction. For the rest of us, the verdict on second-hand (or "involuntary") smoking is becoming increasingly apparent. Adults would do well to minimize their exposure to the smoke of others. And smoking adults should realize that when they light up in the presence of infants they are engaging in a not-so-mild form of child abuse.●

THE CONGRESSIONAL CALL TO CONSCIENCE

● Mr. ABDNOR. Mr. President, I am pleased to join my esteemed colleagues today in calling for the humane and expeditious treatment of Jews living within the borders of the Soviet Union

who wish to emigrate from that country. My friend and colleague, RUDY BOSCHWITZ of Minnesota, is to be especially commended for his leadership in bringing together this congressional call to conscience.

The number of Jews who are allowed to leave the Soviet Union has drastically plummeted in recent years. As an example, consider the number of Jews allowed to emigrate from the Soviet Union in 1979. In that year, 51,000 emigrations were permitted for Soviet Jews, which is an all-time high. That figure seems unbelievable when examining emigration figures for recent years. So far this year, fewer than 500 Soviet Jews have been allowed to leave their country to join their families abroad. Something is terribly wrong. That is why I have joined a number of my distinguished colleagues in cosponsoring Senate Joint Resolution 161 to appeal for the release of Soviet Jewry.

That resolution calls on the Soviet Union to "* * * release Anatoly Scharansky, all other prisoners of conscience as well as long-term refuseniks, and to deal promptly and humanely with all Jews living within Soviet borders who wish to leave."

For those of us fortunate enough to live in the United States, it is sometimes hard to identify with a people living in a country that denies them the basic human right of freedom. The Jewish population in the Soviet Union is constantly subjected to great suffering. All too often, Soviet Jews are the victims of harassment. It is my hope and prayer all our efforts eventually will help in bringing the Soviet government around to treating the refuseniks with the respect and common decency that we all, as human beings, deserve.

Although Soviet authorities consistently deny that a Soviet Jew emigration "problem" exists, we must continue to press for them to adhere to the Helsinki accords, to which they are a party, and which would require each signator to protect fundamental human rights including the right to freedom of movement. Let us be continually concerned about the future of Soviet Jews, or any other religious minority group be they Jew, German, or Armenian, who wish to emigrate from that country.

We must not let the world forget the plight of the Soviet Jews and other religious minorities who continuously are denied basic human rights in their land and who, at the same time, are denied the opportunity to emigrate to the freedom that exists in other lands and join their families.●

ANOTHER FIRST

● Mr. BAUCUS. Mr. President, when Missoula County's newest county commissioner took the oath of office on July 1, 1985 it was an historic event for the county, Montana, and the country.

Commissioner Janet Stevens was sworn in by Chairperson Ann Mary Dussault. The two, along with Barbara Evans form a board of county commissioners made up entirely of women. According to the National Association of Counties, this all-female board is the first of its kind in our Nation's history.

Achieving firsts in women's rights is nothing new for Missoula County or Montana. Montana was one of the first States to grant women the right to vote. Women were voting in Montana 6 years before the 19th amendment made woman's suffrage a Federal law.

Women took advantage of their new rights in Montana and another first was quickly achieved. Jeanette Rankin, a Missoula resident, became the first woman elected to Congress.

Miss Rankin served two terms in the U.S. House of Representatives. She proudly represented Montana's First Congressional District from 1916–18 and 1940–42. Miss Rankin was always a voice of reason and never swayed from her heartfelt convictions in voting against U.S. participation in both World Wars.

The character of county government is changing. The number of women serving on county commissions is still less than 8 percent, but this is double the number from 10 years ago. As usual, Missoula County is leading the way in this change.

The nature of business handled by county commissions has undergone a transformation. County boards no longer deal solely with plowing roads, spraying weeds, and collecting taxes. Progressive counties are becoming involved in social issues and human services.

County commissions administer Welfare and Food Stamp Programs and direct planning and development boards to chart the future. This new emphasis is attracting qualified women to county government.

Barbara Evans was first elected to the commission in 1978 and was reelected for a second term in 1984. Ann Mary Dussault won election to the commission in 1982. Both have ably served Missoula County during their tenures in office. Janet Stevens has served responsibly and skillfully as a justice of the peace for 7 years. These women will work well together to provide Missoula County with responsible and effective government.

Mr. President, I want to congratulate Commissioner Janet Stevens, and salute Commissioners Ann Mary Dussault and Barbara Evans for their past performance and future service.

July 1, 1985 will mark another milestone for Missoula County and the State of Montana for achievements in equal rights and opportunities for all her citizens.●

NAKED AS A JAYBIRD AGAINST THE SOVIET THREAT

● Mr. MURKOWSKI. Mr. President, during last Thursday's session of the Senate, I made a statement concerning the Soviet threat to Alaska's security and commercial/energy interests. It so happens that the July 18, 1985, edition of the Washington Times ran an article entitled, "U.S. Is Two Miles From U.S.S.R.—'Naked As a Jaybird,'" which highlighted a presentation of Secretary of Defense Weinberger to the Asian Society concerning the growing Soviet threat in Asia and off the coast of Alaska.

I believe that Secretary Weinberger has performed a valuable service in drawing official attention to this serious challenge. In order that my colleagues might benefit from Secretary Weinberger's comments, I ask that the Washington Times article be printed in the RECORD following my remarks.

Mr. President, in light of Soviet strategic bomber exercises off the coast of Alaska, I have urged Secretary Weinberger to consider two initiatives which will significantly improve the Alaska Air Command's early warning radar and battle management capabilities. Specifically, I recommend that the Department of Defense accelerate the deployment schedule for the OTH-B [Over-the-Horizon Backscatter] radar and deploy E-3 AWACS [airborne warning and control system] aircraft in Alaska on a permanent basis.

The Soviet air threat to Alaska, and the United States as a whole, will increase substantially over the course of the next decade as more BEAR H bombers are armed with AS-15 long-range cruise missiles and intercontinental Blackjack bombers are introduced into the force. The OTH-B and AWACS will provide us with needed capabilities to address this challenge to our security and Alaska should be a high priority for receiving these systems.

The article follows:

[From the Washington Times, July 18, 1985]

FROM U.S.S.R.—"NAKED AS JAYBIRD"

(By Tom Diaz)

The United States is "naked as a jaybird" as its closest borders with the Soviet Union and plans to strengthen its defenses to discourage Soviet "adverturism," Adm. James D. Watkins, the chief of naval operations, said yesterday.

The moves to strengthen U.S. defenses in the Alaska and Bering Sea region—aimed mainly at improving air defenses—have been prompted in part by overflights of Soviet long range Backfire bombers, Richard L. Armitage, assistant secretary of defense for international security affairs, said.

Mr. Armitage and Adm. Watkins made their remarks during a briefing they and

Defense Secretary Casper W. Weinberger gave the Asian Society at the Pentagon yesterday afternoon.

The United States has seen "a tremendous growth" of forces in the Pacific region, and resources, will be "shifting in that direction," in response, Adm. Watkins said.

"We have now looked very, very carefully at our strategy of defense of the United States in the Pacific," he said. "We own Little Diomede Island, the Soviet Union, Big Diomede—they are two miles apart. Very few people realize we're two miles from the Soviet Union."

"We're a few hundred miles from Petropavlask from the Western Aleutian Islands and we're naked as a jaybird, as we were before World War II," he said. "We're going to rectify that by the addtional movement of forces into the region to convince the Soviet Union that we are not an easy target. We want to discourage any adverturism in that part of the world.

"The destabilizing increase in Soviet offensive power in the Pacific region has been one of the most dramatic military developments of recent years" and is "clearly aimed at the U.S. and its regional friends and allies," Mr. Armitage said.

Asked whether U.S. moves to strengthen its defenses in the far Northwest could be interpreted as "provocative" by the Soviet Union, Mr. Armitage said, "It could be read that way, except that the Soviets make long range flights with Backfires and certain other craft.

"In time of conflict, that would pose a threat to the United States," he said.

According to a defense department publication, the variable swept-wing Backfire bomber is "designed for long-range subsonic cruise, high-altitude supersonic dash, and low-altitude high-subsonic penetration."

The publication on Soviet military power adds that the Backfire bombers have "the capability to strike the U.S." either on one-way missions from deep bases or "using Arctic staging bases and in-flight refueling with . . . similar target coverage on two-way missions."

The Pentagon's plans will be made public after further study, Mr. Armitage said. The steps taken would be primarily in air defense and things of that nature," and the improvements would be "strictly [in] defensive capability . . . not provocative . . . [and] good, common sense," he said.

Some defense analysts have expressed concern in recent years over the growing strength of the Soviet bomber force, especially in light of the fact that the United States to a large degree dismantled its continental air defenses during the 1960s and 1970s. The rationale for that action was that the Soviets had concentrated on intercontinental ballistic missiles and had a weak bomber force.

The Soviets, in contrast, have what is one Air Force official described as an "awesome" air defense system.

But the Soviet weakness in strategic bombers is changing, informed observers said.

"It's an increasing capability," Sen. John W. Warner, R-Va., chairman of the Senate Strategic and Theater Nuclear Forces Subcommittee, said in a recent interview.

"For long period, the Soviets place their emphasis on groundbased systems. Then it shifted to the . . . submarine force, and now we see a comparable and growing emphasis placed on [the] air-breathing leg."●

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 43, to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President.

Bob Dole, Ted Stevens, Mack Mattingly, Barry Goldwater, Warren P. Rudman, Thad Cochran, Pete Wilson, John Warner, Chuck Grassley, Jesse Helms, Strom Thurmond, Phil Gramm, Jeremiah Denton, William L. Armstrong, Chic Hecht, Mitch McConnell.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 2 P.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until 2 p.m. on Tuesday, July 23,

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senators PROXMIRE, HART, HATFIELD, MATTINGLY, and EVANS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond the hour of 3 p.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

VOTE ON CLOTURE AT 3 P.M.

Mr. DOLE. Mr. President, at 3 p.m. a live quorum will begin under the provisions of rule XXII of the standing rules of the Senate, to be followed by a cloture vote on the motion to proceed to S. 43, line-item veto.

Rollcall votes can be expected throughout Tuesday's session. It is the intention of the majority leader to turn to any Legislative or Executive Calendar items cleared for action by unanimous consent.

Again, I urge my colleagues, if we can work out some of these noncontroversial or less controversial measures, we would very much like to dispose of a number of those this week and it might affect our recess plans at the end of the session. So I would hope that we could accommodate not just the wise of the majority leader but I think a number of Senators on both sides who have interests in legislation still pending and urging us to try to move it along.

RECESS UNTIL 2 P.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move we stand in recess until 2 p.m., Tuesday, July 23.

The motion was agreed to; and at 5:34 p.m., the Senate recessed until Tuesday, July 23, 1985, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 1985:

DEPARTMENT OF STATE

John Blane, of Illinois, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Richard Wayne Bogosian, of Maryland, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

IN THE COAST GUARD

The following regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Robert H. Carmack
John E. Dzwilewski
Molly K. Kriz
Jonathan F. Trumble
Douglas D. Heyes
David M. Hawes
Sam M. Neill
Michael S. Kazek
Matthew R. Barre
Robert G. Wheeler
Michael J. Andres
Gordon K. Weeks, Jr.
William J. Rall
Brian M. Judge
Anne T. Fleck
Peter B. Weddington
Corey D. Chamness
William G. Balsinger III
Bret L. White
Christopher J. Stickney
George J. Stephanos
Suzanne E. Englebert
Donald R. Triner, Jr.
Patrick W. Brennan
Thomas P. Marian
Steven Rowland
Tami D. Belville
Brian L. Dolph
Mark S. Carmel
Steven G. Wood
Kurt J. Beier
Brian Flory
Michael G. Haydin
Michael P. Germinario

Michael D. Emerson
Douglas L. McKinnis
Martin C. Oard
John F. Koeppen
Mark E. Crater
Kenneth M. Lawrenson
David M. Fuka
Stephen G. Nurre
John E. Cameron
Timothy R. Brown
Matthew F. Johnson
Michael A. Giglio
Brian J. Merrill
Philip E. Muir
Patricia L. Mountcastle
Carl T. Alam
Brian J. Musselman
John R. Bingaman
Gregory W. Shaffer
Jeffrey E. Ogden
Robert L. DeYoung
Thomas S. Barone
Joseph Fischetti
Deborah R. Winnie
Jeffery A. Davis
Thomas F. Tabrah
Paul W. Schulte
Alvaro O. Crespo
Donald J. Rose
Eric A. Chamberlin
Daniel A. Ronan
Bruce D. Baffer
Eric B. Kretz
Jonathan H. Nickerson
Timothy A. Cherry
Patrick J. Dwyer
Gerald D. Dean
John F. Sykstus
John E. Tomko
Steven G. Sawhill
Michael H. Homick
Robert M. Dean IV
John B. McDermott
Coleen M. Johnson
Steven D. Poulin
Michael D. Sakahara
Carl J. Uchytil
Michael H. Anderson
David C. Ressel
John M. Cushing, Jr.
Christopher J. Hall
Monique L. Foster
Paul P. Fierszt
Gary C. Rasicot
Joseph A. De Salvio
Robert E. Smith
Paul S. Ratte
Theodore V. Murray
William J. Quigley
Scott A. Poyer
Jeffrey S. Schneider
Chris G. Kmiecik
Christopher G. Honse
Bruce E. Herring
William L. Hucke IV
Michael C. Husak
Stephen J. Engel
Daniel V. Svensson
David J. Gardiner
Aaron C. Davenport
Kevin M. Lyon
Thomas C. Pedagno
Kevin J. Russell
Mark A. Swanson
Dennis M. Becker
Michael A. Spotto
Michael D. Tosatto
Jacques G. Leonardi
Elizabeth K. Uhrig
James T. Moore
William F. Blough
Cari K. Batson
James H. Weakley
Roger D. Scow, Jr.
David A. Bell
James E. McCaffrey
Jeff D. Irine
Stephen P. Rausch
James G. Mazzonna
William K. Hunt
Craig A. Gilbert
Mark V. Kasper
Donald W. Cutrell
Glenn R. Kleint
Scott A. Buschman
Theodore F. Harrop
Thomas C. Wiggans
Raymond W. Martin, Jr.
Scott F. Ogan
Richard M. Kenin
Douglas R. Menders
Luann Barndt
Daniel S. Bobalek
James C. Larkin
David A. McBride
William T. Douglas
Peter D. Chittenden
Daniel P. Allan
Craig A. Corl
Clement D. Ketchum III
Robert D. Rayhill
John T. Hardin
Cheryl L. Harvey
Jeffrey V. Plourde
Donald G. Brizdzinski, Jr.
Michael D. Drieu
Bradford B. Groves
Jeffrey S. Bauer
Timothy J. Shamrell
Sharon A. Kiel
David A. Cinalli
Scott E. Williams
Robert P. Sheaves
Robert A. Sharrer
Brian R. Kelley
Scott T. McNutt
Eric P. Brown
David A. Coolidge
Jeffrey H. Bartlett
Steven M. Stancliff
Jay J. Briggs
Thomas M. Noonan
Alfred C. Folsom
Michael M. Bradley
Vann J. Young
Joel L. Dodds
Kevin D. Harkins
Pauline K. Sweyko
Russell D. Conatser
Michael T. Close
Willem M. Lange
Gustav R. Wulfkuhle
Anthony D. Wiest
Gary W. Merrick
Michael B. Cerne
Luke B. Harden
William J. Coffey
Dale V. Ferriere
George E. Butler
Paula J. Tutein
Kevin B. Kring
Joseph W. Billy II
David A. Hoover
Charles C. Hoffman II
Matthew P. Reid
Andrew P. White
Brad W. Fabling
Dawn K. Warden
Armin D. Cate
John J. Santucci, Jr.
Robert C. Baxter, Jr.
Richard A. Button, Jr.
Peter M. Skillings
Kevin M. Nedd
Burton L. DeShayes
Joe H. Choi
Richard R. Bruce
Roy J. Scott
Edward W. Parsons
Daniel G. Mincher
Keith A. MacKenzie
Ronald D. Mitchell

The following permanent chief warrant officers, W-1 of the U.S. Coast Guard to be permanent chief warrant officer, W-2:

Eligio A. Sevillena
David R. Moberly
Harold W. Martin
Thomas D. Gregory
Gary G. Stillman
Robert L. Clark, Jr.
Gerald Alfred
Joseph R. Johnson
Romeo V. Maglalang
Edgardo S. Mercado
Wesley E. Driver
Gregory D. Ziemer
Ronald E. Dinlocker
Bienvenido R. Manzano
James A. Wadsworth
Craig L. Simmons
James H. Shadle
Cesar D. Baytan
Thayer J. Seiler
Ronald J. Bieszozad
Kenneth V. Kaiser
Gerald F. Rettig
Alvin M. Coyle
Charles T. Goettsch
Oscar L. Ray
Alfredo L. Caritativo
Arthur G. Menge
Daniel C. Sathre
Jimmy C. Robinson
Ray L. Harrison
Nim R. Gray
Rogelio B. Resoso
Richardo A. Marquez
James P. Grossman
Lynard E. Phipps
Alvin M. Shepherd III
Robert M. Snow
Gary L. Herndon
Paul B. Stone, Jr.
Staffens D. Brown
Robert L. Dixon
Richard E. Oldridge, Jr.
Paul W. McClanahan
Thomas J. Walker
Gary J. Soula
Thomas F. Blair
Robert J. Neefe
Stephen C. Randall
Warren C. Duthie
David R. Sims
James L. Yetter
Steven R. Shelter
John W. Hall
Larry J. Weeks
Russell A. Grimes
Andrew N. Mason
Theodore J. Rushnak
Charles J. Mason
Edward B. Swift
Chris A. Mead
Mark A. Smith
Peter T. Campon
Lloyd L. Ford
William W. Akkala
Alfredo T. Sortano
Renato B. Asuncion
Alejanderino V. Manzano
Paul D. Hines
Larry E. Ames
Richard Lee
Lawrence A. Young
James E. Parry
Michael E. Frias
Neal L. Lovins
Robert M. Webber
Robert F. Jones

Benjamin M. Jones
Alan L. Callner
Kenneth A. Perry
Earl A. Sohn
Paul G. Miller
James G. Midgett
Roy D. Runyan
Richard J. Griewank
Irwin L. Meyer
Clarence Richards
Walter T. Oswalt
Dale A. Jago
Peter A. Glasz
William A. Merkler
James F. Taylor
William L. Kimme
David R. Ponstein
Russell Besancon
Dale J. Broskey
Raymond F. Eller
Sidney B. Doyle
Raymond L. Murphy
David R. Phelps
Donald F. Schweppe
Joseph G. Borden
Eugene G. Ferniz
Donald D. Blakely
Magtanggol A. Ronquillo
Michael W. Snively
James P. Jacenich
Dale E. Jones
Steven A. Weiden
Frederick Gonzales
Michael L. Giblin
Daniel H. Potter
Patrick J. Poire
Richard Gjeltema
Thomas R. Bentley
Gary L. Tredinnick
Warren H. Vanhoy
Charles W. Hoffman
Brian C. Heselton
James W. Smith
Ronald L. Ridge
Patrick T. McGovern
Henry C. Moore
Stephen B. Hughes
Douglas K. Belknap
Jan D. Larson
Lonnie L. Roberts
James A. Gaskins
Richard E. Pryor
Matthew A. Galante
Warren M. Baldwin
Keith M. Wakefield
James R. Gorton
Carlito S. Vicencio
David W. Bosserman
Isreal R. Dominguez
Nelson J. McDonald

The following permanent chief warrant officers, W-2 of the United States Coast Guard to be permanent chief warrant officer, W-3:

John D. Merrill
Alton Carney
Kenneth D. Charney
Jerry W. Shelton
Marc H. Johnson
Austin C. Beach
Robert F. Rogers
Charles B. Carlson
Thomas L. Schenk
John E. Stephens
Gerald V. Schambeau, Jr.
Harland W. Weatherly
Roy W. Patton
Ronald W. Taylor
Thomas R. Hoskins
Edward M. Hill
Roy W. Jamison
John E. Pistel
Alfred P. Chadwick
Stephen P. Marvin
Robert A. Vanderzyl
David R. Comer, Jr.
Garland M. Lewis
Dennis M. Igo
Larry C. Jones
Harry C. Parker
David E. Otten
Michael R. Rebmann
George A. Quinn, Jr.
Terry W. Martin
Maurice Gardner
Thomas P. Ryan
John J. Labrier
David C. Nelsen
Robert E. Dorman
Alan E. Gustin
David M. Watring
Jack R. Cornett
John H. Smith
Edward L. Buell
John E. Hill, Jr.
Decator H. Austin, Jr.
Harry W. Darling
John A. Howatt, Jr.
William J. Geoghagan
Cecil D. Miller
Raymond E. Johnson
Donald C. Ebey
Charlie W. Bozeman
David W. Carr
Robert R. Wilson, Jr.
Wilson G. Hamilton, Jr.
Benjamin C. Sobotka
Lee T. Cearley
William G. Humphreys, Jr.
Gerald E. Johnson
Joel R. Otterson
Roger D. Henke
Paul D. Poetl
Keith W. Darby
Carl W. Allen
James H. Bowden
Charles R. Waggoner
Stephen B. Hohman
William J. Ham, Jr.
Jerald G. Craddock
Michael J. Scanlon
Jay A. Smith
Marion R. Smith
Brian J. Whitaker
Donald R. McCasland
Terry L. Jarvis
Joseph J. Dobriko, Jr.
Randell K. Anderson
William S. Anderson
Dennis M. George
Gerard L. Bonner
Austin R. Keeth, Jr.
Thomas O. McConnell
Ward F. Kreidler
James R. Teal
Edward J. Recely
James R. King
Randolph D. Seward
Ollow E. Canup
Gary W. DeValk
Thomas R. Lindsey
Leonard T. Parks III
Richard T. Rohweder
David F. Gerdes
Joseph M. Kalista III
Richard D. Bowman
Joseph W. Evans
Jack E. Cash
Anthony P. Giesner
Roger D. Johnson
Bruce F. Dash
William D. Henry
Peter M. Sikora
William E. Ambrose, Jr.
Alton H. McKey, Jr.
Eusebio B. Mawanay
Irving M. Davenport
Stephen C. Tepner
Peter F. Case
Alan A. Nickerson
John M. Huard
John J. Pirchio
Shelton Caulder, Jr.

The following permanent chief warrant officers, W-3 of the U.S. Coast Guard to be permanent chief warrant officer, W-4:

Ceasar A. Paras
Faye A. Amundson
William C. Brizendine
Robert V. Venables
Bruce R. McMahill
David R. Gay
William T. Myers
Page J. Shaw
Wesley G. Schallock
Clifford W. Heideman
Glenn A. Lewis
Larry M. Luzader
David M. Johnson
Charles A. Teaney
Ronald G. Walters
Ernest W. Yost
Robert A. Cushing

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. John H. Boles, xxx-xx-xxxx
Maj. Charles E. Chinnock Jr., xxx-xx-xxxx
Maj. Malcolm C. Emerick, xxx-xx-xxxx
Maj. Kenneth M. Exline, xxx-xx-xxxx
Maj. Robert G. Harshaw, xxx-xx-xxxx
Maj. Noel L. Kemmerich, xxx-xx-xxxx
Maj. Earl T. Kuhn Jr., xxx-xx-xxxx
Maj. Roger D. Lewis, xxx-xx-xxxx
Maj. Michael J. Minehan, xxx-xx-xxxx
Maj. Larry E. Peters, xxx-xx-xxxx
Maj. Donald C. Roemhildt, xxx-xx-xxxx
Maj. David M. Showers, xxx-xx-xxxx
Maj. Charles J. Small, xxx-xx-xxxx
Maj. Ronald E. Stein, xxx-xx-xxxx
Maj. Christopher Stevens, xxx-xx-xxxx
Maj. Richard L. Tolbert, xxx-xx-xxxx

LEGAL

Maj. Steven H. Schiff, xxx-xx-xxxx

CHAPLAIN

Maj. David W. Wollenburg, xxx-xx-xxxx

MEDICAL SERVICE CORPS

Maj. Luis Serranovega, xxx-xx-xxxx

MEDICAL CORPS

Maj. Mark A. Wentworth, xxx-xx-xxxx

NURSE CORPS

Maj. Ardith A. Corsaw, xxx-xx-xxxx

IN THE AIR FORCE

The following persons for Reserve of The Air Force appointment, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be lieutenant colonel

Mathews, Roger D., xxx-xx-xxxx
Marx, Robert E., xxx-xx-xxxx
Swerdlow, Ralph H., xxx-xx-xxxx

IN THE ARMY

The following-named officer for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 3370:

ARMY PROMOTION LIST

To be colonel

Robinson, Henry, xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

Anderson, John R., xxx-xx-xxxx
Arroyo, Edgardo, xxx-xx-xxxx
Baker, Harold B., xxx-xx-xxxx
Beck, Alvie C., xxx-xx-xxxx
Bierma, Edward C., xxx-xx-xxxx
Bode, Howard J., xxx-xx-xxxx
Brito, Richard, xxx-xx-xxxx
Dobson, Charles T., xxx-xx-xxxx
Eckert, John H., xxx-xx-xxxx
Fry, Bruce F., xxx-xx-xxxx
Green, James A., xxx-xx-xxxx
Haurilick, David L., xxx-xx-xxxx
Henry, Joseph S., xxx-xx-xxxx
Hobeke, Terrell A., xxx-xx-xxxx
Kingsbury, Edward T., xxx-xx-xxxx
Lawhon, Edward M., xxx-xx-xxxx
Lelii, Robert L., xxx-xx-xxxx
Lishi, Joseph T., Jr., xxx-xx-xxxx
Mainford, Jerry B., xxx-xx-xxxx
McCarley, Eugene C., xxx-xx-xxxx
Mutter, John A., xxx-xx-xxxx
Robinson, Raymond C., xxx-xx-xxxx
Rockett, Kenneth W., xxx-xx-xxxx
Roe, John C., xxx-xx-xxxx
Scott, William J., xxx-xx-xxxx
Strapac, John J., xxx-xx-xxxx
Strimel, Richard W., xxx-x...
Templeton, Richard, xxx-xx-xxxx
Toneatto, Giuliano, xxx-xx-xxxx
Williamson, Samuel, xxx-xx-xx...

CHAPLAIN

To be lieutenant colonel

Heino, Jacob D., xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

To be colonel

Buch, Floyd H., xxx-xx-xxxx
Dunlavey, Michael E., xxx-xx-xxxx
Gretzinger, William, xxx-xx-xxxx
Hunsaker, Orvil G., xxx-xx-xxxx
Leishman, Nolan E., xxx-xx-xxxx
Mefferd, James B. Jr., xxx-xx-xxxx
Norton, John E., xxx-xx-xxxx
Reading, Charles N., xxx-xx-xxxx
Redmond, William Jr., xxx-xx-xxxx
Reynolds, Robert A., xxx-xx-xxxx
Simard, Lionel R., xxx-xx-xxxx
Sutter, Richard L, xxx-xx-xxxx
White, David W., xxx-xx-xxxx
Youngman, Geor[illegible] A., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Duffin, Wallace B., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Allen, Hollis H., xxx-xx-xxxx
Anderson, David, xxx-xx-xxxx
Anding, Warren G., xxx-xx-xxxx
Apcar, Richard A., xxx-xx-xxxx
Atma, Robert, xxx-xx-xxxx
Barfield, Grover C., xxx-xx-xxxx
Barnes, Rudolph C., xxx-xx-xxxx
Barton, Peter W. Jr., xxx-xx-xxxx
Benjamin, George, xxx-xx-xx...
Blount, Lawrence C., xxx-xx-xxxx
Bortz, Arthur L., xxx-xx-xxxx
Brady, William O., xxx-xx-xxxx
Brooks, Kenneth L., xxx-xx-xxxx
Burke, James C., xxx-xx-xxxx
Cahill, Michael F., xxx-xx-xxxx
Candon, Thomas J., xxx-xx-xxxx
Chamberlain, Samuel, xxx-xx-xxxx
Chorazy, Stanley E., xxx-xx-xxxx
Costa, Norman J., xxx-xx-xxxx
Daffron, Robert A., xxx-xx-xxxx
Drower, Peter G., xxx-xx-xxxx
Dunning, Thurlow R., xxx-xx-xxxx
Easton, Mahlon T., xxx-xx-xxxx
Eckart, Charles R., xxx-xx-xxxx
Feasel, Laurence W., xxx-xx-xxxx
Flock, John D., xxx-xx-xxxx
Frey, Robert H., xxx-xx-xxxx
Fukushima, Alan H., xxx-xx-xxxx
Gibson, Stanley R., xxx-xx-xxxx
Ghent, James R., xxx-xx-xxxx
Griffith, James B., xxx-xx-xxxx
Gunnerson, Earl H., xxx-xx-xxxx
Hargarten, James P., xxx-xx-xxxx
Herndon, Morris G., xxx-xx-xxxx
Huber, Thomas M., xxx-xx-xxxx
Hull, Donald L., xxx-xx-xxxx
Hymson, Edward B., xxx-xx-xxxx
James, Frank S., xxx-xx-xxxx
Kirchoff, Richard B., xxx-xx-xxxx
Klein, Dennis E., xxx-xx-xxxx
Luckett, David S., xxx-xx-xxxx
McBeth, John I., xxx-xx-xxxx
McCoy, Donald L., xxx-xx-xxxx
McDonald, Kenneth T., xxx-xx-xxxx
McGuire, James J., xxx-xx-xxxx
Mennona, Robert G., xxx-xx-xxxx
Metcalf, Michael T., xxx-xx-xxxx
Meyers, Michael A., xxx-xx-xxxx
Mordarski, Richard, xxx-xx-xxxx
Mount, Paul B. III, xxx-xx-xxxx
Obley, William W., xxx-xx-xxxx
Oleniewski, Walter, xxx-xx-xxxx
Parker, Deane W., xxx-xx-xxxx
Parkinson, David D., xxx-xx-xxxx
Payton, Benjamin L., xxx-xx-xxxx
Pleicones, Costa M., xxx-xx-xxxx
Pratt, Charles W., xxx-xx-xxxx
Pyatt, John N., xxx-xx-xxxx
Roach, Frank L., xxx-xx-xxxx
Robertson, George A., xxx-xx-xxxx
Roman, Gilbert D., xxx-xx-xxxx
Serra, Philip M., xxx-xx-xxxx
Singh, Harbans, xxx-xx-xxxx
Skeers, Jerome M., xxx-xx-xxxx
Skinner, Owen H., Jr., xxx-xx-xxxx
Spokes, Harry R., xxx-xx-xxxx
Stevens, James, xxx-xx-xxxx
Thiele, Alan R., xxx-xx-xxxx
Thomas, Dale, xxx-xx-xxxx
Walsh, Thomas E., xxx-xx-xxxx
Warren, Robert B., xxx-xx-xxxx
Wattnem, Gary C., xxx-xx-xxxx
Weatherhead, Carey, xxx-xx-xxxx
Wooding, David J., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 593 and 3353:

MEDICAL CORPS

To be colonel

Harper, David G., xxx-xx-xxxx
Killeffer, Frederick, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Boswell, Cramer L., xxx-xx-xxxx
Hixson, Mark E., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Albarracin, Narcisco, xxx-xx-xxxx
Albaugh, Jeffrey S., xxx-xx-xxxx
Anderson, Paul J., xxx-xx-xxxx
Butler, Henry E., III, xxx-xx-xxxx
Burhow, William L., xxx-xx-xxxx
Cherry, John K., xxx-xx-xxxx
Diess, Elmer A., Jr., xxx-xx-xxxx
DelValle, Ignacio, xxx-xx-xxxx
Edwards, Larry D., xxx-xx-xxxx
Farber, George A., xxx-xx-xxxx
Goh, Albert, xxx-xx-xxxx
Hand, Roger P., xxx-xx-xxxx
Harmon, John W., xxx-xx-xxxx
Hinderstein, William, xxx-xx-xxxx
Horner, Terence L., xxx-xx-xxxx
Lacsina, Emmanuel Q., xxx-xx-xxxx
Larson, Paul H., xxx-xx-xxxx
Lee, Garth G., xxx-xx-xxxx
Lim, Daniel, xxx-xx-xxxx
Liss, Ronald S., xxx-xx-xxxx
MartinezColon, Manuel, xxx-xx-xxxx
Mulvaney, Thomas J., xxx-xx-xxxx
O'Kelly, Frank M., xxx-xx-xxxx
Pate, William E., xxx-xx-xxxx
Pienkos, Edward J., xxx-xx-xxxx
Porres, Rafael, xxx-xx-xxxx
Proctor, Robert F., xxx-xx-xxxx
Richardson, George, xxx-xx-xxxx
Schaffer, Sylven L., xxx-xx-xxxx
Sharma, Omporkash, xxx-xx-xxxx
Strange, Gerald L., xxx-xx-xxxx
Stremple, John F., xxx-xx-xxxx
Turner, Thomas A., xxx-xx-xxxx
Vagshenian, George, xxx-xx-xxxx
Vanderyacht, Wilbur, xxx-xx-xxxx
Wagner, Michael S., xxx-xx-xxxx
Wallace, Roger L., xxx-xx-xxxx
Whitehurst, Lawrence, xxx-xx-xxxx

IN THE NAVY

The following named commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the Staff Corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

Captain

Billharz, David William
Bove, Alfred Anthony
Broadman, Lynn Morris
Bulusu, Narayana Venkat
Chestnut, Julian S.
Coleman, Robert Mason J.
Cowles, Sally Kathleen
Crowley, James Patrick
Cummins, Larry E.
Cusic, Marshall E., Jr.
Dainer, Michael Jeffrey
Davidson, Dennis M.
Davis, Jonathan Lockwood
Derhagopian, Robert P.
Dillard, Robert Perkins
Fisher, Donald Eugene
Freeland, George Richar
Grove, Charles Samuel
Hanna, Mary M.
Herndon, William Alfred
Hirschberg, Brendon Cot
Holleran, Neal Evan
Hoover, Dennis Leroy
Huhn, Wolfgang Anton
Hurley, John Kevin
Ingrum, David Alan
Koeller, Royal Robert
Lynch, Donald Francis J.
McIntosh, Bruce Jordan
McReynolds, John Willia
Morant, Victor A.
Mow, Ronald
Neuman, Tom S.
Posner, Geoffrey Michae
Pressly, James Patterso
Quinn, Paul Vincent
Sander, James E.
Schmits, Walter Richard
Settle, Halsey Marvin I.
Shreck, James Neil
Snyder, Thomas Lynn
Taylor, Raymond Frederi

Tepas, Joseph John, III
Thillet, Ives Christian
Tormes, Felix Rodriguez
Turner, Thomas Roy
Ward, Harold W., Jr.
Weber, Daniel James
Winn, Charles Edwin

SUPPLY CORPS

Captain

Adams, Denis Loren
Agnitsch, Richard Joseph
Brookstra, William Robert
Burris, Gary Marvin
Chapin, John Endicott, Jr.
Cotten, Johnny Walter
Curran, John Charles
Dahm, John Herbert, Jr.
Dockendorff, Robert Dean
Donahue, John Richard
Dowley, Peter Walter
Glover, Clarence Howard, Jr.
Hallahan, Jeffrey Woods
Helm, Robert Charles
Hill, Thomas James
Hollowell, Walter Emery
Huff, Howard Wilson
Hull, Lawrence Glenn
Hunt, John Henry
Keller, Leslie Robert
Kramp, Darrell Irving
Madison, Robert Louis
McCameron, James David
Murray, Phillips Shep
Patterson, Paul Rickey
Pulliam, Nelson Bates
Quinn, Patrick Joseph
Quinton, Edmund Frank
Reid, Gary Boyd
Reynolds, Roger William
Rieper, Alan George
Robertson, Daniel S.
Schamp, Roger Garret
Schiff, Albert John
Schwartz, Robert George, Jr.
Shawl, Jon Charles
Sheridan, Gary John
Stack, Robert Cole
Stiles, Edwin Peter
Stohlmann, John Clare
Stolark, Edward John
Switzer, Harry Allen
Timko, James Stephen
Tyson, George James, Jr.
Walker, John Mark, Jr.
Wallace, John Carleton
Walsh, Richard Joseph
Watts, James Thomas
Wilson, Charles A.
Wood, Daniel Andreae

SUPPLY CORPS (TAR)

Captain

Harless, Wayne H.

CHAPLAIN CORPS

Captain

Cline, William Crozier
Cook, Harvey Gerald
Ecker, John Aloysius
Lowe, James Lewis
Pedersen, Dean Wesly

CIVIL ENGINEER CORPS

Captain

Biggers, Ralph Lee, Jr.
Clay, Joseph Valentine E., III
Greene, Robert Edward Lee, Jr.
Gross, Thomas Joseph
Harman, Joe Hutchinson
Long, Noah Halbrook, Jr.
Martin, William Robert
Robertson, Alton Felix
Sargent, Delon Denny
Schofield, Dean Adams
Smith, Dwight Glenn
Smith, William Alfred
Watson, James Preston

JUDGE ADVOCATE GENERAL'S CORPS

Captain

Albrecht, William Edwar
Bleveans, John Allan
Carter, Norman McLeod, Jr.
Cherry, Donald Gordon
Dyke, James Ronald
Flood, Kevin Patrick
Foote, Douglas Dean
Hess, John Lee
Hutto, Robert Edward
Infante, Edward Anthony
Kanninen, Michael Laure
Morgan, Christopher L.
Neely, Charles Batchell
Peterson, Steven Dewayn
Reite, Charles Douglas
Ross, James Edward
Stephens, Richard Hayde

DENTAL CORPS

Captain

Ladd, Paul von Bose

MEDICAL SERVICE CORPS

Captain

Brabant, Peter Joseph
Haberkorn, Susan Beck
Ivory, Thomas Martin, II
Kingsbury, David Thomas
McFadden, Glennon Keith
Mullin, Michael D.
Randall, Herbert David
Workman, William Terry

NURSE CORPS

Captain

Brown, Mary Jeanne
Caruso, Mary Elizabeth
Dempsey, Marie Berret
Fackler, Nancy Aleen
Hornsby, Eva M.
Ibach, Maryanne Theresa
Leininger, Evelyn Louis
Meyer, James Francis
Miller, Susan E.
Reilly, Betsy Jean
Sandall, Maureen Dohert
Seitz, Karen Diane
Stairs, Mary A.
Tracy, Madeline Anne

IN THE NAVY

The following named lieutenant commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of commander in the Staff Corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

Commander

Aaron, Harvey C.
Adolph, Anthony Joynson
Agner, Harold K. II
Anderson, Cynthia T.
Baker, Michael Stephen
Ballard, Harry H.
Barrionuevo, Juan Carlo
Bautista, Manuel Franci
Beary, John Francis, III
Block, Julia A. D.
Bott, Jay Cordell
Bresnahan, Dennis R., Jr.
Briggs, Nancy D.
Brillhart, Allen Thomps
Brooks, Harry W., Jr.
Buerkert, John Edward
Busch, Richard F.
Campbell, David C.
Carden, Dennis M.
Carpenter, Barry Lee
Christiansen, Lance Wal
Clapp, William L.
Clarendon, Colin C. D.
Cleaver, Lloyd J.
Cochran, Emerson B.
Conwill, David E.
Counselman, Kenneth Her
Csere, Robert S.
Daily, James M.
Daniel, Thomas Alan
Day, Franklin J.
Easwaran, Chittur V.
Etter, Harry S., Jr.
Fan, George Chitze
Feder, Joel Maurice
Ferguson, Wilson, J., Jr.
Fontainer, Charles Eugene
Gabler, Glen R.
Giroud, Jorge M.
Grant, Frederick James
Grantham, Herbert G.
Greenway, Hubert T., Jr.
Gros, Michael L.
Gunn, Dale Wilson
Hagin, Gerald Douglas
Halbert, Richard E. II
Haley, Roger J.
Hall, Pamela P.
Haning, William F., III
Harrington, Tracy M.
Harris, Christopher J.
Hewanlowe, Karlene Opal
Hockett, Clyde Jay
Honablue, Richard Riddi
Hong, Inpow David
Huggins, Charles E.
Huss, Marlene C.
Hutchinson, Michael Irv
Itkin, Ernest Louis
Jackerson, Jeffrey Ira
Jamieson, Thomas Willia
Jensen, Steven R.
Jones, Charles B.
Karlin, Charles A.
Karr, Michael A.
Kates, Harold H.
Kepk, Keith A.
Kilcheski, Thomas S.
Lane, Zeph
Lee, Sang Oug
Licata, Paul John.
Maloney, Martin J.
Markesbery, Harold Vict.
Massa, David Anthony.
McMillen, James J., Jr.
Moniece, Donald Michael.
Metcale, John H.
Moore, Thomas H.
Murphy, James P., Jr.
Nelson, David G.
Nelson, Jeffrey Loren.
Nery, Generoso S.
Claisen, Arlene.
Paelmo, Corazon M.
Patel, Anilkumar R.
Patterson, Donald C.
Pesce, Richard R.
Plantadosi, Claude A.
Pinerorivera, Ramon.
Posner, Moss David.
Powell, Stephen H.
Presswalla, Faruk Beira.
Racicot, David F.
Realo, Nelson Jacob.
Rettke, Steven Richard.
Rudick, James Howard.
Rufleth, Peter W.
Schumacher, Mark P.
Scottcora, James Willia.
Shelby, John Harry.
Smith, Larry R.
Starling, Jay Craig.
Tallaksen, Robert James.
Thornton, Donald Bruce.

Tomlin, Thomas A.
Tonkin, Russell Joseph.
Tyler, Robyn E.
Wellborn, Roger G.
Wesselius, Cassie L.
Williams, David C.
Williams, Joseph James.
Zimmer, John Fredrick

SUPPLY CORPS.

Commander

Atchley, Walter Dennis.
Bang, Paul George.
Barrett, Kim Douglas.
Bates, William Stroker.
Beassie, Leslie J.
Blanton, James Ellis, II.
Bolding, Ronald Henry.
Breidenbach, Peter Nelson.
Bumford, John S.
Burke, John Price.
Canon, Jack Arthur.
Chaffet, Robert George.
Clarke, Frederick Weaver, IV.
Conway, John Condon, Jr.
Corack, Edward Walter.
Cummins, John Leroy.
Curtin, Michael Francis.
Davis, Robert Ernest.
Dickerson, Daniel Joseph.
Dmetruk, Stephen Franklin.
Dulin, John Elbert.
Duncan, James W.
Edwin, James Richard.
Ferrari, Daniel Edward.
Flora, James Harold.
Forman, James Michael.
Frazier, Robert Bruce.
Fremont, Robert F., III.
Gessner, David Philip.
Golden, James, Jr.
Gordohn, Richard Edward.
Hassenplug, John Keith.
Henn, Loring Keene.
Hill, William Andrew, III.
Hubbard, Mark Andrew.
Jennings, Henry W.
Johnson, Rodney Alan.
Johnson, Steven Kent.
Jones, Robert Wilson.
Keefer, Paul Richardson.
Kimble, Lawrence C.
Kosaveach, Bruce Edward.
Kota, Robert Carl.
Lee, Larry Dee.
Locke, James William, Jr.
Lubin, Jay Fredric.
McLean, William Danforth.
Miller, Robert Francis.
Miller, Roy Estill, III.
Parr, John Bernard.
Parrino, Jack John.
Percy, Robert Ryland, III.
Pierce, William Brown.
Rogers, John Wayne.
Schenck, Clayton Lee
Stocking, Richard Ralph
Storm, Louis Oliver, II
Thurston, Kevin P.
Tilley, Kenneth Gray, Jr.
Underwood, Brian Clinton
Ustick, Michael Lee
Valade, Richard Henry
Ward, James Martin
Wilcox, Thomas Alan
Wong, Carey Robert

SUPPLY CORPS (TAR)

Commander

Bellairs, Jacques T.
Fisher, Radney L.
Haller, Brian Quinn
Lum, Calvin Hang
Ochenkowski, John Paul
Rossley, Thomas W.

CHAPLAIN CORPS

Commander

Condon, William G.
Hetherington, Robert Hoge
Kahn, Bruce Edward
Thompson, Neale Cornelius

CIVIL ENGINEER CORPS

Commander

Bryngelson, Robert Carl, Jr.
Devries, Larry George
Dierckman, Thomas Edward
Foster, James Edward
Freiheit, Richard Otto
George, James Fredrick
Grubbs, William David
Hart, John Michael
Hart, Randall Rawlings
Jennings, Kirk Edward
Johannesmeyer, Dale C.
Kinney, Bruce Harold
Marcy, Hugh W.
Martinez, Modesto Tiongco, Jr.
McKenzie, Joseph A., III
Miller, Paul J.
Nagashima, James Michio
Padrick, Richard Dean
Pankovics, James
Schlatka, David Joseph
Speller, Bruce Hugh
Srna, Richard Eugene
Stern, Robert Jay
Thomas, Marlin U.
Valentine, Deberall Anthony
Walls, James, III
White, Jethro, Jr.

JUDGE ADVOCATE GENERAL'S CORPS

Commander

Bagley, David W., II
Baker, Catharine G.
Bamberger, Lawrence Kar
Brooks, Joseph A.
Courtney, James J.
Donahue, Michael J.
Dorsey, William Arch, II
Forsyth, James Dale, II
Harris, John Kenneth
Hillyard, Robert Leo
Ingram, Charles Marshal
Lennon, George Wright
Miller, Norman Lee
Nelson, Donald Leonard
Peterson, Robert C.
Picken, Cyrus Seeley, Jr.
Powell, David Gallimore
Smith, James E.
Sullivan, Mark Francis
Vanrensler, Barry W.
Wallace, John G.
Wells, Lisalee A.

DENTAL CORPS

COMMANDER

Adams, Thomas J.
Aker, Frank, III
Hempel, Ronald P.
Speer, Randall M.
Waldron, Jonathan C.
Webb, Steven C.

MEDICAL SERVICE CORPS

Commander

Kroeger, Henry John
McClay, Michael Christi
Meisel, Robert Henry
Petersen, Paul Christia
Pruneda, Augustin Corti
Rath, Charles Richard
Reynolds, William Herbe
Roloff, Marston Val
Schwartz, Dorothy Rojia
Thompson, Nancy A.
Trotter, Robert Emmet
Updyke, Thomas Edward
Zimmerman, Sylvia Sessi

NURSE CORPS

Commander

Balacki, Margaret F.
Banks, Joan K.
Bodine, Linda Perry
Cowart, Patsy Ann
Crockett, Margaret Elle
Eilers, Barbara G.
Englisbe, Barbara Harri
Fitzgerald, Margaret Le
Fitzgerald, Marsha Arle
Franz, Jean P.
Glass, Lauren Kay
Greeley, Catherine Such
Gross, Patricia Ann
Hursh, Shirley M.
Jackson, Susan S.
Johnson, Mary R.
Johnson, Nancy Ruth
Kranz, Helenmarie Bergi
Lance, Brenda Rogers
Maggi, Nancy F.
Malloy, Suzanne Elizabe
Masterson, Linda Walker
McAmis, Agnes Florence
Miller, Donna Marie
Mullaney, Blanche Skell
Nettum, Mary Cown
Oberbeck, Jacqueline Le
Rushton, Patricia
Schott, Aline M.
Sciuto, Renata Magdalyn
Shepherd, Martha Philli
Slagle, Marjorie W.
Tobey, Brenda Justus
Trinkwalder, Janet C.
Williams, Kathryn Marie
Yoder, Marianne E.
Zangrilli, Mary P. K.

IN THE MARINE CORPS

The following named officers of the Marine Corps Reserve for transfer into the regular Marine Corps under the provisions of title 10, U.S. Code, Section 531.

MAJORS

Knapik, Philip C., xxx-xx-xxxx
Smith, Shelton K., xxx-xx-xxxx

CAPTAINS

Albright, Leroy R., xxx-x...
Alexander, Jr., Joseph A., xxx-xx-xxxx
Anich, Bruce J., xxx-xx-xxxx
Bergman, Ingrid E., xxx-xx-xxxx
Canham, Jr., John J., xxx-xx-xxxx
Carty, Thomas C., xxx-xx-xxxx
Cooper, Leslie S., xxx-xx-xxxx
Daniels, Richard C., xxx-xx-xxxx
Dereschuk, Jean C., xxx-xx-xxxx
Dodge, John K., xxx-xx-xxxx
Drescher, James H., xxx-xx-xxxx
Duncan, James C., xxx-xx-xxxx
Evans, Mark W., xxx-xx-xxxx
Foster, James M., xxx-xx-xxxx
Gaudreau, Steven L., xxx-xx-xxxx
Hanson, Robert M., xxx-xx-xxxx
Hatfield, Nancy J., xxx-xx-xxxx
Hill, Randolph L., xxx-xx-xxxx
Hobbs, Jr., Richard A., xxx-xx-xxxx
Holbert, Lloyd C., xxx-xx-xxxx
Hughes, Paul D., xxx-xx-xxxx
James, Brian J., xxx-xx-xxxx
Johnson, Ronald J., xxx-xx-xxxx
Kuntz, John D., xxx-xx-xxxx
Martinson, James S., xxx-xx-xxxx
McGuinness, Daniel E., xxx-xx-xxxx
Mohrhardt, Cavin R., xxx-xx-xxxx
Phillips, Timohty L., xxx-xx-xxxx
Plum, Randall A., xxx-xx-xxxx
Pratt, William F., xxx-xx-xxxx
Robson, Lawrence B., xxx-xx-xxxx
Roe, Roy E., xxx-xx-xxxx

Schubert, Nick A., xxx-xx-xxxx
Schuchardt, Christopher P., xxx-xx-xxxx
Sickinger, Daniel L., xxx-xx-xxxx
Slogic, Frank W., xxx-xx-xxxx
Smart, Bruce S., xxx-xx-xxxx
Stagnone, Joseph L., xxx-xx-xxxx
Street, Robert S., xxx-xx-xxxx
Testa, Joseph J., xxx-xx-xxxx
Thomas, James M., xxx-xx-xxxx
Wenger, III, Fred, xxx-xx-xxxx
Wilson, James H., xxx-xx-xxxx
Wunderlich, Gary L., xxx-xx-xxxx

LIEUTENANT

Amidon, Karen L., xxx-xx-xxxx
Amirante, Robert V., xxx-xx-xxxx
Amland, George S., xxx-xx-xxxx
Anderson, Terry N., xxx-xx-xxxx
Anderson, William J., xxx-xx-xxxx
Ashworth, Forrest W., xxx-xx-xxxx
Baltz, Talarah G., xxx-xx-xxxx
Banks, David W., xxx-xx-xxxx
Barghusen, John C., xxx-xx-xxxx
Barna, Tom D., xxx-xx-xxxx
Barrix, Robert B., xxx-xx-xxxx
Barton, Brian M., xxx-xx-xxxx
Batt, Daniel C., xxx-xx-xxxx
Bauer, Lawrence A., xxx-xx-xxxx
Beckett, William H., xxx-xx-xxxx
Betts, Stuart C., xxx-xx-xxxx
Biemolt, Wayne W., xxx-xx-xxxx
Bledsoe, Katherine A., xxx-xx-xxxx
Bonsignore, Robert G., xxx-xx-xxxx
Brady, Charles P., xxx-xx-xxxx
Brooks, David E., xxx-xx-xx...
Bryant, Shelia F., xxx-xx-xx...
Buckley, James J., xxx-xx-xxxx
Bumgarner, Tony L., xxx-xx-xxxx
Burt, John M., xxx-xx-xxxx
Byrne, John F.L., xxx-xx-xxxx
Carr, Shawn E., xxx-xx-xx...
Clark, Mark A., xxx-xx-xxxx
Cleary, William A., xxx-xx-xxxx
Clinton, Robert D., xxx-xx-xxxx
Coia, Raymond E., xxx-xx-xxxx
Coleman, Tamra L., xxx-xx-xxxx
Coleman, Jr., Richard D., xxx-xx-xxxx
Collins, Thomas N., xxx-xx-xxxx
Coonradt, John E., xxx-xx-xxxx
Cooper, William J., xxx-xx-xxxx
Cover, IV, William J., xxx-xx-xxxx
Curran, Richard D., xxx-xx-xxxx
Cutner, Lawrence D., xxx-xx-xxxx
Dana, Michael G., xxx-xx-xxxx
DelValle, Roy J., xxx-xx-xxxx
DelZompo, Francis A., xxx-xx-xxxx
Duffy, Edward J., xxx-xx-xxxx
Durre, Douglas L., xxx-xx-xxxx
Dye, Charles E., xxx-xx-xxxx
Eaves, Michael P., xxx-xx-xxxx
Ellis, Darryl H., xxx-xx-xxxx
Ellis, Thomas D., xxx-xx-xxxx
Enzor, Kenneth D., xxx-xx-xxxx
Fallon, Richard J., xxx-xx-xxxx
Findley, Michael C., xxx-xx-xxxx
Finn, Stephen P., xxx-xx-xxxx
Fleischmann, Donald R., xxx-xx-xxxx
Furtado, Charles C., xxx-xx-xxxx
Girod, Larry D., xxx-xx-xxxx
Grabowski, Rickey L., xxx-xx-xxxx
Greenwood, Paul E., xxx-xx-xxxx
Grenier, Kenneth C., xxx-xx-xxxx
Hardin, Jeffrey A., xxx-xx-xxxx
Harlan, Stefan A., xxx-xx-xxxx
Harrigan, John D., xxx-xx-xxxx
Hathaway, James B., xxx-xx-xxxx
Hauck, Gregory L., xxx-xx-xxxx
Hengel, Michael J., xxx-xx-xxxx
Hepburn, Samuel B., xxx-xx-xxxx
Hering, Eileen F., xxx-xx-xxxx
Herron, Selden L., xxx-xx-xxxx
Hester, Tommy L., xxx-xx-xxxx
Hornung, Neil J., xxx-xx-xxxx
Imsick, Michael F., xxx-xx-xxxx
Jay, Charles H., xxx-xx-xxxx
Judge, Joseph, xxx-xx-xxxx
Kane, Joel P., xxx-xx-xxxx
Kazin, James A., xxx-xx-xxxx
Keeler, Douglas E., xxx-xx-xxxx
Kelly, David, xxx-xx-xxxx
Kirwin, Kevin M., xxx-xx-xxxx
Kolkmeyer, Anthony E., xxx-xx-xxxx
Kroelinger, Jr., William L., xxx-xx-xxxx
Kuhn, James T., xxx-xx-xxxx
Kuhn, Margaret A., xxx-xx-xxxx
Lachney, Bruce L., xxx-xx-xxxx
Lacon, Jr., Walter J., xxx-xx-xxxx
Ladue, John D., xxx-xx-xxxx
Lambiase, Michael J., xxx-xx-xxxx
Lane, William S., xxx-xx-xxxx
Leach, Robert G., xxx-xx-xxxx
Leek, William P., xxx-xx-xxxx
Lentz, Michael D., xxx-xx-xxxx
Lewis, III, Grover C., xxx-xx-xxxx
Lill, David S., xxx-xx...
MacDonald, Carl W., xxx-xx-xxxx
Marcucci, Anthony D., xxx-xx-xxxx
Marcy, Douglas A., xxx-xx-xxxx
Marquardt, Joel A., xxx-xx-xxxx
Marsh, Leslie C., xxx-xx-xxxx
Marzec, James P., xxx-xx-xxxx
McCoyd, Kevin P., xxx-xx-xxxx
McDonnell, Edward F., xxx-xx-xxxx
McKellar, James W., xxx-xx-xx...
Medor, Guy D., xxx-xx-xxxx
Mulcahy, Kevin P., xxx-xx-xxxx
Mulligan, Michael J., xxx-xx-xxxx
Munck, William L., xxx-xx-xxxx
Nazaroff, Borisfrank A., xxx-x...
Newbrough, Gregory L., xxx-xx-xxxx
Novak, Cassondra K., xxx-x...
Pair, Jr., Robert E., xxx-x...
Parker, William B., xxx-xx-xx...
Parsons, Richard M., xxx-x...
Pearson, Barry D., xxx-xx-xxxx
Peterson, Jeffery M., xxx-xx-xxxx
Petterle, Mark R., xxx-xx-xxxx
Phillips, Kevin F., xxx-xx-xxxx
Pinkston, Pat D., xxx-xx-xxxx
Platt, Jr., Lawrence A., xxx-x...
Polizzi, Santo, xxx-xx-xxxx
Primeau, Michael J., xxx-xx-xxxx
Rector, Larry J., xxx-xx-xxxx
Rector, Jr., Darrell F., xxx-xx-xxxx
Renegar, Rama H., xxx-xx-xxxx
Rice, Gary S., xxx-xx-xxxx
Rice, Joseph P., xxx-xx-xxxx
Rodemsky, Edward D., xxx-xx-xxxx
Roe, Michael W., xxx-xx-xxxx
Rolaf, Eric L., xxx-xx-xxxx
Rose, Curtis A., xxx-xx-xxxx
Roth, Susan A., xxx-xx-xxxx
Sakers, John R., xxx-xx-xxxx
Santifort, Rodeny, xxx-xx-xxxx
Saunders, Timothy A., xxx-xx-xxxx
Schindler, Gregory A., xxx-xx-xx...
Scoggin, Vernon C., xxx-xx-xxxx
Seaverns, Richard C., xxx-xx-xxxx
Shaw, Scott E., xxx-xx-xxxx
Shultis, Bradley N., xxx-x...
Sizemore, Gregory K., xxx-x...
Slichko, Matthew J., xxx-x...
Smith, Alan R., xxx-x...
Smith, Edward J., xxx-xx-xxxx
Snider, John R., xxx-xx-xxxx
Sorg, Jr., James H., xxx-xx-xxxx
Spann, Jr., James H., xxx-xx-xxxx
Steele, Terry D., xxx-xx-xxxx
Stewart, Vincent R., xxx-xx-xx...
Stockham, Arnold E., xxx-xx-xxxx
Stribling, Martha B., xxx-xx-xxxx
Sutherland, Shawn T., xxx-xx-xxxx
Taylor, Diane R., xxx-xx-xxxx
Taylor, William L., xxx-xx-xx...
Thomas, Lynda D., xxx-xx-xxxx
Toon, David L., xxx-xx-xxxx
Turnage, Jeffrey J., xxx-xx-xxxx
Turner, George T., xxx-xx-xxxx
Vrancic, David G., xxx-xx-xxxx
Warren, Gary E., xxx-xx-xx...
Westermann, Lorie M., xxx-xx-xxxx
White, Kathleen M., xxx-xx-xxxx
Wilson, Donald C., xxx-xx-xxxx
Wilson, Jeffery D., xxx-xx-xxxx
Woodward, Donald L., xxx-xx-xxxx
Yonkee, Eric B., xxx-xx-xxxx

EXTENSIONS OF REMARKS

HEALTH-CARE INDUSTRY TAKES THE SPOTLIGHT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. TORRICELLI. Mr. Speaker, an article appeared in last Sunday's Newark Star-Ledger entitled "Health-Care Industry Takes The Spotlight," about some of the exciting changes and developments that have occurred in the health care industry in New Jersey.

Prominently featured in this article is a young New Jersey attorney named Peter W. Rodino III—the son of our distinguished colleague Representative PETER W. RODINO, JR., the chairman of the House Judiciary Committee and the dean of the New Jersey Congressional delegation.

It is clear from reading this article that the younger Rodino has a great many of the qualities for which we all know his father—intelligence, hard work, integrity, and dedication. Those of us who know and have worked with both Rodinos will not be surprised to learn that Peter Rodino III is earning tremendous success and respect.

When he was a young boy, Peter Rodino recognized the dangers of nuclear war, and although he was only 10 years old, he decided to do something abut it. After he wrote a letter to Nikita Krushchev, imploring him to put an end to the arms race, young Peter started a program called "Little People To Little People," a letter-writing campaign to the children of the Soviet Union.

He earned a great deal of attention for this. He received an invitation to the White House and met with President Johnson, appeared on the popular television quiz show "I've Got A Secret," and was commended by UNICO as "Boy of the Year" and by the Columbian Civic Club as "Outstanding Youth of the Year." This all took place before he reached his 12th birthday.

This early promise was realized in his later professional and academic achievements. After graduating from Georgetown University and Seton Hall Law School, Peter Rodino established an active law practice in New Jersey. In addition, he has been involved in numerous civic and political activities. Among the highlights of these are his appointment by President Carter to serve on the National Highway Safety Commission, and his role as vice chairman of the 1980 Carter-Mondale campaign.

Mr. Speaker, as one who is very fond of the entire Rodino family, it is a great pleasure for me to insert this article into the RECORD to share with my colleagues.

HEALTH-CARE INDUSTRY TAKES THE SPOTLIGHT

(By John Soloway)

Once again, the business spotlight is on the Garden State, in still another dimension.

Its focus now is on the multibillion dollar, multifaceted health-care industry which is going through a performance involving major metamorphosis and keen competition.

And prominent Jerseyans, past and present, are center stage. Also in the scene of action are such giant corporate entities as Prudential Insurance Co. of America and the Hospital Corp. of America and such organizations as the nationwide Blue Cross and Blue Shield Association and its New Jersey unit; the American Hospital Association, and scampering about are a host of Health Maintenance Organizations, (HMOs), no fewer than 11 of Jersey origin.

"New Jersey is the hotbed of HMOs," says Peter W. Rodino, 3d, visibly pleased after wrapping up a deal that places Crossroads Health Plan of New Jersey under the wings of the broad-scoped Ameri-Care Health Corp. and himself in an enviable and challenging role in the industry.

In the latest HMO consolidation involving a Jersey health insurer, the 33-year-old Roseland attorney—son of New Jersey's congressional delegation dean, Peter W. Rodino, Jr.—will continue as chairman of the Crossroads subsidiary and take on a director's portfolio on the board of the publicy-owned AmeriCare.

A former Jerseyan, George Deubel is president and chief executive of AmeriCare, headquartered in Sacramento, Calif. Of Deubel, Rodino says he is "a management pro among the best in the health care industry," a credential of vital importance in any changing business.

In another area of the revolution—yes "revolution" is the term the Blue Cross/Blue Shield people employ to characterize the scenario—there is a very visible former Jersey corporate chieftain of Newark-based Prudential Insurance Co., Donald MacNaughton, who on this very day marks his 68th birthday anniversary and stays in the fray for the hand of the nation's leading producer of health care products, the American Hospital Supply Corp., in a deal figured at $7.6 billion.

Don MacNaughton is board chairman of Hospital Corp. of America, a position he attained upon leaving Pru in 1978 when, in his own words, he decided to exit the "pressure-cooker" climate of the world's biggest insurance company.

Earlier, MacNaughton had broadened the scope of the Pru in a variety of ways, including leadership in the health-care field and development of the HMO movement. He remains on the Prudential board, meanwhile filling an active role in Hospital Corp. of America's mounted challenge to Blue Cross/Blue Shield and other health insurers in the developing drama that is "The New Health Care" game.

At the Pru, MacNaughton is credited for much of the early progress of PruCare, a subsidiary that runs a network of HMO's and units in the far-flung health care system of the company. Headquartered in Roseland, PruCare's chief executive is Sam Havens who at 38 four years ago became its president.

Sam Havens, asked recently by a Washington correspondence for comment on the invasion of hospital chains into the underwriting of health insurance, asserted.

"The hospital chains are moving the direction they have to move, to protect their base and fill their beds," which largely explains the most recent development in the broadening battle in the health-care business.

What's behind the rush to get aboard "The New Health Care" bandwagon?

It's the concern, "the rapidly growing concern" among businesses—large and small enterprises alike—that health-care costs are "going into outer space," to use the quote attributed to one corporate employee benefits executive.

Explains New Jersey Business & Industry Association's director of regulatory affairs, Jeff Stoller: "Health-care costs may well be the No. 1 concern of New Jersey employers by year's end, ahead of concerns over tax costs." Three years ago, recalls Stoller, the concern over health-care costs as determined by NJBIA's annual economic survey, ranked in 16th place.

Moreover, NJBIA's seminars last month in Woodbridge and Piscataway directed by Stoller played to standing room only, indicating the wide apprehension over rising business costs attributable to health-care benefits.

The merger action in which Peter Rodino 3d played a newsworthy role last week, had earlier seen HMO of New Jersey, a burgeoning health care coverer, win approval to expand its scope across additional key counties in the northern part of the state in search of new subscribers. Its parent firm is U.S. Health Care Systems Inc., a big factor in the national competition.

Now, HMO/NJ and Crossroads will be squaring off in the contest for New Jersey supremacy.

The general battle among the health insurers—HMOs, PPOs, DRGs, the hospital chains, PruCare, et al., is what prompted Blue Cross and Blue Shield Association into advertising action with the "revolution" characterization in what's what in the organization's ad series, "The New Health Care." Fifty-five years ago, Blue Cross/Blue Shield wrote the book on the health insurance concept and the New Jersey operation dates back nearly to the period of authorship.

In behalf of its membership—drawn from 6,000 hospitals across the country—American Hospital Association tells their story in full-page ads that "hospitals are holding costs down; that rate of increase in health-care costs is at its lowest point in over 20 years."

The association ads disclose: Hospital admissions are down . . . hospital employment is down . . . Patient length-of-stay is down, adding:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

"Cost containment is working for many reasons. The new prospective pricing system under Medicare provides new incentives to control costs. Employers active in health care coalition and preferred provider organizations (PPOs) are getting cost-saving results for their companies."

New Jersey's Gov. Thomas Kean went a-stage on the subject a month ago keynoting the Middle Atlantic Health Congress convention in Atlantic City.

The Garden State's popular chief executive called for a regional approach rather than an intra-state route for the realization of aims in the structuring of preventive quality health-care system.

Observed Kean before thousands attending the convention: "The climate in this country has changed . . . the watchword no longer is treatment; it is now prevention."

The promise of HMO, according to Crossroads'/AmeriCare's Peter Rodino, is that, among other plusses, such health maintenance programs "provide the cure for costly health care rather than depending on crisis-oriented treatment.

"Initially, HMOs give people a choice in the health care system they may use," he points out. "Additionally, HMOs represent a reform of the health-care system to bring out greater efficiency."

"It is," submits Rodino, "a health care alternative worthy of investigation by both employer and employe."

Even as the Prudential pioneered health-care programs on a national scale, Crossroads launched its activities in Essex County nearly a decade ago and it's the only survivor of three such enterprises begun here. Rodino "came aboard" in 1979 as a director, soon would become CrossRoads' chairman.

Not unlike the Pru, it encountered growing pains and financial challenge and professional medical and later some organized labor opposition, but all that is gone by.

A true chip off his famous father, the younger Rodino also heads up the Roseland law firm which includes as partners Charles M. Forman and Raymond P. D'Uva.

A product of Newark's North Ward, Rodino is an alumnus of Georgetown University and holds a law degree from Seton Hall Law School.

Peter Rodino 3d is accustomed to the spotlight, but he takes it much in stride. As a 10-year-old he wrote, in behalf of Children of the USA, to Russia's Khrushchev respecting the awesome danger of atomic bombs, garnering wide attention.

As the Unico organization's "Boy of the Year," he won a pat on the head and praise from President Lyndon Johnson. Meeting such business tycoons as Lee Iacocca and such Washington big-wigs as former HEW chief Joseph Califano, buddies of his dad, were frequent occurrences.

Any inclination to a political career, following the footsteps of his father?

"Not until I make my mark in the law profession," he responds, adding that he also wants to make certain that the "program that results from the merger with AmeriCare . . . will produce the best for subscribers of our HMO."

This Rodino has a way with words, too, and his priorities are well-positioned.●

IF ONLY LIVE AID CAN GET THROUGH

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. GINGRICH. Mr. Speaker, in the following article, our colleague TOBY ROTH brings to all of our attention the very real crisis of an Ethiopian Government willing to starve its own people to death to retain power.

More than any other Member of Congress, Congressman ROTH has come to understand the real evils of the Mengistu regime. And he's worked systematically to bring the problems of a vicious and despotic Ethiopian Government to the attention of the American people.

I commend this Philadelphia Inquirer article to everyone concerned about the plight of the starving people in Ethiopia.

IF ONLY LIVE AID CAN GET THROUGH

(By Representative Toby A. Roth)

Today an estimated 90,000 rock music fans will be in Philadelphia. Each will have paid at least $35 to attend a fund-raising concert sponsored by a group called Live Aid. All of the participants and most of those promoting the event can be assumed to have the best of motives: to provide assistance to the hungry of Africa by using the names and talents of many performing artists to attract large crowds and funds that can be turned into emergency relief.

What most of those attending Live Aid don't realize is that there is a good chance that the funds raised to feed the starving will not get to the people of Ethiopia. Instead, the money may continue to be used to carry out a policy of man-made starvation—political control through hunger.

The hearts of all Americans go out to the hungry throughout the world. This is especially the case with the people of Ethiopia. Ethiopia used to be able to feed itself and export food to its neighbors. But that was before Col. Haile Mengistu Mariam came to power more than 10 years ago.

In that decade, the Ethiopian strongman has built the largest armed force in Africa. Thousands of opponents have been relegated to fighting the regime in a relentless civil war.

One of Mengistu's first steps on seizing power was to institute a rigid centralization of agriculture at every level. The government determines who farms and who doesn't. It determines who can get seed, fertilizer, and farm tools. It sets the price for all farm products.

It steers locally produced foodstuffs to friends of the dictator—especially in his huge army and people living in the cities. At the same time, the regime denies food, whether from Ethiopian or outside sources, to political dissidents fighting against it.

The Ethiopian government blames hunger on a drought in the north. This won't stand the test of examination. The drought has mainly brought to light the policies of Mengistu's regime. Clearly, the Ethiopian government has shown little or no willingness to use Western-donated food and emergency supplies to relieve the hunger of all of its people.

When an American rock fan shells out $35 for Live Aid, what assurances does that person have that the Ethiopian dictatorship will actually use donated supplies to feed hungry people? None.

There are many aspects of this problem. Kurt Jansson, deputy secretary general of the United Nations, recently called for a pause in the donation of emergency supplies from the West. He noted that the Ethiopian regime has been allowing hundreds of thousands of tens of grain and other supplies to pile up at the docks while diverting trucks to smashing dissidents or moving Ethiopians out of conflict areas so as to prevent them from joining opponents of the dictatorship.

M. Peter McPherson, administrator of the U.S. Agency for International Development, has confirmed Jansson's dismal discovery. According to him, the Ethiopian regime is not serious about moving food and other supplies from the ports or out of the garrison towns inland that are used to feed only certified friends of Mengistu.

A growing concern on Capitol Hill is that the United States is allowing itself to be manipulated by the Ethiopian government. In the last few years, policy-makers have been well aware of the intentional policy of Mengistu of quell internal dissent through enforced hunger.

We have responded by trying to seduce him through additional trade, aid, and other benefits. He has responded by buying planes for the government airline and even selling donated food on the open market.

I believe strong measures are needed to let the American people, including patrons of Live Aid, know the vile intentions of the Ethiopian dictator and to assure that the United States takes concrete steps to assure that Western generosity is not perverted actually to assist in the starvation of millions in Ethiopia.

Representative Henry J. Hyde (R., Ill.) and I have introduced a binding resolution, House Joint Resolution 324, which would shut down trade with the Ethiopian government unless the policy of enforced starvation ends. This resolution would not end donations of emergency supplies, of course, but it would exact a cost to those Ethiopians who can easily afford to pay it if these supplies continue to be diverted for political purposes within Ethiopia.

Hearings in the House Foreign Affairs Committee will be held in the near future that will more carefully describe the inhumane policy of Ethiopian hunger.

In the meantime, I do not want to discourage those who want to help from attending or participating in Live Aid. I do, however, hope that sponsors convert the profits to food and emergency supplies and then physically witness them being delivered to the people most in need—including dissidents in Tigray and Eritrea provinces who are currently denied the right to eat.

We must not cease trying to feed the hungry and the best way to do this may be to starve the dictatorship that is the major cause of this human tragedy.

(Rep. Toby A. Roth is a Republican from Wisconsin. He is on the House Foreign Affairs Committee and is the ranking Republican on the Subcommittee of International Economic Policy and Trade.)●

A TRIBUTE TO DONALD TORRESON

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. PORTER. Mr. Speaker, I would like to take this time to recognize an outstanding educator and administrator who is retiring after 10 years as superintendent of Waukegan Unit School District 60 and 37 years as an educator. I submit the letter I recently sent Don Torreson documenting his accomplishments for inclusion in the CONGRESSIONAL RECORD.

JUNE 28, 1985.

Dr. DONALD TORRESON,
Superintendent, Waukegan Public Schools, Community Unit School District No. 60, 1201 North Sheridan Road, Waukegan, IL.

DEAR DON: I learned recently of your decision to retire at the close of this school year after ten productive and, I am certain, rewarding years as Superintendent of Waukegan Community Unit School District 60. Please accept my personal congratulations and best wishes upon your retirement.

I note that you have been involved in all aspects of education for thirty-seven years. Your tenure as an educator spanned the period of time when our country was challenged to place a man on the moon. The scientists and technologists who were a product of our educational system responded to the challenge and accomplished the mission. Today, in the 80's, our country's educational system and its educators are facing a similar lofty challenge. Internal reforms and commensurate system improvements are necessary to assure our children and future generations have available and receive the highest quality education and opportunities for learning and achievement. I am confident that with hard work and mutual cooperation we will also be successful in meeting this goal. We can accept nothing less.

I am also pleased that we are recognizing our educators by the selection of a teacher in the near future to be a passenger on an upcoming shuttle flight. This honor will do much to focus on the valuable contribution of teachers to our country's strength and success as a nation.

The Waukegan Public Schools have benefited and grown under your strong leadership and direction. The residents of Waukegan and their children have reaped the benefits of your stewardship. Your efforts in support of funding for the Follow Through program and Impact Aid are only two examples of your accomplishments as a dedicated administrator. I know you expect your successor to continue the high standards you have set.

Again, I hope you realize fully the benefits of retirement. You have my best personal regards.

Sincerely,

JOHN E. PORTER,
Member of Congress.●

INTRODUCTION OF NEW LEGISLATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. BURTON of Indiana. Mr. Speaker, today I am introducing by request of the President a bill to reform the civil service retirement system. An explanation of this administration legislation is contained in their statement of purpose and justification. I would like to include that for the RECORD.

Here follows the statement:

STATEMENT OF PURPOSE AND JUSTIFICATION

To accompany a draft bill "To amend title 5, United States Code, to reform the Civil Service Retirement System, and for other purposes."

At present, the Civil Service Retirement System is extremely expensive, having a dynamic normal cost of approximately 34.88 percent of payroll, which is considerably more than private sector pension plans cost. Furthermore, the System has a massive unfunded liability of $542.1 billion as of September 30, 1984—more than a half trillion dollars in debt. Even ignoring the unfunded liability resulting from future pay raises and future cost-of-living adjustments, the unfunded liability (the so-called "static" unfunded liability) was $190.6 billion in 1984.

In order to deal with the excessive cost of the Civil Service Retirement System, and its huge debt, and in order to bring its benefits more into line with private sector pension plans, this draft bill would make several changes in the System, while preserving an adequate level of retirement income for Federal employees.

"HIGH-FIVE-YEAR" AVERAGE SALARY

Since 1969, Civil Service annuities have been computed based on each employee's highest average annual earnings during 3 consecutive years. Before 1969, a "high-five-year" rather than a "high-three-year" average salary was used. This bill would return to the "high-five-year" salary. This change would not apply to anyone who is eligible to retire on or before October 1, 1988, when the provision would become effective.

REDUCTION IN ANNUITIES PAYABLE BEFORE AGE 65

Currently, employees may retire voluntarily at age 55 after 30 years of service, at age 60 after 20 years of service, or at age 62 after 5 years of service. This bill would not change the ages at which employees become eligible to retire, but it would phase in over 10 years a reduction in benefits for individuals who retire before age 65. For those who are age 54 on October 1, 1985, the reduction would be 0.5 percent for each year they are under age 65 at the time of retirement. This factor would rise gradually with respect to younger individuals until it reached 5 percent for individuals who are 45 years old on October 1, 1985. Those who are 55 or older on October 1, 1985, would have no reduction in their annuities. The reduction would not apply to law enforcement officers, firefighters, or other special groups. The reduction would strongly motivate individuals to work beyond the date of the earliest retirement eligibility and would require those who do retire to bear a more reasonable portion of the high cost of early retirements.

Deferred annuities would begin when the applications are received, rather than at age 62, if the individuals chose to delay filing their applications. This change is needed because it would be unreasonable to continue to require deferred annuities to begin at age 62 while penalizing deferred annuitants for drawing benefits before age 65.

SERVICE CREDIT FOR UNUSED SICK LEAVE

Currently, sick leave remaining to an employee's credit at the time of retirement is counted as additional service to be used in computing the employee's annuity. This expensive and unwarranted benefit would be phased out over a four-year period.

LIMIT ON COST-OF-LIVING ADJUSTMENTS

Under 5 U.S.C. 8340, an annual cost-of-living adjustment (COLA) is effective on December 1 of each year (and is first paid in the annuity checks issued at the beginning of January), based on the rise in the Consumer Price Index (CPI) between the third quarter of that calendar year and the third quarter of the preceding calendar year. Under this proposal, the adjustment scheduled for December 1985 would not take effect. Then, beginning with the December 1986 adjustment, in lieu of using the CPI alone, the COLA amount would be the lesser of the increase in General Schedule pay or the third-quarter-to-third-quarter CPI change.

In addition, the full COLA would be payable on the first $10,000 of annuity, with any excess being adjusted by 55 percent of the COLA. The $10,000 base amount to which the full increase applies would be adjusted, beginning in 1987, by the amount of the previous year's COLA.

These proposed changes are designed to curb the excessive growth in annuities that has resulted from the compounding of COLA's over the years, causing many annuitants to receive retirement benefits that are disproprortionate to the compensation of current Federal employees.

These COLA changes would also apply to certain other retirement systems. For Government employees, such as the Foreign Service Retirement System, under which COLA's are linked to Civil Service Retirement COLA's. Except for the elminiation of the December 1985 COLA, these changes would not apply to military retired and retainer pay COLA's

SURVIVOR BENEFITS FOR WIDOWS, WIDOWERS, AND INSURABLE INTEREST DESIGNEES

Benefits are currently payable to widows or widowers of deceased employees, Members, or annuitants, or the persons named as having an insurable interest in deceased annuitants, generally without regard to age, health, or family status. This differs markedly from the private sector where individuals are covered by Social Security under which such factors are significant in determining eligibility for survivor benefits. Accordingly, this proposal would bring the Retirement System more nearly into line with Social Security by providing that survivor benefits would not be payable for any month during any portion of which the widow, widower, or insurable interest designee has not attained age 60, has not reached age 50 if disabled, or does not have in his or her care a surviving child of the employee, Member, or annuitant.

SURVIVOR BENEFITS FOR ADULT STUDENTS

Survivor benefits which are now payable to young adults between ages 18 and 22 who are full-time students in post-secondary schools would be eliminated by the propos-

al. These changes are designed to eliminate from the retirement program the responsibility for providing post-secondary educational assistance, and are prompted by similar changes made to the Social Security program by the Omnibus Budget Reconciliation Act of 1981. Future recipients would be allowed to continue benefits beyond age 18 only until the earlier of completion of secondary school or attainment of age 19. Current recipients would be permitted to continue under the program until they reach age 22 or leave school, whichever comes first.

ELIMINATION OF MINIMUM ANNUITY

Under current law, a minimum annuity equal to the now-eliminated minimum Social Security benefit is paid to any annuitant whose annuity would otherwise be less than that and who is not receiving any other Federal retirement benefit, including Social Security, military retired pay or survivor's benefits, or veterans' compensation, which exceeds the Social Security minimum. The minimum annuity provision was incorporated in the Civil Service Retirement System to parallel the Social Security benefit. With the elimination in 1981 of the minimum Social Security benefit for new recipients, there is no justification for the continuation of the minimum annuity provision in the Civil Service Retirement System. This proposal would eliminate the benefit for individuals whose annuities commence after enactment. Low annuities under the retirement program generally reflect brief service, and the recipients would not generally be dependent solely on Civil Service Retirement benefits for support.

EXCLUSION OF D.C. GOVERNMENT EMPLOYEES

Currently, employees of the government of the District of Columbia are covered by the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program, and the Federal Employees Health Benefits Program. Consistent with the concept of home rule for the District of Columbia, individuals hired by the government of the District of Columbia after September 30, 1985, would be excluded from the Federal retirement, life insurance, and health benefits programs.

CONTRIBUTION RATES FOR POSTAL SERVICE AND D.C. GOVERNMENT

The rates at which agencies contribute to the Retirement Fund currently parallel the rates paid by employees. This is true even for purportedly financially self-sufficient entities such as the Postal Service and the D.C. government. Under this proposal, these two entities would be charged the difference between the dynamic normal cost of the Retirement System (as determined by the Board of Actuaries) and the employee contribution rate, thus ending a substantial, hidden Federal subsidy to these entities. This change would be phased in by adding 2 percent each year to the agency contribution rate until the correct contribution rate is reached.●

WILLIAM J. DRIVER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. MONTGOMERY. Mr. Speaker, this Nation recently lost a truly great American, William J. "Bill" Driver, the former head of both the Veterans' Administration and Social Security Administration. Bill died of kidney failure June 25 at Arlington Hospital.

If greatness comes to those with courage, with knowledge of duty, and with a sense of honor in action, then Bill Driver was superlative greatness. He had it all in abundance.

President Lyndon Johnson once referred to him as "the best manager in Government." Beloved by those who worked for him, the owner of tremendous bipartisan respect and support here on Capitol Hill, and blessed with the all-too-rare ability to please both the administration and the Congress, Bill Driver took the Veterans' Administration to new heights of achievement and recognition.

Bill began his service to the Nation in the Army during World War II, serving as a commissioned officer with headquarters, adjutant general, European theater of operations, from 1942 until his separation from active duty in 1946. His military decorations included recognition from Great Britain and France as well as the United States. He held the Legion of Merit, the Bronze Star, the Order of the British Empire and the Croix de Guerre.

Bill interrupted his civilian career in 1951 to return to active duty to serve for 2 years as a lieutenant colonel with the Office of the Assistant Chief of Staff, U.S. Army.

Bill joined the VA in 1946 as special asssistant to the Assistant Administrator for contact and Administrative Service. Moving through the ranks as a records management service director, the compensation and pension service director, chief benefits director, and deputy administrator, he became the first career employee to head the agency when, in December 1964, President Johnson appointed him Administrator. Along the way, he earned the VA's highest awards, the exceptional service medal and the meritorious service medal.

In 1964, the National Civil Service League honored him as 1 of the 10 most outstanding persons in the civil service. A year later, the society for advancement of management named him the winner of its management achievement award for significant contributions toward the advancement of management in government.

Among Bill's notable achievements during his career with the VA were: reform of the veterans' pension law to make it fairer for both the veteran and the taxpayer; the large scale application of automatic data processing to streamline the VA's massive record-keeping system, including the establishment of a new department of data management; and a work measurement and performance standards program to improve operations and the quality of service of the VA.

As a member of the Committee on Veterans' Affairs, I had the privilege and pleasure of working with Bill during his tenure as Administrator. One thing stands out—he was never content to sit in his office and delegate. He literally walked the Halls of Congress and made himself visible and available to every Member. Much of his success can be directly attributed to his unique desire to "get into the middle of things," his high level of participation in the legislative and administrative process.

Bill Driver had access to the White House like no previous Administrator nor any since. He was held in high regard by President Johnson, to whom he became a trusted adviser. That was probably the single most important factor, aside from his own natural and developed talents, ensuring his success at administrating effectively and expeditiously.

President Johnson appointed him to serve on several important committees, including the President's Committee on Health Manpower, the board of foreign scholarships, the Joint United States-Philippine Commission, the President's Committee on Consumer Affairs and the National Housing Council.

In 1969, Bill left the VA and became president of the Manufacturing Chemists Association, a position he held until 1978. He practiced law in Washington until 1980, the year he was appointed Commissioner of Social Security.

During his year as head of the Social Security Administration, he oversaw the distribution of more than $100 billion in pension benefits and $12 billion in welfare benefits.

Mr. Speaker, I'm sure that my colleagues will want to join with me in expressing our respect for this man's commitment to being no one's enemy, to his lifetime of remarkable contributions to the programs that benefit veterans and their families as well as other Federal beneficiaries, and to the incredible talents he developed as a leader. Anyone that knew Bill Driver or is aware of his remarkable record knows that he was an exceptional man.●

STRENGTHENING THE INTELLIGENCE IDENTITIES PROTECTION ACT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. HYDE. Mr. Speaker, the omnibus intelligence bill (H.R. 1082) introduced at the beginning of this Congress by Mr. STUMP, the ranking member of the House Permanent Select Committee on Intelligence, contains a number of provisions that de-

serve our immediate consideration in light of recent events.

For purposes of this discussion, I would like to focus on title VIII of this measure which would strengthen the Intelligence Identities Protection Act that became law several years ago.

Although this legislation was intended to deter the exposure of undercover intelligence personnel, it has not accomplished its objective to the degree envisioned at the time of enactment. To some extent, this is because some of the statute's original teeth were pulled as it worked its way through the legislative process.

Title VIII of Mr. STUMP's bill recognizes this problem as it mandates the termination of Federal annuity benefits of any Government employee convicted of disclosing the identity of U.S. undercover intelligence personnel. In addition, it also permits wiretaps in probes relating to the exposure of clandestine operatives.

Before going any further, I want to make it crystal clear that I believe that the overwhelming majority of our Government employees, as well as Federal annuitants, are very conscientious and patriotic citizens. They are, moreover, just as disturbed as I am about these unauthorized revelations which are so damaging to our national security. I am confident, therefore, that they would be among the first to applaud this remedial legislative proposal.

As Members will note, this Stump initiative is potentially very relevant to the spy case involving a CIA employee, Ms. Sharon M. Scranage, who has been charged with committing espionage with a Ghanian national, Mr. Michel Agbotui Soussoudis.

Among other things, the criminal complaint affidavits filed by the FBI state that Ms. Scranage provided Mr. Soussoudis handwritten lists containing the true names of individuals who were cooperating covertly with the CIA, and that Ms. Scranage met with Mr. Soussoudis and two Ghanian agents and discussed CIA assets and sources in Ghana and other locations.

Most certainly, I do not want to prejudge this case or comment on the FBI's allegations. I cite it, however, as an illustration of the kind of conduct title VIII is designed to address.

Mr. Speaker, in conclusion, I would like to call to my colleagues' attention a pertinent op-ed I wrote on the deficiencies of the identities protection law that appeared in Human Events last year.

INTELLIGENCE IDENTITIES ACT: WORDS, NO TEETH

(By Representative Henry J. Hyde)

As a member of Congress, I frequently witness legislative efforts that are long on symbolism but short on substance. Sometimes these efforts are so useless that they remind me of a baseball pitcher with the stylish windup of Hall of Famer Sandy Koufax but who forgot to pick up the ball!

A case in point is the Intelligence Identities Protection Act that Congress passed a couple of years ago. What triggered this nobly intended—but ineffective—initiative was a relentless stream of disclosures. Certain individuals, including turncoat U.S. intelligence officer Philip Agee, were busily and systematically disclosing the names of those clandestinely employed by the various U.S. intelligence agencies.

The CIA station chief in Athens was killed after his cover was blown by the magazine CounterSpy. Subsequently, in a near tragedy, the homes of the U.S. Embassy's first secretary in Jamaica and an AID employe were fired upon shortly after the American editor of Covert Action Information Bulletin claimed in a press conference that those U.S. officials and 13 other Americans, as well as Jamaicans, were associated with the CIA.

In this instance, not only were the names of these individuals revealed, but also their home addresses, telephone and auto license numbers. Fortunately, the American officials and families involved in this attack survived unscathed. It was a close call, however, as two of the bullets penetrated the bedroom window of one of the children who was providentially away at the time. Against this compelling backdrop, Congress finally attempted to remedy a situation that was seriously undermining human intelligence collection efforts around the world.

Lamentably, the legislation that eventually emerged was so watered down that it has not really accomplished its objective of deterring the exposure of undercover intelligence personnel.

After considerable debate, Congress determined that for a non-government individual to be convicted under this legislation, the government would have to prove that such a person had engaged in "a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the intelligence activities of the United States."

Clearly not covered by this legislative provision would be those journalists who, during the course of a story, casually mention the name of a covert intelligence operative. Particularly instructive in this regard is the conference report to the Indentities Protection Act which offers the following interpretation:

"A journalist writing stories about the CIA would not be engaged in the requisite 'pattern of activities,' even if the stories he wrote included the names of one or more covert agents, unless the government proved that there was an intent to identify and expose agents. To meet the standard of the bill, a discloser must be engaged in a purposeful enterprise of revealing identities—he must, in short, be in the business of 'naming names.'"

Armed with this congressional analysis and legislative history, many journalists have no qualms about dropping the name of an undercover agent in order to make a story a little "sexier" or seemingly more credible. For example, the Washington Post ran an article by correspondent John Lantigua in an early July 1984 edition that issustrates my point.

The thrust of the story concerned an American citizen waiting to be tried in Nicaragua for espionage. Among other things, Lantigua reported that this individual declared that he sold intelligence information to a U.S. diplomat whom Lantigua named and claimed an unnamed former U.S. State Department official had revealed as having been employed by the CIA.

In my opinion, such a titillating disclosure violates the spirit, if not the letter, of the Identities Protection Act.

(Incidentally, it is interesting and ironical to note that Lantigua took pains to protect the anonymity of his ex-State Department source while having no compunction whatsoever about revealing the alleged CIA ties of a U.S. Embassy employe who may have been falsely identified as can be the case in leaks of this nature.)

These actions point up that, from an intelligence standpoint, the random or isolated disclosure by an individual journalist can be just as deleterious as the wholesale revelations that used to be featured in the Covert Action Information Bulletin.

In fairness to the Washington Post, it must be mentioned that it is not alone in allowing the publication of reports with damaging revelations regarding those under cover. As Jay Peterzell indicates in the May/June 1984 edition of First Principles: National Security and Civil Liberties, such prestigious and reputable news organs as the New York Times and the Wall Street Journal have also published—since the passage of the identities protection legislation—similar stories in the apparent belief that they would not be "exposed to the prosecution under the Identities Act as now interpreted, even though many of these disclosures appear to have embarrassed the U.S. government or to have interfered with ongoing intelligence activities."

Elsewhere in the same article, Peterzell insightfully observes that "perhaps the most significant effect of the conference report on the legislation is to resolve the doubts of reporters and others about the intended scope of the identities act. Lawyers for the Washington Post and the Christian Science Monitor said the report had convinced them the Act is not meant to apply to reporters who identify an agent in the context of a news story."

In sum, the Intelligence Identities Protection Act has turned out to be largely symbolic legislation.

I will concede that it does appear to have caused the Covert Action Information Bulletin to stop publishing its "Naming Names" column, but even this notorious journal has dared to reveal occasionally the identity of individuals within the context of a story.

Again, Peterzell is informative as he points out that the Bulletin's editor, Louis Wolf, has stated that "on several occasions, we have published articles that discuss CIA activities and identified people when it was important to the story. We got legal advice and went ahead."

Short of remedial legislation, my only and fervent hope, therefore, is that responsible, professional journalists will emulate the recent example of the Christian Science Monitor which decided, according to Peterzell, not to reveal a name "for moral rather than legal reasons."

This is indeed a transcendant reason and such restraint could literally mean the difference between life and death for some dedicated employe of this nation's intelligence community.●

SOVIETS SUBJECT THEIR JEWISH CITIZENS TO HORRENDOUS HUMAN RIGHTS ABUSES

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. WAXMAN. Mr. Speaker, like the Members who have spoken today, I too have visited the Soviet Union and seen the plight of Soviet Jews at close range. I can thus understand the sadness, rage, and disgust that my colleagues feel as they rise to speak of their recent experiences.

Let me illustrate Soviet policy toward Jews by describing the current plight of one unfortunate Soviet Jew, Mr. Yosef Berenshtein.

Mr. Berenshtein is a 47-year-old engineer who has been active teaching Hebrew in Kiev. He was sentenced in December 1984 to 4 years in prison on the trumped-up charges of "hooliganism" and "resisting arrest." In prison the next day, he was attacked, either by guards or by inmates incited by guards. Mr. Berenshtein was blinded in his right eye and severely injured in his left. The nerves of his right eye were severed and the bones around it smashed.

Four days later, when his unsuspecting wife arrived at the prison to visit him, she was told by the guards that he had gone crazy and maimed himself. After seeing her husband with one eye bleeding and the other completely gouged out, Mrs. Berenshtein left the hospital in a state of shock.

Mrs. Berenshtein's grief and horror were magnified by the experience of the Berenshtein's daughter, Yana, who has also been actively trying to promote Jewish culture in Kiev. The Soviet authorities had previously threatened to have Yana raped and disfigured if she did not cease these activities.

An enormous effort on the part of Westerners concerned about Josef Berenshtein has succeeded in getting him transferred from the prison to a hospital in Leningrad, where he will receive much better medical care. There is still only a small chance, however, that anything approaching normal sight will be restored.

Mr. Speaker, I do not describe Mr. Berenshtein's case because it is objectively more important than the tens of thousands of other cases of Soviet Jews. I do so to try to impart a flavor of the brutality and total amorality of a regime that tries to prevent Jews from challenging it by implying that they value something more than communism.

It is up to all of us in the West to insure that the Soviets know what we think of their policy toward Soviet Jews, and know our determination to deny them any advantage from us without significant change in this policy. Thank you.●

EXPANDED USE OF EMPLOYEE STOCK OWNERSHIP PLANS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. BARNES. Mr. Speaker, last week when the House passed H.R. 1555, the International Security and Development Cooperation Act of 1985, it expressed its support for the expanded use of employee stock ownership plans in U.S. development efforts in Latin America. This approach can play an important role in assisting our friends and allies in Latin America revitalize their economies and stimulate growth. There is strong bipartisan support for the concept of employee stock ownership plans, and it is time that we formulate specific proposals to make greater use of this development tool.

Earlier this year, then U.S. Ambassador to the Organization of American States, J. William Middendorf II, gave a speech entitled "Free Enterprise: Key to Latin American Economic Revival". At the heart of Ambassador Middendorf's argument is the need to solve the problem of expanding capital ownership. This is exactly the goal of the employee stock ownership plan. So that my colleagues can see the details of Ambassador Middendorf's comments, I am including the following excerpts from his speech. The speech follows:

FREE ENTERPRISE: KEY TO LATIN AMERICAN ECONOMIC REVIVAL

(By J. William Middendorf II)

It is a pleasure for me to join the illustrious group here in the discussion of the conference theme: "Basic Freedoms in Latin America: Their Past, Present and Future Prospects." The fact that this historic conference is treating both the political and economic aspects of Latin America's situation is indicative of what Secretary of State George P. Shultz stated in his testimony before the Senate Committee on Foreign Relations, entitled "The Future of America Foreign Policy: New Realities and New Ways of Thinking" [Current Policy No. 650], January 31, 1985:

The United States seeks peace and security; we seek economic progress; we seek to promote freedom, democracy, and human rights. The conventional way of thinking is to treat these as discrete categories of activity. In fact, as we have seen, it is now more and more widely recognized that there is a truly profound connection among them. And this has important implications for the future.

1. THE PROBLEM OF ECONOMIC COLLECTIVISM

It is becoming more and more obvious throughout the hemisphere that without a dynamic free enterprise system, governments can neither stimulate nor sustain economic growth nor diversify their economies to foster economic development. Too often in the past, one heard the truism that first must come a proper infrastructure, but this has led to vastly overblown bureaucracies of government-owned means of production far beyond such basic infrastructure requirements as roads, utilities, and communications. Without an efficient and limited public sector at a manageable economic cost—and without an overall environment conducive to sound investment—privately owned enterprises are unlikely to make their full contribution to development and commerce.

Economic development can no longer be financed externally through massive amounts of foreign aid or foreign borrowing, which were hallmarks of the 1960s and 1970s. Now growth, if it is to come, must begin with each country's climate to attract and keep in country local savings and to attract foreign savings, i.e., having a set of motivations and attitudes that are concretely expressed in the absence of civil conflict, a system of generally accepted and enforceable property rights, and the ability of individuals to enjoy the fruits of their labor without confiscatory systems of taxation or arbitrary seizure of property. If government controls too much of the means of production, as is the case in many of the high-debtor countries in our hemisphere, or if it is inefficient and ineffective or all of the above, or if it pursues policies that significantly distort free-market decisionmaking, the overall prospects for economic development suffer, and international commerce with it.

Latin America must work toward a better balance between government and free enterprise, which at present is so heavily skewed toward state ownership.

Unfortunately, we seem to be losing the semantic battle for the minds of Latin Americans when we extol the virtues of free enterprise. It is an unfortunate fact that Marxist teachers have infiltrated primary schools in many Latin American countries. From that key position, they take advantage of their young charges' formative years to make them feel that Marxism is the natural state of affairs of any society. Therefore, anyone who opposes it must be against humanity. Foreign private direct investment becomes "economic imperialism" in the Marxist-Leninist lexicon, and this economic imperialism opposes a "new international economic order" which calls for redistribution of the world's wealth. In the Marxist lexicon, we are in a zero-sum game where, if one group is to attain greater wealth (read "the exploiters"), another group must lose it. None of this helps to encourage the much-needed new capital to come in to create the jobs so desperately needed in countries with unemployment levels ranging up to 30% and 40%. In fact, one wonders if Marxists in countries with non-Marxist governments don't hope to keep unemployment levels high, in the hopes that the resulting unrest might help bring them, to power.

The trend toward government ownership is clearly seen in Mexico, where, according to trend data, there were only 84 government enterprises in 1972. By 1982, there were 760. During the same period, total government spending as a percentage of gross national product increased from 23% to 46%. By 1982, following the bank nationalization, the great majority of Mexico's major industries were under government control, and the government's share of total capital formation had reached 45%.

A good sign for positive change is that some of the empirical research which has been conducted on the macroeconomic consequences of the statist "solutions" so long favored in most of Latin America is beginning to receive wider publicity and beginning to affect the thinking of high-level policymakers. Ke-Young Chu and Andrew Feltenstein, in their paper "Relative Price Distortions and Inflation: The Case of Argentina, 1963-76" (International Monetary Fund, *Staff Papers*, Volume 25, September 1978), for example, estimated that, in Argentina, government transfers to cover public enterprises' losses were proportionately 10 times as inflationary as the financing of private enterprises' losses through commercial bank borrowings, primarily because it is assumed that only in the former cases are the losses translated into high-powered money through central bank financing of the government deficit. Because the state in Argentina owns the vast majority of its industrial production, and since most of these state-owned industries operate at enormous losses which only government printing presses can make up, the inflation rate there last year approached 700%.

Other equally devastating findings are discussed in *Public Enterprises in Mixed Economies*, by Robert H. Floyd, Clive S. Gray, and R.P. Short:

For 25 developing countries for which data were available, Short estimates the average (weighted by GDP) overall public deficit, before reduction by government current transfers, at 5.5 percent of GDP during the mid-1970s. He further estimates that the overall deficit in developing countries increased by 2.5 percentage points of GDP between the late 1960s and mid-1970s.

Defining the "budgetary burden" of public enterprises as the residual of government transfers and loans, less loan service payments by the enterprises. Short estimates this burden to average 3.3 percent of GDP for 34 developing countries, compared with a 4.4 percent estimate for the central government's overall budget deficit in these countries. *In other words, public enterprises accounted for three-fourths of the central government deficit in the countries in question.*

In spite of these trends, which amount to a fight for survival on the part of free enterprise in many parts of Latin America, there are several countertrends. A good example of how the private sector can triumph in spite of governmental restrictions is revealed in the study by Peruvian businessman and economist Hernando de Soto. Because it takes a person 6 months to get government approval to set up a simple business in Peru, an informal economic system has grown to rival the more traditional business. According to de Soto, an informal economy developed and grew despite the tremendous handicap of being illegal.

De Soto's study estimates that the informal economy of Peru now accounts for 90% of Lima's garment industry, 25% of its furniture industry, 60% of housing construction, and even a good part of the automobile and truck industries. The informal Peruvian economy, say the study, has grown so fast that it now accounts for an estimated 60% of the total Peruvian economy, and almost none of this output is counted in the official $22 billion Peruvian gross domestic product. Perhaps most important is the free enterprise system's ability to create jobs: in Peru, an estimated two out of every three jobs are now in the informal sector.

Another factor Mr. de Soto's study points out is the South American economies often have two kinds of private sectors: one that is seriously burdened by excessive regulation and hampered by bureaucratic inefficiency but is officially sanctioned, and a second one which is far more in accord with free market principles but whose existence is barely acknowledged. This difference is made clear by an experiment documented by a study group from Mr. de Soto's Institute for Liberty and Democracy, in which it tried to set up a legal garment firm without easing the way with bribes. According to a *Wall Street Journal* article:

It took a lawyer and three others 301 days of full-time work. Dealing with 11 government agencies to complete the paperwork—which, when laid end-to-end, measured 102 feet. (One of the researchers then tried the same experiment in Tampa, Florida, and finished it in 3½ hours.)

2. THE PROBLEM OF VAST CAPITAL NEEDS

Latin America needs vast amounts of capital for progress or, indeed, to maintain present living standards. According to an Inter-American Development Bank study, between now and the year 2000, Latin America and the Caribbean will have to create 100 million new jobs, since half of the population is under 20, and birth rates are running at 3% (with Mexico's at 5.8%). The average cost for creating one new job in the region is estimated at $12,500, leading to an approximation that $1.25 trillion in capital will have to be generated in the next 15 years—a figure perhaps twice the amount of all transfers of funds to the hemisphere in the past 15 years, which includes the huge borrowing splurge of the 1970s.

For Latin America, if the decade of the 1960s can be considered as the decade of official aid from the developed countries (including the Alliance for Progress) and the decade of the 1970s as the decade of commercial bank lending (nearly $300 billion), then the decade of the 1980s must be the decade of foreign direct investment. Why? Because, regarding future prospects for official aid, it would be prudent not to expect that support via the International Monetary Fund, the World Bank, and other multilateral lending institutions will be a replacement for private sector lending—and I stress the word replacement—for a number of reasons.

First, the sums needed are simply too large.

Second, virtually all industrialized country governments, including that of the United States, are grappling with the issue of controlling their own government deficits.

Third, it is unlikely that industrialized country central banks will be as accommodating toward these deficits as they were in the 1970s.

Further, it is now widely recognized that Latin America will not receive even remotely the same high level of borrowed capital from the banking systems to which it became accustomed during the 1970s, particularly in light of debt servicing problems on existing loans.

3. THE PROBLEM OF CAPITAL FLIGHT

Just at the time when Latin America needs so much more new capital, there has been the reverse trend of hemorrhaging capital outflows through flight capital.

The irony of this situation is that, in fact, Latin Americans own plenty of capital. It is just not located inside Latin America—the amounts in Swiss and Miami banks and in San Diego condominiums probably far exceed the liquid funds in the home countries. Indeed, generations of Latins claim they have been brought up to get their money out into "safer" havens as soon as they make it.

The prominent Argentine economist, Marcos Victorica, has addressed these issues. Mr. Victorica estimates that Argentine capital abroad amounts to about $27 billion and that much of this capital left the country during the early 1980s, despite the fact that real interest rates in Argentina amounted to about 20%—double U.S. real interest rates—and he has ascribed these developments to a lack of confidence.

Henry C. Wallich, member of the Board of Governors of the U.S. Federal Reserve System, in a recent incisive paper entitled, "Why is Net International Investment So Small?," made the following comments:

For the [world's] eight largest [non-U.S.] borrowers over the years 1974-1982 . . . calculation(s) show an increase in debt (equity and direct investment included) of $317 billion, while the current account deficit adjusted for changes in official reserves, amounts to only $207 billion. Thus, there seems to have been a capital outflow of $110 billion. The degree to which borrowing financed this capital outflow differs among countries. For Brazil, only 12 percent of the inflow was compensated by outflows; for Mexico, 45 percent; for Venezuela, almost the entire inflow was absorbed into outflows.

This trend has to be reversed if Latin America is to grow at all.

4. THE SOLUTION OF DIRECT INVESTMENT

Borrowing is only one of the three types of international monetary transfers—the other two being direct aid, either government-to-government or multilateral, and foreign direct investment. It is obvious to all that foreign direct investment, if it can be gotten, has the advantage over the other two of providing management knowhow, technical skills, and technology transfers resulting in a high degree of export potential and, therefore, of being a source for valuable foreign exchange. Foreign direct investment has the advantage of not requiring fixed interest payments. *Earnings are repatriated only if the investment is profitable.* Local enterprises are able to sell to multinational companies and often gain access to new markets and distribution channels, both nationally and internationally. Finally, and most importantly, foreign direct investment creates real jobs as opposed to state-funded make-work jobs.

In order to attract this scarce and needed capital—in competition with other countries also aggressively seeking it, such as members of the OECD and the Pacific Basin countries—the climate for investment must be much more conducive in Latin America. The best test of this is found where local investors themselves find it attractive to reinvest their own funds and where there is no capital flight.

5. THE SOLUTION OF EXPANDED CAPITAL OWNERSHIP

While it is relatively easy to diagnose the ills resulting from excessive governmental involvement in our economies, it is far more difficult to find constructive solutions. Clearly, with a change in domestic policies away from the parastatal-import substitution approach to economic development, there is reason to believe that money could be attracted back to Latin America, which would, of course, be a major contribution to a lasting solution of the debt crisis and job creation.

Unfortunately, in many countries of our hemisphere, the state-owned sector is so large, relative to the domestically owned pool of private capital, that a simple sale of those state enterprises that are running the largest deficits would be difficult (who would want to buy them?), and attracting foreign capital for this purpose also would be difficult, for well-known political reasons. Indeed, there are still many in Latin America who would view selling off parastatals to "transnationals" in the same way as they view foreign direct investment—selling off their "national patrimony." There have been ideas floated that some debt could be exchanged for equity in the parastatals. Brazil considered this for a time, but may have given up on the idea, at least for the present.

However, I believe that there are other potential and feasible solutions over the long term, for, President Reagan has said, "Developing countries need to be encouraged to experiment with the growing variety of arrangements for profit-sharing and expanded capital ownership that can bring economic betterment to their people." One such method of expanded capital ownership is advocated by Dr. Louis O. Kelso and Patricia Hetter in their book. *La Economia de los Dos Factores; Un Tercer Camino.* The plan involves employee stock ownership plans, which are nothing less than having the employees of the corporation also become the stockholders, i.e., owners. There are now approximately 8,000 corporations in the United States using these plans, and the experience with them has been quite good—productivity goes up, worker income is linked to profitability, etc. While they are only one form of expanded capital ownership, the point I am trying to make is that there are alternatives to state ownership, and they should be explored and adapted to the conditions existing in each of the countries of our hemisphere. Indeed, Costa Rica and Guatemala have rapidly increasing employee stock ownership plans.

But the benefits of expanded capital ownership go far beyond the economic, as has recently been demonstrated in the La Peria project in Guatemala. La Peria is a 9,000-acre coffee and cardamom plantation in northern Guatemala. It has 500 full-time employees, about 1,500 family members, and approximately 4,000 other people dependent on the economy of the estate. In September 1984, the farm's owners set up a trust to which they allocated 40% of the stock. The stock will be paid for out of the future profits of the farm, but upon the signing, full voting rights were passed through to an employee association.

Early this year, 120 insurgents attacked the estate and actually took control of the center. The insurgents, however, were then attacked and driven off the farm by 200 armed workers, and a number of workers and insurgents were killed. In the week following the attack, the estate's 300 unarmed worker-owners petitioned the owners for additional rifles to defend against future insurgent attacks and volunteered to help pay for them through a payroll deduction plan. As Joseph Recinos (a representative of the Solidarity Union of Guatemala, a movement aimed at expanded capital ownership as a means of economic and social reform), has stated:

We can more clearly see what the true message of ownership and of vested interest in the free enterprise system means in viewing the La Peria model. There is no greater significance to the concept of defending the free enterprise system than a worker laying down his life to defend the company in which he is co-owner.

If we want to prevent further Nicaraguas or El Salvadors, the American Government must address the problem of economic and social justice in Central America. Promoting broad capital ownership as an alternative to Marxist philosophy in Latin America, if they are actively pushed now as foreign policy objectives, can go a long way in giving people a vested interest in protecting the free-enterprise system.

Norman Kurland, one of the founders of the Center for Economic and Social Justice (a group whose goal is the promotion of employee stock ownership plans) stated in a *Washington Times* interview last September.

To win over Marxism-Leninism you have to go beyond the military. Of course, you have to be militarily strong. On the other hand, there is an ideological battle. Marx and Engels stated that you could sum up the entire philosophy of communism in a single sentence: Abolish private property.

The entire case of Marxism-Leninism disappears if we prove to the world that private property is essential for providing economic and social justice, and for providing human dignity to people in the Third World.

Marx was wrong. However, we cannot simply attack him on the basis of the problems he was focusing on but rather on the basis of the means that he would use. The solution is not to make enemies of the owners but to make owners out of the non-owners.

CONCLUSION

I title my remarks today, "Free Enterprise: Key to Latin American Economic Revival." I would like to end on a positive note.

Muhammad Ibn Khaldoun, the 14th century Arab jurist, historian, and statesman once wrote:

"When incentive to acquire and obtain property is gone, people no longer make efforts to acquire any. This leads to destruction and ruin of civilization.

Similar wisdom can be found in the words of Simon Bolivar who said 150 years ago that Bolivia was a beggar sitting on a throne of gold. In an expanded sense, this is still true for resource-rich but extremely poor Bolivia and for several other countries in Latin America. The hemisphere is so rich in natural resources and populated by men and women of such talent and good will that there is no reason that our hemisphere cannot have a bright economic future. All that is needed is for the economic and political leadership of Latin America to reembrace the wisdom of their own founding fathers. Simon Bolivar and San Martin. These men of vision, along with our own Founding Fathers, were swept up with the liberalizing writings of Locke, Rousseau, Hume, and Adam Smith, which called for a separation of political and economic power and emphasized the sancity of private property.●

TWENTIETH ANNUAL DURYEA DAY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. YATRON. Mr. Speaker, on August 31, 1985, Boyertown, PA, will celebrate its 20th annual Duryea Day. The people of this community are proud to honor Charles Duryea, America's first successful producer of the gasoline-powered automobile.

Charles Duryea was born on December 15, 1861, near Canton, IL. He was educated at Gittings Seminary at La Harpe, IL, and, following graduation, entered the bicycle trade. During his career, he achieved success as both a businessman and an inventor.

Duryea was endowed with a creative and scientific mind for invention. He began his career designing several devices for bicycles. Later, after the gasoline engine was invented, Duryea became interested in the possibility of applying it to the automobile. In 1893, with the help of his brother, Charles completed the first successful American automobile. The excellence of the vehicle was proven many times in the years following when it bested a number of European entries in road races and other contests.

In addition to his success as an inventor, Duryea's other accomplishments include serving as president of the American Motor League and becoming chief stockholder in the Duryea Motor Wagon Co. In 1898, after leaving his automobile company, he established the Duryea Power Co. in Reading, PA, and manufactured a three-cylinder car until 1914. Following this, Charles engaged mostly in advisory work and writing as an authority on the automobile.

Today, Charles Duryea is honored for his contributions as both an inventor and an outstanding member of the community. In addition to his remarkable inventions, he was active in causes such as the League of Nations, the index dollar, and prohibition. He has figured prominently in the heritage of Berks County, PA, and the Nation.

Boyertown, PA's festival on August 31, 1985, will commemorate the achievements of Charles Duryea. The day's events will include displays of antique and classic vehicles, flea markets, and other fun-spirited activities for all to enjoy. The cosponsors, the Boyertown Museum of Historic Vehicles and the Concerned Citizens of Earl Township, are to be commended on their efforts to make the 20th annual celebration of Duryea Day a success. I am sure all of my colleagues will join me in hoping the event is a joyful occasion for all.●

PLANT CLOSING LEGISLATION

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. RAY. Mr. Speaker, I am on record as being against the proposed

National Employment Priorities Act, which is commonly called plant closing legislation. I stand by that view because generally I do not believe in excessive government intervention in the affairs of business, especially when there are already laws protecting the work force from antiunion feeling in business decisions regarding where to locate and how to allocate capital. But I do think it is necessary to provide a justification for that stance.

When the National Labor Relations Act was passed in 1935, the purpose of this legislation was to ensure that labor unions would operate on a level playing field with their bargaining table adversaries—management and its representatives. This legislation allowed the worker-members of the union to join and elect representatives to collectively bargain for their needs. Before this time, industry was seen as holding all the cards—the ability to hire and fire at will and to discriminate against those employees who participated in union activities. After passage of this legislation and its subsequent interpretation by the courts, we saw the emergence of unions which were powerful enough to bargain with giants like GM and Ford and were even powerful enough to force smaller businesses to join together to form collective bargaining units in order to be on the same playing field as the larger and stronger unions.

The National Employment Priorities Act goes beyond these statutory provisions by requiring greater burdens on management and on the Federal Government, such as:

PRENOTIFICATION

Depending on its number of employees, a business must give written notice of an intent to change operations at an establishment if a specific number of employees will experience employment loss. This notification is required sometimes up to 2 years before any "change in operations" can be made. As any one can recognize, this would severely reduce business' ability to make quick strategic market moves which are crucial in the trade war in which we now find ourselves.

BUSINESS AND FEDERAL ASSISTANCE

In this time of excessive government expenditures and over-regulation, it would be hard to support a bill which combines both. But because I am sympathetic to those who lose their jobs because of our current economic troubles, I took a long and careful look at this legislation. Under the provisions of this bill, a business must pay 85 percent of the weekly salary for 52 weeks as an "income maintenance payment" and is on top of a continuance of employee benefits through this same period. Thus, business must allocate capital toward this fund to make maintenance payments which it may desperately need for research and development or toward expansion which would create new jobs. On top of this, the Federal Government is directed to make similar payments if the business is unable and is also directed to make funding assistance available for businesses undergoing "change in operations" as well as the locales in which the business conducted operations.

PENALTIES

There are already laws which protect against a management decision to move its plant to escape a union (e.g. "runaway plant"). The new law would go even further by requiring that companies would have to pay 85 percent of the tax revenues lost to the community for a domestic move and 300 percent of lost tax revenues for a move outside the country.

MORE BUREAUCRACY

It has been suggested that my advocacy of a one-time commission to examine the plight of our Nation's farmers is a contradiction in light of my disapproving of adding an additional administration within the Department of Labor to oversee the previously discussed proposed laws. I do not think it is a contradiction for two reasons. First, there are agencies already in existence to protect the worker by hearing his or her grievances, such as the National Labor Relations Board or the Occupational Safety and Health Administration. Conversely, the Department of Agriculture does not have a direct mandate to look at our present farming crisis and suggest broad policy changes in the nature of the Greenspan Commission—Social Security—or the Grace Commission—Government bureaucracy—both of which relied on private sector and Government input. Second, the new administration which the plant closing legislation would set up would be a permanent addition to our bureaucracy, unlike my proposed commission which would study a crisis, make a report offering suggestions, and then dissolve. Further, according to the language of the bill, the cost of such an administration, in particular the startup costs, would be substantial and would not be curtailed by any language in the bill.

The people across the district who have suffered through closings such as the Briggs & Stratton Corp. closing, as well as others across the Nation who have had their economic futures put into doubt by the decline of the economy, know that I would not simply be against a bill. I will have a reason as well as a constructive solution which I suggest in the alternative.

My alternative is to provide our business with a stable environment for growth. I think it is important that we enable our businesses to regain their strength so that they can provide jobs that our American workers want and can compete in an increasingly competitive international market. If our businesses are depressed, there will be fewer jobs no matter what legislation we enact to protect the existing jobs.

I am working toward this solution by voting in a common sense, bipartisan manner. I am considering the strength of business, and thus the availability and security of jobs, in every vote I will make—from the budget to legislation dealing with tax reform. I intend to continue in this manner because I believe this is the way to best represent the citizens of my district as well as serve the interests of America.●

PRIVATE GROUPS SPUR WASTE ENFORCEMENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. FLORIO. Mr. Speaker, the Subcommittee on Commerce, Transportation, and Tourism recently reported a Superfund bill—H.R. 2817—to the full Energy and Commerce Committee. A key issue raised by the legislation is the desirability of citizen suits in addressing the threat to public health and the environment posed by toxic chemicals.

H.R. 2817 does contain some modest provisions regarding citizen suits, giving citizens the right to sue the Environmental Protection Agency for failing to carry out a nondiscretionary duty, for example. Regrettably, however, the bill cuts back on the citizen suit provisions contained in last year's House Superfund bill by failing to recognize the basic right of citizens to sue those responsible for creating abandoned hazardous waste sites in order to compel cleanup.

During the subcommittee's consideration of the bill, I offered an amendment to improve this provision. My amendment was narrowly defeated and I intend to offer it again as the legislative process continues.

The amendment would have allowed private citizens to sue to stop pollution in situations where their pollution problems were not being dealt with by State or Federal agencies. It is both eminently fair and entirely appropriate that citizens be allowed their day in court if they feel their health or property is being harmed by toxic releases.

I call my colleagues' attention to an article from the June 9, 1985, issue of the Newark, NJ, Sunday Star-Ledger. The article, "Private Groups Spur Waste Enforcement," describes the gains made by the people of New Jersey in their efforts to reduce toxic pollution of the air, rivers, and coastal waterways of our State. These gains have largely come as a result of actions that would not be provided for in H.R. 2817; namely, the rights of private citizens to sue polluters directly

and to compel the polluters to obey the law.

According to the article, the New Jersey Public Interest Research Group [PIRG] and the Friends of the Earth successfully reached a $100,000 settlement with the Public Service Electric & Gas Co., which had frequently violated its permits to discharge pollutants into waterways and the ocean. In at least three other court actions, judges have found companies liable for such violations, although the trials to determine the penalties have not yet been held.

These private citizen suits are welcomed by the State department of environmental protection [DEP] because the agency has a backlog of cases to handle. A spokesman for the DEP termed PIRG's actions as complementary to State enforcement. Many of those involved agree that it is important that damages be assessed against violators of permit conditions because companies will not stop polluting unless they have an economic interest in doing so.

The record in New Jersey demonstrates that citizen suits can be an effective, efficient mechanism in stopping and deterring toxic pollution. Citizen suits have proven to be complementary to State enforcement actions and they have not drained resources from the DEP as critics of citizen suits have suggested would be the case; rather, citizen suits have enhanced the enforcement proceedings and have resulted in a cleaner environment for everyone.

I commend this excellent article to my colleagues and urge them to support amendments allowing citizen suits in Superfund.

[From the Newark Star-Ledger, June 9, 1985]

PRIVATE GROUPS SPUR WASTE ENFORCEMENT

(By Tom Johnson)

The state's largest utility had to pay $100,000 for repeated violations of a permit to discharge wastes into New Jersey's waterways. What was unusual about the penalty is that it resulted from an enforcement action initiated by a public interest group and not the state or federal government.

The settlement reached between Public Service Electric & Gas Co. (PSE&G) and the New Jersey Public Interest Research Group (PIRG) and the Friends of the Earth is the first of 15 court actions to be concluded. They were brought against industry for violating permits to discharge pollutants into waterways and the ocean.

The out-of-court settlement did not attract the publicity drawn to a $1.45 million fine imposed by the state last month against a South Jersey manufacturer, but it once again raised questions about the state's effort to control and regulate discharges into New Jersey's waters.

In recent months, many of those concerns focused on the Ciba-Geigy Corp. of Toms River, the source of a controversy in Ocean County over the company's ocean outfall pipe, which discharges 4 million gallons of industrial wastes daily into the Atlantic Ocean. In April, the state levied the largest fine ever against a manufacturer in New Jersey for environmental violations.

"I'm glad that they're doing it for Ciba-Geigy," said Edward Lloyd, a general counsel for PIRG and a frequent critic of both state and federal efforts to regulate pollution discharges, "but how many more Ciba-Geigys are there in the state?"

A few weeks after fining Ciba-Geigy, the State Department of Environmental Protection (DEP) issued a new five-year discharge permit that officials have described as the most stringent and complex ever issued by the agency. But that failed to mute criticism from local officials who labeled the permit a license to pollute. It also focused attention once again on a program that has long been a target to criticism.

The program is designed to monitor and enforce thousands of permits granted to industry, municipalities and utilities that discharge pollutants and treated waste water into waterways. It is considered a key tool in efforts to make the state's waters "fishable and swimmable," as the federal Clean Water Act envisioned back in 1972.

Last year, the DEP and the Legislature sparred over long backlogs in the reissuance of five-year discharge permits that had expired, both for industry and municipal sources. The backlog also was partly responsible for a warning issued by the federal government last November to New Jersey and 19 other states to beef up enforcement efforts in the program. And, in recent months, opposition to Ciba-Geigy's toxic discharges led to demonstrations by the militant environmental group Greenpeace.

The PIRG's lawsuits predate much of the current controversy. They were filed at a time when the federal government held authority over pollution discharge permits. In 1982, when the state assumed control over the program, called the New Jersey Pollution Discharge Elimination System, some environmentalists welcomed the change, saying federal authorities had repeatedly ignored violations.

"We have some very good environmental laws in this state—if they are being enforced," Lloyd said. "If not, it doesn't mean anything."

The group brought the lawsuits after expressing frustration over the federal Environmental Protection Agency's (EPA) enforcement program. The federal Clean Water Act includes a provision that allows private citizens and group to bring suits against industry for violating discharge permits.

In the settlement, PSE&G agreed to pay $40,000 to the U.S. Treasury, contribute $15,900 to the Cook College Oyster Lab of Rutgers University and another $15,900 to the New Jersey Conservation Foundation urban parks project. The remainder will be used to pay attorney fees for the plaintiffs.

The violations cited against the utility, numbering more than 900, involved non-nuclear discharges from PSE&G's Salem plant. The settlement noted that PSE&G was in the process of installing improved water treatment facilities under an agreement with EPA and DEP.

Carl Sulzberger, assistant general counsel for PSE&G, said the violations, most of which involved exceeding temperature parameters, were technical in nature. "There was no damage to the environment as a result of the discharges," he said.

Lloyd still expresses frustration over enforcement policies, but now pins the blame on the state. "The only thing we're doing is enforcing the standards that have been set by EPA and DEP. And it is not something that they are unaware of since the violations are based upon reports submitted by the companies to EPA and DEP," he said.

"These 15 cases are not isolated," Lloyd said. In each case, the violations total more than 100 infractions of the company's discharge permit, including discharges of toxic substances such as phenols, hydrocarbons, zinc, iron, acids and chromium. "What we have here are chronic violators of the law going on their merry way."

State officials, however, defend the regulatory program. DEP Commissioner Robert E. Hughey told the Legislature's Joint Appropriations Committee that the backlog of expired municipal and industrial permits would be eliminated by September. Beyond eliminating the backlog, Hughey said the department has stressed upgrading permit conditions with emphasis on strict compliance schedules and control of toxic discharges.

The department also has hired additional staff to conduct inspections and administer appropriate enforcement actions, Hughey said.

John Gaston, director of DEP's Division of Water Resources, said the agency's main emphasis is to issue the most stringent permits possible. "It is important that we target our actions to getting broader compliance and to focus on those facilities with the most significant problems," he said.

The Ciba-Geigy permit is one such instance, said Gaston, terming it a "state-of-the-art permit that will have a dramatic effect on water quality along the Shore." Ciba-Geigy, he added, could have complied with its past permit, issued by the federal government, but it was the wrong permit because it failed to address the toxic component of the pollution discharge.

Lloyd, however, said it is important that companies that violate their permits be hit with economic penalties. "One of the reasons we want damages assessed against permit holders is that the companies are sitting back and awaiting action by DEP," he said. "The waterways of New Jersey are not going to be cleared up unless the companies have an economic interest in doing so."

Ciba-Geigy was fined $250,000 for violating its permit, Gaston said. But he added that industry already has tremendous incentive to remove toxics from pollution discharges. "The overriding atmosphere, particularly among the largest companies, is that waste is a significant financial liability," he said, referring to damages that could be assessed against a company for toxic discharges.

Perhaps the larger issue concerns the hundreds of sewage-treatment plants that regularly spew inadequately treated sewage into waterways.

"We still have a pattern of industry doing a better job of complying with permits than municipal dischargers," Gaston said.

With a backlog of 280 municipal and county projects awaiting funding to upgrade treatment facilities, state officials have repeatedly warned that as many as 130 communities face bans on development unless they make efforts to comply with tougher permit conditions.

For the first time, the state this year plans to require about 40 municipal dischargers to perform sophisticated biological tests that measure susceptibility of fish to acute doses of toxic compounds in the waste stream, Gaston said. Previously, only industrial dischargers have been required to per-

form the sampling, known as the bioassay test, Gaston said.

In response to queries from PIRG and other environmental organizations, the department is putting together an informational package on its permit enforcement program, including administrative orders, fines and other actions taken against permit violators. Gaston said last year's data still are not available. In the previous two years, the agency brought 803 and 716 administrative actions against violators.

"Our system is not predicated on fines," Gaston said. "It is predicated on enforcement."

In most cases, he said, violations are corrected by simply issuing a letter to the permit-holder.

"The real question is what makes people move. Sometimes a sewer ban will do it, sometimes a state enforcement action and sometimes a federal court case," Gaston said. "We've got examples of all three."

Meanwhile, the public interest group is pressing its own court cases—actions that Gaston terms complementary to the state enforcement.

PIRG has rached a tentative settlement with another of the companies it has brought to court, Lloyd noted. The tentative settlement with Southland Chemical Corp. in Great Meadows in Warren County is before a federal District Court judge awaiting approval. It calls for the company to pay the U.S. Treasury a $100,000 penalty and includes strict stipulations and fine schedule should the company continue to violate its permit in the future.

In at least three other court actions, judges have found the companies liable for the violations, although the trial to determine the penalties have yet to be held, Lloyd said.●

A TRIBUTE TO HENRY P. HUFF

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. MINETA. Mr. Speaker, as the Member of Congress who chairs the Subcommittee on Aviation of the House Committee on Public Works and Transportation, I would like to ask you and our distinguished colleagues to join me in saluting Henry P. Huff in recognition of his 43 years in the air transportation industry, and on the occasion of his retirement as chairman and chief executive officer of Transamerica Airlines.

In the time that I have known Hank, he has been a leader in the air transportation industry and in the area of the physically disabled. He has a long history of achievement and accomplishments in these areas.

Hank began his career as an aerodynamics and flight test engineer shortly after receiving his aeronautical engineering degree from the University of Minnesota in 1942. He joined Transamerica Airlines, then known as Trans International Airlines, in 1964 as executive vice president, after first being with Curtiss-Wright Corp., and then with Slick Airways. He was named president and chief operations officer of the company in January 1969 and chief executive officer in 1976. Hank was named chairman and CEO in 1983.

During the period that Hank has been CEO of Transamerica Airlines, the company has posted new sales and earnings records yearly during the most turbulent years of the airline industry following industry deregulation in 1978. He has also moved the company into scheduled service for the first time with flights to Amsterdam, Ireland, and Tel Aviv; expanded and reequipped a substantial part of its fleet to meet more stringent U.S. noise abatement rules; and successfully integrated Saturn Airways into the company.

But Hank Huff has not expended all of his efforts on the passenger field. He strongly believes that cargo will be playing an increasingly important role in the air transportation mix. Under his leadership, Transamerica has become the largest charter cargo airline in the world. The company has a number of firsts in cargo: Cargo flights on a DC-10; the development of long-range jet cargo business; development of a practical method of moving large groups of animals safely and efficiently by air; and has demonstrated that, by utilizing the proper equipment, cargo can be transported to the most remote regions on Earth.

One of Mr. Huff's principal objectives during the past 7 years has been to build Transamerica Airlines into a total air transportation company with the capability of providing a wide array of worldwide services to a broad number of markets: charter, scheduled, cargo, and military. He has done an exceptional job.

Hank has also been exceptionally active for the physcially disabled. The dinner which is to be held to celebrate his retirement will be a benefit for the Mary Ann Huff Memorial Fund. This is a perpetual fund administered by the San Mateo Peninsula Community Foundation to provide individual educational grants to physically disabled youths.

Mr. Speaker, on the occasion of his retirement from Transamerica Airlines, Hank and his family can be confident that the country and the industry are most grateful for his contributions and accomplishments. Therefore, I ask my colleagues to join with me in expressing our thanks and congratulations to Henry P. Huff.

Thank you very much.●

SYNTHETIC FUELS AND GREAT PLAINS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. MURTHA. Mr. Speaker, the following is the Synthetic Fuels Corporation's response to my inquiry concerning their decision on the Great Plains project:

U.S. SYNTHETIC FUELS CORPORATION,
Washington, DC, July 22, 1985.

Hon. JOHN P. MURTHA,
Washington, DC.

DEAR JACK: Thank you for your inquiry regarding the proposed Great Plains assistance agreement.

As you know, in 1982 the U.S. Department of Energy entered into a contract with Great Plains giving them a $2.02 billion loan guarantee with the U.S. Federal Financing Bank. Thus far, Great Plains has borrowed $1.5 billion from the government.

Because of the project's current pessimistic economic projections, Great Plains applied for assistance from the Synthetic Fuels Corporation in the form of price guarantees. At the SFC Board Meeting on July 16, we approved an agreement in principle with Great Plains for $720 million in price guarantees of $6.75/MM Btu through the end of 1988 and $5.00/MM Btu thereafter. This agreement is contingent on DOE and FFB restructuring their loan with Great Plains.

One related factor and our response to it is pertinent to understanding the government's involvement in this decision. There is currently pending at the Federal Energy Regulatory Commission a rulemaking which could go into effect later this year that is designed to lower the cost of natural and synthetic gas to consumers. We applaud this effort, although it could affect Great Plains differently from what was expected when FERC first ruled on its tariff for Great Plains in 1981. If this pending rulemaking goes into effect, it may take a couple of years before everyone knows precisely its impact on Great Plains. Therefore, because of the FERC uncertainty, we reserved for the government in the SFC/Great Plains agreement the right to terminate the project on August 1, 1986 and again on August 1, 1987.

When the new SFC Board of Directors began considering the government's interest in this project, we set for our evaluation three principal standards: (1) long-term operation; (2) small subsidy; and (3) debt repayment. Our agreement meets these tests.

We believe this agreement will provide for long-term operation of the project to give the country experience and knowledge using American coals with this synthetic fuels technology because of the way in which our price guarantees tie into the currently projected financial performance of the project. The price guarantee package of $6.75 and $5.00/MM Btu is about half of what was originally presented to us by SFC management. And finally, assuming contract closure on August 1, 1985, the project sponsors begin paying back the government loans with both principal and interest payments on August 1, 1985. We did not want to bail out Great Plains by relieving the sponsors of their debts. In 1985 their cumulative principal and interest payments are project-

ed to be $73.8 million; in 1986 they grow to $256.5 million; in 1987 the figure becomes $727.1 million.

Thus, Jack, as you can see, we have given Great Plains a helping hand, but they are still on their own two feet. And that's the way it should be.

Sincerely,

TOM CORCORAN,
Vice Chairman.●

SOVIET JEWRY

SPEECH OF

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1985

● Mr. FISH. Mr. Speaker, once again, I must speak out for religious freedom and basic human rights for those who are unable to speak for themselves. Over 2 million Soviet Jews are victimized by attempts to suppress and stifle Jewish culture and consciousness. As we near the 10th anniversary of the Helsinki accords, it is apparent that the reality of life for Jews of the Soviet Union does not live up to the promise of this agreement. We must continue to urge the Soviet Union to abide by the humanitarian principles that it agreed to and which are set forth in the Helsinki final act.

During recent years there has been a drastic decrease in the number of exit visas granted. From a high of 51,320 in 1979, the emigration figure has plummeted to only 896 in 1984, a small fraction of the 400,000 estimated to have applied for emigration visas. The Soviets, by reducing emigration levels, are attempting to dampen our hopes. However, for those who wish only to practice their religion or be allowed to leave the Soviet Union for freedom elsewhere, we can not compromise our efforts. The Soviet Union itself set the standard we strive for. The higher levels of emigration that were attained in 1979 can be reached once again.

And what is the lot for those who can not leave? Soviet Jews, who express a desire to emigrate, are exposed to government-sponsored harassment, including dismissal from jobs, expulsion from universities, vilification, confiscation of property, and physical violence. A continuing series of attacks against Hebrew teachers has culminated in a wave of searches, threats, and arrests.

In response to these grave injustices, many have spoken out at every opportunity to focus world attention on the actions of the Soviet Union. Other steps have been taken to assure that those who are fortunate enough to be able to leave will have a place to go. As ranking Republican on the House Judiciary Committee, I am 1 of the 4 Members of the House of Representatives consulted by the administration on refugee admission levels. I have asked and have received assurances from State Department officials that should the Soviet Union permit increasing numbers of Jews to leave, we will raise our admission levels accordingly.

This call to conscience reaffirms our underlying commitment to seek the release of prisoners of conscience who have been imprisoned or sent into internal exile only because they have struggled to express their Jewish identity. We will continue to pursue our humanitarian goals by providing a voice for the voiceless with the fervent hope that the Soviet Union will relax its repressive policies.●

CHAIRMAN OBEY'S REMARKS ON WORLD ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. HAMILTON. Mr. Speaker, on June 29, my friend and colleague from Wisconsin, DAVE OBEY, chairman of the Joint Economic Committee, addressed a group of CEO's from major corporations and presidents and chancellors of major universities at the summer meeting of the Business-Higher Education Forum at Notre Dame University.

Mr. OBEY makes many noteworthy comments on the changing world economy and the challenges the United states must meet to remain the world's preeminent power. I include his remarks for the benefit of my colleagues:

THE CHANGING WORLD ECONOMY: RELATIONSHIPS BETWEEN THE UNITED STATES AND THE THIRD WORLD, JUNE 29, 1985

The Third World presents us with both challenges and opportunities. How we meet those challenges and capitalize on those opportunities will go a long way in determining whether the United States remains the preeminent economic power in the world.

In discussing America's economic future, we start with two basic facts. The first is that what happens within our domestic economy is central to our future because the vast bulk of our economic activity still takes place right here at home. The second is that on the international scene, despite the emergence of the Third World, the United States is still unique in its ability to influence the worldwide course of economic events.

To illustrate that, we need only remember the impact on the rest of the world on our anti-inflation efforts of 1979–1981, and our subsequent recovery. First, our tight monetary policy plunged America into the worst recession since World War II and took the rest of the world with it. When we began to recover in 1983, our strong growth provided short-term relief to Third World countries in need of export markets to earn foreign exchange. Now, as we are clearly slowing down once again, the world is holding its breath. But preeminence does not mean that we are not dependent on the rest of the world for our economic prosperity. The American people increasingly recognize that the U.S. economy is becoming more and more interdependent with other countries. What I do not think they yet understand is the shape of that interdependence.

There is still a tendency to think of our economic future in terms of our trade relationships with Europe and, more recently, Japan. No wonder, given our enormous trade deficit with Japan. Last year it was $36.7 billion. This year, it will probably top $50 billion.

But it is important for all of us to understand that increasingly our economy is tied to the Third World. In fact, the Third World has become the single largest market for U.S. goods.

The East Asian countries of Korea, Taiwan, Hong Kong, and Singapore, with a total population of about 70 milion and a combined GNP of $125 billion, have surpassed any of the European countries in importance as a trading partner. They are now more important exports markets than any of the European countries. And, they are more important sources of imports. In the first half of 1984, U.S. imports from these countries ran 74 percent above 1981 levels, contributing $13 billion to the widening trade deficit.

Looking back to the late 1970's, it was the booming Latin economies which gave us much of our growth. Those markets were the fastest growing for U.S. exports. Estimates are that nearly 50 percent of U.S. growth in the later part of the decade can be directly attributed to demand from those countries. But since the debt crisis, our exports to the region have plunged by over 40 percent. That should tell us that a major requirement for American policy is to help assure that those developing countries grow. But, that is something we have not been doing very well. Growth in the developing world over the past five years has been a very mixed bag. The next few years will bring more of the same.

In the 1970's, the Latin countries, in the aggregate, grew roughly 6 percent per year. Brazil averaged over 8 percent and was labeled the "new economic miracle." Mexico, after oil was discovered, grew at roughly the same torrid pace. Then, in 1982, the debt bomb exploded.

A U.S.-led world recession curtailed demand for Latin exports. That dried up an essential source of foreign exchange for these countries. Skyrocketing U.S. interest rates applied a double whammy. And, plunging commodity prices were the final blow for Latin countries which have been dependent on commodities as a major export.

With bank financing reduced to a trickle, and IMF adjustment programs requiring severe domestic restrictions on demand to restore external credit worthiness, the Latin countries plunged into deep recession.

The toll of the Latin debt crisis on the U.S. economy has also been severe.

According to testimony given last week before the Joint Economic Committee, the loss of U.S. exports to Latin countries, coupled with the dramatic rise in imports from the region, has accounted for a $28 billion swing in our trade flows with those countries. That rivals the deterioration in our trade relations with Japan, and translates into roughly 1 percent loss of GNP and as many as 800,000 American jobs.

The Joint Economic Committee hearings have also made clear the fact that the Latin debt problem is far from solved. In fact, we could be headed for another major financial crisis. Everything hinges on U.S. economic

growth. If our growth hovers in the 2 percent range, Latin countries will not be able to export enough to service their debt and resume modest economic growth. The result could be suspension or limited debt payments, abandonment of IMF adjustment programs, and severe social and political unrest.

Obviously our banking system would be threatened. And so would democracy in Latin America. In fact, it is amazing to me that we can focus enormous attention on Central America, and pour hundreds of millions of dollars into the region, but pay scant attention to what is happening in countries like Argentina and Brazil—countries of far more long-term importance to the United States. Political polarization and economic collapse in Latin America are far greater economic and strategic threats to the United States than Cuba and Nicaragua, and they are more immediate.

While Latin America has gone from boom to bust in the past five years, Africa has been suffering from a decade-long economic bust, falling deeper and deeper into excruciating poverty and almost hopeless underdevelopment. Whatever glimmers of hope the 1960's brought for Africa have been dashed by that performance. Like Latin America, the reasons are both external—principally, falling commodity prices and a substantial decline in development assistance—and internal—namely, poor domestic economic policies. We have all been moved by television pictures of undernourished and starving Africans. But prospects for reversing the situation are grim indeed.

In marked contrast with Latin America and the morass of Africa are the booming countries of the Pacific rim. These countries are the "new economic miracle." They have been averaging growth of over 6 percent per year. Unlike Latin America, these nations—Korea, Hong Kong, Singapore, and Taiwan—have avoided the negative consequences of excessive debt buildup and are rapidly becoming first rate industrial powers. Since 1960, the rise of these "new Japans" has been spectacular.

By 1982, these four countries exported to the United States twice as much as Germany, and four times as much as France. And, they have demonstrated an ability to move rapidly up the technology scale. That means they are not just competitors in "low" technology items like textiles, but they will increasingly challenge us in the high-tech areas.

So the challenges of the Third World are many: a debt-burdened Latin continent mired in recession; an impoverished and fast sinking Africa; a dynamic Asia looking to beat us in the international marketplace. We have no choice but to assist Latin America to overcome its debt burden if we are ever to recoup our lost export markets, expand them, and, at the same time, preserve democracy on the continent. We will need to give Africa a higher priority for development assistance if it is ever to break the cycle of poverty and starvation. And, finally, we must meet the competitive challenge from the newly industrializing countries of East Asia.

To meet that challenge, we need to broaden our focus to include more than Japan and problems in that market. Restricted access to the Japanese market is a problem, but it is not our major one. We need to recognize that most of our competitive problems are homegrown—made in America. For example, even if access to Japan were totally open, we would still run a large trade deficit with that country. The real question we have to ask ourselves is whether we will be able to compete with Japan in third markets, which means the developing world. And we will also increasingly need to be able to compete with the "new Japans" of the Pacific rim, both abroad and in our own domestic markets.

Yesterday, you heard discussions concerning the People's Republic of China, and about changes occurring in that country. To assist it on the road to modernization and prosperity, China is planning to use billions of dollars in foreign investment. Who is going to get the lion's share of that enormous pie? Will American companies be there providing telecommunications hookups and services, or will the Japanese? Will American companies be providing the modern transportation systems, and state-of-the-art steel technology, or will the Koreans? That is our competitive challenge, not whether the Japanese buy our baseball bats.

Several days ago, the new leader of India was in Washington for consultations with the Administration and the Congress. Under Rajiv Ghandi's leadership, India, too, is embarked on a new economic path of economic liberalization and increased hospitality to direct foreign investment. Again, whose companies are going to be sought by the Indians to assist them with their ambitious development plans? Ours? Or our major competitors? The United States stands to gain enormously from the development plans of these emerging giants.

But, it we cannot offer the best quality product at the best price, we will lose more than just a sale. Clearly we face both challenges and opportunities in the Third World. The key questions are how do we meet the challenges and make the most of the opportunities?

The first thing we have to recognize is that an economically healthy and politically stable Third World is in the interest of all the industrial countries. The Western European democracies, particularly Germany and England, have a clear responsibility in this regard. So far, they have tried to coast on the U.S. recovery, taking advantage of our strong demand and high dollar.

But our recovery is weakening rapidly, and European countries with low inflation rates and relatively small budget deficits should help to pick up the slack. Burden-sharing demands that they absorb their fair share of exports from the developing world.

Japan's refusal to shoulder responsibilities commensurate with its economic power is even more glaring. No other country has benefited more than Japan from the international economic system put into place at the end of the War. It has taken full, and some would say unfair, advantage of the international trade and finance system. As a result, Japan has emerged as the second greatest industrial power in the Western world. Yet, so far, in my opinion, Japan has been unwilling to assume its proper and rightful role of shouldering more responsibilities to go along with its new status.

Last year, Japan ran a $44 billion trade surplus with the rest of the world. It is likely to rise substantially this year. Looking at Japan's current account, a broader measure of its external economic relations, shows a surplus of $35 billion, which is estimated to rise by some $10 billion this year.

This shift represents an enormous resource transfer, similar to the sort of transfer we witnessed in the 1970's, when OPEC held so much of the world's wealth. Then, a massive recycling effort was undertaken. OPEC deposits in commercial banks were lent to developing countries to help finance the cost of oil and development. In addition, Saudi Arabia and some of the other wealthy Arab OPEC countries made substantial contributions to the international financial and development institutions.

To be sure, the Japanese have been increasing their bilateral assistance somewhat, but the vast majority of that assistance is targeted for their Asian neighbors, and overall it is not commensurate with their resources.

It is time for Japan to stop coasting on the international economic system, open up its markets, and start to contribute its fair share to Third World development. Development and growth in the Third World is in their interest as much as ours.

In short, Japan needs to take on a new "recycling" effort. As holder of much of the world's wealth today, Japan is the OPEC of the 1980's. It has an obligation to the world economy to ensure that part of that wealth is transferred to Third World nations for productive development purposes. But, the catch is that Japan's surpluses cannot be recycled to Third World nations as long as our insatiable need for funds to finance our deficits persists.

When Reagan Administration officials came to power, they said the best thing we can do for the Third World is get our own economic house in order. They were right. The problem is they did not do it. Our Federal budget deficit has become the world's greatest economic problem, and it must be attacked. Nothing else matters unless our deficits are brought under control—and soon. Our thirst for outside funds to finance this $200 billion deficit is even sucking capital out of Latin American and other developing countries—capital desperately needed at home to finance development and growth.

As everyone in the room knows, it is keeping the dollar too strong, robbing U.S. exporters of their ability to compete, and putting excessive pressure on domestic firms competing with imports. Our $123 billion trade deficit in 1984 is testament to this imbalance.

The President recently made a television appeal to the nation asking for support of his budget in order to reduce the deficit. The problem is that the President's budget does not significantly reduce the deficit. It would cut $40 billion in domestic spending in order to finance military spending increases of $30 billion and higher interest payments of $12 billion.

That budget means that, from 1980 through this year:

Military spending will have gone to 31 cents on the dollar in the new budget, an increase of 25 percent;

Retired and disabled programs will have remained exactly the same—37 cents on the dollar versus 37 cents on the dollar in the President's new budget;

Non-elderly poor (welfare programs) will have dropped from 7 cents on the dollar to a little more than 5-1/2 cents on the dollar;

Interest payments will have increased from 9 cents out of every dollar in 1980 to almost 15 cents in the Administration's new budget, an increase of 60 percent. That almost exactly equals the increase in the military budget; and

Everything else would be cut almost exactly in half from 21 percent to 11 percent. This is a part of the budget that contains the investment that we make in our own future. It is really made up of two things:

(1) Everything that we spend on a day-to-day basis to keep government running, such as the Customs Service, prisons, courts, EPA, and the Public Health System; and

(2) All of the investments we make in our future. That includes investments to strengthen the ability of our local communities to function, such as bridges, roads, and sewage treatment plant construction. It also contains everything we invest in people in order to make our society more competitive and more productive. Everything we invest in kids by way of education, everything we invest in workers by way of job training, and everything we invest in scientific research to combat disease and to gain the basic knowledge we need to compete in economic terms in a modern world in physics, in electronics, in chemistry, in genetics, and the like.

So, as you can see, the President's budget does not cut overall spending. It simply transfers spending from the investment portion of the budget to the military portion of the budget and to interest payments. Interest payments have gone up by over 60 percent because revenues were reduced through tax rate cuts at the same time the military budget was being doubled. That means that, even if we adopted the President's budget without changing a comma, interest payments would continue to rise as a percentage of the budget and they will continue to rise in raw dollar terms.

So where are we now. Congress will produce a budget compromise at some time before the beginning of the fiscal year. It has to, despite the breakdown that occurred this week. That compromise will supposedly save $50 billion. The problem is that $50 billion in savings will in fact be more like $35 billion. If you include the President's so-called tax reform bill, which will result in more lost government revenue, we are no where near where we need to be in tackling the deficit.

Of all leaders of this society, you as leaders of business and of academia know that global economic interdependence is not just a hollow, cliched phrase. It is the reality of your daily world.

As a businessmen, you face relentless competition from imports from newly industrilized developing countries. And to maintain your profitability, and your share of markets, you cannot avoid searching for new and lucrative markets in Third World nations. That is a major challenging to modern American business. How you respond shapes your strategic plans at the plant level. It impacts the entire direction of U.S. investment, employment, and economic growth.

As presidents of universities, you know that you are key in determining America's future competitiveness in the global economy.

Our great universities have always been, and must continue to be, a breeding ground for the ideas and innovations which will keep the United States in the forefront of technological change.

You have an obligation to shake the system into facing the realities of economic interdependence. To this point, this organization, and business and academia in general, has tried to meet their responsibilities by issuing well-documented reports concerning the competitive challenge facing America and the need to get our macroeconomic policies in order. But it has not done the job. You know it and I know it.

So let me now give this organization, and business and academia in general, another challenge: the time has come to tell the Administration in no uncertain terms that the Federal budget deficit must be cut dramatically, even if it takes tax hikes on top of spending cuts.

Many people blame the Congress more than the Administration for our failure to come to grips with the deficit. And believe me I am not here to defend the Congress in this whole process, after having spent six years on the House Budget Committee. But the fact is that historically Congress has always given Presidents basically the budgets they request. This has been the case for decades, but particularly over the past five years. Over the past five years, the President has asked Congress to appropriate $2 trillion, $67 billion, and $400 million. Over that same period of time, the Congress has spent $2 trillion, $67 billion, and $700 million. That is more than 2/100 of 1 percent more than the President has asked for. In fact, it is so small that, in Budget Committee deliberations, that amount is simply rounded off. Therefore, the reality is that we need Administration leadership if we are ever going to have a serious deficit reduction program. Congress simply cannot do it on its own.

To be honest, I am not optimistic that we will deal with this deficit problem and, therefore, I am not optimistic that we can maintain competitiveness and sustain economic growth. And I have got to tell you that one of the major reasons I am not optimistic is that I have no faith that in the crunch either the business or the academic communities will stop mincing words and use their consderable influence. Nice ads and statements of principles in the New York Times calling for deficit reduction is one thing. Really exerting your power with the Administration is another. I hope my pessimism is proven wrong. The stakes for the United States and, in fact, the world are enormous.●

PROCHOICE IS PROFAMILY

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. MOODY. Mr. Speaker, I would like to draw my colleagues' attention to an important new study just released by Catholics for a free choice.

This study compares the voting records on prochild and profamily issues of 100 Members of the House who are totally supportive of abortion rights with 100 of those who are totally opposed to abortion rights. It similarly compares the records of 30 prochoice Senators and 30 antichoice Senators.

The study shows that Members of both Houses who support abortion rights were overwhelmingly more supportive of Child and Family programs than were Members who oppose abortion rights. The irony here is that some Members who vote against abortion rights frequently vote against the very programs that would allow more women to carry their pregnancies to term and deliver and raise healthy babies.

It is important to note that our increasingly heated domestic debate over abortion sometimes causes us to lose sight of the full meaning of "choice" in a woman's reproductive life. The recent votes against international family planning are sad examples of this lack of perception. However, the notions of "choice" and "life," are broader in their meaning than the single issue of abortion. They encompass a woman's freedom to determine when and whether she will bear children, the right to bear a child as well as to terminate a pregnancy.

Truly prochoice and prolife proponents will seek to create social and economic conditions that will enable women to fully exercise their capacity to make good decisions for themselves and their families in an environment that welcomes and nurtures children. Women can be trusted to make good choices, choices that support the well being of their families, children, and society, and which enhance their own integrity and health.

As elected officials, we have a responsibility to work for a public policy that ensures women the full range of reproductive choices. No women should have to have an abortion because of her socioeconomic situation. I recommend this study for my colleagues serious consideration.●

MSGR. FRANCIS A. KANE MARKS 50TH ANNIVERSARY OF PRIESTHOOD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. KANJORSKI. Mr. Speaker, I take great pleasure in paying tribute to a man who has contributed a great deal to his community, Msgr. Francis A. Kane.

A native of northeast Pennsylvania, Monsignor Kane was born and raised in Moosic. He went on to study at the College of St. Bonaventure University in New York. He then was assigned to the University of Louvain in Belgium for his philosophical and theological studies. After being ordained in Belgium in 1935, Monsignor Kane returned to Pennsylvania to read his first mass in the parish of St. Mary's in Avoca.

After various assignments in the area, including one in Wilkes-Barre as an assistant to Bishop John O'Connor (who currently serves as Cardinal in the Archdiocese of New York), he received his first pastorate at the parish of St. Mark's in Inkerman. Soon after he was asked to found a parish in Dallas, to be called the parish of Gate of Heaven. It was dedicated as a church/school by Bishop Haffey on November 18, 1957.

During Monsignor Kane's tenure there was tremendous growth in the area, reflected in the parish expansion. The Monsignor worked to make the parish able to meet the needs of all its parishioners by acquiring new buildings and increasing the size of the school. For his outstanding work he was made a Domestic Prelate with the title of Monsignor on September 8, 1968.

After 20 years of building the parish of Gate of Heaven, Monsignor Kane was transferred in 1970 to Nativity Parish in Scranton. In 1976, he was assigned his present position as Pastor of the Immaculate Conception Parish in West Pittston.

Mr. Speaker, this year marks the 50th year of his priesthood. I am pleased to make known my admiration for him and his work.●

HIGH TECH ANSWERS FIRE CALL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. MARKEY. Mr. Speaker, I would like to call to the attention of my colleagues an excellent example of the important contribution high technology is making to the health and welfare of our Nation. The following article, from the Boston Globe, describes how high-tech equipment has helped firefighters to spot and reduce the further spread of this year's western fires by as much as 40 percent. This equipment, which includes a complex array of computers and satellite detectors, was developed by Data General, Inc., headquartered in Westboro, MA.

HIGH TECH ANSWERS FIRE CALL

(By Michael Kranish)

BOISE, IDAHO.—Lightning bolts strike the tinder-dry West at 4000 per hour now, potential new sparks added to the nation's biggest forest fire outburst in 30 years.

But this year, for the first time, the "Zeus Squad" of computer whiz kids and scientists is ready for the lightning bolts. The instant that lightning struck yesterday, a dazzling array of satellities and computers at the Federal Fire Center here pinpointed the location.

In minutes, crews scrambled into action. Pilots used top-secret heat-detection devices that can find a smoldering cigarette in the wildnerness, while a "fire behavior analyst" used computer printouts to predict the blaze's future.

Just a few years ago, firefighters depended on watchtowers and rural residents to spot and predict fires, but now the future of mass-scale fire fighting has arrived. This is the nation's high-tech fire lookout tower, a sort of Central Intelligence Agency of fire fighting.

The Federal Fire Center, tucked beside a desert mountain, is the little-known national headquarters for eight agencies that deal with public lands and firefighting.

The Western fires this year could have been 40 percent greater if the high-tech gear hadn't been installed in the last few years, primarily because it helped officals prevent small fires from growing, according to Jerry Mauk, fire program manager for the Bureau of Land Management.

"The first reaction to this from a lot of firefighters is that the computer boys really went crazy this time," said William H. Bishop, a firefighter and Fire Center spokesman. "But now, I'm absolutely convinced that without these systems like lightning detection, we would have lost a lot more forest this year."

The computers and gadgetry couldn't have been installed at a better time. This season's wildfires, being fought by a 17,000-member crew that is the biggest mobilization in the nation's history, have burned as much land in the last two weeks as in all of the previous year. Most of the major fires were under control yesterday, but the traditional hot, dry fire season is not even supposed to start for three more weeks.

Minute by minute, every piece of information is analyzed by the 400 workers who help decide which fire will be fought, and which must be left to burn due to lack of manpower or equipment. So far, the high-tech gear is located almost exclusively in the West, although the Fire Center directs firefighting everywhere in the nation. The 1.1 million Western acres that have burned since June 27—wiping out an area larger than Rhode Island—dwarf anything that has occurred in the Northeast. By comparison, when about 100 acres burned last year in Hew Hampshire, officials called it the biggest fire in White Mountain National Forest in 50 years.

Each frenzied day last week at the Federal Fire Center began with the arrival of Lonnie Brown, who wore a T-shirt labeled "lightning detection" that shows Zeus catching a lightning bolt. He works for the Zeus Squad, officially, and somewhat ominously, known as the Initial Attack Management System office.

Brown's Data General computer system tracks the lightning. While officials here are helpless to predict or prevent arson, believed to be the cause of some major California fires, they can predict 70 percent of the wildnerness fires because they are caused by lightning.

The bolts are tracked by 30 "lightning detection sensors" placed strategically in the 11 Western states. The detectors pick up the electro-magnetic pulse of a lightning bolt, and then determine its proximity.

The result is that, within one-tenth of a second after lightning hits, a satellite transmission on Brown's computer tells him the location of every lightning strike in the West.

"If we had a computer that could detect arson as well as lightning, then we'd have it made," said Fire Center spokesman Arnold Hartigan.

Meanwhile, another computer bank receives information from 245 remote fire-weather stations, which just now are being placed throughout the West. The stations calculate everything from temperature and wind speed to the moisture content of adjacent woods and grasslands—information not otherwise available from the Weather Service for such specific and remote locales—and the statistics are fed into an "ignition probability data base."

The data is crucial because it tells federal officials which parts of the West are the driest and thus most likely to be ignited by lightning. By matching the location of highly flammable lands with the location of lightning strikes, the computer spits out the longitude and latitude of likely fires.

Within 45 minutes, a crew in an Air King 99 plane arrives at the potential fire. Two firefighters parachute to the site. They build a fire line, then get out. If they are successful, as they are about 80 percent of the time, a fire with massive potential is squelched within a few hours.

When the fire spreads, however, the "hotshots," as the forest fire crews call themselves, are flown in. Federal Fire Center officials, using yet another computer bank, calculate where the nearest supply station and caterer is located, enabling officials quickly to arrange for a mini-city in the wilderness, typically for 1,000 firefighters at each site. The Fire Center provided 234 tons of equipment for 268 fires in the last two weeks, caring for 17,000 firefighters in a $10-million a day operation.

Once a fire spreads, some of the computer boys leave Boise and arrive on site, by air and ground. Pilots fly over the fire at 15,000 feet with an infrared device that tracks a heat source as small as a cigarette. Until a few years ago, the scanner was used only by the military, and firefighters had to run along ridge lines to try to determine a fire's scope.

The infrared device, linked to still another computer, produces a map showing the fire's boundary, and where the blaze is hottest. Firefighters on the scene receive a map printout via satellite. Meanwhile, Rick Ochoa, a fire-weather specialist with the National Weather Service, arrives at the fire with his Texas Instruments computer to make weather predictions for specific mountain areas.

After that, the computer boys climb into their paper sleeping bags and give their information to Robert Mutch. Mutch, a 25-year firefighting veteran, pilot and "fire behavior specialist," has a reputation among fire officials as the Chuck Yeager of firefighting. It is Mutch's job to put together all the computer-generated information and to predict where the fire will burn, and to tell firefighters where to build a fire line and where to sleep.

"I love fires," Mutch said, echoing the sentiment of many firefighters. "I enjoy the excitement, the single purpose of extinguishing fires. All of these high-tech things help me tremendously."

If Mutch has his way, the high-tech future of firefighting is only beginning. There is talk, for instance, of a sophisticated infrared and satellite-based system that would predict potential fires anywhere a monitor is located. That would help firefighters put out even arson-caused fires before they spread.

"We are just now making the transition to modern communications and technology in firefighting," said Mauk, the fire program manager. "Nothing will replace the firefighters on the ground. But now we can sure help them."●

SCHOOL LUNCH PROGRAM

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1985

● Mr. FAZIO. Mr. Speaker, I request the attention of the Members to the

California State Legislature resolution reprinted below, as well as to the important issue it raises with respect to funding for child nutrition progams.

In the proposed 1986 fiscal year appropriation bill for the Department of Agriculture, the House Appropriations Committee recommends a $309.5 million increase in child nutrition over fiscal 1985. This represents a $686 million increase over the budget request and an effort on Congress' part to maintain the programs under this vital account. They include the School Lunch Program, to which the resolution refers, and a number of other efforts at making our agricultural abundance available where it is most needed.

We must note, however, that the administration is on notice that it must either produce the legislative initiatives on which it predicates its cuts or a $666 million budget request. The likelihood of the former is nil. The $686 million shortfall is mitigated somewhat by an increase in section 32 transfers of $20 million, thus requiring only a $666 million budget request.

The California Legislature's resolution follows:

SENATE JOINT RESOLUTION No. 29—RELATIVE TO SCHOOL LUNCH PROGRAMS

LEGISLATIVE COUNSEL'S DIGEST

SJR 29, as amended, Garamendi. School lunch programs.

This measure would urge the United States Senate and House of Representatives to provide at least the level of funding provided in current law for school lunch programs in fiscal year 1986.

Fiscal committee: no.

Whereas, The National School Lunch Program is intended to serve the nutritional needs of all children; and

Whereas, Good nutrition is essential for growth, development, ability to learn, and the general well-being of children; and

Whereas, Numerous studies indicate that students at all economic levels who participate in the National School Lunch Program are better nourished than children who do not participate in the school lunch programs; and

Whereas, The National School Lunch Program provides a multiple value in that it assists the agricultural economy by helping to fully utilize the nation's agricultural abundance as well as providing food assistance for children; and

Whereas, An effort is underway to eliminate millions of students and thousands of schools from the program; and

Whereas, The current program provides a basic infrastructure which helps pay the fixed costs of all school food service programs; and

Whereas, Without the existing level of funding, many school districts simply could not afford to participate, and when the program closes, all children in this community including the poor are denied their nutritional needs; and

Whereas, The administration's budget plan would reduce funding of the program, nearly seven hundred million dollars; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the United States Senate and House of Representatives to provide at least the level of funding provided in current law for school lunch programs in fiscal year 1986; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 23, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 24

8:30 a.m.

*Rules and Administration

To hold hearings on S. 581, S. 582, S. 583, and S. 1311, bills authorizing funds for certain activities of the Smithsonian Institution.

SR-301

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 1151, the Farm Credit Relief Act of 1985.

SD-538

Energy and Natural Resources

To hold hearings on the nominations of Charles A. Trabandt, of Virginia, to be a Member of the Federal Energy Regulatory Commission, Russell F. Miller, of Maryland, to be Deputy Inspector General of the U.S. Synthetic Fuels Corporation, and William P. Horn, of Virginia, to be Assistant Secretary of the Interior for Fish and Wildlife.

SD-366

Environment and Public Works

To hold hearings on the nominations of William P. Horn, of Virginia, to be Assistant Secretary of the Interior for Fish and Wildlife and Parks, and J. Winston Porter, of Virginia, to be Assistant Administrator for Solid Waste and Emergency Response of the Environmental Protection Agency.

SD-406

Finance

To resume hearings on the President's tax reform proposal.

SD-215

Judiciary

Administrative Practice and Procedure Subcommittee

To continue hearings on the flow of Federal agency information to Congress.

SD-562

Select on Intelligence

To resume closed hearings on the development of a national intelligence strategy.

SH-219

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers on abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.

SR-328A

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To resume hearings to review a report of the General Accounting Office on "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems."

SD-342

Select on Indian Affairs

Business meeting, to mark up S. 1398, to revise certain provisions of title XI of the Education Amendments of 1978, relating to Indian education programs, S. 1349, to provide for the use and distribution of certain judgment funds awarded to the Mdewakanton and Wahpekute Eastern or Mississippi Sioux Tribes, and S. 1106, to provide for the use and distribution of judgment funds awarded to the Saginaw Chippewa Tribe of Michigan.

SR-485

11:30 a.m.

Select on Intelligence

Closed briefing on counterintelligence.

SH-219

2:00 p.m.

Finance

To hold hearings on the nomination of Anne E. Brunsdale, of the District of Columbia, to be a Member of the U.S. International Trade Commission.

SD-215

Judiciary

To hold hearings on the nominations of Douglas H. Ginsburg, of Massachusetts, and Richard K. Willard, of Virginia, each to be an Assistant Attorney General, Department of Justice.

SD-226

3:00 p.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.

SR-328A

Foreign Relations

To hold hearings on the nomination of Bruce Chapman, of Washington, to be

the U.S. Representative to the Vienna Office of the United Nations, and U.S. Deputy Representative to the International Atomic Energy Agency.
SD-419

JULY 25

9:00 a.m.
Armed Services
To hear and consider the nomination of Donald A. Hicks, of California, to be Under Secretary of Defense for Research and Engineering, and other routine military nominations.
SR-222
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the deposit insurance system
SD-538
Energy and Natural Resources
To continue oversight hearings to examine problems facing the Nation's electric utility industry, focusing on the prospect of serious shortages of electric power by the early 1990's.
SD-366
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-406
Finance
To continue hearings on the President's tax reform proposal.
SD-215
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on money laundering activities in Puerto Rico.
SD-342
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the impact of the Supreme Court's ruling in Garcia vs. San Antonio Metropolitan Transit Authority on the coverage of state and local government employees under the Fair Labor Standards Act.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A
Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for activities of the Overseas Private Investment Corporation.
SD-419
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings to review a report of the General Accounting Office on "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems."
SD-138
Judiciary
Business meeting, to consider pending calendar business.
SD-226
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on designer drugs (new chemical analogs or variations of existing controlled substances).
SD-562

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 177, American Defense Education Act.
SD-562

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

4:00 p.m.
Select on Intelligence
To continue closed hearings on the development of a national intelligence strategy.
SH-219

JULY 26

9:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings to examine certain immigration procedures to gain legal and expeditious entry into the United States by marrying U.S. citizens.
SD-226

JULY 29

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings to examine certain problems encountered by employers in the funding of retiree health benefits.
SD-215
Judiciary
To hold hearings on S. 1300, to provide for antitrust law violators to be subjects to individual responsibility for treble the amount of damages attributable to their violations, and to assure fairness in the allocation and award of antitrust damages.
SD-226

1:30 p.m.
Finance
Health Subcommittee
To hold hearings to examine the causes of higher costs experienced by hospitals treating low-income patients.
SD-215

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 824, authorizing funds for programs of title I of the Marine Protection, Research, and Sanctuaries Act of 1972, and related measures.
SD-406

JULY 30

10:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406
Foreign Relations
To hold hearings on pending treaties.
SD-419

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

JULY 31

9:30 a.m.
Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430
Select on Intelligence
To hold closed hearings on counterintelligence.
SH-219

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406
Foreign Relations
To hold hearings to review current U.S. financing of foreign military exports.
SD-419
Select on Indian Affairs
To hold hearings on S. 1396, to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation in Minnesota.
SR-485

11:30 a.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
Business meeting, to mark up S. 992, to discontinue or modify certain requirements for agency reports to Congress, and S. 1134, to permit Federal agencies to impose monetary penalties on individuals or companies which submit certain false claims to the government.
SD-342

AUGUST 1

10:00 a.m.
Foreign Relations
To hold hearings on the Supplemental Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with Annex (Treaty Doc. 99-8), signed at Washington, D.C., on June 25, 1985.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor to examine the scope of illiteracy.
SD-430

SEPTEMBER 5

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on competitiveness in the long-distance telephone markets.
SR-253

SEPTEMBER 11

1:00 p.m.
*Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on competitiveness in the long-distance telephone markets.
SR-253

SEPTEMBER 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 17

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 19

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 24

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the problem of illiteracy in America.
SD-430

SEPTEMBER 26

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on the problem of illiteracy in America.
SD-430

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

CANCELLATIONS

JULY 23

9:30 a.m.
Labor and Human Resources
Business Meeting, on pending calendar business.
SD-430

JULY 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1310, to improve the effectiveness of the political broadcasting laws.
SR-253